

RESOLUTION NO. 2004- 349

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO ISLAND COTTAGES SUBDIVISION (A RE-PLAT OF A PORTION OF REMINGTON ESTATES) AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM.**

**RECITALS**

**WHEREAS**, Island Cottages Homeowner's Association, Inc., a Florida corporation, has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water and sewer service to Island Cottages Subdivision (a re-plat of a portion of Remington Estates); and

**WHEREAS**, St. Augustine Development Corporation, a Florida corporation, has executed and presented a Bill of Sale conveying all personal property associated with the water and sewer system, attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

**WHEREAS**, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

**WHEREAS**, it is in the best interest of the County to accept this Easement for the health, safety and welfare of the citizens in that area.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**, as follows:

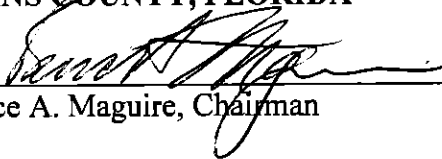
Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The above described Easement for Utilities attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

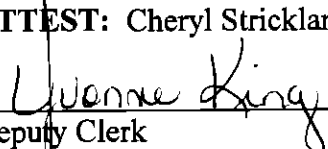
Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 1<sup>st</sup> day of December, 2004.

**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA**

By:   
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

  
Deputy Clerk

REVISION DATE 12/02/04



Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 23<sup>rd</sup> day of September 2004, by ISLAND COTTAGES HOMEOWNER'S ASSOCIATION, INC., a Florida corporation, whose address is 509 Anastasia Boulevard, St. Augustine, FL 32080, hereinafter called "Grantor", to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is c/o Clerk of Courts, P. O. Drawer 349, St. Augustine, FL 32085-0349, hereinafter called "Grantee."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby agree as follows:

1. Grantor does hereby grant, bargain, sell, alien, release, convey and confirm unto Grantee, a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the underground water distribution system and sewer collection system, (including lift stations if applicable) and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit "A" attached hereto (the "Easement Area"); together with rights of ingress and egress on and over the Easement Area as necessary for the use and enjoyment of the easement granted herein. This easement is for water and sewer utility services only and does not convey any right to install other utilities such as cable television service lines.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record, including but not limited to those set forth on Exhibit "A" attached hereto.

- (a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

- (b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.
  - (c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocating the underground water and sewer utility lines and facilities located within the Easement Area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.
  - (d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.
2. Grantee, by acceptance of this Easement, hereby agrees to maintain sewer force mains and gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals. The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer laterals. Grantor does hereby specifically indemnify and hold Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.
3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, by Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or any other surface improvements or structures. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement

or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility for damage caused to improvements by Grantee's negligence.

4. This Grant of Easement shall insure to the benefit of and be binding upon Grantee and its successors and assigns.
5. For purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time, of the Easement Area or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seal to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Linda Paulaitis  
Print: Linda Paulaitis

Roberta J. Halyburton  
Print: Roberta J. Halyburton

ISLAND COTTAGES HOMEOWNERS ASSOCIATION, INC

By: Robert H. Hahnemann  
Its President

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of September 2004, by Robert H. Hahnemann as President of Island Cottages Homeowners Association, Inc., a Florida corporation, and he is personally known to me.

Roberta J. Halyburton  
Notary Public, State of Florida at Large  
Commission Expires:  
(Seal)



Roberta J. Halyburton  
MY COMMISSION # DD083994 EXPIRES  
January 25, 2006  
BONDED THRU TROY FAIN INSURANCE, INC

EXHIBIT "A" to Easement

EASEMENT AREA

The Easement Area granted by this document shall include all project roads and drives and all areas designated "utility easement areas", all within the plat of ISLAND COTTAGES, recorded in Map Book 50, Pages 97 through 100, of the Public Records of St. Johns County, Florida. The Easement Area shall not include the driveways to individual homes except for that part of such driveways within the areas designated "utility easement areas."

**BILL OF SALE**

**UTILITY IMPROVEMENTS  
FOR ISLAND COTTAGES**

ST. AUGUSTINE DEVELOPMENT CORPORATION, a Florida corporation, located in St. Johns County, Florida (the "Developer"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, the following personal property:

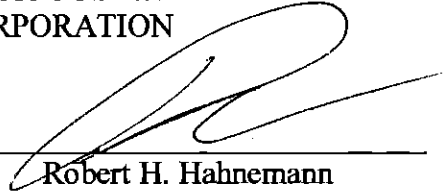
The personal property, fixtures and equipment comprising the sewage collection and potable water distribution system (the "Improvements") for improvements within the project. All of the Improvements are included on the approved construction plan drawings prepared by Hill, Boring, Dunn & Associates, Inc., titled Island Cottages Subdivision issued for construction in 9/25/03 and marked and approved by St. Johns County on 10/9/03, (the "Plans"). All of the Improvements are lying within the right-of-way of Island Cottage Way, all a part of the plat of Island Cottages recorded in Map Book 50, Pages 97 through 100, of the Public Records of St. Johns County, Florida. Said personal property, fixtures and equipment being more particularly described on the attached Schedule "A".

The Developer does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is the lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good right to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Developer has caused this instrument to be duly executed and delivered by its duly authorized officer on this 23 day of September, 2004.


ST. AUGUSTINE DEVELOPMENT  
CORPORATION

By: \_\_\_\_\_

  
Robert H. Hahnemann  
Its President

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 23<sup>RD</sup> day of September 2004, by Robert H. Hahnemann as President of St. Augustine Development Corporation, a Florida corporation, and he is personally known to me.

  
Notary Public, State of Florida at Large  
Commission Expires:  
(Seal)



Roberta J. Halyburton  
MY COMMISSION # DD083994 EXPIRES  
January 25, 2006  
BONDED THRU TROY FAIN INSURANCE, INC.



Exhibit "A" to Bill of Sale

ISLAND COTTAGES  
Schedule of Values for Acceptance

Water Distribution Systems

Mains, Account No. 343

400	Lf	8" PVC (DR 25)	\$	22,380.00
380	If	6" PVC (DR 25)	\$	8,950.00
180	If	4" PVC (DR 25)	\$	1,980.00

Valves, Account No. 343

4	each	6" Gate Valve	\$	3,950.00
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Hydrants, Account No. 348

3	each	Fire Hydrants	\$	3,300.00
1	each	Flushing Hydrants	\$	400.00

Services, Account No. 245

23	each	Services	\$	9,840.00
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SUB-TOTAL WATER DISTRIBUTION SYSTEM \$ 50,800.00

Sanitary Sewer Collection System

Mains, Account No. 411

1300	If	8" PVC (SDR 26)	\$	45,560.00
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Manholes, Account No. 411

8	each	Manholes Type "A"	\$	36,540.00
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Services, Account No. 411

25	each	Services	\$	11,500.00
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SUB-TOTAL SANITARY SEWER COLLECTION SYSTEM \$ 93,600.00

CUSTOMER: HILL, BORING AND DUNN

CONTRACTOR: EARTHWORKS, INC.

PERIODIC EST. #

EXHIBIT "A"

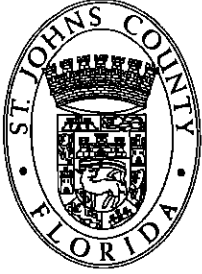
REVISED BID: 9-3-03	PERIODIC ESTIMATE BILLING DATE:							
DESCRIPTION	QUANTITY	TOTAL UNIT COST	TOTAL MATERIAL & LABOR COST	QUANTITY MATERIAL STORED	VALUE MATERIAL STORED	INSTALLED QUANTITY	INSTALLED VALUE	TOTAL INSTALLED & STORED VALUE
WATER								
MOBILIZATION	960	1.00	960.00					
SURVEY	960	1.40	1,344.00					
AS-BUILTS	960	1.40	1,344.00					
COMPACTION & DENSITIES	960	1.00	960.00					
FLUSH & TEST	960	0.70	672.00					
8" DR 25 PVC	400	11.00	4,400.00					
8" FITTINGS	400	9.00	3,600.00					
6" DR 25 PVC	380	9.00	3,420.00					
6" FITTINGS	380	2.50	950.00					
4" DR 25 PVC	180	7.50	1,350.00					
4" FITTINGS	180	3.50	630.00					
12X8 TAP SLEEVE VALVE & TAP	1	4,580.00	4,580.00					
6" GATE VALVE & BOX	1	650.00	650.00					
6" GATE VALVE & FIRE HYDRANT	3	2,200.00	6,600.00					
FLUSH HYDRANTS	1	400.00	400.00					
ROAD CROSSING CASINGS	280	35.00	9,100.00					
MAINTENANCE OF TRAFFIC	1	1,000.00	1,000.00					
SERVICES	23	230.00	5,290.00					
METER BOXES	23	50.00	1,150.00					
2" SERVICES & B.F.P.	2	1,200.00	2,400.00					
TOTAL WATER			50,800.00					
								LESS PREVIOUS DRAWS.....
								AMOUNT DUE THIS DRAW.....

CUSTOMER: HILL, BORING AND DUNN CONTRACTOR: EARTHWORKS, INC. PERIODIC EST. #

EXHIBIT "A"

REVISION BID: 9-3-03	DESCRIPTION	QUANTITY	TOTAL UNIT COST	TOTAL MATERIAL & LABOR COST	PERIODIC ESTIMATE BILLING DATE:			TOTAL INSTALLED & STORED VALUE	
					QUANTITY MATERIAL STORED	VALUE MATERIAL STORED	INSTALLED QUANTITY		
	SEWER								
	MOBILIZATION	1300	0.80	1,040.00					
	SURVEY	1300	1.40	1,820.00					
	AS-BUILTS	1300	1.40	1,820.00					
	COMPACTION & DENSITIES	1300	2.00	2,600.00					
	TV & INSPECTION	1300	3.00	3,900.00					
	DEWATERING	1300	11.00	14,300.00					
	CONNECT TO STUB	1	3,960.00	3,960.00					
	"A" MANHOLE (6-8) #4 w/LINER	2	3,300.00	6,600.00					
	"A" MANHOLE (4-6)	4	2,000.00	8,000.00					
	"A" MANHOLE (0-4)	2	1,800.00	3,600.00					
	MANHOLE ADJUSTMENTS	8	400.00	3,200.00					
	6" SDR 26 PVC (6-8)	530	16.00	8,480.00					
	8" DR 26 PVC (4-6)	770	14.00	10,780.00					
	SERVICES	25	300.00	7,500.00					
	6" CLEANOUTS	25	160.00	4,000.00					
	18" CASING UNDER CREEK	60	200.00	12,000.00					
	TOTAL SEWER			93,600.00					
NOTE:				LESS PREVIOUS DRAWS.....					
				AMOUNT DUE THIS DRAW.....					

Exhibit "C" to Resolution

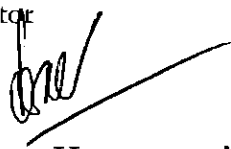


**ST. JOHNS COUNTY**  
UTILITY DEPARTMENT  
2175 Mizell Road  
P.O. Drawer 3006  
St. Augustine, Florida 32085-3006

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**I N T E R O F F I C E M E M O R A N D U M**

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**TO:** Nanette Bradbury, Real Estate Coordinator  
**FROM:** Herbert A. Van Der Mark  
Construction Manager of Utilities   
**SUBJECT:** "Easement for Utilities" Island Cottages Homeowner's Association, Inc.  
**DATE:** November 9, 2004

Please find attached the executed Easement For Utilities, Bill of Sale and Schedule of Values documents including the Real Property described on Exhibit A for the above mentioned subject development.

These easements are for the water mains and gravity sewer lines that were installed in accordance with the St. Johns County Manual of Water and Wastewater Design Standards/Specifications and approved by the Florida Department of Environmental Protection for services. The attached documents have been reviewed and approved by the St. Johns County Utility Department.

Please present the easement documents to the Board of County Commissioners for final approval and acceptance.

After acceptance by BCC, please provide the utility department with a copy of the Executed Resolution and a recorded copy of the Easement for Utilities for our files.

Your support and cooperation as always are greatly appreciated.



**GENERAL  
LOCATION MAP**



Map Prepared: 11/17/2004  
 \*Depicts General Project Boundary

**Island Cottages  
Easement for  
Utilities**

File:BCC December 1, 2004



St. Johns County  
 Land Mgmt. Systems  
 Real Estate