

RESOLUTION NO. 2005- 125

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A TELECOMMUNICATIONS TOWER SITE LOCATED OFF COUNTY ROAD 214 AT MOLASSES JUNCTION.

RECITALS

WHEREAS, the St. Johns County Land Development Code, Section 6.08.12, requires the dismantling and removal of telecommunications towers after abandonment; and

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires the fee owner of the land underlying the telecommunications tower to grant an easement to St. Johns County for access to the tower site for removal of an abandoned tower; and

WHEREAS, the Temporary Access Easement, as described in Exhibit "A", incorporated by reference and made a part hereof, conveys to St. Johns County the required access.

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 Temporary Access Easement attached hereto, as Exhibit "A," is hereby accepted by the Board of County Commissioners.

Section 3. The Chairman of the Board is hereby authorized to execute the Temporary Access Easement and Clerk is to record the original Temporary Access Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 4<sup>th</sup> day of MAY, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Bruce A. Maguire  
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Debbie D. Maguire  
Deputy Clerk

RENDITION DATE 5-5-05

EXHIBIT "A" TO RESOLUTION

Site I.D.: FL-2282

Site Name: Molasses Junction

Return to and instrument prepared by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TEMPORARY ACCESS EASEMENT**

This Temporary Access Easement is made this \_\_\_\_ day of \_\_\_\_\_, 2005, by **THOMAS A. BURRELL AND PATRICIA W. BURRELL** with an address of 6800 C.R. 214, St. Augustine, Florida 32092, their successors and/or assigns, hereinafter referred to as "Grantor", to St. Johns County, a political subdivision of the State of Florida, P.O. Drawer 349, St. Augustine, Florida 32085-0349, hereinafter referred to as "Grantee", their licensees, agents, successors and assigns, a non-exclusive right of way access easement for the purpose of ingress and egress by Grantee, Grantee's agents or assigns, at any and all time, to and from Nextel Communications' Leased Premises which are more particularly described herein in Exhibit "A" attached hereto and made a part hereof.

**WITNESSETH:**

WHEREAS, Grantor, as Lessor, has entered into a Ground Lease, referred to hereinafter as "Lease", dated December 8, 2004, with Nextel South Corp. a Georgia corporation d/b/a Nextel Communications, 851 Trafalgar Court, Suite 300 East, Maitland, Florida 32751, as "Lessee", for a portion of the Lessor's land, referred to as the "Premises"; and

WHEREAS, the Lease contemplates the construction of a telecommunications facility on the Leased Premises; and

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications facilities after abandonment; and

WHEREAS, Section 6.08.12 (S) of the Zoning Ordinance requires a thirty foot (30') easement for access to the Leased Premises for removal of an abandoned communications facility not complying with Section 6.08.12 (N) (time periods for removal of an abandoned telecommunications facility); and

NOW, THEREFORE, Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, a non-exclusive easement over the lands of Grantor more particularly described on Exhibit "B" attached hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Lessee's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12 (N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Leased Premises and to remove the telecommunications facilities therefrom in accordance with and subject to the requirements of Section 6.08.12 (N) of the Zoning Ordinance.

Site I.D.: FL-2282  
Site Name: Molasses Junction

The Grantor warrants to Grantee that it has good and indefeasible fee simple title to the Easement Area and the authority to enter into this Easement.

This Easement shall terminate automatically upon removal of the Lessee's telecommunications facilities from the Leased Premises, whether removed by the Lessee, Grantor or Grantee. At the request of the Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of Grantor's request, Grantor may record an affidavit certifying that the telecommunications facilities have been removed and that this Easement has terminated.

Grantor reserves the right at its expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantor's property, provided that the relocated easement shall provide to Grantee substantially the same ingress and egress rights herein granted. Any such relocated easement shall be evidenced by an amendment to the Easement executed by Grantor and Grantee herein.

IN WITNESS WHEREOF, the undersigned have signed and sealed this instrument this 8 day of March, 2005.

**GRANTORS**

**THOMAS A. BURRELL**

*John Burrell*  
Witness  
Print Name: John Burrell

By: *Thomas A. Burrell*  
THOMAS A. BURRELL

*Frank J. Fige III*  
Witness  
Print Name: Frank J. Fige III

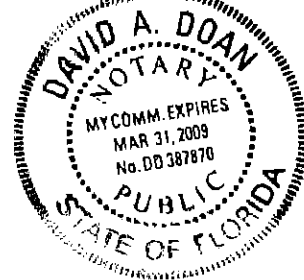
Executed this 8 day of March, 2005

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was ~~acknowledged~~ before me this 8 day of March, 2005, by **THOMAS A. BURRELL**, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires: 3/31/2009

*David A. Doan*  
NOTARY PUBLIC  
Print Name: David A. Doan



Site I.D.: FL-2282  
Site Name: Molasses Junction

[Signature]  
Witness  
Print Name: John Burrell

**PATRICIA W. BURRELL**

By: [Signature]  
PATRICIA W. BURRELL

[Signature]  
Witness  
Print Name: Frank J Fazio III

Executed this 8 day of March, 2005

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 8 day of March, 2005, by **PATRICIA W. BURRELL**, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires: 3/31/2009

[Signature]  
Print Name: DAVID A. DOAN  
**NOTARY PUBLIC**  
MY COMMISSION  
MAR 31, 2009  
No. DD 387870  
**PUBLIC**  
**STATE OF FLORIDA**

**GRANTEE**

**ST. JOHNS COUNTY, FLORIDA**  
a political subdivision of the State of Florida

\_\_\_\_\_  
Witness  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Witness  
Print Name: \_\_\_\_\_

Executed this \_\_\_ day of \_\_\_\_\_, 2005

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as \_\_\_\_\_ of ST. JOHNS COUNTY, FLORIDA, a subdivision of the State of Florida, on behalf of the County, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_

# DYNAN GROUP INC.

19 S.W. Second Street • Gainesville, Florida 32601  
(352) 378-1511 Fax: (352) 378-4679

EXHIBIT "A" TO

TEMPORARY ACCESS EASEMENT



Civil ENGINEERS, LAND SURVEYORS AND REAL ESTATE

## FL-2282-B MOLASSES JUNCTION

### 30' WIDE ST. JOHNS COUNTY ACCESS EASEMENT

AN NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF ACCESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF BAR-B-RANCH ROAD NORTH AND THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 214; THENCE N00° 35' 15"W ALONG SAID WEST RIGHT-OF-WAY LINE OF BAR-B-RANCH ROAD NORTH FOR 458.11 FEET; THENCE S89° 24' 32"W FOR 4310.38 FEET; THENCE S 89°24'32"W FOR 31.64 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE CONTINUE S 89°24'32" W FOR 68.36 FEET; THENCE S 00°35'28" E FOR 86.27 FEET; THENCE WEST FOR 35.00 FEET; THENCE N 00°35'28" W FOR 41.29 FEET; THENCE N 18°54'29" W FOR 35.07 FEET; THENCE N 56°08'12"W FOR 15.92 FEET; THENCE S 86°38'06"W FOR 39.97 FEET; THENCE S 63°17'48" W FOR 63.85 FEET; THENCE S 52°30'26" W FOR 90.32 FEET; THENCE S 37°35'49"E FOR 853.70 FEET TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 214; THENCE S 67°38'04"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 31.09 FEET; THENCE N 37°35'49" W FOR 875.58 FEET; THENCE N 52°30'26" E FOR 123.21 FEET; THENCE N 63°17'48" E FOR 72.88 FEET; THENCE N 86°38'06" E FOR 94.72 FEET; THENCE N 89°24'32" E FOR 80.78 FEET; THENCE SOUTH FOR 30.00 FEET TO THE POINT OF BEGINNING.

*D.W. Stover*  
3-2-05

PARCEL IDENTIFICATION  
NUMBER 030820 000

**PARENT TRACT**  
OFFICIAL RECORDS BOOK 939, PAGE 1160  
PARCEL IDENTIFICATION NUMBER 030170 000

PROPOSED 250' SELF  
SUPPORT TOWER

350 L.F. 16" WIDE ON GRADE GRAVEL ROAD

100'x100' NEXTEL LEASE PREMISES

EXISTING DITCH  
EXISTING UNIMPROVED  
DIRT ROAD

PROPOSED 11.5'x20' NEXTEL  
EQUIPMENT BUILDING

EXISTING  
VADDEN AREA

PROPOSED DRIVEWAY  
CONNECTION MATCH  
EXISTING GRADE  
PROPOSED NEXTEL  
NON-EXCLUSIVE  
ACCESS/UTILITY EASEMENT

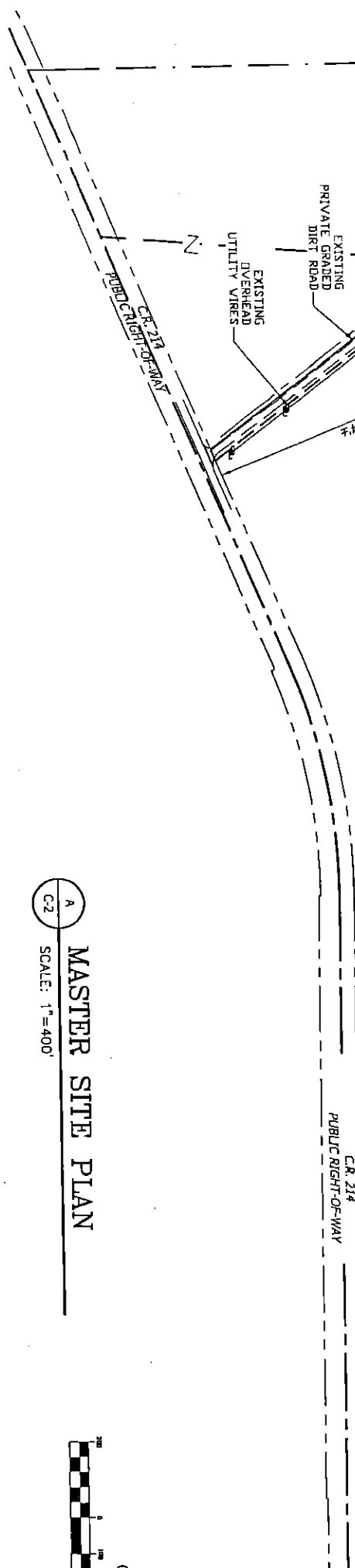
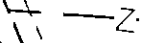
EXISTING  
DIRT ROAD  
PRIVATE GRADED

EXISTING  
OVERHEAD  
UTILITY WIRES

1,512'±

3,040'±

C.R. 214  
PUBLIC RIGHT-OF-WAY



A  
C-2

**MASTER SITE PLAN**

SCALE: 1" = 400'



G

1

2

3

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