RESOLUTION NO. 2005-163

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, TO ALLOW FOR THE RELOCATION OF AN EXISTING BELLSOUTH EASEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT OF EASEMENT ON BEHALF OF THE COUNTY.

RECITALS

WHEREAS, BellSouth Telecommunications, Inc., formerly Southern Bell Telephone and Telegraph Company, (hereinafter “BellSouth”) has easement rights by virtue of an easement recorded in Official Records Book 911, page 1384, of the public records of St. Johns County, Florida, (hereinafter “Original Easement”) over a portion of County right-of-way at the intersection of County Road 210 and Mickler Road for telecommunications electric equipment structures and associated cables; and

WHEREAS, due to the improvements at said intersection, the County now has use for the right-of-way and it is necessary for the easement to be relocated; and

WHEREAS, the County has agreed to grant BellSouth a new easement, as more particularly described in Grant of Easement attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, to serve the same purposes contained in the “Original Easement” and in exchange for the new easement BellSouth has agreed to release their interest in the “Original Easement” by executing a release of easement, as more particularly described in Release of Easement attached hereto as Exhibit “B”, incorporated by reference and made a part hereof; and

WHEREAS, the new easement parcel is not needed for County purposes and it is in the best interest of the public to approve this exchange.

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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The above mentioned exchange is hereby approved and the Chairman of the Board is authorized to execute the Grant of Easement.

Section 3. The Clerk is instructed to record the original Grant of Easement and Release of Easement in the Public Records of St. Johns County, Florida.
PASSED AND ADOPTED, this 28th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: ________________________________
   Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: ________________________________
   Deputy Clerk

RENDITION DATE 7/1/2005
GRANT OF EASEMENT

THIS INDENTURE, made this ___ day of ____________, 2005, by
ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida,
whose address is County Administration Building, 4020 Lewis Speedway, St. Augustine,
Florida 32084, hereinafter “Grantor”, to BELL SOUTHERN TELECOMMUNICATIONS,
INC., a Georgia corporation, whose address is ______________________, its
successors, assigns and affiliated and associated companies, hereinafter “Grantee”, an
exclusive easement for the construction, operation and maintenance of:

1. Telecommunications electric equipment structures and associated cables. As
well as appurtenant facilities reasonably required for the support, use, operation and
maintenance of such equipment structures to be installed from time to time with the right
to reconstruct, improve, add to, enlarge and remove the same, on, in or over the premises
described in the attached Exhibit “A”.

Grantee shall have the right of ingress, egress and regress to and upon said
Premises at all times for the purposes of installing, constructing, operating, inspecting,
maintaining and repairing its facilities. The Grantee shall have the right to clear and keep
the Premises clear of all trees, undergrowth or other obstructions and to trim, cut and
keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside the
Premises which might interfere with the lines or systems of communications or electric
power serving the Grantee.

The grant of this Easement shall in no way restrict the right and interest of the
Grantor in the use, maintenance and quiet enjoyment of the Premises to the extent that
such use does not interfere with the rights granted herein. The Grantee shall be liable for
personal injuries and damage to real or personal that may result from its use of the
Premises, and shall indemnify the Grantor in the event Grantor is required to pay any
claim arising from said use by Grantee.

This Easement shall run with the land in perpetuity and shall be binding on and
shall insure to the benefits of the parties hereto, their successors or assigns.
In Witness Whereof the said Grantor has caused the presents to be executed in its name by its Board of County Commissioners acting by the Chair of the Board, the day and year aforesaid.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: __________________________
   Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: __________________________
   Deputy Clerk

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____________, 2005, by Bruce A. Maguire, Chairman of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board, who is personally known to me.

________________________________
Notary Public
My Commission Expires: ___________
Exhibit "A" to Grant of Easement

PUBLIX - PALM VALLEY BELL SOUTH EASEMENT

A PART OF PALM VALLEY ROAD (A RIGHT-OF-WAY OF VARYING WIDTHS) IN GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 89°25'17" EAST ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1156.94 FEET; THENCE NORTH 00°34'43" WEST LEAVING SAID SOUTH LINE, A DISTANCE OF 312.51 FEET TO A POINT AT THE INTERSECTION OF THE ORIGINAL NORTHWESTERLY RIGHT-OF-WAY LINE OF MICKLER ROAD WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD PALM VALLEY ROAD, SAID POINT LYING ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1084.17 FEET; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 434.76 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 27°03'06" WEST AND A CHORD DISTANCE OF 431.85 FEET; THENCE NORTH 38°32'19" WEST CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD PALM VALLEY ROAD, A DISTANCE OF 140.47 FEET; THENCE NORTH 51°35'13" EAST LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 17.31 FEET TO A POINT ON THE CURRENT NORTHEASTERLY RIGHT-OF-WAY LINE OF PALM VALLEY ROAD, SAID POINT LYING ON A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1150.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURRENT NORTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 344.67 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 46°59'59" EAST AND A CHORD DISTANCE OF 343.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 30.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 56°19'53" EAST AND A CHORD DISTANCE OF 30.00 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 32°55'11" WEST LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1170.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 30.52 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 56°19'59" WEST AND A CHORD DISTANCE OF 30.52 FEET TO A POINT ON SAID CURVE; THENCE NORTH 34°24'52" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 605 SQUARE FEET MORE OR LESS.
MAP OF BELL SOUTH EASEMENT
A PART OF GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 29 EAST.
ST. JOHNS COUNTY, FLORIDA
(SEE ATTACHED FOR FURTHER LEGAL DESCRIPTION)

BELL SOUTH EASEMENT 605 = SQUARE FEET

NOTE: BEARINGS ShOWN HEREIN BASED ON FLORIDA STATE PLANE COORDINATES, EAST ZONE, WITH THE BEARING ON THE EASTERLY RIGHT OF WAY LINE OF PALM VALLEY ROAD (STATE ROAD 210) BEING N 01°29'35" W, AS SHOWN HEREIN.

THIS IS A MAP ONLY AND DOES NOT PURPORT TO BE A SURVEY
RElease of easement

This instrument prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

release of easement

This instrument is made this ____ day of __________, 2005, by
BelSouth Telecommunications, Inc., formerly Southern Bell Telephone
and Telegraph Company, a Georgia corporation, whose address is

Witnesseth:

Whereas, heretofore and by an instrument in writing bearing the day of
November 5, 1990, and recorded on October 15, 1991 in Official Records Book 911,
page 1384, of the public records of St. Johns County, Florida, (hereinafter referred to as
the “Original Easement”), BellSouth Telecommunications, Inc., formerly Southern Bell
Telephone and Telegraph Company, its successors and assigns, was granted a right-of-
way and easement for its telecommunications electrical equipment structures and
associated cables over, through and across certain property in the City of St. Augustine,
County of St. Johns, State of Florida, described in the Original Easement, and

Whereas, by accepting the instrument, St. Johns County residing at 4020
Lewis Speedway, City of St. Augustine, County of St. Johns, State of Florida,
(hereinafter referred to as “Owner”), represents that they are the owner of property
burdened by the Original Easement and is desirous of having such property released from
the burden of the Original Easement; and

Whereas, the property to be released from the burden of the Original
Easement is more particularly described as follows, (and hereinafter referred to as
“Property Released”):

See Exhibit “A”, attached hereto and incorporated by reference and made a part
hereof.

Now therefore, in consideration of the sum of One Dollar ($1.00) paid by
Owner, the receipt of which is hereby acknowledged, BellSouth Telecommunications,
Inc., does hereby release unto Owner of said property all the rights, title and interest
which BellSouth Telecommunications, Inc. acquired by the Original Easement as it
pertains to the Property Released.
IN WITNESS WHEREOF, BellSouth Telecommunications, Inc., has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Print Name

BELL SOUTH TELECOMMUNICATIONS, INC., a Georgia corporation

By:

Print Name

STATE OF __________
COUNTY OF __________

The foregoing instrument was acknowledged before me this ___ day of __________, 2005, by ___________________________ as ___________________________ of BellSouth Telecommunications, Inc., a Georgia corporation, on behalf of the corporation. He/She is personally known to me.
Exhibit “A” to Release of Easement

Being a portion of Government Lot 3, Section 15, Township 4 South, Range 29 East, St. Johns County, Florida; Commence at the intersection of the Northwesterly right-of-way line of Mickler Road (a 66 foot right-of-way as now established) with the Northeasterly right-of-way line of Palm Valley Road (a 66 foot right-of-way as now established), said right-of-way line being in the arc of a curve concave Southwesterly; thence along and around the arc of said curve having a radius of 1084.17 feet, an arc distance of 164.17 feet, said arc being subtended by a chord bearing and distance of North 21 degrees 45 minutes 00 seconds West 164.02 feet to the Point of Beginning; thence continue along said Northeasterly right-of-way line and along and around the arc of said curve concave Southwesterly, having a radius of 1084.17 feet, an arc distance of 12.00 feet, said arc being subtended by a chord bearing and distance of North 26 degrees 24 minutes 19 seconds West 12.00 feet; thence North 63 degrees 35 minutes 41 seconds East 20.00 feet to the arc of a curve concave Southwesterly; thence along and around the arc of said curve, having a radius of 1104.17 feet, an arc distance of 9.00 feet, said arc being subtended by a chord bearing and distance of North 26 degrees 57 minutes 00 seconds West 9.00 feet; thence North 63 degrees 35 minutes 41 seconds East 30.00 feet; thence South 26 degrees 24 minutes 19 seconds East 30.00 feet; thence South 63 degrees 35 minutes 41 seconds West 30.00 feet to the arc of a curve concave Southwesterly; thence along and around the arc of said curve, having a radius of 1104.17 feet, an arc distance of 9.00 feet, said arc being subtended by a chord bearing and distance of North 25 degrees 51 minutes 37 seconds West 9.00 feet; thence South 63 degrees 35 minutes 41 seconds West 20.00 feet to the Point of Beginning.

Containing 1138 square feet, more or less.
New easement area

Old easement area

GENERAL LOCATION MAP

Property exchange for relocation of BellSouth Easement

File: BCC June 1, 2005

Map Prepared: 4/28/2005
*Depicts General Project Boundary

Land Management Division
Real Estate Division
THE ST. AUGUSTINE RECORD
PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared SARAH SELFridge
who on oath says that he is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being A NOTICE OF EXCHANGE
in the matter of: Bellsouth Property

was published in said newspaper in the issues of

JUNE 14, 21, 2005

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 21ST day of JUNE 2005.

by ___________________________ who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

(Patricia A. Bergquist)

(Signature of Notary Public) (Seal)

PATRICIA A. BERGQUIST

NOTICE OF PROPOSED EXCHANGE OF COUNTY PROPERTY

On Tuesday June 28, 2005, the Board of County Commissioners of St.
Johns County, Florida, in the St. Johns County Auditorium, County
Administration Building 4920 Lewis Speedway (County Road 1A and
U.S. 1), North St. Augustine, Florida, will consider and may take
action on a Resolution approving an exchange of real property between
St. Johns County and Bellsouth Telecommunications, Inc., for the
relocation of an existing Bellsouth office at the intersection of
County Road 210 and Mickler Road.

The proposed legal description and map of the real property to be exchanged are shown
in the Exhibit of the Resolution which are available for inspection
by the public in the Office of the Clerk of
County Commissioners located
in the St. Johns County
Administration Building
4920 Lewis Speedway
St. Augustine, Florida.

NOTICE OF PERSONS NEETING SPECIAL ACCOMMODATIONS AND TO ATTEND HEARING ON IMPAIRED PERSONS

In accordance with the Americans with Disabilities Act, persons needing special
accommodations to participate in these proceedings should contact
ADA Coordinator, at
904-823-2551 or of the
Administration Building
4920 Lewis Speedway,
St. Augustine,
Florida 32084.

The hearing impaired individuals can call Florida Relay Service at 1-800-955-9400.

No later than 3 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND
CLERK

By: Yvonne King
Deputy Clerk
L.1459-6 June 14, 21, 2005

COPY OF ADVERTISEMENT