RESOLUTION NO. 2005-251

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM BRENNER LAND COMPANY, LLC TO ST. JOHNS COUNTY FOR DRAINAGE AND UTILITY PURPOSES.

RECITALS

WHEREAS, Brenner Land Company, LLC, a Florida limited liability company, as executed and presented to St. Johns County a Grant of Easement, attached hereto as Exhibit “A”, incorporated by reference and made a part hereof; and

WHEREAS, this easement runs along J.E. Ausley Road as shown on map attached hereto as Exhibit “B”, incorporated by reference and made a part hereof, and is necessary for future drainage and utility improvements in that area; and

WHEREAS, acceptance of this easement will better serve the health, safety and welfare of the citizens.

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 Grant of Easement is hereby accepted and the Chairman of the Board is hereby authorized to accept the executed easement.

Section 3. The Clerk is instructed to record the original Grant of 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 10 day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
By: [Signature]

Bruce A. Maguire, Chairman

ATTEST: Cheryl Stickland, Clerk
By: [Signature]
Deputy Clerk

RENDITION DATE 09/08/05
EXHIBIT "A" TO RESOLUTION

Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 6 day of July, 2005, between BRENNER LAND COMPANY, LLC, a Florida limited liability company, whose address is 577 Willow Walk Place, St. Augustine, Florida 32086, hereinafter called Grantor, and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the Grantee.

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and perpetual easement with the right, privilege, and authority to said Grantee, its successors and assigns, the right to construct, lay, maintain, improve, and/or repair either above or below the surface of the ground, drainage facilities and utilities on, along, over, through, across, or under the following described land situate in St. Johns County, Florida to wit:

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

TOGETHER with the right of said Grantee, its successors and assigns, of ingress and egress to and over said above described premises, and for doing anything necessary or useful or convenient, or removing at any time any and all of said improvements upon, over, under, or in said lands, together also with the right and easement, privileges, and appurtenances in and to said land which may be required for the enjoyment of rights herein granted.
IN WITNESS WHEREOF, Grantor has hereunto set hand and seal the day and year first above written.

Signed and Sealed in Our Presence as Witnesses:

Daniel Cremer
Print Name: Cheryl Reese
Print Name

BRENNER LAND COMPANY, LLC, a Florida limited liability company

By: Nancy A. Brenner
as Managing Member

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ___th day of July, 2005, by Nancy A. Brenner, as Managing Member of Brenner Land Company, LLC, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced as identification.

Cheryl Reese
My Commission DD11932
Expires June 16, 2006

Notary Public
My Commission expires: 8-16-04
The West 10 feet (drainage and utilities) and the South 5 feet (as to drainage only) of the following described parcel of land:

Part of Lots 7 and 8, Estes and Irwin Subdivision, as recorded in Map Book 1, page 105, 105A and 106, of the public records of St. Johns County, Florida, said parcel of land lying in the East ½ of the Northwest ¼ of Section 4, Township 10 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For the Point of Reference Commence at the Northwest corner of said Section 4, Township 10 South, Range 28 East; thence South 00 degrees 30 minutes 23 seconds East, along the West line of said Section 4, 50.00 feet to the intersection with the south right-of-way line of a 30 foot wide canal right-of-way; thence North 89 degrees 35 minutes 03 seconds East, parallel with the North line of said Section 4, 1345.96 feet to the intersection with the East right-of-way line of a reserve road known as JE Ausley Road; thence South 00 degrees 16 minutes 01 seconds East, along said East right-of-way line, 74.74 feet to the Point of Beginning; thence continue South 00 degrees 16 minutes 01 seconds East, along last mentioned East right-of-way line, 2839.20 feet to the intersection with the North right-of-way line of a reserve road known as JE Ausley Road; thence North 89 degrees 02 minutes 49 seconds East, along last mentioned North right-of-way line, 1366.96 feet to the intersection with the West right-of-way line of an unnamed reserved road; thence North 00 degrees 20 minutes 30 seconds West, along last mentioned West right-of-way line, 2901.12 feet to the intersection with the aforementioned South right-of-way line of a 30 foot wide canal right-of-way; thence South 89 degrees 35 minutes 03 seconds West, along said South canal right-of-way line, and parallel with the North line of said Section 4, 1173.19 feet to the intersection with the East line of a parcel as described in Deed Book 22, page 302 of the public records of said County; thence South 00 degrees 16 minutes 01 seconds East, along said East line, 74.74 feet to the Southeast corner of said parcel; thence South 89 degrees 35 minutes 03 seconds West, along the South line of said parcel, 189.88 feet to the Point of Beginning.
CONSENT AND JOINDER

Prosperity Bank, a state banking corporation, as holder of that certain Mortgage and Security Agreement recorded in Official Records Book 2321, page 1523, of the public records of St. Johns County, Florida, encumbering the real property described on the attached Exhibit “A”, has caused this instrument to be signed solely in evidence of its consent and joinder in and to the easement.

Signed, sealed in Our Presence as Witnesses:

Print Name  Daniel Cremer

By:  Alan Q. Creeley
Its:  EVP

Cheryl Reese

Print Name  Cheryl Reese

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this  16th  day of July, 2005, by Alan Douglas as Executive Vice President of Prosperity Bank, a state banking corporation, on behalf of the corporation. Who is personally known to me or has produced  as identification.

Cheryl Reese
Notary Public
My Commission Expires: 6-16-06