

RESOLUTION NO. 2006- 139

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINSTRATOR TO EXECUTE A LICENSE AGREEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL POWER TO A WELL LOCATED AT THE EQUESTRIAN PARK.

WHEREAS, Florida Power & Light Company (hereinafter "FPL") has requested a License Agreement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, in order to install, maintain and provide electrical power to a well located at the Equestrian Park. In place of the requested easement, the County hereby grants FPL a License Agreement to use the requested property for such purpose; and

WHEREAS, this License Agreement will, in part, allow FPL to install a electrical distribution line to provide electric service to the well located on the Equestrian Park which is used for a stockpile area by St. Johns County Road and Bridge Department.

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 Board of County Commissioners hereby approves the terms of the License Agreement and authorizes the County Administrator to execute the License Agreement.

Section 3. The Clerk is instructed to record the original License Agreement in the Official Records Book of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 16 day of May, 2006.

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

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Robert S. Platt
Deputy Clerk

RENDITION DATE 5/19/2006

EXHIBIT "A" TO RESOLUTION

Prepared by:
Michael D. Hunt
Deputy County Attorney
4020 Lewis Speedway
St. Augustine, Florida 32084

LICENSE AGREEMENT

For and in consideration of Ten dollars (\$10.00) and other good and valuable consideration, this adequacy and receipt of which is hereby acknowledged, **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, the undersigned owner(s) of the premises described herein, hereinafter referred to as "Licensor" does hereby grant to **FLORIDA POWER & LIGHT COMPANY**, its licensees, contractors, agents, successors, assigns and allied and associated companies, hereinafter referred to as "Licensee" a License to use the premises attached hereto as Exhibit "A", incorporated by reference and made a part hereof, hereinafter referred to as the "Licensed Premises", for the purpose of construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) subject to the following conditions and limitations:

1. The grant of this License shall in no way restrict the right and interest of the Licensor in the use and maintenance of the "Licensed Premises" to the extent that such use does not interfere with the rights granted herein.
2. The Licensee and its agents shall have the duty not to create any obstruction or conditions of the public property or right-of-way adjoining the "Licensed Premises" which are or may become unreasonably dangerous to the public, County or its agents or employees.
3. The Licensee shall be liable for the personal injuries and damages to real or personal property that may result from its use of the "Licenses Premises" and shall defend, hold harmless and indemnify the Licensor, its officers, employees and agents for and from any damages, claims, liability or costs resulting from the exercise of the privileges granted.
4. The Licensee shall promptly repair any damage or injury to any County property by reason of the exercise of the privileges granted by this License including but not limited to repair of the road or highway, restoring such to a condition at least equal to that which existed prior to the infliction of such damage or injury.
5. To the extent that Licensee is in compliance with the applicable St. Johns County Tree Ordinance, Licensee shall have the right to clear and keep the "Licensed Premises" clear of all trees, undergrowth or other obstructions and to trim and keep trimmed and cut

all dead, weak, leaning or dangerous trees or limbs in the vicinity of the "Licensed Premises" on lands owned by the Licensor which might interfere with the Licensee's use of the "Licensed Premises".

6. The License shall run with the land and shall be binding on and shall inure to the benefits of the parties hereto, their successors or assigns in perpetuity so long as the service is provided via the "Licensed Premises". Notwithstanding the foregoing, to the extent allowed by law, in the event the County desires to sell the subject property to a private landowner or private purchaser, the County shall grant Licensee an easement reasonably acceptable to Licensee as a condition of and prior to or contemporaneous with any sale, abandonment, vacation or discontinuance of the subject County property.

7. This License is not intended to confer any rights not specifically stated herein.

8. This License shall be deemed as coupled with an interest once the Licensee has made substantial expenditures to do the improvements mentioned herein. As such the parties agree that this License is an Irrevocable License Agreement except as provided by its terms shall include the right of the Licensor to terminate this License Agreement if the Licensee does not correct any of its violation of the provisions hereof within a reasonable time after reasonable notice.

9. This License Agreement shall be recorded in the Official Records of St. Johns County, Florida.

In witness whereof, the undersigned has caused this instrument to be executed on the ____ day of _____, 2006.

LICENSOR

Signed, sealed and delivered
in the presence of:

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

Witness

By: _____
Ben W. Adams, Jr.
County Administrator

Witness

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

I HEREBY CERTIFY that Ben W. Adams, Jr., as County Administrator of St. Johns County, Florida, a political subdivision of the State of Florida, personally appeared before me and acknowledged that he was the same. The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by Ben W. Adams, Jr. who is personally know to me.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public
My commission expires: _____

Licensors' Address:
St. Johns County
Real Estate Division
4020 Lewis Speedway
St. Augustine, Florida 32084

Licensee's Address:

EXHIBIT "A"

The North 20 feet of the South 50 feet of the following described property:

North half of Southeast Quarter of Northeast Quarter of Section 20, Township Nine South, Range Twenty Eight East. ALSO: a part of Lot 2 of Section 21, Township 9 South, Range 28 East, beginning at a point which point is the Southwest corner of land now or once owned by Susan Hodges in the middle of a ditch in Section line, between Sections 20 and 21 of said Township and Range; thence run South 89 deg. 40 min. East along middle of said ditch 25 chains and 45 links to the run of a branch; thence up the run of said branch to the mouth of a canal; thence South 28 deg. 15 min. West along the middle of said canal 10 chains and 30 links; thence North 89 deg. West 17 chains and 60 links to Section line; thence North 45 min. West along the Section line between Sections 20 and 21, 10 chains and 85 links to the point of beginning. Containing 44 acres more or less. TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

EQUESTRIAN CENTER



Disclaimer: This map is provided by the St. Johns County Real Estate Division and is for estimate purposes only. The Real Estate Division disclaims all responsibility for the accuracy or completeness of data shown herein. Data are from multiple sources with varying degrees of accuracy. This map should not be used for final site-specific land use decisions.



PREPARED BY:

ST. JOHNS COUNTY
REAL ESTATE DIVISION