

RESOLUTION NO. 2006- 5

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF A LICENSE AGREEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LICENSE AGREEMENT FROM ST. JOHNS COUNTY, FLORIDA TO BELL SOUTH TELECOMMUNICATIONS, INC., ALLOWING THE COUNTY ADDITIONAL SPACE TO ACCESS SIMMS PIT.**

**RECITALS**

**WHEREAS**, BellSouth Telecommunications, Inc., has agreed to a License Agreement, attached hereto as Exhibit "A", incorporated and made a part hereof, allowing BellSouth Telecommunications, Inc. to use an existing 45' Ingress/Egress and Utility Easement recorded in Official Records Book 569, page 324 in St. Johns County, Florida, to access, construct and maintain their facilities located off of Holmes Blvd.; and,

**WHEREAS**, the License Agreement will allow BellSouth Telecommunications, Inc., to access and place equipment on County owned property; and

**WHEREAS**, giving BellSouth Telecommunications Inc., a License Agreement they have agreed to move their equipment onto County owned property allowing the County to access Simms Pit off of Holmes Boulevard. For the safety of the neighborhood, this area described in the License Agreement would be the suitable access point to Simms Pit.

**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 accepts 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 10<sup>th</sup> day of January, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: Cheryl Strickland, Clerk  
By: Patricia R. Grande  
Deputy Clerk

RENDITION DATE 1-12-06

EXHIBIT "A" TO RESOLUTION

**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 acknowledge, on \_\_\_\_\_, 2005, **ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, does hereby grant to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, its licensees, contractors, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, a License to construct, operate, maintain, add, and/or remove such systems of communications, facilities, or related services as the Grantee may from time to time require upon, over, and under the following lands located in St. Johns County, Florida Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said real property which is legally described as follows and is hereinafter referred to as the Licensed Property:

**SEE ATTACHED EXHIBIT "A"**

The following rights are also granted with regard to the Licensed Property: the right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said License and Licensed Property for communications or electric power transmission or distribution; ingress to and egress from said License and Licensed Property at all times; the right, but not the obligation, to clear the License and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the License which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said Licensed Property to conform to any future highway relocation, widening, or improvements or any requirements of the Grantee.

To have and to hold the above granted License unto BellSouth Telecommunications, Inc., its licensees, agents, successors, assigns, and allied and associated companies forever and in perpetuity subject to the provisions hereof. This License shall become irrevocable upon commencement of installation by Grantee of communications systems or facilities on the Licensed Property and it shall remain irrevocable so long as telecommunications service is provided by such systems or facilities or such systems or facilities are being installed by the Grantee. No other person or entity shall be granted an interest in the Licensed Property or another license which supersedes this License. Any interest granted in the Licensed Property or other license granted by Grantor after the date of this License

shall be exercised only in a manner that does not conflict with, restrict or adversely affect Grantee's use of the License granted herein.

The License is binding and is enforceable against and on the Licensed Property, the Grantor and its successors and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2005.

“GRANTOR”

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/she was the same. The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2005, by Ben W. Adams who is personally known to me.

Witness my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

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

Grantor's Address:  
St. Johns County  
Real Estate Division  
4020 Lewis Speedway  
St. Augustine FL 32084

Grantee's Address:  
BellSouth Telecommunications, Inc.  
c/o True Vance Communications  
2783 Segrest Road  
Pace, Florida 32571  
Attn:Linda Jones

EXHIBIT "A"

EQUIPMENT LICENSE PARCEL  
LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTH HALF OF GOVERNMENT LOT 1 IN SECTION 23, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID GOVERNMENT LOT 1 ACCORDING TO OFFICIAL RECORDS BOOK 1806 PAGE 1363 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA THENCE NORTH  $00^{\circ}08'36''$  WEST, 39.15 FEET ALONG THE WESTERLY LINE OF SAID GOVERNMENT LOT 1 AND THE EASTERLY LINE OF PORTIONS OF LOT 22 AND LOT 23 ACCORDING TO THE PLAT OF F. N. HOLMES SUBDIVISION AS RECORDED IN MAP BOOK 2, PAGE 36 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH  $00^{\circ}08'36''$  WEST, 30.00 FEET ALONG SAID WESTERLY LINE; THENCE DEPARTING SAID WESTERLY LINE OF GOVERNMENT LOT 1 RUN SOUTH  $89^{\circ}53'26''$  EAST, 30.00 FEET; THENCE RUN SOUTH  $00^{\circ}08'36''$  EAST, 30.00 FEET; THENCE RUN NORTH  $89^{\circ}53'26''$  WEST, 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 900 SQUARE FEET, MORE OR LESS.

TOGETHER WITH A PARCEL FOR ACCESS TO THE ABOVE DESCRIBED PARCEL. SAID PARCEL IS ADJACENT TO THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID GOVERNMENT LOT 1 ACCORDING TO OFFICIAL RECORDS BOOK 1806 PAGE 1363 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA THENCE NORTH  $00^{\circ}08'36''$  WEST, 39.15 FEET ALONG THE WESTERLY LINE OF SAID GOVERNMENT LOT 1 AND THE EASTERLY LINE OF PORTIONS OF LOT 22 AND LOT 23 ACCORDING TO THE PLAT OF F. N. HOLMES SUBDIVISION AS RECORDED IN MAP BOOK 2, PAGE 36 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY LINE OF GOVERNMENT LOT 1 RUN SOUTH  $89^{\circ}53'26''$  EAST, 30.00 FEET; THENCE RUN SOUTH  $00^{\circ}08'36''$  EAST, 10.00 FEET; THENCE RUN NORTH  $89^{\circ}53'26''$  WEST, 30.00 FEET TO SAID WESTERLY LINE OF GOVERNMENT LOT 1; THENCE RUN NORTH  $00^{\circ}08'36''$  WEST, 10.00 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

CONTAINING 300 SQUARE FEET, MORE OR LESS.

CONTINUED ON NEXT PAGE

EXHIBIT "A" CONTINUED

Together with the following described ingress/egress easement:

A strip of land 45 feet wide, being a Portion of Lot 22 of the F.N. Holmes Property according to the Plat thereof, as recorded in Map Book 2, Page 36 of ST. JOHNS COUNTY RECORDS. Said strip being more particularly described as follows:

Beginning at the Intersection of the Northeasterly Right-of-Way Line of Holmes Boulevard with the North Line of said Lot 22; Thence North  $89^{\circ}59'41''$  East along said North Line of Lot 22, a distance of 491.60 feet to the West Line of Government Lot 1, Section 23, Township 7 South, Range 29 East; Thence along said West Line of Government Lot 1, South  $1^{\circ}29'04''$  East, 45.02 feet; Thence South  $89^{\circ}59'41''$  West 476.21 feet to the Northeasterly Right-of-Way Line of Holmes Boulevard; Thence along said Right-of-Way Line, North  $20^{\circ}12'00''$  West, 47.95 feet to the Point of Beginning.

SEC. 25, T-7-S, R-29-E

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N00°08'36"W	39.15' (C)
L2	N00°08'36"W	30.00' (C)
L3	S89°53'26"E	30.00' (C)
L4	S00°08'36"E	30.00' (C)
L5	N89°53'26"W	30.00' (C)
L6	S00°08'36"E	10.00' (C)
L7	N89°53'26"W	30.00' (C)
L8	N00°08'36"W	10.00' (C)



F. N. HOLMES SUBDIVISION  
LOT 23  
MAP BOOK 2 PAGE 36

ST. JOHNS COUNTY  
PARCEL ID \*096250 0010  
O.R. 515 PG. 630

EXISTING 20' WIDE EASEMENT IN FAVOR OF  
BELLSOUTH TELECOMMUNICATIONS, INC.  
O.R. 1373 PG. 952

BELLSOUTH  
EQUIPMENT  
LICENSE  
PARCEL

EDGE OF WATER

EXISTING TELEPHONE  
EQUIPMENT

10' PVC PIPE

10' METAL PIPE

CONCRETE BLOCK  
BUILDING

P.O.B.

L7

BELLSOUTH  
ACCESS  
LICENSE  
PARCEL

EXISTING 45' WIDE INGRESS/EGRESS  
AND UTILITY EASEMENT IN FAVOR  
OF ST. JOHNS COUNTY O.R. 569 PG. 324

L1

P.O.C.

NORTH LINE OF SOUTH HALF  
OF GOVERNMENT LOT 1  
ACCORDING TO O.R. 1806 PG. 1363

METAL  
SHED

EASTERLY LINE LOT 23  
WESTERLY LINE NORTH HALF  
GOVERNMENT LOT 1  
EASTERLY LINE LOT 22

HOLMES BOULEVARD SOUTH

F. N. HOLMES SUBDIVISION  
LOT 22  
MAP BOOK 2 PAGE 36

PARCEL ID \*096260 0000  
OR. 1960 PG. 57

BELLSOUTH LICENSE  
PARCEL SKETCH

HOLMES BOULEVARD SOUTH

ST. JOHNS PROJECT NO.

PARCEL NO.

DRMP PROJECT NO.  
93-8229.002

SHEET 1 OF 3

DATE: NOV. 17, 2005

SCALE: 1"=30'

ACCESS PARCEL

JAA

11-21-05

CHECKED: O.J.L.

REVISION

BY

DATE

DRAWN: JAA

SKETCH PREPARED BY



4540 SOUTHSIDE BLVD., SUITE 1001  
JACKSONVILLE, FLORIDA 32216  
1.904.641.8123  
L.B. NO. 2648

JOHN A. ANDERBERG  
FLORIDA REGISTERED LAND SURVEYOR NO. 5881  
(NOT VALID UNLESS SIGNED AND SEALED)