

RESOLUTION NO. 2007- 16

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 24.3 ACRES OF WETLANDS LOCATED AT SUMMER ISLAND FOR MITIGATION IMPACTS ASSOCIATED WITH THE IMPROVEMENTS TO THE VILANO BOAT RAMP.

RECITALS

WHEREAS, the US Army Corps of Engineer and Florida Department of Environmental Protection permitting requires mitigation for certain projects where wetlands are impacted; and

WHEREAS, the Conservation Easement for the Vilano Boat Ramp will require 24.3 acres of wetlands to be enhanced or created located at Summer Island, attached hereto as Exhibit "A", incorporated herein by reference and made a part hereof; and

WHEREAS, St. Johns County grants this Conservation Easement in consideration and as a Permit issued by US Army Corps of Engineer and Florida Department of Environmental Protection, to offset adverse wetland impacts as a result of the improvements to the Vilano Boat Ramp.

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 Chairman of the Board of County Commissioners is authorized to execute the Conservation Easement for the 24.3 acres located at Summer Island to mitigate impacts associated with the Vilano Boat Ramp.

Section 3. The Clerk is instructed to record the original Conservation Easement in the Official Records of St. Johns County, Florida and mail the original Conservation Easement to Florida Department of Environmental Protection, Attn:Chrissy Sellers 7825 Baymeadows Way, Suite B200, Jacksonville, FL 32256.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 23rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: Cheryl Strickland, Clerk
By: Cheryl Strickland
Deputy Clerk

EXHIBIT "A" TO RESOLUTION

CONSERVATION EASEMENT DEED

STATE OF FLORIDA

COUNTY OF ST. JOHNS

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of State of Florida Department of Environmental Protection permit No.55-152450-002-EI to St. Johns County Board of County Commissioners on May 18, 2005, (Grantor) has granted to **The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida**, whose address is Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000 (Grantee), a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the real property in St. Johns County, Florida, as set forth in the legal description attached hereto as Exhibit "A".

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

It is the purpose and intent of this Conservation Easement to assure that the subject lands (with the exception of included wetlands which are to be enhanced or created as specified in the aforementioned permit and Corps Permit SAJ-1991-788-MRE) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands which are to be enhanced or created shall be maintained forever in the enhanced or created conditions required by the aforementioned permit. Prohibitions shall not preclude pedestrian access for passive recreational and educational uses.

Except for such specific activities as authorized pursuant to Florida Department of Environmental Protection permit number 55-152450-002-EI and U.S. Army Corps of Engineers Permit SAJ-1991-788-MRE, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said permit, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas, and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives and the Corps to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned permit, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominately in the vegetative and hydrologic condition as herein specified shall run with land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.

Mr

DEP File No.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Second Judicial Circuit, in Leon County, Florida. In any enforcement action in which the Grantee prevail, grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned permit. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403 and 373, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal on this ___ day of _____, 200_.

Signed, sealed, and delivered in our presence of:

WITNESS

Ben Rich, Chairman
Board of County Commissioners
St. Johns County, Florida

WITNESS

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before this _____ (date) by _____ (name of person acknowledging), who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

(SEAL)

SIGNATURE

PRINT NAME

TITLE

SERIAL NUMBER

EXHIBIT "A" TO CONSERVATION EASEMENT

A PARCEL OF LAND IN SECTION 25, TOWNSHIP 9 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 4, PHASE II OF SUMMER ISLAND AS RECORDED IN MAP BOOK 22, PAGES 87 THROUGH 90 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH $37^{\circ}05'21''$ WEST A DISTANCE OF 413.96 FEET TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT OF CURVE ON THE EASTERLY RIGHT OF WAY OF SUMMER ISLAND DRIVE AS SHOWN ON THE AFOREMENTIONED PLAT OF SUMMER ISLAND, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 126.11 FEET; THENCE NORTHWESTERLY, ALONG WITH THE ARC OF SAID CURVE AND SAID RIGHT OF WAY, A CHORD BEARING OF NORTH $19^{\circ}42'29''$ WEST AND A CHORD DISTANCE OF 73.45 FEET TO A POINT OF REVERSE CURVE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 203.04 FEET; THENCE NORTHWESTERLY, ALONG WITH THE ARC OF SAID CURVE AND CONTINUING WITH SAID RIGHT OF WAY, A CHORD BEARING OF NORTH $19^{\circ}56'40''$ WEST AND A CHORD DISTANCE OF 119.86 FEET; THENCE NORTH $37^{\circ}04'54''$ WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 54.53 FEET TO A POINT OF CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 201.10 FEET; THENCE NORTHWESTERLY, ALONG WITH THE ARC OF SAID CURVE AND SAID RIGHT OF WAY, A CHORD BEARING OF NORTH $49^{\circ}52'44''$ WEST AND A CHORD DISTANCE OF 89.09 FEET; THENCE NORTH $62^{\circ}40'33''$ WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 107.36 FEET TO A POINT OF CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 179.77 FEET; THENCE NORTHWESTERLY, ALONG WITH THE ARC OF SAID CURVE AND WITH SAID RIGHT OF WAY, A CHORD BEARING OF NORTH $70^{\circ}02'20''$ WEST AND A CHORD DISTANCE OF 46.08 FEET; THENCE NORTH $77^{\circ}24'06''$ WEST, ALONG SAID RIGHT OF WAY AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 162.06 FEET; THENCE NORTH $29^{\circ}58'15''$ WEST, DEPARTING FROM SAID RIGHT OF WAY, A DISTANCE OF 499.43 FEET; THENCE NORTH $59^{\circ}32'41''$ EAST A DISTANCE OF 59 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE MATANZAS RIVER; THENCE SOUTHERLY, ALONG THE SAID MEAN HIGH WATER LINE, A DISTANCE OF 1173 FEET, MORE OR LESS TO ITS INTERSECTION WITH A LINE THAT BEARS NORTH $53^{\circ}41'59''$ EAST FROM REFERENCE POINT "A;" THENCE ALONG LAST SAID LINE A BEARING OF SOUTH $53^{\circ}41'59''$ WEST AND A DISTANCE OF 182 FEET, MORE OR LESS, TO REFERENCE POINT "A" AND THE POINT OF BEGINNING. CONTAINING 2.66 ACRES, MORE OR LESS.

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 9 SOUTH, RANGE 31 EAST, ST. JOHNS COUNTY, FLORIDA; SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 4, PHASE II OF SUMMER ISLAND AS RECORDED IN MAP BOOK 22, PAGES 87 THROUGH 90 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH $56^{\circ}02'33''$ EAST A DISTANCE OF 1120.70 FEET TO REFERENCE POINT "B" AND THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY OF STATE ROAD A1A; THENCE SOUTH $13^{\circ}45'20''$ EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 1437.27 FEET TO A POINT OF CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 11509.20 FEET; THENCE SOUTHERLY ALONG WITH THE ARC OF SAID CURVE AND WITH SAID RIGHT OF WAY, A CHORD BEARING OF SOUTH $11^{\circ}34'50''$ EAST AND A CHORD DISTANCE OF 873.59 FEET; THENCE SOUTH $09^{\circ}24'20''$ EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 1995.58 FEET TO A POINT ON A CURVE OF SAID EASTERLY RIGHT OF WAY, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 2814.93 FEET; THENCE SOUTHERLY, ALONG WITH THE ARC OF SAID CURVE AND SAID RIGHT OF WAY, A CHORD BEARING OF SOUTH $16^{\circ}48'44''$ EAST AND A CHORD DISTANCE OF 725.75 FEET TO THE MEAN HIGH WATER LINE OF THE MATANZAS RIVER; THENCE NORTHERLY, EASTERLY, AND WESTERLY, ALONG THE SAID MEAN HIGH WATER LINE, A DISTANCE OF 6891 FEET, MORE OR LESS TO ITS INTERSECTION WITH A LINE THAT BEARS NORTH $76^{\circ}14'40''$ EAST FROM REFERENCE POINT "B" THENCE ALONG LAST SAID LINE A BEARING OF SOUTH $76^{\circ}14'40''$ WEST AND A DISTANCE OF 20 FEET, MORE OR LESS, TO REFERENCE POINT "B" AND THE POINT OF BEGINNING. CONTAINING 21.66 ACRES, MORE OR LESS.

