

RESOLUTION NO. 2008- 145

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO THE COMMERCIAL DEVELOPMENT OF SUNSHINE LAND HOLDINGS AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM.

RECITALS

WHEREAS, Sunshine Land Holdings, LLC, a Florida limited liability company, has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for water service to the commercial development of Sunshine Land Holdings; and

WHEREAS, Sunshine Land Holdings has also executed and presented the Bill of Sale and schedule of values conveying all personal property associated with the water and sewer system which is attached hereto as Exhibit "B", incorporated by reference and made a part hereof. The sewer lines have been installed within County right-of-way therefore no easement is needed; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

WHEREAS, it is in the best interest of the County to accept this Easement for the health, safety and welfare of the citizens in that area.

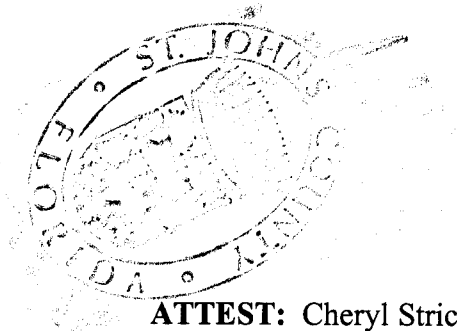
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

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 above described Easement for Utilities and Bill of Sale attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Circuit Court is instructed to record the original Easement for Utilities and file the Bill of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 27th day of May, 2008.



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

By:

Thomas G. Manuel
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 5/29/08

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 16th day of April, 2008,
By Sunshine Land Holdings, LLC with an address of: 4141 Southpoint Drive East, Suite B, Jacksonville, FL 32216
hereinafter called "Grantor," to ST. JOHNS COUNTY, FLORIDA, a political
subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St.
Augustine, FL 32084, hereinafter called "Grantee."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby agree as follows:

1. Grantor does hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, and remove pipes and mains constituting the underground water distribution system, and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water utility service (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress on and over the Easement Area as necessary for the use and enjoyment of the easement herein granted. This easement is for water utility services only and does not convey any right to install other utilities such as cable television service lines.

TO HAVE AND TO HOLD, unto Grantee, his successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

The easement herein granted is subject to covenants, restrictions, easements, liens, and encumbrances of record;

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy: (i) the surface and air space over the Easement Area for any purpose which consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric; gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Water Lines and Associated Appurtenances will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that the Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocation the underground water utility lines and facilities located within the Easement Area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.

(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor's successor and assigns shall be responsible for maintaining any water lines between the water meter and the improvements serviced by the utility system.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other surface improvements or structures. Grantor or Grantor's successors and assigns shall be solely responsible for replacement of any such sod, landscaping, planting, pavement or other surface improvements or structures which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall insure to the benefit of and be binding upon Grantee and its successors and assigns.

5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seal to be hereunto affixed as of the day and year first above written.

Sunshine Land Holdings, LLC

Beth Breeding

By: Beth Breeding
Its: Managing Partner
Vice President

Signed, Sealed and Delivered
In the presence of:

Kari Rager
Witness

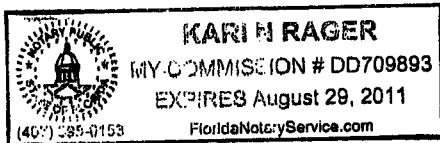
Kari Rager
Witness Print Name

[Signature]
Witness

Leed Silverfield
Witness Print Name

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 21st day of April, 2008, by Beth Breeding who has produced as identification or is personally known to me.



Kari N. Rager
Notary Public, State of Florida

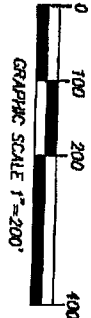
Kari N. Rager
Print Name

Commission Expires _____

MAP SHOWING SKETCH OF
 A portion of Subsection 10, lying within Section 38 of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida

POINT OF COMMENCEMENT
 INTERSECTION OF THE CENTERLINE
 OF COUNTY ROAD NO. 13 W/ THE
 BASELINE FOR STATE ROAD NO. 16

S19°30'15"W
 71.23'



S81°10'44"E 925.61'

(200' Right of way per Florida Department of Transportation Right of Way Map, Section 78060-2522, Dated: Nov. 16, 1998)

MURABELLA PARKWAY
 (80' Right of Way)

N20°44'25"E
 15.33'

POINT OF BEGINNING

S81°10'44"E 954.90'
 N81°10'44"W 980.97'

0.3351 acres

STATE ROAD NO. 16

Section 78060-2522, Dated: Nov. 16, 1998

VERONA WAY

MURABELLA PHASE FOUR
 MAP BOOK 58 PAGES 93-98

A portion of Subsection 10, lying within Section 38, of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: **COMMENCE** at the intersection of the centerline of County Road No. 13-A (a 100 foot right of way as presently established) with the survey baseline for State Road No. 16 (a 200 foot right of way as shown on the Florida Department of Transportation Right of Way Map, Section 78060-2522, dated November 16, 1998); thence South 19°30'15" West, along said centerline of County Road No. 13-A, a distance of 71.23 feet to its intersection with the Westerly prolongation of the Southerly right of way line of said State Road No. 16; thence South 81°10'44" East, along said line and along the Southerly right of way line of said State Road No. 16, a distance of 925.61 feet to the **POINT OF BEGINNING**; thence continue South 81°10'44" East, along said Southerly right of way line of State Road No. 16, a distance of 954.90 feet to the point of curvature of a curve concave Southwesterly and having a radius of 25,000 feet; thence Southwesterly around and along the arc of said curve, 28.98 feet, said arc being subtended by a chord bearing and distance of South 47°58'08" East, 27.39 feet; thence North 81°10'44" West, parallel to and 15 feet Southerly of when measured at right angles to said Southerly right of way line of State Road 16, a distance of 980.97 feet; thence North 20°44'25" East, 15.33 feet to the **POINT OF BEGINNING**, containing 0.3351 acres more or less.

TABULATED CURVE DATA						
CURVE	RADIUS	LENGTH	TANGENT	CHORD DISTANCE	CHORD BEARING	DELTA
C1	25,000'	28.98'	16.37'	27.39'	S47°58'06"E	66°25'21"

RICHARD A. MILLER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 1000 W. UNIVERSITY AVENUE, SUITE 100
 GAINESVILLE, FLORIDA 32609
 PHONE: (352) 333-1234
 FAX: (352) 333-1235
 LICENSE NO. 12345
 EXPIRES 12/31/2005

Prepared by: *Richard A. Miller*
 Date: 11/16/98
 Scale: 1"=200'
 Job No.: 2001-2122-107
 Page: 1 of 1
 Drawing: 11/16/98

THIS IS A PRELIMINARY SKETCH OF A SURVEY. IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF RICHARD A. MILLER & ASSOCIATES, INC. ANY REVISIONS TO THIS SKETCH SHALL BE MADE BY THE SURVEYOR'S OFFICE AND SHALL BE INDICATED BY A CORRECTIVE SKETCH AND A REVISION SHEET.

BILL OF SALE

Sunshine Land Holdings, LLC., a Florida Limited Liability Corporation, whose address is 4141 Southpoint Drive East, Suite B, Jacksonville, FL 32216, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers, and delivers St. Johns County Florida, a political subdivision of the State of Florida, the following personal property:

The personal property, fixtures and equipment comprising the potable water distribution system, the sanitary sewer collection and transmission system, and sanitary sewer pump station within the Verona Way and SR 16 Rights of Ways as well as the 15' utility easement parallel to SR 16 (the "Improvements") for Improvements within the Sunshine 16 Commercial project. All of the Improvements are included on the approved construction plan drawings prepared by Taylor & White, Inc., titled Sunshine 16 Commercial Development Phase I issued for construction and marked approved by St. John's County on July 05, 2007 and November 9, 2006 (the "Plans"). All of the Improvements are lying within the right-of-way of Verona Way and State Road 16 and the 15' utility easement along SR 16. Said personal property, fixtures and equipment being more particularly described on the attached Schedule A.

Sunshine Land Holdings, LLC, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is the lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good right to sell the same; and that it will warrant and defend the sale of the perusal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the party of the first part has hereunto set their hands and seals, this 10th day of April, 2008.

Sunshine Land Holdings, LLC.

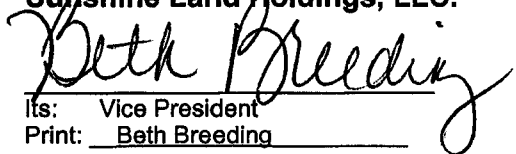

Its: Vice President
Print: Beth Breeding

Exhibit "A" to Bill of Sale

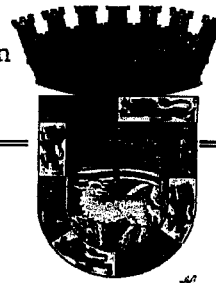
St. Johns County Utility Department
 Asset Management
 Schedule of Values

Project Name: Sunshine 16 Commercial - Phase 1
 Contractor: VJ Usina Contracting
 Developer: Sunshine Land Holdings, LLC

	Unit	Quantity	Unit Cost	Total Cost
Water Main (3/4" type 200 pipe)				
20" DIP	LF	1008	\$ 69.00	\$ 69,552.00
8" DR 18	LF	640	\$ 20.17	\$ 12,908.80
6" DR 18	LF	40	\$ 18.70	\$ 748.00
	LF		\$ -	\$ -
Water Valve (3/4" and 1 1/2")				
20" MJ butterfly valve	EA	1	\$ 3,467.50	\$ 3,467.50
20" field lok gasket	EA	24	\$ 392.00	\$ 9,408.00
20x6 tee	EA	8	\$ 1,312.00	\$ 10,496.00
20x8 tee	EA	1	\$ 1,816.00	\$ 1,816.00
20x2 MJ tap cap	EA	1	\$ 857.00	\$ 857.00
8" gate valve	EA	1	\$ 875.00	\$ 875.00
6" gate valve	EA	2	\$ 1,303.00	\$ 2,606.00
8" gate valve box	EA	1	\$ 1,310.00	\$ 1,310.00
6" gate valve box	EA	4	\$ 1,303.00	\$ 5,212.00
			\$ -	\$ -
Hydrant (3/4" and 1 1/2")				
Fire Hydrant	LF	1	\$ 2,356.00	\$ 2,356.00
20x6 MJ tee hydrant	LF	1	\$ 2,822.00	\$ 2,822.00
	LF		\$ -	\$ -
Service (3/4" and 1 1/2")				
4" DR 18	LF	4	\$ 197.25	\$ 789.00
	LF		\$ -	\$ -
			Total Water System Cost	\$ 125,223.30
Sanitary Main (3/4" type 200 pipe)				
4" DR 25 Green PVC pipe	LF	640	\$ 12.00	\$ 7,680.00
	LF		\$ -	\$ -
Sanitary Valve (3/4" and 1 1/2")				
4" MJ Tapping Valve & Sleeve	EA	1	\$ 2,219.00	\$ 2,219.00
18" x 24" Valve Box	EA	1	\$ 39.00	\$ 39.00
	EA		\$ -	\$ -
Sanitary Main (3/4" type 200 pipe)				
8" SDR 26 Green PVC pipe	LF	528	\$ 17.20	\$ 9,081.60
	LF		\$ -	\$ -
Manhole (size and deep)				
8-10 foot deep	EA	2	\$ 2,875.35	\$ 5,750.70
10-12 foot deep	EA	3	\$ 3,881.19	\$ 11,643.57
> 12 foot deep	EA	1	\$ 6,500.00	\$ 6,500.00
	EA		\$ -	\$ -
Accession				
Mechanical Equipment	Lump Sum	1	\$ 52,488.00	\$ 52,488.00
Process Piping	Lump Sum	1	\$ 27,862.30	\$ 27,862.30
Procell Structure	Lump Sum	1	\$ 31,057.77	\$ 31,057.77
Process Electrical Equipment	Lump Sum	1	\$ 19,220.00	\$ 19,220.00
Other Improvements	Lump Sum	1	\$ 10,713.06	\$ 10,713.06
	Lump Sum		\$ -	\$ -
			Total Sewer System Cost	\$ 184,255.00

Total Utility Cost \$ 309,478.30

St. Johns County Board of County Commissioners




UTILITY DEPARTMENT
Engineering Division

1205 STATE ROAD 16
SAINT AUGUSTINE, FLORIDA
32084-8646

PHONE: (904) 209-270
FAX: (904) 209-260.

INTEROFFICE MEMORANDUM

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Robert Zammataro, Chief Engineer - Development 
SUBJECT: Sunshine 16 Commercial
DATE: May 1, 2008

Please present the Easement, Bill of Sale and Construction Value documents to the Board of County Commissioners (BCC) for final approval and acceptance of Sunshine 16 Commercial.

After acceptance by BCC, please provide the utility department with a copy of the executed resolution and a recorded copy of the Easement for the utilities for our files.

Your support and cooperation as always are greatly appreciated.