

ST. JOHNS COUNTY
RESOLUTION NUMBER 2009- 29

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, STATE OF FLORIDA, CONSENTING TO THE
ENCUMBRANCE OF THE PROPOSED CR 2209 RIGHT OF WAY WITH AN
UNDERGROUND ELECTRICAL EASEMENT GRANTED BY THE CURRENT
OWNER'S OF CR 2209 RIGHT OF WAY TO FLORIDA POWER & LIGHT
COMPANY.**

WHEREAS, WHITE'S FORD TIMBER AND INVESTMENT COMPANY, LTD, a Florida limited partnership and VCP-REAL ESTATE INVESTMENTS, LTD, a Florida limited partnership (collectively, the "Property Owners"), are owners of the proposed CR 2209 Right of Way; and

WHEREAS, the Property Owners have been requested by Johns Creek Phase II, LLC ("JCP II") to grant Florida Power & Light Company ("FPL") an underground electric easement crossing the proposed CR 2209 Right of Way so that FPL can provide electrical power to the Johns Creek Phase II Subdivision; and

WHEREAS, JCP II is willing to bear the expense of burying the conduit lines for the FPL electric (the "Conduit Lines") easement at least fourteen (14) feet deep so that they are unlikely to interfere with the future construction of the proposed CR 2209; and

WHEREAS, JCP II agrees that if at the time that CR 2209 is constructed or subsequently widened in the future, it is necessary to bury the Conduit Lines deeper within the easement area, that JCP II shall pay all reasonable costs and expense incurred in relocating the Conduit Lines within the easement area and shall indemnify the County for these costs; and

WHEREAS, the Owners are only willing to grant the requested electrical easement to FPL if the County agrees not to object to such easement at the contemplated future dedication of CR 2209; and

WHEREAS, without the requested electric easement from the Owners to FPL, FPL would be required to place its lines through the Johns Creek Phase I Subdivision, which would cause significant disruption to the residents of the Johns Creek Phase I Subdivision; and

WHEREAS, the Board of County Commissioners has reviewed the proposed form of electric easement to FPL and desires to consent to the encumbrance of the proposed CR 2209 with an electrical easement granted to FPL on the terms and conditions provided herein.

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

Section 1. Findings of Fact. 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 County consents to the Owners encumbering the proposed CR 2209 with an underground electrical easement to FPL on the following terms and conditions:

- A. The easement granted shall be limited to underground and shall otherwise substantially be in the standard form used by FPL;

- B. The conduit for the easement shall be placed at least fourteen (14) feet below the surface at the expense of a party other than the County.

Section 3. The County will not object to the FPL easement at a future dedication of CR 2209 provided that:

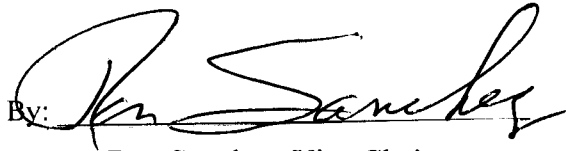
- A. The electrical easement to FPL meets the requirements herein; and
B. JCP II agrees that if at the time that CR 2209 is constructed or subsequently widened in the future, it is necessary to bury the Conduit Lines deeper within the easement area, JCP II shall pay all reasonable costs and expense incurred in relocating the Conduit Lines within the easement area and shall indemnify the County for these costs.

Section 4. This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners.

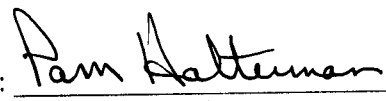
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 17th DAY OF February, 2009.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

RENDITION DATE 2/18/09

By: 
Ron Sanchez, Vice Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

