

RESOLUTION NO. 2010-283

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A TEMPORARY CONSTRUCTION EASEMENT BY AND BETWEEN ST. JOHNS COUNTY AND THE FLORIDA INLAND NAVIGATION DISTRICT, FOR THE PROVISION OF A TEMPORARY CONSTRUCTION EASEMENT AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY.

WHEREAS, St. Johns County, Florida (County) agrees to grant a Temporary Construction Easement to the Florida Inland Navigation District (FIND), in order that FIND may complete dredging of the Intracoastal Waterway near Matanzas Inlet (hereinafter the "Project"); and

WHEREAS, FIND is willing to monitor and mitigate any environmental concerns as determined on a special exception basis as defined within the Temporary Construction Easement for the Project; and

WHEREAS, the County has reviewed the terms, provisions, conditions, and requirements of the Temporary Construction Easement (attached hereto, and incorporated herein); and

WHEREAS, the County has determined that permitting the terms of the Temporary Construction Easement will serve the interests of the County.

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

Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of the Temporary Construction Easement between St. Johns County and the Florida Inland Navigation District, and authorizes the County Administrator to execute the Temporary Construction Easement on behalf of St. Johns County.

Section 3. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or context of this Resolution, then this Resolution, may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 7th day of Dec. 2010.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

Attest: Cheryl Strickland, clerk

Pam Heltem
Deputy Clerk

By:

Ken Bryan
D. Ken Bryan, Chair

RENDITION DATE 12/15/10

Prepared by:

St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT made this ____ day of _____, 2010, between ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called Grantor, and FLORIDA INLAND NAVIGATION DISTRICT, a special taxing district under the laws of the State of Florida, whose address is 1314 Marcinski Road, Jupiter, FL 33477, hereinafter called the Grantee.

WITNESSETH: That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, gives, grants, bargains and releases to the Grantee, its successors and assigns, a temporary construction easement to enter upon and use the Grantor's property as described below for the placement of sand from dredging the Intracoastal Waterway and the uses of pipes and construction equipment in connection therewith, in, upon, over and through the following described land in St. Johns County, Florida, described as follows:

All of lot 28 and the 100 foot right-of-way of Old State Road A-1-A lying within Summerhaven Blocks 28 through 61 of Summerhaven Subdivision, according to the Plat and Survey of Fractional Sections 30 and 31, Township 9 South, Range 31 East, as recorded in Map Book 1, page 155, of the Public Records of St. Johns County, Florida and as conveyed to St. Johns County by the Florida Department of Transportation as recorded in Official Records Book 430, Pages 495 and 496, of the Public Records of St. Johns County, Florida. (the "ROW")

It is understood and agreed by the parties hereto that all such work shall be conducted outside of sea turtle nesting season for the duration of this easement which shall be for a ten year period coinciding with the Florida Department of Environmental Protection permit for this dredging and beach placement project. On a case-by-case basis, St. Johns County's County Engineer (hereafter referred to as "County Engineer") may grant a special exception to permit work under certain written conditions. It is expressly understood that prior to granting any special exception, the Grantee must demonstrate to the satisfaction of the County Engineer that marine turtle habit and other imperiled species will be properly monitored, in order to ensure that adverse impacts are minimized and mitigated, in the manner prescribed by, and permitted by the FDEP, FFWCC, and St. Johns County Habitat Conservation Coordinator. All such work shall be conducted in a workmanlike manner in compliance with all applicable permits. Upon conclusion of the work, all pipes and equipment shall be completely removed from the ROW and the ROW

shall be restored substantially to the condition it was in at the commencement of the work, except for the additional sand and sea oats.

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal the day and year first above written.

Signed and Sealed in Our
Presence as Witnesses:

ST. JOHNS COUNTY, FLORIDA

(sign) _____

(print) _____

By: _____

Michael D. Wanchick, County
Administrator

(sign) _____

(print) _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by Michael D. Wanchick as County Administrator for St. Johns County, Florida, on behalf of the County. He is personally known to me or has produced _____ as identification.

Notary Public

My Commission expires: _____