

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A SPECIAL USE AUTHORIZATION FOR UTILIZATION OF DISTRICT LANDS BETWEEN ST. JOHNS COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AUTHORIZING ST. JOHNS COUNTY TO TRIM OR REMOVE DECAYED, INJURED OR WIND DAMAGED TREES UPON DISTRICT LAND THAT POSE A HAZARD TO DRIVERS ALONG THE RIGHT-OF-WAY OF INTERNATIONAL GOLF PARKWAY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE SPECIAL USE AGREEMENT ON BEHALF OF THE COUNTY.**

**RECITALS**

**WHEREAS**, St. Johns County Road and Bridge Department requested permission from St. Johns River Water Management District to trim or remove trees along the right-of-way of International Golf Parkway that pose a danger to the citizens traveling along this roadway; and

**WHEREAS**, St. Johns River Water Management District has presented to the County a Special Use Authorization for Utilization of District Lands, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, the Special Use Authorization will allow St. Johns County to trim or remove decayed, injured or wind damaged trees upon District land along the right-of-way of International Golf Parkway that pose a hazard to drivers; and

**WHEREAS**, it is in the best interest of the County to approve the Authorization for the safety of the citizens traveling on International Golf Parkway; and

**WHEREAS**, to the extent that there are typographical, scrivener or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

**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 terms and conditions of the attached Special Use Authorization for Utilization of District Lands is hereby approved and the County Administrator, or designee, is hereby authorized to execute said Special Use Authorization.

**Section 3.** The Clerk of Courts is instructed to file the Authorization in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 7<sup>th</sup> day of June, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

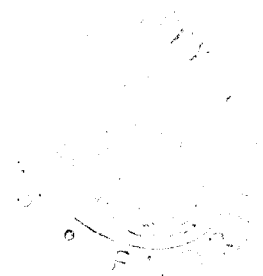
By: 

J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk of Courts

By:   
Deputy Clerk

RENDITION DATE 6/7/11



SPECIAL USE AUTHORIZATION FOR  
UTILIZATION OF DISTRICT LANDS

This Special Use Authorization ("Authorization") given by St. Johns River Water Management District ("District") allows **St. Johns County ("User")**, 4020 Lewis Speedway, St. Augustine, FL 32084, whose contact is Ivan Burrell, Road & Bridge Superintendent at (904)-209-0246 or Bryan Collins, Project Coordinator at (904)-209-0256, to use **portions of Twelve Mile Swamp Conservation Area**, more particularly described in the Trustee's Deed recorded in Official Records Book 1568 page 482 of the public records of St. Johns County, Florida lying immediately fifty (50) ft. north and south of Nine Mile Road also known as International Golf Parkway ("the Property"), as depicted on the map attached hereto as Exhibit "A" hereto and by this reference made a part hereof for the purpose of **trimming or removal of decayed, injured or wind damaged trees that pose a hazard to drivers on International Golf Parkway**. Use of the Property for said purpose is subject to the terms and conditions contained in the numbered paragraphs below and in the Special Conditions of Use attached hereto as Exhibit "B" and by this reference made a part hereof.

**The initial term of this Authorization shall be for a period of one (1) year, commencing on June 1, 2011 and terminating on May 31, 2012. Thereafter, this Authorization shall automatically renew for four (4) consecutive one (1) year terms, terminating on May 31, 2016.**

1. User acknowledges that separate special use authorizations may be given by the District to others for use of the Property during the same time period prescribed by this Authorization. User may use the Property to the extent required to carry on the activity for which the use is requested and shall not prevent any other authorized users from carrying on their approved activities.

2. User will not cause damage to the Property during the dates listed above.

3. User will clean and restore the Property at the conclusion of the use to not less than the condition that existed prior to the use. **A security deposit for this purpose is not required.**

4. User will repair any damage to the Property resulting from the use during the dates listed above. All expenses for the repair shall be borne by User.

5. User is under a duty to be vigilant for User's own safety as well as the safety of others. User understands and agrees that User is responsible for User's personal safety and the personal safety of any and all persons accompanying User on the Property or accessing the

Property under the direction of User. User is fully knowledgeable of the risks that are generally associated with traversing Property that is in a substantially natural condition and assumes all such risks. User also assumes all risks associated with traversing District lands in a motor vehicle and takes the condition of the Property "as is." User voluntarily assumes any other risks, of every kind whatsoever, whether natural or artificial, while conducting activities on the Property pursuant to this Authorization.

6. Each party shall throughout the term of this Authorization provide, maintain and keep in force a program of insurance covering its liabilities as prescribed by Section 768.28, Florida Statutes and shall be responsible for the actions and inactions of their own employees and agents in connection with any activities conducted under this Authorization.

7. Except as otherwise authorized herein, User will comply with of the District's Water Management Lands Acquisition and Management Rule, Chapter 40C-9, Florida Administrative Code.

8. This Authorization is revocable at will.

9. Nothing contained in this Authorization shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the District as it now or hereafter exists under applicable laws, rules and regulations.

10. User must physically have a copy of this Special Use Authorization at all times while on the Property.

11. User shall assist in the protection of the Property against trespassers, poachers, and vandals to the best of its ability and immediately report all acts of trespass and vandalism to the District and to proper authorities.

12. This Special Use Authorization does not convey any real Property interests or rights to User of any kind. The authorization granted hereby shall neither be transferred nor assigned. User is solely responsible for obtaining any permits or other forms of authorization required by law from federal, state or local governmental entities in order to engage in the activities that are the subject of this Authorization.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK/SIGNATURES ON NEXT PAGE

I agree to the conditions of this Authorization and I am authorized to sign this Authorization on behalf of the User whether it is an individual, corporation, partnership or other legal entity.

ST. JOHNS COUNTY

By: \_\_\_\_\_  
Signature

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_


Authorization based on conditions above is approved.

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT

\_\_\_\_\_  
STEVEN R. MILLER, Director  
Division of Land Management

\_\_\_\_\_  
Date

APPROVED AS TO FORM

By:  \_\_\_\_\_  
WILLIAM R. ABRAMS  
Assistant General Counsel  
Office of General Counsel  
S.J.R.W.M.D.



**Twelve Mile Swamp  
Conservation Area  
Exhibit "A"**






0 0.5 1 2 Miles

1:100000



**Legend**

-  District Boundary
- Approved Area of Use**
-  50ft South of roadway
-  50ft North of roadway

The St. Johns River Water Management District prepares and uses this information for its own purposes and this information may not be suitable for other purposes. This information is provided as is. Further documentation of this data can be obtained by contacting St. Johns River Water Management District, Geographic Information Systems, Program Management, P.O. Box 1429, 4649 Reid Street Palatka, Florida 32178-1429 Tel: (386) 329-4176.