

RESOLUTION NO. 2011- 299

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF A SUBORDINATION OF COUNTY UTILITY INTERESTS BY THE BOARD CHAIR, ON BEHALF OF THE COUNTY, PURSUANT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION'S REQUEST IN CONNECTION WITH THE RIGHT-OF-WAY OF STATE ROAD 313.

RECITALS

WHEREAS, St. Johns County ("County") has an easement over certain lands by virtue of an Ingress/Egress and Utility Easement recorded in Official Records Book 569, page 324, attached hereto as Exhibit "A.," incorporated by reference and made a part hereof, for access to County property known as Simms Pit; and

WHEREAS, the State of Florida Department of Transportation ("FDOT") has determined that said land is necessary for highway purposes in connection with the future right-of-way of State Road 313; and

WHEREAS, FDOT has made a request to the County to execute a Subordination of County Utility Interests ("Subordination Agreement") attached hereto as Exhibit "B," incorporated by reference and made a part hereof, to allow the County's easement rights be subject to and subordinate to the property rights of FDOT; and

WHEREAS, FDOT is willing to pay to have the County's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained and will join in the execution of the Subordination Agreement to set forth the mutual covenants and promises of the parties; and

WHEREAS, a letter, attached hereto as Exhibit "C," incorporated by reference and made a part hereof, has been submitted to confirm that FDOT will construct an alternate access to Simms Pit and in the interim; the County will be allowed to continue use of the easement until such time as the new access is constructed. The County Engineer has approved the alternate access location.

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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The Subordination Agreement is hereby approved and the Chair of the Board is hereby authorized to execute the agreement on behalf of the County.

Section 3. The Clerk is instructed to mail the original Subordination Agreement, along with a certified copy of the Resolution, to the State of Florida Department of Transportation, Attention Kris Shooltz, 1109 S. Marion Avenue, MS 2020, Lake City, Florida 32025-5874.

Section 4. To the extent that there are typographical and/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.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of October, 2011.

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

By: 

J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By: 

Deputy Clerk

RENDITION DATE 10/19/11



83 1214

111569 PAGE 324

INGRESS/EGRESS AND UTILITY EASEMENT

THIS INDENTURE, Made this 24th day of January, 1983, by and between DUPONT DEVELOPMENT CORPORATION, INC., a Florida Corporation, party of the first part, and ST. JOHNS COUNTY, a political subdivision of the State of Florida, St. Johns County Courthouse, St. Augustine, Florida 32084, party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of \$1.00 and other good and valuable considerations, receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the said party of the second part, its successors and assigns forever, a permanent right-of-way or easement to construct and maintain an ingress/egress and utility system upon, under and across the following land situate in St. Johns County, Florida:

A strip of land 45 feet wide, being a Portion of Lot 22 of the F.N. Holmes Property according to the Plat thereof, as recorded in Map Book 2, Page 36 of ST. JOHNS COUNTY RECORDS. Said strip being more particularly described as follows:

Beginning at the Intersection of the Northeasterly Right-of-Way Line of Holmes Boulevard with the North Line of said Lot 22; Thence North 89°59'41" East along said North Line of Lot 22, a distance of 491.60 feet to the West Line of Government Lot 1, Section 23, Township 7 South, Range 29 East; Thence along said West Line of Government Lot 1, South 1°29'04" East, 45.02 feet; Thence South 89°59'41" West 476.21 feet to the Northeasterly Right-of-Way Line of Holmes Boulevard; Thence along said Right-of-Way Line, North 20°12'00" West, 47.95 feet to the Point of Beginning.

Also the right to enter into and upon said land for said purposes now and at all times in the future. The abandonment of said easement by an instrument in writing by party of the second part shall automatically void and terminate the within easement.

IN WITNESS WHEREOF, said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence Of:

Charles D. ...
Dorothy ...

DUPONT DEVELOPMENT CORPORATION, INC.
BY: James P. ...
Its President Vice-President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF ST. JOHNS

569 PAGE 325

The foregoing instrument was acknowledged before me this 24th day
of January, 1983, by Frances P. DuPont
the vice president of DUPONT DEVELOPMENT CORPORATION, INC., a
Florida Corporation, on behalf of the corporation.

George L. Robinson
Notary Public, State of Florida at Large
My Commission Expires: July 16, 1984
7-16-84

FILED AND RECEIVED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA
1983 JAN 26 AM 10 43
Shirley L. ...
CLERK

23-UTL.08-Date: June 30, 2011

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 113.2
SECTION NO. 78006
F.P. NO. 2102302
STATE ROAD NO. 313
COUNTY OF ST. JOHNS

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 20_____,
by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South
Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the FLORIDA DEPARTMENT
OF TRANSPORTATION, and ST. JOHNS COUNTY, FLORIDA, a Political Subdivision of the
State of Florida, 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called
County.

WITNESSETH:

WHEREAS, the County presently has an interest in certain lands that have been
determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require
subordination of the interest claimed in such lands by the County to the Florida Department of
Transportation; and

WHEREAS, the Florida Department of Transportation is willing to pay to have the County's
facilities relocated if necessary to prevent conflict between the facilities so that the benefits of
each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties
hereto, County and Florida Department of Transportation agree as follows:

County hereby subordinates to the interest of Florida Department of Transportation its
successors and assigns, any and all of its interest in the lands as follows, viz:

SEE Exhibit "A", attached hereto and by reference made a part hereof.

RECORDED:

INSTRUMENT	DATE	FROM	TO	O.R. BOOK PAGE
Ingress/Egress and Utility Easement	01/24/1983	Dupont Development Corporation, Inc.	St. Johns County	569 324

PROVIDED that the County has the following rights:

1. The County shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the Florida Department of Transportation's current minimum standards for such facilities as required by the Florida Department of Transportation, Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the Florida Department of Transportation. Should the Florida Department of Transportation fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the Florida Department of Transportation hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the Florida Department of Transportation's facilities.
4. The County agrees to repair any damage to Florida Department of Transportation facilities and to indemnify the Florida Department of Transportation against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the Florida Department of Transportation hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

Witness:
Print Name _____

By: _____
Robert L. Parks
District Director for Transportation
Development District Two

Witness:
Print Name: _____

Legal Review

By: _____

Print Name: _____
District Counsel

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by Robert L. Parks, District Director for Transportation Development, District Two, who is personally known to me and who did not take an oath.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____

St. Johns County, Florida
by its Board of County Commissioners

Print Name: _____
Clerk (or Deputy Clerk)

By: _____

Print Name: _____
Its Chairperson (or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, Chairperson (or Vice-Chairperson), who is personally known to me or who has produced _____ as identification.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

Exhibit "A"

SECTION NO. 78006
F.P. NO. 2102302

STATE ROAD NO. 313

ST. JOHNS COUNTY

Parcel Number 113

Fee Simple Limited Access

A Part Of Lot 22, F.N. Holmes Property, As Recorded In Map Book 2, Page 36 Of The Public Records Of St. Johns County, Florida, Government Lot 1 Of Section 23, Township 7 South, Range 29 East, St. Johns County, Florida, Being More Particularly Described As Follows:

Commence At A 1/2" Iron Rod And Cap, Labeled "LB 7111", Marking The Southwest Corner Of Government Lot 1 In Section 23, Township 7 South, Range 29 East, St. Johns County, Florida; Thence North 01°12'24" West, Along The West Line Of Said Government Lot 1, A Distance Of 919.66 Feet To A Point On The Centerline Of Survey Of State Road No. 313, (A Variable Width Right Of Way, Per Florida Department Of Transportation Right Of Way Map, Section 78006, F.P. No. 2102302) And The **Point Of Beginning**; Thence South 01°12'24" East, A Distance Of 142.41 Feet To A Point Lying 125.00 Feet Southwesterly Of Said Centerline Of Survey When Measured Perpendicularly; Thence North 62°34'49" West, Parallel With Said Centerline Of Survey, A Distance Of 433.17 Feet To The North Line Of Lot 22, F.N. Holmes Property, As Recorded In Map Book 2, Page 36 Of The Public Records Of St. Johns County, Florida; Thence South 89°53'26" East, Along Said North Line, A Distance Of 381.05 Feet To The Northeast Corner Of Said Lot 22 And The West Line Of Said Government Lot 1; Thence South 00°08'36" East, Along Said West Line Of Government Lot 1, A Distance Of 39.15 Feet; Thence South 01°12'24" East, Along Said West Line Of Government Lot 1, A Distance Of 17.23 Feet To The **Point Of Beginning**.

Containing 0.868 Acres, More Or Less.

Together With All Rights Of Ingress, Egress, Light, Air And View Between The Grantor's Remaining Property And Any Facility Constructed On The Above Described Property.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1109 S. Marion Avenue, MS 2020
Lake City, FL 32025

ANANTH PRASAD, P.E.
SECRETARY

September 14, 2011

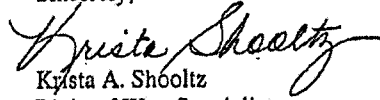
Press Tompkins, PE
County Engineer
St. Johns County Engineering Division
2740 Industry Center Rd.
St. Augustine, Florida 32084

RE: Item: 2102302
 District: Two
 State Road: 313
 County: St. Johns
 Parcels: 113

Dear Mr. Tompkins:

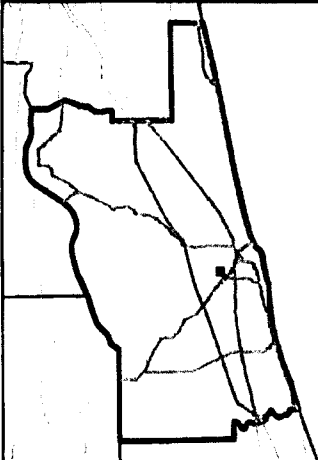
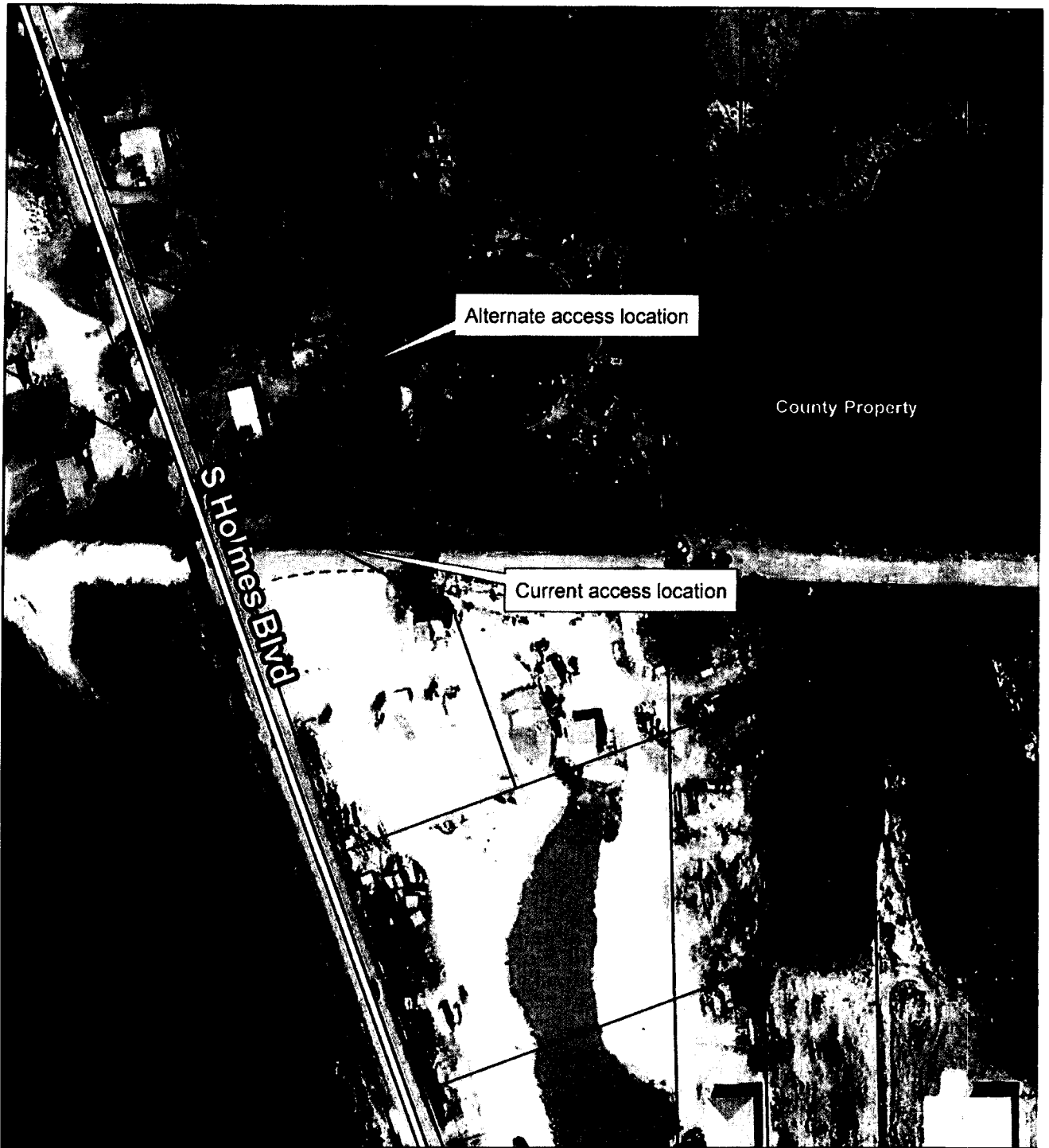
In order to construct State Road 313, the Florida Department of Transportation will need to acquire the Ingress/Egress and Utility Easement dated January 24, 1983, recorded in Book 569, Page 324 of the Public Records of St. Johns County, Florida. This letter will serve to confirm that the Department will construct an alternative access from S. Holmes Boulevard to the borrow pit as depicted on the attached aerial map. In the interim, St. Johns County will be allowed continue use until such time as the new access is constructed.

Sincerely,


Krista A. Shooltz
Right of Way Specialist

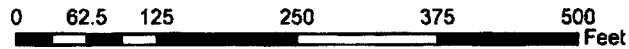
/kas

Enclosure



**Subordination Agreement
FDOT - St. Johns County**

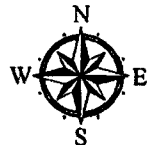
State Road 313



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
September 28, 2011
(904) 209-0790



DISCLAIMER.
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.