

RESOLUTION NO. 2012- 3

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO SERVE MCDONALDS RESTAURANT LOCATED ON STATE ROAD 16 AT PACETTI ROAD.

RECITALS

WHEREAS, S/Palm Lakes Pub, Ltd, a Florida limited partnership, 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 McDonalds Restaurant located on State Road 16 at Pacetti Road; and

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

WHEREAS, to the extent that there are typographical, scriveners 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 above described Easement for Utilities 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 in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 17th day of January, 2012.

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

By: [Signature]
Mark P. Miner, Chair

ATTEST: Cheryl Strickland, Clerk

By: [Signature]
Deputy Clerk

RENDITION DATE 1/19/12



EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 3rd day of October, 2011
by S/PALM LAKES PUB. LHP., with an address of
6615 CORPORATE CENTER PARKWAY SW, 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 consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor agrees 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, replace 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 and sewer utility services (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 to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. The location of the ingress and egress area to the Easement area has been mutually agreed upon by the Grantor and Grantee. This easement is for water and/or sewer 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 is 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 Utility Lines and Associated Equipment 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 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 relocating the underground water and sewer 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. WATER SYSTEM - 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 or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served 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 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 inure to the benefit of and be binding 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 seals to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered
In the presence of:

Viktoria Simeonova
Witness

VIKTORIA SIMEONOVA
Print Name

Amie Sward
Witness

Amie Sward
Print Name

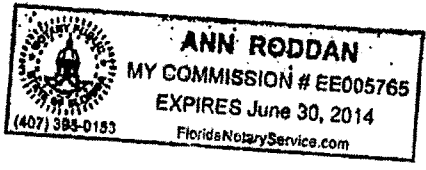
S/PACIA LAKOS PUB, LTD

By: *[Signature]*
Its: *Myself*

State of *Fl*
County of *St. Johns*

The foregoing instrument was acknowledged before me this *3rd* day of *October*, 2011, by *Jeffrey Conn* who is personally known to me or has produced _____ as identification.

Ann Roddan
Notary Public



SKETCH OF DESCRIPTION

EXHIBIT "A"

**THIS IS NOT A SURVEY
UTILITY EASEMENT**

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 THE CENTERLINE OF COUNTY ROAD 13-A, A DISTANCE OF 71.23 FEET TO ITS INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16; THENCE SOUTH 80° 53' 44" EAST ALONG LAST SAID LINE, A DISTANCE OF 455.08 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE RUN SOUTH 09° 06' 16" WEST, A DISTANCE OF 75.00 FEET TO THE NORTHEAST CORNER OF THE CVS PARCEL; THENCE SOUTH 80°53'44" EAST ALONG THE NORTH LINE OF PARCEL 1, FOR A DISTANCE OF 147.94 FEET TO THE POINT OF BEGINNING, THENCE DEPARTING SAID LINE RUN NORTH 8°31'01" EAST FOR A DISTANCE OF 10.00 FEET; THENCE RUN SOUTH 80°53'44" EAST FOR A DISTANCE OF 27.00 FEET TO A POINT ON THE WESTERLY LINE OF AN EXISTING UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2911, PAGE 1080 PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE RUN SOUTH 8°31'01" WEST ALONG SAID WESTERLY EASEMENT LINE FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTH LINE OF LOT 3; THENCE RUN ALONG SAID LINE NORTH 80°53'44" WEST FOR A DISTANCE OF 16.53 FEET TO THE NORTHEAST CORNER OF AFOREMENTIONED PARCEL 1; THENCE RUN NORTH 80°53'44" WEST ALONG THE NORTH LINE OF PARCEL 1 FOR A DISTANCE OF 10.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 270 SQUARE FEET.

NOTES:

1. "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER."
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. BEARING BASIS SHOWN HEREON ARE BASED UPON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 16 AS BEING SOUTH 80°53'44" EAST.
4. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY.
6. THIS IS NOT A BOUNDARY SURVEY AND DOES NOT DEFINE OWNERSHIP.

LEGEND:

- | | |
|------------------------------|-----------------------------|
| R/W - RIGHT OF WAY | ORB - OFFICIAL RECORDS BOOK |
| PC - POINT OF CURVATURE | PG - PAGE |
| PT - POINT OF TANGENCY | C.B. - CHORD BEARING |
| N.T.S. - NOT TO SCALE | C.D. - CHORD DISTANCE |
| POB - POINT OF BEGINNING | Δ - DELTA ANGLE |
| POC - POINT OF COMMENCEMENT | L - LENGTH |
| POT - POINT OF TERMINUS | R - RADIUS |
| FP&L - FLORIDA POWER & LIGHT | |
| C/L - CENTERLINE | |


For the Firm By: _____

Arthur A. Mastronicola Jr.
 Arthur A. Mastronicola Jr., P.S.M.
 Professional Surveyor and Mapper
 Florida Registration No. LS 4166

9/29/11

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED "SURVEYOR AND MAPPER".

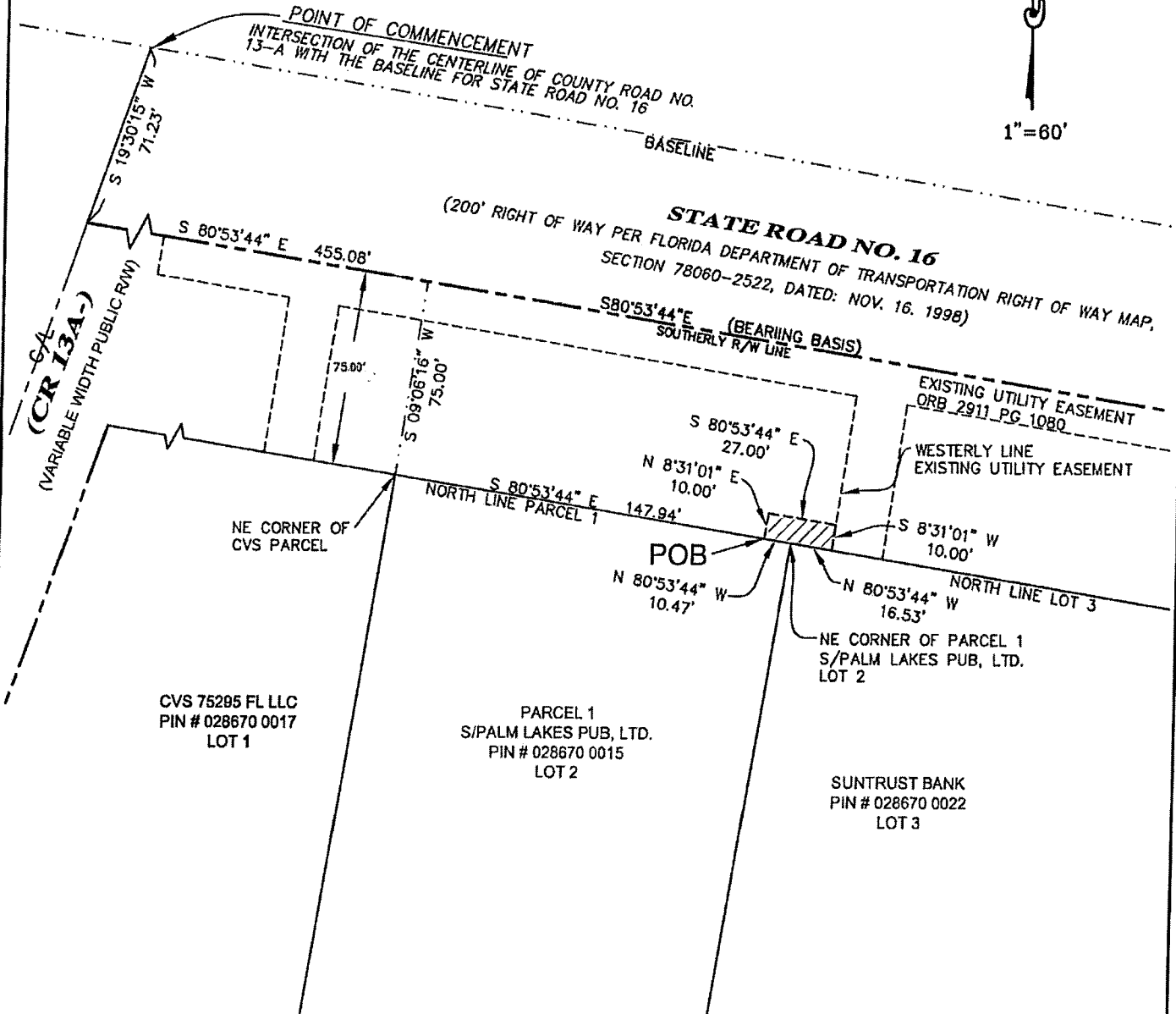
9-29-11

	Engineers Architects Surveyors Planners Landscape Architects Environmental Scientists Construction Management Design/Build	The Concourse III 5200 Belfort Road Suite 220 Jacksonville, FL 32256 Phone 904 332-0999 Fax 904 332-0997	SKETCH OF DESCRIPTION McDonald's (009-2433) UTILITY EASEMENT MURABELLA ST. JOHNS COUNTY, FLORIDA Certificate of Authorization No. LB7143	PAGE 1 OF 2 M29477 © 2011
				© 2011
				© 2011

SKETCH OF DESCRIPTION

EXHIBIT "A"

THIS IS NOT A SURVEY
UTILITY EASEMENT



9-29-11

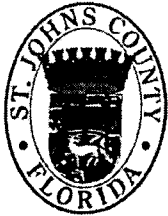


Engineers
Architects
Surveyors
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design / Build

The Concourse III
5200 Belfort Road
Suite 220
Jacksonville, FL 32256
Phone 904 332-0999
Fax 904 332-0997

SKETCH OF DESCRIPTION
McDonald's (009-2433)
UTILITY EASEMENT
MURABELLA
ST. JOHNS COUNTY, FLORIDA
Certificate of Authorization No. LB7143

PAGE
2 OF 2
M29477
© 2011



St. Johns County Board of County Commissioners

Utility Department

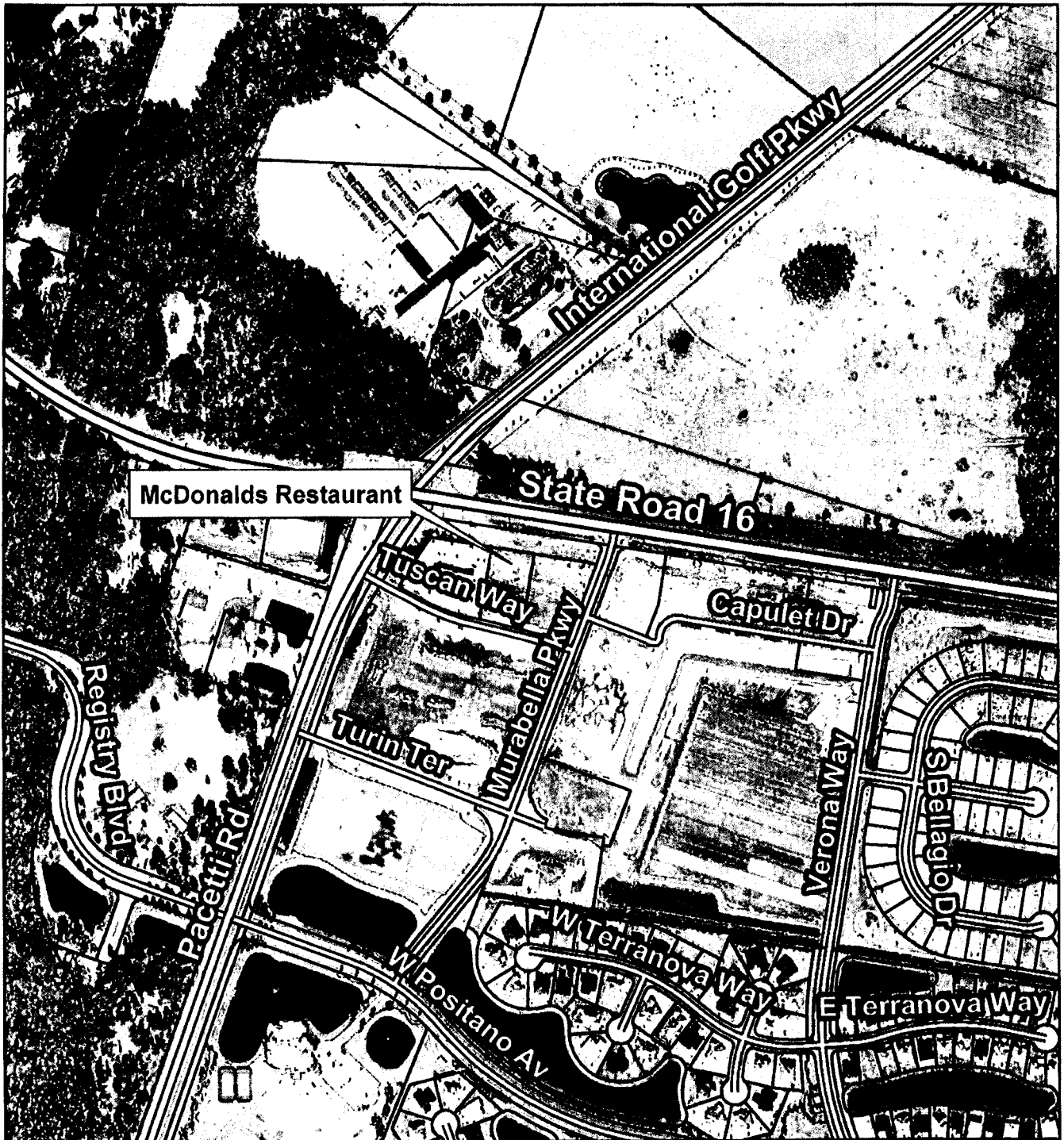
INTEROFFICE MEMORANDUM

TO: Nanette Bradbury, Real Estate Coordinator
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: McDonald's @ Shoppes at Murabella
DATE: December 6, 2011

Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of McDonald's @ Shoppes at Murabella.

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

Your support and cooperation as always are greatly appreciated.



McDonalds Restaurant

State Road 16

International Golf Pkwy

Tuscan Way

Capulet Dr

Registry Blvd

Pacetti Rd

Turin Ter

Murabella Pkwy

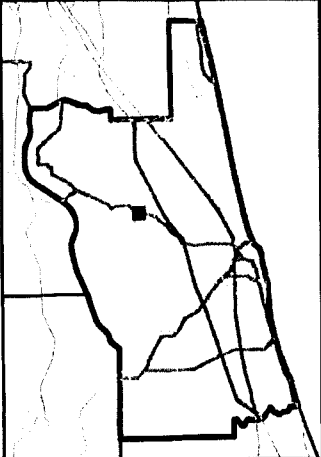
Verona Way

S Bellagio Dr

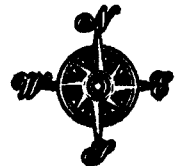
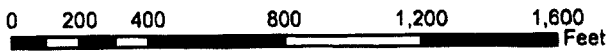
W Terranova Way

E Terranova Way

W Positano Av



McDonalds Restaurant Easement for Utilities



2008 Aerial Imagery

St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
December 8, 2011
(904) 209-0788

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