

RESOLUTION NO. 2013- 215

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS AND AUTHORIZING THE CHAIR, OR DESIGNEE, TO EXECUTE THE SUBORDINATION AGREEMENT ALLOWING THE SUBORDINATION OF A DRAINAGE EASEMENT NEAR NORTH HOLMES BOULEVARD IN CONNECTION WITH THE SR313 PROJECT.**

**RECITALS**

**WHEREAS**, State of Florida Department of Transportation ("FDOT"), has presented to the County a Subordination Agreement, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, to allow subordination of an easement near North Holmes Boulevard; and

**WHEREAS**, FDOT is in the process of acquiring an easement from the property owner which the County easement crosses. The County's Engineer department has agreed with the Subordination Agreement; and

**WHEREAS**, FDOT will provide maintenance of the existing easement and will add a culvert under the cul de sac within the drainage easement, so if the ditch is ever relocated it can flow under the cul de sac; and

**WHEREAS**, FDOT is requesting subordination of the County's easement in connection with the future construction of SR 313.

**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 Board of County Commissioners accepts the terms of the Subordination Agreement and authorizes the Chair, or designee to execute said Subordination Agreement.

Section 3. To the extent that there are typographical 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.

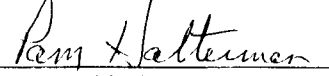
Section 4. The Clerk of the Circuit Court is instructed to record the original Subordination Agreement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 1<sup>st</sup> day of October, 2013.

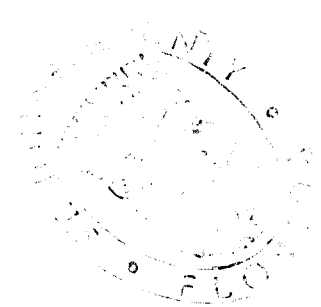
**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA**

By:   
John H. Morris, Chair

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 10/3/13



36-SUB.03-Date: August 23, 2013

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. 809.2  
SECTION NO. 78006  
F.P. NO. 2102302  
STATE ROAD NO. 313  
COUNTY OF St. Johns

### SUBORDINATION AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the "Department".

#### WITNESSETH:

WHEREAS, the party of the first part is the owner and holder of that certain EASEMENT contained in that certain Deed dated April 8, 2003, and recorded on April 24, 2003 in Official Records Book 1939, Page 921, of the Public Records of St. Johns County, Florida, and;

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Easement is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

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

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said grantor 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: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Clerk (or Deputy Clerk)

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

BY: \_\_\_\_\_

Print Name: John H. Morris  
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" to Agreement

Section No. 78006  
F.P. No. 2102302

State Road No. 313

St. Johns County

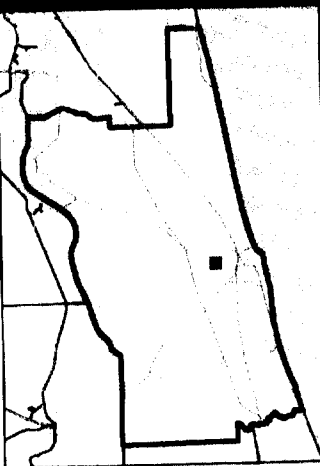
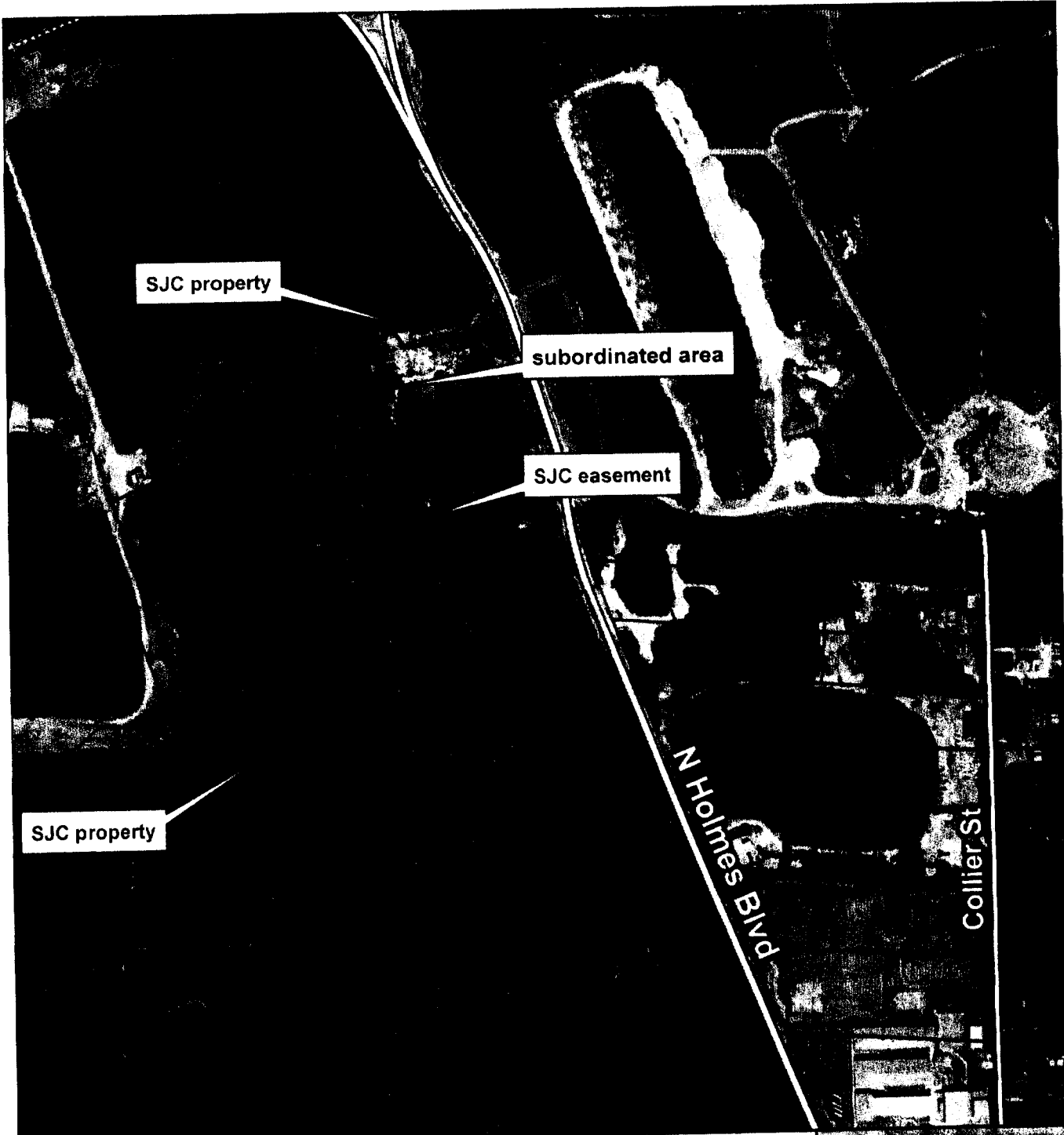
Parcel No. 809

Perpetual Easement

A Part Of P. Embara Grant, Section 42, Township 7 South, Range 29 East, St. Johns County, Florida, Being More Particularly Described As Follows:

**Commence** At A 4" X 4" Concrete Monument With Metal Plate, No Identification, Marking The Southeast Corner Of F.P. Sanchez Grant, Section 40, Township 7 South, Range 29 East, St. Johns County, Florida; Thence North 89°52'13" West, Along The Most Southerly Line Of Said Section 40, A Distance Of 311.75 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); Thence North 04°39'21" West, Along Said Centerline Of Survey, A Distance Of 798.68 Feet; Thence North 68°11'36" East, Departing Said Centerline, A Distance Of 91.93 Feet To The Northwest Corner Of That Certain Ten (10) Acre Tract As Recorded In Official Records Book 1161, Page 1224 Of The Public Records Of St. Johns County, Florida; Thence Continue North 68°11'36" East, Along The Northerly Line Of Said Ten Acre Tract, A Distance Of 867.82 Feet To The Northeast Corner Of Said Ten Acre Tract; Thence South 20°39'36" East Along The East Line Of Said 10-Acre Tract, A Distance Of 12.11 Feet To The **Point Of Beginning**; Said Point Being On A Curve Concave Easterly, Having A Radius Of 62.00 Feet, A Chord Bearing And Distance Of North 53°13'39" East, 38.73 Feet; Thence Easterly, Along The Arc Of Said Curve, Through An Angle Of 36°24'12", An Arc Length Of 39.39 Feet To The Point Of Tangency Of Said Curve; Thence North 71°25'45" East, A Distance Of 458.65 Feet To A Point On The Westerly Existing Right Of Way Line Of North Holmes Boulevard, As Recorded In Official Records Book 1939, Page 921 Of The Public Records Of St. Johns County; Thence South 18°31'24" East, Along Said Westerly Existing Right Of Way Line, A Distance Of 60.00 Feet; Thence Departing Said Westerly Existing Right Of Way Line, South 71°25'45" West, A Distance Of 377.02 Feet To The Point Of Curvature Of A Curve Concave Southeasterly, Having A Radius Of 22.00 Feet, A Chord Bearing And Distance Of South 33°18'58" West, 27.16 Feet; Thence Southwesterly, Along The Arc Of Said Curve Through An Angle Of 76°13'32", An Arc Length Of 29.27 Feet To The Point Of Reverse Curvature Of A Curve Concave Northerly, Having A Radius Of 62.00 Feet, A Chord Bearing And Distance Of South 49°25'44" West, 100.60 Feet; Thence Westerly, Along The Arc Of Said Curve Through An Angle Of 108°27'03", An Arc Length Of 117.35 Feet To A Point On The Aforesaid Easterly Line Of A 10-Acre Tract; Thence North 20°39'36" West Along Said East Line, A Distance Of 102.42 Feet To The **Point Of Beginning**

Containing 0.799 Acres, More Or Less.



# FDOT Subordination Agreement

0 162.5 325 650 975 1,300 Feet

St. Johns County  
Land Mgmt Systems  
Real Estate Division



Map Prepared:  
Date: September 17, 2013  
(904) 209-0788



2008 Aerial Imagery

DISCLAIMER  
This map is for reference only. Data and information are derived from multiple sources and are not guaranteed for accuracy.