

RESOLUTION NO. 2013- 74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF THE MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY AND WHITE'S FORD TIMBER AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT.

RECITALS

WHEREAS, White's Ford Timber, LLC, a Florida limited liability company, ("White's") has executed and presented a Memorandum of Agreement regarding the responsibilities of the County to utilize CR2209 for access for the Northwest Area Regional Wastewater Treatment Plant ("NWWTP"), attached hereto as Exhibit "A," incorporated by reference and made a part hereof; and

WHEREAS, White's granted an Easement for ingress/egress to the NWWTP and assigned mitigation credits at no cost to the County; and

WHEREAS, Assignment of the mitigation credits, together with the Easement are necessary for the County's construction of the culvert and access road to the future NWWTP.

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 hereby approves the terms of the Memorandum of Agreement and authorizes the County Administrator, or designee, to execute the Agreement.

Section 3. To the extent that there are typographical 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.

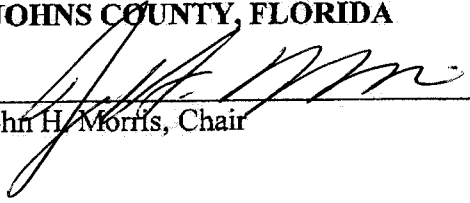
Section 4. The Clerk is instructed to file the Memorandum of Agreement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 16th day of April, 2013.

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

By: _____

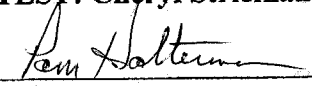
John H. Morris, Chair



ATTEST: Cheryl Strickland, Clerk

By: _____

Deputy Clerk



MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT ("MOA") is made and entered into on this 25 day of Feb., 2013, by and between **ST. JOHNS COUNTY** ("County"), a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, and **WHITE'S FORD TIMBER, LLC**, a Florida limited liability company, and successor by merger to SJP, L.L.C., White's Ford Timber & Investment Company, Ltd. and other entities, ("White's"), whose address is 3030 Hartley Road, Suite 300, Jacksonville, Florida 32257 establishes the respective responsibilities of the County and Whites in securing approval to construct a culvert and access road to the future Northwest Area Regional Wastewater Treatment Plant.

RECITALS

WHEREAS, White's granted and the County accepted an easement along then proposed C.R. 2209, providing in part for ingress to and egress from the future Northwest Area Regional Wastewater Treatment Plant site (*see* St. Johns County Resolution 2009-73, attached hereto and incorporated herein); and

WHEREAS, White's assigned to the County for use, at no cost to the County, 1.88 wetlands mitigation credits permitted by the St. Johns Water Management District; and

WHEREAS, White's further assigned to the County for use, at no cost to the County, .50 mitigation credits permitted by the United States Army Corps of Engineers; and

WHEREAS, assignment of the mitigation credits, together with grant of the easement, are necessary for the County's construction of a culvert and access road to the future Northwest Area Regional Wastewater Treatment Plant site; and

WHEREAS, completion of the Northwest Area Regional Wastewater Treatment Plant will provide a beneficial impact on certain future development by White's.

NOW, THEREFORE, in consideration of the mutual covenants and provisions contained herein, the parties hereto agree as follows:

Section 1. Incorporation of Recitals.

The Recitals set forth above, which serve as the basis of this MOA, are hereby incorporated herein and adopted as findings of fact.

Section 2. Responsibilities.

The County shall:

- a. construct a culvert and access road to the Northwest Area Regional Wastewater Treatment Plant site;
- b. secure all permits, licenses and approvals required to complete construction of the culvert and access road;
- c. upon completion of said construction, the County shall own and maintain the culvert and the access road improvements, but not the underlying fee; and;
- d. not, without prior written consent of White's (which shall not unreasonably be withheld) remove the culvert and access road improvements, except in connection with construction of CR 2209.

Section 3. Non-Reliance by Non-Parties.

With the exception of the County and White's, no person or entity shall be entitled to rely upon the terms, conditions, obligations and/or responsibilities contained herein to enforce or attempt to enforce any third-party claim or entitlement to or benefit of any action contemplated hereunder.

Section 4. Amendments.

Both the County and White's acknowledge that this memorandum constitutes the complete agreement and understanding of the parties regarding construction of the culvert and access road described herein. Further, both the County and White's acknowledge that any change, amendment, modification, or revision this MOA shall be in writing, and shall be executed by duly authorized representatives of both the County, and White's.

Section 5. Authority to Execute.

Each party covenants to the other party/parties that it has the lawful authority to enter into this MOA and has authorized the execution of this MOA by the party's authorized representative.

Section 6. Execution in Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the County and White's have caused this Memorandum of Understanding to be effective as of the date written above.

ST. JOHNS COUNTY

WHITE'S FORD TIMBER AND
INVESTMENT COMPANY, LLC

By: _____
Print Name: _____
Title: _____

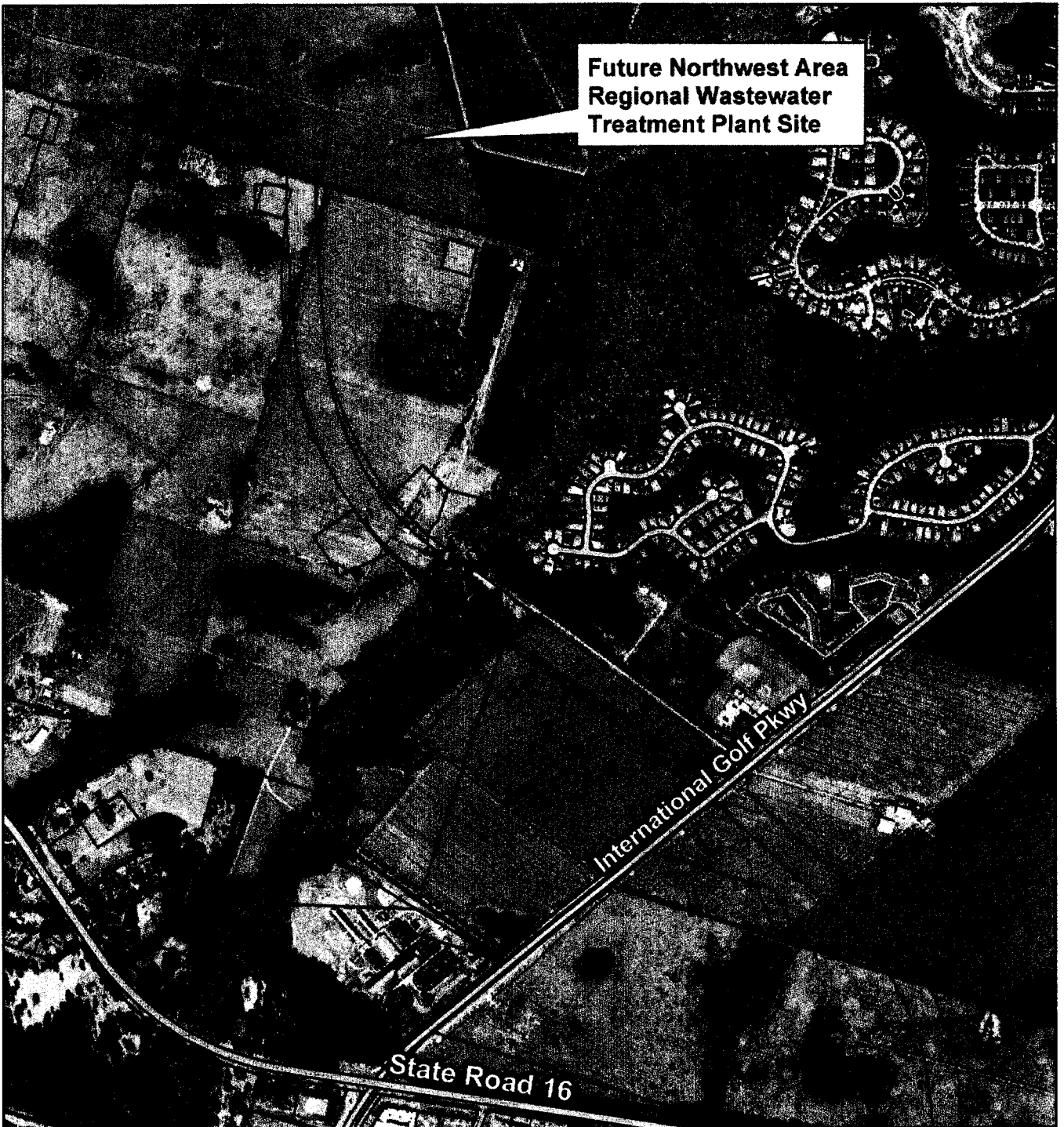
By: _____
Print Name: _____
Title: _____

Legal Review: _____
Assistant County Attorney

Witness: _____
Witness: _____

ATTEST: Cheryl Strickland, Clerk of Court

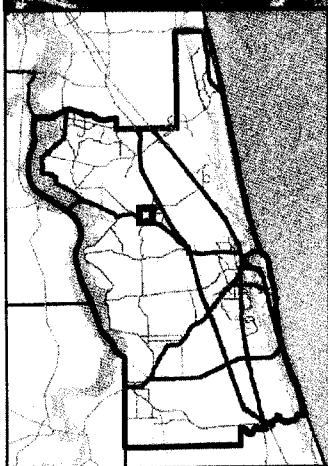
By: _____
Deputy Clerk



**Future Northwest Area
Regional Wastewater
Treatment Plant Site**

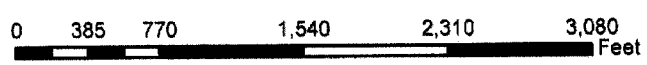
International Golf Pkwy

State Road 16



Proposed CR 2209

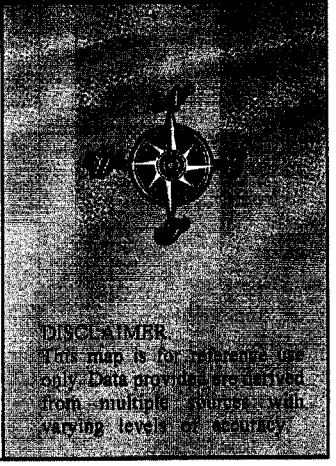
Memorandum of Agreement



St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
March 14, 2013
(904) 209-0788



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