

RESOLUTION NO. 2015- 289

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE FORM AND FORMAT OF AN EASEMENTS FOR ACCEPTING UTILITIES IN CONJUNCTION WITH THE SEPTIC TANK EFFLUENT PUMPING SYSTEMS (S.T.E.P.) LOCATED IN PONTE VEDRA AND AUTHORIZING ACCEPTANCE AND RECORDING OF ALL REQUIRED EASEMENTS.

RECITALS

WHEREAS, in December of 2006, the St. Johns County Utility Department (SJCUD) assumed ownership of the Intercoastal Utilities (ICU) service area, and honored previous commitments and agreements of ICU; and

WHEREAS, among such agreements is a Septic Tank Effluent Pumping System (S.T.E.P.) Agreement for certain developments in Ponte Vedra; and

WHEREAS, upon further review of the terms and conditions of the S.T.E.P. Agreement, in order to perform its duties and obligations, the County must seek easement rights that allow for access to individual properties and maintenance of the pumping system; and

WHEREAS, Staff has determined that a total number of 193 utility easements are needed, and has identified each of the individual property owners; and

WHEREAS, because each of the easements secured will contain the same terms and conditions, in an effort to more efficiently accept and record each, Staff seeks Board approval of the utility easement in the form and format attached hereto as Exhibit "A," incorporated by reference and made a part hereof; and

WHEREAS, upon receipt of each executed utility easement, Staff further seeks Board approval to accept and record the documents.

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 hereby approves the form and format of the Easement for Utilities attached hereto as Exhibit B.

Section. 3. The Board hereby authorizes acceptance and recording of each of the executed Easements of Utilities received by the County to provide for access to individual properties and maintenance of the pumping system.

Section 4. The Clerk of the Circuit Court is instructed to record each of the original Easements for Utilities described herein in the Public Records of St. Johns County, Florida.

Section 5. To the extent that there are typographical, scrivener's 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 this 6th day of October, 2015.

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

By: _____

Priscilla L. Bennett, Chair

ATTEST: George Lareau, Clerk

By: Bolton S. Platt
Deputy Clerk

RENDITION DATE 10/8/2015

EXHIBIT "A" TO RESOLUTION

EASEMENT FOR SEPTIC TANK EFFLUENT PUMPING (STEP) SYSTEM

THIS EASEMENT executed and given this 27 day of August, 2015 by, **Steven T. and Patricia M. Defazio** with an address of 225 IsleWay Lane, Ponte Vedra Beach, FL 32082, hereinafter called "Grantor" to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, 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, tank and all other equipment and appurtenances constituting the underground Septic Tank Effluent Pumping (STEP) System as may be necessary or convenient for the operation of the underground sewer utility services (hereinafter referred to as "STEP System") 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. 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. No permanent structure shall be constructed on top of the step tank system.

(b) The STEP System 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 STEP System located within the Easement area. At Grantor's request, and upon relocation of such STEP System 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. (a) STEP SYSTEM - Grantee, by acceptance of this Easement, hereby agrees to maintain the STEP System located within the Easement Area. STEP Systems are typically located in front of the house, between the house and the right of way line. The Grantee's maintenance of STEP System shall include the septic tank, pump, electrical appurtenances and force main piping and valving which extend to the right of way. The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of the gravity sewer line located between the house and septic tank, and the power supply line located between the house and the control post.

3. After any installation, construction, repair, replacement or removal of any component of the STEP System 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 STEP System components. 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:

Christina H. Simpson
Witness

Steven T. Defazio
Steven T. Defazio

Christina H. Simpson
Print Name

Patricia M. Defazio
Patricia M. Defazio

Renee Hathaway
Witness

Renee Hathaway
Print Name

State of FL
County of St. Johns

The foregoing instrument was acknowledged before me this 27th day of August, 2015, by Steven Defazio & Patricia Defazio who is personally known to me or has produced DL as identification.

Christina H. Simpson
Notary Public

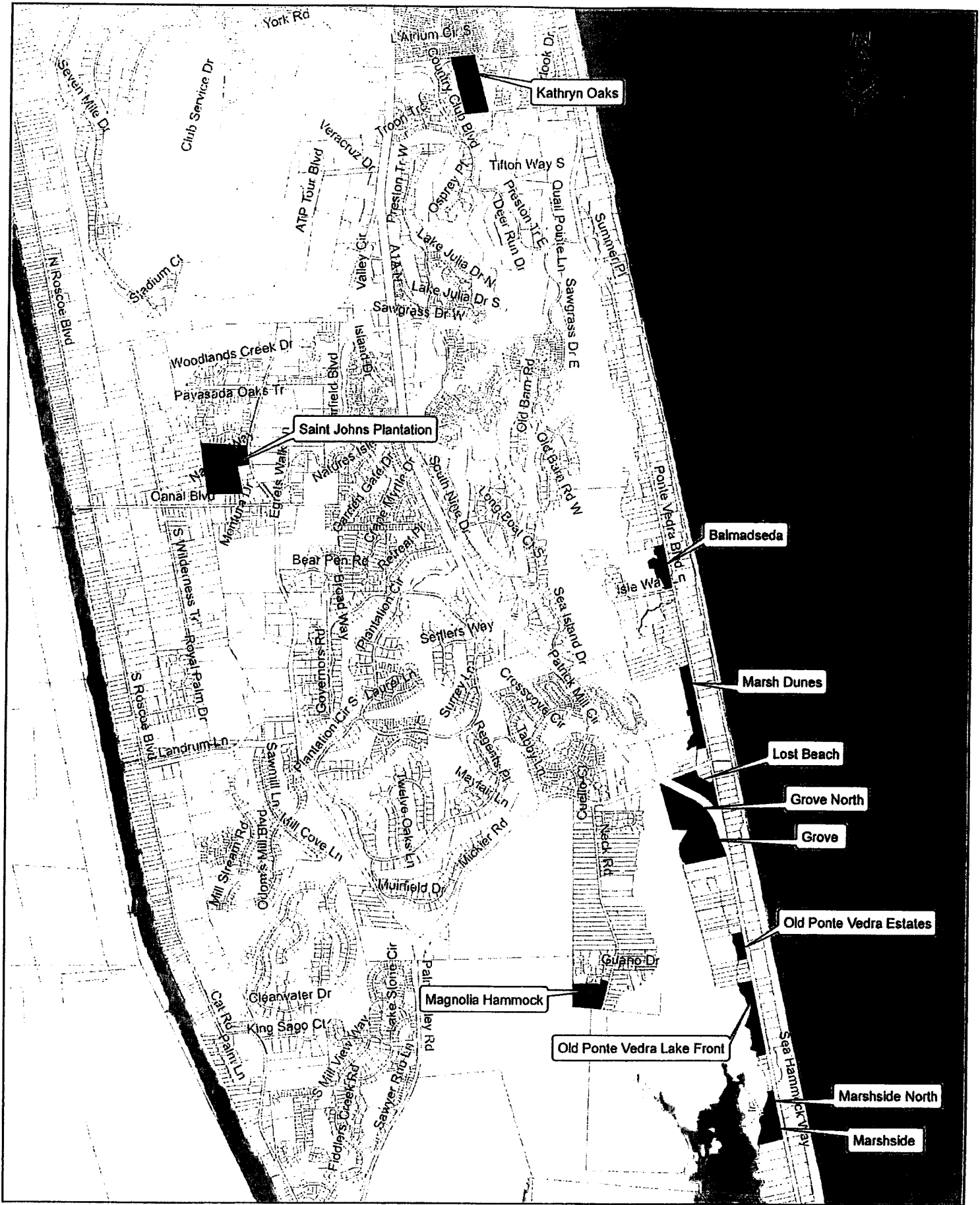


EXHIBIT "A" to Easement

EASEMENT AREA

10 feet around the physical location of the step tank and 10 feet on either side of the physical location of the sewer line on the below described property:

Lot 5, Balmaseda Isle subdivision as recorded in Map Book 33 Pages 87-93 of the public records of St. Johns County, Florida.



2012 Update
 THIS MAP IS FOR INFORMATIONAL USE ONLY
 AND DOES NOT CONSTITUTE A WARRANTY
 OR REPRESENTATION OF ANY KIND
 BY THE COUNTY OF ST. JOHNS

St. Johns County Utility Department
 ICV Step System

