RESOLUTION NO. 2016-318

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER METERS LOCATED AT THE PUBLIX AT MOULTRIE SQUARE LOCATED AT THE CORNER OF US 1 SOUTH AND WILDWOOD DRIVE.

RECITALS

WHEREAS, the property owners have 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 meters located at the Publix at Moultrie Square, located at the corner of US 1 South and Wildwood Drive; and

WHEREAS, this easement is needed to allow the Utility Department access to the property in the event of a maintenance issue or the need to replace a water meter; 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.

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, is hereby accepted by the Board of County Commissioners.
- Section 3. To the extent that there are typographical, scriveners or administrative errors that <u>do not</u> 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 Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 18 day of 000 ber, 2016.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA

By: Jeb S. Smith, Chair

ATTEST: Hunter S. Conrad, Clerk

7: Tam Hollewer Deputy Clerk RENDITION DATE 10/21/16

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this day of and of control of the control of the

WITNESSETH:

That for an 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 meters 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. As a result, the ingress and egress area is noted on the attached, and incorporated as Exhibit B (Ingress/Egress Area). 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. (a) WATER SYSTEM The Grantee shall maintain water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines within the boundary of the Grantor's property excluding the water meters.
- 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 **MOULTRIE-ACS, LLC** In the presence of: STATE OF FLORIDA COUNTY OF DUIAL The foregoing instrument was acknowledged before me this 39th day of for Moultrie-ACS, LLC who is personally known to me or has produced as identification. a Mepusel NORMAT. ASPINALL Notary Public - State of Florida Commission # FF 990391

My Comm. Expires Aug 3, 2020

EXHIBIT "A" EASEMENT AREA

A PARCEL OF LAND IN SECTION 48, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST JOHNS COUNTY, FLORIDA; BEING FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WILDWOOD DRIVE, A 66 FOOT WIDTH COUNTY ROAD, WITH THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, A 200 FOOT WIDTH RIGHT OF WAY; THENCE S 87°47'37" W ALONG THE AFORESAID SOUTH RIGHT OF WAY OF WILDWOOD DRIVE, A DISTANCE OF 701.04 FEET; THENCE DEPARTING SAID RIGHT OF WAY S 02°12'23" E, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING; THENCE N 87°59'18" E, A DISTANCE OF 5.00 FEET; THENCE S 02°00'42" E, A DISTANCE OF 5.00 FEET; THENCE S 87°59'18" W, A DISTANCE OF 5.00 FET; THENCE N 02°00'42" W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING .0005 ACRES MORE OR LESS.

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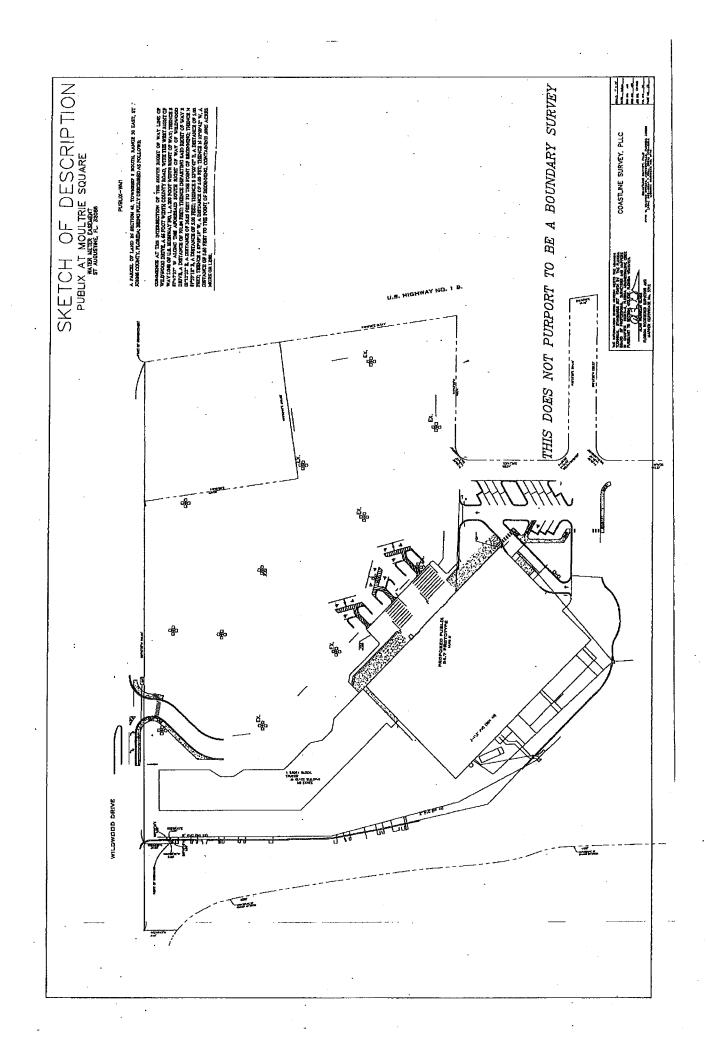
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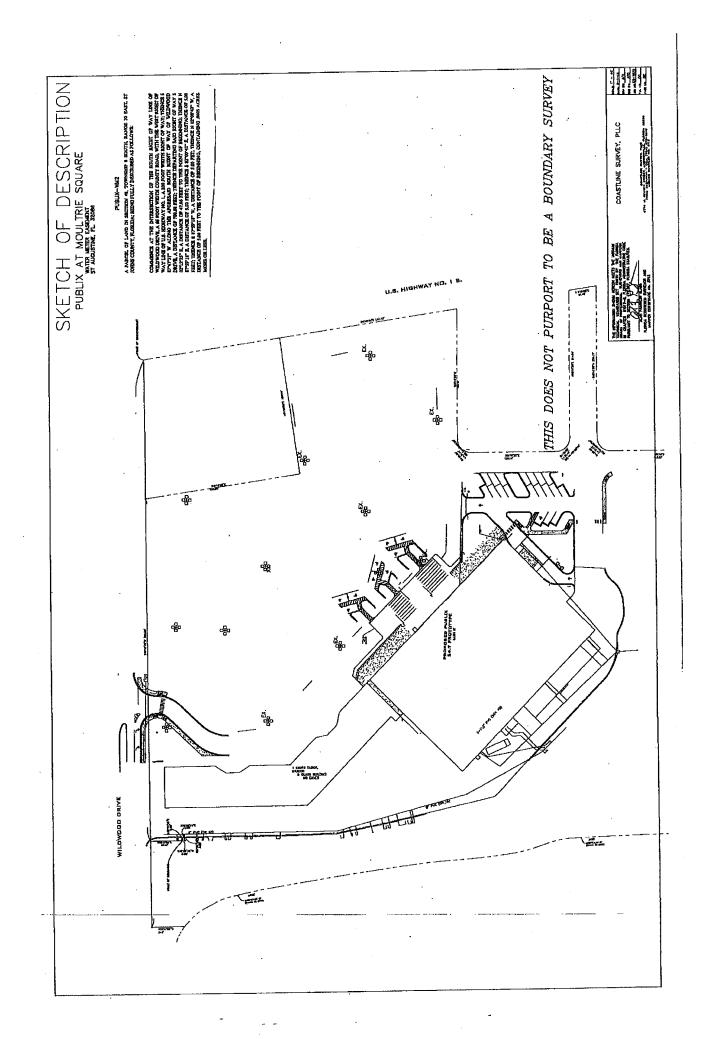
EXHIBIT "B" INGRESS/EGRESS AREA

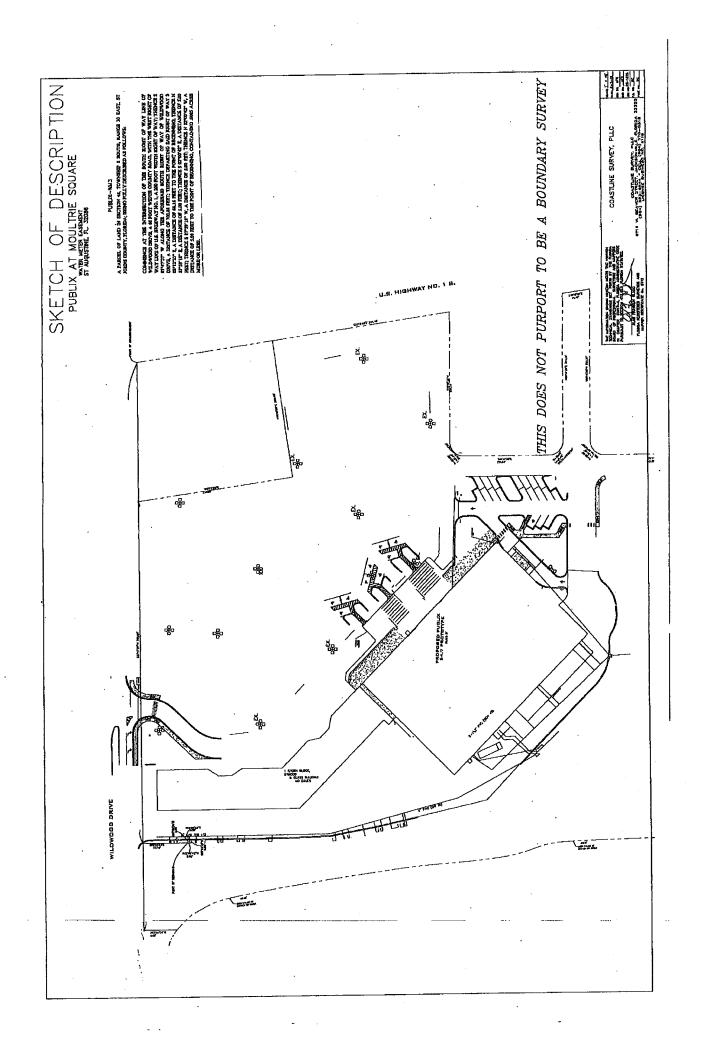
PUBLIX-INGRESS AND EGRESS

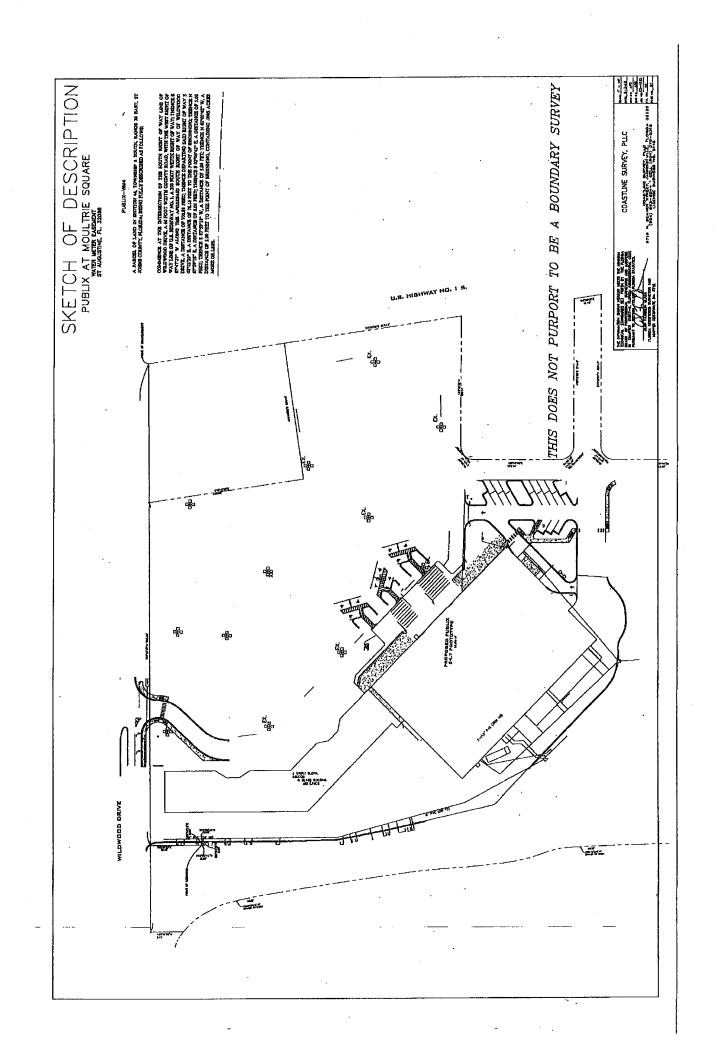
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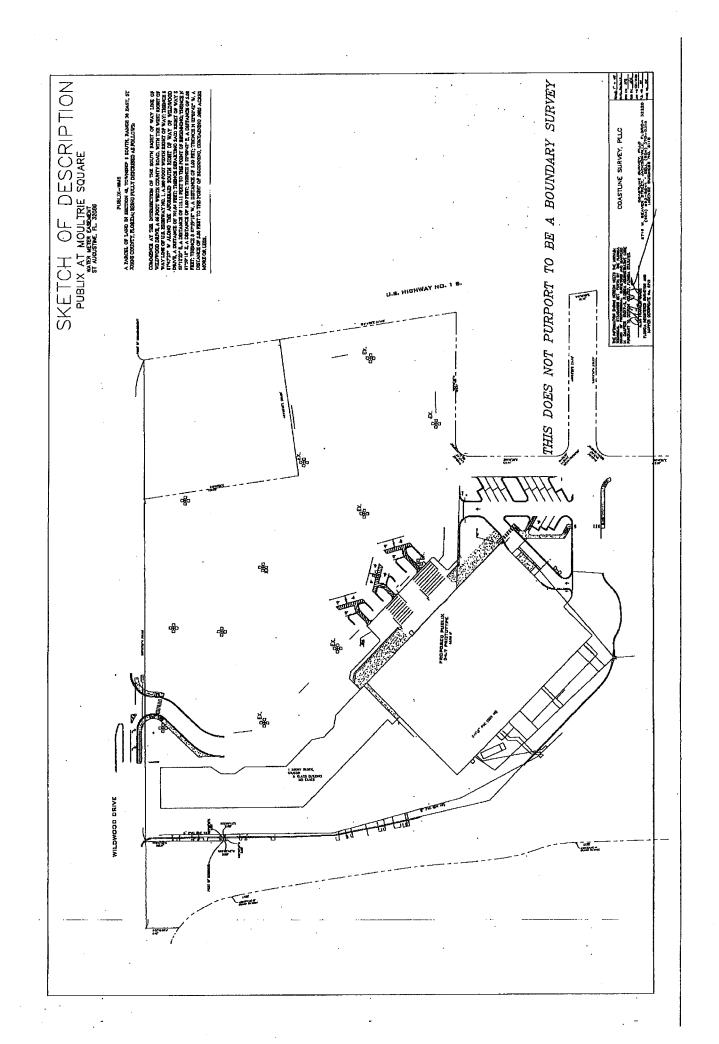






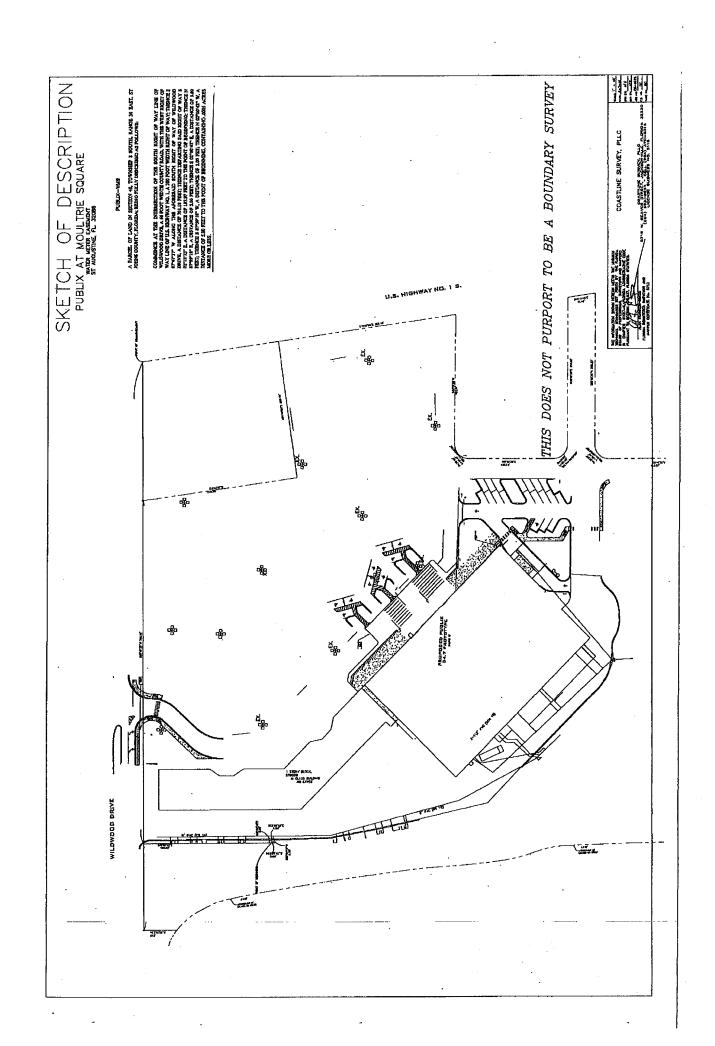


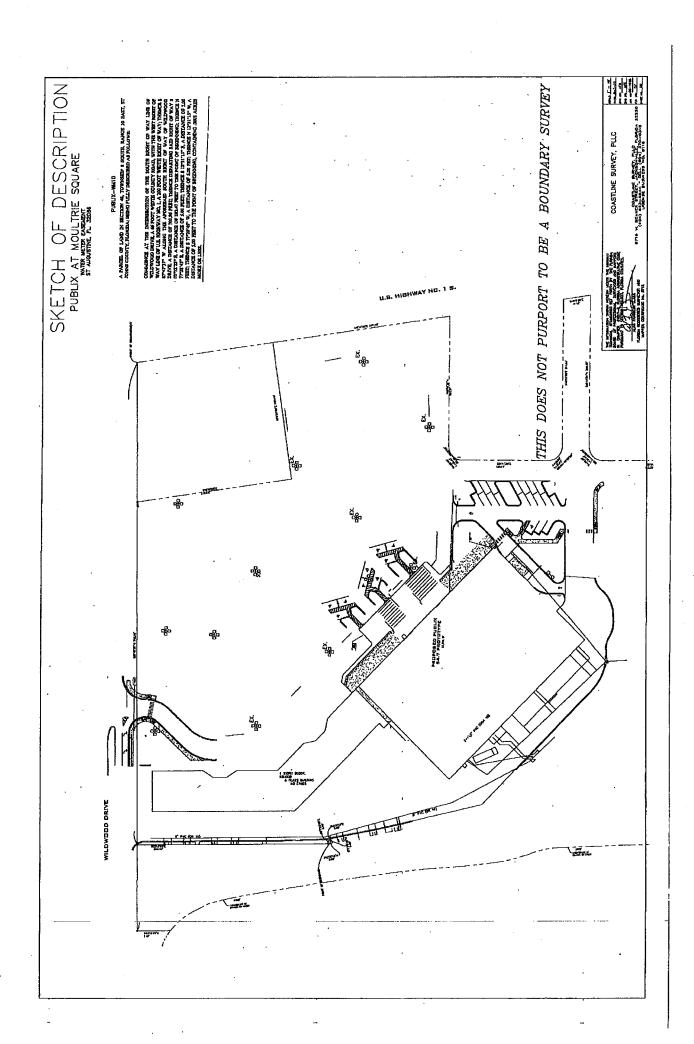
KETCH OF DESCRIPTION PUBLIX AT MOULTRIE SQUARE THIS DOES NOT PURPORT TO BE A BOUNDARY SURVEY COASTLINE SURVEY, PLLC SKETCH WILDWOOD DRIVE

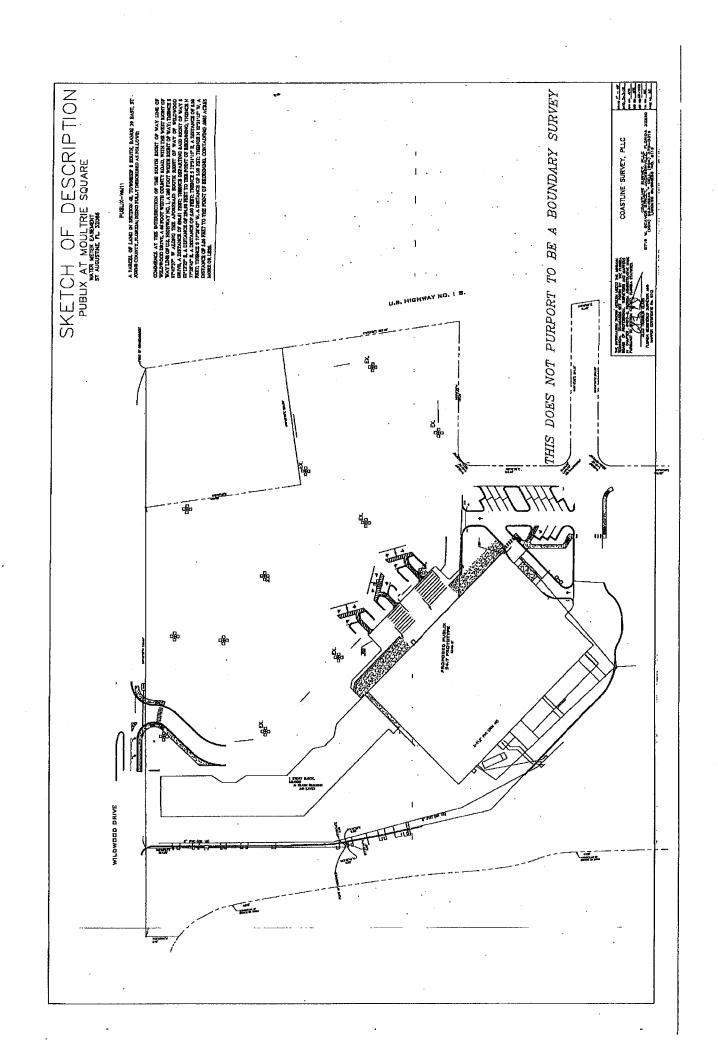


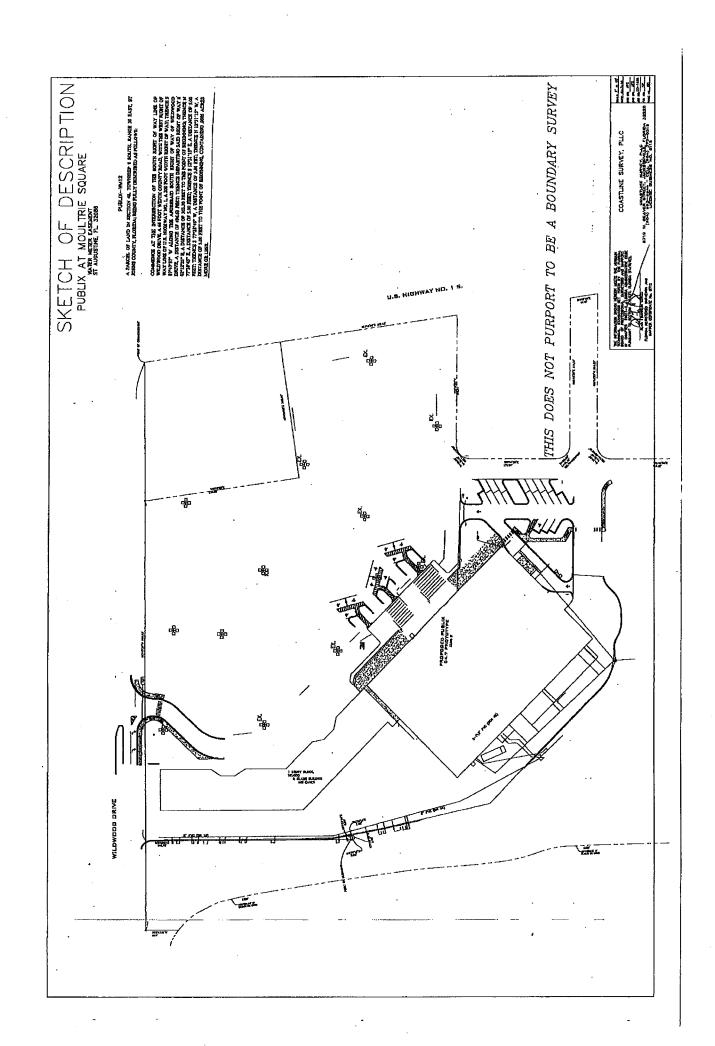
CH OF DESCRIPTION (AT MOULTRIE SQUARE WINDSTREE PAGE) THIS DOES NOT PURPORT TO BE A BOUNDARY SURVEY COASTUNE SURVEY, PLLC SKETCH WILDWOOD DRIVE

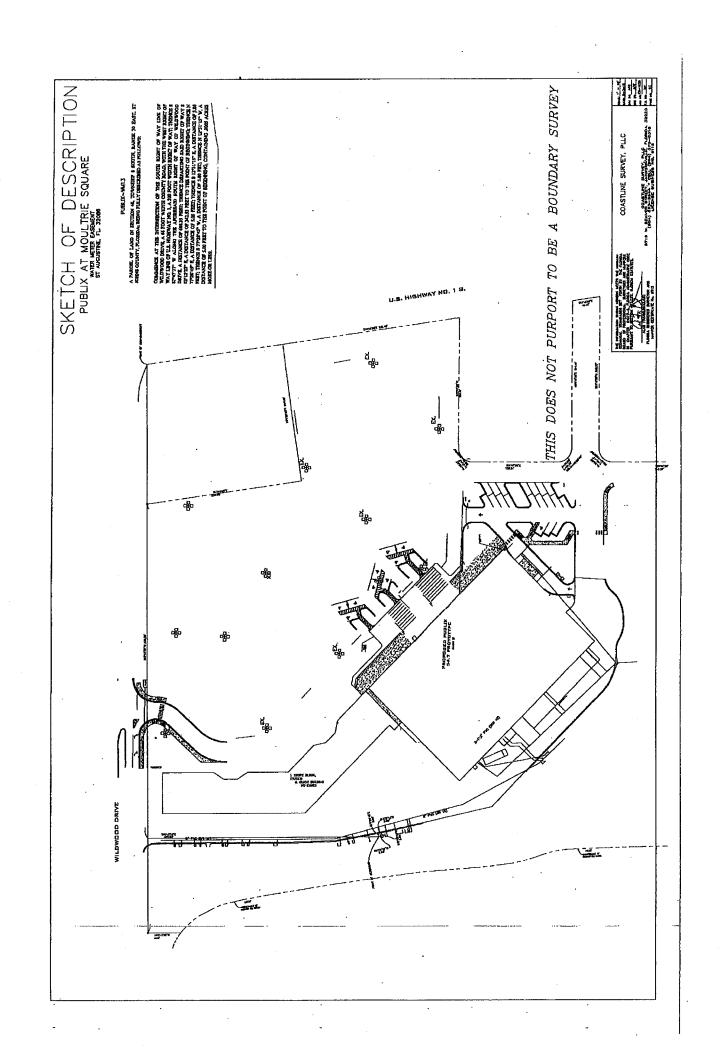
KETCH OF DESCRIPTION PUBLIX AT MOULTRIE SQUARE THIS DOES NOT PURPORT TO BE A BOUNDARY SURVEY SKETCH ± ₩ WILDWOOD BAIVE











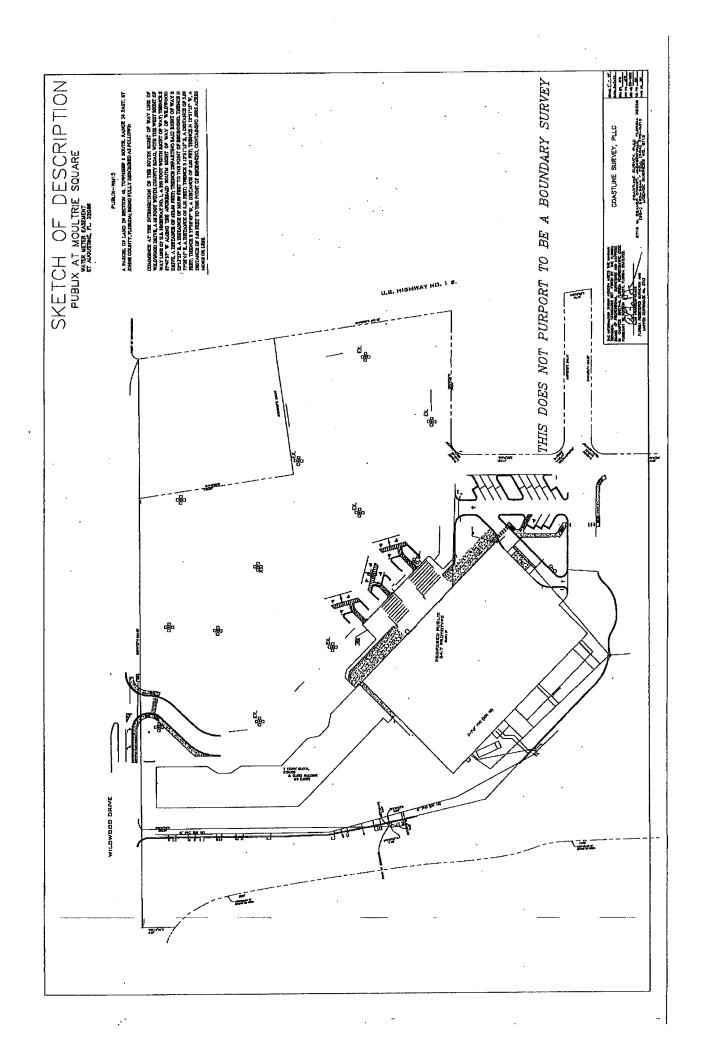
PUBLIX AT MOULTRIE SQUARE COASTUNE SURVEY, PLIC MALES.

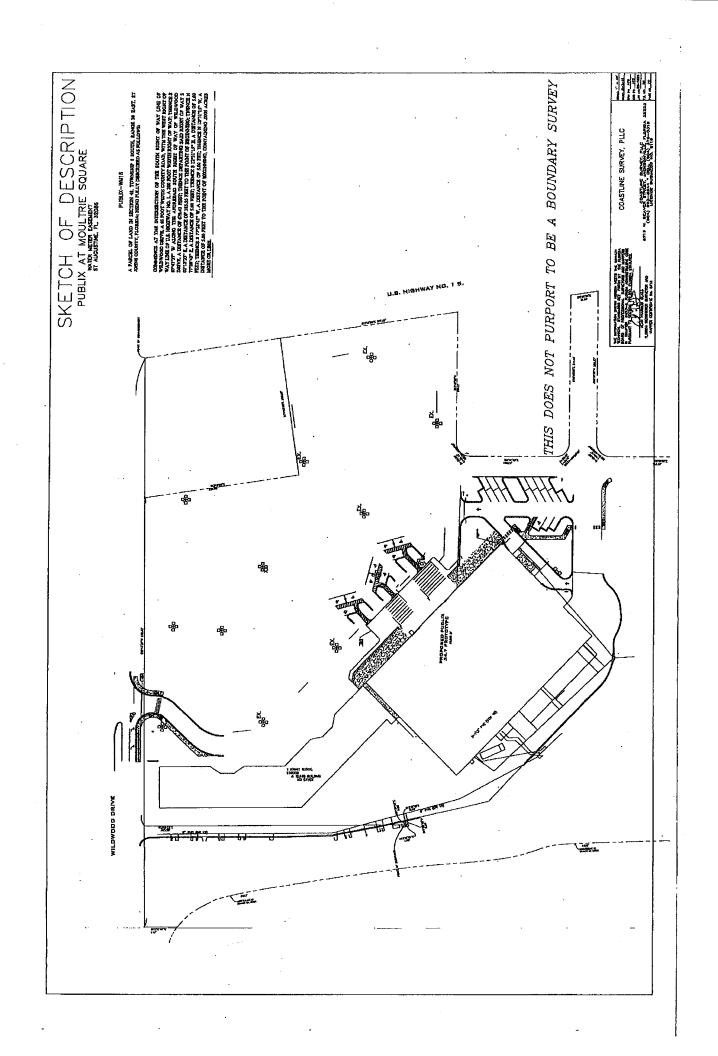
TO SURVEY PLIC MALES.

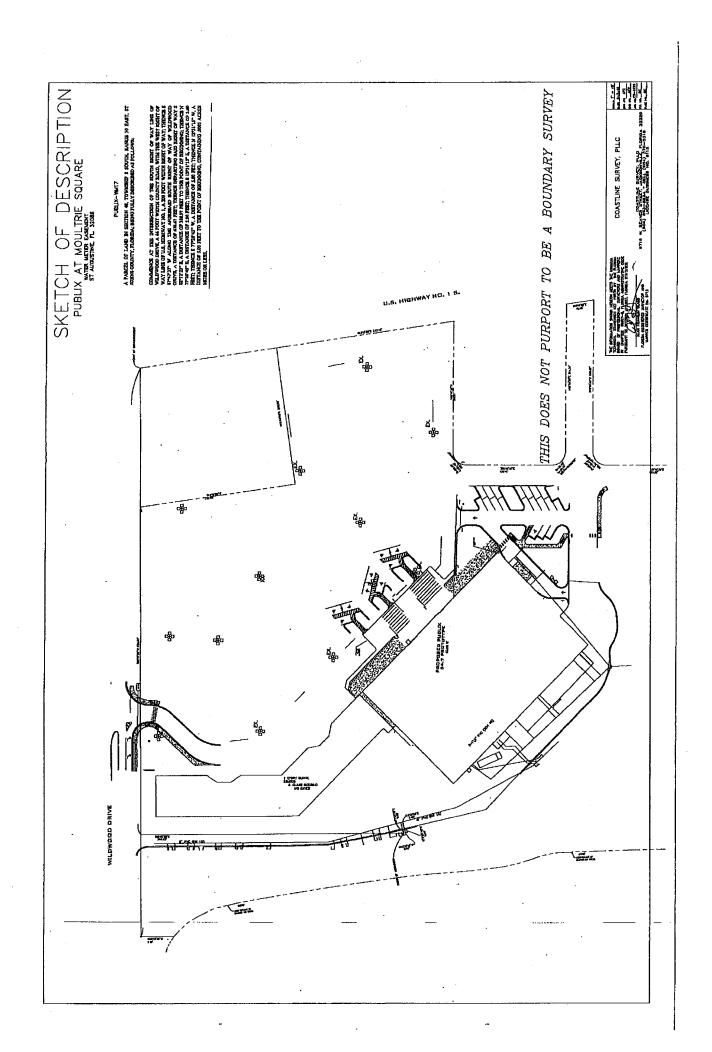
TO SURVEY PROPERTY. PLIC MALES.

TO SURVEY PROPERTY. PLICE MALES.

TO SURVEY PROPERTY. PL THIS DOES NOT PURPORT TO BE A BOUNDARY SURVEY A PARCEL OF LAND IN SECTION OF, TOYNISHD & SOUTH, RANKE 19 EAST, ST. ADHUS COUNTY, FLOXIDA, RENG FILLY DESCRIBED AS POLLOWS: SKETCH WILDWOOD DRIVE







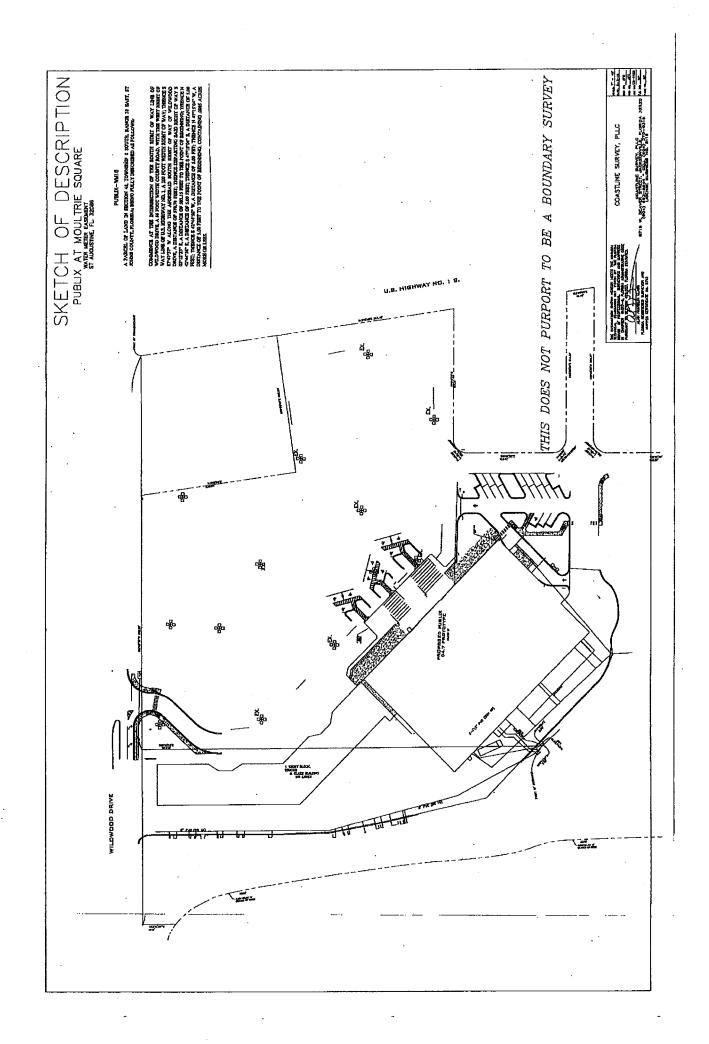


EXHIBIT "B" TO RESOLUTION



St. Johns County Board of County Commissioners

Utility Department

INTEROFFICE MEMORANDUM

TO:

Debbie Taylor, Real Estate Manager

FROM:

Melissa Caraway, Utility Review Coordinator

SUBJECT:

Publix @ Moultrie Square Store 377

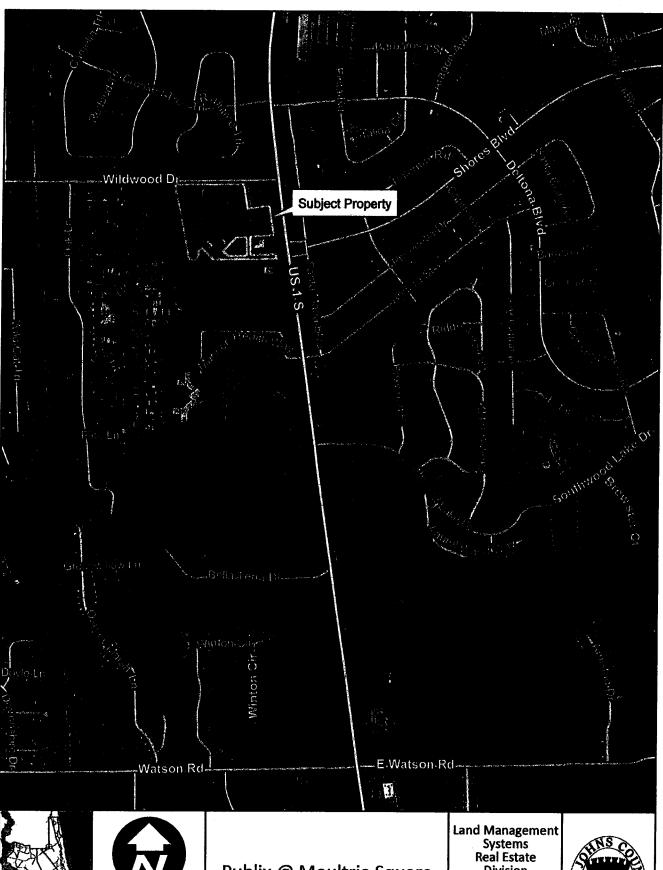
DATE:

August 3, 2016

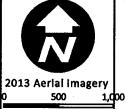
Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of Publix @ Moultrie Square Store 377.

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

Your support and cooperation as always are greatly appreciated.







Feet August 25, 2016 Publix @ Moultrie Square

Easement for Utilities

Land Management Systems Real Estate Division (904) 209-0764

