

RESOLUTION NO. 2016- 56

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A MODIFICATION OF LEASE AND DEVELOPMENT AGREEMENT FOR NOPETRO-ST. JOHNS COUNTY, LLC

RECITALS

WHEREAS, on November 4, 2014, the Board of County Commissioners adopted Resolution No. 2014-322, approving the terms of a Lease and Development Agreement with Nopetro-St. Johns, LLC for the construction of a compressed natural gas fueling station on a portion of the St. Johns County public works facility; and

WHEREAS, the area leased by Nopetro-St. Johns County, LLC has been increased by 10 feet in order to build a driveway providing St. Johns County staff exclusive and direct ingress/egress to the compressed natural gas fueling facilities; and

WHEREAS, it is necessary to update the legal description to reflect the change in the area leased by Nopetro-St. Johns County, LLC, a Modification of Lease and Development Agreement is attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, this Modification of Lease and Development Agreement will become effective immediately upon execution of said document. All other provisions of the Lease shall remain in full force.

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 Modification of Lease and Development Agreement and authorizes the County Administrator, or designee, to execute the original Modification of Lease and Development Agreement on behalf of the County. All other provisions of the Lease shall remain in full force.

Section 3. To the extent that there are typographical and/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 of the Court of St. Johns County is instructed to file the original

Modification of Lease and Development Agreement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 1 day of March, 2016.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Jeb S. Smith
Jeb S. Smith, Chair

ATTEST: Hunter S. Conrad, Clerk

By: Pam Halterman

RENDITION DATE 3/3/16



EXHIBIT "A" TO RESOLUTION

MODIFICATION OF LEASE AND DEVELOPMENT AGREEMENT

THIS Modification of Lease and Development Agreement, is made this 26th day of January, 2016, by and between **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 ("Lessee") and **NOPETRO-ST. JOHNS COUNTY, LLC**, a limited liability company organized under the laws of the State of Florida, whose address is 2625 Ponce de Leon Boulevard, Coral Gables, Florida 33134 ("Lessor").

RECITALS

WHEREAS, the parties hereto entered that certain Lease and Development Agreement dated March 11, 2015 ("Original Lease") which was approved by Lessee via Resolution No. 2014-322 dated November 4, 2014; and

WHEREAS, the parties agree to amend Exhibit A-1, Description of Premises, of the real property that is the subject of the Original Lease to correct the legal description, as more fully described in the Description of Premises attached hereto as Exhibit "A", and as shown in the sketch attached here to as Exhibit "B", incorporated by reference and made a part hereof; and

NOW THEREFORE, the parties hereby agree as follows:

1. The above recitals are incorporated by reference and made a part hereof.
2. The Original Lease and Development Agreement is hereby modified by deleting Exhibit A-1, Description of Premises, set forth in that document and by substituting, therefore, the Description of Premises set forth in Exhibit "A" and the sketch set forth in Exhibit "B" hereto.
3. All other terms and conditions of the Original Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Modification of Lease and Development Agreement the day and year written above.

Signed, sealed and delivered in the Presence of witnesses:

LESSEE:
ST. JOHNS COUNTY, a political Subdivision of the State of Florida

Print Name: _____

By: _____
Michael D. Wanchick
County Administrator

Print Name: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Michael D. Wanchick as County Administrator of St. Johns County, Florida who is personally known to me.

Notary Public, State of Florida
My Commission Expires:

LESSOR:
NOPETRO-ST. JOHNS COUNTY, LLC

Andre Salcines
Print Name: Andre Salcines

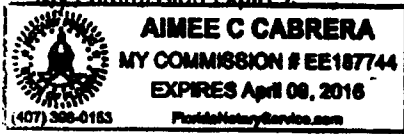
By: Jonathan Locke
Print Name: Jonathan "Jack" Locke
Its: President and COO

J. David Santizo
Print Name: J. David Santizo

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 26th day of January, 2016,
by Jonathan Locke as President & COO of Nopetro-St. Johns County LLC who is personally
known to me or has provided _____ as identification.

Aimee C Cabrera
Notary Public, State of Florida
My Commission Expires:



**EXHIBIT "A" TO
MODIFICATION OF LEASE AND DEVELOPMENT AGREEMENT**

DESCRIPTION OF PREMISES

A TRACT OF LAND IN GOVERNMENT LOT 3, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

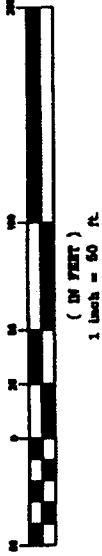
FOR THE POINT OF BEGINNING, START AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 16 (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED) WITH THE EAST RIGHT OF WAY LINE OF INDUSTRIAL CENTER ROAD (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 89°55'47" EAST, ALONG THE SAID SOUTH RIGHT OF WAY OF STATE ROAD 16, A DISTANCE OF 240.00 FEET; THENCE SOUTH 00°04'13" WEST, ALONG THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS 2467, PAGE 1170, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, AND ALONG ITS SOUTHERLY PROLONGATION, A DISTANCE OF 280.49 FEET; THENCE NORTH 90°00'00 WEST A DISTANCE OF 54.80 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 40.23 FEET; THENCE NORTH 90°00'00 WEST A DISTANCE OF 64.26 FEET; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 25.39 FEET; THENCE NORTH 90°00'00 WEST A DISTANCE OF 92.12 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 36.97 FEET; THENCE NORTH 90°00'00 WEST A DISTANCE 28.75 FEET; THENCE NORTH 00°04'13" EAST, ALONG THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF INDUSTRIAL CENTER ROAD, A DISTANCE OF 228.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.42 ACRES MORE OR LESS.

**EXHIBIT "B" TO
MODIFICATION OF LEASE AND DEVELOPMENT AGREEMENT**

**MAP SHOWING A SKETCH OF DESCRIPTION OF
A PORTION OF SECTION 9,
TOWNSHIP 7 SOUTH, RANGE 29 EAST
ST. JOHNS COUNTY, FLORIDA.
FOR: THE ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT**

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.



STATE ROAD 16
(part west of way)
Asphalt

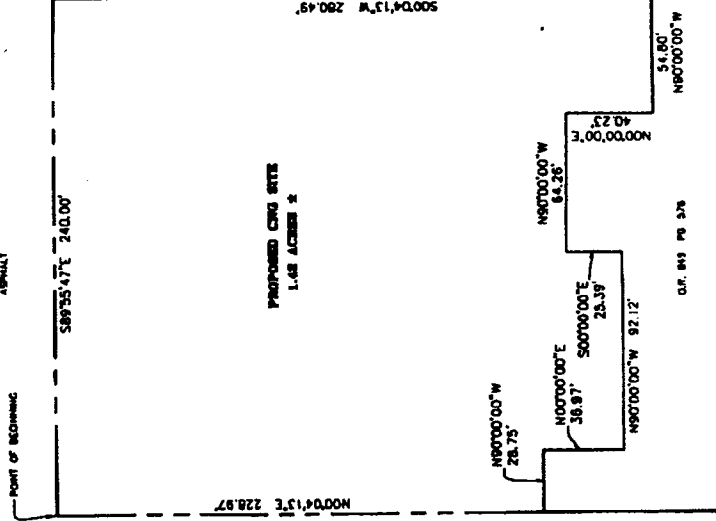
POINT OF BEGINNING
S89°35'47"E 240.00'

GOVERNMENT CENTER RD
(60' RIGHT OF WAY)
Asphalt

- SURVEYOR NOTES**
1. NOT MADE WITHOUT THE SIGNATURE AND ORIGINAL RUBBER SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
 2. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN
 3. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE UNLESS OTHERWISE NOTED
 4. BEARING IS TRUE BASED ON STATE PLANE COORDINATES, FLORIDA EAST ZONE, IN UNITS OF US SURVEY FEET. REFERENCE TO THE MAGNETIC NORTH IS NOT MADE.
 5. THIS IS A SKETCH OF DESCRIPTION AND DOES NOT PURPORT TO BE AN ACTUAL SURVEY. THE ACTUAL SURVEY WILL BE MADE AT A LATER DATE.
 6. AERIAL PHOTOGRAPHIC SURVEY WAS OBTAINED IN FEBRUARY 2013

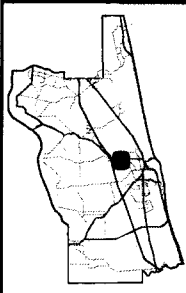
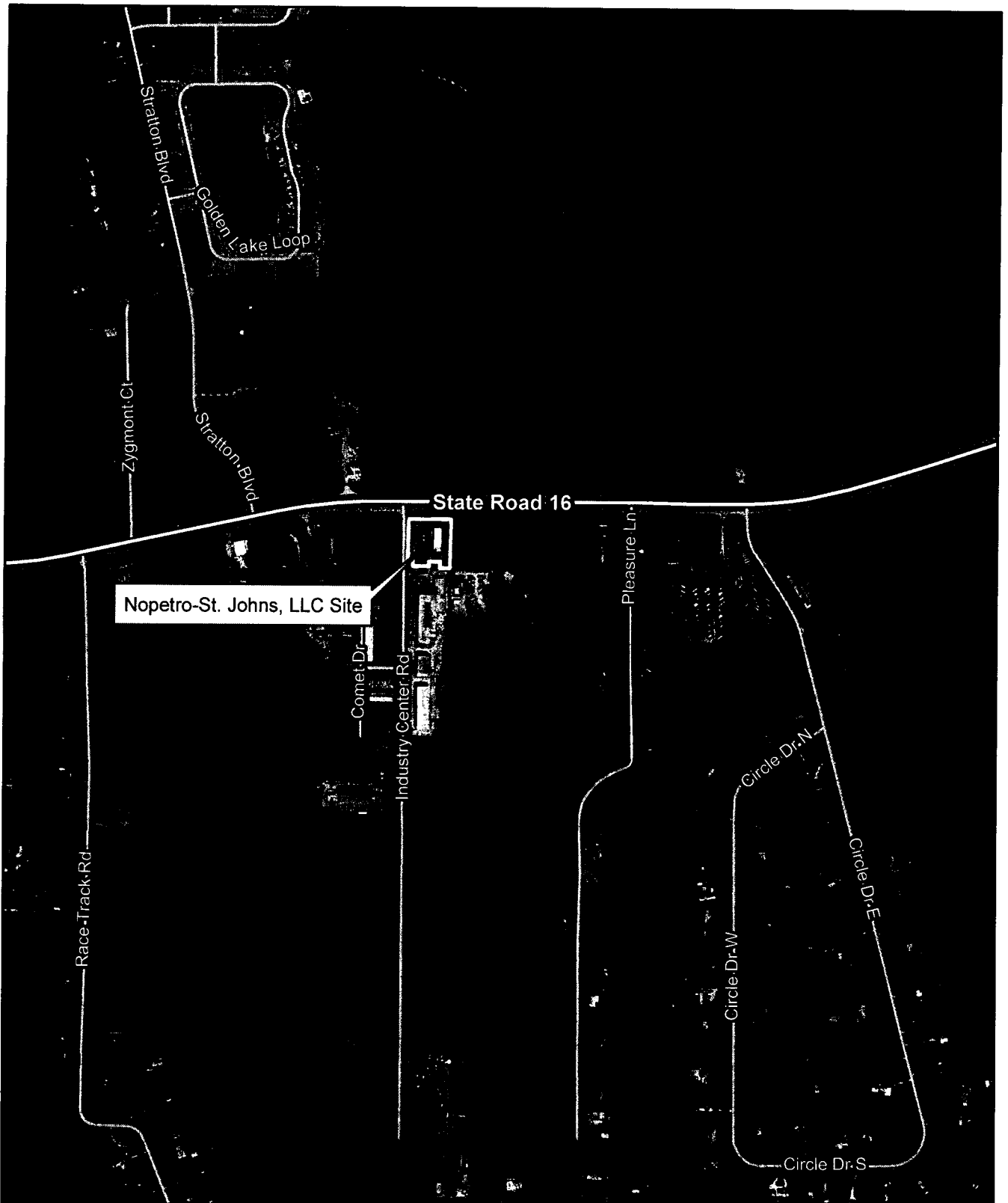
LEGEND


- ST = SURVEY STATION
- PL = PLOT
- CM = COMPASS TO SCALE USE



O.R. 2467 P.C. 1170

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| ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS SURVEYING AND MAPPING DIVISION 600 BAY SEASIDE WAY ST. AUGUSTINE, FLORIDA 32084 Phone: (904) 809-9784 Email: galivier@jcd.fl.us | |
| DATE: 11/17/2013 | PROJECT: C. 102 |
| DRAWN BY: J. GALIVIER | SCALE: 1" = 50' |
| CHECKED BY: J. GALIVIER | DATE: 11/17/2013 |
| APPROVED BY: J. GALIVIER | DATE: 11/17/2013 |
| REVISIONS | DESCRIPTION |
| | |
| | |
| | |
| | |
| | |




 2013 Aerial Imagery
 0 250 500
 Feet
 January 19, 2016

Nopetro-St. Johns, LLC

*Modification of Lease and
 Development Agreement*

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

Disclaimer:
 This map is for reference use only.
 Data provided are derived from multiple
 sources with varying levels of accuracy.
 The St. Johns County Real Estate
 Division disclaims all responsibility
 for the accuracy or completeness
 of the data shown hereon.

