

RESOLUTION NO. 2017- 214

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, AND STRATES PROPERTIES, LTD, TO DEFINE REQUIRED UTILITY TRANSMISSION COMMITMENTS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF ST. JOHNS COUNTY

WHEREAS, Strates Properties, LTD (Developer) is required to dedicate a 1.30 acre site to the County for ownership and maintenance in order for the County to provide utility service to the Winding Oaks PUD as described in the Final Certificate of Concurrency with conditions for the Winding Oaks PUD dated March 29, 2017;

WHEREAS, the County and Developer have drafted a Memorandum of Understanding (MOU) to define the scope, timing, and method of site dedication including providing a density bonus pursuant to Land Development Code Part 5.10.00 in exchange for providing the site dedication free of charge, which are defined substantially in the forms herein;

WHEREAS, the County has determined that accepting the terms of the Memorandum of Understanding, **which is attached hereto, and incorporated herein**, will serve the interests of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of Memorandum of Understanding between St. Johns County, Florida, and Strates Properties, LTD and authorizes the County Administrator to execute this Memorandum of Understanding substantially in the same form as attached on behalf of St. Johns County.

Section 3. To the extent there are any typographical or administrative errors or omissions that do not substantially change the tone, tenor, or concept of this resolution, this resolution may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 20 day of June, 2017.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

Attest: Hunter S. Conrad, Clerk

Pam Halterman  
Deputy Clerk

By:

[Signature]  
James K. Johns, Chair

RENDITION DATE 6/22/17



**MEMORANDUM OF UNDERSTANDING**  
**UTILITY TRANSMISSION COMMITMENTS**

**THIS MEMORANDUM OF UNDERSTANDING** (the “**MOU**”) by and between **Strates Properties, LTD**, a Florida limited partnership, whose post office address is 1410 Lake Shore Drive, Orlando, Florida 32803, and its successors and assigns (the “**Owner**”), and **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 (the “**County**”), is entered into and effective on the date it is signed by the last party executing this MOU (the “**Effective Date**”).

**RECITALS:**

- A. The Owner is the owner of approximately 218.63 acres of property described in **Exhibit “A”** attached hereto and incorporated herein by this reference (the “**Property**”), which is subject to the Winding Oaks PUD (File PUD 2016-16).
- B. The Owner is proposing to dedicate to the County approximately 1.30 acres of land (the “**Dedicated Site**”) within the Property for use as a Master Pump Station Utility Site in exchange for a density bonus pursuant to Land Development Code Part 5.10.00 for Dedication of Land for Public Benefit of two (2) dwelling units per acre of land.
- C. With the dedication of the Dedicated Site, and other density bonuses, the Winding Oaks PUD will allow the Property to be developed with a maximum of 252 single-family units.
- D. The Owner is required to dedicate specific Reclaimed Water and Wastewater Transmission Contributions (“**Contributed Sections**”), including dedication of the 1.30 acre Dedicated Site, to the County for ownership and maintenance in order for the County to provide utility service to the Winding Oaks PUD as described in the Final Certificate of Concurrency with conditions for the Winding Oaks PUD dated March 29, 2017.
- E. The MOU, as mutually agreed to by the parties, defines the Utility Transmission Contributions and the Contribution Timing Requirements.
- F. The Owner’s utility obligations and benefits detailed in the MOU shall apply to the Owner’s successors and assignees.
- G. The County deems it to be in the public interest to recognize the Owner’s Utility Transmission Contributions as described in this MOU.

**NOW THEREFORE**, in consideration of the mutual covenants of the parties set forth in this instrument and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. **MASTER PUMP STATION UTILITY SITE DEDICATION.**

- a. **Location and Scope:** In order to meet the wastewater transmission demands of the Strates Crossing PUD on the service area located along SR 207, west of Interstate 95, the Owner is required to provide and convey fee simple, free of charge, and free of all liens and encumbrances, except for those mutually agreed to by the parties hereto, a 1.30 acre tract to the County for the County's construction a future wastewater pump station facility and potentially, a reclaimed water booster facility, as depicted on **Exhibit "B"**. The general location of this dedicated tract is depicted on the Master Development Plan Map of the Winding Oaks PUD. Appropriate permanent ingress/egress, and utility easements shall be provided to access and utilize this site as may be needed and as mutually agreed upon by the parties.
  - b. **Timing for Dedication:** The Owner shall convey the Dedicated Site by Special Warranty Deed to the County on or before the County's approval of the final plat for the first phase of the PUD. A draft of the Special Warranty Deed, in its substantial form, is attached as **Exhibit "C."**
  - c. **St. Johns County Utility Department Related Capital Improvements:** To meet the wastewater transmission requirements for the SR 207 corridor, St. Johns County Utility Department plans to construct a wastewater pump station facility on the Dedicated Site. To facilitate site planning and design, the Owner agrees to provide any boundary survey and/or topographic survey information it may have for the site to the County as soon as possible. Additionally, the Owner agrees to grant County representatives access to the site upon execution of this MOU for the purpose of undertaking its own detailed survey and design work. The County's evaluation of the schedule for design and construction of this facility will include the Dedicated Site's appropriateness for a reclaimed booster facility, as well.
  - d. **Statement of Dedication for Service:** It is mutually understood by the parties that the dedication of this tract is required in order to maintain the required level of service for wastewater transmission and future reclaimed water irrigation through the final build out of the Winding Oaks PUD. The fee simple conveyance of the Dedicated Site will meet this service requirement. No refund agreement will be executed for the dedication of this site.
2. **Expiration of MOU.** The terms of this MOU shall expire upon the expiration of the Strates Crossing PUD (File PUD 2016-16).
3. **Condition Precedent.** In the event the Strates Crossing PUD does not receive its final zoning approvals for the single-family units described herein, this MOU shall automatically terminate and be of no further force or effect.

IN WITNESS WHEREOF the parties have set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

States Properties, LTD, a Florida limited partnership

Kathleen M Mauser

By: E. Jay Strates

(Print Name) Kathleen M Mauser

Name: E. Jay Strates

Its: President, Strates Properties, Inc.,  
General Partner

Jacquelyn Means

Date: May 22, 2017

(Print Name) Jacquelyn Means

STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 22nd day of May, 2017, by E. Jay Strates, as President, Strates Properties, Inc., General Partner, of Strates Properties, LTD, on behalf of the company.

Kathleen M Mauser

(Print Name Kathleen M. Mauser)

NOTARY PUBLIC

State of Florida

Commission # \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Personally known x

or Produced I.D. \_\_\_\_\_

[Check one of the above]

Type of Identification Produced

N/A



Signed, sealed and delivered  
in the presence of:

**ST. JOHNS COUNTY**

\_\_\_\_\_

By: \_\_\_\_\_

(Print Name) \_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

(Print Name) \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF FLORIDA**

**COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2017,  
by \_\_\_\_\_, as \_\_\_\_\_ of **ST. JOHNS COUNTY, FLORIDA.**

\_\_\_\_\_  
(Print Name \_\_\_\_\_)

NOTARY PUBLIC

State of Florida at Large

Commission # \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Personally known \_\_\_\_\_

or Produced I.D. \_\_\_\_\_

[Check one of the above]

Type of Identification Produced  
\_\_\_\_\_

**LIST OF EXHIBITS**

- Exhibit "A" - Strates Crossing PUD Legal Description
- Exhibit "B" - Pump Station Site
- Exhibit "C" - Draft Special Warranty Deed

LEGAL DESCRIPTION: PROPOSED PARCEL A

A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL OF LAND BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1440, PAGE 1073, PARCEL 1 AND PARCEL 3 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID SOUTHEAST CORNER BEING A 4"x4" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE SOUTH 89°39'38" WEST, ALONG THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 2,628.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ALLEN D. NEASE ROAD (A VARIABLE WIDTH RIGHT OF WAY AS PRESENTLY ESTABLISHED), SAID POINT BEING A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824"; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF ALLEN D. NEASE ROAD THE FOLLOWING THREE CALLS; THENCE NORTH 27°16'30" WEST, A DISTANCE OF 65.95 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824"; THENCE SOUTH 62°36'24" WEST, A DISTANCE OF 8.72 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824"; THENCE NORTH 27°16'30" WEST, A DISTANCE OF 591.66 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824", SAID IRON PIPE BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL (PREVIOUSLY THE RIGHT OF WAY FOR FLORIDA EAST COAST RAILROAD COMPANY) DESCRIBED IN OFFICIAL RECORDS BOOK 1100, PAGE 608 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE THE FOLLOWING THREE CALLS; THENCE NORTH 29°08'41" EAST, A DISTANCE OF 494.38 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6444"; THENCE NORTH 00°10'00" EAST, A DISTANCE OF 103.20 FEET TO A 4"x4" CONCRETE MONUMENT IDENTIFIED AS BEING "LB 6444"; THENCE NORTH 29°08'41" EAST, A DISTANCE OF 4,861.02 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824", SAID IRON PIPE BEING ON THE NORTH LINE OF SAID SECTION 8; THENCE NORTH 89°12'59" EAST, ALONG SAID NORTH LINE OF SECTION 8, A DISTANCE OF 281.72 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6444", SAID IRON PIPE BEING THE NORTHEAST CORNER OF SAID SECTION 8; THENCE SOUTH 00°28'35" EAST, ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 2,682.19 FEET TO A 4"x4" CONCRETE MONUMENT NO IDENTIFICATION, SAID CONCRETE MONUMENT BEING THE EAST QUARTER CORNER OF SAID SECTION 8; THENCE SOUTH 00°31'41" EAST, CONTINUING ALONG SAID EAST LINE OF SECTION 8, A DISTANCE OF 2,567.20 FEET TO A 1/2" IRON PIPE NO IDENTIFICATION, SAID IRON PIPE BEING ON THE NORTH LINE OF PARCEL 3 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1140, PAGE 1073, OF SAID PUBLIC RECORDS; THENCE NORTH 89°29'07" EAST, ON SAID NORTH LINE OF PARCEL 3, A DISTANCE OF 220.05 FEET TO A 1/2" IRON PIPE NO IDENTIFICATION, SAID IRON PIPE BEING ON THE NORTHEAST CORNER OF SAID PARCEL 3; THENCE SOUTH 30°42'26" EAST, ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 540.13 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824", SAID IRON PIPE BEING ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 207 (A VARIABLE WIDTH AS PRESENTLY ESTABLISHED); THENCE SOUTH 62°38'04" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 207, A DISTANCE OF 200.00 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6824", SAID IRON PIPE BEING ON THE WEST LINE OF SAID PARCEL 3; THENCE NORTH 30°09'02" WEST, ALONG SAID WEST LINE OF PARCEL 3, A DISTANCE OF 317.45 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6444", SAID IRON PIPE BEING ON THE SOUTHERLY LINE OF PARCEL 3; THENCE SOUTH 82°41'26" WEST, ALONG SAID SOUTHERLY LINE OF PARCEL 3, A DISTANCE OF 160.75 FEET TO A 1/2" IRON PIPE IDENTIFIED AS BEING "LB 6444", SAID IRON PIPE BEING ON THE WEST LINE OF SECTION 16, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 00°27'05" EAST, ALONG SAID WEST LINE OF SECTION 16, A DISTANCE OF 200.17 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 9523632 SQUARE FEET OR 218.63 ACRES MORE OR LESS.

Exhibit "A"



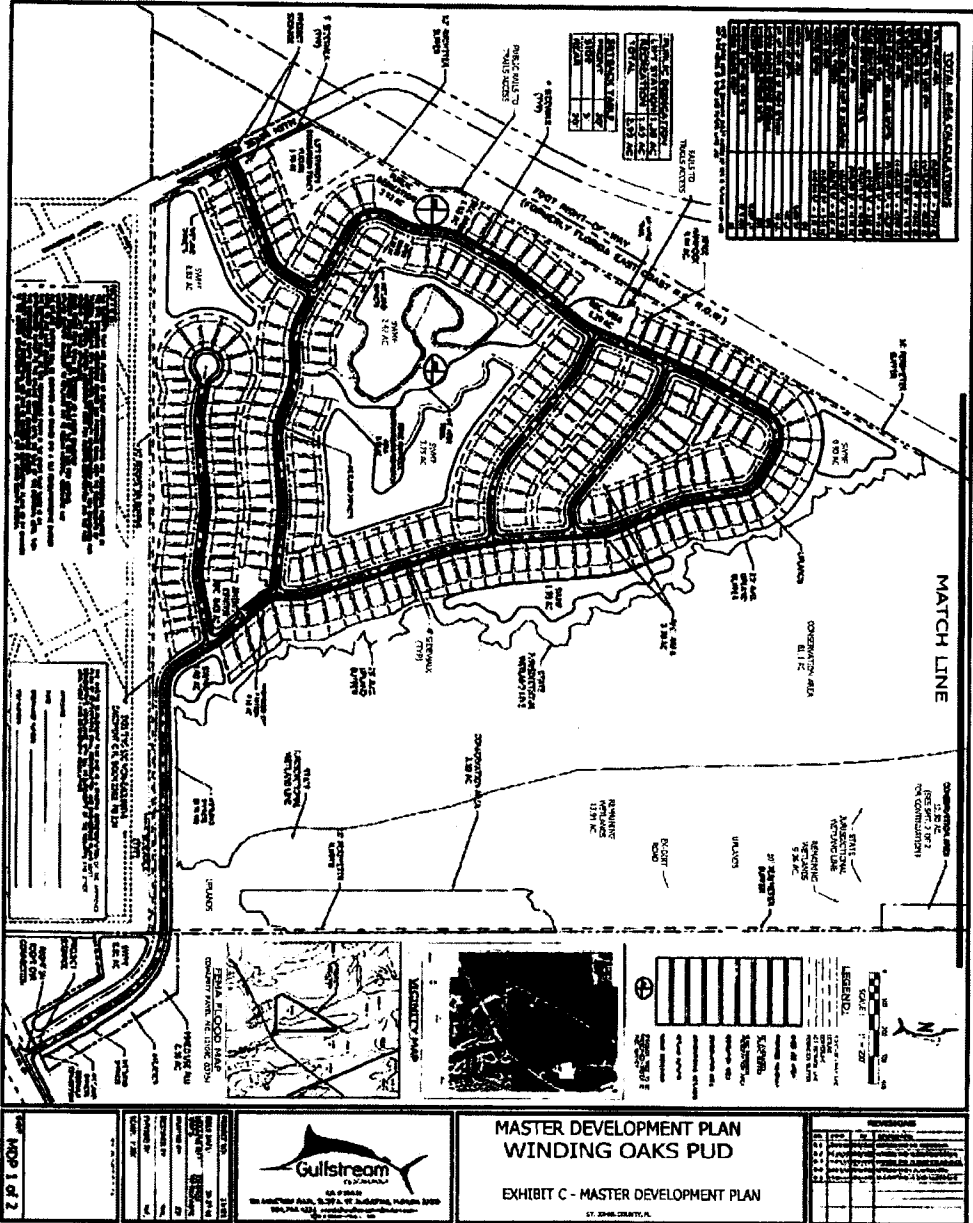


Exhibit "B"

This Instrument Prepared By:

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, dated \_\_\_\_\_ day of \_\_\_\_\_ 2016 is by and from \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter called the Grantor, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called the Grantee.

(Whenever used herein the terms "Grantor and Grantee" shall include all of the parties of this instrument and their heirs, legal representatives, successors and assigns.)

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in the County of St. Johns, State of Florida, being more particularly described as follows:

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same in fee simple forever.

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming, by through or under the Grantor, but against none other; provided that this conveyance is made subject to ad valorem property taxes accruing subsequent to December 31, 2014; and covenants, restrictions and easements of record; however, such references shall not serve to reimpose the same.

Exhibit "C"

**IN WITNESS WHEREOF**, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
in our presence:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, \_\_\_\_\_, its \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public