

RESOLUTION NO. 2017- 234

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SERVE RIVERSIDE COTTAGES AT THE SHORES LOCATED ON SHORES BOULEVARD.

RECITALS

WHEREAS, Robert A. Carmines and Michele C. Carmines, Trustees of The Carmines Living Trust u/t/a February 26, 1997, have executed and presented to the County a Corrective Easement for Utilities, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, correcting a previously recorded Easement for Utilities for water and sewer service to serve Riverside Cottages at The Shores located on Shores Boulevard by amending the name of the grantor and adding a legal description; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "B," incorporated by reference and made a part hereof.

WHEREAS, it is in the best interest of the County to accept the Easement for the health, safety and welfare of its citizens.

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, 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.

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 18th day of July, 2017.

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

By: _____
James K. Johns, Chair

ATTEST: Hunter, S. Conrad, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 7/20/17

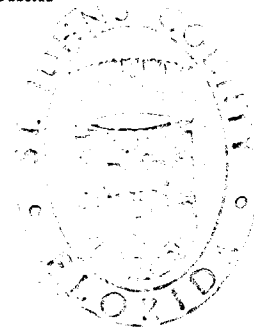


EXHIBIT "A" TO RESOLUTION

Prepared by:
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32086

**CORRECTIVE
EASEMENT FOR UTILITIES**

THIS EASEMENT executed and given this ____ day of _____, 2017, by **ROBERT A. CARMINES** and **MICHELE C. CARMINES**, Trustees of The Carmines Living Trust u/t/a February 26, 1997, with an address of 168 Marine Street, St. Augustine, FL 32084, 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 and mains constituting the underground water distribution system and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") 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 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.

This Corrective Easement for Utilities is being given to correct that certain easement for Utilities recorded in Official Records Book 4098, Page 614, of the public records of St. Johns County, Florida, to correct the name of the grantor and add the legal description.

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 all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

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
In the presence of:

Michele C. Carmines
Witness Signature

Matt A. Carmines
Print Witness Name

[Signature]
Witness Signature

John KAVANAUGH
Print Witness Name

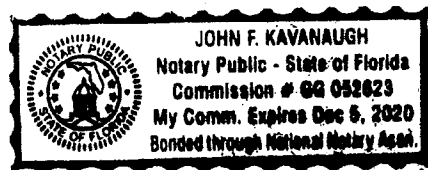
GRANTORS:

[Signature]
Robert A. Carmines, Trustee

[Signature]
Michele C. Carmines, Trustee

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 22nd day of MAY, 2017, by Robert A. Carmines and Michele C. Carmines, Trustees of The Carmines Living Trust u/t/a February 26, 1997, who are personally known to me or have produced _____ as identification.



[Signature]
Notary Public

EXHIBIT "A" TO EASEMENT

UTILITY EASEMENT

A PART OF TRACT A, ST. AUGUSTINE SHORES UNIT SIX AS RECORDED IN MAP BOOK 14, PAGES 40 THROUGH 46 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE SOUTH 00°38'33" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 275.05 FEET; THENCE NORTH 89°21'00" EAST, ALONG THE NORTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 2778 PAGE 1657, A DISTANCE OF 350.90 FEET; THENCE SOUTH 00°39'00" EAST, ALONG THE WEST LINE OF AN EXISTING 10 FOOT UTILITLY EASEMENT AS SHOWN ON AFOREMENTIONED PLAT OF ST. AUGUSTINE SHORES UNIT SIX, A DISTANCE OF 192.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°39'00" EAST, ALONG LAST SAID LINE, A DISTANCE OF 15.00 FEET; THENCE SOUTH 89°21'00" WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 00°39'00" WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 89°21'00" EAST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 225 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" TO EASEMENT

UTILITY INGRESS AND EGRESS EASEMENT

A PART OF TRACT A, ST. AUGUSTINE SHORES UNIT SIX AS RECORDED IN MAP BOOK 14, PAGES 40 THROUGH 46 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE SOUTH $00^{\circ}38'33''$ EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 275.05 FEET; THENCE NORTH $89^{\circ}21'00''$ EAST, ALONG THE NORTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 2778 PAGE 1657, A DISTANCE OF 350.90 FEET; THENCE SOUTH $00^{\circ}39'00''$ EAST, ALONG THE WEST LINE OF AN EXISTING 10 FOOT UTILITLY EASEMENT AS SHOWN ON AFOREMENTIONED PLAT OF ST. AUGUSTINE SHORES UNIT SIX, A DISTANCE OF 207.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $00^{\circ}39'00''$ EAST, ALONG LAST SAID LINE, A DISTANCE OF 29.60 FEET; THENCE SOUTH $89^{\circ}21'00''$ WEST A DISTANCE OF 15.00 FEET; THENCE NORTH $00^{\circ}39'00''$ WEST A DISTANCE OF 29.60 FEET; THENCE NORTH $89^{\circ}21'00''$ EAST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 444 SQUARE FEET, MORE OR LESS.



St. Johns County Board of County Commissioners

Utility Department

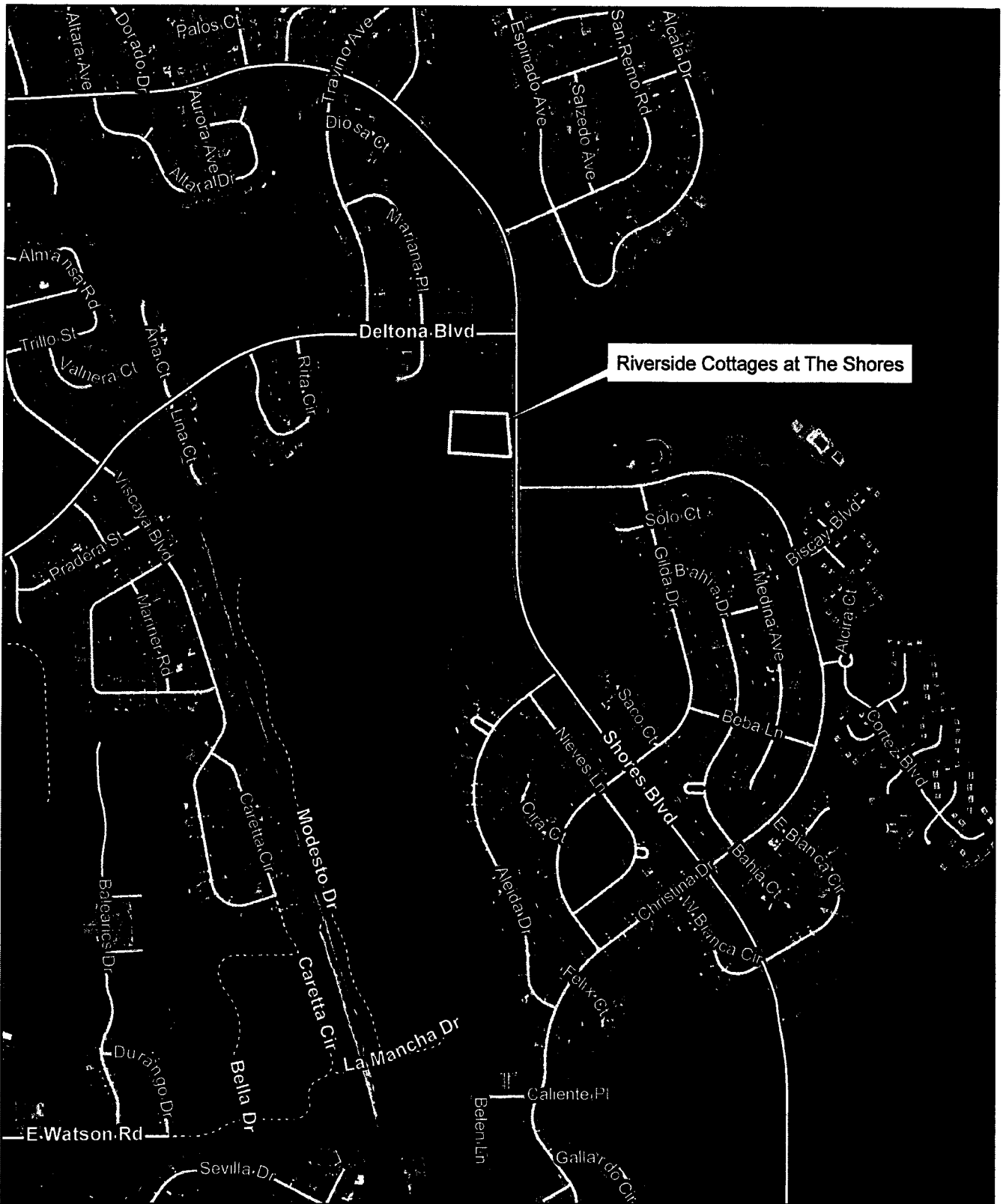
INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Riverside Cottages
DATE: April 20, 2017

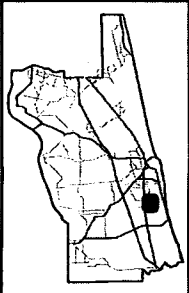
Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of Riverside Cottages.


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.



Riverside Cottages at The Shores




 2013 Aerial Imagery
 0 150300
 Feet
 June 1, 2017

Easement for Utilities

*Riverside Cottages
 at The Shores*

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.

