

RESOLUTION NO. 2017- 394

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A TEMPORARY ACCESS EASEMENT TO A COMMUNICATION ANTENNA TOWER SITE LOCATED OFF LAS CALINAS BOULEVARD IN ST. AUGUSTINE, FLORIDA.

RECITALS

WHEREAS, the St. Johns County Land Development Code ("LDC"), Section 6.08.12, requires the dismantling and removal of antenna towers after abandonment; and,

WHEREAS, Section 6.08.12.S of the LDC conditions approval to locate or construct antenna towers upon receipt of a valid easement, in favor of the County, to allow for access and removal of the facility in the event that it is abandoned; and,

WHEREAS, as part of an application to the St. Johns County Growth Management Department to construct an antenna tower site at 2617 Las Calinas Boulevard, (see MINMOD 2017-000008), LCS Communications, LLC, has submitted a Temporary Access Easement, attached hereto as Exhibit "A" and incorporated herein by reference, to provide the required access.

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 accepts and authorizes the County Administrator, or designee, to execute the attached Temporary Access Easement.

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 is instructed to record the Temporary Access Easement in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 5th day of December, 2017.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Henry Dean

Henry Dean, Chair

ATTEST: Hunter S. Conrad, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 12/6/17

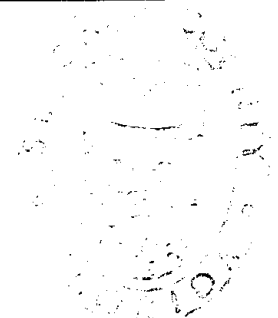


EXHIBIT "A" TO RESOLUTION

Prepared by:
Sheri Lewis
St. Johns County
Land Management Systems
500 San Sebastian View
St. Augustine, FL 32084

TEMPORARY ACCESS EASEMENT

THIS TEMPORARY ACCESS EASEMENT (the "Easement") made this _____ day of _____, 2017, by and between **LENNAR HOMES, LLC**, a Florida limited liability company, whose address is 700 N.W. 107th Avenue, Suite 400, Miami, Florida 33172 ("Lennar") and **LCS COMMUNICATIONS, LLC** whose address is 777 South Flagler Drive, Suite 800, West Tower, West Palm Beach, FL 33401 ("LCS", collectively, "Grantors"), to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 ("Grantee"), its licensees, agents, successors and assigns. This Easement grants a non-exclusive right of way access easement for the purpose of ingress and egress by Grantee, Grantee's agents or assigns, at any and all time, to and from the premises which is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Premises").

WITNESSETH:

WHEREAS, LCS, is the fee simple owner of the Premises; and

WHEREAS, LCS plans to construct a telecommunications facility on the Premises; and

WHEREAS, By virtue of the rights reserved to Lennar's predecessor in interest pursuant to that certain Special Warranty Deed, recorded in Official Records Book 3101, Page 209, of the Public Records of St. Johns County, Florida, Lennar has the right and authority to convey an easement over certain land in St. Johns County, Florida, that provides access from Las Calinas Boulevard to the Premises, as more particularly described in Exhibit "B" attached hereto and made a part hereof (the "Access Area").

WHEREAS, Section 6.08.12 of the St. Johns County Land Development Code (the "Zoning Ordinance") requires the dismantling and removal of telecommunications facilities after abandonment; and

WHEREAS, Section 6.08.12(S) of the Zoning Ordinance requires a twenty foot (20') easement for access to the Premises in favor of the Grantee for removal of an abandoned telecommunications facility not complying with Section 6.08.12(N) (providing for time periods for removal of an abandoned telecommunications facility); and

WHEREAS, Grantors desire to grant, and Grantee desires to receive, a non-exclusive right of way access easement for the purpose of ingress and egress by the Grantee and its agents or assigns, at any and all time, to and from the Premises across the Access Area to comply with the Zoning Ordinance, upon the terms and conditions set forth below.

NOW, THEREFORE, Lennar and LCS, for and in consideration of the sum of Ten and No/Dollars (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby grant to the Grantee, its successors and assigns, a non-exclusive easement over the Access Area and Premises, respectively, (collectively, the "Easement Area") for ingress and egress to the Premises only for the purpose of removing LCS's telecommunications facilities if said telecommunications facilities are in violation of Section 6.08.12(N) of the Zoning Ordinance, with the right, privilege, and authority of Grantee, its successors and assigns, to enter on to the Premises and to remove the telecommunications facilities therefrom in accordance with and subject to the requirements of Section 6.08.12(N) of the Zoning Ordinance.

The Grantors warrant to Grantee that Grantors have the right and the authority to enter into this easement.

The Easement shall terminate automatically upon removal of LCS's telecommunications facilities from the Premises, whether removed by LCS or Grantee. At the request of LCS or Lennar, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail to execute such a document within thirty (30) days of either LCS's or Lennar's request, LCS or Lennar may record an affidavit certifying that the telecommunications facilities have been removed and that this Easement has been terminated.

Grantors reserve the right at their expense to relocate the Easement Area at any time and from time to time to permit convenient use of Grantors' property, provided that the relocated Easement Area shall provide the Grantee substantially the same ingress and egress rights herein granted. Any such relocated Easement Area shall be evidenced by an amendment to the Easement executed by Grantors and Grantee herein.

[Signature pages follow]

IN WITNESS WHEREOF, the parties hereto have executed this Easement on the day and year first above written.

Signed, sealed and delivered
In the presence of:

Sandra Sirt
Print Witness name Samantha Sirtles

Christy King
Print Witness name Christy King

LENNAR HOMES, LLC, a Florida
limited liability company

By: [Signature]
Print Name: Scott Keilng
Title: VP

STATE OF Florida
COUNTY OF Duval

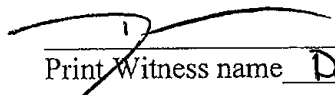
The foregoing instrument was acknowledged before me this 2 day of October, 2017, by SCOTT KEILING who is personally known to me.

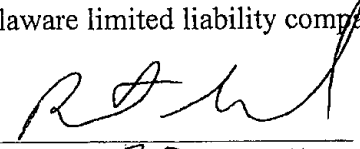


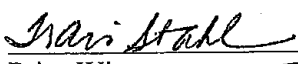
[Signature]
Notary Public
My commission expires: 3/31/18

Signed, sealed and delivered
In the presence of:

LCS COMMUNICATIONS, LLC
a Delaware limited liability company

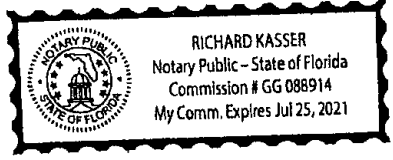

Print Witness name Donald M. Newman

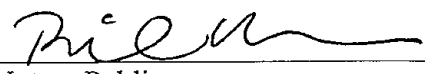
By: 
Print Name: ROBERT HOLLAND
Title: VICE PRESIDENT


Print Witness name TRACI STAHL

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 2nd day of
OCTOBER, 2017, by ROBERT HOLLAND who is personally
known to me.




Notary Public
My commission expires: July 25, 2021

Signed, sealed and delivered
in the presence of:

ST. JOHNS COUNTY, FLORIDA
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 _____, 2017, by Michael D. Wanchick, County Administrator who is personally known to me.

Notary Public
My commission expires: _____

Exhibit A

The "Premises"

A parcel of land lying in the Rogue Leonardi Grant, Section 61, Township 5 South, Range 29 East, St. Johns County, Florida, being a portion of lands described as ICI Parcel 4, as recorded in Official Records Book 3822, page 628, of the Public Records of said County, said parcel being more particularly described as follows:

COMMENCE at the Northeast corner of Tract "L", PALENCIA NORTH PHASE I, according to Map Book 62, pages 77 through 102, of said Public Records; thence along the Southerly line of Tract "K", said PALENCIA NORTH PHASE I, run N80°15'00"E, 116.90 feet; thence departing said line, N09°45'00"W, 10.00 feet to the Southerly right-of-way line of Los Calinas Boulevard (on 80' private right-of-way per said map Book 62, pages 77 through 102); thence along said right-of-way line, N80°15'00"E, 20.00 feet; thence departing said line, S09°45'00"E, 110.00 feet to the POINT OF BEGINNING of the parcel herein described.

thence N80°15'00"E, 40.00 feet; thence S09°45'00"E, 100.00 feet; thence S80°15'00"W, 100.00 feet; thence N09°45'00"W; 100 feet; thence N80°15'00"E, 60.00 feet to the POINT OF BEGINNING of the parcel herein described.

Containing 10,000 square feet or 0.23 acres, more or less.

Said lands situated, lying and being in St. Johns County, Florida.

Exhibit B

The "Access Area"

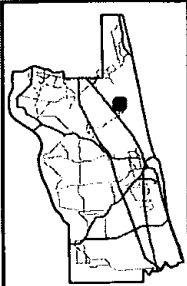
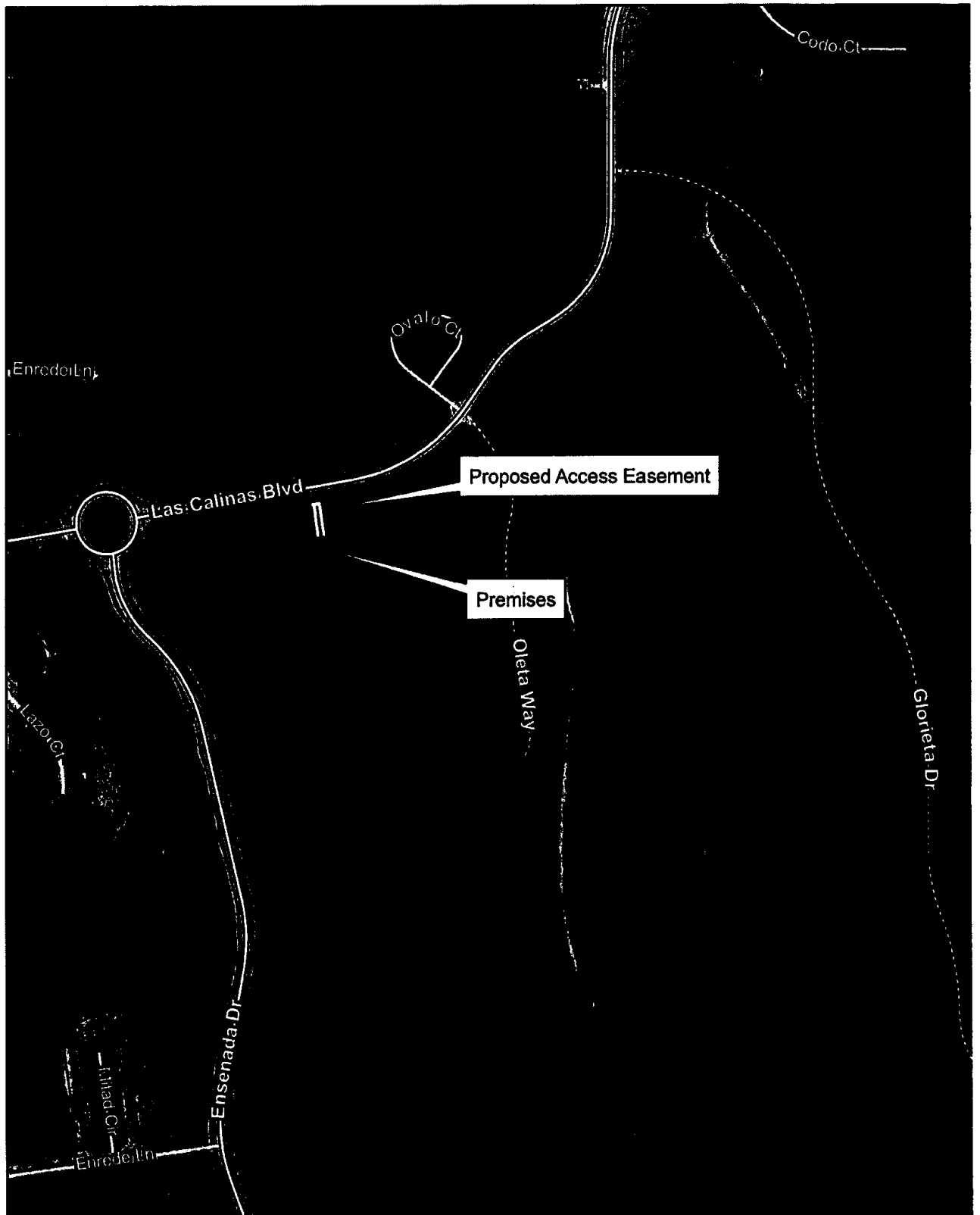
An easement for access across a portion of Tract "K", PALENCIA NORTH PHASE I, according to Map Book 62, pages 77 through 102, of the Public Records of St. Johns County, Florida, and across lands described as ICI PARCEL 4, as recorded in Official Records Book 3822, page 628, of said Public Records, said easement lying in the Rogue Leonardi Grant, Section 61, Township 5 South, Range 29 East, of said County, and being more particularly described as follows:


COMMENCE at the Northeast corner of Tract "L", said PALENCIA NORTH PHASE I; thence along the Southerly line of said Tract "K", run N80°15'00"E, 116.90 feet to the POINT OF BEGINNING of easement described herein;

thence departing said line, N09°45'00"W, 10.00 feet to the Southerly right-of-way line of Las Calinas Boulevard (an 80' private right-of-way per said Map Book 62, pages 77 through 102); thence along said right-of-way line, N80°15'00"E, 20.00 feet; thence departing said line, S09°45'00"E, 110.00 feet; thence S80°15'00"W, 20.00 feet; thence N09°45'00"W, 100.00 feet to the POINT OF BEGINNING of the easement herein described.

Containing 2,200 square feet or 0.05 acres, more or less.

Said lands situated, lying and being in St. Johns County, Florida.




 2013 Aerial Imagery
 0 150 300
 Feet
 November 6, 2017

Temporary Access Easement

LCS Communicatioins, LLC

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.

