

RESOLUTION NO. 2017- 59

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES AND A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER METERS SERVING THE MARKETS AT CAPULET LOCATED AT THE CORNER OF STATE ROAD 16 AND MURABELLA PARKWAY.

RECITALS

WHEREAS, the property owner has executed and presented to the County an Easement for Utilities and a Bill of Sale and Schedule of Values, attached hereto as Exhibits "A" and B," incorporated by reference and made a part hereof, conveying all personal property associated with the water meters serving the Markets at Capulet Parkway located at the corner of State Road 16 and Murabella Parkway; 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 documents mentioned above, as stated in a memo attached hereto as Exhibit "C," 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 and Bill of Sale and Schedule of Values attached and incorporated hereto, are 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 and file the Bill of Sale and Schedule of Values in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 21st day of February, 2017.

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

By: _____
James K. Johns, Chair

ATTEST: Hunter S. Conrad, Clerk

By: Pam Salterman
Deputy Clerk

RENDITION DATE 2/23/17



EXHIBIT "A" TO RESOLUTION

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 15th day of June, 2016
by SMITH AND YOUNG Co., with an address of
3517-B US HIGHWAY 17, FLEMING Island, FL 32003, 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 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. 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 located 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
In the presence of:

[Signature]
Witness

John R. McSore
Print Name

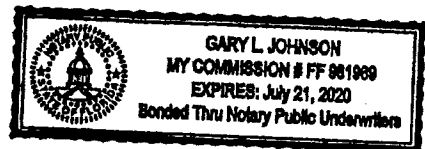
[Signature]
Witness

Jonathan Bledsoe
Print Name

By: [Signature]
Its: BERNARD E. SMITH

State of FLORIDA
County of ST. JOHNS

The foregoing instrument was acknowledged before me this 15th day of June, 2016 by BERNARD E. SMITH who is personally known to me or has produced N/A as identification.



[Signature]
Notary Public

EXHIBIT "A"
EASEMENT AREA

EXHIBIT 'A'

MAP SHOWING SKETCH OF EASEMENT

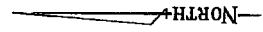
AN EASEMENT CREATED FOR SAINT JOHNS COUNTY UTILITIES DEPARTMENT TO ACCESS WATER SERVICES FOR THE MARKETS OF CAPULET
SAINT JOHNS COUNTY, FLORIDA

POINT OF COMMENCEMENT
OF PACETTI ROAD WITH THE
SURVEY BASELINE FOR S.R. NO. 16

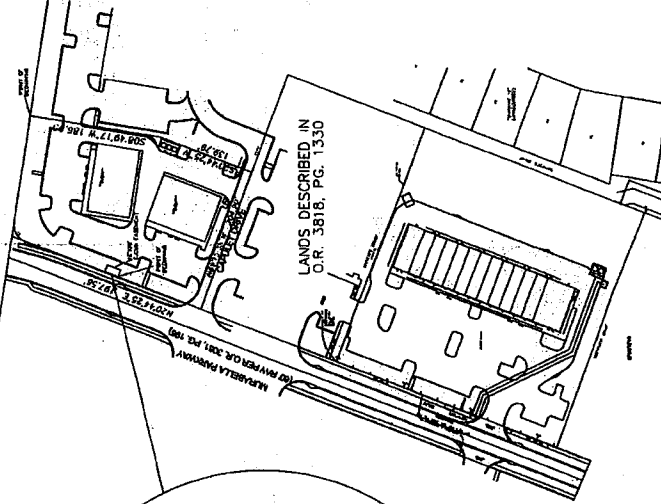
PACETTI RD
S19°30'57"W
71.23

(200' Right of way per Florida Department of Transportation Right of way Map, Section 78060-2522, Dated: Nov. 16, 1998)
SOUTHERLY R/W LINE
S81°10'44"E 1095.75'

STATE ROAD NO. 16
SURVEY BASELINE (FDOT)



GRAPHIC SCALE
0 50 100 200
feet



DEDICATED EASEMENT FOR SAINT JOHNS COUNTY UTILITIES DEPARTMENT WITH THE PURPOSE OF SERVICING CUSTOMERS

A DEDICATED EASEMENT FOR SAINT JOHNS COUNTY UTILITIES DEPARTMENT WITH THE PURPOSE OF SERVICING CUSTOMERS AND BEING A PORTION OF SUBSECTION 10 LYING WITHIN SECTION 38 OF THE ANTONIO HUERTAS GRANT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF PACETTI ROAD AND THE CENTERLINE OF STATE ROAD NO. 16 (ESTABLISHED WITH THE SURVEY BASELINE FOR SECTION 38 OF THE ANTONIO HUERTAS GRANT, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2522, DATED NOVEMBER 16, 1998); THENCE SOUTH 19°30'15\"/>

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA PS&M BOARD
4521 ST. AUGUSTINE RD., SUITE 8
JACKSONVILLE, FL 32221
DECEMBER 3, 2015

ANTHONY PAUL O'NEIL

1. I, the undersigned, being a duly licensed Professional Surveyor and Mapper in the State of Florida, do hereby certify that I am the author of the foregoing map and that the same is a true and correct representation of the facts as shown to me by the parties thereto and that I am not aware of any facts which would render the same inaccurate or misleading.
2. I further certify that I am not aware of any facts which would render the foregoing map inaccurate or misleading.
3. I further certify that I am not aware of any facts which would render the foregoing map inaccurate or misleading.
4. I further certify that I am not aware of any facts which would render the foregoing map inaccurate or misleading.
5. I further certify that I am not aware of any facts which would render the foregoing map inaccurate or misleading.

EXHIBIT "B" TO RESOLUTION



BILL OF SALE
UTILITY IMPROVEMENTS
for

THE MARKETS AT CAPULET

Smith & Young Co, 3517-B US Hwy 17, Fleming Island, FL 32003, (the "Seller") for and in consideration of the sum of Ten and No/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to **ST. JOHNS. COUNTY, FLORIDA**, a political subdivision of the State of Florida, the following personal property:

"SEE EXHIBIT A SCHEDULE OF VALUES FOR THE MARKETS AT CAPULET"

The Seller does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good rights to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this ___ of October, 2016.

WITNESS:

Rebecca Koziuk
Witness Signature

Rebecca G. Koziuk
Print Witness Name

OWNER:

Bernard E. Smith
Owner's Signature

Bernard E. Smith
Print Owner's Name

State of FLORIDA
County of CLAY

The foregoing instrument was acknowledged before me this 25th day of October, 2016, by Bernard E. Smith who is personally known to me or has produced _____ as identification.

Gary L. Johnson
Notary Public





St. Johns County Utility Department
Asset Management
Schedule of Values

EXHIBIT A

Project Name: The Markets At Capulet
 Contractor: North Pointe Services
 Developer: Smith & Young Co

	UNIT	QUANTITY	UNIT COST	TOTAL COST
Water Mains (Size, Type & Pipe Class)				
4" pvc Dr 18	LF	10	\$ 5.35	\$ 53.50
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Water Valves (Size and Type)				
4" tap valve w/stainless steel sleeve	Ea	2	\$ 3,980.00	\$ 7,960.00
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Services (Size and Type)				
				\$ -
1.5" DR-9 MDPE w/curbstop & meter box	Ea	1	\$ 1,835.00	\$ 1,835.00
1" DR-9 MDPE w/curbstop & meter box	Ea	9	\$ 1,010.00	\$ 9,090.00
	LF		\$ -	\$ -
Total Water System Cost				\$ 18,938.50



EXHIBIT "C" TO RESOLUTION

St. Johns County Board of County Commissioners

Utility Department

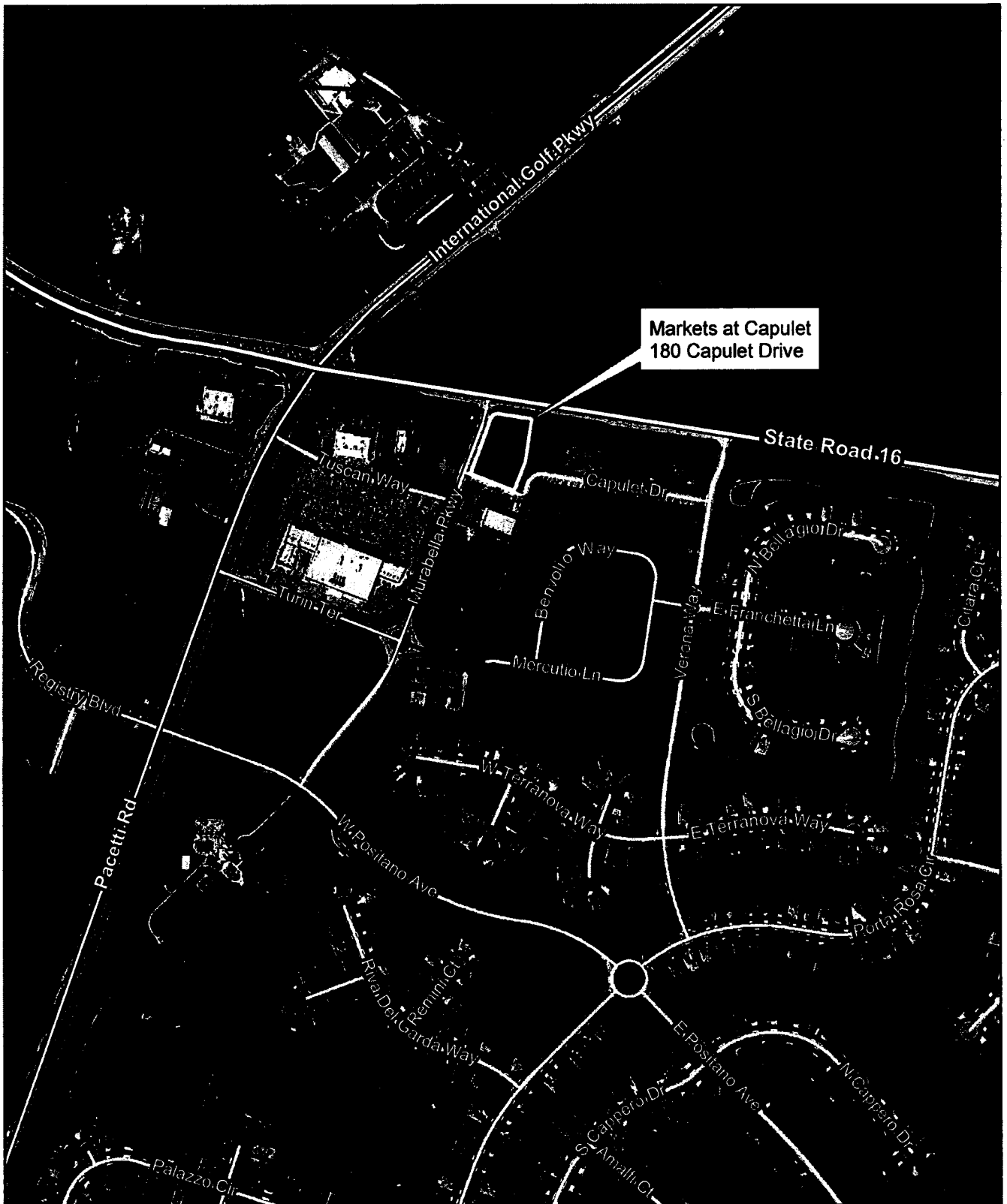
INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
SUBJECT: Markets at Capulet
DATE: January 4, 2017

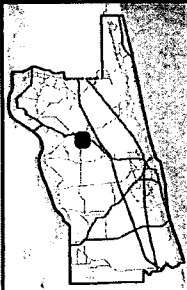
Please present the Easement, Bill of Sale and Schedule of Values to the Board of County Commissioners (BCC) for final approval and acceptance of Markets at Capulet.

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.



Markets at Capulet
180 Capulet Drive



2013 Aerial Imagery
0 100200300400
Feet
January 17, 2017

Markets at Capulet

Easement for Utilities and Bill of Sale

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.

