

RESOLUTION NO. 2021- 344

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR OF THE BOARD, ON BEHALF OF THE COUNTY, TO EXECUTE AND DELIVER TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION A PERPETUAL EASEMENT AND SUBORDINATION OF COUNTY UTILITY INTERESTS OVER A PORTION OF S. HOLMES BOULEVARD IN CONNECTION WITH THE STATE ROAD 313 TRANSPORTATION PROJECT.

RECITALS

WHEREAS, the State of Florida Department of Transportation ("FDOT") proposes to construct or improve State Road No. 313, Section No. 78006, F.P. No. 2102302 in St. Johns County, Florida; and

WHEREAS, it is necessary that certain lands now owned by St. Johns County ("County") within the S. Holmes Boulevard right-of-way by used by FDOT for the project; and

WHEREAS, per the requirements of Section 125.38, Florida Statutes, FDOT has made application to the County to execute and deliver a Perpetual Easement, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, and a Subordination of County Utility Interests, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, conveying easement rights and subordinating utility interests to FDOT for a nominal fee. Said project is for transportation purposes which is in the public or community interest and for public welfare and said request having been duly considered.

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 into the body of this Resolution and such Recitals are adopted as findings of fact.

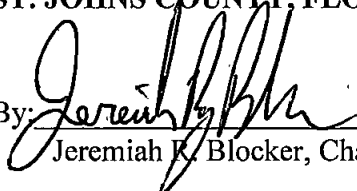
Section 2. The Board of County Commissioners hereby authorizes the Chair of the Board to execute the Perpetual Easement and Subordination of County Utility Interests, on behalf of the County.

Section 3. The Clerk is instructed to mail the original Perpetual Easement and Subordination of County Utility Interests along with a certified copy of this Resolution to the State of Florida Department of Transportation, 1109 South Marion Avenue, MS 2020, Lake City, Florida 32025-5874.

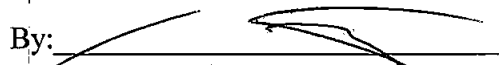
Section 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 17th day of August, 2021.

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

By: 
Jeremiah R. Blocker, Chair

ATTEST: Brandon J. Patty
Clerk of the Circuit Court & Comptroller

By: 
Deputy Clerk

RENDITION DATE 8/17/21



07-PE.11-Date: June 15, 2021

T. S. No. N/A
R/W Map Sheet No. 8
Tax Parcel No. N/A

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 840.1
SECTION NO. 78006
F.P. NO. 2102302
STATE ROAD NO. 313
COUNTY OF St. Johns

PERPETUAL EASEMENT

THIS EASEMENT, made this _____ day of _____, 20_____,
by ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, 500 San
Sebastian View, St. Augustine, Florida 32086, grantor, to the STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, its
successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar (\$1.00)
and other valuable considerations paid, the receipt and sufficiency of which is hereby
acknowledged, hereby grants unto the grantee, its successors and assigns, a non-exclusive
perpetual easement for the purpose of constructing and maintaining a roadway and associated
drainage structures, draining, retaining, detaining and conveying stormwater in, over, under, upon
and through the following described real property in St. Johns County, Florida, together with the
right to access, observe, inspect, operate, maintain, construct, improve and repair improvements
located on or within said real property, to wit:"

SEE Exhibit "A", attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____

Print Name: _____
Clerk (or Deputy Clerk)

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

BY: _____

Print Name: _____
Its Chairperson
(or Vice-Chairperson)

Exhibit "A"

Section No. 78006
F.P. No. 2102302

State Road No. 313

St. Johns County

Parcel No. 840

Perpetual Easement

A Part South Holmes Boulevard (A Variable Width Right Of Way), As Recorded In County Road Plat Book 2, Page 43 Through 48 Of The Public Records Of St. Johns County, Florida, Lying Within William Traverse Grant, Section 43, Township 7 South, Range 29 East, St. Johns County, Florida, Being More Particularly Described As Follows:

Commence At A 5/8" Iron Rod And Cap, Labeled "LB 2648", Marking The Southeast Corner Of William Traverse Grant, Section 43, Township 7 South, Range 29 East, St. Johns County, Florida; Thence North 21°54'58" West, Along The East Line Of Said Section 43, A Distance Of 449.11 Feet To A Point On The Centerline Of Survey Of State Road No. 313, (A Variable Width Right Of Way As Per Florida Department Of Transportation Right Of Way Map, Section 78006, F.P. No. 2102302); Thence North 62°34'49" West, Along Said Centerline Of Survey, A Distance Of 117.90 Feet To The Westerly Existing Limited Access Right Of Way Line Of South Holmes Boulevard (A Variable Width Right Of Way As Per County Road Plat Book 2, Pages 43 Through 48 Of The Public Records Of St. Johns County, Florida); Thence North 19°56'42" East, Along Said Westerly Existing Limited Access Right Of Way Line, A Distance Of 184.55 Feet To The **Point Of Beginning**; Thence North 19°56'42" West, Along Said Westerly Existing Right Of Way Line, A Distance Of 392.59 Feet; Thence North 69°26'02" East, A Distance Of 52.73 Feet To A Point On The Easterly Existing Right Of Way Line Of Said South Holmes Boulevard; Thence South 19°51'26" East, Along Said Easterly Existing Right Of Way Line, 449.68 Feet; Thence North 62°34'49" West, A Distance Of 76.82 Feet To The **Point Of Beginning**.

Containing 0.507 Acres, More Or Less.

23-UTL.08-Date: June 15, 2021

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 840.2
SECTION NO. 78006
F.P. NO. 2102302
STATE ROAD NO. 313
COUNTY OF St. Johns

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 2021, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the FLORIDA DEPARTMENT OF TRANSPORTATION, and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called County.

WITNESSETH:

WHEREAS, in addition to its ownership interest, the County presently has a utility interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the utility interest claimed in such lands by the County to the Florida Department of Transportation; and

WHEREAS, the Florida Department of Transportation is willing to pay to have the County's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, County and Florida Department of Transportation agree as follows:

County hereby subordinates to the interest of Florida Department of Transportation its successors and assigns, any and all of its utility interest in the lands as follows, viz:

SEE Exhibit "A", attached hereto and by reference made a part hereof.

RECORDED:

Instrument	Date ORB/Page	From	To	As to Parcel No.
There was no document				

PROVIDED that the County has the following rights:

1. The County shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the Florida Department of Transportation's current minimum standards for such facilities as required by the Florida Department of Transportation, Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the Florida Department of Transportation. Should the Florida Department of Transportation fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the Florida Department of Transportation hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception, of the provision herein with reimbursement rights.
3. The County shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the Florida Department of Transportation's facilities.
4. The County agrees to repair any damage to Florida Department of Transportation facilities and to indemnify the Florida Department of Transportation against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the Florida Department of Transportation hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

Witness:
Print Name _____

By: _____
Robert L. Parks
District Director for Transportation
Development District Two

Witness:
Print Name: _____

Legal Review
By: _____
Print Name: _____
District Counsel

Date: _____

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this _____ day of _____, 2021, by Robert L. Parks, District Director for Transportation Development, District Two, who is personally known to me and who did not take an oath.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____

St. Johns County, Florida,
By Its Board of County Commissioners

Print Name: _____

Clerk (or Deputy Clerk)

By: _____

Print Name: _____

Its Chairperson (or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this _____ day of _____, 2021, by _____, _____, who is personally known to me or who has produced _____ as identification.

(Notary Seal)

Print Name: _____

Notary Public

My Commission Expires: _____

Exhibit "A"

Section No. 78006
F.P. No. 2102302

State Road No. 313

St. Johns County

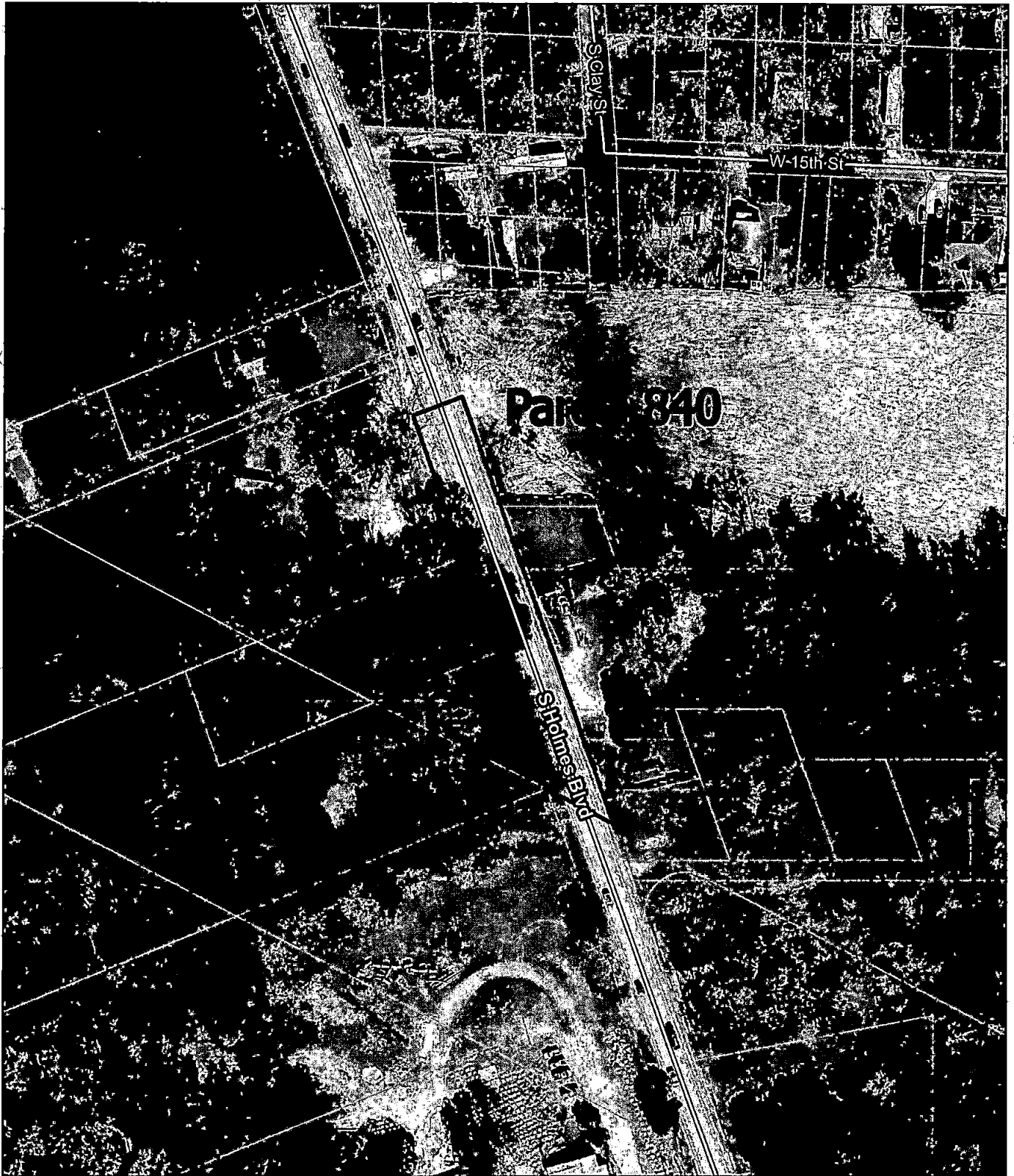
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Containing 0.507 Acres, More Or Less.



0 50 100
Feet



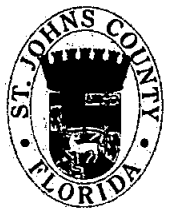
2019 Aerial Imagery
July 22, 2021

Project 118844

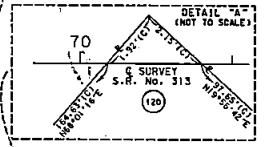
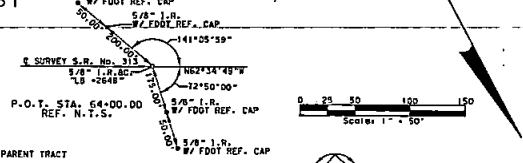
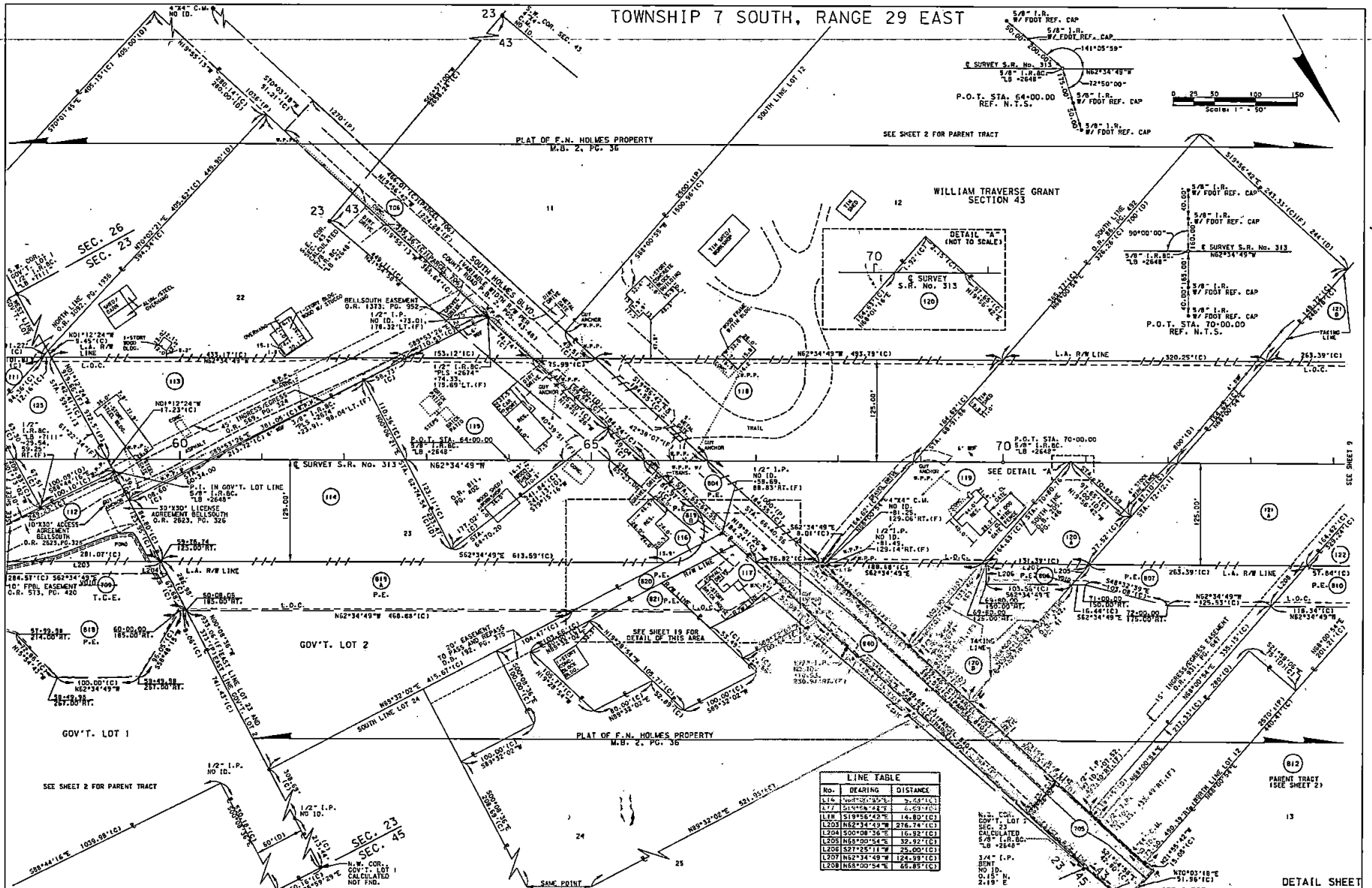
SR 313

Land Management
Systems
Real Estate
Division
(904) 209-0790

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.



TOWNSHIP 7 SOUTH, RANGE 29 EAST



LINE TABLE		
No.	BEARING	DISTANCE
L1A	S62°34'49\"/>	

N.W. COR. LOT 1
 SEC. 23
 CALCULATED
 S.W. L.R.B.C.
 L.B. = 2648'
 3/4\"/>

DETAIL SHEET
 SEE SHEET 1 FOR LEGEND AND GENERAL NOTES
 S.R. No. 313 FROM S.R. No. 207 TO S.R. No. 16

<p>RIGHT OF WAY MAP</p>	<p>FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPPING</p>	<p>APPROVED BY: _____ DATE: _____ DISTRICT RIGHT OF WAY SURVEYOR</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	BY	DATE	DESCRIPTION													<p>F.A.P. No. SFTL-269-R SECTION 78006 STATE ROAD NO. 313</p>	<p>PREPARED BY: _____ DATE: _____ SCALE: 1" = 50' SHEET # OF 25</p>
NO.	BY	DATE	DESCRIPTION																		