

RESOLUTION NO. 2021- 50

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 US 1 SOUTH.

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 approvals 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 Moses Creek located off US 1 South, (*see* TOWER 2020-000002), The United Church of Christ of St. Augustine, Inc. and Tillman Infrastructure LLC have 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 2nd day of February, 2021.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Jeremiah R. Blocker
Jeremiah R. Blocker, Chair

ATTEST:

Brandon J. Patty, Clerk
Clerk of the Circuit Court & Comptroller

By: Tom Halter
Deputy Clerk

RENDITION DATE FEB 09, 2021



EXHIBIT "A" TO RESOLUTION

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

TEMPORARY ACCESS EASEMENT

This Temporary Access Easement (the "Easement") is made this _____ day of _____, 2020, by and between **The United Church of Christ of St. Augustine Inc.**, a Florida not for profit corporation f/k/a Pilgrim Church United Church of Christ of St. Augustine, Florida, Inc., a Florida not for profit corporation, whose address is 5880 US 1 South, St. Augustine, Florida 32086, "Grantor", 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, with the consent of **Tillman Infrastructure LLC**, a Delaware limited liability company, whose address is 152 West 57th Street, New York, New York 10019, "Tenant"). 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 leased premises (the "Leased Premises") which is more particularly described herein in Exhibit "A" attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, Grantor, as Landlord, had entered into a Lease Agreement with New Cingular Wireless PCS, LLC dated September 28, 2018, for which has been assigned to Tillman Infrastructure LLC per Assignment and Assumption Agreement dated September 9, 2020, referred to hereinafter as "Agreement", granting to Tillman Infrastructure, LLC, as "Tenant", a leasehold interest in the Leased Premises; and

WHEREAS, the Agreement contemplates the construction of a telecommunications facility on the Leased Premises; and

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 thirty foot (30') easement for access to the Leased Premises 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

NOW, THEREFORE, Grantor, 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 grants to the Grantee, its successors and assigns, a non-exclusive easement over the lands of Grantor more particularly described on Exhibit "B" attached hereto (the "Easement Area") for ingress and egress to the Leased Premises only for the purpose of removing the Tenant'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 Leased 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.

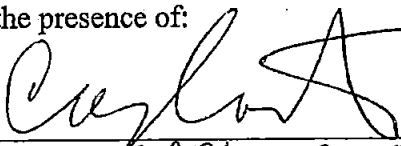
The Grantor warrants to Grantee that it has good and indefeasible fee simple title to the Easement Area and the authority to enter into this easement.

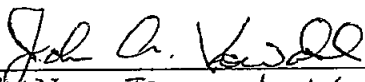
The Easement shall terminate automatically upon removal of the Tenant's telecommunications facilities from the Leased Premises, whether removed by the Tenant, Grantor or Grantee. At the request of the Grantor, Grantee shall execute a recordable document evidencing such termination. If Grantee shall fail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

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


IN WITNESS WHEREOF, party of the first part has executed this Temporary Access Easement on the day and year first above written.

Signed, sealed and delivered
In the presence of:


Print Name CARL COSTA



Print Name JOHN A. KOWALSKI

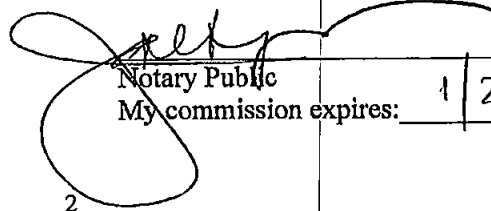
GRANTOR
The United Church of Christ of St. Augustine Inc.
A Florida not for profit corporation

By: 
Print Name: RONALD S. SMITH
Title: VICE MODERATOR

STATE OF Florida
COUNTY OF Flagler

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 19 day of December, 2020, by Ronald S. Smith as Vice moderator for United Church of Christ who is personally known to me or has produced _____ as identification.

 Janet L. Sullivan
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG950506
Expires 1/23/2024


Notary Public
My commission expires: 1/23/2024

Signed, sealed and delivered
In the presence of:

CONSENTING PARTY
Tillman Infrastructure LLC
A Delaware limited liability company

Print Name [Signature]
LEO DUARTE

By: [Signature]
Print Name: Suruchi Ahuja
Title: Authorized Signatory CFO

[Signature]
Print Name LUCAS ALFARO

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization, this 16th day of December, 2020, by
Suruchi Ahuja as Authorized Signatory CFO for
Tillman Infrastructure LLC who is personally known to me or has produced
Drivers License as identification.

[Signature]

Notary Public
My commission expires: _____

Chris Mularadelle
Notary Public, State of New York
No. 02MU6128886
Qualified In New York County
Commission Expires September 3, 2021

Signed, sealed and delivered
in the presence of:
Florida

Print Name _____

Print Name _____

ST. JOHNS COUNTY, FLORIDA,
A political subdivision of the State of

By: _____
Hunter S. Conrad
County Administrator

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 _____, 2020, by
_____ as _____ for
_____ who is personally known to me or has produced
_____ as identification.

Notary Public
My commission expires: _____

Exhibit A
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PARENT PARCEL
(OFFICIAL 1106, PAGE 1701)

THAT PART OF GOVERNMENT LOT 7, SECTION 30, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 7: THENCE SOUTH 1 DEGREE 10 MINUTES 48 SECONDS EAST ALONG SAID EAST LINE OF SAID GOVERNMENT LOT 7 A DISTANCE OF 354.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 1 DEGREE 10 MINUTES 48 SECONDS EAST A DISTANCE OF 320.06 FEET; THENCE SOUTH 87 DEGREES 58 MINUTES 37 SECONDS WEST A DISTANCE OF 804.02 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (STATE ROAD 5); THENCE NORTH 8 DEGREES 26 MINUTES 40 SECONDS WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 238.17 FEET; THENCE NORTH 89 DEGREES 03 MINUTES 40 SECONDS EAST PARALLEL WITH THE NORTH LINE OF GOVERNMENT LOT 7, A DISTANCE OF 349.78 FEET; THENCE NORTH 8 DEGREES 26 MINUTES 40 SECONDS WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 89 DEGREES 03 MINUTES 40 SECONDS EAST, A DISTANCE OF 496.92 FEET MORE OR LESS TO EASTERLY LINE OF GOVERNMENT LOT 7, AND THE POINT OF BEGINNING.

TOWER PARCEL
(PREPARED BY GEOLINE SURVEYING, INC.)

THAT PART OF THE "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 1106, PAGE 1701 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SITUATED IN GOVERNMENT LOT 7, SECTION 30, TOWNSHIP 08 SOUTH, RANGE 30 EAST OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 7, SECTION 30, TOWNSHIP 08 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 01°10'48" EAST ALONG THE EAST LINE OF SAID GOVERNMENT LOT 7 FOR 354.00 FEET TO A 5/8" REBAR AND CAP (ILLEGIBLE) AT THE NORTHEAST CORNER OF THE "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 1106, PAGE 1701 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID POINT BEING NORTH 89°03'40" EAST, A DISTANCE OF 497.36 FEET FROM A 1/2" REBAR (NO IDENTIFICATION) AT AN ANGLE POINT IN THE NORTHERLY LINE OF SAID "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL; THENCE SOUTH 89°03'40" WEST ALONG SAID NORTHERLY LINE FOR 193.84 FEET; THENCE SOUTH 00°56'20" EAST FOR 4.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°00'32" EAST FOR 100.00 FEET; THENCE SOUTH 88°59'28" WEST FOR 100.00 FEET; THENCE NORTH 01°00'32" WEST FOR 100.00 FEET; THENCE NORTH 88°59'28" EAST FOR 100.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 10,000 SQUARE FEET (0.229 ACRES), MORE OR LESS.

30 FOOT WIDE NON-EXCLUSIVE ACCESS, UTILITY AND FIBER EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.)

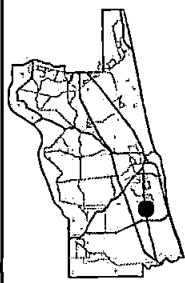
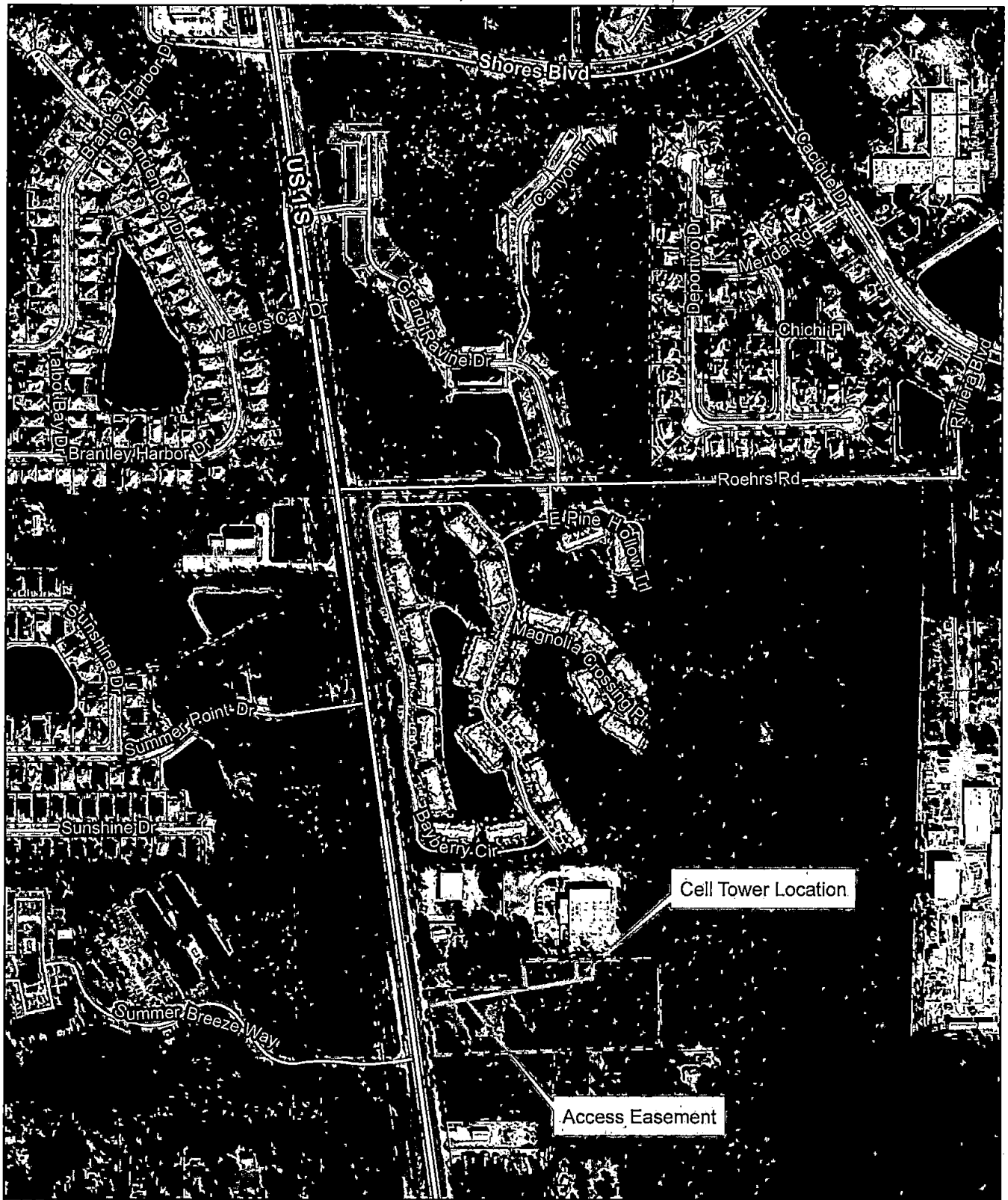
THAT PART OF THE "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 1106, PAGE 1701 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SITUATED IN GOVERNMENT LOT 7, SECTION 30,

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TOWNSHIP 08 SOUTH, RANGE 30 EAST OF SAID COUNTY, LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 7, SECTION 30, TOWNSHIP 08 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH $01^{\circ}10'48''$ EAST ALONG THE EAST LINE OF SAID GOVERNMENT LOT 7 FOR 354.00 FEET TO A $5/8''$ REBAR AND CAP (ILLEGIBLE) AT THE NORTHEAST CORNER OF THE "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 1106, PAGE 1701 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID POINT BEING NORTH $89^{\circ}03'40''$ EAST, A DISTANCE OF 497.36 FEET FROM A $1/2''$ REBAR (NO IDENTIFICATION) AT AN ANGLE POINT IN THE NORTHERLY LINE OF SAID "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL; THENCE SOUTH $89^{\circ}03'40''$ WEST ALONG SAID NORTHERLY LINE FOR 193.84 FEET; THENCE SOUTH $00^{\circ}56'20''$ EAST FOR 4.89 FEET TO THE NORTHEAST CORNER OF A 100 FOOT BY 100 FOOT TOWER PARCEL; THENCE SOUTH $01^{\circ}00'32''$ EAST ALONG THE EAST LINE OF SAID TOWER PARCEL FOR 100.00 FEET TO THE SOUTHEAST CORNER OF SAID TOWER PARCEL; THENCE SOUTH $88^{\circ}59'28''$ WEST ALONG THE SOUTH LINE OF SAID TOWER PARCEL FOR 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TOWER PARCEL; THENCE NORTH $01^{\circ}00'32''$ WEST ALONG THE WEST LINE OF SAID TOWER PARCEL FOR 15.52 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 30 FOOT WIDE NON-EXCLUSIVE ACCESS, UTILITY AND FIBER EASEMENT; THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 85.00 FEET, A CENTRAL ANGLE OF $40^{\circ}46'44''$, AND A CHORD OF 59.23 FEET THAT BEARS SOUTH $70^{\circ}14'32''$ WEST, FOR AN ARC DISTANCE OF 60.50 FEET TO A POINT OF TANGENCY; THENCE NORTH $89^{\circ}22'06''$ WEST FOR 96.61 FEET; THENCE SOUTH $75^{\circ}00'35''$ WEST FOR 113.12 FEET; THENCE SOUTH $83^{\circ}30'01''$ WEST FOR 193.71 FEET; THENCE NORTH $87^{\circ}42'40''$ WEST FOR 78.93 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID "PILGRIM CHURCH UNITED CHURCH OF CHRIST" PARCEL AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 / DIXIE HIGHWAY (200 FOOT WIDE RIGHT-OF-WAY), AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING 16,300 (0.374 ACRES), MORE OR LESS.



2016 Aerial Imagery
 0 150 300
 Feet
 January 8, 2021

Temporary Access Easement

Tillman Infrastructure 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.

