

RESOLUTION NO. 2023-476

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES ASSOCIATED WITH THE WATER AND REUSE SYSTEMS TO SERVE PANERA SHELL #6247 AT PARKWAY VILLAGE LOCATED OFF INTERNATIONAL GOLF PARKWAY.

RECITALS

WHEREAS, Rolling Meadow Ranch, Inc., a Florida for profit company, has executed and presented to the County an Easement for Utilities associated with the water and reuse systems to serve Panera Shell #6247 located off International Golf Parkway, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the document mentioned above, as stated in a memo attached hereto as Exhibit "B" 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 is hereby accepted by the Board of County Commissioners.


Section 3. To the extent that there are typographical, scrivener 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 original Easement for Utilities in the Public Records of St. Johns County, Florida.

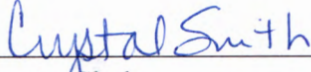
PASSED AND ADOPTED this 5th day of December, 2023.

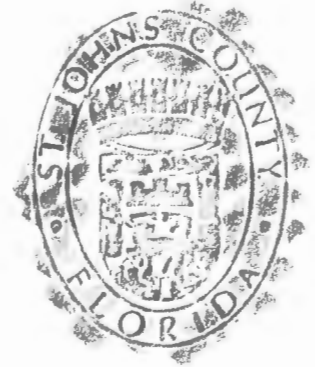
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

Rendition Date: DEC 06 2023

By: 
Sarah Arnold, Chair

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


Deputy Clerk



EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 27th day of October, 2023
by Rolling Meadow Ranch, Inc., with an address of
3060 Airport West Drive, Vero Beach, Florida 32960, hereinafter called "Grantor"
to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida,
whose address is 4020 Lewis Speedway, 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 meter(s) and reuse meter(s) 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 all 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.

(b) REUSE SYSTEM - The Grantee shall maintain all reuse meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any reuse lines between the reuse 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:

Julius Bussiere
Witness Julius Bussiere

Julius Bussiere

Print Name

Jo Ann Hopkins
Witness

Jo Ann Hopkins

Print Name

By: [Signature]
Its: President, Rolling Meadow Ranch

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27 day of October, 2023, by Andrew R Machata as President for Rolling Meadow Ranch Inc.



[Signature]
Notary Public Jo Ann Hopkins
My Commission Expires: 09/30/2024

Personally Known or Produced Identification
Type of Identification Produced

Exhibit "A" to the Easement

MAP SHOWING A SKETCH AND DESCRIPTION OF A PROPOSED EASEMENT FOR UTILITIES LOCATED IN

A PORTION OF SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28
EAST, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA

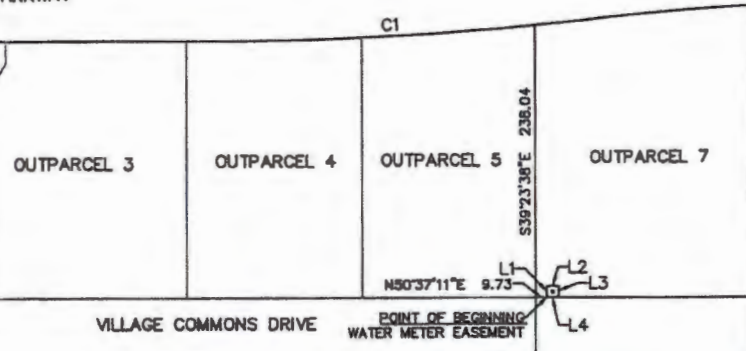
POINT OF COMMENCEMENT

S72°07'40"E 411.43

INTERNATIONAL GOLF PARKWAY

N50°37'11"E 650.92

C1

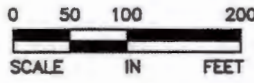


NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF PARKWAY ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 4226, PAGE 1849 OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA.
2. THIS IS NOT A BOUNDARY SURVEY AND DOES NOT PURPORT TO BE SUCH.
3. THIS MAP WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS MAP THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PROPOSED WATER METER EASEMENT

A PART OF SUBSECTIONS 7 AND 10 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, AS SHOWN ON PLAT OF SAME, RECORDED IN DEED BOOK Q, PAGE 495 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID SUBSECTION 10; THENCE S 72°07'40" E, ALONG THE NORTH LINE OF SAID SUBSECTION 10, 411.43 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF PARKWAY ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 4226, PAGE 1849 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE LEAVING SAID NORTH LINE, AND ALONG SAID SOUTHEASTERLY RIGHT OF WAY RUN N 50°37'11" E, 650.92 FEET TO A POINT OF CURVATURE CONCAVE NORTHWEST, HAVING A RADIUS OF 2915.00 FEET, A CENTRAL ANGLE OF 05°25'17" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 47°54'33" E, 275.72 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 275.82 FEET; THENCE S 39°23'38" E, 238.04 FEET; THENCE N 50°37'11" E, 9.73 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT; THENCE N 39°22'49" W, 10.00 FEET; THENCE N 50°37'11" E, 10.00 FEET; THENCE S 39°22'49" E, 10.00 FEET; THENCE S 50°37'11" W, 10.00 FEET TO THE POINT OF BEGINNING.



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	275.82	2915.00	5°25'17"	N47°54'33"E	275.72

Line Table		
Line #	Length	Direction
L1	10.00	N39°22'49"W
L2	10.00	N50°37'11"E
L3	10.00	S39°22'49"E
L4	10.00	S50°37'11"W

JOB NO. 321-6028

DRAFTER JJK

DATE 1/9/2023

SCALE 1" = 100'

THIS MAP OR SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.020, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND NOTATED HEREOF.

THIS DRAWING, SKETCH, PLAT, OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE).

THIS MAP OR SURVEY IS FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATION SHOWN HEREON DOES NOT EXTEND TO ANY UNNAMED PARTY.

ALLIANT

10475 Fortune Pkwy, Suite 101
Jacksonville, FL 32229
904.260.1331 ext404
www.alliant-ls.com
LD 8289

CLAYTON SWANELL, P.S.M. NO. 7209

METER EASEMENT "A"
SHEET NO. 1 OF 1

**MAP SHOWING A SKETCH AND DESCRIPTION OF
A PROPOSED EASEMENT FOR UTILITIES LOCATED IN
A PORTION OF SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28
EAST, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA**

POINT OF COMMENCEMENT

S72°07'40"E 411.43

INTERNATIONAL GOLF PARKWAY

N50°37'11"E 650.92

C1

OUTPARCEL 3

OUTPARCEL 4

OUTPARCEL 5

OUTPARCEL 7

S39°23'38"E 238.04

N50°37'11"E 49.07

VILLAGE COMMONS DRIVE

POINT OF BEGINNING
REUSE METER EASEMENT

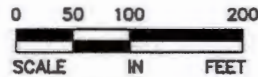
L5
L6
L7
L8

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF PARKWAY ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 4226, PAGE 1849 OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA.
2. THIS IS NOT A BOUNDARY SURVEY AND DOES NOT PURPORT TO BE SUCH.
3. THIS MAP WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS MAP THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.


PROPOSED REUSE METER EASEMENT

A PART OF SUBSECTIONS 7 AND 10 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, AS SHOWN ON PLAT OF SAME, RECORDED IN DEED BOOK Q, PAGE 495 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SUBSECTION 10; THENCE S 72°07'40" E, ALONG THE NORTH LINE OF SAID SUBSECTION 10, 411.43 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERNATIONAL GOLF PARKWAY ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 4226, PAGE 1849 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE LEAVING SAID NORTH LINE, AND ALONG SAID SOUTHEASTERLY RIGHT OF WAY RUN N 50°37'11" E, 650.92 FEET TO A POINT OF CURVATURE CONCAVE NORTHWEST, HAVING A RADIUS OF 2915.00 FEET, A CENTRAL ANGLE OF 05°25'17" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 47°54'33" E, 275.72 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 275.82 FEET; THENCE S 39°23'38" E, 238.04 FEET; THENCE N 50°37'11" E, 49.07 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT; THENCE N 39°22'49" W, 10.00 FEET; THENCE N 50°37'11" E, 10.00 FEET; THENCE S 39°22'49" E, 10.00 FEET; THENCE S 50°37'11" W, 10.00 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT.



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	275.82	2915.00	5°25'17"	N47°54'33"E	275.72

Line Table		
Line #	Length	Direction
L5	10.00	N39°22'49"W
L6	10.00	N50°37'11"E
L7	10.00	S39°22'49"E
L8	10.00	S50°37'11"W

<p>JOB NO. <u>321-0035</u></p> <p>DRAFTER <u>JML</u></p> <p>DATE <u>1/9/2023</u></p> <p>SCALE <u>1" = 100'</u></p> <p>REUSE METER EASEMENT SHEET NO. 1 OF 1</p>	<p>THIS MAP OR SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 9J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.020, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND NOTED HEREON.</p> <p>THIS DRAWING, SKETCH, PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 9J-17, FLORIDA ADMINISTRATIVE CODE).</p> <p>THIS MAP OR SURVEY IS FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATION SHOWN HEREON DOES NOT EXTEND TO ANY UNNAMED PARTY.</p> <p align="center">CLAYTON W. WAILES, P.S.M. NO. 7209</p>	 <p>ALLIANT</p> <p>10475 Fortune Place, Suite 101 Jacksonville, FL 32258 904.949.1291 www.alliant-fla.com L8 0000</p>
---	--	---



**ST. JOHNS COUNTY
UTILITIES**

1205 State Road 16
St. Augustine, Florida 32084

INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
DATE: Panera Shell #6247 at Parkway Village (ASBULT 2023000078)
SUBJECT: August 15, 2023

Please present the Easement to the Board of County Commissioners (BCC) for final approval and acceptance of Panera Shell #6247 at Parkway Village.

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.



Subject Property



2023 Aerial Imagery

Date: 11/9/2023

Panera Shell #6247
at Parkway Village

Easement for Utilities



Land Management
Systems
(904) 209-1276

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.