

RESOLUTION NO. 2024-154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR A NEW WATER TRANSMISSION MAIN TO BE LOCATED ALONG W GEORGE MILLER ROAD IN HASTINGS.

RECITALS

WHEREAS, a property owner has executed and presented to the County an Easement for Utilities, attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, for installation of a new water transmission main to be located along W George Miller Road in Hastings; and

WHEREAS, this property is ideally located for placement of a water transmission main to provide additional potable water capacity to the Hastings downtown area and allow for future sewer force and concentrate mains. This new water main will improve the capacity of the transmission system in Hastings and provide commercial fire flow capabilities to the Hastings downtown area businesses; and

WHEREAS, it is in the best interest of the County to accept this Easement for Utilities for the health, safety and welfare of the citizens located within this service area.

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, attached and incorporated hereto, 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 Court is instructed to record the original Easement for Utilities in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 16th day of April, 2024.

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

BY: _____

Sarah Arnold, Chair

Rendition Date APR 17 2024

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

Crystal Smith
Deputy Clerk



EXHIBIT "A" TO RESOLUTION

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

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 12th day of March, 2024 by **SCHOOL BOARD OF ST. JOHNS COUNTY FLORIDA**, with an address of 40 Orange Street, St. Augustine, Florida 32084, 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, alienate, 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 distribution system, gravity sewer collection system, sewer force mains, reuse and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground water and sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over, under, upon and through 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 any other utilities, such as but not limited to cable television service lines.

TO HAVE AND TO HOLD, unto Grantee, and Grantee's 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.

(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 educational and related improvements constructed upon the adjacent property owned by Grantor.

2. (a) WATER SYSTEM - The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the 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) SEWER FORCE MAINS - Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains located within the Easement Area.

(c) GRAVITY SEWER SYSTEM - Grantee, by acceptance of this Easement, hereby agrees to maintain gravity sewer lines located within the Easement Area. The Grantee's maintenance of gravity sewer lines shall extend "manhole to manhole", but shall not include a responsibility for maintenance of sewer service laterals; The Grantor or Grantor's successors and assigns shall be responsible for the maintenance of such sewer service laterals. Subject to the limitations set by s. 768.28, Fla. Stat., and without waiving sovereign immunity, Grantor hereby specifically indemnifies and holds Grantee harmless from and against costs and expenses associated with installation, maintenance, repair or replacement of sewer service laterals.

(d) REUSE SYSTEM - The Grantee shall maintain all reuse mains and other elements of the reuse distribution system up to and including the 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, and Grantee shall 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, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This 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.

6. Both Grantor's and Grantee's liabilities under this Easement and implementation thereof are limited by s. 768.28, Fla. Stat. Neither Grantor nor Grantee waives sovereign immunity by entering into this Easement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

SIGNATURES COMMENCE ON THE FOLLOWING PAGE.

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:

Beverly Slough
SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA

Witness Signature

Gina Fallica
Print Name

Print Name: Beverly Slough

Title: Board Chair

Gina Fallica

40 Orange Street, St Aug, FL 32084
Witness Address REQUIRED BUSINESS OR PERSONAL

Brennan Asplen
Witness Signature

BRENNAN ASPLEN
Print Name

40 ORANGE ST.
St. Augustine, FL 32084
Witness Address REQUIRED BUSINESS OR PERSONAL

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12th day of March, 2024, by Beverly Slough, on behalf of SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, who is personally known to me or has produced _____ as identification.



(Notary Seal)

Notary Public: Miriam Moore Testasecca
My Commission Expires: 8/14/24

EXHIBIT "A"

EASEMENT AREA

A PART OF SECTION 18, TOWNSHIP 09 SOUTH, RANGE 28 EAST, SAINT JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 09 SOUTH, RANGE 28 EAST, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 09 SOUTH, RANGE 28 EAST AS RECORDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD NUMBER 006290; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 18, SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST, 40.00 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 25 SECONDS WEST, 30.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 13 SOUTH (A 80 FOOT RIGHT-OF-WAY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF WEST GEORGE MILLER ROAD (A VARIABLE WIDTH RIGHT-OF-WAY) AS EXISTING IN 2023, AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED; THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID WEST GEORGE MILLER ROAD, SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST, 1254.73 FEET TO A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WEST GEORGE MILLER ROAD WITH THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DANCY AVENUE (A 40 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF SOUTH DANCY AVENUE, NORTH 00 DEGREES 42 MINUTES 30 SECONDS WEST, 595.06 FEET TO THE SOUTHWESTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4509, PAGE 798 OF THE PUBLIC RECORDS OF SAINT JOHNS COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF SAID LANDS, NORTH 89 DEGREES 34 MINUTES 30 SECONDS EAST, 30.00 FEET; THENCE DEPARTING SAID SOUTHERLY PROPERTY LINE AND ALONG A LINE PARALLEL WITH AND PERPENDICULAR TO THE EASTERLY RIGHT-OF-WAY OF SOUTH DANCY AVENUE, SOUTH 00 DEGREES 42 MINUTES 30 SECONDS EAST, 525.24 FEET; THENCE SOUTH 45 DEGREES 23 MINUTES 35 SECONDS EAST, 56.88 FEET TO A POINT ON A LINE PARALLEL WITH THE NORTHERLY RIGHT-OF-WAY LINE OF WEST GEORGE MILLER ROAD; THENCE RUN ALONG SAID PARALLEL LINE, NORTH 89 DEGREES 55 MINUTES 21 SECONDS EAST, 1184.88 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 13 SOUTH; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 13 SOUTH, SOUTH 00 DEGREES 24 MINUTES 25 SECONDS EAST, 30.00 FEET TO THE POINT OF BEGINNING.

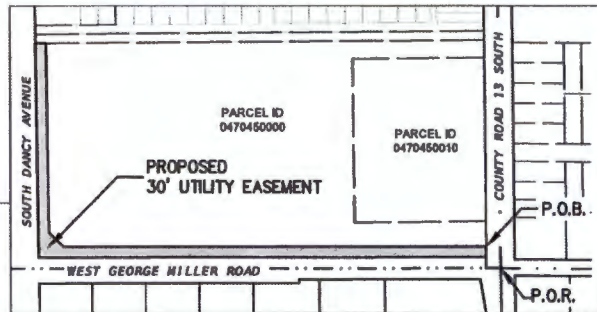
THE LAND THUS DESCRIBED CONTAINS 1.27 ACRES, MORE OR LESS.

**SKETCH AND LEGAL DESCRIPTION OF PROPOSED 30' UTILITY EASEMENT
A PART OF SECTION 18, TOWNSHIP 09 SOUTH, RANGE 28 EAST, SAINT JOHNS COUNTY, FLORIDA**

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SURVEYOR'S NOTES

- 1) THIS IS A SKETCH AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY SECTION LINE OF SECTION 18, TOWNSHIP 09 SOUTH, RANGE 28 EAST, REFERENCE BEARING SOUTH 00°24'25" WEST.
- 3) ALL DIMENSION SHOWN HEREON ARE IN FEET UNLESS OTHERWISE NOTED.
- 4) THIS LEGAL DESCRIPTION WAS CREATED BY THIS DRMP.

Surveyor's Certification:

I hereby certify that the survey shown hereon meets the standards of practice as set forth by the board of professional surveyors and mappers and contained in chapter 34-17 Florida administrative code, pursuant to chapter 472.027 Florida statutes and that said survey is true and correct to the best of my knowledge and belief as surveyed under my direction.

Randy L. Turpin
Florida Professional Surveyor and Mapper (FSM)
No. 6393



No.	Date	Revision	By

Field Crew: N/A
Drawn By: LMR
Checked By: RLT
Approved By: RLT
Job No.: 21-0753.004
Date: 12/14/2023

**MAP SHOWING SKETCH AND
LEGAL DESCRIPTION OF
30' UTILITY EASEMENT**

THIS SURVEY IS NOT
VALID WITHOUT SHEETS
1 THROUGH 4

**Sheet No.
1 OF 4**

PARCEL ID - 0470450010
 ADDRESS - 6195 S MAIN ST
 OWNER - ST JOHNS COUNTY
 OFFICIAL RECORDS BOOK 1149 PAGE 855

PARCEL ID - 0470450000
 ADDRESS - S MAIN ST
 OWNER - BOARD OF PUBLIC INSTRUCTION
 SCHOOL BOARD ST JOHNS COUNTY

PROPOSED 30' UTILITY EASEMENT

SOUTHERLY LINE OF SECTION 16,
 TOWNSHIP 09 SOUTH, RANGE 28 EAST

NORTHERLY RIGHT-OF-WAY LINE
WEST GEORGE MILLER ROAD
 (VARIABLE WIDTH RIGHT-OF-WAY)

WESTERLY RIGHT-OF-WAY LINE
COUNTY ROAD 13 SOUTH
 (80' RIGHT-OF-WAY)

POINT OF BEGINNING
 INTERSECTION OF THE WESTERLY
 RIGHT-OF-WAY LINE OF COUNTY
 ROAD 13 SOUTH WITH THE
 NORTHERLY RIGHT-OF-WAY LINE OF
 WEST GEORGE MILLER ROAD

POINT OF REFERENCE
 SOUTHEAST CORNER OF SECTION 18,
 TOWNSHIP 09 SOUTH, RANGE 28 EAST
 & SOUTHWEST CORNER OF SECTION
 17, TOWNSHIP 09 SOUTH, RANGE 28
 EAST PER CCR #066920

Line Table		
Line #	Length	Direction
L1	40.00'	S89°55'21"W
L2	30.00'	N00°24'25"W
L5	30.00'	S00°24'25"E



Graphic Scale
 1"=100'



Sheet No.
 2 OF 4

PARCEL ID - 047045000
ADDRESS - S MAIN ST
OWNER - BOARD OF PUBLIC INSTRUCTION
SCHOOL BOARD ST JOHNS COUNTY

PARCEL ID - 0470450010
ADDRESS - 6195 S MAIN ST
OWNER - ST JOHNS COUNTY
OFFICIAL RECORDS BODK 1149 PAGE

SEE SHEET 4
MATCHLINE

MATCHLINE
SEE SHEET 2

N 89° 55' 21" E 1184.88'

PROPOSED 30' UTILITY EASEMENT

S 89° 55' 21" W 1254.73'

SOUTHERLY LINE OF SECTION 18 - TOWNSHIP 09 SOUTH - RANGE 28 EAST
NORTHERLY LINE OF SECTION 19, TOWNSHIP 09 SOUTH, RANGE 28 EAST

WEST GEORGE MILLER ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)



Graphic Scale
1" = 100'



Sheet No.
3 OF 4

SOUTH DANCY AVENUE (40' RIGHT-OF-WAY)
N 00° 42' 30" W 595.06'

L3

PARCEL ID - 0470460020 (OFFICIAL RECORDS BOOK 4509, PAGE 798)
OWNER - ST. JOHNS COUNTY SOUTHERLY PROPERTY LINE

S 00° 42' 30" E 525.24'

PARCEL ID - 0470450000
ADDRESS - S MAIN ST
OWNER - BOARD OF PUBLIC INSTRUCTION
SCHOOL BOARD ST. JOHNS COUNTY

EASTERLY RIGHT-OF-WAY LINE

L4

MATCHLINE
SEE SHEET 3

N 89° 55' 21" E 1184.88'

PROPOSED 30' UTILITY EASEMENT

NORTHERLY RIGHT-OF-WAY LINE

S 89° 55' 21" W 1254.73'

WEST GEORGE MILLER ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)

Line Table		
Line #	Length	Direction
L3	30.00'	N89°34'30"E
L4	56.88'	S45°23'35"E



Graphic Scale
1"=100'



Sheet No.
4 OF 4



2023 Aerial Imagery

Date: 3/25/2024

**Easement for Utilities
W George Miller Road**

**St. Johns County
School Board**



**Land Management
Systems
(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.