

RESOLUTION NO. 2024- 433

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT ACQUISITION OF PERPETUAL EASEMENTS UPON THE PRIVATE PROPERTY DESCRIBED IN EXHIBITS A-1 AND A-2, THROUGH NEGOTIATED CONVEYANCE OR THE COUNTY'S EMINENT DOMAIN POWER SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR THE ST. JOHNS COUNTY FLORIDA COASTAL STORM RISK MANAGEMENT PROJECT (SOUTH PONTE VEDRA BEACH AND VILANO BEACH REACHES) ALONG THE ATLANTIC OCEAN; AUTHORIZING THE COUNTY ATTORNEY AND ALL OTHERS DESIGNATED TO ACT ON ITS BEHALF TO ACQUIRE VIA NEGOTIATED CONVEYANCE OR EMINENT DOMAIN THE PERPETUAL EASEMENTS DESCRIBED IN EXHIBITS A-1 AND A-2, AND TO TAKE ALL ACTIONS THAT THEY DETERMINE ARE REASONABLY NECESSARY, INCLUDING, BUT NOT LIMITED TO, ENGAGING EXPERT WITNESSES AND CONSULTANTS, TO ACQUIRE THE PERPETUAL EASEMENTS DESCRIBED IN EXHIBITS A-1 AND A-2.

WHEREAS, the Atlantic Coast of St. Johns County, Florida, has experienced erosion of its shoreline over the last several decades, and the federally authorized segments of the St. Johns County Florida Coastal Storm Risk Management Project (South Ponte Vedra Beach and Vilano Beach Reaches) are designated “critically-eroded shoreline” by the State of Florida; and

WHEREAS, to maintain safe and sufficient hurricane evacuation routes, protect upland structures and infrastructures, preserve nesting habitat for sea turtles, and benefit other threatened species, among other goals, it is necessary to elevate and widen certain areas of the shoreline and plant dune vegetation along the Atlantic Ocean in the South Ponte Vedra Beach and Vilano Beach Reaches; and

WHEREAS, in Section 161.088, Florida Statutes, the State of Florida has determined that beach erosion is a serious menace to the economy and general welfare of the people of Florida and that erosion has advanced to emergency proportions, and has declared it to be a necessary governmental responsibility to properly manage and protect Florida beaches fronting the Atlantic Ocean from erosion; and

WHEREAS, the State of Florida has declared in Section 161.088 that beach restoration and nourishment projects serve the public interest in areas designated as “critically eroded

shoreline”; and

WHEREAS, the State of Florida has mandated in Section 161.088 “that beach restoration and nourishment projects . . . be funded in a manner that encourages all cost-saving strategies, fosters regional coordination of projects, improves the performance of projects, and provides long-term solutions;” and

WHEREAS, the St. Johns County Florida Coastal Storm Risk Management Project (South Ponte Vedra Beach and Vilano Beach Reaches) being performed in conjunction with the United States Army Corp of Engineers (“USACOE”) as a federal partner, provides an opportunity for funding and cost-saving, fosters regional coordination, and promotes a long-term solution to the aforementioned problems; and

WHEREAS, in March 2017, the USACOE completed the Coastal Storm Risk Management Project Final Integrated Feasibility Study and Environmental Assessment (“2017 Study”), which evaluated project alternatives, long range planning, safety, cost, and environmental factors to develop a recommended Coastal Storm Risk Management project for St. Johns County; and

WHEREAS, the 2017 Study recommended construction of a 60-foot equilibrated berm extension from Florida Department of Environmental Protection (“FDEP”) monuments R103.5 to R116.5 along 2.6 miles of shoreline in the South Ponte Vedra Beach and Vilano Beach Reaches, with the addition of tapers that result in sand placement from FDEP monuments R102.5 to R117.5 along three miles of shoreline, with periodic renourishment approximately every 12 years, which may vary depending on erosion and storm events, as more particularly described in the 2017 Study (“the Project”); and

WHEREAS, on August 8, 2017, the USACOE submitted the 2017 Study and its recommendations for transmission to Congress; and

WHEREAS, in 2018, Congress enacted Section 1401(3) of the Water Resources Development Act of 2018, Public Law 115-270, authorizing the Project in the South Ponte Vedra Beach and Vilano Beach Reaches, as proposed in the 2017 Study; and

WHEREAS, on April 23, 2019, St. Johns County and the USACOE entered into a Project Partnership Agreement delineating the rights and responsibilities of each party with respect to the Project; and

WHEREAS, on May 16, 2023, St. Johns County and the USACOE entered into Amendment No. 1 to the Project Partnership Agreement for the Project; and

WHEREAS, the Project Partnership Agreement, as amended, requires that St. Johns County, as the local sponsor, acquire the real property interest needed for construction and maintenance of the Project, and to “ensure the public use of, and access to, such [easements] by all on equal terms in a manner compatible with the authorized purpose of the Project”; and

WHEREAS, the USACOE evaluated the proposed perpetual easements described in *Exhibits A-1* and *A-2*, and their boundaries with respect to the authorized design, construction template, estimated erosion rates, and renourishment triggers laid out in the 2017 Study; and

WHEREAS, the USACOE determined that the perpetual easements attached as *Exhibits A-1* and *A-2* are reasonable, sufficient, and necessary to fulfill the needs and objectives of the Project; and

WHEREAS, the USACOE requires that the County acquire the perpetual easements attached as *Exhibits A-1* and *A-2* before additional construction of the Project is scheduled;

WHEREAS, a holistic approach to combatting the impacts of storm-induced erosion, inundation, and wave attack is needed on a regional basis, and the Project will promote that objective; and

WHEREAS, the Federal Cost Share to be provided as part of the Project is significant, critical to the long-term success and sustainability of the Project, and promotes cost savings consistent with the State of Florida’s legislative directive; and

WHEREAS, the Project is also needed to protect State Road A1A, which is a National Scenic and Historic Coastal Byway, a major north-south thoroughfare for the area, and the only evacuation route for the region; and

WHEREAS, in addition to being consistent with legislative directives from the State of Florida, the Project also is consistent with the Goals, Objectives, and Policies in the County Coastal/Conservation Management Element, which (a) requires the County to manage, conserve, protect, and enhance coastal resources and protect human life from natural disasters; (b) requires the County to implement post natural disaster hazard mitigation measures, such as the provision of shoreline stabilization, to reduce risks to human life and to public and private property; and (c) requires the County to investigate alternatives to funding sources for projects that fund shoreline stabilization for the areas of critical erosion and manage coastal waterfront communities; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that the Project is necessary and will serve the best interest of the public's health, safety and

welfare; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, finds that it is necessary to acquire the perpetual easements described in *Exhibits A-1* and *A-2* by negotiated conveyance or the County's eminent domain power and to employ legal counsel, a real estate appraiser, and all other experts reasonably necessary to accomplish such acquisitions as are necessary for the Project; and

WHEREAS, pursuant to Chapters 73, 74 and 127 of the Florida Statutes, the County is authorized to exercise the right and power of eminent domain.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

1. The recitals above are true and correct and incorporated herein by this reference. The Board adopts all findings in the recitals above.

2. It is found that the Project is necessary for the public purposes described herein, and that acquisition of perpetual easements via negotiated conveyance or eminent domain upon certain real property as described in *Exhibits A-1* and *A-2* located in St. Johns County, Florida, is necessary for the Project.

3. The Office of the County Attorney and those designated to act on its behalf are authorized and directed to acquire or condemn the interests in real property described herein at *Exhibits A-1* and *A-2*. The Office of the County Attorney and those designated to act on its behalf are authorized to initiate and institute eminent domain proceedings pursuant to Chapters 73, 74 and 127 of the Florida Statutes and to file petitions, pleadings, declarations of taking, and any other documents authorized by Florida Statute or rule of court to accomplish said acquisition. The Office of the County Attorney and those designated to act on its behalf are specifically further authorized to obtain title to and possession of the perpetual easements in advance of entry of final judgment through quick-take proceedings, as provided by law and determined necessary by this Commission for the public purposes set forth herein.

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

5. This resolution shall be effective immediately upon adoption.

DONE, ORDERED and ADOPTED in Regular Session this 1st day of

October, 2024.

ATTEST:

BRANDON J. PATTY, CLERK OF THE
CIRCUIT COURT & COMPTROLLER

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Brandon J. Patty*
Deputy Clerk

By: *[Signature]*
Sarah Arnold, Chair

Rendition Date: OCT 07 2024

Effective Date: OCT 01 2024



EXHIBIT "A-1"

A perpetual and assignable easement in, on, over, and across the land described below for use by the Board of County Commissioners of St. Johns County, Florida, the project sponsor of the St. Johns County Coastal Storm Risk Management Project (South Ponte Vedra Beach and Vilano Beach Reaches), its representatives, agents, contractors, and assigns to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach, a dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the project, together with the right of public use and access; to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement.

The foregoing easement shall not permit members of the public to enter upon any dune constructed, repaired, rehabilitated, replaced, renourished and vegetated or maintained in the easement area in compliance with the authorized purposes of the project and in accordance with federal, state and local laws regulations and policies. Such laws, regulations and policies shall be applied on equal terms and in a manner compatible with the project for the public's lawful use of the dry sand beach seaward of the toe of any such dune to engage in customary uses of the beach such as sunbathing, picnicking, jogging, hiking, shell collecting, and other similar uses as regulated in St. Johns County's Beach Code, Ordinance 2007-19, as amended.

Grantors, their successors and assigns reserve the right to construct dune overwalk structures in accordance with any applicable federal, state, or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function. Prior approval of the plans and specifications for such structures is obtained from the designated representative of the project sponsor and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project which may require removal of such structures at Grantors' expense.

Grantors, their successors and assigns further reserve all such rights and privileges as may be used and enjoyed by a fee owner without interfering with or abridging any right or privilege acquired by St. Johns County in this easement, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Easement legal description:

A part of lots 3 and 4, block 22, North Beach Subdivision, according to the map or plat thereof, as recorded in map book 3, page 28, of the public records of St. Johns county, Florida, a part of Atlantic avenue (a right of way as now established) & a part of those lands lying easterly of said Atlantic avenue, all lying in government lot 2, section 29, township 6 south, range 30 east and

being more particularly described as follows:

Commence at the southwest corner of those lands described and recorded in official records 3804, page 449, public records of said St. Johns County, said point being situate on the easterly right of way line of State road A1A (a 66 foot right of way as now established) and the northerly right of way line of Sixth Street (a 60 foot right of way as now established); thence n66°41'10"e, along the southerly line of said lands described and recorded in official records 3804, page 449, a distance of 48.09 feet to the point of beginning; thence n18°36'18"w, a distance of 1.36 feet to an intersection with the southerly side of an existing 3.3 foot wide concrete seawall; thence n59°46'34"e, along said southerly side of said concrete seawall, a distance of 28.55 feet to an angle point in said concrete seawall; thence n06°36'44"w, along the easterly side of said concrete seawall, a distance of 99.40 feet to an intersection with the northerly line of said lands described and recorded in official records 3804, page 449; thence n66°41'10"e, along said northerly line of said lands described and recorded in said official records volume 3804, page 449 and its easterly prolongation, a distance of 140.50 feet to an intersection with the "St. Johns r102.5 to 117.5 Erosion Control Line St. Johns County, Florida" as adopted and recorded in Erosion Control Line book 14, pages 8 through 14 pursuant to the provisions of Chapter 161.181 Florida Statutes; thence s15°00'05"e, along said erosion control line, a distance of 18.00 feet; thence s16°43'15"e, continuing along said erosion control line, a distance of 82.73 feet to an intersection with the easterly prolongation of the southerly line of said lands described and recorded in official records 3804, page 449; thence s66°41'10"w, along said easterly prolongation, along said northerly right of way line of Sixth Street and said southerly line of said lands described and recorded in Official Records Book 3804, page 449, a distance of 185.42 feet to the point of beginning.

Containing 15,006.80 square feet or 0.344 acres, more or less

Parcel ID Number: 1456000030

Owner: The Coastal Highway Realty Trust u/a/d June 26, 2024
C/O: Robert F. Morrissey and Michael G. Lynch, Co-Trustees

EXHIBIT "A-2"

A perpetual and assignable easement in, on, over, and across the land described below for use by the Board of County Commissioners of St. Johns County, Florida, the project sponsor of the St. Johns County Coastal Storm Risk Management Project (South Ponte Vedra Beach and Vilano Beach Reaches), its representatives, agents, contractors, and assigns to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach, a dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the project, together with the right of public use and access; to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement.

The foregoing easement shall not permit members of the public to enter upon any dune constructed, repaired, rehabilitated, replaced, renourished and vegetated or maintained in the easement area in compliance with the authorized purposes of the project and in accordance with federal, state and local laws regulations and policies. Such laws, regulations and policies shall be applied on equal terms and in a manner compatible with the project for the public's lawful use of the dry sand beach seaward of the toe of any such dune to engage in customary uses of the beach such as sunbathing, picnicking, jogging, hiking, shell collecting, and other similar uses as regulated in St. Johns County's Beach Code, Ordinance 2007-19, as amended.

Grantors, their successors and assigns reserve the right to construct dune overwalk structures in accordance with any applicable federal, state, or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function. Prior approval of the plans and specifications for such structures is obtained from the designated representative of the project sponsor and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project which may require removal of such structures at Grantors' expense.

Grantors, their successors and assigns further reserve all such rights and privileges as may be used and enjoyed by a fee owner without interfering with or abridging any right or privilege acquired by St. Johns County in this easement, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Easement legal description:





A part of Government lot 2, Section 32, Township 6 south, Range 30 east, St. Johns county Florida and being more particularly described as follows: commence at the southwest corner of those lands described and recorded in Official Records 1315, page 958, said point being situate at the intersection of the easterly right of way line of State Road A1A (a 66 foot right of way as now established) and the northerly line of a 30 foot strip of land reserved for public road purposes; thence n17°34'56"w, along said easterly right of way line, a distance of 300.00 feet to the southwest corner of those lands described and recorded in Official Records 3505, page 1596; thence n71°14'04"e, along the southerly line of said lands described and recorded in Official Records 3505, page 1596, a distance of 54.30 feet to the point of beginning; thence n17°28'12"w, a distance of 100.00 feet to an intersection with the northerly line of said lands described and recorded in Official Records 3505, page 1596; thence n71°14'04"e, along said northerly line of said Official Records 3505, page 1596 and its easterly prolongation, a distance of 127.78 feet to an intersection with the "St. Johns r102.5 to 117.5 Erosion Control Line St. Johns County, Florida" as adopted and recorded in Erosion Control Line Book 14, Pages 8 through 14 pursuant to the provisions of Chapter 161.181 Florida Statutes; thence s17°08'26"e, along said erosion control line, 77.15 feet; thence s16°40'40"e, continuing along said erosion control line, a distance of 22.88 feet to an intersection with the easterly prolongation of the southerly line of said lands described and recorded in Official Records 3505, page 1596; thence s71°14'04"w, along said easterly prolongation and said southerly line of said lands described and recorded in Official Records 3505, page 1596, a distance of 127.02 feet to the point of beginning.

Containing 12,744.78 square feet or 0.292 acres, more or less

Parcel ID Number: 1426300000

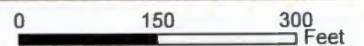
Owner: Hayes



-  Range Monuments
-  A-1
-  A-2
-  Affidavit Line OR Book 4786, Page 1244

St. Johns County, Florida
Coastal Storm Risk Management Project

(South Ponte Vedra Beach and Vilano Beach Reaches)



DISCLAIMER:
 This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Map Prepared: 9/5/2024

J20373