

RESOLUTION NO. 2024-472

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES ASSOCIATED WITH THE WATER AND/OR SEWER SYSTEMS TO SERVE TIRE SERVICE CENTER – ST. AUGUSTINE, LOCATED OFF STATE ROAD 207.

RECITALS

WHEREAS, Mavis Southeast LLC, a foreign limited liability company, has executed and presented to the County an Easement associated with the water and/or sewer systems to serve Tire Service Center – St. Augustine, 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 documents 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 November, 2024.

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

Rendition Date NOV 07 2024

By: _____
Sarah Arnold, Chair

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



Deputy Clerk



Exhibit "A" to the Resolution
EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 14 day of February, 2024
by Wavis Southeast LLC, with an address of
358 Saw Mill River Rd, Millwood NY 10546 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, 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 meters 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. WATER SYSTEM - The Grantee shall maintain water meter or meters. Grantor or Grantor's successors and assigns shall be responsible for maintaining any water lines located within the boundary of the Grantor's property excluding the water meters.

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:

[Signature]
Witness

By: [Signature]
Its: CO-CEO

Michelle Rondinelli
Print Name

358 Saw Mill River Rd Millwood NY 10546
Witness Address REQUIRED BUSINESS OR PERSONAL

[Signature]
Witness

Marilyn Mejia
Print Name

358 Saw Mill River Rd Millwood NY 10546

Witness Address REQUIRED BUSINESS OR PERSONAL

STATE OF ~~FLORIDA~~^{NY} New York
COUNTY OF Westchester

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14 day of February, 2024, by victor Sorbara as CO-CEO for Mavis Southeast, LLC.

Charity Dillon
Notary Public
My Commission Expires: 01-06-2026

CHARITY DILLON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01D16295664
Qualified in Dutchess County
My Commission Expires 01-06-2026

Personally Known or Produced Identification
Type of Identification Produced Drivers License

EXHIBIT "A"
EASEMENT AREA

"EXHIBIT A"

DESCRIPTION OF A 8'X10' WATER METER EASEMENT (NOT A SURVEY)

LEGAL DESCRIPTION

A PORTION OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS DESCRIBED AS OUTPARCEL 5, RECORDED IN OFFICIAL RECORDS BOOK 5638, PAGE 1567, OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

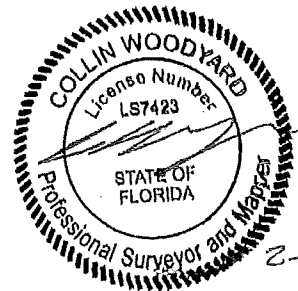
COMMENCING AT THE NORTHEAST CORNER OF SAID OUTPARCEL 5; THENCE RUNNING ALONG THE SOUTHEAST LINE OF SAID OUTPARCEL 5 SOUTH 36°21'28" WEST, FOR A DISTANCE OF 19.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEAST LINE SOUTH 36°21'28" WEST, FOR A DISTANCE OF 10.00 FEET; THENCE DEPARTING SAID SOUTHEAST LINE NORTH 53°38'32" WEST, FOR A DISTANCE OF 8.00 FEET; THENCE NORTH 36°21'28" EAST, FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 53°38'32" EAST, FOR A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "SKETCH AND DESCRIPTION" WAS MADE UNDER MY DIRECT SUPERVISION ON FEBRUARY 5, 2024 AND MEETS THE APPLICABLE CODES AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CERTIFIED TO ST. JOHNS COUNTY.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEAST LINE OF OUTPARCEL 5 AS BEING SOUTH 36°21'28" WEST. THIS SURVEY HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
2. THE PURPOSE OF THIS DOCUMENT IS TO DESCRIBE AND REPRESENT A 8'X10' WATER METER EASEMENT, AS SHOWN HEREON. (SEE SHEET 2 FOR SKETCH)
3. THIS SKETCH DOES NOT REPRESENT A LAND SURVEY.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY ANYONE OTHER THAN THE SIGNING PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND EACH SHEET WILL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.



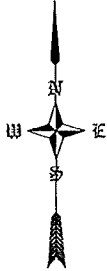
COLLIN WOODYARD "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER"
LS NO. 7423
FEBRUARY 5, 2024

SEE SHEET 2 OF 2 FOR SKETCH

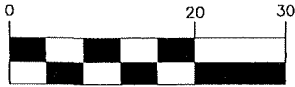
SCALE: N.T.S.	DATE 02/05/2024	DRAWN PD	PROJECT FLB220006	SEC. 3 TWN. 8 S RNG. 29 E	1900 NW CORPORATE BLVD., SUITE 101E BOCA RATON, FL 33431 561.571.0280	BOHLER ™
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EXHIBIT "A" DESCRIPTION OF 5'X5' WATER METER EASEMENT (NOT A SURVEY)

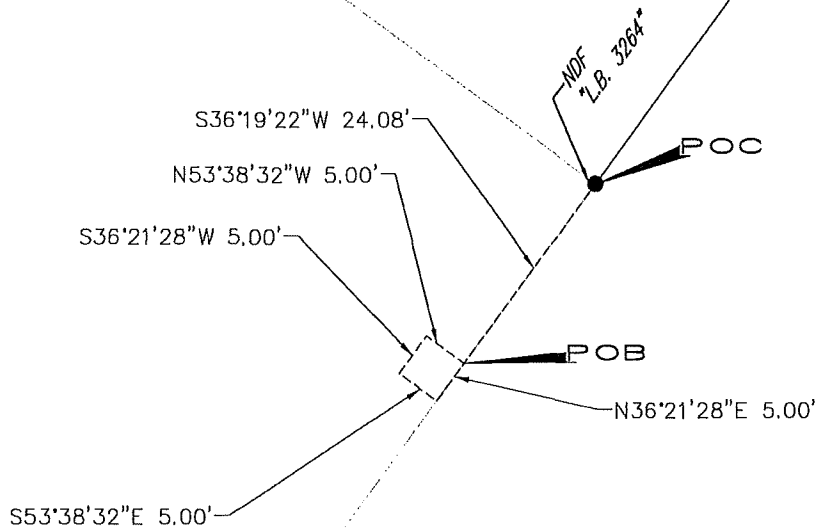
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



Digitally signed by
Brandon Shugart PSM
DN: cn=Brandon
Shugart PSM, o=IME
Civil and Surveying,
LLC, ou,
email=brandon@imeci
vil.com, c=US.
Date: 2024.03.01
13:24:09 -05'00'

LEGAL DESCRIPTION

A PORTION OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5765 PAGE 1973, OF THE PUBLIC RECORDS OF SAID COUNTY. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID OUTPARCEL 5; THENCE RUN ALONG THE SOUTHEAST LINE OF SAID OUTPARCEL 5 SOUTHWEST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5765 PAGE 1973 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY.; THENCE RUN S 36°19'22" W, AND DISTANCE OF 24.08 FEET TO THE POINT OF BEGINNING; THENCE RUN N 53°38'32" W, A DISTANCE OF 5.00 FEET TO A POINT; THENCE RUN S 36°21'28" W, A DISTANCE OF 5.00 FEET TO A POINT; THENCE RUN S 53°38'32" E, A DISTANCE OF 5.00 FEET TO A POINT; THENCE RUN N 36°21'28" E, A DISTANCE OF 5.00 FEET BACK TO THE POINT OF BEGINNING.

IME CIVIL & SURVEYING, LLC
1870 COUNTY ROAD 214
ST AUGUSTINE, FLORIDA 32084
WWW.IMECIVIL.COM
904-429-7764

Licensed Survey Business #8139
Certificate of Authorization #33025

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••THIS IS NOT A BOUNDARY SURVEY••

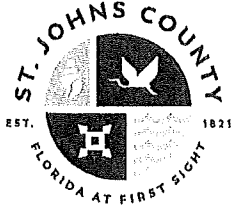


Exhibit "B" to the Resolution
**ST. JOHNS COUNTY
UTILITIES**
1205 State Road 16
St. Augustine, Florida 32084

I N T E R O F F I C E M E M O R A N D U M

TO: David Kaufman, Real Estate Manager
FROM: Melissa Caraway, Utility Review Coordinator
DATE: September 23, 2024
SUBJECT: Tire Service Center – St. Augustine (ASBULT 2024000039)

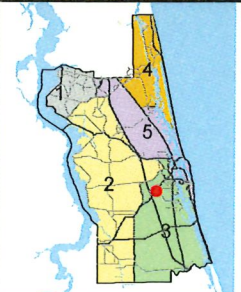
St. Johns County Utility Department has reviewed and approved the Easement. Please present the document to the Board of County Commissioners (BCC) for final approval and acceptance of Tire Service Center – St. Augustine.

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 Area



2023 Aerial Imagery

Date: 10/7/2024

Tire Service Center
St. Augustine

Easement



Land Management
Systems

(904) 209-0798

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.