

RESOLUTION NUMBER: 85-91

A RESOLUTION ACCEPTING A DEED; AUTHORIZING PAYMENT THEREFORE; APPROVING ACQUISITION OF A 15 FOOT RIGHT OF WAY INSTEAD OF THE 100 FOOT RIGHT OF WAY DESCRIBED IN COUNTY ORDINANCE 85-23 AND ACKNOWLEDGING THAT THE DEED ACCEPTED HEREBY CONSTITUTES FULL AND COMPLETE FULLFILLMENT OF THE ORDINANCE 85-23 REQUIREMENT PERTAINING TO ACQUISITION OF RIGHT OF WAY.

WHEREAS, the Board of County Commissioners of St. Johns County considered the adoption of County zoning ordinance 85-23 at its March 19, 1985 zoning hearing; and

WHEREAS the ordinance as presented and passed called for a 100 foot right of way for road construction; and

WHEREAS, the County is in the process of obtaining grant funds from the Division of Economic Development, Florida Department of Commerce for funds to acquire right of way for the road as provided by Florida Statute 288.063 and Rules adopted by the Division of Economic Development; and .

WHEREAS, the County engineering department has determined that a 15 foot right of way adjacent to an existing right of way is sufficient to meet the transportation needs that will be generated by the rezoning of the lands described in Ordinance 85-23; and

WHEREAS requiring the acquisition of a 100 foot right of way would serve no useful purpose; would remove an 85 foot wide strip of land from the tax rolls; would result in an unnecessary expenditure of State grant money; and would not benefit the citizens of the County or the owners of the subject property; and

WHEREAS. C. Allen Peele, as Trustee and individually as owner, has tendered a Warranty Deed, a copy of which is attached hereto, dated June 26, 1985, to the Board of County Commissioners of St. Johns County, Florida, conveying to the County a 15 foot wide strip of

land that may be used for a road right-of-way, said land being described as follows:

(See legal description on attached deed)

NOW THEREFORE, BE IT RESOLVED this 26 day of June, 1985 by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. The above described Warranty Deed is hereby accepted by the Board of County Commissioners of St. Johns County, Florida. This acceptance shall not be deemed as acceptance requiring construction or maintenance on the subject property by the County.

Section 2. The grantor has been advised through his attorney that the County has made an economic development transportation fund application to the Division of Economic Development, Florida Department of Commerce for funds to, among other things, purchase the above-described lands and that the County will pay the grantor \$5164.29 for such lands only if such grant is awarded to the County with at least \$5164.29 allocated therein for the purchase of such lands.

Section 3. The grantor has agreed that the application by the County and the promise described in Section 2 is sufficient consideration for such deed and that in the event the aforescribed grant monies are not awarded to the County, the lands described in the deed that are not subject to the express reverter contained therein shall remain the property of the County without further consideration.

Section 4. St. Johns County hereby accepts the acquisition of the land described in the attached deed in full substitution of the acquisition of the 100 foot right of way specified in Section 1(A) of St. Johns County Ordinance 85-23.

Section 5. St. Johns County hereby acknowledges that the deed described herein constitutes full and complete fulfillment of the ordinance 85-23 requirement pertaining to acquisition of right of way.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Ray Walden*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Marie Hudson*
Deputy Clerk

85 13633

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This instrument was prepared by:

Malcolm L. Stephens, Jr.
STEPHENS AND STEPHENS
Law Firm
Post Office Drawer S
ST. AUGUSTINE, FLORIDA 32084

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 26th day of June 1985 Between

C. ALLEN PEELE, as Trustee, and C. ALLEN PEELE, individually,
conveying his non-homestead property,

of the County of _____, State of _____, grantor*, and
ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida,

whose post office address is St. Johns County Courthouse, Cordova St. St. Augustine, FL 32084

of the County of St. Johns, State of Florida, grantee*.

Witnesseth, That said grantor, for and in consideration of the sum of
-----TEN AND NO/100 DOLLARS (\$10.00)----- Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following
described land, situate, lying and being in St. Johns County, Florida, to-wit:

A 70 foot wide parcel of land, being a part of Lots 9 and 10, of
GREEN ACRES SUBDIVISION, according to map or plat thereof
recorded in Map Book 6, Page 5, of the Public Records of
St. Johns County, Florida; said 70 foot strip of land lying
adjacent to and Westerly of the 30 foot road reservation as shown
on said recorded plat.

SS
\$23.25
9.00

(The Northerly boundary of the above described parcel is the
Northerly boundary of Green Acres Subdivision, as aforesaid, and
that said parcel is bounded on the South by the North Right-of-
Way line of State Road No. 16.)
(continued on attached schedule marked "Exhibit A")

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all
persons whomsoever.
* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence.

Malcolm L. Stephens, Jr.
Debra M. Harrison

C. Allen Peele (Seal)
(C. Allen Peele, as Trustee)
C. Allen Peele (Seal)
(C. Allen Peele)
(Seal)

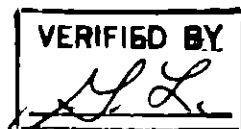
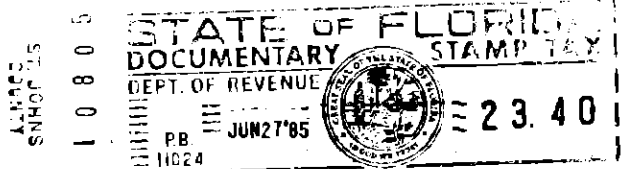
STATE OF FLORIDA
COUNTY OF ST. JOHNS
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared
C. ALLEN PEELE, as Trustee, and C. ALLEN PEELE, individually,
conveying his non-homestead property,
to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that
he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 26th day of June,
1985.
My commission expires: 4/20/86
Malcolm L. Stephens, Jr.
Notary Public
State of Florida at Large

REVERTER: That at 12:00 Midnight on the 28th. day of June, 1985, all of the right, title and interest in and to a part or portion of said above described lands shall automatically revert to and become the ownership of Grantor, without the necessity of any action whatsoever. That said part or portion of said lands, the title to which shall automatically Revert, as aforesaid, is more particularly described as follows:

The Westerly 55 feet of a 70 foot wide parcel of land, being a part of Lots 9 and 10, of GREEN ACRES SUBDIVISION, according to map or plat thereof recorded in Map Book 6, Page 5, of the Public Records of St. Johns County, Florida; said 70 foot strip of land lying adjacent to and Westerly of the 30 foot road reservation as shown on said recorded plat.

"EXHIBIT A"



FILED AND RECORDED IN PUBLIC RECORDS

1985 JUN 27 AM 10:51

Carl Paul Marshall
CLERK OF DISTRICT COURT