

ST. JOHNS COUNTY
RESOLUTION NO. 86-122

WHEREAS, this Board has heretofore passed resolution 86-6, concerning the vacation of certain portions of Old Palm Valley Road - said vacation not to be effective until construction of the new Palm Valley Road, the receipt by the County of a deed conveying the new road to the County; the occurrence of certain other conditions precedent; and the signing of said resolution 86-6 by the Chairman of the County Commission; and

WHEREAS, the owner has tendered to the County the attached warranty deed from 800 Acre Investment Partnership dated September 4, 1986; and

WHEREAS, all conditions precedent to vacation of a portion of Old Palm Valley Road as described in resolution 86-6 have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

1.

The Chairman is authorized and directed to sign resolution 86-6 and the Clerk is authorized and directed to publish the notice required by Florida Statute 336.10.

2.

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 an acceptance requiring construction or maintenance on the subject property by the County.

3.

The Clerk is instructed to file the title opinion and to record the deed in the official public records of St. Johns County at County expense.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 9th day of September, 1986.

ATTEST: Carl "Bud" Markel, Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cheryl Kent
Deputy Clerk

By: Francis N. Brubaker

WARRANTY DEED

THIS INDENTURE, made this 4th day of September, 1986, between 800 ACRE INVESTMENT PARTNERSHIP, a Florida general partnership, of the County of Duval, State of Florida, "Grantor", and THE COUNTY OF ST. JOHNS, FLORIDA, "Grantee";

W I T N E S S E T H:

That the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the said Grantee its heirs, successors and assigns forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida, to wit:

A part of Section 16, together with a part of the Joseph S. Sanchez Grant, Section 43, all lying within Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows: COMMENCE at the corner common to said Section 16 and Sections 9, 10 and the Francis X. Sanchez Grant, Section 44, all within said Township and Range; thence South 87°25'45" West, along the dividing line between said Sections 9 and 16, a distance of 691.33 feet for a POINT OF BEGINNING; thence South 06°49'15" East, a distance of 910.90 feet to the P.C. of a curve to the left having a radius of 1230.97 feet; thence around and along said curve South 20°00'07" East, 561.39 feet (chord bearing and distance) to the P.T. of said curve; thence South 33°10'58" East, a distance of 2628.75 feet to the P.C. of a curve to the left having a radius of 7334.55 feet; thence around and along said curve South 33°28'54" East, 76.46 feet (chord bearing and distance) to its intersection with the Southerly line of said Section 43; thence North 85°53'26" West, along the dividing line between said Section 43 and Section 15 of said Township and Range, a distance of 126.20 feet to a point which lies South 85°53'26" East, 536.08 feet from the Northwest corner of said Section 15; thence North 33°10'58" West, 2628.75 feet to the P.C. of a curve to the right, having a radius of 1330.97 feet; thence around and along said curve, North 20°00'07" West, 607.00 feet (chord bearing and distance) to the P.T. of said curve; thence North 06°49'15" West, a distance of 918.34 feet to its intersection with said division line between Sections 9 and 16; thence North 87°25'45" East, along said division line of Sections 9 and 16 a distance of 100.28 feet to the POINT OF BEGINNING.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor. However, the Grantor does not warrant or make any representations whatsoever as to any portion of the property described above that was at any time prior to this conveyance a state or county road or highway.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name by Florida Title Group, Inc., the Managing General Partner of 800 Acre Investment Partnership, and caused its Corporate Seal, attested by its Secretary, to be hereto affixed the day and year first above written.

PREPARED BY:
Douglas A. Ward, Esq.
Rogers, Towers, Bailey, Jones & Gay
1300 Gulf Life Drive
Jacksonville, Florida 32207

*original to
Clerk 9-10-86
C.K.*

Signed, sealed and delivered
in the presence of:

800 ACRE INVESTMENT PARTNERSHIP,
a Florida general partnership

By: FLORIDA TITLE GROUP, INC.,
a Florida corporation, Its
Managing General Partner

Mary Kay Maffat
Sandra C. Musgrove

By: W. M. Brannen
Its: Vice President

ATTEST: S. B. Goeckel
Assistant Secretary

(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing was acknowledged before me this 4th day of
September, 1986, by W. M. BRANNEN and S. B. GOECKEL, the Vice
President and Assistant Secretary, respectively, of FLORIDA TITLE
GROUP, INC., a Florida corporation, as managing general partner of
800 Acre Investment Partnership, a Florida general partnership, on
behalf of the general partnership.

Sandra C. Musgrove
Notary Public

Notary Public, State of Florida At Large.

My Commission Expires: November 21, 1990

PETITION TO VACATE PORTIONS OF
CERTAIN STREETS, ALLEYWAYS OR ROADS

TO: THE HONORABLE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Comes now Landvest, Ltd., a Florida limited partnership and Sun Bank/North Florida, National Association, as Trustee under Trust Agreement dated the 7th day of December, 1984, Trust Number 60266004 and respectfully petitions this Honorable Board as follows:

1. To vacate, abandon, discontinue and close portions of those certain public streets, alleyways or roads situate in St. Johns County, Florida, hereinafter more particularly described; to renounce and disclaim any right of St. Johns County and the public in and to the lands constituting such portions of said streets, alleyways or roads; and to renounce and disclaim any right of St. Johns County and the public in and to any lands or interest therein acquired by purchase, gift, devise, dedication or prescription for such portions of said streets, alleyways or roads described as follows:

Legal description as per attached SCHEDULE "A"

2. To adopt a resolution declaring that at a definite time and place a public hearing will be held to consider the advisability of the above, and to publish notice as prescribed by Section 336.10, Florida Statutes 1981, one time in a newspaper of general circulation advising of a public hearing in connection with the above matter, and thereafter adopting a resolution renouncing and disclaiming any right of the County and the public in and to the hereinbefore described portions of streets, alleyways or roads, and vacating, abandoning, discontinuing and closing same.

3. In support hereof, Petitioner shows that he is the owner of all the lands abutting said portions of streets, alleyways or roads sought to be vacated, and Petitioner is the only person who would be affected thereby; and said portions of streets, alleyways or roads are no longer necessary nor desirable.

4. The Petitioner further states that said portion of the road sought to be vacated was once known as State Road 210. The Petitioner has requested a disclaimer from the State of Florida for any interest the State may have in this road. The Petitioner has been informed by Charles Space, County Engineer, that the portion of the road sought to be vacated is not within any municipality in St. Johns County.

5. The Petitioner agrees that the vacation of this road or a portion thereof is further conditioned on the Agreement more particularly described in Schedule "B" attached hereto.

LANDVEST, LTD. by Landvest of Florida, Inc., Its General Partner

By: W. M. Brannon
Its Vice President

STATE OF FLORIDA

COUNTY OF ST. JOHNS

W. M. Brannon, being by me, the undersigned Petitioner, first duly sworn, says on oath that he is the petitioner named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that he has read same and knows the contents thereof and that the statements contained herein are true.

LANDVEST, LTD., by Landvest of Florida, Inc., Its General Partner
By: W. M. Brannon
Its Vice President

SWORN TO AND SUBSCRIBED before me this 25th day of October, 1945.

James L. Davis
Notary Public
State of Florida At Large

My commission expires:
6/20/48

SUN BANK/NORTH FLORIDA, NATIONAL
ASSOCIATION, as Trustee

By: [Signature]
Its Vice President

STATE OF FLORIDA

COUNTY OF ST. JOHNS

Gilbert R. Fennell, Jr., being by me, the undersigned Officer, first duly sworn, says on oath that he is the petitioner named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that he has read same and knows the contents thereof and that the statements contained herein are true.

SUN BANK/NORTH FLORIDA, NATIONAL
ASSOCIATION, as Trustee

By: [Signature]
Its Vice President

SWORN TO AND SUBSCRIBED before me this 30th day of October,
1986.

[Signature]
Notary Public
State of Florida At Large

My commission expires:

6/20/88

SCHEDULE "A"

ABANDONMENT OF A PORTION OF OLD PALM VALLEY ROAD

A part of Section 16, together with a part of the Joseph S. Sanchez Grant, Section 43, all lying within Township 4 South, Range 29 East, St. Johns County, Florida, which lies 66 feet Westerly of and parallel to, as measured at right angles, to the following described line: BEGINNING at the corner common to said Section 16 and Sections 9, 10 and the Francis X. Sanchez Grant, Section 44, all within said Township and Range; thence South 87°25'45" West, along the dividing line between said Sections 9 and 16, a distance of 708.38 feet for a POINT OF BEGINNING; then South 06°49'15" East, a distance of 1056.26 feet to the P.C. of a curve to the left having a radius of 635.25 feet; thence around and along said curve, South 34°48'00" East, 596.05 feet (chord bearing and distance) to the P.T. of said curve; thence South 62°46'45" East, a distance of 712.46 feet to the P.C. of a curve to the right having a radius of 546.05 feet; thence around and along said curve, South 36°48'00" East, 478.39 feet (chord bearing and distance) to the P.T. of said curve; thence South 10°49'15" East, a distance of 797.27 feet to the P.C. of a curve to the left having a radius of 2259.01 feet; thence around and along said curve, South 19°47'39" East, 704.69 feet (chord bearing and distance) to a point situated in the Southerly line of said Section 43 and the POINT OF TERMINUS. It is intended for the Westerly line of this parcel to be bounded on the North by the division line between said Sections 9 and 16 and on the South by the Southerly line of said Section 43.

Containing 6.64 acres, more or less.

SCHEDULE "B"
A G R E E M E N T

This Agreement dated this 26 day of November, 1985, by and between LANDVEST, LTD., a Florida limited partnership and SUN BANK/NORTH FLORIDA, NATIONAL ASSOCIATION, as Trustee, under Trust Agreement dated the 7th day of December, 1984, Trust Number 60266004 (collectively referred to as the "Petitioner") and the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA (the "County").

W I T N E S S E T H

WHEREAS, the Petitioner desires to have a portion of Old Palm Valley Road, also known as County Road 210 and formerly known as State Road 210 (the "Old Road"), more particularly described in Exhibit "A" attached hereto and made a part hereof closed in contemplation of the future development of this property; and

WHEREAS, the portion of the Old Road as it now exists contains a sharp S curve, and the County desires certain property owned by the Petitioner, more particularly described in Exhibit "B" (the "New Road") in order to relocate this portion of the road in order to make the road less hazardous.

NOW, THEREFORE, in consideration for the mutual promises herein made by the Petitioner and the County. The Petitioner hereby agrees to convey the New Road to the County and the County hereby agrees to vacate the portion of the Old Road that is not within the New Road and accepts the New Road; provided that the following conditions are met:

1. The County shall first hold the public hearing as provided in Florida Statute Section 336.09 et. seq. and, after considering information provided thereat, shall at its sole option, resolve to vacate said portion of the Old Road. This Agreement standing alone shall not require the County to resolve to vacate said portion of the Old Road.

2. The Petitioner submit a petition to vacate said portion of the Old Road and complete all requirements under Florida Statutes Section 336.09, 336.10 and 336.12.

3. The Petitioner submit a title opinion from Rogers, Towers, Bailey, Jones & Gay that describes the current status of title of the (i) Old Road, (ii) adjacent property to the Old Road and (iii) New Road. However, as to the status of title to the Old Road and that portion of the New Road that was part of the Old Road, the County acknowledges that the Old Road was at one time State Road 210 and that the Petitioner is working with the Department of Transportation of the State of Florida in order to obtain a disclaimer (the "Disclaimer") to the Old Road. Therefore, any vacation of the Old Road, or accepting the New Road prior to the Petitioner obtaining the Disclaimer from the State of Florida shall be subject to the Petitioner obtaining the Disclaimer.

4. The Petitioner will present the County with two maps: (i) one map that describes the portion of the Old Palm Valley Road (the Old Road) that is not within the New Road and that will be considered by the County for vacating, and (ii) one map that describes the proposed relocation of Old Palm Valley Road (the New Road).

5. The Petitioner will follow the procedures described in Procedure for Vacating County Road more particularly described in Exhibit "C" for the vacation of the Old Road.

6. The Petitioner will promptly relocate and rebuild at the Petitioner's expense and in accordance with the plans submitted to St. Johns County Engineering Department on June 12, 1985 (the "Plans"). These Plans may be amended from time to time but only with the written approval by both the St. Johns County Engineering Department and the Petitioner. These Plans will show (i) the New Road shall be a 100' right of way, (ii) the New Road shall meet the standards requirements by the County, (iii) the New Road right of way shall include approximately 9.5 acres and (iv) adequate drainage culverts under the New Road to handle anticipated runoffs. However, once the New Road has been accepted by the

County and the one year warranty period has expired with no road or drainage deterioration, the Petitioner shall not be responsible for the maintenance of the New Road or drainage improvements.

7. The Petitioner will convey the New Road to the County by Warranty Deed. However, the Petitioner will not provide any warranties for that portion of the New road that was a portion of the Old Road. This conveyance shall be contingent on the County vacating its interest in the above described portion of the Old Road.

8. The Petitioner agrees that while the New Road is being constructed, the vehicular traffic shall be maintained on the Old Road. If the County elects to vacate the portion of the Old Road prior to the completion, dedication or acceptance of the New Road, the Petitioner shall grant an easement for the portion of the Old Road to the County which shall terminate upon the completion of the New Road in accordance with the Plans described in paragraph (5) above and the expiration of the warranty period without deterioration.

9. Once the portion of the Old Road has been properly vacated by the County, the Petitioner, at the Petitioner's option, may remove (at the Petitioner's expense) any and all improvements on the portion of the Old Road. The Petitioner may incorporate said portion of the Old Road in any future developments the Petitioner in his sole discretion deems necessary or convenient. The Petitioner may stop all traffic (vehicular and otherwise) on said portion of the Old Road.

10. Notwithstanding any other paragraph herein, if both the Petitioner and the County deem it necessary, the County may vacate said portion of the Old Road prior to (i) the completion of the New Road per the Plans described in paragraph (5) above, (ii) prior to the dedication of the New Road by the Petitioner to the County and (iii) prior to the acceptance of the New Road by the County.

11. The County will hold the Warranty Deed for the New Road in escrow, and the County will not accept the Deed for the New Road from the Petitioner until such time as the County vacates said

portion of the Old Road.

12. Nothing herein shall be deemed to require the County to approve any zoning, subdivision or other land development permit request of the Petitioner.

IN WITNESS WHEREOF, the said parties have hereunto set its corporate seal the day and year first above written.

THE PETITIONER

LANDVEST, LTD.

By: Landvest of Florida, Inc.,
a Florida corporation
Its General Partner

By: *W M Sumner*
Its Vice President

(CORPORATE SEAL)

By: SUN BANK/NORTH FLORIDA, NATIONAL
ASSOCIATION, As Trustee

By: *[Signature]*
Its Vice President

(BANK SEAL)

THE COUNTY

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By: *Francis M. Brubaker*
Its Chairman

EXHIBIT "A"

ABANDONMENT OF A PORTION OF OLD PALM VALLEY ROAD

A part of Section 16, together with a part of the Joseph S. Sanchez Grant, Section 43, all lying within Township 4 South, Range 29 East, St. Johns County, Florida, which lies 66 feet Westerly of and parallel to, as measured at right angles, to the following described line: BEGINNING at the corner common to said Section 16 and Sections 9, 10 and the Francis X. Sanchez Grant, Section 44, all within said Township and Range; thence South $87^{\circ}25'45''$ West, along the dividing line between said Sections 9 and 16, a distance of 708.38 feet for a POINT OF BEGINNING; thence South $06^{\circ}49'15''$ East, a distance of 1056.26 feet to the P.C. of a curve to the left having a radius of 635.25 feet; thence around and along said curve, South $34^{\circ}48'00''$ East, 596.05 feet (chord bearing and distance) to the P.T. of said curve; thence South $62^{\circ}46'45''$ East, a distance of 712.46 feet to the P.C. of a curve to the right having a radius of 546.03 feet; thence around and along said curve, South $36^{\circ}48'00''$ East, 478.39 feet (chord bearing and distance) to the P.T. of said curve; thence South $10^{\circ}49'15''$ East, a distance of 797.27 feet to the P.C. of a curve to the left having a radius of 2259.01 feet; thence around and along said curve, South $19^{\circ}47'39''$ East, 704.69 feet (chord bearing and distance) to a point situate in the Southerly line of said Section 43 and the POINT OF TERMINUS. It is intended for the Westerly line of this parcel to be bounded on the North by the division line between said Sections 9 and 16 and on the South by the Southerly line of said Section 43.

Containing 6.64 acres, more or less.

EXHIBIT "B"

PROPOSED RELOCATION OF OLD PALM VALLEY ROAD (ALSO KNOWN AS STATE ROAD NO. 210):

A part of Section 16, together with a part of the Joseph S. Sanchez Grant, Sections 9, 10 and 43, all lying within Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows: BEGINNING at the corner common to said Section 16 and Sections 9, 10 and the Francis X. Sanchez Grant, Section 43, all within said Township and Range; thence South $87^{\circ}25'45''$ West, along the dividing line between said Sections 9 and 16, a distance of 691.33 feet for a POINT OF BEGINNING; thence South $06^{\circ}49'15''$ East, a distance of 910.90 feet to the P.C. of a curve to the left having a radius of 1230.97 feet; thence around and along said curve South $20^{\circ}00'07''$ East, 561.39 feet (chord bearing and distance) to the P.T. of said curve; thence South $33^{\circ}10'58''$ East, a distance of 2628.75 feet to the P.C. of a curve to the left having a radius of 7334.55 feet; thence around and along said curve South $33^{\circ}28'54''$ East, 76.46 feet (chord bearing and distance) to its intersection with the Southerly line of said Section 43; thence North $85^{\circ}53'26''$ West, along the dividing line between said Section 43 and Section 15 of said Township and Range, a distance of 126.20 feet to a point which lies South $85^{\circ}53'26''$ East, 536.08 feet from the Northwest corner of said Section 15; thence North $33^{\circ}10'58''$ West, 2628.75 feet to the P.C. of a curve to the right, having a radius of 1330.97 feet; thence around and along said curve, North $20^{\circ}00'07''$ West, 607.00 feet (chord bearing and distance) to the P.T. of said curve; thence North $06^{\circ}49'15''$ West, a distance of 918.34 feet to its intersection with said division line between Sections 9 and 16; thence North $87^{\circ}25'45''$ East, along said division line of Sections 9 and 16 a distance of 100.28 feet to the POINT OF BEGINNING.

EXHIBIT "C"

PROCEDURE FOR VACATING COUNTY STREET OR ROAD:

The procedure as set forth in 336.09, 336.10 and 336.12, Florida Statutes, must be followed.

In addition thereto the petition for vacating must be accompanied by a map showing the road or street sought to be vacated and a statement and an opinion by an attorney licensed to practice in Florida or an abstract company or title insurance company that all persons affected thereby have signed the petition and if not their addresses are set forth in the petition so that they can be notified under the provisions of 336.10 either personally or by publication at least 15 days prior to the public hearing. The map of the proposed vacation must also be published, unless waived by the County Commission.

All expenses in connection with the vacating must be paid by the person requesting same.

When you have all of the paper work ready, telephone the County Commission Office at the Courthouse and schedule your time of appearance on the agenda of a regular Board meeting, to proceed.

You must furnish this paper work:

Petition to Vacate
Title Opinion
Resolution setting hearing date
* Legal advertisement of notice of hearing including site location map

Resolution Vacating
* Legal advertisement of notice of the vacation

* For these legal advertisements, which will be ordered by the Deputy Clerk, you will be billed directly by The St. Augustine Record; after payment of the bill, The St. Augustine Record will release directly to the Deputy Clerk the proofs of publication; note that the proofs must be received by the Deputy Clerk to proceed.

Then, the Deputy Clerk will cause to be RECORDED in the public records (you will be billed for the recording fees) the following which afterwards will be returned to you:

Proof of publication of notice of the public hearing
Resolution Vacating
Proof of publication of notice of the vacation
