

RESOLUTION NO: 86-26

INTRODUCED BY COMMISSIONER: BAILEY

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF OAK AVENUE IN ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PART OF OAK AVENUE IN PINWOOD SUBDIVISION AS RECORDED IN MAP BOOK 2, PAGE 22, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING WEST OF LOTS 13 AND 14 OF SAID SUBDIVISION, NORTH OF THE NORTH LINE OF CEDAR STREET AND SOUTH OF THE NORTH LINE OF SAID LOT 13 EXTENDED ACROSS SAID OAK AVENUE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. The following described portion of Oak Avenue in St. Johns County, Florida, more particularly described as follows:

That part of Oak Avenue in Pinewood Subdivision as recorded in Map Book 2, Page 22, public records of St. Johns County, Florida, lying West of Lots 13 and 14 of said subdivision, North of the North line of Cedar Street and South of the North line of said Lot 13 extended across said Oak Avenue.

be, and the same is hereby vacated, discontinued and abandoned, and is hereby declared no longer to be a public street, avenue or road of St. Johns County, Florida.

SECTION 2. Any right or interest of said St. Johns County or the public in the above described portion of Oak Avenue is hereby renounced and disclaimed.

SECTION 3. All resolutions, or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. This resolution shall take effect upon its passage, approval and publications required by law.

PASSED by the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 25 day of February, 1986.

  
*Francis M. Boulaker*  
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: *Christy Kent*  
Deputy Clerk

UPCHURCH, BAILEY AND UPCHURCH, P. A.

ATTORNEYS AT LAW  
501 ATLANTIC BANK BUILDING  
POST OFFICE BOX 170

SAINT AUGUSTINE, FLORIDA 32085-0170

(904) 829-9066

FRANK D. UPCHURCH  
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HAMILTON D. UPCHURCH  
JOHN D. BAILEY, JR.  
H. DAVIS UPCHURCH, JR.  
FRANK D. UPCHURCH, III  
TRACY W. UPCHURCH

January 13, 1986

Ms. Cheryl Kent  
Clerk  
Board of County Commissioners  
St. Johns County  
County Administration Offices  
State Road 16A  
St. Augustine, FL 32084

Re: Petition to Vacate a portion of Oak Avenue

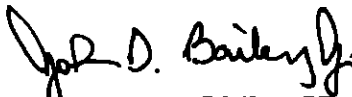
Dear Ms. Kent:

Attached you will please find the following documents concerning the request of Cross Creek of St. Augustine, Inc., to vacate a portion of Oak Avenue:

1. A petition executed by R. J. Pacetti, President of Cross Creek of St. Augustine, Inc.
2. A proposed notice of public hearing on the petition to vacate with an attached location map.
3. A proposed resolution setting the public hearing.
4. A proposed resolution vacating the portion of Oak Avenue described therein.
5. Opinion letter setting forth the owners of real property adjoining the portion of Oak Avenue sought to be vacated.

I have this date delivered copies of the aforesaid documents to Jim Sisco for his review and comment.

Very truly yours,

  
JOHN D. BAILEY, JR.

JDB, JR:bjh  
Enclosures

cc: James G. Sisco, Esquire

PETITION TO VACATE

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

Petitioner, CROSS CREEK OF ST. AUGUSTINE, INC., a Florida corporation, respectfully petitions the Board of County Commissioners of St. Johns County, Florida as follows:

1. To vacate, discontinue and abandon that certain portion of Oak Avenue, more particularly described as follows:

That part of Oak Avenue in Pinewood Subdivision as recorded in Map Book 2, Page 22, public records of St. Johns County, Florida, lying west of Lots 13 and 14 of said subdivision, North of the North Line of Cedar Street and South of the North Line of said Lot 13 extended across said Oak Avenue.

2. In support of this Petition, Petitioner respectfully shows:

(a) It is the fee simple owner of the parcels of real property which abut on the West and East the portion of Oak Avenue which Petitioner seeks to vacate, discontinue and abandon.

(b) Said portion of Oak Avenue is unopened and has never been used by the general public, Petitioner or surrounding property owners.

(c) In the event this Petition is granted, Petitioner shall file a single family subdivision plat consisting of said vacated portion of Oak Avenue and its abutting properties.

(3) To grant Petitioner the relief which it seeks herein will in no way disturb or violate the rights of any other land owners, the general public, or St. Johns County.

(4) Petitioner does hereby waive personal service of notice or any other process in connection with this proceeding. The names and mailing addresses of all persons owning lands adjoining said portion of Oak Avenue, which Petitioner seeks to vacate are:

Fredericka Del Guidice  
Rt. 11, Box 365  
St. Augustine, FL 32084

Lot 12, Pinewood Subdivision

Joseph E. Bright and  
Nessie M. Bright, his wife  
P. O. Box 1234  
St. Augustine, FL 32085

Westerly portion of Lot 15,  
Pinewood Subdivision

WHEREFORE, Petitioner requests the Board of County Commissioners to adopt a resolution declaring its intention to vacate said portion of Oak Avenue and thereafter adopt a resolution vacating, discontinuing and abandoning same.

RESPECTFULLY SUBMITTED THE 13 day of January, 1986.


CROSS CREEK OF ST. AUGUSTINE, INC.

BY:   
R. J. Pacetti, It's President

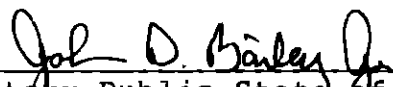
STATE OF FLORIDA

COUNTY OF ST. JOHNS

R. J. PACETTI, being first duly sworn by me, the undersigned officer, says on oath that he is the President of Cross Creek of St. Augustine, Inc., named in the foregoing Petition; that he has read same and knows the contents thereof, and that the statements contained therein are true and correct.

  
R. J. PACETTI

SWORN TO AND SUBSCRIBED before me this 13 day of January,  
1986

  
Notary Public State of Florida

My commission expires: 9/25/88

UPCHURCH, BAILEY AND UPCHURCH, P. A.

ATTORNEYS AT LAW  
501 ATLANTIC BANK BUILDING  
POST OFFICE BOX 170

SAINT AUGUSTINE, FLORIDA 32085-0170

(904) 829-9066

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TRACY W. UPCHURCH

January 13, 1986

Board of County Commissioners  
of St. Johns County  
County Administration Offices  
State Road 16-A  
St. Augustine, FL 32084

Re: Petition to vacate a portion of Oak Avenue

Dear Sirs:

Please be advised that I have searched the Public Records of St. Johns County, Florida, to determine the current owners of real property adjoining the portion of Oak Avenue sought to be vacated by Cross Creek of St. Augustine, Inc., more particularly described as follows:

That part of Oak Avenue in Pinewood Subdivision as recorded in Map Book 2, Page 22, public records of St. Johns County, Florida, lying West of Lots 13 and 14 of said subdivision, North of the North line of Cedar Street and South of the North line of said Lot 13 extended across said Oak Avenue.

My search indicates that the following persons own title to the real properties which adjoin the above-described portion of Oak Avenue:

Cross Creek of St. Augustine, Inc.  
Moultrie Road Professional Center  
403M Old Moultrie Road, Route 8  
Suite 101  
St. Augustine, FL 32086

Joseph E. Bright and  
Nessie M. Bright, his wife  
P. O. Box 1234  
St. Augustine, FL 32085

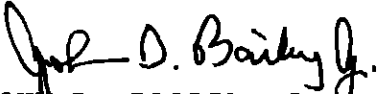
Board of County Commissioners  
January 13, 1986

Page Two

Fredericka Del Guidice  
Rt. 11, Box 365  
St. Augustine, FL 32084

I hereby certify that the above accurately reflects the  
status of the St. Johns County Public Records as of January 6, 1986.

Very truly yours,

  
JOHN D. BAILEY, JR.

JDB, JR:bjh

cc: James G. Sisco, Esquire