

ST. JOHNS COUNTY
RESOLUTION NO. 86-6

WHEREAS, this Board has heretofore passed a resolution, as requested by Landvest, Ltd., a Florida limited partnership and Sun Bank/North Florida, National Association as Trustee, (collectively referred to as Developer), to consider the advisability of exercising the power granted to it by Section 336.09, Florida Statutes, and determine whether it will vacate, abandon, discontinue and close its interests in portions of certain public streets, alleyways or roads hereinafter described; and,

WHEREAS, Notice of Public Hearing has been duly published and Proof of Publication has been filed with this Board; and,

WHEREAS, the Developer has entered into an Agreement with the County in the form attached hereto as Schedule B; and,

WHEREAS, the Board has considered the comments and information presented at the public hearing this date and believes that on the whole, the vacating of the County's interest in the portion of the Old Road described in the Agreement upon completion of the Developer's duties as described in the Agreement would be in the public's best interest;

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

1.

That upon the signing of this Resolution by the Chairman of this Board, the County's interest in certain portions of Old Palm Valley Road as described in Exhibit "A" attached hereto (being the description of the portions of the Old Road to be vacated) be, and the same are hereby vacated, abandoned, discontinued and closed,

and this Board hereby renounces and disclaims any right of the County and the Public in and to said portions.

2.

That upon the completion of the Developer's duties as described in the Agreement marked Schedule "B" attached hereto, the Chairman of this Board is authorized and directed to sign this Resolution.

3.

Upon the signing of this Resolution by the Chairman, the notice required by Section 336.10, Florida Statutes, of the adoption of this resolution is hereby authorized to be published.

DATED this 7th day of January, 1986.

Signed this 15th day of September, 1986.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Francis M. Brubaker
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Cheryl Kent
Deputy Clerk

EXHIBIT A
TO RESOLUTION VACATING CERTAIN
PORTIONS OF OLD PALM VALLEY ROAD

Those portions of the following described portion of Old Palm Valley Road (also known as State Road No. 210) that are not within the New Road deeded (or to be deeded) from Landvest Ltd. a Florida limited partnership and Sun Bank/North Florida National Association as Trustee to St. Johns County, Florida - said New Road being described immediately after the following described portion of Old Palm Valley Road:

PORTION 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, 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; thence 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 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;

PROVIDED HOWEVER, that NO PORTION of the following described New Road that lies within the above described portion of Old Palm Valley Road shall be vacated.

NEW ROAD
(NO PORTION OF WHICH IS
INTENDED TO BE VACATED)

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: 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 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.

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

This Agreement dated this 10 day of DECEMBER, 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 Banner
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 A. Brubaker
Its Chairman