

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

RESOLUTION NO. 88-119

WHEREAS, Harbour Development Company as Owner, has applied to the Board of County Commissioners of St. Johns County, Florida, for approval to record a subdivision plat known as Hammock Cove and,

WHEREAS, the Owner and Mortgagee have dedicated certain roads, streets, easements, rights-of-way or other areas as shown on the subdivision plat for the uses and purposes thereon stated,

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

Section 1. The above-described subdivision plat is conditionally approved by the Board of County Commissioners of St. Johns County, Florida, subject to Section #6.

Section 2. The dedicated roads, streets, easements, rights-of-way and other areas shown on the plat are conditionally accepted by the Board of County Commissioners of St. Johns County on behalf of the beneficiaries to the dedication. This acceptance shall not be deemed an acceptance requiring construction or maintenance of the roads, streets, easements, rights-of-way or other areas by the County. This acceptance is subject to Section #6.

Section 3. The Construction Bond is waived.

Section 4. The Warranty Bond is waived.

Section 5. The Clerk is instructed to file the title opinion.

Section 6. The approval and acceptance described in Sections 1 and 2 shall not take effect until the plat has been signed by each of the following departments, persons or offices:

a) Chairman or Vice-Chairman of the Board of County Commissioners of St. Johns County, Florida

b) County Attorney

c) County Planning Department or Office

d) County Zoning Department or Office

e) Clerk of Courts

The Clerk shall not sign or accept the plat for recording until it has been signed by each of the above persons or entities described in a) through d) above and the construction bond unless waived, has been delivered to the Clerk. If the plat is not signed and accepted by the Clerk for recording within 14 days from the date hereof, then the above-described conditional approval and acceptances shall automatically terminate. If the plat is signed by the Clerk on or before such time, the conditions described herein, shall be deemed to have occurred.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 26th day of April, 1988.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY Lawrence O. Hartley
Its Chairman

Carl "Bud" Markel, Clerk

ATTEST: Spencer H. McDonald
Deputy Clerk

**METROPOLITAN ST. JOHNS COUNTY - PUBLIC WORKS
ENGINEERING - SUBDIVISION CONTROL**

OPINION OF TITLE

TO: ST. JOHNS COUNTY, a political subdivision of the State of Florida.

With the understanding that this Opinion of Title is furnished to ST. JOHNS COUNTY, FLORIDA as an inducement for acceptance of a proposed final subdivision plat covering the real property hereinafter described, it is hereby certified that we have examined Owners Policy of Title Insurance Number AZR117017, issued by Title Insurance Company of Minnesota, covering the period from the BEGINNING to May 1, 1987, at 10:14 a.m., inclusive, and computer update provided by Title Searchers of Flagler County, Inc., covering the period from May 1, 1987, at 10:14 a.m. through April 6, 1988, at 5:00 p.m., inclusive, of the following described real property:

See Exhibit "A" attached hereto and made a part hereof

Basing our opinion on said examination covering said period, we are of the opinion that on the last mentioned date the fee simple title to the above described real property was vested in:

HARBOUR DEVELOPMENT COMPANY,
a Florida general partnership

Subject to the following encumbrances, liens, and other exceptions (NOTE - All recording references herein, unless otherwise indicated, are to the Public Records of St. Johns County, Florida):

GENERAL EXCEPTIONS

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmens' liens.
5. Zoning and other restrictions imposed by governmental authority.

SPECIAL EXCEPTIONS

1. EASEMENT to Jacksonville Electric Authority, filed March 24, 1976, recorded in Official Records Book 298, Page 793.
2. MEMORANDUM OF MARKETING AGREEMENT, filed May 5, 1980, recorded in Official Records Book 450, Page 743.
3. MEMORANDUM OF UTILITY SERVICE AGREEMENT, filed May 11, 1982, recorded in Official Records Book 538, Page 37.

4. RIPARIAN RIGHTS AND TITLE to that portion of subject property lying below the normal high water mark of the lake are hereby excepted.
5. AGREEMENT between Sarel Investors Florida, Inc., and Fletcher Land Corporation, filed December 13, 1977, recorded in Official Records Book 357, Page 660.
6. DECLARATION OF RESTRICTIONS AND SUPPLEMENTARY DECLARATION OF COVENANTS FOR THE PLAYERS CLUB AT SAWGRASS (HDC/40 ACRES), filed May 1, 1987, recorded in Official Records Book 743, Page 350.
7. MEMORANDUM OF AGREEMENTS (HDC/40 ACRES), filed May 1, 1987, recorded in Official Records Book 743, Page 373.
8. COVENANTS, CONDITIONS AND RESERVATIONS as set forth in SPECIAL WARRANTY DEED (HDC/40 ACRES), dated April 30, 1987, by ARVIDA CORPORATION to HARBOUR DEVELOPMENT COMPANY, filed May 1, 1987, recorded in Official Records Book 743, Page 378.
9. MORTGAGE AND SECURITY AGREEMENT (HDC/PLAYERS CLUB), dated April 30, 1987, between HARBOUR DEVELOPMENT COMPANY ("Mortgagor") and ARVIDA CORPORATION ("Mortgagee") to secure the amount of \$4,860,000.00, filed May 1, 1987, recorded in Official Records Book 743, Page 388, as assigned by ARVIDA CORPORATION to ARVIDA/JMB PARTNERS, pursuant to that certain ASSIGNMENT OF MORTGAGES, filed September 14, 1987, recorded in Official Records Book 757, Page 253.
10. ACCESS EASEMENT OVER TPC BOULEVARD (HDC/40 ACRES), filed May 1, 1987, recorded in Official Records Book 743, Page 410.
11. DRAINAGE EASEMENT (HDC/40 ACRES), filed May 1, 1987, recorded in Official Records Book 743, Page 417.
12. The following security documents between HARBOUR DEVELOPMENT COMPANY and CENVILL INVESTORS, INC.:
 - (a) MORTGAGE, dated April 30, 1987, between HARBOUR DEVELOPMENT COMPANY ("Mortgagor") and CENVILL INVESTORS, INC. ("Mortgagee") to secure the amount of \$1,200,000.00, filed May 1, 1987, recorded in Official Records Book 743, Page 490. (Covering subject property and other land.)
 - (b) COLLATERAL ASSIGNMENT OF LICENSES AND AGREEMENTS AFFECTING REAL ESTATE, dated April 30, 1987, between HARBOUR DEVELOPMENT COMPANY ("Borrower") and CENVILL INVESTORS, INC. ("Lender"), filed May 1, 1987, recorded in Official Records Book 743, Page 518.
 - (c) COLLATERAL ASSIGNMENT OF PURCHASE AGREEMENTS, dated April 30, 1987, between HARBOUR DEVELOPMENT COMPANY ("Assignor") and CENVILL INVESTORS, INC. ("Assignee"), filed May 1, 1987, recorded in Official Records Book 743, Page 525.
 - (d) ASSIGNMENT OF LESSOR'S INTEREST, dated April 30, 1987, between HARBOUR DEVELOPMENT COMPANY ("Assignor") and CENVILL INVESTORS, INC. ("Assignee"), filed May 1, 1987, recorded in Official Records Book 743, Page 531.

- (e) COLLATERAL ASSIGNMENT OF UTILITY AGREEMENTS, dated April 30, 1987, between HARBOUR DEVELOPMENT COMPANY ("Assignor") and CENVILL INVESTORS, INC. ("Assignee"), filed May 1, 1987, recorded in Official Records Book 743, Page 538.
 - (f) UCC-1 FINANCING STATEMENT between HARBOUR DEVELOPMENT COMPANY ("Debtor") and CENVILL INVESTORS, INC. ("Secured Party"), filed May 21, 1987, recorded in Official Records Book 745, Page 972.
 - (g) MORTGAGE SPREADER AGREEMENT, dated September 1987, between CENVILL INVESTORS, INC. ("Mortgagee") and HARBOUR DEVELOPMENT COMPANY ("Mortgagor"), filed October 23, 1987, recorded in Official Records Book 761, Page 328.
13. ASSIGNMENT OF DEVELOPER'S/DECLARANT'S RIGHTS by ARVIDA CORPORATION to ARVIDA/JMB PARTNERS, filed September 14, 1987, recorded in Official Records Book 757, Page 245.
 14. ASSIGNMENT OF RESERVED RIGHTS RELATING TO REAL PROPERTY by ARVIDA CORPORATION to ARVIDA/JMB PARTNERS, filed September 14, 1987, recorded in Official Records Book 757, Page 248.
 15. UTILITY AGREEMENT between St. Johns Service Company and Harbour Development Company, filed March 24, 1988, recorded in Official Records Book 777, Page 31.

Therefore, it is our opinion that the following parties must join in the platting of the above described real property in order to grant ST. JOHNS COUNTY, FLORIDA, and the public, a good and proper title to the dedicated areas shown on the final Plat of the aforescribed property.

<u>NAME</u>	<u>INTEREST</u>	<u>SPECIAL EXCEPTION NUMBER</u>
ARVIDA/JMB PARTNERS	Mortgagee	9
CENVILL INVESTORS, INC.	Mortgagee	12

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this
14th day of April, 1988.

GREENBERG, TRAUIG, ASKEW,
HOFFMAN, LIPOFF, ROSEN &
QUENTEL, P.A.

By: 
David J. Taney

1401 Brickell Avenue
Miami, Florida 33131

(305) 579-0565

EXHIBIT "A"

A PART OF THE HEIRS OF THOMAS FITCH GRANT, SECTION 40, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE MOST NORTHEASTERLY CORNER OF TRACT "B", SEVEN MILE DRIVE, AS RECORDED IN MAP BOOK 21, PAGES 13 THROUGH 17, OF THE PUBLIC RECORDS OF SAID COUNTY, SAID CORNER LYING ON THE WESTERLY RIGHT OF WAY LINE OF T.P.C. BOULEVARD, AS PLATTED AS PARCEL "A" BY OAK BRIDGE ROADWAYS, AS RECORDED IN MAP BOOK 15, PAGES 42, 43 AND 44 OF SAID PUBLIC RECORDS; THENCE S. 62° 49' 18" W., ALONG A NORTHWESTERLY LINE OF THE AFORESAID TRACT "B", A DISTANCE OF 135.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE NORTHWESTERLY LINES OF SAID TRACT "B" THE FOLLOWING TWO COURSES: S. 19° 30' 00" W. A DISTANCE OF 448.00 FEET; S. 57° 48' 00" W. A DISTANCE OF 361.00 FEET; THENCE N. 32° 12' 00" W. A DISTANCE OF 621.00 FEET; THENCE N. 54° 37' 44" W. A DISTANCE OF 135.47 FEET; THENCE N. 70° 50' 40" W. A DISTANCE OF 40.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 120.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A CHORD BEARING N. 34° 23' 40" E. AND A CHORD DISTANCE OF 63.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 49° 38' 00" E. A DISTANCE OF 68.00 FEET; THENCE N. 40° 22' 00" W. A DISTANCE OF 114.50 FEET; THENCE N. 11° 40' 27" W. A DISTANCE OF 107.95 FEET; THENCE N. 49° 42' 00" E. A DISTANCE OF 293.83 FEET; THENCE N. 65° 40' 00" E. A DISTANCE OF 367.32 FEET; THENCE S. 26° 41' 48" E. A DISTANCE OF 500.00 FEET; THENCE S. 40° 34' 00" E. A DISTANCE OF 245.00 FEET TO THE POINT OF BEGINNING. CONTAINING 15.64 ACRES MORE OR LESS.