

**WHEREAS**, a petition has been filed by qualified land owner to vacate a part of certain public streets, alleyways or roads hereinafter described; and,

**WHEREAS**, this Board has heretofore passed a resolution as required by Section 336.09, Florida Statutes, and Notice of Public Hearing has been duly published and Proof of Publication has been filed with this Board; and,

**WHEREAS**, it appears that there are no objections and the averments of said petition are true,

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

1.

That the following described streets, alleyways or roads, to wit:

**That certain portion of Ocean Boulevard having a Right of Way of 50 feet lying east of the east right of way line of Sixth Avenue and being bounded on the west by Sixth Avenue and on the east by the Marshes of the North River.**

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 the above described streets, alleyways or roads, and any land in connection therewith.

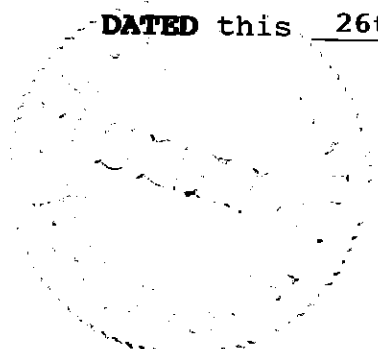
2.

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

3.

That the applicant shall pay all recording costs.

**DATED** this 26th day of September, 1989.



**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY**

By: *Ray Walker*  
Chairman

**ATTEST: CARL "BUD" MARKEL, CLERK**

By: *Connie E. McDevitt*  
Deputy Clerk



SEE 5D/305X

R 29 E  
R 30 E

073430-0000

1

-073400-

142550-0010

1-1

11545

(1264) (1000)

(26)

(5)

No.

(S. V. R. Y)

**PETITION TO VACATE PORTIONS OF  
CERTAIN STREETS, ALLEYWAYS OR ROADS**

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

PETITIONER PONCE de LEON RESORT AND CONVENTION CENTER, INC.,  
a Florida corporation, 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:

**That certain portion of Ocean Boulevard having a Right of Way of 50 feet lying east of the east right of way line of Sixth Avenue and being bounded on the west by Sixth Avenue and on the east by the Marshes of the North River.**

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 1985, one time in a newspaper of general circulation at least two (2) weeks prior to the public hearing, advising of said 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, Petition shows that it is the owner of all lands abutting said portion of the streets, alleyways or roads sought to be vacated except Lot 5 of the Scales Addition, as per plat

recorded in Map Book 16, page 9, of the public records of St. Johns County, Florida which is owned by Richard L. Woodward and Joan C. Woodward, his wife, whose address is 4544 Sixth Avenue, St. Augustine, Florida 32084. Petitioners shall obtain the consent of such persons to this vacation proceeding prior to the public hearing.

4. Petitioner further shows that said portions of streets, alleyways or roads sought to be vacated are unopened, neither state nor federal highways and are wholly outside the limits of any municipality.

PONCE de LEON RESORT AND CONVENTION CENTER, INC.

BY: Frank Swope  
FRANK SWOPE  
Its President

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

FRANK SWOPE, President, of PONCE de LEON RESORT AND CONVENTION CENTER, INC., being by me, the undersigned officer, first duly sworn, says an 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.

Frank Swope  
FRANK SWOPE

SWORN TO AND SUBSCRIBED before me this 17 day of July, 1989.

John D. Bailey Jr.  
Notary Public  
State of Florida At Large  
My commission expires:  
9/25/92

UPCHURCH, BAILEY AND UPCHURCH, P. A.

ATTORNEYS AT LAW

780 NORTH PONCE DE LEON BOULEVARD  
POST OFFICE DRAWER 3007

SAINT AUGUSTINE, FLORIDA 32085-3007

(904) 829-9066

FRANK D. UPCHURCH  
(1894-1986)

FRANK D. UPCHURCH, JR.  
OF COUNSEL

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

KEITH R. FOUNTAIN

July 26, 1989

Ms. Connie McDaniel  
St. Johns County Zoning Dept.  
County Administration Building  
St. Augustine, Florida 32084

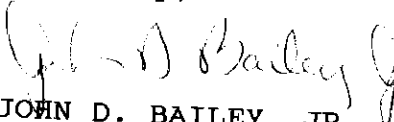
Re: Petition to Vacate a Portion  
of Ocean Boulevard

Dear Ms. McDaniel:

Enclosed you will please find the consent of Mr. and Mrs. Woodward, an adjoining property owner, to the above road vacation proceeding. Would you please file this consent with the Petition and advise my office when the public hearing has been scheduled.

Thank you for your continued cooperation and assistance.

Sincerely,

  
JOHN D. BAILEY, JR.

JDB, JR:tpb  
Enclosure  
cc Mr. Frank Swope

**ST. JOHNS COUNTY  
PLANNING AND ZONING DEPARTMENT**

RECEIPT NO.: 36625

Received From: John Bailey Date: 7/18/99

DESCRIPTION	AMOUNT	REMARKS
Zoning Ordinances/S/D Reg. Comp./Plan	\$ _____	
Zoning Variance/Exception or Rezoning	\$ _____	
FDP/Plat.	\$ _____	
PSD/PUD	\$ _____	
Other: <u>Vacate road</u>	\$ <u>250.00</u>	<u>Petition to vacate a PL Ocean Blvd</u>

TOTAL \$ 250.00 Received By: KRB

UPCHURCH, BAILEY AND UPCHURCH, P. A.

ATTORNEYS AT LAW

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POST OFFICE DRAWER 3007

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KEITH R. FOUNTAIN

FRANK D. UPCHURCH  
(1894-1986)

FRANK D. UPCHURCH, JR.  
OF COUNSEL

July 17, 1989

Ms. Connie McDaniel  
St. Johns County Zoning Dept.  
County Administration Building  
St. Augustine, Florida 32084

Re: Petition to Vacate a Portion  
of Ocean Boulevard

Dear Ms. McDaniel:

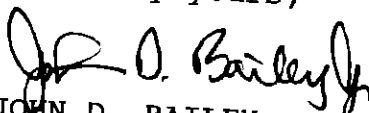
Attached please find the following documents:

1. A Petition to Vacate, which has been executed by Petitioner Ponce de Leon Resort and Convention Center, Inc.
2. A Resolution establishing a public hearing on the Petition.
3. A Resolution vacating the portion of Ocean Boulevard described in the Petition.
4. A Notice of Adoption of the Resolution to be published in The St. Augustine Record.
5. A title opinion letter.
6. A map showing the portion of Ocean Boulevard sought to be vacated.
7. My firm check in the amount of \$250.00, which represents the filing fee.

Ms. Connie McDaniel  
July 17, 1989  
Page 2

Please contact my office should you need any further information or documentation before processing this Petition. Also, please notify me of the dates of the public hearings before the Planning and Zoning Board and Commission.

Sincerely yours,

  
JOHN D. BAILEY, JR.

JDB, JR:tpb  
cc Mr. Frank Swope  
Mr. Henry Muller



4544 Sixth Avenue  
St. Augustine, Florida 32084  
July 21, 1989

Board of County Commissioners  
St. Johns County, Florida  
County Administration Building  
St. Augustine, Florida 32084

Re: Petition to Vacate Portion of Ocean Blvd.  
Filed by Ponce de Leon Resort and  
Convention Center, Inc.

Dear Sirs:

As the owners of Lot 5 of the Scales Addition which abuts the portion of Ocean Boulevard described in the above Petition, we wish to advise that we have no objection and consent to the granting of the Petition and the abandonment of that portion of Ocean Boulevard which lies east of Sixth Avenue.

Very truly yours,

*Richard L. Woodward*

RICHARD L. WOODWARD

*Joan C. Woodward*

JOAN C. WOODWARD

RLW/JCW:tpb

UPCHURCH, BAILEY AND UPCHURCH, P. A.

ATTORNEYS AT LAW

780 NORTH PONCE DE LEON BOULEVARD  
POST OFFICE DRAWER 3007

SAINT AUGUSTINE, FLORIDA 32085-3007

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OF COUNSEL

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JOHN D. BAILEY, JR.  
FRANK D. UPCHURCH, III  
TRACY W. UPCHURCH

KEITH R. FOUNTAIN

July 17, 1989

Board of County Commissioners  
Historical St. Johns County, Florida  
Post Office Drawer 349  
St. Augustine, Florida 32085-0349

Re: Petition to Vacate a Portion of  
Ocean Boulevard Filed by Ponce De Leon  
Resort and Convention Center, Inc.

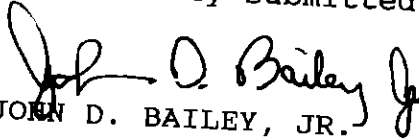
Dear Sirs:

This will confirm that I have searched the title to the lands which abut the following portion of Ocean Boulevard, described in the above petition:

That certain portion of Ocean Boulevard having a Right of Way of 50 feet lying east of the east right of way line of Sixth Avenue and being bounded on the west by Sixth Avenue and on the east by the Marshes of the North River.

My title search revealed that Ponce de Leon Resort and Convention Center, Inc., a Florida corporation, formerly known as Florida Golf Resources, Inc., whose address is Post Office Box 98, St. Augustine, Florida 32085-0098, is the record owner of all lands abutting the above portion of Ocean Boulevard, except for Lot 5 of the Scales Addition, as per plat thereof recorded in Map Book 16, page 9, of the public records of St. Johns County, Florida, which is owned of record by Richard L. Woodward and Joan C. Woodward, his wife, whose address is 4544 Sixth Avenue, St. Augustine, Florida 32084.

Respectfully submitted,

  
JOHN D. BAILEY, JR.

JDB, JR.:tpb  
Enclosures