

RESOLUTION NO. 89- 251

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN CONTRACT FOR THE ACQUISITION OF CERTAIN PROPERTY NECESSARY FOR THE REALIGNING AND PAVING A SECTION OF DATIL PEPPER ROAD.**

**WHEREAS**, St Johns County, Florida, a political subdivision of the State of Florida, hereinafter called "County", has received an offer to convey certain property necessary for the County's realigning and paving of Datil Pepper Road. and

**WHEREAS**, The County is desirous of accepting the proposed Contract offered by the said Phillip J. Bennett and his wife Violet R. Bennett upon the terms and conditions contained therein, a copy of such proposed Contract being attached hereto.

**NOW, THEREFORE**, be it RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. The County accepts the aforementioned Contract as offered by Phillip J. Bennett and Violet R. Bennett upon the terms and conditions contained therein.

Section 2. By its acceptance of such proposed Contract, the County agrees:

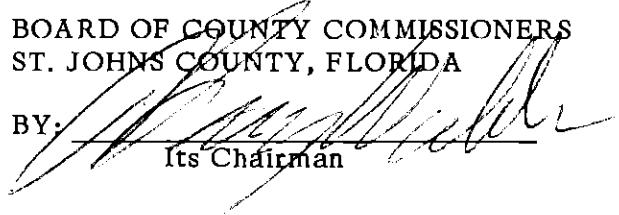
- a. To pay only the following cost involved in obtaining said property from Phillip J. Bennett and Violet R. Bennett.
  - i. Title Insurance
  - ii. Cost of preparation of the Deed
  - iii. Cost of recording the Deed
  - iv. Any other charges which may be levied necessary to the recording of the deed.
  - v. County assumes responsibility for payment of 1989 taxes up to and including date of closing.


Section 3. The Chairman of the Board of County Commissioners, St. Johns County , Florida, and the Clerk of the Circuit Court for St. Johns County, ex-officio Clerk of the Board of County Commissioners, St. Johns County, Florida, or his designated Deputy Clerk, be, and they are hereby, authorized and directed to duly execute the original of such Contract.

Section 4. This Resolution shall become effective immediately upon its adoption.

**ADOPTED** this 14th day of November, 1989.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

BY:   
Its Chairman

  
ATTEST: Carl "Bud" Markel, Clerk

BY:   
Deputy Clerk

**CONTRACT**

**THIS AGREEMENT** made and entered into this 24 day of October A.D., 1989, by and between ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called "COUNTY", and PHILLIP J. BENNETT and his wife VIOLET R. BENNETT

**WITNESSETH**

**WHEREAS**, the County proposes to realign and pave a section of Datil Pepper Road, a portion of which will cross a portion of the property of the OWNERS, and

**WHEREAS**, the COUNTY is desirous of obtaining, on a negotiated basis the property rights necessary for the realigning and paving of Datil Pepper Road and OWNERS are desirous of granting such property rights upon the terms and conditions hereinafter expressed.

**NOW, THEREFORE**, it is mutually agreed as follows:

1. The OWNERS shall convey to the County all that real property described in "EXHIBIT A" attached hereto and made a part here of, together with all rights of access, and in consideration there fore COUNTY shall pay the assessments, if any levied by the County against the OWNERS property described in EXHIBIT "B" attached hereto under Ordinance 75-21, as amended from time to time, known as the St. Johns County Road Improvement Assessment Ordinance.
2. Conveyance shall be by good and sufficient warranty deed which shall convey the property in fee simple. The COUNTY shall have 30 days to make such examination of title as it deems appropriate and shall advise the OWNERS, in writing, of any defects of title or exceptions thereto and OWNERS shall have 15 days thereafter to clear such defects or exceptions and to close,
3. It is understood and agreed that the COUNTY shall order and pay for title insurance and for the cost of preparation of the deed, recording of the deed, and any other charges which may be levied necessary to the recording of the deed.
4. County assumes responsibility for payment of 1989 taxes up to and including date of closing.

**IN WITNESS WHEREOF**, the parties have hereunto set there hands and seals the day and year first written above. Signed, sealed and delivered ST. JOHNS COUNTY, FLORIDA in the presence of:

Amy B. Mulligan  
 Witness as to County  
Conner E. McDaniel  
 Witness as to County

BY: [Signature]  
 Chairman

Phillip J. Bennett  
 Phillip J. Bennett  
Violet R. Bennett  
 Violet R. Bennett

[Signature]  
 Witness as to Sellers

Daniel Boyce  
 Witness to Sellers

ATTEST: C. "BUD" Markel, Clerk

Rosemary Jones  
 Deputy Clerk

**EXHIBIT "A"**

A part of those lands describes in Official Record Book 557 Page 256 lying left of the following described centerline, to wit:

A strip of land, being 60.00 feet in width for road purposes, lying 30.00 feet left and right of the following described center line to wit:

For a Point of Reference, Commence at a 4 x 4 concrete monument being common with Government Lots 8, 9, 10 and 11, Section 19, Township 8 South, Range 30 East St. Johns County, and identified as an I.T.T. Rayonier Monument; from the Point of Commencement thus described run thence South 88°18'51" West, along the Northerly line of Government Lot 10, a distance of 272.80 feet; thence North 00°11'46" East, a distance of 168.90 feet to the Point of Beginning of the herein described center line; thence South 00°11'46" West, a distance of 168.90 feet to an angle point; thence South 00°24'18" West, a distance of 1333.40 feet to an angle point thence South 00°56'57" West, a distance of 796.82 feet to an angle point; thence South 06°04'36" East, a distance of 1863.80 feet to an angle point; thence North 88°41'19" East, a distance of 2010.33 feet to the Point of Terminus. Said point also being described as the intersection of the centerline of U.S. No 1 ( State Road No.5) and the center line of Datil Pepper Road.

**EXHIBIT "B"**

A part of Government Lot 10 lying East of Datil Pepper Road (also known as Moultrie Road) being located in the Southwest 1/4 of Section 19, T 8 S, R 30 E, St. Johns County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Section 19 and run thence along the Southerly line of said Section N 88°12'48" East, a distance of 1015.25 feet to the Easterly line of Datil Pepper Road, thence North 0°16'12" West along said Easterly line a distance of 644.13 feet and the Point of Beginning (P.O.B.), thence continue North 0°16'12" West a distance of 168.26 feet along said Easterly line; thence North 88°12'48" East a distance of 268.99 feet to the East line of Government Lot 10; thence South 2°03'00" East a distance of 168.20 feet along said East line; thence South 88°12'48" West a distance of 274.21 feet to the Easterly line of said Datil Pepper Road and the Point of Beginning. Said Parcel contains 1.05 acres more or less.