

RESOLUTION NO. 89-274

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

WHEREAS, Vilano Venture, Inc., a Florida corporation, as owner, has tendered a Warranty Deed, dated this 30th day of November, 1989 to the Board of County Commissioners of St. Johns County, Florida conveying to the County the lands described therein.

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

Section 1. The above described Warranty Deed is hereby accepted by the Board of County Commissioners of St. Johns County, Florida.

Section 2. The Clerk is instructed to file the title opinion and record the Warranty Deed in the official public records of St. Johns County at County expense.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 12th day of December, 1989.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig A. Maguire
Its Chairman

ATTEST: Carl "Bud" Markel, Clerk

By Rosemary Jones
Deputy Clerk

THIS INSTRUMENT PREPARED BY:
JOHN D. BAILEY, JR.
UPCHURCH, BAILEY & UPCHURCH, P.A.
780 NORTH PONCE DE LEON BOULEVARD
ST. AUGUSTINE, FLORIDA 32084

WARRANTY DEED

THIS INDENTURE, made this 30th day of November, 1989, between VILANO VENTURE, INC., a Florida corporation, Grantor, and ST. JOHNS COUNTY, a Political Subdivision of the State of Florida, whose address is c/o Clerk of the Circuit Court, St. Johns County, Florida, Grantee.

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's legal representatives, successors and assigns forever, the following described land situate, lying and being in St. Johns County, Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof. (Hereinafter the "Property")

Parcel Identification Number:

SUBJECT TO: Those matters listed on Exhibit "B" attached hereto.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto signed and sealed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sharon P. Kenson
Tom P. Kenson

VILANO VENTURE, INC., a Florida
corporation

By: Ronald N. Schmitz
RONALD N. SCHMITZ
Its President

(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I **HEREBY CERTIFY** that on this day before me personally appeared RONALD N. SCHMITZ, as President of VILANO VENTURE, INC., a Florida corporation, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same for the uses and purposes therein expressed and same is the act and deed of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of November, 1989.

Sharon P. Kenson
Notary Public,
State of Florida
My Commission Expires: _____
Notary Public, State of Florida
My Commission Expires May 25, 1991

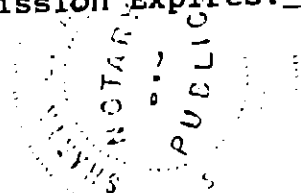


EXHIBIT "A"

LEGAL DESCRIPTION - Villages of Vilano to St. Johns County

That part of Government Lot 1, Section 32, Township 6 South, Range 30 East, St. Johns County, Florida described as follows:

Beginning at the intersection of the easterly right-of-way line of State Road A-1-A, (a 66 foot wide right-of-way), and the north line of said Government Lot 1; thence South 16 degrees 30 minutes 00 seconds East, assumed bearing along said easterly right-of-way line, 600.00 feet; thence North 73 degrees 30 minutes 00 seconds East, perpendicular to said easterly right-of-way line, 169 feet more or less to the intersection with the mean high water line of the Atlantic Ocean; thence northwesterly, along said mean high water line, 544 feet, more or less to the intersection with said north line of Government Lot 1; thence North 89 degrees 00 minutes 05 seconds West 187 feet more or less to the Point of beginning.

Containing 2.29 acres more or less.

EXHIBIT "B"

1. Taxes for the years 1988, 1989 and subsequent years.
2. Declaration of Covenants, Conditions and Restrictions imposed by the Department of Natural Resources of the State of Florida, dated March 13, 1986. and recorded in Official Records Book 740, Page 0083, of the Public Records of St. Johns County, Florida.
3. The following use restriction which shall run with the property:

"The property shall be utilized by St. Johns County as open space or for public recreation."
4. A right of reverter whereby, if the Property is ever conveyed by St. Johns County to a private entity, title to same shall automatically revert to the Grantor or its assigns.

UPCHURCH, BAILEY AND UPCHURCH, P. A.

ATTORNEYS AT LAW
780 NORTH PONCE DE LEON BOULEVARD
POST OFFICE DRAWER 3007

SAINT AUGUSTINE, FLORIDA 32085-3007

TELEPHONE (904) 829-9066
TELECOPIER (904) 825-4862

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

FRANK D. UPCHURCH
(1884-1986)

FRANK D. UPCHURCH, JR.
OF COUNSEL

KEITH R. FOUNTAIN

November 13, 1989

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

RE: Property to be Conveyed by Vilano Venture, Inc.,
to St. Johns County

Dear Sirs:

This will confirm that I have searched the title to the property described on Exhibit "A" (the "Property"), being that property to be conveyed to St. Johns County by Vilano Venture, Inc.

Based on such search, it is my opinion that a fee simple title to the Property is vested in Vilano Venture, Inc., subject only to the following:

1. Taxes for the years 1988, 1989 and subsequent years (taxes for the year 1988 are due under tax certificate number 89-2151, in the amount of \$ 5,522.05, if redeemed in the month of November and taxes for the year 1989 are due in the amount of \$ 4,904.78, if paid in November).
2. Declaration of Reservations and Restrictions executed in favor of the Department of Natural Resources, recorded in Official Records Book 740, Page 83, Public Records of St. Johns County, Florida. (See copy attached)
3. Coastal construction control line.
4. Any unpaid and recorded mechanics' and materialmens' liens for labor or materials furnished beginning within ninety (90) days within prior to November 3, 1989.
5. Applicable zoning ordinances and regulations.
6. Rights of parties in possession other than record owner.

Board of County Commissioners
Historical St. Johns County, Florida
November 13, 1989
Page Two

7. Any state of facts which an accurate survey might show.

8. Easements or claims of easements not shown by the public records.

9. Any lien or encumbrance placed on record after November 3, 1989.

Respectfully submitted,

UPCHURCH, BAILEY & UPCHURCH, P.A.

By: John D. Bailey, Jr.
John D. Bailey, Jr.

JDBjr/gb

EXHIBIT "A"

LEGAL DESCRIPTION - Villages of Villano to St. Johns County

That part of Government Lot 1, Section 32, Township 6 South, Range 30 East, St. Johns County, Florida described as follows:

Beginning at the intersection of the easterly right-of-way line of State Road A-1-A, (a 66 foot wide right-of-way), and the north line of said Government Lot 1; thence South 16 degrees 30 minutes 00 seconds East, assumed bearing along said easterly right-of-way line, 600.00 feet; thence North 73 degrees 30 minutes 00 seconds East, perpendicular to said easterly right-of-way line, 169 feet more or less to the intersection with the mean high water line of the Atlantic Ocean; thence northwesterly, along said mean high water line, 544 feet, more or less to the intersection with said north line of Government Lot 1; thence North 89 degrees 00 minutes 05 seconds West 187 feet more or less to the Point of beginning.

Containing 2.29 acres more or less.

DECLARATION OF [COVENANT(S), CONDITION(S)
AND RESTRICTION(S)]

O.R. 740 PG

0083

This Declaration of Covenants, Conditions and Restrictions is made this 13th day of March, 1967, by Vilano Venture, Inc., (hereinafter "Declarant"), and in favor of the State of Florida, Department of Natural Resources (hereinafter "DNR").

WHEREAS, Declarant is the owner of fee simple title to certain real property in St. Johns County, Florida, (hereinafter "The Property") more particularly described [as follows:/in Exhibit "A" attached hereto; and]

Parcel A of Villages of Vilano, containing approximately 3.14 Acres, more or less.

WHEREAS, the DNR is an agency of the State of Florida, having the statutory duty to regulate construction and excavation activities seaward of established coastal construction control lines pursuant to the provisions of Chapter 161, Florida Statutes, and Chapter 16B-33, Florida Administrative Code; and

WHEREAS, The Property is situated partially seaward of the St. Johns County Coastal Construction Control Line, recorded at Book 13A, Pages 1 through 17, Public Records of St. Johns County, Florida; and

WHEREAS, the DNR, as a specific permit condition, Permit Number A SJ-269, has requested that certain [covenants, conditions and restrictions] be placed on The Property; and

WHEREAS, Declarant has agreed to [the/those] [covenants, conditions and restrictions] which are fully set forth below.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Declarant hereby makes the following declaration and subjects The Property to the following covenants, conditions and restrictions, and further acknowledges that The Property shall be held, sold and conveyed subject to said covenants, conditions and restrictions, and that such shall run with the property and shall be binding on all parties having any right, title or interest therein or having any part thereof, their respective heirs, personal representatives, successors and assigns.

1. No modification, repair or maintenance shall be conducted on the permitted gazebo, nor shall the Declarant request a permit for modification, repair or maintenance, if such work would result in a reclassification of said structure from a "minor structure" to a "major structure" under DNR definition pursuant to either Chapter 161, Florida Statutes, or Chapter 16B-33, Florida Administrative Code.

2. The Declarant acknowledges that the DNR shall be vested with full authority to enforce the covenants, conditions and restrictions herein; and further, that nothing contained herein is intended to limit or abridge in any manner or at any time the authority or responsibility of the DNR pursuant to the provisions of either Chapter 161, Florida Statutes, or Chapter 16B-33, Florida Administrative Code, or the authority of the State of Florida Board of Trustees of the Internal Improvement Trust Fund as provided by law.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed this 13th day of March, 1987.

DECLARANT

Tracy Kusz
Witness

Ronald N. Schmitz

Sharyn Kusz
Witness

STATE OF FLORIDA
COUNTY OF Duval

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Ronald N. Schmitz, who being by me duly sworn, did depose and say that he had executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at the County and State aforesaid, this 13th day of March, 1987.

Sharyn Kusz
Notary Public

My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires May 25, 1989
Bonded by Transamerica Insurance Co.

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL "A":

A portion of Government Lot 1, Section 32, Township 6 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows: Begin at the intersection of the Northerly line of said Government Lot 1, with the Easterly right-of-way line of State Road No. A-1-A (a 66.00' right-of-way as now established); thence S. 16° 30' 00" E., along said Easterly right-of-way line, 813.19' to the Southerly line of those lands described and recorded in Deed Book 204, Page 87 of the Public Records of said County; thence N. 73° 30' 00" E., along last said line, 170', more or less, to the mean high water line of the Atlantic Ocean; thence Northwestery along said mean high water line, 757', more or less, to an intersection with the Northerly line of said Government Lot 1; thence N. 69° 00' 05" W., along last said line, 187', more or less, to the Point of Beginning; Lands thus described contain 3.14 Acres, more or less.



FILED AND RECORDED IN
 PUBLIC RECORDS OF
 ST. JOHNS COUNTY, FLA.

1987 APR -1 PH 2:46

Carl "Dunk" Markel
 CLERK OF CIRCUIT COURT

DR-219
R. 08/87

FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN FLORIDA REAL PROPERTY

PART I

A. Grantor (Seller): Vilano Ventures
Individual/Agent Name Corporate Name (if applicable)

4492 Southside Blvd. Jacksonville, Fla. 32216 ()
Mailing Address City State Zip Code Phone No.

B. Grantee (Buyer): St. Johns County
Individual/Agent Name Corporate Name (if applicable)

Post Office Drawer 349 St. Augustine, Fla. (904) 824-8131
Mailing Address City State Zip Code Phone No.

C. Description of Property: / /
Lot No. Block No. Name of Subdivision

Village of Vilano 2.29 acres east of State Road A1A
Other Description (if applicable)

D. Date of Sale: November 30, 1989 Type of Document Warranty Deed

E. Recorded in St. Johns County County(s)

PART II

Total Consideration Paid Or To Be Paid \$ 10.00

PART III

**FOR USE BY TAXPAYER IN DETERMINING CONSIDERATION
NOT REQUIRED FOR FILING * (SEE REVERSE SIDE)**

1. Cash or Down Payment	\$ _____
2. New Or Existing Mortgages	\$ _____
3. Any Other Consideration	\$ _____
4. Total Consideration Paid or To Be Paid	\$ _____
5. If taxable consideration is \$100 or less or if the transaction is exempt, please explain briefly <u>Deeded to St. Johns County as per Section 5 of The PUD ordinance .Conveying to St. Johns County the above described property</u>	

I hereby certify that this return has been examined by me and to the best of my knowledge and belief is a true and complete return.

Stuart Craig, Contracting Agent St. Johns County 12-4-89
Signature of Grantor, Grantee or Grantee's Agent Date

To be completed by the Clerk of the Circuit Court's Office.

File Number _____ or O. R. Book _____ Page _____ or
Clerk's Date Stamp _____ Date Recorded _____

SEND TO LOCAL DEPARTMENT OF REVENUE AREA OFFICE