

RESOLUTION NO. 89- 75

A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN CONTRACT FOR THE PURCHASE OF CERTAIN PROPERTY NECESSARY FOR THE CONSTRUCTION OF A LIMITED ACCESS HIGHWAY AS AN EXTENSION OF STATE ROAD 312 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Johns County, Florida, a political subdivision of the State of Florida, hereinafter called "County", has received an offer to sell certain property necessary for the County's construction of a limited access highway as an extension of State Road 312, from the Florida East Coast Railway Company, and

WHEREAS, the County is desirous of accepting the proposed Contract offered by the said Florida East Coast Railway Company 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 The Florida East Coast Railway Company upon the terms and conditions contained therein.

Section 2. 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 3. This Resolution shall become effective immediately upon its adoption.

ADOPTED this 11th day of April , 1989.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: [Signature]  
Its Chairman

ATTEST: Carl "Bud" Markel, CLERK

By: [Signature]  
Deputy Clerk

EXHIBIT "A"

FLORIDA EAST COAST RAILWAY ---- AREA OF TAKE

A parcel of land in Section 25, Township 7 South, Range 29 East, St. Johns County, Florida lying Easterly of the centerline of the F.E.C. Railroad and being more particularly described as follows: For a Point of Commencement use the Northeast corner of Lot 9, St. Augustine Heights Industrial Park, Unit 1 as recorded in Map Book 10, Page 77, Public Records of St. Johns County, Florida; thence North  $02^{\circ}54'46''$  West, along the East line of Lot 8, same subdivision, 8.83 feet to a corner (said corner being on the West right-of-way line of the F.E.C. Railroad right-of-way; thence North  $89^{\circ}39'22''$  East, 150.05 feet across the railroad right-of-way to a point on the Easterly railroad right-of-way and the Point of Beginning of Parcel No. 2; thence continue North  $89^{\circ}39'22''$  East, 50.50 feet to a point on the widened railroad right-of-way; thence South  $02^{\circ}54'46''$  East along said right-of-way line, 200.00 feet; thence South  $85^{\circ}50'04''$  West, 50.46 feet to a point that is 50 feet Easterly of said railroad right-of-way centerline; thence North  $02^{\circ}54'46''$  West along a line that is parallel with and 50 feet Easterly of said centerline, 203.37 feet to the Point of Beginning. Said parcel contain  $\pm 0.234$  acres.

CONTRACT

THIS AGREEMENT made and entered into this 11th day of April, A.D., 1989, by and between ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, with its address being; 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called "County", and Florida East Coast Railway Company, a Florida Corporation, with its principle office and place of business in St. Augustine, St. Johns County, Florida and its post office address being; Post Office Drawer 1048, St. Augustine, Florida 32085-1048, hereinafter called "Seller".

WITNESSETH:

WHEREAS, the County proposes to construct a limited access highway as an extension of State Road 312, a portion of which will cross a portion of the property of the Seller, and

WHEREAS, the County is desirous of purchasing, on a negotiated basis, the property rights necessary for the construction of such limited access highway and Seller is desirous of selling upon the terms and conditions hereinafter expressed.

NOW, THEREFORE, it is mutually agreed as follows:

1. Seller shall sell and County shall buy, for the purchase price hereinafter set forth, all that real property as delineated in Exhibit "A" attached hereto and made a part hereof, together with all rights of access, light, air and view along such property being acquired by the County.

2. The purchase price of the property rights to be acquired by the County shall be \$1,785.00 for 0.234 acres.

3. Conveyance of the property shall be in fee simple by special warranty and deed to the County. The County shall have 30 days to make such examination of title as it deems appropriate and shall advise the Seller, in writing, of any defects of title or exceptions thereto and Seller shall have 15 days thereafter to clear such defects or exceptions and to close. The full purchase price shall be paid at the time of closing.

4. It is understood and agreed that the County shall 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.

5. All adjustments of taxes are to be made on a prorata basis at time of closing.

6. The County agrees that it shall award a contract for the construction of such road no later than four (4) years from the date of execution hereof and that in the event a contract for the construction of said State Road 312 extension is not awarded by such date, that the County will reconvey the property rights to be acquired hereunder to the Seller its successors and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first written above.

SIGNED, SEALED and DELIVERED ST. JOHNS COUNTY, FLORIDA in the presence of:

Rosemary Jones  
Witness as to County

By: May Wadden  
Chairman

ATTEST:

Connie E McDaniel  
Witness as to County

Paul "Bud" Mandel  
Clerk of the Circuit Court for St. Johns County, ex officio Clerk of the Board of County Commissioners, St. Johns County, Florida



"County"

Florida East Coast Railway,  
a Florida Corporation

M. C. Mueller  
Witness as to Seller

By: D. R. [Signature]  
Its President

Theresa W. Layno  
Witness as to Seller

"Seller"

ACCOUNTS RECEIVED  
MWB/d 2/22/89  
RWA 3/22/89  
RWA 3/25/89

**EXHIBIT "A"**

**FLORIDA EAST COAST RAILWAY ---- AREA OF TAKE**

A parcel of land in Section 25, Township 7 South, Range 29 East, St. Johns County, Florida lying Easterly of the centerline of the F.E.C. Railroad and being more particularly described as follows: For a Point of Commencement use the Northeast corner of Lot 9, St. Augustine Heights Industrial Park, Unit 1 as recorded in Map Book 10, Page 77, Public Records of St. Johns County, Florida; thence North  $02^{\circ}54'46''$  West, along the East line of Lot 8, same subdivision, 8.83 feet to a corner (said corner being on the West right-of-way line of the F.E.C. Railroad right-of-way; thence North  $89^{\circ}39'22''$  East, 150.05 feet across the railroad right-of-way to a point on the Easterly railroad right-of-way and the Point of Beginning of Parcel No. 2; thence continue North  $89^{\circ}39'22''$  East, 50.50 feet to a point on the widened railroad right-of-way; thence South  $02^{\circ}54'46''$  East along said right-of-way line, 200.00 feet; thence South  $85^{\circ}50'04''$  West, 50.46 feet to a point that is 50 feet Easterly of said railroad right-of-way centerline; thence North  $02^{\circ}54'46''$  West along a line that is parallel with and 50 feet Easterly of said centerline, 203.37 feet to the Point of Beginning. Said parcel contain  $\pm 0.234$  acres.

**SKETCH OF LEGAL DESCRIPTION**

Parcel No. One:  
 A parcel of land in Sections 25, Township 7 South, Range 19 East, 56, Johns County, Fla., lying Easterly of Lots 9 and 10 of St. Augustine Heights Industrial Park, Unit 1 as recorded in Subbook 10, page 77, Public Records of St. Johns County, Florida and being more particularly described as follows: For a Point of Beginning use the Northwest corner of said Lot 9 as referenced above; thence North 89°53'55" East on a projection of the North line of said Lot 9, 50.05 feet to a point that is 30 feet Westerly of the centerline of the F.E.C. Railroad right-of-way; thence South 02°54'46" East along a line that is parallel with said centerline and 30 feet Westerly, 200.22 feet to a point on the projection Easterly of the South line of said Lot 10 as referenced above; thence South 89°53'55" West on said projection line 50.05 feet to the Southeast corner of said Lot 10; thence North 02°54'46" West along the East line of said Lots 10 and 9, 200.22 feet to the Point of Beginning. Said parcel contains 50.23 acres.

Parcel No. Two:  
 A parcel of land in Section 25, Township 7 South, Range 19 East, 56, Johns County, Florida lying Easterly of the centerline of the F.E.C. Railroad and being more particularly described as follows: For a Point of Commencement use the Northeast corner of Lot 9, St. Augustine Heights Industrial Park, Unit 1 as recorded in Subbook 10, page 77, Public Records of St. Johns County, Florida; thence North 07°54'46" West, along the East line of Lot 8, same subdivision, 8.83 feet to a corner (said corner being on the West right-of-way line of the F.E.C. Railroad right-of-way; thence North 89°53'55" East, 150.05 feet across the railroad right-of-way to a point on the Easterly railroad right-of-way and the Point of Beginning of Parcel No. 2; thence continues North 89°53'55" East, 50.50 feet to a point on the widened railroad right-of-way; thence South 02°54'46" East along said right-of-way line, 200.00 feet; thence South 89°53'55" West, 50.46 feet to a point that is 30 feet Easterly of said railroad right-of-way centerline; thence North 07°54'46" West along a line that is parallel with and 50 feet Easterly of said centerline, 203.17 feet to the Point of Beginning. Said parcel contains 50.235 acres.

LEGAL DESCRIPTION PREPARED BY:  
 Paul L. Taylor, P.L.S.  
 Registered Land Surveyor #267471  
 1340 Old Dixie Highway  
 St. Augustine, FL 32086  
 1-904-824-1427

NOTE: Used bearings and distances as per bearing and distances of Search Records 8 and 10 for proposed SA No. 312. This office only prepared legal descriptions and did no field work.

