

1/18/94

RESOLUTION NO. 94-114
A RESOLUTION APPROVING THE RELEASE OF
CERTAIN COUNTY MINERAL RESERVATIONS

WHEREAS, SJH Partnership, Ltd., a Florida limited partnership ("Applicant") is the owner and developer of certain lands constituting part of Saint Johns, a development of regional impact as approved under St. Johns County Development of Regional Impact Development Order (Resolution No. 91-130), as the same may be amended from time to time (the "DRI"); and

WHEREAS, the DRI provides that, as a condition to Applicant's development of certain lands, Applicant must obtain necessary funding, right-of-ways and governmental approvals for construction of a highway interchange and associated improvements (the "Interchange") at the intersection of Interstate Highway 95 and Nine Mile Road; and

WHEREAS, St. Johns County, Florida ("County") desires for the Interchange to be constructed and recognizes that the Interchange is a needed improvement to the County transportation system and will provide public benefit to the County. The DRI and the Interchange are included in County's proposed 2005 Comprehensive Plan, as submitted to the Florida Department of Community Affairs, as a project consistent with the goals and guidelines for future growth and development of St. Johns County; and

WHEREAS, construction of the Interchange requires appropriate permits and approvals of the Florida Department of Transportation ("FDOT") and the Federal Highway Administration ("FHWA"), and Applicant has obtained such permits and approvals following protracted negotiations; and

WHEREAS, construction of the Interchange in accordance with FDOT and FHWA permits and approvals requires Applicant's acquisition on behalf of FDOT of all necessary right-of-ways. Beginning in mid-1985, Applicant and its predecessors engaged in negotiations with various landowners to purchase the lands necessary for Interchange right-of-ways, and Applicant has now acquired all lands necessary to provide the right-of-ways for construction of the Interchange, except as to remaining lands currently vested in County as existing County right-of-ways, (collectively referred to herein as "County Interchange Lands"), and Applicant also has acquired such additional tracts as necessary to enable future relocation of such County right-of-ways as a result of construction of the Interchange; and

WHEREAS, Applicant has conveyed to FDOT all lands necessary to provide the right-of-ways for construction of the Interchange, except as to the County Interchange Lands, thereby vesting ownership of all lands abutting both sides of the County Interchange Lands in FDOT, except at two specific points; and

WHEREAS, County desires to cooperate with Applicant in providing to or obtaining on behalf of Applicant the necessary approvals, agreements and undertakings to enable Applicant to construct the Interchange, and to take such steps as may be required to vest ownership of the County Interchange Lands in FDOT and to acquire from Applicant such lands as may be necessary to provide right-of-ways for future construction of County roadways relocated as a result of construction of the Interchange; and

WHEREAS, the most efficient method of vesting ownership of the County Interchange Lands in FDOT is to vacate the County Interchange Lands, thus vesting title in FDOT as the

abutting landowner, except as to a specific parcel (herein referred to as Tract IV) that will become vested in County as the abutting landowner and a specific parcel (herein referred to as Tract V) that will become vested in Applicant as the abutting landowner; and

WHEREAS, Applicant and County have entered into an Option Agreement dated effective April 9, 1991 governing the respective rights and obligations of County and Applicant with respect to the transfer of the County Interchange Lands to FDOT through the process of vacation, and the conveyance of Tract IV and Tract V to FDOT; and

WHEREAS, pursuant to such Option Agreement, Applicant has submitted its Petition to vacate the County Interchange Lands; 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 the Board; and

WHEREAS, this Board has passed a resolution vacating, abandoning, discontinuing and closing, and renouncing and disclaiming any right of the County and the public in and to, the County Interchange Lands; and

WHEREAS, in conjunction with such vacation of the County Interchange Lands, the Option Agreement provides for County's conveyance of Tract IV to FDOT for the purpose of incorporating Tract IV into the limited access right-of-way of the Interchange; and

WHEREAS, Applicant and FDOT desire that County convey Tract IV to FDOT for public purpose; and

WHEREAS, Applicant, joined by FDOT, has submitted its application to County requesting County to convey Tract IV to FDOT for nominal consideration, for use of such property for public purposes; and

WHEREAS, County has entered a resolution approving the conveyance of Tract IV to FDOT for nominal consideration for use of such property for public purposes reserving, however, unto County an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under Tract IV and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same, as provided in Section 270.11, Florida Statutes ; and

WHEREAS, Applicant and FDOT desire that County release its reservation of such phosphate, minerals, and metals and petroleum that is or may be in, on, or under Tract IV, in that such reservation in favor of County is inconsistent with the proposed use of Tract IV for incorporation into the limited access right-of-way of the Interchange for public use; and

WHEREAS, Applicant, joined by FDOT, has submitted its application to County requesting County to release such mineral reservation to FDOT for nominal consideration; and

WHEREAS, County is satisfied that the release of County's reservation of such phosphate, minerals, and metals and petroleum that is or may be in, on, or under Tract IV, is necessary to facilitate the incorporation of Tract IV into the limited access right-of-way of the Interchange for public use, and such reservation is not needed for County purposes.

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 reservation of an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the lands described below and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same, as provided in Section 270.11, Florida Statutes , in favor of County in the following described lands, to-wit:

Legal description as per attached SCHEDULE "A"

be released for nominal consideration by County Deed in accordance with Section 125.411, Florida Statutes , to the State of Florida, for the use and benefit of the State of Florida Department of Transportation.

2.

That any notice required for the adoption of this resolution is hereby authorized to be published.

3.

That Applicant shall pay all recording costs.

DATED this 14 day of JUNE, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: DeLan Roberts
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Ima Pace Thi
Deputy Clerk

SJH32

PART OF THE SOUTHWEST QUADRANT
PART OF FRANCIS ROAD TO BE CONVEYED TO ST. JOHNS COUNTY

A PART OF LOT 1 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 14 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 89°32'10" EAST ALONG THE NORTH LINE OF SAID SECTION 14 TO ITS INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, STATE ROAD NO. 9 (A 300 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), A DISTANCE OF 128.63 FEET; THENCE SOUTH 27°32'59" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, A DISTANCE OF 3998.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 28°21'52" WEST, A DISTANCE OF 1695.79 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1051.92 FEET AND A CENTRAL ANGLE OF 17°57'46"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 329.79 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 37°20'45" WEST AND A CHORD DISTANCE OF 328.44 FEET TO A POINT; THENCE NORTH 62°27'01" EAST, A DISTANCE OF 48.72 FEET; THENCE SOUTH 30°56'50" EAST, A DISTANCE OF 324.22 FEET; THENCE SOUTH 27°57'26" EAST, A DISTANCE OF 1695.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.395 ACRES MORE OR LESS.

1/17/94

**APPLICATION REQUESTING RELEASE OF
CERTAIN COUNTY MINERAL RESERVATIONS**

WHEREAS, SJH PARTNERSHIP, LTD., a Florida limited partnership ("Applicant") is the owner and developer of certain lands constituting part of Saint Johns, a development of regional impact as approved under St. Johns County Development of Regional Impact Development Order (Resolution No. 91-130), as the same may be amended from time to time (the "DRI"); and

WHEREAS, the DRI provides that, as a condition to Applicant's development of certain lands, Applicant must obtain necessary funding, right-of-ways and governmental approvals for construction of a highway interchange and associated improvements (the "Interchange") at the intersection of Interstate Highway 95 and Nine Mile Road; and

WHEREAS, St. Johns County, Florida ("County") desires for the Interchange to be constructed and recognizes that the Interchange is a needed improvement to the County transportation system and will provide public benefit to the County. The DRI and the Interchange are included in the County's proposed 2005 Comprehensive Plan, as submitted to the Florida Department of Community Affairs, as a project consistent with the goals and guidelines for future growth and development of St. Johns County; and

WHEREAS, construction of the Interchange requires appropriate permits and approvals of the Florida Department of Transportation ("FDOT") and the Federal Highway Administration ("FHWA"), and Applicant has obtained such permits and approvals following protracted negotiations; and

WHEREAS, construction of the Interchange in accordance with FDOT and FHWA permits and approvals requires Applicant's acquisition on behalf of FDOT of all necessary right-of-ways. Beginning in mid-1985, Applicant and its predecessors engaged in negotiations with various landowners to purchase the lands necessary for Interchange right-of-ways, and Applicant has now acquired all lands necessary to provide the right-of-ways for construction of the Interchange, except as to remaining lands currently vested in County as existing County right-of-ways, (collectively referred to herein as "County Interchange Lands"), and Applicant also has acquired such additional tracts as necessary to enable future relocation of such County right-of-ways as a result of construction of the Interchange; and

WHEREAS, Applicant has conveyed to FDOT all lands necessary to provide the right-of-ways for construction of the Interchange, except as to the County Interchange Lands, thereby vesting ownership of all lands abutting both sides of the County Interchange Lands in FDOT, except at two specific points; and

WHEREAS, County desires to cooperate with Applicant in providing to or obtaining on behalf of Applicant the necessary approvals, agreements and undertakings to enable Applicant to construct the Interchange, and to take such steps as may be required to vest ownership of the County Interchange Lands in FDOT and to acquire from Applicant such lands as may be necessary to provide right-of-ways for future construction of County roadways relocated as a result of construction of the Interchange; and

WHEREAS, the most efficient method of vesting ownership of the County Interchange Lands in FDOT is to vacate the County Interchange Lands, thus vesting title in FDOT as the

abutting landowner, except as to a specific parcel (herein referred to as Tract IV) that will become vested in County as the abutting landowner and a specific parcel (herein referred to as Tract V) that will become vested in Applicant as the abutting landowner; and

WHEREAS, Applicant and County have entered into an Option Agreement dated effective April 9, 1991, governing the respective rights and obligations of County and Applicant with respect to the transfer of the County Interchange Lands to FDOT through the process of vacation, and the conveyance of Tract IV and Tract V to FDOT; and

WHEREAS, pursuant to such Option Agreement, Applicant has submitted its Petition to vacate the County Interchange Lands; 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 the Board; and

WHEREAS, this Board has passed a resolution vacating, abandoning, discontinuing and closing, and renouncing and disclaiming any right of the County and the public in and to, the County Interchange Lands; and

WHEREAS, in conjunction with such vacation of the County Interchange Lands, the Option Agreement provides for County's conveyance of Tract IV to FDOT for the purpose of incorporating Tract IV into the limited access right-of-way of the Interchange; and

WHEREAS, Applicant, joined by FDOT, has submitted its Application Requesting Conveyance of Certain County Lands for Public Use, requesting to convey Tract IV to FDOT for public purpose, and

WHEREAS, this Board has passed a resolution approving the conveyance of Tract IV to FDOT for nominal consideration, for use of such property for public purposes, reserving, however, unto County an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under Tract IV and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same, as provided in Section 270.11, Florida Statutes , and

WHEREAS, Applicant, joined by FDOT, desires that County release its reservation of such phosphate, minerals and metals and petroleum that is or maybe in, on, or under Tract IV, in that such reservation in favor of County is inconsistent with the proposed use of Tract IV for incorporation into the limited access right of way of the Interchange, and, therefore, Applicant hereby submits this Application to County requesting County to release such mineral reservations to FDOT for nominal consideration.

NOW, THEREFORE, Applicant, joined by FDOT, respectfully submits this Application Requesting Release of Certain County Mineral Reservations for consideration by this Honorable Board, as follows:

1.

That the reservation of an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the lands described below and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same, as provided in Section 270.11, Florida Statutes , in favor of County in the following described lands, to-wit:

Legal description as per attached SCHEDULE "A"

be released for nominal consideration by County Deed in accordance with Section 125.411, Florida Statutes, to the State of Florida, for the use and benefit of the State of Florida Department of Transportation.

2.


That this Board authorize that any notice required for the adoption of this resolution be published.

3.

That Applicant agrees to bear all recording costs.

DATED this 2nd day of May, 19 94.

IN WITNESS WHEREOF, Applicant respectfully submits this Application Requesting Release of Certain County Mineral Reservations this 2nd day of May, 1994.


Louis Baioni, President
St. Johns Harbour, Inc.,
general partner of
SJH Partnership, Ltd., Petitioner

STATE OF TENNESSEE)


COUNTY OF Shelby)

LOUIS BAIONI, being by me, the undersigned officer, first duly sworn, says on oath that he is the President of St. Johns Harbour, Inc., a Florida corporation, the general partner of SJH PARTNERSHIP, LTD., a Florida limited partnership, 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.



Louis Baioni

SWORN TO AND SUBSCRIBED before me this 2nd day of May, 1994.


Notary Public, State and County
aforesaid

My commission expires:

~~My Commission Expires~~ Sept. 1, 1997

SJH30(1-6)

PART OF THE SOUTHWEST QUADRANT
PART OF FRANCIS ROAD TO BE CONVEYED TO ST. JOHNS COUNTY

A PART OF LOT 1 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 14 OF SAID TOWNSHIP AND RANGE; THENCE NORTH $89^{\circ}32'10''$ EAST ALONG THE NORTH LINE OF SAID SECTION 14 TO ITS INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, STATE ROAD NO. 9 (A 300 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), A DISTANCE OF 128.63 FEET; THENCE SOUTH $27^{\circ}32'59''$ EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, A DISTANCE OF 3998.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH $28^{\circ}21'52''$ WEST, A DISTANCE OF 1695.79 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1051.92 FEET AND A CENTRAL ANGLE OF $17^{\circ}57'46''$; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 329.79 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH $37^{\circ}20'45''$ WEST AND A CHORD DISTANCE OF 328.44 FEET TO A POINT; THENCE NORTH $62^{\circ}27'01''$ EAST, A DISTANCE OF 48.72 FEET; THENCE SOUTH $30^{\circ}56'50''$ EAST, A DISTANCE OF 324.22 FEET; THENCE SOUTH $27^{\circ}57'26''$ EAST, A DISTANCE OF 1695.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.395 ACRES MORE OR LESS.

CONSENT AND JOINDER

COMES NOW, the undersigned STATE OF FLORIDA for the use and benefit of the FLORIDA DEPARTMENT OF TRANSPORTATION, as the beneficiary of the requested release by St. Johns County, Florida, ("County") of certain mineral and petroleum reservations in the following described lands, to wit:

LEGAL DESCRIPTION AS PER ATTACHED SCHEDULE "A"

and do hereby join in the Application of SJH PARTNERSHIP, LTD., requesting County to release the same, now or hereafter to be filed before the County Commission of St. Johns County, Florida.

Dated this 3rd day of May, 199 4.

STATE OF FLORIDA for the use
and benefit of the FLORIDA
DEPARTMENT OF TRANSPORTATION

Attest: Lisa Lambert
Title: Administrative Assistant

By: [Signature]
Title: District Secretary

[Signature]
APPROVED AS TO FORM, LEGALITY & EXECUTION:
DISTRICT II GENERAL COUNSEL
DEPARTMENT OF TRANSPORTATION

STATE OF FLORIDA

COUNTY OF COLUMBIA

I HEREBY CERTIFY that, on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, R. G. GREENE, to me well known to be the District Secretary of STATE OF FLORIDA for the use and benefit of the FLORIDA DEPARTMENT OF TRANSPORTATION, as described in and who executed the foregoing Consent and Joinder, and acknowledged before me that he executed the same freely and voluntarily for the purpose therein expressed.

WITNESS my hand and official seal at Lake City, County of Columbia, State of Florida, this 3rd day of May, 199 4.

Donna S. Higgs
Notary Public, State of Florida
at large.

My Commission Expires:

SJH30(7-8)



DONNA S. HIGGS
MY COMMISSION EXPIRES
March 31, 1995
BONDED THRU TROY FAIN INSURANCE, INC.

CC 096716

PART OF THE SOUTHWEST QUADRANT
PART OF FRANCIS ROAD TO BE CONVEYED TO ST. JOHNS COUNTY

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