

RESOLUTION NO. 94- 25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AND AUTHORIZING AMENDMENT TO LEGAL DESCRIPTIONS IN THAT OPTION AGREEMENT APPROVED BY RESOLUTION 91-69, AND AUTHORIZING EXECUTION OF SAID AMENDMENT.

WHEREAS, on April 9, 1991, SJH Partnership, Ltd. (SJH) entered into a one year Option Agreement with St. Johns County in order to facilitate the construction of a highway interchange where Nine Mile Road crosses I-95; and

WHEREAS, that Option Agreement was extended with agreement of the St. Johns County Board of County Commissioners to December 31, 1993 and was exercised by SJH on December 28, 1993 by delivery of certain deeds to St. Johns County; and

WHEREAS, SJH now asks that the Option Agreement be modified to alter the legal descriptions of the County interchange lands as described in Exhibit B to the Option Agreement. This modification will correct the legal description of Parcel 101 C and modify the description of Parcel 101 D to allow for new development requirements of SJH.

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

The Amendment to Option Agreement attached hereto and incorporated by reference as Exhibit A is approved and shall be executed by the Chair of the Board of County Commissioners of St. Johns County, Florida.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: DeLan Tolbert
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Arny Bennett
Deputy Clerk



AMENDMENT TO OPTION AGREEMENT

THIS AMENDMENT TO OPTION AGREEMENT is made and entered into this _____ day of _____, 1994, by and between SJH PARTNERSHIP, LTD., a Florida limited partnership ("SJH") and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida ("County").

RECITALS:

A. SJH and County entered into an Option Agreement Re: Roadway Vacation and Conveyance/I95 Nine Mile Road Interchange dated April 9, 1991, as amended to the date hereof (the "Option Agreement").

B. Exhibit B to the Option Agreement contained a legal description of the County Interchange Lands, as such term is defined in the Option Agreement, and the parties desire to amend certain of the legal descriptions contained therein.

NOW THEREFORE in consideration of the terms and provisions of the Option Agreement, the receipt and sufficiency of which are hereby acknowledged, SJH and County hereby agree as follows:

1. Exhibit B to the Option Agreement is hereby modified in its entirety to include those lands as described on Schedule 1 attached hereto and made a part hereof.

2. Except as specifically modified herein, the Option Agreement shall remain in full force and effect as written.

Signed, sealed and delivered in the presence of:

SJH PARTNERSHIP, LTD., a Florida limited partnership

By: St. Johns Harbour, Inc., a Florida corporation, its sole general partner

(Print Name _____)

By: _____
Louis Baioni
Its President

(Print Name _____)

[CORPORATE SEAL]

ST. JOHNS COUNTY, FLORIDA

By Its Board of County Commissioners

(Print Name: _____)

By: _____
Allan Roberts, Its Chairman

(Print Name: _____)

SCHEDULE 1

PARCEL 101, PART "A"

A PART OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 89°32'10" WEST ALONG THE SOUTH LINE OF SAID SECTION 11 AND ALONG THE CENTERLINE OF NINE MILE ROAD, COUNTY ROAD S13A (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), A DISTANCE OF 1915.72 FEET; THENCE NORTH 00°27'50" WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NINE MILE ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 89°32'10" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 688.05 FEET; THENCE NORTH 00°27'50" WEST, A DISTANCE OF 96.00 FEET; THENCE NORTH 89°11'12" EAST, A DISTANCE OF 165.01 FEET; THENCE SOUTH 79°57'27" EAST, A DISTANCE OF 531.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.947 ACRES MORE OR LESS.

PARCEL 101, PART "B"

A PART OF GOVERNMENT LOT 1, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 89°32'10" WEST ALONG THE NORTH LINE OF SAID SECTION 14 AND ALONG THE CENTERLINE OF NINE MILE ROAD, COUNTY ROAD S13A (A 66 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), A DISTANCE OF 1820.67 FEET; THENCE SOUTH 00°27'50" EAST, A DISTANCE OF 33.00 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID NINE MILE ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 71°47'29" WEST, A DISTANCE OF 314.99 FEET; THENCE SOUTH 89°32'10" WEST, A DISTANCE OF 483.10 FEET; THENCE NORTH 00°27'50" WEST ALONG A LINE TO ITS INTERSECTION WITH THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 96.00 FEET; THENCE NORTH 89°32'10" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 783.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.395 ACRES MORE OR LESS.

PARCEL 101, PART "C"

A PART OF LOTS 1 AND 2 OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING 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, A DISTANCE OF 3998.32 FEET; THENCE SOUTH 61°09'26" WEST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 28°21'52" WEST, A DISTANCE OF 1696.46 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 971.92 FEET AND A CENTRAL ANGLE OF 29°47'04"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 505.24 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43°15'24" WEST AND A CHORD DISTANCE OF 499.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 58°08'56" WEST, A DISTANCE OF 855.02 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 256.00 FEET AND A CENTRAL ANGLE OF 77°21'10"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 345.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 83°10'29" WEST AND A CHORD DISTANCE OF 319.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 44°29'54" WEST, A DISTANCE OF 668.45 FEET; THENCE NORTH 45°30'06" WEST, A DISTANCE OF 141.00 FEET TO A POINT IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, COUNTY ROAD S13A (A RIGHT-OF-WAY OF VARYING WIDTH); THENCE NORTH 44°29'54" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 193.99 FEET; THENCE SOUTH 45°30'06" EAST, A DISTANCE OF 49.00 FEET; THENCE NORTH 44°27'56" EAST, A DISTANCE OF 294.37 FEET; THENCE NORTH 47°55'55" EAST, A DISTANCE OF 200.39 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 336.00 FEET AND A CENTRAL ANGLE OF 73°55'09"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 433.48 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 84°53'30" EAST AND A CHORD DISTANCE OF 404.04 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 58°08'56" EAST, A DISTANCE OF 855.81 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1051.92 FEET AND A CENTRAL ANGLE OF 11°49'20"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 217.04 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 52°14'17" EAST AND A CHORD DISTANCE OF 216.65 FEET TO A POINT IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FRANCIS ROAD; THENCE SOUTH 27°32'59" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF FRANCIS ROAD, A DISTANCE OF 2021.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.081 ACRES MORE OR LESS.

PARCEL 101, PART "D"

A PART OF LOT 2 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 TO ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, COUNTY ROAD S13A (A RIGHT-OF-WAY LINE OF VARYING WIDTH), A DISTANCE OF 701.62 FEET; THENCE SOUTH 60°09'09" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 752.14 FEET; THENCE SOUTH 62°26'19" WEST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 15.32 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1185.11 FEET AND A CENTRAL ANGLE OF 17°56'25"; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 371.08 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 53°28'07" WEST AND A CHORD DISTANCE OF 369.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 44°29'54" WEST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 204.46 FEET; THENCE SOUTH 45°30'06" EAST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 44°29'54" WEST, CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 176.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 44°29'54" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1580.38 FEET; THENCE NORTH 39°46'13" EAST, LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 606.37 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 3531.68 FEET AND A CENTRAL ANGLE OF 04°43'41"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 291.44 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 42°08'03" EAST AND A CHORD DISTANCE OF 291.36 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 44°29'54" EAST, A DISTANCE OF 484.97 FEET; THENCE NORTH 45°30'06" WEST, A DISTANCE OF 81.00 FEET; THENCE NORTH 44°29'54" EAST, A DISTANCE OF 199.99 FEET; THENCE SOUTH 45°30'06" EAST, A DISTANCE OF 143.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.081 ACRES MORE OR LESS.