

1/17/94

RESOLUTION NO. 94-96

A RESOLUTION SETTING A HEARING DATE TO CONSIDER THE ADVISABILITY OF EXERCISING THE POWER GRANTED BY SECTION 336.09, FLORIDA STATUTES, AND TO DETERMINE WHETHER TO VACATE, ABANDON, DISCONTINUE AND CLOSE PORTIONS OF CERTAIN STREETS, ALLEYWAYS OR ROADS.

WHEREAS, SJH PARTNERSHIP, LTD, a Florida limited partnership ("Petitioner") 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 Petitioner's development of portions of lands within the DRI, Petitioner 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 Petitioner 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 Petitioner's acquisition on behalf of FDOT of all necessary right-of-ways. Beginning in mid-1985, Petitioner and its predecessors engaged in negotiations with various landowners to purchase the lands necessary for Interchange right-of-ways, and Petitioner 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, as described on attached Schedule A (collectively referred to herein as "County Interchange Lands"), and Petitioner 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, Petitioner 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 Petitioner in providing to or obtaining on behalf of Petitioner the necessary approvals, agreements and undertakings to enable Petitioner 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 Petitioner 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 Petitioner as the abutting landowner; and

WHEREAS, Petitioner and County have entered into an Agreement dated effective April 9, 1991, governing the respective rights and obligations of County and Petitioner 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 Agreement, Petitioner has submitted its Petition to vacate portions of certain streets, alleyways and roads hereinafter described; and

WHEREAS, it appears that the averments of said Petition are true,

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

RESOLVED, that the Board of County Commissioners of St. Johns County, Florida, in the County Auditorium of the St. Johns County Administration Building, on June 14, 1994, at 1:30 o'clock P. m., upon petition of qualified land owners, will consider the advisability of exercising the power granted to it by Section 336.09, Florida Statutes, and determine whether it will vacate, abandon, discontinue and close portions of certain streets, alleyways or roads described as follows:

Legal description as per attached "SCHEDULE A"

and the notice required by Section 336.10, Florida Statutes 1989, is hereby authorized and directed to be published.

Further, notice of the time, date and place of the public hearing shall be promptly mailed by certified mail, return receipt requested, to each of the persons and entities at their addresses as described in the Petition to Vacate.

The petitioner shall perform such mailings and shall provide the Clerk with proof of same five days before the scheduled hearing date.

ADOPTED this 24 day of May, 1994.

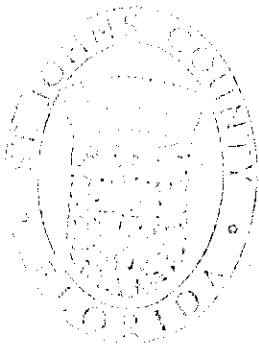
BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts  
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: Juanne Carter  
Deputy Clerk

SJH20



## TRACT I

PART OF NINE MILE ROAD, TO BE CONVEYED BY ST. JOHNS COUNTY, FLORIDA, TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

A PART OF GOVERNMENT LOTS 1, 2 AND 3, SECTION 14, TOGETHER WITH A PART OF SECTION 11, ALL LYING IN 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 2603.77 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°27'50" EAST, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD; THENCE SOUTH 89°32'10" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 354.95 FEET; THENCE SOUTH 00°27'50" EAST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 89°32'10" WEST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 204.95 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1093.00 FEET AND A CENTRAL ANGLE OF 27°04'45"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, AN ARC DISTANCE OF 516.57 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 75°59'48" WEST AND A CHORD DISTANCE OF 511.78 FEET TO THE END OF SAID CURVE; THENCE SOUTH 62°24'17" WEST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 317.24 FEET; THENCE SOUTH 59°47'52" WEST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 650.52 FEET TO A POINT LYING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, STATE ROAD NO. 9 (A 300 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 27°32'59" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NINE MILE ROAD, A DISTANCE OF 160.00 FEET; THENCE NORTH 65°00'23" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 650.97 FEET; THENCE NORTH 62°29'40" EAST CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 316.13 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1195.92 FEET AND A CENTRAL ANGLE OF 27°02'30"; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 564.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 76°00'55" EAST AND A CHORD DISTANCE OF 559.21 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 89°32'10" EAST CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 205.04 FEET; THENCE SOUTH 00°27'50" EAST, A DISTANCE OF 17.00 FEET; THENCE NORTH 89°32'10" EAST CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 354.95 FEET; THENCE SOUTH 00°27'50" EAST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.929 ACRES MORE OR LESS.

TRACT II

PART OF NINE MILE ROAD TO BE CONVEYED BY ST. JOHNS COUNTY, FLORIDA TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

A PART OF LOTS 1 AND 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 OF INTERSTATE 95 TO ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, COUNTY ROAD S13A (A RIGHT-OF-WAY OF VARYING WIDTH), A DISTANCE OF 701.62 FEET, SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE SOUTH 27°32'59" EAST CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, A DISTANCE OF 160.00 FEET TO A POINT LYING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID NINE MILE ROAD; THENCE SOUTH 64°11'48" WEST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE OF 651.81 FEET; THENCE SOUTH 62°26'19" WEST CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 115.32 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1075.11 FEET AND A CENTRAL ANGLE OF 17°56'25"; THENCE SOUTHWESTERLY CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 336.64 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 53°28'07" WEST AND A CHORD DISTANCE OF 335.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 44°29'54" WEST CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 204.46 FEET; THENCE NORTH 45°30'06" WEST, A DISTANCE OF 27.00 FEET; THENCE SOUTH 44°29'54" WEST CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 176.42 FEET; THENCE NORTH 45°30'06" WEST, A DISTANCE OF 66.00 FEET TO POINT LYING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID NINE MILE ROAD; THENCE NORTH 44°29'54" EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 176.42 FEET; THENCE NORTH 45°30'06" WEST, A DISTANCE OF 17.00 FEET; THENCE NORTH 44°29'54" EAST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 204.46 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 NORTHEASTERLY CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 371.08 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 53°28'07" EAST AND A CHORD DISTANCE OF 369.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 62°26'19" EAST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 15.32 FEET; THENCE NORTH 60°09'09" EAST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 752.14 FEET TO THE POINT OF BEGINNING.

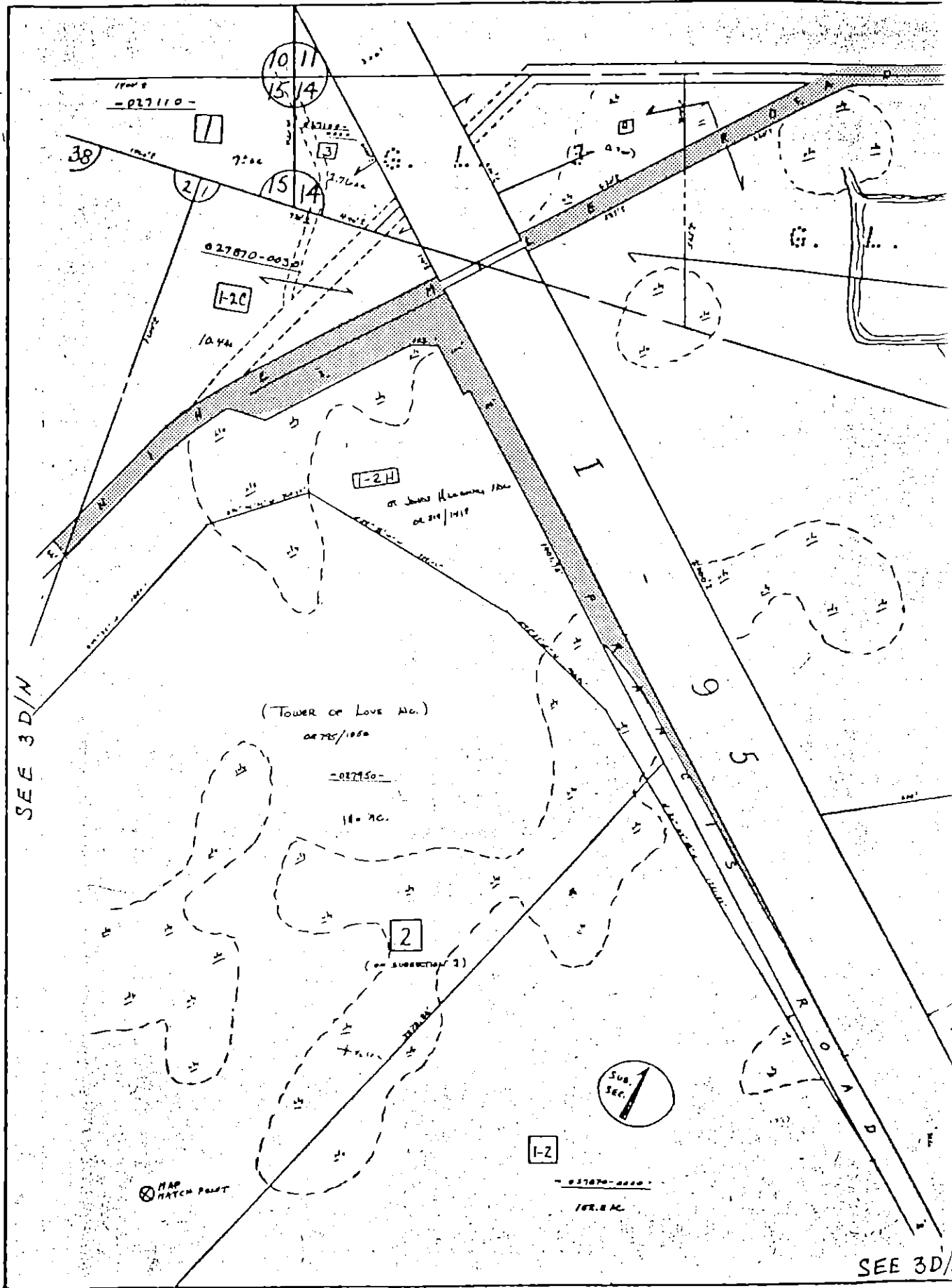
CONTAINING 4.021 ACRES MORE OR LESS.

TRACT III

FRANCIS ROAD COUNTY CONVEYING IT TO PDOT

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 TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, COUNTY ROAD S13A, (A RIGHT-OF-WAY OF VARYING WIDTH), A DISTANCE OF 861.62 FEET, SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE SOUTH 27°32'59" EAST CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, A DISTANCE OF 3136.70 FEET; 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 ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FRANCIS ROAD; THENCE NORTH 27°32'59" WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF FRANCIS ROAD, A DISTANCE OF 837.38 FEET; THENCE SOUTH 62°27'01" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 27°32'59" WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF FRANCIS ROAD, A DISTANCE OF 100.60 FEET; THENCE NORTH 71°40'35" WEST ALONG SAID RIGHT-OF-WAY LINE OF FRANCIS ROAD, A DISTANCE OF 118.36 FEET; THENCE SOUTH 64°13'00" WEST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID FRANCIS ROAD, A DISTANCE OF 569.35 FEET; THENCE NORTH 73°03'50" WEST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID FRANCIS ROAD, A DISTANCE OF 133.82 FEET TO A POINT ON THE AFORESAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, SAID POINT LYING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1075.11 FEET AND A CENTRAL ANGLE OF 04°16'26"; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 80.20 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 60°18'07" EAST AND A CHORD DISTANCE OF 80.18 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 62°26'19" EAST CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NINE MILE ROAD, A DISTANCE 115.32 FEET; THENCE NORTH 64°11'48" EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 651.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.652 ACRES MORE OR LESS.



SEE 3D/M

SEE 3D/

GRANT  
38 (4-2-1) ANTONIO HERRAS

EXHIBIT 17