

RESOLUTION 95-23

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT STATING THE PROPERTY OWNED BY CHARLES T. STEPHENS AND MARY F. STEPHENS IS EXEMPT FROM ANY ASSESSMENT FOR FIRST FUTURE ASPHALT OVERLAY ON DATIL PEPPER ROAD.

WHEREAS, Charles T. Stephens and Mary F. Stephens, hereinafter designated as "Owners" deeded a portion of their property to the County more fully described in the Warranty Deed which is attached hereto as Exhibit A, incorporated by reference and made a part hereof for widening of Datil Pepper Road; and

WHEREAS, it was in the best interest of the citizens of St. Johns County to acquire ownership of Property necessary for the widening of Datil Pepper Road; and

WHEREAS, the Owners have deeded a portion of their property to the County and in return the County agreed to move the shrubs facing Datil Pepper Road along their property line west to the new right-of-way line and also agreed the Owners would not be assessed for first future asphalt overlay on Datil Pepper Road; and

WHEREAS, the County has moved the shrubs west to the new right-of-way line and the Owners have deeded the property shown on Exhibit A to the County for the widening of Datil Pepper Road; and

WHEREAS, the Owners and the County have corresponded in regard to the agreement between the parties letters attached hereto as Exhibits B and C, incorporated by reference and made a part hereof; and

WHEREAS, the Owners have requested documentation that their property will not be assessed for first future asphalt overlay on Datil Pepper Road.

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

1. Due to an oversight an agreement was not attached to the Resolution when accepted by the Board of County Commissioners (Resolution No. 91-33) attached hereto as Exhibit D, incorporated by reference and made a part hereof.

2. That the County Administrator is hereby authorized to execute the Agreement (copy attached hereto as Exhibit E, incorporated by reference and made a part hereof) on behalf of the Board of County of Commissioners of St. Johns County, Florida.

3. After the Agreement has been executed by all parties, the Clerk is instructed to file the Agreement and mail a copy of the executed Agreement to Mr. and Mrs. Charles T. Stephens, 5805 Datil Pepper Road, St. Augustine, Florida 32084.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 14 day of February, 1995

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

BY: *Bertrava Ward*
Its Chair

ATTEST: Carl "Bud" Markel, Clerk

BY: *Patricia DeGrande*
Deputy Clerk

WARRANTY DEED

91 5467

THIS INDENTURE, made this 6th day of February, 1991 A.D. between Charles T. Stephens and Mary F. Stephens, his wife of the County of St. Johns, State of Florida, GRANTORS, and ST. JOHNS COUNTY FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is:

P.O. DRAWER 149
St. Augustine, Fl. 32084
QUANTERS.

WITNESSETH that the GRANTORS, for and in consideration of the sum of \$10.00 and other good and valuable considerations to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to said GRANTEE and GRANTEE's heirs and assigns forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida to-wit:

Property as described on attached "Exhibit A" which description is made a part hereof by reference as though fully and completely set forth herein, and the GRANTORS do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever, subject to the taxes for the year 1990 and all subsequent years.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

[Signature]
(Witness)

Charles T. Stephens
Charles T. Stephens

[Signature]
(Witness)

Mary F. Stephens
Mary F. Stephens

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared CHARLES T. STEPHENS and MARY F. STEPHENS, his wife

to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of February, 1991.

This document prepared by:
B Stuart Craig
Contracting Agent
St. Johns County
P.O. Drawer 349
St. Augustine, Florida 32084

[Signature]
(SEAL) NOTARY PUBLIC
My Commission Expires _____

\$.55

County of St. Johns Florida

EXHIBIT A

That part of those certain lands as described in Deed Recorded in Official Record Book 292 Pages 1-3 of the Public Records of St. Johns County, Florida, lying in and being a part of Government Lot 4, Section 30, Township 8 South, Range 30 East, being more particularly described as follows:

A strip of land, being 60.00 feet in width for road purposes, lying 30.00 feet left and right of the following described center line to wit:

For a Point of Reference, Commence at a 4 x 4 concrete monument being common with Government Lots 8, 9, 10 and 11, Section 19, Township 8 South, Range 30 East St. Johns County, and identified as an I.T.T. Rayonier Monument; from the Point of Commencement thus described run thence South $88^{\circ}18'31''$ West, along the Northerly line of Government Lot 10, a distance of 272.80 feet; thence North $00^{\circ}11'46''$ East, a distance of 168.90 feet to the Point of Beginning of the herein described center line; thence South $00^{\circ}11'46''$ West, a distance of 168.70 feet to an angle point; thence South $00^{\circ}26'18''$ West, a distance of 1333.40 feet to an angle point; thence South $00^{\circ}36'57''$ West, a distance of 796.82 feet to an angle point; thence South $06^{\circ}04'36''$ East, a distance of 1863.80 feet to an angle point; thence North $88^{\circ}41'19''$ East, a distance of 2010.33 feet to the Point of Terminus, said point also being described as the intersection of the centerline of U.S. No. 1 (State Road No. 3) and the center line of Dutil Pepper Road.

"EXHIBIT A"

RECORDED IN
ST. JOHNS COUNTY
CLERK OF COUNTY COURT
MAY 14 1947

November 18, 1994

Mr. Stuart Craig
P. O. Box 349
St. Augustine, Florida 32085

Dear Stuart,

This letter is a follow up to our telephone conversation a few weeks ago regarding the agreement we had when I deeded a portion of my property to St. Johns County for additional right of way for widening of Datil Pepper Road.

You know as representative of the County you agreed the County would move the hedges in front of my house west to the new right of way line of Datil Pepper Road and I would not be assessed for any additional paving on Datil Pepper Road.

The County moved the hedges as agreed, however I have searched my records and can not find any statement indicating that I am exempt from any paving assessment on my property, evidently you failed to send me any documentation.

I would like a letter or something stating that I will not be assessed for paving Datil Pepper Road.

If you would please handle this, it would be appreciated.

Sincerely,

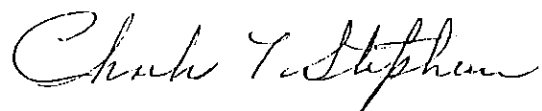
A handwritten signature in cursive script that reads "Chuck T. Stephens". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

EXHIBIT "B"

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners



PUBLIC WORKS DEPARTMENT
Office of County Engineer

P.O. DRAWER 349
SAINT AUGUSTINE, FLORIDA
32085-0349

PHONE: (904) 823-2450
FAX: (904) 823-2585

December 6, 1994

Mr. Charles T. Stephens
5805 Datil Pepper Road
St. Augustine, Florida 32084

Re: (Donation of property for widening of Datil Pepper Road)

Dear Mr. Stephens:

I have received your letter of December 18, 1994 and you are correct in your statement as to the agreement we had in regard to the widening of Datil Pepper Road.

I have searched the County records and I can not find any letter or agreement. The Warrant Deed was accepted by the Board of County Commissioners on February 26, 1991 by Resolution No 91-33 and an agreement should have been attached.

The agreement should have been prepared by me and approved by the County Attorney and attached to the Resolution along with the Deed when presented to the Board of County Commissioners, this was an oversight on my part and I humbly apologize.

I will prepare an agreement to be executed by all parties and will present it to the Board of County Commissioners at one of the meetings in January.

If I can be of further service, please call me at (904) 823-2587.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Stuart Craig".

Stuart Craig
Assessment Programs Coordinator

EXHIBIT C

RESOLUTION NO. 91-33
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

WHEREAS, Charles T. Stephens and Mary F. Stephens, his wife, as owners, have tendered a WARRANTY DEED DATED this 6th day of February of 1991. to the Board of County Commissioners of St. Johns County, Florida conveying to the County the land described thereon.

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. This acceptance shall not be deemed an acceptance requiring construction or maintenance on the subject property by the County.

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

ADOPTED BY the Board of County Commissioners of St. Johns County, Florida, this 26th day of Feb., 1991.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Conrad H. Kendall
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Annette Walker
Deputy Clerk

.009

EXHIBIT D

WARRANTY DEED

THIS INDENTURE, made this 6th day of February, 1991 A.D. between Charles T. Stephens and Mary F. Stephens, his wife of the County of St. Johns, State of Florida, GRANTORS, and ST. JOHNS COUNTY FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is:
P.O DRAWER 349
St. Augustine, FL 32085
GRANTEES.

WITNESSETH that the GRANTORS, for and in consideration of the sum of \$10.00 and other good and valuable considerations to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have granted, bargained and sold to said GRANTEES and GRANTEES' heirs and assigns forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida to wit:

Property as described on attached "Exhibit A" which description is made a part hereof by reference as though fully and completely set forth herein, and the GRANTORS do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever, subject to the taxes for the year 1990 and all subsequent years

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

[Signature]
(Witness)
[Signature]
(Witness)

[Signature]
Charles T. Stephens
[Signature]
Mary F. Stephens

STATE OF FLORIDA
COUNTY OF ST. JOHNS

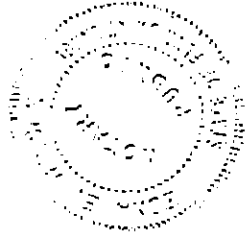
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared CHARLES T. STEPHENS and MARY F. STEPHENS, his wife

to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 7th day of February, 1991.

This document prepared by:
Stuart Craig
Contracting Agent
St. Johns County
P.O. Drawer 349
St. Augustine, FLorida 32084

[Signature]
(SEAL) NOTARY PUBLIC
My Commission Expires: Oct 4, 1994



That part of those certain lands as described in Deed Recorded in Official Record Book 292 Pages 1-3 of the Public Records of St. Johns County, Florida. Lying in and being a part of Government Lot 4, Section 30, Township 8 South, Range 30 East, Being more particularly described as follows:

A strip of land, being 60.00 feet in width for road purposes, lying 30.00 feet left and right of the following described center line to wit:

For a Point of Reference, Commence at a 4 x 4 concrete monument being common with Government Lots 8,9,10 and 11, Section 19, Township 8 South, Range 30 East St. Johns County, and identified as an I.T.T. Rayonier Monument; from the Point of Commencement thus described run thence South $88^{\circ}18'51''$ West, along the Northerly line of Government Lot 10, A distance of 272.80 feet; thence North $00^{\circ}11'46''$ East, a distance of 168.90 feet to the Point of Beginning of the herein described center line; thence South $00^{\circ}11'46''$ West, a distance of 168.90 feet to an angle point; thence South $00^{\circ}24'18''$ West, a distance of 1333.40 feet to an angle point; thence South $00^{\circ}56'57''$ West, a distance of 796.82 feet to an angle point; thence South $06^{\circ}04'36''$ East, a distance of 1863.80 feet to an angle point; thence North $88^{\circ}41'19''$ East, a distance of 2010.33 feet to the Point of Terminus. Said point also being described as the intersection of the centerline of U.S. No. 1 (State Road No. 5) and the center line of Datil Pepper Road.

A G R E E M E N T

THIS AGREEMENT, made and entered into this ___ day of _____, 1995, by and between the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter designated as "County" and Charles T. Stephens and Mary F. Stephens, his wife hereinafter designated as "Owners".

WITNESSETH:

WHEREAS, the Owners have deeded a portion of their property, more fully described in Exhibit A, attached hereto incorporated by reference and made a part hereof (the Property) to the County for the widening of Datil Pepper Road; and

WHEREAS, it was in the public interest for the County to own the property necessary for the widening of Datil Pepper Road; and

WHEREAS, the Owners agreed to deed the Property to the County and in return the County agreed to move their shrubs in front of their property west to the new right-of-way line and also agreed the Owners would not be assessed for the first future asphalt overlay on Datil Pepper Road.

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, it is mutually agreed between the parties as follows:

1. The County did accept the property from the Owners for the widening of Datil Pepper Road as described in Exhibit A and the County did move the shrubs west to the new right-of-way line of Datil Pepper Road.

2. The Owners will not be assessed for the first future asphalt overlay on Datil Pepper Road on that portion of their Property facing Datil Pepper Road, occurring after the date of this agreement.

3. This agreement may be amended in writing executed with the same formalities as the original.

4. This agreement shall be construed and enforced in accordance with the laws of the State of Florida, Jurisdiction and venue for any dispute hereunder shall be in the Circuit Court of St. Johns County, Florida.

5. The executed original of this agreement shall be filed with the Clerk of the St. Johns County Board of County Commissioners, and each party shall receive a certified copy of the recorded agreement.

6. This agreement shall be effective upon approval of a resolution by the Board of County Commissioners authorizing the execution of the Agreement by the County Administrator, and execution by all the parties hereto.

7. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

8. Notices or correspondence related to this agreement shall be sent to the following:

For Mr. and Mrs. Charles T. Stephens
5805 Datil Pepper Road
St. Augustine, Florida 32084

For St. Johns County
County Administrator
P. O. Drawer 349
St. Augustine, Florida 32085

9. If any section, phrase, sentence or portion of this agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

Signed, Sealed and Delivered
in the presence of:

Print Name_____

Print Name_____

Print Name_____

Print Name_____

Print Name_____

Print Name_____

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: _____
Nicholas M. Meiszer
County Administrator

Charles T. Stephens

Address _____
5805 Datil Pepper Road
St. Augustine, Florida 32084

Mary F. Stephens
5805 Datil Pepper Road
St. Augustine, Florida 32084

WARRANTY DEED

91 5487

THIS INDENTURE, made this 6th day of February, 1991 A.D. between Charles T. Stephens and Mary F. Stephens, his wife of the County of St. Johns, State of Florida, GRANTORS, and ST. JOHNS COUNTY FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is: P.O. DRAWER 349 St. Augustine, FL 32084 GRANTEES.

WITNESSETH that the GRANTORS, for and in consideration of the sum of \$10.00 and other good and valuable considerations to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have granted, bargained and sold to said GRANTEES and GRANTEES' heirs and assigns forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida to wit:

Property as described on attached "Exhibit A" which description is made a part hereof by reference as though fully and completely set forth herein, and the GRANTORS do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever, subject to the taxes for the year 1990 and all subsequent years.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

[Signature]
(Witness)

[Signature]
Charles T. Stephens

[Signature]
(Witness)

[Signature]
Mary F. Stephens

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take Acknowledgements, personally appeared CHARLES T. STEPHENS and MARY F. STEPHENS, his wife

to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ___ day of February, 1991.

This document prepared by:
Stuart Craig
Contracting Agent
St. Johns County
P.O. Drawer 349
St. Augustine, Florida 32084

[Signature]
(SEAL) NOTARY PUBLIC
My Commission Expires: 2-2-1992

8.55

County of St. Johns, Florida

EXHIBIT A

That part of those certain lands as described in Deed Recorded in Official Record Book 292 Pages 1-3 of the Public Records of St. Johns County, Florida, lying in and being a part of Government Lot 4, Section 30, Township 8 South, Range 30 East, being more particularly described as follows:

A strip of land, being 60.00 feet in width for road purposes, lying 30.00 feet left and right of the following described center line to wit:

For a Point of Reference, Commence at a 4 x 4 concrete monument being common with Government Lots 8, 9, 10 and 11, Section 19, Township 8 South, Range 30 East St. Johns County, and identified as an I.T.T. Rayonier Monument; from the Point of Commencement thus described run thence South $88^{\circ}18'51''$ West, along the Northerly line of Government Lot 10, a distance of 272.80 feet; thence North $00^{\circ}11'46''$ East, a distance of 168.90 feet to the Point of Beginning of the herein described center line; thence South $00^{\circ}11'46''$ West, a distance of 168.90 feet to an angle point; thence South $00^{\circ}24'18''$ West, a distance of 1333.40 feet to an angle point; thence South $00^{\circ}56'37''$ West, a distance of 796.82 feet to an angle point; thence South $06^{\circ}04'36''$ East, a distance of 1863.80 feet to an angle point; thence North $88^{\circ}41'19''$ East, a distance of 2010.33 feet to the Point of Terminus. Said point also being described as the intersection of the centerline of U.S. No. 1 (State Road No. 3) and the center line of Dutil Pepper Road.

"EXHIBIT A"

RECORDED
ST. JOHNS COUNTY, FLA.
OCT 20 1964
CLERK OF COUNTY COURT