RESOLUTION NO. 95-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING EXECUTION OF AN AGREEMENT TO ACCEPT PLANTATION LAKE DRIVE LOCATED IN AN UNRECORDED SUBDIVISION KNOWN AS PLANTATION OAKS AS A PUBLIC ROAD AND AUTHORIZING SUCH ACCEPTANCE.

WHEREAS, Marvin J. Wilson and Janice R. Wilson, as owners, have tendered a Warranty Deed dated <u>February 10, 1995</u> to the Board of County Commissioners of St. Johns County, Florida conveying to the County the land described thereon for public road and highway purposes, including but not limited to drainage and utilities; and

WHEREAS, Marvin J. Wilson and Janice R. Wilson have offered the St. Johns County Board of County Commissioners certain lands for dedication of a publicly maintained road and certain drainage easements; and

WHEREAS, Patricia A. Spangler has offered certain drainage easements to the County for drainage of said public road; and

WHEREAS, it is to the mutual benefit of Marvin J. Wilson, Janice R. Wilson and Patricia A. Spangler to grant said property and easements to St. Johns County for said County's acceptance of said road for public maintenance

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

Section 1. The terms of the "Agreement" attached hereto as Exhibit A and incorporated by reference and accepted and the St. Johns County Administrator is authorized to execute such Agreement in a form substantially in conformity to Exhibit A.

Section 2. In accordance with the "Agreement' attached as Exhibit A, and incorporated herein by reference, the above described Warranty Deed, a copy of which is attached hereto as Exhibit B and incorporated by reference shall be accepted by the Board of County Commissioners of St. Johns County, Florida upon execution and recording of Exhibit A hereto.

Section 3. If the terms of the "Agreement" attached as Exhibit A are not complied with by the parties to the Agreement, and such default shall continue for a period of 60 days after notice to the Plantation Oaks Homeowners Association, Inc. of the

failure to comply, then the Board of County Commissioners of St. Johns County may, at its option, take necessary action to vacate any public road on the property described in Exhibit B.

Section 4. The Clerk is authorized to file the title search for the <u>property described in Exhibit B</u>, a copy of which is attached hereto as Exhibit C, incorporated by reference and made a part hereof, and to record the Warranty Deed in the official records of St. Johns County at County expense.

Passed and Adopted by the Board of County Commissioners of St. Johns County, Florida this 25th day of April , 1995.

> BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: Tts Chair

ATTEST: CARL "BUD" MARKEL, CLERK

Deputy Clerk

EXHIBIT A TO THE RESOLUTION

AGREEMENT AND GRANT OF EASEMENT

THIS AGREEMENT entered into this day of 1994, between MARVIN J. WILSON and JANICE R. WILSON, hereinafter referred to as "WILSON", and CARL J. SPANGLER and PATRICIA A. SPANGLER, hereinafter referred to as "SPANGLER" and the Board of County Commissioners, St. Johns County, hereinafter referred to as "THE COUNTY".

WHEREAS, WILSON is the owner of a subdivision known as Plantation Oaks located Section 34, Township 7S, Range 29E and more fully described in attached Exhibit A which is incorporated by reference and made a part hereof; and

WHEREAS, WILSON is desirous of dedicating the road located in the subdivision to St. Johns County and THE COUNTY has agreed to accept said road; a description of said road is attached as Exhibit B and by reference made a part hereof; and

WHEREAS, upon acceptance of the road described in Exhibit B, said road will become a county road and THE COUNTY will be responsible for maintenance and drainage of said road; and

WHEREAS, there are certain drainage easements belonging to WILSON which are part of Plantation Oaks which drain the roadway and other areas contained in the subdivision and certain other surrounding areas, said drainage easements being described in attached Exhibits C and D and by reference made a part hereof; and

WHEREAS, SPANGLER is the owner of lots 15 and 16 located in Plantation Oaks, and is the owner of a portion of the herein described drainage easements which includes the unnamed creek that meanders across lots 15 and 16 and discharges stormwater into Moultrie Creek.

WHEREAS, THE COUNTY is desirous of an agreement among the subdivision and property owners giving St. Johns County the right to use the herein described drainage easements for the purpose of disposing of stormwater runoff from the roadway in Plantation Oaks.

NOW THEREFORE, IT IS AGREED

- 1. WILSON and SPANGLER, their heirs and assigns, do hereby give, grant and convey to St. Johns County a nonrevocable perpetual interest in the right to use the drainage easements as described in attached Exhibit C.
- 2. WILSON, his heirs and assigns agree to maintain the drainage easements. THE COUNTY shall have the right to clear away any obstruction in the drainage easement to maintain normal flow. WILSON and SPANGLER, and their heirs and assigns, do hereby give employees of St. Johns County reasonable access over and across their property to enable THE COUNTY to obtain access to the drainage easements.

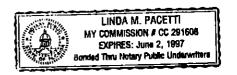
- 3. THE COUNTY assumes no responsibility for the trees in the subdivision and the County will not cut down any trees either within or outside of the drainage easements except as necessary as described in paragraph 2 of this agreement.
- 4. SPANGLER shall have the right to put a foot bridge across the easement, which includes the meandering creek across lots 15 and 16, to provide access to his property which lies on both sides of the drainage easement and said meandering creek.
- 5. WILSON and SPANGLER agree to hold the County harmless for any liability or damage caused by flooding of the area as the result of blockage of any of the easements.
- 6. If the terms of this agreement are not complied with by the parties to this agreement, and such default shall continue for a period of 60 days after notice to the Plantation Oaks Homeowners Association, Inc. of the failure to comply, then the St. Johns County Board of County Commissioners may, at its option, take necessary action to vacate any public road on the property described in Exhibit B.
- 7. WILSON, his heirs and assigns, does hereby give, grant and convey to St. Johns County the right to use the drainage easement as described in attached Exhibit D.
- 8. WILSON and SPANGLER agree to obtain the County's consent prior to granting any other party the right to use the easements described in Exhibits C and D.

1N WITNESS WHEREOF, the parties have hereunto signed this agreement this 23 to day of the parties have hereunto signed this

| Witness Witness, Typed/Printed) Witness (Name of Witness, Typed/Printed) | JANICE R. WILSON Carl J. Spangler CARL J. SPANGLER |
|---|--|
| (Name of Witness, Typed/Printed) Witness | Board of County Commissioners St. Johns County BY: |
| (Name of Witness, Typed/Printed Witness (Name of Witness, Typed/Printed | |

STATE OF FLORIDA COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this day of Jich Me , 1994, by MARVIN J. WILSON and JANICE R. WILSON who is personally known to me or who has produced as identification and who () did (x) did not take



Notary Public, State of Florida at Large:

My Commission Expires: July 3nd, 1997

STATE OF FLORIDA COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 23 kd day of 1 (Cricket, 1994, by CARL J. SPANGLER and PATRICIA A. SPANGLER who is personally known to me or who has produced ______ as identification and who () did (x) did not take an oath.



Notary Public, State of Florida

My Commission Expires: June 2nd, 1997

STATE OF FLORIDA COUNTY OF ST. JOHNS

Notary Public, State of Florida at Large:
My Commission Expires:

EXHIBIT A

TO THE AGREEMENT

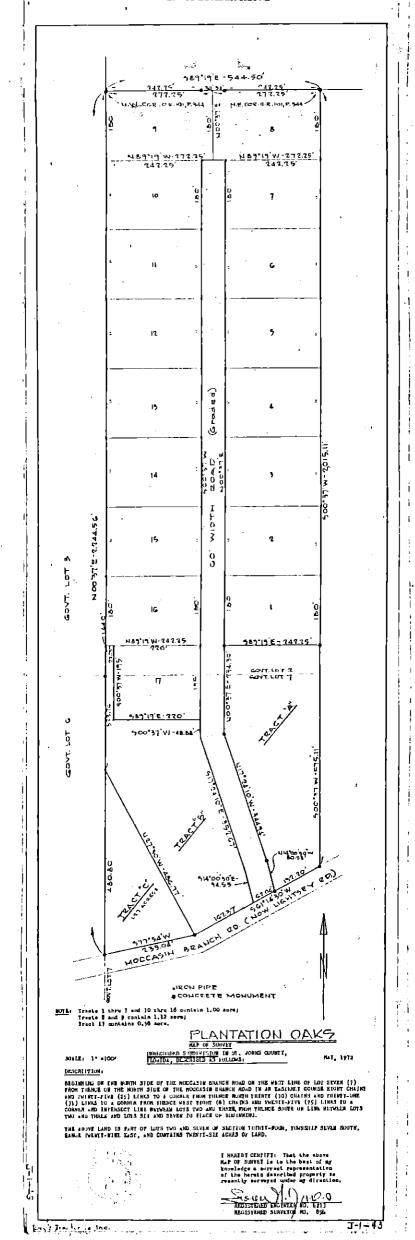
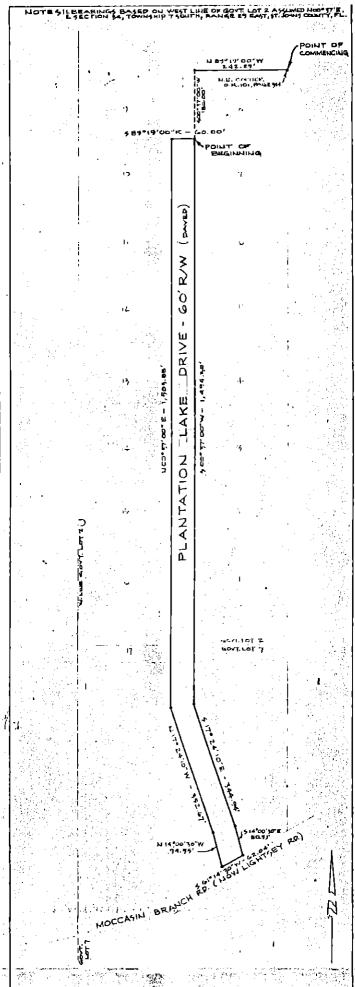


EXHIBIT B

TO THE AGREEMENT



STETCH

ZCYTE: 1. • 100.

OCTOBER 20, 189

PLANTATION LAKE TRIVE... GO FOOT RIGHT DE WAY

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COMMENCING AL INE MORINASE CORNER OF SAID LAND DESCRIBED IN OFFICIA. RECOMO RONK 1019 FARM 344 [INIARCE MORTH 80 DOTGEES 19 HINDIES ON SECONOS MISS, OF HIM HORTH LINE OF BAID LAND DESCRIBED IN OFFICIAL RECOMOS GODE 101, PACE 344, 19 INIARCE SOUTH OF DISCRIBED 37 MINISTES ON SECONOS MEST 100,00 FEET TO 118 FOIRT OF DESCRIBED 37 MINISTES ON SECONOS MEST 100,00 FEET TO 118 FOIRT OF DESCRIBED 37 MINISTES ON SECONOS MEST 30 MINISTES MEST 30 MINISTES ON SECONOS MEST 30 MINISTES ON SECONOS MEST 30 MINISTES ON SECONOS MEST 30 MINISTES MEST 30 MINISTES ON SECONOS MEST 30 MINISTES AND MEST 30 MINISTES AND MEST 30 MINISTES AND MEST 30 MINISTES AND M

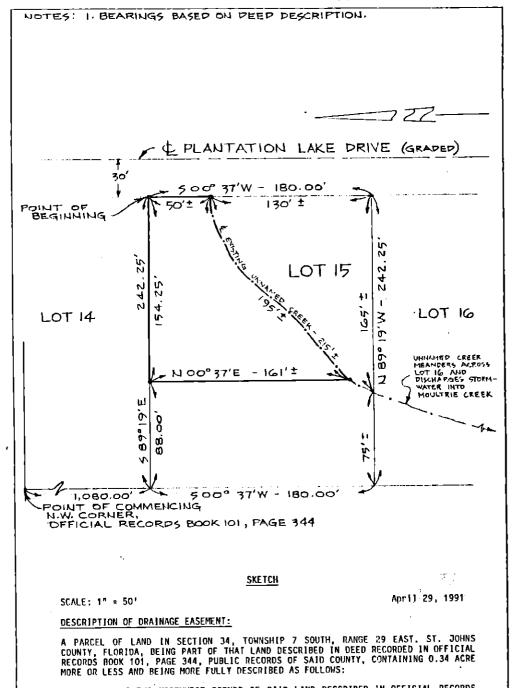
Preparad By: Loren H. Jones, P.E./L.S. 905 Anastasia Blvd. 81. Augustine, Fl. 38084

-1-43A

EXHIBIT C

(Page 1 of 2)

TO THE AGREEMENT



COMMENCING AT THE NORTHWEST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 344; THENCE SOUTH 00 DEGREES 37 MINUTES WEST, ON THE WEST LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 344, A DISTANCE OF 1,080.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES EAST 242.25 FEET TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 00 DEGREES 37 MINUTES WEST. ON THE WEST LINE OF PLANTATION LAKE DRIVE, A 50 FOOT WIDTH ROAD RIGHT OF WAY, 50 FEET MORE OR LESS; THENCE MEANDERING WESTERLY AND SOUTHWESTERLY, ON CENTERLINE OF EXISTING CREEK, 195 FEET MORE OR LESS: THENCE NORTH 00 DEGREES 37 MINUTES EAST 161 FEET MORE OR LESS; THENCE SOUTH B9 DEGREES 19 MINUTES EAST 154.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND IS ALSO KNOWN AS BEING WITHIN THE NORTHEASTERLY PART OF LOT 15, PLANTATION OAKS, AN UNRECORDED SUBDIVISION.

PREPARED BY:

Loren N. Jones, P.E./L.S. 906 Anastasia Blvd. St. Augustine, FL 32084

MARVIN WILSON /FLANTATION OAKS (SEE M-538)

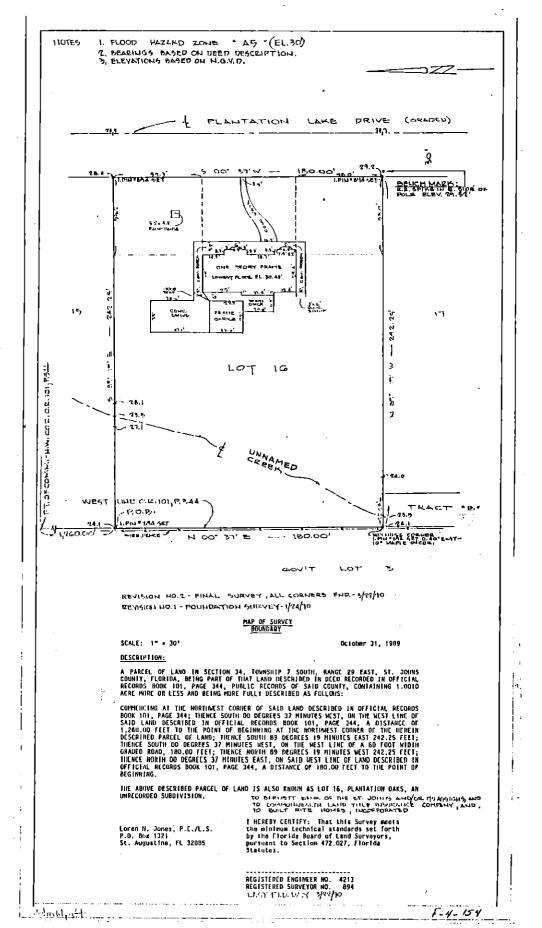
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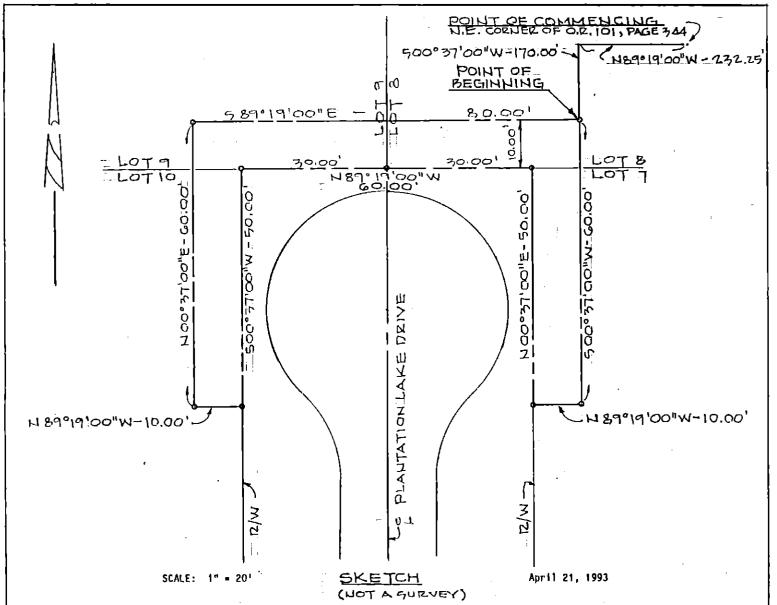
EXHIBIT C

(Page 2 of 2)

TO THE AGREEMENT

NOTE: The purpose of this page is to show the location of the unnamed creek.





DESCRIPTION OF DRAINAGE EASEMENT:

A PARCEL OF LAND IN SECTION 34, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING PART OF THAT LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 101, PAGE 344, PUBLIC RECORDS OF SAID COUNTY, CONTAINING Q.04 ACRE MORE OR LESS AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 344; THENCE NORTH 89 DEGREES 19 MINUTES OO SECONDS WEST, ON THE NORTH LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 344, A DISTANCE OF 232.25 FEET; THENCE SOUTH OO DEGREES 37 MINUTES OO SECONDS WEST 170.00 FEET TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING SOUTH OO DEGREES 37 MINUTES OO SECONDS WEST 60 FEET; THENCE NORTH 89 DEGREES 19 MINUTES OO SECONDS WEST 10.00 FEET; THENCE NORTH 00 DEGREES 37 MINUTES OO SECONDS EAST, ON THE EAST LINE OF PLANTATION LAKE DRIVE, 50.00 FEET; THENCE NORTH 89 DEGREES 19 MINUTES OO SECONDS WEST, ON THE NORTH LINE OF PLANTATION LAKE DRIVE, 60.00 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES OO SECONDS WEST, ON THE NORTH BO DEGREES 19 MINUTES OO SECONDS WEST 10.00 FEET; THENCE NORTH 00 DEGREES 37 MINUTES OO SECONDS WEST 10.00 FEET; THENCE NORTH 00 DEGREES 37 MINUTES OO SECONDS WEST 10.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES OO SECONDS EAST 60.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES OO SECONDS EAST 60.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES OO SECONDS EAST 60.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES OO SECONDS EAST 60.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES OO SECONDS EAST 60.00 FEET; THENCE SOUTH 89

Jones & Pellicer, Inc. 906 Anastasia Blvd., Suite A St. Augustine, FL 32084 (904) 824-6115 Prepared By:

 10^{th} day of February A.D. 19 95 by MARVIN J. WILSON and JANICE R. WILSON, his wife

5760 U.S. 1 North, St. Augustine, FL 32095 hereinafter called the grantor, to

BOARD OF COUNTY COMMISSIONERS OF ST.

JOHNS COUNTY, FLORIDA

whose post office address is:

P.O. Drawer 349, St. Augustine, Florida 32085-0349 Grantees' Tax Id # :

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Johns County, Florida, viz:

Property as described on attached "Exhibit A" which description is made a part hereof by reference as though fully and completely set forth herein.

Parcel Identification Number:

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 19 94

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above

Signed, sealed and delivered in our presence:

| Name: Lenna Gordon | Mame & Address: Marvin J. Wilson LS |
|---------------------|-------------------------------------|
| Amanda L. Fairbanks | Name & Address: Janice R. Wilson |
| Name: | Name & Address: |
| Name: | Name & Address: |
| State of Florida | |

County of St. Johns

The foregoing instrument was acknowledged before me this 9% day of February

Marvin J. Wilson and Janice R. Wilson, his wife

who is personally known to me or who has produced

their FL Drivers Licenses

Print Name:

Notary Public

My Commission Expires:

LENNA GORDON My Commission CC318343 res Sep. 24, 1997 Bonded by ANB 800-852-587a

PREPARED BY: RECORD & RETURN TO: Marvin J. Wilson 10025 Russell Sampson Road Jacksonville, Florida

PLANTATION DAKS DRIVE - 60 FOOT RIGHT OF WAY

DESCRIPTION:

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A STRIP OF LAND IN SECTION 34, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING PART OF THAT LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 101, PAGE 344, PUBLIC RECORDS OF SAID COUNTY CONTAINING 2.66 ACRES MORE OR LESS AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 344; THENCE NORTH 89 DEGREES 19 MINUTES 00 SECONDS WEST, ON THE NORTH LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 344, A DISTANCE OF 242.25 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 00 SECONDS WEST 180.00 FEET TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED STRIP OF LAND; THENCE CONTINUING SOUTH 00 DEGREES 37 MINUTES 00 SECONDS WEST 1,494.30 FEET; THENCE SOUTH 17 DEGREES 24 MINUTES 10 SECONDS EAST 344.94 FEET; THENCE SOUTH 14 DEGREES 00 MINUTES 30 SECONDS EAST 80.53 FEET; THENCE SOUTH 61 DEGREES 14 MINUTES 30 SECONDS WEST, ON THE NORTH LINE OF MINUTES 30 SECONDS WEST 94.55 FEET; THENCE NORTH 17 DEGREES 24 MINUTES 10 SECONDS WEST 352.67 FEET; THENCE NORTH 00 DEGREES 37 MINUTES 00 SECONDS EAST 1,503.88 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS EAST 60.00 FEET TO THE POINT OF BEGINNING.

NOTE 5! DEARING PASED ON WEST LINE OF GOVEL OF Z ASCUMED NODESTE.
E SECTION 34, TOWNSHIP 7 SOUTH, RANGE ET EAST, ST. JOHNS CRAFT, FL.

7-06.11.007 (500C) н . ₹ DRIVE - 60' 12. MCO*177007 E - 17503.88 PLANTATION "OAKS 14 15 2 16 GOVELOT Z MOCCASIN BRANCH B

> SKEICH MOLA SURVEY

SCALE: 1" - 100"

OCTOBER 28, 189

PLANTATION DARS DRIVE - 60 FOOT BUSHT OF WAY

<u>DE SCA (P1) DA.</u>

A STRIP OF LARO IN SECTION 34, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHN COUNTY, FLORIDA, BEING PART OF HIAT LAND DESCRIPCO IN OCCO RECORDED IN OFFICIAR RECORDS BOOK 101, FARE 344, FUBLIC RECORDS OF SAID COUNTY CONTRIBUTED B.68 ACRE MORE OR LESS AND BEING MORE FULLY DESCRIPCO AS FOLLOWS:

COPPM NCTIME AT 11K MORTHCAST CORNER OF SAID LAND DESCRIBED IN DEFICIAL RECORDS BOOK TOI, PAGE JAC; INCIDE MORTHCAST, CORNER OF SAID LAND DESCRIBED IN DEFICIAL RECORDS WEST, ON THE WORTH LINE OF SAID LAND DESCRIBED IN DETECTA, RECORDS WEST, ON THE WORTH LINE OF SAID LAND DESCRIBED IN DETECTA, RECORDS WEST, ON THE POLITY OF BEGINNING AT THE MORTHCAST CORNERS OF HILL RECEIPM SECONDS WEST, INCIDENCE OF MICH POLITY OF BEGINNING AT THE MORTHCAST CORNERS OF HILL RECEIPM SECONDS WEST, ASAIP OF LAND, TERME SOUTH OF DEGREES AT MINUTES TO SECONDS WEST, ASAIP OF LAND, TERME SOUTH A DEGREES OF MINUTES TO SECONDS CAST BOOKS OF SAID OF THE MORTH LINE OF THE MORTHCAST CORNERS OF THE MORTHCAST OF THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINE OF MINUTES TO SECONDS WEST, ON THE MORTH LINES WITH SECONDS WEST, ON THE MORTH LINES WE SECONDS SECONDS SECONDS SECONDS SECONDS WEST, ON THE MORTH LINES WE SECONDS SECOND

Preparad By: Loren W. Jones, P.L./L.S. 908 Anislasia Blod. 51. Augustine, Ft. 32084

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