

RESOLUTION 96- 46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT THAT SETTLES THE LAWSUIT FILED BY DORRIS M. PARRISH AGAINST WILLIAM H. HALL, CALVIN H. HUDSON, ELLEN L. HUDSON AND ST. JOHNS COUNTY (ST. JOHNS COUNTY CIRCUIT COURT CASE # 90-1998-CA) AND THE EXCHANGE AMONG THE PARTIES OF CERTAIN LAND AND EASEMENTS CONTIGUOUS TO OR NEAR THE ST. JOHNS COUNTY GOLF COURSE.

WHEREAS, the Estate of Doris Mae Parrish (hereinafter "Parrish") is the owner and holder of an access easement of a width of forty feet (40') created by that certain agreement dated August 24, 1987, and recorded in Official Records Book 757, Page 1423, public records of St. Johns County, Florida (the "Parrish Easement"); and

WHEREAS, the Parrish Easement serves certain lands owned by Parrish lying south and east of the Parrish Easement; and

WHEREAS, William H. Hall, Calvin H. Hudson, and Ellen L. Hudson (hereinafter collectively "Hall") are obligated to clear a roadway and dig drainage ditches within the Parrish Easement pursuant to the terms of a Timber Deed dated September 8, 1987, and recorded in Official Records Book 757, Page 1429, public records of St. Johns County, Florida (the "Timber Deed"); and

WHEREAS, Hall is the owner of lands underlying the Parrish Easement and of certain lands which adjoin the Parrish Easement on the south and west; and

WHEREAS, St. Johns County, Florida (the "County") is the owner of certain lands located west of the Parrish Easement and occupied by the St. Johns County golf course; and

WHEREAS, the County inadvertently constructed improvements and drainage facilities on Hall's lands located in the Parrish Easement; and

WHEREAS, Parrish has filed suit against Hall and the County in Case No.: 90-1998-CA, filed in the Circuit Court of St. Johns County, Florida, (the "Parrish Lawsuit") seeking among other things, rescission of the releases of a previous easement owned by Parrish and specific performance of the Timber Deed; and

WHEREAS, Parrish, Hall and the County staff have negotiated a tentative settlement agreement whereby Hall and County will convey to Parrish lands for an alternate roadway in exchange for a dismissal of the Parrish Lawsuit and the release of Hall's obligations under the Timber Deed and Hall will convey the lands underlying the Parrish Easement to the County; and

WHEREAS, the lands and easements to be conveyed and exchanged by the County pursuant to the proposed settlement agreement are not needed for County purposes and it is in the best interests of the County to exchange such lands and easements for the lands and easements to be received and used by the County for County purposes as described in the proposed settlement agreement; and

WHEREAS, it is in the best interests of the County to settle the Parrish Lawsuit by entering into the proposed settlement agreement.

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

Section 1. The proposed settlement agreement attached as an Exhibit to this resolution is hereby accepted by the Board of County Commissioners of St. Johns County, Florida (the "Board") and the Chair and the Clerk of the Board are authorized and directed to execute and deliver such copies thereof as are appropriate.

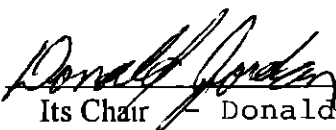
Section 2. The County Administrator is hereby authorized by the Board of County Commissioners to do all acts and things required by this resolution and/or the settlement agreement and/or desirable or consistent with the requirements thereof for the full, punctual and complete performance of all the terms, covenants and agreements contained in the settlement agreement; and he is further authorized to execute and deliver all documents and such other instruments as shall be necessary or desirable to perform the County's obligations under the settlement agreement and consummate the transactions contemplated thereby.

Section 3. The Clerk is instructed to file the settlement agreement and to record the Deeds and Easements that will be delivered to the County under the settlement agreement in the Public Records of St. Johns County, Florida at the County's expense.

Section 4. The Clerk is instructed to forward a copy of the executed settlement agreement by Registered Mail to Mr. Allen C. Watts, Esquire, % Law Offices of Cobb, Cole & Bell, 150 Magnolia Ave., Post Office Box 2491, Daytona Beach, FL 32115-2491; Mr. John Bailey, Jr., Esquire, % Upchurch, Bailey & Upchurch, P.A., Post Office Drawer 3007, St. Augustine, FL 32085-3007; and Mr. Dennis E. Hayes, Esquire, % Hayes and Lindell, P.A., 233 E. Bay Street, Suite 620, Blackstone Bldg. Jacksonville, FL 32202.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 12th day of March, 1996.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:  _____
Its Chair - Donald Jordan

ATTEST: CARL "BUD" MARKEL, CLERK

By: Rosemary Lewis
Deputy Clerk