

RESOLUTION NO. 98- 125

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, TO RELOCATE AN EXISTING LIFT STATION FOR FUTURE DEVELOPMENT OF THE PROPERTY.

RECITALS

WHEREAS, Forsyth Partners, Inc., the owners of property located at the intersection of SR 312 and Old Beach Road, have plans to develop their property and have requested St. Johns County relocate an existing lift station, as described in the County Deed attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, Forsyth Partners, Inc., have presented a Warranty Deed in substantially the form attached as Exhibit "B", incorporated by reference and made a part hereof, conveying to St. Johns County an exchange parcel on which to relocate the lift station; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the plans and approve of the property exchange for the relocated list station, as evidenced by their letter attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

WHEREAS, an exchange of said property would be in the best interest of the public and would not be detrimental as no interruption of service would be experienced, and as the County would have no further use of the abandoned site; and

WHEREAS, said proposed exchange of property has been advertised in accordance with the requirements of Section 125.37, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Johns County, as follows:

1. We incorporate the above Recitals as findings of fact.
2. The County Administrator is authorized to accept a Warranty Deed conveying to St. Johns County the proposed list station relocation site in substantially the form attached hereto and the Clerk is instructed to record the executed Deed in the Public Records of St. Johns County, Florida.
3. The County Deed conveying the property to Forsyth Partners, Inc., a Florida corporation, is hereby approved for execution by the Chairman of the Board and the Clerk is instructed to record the Deed in the Public Records of St. Johns County, Florida after satisfactory completion of construction of a replacement lift station by Forsyth Partners, Inc., or their agents.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County,
State of Florida, this 23 day of June, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Jim Bryant

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia A. Grande
Deputy Clerk

Exhibit "A" to Resolution

This Instrument Prepared By:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P. O. Box 1533
St. Augustine, Florida 32085-1533

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, this _____ day of _____, 1998, by ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32095, hereinafter "Grantor", to FORSYTH PARTNERS, INC., a Florida corporation, whose address is 2345 Seminole Reach Court, Atlantic Beach, Florida 32233, hereinafter "Grantee". (Wherever used herein the term "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and their successors, and assigns of organizations).

WITNESSETH;

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, forever unto said Grantee, all that certain land, situate, lying and being in the County of St. Johns, State of Florida and more particularly described below. Pursuant to Florida law Section 125.411(3)F.S., this deed conveys only the interest in said land the Grantor has of the date of this conveyance, to wit:

SEE EXHIBIT "A", ATTACHED HERETO AND BY THIS
REFERENCE MADE A PART HEREOF (THE "PROPERTY")

Parcel Account Number: _____

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS COUNTY DEED is subject to the following non-exclusive list of exceptions:

- a. Special taxes and assessments, confirmed or unconfirmed, for improvements not yet completed, if any;
- b. Any state of facts which a good and accurate survey or inspection of the premises might reveal;
- c. Federal, State, local government (County or City), development, construction, zoning and buildings laws or ordinances, rules, regulations and resolutions;
- d. Rights, if any, of the public in any portion of the premises which may fall within any public street, way or alley;

- e. All acts of Purchases occurring prior to, or subsequent to, the date of this instrument;
- f. Agreements, conditions, covenants, reservations, restrictions, and servitude of record;
- g. Easements and rights of way of record.

IN WITNESS WHEREOF the said Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board, the day and year aforesaid.

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

BY: _____
Moses A. Floyd, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 1998, by Moses A. Floyd, Chairman of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me or who has produced _____, as identification and who did (did not) take an oath.

Notary Public State of Florida
My Commission Expires: _____

EXHIBIT "A" to County Deed

EXISTING LIFT STATION PARCEL

A PART OF THE SOUTHEAST ¼ OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD BEACH ROAD (A 66 FOOT RIGHT-OF-WAY NOW ESTABLISHED) ALSO KNOWN AS ATLANTIC BOULEVARD BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 78002-2502, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 312 (A 200 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED): THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 312, SAID RIGHT-OF-WAY LINE LYING ON A CURVE, SAID CURVE BEING CONCAVE NORTHERLY, HAVING A RADIUS OF 1809.86 FEET, AN ARC DISTANCE OF 165.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 88 DEGREES 45 MINUTES 58 SECONDS WEST AND A CHORD DISTANCE OF 164.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 25.06 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 85 DEGREES, 45 MINUTES 28 SECONDS WEST AND A CHORD DISTANCE OF 25.06 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 45 SECONDS EAST LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 43.30 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 15 SECONDS EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 45 SECONDS WEST, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING.

Exhibit "B" to Resolution

This Instrument Prepared By:
Daniel J. Bosanko, Esq.
Assistant County Attorney
P. O. Box 1533
St. Augustine, Florida 32085-1533

WARRANTY DEED

THIS INDENTURE, made this ____ day of _____, 1998, between FORSYTH PARTNERS, INC., a Florida Corporation, whose address is 2345 Seminole Reach Court, Atlantic Beach, Florida 32233, and whose federal taxpayer identification number is _____, hereinafter called "Grantor", and ST. JOHNS COUNTY, FLORIDA, a Political Subdivision of the State of Florida, whose post office address is Post Office Drawer 349, St. Augustine, Florida 32085-0349, and whose federal identification number is 650601200453C, hereinafter called "Grantee".

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land situate, lying and being in St. Johns County, Florida, to wit:

SEE EXHIBIT "A", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (THE PROPERTY)

Parcel Identification Number: _____

Subject To: Taxes for the year of conveyance and all subsequent years.
Applicable zoning and other Governmental regulations.

And said Grantor does hereby fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed and sealed all on the day and year first above written.

Signed, sealed and delivered in our presence:

**GRANTOR:
FORSYTH PARTNERS, INC.**

Sign _____
Print name _____

By: _____
Print Name _____
Title: _____

Sign _____
Print name _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 1998, by _____, as _____ of FORSYTH PARTNERS, INC. a Florida Corporation, who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Notary Public of State of Florida
My Commission expires _____

SKETCH TO SHOW

LIFT STATION

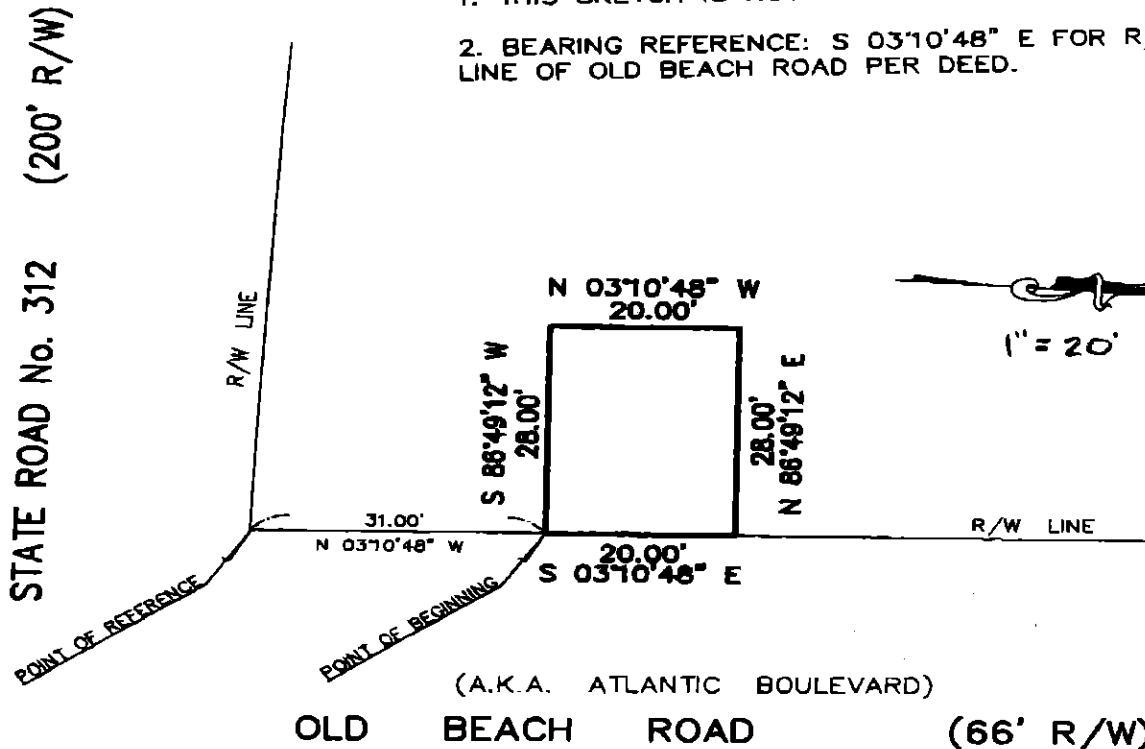
A PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF OLD BEACH ROAD (A 66 FOOT RIGHT OF WAY AS NOW ESTABLISHED, ALSO KNOWN AS ATLANTIC BOULEVARD, BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NUMBER 78002 2502) WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 312 (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH 03° 10' 48" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF OLD BEACH ROAD, A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH 86° 49' 12" WEST, A DISTANCE OF 28.00 FEET; THENCE NORTH 03° 10' 48" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 86° 49' 12" EAST, A DISTANCE OF 28.00 FEET TO A POINT ON THE PREVIOUSLY MENTIONED WESTERLY RIGHT OF WAY LINE OF OLD BEACH ROAD; THENCE SOUTH 03° 10' 48" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 560 SQUARE FEET.

NOTES:

1. THIS SKETCH IS NOT A SURVEY.
2. BEARING REFERENCE: S 03°10'48" E FOR R/W LINE OF OLD BEACH ROAD PER DEED.



I HEREBY CERTIFY THAT THIS SKETCH WAS MADE BY ME AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYORS AND MAPPERS IN ACCORDANCE WITH CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

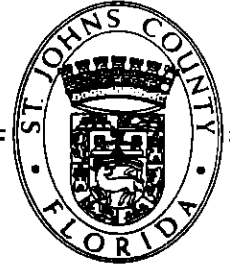
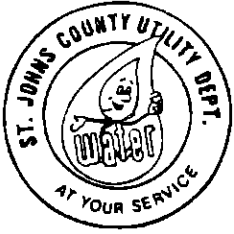
SIGNED 4-14-98 BY:

Jose A. Hill, Jr.
 JOSE A. HILL, JR. REGISTERED FLORIDA SURVEYOR AND MAPPER NO. 4487

PREPARED BY:
CLARSON AND ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 1643 NALDO AVENUE
 JACKSONVILLE, FLORIDA, 32207
 PHONE: 904-398-2823

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners



P.O. Box 3006
St. Augustine, Florida 32085-3006
Phone: (904) 471-2161 • Fax : (904) 461-7619

MEMORANDUM

TO: Mary Ann Blount, Real Estate Officer
St. Johns County Development Services

FROM: Herbert A. Van Der Mark, Construction Manager of Utilities
St. Johns County Utility Department

DATE: May 6, 1998

RE: **Aqua East Surf Shop**
Development Services Application No. 97C109

A handwritten signature in black ink, appearing to be "H. Van Der Mark", written over the "FROM:" line of the memorandum.

Please be aware that the St. Johns County Utility Department has reviewed and approved the Site Development Construction Plans for this project. The Utility Department is in concurrence with the demolition of the existing liftstation site and the relocation and construction of the new liftstation at the proposed new location.

All existing easements that are parallel to SR-312 must remain.