

RESOLUTION NO. 99-187

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AN EXCHANGE OF REAL PROPERTY BETWEEN ST. JOHNS COUNTY AND JULINGTON PARTNERS LIMITED PARTNERSHIP TO ESTABLISH A CONSISTENT RIGHT-OF-WAY FOR A PORTION OF RACE TRACK ROAD.

RECITALS

WHEREAS, by virtue of roads being dedicated to St. Johns County in Julington Creek Plats along Race Track Road and subsequently being vacated there remain several areas between the curve and tangent line of said curve, also know as fillets, where the County remains the owner, as more particularly described in the County Deed attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, in order to clear up the title of these remaining parcels and make the right-of-way of Race Track Road consistent, Julington Partners Limited Partnership as owner of the underlying land of said vacated plats has requested the County exchange the left over filets for additional right-of-way, as more particularly described in Special Warranty Deed attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, said exchange parcels have been advertised in accordance with the requirements of Section 125.37, F.S..

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

1. We incorporate the above Recitals as findings of fact.
2. Execution of the County Deed from St. Johns County to Julington Partners Limited Partnership is hereby approved and the Clerk is instructed to record the County Deed in the public records of St. Johns County, Florida.
3. The Special Warranty Deed from Julington Partners Limited Partnership to St. Johns County is hereby accepted and the Clerk in instructed to record the Special Warranty Deed in the public records of St. Johns County, Florida.

PASSED AND ADOPTED, this 14th day of December, 1999.

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

BY: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia DeStanda
Deputy Clerk

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

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, this ___ day of _____, 1999, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095, hereinafter "Grantor", to **JULINGTON PARTNERS LIMITED PARTNERSHIP**, a Delaware limited partnership authorized to do business in Florida, whose address is 950 Davis Pond Boulevard, Jacksonville, FL 32254, 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")

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 building laws or ordinances, rules, regulations and resolutions;

- d. All acts of the Grantee occurring prior to, or subsequent to the date of this instrument;
- e. Agreements, conditions, covenants, reservations, restrictions, and servitude of record;

IN WITNESS WHEREOF the said Grantor has caused the 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: _____
James E. Bryant, 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 _____, 1999, by James E. Bryant, Chairman of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me and who did not take an oath.

Notary Public State of Florida
My Commission Expires: _____

Exhibit "A" to County Deed

November 16, 1999

ETM No. E99-220

PROPERTY EXCHANGE (RACETRACK ROAD R/W TO BE ABANDONED)

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A portion of JULINGTON CREEK UNIT THREE, according to the plat thereof recorded in Map Book 16, Pages 64 through 88, of the Public Records of St. Johns County, Florida, being comprised of a part of TRACT "C" of said JULINGTON CREEK UNIT THREE as conveyed to said St. Johns County for additional Racetrack Road right of way by deed recorded in Official Records Volume 1048, Page 1369, Public Records, said County; said portion more particularly described as being all that part of said TRACT "C" lying Northeasterly of and abutting a line which lies parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto.

ALSO

A portion of JULINGTON CREEK UNIT FOUR, according to the plat thereof recorded in Map Book 16, Pages 89 through 111, of the Public Records of St. Johns County, Florida, being comprised of a part of TRACT "A", part of TRACT "B", and part of that certain portion of TRACT "C" of said JULINGTON CREEK UNIT FOUR as conveyed to said St. Johns County for additional Racetrack Road right of way by deed recorded in Official Records Volume 1048, Page 1369, Public Records, said County; said portion more particularly described as being all that part of said TRACT "A", TRACT "B", and portion of TRACT "C" lying Northeasterly of and abutting a line which lies parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto.

ALSO

A portion of JULINGTON CREEK UNIT FIVE, according to the plat thereof recorded in Map Book 17, Pages 1 through 21, of the Public Records of St. Johns County, Florida, being comprised of a part of TRACT "C" of said JULINGTON CREEK UNIT FIVE as conveyed to St. Johns County for additional Racetrack Road right of way by deed recorded in Official Records Volume 1048, Page 1369, Public Records, said County; said portion more particularly described as being all that part of said TRACT "C" lying Southwesterly of and abutting a line which lies parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto.

ALSO

A portion of JULINGTON CREEK UNIT SIX, according to the plat thereof recorded in Map Book 17, Pages 22 through 52, of the Public Records of St. Johns County, Florida, being comprised of a part of TRACTS "A", "B", "D", "E", "F", and a part of that certain portion of TRACT "C" of said JULINGTON CREEK UNIT SIX as conveyed to said St. Johns County for additional Racetrack Road right of way by deed recorded in Official Records Volume 1048, Page 1369, Public Records, said County; said portion more particularly described as being all that part of said TRACT "A" and TRACT "B" lying Southwesterly of and abutting a line which lies parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; together with all that part of said TRACT "D", TRACT "E", TRACT "F", and portion of TRACT "C" lying Northeasterly of and abutting a line which lies parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto.

PROPERTY EXCHANGE (RACETRACK ROAD R/W TO BE ABANDONED)

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ALSO

A portion of JULINGTON CREEK UNIT SEVEN, according to the plat thereof recorded in Map Book 18, Pages 6 through 32, of the Public Records of St. Johns County, Florida, being comprised of a part of TRACTS "A", "B", "C", "D", "E", and "F" of said JULINGTON CREEK UNIT SEVEN as conveyed to St. Johns County for additional Racetrack Road right of way by deed recorded in Official Records Volume 1048, Page 1369, Public Records, said County; said portion more particularly described as being all that part of said TRACT "A", TRACT "B" and TRACT "C" lying Northeasterly of and abutting a line which lies parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; together with all that part of said TRACT "D", TRACT "E", AND TRACT "F" lying Southwesterly of and abutting a line which lies parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto.

Exhibit "B" to Resolution

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

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated ____ day of _____, 1999, is by and from **JULINGTON PARTNERS LIMITED PARTNERSHIP**, a Delaware limited partnership, whose address is 950 Davis Pond Boulevard, Jacksonville, FL 32254, hereinafter called the Grantor, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida whose address is 4020 Lewis Speedway, St. Augustine, FL 32095.

(Whenever used herein the terms "Grantor and Grantee" shall include all of the parties of this instrument and their heirs, legal representatives, successors and assigns.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in the County of St. Johns, State of Florida, being more particularly described as follows:

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

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same in fee simple forever.

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming by, through or under the Grantor, but against none other; provided that this conveyance is made subject to ad valorem property taxes accruing subsequent to December 31, 1999; and covenants, restrictions and easements of record; however, such references shall not serve to reimpose the same.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

JULINGTON PARTNERS LIMITED PARTNERSHIP, a Delaware limited partnership

By: Julington-Cypress Limited Partnership, a Delaware limited partnership, Its sole general partner

By: Julington-Cypress, Inc., a Delaware corporation, Its sole general partner

Print Name: _____

By: _____
Print Name: _____
Title: _____

(CORPORATE SEAL)

Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 1999, by _____ the _____ of Julington-Cypress, Inc., a Delaware corporation, as the Sole General Partner of Julington-Cypress Limited Partnership, a Delaware limited partnership authorized to transact business in the State of Florida, the sole general partner of Julington Partners Limited Partnership, a Delaware limited partnership, for and on behalf of said limited partnership. He/She is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires: _____

Exhibit "A" to Special Warranty Deed

November 16, 1999

ETM No. E99-220

PROPERTY EXCHANGE (ADDITIONAL RACETRACK ROAD R/W)

Page 1

A portion of that part of JULINGTON CREEK UNIT THREE, Map Book 16, Pages 64 through 88, now vacated by Resolution Number 95-147 recorded in Official Records Volume 1131, Page 627, of the Public Records of St. Johns County, Florida, which lies Southwesterly of and abutting a line lying parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portion being that part lying between TRACT "C" of said JULINGTON CREEK UNIT THREE and the Easterly boundary thereof.

TOGETHER WITH

Certain portions of that part of JULINGTON CREEK UNIT FOUR, Map Book 16, Pages 89 through 111, now vacated by Resolution Number 95-148 recorded in Official Records Volume 1131, Page 633, of the Public Records of St. Johns County, Florida, which lies Southwesterly of and abutting a line lying parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portions being (1) that part lying between TRACTS "A" and "B" of said JULINGTON CREEK UNIT FOUR, and (2) that part lying between TRACTS "B" and "C" of said JULINGTON CREEK UNIT FOUR.

TOGETHER WITH

A portion of that part of JULINGTON CREEK UNIT FIVE, Map Book 17, Pages 1 through 21, now vacated by Resolution Number 94-99 recorded in Official Records Volume 1061, Page 1560, of the Public Records of St. Johns County, Florida, which lies Northeasterly of and abutting a line lying parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portion being that part lying between TRACT "C" of said JULINGTON CREEK UNIT FIVE and the Easterly boundary thereof.

TOGETHER WITH

Certain portions of that part of JULINGTON CREEK UNIT SIX, Map Book 17, Pages 22 through 52, now vacated by Resolution Number 95-150 recorded in Official Records Volume 1131, Page 644, of the Public Records of St. Johns County, Florida, which lies Northeasterly of and abutting a line lying parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portions being (1) that part lying between TRACT "A" of said JULINGTON CREEK UNIT SIX and the Westerly boundary thereof, and (2) that part lying between TRACTS "A" and "B" of said JULINGTON CREEK UNIT SIX, and (3) that part lying between TRACT "B" of said JULINGTON CREEK UNIT SIX and the Easterly boundary thereof.

PROPERTY EXCHANGE (ADDITIONAL RACETRACK ROAD R/W)

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TOGETHER WITH

Certain portions of that part of JULINGTON CREEK UNIT SIX, Map Book 17, Pages 22 through 52, now vacated by Resolution Number 95-150 recorded in Official Records Volume 1131, Page 644, of the Public Records of St. Johns County, Florida, which lies Southwesterly of and abutting a line lying parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portions being (1) that part lying between TRACTS "C" and "D" of said JULINGTON CREEK UNIT SIX, and (2) that part lying between TRACTS "E" and "F" of said JULINGTON CREEK UNIT SIX.

TOGETHER WITH

Certain portions of that part of JULINGTON CREEK UNIT SEVEN, Map Book 18, Pages 6 through 32, now vacated by Resolution Number 95-151 recorded in Official Records Volume 1131, Page 650, of the Public Records of St. Johns County, Florida, which lies Southwesterly of and abutting a line lying parallel with and 100.00 feet Northeasterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portion being that part lying between TRACTS "A" and "B" of said JULINGTON CREEK UNIT SEVEN.

TOGETHER WITH

Certain portions of that part of JULINGTON CREEK UNIT SEVEN, Map Book 18, Pages 6 through 32, now vacated by Resolution Number 95-151 recorded in Official Records Volume 1131, Page 650, of the Public Records of St. Johns County, Florida, which lies Northeasterly of and abutting a line lying parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto; said portions being (1) that part lying between TRACTS "D" and "E" of said JULINGTON CREEK UNIT SEVEN, and (2) that part lying between TRACTS "E" and "F" of said JULINGTON CREEK UNIT SEVEN, and (3) any remaining part of said vacated portion of JULINGTON CREEK UNIT SEVEN which lies Northeasterly of and abutting said line lying parallel with and 100.00 feet Southwesterly of the centerline of Racetrack Road as now established, when measured at right angles thereto.

