

**RESOLUTION NO. 2001 - 120**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF THE RELEASE OF PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION AS SET FORTH IN COUNTY DEED**

**WHEREAS**, in Resolution No. 2000-62 certain lots in Surfside Subdivision were declared surplus and sold to the highest bidder, PS Partnership, a Florida General Partnership; and

**WHEREAS**, there has been a written request from PS Partnership, attached hereto as Exhibit "A", to release the mineral reservations on the County Deed, attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

**WHEREAS**, the PS Partnership has requested a separate document be executed, attached hereto as Exhibit "C", to release the mineral reservations stating that this document would answer any potential questions about a subsequent title examination; and

**WHEREAS**, with the said mineral reservations, and in particular the right to mine and develop those rights, title to the subject property would be unmarketable for residential purposes and to residential institutional lenders.

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

Section 1. The Board hereby approves the form to Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration and authorizes the Chair to execute the form.

Section 2. The Clerk of the Court is instructed to record the County Deed and the Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of related rights of entry and exploration and mail the recorded originals along with an executed copy of this Resolution to PS Partnership, 9551 Baymeadows Road, Suite 4, Jacksonville, FL 32256.

PASSED AND ADOPTED, this 12<sup>th</sup> day of June, 2001.

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

By: Maui Ivalone  
Chair

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande  
Deputy Clerk

EXHIBIT "A" TO RESOLUTION

**CHRISTOPHER J. HURST, P.A.**  
ATTORNEY AT LAW

4540 Southside Boulevard, Suite 302 Jacksonville, Florida 32216 Telephone: (904) 641-8401  
Telecopier: (904) 645-0005

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May 7, 2001

VIA FACSIMILE (904) 823-2585  
ORIGINAL BY MAIL

St. Johns County Public Works Department  
Real Estate Division  
P.O. Drawer 349  
4020 Lewis Speedway  
St. Augustine, Florida 32095

ATTN: Debbie Taylor

Re: Lots 13 and 14, Block 1, Lots 1, 2 and 3, Block 2, Lot 12, Block 9, Lot 13, Block 13,  
Lots 4 and 5, Block 17, Lots 3 and 4, Block 22, Lot 6, Block 23, Lots 3 and 4, Block  
27, Lots 15 and 16, Block 28, Surfside Subdivision, as recorded in Map Book 3, page  
93 of the public records of St. Johns County, Florida

Dear Ms. Taylor:

I write on behalf of PS Partnership, a Florida general partnership, the proposed grantee with respect to that certain conveyance of the above referenced lots from St. Johns County, as grantor. In the proposed deed of conveyance, the county pursuant to Florida Statutes §270.11 (1) reserved mineral and petroleum rights together with the right to mine and develop those rights. Please accept this letter as the petition of PS Partnership pursuant to Florida Statutes §270.11 (3) whereby PS Partnership requests a release of the reserved mineral and petroleum rights and in particular the privilege to mine and develop those rights.

As justifying the release of those rights, PS Partnership states the following:

1. PS Partnership is acquiring the land with the intention of developing the property together with other property it already owns into single family residential lots;
2. The subject property is situated in a portion of the county in which it is highly unlikely that exploration, mining and development of mineral or petroleum rights would ever be attempted;

Ms. Debbie Taylor

May 7, 2001

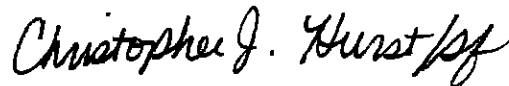
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3. With the said reservations, and in particular the right to mine and develop those rights, title to the subject property would be unmarketable for residential purposes and particularly with respect to residential institutional lenders.

If the release of the reserved interest is granted, we would like to obtain that release in a separate document. Therefore the transaction would include the county deed previously proposed whereby those rights are reserved and a second instrument given by the county releasing those rights. I believe the two document process would answer any potential questions about a subsequent title examination making an inappropriate assumption that the county merely overlooked its obligation under Florida Statutes §270.11.

If you have any questions, please call.

Sincerely,



Christopher J. Hurst

[Dictated but not read]

CJH/sf

cc: Michael E. Braren (via fax)  
Bob Johnson (via fax)

EXHIBIT "B" TO RESOLUTION

This Instrument Prepared By:  
Daniel J. Bosanko, Esq.  
Assistant 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 8<sup>th</sup> day of February, 2001, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, hereinafter "Grantor", to **PS PARTNERSHIP, a Florida General Partnership**, whose address is 9551 Baymeadows Road, Suite 4, Jacksonville, Florida 32256, 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. 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 the Grantee 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.

**RESERVING UNTO THE GRANTOR**, its successors and/or assigns an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are may be in, on, or under the said land and an undivided one-half interest in all petroleum that is or may be in, or on, or under said land with the privilege to mine and develop the same.

**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: Mary F. Kohnke  
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk

By: Yvonne King  
Deputy Clerk



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

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2001, by Mary F. Kohnke, Chair of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me and who did not take an oath.

Patricia De Grande  
Notary Public State of Florida  
My Commission Expires: 01-26-2004



EXHIBIT "A"

Lots 13 and 14, Block 1, Lots 1, 2 and 3, Block 2, Lot 12, Block 9, Lot 13, Block 13, Lots 4 and 5, Block 17, Lots 3 and 4, Block 22, Lot 6, Block 23, Lots 3 and 4, Block 27 and Lots 15 and 16, Block 28, Surfside Subdivision, as recorded in Map Book 3, page 93 of the public records of St. Johns County, Florida.

EXHIBIT "C" TO RESOLUTION

**PREPARED BY, RECORD AND RETURN TO:**

Christopher J. Hurst, Esquire  
Christopher J. Hurst, P.A.  
4540 Southside Boulevard, Suite 302  
Jacksonville, Florida 32216

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

**RELEASE OF PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS  
AND  
RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION**

**THIS RELEASE is made and given this \_\_\_\_ day of \_\_\_\_\_, 2001, by St. Johns County, Florida, a political subdivision of the State of Florida ("the County").**

**WITNESSETH:**

**WHEREAS**, the County by County Deed dated \_\_\_\_\_, 2001, as recorded or to be recorded in the public records of St. Johns County, Florida, conveyed to PS Partnership, a Florida general partnership, the lands hereinafter described;

**WHEREAS**, pursuant to Section 270.11(1) F.S. the County reserved certain phosphate, mineral, metals and petroleum rights;

**WHEREAS**, pursuant to Section 270.11 (3) PS Partnership petitioned the County for a release of said reservation which petition the County has approved.

**KNOW ALL MEN BY THESE PRESENTS:** That the County, for and in consideration of mutual benefits, has released and by these presents does release unto the fee simple owners of record, their successors, heirs and assigns, the following reservation, to-wit:

**"RESERVING UNTO THE GRANTOR, its successors and/or assigns an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same."**

Insofar as said reservation affects the following described property lying and being in St. Johns County, Florida ("the Property"):



Lots 13 and 14, Block 1; Lot 1, 2 and 3, Block 2; Lot 12, Block 9, Lot 13, Block 13, Lots 4 and 5, Block 17; Lots 3 and 4, Block 22; Lot 6, Block 23, Lots 3 and 4, Block 27; Lots 15 and 16, Block 28, all in SURFSIDE SUBDIVISION, according to the plat thereof as recorded in Map Book 3, page 93 of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, the County has caused this Release 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: \_\_\_\_\_  
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk

By: \_\_\_\_\_  
Deputy Clerk

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001, by Mary F. Kohnke, Chair of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
My Commission expires:

(Notarial Seal)