

RESOLUTION NO. 2001-87

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF A COUNTY DEED RE-CONVEYING AN UNUSED PORTION OF DONATED PROPERTY IN PRESIDENTIAL GARDENS OF WHITEHOUSE BOULEVARD PURSUANT TO FLORIDA STATUTES, SECTION 255.22.

WHEREAS, Florida Statutes, Section 252.22 provides a mechanism for St. Johns County to re-convey property to the grantor if such property was not used for its specific purpose within 60 months (five years) (F.S. 252.22 attached and incorporated by reference as Exhibit "C"); and

WHEREAS, in 1992, Morea Estes, the previous owner and grantor, granted to St. Johns County, without receipt of valuable monetary consideration, property for public road and highway purposes, as evidenced in Resolution No. 92-172 (Res. No. 92-172 attached and incorporated by reference as Exhibit "A"); and

WHEREAS, a portion of said property has never been used for the purpose it was conveyed, and the grantor has requested in writing that St. Johns County re-convey said unused portion (legal description attached and incorporated by reference as Exhibit "B"); and

WHEREAS, in order to avoid potential landlocked parcels (parcels without access), that portion being re-conveyed shall include a stated restriction in the Deed limiting the property to right-of-way and associated uses only (County Deed attached and incorporated by reference as Exhibit "D").

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

Section 1. The above recitals are hereby incorporated by reference as findings of fact and conclusions of law.

Section 2. The requirements of Florida Statutes, Section 255.22, have been met, and St. Johns County shall re-convey to the grantor the property described in Exhibit "B".

Section 3. A County Deed, in substantially the form attached as Exhibit "D", shall be executed by the Chair of the St. Johns County, Board of County Commissioners.

Section 4. The Clerk is instructed to record the County Deed in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 8th day of May, 2001.

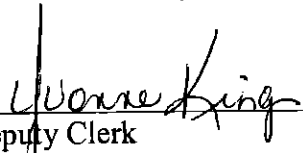
COMMISSIONERS

BOARD OF COUNTY

ST. JOHNS COUNTY, FLORIDA.

By: 
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk


Deputy Clerk

RESOLUTION NO. 92-172

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
ACCEPTING ROOSEVELT DRIVE (FORMERLY KNOWN AS REID
STREET) AND PART OF WHITEHOUSE BOULEVARD (FORMERLY
KNOWN AS ROOSEVELT BOULEVARD) LOCATED IN AN
UNRECORDED SUBDIVISION KNOWN AS ROOSEVELT
TERRACE (AKA PRESIDENTIAL) GARDENS AS PUBLIC ROADS

WHEREAS, James E. Dimsdale and Moreau P. Estes V, as owners, have tendered a Warranty Deed dated August 12, 1992, 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.

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

Section 1. The above described Warranty Deed, a copy of which is attached hereto as Exhibit A, incorporated by reference, and made a part hereof, is accepted by the Board of County Commissioners of St. Johns County, Florida. This acceptance shall not be deemed an acceptance requiring construction on the subject property by the County.

Section 2. The Clerk is instructed to file the title search, a copy of which is attached hereto as Exhibit B, 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.

Adopted by the Board of County Commissioners of St. Johns County, Florida, this 13th day of October, 1992.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Fred Brinkhoff
Its Chairman Fred Brinkhoff

ATTEST: CARL "BUD" MARKEL, CLERK

By: Jeanne Carter
Deputy Clerk

Name: *Jr + Ret - BCC - Yvonne Carter*
Address: *Rec-1300*
Sul-200
Doc-170c
Bill County

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This Instrument Prepared without request for or opinion of title.

Address: Robin H. Conner, Esquire
1750 Ala South, Suite B
St. Augustine, FL 32084

Property Appraisers Parcel Identification (Folio) Number(s):

Grantee(s) S.S. #(s):

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the *12th* day of *August* A.D. 19 *92* by
JAMES E. DIMSDALE and MOREAU P. ESTES, V,

hereinafter called the grantor, to
ST. JOHNS COUNTY, Florida, a political subdivision
whose post office address is
P. O. Drawer 349, St. Augustine, Florida 32084-349
hereinafter called the grantee:

(Whoever used herein the terms "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, State of Florida, viz:

SEE ATTACHED EXHIBIT "A"

Recorded in Public Records St. Johns County, FL
Clerk # 92031770 O.R. 963 PG 706 03:47PM 10-27-92
Recording 13.00 Surcharge 2.00 Doc Stamp 0.70

VERIFIED BY
[Signature]

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, and hereby 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

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

Signed, sealed and delivered in the presence of:

[Signature]
Signature
JOHN A. LESTER
Printed Signature

[Signature]
Signature
Addressne Quinn
Printed Signature

[Signature]
Signature
JOHN A. LESTER
Printed Signature

[Signature]
Signature
Addressne Quinn
Printed Signature

STATE OF FLORIDA
COUNTY OF ST. JOHNS
JAMES E. DIMSDALE

[Signature]
Signature
JAMES E. DIMSDALE
Printed Signature

4257 Oak Lane
Post Office Address
St. Augustine, Florida 32086

[Signature]
Signature
MOREAU P. ESTES
Printed Signature

3685 Valencia St.
Post Office Address
Jacksonville, Florida 32205

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

known to me to be the person like described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that I relied upon the following form of identification of the above-named person: _____ and that an oath (was)(was not) taken.

NOTARY RUBBER STAMP SEAL
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAY 07, 1995
BONDED THRU AGENT'S NOTARY BROKERAGE

Witness my hand and official seal in the County and State last aforesaid this *12th* day of *August*, A.D. 19 *92*
[Signature]
Notary Signature
[Signature]
Printed Notary Signature
00 16 227

EXHIBIT "A"

ROOSEVELT DRIVE (FORMERLY KNOWN AS REID STREET) AND PART OF WHITEHOUSE BLVD. (FORMERLY KNOWN AS ROOSEVELT BLVD.)

A strip of land in Government Lots 1, 2, 7 and 8, Section 3 Township 7 South, Range 29 East, St. Johns County, Florida, more fully described as follows:

Commencing at the southeast corner of said Government Lot 8; Thence South 89 degrees 41 minutes 42 seconds West, on the South line of said Government Lots 7 and 8, a distance of 1,565.00 feet; Thence North 00 degrees 45 minutes 10 seconds East 175.00 feet to Point of Beginning at the Southwest corner of the herein described strip of land; Thence continuing North 00 degrees 45 minutes 10 seconds East 1,215.00 feet; Thence North 89 degrees 41 minutes 42 seconds East 300 feet; Thence South 00 degrees 45 minutes 10 seconds West 60.00 feet; Thence South 89 degrees 41 minutes 42 seconds West 250.00; Thence South 00 degrees 45 minutes 10 seconds West, 1,155.00 feet; Thence South 89 degrees 41 minutes 42 seconds West 50.00 feet to the Point of Beginning.

The above described strip of land is Reid Street (NOW ROOSEVELT DRIVE) and part of Roosevelt Blvd. (NOW WHITEHOUSE BLVD) in Roosevelt Terrace, an unrecorded subdivision prepared by George F. Kendrick, June, 1925.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared MOREAU P. ESTES, V, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that I relied upon the following form of identification of the above-named person: _____ and that an oath (was) ^{not} ~~was not~~ taken.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of August, 1992.

Addenne Guinn

Addenne Guinn

Notary Public, State of Florida at Large
My Commission expires NOTARY PUBLIC, STATE OF FLORIDA AT LA.134
MY COMMISSION EXPIRES MAY 07, 1993
BONDED THRU AGENT'S NOTARY BROKERAGE

CC 106227

To

Warranty Deed

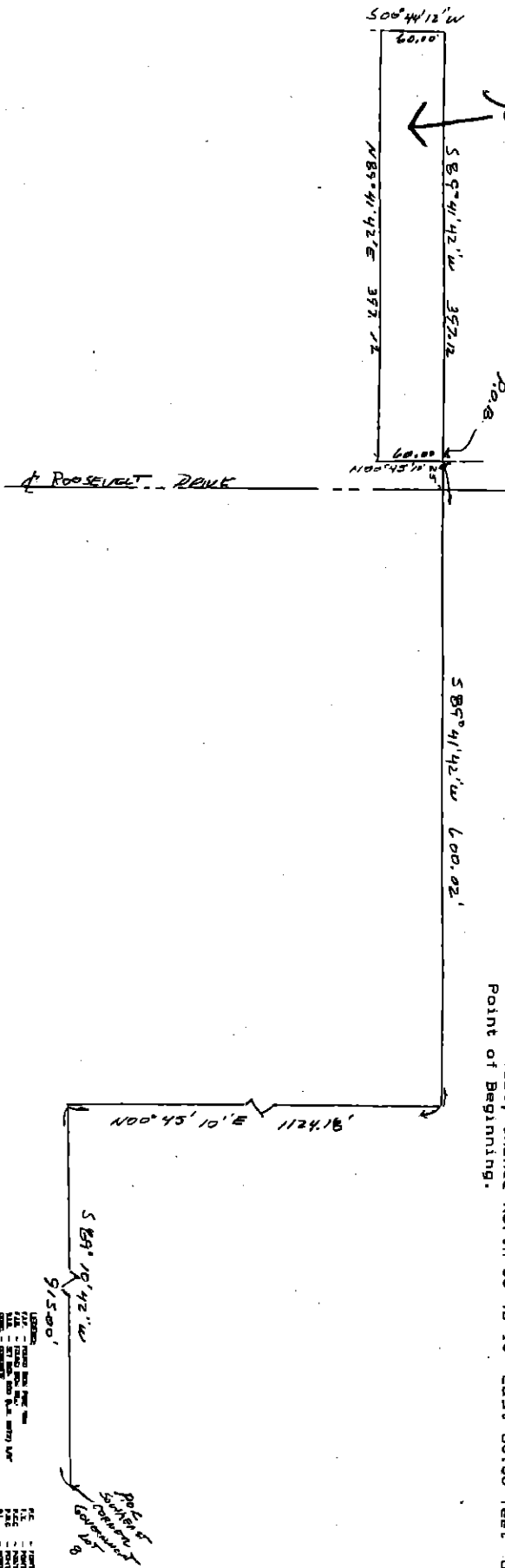
RAMCO FORM 01

10
03
91

MAP SHOWING SURVEY

SKETCH OF LEGAL DESCRIPTION

A parcel of land lying in Government Lot B, Section 3, Township 7 South, Range 29 East and being more particularly described as follows:
 For a Point of Commencement begin at the Southeast corner of Government Lot B Section 3, Township 7 South, Range 29 East; thence run South 89°10'42" West 915.00 feet; thence North 00°45'10" East 1124.16 feet; thence South 89°41'42" West 600.02 feet to the Westerly right of way line of Roosevelt Drive as now established and the Point of Beginning; thence continue South 89°41'42" West 397.12 feet; thence South 00°44'12" West 60.00 feet; thence North 89°41'42" East 397.12 feet; thence North 00°45'10" East 60.00 feet to the Point of Beginning.



NOTES:
 - The parcel of land shown herein has with Federal Road Zone N/A as depicted on Parcel boundaries Role Map Community-Form No. N/A as revised N/A.
 - Scale of bearing structure. 5/8" = 100'
 - Encroachments on adjacent lots are shown as indicated on this survey. No underground utilities or foundations were located or determined by this survey.

This survey does not reflect or determine ownership. This survey made without benefit of an abstract of title. This survey is made without benefit of record maps furnished to the firm, such as shown. At distances, bearings or angles are on field measured. Level or past measurements are noted if different. Bound of monuments. N/A
 The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.

CERTIFY TO:
THE STATE

Not held subject to the approval and the approval rendered and of a Florida Licensed Surveyor and Engineer. Additional or additions to survey maps or reports prepared by this office, whether for the original party or parties, shall be dated 12-3-99.

NICHOLAS H. FRIEDMAN
 Professional Land Surveyor L.S. #6820
 FOR DEVINO AND ASSOCIATES L.B. #6072

DEVINO & ASSOCIATES, INC.
 Surveyors & Engineers
 3205 U.S. 1 SOUTH, SUITE 43
 ST. AUGUSTINE, FLORIDA 32086
 904-787-1887 FAX 904-787-2848

FIELD BOOK: _____
 FIELD WORK: _____
 SIGNED: 12-3-99
 SCALE: 5/8" = 100'
 JOB NO.: 99-1915
 TYPE SURVEY: Sketch of Legal

LEGEND:

| | | | |
|--------|-------------|-------------|-------------|
| 1.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 2.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 3.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 4.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 5.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 6.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 7.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 8.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 9.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 10.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 11.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 12.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 13.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 14.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 15.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 16.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 17.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 18.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 19.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |
| 20.00' | 1/4" = 100' | 1/4" = 100' | 1/4" = 100' |

EXHIBIT "C" TO RESOLUTION

The 2000 Florida Statutes[View Statutes](#)[Online Sunshine](#)[Print View](#)**Title XVIII**
PUBLIC LANDS AND
PROPERTY**Chapter 255**
Public Property And Publicly Owned
Buildings**[View Entire
Chapter](#)****255.22 Reconveyance of lands not used for purpose specified.--**

(1) In the event any party owning adjoining land conveys real property, without receipt of valuable consideration, to any municipality or county for a specific purpose or use and if such county or municipality fails to use such property for such purpose for a period of 60 consecutive months or, with respect to property conveyed on or after October 1, 1984, fails to use such property for such purpose for a period of 60 consecutive months or identify during the 60-month period the proposed use of such property in a comprehensive plan or other public facilities plan, then, upon written demand of the grantor, or grantor's successors in title owning such adjoining land, the municipality or county may execute and deliver a quitclaim deed to the party making such demand provided such party is the owner of land adjoining such property on at least one side. No such quitclaim deed shall be delivered hereunder unless the specific purpose or use to be made of the property was disclosed to the grantee at the time of delivery of the conveyance or appeared in the conveyance or in an official record of the county; provided, however, that as to any such conveyance after July 1, 1967, the specific purpose or use must appear of record.

(2) In the event the purpose for which the property was conveyed required physical improvement or construction on such property or the maintenance thereof, any such municipality or county that fails to construct, improve, or maintain such property for the period specified in subsection (1) shall be conclusively deemed to have abandoned the property for the purpose for which it was conveyed, unless, with respect to property conveyed on or after October 1, 1984, the proposed use of such property has been identified in a comprehensive plan or other public facilities plan of the municipality or county during the 60-month period specified in subsection (1).

History.--ss. 1, 2, ch. 67-383; ss. 1, 2, 3, ch. 84-366; s. 42, ch. 93-164; s. 3, ch. 94-175; s. 3, ch. 95-297; s. 16, ch. 95-310.

Note.--Consolidation of s. 255.22 and former s. 255.23.

EXHIBIT "D" 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 ____ day of _____, 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 **MOREAU P. ESTES, V**, whose address is P.O. Box 3545, St. Augustine, Florida 32082-3545, 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. The land conveyed herein shall be used for right-of-way and associated uses only. 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 streets.

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, 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, 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 and who did not take an oath.

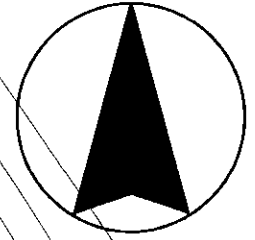
Notary Public State of Florida
My Commission Expires: _____

EXHIBIT "A"

A parcel of land lying in Government Lot 8, Section 3, Township 7 South, Range 29 East and being more particularly described as follows:

For a Point of Commencement begin at the Southeast corner of Government Lot 8 Section 3, Township 7 South, Range 29 East; thence run South $89^{\circ}10'42''$ West 915.00 feet; thence North $00^{\circ}45'10''$ East 1124.18 feet; thence South $89^{\circ}41'42''$ West 600.02 feet to the Westerly right of way line of Roosevelt Drive as now established and the Point of Beginning; thence continue South $89^{\circ}41'42''$ West 397.12 feet; thence South $00^{\circ}44'12''$ West 60.00 feet; thence North $89^{\circ}41'42''$ East 397.12 feet; thence North $00^{\circ}45'10''$ East 60.00 feet to the Point of Beginning.

400 0 400 800 Feet



Woodlawn

White House






Subject Property

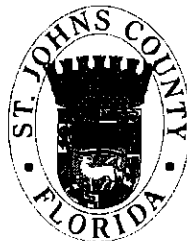
Reagan Circle

Roosevelt

Truman

Subject Property Presidential Gardens Section 3 Twnshp 7 Range 29 unrecorded Plat, Map# 4E3N

-  Par_0729.shp
-  Hydro_min.shp
-  Hydro_maj.shp
-  Creek.shp
-  County.shp



PREPARED BY:

ST. JOHNS COUNTY
REAL ESTATE DIVISION

DISCLAIMER: Data provided herein are from multiple sources with varying degrees of accuracy. This map therefore should be used for general purposes only. The St. Johns Real Estate Division disclaims all responsibility for the accuracy or completeness of the data shown.