

⑦  
5309

RESOLUTION NO. 2004-4

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; PROVIDING FOR THE CLOSING AND ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY LOCATED ON COUNTY ROAD 203 A/K/A (ALSO KNOWN AS) PONTE VEDRA BOULEVARD DESCRIBED HEREIN, SUBJECT TO A RESERVATION OF AN EASEMENT FOR PUBLIC UTILITIES, SUBSURFACE DRAINAGE, WATER, SEWER, ELECTRICITY, CABLE TELEVISION, AND TELECOMMUNICATIONS; VESTING OF TITLE; PROVIDING FOR SEVERABILITY; PROVIDING AUTHORIZATION TO PUBLISH NOTICE AS REQUIRED BY STATE LAW; PROVIDING FOR THE PAYMENT OF RECORDING COSTS, IF ANY.

RECITALS

WHEREAS, on or about March 1, 1930, Buchman and Prichard, Incorporated deeded to St. Johns County, Florida a sixty-six (66) foot right-of-way, in order to construct State Road 78; and

WHEREAS, as a result of a number of transactions, the Ponte Vedra Corporation in 1934, as owner of a portion of lands adjacent to the above-referenced sixty-six (66) foot right-of-way, began platting lands adjacent to the previously deeded sixty-six (66) foot right-of-way; and

WHEREAS, the Ponte Vedra Corporation's plats purported to dedicate to the County a one hundred (100) foot right-of-way along certain segments the previously deeded sixty-six (66) foot right-of-way (a part of which is dedicated as Atlantic Coastal Highway—Florida State Road 78), while other segments remained at a sixty-six (66) foot right-of-way; and

WHEREAS, there remains an issue as to whether Ponte Vedra Corporation's dedication successfully conveyed title to the County a one hundred (100) foot right-of-way along the segments of the previously deeded sixty-six (66) foot-right of way along a portion of County Road 203, also known as, Ponte Vedra Boulevard; and

WHEREAS, it appears since at least 1973, the property owners on the west side of the above-referenced segments of County Road 203, also known as, Ponte Vedra Boulevard, have treated the westerly thirty-four (34) feet of the purported one hundred (100) foot right-of-way (which lies adjacent to and westerly of the original sixty-six (66) foot right-of-way) as their own; and

WHEREAS, the Board has determined that it is in the best interests of the citizens of St. Johns County to vacate, close, and/or abandon the above-referenced westerly thirty-four (34) feet of the one hundred (100) foot right-of-way located on the above-referenced segments of County Road 203, also known as, Ponte Vedra Boulevard; and

*Handwritten:* Varker SCC Seely  
P. Deguade

WHEREAS, the Board has heretofore passed a Resolution as required by Section 336.09, Florida Statutes, and Notice of Public Hearing has been duly published and Proof of Publication has been filed with this Board.

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

Section 1. Findings of Fact.

The above-referenced Recitals are incorporated herein as Findings of Fact.

Section 2. Closure and Abandonment.

That certain lands consisting of the westerly thirty-four (34) feet of County Road 203, f/k/a State Road No. 78, a/k/a Ponte Vedra Boulevard which is shown as a one hundred (100) foot designated as "Atlantic Coastal Highway", which extends from just south of the Miranda Road intersection, to just south of the Corona Road intersection, and which is roughly seven thousand (7,000) feet in length, are hereby renounced, disclaimed, closed, vacated, discontinued, and abandoned as a public road, street, alley, highway, right-of-way, or thoroughfare, by the authority of Section 336.09, Florida Statutes. It is further noted that that certain portion of County Road 203, a/k/a Ponte Vedra Boulevard right-of-way from just south of the Miranda Road intersection, to just south of the Corona Road intersection is more particularly described by both the legal description which is attached hereto, and incorporated herein as Exhibit "A", and a map, which is attached hereto, and incorporated herein as Exhibit "B". To the extent that there is any conflict, perceived or real between Exhibit "A" and Exhibit "B", the legal description in Exhibit "A" shall control.

Section 3. Reservation of Easement, Including Temporary Construction Easements for Public Utilities, Subsurface Drainage, Water, Sewer, Electricity, Cable Television, and Telecommunications.

Notwithstanding the renunciation and disclaimer, noted in Section 2 of this Resolution, there is hereby reserved unto St. Johns County, Florida an unobstructed Easement, including where necessary Temporary Construction Easements over, across, under, and through the Subject Property, as described in Exhibit "A", for the sole and exclusive purposes of subsurface drainage, water, sewer, cable television, telecommunications, electricity, and other public utilities.

Section 4. Maintain and Preserve Existing Easements Held By The County Or Other Public Utilities for Subsurface Drainage, Water, Sewer, Electricity, Cable Television, and Telecommunications.

Notwithstanding the renunciation and disclaimer, noted in Section 2 of this Resolution, any, and all Easements held by the County, other public utilities or the adjacent property for ingress or egress through the Subject Property described in Exhibit "A" are not affected by this Resolution, and such Easements held by the County, public utilities or the adjacent property owners are

specifically maintained and preserved for subsurface drainage, water, sewer, electricity, cable television, and telecommunications ingress/egress.

Section 5. Retention and Preservation of Easements Even If Vacation/Abandonment of Right-of-Way is Voided or Ruled Invalid By a Court of Competent Jurisdiction.

Should a court of competent jurisdiction ever void or rule invalid the vacation/abandonment of the Subject Property described in Exhibit "A", it is the intent of this Resolution to maintain, retain, and preserve the Easements, noted and described in Section 3, and Section 4 of this Resolution.

Section 6. Severability.

It is the intent of the Board, and it is hereby provided that if any section, subsection, sentence, clause, phrase, or provision of this Resolution is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity, or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions, sections, subsections, clauses, phrases, or provisions of this Resolution.

Section 7. Authorization to Publish Required Notice.


The Board authorizes that the notice required by Section 336.10, Florida Statutes, of the adoption of this Resolution, be published in accordance with said provision.

Section 8. Payment of Recording Costs, if Any.

The Board authorizes the County to pay all recording costs, associated with this closure and abandonment, if there are any.

PASSED and ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 6<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk of Court      RENDITION DATE 1/8/2004

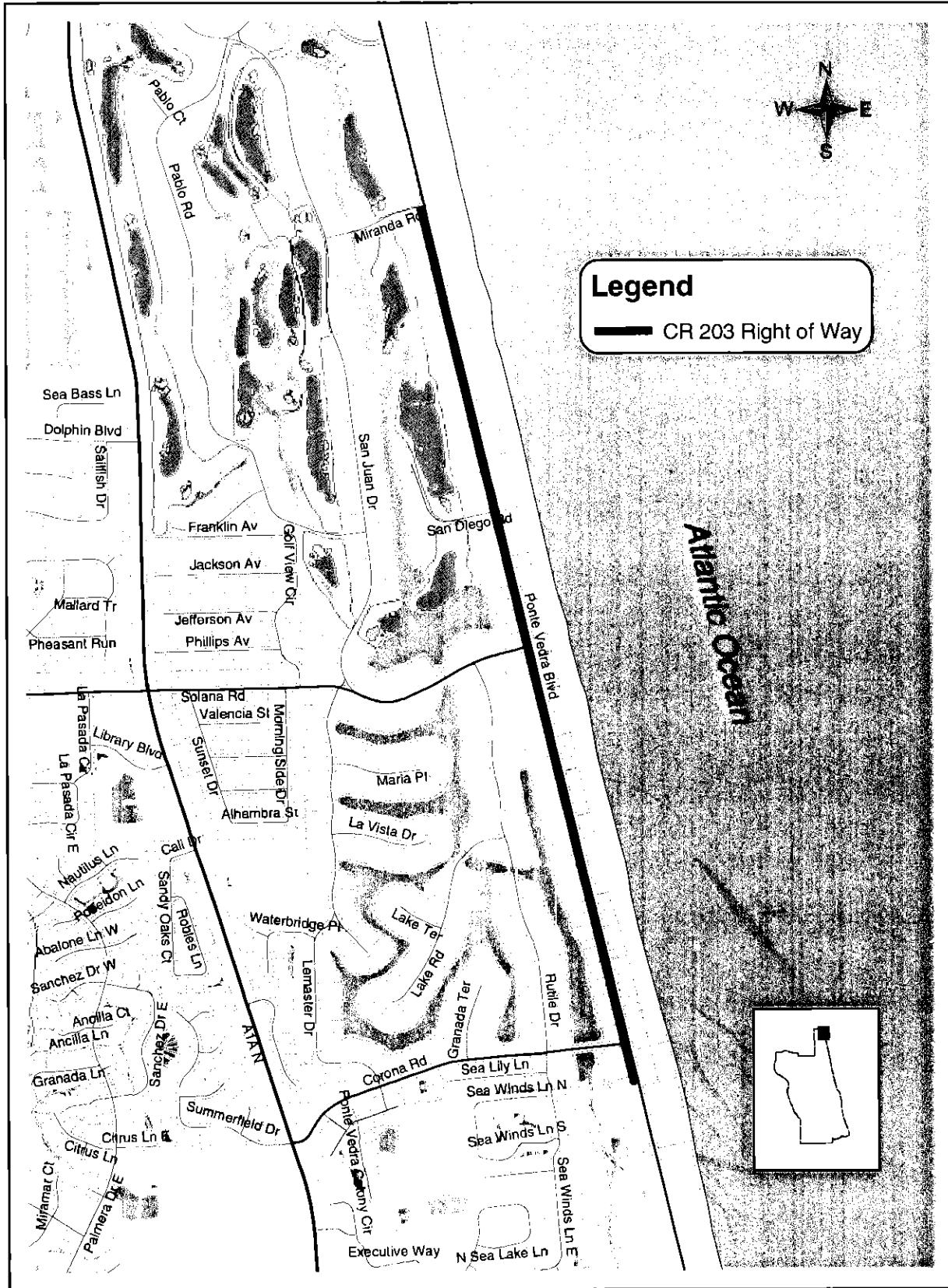
By:   
Deputy Clerk



**EXHIBIT A**

Those certain lands consisting of the westerly thirty-four feet of County Road No. 203, f/k/a State Road No. 78, a/k/a Ponte Vedra Boulevard, which is shown as a 100-foot right-of-way designated as "Atlantic Coastal Highway" on portions of Plats of Ponte Vedra, Subdivision Blocks One to Five, dated August 14, 1934, and recorded in Map Book 5, page 6; Ponte Vedra Subdivision, Blocks 6, 7, 8, Lot A, Block 9, Blocks 36, 37 and Portions of Blocks 17 and 35 dated January 14, 1937 as recorded in Map Book 5, page 21; Ponte Vedra Subdivision, Blocks 11 to 15 inclusive, Block 18 and Tracts A and B, dated May 14, 1935 as recorded in Map Book 5, page 8; Ponte Vedra Subdivision Lot 7, Block 15, Block 16, Block 19, Block 20 Tract "C", and the land South of Block 19, and 20 to the northerly line of Section 43 dated November 12, 1941 as recorded in Map Book 5, page 53, Ponte Vedra Subdivision Block 21, dated May 10, 1956 as recorded in Map Book 8, page 91; Ponte Vedra Subdivision Blocks 9, 10, and land south of Block 10 conveyed to N.L. Moses dated September 10, 1935 as recorded in Map Book 5, page 9, all of the Public Records of St. Johns County, Florida, lying south of the southerly right-of-way line of Miranda Road to the northerly line of Section 43, Township 3 South, Range 29 East, St. Johns County, Florida, excluding any lands lying within the easterly extension of the right-of-ways of Diego Road and Solona Road and those lands which may be located within that certain Deed dated March 1, 1930 from Buchman and Prichard, Incorporated to St. Johns County for State Road 78, a 66-foot wide right-of-way.

JAX\646987\_1



**Legend**  
 — CR 203 Right of Way



**EXHIBIT B**

This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Program disclaims all responsibility for the accuracy or completeness of the data shown hereon.

**NOTICE OF PUBLIC HEARING ON PETITION TO VACATE PORTIONS OF CERTAIN STREETS, ALLEYS OR ROADS**

Take notice that the Board of County Commissioners of St. Johns County, Florida, upon its own motion, will hold a public hearing on Tuesday, January 6, 2004 at 1:30 p.m. in the County Auditorium of the St. Johns County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider and determine whether it will vacate, abandon, discontinue and close portions of certain streets, alleys or roads described as follows: Those certain lands consisting of the westerly thirty-four feet of County Road No. 203, *aka* State Roads No. 78, *aka* Ponte Vedra Boulevard, which is shown as a 100-foot right-of-way designated as "Atlantic Coastal Highway" on portions of Plats of Ponte Vedra Subdivision Blocks One to Five, dated August 14, 1934, and recorded in Map Book 5, page 6; Ponte Vedra Subdivision, Blocks 6, 7, 8, Lot A, Block 9, Blocks 36, 37 and Portions of Blocks 17 and 35 dated January 14, 1937 as recorded in Map Book 5, page 21; Ponte Vedra Subdivision, Blocks 11 to 15 inclusive, Block 18 and Tracts A and B, dated May 14, 1935 as recorded in Map Book 5, page 8; Ponte Vedra Subdivision Lot 7, Block 7, Block 15, Block 16, Block 19, Block 20 Tract "C", and the land South of Block 19, and 20 to the Northernly line of Section 43 dated November 12, 1941 as recorded in Map Book 5, page 53;

Ponte Vedra Subdivision Block 21, dated May 10, 1956 as recorded in Map Book 8, page 91; Ponte Vedra Subdivision Block 9, 10, and land south of Block 10, conveyed to N.L. Moss dated September 10, 1935, as recorded in Map Book 5, page 9, all of the Public Records of St. Johns County, Florida, lying south of the southerly right-of-way line of Miranda Road to the northerly line of Section 43, Township 3 South, Range 29 East, St. Johns County, Florida, excluding any lands lying within the easterly extension of the right-of-ways of Diego

Road and Solana Road and those lands which may be located within that certain Deed dated March 1, 1930 from Buchman and Prichard, Incorporated to St. Johns County for State Road 78, a 66-foot wide right-of-way.

All parties having any interest in said matter will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, he will need to ensure that a verbal transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice is published pursuant to the provisions of Section 336.10 Florida Statutes.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS**

COPY OF AD

**THE ST. AUGUSTINE RECORD**

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **LINDA Y MURRAY**

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida;

that the attached copy of advertisement, being a

**NOTICE OF PUBLIC HEARING**

In the matter of **PETITION TO VACATE**

**CR 203, SR 78, AKA PONTE VEDRA BOULEVARD**

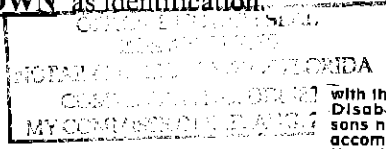
in the Court, was published in said newspaper in the issues of

**DECEMBER 20, 2003**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 22<sup>ND</sup> day of **DECEMBER** 2003  
by *Linda Y Murray* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Zoe Ann Moss*  
(Signature of Notary Public)



(Seal)

Zoe Ann Moss

with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service; 1-800-955-8770, no later than 5 days prior to the date of the hearing.

**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**  
CHERYL STRICKLAND  
ITS CLERK  
By Patricia DeGrande  
Deputy Clerk  
L2835-3 Dec. 20, 2003

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared LINDA Y MURRAY

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

NOTICE OF RESOLUTION ADOPTION

In the matter of 203 SR NORTH 78 PONTE VEDRA BLVD

VACATING, ABANDONING, DISCONTINUING & CLOSING CERTAIN STREETS, ALLEYWAYS, ROADS OR EASEMENTS

in the Court, was published in said newspaper in the issues of

JANUARY 17, 2004

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 19TH day of JANUARY 2004 by Linda Y Murray who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Signature of Patricia A. Bergquist



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

(Seal)

Patricia A Bergquist

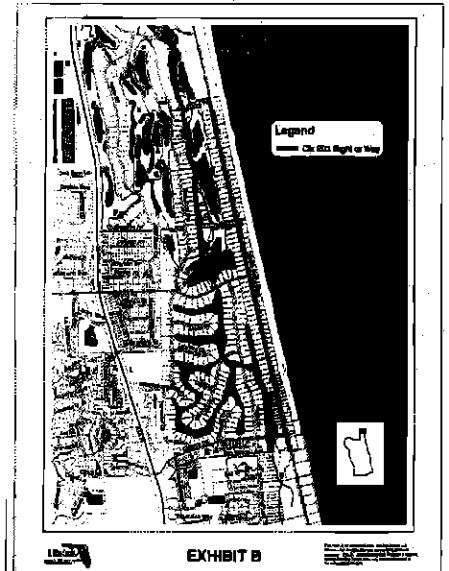
NOTICE OF ADOPTION OF A RESOLUTION VACATING ABANDONING, DISCONTINUING AND CLOSING CERTAIN STREETS, ALLEYWAYS, ROADS OR EASEMENTS

TO WHOM IT MAY CONCERN:

Take notice that the Board of County Commissioners of St. Johns County, Florida, has adopted a resolution vacating, abandoning, discontinuing and closing certain streets, alleyways, roads, or easements more particularly described as follows:

EXHIBIT "A"

Those certain lands consisting of the westerly thirty-four feet of County Road No. 203, M/k/a State Road N. 78, a/k/a Ponte Vedra Boulevard, which is shown as a 100-foot right-of-way designated as "Atlantic Coastal Highway" on portions of Plats of Ponte Vedra, Subdivision Blocks One to Five, dated August 14, 1934, and recorded in Map Book 5, page 6; Ponte Vedra Subdivision, Blocks 6, 7, 8, Lot A, Block 9, Blocks 36, 37 and Portions of Blocks 17 and 35 dated January 14, 1937 as recorded in Map Book 5, page 21; Ponte Vedra Subdivision, Blocks 11 to 15 inclusive, Block 18 and Tracts A and B, dated May 14, 1935 as recorded in Map Book 5, page 8; Ponte Vedra Subdivision Lot 7, Block 15, Block 16, Block 19, Block 20 Tract "C", and the land south of Block 19, and 20 to the northerly line of Section 43 dated November 12, 1941 as recorded in Map Book 5, page 53, Ponte Vedra Subdivision Block 21, dated May 10, 1956, as recorded in map Book 8, page 91; Ponte Vedra Subdivision Blocks 9, 10, and land south of Block 10 conveyed to N.L. Moses dated September 10, 1935 as recorded in Map Book 5, page 9, all of the Public Records of St. Johns County, Florida, lying south of the southerly right-of-way line of Miranda Road to the northerly line of Section 43, Township 3 South, Range 29 East, St. Johns County, Florida, excluding any lands lying within the easterly extension of the right-of-ways of Diego Road and Solana Road and those lands which may be located within that certain Deed dated March 1, 1930 from Buchanan and Prichard, Incorporated to St. Johns County for State Road 78, a 66-foot wide right-of-way.



Said resolution was adopted on the 6th day of January 2004 and is on file and recorded in County Commissioners Minutes dated: January 6, 2004 in the Office of the Clerk of the Circuit Court of St. Johns County, Florida, this notice is published pursuant to Section 336.10, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERLY STRICKLAND, ITS CLERK By Patricia DeGrande, Deputy Clerk L123-4 Jan. 17, 2004