

RESOLUTION NO. 2004- 190

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 PROVIDE FOR ADDITIONAL WETLAND MITIGATION OPPORTUNITIES FOR ST. JOHNS COUNTY WITHIN ST. JOHNS RIVER WATER MANAGEMENT DISTRICT MITIGATION BASIN 4 AND AUTHORIZING THE RELEASE OF MINERAL RESERVATIONS IN THE COUNTY DEED.

RECITALS

WHEREAS, Winchester Development, RLLP, a Florida Registered Limited Liability Partnership is the owner of certain property located northeast of Switzerland Point Middle School and has agreed to convey .022 acre of their property to St. Johns County, as more particularly described in the Warranty Deed attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for wetland mitigation in St. Johns River Water Management District Mitigation Basin 4; and

WHEREAS, in consideration for said mitigation property, Winchester Development, RLLP, is requesting from St. Johns County an exchange parcel of property described in the County Deed, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, for their proposed Planned Unit Development; and

WHEREAS, Winchester Development, RLLP, has agreed to scrape down the mitigation parcel at their expense, if the County so desires, prior to said exchange in preparation for County mitigation; and

WHEREAS, according to St. Johns River Water Management staff, the exchange mitigation parcel being received from Winchester Development, RLLP has greater mitigation value than the County property being exchanged. This exchange of property is in the best interest of St. Johns County; and

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

WHEREAS, pursuant to Florida Statute Section 270.11(3) there has been a written request from C. Atkerson Inc., partner of Winchester Development, RLLP, attached hereto as Exhibit "C", incorporated by reference and made a part hereof, to release the mineral reservations reserved in said County Deed; and

WHEREAS, with the said mineral reservations, and in particular the right to mine and develop, is a cloud on the title to the property which could prevent Winchester Development, RLLP, from obtaining financing and/or developing of the property; and

WHEREAS, the execution of a Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration document, attached hereto as Exhibit "D", incorporated by reference and made a part hereof, would remove the cloud on the title.

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

1. The above Recitals are incorporated by reference into the body of this Resolution and such Recitals are adopted as findings of fact.
2. The Warranty Deed, in the form attached hereto as Exhibit "A", incorporated by reference and made a part hereof, conveying to St. Johns County the mitigation parcel is hereby accepted and the Clerk of the Courts is instructed to record the original Warranty Deed in the Public Records of St. Johns County, Florida.
3. The County Deed, in the form attached hereto as Exhibit "B", incorporated by reference and made a part hereof, is hereby approved for execution by the Chairman of the Board and the Clerk of the Courts is instructed to record the original County Deed in the Public Records of St. Johns County, Florida.
4. The Board of County Commissioners 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 Chairman of the Board to execute the document.
5. The Clerk of the Courts is instructed to record the original Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration in the Public Records of St. Johns County, Florida, following the recording of the County Deed described herein.

PASSED AND ADOPTED, this 27th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: 

Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

By: 

Deputy Clerk

RENDITION DATE 7-28-04

Exhibit "A" to Resolution

Prepared By:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

WARRANTY DEED

THIS WARRANTY DEED made and executed the ____ day of _____, 2004,
By **WINCHESTER DEVELOPMENT, RLLP**, a Florida Registered Limited Liability Partnership,
whose address is 4141 Southpoint Drive East, Suite B, Jacksonville, FL 32216, hereinafter called the
Grantor, to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida,
whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the
Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural,
heirs, legal representatives, and assigns of individuals, and the successors and assigns of
corporations, wherever the context so admits or requires.)

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN
DOLLARS (\$10.00) and other valuable considerations, 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, lying and being in St. Johns County, State of Florida, 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 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 easements,
restrictions and reservations of record, if any, and taxes accruing subsequent to December 31, 2003.

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:

GRANTOR:
Winchester Development, RLLP,
a Florida Registered Limited
Liability Partnership

Witness: _____

By: _____
Its: _____

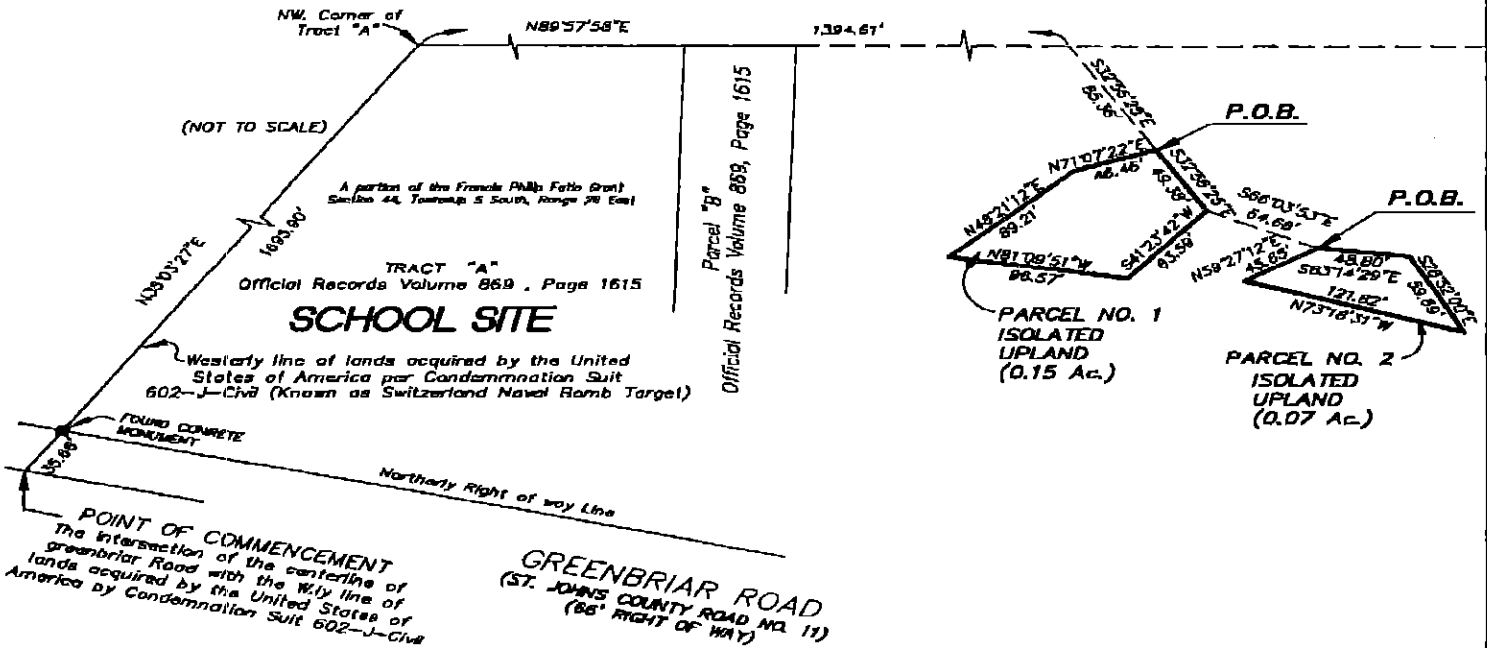
Witness: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2004, by _____, of Winchester Development, RLLP, a Florida Registered Limited Liability Partnership, its _____. Who is/are personally known to me or has/have produced _____ as identification.

Notary Public
My Commission Expires: _____

MAP SHOWING SKETCH OF (SEE ATTACHED LEGAL DESCRIPTION)



UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

NOTES

- Bearings are based on Deeds of Record (assumed).
- This is a SKETCH ONLY.
- Elevations shown thus (15.0) refer to U.S. Coastal and Geodetic Survey Datum, National Geodetic Vertical Datum of 1929, (M.G.V.D. of 1929).
- By Graphic plotting only, the property shown herein lies within Zone 1 as shown on the Federal Emergency Management Agency (F.E.M.A.), National Flood Insurance Program, Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number Map Revised date:
- Unless otherwise noted, any portion of the parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY

ABBREVIATION	DEFINITION	ABBREVIATION	DEFINITION
P.C.P.	Permanent Control Point	L.B.	Licensed Business
P.R.M.	Permanent Reference Monument	R.L.S.	Registered Land Surveyor
P.O.C.	Point of Curvature	J.E.A.	Jacksonville Electric Authority
P.O.B.	Point of Beginning	E.O.U.P.	Equipment
P.C.	Point of Curvature	A/C	Air Conditioner
P.T.	Point of Tangency	C.A.T.V.	Cable Television
P.R.C.	Point of Reverse Curvature	O.L.	Overhead Lines
P.I.	Point of Intersection	F.M.	Field Measured
R.O.W.	Right of Way	R.	Radius equals
O.R.V.	Official Records Volume	L	Area Length equals
D.B.	Deed Book	C.B.	Chord Bearing & Distance equals
Pg.	page	A	Delta or Central Angle equals
B.R.L.	Building Restriction Line	I.P.	Iron Pipe
E.M.T.	Easement	Conc.	Concrete

LEGEND

- DENOTES CONCRETE MONUMENT
- X-Y DENOTES FENCE
- DENOTES 1/8" IRON PIPE SET WITH CAP, 3/4" DIALER & ASSOC. DENOTES IRON PIPE (FIELD) (AS NOTED)
- ⊗ DENOTES CROSS CUT

DATE SCALE 1"=100'

JOB No. 2000-216

F.B.

page

File

Drawn by TDS

RICHARD A. MILLER & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
6701 BEACH BLVD., SUITE 1200
JACKSONVILLE, FLORIDA 32216

Fax (904) 721-5758
Tele. (904) 721-1226

THIS IS TO CERTIFY THAT THIS SKETCH OF LEGAL DESCRIPTION WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM PROFESSIONAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND ENGINEERS IN CHAPTER 11017-B-0 (formerly CHAPTER 11017-B-0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.002, FLORIDA STATUTES.

BY: *Richard A. Miller*
RICHARD A. MILLER, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 3848

PARCEL 1:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A" and along the Northerly line of said Tract "A" and along the Northerly line of Tract "B", said last mentioned lands and an Easterly prolongation thereof, 1,394.61 feet; thence South $32^{\circ}56'25''$ East, 85.36 feet for a POINT OF BEGINNING; thence continue South $32^{\circ}56'25''$ East, 49.38 feet; thence South $41^{\circ}23'42''$ West, 63.59 feet; thence North $81^{\circ}09'51''$ West, 96.57 feet; thence North $48^{\circ}21'12''$ East, 89.21 feet; thence North $71^{\circ}07'22''$ East, 46.46 feet to the POINT OF BEGINNING.

Containing 0.15 acres, more or less.

PARCEL 2:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A" and along the Northerly line of said Tract "A" and along the Northerly line of Tract "B", said last mentioned lands and an Easterly prolongation thereof, 1,394.61 feet; thence South $32^{\circ}56'25''$ East, 134.74 feet; thence South $66^{\circ}03'53''$ East, 64.68 feet for a POINT OF BEGINNING; thence South $83^{\circ}14'29''$ East, 48.80 feet; thence South $28^{\circ}52'00''$ East, 59.89 feet; thence North $73^{\circ}18'31''$ West, 121.82 feet; thence North $59^{\circ}27'12''$ East, 45.65 feet to the POINT OF BEGINNING.

Containing 0.07 acres, more or less.

This Instrument Prepared By:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, this _____ day of _____, 2004, 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 **WINCHESTER DEVELOPMENT, RLLP**, a Florida Registered Limited Liability Partnership, whose address is 4141 Southpoint Drive East, Suite B, Jacksonville, FL 32216, 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 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: _____
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

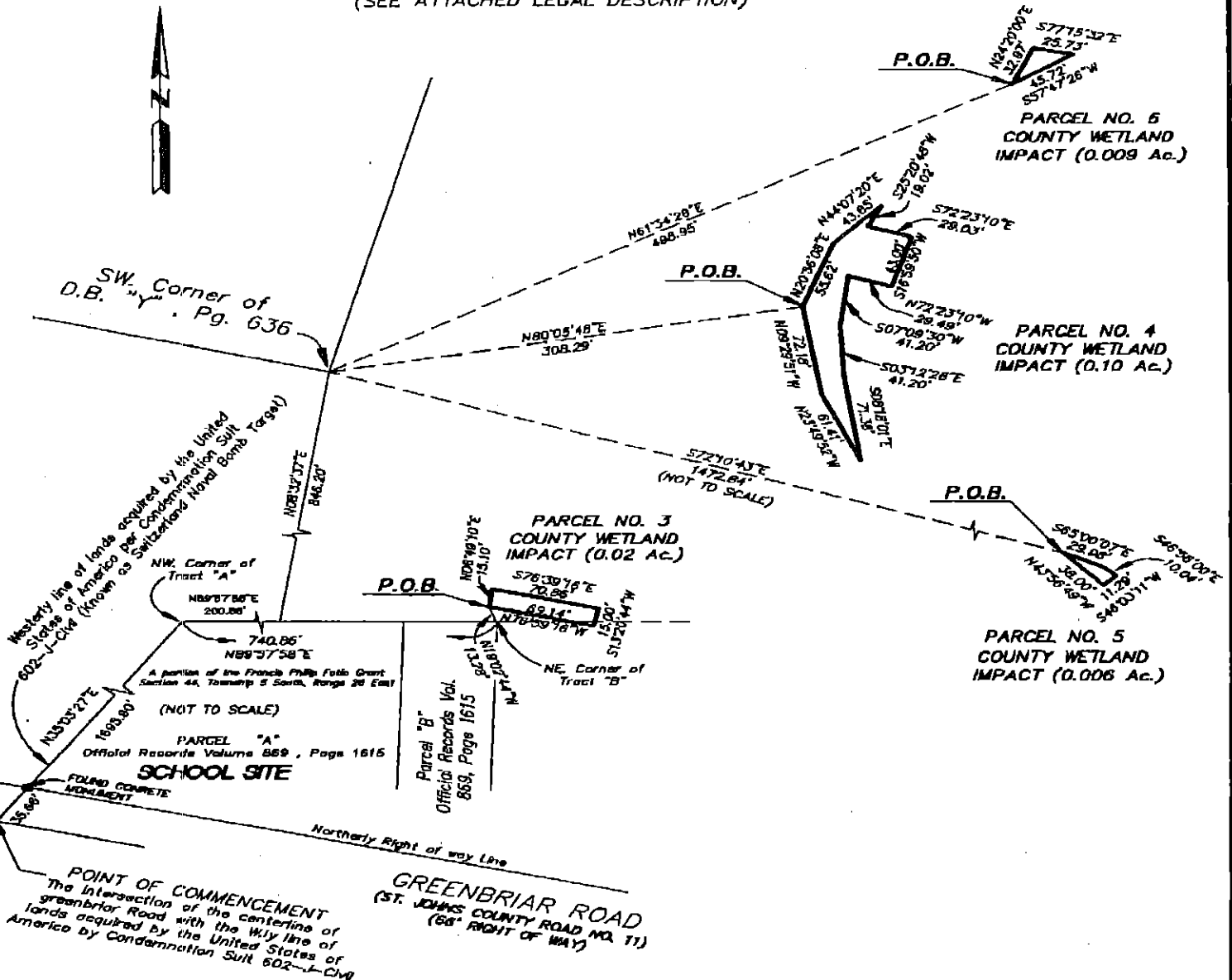
By: _____
Deputy Clerk

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2004, by Karen R. Stern, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board. Who is personally known to me.

Notary Public State of Florida
My Commission Expires: _____

MAP SHOWING SKETCH OF (SEE ATTACHED LEGAL DESCRIPTION)



UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

- NOTES**
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 4. By Graphic plating only the property shown herein lies within Zone as shown on the Federal Emergency Management Agency (F.E.M.A.) National Flood Insurance Program, Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number Map Revised date:
 5. Unless otherwise noted, any portion of the parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.

LEGEND

☒	DEMOTES CONCRETE MONUMENT
⊕	DEMOTES FENCE
○	DEMOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC.
●	DEMOTES IRON PIPE FOUND (AS NOTED)
X	DEMOTES CROSS CUT

DATE FEB. 6, 2004
 SCALE 1"=100'
 JOB No. 2000-216
 F.B.
 page
 File 6-SMALL-IMPACT
 Drawn by IDS

RICHARD A. MILLER & ASSOCIATES
 PROFESSIONAL LAND SURVEYORS
 6701 BEACH BLVD., SUITE #200 JACKSONVILLE, FLORIDA 32216
 Fax (904) 721-5758
 Tele. (904) 721-1226

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY

ABBREVIATION	DEFINITION	ABBREVIATION	DEFINITION
P.C.P.	Permanent Control Point	L.S.	Licensed Business
P.R.M.	Permanent Reference Monument	R.L.S.	Registered Land Surveyor
P.O.C.	Point of Curvature	M.E.A.	Mechanical Equipment
P.O.B.	Point of Beginning	J.E.A.	Jacksonville Electric Authority
P.C.	Point of Curvature	A/C	Air Conditioner
P.C.	Point of Curvature	C.A.T.V.	Cable Television
P.H.C.	Point of Reverse Curvature	O.V.L.	Overhead Lines
P.I.C.	Point of Intersection	F.M.	Field Measured
R.O.W.	Right of Way	R.S.	Rocky woods
O.R.V.	Official Records Volume	A.L.	As Laid equals
D.B.	Deed Book	C.B.	Chord Bearing & Distance equals
P.B.	Page	D.C.	Delta or Central Angle equals
B.R.L.	Building Restriction Line	C.	Concrete
Emit	Easement		

THIS IS TO CERTIFY THAT THIS SKETCH OF LEGAL DESCRIPTION WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 1001-6.0 (formerly CHAPTER 1000-6.0) FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 475.07, FLORIDA STATUTES.

Richard A. Miller
 RICHARD A. MILLER, STATE OF FLORIDA REGISTERED LAND SURVEYOR, CERTIFICATE No. 3848

PARCEL 3:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North 35°03'27" East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North 35°03'27" East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North 89°57'58" East, along the Northerly line of said Parcel "A" and along the Northerly line of said Tract "A" and along the Northerly line of Tract "B", said last mentioned lands and an Easterly prolongation thereof, 740.86 feet to the Northeast corner of said Parcel "B"; thence North 19°02'44" West, 13.28 feet for a POINT OF BEGINNING; thence North 06°49'10" East, 15.10 feet; thence South 76°39'16" East, 70.86 feet; thence South 13°20'44" West, 15.00 feet; thence North 76°39'16" West, 69.14 feet to the POINT OF BEGINNING.

Containing 0.02 acres, more or less.

PARCEL 4:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North 35°03'27" East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North 35°03'27" East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North 89°57'58" East, along the Northerly line of said Parcel "A", a distance of 200.86 feet; thence North 08°32'37" East, 846.20 feet to the Southeast corner of those certain lands described in Deed Book "Y", Page 636 of the Public Records of said County; thence North 80°05'46" East, 308.29 feet for a POINT OF BEGINNING; thence North 20°56'08" East, 55.62 feet; thence North 44°07'20" East, 43.85 feet; thence South 25°20'48" West, 19.02 feet; thence South 72°23'10" East, 29.03 feet; thence South 16°59'50" West, 43.00 feet; thence North 72°23'10" West, 29.49 feet; thence South 07°09'30" West, 41.20 feet; thence South 03°12'28" East, 41.20 feet; thence South 08°18'01" East, 71.36 feet; thence North 23°49'52" West, 61.41 feet; thence North 09°29'51" West, 72.81 feet to the POINT OF BEGINNING.

Containing 0.10 acres, more or less.

PARCEL 5:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A", a distance of 200.86 feet; thence North $08^{\circ}32'37''$ East, 846.20 feet to the Southeast corner of those certain lands described in Deed Book "Y", Page 636 of the Public Records of said County; thence South $72^{\circ}10'43''$ East, 1,472.84 feet for a POINT OF BEGINNING; thence South $65^{\circ}00'07''$ East, 29.98 feet; thence South $46^{\circ}56'00''$ East, 10.04 feet; thence South $46^{\circ}03'11''$ West, 11.29 feet; thence North $43^{\circ}56'49''$ West, 38.00 feet to the POINT OF BEGINNING.

Containing 0.006 acres, more or less.

PARCEL 6:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A", a distance of 200.86 feet; thence North $08^{\circ}32'37''$ East, 846.20 feet to the Southeast corner of those certain lands described in Deed Book "Y", Page 636 of the Public Records of said County; thence North $61^{\circ}34'28''$ East, 498.95 feet for a POINT OF BEGINNING; thence North $24^{\circ}20'00''$ East, 32.97 feet; thence South $77^{\circ}15'32''$ East, 25.73 feet; thence South $57^{\circ}47'26''$ West, 45.72 feet to the POINT OF BEGINNING.

Containing 0.009 acres, more or less.

C. ATKERSON Inc

REAL ESTATE DEVELOPMENT & INVESTMENTS

February 6, 2004

VIA FACSIMILE
(904) 823-2507

Mr. Ben W. Adams, Jr., County Administrator
St. Johns County, Florida
4020 Lewis Speedway
St. Augustine, FL 32074

Re: Exchange of Real Properties Between St. Johns County
Florida (the "County") and Winchester Development, RLLP,
A Florida Real Estate Limited Liability Partnership

Dear Mr. Adams:

Winchester Development, RLLP, pursuant to Section 270.11(3), Florida Statutes (2001), respectfully requests the County release the reserved interest in all phosphate, minerals, metals and petroleum, contained in the County Deed proposed to be executed by the County and delivered to Winchester Development in exchange for the property rights and easements to be granted by Winchester Development to the County. The reasons which justify the release of the reserved interest in any such phosphate, minerals, metals and petroleum are:

1. Winchester Development is acquiring the property for the purpose of developing the property, together with other surrounding properties, into a commercial shopping center;
2. The property is a four small parcels (approximately 0.135 of an acre), and is located in an area of the County in which it is highly unlikely that exploration, mining and development of minerals or petroleum rights would ever be attempted;
3. Geo-technical tests of surrounding properties performed by Winchester Development indicate that no such phosphate, minerals or petroleum is present; and

Mr. Ben W .Adams, Jr., County Administrator
St. Johns County, Florida
February 6, 2004
Page Two to Exhibit "C" to Resolution

4. The presence of said reserved interest and, in particular, the right to enter upon the property and mine and develop, is a cloud on the title to the property which could prevent Winchester Development from obtaining financing and/or incorporating the property into its proposed commercial shopping center.

If this request to release the reserved interest is granted, the release can be accomplished by a separate document. The transaction documents would then include a County Deed, which includes the reserved interest, and a separate release executed by the County releasing the reserved interest.

Please give me a call if you or any member of your staff has any questions concerning our request.

Sincerely,



Serena L. Wakefield
Vice President
C. Atkerson, Inc., partner
Winchester Development, R.L.L.P.

Exhibit "D" to Resolution

Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

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 _____, 2004, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the County by County Deed dated _____, 2004, as recorded or to be recorded in the public records of St. Johns County, Florida, conveyed to Winchester Development, RLLP, a Florida Registered Limited Liability Partnership, the lands described on attached Exhibit "A", incorporated by reference and made a part hereof; and

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

WHEREAS, pursuant to Section 270.11(3), F.S. C. Atkerson Inc., partner of Winchester Development, RLLP, petitioned the County for a release of said reservation which petition the County has approved.

KNOWN 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, or on, or under said land with the privilege to mine and develop the same."

Insofar as said reservation affects the property as described on attached Exhibit "A".

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: _____
Karen R. Stern, Chair

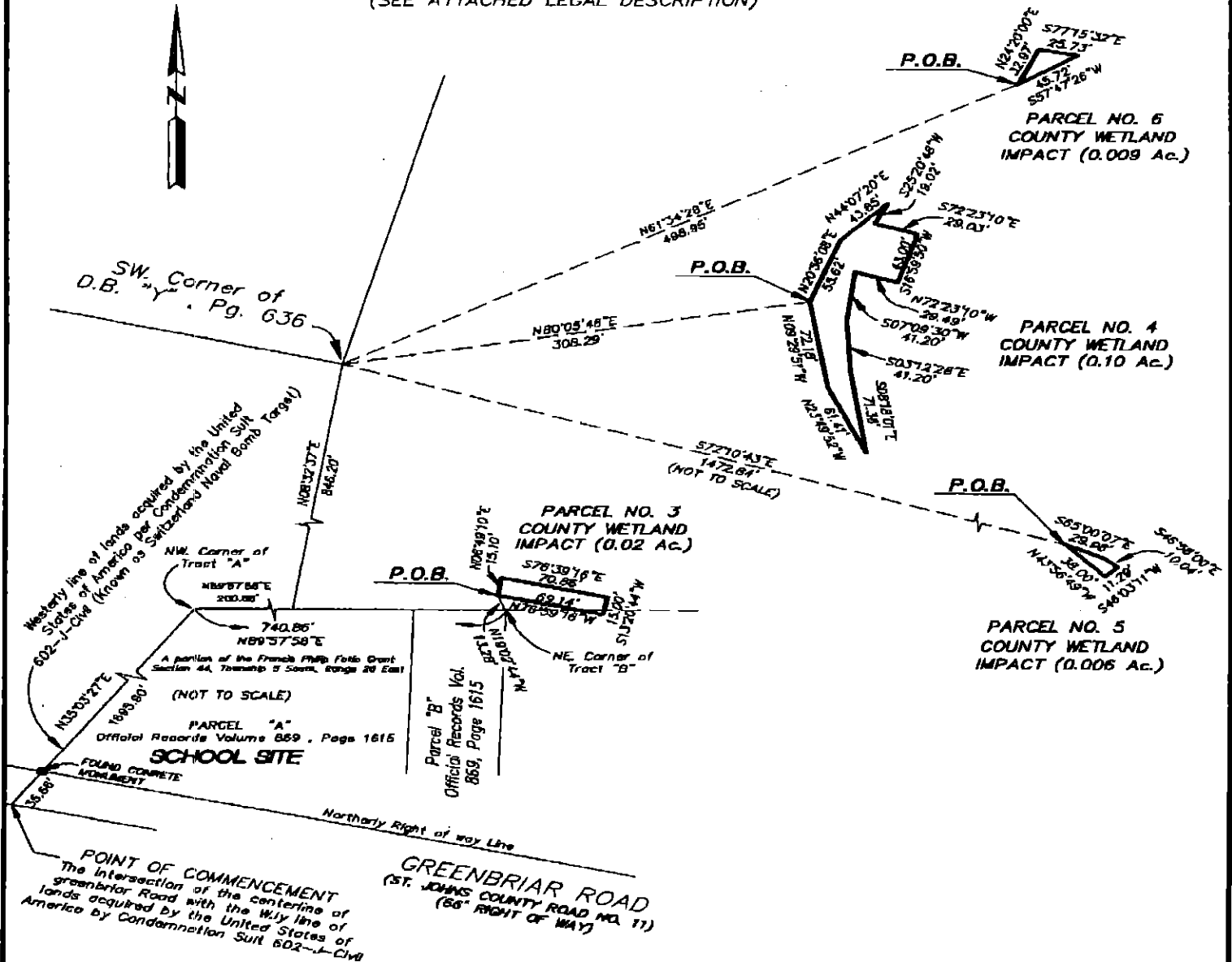
ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

The foregoing instrument was acknowledged before me this ____ day of _____, 2004, by Karen R. Stern, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board, who is personally known to me.

Notary Public
My Commission Expires: _____

MAP SHOWING SKETCH OF (SEE ATTACHED LEGAL DESCRIPTION)



UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

- NOTES**
1. Bearings are based on Deeds of Record (assumed).
 2. This is a SKETCH ONLY.
 3. Elevations shown thus (15.0) refer to U.S. Coastal and Geodetic Survey Datum, National Geodetic Vertical Datum of 1928, (N.G.V.D. of 1928).
 4. By Graphic plotting only the property shown hereon lies within Zone as shown on the Federal Emergency Management Agency (F.E.M.A.), National Flood Insurance Program, Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number Map Revised date:
 5. Unless otherwise noted, any portion of the parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.

LEGEND		DATE	FEB. 6, 2004
☐	DEMOTES CONCRETE MONUMENT	SCALE	1"=100'
—X—	DEMOTES FENCE	JOB No.	2000-216
○	DEMOTES 1/2" IRON PIPE SET WITH CAP, 1/2" MILLER & ASSOC.	F.S.	
●	DEMOTES 3/4" IRON PIPE FOUND (AS NOTED)	page	
X	DEMOTES CROSS CUT	File	6-SMALL-IMPACT
		Drawn by	TDS

RICHARD A. MILLER & ASSOCIATES
 PROFESSIONAL LAND SURVEYORS
 6701 BEACH BLVD., SUITE #200
 JACKSONVILLE, FLORIDA 32216
 Fax (904) 721-5758
 Tel. (904) 721-1226

THIS IS TO CERTIFY THAT THE SKETCH OF LEGAL DESCRIPTION WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE HIGHEST PROFESSIONAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 1701-4.0 (FORMERLY CHAPTER 1701-4.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES.

BY: *Richard A. Miller*
 RICHARD A. MILLER, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 3848

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY	
ABBREVIATION	DEFINITION
P.C.P.	Permanent Control Point
P.R.M.	Permanent Reference Monument
P.O.C.	Point of Curvature
P.O.B.	Point of Beginning
P.C.	Point of Curvature
P.T.	Point of Tangency
P.R.C.	Point of Reverse Curvature
P.I.	Point of Intersection
R/W	Right of Way
O.R.V.	Official Records Volume
P.S.	page
B.R.L.	Building Restriction Line
Easmt	Easement
ABBREVIATION	DEFINITION
L.S.	Licensed Business
R.L.S.	Registered Land Surveyor
J.E.A.	Jacksonville Electric Authority
Equipmt	Equipment
A/C	Air Conditioner
C.A.T.V.	Cable Television
Overhd Lines	Overhead Lines
Field Measured	Field Measured
Rodded equals	Rodded equals
Arc Length equals	Arc Length equals
Chord Bearing & Distance equals	Chord Bearing & Distance equals
Delta or Central Angle equals	Delta or Central Angle equals
IP	Iron Pipe
Conc.	Concrete

PARCEL 3:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A" and along the Northerly line of said Tract "A" and along the Northerly line of Tract "B", said last mentioned lands and an Easterly prolongation thereof, 740.86 feet to the Northeast corner of said Parcel "B"; thence North $19^{\circ}02'44''$ West, 13.28 feet for a POINT OF BEGINNING; thence North $06^{\circ}49'10''$ East, 15.10 feet; thence South $76^{\circ}39'16''$ East, 70.86 feet; thence South $13^{\circ}20'44''$ West, 15.00 feet; thence North $76^{\circ}39'16''$ West, 69.14 feet to the POINT OF BEGINNING.

Containing 0.02 acres, more or less.

PARCEL 4:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A", a distance of 200.86 feet; thence North $08^{\circ}32'37''$ East, 846.20 feet to the Southeast corner of those certain lands described in Deed Book "Y", Page 636 of the Public Records of said County; thence North $80^{\circ}05'46''$ East, 308.29 feet for a POINT OF BEGINNING; thence North $20^{\circ}56'08''$ East, 55.62 feet; thence North $44^{\circ}07'20''$ East, 43.85 feet; thence South $25^{\circ}20'48''$ West, 19.02 feet; thence South $72^{\circ}23'10''$ East, 29.03 feet; thence South $16^{\circ}59'50''$ West, 43.00 feet; thence North $72^{\circ}23'10''$ West, 29.49 feet; thence South $07^{\circ}09'30''$ West, 41.20 feet; thence South $03^{\circ}12'28''$ East, 41.20 feet; thence South $08^{\circ}18'01''$ East, 71.36 feet; thence North $23^{\circ}49'52''$ West, 61.41 feet; thence North $09^{\circ}29'51''$ West, 72.81 feet to the POINT OF BEGINNING.

Containing 0.10 acres, more or less.

PARCEL 5:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A", a distance of 200.86 feet; thence North $08^{\circ}32'37''$ East, 846.20 feet to the Southeast corner of those certain lands described in Deed Book "Y", Page 636 of the Public Records of said County; thence South $72^{\circ}10'43''$ East, 1,472.84 feet for a POINT OF BEGINNING; thence South $65^{\circ}00'07''$ East, 29.98 feet; thence South $46^{\circ}56'00''$ East, 10.04 feet; thence South $46^{\circ}03'11''$ West, 11.29 feet; thence North $43^{\circ}56'49''$ West, 38.00 feet to the POINT OF BEGINNING.

Containing 0.006 acres, more or less.



PARCEL 6:

A portion of the Francis Philip Fatio Grant, Section 44, Township 5 South, Range 26 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the intersection of the centerline of Greenbriar Road (County Road No. 11, a 66 foot right of way as now established), with the Westerly line of a tract of land acquired by the United States of America through Condemnation Suit 602-J-Civil, known as the former Switzerland Naval Bomb Target; thence North $35^{\circ}03'27''$ East, along said Westerly line, a distance of 35.66 feet to a found concrete monument on the Northerly right of way line of said Greenbriar Road, said point also being the Southwest corner of Tract "A" as described and recorded in Official Records Volume 869, Page 1615; thence continue North $35^{\circ}03'27''$ East, along said Westerly line of the former Switzerland Naval Bomb Target, and the Westerly line of said Parcel "A", a distance of 1,695.90 feet to the Northwest corner of said Tract "A"; thence North $89^{\circ}57'58''$ East, along the Northerly line of said Parcel "A", a distance of 200.86 feet; thence North $08^{\circ}32'37''$ East, 846.20 feet to the Southeast corner of those certain lands described in Deed Book "Y", Page 636 of the Public Records of said County; thence North $61^{\circ}34'28''$ East, 498.95 feet for a POINT OF BEGINNING; thence North $24^{\circ}20'00''$ East, 32.97 feet; thence South $77^{\circ}15'32''$ East, 25.73 feet; thence South $57^{\circ}47'26''$ West, 45.72 feet to the POINT OF BEGINNING.

Containing 0.009 acres, more or less.



**GENERAL
LOCATION MAP**



 0 2,600 5,200
 Feet

Map Prepared: 7/16/2004
 *Depicts General Project Boundary

**Exchange of
Property**

File: BCC July 20, 2004



St. Johns County
Public Works Dept.
Real Estate