

RESOLUTION NO. 2004- 61

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TERMINATION AND VACATION OF AN EASEMENT FROM WINCHESTER PROPERTIES, INC., A FLORIDA CORPORATION TO ST. JOHNS COUNTY FOR A TRANSPORTATION PROJECT FOR IMPROVEMENTS ON GREENBRIAR ROAD THAT HAS BEEN COMPLETED.**

**RECITALS**

**WHEREAS**, Winchester Properties, Inc. granted a Temporary Construction Easement attached as Exhibit "A", incorporated by reference and made a part hereof, for improvements to Greenbriar Road; and

**WHEREAS**, when the Temporary Construction Easement was granted it was understood and agreed that the expiration of the Easement was upon completion of the Transportation Project; and

**WHEREAS**, Winchester Properties, Inc. has requested that a Termination and Vacation of Easement, attached as Exhibit "B", incorporated by reference and made a part hereof, be executed by St. Johns County to clear the title to the subject property.

**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 adopted as findings of fact.
2. The Board of County Commissioners hereby authorizes the County Administrator to execute the Termination and Vacation of Easement.
3. The Clerk of Court is instructed to record the Termination of Easement in the Official Records of St. Johns County, Florida.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of April, 2004.

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

By: Karen R. Stern  
Karen R. Stern, Chair

**ATTEST:** Cheryl Strickland, Clerk  
By: Patricia DeGrande  
Deputy Clerk

**RENDITION DATE** 4-7-04

2112  
Initial  
Seal

Public Records of  
St. Johns County, FL  
Clerk# 99004469  
O.R. 1382 PG 835  
04:48PM 01/29/1999  
REC \$9.00 SUR \$1.50  
Doc Stamps \$0.70

**TEMPORARY CONSTRUCTION EASEMENT**

**THIS EASEMENT** made this Friday of JANUARY, 1999, by and between WINCHESTER PROPERTIES, INC., a Florida corporation, a/k/a WINCHESTER PROPERTIES OF JACKSONVILLE, INC., a Florida corporation, whose address is P. O. Box 11508, Jacksonville, Florida 32239, grantor and ST. JOHNS COUNTY, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32095, grantee.

**WITNESSETH** that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the grantor hereby gives, grants, bargains and releases to the grantee, a temporary easement to enter upon and use the grantor's property as described below for such purposes of removal of vegetation as is reasonably necessary to enable the grantee to perform improvements and to contour and adjust the elevation of grantor's said property where necessary and consistent with good engineering practices to transition to the elevation of the above mentioned improvements with the construction to be undertaken by the grantee, in Greenbriar Road adjacent thereto, in, upon, over, and through the following described land in St. Johns County, Florida, described as follows:

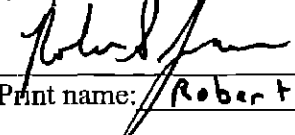
Part of the Francis Fatio Philip Grant Section 44, Township 5 South, Range 26 East and part of Section 39, Township 5 South, Range 27 East, St. Johns County, Florida, and being more particularly described as follows:

The South 10 feet of the parcels of land described in deeds recorded in Official Records Book 679, page 660, and Official Records Book 679, page 603, and Official Records Book 806, page 1097, of the public records of St. Johns County, Florida.

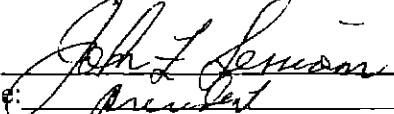
It is understood and agreed by the parties hereto that the rights granted herein shall terminate upon completion of this transportation project.

**IN WITNESS WHEREOF**, grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in  
Our presence as Witnesses:

  
Print name: Robert S. Jones

WINCHESTER PROPERTIES, INC.,  
a Florida corporation

By:   
Title: President

  
Print name: Lydia Williams

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this ~~5th~~ day of JANUARY, 1999, by JOHN F. SESSIONS, as PRESIDENT of WINCHESTER PROPERTIES, INC., a Florida corporation, who is personally known to me. ~~and~~ ~~he~~ ~~is~~ ~~the~~ ~~owner~~ ~~of~~ ~~the~~ ~~property~~ ~~described~~ ~~in~~ ~~the~~ ~~instrument~~ ~~and~~ ~~he~~ ~~did~~ ~~not~~ ~~take~~ ~~an~~ ~~oath.~~

John Glen Milton  
Notary Public  
My commission expires



Exhibit "B" to Resolution

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

**TERMINATION AND VACATION OF AN EASEMENT**

**THIS TERMINATION AND VACATION OF AN EASEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 2001, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called party of the first part and **MOULTRIE OAKS MOBILE HOME PARK, L.L.C.**, whose address is 245 Wildwood Drive, St. Augustine, Florida 32086, hereinafter called party of the second part.

**WHEREBY**, the party of the first part does hereby cancel and vacate that certain easement described in Official Records Book 707, page 1158, of the public records of St. Johns County, Florida, as to all the land situate, lying and being in St. Johns County, State of Florida and being more particularly described as follows:

PROPERTY AS DESCRIBED ON ATTACHED EXHIBIT "A", INCORPORATED BY REFERENCE AND MADE A PART HEREOF.

In consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged by the party of the first, the party of the first part St. Johns County, Florida, does hereby terminate and vacate that easement described above, effective this date. Nothing herein contained shall in anywise impair, alter or diminish the effect of the remaining part of such land in said easement or any rights of the party of the first thereof.

**IN WITNESS WHEREOF**, party of the first part has executed this Termination on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

ST. JOHNS COUNTY, FLORIDA

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Ben W. Adams, Jr.,  
County Administrator

\_\_\_\_\_  
Print Name \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001, by Ben W. Adams the County Administrator of St. Johns County, on behalf of the County. He is personally known to me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Exhibit A

Part of the Francis Fatio Philip Grant Section 44, Township 5 South, Range 26 East and part of Section 39, Township 5 South, Range 27 East, St. Johns County, Florida, and being more particularly described as follows:

The South 10 feet of the parcels of land described in deeds recorded in Official Records Book 679, Page 660, and Official Records Book 679, Page 603, and Official Records Book 806, Page 1097 of the Public Records of St. Johns County, Florida.