

RESOLUTION NO. 2005- 222

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED AND NON-EXCLUSIVE ASSIGNMENT OF EASEMENTS AND BILLS OF SALE IN CONNECTION WITH MURABELLA UNIT ONE SUBDIVISION.

RECITALS

WHEREAS, Turnbull Creek Community Development District has executed and presented to St. Johns County a Special Warranty Deed, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, for a lift station site in Murabella Unit One Subdivision; and

WHEREAS, Murabella, LLC, a Florida limited liability company and Turnbull Creek Community Development District each have executed and presented to St. Johns County a Non-Exclusive Assignment of Easement, attached hereto as Exhibit "B" and Exhibit "C", incorporated by reference and made a part hereof, for drainage and utilities in Murabella Unit One Subdivision; and

WHEREAS, Bills of Sale conveying all personal property associated with the roadways and utility system within Murabella Unit One Subdivision have also been executed and are attached hereto as Exhibit "D" and Exhibit "E", incorporated by reference and made a part hereof; and

WHEREAS, St. Johns County Utility Department has reviewed and approved the documents mentioned above as stated in the Memorandum attached hereto as Exhibit "F", incorporated and made a part hereof and the roads within the subdivision have been accepted by St. Johns County.

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

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The above described Special Warranty Deed and Non-Exclusive Assignment of Easements and Bills of Sale attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. The Clerk of the Circuit Court is instructed to record the original Special Warranty Deed and Non-Exclusive Assignment of Easements and file the Bills of Sale in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED this 23rd day of August, 2005.

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

By: _____

Bruce A. Maguire
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____

Patricia DeGrand
Deputy Clerk

RENDITION DATE 8-29-05



THIS DOCUMENT PREPARED
BY AND RETURN TO:

JOSEPH J. VAN ROOY, ESQUIRE
PAPPAS METCALF JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE
SUITE 400
JACKSONVILLE, FL 32202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of the 20th day of April, 2005, by TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT, a local unit of special purpose government established pursuant to Chapter 190 of the Florida Statutes, whose address is 210 North University Drive, Suite 800, Coral Springs, Florida 33071, called "Grantor", and ST. JOHNS COUNTY, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, and whose taxpayer identification number is _____, hereinafter called "Grantee".

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, its legal representatives and assigns, all that certain real property situate in St. Johns County, Florida, as described on Exhibit "A" attached hereto.

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 Grantor hereby covenants with Grantee that except as set forth below at the time of the delivery of this deed, the property was free from all encumbrances made by Grantor; and that Grantor will warrant and defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

**TURNBULL CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Shirley Smith
Name Printed: Shirley Smith

By: *Susan D. Wood*
Name: Susan D. Wood

Ann Tabor
Name Printed: Ann Tabor

Its: *Chairperson, Bd of Supervisors*

STATE OF FLORIDA }
 }SS
COUNTY OF Clay }

The foregoing instrument was acknowledged before me this 20th day of April, 2005, by Susan D. Wood, the Chairperson, Bd of Supervisors of Turnbull Creek Community Development District, a local unit of special purpose government established pursuant to Chapter 190 of the Florida Statutes, on behalf of the district.

Ann Tabor
(Print Name Ann Tabor)
NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires:
Personally known
or Produced I.D. _____
[check one of the above]



Type of Identification Produced

EXHIBIT "A" to Special Warranty Deed

Tract H as shown on the plat of Murabella Unit One, as recorded in Map Book 52, pages 16 through 42 of the public records of St. Johns County, Florida.

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THIS DOCUMENT PREPARED
BY AND RETURN TO:

JOSEPH J. VAN ROOY, ESQUIRE
PAPPAS METCALF JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE, SUITE 400
JACKSONVILLE, FL 32202

NON-EXCLUSIVE ASSIGNMENT OF EASEMENT

THIS ASSIGNMENT OF EASEMENT is given as of the 21st day of April 2005, by MURABELLA, LLC, a Florida limited liability company, whose address is 414 Old Hard Road, Suite 201, Orange Park, Florida 32003, ("Assignor") to ST. JOHNS COUNTY, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084 ("Assignee").

WITNESSETH:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee, the receipt and sufficiency of which are acknowledged, Assignor hereby transfers and assigns to Assignee those certain twenty-five foot (25') Utility Easements located on Lot 20 and Lot 21 as shown on the Plat of Murabella Unit One, as recorded in Map Book 52, pages 16 through 42 of the public records of St. Johns County, Florida, and the rights to use that certain offsite drainage granted to Murabella, LLC in that certain Grant of Easement (Drainage) recorded in OR Book 2423, page 213 of the public records of St. Johns County, Florida.

The easement rights assigned herein are not exclusive to Assignee, and Assignor shall be permitted to continue its use of said easements, so long as such use does not unduly interfere with Assignee's use of said easements.

IN WITNESS WHEREOF, this Assignment has been executed as of the date first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Name Printed: HERBERT BOYETT

[Signature]
Name Printed: Ann Tabor

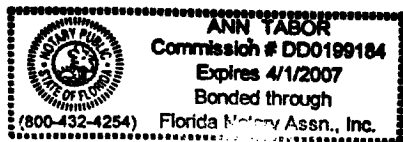
MURABELLA, LLC,
a Florida limited liability company

By: THE WOOD DEVELOPMENT COMPANY
OF JACKSONVILLE, Its Managing Member

By: *[Signature]*
Susan Wood
Its Vice President

STATE OF FLORIDA }
 }SS
COUNTY OF Clay }

The foregoing instrument was acknowledged before me this 21st day of April 2005, by Susan Wood, the Vice President of The Wood Development Company of Jacksonville, the Managing Member of Murabella, LLC, a Florida limited liability company, on behalf of the corporation and the company.



[Signature]

(Print Name Ann Tabor)
NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires:
Personally known or
Produced I.D. _____
[check one of the above]
Type of Identification Produced

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Exhibit "C" to Resolution

THIS DOCUMENT PREPARED
BY AND RETURN TO:

JOSEPH J. VAN ROOY, ESQUIRE
PAPPAS METCALF JENKS & MILLER, P.A.
245 RIVERSIDE AVENUE, SUITE 400
JACKSONVILLE, FL 32202

NON-EXCLUSIVE ASSIGNMENT OF EASEMENT

THIS ASSIGNMENT OF EASEMENT is given as of the 21st day of April 2005, by **TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government established pursuant to Chapter 190 of the Florida Statutes, whose mailing address is 210 North University Drive, Suite 800, Coral Springs, Florida 33071, ("Assignor") to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084 ("Assignee").

WITNESSETH:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee, the receipt and sufficiency of which are acknowledged, Assignor hereby transfers and assigns to Assignee the Easements described on Exhibit "A" attached hereto.

The easement rights assigned herein are not exclusive to Assignee, and Assignor shall be permitted to continue its use of said easements, so long as such use does not unduly interfere with Assignee's use of said easements.

IN WITNESS WHEREOF, this Assignment has been executed as of the date first above written.

Signed, sealed and delivered in the presence of:

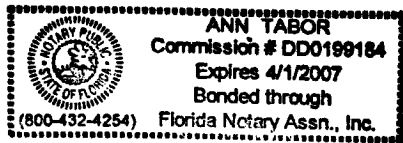
TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT

[Signature]
Name printed: HERBERT ROYETT
Ann Tabor
Name printed: Ann Tabor

By: [Signature]
Name: Susan D. Wood
Its: Chairperson, Board of Supervisors

STATE OF FLORIDA }
 }SS
COUNTY OF clay }

The foregoing instrument was acknowledged before me this 21st day of April 2005, by Susan D. Wood, the Chairperson, Board of Supervisors of Turnbull Creek Community Development District, a local unit of special purpose government established pursuant to Chapter 190 of the Florida Statutes, on behalf of the district.



[Signature]
(Print Name Ann Tabor)
NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires:
Personally known or
Produced I.D. _____
[check one of the above]
Type of Identification Produced _____

**EXHIBIT "A" to Non-Exclusive Assignment
of Easement**

That certain thirty foot (30') drainage easement located on Tract B connecting Tract D to the traffic circle at Positano Avenue and Porta Rosa Circle; that certain thirty foot (30') drainage easement located in Tract P connecting Porta Rosa Circle to Tract Q, that certain fifteen foot (15') drainage easement located on Lots 427 and 428; that certain fifteen foot (15') drainage easement located on Lots 434 and 435; that certain twenty foot (20') drainage easement located on Lots 421 and 422; that certain twenty foot (20') drainage easement located on Lots 39 and 40; and that certain twenty foot (20') drainage easement located on Lots 57 and 58, that certain twenty foot (20') drainage easement located on Lots 19 and 20; that certain fifteen foot (15') drainage easement located on Lots 12 and 13; and that certain twenty-five foot (25') drainage easement located on Lots 5 and 6, all as shown on the plat of Murabella Unit One as recorded in Map Book 52, pages 16 through 42 of the Public Records of St. Johns County, Florida.

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that **Murabella, LLC**, a Florida limited liability company, whose address is 414 Old Hard Road, Suite 201, Orange Park, Florida 32003 ("Seller"), and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by **St. Johns County, Florida**, a political subdivision of the State of Florida, whose address is c/o Clerk of the Courts, Post Office Drawer 349, St. Augustine, Florida 32085 ("County"), the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer, and deliver unto the County, its successors and assigns, the following described property, assets and rights, to-wit:

Roadway improvements including paving, curb and gutter, sidewalks, storm drainage structures, manholes, inlets, pipes, mitered end sections, and headwalls all located on portions of the real property known as MURABELLA UNIT ONE, as recorded in Map Book 52, Pages 16 through 42, Public Records of St. Johns County, Florida, being more particularly described in **Exhibit A** attached hereto.

TO HAVE AND TO HOLD all of the foregoing unto the County, its successors and assigns, for its own use forever, free and clear and discharged of and from any and all obligations, claims or liens.

AND the Seller does hereby covenant to and with the County, its successors and assigns, that they are the lawful owners of the above-described personal property and assets; that said personal property and assets are free from all liens and encumbrances; that Seller has good right to sell said personal property and assets; that all contractors, subcontractors and material men furnishing labor or materials relative to the construction of the personal property and assets have been paid in full; and that Seller will warrant and defend the sale of its said personal property and assets hereby made, unto the County, its successors and assigns, against the lawful claims and demands of all persons whosoever.

IN WITNESS WHEREOF, the Seller has caused this instrument to be executed in its name the day and year first above written.

Signed, Sealed and

Murabella, LLC,
a Florida limited liability company

Shirley Smith
SHIRLEY SMITH
(printed)

By: The Wood Development Company of
Jacksonville, a Florida Corporation
Its Managing Member

Ann Tabor
Ann Tabor
(printed)

By: James Ricky Wood
Print Name: James Ricky Wood
Its: President

STATE OF FLORIDA
COUNTY OF Clay

The foregoing instrument was acknowledged before me this 21st day of April, 2005, by James Ricky Wood, the president of The Wood Development Company of Jacksonville, a Florida corporation, the Managing Member of Murabella, LLC, a Florida limited liability company, on behalf of the corporation and limited liability company. He/~~She~~ is personally known to me or produced _____ as identification and ~~did~~ (did not) take an oath.

Ann Tabor
(Print) Ann Tabor, Notary Public
My Commission expires: _____
Commission Number: _____

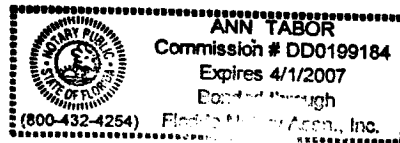


Exhibit A to Bill of Sale

Verona Way, East Terranova Way, West Terranova Way, Padola Road, North Campania Court, South Campania Court, all located in the plat of **MURABELLA UNIT ONE**, as recorded in Map Book 52, Pages 16 through 42, Public Records of St. Johns County, Florida.

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that **Turnbull Creek Community Development District**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes ("Seller"), and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by **St. Johns County, Florida**, a political subdivision of the State of Florida, whose address is c/o Clerk of the Courts, Post Office Drawer 349, St. Augustine, Florida 32085 ("County"), the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer, and deliver unto the County, its successors and assigns, the following described property, assets and rights, to-wit:

Utility System and the complete water and/or wastewater system including all water mains, water services between mains and water meters, meters, fire hydrants, sanitary sewer force main, the gravity sewer main, all sanitary sewer manholes, and the sanitary sewer lift station all located on portions of the real property known as MURABELLA UNIT ONE, as recorded in Map Book 52, Pages 16 through 42, Public Records of St. Johns County, Florida, being more particularly described in **Exhibit A** attached hereto.

TO HAVE AND TO HOLD all of the foregoing unto the County, its successors and assigns, for its own use forever, free and clear and discharged of and from any and all obligations, claims or liens.

AND the Seller does hereby covenant to and with the County, its successors and assigns, that they are the lawful owners of the above-described personal property and assets; that said personal property and assets are free from all liens and encumbrances; that Seller has good right to sell said personal property and assets; that all contractors, subcontractors and material men furnishing labor or materials relative to the construction of the personal property and assets have been paid in full; and that Seller will warrant and defend the sale of its said personal property and assets hereby made, unto the County, its successors and assigns, against the lawful claims and demands of all persons whosoever.

IN WITNESS WHEREOF, the Seller has caused this instrument to be executed in its name the day and year first above written.

Signed, Sealed and

**Turnbull Creek
Community Development District**

Shirley Smith
Shirley Smith
(printed)

Susan Wood
Susan Wood
Chairperson, Board of Supervisors

Ann Tabor
Ann Tabor
(printed)

STATE OF FLORIDA
COUNTY OF Clay

The foregoing instrument was acknowledged before me this 21st day of April, 2005, by Susan Wood, Chairperson of the Turnbull Creek Community Development District, on behalf of the district. She is personally known to me or produced _____ as identification and ~~did~~ (did not) take an oath.

Ann Tabor
(Print) Ann Tabor, Notary Public
My Commission expires: _____
Commission Number: _____

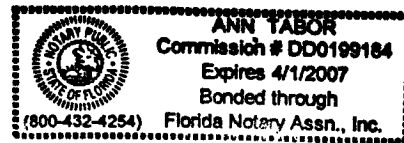


Exhibit A to Bill of Sale

West Positano Avenue, The traffic circle at the intersection of West Positano Avenue, East Positano Avenue and Porta Rosa Circle, A portion Porta Rosa Circle extending from West Positano Avenue easterly and northerly to 51.27 feet north of the centerline intersection with Riposto Lane, A portion of Porta Rosa Circle extending from West Positano Avenue southwesterly to the intersection of Riva Del Garda Way, A portion of Verona Way extending from Porta Rosa Circle to the north boundary of Tract "H," and Tract "H" all located in the plat of **MURABELLA UNIT ONE**, as recorded in Map Book 52, Pages 16 through 42, Public Records of St. Johns County, Florida.

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners



P.O. Box 3006
St. Augustine, Florida 32085-3006
Phone: (904) 471-2161 • Toll Free: 1-877-837-2311
Administrative Fax: (904) 461-7619
Billing Dept. Fax: (904) 461-3995

INTEROFFICE MEMORANDUM

To: Laurie Braddock, Real Estate Coordinator
From: Samuel T. Ramirez, Utility Development Manager
Subject: Murabella Phase 1
Date: July 21, 2005

Please present the Special Warranty Deed and Bill of Sale for the Murabella Phase One lift station to the Board of County Commissioners (BCC) for final approval and acceptance.

The St. Johns County Utility Department has reviewed and accepted the above mentioned documents for the Murabella Phase One lift station.

Your support and cooperation as always are greatly appreciated.