

RESOLUTION NO. 2005-384

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A NON-EXCLUSIVE ASSIGNMENT OF EASEMENT FOR DRAINAGE IN MURABELLA SUBDIVISION UNITS ONE AND TWO AND ACCEPTING A BILL OF SALE CONVEYING THE ROADWAY AND DRAINAGE IMPROVEMENTS.

WHEREAS, Turnbull Creek Community Development District, a local unit of special purpose government established pursuant to Chapter 190 of the Florida Statutes, has executed and presented to the County a Non-Exclusive Assignment of Easement for drainage in Murabella Subdivision Units One and Two, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, Turnbull Creek Community Development District has also executed and presented to the County a Bill of Sale conveying the roadway and drainage improvements, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, and;

WHEREAS, the drainage easement is needed as part of a development review requirement for Murabella Subdivision; and

WHEREAS, it is in the best interest of the County to accept the Easement to ensure proper drainage for the health, safety and welfare of the citizens in that area.

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 Non-Exclusive Assignment of Easement attached and incorporated hereto, is hereby accepted by the Board of County Commissioners.

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

PASSED AND ADOPTED this 13 day of December, 2005.

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

By: James E. Bryant
James E. Bryant, Chairman

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

RENDITION DATE 12-15-05

Exhibit "A" 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
(Second Acquisition)

THIS ASSIGNMENT OF EASEMENT is given as of the 29th day of July 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:

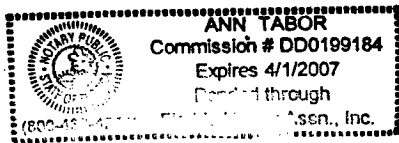
TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT

Ann Tabor
Name printed: Ann Tabor
Dolores C. McNeal
Name printed: Dolores C. McNeal

By: Susan Wood
Name: Susan Wood
Its: Chairperson

STATE OF FLORIDA }
 }SS
COUNTY OF Clay }

The foregoing instrument was acknowledged before me this 29th day of JULY 2005, by Susan Wood, the Chairperson 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 Easement

That certain twenty-five foot (25') drainage easement located on Lots 564 and 563, that certain twenty-five foot (25') drainage easement located on Lots 577 & 576, that certain twenty-five foot (25') drainage easement located on Lots 729 & 728, that certain thirty foot (30') drainage easement located on Lots 710 & 711, that certain twenty foot (20') drainage easement located on Lots 486 & 485, that certain twenty-five foot (25') drainage easement located on Lots 494 & 493, that certain twenty foot (20') drainage easement located on Lots 594 & 595, that certain twenty foot (20') drainage easement located on Lots 604 & 605, that certain thirty foot (30') drainage easement located on Lots 738 & 739, that certain thirty foot (30') drainage easement located on Lots 684 & 685, that certain twenty foot (20') drainage easement located on Lots 717 & 718, that certain twenty foot (20') drainage easement located on Lots 410 & 411, that certain twenty foot (20') drainage easement located on Lots 402 & 403, and that certain twenty-five foot (25') utility easement located on Lots 396 & 397, all as shown on the plat of Murabella Unit One as recorded in Map Book 52, pages 16 through 42 and/or Murabella Unit Two as recorded in Map Book 54, pages 59 through 69 of the Public Records of St. Johns County, Florida.

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that the **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 the **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 32805 ("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 and drainage 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, and/or MURABELLA UNIT TWO, as recorded in Map Book 54, pages 56 through 69 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**

Ann Tabor
Ann Tabor
(printed)

Susan Wood
Susan Wood
Chairperson, Board of Supervisors

Dolores C. McNeal
Dolores C. McNeal
(printed)

STATE OF FLORIDA
COUNTY OF Clay

The foregoing instrument was acknowledged before me this 29th day of July, 2005, by Susan Wood, the 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: _____

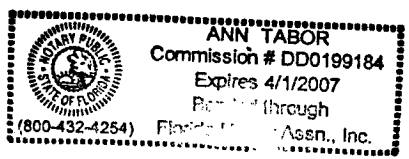
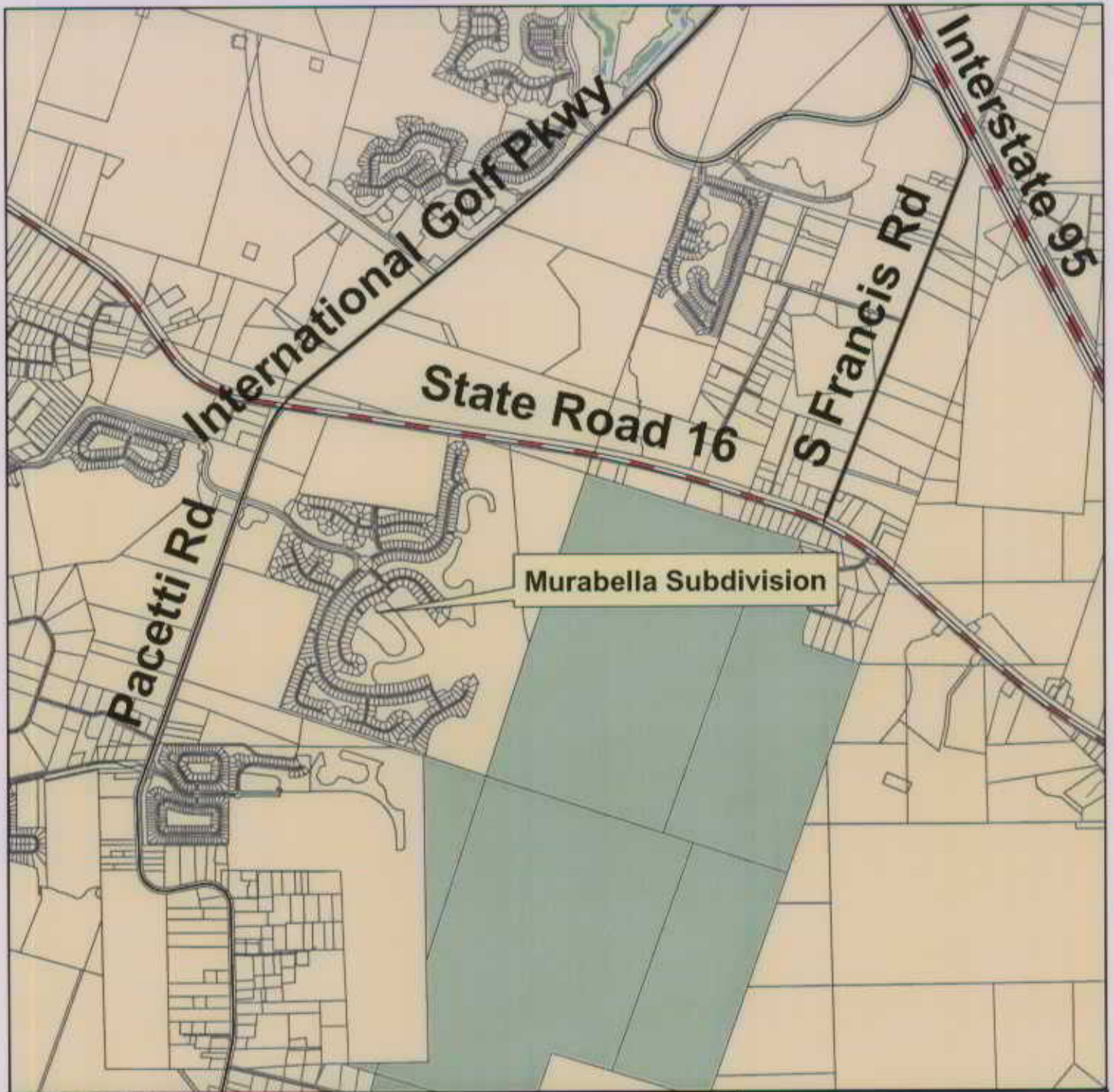


Exhibit A to Bill of Sale

A portion of Porta Rosa Circle extending from 51.27 feet north of the centerline intersection with Riposto Lane to a line extending from the southeast corner of lot 106 to the northeast corner of lot 494, a portion of Porta Rosa Circle extending from the intersection of Riva Del Garda Way to a line extending from the southeast corner of lot 564 to the northeast corner of lot 327, 25' drainage easement located on Lots 564 and 563, 25' drainage easement located on Lots 577 and 576, 25' drainage easement located on Lots 729 and 728, 30' drainage easement located on Lots 710 and 711, 20' drainage easement located on Lots 486 and 485, 25' drainage easement located on Lots 494 and 493, 20' drainage easement located on Lots 594 and 595, 20' drainage easement located on Lots 604 and 605, 30' drainage easement located on Lots 738 and 739, 30' drainage easement located on Lots 684 and 685, 20' drainage easement located on Lots 717 and 718, 20' drainage easement located on Lots 410 and 411, and 20' drainage easement located on Lots 402 and 403 all located in the plat of **MURABELLA UNIT ONE**, as recorded in Map Book 52, Pages 16 through 42 and/or **MURABELLA UNIT TWO**, as recorded in Map Book 54, pages 56 through 69, Public Records of St. Johns County, Florida.



**GENERAL
LOCATION MAP**



Map Prepared: 11/30/2005

*Depicts General Project Boundary

**Drainage Easement
for Murabella
Subdivision**

File: December 13, 2005



St. Johns County
Land Mgmt. Systems
Real Estate