RESOLUTION NO. 2008- 132

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION FOR THE RIGHT-OF-WAY OF MURABELLA PARKWAY OFF OF STATE ROAD 16.

RECITALS

WHEREAS, Flagler Hospital, Inc., a Florida corporation, S/Palm Lakes Pub, Ltd., a Florida limited partnership and Sunshine Land Holdings, LLC, a Florida limited liability company, have executed and presented a Deed of Dedication for Murabella Parkway, as described in Exhibit "A", attached hereto, incorporated by reference and made a part hereof; and

WHEREAS, Murabella Parkway consists of 2.96 acres, has been completed and is additional access off of State Road 16 into Murabella subdivision in addition to access to the St. Johns County Fire Station; and

WHEREAS, it is in the best interest of the County to accept the Deed of Dedication for the safety of the citizens in the area traveling along State Road 16 and relieve some of the traffic on Pacetti Road which is an existing access point into Murabella subdivision.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissions 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. Upon acceptance of the Warranty Deed by the Board of County Commissioners, the Clerk of Circuit Court is hereby instructed to record the original executed Deed of Dedication in the Public Records of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, this ______ day of ________, 2008.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By://////Wanue

(Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: tam bollerman
Deputy Clerk

RENDITION DATE 5/14/08

THIS INSTRUMENT PREPARED BY AND RECORD AND RETURN TO:

D. Todd Stanley, Esq. Dewey & LeBoeuf, LLP 50 North Laura Street, Suite 2800 Jacksonville, Florida 32202

DEED OF DEDICATION RIGHT-OF-WAY

WITNESSETH: that for and in consideration of the acceptance of this Dedication by Grantee, each Grantor does hereby give, grant, dedicate and convey to Grantee, its successors and assigns forever all of its right, title and interest in its piece, parcel or tract of land in St. Johns County, Florida, to wit:

THE PROPERTY DESCRIBED ON <u>EXHIBIT "A"</u> AND DEPICTED ON <u>EXHIBIT "B"</u> ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (COLLECTIVELY, THE "PROPERTY").

TO HAVE AND HOLD the Property unto Grantee, its successors and assigns forever, in fee simple for a public road, including therein the right to construct, maintain, and operate, either above or below the surface of the ground, electric light and power, water, sewer, and drainage lines and other public utilities;

AND Flagler hereby covenants with said Grantee that Flagler is lawfully seized in fee simple of that portion of the Property described in Exhibit "A" attached hereto and made a part hereof as the "Flagler Property"; that Flagler has good right and lawful authority to sell and convey the Flagler Property, and hereby warrants the title to the Flagler Property and will defend the same against the lawful claims of all persons whomsoever, and that the Flagler Property is free of all encumbrances, except taxes accruing subsequent to December 31, 2007, and those items that pertain to the Flagler Property set forth on Exhibit "C" attached hereto and by this reference made a part hereof;

AND Palm Lakes hereby covenants with said Grantee that Palm Lakes is lawfully seized in fee simple of that portion of the Property described in <a href="Exhibit" A" attached hereto and made a part hereof as the "Palm Lakes Property"; that Palm Lakes has good right and lawful authority to sell and convey the Palm Lakes Property, and hereby warrants the title to the Palm Lakes Property and will defend the same against the lawful claims of all persons whomsoever, and that the Palm Lakes

Property is free of all encumbrances, except taxes accruing subsequent to December 31, 2007, and those items that pertain to the Palm Lakes Property set forth on <u>Exhibit "C"</u> attached hereto and by this reference made a part hereof;

AND Sunshine hereby covenants with said Grantee that Sunshine is lawfully seized in fee simple of that portion of the Property described in <u>Exhibit "A"</u> attached hereto and made a part hereof as the "Sunshine Property"; that Sunshine has good right and lawful authority to sell and convey the Sunshine Property, and hereby warrants the title to the Sunshine Property and will defend the same against the lawful claims of all persons whomsoever, and that the Sunshine Property is free of all encumbrances, except taxes accruing subsequent to December 31, 2007, and those items that pertain to the Sunshine Property set forth on <u>Exhibit "C"</u> attached hereto and by this reference made a part hereof.

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

Witnesses:	"Flagler":
Name: Lorreine A Jones Kath Hunnessey Name: KATHY HENDESSEY	Flagler Hospital, Inc., a Florida corporation By: Name: Title:
COUNTY OF Stones	
2008, by Ason Barrett, the Co	Notary Public, State of Florida Rrinted Name: Lorrange a Jakes
	Commission No.DD336509 My Commission Expires: 9 - 8 - 200 8

[NOTARIAL SEAL]



Witnesses: "Palm Lakes": S/Palm Lakes Pub, Ltd., a Florida limited partnership, by its Managing General Partner: HP/Palm Lakes Pub, Inc., a Florida corporation By: Jeffrey ALConn President STATE OF COUNTY OF 1 The foregoing instrument was acknowledged before me this 3 day of Mos 2008, by Jeffrey A. Conn, the President of HP/Palm Lakes Pub, Inc., a Florida corporation, on behalf of the corporation as general partner of S/Palm Lakes Pub, Ltd, a Florida limited partnership, on behalf of the partnership, who either [is personally known to me or [] has produced a state driver's licenses as identification. Notary Public, State of Printed Name: Commission No. My Commission Expires:

[NOTARIAL SEAL]

STEPHANIE BLACK Notary Public, State of Florida My Comm. Expires March 25, 2011 Comm. No. DD 654984

Witnesses:	"Sunshine:"
Name: Menssa & Myers Name: Leed Silvetield	Sunshine Land Holdings, LLC, a Florida limited liability company By:
STATE OF Florida COUNTY OF Johns The foregoing instrument was acknowled 2008, by HAM BRAWG, the V. a Florida limited liability company, on behalf of the me or [] has produced a state	of Sunshipe Land Holdings, LLC, ne company, who either M is personally known to
	[NOTARIAL SEAL]

MELISSA K. MYERS Notary Public, State of Florida My Comm. Expires Feb. 23, 2010 Comm. No. DD 522038

Exhibit A to Deed (the Property)

THE FLAGLER PROPERTY

A portion of said Section 10, lying within Section 38 of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: COMMENCE at the intersection of the centerline of County Road No. 13-A (a 100 foot right of way as presently established) with the centerline of baseline for State Road No. 16 (a 200 foot right of way as shown on the Florida Department of Transportation Right of Way Map, Section No. 78060-2522, dated November 16, 1998); thence South 19°30'15" West, along said centerline of County Road No. 13-A, a distance of 71.23 feet to its intersection with the Westerly prolongation of the Southerly right of way line of said State Road No. 16; thence South 81°10'44" East, along last said line, a distance of 155.13 feet to a point situate on the Southeasterly right of way line of said County Road No. 13-A, said right of way line being a curve concave Southeasterly, having a radius of 2,246.58 feet; thence Southwesterly along the arc of said curve Southeasterly right of way line, a distance of 681.05 feet, said arc being subtended by a chord bearing and distance of South 28°11'19" West, 678.44 feet to the point of tangency of said curve; thence South 19°30'15" West, and continuing along last said line, 226.34 feet; Thence departing said line run South 69°15'35" East, a distance of 676.40 feet to the Point of Beginning; thence run South 20°44'25" West, a distance of 30.00 feet to a point of curvature of a curve concave southwesterly having a radius of 82.00 feet and a central angle of 45°55'24", thence run southerly along the arc of said curve 65.72 feet to a point of tangency, said arc being subtended by a chord bearing and distance of South 46°17'53" East, 63.98 feet; thence run South 23°20'11" East for a distance of 19,62 feet to a point of curvature of a curve concave westerly having a radius of 82.00 feet and a central angle of 52°11'34", thence run southerly along the arc of said curve 74.70 feet to a point of compound curvature, said arc being subtended by a chord bearing and distance of South 02°45'36" West, 72.14 feet; thence run along the arc of a curve concave northwesterly having a radius of 570,00 feet and a central angle of 10°54'59" for a distance of 108,60 feet to a point of tangency, said arc being subtended by a chord bearing and distance of South 34°18'52" West, 108.44 feet; thence run South 39°46'22" West for a distance of 338.62 feet to a point of curvature of a curve concave southeasterly having a radius of 630.00 feet and a central angle of 06°10'00", thence run southeasterly along the arc of said curve 67.81 feet to a point of tangency, said arc being subtended by a chord bearing and distance of South 36°41'22" West, 67.77 feet; thence run South 33°36'22" West for a distance of 34.01 feet to a point of curvature of a curve concave northerly having a radius of 25.00 feet and a central angle of 88°13'16", thence run westerly along the arc of said curve 38.49 feet to the Northerly right-of-way line of West Positano Avenue (recorded in Map Book 52 Page 16, Murabella Unit One, public records of St. Johns, County, Florida), said point being subtended by a chord bearing and distance of South 77°43'00" West, 34.80 feet, also a point on a curve concave southerly having a radius of 850.00 feet and a central angle of 07°14'53", thence run southeasterly along said right-of-way line 107.53 feet to the Easterly right-of-way line of proposed Murabella Parkway and a point of curvature, said arc being subtended by a chord bearing and distance of South 55°03'01" East, 107.46 feet; thence departing said northerly right-of-way line run along the said easterly right-of-way line northerly along the arc of a curve concave easterly having a radius of 25.00 feet and a central angle of 85°52'48" for a distance of 37.47 feet to a point of tangency, said arc being subtended by a chord bearing and distance of North 09°20'02" West, 34,06 feet; thence run North 33°36'22" East for a distance of 36.58 feet to a point of curvature of a curve concave easterly having a radius of 570.00 feet and a central angle of 06°10'00", thence run northerly along the arc of said curve 61.35 feet to a point of tangency, said arc being subtended by a chord bearing and distance of North 36°41'22" East, 61.32 feet; thence run North 39°46'22" East for a distance of 338.62 feet to a point of curvature of a curve concave westerly having a radius of 630,00 feet and a central angle of 01°16'52", thence run northerly along the arc of said curve 14.09 feet to a point on the easterly line of Flagler Hospital; said arc being subtended by a chord bearing and distance of North 39°07'56" West, 14.09 feet; thence run North 20°44'25" East along said easterly line a distance of 249,28 feet to the northeast corner of Flagler Hospital site; thence run North 69°15'35" West along the northerly line of Flagler Hospital site, a distance of 130.53 feet to the Point of Beginning.

TOGETHER WITH:

THE PALM LAKES PROPERTY

A portion of Subsection 10, lying with Section 38, of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of County Road No. 13-A (a 100 foot right-of-way as presently established) with the survey baseline for State Road No. 16 (a 200 foot right-of-way as shown on the Florida Department of Transportation right-of-way map, Section 78060-2522, dated November 16. 1998); thence South 19°30'15" West, along the centerline of County Road No. 13-A, a distance of 71.23 feet to its intersection with the Westerly prolongation of the Southerly right-of-way line of State Road No. 16; thence South 81°10'44" East along last said line, a distance of 831.59 feet to the Point of Beginning, said point being a point of curvature of a curve concave southwesterly having a radius of 25.00 feet and a central angle of 97°09'27", thence run southerly along the arc of said curve and the Westerly right-of-way of proposed Murabella Parkway a distance of 42.39 feet to a point of compound curvature, said arc being subtended by a chord bearing and distance of South 32°36'01" East, 37.49 feet; thence run southerly along the arc of said curve having a radius of 570.00 feet and a central angle of 04°45'42" for a distance of 47.37 feet to a point of tangency, said arc being subtended by a chord bearing and distance of South 18°21'34" West, 47.36 feet; thence run South 20°44'25" West for a distance of 838.27 feet to a point curvature of a curve concave northwesterly having a radius of 82.00 feet and a central angle of 44°42'28", thence run southeasterly along the arc of said curve 63,98 feet to a point of tangency, said curve being subtended by a chord bearing and distance of South 43°05'38" West, 62.37 feet; thence run South 65°26'52" West for a distance of 26,35 feet to a point of curvature of a curve concave northerly having a radius of 82,00 feet and a central angle of 45°17'32", thence run westerly along the arc of said curve 64.82 feet to a point of tangency, said arc being subtended by a chord bearing and distance of South 88°05'38" West, 63.15 feet; thence run South 20°44'25" West for a distance of 30.00 feet to a point on the southerly line of Parcel 1: thence run along the southerly line South 69°15'35" East for a distance of 130.53 feet to a point on the easterly line of Parcel 1; thence run North 20°44'25" East along the said easterly line a distance of 1,051.80 feet to a point on the southerly right of way line of State Road 16; thence run North 81°10'44" West along the southerly right of way of State Road 16 a distance of 63.36 feet to the Point of Beginning.

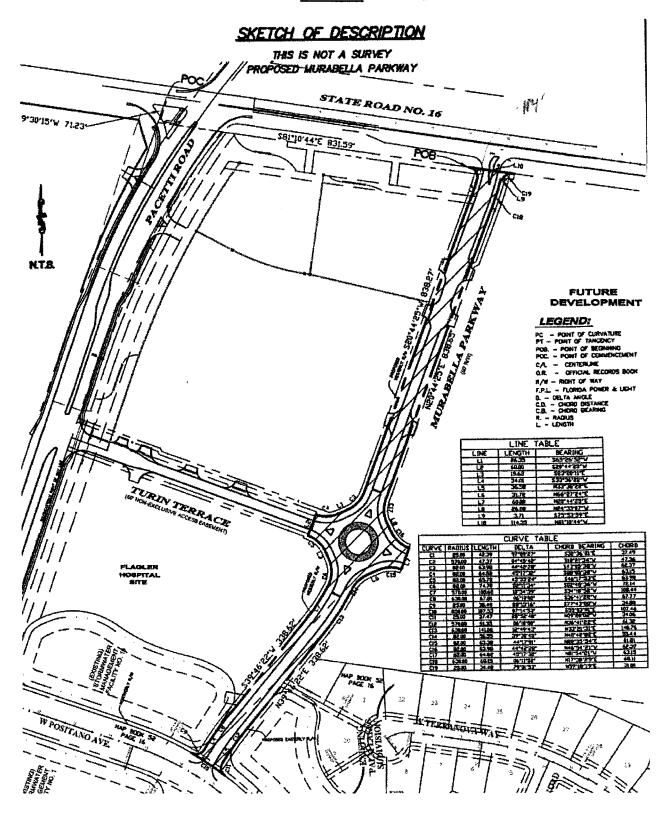
TOGETHER WITH:

THE SUNSHINE PROPERTY

A portion of Subsection 10, lying with Section 38, of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of County Road No. 13-A (a 100 foot right-of-way as presently established) with the survey baseline for State Road No. 16 (a 200 foot right-of-way as shown on the Florida Department of Transportation right-of-way map, Section 78060-2522, dated November 16, 1998); thence South 19°30'15" West, along the centerline of County Road No. 13-A, a distance of 71.23 feet to its intersection with the Westerly prolongation of the Southerly right-of-way line of State Road No. 16; thence South 81°10'44" East along last said line, a distance of 894.95 feet to the Point of Beginning, thence departing said line run South 20°44'25" West, for a distance of 1,051.80 feet; thence run along the northerly line of the Fire Station Site, South 69°15'35" East, 123.65 feet to the point of curvature of a curve concave northerly and having a radius of 250.00 feet and a central angle of 01°35'37", thence easterly around and along the arc of said curve 6.88 feet, said arc being subtended by a chord bearing and distance of South 70°02'51" East, 6.88 feet; thence departing said northerly line run North 20°44'25" East, for a distance of 29.91 feet to a point of curvature of a curve concave northerly having a radius of 82.00 feet and a central angle of 44°42'28", thence run northwesterly along the arc of said curve 63.98 feet to a point of tangency, said arc being subtended by a chord bearing and distance of North 46°54'21" West, 62.37 feet; thence run North 24°33'07" West for a distance of 26.08 feet to a point of curvature of a curve concave easterly having a radius of 82.00 feet and a central angle of 45°17'32", thence run northerly along the arc of said curve 64.82 feet to a point of tangency, said arc being subtended by a chord bearing and distance of North 01°54'21" West, 63.15 feet; thence run North 20°44'25" East for a distance of 838.65 feet to a point of curvature of a curve concave westerly having a radius of 630.00 feet and a central angle of 06°11'52", thence run northerly along the arc of said curve 68.15 feet to a point of langency, said arc being subtended by a chord bearing and distance of North 17°38'29" East, 68.11 feet; thence run South 75°53'59" East for a distance of 3.71 feet to a point of curvature of a curve concave southeasterly having a radius of 25.00 feet and a central angle of 79°01'53", thence run northeasterly along the arc of said curve 34,48 feet to a point of tangency on the Southerly right-of-way of State Road No. 16 (A 200' right-of-way), said arc being subtended by a chord bearing and distance of North 59°18'19" East, 31.81 feet; thence run along said southerly right-of-way North 81°10'44" West for a distance of 60.00 feet to the Point of Beginning.

Exhibit B to Deed



<u>Exhibit C</u> to Deed (the Exceptions)

FLAGLER PROPERTY EXCEPTIONS:

- 1. All assessments and taxes for the year 2008 and all subsequent years, which are not yet due and payable.
- 2. Terms, conditions and other matters as set forth in that Easement Agreement filed August 17, 2005 in Official Records Book 2512, page 604 of the public records of St. Johns County, Florida.
- 3. Terms, conditions and other matters as set forth in that Easement Agreement filed August 17, 2005 in Official Records Book 2512, page 610 of the public records of St. Johns County, Florida.
- 4. Assignment of contract rights and other matters contained therein as filed May 12, 2005 in Official Records Book 2435, page 1685 of the public records of St. Johns County, Florida.
- 5. Grant of Easement (Drainage) filed February 9, 2006 in Official Records Book 2640, page 1191 of the public records of St. Johns County, Florida.

PALM LAKES PROPERTY EXCEPTIONS:

- 6. All assessments and taxes for the year 2008 and all subsequent years, which are not yet due and payable.
- 7. Post Closing Agreement filed May 10, 2005 in Official Records Book 2433, page 1462 of the public records of St. Johns County, Florida. As to the Palm Lakes Property.
- 8. Construction and Cost Sharing Agreement filed May 10, 2005 in Official Records Book 2433, page 1468 as modified by Partial Release and Discharge filed in Official Records Book 2512, page 624 and Official Records Book 2614, page 10 of the public records of St. Johns County, Florida, as partially assigned by Official Records Book 2905, page 1171.
- 9. Terms and conditions as set forth in that certain Reciprocal Easement Agreement for Ingress, Egress, Drainage and Utilities executed by Sunshine Land Holding, L.L.C., a Florida limited liability company, and A&S Land Development Company, a Florida corporation, and recorded on December 17, 2003, in Official Records Book 2107, page 734 as amended by Assignment of Reciprocal Easement Rights in Official Records Book 2433, page 1455 and Partial Release in Official Records Book 2776, Page 1334 and by First Amendment to Reciprocal Easement Agreement, etc. filed April 24, 2007 in Official Records Book 2905, page 1114, of the public records of St. Johns County, Florida, as partially assigned by Official Records Book 2905, page 1171.
- Terms and conditions as set forth in that certain Reciprocal Easement Agreement for Ingress, Egress, Drainage and Utilities executed by Sunshine Land Holding, L.L.C., a Florida limited liability company, and A&S Land Development Company, a Florida corporation, and recorded on May 10, 2005, in Official Records Book 2433, page 1488 as modified by Amendment in Official Records Book 2612, page 1162 and partial releases in OR 2512, page 615, OR 2614, page 10, OR 2614, page 15 and OR 2776, page 1334, of the public records of St. Johns County, Florida, as partially assigned by Official Records Book 2905, page 1171.
- 11. Landscape and Signage Easement filed April 26, 2005 in Official Records Book 2423, page 219 of the public records of St. Johns County, Florida. As the Palm Lakes Property.
- 12. Ordinance 2002-65 as filed in PUD Official Record Book P, page 694as modified by Ordinance 2005-34 as filed April 8, 2005 in Official Records Book 2412, page 68 and Assignment of Development Rights filed May 10, 2005 in Official Records Book 2433, page 1458 of the public records of St. Johns County, Florida.

- 13. Grant of Easement (Drainage) filed February 9, 2006 in Official Records Book 2640, page 1177.
- 14. Declaration of Easements and Restrictive Covenants filed April 24, 2007 in Official Records Book 2905, page 1126 of the public records of St. Johns County, Florida.
- 15. Easement for Utilities filed May 4, 2007 in Official Records Book 2911, page 1080 of the public records of St. Johns County, Florida.

SUNSHINE PROPERTY EXCEPTIONS:

- 1. All assessments and taxes for the year 2008 and all subsequent years, which are not yet due and payable.
- 2. Terms and conditions as set forth in that certain Reciprocal Easement Agreement for Ingress, Egress, Drainage and Utilities executed by A&S Land Development Company, a Florida corporation, and G&C Developers, Inc., a Florida corporation, recorded on December 17, 2003, in Official Records Book 2107, page 750, as amended by First Amendment to Reciprocal Easement Agreement for Ingress, Egress, Drainage and Utilities recorded in Official Records Book 2173, page 157, and Second Amendment to Reciprocal Easement Agreement for Ingress, Egress, Drainage and Utilities as recorded in Official Records Book 2419, page 693 and Assignment of Reciprocal Easement Rights in Official Records Book 2433, page 1451and Third Amendment to Reciprocal Easement, etc. filed April 24, 2007 in Official Records Book 2905, page 1120, all of the public records of St. Johns County, Florida, as partially assigned by Official Records Book 2905, page 1171.
- 3. Grant of Easement (Drainage) filed April 26, 2005 in Official Records Book 2423, page 213 of the public records of St. Johns County, Florida. As to Parcel 1.
- 4. Ordinance 2002-65 as filed in PUD Official Record Book P, page 694as modified by Ordinance 2005-34 as filed April 8, 2005 in Official Records Book 2412, page 68 and Assignment of Development Rights filed May 10, 2005 in Official Records Book 2433, page 1458 of the public records of St. Johns County, Florida.
- 5. Development and Impact Fee Agreement dated March 23, 2005 and recorded in Official Records Book 2406, page 250, of the public records of St. Johns County, Florida.
- 6. Assignment of contract rights and other matters contained therein as filed May 12, 2005 in Official Records Book 2435, page 1685 of the public records of St. Johns County, Florida.
- 7. Declaration of Easements, Covenants and Restrictions filed November 21, 2006 in Official Records Book 2821, page 733 of the public records of St. Johns County, Florida.
- 8. Reciprocal Easement Agreement filed December 17, 2003 in Official Records Book 2107, page 742 as amended in Official Records Book 2173, page 166 and in Official Records Book 2419, page 682 of the public records of St. Johns County, Florida.
- 9. License Agreement with Florida Power & Light Company filed March 22, 2007 in Official Records Book 2887, page 1120 of the public records of St. Johns County, Florida.