

6

Public Records of  
St. Johns County, FL  
Clerk # 2009044113,  
O.R. 3234 PG 470-475  
08/28/2009 at 11:06 AM,  
REC. \$25.00 SUR. \$27.50

RESOLUTION NO. 2009- 206  
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA  
VACATING A PORTION OF THE PLAT OF ST. AUGUSTINE PARK UNIT 2

WHEREAS, a petition has been filed by the qualified fee simple land owner to vacate a portion of a certain subdivision plat hereinafter described in accordance with Section 177.101 Florida Statutes; and

WHEREAS, Notice of the intent to request the vacation has been duly published and Proof of Publication has been filed with this Board; and

WHEREAS, All current county taxes have been paid and vacation of the plat will not deny convenient public access; and

WHEREAS, it appears that there are no objections and the facts contained in the petition are true.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES,  
BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AS FOLLOWS:

1. That the allegations of fact recited in paragraph 3 and 4 of the petition are hereby adopted as findings of fact in this resolution.

*Jack P. Halferman*  
M.R.

2. That the following described portion of the plat of St. Augustine Park Unit 2 as recorded in Map Book 10, Pages 61-63, of the Public Records of St. Johns County, Florida, (Exhibit A) is hereby vacated and abandoned and this Board hereby renounces and disclaims any right of the County and the public in and to the above described property, such property being returned into acreage.
3. That a certified copy of this resolution shall be filed in the Offices of the Clerk of the Circuit Court and duly recorded in the public records of St. Johns County, Florida.
4. That the applicant shall pay all recording costs.

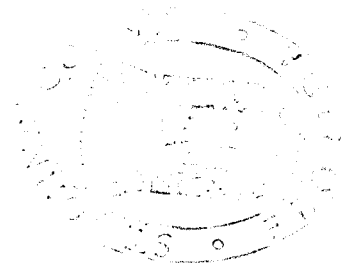
PASSED AND ADOPTED THIS 21<sup>st</sup> DAY OF July, 2009.

BOARD OF COUNTY  
COMMISSIONERS  
OF ST. JOHNS COUNTY,

By: Cyndi Stevenson  
Chairman

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman  
Deputy Clerk



RENDITION DATE 7/23/09

EXHIBIT "A"

Lots 1, 2, 3, 4 and 5, of Block 39, Lots 12, 13, 14, 15, 16, 17, 18, 19, and 20, of Block 40 and Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, of Block 41, St. Augustine Park, Unit Two as recorded in Map Book 10, Pages 61 through 63, public records of St. Johns County, Florida, and the portions of the streets and roads lying therein more particularly described as follows:

A part of Magnolia Drive East, as depicted on the plat of St. Augustine Park – Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, situate in Section 50, Township 6 South, Range 29 East, St. Johns County, Florida and being more particularly bounded and described as follows:

COMMENCE at the Southeast Corner of Section 83, Township 6 South, Range 29 East of said County; thence South  $88^{\circ}18'16''$  West, along the South Line of said Section 83, a distance of 553.77 feet to a point on the easterly Right of Way Line of said Magnolia Drive East and the POINT OF BEGINNING for the herein described Parcel; thence South  $38^{\circ}00'00''$  East along said easterly Right of Way Line, a distance of 229.75 feet to the point of curvature of a non tangent curve to the right, of which the radius point lies South  $02^{\circ}07'30''$  East, a radial distance of 50.00 feet and having a chord bearing and chord distance of South  $50^{\circ}59'55''$  West, 60.01 feet; thence southwesterly along the arc, through a central angle of  $286^{\circ}14'49''$ , a distance of 249.80 feet to a point of tangency; thence North  $38^{\circ}00'00''$  West, along the westerly Right of Way Line of said Magnolia Drive East, a distance of 271.52 feet; thence North  $51^{\circ}59'58''$  East, a distance of 60.00 feet; thence South  $38^{\circ}00'00''$  East, a distance of 40.72 feet to the POINT OF BEGINNING.

The aforescribed Parcel contains 23,742.74 square feet or 0.55 acres, more or less

and

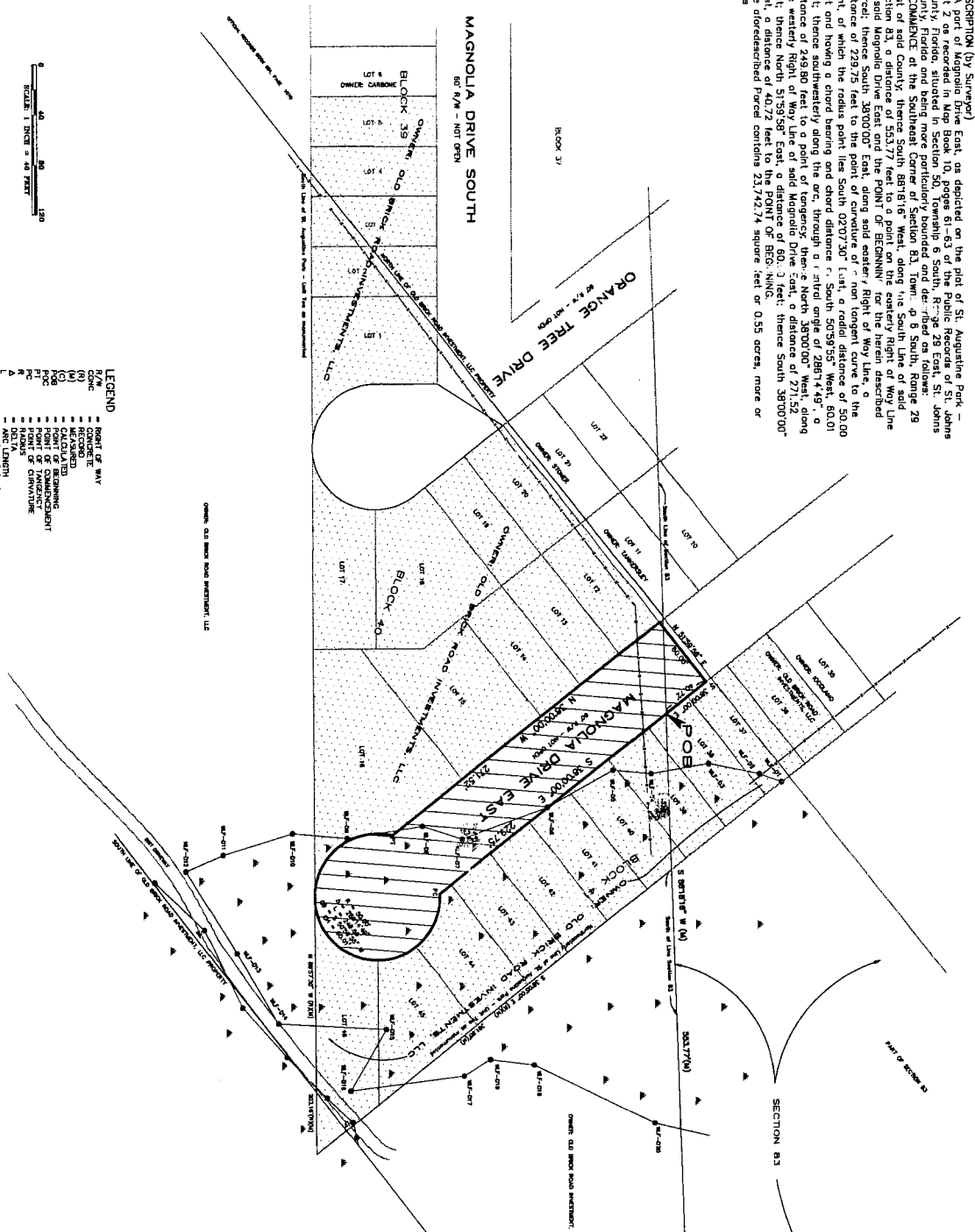
A part of Orange Tree Drive, as depicted on the plat of St. Augustine Park – Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, situated in Section 50, Township 6 South, Range 29 East, St. Johns County, Florida and being more particularly bounded and described as follows:

COMMENCE at the Southeast Corner of Section 83, Township 6 South, Range 29 East of said County; thence South  $88^{\circ}18'16''$  West, along the South Line of said Section 83, a distance of 801.52 feet to a point on the easterly Right of Way Line of said Orange Tree Drive; thence South  $38^{\circ}00'00''$  East, along said easterly Right of Way Line, a distance of 150.30 feet to the POINT OF BEGINNING for the herein described Parcel; thence continue southeasterly along said easterly Right of Way Line, a distance of 91.42 feet to a point of curvature to the right having a radius of 50.00 feet, a central angle of  $218^{\circ}02'19''$ , and a chord bearing and chord distance of South  $71^{\circ}01'09''$  West, 94.54 feet; thence westerly along the arc and along said Right of Way Line, a distance of 190.27 feet; thence North  $00^{\circ}02'30''$  East, along the westerly Right of Way Line of said Orange Tree Drive, a distance of 50.05 feet to the Northeast Corner of Lot 1, Block 39 of Said St. Augustine Park – Unit 2; thence North  $32^{\circ}06'11''$  East, a distance of 62.25 feet to the POINT OF BEGINNING.

The aforesaid Parcel contains 10,439.35 square feet or 0.24 acres, more or less

# SKETCH OF LEGAL

**DESCRIPTION (by Surveyor)**  
 A part of Magnolia Drive East, as depicted on the plot of St. Augustine Park - Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, situated in Section 30, Township 6 South, Range 29 East, St. Johns County, Florida, and in Section 33, Township 6 South, Range 29 East, St. Johns County, Florida, at the Southeast Corner of Section 83, Town - 2 South, Range 29 East of said County, thence South 88°18'16" West, along the South Line of said Section 83, a distance of 553.77 feet to a point on the easterly Right of Way Line of said Magnolia Drive East and the POINT OF BEGINNING for the herein described Parcel; thence South 38°00'00" East, along said easterly Right of Way Line, a distance of 249.80 feet to a point of tangency, then a radial distance of 50.00 feet and hugging a chord bearing and chord distance of South 50°59'55" West, 60.01 feet; thence southwesterly along the arc, through a central angle of 286°14'49", a distance of 249.80 feet to a point of tangency, then a North 38°00'00" West, a distance of 249.80 feet to a point on the westerly Right of Way Line of said Magnolia Drive East, a distance of 271.52 feet; thence North 51°59'58" East, a distance of 600.31 feet; thence South 38°00'00" East, a distance of 402.72 feet to the 742.74 square feet of 0.55 acres, more or less, of undivided Parcel containing 25,742.74 square feet of 0.55 acres, more or less.



- LEGEND**
- R/W RIGHT OF WAY
  - CONC CONCRETE
  - ASPH ASPHALT
  - MEAS MEASURED
  - ADJ ADJACENT
  - COLD CALCULATED
  - PCD POINT OF COMMENCEMENT
  - POB POINT OF BEGINNING
  - PT POINT
  - R RADIAL
  - L LINE
  - CH CHORD
  - CI CURVED INTERSECTION
  - WFL WETLAND FLAC IDENTIFICATION

**NOTES**  
 THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X". THE AREA DETERMINED TO BE WITHIN THE SPECIAL FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP NUMBER 13100C-0001, COMMUNITY FLOOD INSURANCE PLAN NUMBER 12517Y FOR ST. JOHN'S COUNTY, FLORIDA AS REVISED 09/20/00.  
 THE BASIS OF BEARING AS SHOWN HEREON IS THE SOUTH LINE OF SECTION 83 WHOSE POSITION IS SHOWN ON THE SOUTH LINE OF SECTION 83 WHOSE POSITION MAY BE DETERMINED BY THIS SKETCH OF LEGAL.  
 ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1928 (MADRID - 1928).  
 ENCLOSURES AS SHOWN HEREON ARE ONLY THOSE ADJACENT OWNERS, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.  
 THIS SKETCH OF LEGAL DOES NOT REFLECT ON DETRACTIVE OWNERSHIP, NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SKETCH OF LEGAL.  
 THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ASSURANCE FOR DEED, DEED OR CONTRACT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THE DATE OF SURVEY AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THE DATE OF SURVEY AND IS IN ACCORDANCE WITH THE FLORIDA ADMINISTRATIVE CODE AND §101-6 OF THE FLORIDA ADMINISTRATIVE CODE.

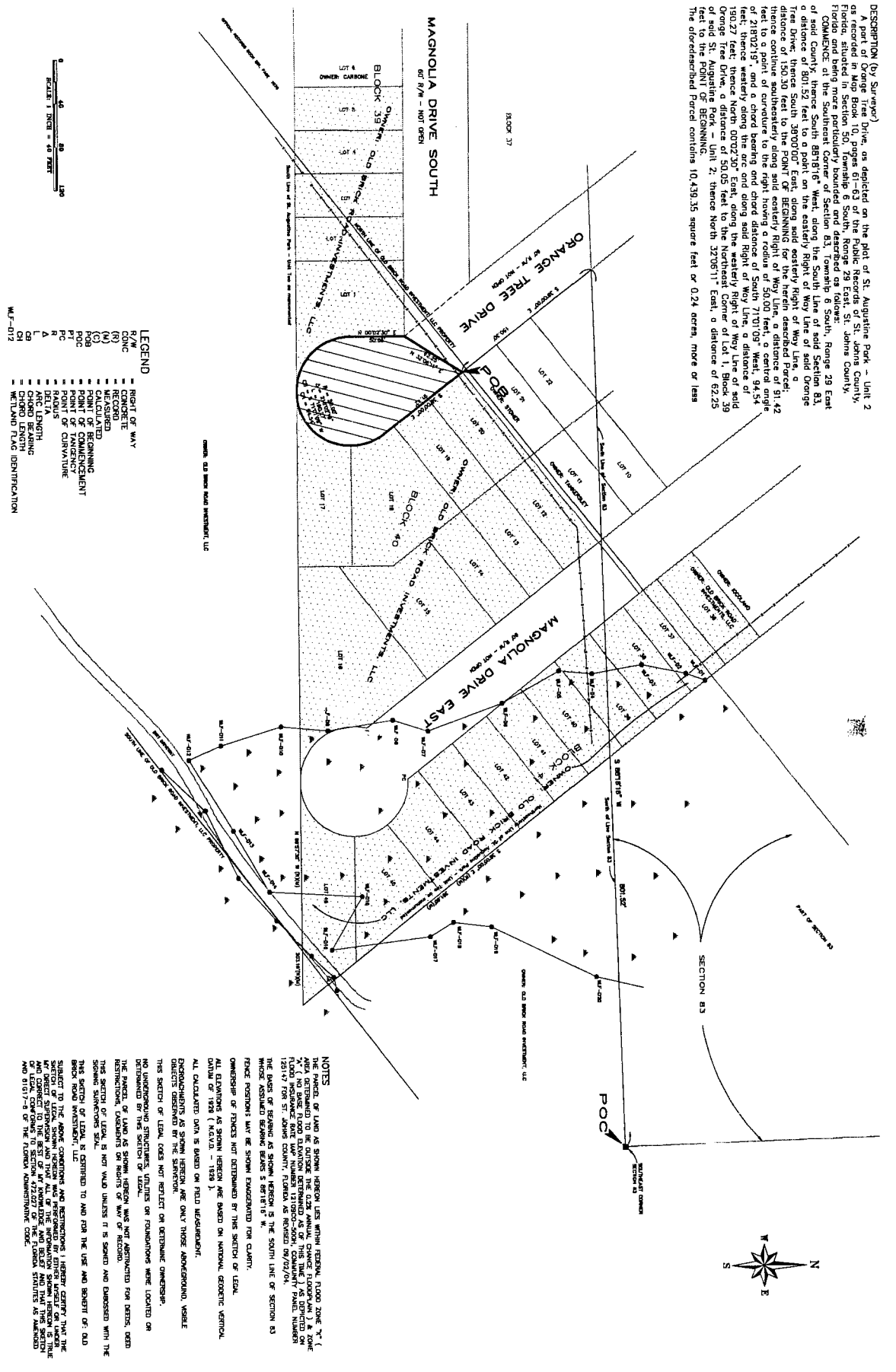
**ANCIENT CITY SURVEYING**  
 11414  
**ACS** SURVEYORS • ENGINEERS  
 LAND PLANNERS  
 4488 U.S. HIGHWAY No. 1, BOUTTE, MISSISSIPPI 39015  
 877-822-4444  
 601-388-1444  
 PHONE: 601-388-1444 FAX: 601-388-1444

**SKETCH OF LEGAL**  
 MAGNOLIA DRIVE EAST  
 ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY: SKETCH OF LEGAL  
 DATE OF SURVEY: 11/08/2003  
 FIELD BOOK/PACKET: N/A  
 DRAWING SCALE: 1" = 40'  
 JOB NUMBER: 7-246

# SKETCH OF LEGAL

DESCRIPTION (by Survey) Drive, as depicted on the plot of St. Augustine Park - Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, and being more particularly bounded and described as follows: St. Johns County, Florida, and being more particularly bounded and described as follows: Section 29 East of Range 6 South, Township 6 South, Range 29 East, St. Johns County, Florida. COMMENCE: of the Southeast 8879'6" West, along the South Line of said Section 83, a distance of 801.52 feet to a point on the easterly Right of Way Line of said Orange Tree Drive; thence South 39°00'00" East, along said easterly Right of Way Line, a distance of 150.30 feet to the POINT OF BEGINNING for the herein described Parcel; thence continue southeasterly along said easterly Right of Way Line, a distance of 51.42 feet to a point of curvature to the right and a distance of South 71°01'09" West, 94.54 feet; thence westerly along the arc and along said Right of Way Line, a distance of 190.27 feet; thence North 00°02'36" East, along the westerly Right of Way Line of said Orange Tree Drive, a distance of 50.05 feet to the Northwest Corner of Lot 1, Block 39 of said St. Augustine Park - Unit 2; thence North 32°05'11" East, a distance of 62.29 feet to the POINT OF BEGINNING. The aforescribed Parcel contains 10,439.35 square feet or 0.24 acres, more or less.



- LEGEND**
- R/W RIGHT OF WAY
  - CONC CONCRETE
  - (R) RECORDED
  - (A) ADJUSTED
  - (C) CALCULATED
  - POB POINT OF BEGINNING
  - POC POINT OF CURVATURE
  - PC POINT OF CURVATURE
  - RADIUS
  - L ARC LENGTH
  - CS CHORD BEARING
  - CS CHORD LENGTH
  - CS WETLAND FLAG IDENTIFICATION

**NOTES**

THE POINT OF BEGINNING OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODING ZONE 1 & ZONE 2). NO SUBSTANTIAL EVIDENCE OF FLOODING HAS BEEN OBSERVED IN THE PAST AND THEREFORE THIS POINT OF BEGINNING IS NOT SHOWN AS A FLOODING HAZARD. (REVISION NUMBER 125147 FOR ST. JOHNS COUNTY, FLORIDA AS REVISED 09/02/04).

THE BASIS OF BEARING AS SHOWN HEREON IS THE SOUTH LINE OF SECTION 83 WHOSE ASSUMED BEARING BEARS 3 BERTHE'S "W".

OWNERSHIP OF PAVES NOT DETERMINED BY THIS SKETCH OF LEGAL.

ALL DIMENSIONS AS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1928 (MAGDA - 1928).

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

DIMENSIONS AS SHOWN HEREON ARE ONLY THOSE APPROXIMATING, VISIBLE DIMENSIONS OBSERVED BY THE SURVEYOR.

THIS SKETCH OF LEGAL DOES NOT REFLECT ON FOUNDATIONS WERE LOCATED ON NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED ON OR DETERMINED BY THE SURVEYOR.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ASSUMED TO BE DEEDS, WRITS, RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SKETCH OF LEGAL IS NOT VALID UNLESS IT IS SIGNED AND COUNTERSIGNED WITH THE SURVEYOR'S NAME AND SIGNATURE AND FOR THE USE AND BENEFIT OF: OLD BRICK ROAD INVESTMENT, L.L.C.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS, I HEREBY CERTIFY THAT THE SKETCH OF LEGAL SHOWN HEREON WAS PREPARED AND CORRECTED FROM SURVEY DATA AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND BELIEVE THAT THE SKETCH OF LEGAL IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY DATA AND INFORMATION ON WHICH IT IS BASED.

<p><b>ACS</b> SURVEYORS &amp; ENGINEERS 2445 S.E. ROSEMARY WAY, SUITE 401 ST. AUGUSTINE, FLORIDA 32086</p>	<p><b>SKETCH OF LEGAL</b></p> <p>ORANGE TREE DRIVE ST. AUGUSTINE, FLORIDA</p>	<table border="1"> <tr> <td>TYPE OF SURVEY:</td> <td>SKETCH OF LEGAL</td> </tr> <tr> <td>DATE OF SURVEY:</td> <td>07/26/2008</td> </tr> <tr> <td>FIELD BOOK NUMBER:</td> <td>11-07</td> </tr> <tr> <td>DRAWING SCALE:</td> <td>1" = 40'</td> </tr> <tr> <td>BY NUMBER:</td> <td>7-10</td> </tr> </table>	TYPE OF SURVEY:	SKETCH OF LEGAL	DATE OF SURVEY:	07/26/2008	FIELD BOOK NUMBER:	11-07	DRAWING SCALE:	1" = 40'	BY NUMBER:	7-10
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DATE OF SURVEY:	07/26/2008											
FIELD BOOK NUMBER:	11-07											
DRAWING SCALE:	1" = 40'											
BY NUMBER:	7-10											

# The St. Augustine Record

COPY OF AD

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF PLAT VACATION**

In/the matter of **ST AUGUSTINE PARK, UNIT TWO**

**L1055-9** was published in said newspaper **APRIL 2 & 9, 2009**

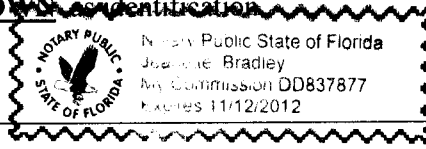
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this *9th* day of **APRIL 2009**

by *Ulinda E Verstraate* who is personally known to me  
or who has produced **PERSONALLY KNOWN** identification

*Janette Bradley*

(Signature of Notary Public)  
**JEANETTE BRADLEY**



(Seal)

## NOTICE OF PLAT VACATION

NOTICE IS HEREBY GIVEN THAT Old Brick Road Investment, LLC, a Florida limited liability company, Post Office Box 1568, St. Augustine, Florida 32085-1568, intends to petition the Board of County Commissioners for St. Johns County, Florida to vacate a portion of the Plat known as St. Augustine Park, Unit Two, as recorded in Map Book 10, Page 61 through 63, inclusive of the public records of St. Johns County, Florida, more particularly described as follows:

**EXHIBIT "A"**  
Lots 1, 2, 3, 4 and 5, of Block 39; Lots 13, 14, 15, 16, 17, 18, 19, and 20, of Block 40 and Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 of Block 41, St. Augustine Park, Unit Two as recorded in Map Book 10, Pages 61 through 63, public records of St. Johns County, Florida, the portions of the lots and roads lying therein more particularly described as follows:

A part of Magnolia Drive East, as depicted on the plat of St. Augustine Park - Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, situate in Section 50, Township 6 South, Range 29 East, St. Johns County, Florida and being more particularly bounded and described as follows:

**COMMENCE** at the Southeast Corner of Section 83, Township 6 South, Range 29 East of said County; thence South 88 degrees 18' 16" West, along the South Line of said Section 83, a distance of 533.77 feet to a point on the easterly Right of Way Line of said Magnolia Drive East and the POINT OF BEGINNING for the herein described Parcel; thence South 38 degrees 00' 00" East along said easterly Right of Way Line, a distance of 229.75 feet to the point of curvature of a non tangent curve to the right, of which the radius point lies South 02 degrees 07' 30" East, a radial distance of 50.00 feet and having a chord bearing and chord distance of South 50 degrees 59' 55" West, 60.01 feet; thence southwesterly along the arc, through a central angle of 286 degrees 14' 49", a distance of 249.80 feet to a point of tangency; thence N. 38 degrees 00' 00" West, along the westerly Right of Way Line of said Magnolia Drive East, a distance of 271.52 feet; thence North 51 degrees 59' 58" East, a distance of 60.00 feet; thence South 38 degrees 00' 00" East, a distance of 40.72 feet to the POINT OF BEGINNING.

The aforesaid Parcel contains 23,742.74 square feet or 0.55 acres, more or less.

and

A part of Orange Tree Drive, as depicted on the plat of St. Augustine Park - Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, situated in Section 50, Township 6 South, County, Florida, and being more particularly bounded and described as follows:  
**COMMENCE** at the Southeast Corner of Section 83, Township 6 South, Range 29 East of said County; thence South 88 degrees 18' 16" West, along the South Line of said Section 83, a distance of 801.52 feet to a point on the easterly Right of Way Line of said Orange Tree Drive; thence South 38 degrees 00' 00" East, along said easterly Right of Way Line, a distance of 150.30 feet to the POINT OF BEGINNING for the herein described Parcel; thence continue southeasterly along said easterly Right of Way Line, a distance of 97.42 feet to a point of curvature to the right, having a radius of 30.80 feet, a central angle of 218 degrees 02' 19", and a chord bearing and chord distance of South 71 degrees 11' 00" West, 94.33 feet; thence westerly along the arc and along said Right of Way Line, a distance of 190.27 feet; thence North 00 degrees 02' 30" East, along the westerly Right of Way Line of said Orange Tree Drive, a distance of 50.05 feet to the Northeast Corner of Lot 1, Block 39 of said St. Augustine Park - Unit 2; thence North 32 degrees 06' 11" East, a distance of 62.25 feet to the POINT OF BEGINNING.  
The aforesaid Parcel contains 10,439.35 square feet or 0.24 acres, more or less.  
L1055-9 Apr. 2, 9, 2009

**PETITION TO VACATE A PORTION OF THE PLAT OF  
ST. AUGUSTINE PARK, UNIT TWO**

THE HONORABLE BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

Petitioner Old Brick Road Investment, LLC, respectfully petitions this Honorable Board as follows:

1. To vacate the following described portion of the Plat of St. Augustine Park, Unit Two recorded in Map Book 10, Pages 61-63, of the public records of St. Johns County, Florida, and all streets lying therein which have not become highways necessary for the use by the traveling public. The portion of said St. Augustine Park, Unit Two sought to be vacated is described in Exhibit "A".
2. To adopt a resolution vacating and abandoning the aforesaid portion of the Plat of St. Augustine Park, Unit Two, and the streets lying therein none of which have become highways necessary for use by the traveling public.
3. In support thereof, Petitioner shows that it is the fee simple owner of all lands lying within the portion of the Plat of St. Augustine Park, Unit Two, sought to be vacated and that all state and county taxes due on the aforesaid property have been paid in full as evidenced by Certificate from the Tax Collector for St. Johns County attached hereto as Exhibit "C".

4. Petitioner further shows that none of the streets platted within the subject property have become highways necessary for use by the general public, nor have any of said streets been opened or used by members of the public.

5. Petitioner further shows that a notice to the public of Petitioner's intent to apply for vacation of a portion of the Plat of St. Augustine Park, Unit Two, pursuant to Florida Statute 177.101(4) was published in two weekly issues of a newspaper of general circulation as evidenced by the Proof of Publication from The St. Augustine Record attached hereto as Exhibit "B".

6. The vacation by the County of the portion of the Plat of St. Augustine Park, Unit Two, sought to be vacated will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

OLD BRICK ROAD INVESTMENT, LLC,  
a Florida limited liability company

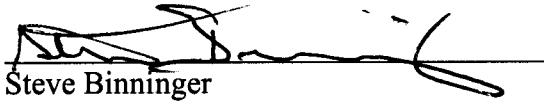
By: 

Steve Binninger  
Its Managing Member



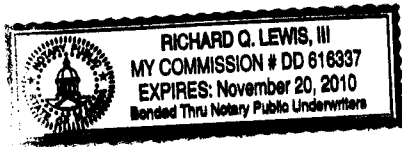
STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Steve Binninger, being by me, the undersigned officer, first duly sworn, says on oath that he is the Managing Member of Old Brick Road Investment, LLC, a Florida limited liability company, the Petitioner named in the foregoing Petition to vacate a portion of the plat of St. Augustine Park, Unit Two, that he has read and knows the contents thereof and the statements therein are true and correct.

  
Steve Binninger

SWORN TO AND SUBSCRIBED before me this 29<sup>th</sup> day of October,  
2008, who is known to me or has provided \_\_\_\_\_ as  
identification, and who did take an oath.

  
Notary Public, State of Florida at Large



## EXHIBIT "A"

Lots 1, 2, 3, 4 and 5, of Block 39, Lots 12, 13, 14, 15, 16, 17, 18, 19, and 20, of Block 40 and Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, of Block 41, St. Augustine Park, Unit Two as recorded in Map Book 10, Pages 61 through 63, public records of St. Johns County, Florida, and the portions of the streets and roads lying therein more particularly described as follows:

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and

A part of Orange Tree Drive, as depicted on the plat of St. Augustine Park – Unit 2 as recorded in Map Book 10, pages 61-63 of the Public Records of St. Johns County, Florida, situated in Section 50, Township 6 South, Range 29 East, St. Johns County, Florida and being more particularly bounded and described as follows:

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The aforesaid Parcel contains 10,439.35 square feet or 0.24 acres, more or less

# UPCHURCH, BAILEY AND UPCHURCH, P.A.

JOHN D. BAILEY, JR.  
FRANK D. UPCHURCH III  
DONALD W. WALLIS  
KATHERINE GAERTNER JONES  
MICHAEL A. SIRAGUSA  
STEPHEN A. FAUSTINI  
RICHARD Q. LEWIS III  
G. DOUGLAS MOORE JR.  
STEVEN L. ZAKROCKI

ATTORNEYS AT LAW  
Established 1925  
780 North Ponce de Leon Boulevard  
St. Augustine, Florida 32084  
Telephone (904) 829-9066  
Facsimile (904) 825-4862  
Please reply to:  
Post Office Drawer 3007  
St. Augustine, Florida 32085-3007

OF COUNSEL:  
FRANK D. UPCHURCH, JR.  
TRACY WILSON UPCHURCH  
FRANK D. UPCHURCH, SR.  
(1894-1986)  
HAMILTON D. UPCHURCH  
(1925-2008)

July 16, 2008

Board of County Commissioners  
Historical St. Johns County, Florida.  
500 San Sebastian View  
St. Augustine, Florida 32084

Re: Partial vacation of St. Augustine Park Unit II Plat  
Our File No. 3-07-463

Dear Commissioners:

Our office has searched the public records of St. Johns County, Florida, to determine the status of the title to the real property described on Exhibit "A", attached hereto (hereinafter the "Property"). The Property is a portion of the Plat of St. Augustine Park Unit II as recorded in Map Book 10, pages 61 through 63, of the public records of St. Johns County, Florida.

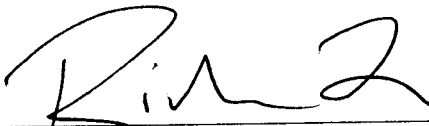
Based on our examination of the title search, it is our opinion that merchantable title to the Property is vested in Old Brick Road Investments, LLC, a Florida limited liability company, by virtue of Warranty Deeds recorded in Official Records Book 2709, page 659; Official Records Book 2576, page 144; Official Records Book 3103, page 1750; Official Records Book 3062, page 836; and Official Records Book 2963, page 631, all of the public records of St. Johns County, Florida, subject only to the following:

1. Taxes accruing subsequent to December 31, 2008. All taxes due for the year 2008 and the previous years have been paid.
2. Federal liens, if any, filed with the Office of the Secretary of State.
3. A mortgage in favor of Prosperity Bank as recorded in Official Records Book 3071, page 1229, of the public records of St. Johns County, Florida.

4. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Property, including submerged, filled, and artificially exposed lands, and lands accreted to such lands.
5. Easements or claims not shown by the public records.
6. Any unpaid and unrecorded mechanics' and materialmens' liens for labor or materials beginning within ninety (90) days prior to July 16, 2009.
7. Rights of parties in possession other than the record owner.
8. Applicable zoning ordinances and other governmental regulations.
9. Any state of facts which an accurate survey might show.
10. Any lien or encumbrance placed on record after September 23, 2008.

Respectfully submitted,

UPCHURCH, BAILEY and UPCHURCH, P.A.

By:   
Richard Q. Lewis III

RQLIII/bh