RESOLUTION NO. 2010- 176

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A 3RD MODIFICATION OF THE LEASE FOR THE ARMORY BOARD OF THE STATE OF FLORIDA.

RECITALS

WHEREAS, on July 14, 1981, the Board of County Commissioners adopted Resolution No. 81-74, approving the terms of a Modified Lease Agreement between St. Johns County and the Armory Board of the State of Florida; and

WHEREAS, as the need for clarification and correction of the legal description a 3rd Modification of Lease is necessary to reflect the change in the area that encompasses the leased area by the Armory Board of the State of Florida, this 3rd Modification of Lease is attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, this 3rd Modification of Lease will become effective immediately upon execution of said document. All other provisions of the Lease shall remain in full force.

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 Board of County Commissioners hereby approves the terms of the 3rd Modification of Lease and authorizes the County Administrator, or designee, to execute the original 3rd Modification of Lease on behalf of the County. All other provisions of the Lease shall remain in full force.
- Section 3. To the extent that there are typographical errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.
- Section 4. The Clerk is instructed to record the 3rd Modification of the Lease in the Clerks Office of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this ______ day of Lepten (Les), 2010.

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

Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk

Debuty Clerk

PENDITION DATE <u>09</u> 08 10



3rd MODIFICATION OF LEASE AGREEMENT

THIS 3rd MODIFICATION OF LEASE AGREEMENT ("3rd Modification") by and between ST. JOHNS COUNTY, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 ("Lessor") and ARMORY BOARD OF THE STATE OF FLORIDA, whose address is 82 Marine Street, St. Augustine, Florida ("Lessee").

Recitals

WHEREAS, the parties hereto entered that certain Lease Agreement dated February 13, 1979 ("Original Lease"), approved by Lessor via Resolution No. 79-12 dated February 13, 1979; and

WHEREAS, the parties modified the Original Lease on May 8, 1979, and again on July 14, 1981 ("Modifications"); and

WHEREAS, the Original Lease and the two Modifications are attached hereto as Composite Exhibit "A", incorporated and made a part hereof; and

WHEREAS, the parties agree to amend the legal description of the real property that is the subject of the Original Lease and Modifications to include approximately 0.877 acres, as more fully described in the sketch and legal description attached hereto as Composite Exhibit "B", incorporated and made a part hereof; and

WHEREAS, all other terms and conditions of the Original Lease and Modifications shall remain in full force and effect; and

WHEREAS, it is in the best interest of the parties to accept this 3rd Modification of Original Lease to clearly define the boundary of the leased area.

NOW THEREFORE, the parties hereby agree as follows:

Section 1. The above recitals are incorporated by reference into the body of this 3rd Modification of Lease Agreement.

Section 2. The Original Lease and Modifications are herby modified by deleting the legal descriptions set forth in those documents and by substituting, therefore, the legal description set forth in Composite Exhibit "B" hereto.

IN WITNESS WHEREOF, the parties he Lease effective immediately.	ereto have duly executed this 3 rd Modification of
	Lessor St. Johns County, a Political Subdivision in the State of Florida
Print Witness Name	By: Michael D. Wanchick County Administrator
Print Witness Name	
STATE OF FLORIDA COUNTY OF ST. JOHNS	
The foregoing instrument was acknowle 2010 by as _ Florida. He is personally known.	dged before me thisday of of St. Johns County,
My Commission Expires:	Notary Public, State of Florida

Lessee: ARMORY BOARD OF THE STATE OF FLORIDA

Print:As to State Armory Board	By
Print: As to State Armory Board	
	Attest: Recorder of Armory Board
STATE OF FLORIDA COUNTY OF ST. JOHNS	
	wledged before me thisday of itshaw, Jr., who is personally known to me or has cation.
My Commission Expires:	Notary Public, State of Florida

RESOLUTION NO. 79-32

WHEREAS, Florida Statute 125.38 authorises the County to lease real property to an agency of the State of Florida, and

WHEREAS, the Armory Board of the State of Florida, an agency of the state, has applied to the Board of County Commissioners to lease certain county real property for use as a military facility, and

WHEREAS, the Board of County Commissioners is satisfied that such real property is required for such use and is not needed for county purposes, and

WHEREAS, St. Johns County and the Armory Board of The State of Florida entered into a lease of such property dated February 13, 1979 and

WHEREAS, said lease contained an error in the legal description of the property intended to be leased,

NOW, THEREFORE, BE IT RESOLVED this 24th day of

April , 1979 that the lease dated Pebruary

13, 1979 between St. Johns County and the Armory Board of

The State of Florida be modified by substituting the attached

legal description for the legal description currently in said

lease.

OF ST. JOHNS COUNTY, FLORIDA

W. Hill of

ATTEST: OLIVER LAWTON, CLERK

Deputy Clark

DESCRIPTION

A parcel of land at the Southeast corner of Block 49 (Powder House Lot), St. Augustine, Township 7 South, Range 30 East, Tallahassee Meridian, Florida; said parcel of land being more fully described as follows:

Commencing at a monument on the North line of said Block 49 at the West Line of Marine Street; Thence North 82⁰02' East along the North Line of said Block 49, a distance of 431.38 feet; Thence South 44015' West along the Easterly line of said Block 49, a distance of 64.02 feet; Thence South 17030' East, along the Easterly line of said Block 49, a distance of 662.72 feet to the point of beginning; Thence continuing along said Easterly line South 17030' East, 23.68 feet; Thence along said Easterly line of Block 49, South 6000' East, 501.60 feet; Thence along the Southerly line of said Block 49, South 88015' West, 184.80 feet; Thence North 2030' West along the Southerly line of said Block 49 a distance of 224.40 feet; Thence North 6000'00" West, 240.07 feet; Thence North 68010' East, 172.41 feet to the point of beginning of the herein described parcel; containing 1.97 acres. The bearings herein are referred to the bearings of said Block 49 (Powder House Lot) as shown in the Map of Survey, dated October 1956, by Mr. Emmett W. Pacetti, Florida Registered Surveyor #893.

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MODIFICATION OF LEASE

THIS AGREEMENT, made and entered into in quadruplicate this 14th day of July , A.D., 1981, between the COUNTY OF ST. JOHNS, a political subdivision of the State of Florida, (hereinafter designated as Lessor), party of the first part, and the ARMORY BOARD OF THE STATE OF FLORIDA, for and on behalf of the State of Florida, (hereinafter designated as Lessee), party of the second part,

NHEREAS, a portion of land was mistakenly deleted from the legal descreiption of the lease entered into on February 13, 1979, as modified May 8, 1978, between the parties, and

WHEREAS, each party desires to correct the mistake,

NOW, THEREFORE, the parties hereby agree and stipulate that the lease between the parties dated February 13, 1979, and modified Nay 8, 1979, is hereby modified by adding the following legal description to the leased property:

A PARCEL OF IAND ADJOINING THE ARMORY BOARD OF THE STATE OF PIORIDA LEASE IN BLOCK 49 (POWDER HOUSE LOT), CITY OF ST. AUGUSTINE, FLORIDA, TOWNSHIP 7 SOUTH, RANGE 30 EAST, TALIAMASSES HERIDIAM, PLORIDA, SATO PARCEL OF LAND BEING HORS FULLY DESCRIBED AS FOLLOWS:

COHMENCE AT THE SOUTH WEST CORNER OF THE ARHORY BOARD OF THE STATE OF FLORIDA LEASE, AS DESCRIBED IN O. R. BOOK 412, PAGE 316, PUBLIC RECORDS OF ST. JOHNS GOUNTY, FLORIDA, THENGE NORTH 2 DEGREES 30 MINUTES WEST, ALONG THE HESTERLYLINE OF BAID LEASE, A DISTANCE OF 180 PEET, HORE OR LESS, TO THE POINT WHER SAID WESTERLY LEASE LINE PASSES ALONG THE TOP OF THE EMBANIMENT LINE OF THE OLD FILL AREA AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 2 DEGREES 30 HINUTES WEST, A DISTANCE OF 44.40 PEET, THENCE HORIN 6 DEGREES WEST, A DIST-ANGE OF 240.07 PERT, THENCH SOUTH 68 DEGREES 10 HINUTES VEST, A DIST ANCE OF 15.58 FEST; THENCE NORTH 50 DEGREES 50 HINUTES WEST, A DISTANCE 165 FRET, HORE OR LESS, TO THE SOUTHERLY EDGE OF A PAVED ROLDWAY GIROLS THENGS WESTERLY ALONG THE ARC OF BALD CIRCLE (40FOOT RADIUS), THROUGH A CENTRAL ANGLE OF 102 DEGREES AND 43 HINTES, A DISTANCE OF 71.7 PEET, THERES SOUTH 40 DEGREES 10 HIMITES WEST A DISTANCE OF 35 VEET, HORE OR LESS, TO THE TOP OF THE EHBANGERT LINE; THENOR IN A SOUTHEASTERLY DIRECTION, HEADDERING THE TOP OF THE EMBANKMENT LINE, A DISTANCE OF 425 FEST, HORD OR LESS, TO THE POINT OF BEGINNING. CONTAINING .78 ACRES. MORD OR INS.

All terms of the original lease as modified shall remain the same.

IN WITNESS NHEREOF, the County of St. Johns, by and through its duly constituted officers, has hereunto subscribed its name; and the State Armory Board, for and on behalf of the State of Florida, by the Adjutant General of the State of Florida, and the Recorder of said Board, have hereunto subscribed their names and affixed their official seals on the day and year first aforesaid.

Signed, sealed and delivered

Mina will the Man.

CARL "BUD" MARKEL, CLERK

ATTEST: Pail "Bul" Mark

ARMORY BOARD OF THE STATE OF PLOBIDA

(Adjutant General of Florida, for and in behalf of said Armory Board.)

Attest: William J. Corcubs.
Recorder of Armory Board

PACCE OF RECORDS OF ST. JOHNS COUNTY, FLA.

1981 JUL 24 PH 3: 56

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WHEREAS, Florida Statute 125.38 authorises the County to lease real property to an agency of the State of Florida, and

of the state has applied to the Board of County Commissioners I adduction to beace cortain county real property for use as a military facility, and

WHEREAS, the Board of County Commissioners is satisfied that such real property is required for such use and is not needed for county purposes,

NOW, THEREFORE, BE IT RESOLVED this the day of selling fully and the selling fully and the selling fully fully for the Armory Board of the State of Florida for the used, term of years, and price set forth fully in the attached lease and that the terms and senditions of the selling fully in the attached lease and that the terms and senditions of the selling fully this resolution.

The procedution for the property incorporated by reference into the selling fully this resolution.

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

BYI

ATTEST: OLIVER LAWTON, CLERK

BY Marie Hudson

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MODIFICATION OF LEASE

THIS AGREEMENT, made and entered into in quadruplicate this 14th day of July, A.D., 1981, between the COUNTY OF ST. JOHNS, a political subdivision of the State of Florida, (hereinafter designated as Lessor), party of the first part, and the ARMORY BOARD OF THE STATE OF FLORIDA, for and on behalf of the State of Florida, (hereinafter designated as Lessoe), party of the second part,

WHEREAS, a portion of land was mistakenly deleted from the legal descreiption of the lease entered into on February 13, 1979, as modified May 8, 1970, between the parties, and

WHEREAS, each party desires to correct the mistake,

NOW, THEREFORE, the parties hereby agree and stipulate that the lease between the parties dated February 13, 1979, and modified May 6, 1978, is hereby modified by adding the following legal description to the leased property:

A PARCEL OF LAND ADJOINING THE ARMORY BOARD OF THE STATE OF FIORIDA.

LEASE IN BLOCK 49 (POWDER HOUSE LOT), CITY OF ET, AUGUSTINE, FLORIDA,

TOWNSHIP 7 BOUTH; RANGE 30 EAST, TALIAMASSEE MERIDIAN, FLORIDA; BAID

PARCEL OF LAND BEING MORE FULLY DESCRISED AS FOLLOWS:

we will see the second COMPROE AT THE SOUTH MEST CORNER OF THE ASKORY BOARD OF THE STATE OF MORIDA IMAGE, AS DESORTHED IN O. R. BOOK 412, PAGE 316, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH & DEORETS 30 MINUTES HEST, ALONG THE WISTERLYLINE OF SAID LEASE, A DISTANCE OF 180 FEET, NORE ORILESS, TO THE FOLKT WHEE SAID VESTERLY LEASE LINE PASSES ALONG THE MOP OF THE EMBANKAGHT LINE OF THE OLD FILL AREA AND THE POTTE OF REGINERAL THERON CONTENES OF RECESS 30 KINUTES WEST, A DISTANCE OF 44.40 FEST, THENCE HORRE 6 DECREES WEST, A DIST ANGE OF 240:07 FRET; THENCE SOUTH 68 DECREES 10 HINUTES WEST, A DIST ANDE OF 15.58 PERT, THEROE HORTE 50 DEGREES 50 HINDRES WEST, A DISTANCE 165 PRET, HORE OR LESS, TO THE SOUTHERLY EDGE OF A PAVED ROADHAY GURGLE! THEHOM HESTERLY ALONG THE ARC OF BATH CIRCLE (40FOOT RADIUS), THROUGH A CENTRAL ANGLE OF LOZ DEGREES AND 43 HIRUTES! A DISTANCE OF 71.7 PEST: THEMOS BOUTH 40 DECREES TO HINVIES WEST A DISTANCE OF 35 PART, HORS OR LESS, TO THE TOP OF THE EXCLMODENT LINE; THEHOE IN A SOUTHEASTERLY. DIRECTION, HEADDERING THE TOP OF THE EXBANKMENT LINE, A DISTANCE OF 425 FEET, HORE OR LESS, TO THE POINT OF BEGINNING. CONTAINING .78 ACRES, HORD OR LESS.

All terms of the original lease as modified shall remain the same.

IN WITNESS WHEREOF, the County of St. Johns, by and through its duly constituted officers, has hereunto subscribed its name; and the State Armory Board, for and on behalf of the State of Florida, by the Adjutant General of the State of Florida, and the Recorder of said Board, have hereunto subscribed their names and affixed their official seals on the day and year first aforesaid.

signed, sealed and delivered in the presence of:	COUNTY OF ST. JOHNS
	BY:
	Chairman
	CARL "BUD" MARKEL, CLERK
	ATTEST: Deputy Clerk
	ARNORY BOARD OF THE STATE OF FLORIDA
	BY:
As to State Armory Board	(Adjutant General of Florida, for and in behalf of said Armory Board.)
	Attest:
	Recorder of Armory Board

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<u> MODIFICATION OF LEASE</u>

WHEREAS, each party desires to correct the mistake,

that the lease between the parties dated February 13, 1979, and modified years. 1979 and modified by deleting the semisting legal description to the leased property from said lease and by substituting the following legal description of the leased property in its stead:

A PARGEL OF LAND ADJOINING THE ARMORY BOARD OF THE STATE OF FLORIDA LEASE IN BLOCK 49 (POWDER HOUSE LOT), CITY OF ST. AUGUSTINE, FLORIDA, TOWNSHIP 7 SOUTH, RANGE 30 EAST, TALLAMASSEE MERIDIAN, FLORIDA, SAID PARGEL OF LAND BEING HORE FULLY DESCRIBED AS FOLLOWS:

CONNENCE AT THE SOUTH WEST CORNER OF THE ARMORY BOARD OF THE STATE of Fidrica lease, as described in O. R. Book 412, page 316, public RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE HORTH 2 DEGREES 30 MINUTES WEST, ALONG THE WESTERLYLINE OF SAID LEASE, A DISTANCE OF 180 PEET, HORE OR LESS, TO THE POINT WHER SAID WESTERLY LEASE LINE PASSES ALONG THE TOP OF THE ENBANGENT LINE OF THE OLD FILL AREA AND THE POINT OF BEGINNING: THENCE CONTINUE HORTH 2 DEGREES 30 HIMPLES WEST, A DISTANCE OF 44.40 FEST; THENCE NORTH 6 DECREES WEST, A DIST-ANGE OF 240.07 FEET: THENCE SOUTH 68 DEGREES 10 MINUTES WEST, A DIST-ANCE OF 15.58 FEET, THEHOE WORTH 50 DECREES 50 HINUTES VEST, A DISTANCE 165 FRET, MORE OR LESS, TO THE SOUTHERLY EDGS OF A PAYED ROADWAY CIRCLE: THENCE WESTERLY ALONG THE ARC OF SAID DIRGLE (40FOOT RADIUS), THROUGH A CENTRAL ANGLE OF 102 DEGREES AND 43 HINUTES, A DISTANCE OF 71.7 FEST, THENCE SOUTH 40 DEGREES 10 HINTES WEST A DISTANCE OF 35 FEET, HORE OR LESS, TO THE TOP OF THE EMBANGMENT LINE; THEROE IN A SOUTHEASTERLY DIRECTION, MEANDERING THE TOP OF THE EMBANKMENT LINE, A DISTANCE OF 425 FEDT, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING .78 ACRES, - KORD OR LESS.

House Lot) as shown in the Map of Survey, dated Queber, 1955, by Mr. Emmett W. Pacettl, Plouder Registered Surveyor 1893.

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Deputy Clark

ARMORY BOARD OF THE STATE OF FLORIDA

British J. Tercelon -

Adjutant General of Florida, for and in Behalf of said Armory Board.)

ATTEST: Recorder of Armory Board

PROPOSED ARMORY BOARD LEASE AMENDMENT

A PARCEL OF LAND NEAR THE SOUTHEAST CORNER OF BLOCK 49 (POWDER HOUSE LOT), ST. AUGUSTINE, TOWNSHIP 7 SOUTH, RANGE 30 EAST, TALLAHASSEE MERIDIAN, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A MONUMENT ON THE NORTH LINE OF SAID BLOCK 49 AT THE WEST LINE OF MARINE STREET; THENCE NORTH 82°13'07" EAST, ALONG THE NORTH LINE OF SAID BLOCK 49, A DISTANCE OF 431.38 FEET; THENCE SOUTH 44°26'07" WEST, ALONG THE EASTERLY LINE OF SAID BLOCK 49, A DISTANCE OF 64.02 FEET; THENCE SOUTH 17°18'53" EAST, ALONG THE EASTERLY LINE OF SAID BLOCK 49. A DISTANCE OF 662.72 FEET TO THE NORTHEAST CORNER OF THOSE LANDS LEASED TO THE ARMORY BOARD OF THE STATE OF FLORIDA PER ST. JOHNS COUNTY RESOLUTION 79-12 AND 79-32; THENCE SOUTH 17°18'53" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 23.68 FEET; THENCE SOUTH 05°48'53" EAST, ALONG SAID EASTERLY LINE OF BLOCK 49, A DISTANCE OF 501.60 FEET; THENCE SOUTH 88°26'07" WEST, ALONG THE SOUTHERLY LINE OF SAID BLOCK 49, A DISTANCE OF 184.80 FEET; THENCE NORTH 02°18'53" WEST, ALONG THE WESTERLY LINE OF THE SOUTHEASTERLY TIP OF SAID BLOCK 49, A DISTANCE OF 224.40 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47°48'53" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 105.60 FEET; THENCE NORTH 68°03'53" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 132,00 FEET; THENCE NORTH 25°33'53" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 151.80 FEET; THENCE NORTH 38°41'56" EAST, ALONG THE SOUTHERLY LINE OF THE COUNCIL ON AGING LEASE PARCEL B AS APPROVED BY ST. JOHNS COUNTY RESOLUTION 2002-212, A DISTANCE OF 38,87 FEET; THENCE NORTH 40°21'07" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 14.94 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 60.00 FEET; THENCE EASTERLY, ALONG AND WITH THE ARC OF SAID CURVE, A CHORD BEARING OF SOUTH 83°37'13" EAST AND A CHORD DISTANCE OF 60.57 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 32°43'19" EAST A DISTANCE OF 80.75 FEET; THENCE NORTH 67°48'28" EAST A DISTANCE OF 33.39 FEET; THENCE SOUTH 29°02'47" EAST A DISTANCE OF 25.33 FEET TO ITS INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF THE AFOREMENTIONED LEASE TO THE ARMORY BOARD OF THE STATE OF FLORIDA PER ST. JOHNS COUNTY RESOLUTION 79-12 AND 79-32; THENCE NORTH 68°21'07" EAST, ALONG SAID WESTERLY PROLONGATION, A DISTANCE OF 65.45 FEET TO THE NORTHWESTERLY CORNER OF SAID LEASE PARCEL; THENCE SOUTH 05°48'53" EAST, ALONG THE WESTERLY LINE OF SAID LEASE PARCEL, A DISTANCE OF 240.07 FEET TO THE POINT OF BEGINNING, CONTAINING 0.87 ACRES, MORE OR LESS. THE BEARINGS HEREIN ARE REFERRED TO STATE PLANE COORDINATES FLORIDA EAST ZONE NAD1983/90 ADJUSTMENT.



