

RESOLUTION NO. 2010- 250

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF THE RELEASE OF PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND RELEASE RELATED RIGHTS OF ENTRY AND EXPLORATION AS SET FORTH IN COUNTY DEED.

RECITALS

WHEREAS, St. Johns County ("County") conveyed certain property to Vilano Beach Development, LLC, in County Deed recorded in Official Records Book 2889, page 1510, which is now owned by Vilano Town Center Partners, LLC ("VTCP"); and

WHEREAS, pursuant to Florida Statute Section 270.11(3) there has been a written request from VTCP, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to release the reservations reserved in said County Deed; and

WHEREAS, VTCP plans to develop this property into a shopping center and the reservations on the title could prevent VTCP from obtaining financing and/or leasing to a proposed grocer; and

WHEREAS, VTCP has requested a separate document be executed, attached hereto as Exhibit "B", incorporated by reference and made a part hereof, to release said reservations to clear the title.

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.

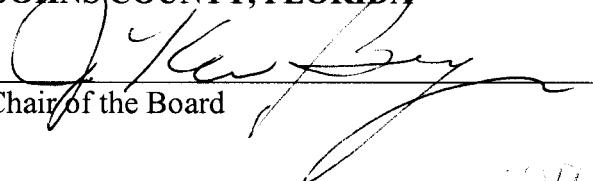
Section 2. The Board hereby approves the form to Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release Rights of Entry and Exploration and authorizes the Chair of the Board to execute the form.

Section 3. The Clerk is instructed to record the original Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release Rights of Entry and Exploration in the Public records of St. Johns County, Florida.

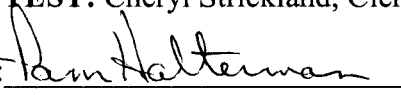
Section 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 16th day of November, 2010.

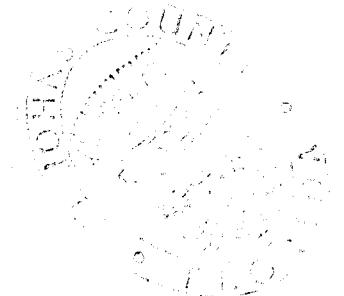
**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: 
Chair of the Board

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 11/17/10



Vilano Town Center Partners, LLC

2101 Centrepark West Drive, Suite 100, West Palm Beach, FL 33409

561.478.0115 --- 561.478.5012 Fax

September 21, 2010

St. Johns County Board of County Commissioners
c/o Laurie Ford
Real Estate Title Coordinator
St. Johns County
500 San Sebastian View
St. Augustine, FL 32084

Re: Vilano Town Center – Removal of Mining Rights and Purchase of a Portion of First Street south of Poplar Avenue.

Dear County Commissioners,

I respectfully request that the County agree to the sale of that portion of First Street and adjacent strip of land south of Poplar Avenue ("First Street") that is surrounded by the proposed Vilano Town Center project, as further described in that sketch and legal description attached as Exhibit A. Furthermore, we request that the County release those certain Rights for Phosphate, Mineral, Metal, and Petroleum Reservations that are recorded in Official Records Book 2889, page 1510, in the public records of St. Johns County, Florida, attached as Exhibit B, and a similar release, if they exist, of any such reservations on First Street and adjacent strip of land to be purchased.

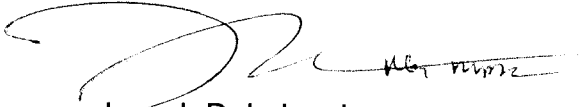
As you may recall, the purchase of First Street was contemplated in that recent Resolution No 2010-156 which outlined a long term lease of that same property, attached as Exhibit C. In an effort to simplify matters, avoid complications in tracking yearly rental payments, and to integrate the area of the development, we are pursuing the option of purchasing this property as discussed with County staff for the price of \$13,284.30. We request that the County allow the first rents payment of \$1,328.43, made last month, be credited toward this purchase with a Closing to occur as soon as allowed following review and advertising requirements. We realize that due to the County owned drainage structures that are located in this area, there will need to be an easement granted back to the County over nearly the entire First Street area in order to permit maintenance, repair and replacement of these facilities, so long as said easement permits the development proposed for the Vilano Town Center as shown on the site plan attached as Exhibit D.

With respect to the Mining Rights, we are requesting that these rights be removed as required by our anchor tenant who has a long term leasehold interest in the property. As such, they do not want the possibility to lose access, parking or be affected by the disruption caused by any mining that may occur due to these recorded rights. We are not currently aware of any subsurface minerals, metals or petroleum that exist below the property.

September 21, 2010
St. Johns County BCC
Re: Vilano Town Center
Page 2 of 2

If you have any questions regarding these requests, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lelonek', with a large, stylized flourish on the left side.

Joseph D. Lelonek
Managing Member

cc: BJ Ibach
Brian Hickey

Prepared by:
Laurie Ford
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

RELEASE OF
PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS
AND
RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION

THIS RELEASE is made and given this ___ day of _____, 2010, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the County by County Deed dated November 21, 2006, as recorded in Official Records Book 2889, page 1510, in the public records of St. Johns County, Florida, conveyed to Vilano Beach Development, LLC, the lands described on attached Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, pursuant to Section 270.11(1), F.S. the County reserved certain phosphate, mineral, metals and petroleum rights; and

WHEREAS, pursuant to Section 270.11(3), F.S. Vilano Town Center Partners, LLC, petitioned the County for a release of said reservation which petition the County has approved.

KNOWN ALL MEN BY THESE PRESENTS: That the County, for and in consideration of mutual benefits, has released and by these presents does release unto the fee simple owners of record, their successors, heirs and assigns, the following reservation, to wit:

"RESERVING UNTO THE GRANTOR, its successors and/or assigns an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all petroleum that is or may be in, or on, or under said land with the privilege to mine and develop the same."

Insofar as said reservation affects the property as described on attached Exhibit "A".

IN WITNESS WHEREOF, the County has caused this Release to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board, the day and year aforesaid.

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

By: _____
Chair of the Board

ATTEST: Cheryl Strickland, Clerk

By: _____
Deputy Clerk

COUNTY OF ST. JOHNS
STATE OF FLORIDA

The foregoing instrument was acknowledged before me this ___ day of _____, 2010, by _____, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board, who is personally know to me.

Notary Public
My Commission Expires: _____

Francis and Mary Usina Bridge

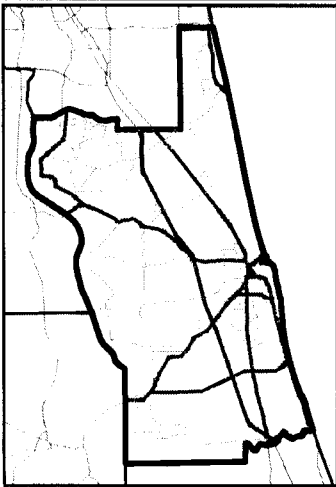
Poplar Av

Subject

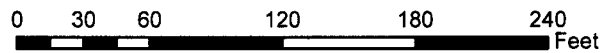
Subject

Vilano Rd

Loja St



Release of Reservations Vilano Town Center



**2009 Color Aerial
Imagery Map**

St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
October 29, 2010
(904) 209-0790

DISCLAIMER.
This map is for reference use
only. Data provided are derived
from multiple sources with
varying levels of accuracy.