

RESOLUTION NO. 2010- 293

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE BOARD CHAIR TO EXECUTE THE PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION DOCUMENT, ON BEHALF OF THE BOARD, IN CONNECTION WITH PROPERTIES THAT HAVE BEEN CONVEYED TO THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY.**

**RECITALS**

**WHEREAS**, pursuant to Florida Statute Section 270.11(3) there has been a written request from the Housing Finance Authority of St. Johns County, (“HFA”) attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, to release the mineral reservations that are normally reserved in all County Deeds; and

**WHEREAS**, Resolution 2010-82 authorized conveyance of certain property to the Housing Finance Authority of St. Johns County by County Deed for affordable housing purposes and the “HFA” requests that the mineral reservations within the County deed be released; and

**WHEREAS**, said mineral reservations, and in particular the right to mine and develop, is a cloud on the title to the property which could prevent owners of the affordable housing property from obtaining financing for the property; and

**WHEREAS**, the execution of a Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration document, attached hereto as Exhibit “B”, incorporated by reference and made a part hereof, would remove the cloud on the title; and

**WHEREAS**, to the extent that there are typographical, scrivener 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.

**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 form of Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of

Related Rights of Entry and Exploration and authorizes the Board Chair to execute the Release.

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

**PASSED AND ADOPTED** this 21 day of December, 2010.

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

By: \_\_\_\_\_

J. Ken Bryan, Chair

**ATTEST:** Cheryl Strickland, Clerk

By: \_\_\_\_\_

Pam Halterman  
Deputy Clerk

**RENDITION DATE** 12/28/10



**St. Johns County Board of County Commissioners**

Housing Finance Authority

November 18, 2010

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

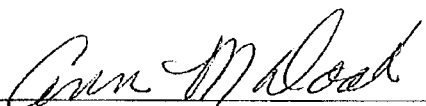
RE: Mineral Reservations

To Whom It May Concern:

Pursuant to Resolution No. 2010-82, St. Johns County, Florida (the "County"), will be conveying to the Housing Finance Authority of St. Johns County, Florida (the "Authority"), certain property for the affordable housing purposes (the "Property"). The form of deed the County uses contains certain mineral reservations. The Authority respectfully request that all County reserved interests relating to phosphate, minerals, metals and petroleum related to the Property be released due to the fact that such interests create a cloud on the title to the Property.

Thank you for your consideration of this request.

Sincerely,

By:   
Ann M. Doak, Chair of the Housing Finance Authority  
of St. Johns County, Florida

**Exhibit "B" to Resolution**

Prepared by:  
Nanette Bradbury  
St. Johns County Land Management Systems  
500 San Sebastian View  
St. Augustine, Florida 32084

**RELEASE OF  
PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND  
RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION  
BY  
ST. JOHNS COUNTY, FLORIDA**

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

**WITNESSETH:**

**WHEREAS**, the County has conveyed to the **HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY**, a public body corporate and politic of the State of Florida (the "Authority"), by County Deed dated \_\_\_\_\_, 2010, and recorded in Official Records Book \_\_\_ Page \_\_\_ certain properties within St. Johns County, Florida, as further described on attached Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, pursuant to Section 270.11(1), Florida Statutes, as amended, the County reserved in said County Deed certain phosphate, mineral, metals and petroleum rights; and

**WHEREAS**, pursuant to Section 270.11(3), Florida Statutes, as amended, the Authority has 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, have 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 properties described on attached Exhibit "A".

**IN WITNESS WHEREOF**, the County has caused this Release to be executed in its name by the Chair of its Board of County Commissioners, all as of the day and year first above written.

**ST. JOHNS COUNTY, FLORIDA**

By: \_\_\_\_\_  
J. Ken Bryan, Chair of its Board of County  
Commissioners

ATTEST: Cheryl Strickland, Clerk

By: \_\_\_\_\_  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2010, by J. Ken Bryan, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of said County, who is personally know to me.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Exhibit "A" to Mineral Release

LOT 9, AFRO AMERICAN SUBDIVISION OF THE DANCY TRACT UNIT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 4 PAGE 28, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

**LESS AND EXCEPT:**

A PART OF LOT 9, BLOCK 88, OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AS RECORDED IN MAP BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, IN THE AVICE AND VEIL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 29 EAST, OF SAID ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE INTERSECTION OF THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, (A 30.00 FOOT RIGHT OF WAY PER PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AS RECORDED IN MAP BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA), WITH THE EASTERLY EXISTING RIGHT OF WAY LINE OF BREVARD STREET, (A 30.00 FOOT RIGHT OF WAY PER SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2), SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 88, SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2; THENCE NORTH 84°31'21" EAST, ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, A DISTANCE OF 399.30 FEET TO THE WESTERLY LINE OF LOT 9, OF SAID LOCK 88, AND THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 84°31'21" EAST, ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, A DISTANCE OF 38.38 FEET; THENCE SOUTH 05°28'39" EAST, DEPARTING SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, A DISTANCE OF 15.00 FEET; THENCE SOUTH 84°31'21" WEST, A DISTANCE OF 38.41 FEET TO THE SAID WESTERLY LINE OF LOT 9; THENCE NORTH 05°21'43" WEST, ALONG SAID WESTERLY LINE OF LOT 9, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

**AND:**

LOTS 10 AND 11, AFRO AMERICAN SUBDIVISION OF THE DANCY TRACT UNIT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 4 PAGE 28, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

**LESS AND EXCEPT:**

A PART OF LOTS 10 AND 11, BLOCK 88, OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AS RECORDED IN MAP BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, IN THE AVICE AND VEIL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 29 EAST, OF SAID ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE INTERSECTION OF THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, (A 30.00 FOOT RIGHT OF WAY PER PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AS RECORDED IN MAP BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA), WITH THE EASTERLY EXISTING RIGHT OF WAY LINE OF BREVARD STREET, (A 30.00 FOOT RIGHT OF WAY PER SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2), SAID POINT ALSO BEING THE NORTHWEST

CORNER OF LOT 1, BLOCK 88, SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2; THENCE NORTH 84°31'21" EAST, ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, A DISTANCE OF 473.01 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 84°31'21" EAST, ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, A DISTANCE OF 25.50 FEET TO THE SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, FORMERLY PICOLATA ROAD, (A 40 FOOT RIGHT OF WAY PER SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2); THENCE SOUTH 43°32'06" EAST, DEPARTING SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, AND ALONG SAID SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, A DISTANCE OF 160.31 FEET TO THE SOUTHERLY LINE OF LOT 11 OF SAID BLOCK 88; THENCE SOUTH 84°37'08" WEST, DEPARTING SAID SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, AND ALONG SAID SOUTHERLY LINE OF LOT 11, A DISTANCE OF 47.15 FEET TO A POINT ON A CURVE; THENCE NORTHWESTERLY, DEPARTING SAID SOUTHERLY LINE OF LOT 11, AND ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 563.11 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 15°05'25", AN ARC DISTANCE OF 148.31 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 36°55'56" WEST, 147.88 FEET TO THE **POINT OF BEGINNING**.

**AND:**

LOT 13, AFRO AMERICAN SUBDIVISION OF THE DANCY TRACT UNIT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 4 PAGE 28, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

**LESS AND EXCEPT:**

A PART OF LOT 13, BLOCK 88, OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AS RECORDED IN MAP BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, IN THE AVICE AND VEIL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 29 EAST, OF SAID ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE INTERSECTION OF THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, (A 30.00 FOOT RIGHT OF WAY PER PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AS RECORDED IN MAP BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA), WITH THE EASTERLY EXISTING RIGHT OF WAY LINE OF BREVARD STREET, (A 30.00 FOOT RIGHT OF WAY PER SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2), SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 88, SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2; THENCE NORTH 84°31'21" EAST, ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, A DISTANCE OF 498.50 FEET TO THE SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, FORMERLY PICOLATA ROAD, (A 40 FOOT RIGHT OF WAY PER SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2); THENCE SOUTH 43°32'06" EAST, DEPARTING SAID SOUTHERLY EXISTING RIGHT OF WAY LINE OF JOSIAH STREET, AND ALONG SAID SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, A DISTANCE OF 160.31 FEET TO THE NORTHERLY LINE OF LOT 13, BLOCK 88, OF SAID PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2, AND THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 43°32'06" EAST, ALONG SAID SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, A DISTANCE OF 3.37 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE OF NORTH VOLUSIA STREET, (A 30 FOOT RIGHT OF WAY PER SAID

PLAT OF THE AFRO-AMERICAN SUBDIVISION OF THE DANCY TRACT, UNIT NO. 2); THENCE SOUTH 05°12'38" EAST, DEPARTING SAID SOUTHWESTERLY EXISTING RIGHT OF WAY LINE OF FOUR MILE ROAD, AND ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE OF NORTH VOLUSIA STREET, A DISTANCE OF 47.85 FEET TO THE SOUTHERLY LINE OF SAID LOT 13; THENCE SOUTH 84°39'28" WEST, DEPARTING SAID WESTERLY EXISTING RIGHT OF WAY LINE OF NORTH VOLUSIA STREET, AND ALONG SAID SOUTHERLY LINE OF LOT 13, A DISTANCE OF 29.46 FEET TO A POINT ON A CURVE; THENCE NORTHWESTERLY, DEPARTING SAID SOUTHERLY LINE OF LOT 13, AND ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 563.11 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 05°30'45", AN ARC DISTANCE OF 54.18 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 26°37'52" WEST, 54.16 FEET TO THE SAID NORTHERLY LINE OF LOT 13; THENCE NORTH 84°37'08" EAST, ALONG SAID NORTHERLY LINE OF LOT 13, A DISTANCE OF 47.15 FEET TO THE **POINT OF BEGINNING**.