

RESOLUTION NO. 2017- 12

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING SPECIAL WARRANTY DEEDS CONVEYING TWO LIFT STATION SITES TO SERVE MARSHALL CREEK DRI MV-4 AND MUA-2.**

**RECITALS**

**WHEREAS**, Marshall Creek, Ltd., a Florida limited partnership, has executed and presented to the County a Special Warranty Deed conveying a lift station site, attached hereto as Exhibit "A," incorporated by reference and made a part hereof, to serve Marshall Creek DRI Unit MV-4; and

**WHEREAS**, Avila Land Holdings, LLC, a Delaware limited liability company, has executed and presented to the County a Special Warranty Deed conveying a lift station site, attached hereto as Exhibit "B," incorporated by reference and made a part hereof, to serve Marshall Creek DRI Unit MUA-2; and

**WHEREAS**, St. Johns County Utility Department has reviewed and approved the documents mentioned above, as stated in a memo attached hereto as Exhibit "C," incorporated by reference and made a part hereof.

**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 above described Special Warranty Deeds attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. 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.

Section 4. The Clerk of the Circuit Court is instructed to record the original Special Warranty Deeds in the Public Records of St. Johns County, Florida.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of January, 2017.

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

By: \_\_\_\_\_  
James K. Johns, Chair

**ATTEST:** Hunter S. Conrad, Clerk

Pam Halterman  
Deputy Clerk

**RENDITION DATE** 1/20/17

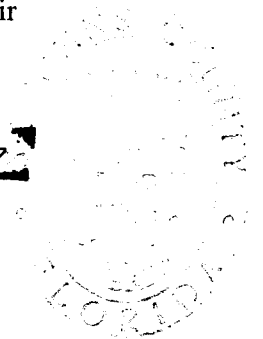


EXHIBIT "A" TO RESOLUTION

Prepared By:

Kathryn F. Whittington  
Whittington Law, PLLC  
24 Cathedral Place Suite 400  
St. Augustine, Florida 32084

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made and executed the 30<sup>th</sup> day of November, 2016, by **MARSHALL CREEK, LTD.**, a Florida limited partnership (the "Grantor"), whose mailing address is 605 Palencia Club Drive, St. Augustine, Florida 32095, hereinafter called the Grantor; to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate, lying and being in St. Johns County, State of Florida, described as follows:

TRACT A, AS SHOWN ON THE PLAT OF MARSHALL  
CREEK DRI UNIT MV-4, AS RECORDED IN MAP BOOK 75,  
PAGES 29 THROUGH 30 OF THE PUBLIC RECORDS OF ST.  
JOHNS COUNTY, FLORIDA.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under said Grantor, its successors and assigns and not otherwise; and that said land is free of all encumbrances, except easements, restrictions and reservations of record, if any, and taxes accruing subsequent to December 31, 2015.



EXHIBIT "B" TO RESOLUTION

Prepared By:

Kathryn F. Whittington  
Whittington Law, PLLC  
24 Cathedral Place Suite 400  
St. Augustine, Florida 32084

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made and executed the 30<sup>th</sup> day of November, 2016, by **AVILA LAND HOLDINGS, LLC**, a Delaware limited liability company (the "Grantor"), whose mailing address is 605 Palencia Club Drive, St. Augustine, Florida 32095, hereinafter called the Grantor, to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate, lying and being in St. Johns County, State of Florida, described as follows:

TRACT A, AS SHOWN ON THE PLAT OF MARSHALL CREEK DRI UNIT MUA-2, AS RECORDED IN MAP BOOK 75, PAGES 33 THROUGH 38 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under said Grantor, its successors and assigns and not otherwise; and that said land is free of all encumbrances, except easements, restrictions and reservations of record, if any, and taxes accruing subsequent to December 31, 2015 .

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

**GRANTOR:**

Signed, sealed and delivered  
in the presence of:

**AVILA LAND HOLDINGS, LLC,**  
a Delaware limited liability company

Rebekah Sanders  
Print Name: Rebekah Sanders

By: Hines Avila Land Associates Limited  
Partnership, a Texas limited partnership, its  
managing member

Laci Leduke  
Print Name: Laci Leduke

By: Hines Interests Limited Partnership,  
a Delaware limited partnership, its general partner

By: Hines Holdings, Inc.,  
a Texas corporation, its general partner

Michael T. Harrison  
By: Michael T. Harrison  
Name: Michael T. Harrison  
Its: Senior Managing Director WR

STATE OF GEORGIA)  
)SS  
COUNTY OF DEKALB)

The foregoing instrument was acknowledged before me this 30 day of NOVEMBER, 2016, by MICHAEL T. HARRISON, as Senior Managing Director of Hines Holdings, Inc., a Texas corporation, as the general partner of Hines Interests Limited Partnership, a Delaware limited partnership, as the general partner of Hines Avila Land Associates Limited Partnership, a Texas limited partnership, as the managing member of Avila Land Holdings, LLC, a Delaware limited liability company, on behalf of the company. To me well known and no oath was administered.



Trisha J. Loback  
(Print Name TRISHA J. LOBACK)  
NOTARY PUBLIC  
State of GA at Large  
Commission # \_\_\_\_\_  
My Commission Expires: 7/5/17  
 Personally Known or \_\_\_\_\_ Produced I.D.  
Type of Identification Produced \_\_\_\_\_



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

Utility Department

---

**INTEROFFICE MEMORANDUM**

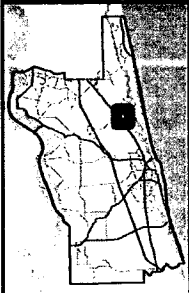
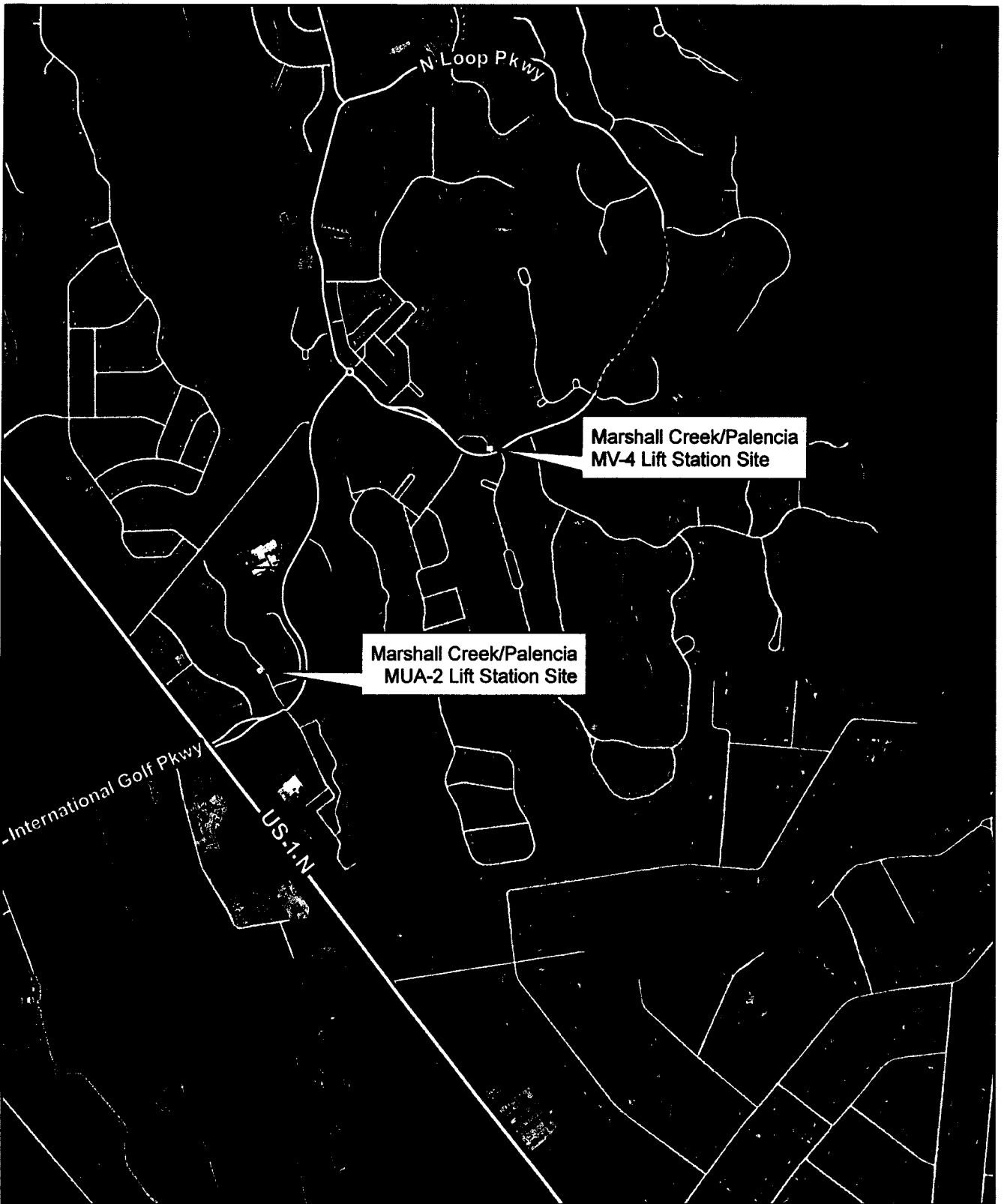
---

**TO:** Debbie Taylor, Real Estate Manager  
**FROM:** Melissa Caraway, Utility Review Coordinator  
**SUBJECT:** Palencia MV-4 and Palencia Phase 1 - Avila  
**DATE:** November 22, 2016

Please present the Warranty Deeds to the Board of County Commissioners (BCC) for final approval and acceptance of Palencia MV-4 and Palencia Phase 1 - Avila.

After acceptance by BCC, please provide the Utility Department with a copy of the executed resolution for our files.

Your support and cooperation as always are greatly appreciated.



2013 Aerial Imagery  
 0 500 1,000  
 Feet  
 December 9, 2016

**Marshall Creek/Palencia  
 Lift Station Sites**

*Special Warranty Deeds*

Land Management  
 Systems  
 Real Estate  
 Division  
 (904) 209-0764

**Disclaimer:**  
 This map is for reference use only.  
 Data provided are derived from multiple  
 sources with varying levels of accuracy.  
 The St. Johns County Real Estate  
 Division disclaims all responsibility  
 for the accuracy or completeness  
 of the data shown hereon.

