

RESOLUTION NO. 2023- 236

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR OF THE BOARD, ON BEHALF OF THE COUNTY, TO EXECUTE A RELEASE OF RESTRICTION AND A RELEASE OF PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION SET FORTH IN COUNTY DEED.

RECITALS

WHEREAS, in 1992 Moreau P. Estes, V (“Estes”) conveyed certain property in Presidential Gardens to St. Johns County (“County”), to be used for a public road; and

WHEREAS, Resolution No. 2001-87 approved a conveyance by County Deed back to Estes for a portion of the property that was never constructed as a road as allowed by Florida Statute Section 255.22; and

WHEREAS, said Resolution contains a whereas clause that states “in order to avoid potential landlocked parcels (parcels without access) that portion re-conveyed shall include a stated restriction limiting the property to right-of-way associated uses only”; and

WHEREAS, the property has never been used for right-of-way and it does not provide access to potential landlocked parcels; and

WHEREAS, Estes has made a written request to the County, attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, to have the restriction mentioned in the above resolution released by the execution of the Release of Restriction, attached hereto as Exhibit “B”, incorporated by reference and made a part hereof; and

WHEREAS, Estes has also requested the reservations in County Deed mentioned above be released by the execution of the Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration, attached hereto as Exhibit “C”, incorporated by reference and made a part hereof, as to remove a potential cloud on 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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby authorizes the Chair of the Board to execute a Release of Restriction and a Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration document, on behalf of the County.

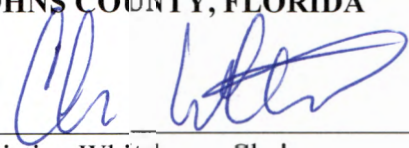
Section 3. The Clerk is instructed to record the original Release of Restriction and Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry documents in the public records of St. Johns County, Florida.

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.

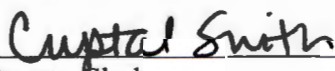
PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of July, 2023.

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

Rendition Date JUL 19 2023

By: 
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty
Clerk of the Circuit Court & Comptroller

By: 
Deputy Clerk





**MARK E.
PARSONS**
ATTORNEY AT
LAW

Telephone (904) 826-3445
Fax (904) 826-1733
3125 US 1 South, Suite A
St. Augustine, Florida 32086
Email: mark@markparsonslaw.com

April 27, 2023

Corey Bowens
Interim Director, Land Management Systems, St. Johns County
500 San Sebastian View
St. Augustine, FL 32084

Re: Release of Restrictions set forth in County Resolution No. 2001-87

Dear Mr. Bowens:

I have been retained by Moreau P. Estes, V as president of Matanzas Mortgage Company to request that St. Johns County release the right of way and minerals restrictions included in the creation of that parcel of land located in St. Johns County bearing Parcel ID# **086220-1300**. See Corrective County Deed recorded in Official Records Book 1676 at Page 1918. The restrictions contained in the above-referenced Corrective Deed prevent my client from utilizing the parcel as a buildable lot for the construction of a residential property. Furthermore, the right of way restriction fails to serve any purpose in view of subsequent changes to the property surrounding the parcel in question.

I thank you for your attention to this matter. Please feel free to contact me if you have any questions or concerns regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'M. Parsons', written over a horizontal line.

Mark E. Parsons

MEP/pm

cc: Moreau P. Estes, V

Prepared by:
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

RELEASE OF RESTRICTION

THIS RELEASE is made and given this ____ day of _____, 2023, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, St. Johns County ("County") conveyed certain property to Moreau P. Estes, V, in County Deed dated May 10, 2001 and recorded in Official Records Book 1602, page 1584 and corrected by Corrective County Deed dated November 9, 2001 and recorded in Official Records Book 1676, page 1918, of the public records of St. Johns County, Florida; and

WHEREAS, Resolution No. 2001-87 that approved the above mentioned conveyance contains a Whereas clause that states "in order to avoid potential landlocked parcels (parcels without access), that portion being re-conveyed shall include a stated restriction limiting the property to right-of-way and associated uses only"; and

WHEREAS, the property has never been used for right-of-way and does not provide access to any potential landlocked parcels; and

WHEREAS, there has been a written request asking the County to release the restriction contained in Resolution No. 2001-87.

KNOWN ALL MEN BY THESE PRESENTS: That the County, for and in consideration of mutual benefits and by these presents does release unto the fee simple owners of record, their successors, heirs and assigns, the following restriction stated in Resolution No. 2001-87, to wit:

"in order to avoid potential landlocked parcels (parcels without access), that portion being re-conveyed shall include a stated restriction limiting the property to right-of-way and associated uses only."

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

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

By: _____
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of
the Circuit Court & Comptroller

Deputy Clerk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2023, by Christian Whitehurst, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board, who is personally known to me.

Notary Public
My Commission Expires: _____

Prepared by:
St. Johns County
500 San Sebastian View
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 _____, 2023, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, St. Johns County ("County") conveyed certain property to Moreau P. Estes, V, in County Deed dated May 10, 2001 and recorded in Official Records Book 1602, page 1584 and corrected by Corrective County Deed dated November 9, 2001 and recorded in Official Records Book 1676, page 1918, of the public records of St. Johns County, Florida; 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(2) (b), F.S. Moreau P. Estes, V has petitioned the County for 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 and by these presents does release unto the fee simple owners of record, their successors, heirs and assigns, the following reservation reserved in Official Records Book 1602, page 1584 and Official Records Book 1676, page 1918, 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 may be in, on or under the said land and 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."

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

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

By: _____
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of
the Circuit Court & Comptroller

Deputy Clerk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2023, by Christian Whitehurst, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board, who is personally known to me.

Notary Public
My Commission Expires: _____



Subject

Aquatic Dr

White House Blvd

Roosevelt Dr



2021 Aerial Imagery
June 15, 2023

*Whitehouse Boulevard
Release of Restriction
and Reservations*

Land Management
Systems
Real Estate
Division
(904) 209-0790



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.