

RESOLUTION NO. 2023-295

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD, ON BEHALF OF THE COUNTY, TO EXECUTE A SPECIAL WARRANTY DEED AND A BILL OF SALE TRANSFERRING ASSETS RELATED TO AN ABANDONED RESIDENTIAL UTILITY SYSTEM IN FRUIT COVE TO ST. JOHNS COUNTY.**

**RECITALS**

**WHEREAS**, in 2008 the owners of a residential utility system located in Fruit Cove filed a Notice of Abandonment. St. Johns County (“County”) was appointed Receiver by the Circuit Court in the case of St. Johns County vs. Topo, Inc. and H. & J. Investments, Inc., d/b/a Fruit Cove Properties, Case No. CA08-0768; and

**WHEREAS**, the Order Appointing Receiver dated April 15, 2008, recorded in Official Records Book 3178, Page 848 of the public records of St. Johns County, Florida, directed the Receiver to transfer all ownership of the water and wastewater assets comprising the utility system illustrated on Exhibit “A”, incorporated by reference and made a part hereof, to St. Johns County if the assets had not been sold or otherwise disposed of within ninety (90) days of entry of the Order; and

**WHEREAS**, it was recently discovered that a Special Warranty Deed and Bill of Sale to transfer ownership of the utility system assets to St. Johns County was not prepared and recorded at the time of the utility abandonment; and

**WHEREAS**, a Special Warranty Deed and Bill of Sale are attached hereto as Exhibit “B” and Exhibit “C”, incorporated by reference and made a part hereof, to forever quiet and confirm title of certain property, facilities and assets associated with the utility system; and

**WHEREAS**, it is in the best interest of the County to execute this Special Warranty Deed and Bill of Sale for the health, safety and welfare of the citizens of St. Johns County.

**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 above-described Special Warranty Deed and Bill of Sale are hereby approved by the Board of County Commissioners and the Chair is authorized to execute the Deed and Bill of Sale on behalf of the County.

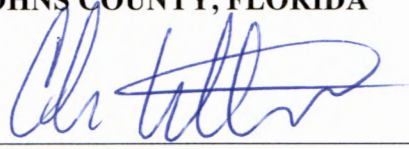
Section 3. The Clerk is instructed to record the original Special Warranty Deed and the Bill of Sale in the public records of St. Johns County, Florida.

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.

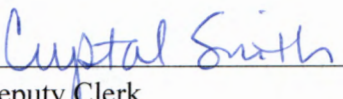
**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 15<sup>th</sup> day of August, 2023.

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

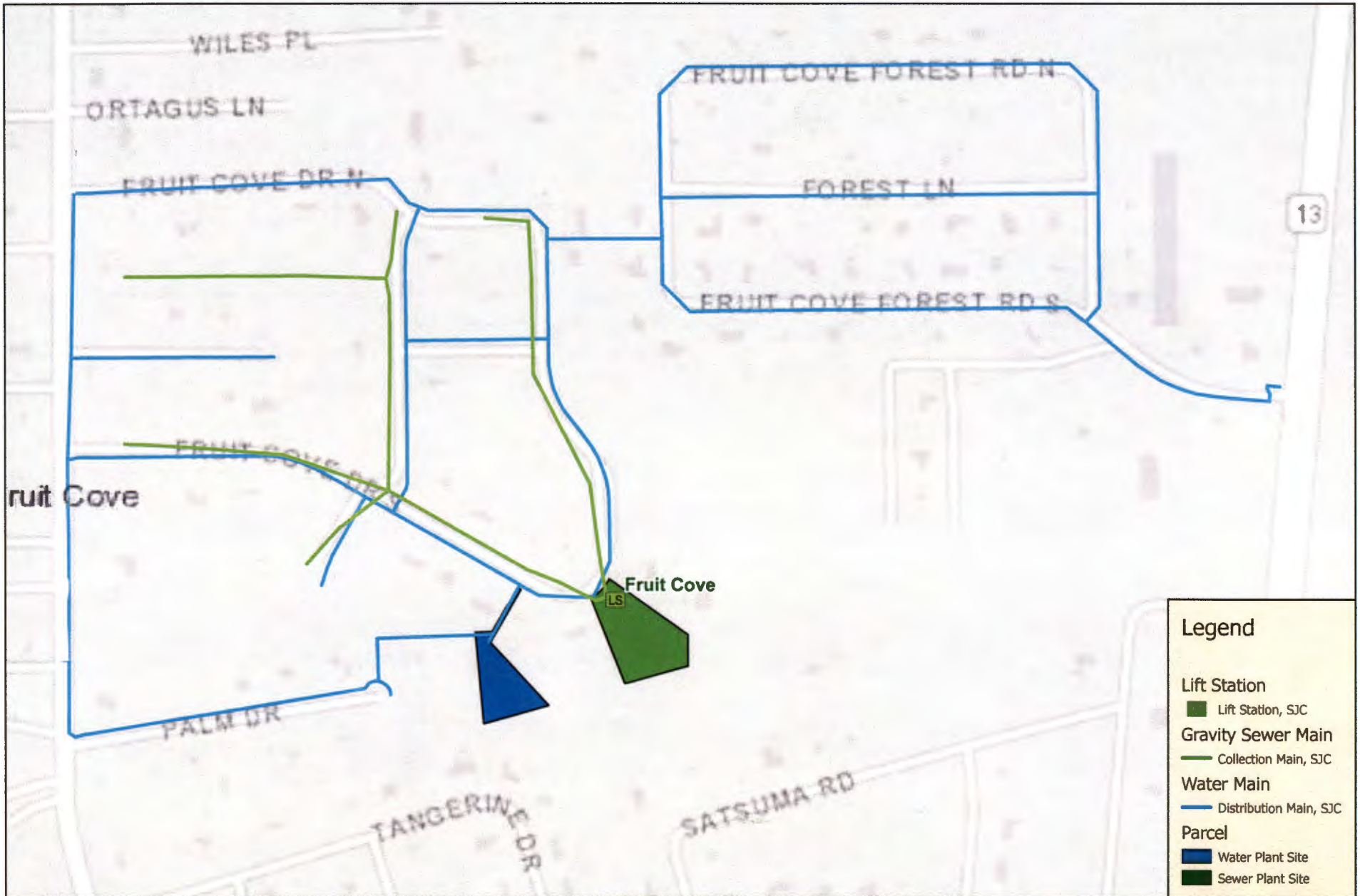
Rendition Date AUG 15 2023

By:   
Christian Whitehurst, Chair

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

By:   
Deputy Clerk





**Legend**

- Lift Station, SJC
- Gravity Sewer Main**
- Collection Main, SJC
- Water Main**
- Distribution Main, SJC
- Parcel**
- Water Plant Site
- Sewer Plant Site



***Fruit Cove Utility System Assets***

0 500 1,000  
US Feet

Prepared by: SJC Utilities  
on 7/10/2023  
[www.sjcf.us/Utilities](http://www.sjcf.us/Utilities)

EXHIBIT "B" TO RESOLUTION

This Instrument Prepared By:  
St. Johns County  
500 San Sebastian View  
St. Augustine, FL 32084

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, made without warranty of title or warranty of method of conveyance, made this \_\_\_\_ day of \_\_\_\_\_, 2023, by **ST. JOHNS COUNTY, FLORIDA, AS RECEIVER** for TOPO, Inc., an inactive Florida corporation, and H. & J. Investments, Inc., an inactive, administratively dissolved, Florida corporation, d/b/a Fruit Cove Properties, as appointed by the Circuit Court in St. Johns County v. Topo, Inc. and H. & J. Investments, Inc., d/b/a Fruit Cove Properties, Case No. CA08-0768, hereinafter “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 “Grantee”. (Wherever used herein the term “Grantor” and “Grantee” include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and their successors, and assigns of organizations).

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, forever unto said Grantee, all that certain land, situate, lying and being in the County of St. Johns, State of Florida and more particularly described below. Pursuant to Florida law Section 125.411(3) F.S., this deed conveys only the interest in said land the Grantor has of the date of this conveyance, to wit:

Water Treatment Plant Site and Sewage Treatment Plant Site, as shown on Plat of Fruit Cove Oaks, as recorded in Map Book 12, Pages 37-38 of the public records of St. Johns County, Florida.

Together with all appurtenant utility easements and rights for water and sewage within the streets and as reserved on Plat of Fruit Cove Oaks, recorded in Map Book 12, Page 37, Plat of Ashley Place, recorded in Map Book 12 Page 85, Plat of Fruit Cove Forest, recorded in Map Book 13 Page 7, Plat of Fruit Cove Oaks Addition, recorded in Map Book 13, Page 25, and/or Plat of Oak Hammock, recorded in Map Book 21 Page 39 of the public records of St. Johns County, Florida.

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

Pursuant to Section 270.11, Florida Statutes, Grantor does NOT reserve any right, title or interest in or to any phosphate, minerals, metals or petroleum that are or may be in, on or under the Property or any right to mine or develop same, and Grantor specifically releases and waives any rights under such statute with respect to the Property.

**IN WITNESS WHEREOF** the said Grantor, as receiver, has caused the presents 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**

ATTEST: \_\_\_\_\_

BY: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Clerk (or Deputy Clerk)

Christian Whitehurst, Chair

**STATE OF FLORIDA  
COUNTY OF ST. JOHNS**

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 who is personally known to me.

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

EXHIBIT "C" TO RESOLUTION

BILL OF SALE

**KNOW ALL MEN BY THESE PRESENTS**, that **ST. JOHNS COUNTY, FLORIDA, AS RECEIVER**, as appointed by the Circuit Court in St. Johns County v. Topo, Inc. and H. & J. Investments, Inc., d/b/a Fruit Cove Properties, Case No. CA08-0768, party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) paid by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer and deliver unto the said party of the second party, the following goods and chattels:

All assets of the utility system related to the Water and Sewage Treatment Plants, including but not limited to: water and sewer lines, individual water meters, fixtures, equipment, storage tanks, aerator, pumps, time clock, master meter, chlorinator, production wells, generator, sheds, blower, air compressors and fence.

All of the above-described personal property is located on or upon easements or other areas shown on the plats of the subdivisions known as Fruit Cove Oaks (MB 12 PG 37), Ashley Place (MB 12 PG 85), Fruit Cove Forest (MB 13 PG 7), Fruit Cove Oaks Addition (MB 13 PG 25), and/or Oak Hammock (MB 21 PG 39) of the public records of St. Johns County, Florida.

**TO HAVE AND TO HOLD** the same unto the said party of the second part forever.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Signed, sealed and delivered  
in the presence of:

**ST. JOHNS COUNTY, FLORIDA  
RECEIVER**

\_\_\_\_\_  
Print Name \_\_\_\_\_

By: \_\_\_\_\_  
Christian Whitehurst, Chair

\_\_\_\_\_  
Print Name \_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Christian Whitehurst as Chair for St. Johns County Board of County Commissioners who is personally known to me.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_



**Bill of Sale and  
 Special Warranty Deed  
 Fruit Cove Utility System**

Land Mngt. Systems  
 Real Estate Division  
 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 herein.

