

RESOLUTION NO. 86-39

R E S O L U T I O N

WHEREAS, a petition has been filed by qualified land owners to vacate part of certain public streets, alleyways or roads herein-after described; and,

WHEREAS, this Board has heretofore passed a resolution as required by Section 336.09, Florida Statutes, and Notice of Public Hearing has been duly published and Proof of Publication has been filed with this Board; and

WHEREAS, it appears that there are no objections and the averments of said petition are true.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

1.

That the following described streets, alleyways or roads, to-wit:

All that certain street known as CLEVELAND AVENUE, as the same lies between USINA STREET and ARTHUR STREET, situated, lying and being between BLOCK 20 and BLOCK 22, of ST. SEBASTIAN SUBDIVISION of Government Lot 3, according to map thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida, EXCEPT, however, an easement is reserved for public utilities over, under and across said street, alleyway or road.

be, and the same are hereby vacated, abandoned, discontinued and closed, and this Board hereby renounces and disclaims any right of the County and the Public in and to the above described streets, alleyways or roads, and any land in connection therewith.

2.

That the notice required by Section 336.10, Florida Statutes, of the adoption of this resolution is hereby authorized to be published.

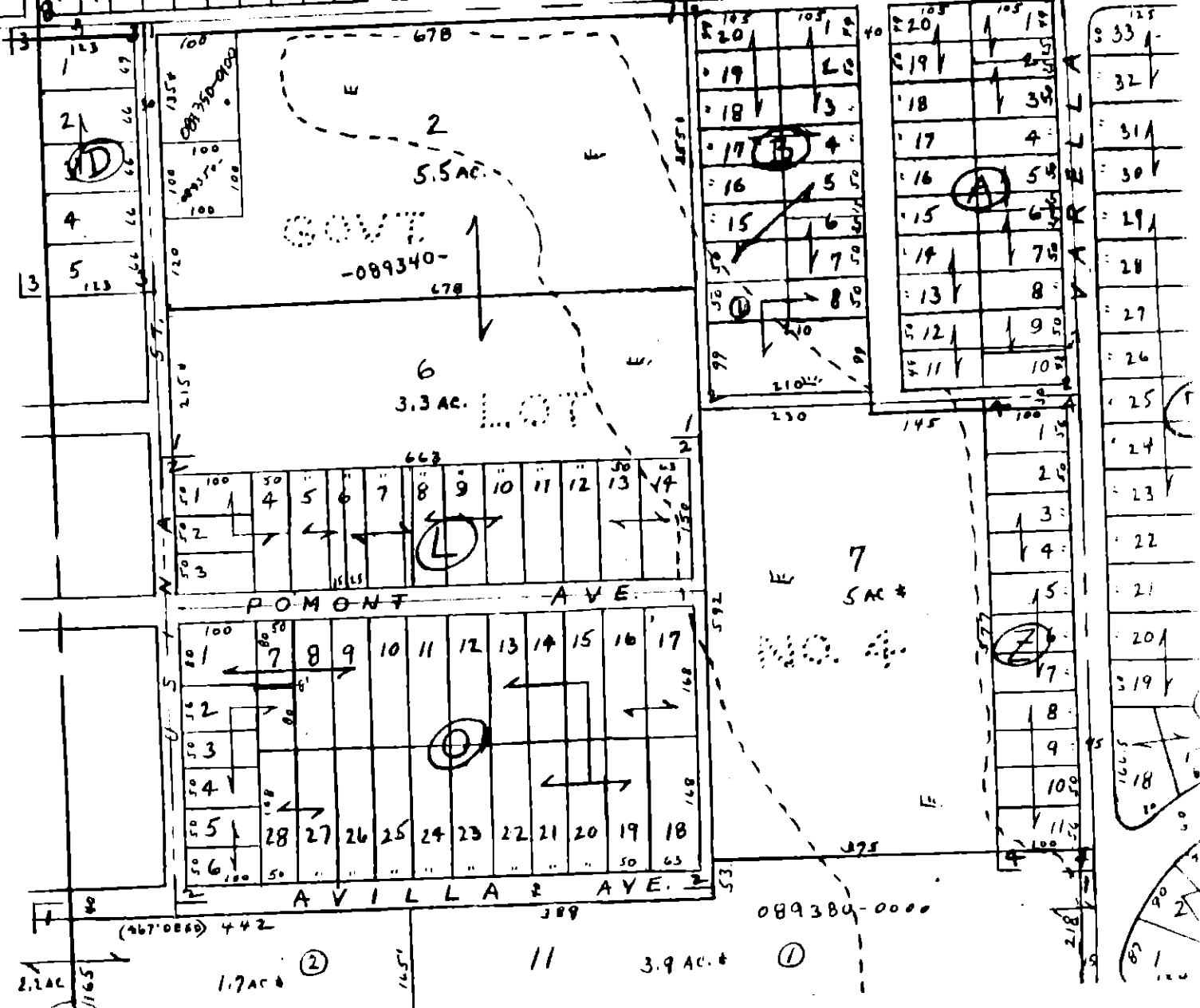
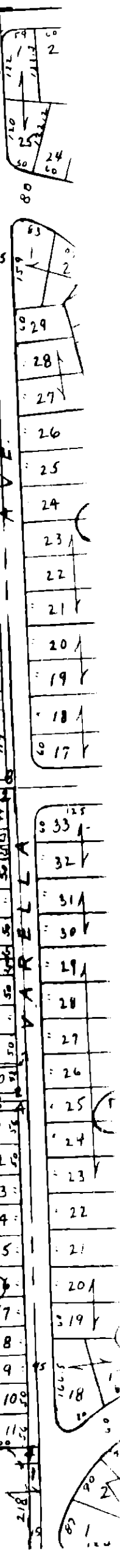
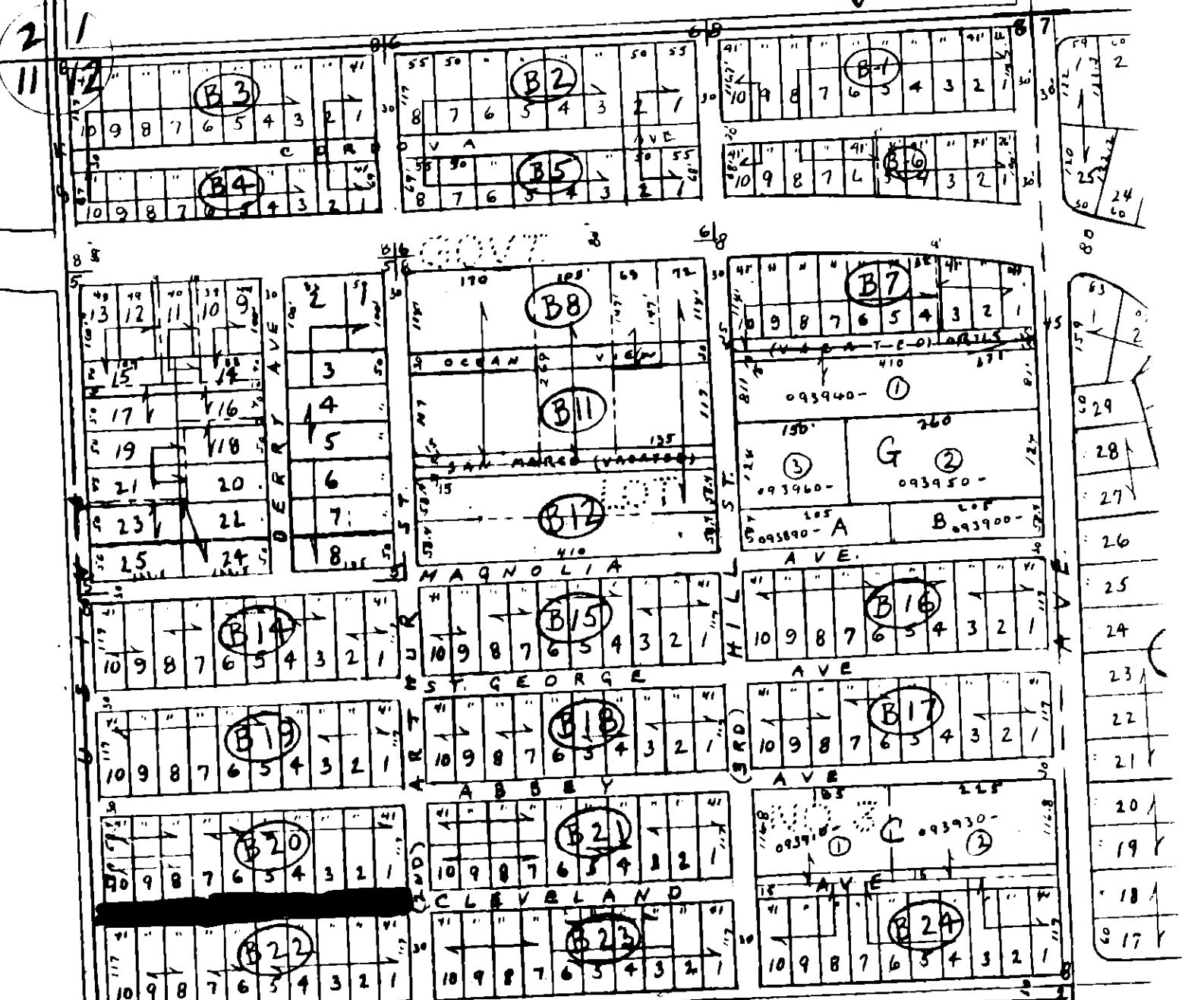
DATED this 25th day of March, 1986.

ATTEST: CARL "BUD" MARKEL,
CLERK

By: Cheryl Kent
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Francis M. Bubecker
Chairman



2.1 AC ② 1.7 AC ② 11 3.9 AC ① 089384-0000

PETITION TO VACATE PORTIONS OF
CERTAIN STREETS, ALLEYWAYS OR ROADS

TO: THE HONORABLE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Comes now W. M. CLAYTON and MINNA W. CLAYTON, his wife, RICHARD H. NOLL and TINA NOLL, his wife, FREDERICK E. DAY and NORMA E. DAY, his wife, GREGORY B. KENNEDY and VIRGINIA T. KENNEDY, his wife, WORTH B. JOHNSON, SR., and WAYNE K. TANNER, and respectfully petition this Honorable Board as follows:

1. To vacate, abandon, discontinue and close portions of those certain public streets, alleyways or roads situate in St. Johns County, Florida, hereinafter more particularly described; to renounce and disclaim any right of St. Johns County and the public in and to the lands constituting such portions of said streets, alleyways or roads; and to renounce and disclaim any right of St. Johns County and the public in and to any lands or interest therein acquired by purchase, gift, devise, dedication or prescription for such portions of said streets, alleyways or roads described as follows:

Legal description as per attached
SCHEDULE "A".

2. To adopt a resolution declaring that at a definite time and place a public hearing will be held to consider the advisability of the above, and to publish notice as prescribed by Section 336.10, Florida Statutes 1981, one time in a newspaper of general circulation advising of a public hearing in connection with the above matter, and thereafter adopting a resolution renouncing and disclaiming any right of the County and the public in and to the hereinbefore described portions of Streets, alleyways or roads, and vacating, abandoning, discontinuing and closing same.

3. In support thereof, petitioners, W. M. CLAYTON and MINNA W. CLAYTON, his wife, would show that they are the owners of that certain land of which the portion or road, described in paragraph 1 above, is contiguous and was originally a part, said land being more particularly described as follows:

Lots 1, 2, 3, 4, and 5, Block 20,
HOPKINS SUBDIVISION OF ST. SEBASTIAN,
according to map or plat thereof re-
corded in Map Book 1, page 134, public
records of St. Johns County, Florida.

4. In support thereof, petitioners, RICHARD H. NOLL and TINA NOLL, his wife, would show that they are the owners of that certain land of which the portion of road, described in paragraph 1 above, is contiguous and was originally a part, said land being more particularly described as follows:

Lots 6 and 7, Block 20, HOPKINS
SUBDIVISION OF ST. SEBASTIAN, accord-
ing to map or plat thereof recorded
in Map Book 1, page 134, public records
of St. Johns County, Florida.

5. In support thereof, petitioners, FREDERICK E. DAY and NORMA E. DAY, his wife, would show that they are the owners of that certain land of which the portion of road, described in paragraph 1 above, is contiguous and was originally a part, said land being more particularly described as follows:

Lots 8, 9 and 10, Block 22, HOPKINS
SUBDIVISION OF ST. SEBASTIAN, accord-
ing to map or plat thereof recorded in
Map Book 1, page 134, public records
of St. Johns County, Florida.

6. In support thereof, petitioners, GREGORY B. KENNEDY and VIRGINIA T. KENNEDY, his wife, would show that they are the owners of that certain land of which the portion of road, described in paragraph 1 above, is contiguous and was originally a part, said land being more particularly described as follows:

Lots 6 and 7, Block 22, HOPKINS
SUBDIVISION OF ST. SEBASTIAN, ac-
cording to map or plat thereof re-
corded in Map Book 1, page 134,
public records of St. Johns County,
Florida.


7. In support thereof, petitioner, WORTH B. JOHNSON, SR., would show that he is the owner of that certain land of which the portion of road, described in paragraph 1 above, is contiguous and was originally a part, said land being more particularly described as follows:

Lots 1, 2, 3, 4 and 5, Block 22,
HOPKINS SUBDIVISION OF ST. SEBASTIAN,
according to map or plat thereof re-
corded in Map Book 1, page 134, public
records of St. Johns County, Florida.

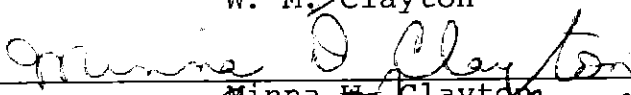
8. In support thereof, petitioner, WAYNE K. TANNER, would show that he is the owner of that certain land of which the portion of road, described in paragraph 1 above, is contiguous and was originally a part, said land being more particularly described as follows:

Lots 8, 9 and 10, Block 20, HOPKINS
SUBDIVISION OF ST. SEBASTIAN, accord-
ing to map or plat thereof recorded in
Map Book 1, page 134, public records of
St. Johns County, Florida.


9. Petitioners further show that said portions of the streets, alleyways or roads sought to be vacated are neither state nor federal highways and are wholly without the limits of any municipality.




W. M. Clayton



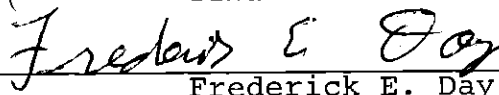
Minna D. Clayton



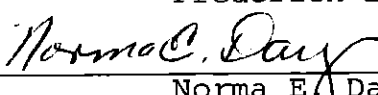
Richard H. Noll



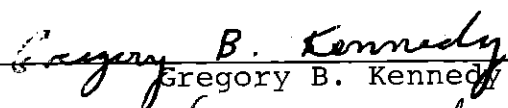
Tina Noll




Frederick E. Day



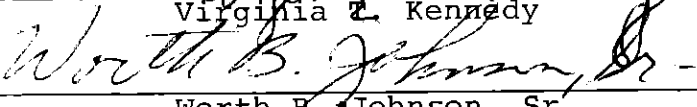
Norma E. Day



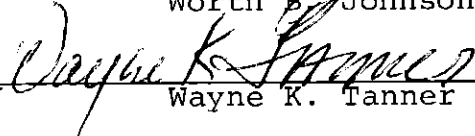
Gregory B. Kennedy



Virginia L. Kennedy



Worth B. Johnson, Sr.



Wayne K. Tanner

STATE OF FLORIDA

COUNTY OF ST. JOHNS:

W. M. CLAYTON and MINNA CLAYTON, his wife, being by me, the undersigned officer, first duly sworn, says on oath that they are two of the petitioners named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that they have read same and know the contents thereof and that the statements contained therein are true.

W. M. Clayton
W. M. Clayton
Minna D. Clayton
Minna Clayton

SWORN TO AND SUBSCRIBED before me this 25th day of November, 1985.

Shirley J. Johnston
Notary Public, State of Florida at Large
My commission expires June 27, 1987

STATE OF FLORIDA

COUNTY OF ST. JOHNS:

RICHARD H. NOLL and TINA NOLL, his wife, being by me, the undersigned officer, first duly sworn, says on oath that they are two of the petitioners named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that they have read same and know the contents thereof and that the statements contained therein are true.

Richard H. Noll
Richard H. Noll
Tina Noll
Tina Noll

SWORN TO AND SUBSCRIBED before me this 25th day of November, 1985.

Shirley J. Johnston
Notary Public, State of Florida at Large
My commission expires June 27, 1987

STATE OF FLORIDA

COUNTY OF ST. JOHNS:

FREDERICK E. DAY and NORMA E. DAY, his wife, being by me, the undersigned officer, first duly sworn, says on oath that they are two of the petitioners named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that they have read same and know the contents thereof and that the statements contained therein are true.

Frederick E. Day
Frederick E. Day
Norma E. Day
Norma E. Day

SWORN TO AND SUBSCRIBED before me this 25th day of November, 1985.

Shirley J. Johnston
Notary Public, State of Florida at Large
My commission expires June 27, 1987

STATE OF FLORIDA

COUNTY OF ST. JOHNS:

GREGORY B. KENNEDY and VIRGINIA E. KENNEDY, his wife, being by me, the undersigned officer, first duly sworn, says on oath that they are two of the petitioners named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that they have read same and know the contents thereof and that the statements contained therein are true.

Gregory B. Kennedy
Gregory B. Kennedy
Virginia E. Kennedy
Virginia E. Kennedy

SWORN TO AND SUBSCRIBED before me this 25th day of November, 1985.

Shirley J. Johnston
Notary Public, State of Florida at Large
My commission expires June 27, 1987

STATE OF FLORIDA

COUNTY OF ST. JOHNS:

WORTH B. JOHNSON, SR., being by me, the undersigned officer, first duly sworn, says on oath that he is one of the petitioners named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that he has read same and knows the contents thereof and that the statements contained therein are true.

Worth B. Johnson, Sr.
Worth B. Johnson, Sr.

SWORN TO AND SUBSCRIBED before me this 25th day of November, 1985.

Shirley J. Johnson
Notary Public, State of Florida at Large
My commission expires June 27, 1987

STATE OF FLORIDA

COUNTY OF ST. JOHNS:

WAYNE K. TANNER, being by me, the undersigned officer, first duly sworn, says on oath that he is one of the petitioners named in the foregoing petition to vacate portions of certain streets, alleyways or roads; that he has read same and knows the contents thereof and that the statements contained therein are true.

Wayne K. Tanner
Wayne K. Tanner

SWORN TO AND SUBSCRIBED before me this 25th day of November, 1985.

Shirley J. Johnson
Notary Public, State of Florida at Large
My commission expires June 27, 1987

LAW OFFICES

HOWATT AND BENNETT

115 CORDOVA STREET

ST. AUGUSTINE, FLORIDA

32085-0189

WILLARD HOWATT (1910-1984)

CHARLES R. BENNETT

MARCUS M. CORNELIUS III

POST OFFICE BOX 189

AREA CODE 904 829-5603

November 9, 1985

Honorable Board of County Commissioners
of St. Johns County
St. Augustine, Florida

Gentlemen:

We have examined the public records of St. Johns County, Florida, in regard to the condition of title to the following described property situated in St. Johns County, Florida:

PARCEL 1: Lots 1, 2, 3, 4 and 5, Block 20, HOPKINS SUBDIVISION OF ST. SEBASTIAN, according to map or plat thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida.

PARCEL 2: Lots 6 and 7, Block 20, HOPKINS SUBDIVISION OF ST. SEBASTIAN, according to map or plat thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida.

PARCEL 3: Lots 8, 9 and 10, Block 22, HOPKINS SUBDIVISION OF ST. SEBASTIAN, according to map or plat thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida.

PARCEL 4: Lots 6 and 7, Block 22, HOPKINS SUBDIVISION OF ST. SEBASTIAN, according to map or plat thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida.

PARCEL 5: Lots 1, 2, 3, 4 and 5, Block 22, HOPKINS SUBDIVISION OF ST. SEBASTIAN, according to map or plat thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida.

PARCEL 6: Lots 8, 9 and 10, Block 20, HOPKINS SUBDIVISION OF ST. SEBASTIAN, according to map or plat thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida.

Honorable Board of County Commissioners
of St. Johns County
November 9, 1985

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1. Parcel 1 is vested in W. M. Clayton and Minna W. Clayton, his wife.
2. Parcel 2 is vested in Richard H. Noll and Tina Noll, his wife.
3. Parcel 3 is vested in Frederick E. Day and Norma E. Day, his wife.
4. Parcel 4 is vested in Gregory B. Kennedy and Virginia T. Kennedy, his wife.
5. Parcel 5 is vested in Worth B. Johnson, Sr.
6. Parcel 6 is vested in Wayne K. Tanner.

and from our further examination of said public records, it is our opinion that said property is subject to:

1. Any facts a survey might show.
2. Any unrecorded mechanic's or materialmen's liens.
3. The rights of any persons in possession of said property other than the legal title owners.
4. County taxes for the year 1985 are now due and payable.

Very truly yours,

HOWATT AND BENNETT

By Charles R. Bennett
Charles R. Bennett

CRB:sjj

SCHEDULE "A"

All that certain street known as CLEVELAND AVENUE, as the same lies between USINA STREET and ARTHUR STREET, situated, lying and being between BLOCK 20 and BLOCK 22 of ST. SEBASTIAN SUBDIVISION of Government Lot 3, according to map thereof recorded in Map Book 1, page 134, public records of St. Johns County, Florida, EXCEPT, however, an easement is reserved for public utilities over, under and across said street, alleyway or road.