

RESOLUTION NO. 93-130

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF A WAIVER OF AND RELEASE OF COVENANT RESTRICTING DEVELOPMENT OF REAL PROPERTY.

WHEREAS, a Waiver of and Release of Covenant Restricting Development of Real Property, a copy attached hereto as Exhibit A, incorporated by reference and made a part hereof, has been presented to St. Johns County by 800 Acre Investment Partnership, for acceptance and execution; and

WHEREAS, the County desires to release said covenant as it may pertain to the property more fully described in said Waiver of and Release of Covenant Restricting Development of Real Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The said Waiver of and Release of Covenant Restricting Development of Real Property is hereby accepted and the execution of same is approved.

Section 2. The Clerk is instructed to record in the public records of St. Johns County, Florida and mail recorded copy, Florida Title Group, Inc. c/o Chuck James, 1300 Gulf Life Drive, Suite 600, Jacksonville FL 32207.

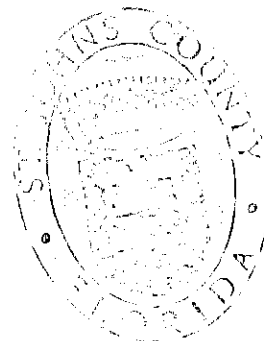
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 10th day of August, 1993.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

BY: Lillian Balowage  
Its Chair

ATTEST: Carl "Bud" Markel, Clerk

BY: Juanne Carter  
Deputy Clerk



**WAIVER OF AND RELEASE OF COVENANT RESTRICTING  
DEVELOPMENT OF REAL PROPERTY**

THIS RELEASE OF COVENANT RESTRICTING DEVELOPMENT OF REAL PROPERTY, is executed this \_\_\_\_\_ day of \_\_\_\_\_ 1993, by THE COUNTY OF ST. JOHNS FLORIDA, acting by and through the BOARD OF COUNTY COMMISSIONERS whose address is P. O. Drawer 349, St. Augustine, Florida, 32085 (hereinafter referred to as the "County");

**RECITALS**

WHEREAS, the County and 800 Acre Investment Partnership (hereinafter referred to as the "Owner") entered into that certain Amendment to Covenant Restricting Development of Real Property dated February 27, 1990, recorded in Official Records Volume 847, page 1438, et. seq., of the Public Records of St. Johns County, Florida (the "Covenants");

WHEREAS, pursuant to subparagraph 2(c) of the Covenants, the County has been provided with an affidavit, a true and correct copy of which affidavit is attached hereto as Exhibit "A" and by reference made a part hereof.

WHEREAS, the County hereby desires to release said covenant as it may pertain to the property described in Exhibit "B" attached hereto and by reference made a part hereof.

NOW, THEREFORE, for and in consideration of the foregoing the County desires to do the following:

1. The restriction contained in the Covenants is hereby released and waived for the property described in Exhibit "B" attached hereto.

2. Except as modified and released herein, the Covenants shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

COUNTY OF ST. JOHNS FLORIDA

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Chair, Board of County  
Commissioners

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

ATTEST: Carl "Bud" Markel, Clerk

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

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993, by Linda Balsavage, Chair, Board of County Commissioners of St. Johns County, Florida, who is personally known to me and who did / did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida  
Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
My Commission # is: \_\_\_\_\_

Exhibit "A"

AFFIDAVIT

COUNTY OF DUVAL

STATE OF FLORIDA

Before me, the undersigned authority, this day personally appeared WILLIAM R. KING (hereinafter the "Affiant") who being by me first duly sworn, deposes and says:

1. That the Affiant has entered into that certain Deposit Receipt and Purchase and Sale Agreement dated May 21, 1993, with 800 Acre Investment Partnership (hereinafter the "Owner") for the purchase of certain property located in St. Johns County, Florida, more particularly described in Exhibit "A" attached hereto.

2. Affiant holds no ownership interest in the Owner and is not subject to aggregation with the Owner under Chapter 380, Florida Statutes.

3. This Affidavit is given pursuant to subparagraph 2 (c) of that certain Amendment to Covenant Restricting Development of Real Property, recorded in Official Records Volume 847, page 1438, public records of St. Johns County, Florida.

Dated: July 26, 1993

William R. King  
WILLIAM R. KING

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of July, 1993, by WILLIAM R. KING, who is ( ) personally known to me or (X) has produced Florida driver's license as identification and who ( ) did or (X) did not take an oath.

Mary M. New  
Notary Public, State of Florida  
Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_

MARY M. NEW  
Notary Public, State of Florida  
My Comm. expires Feb. 17, 1997  
Comm. No. CC 260419

EXHIBIT "A" of Affidavit

PARCEL ONE: Starting at the northeast corner of Ben Chaires Grant, Section Fifty-one (51), Township Four (4) South, Range Twenty-nine (29) East; thence West on Grant line, eight hundred sixty (860) feet to concrete monument on the right of way line of Florida East Coast Canal; thence South twenty-six (26) degrees forty-three (43) minutes East; two thousand eleven (2011) feet on said right of way line to a stake for a starting point of this survey; thence North Sixty-three (63) degrees seventeen (17) minutes East two hundred thirty-five (235) feet to the West right of way line of County Road and the Northeast corner of said land; thence South on the West line of County Road right of way, two hundred (200) feet to a stake; thence south sixty-three (63) degrees seventeen (17) minutes West, two hundred thirty-five (235) feet to the southwest corner of said land; thence North twenty-six (26) degrees forty-three (43) minutes West, two hundred (200) feet along the right of way line of Florida East Coast Canal to point of beginning, containing one and seventy-seven hundredth (1.77) acres, more or less. Said land is a part of Ben Chaires Grant, Section Fifty-one (51), and a part of Pedro Mestre Donation, Section Fifty-four (54), Township Four (4) South, Range Twenty-nine (29) East, in St. Johns County, Florida.

EXHIBIT B

INTRACOASTAL WATERWAY

OYALIC ROAD (66' W)

ASPHALT PAVEMENT

5.63°17'00"W.  
244.26' (ACTUAL)  
245.0' (DESIGN)

PARCEL TWO

PARCEL ONE

400.0'  
5.20°43'00"E

239.0' (DESIGN)

235.0' (DESIGN)  
242.17' (ACTUAL)  
N.03°17'00"E

APPROX. MEAN HIGH WATER LINE

