

RESOLUTION NO. 96-100

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY AUTHORIZING THE COUNTY ADMINISTRATOR TO SETTLE A CLAIM FOR ENCROACHMENT OF COUNTY ROAD A1A ON LOTS 7 AND 24 IN ATLANTIC BEACH SUBDIVISION, ST. JOHNS COUNTY, FLORIDA.

WHEREAS, St. Johns County has caused County Road A1A to be widened, and thereby caused an encroachment to lots 7 and 24 of Atlantic Beach Subdivision; and

WHEREAS, the record Owner of lots 7 and 24 of Atlantic Beach Subdivision has not been compensated for said encroachment.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County that the County Administrator is authorized to pay up to \$15,908.09 of County General Reserve Funds in return for both (1) a warranty deed for that portion of lots 7 and 24 of Atlantic Beach Subdivision of St. Johns County, Florida described in Exhibit "A", attached hereto, incorporated by reference and made a part hereof and (2) a quit-claim approved by the Office of the County Attorney from the record Owner of lots 7 and 24 of said subdivision releasing the County from any and all claims relating to said encroachment.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 11 day of June, 1996.

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

By: 
Its Chair, Donald Jordan

ATTEST: CARL "BUD" MARKEL, CLERK

By: 
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION OF APPARENT ENCROACHMENT BY A-1-A INTO LOT 24 ATLANTIC BEACH SUBDIVISION ACCORDING TO A SPECIAL PURPOSE SURVEY PREPARED BY JONES AND PELLICER, INC. DATED MAY 2, 1995.

BEGINNING AT THE SET DRILL HOLE DESIGNATED THE NORTHWEST CORNER OF LOT 24, ATLANTIC BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 50, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON THE SPECIAL PURPOSE SURVEY TITLED DETAILS EAST OF COUNTY ROAD A-1-A, BY JONES AND PELLICER, INC. AND DATED MAY 2, 1995; THENCE DUE EAST A DISTANCE OF 16.3 FEET SHOWN ON THE ABOVE-MENTIONED SURVEY; THENCE S 01° 19' 38" W ALONG THE RIGHT-OF-WAY AS STAKED AS SHOWN ON THE JONES AND PELLICER SURVEY, A DISTANCE OF 93.0 FEET, THENCE DUE WEST ALONG THE NORTHERLY LINE OF A 15 FOOT WIDE ALLEY AS SHOWN ON SAID SURVEY, A DISTANCE OF 11.8 FEET; THENCE N 1° 28' 00" W, ALONG THE WESTERLY LINE OF LOT 24 OF ABOVE-MENTIONED ATLANTIC BEACH SUBDIVISION, AS SHOWN ON SAID SURVEY BY JONES AND PELLICER, A DISTANCE OF 93.0 FEET TO THE P.O.B. CONTAINING 1,304.6 SQUARE FEET OR 0.03 ACRES MORE OR LESS.

TOGETHER WITH:

BEGINNING AT THE SET DRILL HOLE DESIGNATED THE NORTHWEST CORNER OF LOT 24, ATLANTIC BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 50, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON THE SPECIAL PURPOSE SURVEY TITLED DETAILS EAST OF COUNTY ROAD A1A, BY JONES AND PELLICER, INC. AND DATED MAY 2, 1995, THENCE S 1° 28' 00" E A DISTANCE OF 162.5 FEET TO POINT OF BEGINNING, THENCE S 1° 28' 00" E A DISTANCE OF 38.5 FEET, THENCE DUE EAST ALONG THE NORTHERLY RIGHT-OF-WAY OF 11TH STREET A DISTANCE OF 6.5 FEET, THENCE N 01° 19' 38" E AS STAKED AND AS SHOWN ON SAID SURVEY A DISTANCE OF 58.8 FEET TO A POINT ON A CURVE SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 340.0 FEET; THENCE SOUTHWESTERLY, ALONG AND WITH THE ARC OF SAID CURVE, A CHORD BEARING OF S 23° 35' 12" W AND A CHORD DISTANCE OF 22.1 FEET TO THE POINT OF BEGINNING CONTAINING 374 SQUARE FEET.

4409

PREPARED BY & RETURN TO:
GEORGE M. McCLURE
ROGERS TOWERS BAILEY
JONES & GAY
81 King Street, Suite A
P. O. Box 3504
St. Augustine, FL 32085-3504

**WARRANTY DEED
(FROM CORPORATION)**

THIS WARRANTY DEED made and executed the 24th day of July, 1996, by **PPFCD, INC.**, a corporation existing under the laws of the State of Florida, and having its principal place of business at c/o Sea Shore Motel, 480 A1A Beach Blvd., St. Augustine Beach, FL 32084, hereinafter called the Grantor, to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose post office address is 4020 Lewis Speedway, St. Augustine, FL 32095, hereinafter called the Grantee:

WITNESS, 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 in St. Johns County, Florida, viz:

PARCEL I: Beginning at the set drill hole designated the Northwest corner of Lot 24, **ATLANTIC BEACH SUBDIVISION**, according to the plat thereof recorded in Plat Book 2, page 50, of the public records of St. Johns County, Florida, as shown on the special purpose survey titled details east of County Road A1A, by Jones and Pellicer, Inc., and dated May 2, 1995; thence due East a distance of 16.3 feet shown on the above-mentioned survey; thence S 01°19'38" W along the right-of-way as staked as shown on the Jones and Pellicer survey, a distance of 93.0 feet, thence due West along the northerly line of a 15 foot wide alley as shown on said survey, a distance of 11.8 feet; thence N 1°28'00" W, along the Westerly line of Lot 24 of above-mentioned Atlantic Beach Subdivision, as shown on said survey by Jones and Pellicer, a distance of 93.0 feet to the P.O.B. containing 1,304.6 square feet or 0.03 acres more or less.

PARCEL II: Beginning at the set drill hole designated the Northwest corner of Lot 24, **ATLANTIC BEACH SUBDIVISION**, according to the plat thereof recorded in Plat Book 2, page 50, of the public records of St. Johns County, Florida, as shown on the special purpose survey titled details east of County Road A1A, by Jones and Pellicer, Inc. and dated May 2, 1995, thence S 1°28'00" E a distance of 162.5 feet to a Point of Beginning, thence S 1°28'00" E a distance of 38.5 feet, thence due East along the Northerly right-of-way of 11th Street a distance of 6.5 feet, thence N 01°19'38" E as staked and as shown on said survey a distance of 58.8 feet to a point on a curve said curve being concave southeasterly, having a radius of 340.0 feet; thence southwesterly, along and with the arc of said curve, a chord bearing of S 23°35'12" W and a chord distance of 22.1 feet to the Point of Beginning containing 374 square feet.

Parcel Account 167250-0000
NO OPINION OF TITLE REQUESTED OR GIVEN.

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

For let. BCC Deedy
Rec. 900 P. Degradde
Sur. 150
Doc. 704 Bill Co.


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


AND the Grantor hereby covenants with said Grantees that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, SUBJECT to taxes accruing subsequent to December 31, 1995.

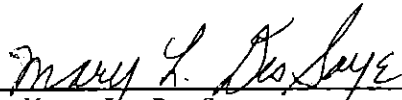
IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name, and its corporate seal to be the day and year first above written.

Signed, Sealed and Delivered
In the presence of:

PPFCD, INC., a Florida corporation


George M McClure
(Witness Name Typed)

By 
Perry W. Sample
Its President


Mary L. DesSoye
(Witness Name Typed)

(SEAL)


GEORGE M. McCLURE
Notary Public, State of Florida
My Commission Expires December 27, 1999
Comm. No. CC504842

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Perry W. Sample, well known to me to be the President of the corporation named as Grantor in the foregoing deed, and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of July, 1996.

GEORGE M. McCLURE
Notary Public, State of Florida
My Commission Expires December 27, 1999
Comm. No. CC504842


(Name of Notary Typed)
Notary Public, State of Florida at Large
My Commission Expires: _____
Commission Number _____
 personally known
 produced identification in form of _____

THIS INSTRUMENT PREPARED BY:
GEORGE M. McCLURE
ROGERS, TOWERS, BAILEY
JONES & GAY
81 KingStreet, Suite A
P.O. Box 3504
St. Augustine, FL 32085-3504

QUIT CLAIM DEED, GENERAL RELEASE,
AND RELEASE OF OBLIGATIONS

That PPFCD, INC., and PERRY SAMPLE, Jointly and Severally, (the "First Party"), for and in consideration of the settlement and compromise of certain claims and other valuable considerations, received from or on behalf of ST. JOHNS COUNTY, FLORIDA, (The "Second Party"), the receipt and sufficiency whereof are hereby acknowledged, 4020 Lewis Speedway, St. Augustine, Fl. 32095

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

HEREBY remise, release, acquit, satisfy, and forever discharge the Second Party, of and from all and all manner of obligation, sequela, action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which the First Party ever had, now has or which the First Party and any personal representative, successor, heir or assign of the First Party hereinafter can, shall or may have, against the Second Party, for, upon or by reason of or relating to any existing encroachment of County road, highway or right-of-way onto real property described in Exhibit A hereto, record title to which is held by the First Party. This release specifically includes, but is not limited to, the First Parties' release of the Second Party from all claims, liabilities, or obligations for (1) any improvement or loss of any use of any real or personal property, or (2) any loss or diminishment of use or value of improvement to any property as may be otherwise caused by this release or quit claim of any right of property. This release also includes, but is not limited to, a release by the First Party unto the Second Party forever all right, title and interest, claim and demand which the First Party has in and to the lot, piece or parcel of land, situated, lying, and being in the County of St. Johns, State of Florida as described in Section (3) of Exhibit A hereof. This release of the Second Party and its successors and assigns, by the First Party, is appurtenant to the lands hereintofore described, and shall run with the title to such lands to release any claim originating prior to the date of this release is executed by the County Administrator of St. Johns County, Florida.

This release and quit claim is to be given by the First Party to the Second Party in consideration of payment of a sum of Fifteen Thousand Nine Hundred Eight and 09/100 Dollars (\$15,908.09) from the Second Party to the First Party.

- Bill Co. - Rec-1300
- Sur-2000
- Doc-704
Juv+let - P. Degrande
BCC Secty -

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24th day of July, 1996.

Signed, sealed and delivered in the presence of:

"First Party"

PPFCD, INC.

By: Perry M. Sample
Perry Sample
Its President
Sea Shore Motel
480 AIA Beach Blvd.
St. Augustine, FL 32084

[Signature]
George M. McClure
(Name Printed or Typed)

Mary L. DesSoye
Mary L. DesSoye
(Name Printed or Typed)

[Signature]
George M. McClure
(Name Printed or Typed)

Mary L. DesSoye
Mary L. DesSoye
(Name Printed or Typed)

Perry M. Sample
Perry Sample, Individually

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 24th day of July, 1996, by PERRY SAMPLE, who is personally known to me or who has produced _____ as identification.

GEORGE M. McCLURE
Notary Public, State of Florida
My Commission Expires December 27, 1999
Comm. No. CC504842

[Signature]
Notary Public, State of Florida
Name: George M. McClure
My Commission Expires: _____
My Commission Number is: _____

"Second Party"

ST. JOHNS COUNTY by and through its Board of County Commissioners

CARL "BUD" MARKEL
Attest: CLERK OF COURTS

By: Nicholas M. Meiszer
Nicholas M. Meiszer
County Administrator

[Signature]
Deputy Clerk

Date: _____, 1996

AUG - 2 1996

Exhibit A

Legal description of apparent encroachment by A-1-A into Lot 24 Atlantic Beach Subdivision according to a special purpose survey prepared by Jones and Pellicer, Inc., dated May 2, 1995.

Beginning at the set drill hole designated the Northwest corner of Lot 24, Atlantic Beach Subdivision, according to the plat thereof recorded in Plat Book 2, Page 50, of the public records of St. Johns County, Florida, as shown on the Special Purpose Survey titled Details East of County Road A-1-A, by Jones and Pellicer, Inc. and dated May 2, 1995; thence due East a distance of 16.3 feet shown on the above-mentioned survey; thence S $01^{\circ}19'38''$ W along the right-of-way as staked as shown on the Jones and Pellicer Survey, a distance of 93.0 feet, thence due West along the Northerly line of a 15 foot wide alley as shown on said survey, a distance of 11.8 feet; thence N $1^{\circ}28'00''$ W along the Westerly line of Lot 24 of above-mentioned Atlantic Beach Subdivision, as shown on said survey by Jones and Pellicer, a distance of 93.0 feet to the P.O.B. containing 1,304.6 square feet or 0.03 acres more or less.

Together with:

Beginning at the set drill hole designated the Northwest corner of Lot 24, Atlantic Beach Subdivision, according to the plat thereof recorded in Plat Book 2, Page 50, of the public records of St. Johns County, Florida, as shown on the Special Purpose Survey titled Details East of County Road A-1-A, by Jones and Pellicer, Inc. and dated May 2, 1995, thence S $1^{\circ}28'00''$ E a distance of 162.5 feet to a point of beginning, thence S $1^{\circ}28'00''$ E a distance of 38.5 feet, thence due East along the Northerly right-of-way of 11th Street a distance of 6.5 feet, thence N $01^{\circ}19'38''$ E as staked and as shown on said survey a distance of 58.8 feet to a point on a curve said curve being concave Southeasterly, having a radius of 340.0 feet; thence Southwesterly, along and with the arc of said curve, a chord bearing of S $23^{\circ}35'12''$ W and a chord distance of 22.1 feet to the point of beginning containing 374 square feet.

Together with:

A triangular-shaped parcel of land in Atlantic Beach Subdivision, according to plat thereof recorded in Map Book 2, page 50, of the public records of St. Johns County, Florida; said parcel of land being bounded on the North by a line 15 feet South from and parallel with the South line of Lot 24 of said subdivision; on the West by the southerly extension of the West line of said Lot 24; and on the Southeast by the Northwest line of a 50-foot width strip of land designated on said plat as "St. Johns Electric Co. Trolley Line."

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

BEFORE ME, the undersigned authority, personally appeared PERRY W. SAMPLE, who first being duly sworn deposed and said:

1. My name is PERRY W. SAMPLE, and I reside at Sea Shore Motel, 480 AIA Beach Blvd., St. Augustine, FL 32084. This Affidavit is based upon my personal knowledge.

2. I am an officer and shareholder of PPFCD, INC. the corporate owner of the SEA SHORE MOTEL. I purchased the motel as an ongoing concern with my wife through the corporation in 1971. Attached hereto as Exhibit A is a copy of the Deed we received which contains a legal description of the property purchased.

3. My wife and I began managing the property shortly after we purchased it and we moved into the property as our principal residence in June of 1972. The manager's apartment in which I have continuously lived since then is located on the second floor of the office building and fronts on and looks directly out over Highway AIA. The office itself is downstairs from the apartment and the counter looks out through large plate glass windows onto AIA as well.

4. The motel office is open seven days a week and my wife and I did all desk activities except for short trips or vacations since then. I have done these myself since she passed away on March 11, 1987.

5. At the time we purchased the motel AIA was a 2 lane paved road with no swales or drainage systems adjacent to it in the area of the motel. Our yard extended to the edge of the pavement and we maintained the whole yard by mowing, irrigating and fertilizing. At no time did the County maintain any area in front of the motel with the exception of the periodic maintenance of paved surfaces.

6. In the late 1970's the City of St. Augustine Beach constructed a 4 foot concrete sidewalk in front of the motel. It was within what I believed to be the right-of-way of AIA. Every now and then the County would mow the grass between the sidewalk and the road pavement, but only to the extent of the width of the mower behind a tractor. The County did not in our observation maintain any of this area except to this degree. The only other maintenance by the County outside the boundaries of the AIA pavement was in the area of the vacant lots to the north of us where there were swale areas and ditches to maintain.

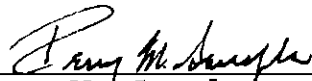
7. The light pole that is shown on the survey of Loren Jones dated May 4, 1995 was not there at the time we purchased the motel. The electrical lines serving the light pole come from

*Dr. Lot - BCC Secty
Rec - 900 P. Degrande
Sur - 150
- R. H. A.*

across AIA. All electrical service for the motel also comes from across AIA. No electrical lines are on our side of the highway. The only visible indicator of utilities was the fire hydrant. We did not object to the presence of any water lines since they were underground and did not affect our ability to make use of our property.


8. The first knowledge I had of any claim by any other party to any portion of my property was when the stakes were placed by the construction crew last spring to indicate the area within which construction would occur. I promptly obtained a survey and notified the County of its error. I have not been compensated in any way for the property which was taken.

9. Neither I, my corporation, nor, to my knowledge, any of my predecessors in title, have ever received any compensation for any encroachment or taking as set forth herein.



Perry W. Sample

Sworn to and subscribed before me
this 24th day of July, 1996



Notary Public
State of Florida at Large
Personally Known or
Produced Identification _____
Type of Identification _____
Produced _____

GEORGE M. McCLURE
Notary Public, State of Florida
My Commission Expires December 27, 1999
Comm. No. CC504842