

RESOLUTION 96-15

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA GRANTING ARDEN L. BREY, HIS SUCCESSORS AND ASSIGNS A REASONABLE, LIMITED LICENSE TO OPEN A PORTION OF UNIMPROVED PLATTED, PUBLIC RIGHT-OF-WAY KNOWN AS MANRESA ROAD, TO CONSTRUCT A RESIDENTIAL DRIVEWAY TO LOTS 17 AND 18, BLOCK 18, VILANO BEACH SUBDIVISION, ST. JOHNS COUNTY, FLORIDA.

WHEREAS, St. Johns County has received a request by Arden L. Brey (Exhibit "A" attached hereto and made apart hereof by reference, hereinafter "Owner") to use a portion of unimproved platted public right-of-way known as Manresa Road in Vilano Beach Subdivision Lots 17 and 18 to construct a residential driveway to serve two single family residences (See Exhibit "B" attached hereto and made a part hereof by reference).

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Johns County (hereinafter "County") hereby grant to said Owner, Arden L. Brey and to his successors and assigns (hereinafter "Owners") of the following described Property: Lots 17 and 18, Block 18, Vilano Beach Subdivision as recorded in Map Book 4, Page 48 of the Public Records of St. Johns County, Florida (hereinafter "Property") a revocable, limited license to construct and use a stabilized driveway within the unimproved, unopened right-of-way of Manresa Road adjoining said Lots 17 and 18 within said Vilano Beach Subdivision of St. Johns County.

This grant of license is subject to the following limitations and conditions:

1. This license is limited by the degree of interest St. Johns County has in the unopened, unimproved portions of above described Manresa road adjacent to the Property. The Board of County Commissioners of St. Johns County does not, by this Resolution intend to accept, declare, or recognize any portion of said Manresa Road to be a County road which has not previously been accepted as such.
2. This license is non-exclusive to other present or future uses of said Manresa Road.
3. There will be no more than one single residence constructed on each of said lots of the Property.
4. Said Owners shall construct and maintain a stabilized driveway with no greater or less than a 20' driving surface within the 60 foot unimproved right-of-way of Manresa Road subject to the requirements of Exhibit "C" attached hereto and incorporated herein by reference, within two (2) years of the date this Resolution is adopted. The

*Dr + Ret - BCC Secy
Irma Pacetti*
⑬ Rec 53⁰⁰/₇₀₀

driveway shall only extend from Porpoise Point Drive (a County road) north 154 feet +/- into the unimproved right-of-way of Manresa Road and there terminate on said Lots 17 and 18.

5. This license shall be transferable to Arden L. Brey's successors and assigns holding an ownership interest in the aforescribed Property. However, all conditions and obligations of Arden L. Brey under this Resolution and its attachments shall run with the land heretofore described as the Property and shall be the obligation of said successors and assigns.
6. The Owners of the above described Property must remove and/or relocate the stabilized access at their expense, upon written request by the County, for any reason, at any time in the future.
7. The stabilized access located within the right-of-way must be privately maintained to St. Johns County standards by said Owners, at all times. St. Johns County has assumed no responsibility for the maintenance of this right-of-way on improvements thereon and does not by this Resolution, declare, accept, or recognize said unopened portion of Manresa Road as a County road.
8. Neither the present Owner nor his successors or assigns shall have any right to compensation for loss of their improvements on said right-of-way or on adjoining lots should this license be revoked, nor shall any improvements entitle such Owners to continuation of this license which remains revocable at will by the County.
9. An effective Hold Harmless Agreement to St. Johns County from Arden L. Brey and Catherine Brey, his wife substantially as described in Exhibit "D" attached hereto incorporated by reference and made a part hereof shall be executed and recorded in the Official Record Books of St. Johns County, Florida.
10. Use of this license shall be as limited by the Department of the Army consent of Easement To Use Corps of Engineers Right-of-Way granted to Arden L. Brey and Catherine Brey recorded in the Official Record Books of St. Johns County, Florida, Book 1143, Pages 827 through 832 and any amendments or revisions thereto.
11. All necessary governmental permits must be issued prior to any improvements being made that are dependant on this license. Such permits shall include, but are not limited to, the FDEP and U.S. Army Corps of Engineers dredge and fill permits, St. Johns County Zoning Ordinance Section 7-4C, Page 92 and 74-C (2) Page 93, Section 7-4-H Page 94, St. Johns County Paving and Drainage Ordinance and St. Johns County Ordinance 93-6 and approval of construction plans by the St. Johns County Engineering Department as such requirements may be amended or expanded from time to time.

CONSTRUCTION OF THIS STABILIZED DRIVING SURFACE IS NOT AUTHORIZED UNTIL ISSUANCE OF ALL REQUIRED PERMITS FOR ACCESS TO SUCH CONSTRUCTION ON LOTS 17 AND 18 OF VILANO BEACH SUBDIVISION ARE OBTAINED.

12. The Owner of said Property shall agree in writing to all conditions in this Resolution before its terms shall be effective by properly executing Exhibit "E" attached hereto incorporated by reference which executed agreement shall be recorded as a part of this Resolution.
13. This Resolution shall be recorded in the Official Record Books of St. Johns County, Florida at the cost of Arden L. Brey prior to this license being effective.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 13 Day of February, 1996.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ronald Gordon
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Irma Pacetti
Deputy Clerk

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I, CARL "BUD" MARKEL, CLERK OF THE CIRCUIT COURT, Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida,

DO HEREBY CERTIFY that the foregoing is a true and correct copy of the following:

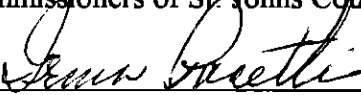
RESOLUTION NO. 96-15

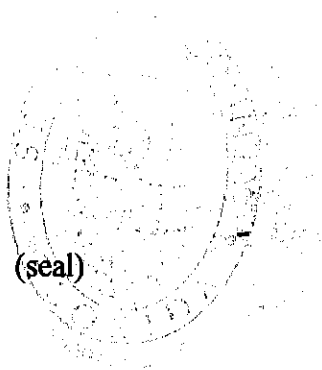
**Adopted by the Board of County Commissioners of St. Johns
County, Florida, at a regular meeting of said Board held
February 13, 1996**

as the same appears of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this **26th** day of **February, 1996**.

CARL "BUD" MARKEL,
CLERK OF THE CIRCUIT COURT
Ex-officio Clerk of the Board of County
Commissioners of St. Johns County, Florida

By: 
Irma Pacetti, Deputy Clerk



February 12, 1993

Royce C. Gandy, P. E.
St. Johns County Public Works Director
P.O. Drawer 349
St. Augustine, Florida 32085-0349

Dear Mr. Gandy:

I have owned lots 17 and 18, Block 18 in Vilano Beach since 1984. Now that my wife and I are preparing for our retirement, we are planning to build two single family residences on these lots; one for our selves, and one for our parents. The lots in question front on the south end of the County's Manresa Road right of way, near where it intersects Porpoise Point Drive.

Lots 19 and 20, north of our property, are developed and Lot 19 appears to be using part of the Manresa Road right of way for private purposes, effectively limiting our access to our lots from the north. The attached map illustrates the location of the lots relative to the right of way.

Upon applying for a building permit, Lots 17 and 18 were assigned the addresses of 506 and 508 Porpoise Point Drive by the 911 Address Section, which is fine with us. However, we learned that the County would like to abandon that portion of Manresa Road near Porpoise Point Drive as well. The south end of Manresa provides the only access to our property.

Upon discussing this with Cathy Daniel, we were advised to seek a hearing with the County Board of Commissioners, to request the use of a portion of the south end of the Manresa Road right of way for a private drive to our properties. We are willing to construct and maintain a driveway to Porpoise Point Drive within the Manresa Road right of way.

This letter is to seek your assistance in having our request for the above described driveway permit placed on the County's Board's agenda as soon as possible after March 1st, 1993. I, my wife, Catherine, and/or our St. Augustine architect, Lawrence Thate, will appear before the Board to present our case. Any assistance that your office may provide in presenting the matter to the County Board would also be greatly appreciated.

Sincerely,


Arden Brey

3810 Brelton Woods Road
Decatur, Georgia 30032
(404) 299-3832

OCEAN



NOTE: LOTS 1 THRU 15 BLK 8 (AS CROSS - HIGHWAY) MAY BE SUBJECT TO NORMAL TAX ACTION THAT MAY TAKE EFFECT ON THE DATE OF THE NEXT REASSESSMENT. (RECORDED ON MAPS PAGE)

1 SUBJECT PROPERTY
 20' ACCESS ROAD

O.R. 1156 PG 1096

OVERLAYS-AERIAL-PHOTO-153A

| SECTION | TOWNSHIP | RANGE |
|---------|----------|-------|
| 45889 | 7S | 30E |

ST. JOHNS COUNTY, FLORIDA

EXHIBIT "B"



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232

September 19, 1984

REPLY TO
ATTENTION OF
Real Estate Division

Mr. Arden L. Brey
465 Claire Drive NE.
Atlanta, Georgia 30307

Dear Mr. Brey:

Reference is made to your letter of July 20, 1984, requesting permission to construct improvements on Corps right-of-way crossing a portion of your property. The proposed improvements consist of driveways and septic tank drainfields.

The enclosed "Development Plan" you provided has been revised in red, to show the correct relationship of the north jetty tieback right-of-way line and the existing stone tieback built in 1943. The tieback has since been covered by drifting sands.

The corrected jetty tieback would extend across the proposed driveways and septic tank drainfields instead of being south of these proposed improvements as originally shown on the "Development Plan."

We would not object to the proposed driveways within the Corps easement since we understand they will be shell or gravel. The Corps will not be responsible for damage to the driveways within the right-of-way if any addition or maintenance work is necessary on the tieback in the future.

The septic drainfield should be kept about 20 feet from the stone tieback to avoid any damage to the tieback or drainfield. This will allow the drainfield to extend only about 5 feet within the right-of-way.

We trust the above information is satisfactory for your purpose.

EXHIBIT C

-2-

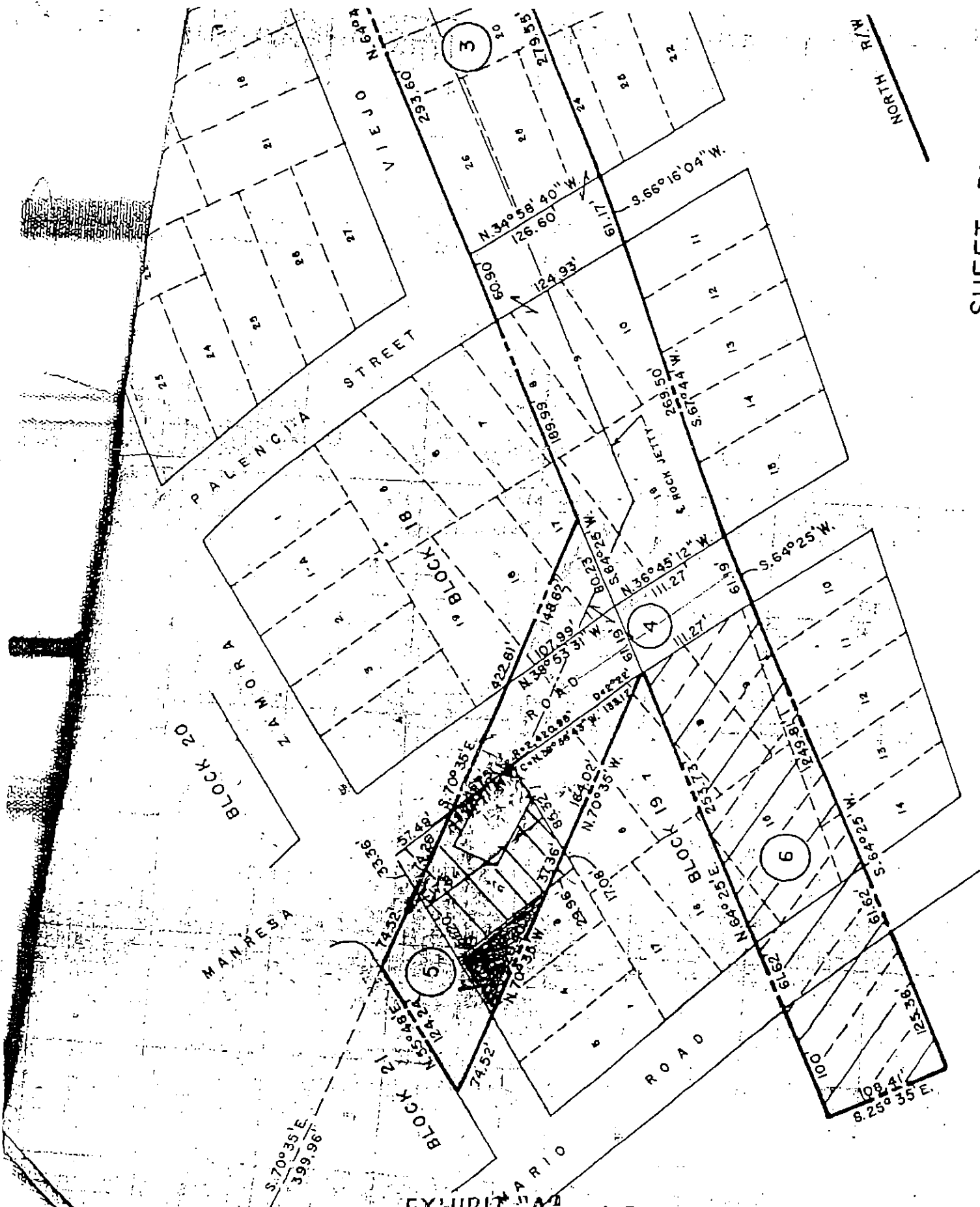
If you have any questions regarding this matter please contact Mr. Dominic DiMaio telephone (904) 791-1172.

Sincerely,



Walter P. Jones III
Chief, Real Estate Division

Enclosure



NORTH RIVER

SHEET PILE CAMP

EXHIBIT "A"

ATTACHMENT TO EXHIBIT "C"

HOLD HARMLESS AGREEMENT

Arden L. Brey and Catherine Brey, his wife, the owners of the real property described in Section (1) of Attachment "A" attached hereto and incorporated herein (the "Real Property") do hereby agree, for themselves, their successors and assigns of ownership interest in said Property, to indemnify, defend and hold St. Johns County, Florida harmless from and against any and all claims, loss, liability or expenses including reasonable attorneys' fees, resulting from limitation of right of access through, or use of, improvement, maintenance or use, of any land within that portion Manresa Road Vilano Beach Subdivision as recorded in Map Book 4, Page 48, Public Records of St. Johns County, Florida that remains unopened as of January 1, 1996. Said unopened portion of Manresa Road being further described in Section (2) of Attachment "A" attached hereto. The obligation of this Agreement shall run with the land described in Section (1) of Attachment "A".

This Hold Harmless Agreement is being executed and delivered to St. Johns County, Florida, to induce the County to issue a building permit authorizing construction of a residence on the Real Property and shall be a covenant running with and burdening title to the Real Property.

Executed this 23 day of February, 1996.

Irma Pacetti

Witness as to Arden L. Brey
and Catherine Brey
Irma Pacetti, Deputy Clerk

Typed name of witness

Yvonne Carter

Witness as to Arden L. Brey
and Catherine Brey
Yvonne Carter, Deputy Clerk

Typed name of witness

Arden L. Brey

ARDEN L. BREY

Catherine Brey

CATHERINE BREY

STATE OF ~~GEORGIA~~ FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 23 day of February 1996, by Arden L. Brey and Catherine Brey, his wife, who are personally known to me or have produced GA driver's licenses # GA 396320721 and # GA 414548301 as identification.

Patricia DeGrande
Signature of Notary

Patricia DeGrande
(Name of Notary, typed or printed)

Commission number: CC516024

Commission expires: 01-26-2000



Patricia DeGrande
MY COMMISSION # CC516024 EXPIRES
January 26, 2000
BONDED THRU TROY FAIR INSURANCE, INC.

EXHIBIT "D"

ATTACHMENT "A" TO HOLD HARMLESS AGREEMENT

- Section (1) Lots 17 and 18, Block 18, Vilano Beach, Unit A, according to plat recorded in Map Book 4, page 48, Public Records of St. Johns County, Florida.
- Section (2) That portion of Manresa Road in Vilano Beach Subdivision, St. Johns County, Florida which is subject to easement in favor of United States of America recorded in Book 138, page 29, Public Records of St. Johns County, Florida.

FEBRUARY 23, 1996

Board of County Commissioners
St. Johns County
P.O. Drawer 349
St. Augustine, FL 32085-0349

Re: Residential Driveway to be Constructed Within Unimproved County Right-of-Way Known as Manresa Road

Dear Board of County Commissioners:

This is to acknowledge that I agree with all the terms and conditions as set forth in St. Johns County Resolution No. 96-15 in regard to the above-referenced driveway to be constructed within the right-of-way.

Arden L. Brey

Arden L. Brey
3810 Bretton Woods Road
Decatur, Georgia 30032

STATE OF ~~GEORGIA~~ FLORIDA
COUNTY OF ~~DEKALB~~ ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 23 day of February, 1996, by ARDEN L. BREY, who is personally known to me or has produced Georgia DL # 396320727 as identification and who ~~did~~ (did not) take an oath.

Patricia De Grande

Notary Public

Patricia De Grande

(Name of Notary, Typed or Printed)
My Commission Expires: 01-26-2000



Patricia De Grande
MY COMMISSION # CC516024 EXPIRES
January 26, 2000
BONDED THRU TROY FAIN INSURANCE, INC.