

RESOLUTION NO. 98- 61

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT BETWEEN CUNNINGHAM CREEK UNIT IV HOME OWNERS ASSOCIATION AND ST. JOHNS COUNTY WHEREBY ST. JOHNS COUNTY WILL OWN AND MAINTAIN THE RIGHT-OF-WAYS WITHIN THE CUNNINGHAM CREEK UNIT IV SUBDIVISION.

WHEREAS, Cunningham Creek Unit IV Home Owners Association has requested that St. Johns County, a political subdivision of the State of Florida accept the right-of-ways located within the Cunningham Creek Unit IV, and

WHEREAS, St. Johns County is desirous of accepting the proposed Agreement offered by said Cunningham Creek Unit IV Home Owners Association, in substantially the form attached hereto as Exhibit "A", incorporated by reference and made a part hereof.

NOW, THEREFORE, be it **RESOLVED** by the Board of County Commissioners of St. Johns County, Florida, as follows.

Section 1. The Board hereby approves the Agreement in substantially the form attached hereto and authorizes the County Administrator to execute such Agreement (or one in substantially this form).

Section 2. The Clerk is instructed to file the original Agreement and mail executed copies of this Resolution and the Agreement to Cunningham Home Owners Association Unit IV c/o Mr. John A. Milani, President, 1249 Creek Bend Road, Jacksonville, Florida 32259.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 10 day of March, 1998.

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

By: Moses A. Floyd
Moses A. Floyd
Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Strickland
Deputy Clerk

AGREEMENT

THIS AGREEMENT dated as of the 27 day of January 1998 by Cunningham Creek Unit IV Home Owners Association (hereinafter "Home Owners Association") and St. Johns County, Florida, a political subdivision of the State of Florida (hereinafter "County").

RECITAL

WHEREAS, the Home Owners Association has requested the County accept the following private road right of ways, that portion of Flora Branch Boulevard, Creek Bend Road, Forest Hollow Way and Pond View Court as shown on plat of Cunningham Creek Unit IV, according to the plat thereof recorded in Map Book 25, Page 11 through 15, public records of St. Johns County, Florida (attached hereto as Exhibit "A" and incorporated herein by reference) excepting there from the east ten feet of Flora Branch Boulevard as shown on said plat (hereinafter "Right of Ways"); and

WHEREAS, the County contacted Martin Company, a paving contractor on behalf of the Home Owners Association. Martin Company has given an estimated cost of Four Thousand Two Hundred Fifty Five (\$4,255.00) dollars to repair the deficiencies to the Right of Ways. (See Exhibit "B" attached hereto and incorporated herein by reference.)

NOW THEREFORE it is agreed:

1. The Home Owners Association will provide the County for the subject property (a) a title opinion or title certificate confirming current ownership in the Home Owners Association and listing all record encumbrances; (b) delivery to the County of a Warranty Deed, free and clear of all encumbrances conveying fee simple title from the current owners to St. Johns County, Florida, a political subdivision of the State of Florida; and (c) payment of Title Insurance Policy in the amount of Ten Thousand (\$10,000.00) dollars insuring the County's interest in said Right of Ways.

2. The County will accept maintenance of the Right of Ways and drainage facilities located within the Right of Ways after (a) the deficiencies have been corrected (see list of deficiency in Exhibit "C" attached hereto and incorporated herein by reference); (b) the County has received a written report from the County Highway Inspector verifying the roads meet County standards as outlined in St. Johns County Ordinance 86-4; and (c) the Home Owners Association has complied with its obligations in this Agreement.

3. The Home Owners Association will maintain all other drainage ways and ponds as dedicated to them in the plat of Cunningham Creek Unit IV, according to plat thereof recorded in Map Book 25 Pages 11 through 15, public records of St. Johns County, Florida to insure that drainage from the Road Right of Ways will have positive outfall through the drainage ways to the ponds.

4. The Home Owners Association will place in escrow with Title Company Four Thousand Two Hundred Fifty Five (\$4,255.00) dollars to be paid by the Title Company to Martin

Company when the deficiencies within the Right of Ways have been corrected and verified.

5. The Home Owners Association will be responsible for all Property Taxes until the road Right of Ways are accepted by the County.

6. This agreement may be amended in writing executed with the same formalities as the original.

7. This agreement shall be construed and enforced in accordance with the laws of the State of Florida. Jurisdiction and venue for any dispute hereunder shall be in the Circuit Court of St. Johns County.

8. The executed original of this agreement shall be filed with the Clerk of the Board of County Commissioners of St. Johns County, and each party shall receive a certified copy of the recorded agreement.

9. This agreement shall be effective upon approval by the Board of County Commissioners authorizing the execution of the agreement by the County Administrator, and executed by all parties hereto.

10. This agreement shall be binding upon and insure to the benefit of the successors and assigns of the parties hereto.

11. Notices or correspondence related to this agreement shall be sent to the following:

For Cunningham Creek Unit IV Home Owners Association

John A. Milani
1249 Creek Bend Road
Jacksonville, Florida 32259

For St. Johns County

County Administrator
P. O. Drawer 349
St. Augustine, Florida 32085-0349

12. If any section, phrase, sentence or portion of the agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year written above.

Signed, sealed and delivered
in the presence of:

Witness *Michael J. Allison*
Michael J. Allison

(type or print name)

Witness *Diane M. Fangman*

Diane M. Fangman

(type or print name)

Cunningham Creek Unit IV Home Owners Association

By: *John A. Milani*

John A. Milani

Its President

1249 Creek Bend Road

Jacksonville, Florida 32259

Witness *Patricia DeGrande*

(type or print name) Patricia DeGrande

Witness *Stacey McDaniel*

Stacey McDaniel

(type or print name)

St. Johns County, Florida

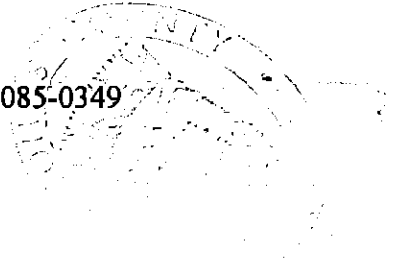
By: *Ben W. Adams, Jr.*

Ben W. Adams, Jr.

County Administrator

P. O Drawer 349

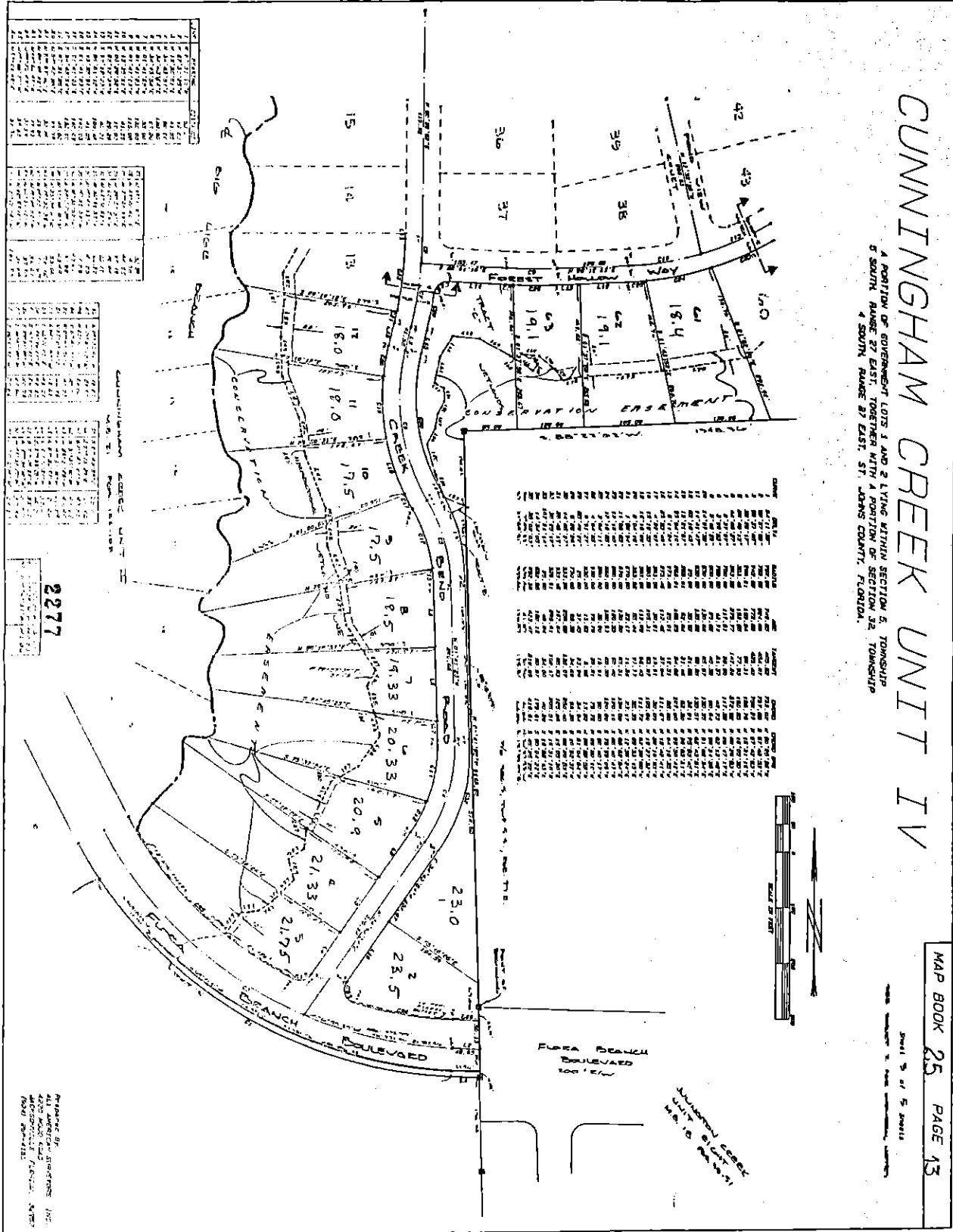
St. Augustine, Florida 32085-0349



CUNNINGHAM CREEK UNIT IV

A PORTION OF GOVERNMENT LOTS 1 AND 2 LYING WITHIN SECTION 5, TOWNSHIP 6 SOUTH, RANGE 27 EAST, TOGETHER WITH A PORTION OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA.

MAP BOOK 25 PAGE 43



| Lot No. | Acres | Lot No. | Acres | Lot No. | Acres |
|---------|-------|---------|-------|---------|-------|
| 1 | 18.0 | 11 | 18.0 | 21 | 18.0 |
| 2 | 18.0 | 12 | 18.0 | 22 | 18.0 |
| 3 | 18.0 | 13 | 18.0 | 23 | 18.0 |
| 4 | 18.0 | 14 | 18.0 | 24 | 18.0 |
| 5 | 18.0 | 15 | 18.0 | 25 | 18.0 |
| 6 | 18.0 | 16 | 18.0 | 26 | 18.0 |
| 7 | 18.0 | 17 | 18.0 | 27 | 18.0 |
| 8 | 18.0 | 18 | 18.0 | 28 | 18.0 |
| 9 | 18.0 | 19 | 18.0 | 29 | 18.0 |
| 10 | 18.0 | 20 | 18.0 | 30 | 18.0 |
| 11 | 18.0 | 21 | 18.0 | 31 | 18.0 |
| 12 | 18.0 | 22 | 18.0 | 32 | 18.0 |
| 13 | 18.0 | 23 | 18.0 | 33 | 18.0 |
| 14 | 18.0 | 24 | 18.0 | 34 | 18.0 |
| 15 | 18.0 | 25 | 18.0 | 35 | 18.0 |
| 16 | 18.0 | 26 | 18.0 | 36 | 18.0 |
| 17 | 18.0 | 27 | 18.0 | 37 | 18.0 |
| 18 | 18.0 | 28 | 18.0 | 38 | 18.0 |
| 19 | 18.0 | 29 | 18.0 | 39 | 18.0 |
| 20 | 18.0 | 30 | 18.0 | 40 | 18.0 |
| 21 | 18.0 | 31 | 18.0 | 41 | 18.0 |
| 22 | 18.0 | 32 | 18.0 | 42 | 18.0 |

Prepared by:
ALL AMERICAN SURVEYING, INC.
4000 WOODFIELD AVENUE, SUITE 100
FORT WORTH, TEXAS 76107

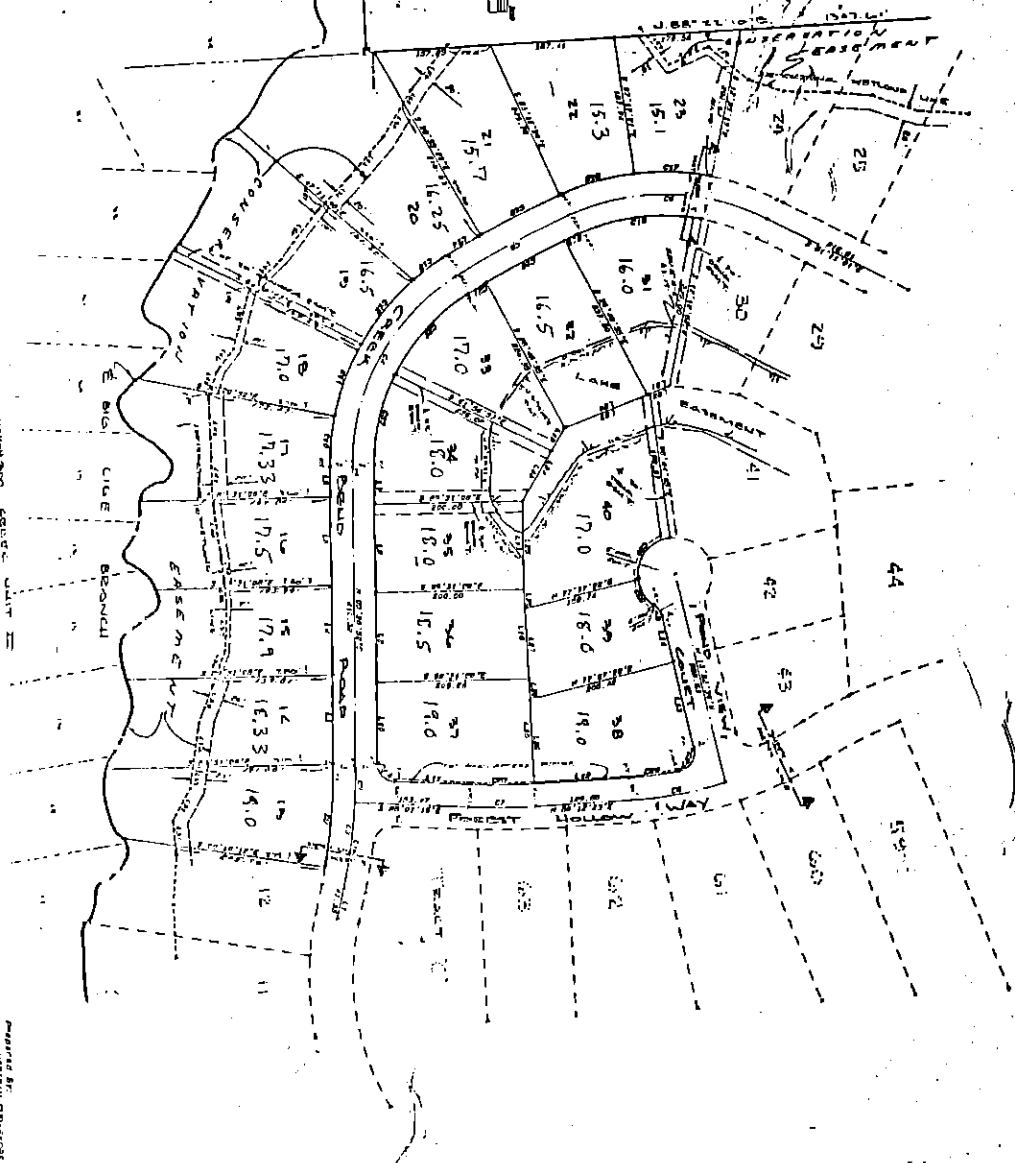
CUNNINGHAM CREEK UNIT IV

A PORTION OF GOVERNMENT LOTS 1 AND 2 LYING WITHIN SECTION 5, TOWNSHIP 5 SOUTH, RANGE 27 EAST, 51, ADAMS COUNTY, FLORIDA.

MAP BOOK 25 PAGE 14

| Lot No. | Area (Acres) | Owner |
|---------|--------------|-------|
| 1 | 15.1 | ... |
| 2 | 15.3 | ... |
| 3 | 15.1 | ... |
| 4 | 15.3 | ... |
| 5 | 15.1 | ... |
| 6 | 15.3 | ... |
| 7 | 15.1 | ... |
| 8 | 15.3 | ... |
| 9 | 15.1 | ... |
| 10 | 15.3 | ... |
| 11 | 15.1 | ... |
| 12 | 15.3 | ... |
| 13 | 15.1 | ... |
| 14 | 15.3 | ... |
| 15 | 15.1 | ... |
| 16 | 15.3 | ... |
| 17 | 15.1 | ... |
| 18 | 15.3 | ... |
| 19 | 15.1 | ... |
| 20 | 15.3 | ... |
| 21 | 15.1 | ... |
| 22 | 15.3 | ... |
| 23 | 15.1 | ... |
| 24 | 15.3 | ... |
| 25 | 15.1 | ... |
| 26 | 15.3 | ... |
| 27 | 15.1 | ... |
| 28 | 15.3 | ... |
| 29 | 15.1 | ... |
| 30 | 15.3 | ... |
| 31 | 15.1 | ... |
| 32 | 15.3 | ... |
| 33 | 15.1 | ... |
| 34 | 15.3 | ... |
| 35 | 15.1 | ... |
| 36 | 15.3 | ... |
| 37 | 15.1 | ... |
| 38 | 15.3 | ... |
| 39 | 15.1 | ... |
| 40 | 15.3 | ... |
| 41 | 15.1 | ... |
| 42 | 15.3 | ... |
| 43 | 15.1 | ... |
| 44 | 15.3 | ... |
| 45 | 15.1 | ... |
| 46 | 15.3 | ... |
| 47 | 15.1 | ... |
| 48 | 15.3 | ... |
| 49 | 15.1 | ... |
| 50 | 15.3 | ... |

| Lot No. | Area (Acres) | Owner |
|---------|--------------|-------|
| 51 | 15.1 | ... |
| 52 | 15.3 | ... |
| 53 | 15.1 | ... |
| 54 | 15.3 | ... |
| 55 | 15.1 | ... |
| 56 | 15.3 | ... |
| 57 | 15.1 | ... |
| 58 | 15.3 | ... |
| 59 | 15.1 | ... |
| 60 | 15.3 | ... |
| 61 | 15.1 | ... |
| 62 | 15.3 | ... |
| 63 | 15.1 | ... |
| 64 | 15.3 | ... |
| 65 | 15.1 | ... |
| 66 | 15.3 | ... |
| 67 | 15.1 | ... |
| 68 | 15.3 | ... |
| 69 | 15.1 | ... |
| 70 | 15.3 | ... |
| 71 | 15.1 | ... |
| 72 | 15.3 | ... |
| 73 | 15.1 | ... |
| 74 | 15.3 | ... |
| 75 | 15.1 | ... |
| 76 | 15.3 | ... |
| 77 | 15.1 | ... |
| 78 | 15.3 | ... |
| 79 | 15.1 | ... |
| 80 | 15.3 | ... |



2278

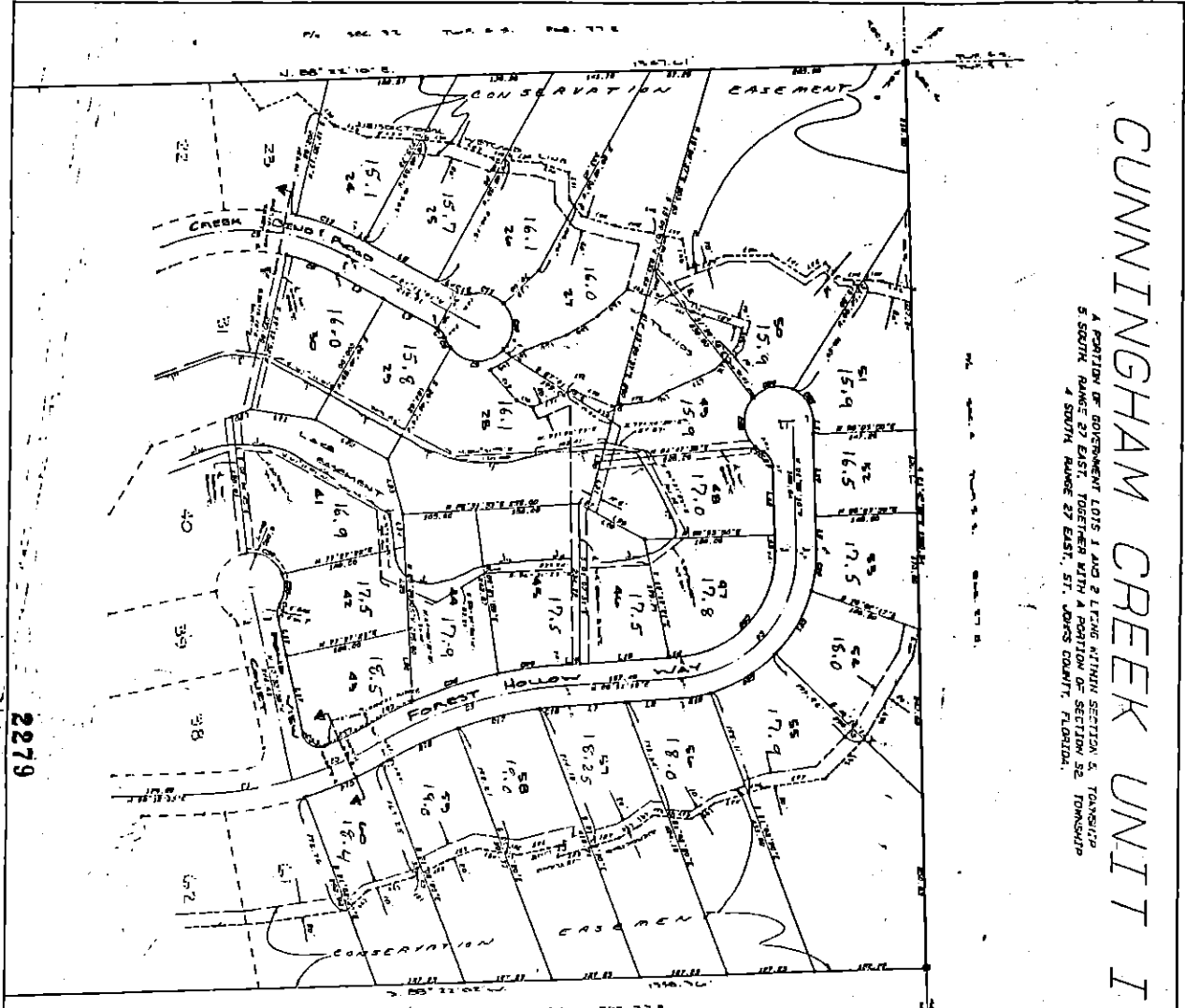
Prepared by: BRITTON, INC.
450 N. MAIN ST.
ANDREWSVILLE, FLORIDA, 32017
DPO# 200-143

CUNNINGHAM CREEK UNIT IV

A PORTION OF GOVERNMENT LOTS 1 AND 2 Lying WITHIN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 27 EAST, TOGETHER WITH A PORTION OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 27 EAST, 5TH JONES COUNTY, FLORIDA.

MAP BOOK 25 PAGE 15

DATE 5 OF 5 SHEETS



2279

| Lot No. | Acres | Owner | Remarks |
|---------|-------|-------|---------|
| 1 | 15.1 | ... | ... |
| 2 | 16.1 | ... | ... |
| 3 | 17.5 | ... | ... |
| 4 | 18.0 | ... | ... |
| 5 | 15.9 | ... | ... |
| 6 | 16.5 | ... | ... |
| 7 | 17.5 | ... | ... |
| 8 | 17.8 | ... | ... |
| 9 | 17.0 | ... | ... |
| 10 | 15.9 | ... | ... |
| 11 | 16.1 | ... | ... |
| 12 | 16.0 | ... | ... |
| 13 | 15.1 | ... | ... |
| 14 | 15.7 | ... | ... |
| 15 | 16.1 | ... | ... |
| 16 | 16.0 | ... | ... |
| 17 | 15.8 | ... | ... |
| 18 | 16.9 | ... | ... |
| 19 | 17.5 | ... | ... |
| 20 | 17.9 | ... | ... |
| 21 | 16.5 | ... | ... |
| 22 | 16.9 | ... | ... |
| 23 | 17.5 | ... | ... |
| 24 | 17.5 | ... | ... |
| 25 | 17.8 | ... | ... |
| 26 | 17.0 | ... | ... |
| 27 | 15.9 | ... | ... |
| 28 | 16.1 | ... | ... |
| 29 | 16.0 | ... | ... |
| 30 | 15.1 | ... | ... |
| 31 | 15.7 | ... | ... |
| 32 | 16.1 | ... | ... |
| 33 | 16.0 | ... | ... |
| 34 | 15.8 | ... | ... |
| 35 | 16.9 | ... | ... |
| 36 | 17.5 | ... | ... |
| 37 | 17.9 | ... | ... |
| 38 | 16.5 | ... | ... |
| 39 | 16.9 | ... | ... |
| 40 | 17.5 | ... | ... |
| 41 | 17.5 | ... | ... |
| 42 | 17.8 | ... | ... |
| 43 | 17.0 | ... | ... |
| 44 | 15.9 | ... | ... |
| 45 | 16.1 | ... | ... |
| 46 | 16.0 | ... | ... |
| 47 | 15.1 | ... | ... |
| 48 | 15.7 | ... | ... |
| 49 | 16.1 | ... | ... |
| 50 | 16.0 | ... | ... |
| 51 | 15.8 | ... | ... |
| 52 | 16.9 | ... | ... |
| 53 | 17.5 | ... | ... |
| 54 | 17.9 | ... | ... |
| 55 | 16.5 | ... | ... |
| 56 | 16.9 | ... | ... |
| 57 | 17.5 | ... | ... |
| 58 | 17.5 | ... | ... |
| 59 | 17.8 | ... | ... |
| 60 | 17.0 | ... | ... |
| 61 | 15.9 | ... | ... |
| 62 | 16.1 | ... | ... |
| 63 | 16.0 | ... | ... |
| 64 | 15.1 | ... | ... |
| 65 | 15.7 | ... | ... |
| 66 | 16.1 | ... | ... |
| 67 | 16.0 | ... | ... |
| 68 | 15.8 | ... | ... |
| 69 | 16.9 | ... | ... |
| 70 | 17.5 | ... | ... |
| 71 | 17.9 | ... | ... |
| 72 | 16.5 | ... | ... |
| 73 | 16.9 | ... | ... |
| 74 | 17.5 | ... | ... |
| 75 | 17.5 | ... | ... |
| 76 | 17.8 | ... | ... |
| 77 | 17.0 | ... | ... |
| 78 | 15.9 | ... | ... |
| 79 | 16.1 | ... | ... |
| 80 | 16.0 | ... | ... |
| 81 | 15.1 | ... | ... |
| 82 | 15.7 | ... | ... |
| 83 | 16.1 | ... | ... |
| 84 | 16.0 | ... | ... |
| 85 | 15.8 | ... | ... |
| 86 | 16.9 | ... | ... |
| 87 | 17.5 | ... | ... |
| 88 | 17.9 | ... | ... |
| 89 | 16.5 | ... | ... |
| 90 | 16.9 | ... | ... |
| 91 | 17.5 | ... | ... |
| 92 | 17.5 | ... | ... |
| 93 | 17.8 | ... | ... |
| 94 | 17.0 | ... | ... |
| 95 | 15.9 | ... | ... |
| 96 | 16.1 | ... | ... |
| 97 | 16.0 | ... | ... |
| 98 | 15.1 | ... | ... |
| 99 | 15.7 | ... | ... |
| 100 | 16.1 | ... | ... |

Prepared by:
 ALL AMERICAN SURVEYING, INC.
 4400 N. W. 11th Ave., Ft. Lauderdale, Florida 33322
 (904) 561-1123

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners

Office of the County Engineer

PO Drawer 349
Saint Augustine, FL
32085-0349



PHONE (904) 823-2659
FAX (904) 823-2585

Opinion of Probable Cost

Date: 01/15/98

Project: Proposed Pavement Maintenance for Cunningham Creek Unit IV

(1) Creek Bend Road

| Item Description | Unit | Quantity | Unit Cost | Total |
|------------------|------|----------|------------------|-------------------|
| Crack Seal | Gal. | 46 | \$28.75 | \$1,380.00 |
| Full Depth Patch | Tons | 1.25 | \$115.00 | \$144.00 |
| Limerock | CY | 3 | \$46.00 | \$138.00 |
| | | | Subtotal: | \$1,947.00 |

(2) Forest Hollow Way

| Item Description | Unit | Quantity | Unit Cost | Total |
|------------------|------|----------|------------------|-------------------|
| Crack Seal | Gal. | 35 | \$30.00 | \$1,050.00 |
| Full Depth Patch | Tons | 1.44 | \$115.00 | \$166.00 |
| Limerock | CY | 3 | \$46.00 | \$138.00 |
| | | | Subtotal: | \$1,659.00 |

(3) Pond View Court

| Item Description | Unit | Quantity | Unit Cost | Total |
|------------------|------|----------|------------------|-----------------|
| Crack Seal | Gal. | 9.1 | \$30.00 | \$273.00 |
| | | | Subtotal: | \$273.00 |

| | | | | |
|------------------------------|--|--|--|-------------------|
| Items 1-3 | | | | \$3,868.00 |
| Contingency @ 10% | | | | \$387.00 |
| Estimated Project Total Cost | | | | \$4,255.00 |

Cunningham Creek Unit IV

Right-of-Way Deficiencies

Creek Bend Road:

1. There are 2275' of light longitudinal cracking in the pavement surface that need to be crack sealed throughout the length of this road.
2. There are approximately 150 square feet of alligator cracking requiring repair (full depth patch) in front of house # 1220 at 700' in from the road's beginning at Flora Branch Boulevard.
3. At house # 1212 there's a brick mailbox 4 inches off road's edge.
4. At house # 1240 there's a small tree in the right-of-way that could be a future problem.
5. At house # 1256 there's a brick mailbox 6 inches off road's edge.
6. At house # 1268 there are 3 small trees in the swale 5 feet off road's edge that will probably be a future problem.

Forest Hollow Way:

1. There are approximately 1,700' of light longitudinal cracking in the pavement surface that need to be crack sealed throughout the length of this road.
2. There are 50' of light transverse cracking that need to be crack sealed throughout road's length.
3. At 800' in from the road's beginning at Creek Bend Road in front of house #2125, there are 92 square feet of alligator cracking needing full depth patch repair or crack seal.
4. There are 13' of edge cracking requiring 26 square feet of patch in front of house # 2141.

5. There are 27' of edge cracking at the edge of the driveway in front of house # 2156 that require 54 square feet of full depth patch repair. (This is at road's very end at the top of the cul-de-sac.)
6. The stop sign for this road needs to be updated with the legal height required.
7. At house # 2153 there are small plants and a small tree in the swale near an outfall drain.

Pond View Court:

1. There are 380' of light longitudinal and 30' of light transverse cracking in the pavement surface that need to be crack sealed throughout the length of this road.
2. There are 45' of edge cracking on the lawnfront of house # 1101 requiring crack seal.

Additional Documentation Required:

1. Title search to determine current ownership and opinion of title from an attorney licensed to practice in Florida or title insurance company.
2. Warranty Deed conveying fee simple title from the current owner to St. Johns County.

The County will take care of:

1. Written report from County Highway Inspector verifying the roads meet County standards as outlined in St. Johns County Ordinance 86-4
2. Resolution of Acceptance to be presented to the Board of County Commissioners for their approval.