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7702

Public Records of
St. Johns County, FL
Clerk# 00-025075
O.R. 1503 PG 479
09:51AM 06/13/2000
REC \$41.00 SUR \$5.50

RESOLUTION NO. 2000- 67
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA
VACATING A PORTION OF THE PLAT OF THE AFRO-AMERICAN
SUBDIVISION OF DANCY TRACT

WHEREAS, a petition has been filed by the qualified fee simple land owner to vacate (a portion of) a certain subdivision plat hereinafter described in accordance with Section 177.101 Florida Statutes; and

WHEREAS, Notice of the intent to request the vacation has been duly published and Proof of Publication has been filed with this Board; and

WHEREAS, All current county taxes have been paid and vacation of the plat will not deny convenient public access; and

WHEREAS, it appears that there are no objections and the facts contained in the 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 allegations of fact recited in paragraph 3 and 4 of The petition are hereby adopted as findings of fact in this resolution.

2. That the (following described portion of the) Plat of Afro-American Subdivision of Dancy Tract as described in Map Book 3 Page 42, public records of St. Johns County, Florida (See Exhibit "A") is hereby vacated and all streets situated therein, none of which have become highways necessary for use by the traveling public, are hereby vacated and abandoned and this Board hereby renounces and disclaims any right if the County and the public in and to the above described property and streets situated therein, such property and streets being returned into acreage.

3. That a certified copy of this resolution shall be filed in the Offices of the Clerk of the Circuit Court and duly recorded in the public records of St. Johns County, Florida.

4. That the applicant shall pay all recording costs.

PASSED AND ADOPTED THIS 05-09 DAY OF 2000.

BOARD OF COUNTY
COMMISSIONERS
OF ST. JOHNS COUNTY,

By: James E. Bryant
Chairperson

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Grande
Deputy Clerk

OR1503PG0481

EXHIBIT "A"

Lots 1 through 4, inclusive, Afro-American Subdivision of Lot 4, Block 83 Dancy Tract and the South 75 feet of Lots 16, 17 and 18 and all of Lot 19 of Block 84 and that portion of Chapin Street lying between said lots.

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **Linda Y. Murray**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a

PUBLIC NOTICE

in the matter of

PETITION TO VACATE

in the Court, was published in said newspaper in the issues of

APRIL 8 & 15, 2000

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **18TH** day of **APRIL** 2000,

by Linda Y. Murray who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

PUBLIC NOTICE
NOTICE IS HEREBY
GIVEN THAT WILLIE
COOPER, 455 South Valusia
Street, St. Augustine,
Florida 32084 intends to peti-
tion the Board of County
Commissioners for St. Johns
County, Florida to vacate a
portion of Afro American
Subdivision as recorded in
Map Book 3, Page 47 of the
Public Records of St. Johns
County, Florida, more par-
ticularly described as fol-
lows:
Lots 1 through 4, Inclusive,
AFRO AMERICAN SUBDI-
VISION of Lot 4, Block 83,
DANCY TRACT according to
the Plat thereof on file in the
office of the Clerk of the
Court, in and for St. Johns
County, Florida recorded in
Map Book 3, Page 47, said
line situate, lying and being
in St. Johns County, Florida
and Lots 16 through 19,
Inclusive, AFRO AMERI-
CAN SUBDIVISION of Block
84, DANCY TRACT accord-
ing to Plat thereof on file in
the office of the Clerk of the
Court, in and for St. Johns
County, Florida recorded in
Plat Book 3, Page 47, said
line situate, lying and being
in St. Johns County, Florida,
L418 April 8, 15, 2000

Zoe Ann Moss
(Signature of Notary Public)

(Seal)

Zoe Ann Moss

PETITION TO VACATE A PORTION
OF AFRO AMERICAN SUBDIVISION

Petitioner, Willie Cooper, respectfully petitions this Honorable Board as follows:

1. To vacate the following described portion of the Plat of AFRO AMERICAN SUBDIVISION, recorded in Plat Book 3, Page 42, public records of St. Johns County, Florida, and the street lying between the lots that is a County Road. The portion of the property sought to be vacated is described as follows:

Lots 1 through 4, inclusive, AFRO AMERICAN SUBDIVISION of Lot 4, Block 83, DANCY TRACT and the South 75 Feet of Lots 16, 17 and 18 and all of Lot 19 of Block 84, DANCY TRACT.

2. To adopt a resolution vacating and abandoning the aforesaid portion of the Plat of AFRO AMERICAN SUBDIVISION and the street lying therein.

3. In support hereof, Petitioner shows that he is the fee simple owner of all lands lying within that portion of the Plat of AFRO AMERICAN SUBDIVISION, sought to be vacated and that all state and county taxes due on the aforesaid property have been paid in full as evidenced by Certificate from the Tax Collector for St. Johns County attached hereto as Exhibit "D".

4. Petitioner further shows that he owns both sides of the street platted within the subject property.

5. Exceptional circumstances exist regarding the location of the lots and road seeking to be abandoned as follows:

The plat of AFRO-AMERICAN SUBDIVISION incorrectly reflects the location of that portion of Chapin Street that is the subject of this Petition. See Exhibit "C". the portion of Chapin Street that is proposed to be vacated and abandoned has never existed where the plat indicates it is. The public has always utilized a dirt path to the north as reflected on the attached survey, Exhibit "A".

The plat incorrectly indicates that Chapin Street west of Volusia Street meets with Chapin Street east of Volusia Street. In fact, Chapin Street east of Volusia Street does not meet with Chapin Street west of Volusia Street. See Exhibit "B", the

assessment map. Further, the Assessment Map is inaccurate because it does not reflect that the public has worn a dirt path across lots 16 through 19 of AFRO-AMERICAN SUBDIVISION "making" Chapin Street meet. It is believed that Chapin Street has never existed where the plat or the Assessment Map indicates.

The County has never maintained the road, as platted or as reflected on the Assessment Map, and the Petitioner's predecessors in interest constructed a concrete block building in the 1940's that encroaches upon the road as platted and as reflected on the Assessment Map. This building does to interfere with the dirt path. See attached survey, Exhibit "A". The Petitioner acquired the property in 1995, the building is in good condition and Petitioner intends to use it.

Finally, the Petitioner also owns Lot 5, Block 83, DANCY TRACT, as per map or plat thereof recorded in Map Book 1, page 1, public records of St. Johns County, Florida. This property provides an area for persons utilizing Chapin Road to the west of the property to turn around, if necessary.

6. Petitioner further shows that a notice to the public of the Petitioner's intent to apply for vacation of a portion of the Plat of AFRO AMERICAN SUBDIVISION, pursuant to Florida Statute 177.101(4) and to vacate a public road pursuant to Sections 336.09, 336.10 and 336.12, Fla. Stat., was published in two weekly issues of a newspaper of general circulation as evidenced by the Proof of Publication from The St. Augustine Record attached hereto as Exhibit " ".

7. The vacation by the county of the portion of the Plat of AFRO AMERICAN SUBDIVISION, sought to be vacated will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Dated: September 29, 1998.

WILLIE COOPER

OR1503PG0485

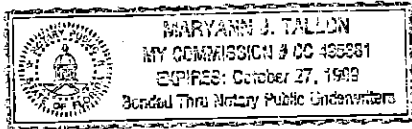
STATE OF FLORIDA
COUNTY OF ST. JOHNS

WILLIE COOPER, being by me the undersigned officer, first duly sworn, says on oath that he is the petitioner named in the foregoing Petition to Vacate a Portion of Afro American Subdivision; that he has read same and knows the contents thereof and that the statements contained herein are true.

Willie Cooper

WILLIE COOPER

SWORN TO AND SUBSCRIBED before me this 29th day of September, 1998.



Maryann J. Tallon

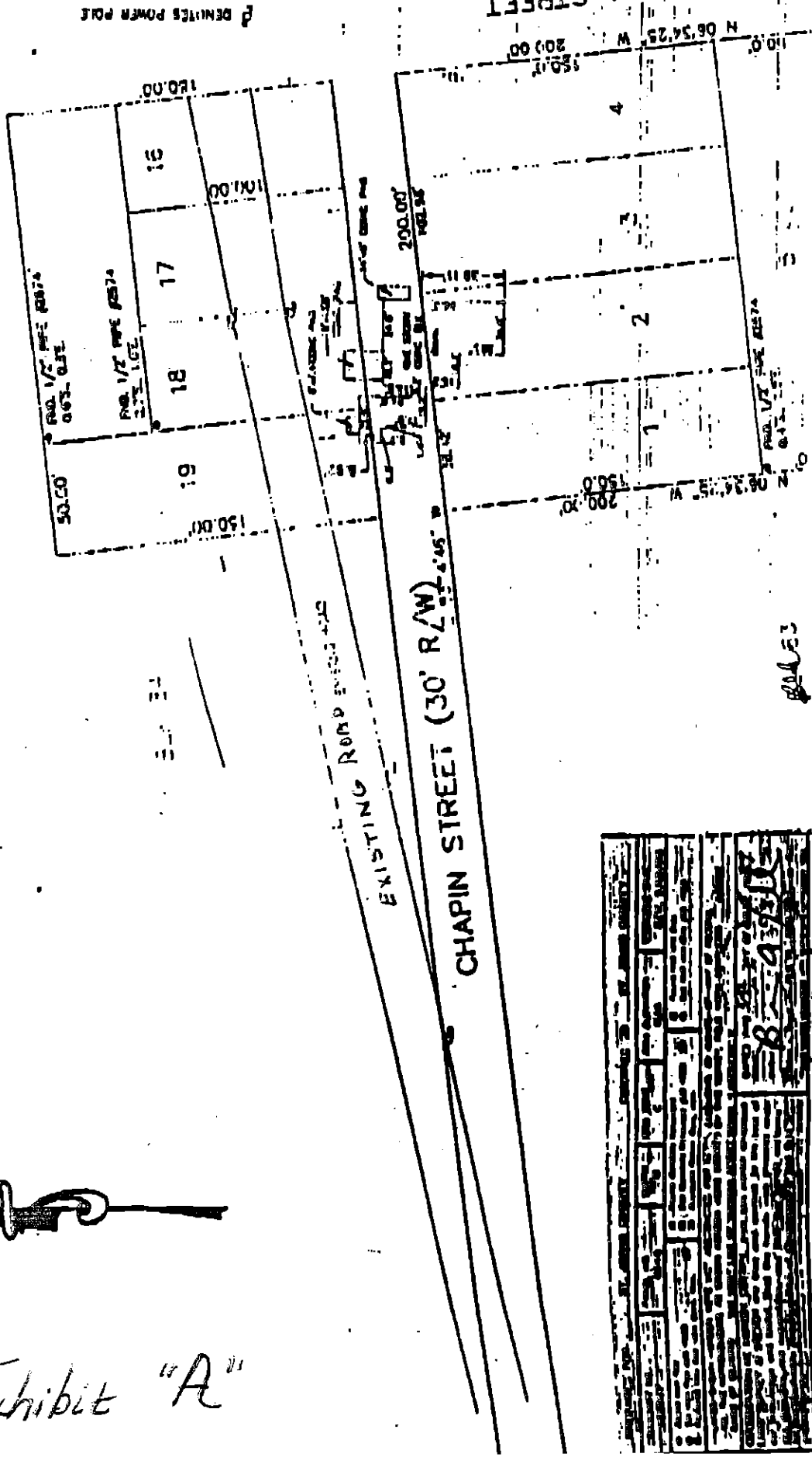
Notary Public
State of Florida at Large
My Commission Expires: 10/27/99

CERTIFICATE OF SURVEY

RIGHT-OF-WAY LOCATION



Exhibit "A"



OR1503PG0486

(30' R/W)
VOLUSIA STREET

8-2-84
JST-B4

<p>PLAT NO. 8-2-84</p> <p>DATE 8-2-84</p> <p>BY JST-B4</p>	<p>RECORD NO. 1503PG0486</p> <p>DATE 8-2-84</p> <p>BY JST-B4</p>	<p>PLAT NO. 8-2-84</p> <p>DATE 8-2-84</p> <p>BY JST-B4</p>	<p>RECORD NO. 1503PG0486</p> <p>DATE 8-2-84</p> <p>BY JST-B4</p>
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141B



SUBJECT PROPERTY

(COLLIER HEIGHTS SUB)

OVERLAYS AERIAL PHOTO #1388

E 4E/23S

ISSUED FOR PURPOSES ONLY. PROPERTY APPRAISER DOES NOT CLAIM LIABILITY FOR "SURVEY" ACCURACY.

ST. JOHNS COUNTY, FLORIDA OFFICE OF PROPERTY APPRAISER	SECTION	PROPERTY	RANGE	4E 41C
	14, 41, 43, 45	7S	29E	
SCALE		REVISIONS		
1" = 200'		6/23/800049		

332

REPLACES PARTS OF 72/11A, 4E/41C, & 4E/43B