

RESOLUTION NO. 2004- 97

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TERMINATION OF EASEMENT FROM NEAL MCSWAIN AND ELLA MARY MCSWAIN TO ST. JOHNS COUNTY.

RECITALS

WHEREAS, Neal McSwain and Ella Mary McSwain granted an Easement to St. Johns County for road purposes on March 2, 1950, attached as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, Prosser Hallock Planners and Engineers on behalf of their client Wood Development Group of Jacksonville, successor in title to Neal McSwain and Ella Mary McSwain, has requested that a Termination of Easement, attached as Exhibit "B", incorporated by reference and made a part hereof, be executed by St. Johns County to reduce the size of the Easement from (40) feet to (15) fifteen feet. The remaining (15) fifteen feet will be used for drainage purposes for the World Commerce Center Single Family Development. The request is attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

WHEREAS, the St. Johns County Development Review Department has no objection to terminating that portion of the Easement as shown in his memorandum attached hereto as Exhibit "D", 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:

1. The above Recitals are incorporated by reference into the body of this Resolution and adopted as findings of fact.
2. The Board of County Commissioners hereby authorizes the County Administrator to execute the Termination of Easement.
3. The Clerk of Court is instructed to record the Termination of Easement in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 18th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: *Karen R. Stern*
Karen R/Stern, Chair

ATTEST: Cheryl Strickland, Clerk

By: *Patricia DeGrande*
Deputy Clerk

RENDITION DATE 5-21-04

Exhibit "A" to Resolution

DEED 184 PAGE 141

21958

THIS EASEMENT, made this 2nd day of March, 1950,

by NEAL McSWAIN, joined by his wife, ELLA MARY McSWAIN, of St. Johns County, Florida, parties of the first part, and SAINT JOHNS COUNTY, a political subdivision of the State of Florida, party of the second part,

WITNESSETH: That the parties of the first part, for and in consideration of the sum of \$1.00, and other good and valuable considerations, to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, its successors and assigns, a permanent easement for public road or highway purposes over, through and across land situate in St. Johns County, State of Florida, particularly described as follows:

The east 40 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Lot 8 of the Antoni Huertas Grant, known as Section 38, Township 6 South, Range 28 East as shown on plat thereof recorded among the public records of St. Johns County, Florida, in Deed Book "Q", Page 595.

TO AVE AND TO HOLD the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, in law or in equity to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, said parties of the first part have hereunto set their hands and seals the day and year first above written.

neal McSwain (SEAL)

Ella Mary McSwain (SEAL)

Signed, sealed and delivered in the presence of:

W.D. DuPont

Mary B. Darrow



STATE OF FLORIDA
ST. JOHNS COUNTY:

I HEREBY CERTIFY that on this day before me, the undersigned officer, personally appeared NEAL McSWAIN and ELLA MARY McSWAIN, his wife, to me well known as the persons described in and who executed the foregoing instrument, and they acknowledged to and before me that they executed the same freely and voluntarily for the uses and purposes therein expressed.

I FURTHER CERTIFY that the said ELLA MARY McSWAIN known to me to be the wife of the said NEAL McSWAIN on a separate and private examination taken and made by and before me separately and apart from her said husband acknowledged that she executed the foregoing instrument freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal this 2nd day of March, 1950.



Mary B Jones
Notary Public of the State of Florida
at Large.

My commission expires September 12, 1953

No. 21958 filed MAR 20 1950
at 8:45 o'clock W M. Recorded in the
Public Records of St. Johns County, Florida in the
book and page noted above.
HIRAM FAYER, Clerk Circuit Court
By Mildred A. Bell Deputy Clerk



Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

TERMINATION OF EASEMENT

THIS TERMINATION OF EASEMENT made this _____ day of _____, 2004, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called party of the first part and **NEAL MCSWAIN AND ELLA MARY MCSWAIN, HIS WIFE**, whose address is unknown, hereinafter called party of the second part.

WHEREBY, the party of the first part does hereby cancel the west twenty-five (25) feet of that certain easement, dated March 2, 1950 and described in Deed Book 184, Page 141, of the public records of St. Johns County, Florida, as to all the land situate, lying and being in St. Johns County, State of Florida and being more particularly described as follows:

The East forty (40) feet of the northwest ¼ of the northwest ¼ of Lot 8 of the Antonio Huertas Grant, known as Section 38, Township 6 South, Range 28 East as shown on plat thereof recorded among the public records of St. Johns County, Florida, in Deed Book "Q", Page 595.

In consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged by the party of the first, the party of the first part St. Johns County, Florida, does hereby terminate a portion of that easement described above, effective this date. Nothing herein contained shall in anywise impair, alter or diminish the effect of the remaining part of such land in said easement or any rights of the party of the first thereof.

IN WITNESS WHEREOF, party of the first part has executed this Termination on the day and year first above written.

Signed, sealed and delivered
in the presence of:

ST. JOHNS COUNTY, FLORIDA

Print Name: _____

By: _____
Ben W. Adams, Jr.,
County Administrator

Print Name _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2004, by Ben W. Adams, Jr. the County Administrator of St. Johns County, on behalf of the County. He is personally known to me.

Notary Public

My commission expires: _____



April 12, 2004

Ms. Mary Ann Blount
Real Estate Manager
Public Works Department
4020 Lewis Speedway
St. Augustine, Florida 32084

**RE: World Commerce Center – Single Family Residential Development
St. Johns County Reference No. SUBCON2004000008
Prosser Hallock Reference No. 103092.02
Partial Vacation of Existing County Easement**

Dear Ms. Blount:

On behalf of our client, The Wood Development Group of Jacksonville, we would like to respectfully request a partial vacation of the existing county easement located within the World Commerce Center Single Family Development in St. Augustine, Florida. The existing 40' wide easement begins at the northeastern corner of the property and terminates south of existing Wolfe Road. Based on recommendations from personnel in your drainage department, we would like to vacate 25' of the entire western edge of the existing easement and preserve the remaining 15' of the easement that bounds the eastern property line.

We have included a copy of the survey and a sketch showing the proposed change. Should any questions arise pertaining to this issue, please do not hesitate to contact me at (904) 739-3655.


Respectfully submitted,

PROSSER HALLOCK, INC.

Ronald B. Lamm, Jr., E.I.
Project Manager

Enclosures

Cc: Mr. Rick Wood
The Wood Development Group of Jacksonville

<h1>MEMORANDUM</h1>		
TO:	Nanette Bradbury	
FROM:	Marlin Pryor	
DATE:	04/30/2004	
SUBJECT:	World Commerce Center Single Family Development	

Hello Nanette,

This office has no objection to the westerly twenty-five (25) feet of the easement in question being closed for the Wood Development Company.

