

RESOLUTION NO. 2008- 63

A RESOLUTOIN BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING A CORRECTIVE DEED OF GIFT FOR PROPERTY DONATED TO ST. JOHNS COUNTY IN 1983, FROM CHARLES R. USINA AND GABYE LEE USINA, HIS WIFE, FOR USE BY ST. JOHNS COUNTY, FOR AGRICULTURAL USES, OR OTHER USES THAT SUPPORT THE AGRICULTURAL COMMUNITY IN ST. JOHNS COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, St. Johns County, Florida has a long history and tradition of farming, ranching and agricultural pursuits; and

WHEREAS, farmers, ranchers, and other Agricultural interests of St. Johns County, despite their importance to the culture, lifestyle and economy of our County, have never had a centralized, accessible center or facility housing the various government entities and other agencies and services supporting agriculture; and

WHEREAS, CHARLES R USINA and GAYBE LEE USINA, his wife, in an expression of good will and community spirit, in 1983 executed a Deed of Gift of land comprising approximately forty (40) acres, specifically for development and Agricultural Uses. Agricultural Uses shall be defined as Uses that furthers Agricultural Research, or other Uses that support the Agricultural Community in St. Johns County, a copy of said Deed of Gift, attached hereto and incorporated herein; and

WHEREAS, CHARLES R. USINA and GAYBE LEE USINA, his wife, original intent of providing property to St. Johns County for the purposes of agricultural related uses was not properly reflected and protected in the original deed; and

WHEREAS, the Usina's have requested the County to abide by certain conditions and restrictions, which this Board has reviewed, found to be reasonable; and

WHEREAS, County intends to abide by the certain conditions and restrictions, as incorporated in the Corrective Deed of Gift, as attached and referenced as Exhibit A, attached hereto and incorporated herein.

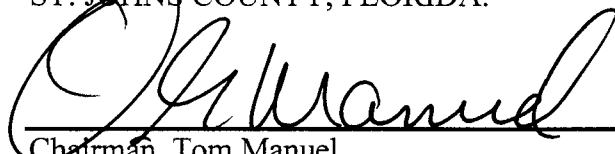
NOW, THEREFORE, be it resolved this 4th day of March, 2008, by the Board of County Commissioners, St. Johns County, Florida, as follows:

1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as finding of fact.
2. The Board of County Commissioners accepts, with gratitude, the Corrective Deed of Gift from CHARLES R. USINA and GAYBE LEE

USINA, his wife, a copy of which is attached hereto, and directs the Clerk to cause the same to be recorded among the Public Records of St. Johns County, Florida, and to retain the same among the County's records.


3. The Board of County Commissioners herewith expresses its intention to abide by the terms, conditions and restrictions, as set forth by the Corrective Deed of Gift, and will in good faith endeavor to carry out the intent of the gift.

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



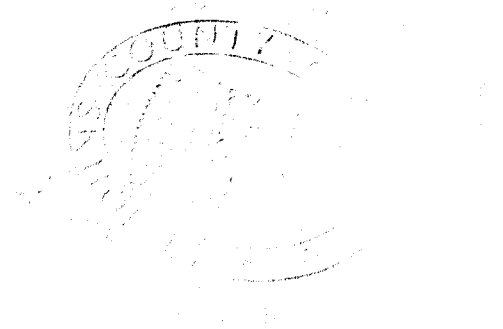
Chairman, Tom Manuel

ATTEST:

By: 

Deputy Clerk

RENDITION DATE 3/7/08



Prepared by:
Patrick McCormack, County Attorney
County Attorney
4020 Lewis Speedway
St. Augustine, Florida 32084

CORRECTIVE
DEED OF GIFT

THIS INDENTURE, made this ____ day of _____, 2008, between CHARLES R. USINA and GABYE LEE USINA, his wife, whose address is P. O. Box 162, St. Augustine, Florida 32085, hereinafter called the Grantors, and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the Grantee, collectively called the, "Parties."

Whereas, the Original Deed of gift recorded in Official Records Book 615, Page 366, of the Public Records of St. Johns County, Florida, required that an Agricultural Center be budgeted for and constructed on the property; and

Whereas, County has budgeted or constructed an Agricultural Center and a Wind Mitigation Center on the Property, fulfilling the requirement, as stated on the Original Deed of Gift, recorded in Official Book 615, Page 366, of Public Records of St. Johns County, Florida; and

Whereas, the Parties agree that the original intention of CHARLES R. USINA and GABYE LEE USINA, with respect to the Deed of Gift, as recorded in the Official Records Book 615, Page 366, of the Public Records of St. Johns County, Florida was to transfer the property, subject to the restrictions that said property may only be used for Agricultural Uses, in addition to, the Construction of the Agricultural Center; and

Whereas, the Parties agree that Agricultural Uses shall be defined as Uses that further Agricultural Research, or other Uses that support the Agricultural Community in St. Johns County; and

Whereas, the Parties agree that the above stated restrictions are for the benefit of CHARLES R. USINA and GABYE LEE USINA.

WITNESSETH, That said Grantors by gift have granted, bargained and conveyed to the said Grantee and Grantee's assigns forever, subject to those restrictions, as stated in the above Recitals, incorporated herein and made a part hereof, for the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

See Exhibit "A", attached hereto and incorporated by reference and made a part hereof, with exception that Wind Mitigation Center, and any other facility already in place as of March 4th, 2008, may continue to operate on the subject property.

Said grantors do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantors have hereunto set Grantor's hands and seals on the day and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

GRANTORS

Print Name: _____

Charles R. Usina

Print Name: _____

Gabye Lee Usina

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I hereby certify that on this day before me, an officer duly qualified to take acknowledgments, personally appeared, Charles R. Usina and Gabye Lee Usina, to me known to be the persons described in and who executed the foregoing Instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid
this ____ day of _____, 2008.

Notary Public
My commission expires: _____

Exhibit "A"

A parcel of land in Sections 7 and 8, Township 7 South, Range 29 East, St. Johns County, Florida, and being more particularly described as follows:

Commence at the intersection of the centerline of Interstate Highway 95 (Station 8240 + 37.94 Centerline Survey I-95) with the centerline of State Road No. 16, said point bears South 41 degrees 32 minutes 30 seconds West, a distance of 139.35 feet from the northeast corner of aforesaid Section 7 as established by survey of D. D. Moody; thence South 14 degrees 35 minutes 20 seconds East along said centerline of Interstate Highway 95, a distance of 3,915.71 feet; thence South 75 degrees 24 minutes 40 seconds West, a distance of 150.00 feet to the westerly right-of-way line of said Interstate Highway 95; thence North 73 degrees 56 minutes 00 seconds West, a distance of 186.00 feet to the point of beginning of the herein described parcel of land; thence South 14 degrees 35 minutes 20 seconds East, along a line parallel with and 160.00 feet west of the westerly right-of-way line of Interstate Highway 95, a distance of 1,236.89 feet; thence North 73 degrees 56 minutes 00 seconds West, along a line parallel with the centerline of County Road C-208, a distance of 2,190.35 feet; thence North 16 degrees 04 minutes 00 seconds East, a distance of 1,064.03 feet; thence South 73 degrees 56 minutes 00 seconds East, parallel with County Road C-208, a distance of 1,559.69 feet to the point of beginning. Containing 45.80 acres.

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DEED OF GIFT

THIS INDENTURE, made this 22nd day of November, 1983, between CHARLES R. USINA and GABYE LEE USINA, his wife, of the County of St. Johns, State of Florida, grantors, and ST. JOHNS COUNTY, FLORIDA, whose post office address is P. O. Drawer 300 St. Augustine, FL 32084,, grantee.

WITNESSETH, That said grantors by gift have granted, bargained and conveyed to the said grantee and grantee's assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

(See Exhibit A which is attached hereto and incorporated herein by reference),

provided that the said grantee shall make some budgetary allocation for the planning or development of an agricultural center on said property within the next five (5) years from the date of execution hereof or actually break ground for the construction of any component therein within ten (10) years from the date of execution hereof, and failing therein, grantors, or the survivor of them, or their heirs, shall have a right of entry upon said property and a right to terminate the estate created in grantee by this Instrument.

Said grantors do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantors have hereunto set grantors' hands and seals on the day and year first above written.

Signed, sealed and delivered in our presence:

Barbara Bennings
Mary L. DesLoye

Charles R. Usina (SEAL)
CHARLES R. USINA
Gabye Lee Usina (SEAL)
GABYE LEE USINA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared, CHARLES R. USINA and GABYE LEE USINA, his wife, to me known to be the persons described in and who executed the foregoing Instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of November, 1983.

Mary L. DesLoye
Notary Public,
State of Florida at Large
My Commission Expires: 12/12/1986

THIS INSTRUMENT PREPARED BY:
GEORGE M. McCLURE
MARTZ & McCLURE
P.O. BOX 3928
ST. AUGUSTINE, FLORIDA 32085-3928

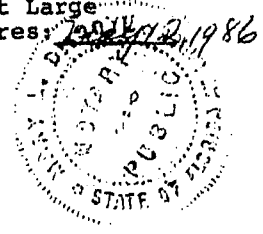


EXHIBIT A

A parcel of land in Section 7 and 8, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

Commence at the intersection of the centerline of Interstate Highway 95 (Station 8240 + 37.94 Centerline Survey I-95) with the centerline of State Road No. 16, said point bears South 41 degrees 32 minutes 30 seconds West, a distance of 139.35 feet from the northeast corner of aforesaid Section 7 as established by survey of D.D. Moody; thence South 14 degrees 35 minutes 20 seconds East along said centerline of Interstate Highway 95, a distance of 3,915.71 feet; thence South 75 degrees 24 minutes 40 seconds West, a distance of 150.00 feet to the westerly right of way line of said Interstate Highway 95; thence North 73 degrees 56 minutes 00 seconds West, a distance of 186.00 feet to the point of beginning of the herein described parcel of land; thence South 14 degrees 35 minutes 20 seconds East, along a line parallel with and 160.00 feet west of the westerly right of way line of Interstate Highway 95, a distance of 1,236.89 feet; thence North 73 degrees 56 minutes 00 seconds West, along a line parallel with the centerline of County Road C-208, a distance of 2,190.35; thence North 16 degrees 04 minutes 00 seconds East, a distance of 1,064.03 feet; thence South 73 degrees 56 minutes 00 seconds East, parallel with County Road C-208, a distance of 1,559.69 feet to the point of beginning; containing 45.80 acres.

Together with a right of way for access road over a strip of land in Section 6, 7 and 8, Township 7 South, Range 29 East, St. Johns County, Florida, and being more particularly described as follows:

Commence at the intersection of the centerline of Interstate Highway 95 (Station 8240 + 37.94 Centerline Survey I-95) with the centerline of State Road No. 16; thence North 73 degrees 56 minutes 00 seconds West a distance of 736.62 feet; thence South 16 degrees 04 minutes 00 seconds West, a distance of 33.0 feet; thence South 73 degrees 56 minutes 00 seconds East, a distance of 132.63 feet; thence South 49 degrees 42 minutes 29 seconds East, 189.51 feet; thence South 27 degrees 10 minutes 38 seconds East, 799.27 feet to the point of beginning of the herein described right of way, said point being also the beginning of a curve of radius 365.35 feet, concave to the west; thence southerly along said curve to the right through a central angle of 30 degrees 36 minutes 55 seconds, 195.22 feet to a point of reverse curvature with a curve of radius 1,785.84 feet, concave to the east; thence southerly along said curve to the left through a central angle of 18 degrees 01 minute 37 seconds, 561.88 feet; thence South 14 degrees 35 minutes 20 seconds East, 2,046.81 feet to the beginning of a curve of radius 343.24 feet, concave to the northeast; thence southerly along said curve to the left through a central angle of 29 degrees 59 minutes 49 seconds, 179.70 feet to a point of reverse curvature with a curve of radius 403.24 feet, concave to the southwest; thence southerly along said curve to the right through a central angle of 29 degrees 59 minutes 49 seconds, 211.11 feet; thence South 14 degrees 35 minutes 20 seconds East, 1,272.45 feet; thence North 73 degrees 56 minutes 00 seconds West, 69.75 feet; thence North 14 degrees 35 minutes 20 seconds West along the east line of the described parcel of land, a distance of 1,236.89 feet to a point on the north line of said described parcel of land, said point being also the beginning of a curve of radius 343.24 feet, concave to the southwest; thence northwesterly along said curve to the left through a central angle of 29 degrees 59 minutes 49 seconds, 179.70 feet to a point of reverse curvature with a curve

of radius 403.24 feet, concave to the northeast; thence northwesterly along said curve to the right through a central angle of 29 degrees 59 minutes 49 seconds, 211.11 feet; thence North 14 degrees 35 minutes 20 seconds West, 2,046.81 feet to the beginning of a curve of radius 1,845.84 feet, concave to the east; thence northerly along said curve to the right through a central angle of 18 degrees 01 minutes 37 seconds, 580.76 feet to a point of reverse curvature with a curve of radius 305.35 feet, concave to the west; thence northwesterly along said curve to the left through a central angle of 30 degrees 36 minutes 55 seconds, 163.16 feet; thence North 27 degrees 10 minutes 38 seconds West, 56.43 feet; thence South 73 degrees 56 minutes 00 seconds East, a distance of 82.37 feet to the point of beginning; containing 6.16 acres.

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

1983 NOV 22 PM 3:06

Carl "Bud" Munkel
CLERK OF CIRCUIT COURT