

RESOLUTION NO. 2009- 214

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN ACCESS EASEMENT AND SPECIAL WARRANTY DEED FOR DONATION OF A PARCEL OF LAND FOR CONSERVATION PURPOSES LOCATED BEHIND THE NEW SOCIAL SECURITY BUILDING ON OLD MOULTRIE ROAD.

RECITALS

WHEREAS, Rutherford & Strickland St. Augustine, LLC, a Florida limited liability company, has executed and presented a Special Warranty Deed for an approximately three quarter acre parcel located behind the new Social Security Building on Old Moultrie Road and more particularly described in Exhibit "A", attached hereto, and they have also presented an Access Easement for pedestrian access to the parcel attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, the Environmental Division has stated this wetland parcel would be beneficial to the County for preservation purposes and is located within St. Johns River Water Management District Basin 9 which is an area where the County has recently focused on acquisition for preservation purposes; and

WHEREAS, it is in the best interest of the County to accept this Special Warranty Deed to insure that the site will be preserved; and

WHEREAS, to the extent that there are scrivener, typographical, or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissions of St. Johns County, Florida as follows:

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

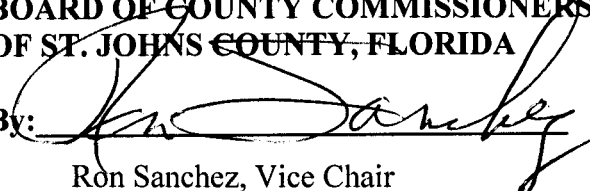
Section 2. Upon acceptance of this Resolution by the Board of County Commissioners, the Special Warranty Deed and Access Easement are hereby accepted.

Section 3. The Clerk of Circuit Court is instructed to record the original Special Warranty Deed and Access Easement in the Public Records of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, this 18th day of August, 2009.

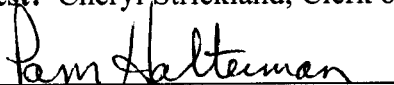
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By:


Ron Sanchez, Vice Chair

Attest: Cheryl Strickland, Clerk of Court

By:


Deputy Clerk

RENDITION DATE 8/20/09



Exhibit "A" to Resolution

This Instrument Prepared By:
Nanette Bradbury
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated _____ day of _____ 2009, is by and from **RUTHERFORD & STRICKLAND ST. AUGUSTINE, LLC**, a Florida limited liability company, whose address is 362 SW Atwater Way, Madison, FL 32340, hereinafter called the Grantor, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called the Grantee.

(Whenever used herein the terms "Grantor and Grantee" shall include all of the parties of this instrument and their heirs, legal representatives, successors and assigns.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in the County of St. Johns, State of Florida, being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, to have and to hold the same in fee simple forever.

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming, by through or under the Grantor, but against none other; provided that this conveyance is made subject to ad valorem property taxes accruing subsequent to December 31, 2008; and covenants, restrictions and easements of record; however, such references shall not serve to reimpose the same.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Rutherford & Strickland
St. Augustine, LLC

Print Name: _____

By: _____

Its: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, Rutherford & Strickland St. Augustine, LLC, its _____ who is personally known to me or has produced _____ as identification.

Notary Public

Exhibit "A" to Special Warranty Deed

A portion of land lying in Section 31, Township 7 South, Range 30 East, St. Johns County, Florida and also being a portion of those lands as described in Official Records Book 3129, Page 375 of the public records of St. Johns County, Florida and being more particularly described as follows:

For a point of reference commence at the southwest corner of those lands described in Official Records Book 3129 Page 375 of the public records of St. Johns County, Florida, said point being on the east right of way line of State Road 5A (also known as Old Moultrie Road) a 66.00 foot right of way as presently established; thence south 90 degrees 00 minutes 00 seconds east departing said right of way line and along the south line of said lands a distance of 108.93 feet to the Point of Beginning; thence north 46 degrees 51 minutes 09 seconds east departing the south line of said lands a distance of 6.06 feet; thence north 69 degrees 53 minutes 52 seconds east a distance of 19.04 feet; thence north 14 degrees 21 minutes 37 seconds east a distance of 23.98 feet; thence north 78 degrees 58 minutes 51 seconds east a distance of 23.07 feet; thence north 43 degrees 52 minutes 09 seconds east a distance of 20.33 feet; thence north 40 degrees 36 minutes 02 seconds east a distance of 22.56 feet; thence north 09 degrees 47 minutes 54 seconds west a distance of 26.93 feet; thence north 57 degrees 00 minutes 18 seconds west a distance of 25.14 feet; thence north 24 degrees 08 minutes 10 seconds west, a distance of 25.71 feet; thence north 23 degrees 14 minutes 11 seconds east a distance 33.00 feet; thence north 06 degrees 05 minutes 15 seconds west a distance of 24.07 feet ; thence north 87 degrees 21 minutes 50 seconds east a distance of 29.07 feet; thence north 43 degrees 27 minutes 58 seconds west a distance of 30.30 feet; thence north 40 degrees 15 minutes 33 seconds west a distance of 21.83 feet; thence north 16 degrees 15 minutes 42 seconds west a distance of 2.94 feet to the north line of said lands described in Official Records Book 3129 Page 375 of the public records of St. Johns County, Florida; thence south 89 degrees 40 minutes 15 seconds east along the north line of said lands a distance of 151.76 feet to the northeast corner of said lands; thence south 00 degrees 26 minutes 59 seconds west a distance of 230.00 feet to the southeast corner of said lands; thence south 90 degrees 00 minutes 00 seconds west along the south line of said lands a distance of 197.16 feet to the point of beginning.

Containing 33,057 square feet of 0.76 acres more or less.

Prepared by:
Nanette Bradbury
St. Johns County Real Estate Division
500 San Sebastian View
St. Augustine FL 32084

GRANT OF EASEMENT

THIS INDENTURE, made this ____ day of _____, 2009, between **RUTHERFORD & STRICKLAND ST. AUGUSTINE, LLC**, a Florida limited liability company, whose address is 362 SW Atwater Way, Madison FL 32340, hereinafter called Grantor, and **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called Grantee.

WITNESSETH: That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which hereby acknowledged, has granted, bargained, sold and conveyed to the Grantee, his successors and assigns, a non-exclusive perpetual easement for ingress and egress over and across the following described real property situate in St. Johns County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

TO HAVE AND TO HOLD, unto Grantee, his successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

IN WITNESS WHEREOF, the said Grantor has hereunto set hand and seal the day and year first above written.

**Signed and Sealed in Our
Presence as Witnesses:**

**RUTHERFORD & STRICKLAND
ST. AUGUSTINE, LLC**

(sign) _____
(print) _____

By: _____

(sign) _____
(print) _____

Its: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2009,
by _____, of Rutherford & Strickland St. Augustine, LLC,
its _____ . Who are personally known to me or have produced
_____ as identification.

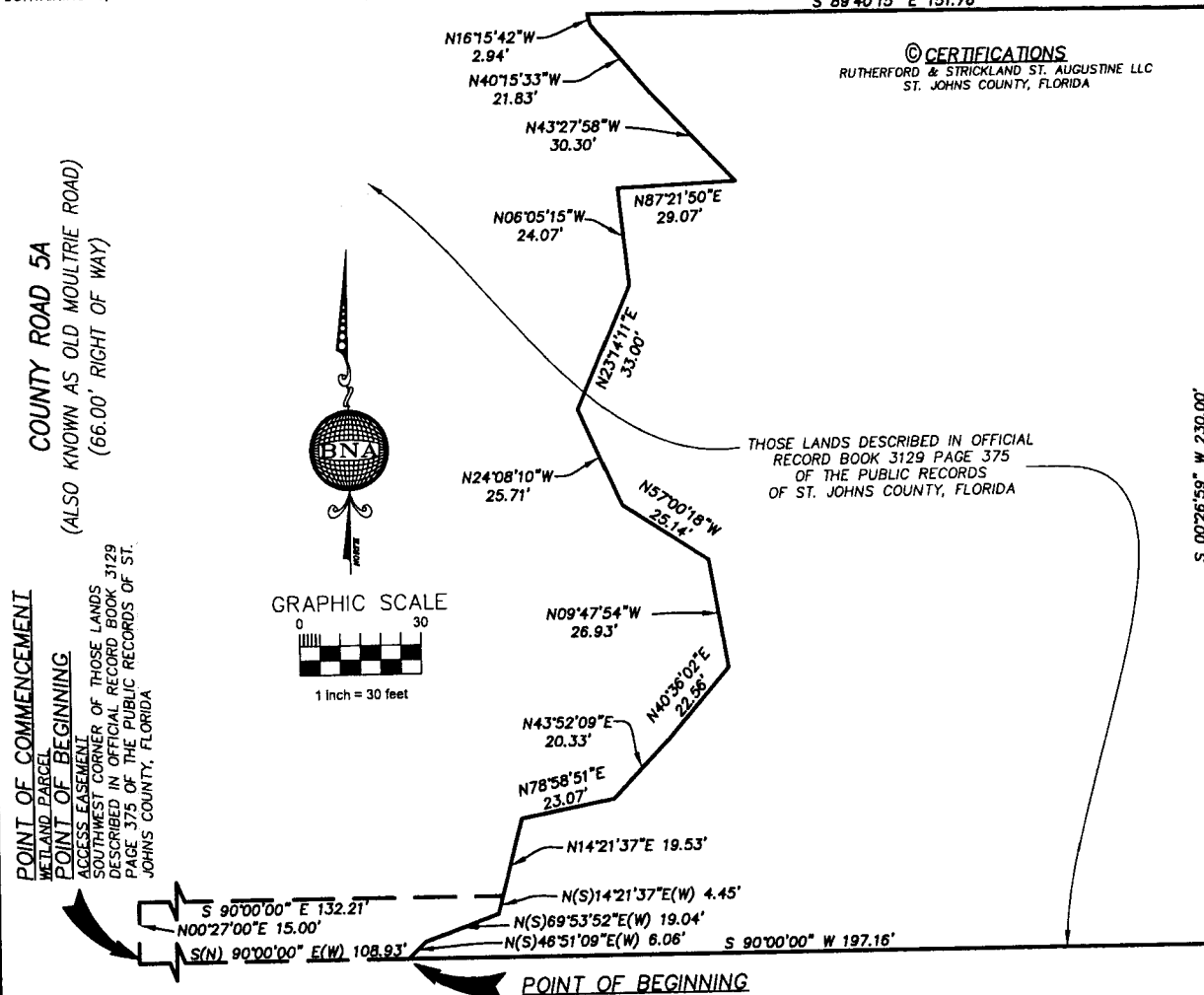
Notary Public
My Commission Expires: _____

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3129 PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION: WETLAND PARCEL RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 A PORTION OF LAND LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3129, PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3129 PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 5A (ALSO KNOWN AS OLD MOULTRIE ROAD) A 66.00 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED; THENCE SOUTH 90°00'00" EAST DEPARTING SAID RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 108.93 FEET TO THE POINT OF BEGINNING; THENCE NORTH 46°51'09" EAST DEPARTING THE SOUTH LINE OF SAID LANDS A DISTANCE OF 6.06 FEET; THENCE NORTH 69°53'52" EAST A DISTANCE OF 19.04 FEET; THENCE NORTH 14°21'37" EAST A DISTANCE OF 23.98 FEET; THENCE NORTH 78°58'51" EAST A DISTANCE OF 23.07 FEET; THENCE NORTH 43°52'09" EAST A DISTANCE OF 20.33 FEET; THENCE NORTH 40°36'02" EAST A DISTANCE NORTH 22.56 FEET; THENCE NORTH 09°47'54" WEST A DISTANCE OF 26.93 FEET; THENCE NORTH 57°00'18" WEST A DISTANCE OF 25.14 FEET; THENCE NORTH 24°08'10" WEST A DISTANCE OF 25.71 FEET; THENCE NORTH 23°14'11" EAST A DISTANCE 33.00 FEET; THENCE NORTH 06°05'15" WEST A DISTANCE OF 24.07 FEET; THENCE NORTH 87°21'50" EAST A DISTANCE OF 29.07 FEET; THENCE NORTH 43°27'58" WEST A DISTANCE OF 30.30 FEET; THENCE NORTH 40°15'33" WEST A DISTANCE OF 21.83 FEET; THENCE NORTH 16°15'42" WEST A DISTANCE OF 2.94 FEET TO THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3129 PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE SOUTH 89°40'15" EAST ALONG THE NORTH LINE OF SAID LANDS A DISTANCE OF 151.76 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 00°26'59" WEST A DISTANCE OF 230.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 197.16 FEET TO THE POINT OF BEGINNING. CONTAINING 33,057 SQUARE FEET OR 0.76 ACRES MORE OR LESS

LEGAL DESCRIPTION: ACCESS EASEMENT
 A PORTION OF LAND LYING IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3129, PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGIN AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3129 PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 5A (ALSO KNOWN AS OLD MOULTRIE ROAD) A 66.00 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED; THENCE NORTH 00°27'00" EAST ALONG THE EAST RIGHT OF WAY LINE OF STATE ROAD 5A A DISTANCE OF 15.00 FEET; THENCE SOUTH 90°00'00" EAST DEPARTING SAID EAST RIGHT OF WAY LINE A DISTANCE OF 132.21 FEET; THENCE SOUTH 14°21'37" WEST A DISTANCE OF 4.45 FEET; THENCE SOUTH 69°53'52" WEST A DISTANCE OF 19.04 FEET; THENCE SOUTH 46°51'09" WEST A DISTANCE OF 6.06 FEET TO THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3129 PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA; THENCE NORTH 90°00'00" WEST ALONG SAID SOUTH LINE A DISTANCE OF 108.93 FEET TO THE POINT OF BEGINNING. CONTAINING 1,573 SQUARE FEET OR 0.04 ACRES MORE OR LESS



GENERAL NOTES:
 1. BEARINGS ARE BASED ON THE SOUTH OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3129 PAGE 375 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA AS BEING SOUTH 90°00'00" WEST.
 2. THIS IS A SPECIFIC PURPOSE SURVEY OF A SKETCH AND LEGAL DESCRIPTION ONLY AND DOES NOT ADDRESS ANY UNDERGROUND UTILITIES OR ENVIRONMENTAL CONCERNS AS MAY BE DEEMED AS SUCH BY ANY GOVERNMENT AGENCY OR SPECIAL INTEREST GROUP. THIS IS NOT A BOUNDARY SURVEY.
 3. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND BRADSHAW-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO PEOPLE LISTED ABOVE AND FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTIONS IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY ON THIS SURVEY.
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. REVISION #1 07/21/2009 ADD ACCESS EASEMENT

I HEREBY CERTIFY that this survey graphically depicts a sketch and description made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as set forth by the Florida State Board of Professional Surveyors and Mappers, Chapter 61g17-6, Florida Administrative Code; pursuant to Section 472.027, Florida Statutes.

MAY 14, 2009
 DATE OF SIGNATURE

ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

BRADSHAW-NILES & ASSOCIATES, INC.
 SURVEYING AND MAPPING CONSULTANTS
 LICENSED BUSINESS NO 6824
 3520 LEWIS SPEEDWAY, SUITE "A"
 ST. AUGUSTINE, FLORIDA 32084
 (904) 829-2591 FAX: (904) 829-5070

DRAWN BY: DLM
CHECKED: ADB
SCALE: 1" = 30'
PROJECT NUMBER 885-001
DRAWING No.: 885-001
SHEET No. 1 OF 1