

RESOLUTION NO. 2020- 112

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE RELEASE OF AUTOMATIC MINERAL RESERVATION, AS RESERVED IN COUNTY DEED PURSUANT TO SECTION 270.11 FLORIDA STATUTES.

RECITALS

WHEREAS, by Resolution 2019-132, the Board of County Commissioners approved conveyance of property which is an unusable and irregular triangle in exchange for an easement over lands owned by The Pacetti Investment Group, LLC, for emergency and maintenance access to the Turnbull Creek Regional Offsite Mitigation Area;

WHEREAS, as part of the property exchange, the County has conveyed said irregular parcel of land to The Pacetti Investment Group, LLC, by County Deed dated April 18, 2019, and recorded in Official Records 4712, Page 570, of the Public Records of St. Johns County, Florida, attached hereto as Exhibit "A" incorporated herein by reference and made a part hereof;

WHEREAS, pursuant to Section 270.11, Florida Statutes, the conveyance by the County to The Pacetti Investment Group, LLC, was subject to an automatic reservation of an undivided 3/4 interest in and to all phosphates, minerals and metals, together with an undivided 1/2 interest in and to all petroleum, in, on or under the surface of the Land, with no right of entry, (collectively the "Automatic Mineral Reservations"). This type of reservation creates a cloud on the title which could prevent the property owner from obtaining financing and/or developing the property;

WHEREAS, due to the cloud this creates on the title to said property and due to the lack of a right of entry, the small size and irregular shape of the land and the absence of any evidence that minerals and petroleum exist on or under the land, the Pacetti Investment Group, LLC, has requested the County release said Automatic Mineral Reservations, by execution of Release of Automatic Mineral Reservation document, attached hereto as Exhibit "B", incorporated herein 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 above Recitals are incorporated into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby approves release of the Automatic Mineral Reservations and authorizes the Chairman of the Board to execute said Release of Automatic Mineral Reservation.

Section 3. To the extent that there are typographical, scrivener 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.

Section 4. The Clerk is instructed to record the original Release of Automatic Mineral Reservation in the Public Records of St. Johns County, Florida

PASSED AND ADOPTED this 7th day of April, 2020.

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

By: [Signature]
Jeb S. Smith, Chair

ATTEST: Brandon Patty, Clerk

RENDITION DATE APR 9 2020

[Signature]
Deputy Clerk

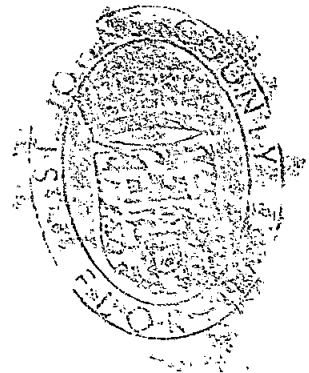


Exhibit "A" to Resolution

Instr #2019027254 BK: 4712 PG: 570, Filed & Recorded: 4/23/2019 8:13 AM #Pgs:3
Hunter S. Conrad, Clerk of the Circuit Court St. Johns County FL Recording \$27.00 Doc. D \$0.70

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

Res 2019-132

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, 18 day of April, 2019, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 hereinafter "Grantor", to **THE PACETTI INVESTMENT GROUP, LLC** whose address is 366 Jardin Ave, St. Augustine, Florida 32084-2554, hereinafter "Grantee". (Wherever used herein the term "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and their successors, and assigns of organizations).

WITNESSETH;

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, forever unto said Grantee, all that certain land, situate, lying and being in the County of St. Johns, State of Florida and more particularly described below. Pursuant to Florida law Section 125.411(3) F.S., this deed conveys only the interest in said land the Grantor has of the date of this conveyance, to wit:

Property as described on attached Exhibit "A", incorporated by reference and made a part hereof.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS COUNTY DEED is subject to the following non-exclusive list of exceptions:

- a. Special taxes and assessments, confirmed or unconfirmed, for improvements not yet completed, if any;
- b. Any state of facts which a good and accurate survey or inspection of the premises might reveal;
- c. Federal, State, local government (County or City), development, construction, zoning and building laws or ordinances, rules, regulations and resolutions;
- d. Rights, if any, of the public in any portion of the premises, which may fall within any public street, way or alley;
- e. All acts of the Grantee occurring prior to, or subsequent to the date of this instrument;
- f. Agreements, conditions, covenants, reservations, restrictions, and servitude of record;

g. Easements and rights of way of record.

IN WITNESS WHEREOF the said Grantor has caused the presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board, the day and year aforesaid.

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

BY: Paul M. Waldron
Paul M. Waldron, Chair

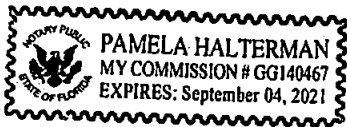
ATTEST: Hunter S. Conrad, Clerk

By: Pam Halterman
Deputy Clerk

COPY

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this 18 day of April, 2019, by Paul M. Waldron, Chair of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me and who did not take an oath.



Pamela Halterman
Notary Public State of Florida
My Commission Expires 9/4/21

Exhibit "A" to Warranty Deed

A PORTION OF OFFICIAL RECORDS BOOK 1181, PAGE 970 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, LYING IN SECTION 17, OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA.

COMMENCE AT THE SOUTHEAST CORNER OF SCAFF ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 845, PAGE 1083 OF SAID PUBLIC RECORDS OF ST JOHNS COUNTY, FLORIDA, SAID POINT LYING ON THE WESTERLY LINE OF SAID SECTION 17, OF THE ANTONIO HUERTAS GRANT, SECTION 38; THENCE NORTH 19°17'13" EAST, ALONG SAID WESTERLY LINE OF SECTION 17, A DISTANCE OF 30.15 FEET TO THE SOUTHERLY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1181, PAGE 970,, SAID POINT BEING ON THE CENTERLINE OF SAID SCAFF ROAD; THENCE SOUTH 76°22'07" EAST, ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF SCAFF ROAD, AND SAID SOUTHERLY LINE OF OFFICIAL RECORDS BOOK 1181, PAGE 970, A DISTANCE OF 2841.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 76°22'07" EAST, ALONG SAID EASTERLY PROLONGATION OF SAID CENTERLINE OF SCAFF ROAD, AND SAID SOUTHERLY LINE OF OFFICIAL RECORDS BOOK 1181, PAGE 970, A DISTANCE OF 1705.84 FEET TO A POINT ON THE NORTHERLY LINE OF OF SAID SECTION 17 OF THE ANTONIO HUERTAS GRANT, SECTION 38; THENCE NORTH 71°55'04" WEST, ALONG SAID NORTHERLY LINE OF SECTION 17, AND ALONG THE NORTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 1181, PAGE 970, A DISTANCE OF 1693.79 FEET TO THE ARC OF A CURVE LEADING SOUTHWESTERLY; THENCE SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 354.58 FEET, AN ARC DISTANCE OF 133.35 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°04'06" WEST, 132.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 112,666 SQUARE FEET, OR 2.59 ACRES, MORE OR LESS.

Exhibit "B" to Resolution

This Instrument Prepared By:
John D. Bailey, Jr.
Upchurch, Bailey and Upchurch, P.A.
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
FN: 6-19-285

RELEASE OF AUTOMATIC MINERAL RESERVATION

THIS AGREEMENT is made and entered into this _____ day of _____, 2020, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 (the "County") and **THE PACETTI INVESTMENT GROUP, LLC**, a Florida limited liability company, whose address is 366 Jardine Avenue, St. Augustine, Florida 32084 ("Pacetti"):

RECITALS:

A. As part of a property exchange, the County has conveyed to Pacetti by County Deed dated April 18, 2019, and recorded in Official Records 4712, Page 570, of the Public Records of St. Johns County, Florida, certain lands described in Exhibit "A" attached hereto, containing _____ acres, more or less, (hereinafter the "Land").

B. Pursuant to Section 270.11, Florida Statutes, the conveyance by County to Pacetti was subject to an automatic reservation of an undivided 3/4 interest in and to all phosphates, minerals and metals, together with an undivided 1/2 interest in and to all petroleum, in, on or under the surface of the Land, with no right of entry, (collectively the "Automatic Mineral Reservations").

C. Pacetti proposes to convey the Land to a third party or parties and has requested the County release the Automatic Mineral Reservations.

D. Due to the lack of a right of entry, the small size and irregular shape of the Land and the absence of any evidence that minerals and petroleum exist on or under the Land, County has agreed to release the Automatic Mineral Reservations.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the County hereby releases and discharges the Land from the Automatic Mineral Reservations and all burdens imposed thereby.

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board, the day and year aforesaid.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: _____
Jeb S. Smith, Chair

ATTEST: Brandon Patty, Clerk

By: _____
Deputy Clerk

STATE OF FLORIDA
COUNTY OF ST. JOHNS

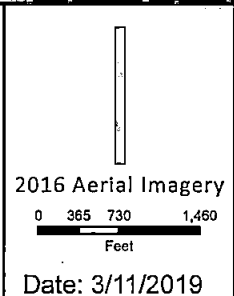
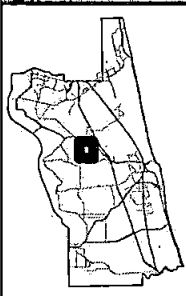
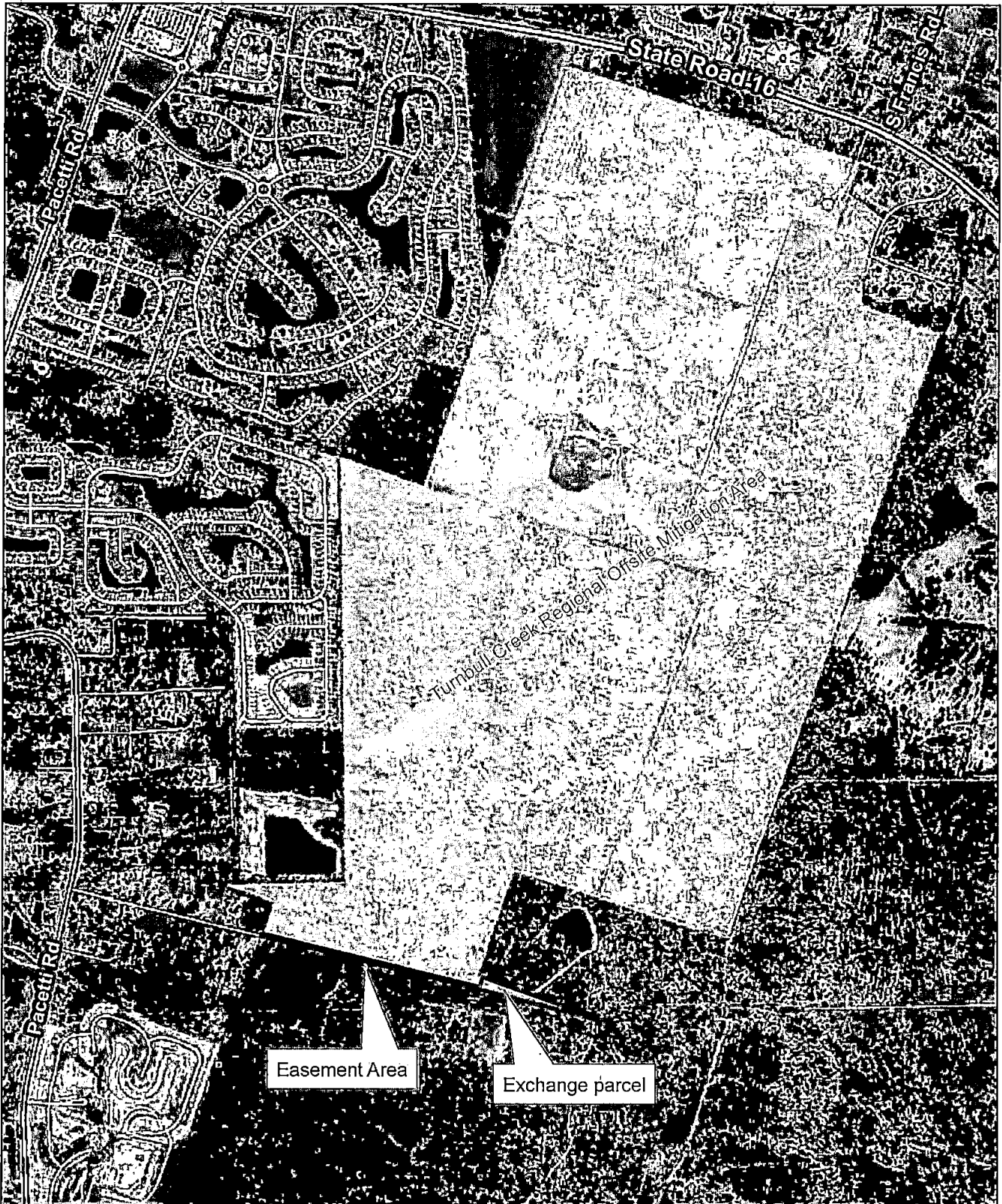
THE FOREGOING instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 2020, by Jeb S. Smith, Chair of the Board of County Commissioners of St. Johns County, Florida, who is who is personally known to me or has produced a valid driver's license as identification.

Notary Public State of Florida
My Commission expires: _____

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*Grant of Easement
& County Deed*

*Turnbull Creek
Regional Offsite
Mitigation Area*

Land Management
Systems
Real Estate
Division
(904) 209-0782

Disclaimer:
This map is for reference use only.
Data provided are derived from multiple
sources with varying levels of accuracy.
The St. Johns County Real Estate
Division disclaims all responsibility
for the accuracy or completeness
of the data shown hereon.

