

RESOLUTION NO. 2022- 48

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A DECLARATION OF RESTRICTIVE COVENANTS AMENDMENT NO. 1 AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE COUNTY.

RECITALS

WHEREAS, St. Johns County ("County") acquired certain property known as Vilano Beach Oceanfront Park ("Property") with funding assistance from the Florida Forever Grant Program, administered by the Florida Communities Trust ("FCT"); and

WHEREAS, upon acquisition of the Property, the County and FCT entered into a Declaration of Restrictive Covenants recorded in Official Records Book 2965, page 1401, of the public records of St. Johns County, Florida, ("DRC") that restricts the use of the Property; and

WHEREAS, Section II, Paragraph 1. of the DRC states that either party may request modification of the provisions of this Agreement at any time; and

WHEREAS, the County has requested an amendment to the allowed use and FCT has approved the request and has executed and presented to the County a Declaration of Restrictive Covenants Amendment No. 1, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to reflect the amendment.

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 the Declaration of Restrictive Covenants Amendment No. 1, attached hereto, and authorizes the County Administrator, or designee to execute the Amendment on behalf of the County.

Section 3. The Clerk is instructed to record the original Declaration of Restrictive Covenants Amendment No. 1 in the public records of St. Johns County, Florida.

Section 4. To the extent that there are typographical and/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.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 15th day of February, 2022.

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

By: Henry Dean
Henry Dean, Chair

Rendition Date 2/17/22

ATTEST: Brandon J. Patty
Clerk of the Circuit & Comptroller

By: Tam Halterman
Deputy Clerk



This instrument was prepared by:
Lois E. La Seur, Esquire
Florida Communities Trust
Department of Environmental Protection
3900 Commonwealth Boulevard, MS #115
Tallahassee, Florida 32399

FLORIDA COMMUNITIES TRUST
DEP CONTRACT NUMBER: 07-CT-1D-06-F6-J1-034
FCT PROJECT NUMBER: 06-034-FF6
PROJECT NAME: Vilano Beach Oceanfront Park

DECLARATION OF RESTRICTIVE COVENANTS
AMENDMENT NO. 1

THIS AMENDMENT No. 1 to the Declaration of Restrictive Covenants ("DRC") recorded in the public records of St. Johns County, Florida, at book 2965, pages 1401-1414, is entered into this _____ day of _____ between the FLORIDA COMMUNITIES TRUST ("FCT"), a non-regulatory agency and instrumentality within the State of Florida, Department of Environmental Protection ("Department"), and St. Johns County, a Florida local government ("Recipient").

WHEREAS, Recipient submitted and FCT approved, a Management Plan pursuant to Rule 62-818.011(2) Florida Administrative Code ("F.A.C."); and

WHEREAS, FCT approved the Recipient's request to amend the project elements in the Management Plan; and

WHEREAS, approval of the amended Management Plan necessitates an amendment to the DRC recorded in O.R. Book 2965, Pages 1401-1414 of the Official Public Records of St. Johns County.

NOW THEREFORE, in consideration of the foregoing recitals, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties mutually agree to amend the DRC as follows:

1. Recitals: The Recitals set forth hereinabove are true and correct and are incorporated herein by reference.

2. The DRC is hereby amended as follows:

A. Section V. II. 2. of the DRC is amended to replace the volleyball court and play fountain with a playscape and corn hole. The new user-oriented outdoor recreational facilities will continue to be provided within 1,000 ft. of the project site.

B. Section V. II. 11. of the DRC is stricken.

In all other respects, the DRC and all related attachments, shall remain in full force and effect and are hereby reconfirmed by FCT and the Recipient, as of the date of this amendment.

In the event of a conflict between this Amendment and the DRC, incorporating by reference any and all previous Amendments (as applicable), this Amendment shall control.

It is understood and agreed by FCT and the Recipient that this Amendment is binding upon FCT and Recipient and their successors and assigns.

This Amendment may be executed in counterparts, each of which is deemed to be an original but all of which taken together shall constitute one and the same amendment.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Amendment.

Witnesses:

ST. JOHNS COUNTY
a Florida Local Government

Print Name: _____

By: _____

Print Name: _____

Title: _____

Date: _____

Print Name: _____

Approved as to Form and Legality:

By: _____

Trust Counsel

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of physical presence or online
notarization, this ____ day of _____, _____, by _____.

(SEAL)

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of
Notary Public

Personally Known OR Produced Identification
Type of Identification Produced: _____

Witnesses:

Rebecca Wood
Print Name: Rebecca S Wood

Marjorie Karter
Print Name: MARJORIE KARTER

FLORIDA COMMUNITIES TRUST

By: Callie Dettman
Secretary or Designee

Print Name: Callie Dettman
Title: Director, Division of State Lands - DEP
Date: 11/23/21

Approved as to Form and Legality:

Digitally signed by Lois La
By: Lois La Seur Seur
Date: 2021.11.17
16:39:07 -0500
Trust Counsel
Print Name: _____

STATE OF FLORIDA
COUNTY OF Leon

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 23rd day of November, 2021, by Marjorie Karter as to Callie Dettman.

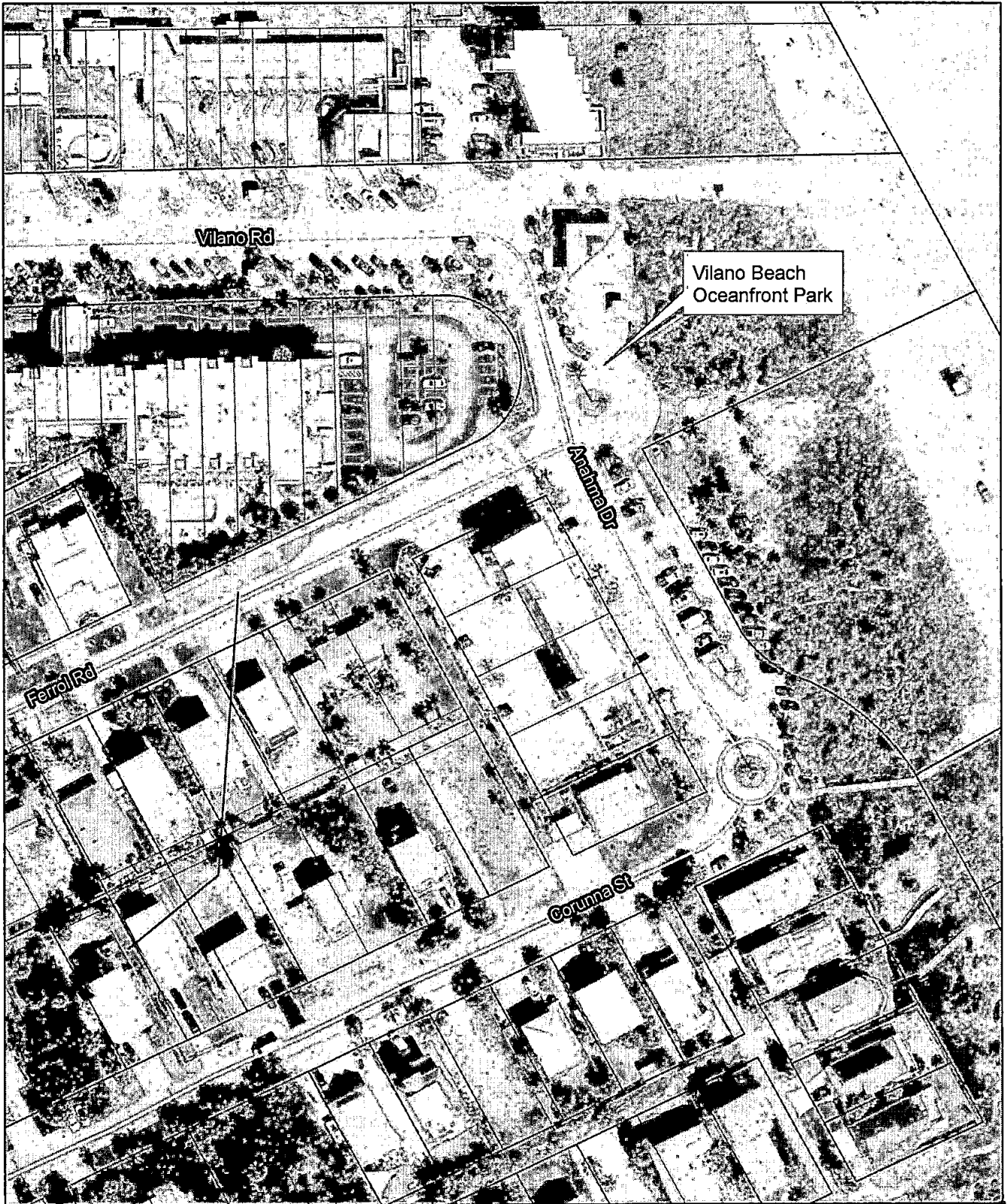
(SEAL)



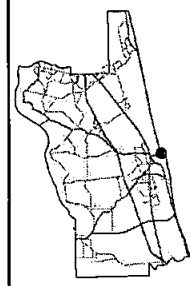
Marjorie Karter
Signature of Notary Public

MARJORIE KARTER
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced: _____



Vilano Beach
Oceanfront Park



2021 Aerial Imagery
January 20, 2022

*Vilano Beach Oceanfront Park
Declaration of Restrictive Covenants
Amendment No. 1*

Land Management
Systems
Real Estate
Division
(904) 209-0790

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
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