

RESOLUTION NO. 98-223

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY DECLARING THAT THE PROPERTY KNOWN AS THE ST. AUGUSTINE HEALTH CARE AND REHABILITATION CENTER LOCATED AT 51 SUNRISE BOULEVARD IS SURPLUS PROPERTY AND IS NOT NEEDED FOR COUNTY PURPOSES AND AUTHORIZING ADVERTISEMENTS SEEKING BIDS FOR ITS PURCHASE CONTINGENT UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, the St. Johns County Health Authority, Inc. (the "Health Authority"), owns the real property located at 51 Sunrise Boulevard described on the attached Exhibit "A" (the "Property") and depicted on Exhibit "B"; and

WHEREAS, the Property is presently being leased to The Waverley Group, Inc. ("Waverley"), which operates a skilled nursing home on the Property; and

WHEREAS, the Property was financed in 1975 with the proceeds of the Health Authority's First Mortgage Revenue Bonds (the "Bonds"); and

WHEREAS, under the terms of the documents executed in connection with the issuance of the Bonds (the "Bond Documents"), upon the payment in full of the principal of and interest on the Bonds scheduled to occur on March 1, 1999, the lease to Waverley will terminate and all of the Health Authority's rights, title and interest in and to the Property will be conveyed to St. Johns County, Florida (the "County"); and

WHEREAS, upon such conveyance, Waverley's licenses to operate the skilled nursing home on the Property will not transfer to the County; and

WHEREAS, the County Administrator has obtained a real estate appraisal of the subject Property that values the Property at \$2,000,000; and

WHEREAS, Section 125.35, Florida Statutes, authorizes the Board of County Commissioners to determine whether the sale of the Property is in the best interests of the County and if it is in the best interest authorizes the Board to advertise for bids in the manner set forth in the statute; and

WHEREAS, the Board of County Commissioners have determined that it is in the best interest of the County to sell the Property and intends to sell the Property when the Property is conveyed to the County; provided, however, the award of the bid and final approval of any sale of the Property shall not occur until after the County has acquired the Property upon the retirement of the Bonds in the manner described in the Bond Documents.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida (the "Board") as follows:

1. The Board hereby finds and determines that the County has beneficial ownership in the Property described on Exhibit "A", and that such beneficial interest will expand to fee simple ownership on or before March 1, 1999. The Board further finds and determines that the Property is surplus property, is not needed for County purposes and that it is in the best interest of the County to sell the Property after the Property is conveyed to the County in the manner described in the Bond Documents.

2. The County Administrator shall prepare and advertise requests for bids wherein the bidder offers to purchase the Property from the County; which request shall include the following statements and requirements, in addition to all other statements and requirements the County Administrator deems appropriate:

A. Bids under \$1.9 Million are discouraged.

B. The County may, at the County's sole discretion, reject any or all bids.

C. The award of the bid, the final approval of the sale of the Property and the closing shall all take place on or after the date that fee simple title to the Property is vested in the County in the manner described in the Bond Documents. The closing date will be established at the time of the County's award of bid and final approval of sale but shall not be later than June 30, 1999.

D. Each bidder shall submit a good faith cash (or equivalent) deposit or an acceptable surety bond deposit with their bid in the amount of 10 percent that will only be returned if they are not awarded the bid. The deposit submitted by the successful bidder shall be applied to the purchase price at closing or retained by the County as liquidated damages in the event such bidder fails to timely close the sale.

E. The Bidder shall specify the use to which the Property shall be put.

F. The sale of the Property shall be "AS IS" and title shall be conveyed by a deed from the County in substantially the form set forth in Section 125.411, Florida Statutes, which deed shall convey only the interests of the County and, as set forth in Section 125.411, shall not warrant title or represent any state of facts concerning the title. The successful bidder shall take title subject to all encumbrances and may be required to use the Property for a set period of time for the purpose the bidder establishes in response to requirement E above.

G. Prior to the award of bid and final approval of sale the County must receive an opinion of counsel satisfactory to the County to the effect that the successful bidder is not a related person (as defined in Section 144(a)(3) of the Internal Revenue Code of 1986, as amended) to Waverley or an opinion of nationally recognized bond counsel satisfactory to the County to the effect that the sale of the Property to the successful bidder shall not adversely affect the tax-exempt status of the Bonds.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 15 day of December, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Iudone  
Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeStande  
Deputy Clerk

EXHIBIT "A"

A PART OF SECTIONS 24 AND 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 3, BLOCK 2, ST. AUGUSTINE HEIGHTS - UNIT A, AS RECORDED IN MAP BOOK 10, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 24°37'00" WEST A DISTANCE OF 33.10 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF A 30 FOOT WIDE DRAINAGE EASEMENT AS SHOWN ON SAID PLAT; THENCE SOUTH 89°37'00" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 269.35 FEET; THENCE NORTH 01°02'00" WEST, ALONG THE WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 83, PAGE 378 OF SAID PUBLIC RECORDS, A DISTANCE OF 709.91 FEET; THENCE NORTH 88°53'30" WEST, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF HASTINGS ROAD AS NOW ESTABLISHED AS A 50 FOOT RIGHT OF WAY, A DISTANCE OF 583.31 FEET; THENCE SOUTH 40°22'00" WEST, ALONG THE SOUTHEASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1144, PAGE 924 OF SAID PUBLIC RECORDS, SAID LINE BEING THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 207, A DISTANCE OF 232.13 FEET; THENCE NORTH 49°38'00" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID LANDS AND SAID RIGHT OF WAY, A DISTANCE OF 5.00 FEET; THENCE SOUTH 40°22'00" WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 170.63 FEET; THENCE SOUTH 49°38'30" EAST, ALONG THE EASTERLY RIGHT WAY LINE OF SUNRISE BOULEVARD AS NOW ESTABLISHED AS AN 80 FOOT RIGHT OF WAY, A DISTANCE OF 35.94 FEET TO A POINT OF CURVE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 515.00 FEET; THENCE ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE, A CHORD BEARING OF SOUTH 26°41'49" EAST AND A CHORD DISTANCE OF 402.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 03°37'00" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 450.42 FEET; THENCE NORTH 40°23'00" EAST, ALONG THE AFOREMENTIONED NORTHERLY LINE OF A 30 FOOT DRAINAGE EASEMENT, A DISTANCE OF 547.32 FEET TO THE POINT OF BEGINNING. CONTAINING 13.3 ACRES, MORE OR LESS.

SUBJECT TO THE FOLLOWING:

TEMPORARY CONSTRUCTION EASEMENT AREA:

A PARCEL OF LAND IN SECTIONS 24 AND 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, CONTAINING 2.40 ACRES (104,439 SQUARE FEET) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY LINE OF SUNRISE BOULEVARD, AN 80 FOOT WIDTH RIGHT-OF-WAY, WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 207, A 100 FOOT WIDTH RIGHT-OF-WAY; THENCE NORTH 40 DEGREES 22 MINUTES 00 SECONDS EAST, ON SAID SOUTHEAST

RIGHT-OF-WAY LINE OF STATE ROAD, 106.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 40 DEGREES 22 MINUTES 00 SECONDS EAST, ON SAID SOUTHEAST RIGHT-OF-WAY LINE OF STATE ROAD 63.94 FEET; THENCE SOUTH 49 DEGREES 38 MINUTES 00 SECONDS EAST, ACROSS THE SOUTHWEST END OF THAT STRIP OF LAND DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1144, PAGE 924, PUBLIC RECORDS OF SAID COUNTY, 5.00 FEET; THENCE NORTH 40 DEGREES 22 MINUTES 00 SECONDS EAST, ON THE SOUTHEAST LINE OF SAID STRIP OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1144, PAGE 924 A DISTANCE OF 232.13 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 30 SECONDS EAST, ON THE SOUTH RIGHT-OF-WAY LINE OF HASTINGS ROAD, A 50 FOOT WIDTH RIGHT-OF-WAY 159.46 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 10 SECONDS WEST 35.25 FEET; THENCE SOUTH 15 DEGREES 39 MINUTES 44 SECONDS EAST 240.66 FEET; THENCE SOUTH 67 DEGREES 48 MINUTES 22 SECONDS WEST 403.94 FEET; THENCE NORTHWESTERLY ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SUNRISE BOULEVARD, ON A CURVE WITH RADIUS OF 515.00 FEET AND CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 05 DEGREES 47 MINUTES 19 SECONDS, AN ARC DISTANCE OF 52.03 FEET (CHORD BEING NORTH 38 DEGREES 04 MINUTES 15 SECONDS WEST 52.01 FEET); THENCE NORTH 67 DEGREES 47 MINUTES 44 SECONDS EAST 126.82 FEET; THENCE NORTH 49 DEGREES 38 MINUTES 00 SECONDS WEST 172.05 FEET TO THE POINT OF BEGINNING.

PERMANENT EASEMENT DESCRIPTION:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, CONTAINING 6.61 ACRES MORE OR LESS AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, BLOCK 2, ST. AUGUSTINE HEIGHTS UNIT A AS RECORDED IN MAP BOOK 10, PAGE 53, PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 24 DEGREES 37 MINUTES 00 SECONDS WEST 33.10 FEET TO THE POINT OF BEGINNING AT AN ANGLE POINT ON THE NORTHERLY LINE OF A 30 FOOT WIDTH DRAINAGE EASEMENT; THENCE SOUTH 89 DEGREES 37 MINUTES 00 SECONDS EAST, ON THE NORTH LINE OF SAID 30 FOOT WIDTH DRAINAGE EASEMENT AS SHOWN ON PLAT OF SAID ST. AUGUSTINE HEIGHTS UNIT A 259.35 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 00 SECONDS WEST ON THE WEST LINE OF A 10 FOOT WIDTH SANITARY SEWER EASEMENT CONVEYED TO THE CITY OF ST. AUGUSTINE BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 322, PAGE 210, PUBLIC RECORDS OF SAID COUNTY 710.04 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 30 SECONDS WEST, ON THE SOUTH LINE OF HASTINGS ROAD 411.95 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 10 SECONDS WEST 35.25 FEET; THENCE SOUTH 15 DEGREES 39 MINUTES 44 SECONDS EAST 309.19 FEET; THENCE SOUTH 16 DEGREES 43 MINUTES 30 SECONDS EAST 32.60 FEET; THENCE SOUTH 15 DEGREES 08 MINUTES 10 SECONDS EAST 273.46 FEET TO THE POINT OF A CURVE TO THE RIGHT WITH RADIUS OF 105.00 FEET; THENCE ON SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89 DEGREES 08 MINUTES 27 SECONDS, AN ARC DISTANCE OF 163.36 FEET (CHORD FOR SAID CURVE BEING SOUTH 29 DEGREES 26 MINUTES 03

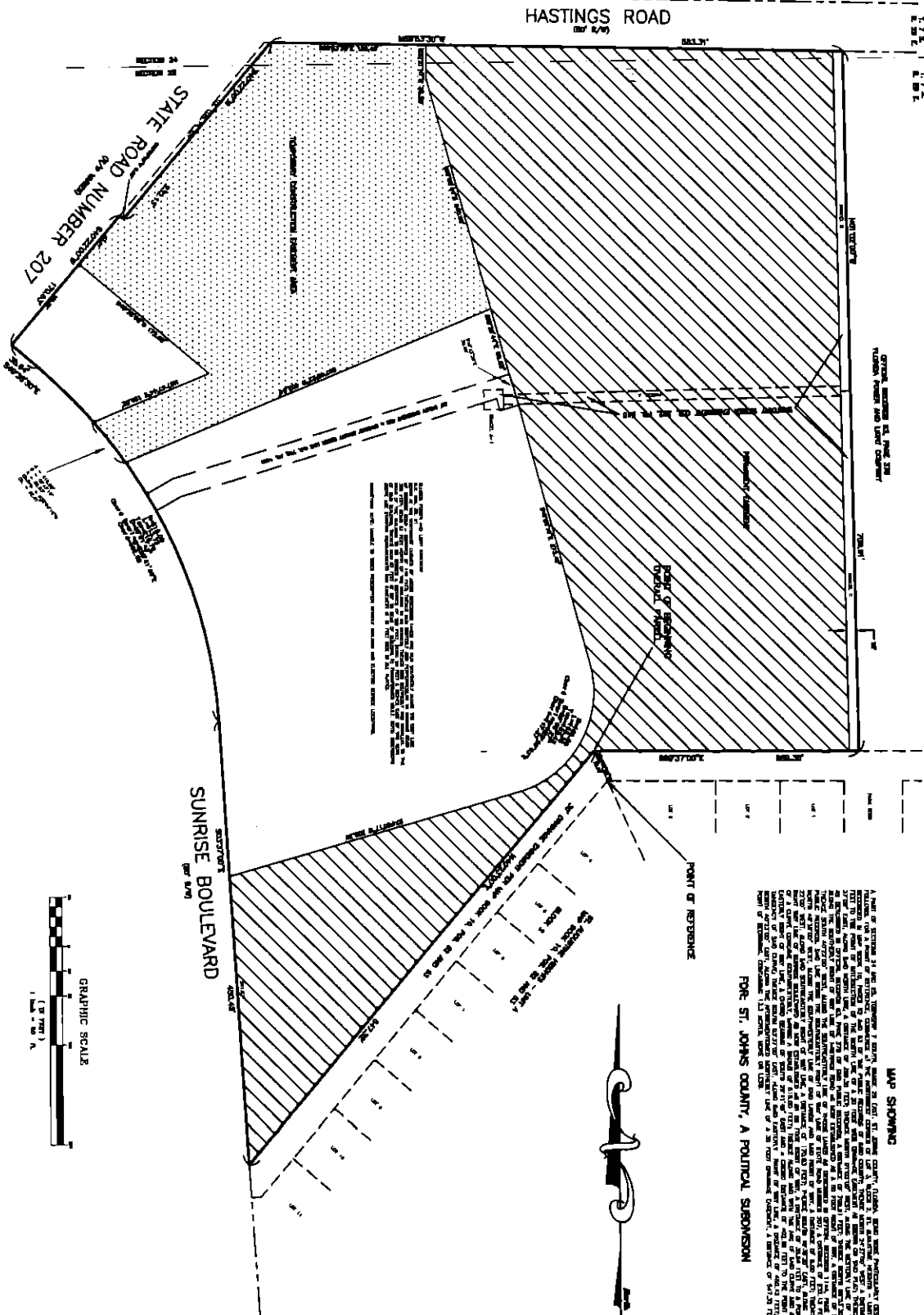
SECONDS WEST 147.37 FEET); THENCE TANGENT TO SAID CURVE SOUTH 74 DEGREES 00 MINUTES 17 SECONDS WEST 309.84 FEET; THENCE SOUTH 03 DEGREES 37 MINUTES 00 SECONDS EAST, ON THE EAST LINE OF SUNRISE BOULEVARD AS SHOWN ON SAID PLAT OF ST. AUGUSTINE HEIGHTS UNIT A 291.73 FEET; THENCE NORTH 40 DEGREES 23 MINUTES 00 SECONDS EAST ON THE NORTHWEST LINE OF SAID 30 FOOT WIDTH DRAINAGE EASEMENT 547.32 FEET TO THE POINT OF BEGINNING.

EASEMENT TO FLORIDA POWER AND LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 284, PAGE 91, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

EASEMENT TO THE CITY OF SAINT AUGUSTINE, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 322, PAGE 215, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

EASEMENT TO ST. AUGUSTINE VILLAGE, LTD. RECORDED IN OFFICIAL RECORDS BOOK 776, PAGE 1439, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Exhibit "B"



SECTION 11  
 TOWNSHIP 24 N  
 RANGE 17 E  
 COUNTY 11 W

GENERAL RECORDS FOR THE 200  
 TOWN OF ST. JOHN COUNTY

MAP SHOWING  
 FOR ST. JOHN COUNTY, A POLITICAL SUBDIVISION

1. THE STATE OF FLORIDA, COUNTY OF ST. JOHN, HAS ADOPTED THE FOLLOWING RESOLUTIONS:  
 2. THAT THE PLANNING BOARD HAS REVIEWED THE MAP AND HAS APPROVED THE SAME.  
 3. THAT THE BOARD OF COUNTY COMMISSIONERS HAS REVIEWED THE MAP AND HAS APPROVED THE SAME.  
 4. THAT THE BOARD OF COUNTY COMMISSIONERS HAS ORDERED THE MAP TO BE RECORDED.

DATE: 11/11/04  
 BY: [Signature]  
 TITLE: [Title]

ST. JOHN COUNTY DEVELOPMENT SERVICES  
 4800 LYNX STADIUM - P.O. BOX 349  
 ST. AUGUSTINE, FLORIDA 32080  
 PHONE: (904) 828-3400

ST. AUGUSTINE HEALTH CARE  
 AND REHABILITATION CENTER  
 1111 SOUTH 1-112