

RESOLUTION NO. 2001-97

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND AUTHORIZING THE SALE TO THE ONLY ADJOINING LAND OWNER.**

**WHEREAS**, there has been a written request from the only adjoining property owner to declare a certain County owned property surplus located off of Collier Road as shown on attached map as, Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, pursuant to Florida Statute 125.35(2), the Board of County Commissioners may effect a private sale when the value of a parcel is \$15,000.00 or less and when due to the size, shape, location and value is determined by the Board that the parcel is of use only to the adjacent property owner as shown on Exhibit "B", incorporated by reference and made a part hereof; and

**WHEREAS**, the St. Johns County Property Appraiser values the property at \$1,000.00 due to the distance from any public roadway and without road frontage, as stated in the letter attached hereto as Exhibit "C", incorporated by reference and made a part hereof, and Michael M. Maguire the President of Tidewater Timber Corporation, the only adjoining property owner, has agreed to pay that amount; and

**WHEREAS**, the adjoining property owner has requested in writing the County remove the reservation in the County Deed for phosphate, petroleum, minerals and metals as shown in the letter attached hereto as Exhibit "D", incorporated 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. It is found that all requirements of Section 125.35(2)F.S. for a private sale of the property described above have been met.

Section 2. The sale of the property to Tidewater Timber Corporation, in the amount of \$1,000.00 is hereby approved and the County Deed in substantially the form attached hereto as Exhibit "E", incorporated by reference and made a part hereof, shall be executed by the Chair of the Board of County Commissioners and upon receipt of payment, will convey the property to them.

Section 3. This grant shall be made without any reservation of mineral rights to the County in accordance with Section 270.00 Florida Statutes because of the limited dimensions of the site.

Section 4. The Clerk of the Court is instructed to record the County Deed and mail the recorded original along with an executed copy of this Resolution to Tidewater Timber Corporation, c/o Michael M. Maguire, 147 N. Lawson Road, Poquoson, VA 23662.

PASSED AND ADOPTED, this 8<sup>th</sup> day of May, 2001.

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

By: Mary F. Kohnke  
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande  
Deputy Clerk

EXHIBIT "A" TO RESOLUTION

TIDEWATER TIMBER CORPORATION  
147 N. LAWSON ROAD  
POQUOSON, VIRGINIA 23662

757-898-7700

Fax: 757-898-7755

March 12, 2001

Ms. Mary Ann Blount  
Real Estate Division  
4020 Lewis Speedway  
St. Augustine, FL 32084

Re: 1. "School Site", Section 11, Township 6 South, Range 27 East  
2. Elwood Drainage Easement

Dear Ms. Blount;

I need some help in two areas:

1. Tidewater Timber would like to purchase from the County a one-half acre parcel of property. Here is the situation: Many years ago "school sites" were created throughout the County for future use as outlying schools. As I understand, most of them were never utilized and the County still owns some of them.

Enclosed is a copy of ORB 338, page 667 which lists four such sites. The last one, a one-half acre site, is located somewhere within the boundaries of Tidewater's property. I say "somewhere" because the legal description appears to be insufficient. I suspect that the description was improperly copied from a former deed. I have looked at the tax map for this parcel (011570-0000). My father recalls that the school site is actually several hundred feet north or northwest from what the map indicates. He is usually correct about these things.

Would the County be willing to sell this parcel to Tidewater? If so, at what price?

2. Sometime in the 1990's, Maguire Land Corporation gave a drainage easement to the County to satisfy a complaint by an Elwood landowner. Could you send me a copy of whatever you have concerning that easement: Deed of easement, plat, etc?

Thank you for your cooperation and assistance. I will give you a call next week.

Sincerely;



Michael M. Maguire

MMM:plb  
cc file  
Enclosure

EXHIBIT "B" TO RESOLUTION



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Select Year:

2000

The 2000 Florida Statutes

**Title XI**  
COUNTY ORGANIZATION AND INTERGOVERNMENTAL  
RELATIONS

**Chapter 125**  
County  
Government

**[View Entire Chapter](#)**

**125.35 County authorized to sell real and personal property and to lease real property.-**

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the Board of County Commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;
2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of \$20 million; or
3. Lease a professional sports franchise facility financed by revenues received pursuant to s. [125.0104](#) or s. [212.20](#);

under such terms and conditions as negotiated by the board.

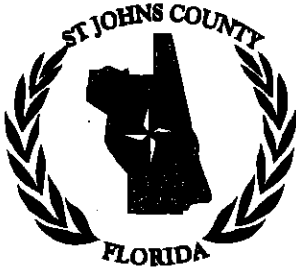
(c) No sale of any real property shall be made unless notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase of the real estate so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board determines, with each bid submitted.

(2) When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

**History.**--s. 1, ch. 23829, 1947; s. 1, ch. 70-388; s. 1, ch. 77-475; s. 1, ch. 81-87; s. 1, ch. 83-100; s. 1, ch. 86-105; s. 2, ch. 89-103; s. 2, ch. 95-416; ss. 1, 2, ch. 99-190.

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*Sharon Outland, C.F.A.*

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St. Johns County Property Appraiser  
(904) 823-2200 (904) 823-2468 (Fax)

March 27, 2001

Ms. Debbie Taylor, Real Estate Specialist  
St. Johns County Public Works Department  
Post Office Box 349  
St. Augustine, Florida 32085-0349

**RE: Parcel Account #011570-0000**

Dear Ms. Taylor:

I am writing in response to your inquiry regarding the value of the above-referenced parcel. According to our records, the parcel in question is 110 feet by 110 feet, located in the middle of a large acreage parcel quite some distance from any public roadway. The 2000 assessed value of the parcel is \$1,000. Without road frontage or a recorded easement for ingress and egress, this value appears fair and equitable.

I hope this information assists you.

Sincerely,

Pamela Pearson Mann, C.F.E.  
Assistant Property appraiser, St. Johns County



EXHIBIT "D" TO RESOLUTION

TIDEWATER TIMBER CORPORATION  
147 N. LAWSON ROAD  
POQUOSON, VIRGINIA 23662

757-898-7700

Fax: 757-898-7755

April 25, 2001

Ms. Debbie Taylor  
Real Estate Specialist  
4020 Lewis Speedway  
St. Augustine, FL 32084

VLA: Fax 1-904-823-2585  
First Class Mail

Re: Proposed Deed, one-half acre School Site  
Sec. 11, Twp. 6-S, R. 27-E

Dear Ms. Taylor;

Thank you for providing the proposed draft of the County's deed for the above one-half acre.

Upon reviewing the deed I notice that the County proposes to reserve an interest in phosphate, petroleum, minerals and metals that may be under the one-half acre. I respectfully request that the County remove this reservation from the deed. Since the site is only one-half acre in size, the tract dimensions would be approximately 148' per side. I cannot comprehend that any material could be economically withdrawn from a site which is 148' square. There simply is no room to mine, dig, drill, etc. and comply with environmental and other regulatory laws. Reserving mineral and petroleum rights would not benefit the County and would adversely affect our ability to use the property.

Again, thank you for your cooperation and assistance. If there is any further action I need to take to effect this transfer, please so inform me.

Sincerely;

Michael M. Maguire

MMM:plb

cc file

EXHIBIT "E" TO RESOLUTION

This Instrument Prepared By:  
Daniel J. Bosanko, Esq.  
Assistant County Attorney  
P.O. Box 1533  
St. Augustine, FL 32085-1533

**COUNTY DEED**

**THIS DEED**, made without warranty of title or warranty of method of conveyance, this \_\_\_\_ day of \_\_\_\_\_, 2001, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, hereinafter "Grantor", to **TIDEWATER TIMBER CORPORATION**, whose address is 147 n. Lawson Road, Poquoson, Va 23662 Attn: Michael Maguire, 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:

**One-half (1/2) acre in the S.E. ¼ of N.E. ¼ of Section 11, Township 6 South, Range 27 East.**

**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.

**RESERVING UNTO THE GRANTOR**, its successors and/or assigns an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals and metals that are may be in, on, or under the said land and an undivided one-half interest in all petroleum that is or may be in, or on, or under said land with the privilege to mine and develop the same.

**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: \_\_\_\_\_  
Mary F. Kohnke, Chair

**ATTEST:** Cheryl Strickland, Clerk

By: \_\_\_\_\_  
Deputy Clerk

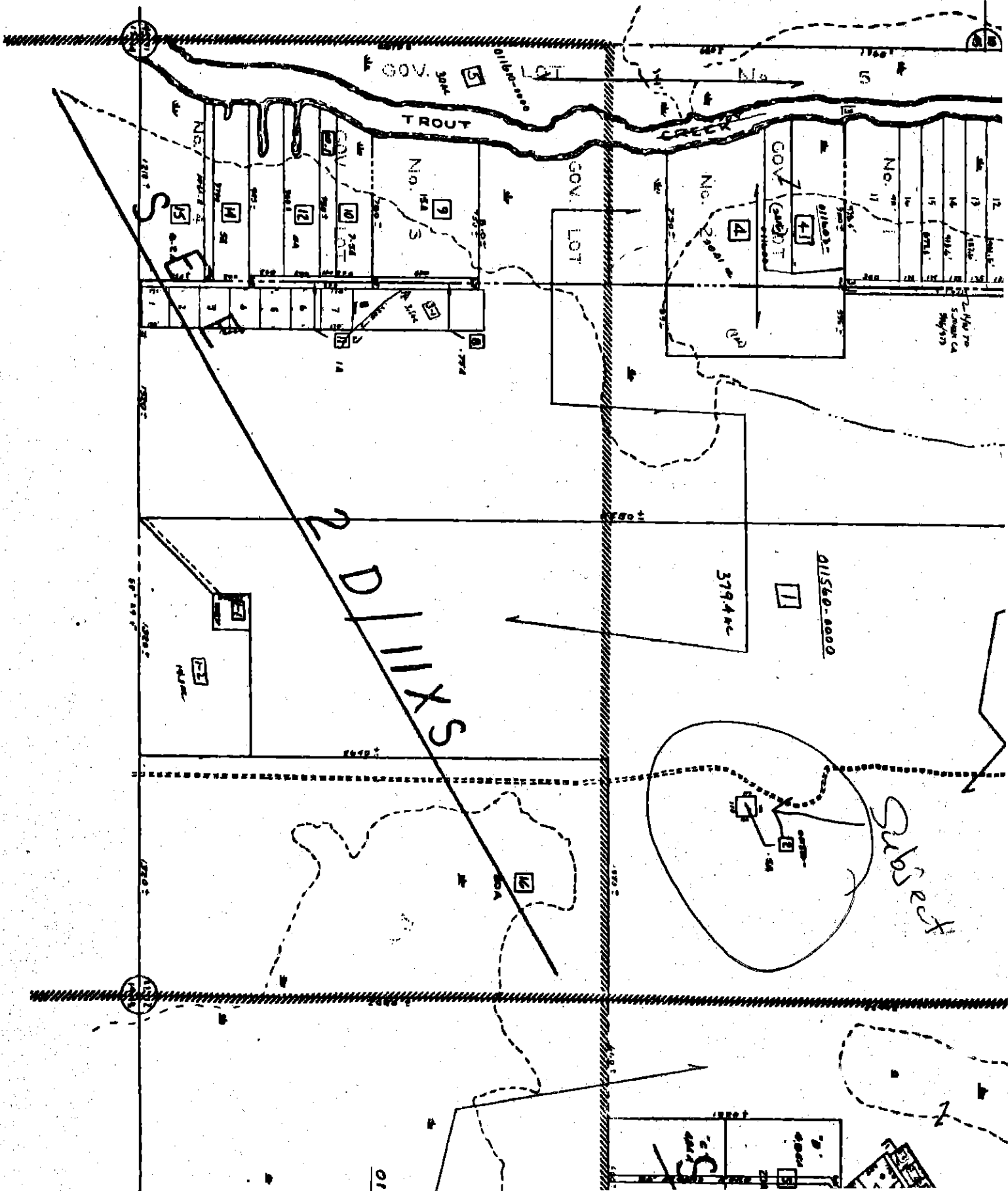
**STATE OF FLORIDA  
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001, by Mary F. Kohnke, 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.

\_\_\_\_\_  
Notary Public State of Florida  
My Commission Expires: \_\_\_\_\_



SR 20/453



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Subject

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## The 2000 Florida Statutes

**Title XVIII**  
PUBLIC LANDS AND PROPERTY

**Chapter 270**  
Public Lands

**View Entire Chapter**

### **270.11 Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases.--**

(1) Except as otherwise provided by law, in all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund or by any local government, water management district, or other agency of the state, there shall be reserved for such local government, water management district, other agency of the state, or the board of trustees and its successors an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

(2)(a) The Board of Trustees of the Internal Improvement Trust Fund may, in its discretion, sell or release any reserved interest or any portion thereof in or as to any particular parcel of land, and the State Board of Education may sell or release any such interest or any portion thereof which was reserved for said board pursuant to this section prior to September 1, 1967. Such sale or release shall be made on application of the owner of the title to the particular parcel of land with statement of reason justifying such sale or release.

(b) The right of entry in respect to any interest in phosphate, minerals, and metals or any interest in petroleum heretofore or hereafter reserved in favor of the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education is hereby released as to any parcel of property that is, or ever has been, a contiguous tract of less than 20 acres in the aggregate under the same ownership.

(3) A local government, water management district, or agency of the state may, at its discretion, sell or release such reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the purchaser for such interest and upon submission by the local government, water management district, or agency of the state which owns the parcel of a statement of reasons justifying such sale or release.

(4) Any state agency, except a water management district, which receives royalties for parcels shall remit any such moneys into the General Revenue Fund, unless otherwise provided by law.

**History.**--ss. 1, 2, ch. 6159, 1911; RGS 1226; CGL 1771; s. 1095, ch. 19355, 1939; CGL 1940 Supp. 892(414); s. 1, ch. 26849, 1951; s. 1, ch. 59-220; s. 2, ch. 61-119; ss. 27, 35, ch. 69-106; s. 76, ch. 71-355; s. 1, ch. 86-205; s. 1, ch. 86-257.

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