

RESOLUTION NO. 2007- 274

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A PARCEL CONTAINING LESS THAN AN ACRE OF CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO AN ADJOINING PROPERTY OWNER PURSUANT THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES.**

**RECITALS**

**WHEREAS**, there has been a written request from an adjoining property owner, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to acquire a three quarter (.75) acre parcel of certain County owned property for drainage purposes. The County owned property consists of a retention pond that was previously used by St. Johns County and is located off of St. Marks Pond Boulevard. The property was conveyed to the County in 1998 for drainage purposes. The deed restriction will remain if the sale is approved; and

**WHEREAS**, pursuant to Section 125.35(2), Florida Statutes, the Board of County Commissioners may effect a private sale when the value of a parcel is \$15,000 or less, OR when, due to the size, shape, location and value it is determined by the Board of County Commissioners that the parcel is of use only to one or more adjacent property owners; and

**WHEREAS**, the individual requesting the property is the only adjoining property owner and has agreed to grant a drainage easement to the County, as requested by staff. The easement will allow drainage of the public right-of-way in the area if needed by the County. The individual wishes to acquire the site to improve the safety and appearance of the parcel since it is next to his business; and

**WHEREAS**, St. Johns County Property Appraiser has the property currently assessed in the amount of \$375. The adjoining property owner, William King, has offered to pay \$5,000 for the parcel.

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

1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.
2. 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 and the sale of the property to William King in the amount of \$5,000 is hereby approved by the Board of County Commissioners.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 2<sup>nd</sup> day of October, 2007.

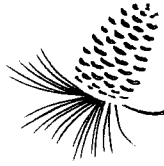
**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA**

By: Ben Rich  
Ben Rich, Chairman

**ATTEST:** Cheryl Strickland, Clerk

By: Pam Halterman  
Deputy Clerk

**RENDITION DATE** 10/4/07



LEWIS, LONGMAN & WALKER, P.A.  
ATTORNEYS AT LAW

REPLY TO: JACKSONVILLE

August 28, 2007

Laurie Braddock  
Real Estate Division  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, FL 32086

***RE: Proposed Purchase of St. Marks Pond Site, Parcel No. 072470-0031***

Dear Laurie:

As you know, my client Bill King has an interest in purchasing the small retention pond adjacent to his commercial property on Bronz-Glow Way. My client has some concerns regarding the general maintenance of the pond site, and would prefer to own it in order to monitor its safety and appearance.

We all understand that the County's resources are limited, and perhaps better spent on other endeavors than fencing, weeding, and monitoring the pond for dangerous wildlife. At present, the pond is steeply sloped and would require the installation of a fence to maintain the general public's safety. In addition, my client has observed an alligator in the area, and is concerned about the potential for liability unless the pond site is secured.

As the pond abuts his business, Mr. King would prefer to assume the maintenance of the pond in order to provide a more pleasing esthetic appearance to the entire property. This would be a mutual benefit to both my client and the County, and we hope that his offer to purchase the property meets with staff approval.

My client is offering \$5,000.00 for the purchase of the pond. Additionally, staff has requested an easement on behalf of the County limited to drainage for the public rights of way. My client would be happy to assist the County by agreeing to such an easement, and has suggested the language attached hereto as Exhibit "B" of the Deed.

Please feel free to contact me if you need further information, and I look forward to working with you on this matter. I remain;

Sincerely yours,

Isabelle C. Lopez

ICL/sam

cc: Bill King  
Attachment

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***Helping Shape Florida's Future®***

BRADENTON  
1001 Third Avenue West  
Suite 670  
Bradenton, Florida 34205

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Suite 150  
Jacksonville, Florida 32202

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2600 Centennial Place  
Suite 100  
Tallahassee, Florida 32308

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WEST PALM BEACH  
1700 Palm Beach Lakes Blvd.  
Suite 1000  
West Palm Beach, Florida 33401

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**EXHIBIT "A"** to surplus request  
LEGAL DESCRIPTION

2-3A PT LYING SE OF BRONZ-GLOW WAY - ST MARKS INDUSTRIAL PARK

POND 1 OR1394/701 – Parcel No. 072470-0031

**EXHIBIT "B" to surplus request  
DRAINAGE EASEMENT FOR PUBLIC RIGHT-OF-WAY**

THIS EASEMENT, granted this \_\_\_ day of \_\_\_\_\_, 2007, by and between William King, hereinafter "Grantor", and the County of St. Johns, hereinafter collectively called "Grantee".

WHEREAS, Grantor is owner of certain property known as Parcel No. 072470-0031, which is described in Exhibit "A" attached and incorporated herein, with full powers to protect, conserve, sell, encumber or otherwise dispose of same.

**WITNESSETH**

That for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor hereby grants to Grantee, a Drainage Easement ("Easement") over the respective property described in the attached Exhibit "A" for the purpose of the drainage of surface waters from the public County Right-of-Way, in accordance with this Drainage Easement.

This Easement granted herein is subject to the following terms and limitations:

1. Should Grantee be required to access lands immediately adjacent to the Easement area in the course of constructing, operating or maintaining said Easement, Grantors shall not unreasonably withhold the granting of temporary construction Easements to accomplish same.

IN WITNESS WHEREOF, the Grantor has executed this instrument or caused the same to be executed by their representatives, there unto duly authorized on the day and year first above written.

WILLIAM KING

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, duly authorized to take oaths, appeared \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and has signed the foregoing instrument.

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_  
Printed Name of Notary Public

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
COUNTY OF ST. JOHNS

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, duly authorized to take oaths, appeared \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and has signed the foregoing instrument.

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_ day of \_\_\_\_\_, 2007.

My commission expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name of Notary Public