

RESOLUTION NO. 2009- 28

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO THE ADJOINING PROPERTY OWNERS PURSUANT TO PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES. BECAUSE OF THE SIZE, SHAPE, LOCATION AND VALUE THE PARCEL IS OF USE ONLY TO THE ADJOINING PROPERTY OWNERS AND AUTHORIZING A PAYMENT PLAN FOR THE PROPERTY OWNERS THAT NEED THAT OPTION.**

**RECITALS**

**WHEREAS**, there have been several requests over the years from adjoining property owners to acquire the County owned property in St. Augustine South that is encumbered by a Florida Power & Light easement, as shown on a map attached as Exhibit "A", incorporated by reference and made a part hereof. The County owned property consists of a one hundred foot strip behind the residences in the southerly four blocks of Segovia and Gentian Road. The property would be split in half for each property owner. This property was dedicated to St. Johns County in the original plat of St. Augustine South dated October 1954; 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 \$15,000.00 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 property has become a liability to the County due to the number of encroachment issues reported in the area; and

**WHEREAS**, Florida Power & Light has been notified of the proposed sale of the property and their guidelines were provided to the property owners. The notice that was sent is attached hereto as Exhibit "B", incorporated by reference and made a part hereof. If approved the property will be sold subject to the existing Florida Power & Light easement and the County will retain drainage rights; and

**WHEREAS**, the first block of adjacent property owners have been notified and the majority expressed their interest in acquiring the property. The remaining three blocks of property owners will be notified in the next few months; and

**WHEREAS**, within the first block or property owners notified some have requested a payment plan to acquire the property that will be managed by the Real Estate Division. If this option is authorized an administrative fee in the amount of \$100.00 will be charged; and

**WHEREAS**, a value has been established by the St. Johns County Property Appraiser varying from \$940-\$1,480. The sales price depends upon the number of lots owned by each property owner; and

**WHEREAS**, to the extent that there are typographical 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.

**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 the adjoining property owners is hereby approved.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 17<sup>th</sup> day of February, 2009.

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

By: Ron Sanchez

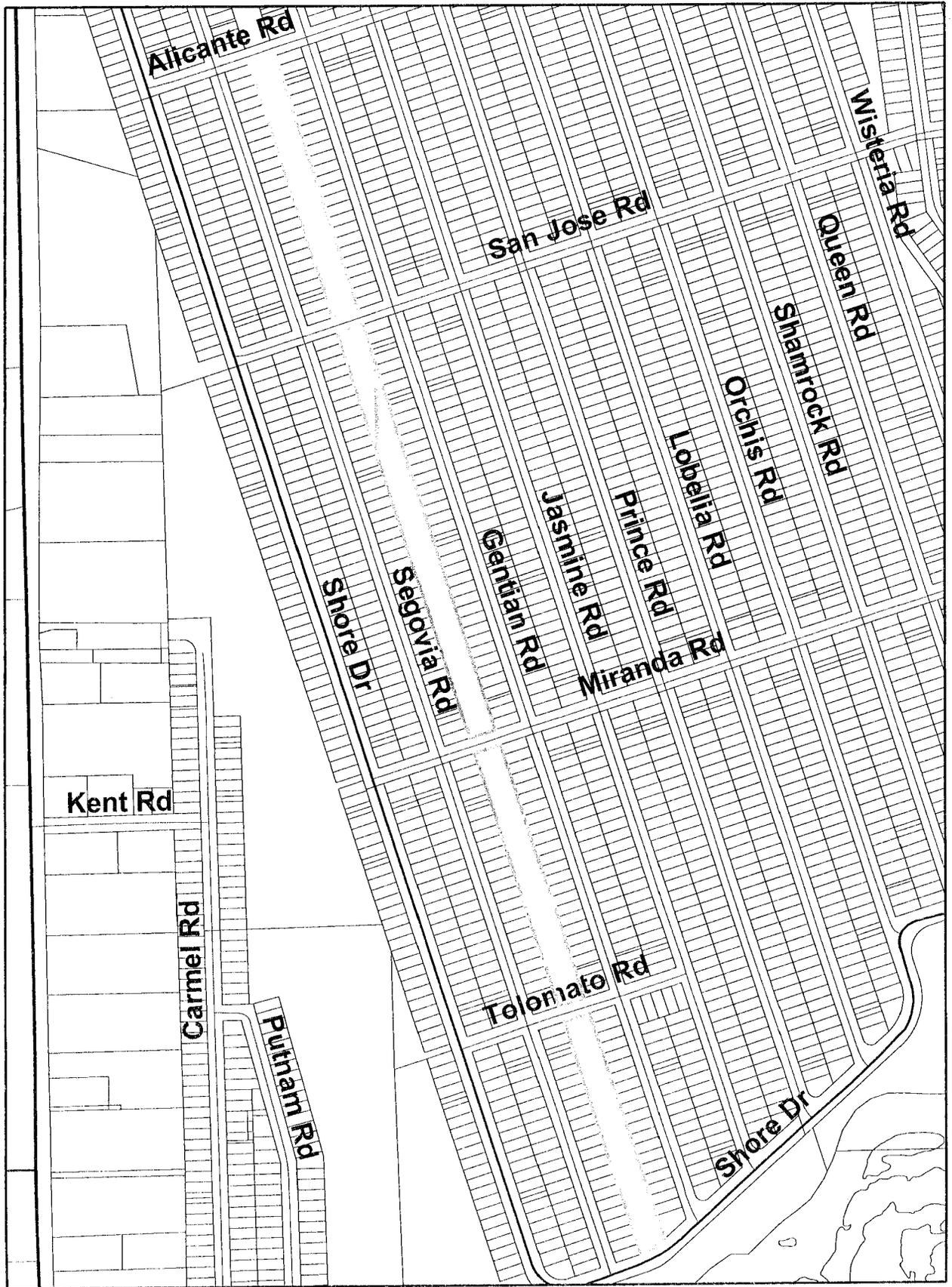
Ron Sanchez, Vice Chair

ATTEST: Cheryl Strickland, Clerk

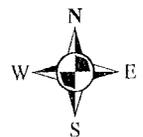
RENDITION DATE 2/18/09

By: Pam Halterman  
Deputy Clerk





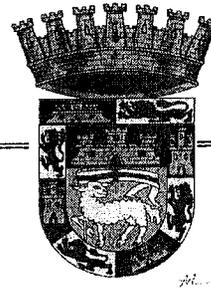
County ownership - FPL right-of-way



*St. Johns County Board of County Commissioners*

LAND MANAGEMENT SYSTEMS  
Real Estate Division

500 San Sebastian View  
SAINT AUGUSTINE, FLORIDA  
32084



PHONE: (904) 209-0788  
FAX: (904) 209-0789  
nbradbury@sjcf.us

January 5, 2009

RE: Florida Power & Light Right of way

Dear

St. Johns County is considering declaring the County owned Florida Power & Light right way behind your property as surplus. The one hundred foot right of way would be split in half between the property owner east and west of the right of way. The County can effect a private sale to the adjoining property owner according to Florida Statute 125.25(2) which states:

*(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.*

Due to the number of property owners affected within the four blocks that are contiguous to the County owned property this project will be handled in stages over the next several months. Letters will be sent to the owners of record one block at a time. When all responses have been received we will present the request to declare the property surplus to the Board of County Commissioners. An example of what the proposed purchase price would be is attached as Exhibit "A". The property owner would also be responsible

for the fees to cover the recording of the County deed in the public records which should be approximately \$30.

PLEASE READ THE ATTACHED FPL GUIDELINES CAREFULLY BECAUSE IF YOU ACQUIRE THIS PROPERTY YOU MUST COMPLY WITH THEIR GUIDELINES WHICH WILL BE INCORPORATED INTO THE DEED OF CONVEYANCE. \*FENCE REQUIREMENTS LISTED BELOW. A COPY OF THE COMPLETE CUSTOMER GUIDELINES IS ATTACHED AS EXHIBIT "B".

Please contact FPL with any questions regarding the guidelines. The County will also retain drainage rights over the property.

Please be aware that if you do not wish to acquire the property behind your property the neighbor behind you would be eligible to purchase the entire one hundred feet.

Please return your response to my attention by January 15, 2009. If you have any questions please feel free to call me at 209-0788 or email at [nbradbury@sjcfl.us](mailto:nbradbury@sjcfl.us). Thank you.

Sincerely,

Nanette Bradbury  
Real Estate Appraisal Coordinator

Enclosure

\_\_\_\_\_

YES

\_\_\_\_\_

NO

\*Any fencing installed must cross the easement perpendicular and/or be installed in the outer one foot (1') if running parallel. A perpendicular crossing must have a minimum sixteen foot (16') gate installed on both ends for access by FPL line trucks and line patrol.

The fence can be constructed of wood, fiberglass, composite material. If any metallic fencing is used, ie. chain link, chicken wire, cattle, barb wire is used, a grounding study must be performed by a qualified engineering company and results submitted to FPL for review. Any metallic fencing will be required to be grounded based on study and to FPL specifications supplied at that time. The height limit of any fence is fourteen feet (14').

*Any structures, including fencing, must be submitted on plans to FPL for review and party will be required to enter into a Consent Agreement prior to any construction/installation within easement boundaries.*

If/when request is approved and installation is complete, FPL, upon line patrol, will install a loop-through lock on all gates.

Exhibit "A" to letter

The example below is based on the value of the property assigned by the Property Appraiser which is .23 cents per square foot.

The purchase price will depend on how many lots you own:

2 Lots	\$ 920.00
2 ½ Lots	\$1,150.00
3 Lots	\$1,380.00
4 Lots	\$1,840.00

Any questions on the above calculation please feel free to call, write or email.

## RIGHT OF WAY USE - CUSTOMER GUIDELINES

Any use of FPL Right of Way requires a Right of Way Consent Agreement. FPL must have the capability at all times to construct, operate and maintain its transmission and distribution facilities now located, or to be located, within its Rights-of-Way. Any use of FPL's Rights-of-Way by the underlying owner, or owner's assigns, which would prevent or unreasonably restrict FPL from performing these activities, or is considered by FPL as hazardous, is not permitted. Safety is a main concern, so the following guidelines are based on National Electric Safety Code requirements, as well as good engineering principals and practices. These guidelines are general in nature and may vary in some instances depending upon construction type, easement terms, etc.

- I. The following activities, either temporary or permanent in nature, are **not** permitted within the limits of FPL's Rights-of-Way:
- A. The placement of structures, buildings, mobile homes or trailers, satellite receiver systems, towers, swimming pools and associated equipment, cemetery sites, wells, septic tanks, storage tanks, trash, flammable material, building material and disabled vehicles or boats.
  - B. Flooding all or any portion of the Right-of-Way.
  - C. The use of explosives.
  - D. The attachment of signs or other items to FPL's facilities.
  - E. Any activity that might encourage or attract the public to participate in recreational activities which might cause an unsafe condition to exist.
  - F. Operating equipment capable of extending beyond a height of 14 feet above existing grade.
  - G. Trees, shrubs, plants, etc. exceeding a height of 14 feet above existing grade at maturity, or containerized plants that would exceed a height of 14 feet above existing grade when lifted.
  - H. Fires of any kind, except permitted controlled backing fire.
- III. A minimum area of 50 feet radius around structures and a longitudinal route 20 feet in width directly under the conductors are required to ensure FPL vehicular access to its poles, guys, conductors and appurtenances and therefore can not be used for any purpose.

The following activities **may** be permitted, but require an FPL consent agreement:

- A. Excavation or buried facilities of any kind.
- B. A change in the existing ground elevation.
- C. Ditches crossing the Right-of-Way, must provide crossings that meet FPL specifications.
- D. Road crossings. If curbed, dropped curbing is to be provided at locations designated by FPL, including median cuts. Only perpendicular road crossings will be approved.
- E. Fencing, providing the fencing is grounded to FPL specifications, does not prohibit access to structures and 16 foot gates are installed in FPL's patrol/access areas and other locations designated by FPL. Gates must accommodate FPL locks.
- F. Overflow parking is generally permitted. Required parking is discouraged. FPL's expansion and maintenance programs may require the use of a required parking space(s), thereby no longer allowing the requesting party to meet governmental parking requirements.
- G. Spraying of pesticides, provided it is done in a manner so as to prevent the spray from making contact with FPL's facilities.
- H. Irrigation systems, provided they are constructed of a non-metallic material and do not extend beyond 14 feet above grade. Sprinkler heads must be set to prohibit spray from making contact with FPL facilities. Above-ground irrigation systems are not to be installed within or across FPL's patrol roads or access areas. Underground irrigation systems may cross patrol roads or access areas provided the system is buried a minimum depth of one foot below grade.

Owner is responsible to maintain the property according to the county ordinances which apply, including trash removal of dumped items, mowing and trimming trees to a height no higher than 14 feet.

To avoid unnecessary expense, it is recommended that a meeting be held with FPL early in a project to secure preliminary approval of conceptual plans. Final approval can only be obtained after FPL has been provided detailed plans showing the limits of its Right-of-Way, all FPL facilities located therein, structure numbers, existing and proposed elevations, and all proposed uses, including profiles of ditches, and roadways. To arrange a meeting, contact FPL's Area Real Estate Project Manager responsible for the area at (386) 254-2260.