

RESOLUTION NO. 2009- 48

**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 MARSH LANDING HOMEOWNERS ASSOCIATION PURSUANT THE PROVISIONS SET FORTH IN SECTION 125.38, FLORIDA STATUTES.**

**RECITALS**

**WHEREAS**, there has been a written request from the Marsh Landing at Sawgrass Homeowners Association III, Inc., a Florida non profit organization, (“HOA”) attached hereto as Exhibit “A”, incorporated by reference and made a part hereof, to acquire just under three quarter (.75) acre parcel of certain County owned property for drainage purposes. The County owned property consists of a lake which serves as drainage and buffer for the neighborhood located in Marsh Landing on Harbour View Drive. There is a 1,000 square foot lift station located on the property which will be retained by the County; and

**WHEREAS**, the property was conveyed to the County in 2006 as part of the acquisition of St. Johns Service Company. The vegetation surrounding the lake was not properly maintained by St. Johns Service therefore has created an ongoing expense for the County to maintain the standard of the neighborhood; and

**WHEREAS**, the HOA has agreed to take over the maintenance responsibility after the County provides the improvements needed to maintain the standard. As a result, it is in the best interest of the County to convey the pond to the HOA to relinquish the County’s responsibility; and

**WHEREAS**, the property is not necessary or useful for the operation of the Ponte Vedra utility system and the transfer will not materially adversely affect the security of the holders of the County’s Ponte Vedra utility system bonds; and

**WHEREAS**, pursuant Section 125.38, Florida Statutes; if an organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its Board of County Commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the Board of County Commissioners for a conveyance or lease of such property. Such Board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such Board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefore shall be set out in a resolution

duly adopted by such Board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required; and

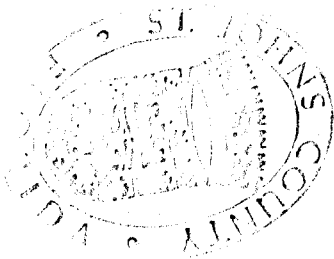
**WHEREAS**, to the extent that there are typographical errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

**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 125.38 F.S. for a private sale of the property described above have been met and the sale of the property to Marsh Landing Homeowners Association in the amount of one dollar is hereby approved by the Board of County Commissioners.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 3rd day of March, 2009.



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

By: Cyndi Stevenson  
Cyndi Stevenson, Chair

**ATTEST:** Cheryl Strickland, Clerk

By: Pam Halterman  
Deputy Clerk

**RENDITION DATE** 3/5/09



## MARSH LANDING

January 19, 2009

Nanette Bradbury, Real Estate Appraisal Coordinator  
St. Johns County Land Management Systems  
Real Estate Division  
500 San Sebastian View  
St. Augustine, FL 32084

RE: Pond Property – Harbour View Drive, Ponte Vedra Beach, FL 32082

Dear Ms. Bradbury;

This letter will serve as the official request of HOA III at Marsh Landing to transfer county owned pond property located on Harbour View Drive near the intersection of Marsh Landing Parkway in Marsh Landing, Ponte Vedra Beach, Florida from St. Johns County to the Marsh Landing at Sawgrass Homeowners Association III, Inc.

This request shall also include the funding of landscaping in the amount of \$9,510, as shown in estimate number 2201 provided by Precision Turf, Inc. Landscaping shall include additional clearing along the edges of the pond for installation of new plants, including labor and dump fees. New planting will include evergreen paspallum, wax myrtle and cedar trees.

Additionally, it is understood and agreed that the adjacent homes owned by the Westberry and Spink family will allow access to the parcel to be deeded through their properties and that the county will work with the two families to ensure proper documentation.

If it is determined that the Marsh Landing Master Association needs a drainage easement(s) release, it is agreed that the county will ensure that the easement is provided for.

We look forward to hearing from you at your earliest opportunity. Should you have any questions please feel free to contact me at any time, either by cell phone at (904) 219-5453 or email [Jwilliamson@marshlanding.org](mailto:Jwilliamson@marshlanding.org).

Sincerely,

Janet Williamson, CAM  
Marsh Landing Management Company, Vice President  
Marsh Landing at Sawgrass Homeowners Association III, Inc.

This Instrument Prepared By:  
Nanette Bradbury  
St. Johns County Real Estate Division  
500 San Sebastian View  
St. Augustine, FL 32084

Res 09-48  
**COUNTY DEED**

**THIS DEED**, made without warranty of title or warranty of method of conveyance, this 5<sup>th</sup> day of March, 2009 by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida, 32084, hereinafter "Grantor", to **MARSH LANDING AT SAWGRASS HOMEOWNERS ASSOCIATION III, INC.**, a Florida non profit corporation, whose address is 4200 Marsh Landing Blvd., Suite 200, Jacksonville Beach, Florida 32250, 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:

**SEE EXHIBIT "A" ATTACHED HERETO**

Parcel Account Number – 052485-0002

**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.

**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: Cyndi Stevenson  
Cyndi Stevenson, Chair

**ATTEST:** Cheryl Strickland, Clerk

By: Pam Halterman  
Deputy Clerk



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

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of March, 2009, by Cyndi Stevenson, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board. Who is personally known to me.

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



**PAMELA HALTERMAN**  
Notary Public, State of Florida  
My Comm. expires Aug. 15, 2009  
Comm. No. DD 441350

Exhibit "A" to County Deed

A PART OF THE HEIRS OF THOMAS FITCH GRANT, SECTION 40, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 12, "MARSH LANDING AT THE SAWGRASS UNIT ONE" AS RECORDED IN MAP BOOK 14, PAGES 71 THROUGH 74 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MARSH LANDING PARKWAY (FORMERLY T.P.C. BOULEVARD NORTH) AS ESTABLISHED BY THE PLAT OF "MARSH LANDING AT SAWGRASS UNIT TWO", AS RECORDED IN MAP BOOK 14, PAGE 75 THROUGH 79 OF THE AFOREMENTIONED PUBLIC RECORDS THE FOLLOWING COURSES: (1) NORTH 25 DEGREES 39 MINUTES 28 SECONDS EAST, A DISTANCE OF 167.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 460.00 FEET; (2) NORTHERLY ALONG THE ARC OF SAID CURVE, A CHORD BEARING NORTH 25 DEGREES 20 MINUTES 15 SECONDS EAST, A CHORD DISTANCE OF 5.14 FEET AND AN ARC DISTANCE OF 5.14 FEET TO A POINT OF CUSP, SAID POINT BEING THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HARBOUR VIEW DRIVE AS NOW ESTABLISHED BY THE PLAT OF "THE HARBOUR AT MARSH LANDING UNIT ONE" AS RECORDED IN MAP BOOK 24, PAGES 71 THROUGH 78 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE COURSES: (1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 24 DEGREES 16 MINUTES 47 SECONDS WEST, A CHORD DISTANCE OF 37.90 FEET AND AN ARC DISTANCE OF 43.02 FEET TO THE POINT OF TANGENCY OF SAID CURVE; (2) NORTH 73 DEGREES 34 MINUTES 36 SECONDS WEST, A DISTANCE 7.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 310.00 FEET; (3) WESTERLY ALONG THE ARC OF SAID CURVE, A CHORD BEARING SOUTH 71 DEGREES 47 MINUTES 18 SECONDS WEST, A CHORD DISTANCE OF 352.38 FEET AND AN ARC DISTANCE OF 374.79 FEET TO THE POINT OF TANGENCY OF SAID CURVE TO THE POINT OF BEGINNING; THENCE SOUTH 37 DEGREES 09 MINUTES 11 SECONDS WEST, A DISTANCE OF 219.05 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 20 SECONDS EAST, A DISTANCE OF 86.98 FEET; THENCE NORTH 55 DEGREES 29 MINUTES 09 SECONDS EAST, A DISTANCE OF 68.98 FEET; THENCE NORTH 36 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WESTERLY LINE OF LOTS 11 AND 12 OF THE AFORESAID MARSH LANDING AT SAWGRASS UNIT ONE, A DISTANCE OF 215.00 FEET TO THE NORTHWEST CORNER OF AFOREMENTIONED LOT 12; THENCE NORTH 04 DEGREES 43 MINUTES 43 SECONDS EAST, A DISTANCE OF 125.34 FEET TO THE POINT OF BEGINNING.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:**  
**LIFT STATION SITE**

A PART OF THE HEIRS OF THOMAS FITCH GRANT, SECTION 40, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY

DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 12, "MARSH LANDING AT THE SAWGRASS UNIT ONE" AS RECORDED IN MAP BOOK 14, PAGES 71 THROUGH 74 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MARSH LANDING PARKWAY (FORMERLY T.P.C. BOULEVARD NORTH) AS ESTABLISHED BY THE PLAT OF "MARSH LANDING AT SAWGRASS UNIT TWO", AS RECORDED IN MAP BOOK 14, PAGE 75 THROUGH 79 OF THE AFOREMENTIONED PUBLIC RECORDS THE FOLLOWING COURSES: (1) NORTH 25 DEGREES 39 MINUTES 28 SECONDS EAST, A DISTANCE OF 167.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 460.00 FEET; (2) NORTHERLY ALONG THE ARC OF SAID CURVE, A CHORD BEARING NORTH 25 DEGREES 20 MINUTES 15 SECONDS EAST, A CHORD DISTANCE OF 5.14 FEET AND AN ARC DISTANCE OF 5.14 FEET TO A POINT OF CUSP, SAID POINT BEING THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HARBOUR VIEW DRIVE AS NOW ESTABLISHED BY THE PLAT OF "THE HARBOUR AT MARSH LANDING UNIT ONE" AS RECORDED IN MAP BOOK 24, PAGES 71 THROUGH 78 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE COURSES: (1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 24 DEGREES 16 MINUTES 47 SECONDS WEST, A CHORD DISTANCE OF 37.90 FEET AND AN ARC DISTANCE OF 43.02 FEET TO THE POINT OF TANGENCY OF SAID CURVE; (2) NORTH 73 DEGREES 34 MINUTES 36 SECONDS WEST, A DISTANCE 7.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 310.00 FEET; (3) WESTERLY ALONG THE ARC OF SAID CURVE, A CHORD BEARING SOUTH 71 DEGREES 47 MINUTES 18 SECONDS WEST, A CHORD DISTANCE OF 352.38 FEET AND AN ARC DISTANCE OF 374.79 FEET TO A POINT; THENCE CONTINUE ALONG AND AROUND THE ARC OF SAID CURVE, A CHORD BEARING SOUTH 49 DEGREES 07 MINUTES 43 SECONDS WEST, A CHORD DISTANCE OF 128.65, AND AN ARC LENGTH OF 129.59 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 37 DEGREES 09 MINUTES 11 SECONDS WEST, A DISTANCE OF 150.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 52 DEGREES 50 MINUTES 49 SECONDS EAST, DEPARTING FROM SAID RIGHT OF WAY OF HARBOUR VIEW DRIVE, A DISTANCE OF 43.00 FEET; THENCE SOUTH 37 DEGREES 09 MINUTES 11 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 52 DEGREES 50 MINUTES 49 SECONDS WEST A DISTANCE OF 43.00 FEET TO THE AFOREMENTIONED RIGHT OF WAY OF HARBOUR VIEW DRIVE; THENCE NORTH 37 DEGREES 09 MINUTES 11 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,150 SQUARE FEET, MORE OR LESS OR 0.05 ACRES, MORE OR LESS.