

RESOLUTION NO. 2010- 135

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

**RECITALS**

**WHEREAS**, there has been a written request from an adjoining property owner to acquire a sixteen foot strip of certain County owned property located off Neck Road, attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, pursuant to Section 125.35(2), Florida Statutes, the Board of County Commissioners may effect a private sale 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. All adjacent property owners have been notified by certified mail and one other property owner submitted a lower bid; and

**WHEREAS**, the two property owners have agreed to subdivide the property after conveyance to the highest bidder; and

**WHEREAS**, the County acquired the strip of property in 2000 for unpaid real estate taxes and is further described in the County Deed attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

**WHEREAS**, the Property Appraiser has assigned the value of \$700, as shown in Exhibit "C", incorporated by reference and made a part hereof. The bid for the property is \$701; and

**WHEREAS**, to the extent that there are typographical, scrivener's or administrative 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. The sale of the property to the highest bidder is hereby approved.

3. The Board of County Commissioners hereby authorizes the Board Chair to execute said County Deed.

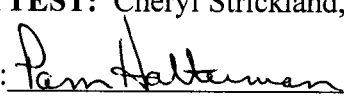
**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 20<sup>th</sup> day of July, 2010.

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

By: 

Ron Sanchez, Chair

**ATTEST:** Cheryl Strickland, Clerk

By:   
Deputy Clerk

**RENDITION DATE** 7/21/10

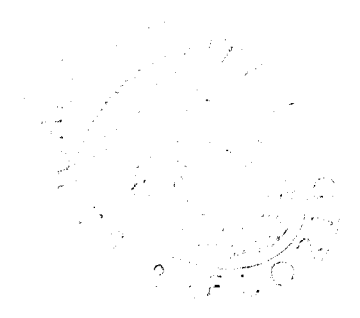


Exhibit "A" to Resolution

Alex & Kira Hettinger  
6 Guana Drive  
Ponte Vedra Beach, FL 32082  
[alexhett@gmail.com](mailto:alexhett@gmail.com)  
352-562-9056

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

To Whom It May Concern:

We (Alex & Kira Hettinger, residents of 6 Guana Drive, Ponte Vedra Beach, FL) hereby offer to purchase the following parcel of land from the County for \$701.

Parcel Number: 070040 0020  
Legal: 22-2 PT OF P M DEWEES GRANT 16  
Owner: ST JOHNS COUNTY BOARD CO COMM  
Value: \$0.00

The parcel is immediately adjacent to our land and

1. Is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; furthermore,
2. 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
3. Due to the size, shape, location, and value of the parcel, the parcel is of use only to one or more adjacent property owners.

Therefore the County may effect a private sale of the parcel, as it is authorized to do so in Florida Statute 125.35 (2) (copied on the following page for your convenience).

In addition to being well within the legal purview of the County to effect this sale, we feel strongly that this sale will be mutually beneficial to the County, and to the Neighborhood.

By effecting this sale, the County will be reducing its risk by eliminating the liability inherent in ownership of this property. The County will also be increasing its tax base by transferring this property into taxable, private ownership, and increasing the value of adjoining & other neighborhood properties.

The Neighborhood will also benefit by having less complicated and confusing ownership of various parcels of adjoining land. This facilitates better planned and better implemented development, which improves the neighborhood and increases the value of its properties.

Thank you for your consideration. We look forward to your reply.

Respectfully,

Alex Hettinger

&

Kira Hettinger

Florida Statute 125.35 (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.”

**Exhibit "B" to Resolution**

This Instrument Prepared By:  
Michael D. Hunt  
Deputy County Attorney  
500 San Sebastian View  
St. Augustine, FL 32084

**COUNTY DEED**

**THIS DEED**, made without warranty of title or warranty of method of conveyance, this \_\_\_\_ day of \_\_\_\_\_, 2010 by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084 hereinafter "Grantor", to **ALEX HETTINGER AND KIRA HETTINGER**, husband and wife, whose address is 6 Guana Drive, Ponte Vedra Beach, FL 32082, 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 AND BY THIS  
REFERENCE MADE A PART HEREOF (THE "PROPERTY")**

**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: \_\_\_\_\_  
**Ron Sanchez, 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 \_\_\_\_\_, 2010, by Ron Sanchez, 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: \_\_\_\_\_

## EXHIBIT "A" TO COUNTY DEED

### Parcel 1:

Part of Section 74, Township 4 South, Range 29 East, St. Johns County, Florida, more particularly described as follows:

Commence at the intersection of the west line of Section 23, all being in the aforesaid Township and Range; thence run South 01 degrees 30 minutes 00 seconds east along said west line of Section 47, a distance of 93.3 feet; thence run North 88 degrees 30 minutes 00 seconds east a distance of 947.60 feet to the east line of the 60 foot right-of-way of a County Road; thence run South 12 degrees 45 minutes 00 seconds west along said east right-of-way line a distance of 193.91 feet; thence run North 89 degrees 09 minutes 00 seconds east a distance of 177.31 feet to the POINT OF BEGINNING; thence by curve of radius 15 feet and concave to the northwest, run North 43 degrees 49 minutes 30 seconds east, 21.33 feet, being the chord bearing and distance; thence run North 01 degrees 30 minutes 00 seconds west a distance of 160.13 feet; thence run North 88 degrees 30 minutes 00 seconds east, a distance of 8.00 feet; thence run South 01 degrees 30 minutes 00 seconds east, a distance of 175.22 feet; thence run South 89 degrees 09 minutes 00 seconds west, a distance of 23 feet to the point of beginning; and

### Parcel 2:

Part of Section 74, Township 4 South, Range 29 east, St. Johns County, Florida, more particularly described as follows:

Commence at the intersection of the west line of Section 47 and the north line of Section 23, all being in the aforesaid Township and Range; thence run South 01 degrees 30 minutes 00 seconds east along said west line of Section 47, a distance of 93.3 feet; thence run North 88 degrees 30 minutes 00 seconds east a distance of 947.60 feet to the east line of the 60 foot right-of-way of a County Road; thence run South 12 degrees 45 minutes 00 seconds west along said east right-of-way line a distance of 193.91 feet; thence run north 89 degrees 09 minutes 00 seconds east a distance of 200.31 feet to the POINT OF BEGINNING; thence run North 01 degrees 30 minutes 00 west, a distance of 175.22 feet; thence run North 88 degrees 30 minutes 00 seconds east, a distance of 8.0 feet; thence run South 01 degrees 30 minutes 00 seconds east a distance of 160.31 feet; thence by curve of radius 15 feet and concave to the northeast run South 46 degrees 10 minutes 30 seconds east, 21.10 feet, being the chord bearing and distance, thence run South 89 degrees 09 minutes 00 seconds west, a distance of 23 feet to the point of beginning.

**ESTIMATE OF VALUE  
FOR 2010 ASSESSMENT ROLL**

Parcel Description – Part of Section 74, Township 4 South, Range 29 East –  
22-2 PT OF P M DEWEES GRANT – 16FT RD ESMT LYING W OF LOTS 6  
7 & 9 OF GUANA HOLDING CO PLAT OR627/411(Q/C) & 1544/552(TAX/D)  
ST JOHNS COUNTY R/W

PARCEL NUMBER 070040-0020

MARKET/JUST LAND VALUE \$10,000/ac X .07ac +/-	\$	700
BUILDING		0
XFOB'S		0
ASSESS/AG LAND VAULE		700
BUILDING		0
XFOB'S		0
EXEMPTIONS		700

ESTIMATED TAXABLE VALUE \$ 0

DATE April 21, 2010

DEPUTY Deborah G. Onderdonk

This is out of 0 other parcels. They are: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Additional estimates attached)

This information is provided as an **estimate only** using current information available to this office; and as such, it is **subject to change**.

Note: Temporary construction easements are **not** usually cutout and therefore we do not give their values.