

RESOLUTION NO. 2011- 33

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A 0.25 ACRE PARCEL OF COUNTY OWNED PROPERTY LOCATED SOUTH OF POPLAR AVENUE AS SURPLUS PROPERTY AND APPROVING A PRIVATE SALE TO THE ADJOINING PROPERTY OWNER, PURSUANT TO SECTION 125.35(2), FLORIDA STATUTES, AND AUTHORIZING THE BOARD CHAIR TO EXECUTE A COUNTY DEED ON BEHALF OF THE COUNTY.**

**RECITALS**

**WHEREAS**, St. Johns County has received a written request from an adjoining property owner, ("Owner") attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to declare certain County owned property as surplus; and

**WHEREAS**, the County owned property is a 0.25 acre parcel located south of Poplar Avenue in Vilano Beach, more particularly described on attached Exhibit "B", incorporated by reference and made a part hereof, and the Owner currently has a License to Use the property approved by the Board of County Commissioners for parking as part of a grocery anchored development; 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 of the parcel, it is determined by the Board that the parcel is of use only to one or more adjacent property owners; and

**WHEREAS**, the Owner is the only adjacent property owner and has offered to purchase the property for the amount of \$13,284.30, subject to an easement reserved by the County for drainage and utility purposes, and is requesting the mineral reservation be released from the deed, all as written in the attached letter; and

**WHEREAS**, there is no intended County use for the property other than the drainage and utilities use that the County will reserve and it is in the best interest of the County to surplus this property and sell it to the adjoining Owner for the overall benefit of the area.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**, as follows:

Section 1. The above Recitals are incorporated into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. It is found that all requirements of Section 125.35(2) for a private sale of the property described herein have been met.

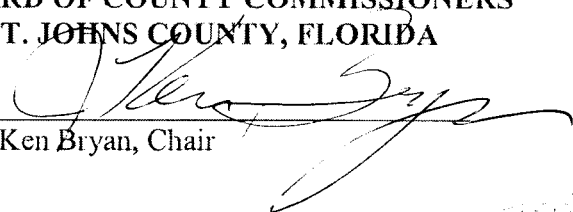
Section 3. The Board of County Commissioners hereby authorizes the Board Chair to execute the County Deed, attached hereto as Exhibit "C", incorporated by reference and made a part hereof, and approves the releasing of mineral reservations from the County Deed, and closing this transaction.

Section 4. The Clerk is instructed to record the original County Deed in the Official Records of St. Johns County, Florida.

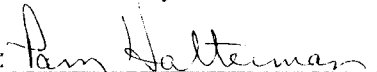
Section 5. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

**PASSED AND ADOPTED** this 15<sup>th</sup> day of February, 2011, by the Board of County Commissioners of St. Johns County, Florida.

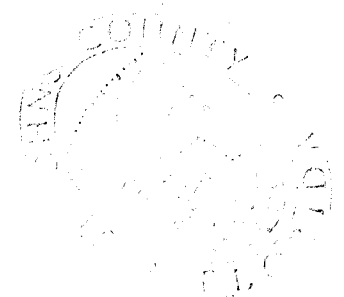
**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By:   
J. Ken Bryan, Chair

**ATTEST:** Cheryl Strickland, Clerk

By:   
Deputy Clerk

**RENDITION DATE** 2/16/11



**Vilano Town Center Partners, LLC**  
2101 Centrepark West Drive, Suite 100, West Palm Beach, FL 33409  
561.478.0115 --- 561.478.5012 Fax

September 21, 2010

St. Johns County Board of County Commissioners  
c/o Laurie Ford  
Real Estate Title Coordinator  
St. Johns County  
500 San Sebastian View  
St. Augustine, FL 32084

Re: Vilano Town Center – Removal of Mining Rights and Purchase of a Portion of First Street south of Poplar Avenue.

Dear County Commissioners,

I respectfully request that the County agree to the sale of that portion of First Street and adjacent strip of land south of Poplar Avenue ("First Street") that is surrounded by the proposed Vilano Town Center project, as further described in that sketch and legal description attached as Exhibit A. Furthermore, we request that the County release those certain Rights for Phosphate, Mineral, Metal, and Petroleum Reservations that are recorded in Official Records Book 2889, page 1510, in the public records of St. Johns County, Florida, attached as Exhibit B, and a similar release, if they exist, of any such reservations on First Street and adjacent strip of land to be purchased.

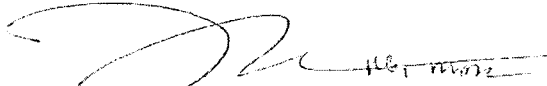
As you may recall, the purchase of First Street was contemplated in that recent Resolution No 2010-156 which outlined a long term lease of that same property, attached as Exhibit C. In an effort to simplify matters, avoid complications in tracking yearly rental payments, and to integrate the area of the development, we are pursuing the option of purchasing this property as discussed with County staff for the price of \$13,284.30. We request that the County allow the first rents payment of \$1,328.43, made last month, be credited toward this purchase with a Closing to occur as soon as allowed following review and advertising requirements. We realize that due to the County owned drainage structures that are located in this area, there will need to be an easement granted back to the County over nearly the entire First Street area in order to permit maintenance, repair and replacement of these facilities, so long as said easement permits the development proposed for the Vilano Town Center as shown on the site plan attached as Exhibit D.

With respect to the Mining Rights, we are requesting that these rights be removed as required by our anchor tenant who has a long term leasehold interest in the property. As such, they do not want the possibility to lose access, parking or be affected by the disruption caused by any mining that may occur due to these recorded rights. We are not currently aware of any subsurface minerals, metals or petroleum that exist below the property.

September 21, 2010  
St. Johns County BCC  
Re: Vilano Town Center  
Page 2 of 2

If you have any questions regarding these requests, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph D. Lelonek". The signature is stylized with a large, sweeping initial "J" and a horizontal line extending to the right.

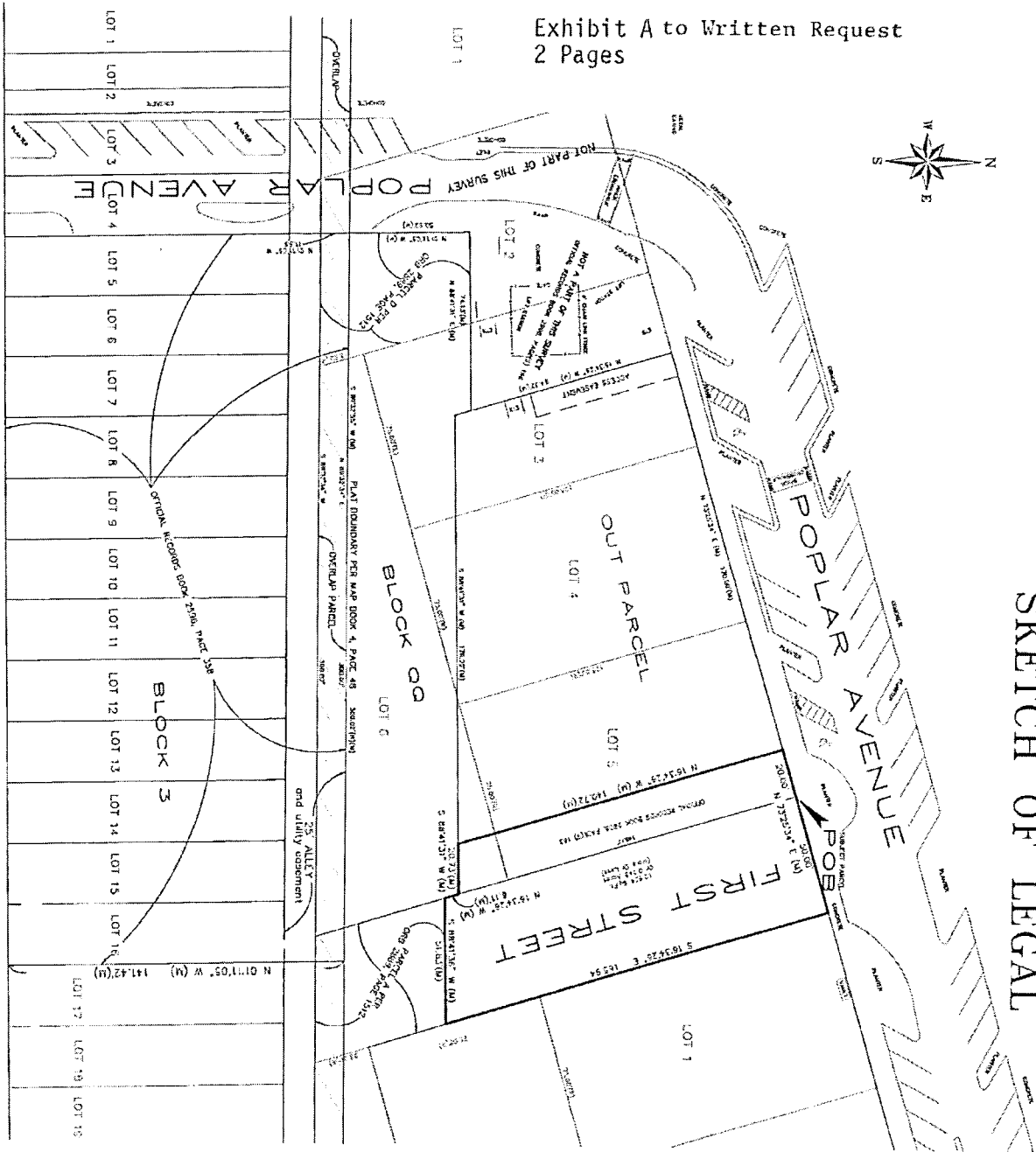
Joseph D. Lelonek  
Managing Member

cc: BJ Ibach  
Brian Hickey

# SKETCH OF LEGAL



Exhibit A to Written Request  
2 Pages



0 30 60 90  
SCALE: 1 INCH = 30 FEET

**DESCRIPTION (by Streets)**  
This sketch shows Block 00, one part of First Street as defined in Subchapter 12 of the Public Records of St. Johns County, Florida and being more particularly bounded and described as follows: 100' x 150' x 150' x 150' lot, along the North side of the Northeast corner said Block, a distance of 50.00 feet to the North North West corner of said First Street, thence South 16°34'26" East, a distance of 152.04 feet, thence South 81°4' East, a distance of 50.00 feet to the North corner of said Block "00", thence North 83°34'26" West, a distance of 152.04 feet, thence South 16°34'26" East, a distance of 152.04 feet to the North corner of said Block "00", thence North 83°34'26" West, a distance of 152.04 feet to the North corner of said Block "00", thence North 83°34'26" West, a distance of 152.04 feet to the North corner of said Block "00", thence North 83°34'26" West, a distance of 152.04 feet to the North corner of said Block "00".

- LEGEND**
- R/W RIGHT OF WAY
  - CONC CONCRETE
  - ASPH ASPHALT
  - GRV GRAVEL
  - DIR DRINKING WATER
  - STW SEWER
  - WATER WATER
  - HYDR HYDRANT
  - CONC CONCRETE
  - ELECTR ELECTRICAL
  - TELEPH TELEPHONE
  - CEM CEMENT
  - GRV GRAVEL
  - DIR DRINKING WATER
  - STW SEWER
  - WATER WATER
  - HYDR HYDRANT
  - CONC CONCRETE
  - ELECTR ELECTRICAL
  - TELEPH TELEPHONE
  - CEM CEMENT
  - GRV GRAVEL
  - DIR DRINKING WATER
  - STW SEWER
  - WATER WATER
  - HYDR HYDRANT

**ANCIENT CITY SURVEYING**  
EST. 1911  
**ACS**  
SURVEYORS • ENGINEERS  
LAND PLANNERS  
4420 U.S. HIGHWAY No. 1 SOUTH, SUITE 401  
ST. AUGUSTINE, FLORIDA 32086  
PHONE: 321-767-8452 FAX: 321-787-1022

**SKETCH OF LEGAL**

A PART OF LOTS 3, 4, 5 AND 6, BLOCK "00", UNIT "A" OF SURFIDE AS RECORDED IN MAP BOOK 4, PAGE 32

TYPE OF SURVEY	SKETCH
DATE OF SURVEY	07/14/2010
FIELD BOOK/PAGE(S)	N/A
DRAWING SCALE	1" = 30'
DRAWER'S NUMBER	15-35

## DESCRIPTION (by Surveyor)

A part of Block "QQ", and First Street as depicted in Unit "A" of Surfside as recorded in Map Book 4, page 32 of the Public Records of St. Johns County, Florida and being more particularly bounded and described as follows:

BEGIN at the Northeast corner said Block "QQ"; thence North  $73^{\circ}25'34''$  East, along the South line of Poplar Avenue, as it currently exists, a distance of 50.00 feet to the Northeast Corner of said First Street; thence South  $16^{\circ}34'26''$  East, along the East Line of said First Street, a distance of 165.94 feet; thence South  $88^{\circ}41'36''$  West, along the North Line of those lands described in Official Records Book 2889, page 1512 of said Public Records, a distance of 51.83 feet to the West Line of said First Street; thence North  $16^{\circ}34'26''$  West, along said West Line, a distance of 6.11 feet; thence South  $88^{\circ}41'31''$  West, along the South Line of those lands described in Official Records Book 2908, page 163 of said Public Records, a distance of 20.73 feet; thence North  $16^{\circ}34'26''$  West along the West Line of those lands described in Official Records Book 2908, page 163 of said Public Records, a distance of 140.72 feet to the North Line of said Block "QQ"; thence North  $73^{\circ}25'34''$  East, along said North Line of Block "QQ", a distance of 20.00 feet to the POINT OF BEGINNING.

The aforescribed Parcel contains 10,824 square feet or 0.25 acres, more or less

RESOLUTION NO. 2010- 156

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LICENSE TO USE/HOLD HARMLESS AGREEMENT BETWEEN ST. JOHNS COUNTY AND VILANO TOWN CENTER PARTNERS, LLC, AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY.**

**RECITALS**

**WHEREAS**, Vilano Town Center Partners, LLC, ("VTCP") is currently under contract to purchase the property located at the northwest corner of Vilano Road and Coastal Highway with the intent on developing said property as a grocery anchored development; and

**WHEREAS**, St. Johns County ("County") owns the portion of the unopened First Street ("First Street"), south of Poplar Avenue, and the portion of the opened right-of-ways known as Poplar Avenue, Vilano Road, and Coastal Highway ("County's right-of-ways") which are directly adjacent to the proposed development; and

**WHEREAS**, due to limited parking, VTCP has requested from the County the use of First Street for the construction of parking spaces and improvements consistent with the development, and has requested that the parking spaces within the County's right-of-ways remain unencumbered from any devices such as parking meters that would charge the public for parking and that the public shopping in the development would have the non-exclusive right to park in said parking spaces so long as the lease between VTCP and the grocery anchor remains in full force and effect; and

**WHEREAS**, the County has agreed to allow VTCP to use First Street and the County's right-of-ways for the purposes mentioned above together with terms and conditions and VTCP has agreed to indemnify and hold the County harmless from damages and expenses which may be incurred as a direct or indirect result of such use and has agreed to execute and join in with the County in the License to Use/Hold Harmless Agreement attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

**WHEREAS**, adoption of this Resolution will help stimulate the economy of the area that will ultimately benefit the citizens of St. Johns County.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:**

Section 1. The above Recitals are incorporated by reference into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The License to Use/Hold Harmless Agreement is approved and the Chair of the Board is authorized to execute the agreement on behalf of the County.

Section 3. The Clerk is instructed to record the original License to Use/Hold Harmless Agreement in the Public Records of St. Johns County, Florida.

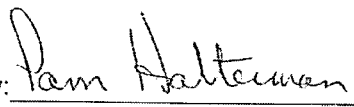
Section 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED this 3<sup>rd</sup> day of August, 2010.

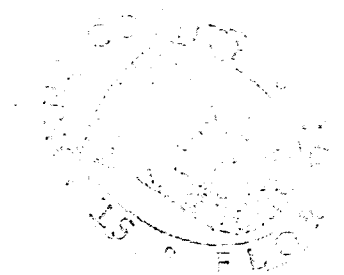
**BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA**

By:   
Ron Sanchez, Chair

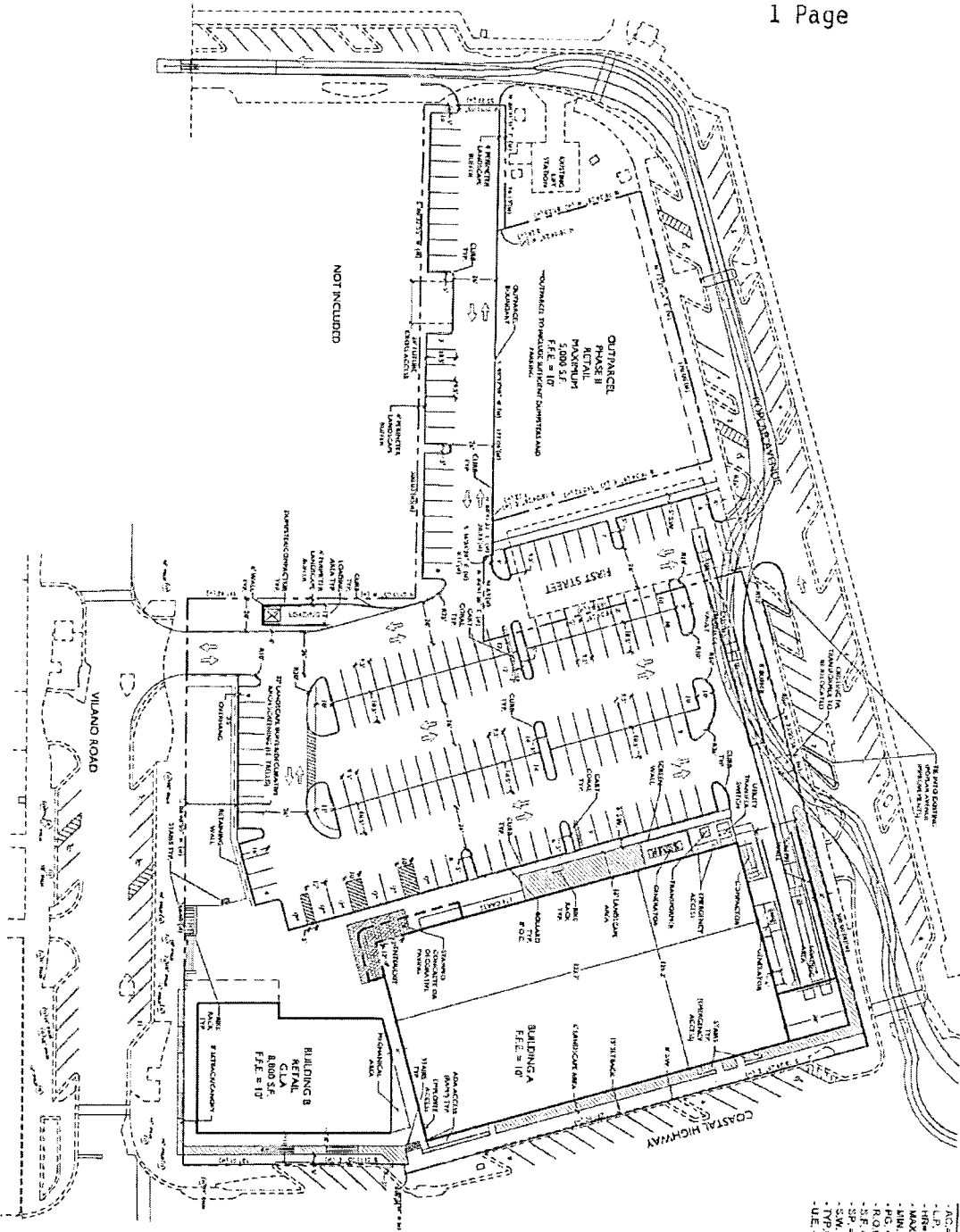
ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk

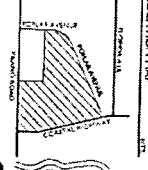
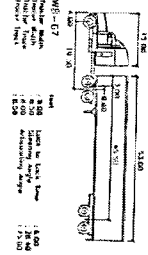
RENDITION DATE 8/5/10







- LEGEND**
- AC = ACRES
  - L.P. = LANDSCAPE PLANTING
  - H.R. = HANDICAP RAMP
  - MAX = MAXIMUM
  - MIN = MINIMUM
  - R.O.W. = RIGHT OF WAY
  - SF = SQUARE FEET
  - S.W. = SIDEWALK
  - TYP = TYPICAL
  - U.E. = UTILITY EASEMENT



**SITE PLAN EXHIBIT**

NO.	DATE	DESCRIPTION
1	01/15/11	0.1 PROJECT LOCATION

SHEET #  
SP.1

VILANO BEACH TOWN CENTER  
PREPARED FOR VILANO TOWN CENTER PARTNERS, LLC  
VILANO BEACH, FLORIDA

**LAND DESIGN SOUTH**  
 Planning | Landscape Architecture  
 Environmental Services | Transportation

2101 Greenway Blvd., Suite 200, Jacksonville, FL 32209  
 Telephone: 904-488-2222 Fax: 904-488-2223

DESCRIPTION (by Surveyor)

A part of Block "QQ", and First Street as depicted in Unit "A" of Surfside as recorded in Map Book 4, page 32 of the Public Records of St. Johns County, Florida and being more particularly bounded and described as follows:

BEGIN at the Northeast corner said Block "QQ"; thence North  $73^{\circ}25'34''$  East, along the South line of Poplar Avenue, as it currently exists, a distance of 50.00 feet to the Northeast Corner of said First Street; thence South  $16^{\circ}34'26''$  East, along the East Line of said First Street, a distance of 165.94 feet; thence South  $88^{\circ}41'36''$  West, along the North Line of those lands described in Official Records Book 2889, page 1512 of said Public Records, a distance of 51.83 feet to the West Line of said First Street; thence North  $16^{\circ}34'26''$  West, along said West Line, a distance of 6.11 feet; thence South  $88^{\circ}41'31''$  West, along the South Line of those lands described in Official Records Book 2908, page 163 of said Public Records, a distance of 20.73 feet; thence North  $16^{\circ}34'26''$  West along the West Line of those lands described in Official Records Book 2908, page 163 of said Public Records, a distance of 140.72 feet to the North Line of said Block "QQ"; thence North  $73^{\circ}25'34''$  East, along said North Line of Block "QQ", a distance of 20.00 feet to the POINT OF BEGINNING.

The aforescribed Parcel contains 10,824 square feet or 0.25 acres, more or less

This Instrument Prepared By:  
Michael D. Hunt, Deputy County Attorney  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

**COUNTY DEED**

**THIS DEED**, made without warranty of title or warranty of method of conveyance, this \_\_\_\_ day of \_\_\_\_\_, 2011, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter "Grantor", to **VILANO TOWN CENTER PARTNERS, LLC**, a Florida limited liability company, whose address is 400 Columbia Drive, Suite 110, West Palm Beach, Florida 33409, 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 \$13,284.30 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, none of which are hereby reimposed.

g. Easements and rights of way of record, none of which are hereby reimposed.

**RESERVING UNTO THE GRANTOR**, its successors and/or assigns an easement for access to and maintenance of drainage facilities and utilities currently existing on, over, through, across and under the property described herein.

**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: \_\_\_\_\_  
J. Ken Bryan, 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 \_\_\_\_\_, 2011, by J. Ken Bryan, Chair of the Board of County Commissioners of St. Johns County, Florida, on behalf of the Board. Who is personally known to me.

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

DESCRIPTION (by Surveyor)

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The aforescribed Parcel contains 10,824 square feet or 0.25 acres, more or less