RESOLUTION NO. 2012-__33__

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING
THE CHAIR, OR DESIGNEE, TO EXECUTE A COUNTY DEED TO THE
CITY OF ST. AUGUSTINE FOR THE 4TH STREET AND 16TH STREET
LIFT STATIONS AND FOR THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO EXECUTE THE BILL OF SALE TO THE CITY OF ST.
AUGUSTINE CONVEYING THE RELATED INFRASTRUCTURE FOR
THE 4TH STREET WATER AND SEWER LINES REQUIRED FOR THE
DUVAL/ST. JOHNS STREET DRAINAGE IMPROVEMENT PROJECT.

RECITALS

WHEREAS, St. Johns County has completed the improvements on the 4th Street and 16th Street Lift Stations and will convey the property by County Deed to The City of St. Augustine, (City) attached hereto as Exhibit “A,” incorporated by reference and made a part hereof; and

WHEREAS, the Bill of Sale is required by the City in connection with the water and sewer services provided for the 4th Street Lift Station, attached hereto as Exhibit “B,” incorporated by reference and made a part hereof;

WHEREAS, the Bill of Sale for the 16th Street Lift Station was conveyed to The City of St. Augustine in Resolution 2009-127 when the Solomon Calhoun Community Center was constructed; and

WHEREAS, the City has requested the mineral reservations be released from the County Deed by letter from their attorney, attached hereto as Exhibit “C,” incorporated by reference and made a part hereof; and

WHEREAS, the execution of the Bill of Sale is consistent with the strategy identified in St. Johns County Resolution 2009-226 and City Resolution 2009-22, that recognizes that both governments shall continue to work cooperatively to support funding initiatives for improved public sanitary sewer and water infrastructure in West Augustine; and

WHEREAS, the City has recently applied for funding with the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) program to determine the feasibility (SRF Facilities Plan) of installing a central sewer collection and transmission system in the West Augustine area; and

WHEREAS, the 4th Street and 16th Street lift Stations and the gravity mains and sewer services provided for these lift stations (sewer infrastructure) have been designed and constructed in accordance with the sewer master plan proposed in the SRF Facilities Plan, and will facilitate further expansion of that sewer system in the West Augustine area; and
WHEREAS, conveying the sewer infrastructure to the City will increase the feasibility of installation of some sewer areas identified within the SRF Facilities Plan; and

WHEREAS, conveying the sewer infrastructure to the City will provide opportunity for the residents along St. Johns and Duval Streets to connect to a central sewer collection system; and

WHEREAS, conveying these properties to the City is in the best interest to 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 Board of County Commissioners hereby authorizes the Chair, or designee, to execute a County Deed for the 4th Street and 16th Street Lift Stations and for the County Administrator, or designee, to execute a Bill of Sale for the 4th Street infrastructure associated with the water and sewer lines for the Duval/St. Johns Street Drainage Improvement Project.

Section 3. 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.

Section 4. The Clerk is instructed to record the County Deed in the Public Records of St. Johns County, Florida and file the Bill of Sale for the 4th Street Lift Station in the Clerk's Office.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 24th day of November, 2012.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: [Signature]
Chair

ATTEST: Cheryl Strickland, Clerk

By: [Signature]
Deputy Clerk

RENDITION DATE 11/08/12
EXHIBIT “A” TO RESOLUTION

This Instrument Prepared By:
St. Johns County
500 San Sebastian View
St. Augustine, FL 32084

COUNTY DEED

THIS DEED, made this _____ day of ______, 2012, by ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine, Florida 32084 party of the first part, to THE CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation, whose address is P.O. Box 210, St. Augustine, Florida 32085-0210, party of the second part.

WITNESSETH that the said party of the first part, for and in consideration of the sum of $10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in St. Johns County, Florida:

PARCEL 1 AND PARCEL 2 DESCRIBED ON ATTACHED EXHIBIT “A,” INCORPORATED BY REFERENCE AND MADE A PART HEREOF.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair, or Vice Chair, of said Board, the day and year aforesaid.

Subject to a Florida Power and Light Easement on Parcel 1 recorded in Official Records Book 3098, page 1766 of the Public Records of St. Johns County, Florida.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: __________________________  
Chair  Jay Morris

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of __________, 2012, by ____________, 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.

ATTEST: Cheryl Strickland, Clerk
By: __________________________
Deputy Clerk

Notary Public State of Florida
EXHIBIT "A" TO COUNTY DEED

PARCEL 1

A parcel of land lying in Government Lot 4 of Section 24, Township-7-South, Range-29-East, St. Johns County, Florida and being more particularly described as follows:
Commence at the Northwest corner of said Section 24; thence South 85°59'17" East, along the North line of said Section 24, being the same as the South line of Clark's Addition to Augustine as recorded in Map Book 3, Page 77 of the public records of said St. Johns County, 1121.06 feet to a point on said line; thence South 02°37'00" East, departing last said line, 57.53 feet to the Point of Beginning; thence South 85°59'17" East, 27.31 feet to a point of curvature; thence Southeasterly along the arc of a curve, concave Southwesterly and having a radius of 32.00 feet, through a central angle of 82°11'39" an arc distance of 45.91 feet to a point of tangency, said curve being subtended by a chord bearing and distance of South 44°53'27" East, 42.07 feet; thence South 03°47'38" East, 13.81 feet to a point of curvature; thence Southeasterly along the arc of a curve, concave Northeasternly and having a radius of 260.58 feet, through a central angle of 8°32'28" an arc distance of 38.84 feet to the end of said curve, said curve being subtended by a chord bearing and distance of South 08°03'52" East 38.81 feet; thence South 75°31'41" West, non-tangent to last described curve, 20.95 feet; thence North 50°26'38" West, 52.47 feet; thence North 02°37'00" West, 55.80 feet to the Point of Beginning.

Containing 0.09 acres, more or less.

Together with the following Easement for Ingress and Egress:
A parcel of land lying in Government Lot 4 of Section 24, Township-7-South, Range-29-East, St. Johns County, Florida and being more particularly described as follows:
Commence at the Northwest corner of said Section 24; thence South 85°59'17" East, along the North line of said Section 24, being the same as the South line of Clark's Addition to Augustine as recorded in Map Book 3, Page 77 of the public records of said St. Johns County, 1121.06 feet to the Point of Beginning; thence continue along said North Section line, South 85°59'17" East, 87.87 feet to its intersection with the East right-of-way line of Duval Street (a 30 foot right-of-way as now established), said point being the Southerly terminus of said East right-of-way line; thence South 03°28'24" East, along the Southerly prolongation of said East right-of-way line, 30.26 feet; thence North 85°59'17" West, departing said Southerly prolongation, 58.12 feet; thence South 02°37'00" East, 27.46 feet to a point on a curve; thence Northwesterly along the arc of last said curve, non-tangent to last described line, concave Southwesterly and having a radius of 32.00 feet, through a central angle of 5°13'09" an arc distance of 2.91 feet to a point of tangency, said curve being subtended by a chord bearing and distance of North 83°22'42" West, 2.91 feet; thence North 85°59'17" West, 27.31 feet; thence North 02°37'00" West, 57.53 feet to the Point of Beginning.

Containing 0.08 acres, more or less.

PARCEL 2
Lot 20, Block 28, of Clark Addition recorded in Map Book 1, page 77 of the Public Records of St. Johns County, Florida.
Exhibit “B” to Resolution

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine FL 32084, party of the first part, for and in consideration of the sum of Ten and No/100 ($10.00) Dollars and other good and valuable consideration to it paid by THE CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation organized under the laws of Florida, whose address is P.O. Box 210, St. Augustine, Florida, 32085-0210, party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer and deliver unto the said party of the second part, the following goods and chattels:

THE PERSONAL PROPERTY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

TO HAVE AND TO HOLD the same unto the said party of the second part forever.

And it does covenant to and with the said party of the second part that it is the lawful owner of the said goods and chattels, as further described in EXHIBIT “A,” attached hereto, incorporated by reference and made a part hereof, that it has good right to sell the same as aforesaid, and that it will warrant and defend the sale of said property, goods and chattels hereby made, unto the said party of the second part, against the lawful claims and demands of all persons whomsoever.

Party of the second part, by its acceptance of this Bill of Sale, hereby assumes all responsibility for the maintenance and repair of the above described personal property.

IN WITNESS WHEREOF, the authorized representatives of the party of the first part have hereunto set their hands and seals, this _______ day of ____________________, 2012.

ATTEST: CHERYL STRICKLAND, CLERK

By: Deputy Clerk

(SEAL)

ST. JOHNS COUNTY, FLORIDA

a political subdivision of the State of Florida

BY: ____________________________

Michael D. Wanchick, County Administrator

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael D. Wanchick, County Administrator, who is personally known to me and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this _______ day of ____________________, 2012.

________________________
Notary Public, State of Florida

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

________________________
COUNTY ATTORNEY
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July 23, 2012

VIA ELECTRONIC MAIL ONLY

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

RE: Release of Mineral Reservations to City of St. Augustine:
Parcel 1: 16th Street Lift Station;
Parcel 2: Lot 20, Block 28, Clark's Addition to St. Augustine
(4th Street Lift Station).

Dear Ms. Taylor:

The City of St. Augustine respectfully requests that all phosphate, minerals, metals and petroleum interests reserved to St. Johns County and normally contained in a County Deed conveying the real property described above be removed from the County Deed to the City of St. Augustine. The City makes this request in order to prevent creating a cloud on the City's title to the property which could prevent the City from using and developing the property.

Thank you for your consideration of this request.

Sincerely,

Ronald W. Brown
City Attorney

RWB/DDR

xc: John P. Regan, City Manager
    Timothy A. Burchfield, Assistant City Manager
    Martha S. Graham, Public Works Director
    Bobbie-Jo Manning, Engineering Development Coordinator

75 King Street, 32084 - P.O. Box 210, 32085 - Office 904/825-1052 - FAX 904/825-1096