

RESOLUTION NO. 2013- 165

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE TAX COLLECTOR AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida (“Board”) enacted Ordinance 2013-23, creating the Treasure Beach Canals Municipal Service Benefit Unit (“MSBU”); and

WHEREAS, Ordinance 2013-23 provides for the collection of the levied assessments by the Tax Collector in accordance with Florida Statute 197.3632; and

WHEREAS, Florida Statute 197.3632 requires a written agreement attached hereto as **Exhibit “A”**, incorporated by reference and made a part hereof, with the Tax Collector for the collection of the non-ad valorem assessments pursuant to the MSBU and the reimbursement of administrative costs associated with those collections. Said reimbursement is defined in the agreement as 2% of payments received by the Tax Collector.

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.

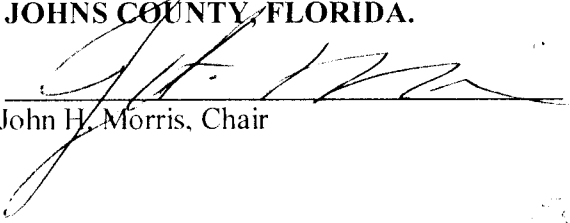
Section 2. The Board hereby approves the Agreement with the Tax Collector attached hereto and authorizes the Chairman of the Board to execute said Agreement.

Section 3. The Clerk of the Courts of St. Johns County is instructed to record the original Agreement in the Public Records of St. Johns County, Florida.

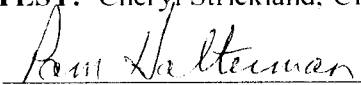
Section 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED, this 6 day of August, 2013.

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

By: 
John H. Morris, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk



RENDITION DATE 8/8/13

AGREEMENT

This Agreement entered into this _____ day of _____, 2013 between the Board of County Commissioners of St. Johns County (“County”), Florida, and the Tax Collector of St. Johns County, Florida (“Tax Collector”).

Witnesseth: In consideration of the following representations and agreements the parties hereto agree as follows:

1. The tax collector shall perform such duties and tasks as may be required of him in order for the County to implement and use Section 197.3632, Florida Statutes, (Uniform method for levy, collection and enforcement of non ad valorem assessments) in order to levy and collect Special Assessments against the real property located within the Treasure Beach Canals Municipal Service Benefit Unit (“MSBU”) created by St. Johns County Ordinance 2013-____.
2. The County shall reimburse the Tax Collector for all necessary administrative costs incurred by him under Section 197.3632, Florida Statutes, and this Agreement. Administrative costs shall include, but not be limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. If the Tax Collector does not calculate the specific administrative costs during any year that special assessments are levied and collected pursuant to the MSBU, the County and Tax Collector agree that a lesser charge equal to two percent (2%) of the amounts collected shall constitute the administrative costs for that particular year.
3. The County represents that it has complied with all necessary or desired requirements of Section 197.3632(3), Florida Statutes, including the notice of intent which was adopted as part of Resolution 2013-46 by the County on February 19, 2013, and that copies of the adopted resolution have been mailed to the St. Johns County Property Appraiser, the St. Johns County Tax Collector and the State of Florida, Department of Revenue by March 10, 2013. A depiction of the property subject to the levy of the MSBU referenced in this Agreement as well as the Ordinance of the County approving these assessments is attached hereto and incorporated herein by reference as **Exhibit “A”** and **Exhibit “B”**, respectively.
4. The parties agree that the non-ad valorem assessments shall be levied using the uniform method provided for in Section 197.3632, Florida Statutes, and shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Section 197.3635, Florida Statutes.
5. The parties agree that the non-ad valorem assessments collected pursuant to Section 197.3632, Florida Statutes, shall be subject to the collection procedures provided for in Chapter 197, Florida Statutes, for ad valorem taxes and includes discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment and issuance and sale of tax certificates and tax deeds for nonpayment.

6. The County represents that it has complied with all necessary laws and regulations of the State of Florida and St. Johns County necessary for the passage of the non-ad valorem assessment referenced in this Agreement and for its collection by the Tax Collector.

7. In the event this non-ad valorem assessment or any portion thereof should be found or determined to be unlawful or unconstitutional, and/or any type of refund is ordered or required to be made by the Tax Collector, the County hereby agrees to provide the funds necessary for any such refund, and, further, to reimburse the Tax Collector for any and all necessary administration costs incurred by him for said refund. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming.

This Agreement entered into as first written above.

TAX COLLECTOR OF ST. JOHNS COUNTY, FLORIDA

Dennis W. Hollingsworth, Tax Collector

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
John H. Morris, Chair

(SEAL)

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk

Exhibit "A" to Agreement – Depiction of Assessment Area

The Treasure beach canals MSBU shall include all parcels of record abutting the canals or access channels included in:

TREASURE BEACH, SECOND ADDITION, according to the plat thereof as recorded in Map Book 11, pages 42 through 44 of the public records of St. Johns County, Florida.

ALSO

TREASURE BEACH, THIRD ADDITION, according to the plat thereof as recorded in Map Book 11, pages 45 through 48 of the public records of St. Johns County, Florida; EXCEPTING THEREFROM Lots 2 through 25, Block 1 and Lots 2 and 3, Block 2.

The assessment area is generally depicted in the map below.



Exhibit "B" to Agreement – MSBU Ordinance

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO DREDGING IMPROVEMENTS TO THE TREASURE BEACH CANALS; CREATING AND ESTABLISHING THE TREASURE BEACH CANAL MUNICIPAL SERVICE BENEFIT UNIT (THE MSBU) TO FINANCE SAID IMPROVEMENTS; ESTIMATING THE CANAL IMPROVEMENT CAPITAL COST; DESCRIBING THE IMPROVEMENTS TO BE PROVIDED; DESCRIBING THE PROPERTY TO BE INCLUDED IN THE ASSESSMENT AREA, THE PROPOSED METHOD OF APPORTIONING THE COST AMONG THE PARCELS LOCATED WITHIN THE ASSESSMENT AREA, AND THE PROVISIONS FOR ACCELERATION AND PREPAYMENT OF ASSESSMENTS; MAKING FINDINGS THAT RECOGNIZE THE FAIRNESS PROVIDED BY THE APPORTIONMENT METHODOLOGY, AND THE COUNTY'S INTENT TO USE THE UNIFORM METHOD OF COLLECTION; ESTABLISHING THE MAXIMUM AMOUNT OF THE ASSESSMENT AND THE ASSESSMENT ROLL; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ANNUAL ASSESSMENT ROLLS; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE, ON BEHALF OF THE COUNTY, DOCUMENTS OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

WHEREAS, the Florida Constitution and Chapter 125, Florida Statutes, grant to St. Johns County (County) all powers of local self-government not inconsistent with general or special law; and,

WHEREAS, the County is authorized by Sections 125.01(1) (q) and (r), Florida Statutes, to establish municipal service benefit units to provide recreation, transportation and other essential facilities and services; and,

WHEREAS, St. Johns County Ordinance 91-47 established the Treasure Beach Canal MSBU to acquire and dredge the Treasure Beach Canals; and,

WHEREAS, the County purchased the canals by deed from the surviving directors of the dissolved development corporation to gain legal permission to perform work related to the

Exhibit “B” to Agreement – MSBU Ordinance

MSBU in the canals. A copy of the deed is attached hereto as Exhibit “A” and incorporated herein; and,

WHEREAS, the canal dredging was completed and MSBU assessments were levied in the assessment area established in Ordinance 91-47 and amended in Ordinance 96-52; and,

WHEREAS, the Treasure Beach Canals have reverted to a condition similar to the state which prompted the passage of Ordinance 91-47; and,

WHEREAS, representatives of the property owners to be assessed have hired an engineering firm and presented the Board with an engineering plan and estimate of the costs to dredge the Treasure Beach Canals; and,

WHEREAS, representatives of the property owners to be assessed have advised the Board that a majority of the assessed property owners are in favor of levying new non-ad valorem assessments against their property to fund improvements to their canals necessary to renew their water (boating) activities; and,

WHEREAS, notice was given, conforming to Section 197.3632, Florida Statutes, of a public hearing where Resolution 2013-46 was adopted, stating the County’s intent to use, and authorizing the use of, the Uniform Method of Collection to collect non-ad valorem assessments in the MSBU; and,

WHEREAS, petitions were presented to the County Administrator signifying approval of the contemplated improvements and associated costs by over 50% of the affected property owners; and,

WHEREAS, the real property subject to the assessment is generally depicted in Exhibit “B” and Exhibit “C”, attached hereto and incorporated herein; and,

WHEREAS, a notice, conforming to Section 197.3632, Florida Statutes, has been published and mailed to each property owner on the proposed Assessment Roll informing them of a public hearing, their opportunity to be heard and the County’s Intent to use the Uniform Method of Collection, and the proof of publication and proof of mailing are attached hereto as Exhibits “D” and “E” respectively and incorporated herein, and;

WHEREAS, a public meeting has been duly held and comments and objections of all interested persons have been heard and considered.

Exhibit “B” to Agreement – MSBU Ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA;

SECTION 1. DEFINITIONS. Terminology used in this ordinance shall have its common and ordinary meaning, unless it is otherwise defined in the County Comprehensive Plan, Land Development Code, or by law.

SECTION 2. CREATION OF TREASURE BEACH CANALS MSBU. The Treasure Beach Canals Municipal Service Benefit Unit is hereby created to include the property described in Section 4 to accomplish the improvements contemplated herein, and to assess the included property in the manner described herein.

SECTION 3. DESCRIPTION OF IMPROVEMENTS. This ordinance authorizes the dredging improvements (and related planning, design, permitting, hiring, leasing and purchasing) to the Treasure Beach Canals, as described in the plats of Treasure Beach Second and Third Additions, as recorded in Map Book 11, pages 42 through 48 of the public records of St. Johns County, Florida, and related access channels, such as dredging, and the storage, transporting and disposal of dredged materials, as deemed necessary by the County to improve the water activities (boating) and water quality in the canals and access channels, to be funded through the imposition of annual assessments against property located in the Treasure Beach Canals MSBU. The County Administrator is authorized to execute any contracts and agreements, created through standard purchasing procedures and approved by the County Attorney’s Office and the Purchasing Director, necessary to accomplish the improvements.

SECTION 4. DESCRIPTION OF THE ASSESSMENT AREA. The Treasure Beach Canals MSBU shall include all parcels of record abutting the canals or access channels included in:

TREASURE BEACH, SECOND ADDITION, according to the plat thereof as recorded in Map Book 11, pages 42 through 44 of the public records of St. Johns County, Florida.

ALSO

TREASURE BEACH, THIRD ADDITION, according to the plat thereof as recorded in Map Book 11, pages 45 through 48 of the public records of St. Johns County, Florida; EXCEPTING THEREFROM Lots 2 through 25, Block 1 and Lots 2 and 3, Block 2.

The assessment area is generally depicted by the map in Exhibit “B” and the list of parcel identification numbers in Exhibit “C”.

Exhibit "B" to Agreement – MSBU Ordinance

SECTION 5. APPROVAL OF ASSESSMENT ROLL. By September 15, 2013, and by September 15th each year thereafter, the Board shall adopt a resolution approving the Treasure Beach Canals MSBU non-ad valorem assessment roll and annual assessment rates and authorize the certification of said assessment rolls, with the additions and deletions each year as appropriate, on compatible electronic medium to the St. Johns County Tax Collector with the dollar amount of the Treasure Beach Canals MSBU non-ad valorem assessment due that year from each parcel.

SECTION 6. ESTIMATE OF COST. The County estimates the cost of the Treasure Beach canals MSBU to be **\$3,018,000**. The proposed assessments are based on this estimate. Upon completion of the improvements, all actual costs will be compiled and the assessments will be re-apportioned amongst the assessed parcels.

SECTION 7. APPORTIONMENT OF COST.

(A) Due to the deteriorated condition of the existing canals and access channels within the MSBU, the property located within the MSBU is at risk of experiencing impaired water access to the properties and requires the provision of the dredging improvements, as contemplated in Section 3 hereof, to secure adequate, safe, convenient, and efficient canal and channel access for such properties. The dredging improvements described in this Ordinance will provide a special benefit to all properties within the MSBU because such improvements possess a logical relationship to the use and enjoyment of property by: (1) establishing and preserving adequate water access to all properties within the MSBU; and (2) enhancing the use and enjoyment of property located within the MSBU by preserving and increasing water access to the Intracoastal Waterway, including the aesthetic and recreational benefits related to water front property; and (3) protecting and enhancing the value and integrity of all property within the MSBU through the provision of the dredging improvements. The Board hereby finds and determines that the assessments to be imposed in accordance with this Ordinance provide an equitable method of funding the dredging improvements by fairly and reasonably allocating the cost to specially benefitted property based upon the number of buildable lots on which a single family dwelling unit has been or can be constructed that are attributable to each Tax Parcel. It is fair and reasonable to use buildable lots to apportion the costs of the dredging improvements because it is the presence or possible presence of a single-family residential structure on each lot -- rather than the size or value of the structure or amount of property abutting the canals or channels -- that drives the need for the dredging improvements to establish and preserve water access.

(B) Notwithstanding any prior findings or conclusions of this ordinance, any two adjoining lots, sharing common ownership, that contain a single dwelling unit which had a certificate of occupancy granted on or before the effective date of this ordinance and which physically occupies the adjoining lots in such a manner that some portion of the dwelling unit structure itself (not counting driveways, decking, patios, or any other structure or facility outside

Exhibit “B” to Agreement – MSBU Ordinance

of the walls or roofline of the dwelling unit), exists on or directly above portions of both the adjoining lots, are found to have received only the special benefit of the assessments accorded to a single lot.

(C) If any adjoining lot combinations described generally in Section 7(B) above fail to maintain their qualifying conditions as delineated in Section 7(B) above, they shall be deemed two separate lots for assessment purposes, and the owners of those lots shall be responsible for paying two full sets of assessments (one full set of assessments per lot), as if the lots had been independent from each other from the initiation of the MSBU. If the qualifying set of conditions delineated in Section 7(B) above fail, the second set of assessments shall become immediately effective, due, and payable up to the amount that would have been paid had each lot been assessed separately, without additional back interest. If one lot of an adjoining lot combination is sold, the lot sold shall be burdened with the unpaid set of assessments. These Section 7(C) conditions shall be in effect until each lot shall have paid fifteen (15) years’ worth of assessments.

(D) The number of assessment units attributable to each tax parcel within the MSBU shall be equal to the number of platted lots or adjoining lot combinations, as described in Section 7(B) above, encompassed by such tax parcel.

SECTION 8. IMPOSITION OF ASSESSMENTS.

(A) The principal of the MSBU cost shall be amortized in substantially equal annual payments over a period of 15 fiscal years.

(B) The principal shall bear interest at the rate of 5.25% per annum, to be compounded annually.

(C) Assessments shall include the Tax Collector fee of 2% and reimbursement of 5% for uncollectable receipts per Section 129.01, Florida Statutes.

(D) Based on the estimated cost of \$3,018,000, the total special assessment shall be applied and charged at the maximum yearly rate of \$700.00 per lot per year (which yearly rate includes interest) for 15 consecutive years, commencing November 2013, and will be collected each of those 15 years pursuant to Section 197.3632, Florida Statutes, in the manner and at times that ad valorem taxes are collected. The maximum rate shall only be exceeded by the passage of an ordinance at a public hearing properly noticed per the Uniform Collection Act.

(E) The amount of the special assessment per lot shall be changed to reflect the actual cost of the MSBU following completion of the improvements and tabulation of costs.

(F) The County intends to use the Uniform Method of Collecting such assessments as outlined in Section 197.3632, Florida Statutes.

Exhibit "B" to Agreement – MSBU Ordinance

SECTION 9. ACCELERATION AND PREPAYMENT.

(A) Prepay Option. Upon completion of the Improvements, the County shall determine the actual cost of the improvements and MSBU creation and provide first class mailed notice to the owner of each tax parcel subject to the MSBU assessments of the Board's intent to allow prepayment of assessments. Following the date on which the notice is delivered to the possession of the U.S. Postal Service the owner of each tax parcel may prepay the remainder of their portion of MSBU assessments, with accrued interest, and avoid future interest charges that would occur after the date of payment.

(B) Mandatory Prepayment. The owner of a Tax Parcel subject to the assessment shall immediately prepay all future unpaid annual Assessments for such Tax Parcel if (1) the Tax Parcel is acquired by a public entity through condemnation, negotiated sale or otherwise, or (2) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the County, at its sole option, elects to accelerate the Assessment.

(C) The amount of prepayments made pursuant to this Section shall be final. The County shall not be required to refund any portion of a prepayment if annual assessments are not imposed for the full number of years anticipated at the time of such prepayment or if reapportionment following future subdivision, improvement of other tax parcels, or removal of dwelling units would have resulted in lower annual assessments than those anticipated at the time of such prepayment.

SECTION 10. EFFECT OF MSBU ORDINANCE. The passage of this MSBU ordinance shall be the final adjudication of the issues presented herein including, but not limited to, approval of the MSBU Assessment roll, the amount of the MSBU assessments, the levy and lien of the MSBU Assessments, and the terms for prepayment of the MSBU Assessments unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board action on this ordinance.

SECTION 11. LIEN OF ASSESSMENTS. Upon adoption and/or certification of the assessment roll for each fiscal year, assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption and/or certification by the Board of the annual assessment roll and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 12. REVISIONS TO MSBU ASSESSMENTS. If any assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set

Exhibit “B” to Agreement – MSBU Ordinance

aside by the judgment of any court, or if the Board determines that any assessment is so irregular or defective that it cannot be enforced or collected, or if the Board determines any additional property should have been included on the Assessment Roll, the Board shall take all necessary steps to impose a new assessment against any property benefitted by the identified improvements, services, facilities, or programs, following as nearly as may be practicable, the provisions of this Ordinance. If the second assessment is annulled, the Board may obtain and impose other assessments until a valid assessment is imposed.

SECTION 13. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any assessment under the provisions of this Ordinance shall not affect the validity of the approved assessment, and any approved assessment shall be competent and sufficient evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the assessment were duly had, taken and performed as required by this Ordinance. No deviation from the directions of this Ordinance shall be held material unless it is clearly shown that the party objecting was materially injured by the deviation. Any party objecting to an assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed.

SECTION 14. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Board, the County Administrator, Property Appraiser, Tax Collector, Clerk, or their respective deputies or employees, shall operate to release or discharge any obligation for payment of any assessment imposed by the Board under the provisions of this Ordinance.

(B) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the County Administrator. Any such correction which reduces an assessment shall be considered valid from the date on which the assessment was imposed and shall in no way affect the enforcement of the assessment imposed under the provisions of this Ordinance. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner in the manner described in Section 197.3632, Florida Statutes, providing the date, time and place that the Board will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Exhibit "B" to Agreement – MSBU Ordinance

SECTION 15. SEVERABILITY. If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, it shall not affect the remaining portions of this ordinance. If this ordinance or any of its provisions is held to be inapplicable to any person, property or circumstances, it shall not affect its applicability to any other person, property or circumstances.

SECTION 16. EFFECTIVE DATE. This Ordinance shall be effective immediately upon the filing of this Ordinance with the office of the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: _____
John H. Morris - Chair

ATTEST:

By: _____
Deputy Clerk

Rendition Date: _____

Effective: _____

Exhibit "B" to Agreement - MSBU Ordinance

Exhibit "A" to Ordinance

Recorded in Public Records St. Johns County, FL
Clerk # 92006473 O.R. 929 PG 1359 10:26 03-09-92
Recording 9.00 Surcharge 1.50 Doc Stamp 186.20

This Instrument Prepared By:
JOHN D. BAILEY, JR.
Upchurch, Bailey and Upchurch, P.A.
780 North Ponce de Leon Boulevard
St. Augustine, Florida 32085-3007

Innocent L. Kent
@ Dec 9 11 50
Doc 186.20

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 30 day of JANUARY, 1992, by HERMAN C. STEINER and STEVIN J. STEINER, as surviving Directors and Trustees of ST. AUGUSTINE BEACH SOUTH CORPORATION, a dissolved Florida corporation which was dissolved on November 14, 1986. Grantor, to ST. JOHNS COUNTY, a political subdivision of the State of Florida, Grantee, whose post office address is c/o Clerk of the Circuit Court, St. Johns County, Florida.

WITNESSETH, that the said Grantor, for and in consideration of the sum of \$10.00 in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee, all right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, State of Florida, to-wit:

All that part of those certain canals shown on the plats of Treasure Beach, Second Addition, as recorded in Plat Book 11, Pages 42 through 44, and Treasure Beach, Third Addition, as recorded in Plat Book 11, Page 45 through 48, public records of St. Johns County, Florida, excluding therefrom all docks and bulkheads that are within the canal boundaries and are existing as of the date of this conveyance. This exclusion shall not be deemed to exclude the lands within the canal boundaries that are under the docks and bulkheads from this conveyance to St. Johns County.

This conveyance is subject to the non-exclusive right of all abutting property owners, their heirs and assigns, to use the canals in common, with the Grantee and its assigns.

This conveyance is further subject to the existing rights, if any, of the public to use the canals in common with the abutting lot owners.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantees forever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

P. J. K. K.
Witness TERESA E. KENT

Sheresa Reford
Witness TERESA DELANO

[Signature]
HERMAN C. STEINER, as surviving Director and Trustee of St. Augustine Beach South Corporation, a dissolved Florida corporation
690 N.W. 116th Street
Miami, Florida 33168

Exhibit "B" to Agreement - MSBU Ordinance

O.R. 929 PG 1360

P. F. K...
Witness Patricia F. K...

STEVEN J. STEINER, as surviving
Director and Trustee of St.
Augustine Beach South Corporation, a
dissolved Florida corporation
690 N.W. 116th Street
Miami, Florida 33168

Thomas D. ...
Witness Thomas D. ...

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared HERMAN C. STEINER, as surviving Director and Trustee of St. Augustine Beach South Corporation, a dissolved Florida corporation, to me known to be the person described in or who has produced N/A as identification and who did take an oath, and who executed the foregoing instrument, and he acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of January, 1992.

P. F. K...
(Name) Patricia F. K...
Notary Public
State of Florida at Large
My commission expires: _____
My commission number: _____
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION EXPIRES 12/31/95
BUSHNOR HENRY 12/31/95

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared STEVEN J. STEINER, as surviving Director and Trustee of St. Augustine Beach South Corporation, a dissolved Florida corporation, to me known to be the person described in or who has produced N/A as identification and who did take an oath, and who executed the foregoing instrument, and he acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of January, 1992.

P. F. K...
(Name) Patricia F. K...
Notary Public
State of Florida at Large
My commission expires: _____
My commission number: _____
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION EXPIRES 12/31/95
BUSHNOR HENRY 12/31/95

Exhibit "B" to Agreement – MSBU Ordinance

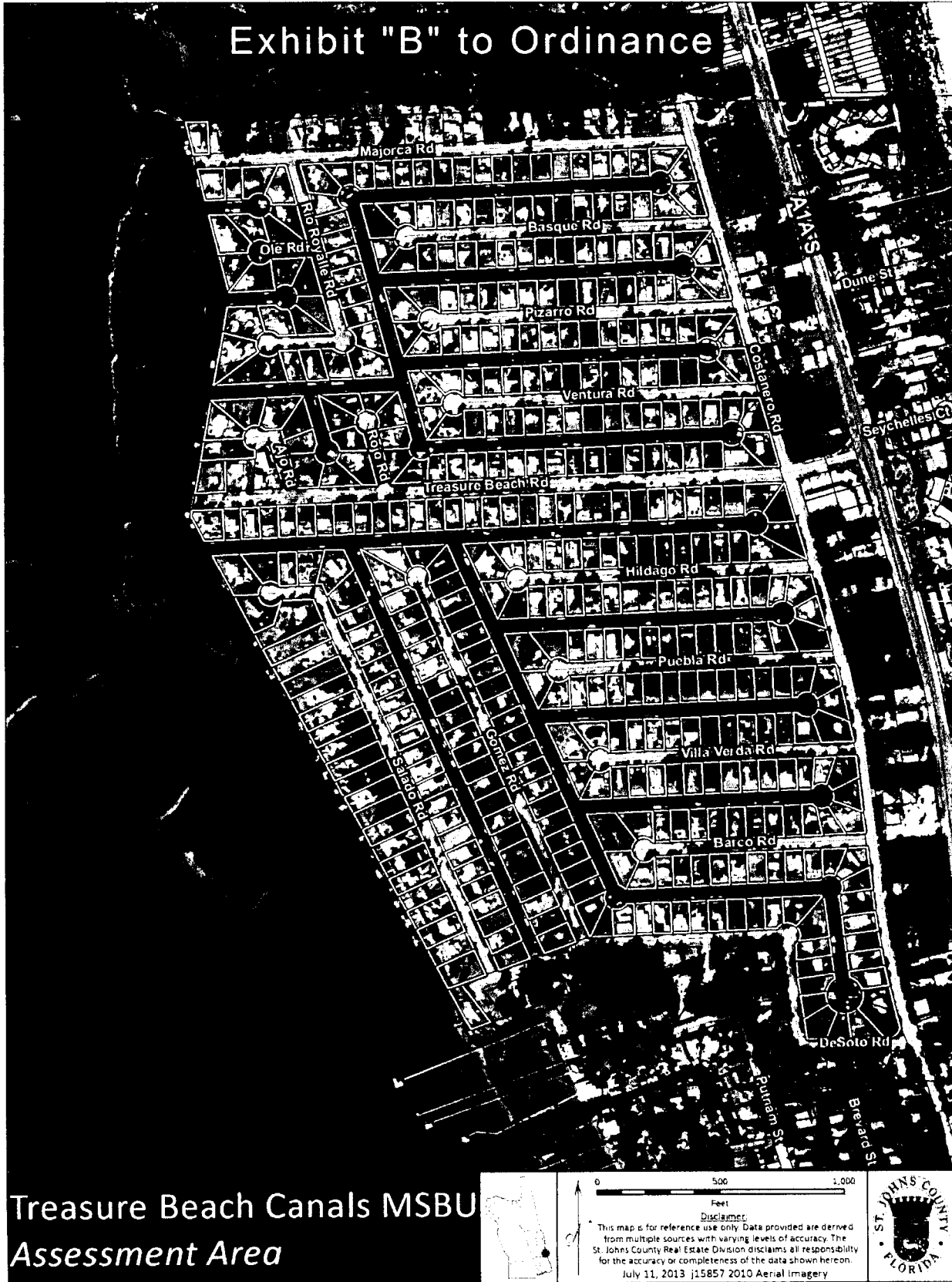


Exhibit “B” to Agreement – MSBU Ordinance

Page 1 of 3

Parcel Identification Number	# of Assessment Units	Parcel Identification Number	# of Assessment Units	Parcel Identification Number	# of Assessment Units
182891 0010	1	182891 0540	1	182891 1050	1
182891 0020	2	182891 0550	1	182891 1060	1
182891 0040	1	182891 0560	1	182891 1070	1
182891 0050	1	182891 0570	1	182891 1080	1
182891 0080	2	182891 0580	1	182891 1090	1
182891 0090	1	182891 0590	1	182891 1100	1
182891 0100	1	182891 0600	1	182891 1110	1
182891 0110	1	182891 0610	1	182891 1120	1
182891 0120	1	182891 0620	1	182891 1130	1
182891 0130	1	182891 0630	1	182891 1140	1
182891 0140	1	182891 0640	1	182891 1150	1
182891 0150	1	182891 0650	1	182891 1160	1
182891 0160	1	182891 0670	1	182891 1170	1
182891 0170	1	182891 0680	1	182891 1180	1
182891 0180	1	182891 0690	1	182891 1190	1
182891 0190	1	182891 0700	1	182891 1200	1
182891 0200	1	182891 0710	1	182891 1210	1
182891 0210	1	182891 0720	1	182891 1220	1
182891 0220	1	182891 0730	1	182891 1230	1
182891 0230	1	182891 0740	1	182891 1240	1
182891 0240	1	182891 0750	1	182891 1250	1
182891 0250	1	182891 0760	1	182891 1260	1
182891 0260	1	182891 0770	1	182891 1270	1
182891 0270	1	182891 0780	1	182891 1280	1
182891 0280	1	182891 0790	1	182891 1290	1
182891 0290	1	182891 0800	1	182891 1300	1
182891 0300	1	182891 0810	1	182891 1310	1
182891 0310	1	182891 0820	1	182891 1320	1
182891 0320	1	182891 0830	1	182891 1330	1
182891 0330	1	182891 0840	1	182891 1340	1
182891 0340	1	182891 0850	1	182891 1350	1
182891 0350	1	182891 0860	1	182891 1360	1
182891 0360	1	182891 0870	1	182891 1370	1
182891 0370	1	182891 0880	1	182891 1380	1
182891 0380	1	182891 0890	1	182891 1400	3
182891 0390	1	182891 0900	1	182891 1410	1
182891 0400	1	182891 0910	1	182891 1430	1
182891 0410	1	182891 0920	1	182891 1440	1
182891 0420	1	182891 0930	1	182891 1450	1
182891 0430	1	182891 0940	1	182891 1460	1
182891 0440	1	182891 0950	1	182891 1470	1
182891 0450	1	182891 0960	1	182891 1480	1
182891 0460	1	182891 0970	1	182891 1490	1
182891 0470	1	182891 0980	1	182891 1500	1
182891 0480	1	182891 0990	1	182891 1510	1
182891 0490	1	182891 1000	1	182891 1520	1
182891 0500	1	182891 1010	1	182891 1530	1
182891 0510	1	182891 1020	1	182891 1540	1
182891 0520	1	182891 1030	1	182891 1550	1
182891 0530	1	182891 1040	1	182891 1560	1

Exhibit “B” to Agreement – MSBU Ordinance

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Parcel Identification Number	# of Assessment Units	Parcel Identification Number	# of Assessment Units	Parcel Identification Number	# of Assessment Units
182891 1570	1	182891 2100	1	182902 0470	1
182891 1580	1	182891 2110	1	182902 0480	1
182891 1590	1	182891 2120	1	182902 0490	1
182891 1600	1	182891 2130	1	182902 0500	1
182891 1610	1	182891 2140	1	182902 0510	1
182891 1620	1	182891 2150	1	182902 0520	1
182891 1630	1	182901 0010	1	182902 0530	1
182891 1640	1	182902 0010	1	182902 0540	1
182891 1650	1	182902 0040	1	182902 0550	1
182891 1660	1	182902 0050	2	182902 0560	1
182891 1670	1	182902 0070	1	182902 0570	1
182891 1680	1	182902 0080	1	182902 0580	1
182891 1690	1	182902 0090	1	182902 0590	1
182891 1700	1	182902 0100	1	182902 0600	1
182891 1720	1	182902 0110	1	182902 0610	1
182891 1730	1	182902 0120	1	182902 0620	1
182891 1740	1	182902 0130	1	182902 0630	1
182891 1750	1	182902 0140	1	182902 0640	1
182891 1760	1	182902 0150	1	182902 0650	1
182891 1770	1	182902 0160	1	182902 0660	1
182891 1780	1	182902 0170	1	182902 0670	1
182891 1790	1	182902 0180	1	182902 0680	1
182891 1800	1	182902 0190	1	182902 0690	1
182891 1810	1	182902 0200	1	182902 0700	1
182891 1820	1	182902 0210	1	182902 0710	1
182891 1830	1	182902 0220	1	182902 0720	1
182891 1840	1	182902 0230	1	182902 0730	1
182891 1850	1	182902 0240	1	182902 0740	1
182891 1851	1	182902 0250	1	182902 0750	1
182891 1870	1	182902 0260	1	182902 0760	1
182891 1880	1	182902 0270	1	182902 0770	1
182891 1890	1	182902 0280	1	182902 0780	1
182891 1900	1	182902 0290	1	182902 0790	1
182891 1910	1	182902 0300	1	182902 0800	1
182891 1930	1	182902 0310	1	182902 0810	1
182891 1940	1	182902 0320	1	182902 0820	1
182891 1950	1	182902 0330	1	182902 0830	1
182891 1960	1	182902 0340	1	182902 0840	1
182891 1970	1	182902 0350	1	182902 0850	1
182891 1980	1	182902 0360	1	182902 0860	1
182891 1990	1	182902 0370	1	182902 0870	1
182891 2000	1	182902 0380	1	182902 0880	1
182891 2010	1	182902 0390	1	182902 0890	1
182891 2020	1	182902 0400	1	182902 0900	1
182891 2030	1	182902 0410	1	182902 0910	1
182891 2040	1	182902 0420	1	182902 0920	1
182891 2060	1	182902 0430	1	182902 0930	1
182891 2070	1	182902 0440	1	182902 0940	1
182891 2080	1	182902 0450	1	182902 0950	1
182891 2090	1	182902 0460	1	182902 0960	1

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Parcel Identification Number	# of Assessment Units	Parcel Identification Number	# of Assessment Units	Parcel Identification Number	# of Assessment Units
182902 0970	1	182902 1490	1	182904 0040	1
182902 0980	1	182902 1500	1	182904 0050	1
182902 0990	1	182902 1510	1	182904 0060	1
182902 1000	1	182902 1520	1	182904 0070	1
182902 1010	1	182902 1530	1	182904 0080	1
182902 1020	1	182902 1540	1	182904 0090	1
182902 1030	1	182902 1550	1	182904 0100	1
182902 1040	1	182902 1560	1	182904 0110	1
182902 1050	1	182902 1570	1	182904 0120	1
182902 1060	1	182902 1580	1	182904 0130	1
182902 1070	1	182902 1590	1	182904 0140	1
182902 1080	1	182902 1600	1	182904 0150	1
182902 1090	1	182902 1610	1	182904 0160	1
182902 1100	1	182902 1620	1	182904 0170	1
182902 1110	1	182902 1630	1	182904 0180	1
182902 1120	1	182902 1640	1	182904 0190	1
182902 1130	1	182902 1650	1	182904 0200	1
182902 1140	1	182902 1660	1	182904 0210	1
182902 1150	1	182902 1670	1	182904 0220	1
182902 1160	1	182902 1680	1	182904 0230	1
182902 1170	1	182902 1690	1	182904 0240	1
182902 1180	1	182902 1700	1	182904 0250	1
182902 1190	1	182902 1710	1	182904 0260	1
182902 1200	1	182902 1725	1	182904 0270	1
182902 1210	2	182902 1730	1	182904 0280	1
182902 1230	1	182902 1740	1	182904 0290	1
182902 1240	1	182902 1750	1	182904 0300	1
182902 1250	1	182902 1760	1	182904 0310	1
182902 1260	1	182902 1770	1	182904 0320	1
182902 1270	1	182902 1780	1	182904 0330	1
182902 1280	1	182902 1790	1	182904 0340	1
182902 1290	1	182902 1800	1	182904 0350	1
182902 1300	1	182902 1810	1	182904 0360	1
182902 1310	1	182902 1820	1	182904 0370	1
182902 1320	1	182902 1830	1	182904 0380	1
182902 1330	1	182902 1840	1	182904 0390	1
182902 1340	1	182902 1850	1	182904 0400	1
182902 1350	1	182903 0010	1	182904 0410	1
182902 1360	1	182903 0020	1	182904 0420	1
182902 1370	1	182903 0030	1	182904 0430	1
182902 1380	1	182903 0040	1	182904 0440	1
182902 1400	2	182903 0050	1	182904 0450	1
182902 1410	1	182903 0060	1	182904 0460	1
182902 1420	1	182903 0070	1	182904 0470	1
182902 1430	1	182903 0080	1	182904 0480	1
182902 1440	1	182903 0090	1	182904 0490	1
182902 1450	1	182903 0100	1	182904 0495	1
182902 1460	1	182904 0010	1		
182902 1470	1	182904 0020	1		
182902 1480	1	182904 0030	1		

Exhibit "D" to Ordinance

THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L2151-13
P.O.#: L2151-13

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared STEVEN SMITH
who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement being a NOTICE OF HEARING
in the matter of TREASURE BCH DREDG - HEARING AUGUST 6, 2013
was published in said newspaper on 07/15/2013

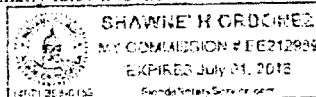
Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he/she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this ___ day of ___
by [Signature] who is personally known to me
or who has produced as identification

[Signature of Notary Public]

(Signature of Notary Public)

(Seal)



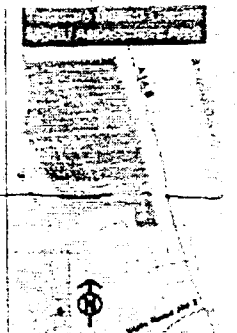
If any person desires to appeal a decision made by the Board with respect to any matter considered at such hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS. In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in these proceedings should contact the ADA Coordinator, at 94-219 6236 or at the County Administrative Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals, please contact Florida Relay Service at 1-800-955-8770 no later than 5 days prior to the date of the meeting. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. CHERYL STRICKLAND, ITS CLERK. By: Yvonne King, Deputy Clerk, L2151-13 Jul 15, 2013

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN THAT the St. Johns County Board of County Commissioners at its regular meeting on Tuesday, August 6, 2013, at 9:30 a.m. in the County Auditorium of the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida, will hold a public hearing to consider enactment of the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO DREDGING IMPROVEMENTS TO THE TREASURE BEACH CANALS; CREATING AND ESTABLISHING THE TREASURE BEACH CANAL MUNICIPAL FINANCE BENEFIT UNIT (THE MSBU) TO FINANCE SAID IMPROVEMENTS; ESTIMATING THE CANAL IMPROVEMENT CAPITAL COST; DESCRIBING THE IMPROVEMENTS TO BE PROVIDED; DESCRIBING THE PROPERTY TO BE IMPACTED IN THE ASSESSMENT AREA; THE PROPOSED METHOD OF APPORTIONING THE COST AMONG THE PARCELS LOCATED WITHIN THE ASSESSMENT AREA, AND THE PROVISIONS FOR ACCELERATION AND REPLEYMENT OF ASSESSMENTS; MAKING FINDINGS THAT RECOGNIZE THE FAIRNESS PROVIDED BY THE APPORTIONMENT METHODOLOGY AND THE COUNTY'S INTENT TO USE THE UNIFORM METHOD OF COLLECTION; ESTABLISHING THE MAXIMUM AMOUNT OF THE ASSESSMENT AND THE ASSESSMENT POLL; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ANNUAL ASSESSMENT POLLS; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ON BEHALF OF THE COUNTY, COUSIN TO 15-16 OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



The proposed assessment schedule is \$700 per assessment unit, per year, for fifteen (15) years. The proposed assessments will be collected by the St. Johns County Tax Collector on the gas valorem tax bill, as authorized by Section 197.102, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

All affected property owners have a right to appear at the hearing and to file written objections within 30 calendar days of this notice with the Board of County Commissioners by sending them to Damon Douglas, MSBU Coordinator, 500 San Sebastian View, St. Augustine, Florida 32084. The proposed ordinance is available for review at the offices of the Real Estate Division, located at 500 San Sebastian View, St. Augustine, Florida.

Exhibit "B" to Agreement – MSBU Ordinance

ST AUGUSTINE MAIN POST OFFICE
 SAINT AUGUSTINE, Florida
 320849998
 1143840650 -0097
 07/15/2013 (800)275-8777 11:09:21 AM

Product Description	Sales Receipt		Final Price
	Qty	Unit Price	
Firm Mailing Bk Cert	424	\$0.44	\$186.56
Total:			\$186.56

Paid by:
 VISA \$186.56
 Account #: [REDACTED]
 Approval #: 075103
 Transaction #: 843
 23 903300713

*mailed
 Treasure Beach
 legal notice*

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

Bill #: 1000303072929
 Clerk: 12

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

HELP.US SERVE YOU BETTER

Go to: <https://postalexperience.com/Pos>

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy