

RESOLUTION NO. 2017- 218

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF THE RELEASE OF A CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS LIEN; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE RELEASE OF LIEN ON BEHALF OF ST. JOHNS COUNTY (COUNTY); AND INSTRUCTING THE CLERK OF THE CIRCUIT COURT TO FILE THE RELEASE OF LIEN IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY.

RECITALS

WHEREAS, on September 22, 2014, pursuant to St. Johns County Ordinance No. 2000-48, Standard Unsafe Building Abatement Code, the St. Johns County Construction Board of Adjustment and Appeals entered a Lien Order in Case No. 13-20, regarding unsafe building violations on a parcel of property owned by respondent Elmer T. Johnson ("Johnson") and located at 477 Old Spanish Trail, St. Johns County, Florida, 32084, Parcel Identification Number 098120-0000; and

WHEREAS, the Lien Order was subsequently recorded in Official Records Book 3935, Page 418, of the public records of St. Johns County, Florida; and

WHEREAS, the Lien Order confirmed the costs incurred by the County for the abatement of an unsafe building violation, plus an administrative fee, totaling \$55,473.00, and assessed the same as a lien against the real and personal property owned by Johnson to the extent permitted by law; and

WHEREAS, since the entry of the Lien Order, Johnson has died and his estate has proceeded through administration in probate; and

WHEREAS, as part of the settlement of Johnson's estate, two parcels of real property located in the County owned by Johnson, including the 477 Old Spanish Trail property, are being sold;

WHEREAS, the personal representative and sole beneficiary of Johnson's estate has proposed to provide to the County the full proceeds of the sale of the two parcels, after fees and taxes, totaling \$41,081.53, as full satisfaction of the County's lien in exchange for a Release of Lien on the 477 Old Spanish Trail property, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the County has reviewed release of the lien and has determined that recovery of the full proceeds of the sale of Johnson's remaining real property located in the County in exchange for release of the lien represents a fair, efficient,

and appropriate resolution of the matter and serves the interests of the County and the public.

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 of St. Johns County, Florida hereby approves the terms, provisions, and conditions of the Release of Lien, and authorizes the County Administrator, or designee, to execute the Release of Lien on behalf of the County, in substantially the same form and format as attached.

Section 3. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or content of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

Section 4. The Clerk of Courts of St. Johns County is instructed to file the Release of Lien in the public records of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 20 day of June, 2017.

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

By: _____
James K. Johns, Chair

ATTEST: Hunter S. Conrad, Clerk

By: Pam Hatterme
Deputy Clerk

RENDITION DATE 6/22/17



This instrument prepared by:
Amy Marie Vo, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, Florida 32080

RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS: That **St. Johns County, a political subdivision of the State of Florida**, the owner and holder of that certain **Lien Order**, bearing the date **September 22, 2014**, recorded in **Official Records Book 3935, Page 418**, of the public records of **St. Johns County, State of Florida** hereby acknowledge full payment and release of said lien, and surrender, the same as canceled, and hereby direct the Clerk of Circuit Court to cancel and satisfy the same of record on the following described real property located in St. Johns County, Florida, legally described as:

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF ST. JOHNS AND THE STATE OF FLORIDA:

A PARCEL OF LAND IN SECTION 24, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND MORE FULLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 24 AS LOCATED BY SAN JULINE SUBDIVISION, RECORDED IN MAP BOOK 4, PAGE 22 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 87DEGREES 03' WEST 818.2 FEET TO A PERMANENT REFERENCE MONUMENT ON THE NORTH LINE OF SAID SECTION 24; THENCE CONTINUE NORTH 87 DEGREES 03" WEST, 334.53 FEET TO ANOTHER PERMANENT REFERENCE MONUMENT ON THE NORTH LINE OF SAID SECTION 24; THENCE CONTINUE NORTH 87 DEGREES 03' WEST 230.03 FEET ALONG THE NORTH LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87 DEGREES 03' WEST 132.0 FEET, THENCE SOUTH 9 DEGREES 59' EAST 210.0 FEET; THENCE SOUTH 87 DEGREES 03' EAST 132.0 FEET TO A POINT ON THE WEST LINE OF BLOCK 6, SAN JULINE SUBDIVISION, THENCE NORTH 9 DEGREES 59' WEST 210.0 FEET ALONG THE WEST LINE OF BLOCK 6, SAN JULINE SUBDIVISION TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY PORTION OF ROAD AS SET OUT IN RESOLUTION #2002-261 IN OFFICIAL RECORDS BOOK 1867, PAGE 752, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Parcel ID: 098120-0000

Commonly known as: 477 Old Spanish Trail, St. Augustine, Florida 32084

WITNESS our hands and seals, this _____ day of _____, 2017.

St. Johns County, a political subdivision of the State of Florida

By: _____
It: _____

Attest:

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

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments personally appeared _____, as _____ of St. Johns County, to me known or who provided a valid driver's license for identification purposes, and who executed the foregoing instrument and they acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the State and County last aforesaid, this _____ day of _____, 2017.

NOTARY PUBLIC
My Commission Expires: