

RESOLUTION NO. 2005- 17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A 20' STRIP OF COUNTY PROPERTY LOCATED ON THE SOUTH SIDE OF STATE ROAD 208 AS SURPLUS PROPERTY AND APPROVING A PRIVATE SALE TO THE ONLY ADJOINING PROPERTY OWNER, PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES AND APPROVING A GRANT OF EASEMENT TO ST. JOHNS COUNTY FROM CRD TERRA PINES, LLC.

WHEREAS, there has been a written request from an adjoining property owner to declare certain County owned property as surplus more particularly described in Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, a 20' strip of County owned property containing 1.99 acres has an existing transmission water line and the new development will surround this area. St. Johns County Utility Department is willing to sell this property with the provisions the buyer will give the County a Grant of Easement, for future access and maintenance to the water line, more particularly described in Exhibits "B" and "C", 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 the value of a parcel is \$15,000.00 or less, and 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 the adjacent property owner; and

WHEREAS, an appraisal prepared by Ronald K. Moody, MAI, SRA, of Broom, Moody, Johnson & Grainger, Inc., dated November 23, 2004, values the property at \$7,800.00, attached hereto as Exhibit "D", incorporated by reference and made a part hereof. The only adjoining property owner is CRD Terra Pines; and

WHEREAS, the buyer is requesting in writing the Mineral Reservation be released from the deed, more particularly described in Exhibit "E", incorporated by reference and made a part hereof; and

WHEREAS, it is in the best interest of the County to surplus this property and sell it to the only property owner that is adjoining the property.

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 hereby found that the value of the property is \$7,800.00 based on the appraisal prepared by Ronald K. Moody, MAI, SRA of Broom, Moody, Johnson & Grainger, Inc., State Certified Residential Appraiser.

3. 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.

4. The sale of the property to CRD Terra Pines, LLC in the amount of \$7,800.00 is hereby approved.

5. The Board of County Commissioners hereby approves Releasing of Mineral Reservation from the County Deed and approving the terms of a Grant of Easement and closing this transaction.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 26th day of January, 2005.

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

By: _____

Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: _____

Deputy Clerk

RENDITION DATE 1-27-05

EXHIBIT "A" TO RESOLUTION

December 23, 2004

CRD Terra Pines, LLC.
9310 Old Kings Road South Unit 1803
Jacksonville, FL. 32257

Re: Property Sale Request

To Whom It May Concern:

CRD Terra Pines, LLC would like to formally request that St. Johns County sell the property described in the attached Exhibit A to CRD Terra Pines, LLC.

Thank you for your consideration of this request.

Sincerely,



CRD Terra Pines, LLC.

EXHIBIT "A"
TO PROPERTY SALE REQUEST LETTER

A tract of land being 20.00 feet in width and lying within Section 18, Township 7 South, Range 29 East, St. Johns County, Florida and being a portion of that certain property as described in Official Records Book 874, on page 1140 of the Public Records of St. Johns County, Florida and being more particularly described as follows:

For a Point of Reference, commence at the South 1/4 corner of said Section 18; thence N84°20'27"E, along the South boundary line of the Southeast 1/4 of said Section 18, for 307.16 feet to the POINT OF BEGINNING; thence N06°22'19"W, for 685.61 feet; thence N09°24'19"W, for 2927.44 feet; thence N18°04'01"W, for 173.17 feet; thence N71°38'17"E, for 572.01 feet; thence S11°17'38"E, for 20.15 feet; thence S71°38'17"W, for 549.63 feet; thence S18°04'01"E, for 154.79 feet; thence S09°24'19"E, for 2929.48 feet; thence S06°22'19"E, for 686.39 feet to the point of intersection with the South boundary line of Southeast 1/4 of aforesaid Section 18; thence S84°20'27"W, along said South Boundary line, for 20.00 feet to the POINT OF BEGINNING and containing 1.99 acres, more or less.

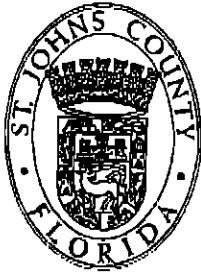


EXHIBIT "B" TO RESOLUTION

ST. JOHNS COUNTY
UTILITY DEPARTMENT
2175 Mizell Road
P.O. Drawer 3006
St. Augustine, Florida 32085-3006

I N T E R O F F I C E M E M O R A N D U M

TO: Debbie Taylor, Real Estate Coordinator
FROM: Herbert A. Van Der Mark, Construction Manager of Utilities *HAV*
SUBJECT: Terra Pines Reserve Off CR-208
DATE: August 19, 2004

In reference to your inquiry of the above-mentioned proposed subdivision in conjunction with our existing deeded twenty (20) foot water transmission easement, we have the following comments:

- The Utility Department has no objections to provide Ingress/Egress easements across the deeded easement for the +/- 11 lots on the west side of the roadway with the appropriate Restoration language and conditions.
- If the proposed Roadways are deeded to the County, our easement will then become a part of the Road R/W at that location which would simplify the easement issue.
- If the proposed Roadways remain private however, would the County be willing to sell the deeded twenty (20) foot easement for that particular section to the Developer and a perpetual easement in turn be given back to the County with a Restoration agreement.
- Our legal department needs to advise us and of course be subject to BOC's review and final approval.

Please call if you require additional information.

cc: Bill Young, SJCUD
Neal Shinkre, SJCUD
Bruce Vaughan, Developer
Karen Taylor, Land Planner

EXHIBIT "C" TO RESOLUTION

Prepared by:
St. Johns County
4020 Lewis Speedway
St. Augustine, Florida 32084

GRANT OF EASEMENT

THIS EASEMENT executed and given this ____ day of _____, 2005, by **CRD TERRA PINES, LLC**, a Florida Limited Liability Company, with an address of 9310 Olds Kings Road South, Unit 1803, Jacksonville, Florida 32257 hereinafter called "Grantor", to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, hereinafter called the "Grantee".

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, said Grantors hereby give, grant dedicate and convey to the Grantee, its successors and assigns forever, an unobstructed right-of-way and non-exclusive permanent easement with the right, privilege and authority to said Grantee, its successors and assigns, to construct, operate, lay, maintain, improve and repair a underground water transmission line, on, along, over, through, across or under the following described land, situate in St. Johns County, Florida, to wit:

Property as described on attached Exhibit "A", incorporated by reference and made a part hereof.

TOGETHER with the right to said Grantee its successors and assigns, of ingress and egress, to and over the above described property, and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of said improvements upon, over, under or in lands, together with the right, easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

AFTER any installation, construction, repair, replacement or removal of the transmission water line as to which easement rights are granted, Grantee shall refill any holes in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair or removal. Grantee shall be responsible for restoration of any area disturbed during any maintenance to the water transmission line, and this means, "a condition that is reflective of, or comparable to, the original condition".

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officers as of the day and year first above written.

Signed and Sealed in Our
Presence as Witnesses:

CRD TERRA PINES, LLC.,
a Florida Limited Liability Company

(sign) _____
(print) _____

By: _____
Title: _____

(sign) _____
(print) _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by _____ of **CRD TERRA PINES, LLC**, a Florida Limited Liability Company. Who is personally known to me or have produced _____ as identification.

Notary Public
My Commission expires: _____

EXHIBIT "A"
TO GRANT OF EASEMENT

A tract of land being 20.00 feet in width and lying within Section 18, Township 7 South, Range 29 East, St. Johns County, Florida and being a portion of that certain property as described in Official Records Book 874, on page 1140 of the Public Records of St. Johns County, Florida and being more particularly described as follows:

For a Point of Reference, commence at the South 1/4 corner of said Section 18; thence N84°20'27"E, along the South boundary line of the Southeast 1/4 of said Section 18, for 307.16 feet to the POINT OF BEGINNING; thence N06°22'19"W, for 685.61 feet; thence N09°24'19"W, for 2927.44 feet; thence N18°04'01"W, for 173.17 feet; thence N71°38'17"E, for 572.01 feet; thence S11°17'38"E, for 20.15 feet; thence S71°38'17"W, for 549.63 feet; thence S18°04'01"E, for 154.79 feet; thence S09°24'19"E, for 2929.48 feet; thence S06°22'19"E, for 686.39 feet to the point of intersection with the South boundary line of Southeast 1/4 of aforesaid Section 18; thence S84°20'27"W, along said South Boundary line, for 20.00 feet to the POINT OF BEGINNING and containing 1.99 acres, more or less.

COMPLETE APPRAISAL / SUMMARY REPORT

OF

**1.99 ACRES OF VACANT LAND
(UNDERGROUND WATER TRANSMISSION LINE)**

LOCATED ON
THE SOUTHSIDE OF STATE ROAD 208
ONE MILE WEST OF ITS INTERSECTION WITH I-95
IN
ST. JOHNS COUNTY, FLORIDA

EFFECTIVE DATE OF VALUE: NOVEMBER 15, 2004

PREPARED FOR:

*Ms. Debbie Taylor
St. Johns County Real Estate Division
4020 Lewis Speedway
St. Augustine, Florida 32084*

PREPARED BY:

*Ronald K. Moody, MAI, SRA
Broom, Moody, Johnson & Grainger, Inc.
4309 Salisbury Road
Jacksonville, Florida 32216*

BROOM, MOODY, JOHNSON & GRAINGER, INC.

REAL ESTATE APPRAISERS - CONSULTANTS

TELEPHONE (904) 296-3000

FAX (904) 296-8722

RONALD K. MOODY, MAI, SRA

ST. CERT. GEN. REA RZ0000864

FARLEY J. GRAINGER, MAI

ST. CERT. GEN. REA RZ0000859

JAMES TORO II, MAI, SRA

ST. CERT. GEN. REA RZ0001291

November 23, 2004

Ms. Debbie Taylor
St. Johns County Real Estate Division
4020 Lewis Speedway
St. Augustine, Florida, 32084

Re: Appraisal of 1.99 acres of vacant land (underground water transmission line) located on the south side of State Road 208, approximately one mile west of its intersection with I-95, in St. Johns County, Florida

Dear Ms. Taylor:

At the request of Mr. Chris Dostie of King South, Inc., I have prepared an appraisal of the above referenced vacant land parcel, 1.99 acres used for an underground water transmission line that is to be purchased from St. Johns County. According to information obtained from the Warranty Deed, this land parcel (1.99± acres) is part of a larger parcel containing 554± acres of which approximately 398.59 acres (72.2%) are wetlands. It is the purpose of this appraisal to estimate the value of the land associated with the underground water transmission line in fee simple interest as of the date of valuation, November 15, 2004.

The property rights appraised herein are the rights of fee simple interest, which will be defined in the body of this report. There are no easements, encroachments, or encumbrances reported which would negatively impact the market value of the subject property.

The investigation and analysis made regarding the preparation of the enclosed appraisal report was typical for future development property like the subject including the research of factual data, the collection of market data, data provided by the owner of the subject property and discussions with market participants. As a result of our investigations and analysis, we performed a complete appraisal process as outlined in the enclosed, summary appraisal report.

Ms. Debbie Taylor
November 23, 2004
Page Two

Based upon all factual data, analyses and conclusions made during the appraisal process and outlined in the enclosed summary appraisal report, it is my opinion that the estimated market value of the vacant land parcel (1.99 acres) used as a n underground water transmission line as of the effective date of value, November 15, 2004, was:

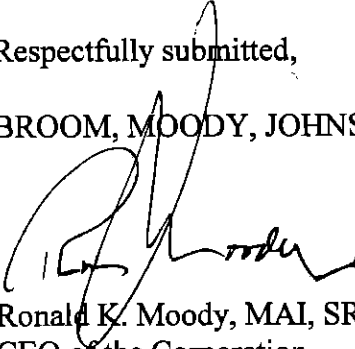
SEVEN THOUSAND EIGHT HUNDRED DOLLARS
(\$ 7,800)

The valuation of the subject property is subject to all limiting conditions and appraisal assumptions as outlined in the enclosed summary appraisal report and is further subject to the definition of market value as expressed therein.

We appreciate the opportunity to be of service and please contact us at your earliest convenience if you have any questions.

Respectfully submitted,

BROOM, MOODY, JOHNSON & GRAINGER, INC.



Ronald K. Moody, MAI, SRA
CEO of the Corporation
State-Certified General Real
Estate Appraiser No. RZ 0000864

RKM:bmjg#C39780

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Subject Property Location:	South side of County Road 208, approximately one mile west of its intersection with Interstate 95 in Johns County, Florida	
Type of Appraisal:	Complete Appraisal Process	
Reporting Format:	Summary Appraisal Report	
Property Description:	The subject property 1.99 acres (used for an underground water transmission line) is part of a larger parcel containing 554.60 ± acres.	
Size of Land:	1.99± Acres	
	Larger parcel	554± Acres
	Wetlands	398.59 Acres (72%)
	Uplands	155.41 Acres (28%)
Highest and Best Use:	Residential Single-family development	

Summary of Valuation Indications:

Cost Approach	N/A
Sales Comparison Approach	\$7,800
Income Approach	N/A

Valuation Dates:

Effective Date of Value:	November 15, 2004
Inspection Dates:	November 10, 2004 and subsequent dates
Date of Appraisal Report	November 23, 2004

EXHIBIT "E" TO RESOLUTION

December 15, 2004

CRD Terra Pines, LLC
9310 Old Kings Road South, Unit 1803
Jacksonville, Florida 32257

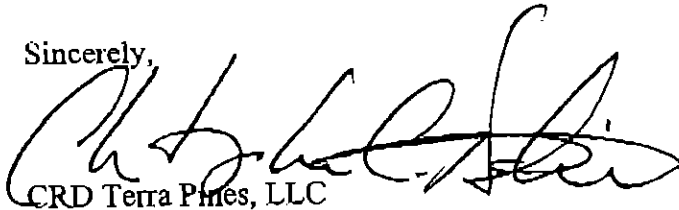
Re: Mineral reservations

To whom it may concern:

CRD Terra Pines, LLC respectfully request that the reserved interest of all phosphate, minerals, metals and petroleum, normally contained in the County Deed be withheld. We are requesting this due to the fact that it creates a cloud on the title to the property which could prevent my company from obtaining financing and/or developing the property.

Thank you for your consideration of this request.

Sincerely,



CRD Terra Pines, LLC

EXHIBIT "A"
TO MINERAL RESERVATION LETTER

A tract of land being 20.00 feet in width and lying within Section 18, Township 7 South, Range 29 East, St. Johns County, Florida and being a portion of that certain property as described in Official Records Book 874, on page 1140 of the Public Records of St. Johns County, Florida and being more particularly described as follows:

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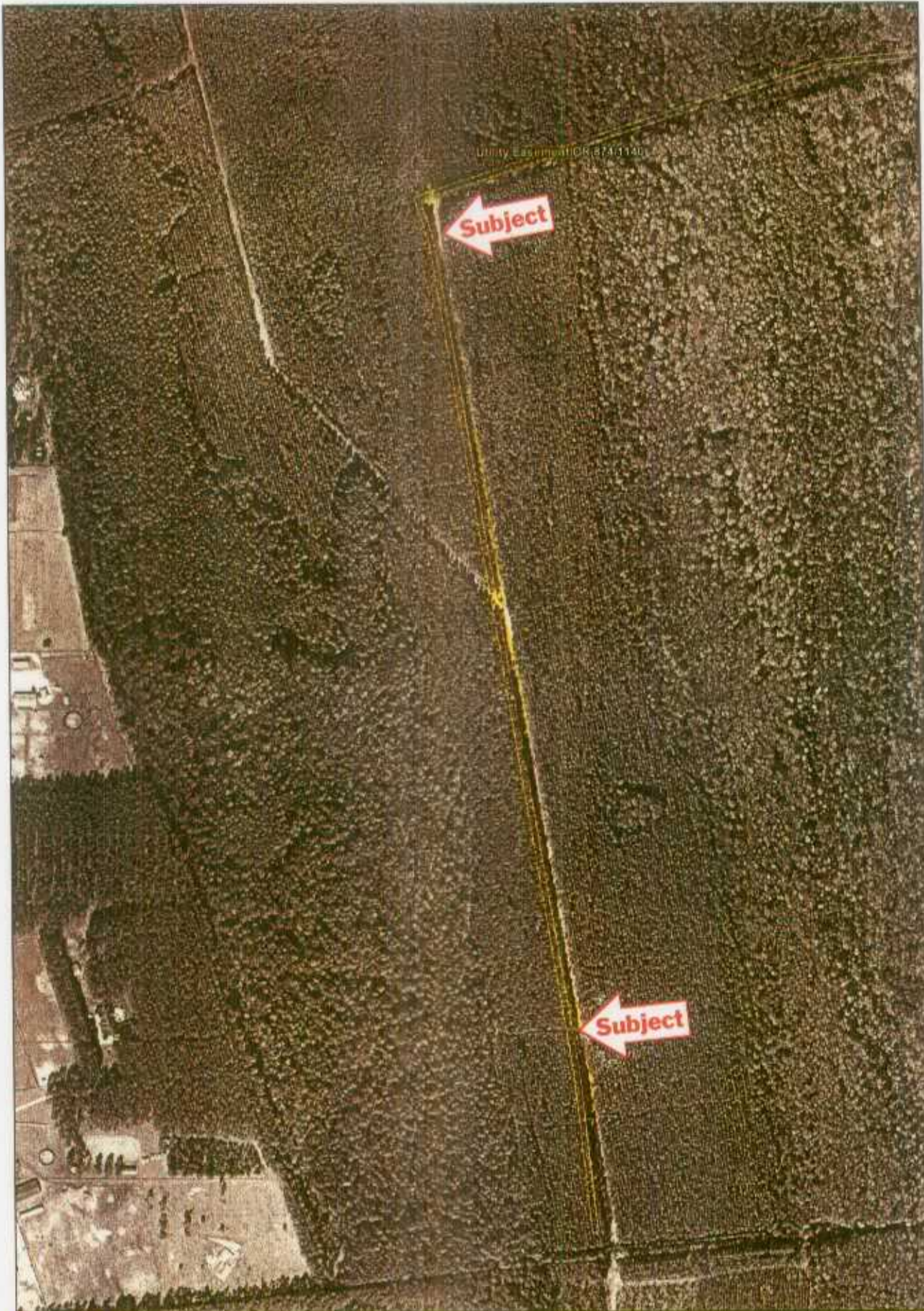
Depiction of Utility Easement SE Portion

St. Johns County
Real Estate Division
(904) 823-2745
August 18, 2004

0 300 600 1,200 1,800 Feet

DISCLAIMER:
This map is for reference use only.
Data provided are derived from satellite
aerials with varying levels of accuracy.
THIS IS NOT A SURVEY





Utility Easement (CR 8741140)

Subject

Subject



St. Johns County
Real Estate Division
(904) 825-2743
August 18, 2004

Depiction of Utility Easement SE Portion

0 200 400 800 1,600 Feet

DISCLAIMER
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