

RESOLUTION NO. 2008- 344

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A PARCEL IN DAVIS SHORES SUBDIVISION CONTAINING 643 SQUARE FEET OF COUNTY OWNED PROPERTY AS SURPLUS AND APPROVING A PRIVATE SALE TO AN ADJOINING PROPERTY OWNER PURSUANT THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES AND AUTHORIZING THE CHAIR TO EXECUTE THE COUNTY DEED.

RECITALS

WHEREAS, there has been a written request from an adjoining property owner, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to acquire 643 square feet of County owned property for which is part of the original platted lot. The County owned property escheated to the County in 1993 due to taxes not being paid and the property owner did not know this piece was cut out of their original parcel; 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 or less, OR 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 one or more adjacent property owners; and

WHEREAS, St. Johns County Property Appraiser has the property currently assessed in the amount of \$7,234.00 per the letter from the property appraisers office, attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, the individual requesting the property is an adjoining property owner and has offered to pay the assessed value in the amount of \$7,234.00; and

WHEREAS, the County Deed conveying this property, attached hereto as Exhibit "C", incorporated by reference and made a part hereof, to be executed by the Chair.

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 found that all requirements of Section 125.35 (2) F.S. for a private sale of the property described above have been met and the sale of the property to Paul Breitinger and Kevan Breitinger in the amount of \$7,234.00 is hereby approved by the Board of County Commissioners and authorized for the Chair to execute the County

Deed conveying the property to Paul and Kevan Breitinger. To the extent that there are typographical 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 by the Board of County Commissioners of St. Johns County, Florida, this 2nd day of December, 2008.



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

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 12/4/08

EXHIBIT "A" TO RESOLUTION

November 10, 2008

Board of County Commissioners
St. Johns County, Florida

Re: Tri part of Lot 5, 5 feet on street Block 56 Davis Shores
Parcel Identification Number: 222130-0050
To whom it may concern:

Please accept this letter of intent to purchase the tri part of Lot 5, Block 56 presently owned by the Board of County Commissioners. This property is essentially a long narrow triangle of about 250 square feet created through a survey error by the original developer of the neighborhood in 1973. We only became aware of its existence last week as we were preparing to close on the residence located on the adjacent parcel number 222130-0040.

The Chain of title run as follows:

1. Purchased by William F. Cook and Ann C. Cook, his wife in September, 1979, recorded in O.R. 427, Page 278 of the public records of St. Johns County, Florida. William F. Cook died in February, 1989 passing the property to his wife Ann C. Cook.
2. Ann C. Cook transferred the property to herself and her daughter Betty A. Wall in May 1990 (estate planning purposes), recorded in O.R. 857, Page 432 of the public records of St. Johns County, Florida.
3. Ann C. Cook died February, 2002 leaving the property to her daughter Betty A. Wall, recorded in O.R. 1737, Page 1324 of the public records of St. Johns County, Florida.
4. Betty A. Wall then transferred the property to herself and her son Gerald B. Wall in November 2003, recorded in O.R. 2092, Page 770 of the public records of St. Johns County, Florida.

The legal description for Part of Lot 4 and 5 Block 56 has been ambiguous since 1973 when it was purchased from the builder, Baker Construction Co., Inc., (now dissolved) and has passed through the years. As all of these closings were transferred within family members and paid with cash a survey has not been requested or required.

We are under contract to sell Part of Lot 4 and 5, Block 56 Davis Shores and upon receipt of a survey showing the missing 5' of Lot 5 and after running a title search have discovered that this creates a cloud on the title as the legal description of the 5' is not clear. Attached, please find an original survey describing correctly the 5' of Lot 5, Block 56.

We understand that it is the policy of the County to sell property only for the assessed value. However, in this case we are advised that the assessed value of \$7234 (approximately \$29 psf) actually represents the accumulation of unpaid taxes over a long period of time, rather than an assessment of fair market value. A check of current advertisements indicates that comparable lots in the area are being offered for sell for substantially less than \$29 per square foot.

Under these circumstances we ask that The Board of County Commissioners consider adjusting the purchase price of this property.

Your consideration is greatly appreciated.

Betty Wall & Gerald Wall
Betty Wall and Gerald Wall by P. Skell

Paul Breitingger & Kewan Breitingger

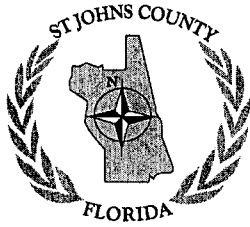


EXHIBIT "B" TO RESOLUTION

Sharon Outland, C.F.A.

St. Johns County Property Appraiser
(904) 827-5500 (904) 827-5580 (Fax)

November 10, 2008

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

RE: Tax Parcel Number **222130-0050**

Dear Ms. Taylor:

The assessed value of the above referenced parcel on the **2008 Assessment Roll is: \$7,234.**

Sincerely,

Deborah G. Onderdonk, C. F. E.
GIS/Cadastral Mapping Coordinator

Exhibit "C" to Resolution

This Instrument Prepared By:
Debbie Taylor
St. Johns County Land Management Systems
500 San Sebastian View
St. Augustine FL 32084

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, this ____ day of _____, 2008, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is, 500 San Sebastian View, St. Augustine FL 32084, hereinafter "Grantor", to, **PAUL BREITINGER and KEVAN BREITINGER, husband and wife** whose 218 Kenan Street, St. Augustine, FL 32080, 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 the successors and assigns of organizations).

WITNESSETH;

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) 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 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;
- g. Easements and rights of way of record.

IN WITNESS WHEREOF the St. Johns County Board of County Commissioners has caused the presents to be executed in its name by its Chair the day and year aforesaid.

ST. JOHNS COUNTY, FLORIDA
A political subdivision of the State of Florida

By: _____
Chair

ATTEST: Cheryl Strickland, Its Clerk

By: _____
Its Deputy Clerk

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, the Chair of the Board for St. Johns County Board of County Commissioners, on behalf of the Board. He is personally known to me.

Notary Public State of Florida
My Commission Expires: _____

EXHIBIT "A" TO COUNTY DEED

A PART OF LOT 5, BLOCK 56, DAVIS SHORES SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 102, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND MORE FULLY DESCRIBED AS THAT LAND BOUNDED BY LINES COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 4; THENCE SOUTH 49 DEGREES 31 MINUTES 00 SECONDS WEST, 58.31 FEET ON THE NORTHWESTERLY REAR LOT LINE OF LOT 4 AND THE NORTHWESTERLY REAR LOT LINE OF LOT 5, TO THE POINT OF BEGINNING; THENCE SOUTH 31 DEGREES, 10 MINUTES 51 SECONDS EAST (DEED SOUTHWESTERLY), 99.80 FEET (DEED 99.95 FEET) ALONG THE EASTERLY LINE OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 3061, PAGE 1968 OF THE PUBLIC RECORDS OF SAID COUNTY, TO THE NORTHERLY RIGHT OF WAY OF KENAN ROAD, A 60 FOOT WIDE RIGHT OF WAY, SAID POINT LYING IN A CURVE BEING CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1080.00 FEET CHORD BEARING AND DISTANCE OF NORTH 67 DEGREES 38 MINUTES 03 SECONDS EAST, 5.45 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE AFOREMENTIONED RIGHT OF WAY LINE 5.45 FEET; THENCE NORTH 34 DEGREES, 14 MINUTES 29 SECONDS WEST ALONG THE WESTERLY LINE OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 2029, PAGE 770, OF THE PUBLIC RECORDS OF SAID COUNTY, 110.78 FEET (DEED 99.95 FEET) TO THE POINT OF BEGINNING.