

RESOLUTION NO. 2016- 167

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, IN CONNECTION WITH ACCESS TO PRIVATE PROPERTY THROUGH COUNTY PROPERTY.

RECITALS

WHEREAS, the property owners of Lot 44, Boy's Work Incorporated Subdivision (Boy's Work Subdivision,) have been using Lot 45 Boy's Work Subdivision a County owned lot for access to their property since 1952; and

WHEREAS, the Board approved an Easement Agreement for Access to the current owners, John and Laura Sullivan, in Resolution No. 2014-128 for one year and then approved a License Agreement in Resolution No. 2015-117 to continue use of County property to access their property; and

WHEREAS, the property owners, John and Laura Sullivan have requested a land exchange with the County for the lot adjacent to the County lot once they acquire fee simple ownership of Lot 46 Boy's Work, as shown on the map attached hereto as Exhibit "A," incorporated by reference and made a part hereof; and

WHEREAS, the land exchange will give the Sullivans fee simple ownership to the property they are currently using as a driveway to access their property and this will resolve the issue of the private driveway on County property; and

WHEREAS, per the Land Development Code Section 4.01.11(G.1) the County shall not vacate or relocate access points to the beach without requiring the dedication of equal or greater access points. This exchange will meet those requirements and provide a better location for off beach parking and access to the beach per the memo from Parks and Recreation; and

WHEREAS, in consideration for the exchange both parties agree after John and Laura Sullivan acquire ownership of Lot 46 Boy's Work Subdivision, the County will agree to exchange Lot 45 for ownership of Lot 46 for future off beach parking and access to the beach; and

WHEREAS, once the acquisition of Lot 46 Boy's Work Subdivision is completed by John and Laura Sullivan, and they execute a Warranty Deed to the County for Lot 46 Boy's Work Subdivision, attached hereto as Exhibit "B," incorporated by reference and made a part hereof, the County agrees to execute the County Deed for Lot 45 Boy's Work Subdivision, attached hereto as Exhibit "C," incorporated by reference and made a part hereof, to complete the land exchange; and

WHEREAS, as a condition to do the exchange the Sullivans will provide a Phase I Environmental Assessment, remove the old existing concrete foundation currently on the property and stabilize this area with fill dirt and gravel for future off beach parking, and the land exchange will be completed within 60 days from the date of the execution of this Resolution; and

WHEREAS, the Sullivans have requested in writing that the mineral reservation be released from said County Deed, as stated in the letter attached hereto as Exhibit "D," incorporated by reference and made a part hereof; and

WHEREAS, Parks and Recreation Department has agreed to this property exchange per the Memo attached hereto as Exhibit "E," incorporated by reference and made a part hereof; and

WHEREAS, the proposed exchange has been advertised in accordance with Section 125.37, Florida Statutes.

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.

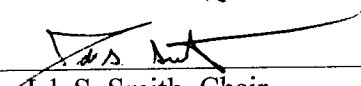
Section 2. The Board of County Commissioners hereby approves the land exchange and authorizes the Chairman of the Board to execute said County Deed for Lot 45 Boy's Work Subdivision after the owner of Lot 46 Boy's Work Subdivision executes a Warranty Deed to the County, and to the reasonable satisfaction of the County provides an acceptable Phase I Environmental Assessment, removes the existing concrete foundation currently on the property, and stabilizes the area with fill dirt and gravel for future off-beach parking.

Section 3. 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.

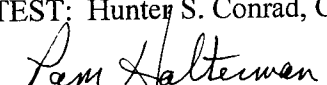
Section 4. The Clerk is instructed to record the original Warranty Deed and County Deed in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 7 day of June, 2016.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Jeb S. Smith, Chair

ATTEST: Hunter S. Conrad, Clerk

By: 
Deputy Clerk

RENDITION DATE 6/9/16



Lot 44 Sullivan

Lot 45 COUNTY LOT

10' Buffer

Lot 46 EXCHANGE PROPERTY

2013 Aerial Imagery



April 21, 2016

EXHIBIT "A" TO RESOLUTION LAND EXCHANGE

Land Mgmt. Systems
Real Estate Division
209-0796

Disclaimer:
This map is for reference use only.
Data provided are derived from multiple
sources with varying levels of accuracy.
The St. Johns County Real Estate Division
disclaims all responsibility for the accuracy
or completeness of the data shown hereon.



EXHIBIT "B" TO RESOLUTION

Prepared by:

WARRANTY DEED

MADE THIS ____ day of _____, 2016 by **JOHN M. SULLIVAN and LAURA G. SULLIVAN**, his wife, whose post office address is 7724 A1A South, St. Augustine, Florida 32080, hereinafter called the Grantor, to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose post office address is 500 San Sebastian View, St. Augustine, FL 32084, hereinafter called the Grantee:

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, viz:

Lot 46 of Boys Work Incorporated Subdivision recorded in Map Book 3, page 13 of the public records of St. Johns County, Florida lying east of State Road A1A as presently established.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same is fee simple forever.

AND THE GRANTOR hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

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

Print Witness Name: _____

JOHN M. SULLIVAN

Print Witness Name: _____

LAURA G. SULLIVAN

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

THE FOREGOING INSTRUMENT was acknowledged before me this ____ day of _____, 2016 by John M. Sullivan and Laura G. Sullivan, who are personally known or who has produced a driver's license as identification.

Notary

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 _____, 2016, 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 **JOHN M. SULLIVAN and LAURA G. SULLIVAN husband and wife** whose address is 7724 A1A South, 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:

Lot 45 of Boy's Work Incorporated Subdivision recorded in Map Book 3, page 13 of the Public Records of St. Johns County, Florida lying east of State Road A1A as presently established.

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 and restrictions:

- 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.
- h. A ten foot natural buffer is required and reserved along the south line of the property described herein.

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: _____
Jeb S. Smith, Chair

ATTEST: Hunter S. Conrad, Its Clerk

By: _____
Its Deputy Clerk

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, 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 "D" TO RESOLUTION

May 3, 2016

John M. and Laura G. Sullivan
7724 A1A South
St. Augustine, Florida 32080

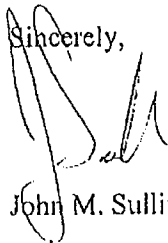
RE: Mineral Reservations Released

To Board of County Commissioners:

John M. and Laura G. Sullivan respectfully request 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 it creates a cloud on the title to the property which could prevent us from obtaining financing and/or developing the property.

Thank you for your consideration of this request.

Sincerely,



John M. Sullivan

THE ST. AUGUSTINE RECORD

COPY OF
NOTICE OF PROPOSED EXCHANGE OF COUNTY PROPERTY
NOTICE OF PROPOSED EXCHANGE OF COUNTY PROPERTY

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

On Tuesday May 17, 2016, the Board of County Commissioners of St. Johns County, Florida, in the St. Johns County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32086, will consider and may take action on a Resolution approving an exchange of real property known as Lot 45, Boy's Work Incorporated Subdivision in Map Book 3, page 13 in exchange for Lot 46, Boy's Work Incorporated Subdivision in Map Book 3, page 13 of the Public Records of St. Johns County, Florida. The exchange of this property will provide future access to the beach and the potential location for future off beach parking.

Ref.#: 16733446A
P.O.#:

The map of the property for the exchange is shown in the Exhibits of the Resolution which are available for inspection by the public in the Office of the Clerk of Courts, Ex-Officio Clerk to the Board of County Commissioners located in the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

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

NOTICE OF 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, ADA Coordinator, at 904-209-0650 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770 no later than 5 days prior to the date of the meeting.

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

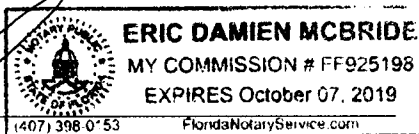
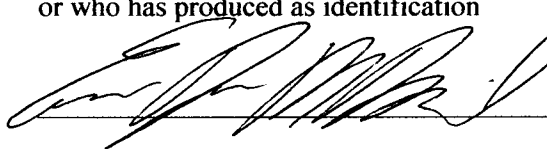
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk
16733446A May 5, 12, 2016

Before the undersigned authority personally appeared **NICOLE CORRIVEAU** 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 **MISC NOTICE**

In the matter of **EXCHANGE OF REAL PRO - NTC OF PROPOSED EXCHANGE OF COUN** was published in said newspaper on **05/05/2016, 05/12/2016**

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 MAY 12 2016
by Nicole Corriveau who is personally known to me
or who has produced as identification



(Signature of Notary Public)

(Seal)