

RESOLUTION NO. 2022- 73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A BILL OF SALE AND SCHEDULE OF VALUES CONVEYING THE RIGHT-OF-WAY IMPROVEMENTS ASSOCIATED WITH THE ESCAMBIA STREET PUBLIC PEDESTRIAN BEACH ACCESS AND DUNE CROSSING WALKOVER, TOGETHER WITH A FINAL RELEASE OF LIEN AND WARRANTY; AMENDING THE FISCAL YEAR 2022 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE; AND AUTHORIZING EXPENDITURE OF THE UNANTICIPATED REVENUE BY THE PARKS AND RECREATION DEPARTMENT.

RECITALS

WHEREAS, Resolution No. 2021-194 approved a License Agreement to allow Escambia Right of Way Public Beach Access Project, Inc., a Florida not-for-profit corporation, ("Escambia") use of Escambia Street right-of-way to construct and install a public pedestrian beach access and dune crossing walkover ("Right of Way Improvements"); and

WHEREAS, construction of the Right of Way Improvements is complete and Escambia has executed and presented to St. Johns County ("County") a Bill of Sale and Schedule of Values, attached hereto as Exhibit "A", incorporated by reference and made a part hereof, conveying the right-of-way improvements to the County, together with a Final Release of Lien, attached hereto as Exhibit "B", incorporated by reference and made a part hereof and Warranty, attached hereto as Exhibit "C", incorporated by reference and made a part hereof; and

WHEREAS, a letter from Robert G. Moren, Jr., P.E., attached hereto as Exhibit "D," incorporated by reference and made a part hereof, states that the Right of Way Improvements have been constructed in accordance with the approved structurally engineered plans; and

WHEREAS, acceptance of any improvements in the County right-of-way is at the sole discretion of the Board of County Commissioners; and

WHEREAS, among other things, the License Agreement requires Escambia to make a one-time financial contribution of \$7,500 to the County upon acceptance of the Right of Way Improvements by the County; and

WHEREAS, Escambia has requested that, due to unanticipated increases in labor and materials costs nearly doubling the total cost of construction of the Right of Way Improvements, the County accept \$2,500 in complete satisfaction of Escambia's financial contribution obligation under the License Agreement; and

WHEREAS, the County, when preparing its budget for Fiscal Year 2022, did not anticipate receiving this one-time financial contribution, which is now due to be recognized and appropriated into the FY 22 general fund parks and recreation department budget; and

WHEREAS, the County determines that it is in the best interest of the County and the public to accept the Right of Way Improvements and to find that Escambia has satisfied the financial contribution obligation of the License Agreement.

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 into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The above described Bill of Sale and Schedule of Values, Final Release of Lien and Warranty, attached and incorporated hereto, are hereby accepted by the Board of County Commissioners.

Section 3. Acceptance of the public pedestrian beach access and dune crossing walkover does not require repair or replacement by the County should any improvements be destroyed or damaged beyond repair for any reason or cause whatsoever, or to perform any maintenance, repair or replacement of any portion of the improvements at all. The County reserves and maintains the right to remove all or any portion of the improvements at any time for any reason or cause whatsoever.

Section 4. Acceptance of the public pedestrian beach access and dune crossing walkover shall not be construed as acceptance of any other improvements, nor shall acceptance be construed as replacement of any improvement in the County right-of-way.

Section 5. The Clerk of the Court is instructed to record the original Release of Lien and file the Bill of Sale and Warranty in the public records of St. Johns County, Florida.

Section 6. The Board of County Commissioners recognizes and appropriates unanticipated revenue in the amount of \$2,500 into the FY 22 general fund parks and recreation department budget and authorizes its expenditure by the Parks & Recreation Department.


Section 7. 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 by the Board of County Commissioners of St. Johns County, Florida, this 15 day of March, 2022.

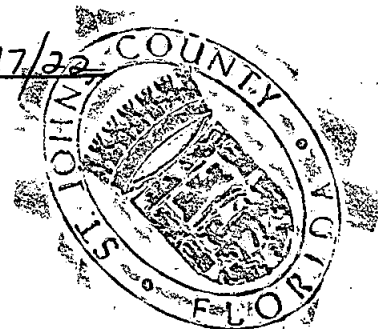
**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: 
Henry Dean, Chair

ATTEST: Brandon J. Patty,
Clerk of the Circuit Court & Comptroller

By: 
Deputy Clerk

Rendition Date 3/17/22





**BILL OF SALE
RIGHT-OF-WAY IMPROVEMENTS**

ESCAMBIA RIGHT OF WAY PUBLIC BEACH ACCESS PROJECT, INC. (the "Seller") for and in consideration of the sum of Ten and No/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to St. Johns County, Florida, a political subdivision of the State of Florida, the following personal property:

See Exhibit A "Schedule of Values" for the right-of-way improvements, including a footpath, dune crossing and other related improvements, located within that portion of the platted right-of-way of Escambia Street lying east of Broward Street, being part of Ocean Grove as recorded in Map Book 3, page 95, of the public records of St. Johns County, Florida.

The Seller does, for itself and its successors and assigns; covenant to and with St. Johns County and its successors and assigns, that it is lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good rights to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this 4 of January, 2022.

WITNESS:
[Signature]
Witness Signature
Doris Adkiewicz
Print Witness Name

[Signature]
Witness Signature
Charlyn Cramecki
Print Witness Name

OWNER:
By: [Signature]
Print: ROBERT W. BRINKLEY
Title: PRESIDENT

STATE OF FLORIDA
COUNTY OF St Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 4 day of January, 2022, by Robert W Brinkley as President for Escambia Right of Way Public Beach Access Project, Inc., a not-for-profit Florida corporation.

[Signature]
Notary Public
My Commission Expires: 03/10/2024

Personally Known or Produced Identification
Type of Identification Produced FDL

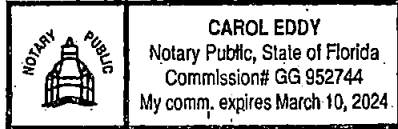


Exhibit "A"

Schedule of Values

(Contractor's Name) *Miner's Marine Construction*

492' Price per linear foot \$ *188.49* Total price: \$ *92,735.58*

Total Investment - \$ *92,735.58*

<i>Path clearing/grading</i>	<i>260'</i>	<i>\$ 4,797.50</i>	<i>\$ 18.45 / ft.</i>
<i>Path materials</i>	<i>260'</i>	<i>\$ 19,266.32</i>	<i>\$ 74.10 / ft.</i>
<i>Walkover materials</i>	<i>232'</i>	<i>\$ 41,171.26</i>	<i>\$ 177.46 / ft.</i>
<i>Labor</i>	<i>492'</i>	<i>\$ 27,500.00</i>	<i>\$ 55.89 / ft.</i>

FINAL RELEASE OF LIEN

RIGHT-OF-WAY IMPROVEMENTS



The undersigned lienor, in consideration of the sum \$92,735.58 hereby waives and releases its lien and right to claim a lien for labor, services or materials furnished through Minna Wilson to Escambia Right of Way Public Beach Access Project, Inc. to the following described property:

See Exhibit "A" for "Schedule of Values" for the right-of-way improvements, including a footpath, dune crossing and other related improvements, located within that portion of the platted right-of-way of Escambia Street lying east of Broward Street, being part of Ocean Grove as recorded in Map Book 3, page 95, of the public records of St. Johns County, Florida.

The waiver and release does not cover any retention or labor, services, or materials furnished after the date specified.

IN WITNESS WHEREOF, the Lienor has caused this instrument to be duly executed and delivered by its duly authorized office on this 1st day of February, 2022.

WITNESS:

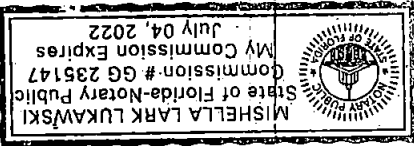
[Signature]
Witness Signature
Print Witness Name
Ran VanLeer

[Signature]
Lienor's Signature
Print Lienor's Name
Myle Newton

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means of a physical presence or by online notarization, this 1st day of February, 2022, by Myle Newton as Contractor for Minna Wilson.

[Signature]
Notary Public
My Commission Expires: 7/4/22



Personally Known or Produced Identification
Type of Identification Produced

Exhibit "A"

Schedule of Values

(Contractor's Name) *Miner's Marine Construction*

492' Price per linear foot \$ *188.49* Total price: \$ *92,735.58*

Total Investment - \$ *92,735.58*

<i>Path clearing/grinding</i>	<i>260'</i>	<i>\$ 4,797.50</i>	<i>\$ 18.45 / ft.</i>
<i>Path materials</i>	<i>260'</i>	<i>\$ 19,266.32</i>	<i>\$ 74.10 / ft.</i>
<i>Walker materials</i>	<i>232'</i>	<i>\$ 41,171.26</i>	<i>\$ 177.46 / ft.</i>
<i>Labor</i>	<i>492'</i>	<i>\$ 27,500.00</i>	<i>\$ 55.89 / ft.</i>



WARRANTY
RIGHT-OF-WAY IMPROVEMENTS

Date: 1/27/22

Project Title: Escambia Right-of-Way Public Beach Access Project
St. Johns County, Florida

FROM: Mineri Marine Construction
Name of Contractor
134 Poole Blvd. St. Augustine, FL 32095
Street Address, City, State Zip

TO: St. Johns County Parks & Recreation Department
2175 Mizell Road
St. Augustine, Florida 32080

The undersigned warrants all its work performed in connection with the above project to be free from all defects in material and workmanship for a period of (1) year from the date of acceptance of the project by St. Johns County and agrees to remedy all defects arising with that period at its expense.

The term defects shall not be construed as embracing damage arising from misuse, negligence, Acts of God, normal wear and tear or failure to follow operating instructions.

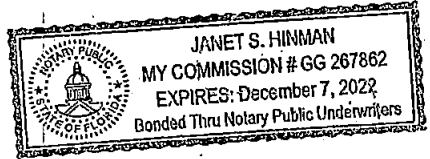
Contractor: [Signature]
Contractor's Signature
Hyle Newton
Print Contractor's Name

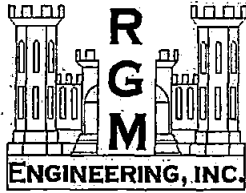
STATE OF FL
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27th day of January, 2022, by Hyle Newton as Contractor for Mineri Marine Construction.

[Signature]
Notary Public
My Commission Expires: 12/17/2022

Personally Known or Produced Identification
Type of Identification Produced





Land Development-Permitting-Utilities

65 Lewis Blvd - St. Augustine, Florida - 32084

February 3, 2022

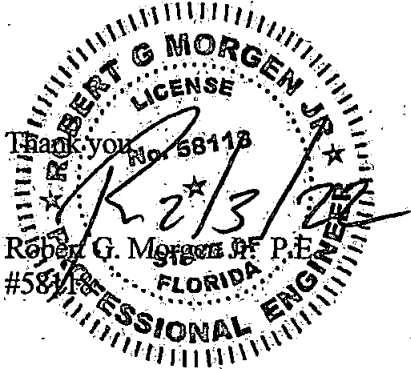
Minor's Marine

Reference: Escambia / Broward Street Public Access

To whom it may concern:

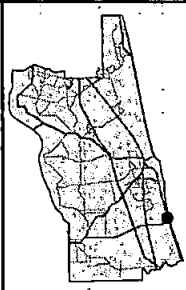
The structure referenced above has been constructed in accordance with the approved structurally engineered plans.

If I can be of any further assistance, please feel free to contact me at 904-814-7633.





Subject Area



2021 Aerial Imagery
February 14, 2022

*Escambia Street
Public Pedestrian Beach Access and
Dune Crossing Walkover*

Land Management
Systems
Real Estate
Division
(904) 209-0790

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.

