

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Resolution 2017-29**
Quit Claim Deed - Fernandina Lumber and Supply Co.

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Resolution 2017-29**

SYNOPSIS: In January 2017, the City was notified by an agent of Fernandina Lumber and Supply Company that a portion of the City Hall parking lot and the dumpster enclosure are encroaching on property owned by Fernandina Lumber and Supply Company. Fernandina Lumber and Supply Company property is being sold to Artisan Homes, LLC for a townhome development, and the City's encroaching improvements have clouded the title.

The Legal Department and City Clerk's Office have researched City records and public records of Nassau County, and there is no easement or transfer of property to the City that would allow the City to maintain the portion of asphalt parking and dumpster enclosure currently encroaching on Fernandina Lumber and Supply Company's property. The proposed buyer, Artisan Homes, has agreed to pay for and do the work to remove any City improvements currently encroaching on the subject property. The timetable for removal of these improvements is not known at this time; however, Artisan Homes will work with the City while clearing and developing the subject property for their townhome development. The City will have to make new improvements to the City Hall parking area and relocate the dumpster enclosure at the time that Artisan Homes is ready to prepare the site for building townhomes. The City Hall parking lot will permanently lose approximately four parking spaces in this process.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS: Beach Safety Alachua Street
(As approved by Resolution 2016-51) Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-29. *DLM*

DEPARTMENT DIRECTOR Submitted by: Tammi E. Bach Date: 2/10/17
City Attorney
CONTROLLER Approved as to Budget Compliance *PAC* Date: 2/10/17
CITY ATTORNEY Approved as to Form and Legality *T&B* Date: 2/10/17
CITY MANAGER Approved Agenda Item for 2/21/17 *DLM* Date: 2/10/17

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

RESOLUTION 2017-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED TO FERNANDINA LUMBER AND SUPPLY COMPANY; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in January 2017, the City was notified by an agent of Fernandina Lumber and Supply Company that a portion of the City Hall parking lot and the dumpster enclosure are encroaching on the property owned by Fernandina Lumber and Supply Company; and

WHEREAS, Fernandina Lumber and Supply Company property is being sold to a developer for a townhome development, and the City's encroaching improvements have clouded the title; and

WHEREAS, in researching City records and public records of Nassau County, there is no easement or transfer of property to the City that would allow the City to maintain the portion of asphalt parking and dumpster enclosure encroaching on Fernandina Lumber and Supply Company property; and

WHEREAS, it is advised that the City Commission authorize the quit claim deed to Fernandina Lumber and Supply Company.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AS FOLLOWS:

SECTION 1. The City Commission hereby authorizes the execution of the quit claim deed, attached hereto as Exhibit "A," to Fernandina Lumber and Supply Company.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 21st day of February, 2017.


CITY OF FERNANDINA BEACH

Robin C. Lentz
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Caroline Best
City Clerk



Tammi E. Bach
City Attorney

THIS DOCUMENT PREPARED
BY AND RETURN TO:

Chris R. Strohmenger, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

QUITCLAIM DEED

THIS QUITCLAIM DEED is made as of the ____ day of _____, _____, by **CITY OF FERNANDINA BEACH**, a political subdivision of the State of Florida (the "Grantor"), whose mailing address is 204 Ash Street, Fernandina Beach, Florida 32034, to **FERNANDINA LUMBER & SUPPLY CO.**, a Florida corporation (the "Grantee"), whose mailing address 2175 West 18th Street, Jacksonville, Florida 32209.

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), in hand paid by the said Grantee, the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby remise, release and quitclaim unto said Grantee and Grantee's successors and assigns forever, any and all right, title, interest, claim, demand or easement which said Grantor has on and over and/or in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Duval, State of Florida:

Lots 25 and 26, Block 270, City of Fernandina, Nassau County, Florida.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining (the "Property"). No consideration of any type or kind, monetary or otherwise, has been provided to Grantor or any other party in connection with the conveyance herein evidenced.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances of Grantor thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit, and behoof of the said Grantee, its heirs, legal representatives, successors and assigns forever.

Grantee, by the acceptance of this Quitclaim Deed, acknowledges that in giving this Quitclaim Deed, Grantor makes no representations or warranties, expressed or implied, with respect to title to the Property.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name, the day and year first above written.

Signed, sealed, and delivered
in the presence of:

GRANTOR:

CITY OF FERNANDINA BEACH, a
political subdivision of the State of Florida

Print Name: _____

By: _____

Name: _____

Its: _____

Print Name: _____

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____, the _____ of the City of Fernandina Beach, a political subdivision of the State of Florida, on behalf of _____. He/She is [] personally known to me or [] produced _____ as identification.

Notary Public, State of Florida

Name: _____

My Commission Expires: _____

My Commission Number is: _____

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY