



## City of North Port

### RESOLUTION NO. 2022-R-14

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, ACCEPTING THE CONVEYANCE OF ±4.66 ACRES OF REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF U.S. 41 AND PRETO BOULEVARD, LOT 1, WELLEN PARK PUBLIC SAFETY COMPLEX, SARASOTA COUNTY PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER 0781010001, AS WELL AS THE IMPROVEMENTS THEREON, WHICH INCLUDE A FIRE STATION, POLICE SUBSTATION, AND RELATED EQUIPMENT; ACCEPTING ASSOCIATED WARRANTIES AND INTANGIBLE PROPERTY; ENTERING AN INDEMNITY AGREEMENT FOR FINAL PAYMENT TO CONTRACTOR; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 25, 2020, the City of North Port entered into the West Villages Developer Agreement (Post Annexation) (“Developer Agreement”) with West Villages Improvement District (“WVID”) and West Villages, LLLP (“WVLP”). The agreement requires: (i) WVID to construct a fire station and police substation and facilities, equipment, and warranties to the City; and (ii) WVLP to convey the land to the City; and

**WHEREAS**, on July 2, 2020, the City, WVID, and WVLP entered into a *Partial Assignment (Related to Fire Station No. 1) of West Villages Developer Agreement (Post Annexation)*, assigning WVID’s construction responsibilities to WVLP; and

**WHEREAS**, Wellen Park Construction, LLLP, a legal entity wholly owned by WVLP, has constructed a public safety complex that includes a fire station and police substation on the property. Main Street Ranchlands, LLLP, a legal entity wholly owned by WVLP, owns the property, as well as the infrastructure and improvements thereon. The public safety complex is now operational and the City has accepted final completion of the project; and

**WHEREAS**, Willis A. Smith Construction, Inc. provided construction services for the public safety complex and provided related warranties; and

**WHEREAS**, Main Street Ranchlands, LLLP desires to transfer ownership of the real property and improvements to the City; and

**WHEREAS**, Wellen Park Construction, LLLP and Main Street Ranchlands, LLLP desire to assign their warranty rights regarding the public safety complex to the City; and

**WHEREAS**, Wellen Park Construction, LLLP and Main Street Ranchlands, LLLP have not made final payment to the contractor but are required to do so and desire to indemnify the City for such payment; and

**WHEREAS**, the City Commission of the City of North Port, Florida finds that this conveyance satisfies WVID's and WVLP's obligations under the Developer Agreement with Respect to *City Fire Station No. 1*, the *Police Substation*, and *Fire Station Parcel No. 1*, as the Developer Agreement defines those terms; and

**WHEREAS**, the City Commission of the City of North Port, Florida finds that this property acquisition satisfies an immediate or future need of the City and desires to accept ownership.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

**SECTION 1 – INCORPORATION OF RECITALS**

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

**SECTION 2 – RESOLUTION**

2.01 The real property at issue bears Sarasota County Property Appraiser parcel identification number 0781010001, located at the southwest corner of U.S. 41 and Preto Boulevard in the City of North Port, and legally described as:

Lot 1, Wellen Park Public Safety Complex, a subdivision, recorded in Plat Book 55, Page 324, Public Records of Sarasota County, Florida (instrument no. 2021146677).

2.02 The City Commission accepts the transfer of ownership to this property and the improvements thereon via the *Warranty Deed* attached as Exhibit 1. This acceptance is based on WVID's assurances in the Estoppel Letter attached as Exhibit 2.

2.03 The City Commission's acceptance in Section 2.02 is further based on the assurances in the *Indemnity Agreement* between Main Street Ranchlands, LLLP; Wellen Park Construction, LLLP; and the City, attached as Exhibit 3. The City Commission approves this agreement and authorizes the City Manager to execute it.

2.04 The City Commission accepts the transfer of ownership to the personal property related to the public safety complex via the *Bill of Sale* attached as Exhibit 4.

2.05 The City Commission approves and authorizes the Mayor to execute the *Assignment and Assumption of Warranties and Intangible Property* between the City; Main Street Ranchlands, LLLP; Wellen Park Construction, LLLP; and Willis A. Smith Construction, attached as Exhibit 5.

2.06 All identified exhibits are incorporated in this resolution by reference.

**SECTION 3 – FILING OF DOCUMENTS**

3.01 The City Clerk is directed to file a certified copy of this resolution with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county.

3.02 The City Clerk is directed to record the fully executed original *Warranty Deed* with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county, concurrent with the recording of this resolution.

3.03 Main Street Ranchlands, LLLP will pay all applicable recording fees.

**SECTION 4 – CONFLICTS**

4.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

**SECTION 5 – SEVERABILITY**

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

**SECTION 6 – EFFECTIVE DATE**

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on \_\_\_\_\_, 2022.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
PETE EMRICH  
MAYOR

ATTEST

\_\_\_\_\_  
HEATHER TAYLOR, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

\_\_\_\_\_  
AMBER L. SLAYTON  
CITY ATTORNEY