



City of North Port

RESOLUTION NO. 2020-R-07

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, ACCEPTING THE CONVEYANCE OF A WASTEWATER TREATMENT PLANT AND ASSOCIATED WARRANTIES, AS WELL AS A PARCEL OF REAL PROPERTY LOCATED ON SOUTH TAMIAMI TRAIL AND DESCRIBED AS A TRACT OF LAND LYING IN SECTION 33, TOWNSHIP 39 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA PARCEL IDENTIFICATION NUMBER 0786002200; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the *2019 Amended and Restated Utilities Agreement* between the City, West Villages Improvement District (WVID), and West Villages, LLLP, requires that WVID construct a wastewater treatment plant on its property and then convey the plant, the land, and related facilities and warranties to the City; and

WHEREAS, the wastewater treatment plant is now operational, and the City has accepted final completion of the project; and

WHEREAS, Garney Companies, Inc. and Youngquist Brothers, Inc. provided construction services for the wastewater treatment plant and provided related warranties that have been assigned to WVID; and

WHEREAS, WVID desires to transfer ownership to the plant, the land, and related facilities to the City; and

WHEREAS, WVID desires to assign its warranty rights regarding the plant and facilities to the City; and

WHEREAS, the City Commission recognizes the need for a City-owned wastewater treatment plant 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 hereby ratified and confirmed as being true and correct and are incorporated herein by reference.

SECTION 2 – RESOLUTION

- 2.01 The real property at issue bears parcel identification number 0786002200, is located on South Tamiami Trail in the City of North Port, and is legally described as:

A tract of land lying in Section 33, Township 39 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of said Section 33; thence S.00°16'02"W., along the East line of said Section 33, a distance of 289.02 feet to the POINT OF BEGINNING, said point being the intersection of the Southerly right-of-way line of Tamiami Trail (U.S.41, Section 17010-2508, 204.00 foot wide public right-of-way); thence continue S.00°16'02"W., along said East line of Section 33, a distance of 1,702.14 feet; thence N.90°00'00"W., a distance of 404.30 feet; thence N.28°37'40"W., a distance of 1,003.23 feet; thence N.00°01'27"E., a distance of 355.39 feet; thence S.89°58'33"E., a distance of 740.41 feet; thence N.19°42'14"E., a distance of 210.88 feet; thence N.00°16'02"E., a distance of 284.07 feet to the point of curvature of a non-tangent curve to the left, having a radius of 3,011.73 feet and a central angle of 01°33'05", said point being on the above mentioned Southerly right-of-way line of Tamiami Trail; thence Easterly along the arc of said curve and said Southerly right-of-way line, a distance of 81.54 feet, said curve having a chord bearing and distance of S.78°34'49"E., 81.54 feet, to the POINT OF BEGINNING.

- 2.02 The City Commission accepts the transfer of ownership to this property and the improvements (including the wastewater treatment plant) thereon via the *Special Warranty Deed* in Exhibit 1, attached and incorporated into this resolution. This acceptance is based on WVID's assurances in the Estoppel Letter and No-Lien Affidavit in Exhibits 2 and 3, respectively, attached and incorporated into this resolution.
- 2.03 The City Commission accepts the transfer of ownership to the personal property related to the wastewater treatment plant via the *Bill of Sale* in Exhibit 4, attached and incorporated into this resolution.
- 2.04 The City Commission approves and authorizes the Mayor to execute the *Acknowledgment of Acquisition of Certain Infrastructure Improvements and Acknowledgement of Assignment of Warranties* between the City, WVID, and Garney Companies, Inc. in Exhibit 5, attached and incorporated into this resolution.
- 2.05 The City Commission approves and authorizes the Mayor to execute the *Acknowledgment of Acquisition of Certain Infrastructure Improvements and Acknowledgement of Assignment of Warranties* between the City, WVID, and Youngquist Brothers, Inc. in Exhibit 6, attached and incorporated into this resolution.

SECTION 3 – FILING OF DOCUMENTS

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

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

SECTION 5 – SEVERABILITY

5.01 If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6 – EFFECTIVE DATE

6.01 This resolution shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida this 25th day of March 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY