City of North Port

RESOLUTION NO. 2024-R-33

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, ACCEPTING THE TRANSFER OF WATER AND WASTEWATER INFRASTRUCTURE AND IMPROVMENTS AND ASSOCIATED WARRANTIES IN SUNSTONE VILLAGE F5, PHASE 2; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 10, 2019, the City of North Port, Florida, and West Villages, LLLP and West Villages Improvement District ("WVID") entered into an *Amended and Restated Utilities Agreement* ("Agreement"), requiring the WVID to pay for the construction of and transfer ownership and control to the City of certain on-site and off-site water distribution and wastewater collection systems; and

WHEREAS, the WVID has constructed certain water and wastewater sanitary sewer and water distribution infrastructure improvements in the City of North Port, Florida, as stipulated in the Agreement; and

WHEREAS, WVID desires to convey and the City desires to accept the transfer of ownership of certain water and wastewater sanitary sewer and water distribution infrastructure improvements in furtherance of the Agreement; and

WHEREAS, the City currently holds easement rights necessary to access the property to operate and maintain the infrastructure improvements; and

WHEREAS, all related construction services infrastructure improvement warranties that have been assigned to the City; and

WHEREAS, the City Commission finds that the conveyance of the water and wastewater sanitary sewer and water distribution infrastructure improvements and related warranties to the City serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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 ACCEPTING INFRASTRUCTURE IMPROVEMENTS AND WARRANTIES

2.01 The City Commission accepts the transfer of ownership of the water and wastewater sanitary sewer and water distribution infrastructure and improvements identified in and transferred via the *Bill of Sale* attached as Exhibit 1, and legally described as:

> Tract A as shown on the plat of Sunstone Village F5, Phase 2, recorded at Plat Book 57, Page 254 in the Official Records of Sarasota County, Florida.

2.02 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 West Villages Improvement District will reimburse the City for 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.

[Remainder of page intentionally left blank; signature page follows]

ADOPTED by the City Commission of the City of North Port, Florida in public session on July 9, 2024.

CITY OF NORTH PORT, FLORIDA

_____
ALICE WHITE
MAYOR

ATTEST

_____
HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

_____
AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that **WEST VILLAGES IMPROVEMENT DISTRICT,** a local unit of special purpose government organized and existing under Chapter 189, *Florida Statutes*, whose mailing address is 2501-A Burns Road, Palm Beach Gardens, Florida 33410 (the "**Seller**") paid by the **CITY OF NORTH PORT, FLORIDA**, whose address is 4790 City Hall Boulevard, North Port, Florida 34286 (the "**City**"), for good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer, and deliver unto the City, its successors and assigns, the following described property, assets and rights, to-wit:

> The water and wastewater infrastructure and improvements more particularly described in **Exhibit A**, attached hereto and made a part hereof, all located on the real property described in **Exhibit B**, attached hereto and made a part hereof, situated, lying and being in the City of North Port, Sarasota County, Florida.

TO HAVE AND TO HOLD all of the foregoing unto the City, its successors and assigns, for its own use forever, free and clear and discharged of and from any and all obligations, claims, or liens.

AND the Seller does hereby covenant to and with the City, its successors, and assigns, that it is the lawful owner of the above-described personal property and assets; that said personal property and assets are free from all liens and encumbrances; that Seller has good right to sell said personal property and assets; that all contractors, subcontractors, and materialmen furnishing labor or materials relative to the construction of the personal property and assets have been paid in full; and that Seller will warrant and defend the sale of its said personal property and assets hereby made, unto the City, its successors, and assigns, against the lawful claims and demands of all persons whosoever.

IN WITNESS WHEREOF, the Seller has caused this instrument to be executed in its name this _____ day of April, 2024.

Signed, sealed and delivered in the presence of:

Witness:

_____

Name: _____

Witness:

_____

Name: _____

WEST VILLAGES IMPROVEMENT DISTRICT a local unit of special government established and existing pursuant to Ch. 189, Florida Statutes

_____

John Luczynski
Chairman, Board of Supervisors

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of April, 2024, by John Luczynski as Chairman of the Board of Supervisors of the West Villages Improvement District. He is personally known to me or has produced _____ as identification.

_____

Notary Public
Name: _____
State of Florida at Large
Commission Expires: _____

(NOTARY SEAL)

EXHIBIT A

ITEMIZED BILL OF SALE

PHASE 2 WATER DISTRIBUTION					
Unit	QTY	CONTR. QTY	Description	Unit Price	Total Amount
EA	3		8" Wstermain Connection	$ 7,460.00	$ 22,380.00
LF	140		4" PVC Watermain	$ 24.00	$ 3,360.00
LF	3440		8" PVC Watermain	$ 52.00	$ 180,600.00
EA	1		Watermain Fittings 8" 11.25 Degree Bend	$ 657.00	$ 657.00
EA	1		Watermain Fittings 8" 90 Degree Bend	$ 722.00	$ 722.00
EA	1		Watermain Fittings 8" Cross	$ 1,110.00	$ 1,110.00
EA	2		Watermain Fittings 8" Sleeve	$ 735.00	$ 1,470.00
EA	1		Watermain Fittings 8"x4" Reducer	$ 574.00	$ 574.00
EA	2		Watermain Fittings 8" Tee	$ 843.00	$ 1,686.00
EA	3		Watermain Blow Off Assmbly, 02"	$ 2,000.00	$ 6,000.00
EA	35		Double Water Service, 1"	$ 1,180.00	$ 41,300.00
EA	29		Single Water Service, 1"	$ 898.00	$ 26,042.00
LF	3555		Watermain Testing	$ 5.00	$ 17,775.00
EA	2		4" Gate Valve (Water Main)	$ 1,770.00	$ 3,540.00
EA	15		8" Gate Valve (Water Main)	$ 2,820.00	$ 42,300.00
EA	9		Fire Hydrant Assembly	$ 8,025.00	$ 72,225.00
				Total Water Distribution=	$ 421,741.00

PHASE 2 SANITARY SEWER					
Unit	QTY	CONTR. QTY	Description	Unit Price	Total Amount
EA	1		Stub and Plug Manhole	$ 1,800.00	$ 1,800.00
EA	2		Connect to Existing Sewer Manhole	$ 9,805.00	$ 19,610.00
LF	712		8" PVC Sanitary Sewer (6/8')	$ 68.00	$ 48,416.00
LF	1266		8" PVC Sanitary Sewer (8/10')	$ 82.00	$ 103,812.00
LF	312		8" PVC Sanitary Sewer (10/12')	$ 84.00	$ 26,208.00
LF	303		8" PVC Sanitary Sewer (12/14')	$ 88.00	$ 26,815.50
EA	12		Sanitary Manhole Testing	$ 266.00	$ 3,192.00
EA	48		Double Sewer Service	$ 2,700.00	$ 1,296,000.00
EA	8		Single Sewer Service	$ 2,035.00	$ 16,280.00
EA	3		Sanitary Sewer Manholes (0/6') Lined	$ 8,830.00	$ 26,490.00
EA	3		Sanitary Sewer Manholes (6/8') Lined	$ 11,045.00	$ 33,135.00
EA	3		Sanitary Sewer Manholes (8/10') Lined	$ 12,445.00	$ 37,335.00
EA	1		Sanitary Sewer Manholes (8/10') Drop	$ 15,410.00	$ 15,410.00
EA	1		Sanitary Sewer Manholes (10/12') Lined	$ 14,260.00	$ 14,260.00
EA	1		Phase 3 Connect to Existing Sewer Manhole	$ 9,805.00	$ 9,805.00
EA	1		Stub and Plug Manhole	$ 1,800.00	$ 1,800.00
LF	275		Phase 3 8" PVC Sanitary Sewer (8/10')	$ 69.50	$ 19,112.50
LF	764		Phase 3 8" PVC Sanitary Sewer (12/14')	$ 88.50	$ 67,614.00
LF	158		Phase 3 8" PVC Sanitary Sewer (14/16')	$ 91.00	$ 14,378.00
LF	154		Phase 3 8" PVC Sanitary Sewer (18/20')	$ 128.00	$ 19,712.00
EA	2		Phase 3 Sanitary Sewer Manholes Lined (8/10')	$ 12,445.00	$ 24,890.00
EA	3		Phase 3 Sanitary Sewer Manholes Lined (12/14')	$ 16,410.00	$ 49,230.00
EA	1		Phase 3 Sanitary Sewer Manholes Lined (14/16')	$ 18,295.00	$ 18,295.00
EA	21		Phase 3 Double Sewer Service	$ 2,700.00	$ 56,700.00
EA	2		Phase 3 Single Sewer Service	$ 2,050.00	$ 4,100.00
				Total Sanitary Sewer=	$ 1,954,400.00

EXHIBIT B

LOCATION OF INFRASTRUCTURE

Tract A as shown on the plat of *Sunstone Village F5, Phase 2*, recorded at Plat Book 57, Page 254 in the Official Records of Sarasota County, Florida.