

TAB 4

POINT PAPER
DISCUSSION REGARDING UTILIZATION OF CITY OWNED PARKING LOT
RIVERSIDE DRIVE AND 10TH AVENUE WEST
MARCH 17, 2008

Issue: There is a deed restriction associated with the City-owned parking lot located on the corner of Riverside Drive and 10th Avenue West (Old Main Street). See attached. This issue of the deed restriction must be addressed in order to consider development on the parcel.

Background: City staff has received several inquiries about the appropriate procedures that would be necessary in order to allow for development of the City-owned parking lot located on the corner of Riverside Drive and 10th Avenue West (Old Main Street). Most recently, City Commission reviewed a proposal for the development of a hotel at this site.

The development of this property would allow for the improvements to generate tax revenue for the City and have a positive economic impact on the downtown. Additionally, there is potential to generate a long-term revenue stream if the City decides to lease the property to a selected developer.

If the restriction can be removed, the City would be at liberty to issue an RFP to gather information about possible development for the property at its highest and best use.

If the restriction cannot be removed, it would be futile to seek proposals or to consider progressing with proposals already presented to the City.

In order to determine whether the deed restriction can be lifted, staff has contacted Harry Van Der Noord. He has advised staff that he established these restrictions in order to protect his economic interests in the surrounding area and is considering the terms under which he would remove or alter the deed restriction. In all likelihood, the restriction will not be lifted without stipulations.

City Commission should direct staff with regard to the potential development of this site.

Return to: (enclose self-addressed stamped envelope)

Name

Address

This instrument Prepared by:

Address

PARKING LOT - RIVERSIDE DR.
PID # 3119400053

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472986

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit-Claim Deed, Executed this 7th day of June, A. D. 19 91, by

COMMUNITY REDEVELOPMENT AGENCY of the City of Palmetto, Florida
first party, to

THE CITY OF PALMETTO
whose postoffice address is

Post Office Box 1209, Palmetto, Florida 34221
second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$ 10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Manatee State of Florida, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

This Deed is subject to all covenants, restrictions, easements and reservations of record.

DECLARATION VERIFIED
RE: SHORE, CLERK OF CIRCUIT COURT
BY: *[Signature]*

To Have and to Hold the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of:

[Signature]
[Signature]

COMMUNITY REDEVELOPMENT AGENCY of the
City of Palmetto, Florida

BY: *[Signature]* James Biggins
L.S. L.S.

STATE OF FLORIDA,
COUNTY OF

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

JAMES BIGGINS to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 7th day of June, A. D. 1991.

[Signature]
Commissioner Expires 11/2/1992

ATTORNEYS AT LAW
POST OFFICE BOX 1866
BRADENTON, FL 34206

O. R. 1338 PG 3115

EXHIBIT "A"

Commence at an iron pipe on the west R/W of 9th Avenue West, in the City of Palmetto (said pipe marking the northeast corner of Lot 6, Block "K", of "Lamb's Fractional Subdivision", as recorded in Plat Book 1, Page 164, of the Public Records of Manatee County, Florida); thence S. $00^{\circ}25'57''$ E., along the west R/W of said 9th Avenue West, 270.35 ft. to an iron pipe marking the intersection with the northeasterly line of "Riverside Drive"; thence N. $84^{\circ}25'20''$ W., along said northeasterly line, 191.05 ft., for a Point of Beginning; thence continue N. $84^{\circ}25'20''$ W., along said northeasterly line, 199.54 ft. to an iron pipe marking the intersection with the occupied east R/W of 10th Avenue West; thence N. $00^{\circ}10'00''$ W., along said east R/W, 252.85 ft. to an iron pipe marking the intersection with the north line of the south 80 ft. of Lot 4 of said Block "K"; thence N. $89^{\circ}30'16''$ E., along the north line of the south 80 ft. of said Lot 4, 197.27 ft. to the intersection with the west line of that certain parcel of land as described and recorded in Official Records Book 1012, Page 2973, of the Public Records of Manatee County, Florida; thence S. $00^{\circ}25'57''$ E., along the west line of said certain parcel, 5.63 ft. to an iron pipe marking the southwest corner thereof; thence continue S. $00^{\circ}25'57''$ E. along the southerly extension of said west line, a distance of 268.33 ft. to the point of beginning, being and lying in Section 23, Township 34 S., Range 17 E., Manatee County, Florida.

**CERTIFICATE OF RESOLUTION OF
THE CITY OF PALMETTO COMMUNITY REDEVELOPMENT AGENCY**

I, DALE HOFFNER, Vice Chairman of the COMMUNITY REDEVELOPMENT AGENCY, certify that the following is a true copy of the resolution unanimously adopted by the Community Redevelopment Agency on June 3, 1991, at a regular meeting and that said resolution has not been rescinded or modified:

RESOLVED, that the Chairman of the COMMUNITY REDEVELOPMENT AGENCY, James Biggins, shall be and is hereby authorized to execute and deliver a Quit Claim Deed to The City of Palmetto of the property described on Exhibit "A", commonly known as the Regatta Pointe parking lot. This Deed shall be executed and delivered upon the express understanding that it is subject to all easements, restrictions and covenants of record, and is delivered in exchange for the release of the agency from that certain debt to THE CITY OF PALMETTO in the approximate amount of One Hundred Sixty One Thousand Five Hundred and NO/100 Dollars (\$161,500.00).

FURTHER RESOLVED, that the Vice Chairman of the agency, Dale Hoffner, shall execute a Certificate of Resolution, to be recorded in the Public Records of Manatee County, Florida.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Vice-Chairman of the PALMETTO COMMUNITY REDEVELOPMENT AGENCY, pursuant to the and lawful authority, this 3rd day of June, 1991.


DALE HOFFNER, VICE-CHAIRMAN

FILED AND RECORDED
R.B. SHORE, CLERK
MANATEE COUNTY, FL
JUN 11 11 30 AM '91

OR 1217

893824

REC-15.
ST 893.75
INT.
TOT 908.75

WARRANTY DEED

This Warranty Deed Made the 14th day of April, 1988 by THE PALMETTO WHARF COMPANY, LTD., a Florida Limited Partnership, and having its principal place of business at 2100 66th Street North, St. Petersburg, Florida 33710 hereinafter called the Grantor, to COMMUNITY REDEVELOPMENT AGENCY of the City of Palmetto, Florida, P.O. Box 1209, Palmetto, Florida 34220, hereinafter the Grantee:

Witnesseth: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases and confirms unto the Grantee, all that certain land situate in Manatee County, Florida, viz:

See Schedule "A" attached hereto and incorporated by reference.

Subject to taxes for the year 1988 and subsequent years and easements, covenants, conditions, restrictions and reservations of record.

This conveyance is made by Grantor and accepted by Grantee subject to the following restriction on the use of the property hereby conveyed:

Grantee, its successors or assigns, shall not erect or maintain or permit to be erected or maintained on any of the property described in Schedule "A" hereto, any building or other improvements except for a paved parking lot or similar parking facility and related lighting and other improvements necessary for such parking facilities and any parking lot or facility constructed upon such facility shall remain available for use by the general public, at no fee, including specifically the Regatta Pointe Marina, Restaurant and Arcade, Crusaders Club and other adjacent and public river-front activities.

The foregoing restriction shall be deemed a covenant running with the land and shall be for the benefit of and be enforceable by the Grantor, its successors and assigns.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and To Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof, the said Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

J. E. Clivots
Curtis P. ...

THE PALMETTO WHARF COMPANY, LTD., a Florida Limited Partnership

By: THE 600 INVESTMENT CORPORATION, INC., a Florida corporation, as its General Partner

By: D. ...
as its Vice President

STATE OF FLORIDA

COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 14th day of April, 1988, by D. David Coney as Vice President of THE 600 INVESTMENT CORPORATION, INC., a Florida corporation, General Partner of the THE PALMETTO WHARF COMPANY, LTD., a Florida Limited Partnership, on behalf of the Partnership.

Linda L. Fuller
Notary Public

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Dec. 25, 1988
Bonded by American Fire & Casualty Company

This Instrument prepared by:

Curtis D. Hamlin, Esq.
HARLEE & FORGES, P.A.
6666 22nd Avenue North, Suite 308
St. Petersburg, Florida 33710

W6/wd2

SCHEDULE "A"

Commence at an iron pipe on the west R/W of 9th Avenue West, in the City of Palmetto (said pipe marking the northeast corner of Lot 6, Block "K", of "Lamb's Fractional Subdivision", as recorded in Plat Book 1, Page 164, of the Public Records of Manatee County, Florida); thence S. $00^{\circ}25'57''$ E., along the west R/W of said 9th Avenue West, 270.35 ft. to an iron pipe marking the intersection with the northeasterly line of "Riverside Drive"; thence N. $84^{\circ}25'20''$ W., along said northeasterly line, 191.05 ft., for a Point of Beginning; thence continue N. $84^{\circ}25'20''$ W., along said northeasterly line, 199.54 ft. to an iron pipe marking the intersection with the occupied east R/W of 10th Avenue West; thence N. $00^{\circ}10'00''$ W., along said east R/W, 252.85 ft. to an iron pipe marking the intersection with the north line of the south 80 ft. of Lot 4 of said Block "K"; thence N. $89^{\circ}30'16''$ E., along the north line of the south 80 ft. of said Lot 4, 197.27 ft. to the intersection with the west line of that certain parcel of land as described and recorded in Official Records Book 1012, Page 2973, of the Public Records of Manatee County, Florida; thence S. $00^{\circ}25'57''$ E., along the west line of said certain parcel, 5.63 ft. to an iron pipe marking the southwest corner thereof; thence continue S. $00^{\circ}25'57''$ E. along the southerly extension of said west line, a distance of 268.33 ft. to the point of beginning, being and lying in Section 23, Township 34 S., Range 17 E., Manatee County, Florida.

MANATEE COUNTY
PROPERTY APPRAISER

3119400053
320 10TH AVE W

PALMETTO CITY OF



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