

TAB 9

**CITY OF PALMETTO, FLORIDA
RESOLUTION NO. 08-27**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; PROVIDING AN AGREEMENT IN PRINCIPAL THAT THE CITY WILL TAKE CERTAIN ACTIONS AND ENTER INTO CERTAIN AGREEMENTS TO FACILITATE DEVELOPMENT OF A NEW ELEMENTARY SCHOOL TO BE GENERALLY LOCATED AT _____; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the City of Palmetto ("City") has determined that facilitation of a new elementary school at a particular proposed location within the City of Palmetto is a proper municipal purpose; and

WHEREAS, the Manatee County School Board ("School Board") , in cooperation with the City and several third parties, proposes to develop a new

elementary school on real property generally located at _____ in the City of Palmetto; and

WHEREAS, development of a new elementary school on the proposed location requires that the City, the School Board and the aforementioned third parties negotiate and enter into a number of agreements; and

WHEREAS, representatives of the City and the School Board have had numerous conversations and meetings, and have reached an agreement in principle regarding development of a new elementary school at the proposed location; and

WHEREAS, despite the City's willingness and desire to enter into binding agreements to facilitate development of a new elementary school at the proposed location, the City is mindful of the complexity of those agreements and finds that additional time is needed to negotiate said agreements, and complete fiscal and legal review; and

WHEREAS, the City Commission has determined that adoption of this resolution is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The above-referenced "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. The City of Palmetto hereby endorses location of a new elementary school at or about _____, and agrees in principle to the following:

1. The City of Palmetto agrees to sell the proposed land at the 10th St. W. site to the Manatee School District at the appraised price. This sale is subject to resolution of the title uncertainty regarding three lots on the proposed site.
2. The City of Palmetto agrees to sell approximately 1.6 acres of the subject 10th St. W. parcel to the Boys & Girls Club for approximately \$117,000.
3. The City of Palmetto agrees to offer the services of the City's grants coordinator to help with appropriate phases of the project.
4. The City of Palmetto agrees to accept approximately 11 acres of land situated adjacent to 23rd St. W. in proximity to Blackstone Park from Manatee Fruit Co. Said land is to be received in acceptable environmental condition such that a little league baseball complex can be constructed thereupon. In return, the City of Palmetto agrees to issue impact fee credit to Manatee Fruit Co. based on an acceptable appraisal.
5. The City of Palmetto agrees to maintain ownership of and keep operational the public tennis courts on the subject site.
6. The City of Palmetto agrees to maintain close coordination with the Just For Girls organization and where possible include them in the cooperative arrangements with the new elementary school.
7. The City of Palmetto agrees to work with the North River American Little League to define the requirements for the proposed baseball complex, including the number of baseball fields, types, etc. Palmetto will be responsible for constructing the complex and the cost is to be borne by the proceeds of the sale of the parcels to the Boys and Girls Club and to the Manatee School District, expected to total approximately \$900,000. Grants may be explored to help pay for part of the cost. The City of Palmetto will retain ownership of the complex and will lease it to the Little League for \$1.00 per year. Operating costs, including insurance, utilities, etc. will be paid for by the Little League. A suitable lease, or agreement will be developed by Palmetto.
8. The City of Palmetto will offer its support to the Little League organization in negotiating continued maintenance and repair services for the complex by Manatee County.
9. The City of Palmetto (CRA) agrees to swap approximately 0.9 acres of land adjacent to the current Palmetto Elementary School for approximately 0.9 acres on the NW corner of 10th St. W. and 7th St. W. (the "FFA" building.)

10. The City of Palmetto agrees to lease to the Manatee School District for \$1.00 per year the use of storm water retention capacity in the Hidden Lakes retention area.

11. The City of Palmetto agrees to sell the parcels of land previously purchased by the CRA, adjacent to the current Palmetto Elementary School, to the Manatee School District at the original purchase price, less the swap provision in 9. above.

Section 3. Resolutions In Conflict. This Resolution hereby supersedes all resolutions, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. It is the intent of this Resolution to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provision or portion shall be deemed null and void but all remaining provision and portions of this Resolution shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall take effect immediately unless otherwise provided by law.

PASSED AND DULY ADOPTED, in regular session, by the City Commission of the City of Palmetto, with a quorum present and voting, this 18th day of August, 2008.

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: _____
LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk