

TAB 3



City of Palmetto Agenda Item

Meeting Date

05-07-12

Presenter: Mark P. Barnebey/Jeff Burton

Department: City Attorney/CRA Director

Title: Authorize the City Attorney to file a suit, if necessary, to resolve the 10 foot Hiatus

ISSUE:

After purchasing the Cadence and Circle K properties north of Riverside Drive between 8th and 9th Avenue West, there remains an approximately 10 foot wide hiatus between the two properties (the "Hiatus Property"). Neither Cadence nor Circle K had an interest in resolving the issue while they owned the property, because it had no impact on their uses of their property. The City will need to attempt to resolve this issue prior to any consolidated development of the site.

DISCUSSION:

Although we have not received final word from the title company on this issue, it is likely that some type of legal action will be needed to provide clear title and title insurance for the City. We are still evaluating the best approach, but a quiet title or a declaratory judgment action is the most likely avenue at this time. Eminent domain is also a possibility but less likely due to statutory constraints on use by the City after taking. There is also a possibility that if title is clear that a purchase may resolve the issue.

Budgeted Amount: \$0.00 Budget Page No(s): Available Amount: \$0.00 Expenditure Amount: \$0.00

Additional Budgetary Information:

Funding Source(s): Sufficient Funds Available: Yes No Budget Amendment Required: Yes No Source:

City Attorney Reviewed: Yes No N/A Advisory Board Recommendation: For Against N/A Consistent With: Yes No N/A

Potential Motion/ Direction Requested: Authorize the City Attorney to file appropriate legal action, if necessary, to provide clear title for the Hiatus Property.

Staff Contact: Jeff Burton

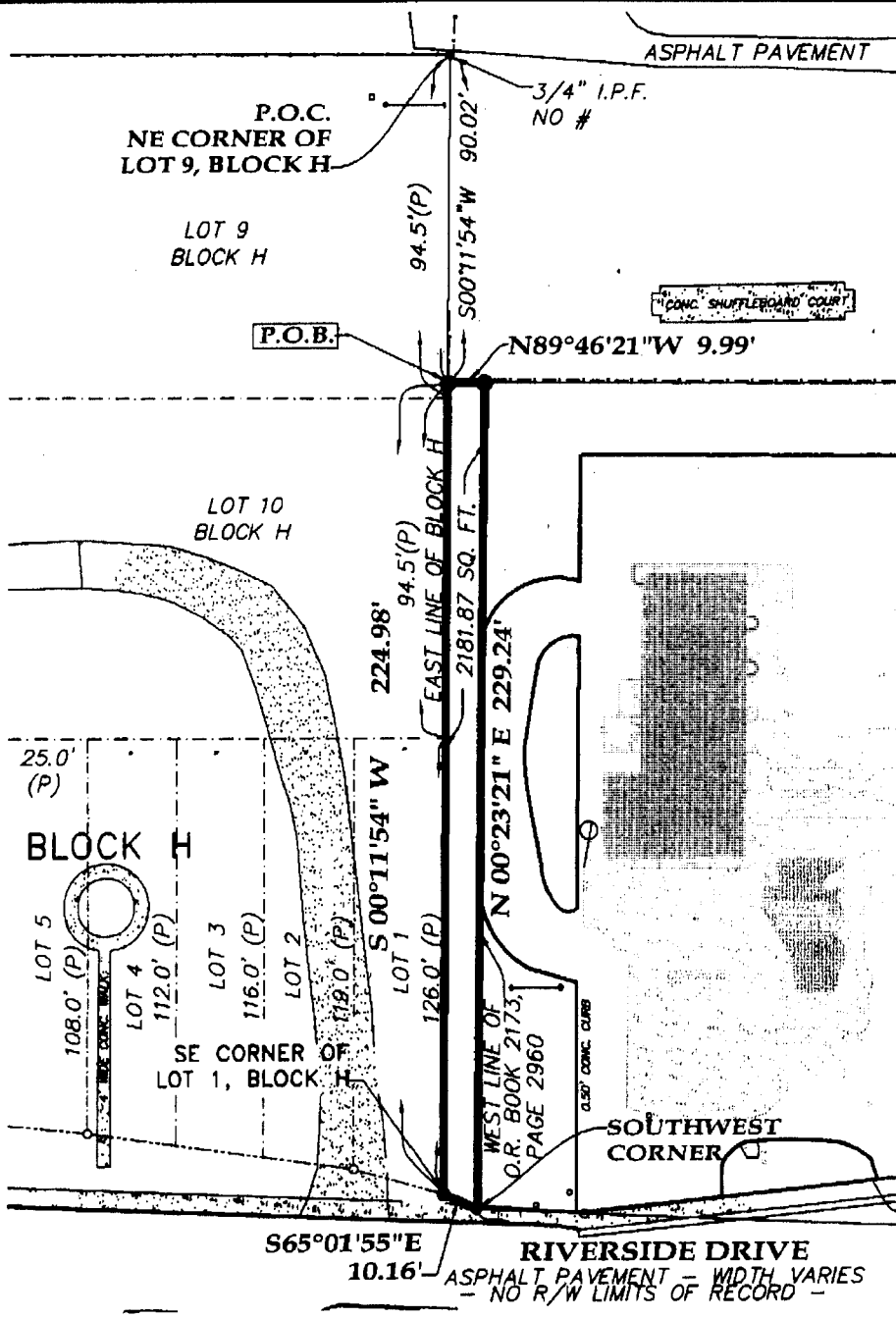
Attachments: Diagram of area

MEMBER
 Florida Society Of
 Professional Surveyors
 & Mappers
 Manasota Chapter
 Of Surveyors

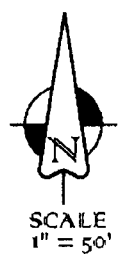


CLEMENTS SURVEYING, INC.
 509 8th Avenue West
 SUITE 140
 PALMETTO, Florida 34221
 Phone: 729-6690
 Fax: 729-7580
 LB#6667

Boundaries
 Mortgage
 Elevation Cert.
 Construction Layout
 Subdivisions



SKETCH OF DESCRIPTION
 - NOT A BOUNDARY SURVEY -



DESCRIPTION:
 COMMENCE AT THE NORTHEAST CORNER OF LOT 9, BLOCK H, OF LAMB'S FRACTIONAL SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S00°11'54"W, ALONG THE EAST LINE OF SAID BLOCK H, A DISTANCE OF 90.02 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S00°11'54"W, ALONG SAID EAST LINE, A DISTANCE OF 224.98 FEET TO THE SOUTHEAST CORNER OF LOT 1, OF SAID BLOCK H; THENCE S65°01'55"E, A DISTANCE OF 10.16 FEET TO A POINT BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2173, PAGE 2960, OF SAID PUBLIC RECORDS; THENCE N00°23'21"E, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 229.24 FEET; THENCE N89°46'21"W, A DISTANCE OF 9.99 FEET TO THE POINT OF BEGINNING.
 CONTAINING 2181.87 SQUARE FEET.

NOTE:
 BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF 8TH AVENUE WEST BEING S00°23'02"W, AS PER GPS GRID MEASUREMENT.

Job NO. 11-275-H
 FB 201 PG 31-33
 Date Of 12-29-11
 Location 12-29-11
 Foundation _____
 Final _____
 Prepared On 1-20-12
 Drawn By KDH

CERTIFICATION OF SURVEYOR
 BY: James L. Clements
 JAMES L. CLEMENTS, P.S.M. # 4091
 DATE OF CERTIFICATION 1-23-12
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

LEGEND
 P=Plat M=Measured D=Deed
 R/W=Right Of Way R=Radial
 ● =Iron Rod Found(IRF)
 ○ =Iron Rod Set(IR) #6667
 ● =Iron Pipe Found
 ▲ =Nail & Disc Found
 ▲ =Nail & Disc Set #6667
 TBM=Temporary Bench Mark
 POB=Point Of Beginning
 POC=Point Of Commencement
 CMF=Concrete Monument Found
 CMS=Concrete Monument Set #6667
 PRM=Permanent Reference Monument
 PC=Point Of Curve
 0.00 = Elevation