

9-H)



OFFICE OF THE CITY ATTORNEY

MEMORANDUM

**To:** Mayor Kramer, Vice-Mayor Old, Councilmember Turner, Councilmember Winger, and Councilmember Howle

**From:** Wayne R. Coment – City Attorney *wrc*

**Subject:** Acceptance of Conveyance – Humiston Park parking lot

**Date:** June 15, 2016

Attached for your review and approval of acceptance on behalf of the City is the conveyance by deed from Indian River County to the City any County interest in the west overflow parking lot for Humiston Park on Ocean Drive.

The property was dedicated in 1944 and transferred to the City for park purposes by county commission resolution at the City's request. However, a deed was not executed at that time transferring fee simple title to the City, leaving the property merely held in trust by the City with the County potentially still being considered the actual fee owner. The City has continued to use and maintain the property since the original dedication.

Acceptance of the conveyance and recording of the attached County Deed will extinguish any remaining interest of the County in the property, rectifying the potential cloud on the City's title to this property, as well as clarify that the County is not responsible for the property or any uses or activities on the property. The property will continue to be subject to the public park purposes restriction, which the County retains the right to enforce.

Approval and acceptance of this conveyance is recommended. Please let me know should you have any questions regarding the foregoing.

Prepared by:  
Indian River County Attorney's Office  
1801 27<sup>th</sup> Street  
Vero Beach, FL 32960  
772-226-1425

## COUNTY DEED INDIAN RIVER COUNTY, FLORIDA

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, 2016, by **INDIAN RIVER COUNTY, FLORIDA**, a political subdivision of the State of Florida ("GRANTOR"), whose mailing address is 1801 27<sup>th</sup> Street, Vero Beach, Florida 32960, and the **CITY OF VERO BEACH, FLORIDA**, a Florida municipal corporation ("GRANTEE"), whose mailing address is P. O. Box 1389, Vero Beach, Florida 32961-1389.

WITNESSETH that the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by GRANTEE, receipt whereof is hereby acknowledged, has granted, bargained and sold to GRANTEE, its successors and assigns, the following described land lying and being in Indian River County, Florida:

**See Exhibit "A" attached hereto and made a part hereof  
(the "Property").**

This conveyance formalizes by deed the former action of the Board of County Commissioners under Resolution dated October 3, 1944, recorded in Minute Book 3, Page 150 of the Indian River County Board of County Commissioners. The Property shall be used exclusively for public park purposes, which restriction shall run with the land and may be enforced by GRANTOR, its successors or assigns, at law or in equity, at GRANTOR'S reasonable discretion, to prevent use of the Property inconsistent with public park purposes.

IN WITNESS WHEREOF the said GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairman of said Board, the day and year aforesaid.

INDIAN RIVER COUNTY, FLORIDA  
By its Board of County Commissioners

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

By:   
Deputy Clerk

By:   
Bob Solari, Chairman

BCC approved: June 14, 2016

(Official Seal)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY   
DYLAN REINGOLD  
COUNTY ATTORNEY



## EXHIBIT "A"

Lots 28 and 29, Block 1, VERO BEACH ESTATES, according to the plat thereof, recorded in Plat Book 5, Page 8 of the Public Records of St. Lucie County, Florida, said lands now located in Indian River County, Florida.

ACCEPTANCE OF CONVEYANCE

The foregoing conveyance is hereby accepted by the City of Vero Beach, Florida, as evidenced by the signature of the undersigned, who has been duly authorized by the City Council of the City of Vero Beach to accept this conveyance on its behalf.

ATTEST:

CITY OF VERO BEACH

\_\_\_\_\_  
Tammy K. Vock  
City Clerk

\_\_\_\_\_  
Jay Kramer  
Mayor

[SEAL]

Date: \_\_\_\_\_

Approved as to form and legal  
sufficiency:

  
\_\_\_\_\_  
Wayne R. Coment  
City Attorney

Approved as conforming to municipal  
policy:

  
\_\_\_\_\_  
James R. O'Connor  
City Manager

RESOLUTION NO. 2016-052

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, APPROVING A COUNTY DEED TO THE CITY OF VERO BEACH, CONVEYING LOTS 28 AND 29, BLOCK 1, VERO BEACH ESTATES LOCATED GENERALLY ON THE SOUTHWEST CORNER OF DAHLIA LANE AND OCEAN DRIVE WITHIN THE CITY OF VERO BEACH.

WHEREAS, on September 13, 1944, the City Council of the City of Vero Beach passed Resolution 302 which included a request for the Indian River County Board of County Commissioners (the "Board") to dedicate the property located on the southwest corner of Dahlia Lane and Ocean Drive (the "Property") for "park purposes"; and

WHEREAS, on October 3, 1944, the Board approved a resolution in which the Board stated that it "does hereby dedicate to public use and purposes the lands herein described", which included the Property to be used for park purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

1. The Board finds that the City of Vero Beach has made application as required by Florida Statutes section 125.38 for conveyance of the Property;
2. The Property shall be used for park purposes;
3. The Board approves, and authorizes the Chairman to execute the County Deed conveying Lots 28 and 29, Block 1, Vero Beach Estates, to the City of Vero Beach for \$1.00; and
4. The County Deed is executed pursuant to the authority of Florida Statutes sections 125.38 and 125.01.

The foregoing Resolution was offered by Commissioner Davis and seconded by Commissioner O'Bryan, and, upon being put to a vote, the vote was as follows:

Chairman Bob Solari	<u>AYE</u>
Vice Chairman Joseph E. Flescher	<u>AYE</u>
Commissioner Peter D. O'Bryan	<u>AYE</u>
Commissioner Wesley S. Davis	<u>AYE</u>
Commissioner Tim Zorc	<u>AYE</u>

RESOLUTION NO. 2016-052

The Chairman thereupon declared the Resolution duly passed and adopted this 14 day of June, 2016.

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

INDIAN RIVER COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

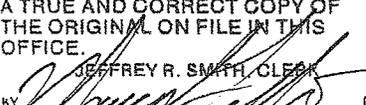
By   
Deputy Clerk

By   
Bob Solari, Chairman



Approved as to form and legal  
sufficiency:

  
Dylan Reingold  
County Attorney

STATE OF FLORIDA INDIAN RIVER COUNTY	
THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.	
BY <u></u>	D.C.
DATE <u>6-14-2016</u>	

