

RESOLUTION NO. 2710

A RESOLUTION AUTHORIZING AND DIRECTING THE PROPER OFFICERS TO EXECUTE AND DELIVER TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, A DEED OF CONVEYANCE OF A CERTAIN PARCEL OF LAND 100 FEET WIDE RUNNING FROM THE INTERSECTION OF 17TH STREET AND THE WESTERLY BANK OF THE INDIAN RIVER; SAID PARCEL TO BE USED FOR THE WESTERLY APPROACH TO THE PROPOSED 17TH STREET BRIDGE.

WHEREAS, the State of Florida, through its Department of Transportation, hereinafter referred to as "DOT", has formulated plans for the construction of a Bridge in the City of Vero Beach, hereinafter "CITY" crossing the Indian River between 17th Street on the West and Causeway Boulevard on the East; and,

WHEREAS, there has been a judicial determination that the CITY owns fee simple title to a one hundred (100) foot wide strip of land running between the intersection of 17th Street and Indian River Boulevard and the Westerly bank of the Indian River, which strip is more specifically described hereinafter, and referred to as "THE CORRIDOR", and which strip of land is necessary for the Westerly approach of said proposed bridge; said "CORRIDOR" is bounded and described as follows:

BEGINNING at a point 617 feet south of the NW corner of Government Lot 4, Section 6, Township 33 South, Range 40 East, and on the west line of said Government Lot 4; thence East parallel to the north line of said Government Lot 4 to the west shore line of the Indian River; thence South along shore of the Indian River 100 feet; thence west parallel to the north line of Government Lot 4, Section 6, Township 33 South, Range 40 East to the west line of Government Lot 4; thence North 100 feet to the point of beginning.

SAID land lying and being in City of Vero Beach, EXCEPT the West 10 acres of said Government Lot 4 which is not within the City limits; all in Indian River County, Florida;

and,

WHEREAS, the City has submitted to County of Indian River,

hereinafter "County" the estimates for UTILITIES relocation within the CORRIDOR at an approximate cost of FOUR HUNDRED THREE THOUSAND SIX HUNDRED DOLLARS (\$403,600.00); and,

WHEREAS, the City and the County entered into an Agreement dated November 16, 1976, resolving certain issues regarding the responsibility for costs of relocation of said UTILITIES and providing certain contingencies after the occurrence of which City agreed to deliver to DOT a deed of conveyance of the above described parcel of land; and,

WHEREAS, on December 15, 1976, the County adopted its Resolution No. 76-104 authorizing DOT to expend an amount not to exceed \$403,600.00 from County second gas tax money in connection with relocation of utilities in said "CORRIDOR"; copy of said Resolution is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, under date of December 20, 1976, DOT, through its Office of Legal Operations informed the County of Indian River:

"Accordingly, in my opinion the use of second gas tax money as contemplated in the Agreement, dated November 16, 1976, between the City and Indian River County concerning relocation of utilities within the land in question will be an authorized use of such funds."

and,

WHEREAS, the conditions specified in the aforesaid Agreement of November 16, 1976, have been met.

NOW THEREFORE, be it hereby resolved by the City of Vero Beach by its Council assembled and it is hereby resolved by the authority of the same that:

#### SECTION I

The proper officers be and they are hereby authorized and

directed to execute and deliver to DOT a deed of conveyance to:

BEGINNING at a point 617 feet south of the NW corner of Government Lot 4, Section 6, Township 33 South, Range 40 East, and on the west line of said Government Lot 4; thence East parallel to the north line of said Government Lot 4 to the west shore line of the Indian River, thence South along shore of the Indian River 100 feet; thence west parallel to the north line of Government Lot 4, Section 6, Township 33 South, Range 40 East to the west line of Government Lot 4; thence North 100 feet to the point of beginning;

Said land lying and being in City of Vero Beach, EXCEPT the West 10 acres of said Government Lot 4 which is not within the City limits; all in Indian River County,

said deed to contain a reverter clause providing that in the event that the property ceases to be used for highway purposes, same shall revert to the City of Vero Beach.

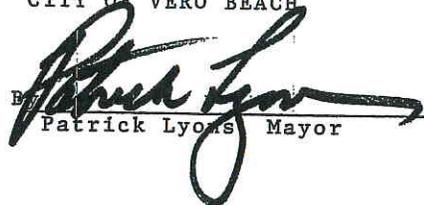
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I HEREBY CERTIFY that the foregoing resolution was passed by City Council of the City of Vero Beach on the 4<sup>th</sup> day of January, 1977.

ATTEST:

  
City Clerk

CITY OF VERO BEACH

  
Patrick Lyons Mayor

RESOLUTION NO. 76 - 104

WHEREAS, on November 16, 1976, Indian River County and the City of Vero Beach entered into an Agreement regarding relocation of utilities within the corridor area for the 17th Street Bridge, and the conveyance by the City of Vero Beach to the Department of Transportation fee simple title for said corridor; and

WHEREAS, Indian River County has received satisfactory approval from the Department of Transportations' legal counsel as to the availability of Secondary Road Fund monies for the relocation of utilities within the corridor area; and

WHEREAS, the Agreement between Indian River County and the City of Vero Beach called for Indian River County to pass a Resolution allocating funds for relocation, and at the same time or immediately thereafter, the City of Vero Beach to convey fee simple title to the corridor area to the Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that the Department of Transportation for the State of Florida is hereby directed to expend an amount not to exceed \$403,600.00 from Indian River County Secondary Trust Funds for the purpose of relocating certain utilities solely within the corridor of the 17th Street Bridge. The allocation of County Secondary Trust Funds is made pursuant to the terms of that Agreement dated November 16, 1976, entered into between Indian River County, Florida and the City of Vero Beach; a copy of said Agreement is made a part of this Resolution; and

BE IT FURTHER RESOLVED, that reference to the 17th Street Bridge corridor is referred to by the Department of Transportation as budget item No. 415311, State Project No. 88003-6501.

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This Resolution shall become effective as of the

15th day of December, 1976

BOARD OF COUNTY COMMISSIONERS OF  
INDIAN RIVER COUNTY, FLORIDA

BY: William C. Wodtke Jr.  
William C. Wodtke, Jr., Chairman

Attest: Ralph Harris  
Clerk  
by Virginia Hargreaves  
Deputy Clerk

STATE OF FLORIDA  
INDIAN RIVER COUNTY  
I hereby certify that the foregoing  
is a true and correct copy of the  
Resolution 76-104 as filed  
in the public records of this Office.  
Witness my hand and seal of office  
this 4th day of Jan, 1977  
J. Freda Clerk

**This Warranty Deed** Made and executed the 4th day of January A. D. 1977 by  
CITY OF VERO BEACH, a municipal

corporation existing under the laws of Florida, and having its principal place of  
business at 1053 20th Place, Vero Beach, Florida 32960  
hereinafter called the grantor, to STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION,

a corporation existing under the laws of the State of Florida, with its permanent postoffice  
address at Haydon Burns Building 605 Suwannee St. Tallahassee, Florida  
hereinafter called the grantee: 32304

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and  
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 1.00 and other  
valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell,  
alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Indian River  
County, Florida, viz:

BEGINNING at a point 617 feet south of the NW corner of a Govern-  
ment Lot 4, Section 6, Township 33 South, Range 40 East, and on  
the west line of said Government Lot 4; thence East parallel to the  
north line of said Government Lot 4 to the west shore line of the  
Indian River, thence South along shore of the Indian River, 100  
feet; thence west parallel to the north line of Government Lot 4,  
Section 6, Township 33 South, Range 40 East to the west line of  
Government Lot 4; thence North 100 feet to the point of beginning.

Said land lying and being in City of Vero Beach, EXCEPT the West 10  
acres of said Government Lot 4 which is not within the City limits;  
all in Indian River County, Florida,

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any-  
wise appertaining.

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

**And** the grantor hereby covenants with said grantee that it 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 war-  
rants 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

RESERVING unto grantor its successors and assigns the reversion of  
said property to it or them in event said premises cease to be used  
for highway purposes and utility easements including, but not limited  
to piping for coolant water, wiring, etc, in the infrastructure now  
in place or to be  
constructed.

(CORPORATE SEAL)

**In Witness Whereof**

the 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.

ATTEST:

*Caryl R. Stevens*  
City Clerk

CITY OF VERO BEACH

Signed, sealed and delivered in the presence of:

*William G. Madoff*  
*Alma Lee Day*

*Robert B. Jones*  
Mayor

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER COUNTY }

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

well known to me to be the Mayor, President and City Clerk respectively of the municipal  
in the foregoing deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily  
under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of January, A. D. 19 77

*George J. Callahan*

This instrument prepared by:

Address I. W. Cordisco  
1053 20th Place  
Vero Beach, Florida 32960

SEE RESOLUTION No. 2710