

RESOLUTION NO. 2007 - 38

A RESOLUTION OF THE CITY OF VERO BEACH, FLORIDA, REDUCING THE AMOUNT OF AIRPORT PROPERTY LEASED BY THE CITY OF VERO BEACH TRANSMISSION AND DISTRIBUTION DEPARTMENT AND AMENDING RENTAL RATES TO REFLECT THE REDUCTION IN THE LEASEHOLD SQUARE FOOTAGE; REPEALING AND REPLACING RESOLUTION 90-08; PROVIDING FOR AN EFFECTIVE DATE.



WHEREAS, the City of Vero Beach owns and operates the Vero Beach Municipal Airport; and,

WHEREAS, Federal law implemented by the Federal Aviation Administration through deed restrictions and grant assurances requires the City to operate the Airport as a public facility and to receive fair market value for the use of Airport property even when that property is leased for use by other City Departments; and,

WHEREAS, pursuant to these federal requirements, City Resolution 90-08 established rental rates for the use of Parcel 44 by the City's Transmission and Distribution Department for the operation of Sub-Station #5; and,

WHEREAS, the Transmission and Distribution Department no longer requires for its purposes all of the property currently being leased from the Airport and desires to reduce the leasehold from 287,060 square feet to 109,956 square feet by dividing Parcel 44 into three separate parcels, Parcels 45, 45A, and 46, and leasing only Parcel 45 together with an access easement over Parcel 45A; and,

WHEREAS, the Airport Commission has reviewed the changes proposed by the Transmission and Distribution Department and has recommended adoption by the Vero

Beach City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1. Legal Description.

The City shall use and hold, as if a leasehold, Parcel 45, located at the Vero Beach Municipal Airport, Vero Beach, Indian River County, Florida, as described and set forth in Exhibit A to this Resolution.

Section 2. Terms.

The above described Parcel 45 consists of 102,378 square feet of development land, 7,578 square feet of easement land, together with 6,420 square feet of access easement over Parcel 45A, for a total square footage of 116,376. The annual rental amount to be paid to the Airport Fund by the Transmission and Distribution Department shall be \$32,813.10. This rental rate is based on 102,378 square feet of land at \$0.30 per square foot per year, plus 13,998 square feet of "easement land" at \$0.15 per square foot per year.

Section 3. Annual Consumer Price Index (CPI) Adjustment.

The foregoing rental rates shall be adjusted annually in accordance with the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for all Urban Consumers, using the July to July report.

Section 4. Repeal of Resolution 90-08.

Resolution 90-08 is hereby repealed upon the effective date of this Resolution.

Section 5. Effective Date.

The effective date of this Resolution shall be September 18, 2007.

This resolution was read for the first time on the day of n/a 2007, and was advertised in the Press Journal on the day of n/a 2007, for a public hearing to be held on the 18th day of September 2007, at which time it was moved for adoption by Councilmember Abell, seconded by Councilmember Fromang, and adopted on the 18th day of September 2007, by the following vote:

Mayor Thomas P. White	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Vice Mayor Sabin C. Abell	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Debra Fromang	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Kenneth J. Daige	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Bill Fish	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

ATTEST:

CITY OF VERO BEACH, FLORIDA



Tammy K. Vock
City Clerk



Thomas P. White
Mayor

Approved as to form and legal
sufficiency:

Approved as conforming to municipal
policy:



Charles P. Vitunac
City Attorney



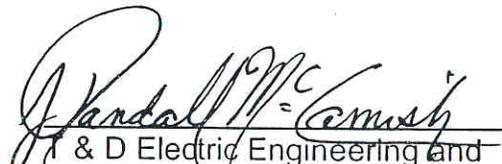
James M. Gabbard
City Manager

Approved as to technical requirements:

Approved as to technical requirements:



Airport Director



& D Electric Engineering and
Construction Director

This instrument prepared by the
Office of the City Attorney
City of Vero Beach
Post Office Box 1389
Vero Beach, Florida 32961-1389

EXHIBIT "A"
PROPERTY DESCRIPTION
VERO BEACH AIRPORT PARCEL #45
Southern Portion of Parcel #32-39-26-00011-0440-00001.0



Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a portion of Section 3, Township 33 South, Range 39 East and being more particularly bounded and described as follows:

Commencing at the Northeast corner of Section 3-33-39, run North 89°45'39" West along the North line of said Section 3 for a distance of 633.00 feet to a point of intersection with the West line of a 55 foot wide drainage right-of-way;

Thence South 0°09'00" West along the West line of said drainage right-of-way for a distance of 92.09 feet to the Point of Beginning;

Thence from the Point of Beginning, continue South 0°09'00" West along said West right-of-way line for a distance of 180.35 feet;

Thence South 21°18'00" East along said West right-of-way line for a distance of 122.79 feet to a point of intersection with the North right-of-way line of the Main Canal;

Thence South 69°21'47" West along said North right-of-way line of the Main Canal for a distance of 360.18 feet;

Thence North 20°41'28" West for a distance of 290.73 feet;

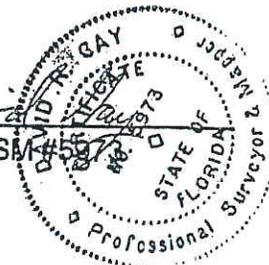
Thence North 69°15'05" East for a distance of 423.10 feet to the Point of Beginning;

Containing 109,956 square feet more or less.

Said parcel subject to a 25-foot drainage and maintenance easement across the East 25 feet;

Containing 7,578 square feet more or less.


David R. Gay, PSM #5573



MEMORANDUM

TO: James M. Gabbard, City Manager
VIA: Charles Vitunac, City Attorney
FROM: Ericson W. Menger, Airport Director
DATE: September 5, 2007
SUBJECT: RESOLUTION TO AMEND LEASE TERMS WITH CITY TRANSMISSION & DISTRIBUTION (T&D) DEPARTMENT FOR SUB-STATION NO. 5

4-B
7-daily
FILE COPY

Approved & Executed
Copy
Rec'd
10/13/07

Attached for your review and consideration is a proposed Resolution to reconfigure and reduce the parcel described below. The land is no longer needed by City T & D at this site, and a new commercial lease for a warehouse facility has been proposed (as a separate agenda item) for this site.

BACKGROUND:

The City T&D Department leased 6.59 acres of vacant land at the airport in 1990 for the purpose of constructing Electric Sub-station #5. The sub-station is located east of the Citrus Park Village Mobile Home Park and immediately north of the main relief canal (see attached sketch). For many years, established policy has been that when a City department leases land at the airport it is accomplished by City Council Resolution, rather than by executing a standard airport lease agreement.

The T&D Department has been paying full market rent on this property to the Airport fund ever since 1990 (Resolution 90-08). It has been determined by T&D staff that they no longer need the entire 6.59 acres of land to operate the sub-station, and they do not anticipate any future need for the excess property. Accordingly, the attached resolution (which replaces Resolution 90-08) has been prepared by the City Attorney's Office, and approved by T&D staff, for the purpose of reducing the size of the parcel currently under lease by the T&D Department.

Taking this action accomplishes a substantial reduction in expenses to the T&D Department, places undeveloped vacant land on the market for commercial development resulting in additional ad valorem taxes to the City of Vero Beach, and increases the net rental revenue to the Airport. A companion agenda item which proposes to lease this site to a private company (Southern Atlantic Supply Division, Inc., dba Allied Building Products) has been forwarded under separate cover. The Airport Commission unanimously approved both actions at its August 17, 2007, regular meeting.

RECOMMENDATION:

I respectfully request this item be placed on the September 18, 2007, City Council agenda. I recommend approval of the new Resolution.

EWM/jm

Attachment

cc: Airport Commission Members
Steve Maillet, Finance Director
Joe DeMarzo, Director, T&D Electrical Engineering & Construction

EXHIBIT "A"
PROPERTY DESCRIPTION
VERO BEACH AIRPORT PARCEL #45
Southern Portion of Parcel #32-39-26-00011-0440-00001.0



Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a portion of Section 3, Township 33 South, Range 39 East and being more particularly bounded and described as follows:

Commencing at the Northeast corner of Section 3-33-39, run North 89°45'39" West along the North line of said Section 3 for a distance of 633.00 feet to a point of intersection with the West line of a 55 foot wide drainage right-of-way;

Thence South 0°09'00" West along the West line of said drainage right-of-way for a distance of 92.09 feet to the Point of Beginning;

Thence from the Point of Beginning, continue South 0°09'00" West along said West right-of-way line for a distance of 180.35 feet;

Thence South 21°18'00" East along said West right-of-way line for a distance of 122.79 feet to a point of intersection with the North right-of-way line of the Main Canal;

Thence South 69°21'47" West along said North right-of-way line of the Main Canal for a distance of 360.18 feet;

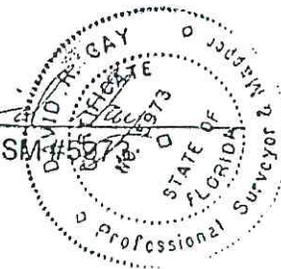
Thence North 20°41'28" West for a distance of 290.73 feet;

Thence North 69°15'05" East for a distance of 423.10 feet to the Point of Beginning;

Containing 109,956 square feet more or less.

Said parcel subject to a 25-foot drainage and maintenance easement across the East 25 feet;

Containing 7,578 square feet more or less.


David R. Gay, PSM #5973


Approved by
City Council 9-18-07,
dfu!

authorizing the negotiation, execution and delivery of a loan agreement with respect to the issuance of the series 2007A Note, such Note to be a limited obligation of the City payable from Marina revenues and a covenant to Budget and appropriate legally available non-ad valorem revenues as pledged herein; providing for the rights and securities of the owner of the Note; designating the Note as a "Qualified Tax Exempt Obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; making for certain covenants and agreements for the benefit of the purchaser of the series 2007A Note; and providing for an effective date.

added
"companion"
resolution → 4(B)
BT
Approved
5-0 → C

A Resolution of the City of Vero Beach, Florida, reducing the amount of Airport property leased by the City of Vero Beach Transmission and Distribution Department and amending Rental Rates to reflect the reduction in the leasehold square footage; repealing and replacing Resolution 90-08; providing for an effective date.

D BT A Resolution of the City of Vero Beach, Florida, appointing a Director and Alternate to serve on the Florida Gas Utility Board of Directors.

E BT A Resolution of the City of Vero Beach, Florida, creating an Architectural Review Commission.

5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING

A) An Ordinance of the City of Vero Beach, Florida, amending Sections 2.02 and 2.04 of the Charter of the City of Vero Beach, and Sections 2-1 and 2-111 of the Code of Ordinances to reflect the change in date of the General Municipal Election from the Second Tuesday in March of each year to the First Tuesday in November in each year pursuant to Ordinance No. 2007-12 adopted July 17, 2007; providing for an effective date.

6. CITY CLERK'S MATTERS

A) Appointments and Reappointments to Commission/Boards

✓ (D. Schwartz reappointed to AP Commission)

7. CITY MANAGER'S MATTERS

2(C) → A) Lift Station No. 11 Replacement - Pine Avenue & Fairway Drive Intersection Realignment

Items 20(1)
(2)
(6) - Airport Leases

8. CITY ATTORNEY'S MATTERS

Approved
5-0
(comments by Mayor - keep site clean; remove nails of other debris.)

9. CITY COUNCIL MATTERS

A. Old Business

3-F)

MEMORANDUM

TO: Airport Commission Members
FROM: Ericson W. Menger, Airport Director
DATE: August 1, 2007
SUBJECT: **PROPOSED RESOLUTION TO AMEND LEASE TERMS WITH CITY TRANSMISSION & DISTRIBUTION (T&D) DEPARTMENT FOR SUB-STATION NO. 5**

Attached for your review and consideration is a copy of a proposed new City Resolution that is required to reconfigure and reduce the parcel described in the above-referenced existing lease agreement. An existing commercial tenant (Allied Building Products) is interested in developing the land not needed by City T & D at this site with a new warehouse facility as an expansion to its existing operations across the street.

BACKGROUND:

The City T&D Department leased 6.59 acres of vacant land at the airport in 1990 for the purpose of constructing Electric Sub-station #5. The sub-station is located east of the Citrus Park Village Mobile Home Park and immediately north of the main relief canal (see attached sketch). As you know, when a City department leases land at the airport it is accomplished by City Council Resolution, rather than by executing a standard airport lease agreement.

The T&D Department has been paying full market rent on this property to the Airport fund ever since 1990 (Resolution 90-08). It has been determined by T&D staff that they no longer need the entire 6.59 acres of land to operate the sub-station, and they do not anticipate any future need for the excess property. Accordingly, the attached resolution (which replaces Resolution 90-08) has been prepared by the City Attorney's Office, and approved by T&D staff, for the purpose of reducing the size of the parcel currently under lease by the T&D Department.

Taking this action accomplishes a reduction in expenses to the T & D Department, places undeveloped vacant land on the market for commercial development resulting in additional ad valorem taxes to the City of Vero Beach, and increases the net rental revenue to the Airport.

RECOMMENDATION:

I look forward to discussing this matter with you at the August 17, 2007, Airport Commission meeting. I recommend approval of the Resolution.

EWM/jm

Attachment

cc: Charlie Vitunac, City Attorney
Steve Maillet, Finance Director
Joe DeMarzo, Director, T&D Electrical Engineering & Construction

RESOLUTION NO. 2007 - ____

A RESOLUTION OF THE CITY OF VERO BEACH, FLORIDA, REDUCING THE AMOUNT OF AIRPORT PROPERTY LEASED BY THE CITY OF VERO BEACH TRANSMISSION AND DISTRIBUTION DEPARTMENT AND AMENDING RENTAL RATES TO REFLECT THE REDUCTION IN THE LEASEHOLD SQUARE FOOTAGE; REPEALING AND REPLACING RESOLUTION 90-08; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach owns and operates the Vero Beach Municipal Airport; and,

WHEREAS, Federal law implemented by the Federal Aviation Administration through deed restrictions and grant assurances requires the City to operate the Airport as a public facility and to receive fair market value for the use of Airport property even when that property is leased for use by other City Departments; and,

WHEREAS, pursuant to these federal requirements, City Resolution 90-08 established rental rates for the use of Parcel 44 by the City's Transmission and Distribution Department for the operation of Sub-Station #5; and,

WHEREAS, the Transmission and Distribution Department no longer requires for its purposes all of the property currently being leased from the Airport and desires to reduce the leasehold from 287,060 square feet to 109,956 square feet by dividing Parcel 44 into three separate parcels, Parcels 45, 45A, and 46, and leasing only Parcel 45 together with an access easement over Parcel 45A; and,

WHEREAS, the Airport Commission has reviewed the changes proposed by the Transmission and Distribution Department and has recommended adoption by the Vero

Beach City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1. Legal Description.

The City shall use and hold, as if a leasehold, Parcel 45, located at the Vero Beach Municipal Airport, Vero Beach, Indian River County, Florida, as described and set forth in Exhibit A to this Resolution.

Section 2. Terms.

The above described Parcel 45 consists of 102,378 square feet of development land, 7,578 square feet of easement land, together with 6,420 square feet of access easement over Parcel 45A, for a total square footage of 116,376. The annual rental amount to be paid to the Airport Fund by the Transmission and Distribution Department shall be \$32,813.10. This rental rate is based on 102,378 square feet of land at \$0.30 per square foot per year, plus 13,998 square feet of "easement land" at \$0.15 per square foot per year.

Section 3. Annual Consumer Price Index (CPI) Adjustment.

The foregoing rental rates shall be adjusted annually in accordance with the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for all Urban Consumers, using the July to July report.

Section 4. Repeal of Resolution 90-08.

Resolution 90-08 is hereby repealed upon the effective date of this Resolution.

Section 5. Effective Date.

The effective date of this Resolution shall be _____, 2007.

This resolution was read for the first time on the ____ day of _____ 2007, and was advertised in the Press Journal on the ____ day of _____ 2007, for a public hearing to be held on the ____ day of _____ 2007, at which time it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted on the ____ day of _____ 2007, by the following vote:

Mayor Thomas P. White	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Vice Mayor Sabin C. Abell	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Debra Fromang	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Kenneth J. Daige	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Bill Fish	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Thomas P. White
Mayor

Approved as to form and legal
sufficiency:

Approved as conforming to municipal
policy:

Charles P. Vitunac
City Attorney

James M. Gabbard
City Manager

Approved as to technical requirements:

Approved as to technical requirements:

Airport Director

T & D Electric Engineering and
Construction Director

This instrument prepared by the
Office of the City Attorney
City of Vero Beach
Post Office Box 1389
Vero Beach, Florida 32961-1389

EXHIBIT "A"
PROPERTY DESCRIPTION
VERO BEACH AIRPORT PARCEL #45
Southern Portion of Parcel #32-39-26-00011-0440-00001.0

Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a portion of Section 3, Township 33 South, Range 39 East and being more particularly bounded and described as follows:

Commencing at the Northeast corner of Section 3-33-39, run North 89°45'39" West along the North line of said Section 3 for a distance of 633.00 feet to a point of intersection with the West line of a 55 foot wide drainage right-of-way;

Thence South 0°09'00" West along the West line of said drainage right-of-way for a distance of 92.09 feet to the Point of Beginning;

Thence from the Point of Beginning, continue South 0°09'00" West along said West right-of-way line for a distance of 180.35 feet;

Thence South 21°18'00" East along said West right-of-way line for a distance of 122.79 feet to a point of intersection with the North right-of-way line of the Main Canal;

Thence South 69°21'47" West along said North right-of-way line of the Main Canal for a distance of 360.18 feet;

Thence North 20°41'28" West for a distance of 290.73 feet;

Thence North 69°15'05" East for a distance of 423.10 feet to the Point of Beginning;

Containing 109,956 square feet more or less.

Said parcel subject to a 25-foot drainage and maintenance easement across the East 25 feet;

Containing 7,578 square feet more or less.


David R. Gay, PSM #597