

RESOLUTION 2024-196

A RESOLUTION OF THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE SALE OF COUNTY PROPERTY TO THE CITY OF BROOKSVILLE

WHEREAS, the Board of County Commissioners (the "Board") is the governing body for Hernando County, a political subdivision of the State of Florida; and,

WHEREAS, the Board has certain powers and authority relative to the disposition of real property belonging to the County; and,

WHEREAS, Fla. Stat. § 125.38 authorizes counties to sell real property to municipalities if that property will be used for public or community interests and welfare; and,

WHEREAS, the City of Brooksville has made an application to the Board of County Commissioners requesting the conveyance of property located in the City of Brooksville, to wit: Hernando Park and the Teen Hall; and,

WHEREAS, the Board has confirmed through its staff that fee ownership rights in such property are not needed for County purposes; and,

WHEREAS, the City of Brooksville requests conveyance for nominal consideration so that the property may continue to be used for park and other recreational purposes; and,

WHEREAS, it is the intent of this Resolution to acknowledge the application, the purpose for which the property will be used, and the price, therefore.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hernando County, Florida, that:

1. The above recitations are true and accurate and are hereby adopted and incorporated herein as if set out at length.
2. Hernando County has concluded that the real property described below is surplus land and fee interest is not needed for County purposes. An easement for utilities will be reserved by the County. This land is more particularly described in the attached Exhibit "A."
3. Hernando County accepts the application of the City of Brooksville to obtain the property for public park and other recreational uses, and hereby finds that these uses comply with the statutory requirement that the property be used for public or community interest and welfare.
4. The County agrees to convey the property to the City of Brooksville for the nominal consideration of ten dollars (\$10.00).

5. In order to complete the transaction contemplated herein, the Board authorizes the County Attorney's Office to finalize documents necessary to complete the transaction contemplated herein. In addition, this Resolution specifically authorizes the County Attorney to execute the documents necessary to convey the property to the City of Brooksville.

BE IT RESOLVED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS, IN REGULAR SESSION, on this 10th day of September, 2024.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest:

Heidi Kuyper, Deputy Clerk
fa Douglas A. Chorvat, Jr.
Clerk of Court & Comptroller

By:

E. Nasser
Print Name: Elizabeth Nasser
Chair/Vice-Chair

Approved for Form & Legal Sufficiency



[Signature]
County Attorney

Exhibit A to Resolution
PROPERTY DESCRIPTION

LEGAL FOR PARCEL 98.3 (PARK TRACT)

COMMENCING AT THE NORTH RIGHT-OF-WAY LINE OF FORT DADE AVENUE AND THE EAST RIGHT-OF-WAY LINE OF HOWELL AVENUE; ALSO BEING THE SOUTHWEST CORNER OF PARCEL 98.0; THENCE ALONG SAID NORTH RIGHT-OF-WAY, RUN N89°29'21"E, 181.20 FEET TO THE SOUTHWEST CORNER OF PARCEL 98.1; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°32'04"E, 86.36 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 98.1 AND THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY, RUN ALONG THE EAST LINE OF SAID PARCEL 98.1 N01°22'13"W, 153.20 FEET; THENCE N89°47'46"W, 82.53 FEET; THENCE N00°47'48"E, 123.07 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF PARCEL 98.0; THENCE ALONG SAID NORTH BOUNDARY LINE, RUN N87°34'13"E, 255.63 FEET; THENCE N87°22'06"E, 75.18 FEET TO THE EAST BOUNDARY LINE OF SAID PARCEL 98.0; THENCE S04°41'07"W, 147.82 FEET; THENCE N87°29'57"E, 145.14 FEET; THENCE S00°34'14"E, 146.42 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF FORT DADE AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE, RUN S89°29'21"W, 380.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.28 ACRES MORE OR LESS.

(A Portion of Parcel ID No.: R22 422 19 0000 0980 0000 Key No.: 420459)

COUNTY DEED

THIS DEED made this 10th day of September, 2024, between, **HERNANDO COUNTY**, a political subdivision of the State of Florida (the "Grantor"), whose address is 15470 Flight Path Drive, Brooksville, FL 34604, and the **CITY OF BROOKSVILLE**, a Florida municipal corporation (the "Grantee"), whose post office address is 201 Howell Avenue, Brooksville, FL 34601. As used herein, the terms "Grantor" and "Grantee" refer to the respective parties, and the heirs, personal representatives, successors, and assigns of such parties.

WITNESSETH:

That Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto Grantee, its successors, and its assigns, forever, all of Grantor's rights, title, and interest, if any, in and to the following described lands, lying and being in Hernando County, Florida (the "Property"), to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit, and behalf of the said Grantee forever; provided, that Grantor reserves unto itself a perpetual utility easement over the entire Property.

PURSUANT TO FLA. STAT. § 125.411(3), this Deed conveys only the interest of Grantor in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

PURSUANT TO FLA. STAT. § 270.11, Grantor hereby reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the subject land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the subject land with the privilege to mine and develop each interest; provided, that the right of entry with respect to any interest in phosphate, minerals, metals, or petroleum reserved in favor of Grantor is hereby released if the subject parcel being conveyed is or has always been a contiguous tract of less than 20 acres in the aggregate under the same ownership.

THIS CONVEYANCE IS SUBJECT TO all zoning rules, regulations, ordinances, and other prohibitions imposed by any governmental authority with jurisdiction over the Property conveyed herein; existing public purpose utility and government easements and rights of way and other matters of record; sponsorship agreements, real estate taxes for the year of closing and all

subsequent years; and certain restrictions of the use of the Property ("Property Restrictions") as set forth in Exhibit B, such Property Restrictions are hereby incorporated herein and made a part hereof by this reference.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING REVERTER CLAUSE:

In the event that the Property is used for any purpose that is inconsistent with the Property Restrictions, Grantor, through its County Administrator, or designee, may prepare and record an affidavit reciting that it has conducted due diligence on the use of the Property and determined that the Property is being used for a purpose that is inconsistent with the Property Restrictions and that Grantee has not cured such defects within thirty (30) days of receiving notice from Grantor. Upon the recording of said affidavit in the public records of Hernando County, Florida, title shall automatically revert to Grantor as a matter of law and pursuant to this reverter clause.

Grantor and Grantee acknowledge that the preparation and recordation of the foregoing affidavit shall be conclusive evidence upon which any party may rely that the condition of the reverter has occurred, and that title reverts to Grantor. Grantor and Grantee acknowledge that Grantor's failure to exercise its rights pursuant to this reverter clause does not constitute a waiver of Grantor's rights set forth herein.

Grantor may, in its sole discretion, waive any or all of the reverter conditions contained in the reverter clause above for an additional specified period of time to be determined by Grantor if Grantor finds it necessary to extend the time frame in which Grantee can cure any defects. Such waiver by Grantor, to be effective, must be evidenced by the preparation and recordation of an affidavit executed by the County Administrator, or designee, giving such waiver and specifying the new time frame in which Grantee must cure any defects ("Waiver Affidavit"). The recordation of the Waiver Affidavit by Grantor shall be conclusive evidence upon which any party may rely that the condition of the reverter has been extended to such date as specified in said waiver.

[SIGNATURE PAGE FOLLOWS]

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Witness: Colleen Conko
Print Name: Colleen Conko

Witness: Heidi Kuerste
Print Name: HEIDI KURPPE

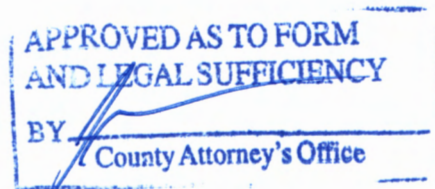
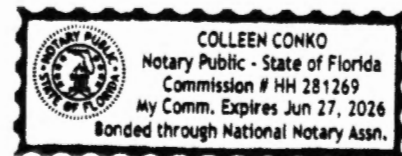
By: E. Narverud
Printed Name: Elizabeth Narverud
Chair/Vice-Chair



STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10th day of September, 2024, by _____, Chair/Vice-Chair of the Hernando County Board of County Commissioners, a political subdivision of the State of Florida, who is personally known to me.

Colleen Conko
Notary Public



**Exhibit A to County Deed
PROPERTY DESCRIPTION**

LEGAL FOR PARCEL 98.3 (PARK TRACT)

COMMENCING AT THE NORTH RIGHT-OF-WAY LINE OF FORT DADE AVENUE AND THE EAST RIGHT-OF-WAY LINE OF HOWELL AVENUE; ALSO BEING THE SOUTHWEST CORNER OF PARCEL 98.0; THENCE ALONG SAID NORTH RIGHT-OF-WAY, RUN N89°29'21"E, 181.20 FEET TO THE SOUTHWEST CORNER OF PARCEL 98.1; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°32'04"E, 86.36 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 98.1 AND THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY, RUN ALONG THE EAST LINE OF SAID PARCEL 98.1 N01°22'13"W, 153.20 FEET; THENCE N89°47'46"W, 82.53 FEET; THENCE N00°47'48"E, 123.07 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF PARCEL 98.0; THENCE ALONG SAID NORTH BOUNDARY LINE, RUN N87°34'13"E, 255.63 FEET; THENCE N87°22'06"E, 75.18 FEET TO THE EAST BOUNDARY LINE OF SAID PARCEL 98.0; THENCE S04°41'07"W, 147.82 FEET; THENCE N87°29'57"E, 145.14 FEET; THENCE S00°34'14"E, 146.42 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF FORT DADE AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE, RUN S89°29'21"W, 380.43 FEET TO THE POINT OF BEGINNING.

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(A Portion of Parcel ID No.: R22 422 19 0000 0980 0000 Key No.: 420459)

Exhibit B to County Deed
PROPERTY RESTRICTIONS

The Property, on which are situated Hernando Park and the Teen Hall, shall be subject to the following restrictions:

- a. Grantee shall continue to operate and maintain both Hernando Park and the Teen Hall, and it is one of the conditions of this conveyance that the Property shall not be sold by Grantee but shall be kept and used perpetually only for such purposes.
- b. Grantee shall maintain Hernando Park, in perpetuity, as a public park that is open to all residents of Hernando County, Florida.
- c. Grantee shall allow unincorporated area residents equal access and use of the Property and may not discriminate against unincorporated area residents in program registration, pricing, or any other policies.
- d. These restrictions be recited at length in all future deeds of the premises conveyed.