

Legislative #  
150937C



# Alachua County Board of County Commissioners

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Robert "Hutch" Hutchinson, *Chair*  
Ken Cornell, *Vice Chair*  
Mike Byerly  
Charles "Chuck" Chestnut, IV  
Lee Pinkoson

**Administration**  
Dr. Lee A. Niblock, CM  
*County Manager*

April 22, 2016

Edward Braddy, Mayor  
City of Gainesville  
200 East University Avenue  
Gainesville, Florida 32601

Dear Mayor Braddy;

At our board meeting today, the County Commission voted to initiate the Florida Governmental Conflict Resolution Act (Chapt. 164, Fla. Stat.) with the City of Gainesville; to file an action in circuit court to recover real property in the possession of the City of Gainesville; and to send this letter to the City of Gainesville Board. The intent of this letter is to explain why the County Commission took these actions, to describe the matter from our perspective, and to begin the process of working out a solution to this matter. We are aware that this may be the first time that the City Board has considered these issues and we are hopeful that an amicable resolution can be reached.

The property in dispute is the location of the former RTS Administration and Operations Center at 100 SE 10<sup>th</sup> Avenue, Gainesville, Florida. The County held title to the property in the late '70s and early '80s when the County was operating the regional transit system. In the early '80s, the County transferred ownership of the property to the City by deed (recorded at Alachua County Official Records Book 1457, Book 108, dated January 7, 1983) with the express purpose that the property be used in the operation of a regional transit system. The deed also contained a reverter clause, stating that if the City "cease[d] to use the foregoing land and improvements thereon, in the operation of a regional transit system, then and in that event, the title to said property shall immediately revert to Alachua County, Florida." To the best of our knowledge, the City ceased using the former RTS Administration and Operations Center by January of 2015 when it opened the new RTS facility and, in accordance with the 1980s deed, the title immediately returned to the County. A copy of the deed is attached for your review.

So far the conversation about this matter has been on a staff level and our Board has concerns about the messages that County staff is receiving from City staff. High-level City staff has expressed their contention that the empty buildings and overgrown premises are still being used for transit operations. Based on our observations and the attached photos, this property is unoccupied and unsecured and in a state of neglectful disrepair, the type of disrepair which is common when a facility is not in use.

In response to City staff's contentions and on advice of the County Attorney, the County Commission felt it had to take legal action to protect its interest in the property, to secure the property, to mitigate the County's premise liability, and to preserve evidence that may be needed if the lawsuit unfortunately has to go forward.

To that end, the County Attorney has made a legal demand to the City Attorney that the property be surrendered to the County and that all evidence of use of the facility be preserved. These actions are being taken because, legally, this is the only way to preserve our rights. We are hopeful that the City Commission will recognize this purpose and will not view these actions as adversarial.

The County has been very supportive of the City's RTS program and we hope that the City will keep this in mind when considering how it wants to approach this matter. Members of the County Commission and staff attended your ribbon cutting where your new facility was touted as a state-of-the-art replacement to the 40-year-old, sub-standard facility. The old facility is no longer used in the operation of a regional transit system. From a review of the Clerks records, it is abundantly clear that the intent of the City and County was that, when the property was no longer used for transit, it would return to the County. We hope that the City Board will be supportive of effectuating that intent, at which time the County would withdraw its legal challenge.

We look forward to the opportunity to discuss this matter on a board level.

Sincerely,



Robert Hutchinson, Chair  
Alachua County Commission  
chr16.060

RH/MLL/set

Enclosures

cc: Alachua County Board of County Commissioners  
Dr. Lee Niblock, County Manager  
Michele L. Lieberman, County Attorney  
Helen K. Warren, Commissioner, City of Gainesville  
Harvey Budd, Commissioner, City of Gainesville  
Charles Goston, Commissioner, City of Gainesville  
Todd Chase, Commissioner, City of Gainesville  
Craig Carter, Commissioner, City of Gainesville  
Randy Wells, Commissioner, City of Gainesville

D. E. B.

THIS DEED, made this 3rd day of October, A.D. 1981, by Alachua County, Florida, a political subdivision of the State of Florida, party of the first part, and the City of Gainesville, Florida Municipal Corporation, party of the second part:

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, to it in hand paid by the party of the second part, receipt of which is hereby acknowledged, has granted, bargained, and sold to the party of the second part, its successors and assigns forever, all such interest as the County may have in the following described land, lying and being in Alachua County to wit:

SEE ATTACHMENT "A".

This conveyance is subject to the interest of the United States Department of Transportation acquired under UMTA Grant No. FL-03-0024, and shall be disposed of pursuant to OMB Circular A-102 should this property ever revert to the party of the first part.

PROVIDED, HOWEVER, this land and the improvements thereon is deeded to the City of Gainesville, party of the second part, to be used in the operation of a regional transit system. This conveyance is made subject to and upon the express condition that, should the City of Gainesville, party of the second part, cease to use the foregoing land and improvements thereon, in the operation of a regional transit system, then and in that event, the title to said property shall immediately revert to Alachua County, Florida, party of the first part, subject to the interest of the United States Department of Transportation. }

IN WITNESS WHEREOF, the party of the first part 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 first above-written.

DOC. ST. - AMT \$ 0.45  
A. CURTIS POWERS, Clerk of Circuit Court  
Alachua County - by A. Curtis Powers

ALACHUA COUNTY, FLORIDA

By: Jack Durrance  
Jack Durrance, Chairman  
Board of County Commissioners

ATTEST:

A. Curtis Powers  
A. Curtis Powers, Clerk



613557

REC. 1457 PROE 108

PREPARED BY  
DENNIS R. LONG  
ASSISTANT COUNTY ATTORNEY  
POST OFFICE BOX 1000  
GAINESVILLE, FL 32602

A tract of land situate in Sections 8 and 9, Township 10 South, Range 20 East, Alachua County, Florida, said tract of land being more particularly described as follows:

COMMENCE at the N.E. corner of the lot of land conveyed to Pearlé Avera by A. Avera, Estelle Avera, and Drayton Avera, and run S 42 deg. 43 min. 08 sec. W, 230.00 feet to the point of beginning; thence continue S 42 deg. 43 min. 08 sec. W, 746.00 feet; thence run S 45 deg. 08 min. 56 sec. E, 220.50 feet; thence run N 68 deg. 39 min. 26 sec. E, 40.00 feet; thence run N 42 deg. 53 min. 00 sec. E, 611 feet; thence run N 23 deg. 10 min. 10 sec. W, 262.50 feet to the point of beginning, said tract of land containing 9.811 acres, more or less.

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APPROVED AS TO FORM  
Alachua County Attorney

Alachua County Attorney

ATTACHMENT "A"





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-04-21 11:12:10



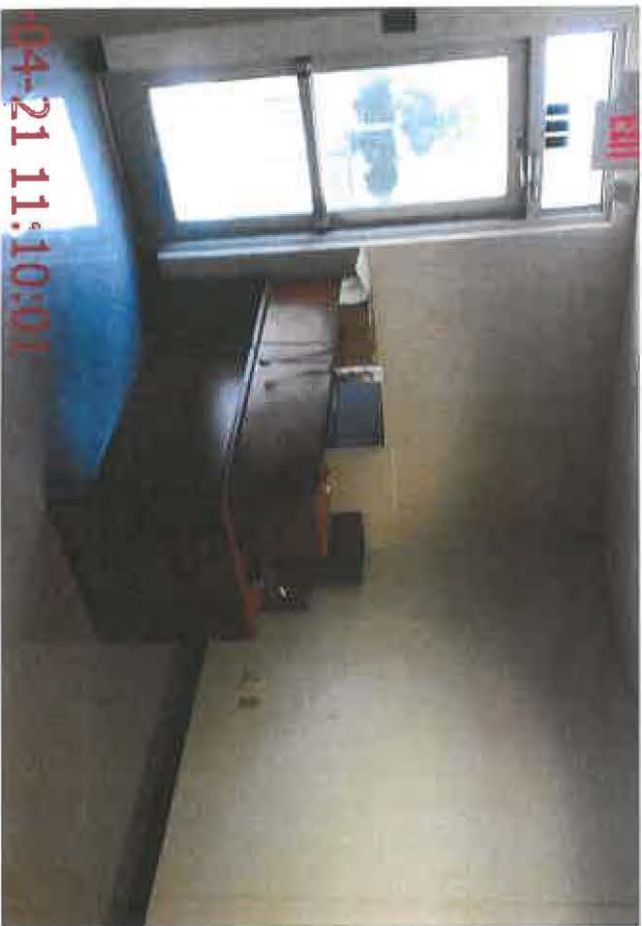
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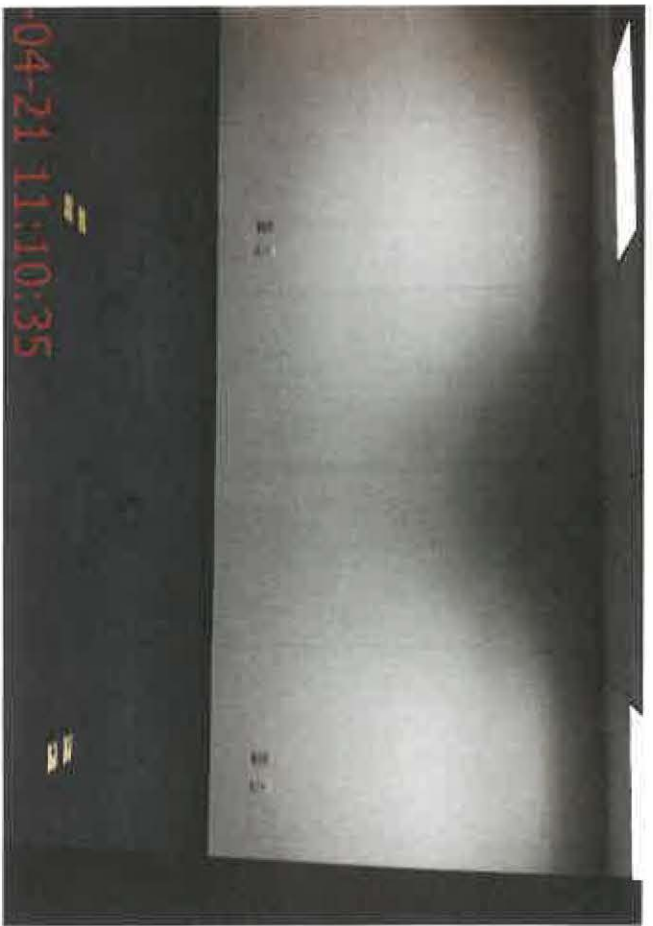
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