

**Legislative #
150937B**



Alachua County Attorney's Office

Michele L. Lieberman, County Attorney

SENT VIA EMAIL APRIL 21, 2016

April 21, 2016

Ms. Nicolle Shalley, City Attorney
City of Gainesville
P O Box 490, Station 46
Gainesville FL 32627-0490

Dear Ms. Shalley:

Alachua County claims title to certain real property which is in the possession of the City of Gainesville known as Alachua County Tax Parcel #16005-000-000 or the former Regional Transit System property. In the attached letter to Anthony Lyons, Interim City Manager, dated April 18, 2016, the County made that claim of title to the City. The County has received no written response from the City. However, in a telephone message to Deputy County Manager James Harriott from Assistant City Manager Paul Folkers, the City has disputed the County's ownership. Accordingly, the County now demands that the City immediately return possession of the property to the County. The County further demands that the City not destroy or significantly alter any relevant evidence and preserve the property for the County's use in pending or reasonably foreseeable litigation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michele L. Lieberman", is written over the word "Sincerely,".

Michele L. Lieberman
County Attorney

MLL:eeh

Attachment





Alachua County Board of County Commissioners

Dr. Lee A. Niblock, *County Manager*

April 18, 2016

Anthony Lyons, Interim City Manager
City of Gainesville
City Hall
200 E. University Avenue
Gainesville, FL 32601

Re: Request for Release of Reverter

Dear Mr. Lyons:

Alachua County recently received correspondence requesting that the County release the reverter clause contained in the deed from Alachua County to the City of Gainesville dated October 3, 1981, and recorded in Official Record Book 1457, Page 108 of the Public Records of Alachua County, Florida. This property is the former location of the Gainesville Regional Transit System. As a result of this request, the County undertook to determine the history of this property and the circumstances surrounding its grant to the City.

Prior to October 1981, Gainesville Regional Transit System was, in fact, the Alachua County Regional Transit System, fully owned and operated by the County in the location vacated by the City on or around September 2015. The property was obtained and buildings constructed by the County prior to the transfer with money the County received from Urban Mass Transportation (UMTA) Grant FL-03-0024. In September 1981, according to the County's Official Minutes, the County agreed to turn over the entire operation to the City, including the land, buildings, busses, desks, computers, and various other personal property. In addition, the County's employees were to become the City's employees. The County's Official Minutes indicate that on October 3, 1981, all associated agreements were approved and the deed executed. As a condition, however, the County wanted to ensure that if the City ever ceased using the property for the purpose it was granted, then ownership would return to the County.

12 SE 1st Street ■ Gainesville, Florida 32601 ■ Tel. (352) 374-5204 ■ Fax (352) 338-7363

Manager's E-Mail: lniblock@alachuacounty.us ■ Home Page: www.alachuacounty.us

■ TDD (352) 374-5284, or call 711 Relay ■

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Accordingly, as stated in the Deed, "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 this first part, subject to the interest of the United States Department of Transportation." Inasmuch as the reverter occurred immediately upon the happening of a certain event, and that event occurred on or about September 2015, the real property and improvements thereon have already reverted to Alachua County by operation of law. It is the property of Alachua County as of this date. There is no reverter to release.

Accordingly, County staff have been directed to work with City staff to effectuate the intent of the parties to fully return the property and its improvements to Alachua County as set forth in their 1981 agreements and as memorialized in the deed of conveyance. Following the completion of a survey of this parcel, I will look forward to working with you and your staff to finalize this issue.

Sincerely,



Dr. Lee A. Niblock, CM
County Manager

xc: Nicolle Shalley, City of Gainesville Attorney
Ed Braddy, Mayor, City of Gainesville
Helen Warren, City of Gainesville Commissioner-at-Large
Harvey Budd, City of Gainesville Commissioner-at-Large
Charles Goston, City of Gainesville Commissioner
Todd Chase, City of Gainesville Commissioner
Craig Carter, City of Gainesville Commissioner
Randy Wells, City of Gainesville Commissioner
Robert "Hutch" Hutchinson, Chair, Alachua County Commission
Ken Cornell, Vice-Chair, Alachua County Commission
Mike Byerly, Alachua County Commissioner
Lee Pinkoson, Alachua County Commissioner
Charles "Chuck" Chestnut, IV, Alachua County Commissioner
Michele Lieberman, Alachua County Attorney
Buddy Irby, Clerk of the Court
James K. Harriott, Jr., Deputy County Manager
Charlie Jackson, Facilities Director
Cathy L. Earnst, Right of Way Specialist, Alachua County Public Works
Jesus Gomez, RTS Director