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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2016- 42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, DECLARING THE INTENT OF THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF GAINESVILLE, FLORIDA AS IT RELATES TO THE OWNERSHIP OF PARCEL NUMBER 16005-000-000; DIRECTING THE COUNTY MANAGER AND COUNTY ATTORNEY TO ADHERE TO THE PROCEDURAL REQUIREMENTS AND REMEDIES AS OUTLINED IN CHAPTER 164, FLORIDA STATUTES; AUTHORIZING THE INITIATION OF CONFLICT RESOLUTION PROCEDURES PURSUANT TO CHAPTER 164, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

25 WHEREAS, Chapter 164, Florida Statutes, also known as the Florida Governmental
26 Conflict Resolution Act, provides that the purpose and intent of the Act is to promote, protect,
27 and improve the public health, safety, and welfare and to enhance intergovernmental
28 coordination efforts by the creation of a governmental conflict resolution procedure that can
29 provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts
30 between and among local and regional governmental entities; and,

31 WHEREAS, it is the intent of the Legislature that conflicts between governmental entities
32 be resolved to the greatest extent possible without litigation; and,

33 WHEREAS, Section 164.1051, Florida Statutes, provides that this act shall apply to
34 governmental conflicts; and,

WHEREAS, Section 164.1052, Florida Statutes, provides that in order for a governing

1 body of a governmental entity to initiate the conflict resolution procedures provided by this Act
2 it shall first adopt a resolution by its members: and,

3 WHEREAS, said resolution is required to state that it is the intention of the governing
4 body initiating the conflict resolution procedures to resolve the conflict: and,

5 WHEREAS, said resolution is required to specify the issues of conflict and the
6 governmental entity or entities with which the governing body has a conflict: and,

7 WHEREAS, Section 164.1041(2), Florida Statutes, provides that "[i]f a governmental
8 entity, by a three-fourths vote of its governing body, finds that... significant legal rights will be
9 compromised if a court proceeding does not take place before the provisions of this act are
10 complied with, no notice or public meeting or other proceeding as provided by this act shall be
11 required before such a court proceeding:" and,

12 WHEREAS, the County has significant legal rights regarding preservation of evidence
13 and premise liability which will be compromised if court proceedings do not take place before all
14 of the provisions of the Florida Governmental Conflict Resolution Act are complied with: and,

15 WHEREAS, Section 164.1041, Florida Statutes, provides that if a governmental entity
16 files court proceedings against another governmental entity, the initiating entity shall, by motion,
17 request the court to issue an order staying the case: and,

18 WHEREAS, Section 164.1041, Florida Statutes, provides that the court proceedings on
19 the suit shall be stayed, by order of the court, until the procedural options of this act have been
20 exhausted: and,

21 WHEREAS, Section 164.1041, Florida Statutes, provides that all governmental entities
22 are encouraged to use the procedures in this act to resolve conflicts that may occur at any time
23 between governmental entities, but shall use these procedures before court proceedings.

1 consistent with the provisions of this section.

2 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
3 COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

4 1. The Board of County Commissioners of Alachua County intends to initiate the conflict
5 resolution procedures provided by the Florida Governmental Conflict Resolution Act
6 through the adoption of this Resolution.

7 2. The conflict is between the government and Board of County Commissioners of Alachua
8 County and the City Commission of the City of Gainesville.

9 3. Alachua County contends that, in addition to that which may be pled or further described
10 in court proceedings, the following are issues of conflict between Alachua County and
11 the City of Gainesville:

12 a. The City of Gainesville is in possession of the following subject real property in
13 the county: the parcel known as Alachua County Tax Parcel #16005-000-000, to
14 which Alachua County claims title, by virtue of the attached deed, recorded in
15 Alachua County Official Records Book 1457, Page 108 on January 7, 1983.

16 b. According to the terms of the deed, the title to the subject real property
17 immediately reverted to Alachua County upon the City of Gainesville ceasing to
18 use the property in the operation of a regional transit system.

19 c. The City of Gainesville ceased using the subject real property in the operation of a
20 regional transit system by January 2015.

21 d. Upon demand, City of Gainesville has failed to deliver possession of the subject
22 real property to Alachua County.

23 4. It is the intent of Alachua County, to the greatest extent possible, to resolve this dispute

1 without litigation.

2 5. Alachua County will initiate court proceedings against the City of Gainesville to recover
3 possession of the subject real property and will motion the court for an emergency
4 injunction to prevent spoliation of evidence.


5 6. At the conclusion of those proceedings, Alachua County will file a motion requesting that
6 the court issue an order staying the proceedings until the procedural options of the Florida
7 Governmental Conflict Resolution Act have been exhausted.

8 7. The Board of County Commissioners of Alachua County directs the County Manager and
9 County Attorney to adhere to the procedural requirements and remedies as outlined in the
10 Florida Governmental Conflict Resolution Act.

11 8. Effective Date. This resolution shall take effect immediately upon adoption.

12 DULY ADOPTED in regular session, this 22 day of April 2016.

13 BOARD OF COUNTY COMMISSIONERS OF
14 ALACHUA COUNTY, FLORIDA

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18 By: 
19 Robert Hutchinson, Chair

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23 ATTEST:

24 
25
26 J.K. Irby, Clerk

27 (SEAL)
28
29

APPROVED AS TO FORM


Alachua County Attorney's Office

D E E D

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, a 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



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

FILED
OCT 7 1981
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA

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 Pearl 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 3.811 acres, more or less.

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APPROVED AS TO FORM


Alachua County Attorney

ATTACHMENT "A"