

August 22, 2016 BoCC Quarterly Joint Alachua County City of Gainesville Special Meeting 3PM
 Agenda Item #1

Title

Former RTS Facility

Amount

N/A

Description

Discussion of issues related to ownership and future use of former RTS facility

Recommendation

County and City agree to jointly: 1) determine the future use for facility/property; 2) approach FTA for disposition instructions where neither City nor County have financial liability; and 3) fund and conduct Phase I and II environmental site assessments.

Alternative(s)

Pursue conflict resolution as required by the "Florida Governmental Conflict Resolution Act," Chapt. 164, Fla. Stat.

Requested By

County Attorney and County Manager's Office

Originating Department

County Attorney

Attachment(s) Description

Outline of issues related to former RTS facility dispute

Documents Requiring Action

N/A

Executive Summary

The City of Gainesville and Alachua County dispute the ownership of the former RTS facility. In an effort to avoid further litigation, the boards have asked to discuss the issues surrounding this dispute at this joint meeting.

Background

County owned property and operated transit from mid-1970's until 1981. The County transferred the property (both real and other assets) to City in 1981 for \$1. The City has operated the regional transit system from 1981 until present. The 1981 interlocal agreement and deed which transferred the property to the City contained provisions of reversion to the County "should the City of Gainesville... cease to use the foregoing land and improvement thereon, in the operation of a regional transit system" then "the title to said property shall immediately revert to Alachua County, Florida." The County believes that the City ceased using the property for transit uses between Jan. and Mar. 2015. The effect of ceasing to use the property for transit is immediate reversion of the title of the property to the County. On April 22, 2016, Alachua County filed an action against the City to recover possession of the property in the Circuit Court for the Eighth Judicial Circuit.

Issues

The ownership of the former RTS property is the issue of dispute in Fla. 8th Judicial Circuit Case #2016-CA-001445 (Alachua County v. City of Gainesville). At least three other major issues must be considered if the County is to reach a litigation settlement

with the City: 1) roadway access to the property; 2) disposition of the Federal Transit Administration grants associated with the property; and 3) cost and liability for the uncertain type and extent of environmental contamination on the property.

Fiscal Recommendation

Share the cost of the following in equal part with the City. ~\$5,000 for Phase I ESA ~\$25,000 for Phase II ESA

Fiscal Alternative(s)

Pay entire cost of Phase I and Phase II ESAs or do not fund Phase I and Phase II ESAs

Funding Sources

TBD

Account Code(s)

TBD

Attachment: RTS.pdf

FORMER RTS FACILITY DISPUTE

Alachua County v. City of Gainesville
Fla. 8th Judicial Circuit Case #2016-CA-001445

I. OWNERSHIP OF FORMER RTS FACILITY

- History
 - County owned property and operated transit from mid-1970's until 1981
 - County transferred property (both real and other assets) to City in 1981
 - City operates transit system from 1981 until present
- 1981 interlocal agreement and deed contain provisions of reversion to the County "should the City of Gainesville... cease to use the foregoing land and improvement thereon, in the operation of a regional transit system" then "the title to said property shall immediately revert to Alachua County, Florida"
- Facility ceased to be used for transit operation between Jan. and Mar. 2015
- Reversion immediate

II. OTHER ISSUES

- 1) Roadway access
 - County transferred property to City with extensive access to SE Veitch Street (public road)
 - Mar. 2005
 - City vacated part of SE Veitch Street and combined reverter property with adjacent property for expanded bus parking
 - City did not seek County input on reversion – contestable issue
 - Property "land locked" except for southern portion along SE 10th Avenue
- 2) FTA grants
 - County received 1 grant (~\$1M) around 1974-75
 - City received a least 5 grants (~\$3.2M) from 1981-present
 - Must determine future use prior to getting disposition instructions from FTA
- 3) Uncertain environmental contamination
 - Area surrounding property – historic and current industrial uses (neighboring property contamination)
 - Site uses – transit maintenance and cleaning since mid-1970s

III. STAFF RECOMMENDATION

County and City agree to jointly:

1. Determine future use for facility/property;
2. Approach FTA for disposition instructions where neither City nor County have financial liability; and
3. Fund and conduct Phase I and II environmental site assessments.