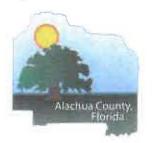
Legislative # 150937B



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.

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.

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