



Legislation Details (With Text)

File #: 160207. **Version:** 1 **Name:**
Type: Staff Recommendation **Status:** Passed
File created: 7/13/2016 **In control:** City Manager
On agenda: 8/4/2016 **Final action:** 8/4/2016
Title: Release of Phosphate, Mineral, Metal and Petroleum Rights at the Gainesville Hampton Inn (B)

This item requests the approval and authorization to release the phosphate, mineral, metal and petroleum rights reserved by the City at the Hampton Inn property located at 101 SE 1st Street, parcel number 14589-000-000. (B)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 160207A_Deed 3721-801_20160804.pdf, 2. 160207B_Map- Hampton Inn_20160804.pdf, 3. 160207C_Release of Subsurface Rights_20160804.pdf, 4. 160207D_Statute 270.11_20160804.pdf

Date	Ver.	Action By	Action	Result
8/4/2016	1	City Commission	Approved as Recommended	

Release of Phosphate, Mineral, Metal and Petroleum Rights at the Gainesville Hampton Inn (B)

This item requests the approval and authorization to release the phosphate, mineral, metal and petroleum rights reserved by the City at the Hampton Inn property located at 101 SE 1st Street, parcel number 14589-000-000. (B)

Section 270.11, Florida Statutes, automatically acts to reserve unto local governments a three-fourths interest in all the phosphate, minerals and metals and an undivided one-half interest in the petroleum on land that is conveyed by the local government. The statute permits these interests to be sold or released upon petition with a statement of reasons for such release. Staff has received such petition from attorney Eric Fisher who is representing a client interested in purchasing the Gainesville Hampton Inn, located at 101 SE 1st Street (“Property”). The title commitment he received does not reflect a release of these subsurface mineral rights and they will not proceed unless they are released.

The City of Gainesville conveyed this property to the current owner by special warranty deed recorded in OR Book 3721, Page 801 in December 2007. Staff concurs with releasing the phosphate, mineral, metal and petroleum reservation on the Property.

There is no fiscal impact associated with this item.

The City Commission: 1) approve the release of phosphate, mineral, metal and petroleum rights pursuant to Section 270.11, Florida Statutes, for the Gainesville Hampton Inn; and 2) authorize the Mayor to execute, and the Clerk to attest a Release of same, releasing all City interests including the right of entry, in and to the phosphate, minerals, metals and petroleum, subject to approval by the City Attorney as to form and legality.