



Legislation Text

File #: 160738., **Version:** 1

Proposed settlement agreement to resolve lawsuit by Alachua County concerning reverter clause in deed for original RTS property located at 100 SE 10th Avenue (B)

On January 11 and February 1, 2017, the City Manager and County Manager conducted conflict assessment meetings in accordance with Section 164.1053, Florida Statutes, and reached a tentative resolution of the lawsuit in Alachua County v. City of Gainesville, Circuit Court Case No. 01-2016-CA-001445, subject to approval of the two governing bodies.

As a brief recap of the history, in 1981 Alachua County executed a deed to the City of Gainesville for Alachua County Tax Parcel #16005-000-000 for the purpose of assuming ownership and operation of the regional transit system. The deed contained a reverter clause stating that title would revert to the County immediately if the City ceased using the property for a regional transit system. In November of 2014, Gainesville Regional Transit System (RTS) moved its operations center from this property to the new operations center at 34 E. 13th Road. On April 22, 2016, the County filed the aforementioned lawsuit, which was thereafter held in abeyance so that the parties could exchange information, explore possible resolution, and if necessary pursue the mandatory dispute resolution procedures in Chapter 164, Florida Statutes, before engaging in further litigation activity.

As indicated, on February 1, 2017, the County Manager and City Manager and staffs reached a tentative resolution, subject to drafting final settlement language and subject to governing body approval. Attached is a proposed Settlement and Forebearance Agreement that would resolve the lawsuit. The most significant elements consist of (1) release of the reverter restriction from the subject RTS property, which will allow the City to make decisions regarding the use of the property, subject only to Federal Transit Administration (FTA) approval on account of FTA grant restrictions; and (2) conveyance by the City to the County of a 200 acre parcel of land, Tax Parcel No. 07341-000-000, located at 10404 S.W. Williston Road, Gainesville, Florida 32618, just northwest of the junction of Williston Road and Wacahoota Road ("Williston-Wacahoota Property"), that is currently used for archery on a 50 acre portion of the property, the property is in all other respects used for conservation, and the County indicates it intends to utilize the property for conservation. The archery use is pursuant to an Agreement for Use of Archer Range Property, between the City and Gator Bowmen, Inc., that imposes some relatively minor obligations on the City (some utilities costs and recreation promotion) that the County does not wish to outright assume from the City; and the County requested that the City give notice of termination of the Agreement so that the County may seek renegotiated terms of the archery use on the property, or other options in the County's discretion.

As a matter of background on the Williston-Wacahoota Property, the City purchased the property in 1966 for approximately \$81,000 for the purpose of constructing a sanitary landfill. The City did not pursue the landfill construction, but attempted to sell the property in 1986 and again in the early 2000's attempted to exchange property with the US Forestry Service. The property has been included on Alachua County's Conservation Land Acquisition list for a number of years. City staff's understanding as relayed by County staff is that the County intends to use the property for conservation purposes, although they did not want to include any restrictions to that effect as part of the Agreement since the County was proposing no restrictions on use of the

RTS property.

The City Commission (1) approve and authorize the Mayor to sign the Settlement and Forebearance Agreement; and (2) authorize the Mayor and/or City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

Conveyance of the Williston-Wacahoota Property would save the City approximately \$3,640 per year in expenses.