

RESOLUTION 15-83

BE IT RESOLVED that the appropriate officers of the City are authorized to execute on behalf of the City that certain Easement from the City to Fontainebleau Terrace Inc., granting Fontainebleau Terrace the right to access a portion of City property adjacent to the Nautilus Lift Station site, in exchange for Fontainebleau's conveyance to the City of a utility easement over its property adjacent to the Nautilus lift station, in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Easement shall be conclusive evidence of such approval.

AND BE IT FURTHER RESOLVED that the appropriate officers of the City are authorized and directed to deliver the access easement upon the City's receipt of the fully executed utility easement.


THIS RESOLUTION shall be effective immediately upon passage.

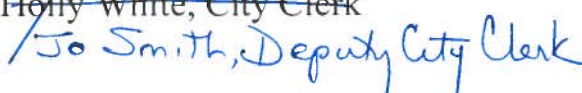
PASSED in regular session this 9th day of April, 2015.

CITY OF PANAMA CITY BEACH

By: 
Gayle F. Oberst, Mayor

ATTEST:



Holly White, City Clerk

Jo Smith, Deputy City Clerk



Attorneys At Law

HARRISON SALE McCLOY

304 Magnolia Avenue
Post Office Drawer 1579
Panama City, Florida 32401

T 850.769.3434 F 850.769.6121

MEMORANDUM

TO: City Council

CC: City Manager

FROM: Amy Myers

DATE: April 3, 2015

RE: Hidden Lagoon easement swap

As part of the re-construction of the Nautilus Lift Station, staff has approached the owner of the Hidden Lagoon Racetrack which lies adjacent to the City's lift station site requesting a utility easement for a sewer pipe that runs across her property from the lift station to an existing City easement to the north. In response to our request, the owner has requested an access easement over a portion of our lift station site to access the northern portion of her property. Staff has no objections, as the execution of both easements will memorialize the status quo—for many years already the City has utilized a sewer pipe in the easement area we have requested, and we have also allowed our neighbor the access over our property she has now formally requested.

Staff requests the Council's approval of the City Manager's execution and delivery of the attached access easement to complete the transaction. Staff also recommends, however, that the execution and delivery of the access easement be delayed until the City's receives the fully executed utility easement from the landowner.

ACCESS EASEMENT

STATE OF FLORIDA
COUNTY OF BAY

KNOW ALL MEN BY THESE PRESENTS that the CITY OF PANAMA CITY BEACH, a municipal corporation, whose address is 110 South Arnold Road, Panama City Beach, FL 32413, Grantors, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) to them in hand paid by FONTAINEBLEAU TERRACE, INC., a Florida corporation, the receipt whereof is hereby acknowledged, does hereby grant and convey to said FONTAINEBLEAU TERRACE, INC., its successors and assigns, a perpetual easement in and right of ingress and egress upon and across property located on the following described land owned by Grantor situated in Bay County, Florida, to wit:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 5, BLOCK "H", BID-A-WEE SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, ALSO BEING THE NORTHEAST RIGHT-OF-WAY INTERSECTION OF NAUTILUS STREET AND MILLCOLE AVENUE; THENCE PROCEED NORTH 57 DEGREES 06 MINUTES 40 SECONDS WEST ALONG A WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF SAID MILLCOLE AVENUE A DISTANCE OF 290.00 FEET; THENCE PROCEED NORTH 32 DEGREES 53 MINUTES 20 SECONDS EAST TO AND ALONG THE WEST LINE OF PARCEL 34493-000-000 AS RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY A DISTANCE OF 407.64 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE PROCEED SOUTH 88 DEGREES 06 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 98.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 06 MINUTES 40 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 46.97 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE PROCEED SOUTH 32 DEGREES 53 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 17.50 FEET; THENCE DEPARTING SAID EAST LINE, PROCEED NORTH 88 DEGREES 06 MINUTES 40 SECONDS WEST A DISTANCE OF 25.97 FEET; THENCE PROCEED SOUTH 32 DEGREES 52 MINUTES 21 SECONDS WEST A DISTANCE OF 148.33 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 54 DEGREES 45 MINUTES 11 SECONDS AND A CHORD BEARING AND DISTANCE OF SOUTH 05 DEGREES 29 MINUTES 46 SECONDS WEST, 40.47 FEET; THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 42.05 FEET TO THE POINT OF TANGENCY; THENCE PROCEED SOUTH 21 DEGREES 52 MINUTES 49 SECONDS EAST A DISTANCE OF 4.41 FEET TO THE EAST LINE OF THE AFORESAID PARCEL; THENCE PROCEED SOUTH 32 DEGREES 53 MINUTES 20 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 22.04 FEET; THENCE DEPARTING SAID EAST LINE, PROCEED NORTH 21 DEGREES 52 MINUTES 49 SECONDS WEST A DISTANCE OF 17.12 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 62.00 FEET, A CENTRAL ANGLE OF 54 DEGREES 45 MINUTES 11 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 05 DEGREES 29 MINUTES 46 SECONDS

EAST, 57.02 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 59.25 FEET TO THE POINT OF TANGENCY; THENCE PROCEED NORTH 32 DEGREES 52 MINUTES 21 SECONDS EAST A DISTANCE OF 155.01 FEET TO THE POINT OF BEGINNING.

LYING IN AND BEING A PORTION OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA AND CONTAINING 4,382 SQUARE FEET (0.101 ACRES) MORE OR LESS.

for the purpose of accessing its business located on the following described land owned by Grantor situated in Bay County, Florida, to wit:

SEE EXHIBIT A, ATTACHED AND INCORPORATED HEREIN.

TOGETHER with all rights and privileges necessary or convenient for the full enjoyment and use thereof including the rights of ingress and egress to and from said easement.

PROVIDED always that Grantor, its successors and assigns, shall make or permit no improvements or vegetation except the existing drive and grass on the above-described land, or any other use thereof inconsistent with the easement granted herein.

Grantor may relocate the easement within its property provided the points of egress and ingress onto the Grantor's property as they exist on the date of conveyance of this easement are unchanged and Grantor pays all costs arising from and associated with the relocation of the easement.

TO HAVE AND TO HOLD the same to the said CITY, its successors and assigns, forever.

IN WITNESS WHEREOF, the City has executed this instrument this _____ day of April, 2015.

Signed, sealed and delivered
in the presence of:

CITY OF PANAMA CITY BEACH

Holly White, City Clerk

Mario Gisbert, City Manager

(Signature of Witness)
Print Name:

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this ____ day of April, 2015, by Mario Gisbert, City Manager of the City of Panama City Beach, on behalf of the City, who is personally known to me.

Signature of Notary Public

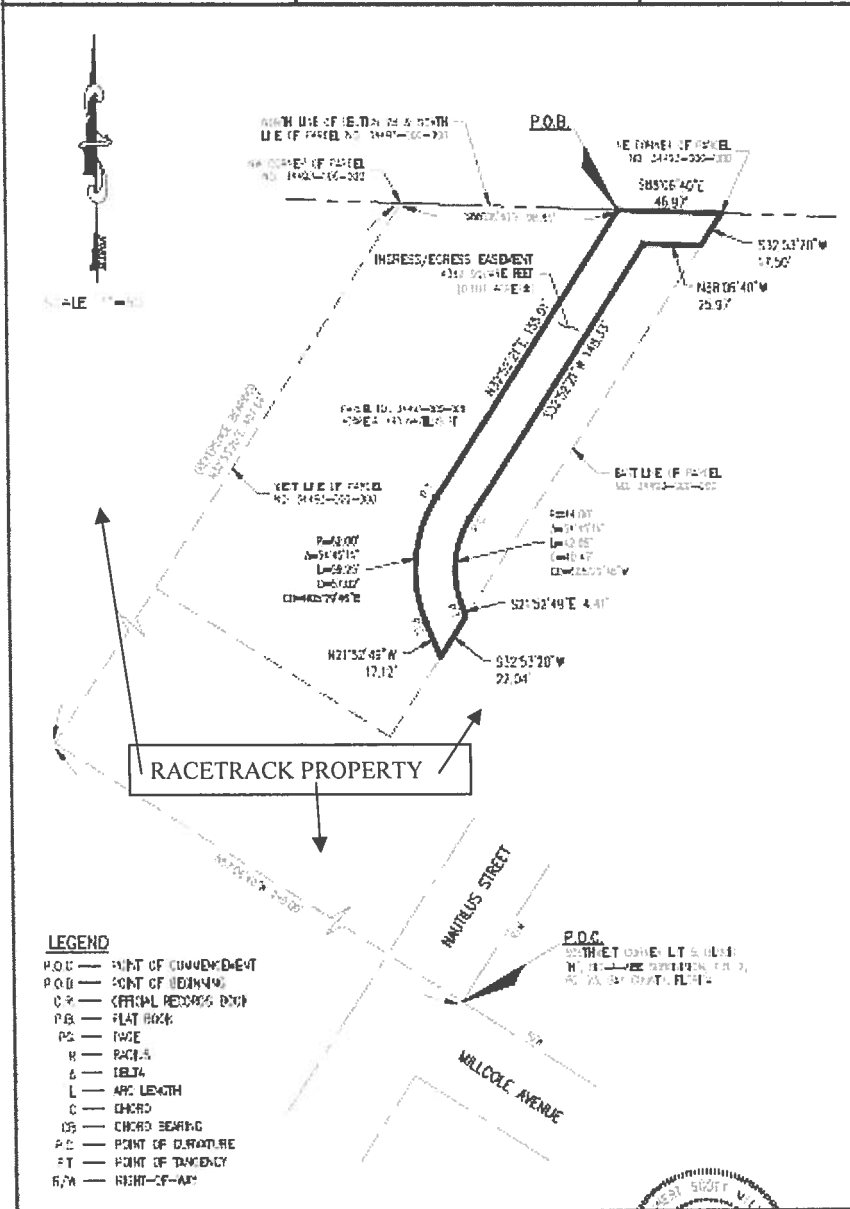
THIS INSTRUMENT PREPARED BY BUT NOT EXECUTED BEFORE:

Amy E. Myers, Esquire
HARRISON, SALE, McCLOY
304 MAGNOLIA AVENUE
PANAMA CITY, FLORIDA 32401
(850) 769-3434

EXHIBIT A
(LEGAL DESCRIPTION OF RACETRACK PROPERTY)

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 28 FOR 3925.75 FEET TO THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 98 (FORMERLY STATE ROAD 10); THENCE S57°36'38"E ALONG SAID NORTH RIGHT OF WAY LINE FOR 1107.00 FEET; THENCE N32°27'53"E FOR 150.00 FEET; THENCE N57°36'38"W FOR 232.00 FEET; THENCE N32°27'53"E FOR 50.00 FEET TO THE POINT OF BEGINNING; THENCE N57°36'38"W FOR 150.00 FEET; THENCE M32°27'53"E FOR 237.66 FEET TO THE NORTH LINE OF SAID SECTION 28; THENCE S88°38'46"E ALONG SAID NORTH LINE FOR 685.09 FEET; THENCE LEAVING SAID NORTH LINE, S32°27'53"W FOR 210.33 FEET; THENCE S57°36'38"E FOR 125.00 FEET; THENCE N32°27'53"E FOR 285.60 FEET TO THE NORTH LINE OF SECTION 28; THENCE S88°38'46"E ALONG SAID NORTH LINE FOR 145.34 FEET TO THE WESTERLY RIGHT OF WAY LINE OF NAUTILUS STREET (HAVING A 40 FOOT RIGHT OF WAY); THENCE S32°27'53"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 561.03 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MILLCOLE AVENUE (HAVING A 40 FOOT RIGHT OF WAY); THENCE N57°36'38"W ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE WESTERLY EXTENSION THEREOF FOR 599.82 FEET; THENCE S75°31'15"W FOR 73.46 FEET; THENCE S48°21'35"W FOR 131.51 FEET TO THE POINT OF BEGINNING.

<p>BASKERVILLE-DONOVAN, INC. 1415 TERRY HALL DRIVE CENTRALIA, WA 98504 PHONE: 509-850-0001 FAX: 509-850-0002</p>	DESCRIPTION - SKETCH		PROJECT: 11213151001
	REVISED BY: A	CITY OF PANAMA CITY BEACH	FIELD SURVEY DATE:
	DATE: 10/21/14		SECTION: 74
			TOWNSHIP: 3 SOUTH
			RANGE: 16 WEST
		COUNTY: BAY	



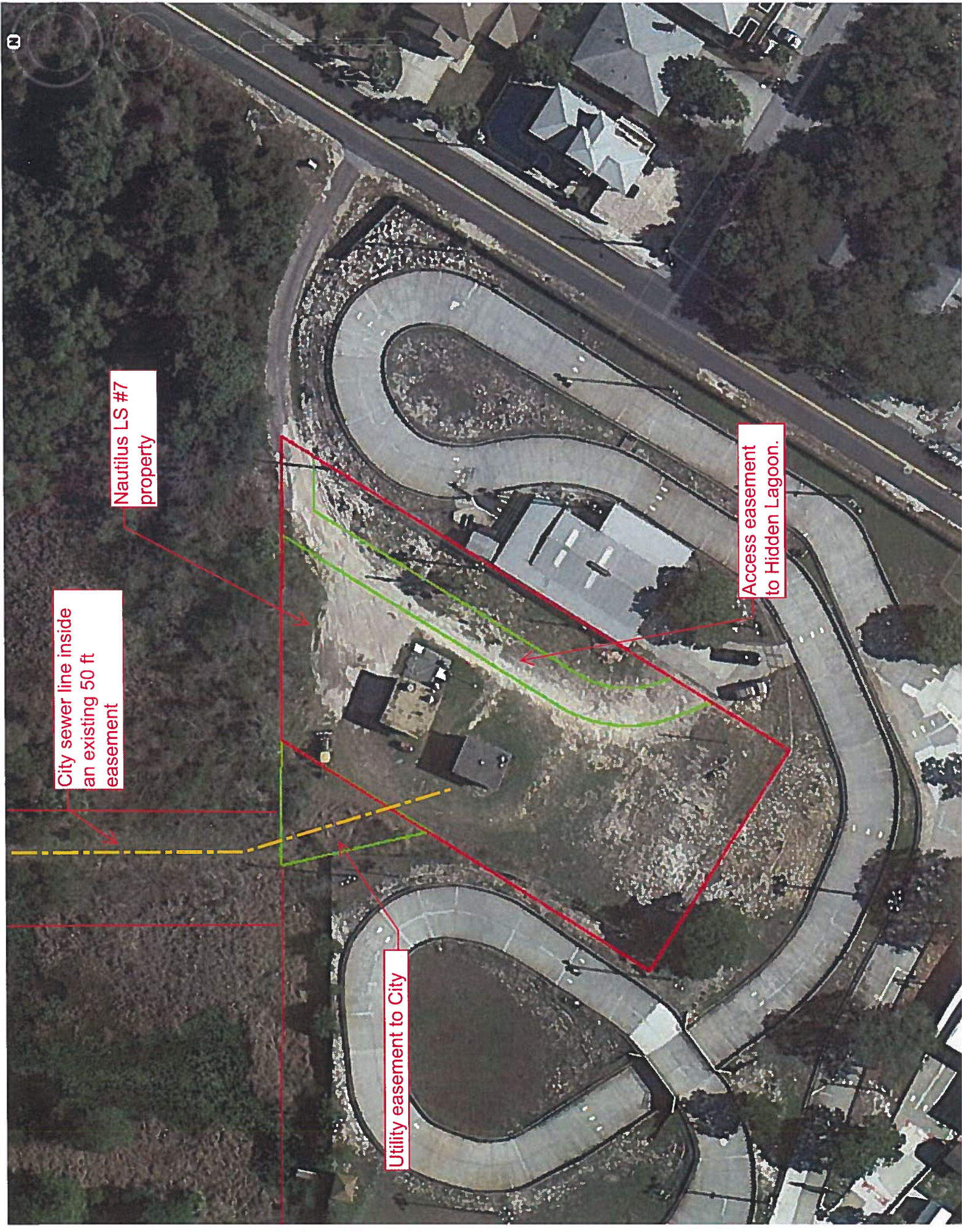
- LEGEND**
- P.O.C. --- POINT OF COMMENCEMENT
 - P.O.B. --- POINT OF BEGINNING
 - C.R. --- CENTRAL RECORDS BOOK
 - P.B. --- PLAT BOOK
 - P.S. --- PAGE
 - H --- HATCH
 - Δ --- DELTA
 - L --- ARC LENGTH
 - C --- CHORD
 - DS --- CHORD BEARING
 - P.C. --- POINT OF CURVATURE
 - P.T. --- POINT OF TANGENCY
 - R/W --- RIGHT-OF-WAY

FEEDBACK		DATE	DESCRIPTION
NO.	BY		

Robert Scott Hill
 ROBERT SCOTT HILL
 PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NO. 5100

10/21/14

DESIGNED BY: DSM
 SCALE: 1"=50'
 DATE: 10/21/14
 SHEET NO: 1 OF 2



N

Nautilus LS #7
property

City sewer line inside
an existing 50 ft
easement

Utility easement to City

Access easement
to Hidden Lagoon.