

RESOLUTION 16-44

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF TWO STORMWATER EASEMENTS FROM LOREN SMITH FOR \$31,200.

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Stormwater Utility Easement between the City and Loren Smith, relating to Smith's conveyance of two stormwater utility easements to the City, for the purchase price of Thirty One Thousand Two Hundred Dollars (\$31,200), in substantially the form attached and presented to the Council today.


THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 14th day of January, 2016.

CITY OF PANAMA CITY BEACH

By: 
Gayle F. Oberst, Mayor

ATTEST:


Diane Fowler, City Clerk

STORMWATER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that WILLIAM LOREN SMITH, whose address is 10292 Front Beach Road, Panama City Beach, Florida, Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) to it in hand paid by the CITY OF PANAMA CITY BEACH, FLORIDA, a municipal corporation, the receipt whereof is hereby acknowledged, do hereby grant and convey to said CITY OF PANAMA CITY BEACH, FLORIDA, its successors and assigns, a perpetual easement in and the right to excavate for, construct, maintain, repair, alter, access and operate its stormwater drainage utilities, as the same shall be located or relocated by said CITY, together with the right to allow the attachment of and also the right to install, maintain, alter, repair and use such control structure or other devices as may be necessary or convenient in connection therewith, upon, under and across the following described land in Bay County, to wit:

Attached and incorporated Exhibit A.

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 in undertaking such excavation, installation, burial, construction, maintenance, repair, alteration or operation, the said CITY, its successors and assigns, shall be obligated to restore the surface of said property to as good or better condition as immediately preceding such undertaking; and

PROVIDED that Grantor, his successors and assigns shall make no use of or improvement on the above-described land inconsistent with the easement granted herein.


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

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has executed this instrument this 7th day of January, 2016.


Signed, sealed and delivered in the presence of:

GRANTOR
WILLIAM LOREN SMITH



(Signature of Witness)

Print Name: MARIO GISBERT



(Signature of Witness)

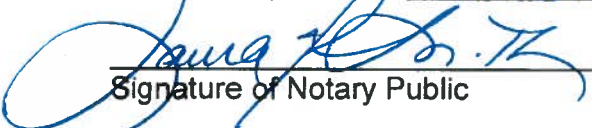
Print Name: Amy Myers




STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 7th day of January, 2016, by WILLIAM LOREN SMITH

- () who is personally known to me.
- () who produced FL DR License as identification.



Signature of Notary Public

LAURA JO SMITH
Notary Public - State of Florida
Comm. Expires Oct. 29, 2016
Comm. No. EE 847334 

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


LAURA JO SMITH
Notary Public - State of Florida
Comm. Expires Oct. 29, 2016
Comm. No. EE 847334 

EXHIBIT A

LEGAL DESCRIPTION EASEMENT "A", EXISTING PRESCRIPTIVE EASEMENT, WILLIAM LOREN SMITH, ET AL PROPERTY (as written)

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA AND RUN THENCE SOUTH 89 DEGREES 15 MINUTES 50 SECONDS EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, FOR A DISTANCE OF 86.58 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MIDDLE BEACH ROAD (HUTCHINSON BLVD); THENCE SOUTH 40 DEGREES 41 MINUTES 23 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 350.00 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE RUN SOUTH 33 DEGREES 35 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 404.43 FEET; THENCE SOUTH 85 DEGREES 33 MINUTES 35 SECONDS WEST, FOR A DISTANCE OF 141.90 FEET; THENCE SOUTH 03 DEGREES 29 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 224.26 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF FRONT BEACH ROAD (STATE ROAD 30); POINT BEING ON A CURVE CONCAVE NORTH, HAVING A RADIUS OF 4,532.75 FEET, THROUGH A CENTRAL ANGLE OF 02 DEGREES 58 MINUTES 30 SECONDS; THENCE PROCEED WESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 235.36 FEET, (CHORD BEARING AND DISTANCE = SOUTH 87 DEGREES 57 MINUTES 25 SECONDS WEST, FOR A DISTANCE OF 235.33 FEET); THENCE LEAVING SAID NORTH RIGHT OF WAY LINE RUN NORTH 48 DEGREES 04 MINUTES 44 SECONDS WEST, FOR A DISTANCE OF 101.24 FEET TO A POINT ON THE EAST BOUNDARY LINE OF PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 1910, PAGE 748 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA FOR THE POINT OF BEGINNING; SAID POINT BEING A POINT ON A CURVE CONCAVE WEST, HAVING A RADIUS OF 198.15 FEET, THROUGH A CENTRAL ANGLE OF 06 DEGREES 03 MINUTES 59 SECONDS; THENCE PROCEED SOUTHERLY ALONG SAID EAST BOUNDARY LINE AND CURVE FOR AN ARC DISTANCE OF 20.98 FEET, (CHORD BEARING AND DISTANCE = SOUTH 02 DEGREES 57 MINUTES 51 SECONDS EAST, FOR A DISTANCE OF 20.97 FEET); THENCE SOUTH 00 DEGREES 10 MINUTES 14 SECONDS WEST, ALONG SAID EAST BOUNDARY LINE, FOR A DISTANCE OF 8.27 FEET; THENCE LEAVING SAID EAST BOUNDARY LINE PROCEED NORTH 48 DEGREES 04 MINUTES 44 SECONDS WEST, FOR A DISTANCE OF 28.13 FEET; THENCE NORTH 81 DEGREES 49 MINUTES 59 SECONDS WEST, FOR A DISTANCE OF 46.09 FEET; THENCE SOUTH 08 DEGREES 10 MINUTES 01 SECONDS WEST, FOR A DISTANCE OF 5.16 FEET; THENCE SOUTH 69 DEGREES 41 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 24.00 FEET; THENCE NORTH 08 DEGREES 10 MINUTES 01 SECONDS EAST, FOR A DISTANCE OF 53.42 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 59 SECONDS EAST, FOR A DISTANCE OF 20.93 FEET; THENCE SOUTH 08 DEGREES 10 MINUTES 01 SECONDS WEST, FOR A DISTANCE OF 13.52 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 59 SECONDS EAST, FOR A DISTANCE OF 49.25 FEET; THENCE SOUTH 48 DEGREES 04 MINUTES 44 SECONDS EAST, FOR A DISTANCE OF 18.28 FEET TO THE POINT OF BEGINNING. CONTAINING 2,609 SQUARE FEET OR 0.060 ACRES, MORE OR LESS

LEGAL DESCRIPTION EASEMENT "B", ADDITIONAL EASEMENT REQUIRED, WILLIAM LOREN SMITH, ETAL PROPERTY (AS WRITTEN)

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HARRISON SALE
McCLOY

Miramar Beach Santa Rosa Beach Panama City

AMY E. MYERS
amyers@HSMcLaw.com
850.769.3434

CORRESPONDENCE
Postal Drawer 1579, Panama City, FL 32402

October 26, 2015

William Loren Smith
PO Box 15307
Panama City, FL 32408

RE: Purchase of a stormwater easement at Pompano Key,
Panama City Beach, Florida

Dear Mr. Smith:

The City of Panama City Beach is interested in purchasing two stormwater easements located at 10292 Front Beach Road, Panama City Beach, in furtherance of its provision and improvement of stormwater utilities. The easements are located on the easternmost property line between the Walmart driveway and the pond. One easement represents an existing stormwater pipe which the City has used and maintained for several years but for which no deed of conveyance can be located, and the second easement is located alongside the existing—where a second stormwater pipe is proposed to be installed.

In furtherance of the City's Gulf Highlands stormwater improvement project, the City has identified these two easements on your property that it would like to acquire for this project. Easement "A" represents the location of the existing pipe, contains 2,609 square feet and is approximately 20' wide. Easement "B" is located alongside of and to the south of the existing pipe, contains 2,335 square feet and is proposed to be approximately 30' wide. Both easements are identified in the attached Exhibit A as Easements A and B. **The City is offering Thirty One Thousand Two Hundred Dollars (\$31,200) as full compensation to purchase these easements.** This amount includes the appraised fair market value of the land and improvements together with any identified severance damages, if available.

The full compensation portion of this offer is based on an appraisal of the market value of the portion of your property needed for this project, which accompanies this letter for your reference. You may also obtain maps, construction plans and other documents that delineate the proposed easements and improvements to be constructed thereon, by contacting Kelly Jenkins at (850) 233-5100. Any documents requested will be provided to you within fifteen business days of your request.

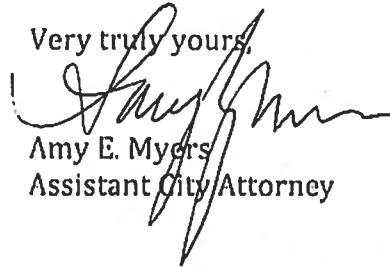
This offer letter represents the City's effort to acquire your property for a fair price. If you agree this offer represents a fair price for your land and accept this offer, we will ask

you to sign the attached easement document to effect that conveyance. As with any real estate conveyance, subordination or release of any other interest, such as mortgages, liens or taxes, will be required. Upon complete execution of the easement document, the City will issue you a check for the purchase price.

Please do not hesitate to contact me with any questions or concerns you have about this easement document specifically or the City project generally.

We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy E. Myers", written over the typed name and title.

Amy E. Myers
Assistant City Attorney

CC: Paul Casto
Kelly Jenkins

STORMWATER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that WILLIAM LOREN SMITH, whose address is 10292 Front Beach Road, Panama City Beach, Florida, Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) to it in hand paid by the CITY OF PANAMA CITY BEACH, FLORIDA, a municipal corporation, the receipt whereof is hereby acknowledged, do hereby grant and convey to said CITY OF PANAMA CITY BEACH, FLORIDA, its successors and assigns, a perpetual easement in and the right to excavate for, construct, maintain, repair, alter, access and operate its stormwater drainage utilities, as the same shall be located or relocated by said CITY, together with the right to allow the attachment of and also the right to install, maintain, alter, repair and use such control structure or other devices as may be necessary or convenient in connection therewith, upon, under and across the following described land in Bay County, to wit:

Attached and incorporated Exhibit A.

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 in undertaking such excavation, installation, burial, construction, maintenance, repair, alteration or operation, the said CITY, its successors and assigns, shall be obligated to restore the surface of said property to as good or better condition as immediately preceding such undertaking; and

PROVIDED that Grantors, their successors and assigns shall make no use of or improvement on the above-described land inconsistent with the easement granted herein.

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

IN WITNESS WHEREOF, the Grantor has executed this instrument this ____ day of _____, 2015.

Signed, sealed and delivered
in the presence of:

GRANTOR
WILLIAM LOREN SMITH

(Signature of Witness)
Print Name:

(Signature of Witness)

Print Name: _____

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by WILLIAM LOREN SMITH

() who is personally known to me.

() who produced _____ as identification.

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

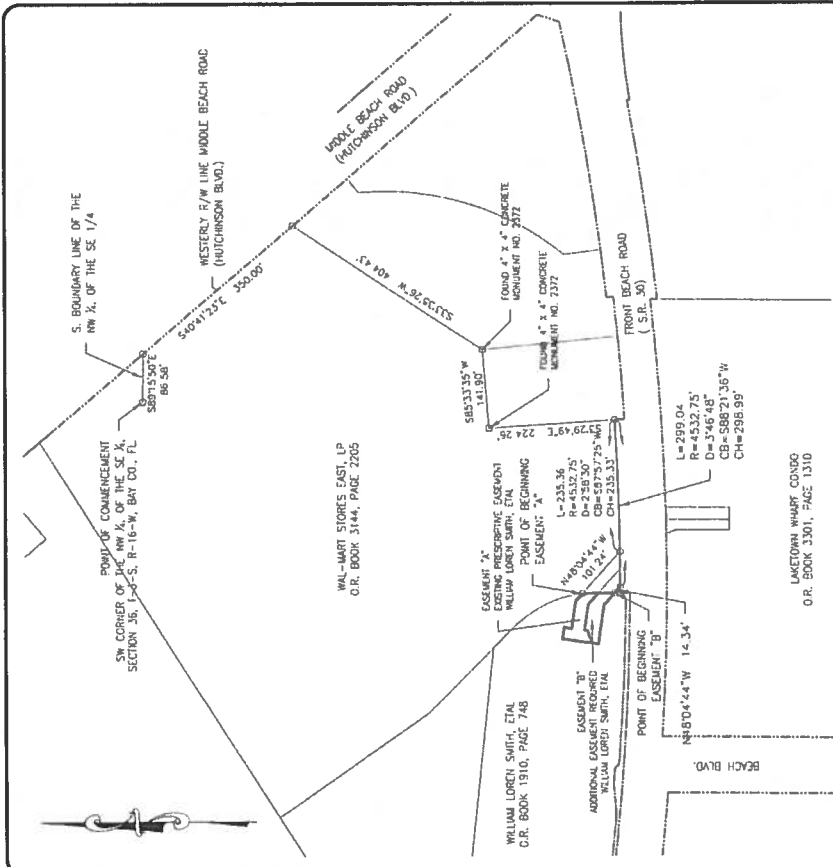
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SURVEYOR'S NOTES.

1. BEARINGS SHOWN HEREON ARE REFERENCED TO FLORIDA STATE PLANE COORDINATES, NORTH ZONE, NAD 1983/SURVEY, S. SURVEY FEET.
2. THIS SURVEY, MAP, AND REPORT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY, NOR PROVIDED TO PREBLE-RISH, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, ENCROACHMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
4. THIS IS NOT A BOUNDARY SURVEY.

SHEET INDEX

TITLE	NO.
SKETCH OF DESCRIPTION SECTION TIES (1"=200')	S1
DRAINAGE EASEMENT DETAIL (1"=40')	S2
DESCRIPTIONS	S3



PREBLE-RISH, INC.
CONSULTING ENGINEERS
 CIVIL • SURVEYING • SITE PLANNING

10000 W. UNIVERSITY BLVD., SUITE 200
 TAMPA, FL 33613
 TEL: 813-973-1111
 FAX: 813-973-1112
 WWW.PREBLE-RISH.COM

SKETCH OF DESCRIPTION

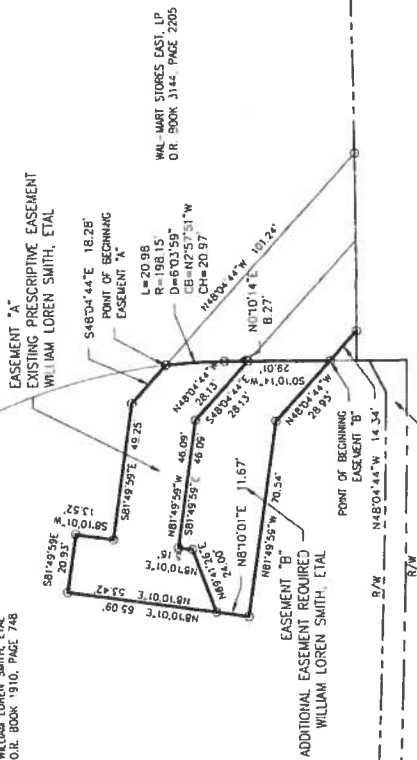
MAP IMPROVEMENTS IN GULF-HIGHLANDS CITY OF PANAMA CITY BEACH, FL

WILLIAM LOREN SMITH, ETAL PROPERTY

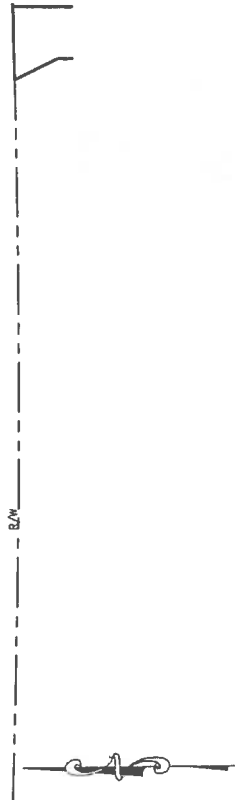
DATE:	3-14-15
SCALE:	1"=200'
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CHECKED:	PCB
PROJECT NO.:	186.023
SHEET:	S1

DATE PREPARED: 3/14/15
 PROJECT NO.: 186.023
 SHEET: S1

WILLIAM LOREN SMITH, ETAL
O.R. BOOK 1910, PAGE 748



BAY COUNTY R/W
O.R. BOOK 3218, PAGE 1418
FRONT BEACH ROAD
(S.R. 30)

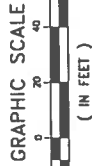


SYMBOLS & ABBREVIATIONS:

- L = ARC LENGTH
- R = RADIUS
- R/W = RIGHT OF WAY
- D = DELTA ANGLE
- CB = CHORD BEARING
- CH = CHORD LENGTH
- O.R. = OFFICIAL RECORDS
- R/W = RIGHT OF WAY
- No. = NUMBER
- # = NUMBER

SHEET INDEX

TITLE	NO.
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UNLESS IT SHOWS THE OTHERWISE AND THE ORIGINAL AND THE ORIGINAL SURVEYOR'S NAME AND THE ORIGINAL SURVEYOR'S LICENSE NO. AND THE ORIGINAL SURVEYOR'S SIGNATURE AND SEAL ARE NOT PART OF THIS DRAWING.

DATE		DATE	PROJECT NO.
DATE PREPARED	DATE CHECKED	DATE	166.023
DATE REVISION	DATE REVISION	DATE	

SKETCH OF DESCRIPTION	
HAGP'S "GRAVITATION IMPROVEMENTS" AT GULF BEACH, FL	BRCC
CITY OF PANAMA CITY BEACH, FL	BRCC
WILLIAM LOREN SMITH, ETAL PROPERTY	BRCC

DATE		DATE	PROJECT NO.
DATE PREPARED	DATE CHECKED	DATE	166.023
DATE REVISION	DATE REVISION	DATE	

PREBLE-RISH, INC.
CONSULTING ENGINEERS
CIVIL • SURVEYING • SITE PLANNING