

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20021194

1. REQUESTED MOTION:

ACTION REQUESTED: Request Board approve and execute interlocal agreement, county deed and resolution, between the City of Fort Myers and Lee County Board of County Commissioners for Clemente neighborhood park. The County will donate Clemente neighborhood park to the City and transfer \$50,000, approved in the FY 01-06 CIP, to them for capital improvements to the park. The City will assume full financial responsibility for the operation and maintenance of the park.

WHY ACTION IS NECESSARY: Board action is necessary to enter into an interlocal agreement, executing county deed and resolution.

WHAT ACTION ACCOMPLISHES: Provides the City with an additional neighborhood park within the City limits.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 11

C11B

3. MEETING DATE:

11-5-02

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN.
- CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Parks & Recreation
- C. DIVISION

BY: John Yarbrough

[Handwritten signature]

7. BACKGROUND:

In the approved FY 01-06 CIP, the Board approved funding in the amount of \$50,000 for the City of Fort Myers for Clemente neighborhood park. Per the interlocal agreement, the County will donate Clemente neighborhood park, excluding the Williams Academy Building, to the City. Clemente neighborhood park includes approximately 4.9 acres consisting of 2 concrete buildings, 2 concrete walled racquetball or handball courts, 1 tennis court, 1 basketball court (with lighting and benches), 1 swing set, 6 concrete picnic tables, 2 BBQ grills, paved parking area for approximately 35 vehicles, 475 feet of concrete walkways and 2,800 linear feet of chain link fence. In return, the City will assume full financial responsibility for the operation and maintenance of the park.

The County will provide \$50,000 to the City for capital improvements to Clemente neighborhood park. Funds will be made available in account #20178530100.508150. Capital Improvement Projects – Clemente Park – Capital Improvement Fund – N/A – Grants & Aids to Local Governments

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

CCM

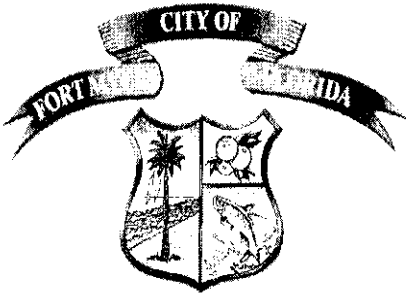
A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>				<i>[Signature]</i>	OA	OM	Risk	GC	<i>[Signature]</i>
				<i>10/23/02</i>	<i>10/24/02</i>	<i>10/24/02</i>	<i>10/24/02</i>	<i>10/24/02</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: <i>10/23/02</i>
Time: <i>3:45 PM</i>
Forwarded To: <i>[Signature]</i>
<i>10/23/02 3:00 PM</i>

RECEIVED BY COUNTY ADMIN. <i>EW</i>
<i>10/23 4:30</i>
COUNTY ADMIN. FORWARDED TO: <i>BL</i>
<i>10/24 5:00</i>



CITY OF FORT MYERS, FLORIDA

CITY CLERK'S OFFICE
PO DRAWER 2217
FORT MYERS, FL 33902
239-332-6740 TEL
239-461-2650 FAX

October 4, 2002

Mr. John Yarborough
Lee County Park Department
3410 Palm Beach Boulevard
Fort Myers, FL 33907

Dear Mr. Yarborough:

Enclosed herewith is are two signed original Interlocal Agreements between Lee County and the City of Fort Myers for the Donation, Operation and Maintenance of Clemente Park and Recreation Facilities. Paragraph 3 of the Interlocal agreement provides that Lee county will donate to the City the conveyance of title for 4.90 acres, more or less, known as Clement Park, excluding the Williams Academy building, located at 1936 Henderson Avenue, all surplus property and a one-time gift in the amount of \$50,000.00.

Please have both Interlocal Agreements signed by the Chairman of the Lee County Board of County Commissioners, retain one for your file and return the other original, along with the deed for the real property and a check in the amount of \$50,000.00 to my attention.

Yours truly,

CITY OF FORT MYERS

Marie Adams

Marie Adams, CMC
City Clerk

MA:mf

Enclosure

**INTERLOCAL AGREEMENT BETWEEN LEE COUNTY
AND THE CITY OF FORT MYERS FOR THE DONATION,
OPERATION AND MAINTENANCE OF CLEMENTE PARK
AND RECREATION FACILITIES**

This Interlocal Agreement for the donation of real property is made and entered into this _____ day of _____, 2002, by and between Lee County, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, "COUNTY" and the City of Fort Myers, a municipal corporation of the State of Florida, "CITY" acting by and through its City Council.

WITNESSETH

1. WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and
2. WHEREAS, the Board of county Commissioners has certain powers and authority relative to the disposition of real property belonging to the County; and
3. WHEREAS, pursuant to section 125.38 Florida Statutes, the County has the authority to convey property by private sale to any government, or not-for-profit corporation or organization for nominal consideration if certain findings are made by the Board of County Commissioners; and
4. WHEREAS, the County owns Clemente Park, located at 1936 Henderson Avenue, Fort Myers, Florida (excluding the Williams Academy Building located thereon which is owned by the Lee County Black History Society, Inc.) Strap No. 18-44-25-P3-03000-0060; and
5. WHEREAS, the City of Fort Myers has adopted a resolution requesting the conveyance, for nominal consideration, of Clemente Park from the County so that the property may be used for public purposes; and
6. WHEREAS, the Board has carefully reviewed the property and finds that the property is not needed for any County purpose. And further finds that the use by the City of Fort Myers serves a public purpose and is in the public's interest; and
7. WHEREAS, the Board also finds that it serves a public purpose to convey the subject property to the City of Fort Myers for the nominal consideration of One Dollar (\$1.00).

NOW THEREFORE, in consideration of the foregoing, and of the mutual covenants and conditions hereinafter set forth, the County and the City of Fort Myers, intending to be legally bound, hereby agree as follows:

Interlocal Agreement
Lee County

1. County hereby agrees to donate and City hereby agrees to accept, subject to the terms and conditions hereinafter set forth, the 4.90 +/- park, known as Clemente Park, "PARK" (excluding the Williams Academy Building), located at 1936 Henderson Avenue, Fort Myers. Upon transfer of title, the City will assume full financial responsibility for the operation and maintenance of the park.
2. The Park consists of approximately 4.9 acres, 2 concrete buildings, 2 concrete walled racquetball or handball courts, 1 tennis court, 1 basketball court (with lighting and benches), one swing set, 6 concrete picnic tables, 2 BBQ grills, paved parking area of approximately 35 vehicles, 475 feet of concrete walkways and 2800 linear feet of chain link fence.
3. The County will donate, along with the conveyance of title to the real property, all surplus property and a one-time gift of \$50,000 to be used for maintenance repairs to the facility or to the property identified in #2 above.
4. The City acknowledges that the Williams Academy Building, a wood frame structure, is owned by the Black History Society ("Society") and that the Society leases the land within Clemente Park. [A Black History Museum and Archives is housed in the Williams Academy Building.] The City will enter into an agreement with the Society.
5. The City, seeking to preserve the historic character of the property, agrees to enter into an agreement with the Society and to continue leasing the land to the Society for as long as the Society shall need it.
6. The City agrees that the Park shall automatically revert back to the County in the event that the City should discontinue use of the property for purposes of a public park or fail to preserve the cultural significance and contribution of the Williams Academy Building, unless the discontinuous use of the park is caused by act of God or by strikes or other causes beyond the control of the City or the Society abandons the Williams Academy Building.
7. No assignment, delegation, transfer or novation of this Agreement or part hereof, shall be made, unless approved by the City and County.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day, month and year first above written.

Interlocal Agreement
Lee County

ATTEST:

By: Marie Adams
Marie Adams, CMC
City Clerk

APPROVED AS TO FORM:
Grant W. Alley 7/14/2008
Grant W. Alley, City Attorney

CITY OF FORT MYERS, FLORIDA

By: James T. Humphrey
James T. Humphrey, Mayor

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Chairman

APPROVED AS TO FORM:

Lee County Attorney's Office

This Instrument Prepared by:

Kristie Kroslack
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902-0398

STRAP No. 18-44-25-P3-03000-0060

THIS SPACE FOR RECORDING

COUNTY DEED

Statutory

THIS DEED, executed this ___ day of _____, A.D., 2002, by LEE COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 first party, to the City of Fort Myers, a municipal corporation of the State of Florida, second party.

WITNESSETH: That the said first party, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the said second party, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said second party, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

All buildings and structures, excluding the Williams Academy Building, located on lots numbered Five (5) and Six (6) in that certain subdivision known as "CLAUDIA STROUP'S" subdivision, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 5 at Page 10; Commonly known as Clemente Park.

This conveyance is made subject to existing easements, restrictions, reservations and covenants of record. By acceptance of this conveyance, Grantee agrees to comply with and take the property subject to the terms, conditions and reverter provisions contained in the Interlocal Agreement (Exhibit "A") which is attached hereto and made a part hereof by reference.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said first party has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

LEE COUNTY RESOLUTION NO. _____

**A RESOLUTION OF LEE COUNTY RELATING
TO THE DONATION OF CLEMENTE PARK TO
THE CITY OF FORT MYERS; PROVIDING FOR
CERTAIN AUTHORIZATIONS; PROVIDING
FOR AN EFFECTIVE DATE.**

RECITATIONS

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has certain powers and authority relative to the disposition of property belonging to the County; and,

WHEREAS, pursuant to Section 125.38, Florida Statutes, the County has the authority to convey property by private sale to any government, or not-for-profit corporation or organization for nominal consideration if certain findings are made by the Board of County Commissioners; and,

WHEREAS, the City of Fort Myers is a government which is organized for the purposes of insuring the community's interests and welfare as contemplated by Section 125.38, Florida Statutes; and,

WHEREAS, the City of Fort Myers entered into an Interlocal Agreement with Lee County for the transfer of Clemente Park, (Exhibit "A", hereto); and,

WHEREAS, the Board has carefully reviewed the property and finds that the property is not needed for any County purpose, and further finds that the use by the City of Fort Myers serves a public purpose and is in the public's interest; and,

WHEREAS, the Board of County Commissioners also finds that it serves a

public purpose to convey the subject property to the City of Fort Myers for the nominal consideration of Ten Dollars (\$10.00).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above recitations are true and accurate and are hereby adopted and incorporated herein as if set out at length, and said property is officially declared surplus.
2. Lee County recognizes and accepts the City of Fort Myers request to receive the subject Lee County property (Exhibit "A").
3. Lee County recognizes and accepts the City's proposal to use the County surplus property for recreational purposes. The City has made application to the Florida Community Trust for funding to acquire property to expand the park.
4. In order that the proposed transaction is more efficiently consummated, the Board specifically authorizes and directs relevant County staff to develop and finalize any necessary documents for the contemplated transaction, and specifically authorizes the Chairman or Vice Chairman of the Board of County Commissioners to execute any and all necessary documents for the said transaction on behalf of the Board of County Commissioners.
5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

ROBERT JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michele S. Leismer
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney