

RESOLUTION NO. 21-R57

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, DETERMINING THE TRANSFER OF THE REAL PROPERTY COMMONLY KNOWN AS **133 NORTH 10TH STREET**, FORT PIERCE, FLORIDA, PREVIOUSLY DECLARED AS SURPLUS PROPERTY TO BE IN THE BEST INTEREST OF THE PUBLIC; DETERMINING THAT A BID FOR THE REAL PROPERTY FROM A THIRD PARTY PURCHASER FOR VALUE TO BE IN THE PUBLIC INTEREST, AND AUTHORIZING AND DIRECTING THE OFFICERS, ATTORNEYS AND AGENTS OF THE CITY OF FORT PIERCE TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT TRANSACTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, Florida ("City"), has made the following determinations:

1. City is the fee simple titleholder of real property commonly known 133 North 10th Street, Fort Pierce, Florida (the "Real Property").
2. At a meeting of City Commission held on January 19, 2021, the City Commission declared the Real Property to be unnecessary for its public purposes and that its disposal is in the best interest of the public.
4. On March 29, 2021 and April 5, 2021, the City caused to be published in the St. Lucie News Tribune, a newspaper of general circulation in Fort Pierce, Florida, a notice identifying the Real Property and inviting proposals (bids) from private redevelopers or any persons interested in undertaking to redevelop or rehabilitate the Property. The Notice stated that bids must be made by those interested on or before 3:00 p.m. on April 27, 2021, and included general conditions, instructions and information for the proposer, and that such further information as is available may be obtained at such office as is designated in the Notice (the "Bid Package").
5. On April 27, 2021, the bid period closed, and all bids received by City were thereafter reviewed by the Planning Board and City Commission. Bid No. 2021-025 submitted by Brenda V. Smith and John D. Bess, whose address is 5525 16th Street NW, Washington, DC, 20011 (the "Successful Bidder") in the amount of Thirteen Thousand and One Hundred Dollars (\$13,100.00) ("Transfer Consideration") was determined by the City to be the highest bid for the Real Property.
6. The best interests of the public will be served by (i) approving that transfer of the Real Property to the Successful Bidder for the Transfer Consideration; (ii) authorizing closing of the transfer of the Real Property (the "Closing"), including execution and delivery of a deed conveying the Real Property to the Successful Bidder, releasing all right, title and interest in and to all the phosphate, minerals, metals, and petroleum that are or may be in, on, or under the Real Property, releasing any automatic reservation of the right of entry in accordance with Section 270.11, Florida Statutes, and containing a reversionary clause specifying that title to the Real Property may revert to City in the event the Successful Bidder fails to commence the improvements as described therein in compliance with the Code of Ordinances of the City of Fort Pierce within twenty-four (24) months from the date of such conveyance, upon satisfaction of all conditions of the transaction, and (iii) authorizing the officers, attorneys, and other agents of the City of Fort Pierce to do all things necessary to carry out the transactions contemplated by this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, as follows:

1. **Determination that Transfer is in Best Interest of City and Public.** The transfer of the Real Property to the Successful Bidder for the Transfer Consideration and as otherwise provided herein is in the best interests of the public.

2. **Approval of Transfer of Real Property to the Successful Bidder; Conditions.** The transfer of the Real Property to the Successful Bidder, including execution and delivery of a quitclaim deed conveying the Real Property, releasing all right, title and interest in and to all the phosphate, minerals, metals, and petroleum that are or may be in, on, or under the Real Property, releasing any automatic reservation of the right of entry in accordance with Section 270.11, Florida Statutes, and containing a reversionary clause specifying that title to the Real Property may revert to the City in the event the Successful Bidder fails to commence the improvements as described therein in compliance with the Code of Ordinances of the City of Fort Pierce within twenty-four (24) months from the date of such conveyance, be, and it is hereby approved, subject to the terms, conditions and contingencies, if any, set forth in the Bid Package. The receipt of the Transfer Consideration by authorized officers and agents of the City at the scheduled Closing of the transaction contemplated hereby shall be conclusive proof of the satisfaction of such terms, conditions and contingencies, if any, without further action by the City.

3. **Execution of the Quitclaim Deed to Successful Bidder.** The Mayor and the City Manager or any one of them, are hereby authorized execute the quitclaim deed conveying the City's interest in the Real Property to the Successful Bidder.

4. **Authorization and Direction for Officers to Act.** Members of the City, the City Manager, officers, attorneys, and other agents of City are hereby authorized and directed to do all acts and things required of them by this Resolution for the full, punctual, and complete performance of the terms, covenants, and agreements contained herein or therein, and each member, officer, attorney, and agent of the City is further authorized and directed to execute and deliver any and all papers and instruments and to cause to be done any and all acts and things necessary or property for carrying out the transactions contemplated under this Resolution including, but not limited to, approving modifications thereto, and to related documents, provided, however, that no such modification shall materially alter the nature or extend of this Resolution.

5. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 18th day of October 2021.

LINDA HUDSON, Mayor

ATTEST

LINDA W. COX, City Clerk

**APPROVED AS TO FORM
AND CORRECTNESS:**

TANYA EARLEY,
City Attorney