

RESOLUTION 24-R49

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, MAKING A DETERMINATION REGARDING **THE REQUEST OF JOHN D. BESS AND BRENDA V. SMITH. FOR AN EXTENSION OF TIME TO COMPLY WITH TERMS OF A QUIT CLAIM DEED FOR 133 N 10TH STREET**, FORT PIERCE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce awarded Bid 2021-025 to John D. Bess and Brenda V. Smith for the sale of property located at 133 N 10th Street, Parcel ID 2409-513-0010-000-9 (hereinafter "the Property"); and

WHEREAS, by Quit Claim Deed dated March 29, 2022, and recorded with the St. Lucie County Clerk of Court in File No. 5032981, the City of Fort Pierce transferred the Property to John D Bess and Brenda V. Smith subject to certain conditions, including the requirement commencing the improvements within twenty-four (24) months from the date of the deed; and

WHEREAS, in the event John D. Bess and Brenda V. Smith did not commence the improvements within the twenty-four (24) months from the date of the deed, the City retained the right to re-enter the property and ownership of the property shall revert to the City; and

WHEREAS, John D. Bess and Brenda V. Smith has retained general contractor United Construction Company of Florida Inc.; and

WHEREAS, John D. Bess and Brenda V. Smith received the certified completed survey of the property; and

WHEREAS, John D. Bess and Brenda V. Smith were given an extension of 120 days to commence the improvements in compliance with the terms of the Quit Claim Deed with the new deadline of July 30, 2024 and this deadline was not met; and

WHEREAS, the permit for the new modular single-family home was approved on July 15, 2024 and paid for on August 21, 2024; and

WHEREAS, John D. Bess and Brenda V. Smith are requesting an additional 60 days to commence the improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City Commission hereby makes the following determination in response to the request:

The request for an additional extension of 60 days in which to commence the improvements in compliance with the terms of the Quit Claim Deed is hereby approved, with a new deadline of November 16, 2024; **OR**

The request for an additional extension is hereby denied, and staff is directed to take the necessary steps to re-enter the property and cause the property to be reverted to the City pursuant to the terms of the Quit Claim Deed;

SECTION 3. The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, which shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 4. All resolutions or parts of resolution in conflict herewith are hereby repealed.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 16th day of September 2024.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

SARA K. HEDGES
CITY ATTORNEY