

Commission Agenda Item

MEETING DATE: September 9, 2013

SUBJECT: Quit Claim Deed from COA to Property Owner to clear cloud on title created by conditional language in 1995 deed.

AGENDA SECTION: Consent Agenda

DEPARTMENT: Compliance & Risk Management

PREPARED BY: G. B. Wilson

RECOMMENDED ACTION: Authorize the Mayor to execute the attached Quit Claim Deed to remove the cloud on title and to be consistent with the intention of the parties as expressed in the deed recorded at OR Book 2046 Page 1248 of the Public Records of Alachua County, FL

Summary

North West 193 Terrace in Quail Roost Estates was dedicated to the City and deeds were delivered by property owners to establish a 60 foot right of way. NW 193rd Terrace was intended to be and was paved to its southern terminus at the north property lines of Lots 20 and 21 of the subdivision recorded in Plat Book N, Page 22 of the Public Records of Alachua County (Attachment A). However, a deed (Attachment B), was delivered by the then property owner of Lot 20 to the City "conditionally" transferring a 30 foot wide strip on the westerly portion of lot 20. The "condition" expressly stated was that the transfer to the city was not effective unless the parcel (strip) was paved within two years of the 12-12-95 deed. The property was never paved and 18 years have passed.

The current owner of Lot 20 has contracted for and scheduled a sale of the property and the owner's title insurance company requires that the described cloud on title be cleared by the execution of the attached Quit Claim Deed by the city. A review of the relevant plat map, survey (Attachment C) and deeds in question by the departments of Public Services and Compliance and Risk Management establishes the "strip" is of no value to the City and the City will not be transferring a beneficial interest by executing the offered Quit Claim Deed (Attachment D).

ATTACHMENTS:

Attachment A – Aerial Map depicting property at issue.

Attachment B – 12-12-95 Deed to City

Attachment C – Survey

Attachment D – Quit Claim Deed

REVIEWED BY CITY MANAGER:

6.00
.70

RECORDED
96 JUN 19 11:45

This instrument prepared by:
Neil A. Malphurs, Esquire
P.O. Box 9
Alachua, FL 32615

Map Parcel #:
3386-004-020

RETURN TO:

DEED

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this 12th day of Dec, 1995 By
WALLACE R CAIN,

whose address is: Post Office Box 100 Alachua, Florida, 32615
of the County of Alachua, State of Florida, Grantor,

To THE CITY OF ALACHUA, FLORIDA,
whose address is: Post Office Box 9, Alachua, Florida, 32615
of the County of Alachua, State of Florida, Grantee.

Grantor, in consideration of Ten Dollars (\$10.00), paid by Grantee, has granted, bargained, and sold and does hereby absolutely grant, bargain and sell to Grantee that real property located in the County of Alachua, State of Florida, and more particularly described as follows:

The westerly 30' of Lot 20 of QUAIL ROOST ESTATES, UNIT II a subdivision according to the plat recorded in Plat Book 14, Page 22 of the Public Records of Alachua County, Florida.

This deed is made and accepted on the condition Grantee pays the land hereby conveyed within two years from the date hereof. Upon performance of this condition this deed shall be in effect.

together with all the estate and rights of Grantor in such property.

In witness whereof, Grantor has executed this deed on the date first above written.

Signed, sealed and delivered
in our presence:

Christine Hogan

Wallace R. Cain
WALLACE R. CAIN

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this day of 12 of Dec, 1995, by WALLACE R. CAIN who is/are personally known to me or has/have produced identification and who did not take an oath.

My Commission Expires:

CHRISTINE HOGAN
Notary Public, State of Florida
My comm. expires Nov. 1, 2000
Comm. No. CC122862

Christine Hogan
NOTARY PUBLIC

1377056

046 P81248

BOUNDARY SURVEY

IN SECTION 30, TOWNSHIP 8 SOUTH, RANGE
18 EAST, ALACHUA COUNTY, FLORIDA

LEGAL DESCRIPTION :
LOT TWENTY (20) OF "OVAL ROOST UNIT 2," PLATBOOK
37, PAGE 12, A RECORDED SUBDIVISION OF ALACHUA
COUNTY, FLORIDA.

LINE TABLE:

- 1) S 89°43'07"W 23.84' (M)
- S 89°40'00"W 30.00' (P)

BEARING NOTE :

BEARINGS SHOWN HEREON ARE REFERRED TO
AN ASSUMED VALUE OF S. 29°49'47" W. FOR
THE EAST PROPERTY LINE OF THE SUBJECT
PARCEL.

FENCE NOTE :

SOME FENCE TIES AS SHOWN HEREON,
(IF APPLICABLE) HAVE BEEN DOWN
EXAGGERATED FOR SAKE OF GRAPHIC
REPRESENTATION.

TITLE NOTE :

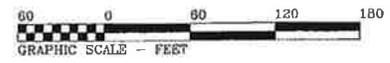
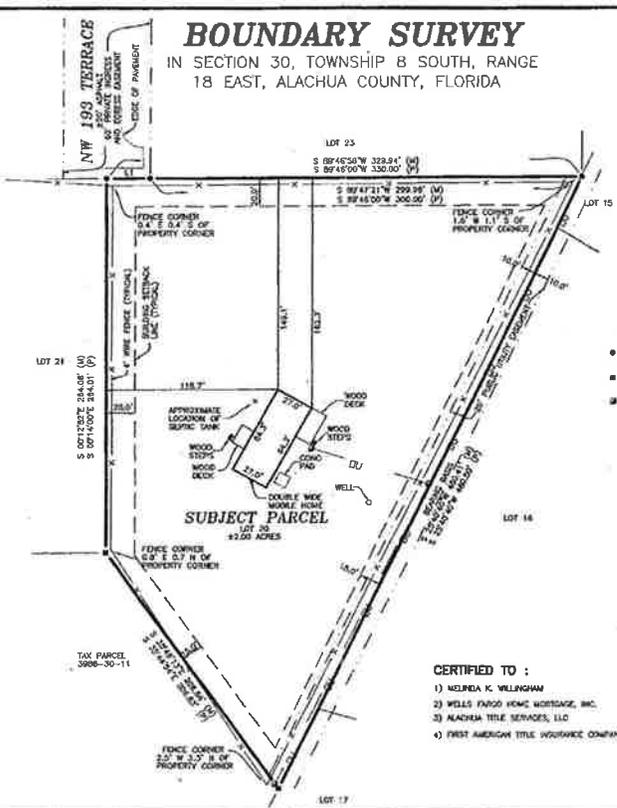
THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY
BE DISCOVERED BY A FULL AND ACCURATE TITLE SEARCH.
THIS SURVEYOR HAS NOT PERFORMED A SEARCH OF
THE PUBLIC RECORDS ON THIS PARCEL FOR
ANY CLAIMS OF TITLE, EASEMENTS, OR RESTRICTIONS
THAT MAY AFFECT THIS PARCEL. THE PRESENCE
OR ABSENCE OF ANY SUCH CLAIMS ARE NOT
CERTIFIED HEREON.

SURVEYOR NOTES:

- 1) TO THE BEST OF MY KNOWLEDGE, THERE ARE NO
ENCROACHMENTS, BOUNDARY LINE DISPUTES,
EASEMENTS, OR CLAIMS OF SOLENCITY, OTHER
THAN ARE DEPICTED ON THIS DRAWING.
- 2) ALL UTILITIES AND OR IMPROVEMENTS IF ANY MAY
NOT BE SHOWN ON THIS DRAWING.
- 3) IN THE OPINION OF THIS SURVEYOR THE BOUNDARY
SHOWN HEREON BEST REPRESENTS THE LOCATION OF
THE SUBJECT PROPERTY IN RELATION TO THE
DESCRIPTION AND THOSE PROPERTY CORNERS
FOUND TO BE ACCEPTABLE TO THIS SURVEYOR.

FLOOD NOTE:

IN THE OPINION OF THIS SURVEYOR, ACCORDING TO THE
NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NO. 120004-0003-A, DATED 2-23-98,
THIS PROPERTY IS IN FLOOD ZONE "C" WHICH IS AN AREA
DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN AS
SCALED FROM SAID MAP. INFORMATION FROM THE FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE
RATE MAPS, SHOWN ON THIS MAP, WAS CURRENT AS OF THE
REFERENCE DATE. MAP ERRORS AND AMENDMENTS ARE
PROPOGATED BY LETTER AND MAY NOT BE REFLECTED
ON THE MOST CURRENT MAP.



ABBREVIATIONS :

- LEGEND:**
- = FOUND 5/8" REBAR & CAP
PLS 3456
 - = FOUND 4" X 4" CONC. MON.
PRM 3456
 - ▣ = WOOD POWER POLE
- ABBREVIATIONS :**
- CMC = CONCRETE
 - LS = LOCKED SURVEYOR BUSINESS
 - LS = LAND SURVEYOR
 - (M) = FIELD MEASURED
 - O.U. = OVERHEAD UTILITIES
 - P = PLAT
 - PMW = PERMANENT REFERENCE MONUMENT
 - PSM = PROFESSIONAL SURVEYOR & MAPPER
 - R/W = RIGHT OF WAY

CERTIFICATE OF SURVEYOR :

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS
TO THIS MAP BY ANYONE OTHER THAN THE SURVEYOR IS PROHIBITED.

I HEREBY CERTIFY THAT THE SURVEY DATA SHOWN HEREON IS A
TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER
MY SUPERVISION OF THE HEREON DESCRIBED PROPERTY, AND IT MEETS
THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA
BOARD OF LAND SURVEYORS, SUBSISTENT TO SECTION 422.097, FLORIDA
STATUTES, AND CHAPTER 62S17, FLORIDA ADMINISTRATIVE CODE.

Signature of Surveyor
DATE: 10/18/02

CERTIFIED TO :

- 1) MELBA K. WELLS
- 2) WELLS FARGO HOME MORTGAGE, INC.
- 3) ALACHUA TITLE SERVICES, LLC
- 4) FIRST AMERICAN TITLE INSURANCE COMPANY

BRINKMAN SURVEYING & MAPPING INC.		
11108 MARTIN LUTHER KING HWY, DANESVILLE, FL 32638		
PHONE (386) 462-3001 FAX (386) 418-3750		
SCALE: 1" = 60'	LD # 0894	DRAWN BY: JMB
DATE: 10-9-02		CHECKED BY: JMB
FIELD WORK COMPLETED ON 10-7-02 FIELDBOOK 42, PAGE 35		
PREPARED FOR: WELLS		DRAWING NUMBER 118-02

*Prepared By & Return To:
Darryl J. Tompkins, Esquire
Darryl J. Tompkins, P.A.
P.O. Box 519
14420 NW 151st Blvd.
Alachua, Florida 32616*

Parcel ID No.: 03986-004-020 (portion of)

Quitclaim Deed

This Quitclaim Deed, Made this _____ day of _____, 2013 between

CITY OF ALACHUA, A MUNICIPALITY WITHIN ALACHUA COUNTY, FLORIDA
of the County of Alachua, State of Florida, Grantor, and

MICHAEL S. UNDERWOOD AND SHERI M. UNDERWOOD, HUSBAND AND WIFE

whose post office address is: 240 E. 11th Avenue, Unit A, Anchorage, AK 99501-4432
of the County of Anchorage, State of Alaska, Grantee.

WITNESSETH, that the GRANTORS, for and in consideration of the sum of \$10.00 and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have granted, bargained, and quitclaimed to the said GRANTEES and GRANTEES= heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Alachua, State of Florida, to wit:

THE WESTERLY 30 FEET OF LOT 20 OF QUAIL ROOST ESTATES, UNIT II, A SUBDIVISION ACCORDING TO THE PLAT RECORDED IN PLAT BOOK "N", PAGE 22 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA. AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2046, PAGE 1248 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

Subject to the following:

- A. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
- B. Restrictions and matters appearing on the plat and/or in the public records of Alachua County, Florida; provided, however, the reference herein shall not be deemed to reimpose same;
- C. Taxes for the year 2013 and subsequent years.

Title to the lands described herein has not been examined by Darryl J. Tompkins, P.A. and no warranty or other representation is made and no opinion (either express or implied) is given as to the marketability or condition of the title to the subject property, the quality of lands included therein, the location of boundaries thereof, or the existence of liens, unpaid taxes, or encumbrances.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantees forever.

IN WITNESS WHEREOF, the grantors have hereunto set his hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Attest:

City of Alachua, a municipality within Alachua County, Florida

Traci L. Cain, City Manager/Clerk

By: _____
Gib Coerper, Mayor

Approved as to form:

By: _____
Marian Rush, City Attorney

Date: _____

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing was acknowledged before me this ____ day of _____, 2013, by Gib Coerper, Mayor of City of Alachua, Florida, a municipality, who has executed the foregoing instrument on behalf of the municipality and who is [] personally known to me or who [] produced a driver's license as identification.

Notary Public, State of Florida
My Commission Expires: _____
(Seal)

Approval of Quitclaim Deed from City of Alachua to Michael S. Underwood and Sheri M. Underwood, husband and wife.

At a meeting on the _____ day of _____, 2013
The Alachua City Commissioners authorized the execution
of this instrument and authorized the Mayor to execute
his acknowledgement.

Traci L. Cain, City Manager/Clerk

Executed on this _____ day of _____, 2013.