

RESOLUTION NO. 20-78

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ACCEPTING CERTAIN SEWER FACILITIES FROM DARYL W. BALL AND NANCY J. BALL, AND IN CONSIDERATION THEREFOR AUTHORIZING EXECUTION AND DELIVERY OF A REVENUE CERTIFICATE IN AN AMOUNT NOT TO EXCEED \$15,355.00 PAYABLE SOLELY FROM SEVENTY-FIVE PERCENT OF IMPACT FEES COLLECTED BY THE CITY OF PANAMA CITY BEACH FOR SEWER UTILITY CONNECTIONS MADE TO THOSE SAME, CERTAIN FACILITIES, ALL AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE RESOLUTION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

That in consideration of the transfer of the following described facilities to the City by Daryl W. Ball and Nancy J. Ball, whose address is 2730 Ferol Lane, Lynn Haven, FL 32444, receipt whereof is hereby acknowledged, to wit,

Sewer improvements consisting of approximately 500 linear feet of 2" diameter force main pipe and assorted appurtenances. The improvements lie entirely in the Front Beach Road Right of Way, from a point of connection at 21222 Front Beach Road. Collectively, the foregoing, together with the miscellaneous items and equipment affixed to and made a permanent part of those improvements, are referred to herein as the "Personalty."

The City does hereby issue and the appropriate officers and staff thereof are authorized to execute and deliver to Daryl W. Ball and Nancy J. Ball, that certain sewer revenue certificate of even date in an amount not to exceed Fifteen Thousand Three Hundred Fifty Five dollars and no cents (\$15,355.00) with no interest thereon, payable solely from seventy-five percent (75%) of Impact Fees collected by the City of Panama City Beach under Article III, Chapter 23, Panama City Beach Code of Ordinances, or similar ordinance superseding same, for connections made to those certain sewer facilities described above.

Nothing herein shall be construed as a conveyance or mortgage of the City's facilities or property or any part thereof or any interest therein, nor is the obligation authorized hereby a general obligation or indebtedness of the City or bonds within the

meaning of Section 12, Article VII, of the Constitution of Florida, but shall be payable solely from and secured by a lien upon or a pledge of the special funds as herein provided. The lien and pledge securing said Certificate shall be inferior and subordinate to the lien and pledge, if any, of all currently outstanding water and sewer revenue bonds of the City of Panama City Beach, Florida. In addition, the holder of the Certificate authorized hereby shall agree to subordinate, at any time requested by the City, the lien and pledge hereof to any future water or sewer, or both, revenue bond which may be issued by the City, provided that any such future revenue bond shall not prohibit payment of any sum due under the Certificate whenever said bond shall not be in default and every debt reserve fund, renewal or replacement fund, or other fund of any nature required thereby shall be fully funded. The certificate authorized hereby shall be payable solely from seventy-five percent (75%) of collected Impact Fees described herein; in the event insufficient connections are made or the City is unable through reasonable diligence to collect sufficient Impact Fees to satisfy the certificate on or before five (5) years from date, these certificates shall be void and of no further force and effect.

PASSED, APPROVED, AND ADOPTED this 12th day of March, 2020.

CITY OF PANAMA CITY BEACH,
FLORIDA

BY: 
Mike Thomas, Mayor

ATTEST:


Mary Jan Bossert, City Clerk

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that Daryl W. Ball and Nancy J. Ball whose address is 2730 Ferol Lane, Lynn Haven, FL 32444, ("Sellers"), for and in consideration of the sum of Ten and no/100's Dollars, lawful money of the United States, to it paid by THE CITY OF PANAMA CITY BEACH, FLORIDA, a municipal corporation, duly organized and validly existing under the laws of the State of Florida ("Buyer"), whose address is 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold, transferred, and delivered, and by these presents does grant, bargain, sell, transfer, and deliver unto the Buyer, the following goods and chattels:

- 1. Sewer improvements consisting of approximately 500 linear feet of 2" diameter force main pipe and assorted appurtenances. The improvements lie entirely in the Front Beach Road Right of Way, from a point of connection at 21222 Front Beach Road. Collectively, the foregoing, together with the miscellaneous items and equipment affixed to and made a permanent art of those improvements, are referred to herein as the "Personalty."

TO HAVE AND TO HOLD the same unto the Buyer, Buyer's successors and assigns forever.

AND each Seller does, for itself, covenant to and with the Buyer that Sellers collectively are or represent all of the lawful owners of the Personalty; that the said property is free and clear of all liens, encumbrances, and charges whatsoever; that each Sellers has good right and lawful authority to sell the Personalty; and that each Seller does warrant and defend the sale of the Personalty to the Buyer, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

AND each Seller represents and warrants to the Buyer that, to its present knowledge the Personalty is free from defects in material and workmanship, and that Seller is not presently aware of any facts or circumstances which would cause a prudent wastewater operator to investigate whether a defect in material or workmanship exists. The warranties stated above are expressly in lieu of all other warranties not expressly stated herein, including the warranties of quality, productiveness, and fitness for a particular purpose. Except as expressly stated herein, Sellers make no implied warranties.

DATED this _____ day of _____, 2020.

Signed, sealed & delivered
in the presence of:

Print Name

Print Name

By: _____
Its

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization, this ____ day of _____, 2020, by
_____, as _____ of _____, on behalf of the
corporation, who: (notary must check applicable line)

_____ is personally known to me.
_____ produced a current driver's license as identification.
Type of Identification Produced _____.

Signature of Notary Public – State of FL

Print, Type or Stamp Commissioner Name
Or Notary Public

THIS INSTRUMENT PREPARED BY:
Amy E. Myers
HAND ARENDALL HARRISON SALE LLC
16901 PANAMA CITY BEACH PKWY, SUITE 300
PANAMA CITY BEACH, FLORIDA, 32413
(850) 769-3434