

**RESOLUTION NO. 20-77**

**A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ACCEPTING CERTAIN SEWER FACILITIES FROM LANCE B. DUKE AND DEBORAH F. DUKE, AND IN CONSIDERATION THEREFOR AUTHORIZING EXECUTION AND DELIVERY OF A REVENUE CERTIFICATE IN AN AMOUNT NOT TO EXCEED THIRTY NINE THOUSAND SIX HUNDRED SIXTY ONE DOLLARS (\$39,661.00) PAYABLE SOLELY FROM SEVENTY-FIVE PERCENT (75%) 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 Lance B. Duke and Deborah F. Duke, whose address is 8327 Surf Drive #B, Panama City Beach, FL 32408, receipt whereof is hereby acknowledged, to wit,

All sewer improvements from Lots 14 through 21 on the south side of Surf Drive including approximately 400 linear feet of 2-inch diameter forcemain, 10 feet of 8-inch gravity sewer and one sewer manhole together with all connectors, appurtenances, valves, fittings, etc. necessary to make the force main a complete and operational extension of the City sewer system.

The City does hereby issue and the appropriate officers and staff thereof are authorized to execute and deliver to Lance B. Duke and Deborah F. Duke, that certain sewer revenue certificate of even date in an amount not to exceed thirty nine thousand six hundred sixty one dollars (\$39,661.00) 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 9<sup>th</sup> day of April, 2020.

CITY OF PANAMA CITY BEACH,  
FLORIDA

BY:   
Mike Thomas, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**BILL OF SALE**

KNOW ALL MEN BY THESE PRESENTS, that Lance B. Duke and Deborah F. Duke whose address is 8327 Surf Drive, Panama City Beach, FL 32408, ("Seller"), 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. All sewer improvements from Lots 14 through 21 on the south side of Surf Drive including approximately 400 linear feet of 2-inch diameter forcemain, 10 feet of 8- inch gravity sewer and one sewer manhole together with all connectors, appurtenances, valves, fittings, etc. necessary to make the force main a complete and operational extension of the City sewer system.

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 \_\_\_\_\_

\_\_\_\_\_  
Lance B. Duke

\_\_\_\_\_  
Print Name \_\_\_\_\_

\_\_\_\_\_  
Print Name \_\_\_\_\_

\_\_\_\_\_  
Deborah F. Duke

\_\_\_\_\_  
Print Name \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2020, by Lance B. Duke and Deborah F. Duke, who: (notary **must** check applicable line)  
\_\_\_\_ are personally known to me.  
\_\_\_\_ produced a current driver's license as identification.  
Type of Identification Produced \_\_\_\_\_  
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