

RESOLUTION NO. 24-05

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, VACATING, CLOSING AND ABANDONING PORTIONS OF A UTILITY EASEMENT WITHIN THE PANAMA FLATS DEVELOPMENT ADJACENT TO GRAND PANAMA BOULEVARD; VESTING THE FEE SIMPLE TITLE TO SAID ABANDONED PROPERTY IN PERSONS, FIRMS OR CORPORATIONS AS PROVIDED BY LAW.

WHEREAS, the City obtained nonexclusive easements under, over and across certain property lying adjacent to Grand Panama Boulevard, recorded in Official Records Book 2942, Page 647, and Official Records Book 3226, Page 1437, for the general purposes of operating, accessing and maintaining its water, sewer and reuse utilities and related utility lines and equipment as part of the City's utility system within the Grand Panama Development lying between Front Beach Road and Hutchison Boulevard; and

WHEREAS, **360 Panama Flats, LLC** apparent owner of the former Grand Panama Development within which the aforementioned easements are located, has fully developed the property as apartment homes and relocated certain utilities in exchange for the abandonment of the easement where the apartment buildings were constructed, which action was memorialized in Resolution 21-108 approved by the Council on March 11, 2021; and

WHEREAS, it has come to the Developer and City's attention that portions of two parking garages for the development encroach on a City easement in which a fire hydrant waterline was intended to be installed by the original developer, but which waterline was relocated by Panama Flats as part of their ultimate development of the property, such that the easement area does not serve an existing or foreseeable use by the City; and

WHEREAS, **360 Panama Flats, LLC** has petitioned the City to take formal action to abandon or vacate that specific portion of the easement area indicated on the **attached** Exhibit A.

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

SECTION 1. It is hereby determined that the portions of the easement hereinafter described are no longer useful or needed for utility purposes, and it is in the public interest

that said property be abandoned, vacated, and released from any and every public right, use, title and interest, except as hereinafter provided. The following described property be, and the same is hereby abandoned and vacated, and said property be, and the same is hereby released and discharged of any and every public right, use, title and interest of the City of Panama City Beach, for utility and access purposes and that said property shall revert to the adjoining and abutting owners who have a reversionary interest, except and subject to any other easements of record, over, under and across the following described property, said property lying and being in Bay County, Florida, and more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT A

SECTION 2. The fee simple title to the aforementioned land shall vest in the person, firm or corporation entitled thereto, in accordance with the law.

SECTION 3. This Resolution supplements Resolution 21-108, which shall not be repealed or superseded by approval of this Resolution.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 12th day of October, 2023.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

Exhibit A to Resolution No. 24-05

(Easement area to be abandoned)

A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4202, PAGE 1419 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, LYING IN SECTION 35 TOWNSHIP 3 SOUTH, RANGE 16 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA. FROM SAID POINT OF COMMENCEMENT, ALONG THE SOUTH LINE OF SAID SECTION 26, RUN NORTH 89 DEGREES 45 MINUTES 18 SECONDS EAST, A DISTANCE OF 1,075.40 FEET TO A FOUND 3/4 INCH IRON PIPE; THENCE LEAVING SAID SOUTH LINE, RUN THE FOLLOWING COURSES: RUN NORTH 00 DEGREES 16 MINUTES 52 SECONDS WEST, A DISTANCE OF 13.08 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST, A DISTANCE OF 30.55 FEET TO A FOUND 5/8 INCH IRON ROD; THENCE NORTH 00 DEGREES 28 MINUTES 15 SECONDS EAST, A DISTANCE OF 29.87 FEET TO A FOUND 5/8 IRON ROD; THENCE SOUTH 89 DEGREES 20 MINUTES 37 SECONDS EAST, A DISTANCE OF 6.36 FEET TO A FOUND 5/8 INCH IRON ROD; THENCE SOUTH 85 DEGREES 59 MINUTES 39 SECONDS EAST, A DISTANCE OF 34.85 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 04 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE OF 29.94 FEET TO A SET 5/8 INCH IRON ROD AND CAP STAMPED SAM LLC LB 7908; THENCE SOUTH 86 DEGREES 03 MINUTES 40 SECONDS EAST, A DISTANCE OF 29.96 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE NORTH 04 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 29.94 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 86 DEGREES 00 MINUTES 57 SECONDS EAST, A DISTANCE OF 107.09 FEET TO A FOUND NAIL AND DISK STAMPED LB 6682 ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 56.50 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE NORTHEAST, THENCE RUN SOUTHEASTERLY, AN ARC DISTANCE OF 71.47 FEET THROUGH A CENTRAL ANGLE OF 72 DEGREES 28 MINUTES 39 SECONDS (CHORD OF SAID ARC BEARING SOUTH 40 DEGREES 21 MINUTES 22 SECONDS EAST, A CHORD DISTANCE OF 66.80 FEET) TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 76 DEGREES 33 MINUTES 37 SECONDS EAST, A DISTANCE OF 29.11 FEET TO A FOUND 4 INCH SQUARE CONCRETE MONUMENT STAMPED DRMP LB 2648 ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 32.00 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE SOUTHWEST, THENCE RUN SOUTHEASTERLY, AN ARC DISTANCE OF 18.98 FEET THROUGH A CENTRAL ANGLE OF 33 DEGREES 59 MINUTES 09 SECONDS (CHORD OF SAID ARC BEARING SOUTH 59 DEGREES 47 MINUTES 12 SECONDS EAST, A CHORD DISTANCE OF 18.70 FEET) TO A FOUND NAIL AND DISK STAMPED PCP LB 6682 ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 349.10 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE SOUTHEAST, THENCE RUN NORTHEASTERLY, AN ARC DISTANCE OF 201.61 FEET THROUGH A CENTRAL ANGLE OF 33 DEGREES 05 MINUTES 22 SECONDS (CHORD OF SAID ARC BEARING NORTH 22 DEGREES 39 MINUTES 55 SECONDS EAST,

A CHORD DISTANCE OF 198.82 FEET) TO A FOUND 4 INCH SQUARE CONCRETE MONUMENT STAMPED DRMP LB 2648 ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 65.39 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE NORTHWEST, THENCE RUN NORTHEASTERLY, AN ARC DISTANCE OF 25.44 FEET THROUGH A CENTRAL ANGLE OF 22 DEGREES 17 MINUTES 32 SECONDS (CHORD OF SAID ARC BEARING NORTH 27 DEGREES 54 MINUTES 01 SECOND EAST, A CHORD DISTANCE OF 25.28 FEET) TO A FOUND 4 INCH SQUARE CONCRETE MONUMENT STAMPED DRMP LB 2648; THENCE CONTINUE NORTH 16 DEGREES 47 MINUTES 07 SECONDS EAST, A DISTANCE OF 39.37 FEET TO A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 105.00 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE EAST, THENCE RUN NORTHERLY, AN ARC DISTANCE OF 18.17 FEET THROUGH A CENTRAL ANGLE OF 09 DEGREES 54 MINUTES 57 SECONDS (CHORD OF SAID ARC BEARING NORTH 22 DEGREES 02 MINUTES 15 SECONDS EAST, A CHORD DISTANCE OF 18.15 FEET); THENCE NORTH 26 DEGREES 47 MINUTES 26 SECONDS EAST, A DISTANCE OF 58.92 FEET TO A FOUND 5/8 INCH IRON ROD; THENCE NORTH 34 DEGREES 22 MINUTES 33 SECONDS EAST, A DISTANCE OF 75.11 FEET TO A FOUND NAIL AND DISK STAMPED LB 6682 ON THE SOUTH RIGHT OF WAY LINE OF MIDDLE BEACH ROAD (100 FOOT RIGHT OF WAY); THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, RUN SOUTH 55 DEGREES 39 MINUTES 33 SECONDS EAST, A DISTANCE OF 177.52 FEET TO A FOUND 3/4 INCH IRON PIPE; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, RUN SOUTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, A DISTANCE OF 68.63 FEET TO A FOUND 5/8 INCH IRON ROD AND CAP STAMPED DRMP LB 2648; THENCE SOUTH 32 DEGREES 48 MINUTES 34 SECONDS WEST, A DISTANCE OF 246.18 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 12 DEGREES 36 MINUTES 08 SECONDS WEST, A DISTANCE OF 98.68 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 02 DEGREES 05 MINUTES 11 SECONDS EAST, A DISTANCE OF 104.95 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682 ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 124.26 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE SOUTHWEST, THENCE RUN SOUTHEASTERLY, AN ARC DISTANCE OF 133.48 FEET THROUGH A CENTRAL ANGLE OF 61 DEGREES 32 MINUTES 54 SECONDS (CHORD OF SAID ARC BEARING SOUTH 60 DEGREES 49 MINUTES 59 SECONDS EAST, A CHORD DISTANCE OF 127.16 FEET) TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE NORTH 82 DEGREES 01 MINUTE 07 SECONDS EAST, A DISTANCE OF 77.16 FEET TO A FOUND 1/2 INCH IRON ROD AND CAP STAMPED LB 6682; THENCE SOUTH 55 DEGREES 36 MINUTES 37 SECONDS EAST, A DISTANCE OF 99.71 FEET TO A FOUND NAIL AND DISK; THENCE SOUTH 34 DEGREES 18 MINUTES 11 SECONDS WEST, A DISTANCE OF 30.02 FEET TO A FOUND 5/8 INCH IRON ROD AND CAP STAMPED DRMP LB 2648; THENCE SOUTH 55 DEGREES 39 MINUTES 30 SECONDS EAST, A DISTANCE OF 106.59 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING CONTINUE SOUTH 55 DEGREES 39 MINUTES 30 SECONDS EAST, A DISTANCE OF 38.31 FEET; THENCE SOUTH 34 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 36.08 FEET; THENCE SOUTH 11 DEGREES 50 MINUTES 07 SECONDS WEST, A DISTANCE OF 158.03 FEET; THENCE

NORTH 78 DEGREES 09 MINUTES 53 SECONDS WEST, A DISTANCE OF 15.00 FEET;
 THENCE NORTH 11 DEGREES 50 MINUTES 07 SECONDS EAST, A DISTANCE OF 139.50 FEET;
 THENCE NORTH 55 DEGREES 41 MINUTES 15 SECONDS WEST, A DISTANCE OF 31.52 FEET;
 THENCE NORTH 34 DEGREES 18 MINUTES 45 SECONDS EAST, A DISTANCE OF 58.95 FEET TO THE POINT OF BEGINNING,
 CONTAINING 0.101 ACRES (4,412 SQUARE FEET), MORE OR LESS.

