

## RESOLUTION 16-13

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, APPROVING THE CONVEYANCE OF A 50' X 60' STRIP OF LAND TO TRUSTMARK NATIONAL BANK AND ACCEPTING A 21' X 141' STRIP OF LAND FROM TRUSTMARK NATIONAL BANK TO AMEND THE DIMENSIONS OF A CITY LIFT STATION SITE LOCATED OFF BIG DADDY DRIVE; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO EXECUTE AND DELIVER ON BEHALF OF THE CITY THE DOCUMENTATION NECESSARY TO EFFECT SUCH CONVEYANCES; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS , the city owns property located on Big Daddy Drive which it purchased in 2012 from Trustmark Bank to use for a lift station and sewer utilities to support the Bayside Utility System; and

WHEREAS, Trustmark has requested the conveyance of the northernmost portion of this property and has offered to convey to the City a similar square footage from his adjacent property; and

WHEREAS, the City finds that the changed dimensions of the lift station site will have no adverse impact on the City's provision of utility service in this area.

### **NOW THEREFORE BE IT RESOLVED** that:

1. The appropriate officers of the City are authorized to accept on behalf of the City that certain Special Warranty Deed from Trustmark National Bank to the City conveying an approximate 21' x 141' piece of land located east and adjacent to the City's existing lift station site located on Big Daddy Drive, Bay County Parcel ID No. 27338-001-003, in substantially the form attached as Exhibit A and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Deed shall be conclusive evidence of such approval.
2. The appropriate officers of the City are authorized to execute on behalf of the City that certain Special Warranty Deed from the City to Trustmark National Bank conveying the northern 60' of the City's lift station site located at on Big Daddy Drive, Bay County Parcel ID No. 27338-001-003, in substantially the form attached as Exhibit B and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Deed shall be conclusive evidence of such approval.
- 3 The appropriate officers of the City are authorized and directed to deliver the Special

Warranty Deed to Trustmark National Bank upon the City's receipt of the fully executed Special Warranty Deed from Trustmark National Bank accompanied by a title opinion demonstrating that all parties with an interest of record in the subject property have appropriately joined in the execution of the Special Warranty Deed to the City, which title opinion shall be dated no less than 30 days prior to conveyance of the Special Warranty Deed to the City.

**THIS RESOLUTION** shall be effective immediately upon passage.

**PASSED** in regular session this 28<sup>th</sup> day of October, 2015.

**CITY OF PANAMA CITY BEACH**

By: 

Gayle F. Oberst, Mayor

**ATTEST:**

  
Diane Fowler, City Clerk

EX A

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2015 between Trustmark National Bank, hereinafter referred to as "Grantor" and City of Panama City Beach, Florida, whose address is 110 South Arnold Road, Panama City Beach, Florida 32413, hereinafter collectively referred to as "Grantees".

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed, confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said Grantee, and its successors and assigns, forever, all that certain parcel of land lying and being in the County of Bay, State of Florida, more particularly described as follows:

Commencing at a four inch concrete monument (no identification) marking the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 28, Township 3 South, Range 15 West, Bay County, Florida and run thence S89°38'23" E, along the North boundary line of said Southwest Quarter of the Northwest Quarter for a distance of 3258.48 feet; thence S00°39'12" W for 60.00 feet to the Point of Beginning; thence continue S00°39'12" W for 141.27 feet to the North right of way line of Big Daddy Drive (80' right of way); thence S89°38'23" E along the North right of way of Big Daddy Drive for 71.44 feet; thence N 00°30'12" E for 141.34 feet; thence N89°38'23" W for 71.44 feet to the Point of Beginning. Containing 0.232 acres more or less.

**Subject to easements, restrictions of record and taxes for the year 2015 and thereafter and Grantee's interest as to the portion of property conveyed herein which has been previously conveyed to Grantee by virtue of that Special Warranty Deed as recorded in Official Records Book 3600 at Page 125 of the Public Record of Bay County, Florida.**

TOGETHER with all the tenements, hereditaments, and appurtenances, with

every privilege, right, title, interest and estate, reversion, remainder and easements thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that said land is free of all encumbrances except taxes accruing subsequent thereto. That it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under said Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed the day and year first above written.

Trustmark National Bank

by: \_\_\_\_\_

its: \_\_\_\_\_

\_\_\_\_\_  
Witness, Sign

\_\_\_\_\_  
Witness, Print

\_\_\_\_\_  
Witness, Sign

\_\_\_\_\_  
Witness, Print

STATE OF FLORIDA,  
COUNTY OF BAY.

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_ as \_\_\_\_\_ of Trustmark National Bank, on its behalf, who personally appeared before me and

acknowledged that he/she signed the instrument voluntarily for the purpose expressed in it.

- Personally known
- Produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Sign Name)

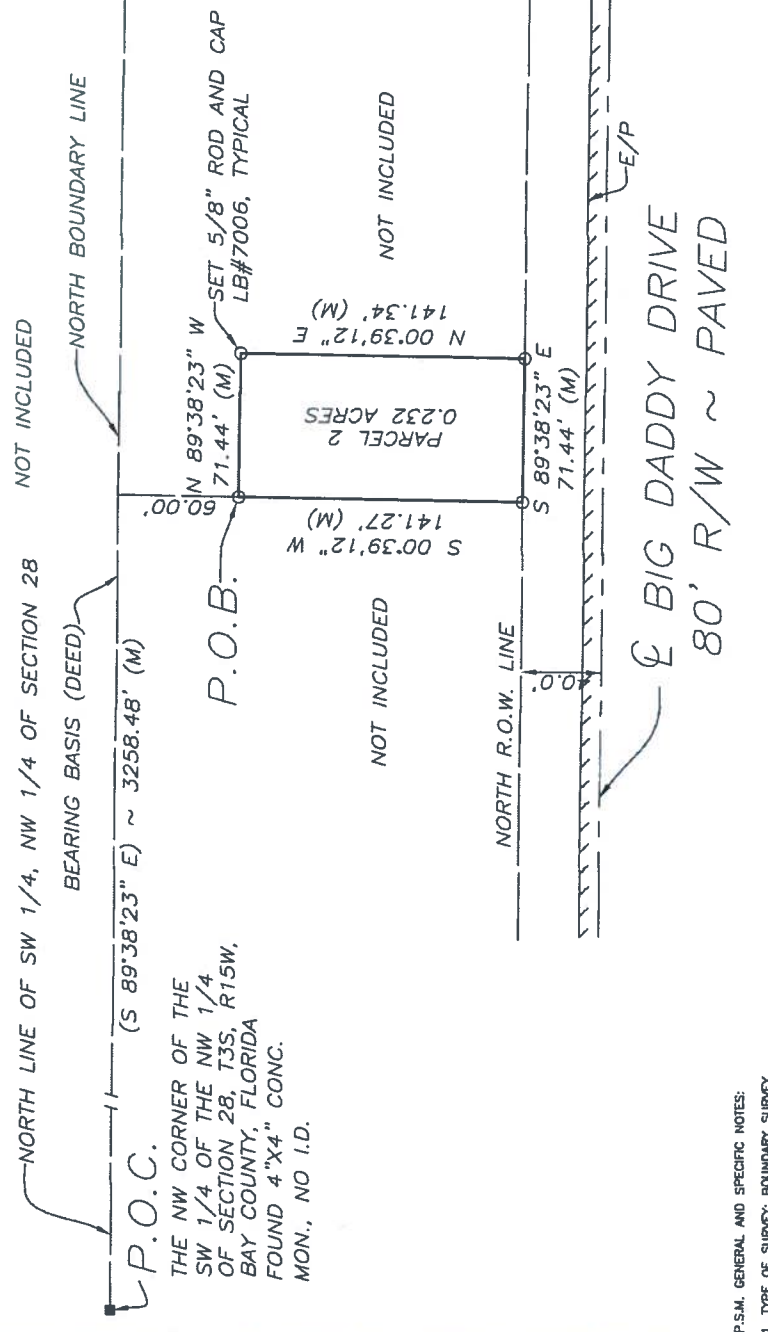
\_\_\_\_\_  
(Print Name)

My Commission Expires:

THIS INSTRUMENT PREPARED BY:  
Jack G. Williams, Esq.  
Post Office Box 2176  
Panama City, FL 32402

Ex A1

SECTION 28, T3S, R15W, BAY COUNTY, FLORIDA



**LEGEND**

1	CLEAR CUT
2	WOOD
3	SHRUBS
4	WETLAND
5	SWAMP
6	PRAIRIE
7	ROAD
8	RAILROAD
9	POLELINE
10	UTILITY
11	FENCE
12	POST AND RAIL
13	POST AND RAIL WITH STAKE
14	POST AND RAIL WITH STAKE AND CEMENT
15	POST AND RAIL WITH STAKE AND CEMENT AND PAINT
16	POST AND RAIL WITH STAKE AND CEMENT AND PAINT AND STAKE
17	POST AND RAIL WITH STAKE AND CEMENT AND PAINT AND STAKE AND CEMENT
18	POST AND RAIL WITH STAKE AND CEMENT AND PAINT AND STAKE AND CEMENT AND PAINT
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PARCEL ID NO. 27338-001-002  
OFFICIAL RECORDS BOOK: 3186, PAGE 2364

**NOTES:**

- ALL POINTS AND DIMENSIONS ARE SHOWN AND ARE NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH THE SURVEY WAS MADE.
- THE SURVEY SHOWN HEREON IS VALID FROM THE DATE OF SIGNATURE.
- THIS SURVEY IS MADE IN ACCORDANCE WITH THE PROFESSIONAL SURVEYOR'S OATH AND THE FLORIDA STATUTES GOVERNING THE PROFESSION OF SURVEYING.
- THE SURVEY SHOWN HEREON IS VALID FROM THE DATE OF SIGNATURE.

**DESCRIPTION:** AS SHOWN

**BOUNDARY SURVEY**  
XUWEI ZHAO

APPROVED BY: *[Signature]* EXPIRES: 12/31/2015  
ISSUED: 08/17/2015

STATE OF FLORIDA  
COUNTY OF BAY  
DATE: AUGUST 17, 2015

FILE NO.	
BOOK	
PAGE	
DATE	
BY	
REMARKS	

- P.S.M. GENERAL AND SPECIFIC NOTES:
- TYPE OF SURVEY: BOUNDARY SURVEY
  - REASON FOR SURVEY: OBTAINED BY CLIENT AND OFFICE RESEARCH
  - DESCRIPTION: FURNISHED BY CLIENT
  - DATE OF SURVEY: AUGUST 6, 2015
  - LAST DATE OF FIELD WORK: AUGUST 6, 2015
  - FLOOD BOOK REFERENCE: 97, PAGE 6
  - STREET ADDRESS: 7104 BIG DADDY DRIVE, PANAMA CITY, FLORIDA
  - THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR BEST INTEREST CERTIFICATE FROM THE OWNER'S TITLE INSURANCE COMPANY. IT IS THE SURVEYOR'S RESPONSIBILITY TO OBTAIN SUCH INFORMATION FROM THE CLIENT OR FROM OTHER SOURCES WHICH COULD AFFECT THE TITLE BOUNDARIES.
  - BEARING BASE: S 89°38'23" E ~ NORTH LINE SW 1/4 OF NW 1/4
  - SURVEY ORDERED BY: XUWEI ZHAO
  - THIS SURVEY IS CERTIFIED TO: XUWEI ZHAO, MID SOUTH BANK
  - THE SURVEY SHOWN HEREON DOES NOT REFLECT OR DETERMINE OWNERSHIP OF THE LAND OR THE BOUNDARIES THEREOF.
  - BUILDING DIMENSIONS DO NOT INCLUDE EAVE OVERHANG AND/OR DIMENSIONS OF THE SURFACE PORTIONS OF THE FOUNDATION/PILING/FOOTINGS.
  - IMPROVEMENTS: EXIST AS SHOWN HEREON AS OF DATE OF SURVEY.
  - FLOOD ZONE: PROPERTY IS LOCATED IN FLOOD ZONES "AE" AND "VE" ACCORDING TO F.E.M.A. FLOOD MAP PANEL NUMBER 120050300 AND 0328 H, DATED JUNE 2, 2009 BAY COUNTY, FLORIDA.
  - FLORIDA CERTIFICATE OF AUTHORIZATION LB #7006
  - BEARINGS, DISTANCES & ANGLES, OF RECORD AND/OR PLAT ARE SHOWN IN PARENTHESIS, OTHERS ARE NOTED.
  - ENCROACHMENTS: NONE

THE UNDERSIGNED, HENRY C. RICHIE, II, FLORIDA LAND SURVEYOR NO. 5288, DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA, CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD IF ANY.

HENRY C. RICHIE, II  
FLORIDA LAND SURVEYOR #5288  
Not valid without the signature and the original raised Seal of a Florida licensed surveyor and mapper.

Ex B

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by THE CITY OF PANAMA CITY BEACH, FLORIDA, a municipal corporation, whose post office address is 110 South Arnold Road, Panama City Beach, FL 32413, hereinafter called the Grantor, to TRUSTMARK NATIONAL BANK, whose post office address is 7700 Highway 98 West, Santa Rosa Beach, FL 32459, hereinafter called the Grantee;

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Bay County, Florida, to-wit:

**THE NORTH 60 FEET OF THE FOLLOWING DESCRIBED PARCEL:**

**COMMENCE AT A FOUR INCH CONCRETE MONUMENT (NO IDENTIFICATION) MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 15 WEST, BAY COUNTY FLORIDA AND RUN THENCE SOUTH 89 DEGREES 38 MINUTES 23 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 3186, PAGE 2362 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, FOR A DISTANCE OF 3,269.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 38 MINUTES 23 SECONDS EAST, ALONG SAID NORTH BOUNDARY LINE, FOR A DISTANCE OF 50.00 FEET; THENCE LEAVING SAID NORTH BOUNDARY LINE RUN SOUTH 00 DEGREES 21 MINUTES 37 SECONDS WEST, FOR A DISTANCE OF 201.42 FEET TO THE NORTH RIGHT OF WAY LINE OF BIG DADDY DRIVE (80' RIGHT OF WAY); THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 50.00 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE RUN NORTH 00 DEGREES 21 MINUTES 37 SECONDS EAST, FOR A DISTANCE OF 201.37 FEET TO THE POINT OF BEGINNING.**

**THE NORTH 25 FEET OF SUBJECT PROPERTY IS SUBJECT TO AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORMWATER SYSTEM. AEM/CK**

SUBJECT, however, to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances or restrictions or requirements imposed by governmental authorities.

TOGETHER with all the tenement, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns, in fee simple forever. The Grantor warrants title only against lawful claims of persons claiming by, through or under grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS:

THE CITY OF PANAMA CITY BEACH, FLORIDA, a municipal corporation

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Mario Gisbert, City Manager

By: \_\_\_\_\_  
Diane Fowler, City Clerk

STATE OF FLORIDA  
COUNTY OF BAY

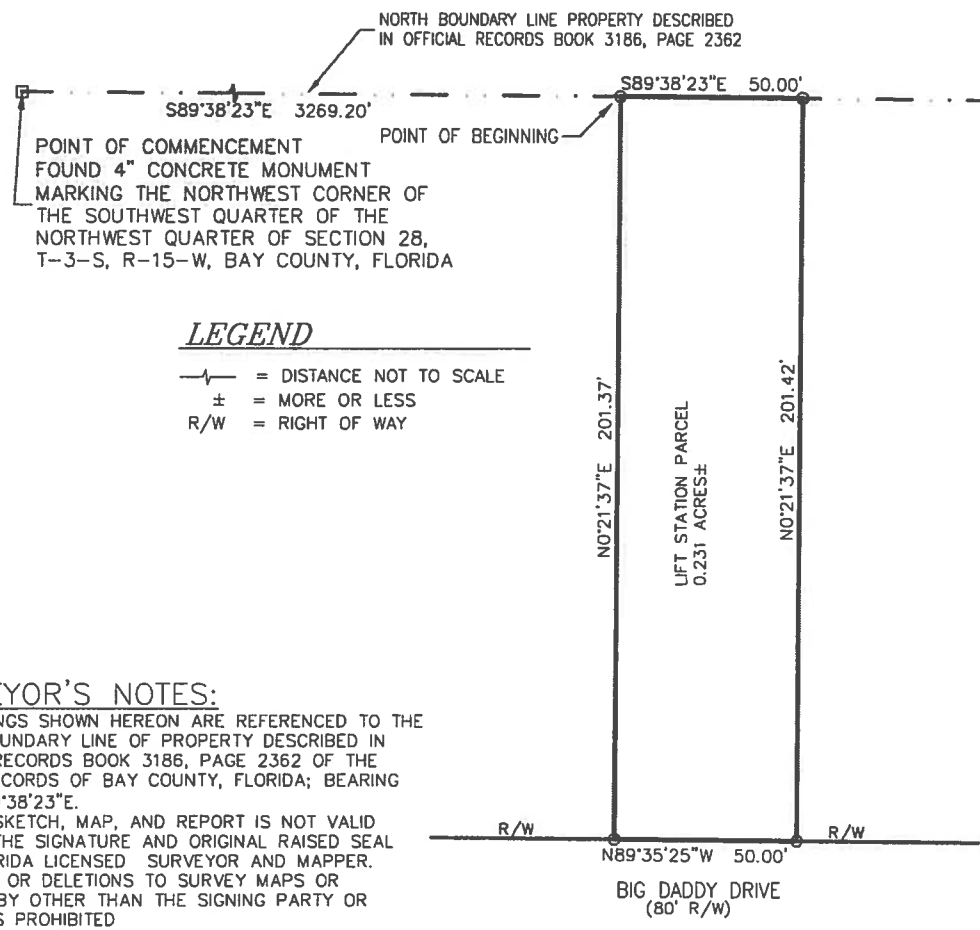
THE FOREGOING INSTRUMENT was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Mario Gisbert, as City Manager of the City of Panama City Beach, on behalf of the City, who is personally known to me.

\_\_\_\_\_  
Notary Public State of Florida

THIS INSTRUMENT PREPARED BY BUT NOT EXECUTED BEFORE:  
Amy E. Ross, Esquire  
HARRISON SALE McCLOY  
304 MAGNOLIA AVENUE  
PANAMA CITY, FLORIDA 32401  
(850) 769-3434



Ex B1

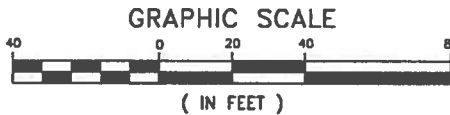


**LEGEND**

- = DISTANCE NOT TO SCALE
- ± = MORE OR LESS
- R/W = RIGHT OF WAY

**SURVEYOR'S NOTES:**

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH BOUNDARY LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 3186, PAGE 2362 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; BEARING BEING S89°38'23"E.
2. THIS SKETCH, MAP, AND REPORT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
3. SOURCE OF INFORMATION: PREVIOUS SURVEY BY PREBLE-RISH, INC; JOB NUMBER 034.407, DATED MAY 23, 2007.
4. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY, NOR PROVIDED TO PREBLE-RISH, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, ENCROACHMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.



**LEGAL DESCRIPTION LIFT STATION PARCEL:**

COMMENCE AT A FOUR INCH CONCRETE MONUMENT (NO IDENTIFICATION) MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA AND RUN THENCE SOUTH 89 DEGREES 38 MINUTES 23 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 3186, PAGE 2362 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, FOR A DISTANCE OF 3,269.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 38 MINUTES 23 SECONDS EAST, ALONG SAID NORTH BOUNDARY LINE, FOR A DISTANCE OF 50.00 FEET; THENCE LEAVING SAID NORTH BOUNDARY LINE RUN SOUTH 00 DEGREES 21 MINUTES 37 SECONDS WEST, FOR A DISTANCE OF 201.42 FEET TO THE NORTH RIGHT OF WAY LINE OF BIG DADDY DRIVE (80' RIGHT OF WAY); THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 50.00 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE RUN NORTH 00 DEGREES 21 MINUTES 37 SECONDS EAST, FOR A DISTANCE OF 201.37 FEET TO THE POINT OF BEGINNING. CONTAINING 0.231 ACRES, MORE OR LESS.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

*[Signature]* 10/29/13

DAVID JOHN BENEDETTI, P.L.S.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NO. 124,495

**PREBLE-RISH, INC.**  
CONSULTING ENGINEERS  
CIVIL • SURVEYING • SITE PLANNING

2010 W. COLLEGE BLVD. SUITE 1000 PANAMA CITY, FL 32261  
904.937.1234

1000 W. COLLEGE BLVD. SUITE 1000 PANAMA CITY, FL 32261  
904.937.1234

1000 W. COLLEGE BLVD. SUITE 1000 PANAMA CITY, FL 32261  
904.937.1234

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904.937.1234

<b>SKETCH OF DESCRIPTION</b> LIFT STATION PARCEL - BIG DADDY DRIVE SECTION 28, T-3-S, R-15-W CITY OF PANAMA CITY BEACH BAY COUNTY, FLORIDA	DATE: 10/29/2013	PROJECT NO: 211.159
	SCALE: 1"=40'	SHEET: 1
	DRAWN: DJB	CHECKED: FOR
	SHEET: 1	