

## RESOLUTION 20-

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AUTHORIZING THE LEASE AND SUBSEQUENT CONVEYANCE OF THE COUNTY'S INTEREST IN CERTAIN REAL ESTATE, KNOWN AS THE ALACHUA COUNTY FAIRGROUNDS, TO THE UNITED STATES OF AMERICA, PURSUANT TO SECTION 125.38, FLORIDA STATUTES; AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE THE LEASE AND SUBSEQUENT CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida Board of Trustees of the Internal Improvement Trust Fund conveyed that real property located in the northeast quadrant of the intersection of State Road 24 and N.E. 39<sup>th</sup> Avenue, which is more particularly described in Deed No. 25315 dated June 20, 1972, and recorded in Official Records Book 796, Page 238, Public Records of Alachua County, Florida (the "Fairgrounds"), to the Board of County Commissioners of Alachua County, Florida (a copy of Deed No. 25315 is attached hereto as **Exhibit A**); and

**WHEREAS**, on or about June 10, 1986, the Board conveyed a portion of the Fairgrounds to the State of Florida Department of Transportation ("FDOT") for use as right of way, as more particularly described in that certain County Deed attached hereto and incorporated as **Exhibit B**;

**WHEREAS**, by letter dated January 29, 2020 (the "Application," a copy of which is attached hereto as **Exhibit C**), the Department of the Army ("Army"), a department of the United States, applied to the Alachua County Board of County Commissioners ("Board") for conveyance of the Fairgrounds, less that portion of the Fairgrounds previously conveyed to FDOT, to the United States; and

**WHEREAS**, as set forth in the Application, the United States' proposed use of the Fairgrounds, less that portion of the Fairgrounds previously conveyed to FDOT,

(hereinafter, the “Property”) is for the construction and operation of an Army Reserve Equipment Concentration Site; and

**WHEREAS**, in accordance with Section 270.11, Florida Statutes, the United States has requested that the County release its statutory right to retain a three-fourths interest in the mineral rights and the one-half interest in all petroleum rights on the Property because of the intended use of the property by US Army. The US Army’s primary use and purpose for the Property is as an Equipment Concentration Site, which would be disrupted by mineral and petroleum extraction activities on the Property; and

**WHEREAS**, due to various appropriations related issue, the United States is not yet ready to accept ownership of the Property, so it is now asking the County to lease the Property to the United States until it is ready to accept the conveyance of the County’s interest in the Property; and

**WHEREAS**, Section 125.38, Florida Statutes, authorizes the County to lease and to convey County owned real property to the United States if the County is satisfied that said property is no longer needed for County purposes and the proposed use by the United States is for a public or community interest and welfare; and

**WHEREAS**, the Board finds that the Property is not needed for County purposes; and

**WHEREAS**, the Board finds that the United States requires the use of the Property for the purpose set forth in the Application, as recently amended, and that said use is in the public interest and welfare; and

**WHEREAS**, the Board finds that its retention and exercise of its mineral and petroleum rights in the Property is contrary to, and would unreasonably interfere with, the US Army’s proposed use of the Property.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**

## **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;**

1. The Board finds, determines and declares that the recitals set forth above are true and correct, and hereby incorporates them into this Resolution.

2. In accordance with §125.38, Florida Statutes, the Board hereby approves and authorizes the lease of the Property to the United States of America in accordance with the terms and conditions of the Lease attached hereto as **Exhibit E**, and authorizes the Chair to execute same; and

3. In accordance with §§125.38 and 125.411, Florida Statutes, the Board hereby approves and authorizes the subsequent conveyance of all of the County's interests in the Property to the United States of America, by County Deed attached hereto as **Exhibit D**, for the sale price of \$0.00.

4. Upon County Manager's receipt of a written directive issued by the US Army Reserve stating that the United States of America is ready to accept the conveyance of the Property, the Chair and the Clerk of the Board are authorized to execute the County Deed attached hereto as **Exhibit D**, and any other documents approved by the County Attorney needed to complete this conveyance.

5. This resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

**BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Robert Hutchinson, Chair

**ATTEST:**

\_\_\_\_\_  
J. K. "Jess" Irby, Esq., Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
Alachua County Attorney's Office