SARASOTA COUNTY GOVERNMENT
INTEROFFICE MEMORANDUM

TO: The Board of County Commissioners
   James L. Ley, County Administrator

THROUGH: Shirley Amo, Executive Director, Community Services

FROM: John McCarthy, General Manager, Parks and Recreation
      Terry Colombo, Administrative Assistant, Asset Management

SUBJECT: Transfer of Ownership of South Venice Area Platted Parks from the South Venice Civic Association, Inc., to Sarasota County.

DATE: March 11, 2003

RECOMMENDATION:

Adoption of Resolution No. 2003-______ accepting the conveyance of ownership of the South Venice area platted parks to Sarasota County, and providing for the approval of recording of the Corporate Warranty Deed conveying ownership of the platted parks to Sarasota County.

REPORT:

Background:

The South Venice Subdivision (Subdivision) was developed in the early 1950’s by W & A Construction Corporation of New York (Developer). Platting of the 75 Units that comprise the Subdivision occurred between February 16, 1953 and May 7, 1954. These plats established the 37 park areas (Parks) that are currently located throughout the Subdivision and dedicated these Parks for public use. Attached is a map (Exhibit I) of the Subdivision and surrounding vicinity that identifies the South Venice Area platted parks, the South Venice Civic Association beach property, ferryboat and facilities property, and community center property, as well as various properties with similar purposes (park, beach, nature preserve, etc.) in which Sarasota County maintains an interest.

On April 4, 1957, any remaining interest in the Parks that was held by the Developer was conveyed to the South Venice Civic Association (SVCA), subject to the superior interest previously dedicated to Sarasota County (County) by the Subdivision plats. One of the conditions stipulated by the deed to the SVCA was that the Parks could only be used for park and recreational purposes. However, on December 15, 1958, the SVCA executed a Revocation of Dedication instrument that revoked the public use dedication of the Park located in Unit 50 of the Subdivision (SVCA Park #1 at 90 Rutland Road). The impetus behind this revocation, as suggested by the SVCA, is believed to be associated with a disagreement concerning a 30-foot wide drainage easement in the vicinity of the Park (or over a portion of the Park property).
On January 12, 1959, the Board of County Commissioners (Board) adopted a Resolution formally accepting all of the easements, parks, parkways, playgrounds, canals, and lakes dedicated for public use on the numerous plats subdividing lands in Sarasota County. Included among the many subdivisions identified by this Resolution were the 75 Units of the South Venice Subdivision. The purpose of this Resolution was to ensure that the Board had properly accepted all of the platted properties that had been dedicated for public use to that point in time. It should be mentioned that the acceptance of the conveyance of the platted park properties does not obligate the County to maintain or improve the properties.

At present, the County maintains some level of involvement with a number of the Parks. Several of the Parks contain ditches for the conveyance of drainage, and maintenance of these ditches is necessary to allow for the proper and adequate flow of stormwater. A few of the Parks exhibit some environmental or park related value, while another group of Parks lies within the floodplain and should be preserved for that purpose. Two of the Parks, Nightingale and Challenger (SVCA Park #17 at 675 Nightingale Road and SVCA Park #28 at 459 Olivia Road, respectively), have facilities, equipment, activities, and maintenance supplied by the Community Services Business Center. A table that lists each of the Parks and the County’s interest in those Parks is attached as Exhibit II.

**Staff Investigation & Activity:**

In February 2001, staff was approached by the SVCA for information regarding the responsibility of the County for maintenance of the Parks. The results of staff’s preliminary investigation indicated that the maintenance issue, as well as that of ownership, had been a source of controversy for at least the past 20 years, and that the situation had yet to be clearly resolved. Therefore, a team of County employees was assembled to discuss the issues involving ownership and maintenance responsibilities, local community concerns, and measures to resolve future controversy.

Staff held meetings on a periodic, ongoing basis, with SVCA representatives in attendance at three of these meetings. In addition, select staff performed physical site investigations of the Parks, while others were active in the South Venice Community Planning effort. During this investigatory phase, the following solutions were considered:

1) The SVCA would deed its fee interest in the Parks to the County, thereby providing the County with control of the Parks and relieving the SVCA of any further responsibility or liability associated with these properties.

2) The County would vacate its platted interest in the Parks and obtain the necessary easements for the existing drainage facilities from the SVCA, thereby providing the SVCA with control of the Parks and relieving the County of any further responsibility or liability associated with these properties, other than that related to the drainage easements.

3) The existing conditions of SVCA ownership and the County’s platted interest in these Parks would continue, or a modification of the existing conditions that would be negotiated to include a maintenance management program, with neighborhood involvement, that is mutually agreed upon between the SVCA and the County.

4) A combination of the three possible solutions discussed above.
The Board of County Commissioners
Transfer of Ownership of South Venice Area Platted Parks

One of the topics discussed with the SVCA representatives was the two primary sources of revenue of the SVCA. Although the SVCA represents all of the homeowners within the Subdivision, homeowner membership in the SVCA is voluntary. Out of approximately 7,000 residential properties, there are currently about 1,000 properties with membership status. The annual membership fee of $25 per property generates around $25,000 per year for the SVCA. This revenue, however, is applied to the administrative and miscellaneous costs associated with operating a civic association, as well as maintenance and repair of the SVCA Community Center building.

The other primary source of revenue of the SVCA is derived from the ferryboat that is owned and operated by the SVCA. The ferryboat is used to transport individuals back and forth across the Intracoastal Waterway, between the SVCA parking area on Lemon Bay Drive and the SVCA beach property that abuts the southern end of Caspersen Beach. At an annual cost of $60, those homeowners that are interested in using the service may obtain a ferryboat pass from the SVCA. Approximately 600 passes have been issued, which produces around $36,000 annually for the SVCA. This revenue is used for the expenses associated with the maintenance and repair of the ferryboat, boathouse, parking area, and beach property, and for payment of the annual salary of the licensed ferryboat captain (the U.S. Coast Guard requires a licensed ferryboat captain to operate the SVCA ferryboat). The ferryboat has operated at a loss for the past five years.

As suggested by this information, the SVCA lacks the financial resources to address the Parks related maintenance issues. The SVCA believes that the interests of the community would be better served through County ownership of the Parks. County ownership would end the cycle of confusion and frustration that presently exists. County ownership would also ensure that hazardous situations would be remedied in a proper and timely fashion.

As previously mentioned, some of the staff were also active in the South Venice Community Plan (Plan), which was simultaneously under development during the course of the Parks investigation. The area encompassed by the Plan included not only the South Venice Subdivision, but several smaller neighborhoods as well. Surveys were mailed to over 8200 properties in May 2002. The majority of these surveys were distributed to homeowners, while some surveys were delivered to rental properties and business establishments. One of the questions contained in the survey (Question # 60) was:

What types of uses should be incorporated into the 37 green spaces/parks?

The responses to this question, as well as staff's determination of the corresponding general classifications of fiscal impact to the County, are as follows:
The Board of County Commissioners
Transfer of Ownership of South Venice Area Platted Parks

### Survey Response Information

<table>
<thead>
<tr>
<th>Park Uses Suggested by Respondents</th>
<th>Usage Preference</th>
<th>County Fiscal Impact General Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Passive Recreation</td>
<td>11%</td>
<td>Little or no expense</td>
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<tr>
<td>2) Playground Equipment</td>
<td>10%</td>
<td>Some expense</td>
</tr>
<tr>
<td>3) Non-Motorized Boating</td>
<td>10%</td>
<td>Little or no expense</td>
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<tr>
<td>4) Conservation/Preservation</td>
<td>18%</td>
<td>Little or no expense</td>
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<tr>
<td>5) Sidewalks</td>
<td>21%</td>
<td>Some expense</td>
</tr>
<tr>
<td>6) No Changes</td>
<td>6%</td>
<td>Little or no expense</td>
</tr>
<tr>
<td>7) Paw Park</td>
<td>10%</td>
<td>Minor expense</td>
</tr>
<tr>
<td>8) Stocked Ponds</td>
<td>14%</td>
<td>Little or no expense</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td></td>
</tr>
</tbody>
</table>

As illustrated, two of the suggested eight uses (#2 and #5) would require some expense to the County in order to implement. However, these two uses only account for 31% of the preferred usage responses. The remaining six uses require little or no expense to the County, and represent 69% of the preferred usage responses. This survey information indicated to staff that the majority of the individuals represented by the Plan would prefer the Parks to remain in essentially the same condition in which these properties currently exist.

In August 2002, staff was approached by a newly formed civic group within the Subdivision, the South Venice Resident Coalition, Inc. (SVRC). The SVRC expressed some concerns regarding ownership and use of the Parks. A meeting was scheduled for September 20 to provide an opportunity for the exchange of information among staff, SVCA representatives, and SVRC representatives, and to ensure that a clear understanding of the situation was attained. As a result, all those in attendance unanimously agreed upon the following future actions:

1. The SVCA should transfer ownership of 36 of the 37 Parks to the County by Fee Simple Deed.

2. The SVCA should retain ownership of the Park located in Unit 50 of the Subdivision (SVCA Park #1 at 90 Rutland Road, PID No. 0433-06-0001).

3. The County should accept ownership of the 36 Parks on an “as is” basis, without any obligation to maintain or improve the properties.

4. The County should perform emergency maintenance at the 36 Parks as required.

5. The County should address improvement issues and other concerns regarding the 36 Parks based upon a demonstrated need and the availability of funds.

Written confirmation in support of these actions was received from the SVCA (Exhibit III) and the SVRC (Exhibit IV).
The Board of County Commissioners
Transfer of Ownership of South Venice Area Platted Parks

ACTION:

Staff recommends that the County accept ownership of the 36 Parks described in the Corporate Warranty Deed that accompanies this recommendation. Acceptance of these Parks shall be on an “as is” basis without any obligation for the County to maintain or improve the properties. In addition, staff recommends that the County perform emergency maintenance at these Parks as required, and address improvement issues and other concerns based upon a demonstrated need and the availability of funds. Staff further recommends that the SVCA retain ownership of the Park located in Unit 50 of the Subdivision (SVCA Park #1 at 90 Rutland Road, PID No. 0433-06-0001).

Should the Board approve staff’s recommendation, the Resolution and Corporate Warranty Deed have been prepared and are attached for Board approval. Adoption of the Resolution and approval of the Corporate Warranty Deed will resolve the ownership and maintenance issues that currently surround the Parks, eliminate the confusion and frustration that presently exists, address the usage preferences established by the community, the SVCA, and the SVRC, ensure that emergency maintenance can be performed, enhance the ability of the County to provide proper drainage, stormwater flow, floodplain preservation, and environmental conservation, and relieve the SVCA from any further liability or responsibility associated with the Parks.

Attachments: Resolution 2003-
Corporate Warranty Deed No. 2003-

c: David R. Bullock, Deputy County Administrator
    Walter J. Rothenbach, Deputy County Administrator
# Sarasota County Property Usage for South Venice Area Platted Parks

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<tr>
<th>MAP NO.</th>
<th>PARCEL ID NO.</th>
<th>LOCATION</th>
<th>DRAINAGE</th>
<th>ENVIRONMENTAL</th>
<th>PARKS</th>
<th>STORMWATER</th>
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<td>1</td>
<td>0433-06-0001</td>
<td>90 Rutland Road</td>
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<td>Mesic hammock</td>
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</tr>
</tbody>
</table>
September 21, 2002

Mr. Terry Colombo
Real Property Asset Supervisor
Sarasota County Administrative Business Center
1660 Ringling Boulevard
Sarasota, FL 34236

Dear Terry,

On behalf of the South Venice Civic Association, Inc., enclosed is a true copy of page two of minutes dated November 6, 2001 in which our board of directors voted unanimously to turn over to Sarasota County, fee simple, all South Venice parks and lakes except the park known as Unit 50.

The meeting yesterday was a landmark in resolving our parks and lakes issue. Please let us know the date your recommendation will go before the Board of County Commissioners.

Thank you.

Sincerely,

R. O. Curwood, President
newspaper. Both proposals are attached to and made a part of these minutes. After extensive
discussion, it was moved and seconded to pursue the arrangement with the Venice
Gondolier. The motion passed.

Lakes and Parks: Steve Fernandes joined the meeting at 8:30 p.m. to discuss this issue and
make recommendations based upon his research. Curwood said that Shannon Staub has
directed County Manager Jim Ley to move forward with this issue. We need to submit a
recommendation to the County from this Board.

Fernandes then reviewed the history of the SVCA / County regarding lakes and parks
over the past 45 years, during which period the properties have “passed back and forth”
between the two. He feels our goal must be to get the County to accept these properties with
no cost or gain to us (except for land at the NE corner of Rutland and Business 41 (behind
the garages and stores). We would want to investigate getting deed restrictions lifted from
that property to explore commercial sale of it. It was then moved, and seconded, that the
SVCA turn over to Sarasota County, fee-simple, all South Venice parks and lakes except for
the park known as Unit 50 of South Venice. The motion passed unanimously.

Environmental Products: It was agreed to spend the unbudgeted $100 to replace the timer
and electric cord on the AC.

South Venice Expo: Hillstrom reported that there are only three booths still open.

Beach Report: Geeks said that 700 new passes have been ordered. December 1 has been
scheduled as the first “Be Our Guest” day for the season. 189 New SV residents will be
invited. The Flea market is scheduled for Saturday, January 26. The committee hopes to deal
with the ferry seawall by the first of the year and to replace the board railing as well.

There being no other business, the meeting was adjourned at 9:15 p.m.

Submitted by

MAUREEN HOLLAND
Secretary of the SVCA
October 1, 2002

Mr. Terry Columbo  
Real Property Asset Supervisor  
Administrative Services Business Center  
Procurement  
1660 Ringling Boulevard  
Sarasota, FL 34236

Dear Mr. Columbo:

The purpose of this letter is to completely endorse and show the support of the South Venice Resident Coalition, Inc. in the total deed transfer of all but one park within South Venice to Sarasota County from the South Venice Civic Association. We understand the county will be restricted in available funds with the maintenance of the parks.

Please be advised the SVRC will be available to support the county in future volunteer programs to help maintain, beautify and enhance the parks. Our Coalition looks forward to cooperating with the county in future improvements to our community.

Sincerely,

James M. Hurst, Jr.  
President

EXHIBIT IV
RESOLUTION NO. 2003-057

RE: ACCEPTANCE OF A CORPORATE WARRANTY DEED CONVEYING OWNERSHIP OF SOUTH VENICE AREA PLATTED PARKS FROM THE SOUTH VENICE CIVIC ASSOCIATION, INC., TO SARASOTA COUNTY.

WHEREAS, the South Venice Civic Association, Inc., is the fee simple owner of 37 certain parcels of real property in the South Venice Subdivision, the parcels being more specifically described in the several recorded plats of the South Venice Subdivision as platted park properties (Parks); and

WHEREAS, the South Venice Civic Association, Inc., has offered to transfer ownership of 36 of the 37 Parks to Sarasota County, these properties being more particularly described in the Corporate Warranty Deed, a copy of which is attached hereto and made a part hereof; and

WHEREAS, Sarasota County hereby agrees to accept ownership these 36 Parks without any obligation to maintain or improve the properties; and

WHEREAS, the South Venice Civic Association, Inc., shall retain ownership of the Park located in Unit 50 of the South Venice Subdivision (Park #1 at 90 Rutland Road, PID No. 0433-06-0001), said Park being more particularly indicated on the locator map (Exhibit I) attached hereto and made a part hereof; and

WHEREAS, the best interest of the citizens of Sarasota County will be served by the County's acceptance of the conveyance of these 36 Parks to Sarasota County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA AS FOLLOWS:

That the County accepts delivery of the Corporate Warranty Deed from the South Venice Civic Association, Inc., to Sarasota County with respect to the Park properties, and authorizes the recording of the deed in the public records together with a copy of this resolution.
PASSED AND DULY ADOPTED this 11th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

ATTEST:
KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk of
The Board of County Commissioners of
Sarasota County, Florida

By: Karen Rushing
Deputy Clerk
CORPORATE WARRANTY DEED

THIS DEED, made this 17th day of December, 2002, by and between South Venice Civic Association, Inc., a Corporation not for profit organized and existing under the laws of the State of Florida, whose mailing address is 720 Alligator Drive, Venice, Florida 34293, hereinafter called GRANTOR, and SARASOTA COUNTY, a political subdivision in the State of Florida, hereinafter called GRANTEE.

WITNESSETH, that the GRANTOR, for and in consideration of the sum of TEN DOLLARS ($10.00) and other valuable considerations paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the GRANTEE, its successors and assigns forever, the following described parcel of lands lying and being in Sarasota County, Florida, to-wit:

All those certain areas designated as "Parks" on the several plats of SOUTH VENICE, Units 1-49 and Units 51-75, inclusive, as recorded in the Office of the Clerk of the Circuit Court of Sarasota County, Florida.

TO HAVE AND TO HOLD, the same in fee simple forever, together with all appurtenances thereto belonging or in anywise appertaining; and said GRANTOR fully warrants the title to said lands and that said lands are free and clear of any liens or encumbrances and will defend the same against the lawful claims of all persons whomsoever.

AND THE GRANTOR covenants with the GRANTEE that it is lawfully seized of said lands in fee simple; the GRANTOR has good, right and lawful authority to sell and convey said land.

IN WITNESS WHEREOF the GRANTOR hereunto sets their hand and seal this first date written above.

Signed and Sealed in the presence of two witnesses as required by law:

First Witness
Print Name: ALBERTA MOORE

Second Witness
Print Name: MICHELE L. CRANDON

By: R.A. CRAWFORD
As: President

Attest: W. HOLLAND
As: Secretary

(Corporate Seal)
The foregoing instrument was acknowledged before me this 17th day of December, 2002, by R.O. Curwood and Maureen Holland, as president and secretary on behalf of Sons & Daughters of Venice Civic Association who are personally known to me or who have produced Florida Driver's License as identification and (did / did not) take an oath. If no type of identification is indicated, the above-referenced person(s) are personally known to me.

Notary Public

Leanne K. Hanson

Print Name
Commission No.
Expiration Date

Prepared By: John S. Herrli
Public Works/Real Property
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Sarasota, Florida 34232
(941) 861-6868