

RESOLUTION NO. 17-123

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY; ESTABLISHING A PROCEDURE FOR THE OBTAINING OF QUIT CLAIM DEEDS FOR THE REVERSIONARY INTEREST OF THE COUNTY FROM LEASEHOLD PROPERTIES ON OKALOOSA ISLAND AND HOLIDAY ISLE; ADOPTING VARIOUS FORMS FOR THE PROCESS; ESTABLISHING A FEE FOR THE SERVICES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Okaloosa Island Authority was created by a Special Act of the Legislature for the State of Florida; and

WHEREAS, the Okaloosa Island Authority was established for the development of certain properties on Santa Rosa Island belonging to Okaloosa County, Florida; and

WHEREAS, the Okaloosa Island Authority leased numerous parcels of said properties to individual or to other entities for a period of ninety-nine (99) years with the option to renew including all terms of the original lease; and

WHEREAS, the provisions of the leases executed by the Okaloosa Island Authority, as Lessor, provided that the leases could only be assigned, mortgaged, pledged or transferred with the approval of the Okaloosa Island Authority; and

WHEREAS, the Legislature of the State of Florida abolished the Okaloosa Island Authority and vested all their powers, duties, responsibilities, assets and liabilities in the Board of County Commissioners of Okaloosa County, Florida; and

WHEREAS, the Board of County Commissioners adopted a procedure whereby they would relinquish any reversionary interest that Okaloosa County might have held so that the approval of the County would no longer be required for the lease to be assigned, mortgaged, pledged or transferred; and

WHEREAS, the Board desires to revise the procedures to simplify the process for the holders of the Leasehold interests.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Okaloosa County as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated by reference as if they were set forth in their entirety.

Section 2. Procedures. The following procedures are adopted for the consideration of an application for the County's release of its reversionary interest in certain Leasehold Parcels located on either Okaloosa Island or Holiday Isle.

- A. An Application for the County to release its reversionary interest shall be submitted to the Public Works Department, on a form approved by the Department. The Application shall require the submission of the following materials:
 - 1. A copy of the current lease assignment for the Leasehold Parcel that is the subject of this Application.
 - 2. A certification from the Tax Collector of Okaloosa County demonstrating that all taxes and assessments on the Leasehold Parcel have been paid for the past five (5) years through the date of this Application.
 - 3. An Owners and Encumbrance Report or Property Information Report as contemplated by Chapter 197, Florida Statutes from a Title Company authorized to do business in the State of Florida demonstrating that the Applicants hold one hundred percent (100%) interest in the Leasehold Parcel that is the subject of this Application.
 - 4. A non-refundable application fee of \$500.00 payable to Okaloosa County. Such fee shall be for the costs of preparing and processing of the various documentation, administrative costs related to the submittal and consideration by staff and the Board of County Commissioners, preparation and publication of the required legal notices, preparation of the resolution approving the transfer and the quit claim deed and the recording of the quit claim deed.

- B. The following special limitations shall apply for the consideration of application for the release of the County's reversionary interest.
 - 1. A Separate Application is required for each Leasehold Parcel that a quit claim deed, as to the County's reversionary interest, is sought.
 - 2. No Application for a quit claim deed as to the County's reversionary interest will be accepted from Leaseholders whose original lease from the Okaloosa Island Authority or Okaloosa County does not contain an option for further renewals.
 - 3. No Application will be submitted to the Board of County Commissioners if the Title Company does not certify that the Applicant owns the entire (100%) Leasehold Interest in the Leasehold Property which is the subject of the Application.
 - 4. All Leaseholders named in the current lease assignment of record must sign the Application.

Section 3. Application Fee. A non-refundable application fee of \$500.00 payable to Okaloosa County shall be paid at the time of submission of the Application to the County. Such fee shall be for the costs of preparing and processing of the various documentation, administrative costs related to the submittal and consideration by staff and the Board of County Commissioners, preparation and publication of the required legal notices, preparation of the resolution approving the transfer and the quit claim deed and recording of the quit claim deed. The Board finds that the amount of the application fee is reasonably related to the actual cost of administration by the County.

Section 4. Review and Publication of Notice. Upon receipt of the Application, staff will review to determine the sufficiency and that all required documentation has been provided. If the Application is complete and all application fees have been paid, staff shall publish in a newspaper of general circulation a notice reflecting the receipt of the application and that any person who has an interest in the property and objects to the granting of the application must contact the Department of Public Works within thirty (30) days of the publication.

- A. If an objection is received, County staff shall forward a copy to the Applicant for them to resolve the issue. No action will be taken on the Application until the objection has been resolved.
- B. If no objection is received within the time, then the Application will be submitted to the Board of County Commissioners for their approval.

Section 5. Action of the Board. If no objections have been received, then the matter shall be scheduled before the Board of County Commissioners for their consideration. There shall be no right to the granting of the Application and the Board of County Commission may approve or deny such Application in their sole and exclusive discretion. If the Application is approved, the Board shall adopt a resolution granting the release of the reversionary interest and direct the Chairman or designee to execute a Quit Claim Deed releasing the reversionary interest of the County from the Leasehold Parcel.

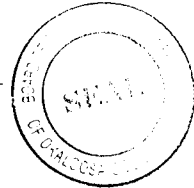
Section 6. Recording. The Applicant shall be solely responsible for the cost of any title search and examination, the preparation of the Owners and Encumbrance Report or Property Information Report as contemplated by Chapter 197, Florida Statutes, and the certification from the tax collector of Okaloosa County. The County shall pay from the application fee submitted, the cost of recording of the quit claim deed.

Section 7. Warranties. The County, in granting of the Application and issuing the quit claim deed releasing any reversionary interest that the County may hold, makes no warranty of title whatsoever regarding the property, either express or implied, and makes no representation of facts concerning the condition of title.

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Okaloosa County on the 1st day of August, 2017.

**BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA**

By: Carolyn N. Ketchel
Carolyn N. Ketchel, Chairman



ATTEST:

By: J. D. Peacock, II
J. D. Peacock, II, Clerk



APPROVED AS TO FORM:

By: Gregory T. Stewart
Gregory T. Stewart
County Attorney