



Office of County Administrator 09/18/2018
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Jason E. Brown, County Administrator

FROM: William K. DeBaal, Deputy County Attorney

DATE: September 12, 2018

SUBJECT: Agreement for Sale and Purchase of Dodgertown
Golf Course Property

Staff is continuing to negotiate the terms of the proposed purchase of the former Dodgertown Golf Course (the Property) at the southeast corner of Aviation Boulevard and 43rd Avenue. The 35.24 acre parcel of property lies adjacent to the County owned Historic Dodgertown Complex. On September 11, 2018, the Board of County Commissioners approved an offer to purchase the Property for \$2,400,000. On September 12, the County Administrator received the attached Agreement for Sale and Purchase (Agreement) from the City Manager for the Dodgertown Golf Course parcel. The terms of the Agreement are as follows:

- Purchase Price: \$2,400,000
- Deposit: \$50,000 to be made upon full execution of the Agreement to an escrow agent (title company) of the County's choosing
- Conveyance: Fee Simple title to the 35.24 acres by Special Warranty Deed subject to the "Permitted Exceptions" which are:
 - deed restrictions prohibiting the Property from being used for residential development
 - existing City of Vero Beach Utility easements
 - Runway Protection Zone at the northwest corner of the property and any aviation easements
 - From Paragraph 1. (c) "Final description and total Property area may be adjusted to accommodate Aviation Boulevard 43rd Avenue right-of-way roadway project." See the sketch and legal description of the 0.02 acre (802 square foot) corner clip attached.
- The Property is currently zoned AL-I and ALI-MC
- The County pays all closing costs, estimated to be \$16,800, plus our title insurance, appraisal fees and Phase I environmental costs.

The proposed contract sets forth the following timeline:

- October 5, 2018: Deadline for approval of the Agreement by both City and County.
- October 15, 2018: City to provide County with a copy of all documents (survey, title insurance, environmental studies from when it purchased the Property back in 2005.
- October 19, 2018: City to provide the County with any traffic studies, engineering reports, plans, maintenance or other documents concerning the use of the Property.
- November 5, 2018: Effective date of the Agreement.
- November 5, 2018: Deadline for the County to provide the City with a title commitment listing any liens, easements or other encumbrances on the property.
- November 15, 2018: Deadline for the County to object in writing to the City if the title commitment lists any title defects. The City then has 30 days to cure the defect. If the defect cannot be cured, the County can accept the Property as is or terminate the Agreement and have the deposit money returned.
- December 5, 2018: Deadline for the County to complete its survey and environmental assessment on the Property and report any defects to the City.
- December 20, 2018: Deadline for the County to complete appraisals in support of the Purchase Price.
- December 20, 2018: Deadline for the County to complete physical inspection(s) to determine if property is satisfactory to County for its intended uses.
- January 20, 2019: Closing on or before this date.

If there are any additional terms or conditions that either staff or the Board would like to be included into the Agreement, they should be inserted into the Agreement and included in our response to the City.

Funding: Funding for the \$2,400,000 purchase is available from a combination of Tourist Tax Fund reserves (119) for \$250,000 and Optional Sales Tax Fund reserves (315) for the remaining balance of \$2,150,000.

Recommendation. Staff recommends the Board review the terms and timeline of the Agreement for Sale and Purchase of the Dodgertown Golf Course Property and direct staff to include any changes to the Agreement and authorize the Chairman to execute the Agreement on behalf of the Board.

Copies to: Stan Boling, Community Development Director
Richard B. Szpyrka, P.E., Public Works Director
Michael Zito, Assistant County Administrator