

Agenda Item 15  
Meeting of 6/5/13

**RESOLUTION 13-13288**

A RESOLUTION TO EXERCISE A GRANT OF RIGHT OF FIRST REFUSAL BETWEEN SCOTT MCCAULEY, AS TRUSTEE OF THE MCCAULEY-PULLING FAMILY TRUST, AND THE CITY OF NAPLES, FLORIDA, DATED MARCH 13, 2008, IN ORDER TO ACQUIRE 6.7 ACRES LOCATED NEAR RIVERSIDE CIRCLE ADJACENT TO THE GORDON RIVER FOR \$3,000,000 AND \$2,500,000 FOR DEVELOPMENT OF A CITY PARK AND A GORDON RIVER GREENWAY BRIDGE; APPROVE AMENDING THE FISCAL YEAR 2012-2013 BUDGET AS ADOPTED BY ORDINANCE 12-13175 TO FUND THE LAND ACQUISITION AND DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** on May 5, 2008, a Final Order was adopted in the Twentieth Judicial Circuit in the case of John A. Pulling, Jr. v. City of Naples; and

**WHEREAS,** among the issues of the Order Enforcing Stipulated Final Judgment was a Grant of a Right of First Refusal, whereby the City retained the right to repurchase the subject McCauley-Pulling Family Trust property (6.7 acres) in the event that McCauley-Pulling subsequently elect to sell the property; and

**WHEREAS,** the City Manager of the City of Naples was notified on May 10, 2013 that the McCauley-Pulling Family Trust desires to sell, convey and/or transfer the subject 6.7 acre property, and that they have received a good faith written and formal arms-length offer from a third party for the purchase of all of the property, and that, pursuant to the Grant of the Right of First Refusal, the City of Naples has thirty (30) days within which to elect to purchase the property; and

**WHEREAS,** the Sales Contract between the McCauley-Pulling Family Trust and the buyer, Sig Pull, LLC, provided for a purchase price of \$3,000,000 (cash) and a waiver of due diligence; and

**WHEREAS,** it is the desire of the City Council of the City of Naples to exercise rights provided by the Grant of a Right of First Refusal to purchase the subject 6.7 acre property from the McCauley-Pulling Family Trust and to appropriate funds for the cash purchase of the subject property;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:**

**Section 1.** The City Council desires to exercise its rights provided by the Grant of Right of First Refusal to purchase the McCauley-Pulling Family Trust property (6.7 acres), further described as Parcels E, F, and G as depicted in Exhibit "A", the Boundary Survey.

**Section 2.** The City Attorney is authorized to finalize the transaction to acquire the subject 6.7 acre McCauley-Pulling Family Trust property.

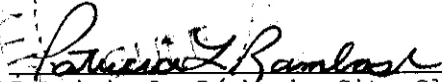
**Section 3.** The City Manager is authorized to make the payments related to the acquisition and improvements of the property and process all filings required to purchase the subject 6.7 acre McCauley-Pulling Family Trust Property.

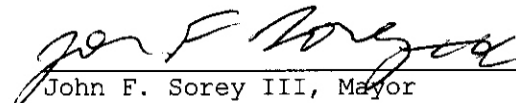
**Section 4.** The Fiscal Year 2012-2013 Budget as adopted by Ordinance 12-13175 is hereby amended by appropriating \$5,500,000 from general fund undesignated reserves to fund the land acquisition Project 13A01 for the Grant of Right of First Refusal price of \$3,000,000 and to fund \$2,500,000 for the purpose of development of a City park and a Gordon River Greenway bridge.

**Section 5.** This resolution shall take effect immediately upon adoption.

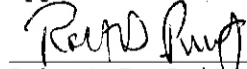
**PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 5TH DAY OF JUNE, 2013.**

Attest:

  
Patricia L. Rambosk, City Clerk

  
John F. Sorey III, Mayor

Approved as to form and legality:

  
Robert D. Pritt, City Attorney

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Date filed with City Clerk: 6-5-13