

Meeting Date: 8/10/2010



Agenda Item # 7-A

CITY COUNCIL AGENDA ITEM

Contact Name: W. E. Reischmann Jr. Department Director: _____
Department/Contact # 407/425-9566 City Manager: Jamie Croteau

Type of Item: Public Hearing Resolution
 Ordinance First Reading Discussion & Action
 Ordinance Second Reading Council Approval

Subject: Offer to the City of Orange City of Seth French House

BACKGROUND: Harriett French Hayman Boyd passed on February 15, 2010. In her Last Will and Testament she devised to the City of Orange City her real property, located in Orange City at 319 E. French Avenue. That devise, however, placed requirements on the City of Orange City regarding the continued use of the property. Further, the last Will and Testament requires the City of Orange City to accept, or not accept, this testamentary offer no later than six (6) months from the date of her death, i.e. no later than August 15, 2010.

RECOMMENDATIONS: The City Council, following discussion, has directed the City Attorney to prepare a Resolution, consistent with the terms of the last Will and Testament, accepting this testamentary offer.

ATTACHMENTS:

FINANCIAL IMPACT:

Reviewed by City Attorney _____
Reviewed by Finance Dept. _____
Reviewed by: _____

1 st Discussion Date: 7/13/2010	2 nd Discussion Date: 8/2/2010	Third Discussion Date: 8/10/2010	Other Dates: Click here to enter a date.
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RESOLUTION NO. 615-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND ACCEPTING THE DEVISE OF REAL AND PERSONAL PROPERTY, PURSUANT TO ITEM IV IN THE LAST WILL AND TESTAMENT OF HARRIETT FRENCH HAYMAN BOYD; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Orange City received a copy of the Last Will and Testament of Harriett French Hayman Boyd in which Item IV included a devise of real and personal property (including all furniture, furnishings, literature, and articles as designated by the Testatrix on a separate writing), said real property located at 319 East French Avenue, Orange City, Florida, with a legal description as shown on Exhibit "A"; and

WHEREAS, this devise places limitations on the City of Orange City's use of the property for "historical purposes and as a museum in honor Dr. Seth French." Furthermore, the devise specified that the "City shall maintain the home and surrounding yard property and landscaping in a good and clean condition at all times"; and

WHEREAS, the Last Will and Testament of Harriett French Hayman Boyd also required the City of Orange City to accept or decline the devise of the aforescribed property under "these terms and conditions within six (6) months from the date of my death"; and

WHEREAS, by the approval of this Resolution, the City of Orange City, by and through its City Council, accepts the aforescribed real and personal property under the terms stated in Item IV in the Last Will and Testament of Harriett French Hayman Boyd and has done so within six (6) months from the date of her death.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA THAT:

SECTION 1. The City Council of the City of Orange City does hereby accept the aforescribed real and personal property under the terms and conditions as provided for in the Last Will and Testament of Harriett French Hayman Boyd, as stated herein, and does so timely, i.e. within six (6) months from the date of her death.

SECTION 2. BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, on behalf of the citizens of the City of Orange City, hereby expresses its profound gratitude to Harriett French Hayman Boyd for this generous bequest.

SECTION 3. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. If any section, part of a section, paragraph clause or phrase or word, of this Resolution is declared invalid, the remaining providing provisions for this Resolution shall not be effected.

SECTION 5. That this Resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida, and approval as provided by law.

ROLL CALL VOTE AS FOLLOWS:

Gary A. Blair	_____	Jeff H. Allebach	_____
O William Crippen	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

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EXHIBIT "A"

**LEGAL DESCRIPTION FOR PROPERTY LOCATED AT:
319 EAST FRENCH AVENUE, ORANGE CITY, FLORIDA**

**Lots 13 and 14, Straight Subdivision, as recorded in Map Book 23,
Page 244, of the Public Records of Volusia County, Florida.**