

Meeting Date
July 11, 2017



AGENDA	
Section	Consent
Item No.	II.D.7

**AGENDA REPORT**

*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

<b>SUBJECT:</b>	Town of Malabar request to convey County's interest in Lots 18-22, J.J. Pollack's Subdivision, Block 5, Malabar, Florida a/k/a Huggins Park.
<b>DEPT/OFFICE:</b>	County Attorney/County Manager

Requested Action:  
 The County Attorney and County Manager seek the direction of the Board regarding the Town of Malabar's request that the County convey its interest in Lots 18-22 of J.J. Pollack's Subdivision, Block 5

**Summary Explanation & Background:**

The Malabar Town Manager, Doug Hoyt, has contacted the County Attorney's to determine the County Commission's interest in releasing its reversionary interest in the property outlined in red on Exhibit A, attached. The property is more particularly described below.

Lots 1 through 18 and Lot 22, Block 5, J.J. POLLACK'S SUBDIVISION, Plat Book 2, Page 26, Public Records of Brevard County, Florida, Northwest 1/4, Section 31, Township 28 South, Range 38 East.

The property was conveyed by County deed (Exhibit B attached) to the Town of Malabar on August 11, 1983. That deed contains a reverter clause, which reads as follows:

THIS CONVEYANCE is made subject to the following restrictions:

- (1) The property hereby conveyed shall be utilized by the party of the second part exclusively for recreational purposes;
- (2) The property hereby conveyed, and any structures or improvements presently or prospectively thereon shall be equally available to all Brevard County residents;
- (3) The party of the second part shall accomplish reasonable development of the property hereby conveyed within five (5) years from the date of this conveyance.

Failure of the party of the second part to comply with any of the above restrictions shall cause the property hereby conveyed to automatically revert, without the necessity of any action by the party of the first part, to the party of the first part.

13930  
1983 AUG 16 PM 2 16

The Property Appraiser's Office current aerial photograph shows that the property does not appear to have been developed for recreational purposes. As indicated on that same aerial, the Property Appraiser has assessed the value of the property at \$83,300.

However, the Town Manager indicates that improvements to the park currently located on the site were first made around March of 1988, which means the reverter is still in effect as far as the continued utilization for recreational purposes.

**FISCAL IMPACT: If the County quit-claims its interest, the reverter will no longer be in effect.**

Clerk to the Board Instruction:

Exhibits Attached: Deed, aerial photo, Town resolution and documents

<b>Contract / Agreement (if attached):</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>County Manager's Office</b>	County Attorney PR <input type="checkbox"/>
Frank Abbate, Interim County Manager	



BOARD OF COUNTY COMMISSIONERS

**County Attorney's Office**  
2725 Judge Fran Jamieson Way  
Building C, Room 308  
Viera, Florida 32940

September 20, 2017

Douglas C. Hoyt  
Town Administrator  
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950

RE: Huggins Park

Dear Mr. Hoyt,

Enclosed please find the original recorded Release of Reverter for real property commonly known as Huggins Park. Please note that copies of the release have been retained by Brevard County in its County Attorney's Office, Asset Management and the Clerk to the Board.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Knox', written over a horizontal line.

Scott Knox  
County Attorney  
SK/cmc

Enclosure as stated

cc: Asset Management w/ copy of enclosure  
Clerk to the Board w/ copy of the enclosure

This instrument was prepared by  
and to be Returned to:  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way  
Viera FL 32940

CFN 2017180510, OR BK 7971 PAGE 476.  
Recorded 08/28/2017 at 10:19 AM, Scott Ellis, Clerk of Courts,  
Brevard County  
# Pgs:2

**RELEASE OF REVERTER**

**THIS RELEASE OF REVERTER** is made and executed this 13<sup>th</sup> day of July, 2017 by **BREVARD COUNTY**, a political subdivision of the State of Florida, in favor of the **TOWN OF MALABAR**:

**WHEREAS**, on August 11, 1983, **BREVARD COUNTY**, a political subdivision of the State of Florida, conveyed to the **TOWN OF MALABAR**, subject to a **REVERTER**, that certain real property in Brevard County, Florida, described as:

Lots 1 through 18 and Lot 22, Block 5, J.J. POLLACK'S SUBDIVISION, Plat Book 2, page 26, Public "Records of Brevard County, Florida, Northwest ¼, Section 31, Township 28 South, Range 38 East.

**WHEREAS**, the deed from Brevard County is recorded at O.R. Book 2449, Page 0977, of the Public Records of Brevard County, Florida; and

**WHEREAS**, the Town of Malabar has applied for the release of that **REVERTER**;

**NOW, THEREFORE**, for value received and in consideration of ten dollars (\$10.00), the receipt of which is hereby acknowledged, **BREVARD COUNTY**, in accordance with the action of its Board of County Commissioners taken on July 11, 2017, does hereby release and quitclaim to the **TOWN OF MALABAR** all of its right, title and interest in the above-described property that now or may hereafter exist by virtue of the reversionary interest, restrictions and conditions described in that certain deed recorded in O.R. Book 2449, Page 0977, of the Public Records of Brevard County, Florida.

**IN WITNESS WHEREOF**, Brevard County has caused this release of reverter to be executed in its name by its Board of County Commissioners acting by and through its Chairman who has executed this **RELEASE** on this, the 13<sup>th</sup> day of July, 2017.

**BREVARD COUNTY, FLORIDA**

(Sign here) Tammy Rowe  
WITNESS (print name here) Tammy Rowe

BY Curt Smith  
Curt Smith, Chairman of the Board of County  
Commissioners, Brevard County, Florida  
(As approved by the Board on July 11, 2017)

(Sign here) Kimberly S. Powell  
WITNESS (print name here)

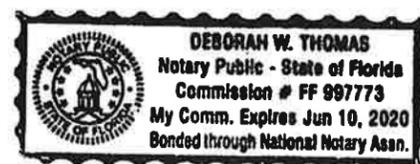
ATTEST: Scott Ellis  
Deputy Clerk for Scott Ellis, Clerk

Signed, sealed and delivered in the presence of:

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July, 2017, by CURT SMITH, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

  
\_\_\_\_\_  
NOTARY PUBLIC





Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

July 12, 2017

**MEMORANDUM**

**TO:** Scott Knox, County Attorney

**RE:** Item II.D.7., Board Direction for Town of Malabar's Request that the County Convey its Interest in Lots 18-22 of J.J. Pollack's Subdivision, Block 5

The Board of County Commissioners, in regular session on July 11, 2017, authorized conveying interest in Lots 18-22 of J.J. Pollack's Subdivision, Block 5 to the Town of Malabar.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

cc: Interim County Manager  
Asset Management  
Finance  
Budget