



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

5/9/2023

Subject:

Approval, Re: Quit-Claim Deed in favor of Aridian Publishing Corporation for Purposes of Releasing Subsurface Oil, Gas, and Mineral Rights Pursuant to 270.11(2) (b) and (3), Florida Statute - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Quit Claim Deed.

Summary Explanation and Background:

The subject property is located in Section 35, Township 27 South, Range 36 East, on the south side of Ellis Road.

On December 10, 1992, Brevard County conveyed real property by County Deed to Rayco Enterprises, Inc as recorded in Official Records Book 3258, Page 4607, The deed did not mention any release of nor retaining of any subsurface oil, gas and mineral rights pursuant to section 270.11 Florida Statutes.

Staff has been contacted by Michael Schneider, Attorney for Aridian Publishing Corporation, the current owner of the parcel. Mr. Schneider on behalf of his client, is requesting the County issue a Quit-Claim Deed releasing the subsurface oil, gas and mineral rights. He has stated Aridian has no plans to exploit the rights and, on information and belief, neither does the prospective buyer. The need arises in connection with the sale of the property and any potential issues that could affect future development.

The parcel is currently under contract for sale with a perspective purchaser. The purchaser's title search revealed the County's interest in the aforementioned rights. The purchaser has objected to the County's interest in these rights and has requested the seller (Aridian) to obtain a release in order for the sale to go through.

Pursuant to 270.11(2)(b) and (3) Florida Statute, local government may, at its discretion, sell or release reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the owner of the parcel of land with a statement of reasons justifying such sale or release. Of note is that the County in partnership with FDOT is pursuing a major road improvement project to widen Ellis Road from two lanes to four lanes. County staff has coordinated this proposed action with FDOT Right-of-Way acquisition

staff to assure that this will have no impact on their ongoing efforts.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Quit-Claim Deed with Exhibit.



May 10, 2023

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

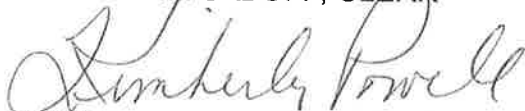
RE: Item F.6., Approval of the Quit-Claim Deed in Favor of Aridian Publishing Corporation for Purposes of Releasing Subsurface Oil, Gas, and Mineral Rights Pursuant to 270.011(2)(b) and (3), Florida Statutes

The Board of County Commissioners, in regular session on May 9, 2023, approved and executed the Quit-Claim Deed in favor of Aridian Publishing Corporation for purposes of releasing subsurface oil, gas, and mineral rights pursuant to 270.011(2)(b) and (3) Florida Statutes. Enclosed is the Quit-Claim Deed with exhibit.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

Prepared by and return to:
Office of the County Attorney
2725 Judge Fran Jamieson Way, Building C
Viera, Florida 32940
A portion of interest in Tax Parcel ID: 27-36-35-00-3

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, is made this 9th day of May, 2023, by Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, the First Party, and Aridian Publishing Corporation, a corporation existing under the laws of the State of Florida, whose address is 2900 North Riverside Drive, Indialantic, Florida 32903, the Second Party,

(Whenever used herein the terms "First Party" and "Second Party" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "First Party" and "Second Party" are used for singular and plural, as the context requires and the use of any gender shall include all genders)

WITNESSETH that the said First Party, for and in consideration of the sum of Ten Dollars, to it in hand paid by the Second Party, receipt whereof is hereby acknowledged, does hereby remise, release, and forever quit-claim to the Second Party, its successors and assigns forever, pursuant to section 270.11(2) (b) and (3), Florida Statutes, all of the First Party's right, title, interest, claim and demand which the First Party may have in phosphate, minerals, metals or any interest in petroleum that may be in, on or under the following described land lying and being in Brevard County, Florida to wit:

See Exhibit "A" attached hereto and by reference made a part hereof.

Property Appraiser's Parcel Identification Number: 27-36-35-00-2 & 3

(FOR SIGNATURE AND ATTESTMENT SEE PAGE TWO)

IN WITNESS WHEREOF the said First Party has set its hand and seal to execute this Deed in its name by its Board of County Commissioners acting by the Chair of said board, the day and year first written above.

ATTEST:


Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Rita Pritchett, Chair

(As approved by the Board on May 9, 2023)

EXHIBIT A

That certain parcel of property located in Section 35, Township 27 South, Range 36 East, Brevard County, Florida, more particularly described as follows:

Parcel 1:

The East one-half of the Northeast one-quarter of Section 35, Township 27 South, Range 36 East, Brevard County, Florida, less the following out parcels: (1) the East 594.0 feet of the above-described parcel; (2) that certain out-parcel as described in Deed Book 384, Page 267; and (3) that certain road right of way and canal right of way described in Official Records Book 641, Page 977; all of the Public Records of Brevard County, Florida. Said Parcel 1 contains 40.87 acres more or less.

Parcel 2:

That certain part of the Northeast one-quarter of the Northeast one-quarter of Section 35, Township 27 South, Range 36 East, Brevard County, Florida, as more particularly described in Deed Book 384, Page 267, excluding the road right of way thereof (per Official Records Book 641, Page 979), all as per the Public Records of Brevard County, Florida. Parcel 2 contains approximately .44 acres, more or less.

Also known as and described as follows:

A parcel of land, being that portion of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 35, Township 27 South, Range 36 East, Brevard County, Florida, which lies South of the right of way of Ellis Road and West of the East 594.00 feet of said Northeast $\frac{1}{4}$, said parcel being more fully described as follows:

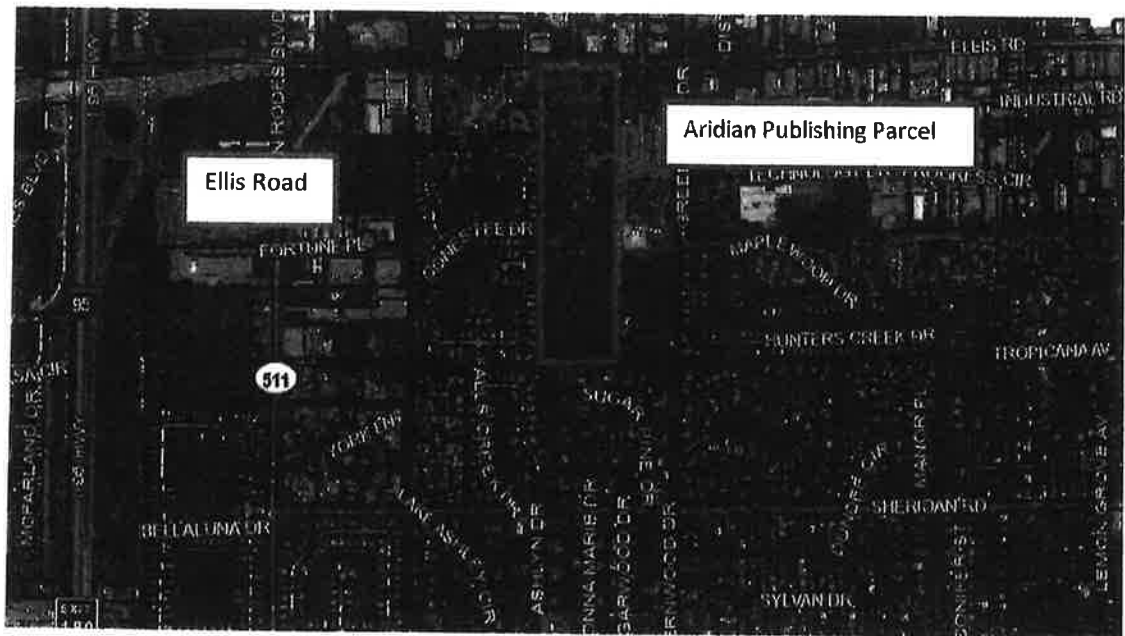
Commence at the Northeast corner of said Northeast $\frac{1}{4}$; thence N. $89^{\circ}45'40''$ W., along the North line of said Northeast $\frac{1}{4}$, a distance of 594.00 feet to the Northwest corner of the aforesaid East 594.00 feet of the Northeast $\frac{1}{4}$; thence S. $00^{\circ}24'31''$ W., along the West line of said East 594.00 feet, a distance of 50.00 feet to a point on the South right of way line of Ellis Road (a 50.00 foot wide right of way, per Official Records Book 641, Page 977 and Official Records Book 641, Page 979), said point also being the Point of Beginning of the lands herein described; thence continue S. $00^{\circ}24'31''$ W., along said West line, a distance of 2472.88 feet to a point on the South line of the aforesaid East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 35; thence N. $89^{\circ}52'59''$ W., along said South line, a distance of 727.96 feet to the Southwest corner of said East $\frac{1}{2}$; thence N. $00^{\circ}25'25''$ E., along the West line of said East $\frac{1}{2}$, a distance of 2474.43 feet to a point on the aforesaid South right of way line of Ellis Road; thence S. $89^{\circ}45'40''$ E., along said right of way line, a distance of 727.31 feet to the Point of Beginning.

Containing 41.32 acres, more or less.

LOCATION MAP

Section 35, Township 27 South, Range 36 East - District: 5

PROPERTY LOCATION: South side of Ellis Road



BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Quit-Claim Deed in favor of Aridian Publishing Corporation for Purposes of Releasing Subsurface Oil, Gas, and Mineral Rights Pursuant to 270.11(2) (b) and (3), Florida Statute – District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u><i>LK for Lucy</i></u>	<u> </u>	<u>4/4/23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u><i>cms</i></u>	<u> </u>	<u>4/5/2023</u>