

**F. Consent Agenda - Public Works Department
ITEM 2.**



**AGENDA REPORT
March 12, 2019**

Approval Re: Special Warranty Deed from D.R. Horton, Inc. for Public Right of Way on the Plats of Brentwood Lakes P.U.D. Phase I and II - District 5.

SUBJECT:

Approval Re: Special Warranty Deed from D.R. Horton, Inc. for Public Right of Way on the Plats of Brentwood Lakes P.U.D. Phase I and II - District 5.

FISCAL IMPACT:

Fiscal Impact: FY 2018 – 2019: No impact

FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Special Warranty Deed from D.R. Horton, Inc.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 03, Township 29, Range 36.

The Plat of Brentwood Lakes P.U.D. Phase I and II was recorded in Plat Book 54, Page 53 (Phase I), and Plat Book 54, Page 54 (Phase II) in the Public Records of Brevard County on January 13, 2006.

Per language on the Plat, the Developer reserved Tracts K and L (Phase I) and Tracts J and K (Phase II) designated "to be dedicated to Brevard County for the purpose of Public Right of Way".

The Developer has executed the Special Warranty Deed conveying the areas designated for the intended purpose of right of way.

Land Acquisition Policies and Procedures requires approval and acceptance by the Board of County Commissioners for all conveyances to the County.

ATTACHMENTS:

Description

- **Brentwood Lakes Special Warranty Deed Public Right of Way**

BOARD OF COUNTY COMMISSIONERS

AGENDA: APPROVAL AND ACCEPTANCE OF A SPECIAL WARRANTY DEED IN
FAVOR OF BREVARD COUNTY FROM D.R. HORTON, INC. PUBLIC
RIGHT OF WAY PURPOSES – DISTRICT 5

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>OPI</u>	<u> </u>	<u>2/26/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JWB</u>	<u> </u>	<u>2/26/19</u>

AGENDA DUE DATE: March 5, 2019 for the March 12, 2019 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.



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

March 13, 2019

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.2., Approval of Special Warranty Deed from D.R. Horton, Inc. for Public Right-Of-Way on the Plats of Brentwood Lakes P.U.D. Phase I and Phase II

The Board of County Commissioners, in regular session on March 12, 2019, accepted the Special Warranty Deed from D.R. Horton, Inc., for public right-of-way on the Plats of Brentwood Lakes P.U.D. Phase I and Phase II.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

This Instrument Prepared by and return to:
Sandra E. Krumbein, Esq.
Shutts & Bowen, LLP
200 East Broward Blvd., Suite 2100
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

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Property Appraiser's Parcel Identification Number:
29-36-03-25-K & 29-36-03-25-L
29-36-03-26-J & 29-36-03-26-K

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 28 day of Sept., 2018, between D.R. HORTON, INC. - Jacksonville whose principal office is located at 1430 Culver Drive, NE, Palm Bay, Florida 32907 hereinafter referred to as "Grantor," and BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, whose post office address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, Brevard, State of Florida, hereinafter referred to as "Grantee."

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the Grantee, and the Grantee's heirs and assigns forever, the following described real property situated, lying and being in Brevard County, Florida, to wit ("Property"):

Tracts K & L of the Plat of Brentwood Lakes P.U.D. Phase I, according to the plat thereof, recorded in Plat Book 54, Page 53 of the Public Records of Brevard County, Florida.

Together with,

Tracts J & K of the Plat of Brentwood Lakes P.U.D. Phase II, according to the plat thereof, recorded in Plat Book 54, Page 54 of the Public Records of Brevard County, Florida.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS CONVEYANCE is subject to:

1. taxes for the year 2018 which are not yet due and payable and all subsequent years; and

2. covenants, restrictions and public utility easements of record (however, reference thereto shall not serve to reimpose same), existing zoning and governmental regulations.

TO HAVE and to hold, the above described land, with the appurtenances, the same in fee simple forever.

GRANTOR hereby covenants with Grantee that it is lawfully seized of the Property in fee simple, that it has good right and lawful authority to sell and convey the Property, that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but no others.

And the Grantor does hereby warrant the title to said property by, through and under the said Grantor and will defend the same against lawful claims of all persons claiming by, through or under the Grantor but against none other.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered
in the presence of:

D.R. HORTON, INC. - Jacksonville, a Delaware
corporation

[Signature]
Signature
Howe Wheeler
Printed Name of Witness

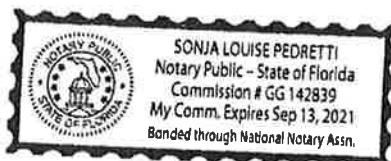
By: [Signature]
Printed Name: Daniel Liparini
Its: Assistant Secretary
D.R. Horton Inc.
(CORPORATE SEAL)

[Signature]
Signature
Cheryl Terman
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 28 day of Sept., 2018, Daniel Liparini, the Assistant Secretary of D.R. HORTON, INC. - Jacksonville, a Delaware corporation, on behalf of the corporation, who is personally known to me.

My Commission expires:



[Signature]
Notary Public
Sonja Pedretti
Printed Name of Notary Public
GG142839
Commission Number

LOCATION MAP

SEC: 3 TWP: 29S RNG:36E DISTRICT: 5

STREET NAME: MALABAR ROAD

OWNER'S NAME: D.R. HORTON, INC

