



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.4.

1/10/2023

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### **Subject:**

Approval, Re: Dedication by Warranty Deed for Tract M3, Adelaide Phase 6A and Bill of Sale from The Viera Company, for the benefit of Lift Station W-34 - District 4.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition / Utility Services Department

### **Requested Action:**

It is requested that the Board of County Commissioners accept the attached Warranty Deed, and Bill of Sale.

### **Summary Explanation and Background:**

The subject property is located in Section 29, Township 25 South, Range 36 East, west of Stadium Parkway and north of Viera Boulevard on Upper Floridian Way in Viera.

The Viera Company established Adelaide Phase 6A by Plat, recorded in Plat Book 71 at Page 59. The Plat contained a dedication of Tract M3 to Brevard County for the purpose of a Sanitary Sewer Lift Station. The attached Warranty Deed will convey fee simple ownership of Tract M3 to the County from The Viera Company. The attached Bill of Sale formally conveys the related utility infrastructure that shall be County owned and maintained.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37, the Criteria for Water and Sewage Systems within Brevard County 2.6.5. and County Code 110-184.

### **Clerk to the Board Instructions:**

## BOARD OF COUNTY COMMISSIONERS

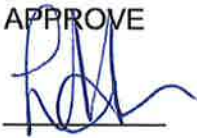
### AGENDA REVIEW SHEET

AGENDA: Dedication by Warranty Deed for Tract M3, Adelaide Phase 6A and Bill of Sale from The Viera Company, for the benefit of Lift Station W-34 – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>12-9-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	<hr/>	<u>12/09/2022</u>



January 11, 2023

**MEMORANDUM**

TO: Marc Bernath, Public Works Director      Attn: Andrew Malach

RE: Item F.4., Approval for Dedication by Warranty Deed for Tract M3, Adelaide Phase 6A and Bill of Sale from The Viera Comapany, for the benefit of Lift Station W-34

The Board of County Commissioners, in regular session on January 10, 2023, accepted the Warranty Deed for Tract M3, Adelaide Phase 6A and Bill of Sale from The Viera Comapany, for the benefit of Lift Station W-34.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/pp

cc: Utility Services

Prepared by and return to: Andrew Malach  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 25-36-29-28-\*-M.3

### WARRANTY DEED

**THIS DEED** is made this 2<sup>nd</sup> day of December, 2022, by The Viera Company, a Florida Corporation, hereafter called the Grantor, whose mailing address is 7380 Murrell Rd, Suite 201, Melbourne, FL 32940, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

**WITNESSETH** that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, lying and being in the Brevard County, Florida, to-wit:

**Tract M3, Adelaide Phase 6A, according to the plat thereof, as recorded in Plat Book 71, Page(s) 59, of the Public Records of Brevard County, Florida.**

Together with all riparian and littoral rights appertaining thereto, and all interest in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statutes.

The Grantors agree that upon conveyance of the property, no covenants or restrictions put in place by Grantor shall apply to the property hereto in perpetuity.

**TO HAVE AND TO HOLD THE SAME**, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title and interest forever, and the Grantor does fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Charlene R. Spangler  
Charlene R. Spangler

Witness

Mary Ellen McKibben  
Witness Mary Ellen McKibben

GRANTOR:

The Viera Company,  
a Florida Corporation

By: [Signature]

Todd J Pokrywa, President

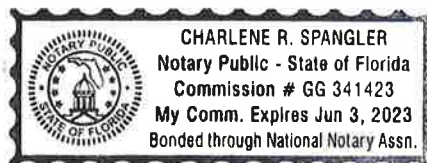
(Corporate Seal)



\_\_\_\_\_  
Print Name

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 2nd day of December, 2022, by Todd J Pokrywa, as President for The Viera Company, a Florida Corporation. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.



Charlene R. Spangler  
Notary Signature

SEAL

## BILL OF SALE

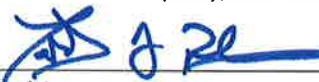
The Viera Company, a Florida Corporation, whose mailing address is 7380 Murrell Rd, Suite 201, Melbourne, FL 32940 (hereinafter "SELLER"), for and in consideration of good and valuable consideration to it paid by Brevard County, a political subdivision of the State of Florida (hereinafter "BUYER"), the receipt and sufficiency of which consideration is hereby acknowledged, by these presents does grant, bargain, sell, transfer and deliver unto BUYER, its successors and assigns, the goods, chattels and items of personal property owned by SELLER, their successors and assigns, (hereinafter "property") as that property is set forth on **EXHIBIT "A"** attached hereto and made a part thereof, and being situate on certain real property described on **EXHIBIT "B"** attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** the same unto BUYER, its successors and assigns, forever.

**AND** SELLER, does, for themselves and their successors and assigns, covenant to and with BUYER, its successors and assigns, that SELLER is the lawful owner of said property; that said property is free from all liens and encumbrances; that SELLER has good right to sell the same aforesaid; and that SELLER will warrant and defend the sale of said property hereby made unto BUYER, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

**IN WITNESS WHEREOF**, SELLER, by its duly authorized representative, has caused this instrument to be executed and delivered and has intended this instrument to be and become effective as of the 2nd day of December, 2022.

The Viera Company, a Florida Corporation

  
Todd J Pokrywa, President

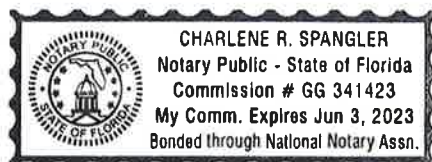
(Corporate Seal)



**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 2nd day of December, 2022 by Todd J Pokrywa, President of The Viera Company, a Florida Corporation, TK who are personally known to me or ☐ who have provided a \_\_\_\_\_ as identification.

SEAL



  
Notary Public

My Commission Expires: 6/3/2023

**Exhibit "A"**

**ADELAIDE SUBDIVISION - PHASE 6A**

**ITEMIZED COST OF CONSTRUCTION**

**EXHIBIT A**

ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
<b>SANITARY SEWER IMPROVEMENTS</b>				
CONNECT TO EX. FORCE MAIN	LS	1	\$ 2,096.00	\$ 2,096.00
8" PVC SAN. SEWER (4-6' CUT)	LF	417	\$ 35.00	\$ 14,595.00
8" PVC SAN. SEWER (6-8' CUT)	LF	1,026	\$ 64.00	\$ 65,664.00
8" PVC SAN. SEWER (8-10' CUT)	LF	801	\$ 79.00	\$ 63,279.00
8" C900 PVC SANITARY SEWER	LF	56	\$ 91.00	\$ 5,096.00
4' DIAMETER SAN. SEWER MANHOLE (4'-6' CUT)	EA	4	\$ 5,266.00	\$ 21,064.00
4' DIAMETER SAN. SEWER MANHOLE (6-8' CUT)	EA	2	\$ 5,968.00	\$ 11,936.00
4' DIAMETER SAN SEWER MANHOLE (8'-10 CUT)	EA	3	\$ 7,462.00	\$ 22,386.00
4' DIAMETER SAN. SEWER MANHOLE (10-12' CUT) (LINED)	EA	1	\$ 17,428.00	\$ 17,428.00
SANITARY SEWER LIFT STATION (COMPLETE w/TELEMETRY and DRIVEWAY) <sup>(1)</sup>	LS	1	\$ 342,000.00	\$ 342,000.00
4" PVC FORCE MAIN	LF	1,618	\$ 36.00	\$ 58,248.00
4" AIR RELEASE VALVE	EA	1	\$ 9,329.00	\$ 9,329.00
DOUBLE SERVICE CONNECTION	EA	10	\$ 1,200.00	\$ 12,000.00
SINGLE SERVICE CONNECTION	EA	8	\$ 1,092.00	\$ 8,736.00
<b>TOTAL</b>				<b>\$ 653,857.00</b>



Digitally signed  
by Hassan Kamal  
Date: 2022.09.30  
12:42:14 -04'00'

**Exhibit "B"**

Real Property

**Tract M3, Adelaide Phase 6A, according to the plat thereof, as recorded in Plat Book 71,  
Page(s) 59, of the Public Records of Brevard County, Florida.**



## LOCATION MAP

**Section 29, Township 25 South, Range 36 East - District: 4**

**PROPERTY LOCATION:** West of Stadium Parkway and north of Viera Boulevard on Upper Floridian Way in Viera.

**OWNERS NAME:** The Viera Company

