



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.18.

12/20/2022

Subject:

Approval to effect a Sale of a Surplus Vacant Parcel, Property ID 27-37-24-00-51, that is 0.03 +/- of an Acre by Private Sale located in District 5

Fiscal Impact:

Revenue from the sale of the surplus vacant parcel will be returned to the respective fund and cost center, less and cost incurred by the County for postage, advertising, administrative fees, and survey fees

Dept/Office:

Central Services/Asset Management

Requested Action:

It is requested that the Board of County Commissioners approval the following:

1. Approve a Resolution making the requested finding and authorizing the negotiation of a sale of a 0.03-acre parcel of surplus property, Property ID 27-37-24-00-51, to an adjacent property owner pursuant to Section 125.35, Florida Statutes and Section 2-243, Brevard County Code of Ordinances; and
2. Authorize the Chair to sign the necessary documents to effect the sale of Property ID 27-37-24-00-51, pursuant to Section 125.35, Florida Statutes and Section 2-243, Brevard County Code of Ordinances.

Summary Explanation and Background:

The subject property, Parcel I.D. 27-37-24-00-51, is 0.03 +/- acre vacant parcel located west of A1A and south of Paradise Boulevard on Carriage Court in Melbourne. This parcel was conveyed to Brevard County on August 15, 2007, through a County Tax Deed. The Brevard County Property Appraiser has estimated the market value of this property at \$10.00. This parcel has been vetted by the Public Works Department, Land Acquisition, for possible use by other County departments. No department indicated any interest in the property and the County doesn't have any storm drains or other drainage structures or easement located on this property. This property is within the City limits of the City of Melbourne.

The Carriage Court Townhomes Association is maintaining this property and has requested the County convey its ownership to their community, as part of its common area. The Association did not realize that the original developer had failed to convey the parcel to the Association, which led to the eventual tax deed to Brevard County.

Section 125.35(2), Florida Statutes states "When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be

constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if within 10 working days after receiving such mailed notice two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers."

According to Section 2-243, Brevard County Code of Ordinances, the Board may approve a private sale of a parcel when the parcel is of insufficient size and shape to be issued a building permit, the Brevard County Property Appraiser has estimated the market value is less \$15,000, and the size would make it of use to one or more adjacent property owners. Central Services, Asset Management, as the County Manager's designee, will send certified notices to the adjacent property owners, giving the adjacent owners 10 business days to submit a letter of intent to purchase the parcel. If more than two adjacent property owners notify the County that they are interested in purchasing the parcel, sealed bids will be required within 20 days of the notice.

Clerk to the Board Instructions:

Return a signed copy of the Resolution to Asset Management and the County Attorney's Office.





December 21, 2022

M E M O R A N D U M

TO: Kathy Wall, Central Services Director

RE: Item F.18., Approval to Effect a Sale of a Surplus Vacant Parcel, Property ID 27-37-24-00-51, that is 0.03 +/- of an Acre by Private Sale

The Board of County Commissioners, in regular session on December 20, 2022, approved and adopted Resolution No. 22-167, making the requested finding and authorizing the negotiation of a sale of a 0.03-acre parcel of surplus property, Property ID 27-37-24-00-51, to an adjacent property owner, pursuant to Section 125.35, Florida Statutes, and Section 2-243, Brevard County Code of Ordinances; and authorized the Chair to sign the necessary documents to effectuate the sale of Property ID 27-37-24-00-51, pursuant to Section 125.35, Florida Statutes, and Section 2-243, Brevard County Code of Ordinances. Enclosed is a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Donna Scott
for: Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

cc: County Attorney
Asset Management
Finance
Budget

RESOLUTION NO. 2022 - 167

**A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY
INTEREST TO ADJACENT PROPERTY OWNER PURSUANT TO
SECTION 125.35 FLORIDA STATES AND SECTION 2-243 BREVARD COUNTY CODE**

WHEREAS, Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as the COUNTY, acquired certain real property by tax deed in 2007; and

WHEREAS, said parcel is approximately 0.03-acres and is described and depicted in Exhibit A (hereinafter the "parcel"); and

WHEREAS, the parcel described above is located within specific boundaries of the Carriage Court Townhomes in Paradise Beach, and is currently being maintained by the Carriage Court Townhomes Association, Inc.; and

WHEREAS, the Carriage Court Townhomes Association, Inc. has expressed interest in acquiring the parcel, which it thought was already part of its common area; and

WHEREAS, Section 125.35, Florida Statutes and Section 2-243, Brevard County Code of Ordinances permits the County to approve a private sale of a parcel of real property when the Board of County Commissioners finds that (1) the parcel is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; or (2) the value of the parcel is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser; and (3) the size, shape location, and value of the parcel would make it of use only to one or more adjacent property owners; and

WHEREAS, the Brevard County Property Appraiser has assessed the 2022 market value of the property at \$10.00; and

WHEREAS, the Land Acquisition Section of the Public Works Department has vetted the property with other County departments and no County department expressed an interest in using the property.

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA finds as follows:

1. The foregoing recitations are true and correct and by this reference incorporated;
2. The Parcel, as described in Exhibit "A," is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; and the Brevard Property Appraiser has assessed the market value of the property at \$10.00, which is under the \$15,000 threshold at Section 2-243, Brevard County Code of Ordinances; and the size, shape, location, and value of the parcel would make it of use only to one or more adjacent property owners.

3. It is in the best interest of the County to sell and convey the parcel, and the County does not have a County use for the parcel.
4. The County Manager, or designee, is authorized to negotiate the terms of the private sale, and shall send notice of the county's intent to sell the parcel to the adjacent property owners, as well as the Carriage Court Townhomes Association, as an adjacent property owner, using the procedures laid out in Section 125.35, Florida Statutes and Section 2-243, Brevard County Code of Ordinances.
5. Upon negotiation of terms pursuant to Section 125.35, Florida Statutes, and Section 2-243, Brevard County Code of Ordinances, the Chair is authorized to sign the necessary documents to effect the sale.
6. All closing costs associated with the sale of the parcel must be paid by the purchaser, including but not limited to any title search, title insurance, documentary tax stamp, ad valorem taxes, recording fees, and fees for document preparation.


DONE, ORDERED, and ADOPTED, in regular session, this 20 day of Dec ., 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel Sadoff, Clerk



Rita Pritchett, Chair

As approved by the Board on 12/20/22

Exhibit "A"

Brevard County Property Appraiser Parcel 27-34-24-00-51

TWP-27 RG-37 SC-24 SB-00 BLK-51 LOT-
PART OF S ½ OF GOVT LOT 6 WEST OF A1A AS DESCRIBED IN
OFFICIAL RECORDS BOOK (ORB) 2810 PAGE 1308 EXCLUDING ORB 2731 PAGE 833, ORB 2781
PAGE 666 AND ORB 2880 PAGE 2599

LEGAL DESCRIPTION

CARRIAGE COURT PARCEL

PARENT PARCEL ID#: 27-37-24-00-51

PURPOSE: FEE SIMPLE CONVEYANCE

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: CARRIAGE COURT PARCEL (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOKS 2767, PAGE 2034 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOKS 2767, PAGE 2034, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2778, PAGE 1894; THENCE, NORTH 11° 11' 28" WEST ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOKS 2767, PAGE 2034, SAID LINE ALSO BEING THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2778, PAGE 1894, FOR A DISTANCE OF 10.03 FEET TO A POINT ON THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOKS 2767, PAGE 2034, SAID POINT ALSO BEING A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 41.00 FEET, A CENTRAL ANGLE OF 49° 07' 28", AND WHOSE LONG CHORD BEARS NORTH 54° 16' 59" EAST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTH LINE FOR A DISTANCE OF 35.15 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 75° 45' 03" EAST FOR A DISTANCE OF 20.37 FEET; THENCE SOUTH 14° 14' 57" EAST FOR A DISTANCE OF 11.17 FEET; THENCE, SOUTH 00° 31' 42" EAST FOR A DISTANCE OF 23.48 FEET TO A POINT ON THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2767, PAGE 2034, SAID LINE ALSO BEING THE NORTH LINE OF PUTNAM PARK SUBDIVISION UNIT NO. 1, AS RECORDED IN PLAT BOOK 13, PAGE 149; THENCE SOUTH 89° 28' 18" WEST ALONG SAID SOUTH LINE AND SAID NORTH LINE FOR A DISTANCE OF 48.44 FEET TO THE POINT OF BEGINNING, CONTAINING 1,162.10 SQUARE FEET (0.03 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, AGREEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD. THE SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS. THE SURVEYOR WAS NOT PROVIDED AN OWNERSHIP AND ENCUMBRANCE REPORT, PROPERTY INFORMATION REPORT, OR OPINION OF TITLE.

SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY OF ANY TYPE BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOKS 2767, PAGE 2034 AS BEING SOUTH 89° 28' 18" WEST, AN ASSUMED BEARING.

ABBREVIATIONS

BOB = BASIS OF BEARING
C/L = CENTERLINE
CCMB = COUNTY COMMISSIONERS MINUTE BOOK
COR = CORNER
ESMT = EASEMENT
GOV'T = GOVERNMENT
ID = IDENTIFICATION
N/F = NOW OR FORMERLY

ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT OF WAY
SECT = SECTION
SQ FT = SQUARE FEET
NTL = NON-TANGENT LINE
TP = PARCEL ID



PREPARED FOR: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: D. LABASTIDA	CHECKED BY: M. SWEENEY	PROJECT NO. LA-FT21-22A001			SECTION 24 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 06/15/2022	SHEET: 1 OF 2				

SKETCH OF DESCRIPTION

CARRIAGE COURT PARCEL

PARENT PARCEL ID#: 27-37-24-00-51

PURPOSE: FEE SIMPLE CONVEYANCE

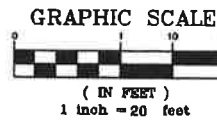


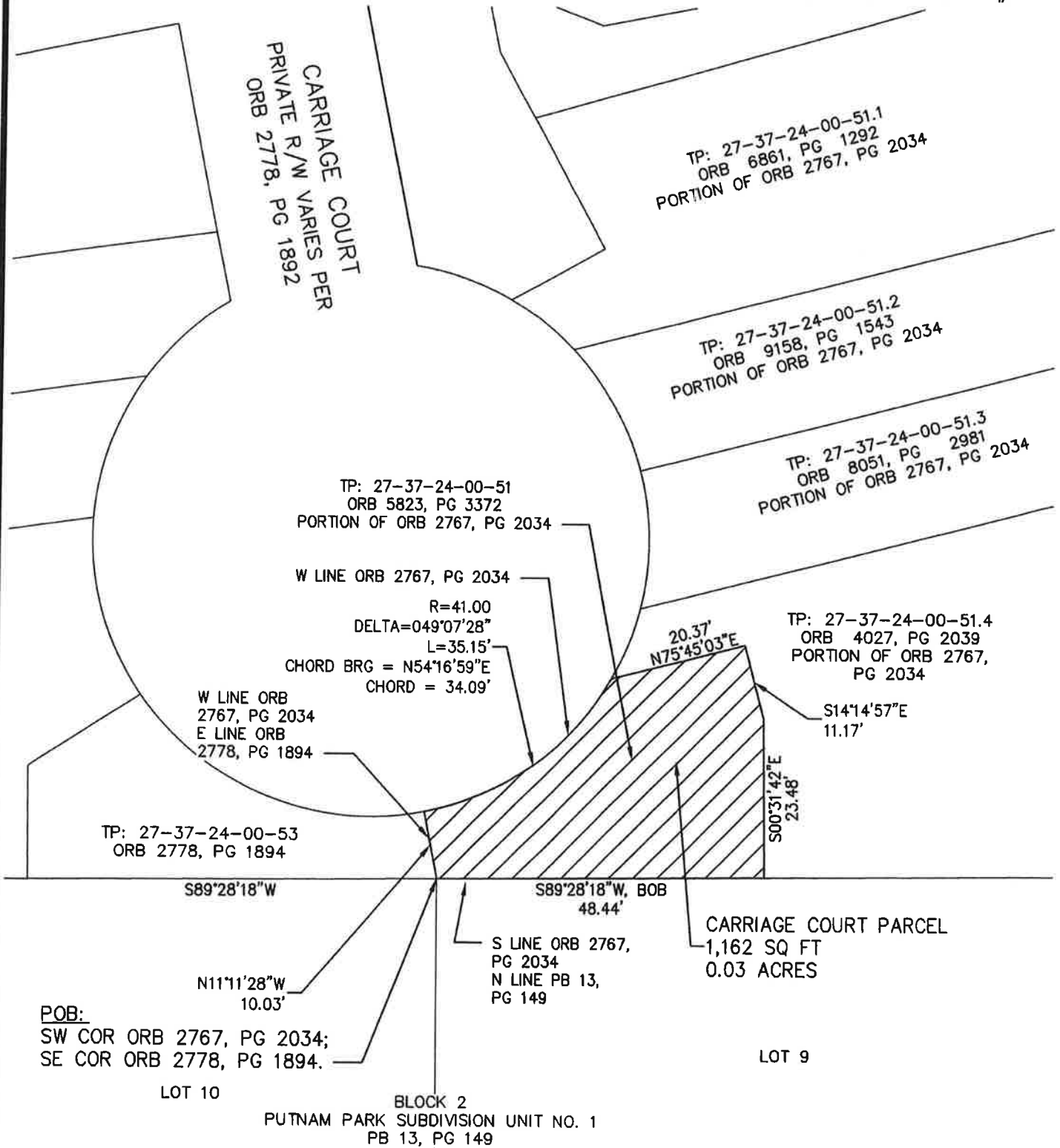
EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #2



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:

1"=20'

PROJECT NO.:

LA-FT21-22-001

SECTION 24

TOWNSHIP 27 SOUTH

RANGE 37 EAST