

**Replacement**

|              |
|--------------|
| Meeting Date |
| 7/25/2017    |



| AGENDA   |                |
|----------|----------------|
| Section  | Public Hearing |
| Item No. | IV D           |

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

|              |  |
|--------------|--|
| SUBJECT:     | Proposed transfer of fee simple interest property to the Titusville Rifle and Pistol Club, Inc. – District 1 |
| DEPT/OFFICE: | Community Services Group / Parks and Recreation Department   |

**Requested Action:**  
 It is requested the Board approve a Resolution approving the transfer of the property to the Titusville Rifle and Pistol Club, Inc. and authorize the Chair to execute such documents. It is further requested the Chair be authorized to execute all budgetary documents needed to effectuate the terms of this transfer.

**Summary Explanation & Background:**

Brevard County has had an Agreement with Titusville Rifle and Pistol Club, Inc. (TRPC) since October 1, 1980 for their operation of a public access gun range. The terms of the Agreement(s) include a payment of one dollar (\$1) per year with the current renewal due to expire on September 30, 2020.

TRPC provides a family oriented shooting facility in a safe environment for firearms training, recreational shooting and competitive shooting; promotes shooting sports by providing the community with supervised facilities for rifle, pistol, shotgun and archery practice; providing instruction in the safe handling and proper care of weapons; and the teaching of improved marksmanship. TRPC has funded numerous improvements to 40-acre parcel of property located in Mims during the terms of their Agreements with the County. All TRPC construction, maintenance and operational expenses are funded by range use fees, member annual dues and individual donations of labor, equipment and material.

Typically, each year over 13,000 guests use TRPC facilities. The NRA Certified staff of Volunteer Range Safety Officers is on-duty six (6) days per week to support and supervise public access to range facilities. A sample of the activities taking place at TRPC include: rifle and pistol competitions, 4-H Youth Ecology Series firearms training and competition, National Rifle Association Basic Pistol Shooting Courses, National Rifle Association Instructor and Range Safety Officer Courses, Florida Wildlife Commission Hunter Safety Courses, local and regional 3D Archery training and competition and many others.

TRPC has requested transfer of title of the property in exchange for the payment of Fifty Thousand Dollars (\$50,000). TRPC represents they will continue operate as a public access gun range open to both citizens and various governmental organizations.

Adoption of this Resolution declares the property is not needed for County purposes at this time and states the desire of TRPC to continue operation of the gun range for the purposes of promoting public welfare, serving the public interest, and serving a public purpose. The Resolution provides the terms between TRPC and the County; TRPC will own the property to use, operate, maintain, and improve for recreational use and public related activities; use of the park shall be available to all residents and visitors with no differential in fees; a reverter clause is not a provision.

Brevard County Code of Ordinances, Chapter 2, Section 2-241 through 2-251, establishes procedures for the sale, leasing and donation of real property. It requires the intent and County Code to be published on the County Internet and Website at least five (5) days prior to a public meeting and also requires a super majority vote by the Board. The posting requirement was successfully completed on July 18, 2017.

**Fiscal impact:** Approval of this request will result in revenue in the amount of \$50,000 to North Area Parks Operations.

**Clerk to the Board Instructions:**

**Exhibits Attached:** Resolution, Deed

|   |                                    |     |                          |    |                          |    |                          |
|---|------------------------------------|-----|--------------------------|----|--------------------------|----|--------------------------|
| <b>Contract /Agreement (If attached):</b> | <b>Reviewed by County Attorney</b> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | PR | <input type="checkbox"/> |
|---|------------------------------------|-----|--------------------------|----|--------------------------|----|--------------------------|

|  |   |   |
|--|---|---|
| County Manager , <b>Interim</b><br><b>Frank Abbate</b> | Assistant County Manager<br>Vanetta Valdenigo | Mary Ellen Donner, Parks & Recreation Director<br><a href="mailto:Marvellen.donner@brevardfl.gov">Marvellen.donner@brevardfl.gov</a> ; 633-2046 X32 |
|  |   |   |
|  | Assistant County Manager                      |   |



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 26, 2017

**M E M O R A N D U M**

**TO:** Mary Ellen Donner, Parks and Recreation Director

**RE:** Item IV.D., Resolution for Transfer of Fee Simple Interest Property to the Titusville Rifle and Pistol Club, Inc.

The Board of County Commissioners, in regular session on July 25, 2017, adopted Resolution No. 17-129, approving the transfer of the property to the Titusville Rifle and Pistol Club, Inc.; authorized Chairman to execute such documents; and authorized the Chairman to execute all budgetary documents needed to effectuate the terms of this transfer. Enclosed is a fully-executed copy of the Deed and Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/cmw

Encls. (2)

**cc:** Asset Management  
Contracts Administration  
Budget  
Finance

**RESOLUTION NO. 2017-129**

A RESOLUTION PURSUANT TO SECTION 2-247 CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, AUTHORIZING THE TRANSFER OF A REAL PROPERTY INTEREST IN COUNTY PROPERTY; PROVIDING FOR CONDITIONS UPON TRANSFER; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Brevard County, Florida (the "County"), owns certain real property described in Exhibit "A"; and

**WHEREAS**, Titusville Rifle and Pistol Club, Inc. (TRPC) provides a family oriented shooting facility in a safe environment for firearms training, recreational shooting and competitive shooting on the property described in Exhibit A; and

**WHEREAS**, TRPC has allowed numerous public entities such as the Sheriff's Office and municipal police forces to use the gun range for practice purposes; and

**WHEREAS**, TRPC desires to acquire the real property in fee simple and operate as a public access gun range open to both citizens and various governmental organizations;

**WHEREAS**, the County finds that services are beneficial to the citizens of Brevard County, and TRPC serves the public interest and serves a public purpose; and

**WHEREAS**, the County finds the property is not needed for other County purposes; and

**WHEREAS**, the County desires to assist TRPC in acquiring the real property; and

**WHEREAS**, TRPC has agreed to continue providing public services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:**

1. The foregoing recitals are incorporated herein.
2. The County hereby agrees to transfer to TRPC the parcel (as described in Exhibit "A") including all improvements and amenities attached thereto by County Deed requiring that the property be used for public purposes as described above.
3. The County has determined that the real property is needed by TRPC for the operation of public access gun range on the real property.

4. The County has determined that the real property interest needed by is not needed for County purposes.

5. The real property interest is being transferred to Titusville Rifle and Pistol Club, Inc. for \$50,000.

6. This Resolution shall become effective immediately upon its adoption.

**DONE, ORDERED AND ADOPTED**, in regular session, this 25<sup>th</sup> day of July, 2017.

ATTEST:



Scott Ellis  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: Curt Smith  
Curt Smith, Chairman

As Approved By the Board on: July 25, 2017

Exhibit "A"

**Titusville Rifle and Pistol Club**

**Legal Descriptions**

Deed recorded in O.R. Book 1231, Page 18.

**Tax Parcel # 2100853**

Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 20, Township 21 South, Range 34 East

Unrecorded Tax Sale Certificate No. 56, 1948.

**Tax Parcel # 2100852**

Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 20, Township 21 South, Range 34 East

Deed recorded in O.R. Book 1495, Page 246.

**Tax Parcel # 2100821**

The East 1/2 of the Southwest 1/4 of the Southeast 1/4 excepting the South 30 feet for a road Right-of-Way of Section 17, Township 21 South, Range 34 East, Brevard County, Florida

Prepared by:  
Office of the County Attorney  
2725 Judge Fran Jamieson Way  
Building C  
Viera, Florida 32940

**COUNTY DEED**

**THIS INDENTURE**, made this 25<sup>th</sup> day of July, 2017 between **BREVARD COUNTY, a political subdivision of the State of Florida**, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, party of the first part, and **TITUSVILLE RIFLE & PISTOL CLUB, INC. a Not for Profit Corporation** whose address is P. O. Box 314, Mims, Florida, party of the second part,

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

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of Fifty Thousand Dollars (\$50,000), to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land situate, lying and being in Brevard County, Florida to wit:

See Exhibit "A" attached hereto and by reference made a part hereof, together with all riparian and littoral rights appertaining thereto, and all interests in subsurface oil, gas, and minerals pursuant to 270.11(3), F.S.

**Property Appraiser's Parcel Identification Number:** 2100853, 2100852, and 2100821.

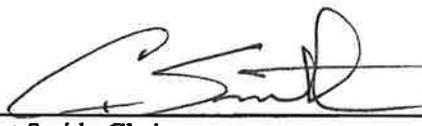
The property shall continue to be used for purposes of a public access gun range and be open to public use approximately one day per week.

**IN WITNESS WHEREOF** the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair of said board, the day and year aforesaid.

**ATTEST:**

  
Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS**

By:   
Curt Smith, Chair

As approved by the Board July 25, 2017

Exhibit "A"

**Titusville Rifle and Pistol Club**  
**Legal Descriptions**

Deed recorded in O.R. Book 1231, Page 18.

**Tax Parcel # 2100853**

Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 20, Township 21 South, Range 34 East

Unrecorded Tax Sale Certificate No. 56, 1948.

**Tax Parcel # 2100852**

Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 20, Township 21 South, Range 34 East

Deed recorded in O.R. Book 1495, Page 246.

**Tax Parcel # 2100821**

The East 1/2 of the Southwest 1/4 of the Southeast 1/4 excepting the South 30 feet for a road Right-of-Way of Section 17, Township 21 South, Range 34 East, Brevard County, Florida

PUBLIC NOTICE  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

As provided in Brevard County Code Section 2-249, notice is hereby given that the Board of County Commissioners will hold a public meeting at 9:00 a.m. on July 25, 2017 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida. At the meeting the Board will consider a Resolution and Deed with the Titusville Rifle and Pistol Club for the fee simple interest transfer of property commonly known as a public access gun range. Any person objecting to the Agreement may submit written objections to the county manager's office or may appear and speak in objection at the meeting. Additional information may be obtained by contacting Mary Ellen Donner, Parks and Recreation Department Director at (321) 633-2046.

If a person desires to appeal any decision made by this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her own expense, which record includes testimony and evidence on which any such appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing accommodations or an interpreter to participate in the meeting should notice County Administration no later than 48 hours prior to the public meeting at 321-633-2012.