



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.8

12/10/2019

Subject:

Approval Re: Corrective County Deed in favor of Richard E. Young, to Correct the Legal Description - District 1.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Corrective County Deed in favor of Richard E. Young.

Summary Explanation and Background:

The subject property is located in Section 13, Township 24, Range 35 East, south of HWY 528 in the Cocoa North Subdivision in Cocoa.

The Board of County Commissioners, in regular session on April 11, 2000, "approved the private sale of 0.63 acre in Section 13, Township 24, Range 35, Subcode 02, Lot P to bidder David R. Lane at \$5,250.00, as the property is surplus; and authorized the Chairman to execute all necessary documents."

The original deed for this parcel was issued to David R. Lane, who is now deceased. Mr. Young took title to the parcel as Richard E. Young, through a Trustee's Deed from an unrecorded Trust Agreement known as the David R. Lane Revocable Trust. He has requested the County to: (1) issue the Corrective Deed in his individual name, and (2) correct the legal description. It is the opinion of Mr. Young that these two requests will correct his title issues. However, Staff is not confident this will cure the title issues, but has no objections to the requests. Mr. Young provided the legal description to be utilized. The County Surveyor has reviewed the legal description and finds it acceptable in terms of the location of the parcel.

Clerk to the Board Instructions:

Upon execution by the Chair, please contact Public Works Department (321-617-7202) to make delivery arrangements for the original executed Corrective County Deed with Exhibit A.

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Corrective County Deed in favor of Richard E. Young, Cocoa North Subdivision - District 1

AGENCY: Public Works Department / Land Acquisition Section

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-690-6847 extension 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>JHA</u>	_____	<u>11-20-19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>11-20-19</u>

**Legal description provided by Grantee and not reviewed by CAO. Corrective County deed issued to Mr Young at his request.*

AGENDA DUE DATE: November 26, 2019 for the December 10, 2019 Board meeting



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

December 11, 2019

MEMORANDUM

TO: Corinna Gumm, Interim Public Works Director Attn: Lucy Hamelers

RE: Item F.8., Corrective County Deed In Favor of Richard E. Young to Correct the Legal Description

The Board of County Commissioners, in regular session on December 10, 2019, executed and approved the Corrective County Deed in favor of Richard E. Young. Enclosed is a fully-executed Corrective County Deed.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Asset Management

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

CORRECTIVE COUNTY DEED (STATUTORY FORM - SECTION 125.411, F.S.)

THIS INDENTURE, made this 10th day of December, 2019, between **BREVARD COUNTY, FLORIDA**, 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 **Richard E. Young** whose address is 6910 Bright Avenue, Cocoa, FL 32927, 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 Ten Dollars, 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: TT-24,RR-35, SE-13, SUB -02, LOT P

This is a corrective deed being recorded to correct that certain County Deed as recorded in Official Records Book 4183, Page 2336, to correct the legal description.

This corrective deed shall not be deemed to warrant title in any manner or represent any state of facts concerning the same. Grantor has executed this corrective deed solely at the request of Grantee, has not examined title to the property, has utilized legal descriptions provided by the Grantee, and assumes no liability from any and all claims by Grantee as to the form, content, or effect of this corrective deed or the original county deed.

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

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
BRYAN ANDREW LOBER, CHAIR

(As approved by the Board 12/10/19)

EXHIBIT A

TT-24, RR-35, SE-13, Sub-02, Parcel "Park" lying west of Lots 15 through 21, Block 4 North Boulevard, Cocoa North Subdivision, according to the plat thereof, as recorded in Plat Book 21, Page 101, Public Records of Brevard County, Florida.

BREVARD County
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



SANDY CRAWFORD, Clerk to the Board, 400 South Street, P.O. Box 999, Titusville, Florida 32781-0999
BERNADETTE S. TALBERT, Deputy Clerk (321) 264-6970

April 12, 2000

MEMORANDUM

TO: Charles S. Nelson, Parks and Recreation Director Attn: Jack Masson

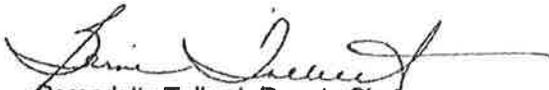
RE: Authorization to Sell and Execute Documents for Surplus Real Property

The Board of County Commissioners, in regular session on April 11, 2000, approved the private sale of .63 acre in Section 13, Township 24, Range 35, Subcode 02, Lot P to bidder David R. Lane at \$5,250, as the property is surplus; and authorized the Chairman to execute all necessary documents.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SANDY CRAWFORD, CLERK


Bernadette Talbert, Deputy Clerk

/tjr

cc: Property Control
Finance



CFN:2000120510 06-27-2000 01:54 pm
 OR Book/Page: 4183 / 2336

Sandy Crawford
 Clerk Of Courts, Brevard County
 #Pgs: 1 #Names: 2
 Trust: 1.00 Rec: 5.00 Serv: 0.00
 Deed: 37.10 Excise: 0.00
 Mtg: 0.00 Int Tax: 0.00

HC

Please return to
 County Property Control.
 LAND SALE NO.

99-160

COUNTY DEED
 BREVARD COUNTY, FLORIDA

UNDER CHAPTER 125, FLORIDA STATUTES

THIS DEED, made this 23 day of May, 2000, by BREVARD COUNTY, a political subdivision of the State of Florida, party of the first part, and

David R. Lane, 3135 Ipswich Drive, Cocoa, FL 32926-4430

party of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of:

Five Thousand Two Hundred Fifty -00/100'S----- DOLLARS (\$ 5,250.00)

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, his heirs, successors and assigns forever, the following described land lying and being in Brevard County, Florida:

TT-24, RR-35, SE-13, SUB-02, Lot-P

North Blvd, Cocoa North Subdivision according to the plat thereof, as recorded in plat Book 21, Page 101, Public Records of Brevard County, Florida.

This deed conveys only the interest of Brevard County, Florida, & shall not be deemed to warrant title or to represent any state of facts concerning the same. Brevard County does not guarantee access to the above described property, nor does it guarantee that permits may be obtained for construction on same.

Reserving unto said party of the first part right-of-way and easement 200 feet wide, lying equally on each side of the center line of and State Road or State Road Right-of-way now existing or of record, either by statute or by recordation in the Public Records of Brevard County, Florida, in, to, and across said land for public highway purposes and for the purpose of constructing, using and maintaining a drainage system, sewer, water, gas and electric power lines and facilities, and all other uses pertaining thereto, together with full right of ingress and egress for the construction, maintenance and repair of such facilities.

Reserving unto said party of the first part right-of-way and easement 120 feet wide, lying equally on each side of the center line of and County Road or County Road Right-of-way now existing or of record, either by statute or by recordation in the Public Records of Brevard County, Florida, in, to, and across said land for public highway purposes and for the purpose of constructing, using and maintaining a drainage system, sewer, water, gas and electric power lines and facilities, and all other uses pertaining thereto, together with full right of ingress and egress for the construction, maintenance and repair of such facilities.

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 Chairman or Vice-Chairman of said Board, the day and year aforesaid.

As approved by the Board on APRIL 11, 2000
 BREVARD COUNTY, FLORIDA

By: Nancy Higgs
 Nancy Higgs
 Chairman of the
 Board of County Commissioners
 of Brevard County, Florida

Attest: Sandy Crawford
 Sandy Crawford
 Clerk of Circuit Ct.



This Instrument Prepared By:

Robert J. Naberhaus III, Esquire
DEAN MEAD
7380 Murrell Rd., Suite 200
Viera, Florida 32940

Tax Parcel Identification No.: 24-35-13-02-4-16

TRUSTEE'S DEED

THIS TRUSTEE'S DEED is made the 18th day of December 2018 by RICHARD E. YOUNG, not individually but solely as Trustee under the provisions of an unrecorded trust agreement known as the DAVID R. LANE REVOCABLE TRUST, dated December 9, 2013, (hereinafter referred to as the "Grantor"), whose post office address is 6910 Bright Avenue, Cocoa, FL 32927, to RICHARD E. YOUNG, an unmarried adult, whose post office address is 6910 Bright Avenue, Cocoa, FL 32927 (hereinafter referred to as "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, partnerships, limited liability companies and corporations)

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee all that certain real property situate, lying and being in Brevard County, Florida (hereinafter referred to as the "Property"), and being more particularly described as follows:

Parcel 1:

LOT 16, BLOCK 4, COCOA NORTH UNIT NO. 2,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 21, PAGE 101 OF THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA

Parcel 2:

TT-24, RR-35, SE-13, SUB-02, LOT P
North Blvd., Cocoa North Subdivision according to the Plat
thereof, as recorded in Plat Book 21, Page 101, Public Records of
Brevard County, Florida.)

Subject to restrictions, reservations, limitations and easements of record, if any, which are not reimposed hereby.

TOGETHER with all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever. This conveyance is subject to the lien for taxes accruing after December 31, 2018, and to easements, restrictions, agreements, conditions, limitations, reservations and matters of record, if any, but this reference to the foregoing shall not operate to reimpose the same.

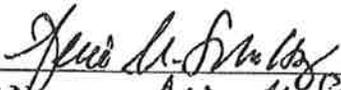
TITLE TO THE REAL PROPERTY CONVEYED HEREIN HAS BEEN NEITHER EXAMINED NOR APPROVED BY THE LAW FIRM OF DEAN MEAD.

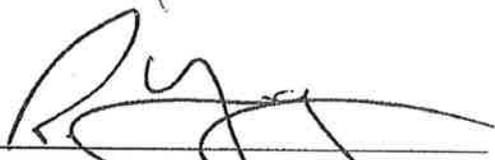
NOTE TO RECORDER

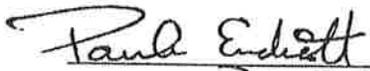
THIS TRUSTEE'S DEED TRANSFERS UNENCUMBERED PROPERTY FROM A GRANTOR TRUSTEE TO A GRANTEE BENEFICIARY FOR NO CONSIDERATION. PURSUANT TO FLORIDA ADMINISTRATIVE CODE RULE 12B-4.014(2) & 12B-4.013(28)(e), ONLY MINIMUM FLORIDA DOCUMENTARY STAMP TAX IS BEING PAID HEREWITH.

IN WITNESS WHEREOF, the person named herein as "Grantor" has executed and delivered this instrument and has intended the same to be and become effective as of the day and year first above written.

Signed, sealed and delivered
in the presence of:


Print Name: Alice M. Schultz

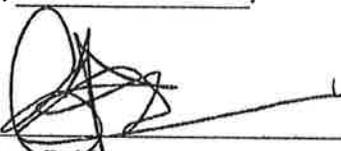

RICHARD E. YOUNG, Trustee of the
DAVID R. LANE REVOCABLE TRUST,
dated December 9, 2013


Print Name: Paula Endicott

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 18th day of December 2018, by RICHARD E. YOUNG, not individually but solely as Trustee under the provisions of an unrecorded trust agreement known as the DAVID R. LANE REVOCABLE TRUST, dated December 9, 2013. Said person (check one) is personally known to me, produced a driver's license (current or issued by a state of the United States within the last five (5) years) as identification, or produced other identification, to wit: _____




Notary Public - State of Florida

LOCATION MAP

Section 13, Township 24 South, Range 35 East, District: 1

PROPERTY LOCATION: South of Highway 528 in the Cocoa North Subdivision in Cocoa

OWNERS NAME(S): Young

