



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

3/23/2021

Subject:

Approval, Re: Deeds correcting the legal description for Lift Station T39 parcel - 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 approve and accept the attached Corrective Special Warranty Deed and two Quit Claim deeds.

Summary Explanation and Background:

The subject property is located in Section 28, Township 25 South, Range 36 East, west of Murrell Road, east of Interstate 95, in Rockledge.

A Special Warranty Deed for Sanitary Sewer Lift Station Site was recorded on January 13, 1994, in Official Records 3358, Page 2513, from The Viera Company as Grantor, to Brevard County as Grantee. Staff recently discovered that Lift Station T39 sits on land listed on the Property Appraiser's website as belonging to the Viera East Community Development District. Further research determined that an error in the legal description resulted in failure to create a complete parcel. The attached Corrective Special Warranty Deed legal description has been reviewed by the County Surveyor and is acceptable. The two Quit Claim Deeds will release any interest the parties may have had as a result of the failed legal description.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

March 24, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

RE: Item F.10., Approval for Deeds Correcting the Legal Description for Lift Station T39 Parcel

The Board of County Commissioners, in regular session on March 23, 2021, approved and accepted the Corrective Special Warranty Deed and two Quit Claim Deeds for Lift Station T39 Parcel.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/sm

cc: County Attorney
County Manager
Utility Services

**This Instrument Prepared By
And To Be Returned To:**

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, Florida 32940
(321) 242-1200

Note: This instrument is a corrective deed to correct an error in the property legal description in that certain Special Warranty Deed recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida. Consequently, only minimum documentary stamp taxes are due pursuant to Rule 12B-4.014(3), Florida Statutes.

CORRECTIVE SPECIAL WARRANTY DEED

THIS CORRECTIVE SPECIAL WARRANTY DEED (this "**Deed**") is made as of the 3rd day of February 2021 by THE VIERA COMPANY, a Florida corporation ("**Grantor**"), whose post office address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, to BREVARD COUNTY, a political subdivision of the State of Florida ("**Grantee**"), whose post office address is 2725 Judge Fran Jamieson Way, Bldg. A-204, Viera, Florida 32940.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee that certain real property situated, lying and being in Brevard County, Florida, more particularly described as in Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

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 that Grantor hereby 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 against no others. This conveyance is subject to all the restrictive covenants set forth in that certain Special Warranty Deed from Grantor to Grantee recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida and all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same.

THIS DEED is a corrective deed to correct an error in the legal description of the Property in that certain Special Warranty Deed recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida.

RESTRICTIVE COVENANT

By acceptance of this conveyance, Grantee agrees that Grantee shall maintain the Property in accordance with the restrictive covenants set forth in that certain Special Warranty Deed from Grantor to Grantee recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida, which require the Property to be used only for a sanitary sewer lift station and associated purposes. The foregoing restrictive covenant constitutes a covenant running with the land as set forth in the aforementioned Special Warranty Deed and shall be binding upon all parties having any right, title, or interest in the Property, or any part thereof, which restrictive covenant shall inure to the benefit of, and be enforceable by, Grantor and its assigns and successors-in-interest or title, and shall be binding upon Grantee and its respective successors and assigns in interest in title.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

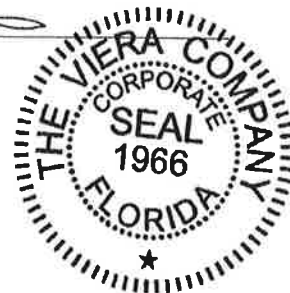
GRANTOR:

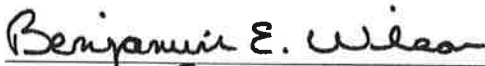
THE VIERA COMPANY,
a Florida corporation

By: 

Name: Todd J. Pokrywa

Title: President




Print Name: Benjamin E. Wilson


Print Name: Charlene R. Spangler

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by ✓ physical presence or online notarization this 3rd day of February 2021 by TODD J. POKRYWA as PRESIDENT of THE VIERA COMPANY, a Florida corporation, on behalf of said corporation. Said person (check one) ☒ is personally known to me, ☐ produced a driver's license as identification, or ☐ produced other identification, to wit: .



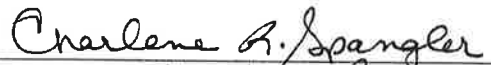

Print Name: Charlene R. Spangler
Notary Public
Commission No.: GG-341423
My Commission Expires: 6/3/2023

Exhibit "A"

Description of the Property

A parcel of land in Section 28 Township 25 South, Range 36 East in Brevard County, Florida more particularly described as follows:

Commencing at Southeast corner of said Section 28; thence North $00^{\circ}52'33''$ West along the East line of said Section 28, a distance of 346.67 feet; thence South $89^{\circ}07'27''$ West, a distance of 1,310.39 feet to the POINT OF BEGINNING; thence North $17^{\circ}40'57''$ West, a distance of 30.00 feet; thence South $72^{\circ}19'03''$ West, a distance of 30.00 feet; thence South $17^{\circ}40'57''$ East 30.00 feet; and thence North $72^{\circ}19'03''$ East, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 900.00 square feet more or less.

**This Instrument Prepared By
And To Be Returned To:**

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, Florida 32940
(321) 242-1200

QUITCLAIM DEED

THIS QUITCLAIM DEED (this "**Deed**") is made as of the 23 day of FEBRUARY 2021 by VIERA EAST GOLF COURSE DISTRICT ASSOCIATION, INC., a Florida not-for-profit corporation ("**Grantor**"), whose address is 1964 Golf Vista Blvd., Rockledge, FL 32955, to BREVARD COUNTY, a political subdivision of the State of Florida ("**Grantee**"), whose post office address is 2725 Judge Fran Jamieson Way, Bldg. A-204, Viera, FL 32940.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby releases and quitclaims unto Grantee any and all of Grantor's right, title, and interest in and to that certain real property situated, lying and being in Brevard County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

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

TO HAVE AND TO HOLD the same forever.

SUBJECT TO (a) real property taxes for the year 2021 and subsequent years, to the extent not yet due and payable and (b) all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same generally referenced in this subsection (b).

(SIGNATURE OF GRANTOR IS ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

VIERA EAST GOLF COURSE
DISTRICT ASSOCIATION, INC.,
a Florida not-for-profit corporation

Vincent Amarante
Print Name: Vincent Amarante
V.P.
Craig Ryan
Print Name: CRAIG RYAN
SECRETARY

By: Elizabeth Whitman
Name: ELIZABETH WHITMAN
Title: PRESIDENT

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by ☒ physical presence or _____
online notarization this 23 day of FEBRUARY 2021 by
Elizabeth Whitman as PRESIDENT of VIERA
EAST GOLF COURSE DISTRICT ASSOCIATION, INC., a Florida not-for-profit corporation,
on behalf of said entity. Said person (check one) ☒ is personally known to me, ☐ produced a
driver's license as identification, or ☐ produced other identification, to wit:



John Milton Gates
Print Name: _____
Notary Public
Commission No.: GG 050503
My Commission Expires: MARCH 22, 2021
(OAR-2)
FEBRUARY 23, 2021

Exhibit "A"

Legal Description of the Property

A parcel of land in Section 28 Township 25 South, Range 36 East in Brevard County, Florida more particularly described as follows:

Commencing at Southeast corner of said Section 28; thence North 00°52'33" West along the East line of said Section 28, a distance of 346.67 feet; thence South 89°07'27" West, a distance of 1,310.39 feet to the POINT OF BEGINNING; thence North 17°40'57" West, a distance of 30.00 feet; thence South 72°19'03" West, a distance of 30.00 feet; thence South 17°40'57" East 30.00 feet; and thence North 72°19'03" East, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 900.00 square feet more or less.

X:\LEGAL_VCAFORMS\Deeds\Common Area Deeds\General Community Common Areas\Quitclaim Deed from Viera East CDD to Brevard County of Lift Station in Viera East (T39 Golfvista Boulevard).docx

**This Instrument Prepared By
And To Be Returned To:**

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, Florida 32940
(321) 242-1200

QUITCLAIM DEED

THIS QUITCLAIM DEED (this "Deed") is made as of the 25th day of February 2021 by VIERA EAST COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government created pursuant to Chapter 190, Florida Statutes ("Grantor"), whose address is c/o Governmental Management Services Central Florida, LLC, 219 Livingston St., Orlando, FL 32801, Attn: Mr. Jason Showe, District Manager, to BREVARD COUNTY, a political subdivision of the State of Florida ("Grantee"), whose post office address is 2725 Judge Fran Jamieson Way, Bldg. A-204, Viera, FL 32940.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby releases and quitclaims unto Grantee any and all of Grantor's right, title, and interest in and to that certain real property situated, lying and being in Brevard County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

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

TO HAVE AND TO HOLD the same forever.

SUBJECT TO (a) real property taxes for the year 2021 and subsequent years, to the extent not yet due and payable and (b) all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same generally referenced in this subsection (b).

(SIGNATURE OF GRANTOR IS ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

VIERA EAST COMMUNITY DEVELOPMENT,
DISTRICT, a local unit of special-purpose
government created pursuant to Chapter 190
Florida Statutes

Print Name: PETER CARNESALE

By: Robert Dale
Name: Robert Dale
Title: Chairman

Print Name: TIMOTHY MELLOH

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by Robert Dale physical presence or online notarization this 25 day of February 2021 by Robert Dale as Chair of VIERA EAST COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government created pursuant to Chapter 190, Florida Statutes, on behalf of said entity. Said person (check one) ☒ is personally known to me, ☐ produced a driver's license as identification, or ☐ produced other identification, to wit: _____



Print Name: Jason M. Showe
Notary Public
Commission No.: 66339529
My Commission Expires: 9/5/23

Exhibit "A"

Legal Description of the Property

A parcel of land in Section 28 Township 25 South, Range 36 East in Brevard County, Florida more particularly described as follows:

Commencing at Southeast corner of said Section 28; thence North $00^{\circ}52'33''$ West along the East line of said Section 28, a distance of 346.67 feet; thence South $89^{\circ}07'27''$ West, a distance of 1,310.39 feet to the POINT OF BEGINNING; thence North $17^{\circ}40'57''$ West, a distance of 30.00 feet; thence South $72^{\circ}19'03''$ West, a distance of 30.00 feet; thence South $17^{\circ}40'57''$ East 30.00 feet; and thence North $72^{\circ}19'03''$ East, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 900.00 square feet more or less.

X:\LEGAL_VC\FORMS\Deeds\Common Area Deeds\General Community Common Areas\Quitclaim Deed from Viera East CDD to Brevard County of Lift Station in Viera East (T39 Golfvista Boulevard).docx

LOCATION MAP

Section 28, Township 25 South, Range 36 East - District 4

PROPERTY LOCATION: West of Murrell Road, East of Interstate I95, in Rockledge

OWNERS NAME: Brevard County



BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Deeds Correcting the Legal Description for Lift Station T39 – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 Ext. 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3-2-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>3-10-2021</u>