

Meeting Date  
**August 18, 2015**



AGENDA	
Section	Consent
Item No.	<b>II.A.5</b>

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

<b>SUBJECT:</b>	Approval Re: Return of property from Housing for Homeless, Inc. (f/k/a) the Coalition for the Hungry and Homeless of Brevard County, Inc. to Brevard County for the property located at 816 Mathers Street, Melbourne - District 4. (Fiscal Impact: None)
<b>DEPT/OFFICE:</b>	Public Works Department / Land Acquisition Section / Housing and Human Services Department

**Requested Action:**

It is requested that the Board of County Commissioners: (1) approve and accept the Deed for the property from the Housing for Homeless, Inc., (2) authorize the Chairman to execute a Resolution and a Termination of Land Use Restriction Agreement and Release of Right of Reverter, Right of Re-Entry and Restrictive Covenants, and (3) waive the requirement for an environmental assessment and boundary survey.

**Summary Explanation & Background:**

The subject property is located in Section 16, Township 27 South, Range 37 East.

The Board of County Commissioners in its regular session on September 4, 2012, adopted a Resolution authorizing the conveyance of a County-owned parcel to the Coalition for the Hungry and the Homeless, Inc. (now known as the Housing for Homeless, Inc.) with reverter reservations and restrictions on the land.

The Coalition had intentions to build low income, affordable housing on the property.

Due to recent federal funding and program changes instituted by HUD and the VA, the Housing for Homeless, Inc. is no longer in a position to develop or utilize the property and has offered to return the property to the County.

Land Acquisition policies and procedures require approval and acceptance by the Board of County Commissioners for all properties being donated/conveyed to the County.

Fiscal impact: FY 2014-2015: No impact  
**FY 2015-2016: No impact**

**Clerk to the Board Instructions:** Forward the Original Executed Resolution, Original Executed Termination of Land Use Restrictions Agreement and Release of Right of Reverter, Right of Re-Entry and Restrictive Covenants and the Board approval memo to Department.

**Exhibits Attached:** Copy of Executed Deed, Original Resolution, Original Termination of Land Use Restriction Agreement and Release of Reverter, Right of Re-Entry and Restrictive Covenants, Location Map, Property Fact Sheet

**Contract /Agreement (If attached):** Reviewed by County Attorney    Yes        No        PR   

County Manager 	Assistant County Manager	Department Director / Extension 
Stockton Whitten	Assistant County Manager 	John P. Denninghoff / 57202 
	Venetta Valdengo	Ian Golden/ 52007



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

August 19, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.5., Return of Property from Housing for Homeless, Inc. f/k/a the Coalition for the Hungry and Homeless of Brevard County, Inc. to Brevard County for the Property Located at 816 Mathers Street, Melbourne

The Board of County Commissioners, in regular session on August 18, 2015, accepted Deed for the property from the Housing for Homeless, Inc.; adopted Resolution No. 15-127; executed Termination of Land Use Restriction Agreement and Release of Right of Reverter, Right Re-Entry and Restrictive Covenants; and waived the requirement for an environmental assessment and boundary survey. Enclosed are a certified Resolution and fully-executed Termination.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encls. (2)

cc: Housing and Human Services Director  
Contracts Administration  
Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: DEED AND RESOLUTION WITH CONDITIONS FOR THE RETURN OF  
PROPERTY FROM HOUSING FOR HOMELESS, INC. FOR PROPERTY  
LOCATED AT 816 MATHERS STREET, MELBOURNE

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /  
HOUSING AND HUMAN SERVICES DEPARTMENT

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (Ext. 52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>7/31/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>See attached</u>	_____	<u>8/3/15</u>
PUBLIC WORKS John Denninghoff, Director	<u>JD</u>	_____	<u>8/5/15</u>
HOUSING AND HUMAN SERVICES Ian Golden, Director	<u>IG</u>	_____	<u>8/3/15</u>

AGENDA DUE DATE: AUGUST 4, 2015 FOR THE AUGUST 18, 2015 BOARD MEETING

**PLEASE CALL: DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE  
PICKED UP. THANK YOU.**

BOARD OF COUNTY COMMISSIONERS

AGENDA: DEED AND RESOLUTION WITH CONDITIONS FOR THE RETURN OF  
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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DRJ</u>	_____	<u>2/3/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>CL</u>	_____	<u>8/3/15</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____
HOUSING AND HUMAN SERVICES Ian Golden, Director	<u>IG</u>	_____	<u>8/3/15</u>

AGENDA DUE DATE: AUGUST 4, 2015 FOR THE AUGUST 18, 2015 BOARD MEETING

**PLEASE CALL: DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE  
PICKED UP. THANK YOU.**

**WARRANTY DEED**

THIS INDENTURE is made this 30 day of July, 2015 between the **Housing for Homeless, Inc., F/K/A the Coalition for the Hungry And Homeless of Brevard County, Inc.**, whose address is 4087 US Highway, Suite #3, Rockledge, Florida, 32955 as party of the first part, and **Brevard County, Florida, a political subdivision of the State of Florida**, as party of the second part, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940-6605.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00) and other valuable considerations, paid receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns the following described land, situated, lying, and being in the County of Brevard, State of Florida, to-wit:

Being Lots 15 and 16 of Block 16, according to the Village Plat of Eau Gallie, as recorded in Plat Book 1, Page 47, all lying and being in Section 16, Township 27 South, Range 37 East of the Public Records of Brevard County Florida, together with all the tenements, hereditaments, and appurtenances thereto belonging, or in anywise pertaining.

Subject to easements, restrictions, and reservations of record, if any, and taxes for the 2015 and subsequent years.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, forever, and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness

J. BARRY CABANISS  
(Print Name)

Housing for Homeless, Inc.

[Signature]  
Brian Bussen, President

[Signature]  
Witness

Stephanie Dana  
(Print Name)

State of Florida, County of Brevard

I HEREBY CERTIFY, that on this day personally appeared before me, Brian Bussen, who is well known to me to be the person described in and who executed the foregoing deed, and that he acknowledged before me that he executed the same freely and voluntarily for the purpose therein expressed and that he, has produced his personally known as identification and that he did did not, take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 30th day of July, 2015.



[Signature]  
Notary Public  
Angela O'Brien  
Print Name

Commission Expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

Approved by the Board: \_\_\_\_\_  
Item # \_\_\_\_\_

**TERMINATION OF LAND USE RESTRICTION AGREEMENT AND RELEASE OF  
RIGHT OF REVERTER, RIGHT OF RE-ENTRY AND RESTRICTIVE COVENANTS**

On this 18 day of August, 2015, this termination and release is executed by:

BREVARD COUNTY, a political subdivision of the State of Florida, as Grantor, whose address is: 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

That on March 19, 2013, Grantor conveyed by County Deed recorded in the Official Records of Brevard County, Florida Book 6838, Page 2259, subject to a Land Use Restriction Agreement, a parcel of land having the physical address of 816 Mathers Street, Melbourne, Florida 32935 to the Coalition for the Hungry and Homeless of Brevard County, Inc. Grantee, and being legally described as:

Lots 15 and 16 of Block 16, according to the Village Plat of Eau Gallie, as recorded in Plat Book 1, Page 47, all lying and being in Section 16, Township 27 South, Range 37 East of the Public Records of Brevard County, Florida; together with all tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining.

That on April 1, 2015, Grantee legally changed its corporate name to Housing for Homeless, Inc. and subsequently reconveyed the subject parcel back to Grantor on August 18th, 2015, as recorded in the Official Public Records of Brevard County, Florida, Book, \_\_\_\_\_, Page \_\_\_\_\_.

THIS TERMINATION AND RELEASE OF RIGHT OF REVERTER, RIGHT OF RE-ENTRY AND RESTRICTIVE COVENANT IS BEING RECORDED TO HEREBY TERMINATE THE LAND USE RESTRICTION AGREEMENT AND RELEASE, TERMINATE, REMISE AND RELINQUISH, UNCONDITIONALLY AND FOREVER, EACH AND EVERY OF THOSE CERTAIN RIGHTS OF REVERTER AND REENTRY AND RESTRICTIVE COVENANTS PREVIOUSLY IMPOSED UPON THE PROPERTY DESCRIBED ABOVE PURSUANT TO THAT CERTAIN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6838, PAGE 2259, OF THE OFFICIAL PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**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 and said Board, the day and year aforesaid.

**State of Florida**  
**County of Brevard**

ATTEST:



\_\_\_\_\_  
Scott Ellis, Clerk to the Board

**BOARD OF COUNTY  
COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA**

By: \_\_\_\_\_  
Robin Fisher, Chairman

Approved by the Board : 8-18-2015

RESOLUTION NO. 2015-127

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY FLORIDA, ACCEPTING THE RECONVEYANCE OF REAL PROPERTY FROM THE HOUSING FOR HOMELESS, INC.; TERMINATING A LAND USE RESTRICTION AGREEMENT AND RELEASING RESTRICTIVE COVENANTS.

WHEREAS, on September 4, 2012, the Board adopted Resolution 2012-181, thereby agreeing to convey fee simple title to the property located at 816 Mathers Street, Melbourne (Property) to the Coalition for the Hungry and Homeless of Brevard County, Inc. (Coalition) for the development of permanent affordable housing; and

WHEREAS, on March 19, 2013, a county deed conveying the Property to the Coalition was recorded in Official Public Records of Brevard County, Florida Book 6838, Page 2259, along with a Land Use Restriction Agreement; and

WHEREAS, the conveyance to the Coalition included a restrictive covenant limiting use to low-income housing and reserving reverter rights to the County in the event the Property is not used for that purpose; and

WHEREAS, according to the Florida Department of State, Division of Corporations, the Coalition changed its corporate name as of April 1, 2015 to Housing for Homeless, Inc. (HfH); and

WHEREAS, due to recent federal funding and program changes instituted by HUD and the VA, HfH is no longer in a position to develop the Property and has offered to return it to the County.

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

1. The Board agrees to accept HfH's offer to reconvey the Property to the County after review and approval of the County Attorney's Office of a current Ownership and Encumbrance report, and deed of conveyance.
2. Upon recording of the deed, the Board agrees to record a "Termination of Land Use Restriction" and "Release of Restrictive Covenant".
3. The Property will be managed by the Housing and Human Services Department.
4. This resolution shall take effect immediately.

DONE, ORDERED and ADOPTED in Regular Session this 18 day of Aug., 2015.

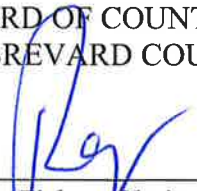
ATTEST



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Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



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Robin Fisher, Chairman

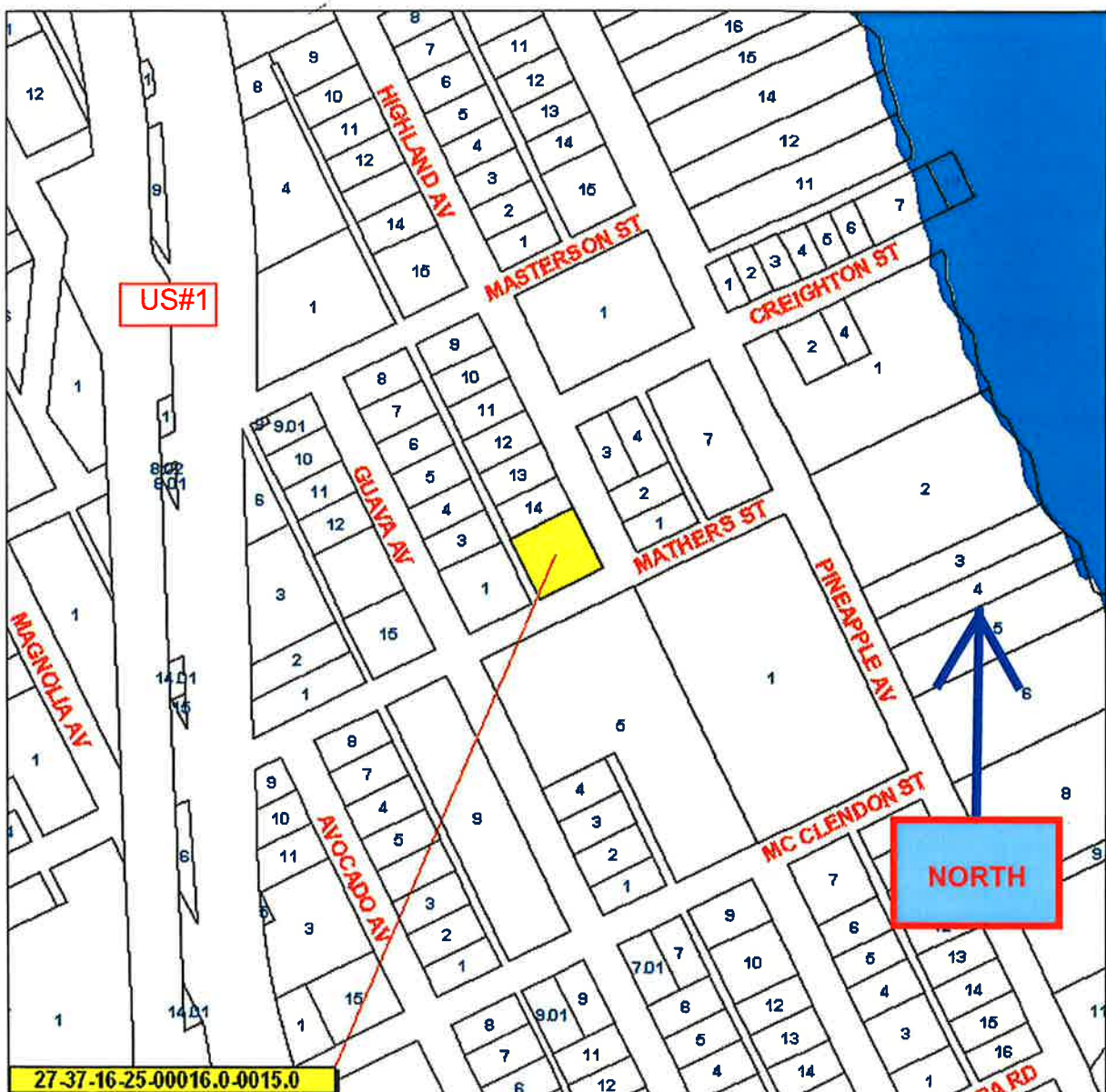
As approved by the Board on August 18, 2015

# LOCATION MAP

SEC: 16 TWP: 27 S RNG: 37 DISTRICT: 4

STREET NAME: 816 MATHERS STREET, MELBOURNE

OWNER'S NAME: HOUSING FOR HOMELESS, INC.



## PROPERTY FACT SHEET

### HOUSING FOR HOMELESS, INC. TRANSFER TO BREVARD COUNTY

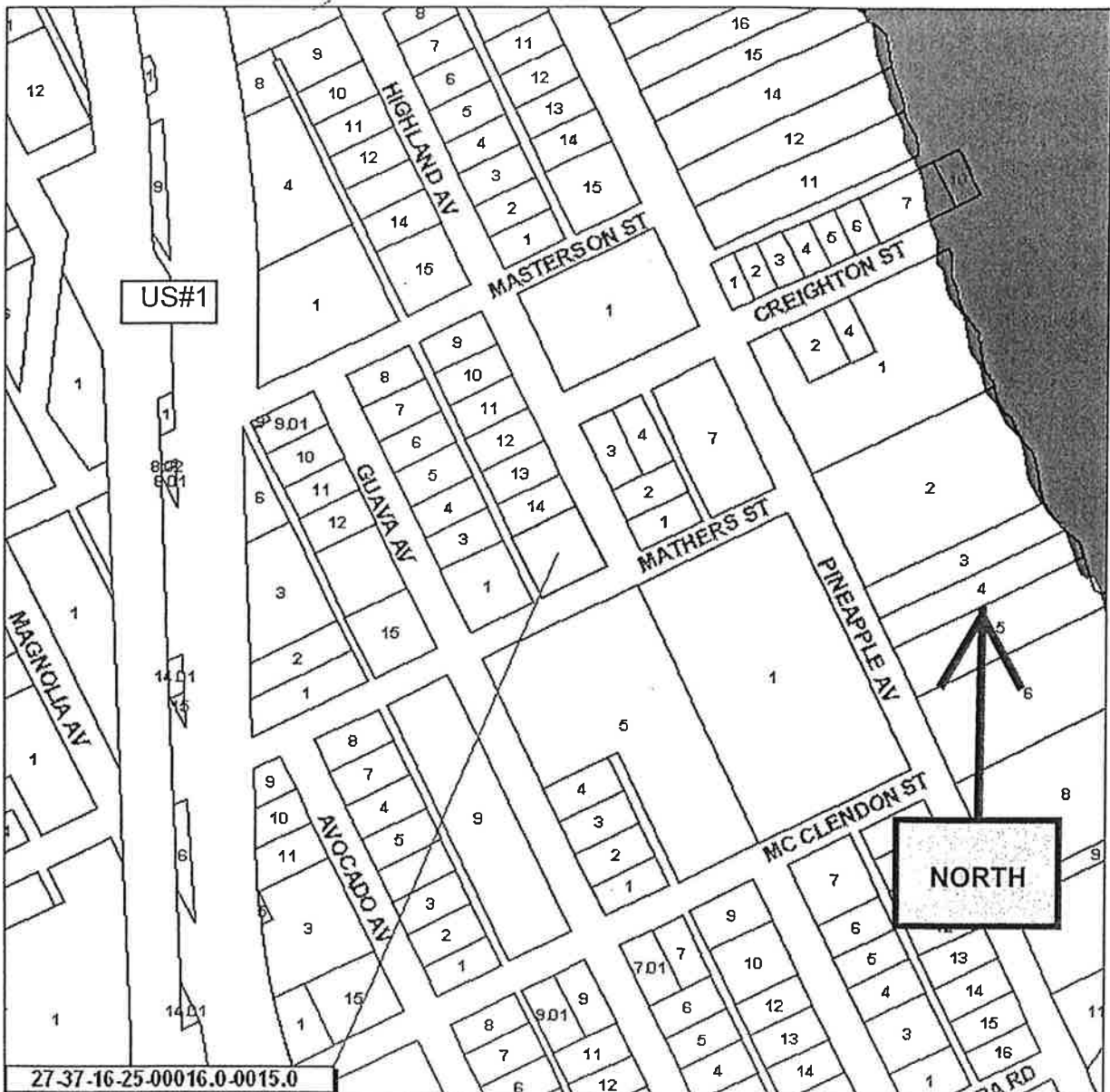
Owner:	Housing for Homeless, Inc.
Parcel Location:	East of US#1, North Side of Mathers Street
Parcel Size:	.40 Acres
Zoning/land Use:	Multi-Family
Topography:	Level with road grade
Flood Zone:	X (outside the 500-year flood plain)
Tax Parcel ID#:	27-37-16-25-00016.0-0015.00
Parent Tract Market Value:	\$78,410 (2014 Assessment-Property Appraiser's Records)
Public Utilities:	All Utilities
Property Transaction:	Acquisition Date From Brevard County: 09/19/12
(Clerk of the Court Records)	Sale Amount: \$100 (OR Book 6838, PG 2259)

# LOCATION MAP

SEC: 16 TWP: 27 S RNG: 37 DISTRICT: 4

STREET NAME: 816 MATHERS STREET, MELBOURNE

OWNER'S NAME: HOUSING FOR HOMELESS, INC.



## PROPERTY FACT SHEET

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