



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

12/20/2022

Subject:

Approval, Re: Quit Claim Deed from Viera Development Corporation related to Parcel C Right of Way at Lake Andrew Drive and Wickham Road- District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners accept the attached Quit Claim Deed.

Summary Explanation and Background:

The subject property is located in Section 9, Township 26 South, Range 36 East, on the Northeast corner of Lake Andrew Drive and Wickham Road in Melbourne.

On May 21st, 2002, The Viera Company conveyed Right of Way Deed as recorded in Official Records Book 4644, Page 1340 to Brevard County for right of way at Lake Andrew Drive and Wickham Road (Extension). This deed included right of way referenced as Parcels A, B, C, D, and E with attached exhibits. It has recently been discovered that Parcel C was owned by Viera Development Corporation, Inc., which is an affiliate of The Viera Company. Parcel C is part of Wickham Road, a County owned and maintained right of way.

The attached Quit Claim Deed will convey Parcel C from the true and correct owner of the parcel.

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

December 21, 2022

M E M O R A N D U M

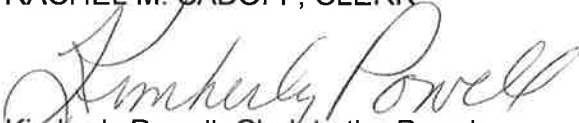
TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers, Land Acquisition
RE: Item F.7., Quit Claim Deed from Viera Development Corporation Related to Parcel C
Right-of-Way at Lake Andrew Drive and Wickham Road

The Board of County Commissioners, in regular session on December 20, 2022, accepted the Quit Claim Deed from Viera Development Corporation related to Parcel C right-of-way at Lake Andrew Drive and Wickham Road.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

cc: County Manager
County Attorney

**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

Parcel ID #: 26-36-09-00-763 and 26-36-09-00-764

QUITCLAIM DEED

THIS QUITCLAIM DEED (this "Deed") is made as of the 21st day of November 2022 by VIERA DEVELOPMENT CORPORATON, a Florida corporation ("Grantor"), whose address is 7380 Murrell Road, Suite 201, Viera, FL 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, 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 2022 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

VIERA DEVELOPMENT CORPORATION,
a Florida corporation

Benjamin E. Wilson
Print Name: Benjamin E. Wilson

By: [Signature]
Name: Todd J. Pokrywa
Title: President

Charlene R. Spangler
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 21st day of November 2022 by Todd J. Pokrywa, as President of Viera Development Corporation, a Florida 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: _____.



BENJAMIN E. WILSON
Commission # HH 140832
Expires October 10, 2025
Bonded Thru Budget Notary Services

Benjamin E. Wilson
Print Name: Benjamin E. Wilson
Notary Public
Commission No.: HH140832
My Commission Expires: 10/10/2025

Exhibit "A"

Legal Description of the Property

The real property having Brevard County Property Appraiser Parcel ID numbers 26-36-09-00-763 and 26-36-09-00-764, more particularly described as "Parcel C" in that certain Right-of-Way Deed recorded in Official Records Book 4644, Page 1340, of the Public Records of Brevard County, Florida, and more particularly described as follows:

A parcel of land lying within Section 9, Township 26 South, range 36 East, Brevard County, Florida more particularly described as follows:

From the northwest corner of Viera Central P.U.D. Tract 12, Parcels 1-3, Phase 1, as recorded in Plat Book 42, Pages 74-75 of the Public Records of Brevard County, Florida; thence run N89°08'33"E along the north line of said Tract 12 a distance of 40.05 feet; thence N00°44'37"W 150.00 feet to the intersection of the west right-of-way of Lake Andrew Drive (a 120.00' wide right-of-way as recorded in Official Records Book 3128, Page 1822 of the Public Records of Brevard County, Florida), and the north right-of-way line of Wickham Road (a 150.00' wide right-of-way as recorded in Official Records Book 3128, Page 1822 of the Public Records of Brevard County, Florida); thence run N89°08'33"E along the said north right-of-way line of Wickham Road a distance of 33.41 feet to the point of a curve concave northerly, having a radius of 1,834.86 feet; thence easterly continuing along said north right-of-way line of Wickham Road along the arc of said curve to the left a distance of 140.67 feet through a central angle of 04°23'34" to the POINT OF BEGINNING; said point being a point of cusp and the beginning of a curve, concave northeasterly, having a radius of 50.00 feet; thence leaving said north right-of-way-line of Wickham Road run westerly along the easterly right-of-way of said Lake Andrew Drive along the arc of said curve to the right, a distance of 82.47 feet, through a central angle of 94°30'24" to the curve; thence continuing along said right-of-way run N00°44'37"W 48.35 feet; thence leaving said right-of-way run S47°30'00"E 137.19 feet to a point on the north right-of-way line of said Wickham Road; said point also being an intersection with a non-tangent curve concave northerly having a radius of 1,834.86 feet and a radial bearing of N06°41'34"W; thence westerly continuing along said north right-of-way line of Wickham Road along the arc of said curve to the right a distance of 46.20 feet through a central angle of 01°26'34" to the curve's end and the POINT OF BEGINNING. Containing 4,496.00 square feet more or less.

The real property is depicted as the "Property" on the following page.

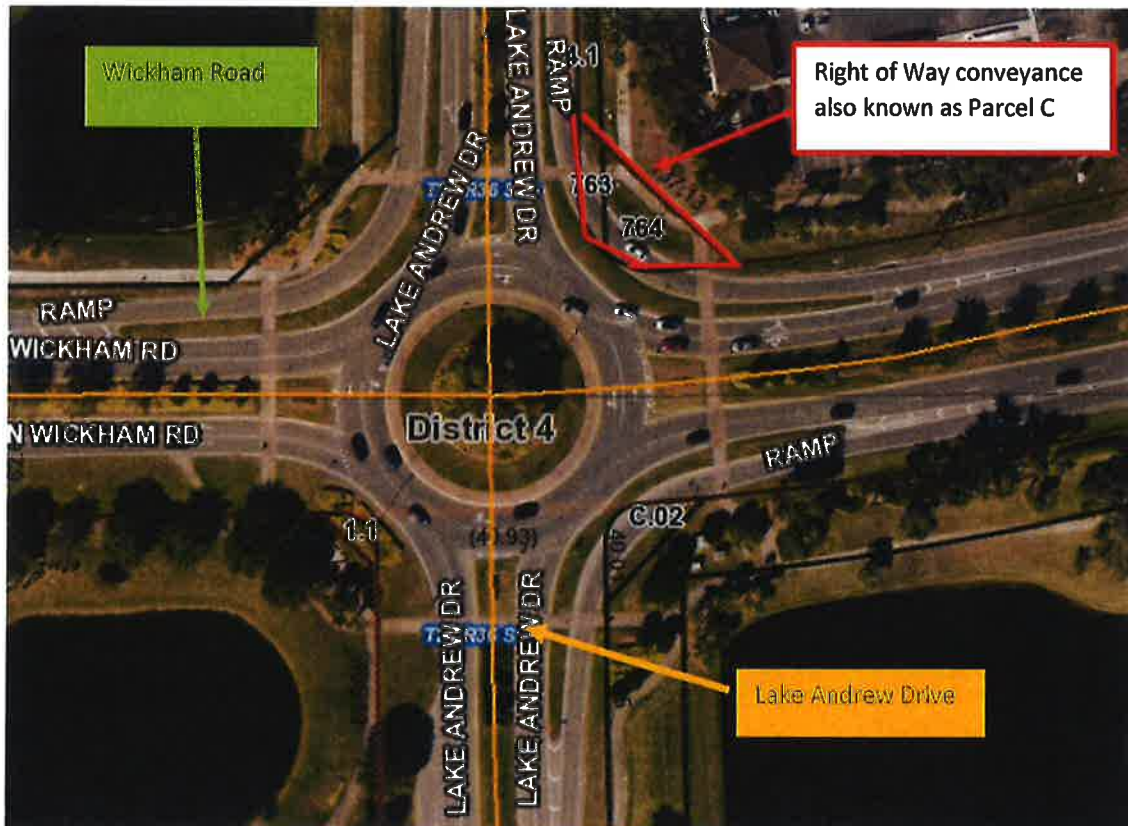
X:\LEGAL_VC\FORMS\Deeds\Common Area Deeds\General Community Common Areas\Quitclaim Deed from Viera Development Corporation to Brevard County.docx

LOCATION MAP

Section 9, Township 26 South, Range 36 East - District: 4

PROPERTY LOCATION: On the Northeast corner of Lake Andrew Drive and Wickham Road in Melbourne

OWNERS NAME(S): Viera Development Corporation



BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Quit Claim Deed from Viera Development Corporation related to Parcel C
Right of Way at Lake Andrew Drive and Wickham Road – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>12-5-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<i>cms</i> _____	_____	<u>12-5-2022</u>