



AGENDA REPORT
May 21, 2019

**Approval Re: Acceptance of Warranty Deed from Palm Gardens
Development, LLC for Tract D Right of Way as Dedicated on Plat Recorded
in Plat Book 66, Page 63-District 5.**

SUBJECT:

Approval Re: Acceptance of Warranty Deed from Palm Gardens Development, LLC for Tract D Right of Way as Dedicated on Plat Recorded in Plat Book 66, Page 63-District 5.

FISCAL IMPACT:

FY 2018 – 2019: No impact

FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Warranty Deed from Palm Gardens Development, LLC.

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Section 12, Township 28 South, Range 36 East.

In December, 2018, Palm Gardens Development, LLC deeded Tract D right of way in Palm Garden Lakes subdivision to Brevard County by virtue of Warranty Deed recorded in official records Book 8338, Page 188. The plat, which dedicated Tract D right of way to Brevard County, was accepted by the City of West Melbourne. Policies and procedures require approval and acceptance by the Board of County Commissioners for all conveyances to the County.

ATTACHMENTS:

Description

- **Palm Garden Agenda Documents**



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

June 4, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.13., Acceptance of Warranty Deed from Palm Gardens Development, LLC for Tract D Right-of-Way as Dedicated on Plat Recorded in Plat Book 66, Page 63

This is to correct the memorandum from May 22, 2019. The Board of County Commissioners, in regular session on May 21, 2019, **tabled the acceptance** of the Warranty Deed from Palm Gardens Development, LLC for Tract D Right-of-Way as dedicated on Plat Recorded in Plat Book 66, Page 63, **to the May 30, 2019, BOCC meeting.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp



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May 22, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.13., Acceptance of Warranty Deed from Palm Gardens Development, LLC for Tract D Right-of-Way as Dedicated on Plat Recorded in Plat Book 66, Page 63

The Board of County Commissioners, in regular session on May 21, 2019, approved and accepted the Warranty Deed from Palm Gardens Development, LLC for Tract D Right-of-Way as dedicated on Plat Recorded in Plat Book 66, Page 63.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

BOARD OF COUNTY COMMISSIONERS

AGENDA: ACCEPTANCE OF WARRANTY DEED FOR TRACT D RIGHT OF WAY
FROM PALM GARDENS DEVELOPMENT, LLC TO BREVARD
COUNTY, FLORIDA AS DEDICATED ON PLAT IN PLAT BOOK 66,
PAGE 63- DISTRICT 5

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>5/14/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JWB</u>	_____	<u>5/9/19</u>

AGENDA DUE DATE: May 14, 2019 for the May 21, 2019 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

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

THANK YOU.



THIS INSTRUMENT PREPARED BY AND RETURN TO: Dale A. Dettmer, Esq. Krasny and Dettmer 304 S Harbor City Blvd, Suite 201 Melbourne, FL 32901

WARRANTY DEED

THIS INDENTURE, made this 20th day of December, 2018, between PALM GARDENS DEVELOPMENT, LLC, a Florida limited liability company, Grantor, and BREVARD COUNTY FLORIDA, a charter county and political subdivision of the State of Florida, whose post office address is 2725 Judge Fran Jamieson Way, Bldg C., Viera, Florida 32940, Grantee.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, FL, to wit:

Tract D of PALM GARDEN LAKES, according to the plat thereof, as recorded in Plat Book 66, Page 63, of the Public Records of Brevard County, Florida.

Subject to: (a) zoning, restrictions, prohibitions and other requirements imposed by governmental authority; (b) restrictions and matters appearing on the plat or otherwise common to the subdivision; (c) public utility easements of record; and (d) ad valorem taxes and solid waste charges for the year 2019 and subsequent years, which are not yet due and payable.

Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantors have hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

PALMS GARDEN DEVELOPMENT, LLC, a Florida limited liability company

Witness: ZM Tenevortz

By: Michael E. Maguire, Manager

Witness: KATHI A. SHAWWEL

Grantor's Address: 330 N. Babcock Street Melbourne, FL 32935

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 20th day of December, 2018, by **MICHAEL E. MAGUIRE**, Manager of Palm Gardens Development, LLC. He is personally known to me or has produced a Florida driver's license as identification.

Kathi A. Shotwell
Notary Public

My Commission Expires:



(SEAL)

THE SCRIVENER OF THIS INSTRUMENT HAS NOT EXAMINED TITLE TO THE PROPERTY, HAS UTILIZED LEGAL DESCRIPTIONS PROVIDED BY GRANTOR, AND HAS RELIED UPON THE REPRESENTATIONS OF GRANTOR THAT GRANTOR IS THE HOLDER OF TITLE TO THE PROPERTY ACCORDINGLY, THE SCRIVENER DISCLAIMS ANY LIABILITY OR RESPONSIBILITY WHICH MAY RESULT FROM THE FAILURE OF GRANTOR TO HOLD SUCH TITLE IN THE MANNER REPRESENTED.

