

Meeting Date
September 3, 2015




AGENDA	
Section	Unfinished Business
Item No.	IV A

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Sale of Surplus Property to DR Horton
DEPT/OFFICE:	County Attorney's Office



Requested Action:
It is requested that the Board adopted a resolution authorizing the release and termination of a dedication of public recreational use on surplus land under contract to sell to DR Horton.

Summary Explanation & Background:
On July 7, 2015, pursuant to Section 2-247, Brevard County Code, the Board approved a contract to sell surplus land to DR Horton for \$5,970.00 as a private sale of remnant county property. (Parcel ID No. 28-36-13-50-123.0-0001.00). The Buyer's title agent found a prior Board resolution dedicating the subject property to public recreational use and the Buyer has requested a release and termination of this restriction. The attached resolution provides for the inclusion of language in the county deed conveying title to DR Horton that will release and terminate the public use restriction.



Contact information: Christine Lepore, Assistant County Attorney
Christine.Lepore@brevardcounty.us/x52090

Clerk to the Board Instructions:
Exhibits Attached: (1) Resolution dated September 22, 1966 recorded at ORB 900, page 657, and (2) Draft resolution authorizing the release and termination of public use restriction on subject property

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager		Assistant County Manager				Department Director / Extension		
Stockton Whitten		Assistant County Manager				Scott L. Knox, County Attorney/x52090 		



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

Telephone: (321) 637-2001
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September 4, 2015

M E M O R A N D U M

TO: Scott Knox, County Attorney Attn: Christine Lepore

RE: Item IV.A., Resolution Authorizing Release and Termination of a Dedication of Public Recreation Use on Surplus Land Under Contract to Sell to DR Horton, Inc.

The Board of County Commissioners, in regular session on September 3, 2015, adopted Resolution No. 15-154, authorizing the release and termination of a dedication of public recreational use on surplus land under contract to sell to DR Horton, Inc. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: Finance
Budget

RESOLUTION NO. 2015- 154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY FLORIDA, AUTHORIZING A PARTIAL RELEASE OF DEDICATION OF PUBLIC RECREATIONAL USE FOR SURPLUS PROPERTY UNDER CONTRACT TO SELL TO DR HORTON, INC.

WHEREAS, on September 22 1966, the Board adopted a Resolution recorded in Official Public Records of Brevard County, Florida Book 900, Page 657, that dedicated several parcels acquired by tax foreclosure to public recreational use, including a parcel located in the unincorporated area of West Melbourne and described as Lots 1, 2, 3, 4, 24, 25, 26 and 27 Block 123, Plat Book 4, Page 74, June Park Subdivision No. 3; and

WHEREAS, on July 7, 2015, the Board approved a contract to sell the above-described property as surplus to DR Horton for \$5,870.00; and

WHEREAS, in order to convey clear title to DR Horton, the Board authorizes a release and termination of the previously imposed public recreational use dedication on the above-described property.

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

1. The Board agrees to inclusion of the following language in the County Deed conveying title to the subject property to DR Horton:

“FURTHERMORE, Grantor does hereby release, terminate, remise and relinquish, unconditionally and forever, the dedication of public recreational use previously imposed upon the property described above pursuant to that certain Resolution adopted on September 22, 1966, and recorded in Official Records of Brevard County, Florida Book 900, Page 657.”

2. This resolution shall take effect immediately.

DONE, ORDERED and ADOPTED in Regular Session this 3 day of Sept 2015.

ATTEST



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Robin Fisher, Chairman

As approved by the Board on 09/03/15

RESOLUTION

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, foreclosed certain tax certificates that had been held for more than two years by Brevard County, pursuant to the provisions of Florida Statute 194.47; and,

WHEREAS, said tax foreclosure proceedings were instituted in the Ninth Judicial Circuit Court in and for Brevard County, bearing Chancery Numbers 32186 and 33568; and,

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, believe it to be for the best interests of Brevard County to dedicate said lands acquired in the foregoing tax foreclosure proceedings, to public use; pursuant to the provisions of Florida Statute 194.55 (7);

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

1. That the following-described lands acquired by Brevard County pursuant to that certain final decree entered October 6, 1965 in Chancery Number 32186 be, and they are hereby, dedicated to public use for recreation purposes, or for such other county purposes as may from time to time be determined by the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA;

Lot 15, Block 19, PINEHURST GARDENS, Plat Book 5,
Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lots 7 and 8, Block 29, PINEHURST GARDENS, Plat Book 5,
Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 6, Block 30, PINEHURST GARDENS, Plat Book 5,
Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lots 1, 2, 3, Block 35, PINEHURST GARDENS, Plat Book 5,
Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 9, Block 35, PINEHURST GARDENS, Plat Book 5,
Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 13, Block 50, PINEHURST GARDENS, Plat Book 5,
Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 19, Block 98, PINEHURST GARDENS, Plat Book 5
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 2, Block 145, PINEHURST GARDENS, Plat Book 5
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 14, Block 178, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 2, Block 14, PINEHURST GARDENS, Plat Book 5
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 6, Block 20, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lots 7, 8, 9, Block 20, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 14, Block 39, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 6, Block 69, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 13, Block 94, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 6, Block 114, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 2, Block 160, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 19, Block 184, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lot 31, Block H, REPIAT OF PART OF TRADEWINDS HOME SUBDIVISION
 Plat Book 11, page 82, Section 34, Township 27 South, Range 37 East.

Lot 6, Except Deed Book 418, page 77, Block I,
 TRADEWINDS HOME SUBDIVISION, Plat Book 11, page 18
 Section 34, Township 27 South, Range 37 East.

Lot 8, Block 24, PINEHURST GARDENS, Plat Book 5,
 Pages 76 and 99, Section 6, Township 27 South, Range 37 East.

Lots 1, 2, 3, 4, 5, 7, 8 and 9, Block 105,
 PINEHURST GARDENS, Plat Book 5, pages 76 and 99
 Section 6, Township 27 South, Range 37 East.

2. That certain lands, more specifically described hereinafter,
 acquired by Brevard County pursuant to that certain final decree
 entered December 29, 1965 in Chancery Number 33568 be, and they are
 hereby, dedicated to public use for recreation purposes, or for
 such other county purposes as may from time to time be determined
 by the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

Lots 5, 6, Block 1, HIGHLAND PARK, as per Plat Book 5, Page 22, Section 13, Township 29 South, Range 37 East.

Lots 1, 2, Block 6, HIGHLAND PARK, as per Plat Book 5, Page 22, Section 13, Township 29 South, Range 37 East.

Lots 18, 19, Block 1, MELBOURNE HEIGHTS SECTION B, Plat Book 4, Page 49, Section 14, Township 29 South, Range 37 East.

Tract 2, Unrecorded Subdivision of S $\frac{1}{2}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of SW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 11, Township 28 South, Range 36 East.

Tract 13, Unrecorded Subdivision of S $\frac{1}{2}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of SW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 11, Township 28 South, Range 36 East.

Tract 150, Unrecorded Subdivision of S $\frac{1}{2}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of SW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 11, Township 28 South, Range 36 East.

Lots 40, 41, Block 63, JUNE PARK ADDITION NO. 1, Resubdivision Plat Book 4, page 54, Section 12, Township 28 South, Range 36 East

Lots 1, 2, 3, 4, 24, 25, 26, 27, Block 123, JUNE PARK ADDITION NO. 3, Plat Book 4, Page 74, Section 12, Township 28 South, Range 36 East.

Lots 12, 13, 14, Block 7, RUSSELL'S SUBDIVISION, Section 31, Township 28 South, Range 38 East.

Lots 12, 13, Block 12, MELBOURNE MANOR SECTION D RESUBDIVISION of Lot 29 of Florida Indian River Land Cos. subdivision Plat Book 4, page 26, Section 26, Township 29 South, Range 37 East.

Lots 1, 2, Block 4, SOUTH GRANT, Plat Book 7, page 35, Section 34, Township 29 South, Range 38 East.

Lot 16, BUENA VISTA COURT, RIVERVIEW TERRACE ESTATES, Plat Book 5, Page 9, Section 3, Township 30 South, Range 38 East.

Lots 15, 16, PALOMAR COURT, RIVERVIEW TERRACE ESTATES, Plat Book 5, Page 9, Section 3, Township 30 South, Range 38 East.

Lots 10, 11, 12, Block 1, Section N, RIVERVIEW TERRACE, Sections N, S, U, V, Section 4, Township 30 South, Range 38 East, Plat Book 4, Page 75.

Lots 11 to 20 inclusive, Block 2, MELBOURNE MANOR, Section A, Resubdivision of Lot 27, Florida Indian River Land Cos. subdivision, Plat Book 4, page 23, Section 26, Township 29 South, Range 37 East.

DONE AND ADOPTED in Regular Session on the 22nd day

of September 1966.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By _____
Lee Wenner, Chairman

ATTEST:

Curtis R. Barnes
Curtis R. Barnes, Clerk

(SEAL)

FILED
1966 SEP 22 11 17
CLERK