

Meeting Date
December 5, 2017



AGENDA	
Section	New Business
Item No.	VI.D.1.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Conveyance of property acquired by tax escheatment deed to municipalities.
DEPT/OFFICE:	County Attorney's Office: Christine Valliere, Asst. County Attorney/Scott Knox, County Attorney 633-2090

Requested Action:

It is requested that the Board authorize the Chairman to execute county deeds to convey property acquired by tax escheatment deed to the jurisdictional municipality as required by Section 197.592(3), Florida Statutes.

Summary Explanation & Background:

The Clerk periodically conveys property to the County via a tax escheatment deed pursuant to the tax certificate/tax deed sale procedures set forth in Chapter 197, Florida Statutes. When property located within municipal boundaries escheats to the County for nonpayment of taxes, the County is mandated to convey the property to the municipality unless the Board sells it back to the prior owner or has a designated use for the property. Section 197.592(3), F.S.

Four such properties have been identified for mandatory conveyance to the applicable municipality. Staff has reviewed each property and determined there is no designated county use for any parcels. There are no petitions from prior record owners to repurchase the properties pursuant to Section 197.592(1) and (2).

Fiscal Impact: Recording fees
Fund 0001/CC 200500/GL 5340000

*per 11/28/17
Tammy Rowe, SUPV,
CLERK TO THE BOARD
637-2001 (x49056)
THIS ITEM CANNOT BE
AN "ADD ON" UNDER CONSENT
IT MUST BE "ADD ON"
NEW BUSINESS; OK PER
VI. D.1, FRANK & CHRISTINE*

Clerk to the Board Instructions: Please return executed originals to Asset Man...

Exhibits Attached: County Deeds; Section 197.592, Fla. Stat; AGO Opinion 2006-26

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

County Manager Frank Abbate <i>[Signature]</i>	Assistant County Manager John Denninghoff	Department Director / Extension Scott L. Knox, County Attorney
	Interim Assistant County Manager Jim Liesenfelt	<i>[Signature]</i>



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

December 6, 2017

M E M O R A N D U M

TO: Scott Knox, County Attorney Attn: Christine Valliere

RE: Item VI.D.1., Resolutions and County Deeds with City of Cocoa, City of Palm Bay, City of Titusville, and Town of Grant-Valkaria for Conveyance of Property Acquired by Tax Escheatment Deed to Municipalities

The Board of County Commissioners, in regular session on December 5, 2017, adopted Resolution Nos. 17-245, 17-246, 17-247, and 17-248, and executed Deeds with City of Cocoa, City of Palm Bay, City of Titusville, and Town of Grant-Valkaria for conveyance of property acquired by tax escheatment deed to the jurisdictional municipality pursuant to Section 197.592, Florida Statutes. Enclosed are fully-executed Resolutions and Deeds for each municipality.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (8)

cc: Asset Management

RESOLUTION NO. 2017- 245

A RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES (2017), AUTHORIZING THE TRANSFER OF INTEREST IN COUNTY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain real property (hereinafter "Property") described in Exhibit "A" is located within the municipal boundaries of the City of Cocoa (hereinafter "City"); and

WHEREAS, the Property escheated to Brevard County, Florida (hereinafter "County") for nonpayment of taxes pursuant to the tax certificate/tax deed sale procedures set forth in Chapter 197, Florida Statutes; and

WHEREAS, when property located within municipal boundaries escheats to a county, Section 197.592(3), Florida Statutes, mandates the county to convey it to the city unless either the county has a designated use for the property or the county sells it back to the prior owner; and

WHEREAS, there is no petition from the prior owner to repurchase the Property pursuant to Section 197.592(1), Florida Statutes.

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

1. The County has determined that the Property described in Exhibit "A" is not needed for County purposes.
2. The County hereby authorizes the conveyance of the Property to the City.
3. This resolution shall take effect immediately.

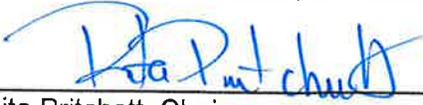
DONE, ORDERED and ADOPTED in Regular Session this 5th day of December, 2017.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

(As approved by the Board on 12/5/17)

DR-506 R. 04/16
Rule 12D-16.002
Florida Administrative Code
Eff. 04/16

Tax Deed File Number: 140054
Parcel ID Number: 2425286
Formerly Assessed: ROTHIE PULLINS

ESCHEATMENT TAX DEED

Brevard County, Florida

CFN 2017227111, OR BK 8017 Page 1381
Recorded 11/01/2017 02:52:31 PM, Scott Ellis,
Clerk of Courts, Brevard County
Doc. D: \$0.00 #Pgs: 2

For official use only

Tax Certificate Numbered 200905067 issued on May 29, 2009, was filed in the office of the tax collector of Brevard County, Florida. An application has been made for the issuance of a tax deed. This Tax Deed is issued according to Section 197.502(8), Florida Statutes. Three years have passed since the day the land was offered for public sale and placed on the list of "lands available for taxes" without being purchased (Section 197.502(7), F.S.). The property has escheated to the County free and clears of any and all tax certificates, tax liens or any other liens of record, including governmental liens. These liens are canceled under Section 197.502(8), F.S.

On the 1st day of November, 2017, the clerk conveys property located at 619 STONE ST SFR COCOA, FL 32922 to Board of County Commissioners PO BOX 1496, TITUSVILLE, FL 32781-1496 Brevard County through its Board of County Commissioners, with all inherited property, buildings, fixtures and improvements of any kind and description, the following

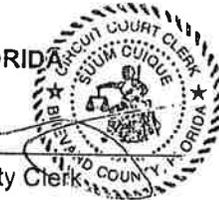
Description of lands:

TWP-24 RG-36 SC-33 SB-CC BLK-11 LOT-3
COLLEGE PARK AMENDED MAP
LOTS 3 BLK 11
PLAT BOOK 0005 PAGE 0072

Witnesses: [Signature] A. GUITAR
[Signature] Felicia McCloud

SCOTT ELLIS,
Clerk of Courts,
BREVARD COUNTY, FLORIDA

By: [Signature]
KETA ASBURY, Deputy Clerk



Brevard County, Florida

On this 1st day of November, 2017 before me personally appeared KETA ASBURY, Deputy Clerk of the Circuit Court or County Comptroller in and for the State and this County known to me to be the person described in, and who executed the forgoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid:

[Signature]
Deputy Clerk, per F.S. 695.03/92.50
Scott Ellis, Clerk MIKKI OWLER
Brevard County, Florida



Prepared by: Christine Valliere, Esq.
Office of the County Attorney
2725 Judge Fran Jamieson Way, C-308
Viera, Florida 32940
Parcel ID#24-36-33-CC-11-3
Tax Account #2425286

COUNTY DEED

THIS DEED, made this 5 day of December 2017 by **BREVARD COUNTY**, a charter county and political subdivision of the State of Florida, Grantor, whose address is 2725 Judge Fran Jamieson Way, Bldg C., Viera, Florida, 32940, and the City of **COCOA**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 65 Stone Street, Cocoa, Florida 32922.

WITNESSETH that Grantor, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his heirs and assigns forever, a parcel of land having the physical address of **619 Stone Street, SFR, Cocoa, Florida 32922** and being legally described as follows:

TWP-24 RG-36 SC-33 SB-CC BLK-11, LOT-3
COLLEGE PARK AMENDED MAP
LOTS 3 BLK 11
PLAT BOOK 0005 PAGE 0072

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

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.

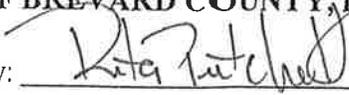
State of Florida
County of Brevard

ATTEST:



Scott Ellis, Clerk to the Board

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

By: 

Rita Pritchett, Chair

RESOLUTION NO. 2017-246

A RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES (2017), AUTHORIZING THE TRANSFER OF INTEREST IN COUNTY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain real property (hereinafter "Property") described in Exhibit "A" is located within the municipal boundaries of the City of Palm Bay (hereinafter "City"); and

WHEREAS, the Property escheated to Brevard County, Florida (hereinafter "County") for nonpayment of taxes pursuant to the tax certificate/tax deed sale procedures set forth in Chapter 197, Florida Statutes; and

WHEREAS, when property located within municipal boundaries escheats to a county, Section 197.592(3), Florida Statutes, mandates the county to convey it to the city unless either the county has a designated use for the property or the county sells it back to the prior owner; and

WHEREAS, there is no petition from the prior owner to repurchase the Property pursuant to Section 197.592(1), Florida Statutes.

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

1. The County has determined that the Property described in Exhibit "A" is not needed for County purposes.
2. The County hereby authorizes the conveyance of the Property to the City.
3. This resolution shall take effect immediately.

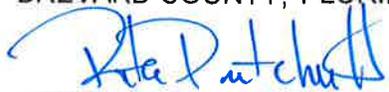
DONE, ORDERED and ADOPTED in Regular Session this 5th day of December, 2017.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

(As approved by the Board on 12/5/17)

Tax Deed File Number: 92-150
Formerly Assessed to: Nine-Eight Corp

TAX DEED

STATE OF FLORIDA
COUNTY OF BREVARD

The following Tax Certificate Numbered 8906207 issued on MAY 30, 1989 was filed in the office of the Tax Collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land: such land was on the 12th day of May, 1992, offered for sale as required by law for cash to the highest bidder; and there being no bidders at said public sale, the Clerk of the Circuit Court of this County entered the land on a list entitled "Lands Available for Taxes" and immediately notified the County Commission and all other persons holding certificates against the land that said lands were available; seven (7) years have passed since such lands were offered for public sale and said lands, by virtue of Section 197.502(8), Florida Statutes, have escheated to the County wherein the lands are located.

NOW, THEREFORE, the County of Brevard, State of Florida, in consideration of the premises, and in consideration of and pursuant to Section 197.502(8), Florida Statutes, and in pursuance of the statutes in such cases made and provided, has given, granted, bargained and sold, and does hereby give, grant, bargain, sell and convey to the said Board of County Commissioners of Brevard County, Florida, and to its heirs and assigns forever, to their own proper use benefit and on behalf of the following land situated in the County and State aforesaid and described as follows:

TWP-28 RG-37 SC-28 SB-01 BLK-A LOT-3
PINEHURST LOT 3 BLK A EX ORB 2343 PGS 1338,
2168, 2177 & 2345 PG 796, 2419
PG 1090 & 2419 PG 1104 PB 25 PAGE 132

Containing 0.32 acres, more or less, provided, however, that said lands shall continue subject and liable for any lien of record held by a municipal or county governmental unit which has not been heretofore satisfied and any unpaid general taxes of equal dignity with county taxes represented by the Certificate or certificates above described.

IN TESTIMONY WHEREOF, by virtue of authority in me vested by law, and for and on behalf of the County of Brevard, State of Florida, I the undersigned as Clerk of the Circuit Court for the County and State of aforesaid, have executed this deed and have hereunto set my official signature and seal at Titusville, in the County of Brevard, and State of Florida, this 19th day of February, A.D., 2008.

EXHIBIT A

Signed, sealed and delivered
in the presence of:

Vicki Leber
Jennifer Jones

STATE OF FLORIDA
COUNTY OF BREVARD

SCOTT ELLIS
CLERK OF THE CIRCUIT COURT
BREVARD COUNTY, FLORIDA

By: *Trinnia Guittar*
Deputy Clerk



On this 19th day of February, 2008, before me, Beth Burns, personally appeared Trinnia Guittar, Deputy Clerk, Brevard County, in and for the State and this County known to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Beth Burns



DEPUTY CLERK, per F.S. 695.03/92.50
Scott Ellis, Clerk
Brevard County, Florida

RESOLUTION NO. 2017- 247

A RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES (2017), AUTHORIZING THE TRANSFER OF INTEREST IN COUNTY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain real property (hereinafter "Property") described in Exhibit "A" is located within the municipal boundaries of the City of Titusville (hereinafter "City"); and

WHEREAS, the Property escheated to Brevard County, Florida (hereinafter "County") for nonpayment of taxes pursuant to the tax certificate/tax deed sale procedures set forth in Chapter 197, Florida Statutes; and

WHEREAS, when property located within municipal boundaries escheats to a county, Section 197.592(3), Florida Statutes, mandates the county to convey it to the city unless either the county has a designated use for the property or the county sells it back to the prior owner; and

WHEREAS, there is no petition from the prior owner to repurchase the Property pursuant to Section 197.592(1), Florida Statutes.

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

1. The County has determined that the Property described in Exhibit "A" is not needed for County purposes.
2. The County hereby authorizes the conveyance of the Property to the City.
3. This resolution shall take effect immediately.

DONE, ORDERED and ADOPTED in Regular Session this 5th day of December, 2017.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

(As approved by the Board on 12/5/17)

DR-506 R. 04/16
Rule 12D-16.002
Florida Administrative Code
Eff. 04/16

Tax Deed File Number: 140051
Parcel ID Number: 2200624
Formerly Assessed: JOSE REFUGIO ESTRADA, ANGELITA PRIETO DE
ESTRADA H/W, ALEXANDRA ESTRADA

ESCHEATMENT TAX DEED

Brevard County, Florida

CFN 2017227108, OR BK 8017 Page 1375,
Recorded 11/01/2017 02:51:31 PM, Scott Ellis,
Clerk of Courts, Brevard County
Doc. D: \$0.00 #Pgs: 2

For official use only

Tax Certificate Numbered 200901127 issued on May 29, 2009, was filed in the office of the tax collector of Brevard County, Florida. An application has been made for the issuance of a tax deed. This Tax Deed is issued according to Section 197.502(8), Florida Statutes. Three years have passed since the day the land was offered for public sale and placed on the list of "lands available for taxes" without being purchased (Section 197.502(7), F.S.). The property has escheated to the County free and clears of any and all tax certificates, tax liens or any other liens of record, including governmental liens. These liens are canceled under Section 197.502(8), F.S.

On the 1st day of November, 2017, the clerk conveys property located at RANSOMS ADDITION LOTS 12, 13 BLK B to Board of County Commissioners PO BOX 1496, TITUSVILLE, FL 32781-1496 Brevard County through its Board of County Commissioners, with all inherited property, buildings, fixtures and improvements of any kind and description, the following

Description of lands:

TWP-22 RG-35 SC-03 SB-27 BLK-B LOT-12
RANSOMS ADDITION
LOTS 12, 13 BLK B
PLAT BOOK 0002 PAGE 0052

Witnesses: [Signature] A. GUITTAR

[Signature] Felicia McCloud

SCOTT ELLIS,
Clerk of Courts,
BREVARD COUNTY, FLORIDA

By: [Signature]
KETA ASBURY, Deputy Clerk



Brevard County, Florida

On this 1st day of November, 2017 before me personally appeared KETA ASBURY, Deputy Clerk of the Circuit Court or County Comptroller in and for the State and this County known to me to be the person described in, and who executed the forgoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid:

[Signature]
Deputy Clerk, per F.S. 695.03/92.50
Scott Ellis, Clerk
Brevard County, Florida

MIKKI OWLER



Prepared by: Christine Valliere, Esq.
Office of the County Attorney
2725 Judge Fran Jamieson Way, C-308
Viera, Florida 32940
Parcel ID# 22-35-03-27-B-12
Tax Account# 2200624

COUNTY DEED

THIS DEED, made this 5 day of December, 2017 by **BREVARD COUNTY**, a charter county and political subdivision of the State of Florida, Grantor, whose address is 2725 Judge Fran Jamieson Way, Bldg C., Viera, Florida, 32940, and the City of **TITUSVILLE**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 555 S. Washington Avenue, Titusville, Florida 32796.

WITNESSETH that Grantor, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his heirs and assigns forever, a parcel of land having the physical address of **RANSOMS ADDITION LOTS 12, 13 BLK B** and being legally described as follows:

TWP-22 RG-35 SC-03 SB-27 BLK-B LOT-12
RANSOMS ADDITION
LOTS 12, 13 BLK B
PLAT BOOK 0002 PAGE 0052

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

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.

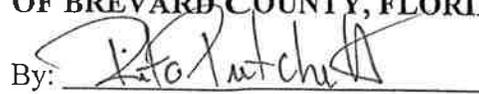
State of Florida
County of Brevard

ATTEST:



Scott Ellis, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair

RESOLUTION NO. 2017- 248

A RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES (2017), AUTHORIZING THE TRANSFER OF INTEREST IN COUNTY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain real property (hereinafter "Property") described in Exhibit "A" is located within the municipal boundaries of the Town of Grant-Valkaria (hereinafter "Town"); and

WHEREAS, the Property escheated to Brevard County, Florida (hereinafter "County") for nonpayment of taxes pursuant to the tax certificate/tax deed sale procedures set forth in Chapter 197, Florida Statutes; and

WHEREAS, when property located within municipal boundaries escheats to a county, Section 197.592(3), Florida Statutes, mandates the county to convey it to the Town unless either the county has a designated use for the property or the county sells it back to the prior owner; and

WHEREAS, there is no petition from the prior owner to repurchase the Property pursuant to Section 197.592(1), Florida Statutes.

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

1. The County has determined that the Property described in Exhibit "A" is not needed for County purposes.
2. The County hereby authorizes the conveyance of the Property to the Town.
3. This resolution shall take effect immediately.

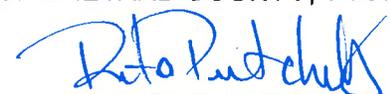
DONE, ORDERED and ADOPTED in Regular Session this 5th day of December, 2017.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

(As approved by the Board on 12/5/17)

DR-506 R. 04/16
Rule 12D-16.002
Florida Administrative Code
Eff. 04/16

Tax Deed File Number: 140060
Parcel ID Number: 2932723
Formerly Assessed: DOROTHY ROWAN, ROBERT HUNT SR, CECILA M LORD

ESCHEATMENT TAX DEED

Brevard County, Florida

CFN 2017227105, OR BK 8017 Page 1353,
Recorded 11/01/2017 02:50:32 PM, Scott Ellis,
Clerk of Courts, Brevard County
Doc. D: \$0.00 #Pgs: 3

For official use only

Tax Certificate Numbered 200913515 issued on May 29, 2009, was filed in the office of the tax collector of Brevard County, Florida. An application has been made for the issuance of a tax deed. This Tax Deed is issued according to Section 197.502(8), Florida Statutes. Three years have passed since the day the land was offered for public sale and placed on the list of "lands available for taxes" without being purchased (Section 197.502(7), F.S.). The property has escheated to the County free and clears of any and all tax certificates, tax liens or any other liens of record, including governmental liens. These liens are canceled under Section 197.502(8), F.S.

On the 1st day of November, 2017, the clerk conveys property located at Melbourne Heights Sec C, All of Block 30 AKA Tract 24 to Board of County Commissioners PO BOX 1496, TITUSVILLE, FL 32781-1496 Brevard County through its Board of County Commissioners, with all inherited property, buildings, fixtures and improvements of any kind and description, the following

Description of lands:

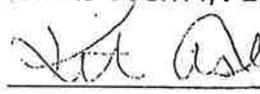
TWP-29 RG-37 SC-15 SB-HB BLK-30 LOT-1
MELBOURNE HEIGHTS SEC C
ALL OF BLOCK 30 AKA TRACT 24
PLAT BOOK 0004 PAGE 0050

Witnesses:


A. GUITTAR

Felicia McCloud

SCOTT ELLIS,
Clerk of Courts,
BREVARD COUNTY, FLORIDA

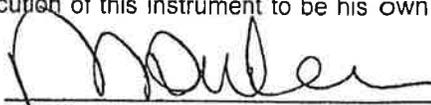
By: 
KETA ASBURY, Deputy Clerk



Brevard County, Florida

On this 1st day of November, 2017 before me personally appeared KETA ASBURY, Deputy Clerk of the Circuit Court or County Comptroller in and for the State and this County known to me to be the person described in, and who executed the forgoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid:


Deputy Clerk, per F.S. 695.03/92.50
Scott Ellis, Clerk **MIKKI OWLER**
Brevard County, Florida



Prepared by: Christine Valliere, Esq.
Office of the County Attorney
2725 Judge Fran Jamieson Way, C-308
Viera, Florida 32940
Parcel ID# 29-37-15-HB-30-1
Tax Account # 2932723

COUNTY DEED

THIS DEED, made this 5 day of December, 2017 by **BREVARD COUNTY**, a charter county and political subdivision of the State of Florida, Grantor, whose address is 2725 Judge Fran Jamieson Way, Bldg C., Viera, Florida, 32940, and the Town of **GRANT-VALKARIA**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 1449 Valkaria Road, Grant-Valkaria, Florida 32950.

WITNESSETH that Grantor, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his heirs and assigns forever, a parcel of land having the physical address of **Melbourne Heights Section C, All of Block 30 AKA Tract 24** and being legally described as follows:

TWP-29 RG-37 SC-15 SB-HB BLK-30 LOT-1
MELBOURNE HEIGHTS SEC C
ALL OF BLOCK 30 AKA TRACT 24
PLAT BOOK 0004 PAGE 0050

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

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.

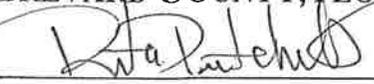
State of Florida
County of Brevard

ATTEST:



Scott Ellis, Clerk to the Board

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

By: 

Rita Pritchett, Chair

West's Florida Statutes Annotated

Title XIV. Taxation and Finance (Chapters 192-221) (Refs & Annos)

Chapter 197. Tax Collections, Sales, and Liens (Refs & Annos)

West's F.S.A. § 197.592

197.592. County delinquent tax lands; method and procedure for sale
by county; certain lands conveyed to municipalities; extinction of liens

Currentness

(1) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold or dedicated by the board of county commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the county obtained title to the lands. However, before any conveyance shall be made, the former owner of the lands may file with the board of county commissioners a verified written application which shall show:

- (a) The description of the lands for which a conveyance is sought;
- (b) The name and address of the former owner;
- (c) The date title was acquired by the county;
- (d) The price of the lands as previously fixed by resolution of the board of county commissioners, if this has been done;
- (e) The use to which the lands were enjoyed by the record fee simple owner at the time of acquisition by the county;
- (f) A brief statement of the facts and circumstances upon which the former owner bases the request for restitution of the described property;
- (g) An offer to pay an amount equal to all taxes, including municipal taxes and liens, if any, which had become delinquent, together with interest and costs provided by law.

(2) In the event the described lands have not been assessed for taxes for the current year in which the petition is filed, the applicant shall pay, in addition, the taxes for current and omitted years, the latter amount to be determined by applicable millage for the omitted years and based on the last assessment of the described lands.

(3) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold, acquired for infill housing, or dedicated by the board of county commissioners, which the board of county commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the county

197.592. County delinquent tax lands; method and procedure for..., FL ST § 197.592

shall be conveyed to the governing board of the municipality in which the land is located. Such lands conveyed to the municipality shall be freely alienable to the municipality without regard to third parties. Liens of record held by the county on such parcels conveyed to a municipality shall not survive the conveyance of the property to the municipality.

(4) Liens of record held by the county upon lands not conveyed in accordance with subsections (1) and (2) or subsection (3) shall not survive the conveyance of the property to the county.

Credits

Laws 1945, c. 22870, § 1; Fla.St.1967, § 194.471; Laws 1969, c. 69-55, §§ 1, 2; Fla.St.1971, § 197.655; Laws 1972, c. 72-268, § 1; Laws 1973, c. 73-332, § 23; Fla.St.1983, § 197.302; Laws 1985, c. 85-342, § 197; Laws 1986, c. 86-141, § 7. Amended by Laws 1999, c. 99-190, § 6, eff. May 26, 1999.

West's F. S. A. § 197.592, FL ST § 197.592

Current through the 2017 First Regular Session and Special "A" Session of the 25th Legislature

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

Mr. Jeffrey J. Newton, Fla. AGO 2006-26 (2006)

Fla. AGO 2006-26 (Fla.A.G.), 2006 WL 1831345

Office of the Attorney General

State of Florida

AGO 2006-26

June 29, 2006

RE: COUNTIES - MUNICIPALITIES - REAL PROPERTY - TAXATION - use of property acquired by county through delinquent taxes for affordable infill housing. s. 197.592, Fla. Stat.

*1 Mr. Jeffrey J. Newton
Broward County Attorney
115 South Andrews Avenue
Suite 423
Fort Lauderdale, Florida 33301

Dear Mr. Newton:

On behalf of the Broward County Board of County Commissioners, you ask the following questions:

1. May the Broward County Board of County Commissioners retain and use land it acquires for delinquent taxes to construct affordable infill housing, in light of section 197.592(3), Florida Statutes?
2. Does the adoption of a policy and implementation of a program by Broward County for affordable infill housing satisfy the provision in section 197.592(3), Florida Statutes, that property acquired by the county for delinquent taxes is "acquired for infill housing" or "dedicated by the board of county commissioners," thereby avoiding the requirement that the county convey the subject property to the city in which it is located?

Broward County is proposing a policy to promote affordable housing through a program to build infill housing on property it has acquired for delinquent taxes. You state that the program relies upon the ability of the county to retain and use land acquired by the county through section 197.592, Florida Statutes.

Section 197.592, Florida Statutes, provides a procedure for the county to sell lands it has acquired for delinquent taxes. Initially the statute recognizes that lands acquired by a county for delinquent taxes that have not been sold previously or dedicated by the board of county commissioners may be conveyed to the record fee simple owner of such lands as of the date the county obtained title to the lands.¹ As an alternative, subsection (3) of the statute provides: "Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold, *acquired for infill housing, or dedicated by the board of county commissioners*, which the board of county commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the county shall be conveyed to the governing board of the municipality in which the land is located. Such lands conveyed to the municipality shall be freely alienable to the municipality without regard to third parties. Liens of record held by the county on such parcels conveyed to a municipality shall not survive the conveyance of the property to the municipality." (e.s.)

The statute recognizes the options that a county has when it comes into possession of lands through delinquent taxes and does not appear to mandate that a county convey the property to an individual or a municipality if specified conditions are present. Nothing in the plain language of the statute, nor in the legislative history of the amendment adding the

language relating to infill housing, requires the county to transfer title to the property to the municipality in which the property is located, if the property is acquired for infill housing or dedicated for a particular use by the board of county commissioners.²

*2 Where the Legislature has prescribed the manner in which a county may handle property it obtains through delinquent taxes, that procedure should be followed.³ If the county has acquired the property for infill housing or has otherwise dedicated the property to a use, there is no requirement that the property be conveyed to the record fee simple owner on the date the property was acquired or to the municipality in which the property is located.

The statute is silent as to the method by which a county may designate property for infill housing, yet it is clear that the statute requires the county to acquire the property for such purpose, if the county intends to take possession of the property and it is not previously sold or dedicated. You indicate that the policy proposed by the county would require county representatives to evaluate whether the subject property is suitable for residential housing and, if found so, the county would first offer the property to the municipality in which the property is located under the condition that the city use the property for affordable infill housing. While this would appear to fulfill the Legislature's intent to encourage the development of construction of affordable housing on infill property,⁴ the statute's plain language does not contemplate that a county may impose conditions on the conveyance of the property to the municipality in which the property is located, nor would such a policy satisfy the condition that the county must meet in order to avoid conveying the property to the municipality, *i.e.*, the municipality may not be coerced into using the conveyed property for infill housing where the statute does not impose such a condition. The statute does not limit the purposes for which a municipality may use property acquired through the procedures in section 197.592, Florida Statutes, and it is beyond the authority of this office to add words of limitation to the statute.⁵ This does not mean, however, that the county and city could not enter into an arms-length agreement or joint partnership to provide infill housing, or for that matter, any other purpose for which the county might dedicate the property.

Accordingly, the county's adoption of a policy that property acquired by the county through delinquent taxes be used for infill housing would appear to fulfill the requirements of section 197.592, Florida Statutes, should the county undertake such development. However, the county may not condition conveyance of property to a municipality under section 197.592 in order to fulfill the statute's requirement that the county acquire the property for infill housing.

Sincerely,

Charlie Crist
Attorney General

Footnotes

- ¹ Section 197.592(1), Fla. Stat., further stating that the former owner of the lands may file a verified written application showing: the description of the lands; the name and address of the former owner; the date title was acquired by the county; the price of the lands as previously fixed by resolution of the board of county commissioners, if it has been done; the use of the lands by the fee simple owner at the time of the county's acquisition; the facts and circumstances justifying the owner's request for restitution of the property; and an offer to pay all taxes, including interest and costs as provided by law.
- ² See Senate Staff Analysis and Economic Impact Statement, SB 1534 (Ch. 99-190), April 4, 1999, stating that before the amendment, "[p]roperty not sold, dedicated by the county, or conveyed to the previous owner, if located in a municipality, must be conveyed to that municipality." Section 8 of the bill amended s. 197.592(3), Fla. Stat., to provide that property acquired by the county for delinquent taxes, when "acquired for infill housing, does not have to be conveyed to a municipality even if located in the municipality." Discussions on the amendment indicated that the language relating to infill housing was added to allow parcels of land that are inadequate in size for construction of houses to be joined with abutting parcels for such development. See Florida Senate, Committee on Comprehensive Planning, Local and Military Affairs, SB 1534, Tape 1 of 2, March 23, 1999.

- 3 *See Alsop v. Pierce*, 19 So. 2d 799, 805-806 (Fla. 1944) ("When the Legislature has prescribed the mode, that mode must be observed. When the controlling law directs how a thing shall be done that is, in effect, a prohibition against its being done in any other way."); *Thayer v. State*, 335 So. 2d 815, 817 (Fla. 1976).
- 4 *See Meeting of Senate Committee on Comprehensive Planning, Local and Military Affairs*, SB 1534, Tape 1 of 2, March 23, 1999; Senate Floor Debate, SB 1534, Tape 9 of 10, April 28, 1999; Senate Floor Debate, SB 1534, Tape 2 of 14, April 29, 1999.
- 5 *See Ops. Att'y Gen.* Fla. 91-32 (1991) and 82-80 (1982); and *see, generally, Chaffee v. Miami Transfer Company, Inc.*, 288 So. 2d 209 (Fla. 1974) (court in construing statute cannot invoke limitation or add words to statute not placed there by the Legislature).

Fla. AGO 2006-26 (Fla.A.G.), 2006 WL 1831345