



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.12.

11/10/2020

Subject:

Request Approval to give a second extension for Closing Date of Land Sale 2020-2401734

Fiscal Impact:

Fiscal Impact FY 2020/2021 Revenue from the sale will be returned to General Fund, cost center 30086 and the parcel will be re-inserted on the tax rolls.

Dept/Office:

Central Services / Asset Management

Requested Action:

It is requested that the Board of County Commissioners:

- Agree to give a second extension to the closing date from November 30, 2020 to February 1, 2021 to allow the seller additional time to gather necessary documents to clear title defects; and
- Authorize the County Manager or designee to execute the resulting contract amendment to extend the date, subject to approval of the County Attorney's Office.

Summary Explanation and Background:

On July 7, 2020, the Board of County Commissioner's approved the sale of a surplus parcel of property, Tax ID 2401734 pursuant to Florida Statue 125.35(1)(a) and accepted the high bid in the amount of \$38,527.00 received from Ricky E. McDonald and Susan Martin.

The high bidders seek to have title insurance guaranteed on the parcel and additional documentation provided to the title company will not clear the defect on the title. Brevard County will work to provide a clear title to the property by February 1, 2021.

County staff and the County Attorney's Office are working to secure documentation that will allow for a clear title.

Clerk to the Board Instructions:

Copies to: Asset Management
Finance
Budget



November 12, 2020

M E M O R A N D U M

TO: Steven Darling, Central Services Director

RE: Item F.12., Approval for Second Extension for Closing Date of Land Sale 2020-2401734

The Board of County Commissioners, in regular session on November 10, 2020, approved a second extension to the closing date from November 30, 2020, to February 1, 2021, to allow the seller additional time to gather necessary documents to clear title defects; and authorized the County Manager, or his designee, to execute the resulting contract amendment to extend the date, subject to approval of the County Attorney's Office. Enclosed is a fully-executed Amendment 1 to the Contract for Sale and Purchase.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: County Attorney
County Manager
Asset Management
Finance
Budget

AMENDMENT 1 TO CONTRACT FOR SALE AND PURCHASE

THIS AMENDMENT entered into this 10 day of November 2020, by and between the Board of County Commissioners of Brevard County, Florida and Ricky E. McDonald and Susan Martin:

WHEREAS, the parties have previously entered into a Contract for Sale and Purchase on July 17, 2020, as authorized by the Board in regular session on July 7, 2020; and

WHEREAS, the parties desire to amend the contract to extend the closing date from November 30, 2020 to on or before February 1, 2021; and

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereby agree as follows:

The closing date shall be on or before February 1, 2021.

All other terms and conditions of the Contract for Sale and Purchase dated July 17, 2020, which is incorporated herein by this reference, not inconsistent with the provisions of this Amendment, shall remain in full force and effect.

Seller:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA


Bryan Andrew Lober, Chair

ATTEST:


SCOTT ELLITS, CLERK

Buyer:

By:  11/3/2020
Ricky E. McDonald (date)

By:  11/3/2020
Susan Martin (date)



July 8, 2020

M E M O R A N D U M

TO: Steven Darling, Central Services Director

RE: Item F.29., Approval of High Bid for Public Sale of a Surplus Property and Authorization for Chair to Execute All Necessary Documents

The Board of County Commissioners, in regular session on July 7, 2020, approved the sale of a surplus parcel of property pursuant to Florida Statute 125.35(1)(a); accepted the high bid in the amount of \$38,527.00 received from Ricky E. McDonald and Susan Martin; and authorized the Chair to execute all necessary documents.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell

Kimberly Powell, Deputy Clerk

cc: Asset Management
Finance
Budget

BID SHEET
COUNTY LAND SALE 2020-2401734
TAX ID: 2401734

4590 Lime Street, Cocoa Florida

BID AMOUNT \$ 38,527⁰⁰
(Suggested Minimum \$30,000)

NAME Mr. Ricky E. McDonald & Susan Martin
Print Name and Title

SIGNATURE [Signature] / [Signature]

ADDRESS 3240 Caraway Street

CITY Cocoa

STATE FL ZIP CODE 32926

PHONE (321) 631-5247 (h)

AS-IS CONTRACT FOR SALE AND PURCHASE

Seller: Board of County Commissioners, Brevard County, Florida 2725
Judge Fran Jamieson Way, Viera, Florida, 32940

Buyer: Ricky E McDonald & Susan Martin

Legal description of property being transferred: 24-35-04-01-00025.0-0012.00

Tax Account: 2401734

The transfer shall be made pursuant to the following terms and conditions and the Standards for Real Estate Transactions, attached to this contract.

Purchase price: 38,527⁰⁰

Deposit: \$ 385.27 (one percent of the Buyer's bid, or \$150.00, whichever is greater) shall be paid to an escrow account established and held by the Brevard County Clerk, such deposit to be applied to the purchase price.

Time for acceptance of offer; effective date; facsimile: If this offer is not executed by and delivered to all parties OR FACT OF EXECUTION communicated in writing between the parties on or before September 30, 2020, the deposit(s) will, at Seller's option, be returned and this offer withdrawn. The date of Contract ("Effective Date") will be the date when the last one of the Buyer and Seller has signed this offer. A facsimile copy of this Contract and any signatures hereon shall be considered for all purposes as originals.

Title evidence: At least 15 days before closing date Buyer may at Buyer's option obtain a title search and/or title insurance commitment (with legible copies of instruments listed as exceptions attached thereto) and, after closing, an owner's policy of title insurance.

Closing Date: This transaction shall be closed and the deed and other closing papers delivered ***within 90 days of the effective date of this contract***, unless modified by other provisions of this Contract. [FDEP will have to approve the survey due to the mean high-water lines. This will take additional time.]

Warranties: The following warranties are made and shall survive closing.

- a. SELLER warrants that there are no parties in occupancy other than Seller.
- b. SELLER hereby represents and warrants to the BUYER that SELLER has not engaged or dealt with any agent, broker or finder, in regard to this Agreement or to the sale and purchase of the property contemplated hereby.

Inspections: (a) BUYER shall have 30 days from Effective Date ("Inspection Period") within which to have such inspections of the Property performed as Buyer shall desire;

(b) Buyer shall be responsible for prompt payment for such inspections and repair damage to and restoration of the Property resulting from such inspections and this provision (c) shall survive termination of this Contract; and (d) if Buyer determines, in Buyer's sole discretion, that the Property is not acceptable to Buyer, Buyer may cancel this Contract by delivering facsimile or written notice of such election to Seller prior to the expiration of the Inspection Period. If Buyer timely cancels this Contract, the deposit(s) paid shall be immediately returned to Buyer; thereupon, Buyer and Seller shall be released of all further obligations under this Contract, except as provided in this Paragraph. Unless Buyer exercises the right to cancel granted herein, Buyer accepts the Property in its present physical condition, subject to any violation of governmental, building, environmental, and safety codes, restrictions of requirements and shall be responsible for any and all repairs and improvements required by Buyer's lender.

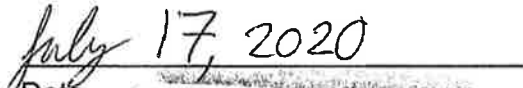
Special Clauses: See attached addendum x NOT APPLICABLE


BOARD OF COUNTY COMMISSIONERS

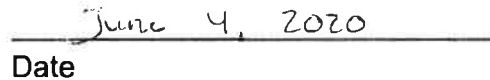
BREVARD COUNTY, FLORIDA

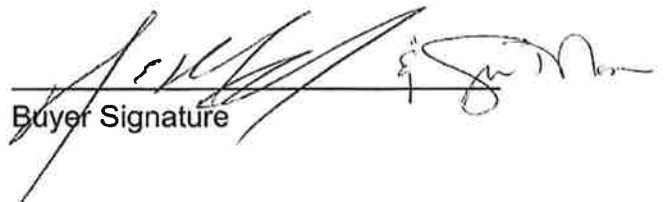
As approved by the Board


Bryan Lober, Chair


Date

Attest: 
Scott Ellis, Clerk to the Board


Date


Buyer Signature

Driver's License # (Buyer) _____