



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.8.

7/9/2024

Subject:

Acceptance and Approval, Re: 1) Previously recorded Warranty Deed from Green Leaf Estates, LLC, and 2) Quit Claim Deed from Greenleaf Estates Homeowners Association, Inc. Related to Tract R-1, Plat of Green Leaf - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition Office

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached previously recorded Warranty Deed and Quit Claim Deed.

Summary Explanation and Background:

The subject property is located in Section 13, Township 28 South, Range 36 East, west of Minton Road and southwest of Carriage Gate Drive in West Melbourne.

Green Leaf Estates, LLC, owner, has obtained Right of Way permit number 21RW01206 from the County for the improvements within the Minton Road and Carriage Gate Drive right of way and connection to Turkey Place for the single-family residential project known as Green Leaf. In accordance with County code and standards, a 10-foot dedication of right of way was required for the connection to Turkey Place.

Green Leaf, as established by Plat Book 75, Pages 64-68, falls within the city limits of West Melbourne. The city accepted the Plat on April 19, 2024, with Tract R-1 being for the purpose of future right of way, owned and maintained by Greenleaf Estates Homeowners Association, Inc. The attached recorded Warranty Deed from the owner/developer was recorded on May 3, 2024, to Brevard County without the approval and acceptance of the Board of County Commissioners. The attached Quit Claim Deed will convey all ownership interest dedicated in the plat to Greenleaf Estate Homeowners Association, Inc. of Tract R-1 to the County. All future maintenance of Tract R-1 will be the responsibility of the County.

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

July 10, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lisa Kruse

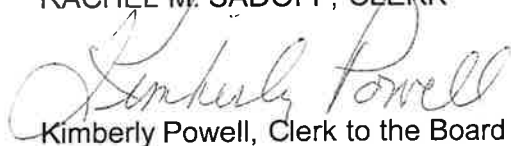
RE: Item F.8., Acceptance and Approval of Previously Recorded Warranty Deed from Green Leaf Estates, LLC, and Quit Claim Deed from Green Leaf Estates Homeowners Association, Inc. Related to Tract R-1, Plat of Green Leaf

The Board of County Commissioners, in regular session on July 9, 2024, accepted and approved previously recorded Warranty Deed from Green Leaf Estates, LLC, and Quit Claim Deed from Green Leaf Estates Homeowners Association, Inc. related to Tract R-1, Plat of Green Leaf.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/tr

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Acceptance and Approval of 1) Previously recorded Warranty Deed from Green Leaf Estates, LLC, and 2) Quit Claim Deed from Greenleaf Estates Homeowners Association, Inc. Related to Tract R-1, Plat of Green Leaf – District 5.

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>6-6-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney		<hr/>	<u>6/10/2024</u>

Prepared by and return to:

J. Cole Oliver, Esquire
Rossway Swan Tierney Barry & Oliver, P.L.
One Harbor Place
1901 S. Harbor City Blvd., Suite 500
Melbourne, FL 32901
(321) 984-2700

Parcel ID No: _____

WARRANTY DEED

THIS WARRANTY DEED is executed as of the 3rd day of May, 2024, by **GREEN LEAF ESTATES, LLC**, a Florida limited liability company, with a mailing address of 516 Delannoy Avenue, Cocoa, Florida 32922 (hereinafter referred to as "Grantor"), in favor of **BREVARD COUNTY, a political subdivision of the State of Florida**, with an address of 2725 Judge Fran Jamieson Way, Viera, Florida 32940 (hereinafter referred to as "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, and convey unto the said Grantee and Grantee's successors, and assigns, the following described lands, lying and being in Brevard County, Florida, to-wit:

Tract R-1, Green Leaf, according to the Plat thereof, as recorded in Plat Book 75, Page(s) 64 through 68, inclusive, of the Public Records of Brevard County, Florida.

Together with all the rights, tenements, improvements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

The Grantor agrees that upon conveyance of the property, no covenants or restrictions put in place by Grantor shall apply to the property hereto in perpetuity.

TO HAVE AND TO HOLD unto Grantee and Grantee's heirs, legal representatives, successors, and assigns in fee simple forever.

[Signature Page Follows]

IN WITNESS WHEREOF, Grantor has caused these presents to be executed on the day and year set forth below.

"Grantor"

Signed, sealed and delivered
in our presence:

GREEN LEAF ESTATES, LLC,
a Florida limited liability company

Devon Kerner
Print Name: Devon Kerner
Witness Address: 516 Delannoy Avenue
Cocoa, Florida 32922

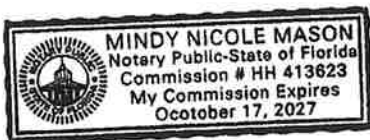
By: Malcolm Kirschenbaum
Malcolm Kirschenbaum, Manager

G. M. Spearman
Print Name: G. M. SPEARMAN
Witness Address: 516 Delannoy Avenue
Cocoa, Florida 32922

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 30th day of April, 2024, by Malcolm Kirschenbaum, as Manager of
Green Leaf Estates, LLC, a Florida limited liability company, on behalf of said company. He ☒ is
personally known to me or ☐ has produced _____ as
identification.

(NOTARY SEAL)



Mindy Nicole Mason
Notary Public Signature
Print Name: MINDY NICOLE MASON

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940
A portion of interest in Tax Parcel ID: N/A

QUIT CLAIM DEED

THIS INDENTURE is made this 21ST day of MAY, 2024 between Green Leaf Estates Homeowners Association, Inc., a Florida not-for-profit corporation, as Grantor, whose mailing address is 516 Dellannoy Avenue, Cocoa, Florida 32922 and Brevard County, Florida, a political subdivision of the State of Florida, Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Melbourne, Florida 32940.

WITNESSTH: That said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, paid receipt of which is hereby acknowledged, has hereby released and quit-claimed to the Grantee, its successors and assigns, any of the Grantor's right, title, interest, and claim of demand which the Grantor(s) may have in the following described land:

SEE ATTACHED EXHIBIT A

IN WITNESS WHEREOF, the Grantor having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Brian Gordon

Witness

Brian Gordon

(Print Name)

516 DELANNOY AVE
Address COCOA, FL 32922

Devon Kernan

Witness

Devon Kernan

(Print Name)

516 DELANNOY AVE
Address COCOA, FL 32922

Green Leaf Estates Homeowners Association, Inc., a Florida not-for-profit corporation

By: J. Cole Oliver

J. Cole Oliver, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 21ST day of MAY, 2024, by J. Cole Oliver, as President for Green Leaf Estates Homeowners Association, Inc., a Florida not-for-profit corporation. Is ☒ personally known or ☐ produced _____ as identification.

Mindy Nicole Mason

Notary Signature

SEAL

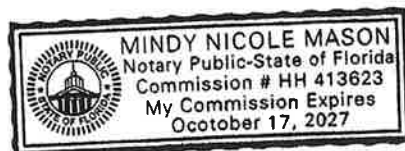


Exhibit "A"

Tract R-1, Green Leaf, according to the Plat thereof, as recorded in Plat Book 75, Pages 64 through 68, inclusive, of the Public Records of Brevard County, Florida.

LOCATION MAP

Section 13, Township 28 South, Range 36 East - District 5

PROPERTY LOCATION: West of Minton Road and southwest of Carriage Gate Drive in West Melbourne.

OWNERS NAME(S): Green Leaf Estates, LLC and Greenleaf Estates Homeowners Association, Inc.

