

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Deeds Correcting the Legal Description for Lift Station T39 – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 Ext. 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3-2-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>3-10-2021</u>

**This Instrument Prepared By
And To Be Returned To:**

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, Florida 32940
(321) 242-1200

Note: This instrument is a corrective deed to correct an error in the property legal description in that certain Special Warranty Deed recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida. Consequently, only minimum documentary stamp taxes are due pursuant to Rule 12B-4.014(3), Florida Statutes.

CORRECTIVE SPECIAL WARRANTY DEED

THIS CORRECTIVE SPECIAL WARRANTY DEED (this "**Deed**") is made as of the 3rd day of February 2021 by THE VIERA COMPANY, a Florida corporation ("**Grantor**"), whose post office address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, to BREVARD COUNTY, a political subdivision of the State of Florida ("**Grantee**"), whose post office address is 2725 Judge Fran Jamieson Way, Bldg. A-204, Viera, Florida 32940.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee that certain real property situated, lying and being in Brevard County, Florida, more particularly described as in Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

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

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against no others. This conveyance is subject to all the restrictive covenants set forth in that certain Special Warranty Deed from Grantor to Grantee recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida and all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same.

THIS DEED is a corrective deed to correct an error in the legal description of the Property in that certain Special Warranty Deed recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida.

RESTRICTIVE COVENANT

By acceptance of this conveyance, Grantee agrees that Grantee shall maintain the Property in accordance with the restrictive covenants set forth in that certain Special Warranty Deed from Grantor to Grantee recorded on January 13, 1994 in Official Records Book 3358, Page 2513, of the Public Records of Brevard County, Florida, which require the Property to be used only for a sanitary sewer lift station and associated purposes. The foregoing restrictive covenant constitutes a covenant running with the land as set forth in the aforementioned Special Warranty Deed and shall be binding upon all parties having any right, title, or interest in the Property, or any part thereof, which restrictive covenant shall inure to the benefit of, and be enforceable by, Grantor and its assigns and successors-in-interest or title, and shall be binding upon Grantee and its respective successors and assigns in interest in title.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

THE VIERA COMPANY,
a Florida corporation

By: [Signature]
Name: Todd J. Pokrywa
Title: President

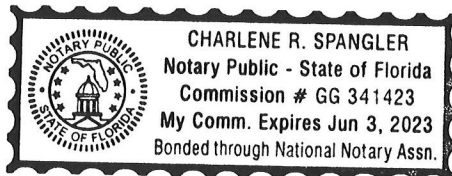
Benjamin E. Wilson
Print Name: Benjamin E. Wilson

Charlene R. Spangler
Print Name: Charlene R. Spangler

STATE OF FLORIDA
COUNTY OF BREVARD



The foregoing instrument was acknowledged before me by ✓ physical presence or online notarization this 3rd day of February 2021 by TODD J. POKRYWA as PRESIDENT of THE VIERA COMPANY, a Florida corporation, on behalf of said corporation. Said person (check one) ☒ is personally known to me, ☐ produced a driver's license as identification, or ☐ produced other identification, to wit: .



Charlene R. Spangler
Print Name: Charlene R. Spangler
Notary Public
Commission No.: GG 341423
My Commission Expires: 6/3/2023

Exhibit "A"

Description of the Property

A parcel of land in Section 28 Township 25 South, Range 36 East in Brevard County, Florida more particularly described as follows:

Commencing at Southeast corner of said Section 28; thence North 00°52'33" West along the East line of said Section 28, a distance of 346.67 feet; thence South 89°07'27" West, a distance of 1,310.39 feet to the POINT OF BEGINNING; thence North 17°40'57" West, a distance of 30.00 feet; thence South 72°19'03" West, a distance of 30.00 feet; thence South 17°40'57" East 30.00 feet; and thence North 72°19'03" East, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 900.00 square feet more or less.

**This Instrument Prepared By
And To Be Returned To:**

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, Florida 32940
(321) 242-1200

QUITCLAIM DEED

THIS QUITCLAIM DEED (this "Deed") is made as of the 23 day of FEBRUARY 2021 by VIERA EAST GOLF COURSE DISTRICT ASSOCIATION, INC., a Florida not-for-profit corporation ("Grantor"), whose address is 1964 Golf Vista Blvd., Rockledge, FL 32955, to BREVARD COUNTY, a political subdivision of the State of Florida ("Grantee"), whose post office address is 2725 Judge Fran Jamieson Way, Bldg. A-204, Viera, FL 32940.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby releases and quitclaims unto Grantee any and all of Grantor's right, title, and interest in and to that certain real property situated, lying and being in Brevard County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

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

TO HAVE AND TO HOLD the same forever.

SUBJECT TO (a) real property taxes for the year 2021 and subsequent years, to the extent not yet due and payable and (b) all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same generally referenced in this subsection (b).

(SIGNATURE OF GRANTOR IS ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

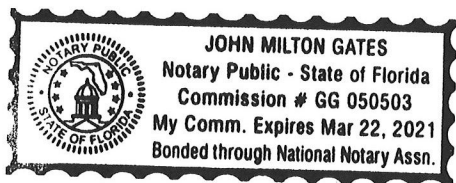
VIERA EAST GOLF COURSE
DISTRICT ASSOCIATION, INC.,
a Florida not-for-profit corporation

Vincent Amarante
Print Name: Vincent Amarante
Craig Ryan
Print Name: CRAIG RYAN
V.P.
SECRETARY

By: Elizabeth Whitman
Name: ELIZABETH WHITMAN
Title: PRESIDENT

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by ☒ physical presence or _____
online notarization this 23 day of FEBRUARY 2021 by
Elizabeth Whitman as PRESIDENT of VIERA
EAST GOLF COURSE DISTRICT ASSOCIATION, INC., a Florida not-for-profit corporation,
on behalf of said entity. Said person (check one) ☒ is personally known to me, ☐ produced a
driver's license as identification, or ☐ produced other identification, to wit:
_____.



John M. Gates
Print Name: John M. Gates
Notary Public
Commission No.: GG 050503
My Commission Expires: MARCH 22, 2021
(DATE) FEBRUARY 23, 2021

Exhibit "A"

Legal Description of the Property

A parcel of land in Section 28 Township 25 South, Range 36 East in Brevard County, Florida more particularly described as follows:

Commencing at Southeast corner of said Section 28; thence North $00^{\circ}52'33''$ West along the East line of said Section 28, a distance of 346.67 feet; thence South $89^{\circ}07'27''$ West, a distance of 1,310.39 feet to the POINT OF BEGINNING; thence North $17^{\circ}40'57''$ West, a distance of 30.00 feet; thence South $72^{\circ}19'03''$ West, a distance of 30.00 feet; thence South $17^{\circ}40'57''$ East 30.00 feet; and thence North $72^{\circ}19'03''$ East, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 900.00 square feet more or less.

X:\LEGAL_VC\FORMS\Deeds\Common Area Deeds\General Community Common Areas\Quitclaim Deed from Viera East CDD to Brevard County of Lift Station in Viera East (T39 Golfvista Boulevard).docx

**This Instrument Prepared By
And To Be Returned To:**

Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Road, Suite 201
Viera, Florida 32940
(321) 242-1200

QUITCLAIM DEED

THIS QUITCLAIM DEED (this "**Deed**") is made as of the 25th day of February 2021 by VIERA EAST COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government created pursuant to Chapter 190, Florida Statutes ("**Grantor**"), whose address is c/o Governmental Management Services Central Florida, LLC, 219 Livingston St., Orlando, FL 32801, Attn: Mr. Jason Showe, District Manager, to BREVARD COUNTY, a political subdivision of the State of Florida ("**Grantee**"), whose post office address is 2725 Judge Fran Jamieson Way, Bldg. A-204, Viera, FL 32940.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby releases and quitclaims unto Grantee any and all of Grantor's right, title, and interest in and to that certain real property situated, lying and being in Brevard County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

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

TO HAVE AND TO HOLD the same forever.

SUBJECT TO (a) real property taxes for the year 2021 and subsequent years, to the extent not yet due and payable and (b) all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same generally referenced in this subsection (b).

(SIGNATURE OF GRANTOR IS ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

VIERA EAST COMMUNITY DEVELOPMENT,
DISTRICT, a local unit of special-purpose
government created pursuant to Chapter 190
Florida Statutes

Print Name: PETN CARNESTLE

By: Robert Dale
Name: Robert Dale
Title: Chairman

Print Name: TIMOTHY MELLOTT

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me by Robert Dale physical presence or online notarization this 25 day of February 2021 by Robert Dale as Chair of VIERA EAST COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government created pursuant to Chapter 190, Florida Statutes, on behalf of said entity. Said person (check one) ☒ is personally known to me, ☐ produced a driver's license as identification, or ☐ produced other identification, to wit: _____



Print Name: Jason M. Showe
Notary Public
Commission No.: 66339529
My Commission Expires: 9/5/23

Exhibit "A"

Legal Description of the Property

A parcel of land in Section 28 Township 25 South, Range 36 East in Brevard County, Florida more particularly described as follows:

Commencing at Southeast corner of said Section 28; thence North $00^{\circ}52'33''$ West along the East line of said Section 28, a distance of 346.67 feet; thence South $89^{\circ}07'27''$ West, a distance of 1,310.39 feet to the POINT OF BEGINNING; thence North $17^{\circ}40'57''$ West, a distance of 30.00 feet; thence South $72^{\circ}19'03''$ West, a distance of 30.00 feet; thence South $17^{\circ}40'57''$ East 30.00 feet; and thence North $72^{\circ}19'03''$ East, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 900.00 square feet more or less.

X:\LEGAL_VC\FORMS\Deeds\Common Area Deeds\General Community Common Areas\Quitclaim Deed from Viera East CDD to Brevard County of Lift Station in Viera East (T39 Golfvista Boulevard).docx

LOCATION MAP

Section 28, Township 25 South, Range 36 East - District 4

PROPERTY LOCATION: West of Murrell Road, East of Interstate I95, in Rockledge

OWNERS NAME: Brevard County

