



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 5713, **Version:** 1

Subject:

Approval, Re: Quit-Claim Deed in favor of Aridian Publishing Corporation for Purposes of Releasing Subsurface Oil, Gas, and Mineral Rights Pursuant to 270.11(2) (b) and (3), Florida Statute - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Quit Claim Deed.

Summary Explanation and Background:

The subject property is located in Section 35, Township 27 South, Range 36 East, on the south side of Ellis Road.

On December 10, 1992, Brevard County conveyed real property by County Deed to Rayco Enterprises, Inc as recorded in Official Records Book 3258, Page 4607, The deed did not mention any release of nor retaining of any subsurface oil, gas and mineral rights pursuant to section 270.11 Florida Statutes.

Staff has been contacted by Michael Schneider, Attorney for Aridian Publishing Corporation, the current owner of the parcel. Mr. Schneider on behalf of his client, is requesting the County issue a Quit-Claim Deed releasing the subsurface oil, gas and mineral rights. He has stated Aridian has no plans to exploit the rights and, on information and belief, neither does the prospective buyer. The need arises in connection with the sale of the property and any potential issues that could affect future development.

The parcel is currently under contract for sale with a perspective purchaser. The purchaser's title search revealed the County's interest in the aforementioned rights. The purchaser has objected to the County's interest in these rights and has requested the seller (Aridian) to obtain a release in order for the sale to go through.

Pursuant to 270.11(2)(b) and (3) Florida Statute, local government may, at its discretion, sell or release reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the owner of the parcel of land with a statement of reasons justifying such sale or release. Of note is that the County in partnership with FDOT is pursuing a major road improvement project to widen Ellis Road from two lanes to four lanes. County staff has coordinated this proposed action with FDOT Right-of-Way acquisition

staff to assure that this will have no impact on their ongoing efforts.

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:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Quit-Claim Deed with Exhibit.