

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF INDIAN RIVER  
COUNTY, FLORIDA, ACCEPTING A RIGHT-  
OF-WAY DEDICATION AND CANCELLING  
CERTAIN TAXES UPON PUBLICLY OWNED  
LANDS, PURSUANT TO SECTION 196.28,  
FLORIDA STATUTES.**

**WHEREAS**, section 196.28, Florida Statutes, allows the Board of County Commissioners of each County to cancel and discharge any and all liens for taxes, delinquent or current, held or owned by the county or the state, upon lands heretofore or hereafter conveyed to or acquired by any agency, governmental subdivision, or municipality of the state, or the United States, for road purposes, defense purposes, recreation, reforestation, or other public use; and

**WHEREAS**, such cancellation must be by resolution of the Board of County Commissioners, duly adopted and entered upon its minutes properly describing such lands and setting forth the public use to which the same are or will be devoted; and

**WHEREAS**, upon receipt of a certified copy of such resolution, proper officials of the county and of the state are authorized, empowered, and directed

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to make proper entries upon the records to accomplish such cancellation and to do all things necessary to carry out the provisions of section 196.28, F.S.;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that:**

1. The dedication of right-of-way as described in O.R. Book 2998, at Page 1668 of the Public Records of Indian River County, Florida, is hereby accepted; and

2. Any and all liens for taxes delinquent or current against the following described lands, which were acquired for right-of-way from POP FLORIDA PROPERTIES, LLC, a Delaware limited liability company, are hereby cancelled pursuant to the authority of section 196.28, F.S.

**See attached warranty deed describing lands, recorded in O.R. Book 2998 at Page 1668, Public Records of Indian River County, Florida.**

The resolution was moved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Chairman Joseph E. Flescher	_____
Vice Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Tim Zorc	_____
Commissioner Bob Solari	_____

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The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

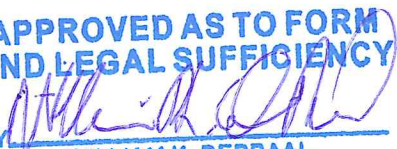
BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By \_\_\_\_\_  
Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk  
of Court and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

Tax Certificates Outstanding	<u>      </u>	<input checked="" type="checkbox"/>
	Yes	No
Current Prorated Tax Received and Deposited with Tax Collector	\$ <u>0</u>	

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**  
BY   
**WILLIAM K. DEBRAAL  
DEPUTY COUNTY ATTORNEY**

**This document was prepared by  
and should be returned to  
the County Attorney's Office  
1801 27th Street  
Vero Beach, Florida 32960**

THIS INDENTURE, made this 23<sup>rd</sup> day of January, 2017  
between **POP FLORIDA PROPERTIES, LLC, a Delaware limited liability company**,  
whose mailing address is 3318 Forest Lane, Suite 200, Dallas, Texas 75234,  
hereinafter called GRANTOR, and **INDIAN RIVER COUNTY, a political subdivision of  
the State of Florida**, whose mailing address is 1801 27th Street, Vero Beach, Florida  
32960, hereinafter called GRANTEE.

**WITNESSETH:**

That GRANTOR, for and in consideration of the sum of TEN DOLLARS  
(\$10.00) and other good and valuable consideration to GRANTOR in hand paid by  
GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and  
sold to the GRANTEE, and GRANTEE'S successors and assigns forever, the following  
described land, situate, lying and being in Indian River County, Florida:

**See Exhibit "B" attached hereto and made a part hereof.**

GRANTOR does hereby fully warrant the title to the land, and will defend  
the same against the lawful claims of all persons whomsoever.


Signed, sealed and delivered  
in the presence of:

**POP FLORIDA PROPERTIES, LLC, a  
Delaware limited liability company**

signature: \_\_\_\_\_  
printed name: CHARLES DE VILDER JR

By   
**Guillermo Perales  
Chief Executive Officer**

signature: \_\_\_\_\_  
printed name: PATRICK MURPHY

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**  
  
BY **WILLIAM K. DEBRAAL  
DEPUTY COUNTY ATTORNEY**

STATE OF TEXAS  
COUNTY OF DALLAS

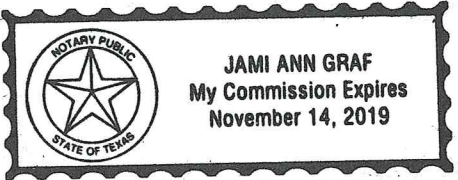
The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of JANUARY, 2017, by **Guillermo Perales, Chief Executive Office of POP FLORIDA PROPERTIES, LLC, a Delaware limited liability company authorized to do business in the State of Florida**, who executed on behalf of and with the authority of said limited liability company. He is either personally known to me or has produced PERSONALLY KNOWN (driver's license or passport) as identification.

NOTARY PUBLIC

Jami Graf  
printed name: Jami Graf

Commission No.:  
Commission Expiration: 11/14/19

(SEAL):



# SKETCH OF LEGAL DESCRIPTION (NOT A SURVEY)

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	00°06'48"	4871.15'	9.64'	4.82'	9.64'	N 00°08'06"E
C 2	90°09'45"	30.00'	47.21'	30.09'	42.49'	N 44°53'21"W
C 3	53°17'32"	25.00'	23.25'	12.54'	22.42'	S 63°19'28"E

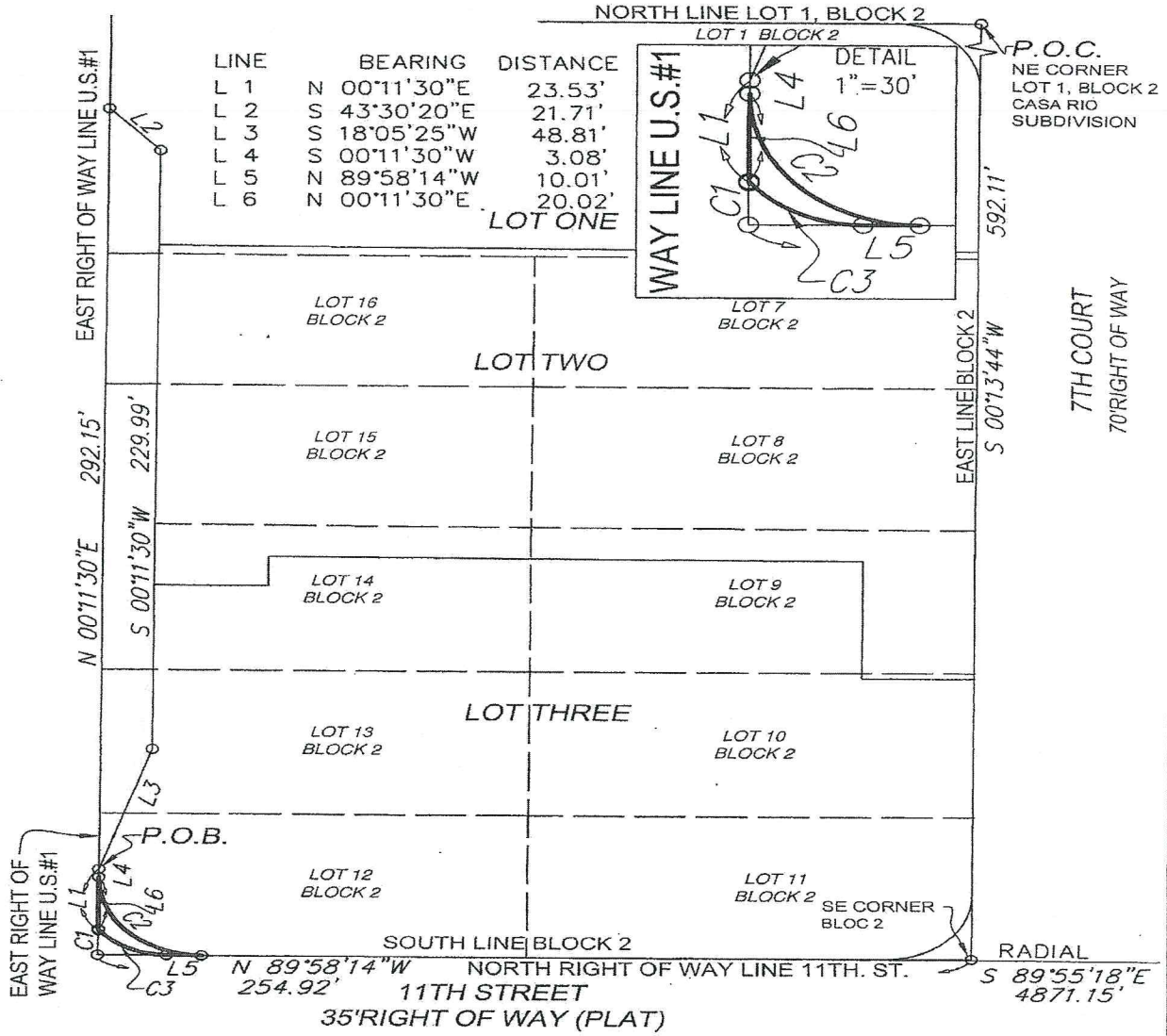
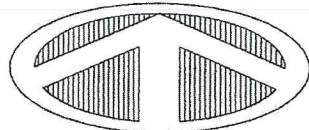


EXHIBIT "B" RIGHT OF WAY DEDICATION LEGAL DESCRIPTION

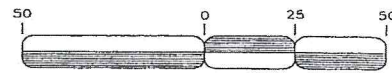
SKETCH OF DESCRIPTION

SKETCH OF LEGAL DESCRIPTION  
NOT A BOUNDARY SURVEY

PROJ. NO. 14-048-L3-RWD DATE: 12-05-16 North  
DWN. BY: C.H.B.  
CKD. BY: S.P.T.



GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

PLAT OF SURVEY FOR: WAWA REAL ESTATE

THIS PLAT AND REPORT ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA REGISTERED SURVEYOR AND MAPPER NAMED HEREON WHICH SIGNATURE AND SEAL MAY BE FOUND AT THE END OF THE ATTACHED REPORT. THE PLAT AND REPORT ARE NOT FULL AND COMPLETE WITHOUT ONE ANOTHER.



**MERIDIAN**  
**LAND SURVEYORS**

1717 INDIAN RIVER BLVD, SUITE 201  
VERO BEACH, FL. 32960 LB#6905  
PHONE: 772-794-1213, FAX: 772-794-1096  
EMAIL: MLS.LB6905@GMAIL.COM



*MS-12/26*

# SKETCH OF LEGAL DESCRIPTION

## (NOT A SURVEY)

Report of Survey: (Project # 14-048-L3 RWD)

- \* TYPE OF SURVEY: SKETCH OF DESCRIPTION - NOT A FIELD BOUNDARY SURVEY
- \* THIS SURVEY PERFORMED BY:  
HOUSTON, SCHULKE, BITTLE & STODDARD, INC. L.B. #6905 d.b.a. MERIDIAN LAND SURVEYORS  
1717 INDIAN RIVER BOULEVARD, SUITE 201, VERO BEACH, FLORIDA 32960
- \* PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE:  
CHARLES H. BLANCHARD, P.S.M. #5755

### EXHIBIT "B" RIGHT OF WAY DEDICATION LEGAL DESCRIPTION

#### Legal Description:

A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 33 SOUTH, RANGE 39 EAST AND ALSO BEING A PORTION OF BLOCK 2, OF CASA RIO SUBDIVISION, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF INDIAN RIVER COUNTY, FLORIDA, IN PLAT BOOK 1, PAGE 81 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, OF CASA RIO SUBDIVISION, ACCORDING TO A PLAT FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF INDIAN RIVER COUNTY, FLORIDA, IN PLAT BOOK 1, PAGE 81; THENCE RUN SOUTH 00°13'44" WEST (BASIS OF BEARINGS) ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 592.11 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 2; THENCE LEAVING SAID EAST LINE OF BLOCK 2, RUN NORTH 89°58'14" WEST ALONG THE SOUTH LINE OF SAID BLOCK 2, A DISTANCE OF 254.92 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE EAST, THE RADIUS OF WHICH BEARS SOUTH 89°55'18" EAST, A DISTANCE OF 4871.15 FEET AND THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY No.1, AS IT NOW EXISTS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION No. 8801-150,206; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°06'48", AN ARC DISTANCE OF 9.64 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 00°11'30" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 23.53 FEET TO A POINT; THENCE RUN SOUTH 00°11'30" WEST, A DISTANCE OF 3.08 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 30.00 FEET AND THE POINT OF BEGINNING;

THENCE LEAVING SAID EAST RIGHT OF WAY LINE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°09'45", AN ARC DISTANCE OF 47.21 FEET TO THE NORTH RIGHT OF WAY LINE OF 11TH STREET AS IT NOW EXISTS; THENCE RUN NORTH 89°58'14" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 10.01 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°17'32", AN ARC DISTANCE OF 23.25 FEET TO THE SAID EAST RIGHT OF WAY LINE OF U.S.HIGHWAY No.1; THENCE RUN NORTH 00°11'30" EAST, A DISTANCE OF 20.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 133.00 SQUARE FEET (0.003 ACRES) MORE OR LESS.

#### NOTE:

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE WORK SUPPLIED BY STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A, DATED 12-21-15 AND SIGNED BY GEORGE A. PINCUS FOR THE ABOVE SAID FIRM.

#### Legend & Abbreviations: (symbols not scaleable for size)

- PLS - PROFESSIONAL LAND SURVEYOR
- PSM - PROFESSIONAL SURVEYOR & MAPPER
- LB - LAND SURVEYING BUSINESS
- CL - CENTERLINE
- (M) - MEASURED VALUE
- (P) - PLAT VALUE
- CR - COUNTY ROAD
- R/W - RIGHT OF WAY
- O.R.B. - OFFICIAL RECORD BOOK
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- MHWL - MEAN HIGH WATER LINE

SKETCH OF DESCRIPTION  
PLAT OF SURVEY FOR: WAWA REAL ESTATE

SKETCH OF LEGAL DESCRIPTION  
NOT A BOUNDARY SURVEY



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THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NAMED BELOW.

CHARLES H. BLANCHARD P.S.M. #5755