

## RESOLUTION NO. 2018-\_\_\_\_\_

### A RESOLUTION OF INDIAN RIVER COUNTY, FLORIDA, 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 any and all liens for taxes delinquent or current against the following described lands, which were purchased from Kirk and Nancy Jo Madsen for 66<sup>th</sup> Avenue right-of-way, are hereby cancelled pursuant to the authority of section 196.28, F.S.

**See attached Warranty Deed describing lands, recorded in O.R. Book 3091 at Page 1801, 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 Peter D. O'Bryan	_____
Vice Chairman Bob Solari	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Tim Zorc	_____

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The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of March, 2018.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By \_\_\_\_\_  
Peter D. O'Bryan, 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>    </u>	<input type="checkbox"/>

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

This Instrument Prepared by and Return to:

**Jason Beal**

Atlantic Coastal Land Title Company, LLC

855 21st Street, Suite C

Vero Beach, Florida 32960

Our File No.: 48083658

Property Appraisers Parcel Identification (Folio) Number: 31-39-31-00000-7000-00010.07

Florida Documentary Stamps in the amount of \$140.00 have been paid hereon.

\_\_\_\_\_  
Space above this line for Recording Data

## **WARRANTY DEED**

**THIS WARRANTY DEED**, made the 7 day of February, 2018, by **Kirk Madsen and Nancy Jo Madsen**, husband and wife, whose post office address is 7855 66th Avenue, Vero Beach, Florida 32967, herein called the Grantors, to **Indian River County, a Political Subdivision of the State of Florida**, whose post office address is 1801 27th Street, Vero Beach, Florida 32960, hereinafter called the Grantee:

*(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)*

**W I T N E S S E T H:** That the Grantors, for and in consideration of the sum of Ten and 00/100 (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in INDIAN RIVER County, State of Florida, viz.:

### **Right of way Parcel**

All that certain piece, Parcel or Tract of land situate, lying and being a portion of Section 31, Township 31 South, Range 39 East, Indian River County, Florida; said lands being more particularly described as follows, to wit:

Commencing for reference at the Southeast corner of said Section 31; Thence, bearing North 00 degrees 32 minutes 54 seconds East, along the East line of said Section 31, a distance of 1,255.42 feet to a point; Thence, leaving said East line, bearing North 89 degrees 27 minutes 06 seconds West, a distance of 30.00 feet to the point and Place of Beginning of the herein described Parcel; Thence, bearing North 89 degrees 52 minutes 55 seconds West, a distance of 129.79 feet to a point; Said point being the beginning of a non tangent curve concave Easterly, having a radius of 3,080.00 feet, a central angle of 00 degrees 27 minutes 55 seconds, a chord length of 25.01 feet bearing North 01 degrees 27 minutes 12 seconds East; Thence, Northerly along the arc of said curve, a distance of 25.01 feet to a point on the South line of the lateral 14E canal; Thence, bearing South 89 degrees 52 minutes 55 seconds East, along said South line, a distance of 129.40 feet to a point on the West right of way line of 66th Avenue; Thence, leaving said South line, bearing South 00 degrees 32 minutes 54 seconds West, along said West right of way line, a distance of 25.00 feet to the Point of Beginning.

Subject to easements, restrictions and reservations of record and taxes for the year 2018 and thereafter.

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

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

**AND**, the Grantors hereby covenant with said Grantee that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.



IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
 Witness #1 Signature  
Jason A. Beal  
 Witness #1 Printed Name  
[Signature]  
 Witness #2 Signature  
Rosemary J. Lund  
 Witness #2 Printed Name

[Signature] (Seal)  
 Kirk Madsen, by his Attorney-In-Fact, Nancy Jo Madsen  
[Signature] (Seal)  
 Nancy Jo Madsen

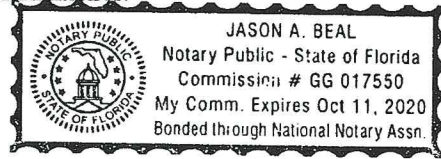
State of Florida  
County of Indian River

The foregoing instrument was acknowledged before me this 7 day of February, 2018, by Kirk Madsen, by his Attorney-In-Fact, Nancy Jo Madsen; and Nancy Jo Madsen, who are personally known to me or have produced \_\_\_\_\_ as identification.

SEAL

[Signature]  
 Notary Public  
 \_\_\_\_\_  
 Printed Notary Name

My Commission Expires:



66TH AVENUE  
PARCEL 154

**LEGAL DESCRIPTION**  
RIGHT OF WAY PARCEL

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF SECTION 31, TOWNSHIP 31 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA; SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT;

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID SECTION 31;

THENCE, BEARING NORTH 00°32'54" EAST, ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 1,255.42 FEET TO A POINT;

THENCE, LEAVING SAID EAST LINE, BEARING NORTH 89°27'06" WEST, A DISTANCE OF 30.00 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, BEARING NORTH 89°52'55" WEST, A DISTANCE OF 129.79 FEET TO A POINT;

SAID POINT BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 3,080.00 FEET, A CENTRAL ANGLE OF 00°27'55", A CHORD LENGTH OF 25.01 FEET BEARING NORTH 01°27'12" EAST;

THENCE, NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 25.01 FEET TO A POINT ON THE SOUTH LINE OF THE LATERAL 14E CANAL;

THENCE, BEARING SOUTH 89°52'55" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 129.40 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 66TH AVENUE;


THENCE, LEAVING SAID SOUTH LINE, BEARING SOUTH 00°32'54" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

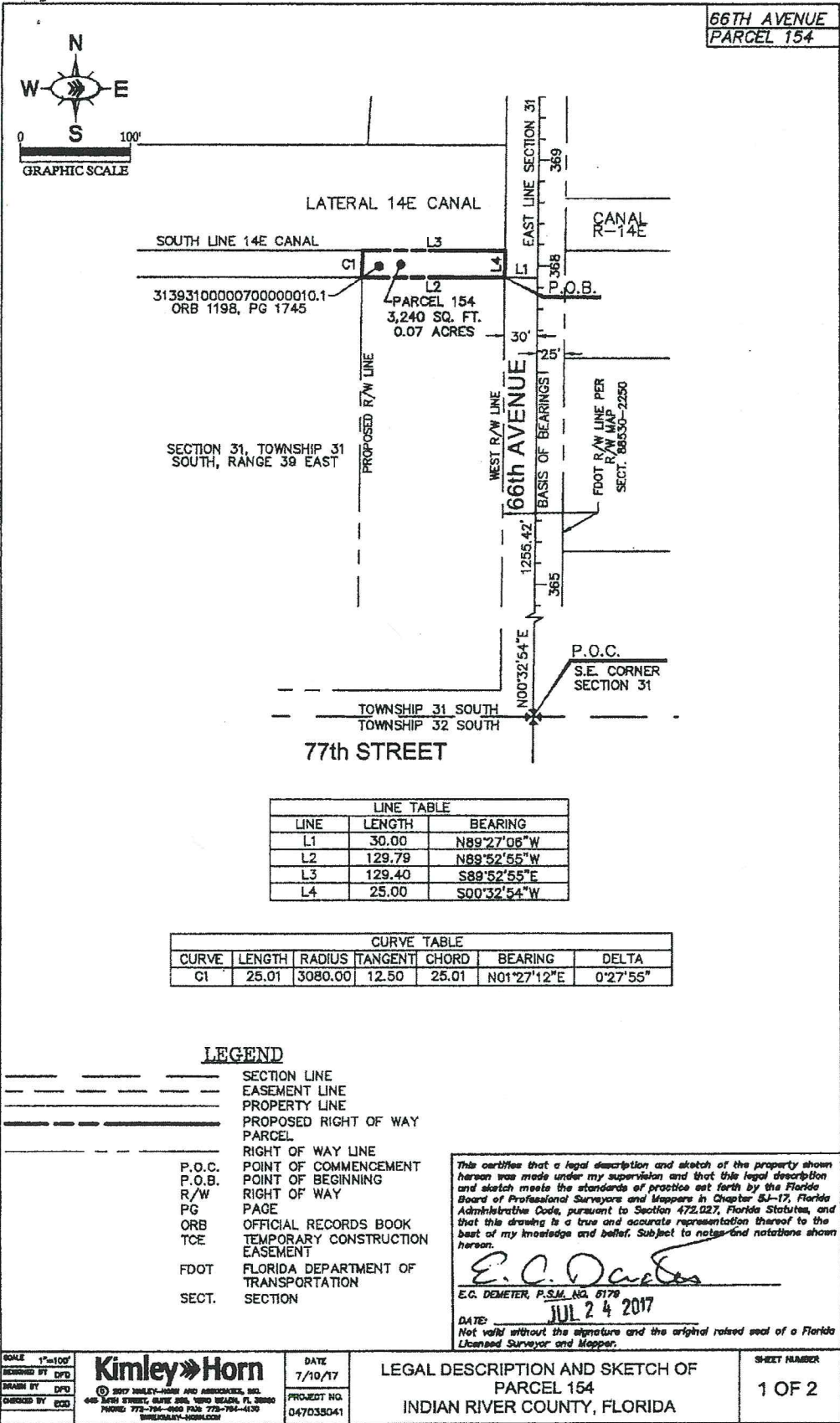
THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 3,240 SQUARE FEET OR 0.07 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

**SURVEYORS NOTES**

- 1) THIS IS A SKETCH OF LEGAL DESCRIPTION ONLY, NOT A BOUNDARY RETRACEMENT SURVEY.
- 2) THE BEARING BASE FOR THIS SURVEY, IS THE EAST LINE OF SECTION 31. SAID LINE BEARS NORTH 00°32'54" EAST.
- 3) THE SCALE OF THIS DRAWING MAY HAVE BEEN DISTORTED DURING REPRODUCTION PROCESSES.
- 4) THIS LEGAL DESCRIPTION AND SKETCH IS BASED ON THE PRELIMINARY RIGHT OF WAY MAP FOR 66TH AVENUE PREPARED BY BURDETTE AND ASSOCIATES, DATED 10-10-06, AS DIRECTED BY INDIAN RIVER COUNTY, FLORIDA.

Drawing Name: C:\Users\jwheeler\Documents\INDIAN RIVER COUNTY\66TH AVENUE\2017-0712 - Revised Per INCY\PARCEL 154-R.dwg Jul 16, 2017 8:36pm By: Dometech/Dur

SCALE N/A	 © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 440 SOUTH WINTERGARDEN BLVD, SUITE 2000, WINTER GARDEN, FL 32789 PHONE: 772-794-4000 FAX: 772-794-4130 WWW.KIMLEY-HORN.COM	DATE 7/10/17	LEGAL DESCRIPTION AND SKETCH OF PARCEL 154 INDIAN RIVER COUNTY, FLORIDA	SHEET NUMBER 2 OF 2
DRAWN BY DFD		PROJECT NO. 047035041		
CHECKED BY DFD				
DESIGNED BY KCD				



Drawing name: K:\VRS\_Survey\INDIAN RIVER COUNTY\PARCEL 154-1.dwg 156 Jul 16, 2017 11:30pm By: Demeter, E.C.