

part of Parcel # 31-37-00-00001-1434-00001.1 and  
part of Parcel # 31-37-00-00001-1435-00001.1  
donated by Fountains of Fellsmere, LLC  
public purposes: stormwater management,  
recreation, trails and greenways; cultural  
facilities

## RESOLUTION NO. 2017-\_\_\_\_\_

### 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 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.;

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

**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 donated by Fountains of Fellsmere, LLC to the City of Fellsmere for use by the municipality for stormwater management; recreation; trails and greenways; and cultural facilities, are hereby cancelled pursuant to the authority of section 196.28, F.S.

**See attached Warranty Deed to City of Fellsmere, Florida describing lands, recorded in Book 2993 at Page 304, 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	_____

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

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

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

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

ATTEST: Jeffrey R. Smith, Clerk of  
Circuit 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>	

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY \_\_\_\_\_  
DYLAN REINGOLD  
COUNTY ATTORNEY

11-1-16

SALE: NONE  
DOC. STAMPS: \$.70

This instrument was prepared by  
and should be returned to:

Warren W. Dill, Esq.  
Dill & Evans, P.L.  
1565 U.S. Highway 1  
Sebastian, FL 32958

Parcel ID No.: ..... (Space above this line for recording data) .....

**WARRANTY DEED**

*This Warranty Deed*, executed this 13<sup>th</sup> day of DECEMBER, 2011, by FOUNTAINS OF FELLSMERE, LLC a Florida limited liability company, whose address is 930 West Indiantown Road, Suite 204, Jupiter, Florida 33458, hereinafter referred to as "Grantor", to, CITY OF FELLSMERE, FLORIDA, a municipal corporation existing under the laws of the State of Florida, whose post office address is 22 South Orange Street, Fellsmere, Florida 32948, hereinafter referred to as "Grantee".

*WITNESSETH* that said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Indian River County, Florida, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

*To Have and to Hold* the same together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the proper use, benefit and behoof of the Grantee forever.

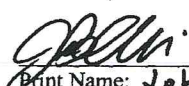
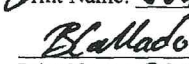
Subject to governmental regulations, covenants, rights of way, restrictions, easements and reservations of record, if any, but this provision shall not operate to impose the same.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.


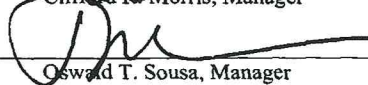
*In Witness Whereof*, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
in our presence:

WITNESSES AS TO ALL

  
Print Name: John Billion  
  
Print Name: BOGDANA COLLADO

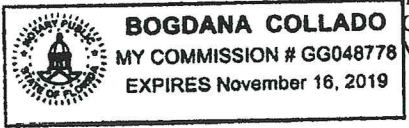
Fountains of Fellsmere, LLC, a Florida limited liability company

By:   
Chikita R. Morris, Manager  
By:   
Oswald T. Sousa, Manager

STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2016, by Clifford R. Morris, in his capacity as Manager of Fountains of Fellsmere, LLC, who is personally known to me or who has produced a \_\_\_\_\_ Driver's License as identification.

SEAL

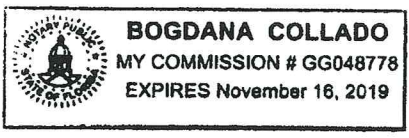


Blallado.  
NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name: BOGDANA COLLADO  
Commission No.: GG048778  
My Commission Expires: Nov 16. 2019

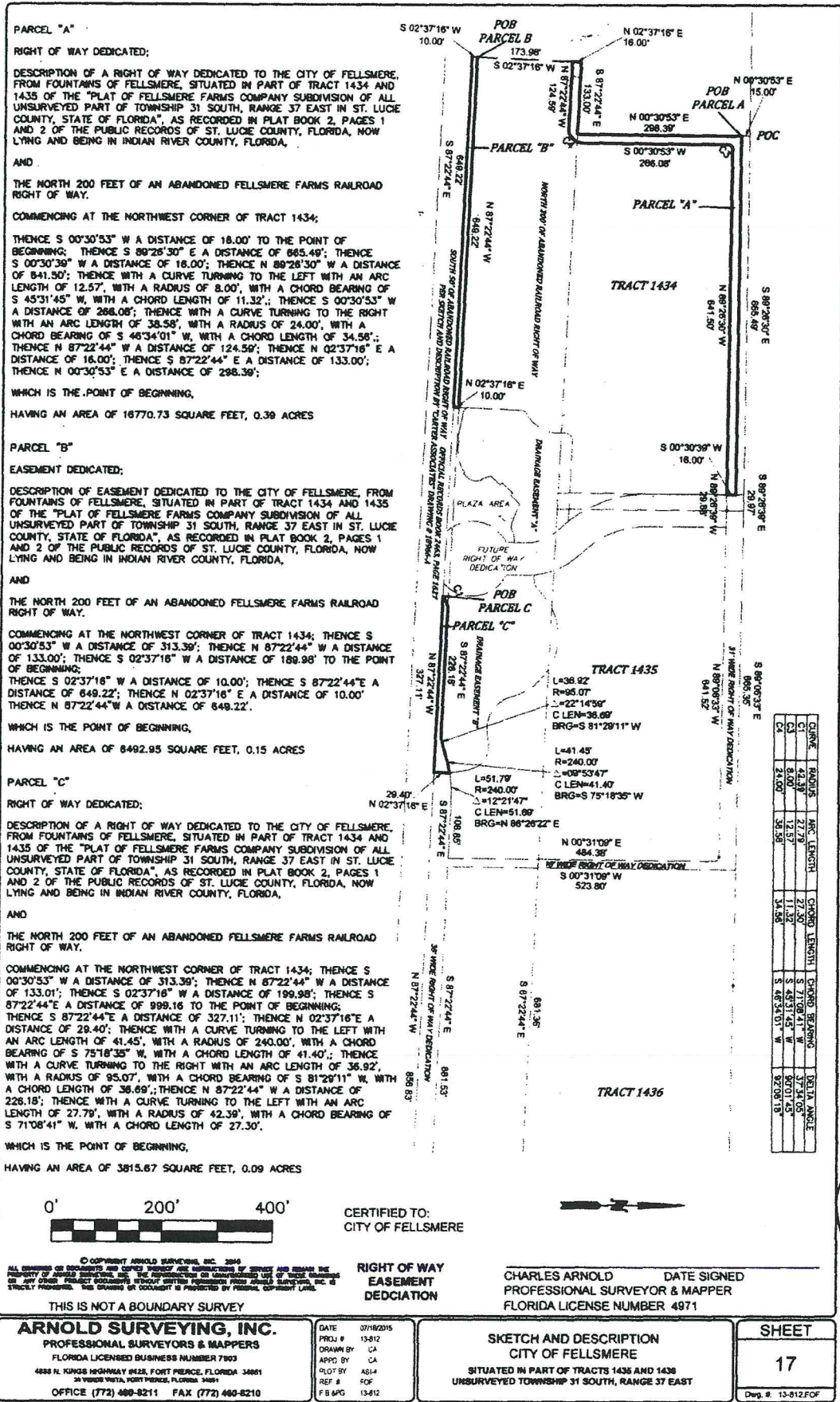
STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2016 by Oswald T. Sousa, in his capacity as Manager of Fountains of Fellsmere, LLC, who is personally known to me or who has produced a \_\_\_\_\_ Driver's License as identification.

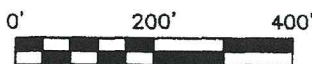
SEAL



Blallado.  
NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name: BOGDANA COLLADO  
Commission No.: GG048778  
My Commission Expires: Nov 16. 2019



*Handwritten signature and initials*



CERTIFIED TO:  
CITY OF FELLSMERE



THIS IS NOT A BOUNDARY SURVEY

**ARNOLD SURVEYING, INC.**  
PROFESSIONAL SURVEYORS & MAPPERS  
FLORIDA LICENSED BUSINESS NUMBER 7993  
4888 N. KINGS HIGHWAY #122, FORT PIERCE, FLORIDA 34901  
30 VOSE WAY, FORT PIERCE, FLORIDA 34901  
OFFICE (772) 468-8211 FAX (772) 468-8210

DATE 07/18/2015  
PROJ # 15-012  
DRAWN BY CA  
APPRO BY CA  
PLOT BY ASH  
REF # 1504  
FB # 15412

RIGHT OF WAY  
EASEMENT  
DEDICATION

CHARLES ARNOLD DATE SIGNED  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 4971

SKETCH AND DESCRIPTION  
CITY OF FELLSMERE  
SITUATED IN PART OF TRACTS 1435 AND 1436  
UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST

SHEET  
17  
Deg. 6 13-012FOP

EXHIBIT "A"



December 12, 2016

Joel Tyson, Mayor  
City of Fellsmere  
22 S. Orange St.  
Fellsmere, FL 32948

RE: Preliminary Acquisition Notice (07.02) dated September 18, 2015  
FOF Equestrian Trail Dedication – Attached and Labeled Exhibit A

Dear Mayor Tyson:

This is to acknowledge receipt of your Preliminary Acquisition Notice (07.02) dated September 18, 2015 (“Acquisition Notice”). Fountains of Fellsmere, LLC (“FOF”) acknowledges its rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“URA”), including, specifically, the right to obtain an appraisal of the property referenced in the Acquisition Notice and the right to receive just compensation from the City of Fellsmere (the “City”) for such property.

Being apprised of these rights, we have elected to release the City from obtaining and providing FOF an appraisal and from the need to receive compensation for the certain parcels to be used by the City. Instead, FOF elects to dedicate to the City the parcel identified by the sketch and legal description attached hereto as Exhibit A (“Subject Property”). Consequently, there is no need for the City to obtain an appraisal or make an offer of fair market value to Mirzam as required by the URA.

Please acknowledge receipt and acceptance of this letter representing FOF’s waiver and release under the URA for the Subject Property. I look forward to our continued collaborative effort to achieve the mutual goals of FOF and the City.

Sincerely,

FOUNTAINS OF FELLOSMERE, LLC  
By: MIRZAM VENTURE CAPITAL, LLC

By:   
CLIFFORD R. MORRIS  
MANAGER

By:   
OSWALD T. SOUSA  
MANAGER

*Your Future - Our Passion*