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.;

# 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

Current Prorated Tax Received and Deposited with Tax Collector



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

## 3120170001044 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF CIRCUIT COURT INDIAN RIVER CO FL BK: 2993 PG: 304, 1/6/2017 4:17 PM D DOCTAX PD \$0.70

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 I bastian, FL 32958

Parcel ID No .:

WARRANTY DEED This Warranty Deed, executed this 22" day of Detember D\_, 201\_, 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

Billion

Print Name: BOGDANA (OLADO

Fountains of Fountains of Fountains	ellsmere, LLC, a Florida limited
Ву:	
elin	Red Re-Morris, Manager
By:Osv	vad T. Sousa, Manager

11-1-16

(00049307.DOC.1.)

STATE OF FLORIDA COUNTY OF Balin 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

Lado. NOT **RY PUBLIC, STATE OF FLORIDA** 



Type or Print Name: **BOGDANA** Commission No.: **GG048778 BOGDANA COLLADO** MY COMMISSION # GG048778 My Commission Expires: NOU 16. 2019 EXPIRES November 16, 2019

STATE OF FLORIDA COUNTY OF <u>Polm Brach</u>

The foregoing instrument was acknowledged before me this 12 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



Puer **BOGDANA COLLADO** MY COMMISSION # GG048778 EXPIRES November 16, 2019

NOTARY PUBLIC, STATE OF FLORIDA Type or Print Name: **BOGDANA (OLLADO** Commission No.: **<u>66048778</u>** My Commission Expires: Nov 16. 2019

WARRANTY DEED PAGE 2

{00049307.DOC.1 }

11-1-16

(OLADO

### PARCEL "A"

#### RIGHT OF WAY DEDICATED:

DESCRIPTION OF A RIGHT OF WAY DEDICATED TO THE CITY OF FELLSMERE, FROM FOUNTAINS OF FELLSMERE, SITUATED IN PART OF TRACT 1434 AND 1435 OF THE "PLAT OF FELLSMERE FARMS COMPANY SUBDIVISION OF ALL UNSURVEYED PART OF TOWNSHIP 31 SOUTH, RANGE 37 EAST IN ST. LUCE COUNTY, STATE OF FLORIDA", AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2 OF THE PUBLIC RECORDS OF ST. LUCE COUNTY, FLORIDA, NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA,

#### AND

THE NORTH 200 FEET OF AN ABANDONED FELLSWERE FARMS RAILROAD RIGHT OF WAY.

COMMENCING AT THE NORTHWEST CORNER OF TRACT 1434;

THENCE S 00'30'53" W A DISTANCE OF 18.00' TO THE POINT OF BEGANNING: THENCE S 00'30'53" W A DISTANCE OF 18.00' TO THE POINT OF BEGANNING: THENCE S 80'22'30" E A DISTANCE OF 685.49"; THENCE S 0'30'30" W A DISTANCE OF 18.00'; THENCE N 89'28'30" W A DISTANCE OF 18.00'; THENCE N 189'28'30" W A DISTANCE OF 18.00'; THENCE N 189'28'30" W A DISTANCE OF 18.00'; WITH A CHORD BEARNIG OF \$453'145' W, WITH A CHORD LEVET WITH A CHORD BEARNIG OF \$453'145' W, WITH A CHORD LEVET WITH A CHORD LEVET WITH A A ARC LENGTH OF 12.57'; THENCE S 0'30'35', WITH A CHORD LEVET WITH A CHORD LENGTH OF 38.58'; WITH A CHORD LENGTH OF 34.58'; THENCE WITH A CHORD LENGTH OF 34.58'; THENCE N 87'22'44" W A DISTANCE OF 124.59'; THENCE N 0'30'53' E A DISTANCE OF 18.00'; THENCE S 0'30', WITH A CHORD LENGTH OF 34.58'; THENCE N 0'30'53' E A DISTANCE OF 18.00'; THENCE N 0'30'53'' E A DISTANCE OF 298.39'; THENCE N 0'30'53'' E A DISTANCE OF 298.39';

WHICH IS THE . POINT OF BEGINNING,

HAVING AN AREA OF 16770.73 SQUARE FEET, 0.39 ACRES

PARCEL "B"

EASEMENT DEDICATED;

DESCRIPTION OF EASEMENT DEDICATED TO THE CITY OF FELLSMERE, FROM FOUNTAINS OF FELLSMERE, SITUATED IN PART OF TRACT 1434 AND 1435 OF THE "PLAT OF FELLSMERE FARMS COMPANY SUBDIMSION OF ALL UNSURVEYED PART OF TOWNSHIP 31 SOUTH, RANGE 37 EAST IN ST. LUCIE COUNTY, STATE OF FLORDA", AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORDA, NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORDA,

#### AND

THE NORTH 200 FEET OF AN ABANDONED FELLSMERE FARMS RAILROAD RIGHT OF WAY.

COMMENCING AT THE NORTHWEST CORNER OF TRACT 1434; THENCE S 00'30'53" W A DISTANCE OF 313.38'; THENCE N 87'22'44" W A DISTANCE OF 133.00'; THENCE S 02'37'18" W A DISTANCE OF 189.98' TO THE POINT OF BECOMMENC;

OF BECANNING: THENCE S 027716" W A DISTANCE OF 10.00'; THENCE S 8722'44"E A DISTANCE OF 649.22'; THENCE N 02'37'16" E A DISTANCE OF 10.00' THENCE N 8722'44"W A DISTANCE OF 649.22'.

WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 6492.95 SQUARE FEET, 0.15 ACRES

#### PARCEL "C"

RIGHT OF WAY DEDICATED:

DESCRIPTION OF A RIGHT OF WAY DEDICATED TO THE CITY OF FELLSMERE, FROM FOUNTAINS OF FELLSMERE, SITUATED IN PART OF TRACT 1434 AND FROM FOUNTAINS OF FELLISMERCE, STIDATED IN PART OF TRACT TASS AND 1435 OF THE "PLAT OF FELLISMERCE FAMILS COMPANY SUBDIVISION OF ALL UNSURVEYED PART OF TOWNSHIP 31 SOUTH, RANGE 37 EAST IN ST. LUCIE COUNTY, STATE OF FLORIDA", AS RECORROED IN PLAT BOOK 2, PAGES 1 AND 2 OF THE FUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA,

#### AND

THE NORTH 200 FEET OF AN ABANDONED FELLSMERE FARMS RAILROAD RIGHT OF WAY,

RIGHT OF WAY. COMMENCING AT THE NORTHWEST CORNER OF TRACT 1434; THENCE S OD'30'35" W A DISTANCE OF 313.39"; THENCE N 67'22'44" W A DISTANCE OF 133.01"; THENCE S 02'37'16" W A DISTANCE OF 199.98"; THENCE S 37'22'44" E A DISTANCE OF 999.16 TO THE POINT OF BEGINNING; THENCE S 87'22'44"E A DISTANCE OF 27.11"; THENCE N 02'37'16" A DISTANCE OF 29.40"; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 41.45", WITH A CHORD LEGT OF 41.40"; THENCE BEARING OF 5 75'16"3", WITH A CHORD LEGT OF 41.40"; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 58.92", WITH A RADUSS OF 95.07", WITH A CHORD DEARING OF S 18'29'11" N, WITH CACHORD LENGTH OF 58.69"; THENCE N 18'22'44" W A DISTANCE OF 228.18"; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 27.70", WITH A CHORD DEARING OF 8 BITANCE OF 228.18"; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 27.70", WITH A CHORD LEART W A DISTANCE OF 228.18"; THENCE WITH A CHORD DEARING OF 42.30", WITH A CHORD BEARING OF S TIDE'AT" W, WITH A CHORD LENGTH OF 27.30", WITH A RADUS OF 50.50", DISTANCE OF 27.30", WITH A CHORD LENGTH OF 50.50", DISTANCE OF S TIDE'AT" W, WITH A CHORD LENGTH OF 27.30", WITH A CHORD LENGTH OF 57.50", DISTANCE OF S TIDE'AT" W, WITH A CHORD LENGTH OF 27.30", WITH A RADUS OF DISTANCE DISTANCE OF S TIDE'AT W, WITH A CHORD LENGTH OF 27.30", WITH A RADUS OF DISTANCE DISTANCE OF S TIDE'AT W, WITH A CHORD LENGTH OF 27.30", WITH A RADUS OF DISTANCE DISTANCE OF S TIDE'AT W, WITH A CHORD LENGTH OF 27.30", S TIDE'AT W, WITH A CHORD LENGTH OF STORE DISTANCE OF S TIDE'AT W, WITH A CHORD LENGTH OF 27.30", S TIDE'AT W, WITH A CHORD LENGTH OF 27.50", S TIDE'AT W, WITH A CHORD LENGTH OF S TIDE'AT W, WITH A C

WHICH IS THE POINT OF BEGINNING.

0'

ALL DEVELOPED OF DECLEMENTS PROPERTY OF ADDRESS SEENCTE OR ANY OTHER PROJECT GOD STRUCTLY PROPERTIES. Note OF

HAVING AN AREA OF 3815.67 SQUARE FEET, 0.09 ACRES 200'

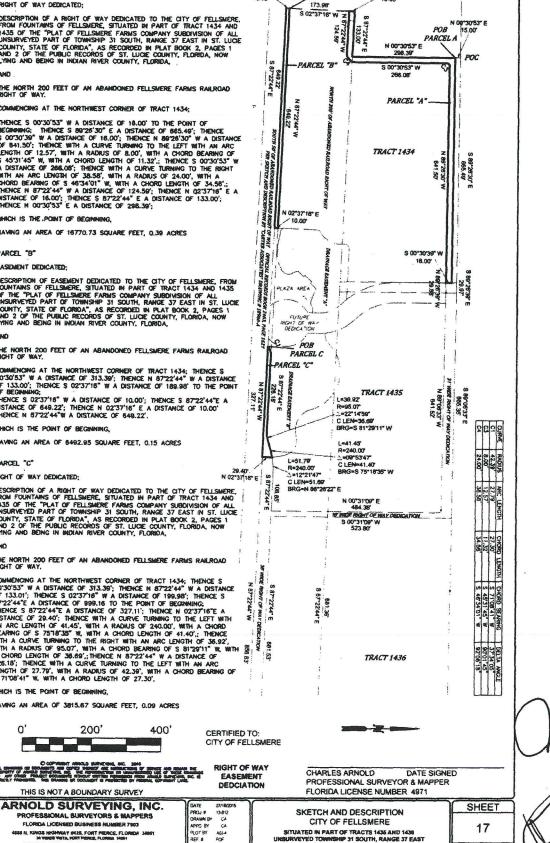
> -

THIS IS NOT A BOUNDARY SURVEY

PROFESSIONAL SURVEYORS & MAPP FLORIDA LICENSED BUSINESS NUMBER 7903

4888 N. KINGS HIGHWAY \$128, FORT PIERCE, FLORIDA 34861 34 VIEW VIETA, FORT PIERCE, FLORIDA 34841

OFFICE (772) 488-8211 FAX (772) 480-8210



13.812E

POB

PARCEL B

N 02"37"16" E

S 02"37"16" W

10.00

EXHIBIT "A"

FBAPG 13-612



December 12, 2016

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

## RE: <u>Preliminary Acquisition Notice (07.02) dated September 18, 2015</u> 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,

FOUN	TAINS OF FELLSMERE, LLC
By:	MIRZAM VENTURE CAPITAL, LLC
-	All -
	Ву:
	CLIFFORD R. MORRIS
	MANAGER
(	h
By:	- M
. \	OSWALD T. SOUSA
	MANAGER

## Your Future - Our Passion

930 W. INDIANTOWN RD. SUITE 204 | JUPITER, FLORIDA 33458 | PHONE: (561) 741-3000 | WWW.INVESTORGREENCARD.COM