

October 3, 2023

VIA E-MAIL ONLY - Patricia.Smith@palmbayflorida.org

Patricia D. Smith
City Attorney
City of Palm Bay
120 Malabar Road SE
Palm Bay, FL 32907

Re: Parcel 28-37-24-27-3-4.01
Our File No.: 144184

Dear Ms. Smith:

You requested that I review Michael Timmons' September 23, 2023 letter addressed to Suzanne Sherman, City Manager, City of Palm Bay. I have reviewed Mr. Timmons' letter as well as the following items you provided to me:

1. Right of Way Easement dated April 25, 1961 from William R. Pierpont and Ida Pierpont to the State of Florida recorded at O.R. Book 381, Page 356, Public Records of Brevard County, Florida.
2. August 5, 1965 Office Communication Florida State Road Department from P. N. Pappas to J. E. Warnock, Subject: Abandonment State Roads Section 70010.
3. County Deed from Brevard County to City of Palm Bay recorded at O.R. Book 1969, Page 577.
4. September 28, 1977 letter from Terry B. Graham Information Office, Florida Department of Transportation to Alice Huffer, City Clerk, City of Palm Bay.
5. May 30, 1978 letter from Alice Huffer, City Clerk, City of Palm Bay to the Honorable Val Steele, County Commissioner.
6. October 26, 1978 letter from Alice Huffer, City Clerk, City of Palm Bay to Bob Guthrie, Attorney, Brevard County.

7. October 29, 1978 letter from Alice Huffer, City Clerk, City of Palm Bay to Don Williams, c/o Commissioner Val Steele.

I also reviewed the Brevard County Property Appraiser maps for the above referenced parcel (hereinafter the "Subject Property"). Based upon my review of the above items, I recommend that the City of Palm Bay decline Mr. Timmons' request to convey the Subject Property for the reasons explained below.

The Plat of the Town of Palm Bay recorded in 1912 includes a public road known as Riverside Drive bisecting the lots which fronted on Turkey Creek Bay n/k/a Palm Bay. Riverside Drive later became part of the Dixie Highway established by the United States Government. Later, the State of Florida acquired the roadway and expanded and relocated the roadway also known as State Road 5. After doing so, the Florida State Road Department (now Florida Department of Transportation) elected to abandon to Brevard County a portion of the former State Road 5.

In his letter, Mr. Timmons suggests that the former State Road 5 should have been abandoned to the adjoining property owners rather than Brevard County. Mr. Timmons cites no legal authority for his suggestion. I know of no legal authority requiring the Florida State Road Department to abandon roadways only to the adjoining property owners. Reviewing the correspondence from the Florida State Road Department, its policy was to abandon roads to the local county or city. The records provided show that the Florida State Road Department in fact abandoned the portion of State Road 5 in question to Brevard County, declining to abandon the road to Palm Bay.

Thereafter, questions arose regarding ownership of the abandoned State Road 5. The question of ownership concerned whether the abandoned roadway was owned by Brevard County or the City of Palm Bay. None of the correspondence suggests that the abandoned roadway should have been owned by the adjoining landowners or that any adjoining landowners asserted such a claim. To resolve the questions of ownership, Brevard County deeded the Subject Property to the City of Palm Bay in November 1978.

The deed has been a record almost forty-five years. Under the Florida Marketable Record Title Act, title is vested in the City of Palm Bay free and clear of all claims. Assuming *arguendo* that Mr. Timmons or any of the other adjoining property owners had some claim to the Subject Property, which they do not, such claims have now been extinguished by the Marketable Record Title Act.

Even if the City of Palm Bay elected to convey the Subject Property to Palm Bay Landing, LLC, as requested by Mr. Timmons, such a conveyance would be ineffective to vest title in Palm Bay Landing, LLC. The deed from Brevard County contains a reverter clause providing that if the Subject Property is not utilized for a Chamber of Commerce building or other public purpose, title to the Subject Property immediately reverts to and

Ms. Smith
October 3, 2023
Page 3

reverts in Brevard County, Florida. The conveyance requested by Mr. Timmons would trigger the reverter clause and vest title in Brevard County. Thus, the City of Palm Bay cannot convey title to the subject property to a private landowner without the consent of Brevard County.

Should you have any questions, please call me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "D. Willis", with a horizontal line underneath.

DAVID C. WILLIS

DCW/mmw

RECEIVED SEP 25 REC'D

Michael Timmons
Palm Bay Landing LLC
Space Coast Marinas LLC
587 Young Street
Melbourne, FL 32907

September 23, 2023

Suzanne Sherman
City Manager
City of Palm Bay
120 Malabar Road, SE
Palm Bay, FL 32907

Dear Suzanne:

Following up on our previous discussions, I am writing to address a matter that represents a critical roadblock for development in Palm Bay. It is an issue regarding the ownership of two specific parcels of land in the Palm Bay Bayfront. PALM BAY MAP NUMBER 1 THAT PART OF BLOCKS 3 & 5 LYING EAST OF OLD US HWY NO 1 R/W PAR 1.01 BLK 5 referred to as 28-37-24-27-3-4.01 Plat of Palm Bay Map No. 1.

It is my opinion that legally these parcels should have been vacated to the original landowners and their land and riparian rights on the water preserved.

I currently own or have under contract the original parcels adjacent to the subject property in question. These parcels are crucial to any development plans, and its ownership status is critical for the successful realization of the project. Although this issue has persisted for a considerable period, I believe it is in everyone's best interest in finding a definitive and fair resolution.

As outlined in the attached timeline of events (Exhibit A-L), there has been considerable uncertainty and confusion surrounding the ownership of this land, which was previously a Right of Way Easement for State Road 5 abandoned by Florida State Road Department in 1965.

To bring closure to this matter and to foster a more transparent and mutually beneficial resolution, we propose three potential courses of action:

1. Quit-Claim Deed: We kindly request that the City of Palm Bay consider issuing a Quit-Claim Deed for the parcel 28-37-24-27-3-4.01 to Palm Bay Landing LLC. This would provide a clear and unambiguous transfer of title, thus resolving any uncertainties regarding ownership rights. Such a deed would greatly assist in facilitating the rightful ownership transfer and preserve the land and water rights for the original properties.
2. Vacation of Property: We request the City of Palm Bay vacate the parcel 28-37-24-27-3-4.01 to the adjacent property owners. This would provide a clear and unambiguous transfer of title, thus resolving any uncertainties regarding ownership rights. Such a deed would greatly assist in facilitating the rightful ownership transfer and preserve the land and water rights for the original properties.

3. Purchase of Land: Alternatively, we are open to the possibility of purchasing parcel 28-37-24-27-3-4.01 from the City of Palm Bay. We believe that this approach could offer a fair and equitable solution to all parties and would help resolve this matter conclusively.

I believe that by resolving this matter, we can contribute to the overall clarity and efficiency of land ownership in the City of Palm Bay, while allowing for the continued progress of future development plans. We look forward to your response and a positive resolution to this issue.

Sincerely,



Michael Timmons
Palm Bay Landing LLC
Space Coast Marinas LLC
587 Young Street
Melbourne, FL 32907

Timeline of Events				
1961	March 7 th	Right of Way Easement	State Road 5 is granted a Right of Way Easement for road construction	Exhibit A
1965	April 16 th	Florida State Road Department – Office Communication	Florida State Department completes the road construction and expresses the intention to abandon it to Brevard County	Exhibit B
	August 5 th	Florida State Road Department – Office Communication	Official notice of abandonment is issued	Exhibit C
1966	July 28 th	Florida State Road Department to Palm Bay Mayor	Florida State Road Department informs that interests cannot be conveyed to the City of Palm Bay	Exhibit D
1975	July 29 th	Florida State Road Department to city of Palm Bay	State Road Abandonment – Resolved to disclaim to Brevard County and/or City of Balm Bay that portion of the old road relocated by new construction. Abandoned from State Highway System.	Exhibit E
1977	September 28 th	Florida Department of Transportation to City of Palm Bay	Ownership determination is still pending	Exhibit F
1978	Unknown Date	Brevard County Appraiser Letter to City of Palm Bay?	Letter addresses the unclear statements from the Department of Transportation regarding the highway's abandonment and suggests obtaining Quit-Claim deeds from the county for the City's benefit	Exhibit G
	April 17 th	Brevard County Appraiser to City of Palm Bay City Clerk	The statements in the information supplied by the DOT are not clear whom the parcels were abandoned to, nor do they have an instrument officially vacating or abandoning the parcels.	Exhibit H
	May 30 th	City of Palm Bay to County Commissioner	Ownership of the land is questioned again, citing the County Appraiser's unclear description of the highway's abandonment.	Exhibit I
	October 20 th	City of Palm Bay to County Commissioner	The City inquires whether additional information has been obtained to determine the property's ownership, now appearing in the tax rolls under the name of Brevard County	Exhibit J
	October 26 th	City of Palm Bay to Brevard County Attorney	City is informed by Mr. Williamson, County Commissioner, that the County Attorney is handling the matter. The City seeks information on the determination of property ownership	Exhibit K
	November 9 th	Brevard County Deed	Quit Claim Deed from Brevard County to Palm Bay made	Exhibit L

A

SRD NO. 128-1
SECTION 70010-2277
STATE ROAD 5
COUNTY BREVARD INDEXED LEGAL

<u>B</u>	<u>A</u>
CHECKED	FILED

RIGHT OF WAY EASEMENT

404

KNOW ALL MEN BY THESE PRESENTS that WILLIAM R. PIERPONT and IDA PIERPONT, his wife, as Grantors, in consideration of One Dollar and other valuable considerations to them in hand paid, receipt whereof is acknowledged, do hereby grant and convey unto the STATE OF FLORIDA, as Grantee, and its assigns, a perpetual and exclusive easement for right of way for public road purposes over, under, upon and across the following described lands situate in BREVARD County, Florida, to-wit:

That part of:

Let 4, Block 3, Flat of Palm Bay, being a part of Section 24, Township 28 South, Range 37 East, recorded in Plat Book 2, page 3, public records of Brevard County, Florida, except right of way of State Road 5 (formerly State Road 4), together with riparian rights to said property;

lying within 110 feet Northeastly of a Base Line of Right of Way for State Road 5, Section 70010; said Base Line being described as follows:

Commencing on an Easterly extension of the North line of Lot 5, Block "M", Hiawatha Gardens, as recorded in Plat Book 6, page 46, public records, Brevard County, Florida, at a point 2.72 feet Easterly along said line from the Northeast corner of said Lot 5, said point being on the arc of a curve concave to the Northeastly and having a radius of 3274.17 feet; thence from a tangent bearing of South 26°32'42" East, run Southeastly along said curve thru a central angle of 8°08'18", a distance of 465.04 feet to end of curve; thence South 34°41' East 552.30 feet thence North 55°19' East, 52 feet for the POINT OF BEGINNING of this Base Line description; From said Point of Beginning run South 34°41' East, 429.33 feet to the beginning of a curve concave to the Northwesterly and having a radius of 1432.69 feet; thence along said curve thru a central angle of 34°37', a distance of 865.42 feet to the end of curve; thence South 0°04' East, 667.05 feet to the beginning of a curve concave to the Northeastly and having a radius of 1910.08 feet; thence along said curve thru a central angle of 48°57', a distance of 1365 feet to the end of said curve and the end of this Base Line description.

The land herein described contains 680 square feet, more or less,

STATE ROAD DEPARTMENT OF FLORIDA
DIVISION OF RIGHTS OF WAY
DESCRIPTION APPROVED
MAR 7 1961

40
5 1/2
95

TO HAVE AND TO HOLD the same unto said Grantee and its assigns, together with the right to enter upon said land and construct and maintain a public road thereon, with all such fills, cuts, drains, ditches and other incidents which the Grantee may deem necessary or convenient in connection therewith, and together with immunity unto the said Grantee from all claims for damage to Grantors' contiguous lands, if any, arising from or growing out of such construction and/or maintenance.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals this 25th day of April, 1961.

Signed, sealed and delivered in presence of:

Robert L. Lee
Walter A. Mace

William R. Pierpont (Seal)
Ida Pierpont (Seal)

STATE OF Florida
COUNTY OF Brevard } ss.

Before me personally appeared William R. Pierpont
and Ida Pierpont, his wife, to me well known
and known to me to be the individuals described in and who executed the foregoing instrument, and acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 25th day of April, 1961.

Robert L. Lee
Notary Public in and for the State of Florida
My commission expires

(NOTARIAL SEAL)

FILED AND RECORDED
BREVARD COUNTY, FLA.
VERIFIED

260482

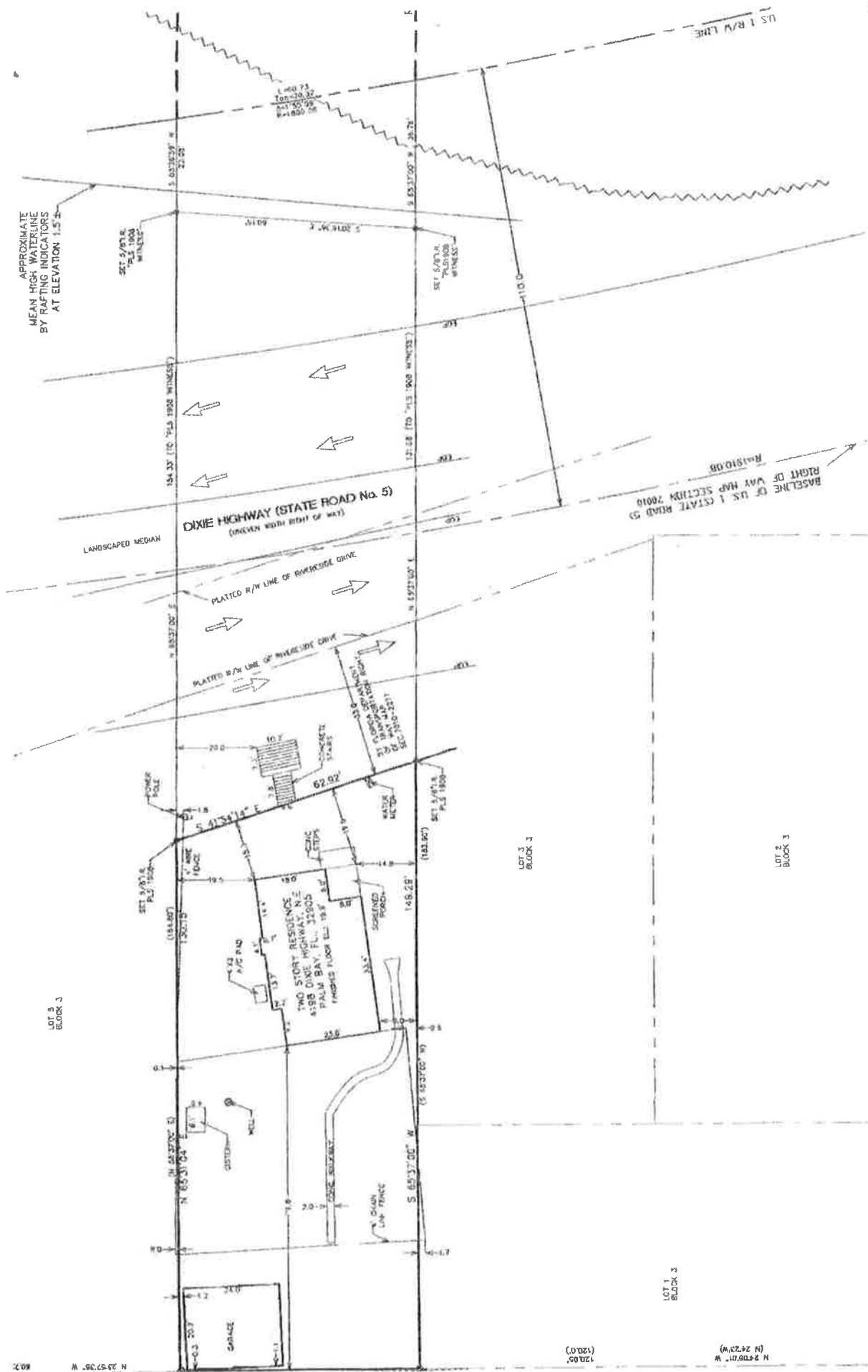
1961 MAY 9 PM 3 20

For
Sta
rec
an

That

W. R. Pierpont

RI



DATE April 16, 1965
FROM Richey Green
TO Mr. Jay Brown - Attn: Mr. Rolfe Mickler
COPIES TO Mr. Willard Peebles
Mr. Lawrence Robbins
SUBJECT Section 70010-(3277)

OFFICE COMMUNICATION

FLORIDA STATE ROAD DEPARTMENT

DELAND

*8d. memo for Abandon
5-17-65*

We finished the above numbered job some time ago and there is one short stretch down in Palm Bay that we wish to abandon to Brevard County.

We wish to abandon that part lying outside of fifty feet (50') westward from the south bound lane between Hickory Avenue (M. P. 13.801) and Kinney Avenue (M. P. 14.134).

We are enclosing three prints of the location sketch map covering the section to be abandoned to the County.

We will appreciate your further handling of this request.

Richey Green

RG:d

Encls.

*14.134 ✓
13.801
—
.333 Add*

*14.222
13.801
—
.421 Abandon*

C

DATE August 5, 1965
FROM P. N. Pappas
TO Mr. J. E. Warnock

DMP

COPIES TO Mr. H. P. Boggs

SUBJECT Abandonment - State Roads
Section 70010

OFFICE COMMUNICATION
FLORIDA STATE ROAD DEPARTMENT

RECEIVED

APR 21 2022

CITY OF PALM BAY
PUBLIC WORKS

Attached for your information is copy of official notice
of abandonment of a portion of SR 5, from Hickory Avenue
to Kinney Avenue, which was relocated by new construction.

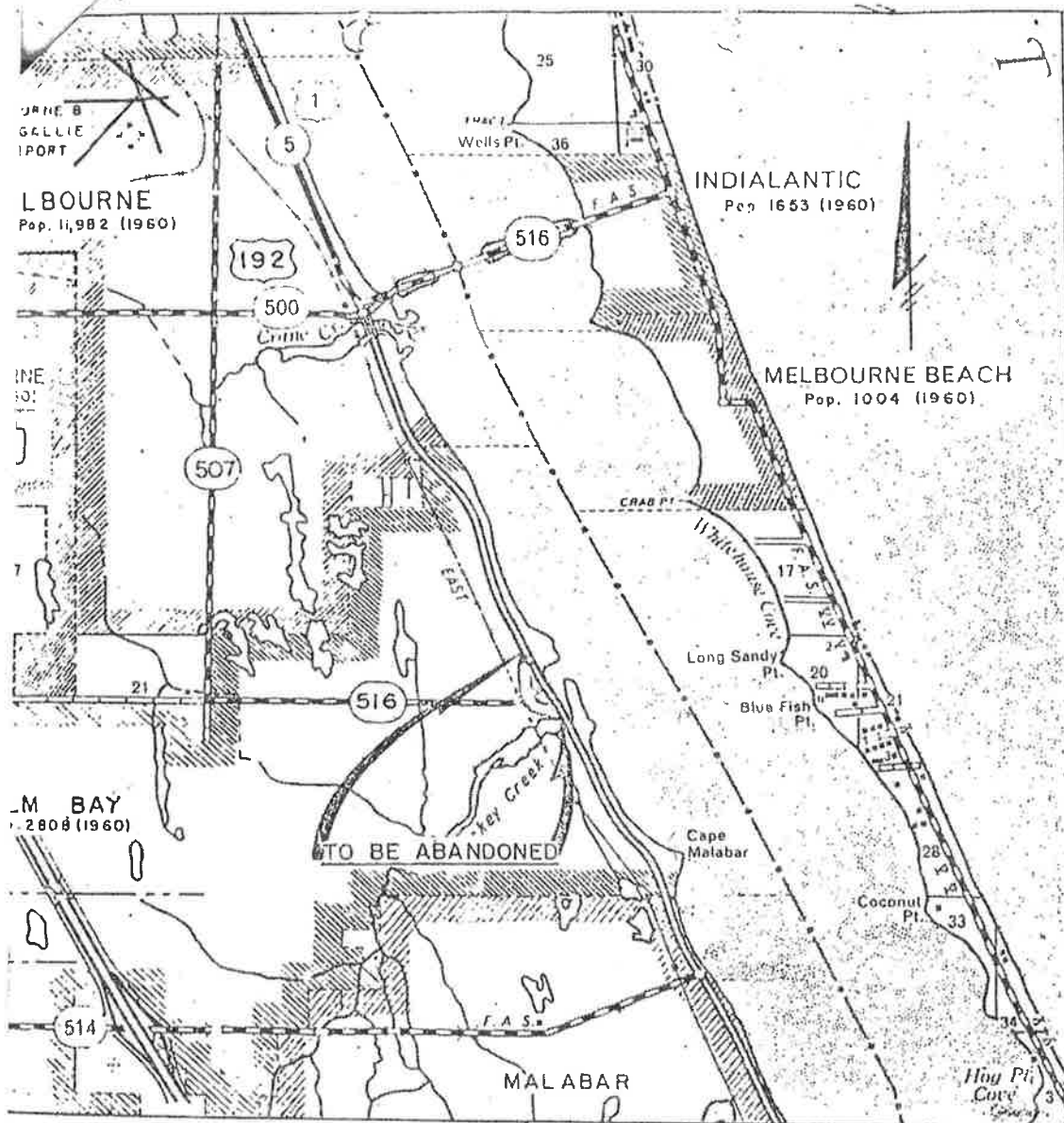


PNP/aj
Attach.

RECEIVED

AUG 6 1965

STATE ROAD DEPT.
MAINT. OFFICE
COC



LEGEND

RETURNED TO CITY

OTHER ROADS

FLORIDA
STATE ROAD DEPARTMENT
BREVARD COUNTY
PORTION OF STATE ROAD 5 TO BE
RETURNED TO CITY
SCALE: 1" = 1 MILE

DATE _____ SIGNED _____

(D)

FLORIDA STATE ROAD DEPARTMENT

FLOYD E. POWEN
Chairman

MEMBERS
VINCENT PHILIP NUCCIO TAMPA
C. WILLIAM BEAUFORT JACKSONVILLE
JAMES LEE CRESTVIEW
CHELSEA J. GEMERCHIA MIAMI
WILLARD PEEBLES WILDBOON

DELAND, FLORIDA
July 28, 1966

Hon. Louis A. Burn
Mayor, City of Palm Bay
Palm Bay, Florida

Re. Section 70010-(2277)

Dear Mayor Burn:

We have investigated your request furnished us in Resolution No. 66-17, dated June 16, 1966, for the State Road Department to convey to the City of Palm Bay a parcel of land described as lying in Government Lots 2 and 3, Section 24, Township 28 South, Range 37 East, Brevard County.

The records of this office indicate that the State Road Department acquired the described property from numerous individual owners for the improvement of State Road 5, the interest acquired being a right of way easement and not including or impairing the riparian rights of the owners. Therefore, the interest as held under these instruments can not be conveyed to the City of Palm Bay.

Yours very truly,

C. A. Benedict

C. A. Benedict
District Engineer

RECORDED
cc: Chairman, Floyd Powen
and Mr. Willard Peebles

FLORIDA STATE



ROAD DEPARTMENT

MEMBERS

FLOYD B. BOWEN
CHAIRMAN

TALLAHASSEE

VINCENT PHILIP NUCCIO
C. WILLIAM BEAUFORT
JAMES LEE
CHELSIE J. SENERCHIA
WILLARD PEEBLESTAMPA
JACKSONVILLE
CRESTVIEW
MIAMI
WILWOOD

July 29, 19-Safety-5

Mr. Curtis R. Barnes
Clerk of Circuit Court
Brevard County
Titusville, FloridaMr. Lawrence J. Robbins
City Clerk
Palm Bay, Florida

Gentlemen:

Subject: State Road Abandonment

The State Road Department recently completed construction on the relocation of a portion of old SR 5 from Hickory Avenue to Kinney Avenue in Palm Bay and the State Road Board at its meeting on May 27, 1965, resolved to disclaim to Brevard County and/or City of Palm Bay that portion of the old road relocated by new construction.

You are hereby officially advised of this action of the Board and informed that the State Road Department has abandoned this portion of road from the State Highway System. The approximate location is shown in heavy solid band on the attached map.

Very truly yours,

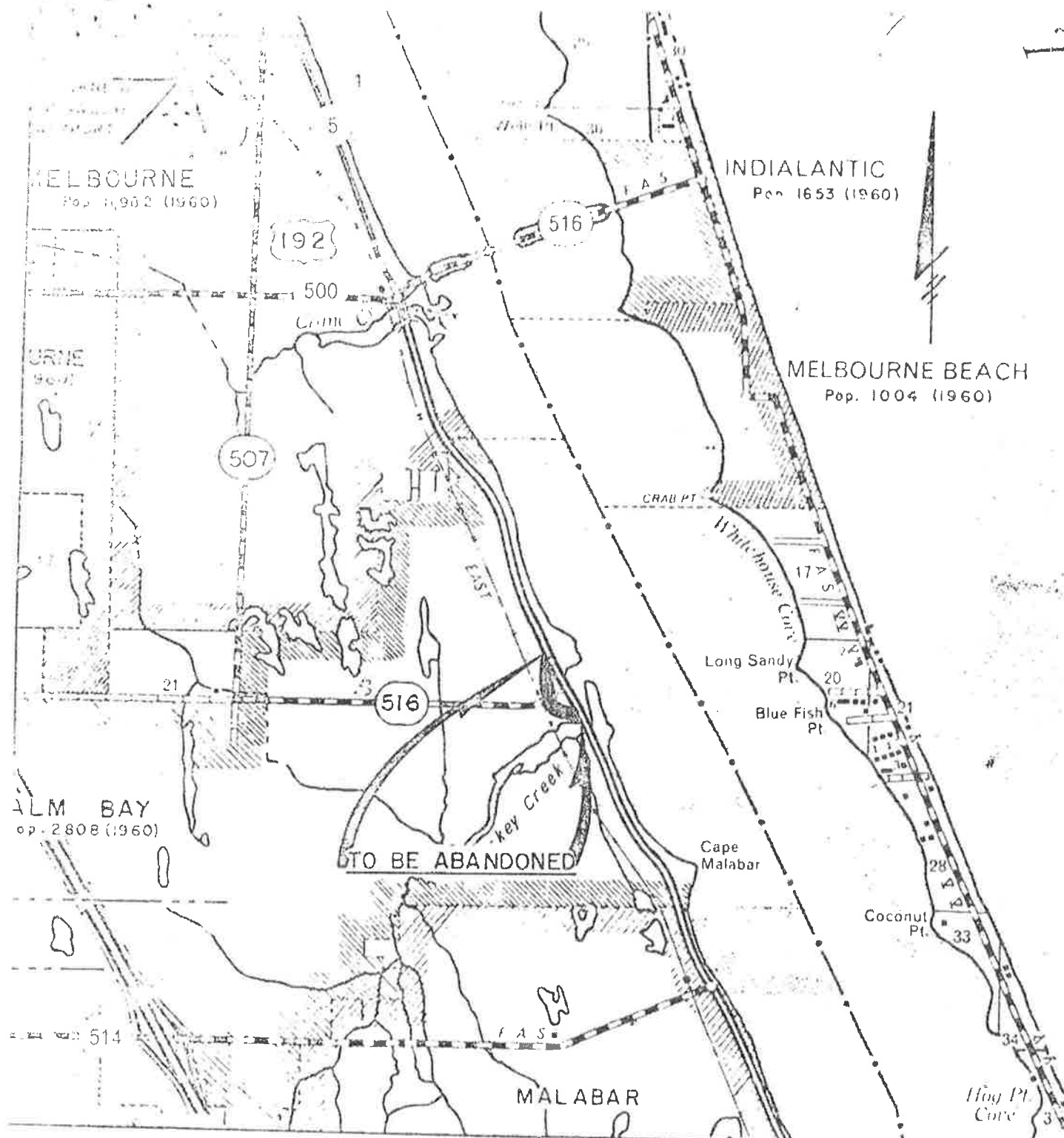
Floyd B. Bowen
Chairman

FB:ld

Enclosure

cc: Mr. J. W. Brown
Mr. R. G. L'Amoreaux
Mr. M. N. Yancey
Mr. Richey Green

C O D V



LEGEND

- RETURNED TO CITY
- OTHER ROADS

FLORIDA
STATE ROAD DEPARTMENT
BREVARD COUNTY
PORTION OF STATE ROAD 5 TO BE
RETURNED TO CITY
SCALE: 1" = 1 MILE

DATE _____ SIGNED _____

RECEIVED OCT - 3 1977

Florida

REUBIN O'D. ASKEW
GOVERNOR



Department of Transportation

Haydon Burns Building, 805 Suwannee Street, Tallahassee, Florida 32304, Telephone (904) 488-6772
TOM WEBB, JR.
SECRETARY

September 28, 1977

Ms. Alice Huffer
City Clerk
City of Palm Bay
Post Office Drawer 338
Palm Bay, Florida 32905

Dear Ms. Huffer:

Enclosed are portions of the official minutes of the Florida State Road Board meeting of May 27, 1965 in which portions of U.S. 1 in Brevard County were added and deleted from the State Highway System.

In addition to the minute records, I also am enclosing related correspondence which I hope will be helpful to you in determining ownership of the vacated right of way.

If I can help you in any other matter involving the Florida Department of Transportation, please contact me.

Sincerely,

(Mrs.) Terry B. Graham
Information Office

TBG:pw

Enclosures



CFA
CLARK MAXWELL
APPRAISER

RECEIVED MAY - 5 1978

OFFICE OF THE

BREVARD COUNTY PROPERTY APPRAISER

P.O. Drawer 'O'
Brevard County Courthouse
Titusville, Florida 32780

Telephone
(305) 269-8511

April 17, 1978

Mrs. Alice Huffer,
City Clerk
City of Palm Bay
175 NW Palm Bay Rd.
Palm Bay, FL 32905

Dear Mrs. Huffer:

This letter is in answer to your questions concerning city property as it appears on the county tax roll.

14-28-37-76-P "The Shire" a subdivision shown in Plat
R.1 Book 24 Pg. 47 includes three parks and
R.2 a dedication of those parks to "The Public".
Since the property is within the city of
Palm Bay, the public authority is con-
sidered to be the city.

14-28-37-50-2-19 This office has not done an in-depth
20 search of the public records to de-
termine a chain of title to these lots.
POWELLS S/D Our records show that the city owns Lot
19 by ORB 630 Pg 496, and that lot 20 is
owned by Claudia Brown, by ORB 1054 Pg
866. Copies of both deeds are enclosed.

24-28-37-25E Again, our office has not done an in-depth
search of the public records, but show
PLAT OF TILLMAN that our Lot E was deeded from the City
to Frank Laibl by ORB 185 Pg 369, and
that no deed from Laibl to anyone for Lot
E has been recorded since. A copy of
185/369 is enclosed.

24-28-37-25-1-1.01 As to the legal description, this office
agrees that this property should correct-
ly be described as being part of lot N,
and the necessary change has been made.
PLAT OF TILLMAN It also appears that the county still
That part of Blk 1 holds title to this parcel based on Deed
lying East of Old Book 227 Pg 468. This office has made
US-1 the ownership change on its records.



CLARK MAXWELL
APPRAISER

OFFICE OF THE
BREVARD COUNTY PROPERTY APPRAISER

P.O. Drawer 'O'
Brevard County Courthouse
Titusville, Florida 32780

Telephone
(305) 269-8511

24-28-37-27-3-4.01
PLAT OF PALM BAY MAP NO. 1
That part of Blks 3 & 5
lying E of Old US Hwy 1
R/W

The statements in the information supplied by the Department of Transportation are not clear as to whom the highway was actually abandoned to. Also, they don't supply an instrument officially vacating and abandoning the highway. Since its common knowledge that the road was abandoned, and since the property is in the city, it is considered by this office to be city owned.

As to the park dedications, our records have been changed to reflect the city ownership. In four cases, the entire subdivision is carried as a single entry on the tax roll with the dedicated tracts included. When these subdivisions are split into individual lots and tracts, the city ownership will be worked.

The county deed to the city for Knecht Park was not recorded until January 19, 1978. The property will be listed on the 1978 roll as city owned.

In the questionable ownership areas (the chamber of commerce site and the abandoned highway) it would probably be in the city's best interests to obtain Quit-Claim deeds from the county.

I thank you for bringing these problems to our attention, and I hope my explanations are clear.

If you have further questions, please advise.

Sincerely,

Terry L. Strickland

TERRY L. STRICKLAND, C.F.E.
SUPERVISOR
MAP & DEED DEPARTMENT

/bmr

encl:



CITY OF

PALM BAY

FLORIDA

175 NW PALM BAY RD. • 32905

May 30, 1978

The Honorable Val Steele
County Commissioner
1311 E. New Haven Avenue
Melbourne, FL 32901

Dear Mr. Steele:

Enclosed please find a copy of a letter from Mr. Terry Strickland regarding property within the City of Palm Bay. As you will note, there is question as to the ownership of those parcels of land described as:

24-28-37-25-1.01
Plat of Tillman, That part of Block 1
lying east of Old US Highway No. 1, and

24-28-37-27-3-4.01
Plat of Palm Bay Map No. 1, That part
of Blocks 3 and 5 lying east of Old US
Highway No. 1 right-of-way.

These parcels have been listed on the tax rolls for some time as owned by the City of Palm Bay. Enclosed herewith is information on file with the City on each parcel.

It appears that the first parcel described above was never deeded to the City based on Deed Book 227, Page 468. Our Chamber of Commerce building is located on this parcel of land.

The second parcel described was abandoned by the State, but as mentioned in Mr. Strickland's letter, it was not clear as to whom the highway was actually abandoned to.

Mr. Strickland recommended obtaining quit-claim deeds to the two parcels of land from the County. Therefore, I am asking that this matter be scheduled as an agenda item for the next regular Commission meeting to request the County to execute quit-claim deeds to the City of Palm Bay for these two parcels of land.

Mr. Val Steele

-2-

May 30, 1978

Your assistance in this matter will be greatly appreciated.
If you should desire additional information, please advise.

Sincerely,

CITY OF PALM BAY

A handwritten signature in cursive script, appearing to read "Alice Huffer".

Alice Huffer
City Clerk

aih
Enclosures

2



CITY OF

PALM BAY

FLORIDA

- 175 NW PALM BAY RD. • 32905

October 20, 1978

Mr. Don Williamson
C/O Commissioner Val Steele
1311 E. New Haven Avenue
Melbourne, FL 32901

Dear Mr. Williamson:

Several months ago, we discussed in my office the possibility of determining who owned the following described property, located within the City of Palm Bay:

24-28-37-27-4.01
Plat of Tillman, that part of Blocks 3 and 5
lying east of Old US Highway No. 1.

At that time, you stated you would do further research on the matter. Have you been able to obtain any information which would determine who actually owns the property?

We also discussed the parcel of land located just north of the aforementioned property, legally described as follows:

24-28-37-25-3-1.01
Plat of Tillman, that part of Block 1 lying
east of Old US Highway No. 1.

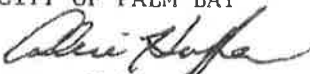
Apparently it has been determined that this property belongs to the County as it now appears on the tax rolls in the name of Brevard County.

Would it be possible to schedule this particular piece of property as an agenda item for a Board of County Commissioners' meeting to ask for their consideration in deeding the property and the building situated thereon (Palm Bay Chamber of Commerce building) to the City of Palm Bay?

We appreciate your cooperation and assistance in the aforementioned matters and look forward to hearing from you soon.

Sincerely,

CITY OF PALM BAY


Alice Huffer
City Clerk

aih



CITY OF
PALM BAY
FLORIDA

175 NW PALM BAY RD. • 32905

October 26, 1978

Mr. Bob Guthrie, Attorney
Brevard County
50 South Nieman Avenue
Melbourne, FL 32901

Dear Mr. Guthrie:

Several months ago, I discussed with Mr. Don Williamson, of Commissioner Steele's office, the possibility of determining who owned the following described property located within the City of Palm Bay:

24-28-37-27-4.01
Plat of Tillman, that part of Blocks 3 and 5
lying east of Old US Highway No. 1.

We also discussed the parcel of land located just north of the aforementioned property, legally described as follows:

24-28-37-25-3-1.01
Plat of Tillman, that part of Block 1 lying
east of Old US Highway No. 1.

I spoke with Mr. Williamson today and he advised me that your office was now handling the matter.

Apparently, it has been determined that the property within Block 1 belongs to the County as it now appears on the tax rolls in the name of Brevard County. Could this particular matter be scheduled as an agenda item for a Board of County Commissioners' meeting to ask for their consideration in deeding the property and the building situated thereon (Palm Bay Chamber of Commerce) to the City of Palm Bay?

Have you been able to determine who actually owns the property that is part of Blocks 3 and 5, lying east of Old US Highway No. 1?

We appreciate your cooperation and assistance in the aforementioned matters and look forward to hearing from you soon.

Sincerely,

Alice Huffer
City Clerk

aih

CC: Billy Arnold

Prepared by: William H. Arnold, Esquire
P. O. Box 37
Titusville, Florida 32780

RECORDED
CLERK OF DISTRICT COURT
BREVARD COUNTY, FLA.

4

COUNTY DEED

THIS DEED, made this 9th day of November, 1978, by
BREVARD COUNTY, a political subdivision of the State of Florida,
Party of the First Part, and CITY OF PALM BAY, a municipal
corporation existing under the laws of the State of Florida, Party
of the Second Part:

WITNESSETH, that the said Party of the First Part, for and
in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) to
it in hand paid by the Party of the Second Part, receipt whereof
is hereby acknowledged, has granted, bargained and sold to the
Party of the Second Part, his heirs, successors and assigns forever,
the following described land lying and being in Brevard County,
Florida:

Parcel No. 1: That part of Lot N lying East of old
U. S. Highway No. 1 (formerly Palm Bay Boulevard) and
west of new U. S. Highway No. 1 (State Road No. 5),
PLAT OF TILLMAN, according to the plat thereof as
recorded in Plat Book 2, Page 4, Public Records of
Brevard County, Florida.

Parcel No. 2: Vacated portion of old U. S. Highway
No. 1 located in the City of Palm Bay, Section 24,
Township 28 South, Range 37 East, Brevard County,
Florida, from Hickory Avenue (M.P. 13.801) to Kinney
Avenue (approximately M.P. 14.222).

In the event the subject property is at any time vacated or
abandoned, or, in the event said property is not utilized
for a Chamber of Commerce building or other public purpose,
then, in that event, all right, title and interest of the
City of Palm Bay, its successors and assigns, in and to
the subject property shall immediately revert and revest in
Brevard County, Florida.

275511

IN WITNESS WHEREOF, the said Part of the First Part has caused
these presents to be executed in its name by its Board of County
Commissioners, acting by the Chairman or Vice Chairman of said
Board, the day and year aforesaid.

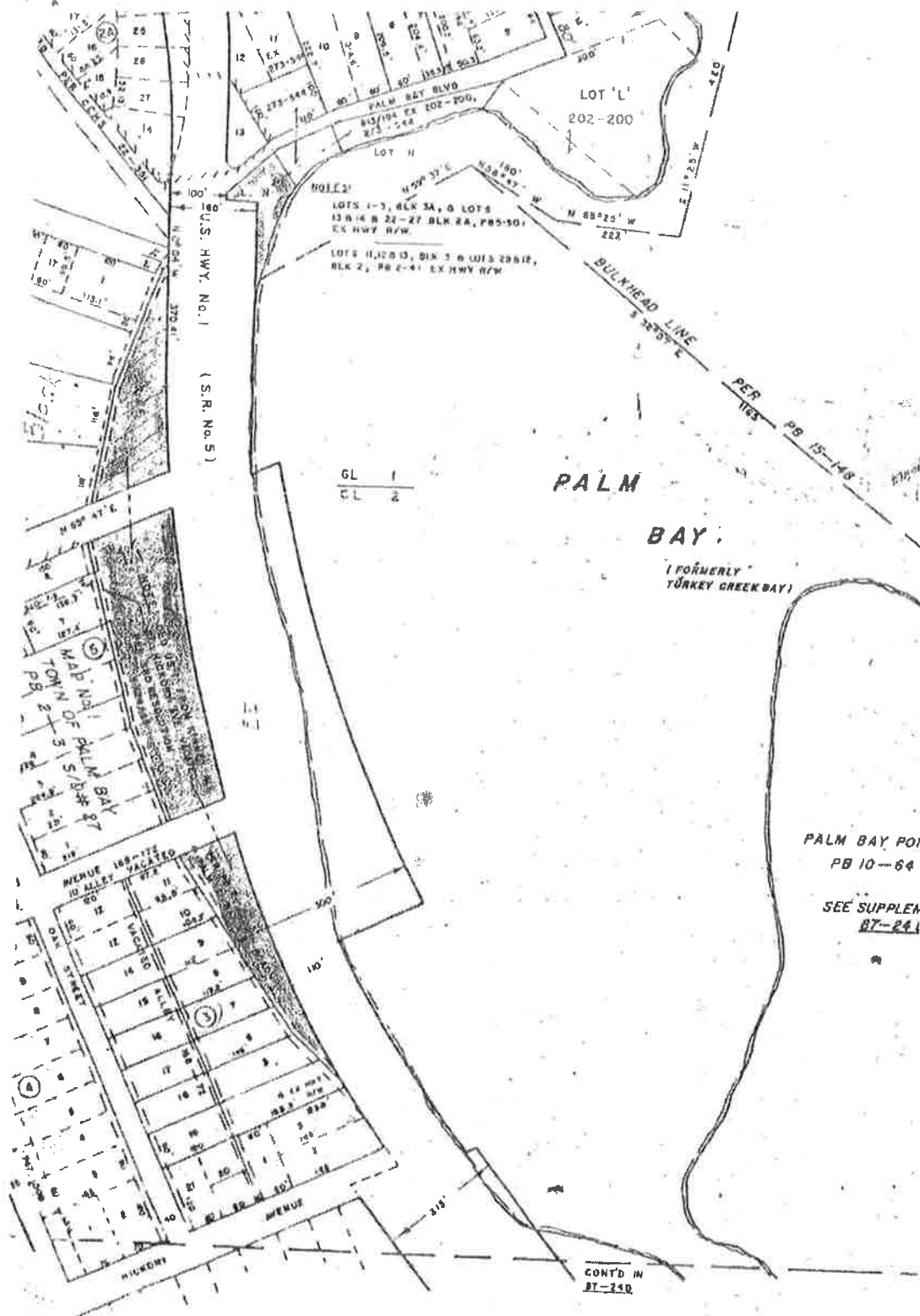
BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By Lee Wenner
Lee Wenner, Chairman

ATTEST:
R. C. Winstead, Jr.
R. C. Winstead, Jr., Clerk

OFFICIAL SEAL

1978 NOV 20 PM 1:44



PALM BAY POI
PB 10-64

SEE SUPPLE
87-241

CONT'D IN
87-240

87-24 AB

Don Williamson

