

Meeting Date
<b>September 1, 2015</b>



AGENDA	
Section	Consent
Item No.	<b>II.A.4</b>

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	Approval Re: Resolution of Necessity for Acquisition of the Page property for use in the Traffic Operation Center and Pineda Grade Separation Projects – District 4 (Fiscal Impact: Estimated property value \$2,935,000.00)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve and adopt a Resolution of Necessity and authorize the Chairman to execute the Resolution, for the William J. Page property for the construction of the Traffic Operations Center and improvements related to the Pineda Causeway Grade Separation Project. Further, it is requested that the County Attorney's Office and staff be authorized to proceed with this action in accordance with the statutory requirements set forth in Chapter 73 and 74 Florida Statutes applicable to "quick-take" proceedings.

Summary Explanation & Background:

Subject property located in Section 19, Township 26 South, Range 37 East.

The Board of County Commissioners, in regular session on October 21, 2014, adopted Resolution No. 14-199 and executed Joint Participation Agreement Amendment Number 2 (two) with Florida Department of Transportation for the Pineda Causeway Grade Separation Overpass and authorized staff to begin negotiating the acquisition of the Page property, to include, if necessary, eminent domain.

The Board of County Commissioners, in their Zoning meeting on May 28, 2015, approved and authorized the Chairman to execute the Purchase Agreement for the acquisition of the Page parcel in the amount of \$2,910,000.00. The owner received the offer on July 13, 2015 by certified mail and to date (more than 30 days later) the owner has not substantively responded.

Staff is requesting the Board adopt the Resolution of Necessity and grant authorization for the County Attorney's Office and staff to proceed with action in accordance with the statutory requirements set forth in Chapter 73 and 74 Florida Statutes applicable to "quick-take" proceedings for lands required to complete the Pineda Causeway Grade Separation Overpass and Traffic Operation Center Projects that cannot be negotiated to closure in a timely manner. Staff has followed all applicable County policies to contact and make an offer to the owner of the parcel listed in the Resolution. In order to avoid construction delays, staff has prepared a Resolution of Necessity for Board adoption and execution by the Chairman.

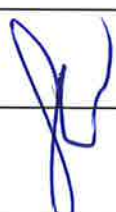

It is also requested that reasonable expert fees be authorized for payment per Chapters 73 & 74, Florida Statutes, as part of staff's efforts to negotiate settlements.

Fiscal Impact: FY 2014 – 2015: No Impact

**FY 2015 – 2016:** Estimated property value \$2,935,000.00 Grant 1700-344927-561000

Clerk to the Board Instructions: Return Original Executed Resolution of Necessity and Board Approval Memo to Department

Exhibits Attached: Resolution of Necessity, Exhibit "A"

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager		Assistant County Manager				Department Director / Extension	
Stockton Whitten		Assistant County Manager				 John P. Denninghoff / 57202	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

September 2, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.4., Resolution of Necessity for Acquisition of the Page Property for Use in the Traffic Operation Center and Pineda Grade Separation Projects

The Board of County Commissioners, in regular session on September 1, 2015, adopted Resolution of Necessity No. 15-142, for the William J. Page property for the construction of the Traffic Operations Center and improvements related to the Pineda Causeway Grade Separation Project; and authorized the County Attorney's Office and staff to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74, Florida Statutes, applicable to "quick-take" proceedings. Enclosed is a certified copy of the Resolution of Necessity.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Etheridge*

✓ Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: Finance  
Budget

RESOLUTION NO: 2015- 142

A RESOLUTION OF THE COUNTY COMMISSION OF BREVARD COUNTY, FLORIDA, DECLARING THE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY LOCATED IN BREVARD COUNTY FOR THE JOINT USE RELATED TO THE TRAFFIC MANAGEMENT CENTER AND THE PINEDA CAUSEWAY GRADE SEPARATION PROJECTS AND ASSOCIATED FACILITIES OR INCIDENTAL PUBLIC ROAD RELATED USES ON THE PROPERTIES DESCRIBED HEREIN LYING IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST; ALL LYING IN BREVARD COUNTY, FLORIDA.

WHEREAS, Brevard County has undertaken responsibility to provide adequate transportation facilities; and

WHEREAS, the provision of transportation services is the responsibility of the County and is authorized under State laws; and

WHEREAS, to maintain safe, efficient and continuous levels of service to the residents of Brevard County, it is necessary to widen roadways, provide sidewalks, provide utility lines and drainage systems and retention facilities along the roadways and it is necessary to construct, operate and maintain evacuation routes for the purpose of providing safe and efficient access to transportation systems during hurricane and other higher level weather conditions; and

Whereas, the need to maintain a strategically located traffic operation center in an area that provides adequate access during inclement weather; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, finds that the construction of the Traffic Operations Center as well as the improvements related to the Pineda Causeway Grade Separation Project and the associated widened roadway, intersections, placement of utility lines and construction of the sidewalks, drainage systems and retention facilities are necessary and in the best interest of the public health, safety and welfare; and

WHEREAS, the subject parcel is necessary for the Traffic Operations Center and the Pineda Causeway Grade Separation Project; and

WHEREAS, there are no mobile homes on the properties; and

WHEREAS, the subject parcel has been shown to be fit for use for the Traffic Operation Center and Grade Separation Project and other public and related uses.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida as follows:

1. The Board finds reasonable necessity exists for the acquisition and condemnation of the real property located in Brevard County, Florida, as described in the attached Exhibit "A", for the construction and maintenance of the Traffic Operation Center and the Pineda Causeway Grade Separation Project, placement of sidewalks, drainage systems and retention facilities, and all other associated or incidental public road related uses on the property as determined and shown in concept and construction plans for the projects.

2. The interest to be acquired in the real properties described in Exhibit "A" shall be fee simple absolute.

3. The Office of the County Attorney is directed to acquire or condemn the fee simple absolute interest in real properties described in Exhibit "A". The Office of the County Attorney is authorized to initiate and institute proceedings in accordance with the authority granted to the County pursuant to Chapters 73 and 74 of the Florida Statutes for the exercise of the power of eminent domain in order to obtain the possession and title of the properties described in Exhibit A in advance of the final judgment as provided by law and determined necessary by this Commission for the public purposes set forth herein.

4. All conditions precedent to the adoption of this resolution have occurred.

5. The Resolution shall be effective immediately upon adoption.

DONE, ORDERED AND ADOPTED in Regular Session this 18th day of August, 2015.

ATTEST:

Clerk of the Court.

BY: \_\_\_\_\_

Scott Ellis, Clerk

BREVARD COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_

Robin Fisher, Chairman

As approved by the Board on September 1, 2015  
Agenda Item # II.A.4

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

**PARCEL 110A**

PAGE 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID#: 26-37-19-00-00520.0-0000.00  
PURPOSE: PROPERTY CONVEYANCE

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 110A (PREPARED BY SURVEYOR)

LEGAL DESCRIPTION: PARCEL 110A (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 3547, PAGE 0021 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LOCATED WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF PINEDA CAUSEWAY EXTENSION, SAID RIGHT-OF-WAY BEING 200 FEET IN WIDTH, AS SHOWN ON BREVARD COUNTY SURVEY, PROJECT NO. 500014-5214 AND THE WEST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4563, PAGE 1249; THENCE SOUTH 70°33'25" WEST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LANDS; THENCE SOUTH 18°49'20" EAST ALONG THE EAST LINE OF AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 210.00 FEET; THENCE SOUTH 70°33'25" WEST ALONG SAID EAST LINE FOR A DISTANCE OF 200.00 FEET; THENCE SOUTH 18°49'20" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 308.21 FEET TO A POINT ON THE SOUTH LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORD BOOK 3547, PAGE 0021; THENCE SOUTH 70°33'25" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 204.38 FEET TO THE SOUTHWEST CORNER OF AFORESAID DESCRIBED LANDS; THENCE NORTH 18°49'20" WEST ALONG THE WEST LINE OF AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 518.21 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID PINEDA CAUSEWAY EXTENSION; THENCE NORTH 70°33'25" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 404.38 FEET TO THE POINT OF BEGINNING, CONTAINING 3.40 ACRES, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

SURVEYORS NOTES:

- 1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF FLORIDA, EAST ZONE, NAD 83 (1990 ADJUSTMENT) AND REFERENCED TO THE SOUTH RIGHT OF WAY LINE OF PINEDA CAUSEWAY AS BEING NORTH 70°33'25" EAST

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

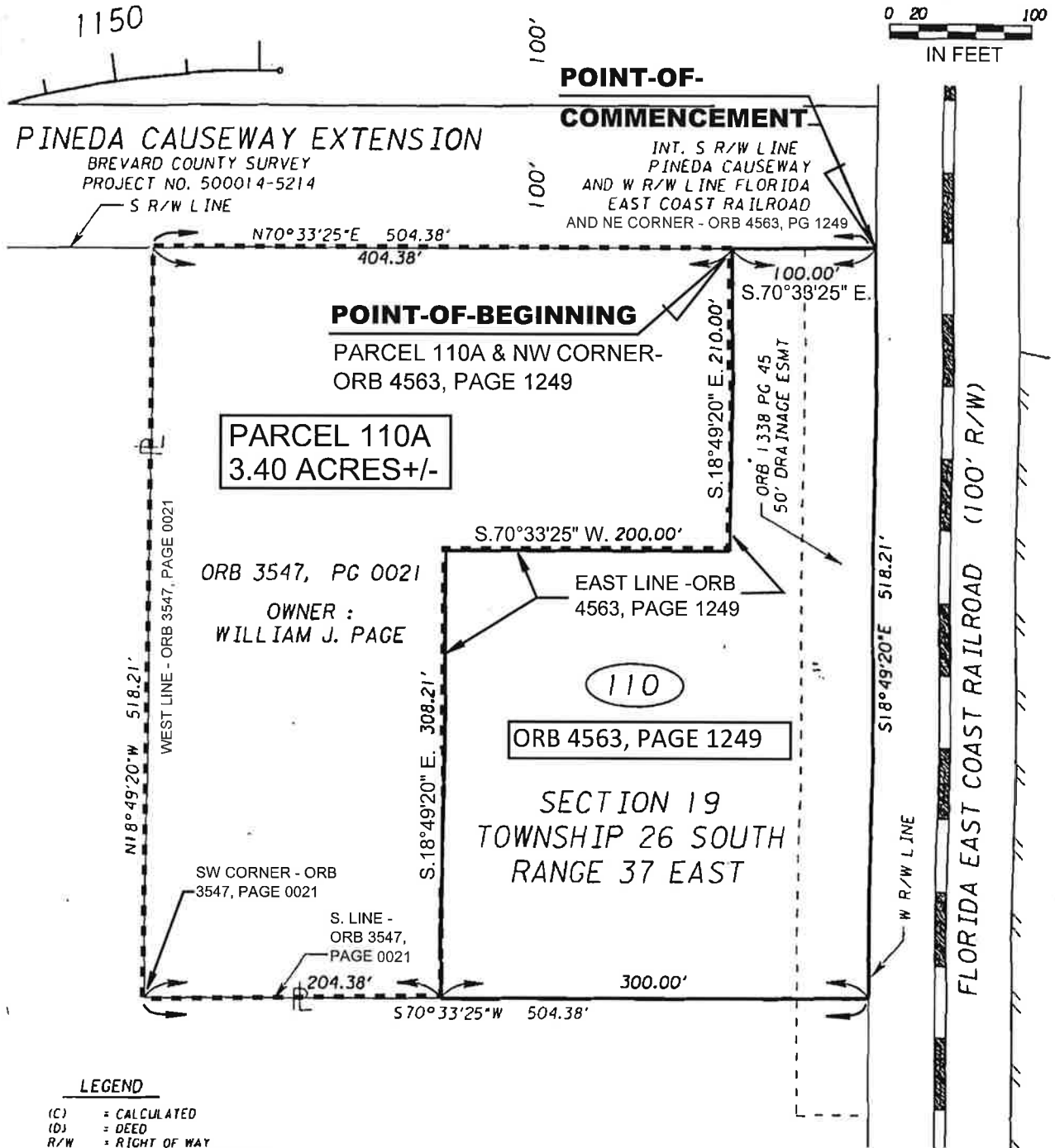
MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS, SURVEYING AND MAPPING DIVISION  
2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
321-633-2080

DRAWN BY: M. CAZESSUS	CHECKED BY: M. SWEENEY	PROJECT NO. NA			SECTION 19 TOWNSHIP 26 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 8/6/15	DRAWING: PARCEL 110A.DWG				

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 PINEDA CAUSEWAY EXTENSION  
 PARCEL 110A

PARENT PARCEL: 26-37-19-00-00520.0-000.00  
 PURPOSE: PROPERTY CONVEYANCE



**BOARD OF COUNTY COMMISSIONERS**

AGENDA: RESOLUTION OF NECESSITY FOR ACQUISITION OF THE PAGE PROPERTY FOR USE IN THE TRAFFIC OPERATION CENTER AND PINEDA GRADE SEPARATION PROJECTS - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>APJ</u>	_____	<u>8/10/15</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>See attached</u>	_____	<u>8/10/15</u>
PUBLIC WORKS John Denninghoff, Director	<u>JDS</u>	_____	<u>8/19/15</u>

AGENDA DUE DATE: August 18, 2015 for the September 1, 2015 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

**BOARD OF COUNTY COMMISSIONERS**


AGENDA: RESOLUTION OF NECESSITY FOR ACQUISITION OF THE PAGE  
PROPERTY FOR USE IN THE TRAFFIC OPERATION CENTER AND  
PINEDA GRADE SEPARATION PROJECTS - DISTRICT 4

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PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

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**THANK YOU.**