



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

12/7/2021

Subject:

Approval, Re: Contract for Sale and Purchase to Bryan R. Miller for a Portion of Lift Station F04 Parcel - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the attached Contract for Sale and Purchase and Resolution, and 2) authorize the Chair to execute any documents related to the final closing.

Summary Explanation and Background:

The subject property is located in Section 18, Township 24 South, Range 37 East, southwest of Sunrise Drive in Merritt Island.

Utility Services Department is planning a rehabilitation project for Lift Station F04 that includes demolition and replacement of the current seawall along the County owned lift station parcel known as Lift Station F04, located in the Holiday Cove subdivision. The survey revealed a portion of the adjacent owner's dock encroaching onto the lift station parcel. For a more amicable solution, Utility Services Department offered to sell a 154.43 square foot portion to the adjacent parcel owner. Based on research conducted by Land Acquisition staff, a value of \$9.00 per square foot was established. The purchase price for 154.43 square feet is \$1,389.87. The adjacent parcel owner agrees with this value and accepts the purchase price.

This sale is pursuant to Section 125.35 (2) Florida Statutes and Section 2-243 of the Brevard County Code of Ordinances.

The User Department approves this request.

This conveyance follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Contract for Sale and Purchase and Resolution.

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Contract for Sale and Purchase with Bryan R. Miller for a portion of Lift Station F04 parcel – District 2

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>11-1-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<i>cms</i> _____	_____	11-1-2021 _____

#3494

F.2.
new

Subject:

Approval, Re: Contract for Sale and Purchase to Bryan R. Miller for a Portion of Lift Station F04 Parcel – District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners execute the attached Contract for Sale and Purchase and to execute any documents related to the same.

the Chair to
the Chair

Summary Explanation and Background:

The subject property is located in Section 12, Township 36N, Range 21E, Sunrise Drive in Merritt Island.

southwest of

Utility Services Department is planning a rehabilitation project for Lift Station F04 that includes demolition and replacement of the current seawall along the County owned lift station parcel known as Lift Station F04, located in the Holiday Cove subdivision. The survey revealed a portion of the adjacent owner's dock encroaching onto the lift station parcel. For a more amicable solution, Utility Services Department offered to sell a 154.43 square foot portion to the adjacent parcel owner. Based on researched conducted by Land Acquisition staff, a value of \$9.00 per square foot was established. The purchase price for 154.43 square feet is \$1,389.87. The adjacent parcel owner agrees with this value and accepts the purchase price.

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Clerk to the Board Instructions:

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Original to
Sally
before
12/7/21
meeting



December 8, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

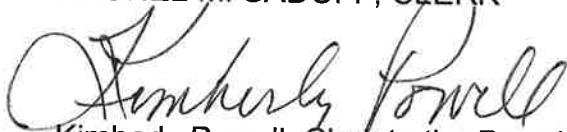
RE: Item F.2., Resolution and Approval of As-Is Contract for Sale and Purchase to Bryan R. Miller and Resolution for a Portion of Lift Station F04 Parcel

The Board of County Commissioners, in regular session on December 7, 2021, executed and approved the As-Is Contract for Sale and Purchase to Bryan R. Miller for portion of Lift Station F04 parcel; and executed and adopted Resolution No. 21-165, authorizing the conveyance of real property interest by the County. Enclosed are fully-executed Contract and Resolution.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

cc: Asset Management
Utility Services

RESOLUTION NO. 21- 165

**RESOLUTION PURSUANT TO SECTION 125.35,
FLORIDA STATUTES AND BREVARD COUNTY
CODE SECTION 2-243 AUTHORIZING THE
CONVEYANCE OF REAL PROPERTY INTEREST BY
THE COUNTY.**

RECITALS

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," owns certain real property described in Exhibit "A" in the attached Purchase and Sale Agreement (hereinafter the Contract); and

WHEREAS, the Lift Station F04 parcel owned by the County was excepted from the plats known as Holiday Cove, Unit 1 as recorded in Plat Book 17, Page 53 and Holiday Cove Unit 2 as recorded in Plat Book 17, Page 91, Public Records of Brevard County, Florida and subsequently conveyed from Sunrise Beach Estates, Inc. to First Florida Utilities, Inc. by Warranty Deed recorded January 21, 1963 in Official Records Book 381, Page 1963, Public Records of Brevard County, Florida; and

WHEREAS, County acquired Lift Station F04 parcel from First Florida Utilities, Inc. by Warranty Deed recorded November 30, 1976, in Official Records Book 1685, Page 32, Public Records of Brevard County, Florida; and

WHEREAS, County is planning a rehabilitation project for Lift Station F04 parcel which includes demolition and replacement of the existing seawall; and

WHEREAS, the survey revealed a portion of the dock owned by the adjacent parcel owner, Bryan R. Miller, is encroaching onto the lift station parcel; and

WHEREAS, the County as an amicable solution, has agreed to sell a 154.43 square foot portion of Lift Station F04 parcel to the adjacent parcel owner, Bryan R. Miller; and

WHEREAS, Land Acquisition Staff conducted research and established a value of \$9.00 per square foot for a total purchase price of \$1,389.87; and

WHEREAS, Bryan R. Miller agrees to the value and accepts the purchase; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.
2. Pursuant to Section 125.35, Florida Statutes, and Section 2-243 of the Brevard County Code of Ordinances, the COUNTY finds a) this parcel of real property described at Exhibit "A" is of

F2


insufficient size and shape to be issued a building permit for any type of development to be constructed on the parcel; b) the value of this property is approximately \$1,389.87; and c) due to the size, shape, location, and value of the parcel, it is of use to only one adjacent property owner; d) that the 154.43 square foot portion is not needed for County purposes; and e) the only adjacent parcel owner to this parcel of property is Bryan R. Miller.

3. The COUNTY authorizes the Chair to sign all paperwork necessary to transfer all of COUNTY's rights to said Parcel described in Exhibit "A" by County Deed to Bryan R. Miller in accordance with the Contract.

4. This Resolution shall take effect immediately upon its adoption.


DONE, ORDERED, and ADOPTED in Regular Session this 7th day of December, 2021.

ATTEST:



Jason Arthur, Chief Deputy

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: 

Kristine Zonka, Chair
As approved by the Board on 12/07/2021

LEGAL DESCRIPTION

PARCEL: 100

PARENT PARCEL: 24-37-18-00-504

SECTION 18, TOWNSHIP 24 S., RANGE 37 E.

PURPOSE: FEE SIMPLE CONVEYANCE

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 100, FEE SIMPLE CONVEYANCE (BY SURVEYOR)

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 24 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA RUN WEST ALONG THE SOUTH LINE OF SECTION 18, 1305.72 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF HOLIDAY COVE UNIT NO. 1 SUBDIVISION AS RECORDED IN PLAT BOOK 17, PAGE 53 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THENCE NORTH 00°00'00" WEST, ALONG SAID WEST LINE A DISTANCE OF 40.00 FEET, TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF HOLIDAY COVE UNIT NO. 1 SUBDIVISION; THENCE SOUTH 90°00'00" WEST, ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE, A DISTANCE OF 53.02 FEET, TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE NORTH 00°00'00" WEST, A DISTANCE OF 18.19 FEET, TO AN INTERSECTION WITH THE WEST LINE OF LOT 12, HOLIDAY COVE UNIT NO. 1 SUBDIVISION; THENCE SOUTH 43°01'30" EAST, ALONG SAID WEST LINE, A DISTANCE OF 24.88 FEET, TO AN INTERSECTION WITH THE SOUTH LINE OF HOLIDAY COVE UNIT NO. 1 SUBDIVISION; THENCE SOUTH 90°00'00" WEST, ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE, A DISTANCE OF 16.98 FEET, TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINING 154.43 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

- 1) ALL BEARINGS USED IN THIS DESCRIPTION AND SHOWN ON THIS SKETCH (THIS IS NOT A SURVEY) ARE REFERENCED TO THE SOUTH LINE OF HOLIDAY COVE UNIT NO. 1. THE BEARING BEING S90°00'00"W.
- 2) THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
- 3) ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
- 4) THIS SKETCH MEETS THE STANDARD PRACTICES FOR SURVEYING AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

LEGEND

R/W	RIGHT-OF-WAY
NO.	NUMBER
R	RADIUS
L	LENGTH
CH	CHORD DISTANCE
CB	CHORD BEARING
PSM	PROFESSIONAL SURVEYOR AND MAPPER
Δ	DELTA
N	NORTH
S	SOUTH
E	EAST
W	WEST
SQ. FT.	SQUARE FEET
P.B.	PLAT BOOK

DRAWN BY	CHECKED BY	FILE NAME	DATE	SCALE	DRAWING NAME	REVISIONS	DATE	DESCRIPTION	SECTION 18
BMM	DMT	7668	9/7/2021	NONE	7668.DWG	1	9/27/21	REVISED PER COMMENTS	TOWNSHIP 24 SOUTH
						2	10/1/21	REVISED PER COMMENTS	RANGE 37 EAST



Masteller, Moler & Taylor, Inc.

PROFESSIONAL SURVEYORS AND MAPPERS

LAND SURVEYING BUSINESS #4644

1655 27th Street, Suite 2 Vero Beach, Florida 32960

Phone: (772) 564-8050 Fax: (772) 794-0647

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

DAVID TAYLOR P.L.S. 5243

SKETCH OF DESCRIPTION

PARCEL: 100

PARENT PARCEL: 24-37-18-00-504

SECTION 18, TOWNSHIP 24 S., RANGE 37 E.

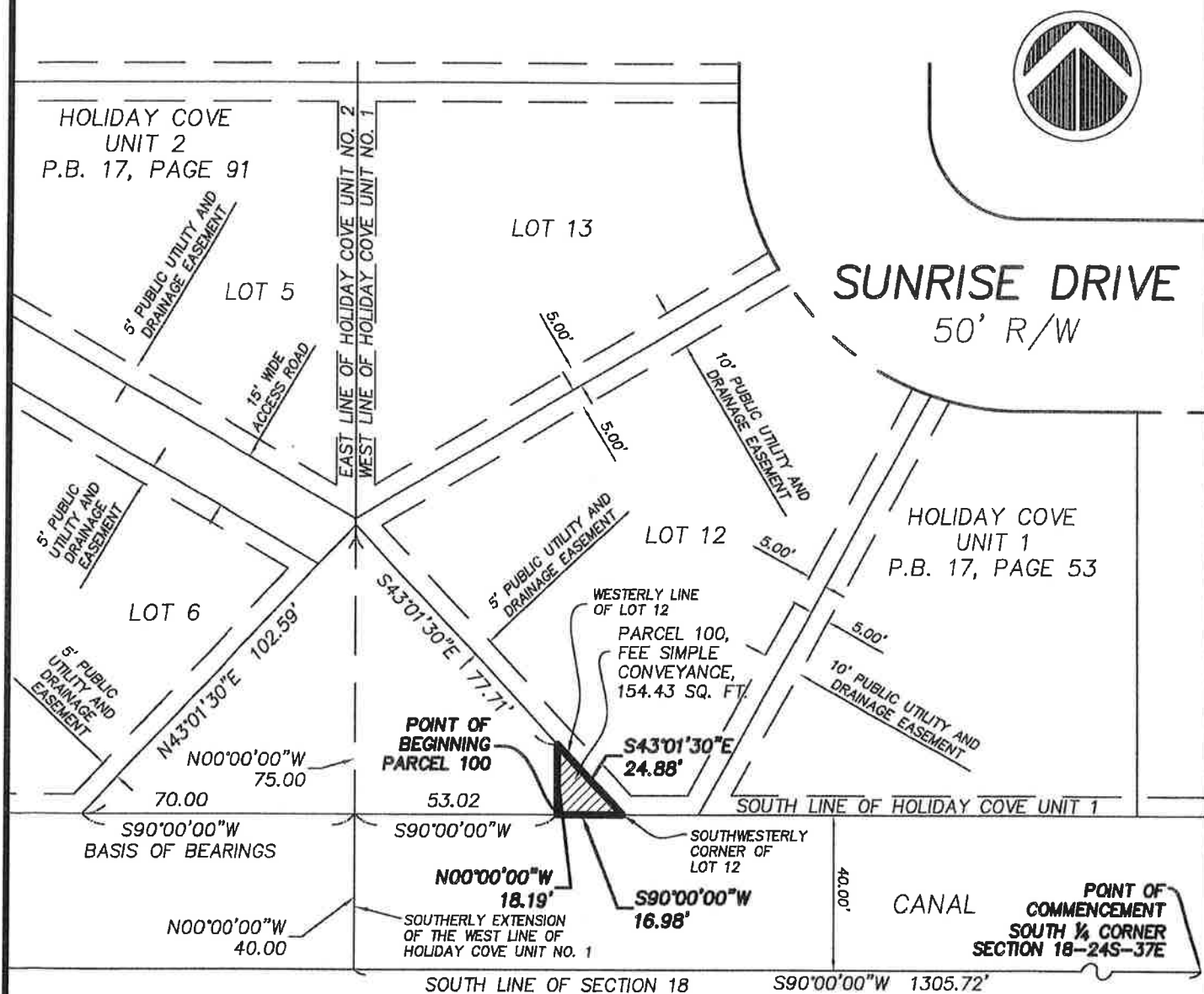
PURPOSE: FEE SIMPLE CONVEYANCE

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



DRAWN BY	CHECKED BY	FILE NAME	DATE	SCALE	DRAWING NAME	REVISIONS	DATE	DESCRIPTION	SECTION 18
						1	9/27/21	REVISED PER COMMENTS	
BMM	DMT	7668	9/7/2021	1"=40'	7668.DWG	2	10/1/21	REVISED PER COMMENTS	TOWNSHIP 24 SOUTH RANGE 37 EAST



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David Taylor
DAVID TAYLOR P.L.S. 5243