

18-009

Meeting Date
<b>February 6, 2018</b>



AGENDA	
Section	Consent
Item No.	<u>II.A.3</u>

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

<b>SUBJECT:</b>	Approval Re: Donation , Easement and Resolution to Florida Department of Transportation (FDOT) Related to the Rotary Park and US 1 / Suntree Boulevard Project – District 4. (Fiscal Impact: None)
<b>DEPT/OFFICE:</b>	Land Acquisition Section / Parks and Recreation Department

**Requested Action:**  
It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the Perpetual Easement and Donation of Property to FDOT; and 2) adopt the Resolution.

**Summary Explanation & Background:**  
The subject parcel is located in Section 12, Township 26 E, Range 36 S.

FDOT, District 5, has conducted a safety study on the intersection of US 1 and Suntree Boulevard and has determined improvements are necessary. The improvements will require a permanent easement of approximately 0.08 acres from the western edge of Rotary Park, adjacent to the US 1 roadway. Under the project's safety study, new traffic signal mast arms, located outside the US 1 right of way (within park right of way), are recommended to accommodate additional signal heads and comply with coastal wind load requirements. The easement being acquired from the park is the minimum needed to construct and maintain traffic signal mast arms. It has been determined that said improvements will have no impact to the existing activities, features and attributes of Rotary Park, and will not interfere with future use.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

**Fiscal impact: FY 2017 – 2018: No impact**  
**FY 2018 – 2019: No impact**

**Clerk to the Board Instructions:** Return original executed Perpetual Easement, original executed Donation of Property to the Florida Department of Transportation, original executed Resolution to the department.

**Exhibits Attached:** Original Perpetual Easement, original Donation of Property to the Florida Department of Transportation, Resolution and Location Map

**Contract /Agreement (If attached):** Reviewed by County Attorney    Yes         No     PR

County Manager Frank Abbate <i>[Signature]</i>	Assistant County Manager John P. Denninghoff <i>[Signature]</i>	Department Director / Extension Mary Ellen Donner / 52048 <i>[Signature]</i>
	Interim Assistant County Manager Jim Liesenfelt <i>[Signature]</i>	



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

February 7, 2018

**M E M O R A N D U M**

**TO:** Mary Ellen Donner, Parks and Recreation Director

**RE:** Item II.A.3., Resolution, Donation, and Perpetual Easement to Florida Department of Transportation (FDOT) Related to Rotary Park and U.S. 1/Suntree Boulevard Project

The Board of County Commissioners, in regular session on February 6, 2018, adopted Resolution No. 18-009; and executed the Perpetual Easement and Donation of Property to FDOT. Enclosed are fully-executed Resolution, Donation of Property, and Perpetual Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (3)

cc: Contracts Administration

07-PE11-09/01

January 17, 2018

This instrument prepared by

Robin D. Derr

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.1

SECTION 70020

F.P. NO. 436237 1

STATE ROAD 5

COUNTY Brevard

### PERPETUAL EASEMENT

THIS EASEMENT made this 6 day of FEBRUARY, 2018, by BREVARD COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of clearing, excavating, constructing, operating, and maintaining exclusively, for a public road, with all such fills, cuts, drains, ditches and other incidents which the grantee may deem necessary or convenient in connection therewith, such other incidents to include, but not necessarily be limited to, any and all activities of grantee and third parties as may be expressly or impliedly authorized under the Florida Transportation Code, in, over, under, upon and through the following described land in Brevard County, Florida, viz:

PARCEL NO. 800

SECTION 70020  
F.P. No. 436237-1

That part of:

Block 4, Block 52, First Street, a 50 foot wide platted right of way (partially vacated per Official Records Book 1113, page 755), Pineda Avenue, a 100 foot wide platted right of way (partially vacated per Official Records Book 1113, Page 755), Plan of Town of Pineda as recorded in Plat Book 1, page 41, all of the Public Records of Brevard County, Florida.

(Said property being the same lands as described in Official Records Book 2884, Page 120 of the Public Records of Brevard County, Florida.)

described as follows:

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Commence at a 4-inch by 4-inch concrete monument with disk stamped "LB 6809" marking the intersection of the north line of Block 64, Plan of Town of Pineda as recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida and the existing westerly right of way line of State Road No. 5 (U.S. 1) as shown on Florida Department of Transportation Right of Way Map Section 70020, Financial Project No. 436237-1; thence run North  $70^{\circ}53'24''$  East along the easterly projection of the north line of said Block 64 a distance of 83.07 feet to a point on the Centerline of Survey of State Road No. 5 (U.S. 1) as shown on said Right of Way Map; thence departing said easterly projection run North  $21^{\circ}29'16''$  West along said Centerline of Survey a distance of 50.21 feet to a point of intersection with the westerly projection of the south line of Block 52, Plan of Town of Pineda as recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida, as shown on said Right of Way Map; thence departing said Centerline of Survey run North  $70^{\circ}53'24''$  East along said westerly projection a distance of 60.05 feet to a point on the existing easterly right of way line of State Road No. 5 (U.S. 1) as shown on said Right of Way Map; thence departing said westerly projection run North  $21^{\circ}29'16''$  West along said existing easterly right of way line a distance of 301.10 feet to the point of curvature of a curve concave easterly having a radius of 5669.65 feet and a chord bearing of North  $21^{\circ}03'22''$  West; thence run northerly along the arc of said curve and continue along said existing easterly right of way line through a central angle of  $00^{\circ}51'49''$  a distance of 85.45 feet for a Point of Beginning; thence continue northerly along the arc of said curve and along said existing easterly right of way line through a central angle of  $00^{\circ}19'33''$  a distance of 32.25 feet to the point of tangency; thence run North  $20^{\circ}17'54''$  West and continue along said existing easterly right of way line a distance of 112.41 feet; thence departing said existing easterly right of way line run North  $69^{\circ}42'06''$  East a distance of 25.00 feet; thence run South  $20^{\circ}17'54''$  East parallel with said existing easterly right of way line a distance of 112.41 feet to the point of curvature of a curve concave easterly and concentric with the previously described curve, having a radius of 5644.65 feet and a chord bearing of South  $20^{\circ}27'41''$  East; thence run southerly along the arc of said curve through a central angle of  $00^{\circ}19'33''$  a distance of 32.11 feet to the end of said curve; thence run South  $69^{\circ}22'32''$  West a distance of 25.00 feet to the Point of Beginning.

Containing 3,615 square feet, more or less

This legal description prepared under the direction of:  
John J. Campbell, Jr.  
Florida Registered Surveyor and Mapper No. 5522  
Lochrane Engineering, Inc., LB 2856  
201 South Bumby Avenue  
Orlando, FL 32803  
Date: September 26, 2017

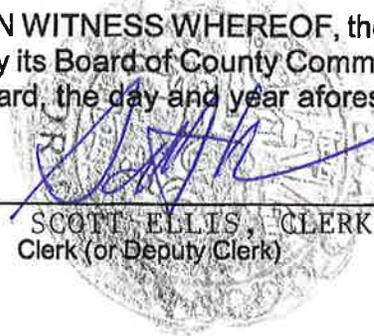
PARCEL NO. 800.1  
SECTION 70020  
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THIS GRANT of easement is subject to the County's right to construct, maintain or replace a County sign identifying the location of Rotary Park, a Brevard County public park with full rights of ingress and egress.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

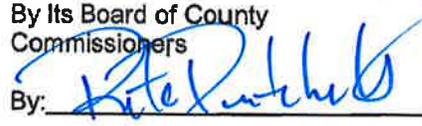
IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson (or Vice-Chairperson) of said Board, the day and year aforesaid.

ATTEST:



SCOTT ELLIS, CLERK  
Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,  
By Its Board of County  
Commissioners

By: 

Its Chairperson  
(or Vice-Chairperson)

ADDRESS OF GRANTOR:  
Approved by Board 2/6/18

07-PE12-09/01

December 15, 2017

This instrument prepared by  
Suzette K. Hicks

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 800.1R  
SECTION 70020  
F.P. NO. 436237 1  
STATE ROAD 5  
COUNTY Brevard

## RESOLUTION

ON MOTION of Commissioner COMMISSIONER SMITH, seconded by  
Commissioner COMMISSIONER TOBIA, the following Resolution  
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 5, Section No. 70020, F.P. No. 436237 1, in Brevard County, Florida: and

WHEREAS, it is necessary that an easement across certain lands now owned by Brevard County be acquired by the State of Florida Department of Transportation: and

WHEREAS, said use is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a perpetual easement, or easements, in favor of the State of Florida Department of Transportation for the purpose of constructing, operating, and maintaining easement, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, that the application of the State of Florida Department of Transportation for a perpetual easement, or easements, is for transportation purposes which are in the public or community interest and for public welfare; that a perpetual easement, or easements, in favor of the State of Florida Department of Transportation in Brevard County, should be drawn and executed by CHAIRMAN PRITCHETT on behalf of this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

PARCEL NO. 800.1R  
SECTION 70020  
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STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of BREVARD County, Florida at a meeting held on the 6 day of FEBRUARY, 2018.



Clerk  
Board of County Commissioners  
BREVARD County, Florida

ATTEST:



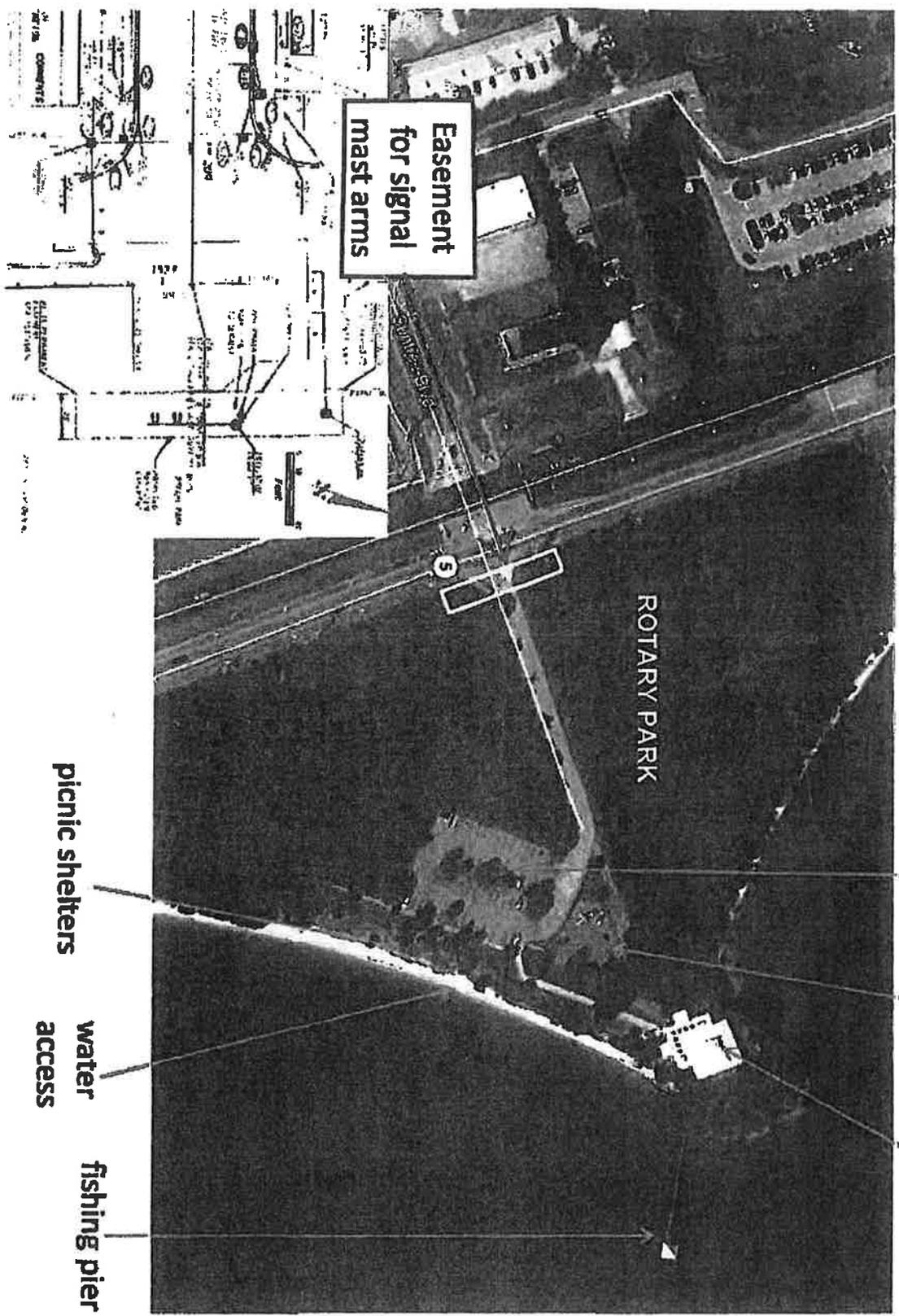
SCOTT ELLIS, CLERK

Approved by Board 2/6/18



**LOCATION MAP**  
Street Name: US1 and Suntree Blvd  
Owner : Brevard County, Florida  
S 12 T 26S R 36E

**Location of Facilities and Impacts**



**BOARD OF COUNTY COMMISSIONERS**

AGENDA: DONATION, EASEMENT AND RESOLUTION TO FDOT RELATED TO THE ROTARY PARK AND US 1 / SUNTREE BOULEVARD PROJECT - DISTRICT 4

AGENCY: LAND ACQUISITION SECTION / PARKS AND RECREATION DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>APJ</u>	_____	<u>1/18/18</u>
PARKS & RECS DEPT Mary Ellen Donner, Director	<u>Med</u>	_____	<u>1/18/18</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>see attached</u>	_____	<u>1/18/18</u>

AGENDA DUE DATE: January 23, 2018 for the February 6, 2018 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**

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**REVIEW**

	<b>APPROVE</b>	<b>DISAPPROVE</b>	<b>DATE</b>
<b>LAND ACQUISITION</b> Dan Jones, Supervisor	<u>APJ</u>	_____	<u>4/18/18</u>
<b>PARKS &amp; RECS DEPT</b> Mary Ellen Donner, Director	<u>MED</u>	_____	<u>4/18/18</u>
<b>COUNTY ATTORNEY</b> Eden Bentley Deputy County Attorney	<u>[Signature]</u>	_____	<u>4/19/18</u>

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**THANK YOU.**