



AGENDA REPORT
July 10, 2018

**Approval Re: Donation of Warranty Deed from Lou Ray, LLC for Additional
Right of Way - District 1. (Fiscal Impact: None)**

SUBJECT:

Approval Re: Donation of Warranty Deed from Lou Ray, LLC for Additional Right of Way
- District 1. (Fiscal Impact: None)

FISCAL IMPACT:

None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Warranty Deed from Lou Ray, LLC.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 17, Township 21, Range 35.

Lou Ray, LLC offered to donate additional right of way at the corner of Mitchell Avenue and East Main Street, in Mims. The department has determined it is in the best interest of the County to accept the donation in order to maintain the existing right of way.

There is an existing mortgage on the parcel and a partial release of mortgage has been obtained by Land Acquisition. The partial release will be recorded in Brevard County Public Records.

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

ATTACHMENTS:

Description

- ▣ **Lou Ray Donation CAO Review**
- ▣ **Lou Ray Location Map**

BOARD OF COUNTY COMMISSIONERS

AGENDA: WARRANTY DEED AND PARTIAL RELEASE OF MORTGAGE FOR THE LOU RAY, LLC DONATION (OWNER) – DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>5/15/18</u>
COUNTY ATTORNEY (Assistant) County Attorney <i>(Raymond Williams)</i>	<u>[Signature]</u>	_____	<u>5/31/18</u>

Proposing Manager's election is established by corporate minutes or Resolub.

AGENDA DUE DATE: June 26, 2018 for the July 10, 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.

*Revd
at 5/31*



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

July 11, 2018

M E M O R A N D U M

TO: Andrew Holmes, Public Works Director

RE: Item F.15., Approval for Donation of Warranty Deed from Lou Ray, LLC for Additional Right-of-Way

The Board of County Commissioners, in regular session on July 10, 2018, approved and accepted the Warranty Deed from Lou Ray LLC for additional right-of-way for the parcel located in Section 17, Township 21, Range 35.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Prepared by and return to:
Public Works, Land Acquisitions Section (321-690-6847
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940
Being a portion of interest in tax parcel #21-35-17-52-*2

WARRANTY DEED
(Mitchell and Main Street)

THIS INDENTURE is made this 24 day of April, 2018, between LOU RAY, LLC, a Florida limited liability company, whose mailing address is 9372 Elm Street, Chadwicks, NY 13319 as GRANTOR, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, GRANTEE;

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described land, situate, lying and being in the County of Brevard, State of Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

This deed is made for the purpose of giving and granting to the Grantee, its successors and assigns, a fee simple interest in and to said lands, for the purposes of right of way.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title & interest forever, and the Grantor hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

SEE ADDITIONAL PAGE FOR SIGNATURES

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written:

Signed, sealed and delivered in the presence of:

GRANTOR:

Lina Parkhurst
Witness (Print Name): Lina Parkhurst
Sharon Spooner
Witness (Print Name): Sharon Spooner

LOU RAY, LLC
Raymond H Williams
By: Raymond H Williams, Managing Member

State of ~~Florida~~ New York
County of ~~Brevard~~ Oneida

The foregoing instrument was acknowledged before me this 24 day of April, 2018, by Raymond H. Williams, Managing Member of Lou Ray LLC, who is/are personally known to me or who have produced valid photo id as identification.

CORA J MILLER
Lic. #01M16295920
Notary Public-State of New York
Qualified in Oneida County
COMM. EXP. 1-13-22

Cora J Miller
Notary Public

(SEAL)

Heidi Rupert
Witness (Print Name) HEIDI RUPPERT
Jean-claude NGACACA
Witness (Print Name): _____

LOU RAY, LLC
Lou MacDonald
By: Lou MacDonald, Managing Member

City of OHAWA
Province ONTARIO

The foregoing Instrument was acknowledged before me this 11th day of April, 2018, by Lou MacDonald, Managing Member of Lou Ray LLC, who is/are personally known to me or who have produced valid photo id as identification.

JM McCarthy
Notary Public

(SEAL)



Board meeting date: _____
Agenda Item #: _____

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

Witness (Print Name): _____

LOU RAY, LLC

Witness (Print Name): _____

By: Raymond H Williams, Managing Member

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Raymond H. Williams, Managing Member of Lou Ray LLC, who is/are personally known to me or who have produced valid photo id as identification.

Notary Public

(SEAL)

[Signature]
Witness (Print Name) HEIDI RUPPERT
[Signature] Jean-claude NGAIACA
Witness (Print Name): _____

LOU RAY, LLC
[Signature]
By: Lou MacDonald, Managing Member

City of OHANA
Providence ONTARIO

The foregoing instrument was acknowledged before me this 11th day of APRIL, 2018, by Lou MacDonald, Managing Member of Lou Ray LLC, who is/are personally known to me or who have produced valid photo id as identification.

[Signature]
Notary Public

(SEAL)



Board meeting date: _____
Agenda Item #: _____

LEGAL DESCRIPTION

PARCEL 101

SECTION 17 TOWNSHIP 21 SOUTH, RANGE 35 EAST
 PARENT PARCEL ID NO.: 21-35-17-52-9-2
 PURPOSE: FEE SIMPLE CONVEYANCE.

EXHIBIT "A"
SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 3
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 101 (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4940, PAGE 2095, AND ALSO BEING A PORTION OF PURYEAR WARD PLAT OF MIMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING LOCATED WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF EAST MAIN STREET, A 60 FOOT WIDE RIGHT OF WAY AS ESTABLISHED BY SAID PURYEAR WARD PLAT OF MIMS, AND THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, SAID RIGHT OF WAY ALSO KNOWN AS STATE ROAD NO. 5; THENCE NORTH 62° 03' 01" EAST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 439.26 FEET TO THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6314, PAGE 71, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN NORTH 01° 55' 29" EAST ALONG THE EAST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 5.96 FEET; THENCE NORTH 02° 35' 20" WEST CONTINUING ALONG SAID EAST LINE FOR A DISTANCE OF 54.26 FEET; THENCE NORTH 46° 06' 27" EAST CONTINUING ALONG SAID EAST LINE FOR A DISTANCE OF 19.93 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 17, SAID LINE ALSO BEING THE NORTH LINE OF SAID PURYEAR WARD PLAT OF MIMS; THENCE NORTH 89° 05' 31" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 131.25 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 62° 03' 01" WEST ALONG THE NORTH RIGHT OF WAY LINE OF SAID EAST MAIN STREET FOR A DISTANCE OF 162.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.12 ACRES (5277 SQUARE FEET), MORE OR LESS.

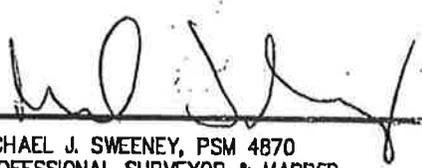
UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED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

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE NORTH LINE OF EAST MAIN STREET AS BEING NORTH 62° 03' 01" EAST, AN ASSUMED BEARING.
3. REFERENCE MATERIALS:
 - A. TITLE REPORT PREPARED BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 18-1013, EFFECTIVE DATE 01/08/2018.
 - I. NO EASEMENTS ARE LISTED WITHIN THE ABOVE STATED TITLE REPORT.

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
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
 PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

PROJECT NO. 18-01-025

SECTION 17
 TOWNSHIP 21 SOUTH
 RANGE 35 EAST

DATE: FEBRUARY, 2018

SHEET: 1 OF 2

REVISIONS

DATE

DESCRIPTION

REVISIONS	DATE	DESCRIPTION

SKETCH OF DESCRIPTION

PARCEL 101

SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST
 PARENT PARCEL ID NO.: 21-35-17-52-*2
 PURPOSE: FEE SIMPLE CONVEYANCE



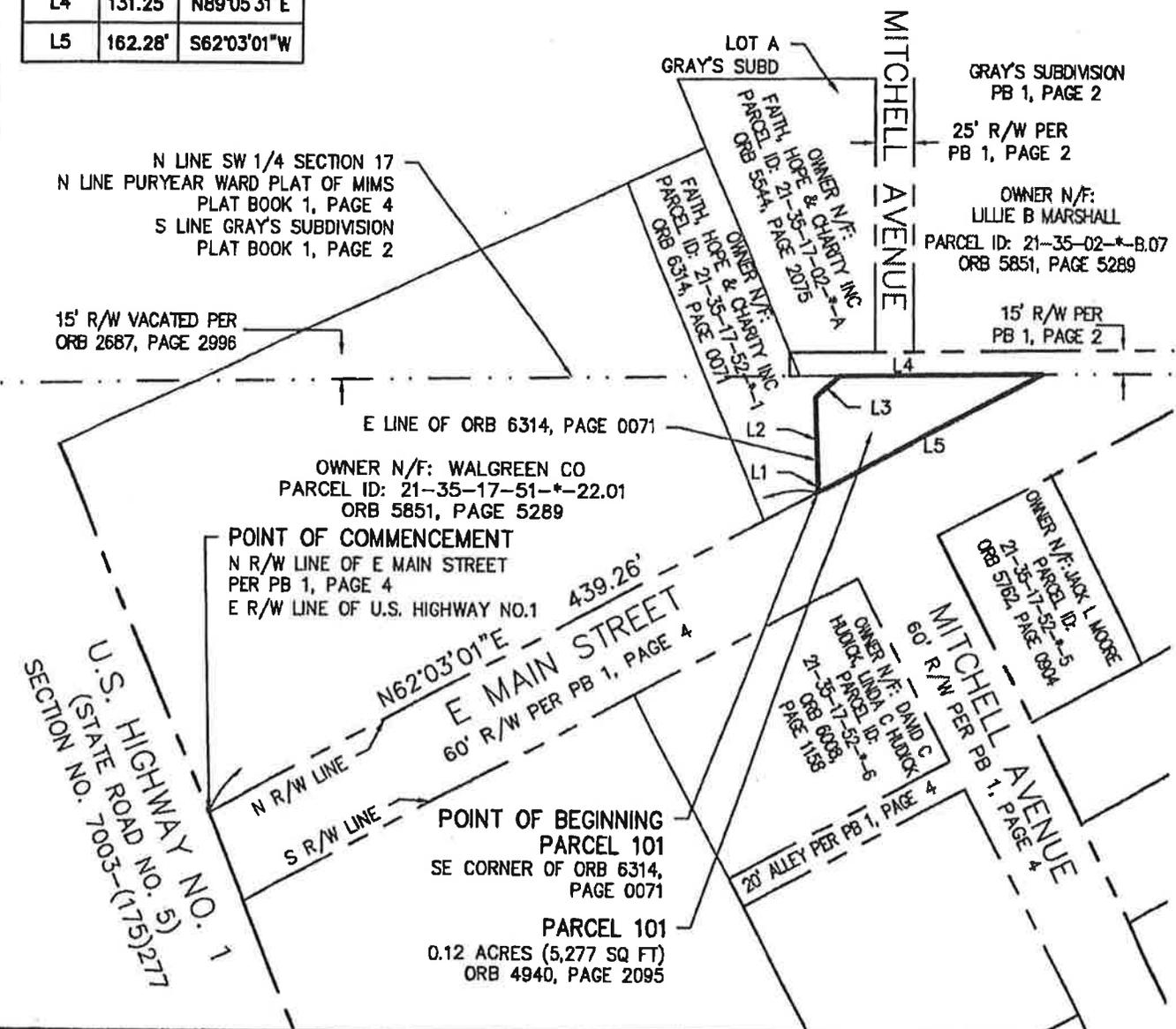
SCALE:
 1" = 100'

EXHIBIT "A"
SHEET 2 OF 2
 NOT VALID WITHOUT SHEET 1 OF 2
THIS IS NOT A SURVEY

Parcel Line Table		
Line #	Length	Direction
L1	5.96'	N01°55'29"E
L2	54.26'	N02°35'20"W
L3	19.93'	N46°06'27"E
L4	131.25'	N89°05'31"E
L5	162.28'	S62°03'01"W

ABBREVIATIONS
 N/F = NOW OR FORMERLY
 ORB = OFFICIAL RECORD BOOK
 PB = PLAT BOOK
 R/W = RIGHT OF WAY

LEGEND
 PROPERTY LINE
 SECTION LINE
 RIGHT OF WAY LINE
 LOU RAY LLC DONATION PARCEL



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

SCALE: 1"=100'
 PROJECT NO.: 18-01-025

SECTION 17
 TOWNSHIP 21 SOUTH
 RANGE 35 EAST

LOCATION MAP

TWP: 21 RNG: 35 SEC: 17 DISTRICT: 1

STREET NAME: **Michell Avenue / East Main Street**

OWNER'S NAME: **LOU RAY, LLC**

