

Meeting Date
March 7, 2017



AGENDA	
Section	Consent
Item No.	II.A.5

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Resolution and County Deed regarding that portion of Viera Boulevard involved in the construction area of the Viera Blvd. and I-95 Interchange- District 4. (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested the Board of County Commissioners approve and authorize the Chairman to execute the Resolution and County Deed for that portion of Viera Blvd. required for Public Purposes related to the I-95 and Viera Blvd. Interchange.

Summary Explanation & Background:

The subject property is located in Section 33, Township 25 South, Range 36 East.

Florida Department of Transportation has requested that Brevard County release its interest in that portion of Viera Boulevard, a 150 foot right of way, lying East and West of State Road 9 (Interstate 95), as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida, and further described in the description of Parcel No. 100 contained in the attached County Deed in preparation for the FDOT Project F. P. No. 428238 1, the proposed improvements to State Road No. 9 (Interstate 95) in Brevard County.

Fiscal impact: FY 2016-2017: No impact
FY 2017-2018: No impact

Clerk to the Board Instructions: Forward the Board approval memo, executed Resolution and executed County Deed to Department.

Exhibits Attached: County Deed, Resolution, Location Map

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

BOARD OF COUNTY COMMISSIONERS

AGENDA: COUNTY RESOLUTION AND COUNTY DEED TRANSFERRING BREVARD COUNTY INTEREST IN THAT PORTION OF VIERA BLVD. INVOLVED IN THE VIERA BLVD. AND INTERSTATE 95 INTERCHANGE - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor		_____	<u>2/20/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<i>Issues regarding obligations on the County have been discussed with Utilities, Uti. Div, chosen to proceed. Resolutions are typically signed by the chairman, however, DOT changes to proceed otherwise</i>		<u>EB 2/20/17</u>
PUBLIC WORKS John Denninghoff, Director		_____	<u>2/21/17</u>

AGENDA DUE DATE: February 21, 2017 for the March 7, 2017 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: COUNTY RESOLUTION AND COUNTY DEED TRANSFERRING BREVARD COUNTY INTEREST IN THAT PORTION OF VIERA BLVD. INVOLVED IN THE VIERA BLVD. AND INTERSTATE 95 INTERCHANGE - DISTRICT 4

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LAND ACQUISITION Dan Jones, Supervisor	<u></u>	_____	<u>2/20/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	_____	_____	_____
PUBLIC WORKS John Denninghoff, Director	<u></u>	_____	<u>2/21/17</u>

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

THANK YOU.



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

March 8, 2017

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item II.A.5., Resolution and County Deed with Florida Department of Transportation (FDOT) for Portion of Viera Boulevard Involved in the Construction Area of the Viera Boulevard and I-95 Interchange

The Board of County Commissioners, in regular session on March 7, 2017, adopted Resolution No. 17-037, and executed County Deed with FDOT for that portion of Viera Boulevard required for public purposes related to the I-95 and Viera Boulevard Interchange. Enclosed are fully-executed Resolution and Deed.

Upon recordation, please return a fully-executed Resolution and Deed to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (2)

cc: Contracts Administration
Asset Management

03-BREVARD CTY-03/07

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 100.1

SECTION 70220

F.P. NO. 428238 1

STATE ROAD 9

COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

COUNTY DEED

THIS DEED, made this 7 day of March, 2017, by BREVARD COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors, and assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

PARCEL NO. 100

SECTION 70220
F.P. NO. 428238-1

That part of:

Viera Boulevard, a 150 foot right of way, lying East and West State Road No. 9 (Interstate 95), as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida.

Described as follows:

PART A:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220,

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SECTION 70220
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Financial Project No. 428238-1; thence run South $89^{\circ}24'31''$ West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South $14^{\circ}31'08''$ East along said Centerline of Survey a distance of 2425.89 feet to a point on the Easterly projection of the existing Northerly right of way line of Viera Boulevard (lying West of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run North $88^{\circ}01'08''$ West along said Easterly projection a distance of 156.44 feet to a point of intersection of said existing Northerly right of way line with the existing Westerly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence run South $14^{\circ}31'08''$ East along said Westerly limited access right of way line a distance of 156.44 feet to a point on the existing Southerly right of way line of said Viera Boulevard; thence departing said Westerly limited access right of way line, run North $88^{\circ}01'08''$ West along said existing Southerly right of way line a distance of 885.77 feet; thence departing said existing Southerly right of way line, run North $01^{\circ}58'52''$ East perpendicular to said existing Southerly right of way line a distance of 150.00 feet to a point on the aforesaid existing Northerly right of way line of Viera Boulevard; thence run South $88^{\circ}01'08''$ East along said existing Northerly right of way line a distance of 841.34 feet to the Point of Beginning.

Containing 2.974 acres, more or less.

And also,

PART B:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South $89^{\circ}24'31''$ West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South $14^{\circ}31'08''$ East along said Centerline of Survey a distance of 2425.88 feet to a point on the Westerly projection of the existing Northerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South $87^{\circ}59'39''$ East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Northerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence continue South $87^{\circ}59'39''$ East along said existing Northerly right of

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SECTION 70220
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way line a distance of 765.79 feet; thence departing said existing Northerly right of way line, run South 02°00'21" West perpendicular to said existing Northerly right of way line a distance of 150.00 feet to a point on the existing Southerly right of way line of aforesaid Viera Boulevard; thence run North 87°59'39" West along said existing Southerly right of way line a distance of 721.29 feet to a point on the aforesaid existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95); thence departing said existing Southerly right of way line, run North 14°31'08" West along said existing Easterly limited access right of way line a distance of 156.46 feet to the Point of Beginning.

Containing 2.560 acres, more or less.

Containing an aggregate total of 5.534 acres, more or less.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: October 18, 2016

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the said grantee forever.

PROVIDED that the following rights are reserved to Grantor:

1. The Grantor shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the Grantor or require the Grantor to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or

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relocation, including, but not limited to, the cost of acquiring appropriate easements.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The Grantor shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The Grantor agrees to repair any damage caused by Grantor to F.D.O.T.'s facilities and to indemnify to the extent permitted under Florida Law the F.D.O.T. against any loss or damage resulting from the Grantor exercising its rights outlined in Paragraphs 1 and 3 above.

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:


CURT SMITH CHAIRMAN

Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:

Approved by Board 3-7-17

2725 Judge Fran Jamieson Way
Viera, FL 32940

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337. 27 F.S.


FL D.O.T.



GRAPHIC SCALE



(IN FEET)
1 Inch = 300feet



Subordination Parcel 103.3
pursuant to :
Emergency Access and
Maintenance Easement over
Tract "A" per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part A

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-foot wide

VIERA BLVD

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-foot wide

Subordination Parcel 101.5
pursuant to :
ORB 4164, Page 1195
ORB 5831, Page 1097

Subordination Parcel 800.3
pursuant to :
Emergency Access and
Maintenance Easement over
Tract "B" per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part B

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-foot wide

VIERA BLVD

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-foot wide

Subordination Parcel 102.2
pursuant to :
ORB 4164, Page 1195
ORB 5831, Page 1097

03-BSD04-08/01
January 13, 2017
This instrument prepared by
Marika Tremblay
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 100.1
SECTION 70220
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STATE ROAD 9
COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

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

WHEREAS, said property is not needed for County purposes: 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 deed, or deeds, in favor of the State of Florida Department of Transportation, conveying all rights, title and interest that said County has in and to said lands required for transportation purposes, 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 deed, or deeds, is for transportation purposes which are in the public or community interest and for public welfare and the land needed for transportation purposes is not needed for county purposes; that a deed, or deeds, in favor of the State of Florida Department of Transportation conveying all right, title and interest of Brevard County in and to said lands should be drawn and executed by CURT SMITH, on behalf of this Board of County Commissioners.

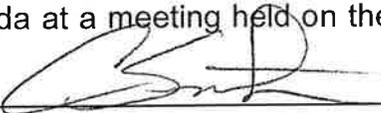
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BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

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 7 day of March, 2017.



CURT SMITH CHAIRMAN

Board of County Commissioners
Brevard County, Florida
Approved by Board 3-7-17

ATTEST:



SCOTT ELLIS, CLERK