



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 5677, Version: 1

Subject:

Approval, Re: Quit Claim Deed from Daniel Clifford Long to Convey Any Interest in the Kathren T. Knoepfel Revocable Living Trust related to the County Owned Range Road Drainage Ditch - District 1 and 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners: 1) accept the attached Quit-Claim Deed and, 2) authorize the Chair to execute the attached Resolution designating the existing drainage ditch as County right-of-way.

Summary Explanation and Background:

The subject property is located in Section 31, Township 24 South, Range 36 East, on the Range Road north of Pluckebaum Road in Cocoa.

On March 14, 2023, staff was contacted by a local title company with regards to a closing for a parcel located at 450 Range Road. Their title report revealed the inability to insure legal access for this parcel fronting Range Road, Cocoa.

The Board of County Commissioners, in regular session on December 17, 2002, accepted Deeds for the drainage ditch from Sherry Hawk (parcel 503) and Kirk M. Knoepfel (tax parcels 505 and 515) in exchange for the installation of a driveway culvert by the County.

Staff research has concluded the following: As to parcels 505 and 515, the deeds conveyed to the County were deeded by Kathren T. Knoepfel and Kirk M. Knoepfel, individually. But on a previous deed, Kathren T. Knoepfel had transferred her portion of the title to the parcels to her trust. The Trust never conveyed its interest to the County. The attached Quit Claim Deed transfers any potential interest remaining in the Trust to the County.

Based on staff research, it is clear the deeds for the drainage ditch were acquired with the intent that the parcels be part of the right-of-way for South Range Road and Pluckebaum Road. However, the deeds do not address this issue specifically, and staff has not located any resolutions formally designating it in this manner. The local title company is concerned that when the County obtained fee simple ownership of the drainage ditches, it created a gap in between the parcels and the right-of-way of Range Road and Pluckebaum Road resulting in no legal access to Range Road for one of the parcels on that road. A resolution is attached that

formalizes the drainage ditches, which receive drainage from the roads, as part of the right-of-way of South Range Road and Pluckebaum Road, thus making the County's intent clear and resolving the title company's concerns about insuring the title.

The User Department approves this request.

This acquisition 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 Quit Claim Deed and Resolution.

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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 Quit Claim Deed and Resolution.

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Quit Claim Deed from Daniel Clifford Long for the Range Road
Drainage Ditch – Districts 1 and 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 <u> </u>		<u>4-6-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u> </u> <i>cms</i>		<u>4-6-2023</u>



April 19, 2023

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

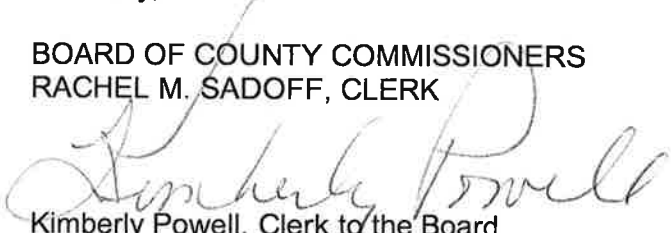
RE: Item F.9., Quit-Claim Deed from Daniel Clifford Long to Convey Any Interest in the Kathren T. Knoepfel Revocable Living Trust Related to the County-Owned Range Road Drainage Ditch; and Resolution Designating the Existing Drainage Ditch as a County Right-of-Way

The Board of County Commissioners, in regular session on April 18, 2023, accepted Quit-Claim Deed from Daniel Clifford Long to convey any interest in the Kathren T. Knoepfel Revocable Living Trust related to the County-Owned Range Road Drainage Ditch; and approved and adopted Resolution No. 23-037, designating the existing drainage ditch as a County right-of-way. Enclosed is a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940
A portion of interest in Tax Parcel ID: 24-36-31-00-505

QUIT CLAIM DEED

THIS INDENTURE is made this 30th day of March, 2023 between Daniel Clifford Long, as Trustee of the Kathren T. Knoepfel Revocable Living Trust, u/t/d October 9, 2020, as Grantor, whose mailing address is 450 South Range Road, Cocoa, Florida 32926 and BREVARD COUNTY FLORIDA, a political subdivision of the State of Florida, Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Melbourne, Florida 32940.

WITNESSTH: That said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, paid receipt of which is hereby acknowledged, has hereby released and quit-claimed to the Grantee, its successors and assigns, any of the Grantor's right, title, interest, and claim of demand which the Grantor(s) may have in the following described land:

SEE ATTACHED EXHIBIT A


IN WITNESS WHEREOF, the Grantor having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:


Witness Jean Kremitzki
(Print Name)

Witness Tiffany Eckert
(Print Name)

GRANTOR:


Daniel Clifford Long, as
Trustee of the Kathren T.
Knoepfel Revocable Trust
u/t/d October 9, 2020

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 30th day of March, 2023, by Daniel Clifford Long, as Trustee of the Kathren T. Knoepfel Revocable Trust u/t/d October 9, 2020. Is ☐ personally known or ☒ produced driver's license as identification.


Notary Signature
SEAL

JEAN A. KREMITZKI
Commission #11574160
Expires March 16, 2027

EXHIBIT "A"

A 45.0 FOOT WIDE STRIP OF LAND, LYING IN A PORTION OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 45.0 FEET OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, LESS AND EXCEPT THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3098, PAGE 3319, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

THE ABOVE DESCRIBED LAND CONTAINS 0.34 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

AND

A 45.0 FOOT WIDE STRIP OF LAND, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3098, PAGE 3319, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 45.0 FEET OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3098, PAGE 3319, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

THE ABOVE DESCRIBED LAND CONTAINS 0.34 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

RESOLUTION NO. 23- 037

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" (hereinafter the "Parcels"); and

WHEREAS, the COUNTY obtained fee simple ownership of the parcels by Deed; and

WHEREAS, the COUNTY utilizes the parcels for drainage, which includes receipt of drainage from the adjacent roadways; and

WHEREAS, an adjacent property owner has raised the issue as to whether the intervening ditch described in the parcels is landlocking his property, and the COUNTY desires to clarify the matter to all Parties satisfaction by formally designating the property described in Exhibit A as part of the Right-of-Way for the adjacent roads (South Range Road and Pluckebaum Road); 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. The COUNTY finds that the parcels at Exhibit "A" are part of the Right-of-Way for the adjacent roads (South Range Road and Pluckebaum Road) for legal access purposes.
3. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 18th day of April, 2023.

ATTEST:



Rachel Sadoff, Clerk of Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: 

Rita Pritchett, Chair

As approved by the Board on 4-18-2023

EXHIBIT "A"

A 45.0 FOOT WIDE STRIP OF LAND, LYING IN A PORTION OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 45.0 FEET OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, LESS AND EXCEPT THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3098, PAGE 3319, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

THE ABOVE DESCRIBED LAND CONTAINS 0.34 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

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THE ABOVE DESCRIBED LAND CONTAINS 0.34 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

AND

A STRIP OF LAND, VARYING IN WIDTH, LYING IN A PORTION OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$, OF THE SOUTHWEST $\frac{1}{4}$, OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE N00°30'30"E ALONG THE WEST LINE OF SECTION 31, FOR A DISTANCE OF 661.77 FEET, TO THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31; THENCE N89°57'42" E ALONG SAID NORTH LINE, FOR A DISTANCE OF 45.00 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S00°30'30" W ON A COURSE PARALLEL TO THE WEST LINE OF SECTION 31, FOR A DISTANCE OF 552.38 FEET, TO A

POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 89.07 FEET, AND FROM WHICH POINT A RADIAL LINE BEARS N74°32'29" E; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 94.05 FEET, AND THROUGH A CENTRAL ANGLE OF 60°30'00" TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S89°52'09" E, FOR A DISTANCE OF 486.84 FEET; THENCE RUN N00°00'00" E FOR A DISTANCE OF 6.23 FEET; THENCE S89°02'37" E FOR A DISTANCE OF 742.39 FEET, TO A POINT ON THE EAST LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31; THENCE S00°10'43" W ALONG SAID EAST LINE, FOR A DISTANCE OF 42.53 FEET TO THE SOUTH LINE OF SECTION 31; THENCE N89°52'09" W ALONG SAID SOUTH LINE, FOR A DISTANCE OF 1339.21 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LAND CONTAINS 2.12 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

LOCATION MAP

Section 31, Township 24 South, Range 36 East - Districts: 1 and 2

PROPERTY LOCATION: on Range Road north of Pluckebaum Road in Cocoa

