



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.8.

3/23/2021

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### Subject:

Approval, Re: Resolution and Maintenance Map for a Roadway Drainage Ditch and Associated Drainage Appurtenances Constructed by Brevard County as Part of the Adjacent Roadway of Barnes Boulevard - District 4.

### Fiscal Impact:

FY: 2020-2021: 1160/265120/5340000 - \$55.50

### Dept/Office:

Public Works Department / Land Acquisition

### Requested Action:

It is requested that the Board of County Commissioners adopt and authorize the chair to: 1) execute the Resolution and Maintenance Map and 2) instruct staff to record the Resolution and Maintenance Map.

### Summary Explanation and Background:

The subject property is located in Section 20, Township 25 South, Range 36 East, Barnes Boulevard, in Rockledge.

In accordance with the requirements of Section 95.361 of the Florida Statutes, the Resolution and Maintenance Map require signatures of the Board of County Commissioners and the Clerk of the Circuit Court for recording purposes.

The Barnes Boulevard Maintenance Map was prepared by surveyor Joseph Barry Cabaniss, P.L.S. Certificate Number 4524 of Bussen-Mayer Engineering Group, reviewed by Christine Schverak, Assistant County Attorney and Michael J. Sweeney, County Surveyor, approved by Marc E. Bernath, Public Works Director and Susan G. Jackson, Assistant Public Works Director and Road and Bridge Manager. The map represents that portion of Barnes Boulevard located on the south side of the west 700 feet of the Barnes Boulevard right-of-way where Barnes Boulevard intersects with South Fiske Boulevard. The portions of the maintained right-of-way shown on the Maintenance Map were constructed by Brevard County for drainage as part of the adjacent roadway of Barnes Boulevard. Construction, maintenance and repairs by the County for a period of four years are supported by maintenance affidavits from both County engineering inspector Brenda S. Lee and Michael R. Keys, Jr., Superintendent for Jr. Davis Construction Company, Inc., for the Barnes Boulevard widening project.

The area indicated on the Maintenance Map shall be dedicated to the Public to the extent of the width that has been maintained or repaired for the prescribed period, furthermore, the rights, title, easements and appurtenances to the land as described on this Map shall be vested in Brevard County.

The User Department approves this request and recommends that the Board file the Maintenance Map in a

Road Plat Book and record the Resolution in the Official Records of Brevard County, Florida in order to recognize the County's rights to portions of the Barnes Boulevard right-of-way.

This acquisition follows the policies and procedures as set forth in Administrative Order 37. The cost of recording the map and the resolution is \$55.50.

**Clerk to the Board Instructions:**

Upon execution by the Chair, Public Works Department will contact the Clerk's office to pick up the original executed Resolution and original executed Maintenance Map

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

AGENDA: Resolution and Maintenance Map for a Roadway Drainage Ditch  
Constructed by Brevard County as Part of the Adjacent Roadway of  
Barnes Boulevard – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 X58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3-8-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>3/8/2021</u>



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

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

March 24, 2021

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

TO: Marc Bernath, Public Works Director      Attn: Lucy Hamelers

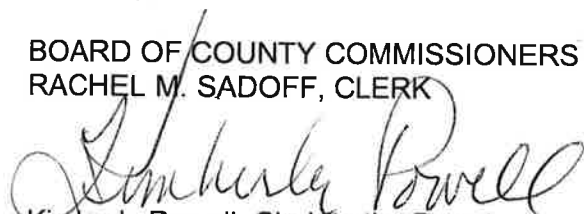
RE: Item F.8., Approval of Resolution and Maintenance Map for a Roadway Drainage Ditch and Associated Drainage Appurtenances Constructed by Brevard County as Part of the Adjacent Roadway of Barnes Boulevard

The Board of County Commissioners, in regular session on March 23, 2021, adopted Resolution No. 21-031, authorizing the Chair to execute the Resolution and the Maintenance Map; and instructed staff to record the Resolution and Maintenance Map after April 7, 2021. Enclosed is a fully-executed Resolution and the Maintenance Map.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

cc: County Attorney  
County Manager

**RESOLUTION NO. 21- 031**  
**BARNES BOULEVARD MAINTENANCE MAP**

**WHEREAS**, Brevard County maintains a certain roadway ditch and associated drainage appurtenances (hereinafter the "roadway drainage ditch") located in Brevard County, Florida, further described in "Exhibit A" attached and incorporated by this reference; and

**WHEREAS**, Barnes Boulevard is a County Owned and Maintained Roadway; and

**WHEREAS**, said roadway drainage ditch is adjacent to the roadway of Barnes Boulevard and necessary for the support and maintenance of said Barnes Boulevard and said roadway drainage ditch has been used, constructed, maintained or repaired continuously and uninterruptedly for four (4) years by Brevard County, Florida, and all rights, title, easements and appurtenances to said roadway drainage ditch vested in Brevard County, Florida, in accordance with the provisions of Section 95.361(2) and (3), Florida Statutes; and

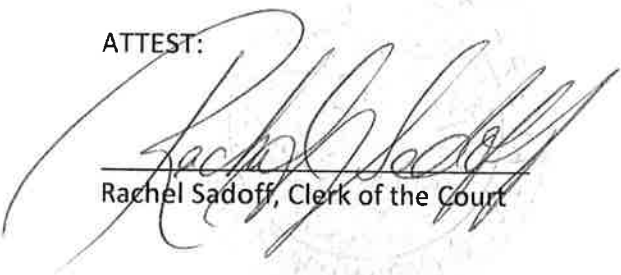
**WHEREAS**, it is the best interest of the citizens of Brevard County, Florida to declare said roadway drainage ditch a dedicated part of the public roadway of Barnes Boulevard.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida as follows:

1. The foregoing recitals are true and correct and incorporated to this Resolution by this reference.
2. The Board of County Commissioners of Brevard County, Florida declares the roadway drainage ditch hereinabove described to constitute a dedicated part of the public roadway of Barnes Boulevard and all rights, title, easements and appurtenances therein to be vested in Brevard County, Florida, in accordance with Section 95.361(2) and (3), Florida Statutes.
3. That this Resolution be recorded in the Public Records of Brevard County, Florida immediately upon adoption.
4. This Resolution shall take effect immediately upon its adoption.

This Resolution is **DONE, ORDERED, AND ADOPTED** in Regular Session, this 23 day of Mar, 2021.

ATTEST:

  
\_\_\_\_\_  
Rachel Sadoff, Clerk of the Court

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Rita Pritchett, Chair

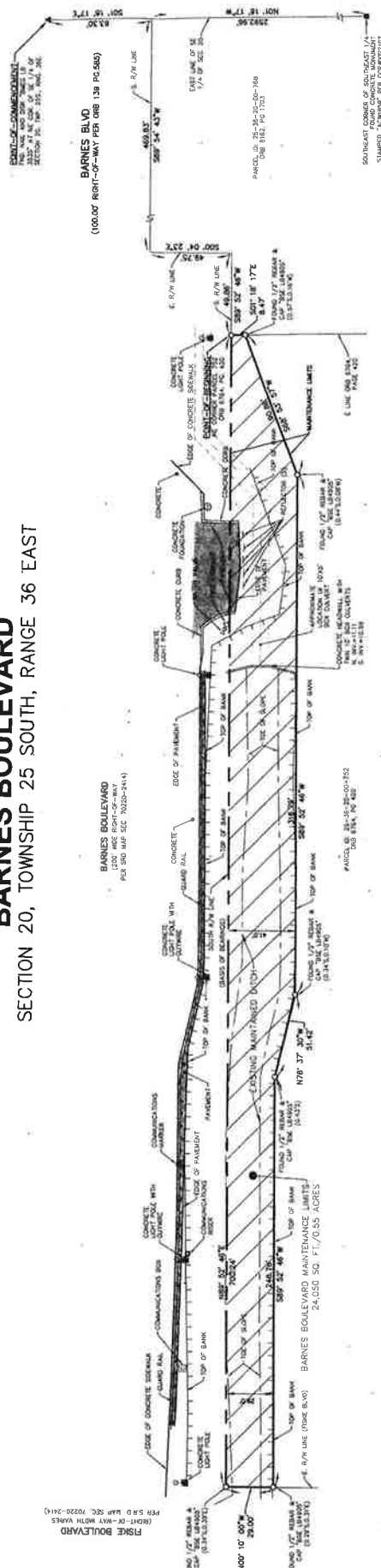
As approved by the Board on: 3/23/2021

Reviewed for legal form and content:

\_\_\_\_\_  
Assistant County Attorney

## SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST

ROAD PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
SHEET 1 OF 1

[illegible]

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 6764, PAGE 420 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID SUBJECT PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

[illegible]

**BREVARD COUNTY, FLORIDA, BOARD OF COUNTY COMMISSIONERS**  
**MAINTENANCE MAP**

[illegible]

I hereby certify that this specially prepared policy map was made under my responsible charge and meets the standards of practice as set forth by the Florida Board of Land Surveyors in Practice Rule 31. *Charles A. Adams, Inc.*

*[Handwritten signature]*



## EXHIBIT A

### DESCRIPTION: BY SURVEYOR

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 6764, PAGE 420 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID SUBJECT PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 AS MONUMENTED BY A NAIL AND DISK STAMPED "BMEG LB3535"; THENCE S01°18'17"E, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 63.30 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF BARNES BOULEVARD, A 100.00 FOOT WIDE RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 139, PAGE 585 OF SAID PUBLIC RECORDS WHICH LIES N01°18'17"W, AND 2592.96 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4 AS MONUMENTED BY A CONCRETE MONUMENT STAMPED "ACW1859" PER C.C.R. NO.0022107; THENCE S89°54'43"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 469.83 FEET; THENCE S00°04'23"E, ALONG THE EAST LINE OF THE 200.00 FOOT WIDE RIGHT-OF-WAY OF BARNES BOULEVARD AS SHOWN ON STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 70220-2414, A DISTANCE OF 49.75 FEET; THENCE S89°52'46"W, ALONG THE SOUTH LINE OF SAID 200.00 FOOT RIGHT-OF-WAY, A DISTANCE OF 49.86 FEET TO THE NORTHEAST CORNER OF SAID LANDS PER OFFICIAL RECORDS BOOK 6764, PAGE 420 AND THE POINT-OF-BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, S01°18'17"E, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 8.47 FEET; THENCE S68°53'57"W, A DISTANCE OF 90.86 FEET; THENCE S89°52'46"W, PARALLEL WITH AND 41.00 FEET SOUTHERLY, BY RIGHT ANGLE MEASURE, OF SAID SOUTH LINE OF THE 200.00 FOOT WIDE RIGHT-OF-WAY, A DISTANCE OF 316.79 FEET; THENCE N76°37'30"W, A DISTANCE OF 51.42 FEET; THENCE S89°52'46"W, PARALLEL WITH AND 29.00 FEET SOUTHERLY, BY RIGHT ANGLE MEASURE, OF SAID SOUTH LINE OF THE 200.00 FOOT WIDE RIGHT-OF-WAY, A DISTANCE OF 248.76 FEET TO THE EAST LINE OF FISKE BOULEVARD, A VARIABLE WIDTH RIGHT-OF-WAY PER SAID MAP SECTION 70220-2414; THENCE N00°10'00"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 29.00 FEET TO THE INTERSECTION WITH SAID SOUTH LINE OF THE 200.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°52'46"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 700.24 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.55 ACRES (24,050 SQUARE FEET) MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, COVENANTS, EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.

## LOCATION MAP

**Section 20, Township 25 South, Range 36 East District: 4**

**PROPERTY LOCATION:** At the intersection of Fiske Boulevard and Barnes Boulevard on the South Side of Barnes Boulevard, in Rockledge

