



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

10/26/2021

Subject:

Approval, Re: Notice of Non-Acceptance of Easement Deed for Ingress and Egress conveyed to Brevard County from Rodney F. McConkey - District 1

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Notice of Non-Acceptance.

Summary Explanation and Background:

The subject properties are located in Section 36, Township 24 South, Range 36 East, east of Golfview Avenue, north of Port Saint John Parkway in Cocoa.

On September 24, 2021, it was discovered that an Easement Deed for Ingress and Egress from Rodney F. McConkey to Brevard County was recorded on July 19, 2021 in Official Records Book 9193, page 760, of the Public Records of Brevard County, Florida. Said Easement Deed was not submitted to the Brevard County Board of County Commissioners for approval and acceptance. Since this Easement Deed for Ingress and Egress has been recorded without the County's knowledge, a Notice of Non-Acceptance must be recorded in the Public Records to disclaim ownership and rebut any presumption of a valid conveyance of this easement.

The User Department approves this request.

This acquisition denial 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 Notice of Non-Acceptance.

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Non-Acceptance of Easement Deed for Ingress and Egress

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>9-27-21</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>9/28/2021</u>



October 27, 2021

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.4., Approval for Notice of Non-Acceptance of Easement Deed for Ingress and Egress Conveyed from Rodney F. McConkey

The Board of County Commissioners, in regular session on October 26, 2021, approved and authorized the Chair to execute the Notice of Non-Acceptance of Easement Deed for Ingress and Egress conveyed from Rodney F. McConkey. Enclosed is the fully-executed Notice.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

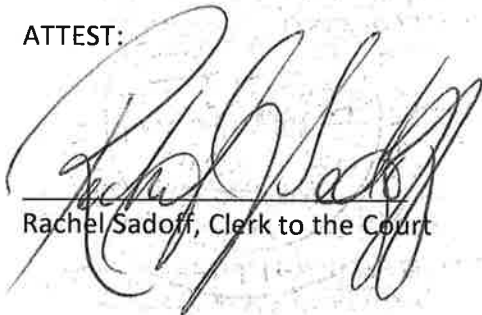
A handwritten signature in cursive script, reading "Kimberly Powell".
Kimberly Powell, Clerk to the Board

Encls. (1)

NOTICE OF NON-ACCEPTANCE

Brevard County, Florida, a political subdivision of the State of Florida hereby provides notice that the properties described in the Easement Deed for Ingress and Egress recorded at Official Records Book 9193, Page 760, Public Records of Brevard County, Florida was not delivered to or accepted by the Board of County Commissioners Brevard County, Florida at any time. The Board of County Commissioners, Brevard County, Florida rejects any and all interests attempted to be transferred by Official Records Book 9193 Page 760, Public Records of Brevard County, Florida.

ATTEST:



Rachel Sadoff, Clerk to the Court

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



By: _____
Rita Pritchett, Chair

Date: October 26, 2021

As approved by the Board on 10/26/2021
Agenda Item # F.4.

Deborah Thomas

From: Cruz, Debbie <Debbie.Cruz@brevardfl.gov>
Sent: Thursday, October 28, 2021 4:25 PM
To: Powell, Kimberly; Deborah Thomas
Cc: Hamelers, Lucy
Subject: October 26, 2021 Agenda Item F.4. Approval of Notice of Non-Acceptance of Easement Deed for Ingress and Egress Conveyed by Rodney F. McConkey
Attachments: Notice of Non Acceptance-McConkey.pdf; Oct 26 2021-Item F.4. Clerk Memo.pdf

Good afternoon Kim/Deborah,

On October 26, 2021, the Notice of Non-Acceptance was approved by the Board and executed by the Chair. The notice had OR BK 9192 PG 760 that is a scrivener's error. County Attorney said we needed to get the Chair to resign with the corrected OR BK/PG.

I have attached the revised Notice and the clerk memo. Can you get the Chair to sign and Clerk to attest?

My apologies for any inconvenience this may cause. Please let me know when it is ready.

Thank you for your help,

Debbie Cruz
Special Projects Coordinator I
Brevard County Public Works Department
Land Acquisition
Phone: 321-350-8354
Ext: 58354

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

Prepared by: *Rodney M. Carkey*

HC

Return to: *Rodney M. Carkey*
2000 Cheng Hwy Ste 103-310
Titusville, FL 32780

EASEMENT DEED FOR INGRESS AND EGRESS

KNOW ALL MEN BY THESE PRESENTS, this *19* day of *July*, 20*21* that for the true and actual consideration of:

the receipt of which is hereby acknowledged, the grantor,

Rodney F. M. Carkey
2000 Cheng Hwy Ste 103-310
Titusville, FL 32780

hereby GRANTS to the grantee,

Brevard County Florida Power and Light
Emergency vehicle access

a(n) *Utility/Emerg. Vehicle* easement for ingress and egress and incidental purposes over the following described real property (Servient Tenement) in the County of *Brevard* State of Florida. Parcel ID: *2312740, 2312741, 2312742, 2312743*

As shown in "Exhibit A" attached hereto and incorporated herein.

Said *Utility/Emerg. Vehicle* easement is appurtenant to and for the benefit of the following described real property (Dominant Tenement) in the County of *Brevard*, State of Florida. Parcel ID:

As shown in "Exhibit B" attached hereto and incorporated herein.

This appurtenant *Utility/Emerg. Vehicle* easement is described as a portion of the Servient Tenement and more specifically described in "Exhibit C" attached hereto and incorporated herein.

This appurtenant *Utility/Emerg. Vehicle* easement shall run with the lands described above and for the sole benefit of the Dominant Tenement and shall bind the heirs, successors and assigns of the grantor and grantee.

Purpose of easement:

The County Recorder is hereby instructed to index this Easement Deed for Ingress and Egress in the ☒ Grantor / ☐ Grantee index under the names of the respective parties.

In witness whereof, the grantor has signed and sealed these presents on the day first above written.

Signature: [Signature]
 Print Name: Rodney E. McConkey
 Capacity: Owner / Grantor

Signature: _____
 Print Name: _____
 Capacity: _____

Signature: [Signature]
 Print Name: Guson Adams
 Capacity: Witness

Signature: _____
 Print Name: _____
 Capacity: _____

Signature: [Signature]
 Print Name: Angela Barreto
 Capacity: witness

Signature: _____
 Print Name: _____
 Capacity: _____

Construe all terms with the appropriate gender and quantity required by the sense of this deed

STATE OF Florida
 COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19 day of July, 2021 by Rodney F. McConkey

FL DL, who ☐ is personally known to me or ☒ produced a as identification, regarding the attached instrument described as propose of easement and to whose signature this notarization applies.

[Signature]
 notary public signature
Angela Barreto
 notary public printed name

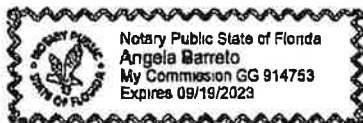


EXHIBIT A

Servient Tenement Description

Parcel ID Number:

Commonly known as:

Legal description:

See Attached

EXHIBIT C

Easement Description

Easement description: *Utility and Emergency Vehicle easement*

CERTIFIED TO:

RODNEY F McCONKEY

LEGAL DESCRIPTION: (BY SURVEYOR)

A 25 FOOT WIDE INGRESS/EGRESS, EMERGENCY VEHICLE, UTILITY, AND FP&L EASEMENT ACROSS THE SOUTH 25 FEET OF LOTS 8 THROUGH 11, BLOCK 2, CANAVERAL GROVES SECTION 28, RECORDED IN SURVEY BOOK 2, PAGE 52, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

CALCULATIONS/DRAWN/CHECKED BY AEG/JWL/EKG

BOUNDARY

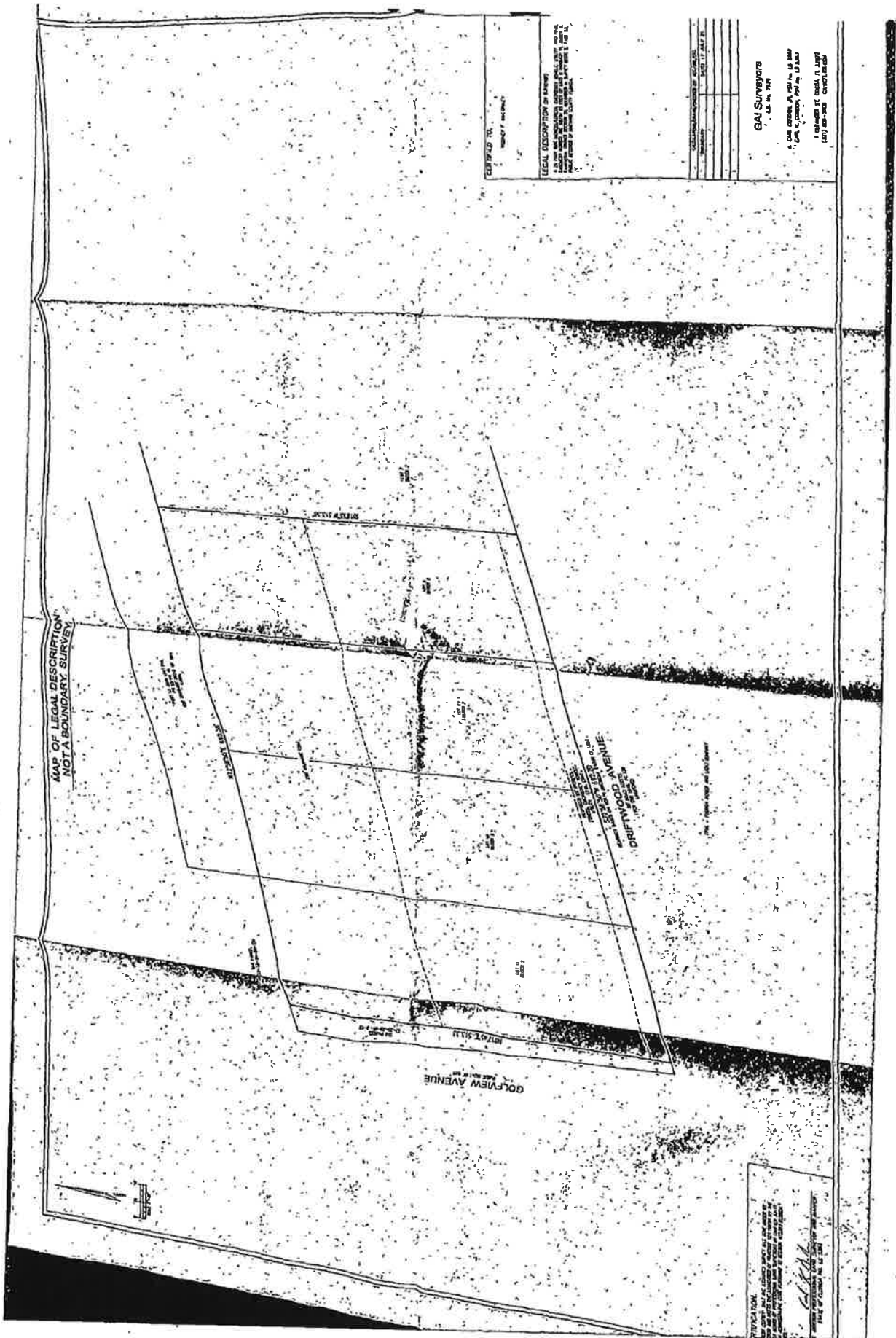
DATE: 17 JULY 21

GAI Surveyors

LB No 7928

A. EARL GORDON, JR, PSM No LS 2866
EARL K GORDON, PSM No LS 5363

1 OLEANDER ST. COCOA, FL 32922
(321) 806-3908 GAI@CFL.RR.COM



LOCATION MAP

Section 28, Township 23 South, Range 35 East - District: 1

PROPERTY LOCATION: East of Golfview Avenue north of Port Saint John Parkway

OWNERS NAME(S): Rodney F. McConkey

