



**AGENDA REPORT
May 8, 2018**

SUBJECT:

Approval Re: Resolution and Quitclaim Deed for the Acceptance of Right of Way (pond) from Florida Department of Transportation (FDOT) to Brevard County (BC) Related to the Realignment of NASA Blvd and Ellis Rd at Wickham Road Project – District 5.

FISCAL IMPACT:

None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the Resolution accepting right of way from FDOT, and 2) authorize the County Manager to accept delivery of the Quitclaim Deed from FDOT and cause the recording of the deed and resolution documents.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 36, Township 27 South, Range 36 East

In May of 2009, FDOT and BC entered into the Locally Funded Agreement for the Realignment of NASA Boulevard and Ellis Road at Wickham (FM # 404667-1-(52/56/61/62)-01, 02 and 03 (Project) with one of the conditions being that BC would accept assignment of maintenance related to the Pond 1.

FDOT has determined that the property being transferred is not required for state highway purposes and, pursuant to Section 337.25 Florida Statutes, has agreed to quitclaim the land as described to BC.

CLERK TO THE BOARD INSTRUCTIONS:

Return original executed Resolution to Department.

ATTACHMENTS:

Description

- CAO Approval of Resolution & Deed**
- Resolution**
- QC Deed**
- Nasa Transfer Location Map**

BOARD OF COUNTY COMMISSIONERS

AGENDA: RESOLUTION AND DEED RELATED TO FDOT TRANSFER OF POND
AS PART OF THE NASA BOULEVARD AND ELLIS ROAD AT WICKHAM
ROAD REALIGNMENT PROJECT – DISTRICT 5

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>DPJ</u>	_____	<u>4/18/18</u>
COUNTY ATTORNEY Eden Bentley Diana Yuan County Attorney Assistant County Attorney	<u>[Signature]</u>	_____	<u>4/23/18</u>

AGENDA DUE DATE: April 24, 2018 for the May 08, 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.



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

May 9, 2018

M E M O R A N D U M

TO: Andy Holmes, Public Works Director

RE: Item II.A.6., Resolution and Quit Claim Deed for the Acceptance of Right-of-Way (Pond) from FDOT to Brevard County Related to the Realignment of Nasa Boulevard and Ellis Road at Wickham Road Project

This is to correct the memorandum of May 9, 2018. The Board of County Commissioners, in regular session on **May 8, 2018**, adopted Resolution No. 18-063, accepting right-of-way from FDOT; authorized the County Manager to accept delivery of the Quitclaim Deed from FDOT and cause the recording of the Deed and Resolution Documents. Enclosed is a fully-executed Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Asset Management

April 13, 2018
Parcel No. 118
Section 70000
F. P. No. 404667.1
State Road Wickham Road
County Brevard

RESOLUTION

ON MOTION of Commissioner CURT SMITH, seconded by
Commissioner KRISTINE ISNARDI, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation has completed construction related to the "Realignment of NASA Boulevard and Ellis Road at Wickham Road Project", State Road Wickham Road, Section No. 70000, F.P. No. 404667.1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain lands acquired by the State of Florida Department of Transportation related to the Project be transferred by Quitclaim Deed to Brevard County: and

WHEREAS, said property is no longer needed for Florida Department of Transportation purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to accept delivery by Quitclaim deed, in favor of Brevard County, conveying all rights, title and interest that said Florida Department of Transportation has in said lands, 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 transfer by Quitclaim Deed, 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 Florida Department of Transportation purposes; that a Quitclaim Deed, in favor of Brevard County conveying all right, title and interest of the Florida Department of Transportation in and to said lands should be accepted by Rita Pritchett, Chairman, on behalf of this Board of County Commissioners.

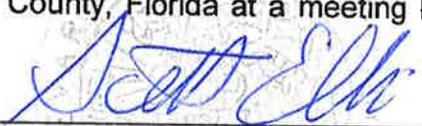
April 13, 2018
Parcel No. 118
Section 70000
F. P. No. 404667.1
State Road Wickham Road
County Brevard

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.

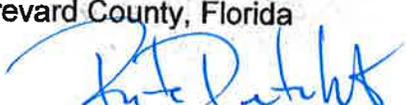
STATE OF FLORIDA

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 8 day of May, 2018.



Scott Ellis, Clerk
Brevard County, Florida



RITA PRITCHETT, CHAIR

As approved by Board 5/8/18

April 4, 2018
This instrument prepared by
Robin D. Derr
Under the direction of
DANIEL L. MCDERMOTT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 118
SECTION 70000
F.P. NO. 404667 1
STATE ROAD Wickham Road
COUNTY BREVARD

QUITCLAIM DEED

THIS INDENTURE, Made this 10 day of APRIL, 2018, by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Party of the First Part, whose address is 719 South Woodland Blvd., DeLand, FL 32720, to BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, Party of the Second Part, 2725 Judge Fran Jamieson Way, Viera, FL 32940.

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for county highway purposes; and

WHEREAS, said land is not required for such state highway purposes, and the Party of the First Part, by action of the District Secretary, District Five, Florida Department of Transportation on APRIL 9th 2018, pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Party of the Second Part.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest of the State of Florida Department of Transportation to the property herein described, pursuant to the provisions of Section 337.25, Florida Statutes, all that certain land situate in Brevard County, Florida, viz:

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF)

SUBJECT to all Utilities in place and in use to the maintenance thereof.

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SECTION 70000
F.P. NO. 404667 1
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TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Five and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

ATTEST: Crystal Bass
Crystal Bass
(Type/print name)
Executive Secretary

(Affix Department Seal)

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: [Signature]
Michael Shannon, P.E.
District Five Secretary

Legal Review
[Signature]
Office of General Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 10 day of April, 2018, by Michael Shannon, P.E., District Secretary for District Five, who is personally known to me, or who has produced _____ as identification.

 Katherine Kokesh
Commission # FF985433
Expires: May 11, 2020
(Affix Notary Seal) Bonded thru Aaron Notary

[Signature]
Katherine Kokesh
(Type/print name)
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: 5-11-2020

Approved by the Board: _____
Item # _____

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EXHIBIT A

PARCEL NO. 118

**SECTION NO. 70000
F.P. No 404667 1**

ALL OF THAT CERTAIN PARCEL OF LAND BEING DESCRIBED AS FOLLOWS:

"The North 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 36, Township 27 South, Range 36 East, Brevard County, Florida; lying East of Wickham Road; LESS AND EXCEPT the right-of-way for Ellis Road."

(The above described parcel of land being those lands described and recorded in Official Records Book 2558, Page 2194, Public Records of Brevard County, Florida.)

CONTAINING: 2.439 Acres, more or less.

This legal description prepared under the direction of:
Michael N. Crozier, PLS #3186
Jones, Wood & Gentry, Inc.
136 East Robinson Street
Orlando, FL 32801
Date: February 13, 2004
(407) 841-2122

Property Search

Brevard County Property Appraiser
Dana Blickey, CFA

Location Map:
Pond 1 transfer from FDOT to BC
27-36-36-00-45 (account # 2705207)

Map Subject Property () () Open Map in New Window ()

MapView () EagleView () StreetView ()

Account (1234567)

Wickham Road

Ellis Road

NASA BLVD.

FDOT Parcel - Pond 1

W NASA BLVD

SILVER SANDS DR

ELLIS RD

ELUS RD

2018

2017

2016

2015

2014

Account: Parcel ID:
Sale: Parcel Value:
BCPAO Market Value:
Owner:
Address:

INSTRUCTIONS (/Docs/misc/instructions_MapSearch.pdf#20170405)