



**AGENDA REPORT**  
**November 13, 2018**

**Approval Re: Donation of Right of Way and Drainage Easements from  
Leinbach and Roberts for the Coral Avenue Milling Project - District 1.**  
**(Fiscal Impact: None )**

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**SUBJECT:**

Approval Re: Donation of Right of Way and Drainage Easements from Leinbach and Roberts for the Coral Avenue Milling Project - District 1.

**FISCAL IMPACT:**

Fiscal impact: FY 2018 – 2019: No impact  
**FY 2019 – 2020: No impact**

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners accept the two Right of Way and Drainage Easements.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject parcels are located in Section 41, Township 20 South, Range 34 East.

The Public Works Department, Road and Bridge Section, is planning a project for the dirt road known as Coral Avenue in Mims. It has been determined by the Department that additional right of way is needed for the project.

Following are the donated easements:

- 1) Parcel 801 - Charlotte and Michael Leinbach
- 2) Parcel 802 - Roy Roberts, III

Land Acquisition Policies and Procedures require acceptance by the Board of County Commissioners for all easements.

**CLERK TO THE BOARD INSTRUCTIONS:**

Return Board approval memo to Public Works Land Acquisition Section.

**ATTACHMENTS:**

**Description**

- **Coral Avenue Agenda Documents**

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: CORAL AVENUE MILLING PROJECT EASEMENTS (2) – DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>APJ</u>	_____	<u>6/29/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>7/5/18</u>

AGENDA DUE DATE: July 10, 2018 for the July 24, 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

November 14, 2018

MEMORANDUM

TO: Dan Jones, Interim Public Works Director

RE: Item F.7., Approval of Donation of Right-of-Way and Drainage Easement from Leinbach and Roberts for the Coral Avenue Milling Project

The Board of County Commissioners, in regular session on November 13, 2018, accepted the two Rights-of Way and Drainage Easements from Leinbach and Roberts for the Coral Avenue Milling Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

cc: Land Acquisition

**RIGHT OF WAY AND DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 21 day of June A.D. 2018, between **CHARLOTTE E. LEINBACH AND MICHAEL D. LEINBACH**, as Trustees to the Charlotte E. Leinbach Trust U.T.D. September 20, 2000 as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of BREVARD COUNTY, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of right of way, drainage and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 41, Township 20 South, Range 34 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

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

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness  
Crissy Little  
Print Name  
[Signature]  
Witness  
Lucy Hamelers  
Print Name

[Signature]  
Charlotte E. Leinbach, Trustee of the  
Charlotte E. Leinbach Trust  
U.T.D. September 20, 2000  
[Signature]  
Michael D. Leinbach, Trustee of the  
Charlotte E. Leinbach Trust  
U.T.D. September 20, 2000

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 21 day of June, 2018, by Charlotte E. and Michael D. Leinbach., as Trustees of the Charlotte E. Leinbach Trust u.t.d. September 20, 2000, who is/is not personally known to me or who has produced driver's license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



Lucy Hamelers  
State of Florida Notary Public  
Print Name  
[Signature]  
My Commission Expires 02/24/2019  
Commission No. FF 194343

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

# LEGAL DESCRIPTION

# EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

## PARCEL 801

**THIS IS NOT A SURVEY**

SEE SURVEYORS NOTE #1

PARENT PARCEL ID#: 20G-34-41-AD-\*--20

PURPOSE: RIGHT OF WAY EASEMENT

PARCEL 801: RIGHT OF WAY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF TRACT 20, PLAN OF SCOTTSMOOR LITTLE FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 63 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS THE NORTH 20.00 FEET OF SAID TRACT 20, CONTAINING 7,726 SQUARE FEET (0.18 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE NORTH LINE OF TRACT 20 PLAN OF SCOTTSMOOR LITTLE FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 63 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AS BEING NORTH 72° 49' 55" EAST, A BEARING BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 0901.
3. REFERENCE MATERIALS:
  - a. TITLE REPORT PREPARED BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1651, TAX IDENTIFICATION NUMBER 2003150, EFFECTIVE DATE: 11/15/2017.
  - i. EASEMENT AND EXCEPTION LISTED WITHIN THE ABOVE STATED TITLE REPORT: RESOLUTION 2008-162 RECORDED IN OFFICIAL RECORDS BOOK 5896, PAGE 2564 DOES NOT ABUT OR AFFECT PARCEL 801.

### ABBREVIATIONS:

ID = IDENTIFICATION                      ORB = OFFICIAL RECORDS BOOK  
 PB = PLAT BOOK                              R/W = RIGHT OF WAY



PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
 PROFESSIONAL SURVEYOR & MAPPER  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
 PHONE: (321) 633-2080



DRAWN BY: M SWEENEY	CHECKED BY: M SWEENEY	PROJECT NO. 18-01-036		SECTION 41 TOWNSHIP 20 SOUTH RANGE 34 EAST
		REVISIONS	DATE	
DATE: 05/21/18	SHEET: 1 OF 1		10/12/18	

# SKETCH OF DESCRIPTION

## PARCEL 801

PARENT PARCEL ID# 20G-34-41-AD-\*--20  
 PURPOSE: RIGHT OF WAY EASEMENT

# EXHIBIT "A"

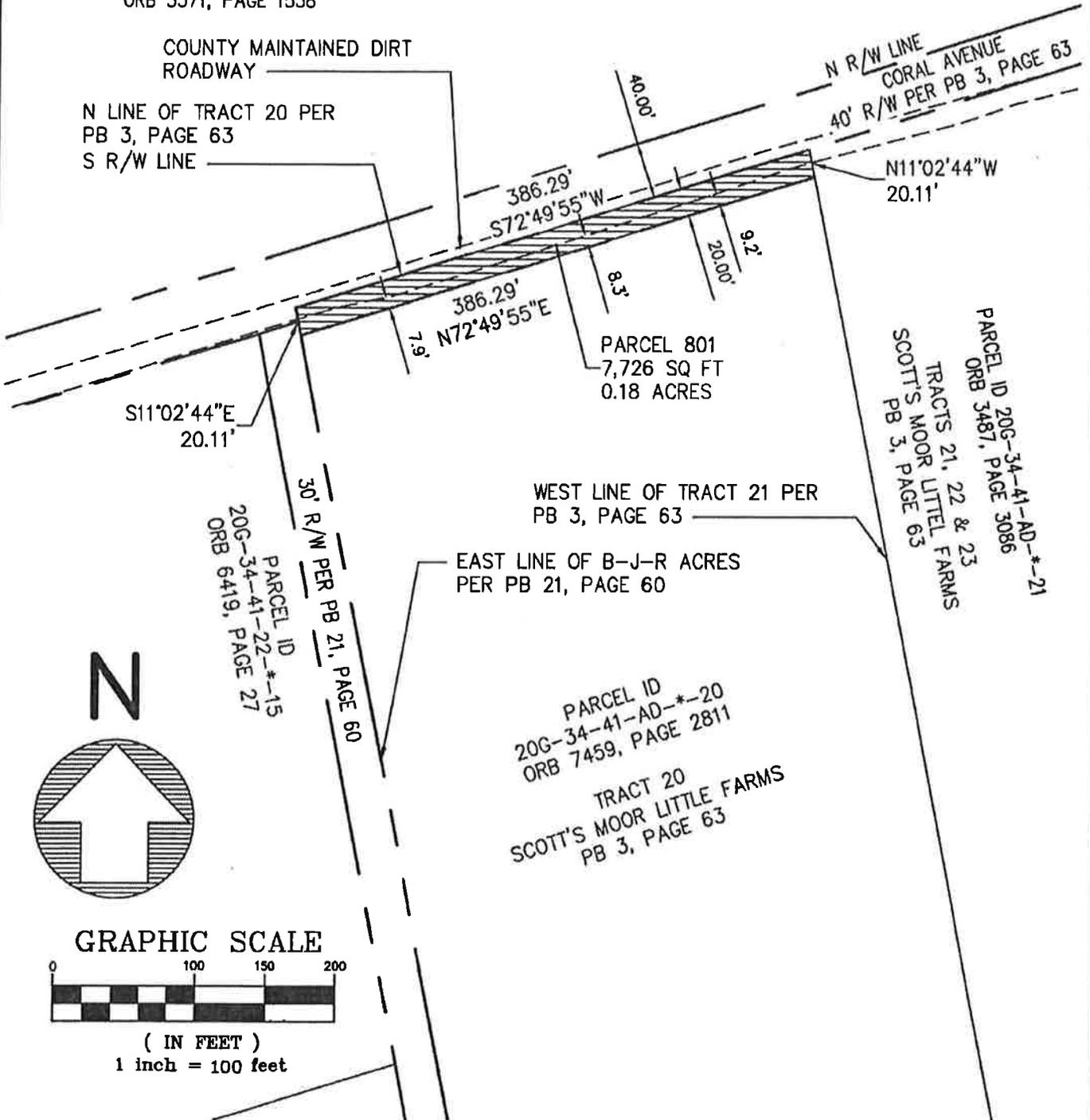
SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2  
**THIS IS NOT A SURVEY**  
 SEE SURVEYORS NOTE #1

PARCEL ID 20G-34-41-AD-\*--1  
 ORB 3371, PAGE 1538

COUNTY MAINTAINED DIRT  
 ROADWAY

N LINE OF TRACT 20 PER  
 PB 3, PAGE 63  
 S R/W LINE

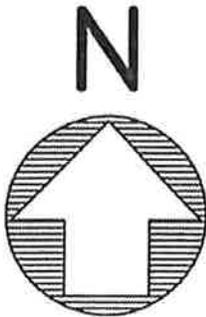
N R/W LINE  
 CORAL AVENUE  
 40' R/W PER PB 3, PAGE 63



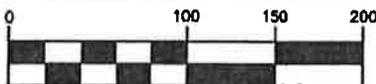
S11°02'44\"E  
 20.11'

EAST LINE OF B-J-R ACRES  
 PER PB 21, PAGE 60

WEST LINE OF TRACT 21 PER  
 PB 3, PAGE 63



GRAPHIC SCALE



( IN FEET )  
 1 inch = 100 feet

30' R/W PER PB 21, PAGE 60  
 PARCEL ID  
 20G-34-41-22-\*--15  
 ORB 6419, PAGE 27

PARCEL ID  
 20G-34-41-AD-\*--20  
 ORB 7459, PAGE 2811

TRACT 20  
 SCOTT'S MOOR LITTLE FARMS  
 PB 3, PAGE 63

PARCEL ID 20G-34-41-AD-\*--21  
 ORB 3487, PAGE 3086  
 TRACTS 21, 22 & 23  
 SCOTT'S MOOR LITTLE FARMS  
 PB 3, PAGE 63



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
 SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
 VERA, FLORIDA 32940  
 PHONE: (321) 633-2080

SCALE:  
 1" = 100'  
 PROJECT NO.:  
 18-01-036

SECTION 41  
 TOWNSHIP 20 SOUTH  
 RANGE 34 EAST

Prepared by/Return to:  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.:20G-34-41-AD-\*21

**RIGHT OF WAY AND DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 21 day of June A.D. 2018, between **ROY F. ROBERTS, III** as Successor Trustee of the Roy Roberts Family Trust u/a/d March 27, 1980, as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of BREVARD COUNTY, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of right of way, drainage and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 41, Township 20 South, Range 34 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

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

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness  
(Print Name): Rocky Little

[Signature]  
ROY F. ROBERTS, III as Successor  
Trustee of the Roy Roberts Family Trust  
u/a/d March 27, 1980

Witness  
(Print Name): Lucy Hamelers

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 21 day of June, 2018, by Roy F. Roberts, III as Successor Trustee of the Roy F. Roberts Family Trust u/a/d March 27, 1980, who is/is not personally known to me or who has produced drivers license as identification and who did/did not take an oath.

21 WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this June day of June, 2018.

Board Meeting Date \_\_\_\_\_  
Agenda Item # \_\_\_\_\_



Lucy Hamelers  
Notary Public  
State of Florida  
Print Name: \_\_\_\_\_  
My Commission Expires 02/24/2019  
Commission No.: FF 194343  
Expires: \_\_\_\_\_

# LEGAL DESCRIPTION

## PARCEL 802

PARENT PARCEL ID#: 20G-34-41-AD-\*--21  
PURPOSE: RIGHT OF WAY EASEMENT

PARCEL 802: RIGHT OF WAY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF TRACT 21 AND TRACT 22, PLAN OF SCOTTSMOOR LITTLE FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 63 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS THE NORTH 20.00 FEET OF SAID TRACTS 21 AND 22, CONTAINING 15,046 SQUARE FEET (0.35 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYORS NOTES:

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2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE NORTH LINE OF TRACTS 21 AND 22, PLAN OF SCOTTSMOOR LITTLE FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 63 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AS BEING NORTH 72' 49' 55" EAST, A BEARING BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 0901.
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  - a. TITLE REPORT PREPARED BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1651, TAX IDENTIFICATION NUMBER 2003151, EFFECTIVE DATE: 11/15/2017.
  - i. EASEMENT AND EXCEPTION LISTED WITHIN THE ABOVE STATED TITLE REPORT: RESOLUTION 2008-162 RECORDED IN OFFICIAL RECORDS BOOK 5896, PAGE 2564 DOES NOT ABUT OR AFFECT PARCEL 801.

### ABBREVIATIONS:

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ORB = OFFICIAL RECORDS BOOK  
PB = PLAT BOOK  
R/W = RIGHT OF WAY

# EXHIBIT "A"

SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2  
**THIS IS NOT A SURVEY**  
SEE SURVEYORS NOTE #1

PREPARED FOR:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS



MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: M SWEENEY	CHECKED BY: M SWEENEY	PROJECT NO. 18-01-036		SECTION 41 TOWNSHIP 20 SOUTH RANGE 34 EAST
DATE: 05/24/18	SHEET: 1 OF 1	REVISIONS	DATE	
			6/21/18	
			DESCRIPTION	
			CORRECT PARENT PARCEL ID #	

# SKETCH OF DESCRIPTION

## PARCEL 802

PARENT PARCEL ID#: 20G-34-41-AD-\*--21  
 PURPOSE: RIGHT OF WAY EASEMENT

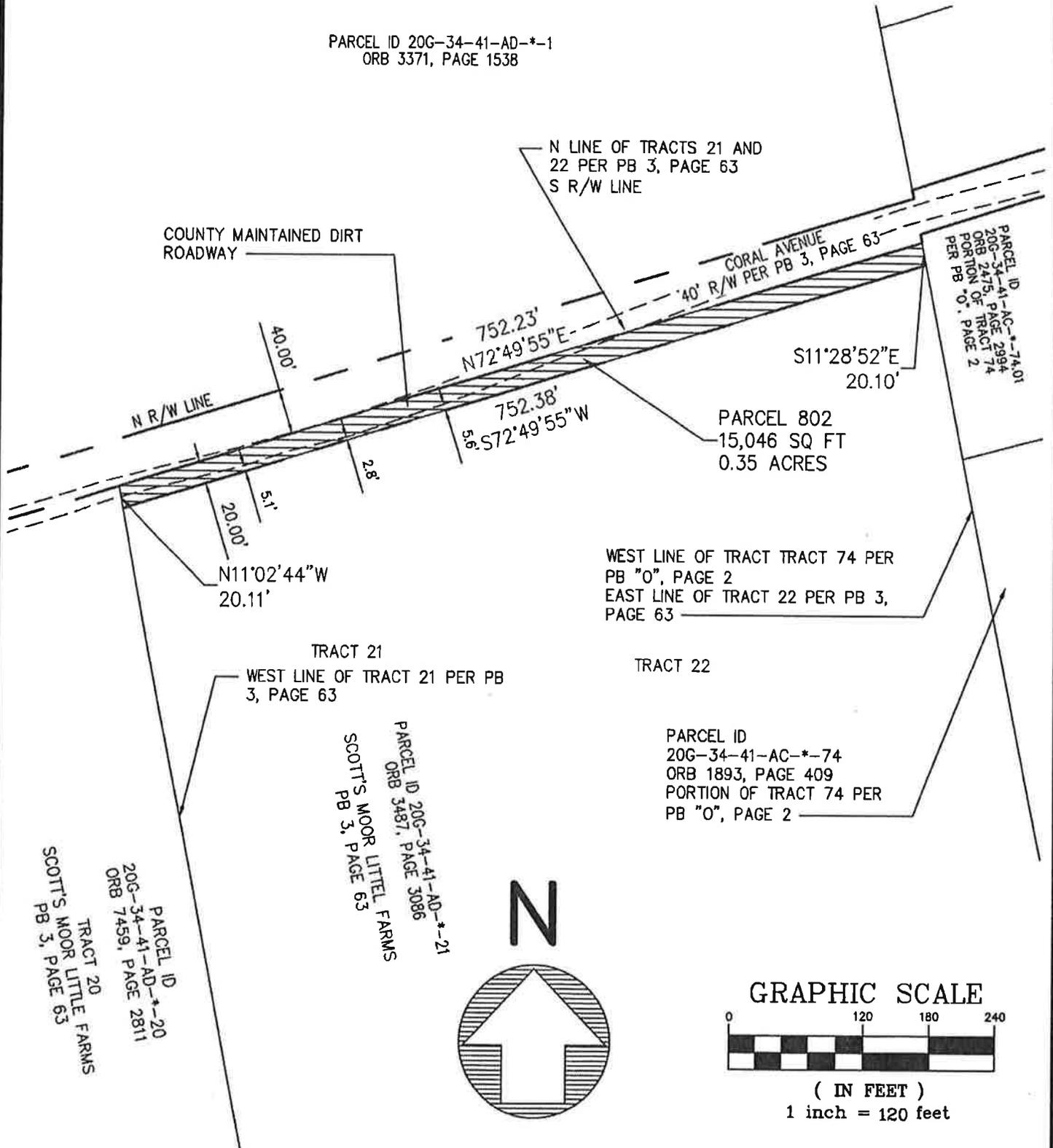
# EXHIBIT "A"

SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2

**THIS IS NOT A SURVEY**

SEE SURVEYORS NOTE #1

PARCEL ID 20G-34-41-AD-\*--1  
 ORB 3371, PAGE 1538



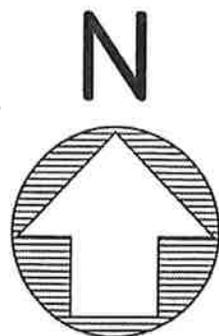
PARCEL 802  
 15,046 SQ FT  
 0.35 ACRES

WEST LINE OF TRACT TRACT 74 PER  
 PB "O", PAGE 2  
 EAST LINE OF TRACT 22 PER PB 3,  
 PAGE 63

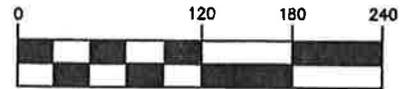
PARCEL ID  
 20G-34-41-AC-\*--74  
 ORB 1893, PAGE 409  
 PORTION OF TRACT 74 PER  
 PB "O", PAGE 2

PARCEL ID 20G-34-41-AD-\*--21  
 ORB 3487, PAGE 3086  
 SCOTT'S MOOR LITTEL FARMS  
 PB 3, PAGE 63

PARCEL ID  
 20G-34-41-AD-\*--20  
 ORB 7459, PAGE 2811  
 TRACT 20  
 SCOTT'S MOOR LITTEL FARMS  
 PB 3, PAGE 63



### GRAPHIC SCALE



( IN FEET )  
 1 inch = 120 feet



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
 SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
 VIERA, FLORIDA 32940  
 PHONE: (321) 633-2080

SCALE:  
 1" = 120'  
 PROJECT NO.:  
 18-01-036

SECTION 41  
 TOWNSHIP 20 SOUTH  
 RANGE 34 EAST

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# LOCATION MAP

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TWP: 20    RNG: 34 E    SEC: 41    DISTRICT: 1

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**STREET NAME:**      Coral Avenue, Mims

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**OWNER'S NAME:**    Roberts / Lienbach

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