



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.12.

9/14/2021

Subject:

Approval, Re: Resolution and County Deed for the Transfer of that Portion of Brandywine Lane and Associated Roadway Drainage Facilities from South of U.S. 192 to a Terminus of Twenty Feet South of the North Melbourne Tillman Canal 84 Right of Way Line- District 5.

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 Resolution and County Deed.

Summary Explanation and Background:

The subject property is located in Section 3, Township 28 South, Range 36 East, south of U.S. 192 in West Melbourne.

Space Coast Town Center is proposing a master development plan within the jurisdiction of the City of West Melbourne. As a condition of the development plan, the City of West Melbourne is requiring a regional lift station that will connect a force main to an existing City stub out located between Brandywine Lane and the Florida Department of Transportation (FDOT) right of way. County policy does not allow an open cut on our roadways for the installation of a new sewer force main and directional drill is not feasible due to physical constraints. As a solution, the City is requesting the transfer of ownership and maintenance responsibilities for that portion of Brandywine Lane south of U.S. 192 to a terminus of twenty feet south of the north Melbourne Tillman Canal 84 right of way, together with associated roadway drainage facilities.

On August 17, 2021, the City of West Melbourne adopted Resolution Number 2021-23, accepting the transfer and maintenance of a portion of Brandywine Lane although due to timing was generically described as a portion of Brandywine Lane south of U.S. 192 and north of Sugar Creek Drive. Brevard County Surveyor, working in conjunction with Engineering staff, subsequently defined the limits as a portion of Brandywine Lane from south of U.S. 192 to a terminus of twenty feet south of the north Melbourne Tillman 84 Canal Right of Way Line. This description falls within the generic description and is acceptable to the City.

The County Deed will convey Brandywine Lane and its associated roadway drainage facilities from south of U.S. 192 to a terminus of twenty feet south of the north Melbourne Tillman Canal 84 right of way line, together with ownership, maintenance, and functional responsibility.

The Resolution is pursuant to Section 125.38, Florida Statue authorizing the conveyance of County property.

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 Resolution with Exhibit and County Deed with Exhibit.



September 15, 2021

MEMORANDUM

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

RE: Item F.12., Approval of Resolution and County Deed for the Transfer of that Portion of Brandywine Lane and Associated Roadway Drainage Facilities from South of U.S. 192 to a Terminus of Twenty Feet South of the North Melbourne Tillman Canal 84 Right-of-Way Line

The Board of County Commissioners, in regular session on September 14, 2021, executed and adopted Resolution No. 21-114, authorizing Conveyance of County Property; and executed and approved the County Deed for the transfer of that portion of Brandywine Lane and Associated Roadway Drainage Facilities from South of U.S. 192 to a Terminus of Twenty Feet South of North Melbourne Tillman Canal 84 Right-of-Way Line. Enclosed are fully-executed Resolution and County Deed.

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

/ns

Encls. (2)

cc: Asset Management

RESOLUTION NO. 21-114

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, AND SECTION 2-247, BREVARD COUNTY CODE OF ORDINANCES, AUTHORIZING CONVEYANCE OF COUNTY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, Florida, a political sub-division of the State of Florida (hereinafter the COUNTY) possesses rights to a certain public road right-of-way within the City of West Melbourne, a municipality incorporated under the laws of Florida (hereinafter the CITY); and

WHEREAS, the right-of-way is referred to as Brandywine Lane south of US 192 with a terminus of 20' south of the north canal right-of-way line, together with associated roadway drainage facilities (hereinafter the Brandywine Project), which is further described in Exhibit A; and

WHEREAS, Space Coast Town Center is proposing a master development plan within the jurisdiction of West Melbourne; and

WHEREAS, as a condition of the development plan, the CITY is requiring a regional lift station which will connect a force main to an existing stub out between Brandywine Lane and the Florida Department of Transportation (FDOT) right of way; and

WHEREAS, COUNTY has a policy that does not allow an open cut on County roadways for the installation of new sewer force mains; and

WHEREAS, the CITY has requested COUNTY transfer a portion of Brandywine Lane to CITY which will resolve the issue and shall promote the community interest and welfare of the City; and

WHEREAS, the COUNTY agrees that the CITY's proposed use of the property for roadway purposes will promote public health, safety or welfare, will serve the public's interest and a public purpose; and the COUNTY has determined that said property is not needed for COUNTY purposes, and desires to cooperate with and assist the CITY by conveying its interest in the property to CITY.

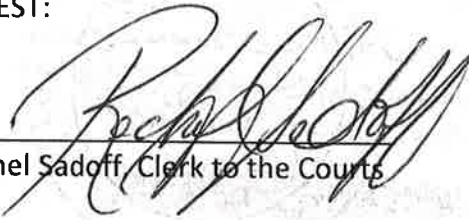
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that:

1. The foregoing recitals are true and correct and incorporated to this Resolution by this reference.
2. The Brandywine Lane project property is fully described at Exhibit A, which is attached and incorporated by this reference. The Brandywine Lane Project is located within the boundary of the CITY, and is not needed for COUNTY purposes.
3. The COUNTY finds the CITY has requested the conveyance and the CITY will use and maintain the Brandywine Lane Project as a public roadway to provide safe and well-kept roadways for the community.

4. In the event the Brandywine Lane Project is not used, maintained or ceases to be used and maintained for a public roadway, the COUNTY does not retain any right to reenter and repossess the property.
5. The COUNTY authorizes the Chair, Board of County Commissioners, to execute all necessary documents to convey its interest in the Brandywine Project as described in Exhibit A to the City by County Deed at nominal consideration pursuant to the terms of the Interlocal.
6. This Resolution shall take effect immediately upon its adoption.

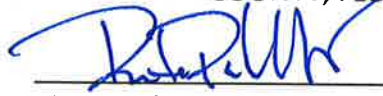
This Resolution is **DONE, ORDERED, AND ADOPTED** in Regular Session, this 14 day of September, 2021.

ATTEST:



Rachel Sadoff, Clerk to the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair
As approved by the Board on: 09/14/2021

Reviewed for legal form and content:

Christine M. Schverak 8/30/2021

Assistant County Attorney

Prepared by and return to:
Office of the County Attorney
2725 Judge Fran Jamieson Way, Building C
Viera, Florida 32940

COUNTY DEED
(STATUTORY FORM - SECTION 125.411, Florida Statutes)

THIS DEED, made this 14th day of September, 2021, between Brevard County, Florida, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, party of the first part, and the City of West Melbourne, a municipal corporation of the State of Florida, whose address is 900 East Strawbridge Avenue, Melbourne, Florida 32901, party of the second part,

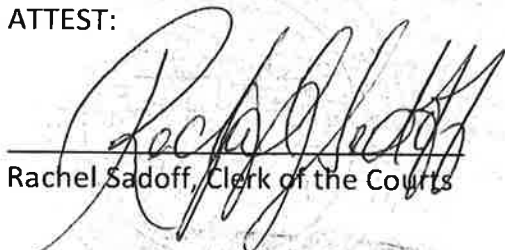
(Whenever used herein the terms "party of the first part" and "party of the second part" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Party of the first part" and "party of the second part" are used for singular and plural, as the context requires and the use of any gender shall include all genders)

WITNESSETH that the party of the first part, for and in consideration of the sum of Ten Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, any interest it holds in the following described land lying and being in Brevard County, Florida, to wit:

See Exhibit "A" attached and incorporated by this reference, together with associated roadway drainage facilities, all riparian and littoral rights appertaining thereto, and all interests in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statutes. In the event the property is not used, maintained or ceases to be used and maintained for a public roadway, with associated roadway drainage facilities, the COUNTY does not retain any right to reenter and repossess the property.

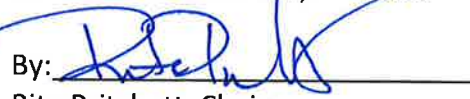
IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair of said board, the day and year aforesaid.

ATTEST:



Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair
(As approved by the Board on 09/14/2021)

LEGAL DESCRIPTION

BRANDYWINE LANE PARCEL

PARENT PARCEL ID#: BRANDYWINE LANE

PURPOSE: RIGHT OF WAY CONVEYANCE

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEET 2 & 3 OF 3

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: BRANDYWINE LANE PARCEL (BY SURVEYOR)


A PARCEL OF LAND BEING A PORTION OF THE BRANDYWINE LANE RIGHT OF WAY AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE ROAD NO. 9 (I-95), SECTION NO. 70220, DATED 6/24/2005 AND BEING LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHEAST CORNER OF SECTION 3; THENCE SOUTH 89° 36' 06" WEST ALONG SAID SOUTH SECTION LINE FOR A DISTANCE OF 682.31 TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID BRANDYWINE LANE, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE CONCAVE TO EAST, HAVING A RADIUS OF 3275.36 FEET, AN INCLUDED ANGLE OF 0° 33' 04", AND WHOSE LONG CHORD BEARS NORTH 27° 41' 58" WEST; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 31.51 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 89° 36' 06" WEST PARALLEL TO AND 20.00 FEET SOUTH OF THE NORTH RIGHT OF WAY LINE OF THE MELBOURNE-TILLMAN DRAINAGE DISTRICT CANAL NO. 84 FOR A DISTANCE OF 67.20 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID BRANDYWINE LANE, SAID POINT BEING THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 3335.36 FEET, AN INCLUDED ANGLE OF 20° 16' 45", AND WHOSE LONG CHORD BEARS NORTH 16° 45' 35" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING EIGHT (8) COURSES; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1180.51 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; THENCE NORTH 06° 16' 20" WEST FOR A DISTANCE OF 203.36 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1115.92 FEET, AN INCLUDED ANGLE OF 06° 46' 26", AND WHOSE LONG CHORD BEARS NORTH 09° 39' 33" WEST; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 131.93 FEET; THENCE NORTH 13° 02' 46" WEST FOR A DISTANCE OF 356.92 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 542.96 FEET, AN INCLUDED ANGLE OF 20° 00' 00", AND WHOSE LONG CHORD BEARS NORTH 23° 02' 46" WEST; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 189.53 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; THENCE NORTH 43° 36' 43" WEST FOR A DISTANCE OF 197.48 FEET; THENCE NORTH 53° 55' 19" WEST FOR A DISTANCE OF 399.80 FEET; THENCE NORTH 00° 43' 53" WEST FOR A DISTANCE OF 118.73 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 500, ALSO KNOWN AS U.S.NO. 192; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY RUN NORTH 89° 37' 33" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 95.14 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID BRANDYWINE LANE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING NINE (9) COURSES; THENCE SOUTH 25° 00' 38" WEST FOR A DISTANCE OF 39.61 FEET; THENCE SOUTH 33° 54' 52" EAST FOR A DISTANCE OF 97.23 FEET; THENCE SOUTH 52° 21' 46" EAST FOR A DISTANCE OF 384.70 FEET; THENCE SOUTH 33° 02' 46" EAST FOR A DISTANCE OF 135.45 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 602.96 FEET, AN INCLUDED ANGLE OF 20° 00' 00", AND WHOSE LONG CHORD BEARS SOUTH 23° 02' 46" EAST; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 210.47 FEET; THENCE SOUTH 13° 02' 46" EAST FOR A DISTANCE OF 356.92 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1175.92 FEET, AN INCLUDED ANGLE OF 06° 46' 26", AND WHOSE LONG CHORD BEARS SOUTH 09° 39' 33" EAST; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 139.03 FEET; THENCE SOUTH 06° 16' 20" EAST FOR A DISTANCE OF 203.17 FEET TO THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 3275.36 FEET, AN INCLUDED ANGLE OF 20° 48' 02", AND WHOSE LONG CHORD BEARS SOUTH 17° 01' 25" EAST; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1189.08 FEET TO THE POINT OF BEGINNING, CONTAINING 4.10 ACRES (178,465 SQUARE FEET), 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.

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
CITY OF WEST MELBOURNE


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. CMO_21-08-01		SECTION 3 TOWNSHIP 28 SOUTH RANGE 36 EAST
		REVISIONS		
DATE: 8/24/2021	SHEET: 1 OF 3	DATE	DESCRIPTION	

NOTES AND ABBREVIATIONS

BRANDYWINE LANE PARCEL

PARENT PARCEL ID#: BRANDYWINE LANE

PURPOSE: RIGHT OF WAY CONVEYANCE

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEET 1 & 3 OF 3

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

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SURVEYOR'S 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 SOUTH LINE OF SAID SECTION 3, AS BEING SOUTH 89° 36' 06" WEST AS DETERMINED BY THEIR COORDINATE VALUES PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT 1990 PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE ROAD NO. 9 (I-95), SECTION 70220.
3. REFERENCE MATERIAL:
 - A. FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE ROAD NO. 9 (I-95), SECTION 70220.
 - B. FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE ROAD NO. 500, SECTION 70050-2544.

ABBREVIATIONS:

AKA = ALSO KNOWN AS
BOB = BASIS OF BEARINGS
BOC = BASIS OF COORDINATES
COR = CORNER
INT = INTERSECTION
MTDD = MELBOURNE-TILLMAN DRAINAGE DISTRICT
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT
R = RANGE OR RADIUS
R/W = RIGHT OF WAY
SECT = SECTION
SQ FT = SQUARE FEET
SR = STATE ROAD
T = TOWNSHIP
TP = TAX PARCEL
TYP = TYPICAL



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" = 400'

PROJECT NO.:

CMO_21-08-01

SECTION 3
TOWNSHIP 28 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION BRANDYWINE LANE PARCEL

PARENT PARCEL ID#: BRANDYWINE LANE
PURPOSE: RIGHT OF WAY CONVEYANCE



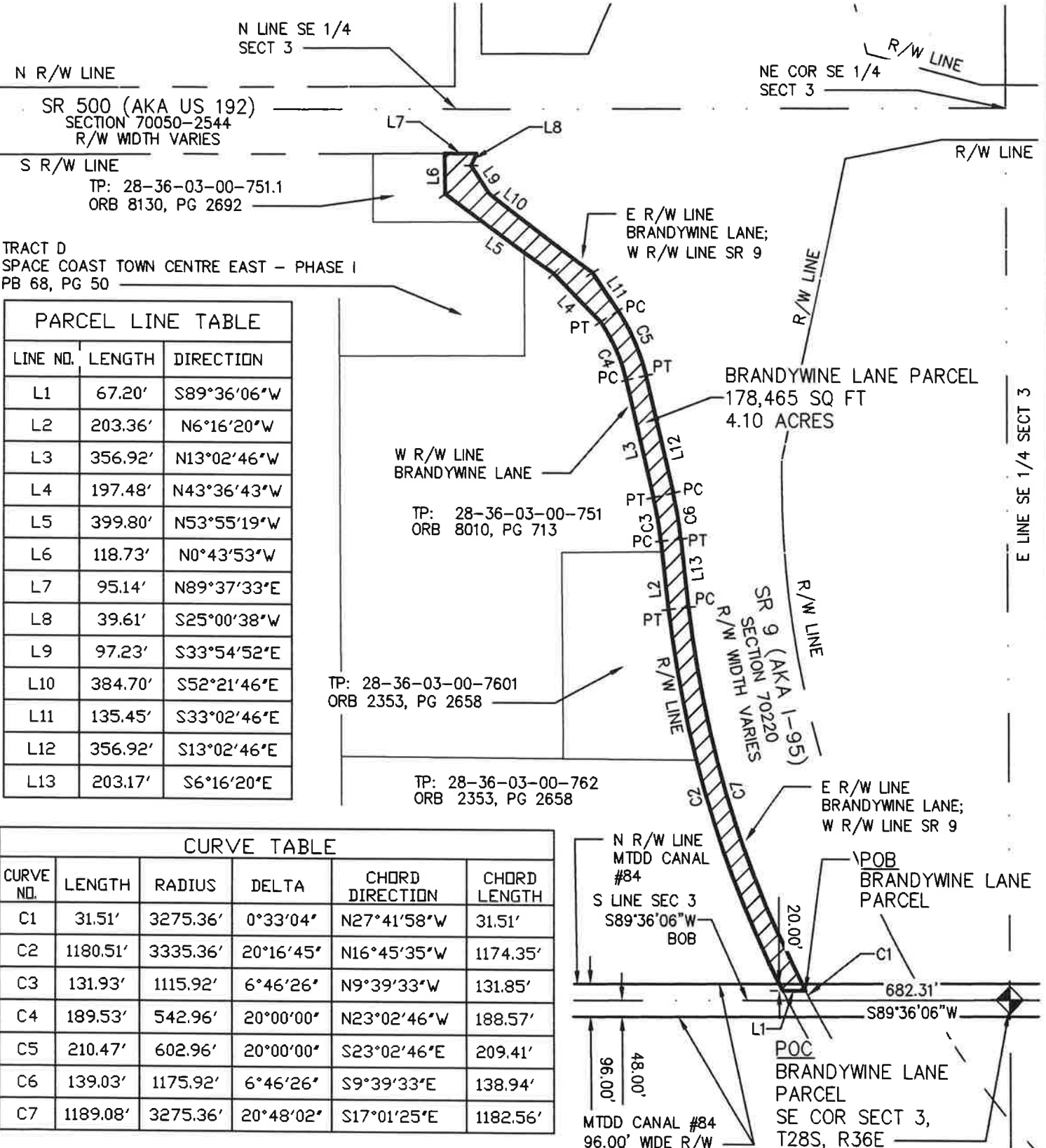
EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEET 1 & 2 OF 3

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



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SECTION 3
TOWNSHIP 28 SOUTH
RANGE 36 EAST