

Meeting Date
08/05/2014



AGENDA	
Section	Consent
Item No.	II.A.5

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Notice of Abandonment of Parcel for Public Highway Purposes - District 3.
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:
 It is requested that the Board of County Commissioners approve and authorize the Chairman to execute the Notice of Abandonment of Parcel for Public Highway Purposes for lands described in Right-of-Way Deed, Official Record Book 713, Page 329.

Summary Explanation & Background:
 This subject property is located in Section 07, Township 30 South, Range 39 East.

 The property in question was transferred to Brevard County on August 4, 1964, by Right-of-Way Deed as recorded in Official Records Book 713, Page 329, as recorded in the Public Records of Brevard County, Florida. As a condition of the Right-of-Way Deed, the land, as described, would revert to the Grantor (or assigns) if it were not used for public highway purposes. The land has not been, nor is it intended to be used for highway purposes and the clause to revert is in effect.

 The Notice of Abandonment of Parcel for Public Highway Purposes has been reviewed and approved by the County Attorney's Office.

 Fiscal Impact: FY 2013-2014: No impact
FY 2014-2015: No impact

Clerk to the Board Instructions: **Forward Board executed Notice of Abandonment of Parcel for Public Highway Purposes to Department**

Exhibits Attached: (1) Notice of Abandonment of Parcel for Public Highway Purposes with Exhibit A, copy of Right-of-Way Deed (OR BK 713, Page 329 & 330), Location Map

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Mel Scott	John P Denninghoff / 57202
	Assistant County Manager	
	Venetta Valdengo	



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

August 6, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.5., Notice of Abandonment of Parcel for Public Highway Purposes
Approval for Right-of-Way Deed, Official Record Book 713 and Pages 329 and
330

The Board of County Commissioners, in regular session on August 5, 2014, executed Notice of Abandonment of Parcel for Public Highway Purposes for lands described in Right-of-Way Deed, Official Record Book 713 and Pages 329 and 330. Enclosed is the original Notice of Abandonment of Parcel for Public Highway for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

Encls. (1)

/ds

cc: Contracts Administration
Land Acquisition

Prepared By:

Brevard County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, 3rd Floor
Viera, Florida 32940

NOTICE OF ABANDONMENT OF PARCEL FOR PUBLIC HIGHWAY PURPOSES

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Board of County Commissioners of Brevard County, Florida provides this notice indicating it has no further interest in and to the property which is described on Exhibit "A", attached hereto and made a part hereof. The property was transferred to Brevard County on August 4, 1964, by way of a Right-of-Way Deed recorded at Official Record Book 713, Page 329. That deed provided the land encompassed by the Right-of-Way Deed was to be used for public highway purposes, and in the event such use was abandoned, the property reverted to the grantor. Brevard County has not used the property in question for public highway purposes since 1964 and has no intent to do so. Accordingly, the provisions to revert of the Right-of-Way Deed control.

IN WITNESS WHEREOF, this Notice has been executed as of the 5th day of August,
2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk

By: 
Mary Bolin Lewis, Chairman

As approved by the Board AUG 05 2014

EXHIBIT "A"

East 25 feet of the South 80 feet of Govt. Lot 4 lying west of A1A.

NOTE: The land described herein is as described in the right of way deed as recorded in Official Record Book 713, Page 329, Public Records of Brevard County, Florida.

BOARD OF COUNTY COMMISSIONERS

AGENDA: NOTICE OF ABANDONMENT OF PARCEL FOR PUBLIC HIGHWAY PURPOSES

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DRJ</u>	_____	<u>7/23/14</u>
COUNTY ATTORNEY Eden Bentley, Deputy County Attorney	<u>see attached</u>	_____	<u>7/23/14</u>
PUBLIC WORKS John Denninghoff, Director	<u>[Signature]</u>	_____	<u>7/23/14</u>

AGENDA DUE DATE: July 22, 2014 for the August 5th 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.

BOARD OF COUNTY COMMISSIONERS

AGENDA: NOTICE OF ABANDONMENT OF PARCEL FOR PUBLIC HIGHWAY PURPOSES

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION

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PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

8/13/14 11:30 AM
2014

RIGHT-OF-WAY DEED

Edm.

This Indenture, Made this the 4 day of August, A. D. 1964, between
Helen Adams

part Y of the first part, and BREVARD COUNTY of the STATE OF FLORIDA, party of the second part,

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do ES grant, bargain and sell to the said party of the second part, its successors and assigns, a right-of-way and easement twenty-five (25) feet wide in Section 7 Township 30 South, of Range 39 East, in Brevard County, Florida, described as follows, to-wit:

East 25 feet of the North 80 feet of Govt. Lot 4 lying west of A-A

FILED AND INDEXED
BREVARD COUNTY, FLA.
REGISTERED
421855
1964 AUG 7 AM 10 02
Brevard County

BREVARD COUNTY
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
AUG-7'64
030
COMPTROLLER
PB 130114

This deed is made for the purpose of giving and granting to the party of the second part, its successors, legal representatives and assigns, a right-of-way and easement in and to said lands for public highway purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway the title to the same shall thereupon revert to and re-vest in the part Y of the first part or assigns.

And the said part Y of the first part do ES hereby fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part, Helen Adams

has hereunto set his hand and seal

Helen Adams (SEAL)

MIRIAM SHULL
Notary Public
Brevard County, Florida

this the day and year first above written.

Miriam Shull
notary

Signed, sealed and delivered in the presence of:
Miriam Shull
Gilbert Van Lierge

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY, THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, HULON ADAMS

to me well known and known to me to be the persons described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

AND I FURTHER CERTIFY that the said _____, known to me to be the wife of the said _____, on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to said deed for the purpose of renouncing, relinquishing and conveying all her right, title and interest, whether of dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

Witness my hand and official seal at _____, County of _____, and State of _____ this _____ day of _____, A. D. 19__

(NOTARY SEAL)

Notary Public, State of _____
My Commission Expires _____

Right-of-Way Deed

TO
BREVARD COUNTY
of the State of Florida

421855
RECORDING \$ 2.25
FLA. DOC. STAMPS 530
U.S. DOC. STAMPS _____
TOTAL \$ _____

Luce Edward



*Hulon Adams
Loring J. J. J. J. J.
140 E. Olive Hwy
Rockledge, Fla*



Dana Blickley, CFA
Brevard County Property Appraiser

Location of Notice of Abandonment



S. Highway A1A

Area described in
O.R. Book 713,
Page 329 and
described in the
Notice of
Abandonment

Located in Section 07, Township
30 South, Range 39 East

North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-6700
Fax: (321) 264-6954

Merritt Island Services Complex
2575 N Courteney Pkwy
Merritt Island, FL 32953
Phone: (321) 454-6620
Fax: (321) 454-6618

Viera Government Center
2725 Judge Fran Jamieson Wy
Viera, FL 32940
Phone: (321) 690-6880
Fax: (321) 690-6883

South Services Complex
1515 Sarno Rd
Melbourne, FL 32935
Phone: (321) 255-4440
Fax: (321) 255-4439

Palm Bay Service Complex
450 Cogan Dr, SE
Palm Bay, FL 32909
Phone: (321) 952-4574
Fax: (321) 952-4573

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