



AGENDA REPORT
April 24, 2018

SUBJECT:

Approval Re: Assignment of Easement and Warranty Deed for additional Road Right of Way from the City of Rockledge – Palm Cove Subdivision - District 2.

FISCAL IMPACT:

None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners accept and authorize the Chair to execute: 1) the Assignment of Easement, and 2) the Warranty Deed.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 20, Township 25, Range 36.

The Warranty Deed and Assignment of Easement have been approved by the City of Rockledge and executed by the City Manager for the transfer of additional right of way and easement located in Palm Cove, a new subdivision located within the City.

Palm Cove, established by Plat recorded in Plat Book 63, Page 60, dedicated Tract I (additional Road Right of Way for Martin Road) and the 15' wide public drainage easement along the Northern boundaries of Lots 1 through 12, Block C, the North 15' of Tract A, the North 15' of Tract C, and the North 15' of Whimsical Circle abutting Martin Road, to the City of Rockledge.

It is in the best interest of the County to accept the transfers from the City in order to ensure maintenance for the entire portion of Martin Road (County owned) and to maintain the drainage easement.

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

Fiscal impact: FY 2017 – 2018: No impact
FY 2018 – 2019: No impact

CLERK TO THE BOARD INSTRUCTIONS:

Return to original executed Warranty Deed and original executed Assignment of Easement to Department.

ATTACHMENTS:

Description

- **Palm Cove-City of Rockledge Agenda Report**

BOARD OF COUNTY COMMISSIONERS

AGENDA: ASSIGNMENT OF EASEMENT AND WARRANTY DEED FOR
ADDITIONAL ROAD RIGHT OF WAY – PALM COVE SUBDIVISION –
CITY OF ROCKLEDGE – DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / UTILITY SERVICES 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>OPJ</u>	_____	<u>3/28/18</u>
UTILITY SERVICES DEPARTMENT Jim Helmer, Director	<u>JH</u>	_____	<u>3/28/18</u>
PUBLIC WORKS DEPARTMENT Andrew J. Holmes, PE, Director	_____	_____	_____
COUNTY ATTORNEY <u>(Assistant) County Attorney</u>	_____	_____	_____

AGENDA DUE DATE: April 10, 2018 for the April 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.

Meeting Date
April 24, 2018



AGENDA	
Section	Consent
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Assignment of Easement and Warranty Deed for additional Road Right of Way from the City of Rockledge – Palm Cove Subdivision - District 2. (Fiscal Impact: None)				
DEPT/OFFICE:	Public Works Department / Utility Services Department / Land Acquisition Section				
Requested Action:	It is requested that the Board of County Commissioners accept and authorize the Chair to execute: 1) the Assignment of Easement, and 2) the Warranty Deed.				
Summary Explanation & Background:	<p>The subject parcel is located in Section 20, Township 25, Range 36.</p> <p>The Warranty Deed and Assignment of Easement have been approved by the City of Rockledge and executed by the City Manager for the transfer of additional right of way and easement located in Palm Cove, a new subdivision located within the City.</p> <p>Palm Cove, established by Plat recorded in Plat Book 63, Page 60, dedicated Tract I (additional Road Right of Way for Martin Road) and the 15' wide public drainage easement along the Northern boundaries of Lots 1 through 12, Block C, the North 15' of Tract A, the North 15' of Tract C, and the North 15' of Whimsical Circle abutting Martin Road, to the City of Rockledge.</p> <p>It is in the best interest of the County to accept the transfers from the City in order to ensure maintenance for the entire portion of Martin Road (County owned) and to maintain the drainage easement.</p> <p>Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.</p> <p>Fiscal impact: FY 2017 – 2018: No impact FY 2018 – 2019: No impact</p>				
Clerk to the Board Instructions: Return to original executed Warranty Deed and original executed Assignment of Easement to Department.					
Exhibits Attached: Original Warranty Deed with attached Exhibit A, original Assignment of Easement with attached Exhibit A, Location Map					
Contract /Agreement (If attached): Reviewed by County Attorney Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> PR <input type="checkbox"/>					
County Manager Frank Abbate	Assistant County Manager John P. Denninghoff		Department Director / Extension Andrew J. Holmes, PE / 57202		
	Interim Assistant County Manager Jim Liesenfelt		Jim Helmer / 52091 		



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

April 24, 2018

MEMORANDUM

TO: Andy Holmes, Public Works Director

RE: Item II.A.4., Assignment of Easement and Warranty Deed for Additional Road Right-of-Way from the City of Rockledge in Palm Cove Subdivision

The Board of County Commissioners, in regular session on April 24, 2018, accepted and authorized the Chair to execute the Assignment of Easement and Warranty Deed for additional road right-of-way from the City of Rockledge located in Palm Cove Subdivision. Enclosed is a fully-executed Assignment of Easement and Warranty Deed.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

Prepared by and Return to: Lucy Hamelers
Public Works, Land Acquisition Section, (321) 690-6847
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
Being a portion of Interest in Tax Parcel #25-36-20-00-4

Assignment of Easement

This Assignment dated the 24 day of April, 2018 and is made and entered into by and between **The City of Rockledge**, a Municipal Corporation (hereinafter referred to as **Assignor**) and **Brevard County, Florida**, a political subdivision of the State of Florida (hereinafter referred to as **Assignee**). Assignor and Assignee are referred to herein individually as a "Party" and collectively as the "Parties".

WITNESSETH:

That the Assignor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby assigns unto Assignee, its successors and assigns, the rights, title and interest of the Assignor in that certain 15' Public Utility and Drainage Easement, Plat Note number 19, as recorded in Plat Book 63, Pages 60 and 61, Public Records of Brevard County, Florida.

Notwithstanding anything to the contrary in this Assignment, Assignee shall not assume, pay, bear, perform or discharge any of the excluded liabilities.

The land affected by the assignment of easement is located in Section 20, Township 25 South, Range 36 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 Assignment of Easement unto the County of Brevard and to its successors and/or assigns.

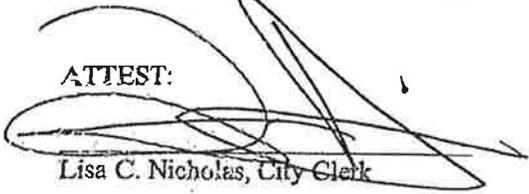
The Assignor does hereby covenant with the Assignee that it is lawfully seized and possessed of the Grant of Drainage Easement and that it has a good lawful right to assign it or any part thereof.

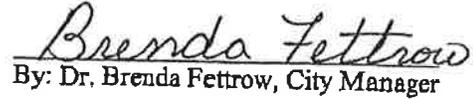
IN WITNESS WHEREOF, the Assignor having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

ASSIGNOR:
THE CITY OF ROCKLEDGE, a
Municipal Corporation

ATTEST:


Lisa C. Nicholas, City Clerk


By: Dr. Brenda Fettrow, City Manager

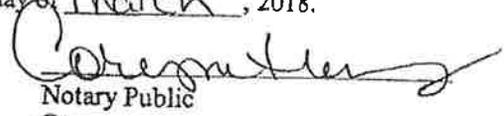
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledge before me this 22 day of March, 2018, by Dr. Brenda Fettrow, City Manager of the City of Rockledge, who is ~~is not~~ personally known to me or who has produced _____ as identification and who did / did not take an oath

WITNESS my hand and official seal this 22 day of March, 2018.




Notary Public
Corey Harris
(Print Name)

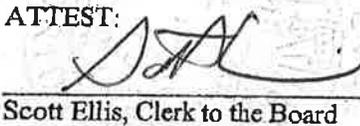
Agenda Item # 11C
Board Meeting Date 3/21/2018

ACCEPTANCE

The Assignee hereby accepts this Assignment of Public Utility and Drainage Easement and agrees to be bound by its terms.

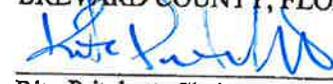
Dated this 24 day of April, 2018.

ATTEST:


Scott Ellis, Clerk to the Board

Agenda Item # II.A.4
Board Meeting Date 4-24-18

ASSIGNEE:
BREVARD COUNTY, FLORIDA


Rita Pritchett, Chair to the Board of
County Commissioners
As approved by Board 4/24/18

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID# 25-35-20-00-4
 PURPOSE: 15' PUBLIC DRAINAGE EASEMENT

EXHIBIT "A"

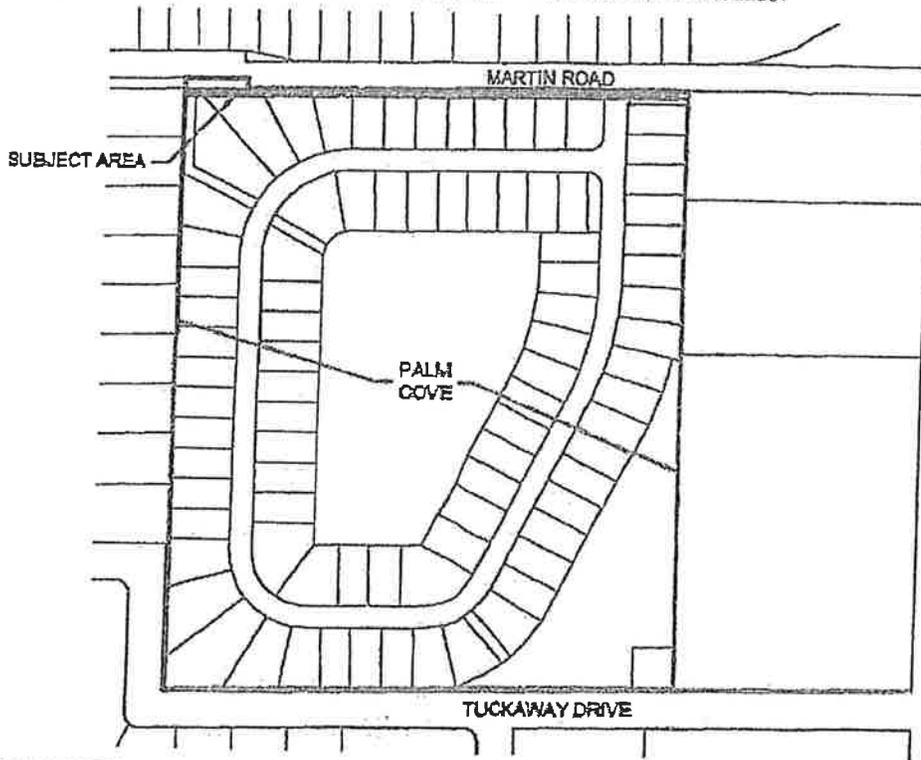
SHEET 1 OF 3

NOT VALID WITHOUT SHEET 2 AND 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #801 (BY SURVEYOR)

THE 15.00 FOOT WIDE PUBLIC DRAINAGE EASEMENT BEING THE NORTH 15.00 FEET OF LOTS 1 THROUGH 12, BLOCK C, THE NORTH 15.00 FEET OF TRACT A, THE NORTH 15.00 FEET OF TRACT C AND THE NORTH 15.00 FEET OF TRACT Z, ALSO KNOWN AS WHIMSICAL CIRCLE, A PRIVATE RIGHT-OF-WAY, ALL BEING IN PALM COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGE 61, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 0.31 ACRES MORE OR LESS.



SCALE: 1" = 300'

SURVEYORS NOTES:

DESCRIPTION OF A PARCEL OF LAND IN SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

BEARING REFERENCE: ASSUMED BEARING OF N89°09'45"E ON THE NORTH BOUNDARY LINE OF PALM COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGE 61, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PREPARED FOR AND CERTIFIED TO:
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LESLIE E. HOWARD, PSM NO. 8511
 PROFESSIONAL SURVEYOR & MAPPER
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 MELBOURNE, FLORIDA 32901

DRAWN BY: EL	CHECKED BY: LEH	PROJECT NO. 11335			SECTION 20 TOWNSHIP 25 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 07-10-2017	DRAWING: 11335_100_003		07/03/16	COUNTY COMMISSIONERS (03/23/17)	

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL #801

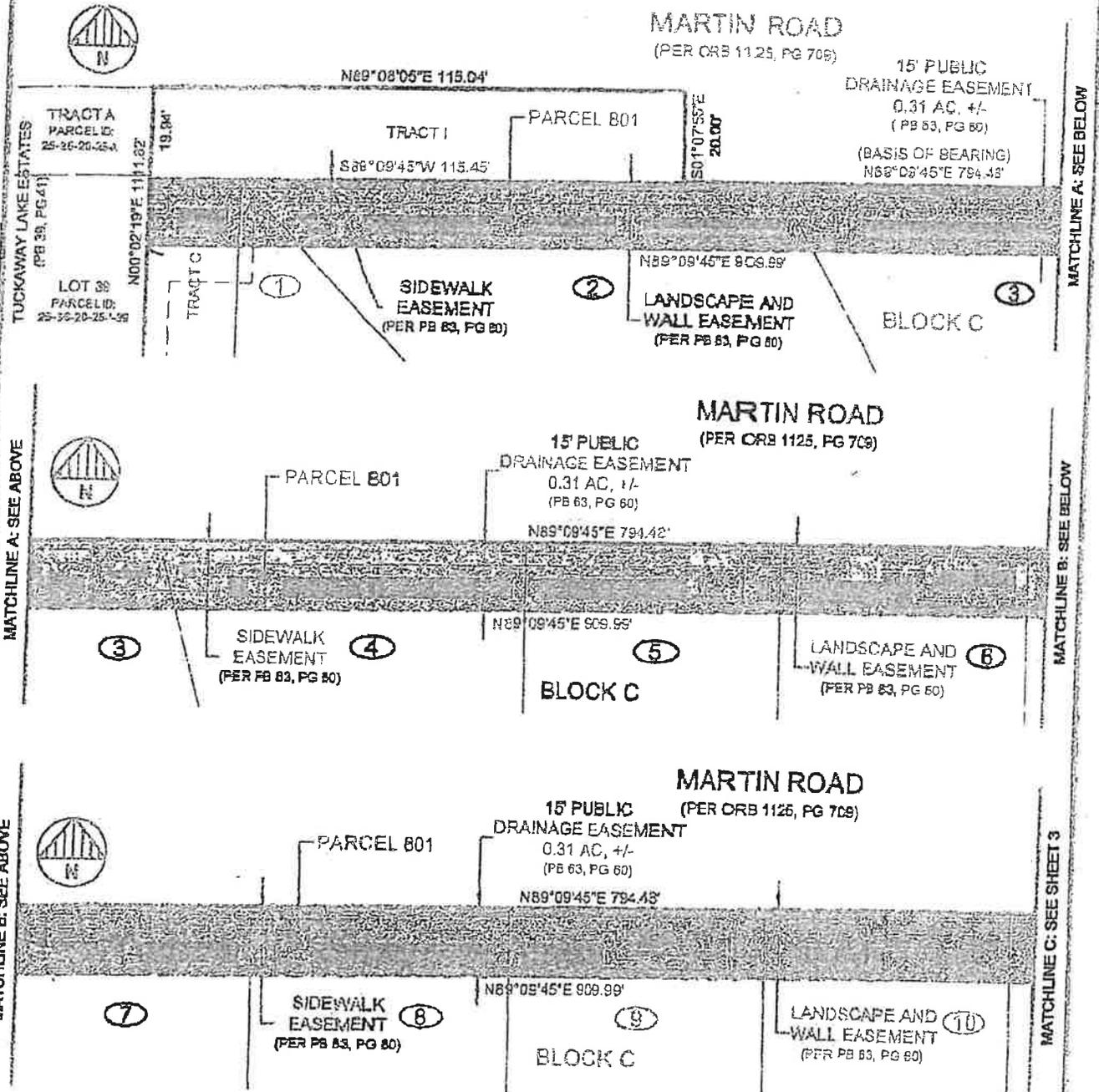
SHEET 2 OF 3

PARENT PARCEL ID# 25-36-20-00-4

NOT VALID WITHOUT SHEET 1 AND 3 OF 3

PURPOSE: 15' PUBLIC DRAINAGE EASEMENT

THIS IS NOT A SURVEY



PREPARED BY: E.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901

SCALE:
1" = 30'

PROJECT NO:
11339

SECTION 20
TOWNSHIP 26 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL #801

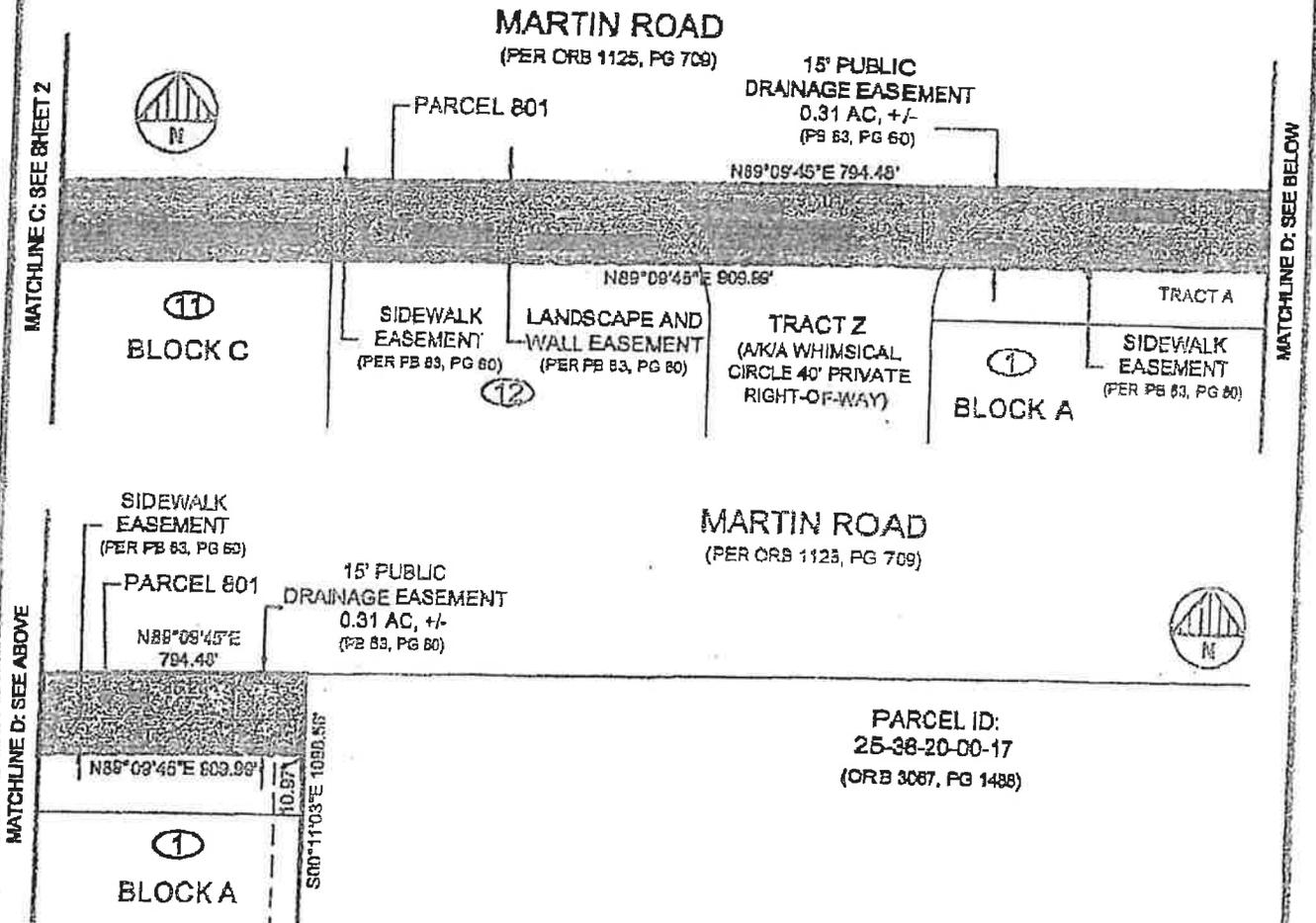
PARENT PARCEL ID#: 25-38-20-00-4
PURPOSE: 15' PUBLIC DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEET 1 AND 2 OF 3

THIS IS NOT A SURVEY



PREPARED BY: B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901

SCALE: 1" = 30'
PROJECT NO.: 11336

SECTION 20
TOWNSHIP 28 SOUTH
RANGE 36 EAST

Prepared by and return to:
Public Works, Land Acquisitions Section (321-690-6847
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940
Being a portion of interest in tax parcel #25-36-20-00-4

WARRANTY DEED
(Martin Road)

THIS INDENTURE is made this 24 day of Apr., 2018, between **THE CITY OF ROCKLEDGE**, a Municipal Corporation, whose mailing address is 1600 Huntington Lane, Rockledge, FL 32955, as GRANTOR, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, GRANTEE;

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described land, situate, lying and being in the County of Brevard, State of Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

This deed is made for the purpose of giving and granting to the Grantee, its successors and assigns, a fee simple interest in and to said lands, for the purposes of right of way.

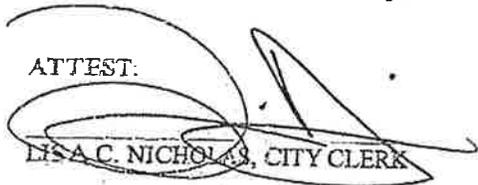
TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title & interest forever, and the Grantor hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

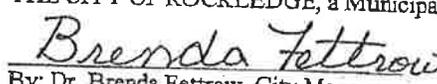
IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

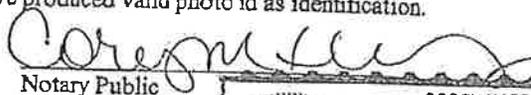
ATTEST:

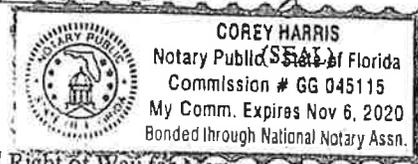

LISA C. NICHOLAS, CITY CLERK

THE CITY OF ROCKLEDGE, a Municipal Corporation

By: Dr. Brenda Fettrow, City Manager

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 22 day of March, 2018, by Dr. Brenda Fettrow, City Manager of the City of Rockledge, who is/are personally known to me or who have produced valid photo id as identification.


Notary Public



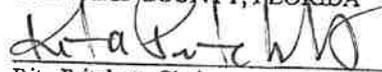
ACCEPTANCE

The Grantee hereby accepts this Warranty Deed as fee simple title for the purposes of Road Right of Way for Martin Road.
Dated this 24 day of APRIL, 2018.

ATTEST:


Scott Ellis, Clerk to the Board

GRANTEE:
BREVARD COUNTY, FLORIDA


Rita Pritchett, Chair to the Board of
County Commissioners
As approved by Board 4/24/18

Board meeting date: 4-24-18
Agenda Item #: II.A.4

LEGAL DESCRIPTION

PARCEL #101

PARENT PARCEL ID# 25-36-20-00-4
 PURPOSE: RIGHT-OF-WAY FEE SAMPLE

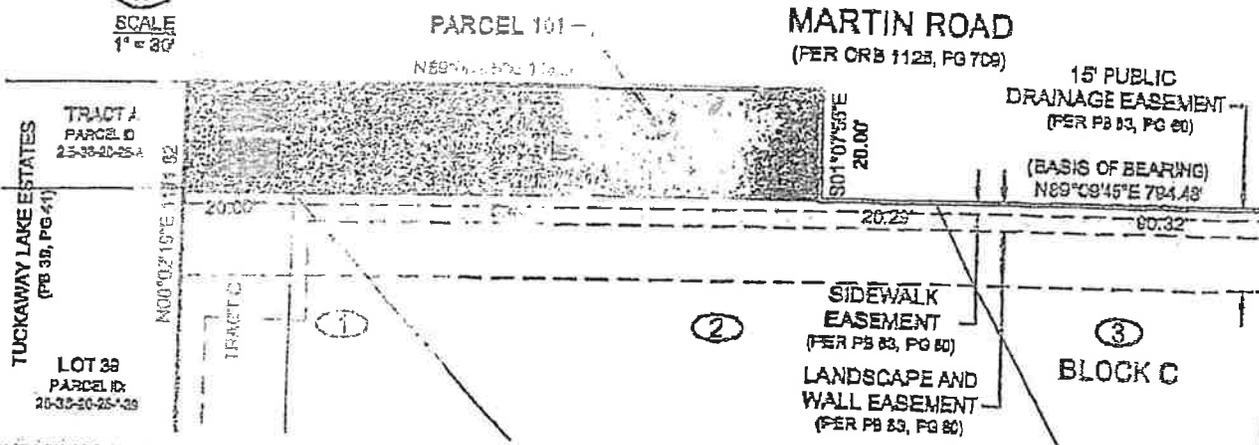
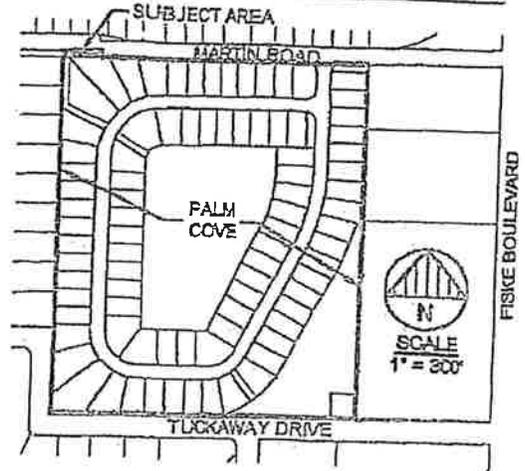
LEGAL DESCRIPTION: PARCEL #101 (BY SURVEYOR)

TRACT I, PALM COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGE 61, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 0.05 ACRES MORE OR LESS.

EXHIBIT "A"

SHEET 1 OF 1

THIS IS NOT A SURVEY



SURVEYORS NOTES:

DESCRIPTION OF A PARCEL OF LAND IN SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

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PREPARED FOR AND CERTIFIED TO:
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LESJIE E. HOWARD, PSM NO. 5611
 PROFESSIONAL SURVEYOR & MAPPER
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PREPARED BY: B.S.E. CONSULTANTS, INC.
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 MELBOURNE, FLORIDA 32901

DRAWN BY: EL

CHECKED BY: LEH

PROJECT NO. 11335

DATE 07-10-2017

DRAWING: 11335_100_003

REVISIONS

DATE	DESCRIPTION
01/03/16	COUNTY COMMENTS(02/13/17)

SECTION 20
 TOWNSHIP 25 SOUTH
 RANGE 36 EAST

