

**F. Consent Agenda - Natural Resources Management  
ITEM 1.**



**AGENDA REPORT  
February 26, 2019**

**Approval Re: Donation of Warranty Deed from Osprey Village at Cedar Creek for the Hall Road Pump Station Drainage Improvements Project – District 2.**

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**SUBJECT:**

Approval Re: Donation of Warranty Deed from Osprey Village at Cedar Creek for the Hall Road Pump Station Drainage Improvements Project – District 2.

**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 Warranty Deed from Osprey Village At Cedar Creek, Inc.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject parcel is located in Sections 2, Township 24S, Range 36E.

In regular session on October 9, 2018, item F.2., the Board of County Commissioners accepted a Drainage and Flood Control Easement from Osprey Village at Cedar Creek for this project. The project will replace the Mosquito Control pump and the need for two temporary portable pumps during substantial rain events. The scope of work includes the installation of two permanent electric pumps designed to discharge a combined 50,000 gallons per minute of stormwater runoff into the Sykes Creek Mosquito Control Impoundment to further improve the recovery time for much of South Chase Hammock Road and east of State Road 3 during larger storm events. Private parcels extend to inside the limits of the perimeter berm and are necessary for stormwater and flood control uses.

This particular parcel is affected by a Conservation Easement with St. Johns River Water Management District. In order to allow for the installation of the permanent electric pumps, the Conservation Easement will need to be amended. This Warranty Deed allows for the Easement to be amended as required.

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

**CLERK TO THE BOARD INSTRUCTIONS:**

Return Board approval memo to Public Works Department Land Acquisition.

**ATTACHMENTS:**

**Description**

- **Hall Road - Osprey Village Agenda Documents**



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

February 27, 2019

**M E M O R A N D U M**

**TO:** Corrina Gumm, Interim Public Works Director

**RE:** Item F.1., Donation of Warranty Deed from Osprey Village at Cedar Creek for the Hall Road Pump Station Drainage Improvements Project

The Board of County Commissioners, in regular session on February 26, 2019, approved accepting the donation of a Warranty Deed from Osprey Village at Cedar Creek for the Hall Road Pump Station Drainage Improvements Project, located in Section 2, Township 24 South, Range 36 East.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

cc: Asset Management

WARRANTY DEED

THIS INDENTURE is made this 5 day of February, 2018 between **OSPREY VILLAGE AT CEDAR CREEK, INC.**, formerly known as Lutheran Retirement Campus of Merritt Island Condominium Association, Inc., a Florida Not for Profit Corporation, as Grantor, as party of the first part, whose mailing address is 4350 Timothy Drive, Merritt Island, Florida 32953, and **BREVARD COUNTY, FLORIDA** a political subdivision of the State of Florida, as Grantee, as party of the second part, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, paid receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns the following described land, situated, lying and being in the County of Brevard, State of Florida, to-wit:

See Attached Legal Description

Subject to easements, restrictions, and reservations of record, if any, and taxes for the 2018 and subsequent years. The property described herein does not constitute the constitutional homestead of the Grantor herein. Subject to Conservation Easement A as recorded in Official Records Book 5818, Page 154, Public Records of Brevard County Florida.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, forever, and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Carla Neelley Freitag  
Witness  
Carla Neelley Freitag

Print Name  
Derema Floyd  
Witness  
Derema Floyd

OSPREY VILLAGE AT CEDAR CREEK, INC.,  
f/k/a Lutheran Retirement Campus of Merritt Island  
Condominium Association, Inc., A Florida Non Profit  
Corporation

Gail A. Williams  
By: GAIL WILLIAMS as President

State of: FLORIDA  
County: BREVARD

I HEREBY CERTIFY, that on this day personally appeared before me Gail Williams, as President of Osprey Village at Cedar Creek, f/n/a Lutheran Retirement Campus of Merritt Island Condominium Association, Inc., well known to me to be the person described in and who executed the foregoing deed, and acknowledged before me that (s)he executed the same freely and voluntarily for the purpose therein expressed and (s)he has produced known personally as identification and he did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 5 day of February 2019.

Approved by the Board on January 17, 2019  
Item # # 2

Beth A. Burton  
Notary Public  
Beth A. Burton  
Print Name

Commission Expires: January 31, 2022  
Commission No 66147690



BETH A. BURTON  
Commission # GG 147690  
Expires January 31, 2022  
Bonded Thru Budget Notary Services

# LEGAL DESCRIPTION

## PARCEL 109

SECTION 2 TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2

PURPOSE: FEE SIMPLE CONVEYANCE.

# EXHIBIT "A"

## SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

**THIS IS NOT A SURVEY**

### LEGAL DESCRIPTION: PARCEL 109 (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION THOSE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 7281, AND ALSO BEING A PORTION OF TRACT B, BELLA VITA, A PLANNED UNIT DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT B; THENCE SOUTH 00° 16' 29" EAST ALONG THE EAST LINE OF SAID TRACT B FOR A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 7281, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00° 16' 29" EAST ALONG SAID EAST LINE OF TRACT B FOR A DISTANCE OF 874.31 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 3865; THENCE SOUTH 89° 24' 22" WEST ALONG NORTH LINE THOSE LANDS DESCRIBED IN SAID IN OFFICIAL RECORDS BOOK 5761, PAGE 3865 FOR A DISTANCE OF 153.72 FEET; THENCE NORTH 10° 20' 16" WEST FOR A DISTANCE OF 181.90 FEET; THENCE NORTH 10° 54' 08" WEST FOR A DISTANCE OF 104.19 FEET; THENCE NORTH 13° 20' 24" WEST FOR A DISTANCE OF 199.65 FEET; THENCE NORTH 12° 35' 40" WEST FOR A DISTANCE OF 320.02 FEET; THENCE NORTH 08° 49' 06" EAST FOR A DISTANCE OF 27.20 FEET; THENCE NORTH 67° 25' 04" EAST FOR A DISTANCE OF 177.08 FEET TO A POINT ON THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781; THENCE SOUTH 00° 16' 29" EAST ALONG SAID WEST LINE FOR A DISTANCE OF 6.93 FEET TO THE SOUTHWEST CORNER OF AFORESAID DESCRIBED LANDS; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89° 57' 50" EAST ALONG THE SOUTH LINE OF AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4.74 ACRES (206,275 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;

SEE SHEET 2 OF 3 FOR SURVEYOR'S NOTES.

PREPARED FOR AND CERTIFIED TO:

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: R. HENNING

CHECKED BY: M. J. SWEENEY

PROJECT NO. 17-02-032

REVISIONS

DATE

DESCRIPTION

DATE: DECEMBER, 2017

SHEET: 1 OF 3

SECTION 2  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# LEGAL DESCRIPTION

## PARCEL 109

SECTION 2 TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2

PURPOSE: FEE SIMPLE CONVEYANCE.

# EXHIBIT "A"

## SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

**THIS IS NOT A SURVEY**

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.

### 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 EAST LINE OF THE TRACT B, BELLA VITA ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4 AS BEING SOUTH 00°16'29" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIALS:
  - a. TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2442305, FEE SIMPLE OWNER: OSPREY VILLAGES AT CEDAR CREEK, INC., EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-02-NJ-K-3);
    - i. ALL EASEMENTS PER THE ABOVE STATED TITLE REPORTS SHOWN HEREIN EXCEPT THE FOLLOWING:
      1. WATER EASEMENT PER OFFICIAL RECORDS BOOK 2719, PAGE 1099 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
      2. ACCESS, INGRESS AND EGRESS EASEMENT AGREEMENT PER OFFICIAL RECORDS BOOK 3188, PAGE 1791 AND AS AMENDED IN OFFICIAL RECORDS BOOK 3197, PAGE 4726 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
      3. EASEMENT PER OFFICIAL RECORDS BOOK 4263, PAGE 2771 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
      4. EASEMENT PER OFFICIAL RECORDS BOOK 4978, PAGE 489 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
      5. BELL SOUTH EASEMENT PER OFFICIAL RECORDS BOOK 5281, PAGE 3315 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
      6. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 154 IS AN EASEMENT OVER AND UPON TRACT B, BELLA VITA LESS AND EXCEPT THE 25.00 FOOT RIGHT OF WAY OVER AND UPON THE NORTH 25.00 FEET OF SAID TRACT B AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781 (TAX PARCEL 24-36-02-NJ-B.1).
      7. EASEMENT PER OFFICIAL RECORDS BOOK 7317, PAGE 198 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
    - b. TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2456210, FEE SIMPLE OWNER: BELLA VITA PROPERTY OWNERS ASSOCIATION, INC., EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-11-NJ-B.2);
      - i. ALL EASEMENTS PER THE ABOVE STATED TITLE REPORTS SHOWN HEREIN EXCEPT THE FOLLOWING:
        1. FP&L EASEMENT PER OFFICIAL RECORDS BOOK 2707, PAGE 1010 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
        2. BELL SOUTH EASEMENT PER OFFICIAL RECORDS BOOK 5281, PAGE 3315 IS A BLANKET EASEMENT OVER A PORTION OF TRACT B, BELLA VITA BUT THE OFFICIAL RECORD BOOK DEFINING WHICH PORTION OF SAID TRACT B IS NOT VALID MAKING THE EASEMENT PARCEL UN-LOCATABLE.
        3. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 154 IS AN EASEMENT OVER AND UPON TRACT B, BELLA VITA LESS AND EXCEPT THE 25.00 FOOT RIGHT OF WAY OVER AND UPON THE NORTH 25.00 FEET OF SAID TRACT B AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781.
        4. EASEMENT PER OFFICIAL RECORDS BOOK 7317, PAGE 198 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
    - c. PLAT OF BELLA VITA, PLAT BOOK 23, PAGE 4;
    - d. BOUNDARY SURVEY PREPARED FOR BREVARD COUNTY BY DRMP, PROJECT NO. 06-0103.002, DATED AUGUST 20, 2007;
    - e. BOUNDARY SURVEY IN SECTIONS 1, 11 & 12-24-36, PREPARED FOR BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, PREPARED BY JOHN R. CAMPBELL & ASSOCIATES, INC., DATED FEBRUARY 1, 1992, LAST REVISION 4/15/92.
  4. THE MOSQUITO EMBANKMENT BERM AS LOCATED BASED ON A SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY MOSQUITO CONTROL BY BREVARD COUNTY SURVEYING AND MAPPING PROGRAM, PROJECT NO. 17-02-032, SURVEY FIELD DATE 7/27/2017.



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"=200'  
PROJECT NO.:  
17-02-032

SECTION 2  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

## PARCEL 109

SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2

PURPOSE: FEE SIMPLE CONVEYANCE.



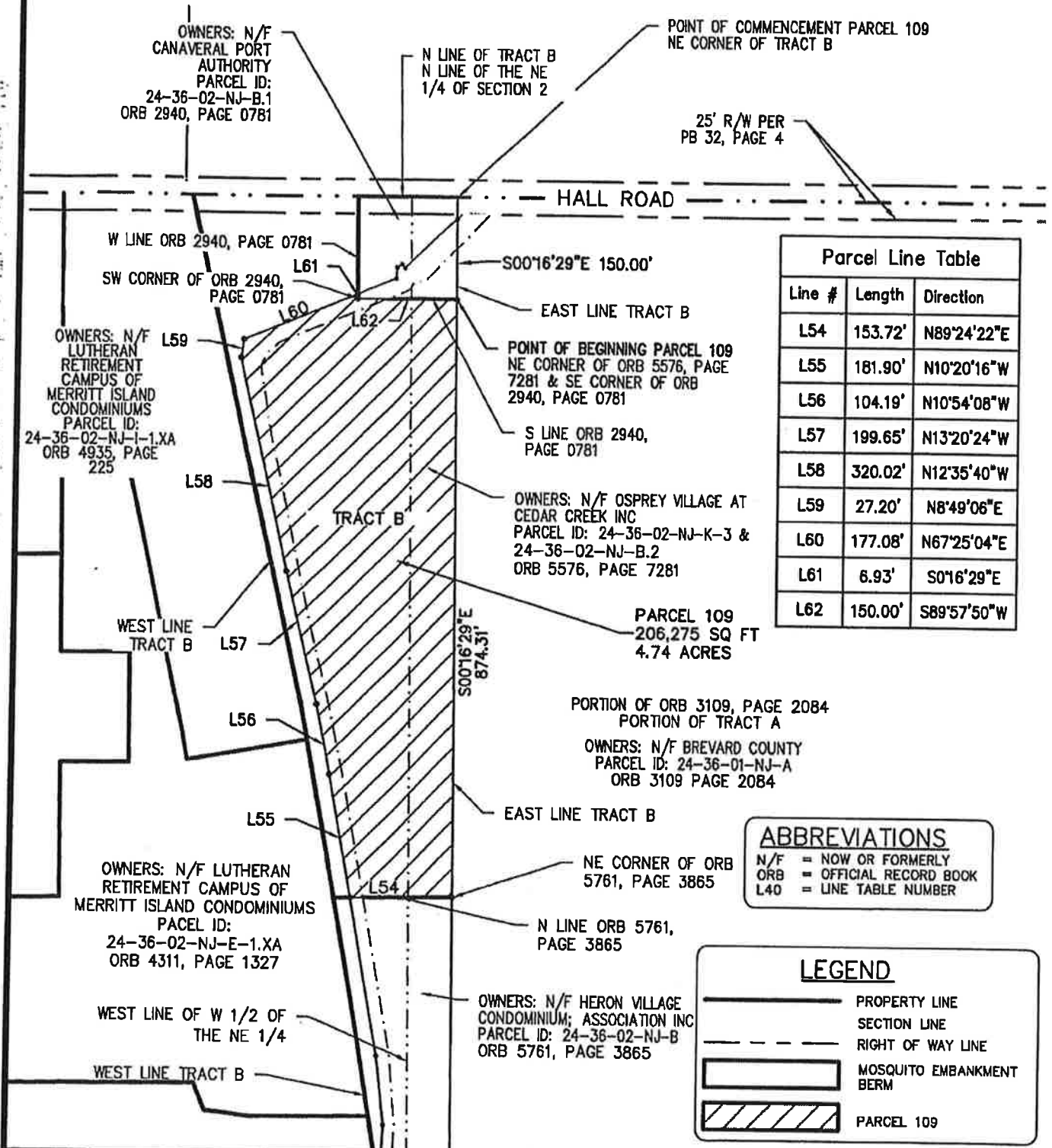
SCALE:  
1" = 200'

## EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

**THIS IS NOT A SURVEY**



Parcel Line Table

Line #	Length	Direction
L54	153.72'	N89°24'22"E
L55	181.90'	N10°20'16"W
L56	104.19'	N10°54'08"W
L57	199.65'	N13°20'24"W
L58	320.02'	N12°35'40"W
L59	27.20'	N8°49'06"E
L60	177.08'	N67°25'04"E
L61	6.93'	S0°16'29"E
L62	150.00'	S89°57'50"W

### ABBREVIATIONS

N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORD BOOK  
L40 = LINE TABLE NUMBER

### LEGEND

	PROPERTY LINE
	SECTION LINE
	RIGHT OF WAY LINE
	MOSQUITO EMBANKMENT BERM
	PARCEL 109



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SCALE: 1"=200'  
PROJECT NO.: 17-02-032

SECTION 2  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# LOCATION MAP

TWP: 24 S RNG: 36 E SEC: 2 DISTRICT: 2

STREET NAME: Hall Road

OWNER'S NAME: Osprey Village at Cedar Creek, Inc.





**BOARD OF COUNTY COMMISSIONERS**

AGENDA: DONATION OF WARRANTY DEED FROM OSPREY VILLAGE AT  
CEDAR CREEK – OWNER – FOR THE HALL ROAD PUMP STATION  
DRAINAGE IMPROVESMENT PROJECT – DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /  
NATURAL RESOURCES MANAGEMENT DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	<u>          </u>	<u>2/12/19</u>
PUBLIC WORKS DEPARTMNET Corrina Gumm, Interim Director	<u>          </u>	<u>          </u>	<u>          </u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	<u>          </u>	<u>2/13/19</u>

AGENDA DUE DATE: February 12, 2019 for the February 26, 2019 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.