



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

12/5/2023

Subject:

Approval, Re: Donation of Right of Way by Warranty Deed from First Baptist Church of Merritt Island, Florida for the South Tropical Trail Sidewalk Project Osteen Park to Magnolia Avenue - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Warranty Deed.

Summary Explanation and Background:

The subject property is located in Section 35, Township 24 South, Range 36 East, south of Highway 520 and east of South Tropical Trail in Merritt Island.

Staff was originally unable to acquire all easements and/or right of way to complete the sidewalk improvement project known as South Tropical Trail Sidewalk Project Osteen Park to Magnolia Avenue. The project hinged on the willingness of the affected parcel owners to donate the easement and/or right of way for the project. A change of ownership of this parcel has resulted in the new owners agreeing to grant the right of way needed to complete the acquisition phase for this section of the project. The Road and Bridge construction division will construct the sidewalk.

This donation will provide continuous right of way to allow for the construction of the sidewalk which will connect the existing sidewalks on east side of South Tropical Trail.

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:



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 6, 2023

M E M O R A N D U M

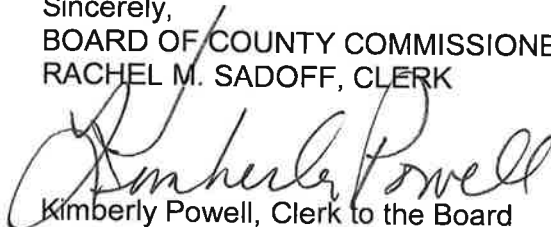
TO: Marc Bernath, Public Works Director Attn: Lisa Kruse

RE: Item F.5., Approval for Donation of Right-of-Way by Warranty Deed from First Baptist Church of Merritt Island, for the South Tropical Trail Sidewalk Project Osteen Park to Magnolia Avenue

The Board of County Commissioners, in regular session on Decemeber 5, 2023, approved and accepted the donation of right-of-way by Warranty Deed from First Baptist Church of Merritt Island, for the South Tropical Trail Sidewalk Project Osteen Park to Magnolia Avenue.

Your continued cooperation is always appreciated.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/dm

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Donation of Right of Way by Warranty Deed from First Baptist Church of Merritt Island, Florida for the South Tropical Trail Sidewalk Project Osteen Park to Magnolia Avenue – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist II

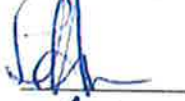
CONTACT PHONE: 321-350-8353 Ext. 58353

LAND ACQUISITION
Lucy Hamelers, Supervisor

APPROVE

DISAPPROVE

DATE



11.14.23

COUNTY ATTORNEY
Alexander Esseeesse
Deputy County Attorney



11/20/23

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of interest in Tax Parcel ID: 24-36-35-31-H-4

WARRANTY DEED
(Right-of-Way for a portion of South Tropical Trail)

THIS DEED is made this 14 day of September 2023, by First Baptist Church, Merritt Island, Florida, a Florida not for profit corporation, hereafter called the Grantor, whose mailing address is 140 Magnolia Avenue, Merritt Island, Florida 32952, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

WITNESSETH that the 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 acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, lying and being in the Brevard County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Together with all riparian and littoral rights appertaining thereto, and all interest in subsurface oil, gas, and minerals.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title and interest forever, and the Grantor does fully warrant the title to said lands, 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:

Witness

Richard Fuller
Print Name

Witness

DAVID E. CRAWFORD
Print Name

GRANTOR:

First Baptist Church, Merritt Island, Florida, a
Florida not for profit corporation

By

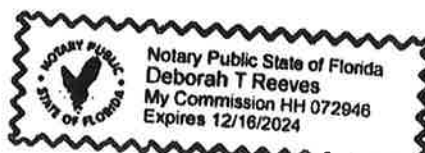
Tex Loadholtz, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 14 day of Sept 2023, by Ted Loadholtz as President for First Baptist Church, Merritt Island, Florida, a Florida not for profit corporation. Is ☒ personally known or ☐ produced _____ as identification.

Deborah T. Reeves
Notary Signature



LEGAL DESCRIPTION

PARCEL #100

PARENT PARCEL ID#: 24-36-35-31-H-4
PURPOSE: FEE SIMPLE - RIGHT-OF-WAY PARCEL

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #100 (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8045, PAGE 388, OFFICIAL RECORDS BOOK 8045, PAGE 379, AND OFFICIAL RECORDS BOOK 3902, PAGE 965 OF THE PUBLIC RECORDS OF BREVARD COUNTY AND LYING IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 3, BLOCK K, OF THE PLAT OF MAP NO. TWO OF MERRITT WINTER HOME DEVELOPMENT, AS RECORDED IN PLAT BOOK 2, PAGE 78 OF SAID PUBLIC RECORDS; THENCE S 89°17'12" W, ALONG THE SOUTH LINE OF SAID LOT 3 AND ITS WESTERLY EXTENSION AND THE NORTH LINE OF OFFICIAL RECORDS BOOK 3902, PAGE 965 OF SAID PUBLIC RECORDS, A DISTANCE OF 12.83 FEET TO THE POINT-OF-BEGINNING; THENCE S 00°47'21" E, A DISTANCE OF 41.13 FEET; THENCE S 09°59'00" W, A DISTANCE OF 9.25 FEET; THENCE S 01°46'44" E, A DISTANCE OF 57.88 FEET TO A POINT ON A NON-TANGENT 129.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST AND HAVING A CHORD BEARING OF S 41°46'38" E; THENCE SOUTHEASTERLY, ALONG AN ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°58'43"; AN ARC DISTANCE OF 114.78 FEET TO A POINT ON A NON-TANGENT 169.91 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST AND HAVING A CHORD BEARING OF S 78°55'30" E; THENCE EASTERLY, ALONG AN ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°24'30"; AN ARC DISTANCE OF 33.83 FEET TO A POINT ON A NON-TANGENT LINE; THENCE S 83°02'04" E, A DISTANCE OF 64.27 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTH TROPICAL TRAIL, FORMERLY KNOWN AS OCEAN STREET, A 40.00 FOOT WIDE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF MOORE PARK, AS RECORDED IN PLAT BOOK 3, PAGE 44 OF SAID PUBLIC RECORDS; THENCE S 89°17'12" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 186.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTH TROPICAL TRAIL, A 30.00 FOOT WIDE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF MAP NO. ONE OF MERRITT WINTER HOME DEVELOPMENT, AS RECORDED IN PLAT BOOK 2, PAGE 55 OF SAID PUBLIC RECORDS; THENCE N 00°47'21" W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 207.29 FEET TO THE AFORESAID SOUTH LINE OF LOT 3 AND ITS WESTERLY EXTENSION; THENCE N 89°17'12" E, ALONG SAID WESTERLY EXTENSION OF SOUTH LINE, A DISTANCE OF 17.17 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.17 ACRES (7,297 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAYS OF RECORD.

LEGEND:

ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG	PAGE
PU	PUBLIC UTILITIES
PU & DE	PUBLIC UTILITIES AND DRAINAGE EASEMENT
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
AC	ACRES
±	PLUS OR MINUS
R	RADIUS
Δ	CENTRAL ANGLE
L	ARC LENGTH
CH	CHORD
CB	CHORD BEARING
¢	CENTERLINE
(TYP)	TYPICAL
POB	POINT-OF-BEGINNING
(C1)	CURVE TABLE DESIGNATION

NOTE:

- 1.) SEE SHEET 2 FOR SKETCH OF DESCRIPTION.
- 2.) SEE SHEET 3 FOR NOTES AND CERTIFICATION.

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

PREPARED BY:



100 PARNELL STREET • SUITE A • MERRITT ISLAND, FLORIDA 32953
PHONE NO.: (321) 453-0010

DRMP, INC. CERTIFICATE NO.: 2648

DRAWN BY: JWS

CHECKED BY: JBC

PROJECT NO. 21-0700.022

REVISIONS

DATE

DESCRIPTION

DATE: 2023-03-02

DRAWING: 21-0700.022-sk01

07/20/23

REV. BC COMMENTS

08/17/23

REV. BC COMMENTS

SECTION 35
TOWNSHIP 24 SOUTH
RANGE 36 EAST

PARCEL #100

PARENT PARCEL ID#: 24-36-35-31-H-4
PURPOSE: FEE SIMPLE - RIGHT-OF-WAY PARCEL

- 1.) SEE SHEET 1 FOR LEGAL DESCRIPTION AND LEGEND.
- 2.) SEE SHEET 3 FOR NOTES, AND CERTIFICATION.

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3

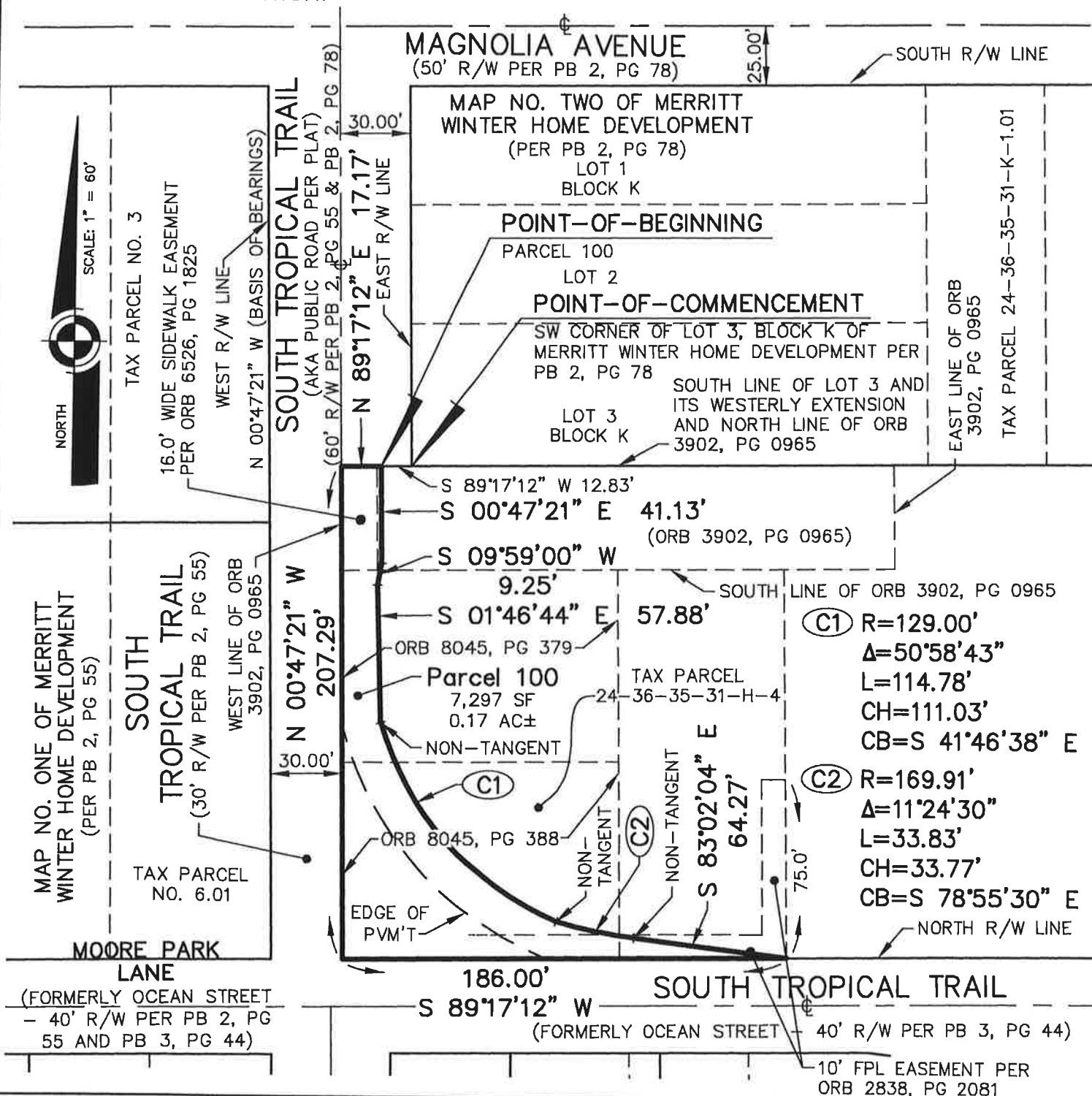
THIS IS NOT A SURVEY

GRAPHIC SCALE



(IN FEET)

1 INCH = 60 FT.



PREPARED BY:
100 PARNELL STREET • SUITE A
MERRITT ISLAND, FLORIDA 32953
PHONE NO.: (321) 453-0010
DRMP, INC. CERTIFICATE NO.: 2648



DRMP

SCALE:

$$1'' = 60'$$

PROJECT NO.:
21-0700.022

SECTION 35
TOWNSHIP 24 SOUTH
RANGE 36 EAST

NOTES, LEGEND & CERTIFICATION

PARCEL #100

PARENT PARCEL ID#: 24-36-35-31-H-4
PURPOSE: FEE SIMPLE - RIGHT-OF-WAY PARCEL

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2

THIS IS NOT A SURVEY

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF SOUTH TROPICAL TRAIL OF THE PLAT OF MERRITT WINTER HOME DEVELOPMENT MAP NO. TWO AS RECORDED IN PLAT BOOK 2, PAGE 55 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, ALL LYING IN SEC. 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BEING N 00°47'21" W, BASED ON STATE PLANE COORDINATE SYSTEM FOR FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2009 (NAD '83/'09).
3. INFORMATION SHOWN HEREON IS BASED ON A SURVEY BY DRMP, INC., PROJECT NUMBER 21-0700.022, DATE OF FIELD SURVEY: DEC. 29, 2021.
4. SEE SHEET 1 FOR LEGAL DESCRIPTION AND LEGEND. SEE SHEET 2 FOR SKETCH OF DESCRIPTION.
5. PURSUANT TO AN O&E REPORT BY NEW REVELATIONS, INC. FILE NO. 21-1530 DATED 6/27/23 THE FOLLOWING EASEMENTS AND EXCEPTIONS WERE REVIEWED BY THE SURVEYOR:
 1. UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 884, PAGE 496. DOES NOT ENCUMBER SUBJECT PARCEL.
 2. UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 884, PAGE 498. DOES NOT ENCUMBER SUBJECT PARCEL.
 3. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2680, PAGE 2253. DOCUMENT NOT READABLE - UNKNOWN.
 4. RIGHT-OF-WAY RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 2765, PAGE 2391. DOES NOT ENCUMBER SUBJECT PARCEL.
 5. SUBORDINATION OF UTILITY INTERESTS RECORDED IN OFFICIAL RECORDS BOOK 2974, PAGE 1611. DOES NOT ENCUMBER SUBJECT PARCEL.
 6. CROSS PARKING AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3036, PAGE 3965. DOES NOT ENCUMBER SUBJECT PARCEL.
 7. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5630, PAGE 7628. DOES NOT ENCUMBER SUBJECT PARCEL.
 8. UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 6404, PAGE 1750. DOES NOT ENCUMBER SUBJECT PARCEL.
 9. SI SIDEWALK EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 6526, PAGE 1825. ENCUMBERS SUBJECT PARCEL - SEE SKETCH.
 10. WATERLINE & INGRESS/EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 8595, PAGE 1045. DOES NOT ENCUMBER SUBJECT PARCEL.
 11. RESOLUTION 2020-016, RECORDED IN OFFICIAL RECORDS BOOK 8686, PAGE 2148. DOES NOT ENCUMBER SUBJECT PARCEL.
 12. FPL EASEMENT PER OFFICIAL RECORDS BOOK 2838, PAGE 2081 ENCUMBERS SUBJECT PARCEL - SEE SURVEY.
6. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
7. CERTIFIED FOR THE EXCLUSIVE USE OF:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS PERFORMED UNDER MY DIRECTION AND SUPERVISION, AND THAT IT MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER SJ-17.05 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



[Signature]
JOSEPH BARRY CABANISS, P.L.S.
FLORIDA SURVEYOR'S CERTIFICATE NO.:
DRMP, INC. CERTIFICATE NO.:
NOT VALID UNLESS SIGNED AND SEALED

8/24/23

DATE
4524
2648

PREPARED BY:
100 PARNELL STREET • SUITE A
MERRITT ISLAND, FLORIDA 32953
PHONE NO.: (321) 453-0010
DRMP, INC. CERTIFICATE NO.: 2648



SCALE:

N/A

PROJECT NO.:

21-0700.022

SECTION 35
TOWNSHIP 24 SOUTH
RANGE 36 EAST

100

LOCATION MAP

Section 35, Township 24 South, Range 35 East – District 2

PROPERTY LOCATION: South of Magnolia Avenue and east of South Tropical Trail in Merritt Island

OWNERS NAME(S): First Baptist Church, Merritt Island, Florida

