

Meeting Date
08/19/2014



AGENDA	
Section	Consent
Item No.	II.A.3.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Sidewalk Easements from Advent Lutheran Church of Melbourne, Inc. to Brevard County for an addition to the existing building located at 7550 N. Wickham Road, Melbourne in accordance with 13AD-00689 - District 4
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:
 It is requested that the Board of County Commissioners approve and accept the Permanent Sidewalk Easements from Advent Lutheran Church of Melbourne, Inc. for a sidewalk associated with a proposed building addition in accordance with 13AD-00689.

Summary Explanation & Background:
 The subject property is located in Section 11, Township 26 South, Range 36 East.
 Brevard County Land Development Regulation 62-2956 requires that the applicant shall provide sidewalks adjacent to roadways on which a development abuts and/or is adjacent to all roadways within the development.
 The purpose of the easements is for construction (at the owner/developer's expense) and maintenance of a sidewalk adjacent to the right-of-way(s). The easements are required by Brevard County in accordance with 13AD-00689.
 There is a mortgage on the property; the Mortgagee has executed a "Joinder in Dedication of Sidewalk Easements in Favor of Brevard County" with Advent Lutheran Church (Grantor).
 There are other easements listed within the Ownership and Encumbrance Report as encumbering this property. The other easements have been reviewed by staff and none are located within the areas being granted to the County, nor will they interfere with the County's intended use of the areas being conveyed for sidewalk purposes.
 Land Acquisition policies and procedures require approval and acceptance by the Board of County Commissioners for all easements.
Fiscal Impact: FY 2013-2014: No impact
FY 2014-2015: No impact

Clerk to the Board Instructions: Forward the Clerk Memo regarding Board Action to Department

Exhibits Attached: Copy of Executed Permanent Sidewalk Easements (with Sketch & Description), Copy of Executed Joinder in Dedication of Sidewalk Easements in Favor of Brevard County, Vicinity Map and Property Fact Sheet

Contract /Agreement (If attached):		Reviewed by	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Attorney								
County Manager	Assistant County Manager		Department Director / Extension					
	Mel Scott		John P Denninghoff		5/1202			
Stockton Whitten	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 20, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.3, Permanent Sidewalk Easements with Advent Lutheran Church of Melbourne, Inc., for an Addition to the Existing Building Located at 7550 N. Wickham Road in Melbourne in Accordance with 13AD-00689

The Board of County Commissioners, in regular session on August 19, 2014, accepted Permanent Sidewalk Easements from Advent Lutheran Church of Melbourne, Inc., for a sidewalk associated with a proposed building addition in accordance with 13SD-00689.

Your continued cooperation is appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/clm

cc: Asset Management

+

PERMANENT SIDEWALK EASEMENTS

THIS INDENTURE, made this 12TH day of JULY A.D. 2014, between Advent Lutheran Church of Melbourne, Inc., whose mailing address is 7550 N. Wickham Road, Melbourne, Florida, 32940, as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, perpetual easements commencing on the above date, for the sole purpose of constructing and maintaining sidewalk easements and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easements.

The land affected by the granting of the easements is located in Section 11, Township 26 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTIONS

TO HAVE AND TO HOLD said easements unto the County of Brevard and to its successors and assigns.

AND, the said party of the first part does hereby fully warrant the title to said easements, and will defend the same against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:

William Stanton
Witness
WILLIAM STANTON
(Print Name)

Advent Lutheran Church of Melbourne, Inc.,
a Florida non-profit corporation
[Signature]
Rob Irons, as President

Claudia L. Borchers
Witness
CLAUDIA L. BORCHERS
(Print Name)

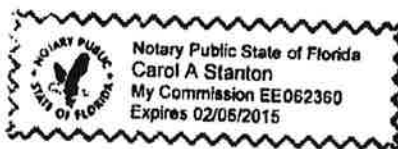
**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 12TH day of JULY, 2014, by Rob Irons, as President, who is not personally known to me or who has produced _____ as identification and who did/did not take an oath.

12TH WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this JULY day of 2014.

NOTARY PUBLIC Carol A Stanton
Print Name CAROL A STANTON
Commission No. EE062360
Commission Expires: 2/4/2015

Board Date: _____
Agenda Item #: _____



SKETCH & DESCRIPTION

NOT A SURVEY

SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID# 26-36-11-75-0000A.0-0000.00
 PURPOSE OF SURVEY: SIDE WALK EASEMENTS

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH
 ON SHEET 2 OF 2

LEGAL DESCRIPTION:

EASEMENT "A"

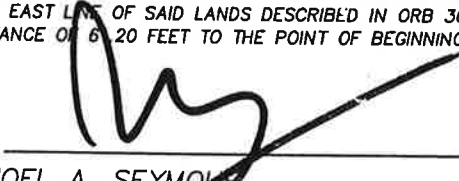
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EASEMENT "C"

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 JOEL A. SEYMOUR
 SURVEYOR & MAPPER, PSM NO. 6133
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR:
 ADVENT LUTHERAN CHURCH OF MELBOURNE, INC.

PREPARED BY: KANE SURVEYING, INC.
 505 DISTRIBUTION DRIVE
 MELBOURNE, FLORIDA 32904
 (321) 676-0427

DRAWN BY: <u>JAS</u>	CHECKED BY: <u>JAS</u>	PROJECT NO. <u>32381</u>	SECTION <u>11</u>
DATE: <u>7/11/14</u>		REVISIONS _____	TOWNSHIP <u>28</u> SOUTH
			RANGE <u>36</u> EAST

SKETCH & DESCRIPTION

NOT A SURVEY

SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL ID# 26-36-11-75-0000A.0-0000.00

PURPOSE OF SURVEY: SIDE WALK EASEMENTS

PREPARED BY: KANE SURVEYING, INC.

505 DISTRIBUTION DRIVE

MELBOURNE, FLORIDA 32904

(321) 676-0427

SHEET 2 OF 2

N LINE OF VACATED R/W 3629/0557
BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS RESOLUTION #95-300

NE COR OF VACATED R/W 3629/0557
BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS RESOLUTION #95-300

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



SCALE: 1"=60'

CURVE TABLE					
CURVE	DELTA	ARC	RADIUS	CHORD	CHD BRG
C1	2°45'33"	42.38'	880.00'	42.37'	N01°36'01"W
C2	2°14'17"	34.37'	880.00'	34.37'	N04°05'56"W
C3	2°14'17"	34.24'	876.50'	34.24'	N04°05'56"W
C4	9°13'53"	141.79'	880.00'	141.63'	N04°50'12"W
C5	3°59'05"	61.20'	880.00'	61.19'	N11°26'41"W

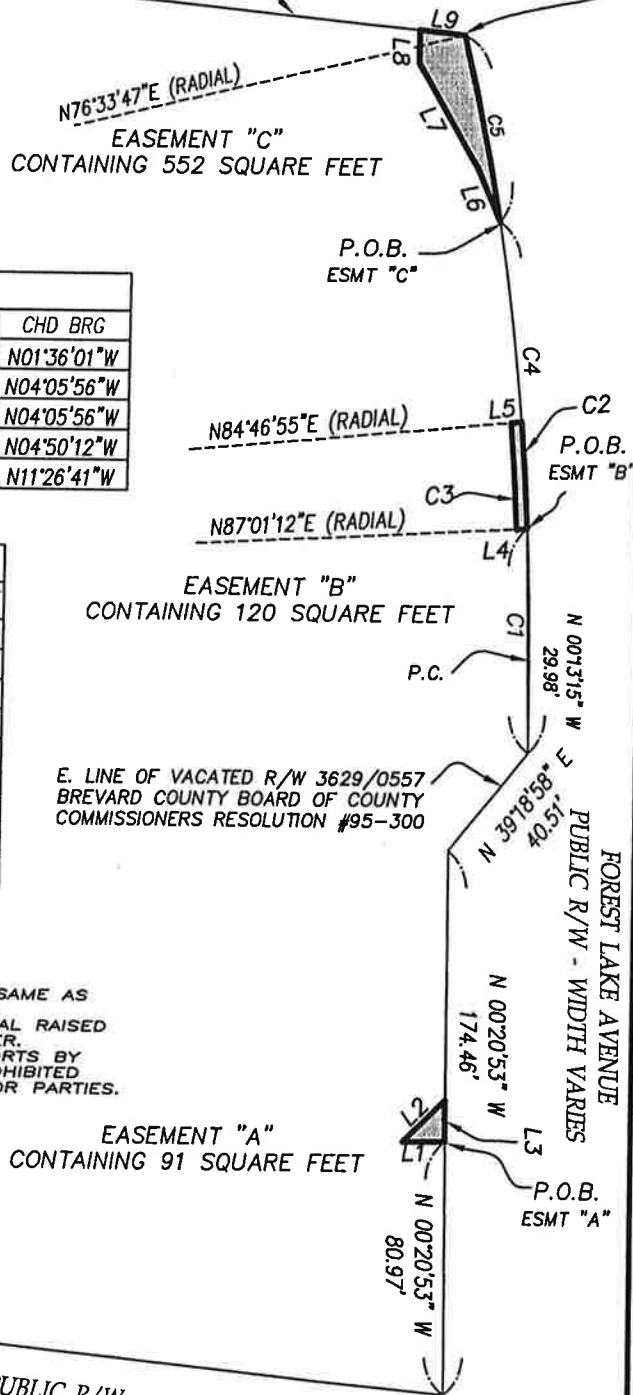
LEGEND

ESMT = EASEMENT
ORB = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
R/W = RIGHT OF WAY
POB = POINT OF BEGINNING

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°40'12"W	13.52'
L2	N44°48'01"E	19.08'
L3	S00°20'53"E	13.46'
L4	S87°01'12"W	3.50'
L5	N84°46'55"E	3.50'
L6	N22°58'05"W	18.78'
L7	N30°12'12"W	38.95'
L8	N00°18'07"W	10.57'
L9	S84°02'28"E	14.92'

NOTES:

- BEARINGS BASED ON RECORDED DESCRIPTION
- BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.



Joinder in Dedication of Sidewalk Easements in Favor of Brevard County

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, **Mission Investment Fund of the Evangelical Lutheran Church in America, Inc., a Minnesota corporation**, having its principal offices at 8765 West Higgins Road, Chicago, Illinois 60631 (Mortgagee), being the owners and holders of that certain Mortgage dated July 24, 2013, and recorded on August 16, 2013, in Official Records Book 6950, beginning at Page 1266-1275, all recorded in the Public Records of Brevard County, Florida, does hereby join in and consent to the dedication of the Sidewalk Easements as shown in Exhibit "A" attached herein and made a part of this document, for all uses and purposes expressed therein, and agrees that the lien, operation, and effect of the above described Mortgage and Assignment, shall be, and is hereby subordinated to said easements.

Eva Roby, as President and Chief Executive officer executes this Joinder solely as Mortgagee and shall have no liability in connection therewith.

In Witness WHEREOF, the undersigned has caused these presents to be executed in its name on this, the 14 day of July, 2014.

Signed and sealed in the presence of:

Kim Charleston
Print Name: Kim Charleston
Cindy Wood
Print Name: CINDY WOOD

Mission Investment Fund of the Evangelical Lutheran Church in America, a Minnesota corporation

By: *Amelia Dawkins*
Amelia Dawkins, Director of Lending

STATE OF ILLINOIS
COUNTY OF COOK

The foregoing instrument was acknowledged before me this 14th day of July, 2014, by: Amelia Dawkins, Director of Lending, and that she is personally known to me ~~or has~~ produced _____ as identification and that she did ~~or~~ did not take an oath.



Agenda Item # _____
Board Meeting Date _____

Notary *Lillian Acuña*
Print Name: Lillian Acuña
Commission No. _____
Commission Expires: 11-27-16

SKETCH & DESCRIPTION

NOT A SURVEY

SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID# 26-36-11-75-0000A.0-0000.00
 PURPOSE OF SURVEY: SIDE WALK EASEMENTS

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH
 ON SHEET 2 OF 2

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EASEMENT "A"

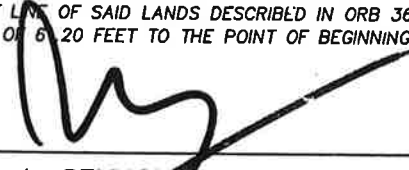
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PREPARED FOR:
 ADVENT LUTHERAN CHURCH OF MELBOURNE, INC.

PREPARED BY: KANE SURVEYING, INC.
 505 DISTRIBUTION DRIVE
 MELBOURNE, FLORIDA 32904
 (321) 676-0427

DRAWN BY: <u>JAS</u>	CHECKED BY: <u>JAS</u>	PROJECT NO. <u>32381</u>	SECTION <u>11</u>
DATE: <u>7/11/14</u>	REVISIONS _____		TOWNSHIP <u>28</u> SOUTH
			RANGE <u>36</u> EAST

SKETCH & DESCRIPTION

NOT A SURVEY

SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID# 26-36-11-75-0000A.0-0000.00
 PURPOSE OF SURVEY: SIDE WALK EASEMENTS

PREPARED BY: KANE SURVEYING, INC.
 505 DISTRIBUTION DRIVE
 MELBOURNE, FLORIDA 32904
 (321) 676-0427

SHEET 2 OF 2

N LINE OF VACATED R/W 3629/0557
 BREVARD COUNTY BOARD OF COUNTY
 COMMISSIONERS RESOLUTION #95-300

NE COR OF VACATED R/W 3629/0557
 BREVARD COUNTY BOARD OF COUNTY
 COMMISSIONERS RESOLUTION #95-300

NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2



SCALE: 1"=60'

CURVE TABLE					
CURVE	DELTA	ARC	RADIUS	CHORD	CHD BRG
C1	2°45'33"	42.38'	880.00'	42.37'	N01°36'01"W
C2	2°14'17"	34.37'	880.00'	34.37'	N04°05'56"W
C3	2°14'17"	34.24'	876.50'	34.24'	N04°05'56"W
C4	9°13'53"	141.79'	880.00'	141.63'	N04°50'12"W
C5	3°59'05"	61.20'	880.00'	61.19'	N11°26'41"W

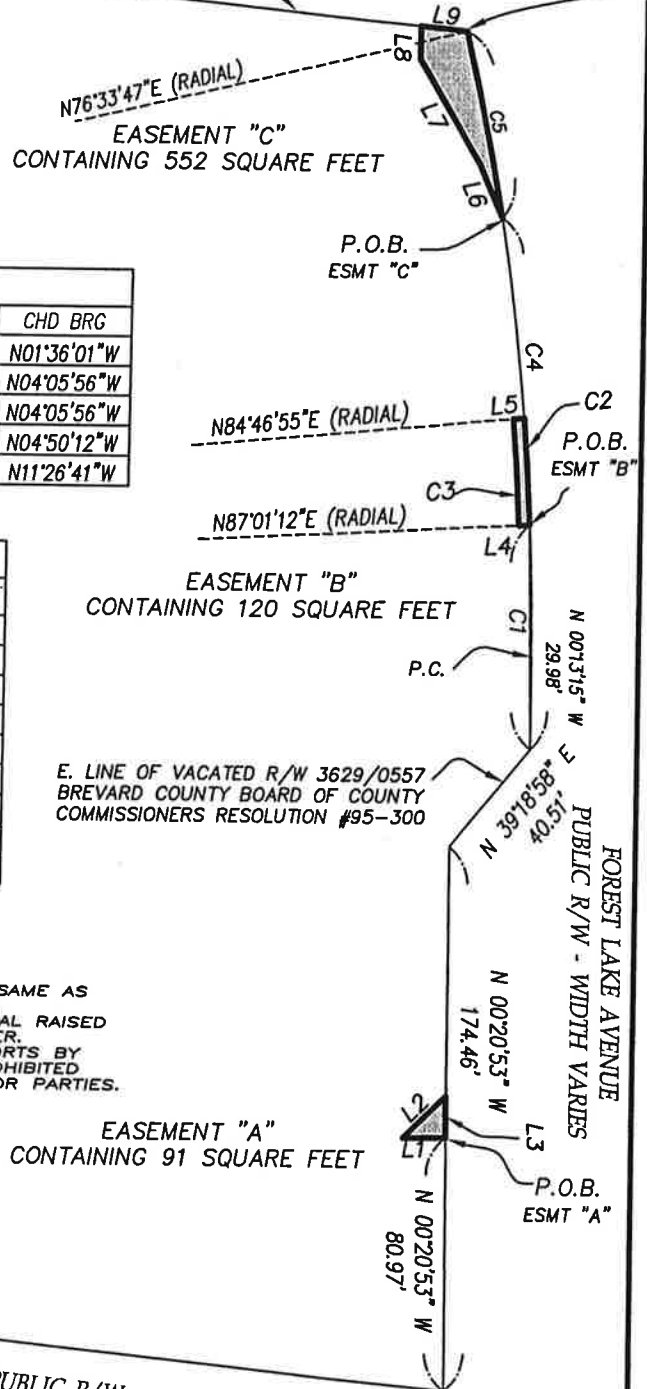
LEGEND

ESMT = EASEMENT
 ORB = OFFICIAL RECORDS BOOK
 PC = POINT OF CURVATURE
 R/W = RIGHT OF WAY
 POB = POINT OF BEGINNING

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°40'12"W	13.52'
L2	N44°48'01"E	19.08'
L3	S00°20'53"E	13.46'
L4	S87°01'12"W	3.50'
L5	N84°46'55"E	3.50'
L6	N22°58'05"W	18.78'
L7	N30°12'12"W	38.95'
L8	N00°18'07"W	10.57'
L9	S84°02'28"E	14.92'

NOTES:

- BEARINGS BASED ON RECORDED DESCRIPTION
- BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.



POINT OF COMMENCEMENT
 SE CORNER OF SECTION 11,
 TOWNSHIP 26S, RANGE 36E

BOARD OF COUNTY COMMISSIONERS


AGENDA: PERMANENT SIDEWALK EASEMENTS FROM ADVENT
LUTHERAN CHURCH OF MELBOURNE, INC. TO
BREVARD COUNTY FOR AN ADDITION TO BUILDING
LOCATED AT 7550 NORTH WICKHAM ROAD IN
MELBOURNE – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (5-2886)

REVIEW

	APPROVE	DISAPPROVE	DATE
<u>LAND ACQUISITION</u> DAN P. JONES, LAND ACQUISITION SUPERVISOR		_____	7/24/14
<u>COUNTY ATTORNEY</u> CHRISTINE LEPORE, ASSISTANT COUNTY ATTORNEY	see attached	_____	7/25/14
<u>PUBLIC WORKS DEPARTMENT</u> JOHN P. DENNINGHOFF, DIRECTOR		_____	8/5/14

AGENDA DUE DATE: AUGUST 05, 2014 FOR THE AUGUST 19, 2014 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

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	<u>REVIEW</u>		
	<u>APPROVE</u>	<u>DISAPPROVE</u>	<u>DATE</u>
<u>LAND ACQUISITION</u> DAN P. JONES, LAND ACQUISITION SUPERVISOR	<u>DPJ</u>	<u>_____</u>	<u>7/24/14</u>
<u>COUNTY ATTORNEY</u> CHRISTINE LEPORE, ASSISTANT COUNTY ATTORNEY	<u>CL</u>	<u>_____</u>	<u>7/25/14</u>
<u>PUBLIC WORKS DEPARTMENT</u> JOHN P. DENNINGHOFF, DIRECTOR	<u>_____</u>	<u>_____</u>	<u>_____</u>

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THANK YOU.

PROPERTY FACT SHEET
PROJECT: Permanent Sidewalk Easements from
Advent Lutheran Church of Melbourne, Inc.

OWNER:	Advent Lutheran Church of Melbourne, Inc., a Florida Non-Profit Corporation
PARCEL LOCATION:	7550 N. Wickham Road Melbourne, FL 32940
PARCEL SIZE:	Being a portion of the Parent Parcel of 6.39 Acres
ACQUISITION AREA:	Three areas totaling 763 square feet
ZONING/LANDUSE:	C-Church
IMPROVEMENTS:	Three Existing Buildings
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (outside 500 year flood)
TAX PARCEL ID#:	26-36-11-75-0000A.0-0000.00
MARKET VALUE (2014): (Property Appraiser's Records)	\$2,455,680.00
PUBLIC UTILITIES:	All utilities are available
PROPERTY TRANSACTION:	No recent sales information available