

II, A.12.



AGENDA REPORT
April 10, 2018

SUBJECT:

Approval Re: Assignment of Easement for Bus Stop #24 from The City of Titusville to Brevard County, Florida – District 1.

FISCAL IMPACT:

None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Assignment of Easement from the City of Titusville.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 10 and 15, Township 22, Range 35.

In regular session on December 15, 2015, Brevard County Board of County Commissioners, dba Space Coast Area Transit, entered into a Joint Participation Agreement with the State of Florida Department of Transportation to provide funding for the purchase of new bus stop signs, shelter and benches for existing bus stops.

Space Coast Area Transit has requested assistance from Public Works, Facilities Department, in the construction of 16 bus stop locations. This location requires an easement in order to construct the bus stop shelter.

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

CLERK TO THE BOARD INSTRUCTIONS:

Return the original executed Assignment of Easement with Exhibit B attached to Department.

ATTACHMENTS:

Description

- **Bus Stop 24 Assignment of Easement from City of Titusville**

BOARD OF COUNTY COMMISSIONERS

AGENDA: ASSIGNMENT OF EASEMENT FOR BUS STOP #24 FROM THE CITY OF TITUSVILLE TO BREVARD COUNTY – DISTRICT 1

AGENCY: PUBLIC WORKS 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>DPJ</u>	_____	<u>3/14/18</u>
PUBLIC WORKS DEPT. Andrew J. Holmes, PE, Director	_____	_____	_____
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	_____	_____	_____

AGENDA DUE DATE: March 27, 2018 for the April 10, 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 10, 2018



AGENDA	
Section	Consent
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Assignment of Easement for Bus Stop #24 from The City of Titusville to Brevard County, Florida – District 1. (Fiscal Impact: None)				
DEPT/OFFICE:	Public Works Department / Land Acquisitions Section				
Requested Action:	It is requested that the Board of County Commissioners approve and accept the Assignment of Easement from the City of Titusville.				
Summary Explanation & Background:	<p>The subject parcel is located in Section 10 and 15, Township 22, Range 35.</p> <p>In regular session on December 15, 2015, Brevard County Board of County Commissioners, dba Space Coast Area Transit, entered into a Joint Participation Agreement with the State of Florida Department of Transportation to provide funding for the purchase of new bus stop signs, shelter and benches for existing bus stops.</p> <p>Space Coast Area Transit has requested assistance from Public Works, Facilities Department, in the construction of 16 bus stop locations. This location requires an easement in order to construct the bus stop shelter.</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 the original executed Assignment of Easement with Exhibit B attached to Department.					
Exhibits Attached: Original executed Assignment of Easement with attached Exhibit B, Location Map					
Contract/Agreement (If attached): Reviewed by County Attorney		Yes	<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				



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 11, 2018

M E M O R A N D U M

TO: Andy Holmes, Public Works Director

RE: Item II.A.12., Approval of Assignment of Easement for Bus Stop No. 24 from the City of Titusville to Brevard County, Florida

The Board of County Commissioners, in regular session on April 10, 2018, approved and accepted the Assignment of Easement from the City of Titusville. Enclosed is a fully-executed Assignment of Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (2)

ASSIGNMENT OF EASEMENT

THIS ASSIGNMENT OF EASEMENT (the "Assignment") is made this ____ day of March, 2018, by the CITY OF TITUSVILLE, a municipal corporation ("Assignor") to BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida ("Assignee").

RECITALS

1. On or about May 4, 2017, Titusville Harrison One, LLC executed and delivered to the CITY OF TITUSVILLE, FLORIDA, a Grant of Appurtenant Easement recorded in Official Records Book 7917, Page 113, on June 19, 2017, Public Records of Brevard County, Florida ("Easement").
2. Pursuant to the Easement, the City of Titusville was granted a bus stop easement over that portion of the property as described in Exhibit "B" attached hereto ("The Easement Area"), in part, for the purpose of constructing, improving, repairing, maintaining, and the future installation of a bus shelter within the defined area.
3. Pursuant to the Easement, the City of Titusville has the right to assign its rights and obligations in the Easement to one or more service providers maintaining the facilities, and by this Assignment, the City does hereby transfer its easement rights as stated in paragraph 2 above to BREVARD COUNTY. All other rights granted to the City of Titusville by the Easement are not included in this Assignment, and remain vested in the City of Titusville.
4. The parties acknowledge the legal sufficiency of the appurtenant nature of the Easement but Assignee has requested this document to acknowledge Assignee's right to obtain the rights and obligations of Assignor, as Grantee under the Easement.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by Assignee to Assignor, the receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee, its successors, heirs and assigns Assignor's rights to the bus stop easement as described herein. Assignee assumes all of the obligations attributable to Assignor, as Grantee under the Easement described in paragraph 2 above.

IN WITNESS WHEREOF, Assignor has caused this instrument to be executed the day and year first above written.

CITY OF TITUSVILLE, a municipal Corporation

BY: W. Scott Larese
W. SCOTT LARESE, City Manager

ATTEST:

Wanda F. Wells
WANDA F. WELLS, City Clerk



STATE OF FLORIDA)
COUNTY OF BREVARD)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to take acknowledgments, W. SCOTT LARESE, as City Manager of the City of Titusville, a municipal corporation, who is personally known to me or who produced as identification n/a, and who did take an oath and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed on the 5th day of March, 2018.

Debra S. Denman
Notary Public

Debra S. Denman
Printed Name of Notary



My Commission Expires: August 4, 2020

ACCEPTANCE

The Grantee/Assignee hereby accepts this Assignment of Easement and agrees to be bound by it.

GRANTEE/ASSIGNEE:

BREVARD COUNTY, FLORIDA



RITA PRITCHETT, Chair to the Board of
County Commissioners

Approved: April 10, 2018
by the Board

Attest:



SCOTT ELLIS, Clerk to the Board

EXHIBIT 'B' CITY BUS STOP AND SIDEWALK EASEMENT

MAP AND LEGAL DESCRIPTION OF:

PARCEL R/W 2:
 A PARCEL OF LAND LYING IN SECTIONS 10 AND 15, TOWNSHIP 22 SOUTH, RANGE 35 EAST AND BEING A PART OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7552, PAGE 1285 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, PLAT OF BAYVIEW AS RECORDED IN PLAT BOOK 1, PAGE 64 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE N.89°56'59"E, ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 187.51 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF HOPKINS AVENUE AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.09°26'25"W, ALONG SAID RIGHT OF WAY LINE, 140.07 FEET; THENCE S.31°11'27"E, 34.98 FEET; THENCE S.09°22'52"E, 129.71 FEET; THENCE S.54°23'01"E, 7.66 FEET; THENCE N.80°36'59"E, 5.74 FEET; THENCE S.09°23'01"E, 40.81 FEET; THENCE S.80°31'13"W, 7.16 FEET; THENCE S.09°22'52"E, 28.91 FEET; THENCE S.12°21'01"W, 31.63 FEET; THENCE S.09°26'57"E, 226.09 FEET; THENCE S.80°33'35"W, 5.04 FEET TO A POINT LYING ON THE AFORESAID EAST RIGHT OF WAY LINE OF HOPKINS AVENUE; THENCE N.09°26'25"W, ALONG SAID RIGHT OF WAY LINE, 352.72 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES MORE OR LESS.

LEGEND

- ⊕ = Centerline
- ORB. PG. = Official Records Book and Page
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- P.O.T. = Point of Termination
- R/W = Right-of-way
- SECTION 10-22-35 = Section 10, Township 22 S.; Range 35 E.

SHEET 1 OF 2 SHEETS

SURVEYOR'S NOTE:
 THIS IS NOT A SURVEY. THIS DOCUMENT WAS PREPARED FOR LEGAL DESCRIPTION PURPOSES ONLY, AND IS IN NO WAY INDICATIVE OF AN ACTUAL FIELD SURVEY.

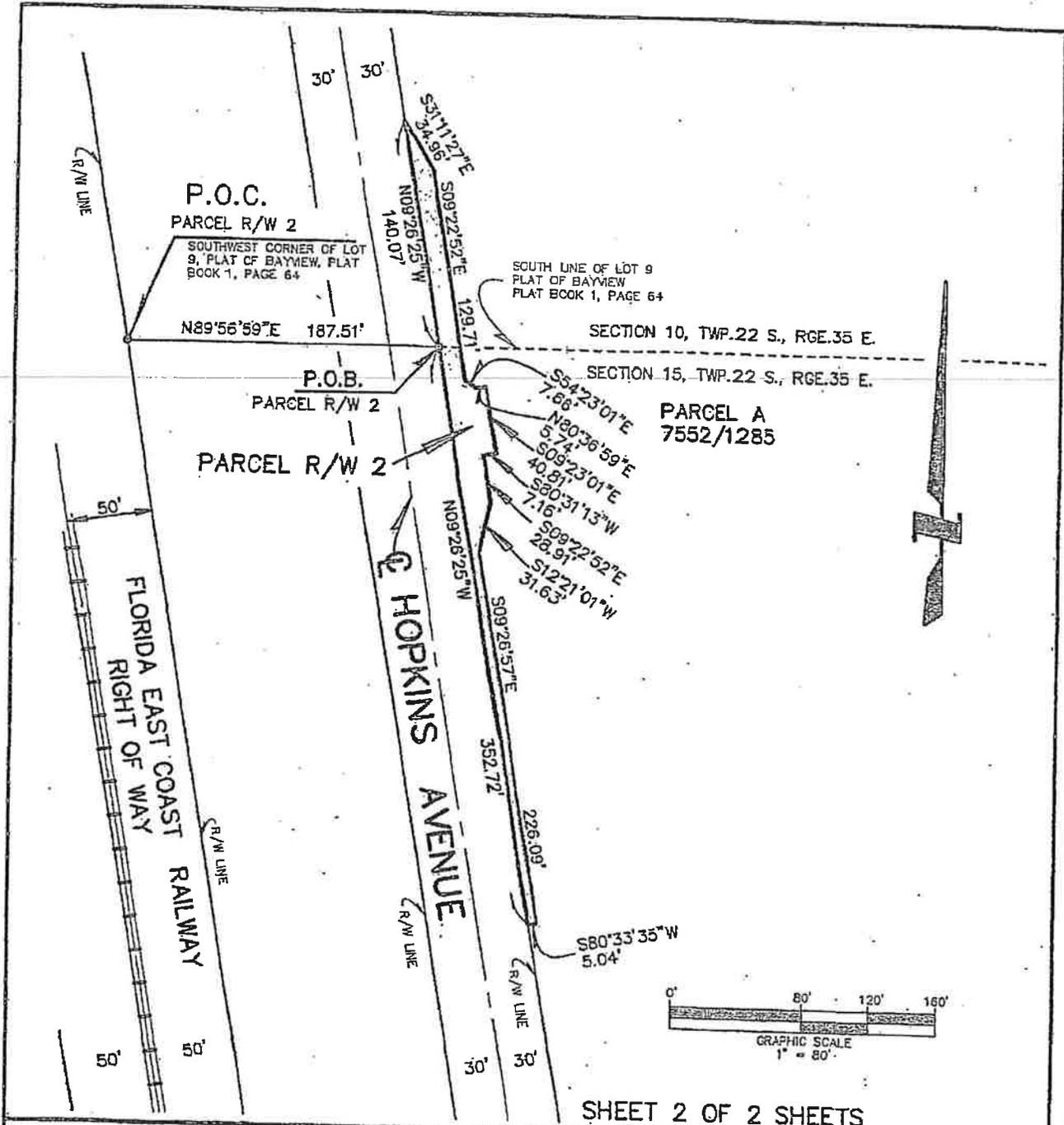
NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: TITUSVILLE, HARRISON ONE, LLC
F.P. & L
A.T. & T.
EXXCEL PROJECT MANAGEMENT

CERTIFIED BY: DENNIS W. WRIGHT
 REGISTERED LAND SURVEYOR NO. 4014
 STATE OF FLORIDA

DATE 7/13/16
 ORDER NO. 25205
 FB. NO. N/A
 SCALE: 1" = 80'
 DWG. NO. HOPKINS_RW_LEG.DWG

Honeycutt & Associates, Inc.
 ENGINEERS • SURVEYORS • PLANNERS
 3700 South Washington Avenue • Titusville, Florida 32780
 (321) 267-6233 Fax (321) 269-7847
 CERTIFICATE OF AUTHORIZATION NO. LB 6762

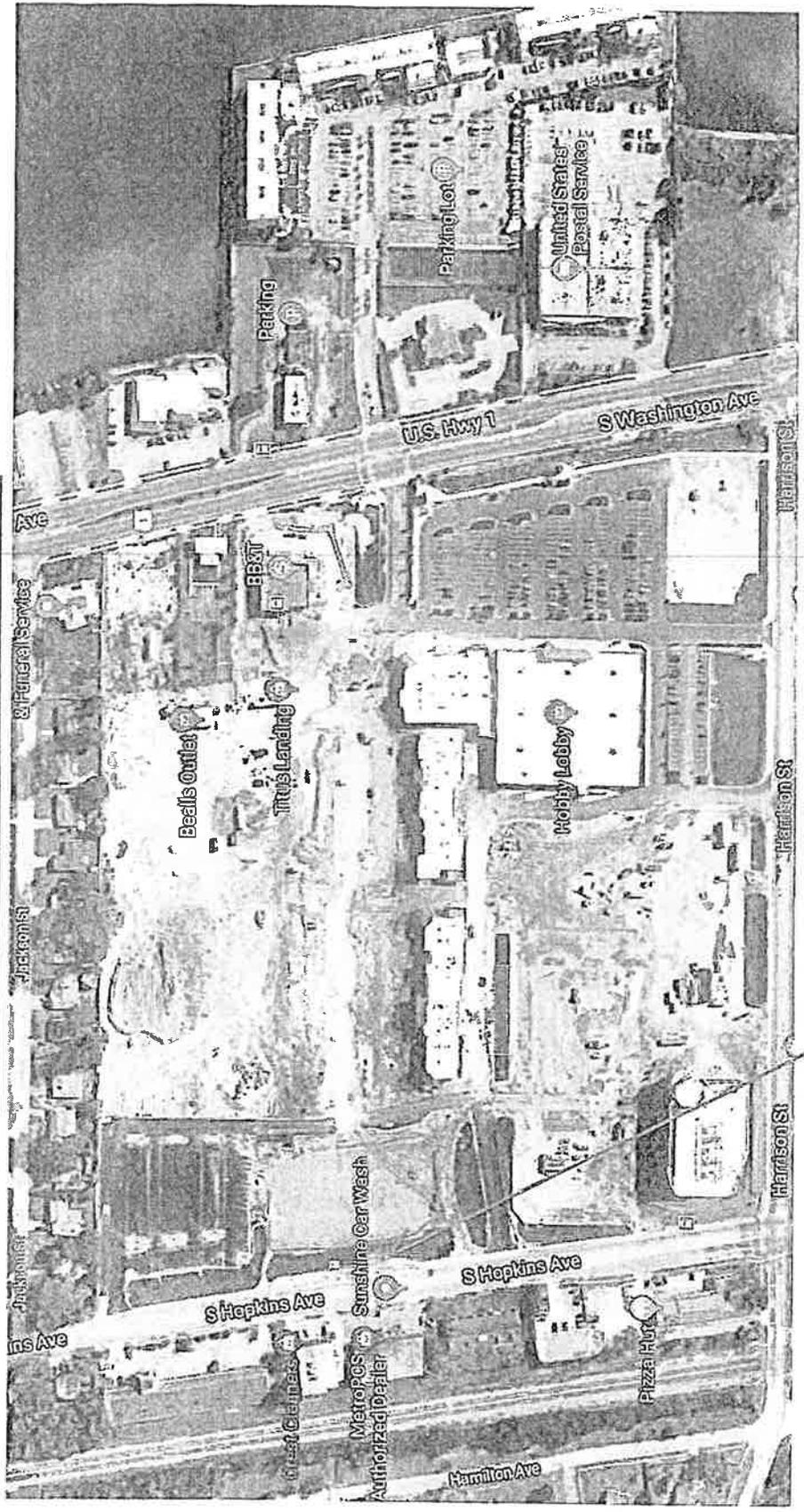


SHEET 2 OF 2 SHEETS

DATE	7/13/18
ORDER NO.	25205
FB. NO.	N/A
SCALE	1" = 80'
DWG. NO.	HOPKINS RW LEG.DWG

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LOCATION MAP - TWP 22, RNG 35, SEC 10 & 15 - DISTRICT 1
Street Name: Hopkins
Owner's Name: The City of Titusville



Bus Shelter #24 Location