

Meeting Date
September 1, 2015



AGENDA	
Section	Consent N.B.
Item No.	II. A. 3
VI A 6	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Contract for Sale and Purchase for the acquisition of property located at 1697 SE Wyoming Drive, Palm Bay, as part of the Babcock Street, SE Wyoming Drive and Valkaria Road Intersection Improvement Project – District 3. (Fiscal Impact \$10,000.00)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve, accept or counter this offer and, if accepted, authorize the Chairman to execute the Contract for Sale and Purchase for the property located at 1697 SE Wyoming Drive, Palm Bay, as part of the Babcock Street, Wyoming Drive and Valkaria Road Intersection Improvement Project.

Summary Explanation & Background:

The subject property is located in Section 16, Township 29 South, Range 37 East.

Brevard County Public Works has been authorized by the Board of County Commissioners to improve the intersection of Babcock Street, SE Wyoming Drive and Valkaria Road, which will require the acquisition of three parcels along SE Wyoming Drive.

The parcel located at 1697 SE Wyoming is a vacant lot. An appraisal issued on May 15, 2015, by an independent appraiser, reflects an appraised value of \$6,200.00. The property owners will accept a minimum of \$10,000.00, due to paying taxes and length of ownership. The owners purchased the property on February 22, 1989, at a price of \$4,900.00, OR Book 2982, Page 2453, Public Records of Brevard County. If eminent domain was used to acquire the property the costs would exceed the additional compensation being sought by the owner/seller.

The additional properties, one being located at 1689 SE Wyoming is currently under contract with the County. The other property, located at 1681 SE Wyoming is a vacant lot and is not yet under contract.

Potential options are as follows:

1. Reject the counter offer and extend an offer to the owner in an amount to be determined by the Board at this time.
2. Reject the counter offer and direct staff to proceed with eminent domain for the parcel. This would include all the fees and costs associated with eminent domain.
3. Accept the counter offer from the seller and instruct staff to proceed with the closing.

Fiscal impact: FY 2014-2015: \$10,000.00 – Fund 1163/265150/5610000

FY 2015-2016: No impact

Clerk to the Board Instructions: Forward original executed Contract for Sale and Purchase and the Board approval memo to Department.

Exhibits Attached: Original Contract for Sale and Purchase with Exhibit A, Location Map, Property Fact Sheet

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	John P. Denninghoff / 57202
	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

September 2, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item VI.A.6., Contract for Sale and Purchase with Jack L. and Sandra L. Woods for Acquisition of Property Located at 1697 SE Wyoming Drive, Palm Bay, as Part of the Babcock Street, SE Wyoming Drive and Valkaria Road Intersection Improvement Project

The Board of County Commissioners, in regular session on September 1, 2015, approved Option 3, accepting the counter offer from the seller for the property located at 1697 SE Wyoming Drive, Palm Bay, as part of the Babcock Street, Wyoming Drive and Valkaria Road Intersection Improvement Project; and authorized the Chairman to execute the Contract for Sale and Purchase. Enclosed is the Contract for Sale and Purchase for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

Encl. (1)

cc: Contracts Administration
Asset Management
Finance
Budget

CONTRACT FOR SALE AND PURCHASE

Seller: Jack L. and Sandra L. Woods
Buyer: Board of County Commissioners, Brevard County, Florida
2725 Judge Fran Jamieson Way, Viera, Florida 32940

Legal description of property being transferred: See Attached Exhibit A

The transfer shall be made pursuant to the following terms and conditions and the Standards for Real Estate Transactions, on the reverse side of this contract.

Purchase price: \$10,000.00 (Ten Thousand Dollars and No/100)

Deposit: \$100 to be transferred to an escrow account established and held by the Brevard County Clerk, such deposit to be applied to the purchase price.

Time for acceptance of offer; effective date; facsimile: If this offer is not executed by and delivered to all parties OR FACT OF EXECUTION communicated in writing between the parties on or before September 1, 2015, the deposit(s) will, at Buyer's option, be returned and this offer withdrawn.

Title evidence: At least 15 days before closing date, Seller shall, at Seller's expense, deliver to Buyer or Buyer's attorney or X Buyer shall at Buyer's expense obtain X a title search and/or title insurance commitment (with legible copies of instruments listed as exceptions attached thereto) and, after closing, an owner's policy of title insurance.

Closing Date: This transaction shall be closed and the deed and other closing papers delivered on November 6, 2015, unless modified by other provisions of this Contract.

Warranties: The following warranties are made and shall survive closing. a. SELLER warrants that there are no parties in occupancy other than Seller. b. SELLER warrants there is no hazardous waste or other environmental contamination located in or upon the property being acquired by the County. Seller shall indemnify and defend Buyer from any and all claims or expenses resulting from hazardous waste or environmental contamination located in or upon the property provided such waste or contamination was not placed on the property by the Buyer. c. SELLER warrants that he/she has no knowledge of any fact or restriction which would prevent use of the property for purposes. d. SELLER hereby represents and warrants to COUNTY that SELLER has not engaged or dealt with any agent, broker or finder, in regard to this Agreement or to the sale and purchase of the property contemplated hereby.

Inspections: The BUYER shall have 60 days after the Brevard County Board of County Commissioners executes the contract within which to complete physical inspection and evaluation of the property for environmental, hazardous materials, developability, access, drainage and subsurface conditions. In the event a Phase I environmental assessment meeting ASTM standards is prepared and environmental issues objectionable to BUYER are detected, SELLER shall 1) take all steps necessary to remove BUYER'S objections prior to the expiration of the 60 day inspection period, if possible or 2) if acceptable to BUYER, SELLER shall allow an additional 90 days to provide adequate time to conduct a Phase II assessment meeting ASTM standards.

Condemnation: This property is XX is not being acquired under threat of condemnation. If so, this agreement includes and settles all issues of full compensation for the property being acquired, including fees and costs.

SELLER shall comply with §196.295, Fla. Stat.

SELLER hereby agrees to provide the necessary information and execute a beneficial interest and disclosure affidavit as required by §286.23, Fla. Stat.

Special Clauses: See attached addendum NOT APPLICABLE

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Robin Fisher., CHAIRMAN

As approved by the Board 09-01-2015

Date: 09-01-15

Jack L Woods Date 7-27-15
(Seller) Jack L. Woods
Sandra L. Woods Date 7-27-15
(Seller) Sandra L. Woods

Exhibit A

Lot 14, Block 929, PORT MALABAR UNIT EIGHTEEN,
according to the Plat thereof, as recorded in Plat Book 15, Pages
109 and 119, inclusive, Public Records of Brevard County,
Florida.

LOCATION MAP

SEC: 16 TWP: 29 RNG: 37 DISTRICT: 3

STREET NAME: 1697 SE WYOMING DRIVE

OWNER'S NAME: JACK AND SANDRA WOODS



PROPERTY FACT SHEET

PROJECT: Wyoming/Babcock/Valkaria Intersection Improvements

OWNER:	Jack L. and Sandra L. Woods
PARCEL LOCATION:	1697 SE Wyoming Drive, Palm Bay, FL
PARCEL SIZE:	0.26 acres – whole acquisition
ZONING/LANDUSE:	RS-2 Single Family Residential
IMPROVEMENTS:	None – Vacant Land
TOPOGRAPHY:	Level, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	29-37-16-GR-00929.0-0014.00
MARKET VALUE:	Appraised value \$6,200.00 as of May 15, 2015 according to W.H. Benson and Company
PUBLIC UTILITIES:	Electric, Water, Septic
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: February 22, 1989 Sale amount: \$4,900.00

BOARD OF COUNTY COMMISSIONERS

AGENDA: CONTRACT FOR SALE AND PURCHASE – JACK L. AND SANDRA L. WOODS OWNERS – 1697 SE WYOMING DRIVE – BABCOCK, WYOMING & VALKARIA INTERSECTION IMPROVEMENT PROJECT – DISTRICT 3

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>7/29/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>See attached</u>	_____	<u>7/31/15</u>
PUBLIC WORKS John Denninghoff, Director	<u>JDD</u>	_____	<u>8/19/15</u>

AGENDA DUE DATE: August 18, 2015 for the September 1, 2015 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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