



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.9.

10/12/2021

Subject:

Approval, Re: Notice of Non-Acceptance of Deed of Easement for Sidewalk Purposes Conveyed to Brevard County from Coop Construction, Inc. - District 1

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Notice of Non-Acceptance.

Summary Explanation and Background:

The subject property is located in Section 13, Township 23 South, Range 35 East, on the east side of Curtis Boulevard north of Fay Boulevard, in Cocoa.

On September 15, 2021 Land Acquisition was provided a copy of a Deed of Easement for Sidewalk Purposes from Coop Construction, Inc. to Brevard County, recorded in Official Records Book 9257, page 1493, Public Records of Brevard County, Florida. Said sidewalk easement was not submitted to the Brevard County Board of County Commissioners for approval and acceptance. Since this Deed of Easement for Sidewalk Purposes has been recorded without the County's knowledge, a Notice of Non-Acceptance must be recorded in the Public Records to disclaim ownership and rebut any presumption of a valid conveyance of this easement.

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:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Notice of Non-Acceptance.



October 13, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.9., Approval for Notice of Non-Acceptance of Deed of Easement for Sidewalk Purposes Conveyed to Brevard County from Coop Construction, Inc.

The Board of County Commissioners, in regular session on October 12, 2021, approved and authorized the Chair to execute the Notice of Non-acceptance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

NOTICE OF NON-ACCEPTANCE

Brevard County, Florida, a political subdivision of the State of Florida hereby provides notice that the property described in the Deed of Easement for Sidewalk Purposes recorded at Official Records Book 9257 Page 1493, Public Records of Brevard County, Florida was not delivered to or accepted by the Board of County Commissioners Brevard County, Florida at any time. The Board of County Commissioners, Brevard County, Florida rejects any and all interests attempted to be transferred by Official Records Book 9257 Page 1493, Public Records of Brevard County, Florida.

ATTEST:



Rachel Sadoff, Clerk to the Court

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**



By: Rita Pritchett, Chair

Date: October 12, 2021

As approved by the Board on 10/12/2021
Agenda Item # F.9.

Instrument prepared by: Michael Coop for Coop Construction

Sidewalk Easement

Brief description for index:

Property: 3780 Curtis Blvd. Cocoa. FL 32927

Parcel ID: 23-35-13-RT-B-3

Mail after recording to:

Coop Construction
P. O. Box 2199
Titusville, FL 32781

*Lot 3 Block B less the South 115.00 feet Thereof, as shown on the Plat of
Port St. John Center as recorded in Plat Book 45, Pages 59 and 60, of the
Public Records of Brevard County Florida*

DEED OF EASEMENT FOR SIDEWALK PURPOSES

This Deed of Easement for Sidewalk Purposes (this "Sidewalk Easement") is made and executed this 13th day of September, 2021, by Michael Coop, President for Coop Construction, Inc., a Florida Corporation (the "Grantor") to Brevard County, Florida municipal corporation, with a mailing address of P. O. Box 2199, Titusville, FL 32781 (the "County").

Grantor warrants that it is the owner of the property (the "Property") described in the plat recorded in Official Records Book 0045, Page 0059, Brevard County Public Records (the "Plat"), that it is vested of the premises in fee simple, and that the premises are free from encumbrances except as expressly stated within this instrument.

For valuable consideration, the receipt of which is hereby acknowledged by Grantor, which may include permitting and approvals of the County for development activity on the Property, and in further consideration of the mutual covenants and terms, conditions and restrictions hereinafter set forth, the Grantor hereby gives, grants, bargains and conveys unto the County, its successors and assigns, in perpetuity, the right, privilege and easement, now and hereafter, to construct, improve, reconstruct, replace, inspect, repair, maintain, and use for public sidewalk purposes, including related and customary uses of sidewalk right-of-way such as curb and gutter, bike path, sanitary sewer, storm drainage, water supply, cable television, fiber-optic, electric power and telephone transmission purposes in, upon and across the Property, the area subject to this easement being more particularly identified and described in Exhibit A, attached hereto and incorporated herein by reference.

THE PROPERTY HEREIN DESCRIBED AND CONVEYED IS: (choose one)

☐ Located on a parcel that includes the Grantor's primary residence, but the Grantor's primary residence is not a property interest being conveyed; or

☒ Does not include a primary residence.

Subordination

[Any existing deeds of trust, mortgages, or liens encumbering the Property, other than property tax liens for the current tax year or governmental improvement assessment liens, must be subordinated to this Sidewalk Easement. Such encumbrances must be listed and the Sidewalk Easement must be executed by the beneficiary and trustee, mortgagee, or lien holder to evidence such subordination.]

GRANTOR REPRESENTS THAT NO SUPERIOR DEEDS OF TRUST, MORTGAGES, OR LIENS (OTHER THAN PROPERTY TAX LIENS FOR THE CURRENT TAX YEAR OR GOVERNMENTAL IMPROVEMENT ASSESSMENT LIENS) ENCUMBER OR AFFECT THE PROPERTY AT THE TIME OF THE EXECUTION AND RECORDING OF THIS SIDEWALK EASEMENT, OR THAT IF ANY OF THE FOREGOING EXIST, THEY SHALL BE SUBORDINATE TO THIS SIDEWALK EASEMENT THROUGH THE SUBORDINATION LANGUAGE HEREIN.

Grantor acknowledges that the City is acting in reliance on Grantor's authority to enter into this Sidewalk Easement and the terms, conditions, obligations, and restrictions imposed herein in its authorization to either subdivide the Property or in the issuance of any permits or development approvals associated with any construction of improvements on the Property and that the City may suffer irreparable harm from the violation of the terms established herein.

TO HAVE AND TO HOLD the terms, conditions, obligations and restrictions imposed herein shall be binding upon the Grantor, its successors and assigns, and shall continue as a servitude running with the land in perpetuity. Grantor covenants that it is vested of the Property in fee simple, has the right to convey the same in fee simple, that the Property is free from encumbrances except as herein stated or subordinated herein, and that Grantor will warrant and defend such title to the same against claims of all persons. This Sidewalk Easement shall not divest the Grantor of any rights or interests in its Property not herein mentioned.

[Signature pages follow this page]

[Grantor Signature Page]

IN WITNESS WHEREOF, Grantor hereby executes this Sidewalk Easement under seal as of the day and year first above written.

Witnesses

GRANTOR:

Witness 1 Asa Lewis Coop Construction Inc. a Florida Corporation

Witness 2 Cyndi L. Linton

By: [Signature] (SEAL)
Name: Michael Coop
Its: President

State of Florida

County of Brevard

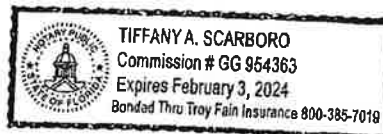
The Foregoing Instrument Was Acknowledged before me by means of (xx) physical presence or () online notarization on September 13, 2021 by Michael Coop, President of Coop Construction Inc, a Florida corporation, who () is/are personally known to me or who () has/have produced a valid as identification.

Tiffany A. Scarboro

Notary Public

Printed Name:

My Commission expires:



Grantee:

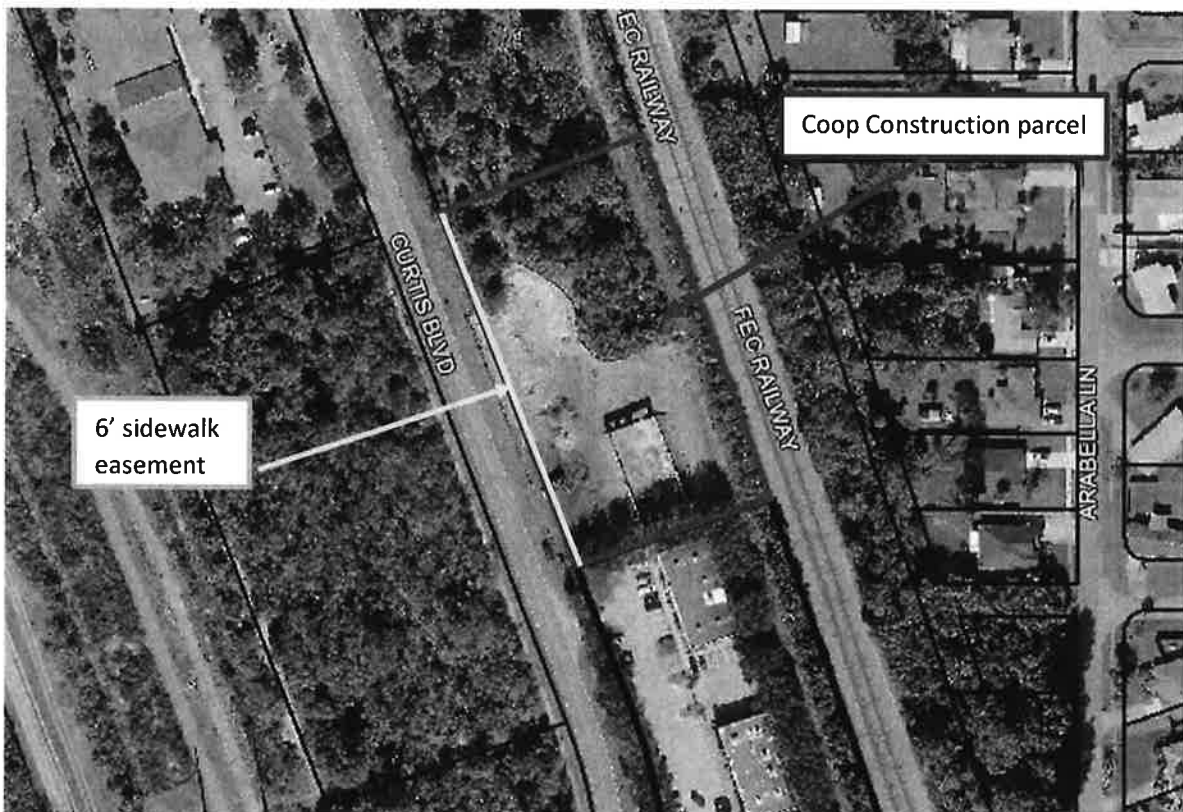
To Brevard County Florida
municipal Corporation

LOCATION MAP

Section 13, Township 23 South, Range 35 East - District: 1

PROPERTY LOCATION: The parcel is located on east side of Curtis Boulevard just north of Fay Boulevard, in Cocoa.

OWNERS NAME(S): Coop Construction, Inc.



BOARD OF COUNTY COMMISSIONERS

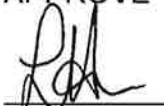
AGENDA REVIEW SHEET

AGENDA: Non-Acceptance of Sidewalk Easement Conveyed to Brevard County from
Coop Construction, Inc.– District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-690-6847, Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>9-22-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	<hr/>	<u>09-23-2021</u>