



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.6.

3/23/2021

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### **Subject:**

Approval, Re: Donation of Sidewalk Easements from Lori A. Parker and Christopher Michael Gibson for the South Tropical Trail Pedway Project Nora Avenue to Windtamer- District 2.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition

### **Requested Action:**

It is requested that the Board of County Commissioners: 1) approve and accept the attached two easements and 2) instruct staff to record the easements in the public records.

### **Summary Explanation and Background:**

The subject property is located in Section 12, Township 25 South, Range 36 East, on the west side of South Tropical Trail at Ramsey Lane in Merritt Island.

Staff was originally unable to acquire all easements to complete the sidewalk improvement project known as South Tropical Trail Pedway Nora Avenue to Windtamer. The project hinged on the willingness of the affected parcel owners to donate the easements for the project. A change of ownership of these two parcels has resulted in the new owners agreeing to grant the easement area needed to complete the acquisition phase for a section the project.

The two easements will provide continuous easements rights from Sims Way south to Ramsey Lane. The property owners provided the County with the appropriate easement donation, however, their mortgage companies have not joined or consented to the dedication. Staff is seeking to record both easements, however, County Attorney's office advises that a Joinder and Consent in Dedication of the Sidewalk Easement from JP Morgan Chase Bank and Hometown Equity Mortgage, LLC, respectively, should be obtained as a best practice, in order to acquire clear title now and in the future and to proceed with the project. If the easements are recorded, in the event of foreclosure by either of the mortgage holders, the easements could be invalid. Once staff has recorded the easements, staff will continue reasonable efforts to obtain the necessary documents from both mortgage companies until such time the matter is resolved.

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:**

# BOARD OF COUNTY COMMISSIONERS


## AGENDA REVIEW SHEET

AGENDA: Sidewalk Easements for the South Tropical Trail Pedway Project Nora Avenue to Windtamer – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 extension 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>12-1-2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>03/04/2021</u>



March 24, 2021

**M E M O R A N D U M**

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

RE: Item F.6., Approval for Donation of Sidewalk Easements from Lori A. Parker and Christopher Michael Gibson for the South Tropical Trail Pedway Project Nora Avenue to Windtamer

The Board of County Commissioners, in regular session on March 23, 2021, approved and accepted the two easements; and instructed staff to record the easements in the public records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/sm

Prepared by/Return to: Blaise M. Mancini, Land Acquisition Specialist  
Brevard County Public Works Dept. Land Acquisition Section  
2725 Judge Fran Jamieson Way, Building A, Room 204  
Viera, Florida 32940, (321-690-6847)  
A portion of Interest in Tax Parcel I.D.:25-36-12-00-262

### **PERMANENT SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 4<sup>th</sup> day of June 2019, between Christopher Michael Gibson, whose mailing address is 1685 South Tropical Trail, Merritt Island, Florida 32952, 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, a perpetual easement commencing on the above date, for the sole purpose of constructing and maintaining a sidewalk and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose, of the easement.

The land affected by the granting of the easement is located in Section 12, Township 25 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:


**SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and assigns. The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

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:



Witness

John J. MacKort

(Print Name)



Witness

Jannie Swann

(Print Name)



Christopher Michael Gibson

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of June, 2019, by Christopher Michael Gibson, who is/is not personally known to me or who has produced FL Drivers license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Merritt Island, County of Brevard, State of Florida, this 4<sup>th</sup> day of June, 2019.



Notary Public 

Print Name Michelle Lee Hollifield

Commission No. GG 135747

Commission expires 08/17/2021

Agenda Item # \_\_\_\_\_

Board Meeting Date \_\_\_\_\_

# LEGAL DESCRIPTION PARCEL 809

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST

PARCEL ID: 25-36-12-00-262

PURPOSE OF SKETCH: SIDEWALK EASEMENT

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS  
2 & 3 OF 3

## Description: Parcel No. 809

A parcel of land lying in the northwest 1/4 of Section 12, Township 25 South, Range 36 East, Brevard County, Florida and being a portion of lands as described in OR Book 972, Page 107 of the Public Records of Brevard County, Florida and being more particularly described as follows;

Commence at the northwest corner of said Section 12; thence S.00°25'48"E., along the west line of the northwest 1/4 of said Section 12, a distance of 1123.20 feet to a point on the south line of the plat of "Waterside" as recorded in Plat Book 44 Pages 71-72 of said Public Records; thence N.89°43'28"E., along the south line of said plat, a distance of 1086.52 feet to the centerline of South Tropical Trail as shown on said plat, said point also being on the arc of a 702.78 foot radius circular curve concave westerly; thence Southerly, along the arc of said curve and along the centerline of South Tropical Trail, through a central angle of 06°19'12" a distance of 77.52 feet, said curve having a chord distance of 77.48 feet and a chord bearing of S.14°48'14"E. to a point on the easterly extension of the north line of said lands as described in OR Book 972, Page 107; thence S.89°43'28"W., along said easterly extension of the north line of lands as described in OR Book 972, Page 107, a distance of 11.27 feet to a point on the west edge of pavement of South Tropical Trail (an existing Brevard County right-of-way), said point being the Point-of-Beginning of this description to wit; said point also being on the arc of a 543.79 foot radius circular curve concave westerly; thence Southerly, along the arc of said curve, and along said edge of pavement, through a central angle of 07°21'56" a distance of 69.91 feet to the Point-of-Tangency, said arc having a chord distance of 69.86 feet and a chord bearing of S.08°06'33"E.; thence S.04°25'35"E., along said edge of pavement, a distance of 10.82 feet to a point on the south line of said lands as described in OR Book 972, Page 107 of said Public Records; thence S.89°43'28"W., along said south line, a distance of 14.33 feet; thence N.04°25'35"W. a distance of 9.68 feet to the Point-of-Curvature of a 530.00 foot radius circular curve concave westerly; thence Northerly, along the arc of said curve, through a central angle of 07°41'06" a distance of 71.09 feet, said arc having a chord distance of 71.04 feet and a chord bearing of N.08°16'08"W. to a point on the north line of said lands as described in OR Book 972, Page 107 of said Public Records; thence N.89°43'28"E., along said north line, a distance of 14.60 feet to the Point-of-Beginning.

Containing 1,154 square feet (0.03 acres) more or less and being subject to any easements and/or rights-of-ways of record.



### NOTE:

SEE SHEET 2 FOR  
SKETCH OF  
DESCRIPTION, AND  
SEE SHEET 3 FOR  
LEGEND AND  
NOTES.

### 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 at the direction of the Brevard County survey department, and that it meets or exceeds the standards of practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

Joseph Barry Cabaniss, P.L.S.  
FLORIDA SURVEYOR'S CERTIFICATE NO.:  
BUSSEN-MAYER ENGINEERING CERTIFICATE NO.:

Date  
4524  
3535

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

PREPARED BY:



**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: JJB

CHECKED BY: JBC

PROJECT NO. 357813

SECTION 12

DATE: 06/10/2014

SHEET 1 OF 3

REVISIONS 11/16/2020

TOWNSHIP 25 SOUTH

RANGE 36 EAST

# LEGAL DESCRIPTION PARCEL 809

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST

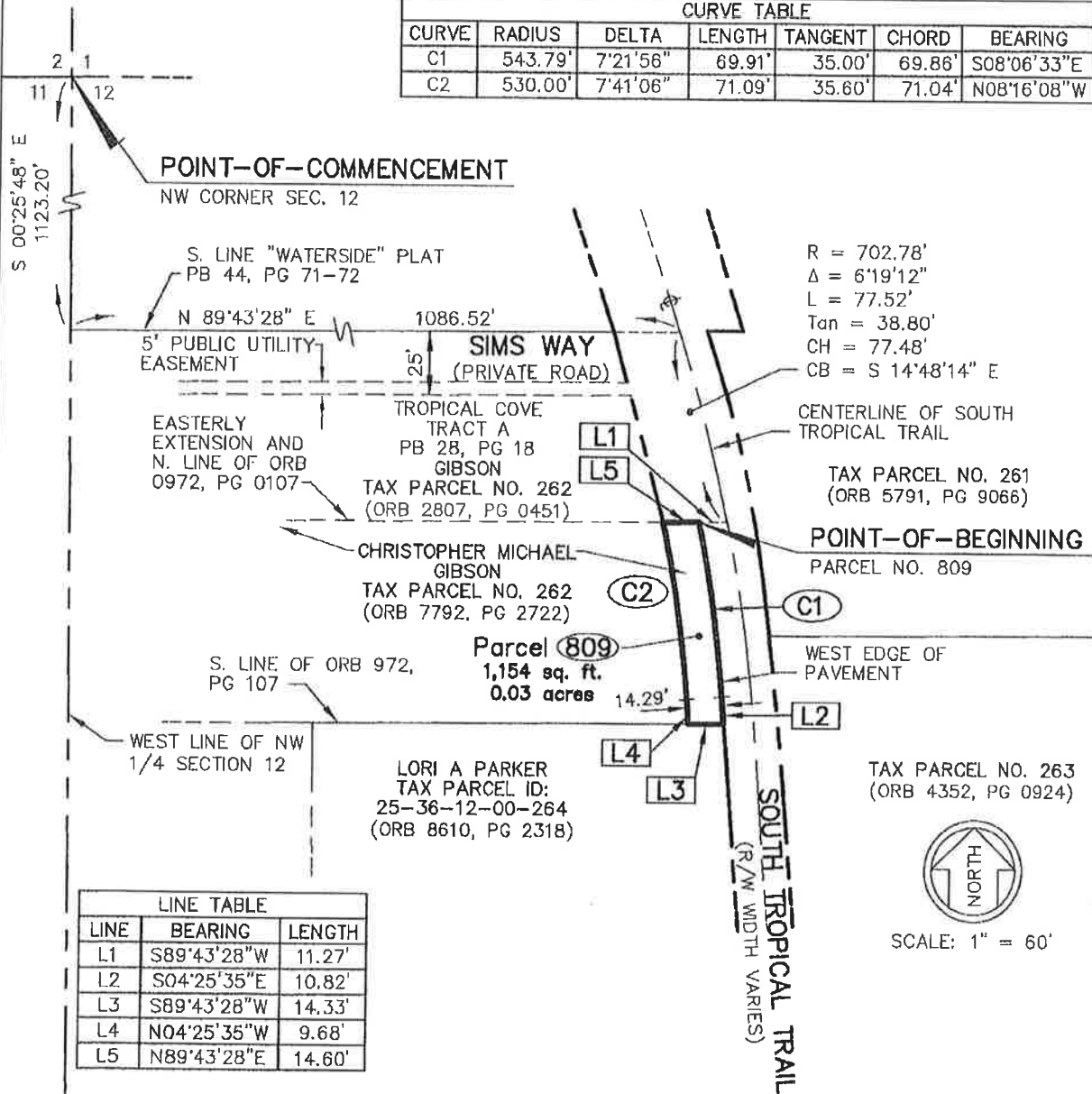
PARCEL ID: 25-36-12-00-262

PURPOSE OF SKETCH: SIDEWALK EASEMENT

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS  
1 & 3 OF 3

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C1	543.79'	7°21'56"	69.91'	35.00'	69.86'	S08°06'33"E
C2	530.00'	7°41'06"	71.09'	35.60'	71.04'	N08°16'08"W



SECTION 12, TOWNSHIP 25, RANGE 36 EAST

PROJECT NO. 357813

PREPARED BY: BUSSEN-MAYER ENGINEERING GROUP



## LEGAL DESCRIPTION PARCEL 809

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST

PARCEL ID: 25-36-12-00-262

PURPOSE OF SKETCH: SIDEWALK EASEMENT

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS  
1 & 2 OF 3

### LEGEND:

FND.	FOUND	W/	WITH	102	PARCEL NUMBER
COR.	CORNER	⊕	CENTERLINE	L1	LINE DESIGNATION
C.M.	CONCRETE MONUMENT	— —	GRAPHICS NOT TO SCALE	C1	CURVE DESIGNATION
O.R.B.	OFFICIAL RECORDS BOOK	(N.I.C.)	NOT INCLUDED	R	RADIUS
PB	PLAT BOOK	SEC.	SECTION	L	LENGTH
PG.	PAGE	TWP.	TOWNSHIP	Δ	CENTRAL ANGLE
R/W	RIGHT-OF-WAY	RNG.	RANGE	CH.	CHORD
CCR	CERTIFIED CORNER RECORD			C.B.	CHORD BEARING

### NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BEING S.00°25'48"E., AN ASSUMED BEARING.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET FOR DESCRIPTION AND CERTIFICATION, AND SEE SHEET 2 FOR SKETCH OF DESCRIPTION.
4. PURSUANT TO AN "O&E REPORT" BY NEW REVELATIONS, INC. DATED 4/9/19 FILE NO. 19-1210-A THE FOLLOWING EASEMENT OR EXCEPTIONS WERE REVIEWED:
  1. EASEMENT PER PLAT OF "TROPICAL COVE" RECORDED IN PLAT BOOK 28, PAGE 18 - ENCUMBERS PARCEL 809-SEE SKETCH.
  2. O.R. BOOK 2748, PAGE 1563, DOES NOT ENCUMBER PARCEL 809.
5. 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.
6. CERTIFIED FOR THE EXCLUSIVE USE OF:  
THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;  
ALLIANT NATIONAL TITLE INSURANCE COMPANY;  
THE TITLE STATION

### NOTE:

SEE SHEET 1 FOR DESCRIPTION AND CERTIFICATION, AND  
SEE SHEET 2 FOR SKETCH OF DESCRIPTION.

SECTION 12, TOWNSHIP 25, RANGE 36 EAST

PROJECT NO. 357813  
PREPARED BY: BUSSEN-MAYER ENGINEERING GROUP

Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 25-36-12-00-264

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 20<sup>th</sup> day of October, 2020, between Lori A. Parker, whose address is 1660 South Tropical Trail, Merritt Island, Florida 32952, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 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 acknowledged, grants unto the second party, its successors and assigns, a perpetual sidewalk easement commencing on the above date for the purposes of constructing, reconstructing, reconfiguring, and maintaining the sidewalk and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 12, Township 25 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

**TO HAVE AND TO HOLD** said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

**IN WITNESS WHEREOF**, the first party has caused this easement to be executed,  
the day and year first above written,

Signed, sealed and delivered in the presence of:

Jeanette C. Miller

Witness

Jeanette C. Miller

Print Name

John Gertgen

Witness

John Gertgen

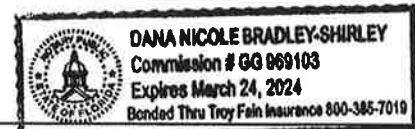
Print Name

Lori A. Parker  
Lori A. Parker

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical  
presence or ☐ online notarization on this 30<sup>th</sup> day of October, 2020,  
by Lori A. Parker. Is personally known or produced \_\_\_\_\_ as  
identification.



Notary Signature

SEAL

Dana Nicole Bradley-Shirley

Board Meeting Date: \_\_\_\_\_

Agenda Item # \_\_\_\_\_

# LEGAL DESCRIPTION PARCEL 810

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST

PARCEL ID: 25-36-12-00-264

PURPOSE OF SKETCH: SIDEWALK EASEMENT

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS  
2 & 3 OF 3

## Description: Parcel No. 810

A parcel of land lying in the northwest 1/4 of Section 12, Township 25 South, Range 36 East, Brevard County, Florida and being a portion of lands as described in OR Book 5606, Page 4636 of the Public Records of Brevard County, Florida and being more particularly described as follows;

Commence at the northwest corner of said Section 12; thence S.00°25'48"E., along the west line of said northwest 1/4, a distance of 1123.20 feet to a point on the south line of the plat of "Waterside" as recorded in Plat Book 44 Pages 71-72 of said Public Records; thence N.89°43'28"E., along said south line, a distance of 1086.52 feet to the centerline of South Tropical Trail as shown on said plat, said point also being on the arc of a 702.78 foot radius circular curve concave westerly; thence Southerly, along the arc of said curve and along said centerline, through a central angle of 12°54'40" a distance of 158.36 feet; said curve having a chord distance of 158.03 feet and a chord bearing of S.11°30'30"E. to a point on the easterly extension of the north line of aforesaid lands as described in OR Book 5606, Page 4636 of said Public Records; thence S.89°43'28"W., along said easterly extension, a distance of 12.32 feet to a point on the existing west edge of pavement of South Tropical Trail (an existing Brevard County right-of-way), said point being the Point-of-Beginning of this description to wit; thence S.04°25'35"E., along said west edge of pavement, a distance of 78.99 feet to a point on the south line of said lands as described in OR Book 5606, Page 4636; thence S.89°46'01"W., along said south line, a distance of 14.33 feet; thence N.04°25'35"W. a distance of 78.98 feet to a point on the aforesaid north line of lands as described in OR Book 5606, Page 4636 of said Public Records; thence N.89°43'28"E., along said north line, a distance of 14.33 feet to the Point-of-Beginning.

Containing 1,129 square feet (0.03 acres) more or less and being subject to any easements and/or rights-of-ways of record.



### NOTE:

SEE SHEET 2 FOR  
SKETCH OF  
DESCRIPTION, AND  
SEE SHEET 3 FOR  
LEGEND AND  
NOTES.

### 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 at the direction of the Brevard County survey department, and that it meets or exceeds the standards of practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

Joseph Barry Cabaniss, P.L.S.  
FLORIDA SURVEYOR'S CERTIFICATE NO.:  
BUSSEN-MAYER ENGINEERING CERTIFICATE NO.:

Date  
4524  
3535

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

PREPARED BY:



**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



DRAWN BY: JJB

CHECKED BY: JBC

PROJECT NO. 357813

SECTION 12

DATE: 06/10/2014

SHEET 1 OF 3

REVISIONS 11/16/2020

TOWNSHIP 25 SOUTH  
RANGE 36 EAST

# LEGAL DESCRIPTION PARCEL 810

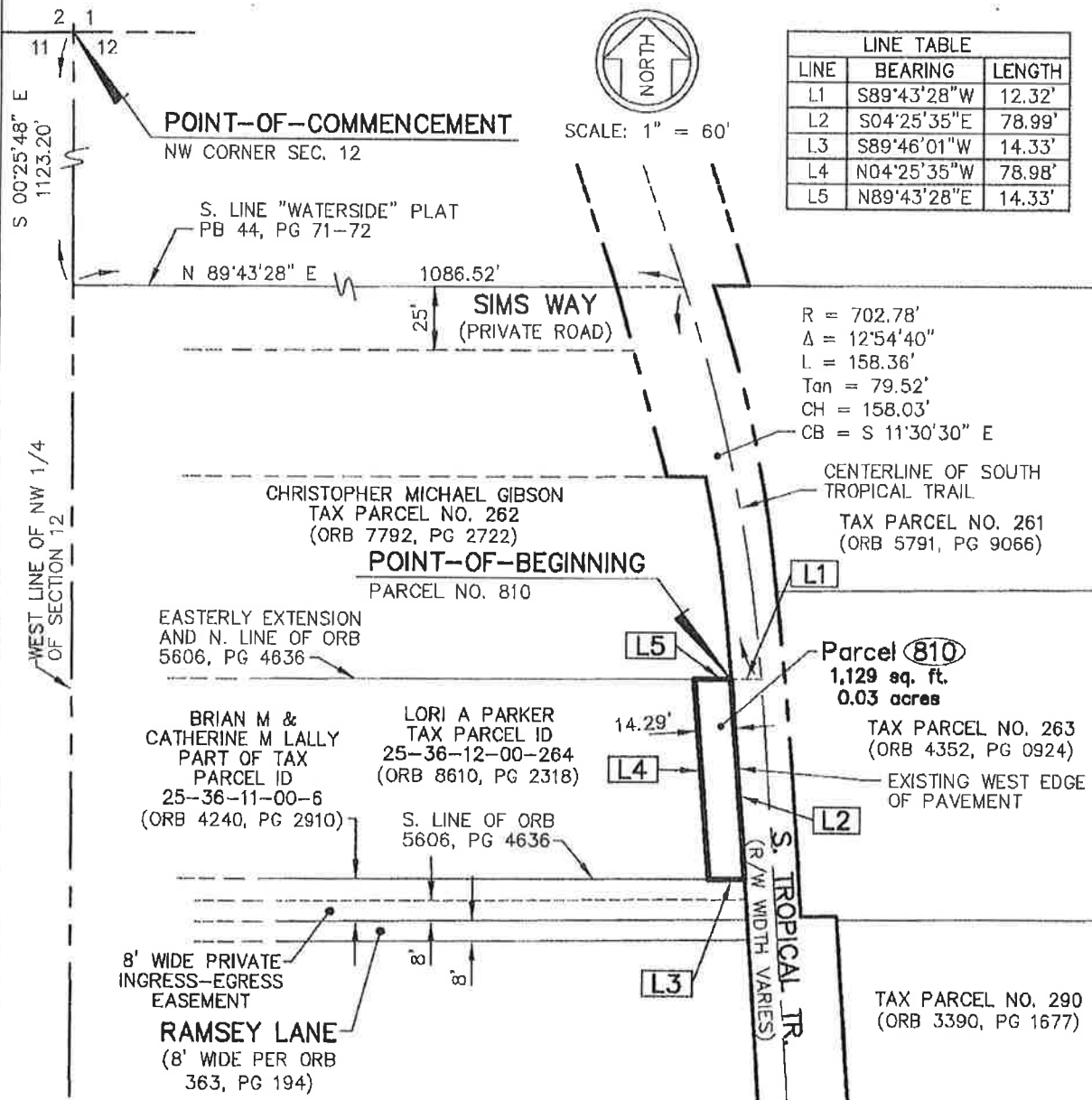
SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST

PARCEL ID: 25-36-12-00-264

PURPOSE OF SKETCH: SIDEWALK EASEMENT

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS  
1 & 3 OF 3



## NOTE:

SEE SHEET 1 FOR DESCRIPTION AND CERTIFICATION, AND  
SEE SHEET 3 FOR LEGEND AND NOTES.

SECTION 12, TOWNSHIP 25, RANGE 36 EAST

PROJECT NO. 357813

PREPARED BY: BUSSEN-MAYER ENGINEERING GROUP

## LEGAL DESCRIPTION PARCEL 810

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST


PARCEL ID: 25-36-12-00-264

PURPOSE OF SKETCH: SIDEWALK EASEMENT

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS  
1 & 2 OF 3

### LEGEND:

FND.	FOUND	CCR	CERTIFIED CORNER	(N.I.C.)	NOT INCLUDED
COR.	CORNER		RECORD	(102)	PARCEL NUMBER
C.M.	CONCRETE MONUMENT	W/	WITH	SEC.	SECTION
O.R.B.	OFFICIAL RECORDS BOOK	¢	CENTERLINE	TWP.	TOWNSHIP
PB	PLAT BOOK		GRAPHICS NOT TO	RNG.	RANGE
PG.	PAGE		SCALE	L1	LINE DESIGNATION
R/W	RIGHT-OF-WAY				

### NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BEING S.00°25'48"E., AN ASSUMED BEARING.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET 1 OF 4 FOR VICINITY MAP, SEE SHEET 2 OF 4 FOR SKETCH OF DESCRIPTION, AND SEE SHEET 3 OF 4 FOR LEGAL DESCRIPTION.
4. PURSUANT TO AN "O&E REPORT" BY NEW REVELATIONS, INC. DATED 4/9/2019, FILE NO. 19-1210-B, THERE ARE NO ENCUMBRANCES ON PARCEL 810.
5. 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.
6. CERTIFIED FOR THE EXCLUSIVE USE OF:  
THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;  
ALLIANT NATIONAL TITLE INSURANCE COMPANY;  
THE TITLE STATION

### NOTE:

SEE SHEET 1 FOR DESCRIPTION AND CERTIFICATION, AND  
SEE SHEET 2 FOR SKETCH OF DESCRIPTION.

SECTION 12, TOWNSHIP 25, RANGE 36 EAST

PROJECT NO. 357813  
PREPARED BY: BUSSEN-MAYER ENGINEERING GROUP

## LOCATION MAP

**Section 12, Township 25 South, Range 36 East - District 2**

**PROPERTY LOCATION:** West side of South Tropical Trail at Ramsey Lane

**OWNERS NAME:** (1) Gibson; (2) Parker

