



Meeting Date
January 6, 2015



AGENDA	
Section	Consent
Item No.	II A.3.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:		Approval Re: Notice of No Construction for Public Highway Purposes - District 2.						
DEPT/OFFICE:		Public Works Department / Land Acquisition Section						
Requested Action:								
It is requested that the Board of County Commissioners approve and authorize the Chairman to sign the Notice of No Construction for Public Highway Purposes for lands described in Official Records Book 937, Page 999.								
Summary Explanation & Background:								
<p>This subject property is located in Section 19, Township 24 South, Range 37 East.</p> <p>The property in question was transferred to Brevard County on November 21, 1966, by Right-of-Way Deed as recorded in Official Records Book 937, Page 999, in the Public Records of Brevard County, Florida. As a condition of this Right-of-Way Deed, the land as described would revert to the Grantor (or assigns) if it were not used for public highway purposes. Since the County did not construct right of way related improvements within the allotted time frame, the requested action provides closure to the conditions related to the deed thus complying with the clause indicating that the land as described "thereupon shall revert to the party of the first part, its successors or assigns."</p> <p>The owner of the land in question has asked the County to take action to abandon the parcel pursuant to the condition stated in the deed in order to clear the title issues related to the land described in the Deed.</p> <p>The Notice of No Construction for Public Highway Purposes has been reviewed and approved by the County Attorney's Office.</p> <p>Fiscal Impact: FY 2014-2015: No impact FY 2015-2016: No impact</p>								
Clerk to the Board Instructions: Forward Executed Notice of No Construction for Public Highway Purposes and Board Approval Memo to Department								
Exhibits Attached: Notice of No Construction for Public Highway Purposes, Copy of OR Book 937, Page 999, 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		Assistant County Manager		Department Director / Extension				
Stockton Whitten 		Mel Scott 		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

January 7, 2015

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item II.A.3., Notice of No Construction for Public Highway Purposes for Property Located in Section 19, Township 24 South, Range 37 East, as Described in Official Records Book 937, Page 999

The Board of County Commissioners, in regular session on January 6, 2015, executed Notice of No Construction for Public Highway Purposes for property located in Section 19, Township 24 South, Range 37 East, as described in Official Records Book 937, Page 999. Enclosed is the original Notice of No Construction for Public Highway Purposes.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: NOTICE OF NO CONSTRUCTION FOR PUBLIC HIGHWAY PURPOSES

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>12/12/14</u>
COUNTY ATTORNEY Eden Bentley, Deputy County Attorney	_____	_____	_____
PUBLIC WORKS John Denninghoff, Director	<u>JDS</u>	_____	<u>12/16/14</u>

AGENDA DUE DATE: December 16, 2014 for the January 6th 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.

II A 2

Prepared By:

Brevard County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, 3rd Floor
Viera, Florida 32940


NOTICE OF NO CONSTRUCTION FOR PUBLIC HIGHWAY PURPOSES

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Board of County Commissioners of Brevard County, Florida provides this notice indicating it has not constructed any public highway in the area described at Official Record Book 937, Page 999. Brevard County has not used the property in question for public highway purposes since 1966 and has no intent to do so. No other uses of the property are addressed herein.


IN WITNESS WHEREOF, this Notice has been executed as of the 6th day of January 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk

By: 

Robin Fisher, Chairman

As approved by the Board JAN 06 2015

204

OFFL RECS 937 PAGE 999

RIGHT-OF-WAY DEED

1986

This Indenture, Made this the _____ day of _____, A. D. 19____, between _____, SURFSIDE ESTATES, INC., a Florida corporation whose mailing address is P. O. Box 1097, Cocoa Beach, Florida, party of the first part, and BREVARD COUNTY of the STATE OF FLORIDA, party of the second part, WITNESSETH: That the said party _____ of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to _____ it _____ in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, _____ has granted, bargained and sold, and by these presents do _____ grant, bargain and sell to the said party of the second part, its successors and assigns, a right-of-way and easement _____ Seventy-five (75) feet wide in Section 19, Township _____ 24 South, of Range _____ 37 East, in Brevard County, Florida, described as follows, to-wit:

The West seventy-five (75) feet of Section 19, Township 24 South, Range 37 East, excepting therefrom that portion as described in Official Records Book 511, Page 263, of the Public Records of Brevard County, Florida.



This deed is made for the purpose of giving and granting to the party of the second part, its successors, legal representatives and assigns, a right-of-way and easement in and to said lands for public highway purposes; and is made, executed and delivered with the express understanding and condition that should the same ever be discontinued or abandoned as a public highway the title to the same shall thereupon revert to and re-vest in the party _____ of the first part _____ its successors _____ or assigns.

And the said party _____ of the first part do _____ hereby fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party _____ of the first part has caused these presents to be duly executed in its name by its _____ President, its corporate seal to be hereto affixed, Attested by its _____ Secretary

(CORPORATE SEAL)
this _____ day _____ year first above written.

(CORPORATE SEAL)

A. Hurdle
W. J. Stafford

SURFSIDE ESTATES, INC. (82760)
By: Raymond W. Tompkins (82760)
President
Attest: Theresa W. Tompkins (82760)
Secretary

BREVARD COUNTY, FLA.
VERIFIED

STATE OF Florida
COUNTY OF Brevard

OFFICE RECS 937 PAGE 1080

561856
1967 MAR 10 AM 10 41

I HEREBY CERTIFY, THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS. Raymond W. Tompkins and Frances Wyatt Tompkins

to me well known and known to me to be the persons described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal of ~~XXXXXXXX~~ Merritt Island County of Brevard and State of Florida this 21st day of November A. D. 19 66

(NOTARY SEAL)

Notary Public, State of

My Commission Expires



RECORDING 561856
FLA. DOC. STAMPS 3.25
U.S. DOC. STAMPS 30
TOTAL \$

BILL - BREVARD CO.
Return to
Sect. of Bd. of Co. Comm.

Right-of-Way Deed

TO
BREVARD COUNTY
of the State of Florida

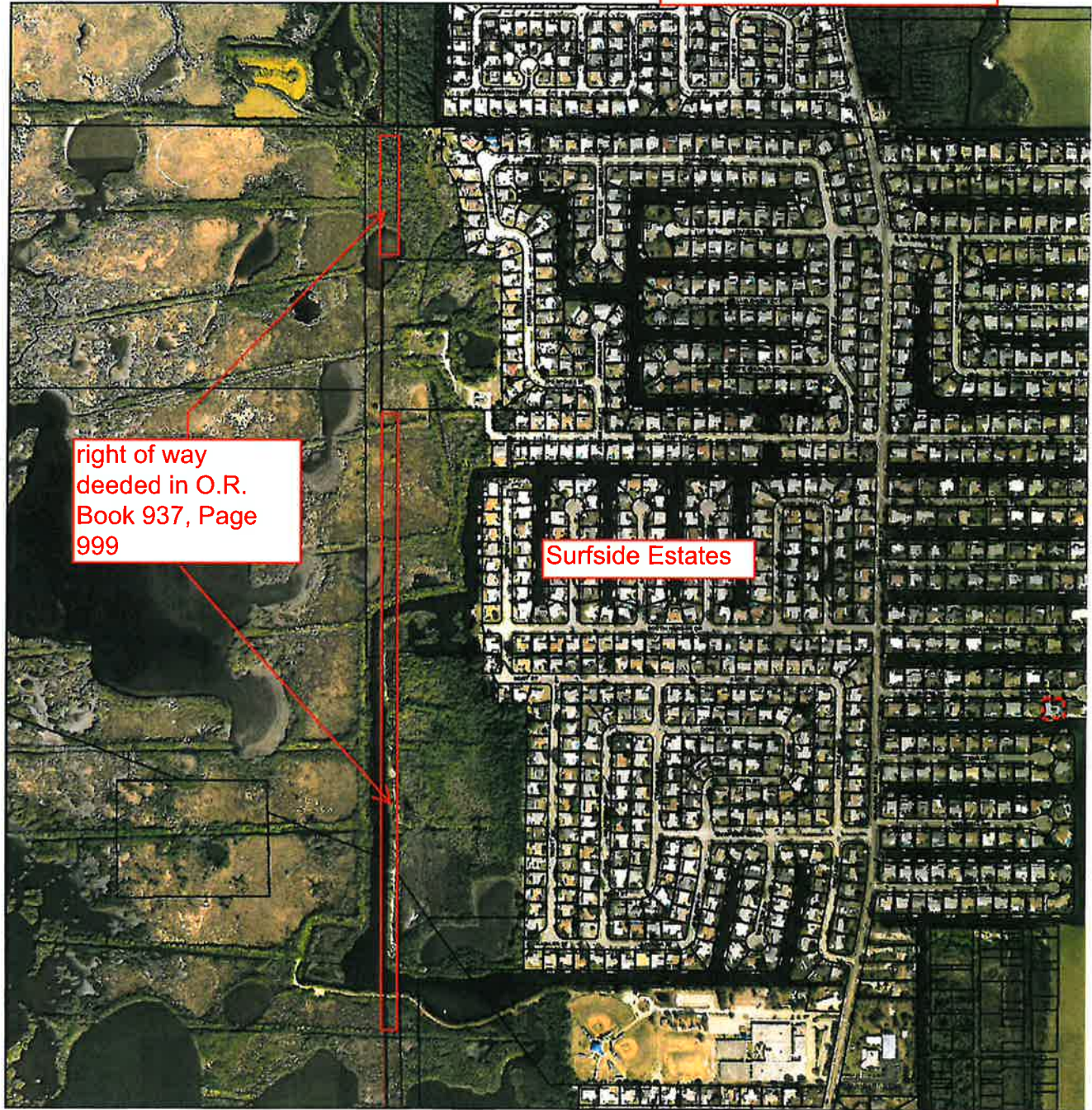
STATE OF FLORIDA, COUNTY OF BREVARD
I HEREBY CERTIFY that the above and foregoing is a true copy of the original filed in this office.
SCOTT ELLIS, Clerk of the Circuit Court
Dated ED 25 A.D. 1966 by Scott Ellis C.C.





Dana Blickley, CFA
Brevard County Property Appraiser

Location Map for Notice of
No Construction



North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-6700
Fax: (321) 264-8954

Merritt Island Services Complex
2675 N Courteney Pkwy
Merritt Island, FL 32953
Phone: (321) 454-6620
Fax: (321) 454-6618

Viera Government Center
2725 Judge Fran Jamieson Wy
Viera, FL 32940
Phone: (321) 690-8880
Fax: (321) 690-8883

South Services Complex
1515 Sarno Rd
Melbourne, FL 32935
Phone: (321) 255-4440
Fax: (321) 255-4439

Palm Bay Service Complex
450 Cogan Dr, SE
Palm Bay, FL 32909
Phone: (321) 952-4574
Fax: (321) 952-4573

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