

11.A.9.



**AGENDA REPORT
May 22, 2018**

Approval Re: Permission to Advertise a Revised Proposed Exchange of Property Between R. C. Kirk & Ethyl May Kirk (KIRK) and Brevard County (COUNTY) – District 1. (Fiscal Impact: None)



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May 22, 2018**

Approval Re: Permission to Advertise a Revised Proposed Exchange of Property Between R. C. Kirk & Ethyl May Kirk (KIRK) and Brevard County (COUNTY) – District 1. (Fiscal Impact: None)

SUBJECT:

Approval Re: Permission to Advertise a Revised Proposed Exchange of Property Between R. C. Kirk & Ethyl May Kirk (KIRK) and Brevard County (COUNTY) – District 1. (Fiscal Impact: None)

FISCAL IMPACT:

None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners authorize advertisement of a revised proposed exchange of property between Brevard County and KIRK as required by Section 125.37, F. S.

SUMMARY EXPLANATION and BACKGROUND:

The subject properties are located in Sections 7 & 8, Township 21 South, Range 35 East.

The Board (at their regular meeting dated November 21, 2017) authorized the advertisement of a proposed exchange agreement between KIRK and Brevard County related to property in the area of Old Dixie Highway, North of Kelly Road and South of Brockett Road in Mims. The Agreement has been modified to allow for enhanced use by the County.

The County property described in Exhibit A separates the KIRK property from Old Dixie Highway right of way. The KIRK property described in Exhibits C & D separates the County property from Old Dixie Highway. KIRK desires to have access across the County property (Exhibit A) and the County desires access across the KIRK Property (Exhibits C & D). Kirk proposes to exchange the County property described in Exhibit A for the KIRK property described in Exhibit C and an easement over Exhibit D. The County also desires to have KIRK transfer easement right to the County for the purpose of landscaping and buffering between the County property and the KIRK property (Exhibit B).

The County will retain additional rights to include full right of ingress egress (with no requirement to construct a road or other improvements within the area), drainage easement, and right to store road construction materials until property is developed by Kirk within the area deeded to KIRK (Exhibit A). KIRK has agreed to grant the Buffer / Landscape Easement (Exhibit B), an Access and Drainage Easement (Exhibit C) and Deed for the property needed by the County (Exhibit D) in exchange for the property needed by KIRK for access to Old Dixie Highway. (Exhibit A)

ATTACHMENTS:

Description

- ▢ **Kirk CAO Review**
- ▢ **Kirk Public Notice-Ad**
- ▢ **Kirk Location Map**

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMISSION TO ADVERTISE A PROPOSED EXCHANGE OF
PROPERTY BETWEEN R. C. KIRK & ETHYL MAY KIRK AND
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS -
DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

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>5/1/18</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>EB</u>	_____	<u>5/2/18</u>

AGENDA DUE DATE: May 8, 2018 for the **May 22, 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.



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

May 23, 2018

M E M O R A N D U M

TO: Andy Holmes, Public Works Director

RE: Item II.A.9., Permission to Advertise a Revised Proposed Exchange of Property Between R. C. Kirk and Ethyl May Kirk (KIRK) and Brevard County (COUNTY)

The Board of County Commissioners, in regular session on May 22, 2018, granted permission to advertise for a revised proposed exchange of property between KIRK and COUNTY, as required by F.S. 125.37.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

PUBLIC NOTICE
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

As provided in Chapter 125.37 F.S., notice is hereby given that the Board of County Commissioners will hold a public hearing at 5:00 p.m. on July 10, 2018, at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

The purpose of the hearing will be to consider an Exchange Agreement for property between Brevard County and R. C. Kirk and Ethyl May Kirk. The parcels are in close proximity to each other and are located near Old Dixie Highway, South of Brockett Road and North of Kelly Road in Mims.

The proposed Exchange Agreement terms are as follows. The County shall transfer a 70 foot wide portion of County property to Kirk subject to reservations of easements (drainage & access including utilities) in favor of the County and limited to use for access (including utilities). Kirk shall transfer property west of the County parcel and adjacent to Old Dixie Highway to the County. Additionally, Kirk shall grant a landscape and buffering easement to the County on Kirk property lying to the east of the County owned parcel.

In accordance with the Americans with Disabilities Act and Section 286.26 of the Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify Dan Jones at 321-690-6847 in the Public Works Department, Land Acquisition Section, no later than 48 hours prior to the meeting.

A copy of the proposed agreement may be obtained by contacting Dan Jones, Land Acquisition Specialist at 321-690-6847.

Persons seeking to preserve a verbatim transcript of the record meeting must make those arrangements at their own expense.

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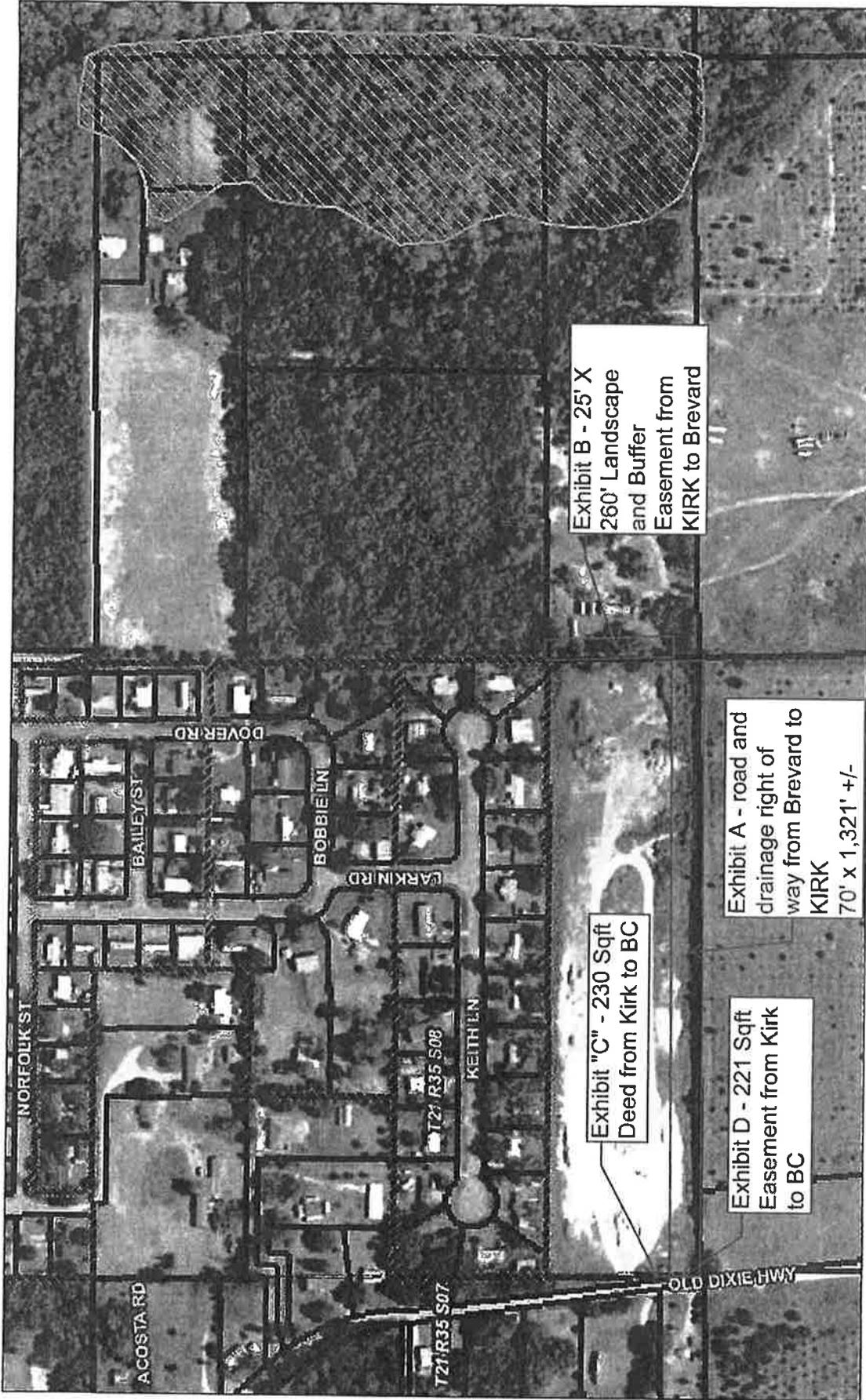


Exhibit B - 25' X
260' Landscape
and Buffer
Easement from
KIRK to Brevard

Exhibit A - road and
drainage right of
way from Brevard to
KIRK
70' x 1,321' +/-

Exhibit "C" - 230 Sqft
Deed from Kirk to BC

Exhibit D - 221 Sqft
Easement from Kirk
to BC

Composite of Exhibits related to the
KIRK / Brevard Exchange

-  E
-  L
-  M
-  P

