



AGENDA REPORT
July 23, 2019

**Approval Re: Assignment of Easement and Resolution for Parcel 800.3 for
the FDOT SR5-US1 Outfall Ditch Rehabilitation Project**

SUBJECT:

Approval Re: Assignment of Easement and Resolution for Parcel 800.3 for the FDOT SR5-US1 Outfall Ditch Rehabilitation Project – District 1.

FISCAL IMPACT:

FY 2018 – 2019: No impact
FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Assignment of Easement and Resolution.

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Sections 7 and 8, Township 24 South, Range 36 East, approximately one mile north of the State Road 528 and U.S. 1 Interchange.

The Florida Department of Transportation (FDOT) is planning a project on SR5/US1 which consists of the rehabilitation of an existing FDOT outfall ditch from US1 to the Indian River Lagoon. Brevard County has a recorded easement as recorded in official records book 2401, page 0904, that encumbers the lands affected by the project. After consulting with County Departments of interest, it has been determined the easement is no longer necessary for County use.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all conveyances.

CLERK TO THE BOARD INSTRUCTIONS:

Return the original executed Assignment of Easement and original executed Resolution to Public Works Department.

ATTACHMENTS:

Description

- **FDOT Outfall Rehab Assignment of Easement Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: ASSIGNMENT OF EASEMENT AND RESOLUTION FOR THE FDOT
SR 5/US 1 OUTFALL DITCH REHABILITATION PROJECT – DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, INTERIM LAND ACQUISITION
SUPERVISOR

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers Interim Land Acquisition Supervisor	<u>LA</u>	_____	<u>7-11-19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>7-11-19</u>
<i>* Legal description to be reviewed by Public Works — done J.H. 7-12-19</i>			

AGENDA DUE DATE: July 16, 2019 for the July 23, 2019 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

July 24, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.5., Approval for Assignment of Easement and Resolution for Parcel 800.3 for the Federal Department of Transportation (FDOT) SR 5 – US 1 Outfall Ditch Rehabilitation Project

The Board of County Commissioners, in regular session on July 23, 2019, adopted Resolution No. 19-113, for FDOT SR 5 – US 1 Outfall Ditch Rehabilitation Project; and authorized the Chair to execute the Assignment of Easement. Enclosed is a fully-executed Assignment of Easement and a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

June 20, 2019
This instrument prepared by
Suzette K. Hicks
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 800.3
SECTION 70020
F.P. NO. 437116-1
STATE ROAD 5
COUNTY Brevard

ASSIGNMENT OF EASEMENT

THIS ASSIGNMENT OF EASEMENT made this 23rd day of July, 2019, by BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, hereinafter called Assignor, to the FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, whose address is 719 South Woodland Boulevard, DeLand, Florida 32720-6834, hereinafter called Assignee.

ASSIGNOR has agreed to assign to Assignee all of its rights, title and interest in and to that certain Drainage Easement recorded in Official Records Book 2401, page 904, Public Records of Brevard County, Florida and described in Exhibit A, attached hereto, which lands are a portion of the lands included in the aforementioned document.

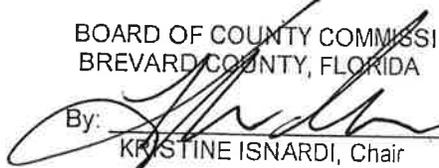
WHEREAS, Assignor and Assignee desire to enter into this assignment to affect such assignment and assumption and to provide notice to third parties of same by recording this Assignment in the Public Records of Brevard County, Florida.

TO HAVE AND TO HOLD the same unto said Assignee, its successors and assigns forever.

IN WITNESS WHEREOF, the Assignor has caused these presents to be signed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: 
SCOTT ELLIS, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

By: 
KRISTINE ISNARDI, Chair

Agenda Item #: F. 5.
Board Approval Date: 7/23/19

PARCEL NO. 800.3
SECTION 70020
F.P. NO. 437116-1
PAGE 2

EXHIBIT A

The Easterly 10.0 feet of the lands described in O. R. Book 599, Page 692 less and except the lands described in O. R. Book 2381, Page 23, of the Public Records of Brevard County, Florida, said O. R. Book 599, Page 692 being more particularly described as follows:

A tract of land situated in the NE 1/4 of the NE 1/4 of Section 7 and in Government Lot 1, of Section 8, in Twp. 24 South, Rge. 36 East, in Brevard County, Florida, described as follows: Begin at a point on the East line of right of way of State Road No. 5, also known as the Dixie Highway on the South line of the land conveyed to John M. Sanders and wife to Benjamin C. Willard and afterwards owned by Leon E. Arwood, the said point being 140 yards South by perpendicular measurement from the North line of Section 7, and thence for a first course run East and parallel to and 140 yards distant South from the North lines of Sections 7 and 8 to a point which is 400 feet East of the East line of the right of way of State Road No. 5, as now located, thence for a second course run Southerly and parallel to and 400 feet distant East from the East line of the right of way of State Road No. 5, as now located to a point which is 100 feet North by perpendicular measurement from the South line of Lot 1, in Section 8 aforesaid; thence for a third course run West and parallel to and 100 feet distant North by perpendicular measurement from the South line of Lot 1, in Section 8, a distance of 400 feet to the East line of the right of way of State Road No. 5 aforesaid; thence for a fourth course run Northerly on the East line of the right of way of State Road No. 5, as now located to the point of beginning, except and excluding that portion of said land conveyed by Philip Plaks and Helena Plaks, his wife; and Albert Goodstein and Doris L. Goodstein, his then wife, to the State of Florida for the use and benefit of the State Road Department of Florida, for right of way purposes, by Special Warranty Deed, dated October 29, 1957, and recorded in Official Records Book 65, page 433, public records of Brevard County, Florida.

Said O. R. Book 2381, Page 23, being more particularly described as follows:

A parcel of land lying in Sections 7 and 8, Township 24 South, Range 36 East, Brevard County, Florida being more particularly described as Parcel "B" as follows:

Commence at the Northwest corner of BROOKHILL, as recorded in Plat Book 19, Page 59, of the Public Records of Brevard County, Florida, and run S.14°03'30"E.; along the West line of said subdivision, a distance of 360.59 feet, to the point of curvature of a 3,277.93 foot radius curve to the right; thence Southeasterly, along said West line and along the arc of said Curve, thru a central angle of 00°29'09" a distance of 27.79 feet, to the Point of Beginning; thence continue Southeasterly along said West line and along the arc of said curve, thru a central angle of 05°45'40" a distance of 329.60 feet; thence S.89°57'15"W., parallel to the South line of Government lot 1 of said section 8, a distance 346.79 feet, to a point on the easterly right of way line of U. S. Highway No. 1; thence Northwesterly, along said Easterly right of way line, 328.0 feet; thence N.89°57'15'E., a distance of 336.70 feet to the Point of Beginning.

Said 10.0 feet lying adjacent to and West of Brookhill, as recorded in Plat Book 19, Page 59 of said Public Records.

36-SUB08-06/03

July 2, 2019

This instrument prepared by

Suzette K. Hicks

Under the direction of

DANIEL L. McDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.3
SECTION - 70020
F.P. NO. 437116-1
STATE ROAD 5
COUNTY BREVARD

RESOLUTION 2019-113

ON MOTION of Commissioner Bryan A. Lober, seconded by Commissioner John Tobia, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 5, Section No. 70020, F.P. No. 437116-1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County, Florida, be assigned to the rights of the State of Florida Department of Transportation: and

WHEREAS, said assignment is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation an assignment of utility interest, or interests, in favor of the State of Florida Department of Transportation and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the application of the State of Florida Department of Transportation for an assignment of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that an assignment of utility interest, or interests, in favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be drawn and executed by _____, on behalf of this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

PARCEL NO. 800.3
SECTION 70020
F.P. NO. 437116-1
PAGE 2

DONE, ORDERED, AND ADOPTED in Regular Session on the 23 day of July, 2019.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA,

By: 

Kristine Isnardi, Chair

As approved by the Board on July 23, 2019

