

Meeting Date
08/19/2014



AGENDA	
Section	Consent
Item No.	II.A.4.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Quit Claim Deed from Atlantic Home Solutions, Inc. to Brevard County Board of County Commission for right of way as part of Indian River Drive (13SDM-00484) - District 1.
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve and accept the Quit Claim Deed from Atlantic Home Solutions, Inc. to Brevard County Board of County Commission associated with the Oaks On Rivers Edge (13SDM-00484).

Summary Explanation & Background:

This subject property is located in Sections 5 & 6, Township 24 South, Range 36 East.

The Quit Claim Deed is to ensure that Brevard County has the right of way for that portion of Indian River Drive within the area of the proposed plat for Oaks On Rivers Edge. Indian River Drive exists, but the ownership was unclear. This is a requested action for 13SDM-00484.

There is an existing mortgage on the property. The lender has granted a Partial Release of Mortgage for the area as described in the description related to the Quit Claim Deed.

Land Acquisition policies and procedures require approval and acceptance by the Board of County Commissioners for all deeds.

Fiscal Impact: FY 2013-2014: No Impact
FY 2014-2015: No Impact

Clerk to the Board Instructions: Return Copy of Quit Claim Deed and Board Approval Letter to Department.

Exhibits Attached: Copy of Quit Claim Deed with Exhibit "A", Copy of Partial Release of Mortgage, Location Map

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
	Mel Scott	 John P Denninghoff / 57202
Stockton Whitten	Assistant County Manager	
	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

August 20, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.4, Quit Claim Deed with Atlantic Home Solutions, Inc., for Right-of-Way as Part of Indian River Drive (13SDM-00484)

The Board of County Commissioners, in regular session on August 19, 2014, accepted Quit Claim Deed from Atlantic Home Solutions, Inc, associated with the Oaks on Rivers Edge 13SDM-00484.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/clm

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: QUIT CLAIM DEED FROM ATLANTIC HOME SOLUTIONS, INC. FOR INDIAN RIVER DRIVE (13SDM-00484) - DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, SUPERVISOR

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>07/30/14</u>
COUNTY ATTORNEY Eden Bentley, Deputy County Attorney <i>Legal description to be reviewed by Survey.</i>	<u>EB</u>	_____	<u>7/31/14</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

AGENDA DUE DATE: August 5, 2014 FOR THE AUGUST 19, 2014 BOARD MEETING

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DAN JONES AT 690-6847 (5-2726) WHEN READY TO BE PICKED UP.

THANK YOU.

*Documents on email delivered 7/31/14
from Debbie Gray.*

BOARD OF COUNTY COMMISSIONERS

AGENDA: QUIT CLAIM DEED FROM ATLANTIC HOME SOLUTIONS, INC. FOR INDIAN RIVER DRIVE (13SDM-00484) - DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, SUPERVISOR

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>07/30/14</u>
COUNTY ATTORNEY Eden Bentley, Deputy County Attorney	<u>See attached</u>	_____	<u>7/31/14</u>
PUBLIC WORKS John Denninghoff, Director	<u>[Signature]</u>	_____	<u>8/6/14</u>

AGENDA DUE DATE: August 5, 2014 FOR THE AUGUST 19, 2014 BOARD MEETING

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PLEASE CALL DAN JONES AT 690-6847 (5-2726) WHEN READY TO BE PICKED UP.

THANK YOU.

Return to: Land Acquisition Office, Brevard County, Florida

QUIT CLAIM DEED

On this 25th day of JULY, 2014, this quit claim deed is executed by: Atlantic Home Solutions, INC., a Florida Corporation as Grantor, whose address is: 1211 Atlantic St., Melbourne Beach, FL 32951 to Brevard County Board of County Commission, as Grantee, whose address is: 2725 Judge Fran Jamieson Way, Viera, FL 32940 On the following described property lying in Brevard County, Florida:

SEE ATTACHED EXHIBIT "A"

That Grantor(s), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said Grantor(s) in hand paid by said Grantee(s), the receipt whereof is hereby acknowledged, has released and quit-claimed to the Grantee(s) all of the Grantor's right, title, interest, and claim of demand which the Grantor(s) may have in the above-described land.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Witnesses:

[Signature]
Patricia M. McDowell

Print or type name

Sheila Jones

Sheila Jones

Print or type name

Grantor(s):

Atlantic Home Solutions, INC.

[Signature]
Sean C. Murphy, as President

STATE OF: FLORIDA
COUNTY OF: BREVARD

The foregoing instrument was acknowledged before me on this 25th day of JULY, 2014 by Sean C. Murphy, as President, who is personally known to me or who has produced DRIVERS LIC. as identification and who did/did not take an oath.

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Rebecca Ragain
Commission # EE109753
Expires: JULY 06, 2015
BONDED THRU ATLANTIC BONDING CO., INC.

(SEAL)

[Signature]
NOTARY PUBLIC
Rebecca RAGAIN
Print or type name

As Approved by the Board _____

Agenda Item # _____

BOUNDARY SURVEY

SHEET 1 OF 4

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
 RANGE 36 EAST, BREVARD COUNTY, FLORIDA
 PARCEL ID# 24-36-06-00-00010.2-0000.00

NOT VALID WITHOUT THE
 SKETCH ON SHEETS 2, 3 AND 4

PURPOSE

OF SURVEY: DEDICATE A PORTION OF INDIAN RIVER DRIVE

LEGAL DESCRIPTION:

ROAD PARCEL A

A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3142, PAGE 3036, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 36 EAST AND SECTION 6, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID GOVERNMENT LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 7002-177 AND RUN NORTH 89°20'33" EAST ALONG SAID NORTH LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 1222.64 FEET; THENCE SOUTH 00°39'27" EAST, A DISTANCE OF 217.83 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE SOUTH 17°09'23" EAST, A DISTANCE OF 129.65 FEET; THENCE SOUTH 74°29'48" WEST, A DISTANCE OF 55.02 FEET; THENCE NORTH 17°09'23" WEST, A DISTANCE OF 144.42 FEET; THENCE NORTH 89°24'35" EAST, A DISTANCE OF 57.38 FEET TO THE POINT OF BEGINNING. CONTAINING 0.17 ACRES MORE OR LESS.

AND

ROAD PARCEL B

A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3142, PAGE 3036, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 36 EAST AND SECTION 6, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SURVEYORS NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS CERTIFIED TO BREVARD COUNTY AND IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ACCORDING TO F.I.R.M. #12009C 0270 E, DATED APRIL 3, 1989, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

AAL LAND SURVEYING SERVICES, INC.

PROJECT #28786 R/W SOD
 REVISION: _____
 REVISION: _____
 REVISION: COUNTY COMMENTS 07-11-14
 FIELD SURVEY DATE:
 07-07-14
 LICENCE BUSINESS #6623

3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: aalsurvey@aalsurvey.com

ANDREW W. POWSHOK
 P.L.S. No. 5383


 DANIEL D. GARNER
 P.L.S. No. 6189

SCALE: 1" = 30'



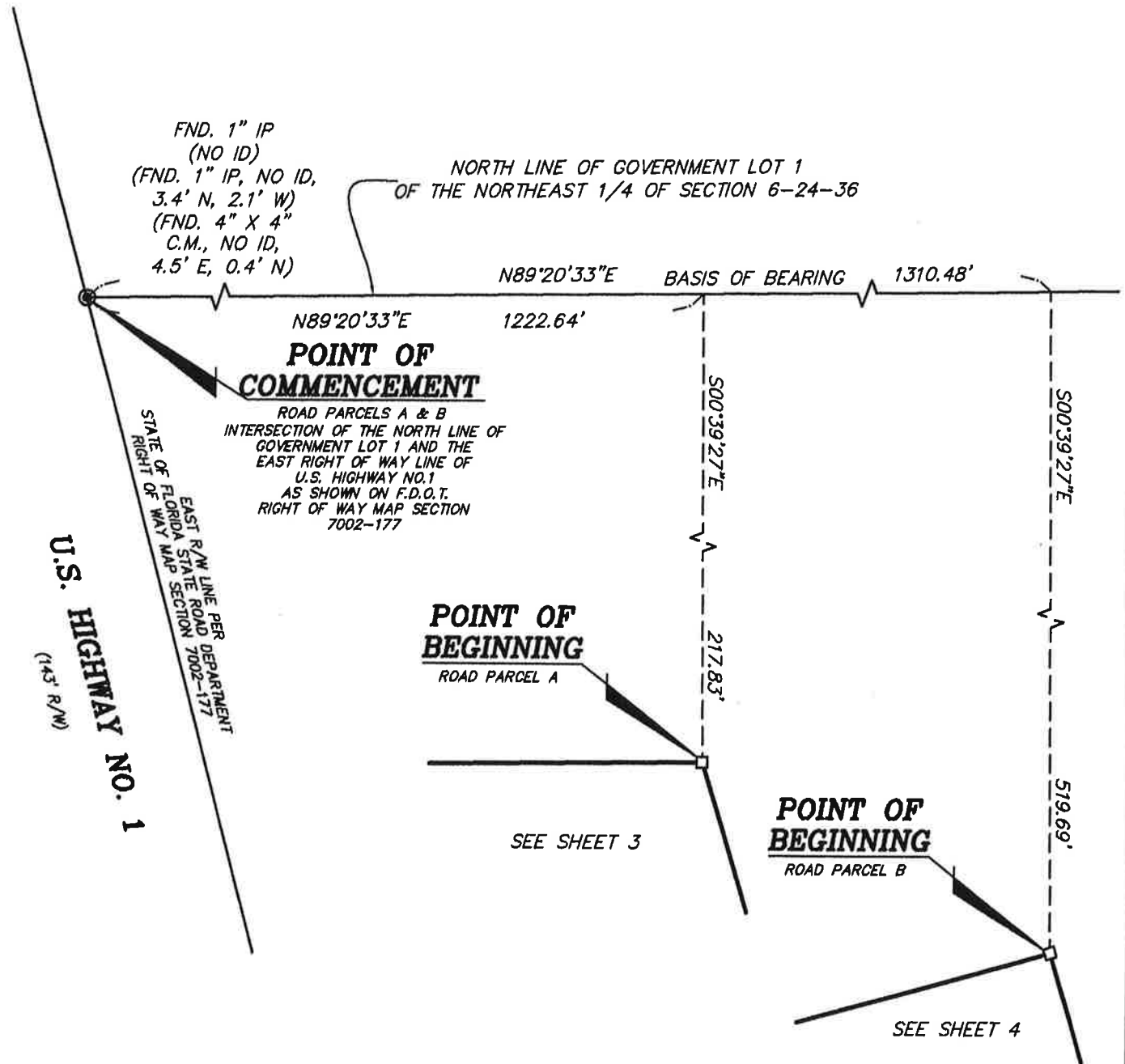
BOUNDARY SURVEY

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PARCEL ID# 24-36-06-00-00010.2-0000.00

SHEET 2 OF 4

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 4



AAL LAND SURVEYING SERVICES, INC.

PROJECT #28786 R/W SOD
REVISION:
REVISION: COUNTY COMMENTS 07-11-14
FIELD SURVEY DATE:
07-14-14
LISCENCE BUSINESS #6623

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BOUNDARY SURVEY

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
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PARCEL ID# 24-36-06-00-00010.2-0000.00

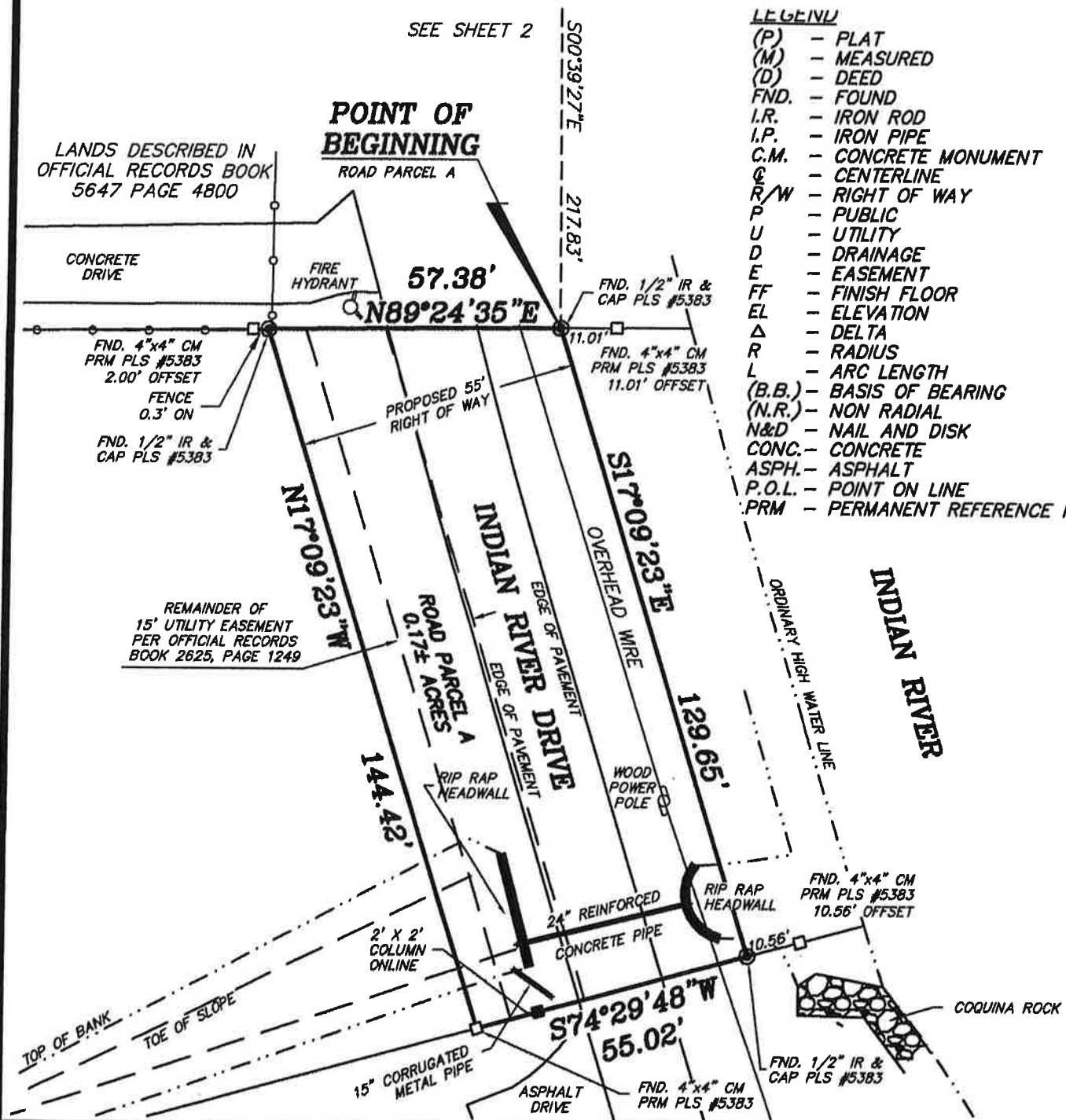
SHEET 3 OF 4

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SEE SHEET 2

LEGEND

- (P) - PLAT
- (M) - MEASURED
- (D) - DEED
- FND. - FOUND
- I.R. - IRON ROD
- I.P. - IRON PIPE
- C.M. - CONCRETE MONUMENT
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- CONC. - CONCRETE
- ASPH. - ASPHALT
- P.O.L. - POINT ON LINE
- PRM - PERMANENT REFERENCE MARKER



AAL LAND SURVEYING SERVICES, INC.

PROJECT #28786 R/W SOD
 REVISION:
 REVISION: COUNTY COMMENTS 07-11-14
 FIELD SURVEY DATE:
 07-07-14
 LISCENCE BUSINESS #6623

3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: aal@survey.com

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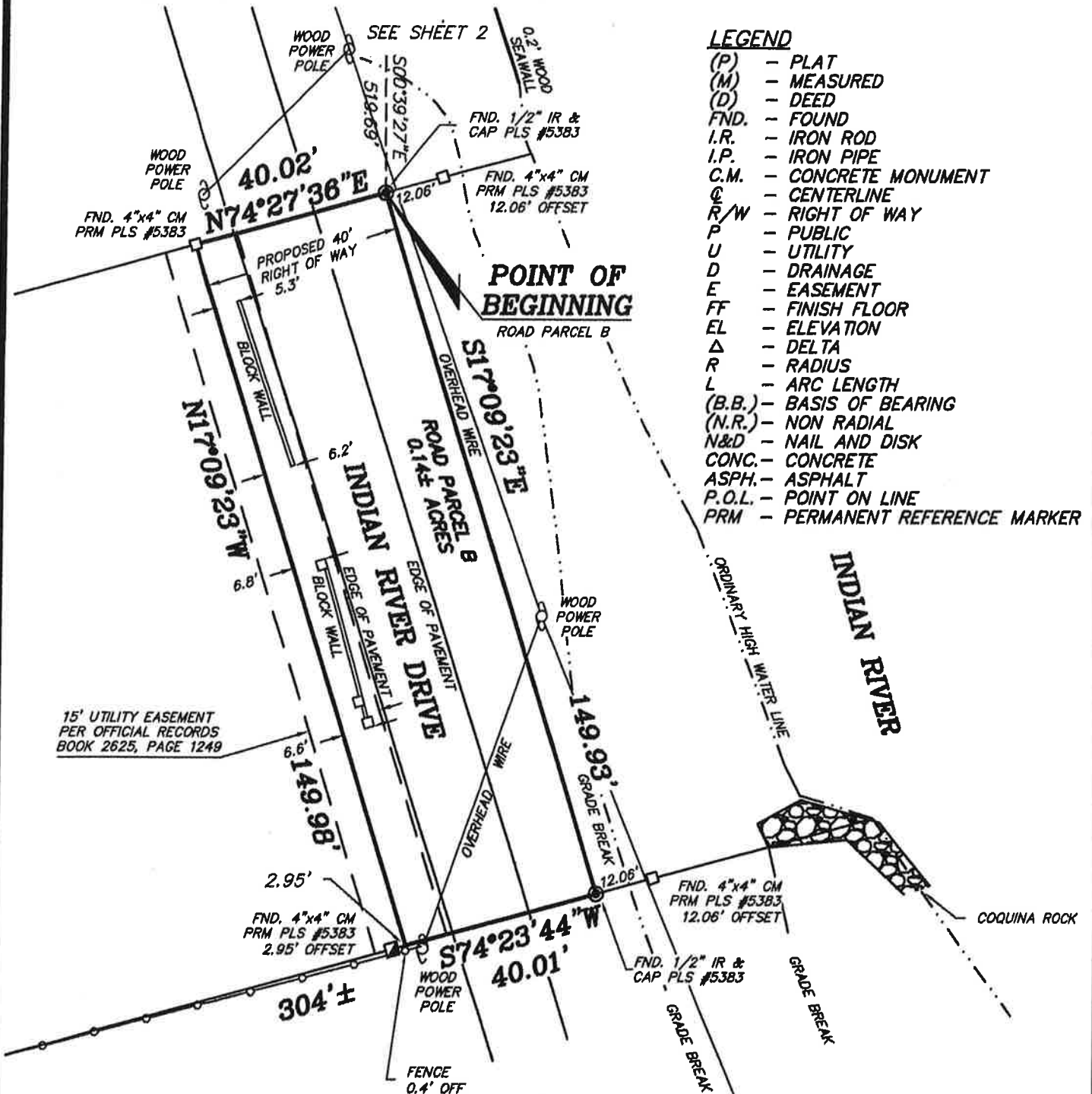
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SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PARCEL ID# 24-36-06-00-00010.2-0000.00

SHEET 4 OF 4

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AAL LAND SURVEYING SERVICES, INC.

PROJECT #28786 R/W SOD
REVISION:
REVISION: COUNTY COMMENTS 07-11-14
FIELD SURVEY DATE:
07-07-14
LISCENCE BUSINESS #6623

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PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: aalsurvey@aalsurvey.com
ANDREW W. POWSHOK
P.L.S. No. 5383
DANIEL D. GARNER
P.L.S. No. 6189

SCALE: 1" = 30'
NORTH

Partial Release of Mortgage

Know All Men By These Presents:

WHEREAS, Atlantic Home Solutions, INC., a Florida company, whose address is 1211 Atlantic St., Melbourne Beach, FL 32951 ("Mortgagor"), by that certain Real Estate Mortgage dated August 31, 2012, recorded in Official Records Book 6694, at Page 493, mortgaged unto Elizabeth Kuehnast, Trustee of the Elizabeth Kuehnast Trust utd December 15, 2004, whose address is 695 Anderson Ct., Satellite Beach, FL 32937 ("Mortgagee"), and assigns, the premises therein particularly described, to secure the payment of the sum of \$ 300,000, with interest as stated in the Mortgage.

AND WHEREAS, Mortgagor has requested Mortgagee release the premises hereinafter described ("Released Parcel"), being part of the mortgaged premises, from the lien and operation of the Mortgage:

NOW THEREFORE; KNOW THAT Mortgagee, in consideration of the Released Parcel and the sum of \$10.00, to it paid by, or on behalf of, the Mortgagor at the time of the execution hereof, the receipt whereof is hereby acknowledged, does remise, release, quit-claim, exonerate and discharge from the lien and operation of the Mortgage unto Mortgagor, its successors and/or assigns, the Released Parcel, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

TO HAVE AND TO HOLD the same with the appurtenances, unto the Mortgagor, its successors and/or assigns forever, freed, exonerated and discharged of and from the lien of the Mortgage, and every part thereof; provided always, nevertheless, that nothing herein contained, shall in anywise impair, alter or diminish the effect, lien or encumbrance of the Mortgage on the remaining part of the mortgaged premises not hereby released therefrom, or any of the rights and remedies of the holder(s) thereof. This document covers only the Released Parcel.

IN WITNESS WHEREOF, the Mortgagee has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, this _____ day of February, 2014.

Signed, sealed and delivered in the presence of:

Elizabeth Kuehnast Trust utd December 15, 2004

By: *Elizabeth Kuehnast*
Name: Elizabeth Kuehnast
Title: Trustee

State of Florida
County of BREVARD

The foregoing instrument was acknowledged before me on February ^{July} 28, 2014, by Elizabeth Kuehnast, as Trustee of Elizabeth Kuehnast Trust who is personally known to me or produced Florida Drivers License as identification, and did not take an oath.

My commission expires: June 5, 2017

Seal

Eric Cott
Notary Public
Print Name: ERIC COTT



BOUNDARY SURVEY

SHEET 1 OF 4

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

NOT VALID WITHOUT THE
SKETCH ON SHEETS 2, 3 AND 4

PARCEL ID# 24-36-06-00-00010.1-0000.00

PURPOSE

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LEGAL DESCRIPTION:

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SURVEYORS NOTES:

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7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ACCORDING TO F.L.R.M. #12000C 0270 E, DATED APRIL 3, 1989, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

AAL LAND SURVEYING SERVICES, INC.

PROJECT #28199 R/W 500
 REVISION:
 REVISION: CADDY W/AMENDMENTS 02-12-14
 FIELD SURVEY DATE:
 02-02-14
 LICENSE BUSINESS #8023

3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321) 788-8110 FAX: (321) 688-8771 EMAIL: aal_survey@aalsurvey.com

ANDREW W. POWSNOK
 P.L.S. No. 5383

DANIEL D. GARNER
 P.L.S. No. 6189

SCALE: 1" = 30'



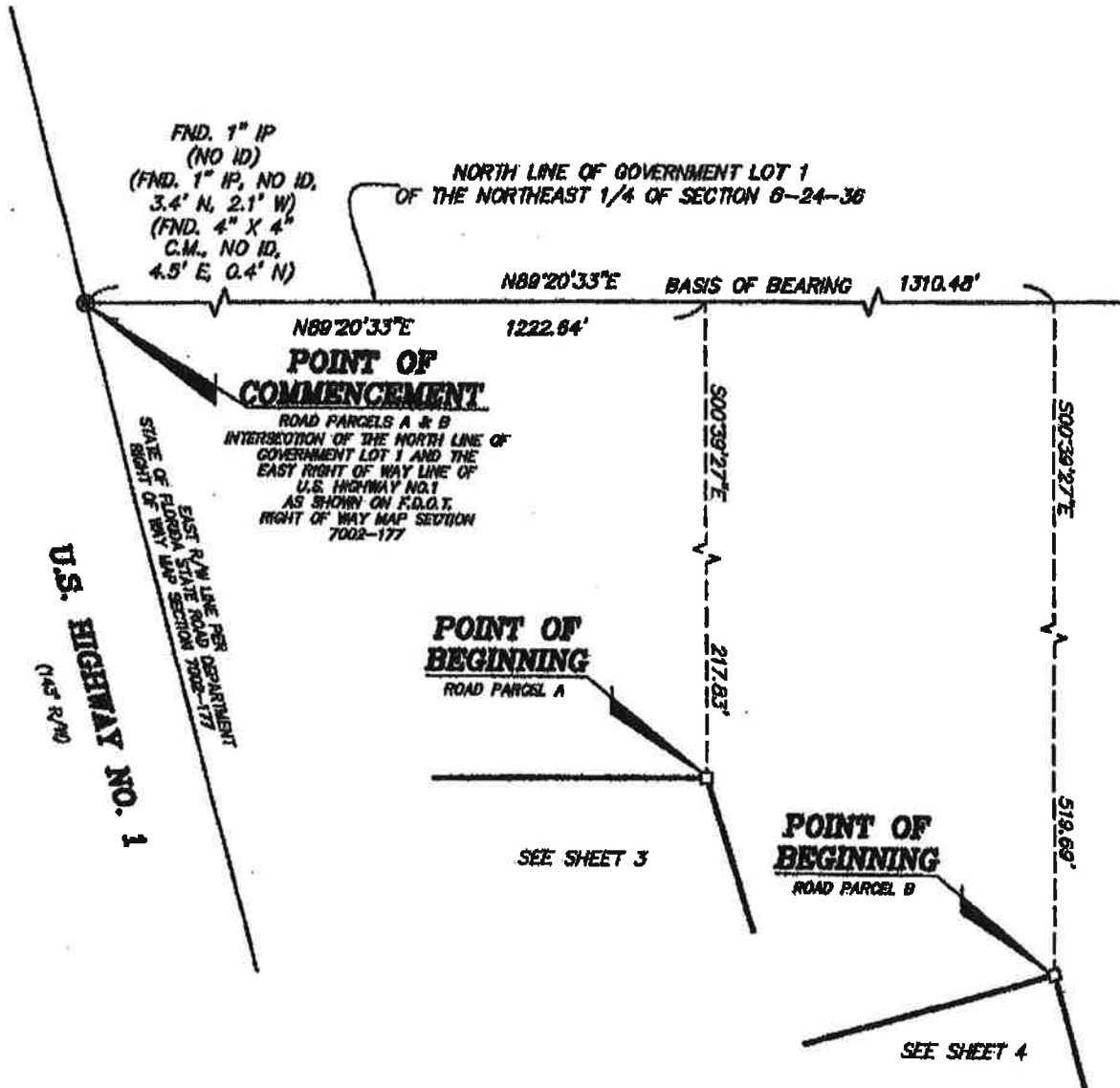
BOUNDARY SURVEY

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PARCEL ID# 24-36-06-00-00010.1-0000.00

SHEET 2 OF 4

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 4



AAL LAND SURVEYING SERVICES, INC.

PROJECT #26226 R/W 500
 REVISION:
 REVISION:
 REVISION: COUNTY COMMENTS RE-T-14
 FIELD SURVEY DATE:
 07-14-14
 LICENSE BUSINESS #6023

3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321) 768-8110 FAX: (321) 928-8771 EMAIL: aal@survey@aalsurvey.com

ANDREW W. POWERSHOK
 P.L.S. No. 5303

DANIEL D. GARNER
 P.L.S. No. 6189

SCALE: 1" = 30'



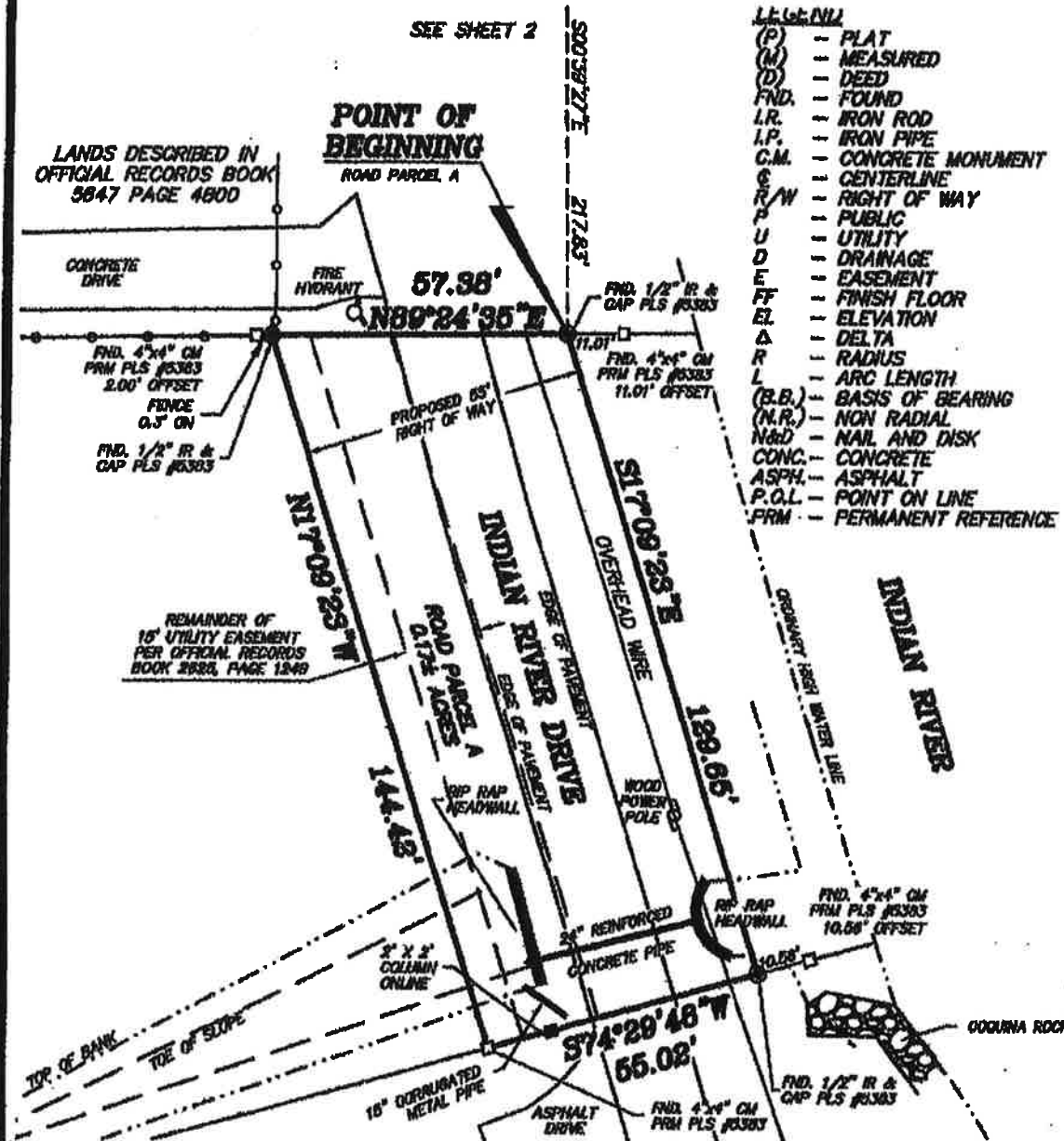
BOUNDARY SURVEY

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PARCEL ID# 24-36-06-00-00010.1-0000.00

SHEET 3 OF 4

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 - CONC. -- CONCRETE
 - ASPH. -- ASPHALT
 - P.O.L. -- POINT ON LINE
 - PRM -- PERMANENT REFERENCE MARKER


AAL LAND SURVEYING SERVICES, INC.

PROJECT #28278 R/W BLD
 REVISION:
 REVISION: COUNTY ENGINEER 07-11-12
 FIELD SURVEY DATE:
 07-07-14
 LICENCE BUSINESS #8823

3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321)788-8110 FAX: (321)932-8771 EMAIL: aalurvey@aalsurvey.com

ANDREW W. PONSNIK
 P.L.S. No. 6363

DANIEL D. GARNER
 P.L.S. No. 6169

SCALE: 1" = 30'

 NORTH

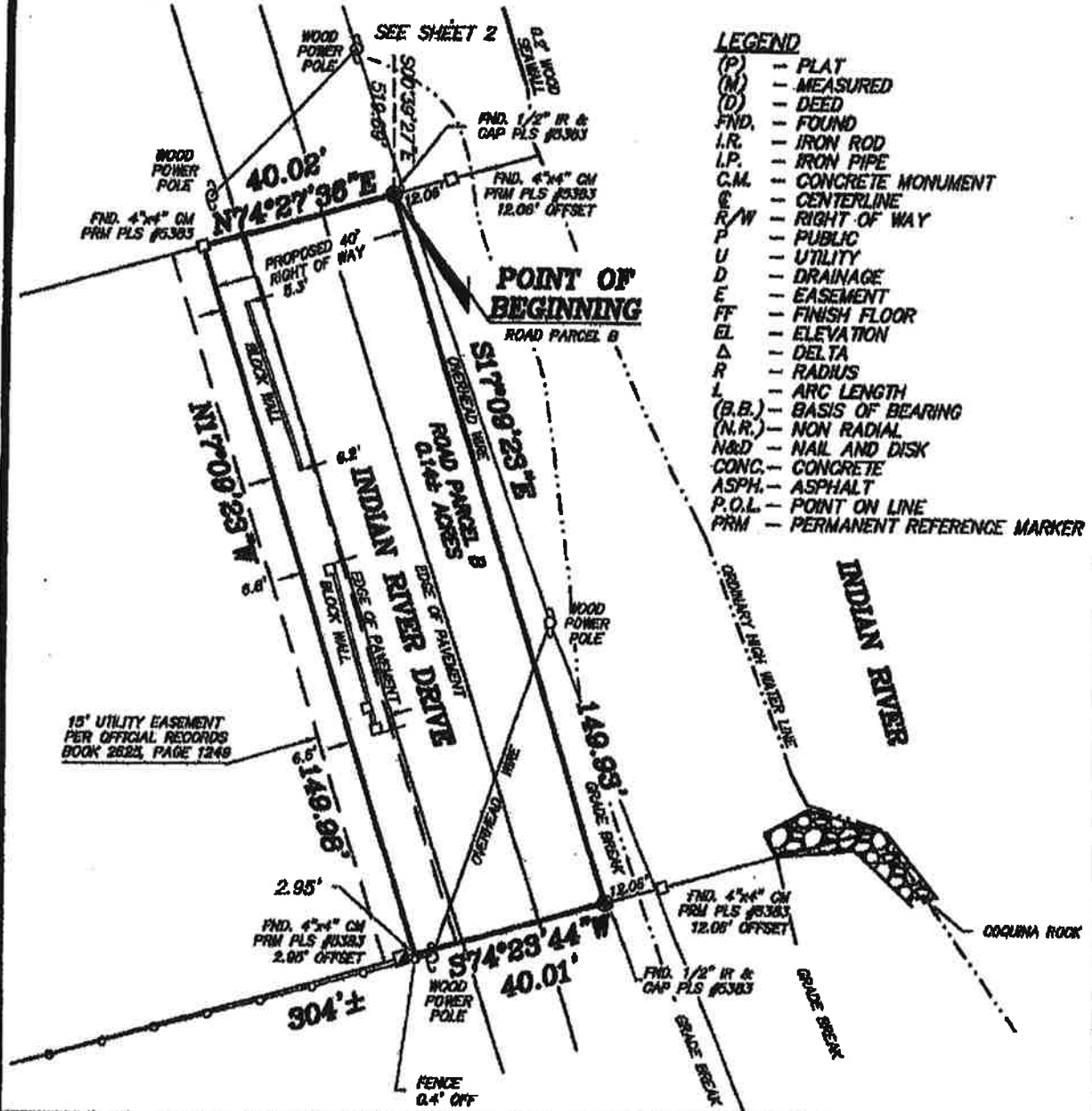
BOUNDARY SURVEY

SECTIONS 05 & 06, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PARCEL ID# 24-36-06-00-00010.1-0000.00

SHEET 4 OF 4

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 4



LEGEND

- (P) - PLAT
- (M) - MEASURED
- (D) - DEED
- FND. - FOUND
- I.R. - IRON ROD
- I.P. - IRON PIPE
- C.M. - CONCRETE MONUMENT
- CL - CENTERLINE
- R/W - RIGHT OF WAY
- P - PUBLIC
- U - UTILITY
- D - DRAINAGE
- E - EASEMENT
- FF - FINISH FLOOR
- EL - ELEVATION
- Δ - DELTA
- R - RADIUS
- L - ARC LENGTH
- (B.B.) - BASIS OF BEARING
- (N.R.) - NON RADIAL
- N&D - NAIL AND DISK
- CONC. - CONCRETE
- ASPH. - ASPHALT
- P.O.L. - POINT ON LINE
- PRM - PERMANENT REFERENCE MARKER

AAL LAND SURVEYING SERVICES, INC.

PROJECT #28786 B/W.501
 REVISION:
 REVISION: COUNTY COMMISSIONER 07-11
 FIELD SURVEY DATE:
 07-07-14
 LICENSE BUSINESS #8923

3070 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321)788-8110 FAX: (321)922-8771 EMAIL: aal@survey.com

ANDREW W. POWSNOK
 P.L.S. No. 5383

DANIEL D. GARNER
 P.L.S. No. 6189

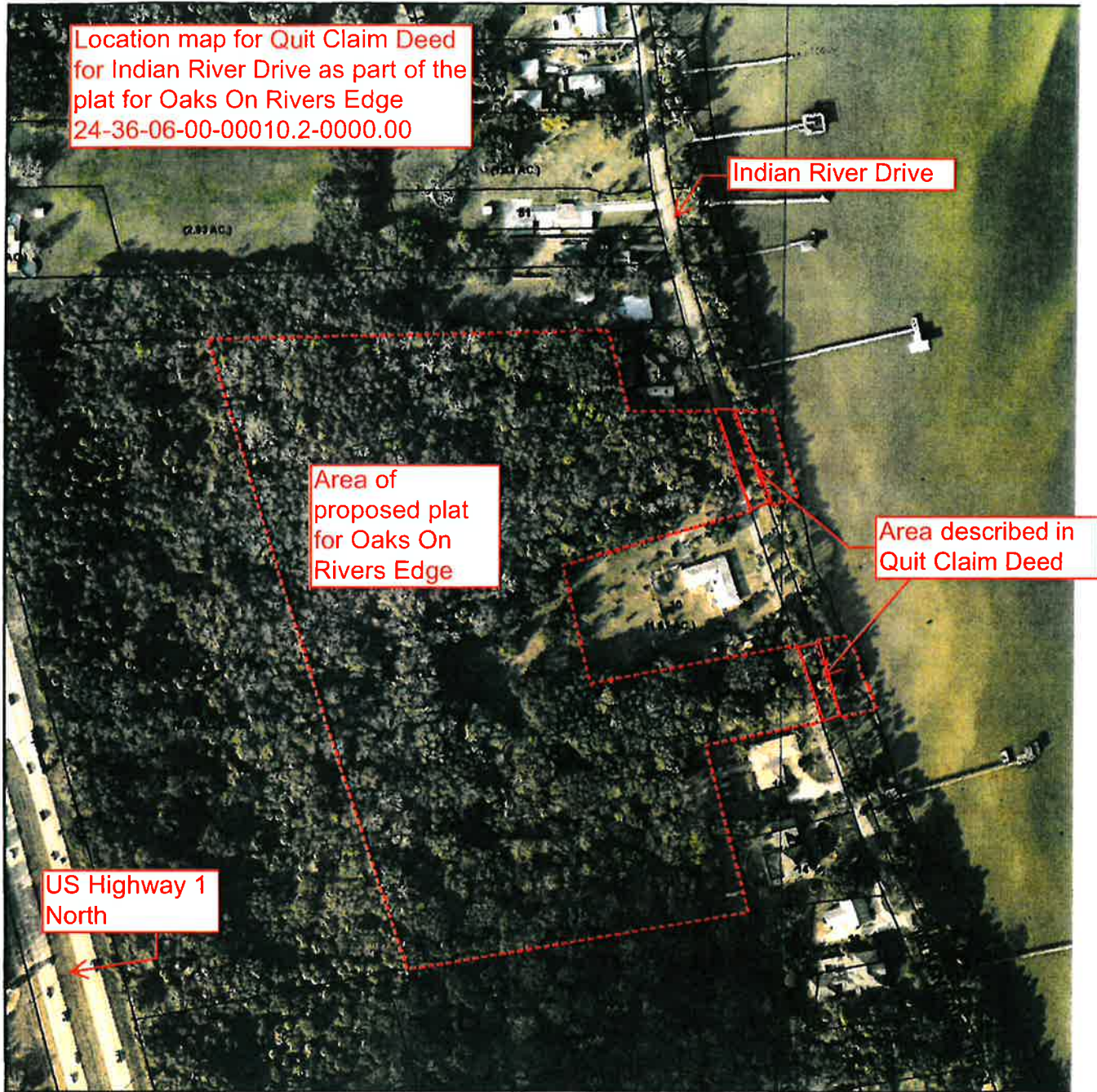
SCALE: 1" = 30'





Dana Blickley, CFA
Brevard County Property Appraiser

Location Map for Indian River Drive QCD



North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-6700
Fax: (321) 264-6954

Merritt Island Services Complex
2575 N Courtenay 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) 690-6880
Fax: (321) 690-6883

South Services Complex
1515 Samo 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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