



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

5/19/2020

Subject:

Approval Re: Joint Release of Cross Easement with Brent C. Williams as Successor in Interest to Dick and Rebecca Wiebelt - District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve, accept and authorize the Chair to execute the Joint Release of Cross Easement.

Summary Explanation and Background:

The subject property is located in Section 19, Township 26 South, Range 37 East, on the south side of the Pineda Causeway, west of Highway US 1.

On December 23, 1992, a cross easement agreement was entered into between Dick and Rebecca Wiebelt and Pierce Hardy Real Estate Company. It is believed the original intent of the easement was to provide a joint access connection to the Pineda Causeway from the subject properties via Roberts Road. Access to the Pineda Causeway was denied. Language in the cross easement stated the easement would run with the land and inure to and be for the benefit and be binding upon the parties thereto and their respective successors and assigns. Brent C. Williams and Brevard County, Florida are now the(successors) owners of the land.

Mr. Williams has requested a joint release in order that he may fully develop his parcel. The cross easement prevents him from using that particular part of his property in his development plan. Staff recommends executing the release.

Clerk to the Board Instructions:

Upon execution by the Chair, please contact Public Works Department (321-617-7202) to make delivery arrangements for the original executed Joint Release of Cross Easement with attached exhibits.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

May 20, 2020

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.10, Approval of Joint Release of Cross Easement with Brent C. Williams as Successor in Interest to Dick and Rebecca Wiebelt

The Board of County Commissioners, in regular session on May 19, 2020, approved, accepted, and authorized the Chair to execute the Joint Release and Cross Easement. Enclosed is a fully-executed Joint Release of Cross Easement.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell
Kimberly Powell, Deputy Clerk

/cw

Encl. (1)

cc: Land Acquisition
Utility Services Director

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940


JOINT RELEASE OF CROSS EASEMENT


Brevard County, Florida, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as successor in interest to Pierce Hardy Real Estate Company, and Brent C. Williams, whose address is 1297 Harbor Town Circle, Melbourne, Florida 32940, as successor in interest to Dick and Rebecca Wiebelt, hereby release and terminate the following described properties from the operation and effect of that certain cross easement originally recorded on January 5, 1993 in Official Records Book 3258, Page 1823, of the Public Records of Brevard County, Florida:

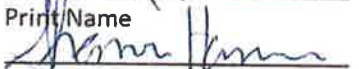
See attached Exhibits A and B

IN WITNESS WHEREOF, Brevard County, Florida and Brent C. Williams have executed this Joint Release of Cross Easement this day and year aforesaid.



ATTEST:


Scott Ellis, Clerk to the Board


Witness as to Brent C. Williams
Nancy P. Williams
Print Name

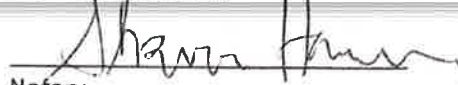

Witness as to Brent C. Williams
Shanna B. Hansberger
Print Name

BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS, BREVARD COUNTY
FLORIDA


Bryan Lober, Chair
approved by board 5/19/2020

Brent C. Williams

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
[] online notarization, this 24th day of April, 2020 by Brent C. Williams. Is
personally known or produced _____ as identification.


Notary
(Seal)

Board Meeting Date: _____
Agenda Item No: _____

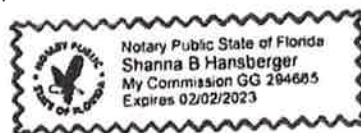


EXHIBIT "A"

DESCRIPTION OF PROPOSED INGRESS AND EGRESS EASEMENT "B" AS SHOWN ON SKETCH BY KEVIN A. SMITH LAND SURVEYING, INC. DATED DECEMBER 17, 1992 FOR WIEBELT ENTERPRISES, INC.:

A portion of the Southwest one-quarter of Section 19, Township 26 South, Range 37 East, lying South of State Road No. 404 (Pinada Causeway) and East of the Florida East Coast Railway right of way, all in Brevard County, Florida, and being more particularly described as follows: Begin at the intersection of the East right of way of Florida East Coast Railway and the South right of way of State Road No. 404 (Pinada Causeway); thence run N 81 degrees 25 minutes 05 seconds E along the South right of way of State Road No. 404 (Pinada Causeway) a distance of 366.00 feet to the Point of Beginning of the herein described easement; thence run S 89 degrees 34 minutes 24 seconds E along said South right of way a distance of 50.0 feet; thence run S 08 degrees 40 minutes 13 seconds E a distance of 50.0 feet; thence run N 89 degrees 34 minutes 24 seconds W a distance of 50.0 feet; thence run N 08 degrees 40 minutes 13 seconds W a distance of 50.0 feet to the Point of Beginning.

EXHIBIT "B"

DESCRIPTION OF PROPOSED INGRESS AND EGRESS EASEMENT "A" AS SHOWN ON SKETCH BY KEVIN A. SMITH LAND SURVEYING, INC. DATED DECEMBER 17, 1992 FOR WIEBELT ENTERPRISES, INC.:

A portion of the Southwest one-quarter of Section 19, Township 26 South, Range 37 East, lying South of State Road No. 404 (Pineda Causeway) and East of the Florida East Coast Railway right of way, all in Brevard County, Florida, and being more particularly described as follows: Begin at the intersection of the East right of way of Florida East Coast Railway and the South right of way of State Road No. 404 (Pineda Causeway); thence run N 81 degrees 25 minutes 05 seconds E along the South right of way line of State Road No. 404 (Pineda Causeway) a distance of 366.00 feet to the Point of Beginning of the herein described easement; thence run S 08 degrees 40 minutes 13 seconds E a distance of 50.0 feet; thence run S 81 degrees 25 minutes 05 seconds W a distance of 50.0 feet; thence run N 08 degrees 40 minutes 13 seconds W a distance of 50.0 feet to the South right of way of State Road No. 404 (Pineda Causeway); thence run N 81 degrees 25 minutes 05 seconds E along said South right of way a distance of 50.0 feet to the Point of Beginning.

LOCATION MAP

Section 19, Township 26 South, Range 37 East District: 4

PROPERTY LOCATION: South side of Pineda Causeway, west of Highway US 1

OWNERS NAME: Brevard County, Florida as to Parcel B and Brent C. Williams as to Parcel A



BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Release of Cross Easement requested by Brent C. Williams – District 4.

AGENCY: Public Works Department / Land Acquisition / Utility Services Department

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-690-6847 extension 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			<u>4.30.2020</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney			<u>5/5/2020</u>

AGENDA DUE DATE: May 12, 2020 for the May 19, 2020 Board meeting