



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Add-On

J.7.

4/6/2021

Subject:

Approval Re: Donation of Permanent Drainage Easement from S&S FLP#2 "B", LLC, Barnes Boulevard - District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Permanent Drainage Easement and adopt the attached Resolution rescinding Resolution No. 21-031 which resolution is no longer needed as a result of accepting this easement.

Summary Explanation and Background:

Upon final review of the Barnes Boulevard land acquisition files, staff determined that per the Agreement to Donate Land, entered into on May 24, 2011, between FLP #2, LLC and the Board of County Commissioners, an easement over the drainage ditch on property owned by FLP #2 was owed to the County for certain intersection and traffic signal improvements in conjunction with construction of the Barnes Boulevard widening project. Since then, the property transferred to S&S FLP#2 "B", LLC.

In regular session on March 23, 2021, the Board of County Commissioners adopted Resolution No. 21-031, authorizing the Chair to execute a Resolution and Maintenance Map, which represents that portion of Barnes Boulevard located on the south side of the west 700 feet of the Barnes Boulevard right-of-way where Barnes Boulevard intersects with South Fiske Boulevard. As a good faith measure and to allow time for the current owner to provide the needed easement, staff was instructed to withhold the recording of the Resolution and Maintenance Map until after April 7, 2021. The owner has agreed to donate the attached drainage easement. By granting this easement, filing the Maintenance Map is no longer necessary.

Clerk to the Board Instructions:



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

April 7, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

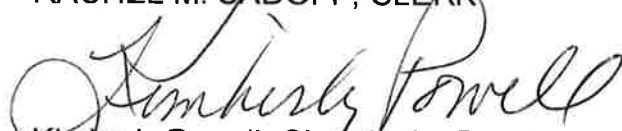
RE: Item J.7., Donation of Permanent Drainage Easement from S&S FLP#2 "B", LLC
– Barnes Boulevard

The Board of County Commissioners, in regular session on April 6, 2021, approved and accepted the donated Permanent Drainage Easement from S&S FLP#2 "B", LLC, for Barnes Boulevard; and adopted Resolution No. 21-041, rescinding Resolution No. 21-031 as to Barnes Boulevard Maintenance Map, which is no longer needed as a result of accepting the Easement. Enclosed is fully-executed Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

RESOLUTION NO. 2021- 041

**A RESOLUTION RESCINDING RESOLUTION NO. 21-031
OF THE BOARD OF COUNTY COMMISSIONERS AS TO
BARNES BOULEVARD MAINTENANCE MAP**

WHEREAS, Brevard County maintains a certain roadway ditch and associated drainage appurtenances (hereinafter the "roadway drainage ditch") adjacent to Barnes Boulevard, a County owned and maintained roadway located in Brevard County Florida; and

WHEREAS, title to said roadway drainage ditch has vested in Brevard County in accordance with the provisions of section 95.361(2) and (3), Florida Statutes; and

WHEREAS, on March 23, 2021, the Brevard County Board of County Commissioners passed Resolution No. 21-031 authorizing County staff to record the Resolution and Maintenance Map after April 7, 2021; and

WHEREAS, since March 23, 2021, the property owners for the parcel underlying that said roadway drainage ditch have provided a satisfactory easement to Brevard County over the same roadway drainage ditch.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, as follows:

Section 1. Resolution No. 2021-031 of the Board of County Commissioners is rescinded.

Section 2. This Resolution shall take effect immediately upon its execution and filing pursuant to law.

DONE and ADOPTED in regular session by the Brevard County Board of County Commissioners, this ____ day of April 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY

By: 

Rachel Sadoff, Clerk

By: 

Rita Pritchett, Chair

Reviewed for legal form and content:

Christine M. Schwerak 4/1/2021

Assistant County Attorney

As Approved by the Board on April 6, 2021

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of Interest in Tax Parcel I.D.: 25-36-20-00-752

PERMANENT DRAINAGE EASEMENT

THIS INDENTURE, made this 30th day of March, 2021, between S&S FLP #2 "B", LLC, a Florida limited liability company, whose address is 8195 North Wickham Road, Suite 210, Melbourne, Florida 32940, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing and maintaining flow and drainage facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 20, Township 25 South, Range 36 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or assigns, the first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed and delivered in the presence of:

[Signature]
Witness

S&S FLP#2 "B" LLC, a Florida limited liability company

KESSIE GROSS
Print name

BY: Sheriff Management, LLC, a Florida limited liability company, Manager

[Signature]
Witness

MILWA GUTIERREZ
Print name

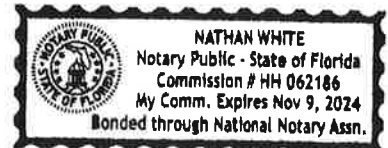
BY: [Signature]
Kellie D. Kelly, Authorized Agent
For Sheriff Management, LLC, a Florida limited liability company

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 30th day of March, 2021, by Kellie D. Kelly as Authorized Agent for Sheriff Management, LLC, a Florida limited liability company, Manager for S&S FLP #2 "B" LLC, a Florida limited liability company. Is personally known or produced FL Drivers License as identification.

[Signature]
Notary Signature
SEAL

Board Meeting Date: _____
Agenda Item # _____



SKETCH & DESCRIPTION

PREPARED FOR:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS****Description: Parcel No. 152**

A parcel of land lying in the Southeast 1/4 of Section 20, Township 25 South, Range 36 East, being a portion of those lands as described in O.R. Book 5523, Page 8182 of the Public Records of Brevard County, Florida and said subject parcel being more fully described as follows:

Commence at the northeast corner of said Southeast 1/4 as monumented by a concrete monument stamped "Paxton" as shown on Florida Department of Environmental Protection Certified Corner Record ("C.C.R.") No. 0027674; thence S.01°18'19"E., along the east line of said Southeast 1/4, a distance of 63.30 feet to an intersection with the south line of Barnes Boulevard, a 100.00 foot wide right-of-way per O.R. Book 0139, Page 0585 of said Public records which lies N.01°18'19" W. and 2592.96 feet from the southeast corner of said Southeast 1/4 as monumented by a concrete monument stamped "ACW1859" per C.C.R. No. 0022107; thence S.89°54'42"W., along said south right-of-way line, a distance of 469.83 feet; thence S.00°04'23"E., along the east line of the 200.00 foot wide right-of-way of Barnes Boulevard as shown on State Road Department Right-of-Way Map Section 70220-2414, a distance of 49.75 feet; thence S.89°52'44"W., along the south line of said 200.00 foot right-of-way, a distance of 49.86 feet to the northeast corner of said lands per O.R. Book 5523, Page 8182 and the Point-of-Beginning of the lands herein described; thence departing said south right-of-way line, S.01°18'19"E., along the east line of said lands, a distance of 8.47 feet; thence S.68°53'56"W., a distance of 90.86 feet; thence S.89°52'44"W., parallel with and 41.00 feet southerly, by right angle measure, of said south line of the 200.00 foot wide right-of-way, a distance of 316.79 feet; thence N.76°37'31"W., a distance of 51.42 feet; thence S.89°52'44"W., parallel with and 29.00 feet southerly, by right angle measure, of said south line of the 200.00 foot wide right-of-way, a distance of 248.76 feet to the east line of Fiske Boulevard, a variable width right-of-way per said Map Section 70220-2414; thence N.00°10'02" W., along said east right-of-way line, a distance of 29.00 feet to the intersection with said south line of the 200.00 foot wide right-of-way; thence N.89°52'44"E., along said south right-of-way line, a distance of 700.24 feet to the Point-of-Beginning.

Containing 0.55 acres (24,050 square feet) more or less and being subject to any restrictions, covenants, easements and/or rights-of-way of record.

NOTE:

SEE SHEET 2 OF 3 FOR SKETCH,
AND SHEET 3 OF 3 FOR LEGEND,
NOTES AND CERTIFICATE.

**RIGHT-OF-WAY PARCEL FOR
FLP#2, LLC**



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: <u>J.W.S.</u>	CHECKED BY: <u>J.B.C.</u>	DRAWING NO. <u>330401</u>	SECTION: <u>20</u>
DATE: <u>07/17/12</u>	SHEET <u>1</u> OF <u>3</u>	REV. _____	TOWNSHIP: <u>25</u> SOUTH
			RANGE: <u>36</u> EAST

EXHIBIT A

SKETCH & DESCRIPTION

PREPARED FOR:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS**

NOTE:

SEE SHEET 1 FOR ENGINEERING
LAYOUT; SEE SHEET 3 FOR
DESCRIPTION PARCEL NO. C1;
SEE SHEET 4 FOR DESCRIPTION
FOR PARCEL NO. C2.

PARCEL NO. 152

LOWES HOME CENTERS, INC.
TAX PARCEL 16
O.R.B. 4285, PG. 1531

BARNES BOULEVARD
(100' WIDE RIGHT-OF-WAY
PER ORB 0139, PG 0585)

BARNES BOULEVARD
(200' WIDE RIGHT-OF-WAY
PER S.R.D. MAP SEC. 70220-2414)

EAST-WEST MID-SECTION
LINE OF SECTION 20

POINT-OF-COMMENCEMENT

FND NAIL W/ WASHER OVER "PAXTON" C.M. AT N.E.
COR. OF S.E. 1/4 OF SECTION 20, TWP. 25 S., RNG.
36 E. (SEE CCR #0027674)

POINT-OF-BEGINNING

PARCEL NO. 152

Parcel 152
24,050 sq. ft.
0.55 acres

N 00°10'02" W
29.00'

E. R/W LINE

29.00'

44.00'

N 89°52'44" E

41.00'

15.00'

S 89°52'44" W

316.79'

S 68°53'56" W

90.86'

700.24'

S. R/W LINE

152

714

N 76°37'31" W

51.42'

S 89°52'44" W

248.76'

FLP#2, LLC
PARCEL 752
O.R.B. 5523 PG. 8182

E. LINE—
O.R.B. 5523,
PG. 8182

S 01°18'19" E

8.47'

16.00'

S 00°04'23" E

49.75'

16.00'

S 89°52'44" W

49.86'

E. R/W LINE

129

716

715

S 01°18'19" E

63.30'

S. R/W LINE

S 89°54'42" W

469.83'

EAST LINE OF SE
1/4 OF SEC. 20

N 01°18'19" W

2592.96'

36.72'

S 01°15'43" E

2657.47'

2620.75'

EAST LINE OF NE
1/4 OF SEC. 20

FND. C.M. "ACW 1859"
AT S.E. CORNER— SE
1/4— SECTION 20
(SEE CCR #0022107)

LOS CABALLEROS
PARCEL 768
O.R.B. 5828 PG. 0808



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: J.W.S.

CHECKED BY: J.B.C.

DRAWING NO. 330401

SECTION: 20

DATE: 07/17/12

SHEET 2 OF 3

REV.

TOWNSHIP: 25 SOUTH
RANGE: 36 EAST

EXHIBIT A

SKETCH & DESCRIPTION

PREPARED FOR:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS**PARCEL NO. 152**LEGEND:**

(N.I.C.) NOT INCLUDED
O.R.B. OFFICIAL RECORDS BOOK
PG. PAGE
R/W RIGHT-OF-WAY
COR. CORNER
C.M. CONCRETE MONUMENT
FND. FOUND

CCR CERTIFIED CORNER
RECORD
W/ WITH
C CENTERLINE
—n— GRAPHICS NOT TO
SCALE

(102) PARCEL NUMBER
SEC. SECTION
TWP. TOWNSHIP
RNG. RANGE
S.R.D. STATE ROAD DEPARTMENT

NOTES:

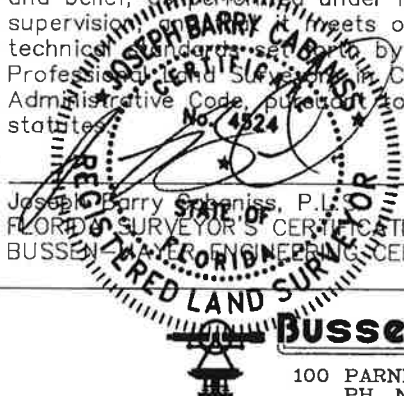
1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BEING "S.01°18'19"E.", AN ASSUMED BEARING.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.
4. SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
5. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.
6. THE INTENDED USE OF THE PARCEL IDENTIFIED BY THIS SKETCH AND DESCRIPTION IS ADDITIONAL RIGHT OF WAY, WALL/LANDSCAPE EASEMENT, SIDEWALK EASEMENT, UTILITY/DRAINAGE EASEMENT AND/OR OTHER PURPOSE AS SPECIFIED HEREON.
7. CERTIFIED FOR THE EXCLUSIVE USE OF:
THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK;
SENTINEL CLOSING SERVICES, LLC.

CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, and was performed under my direction and supervision. It meets or exceeds the minimum technical standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

MAR 23 2021

Joseph Barry Cabanis, P.L.
FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524
Bussen-Mayer Engineering Certificate No.: 3535

**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



DRAWN BY: J.W.S.

CHECKED BY: J.B.C.

DRAWING NO. 330402

SECTION: 20

DATE: 07/17/12

SHEET 3 OF 3

REV.

TOWNSHIP: 25 SOUTH

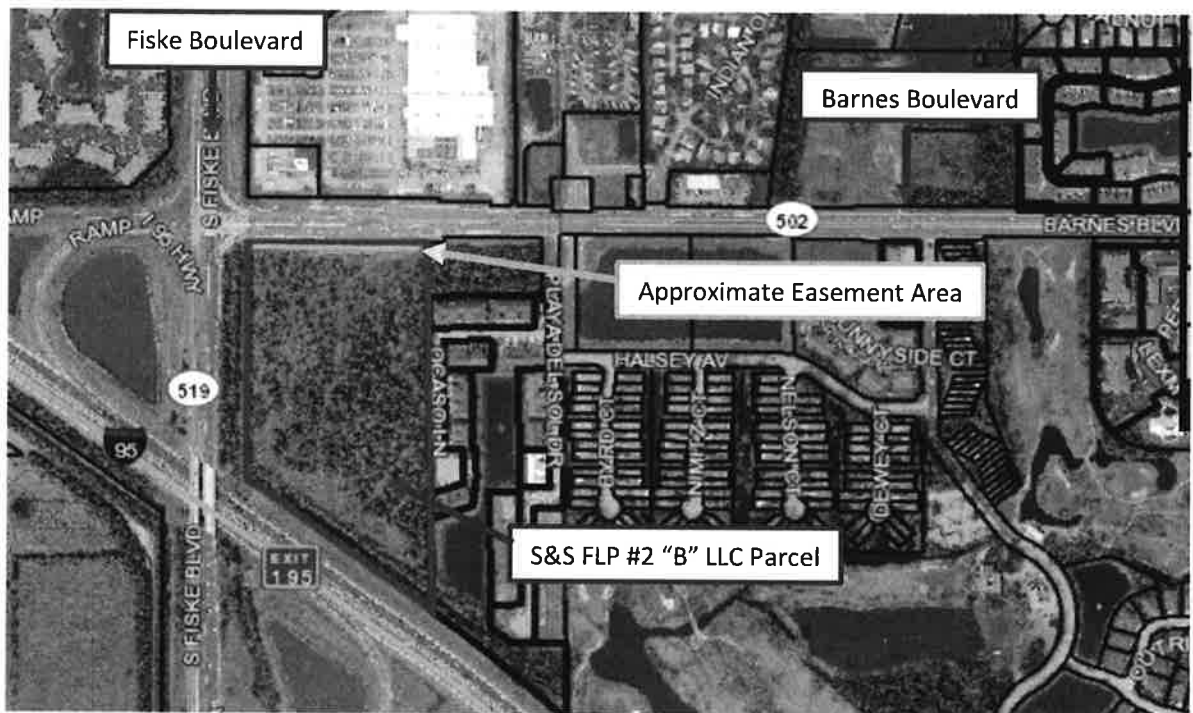
RANGE: 36 EAST

**LOCATION MAP
FOR PERMANENT DRAINAGE EASEMENT
FROM S&S FLP #2 "B" LLC**

Sections 20, Township 25 South, Range 36 East District: 4

PROPERTY LOCATION: At the intersection of Fiske Boulevard and Barnes Boulevard on the South Side of Barnes Boulevard, in Rockledge

OWNERS NAME: S&S FLP #2 "B" LLC



BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Drainage Easement from S&S FLP #2 "B", LLC for a roadside ditch -
Barnes Boulevard– District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 (58336)

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>3-31-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>3/31/2021</u>