



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

4/18/2023

Subject:

Approval, Re: Donation of Temporary Construction Easement from Larry B. Guthrie and Sun K. Guthrie for the 950 North Tropical Trail Drainage Improvements Project - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners accept the attached Temporary Construction Easement.

Summary Explanation and Background:

The subject property is located in Section 27, Township 24 South, Range 36 East, south of Lucas Road east of North Tropical Trail in Merritt Island.

Public Works Department is planning to improve drainage along a section of North Tropical Trail. The section of improvements will encompass the approximate area of 950 North Tropical Trail to Lucas Road. The Temporary Construction Easement is needed for construction access for the drainage improvements to be done in the County's right-of-way along the parcel owned by Mr. and Mrs. Guthrie.

The owners have agreed to donate the Temporary Construction Easement for drainage improvements.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

BOARD OF COUNTY COMMISSIONERS



AGENDA REVIEW SHEET

AGENDA: Donation of Temporary Construction Easement from Larry B. Guthrie and Sun K. Guthrie for the 950 North Tropical Trail Drainage Improvements Project – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist II

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3.20.23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	 _____	_____	<u>3-22-2023</u>



April 19, 2023

MEMORANDUM

TO: Marc Bernath, Public Works Director

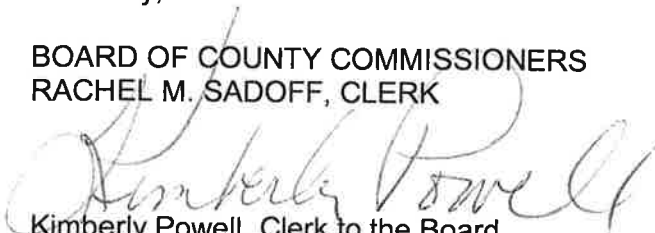
RE: Item F.6., Donation of Temporary Construction Easement from Larry B. Guthrie and Sun K. Guthrie for the 950 North Tropical Trail Drainage Improvements Project

The Board of County Commissioners, in regular session on April 18, 2023, accepted donation of Temporary Construction Easement from Larry B. Guthrie and Sun K. Guthrie for 950 North Tropical Trail Drainage Improvements Project.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**


Kimberly Powell, Clerk to the Board

/tr

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-36-27-00-8.1

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Larry B. Guthrie and Sun K. Guthrie, husband and wife, hereinafter called the Owner, whose address is 960 North Tropical Trail, Merritt Island, Florida, do(es) give, grant, bargain and release to Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a temporary construction easement for the purpose(s) of access for constructing, reconstructing, and reconfiguring drainage in the right-of-way, 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 27, Township 24 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

A parcel of land being a portion of those lands described in Official Records Book 5822, Page 2256 of the Public Records of Brevard County, Florida, and being located within Government Lot 1, Section 27, Township 24 South, Range 36 East, Brevard County, Florida, and being more particularly described as the West 5.00 feet of said lands described in Official Records Book 5822, page 2256, containing 1531 square feet (0.04 acres), more or less.

With construction to be undertaken by or under direct supervision of the County. This easement shall be limited to said purposes, but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for the County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

THIS EASEMENT shall expire upon the completion of the project or 365 days from the commencement of the project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

Witness

Lisa J. Kruse
(Print Name)

Witness

Jean Kremitchi
(Print Name)

Larry B. Guthrie
Larry B. Guthrie

Sun K. Guthrie
Sun K. Guthrie

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 13th day of March, 2023, by Larry B. Guthrie and Sun K. Guthrie, husband and wife. Is ☐ personally known or ☒ produced Driver License as identification.

Notary
SEAL



LOCATION MAP

Section 37, Township 24 South, Range 36 East – District 2

PROPERTY LOCATION: South of Lucas Road east of North Tropical Trail in Merritt Island.

OWNERS NAME(S): Larry B. Guthrie and Sun K. Guthrie

