



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.3.

1/26/2021

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### **Subject:**

Approval Re: Warranty Deed and Public Utility and Drainage Easement from Thomas J. and Lynn C. Clark (Owners) for the Sunset Avenue Road Improvement Project Phase 2- District 1.

### **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: 1) Warranty Deed and 2) Public Utility and Drainage Easement.

### **Summary Explanation and Background:**

The subject property is located in Section 41, Township 20 South, Range 34 East, west of Dixie Way, east of Oak Street on Sunset Avenue in Mims.

The Public Works Department, Road and Bridge Section, is planning to start Phase 2 of the road improvements project for Sunset Avenue in Mims. Phase 1 of the project began at Oak Street and ran through the "S Curve". Donated acquisitions for Phase 1 were presented and accepted by the Board in regular session on March 10, 2020. Phase 1 road improvements have been completed. Phase 2 road improvements will commence at the bottom of the "S Curve" and run east to Dixie Way. In order to coordinate utility realignment, an advanced conveyance of an easement and right of way are needed from Thomas J. and Lynn C. Clark. The Clark's have agreed to donate the necessary easement and right-of-way for the project.

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


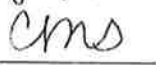
### AGENDA REVIEW SHEET

AGENDA: Warranty Deed and Public Utility and Drainage Easement needed for the  
Sunset Avenue Road Improvement Project Phase 2, District 1

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 extension 58336

|                                                                    | APPROVE                                                                           | DISAPPROVE | DATE             |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------|------------------|
| LAND ACQUISITION<br>Lucy Hamelers, Supervisor                      |  | _____      | <u>1-8-2021</u>  |
| COUNTY ATTORNEY<br>Christine Schverak<br>Assistant County Attorney |  | _____      | <u>1-12-2021</u> |



January 27, 2021

**M E M O R A N D U M**

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

RE: Item F.3., Warranty Deed and Public Utility and Drainage Easement from Thomas J. and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2

The Board of County Commissioners, in regular session on January 26, 2021, accepted and approved Warranty Deed and Public Utility and Drainage Easement from Thomas J. and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

Kimberly Powell, Deputy Clerk

/ns

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 ID: 20G-34-41-AC-\*-17

WARRANTY DEED

**THIS INDENTURE** is made this 23<sup>rd</sup> day of April, 2020,  
between Thomas J. and Lynn C. Clark, husband and wife, as party of the first part,  
whose mailing address is 3475 Sunset Avenue, Mims, FL 32754, and Brevard  
County, Florida, a political subdivision of the State of Florida, as party of the second  
part, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

**WITNESSETH:** That the said party of the first part, for and in consideration of the  
sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid,  
receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and  
convey unto the party of the second part, its successors and assigns the following  
described lands, situate, lying and being in the County of Brevard, State of Florida,  
to-wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"**

**TO HAVE AND TO HOLD THE SAME**, together with all and singular the  
appurtenances thereunto belonging or in anywise incident and/or appertaining  
thereto and all the estate, right, title & interest forever, and the said party of the  
first part does hereby fully warrant the title to said lands, and will defend the same  
against the lawful claims of all persons whomsoever.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the party of the first part has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Bryan Black  
Witness

Bryan Black  
Print Name

Lucy Hamelers  
Witness  
Print Name

Thomas J. Clark  
Thomas J. Clark

Lynn C. Clark  
Lynn C. Clark

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 23rd day of April, 2020, by Thomas J. and Lynn C. Clark. Is personally known or produced \_\_\_\_\_ as identification.

[Signature]  
Notary Signature  
(SEAL)

Board Meeting Date: \_\_\_\_\_  
Agenda Item # \_\_\_\_\_



# LEGAL DESCRIPTION

## PARCEL 105

SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST  
PARENT PARCEL ID NO.: 20G-34-41-AC-\*--17  
PURPOSE: RIGHT OF WAY FEE SIMPLE CONVEYANCE

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 105, RIGHT OF WAY FEE SIMPLE (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 17, RESUBDIVISION OF PART OF FOUNTAIN GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 0, PAGE 2, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ALSO BEING LOCATED WITHIN SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID LOT 17; THENCE NORTH 72° 54' 10" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SUNSET AVENUE, A 30-FOOT WIDE RIGHT OF WAY AS ESTABLISHED BY SAID PLAT BOOK 0, PAGE 2 FOR A DISTANCE OF 383.37 FEET TO A POINT ON THE EAST LINE OF SAID LOT 17; THENCE SOUTH 11° 28' 52" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 9.62 FEET; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 72° 00' 32" WEST FOR A DISTANCE OF 293.82 FEET; THENCE SOUTH 68° 53' 57" WEST FOR A DISTANCE OF 90.88 FEET TO A POINT ON THE WEST LINE OF SAID LOT 17; THENCE NORTH 11° 28' 52" WEST ALONG SAID WEST LINE A DISTANCE OF 20.60 FEET TO THE POINT OF BEGINNING, CONTAINING 5040 SQUARE FEET (0.12 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYOR'S NOTES:

- THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
- BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE SOUTH RIGHT OF WAY LINE OF SUNSET AVENUE ADJACENT TO SAID LOT 17 AS BEING NORTH 72° 54' 10" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
- REFERENCE MATERIAL:
  - TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 17-1651, TAX IDENTIFICATION NUMBER 2005005, EFFECTIVE DATE 11/15/2017. NO EASEMENTS WERE LISTED PER TITLE REPORT
  - RIGHT OF WAY CONTROL AND SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY PUBLIC WORKS ROAD & BRIDGE DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 17-12-011-1, DATED 11/17/2017.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.  
203540\_SK\_1803054\_SUNSET-PARCEL-105.dwg

REVISIONS

DATE

DESCRIPTION

DATE: 1/8/21

SHEET: 1 OF 2

SECTION 41  
TOWNSHIP 20 SOUTH  
RANGE 34 EAST

# SKETCH OF DESCRIPTION

PARCEL 105

SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST

PARENT PARCEL ID NO.: 20G-34-41-AC-\*--17

PURPOSE: RIGHT OF WAY FEE SIMPLE CONVEYANCE



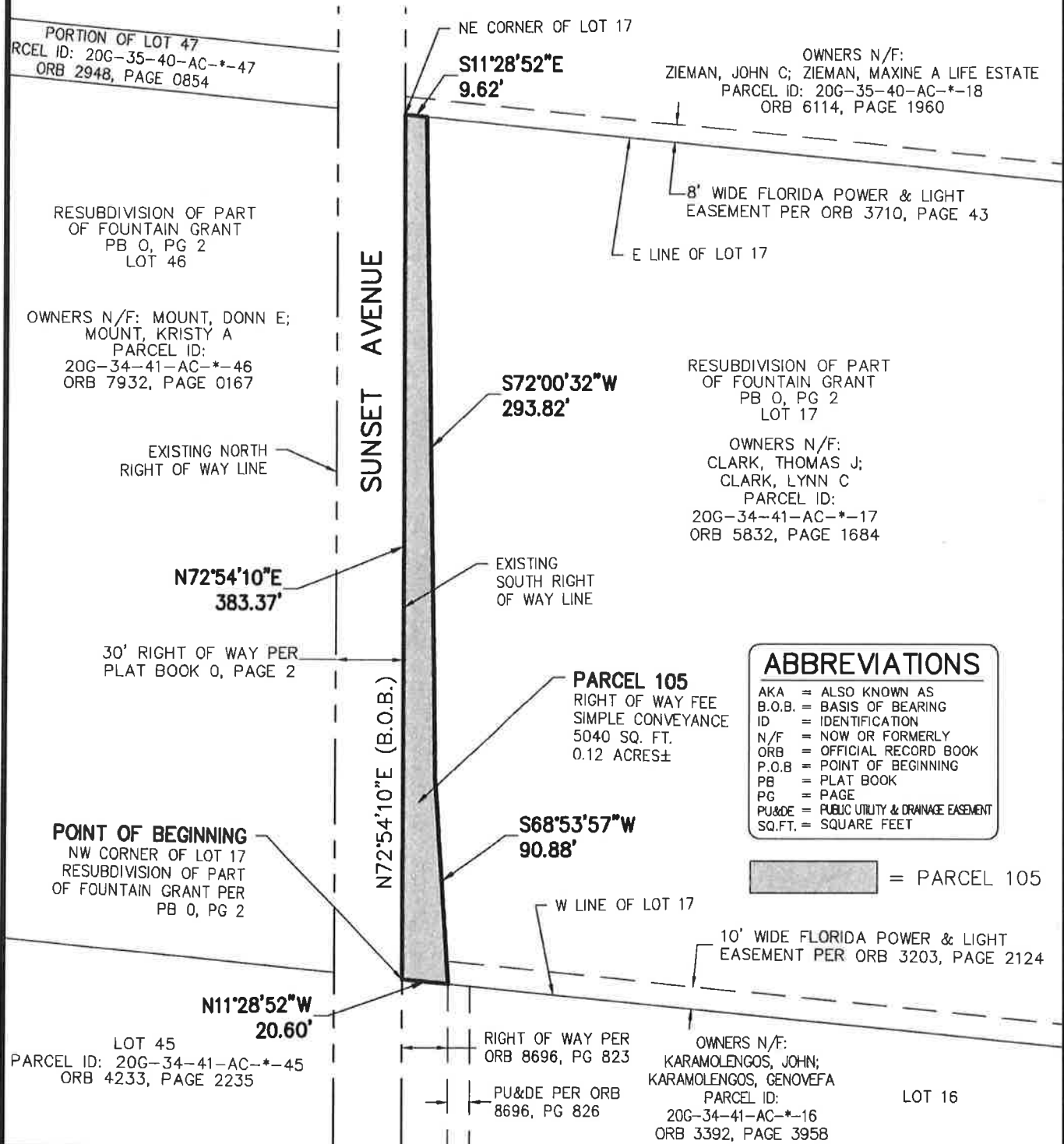
1"=60'

## EXHIBIT "A"

SHEET 2 OF 2

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SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
VIERA, FLORIDA 32940  
PHONE: (321) 633-2080

SCALE:

1"=60'

DRAWING NO.:

203540\_SK\_1803054\_SUNSET-PARCEL-105.dwg

SECTION 41

TOWNSHIP 20 SOUTH  
RANGE 34 EAST

Prepared by/Return to:

Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)

2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940

A portion of Interest in Tax Parcel I.D.:20G-34-41-AC-\*-17

### PUBLIC UTILITY AND DRAINAGE EASEMENT

**THIS INDENTURE**, made this 23<sup>rd</sup> day of April, A.D. 2020, between Thomas J. and Lynn C. Clark, husband and wife, as the first party, Grantor, whose mailing address is 3475 Sunset Avenue, Mims, FL 32754 and Brevard County, Florida, a political subdivision of the State of Florida, as the second party, Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, FL 32940, 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 public utility and drainage easement commencing on the above date for the purposes of constructing, reconstructing, maintaining or reconfiguring drainage, utilities, and other allied uses pertaining thereto, over, under, upon, above and through the following lands:

The land affected by the granting of the easements is located in Section 41, Township 20 South, Range 34 East, County of Brevard, State of Florida, and being more particularly described as follows:

#### **SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

Including the right of ingress and egress onto the easement area as may be necessary for full use and enjoyment by Grantee of its easement. Grantor(s) 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:

Bruce Black

Witness

Bruce Black  
(Print Name)

Lucy Hamelers  
Witness

(Print Name)

Thomas J. Clark

Thomas J. Clark

Lynn C. Clark

Lynn C. Clark

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 23rd day of April, 2020, by Thomas J. and Lynn C. Clark, who is is not personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 23rd day of April, 2020.

Notary Public [Signature]

Print Name \_\_\_\_\_

Commission No. \_\_\_\_\_

Commission Expires \_\_\_\_\_

Agenda Item # \_\_\_\_\_

Board Meeting Date \_\_\_\_\_



# LEGAL DESCRIPTION

## PARCEL 802

SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST

PARENT PARCEL ID NO: 20G-34-41-AC-\*--17

PURPOSE: DRAINAGE AND PUBLIC UTILITY EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL 802, DRAINAGE AND UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 17, RESUBDIVISION OF PART OF FOUNTAIN GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 0, PAGE 2, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ALSO BEING LOCATED WITHIN SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID LOT 17; THENCE SOUTH 11° 28' 52" EAST ALONG THE WEST LINE OF SAID LOT 17 FOR A DISTANCE OF 20.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID WEST LINE, RUN NORTH 68° 53' 57" EAST FOR A DISTANCE OF 90.88 FEET; THENCE NORTH 72° 00' 32" EAST FOR A DISTANCE OF 293.82 FEET TO A POINT ON THE EAST LINE OF SAID LOT 17; THENCE SOUTH 11° 28' 52" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 10.06 FEET; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 72° 00' 32" WEST FOR A DISTANCE OF 292.68 FEET; THENCE SOUTH 69° 15' 24" WEST FOR A DISTANCE OF 91.94 FEET TO A POINT ON SAID WEST LINE OF LOT 17; THENCE NORTH 11° 28' 52" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 9.55 FEET TO THE POINT OF BEGINNING, CONTAINING 3819 SQUARE FEET (0.09 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYOR'S NOTES:

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2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE SOUTH RIGHT OF WAY LINE OF SUNSET AVENUE ADJACENT TO SAID LOT 17 AS BEING NORTH 72° 54' 10" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
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  - B. EASEMENTS PER SAID TITLE REPORT: FP&L EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 3203, PAGE 2124; SHOWN HEREIN.
  - C. RIGHT OF WAY CONTROL AND SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY PUBLIC WORKS ROAD & BRIDGE DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 17-12-011-1, DATED 11/17/2017.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.  
203540\_SK\_1803054\_SUNSET-PARCEL-802.dwg

SECTION 41  
TOWNSHIP 20 SOUTH  
RANGE 34 EAST

DATE: 1/8/21

SHEET: 1 OF 2

REVISIONS

DATE

DESCRIPTION

# SKETCH OF DESCRIPTION

PARCEL 802

SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST

PARENT PARCEL ID NO.: 20G-34-41-AC-\*--17

PURPOSE: DRAINAGE AND PUBLIC UTILITY EASEMENT



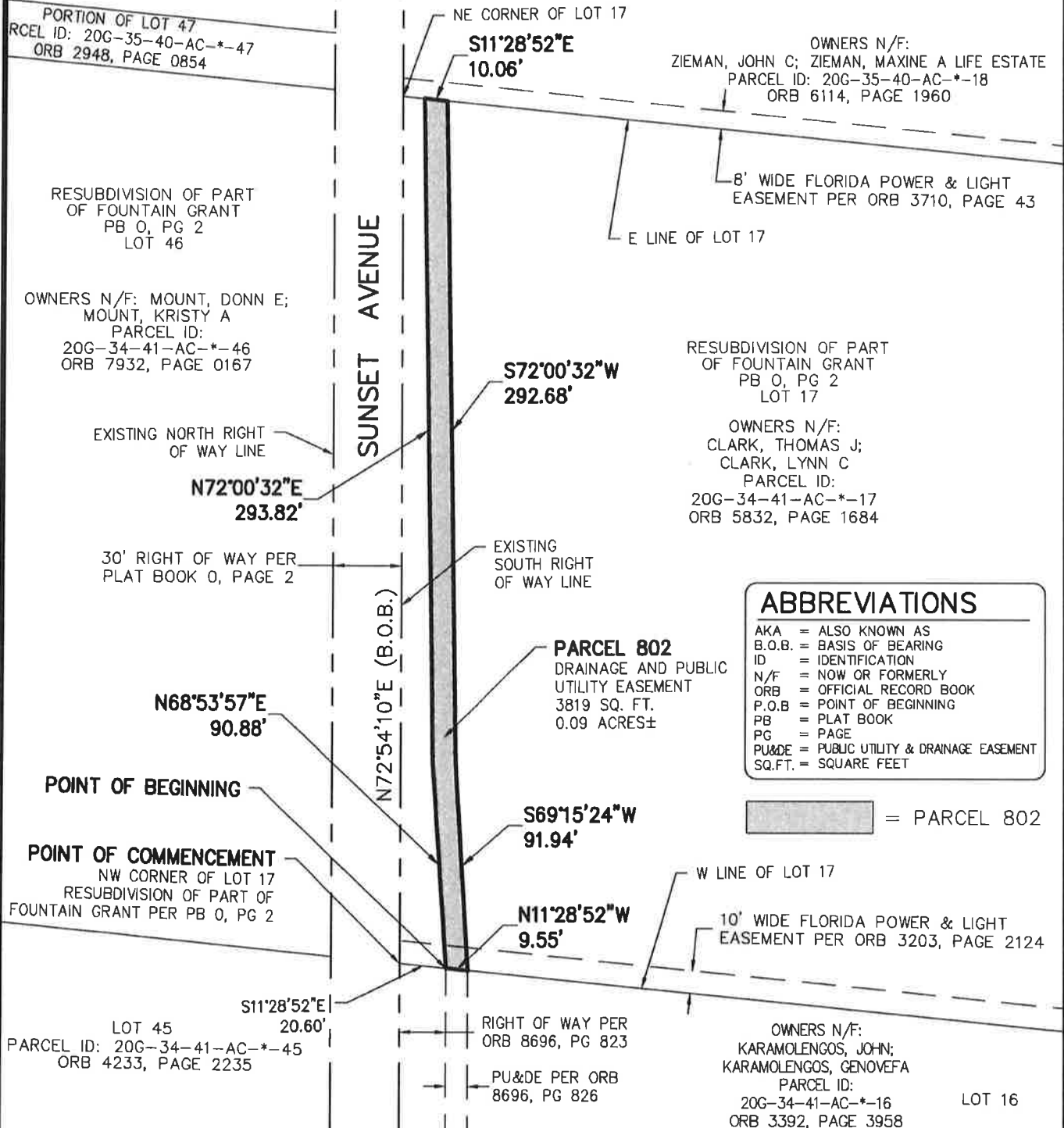
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EXHIBIT "A"

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SCALE:

1"=60'

DRAWING NO.:

203540\_SK\_1803054\_SUNSET-PARCEL-802.dwg

SECTION 41

TOWNSHIP 20 SOUTH  
RANGE 34 EAST

## LOCATION MAP

**Section 41, Township 20 South, Range 34 East - District 1**

PROPERTY LOCATION: West of Dixie Way, east of Oak Street on south side of Sunet Avenue in Mims

OWNER(S) NAME: Thomas J. and Lynn C. Clark

