# **Agenda Report**



2725 Judge Fran Jamieson Way Viera, FL 32940

### Consent

F.17.

7/6/2021

### Subject:

Approval, Re: 1) Donation of Permanent Right of Way, Drainage and Utility Easement Agreement and Drainage Easement from Monica Ellis, and 2) Donation of Warranty Deed and Drainage Easement from Angie E. and Jeffrey C. Hampton for Bevis Ditch Drainage Maintenance - District 2.

### **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 Right of Way, Drainage and Utility Easement Agreement (1), Drainage Easements (2), and Warranty Deed (1) and authorize the Chair to execute the Permanent Right of Way, Drainage and Utility Easement Agreement.

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

The subject properties are located in Section 27, Township 24 South, Range 36 East, on the east side of North Tropical Trail south of Lucas Road 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. Upon reviewing the survey provided by parcel owner Ellis, it was determined by the Department that a Right-of-Way, Drainage and Utility Easement along North Tropical Trail would be necessary to implement the drainage improvement.

Ellis subsequently conveyed approximately 1 acre of her parcel to the Hamptons and informed them of the County's plan to improve drainage along this section of North Tropical Trail. In a desire to cooperate with the County, the Hamptons agreed to donate by Warranty Deed the right- of- way along North Tropical Trail to clearly define the right-of-way limits.

The attached Drainage Easements provided by both Ellis and Hampton will formalize the County's ability to access and maintain Bevis Ditch.

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:

F.17. 7/6/2021

Upon execution by the Chair, Public Works Department will make arrangements to pick up the original executed Permanent Right-of-Way, Drainage, and Utility Easement Agreement.



### FLORIDA'S SPACE COAST

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



July 7, 2021

### MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.17., Approval for Donation of Permanent Right-of-Way, Drainage and Utility Easement Agreement, and Drainage Easement from Monica Ellis; and Donation of Warranty Deed and Drainage Easement from Angie E. and Jeffrey C. Hampton for Bevis Ditch Drainage Maintenance

The Board of County Commissioners, in regular session on July 6, 2021, approved and executed the Permanent Right-of-Way, Drainage, and Utility Easement Agreement; approved and accepted the Drainage Easement from Monica Ellis; and approved and accepted the Warranty Deed and Drainage Easement from Angie E. and Jeffrey C. Hampton for the Bevis Ditch Drainage Maintenance. Enclosed is a fully-executed Agreement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

Encl. (1)

Prepared by and return to: Lisa Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of Interest in Tax Parcel I.D.: 24-36-27-00-13

# PERMANENT RIGHT-OF-WAY, DRAINAGE, AND UTILITY EASEMENT AGREEMENT

THIS right-of-way, drainage, and utility easement agreement (the "Easement") is made this day of June, 2021, between Monica Ellis, whose mailing address is Post Office Box 540604, Merritt Island, Florida 32954, hereafter called the Grantor, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, hereafter called the Grantee, for the use and benefit of Brevard County, Florida.

### WITNESSETH:

1. <u>Grant of Easement</u>. That the Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the Grantee, a perpetual non-exclusive right-of-way, drainage and utility easement commencing on the above date for the purposes of constructing, maintaining, reconstructing, or reconfiguring right-of-way, drainage and utilities, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, 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 27, Township 24 South, Range 36 East, Brevard County, Florida, and being more particularly described on **Exhibit "A"** attached hereto (the "Easement Property").

The easement granted is non-exclusive and is made subject to all easements, conditions and restrictions, reservations and other matters of public record.

2. <u>Construction and Maintenance</u>. Grantee shall be responsible, at its sole cost and expense, for constructing and maintaining right-of-way, drainage and utility improvements (collectively the "Infrastructure Improvements") constructed by, or dedicated to Grantee within the Easement Property. Grantee shall perform all construction and maintenance of the Infrastructure Improvements in a good and

workmanlike manner, and such work shall be done in such a manner so as not to unreasonably interfere with Grantors access to and from any property of Grantors lying adjacent to the Easement Property.

- 3. Applicable Law. This Easement shall be governed, enforced and construed in accordance with the laws of the State of Florida. If any provisions of this Easement or the application thereof shall be held to be invalid or unenforceable in a court of law, the remainder of this Easement shall not be affected thereby and each provision of this Easement shall otherwise remain valid and enforceable to the fullest extent permitted by law.
- 4. <u>Enforcement and Remedies</u>. If any party or parties hereto fails to perform or breaches any obligation, requirement, duty or covenant contained herein, the other non-defaulting party or parties shall have the right, at their option, in addition to any of their other rights, privileges or remedies otherwise stated elsewhere herein to (i) bring an action for the recovery of actual damages (not including punitive, consequential or incidental loss or damage) in a court of competent jurisdiction in and for Brevard County, Florida. Any trial shall be non-jury. The failure to enforce any of the terms or provisions of this Easement, however long continued, shall in no event be deemed a waiver of the right to enforce the same thereafter as to the same breach or violation, or as to any other breach or violation occurring prior to or subsequent thereto.

Each Party is responsible for the negligent or wrongful acts or omissions of its own employees, agents or other representatives while acting within the scope of their employment or otherwise within their authorized capacity, arising from the activities encompassed by this Easement. To the extent allowable by law each party, and their successors and assigns, shall indemnify and hold the other party harmless from and against any and all loss, cause, damage, expense, injury, claim and liability (including reasonable attorney's fees and paraprofessional fees at any pre-trial, trial or appellant proceedings) which said other party may suffer or incur solely by reason of the negligent acts or omissions or intentional misconduct of the indemnifying party. Nothing in this agreement shall be considered a waiver of the Grantee's protections afforded to it under Florida's sovereign immunity provisions contained within 768.28, Fla. Statutes and any amount paid under this provision shall not exceed the limits on damages pursuant to 768.28(5), Fla. Statutes.

5. <u>Binding Effect</u>. This Easement, and the rights and interests created herein, runs with the land and shall be binding upon and inuring to the benefit of the parties hereto and their respective successors and assigns. Notwithstanding anything in the foregoing provisions of this Easement to the contrary, Grantors shall have no duties, responsibilities or liabilities hereunder after Grantors have conveyed title to the Easement Property to a third party, except for any duties, responsibilities or liabilities that may have arisen prior to such conveyance. The Grantor does covenant with the Grantee that it is lawfully seized and possessed of the Easement Property and that it has a good and lawful right to grant the Easement. Grantor(s) shall not make any improvements within the Easement Property which will conflict or interfere with the Easement granted herein.

**IN WITNESS WHEREOF**, the parties have caused this easement to be executed, the day and year first above written,

Signed, shaled, and delivered in the presence of:

Witness

Witness

(Print Name)

Witness

Lisa Kreus-e

STATE OF FLORIDA
COUNTY OF BREVARD

(Print Name)

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization on this 27 day of May, 2021, by Monica Ellis. Is personally known or produced Driver License as identification.

Notary Signature

## Acceptance

The Grantee accepts the Permanent Right of Way, Drainage and Utility Easement Agreement and agrees to be bound by its terms.

Dated: 6<sup>th</sup> day of July, 2021.

ATTEST:

**GRANTEE:** 

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk of the Courts

Rita Pritchett, Chair

As approved by the Board on 07/06/2021

# LEGAL DESCRIPTION

# PARCEL 801

PARENT PARCEL ID#: 24-36-27-00-13

PURPOSE: RIGHT OF WAY, UTILITY & DRAINAGE EASEMENT

# EXHIBIT "A"

SHEET | OF 2 NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 801, RIGHT OF WAY, UTILITY AND DRAINAGE EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7091, PAGE 1230 AND BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LANDS DESCRIBED THENCE SOUTH 78' 56' 47" WEST ALONG THE NORTH LINE OF SAID DESCRIBED LANDS FOR A DISTANCE OF 569.90 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LANDS; THENCE DEPARTING SAID NORTH LINE, RUN THENCE SOUTH 13' 40' 15" EAST FOR A DISTANCE OF 158.53 FEET; THENCE SOUTH 17' 32' 30" EAST FOR A DISTANCE OF 72.22 FEET; THENCE SOUTH 16' 24' 35" EAST FOR A DISTANCE OF 182.15 FEET; THENCE SOUTH 16' 40' 53" EAST FOR A DISTANCE OF 98.30 FEET; THENCE SOUTH 18' 52' 34" EAST FOR A DISTANCE OF 12.50 FEET TO A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9082, PAGE 2516; THENCE SOUTH 78' 56' 47" WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 10.07 FEET TO THE NORTHWEST CORNER OF SAID DESCRIBED LANDS; THENCE ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7091, PAGE 1230 THE FOLLOWING 8 COURSES; THENCE NORTH 17' 16' 07" WEST FOR A DISTANCE OF 87.64 FEET; THENCE NORTH 17' 16' 07" WEST FOR A DISTANCE OF 87.64 FEET; THENCE NORTH 16' 44' 48" WEST FOR A DISTANCE OF 83.79 FEET; THENCE NORTH 16' 27' 47" WEST FOR A DISTANCE OF 129.83 FEET; THENCE NORTH 15' 38' 08" WEST FOR A DISTANCE OF 91.33 FEET; THENCE NORTH 14' 14' 49" WEST FOR A DISTANCE OF 44.92 FEET; THENCE NORTH 12' 48' 59" WEST FOR A DISTANCE OF 33.57 FEET; THENCE NORTH 12' 14' 45" WEST FOR A DISTANCE OF 34.76 FEET TO THE NORTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 78' 56' 47" EAST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.04 FEET TO THE POINT OF BEGINNING, CONTAINING 5639 SQUARE FEET (0.125 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### SURVEYOR'S NOTES:

- 1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
- 2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 27 AS BEING SOUTH 00° 09' 48"EAST BASED ON THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
- 3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 21-1128, TAX ACCOUNT NUMBER 2420809, EFFECTIVE DATE 3/11/21. NO EASEMENTS WERE DECLARED WITHIN SAID TITLE REPORT.
  - B. RIGHT OF WAY AND TOPOGRAPHIC SURVEY, NORTH TROPICAL TRAIL & LUCAS ROAD DRAINAGE, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DEPT., PROJECT NO. 20-09-097, DATED 1/12/2021.
  - C. BOUNDARY SURVEY (TO FACILITATE LOT SPLIT), PREPARED BY TOTAL CONTROL SURVEYS, LLC, DATED 2/26/2021.

### ABBREVIATIONS

BOB = BASIS OF BEARINGS = PLAT BOOK C/L = CENTERLINE = PAGE PG = COUNTY COMMISSIONERS MINUTE BOOK CCMB POB = POINT OF BEGINNING **ESMT** = EASEMENT POC = POINT OF COMMENCEMENT GOV'T = GOVERNMENT R/W = RIGHT OF WAY

ID = IDENTIFICATION

N/F = NOW OR FORMERLY

ORB = OFFICIAL RECORDS BOOK

N/W = RIGHT OF WA

SECT = SECTION

SQ FT = SQUARE FEET

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

DESCRIPTION

PREPARED FOR: BREVARD COUNTY

BOARD OF COUNTY COMMISSIONERS

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940

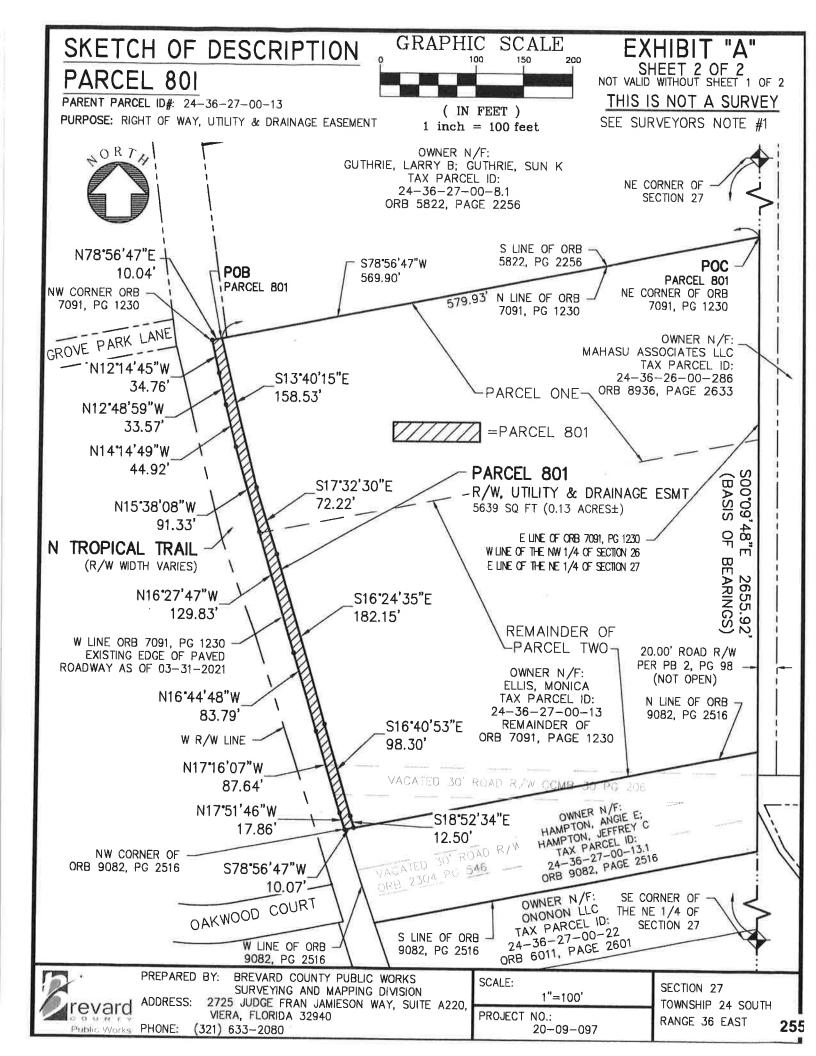
PHONE: (321) 633-2080



	-			
DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 20-09-097		
		REVISIONS	DATE	
DATE: APRIL 21, 2021	SHEET: 1 OF 2			_

TOWNSHIP 24 SOUTH RANGE 36 EAST

254



Prepared by and return to: Lisa Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-36-27-00-13

### **DRAINAGE EASEMENT**

THIS INDENTURE, made this Aday of June, 2021, between Monica Ellis, whose mailing address is Post Office Box 540604, Merritt Island, Florida 32954, 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 acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, reconstructing, reconfiguring, and maintaining 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 27, Township 24 South, Range 36 East, Brevard County, 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 Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does 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 has caused this easement to be executed, the day and year first above written,

Signed, sealed and delivered in the presence of:

Witness

Print Name

Monica Ellis

Witness

Drint Name

**Print Name** 

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of M physical presence or [] online notarization on this day of May, 2021, by Monica Ellis. Is personally known or produced Driver License as identification.

**Notary Signature** 

SEAL

# LEGAL DESCRIPTION

# PARCEL 802

PARENT PARCEL ID#: 24-36-27-00-13

PURPOSE: DRAINAGE EASEMENT

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

THIS IS NOT A SURVEY SEE SURVEYORS NOTE #1

EXHIBIT "A"

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

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7091, PAGE 1230 AND BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID DESCRIBED LANDS; THENCE SOUTH 00° 09' 48" EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE ALSO BEING THE EAST LINE OF THE AFORESAID DESCRIBED LANDS, FOR A DISTANCE OF 531.26 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9082, PAGE 2516; THENCE SOUTH 78° 56' 47" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 19.46 FEET; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 04° 53' 51" WEST FOR A DISTANCE OF 34.55 FEET; THENCE NORTH 00° 13' 27" WEST FOR A DISTANCE OF 91.46 FEET; THENCE NORTH 00° 41' 47" EAST FOR A DISTANCE OF 105.80 FEET; THENCE NORTH 01° 24' 23" WEST FOR A DISTANCE OF 98.94 FEET; THENCE NORTH 02° 17' 19" EAST FOR A DISTANCE OF 95.90 FEET; THENCE NORTH 03° 32' 40" WEST FOR A DISTANCE OF 103.97 FEET TO A POINT ON THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7091, PAGE 1230; THENCE NORTH 78° 56' 47" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 25.09 FEET TO THE TO THE POINT OF BEGINNING, CONTAINING 11,333 SQUARE FEET (0.26 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### SURVEYOR'S NOTES:

- 1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
- 2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 27 AS BEING SOUTH 00° 09' 48" EAST BASED ON THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901
- 3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 21-1128, TAX ACCOUNT NUMBER 2420809, EFFECTIVE DATE 3/11/21. NO EASEMENTS WERE DECLARED WITHIN SAID TITLE REPORT.
  - B. RIGHT OF WAY AND TOPOGRAPHIC SURVEY, NORTH TROPICAL TRAIL & LUCAS ROAD DRAINAGE, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DEPT., PROJECT NO. 20-09-097, DATED 1/12/2021.
  - C. BOUNDARY SURVEY (TO FACILITATE LOT SPLIT), PREPARED BY TOTAL CONTROL SURVEYS, LLC, DATED 2/26/2021.

### ABBREVIATIONS

BOB = BASIS OF BEARINGS ORB = OFFICIAL RECORDS BOOK  $C/L = CENTERLINE \\ CCMB = COUNTY COMMISSIONERS MINUTE BOOK$ PB = PLAT BOOK = PAGE = POINT OF BEGINNING AEL J. SW = POINT OF COMMENCEMENTIFICAL PG = PAGE ESMT = EASEMENT POB GOV'T = GOVERNMENT POC = IDENTIFICATION ID = RIGHT OF WAY R/W No. 4870 N/F = NOW OR FORMERLY = SECTION SECT SQ FT = SQUARE FEET

PREPARED FOR: 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

CHECKED BY: M. J. SWEENEY

SUITE AZZU, VIERA, FLORIDA 3Z940

SECTION 27 TOWNSHIP 24 SOUTH RANGE 36 EAST

STATE OF ORIDA

DATE: APRIL 21, 2021 SHEET: 1 OF 2

(321) 633-2080

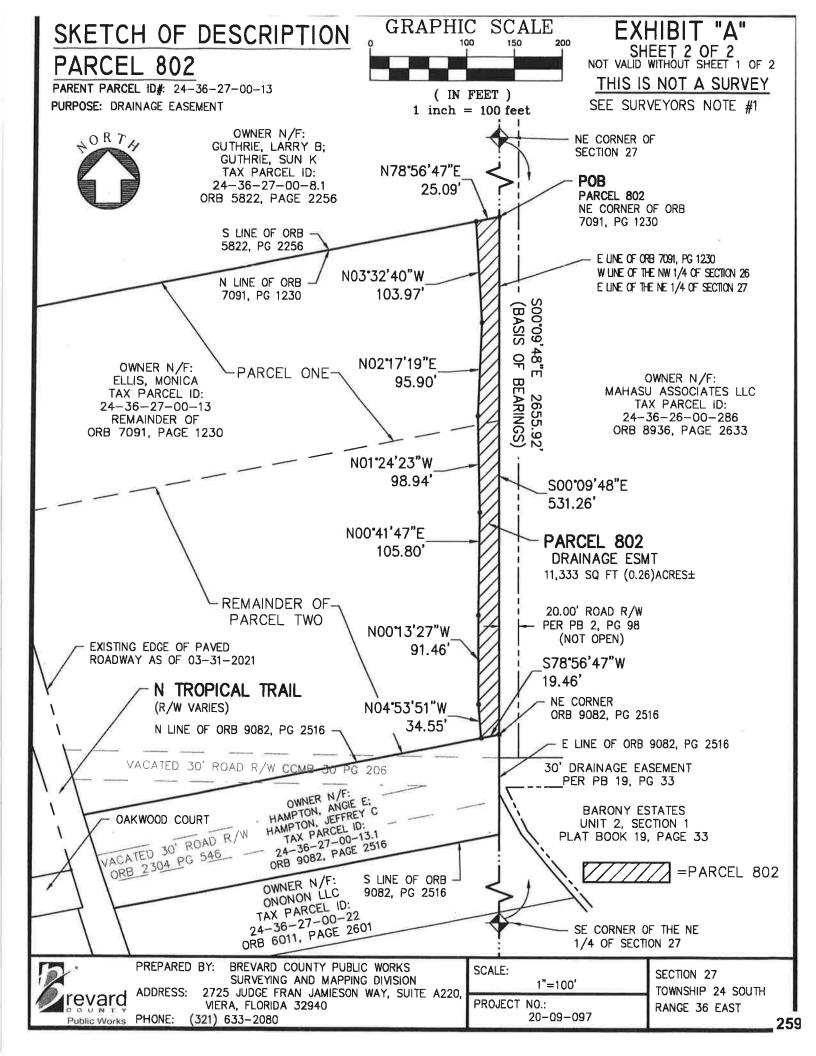
PHONE:

DRAWN BY: R. HENNING

PROJECT NO. 20-09-097

REVISIONS DATE DESCRIPTION

vard



Public Works Department, Land Acquisition 2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940 A portion of interest in Tax Parcel ID: 24-36-27-00-13.1 North Tropical Trail

### **WARRANTY DEED**

THIS INDENTURE is made this \_\_\_\_\_\_day of May, 2021, by Angie E. Hampton and Jeffrey C. Hampton, wife and husband, hereafter called the Grantor, whose mailing address is 76 Laurel Gate Lane, Saint Augustine, Florida 32092, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

WITNESSETH that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, situate, lying and being in the Brevard County, 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 Grantor does fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Print Name

Witness

**Print Name** 

**GRANTOR:** 

Angié E. Hamptoi

Jeffrey C. Hampton

STATE OF FLORIDA

COUNTY OF BREVARD St. Johns

The foregoing instrument was acknowledged before me by means of [4] physical presence or [7] online notarization on this 1 day of May, 2021, by Angie E. Hampton and Jeffrey C. Hampton, wife and husband. Is personally known or produced Driver License as identification.

ALYSSA DE HOYOS

Notary Public - State of Florida
Commission # GG 340242
My Comm. Expires May 30, 2023
Bonded through National Notary Assn.

Notary Signature

SEAL

# LEGAL DESCRIPTION PARCEL 103

PARENT PARCEL ID#: 24-36-27-00-13.1
PURPOSE: FEE SIMPLE RIGHT OF WAY

EXHIBIT "A"

SHEET I OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 103, FEE SIMPLE RIGHT OF WAY (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9082, PAGE 2516 AND BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 78° 56' 47" WEST ALONG THE SOUTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 404.04 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LANDS; THENCE CONTINUE SOUTH 78° 56' 47" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 10.09 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 40.07 FEET; THENCE NORTH 17° 51' 46" WEST CONTINUING ALONG THE WEST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 60.72 FEET TO THE NORTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 60.72 FEET TO THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.07 FEET; THENCE NORTH 78° 56' 47" EAST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.07 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 17° 51' 46" EAST FOR A DISTANCE OF 59.45 FEET; THENCE SOUTH 18° 46' 26" EAST A DISTANCE OF 41.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1,008 SQUARE FEET (0.02 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### SURVEYOR'S NOTES:

- 1. 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 EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 27 AS BEING SOUTH 00° 09' 48"EAST BASED ON THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
- 3. REFERENCE MATERIAL:
  - A. AMERICAN LAND TITLE ASSOCIATION COMMITMENT ISSUED BY DOCKSIDE TITLE LLC, ISSUING OFFICE FILE NUMBER 21-1044, FILE NO. 21006051 DM1, EFFECTIVE DATE 3/20/2021. NO EASEMENTS WERE DECLARED WITHIN SAID TITLE REPORT.
  - B. RIGHT OF WAY AND TOPOGRAPHIC SURVEY, NORTH TROPICAL TRAIL & LUCAS ROAD DRAINAGE, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DEPT., PROJECT NO. 20-09-097, DATED 1/12/2021.
  - C. BOUNDARY SURVEY (TO FACILITATE LOT SPLIT), PREPARED BY TOTAL CONTROL SURVEYS, LLC, DATED 2/26/2021.

### **ABBREVIATIONS**

= BASIS OF BEARINGS BOB **ORB** = OFFICIAL RECORDS BOOK = CENTERLINE C/L PB = PLAT BOOK CCMB CERTIFICA, = COUNTY COMMISSIONERS MINUTE BOOK = PAGE PG = EASEMENT ESMT POB = POINT OF BEGINNING = GOVERNMENT No. 4870 GOV'T = POINT OF COMMENCEMENT POC ID = IDENTIFICATION R/W = RIGHT OF WAY = NOW OR FORMERLY N/F = SECTION SECT STATE OF SQ FT = SQUARE FEET

PREPARED FOR:

BREVARD COUNTY

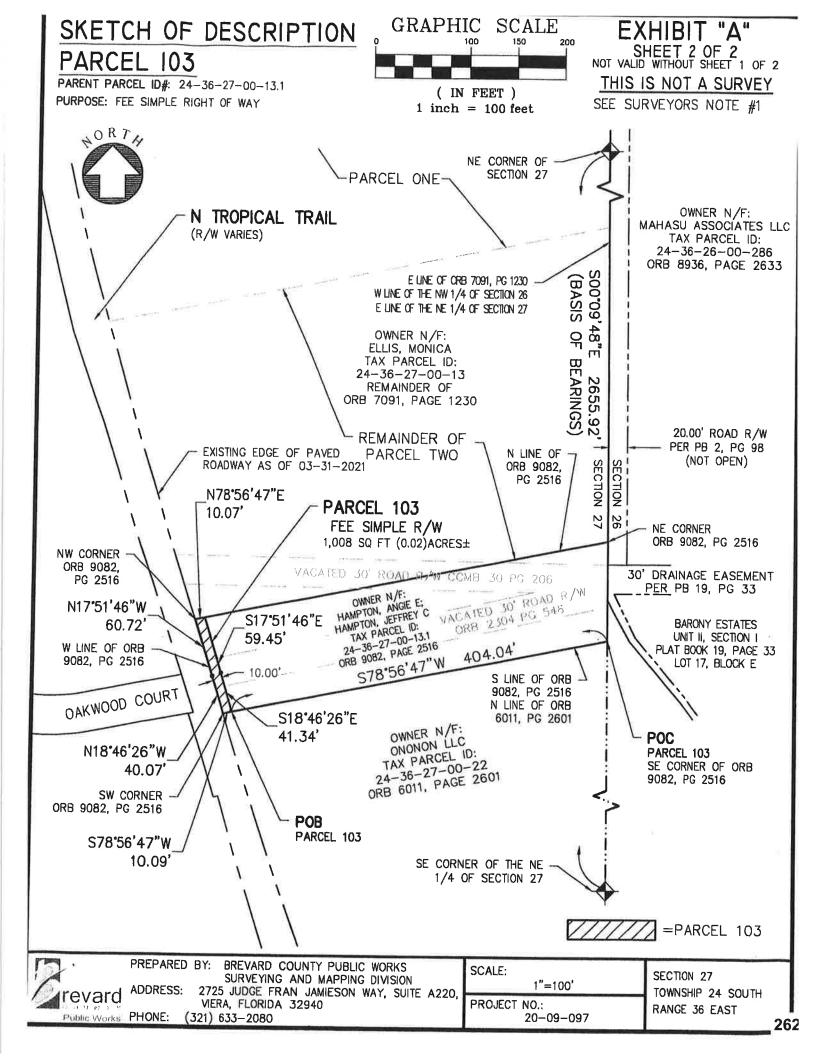
BOARD OF COUNTY COMMISSIONERS

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

revard

1110NL: (321) 033-200	30				Fublic VV	alks
DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 20-09-097			SECTION 27	
		REVISIONS	DATE	DESCRIPTION	TOWNSHIP 24 SOUTH	
DATE: APRIL 21, 2021	SHEET: 1 OF 2	1 1			RANGE 36 EAST	2



Prepared by and return to: Lisa Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-36-27-00-13.1

### **DRAINAGE EASEMENT**

THIS INDENTURE, made this \_\_\_\_/7 day of May, 2021, between Angie E. Hampton and Jeffrey C. Hampton, wife and husband whose address is 76 Laurel Gate Lane, Saint Augustine, Florida 32092, 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 acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, reconstructing, reconfiguring, and maintaining 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 27, Township 24 South, Range 36 East, Brevard County, 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 Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does 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 has caused this easement to be executed, the day and year first above written,

Signed, sealed and delivered in the presence of:

Witness

Hyss Detlayor

Print Name

Witness

Jonah Murphy

**Print Name** 

Jeffrey C. Hampton

STATE OF FLORIDA

COUNTY OF BREVARD St. Johns

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization on this 4 day of May, 2021, by Angie E. Hampton and Jeffrey C. Hampton, wife and husband. Is personally known or produced Driver License as identification.

Notary Signature

SFAT

ALYSSA DE HOYOS Notary Public - State of Florida Commission # GG 340242 My Comm. Expires May 30, 2023 Bonded through National Notary Assn.

# LEGAL DESCRIPTION PARCEL 803

PARENT PARCEL ID#: 24-36-27-00-13.1

PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET | OF 2 NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 803, DRAINAGE EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9082, PAGE 2516 AND BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 11° 59' 02" WEST FOR A DISTANCE OF 88.71 FEET; THENCE NORTH 04° 53' 51" WEST FOR A DISTANCE OF 11.37 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 78° 56' 47" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 19.46 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 00° 09' 48" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID LINE ALSO BEING THE EAST LINE OF THE AFORESAID DESCRIBED LANDS, FOR A DISTANCE OF 101.83 FEET TO THE POINT OF BEGINNING, CONTAINING 1,035 SQUARE FEET (0.03 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.

2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 27 AS BEING SOUTH 00' 09' 48" EAST BASED ON THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.

3. REFERENCE MATERIAL:

A. AMERICAN LAND TITLE ASSOCIATION COMMITMENT ISSUED BY DOCKSIDE TITLE LLC, ISSUING OFFICE FILE NUMBER 21-1044, FILE NO. 21006051 DM1, EFFECTIVE DATE 3/20/2021. NO EASEMENTS WERE DECLARED WITHIN SAID TITLE REPORT.

B. RIGHT OF WAY AND TOPOGRAPHIC SURVEY, NORTH TROPICAL TRAIL & LUCAS ROAD DRAINAGE, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DEPT., PROJECT NO. 20-09-097, DATED 1/12/2021.

C. BOUNDARY SURVEY (TO FACILITATE LOT SPLIT), PREPARED BY TOTAL CONTROL SURVEYS, LLC, DATED 2/26/2021.

### **ABBREVIATIONS**

BOR = BASIS OF BEARINGS ORB = OFFICIAL RECORDS BOOK C/L CCMB = CENTERLINE PB = PLAT BOOK = COUNTY COMMISSIONERS MINUTE BOOK PG = PAGE ESMT = EASEMENT POB = POINT OF BEGINNING GOV'T = GOVERNMENT POC = POINT OF COMMENCEMENT ID = IDENTIFICATION R/W = RIGHT OF WAY N/F = NOW OR FORMERLY = SECTION SECT SQ FT SQUARE FEET

PREPARED FOR:

BREVARD COUNTY

BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
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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

F NO. 20-09-097

SECTION 27

DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

REVISIONS

DATE DESCRIPTION

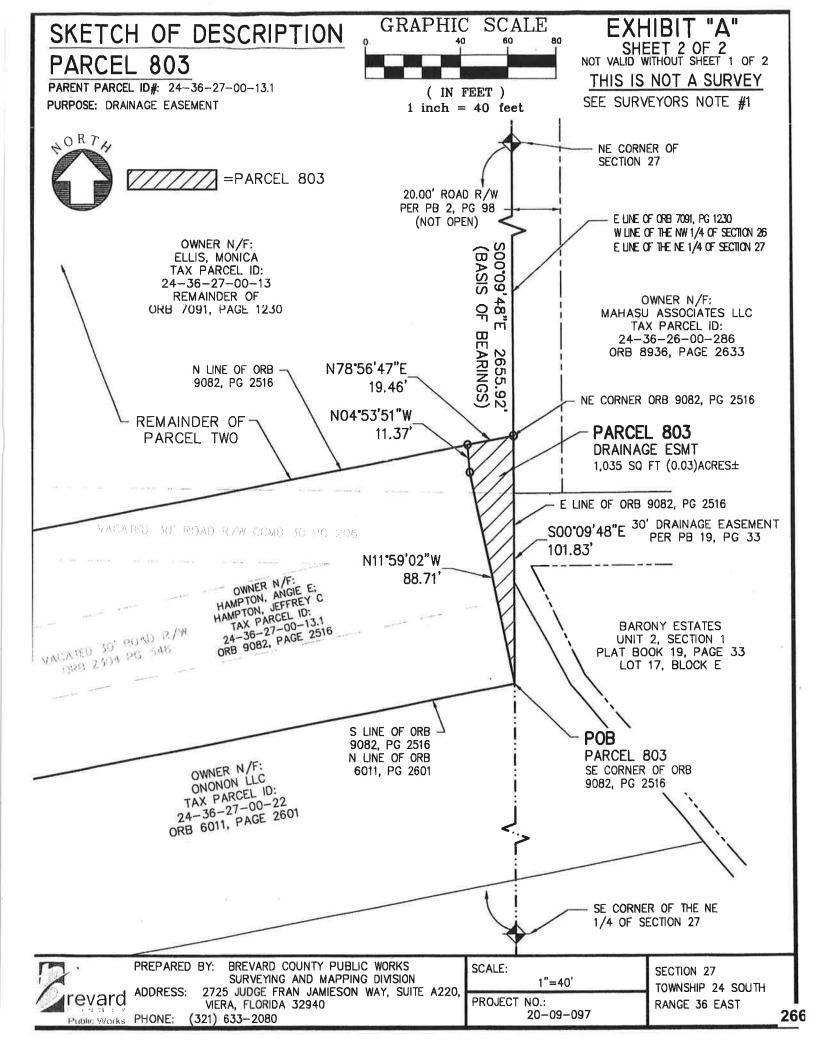
DATE: APRIL 21, 2021

SHEET: 1 OF 2

No. 4870

TOWNSHIP 24 SOUTH

RANGE 36 EAST

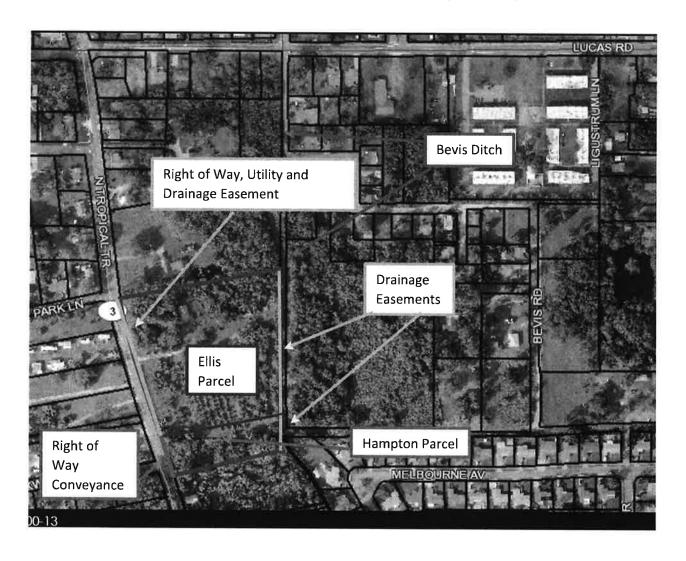


# **LOCATION MAP**

# Section 27, Township 24 South, Range 36 East - District 2

PROPERTY LOCATION: parcels are located on the east side of North Tropical Trail, south of Lucas Road

OWNERS NAME(S): Monica Ellis and Angie E. and Jeffrey C. Hampton



# **BOARD OF COUNTY COMMISSIONERS**

### AGENDA REVIEW SHEET

AGENDA:

1) Donation of Permanent Right of Way, Drainage and Utility Easement

Agreement and Drainage Easement from Monica Ellis, and 2) Donation of

Warranty Deed and Drainage Easement from Angie E. and Jeffrey C.

Hampton for Bevis Ditch Maintenance - District 2

AGENCY:

Public Works Department / Land Acquisition

**AGENCY CONTACT:** 

Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE:

321-350-8353 Ext. 58353

cms

LAND ACQUISITION Lucy Hamelers, Supervisor

COUNTY ATTORNEY Christine Schverak **Assistant County Attorney**  APPROVE DISAPPROVE DATE

06/14/2021