

Meeting Date
July 26, 2016



AGENDA	
Section	Consent
Item No.	II.A.11

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Sidewalk Easement and Donation of Easement to County from Freddie Lee Randolph, Sr., for conveyance of easement (#801) needed for the Schoolhouse Street Easement Project- District 2 (Fiscal Impact: None)
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DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Housing and Human Services Department
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Requested Action:
It is requested that the Board of County Commissioners approve and accept the Permanent Sidewalk Easement and Donation of Easement to County from Freddie Lee Randolph, Sr.

Summary Explanation & Background:
The subject property is located in Section 22, Township 24 South, Range 36 East.
Housing and Human Services has determined the sidewalk easement is necessary to provide school children and local residents a safe and effective way to travel on Schoolhouse Street.
There is a mortgage on the property and Mortgagee (Fidelity Bank of Florida, N.A.) has executed a Joinder in Dedication of Sidewalk Easement in favor of Brevard County.
Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.
Fiscal Impact: FY 2016-2017: No Impact
FY 2017-2018: No Impact

Clerk to the Board Instructions: Forward the Board approval memo to Department.

Exhibits Attached: Copy of Permanent Sidewalk Easement with Exhibit A, Copy of Donation of Easement to County with Exhibit A, Copy of Joinder in Dedication of Sidewalk Easement in Favor of Brevard County with Exhibit A, Location Map, Property Fact Sheet

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten 	Assistant County Manager	John Denninghoff / 57202  Ian Golden / 52007 



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

July 27, 2016

MEMORANDUM

TO: John Denninghoff, Public Works Department

RE: Item II.A.11., Permanent Sidewalk Easement and Donation of Easement from Freddie Lee Randolph, Sr. for Parcel #801 Needed for Schoolhouse Street Easement Project

The Board of County Commissioners, in regular session on July 26, 2016, approved and accepted the Permanent Sidewalk Easement and Donation of Easement to Brevard County from Freddie Lee Randolph, Sr.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

cc: Contracts Administration
Asset Management
Finance
Budget

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT SIDEWALK EASEMENT AND DONATION OF EASEMENT TO COUNTY FROM FREDDIE LEE RANDOLPH, SR. (PARCEL 801 FOR SIDEWALK ON SCHOOLHOUSE STREET)

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / HOUSING & HUMAN SERVICES DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DJS</u>	_____	<u>6/20/16</u>
HOUSING & HUMAN SERV. DEPT Ian Golden, Director	<u>IG</u>	_____	<u>6/21/16</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u>See attached</u>	_____	<u>6/28/16</u>
PUBLIC WORKS John Denninghoff, Director	<u>JDS</u>	_____	<u>7/11/16</u>

AGENDA DUE DATE: July 12, 2016 for the July 26, 2016 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

BOARD OF COUNTY COMMISSIONERS


AGENDA: PERMANENT SIDEWALK EASEMENT AND DONATION OF EASEMENT TO COUNTY FROM FREDDIE LEE RANDOLPH, SR. (PARCEL 801 FOR SIDEWALK ON SCHOOLHOUSE STREET)

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HOUSING & HUMAN SERV. DEPT Ian Golden, Director	_____	_____	_____
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney		_____	<u>6/28/16</u>
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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

PERMANENT SIDEWALK EASEMENT

THIS INDENTURE, made this 14th day of June, 2016 A.D., between **FREDDIE LEE RANDOLPH, SR.**, whose mailing address is 416 Roosevelt Avenue, Merritt Island, Florida 32953, as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Melbourne, 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 sole purpose of constructing and maintaining a sidewalk and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 22, Township 24 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and 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.

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:

Michael McDonald

Witness

Michael McDonald

(Print Name)

Freddie Lee Randolph Sr.
FREDDIE LEE RANDOLPH, SR.

J. Krym Ingalls

Witness

J. KRYM INGALLS

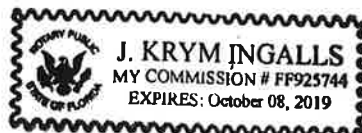
(Print Name)

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 14th day of June, 2016, by Freddie Lee Randolph, Sr., who is personally known to me or who has produced FL Driver License as identification and who did/did not, take an oath.

WITNESS my hand and official seal at the County of Brevard, State of Florida, this 14th day of June, 2016.

R534-25247-217-0



J. Krym Ingalls
NOTARY PUBLIC

J. KRYM INGALLS
Print Name

Commission No. FF923744

Commission Expires: 10-08-19

Board Date: _____

Agenda Item #: _____

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL # 801

SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID#: 24-36-22-01-0000.0-0079.00
PURPOSE: SIDEWALK EASEMENT

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801 SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

A parcel of land 10 feet in width lying within a portion of Lot 80, WASHINGTON PARK as per Plat Book 3, Page 86, Official Records of Brevard County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of the intersection of the South Right-of-Way Line of Lincoln Avenue (40 foot Right-of-Way) and the West Right-of-Way line of Schoolhouse Street (30 foot Right-of-Way), per Plat Book 3, Page 86, said point also being POINT OF COMMENCEMENT thence S0°04'06"W a distance of 122.06 feet to POINT OF BEGINNING, said point also being the northeast corner of said Lot 80, of the following described easement:

Thence run S0°04'06"W along the said West Right-of-Way Line of Schoolhouse Street, a distance of 122.06 feet, thence departing said West Right-of-Way Line run N89°55'54"W, a distance of 10.00 feet, along the North Right-of-Way Line of Roosevelt Avenue, thence N0°04'06"E a distance of 122.06 feet to a point on the north line of said Lot 80, thence S89°55'54"E along said north line a distance of 10.00 feet, to the POINT OF BEGINNING.

Containing 0.028 acres (±1,220.60 square feet), more or less

SURVEYORS NOTES:

1. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF OWNERSHIP AND ENCUMBRANCE CERTIFICATE, PREPARED BY DAWSON LAW P.A., EFFECTIVE DATE OF SEARCH 5/18/2016, CLIENT FUND FILE NUMBER 318978.
2. SUBJECT TO USE EASEMENT TO THE BACK ENTRANCE OF THE HOUSE AT 400 ROOSEVELT AVE. PER ORB 3224 PG 0415. NO DEFINITE LOCATION OR DIMENSIONS ARE PROVIDED FOR THE LOCATION OF THAT USE.
3. THIS MAP IS NOT A SURVEY.
4. BEARINGS HEREON ARE REFERRED TO AN ASSUMED VALUE OF N90°00'00"E FOR THE SOUTH RIGHT-OF-WAY LINE OF LINCOLN AVENUE.

LEGEND:

AKA= ALSO KNOWN AS
 PC = POINT OF CURVATURE
 POB= POINT OF BEGINNING
 POC= POINT OF COMMENCEMENT
 ORB= OFFICIAL RECORDS BOOK
 PB = PLAT BOOK
 PG = PAGE
 R/W= RIGHT OF WAY

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

CHRISTOPHER S. BOWERS, PSM FL CERT. NO. 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: MORGAN & ASSOCIATES CONSULTING ENGINEERS, INC.
Civil Engineers and Land Surveyors - E.B. #7903 / L.B. #7040
504 N. Harbor City Blvd., Melbourne, FL. 32935
(321) 751-6088

DRAWN BY: LLM	CHECKED BY: CSB	PROJECT NO. 2013-30		SECTION 22 TOWNSHIP 24 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: 06/09/2016	DRAWING: 2013-30		06/14/16	Per County Comments

SKETCH OF DESCRIPTION

PARCEL # 801

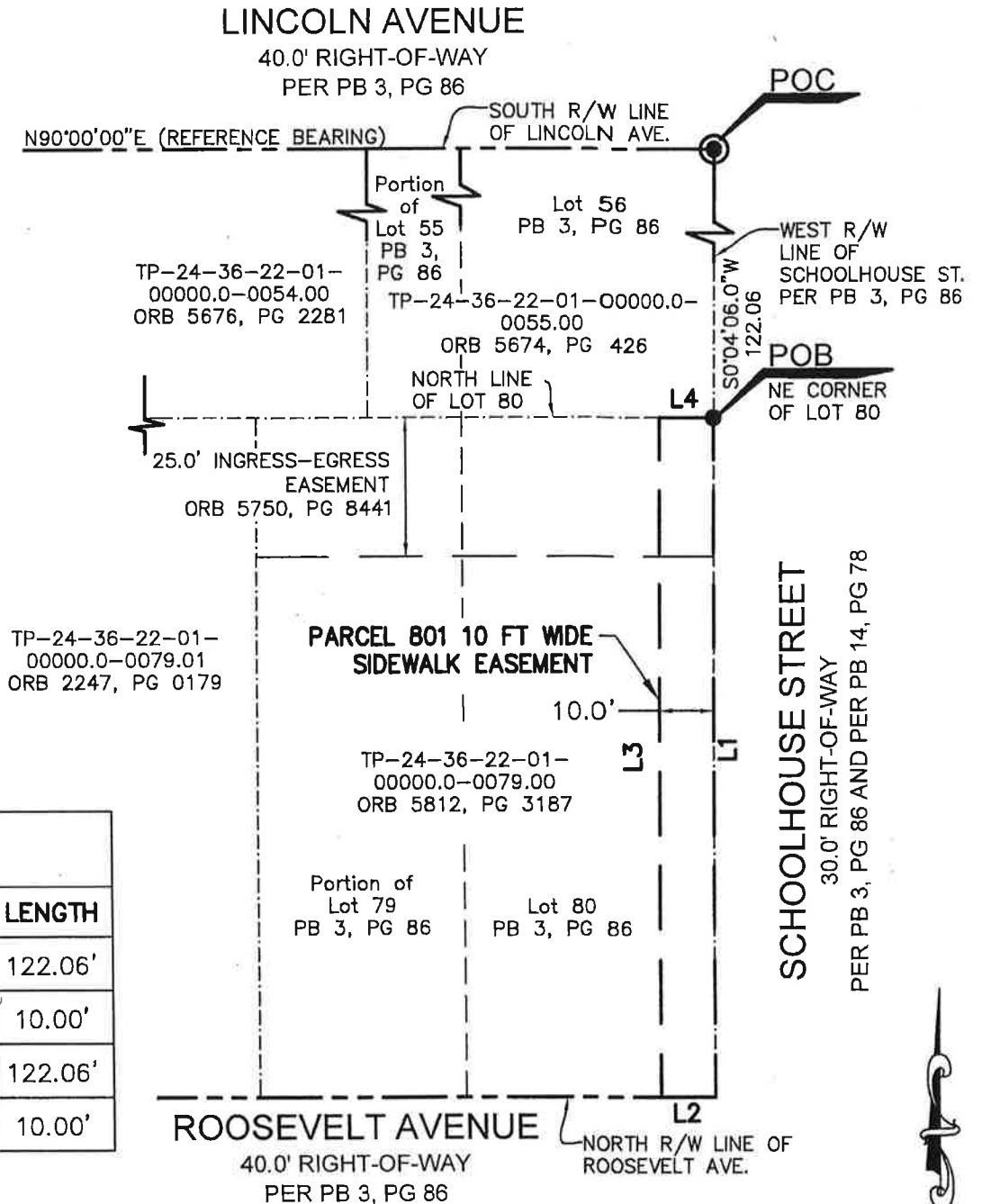
PARENT PARCEL ID# 24-36-22-01-00000.0-0079.00
 PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

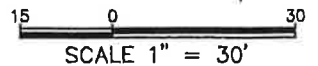
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LINE TABLE

LINE	BEARING	LENGTH
L1	S0°04'06"W	122.06'
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L3	N0°04'06"E	122.06'
L4	S89°55'54"E	10.00'



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SCALE:
 1" = 30'

PROJECT NO.:
 2013-30

SECTION 22
TOWNSHIP 24 SOUTH
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BOARD OF COUNTY COMMISSIONERS

Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way
Building A, Room 204
Viera, Florida 32940

Donation of Easement to the County

Freddie Lee Randolph, Sr.
416 Roosevelt Avenue
Merritt Island, FL 32953

Re: Schoolhouse Street Sidewalk Easement Project

This is to advise that the undersigned, as owner of the property located at 416 Roosevelt Avenue, Merritt Island, FL., 32953, desire to make a voluntary donation of an easement to said property as described in Exhibit A attached, to the County for the use and benefit of the County, for purposes of Sidewalk Easement, in connection with the Schoolhouse Street Sidewalk Easement Project.



BY: Freddie Lee Randolph, Sr. date

LEGAL DESCRIPTION

PARCEL # 801

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DATE: 06/09/2016	DRAWING: 2013-30		06/14/16	Per County Comments

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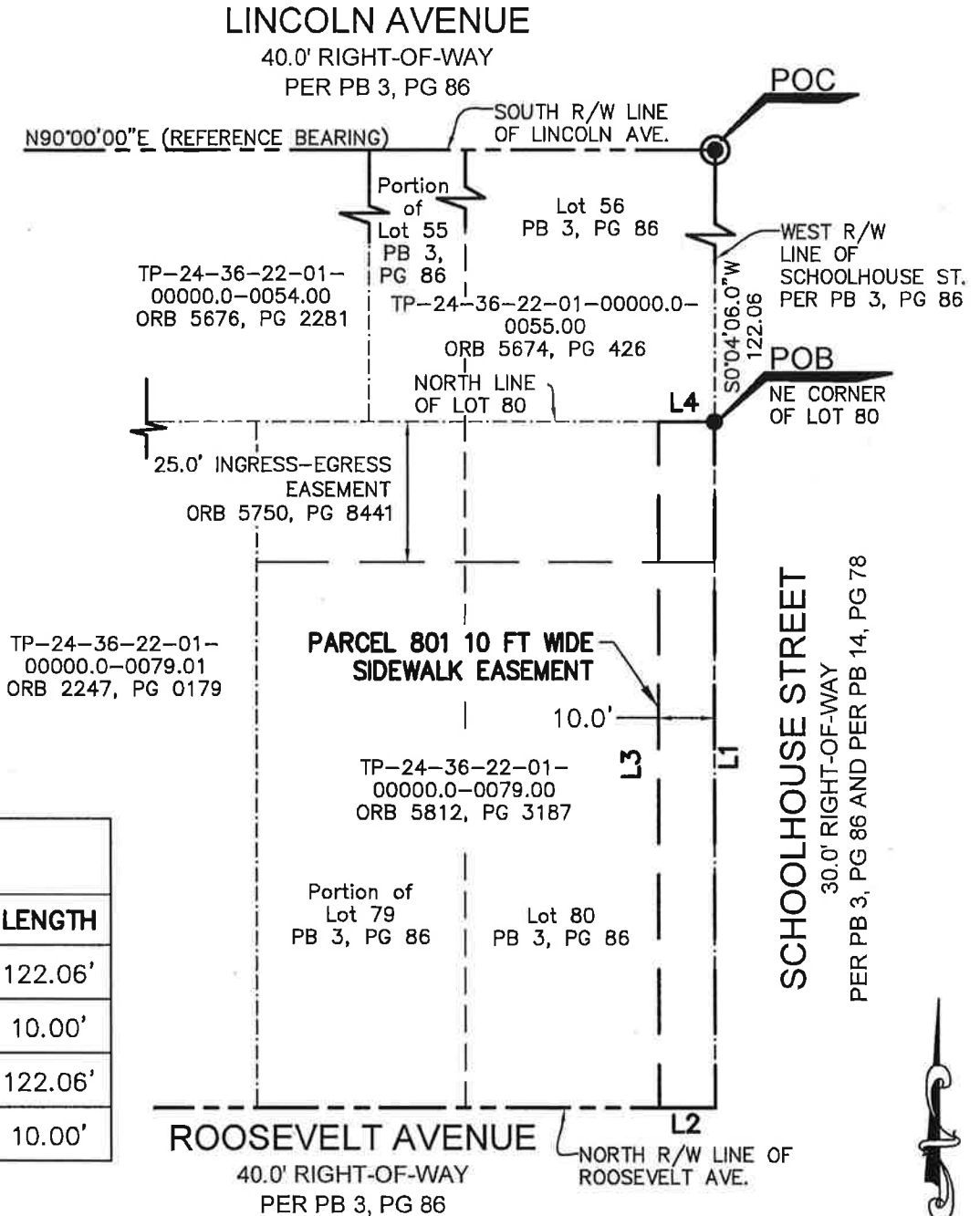
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SCALE:
 1" = 30'

PROJECT NO.:
 2013-30

SECTION 22
TOWNSHIP 24 SOUTH
RANGE 36 EAST

Prepared by and return to: Lucy Hamelers
Land Acquisition Specialist, Brevard County Public Works Dept.,
Land Acquisition Section (321-690-6847)
2725 Judge Fran Jamieson Way, Building-A-204,
Viera, FL 32940
Tax I.D. # 24-36-22-01-00000.0-0079.00

Joinder in Dedication of Sidewalk Easement in Favor of Brevard County

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Fidelity Bank of Florida, N.A., having its principal offices at 1380 N. Courtenay Parkway, Merritt Island, Florida 32953, (Mortgagee), being the owners and holders of that certain Mortgage dated November 8, 2007, and recorded on November 14, 2007, in Official Records Book 5825, beginning at Page 2295-2300, all recorded in the Public Records of Brevard County, Florida, does hereby join in and consent to the dedication of the Sidewalk Easement as shown in Exhibit "A" attached hereto and made a part of this document, for all uses and purposes expressed therein, and agrees that the lien, operation, and effect of the above-described Mortgage and Assignment, shall be, and is hereby subordinated to said easements.

Fidelity Bank of Florida, N.A. executes this Joinder solely as Mortgagee and shall have no liability in connection therewith.

In Witnesses WHEREOF, the undersigned has caused these presents to be executed in its name on this, the 09 day of June, 2016.

Signed and sealed in the presence of:

Tracy Abbott
Print Name: Tracy Abbott
Debra C. Powell
Print Name: Debra C. Powell

Fidelity Bank of Florida, N.A.
By: [Signature]
Title: Stewart A. Grashoff, Sr. Vice President

STATE OF Florida,
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 09 day of June, 2016, by Stewart A. Grashoff ^{President} Sr. Vice, and that they are personally known to me ~~XXXXXX~~ produced N/A as identification and that they did/or/did not take an oath.

Agenda Item # _____
Board Meeting Date _____

Notary Tracy Abbott
Print Name: Tracy Abbott
Commission No. FF 181718
Commission Expires: Dec 08, 2018



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL # 801

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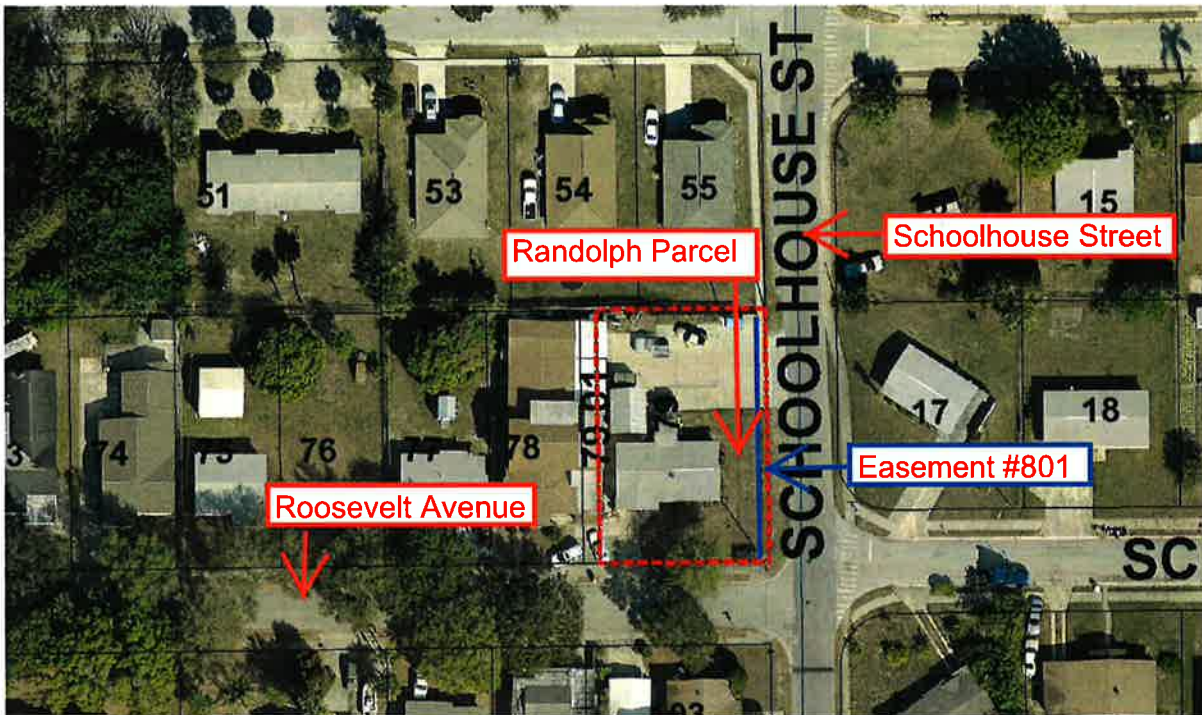
DRAWN BY: LLM	CHECKED BY: CSB	PROJECT NO. 2013-30		SECTION 22
		REVISIONS	DATE	
DATE: 06/09/2016	DRAWING: 2013-30	06/14/16	Per County Comments	TOWNSHIP 24 SOUTH
				RANGE 36 EAST

LOCATION MAP

SEC: 22 TWP: 24 S RNG: 36 DISTRICT: 2

STREET NAME: ROOSEVELT AVENUE AND SCHOOLHOUSE STREET

OWNER'S NAME: FREDDIE LEE RANDOLPH, SR.



PROPERTY FACT SHEET
PROJECT: SCHOOLHOUSE STREET SIDEWALK EASEMENT (RANDOLPH)

OWNER:	Freddie Lee Randolph, Sr.
PARCEL LOCATION:	400 Roosevelt Avenue, Merritt Island, Fl
PARCEL SIZE:	0.23 acres
EASEMENT AREA:	1220.60 square feet
ZONING/LANDUSE:	0110 – Single Family Residence
IMPROVEMENTS:	One building – 1,084 square feet One out building – 252 square feet
TOPOGRAPHY:	Level with road grade, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	24-36-22-01-00000.0-0079.00
MARKET VALUE:	\$44,210.00 (2015 Assessment)(Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: August 24, 2007 Sale amount: \$92,600.00