



AGENDA REPORT
May 21, 2019

**Approval Re: Donation of Drainage Easement from McLallen (Owner) for
the Archer Court Drainage Improvement Project – District 1.**

SUBJECT:

Approval Re: Donation of Drainage Easement from McLallen (Owner) for the Archer Court Drainage Improvement Project – District 1.

FISCAL IMPACT:

FY 2018 – 2019: No Impact

FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners accept the donation easement from McLallen.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 24, Township 21, Range 34.

The Public Works Department, Road and Bridge Maintenance Section is planning drainage improvements to areas in and around Sherwood Villas subdivision, Unit 2. The project includes the relocation of an existing easement located on the McLallen parcel, as established in Official Records Book 1269, Page 633. The easement has to be relocated due to its close proximity to permanent structures located on the parcel. The property owner has agreed to donate a drainage easement for the purpose of constructing a drainage swale that will convey the Archer Court road runoff to the county's outfall ditch to the north.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

ATTACHMENTS:

Description

- **Archer Court-McLallen Drainage Easement**

BOARD OF COUNTY COMMISSIONERS

AGENDA: DONATION OF DRAINAGE EASEMENT FROM MCLALLEN – OWNER
– FOR THE ARCHER COURT DRAINAGE IMPROVEMENT PROJECT -
DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DJI</u>	_____	<u>5/8/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>5/8/19</u>

AGENDA DUE DATE: May 14, 2019 for the May 21, 2019 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.



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

May 22, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.10., Approval of Donation of Drainage Easement from McLallen for the Archer Court Drainage Improvement Project

The Board of County Commissioners, in regular session on May 21, 2019, accepted the donation of the drainage easement from James I. McLallen, III, as personal representative of the estate of Ethel H. McLallen, for the Archer Court Drainage Improvement Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Prepared by/Return to:
Brevard County Public Works Dept., Land Acquisition Section
2725 Judge Fran Jamieson Way, Building A, Room 204
Viera, Florida 32940 (321-690-6847)
A portion of Interest in Tax Parcel I.D.:21-34-24-00-265

DRAINAGE EASEMENT

THIS INDENTURE, made this ____ day of April 2019, between James I. McLallen, III, as Personal Representative of the Estate of Ethel H. McLallen as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 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 grant unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of construction and maintenance of a drainage facility, to include the right of access for maintenance, and other allied uses pertaining thereto, 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 the easements is located in Section 24, Township 21 South, Range 34 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

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

Lopa Mishra

Print Name

[Signature]

Witness

Noelia Perez

Print Name

[Signature]

PR

James I. McLallen, III as
Personal Representative of the
Estate of Ethel H. McLallen

STATE OF Michigan
COUNTY OF Wayne

The foregoing instrument was acknowledged before me this 25 day of April, 2019, by James I. McLallen, III as Personal Representative of the Estate of Ethel H. McLallen, who is/is not personally known to me or who have produced MI Drivers License as identification and who did/did not take an oath.

WITNESS my hand and official seal at KuyBank N.A., Livonia, the County of Wayne, State of Michigan, this 25 day of April, 2019.

Notary Public [Signature]

Print Name Noelia Perez

Commission No. NA

My Commission Expires: 04/08/2022

Board Date _____

Agenda Item _____

NOELIA PEREZ
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires April 08, 2022
Acting in the County of Washtenaw Wayne

SKETCH OF DESCRIPTION

PARCEL 801

PARENT PARCEL ID# 21-34-24-00-265

PURPOSE: DRAINAGE EASEMENT

TAX PARCEL:
21-34-24-00-2.1
ORB 8088, PAGE 2822

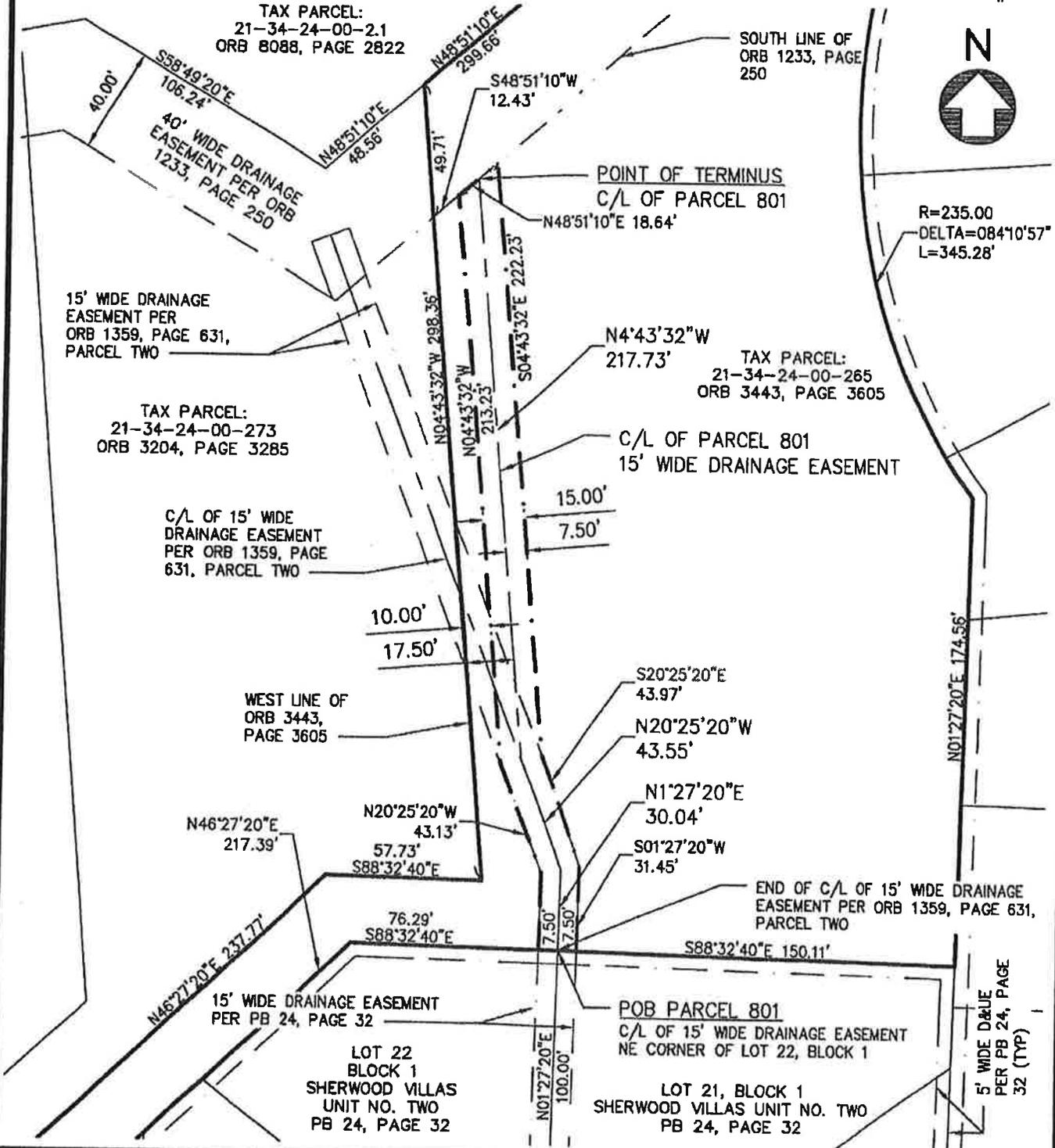
EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



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

SCALE: 1" = 50'
PROJECT NO.: 19-04-048

SECTION 24
TOWNSHIP 21 SOUTH
RANGE 34 EAST

LEGAL DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 21-34-24-00-265
PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"
SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2
THIS IS NOT A SURVEY
SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 801, DRAINAGE EASEMENT (BY SURVEYOR)
A STRIP OF LAND BEING 15.00 FEET WIDE LOCATED WITHIN THOSE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3443, PAGE 3605 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA AND LYING WITHIN 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;
BEGIN AT THE NORTHEAST CORNER OF LOT 22, BLOCK 1, SHERWOOD VILLAS UNIT NO. TWO ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 32, SAID POINT ALSO BEING THE END OF THE CENTERLINE OF PARCEL TWO OF A 15.00 FOOT WIDE DRAINAGE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1359, PAGE 631; THENCE NORTH 01° 27' 20" EAST ALONG SAID CENTERLINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1359, PAGE 631 FOR A DISTANCE OF 30.04 FEET; THENCE NORTH 20° 25' 20" WEST ALONG AFORESAID CENTERLINE FOR A DISTANCE OF 43.55 FEET; THENCE DEPARTING SAID CENTERLINE, RUN NORTH 04° 43' 32" WEST PARALLEL TO AND 17.50 FEET EASTERLY OF THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3443, PAGE 3605 TO THE SOUTH LINE OF A 40.00 FOOT WIDE DRAINAGE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1233, PAGE 250, SAID POINT BEING THE POINT OF TERMINUS OF ABOVE DESCRIBED CENTERLINE, CONTAINING 4,370 SQUARE FEET (0.10 ACRES), MORE OR LESS, WITH THE SIDE LINES OF THE STRIP PROLONGED OR SHORTENED TO TERMINATE AT THE SOUTH LINE OF A SAID 40.00 WIDE DRAINAGE EASEMENT.

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. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

SURVEYORS 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 LOT 22, BLOCK 1, SHERWOOD VILLAS UNIT NO. TWO AS RECORDED IN PLAT BOOK 24, PAGE 32 AS BEING NORTH 01° 27' 20" EAST, AN ASSUMED BEARING AS SHOWN ON SAID PLAT.
3. REFERENCE MATERIAL:
 - A. O&E REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 19-1223, TAX ACCOUNT NO. 2101029, EFFECTIVE DATE 04/15/2019. ALL EASEMENTS AS LISTED WITHIN THE O&E REPORT ARE SHOWN HEREON.

ABBREVIATIONS

C/L = CENTERLINE
D&UE = DRAINAGE AND UTILITY EASEMENT
L = ARC LENGTH

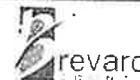
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
POB = POINT OF BEGINNING
R = RADIUS
TYP = TYPICAL



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

Michael J. Sweeney
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 SWEENEY	PROJECT NO.: 19-04-048	SECTION 24 TOWNSHIP 21 SOUTH RANGE 34 EAST	
DATE: 4/25/19	SHEET: 1 OF 2	REVISIONS		
		<table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>04/25/19</td> <td>REVISE LEGAL DESCRIPTION</td> </tr> </tbody> </table>		DATE
DATE	DESCRIPTION			
04/25/19	REVISE LEGAL DESCRIPTION			

