



**AGENDA REPORT  
April 10, 2018**

**SUBJECT:**

Approval Re: Warranty Deed from Samir R. El-Kabani and Kathleen El-Kabani, as husband and wife, regarding the South Tropical Trail Sidewalk Project - District 2.

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners approve and authorize the Chairman to accept the Warranty Deed from Samir R. El-Kabani and Kathleen El-Kabani.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject property is located in Section 12, Township 25 South, Range 36 East.

South Tropical Trail in Merritt Island is a highly traveled roadway and has been the subject of safety concerns for vehicles, and more importantly, children, pedestrians, and bikers along the right of way.

The planned improvements will connect Courtenay Parkway to Marlin Drive, with continued sidewalk improvements south to Greenview Road to a pedestrian crossing at Rotary Park.

Most of the properties have been acquired to allow the project to commence. A key parcel was recently acquired that will allow for an additional portion of the walkway to be constructed (approximately 112' feet).

Ownership and Encumbrance reports were obtained and there is an existing mortgage on the property; staff is working with the Mortgage Company to obtain a Release of Mortgage

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

**ATTACHMENTS:**

**Description**

- **S Tropical Tr Sidewalk-El Kabani Agenda Report**



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

April 11, 2018

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

**TO:** Andy Holmes, Public Works Director

**RE:** Item II.A.14., Warranty Deed for South Tropical Trail Sidewalk Project from Samir R. and Kathleen El-Kabani

The Board of County Commissioners, in regular session on April 10, 2018, approved and authorized the Chair to accept a Warranty Deed for South Tropical Trail sidewalk project from Samir R. and Kathleen El-Kabani.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: WARRANTY DEED IN FAVOR OF BREVARD COUNTY FOR CONSTRUCTION OF A SIDEWALK ALONG SOUTH TROPICAL TRAIL - DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(5-2886)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>3/24/18</u>
COUNTY ATTORNEY _____ Assistant County Attorney	<u>See attached</u>	_____	<u>3/21/18</u>
PUBLIC WORKS Andrew J. Holmes, Director	_____	_____	_____

AGENDA DUE DATE: March 27, 2018 for the April 10, 2018 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 WHEN READY TO BE PICKED UP.

THANK YOU.

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: WARRANTY DEED IN FAVOR OF BREVARD COUNTY FOR CONSTRUCTION OF A SIDEWALK ALONG SOUTH TROPICAL TRAIL - DISTRICT 2

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**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>3/24/18</u>
COUNTY ATTORNEY <u>Eden Bentley</u> Assistant County Attorney Deputy	<u>[Signature]</u>	_____	<u>3/24/18</u>
PUBLIC WORKS Andrew J. Holmes, Director	_____	_____	_____

AGENDA DUE DATE: March 27, 2018 for the April 10, 2018 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 WHEN READY TO BE PICKED UP.

THANK YOU.

Meeting Date
<b>April 10, 2018</b>



AGENDA	
Section	Consent
Item No.	

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

<b>SUBJECT:</b>	Approval Re: Warranty Deed From Samir R. El-Kabani and Kathleen El-Kabani, as husband and wife, regarding the South Tropical Trail Sidewalk Project - District 2. (Fiscal Impact: None)
<b>DEPT/OFFICE:</b>	Public Works Department / Land Acquisition Section

**Requested Action:**

It is requested that the Board of County Commissioners approve and authorize the Chairman to accept the Warranty Deed from Samir R. El-Kabani and Kathleen El-Kabani.

**Summary Explanation & Background:**

The subject property is located in Section 12, Township 25 South, Range 36 East.

South Tropical Trail in Merritt Island is a highly traveled roadway and has been the subject of safety concerns for vehicles, and more importantly, children, pedestrians, and bikers along the right of way.

The planned improvements will connect Courtenay Parkway to Marlin Drive, with continued sidewalk improvements south to Greenview Road to a pedestrian crossing at Rotary Park.

Most of the properties have been acquired to allow the project to commence. A key parcel was recently acquired that will allow for an additional portion of the walkway to be constructed (approximately 112' feet).

Ownership and Encumbrance reports were obtained and there is an existing mortgage on the property; staff is working with the Mortgage Company to obtain a Release of Mortgage

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

**Fiscal impact: FY 2017-2018: No impact**  
**FY 2018-2019: No impact**

Clerk to the Board Instructions: Return approval memo to Department

Exhibits Attached: Copy of executed Warranty Deed with sketch of legal description attached, Location Map, Property Fact Sheets

<b>Contract /Agreement (If attached):</b> Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR <input type="checkbox"/>
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County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, PE / 57202
	Interim Assistant County Manager Jim Liesenfelt	

**WARRANTY DEED**  
(South Tropical Trail)

**THIS INDENTURE** is made this 2<sup>nd</sup> day of MARCH, 2018, between Samir R. El-Kabani and Kathleen El-Kabani, as husband and wife, whose mailing address is 1725 South Tropical Trail, Merritt Island, Florida 32952, and BREVARD COUNTY, 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 land, situate, lying and being in the County of Brevard, State of Florida, to-wit:

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

This deed is made for the purpose of giving and granting to the party of the second part, its successors and assigns, a fee simple interest in and to said lands for public road purposes, public sidewalk, utilities, and other allied uses pertaining thereto.

**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 land, and will defend the same against the lawful claims of all persons whomsoever.

**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:

[Signature]  
Witness  
Johanne I Brown  
Print  
Blaise M. Mancini  
Witness  
Blaise M. Mancini  
Print

[Signature]  
Samir R. El-Kabani  
[Signature]  
Kathleen El-Kabani

**STATE OF FLORIDA, COUNTY OF BREVARD**

**I HEREBY CERTIFY**, that on this day personally appeared me, an officer duly authorized to administer oaths and take acknowledgments, Samir R. El-Kabani and Kathleen El-Kabani, personally and well known to me to be the person(s) described in and who executed the foregoing deed, and that they acknowledged before me that they have executed the same freely and voluntarily for the purpose herein expressed. That they did/did not produce a Driver's License as identification and that they did/did not take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid, this 2<sup>nd</sup> day of March, 2018.



[Signature]  
Notary Public  
Blaise M. Mancini  
Print Name  
Commission Expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

**EXHIBIT A**

**SKETCH & DESCRIPTION**

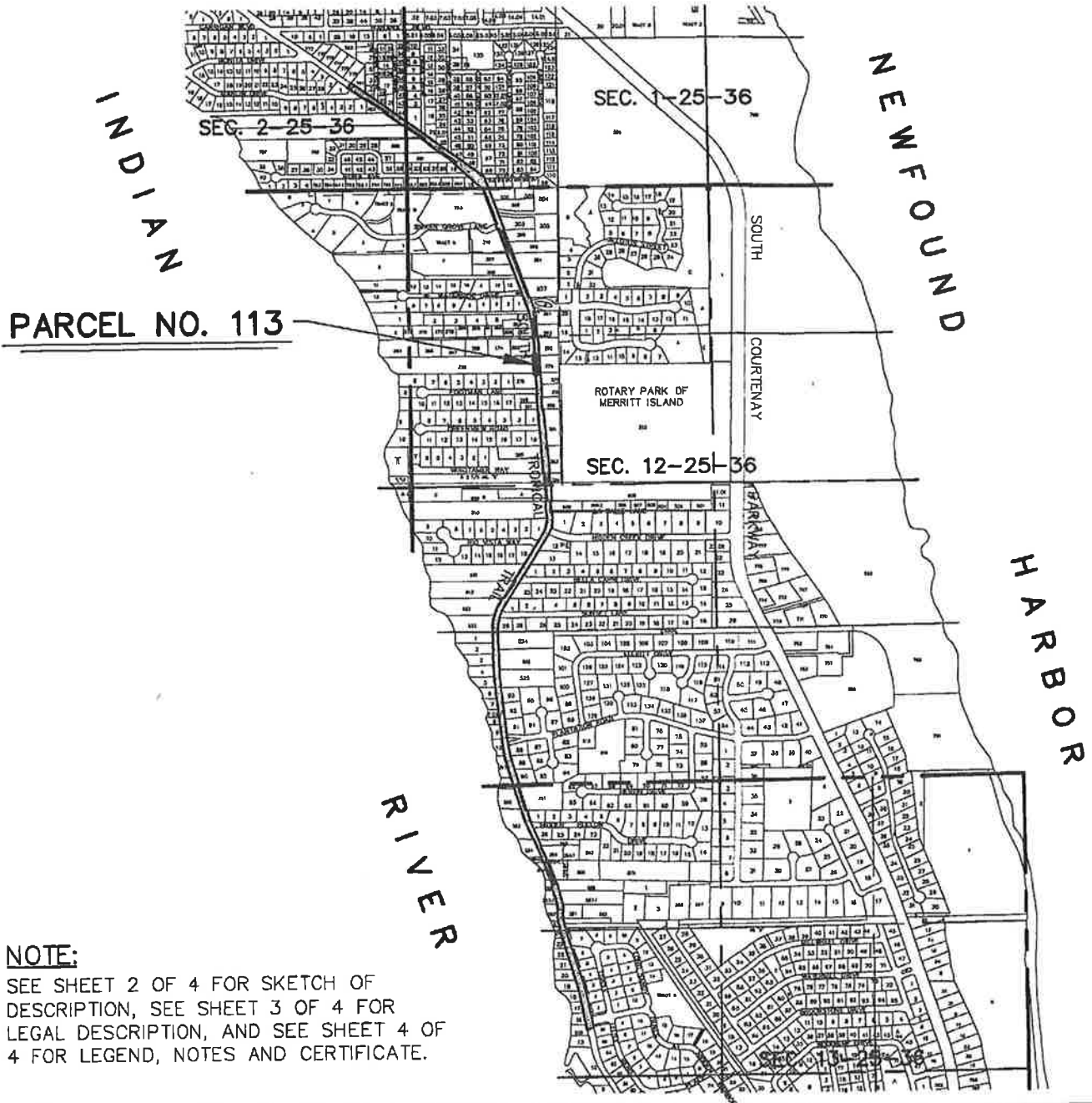
**PARCEL NO. 113**

PREPARED FOR:

**BREVARD COUNTY BOARD  
OF COUNTY COMMISSIONERS**

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
TP # 275 - Parcel ID: 25-36-12-00-275

**SAMIR R & KATHLEEN EL-KABANI TO  
CONVEY RIGHT-OF-WAY TO BREVARD  
COUNTY**



**NOTE:**

SEE SHEET 2 OF 4 FOR SKETCH OF DESCRIPTION, SEE SHEET 3 OF 4 FOR LEGAL DESCRIPTION, AND SEE SHEET 4 OF 4 FOR LEGEND, NOTES AND CERTIFICATE.



**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: J.J.B.

CHECKED BY: J.B.C.

DRAWING NO. 357813

SECTION: 12  
TOWNSHIP: 25 SOUTH  
RANGE: 36 EAST

DATE: 06/10/14

SHEET 1 OF 4

PER COUNTY COMMENTS  
REV. 07/28/14 - GM/JBC

**SURVEY DEPT.**

SKETCH & DESCRIPTION

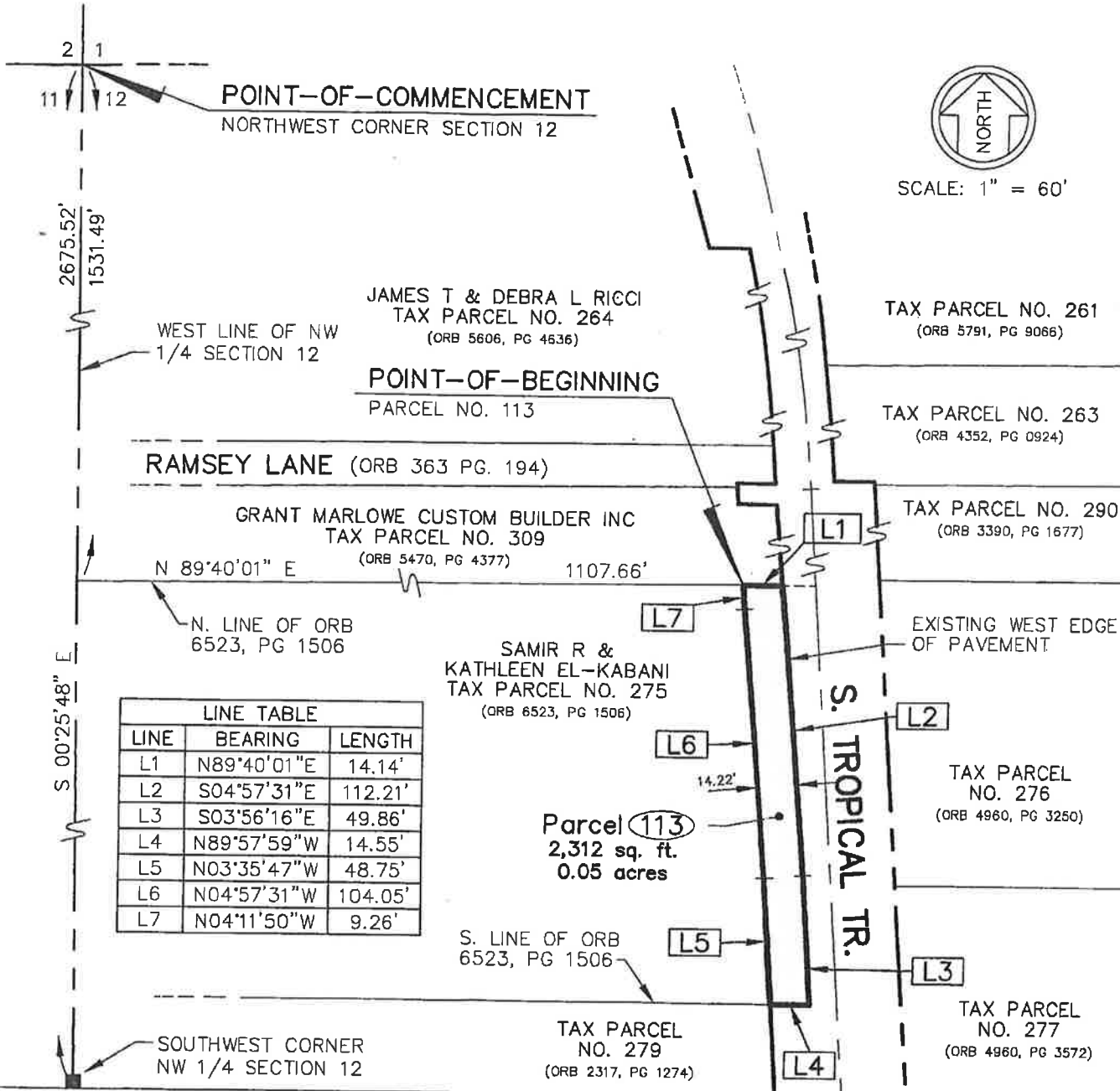
PARCEL NO. 113

PREPARED FOR:

BREVARD COUNTY BOARD  
OF COUNTY COMMISSIONERS

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
TP # 275 - Parcel ID: 25-36-12-00-275

SAMIR R & KATHLEEN EL-KABANI TO  
CONVEY RIGHT-OF-WAY TO BREVARD  
COUNTY



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°40'01"E	14.14'
L2	S04°57'31"E	112.21'
L3	S03°56'16"E	49.86'
L4	N89°57'59"W	14.55'
L5	N03°35'47"W	48.75'
L6	N04°57'31"W	104.05'
L7	N04°11'50"W	9.26'



SCALE: 1" = 60'

**Bussen-Mayer Engineering Group**  
 100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885

DRAWN BY: J.J.B.	CHECKED BY: J.B.C.	DRAWING NO. 357813	SECTION: 12
DATE: 06/10/14	SHEET 2 OF 4	REV. _____	TOWNSHIP: 25 SOUTH
			RANGE: 36 EAST

SURVEY DEPT.

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# SKETCH & DESCRIPTION

PARCEL NO. 113

PREPARED FOR:

**BREVARD COUNTY BOARD  
OF COUNTY COMMISSIONERS**

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
TP # 275 - Parcel ID: 25-36-12-00-275

**SAMIR R & KATHLEEN EL-KABANI TO  
CONVEY RIGHT-OF-WAY TO BREVARD  
COUNTY**

Description: Parcel No. 113

A parcel of land lying in the northwest 1/4 of Section 12, Township 25 South, Range 36 East, Brevard County, Florida and being a portion of lands as described in OR Book 6523, Page 1506 of the Public Records of Brevard County, Florida and being more particularly described as follows;

Commence at the northwest corner of Section 12; thence S.00°25'48"E. along the west line of the northwest 1/4 of Section 12 a distance of 1531.49 feet to a point on the north line of lands as described in O.R. Book 6523, page 1506 of the said public records; thence N.89°40'01"E., along said north line, a distance of 1107.66 feet to the Point-of-Beginning of this description to wit; thence continue N.89°40'01"E., along said north line, a distance of 14.14 feet to a point on the existing west edge of pavement of South Tropical Trail (a Brevard County right-of-way); thence S.04°57'31"E., along said west edge of pavement, a distance of 112.21 feet; thence S.03°56'16"E., along said west edge of pavement, a distance of 49.86 feet to a point on the south line of said lands as described in OR Book 6523, Page 1506; thence N.89°57'59"W., along said south line, a distance of 14.55 feet; thence N.03°35'47"W. a distance of 48.75 feet; thence N.04°57'31"W. a distance of 104.05 feet; thence N.04°11'50"W. a distance of 9.26 feet to the Point-of-Beginning.

Containing 2,312 square feet more or less and being subject to any easements and/or rights-of-ways of record.

**NOTE:**

SEE SHEET 1 OF 4 FOR VICINITY MAP, SEE SHEET 2 OF 4 FOR SKETCH OF DESCRIPTION, AND SEE SHEET 4 OF 4 FOR LEGEND, NOTES AND CERTIFICATE.



**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: J.J.B.

CHECKED BY: J.B.C.

DRAWING NO. 357813

SECTION: 12  
TOWNSHIP: 25 SOUTH  
RANGE: 36 EAST

DATE: 06/10/14

SHEET 3 OF 4

REV. \_\_\_\_\_

**SURVEY DEPT.**

C:\Dwg\Eng\357813-sk01.dwg, 7/30/2014 3:38:04 PM, Cad-6

# SKETCH & DESCRIPTION

PARCEL NO. 113

PREPARED FOR:

**BREVARD COUNTY BOARD  
OF COUNTY COMMISSIONERS**

SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
TP # 275 - Parcel ID: 25-36-12-00-275

**SAMIR R & KATHLEEN EL-KABANI TO  
CONVEY RIGHT-OF-WAY TO BREVARD  
COUNTY**

### LEGEND:


FND.	FOUND	CCR	CERTIFIED CORNER	(N.I.C.)	NOT INCLUDED
COR.	CORNER		RECORD	(102)	PARCEL NUMBER
C.M.	CONCRETE MONUMENT	W/	WITH	SEC.	SECTION
O.R.B.	OFFICIAL RECORDS BOOK	⊕	CENTERLINE	TWP.	TOWNSHIP
PG.	PAGE	— —	GRAPHICS NOT TO	RNG.	RANGE
R/W	RIGHT-OF-WAY		SCALE	L1	LINE DESIGNATION

### NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BEING S.00°25'48"E., AN ASSUMED BEARING.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET 1 OF 4 FOR VICINITY MAP, SEE SHEET 2 OF 4 FOR SKETCH OF DESCRIPTION, AND SEE SHEET 3 OF 4 FOR LEGAL DESCRIPTION.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.
5. CERTIFIED FOR THE EXCLUSIVE USE OF:  
THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;  
ALLIANT NATIONAL TITLE INSURANCE COMPANY;  
THE TITLE STATION

### CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, as performed under my direction and supervision, and that it meets or exceeds the minimum technical standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.052 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

 7/30/14  
 Joseph Barry Cabaniss, P.L.S. Date  
 FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524  
 BUSSEN-MAYER ENGINEERING CERTIFICATE NO.: 3535



## Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: <u>J.J.B.</u>	CHECKED BY: <u>J.B.C.</u>	DRAWING NO. <u>357813</u>	SECTION: <u>12</u>
DATE: <u>06/10/14</u>	SHEET <u>4</u> OF <u>4</u>	REV. _____	TOWNSHIP: <u>25</u> SOUTH
			RANGE: <u>36</u> EAST

**SURVEY DEPT.**

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# LOCATION MAP

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SEC: 12    TWP: 25    RNG: 36    DISTRICT: 2

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PROJECT:                    SOUTH TROPICAL TRAIL SIDEWALK PROJECT

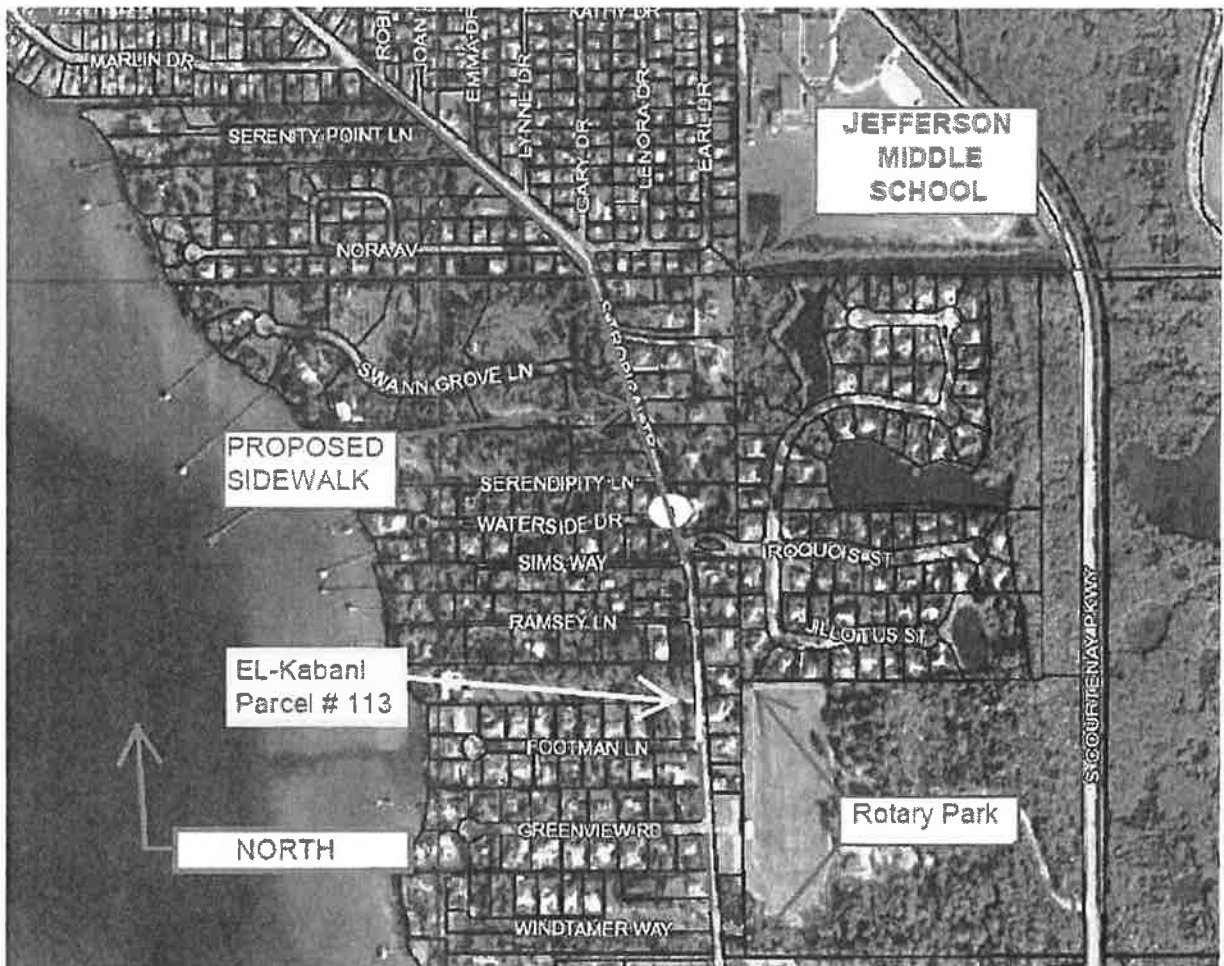
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STREET NAME:            SOUTH TROPICAL TRAIL

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OWNER'S NAME:        SAMIR R. EL-KABANI AND KATHLEEN EL-KABANI, H/W

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**PROPERTY FACT SHEET**  
**SOUTH TROPICAL TRAIL SIDEWALK PROJECT**

Owners:	Samir R. El Kabani and Kathleen El-Kabani, h/w
Parcel location:	1725 South Tropical Trail, Merritt Island, FL 32952
Parent Parcel Size:	5.43 Acres
Area to be acquired	2,312 Square/Feet
Zoning/Land Use:	Residential
Improvements:	Residence
Topography:	Level with road grade
Flood Zone:	X-Minimal Flood Risk
Tax Parcel I.D.:	25-36-12-00-*-275
Assessed Value:	\$1,238,060.00 (Brevard County Property Appraiser Assessment)
Public Utilities:	Water, Sewer, Electric, Cable.
Last Property Transfer	08/01/1980 \$119,500.00