



AGENDA REPORT
November 13, 2018

Approval Re: Donation of Warranty Deed from Lutheran Retirement Campus of Merritt Island, Incorporated to Brevard County Florida for parcel number 108 needed for the Hall Road Pump Station Drainage Improvements Project – District 2.

SUBJECT:

Approval Re: Donation of Warranty Deed from Lutheran Retirement Campus of Merritt Island, Incorporated to Brevard County Florida for parcel number 108 needed for the Hall Road Pump Station Drainage Improvements Project – District 2.

FISCAL IMPACT:

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 Warranty Deed from Lutheran Retirement Campus of Merritt Island Incorporated.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 2, Township 24S, Range 36E.

Lutheran Retirement Campus of Merritt Island Incorporated (owner) has agreed to make a donation known as parcel number 108 needed for the Hall Road Pump Station Improvements Project. The project will replace the Mosquito Control pump and the need for two temporary portable pumps during substantial rain events. The scope of work includes the installation of two permanent electric pumps designed to discharge a combined 50,000 gallons per minute of stormwater runoff into the Sykes Creek Mosquito Control Impoundment to further improve the recovery time during and after large storm events for much of the area located south of Chase Hammock Road and east of State Road 3. This is a private parcel that extends to inside the limits of the perimeter berm and is necessary for stormwater and flood control uses. There is an existing Conservation Easement (CE) affecting this parcel. In order to be in compliance with the CE, the appropriate Amendment to the Conservation Easement has been executed and obtained.

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

CLERK TO THE BOARD INSTRUCTIONS:

Send Board approval memo to Public Works Land Acquisition Section and copy to Natural Resources Management Department.

ATTACHMENTS:

Description

- **Hall Rd-Lutheran Retirement Campus of MI Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: DONATION OF WARRANTY DEED FOR PARCEL 108 FROM
LUTHERAN RETIREMENT CAMPUS OF MERRITT ISLAND
INCORPORATED (OWNER) TO BREVARD COUNTY FOR THE HALL
ROAD PUMP STATION IMPROVEMENTS PROJECT – DISTRICT 2

AGENCY: NATURAL RESOURCES MANAGEMENT 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>DJS</u>	_____	<u>10/11/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>10/11/18</u>

AGENDA DUE DATE: October 23, 2018 for the November 13, 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 (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

November 14, 2018

M E M O R A N D U M

TO: Dan Jones, Interim Public Works Director

RE: Item F.5., Approval of Donation of Warranty Deed from Lutheran Retirement Campus of Merritt Island, Incorporated to Brevard County for Parcel No. 108 Needed for Hall Road Pump Station Drainage Improvements Project

The Board of County Commissioners, in regular session on November 13, 2018, accepted donation of a warranty deed from Lutheran Retirement Campus of Merritt Island, Incorporated for Parcel No. 108 for the Hall Road Pump Station Drainage Improvements Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

cc: Natural Resources Management

WARRANTY DEED

THIS INDENTURE is made this 4 day of OCTOBER, 2018 between **LUTHERAN RETIREMENT CAMPUS OF MERRITT ISLAND INCORPORATED**, a dissolved Florida Not for Profit Corporation, as Grantor, as party of the first part, whose mailing address is 3810 Murrell Road, Rockledge, Florida 32955, and **BREVARD COUNTY, FLORIDA** a political subdivision of the State of Florida, as Grantee, as party of the second part, whose 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 Ten Dollars (\$10.00) 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, situated, lying and being in the County of Brevard, State of Florida, to-wit:

See Attached Legal Description

Subject to easements, restrictions, and reservations of record, if any, and taxes for the 2018 and subsequent years. The property described herein does not constitute the constitutional homestead of the Grantor herein. Subject to Conservation Easement A as recorded in Official Records Book 5818, Page 154, Public Records of Brevard County Florida.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, 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, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
Witness
GRADY L. STRICKLAND
Print Name
[Signature]
Witness
RICHARD J. LACEY
Print Name

LUTHERAN RETIREMENT CAMPUS OF
MERRITT ISLAND INCORPORATED, a
dissolved Florida Not for Profit Corporation

[Signature]
By: Craig Hesse as President and surviving
Director

State of: FLORIDA
County: BREVARD

I HEREBY CERTIFY, that on this day personally appeared before me Craig Hesse, as President and surviving Director of Lutheran Retirement Campus of Merritt Island Incorporated, a dissolved Florida Not for Profit Corporation, well known to me to be the person described in and who executed the foregoing deed, and acknowledged before me that (s)he executed the same freely and voluntarily for the purpose therein expressed and (s)he has produced FDL as identification and he did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 4th day of October, 2018.



[Signature]
Notary Public
Christopher Olden
Print Name
Commission Expires: 8/5/20
Commission No. FF 997404

Approved by the Board: _____
Item # _____

LEGAL DESCRIPTION

PARCEL 108

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

SECTION 2 TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 24-36-02-NJ-B

PURPOSE: EASEMENT

LEGAL DESCRIPTION: PARCEL 108 (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION THOSE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 3865, AND ALSO BEING A PORTION OF TRACT B, BELLA VITA, A PLANNED UNIT DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT B; THENCE SOUTH 89° 47' 44" WEST ALONG THE SOUTH LINE OF SAID TRACT B FOR A DISTANCE OF 105.50 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 05° 01' 55" WEST FOR A DISTANCE OF 71.57 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 06° 01' 19" WEST FOR A DISTANCE OF 302.74 FEET; THENCE NORTH 04° 23' 15" WEST FOR A DISTANCE OF 97.19 FEET; THENCE NORTH 02° 27' 28" WEST FOR A DISTANCE OF 105.06 FEET; THENCE NORTH 00° 44' 18" EAST FOR A DISTANCE OF 100.67 FEET; THENCE NORTH 07° 11' 53" EAST FOR A DISTANCE OF 202.89 FEET; THENCE NORTH 05° 28' 37" EAST FOR A DISTANCE OF 94.61 FEET; THENCE NORTH 03° 27' 05" EAST FOR A DISTANCE OF 201.88 FEET; THENCE NORTH 06° 26' 30" WEST FOR A DISTANCE OF 101.83 FEET; THENCE NORTH 10° 20' 16" WEST FOR A DISTANCE OF 233.66 FEET TO A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE 3865; THENCE NORTH 89° 24' 22" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 153.72 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00° 16' 29" EAST ALONG THE EAST LINE OF SAID TRACT B FOR A DISTANCE OF 1504.18 FEET; TO THE POINT OF BEGINNING, CONTAINING 4.44 ACRES (193,519 SQUARE FEET), 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. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

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 THE TRACT B, BELLA VITA ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4 AS BEING SOUTH 00°16'29" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIALS:
 - a. TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2458483, FEE SIMPLE OWNER: PARCEL 108, EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-11-NJ-B;
 - i. ALL EASEMENTS PER THE ABOVE STATED TITLE REPORTS SHOWN HEREIN EXCEPT THE FOLLOWING:
 1. FP&L EASEMENT PER OFFICIAL RECORDS BOOK 2707, PAGE 1010 IS NOT ADJACENT TO OR AFFECTS PARCEL 108 AS SHOWN HEREIN.
 2. EASEMENT PER OFFICIAL RECORDS BOOK 4263, PAGE 2771 IS NOT ADJACENT TO OR AFFECTS PARCEL 108 AS SHOWN HEREIN.
 3. EASEMENT PER OFFICIAL RECORDS BOOK 5433, PAGE 4115 IS NOT ADJACENT TO OR AFFECTS PARCEL 108 AS SHOWN HEREIN.
 4. EASEMENT PER OFFICIAL RECORDS BOOK 5676, PAGE 8671 IS NOT ADJACENT TO OR AFFECTS PARCEL 108 AS SHOWN HEREIN.
 5. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 147 IS NOT ADJACENT TO OR AFFECTS PARCEL 108 AS SHOWN HEREIN.
 6. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 161 IS NOT ADJACENT TO OR AFFECTS PARCEL 108 AS SHOWN HEREIN.
 7. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 154 IS AN EASEMENT OVER AND UPON TRACT B, BELLA VITA LESS AND EXCEPT THE 25.00 FOOT RIGHT OF WAY OVER AND UPON THE NORTH 25.00 FEET OF SAID TRACT B AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781.
 - b. PLAT OF BELLA VITA, PLAT BOOK 23, PAGE 4;
 - c. BOUNDARY SURVEY PREPARED FOR BREVARD COUNTY BY DRMP, PROJECT NO. 06-0103.002, DATED AUGUST 20, 2007;
 - d. BOUNDARY SURVEY IN SECTIONS 1, 11 & 12-24-36, PREPARED FOR BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, PREPARED BY JOHN R. CAMPBELL & ASSOCIATES, INC., DATED FEBRUARY 1, 1992, LAST REVISION 4/15/92.
 4. THE MOSQUITO EMBANKMENT BERM AS LOCATED BASED ON A SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY MOSQUITO CONTROL BY BREVARD COUNTY SURVEYING AND MAPPING PROGRAM, PROJECT NO. 17-02-032, SURVEY FIELD DATE 7/27/2017.

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	PROJECT NO. 17-02-032		SECTION 2
		REVISIONS	DATE	
DATE: DECEMBER, 2017	SHEET: 1 OF 2		06/06/18	REVISE PURPOSE
				TOWNSHIP 24 SOUTH
				RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 108

SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-02-NJ-B
 PURPOSE: EASEMENT



SCALE:
 1" = 300'

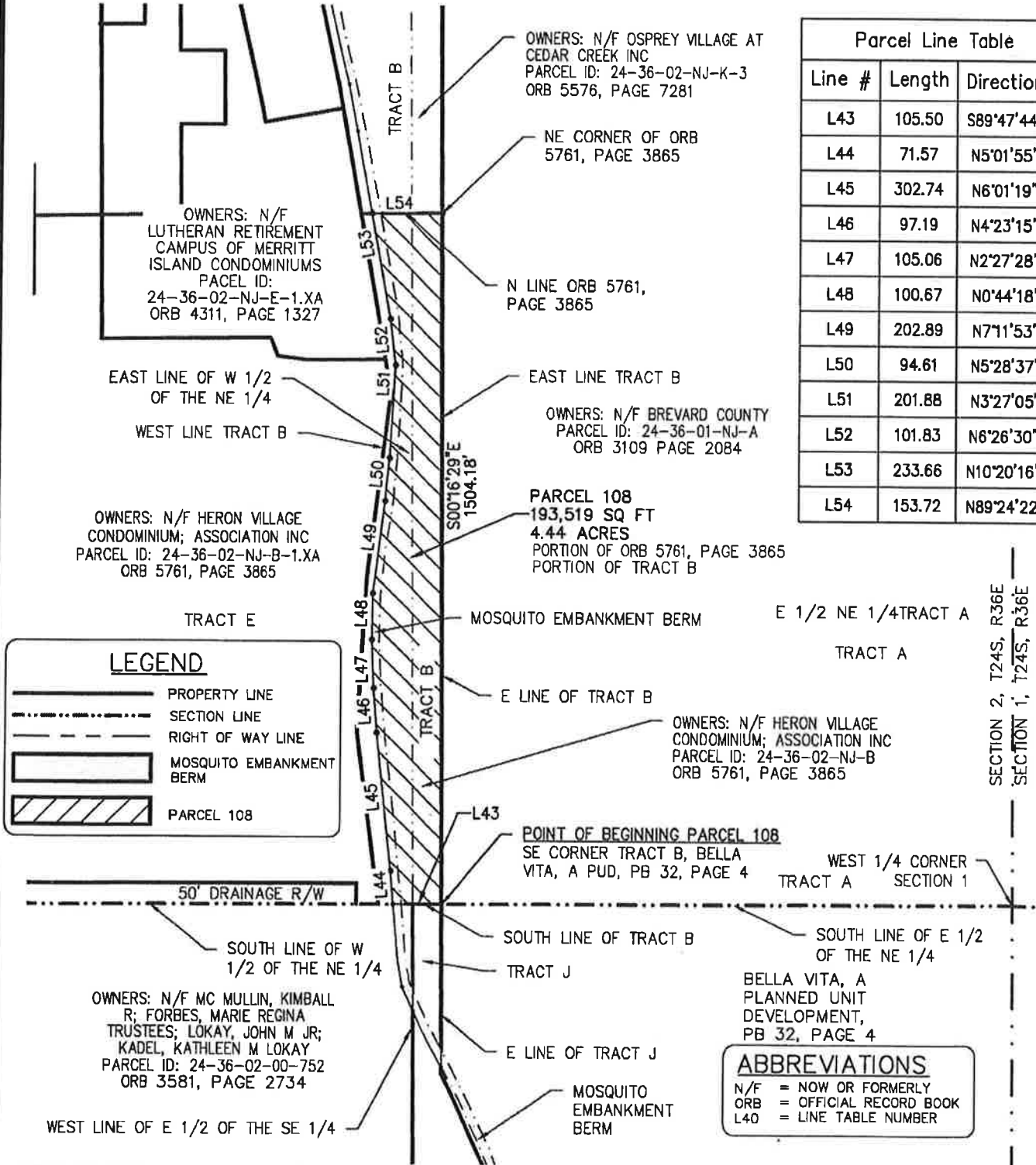
EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

Parcel Line Table		
Line #	Length	Direction
L43	105.50	S89°47'44"W
L44	71.57	N5°01'55"W
L45	302.74	N6°01'19"W
L46	97.19	N4°23'15"W
L47	105.06	N2°27'28"W
L48	100.67	N0°44'18"E
L49	202.89	N7°11'53"E
L50	94.61	N5°28'37"E
L51	201.88	N3°27'05"E
L52	101.83	N6°26'30"W
L53	233.66	N10°20'16"W
L54	153.72	N89°24'22"E



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

SCALE:
 1"=300'
 PROJECT NO.:
 17-02-032

SECTION 2
 TOWNSHIP 24 SOUTH
 RANGE 36 EAST

LOCATION MAP

SEC: 02 TWP: 24 RNG 36 DISTRICT: 2

STREET NAME: Hall Road

OWNER'S NAME: Lutheran Retirement Campus of Merritt Island Incorporated

