



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

12/20/2022

Subject:

Approval, Re: Resolution and County Deed for the Segment of Babcock Street Between Waco Boulevard to Malabar Road Transfer to the City of Palm Bay - Districts 3 and 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

The following requested action requires a majority plus one vote by the Board. It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Resolution and County Deed.

Summary Explanation and Background:

The subject property is located in Sections 3, 4, 9, 10, 15 and 16, Township 29 South, Range 37 East, on Babcock Street in Palm Bay.

The Board of County Commissioners, in regular session on April 21, 2020, Item I.1, authorized the Chair to execute the Interlocal Agreement (ILA) with the City of Palm Bay for the St. Johns Heritage Parkway Intersection and Babcock Street Project. Paragraph 22 of the Agreement states the City agrees that should the Annual Average Daily Traffic (A.A.D.T.), as determined by the Transportation Planning Organization, exceed the Maximum Acceptable Volume (M.A.V.) for any segment of Babcock Street south of Malabar Road, excluding the Florida Department of Transportation Interstate 95 bridge area, to the southern terminus of the Intersection Project, the City shall take over maintenance and ownership of said segment of Babcock Street prior to reconstruction and widening to four lanes. This paragraph further states that should any segment already exceed the M.A.V. on the effective date of the ILA, the City shall assume ownership and maintenance upon the reconstruction of the existing two-lane configuration by the County or two years from the effective date of the ILA, whichever is later. Babcock Street between Waco Boulevard to Malabar Road exceeded M.A.V. at the time of the agreement. Further, the County has complied with and satisfied the necessary conditions precedent to the transfer as contained in the ILA.

The attached Resolution is pursuant to Section 125.38, Florida Statute authorizing the conveyance of County property. The attached County Deed will formally transfer that segment of Babcock Street between Waco Boulevard to Malabar Road, including its roadway, drainage systems, traffic signals at signalized intersections; 1) Foundation Park, 2) Waco Boulevard, 3) Royal Palm Charter School northbound school zone flasher, 4) Royal Palm Charter School southbound school zone flasher, and associated equipment, and all associated

improvements within the limits of the conveyed segment of Babcock Street from Waco Boulevard to Malabar Road to the City.

At the regular City Council meeting on December 15, 2022 the City accepted this transfer and executed a Resolution.

This transfer follows the policies and procedures as set forth in Administrative Order 37 and the adopted amendment to Brevard County Code, Section 2-247.

Clerk to the Board Instructions:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Resolution with Exhibit and County Deed with Exhibit.

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Resolution and County Deed for the Segment of Babcock Street Between
Waco Boulevard to Malabar Road Transfer to the City of Palm Bay –
Districts 3 and 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u></u>	<u> </u>	<u>11.16.22</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u><i>cms</i></u>	<u> </u>	<u>11-17-2022</u>



December 21, 2022

M E M O R A N D U M

TO: Marc Bernath, Public Works Director **Attn:** Lucy Hamelers, Land Acquisition

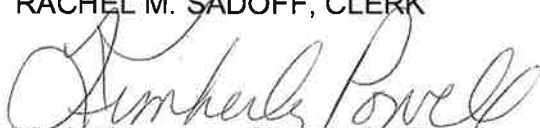
RE: Item F.10., Approval for Resolution and County Deed for the Segment of Babcock Street
Between Waco Boulevard to Malabar Road, Transfer to the City of Palm Bay

The Board of County Commissioners, in regular session on December 20, 2022, approved and executed Resolution No. 22-166, authorizing conveyance of County property; and executed and approved the County Deed for the segment of Babcock Street between Waco Boulevard to Malabar Road, transferring to the City of Palm Bay. Enclosed is the fully-executed Resolution and Deed with exhibits.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

RESOLUTION NO. 22- 166

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA, PURSUANT TO SECTION 125.38, FLORIDA
STATUTES, AND SECTION 2-247, BREVARD COUNTY CODE OF
ORDINANCES, AUTHORIZING CONVEYANCE OF COUNTY PROPERTY; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, Florida, a political sub-division of the State of Florida (hereinafter the COUNTY) possesses all right and title in and to a public road right-of-way within the City of Palm Bay, a municipality incorporated under the laws of Florida (hereinafter the CITY); and

WHEREAS, the right-of-way for said public road is referred to as Babcock Street between Waco Boulevard and Malabar Road (hereinafter the Babcock Street Project), which is further described in Exhibit A; and

WHEREAS, on April 24, 2020, the COUNTY and CITY executed an Interlocal Agreement regarding the St. Johns Heritage Parkway Intersection and Babcock Street Project (hereinafter the Interlocal); and

WHEREAS, paragraph 22 of the Interlocal states the COUNTY and CITY agree that should the Annual Average Daily Traffic (A.A.D.T.), as determined by the Traffic Planning Organization (T.P.O.), exceed the Maximum Acceptable Volume (M.A.V.) for any segment of Babcock Street south of Malabar Road, excluding the Florida Department of Transportation (F.D.O.T.) Interstate 95 bridge area, to the southern terminus of the Intersection Project, the CITY shall take over maintenance and ownership of said segment of Babcock prior to reconstruction and widening to four lanes; and

WHEREAS, the CITY has agreed to accept ownership and maintenance responsibility for the street and traffic lights including related equipment for the two (2) signalized intersections and two flashers (Foundation Park, Waco Boulevard, Royal Palm Charter School northbound school zone flasher, and Royal Palm Charter School southbound school zone flasher); and

WHEREAS, the County Deed with attached Exhibit A will effectuate the intent of the Interlocal, and

WHEREAS, the CITY has applied for a conveyance of the Babcock Street Road project area via the Interlocal, which shall promote the community interest and welfare of the CITY; and

WHEREAS, the COUNTY agrees that the CITY's proposed use of the property for roadway purposes will promote public health, safety or welfare, will serve the public interest, will serve a public purpose; and the COUNTY has determined that said property is not needed for COUNTY purposes, and desires to cooperate with and assist the CITY by conveying the property.

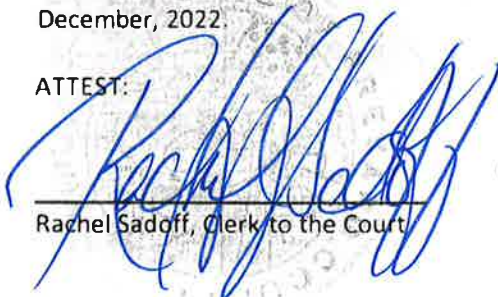
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that:

1. The foregoing recitals are true and correct and incorporated to this Resolution by this reference.

2. The Babcock Street Project property is fully described at Exhibit A, which is attached and incorporated by this reference, and conveyance of said property shall include its associated roadway, drainage systems, and the traffic signals servicing two signalized intersections and two flashers at 1) Babcock Street at Foundation Park intersection, 2) Babcock Street at Waco Boulevard intersection, 3) Babcock Street at Royal Palm Charter School, Northbound School Zone Flasher, and 4) Babcock Street at Royal Palm Charter School, Southbound School Zone Flasher. The Babcock Street Project is located within the boundary of the CITY, and is not needed for COUNTY purposes.
3. The COUNTY finds the CITY has requested the conveyance and the CITY will use and maintain the Babcock Street Project as a public roadway to provide safe and well-kept roadways for the community.
4. In the event the Babcock Street Project is not used, maintained or ceases to be used and maintained for a public roadway, the COUNTY does not retain any right to reenter and repossess the property.
5. The COUNTY authorizes the Chair, Board of County Commissioners, to execute all necessary documents to convey (1) the Babcock Street Project, as described in Exhibit A, (2) it's associated roadway, drainage systems and traffic signals as described in paragraph 1, and (3) any rights pursuant to section 270.11(3), Florida Statutes, to the CITY by County Deed at nominal consideration pursuant to the terms of the Interlocal.
6. This Resolution shall take effect immediately upon its adoption.

This Resolution is **DONE, ORDERED, AND ADOPTED** in Regular Session, this 20th day of December, 2022.

ATTEST:

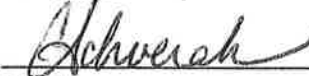

Rachel Sadoff, Clerk to the Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Rita Pritchett, Chair

As approved by the Board on: 12-20-2022

Reviewed for legal form and content:


Assistant County Attorney

Right-Of-Way Parcels located at Brevard County Road Plat Book 5, Page 72 described as follows:

LEGAL DESCRIPTION: BABCOCK STREET, ALSO KNOWN AS STATE ROAD NO. 507, RIGHT OF WAY PARCEL FROM WACO BOULEVARD SE TO STATE ROAD NO. 514, SECTION 70012, ALSO KNOWN AS MALABAR ROAD SE (BY SURVEYOR) BABCOCK STREET RIGHT OF WAY, FROM THE SOUTH RIGHT OF WAY LINE OF WACO BOULEVARD SE NORTHERLY TO THE SOUTH RIGHT OF WAY LINE OF SAID STATE ROAD NO. 514, ALSO KNOWN AS MALABAR ROAD, AND BEING LOCATED WITHIN SECTIONS 3, 4, 9, 10, 15, AND 16, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION WITHIN THE RIGHT OF WAY OF STATE ROAD NO. 9, SECTION 70220, ALSO KNOWN AS INTERSTATE 95, AND BEING MORE PARTICULARLY DESCRIBED AS THE FOLLOWING TWO (2) PARCELS OF RIGHT OF WAY, A SOUTHERN PARCEL SOUTH OF SAID STATE ROAD NO. 9 AND A NORTHERN PARCEL NORTH OF SAID STATE ROAD NO. 9.

BABCOCK STREET, SOUTHERN PARCEL:

A RIGHT OF WAY PARCEL FROM WACO BOULEVARD SE NORTHERLY TO SAID STATE ROAD NO. 9, SECTION 70220, ALSO KNOWN AS INTERSTATE 95, AND LYING WITHIN SECTIONS 3, 4, 9, 10, AND 15, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY CORNER OF TRACT "A", PORT MALABAR UNIT FORTY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 29 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 03° 30' 56" WEST ALONG THE WEST LINE OF SAID TRACT "A" FOR A DISTANCE OF 526.29 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3, SAID LINE ALSO BEING THE NORTH LINE OF SAID SECTION 10; THENCE SOUTH 03° 30' 56" WEST ALONG THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8083, PAGE 1676 FOR A DISTANCE OF 244.10 FEET; THENCE CONTINUING ALONG SAID WEST LINE NORTH 89° 28' 02" WEST FOR A DISTANCE OF 23.39 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE SOUTH 03° 56' 05" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1214.26 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 5679.65 FEET, AN INCLUDED ANGLE OF 03° 23' 05"; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 335.53 FEET TO THE POINT OF TANGENCY, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 240; THENCE SOUTH 00° 33' 00" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 849.51 FEET TO A POINT ON THE SOUTH LINE OF LOT 24, SECTION 10, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY AS RECORDED IN PLAT BOOK 1, PAGE 165, SAID LINE ALSO BEING THE NORTH LINE OF LOT 9, SECTION 10, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY; THENCE SOUTH 00° 32' 47" WEST CONTINUING ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 2643.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 10, SAID LINE ALSO BEING THE NORTH LINE OF SAID SECTION 15; THENCE SOUTH 00° 12' 44" WEST CONTINUING ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1269.31 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN NORTH 89° 47' 16" WEST FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 240, SAID LINE ALSO BEING THE EAST LINE OF THE PORT MALABAR UNIT SIXTEEN,

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 84; THENCE NORTH 00° 12' 44" EAST ALONG SAID WEST RIGHT OF WAY LINE AND SAID EAST LINE OF PORT MALABAR UNIT SIXTEEN FOR A DISTANCE OF 1269.45 FEET TO THE NORTHEAST CORNER OF SAID SECTION 16, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 9, AND SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID PORT MALABAR UNIT SIXTEEN; THENCE NORTH 89° 37' 15" WEST ALONG THE NORTH LINE OF SAID SECTION 16, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SECTION 9, AND SAID LINE ALSO BEING THE NORTH LINE OF SAID PORT MALABAR UNIT SIXTEEN FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE NORTH 00° 32' 47" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1321.78 FEET TO A POINT ON THE NORTH LINE OF LOT 1, SECTION 9, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 16, SECTION 9, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY; THENCE NORTH 89° 23' 18" WEST ALONG THE SAID NORTH LINE OF LOT 1 AND THE SAID SOUTH OF LOT 16 FOR A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 260; THENCE NORTH 00° 32' 47" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1321.50 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 16, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 17, SECTION 9, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY; THENCE NORTH 00° 33' 00" EAST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1320.73 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF FOUNDATION PARK BOULEVARD AS ESTABLISHED BY THE PLAT OF PORT MALABAR UNIT FIFTY SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 60, ALSO KNOWN AS JASLO STREET PER SAID PLAT; THENCE SOUTH 89° 27' 03" EAST ALONG SAID SOUTH RIGHT OF WAY FOR A DISTANCE OF 20.00 FEET TO A POINT THE EAST LINE OF SAID PORT MALABAR UNIT FIFTY SIX; THENCE NORTH 00° 33' 00" EAST ALONG SAID EAST LINE AND THENCE ALONG THE EAST LINE OF PORT MALABAR INDUSTRIAL PARK UNIT TWO ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 74, FOR A DISTANCE OF 1320.73 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 9, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SECTION 4; THENCE SOUTH 89° 27' 00" EAST ALONG SAID NORTH LINE OF SAID SECTION 9 AND ALONG SAID SOUTH LINE OF SAID SECTION 4 FOR A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 10, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89° 12' 54" EAST ALONG THE NORTH LINE OF SAID SECTION 10, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SECTION 3, FOR A DISTANCE OF 43.28 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5679.65 FEET, AN INCLUDED ANGLE OF 01° 46' 11", AND WHOSE LONG CHORD BEARS NORTH 01° 19' 10" EAST; THENCE ALONG THE ARC OF SAID CURVE, SAID ARC ALSO BEING THE WEST RIGHT OF WAY LINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449 PAGE 493, FOR A DISTANCE OF 175.42 FEET TO A POINT OF TANGENCY; THENCE NORTH 00° 26' 05" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 581.76 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 9, SECTION 70220; THENCE SOUTH 32° 23' 32" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 276.54 FEET TO THE POINT OF BEGINNING, CONTAINING 18.76 ACRES (817,381 SQUARE FEET) MORE OR LESS.

BABCOCK STREET, NORTHERN PARCEL:

A RIGHT OF WAY PARCEL FROM STATE ROAD NO. 9, SECTION 70220, ALSO KNOWN AS INTERSTATE 95, NORTHERLY TO STATE ROAD NO. 514, SECTION 70012, ALSO KNOWN AS MALABAR ROAD, AND LYING WITHIN SECTIONS 3 AND 4, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHERLY CORNER OF TRACT "A", PORT MALABAR UNIT FORTY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 29 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 04° 04' 50" EAST FOR A DISTANCE OF 504.68 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 9, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE AS ESTABLISHED BY SAID PLAT OF PORT MALABAR UNIT FORTY, AND SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 32° 23' 32" WEST ALONG SAID EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 9 FOR A DISTANCE OF 335.74 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE NORTH 00° 26' 05" EAST ALONG SAID WEST RIGHT OF WAY LINE AND ALSO ALONG THE WEST RIGHT OF WAY LINE AS SHOWN ON PORT MALABAR UNIT THIRTY-EIGHT ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 117, FOR A DISTANCE OF 3925.32 FEET; THENCE SOUTH 89° 21' 33" EAST ALONG A LINE 33.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 3, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE SOUTH 00° 26' 05" WEST ALONG SAID EAST RIGHT OF WAY LINE, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE AS SAID PORT MALABAR UNIT THIRTY EIGHT AND THE EAST RIGHT OF WAY LINE AS SHOWN ON SAID PLAT OF PORT MALABAR UNIT FORTY, FOR A DISTANCE OF 2879.09 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE SOUTH 89° 28' 23" EAST ALONG SAID EAST RIGHT OF WAY AS ESTABLISHED BY SAID PLAT OF PORT MALABAR UNIT FORTY FOR A DISTANCE OF 2.80 FEET; THENCE SOUTH 02° 58' 43" EAST CONTINUING ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1330.35 FEET TO THE POINT OF BEGINNING, CONTAINING 10.36 ACRES (451,363 SQUARE FEET), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. A TITLE OPINION OR REPORT WAS NOT PROVIDED TO THE SURVEYOR. 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.

Prepared by and return to:
Office of the County Attorney
2725 Judge Fran Jamieson Way, Building C
Viera, Florida 32940
Babcock Street - Waco Boulevard to Malabar Road

COUNTY DEED
(STATUTORY FORM - SECTION 125.411, Florida Statutes)

THIS DEED, made this 20th day of December, 2022, between Brevard County, Florida, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, the first party, and the City of Palm Bay, a municipal corporation of the State of Florida, whose address is 120 Malabar Road, Palm Bay, Florida 32907, the second party,

(Whenever used herein the terms "first party" and "second party" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "First party" and "second party" are used for singular and plural, as the context requires and the use of any gender shall include all genders)

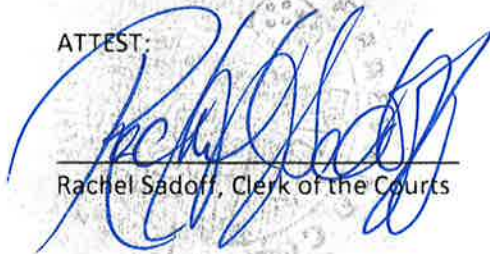
WITNESSETH that the first party, for and in consideration of the sum of Ten Dollars, to it in hand paid by the second party, receipt whereof is hereby acknowledged, has granted, bargained and sold to the second party, its successors and assigns forever, any interest it holds in the following described land lying and being in Brevard County, Florida, to wit:

The parcel as fully described in Exhibit "A" attached and incorporated by this reference, including all maintenance and functional responsibility for Babcock Street from Waco Boulevard to Malabar Road, its associated roadway, drainage systems, and the traffic signals servicing two signalized intersections and two flashers at: 1) Babcock Street at Foundation Park intersection, 2) Babcock Street at Waco Boulevard intersection, 3) Babcock Street at Royal Palm Charter School, Northbound School Zone Flasher, and 4) Babcock Street at Royal Palm Charter School, Southbound School Zone Flasher. Additionally, the first party transfers all riparian and littoral rights appertaining thereto, and all interests in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statutes. In the event the property is not used, maintained or ceases to be used and maintained for a public roadway with associated retention and detention ponds, the COUNTY does not retain any right to reenter and repossess the property.

(Signature Page Follows)

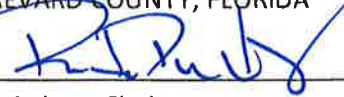
IN WITNESS WHEREOF the said first party has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair of said board, the day and year aforesaid.

ATTEST:



Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair

(As approved by the Board on 12-20-2022)

Right-Of-Way Parcels located at Brevard County Road Plat Book 5, Page 72 described as follows:

LEGAL DESCRIPTION: BABCOCK STREET, ALSO KNOWN AS STATE ROAD NO. 507, RIGHT OF WAY PARCEL FROM WACO BOULEVARD SE TO STATE ROAD NO. 514, SECTION 70012, ALSO KNOWN AS MALABAR ROAD SE (BY SURVEYOR) BABCOCK STREET RIGHT OF WAY, FROM THE SOUTH RIGHT OF WAY LINE OF WACO BOULEVARD SE NORTHERLY TO THE SOUTH RIGHT OF WAY LINE OF SAID STATE ROAD NO. 514, ALSO KNOWN AS MALABAR ROAD, AND BEING LOCATED WITHIN SECTIONS 3, 4, 9, 10, 15, AND 16, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION WITHIN THE RIGHT OF WAY OF STATE ROAD NO. 9, SECTION 70220, ALSO KNOWN AS INTERSTATE 95, AND BEING MORE PARTICULARLY DESCRIBED AS THE FOLLOWING TWO (2) PARCELS OF RIGHT OF WAY, A SOUTHERN PARCEL SOUTH OF SAID STATE ROAD NO. 9 AND A NORTHERN PARCEL NORTH OF SAID STATE ROAD NO. 9.

BABCOCK STREET, SOUTHERN PARCEL:

A RIGHT OF WAY PARCEL FROM WACO BOULEVARD SE NORTHERLY TO SAID STATE ROAD NO. 9, SECTION 70220, ALSO KNOWN AS INTERSTATE 95, AND LYING WITHIN SECTIONS 3, 4, 9, 10, AND 15, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY CORNER OF TRACT "A", PORT MALABAR UNIT FORTY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 29 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 03° 30' 56" WEST ALONG THE WEST LINE OF SAID TRACT "A" FOR A DISTANCE OF 526.29 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3, SAID LINE ALSO BEING THE NORTH LINE OF SAID SECTION 10; THENCE SOUTH 03° 30' 56" WEST ALONG THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8083, PAGE 1676 FOR A DISTANCE OF 244.10 FEET; THENCE CONTINUING ALONG SAID WEST LINE NORTH 89° 28' 02" WEST FOR A DISTANCE OF 23.39 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE SOUTH 03° 56' 05" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1214.26 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 5679.65 FEET, AN INCLUDED ANGLE OF 03° 23' 05"; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 335.53 FEET TO THE POINT OF TANGENCY, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 240; THENCE SOUTH 00° 33' 00" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 849.51 FEET TO A POINT ON THE SOUTH LINE OF LOT 24, SECTION 10, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY AS RECORDED IN PLAT BOOK 1, PAGE 165, SAID LINE ALSO BEING THE NORTH LINE OF LOT 9, SECTION 10, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY; THENCE SOUTH 00° 32' 47" WEST CONTINUING ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 2643.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 10, SAID LINE ALSO BEING THE NORTH LINE OF SAID SECTION 15; THENCE SOUTH 00° 12' 44" WEST CONTINUING ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1269.31 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN NORTH 89° 47' 16" WEST FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 240, SAID LINE ALSO BEING THE EAST LINE OF THE PORT MALABAR UNIT SIXTEEN,

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 84; THENCE NORTH 00° 12' 44" EAST ALONG SAID WEST RIGHT OF WAY LINE AND SAID EAST LINE OF PORT MALABAR UNIT SIXTEEN FOR A DISTANCE OF 1269.45 FEET TO THE NORTHEAST CORNER OF SAID SECTION 16, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 9, AND SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID PORT MALABAR UNIT SIXTEEN; THENCE NORTH 89° 37' 15" WEST ALONG THE NORTH LINE OF SAID SECTION 16, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SECTION 9, AND SAID LINE ALSO BEING THE NORTH LINE OF SAID PORT MALABAR UNIT SIXTEEN FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE NORTH 00° 32' 47" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1321.78 FEET TO A POINT ON THE NORTH LINE OF LOT 1, SECTION 9, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 16, SECTION 9, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY; THENCE NORTH 89° 23' 18" WEST ALONG THE SAID NORTH LINE OF LOT 1 AND THE SAID SOUTH OF LOT 16 FOR A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 260; THENCE NORTH 00° 32' 47" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1321.50 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 16, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 17, SECTION 9, SAID PLAT OF FLORIDA INDIAN RIVER LAND COMPANY; THENCE NORTH 00° 33' 00" EAST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1320.73 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF FOUNDATION PARK BOULEVARD AS ESTABLISHED BY THE PLAT OF PORT MALABAR UNIT FIFTY SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 60, ALSO KNOWN AS JASLO STREET PER SAID PLAT; THENCE SOUTH 89° 27' 03" EAST ALONG SAID SOUTH RIGHT OF WAY FOR A DISTANCE OF 20.00 FEET TO A POINT THE EAST LINE OF SAID PORT MALABAR UNIT FIFTY SIX; THENCE NORTH 00° 33' 00" EAST ALONG SAID EAST LINE AND THENCE ALONG THE EAST LINE OF PORT MALABAR INDUSTRIAL PARK UNIT TWO ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 74, FOR A DISTANCE OF 1320.73 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 9, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SECTION 4; THENCE SOUTH 89° 27' 00" EAST ALONG SAID NORTH LINE OF SAID SECTION 9 AND ALONG SAID SOUTH LINE OF SAID SECTION 4 FOR A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 10, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89° 12' 54" EAST ALONG THE NORTH LINE OF SAID SECTION 10, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SECTION 3, FOR A DISTANCE OF 43.28 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5679.65 FEET, AN INCLUDED ANGLE OF 01° 46' 11", AND WHOSE LONG CHORD BEARS NORTH 01° 19' 10" EAST; THENCE ALONG THE ARC OF SAID CURVE, SAID ARC ALSO BEING THE WEST RIGHT OF WAY LINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449 PAGE 493, FOR A DISTANCE OF 175.42 FEET TO A POINT OF TANGENCY; THENCE NORTH 00° 26' 05" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 581.76 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 9, SECTION 70220; THENCE SOUTH 32° 23' 32" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 276.54 FEET TO THE POINT OF BEGINNING, CONTAINING 18.76 ACRES (817,381 SQUARE FEET) MORE OR LESS.

BABCOCK STREET, NORTHERN PARCEL:

A RIGHT OF WAY PARCEL FROM STATE ROAD NO. 9, SECTION 70220, ALSO KNOWN AS INTERSTATE 95, NORTHERLY TO STATE ROAD NO. 514, SECTION 70012, ALSO KNOWN AS MALABAR ROAD, AND LYING WITHIN SECTIONS 3 AND 4, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHERLY CORNER OF TRACT "A", PORT MALABAR UNIT FORTY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 29 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 04° 04' 50" EAST FOR A DISTANCE OF 504.68 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 9, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE AS ESTABLISHED BY SAID PLAT OF PORT MALABAR UNIT FORTY, AND SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 32° 23' 32" WEST ALONG SAID EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 9 FOR A DISTANCE OF 335.74 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID BABCOCK STREET AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE NORTH 00° 26' 05" EAST ALONG SAID WEST RIGHT OF WAY LINE AND ALSO ALONG THE WEST RIGHT OF WAY LINE AS SHOWN ON PORT MALABAR UNIT THIRTY-EIGHT ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 117, FOR A DISTANCE OF 3925.32 FEET; THENCE SOUTH 89° 21' 33" EAST ALONG A LINE 33.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 3, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE SOUTH 00° 26' 05" WEST ALONG SAID EAST RIGHT OF WAY LINE, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE AS SAID PORT MALABAR UNIT THIRTY EIGHT AND THE EAST RIGHT OF WAY LINE AS SHOWN ON SAID PLAT OF PORT MALABAR UNIT FORTY, FOR A DISTANCE OF 2879.09 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 449, PAGE 493; THENCE SOUTH 89° 28' 23" EAST ALONG SAID EAST RIGHT OF WAY AS ESTABLISHED BY SAID PLAT OF PORT MALABAR UNIT FORTY FOR A DISTANCE OF 2.80 FEET; THENCE SOUTH 02° 58' 43" EAST CONTINUING ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1330.35 FEET TO THE POINT OF BEGINNING, CONTAINING 10.36 ACRES (451,363 SQUARE FEET), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. A TITLE OPINION OR REPORT WAS NOT PROVIDED TO THE SURVEYOR. 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.

Location Map

Sections 3, 4, 9, 10, 15 and 16, Township 29 South, Range 37 East

Property Location: Babcock Street in Palm Bay, Florida

Owner: Brevard County, Florida

