BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Transfer of Stewart Road Between Aurora Road and Lake Washington Road to the City of Melbourne – District 4.

- AGENCY: Public Works Department / Land Acquisition
- AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-690-6847 extension 58336

LAND ACQUISITION Lucy Hamelers, Supervisor

COUNTY ATTORNEY Christine Schverak Assistant County Attorney

APPROVE

DISAPPROVE

DATE

10-13-2020 10-13-2020

AGENDA DUE DATE: October 20, 2020 for the October 27, 2020 Board Meeting

Prepared by and return to: Office of the County Attorney 2725 Judge Fran Jamieson Way, Building C Viera, Florida 32940 (Stewart Road between Aurora Road to Lake Washington Road)

COUNTY DEED

(STATUTORY FORM - SECTION 125.411, Florida Statute)

THIS DEED, made this _____ day of _____, 2020, between Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, as the first party, and the City of Melbourne, a municipal corporation of the State of Florida, whose address is 900 East Strawbridge Avenue, Melbourne, Florida 32901, as 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 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:

As fully described in Exhibit A, attached and incorporated by this reference, the first party transfers ownership, maintenance, and functional responsibility for Stewart Road between Aurora Road to Lake Washington Road, its associated roadway drainage systems, and applicable right of way permits. 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 Statute. In the event the property is not used, maintained or ceases to be used and maintained for a public roadway with associated drainage, the first party does not retain any right of reversion.

IN WITNESS WHEREOF, the first party has caused this Deed 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:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

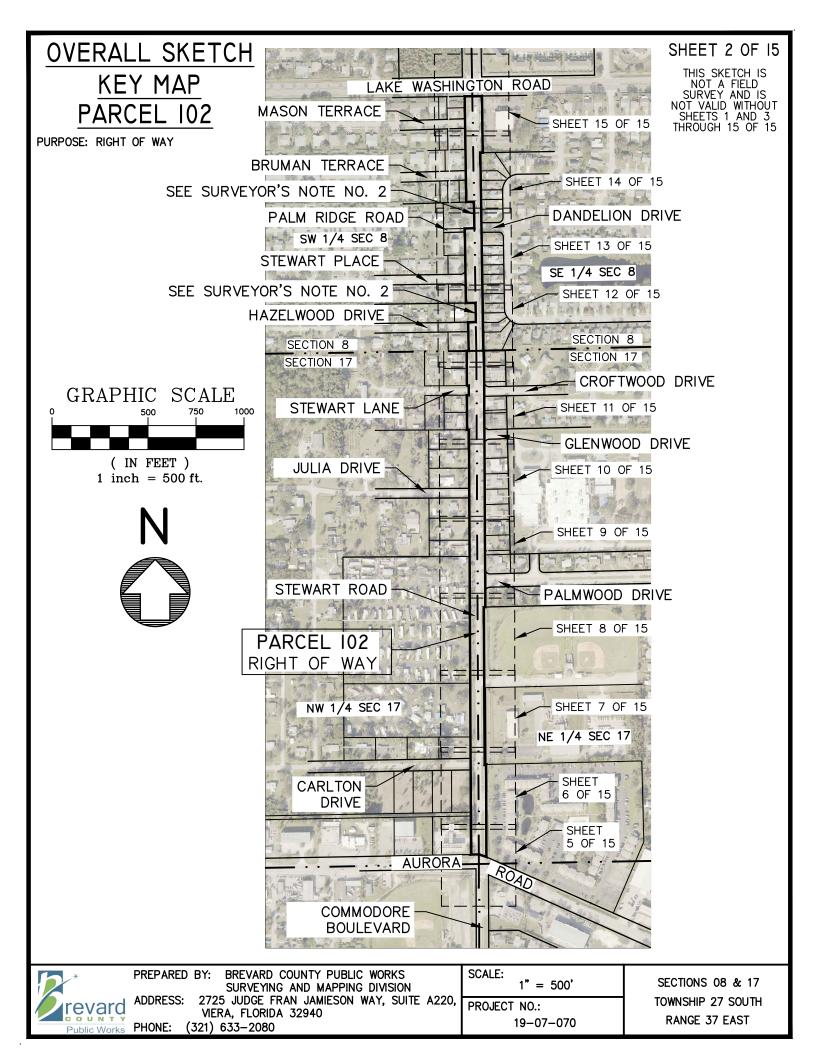
By:_____

Scott Ellis

Bryan Andrew Lober, Chair

(As approved by the Board)

SKETCH & LEGA			SHEET I OF 15 THIS SKETCH IS NOT A FIELD SLIPVEY AND IS NOT				
STEWART ROAD (AURORA ROAD TO LAKE WASHINGTON ROAD)				THIS SKETCH IS NOT A FIELD SURVEY AND IS NOT VALID WITHOUT SHEETS 2 THROUGH 15 OF 15			
PARCEL 102 SECTIONS 08 & 17, TOWNSHIP 27 SOUTH, RANGE 37 EAST					ND RIGHT OF WAY LINE SECTION LINE CENTER LINE RIGHT OF WAY LINE		
SHEET 1 - COVER NOTE SHEET 2 - OVER SHEETS 3-4 - LEGA	R SHEET, LEGEND, SURVEYOR'S S, ABBREVIATIONS RALL SKETCH, KEY MAP AL DESCRIPTION CH OF DESCRIPTION				LOT LINE DENOTES RIGHT OF WAY		
NOT	$\begin{array}{c} 28 \\ 27 \\ 28 \\ 27 \\ 26 \\ 27 \\ 26 \\ 27 \\ 26 \\ 27 \\ 26 \\ 27 \\ 26 \\ 27 \\ 26 \\ 27 \\ 26 \\ 27 \\ 27$		1. THIS S ONLY A G SHOWN HI 2. THIS I AND PLAT MAY BE C PHYSICAL ROADWAY PUBLIC TC ACTUALLY ACCORDIN CODE. IT DESCRIPTI 3. THE E NORTH, FI ZONE 0900 ADJUSTME NORTHWES RANGE 37 4. THIS I S. REFER A. S BRE BRE BRE BRE BRE A. S BRE A. S BRE BRE BRE BRE BRE BRE BRE BRE BRE BRE	SE NOTES: SKETCH IS NOT A SURVEY RAPHIC DEPICTION OF THE PREIN. DESCRIPTION IS SOLELY B S OF PUBLIC RECORD. IT CERTAIN DEED LINES THAT ROADWAY OF STEWART R MAY BE DEEMED TO BE D THE EXTENT IN WIDTH T MAINTAINED FOR THE PR G TO CHAPTER 95–361, I IS BEYOND THE SCOPE OF ON TO DETERMINE THESE BEARINGS SHOWN HEREON LORIDA STATE PLANE COOL 1, NORTH AMERICAN DATE NT, REFERENCED TO THE ST 1/4 OF SECTION 17, THE CAST, AS BEING NORTH SKETCH AND DESCRIPTION BENEFIT OF A TITLE SEAR RENCE MATERIAL NOT DEN SPECIFIC PURPOSE SURVEY VARD COUNTY BOARD OF PARED BY BREVARD COUN PING, PROJECT NO. 04–0 7/2004. CARLTON STEWART GARDIE ORDED IN PLAT BOOK 9, ORDING TO THE ABOVE NO. THE PLATTED NAME OF DTED AS RALPH G. STEWA KNOWN WHEN OR HOW T TO STEWART ROAD.	E LEGAL DESCRIPTION ASED ON DEEDS, MAPS, APPEARS THAT THERE EXTEND INTO THE OAD. AS SUCH, THE DEDICATED TO THE HAT HAS BEEN ESCRIBED PERIOD FLORIDA ADMINISTRATIVE F THIS SKETCH AND UNWRITTEN RIGHTS. ARE BASED ON GRID RDINATE SYSTEM, EAST JM OF 1983, 1990 EAST LINE OF DWNSHIP 27 SOUTH, OO* 17' O4" WEST. WAS PREPARED CH OR OPINION. OTED HEREIN: (PREPARED FOR COUNTY COMMISSIONERS, NTY SURVEYING AND 6-076, DATED ENS PLAT NO. 1 AS PAGE 45. DTED PLAT BOOK 9, THE SUBJECT ROADWAY RT ROAD ON SAID PLAT.		
PREPARED FOR AND CER BREVARD COUNTY E COMMISSIONERS AND	BOARD OF COUNTY		PR	CHAEL J. SWEENEY, PSM 4 OFESSIONAL SURVEYOR & T VALID UNLESS SIGNED /	MAPPER		
	D COUNTY PUBLIC WORKS FRAN JAMIESON WAY, SUI 30						
DRAWN BY: M. CORNELL	CHECKED BY: M. J. SWEENEY	PROJECT REVISIONS		7-070 Description	SECTIONS 08 & 17 TOWNSHIP 27 SOUTH		
DATE: SEPTEMBER 16, 2020	SHEET: 1 OF 15				RANGE 37 EAST		



LEGAL DESCRIPTION

PARCEL 102

PURPOSE: RIGHT OF WAY

EXHIBIT "A" SHEET 3 OF I5 NOT VALID WITHOUT SHEET 1, 2, AND 4 THROUGH 15 OF 15

THIS IS NOT A SURVEY SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 102, RIGHT OF WAY (BY SURVEYOR)

A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 8 AND WITHIN THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE NORTH 00° 17' 04" WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF AURORA ROAD, ALSO PREVIOUSLY KNOWN AS STATE ROAD NO. 101, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE SOUTH 88' 58' 28" WEST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 1, REPLAT OF BLOCK A, CARLTON STEWART GARDENS PLAT NO.1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 27 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00° 17' 04" WEST ALONG THE EAST LINE OF SAID PLAT BOOK 10, PAGE 27 AND ALONG THE EAST LINE OF LOTS 4 THROUGH 7, REPLAT OF PART OF CARLTON STEWART GARDENS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 57 AND ALONG THE EAST LINE OF REPLAT LOT 3 OF REPLAT OF PART OF CARLTON STEWART GARDENS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 31, AND ALONG THE EAST LINE OF LOT 2 PER SAID PLAT BOOK 10, PAGE 57 FOR A DISTANCE OF 2212.41 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 PER SAID PLAT BOOK 10, PAGE 57; THENCE SOUTH 89° 32' 56" WEST ALONG SAID NORTH LINE AND ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED AS PARCEL D IN OFFICIAL RECORDS BOOK 2279, PAGE 1142 FOR A DISTANCE OF 10.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 00° 17' 04' WEST ALONG THE WEST LINE OF THOSE LANDS DESCRIBED AS PARCEL C AND PARCEL D IN THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 180.24 FEET TO THE NORTHWEST CORNER OF PARCEL C OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 89° 32' 56"EAST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF PARCEL C OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF LOT 1 PER SAID PLAT BOOK 10, PAGE 57; THENCE NORTH 00° 17' 04" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 49.75 FEET TO THE SOUTHEAST CORNER OF PARCEL B OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 89' 32' 56" WEST ALONG THE SOUTH LINE OF PARCEL B OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.00 FEET TO THE SOUTHWEST CORNER OF PARCEL B OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 00° 17' 04" WEST ALONG THE WEST LINE OF PARCEL B AND PARCEL A OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 180.25 FEET TO NORTHWEST CORNER OF PARCEL A OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 89" 11' 46" EAST ALONG THE NORTH LINE OF SAID PARCEL A, SAID LINE ALSO BEING THE NORTH LINE OF LOT 1 PER SAID PLAT BOOK IN LINE OF SAID PARCEL A, SAID LINE ALSO BEING THE NORTH LINE OF LOT 1 PER SAID PLAT BOOK 10, PAGE 57, AND SAID LINE ALSO BEING THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17 FOR A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1 PER SAID PLAT BOOK 10, PAGE 57, AND SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 2737; THENCE NORTH 00' 53' 45" WEST ALONG THE EAST LINE OF THE AFORESAID DESCRIBED LANDS AND ALSO ALONG THE EAST LINE OF HAZELWOOD DRIVE FOR A DISTANCE OF 149.72 FEET TO A POINT ON THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3233, PAGE 4351; THENCE NORTH 89° 11' 46" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 00° 53' 45" WEST ALONG SAID EAST LINE OF THE AFORESAID DESCRIBED LANDS AND ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 99.97 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE DEPARTING THE EAST LINE OF SAID SOUTHWEST QUARTER, RUN SOUTH 89' 11' 46" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 30, STEWART PLACE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 148; THENCE NORTH 00° 53' 45" WEST ALONG THE EAST LINE OF SAID LOT 30 AND ALONG THE EAST LINE OF PLAT BOOK 25, PAGE 148 AND ALONG THE

(CONTINUED ON SHEET 4 OF 15)



DRAWN BY: M CORNELL	CHECKED BY: M SWEENEY	PROJECT NO.	19-07-07	SECTION 08 & 17	
		REVISIONS	DATE	DESCRIPTION	TOWNSHIP 27 SOUTH RANGE 37 EAST
DATE: 9/16/20	SHEET: 3 OF 15				

LEGAL DESCRIPTION PARCEL 102

PURPOSE: RIGHT OF WAY

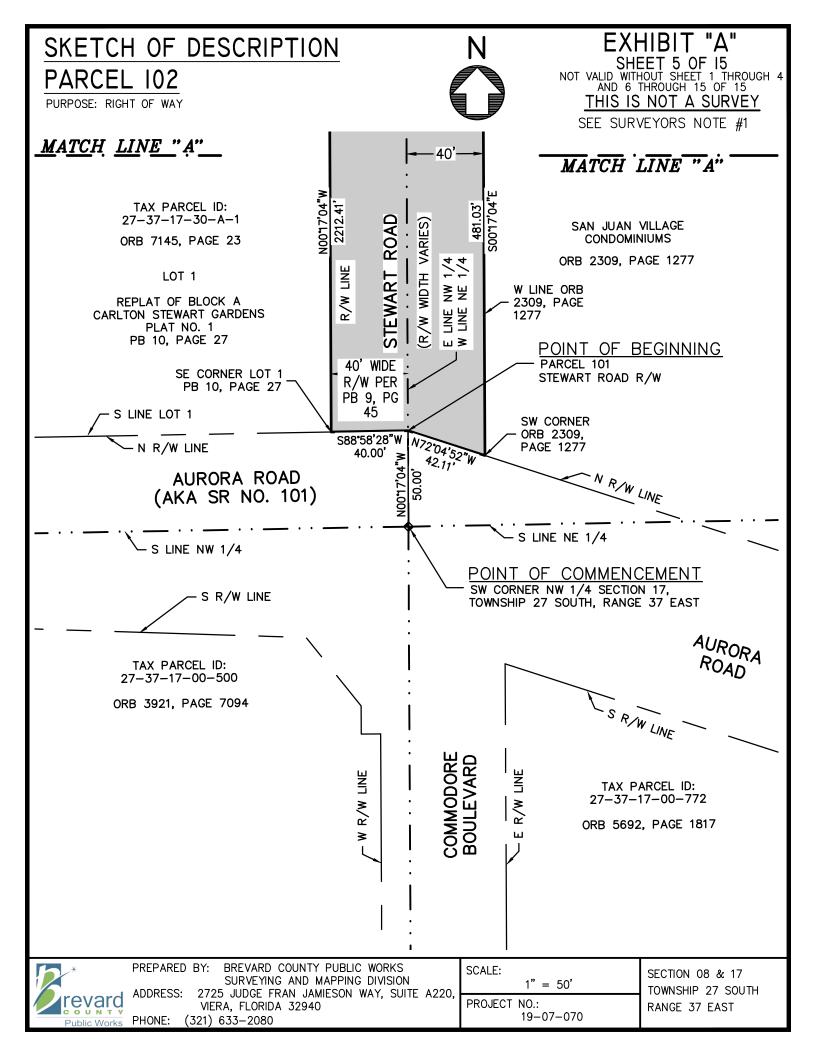
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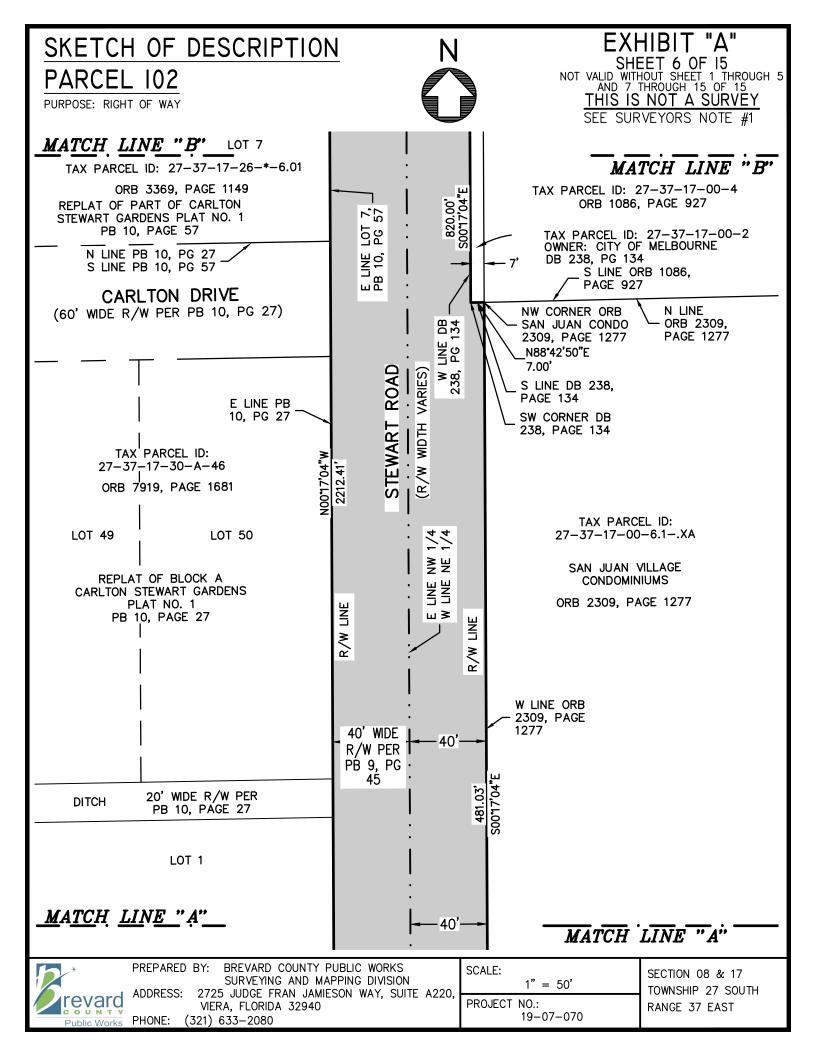
LEGAL DESCRIPTION: PARCEL 102, RIGHT OF WAY (CONTINUED FROM SHEET 3 OF 15)

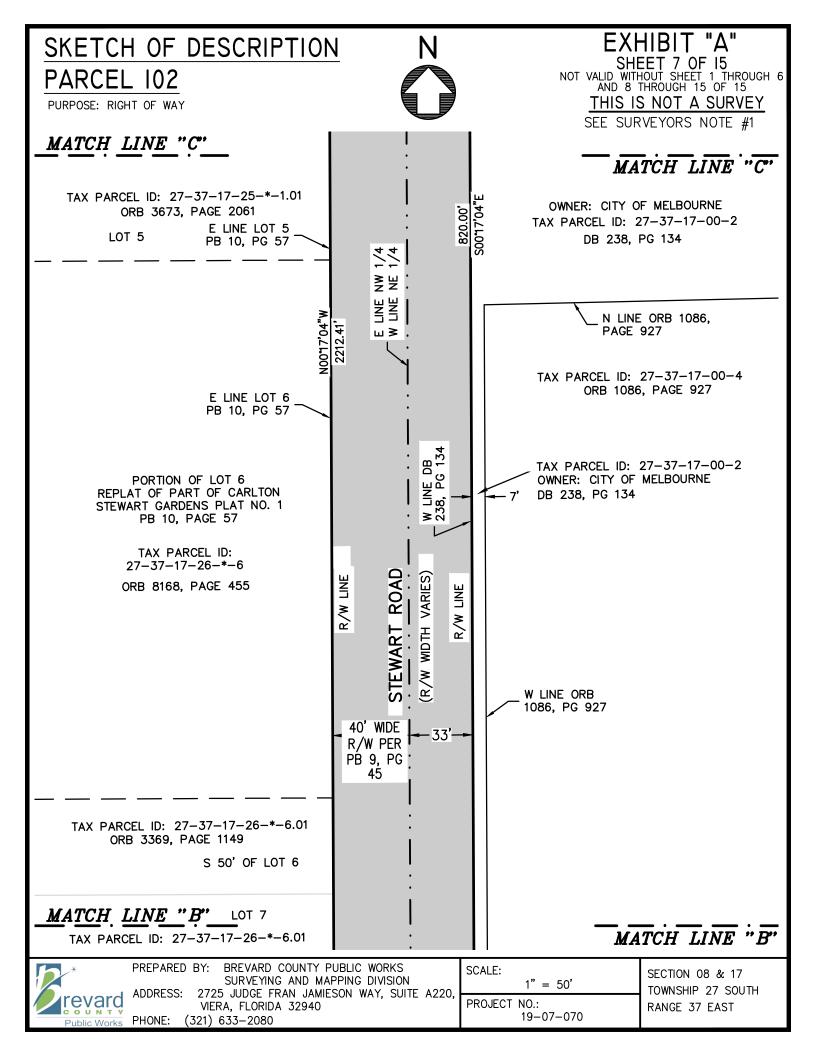
WEST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORDS BOOK 2066, PAGE 141 FOR A DISTANCE OF 388.40 FEET TO A POINT ON THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8309, PAGE 1853; THENCE NORTH 88' 34' 15" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 00° 53' 45" WEST ALONG SAID EAST LINE OF THE AFORESAID DESCRIBED LANDS AND ALONG SAID EAST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 138.00 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 88' 08' 29" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORD BOOK 439, PAGE 306; THENCE NORTH OF WAT LINE OF STEWART NOAD ACCORDING TO OFTICIAL RECORD DISTANCE OF 550.30 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LAKE WASHINGTON ROAD ACCORDING TO OFFICIAL RECORDS BOOK 984, PAGE 350, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF PLAT BOOK 5, PAGE 98, AND ALSO BEING A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 89° 04' 01" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER, ALSO BEING A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUE NORTH 89' 04' 01" EAST ALONG SOUTH RIGHT OF WAY LINE OF LAKE WASHINGTON ROAD ACCORDING TO OFFICIAL RECORDS BOOK 1308, PAGE 736 FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORDS BOOK 3138, PAGE 4164; THENCE SOUTH 00° 53' 45" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 294.62 FEET TO A POINT THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4118, PAGE 3874, SAID LINE ALSO BEING THE NORTH LINE OF LOT 77, MEADOW COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGE 84; THENCE SOUTH 89' 06' 15" WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 13.00 FEET TO THE EAST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORDS BOOK 2901, PAGE 1653; THENCE SOUTH OF WAT LINE OF ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1031.43 FEET TO A POINT ON THE SOUTH LINE OF SAID PLAT BOOK 33, PAGE 84, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 8, AND SAID LINE ALSO BEING THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 17, AND SAID LINE ALSO BEING THE NORTH LINE OF LOT 86, BLOCK M, SUNWOOD PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 84; THENCE NORTH 89' 06' 36" EAST ALONG THE SAID SOUTH LINE AND SAID NORTH LINE FOR A DISTANCE OF 3.01 FEET TO A POINT ON THE WEST LINE OF PLAT BOOK 18, PAGE 84; THENCE SOUTH 00° 17' 04" EAST ALONG SAID WEST LINE FOR A DISTANCE OF 1335.38 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK A, PER SAID PLAT BOOK 18, PAGE 84, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 238, PAGE 134; THENCE SOUTH 88° 42' 50" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 7.00 FEET TO THE NORTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 00° 17' 04" EAST ALONG THE WEST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 820.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 88' 42' 50" EAST ALONG THE SOUTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 7.00 FEET TO THE NORTHWEST CORNER OF SAN JUAN CONDOMINIUMS ACCORDING TO THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2309, PAGE 1277; THENCE SOUTH 00" 17' 04" EAST ALONG THE WEST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 481.03 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID AURORA ROAD; THENCE NORTH 72° 04' 52" WEST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 42.11 FEET TO THE POINT OF BEGINNING, CONTAINING 7.08 ACRES, 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 RIGHTS-OF-WAY, EASEMENTS, AGREEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD. THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR OPINION.

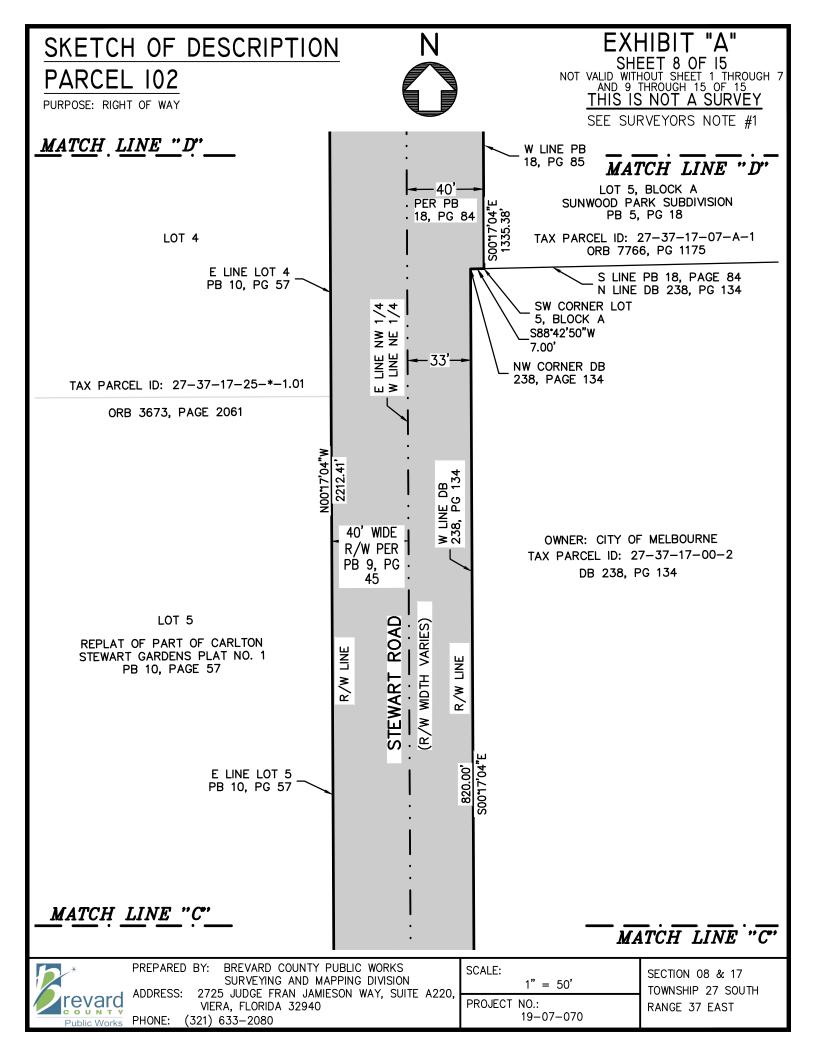


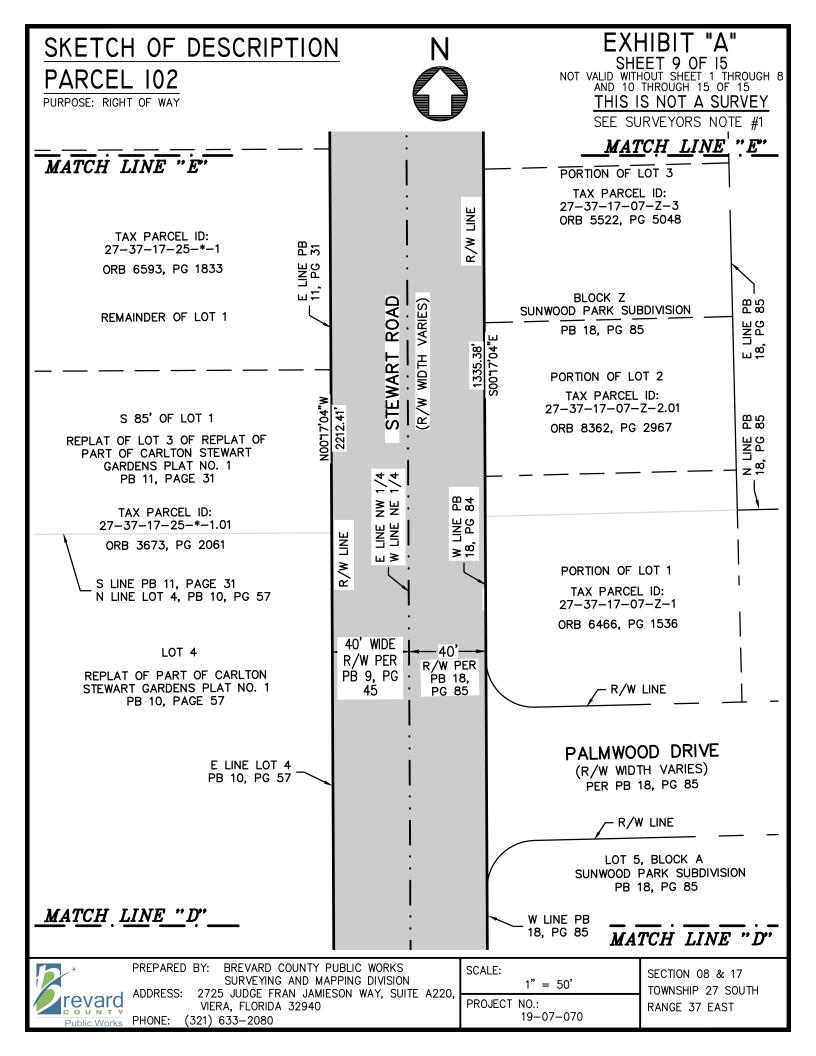
DRAWN BY: M CORNELL	CHECKED BY: M SWEENEY	PROJECT NO.	19-07-07	SECTION 08 & 17	
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	SHEET: 4 OF 15				
DATE: 9/16/20	SHEET: 4 OF 15				

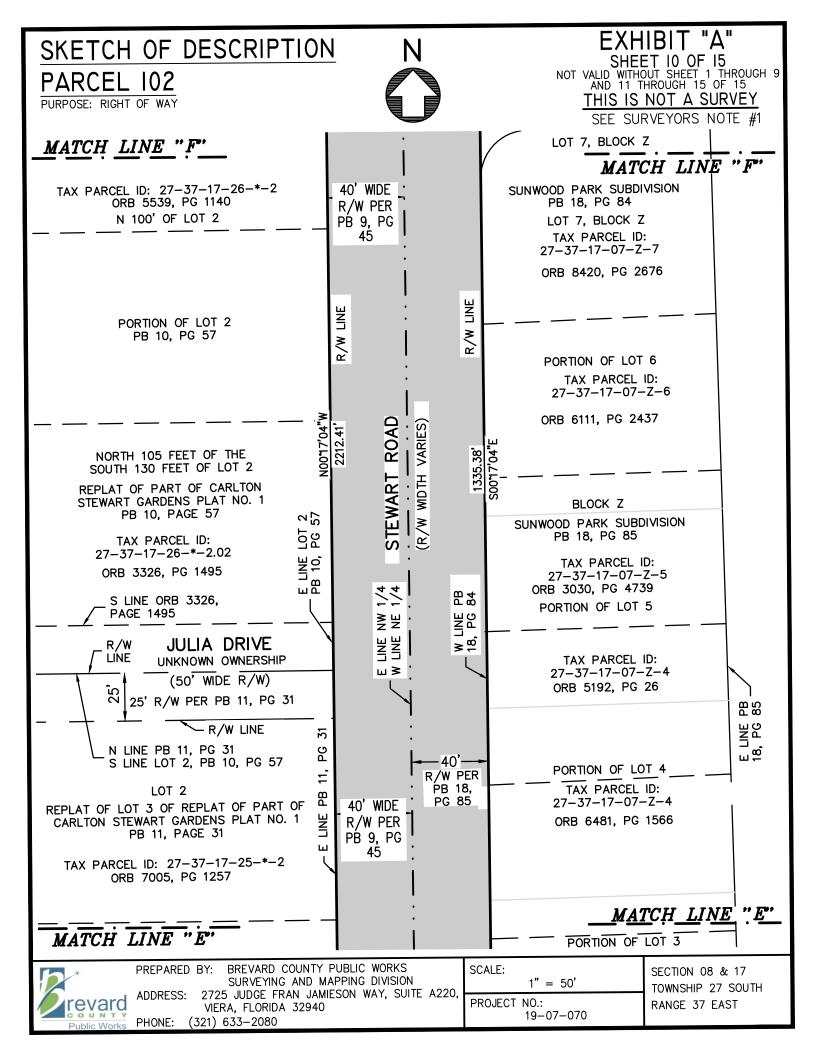


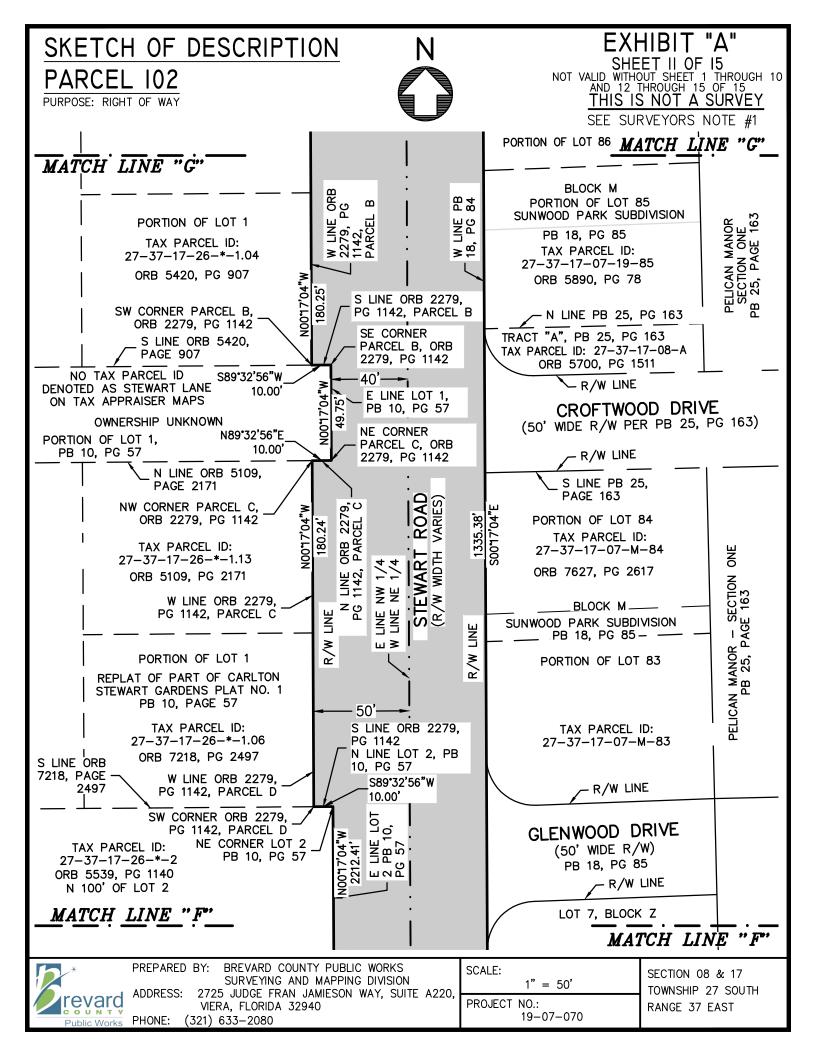


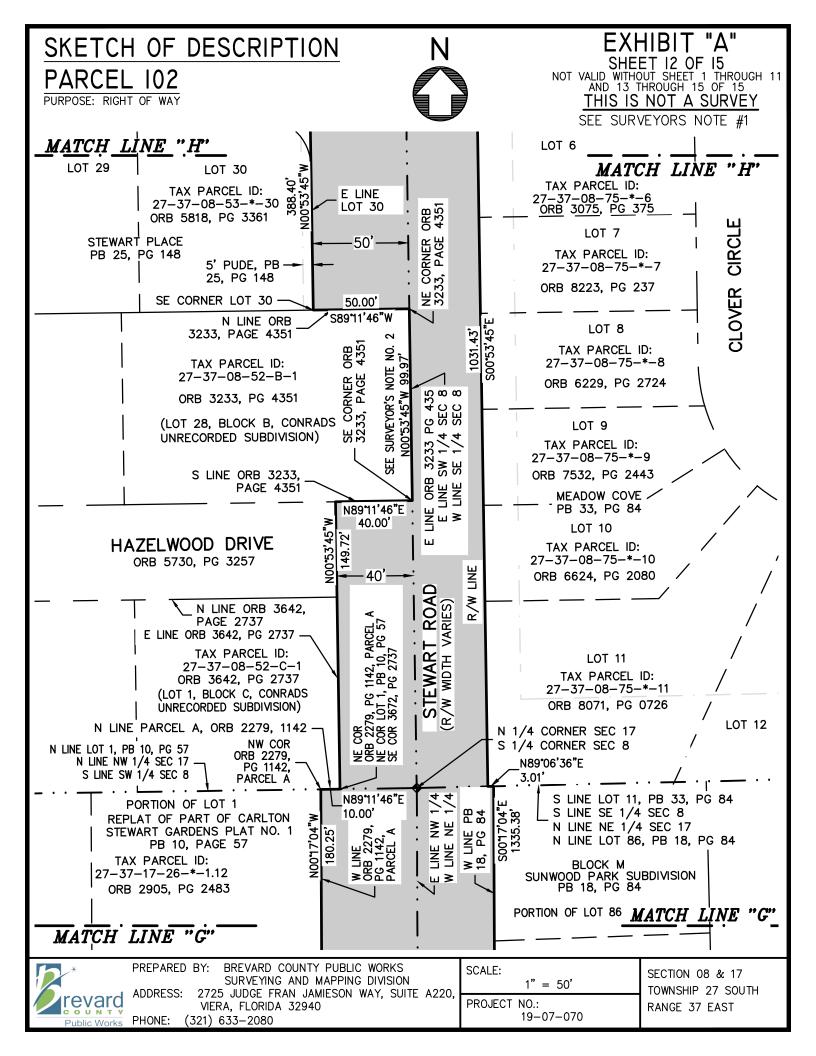


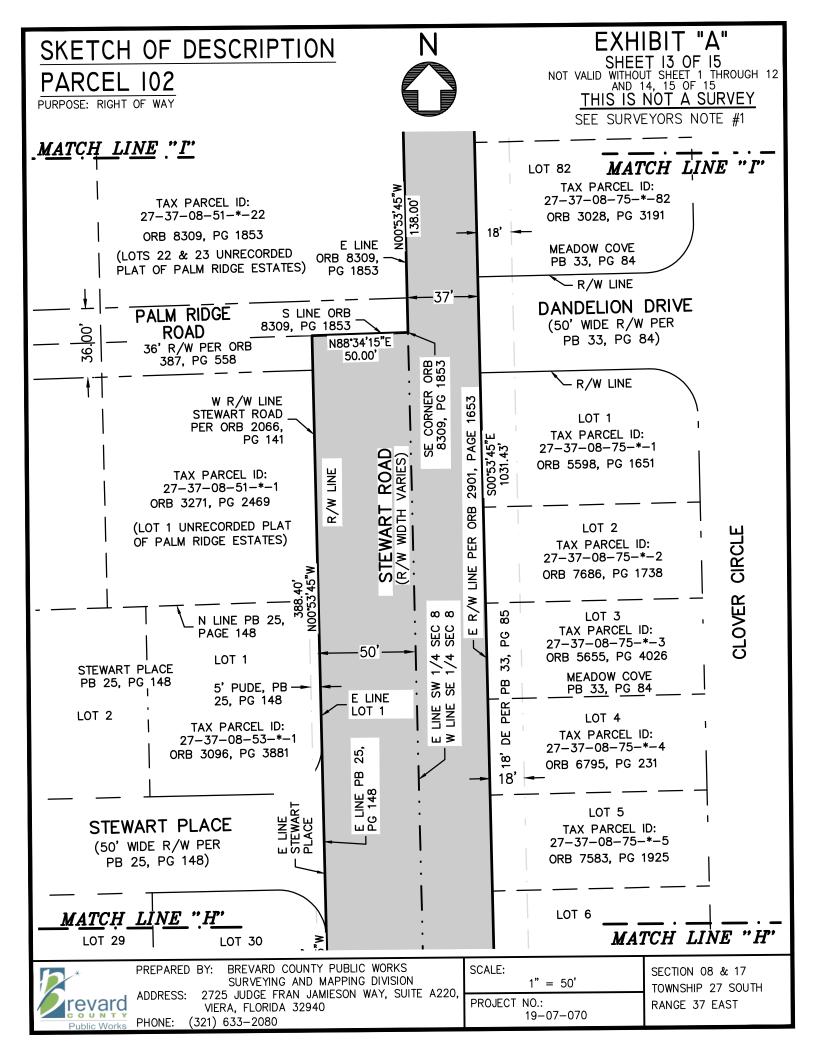


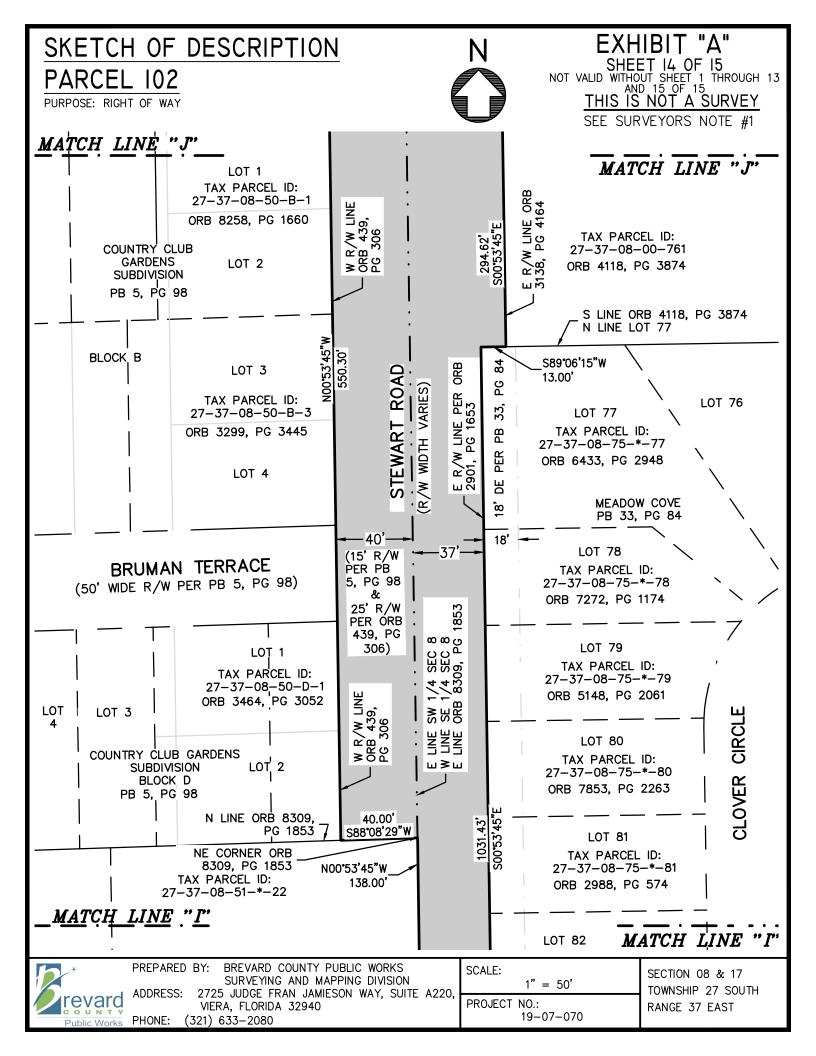


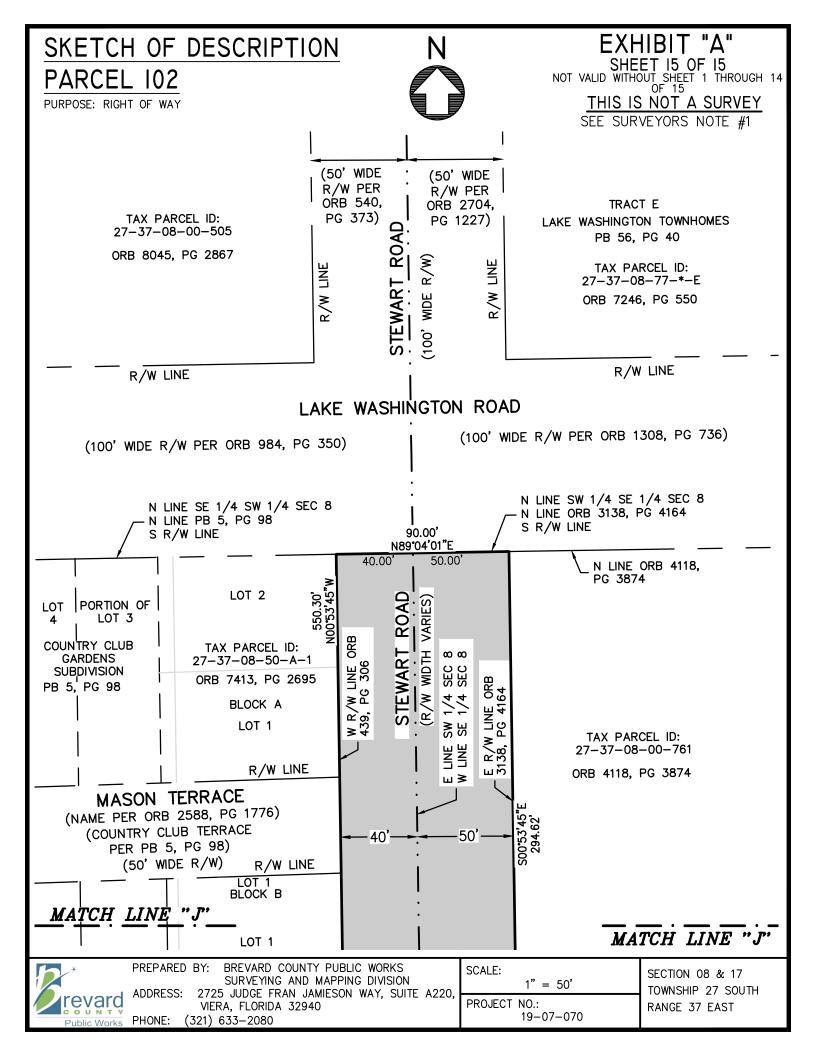












RESOLUTION NO. 20-

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) owns a certain right-of-way for a public road right-of-way within the City of Melbourne, 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 Stewart Road between Aurora Road and Lake Washington Road (hereinafter the Stewart Project), which is further described in Exhibit A; and

WHEREAS, on September 17, 2019, the COUNTY and CITY executed an Interlocal Agreement regarding the Stewart Road Reconstruction and Rehabilitation Project (hereinafter the Interlocal); and

WHEREAS, paragraph 7 of the Interlocal states the COUNTY and CITY agree that upon completion of the construction project, to wit, November 9, 2019, the CITY will assume the ownership and maintenance responsibilities of Stewart Road between Aurora Road and Lake Washington Road, along with the associated drainage system and its right of way permits, one year after construction is complete; 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 Stewart Road project area via the Interlocal to 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; and will serve the public interest and a public purpose; and

WHEREAS, the COUNTY has determined that said property is not needed for COUNTY purposes and it is in the best interests of COUNTY to convey said property to the CITY, 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 Stewart Project property is fully described at Exhibit A, which is attached and

incorporated by this reference. The Stewart 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 Stewart Project as a public roadway to provide safe and well-kept roadways for the community, which is in the public interest and serves a public purpose.
- 4. In the event the Stewart 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 the Stewart Project to the CITY as described in the attached County Deed with Exhibit A, 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____ day of___, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

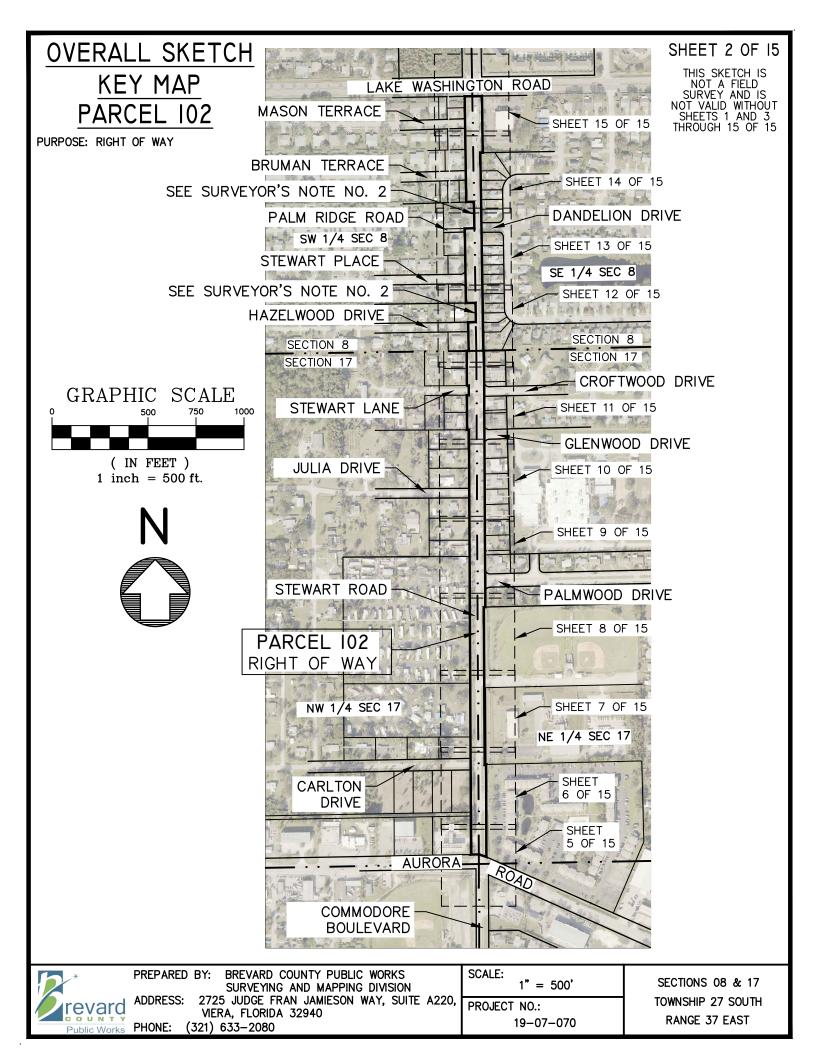
Scott Ellis, Clerk to the Board

Bryan Andrew Lober, Chair As approved by the Board on:______

Reviewed for legal form and content:

Assistant County Attorney

SKETCH & LEGA			SHEET I OF 15 THIS SKETCH IS NOT A FIELD SLIPVEY AND IS NOT				
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	D COUNTY PUBLIC WORKS FRAN JAMIESON WAY, SUI 30						
DRAWN BY: M. CORNELL	CHECKED BY: M. J. SWEENEY	PROJECT REVISIONS		7-070 Description	SECTIONS 08 & 17 TOWNSHIP 27 SOUTH		
DATE: SEPTEMBER 16, 2020	SHEET: 1 OF 15				RANGE 37 EAST		



LEGAL DESCRIPTION

PARCEL 102

PURPOSE: RIGHT OF WAY

EXHIBIT "A" SHEET 3 OF I5 NOT VALID WITHOUT SHEET 1, 2, AND 4 THROUGH 15 OF 15

THIS IS NOT A SURVEY SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 102, RIGHT OF WAY (BY SURVEYOR)

A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 8 AND WITHIN THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE NORTH 00° 17' 04" WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF AURORA ROAD, ALSO PREVIOUSLY KNOWN AS STATE ROAD NO. 101, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE SOUTH 88' 58' 28" WEST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 1, REPLAT OF BLOCK A, CARLTON STEWART GARDENS PLAT NO.1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 27 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00° 17' 04" WEST ALONG THE EAST LINE OF SAID PLAT BOOK 10, PAGE 27 AND ALONG THE EAST LINE OF LOTS 4 THROUGH 7, REPLAT OF PART OF CARLTON STEWART GARDENS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 57 AND ALONG THE EAST LINE OF REPLAT LOT 3 OF REPLAT OF PART OF CARLTON STEWART GARDENS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 31, AND ALONG THE EAST LINE OF LOT 2 PER SAID PLAT BOOK 10, PAGE 57 FOR A DISTANCE OF 2212.41 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 PER SAID PLAT BOOK 10, PAGE 57; THENCE SOUTH 89° 32' 56" WEST ALONG SAID NORTH LINE AND ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED AS PARCEL D IN OFFICIAL RECORDS BOOK 2279, PAGE 1142 FOR A DISTANCE OF 10.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 00° 17' 04' WEST ALONG THE WEST LINE OF THOSE LANDS DESCRIBED AS PARCEL C AND PARCEL D IN THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 180.24 FEET TO THE NORTHWEST CORNER OF PARCEL C OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 89° 32' 56"EAST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF PARCEL C OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF LOT 1 PER SAID PLAT BOOK 10, PAGE 57; THENCE NORTH 00° 17' 04" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 49.75 FEET TO THE SOUTHEAST CORNER OF PARCEL B OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 89' 32' 56" WEST ALONG THE SOUTH LINE OF PARCEL B OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 10.00 FEET TO THE SOUTHWEST CORNER OF PARCEL B OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 00° 17' 04" WEST ALONG THE WEST LINE OF PARCEL B AND PARCEL A OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 180.25 FEET TO NORTHWEST CORNER OF PARCEL A OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 89" 11' 46" EAST ALONG THE NORTH LINE OF SAID PARCEL A, SAID LINE ALSO BEING THE NORTH LINE OF LOT 1 PER SAID PLAT BOOK IN LINE OF SAID PARCEL A, SAID LINE ALSO BEING THE NORTH LINE OF LOT 1 PER SAID PLAT BOOK 10, PAGE 57, AND SAID LINE ALSO BEING THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17 FOR A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1 PER SAID PLAT BOOK 10, PAGE 57, AND SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3642, PAGE 2737; THENCE NORTH 00' 53' 45" WEST ALONG THE EAST LINE OF THE AFORESAID DESCRIBED LANDS AND ALSO ALONG THE EAST LINE OF HAZELWOOD DRIVE FOR A DISTANCE OF 149.72 FEET TO A POINT ON THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3233, PAGE 4351; THENCE NORTH 89° 11' 46" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 00° 53' 45" WEST ALONG SAID EAST LINE OF THE AFORESAID DESCRIBED LANDS AND ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 99.97 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE DEPARTING THE EAST LINE OF SAID SOUTHWEST QUARTER, RUN SOUTH 89' 11' 46" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 30, STEWART PLACE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 148; THENCE NORTH 00° 53' 45" WEST ALONG THE EAST LINE OF SAID LOT 30 AND ALONG THE EAST LINE OF PLAT BOOK 25, PAGE 148 AND ALONG THE

(CONTINUED ON SHEET 4 OF 15)



DRAWN BY: M CORNELL	CHECKED BY: M SWEENEY	PROJECT NO.	19-07-07	SECTION 08 & 17	
		REVISIONS	DATE	DESCRIPTION	TOWNSHIP 27 SOUTH RANGE 37 EAST
DATE: 9/16/20	SHEET: 3 OF 15				

LEGAL DESCRIPTION PARCEL 102

PURPOSE: RIGHT OF WAY

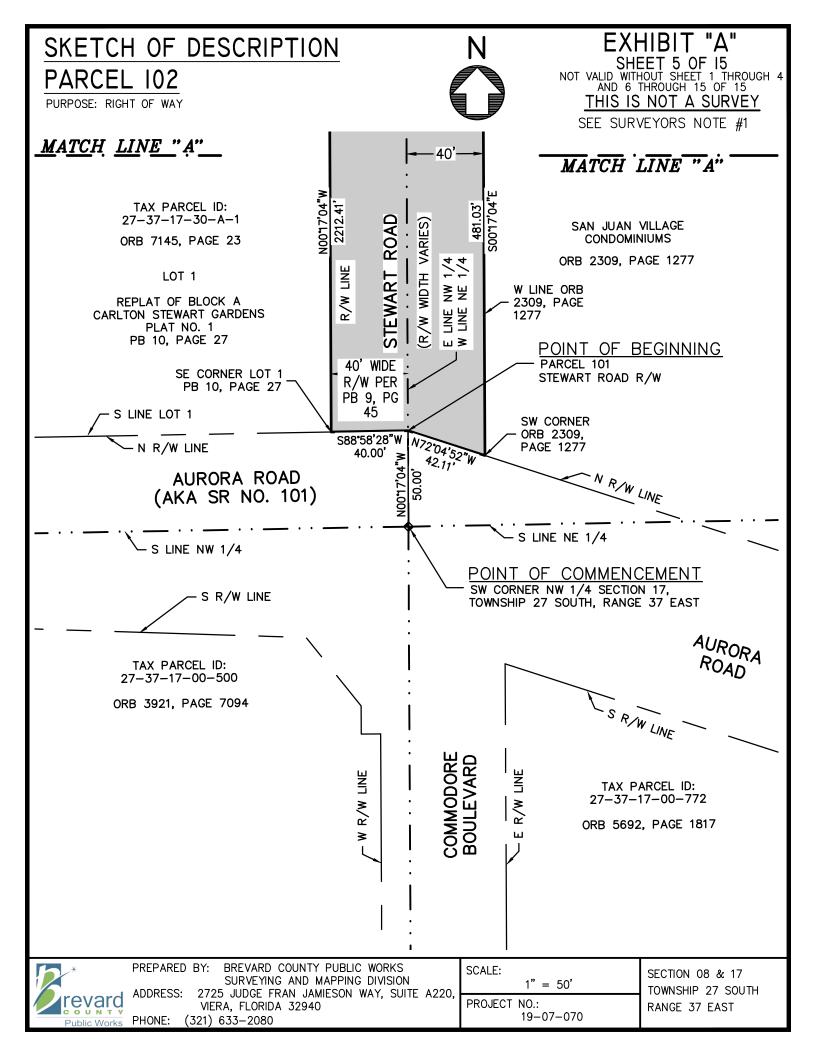
EXHIBIT "A" SHEET 4 OF 15 NOT VALID WITHOUT SHEET 1 THROUGH 3 AND 5 THROUGH 15 OF 15 THIS IS NOT A SURVEY SEE SURVEYORS NOTE #1

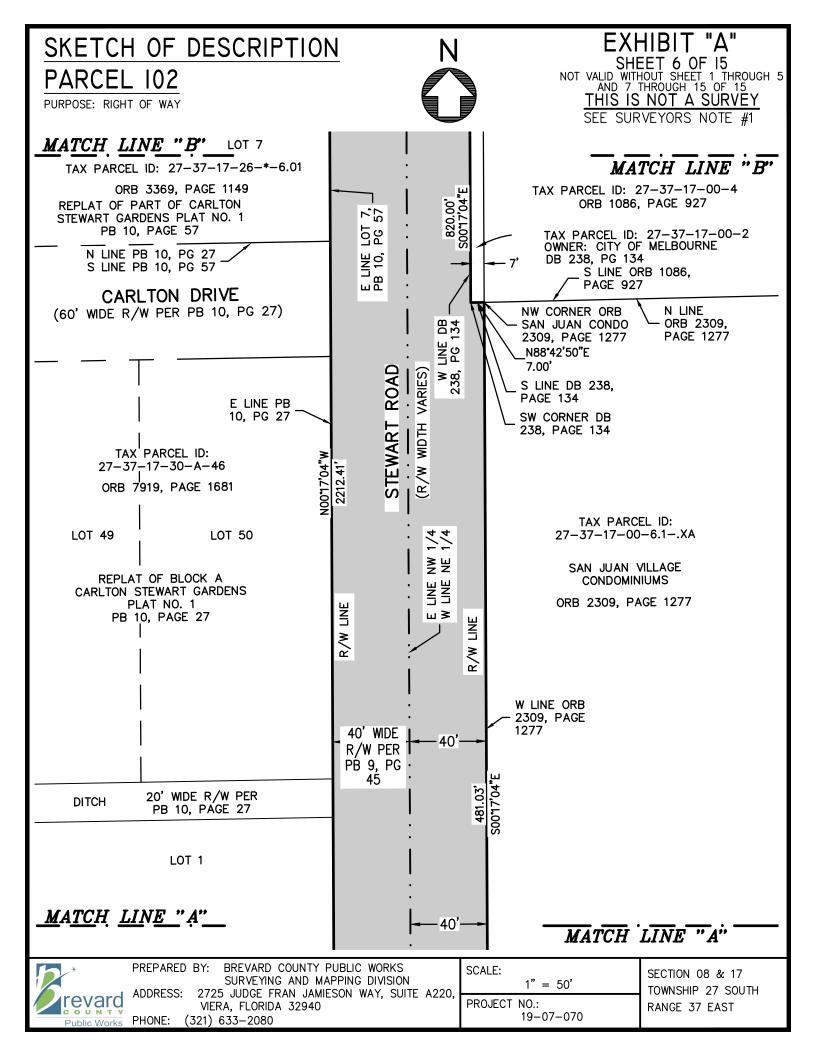
LEGAL DESCRIPTION: PARCEL 102, RIGHT OF WAY (CONTINUED FROM SHEET 3 OF 15)

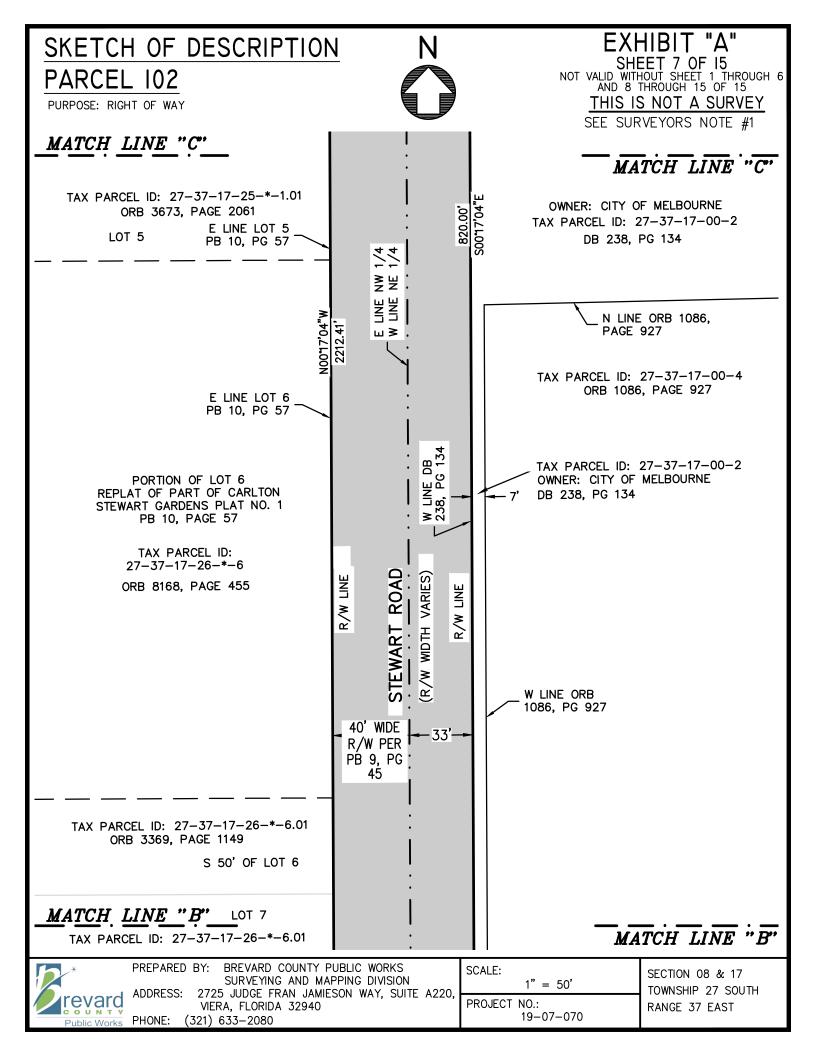
WEST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORDS BOOK 2066, PAGE 141 FOR A DISTANCE OF 388.40 FEET TO A POINT ON THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8309, PAGE 1853; THENCE NORTH 88' 34' 15" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 00° 53' 45" WEST ALONG SAID EAST LINE OF THE AFORESAID DESCRIBED LANDS AND ALONG SAID EAST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 138.00 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 88' 08' 29" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORD BOOK 439, PAGE 306; THENCE NORTH OF WAT LINE OF STEWART NOAD ACCORDING TO OFTICIAL RECORD DISTANCE OF 550.30 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LAKE WASHINGTON ROAD ACCORDING TO OFFICIAL RECORDS BOOK 984, PAGE 350, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF PLAT BOOK 5, PAGE 98, AND ALSO BEING A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 8; THENCE NORTH 89° 04' 01" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER, ALSO BEING A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUE NORTH 89' 04' 01" EAST ALONG SOUTH RIGHT OF WAY LINE OF LAKE WASHINGTON ROAD ACCORDING TO OFFICIAL RECORDS BOOK 1308, PAGE 736 FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORDS BOOK 3138, PAGE 4164; THENCE SOUTH 00° 53' 45" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 294.62 FEET TO A POINT THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4118, PAGE 3874, SAID LINE ALSO BEING THE NORTH LINE OF LOT 77, MEADOW COVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGE 84; THENCE SOUTH 89' 06' 15" WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 13.00 FEET TO THE EAST RIGHT OF WAY LINE OF STEWART ROAD ACCORDING TO OFFICIAL RECORDS BOOK 2901, PAGE 1653; THENCE SOUTH OF WAT LINE OF ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1031.43 FEET TO A POINT ON THE SOUTH LINE OF SAID PLAT BOOK 33, PAGE 84, SAID LINE ALSO BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 8, AND SAID LINE ALSO BEING THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 17, AND SAID LINE ALSO BEING THE NORTH LINE OF LOT 86, BLOCK M, SUNWOOD PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 84; THENCE NORTH 89' 06' 36" EAST ALONG THE SAID SOUTH LINE AND SAID NORTH LINE FOR A DISTANCE OF 3.01 FEET TO A POINT ON THE WEST LINE OF PLAT BOOK 18, PAGE 84; THENCE SOUTH 00° 17' 04" EAST ALONG SAID WEST LINE FOR A DISTANCE OF 1335.38 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK A, PER SAID PLAT BOOK 18, PAGE 84, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 238, PAGE 134; THENCE SOUTH 88° 42' 50" WEST ALONG THE NORTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 7.00 FEET TO THE NORTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 00° 17' 04" EAST ALONG THE WEST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 820.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 88' 42' 50" EAST ALONG THE SOUTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 7.00 FEET TO THE NORTHWEST CORNER OF SAN JUAN CONDOMINIUMS ACCORDING TO THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2309, PAGE 1277; THENCE SOUTH 00" 17' 04" EAST ALONG THE WEST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 481.03 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID AURORA ROAD; THENCE NORTH 72° 04' 52" WEST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 42.11 FEET TO THE POINT OF BEGINNING, CONTAINING 7.08 ACRES, 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 RIGHTS-OF-WAY, EASEMENTS, AGREEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD. THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR OPINION.

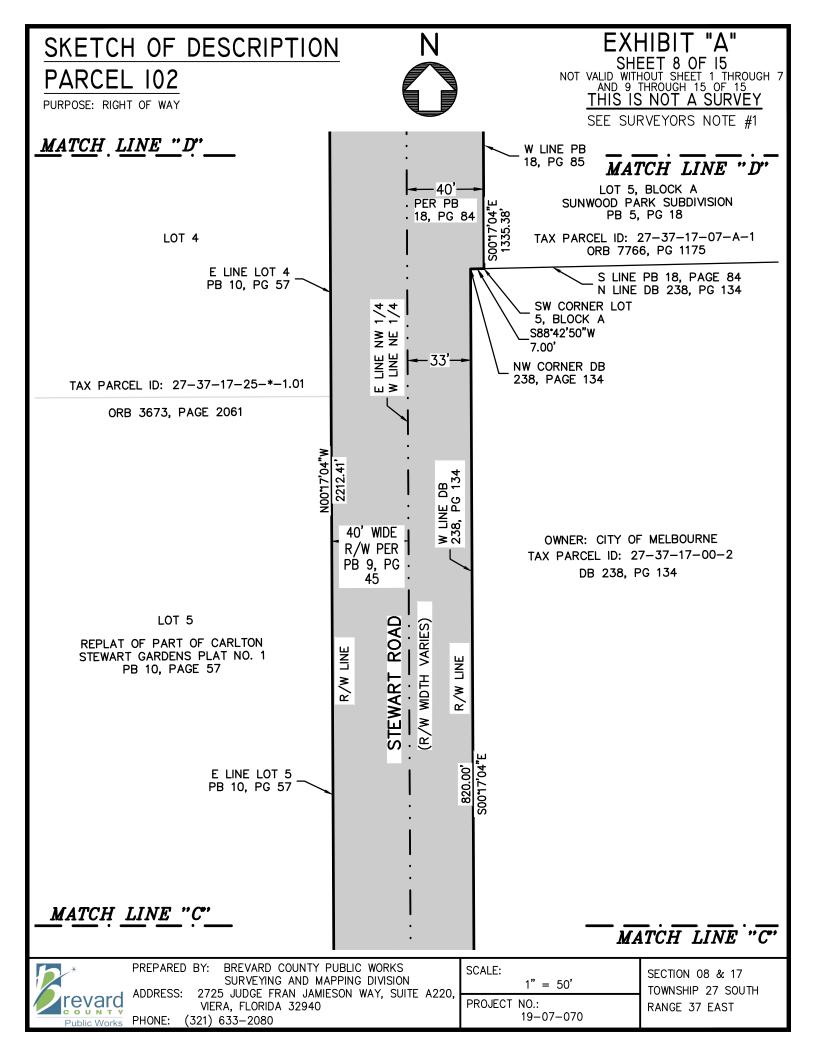


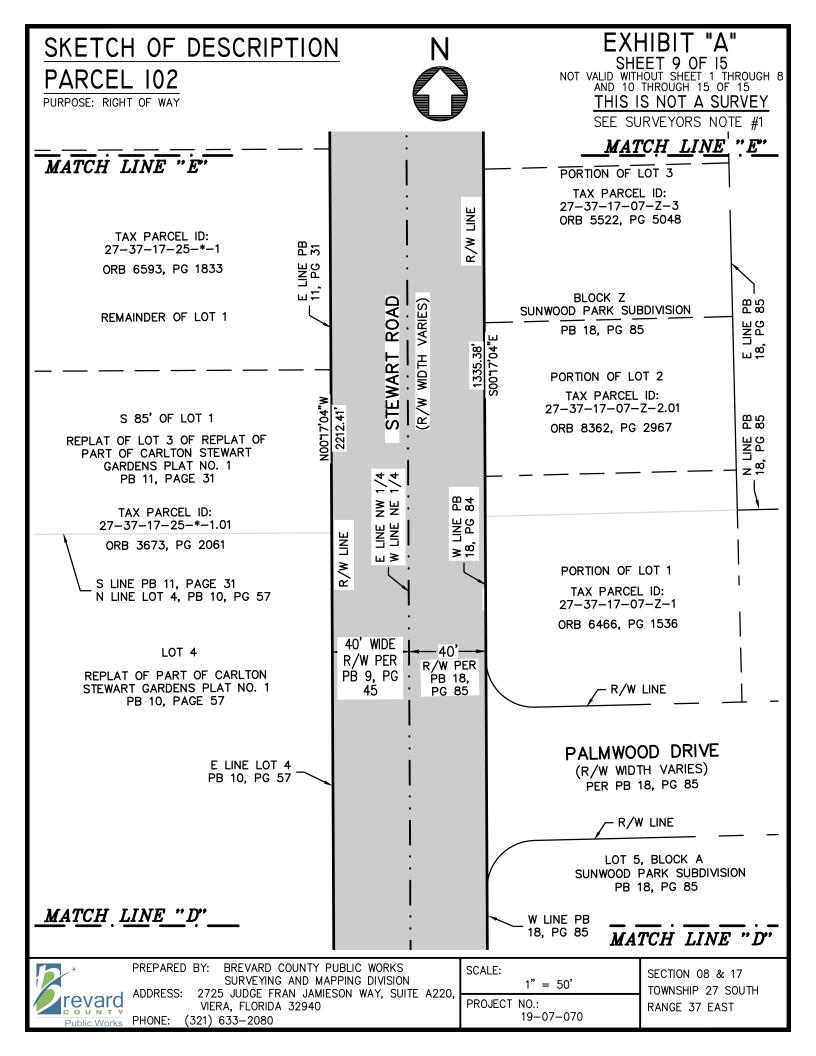
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		REVISIONS	DATE	DESCRIPTION	TOWNSHIP 27 SOUTH RANGE 37 EAST
	SHEET: 4 OF 15				
DATE: 9/16/20	SHEET: 4 OF 15				

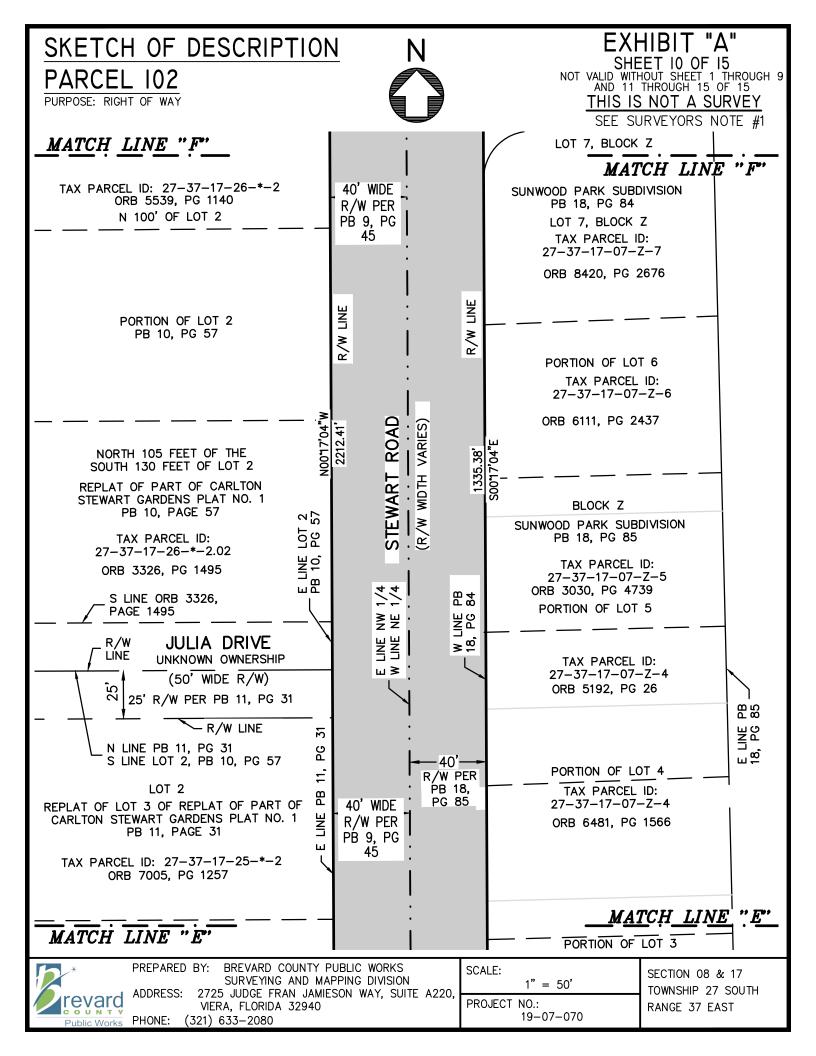


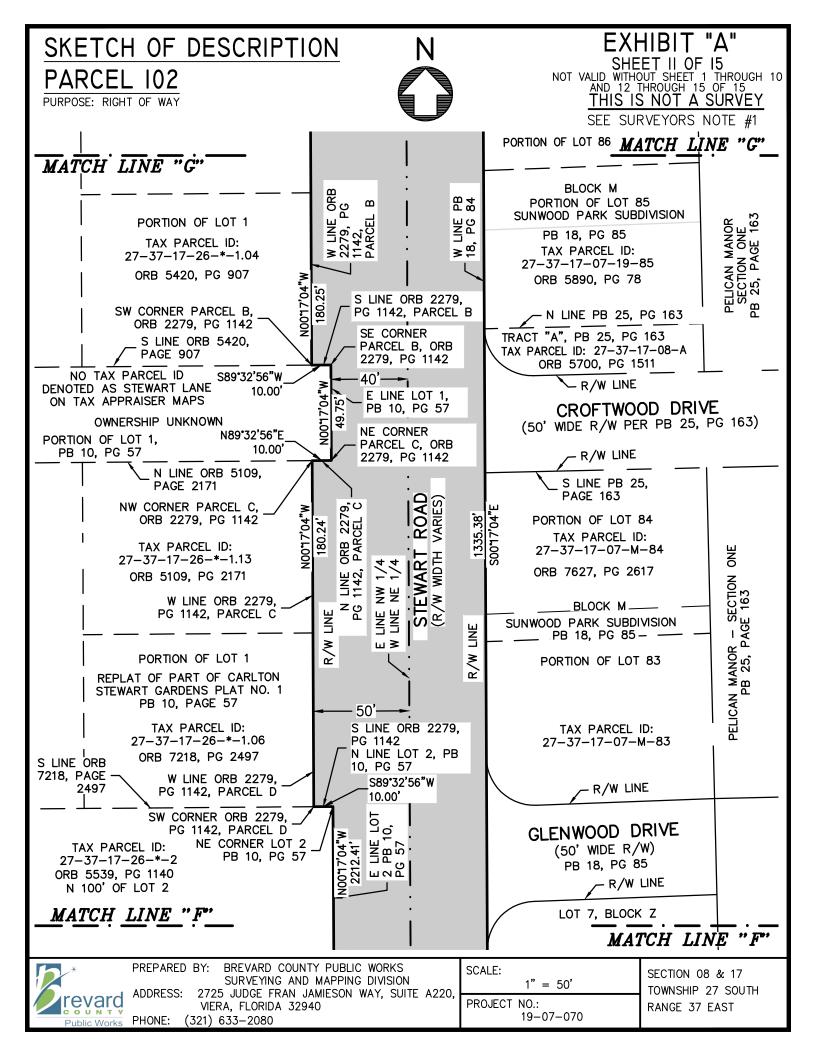


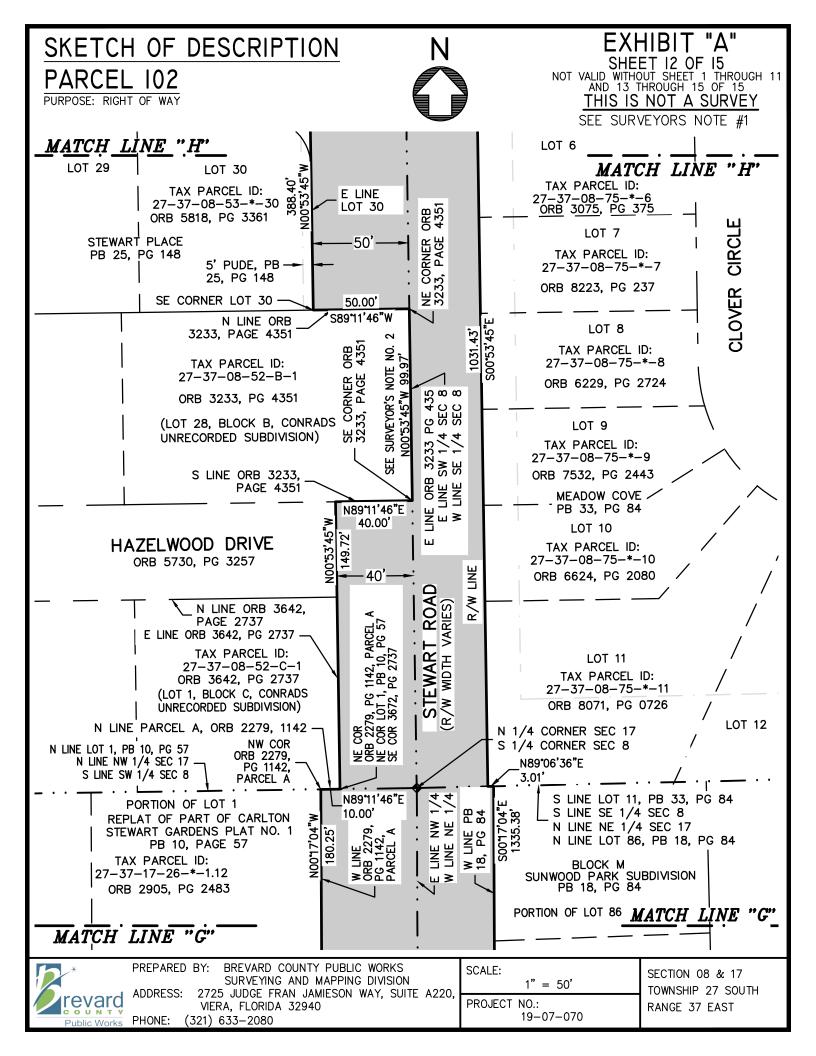


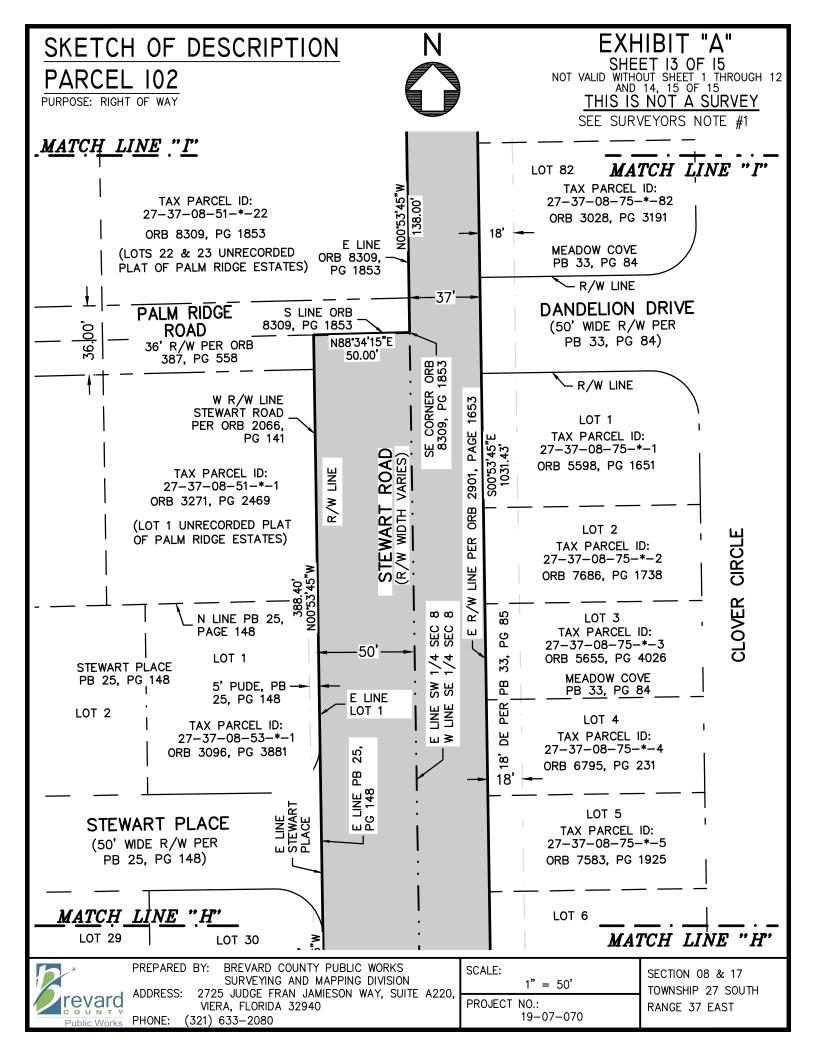


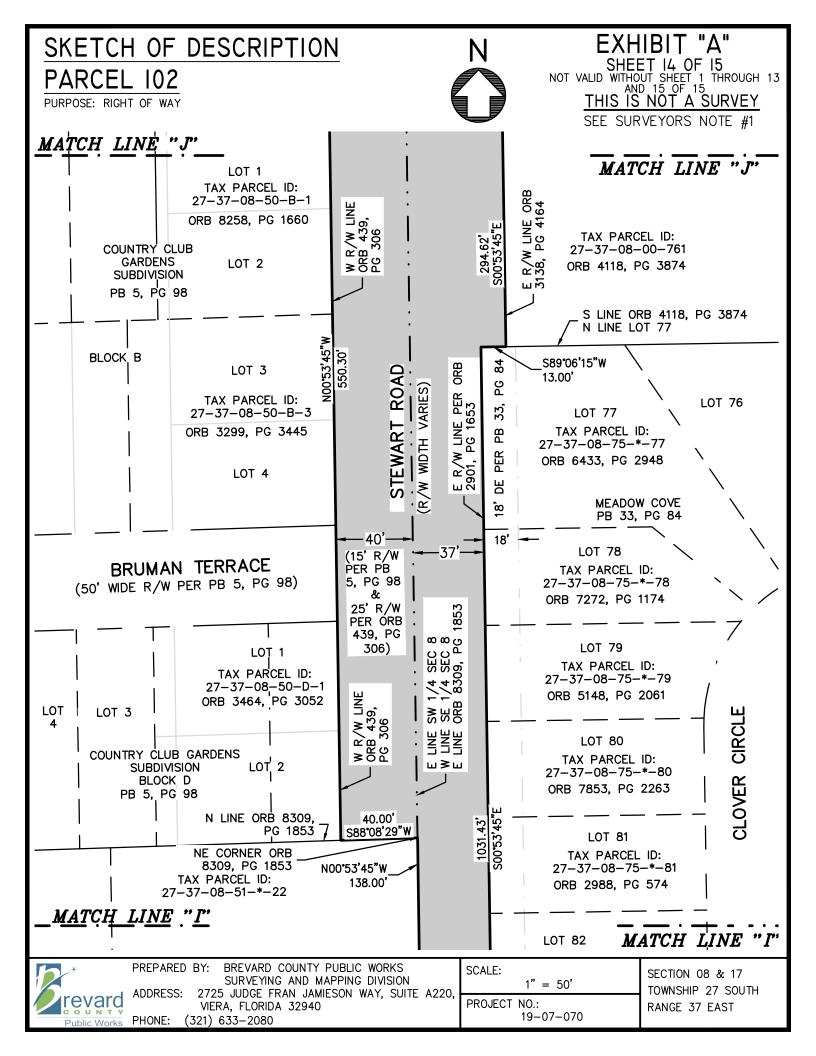


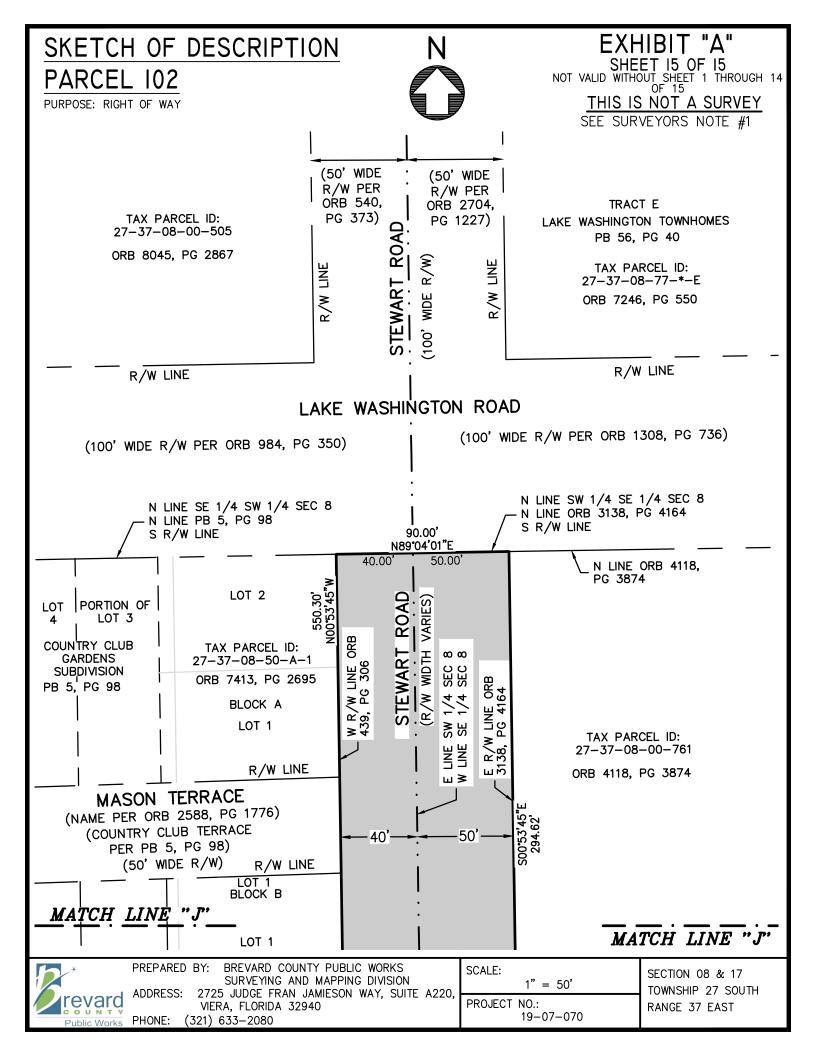












LOCATION MAP

Section 08 and 17, Township 27 South, Range 37 East - District 4

PROPERTY LOCATION: Portion of Stewart Road between Lake Washington Road and Aurora Road

OWNERS NAME: Brevard County, Florida

