



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3858, **Version:** 1

Subject:

Approval, Re: Donation of Four Drainage and Grading Easements for the Aurora Road Sidewalk Project, Phase 1- District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners: 1) approve and accept the attached four Drainage and Grading Easements and 2) instruct staff to record the easements in the public records.

Summary Explanation and Background:

The subject properties are located in Section 14, Township 27 South, Range 36 East, on the north side of Aurora Road in Melbourne.

Public Works Department is undertaking a phased sidewalk project known as The Aurora Road Sidewalk Project. Phase 1 begins just west of Marywood Road and continues east to Turtle Mound Road. Four Drainage and Grading Easements are required to support the design for this portion of the project. The construction of Phase 1 is intended to be achieved using R&B in-house construction force.

The following parcel owners have agreed to donate the required easements in order to facilitate Phase 1 of the project:

- 1) Housing Authority of Brevard County -Easement Parcel 801
- 2) Overcomer Church of God of Prophecy Incorporated - Easement Parcel 802
- 3) Brenda E. Kuhlmeier - Easement Parcel 804
- 4) Keith and Renee Kowalske - Easement Parcel 805

Parcels 801, 802, and 804 either have the appropriate mortgage joinders or are not needed. Parcel owners Keith and Renee Kowalske have willingly dedicated an easement for Parcel 805 to the County, however, due to onerous requirements and an unwillingness by the owner to cooperate with their bank, their mortgage company has not joined or consented to the dedication. Staff offered to assist in obtaining the required documents to no avail. This easement is needed to complete the limits of Phase I. Staff is seeking to record the easement anyway. County Attorney's office advises that a Joinder and Consent to Dedication of the Drainage and Grading Easement from Bank of America should be obtained as a best practice. In the event of a foreclosure by the mortgage holder, the recorded easement could become invalid. However, all improvements

will be constructed within the existing County right of way. The easement simply allows for grading and drainage so there would be nothing to remove if it is later invalidated and the maintenance would revert to the homeowner.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions: