



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2627, **Version:** 1

Subject:

Approval, Re: Donation of Sidewalk Easements from Lori A. Parker and Christopher Michael Gibson for the South Tropical Trail Pedway Project Nora Avenue to Windtamer- District 2.

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 two easements and 2) instruct staff to record the easements in the public records.

Summary Explanation and Background:

The subject property is located in Section 12, Township 25 South, Range 36 East, on the west side of South Tropical Trail at Ramsey Lane in Merritt Island.

Staff was originally unable to acquire all easements to complete the sidewalk improvement project known as South Tropical Trail Pedway Nora Avenue to Windtamer. The project hinged on the willingness of the affected parcel owners to donate the easements for the project. A change of ownership of these two parcels has resulted in the new owners agreeing to grant the easement area needed to complete the acquisition phase for a section the project.

The two easements will provide continuous easements rights from Sims Way south to Ramsey Lane. The property owners provided the County with the appropriate easement donation, however, their mortgage companies have not joined or consented to the dedication. Staff is seeking to record both easements, however, County Attorney's office advises that a Joinder and Consent in Dedication of the Sidewalk Easement from JP Morgan Chase Bank and Hometown Equity Mortgage, LLC, respectively, should be obtained as a best practice, in order to acquire clear title now and in the future and to proceed with the project. If the easements are recorded, in the event of foreclosure by either of the mortgage holders, the easements could be invalid. Once staff has recorded the easements, staff will continue reasonable efforts to obtain the necessary documents from both mortgage companies until such time the matter is resolved.

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: