



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

7/23/2024

Subject:

Approval, Re: Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company for the Brevard County Sheriff's Office Animal Surgery Center Project - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Resolution and Underground Easement.

Summary Explanation and Background:

The subject property is located in Section 22, Township 27 South, Range 36 East, north of West Eau Gallie Boulevard, west of Jones Road in Melbourne.

Brevard County Sheriff's Office has submitted site plan number 23AD00022 for review and approval by the County for the development of a one-story surgery center annex at the Brevard County Sheriff's Office Animal Shelter. As part of this project an easement is required to allow Florida Power and Light to run power lines to a new transformer. A majority-plus-one vote by the Board is required in order to grant this request.

The User Department approves this request.

This acquisition 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 and original executed Underground Easement.

BOARD OF COUNTY COMMISSIONERS



AGENDA REVIEW SHEET

AGENDA: Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company for the Brevard County Sheriff's Office Animal Surgery Center Project – District 5.

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>7-9-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney		<hr/>	<u>7/11/2024</u>



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 24, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

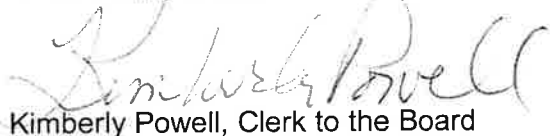
RE: Item F.5., Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company (FPL) for the Brevard County Sheriff's Office Animal Surgery Center Project

The Board of County Commissioners, in regular session on July 23, 2024, executed and adopted Resolution No. 24-064, authorizing the conveyance of a real property interest by the County; and accepted and executed the Underground Easement (Business) from FPL for the Brevard County Sheriff's Office Animal Surgery Center Project. Enclosed is the fully-executed Resolution and Underground Easement (Business).

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ns

Encls. (2)

RESOLUTION NO. 24- 064

RESOLUTION PURSUANT TO SECTION 125.38,
FLORIDA STATUTES AUTHORIZING THE CONVEYANCE
OF A REAL PROPERTY INTEREST BY THE COUNTY.

RECITALS

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," owns certain real property described in Exhibit "A"; and

WHEREAS, the Florida Power and Light Company (FPL) is a corporation providing a service that promotes the community interest and welfare, and FPL has requested a perpetual easement to provide electric service to benefit the public; and

WHEREAS, said utility easement will not conflict with the County's use of the servient property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.
2. Pursuant to section 125.38, Florida Statutes, the easement is required to promote community interest and welfare. The easement shall be conveyed at nominal cost. The area of the easement is not needed for other County purposes that would potentially conflict with FPL's use of the easement.
3. County agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place facilities within said easement area in order for FPL to provide electric service to benefit the public.
4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 23rd Day of July, 2024.

ATTEST:

Clerk of the Court:



Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Jason Steele, Chair

As approved by the Board on 07-23-24.

LEGAL DESCRIPTION

PARCEL ID#: 801
PARENT PARCEL ID#: 27-36-22-00-4
PURPOSE: FPL UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2&3 OF 3

THIS IS NOT A SURVEY

DESCRIPTION: PARCEL 801, FPL UTILITY EASEMENT

PREPARED BY BRIEL & ASSOCIATES LAND SURVEYORS, INC.

AN EASEMENT LYING IN SECTION 22, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 22 AND RUN S 88°56'08" E ALONG THE EAST-WEST CENTER 1/4 SECTION LINE OF SAID SECTION 22 A DISTANCE OF 2704.32 FEET; THENCE DEPARTING SAID 1/4 LINE S 00°00'59" W 16.43 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WEST EAU GALLIE BOULEVARD, A 100-FOOT WIDE RIGHT OF WAY PER OFFICIAL RECORDS BOOK 750, PAGE 254 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S 88°33'04" W 58.02 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE S 88°33'04" W 12.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE N 00°00'59" E 163.40 FEET; THENCE S 89°59'01" E 29.62 FEET; THENCE S 00°00'59" W 15.00 FEET; THENCE N 89°59'01" W 17.62 FEET; THENCE S 00°00'59" W 148.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 2223 SQUARE FEET OR 0.0510 ACRES MORE OR LESS.

This Map or Report conforms to the Standards of Practice for Professional Surveyors and Mappers as outlined in Chapter 5J-17, F.A.C.

ROBERT R. BRIEL, Florida Professional Surveyor & Mapper, No. 3699

This survey is prepared and certified for the exclusive use of the client or clients named hereon. Not valid without the original signature and seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY SHERIFF'S OFFICE
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SEE SHEET 2 FOR NOTES & ABBREVIATIONS
SEE SHEET 3 FOR SKETCH

PREPARED BY:



BRIEL & ASSOCIATES
Land Surveyors, Inc.

1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

DRAWN BY: RRB

CHECKED BY: RRB

PROJECT NO. 23042 FPL

REVISIONS

DATE

DESCRIPTION

SECTION 22
TOWNSHIP 27 SOUTH
RANGE 36 EAST

DATE: 06/06/2024

DRAWING:

SKETCH OF DESCRIPTION

PARCEL ID#: 801
PARENT PARCEL ID#: 27-36-22-00-4
PURPOSE: FPL UTILITY EASEMENTS

EXHIBIT "A"

SHEET 2 OF 3

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NOTES:

1. THIS SKETCH OF DESCRIPTION IS NOT INTENDED TO REPRESENT A LAND BOUNDARY SURVEY.
2. BEARINGS ARE BASE ON THE EAST-WEST CENTER OF THE SECTION LINE BEING S 88°56'08" E. DATUM WAS DERIVED FROM CERTIFIED CORNER RECORDS NO. 081347 AND NO. 081348 ON FILE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING.

TITLE NOTES

PER ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY UNDER COMMITMENT NO. 2024-1109 DATED MARCH 29, 2024.

SCHEDULE B, PART II - EXCEPTIONS:

1. - 10. NOT SURVEY RELATED.
 11. RESERVATION SET FORTH IN DEED NUMBER 6098 FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, DATED JANUARY 2, 1908, AT DEED BOOK "WW", PAGE 382, AS AFFECTED BY QUITCLAIM DEED RECORDED IN DEED BOOK 423, PAGE 94 AND QUIT-CLAIM DEED RECORDED IN DEED BOOK 423, PAGE 95 (BLANKET).
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 14. RESOLUTION RECORDED ON OFFICIAL RECORDS BOOK 1638, PAGE 10, REVISING ROAD NAME TO EAU GALLIE BOULEVARD.
 15. - 16. DO NOT AFFECT OR ADJOIN THE SUBJECT EASEMENT AND ARE NOT DEPICTED HEREON.
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 18. RESOLUTION NO. 96-A001 RECORDED IN OFFICIAL RECORDS BOOK 3631, PAGE 3275 NAMING INSPIRATION LANE.
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 21. TERMS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS CONTAINED IN RESOLUTION NO. 97-248 RECORDED IN OFFICIAL RECORDS BOOK 3731, PAGE 1771 (PLOTTED).
 22. - 23. DO NOT AFFECT OR ADJOIN THE SUBJECT EASEMENT AND ARE NOT DEPICTED HEREON.
 24. 29. NOT SURVEY RELATED
- ALL RECORDED DOCUMENTS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ABBREVIATIONS:

AC = ACRES
CCR = CERTIFIED CORNER RECORD
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SEE SHEET 3 FOR SKETCH

PREPARED BY: BRIEL & ASSOCIATES LAND SURVEYORS, INC.
1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

SCALE:
1" = 20'
PROJECT NO..
23042-FPL

SECTION 22
TOWNSHIP 27 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL ID#: 801
 PARENT PARCEL ID#: 27-36-22-00-4
 PURPOSE: FPL UTILITY EASEMENTS

EXHIBIT "A"

SHEET 3 OF 3

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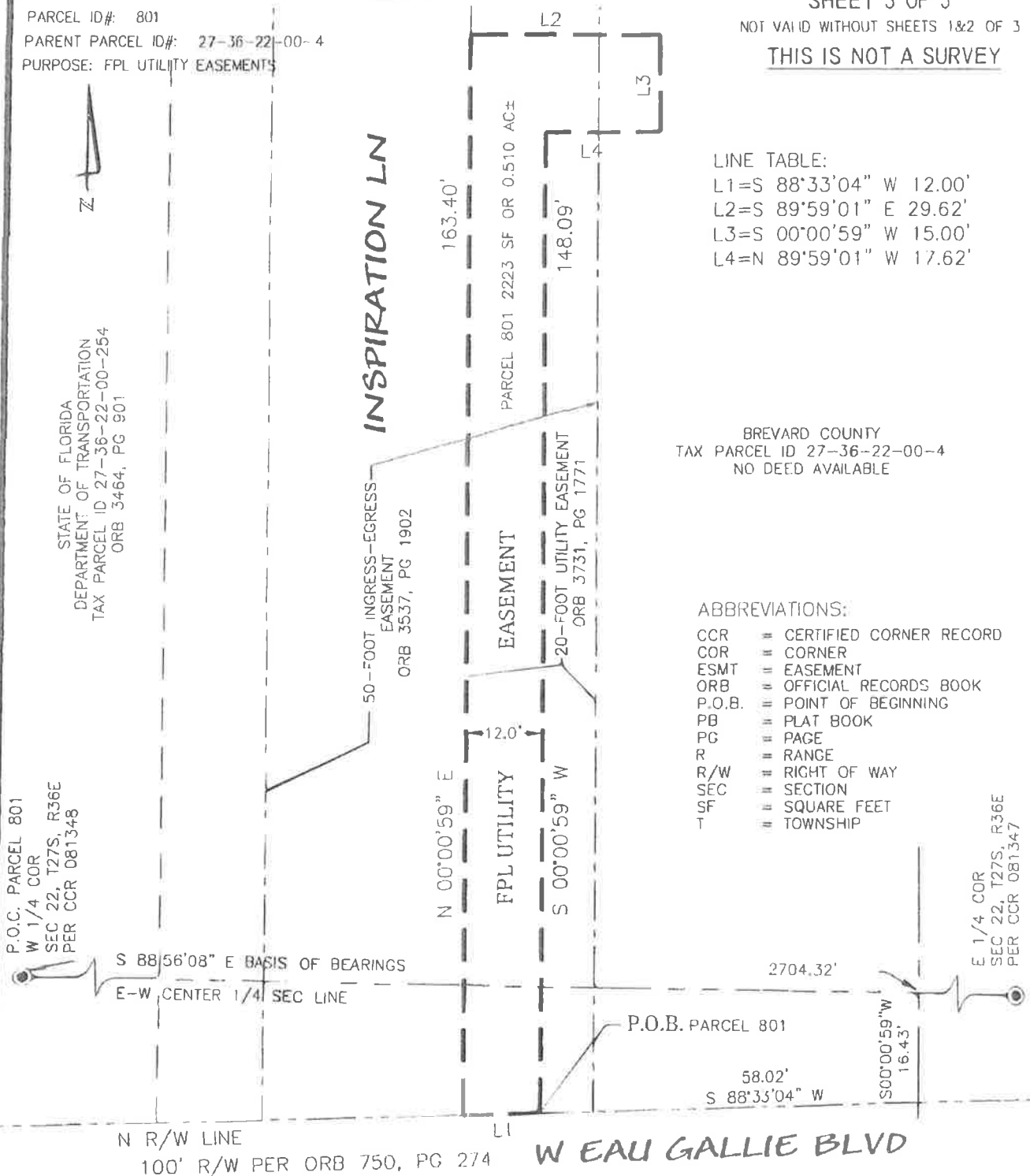
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BREVARD COUNTY
 TAX PARCEL ID 27-36-22-00-4
 NO DEED AVAILABLE

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SECTION 22
 TOWNSHIP 27 SOUTH
 RANGE 36 EAST

Work Request No 12963850

Sec 22, Twp 27 S, Rge 36 E

Parcel I D 27-36-22-00-4

(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name Luis Velez

Co. Name: Florida Power and Light

Address 9001 Ellis Road

Melbourne, FL 32904

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive perpetual easement for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time, with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A"

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes, the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on July 23, 2024

Signed, sealed and delivered in the presence of:

Kimberly Loughner
(Witness Signature)

Print Name Kimberly Loughner
(Witness)

Kimberly Powell
(Witness Signature)

Print Name Kimberly Powell
(Witness)

Brevard County, a political subdivision of the State of Florida

By Jason Steele
Print Name: Jason Steele, Chair of Brevard County Board of County Commissioners

Print Address 2725 Judge Fran Jamieson

Melbourne, FL 32904

Approved by the Board on July 23, 2024

Attest Rachel Sadoff
Rachel Sadoff Clerk to the Board

STATE OF Florida AND COUNTY OF Brevard The foregoing instrument was acknowledged before me this 23rd day of July, 2024 by Jason Steele the Chair of Brevard County Board of County Commissioners a political subdivision of the State of Florida, who is personally known to me or has produced as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires



Catherine Louise Lively
Notary Public, Signature
Print Name Catherine Louise Lively

LEGAL DESCRIPTION

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Robert R Briel

Digitally signed by Robert R Briel

Date: 2024.06.06 15:33:22 -04'00'

ROBERT R. BRIEL, Florida Professional Surveyor & Mapper, No. 3699

This survey is prepared and certified for the exclusive use of the client or clients named hereon. Not valid without the original signature and seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY SHERIFF'S OFFICE
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SEE SHEET 2 FOR NOTES & ABBREVIATIONS
SEE SHEET 3 FOR SKETCH

PREPARED BY:



BRIEL & ASSOCIATES
Land Surveyors, Inc

1790 HIGHWAY A1A, SUITE 208
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DRAWN BY: RRB	CHECKED BY: RRB	PROJECT NO. 23042 FPL	SECTION 22 TOWNSHIP 27 SOUTH RANGE 36 EAST
DATE: 06/06/2024	DRAWING	REVISIONS	
		DATE DESCRIPTION	

SKETCH OF DESCRIPTION

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SATELLITE BCH., FL 32937
LB 3869

SCALE:

1' = 20'

PROJECT NO.

23042-FPL

SECTION 22

TOWNSHIP 27 SOUTH

RANGE 36 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 3 OF 3

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PARCEL ID#: 801
PARENT PARCEL ID#: 27-36-22-00-4
PURPOSE: FPL UTILITY EASEMENTS

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
TAX PARCEL ID 27-36-22-00-254
ORB 3-64, PG 901

INSPIRATION LN

50-FOOT INGRESS-EGRESS
EASEMENT
ORB 3537, PG 1902

EASEMENT

FPL UTILITY

20-FOOT UTILITY EASEMENT
ORB 3731, PG 1771

153.40'
PARCEL 801 2223 SF OR 0.510 AC±

148.09'

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BREVARD COUNTY
TAX PARCEL ID 27-36-22-00-4
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P.O.C. PARCEL 801
W 1/4 COR
SEC 22, T27S, R36E
PER CCR 081348

S 88°56'08" E BASIS OF BEARINGS
E-W CENTER 1/4 SEC. LINE

N R/W LINE

100' R/W PER ORB 750, PG 274

P.O.B. PARCEL 801

58.02'
S 88°33'04" W

2704.32'

300'00'59"W
16.43'

E 1/4 COR
SEC 22, T27S, R36E
PER CCR 081347

W EAU GALLIE BLVD

PREPARED BY: BRIEL & ASSOCIATES LAND SURVEYORS, INC
1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

SCALE:

1" = 20'

PROJECT NO.:

23042-FPL

SECTION 22

TOWNSHIP 27 SOUTH

RANGE 36 EAST

LOCATION MAP

Section 22 Township 27 South, Range 36 East - District: 5

PROPERTY LOCATION: North of West Eau Gallie Boulevard, west of Jones Road in Melbourne.

OWNERS NAME(S): Brevard County

