



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.3.

8/12/2025

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### Subject:

Approval, Re: Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company for the benefit of Lift Station V-15, as part of the Save Our Indian River Lagoon Zone M Milford Point Septic to Sewer Conversion Project - District 2.

### Fiscal Impact:

None

### Dept/Office:

Public Works Department / Land Acquisition Office / Utility Services Department / Natural Resources Management Department

### Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chairman to execute the attached Resolution and Underground Easement (Business).

### Summary Explanation and Background:

The subject property is located in Section 31, Township 24 South, Range 37 East, on the west side of Milford Point Drive and north of Hwy 520 in Merritt Island.

The Utility Services Department is planning the construction of Lift Station V-15 as part of the Merritt Island Zone M, Septic to Sewer Conversion Project, included in the Save Our Indian River Lagoon Project Plan, as approved by the Board of County Commissioner. The attached easement is necessary to allow Florida Power and Light to install the 480V 3-phase transformer needed for the new lift station.

The User Department approves this request.

This transaction follows the policies and procedures as set forth in Administrative Order 37 and Brevard County Charter Article 2, Section 2.10.1.

### Clerk to the Board Instructions:

Upon execution by the Chairman, Public Works Department will contact the Clerk's office to arrange to pick up the original executed Resolution and Underground Easement (Business).

## BOARD OF COUNTY COMMISSIONERS


### AGENDA REVIEW SHEET

AGENDA: Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company for the benefit of Lift Station V-15, as part of the Save Our Indian River Lagoon Zone M Milford Point Septic to Sewer Conversion Project – District 2

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Lisa J. Kruse/ Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			7-2-25
COUNTY ATTORNEY Greg Hughes Assistant County Attorney			7/14/2025



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

August 13, 2025

**MEMORANDUM**

TO: Marc Bernath, Public Works Director

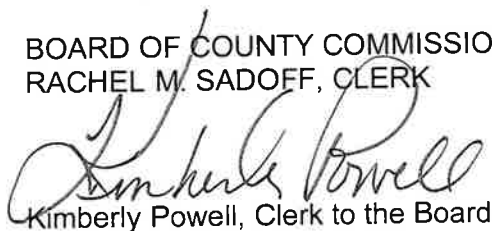
RE: Item F.3., Approval for Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company (FPL) for the Benefit of Lift Station V-15, as Part of the Save Our Indian River Lagoon (SOIRL) Zone M Milford Point Septic to Sewer Conversion Project

The Board of County Commissioners, in regular session on August 12, 2025, executed and adopted Resolution No. 25-069, authorizing the conveyance of Real Property Interest by the County; and approved and executed the Underground Easement (Business) from Brevard County to FPL for the benefit of Lift Station V-15, as part of the SOIRL Zone M Milford Point Septic to Sewer Conversion 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

/sj

Encls. (2)

**RESOLUTION NO. 25- 069**

**RESOLUTION PURSUANT TO SECTION 125.01,  
FLORIDA STATUTES AUTHORIZING THE CONVEYANCE  
OF 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 Florida corporation providing electric utility services, and FPL has requested a perpetual easement to provide electric service to said County owned property; and

WHEREAS, said utility easement will support the lift station situated on the County owned property, and 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 125.01, Florida Statutes, the grant of easement is required to provide electric service to a County structure, to wit, a lift station that will provide services to the community.
3. County agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place its facilities within said easement area, so that FPL can provide electric service to County lift station.
4. This Resolution shall take effect immediately upon its adoption.

**DONE, ORDERED, and ADOPTED** in Regular Session this 12<sup>th</sup> day of August 2025.

ATTEST:

  
Rachel Sadoff, Clerk of the Court

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
Rob Feltner, Chairman

As approved by the Board on August 12,  
2025

# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-37-31-01-\*--87  
PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 800, UTILITY EASEMENT (BY THIS SURVEYOR)

A PORTION OF LOT 87, BANANA RIVER PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 35A, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 24 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 87, BANANA RIVER PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 35A, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 89°51'23" WEST, A DISTANCE OF 20.00 FEET ALONG THE SOUTH LINE OF SAID LOT 87; THENCE DEPARTING SAID SOUTH LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES: NORTH 02°01'30" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°51'23" EAST, A DISTANCE OF 20.00 FEET TO THE WEST RIGHT OF WAY LINE; THENCE SOUTH 02°01'30" EAST, A DISTANCE OF 15.00 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE AFOREMENTIONED SOUTHEAST CORNER OF LOT 87 AND THE POINT OF BEGINNING.

CONTAINING 300 SQUARE FEET, MORE OR LESS.

### SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 87, BANANA RIVER PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 35A, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; BEING SOUTH 89°51'23" WEST (ASSUMED)
2. I HEREBY CERTIFY THAT THE "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING CHAPTER 5J-17 REQUIREMENTS OF FLORIDA ADMINISTRATION CODE.



Digitally signed by Edwin Munoz Jr.  
Date: 2025.07.01 09:35:32-04'00'

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY, BOARD OF COUNTY COMMISSIONERS

EDWIN MUNOZ JR., PSM  
Registered Land Surveyor  
Number 7288  
Not valid unless sign and sealed

PREPARED BY: SOUTHEASTERN SURVEYING AND MAPPING CORPORATION  
6500 All American Boulevard Orlando, Florida 32810-4350  
Certification Number LB2108  
(407) 292-8580  
e-mail: info@southeasternsurveying.com

DRAWN BY: AA		CHECKED BY: EM		PROJECT NO.		SECTION 31 TOWNSHIP 24 SOUTH RANGE 37 EAST	
				REVISIONS	DATE		DESCRIPTION
					6/5/25		COUNTY COMMENTS
DATE: 5/20/2025		DRAWING: 69171019					

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-37-31-01-\*--87  
PURPOSE: UTILITY EASEMENT

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SHEET 2 OF 2

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BANANA RIVER PARK  
PLAT BOOK 4, PAGE 35A  
LOT 87 & THE SOUTH  
1/2 OF LOT 88  
PARCEL ID  
24-37-31-01-\*--87  
OFFICIAL RECORDS BOOK  
9399, PAGE 1436

SOUTH LINE OF LOT 87

BANANA RIVER PARK  
PLAT BOOK 4, PAGE 35A  
LOT 86 & THE NORTH  
10' OF AVENUE A  
PARCEL ID  
24-37-31-01-\*--86  
OFFICIAL RECORDS BOOK  
9967, PAGE 2711

N02°01'30"W  
15.00'

N89°51'23"E  
20.00'

PARCEL 800  
UTILITY EASEMENT  
300 SQUARE FEET

BEARING BASIS

S89°51'23"W  
20.00'

WEST RIGHT OF WAY LINE

S02°01'30"E  
15.00'

POINT OF BEGINNING  
OF PARCEL 800  
SOUTHEAST CORNER OF LOT 87,  
PLAT BOOK 4, PAGE 35A



MILFORD POINT DRIVE  
30' RIGHT OF WAY  
PLAT BOOK 4, PAGE 35A

PREPARED BY: SOUTHEASTERN SURVEYING AND MAPPING CORPORATION  
6500 All American Boulevard Orlando, Florida 32810-4350  
Certification Number LB2108  
(407) 292-8580  
e-mail: info@southeasternsurveying.com

SCALE:

1"=10'

PROJECT NO.

SECTION 31

TOWNSHIP 24 SOUTH

RANGE 37 EAST



Work Request No. 12617265

## UNDERGROUND EASEMENT (BUSINESS)

Sec. 24, Twp 37, Rge 31

Parcel I.D. 24-37-31-01-87  
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Zineb Elkadir  
Co. Name: Florida Power & Light  
Address: 9001 Ellis Rd  
Melbourne, FL

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 easement forever 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" ("Easement Area")

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 August 12, 2025

Signed, sealed and delivered in the presence of:

Kimberly Powell  
(Witness Signature)  
Print Name: Kimberly Powell  
(Witness)

Print Address: 2725 Judge Fran Jamieson Way  
Viera, Florida 32940

Nicole Summers  
(Witness Signature)  
Print Name: Nicole Summers  
(Witness)  
Print Address: 2725 Judge Fran Jamieson Way  
Viera, Florida 32940

Brevard County Board of County Commissioners, a political subdivision  
of the State of Florida

By: [Signature]  
Print Name: Rob Feltner  
Print Title: Chairman  
Print Address: 2725 Judge Fran Jamieson Way  
Viera, Florida 32940

As approved by the Board on  
August 12, 2025

### STATE OF FLORIDA AND COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by ☒ physical presence or ☐ on-line notarization, this 12 day of August, 2025, by Rob Feltner, the Chairman for Brevard County Board of County Commissioners, a political subdivision of the State of Florida, who is personally known to me and who did (did not) take an oath.

My Commission Expires:



[Signature]  
Notary Public, Signature  
Print Name: Shayna Jencks

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Digitally signed by Edwin Munoz Jr.  
Date: 2025.07.01 09:35:32-04'00'

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY, BOARD OF COUNTY COMMISSIONERS

EDWIN MUNOZ JR., PSM  
Registered Land Surveyor  
Number 7288  
Not valid unless sign and sealed

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DRAWN BY: AA	CHECKED BY: EM	PROJECT NO.		SECTION 31 TOWNSHIP 24 SOUTH RANGE 37 EAST
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DATE: 5/20/2025	DRAWING: 69171019		6/5/25 COUNTY COMMENTS	



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300 SQUARE FEET

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POINT OF BEGINNING  
OF PARCEL 800  
SOUTHEAST CORNER OF LOT 87,  
PLAT BOOK 4, PAGE 35A

MILFORD POINT DRIVE  
30' RIGHT OF WAY  
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SCALE:

1"=10'

PROJECT NO.

SECTION 31  
TOWNSHIP 24 SOUTH  
RANGE 37 EAST

## LOCATION MAP

### Section 31, Township 24 South, Range 37 East - District 2

PROPERTY LOCATION: The west side of Milford Point Drive and north of Highway 520 in Merritt Island.

OWNERS NAME(S): Brevard County

