



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.9.

12/19/2023

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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 Fire Station 21 - District 1.

### **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 17, Township 20 South, Range 34 East, west of US Highway 1 and north of Palm Avenue in Mims.

Florida Power and Light Company is undertaking a project referred to as the Storm Secure Underground Project. The project consists of replacing overhead powerlines with more reliable underground powerlines. As part of their project, they are requesting an easement from the County to install a new pad mount transformer on the County owned parcel that houses Fire Station 21. 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 (Business).



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

December 20, 2023

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director

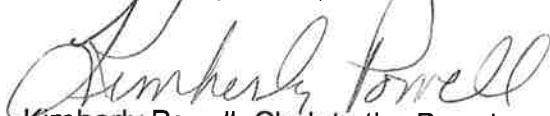
**RE:** Item F.9., Approval for Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company (FP&L) for the Benefit of Fire Station 21

The Board of County Commissioners, in regular session on December 19, 2023, executed and adopted Resolution No. 23-151, authorizing the conveyance of real property interest by the County; and executed and approved the Underground Easement (Business) to FP&L for the benefit of Fire Station 21. Enclosed is a fully-executed Resolution and a fully-executed Underground Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

**RESOLUTION NO. 23-151**

**RESOLUTION PURSUANT TO SECTION 125.38,  
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 corporation organized for the purpose of promoting community interest and welfare and FPL has requested a perpetual easement to provide electric service to 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, an 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 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 the public.
4. This Resolution shall take effect immediately upon its adoption.

**DONE, ORDERED, and ADOPTED** in Regular Session this 19<sup>th</sup> day of December 2023.

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 12-19-23

# LEGAL DESCRIPTION

## PARCEL # 800

PARENT PARCEL ID#: 20G-34-17-AL-5-5

PURPOSE: UTILITY EASEMENT

# EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION (PREPARED BY SURVEYOR): PARCEL 800 UTILITY EASEMENT

A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 4079, PAGE 886 IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A 10.00 FOOT WIDE EASEMENT, 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE, FOR THE USE OF FLORIDA POWER AND LIGHT UTILITY EASEMENT:

**COMMENCE** AT THE NORTHEASTERLY CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4079, PAGE 886; THENCE SOUTH 05°43'21" EAST, ALONG THE EASTERLY PROPERTY LINE OF SAID DESCRIBED LANDS, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1, A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 66°10'15" WEST, A DISTANCE OF 200.00 FEET TO THE **POINT OF TERMINUS** AND THE END OF THIS CENTERLINE DESCRIPTION, THE SIDE LINES BEING PARALLEL WITH AND PERPENDICULAR TO SAID CENTERLINE BY RIGHT ANGLES AND THE SIDE LINES TO BE PROLONGED OR SHORTENED TO INTERSECT THE RELATIVE PROPERTY LINE.

SAID EASEMENT CONTAINING 1999.76 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

### SURVEYOR'S NOTES:

1. PRINTED VERSIONS OF THIS DOCUMENT ARE NOT VALID AND THE SIGNATURE MUST BE VERIFIED ON ALL ELECTRONIC COPIES.
2. OTHER MATTERS OF RECORD AFFECTING LANDS SHOWN HEREON MAY BE FOUND IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THE BASIS OF BEARING IS THE SOUTHEASTERLY PROPERTY LINE OF THE PARCEL AS DESCRIBED BELOW, HAVING AN ASSUMED BEARING OF S 76°36'30" W.
4. LATITUDE AND LONGITUDE ARE FOR RELATIVE LOCATION AND ARE NOT FOR CONSTRUCTION PURPOSES.
5. BEARINGS AND DISTANCES FOR THE SUBJECT PARCEL ARE BASED ON THE BOUNDARY SURVEY PREPARED BY THE BREVARD COUNTY PUBLIC WORKS, DATED JUNE 28TH, 1999.
6. NO TITLE SEARCH OF PUBLIC RECORDS WAS CONDUCTED BY THIS OFFICE OR PROVIDED BY THE CLIENT.

NOTE: SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.

DESCRIPTION NOT VALID UNLESS ACCOMPANIED WITH SKETCH OF DESCRIPTION AS SHOWN ON SHEET 2 OF THIS DOCUMENT.

### **THIS IS NOT A SURVEY**

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

PREPARED BY:

**Bowman**  
Professional Surveyors and Mappers  
Business Certificate # LB 8030

Bowman Consulting Group, Ltd., Inc.  
301 SE Ocean Blvd.  
Suite 301, Stuart, Florida 34994  
© Bowman Consulting Group, Ltd.

Phone: (772) 283-1413  
Fax: (772) 220-7881  
www.bowman.com

### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SKETCH AND DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



Digitally signed by  
**Steven Brickley**  
Date: 2023.11.21  
13:42:39 -05'00'

STEVEN BRICKLEY  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. LS 6841

DATE OF SIGNATURE

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE BY THE SIGNING PROFESSIONAL SURVEYOR AND MAPPER.

DRAWN BY: MB	CHECKED BY: BY	PROJECT NO. 100207-01-022_7	BERNARDO SEQUI GRANT, TOWNSHIP 20 SOUTH, RANGE 34 EAST
DATE: 10-12-2023	DRAWING: EXHIBIT 30 DCR.DWG	REVISIONS	
		DATE	
		DESCRIPTION	

# SKETCH OF DESCRIPTION

## PARCEL # 800

PARENT PARCEL ID#: 20G-34-17-AL-5-5

PURPOSE: UTILITY EASEMENT

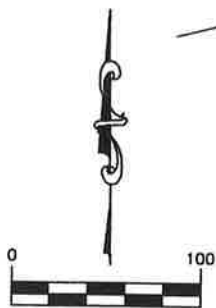
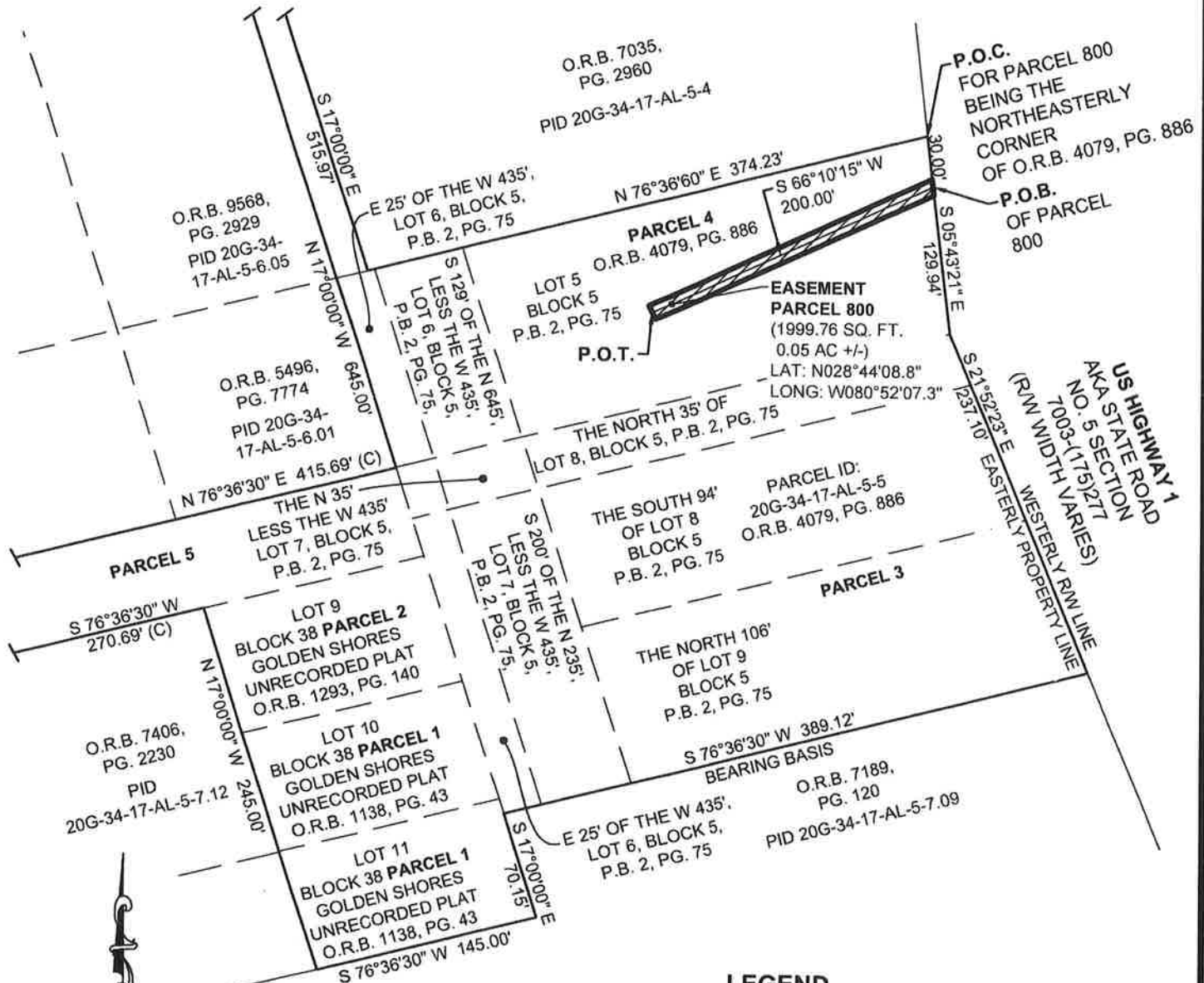
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R/W = RIGHT-OF-WAY  
EASEMENT

THIS MAP IS INTENDED TO BE  
DISPLAYED AT A SCALE OF 1" = 100'

NOTE: SEE SHEET 1 OF 2 FOR DESCRIPTION, SURVEYOR'S NOTES, AND CERTIFICATION.

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SCALE: 1" = 100'

PROJECT NO.100207-01-022\_7

BERNARDO  
SEQUI  
GRANT



Work Request No. 12083295

## UNDERGROUND EASEMENT (BUSINESS)

Sec. 17, Twp 24 S, Rge 34 E

Parcel I.D. 20G-34-17-AL-5-5  
(Maintained by County Appraiser)

This Instrument Prepared By  
Name: Curt Percy  
Co. Name: Florida Power and Light  
Address: 100 S Delaware Boulevard  
Jupiter, FL 33458

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 and Exhibit B attached

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 \_\_\_\_\_, 2023

Signed, sealed and delivered in the presence of:

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

Samantha McDaniel  
(Witness Signature)  
Print Name: Samantha McDaniel  
(Witness)

Brevard County, a political subdivision of the State of Florida

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

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

Approved by the Board on December 19, 2023

Attest: Rachel Sadoff  
Rachel Sadoff, Clerk to the Board

STATE OF Florida AND COUNTY OF Brevard The foregoing instrument was  
acknowledged before me this 19th day of December, 2023, 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

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DRAWN BY: MB

CHECKED BY: BY

PROJECT NO. 100207-01-022\_7

REVISIONS

DATE

DESCRIPTION

DATE: 10-12-2023

DRAWING: EXHIBIT 30 DCR.DWG

BERNARDO SEQUI GRANT,  
TOWNSHIP 20 SOUTH,  
RANGE 34 EAST

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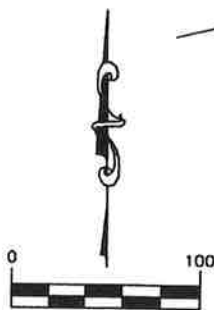
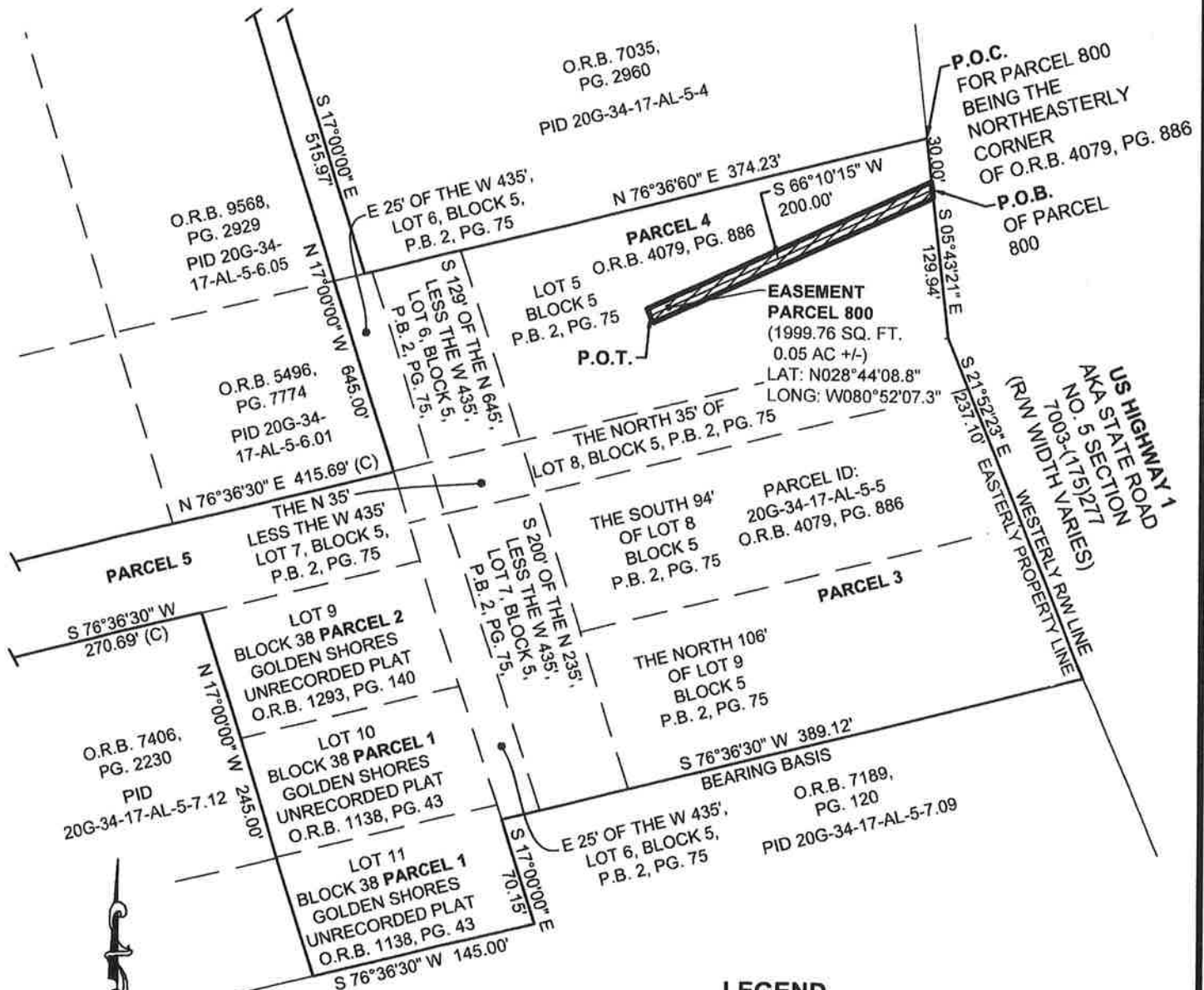
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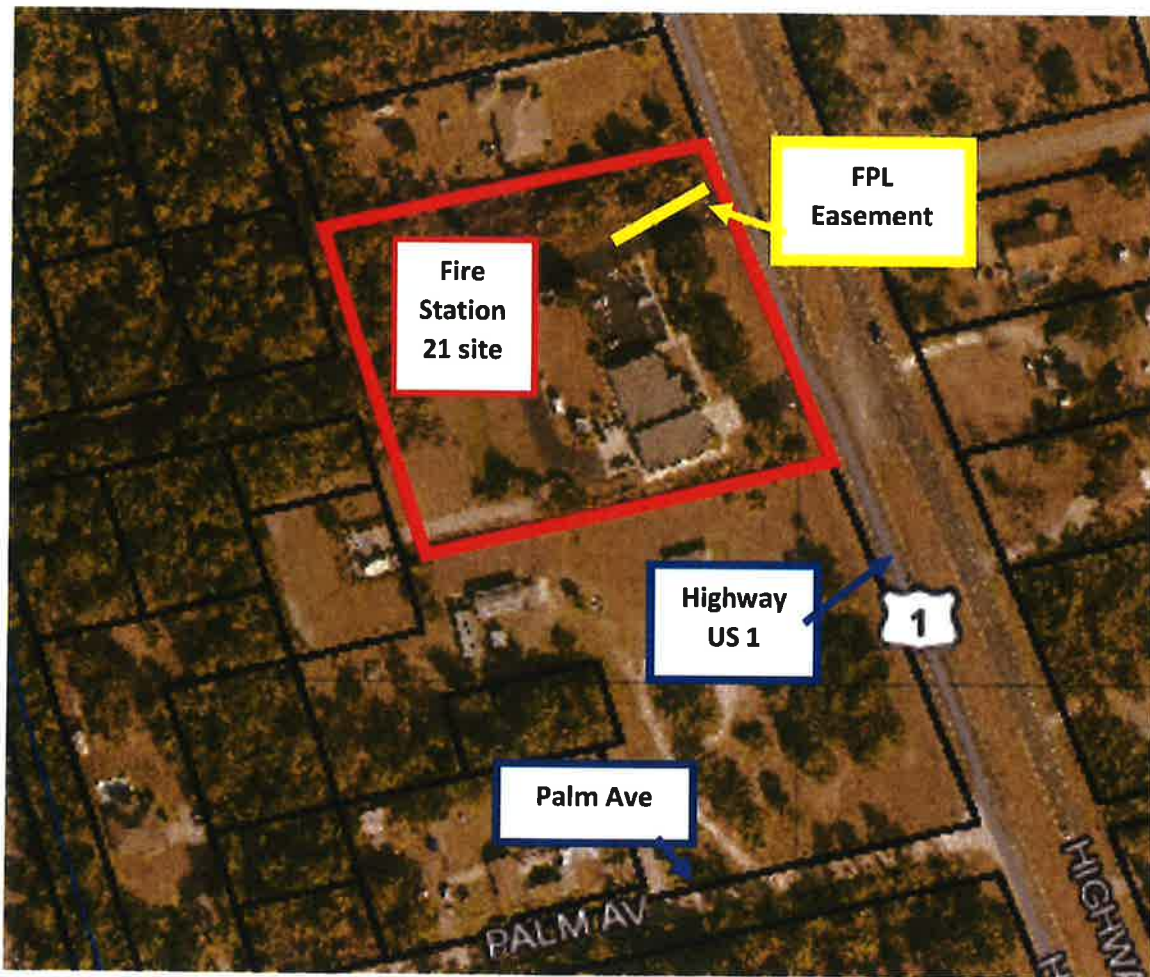


## LOCATION MAP

**Section 17, Township 20 South, Range 34 East - District: 1**

PROPERTY LOCATION: West of US Highway 1, north of Palm Avenue in Mims.

OWNERS NAME(S): Brevard County



# 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 Fire Station 21 – District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>12-4-23</u>
COUNTY ATTORNEY Alexander Esseeesse Deputy County Attorney	 _____	_____	<u>12/5/23</u>