



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.9.

8/22/2023

Subject:

Approval, Re: Dedication of Reuse Water Main Easement and Sanitary Sewer Easement from The Viera Company for the Pangea Park Amenity Center Project - District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Reuse Water Main Easement and Sanitary Sewer Easement.

Summary Explanation and Background:

The subject property is located in Section 28, Township 26 South, Range 36 East, south of Pineda Boulevard at Barbizon Lane and Pangea Circle.

The Viera Company, owner, has submitted subdivision number 20SD00009 for review and approval by the County for the development of an amenity center for the Pangea Park subdivision. In accordance with the County code and standards, the owner has agreed to dedicate the attached Reuse Water Main Easement and Sanitary Sewer Easement required as condition of the site development plan.

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:



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 23, 2023

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.9., Approval of Dedication of Reuse Water Main Easement and Sanitary Sewer Easement from The Viera Company for the Pangea Park Amenity Center Project

The Board of County Commissioners, in regular session on August 22, 2023, approved and accepted Reuse Water Main Easement and Sanitary Sewer Easement from The Viera Company for the Pangea Park Amenity Center Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/tr

cc: Utility Services

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Reuse Water Main Easement and Sanitary Sewer Easement from The Viera Company for the Pangea Park Amenity Center Project – District 4

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>7-25-2023</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<i>cms</i> _____	_____	<u>7-25-2023</u>

Prepared by and return to: Jean Kremitzki
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-28-YD-* -OSN5.1

REUSE WATER MAIN EASEMENT

THIS INDENTURE, made this 20th day of July, 2023, between The Viera Company, a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, and Pangea Park Neighborhood Association, Inc., a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual non-exclusive easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining a reuse line and associated facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 28, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Karen P. Prosser
Witness

KAREN P. PROSSER
Print Name

The Viera Company, a Florida corporation

BY: [Signature]
Todd J. Pokrywa, President

Mary Ellen McKibben
Witness

Mary Ellen McKibben
Print Name

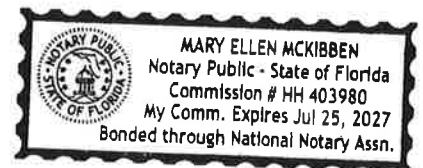


STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 20th day of July, 2023, by Todd J. Pokrywa, as President for The Viera Company a Florida corporation. Is ☒ personally known or ☐ produced _____ as identification.

Mary Ellen McKibben
Notary Signature
SEAL

(Signatures continue following page)



IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Karen P. Prosser
Witness

KAREN P. PROSSER
Print Name

Mary Ellen McKibben
Witness

Mary Ellen McKibben
Print Name

Pangea Park Neighborhood
Association, Inc., a Florida
corporation

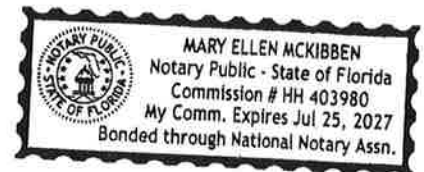
BY: Eva M. Rey
Eva M. Rey, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 20th day of July, 2023, by Eva M. Rey, as President for Pangea Park Neighborhood Association, Inc., a Florida corporation. Is ☒ personally known or ☐ produced _____ as identification.

Mary Ellen McKibben
Notary Signature
SEAL



LEGAL DESCRIPTION PARCEL #801

EXHIBIT "B" SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID# 26-36-28-YD-*--OSN5.1

PURPOSE: REUSE WATER MAIN EASEMENT

LEGAL DESCRIPTION: PARCEL#801 REUSE WATER MAIN EASEMENT (PREPARED BY SURVEYOR)

PART OF TRACT OS N5-1, PANGEA PARK - PHASES 1 & 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF PANGEA CIRCLE AND BARBIZON LANE, AS SHOWN ON THE PLAT OF SAID PANGEA PARK - PHASES 1 & 2 AND RUN S45°23'48"W A DISTANCE OF 26.23 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID PANGEA CIRCLE AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S27°18'16"W A DISTANCE OF 12.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF THE CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 438.00 FEET, A CENTRAL ANGLE OF 4°12'08", A CHORD BEARING OF N64°47'48"W, AND A CHORD LENGTH OF 32.12 FEET), A DISTANCE OF 32.12 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST; THENCE N23°06'08"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 12.00 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID PANGEA CIRCLE; THENCE ALONG THE ARC OF SAID CURVED SOUTH RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 4°12'08", A CHORD BEARING OF S64°47'48"E, AND A CHORD LENGTH OF 33.00 FEET), A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING. CONTAINING 390.76 SQUARE FEET, (0.009 NET ACRES), MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N26°14'47"E ON THE CENTERLINE OF BARBIZON LANE, PANGEA PARK - PHASES 1 & 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. SURVEYOR RELIED SOLELY UPON THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NUMBER: 11074055, CUSTOMER REFERENCE NUMBER: 002782/074361, DATED 04/03/2023. OTHER THAN AS SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN SAID REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

LESLEE E. HOWARD, PSM/5611
PROFESSIONAL SURV
NOT VALID U SIGNED AND SEALED

PREPARED BY:

B.S.E. CONSULTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321)-725-3674 / FAX: (321)-723-1159

DRAWN BY: TBS

CHECKED BY: LEH

DRAWING: 1153001_100_003

SCALE:

1"=30'

DATE: 05/10/2023

PROJECT NO 11530.01

REVISIONS

DATE

DESCRIPTION

05/30/2023

PER COUNTY COMMENTS

SECTION 28

TOWNSHIP 26 SOUTH

RANGE 36 EAST

SKETCH OF DESCRIPTION PARCEL #801

EXHIBIT "B" SHEET 2 OF 2

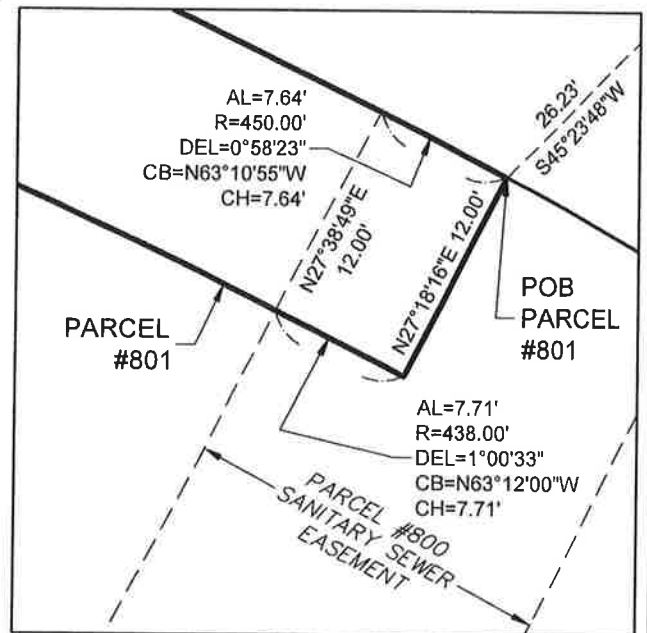
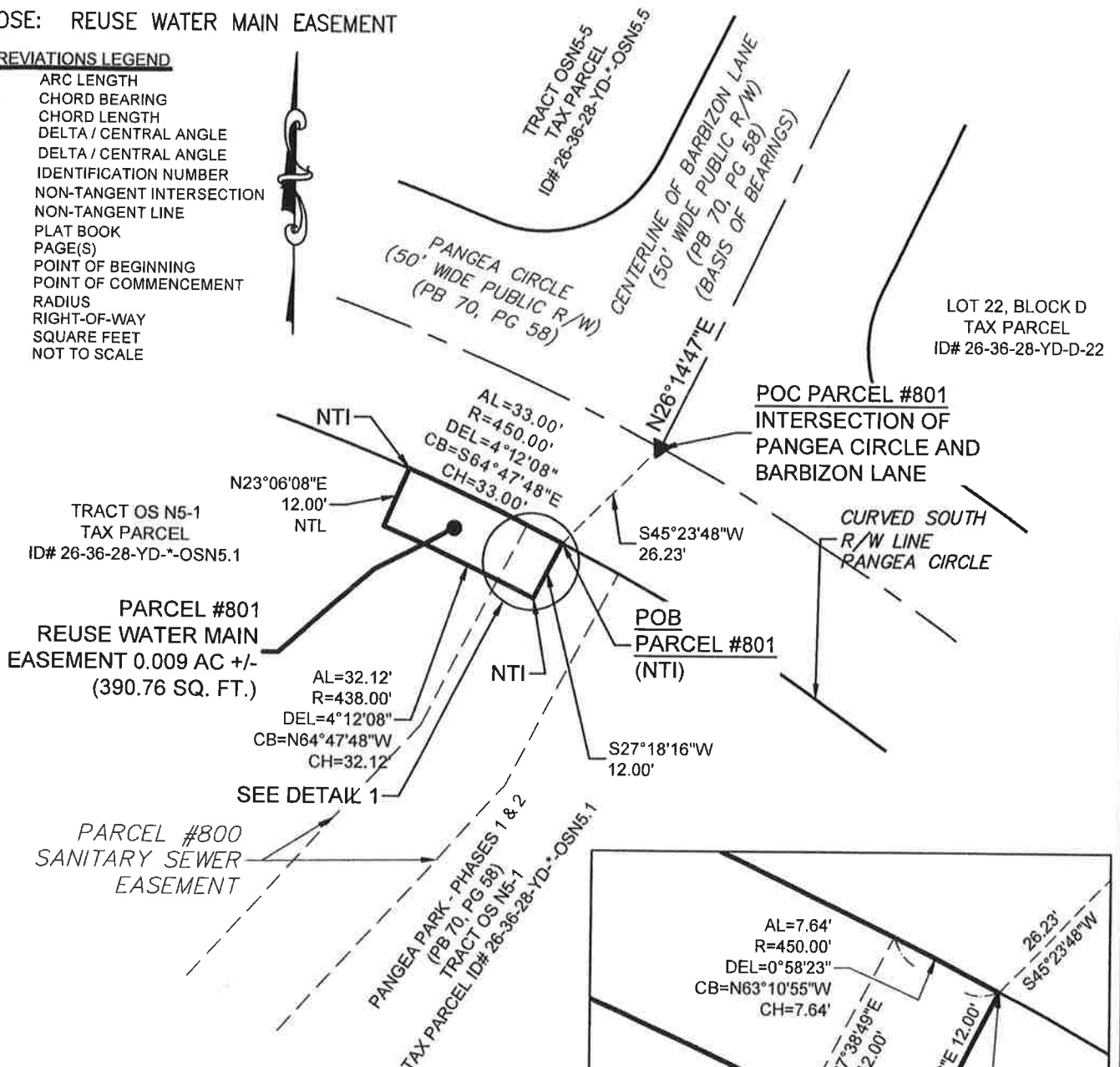
PARENT PARCEL ID# 26-36-28-YD-*--OSN5.1

NOT VALID WITHOUT SHEET 1 OF 2

PURPOSE: REUSE WATER MAIN EASEMENT

ABBREVIATIONS LEGEND

AL	ARC LENGTH
CB	CHORD BEARING
CH	CHORD LENGTH
DEL	DELTA / CENTRAL ANGLE
FT.	DELTA / CENTRAL ANGLE
ID#	IDENTIFICATION NUMBER
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
NTS	NOT TO SCALE



DETAIL 1
NTS

PREPARED BY: B.S.E. CONSULTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321)-725-3674 / FAX: (321)-723-1159

SCALE: 1" = 30'
PROJECT NO.: 11530.01

SECTION 28
TOWNSHIP 26 SOUTH
RANGE 36 EAST

Prepared by and return to: Jean Kremitzki
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-28-YD-* -OSN5.1

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 20th day of July, 2023, between The Viera Company, a Florida corporation whose address is 7380 Murrell Road, Suite 201, Viera, FL 32940, and Pangea Park Neighborhood Association, Inc., a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, FL 32940, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining sanitary sewer facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 28, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Karen P. Prosser
Witness

The Viera Company, a Florida corporation

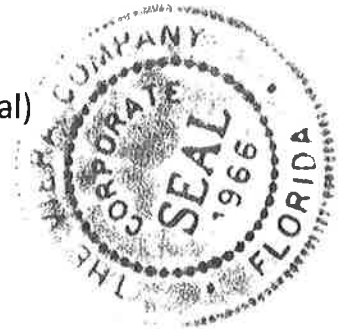
KAREN P. PROSSER
Print Name

BY: TJ Pokrywa
Todd J. Pokrywa, President

Mary Ellen McKibben
Witness

Mary Ellen McKibben
Print Name

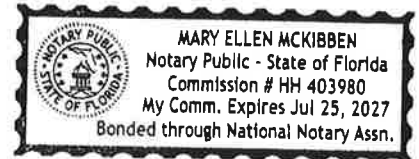
(Corporate Seal)



STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 20th day of July, 2023, by Todd J. Pokrywa, as President for The Viera Company, a Florida corporation. Is ☒ personally known or ☐ produced _____ as identification.

Mary Ellen McKibben
Notary Signature
SEAL



(Signatures continue following page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Karen P. Prosser
Witness

KAREN P. PROSSER
Print Name

Mary Ellen McKibben
Witness

Mary Ellen McKibben
Print Name

Pangea Park Neighborhood
Association, Inc., a Florida
corporation

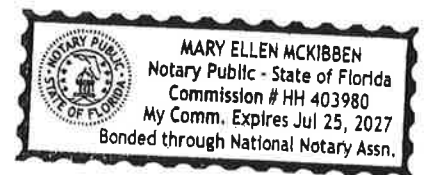
BY: Eva M. Rey
Eva M. Rey, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

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Mary Ellen McKibben
Notary Signature
SEAL



LEGAL DESCRIPTION PARCEL #800

EXHIBIT "A" SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID# 26-36-28-YD-*--OSN5.1

PURPOSE: SANITARY SEWER EASEMENT

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

A 20.00 FOOT WIDE STRIP OF LAND BEING PART OF TRACT OS N5-1, PANGEA PARK - PHASES 1 & 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 26 SOUTH, RANGE 36 EAST, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE CENTERLINE INTERSECTION OF PANGEA CIRCLE AND BARBIZON LANE, AS SHOWN ON THE PLAT OF SAID PANGEA PARK - PHASES 1 & 2 AND RUN S40°31'00"W A DISTANCE OF 25.61 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED SOUTH RIGHT-OF-WAY LINE OF SAID PANGEA CIRCLE AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE S27°33'37"W A DISTANCE OF 45.00 FEET; THENCE S42°20'40"W A DISTANCE OF 123.24 FEET TO THE END OF THIS CENTERLINE. SIDELINES TO BE LENGTHENED OR SHORTENED TO INTERSECT WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID PANGEA CIRCLE. CONTAINING 3,364 SQUARE FEET, (0.077 ACRES), MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N26°14'47"E ON THE CENTERLINE OF BARBIZON LANE, PANGEA PARK - PHASES 1 & 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
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4. SURVEYOR RELIED SOLELY UPON THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NUMBER: 11074055, CUSTOMER REFERENCE NUMBER: 002782/074361, DATED 04/03/2023. OTHER THAN AS SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN SAID REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



LESLIE E. HOWARD, PSM 5611
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

PREPARED BY:

B.S.E. CONSULTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321)-725-3674 / FAX: (321)-723-1159

DRAWN BY: TBS

CHECKED BY: LEH

DRAWING: 1153001_100_002

SCALE:

1"=30'

DATE: 05/10/2023

PROJECT NO. 11530.01

REVISIONS

DATE

DESCRIPTION

05/30/2023

PER COUNTY COMMENTS

SECTION 28

TOWNSHIP 26 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION PARCEL #800

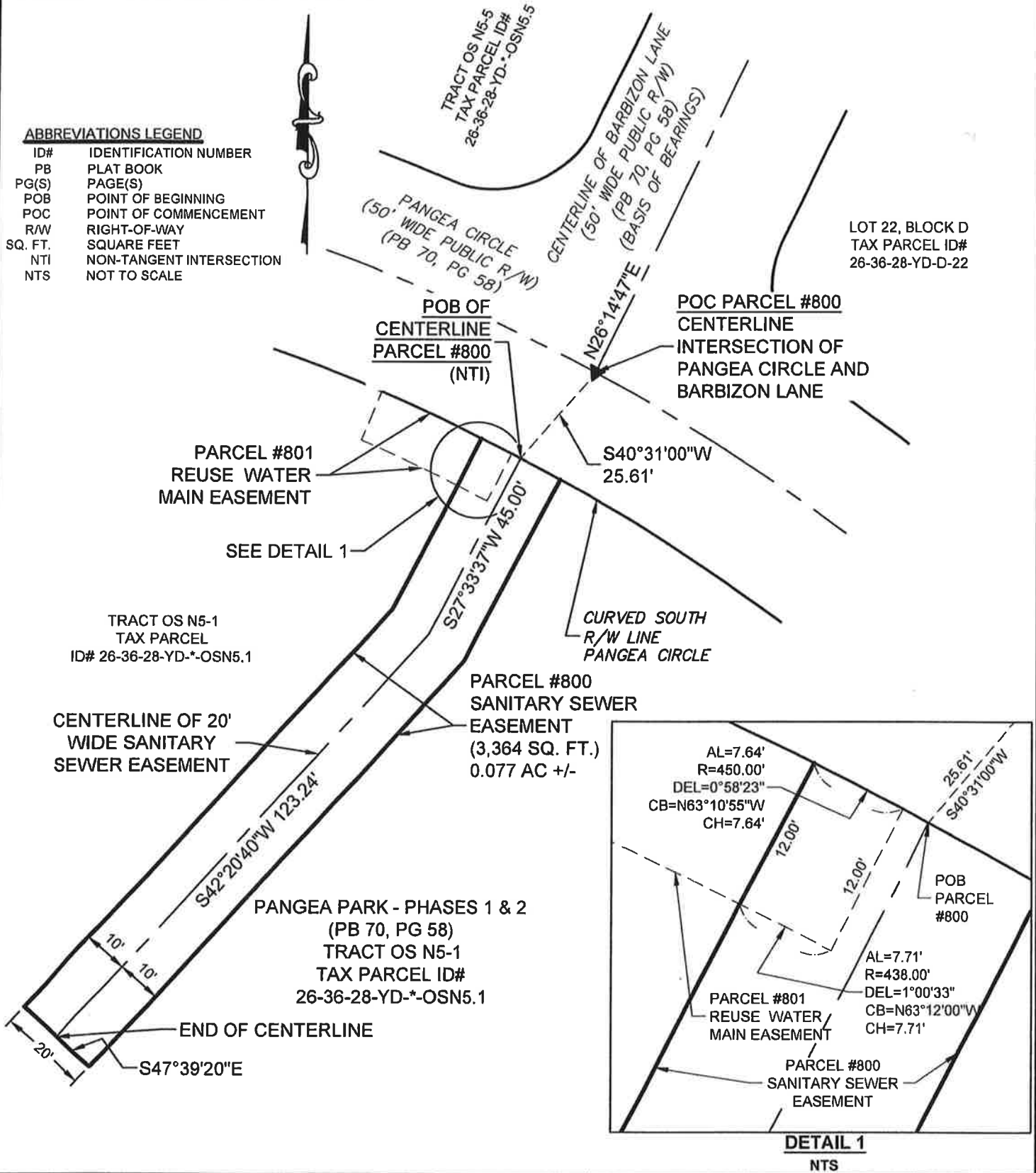
EXHIBIT "A" SHEET 2 OF 2
NOT VALID WITHOUT SHEET 1 OF 2

PARENT PARCEL ID# 26-36-28-YD-*-OSN5.1

PURPOSE: SANITARY SEWER EASEMENT

ABBREVIATIONS LEGEND

ID#	IDENTIFICATION NUMBER
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
NTI	NON-TANGENT INTERSECTION
NTS	NOT TO SCALE



PREPARED BY: B.S.E. CONSULTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321)-725-3674 / FAX: (321)-723-1159

SCALE: 1" = 30'
PROJECT NO.: 11530.01

SECTION 28
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 28 Township 26 South, Range 36 East - District: 4

PROPERTY LOCATION: south of Pineda Boulevard at Barbizon Lane and Pangea Circle.

OWNERS NAME(S): The Viera Company

