



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.8.

2/22/2022

### Subject:

Approval, Re: Donation of Four Drainage and Grading Easements for the Aurora Road Sidewalk Project, Phase 1- District 5.

### 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 four Drainage and Grading Easements and 2) instruct staff to record the easements in the public records.

### Summary Explanation and Background:

The subject properties are located in Section 14, Township 27 South, Range 36 East, on the north side of Aurora Road in Melbourne.

Public Works Department is undertaking a phased sidewalk project known as The Aurora Road Sidewalk Project. Phase 1 begins just west of Marywood Road and continues east to Turtle Mound Road. Four Drainage and Grading Easements are required to support the design for this portion of the project. The construction of Phase 1 is intended to be achieved using R&B in-house construction force.

The following parcel owners have agreed to donate the required easements in order to facilitate Phase 1 of the project:

- 1) Housing Authority of Brevard County -Easement Parcel 801
- 2) Overcomer Church of God of Prophecy Incorporated - Easement Parcel 802
- 3) Brenda E. Kuhlmeier - Easement Parcel 804
- 4) Keith and Renee Kowalske - Easement Parcel 805

Parcels 801, 802, and 804 either have the appropriate mortgage joinders or are not needed. Parcel owners Keith and Renee Kowalske have willingly dedicated an easement for Parcel 805 to the County, however, due to onerous requirements and an unwillingness by the owner to cooperate with their bank, their mortgage company has not joined or consented to the dedication. Staff offered to assist in obtaining the required documents to no avail. This easement is needed to complete the limits of Phase I. Staff is seeking to record the easement anyway. County Attorney's office advises that a Joinder and Consent to Dedication of the Drainage and Grading Easement from Bank of America should be obtained as a best practice. In the event of a foreclosure by the mortgage holder, the recorded easement could become invalid. However, all improvements

will be constructed within the existing County right of way. The easement simply allows for grading and drainage so there would be nothing to remove if it is later invalidated and the maintenance would revert to the homeowner.

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:**

## BOARD OF COUNTY COMMISSIONERS


### AGENDA REVIEW SHEET

AGENDA: Donation of (4) Drainage and Grading Easements for the Aurora Road  
Sidewalk Project Phase I – District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>1-31-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>1-31-2022</u>



February 23, 2022

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

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

**RE:** Item F.8., Approval Donation of Four Drainage and Grading Easements for the Aurora Road Sidewalk Project, Phase 1

The Board of County Commissioners, in regular session on February 22, 2022, approved and accepted the Four Drainage and Grading Easements; and instructed staff to record the easements in the public records for the Aurora Road Sidewalk Project, Phase 1.

Your continued cooperation is greatly appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

*Ronna Scott*  
for: Kimberly Powell, Clerk to the Board

/ns

**DRAINAGE AND GRADING EASEMENT**

THIS INDENTURE, made this 18<sup>th</sup> day of July, A.D. 2018, between **HOUSING AUTHORITY OF BREVARD COUNTY**, a public body corporate and politic organized under the laws of the State of Florida, as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 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 hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, operating, and maintaining drainage facilities as well as grading and sloping and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 14, Township 27 South, Range 36 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns. The first party does hereby 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 having set their hand and seal this, the day and year first above written,

Signed, sealed and delivered in the presence of:

Leigh Koch  
Witness

Print Name: Leigh Koch

Maryanne D. Wilcox  
Witness

Print Name: Maryanne D. Wilcox

HOUSING AUTHORITY OF BREVARD  
COUNTY, a public body corporate and politic  
organized under the laws of the State of Florida

[Signature]

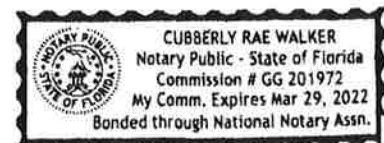
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July, 2018, by Rene M. Turla, as HABC Chairman of Housing Authority of Brevard County, who is/is not personally known to me or who has produced N/A as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 18<sup>th</sup> day of July, 2018.

Notary Public Cubberly Rae Walker  
Print Name Cubberly Rae Walker  
Commission No. GG201972  
Commission Expires March 29, 2022

Agenda Item # 7D  
Board Meeting Date 7/18/2018



# LEGAL DESCRIPTION

## PARCEL 801

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PARENT PARCEL NUMBER 27-36-14-01-\*.66

ACCOUNT #2702810

PURPOSE: DRAINAGE & GRADING EASEMENT

EXHIBIT 'A'

SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## LEGAL DESCRIPTION (BY SURVEYOR):

### DESCRIPTION - PARCEL 801 (5 FOOT DRAINAGE & GRADING EASEMENT):

AN EASEMENT, LYING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BEING A PORTION OF LOT 66 OF "INDIAN RIVER GROVES & GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 86 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF MARYWOOD ROAD (A 50 FOOT WIDE RIGHT OF WAY DEDICATED BY SAID "INDIAN RIVER GROVES & GARDENS") WITH THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD (A VARIABLE WIDTH RIGHT OF WAY), AND RUN S.73°22'31"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 188.21 FEET; THENCE DEPARTING SAID RIGHT OF WAY, RUN N.16°37'29"W., PERPENDICULAR TO SAID RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET; THENCE N.73°22'31"E., PARALLEL WITH AND 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 189.59 FEET TO A POINT ON THE AFORESAID WEST RIGHT OF WAY LINE OF MARYWOOD ROAD; THENCE S.01°09'55"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 5.19 FEET TO THE POINT OF BEGINNING; CONTAINING 944 SQUARE FEET.

## SURVEYOR'S NOTES:

**BEARING STRUCTURE** - ON AN ASSUMED MERIDIAN. SPECIFIC REFERENCE = NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD AS DEPICTED ON "AURORA ROAD SIDEWALK PROJECT" FOR BREVARD COUNTY, PREPARED BY ATKINS, DATED AUGUST 2016 = A BEARING OF S.73°22'31"W.

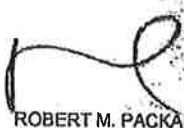
**REFERENCE MATERIAL** - O&E REPORT BY CRAIG KARLSON OF "NEW REVELATIONS, INC.", FILE NO. 17-1043, FOR TAX PARCEL #2702810, EFFECTIVE DATE = 01/25/2017.

**EASEMENTS** - PROPOSED EASEMENT ENCUMBERED BY A UTILITY EASEMENT RECORDED IN O.R.B. 845, PG. 294 OVER & ACROSS EAST 20 FEET THEREOF; OTHER EASEMENTS LISTED IN O&E REPORT FOR TAX PARCEL #2702810 DO NOT AFFECT PROPOSED EASEMENT DESCRIBED HEREIN.

**RESERVATION** - THIS SKETCH IS NOT A 'BOUNDARY SURVEY'.

NOTE - THE SKETCH AND DESCRIPTION DEPICTED HEREIN, WAS PREPARED EXCLUSIVELY FROM INFORMATION CONTAINED ON THE SURVEY FOR THE ABOVE REFERENCED PROJECT PREPARED BY AAL LAND SURVEYING SERVICES, INC.

PREPARED FOR: **BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS**

  
ROBERT M. PACKARD, PSM  
SURVEYOR & MAPPER; PSM NO. #3867  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **R.M. PACKARD & ASSOC., INC.**  
ADDRESS: 197 BOUGAINVILLEA DRIVE / SUITE D  
ROCKLEDGE, FLORIDA 32955  
LB NO. 6649

PHONE: (321) 632-6335  
FAX: (321) 631-7392  
EMAIL: [packardsurvey@cfl.rr.com](mailto:packardsurvey@cfl.rr.com)



DRAWN BY: RMP

CHECKED BY:

DRAWING NO. 18-34

DATE: 10/27/17

SHEET 1 OF 2

REVISIONS 2 / 05 / 2018

# SKETCH OF DESCRIPTION

## PARCEL 801

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PARENT PARCEL NUMBER 27-36-14-01-\*66

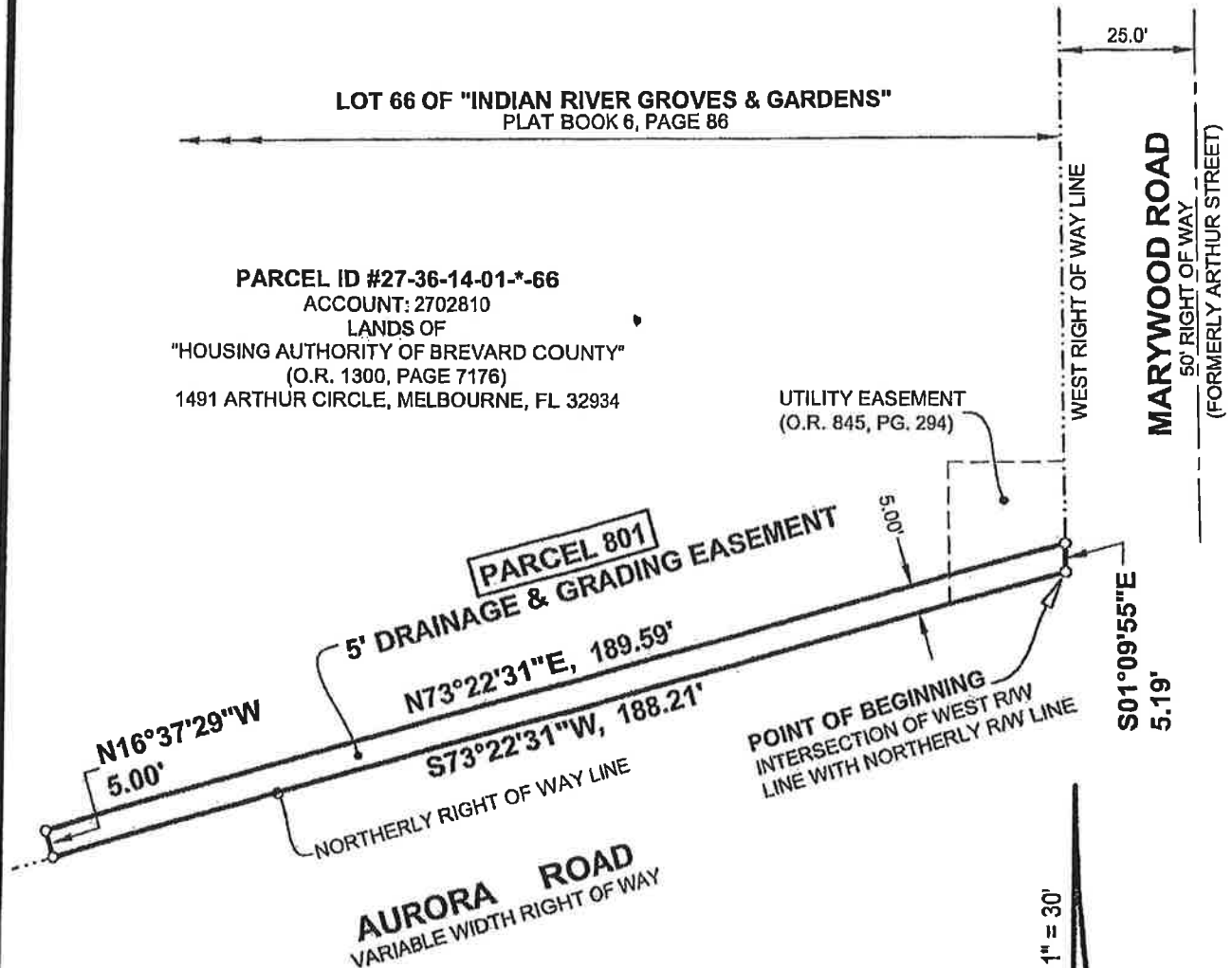
ACCOUNT #2702810

PURPOSE: DRAINAGE & GRADING EASEMENT

## EXHIBIT 'A'

### SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



#### LEGEND OF ABBREVIATIONS:

O.R. = OFFICIAL RECORDS  
PG. = PAGE  
R/W = RIGHT OF WAY  
SEC. = SECTION  
EASE. = EASEMENT  
ID = IDENTIFICATION

SCALE: 1" = 30'

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PROJECT NO.: 18-34

PREPARED BY:

**R.M. PACKARD & ASSOC., INC.**

**DRAINAGE AND GRADING EASEMENT**

THIS INDENTURE, made this 10 day of July, A.D. 2018, between **OVERCOMER CHURCH OF GOD OF PROPHECY INCORPORATED** a Florida Not for Profit Corporation, as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 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 hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, operating, and maintaining drainage facilities as well as grading and sloping and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 14, Township 27 South, Range 36 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBITS "A AND B", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns. The first party does hereby 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 having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Witness  
Print Name: Blaise M. Mancini  
Witness  
Print Name: Lucy Hameters

Overcomer Church of God of Prophecy  
Incorporated  
[Signature]  
Winford Graham, Director

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 10 day of July, 2018, by Winfred Graham, as Director of Overcomer Church of God of Prophecy Incorporated, who is/is not personally known to me or who has produced Driver's license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 10 day of July, 2018.

Notary Public [Signature]  
Print Name \_\_\_\_\_  
Commission No. \_\_\_\_\_  
Commission Expires \_\_\_\_\_

Agenda Item # \_\_\_\_\_  
Board Meeting Date 02/22/2022



**Lucy Hameters**  
State of Florida  
My Commission Expires 02/24/2019  
Commission No. FF 194343



# LEGAL DESCRIPTION

## PARCEL 802

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PARENT PARCEL NUMBER 27-36-14-75-\*1

ACCOUNT #2702858

PURPOSE: DRAINAGE & GRADING EASEMENT

EXHIBIT 'A'

SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## LEGAL DESCRIPTION (BY SURVEYOR):

### DESCRIPTION - PARCEL 802 (5 FOOT DRAINAGE & GRADING EASEMENT):

AN EASEMENT, LYING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST AND BEING THE SOUTHERLY 5.00 FEET OF LOT 1 OF "ROOT'S REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE 6 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING NORTH AND ADJACENT TO THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MARYWOOD ROAD (A 50 FOOT WIDE RIGHT OF WAY DEDICATED BY SAID "INDIAN RIVER GROVES & GARDENS") WITH THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD (A VARIABLE WIDTH RIGHT OF WAY), AND RUN N.73°22'31"E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 77.73 FEET TO A POINT ON THE EAST LINE OF AFORESAID LOT 1; THENCE DEPARTING SAID RIGHT OF WAY, RUN N.00°17'00"W., ALONG SAID EAST LINE, A DISTANCE OF 5.23 FEET TO A POINT 5.00 FEET DISTANT, BY RIGHT ANGLE MEASUREMENT, FROM SAID NORTHERLY RIGHT OF WAY LINE; THENCE S.73°22'31"W., PARALLEL WITH AND 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 77.86 FEET TO A POINT ON THE AFORESAID EAST RIGHT OF WAY LINE OF MARYWOOD ROAD; THENCE S.01°09'55"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 5.19 FEET TO THE POINT OF BEGINNING; CONTAINING 389 SQUARE FEET.

## SURVEYOR'S NOTES:

**BEARING STRUCTURE** - ON AN ASSUMED MERIDIAN FOR COMPUTATIONAL PURPOSES. SPECIFIC REFERENCE = NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD AS DEPICTED ON "AURORA ROAD SIDEWALK PROJECT" FOR BREVARD COUNTY, PREPARED BY ATKINS, DATED AUGUST 2016 = A BEARING OF N.73°22'31"E.

**REFERENCE MATERIAL** - O&E REPORT BY CRAIG KARLSON OF "NEW REVELATIONS, INC.", FILE NO. 17-1043, FOR TAX PARCEL #2702858, EFFECTIVE DATE = 01/25/2017.

**EASEMENTS** - NO EASEMENTS WERE LISTED IN O&E REPORT FOR TAX PARCEL #2702858.

**RESERVATION** - THIS SKETCH IS NOT A 'BOUNDARY SURVEY'.

NOTE - THE SKETCH AND DESCRIPTION DEICTED HEREIN, WAS PREPARED EXCLUSIVELY FROM INFORMATION CONTAINED ON THE SURVEY FOR THE ABOVE REFERENCED PROJECT PREPARED BY AAL LAND SURVEYING SERVICES, INC.

PREPARED FOR: **BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS**

  
ROBERT M. PACKARD, PSM  
SURVEYOR & MAPPER, PSM NO. #3887  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **R.M. PACKARD & ASSOC., INC.**

ADDRESS: 197 BOUGAINVILLEA DRIVE / SUITE D  
ROCKLEDGE, FLORIDA 32955  
LB NO. 6649

PHONE: (321) 632-6335  
FAX: (321) 631-7392  
EMAIL: [packardsurvey@cfl.rr.com](mailto:packardsurvey@cfl.rr.com)

DRAWN BY: RMP

CHECKED BY:

DRAWING NO. 18-34

DATE: 10/27/17

SHEET 1 OF 2

REVISIONS 2 / 05 / 2018





# LEGAL DESCRIPTION

## PARCEL 802A

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PARENT PARCEL NUMBER 27-36-14-75-\*.1

ACCOUNT #2702858

PURPOSE: DRAINAGE & GRADING EASEMENT

## EXHIBIT 'B'

### SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

### LEGAL DESCRIPTION (BY SURVEYOR):

#### DESCRIPTION - PARCEL 802A (5 FOOT DRAINAGE & GRADING EASEMENT):

AN EASEMENT, LYING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST AND BEING THE SOUTHERLY 5.00 FEET OF LOT 2 OF "ROOT'S REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE 8 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING NORTH AND ADJACENT TO THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MARYWOOD ROAD (A 50 FOOT WIDE RIGHT OF WAY DEDICATED BY "INDIAN RIVER GROVES & GARDENS" IN PLAT BOOK 6, PAGE 86) WITH THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD (A VARIABLE WIDTH RIGHT OF WAY), AND RUN N.73°22'31"E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 77.73 FEET TO A POINT ON THE WEST LINE OF AFORESAID LOT 2, "ROOT'S REPLAT", THE POINT OF BEGINNING; THENCE CONTINUE N.73°22'31"E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 77.70 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2; THENCE DEPARTING SAID RIGHT OF WAY, RUN N.00°17'00"W., ALONG SAID EAST LINE, A DISTANCE OF 5.23 FEET TO A POINT 5.00 FEET DISTANT, BY RIGHT ANGLE MEASUREMENT, FROM SAID NORTHERLY RIGHT OF WAY LINE; THENCE S.73°22'31"W., PARALLEL WITH AND 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 77.70 FEET TO A POINT ON THE AFORESAID WEST LINE OF LOT 2; THENCE S.00°17'00"E., ALONG SAID WEST LINE, A DISTANCE OF 5.23 FEET TO THE POINT OF BEGINNING; CONTAINING 389 SQUARE FEET.

### SURVEYOR'S NOTES:

**BEARING STRUCTURE** - ON AN ASSUMED MERIDIAN FOR COMPUTATIONAL PURPOSES. SPECIFIC REFERENCE = NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD AS DEPICTED ON "AURORA ROAD SIDEWALK PROJECT" FOR BREVARD COUNTY, PREPARED BY ATKINS, DATED AUGUST 2016 = A BEARING OF N.73°22'31"E.

**REFERENCE MATERIAL** - O&E REPORT BY CRAIG KARLSON OF "NEW REVELATIONS, INC.", FILE NO. 17-1043, FOR TAX PARCEL #2702858, EFFECTIVE DATE = 01/25/2017.

**EASEMENTS** - NO EASEMENTS WERE LISTED IN O&E REPORT FOR TAX PARCEL #2702858.

**RESERVATION** - THIS SKETCH IS NOT A 'BOUNDARY SURVEY'.

**NOTE** - THE SKETCH AND DESCRIPTION DEPICTED HEREIN, WAS PREPARED EXCLUSIVELY FROM INFORMATION CONTAINED ON THE SURVEY FOR THE ABOVE REFERENCED PROJECT PREPARED BY AAL LAND SURVEYING SERVICES, INC.

PREPARED FOR: **BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS**

  
ROBERT M. PACKARD, PSM  
SURVEYOR & MAPPER, PSM NO. #3867  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **R.M. PACKARD & ASSOC., INC.**

ADDRESS: 197 BOUGAINVILLEA DRIVE / SUITE D  
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PHONE: (321) 632-6335  
FAX: (321) 631-7392  
EMAIL: [packardsurvey@cfl.rr.com](mailto:packardsurvey@cfl.rr.com)



DRAWN BY: **RMP**

CHECKED BY:

DRAWING NO. **18-34**

DATE: **10/27/17**

SHEET **1** OF **2**

REVISIONS **2 / 05 / 2018**

## 78

**DRAINAGE AND GRADING EASEMENT**

**THIS INDENTURE**, made this 29 day of June A.D. 2018, between **FRED J. SLATTERY**, as Attorney in Fact for Brenda E. Kuhlmei, as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 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 hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, operating, and maintaining drainage facilities as well as grading and sloping and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 14, Township 27 South, Range 36 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns. The first party does hereby 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 having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Blaise M. Mancini  
Witness  
Blaise M. Mancini  
(Print Name)  
Lucy Hamelers  
Witness  
Lucy Hamelers  
(Print Name)

Fred J. Slattery A.T.F.  
Fred J. Slattery, as Attorney in Fact  
for Brenda E. Kuhlmei

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 29 day of June, 2018, by Fred J. Slattery, as Attorney in Fact for Brenda E. Kuhlmei, who is/is not personally known to me or who has produced driver's license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 29 day of June, 2018.

Notary Public  
Lucy Hamelers  
Name  
State of Florida  
Commission No. \_\_\_\_\_  
My Commission Expires 02/24/2019  
Commission Expires \_\_\_\_\_  
Commission No. FF 194343

Agenda Item # \_\_\_\_\_  
Board Meeting Date 02/22/2022



# LEGAL DESCRIPTION

## PARCEL 804

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PARENT PARCEL NUMBER 27-36-14-76-G

ACCOUNT #2702880

PURPOSE: DRAINAGE & GRADING EASEMENT

EXHIBIT 'A'

SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## LEGAL DESCRIPTION (BY SURVEYOR):

### DESCRIPTION - PARCEL 804 (5 FOOT DRAINAGE & GRADING EASEMENT):

AN EASEMENT, LYING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST, AND BEING A PORTION OF BLOCK 'G', "PLAT OF MOSLEY GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST LINE OF BLOCK 'G' OF SAID "PLAT OF MOSLEY GARDENS", WITH THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD (A VARIABLE WIDTH RIGHT OF WAY), AND RUN N.73°39'32"E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 346.13 FEET TO A POINT ON THE EAST LINE OF AFORESAID BLOCK 'G'; THENCE DEPARTING SAID RIGHT OF WAY, RUN N.00°43'41"W., ALONG SAID EAST LINE OF BLOCK 'G', A DISTANCE OF 5.19 FEET TO A POINT 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE; THENCE S.73°38'32"W., PARALLEL WITH AND 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 346.23 FEET TO A POINT ON THE AFORESAID WEST LINE OF BLOCK 'G'; THENCE S.01°49'12"E., ALONG SAID WEST LINE, A DISTANCE OF 5.16 FEET TO THE POINT OF BEGINNING; CONTAINING 1731 SQUARE FEET.

## SURVEYOR'S NOTES:

**BEARING STRUCTURE** - ON AN ASSUMED MERIDIAN FOR COMPUTATIONAL PURPOSES. SPECIFIC REFERENCE = NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD AS DEPICTED ON "AURORA ROAD SIDEWALK PROJECT" FOR BREVARD COUNTY, PREPARED BY ATKINS, DATED AUGUST 2016 = A BEARING OF N.73°38'22"E.


**REFERENCE MATERIAL** - O&E REPORT BY CRAIG KARLSON OF "NEW REVELATIONS, INC.", FILE NO. 17-1043, FOR TAX PARCEL #2702880, EFFECTIVE DATE = 01/25/2017.

**EASEMENTS** - NO EASEMENTS WERE LISTED IN O&E REPORT FOR TAX PARCEL #2702880.

**RESERVATION** - THIS SKETCH IS NOT A 'BOUNDARY SURVEY'.

NOTE - THE SKETCH AND DESCRIPTION DEPICTED HEREIN, WAS PREPARED EXCLUSIVELY FROM INFORMATION CONTAINED ON THE SURVEY FOR THE ABOVE REFERENCED PROJECT PREPARED BY AAL LAND SURVEYING SERVICES, INC.

PREPARED FOR: **BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS**

  
ROBERT M. PACKARD, PSM  
SURVEYOR & MAPPER, PSM NO. #3867  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **R.M. PACKARD & ASSOC., INC.**

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PHONE: (321) 632-6335  
FAX: (321) 631-7392  
EMAIL: [packardsurvey@cfl.rr.com](mailto:packardsurvey@cfl.rr.com)

DRAWN BY: RMP

CHECKED BY:

DRAWING NO. 18-34

DATE: 10/27/17

SHEET 1 OF 2

REVISIONS 2 / 05 / 2018





**DRAINAGE AND GRADING EASEMENT**

THIS INDENTURE, made this 28 day of June A.D. 2018, between **KEITH KOWALSKE and RENEE KOWALSKE**, husband and wife, as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 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 hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, operating, and maintaining drainage facilities as well as grading and sloping and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 14, Township 27 South, Range 36 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns. The first party does hereby 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 having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Blaise M. Mancini  
Witness  
Blaise M. Mancini  
(Print Name)  
Lucy Hamelers  
Witness  
(Print Name)

Keith Kowalske  
KEITH KOWALSKE  
Renee Kowalske  
RENEE KOWALSKE

**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 28 day of June, 2018, by Keith and Renee Kowalske, who is/is not personally known to me or who has produced drivers license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 28 day of June, 2018.

Notary Public

Lucy Hamelers

Name

Commission No.

Commission Expires

Agenda Item #

Board Meeting Date 02/22/2022



My Commission Expires 02/24/2019  
Commission No. FF 194343



# LEGAL DESCRIPTION

## PARCEL 805

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

PARENT PARCEL NUMBER 27-36-14-76-H

ACCOUNT #2741715

PURPOSE: DRAINAGE & GRADING EASEMENT

EXHIBIT 'A'

SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

### LEGAL DESCRIPTION (BY SURVEYOR):

#### DESCRIPTION - PARCEL 805 (5 FOOT DRAINAGE & GRADING EASEMENT):

AN EASEMENT, LYING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST, AND BEING A PORTION OF BLOCK 'H', "PLAT OF MOSLEY GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF TURTLEMOUND ROAD WITH THE NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD (A VARIABLE WIDTH RIGHT OF WAY), AND RUN S.73°39'32"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 319.96 FEET TO A POINT ON THE WEST LINE OF AFORESAID BLOCK 'H'; THENCE DEPARTING SAID RIGHT OF WAY, RUN N.00°43'41"W., ALONG SAID WEST LINE OF BLOCK 'H', A DISTANCE OF 5.19 FEET TO A POINT 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE; THENCE N.73°39'32"E., PARALLEL WITH AND 5.00 FEET DISTANT FROM SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 319.82 FEET TO A POINT ON THE AFORESAID WEST RIGHT OF WAY LINE OF TURTLEMOUND ROAD; THENCE S.02°13'29"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 5.16 FEET TO THE POINT OF BEGINNING; CONTAINING 1599 SQUARE FEET.

### SURVEYOR'S NOTES:

**BEARING STRUCTURE** - ON AN ASSUMED MERIDIAN FOR COMPUTATIONAL PURPOSES. SPECIFIC REFERENCE = NORTHERLY RIGHT OF WAY LINE OF AURORA ROAD AS DEPICTED ON "AURORA ROAD SIDEWALK PROJECT" FOR BREVARD COUNTY, PREPARED BY ATKINS, DATED AUGUST 2016 = A BEARING OF S.73°39'22"W.


**REFERENCE MATERIAL** - O&E REPORT BY CRAIG KARLSON OF "NEW REVELATIONS, INC.", FILE NO. 17-1043, FOR TAX PARCEL #2741715, EFFECTIVE DATE = 01/25/2017.

**EASEMENTS** - NO EASEMENTS WERE LISTED IN O&E REPORT FOR TAX PARCEL #2741715.

**RESERVATION** - THIS SKETCH IS NOT A 'BOUNDARY SURVEY'.

NOTE - THE SKETCH AND DESCRIPTION DEPICTED HEREIN, WAS PREPARED EXCLUSIVELY FROM INFORMATION CONTAINED ON THE SURVEY FOR THE ABOVE REFERENCED PROJECT PREPARED BY AAL LAND SURVEYING SERVICES, INC.

PREPARED FOR: **BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS**

  
ROBERT M. PACKARD, PSM  
SURVEYOR & MAPPER, PSM NO. #3867  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **R.M. PACKARD & ASSOC., INC.**

ADDRESS: 197 BOUGAINVILLEA DRIVE / SUITE D  
ROCKLEDGE, FLORIDA 32955  
LB NO. 6649

PHONE: (321) 632-6335  
FAX: (321) 631-7392  
EMAIL: [packardsurvey@cfl.rr.com](mailto:packardsurvey@cfl.rr.com)



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SHEET 1 OF 2

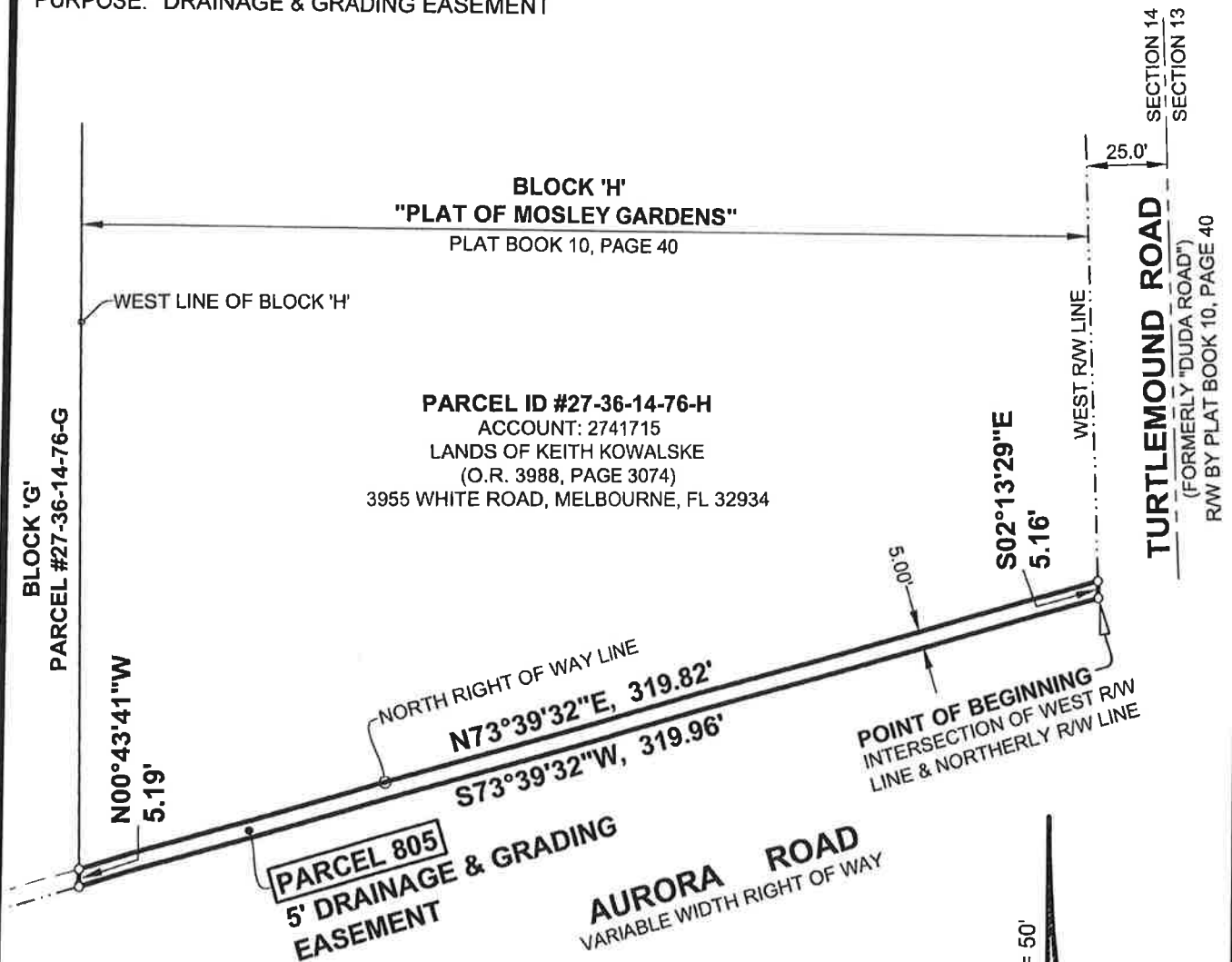
REVISIONS 2 / 05 / 2018

## PARCEL 805

**PURPOSE: DRAINAGE & GRADING EASEMENT**

**SHEET 2 OF 2**

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



O.R. = OFFICIAL RECORDS  
PG. = PAGE  
R/W = RIGHT OF WAY  
SEC. = SECTION  
EASE. = EASEMENT  
ID = IDENTIFICATION

SCALE: 1" = 50'

**R.M. PACKARD & ASSOC., INC.**

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 36 EAST

## LOCATION MAP – PHASE I

**Section 14, Township 27 South, Range 36 East - District: 5**

PROPERTY LOCATION: North side of Aurora Road in Melbourne

OWNERS NAME(S): Parcel 801- Housing Authority of Brevard County; Parcel 802- Overcomer Church of God; Parcel 804 Brenda Kuhlmeiy; Parcel 805 Keith and Renee Kowalske

