



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

10/8/2019

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### **Subject:**

Approval Re: Public Utility Easement from D.R. Horton, Inc., in connection with the Adamson Creek Phase One - B Subdivision - District 1

### **Fiscal Impact:**

FY 2019-2020 No Impact

FY 2020-2021 No Impact

### **Dept/Office:**

Public Works Department

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the Public Utility Easement from D.R. Horton, Inc. for the Adamson Creek Phase One-B Subdivision.

### **Summary Explanation and Background:**

The subject property is located in Section 22, Township 24 South, Range 35 East, approximately 1.46 miles North from the corner of State Road 524 and Adamson Road in Cocoa.

D.R. Horton, Inc. is development Phase One-B of Adamson Creek Subdivision. In order to maintain the sanitary sewer lines, to include the right of ingress and egress onto the easement area as may be necessary, an easement is required. D.R. Horton, Inc. has agreed to to grant the necessary easement.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

### **Clerk to the Board Instructions:**

BOARD OF COUNTY COMMISSIONERS

AGENDA: PUBLIC UTILITY EASEMENT FROM D.R. HORTON, INC., - OWNER- IN CONNECTION WITH THE ADAMSON CREEK PHASE ONE-B SUBDIVISION - DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, INTERIM LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (58336)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Interim Supervisor	<u>RA</u>	_____	<u>9.12.19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>9-13-19</u>

*\* please record attached certificate of Assistant Secretary to provide proof of authority to sign.*

AGENDA DUE DATE: October 1, 2019 for the October 8, 2019, Board Meeting

THANK YOU.

*please confirm certificate is still valid.*



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 9, 2019

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

**TO:** Corrina Gumm, Interim Public Works Director

**RE:** Item F.5., Approval of Public Utility Easement from D.R. Horton, Inc., in Connection with the Adamson Creek Phase One-B Subdivision

The Board of County Commissioners, in regular session on October 8, 2019, accepted the Public Utility Easement from D.R. Horton, Inc. for the Adamson Creek Phase One-B Subdivision.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

Prepared by and Return to: Lucy Hamelers, Land Acquisition  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 24-35-22-25-2

### PUBLIC UTILITY EASEMENT

**THIS INDENTURE**, made this 12 day of Sept, 2019, between D.R. HORTON, INC., a Foreign Profit Corporation, whose mailing address is: 1341 Horton Circle, Arlington, TX 76011, as the first party, and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing 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 hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual utility easement commencing on the above date, for the purpose of re-constructing, maintaining a sanitary sewer line, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses pertaining thereto 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 this easement is located in Section 22, Township 24 South, Range 35 East, County of Brevard, State of Florida, more particularly described as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A", together with an additional ten feet adjacent to the Right of Way.**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and 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.

(Signatures and Notary on next page)

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:

[Signature]

Witness  
Ricardo Corone  
(Print Name)

D.R. HORTON, INC.

[Signature]  
Daniel Liparini, Assistant Secretary

[Signature]

Witness  
HANS WÄHNER  
(Print Name)



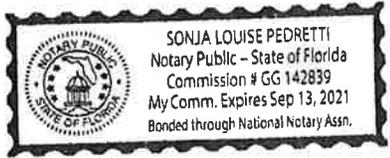
STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 12 day of Sept., 2019, by Daniel Liparini, as Assistant Secretary of D.R. Horton, Inc., who is/is not personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Palm Bay, Florida, the County of Brevard, State of Florida, this 12 day of Sept., 2019.

Notary Public [Signature]  
Print Name Sonja Pedretti  
Commission No. 66142839  
Commission expires 9-13-2021

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



Horton ✓

**LEGAL DESCRIPTION**  
**PARENT PARCEL ID#**  
**24-35-22-25-2**

**EXHIBIT "A"**

SHEET 1 OF 3  
NOT VALID WITHOUT SHEET 2 AND 3 OF 3  
THIS IS NOT A SURVEY

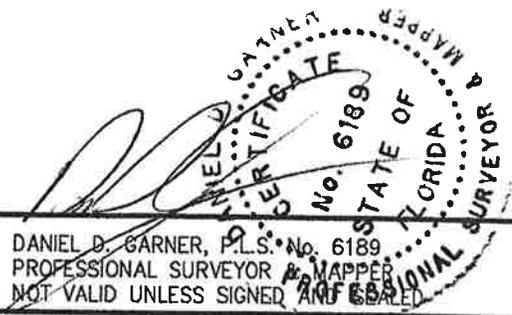
PURPOSE: PUBLIC UTILITY EASEMENT

LEGAL DESCRIPTION: (BY SURVEYOR)

TRACT R-1, ADAMSON CREEK PHASE ONE-B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 67, PAGES 78-79, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 3.46 ACRES MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS FORBIDDEN.
4. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
5. THIS SKETCH IS BASED ON INFORMATION PROVIDED IN THE OPINION OF TITLE PREPARED BY SANDRA E. KRUMBEIN, ESQ, DATED MARCH 11, 2019. THE OPINION DID NOT SHOW ANY EASEMENTS IN THE TRACT.



PREPARED FOR: DR HORTON INC.

CERTIFIED TO: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DANIEL D. GARNER, P.L.S. No. 6189  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:  
**AAL LAND SURVEYING SERVICES, INC.**

DRAWN BY: DDG	CHECKED BY: AWP	PROJECT NO. 39169		SECTION 22 TOWNSHIP 24 SOUTH RANGE 35 EAST
		REVISIONS	DATE	
DATE: 05-29-19	DRAWING: 39169 SOD SEWER	07-26-19	COUNTY COMMENTS	
		09-05-19	PLAT BOOK ADDED	

# SKETCH OF DESCRIPTION

EXHIBIT "A"

PARENT PARCEL ID#

24-35-22-25-2

PURPOSE: PUBLIC UTILITY EASEMENT

SHEET 3 OF 3  
NOT VALID WITHOUT SHEET 1 AND 2 OF 3  
THIS IS NOT A SURVEY

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00'	S 47°15'38" W
L2	81.93'	N 42°44'22" W
L3	274.94'	N 00°16'48" E
L4	462.73'	N 89°43'12" W
L5	648.81'	N 00°16'48" E
L6	40.00'	N 89°45'21" W
L7	50.00'	N 00°14'39" E
L8	40.00'	S 89°45'21" E
L9	614.06'	S 00°16'48" W
L10	81.93'	S 42°44'22" E
L11	50.00'	N 00°16'48" E
L12	462.73'	N 89°43'12" W
L13	596.28'	N 00°16'48" E
L14	239.11'	S 00°16'48" W

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	CHORD	CHORD BEARING
C1	125.00'	43°01'10"	91.66'	91.66'	S21°13'47"E
C2	25.00'	90°00'00"	35.36'	35.36'	N44°43'12"W
C3	100.00'	90°00'00"	141.42'	141.42'	S44°43'12"E
C4	25.00'	49°13'51"	20.83'	20.83'	N24°20'07"W
C5	225.00'	6°30'47"	25.56'	25.56'	S45°41'40"E
C6	100.00'	47°19'04"	80.26'	80.26'	N66°05'49"W
C7	150.00'	47°19'04"	120.39'	120.39'	N66°05'49"W
C8	175.00'	47°39'02"	141.38'	141.38'	S66°15'47"E
C9	280.00'	29°06'42"	140.74'	140.74'	N75°31'57"W
C10	125.00'	38°13'02"	81.84'	81.84'	N41°52'06"W
C11	520.00'	40°59'11"	364.10'	364.10'	S43°15'10"E
C12	100.00'	64°01'34"	106.02'	106.02'	N31°43'59"W
C13	75.00'	43°01'10"	55.00'	55.00'	S21°13'47"E
C14	50.00'	90°00'00"	70.71'	70.71'	S44°43'12"E
C15	25.00'	104°39'21"	39.58'	39.58'	S52°36'29"W
C16	225.00'	15°01'27"	58.83'	58.83'	S82°34'35"E
C17	230.00'	29°06'42"	115.61'	115.61'	N75°31'57"W
C18	75.00'	38°13'02"	49.10'	49.10'	N41°52'06"W
C19	570.00'	40°59'11"	399.11'	399.11'	S43°15'10"E
C20	50.00'	64°01'34"	53.01'	53.01'	N31°43'59"W
C21	25.00'	90°00'00"	35.36'	35.36'	N45°16'48"E

PREPARED BY:

**AAL LAND SURVEYING SERVICES, INC.**

SCALE:

N/A

PROJECT NO.:

39169

SECTION 22

TOWNSHIP 24 SOUTH

RANGE 35 EAST

# SKETCH OF DESCRIPTION

# EXHIBIT "A"

## PARENT PARCEL ID#

SHEET 2 OF 3

NOT VALID WITHOUT SHEET 1 AND 3 OF 3

THIS IS NOT A SURVEY

24-35-22-25-2

PURPOSE: PUBLIC UTILITY EASEMENT

ALL LOTS AND TRACTS SHOWN ADJACENT TO TRACT R-1 ARE OWNED BY DR HORTON INC

PARCEL ID: 24-35-22-25-Q  
OWNER: ADAMSON CREEK HOMEOWNERS ASSOCIATION INC  
TRACT Q - WETLAND PRESERVATION  
ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59  
OFFICIAL RECORDS  
BOOK 8071 PAGE 1960

PARCEL ID: 24-35-22-00-256  
OWNERS: OPM-USA INC  
OFFICIAL RECORDS  
BOOK 3628, PAGE 4911

PARCEL ID: 24-35-22-00-263  
OWNERS: JONES, EDWARD  
OFFICIAL RECORDS  
BOOK 5120, PAGE 0013

PARCEL ID: 24-35-22-25-\*24  
OWNERS: HLF HOLDINGS LLC  
LOT 24  
ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59  
OFFICIAL RECORDS  
BOOK 8371 PAGE 2178

PARCEL ID: 24-35-22-25-\*25  
OWNERS: FUENTES, RICHARD, SR;  
FUENTES, ARLINE TORRES  
LOT 25  
ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59  
OFFICIAL RECORDS  
BOOK 8256 PAGE 1238

PARCEL ID: 24-35-22-25-\*91  
OWNERS: LAVALLEE, AMANDA L;  
LAVALLEE, CHRISTOPHER M  
LOT 91  
ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59  
OFFICIAL RECORDS  
BOOK 7663 PAGE 0363

TRACT P  
WETLAND PRESERVATION  
ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59

TRACT E  
STORM WATER MANAGEMENT  
ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59  
OFFICIAL RECORDS  
BOOK 7244 PAGE 2467

PARCEL ID: 24-35-22-25-E  
OWNERS: ADAMSON CREEK HOMEOWNERS ASSOC, INC

ADAMSON CREEK PHASE ONE-A  
PLAT BOOK 57, PAGES 49-59

ADAMSON ROAD  
A.K.A. WENNER ROAD  
150' PUBLIC ROAD RIGHT-OF-WAY  
75' RIGHT OF WAY PER  
O.R. BOOK 746, PAGE 878

TRACT B  
EAST RIGHT-OF-WAY LINE OF ADAMSON ROAD  
N00°14'39"E BEARING BASIS 1110.65'

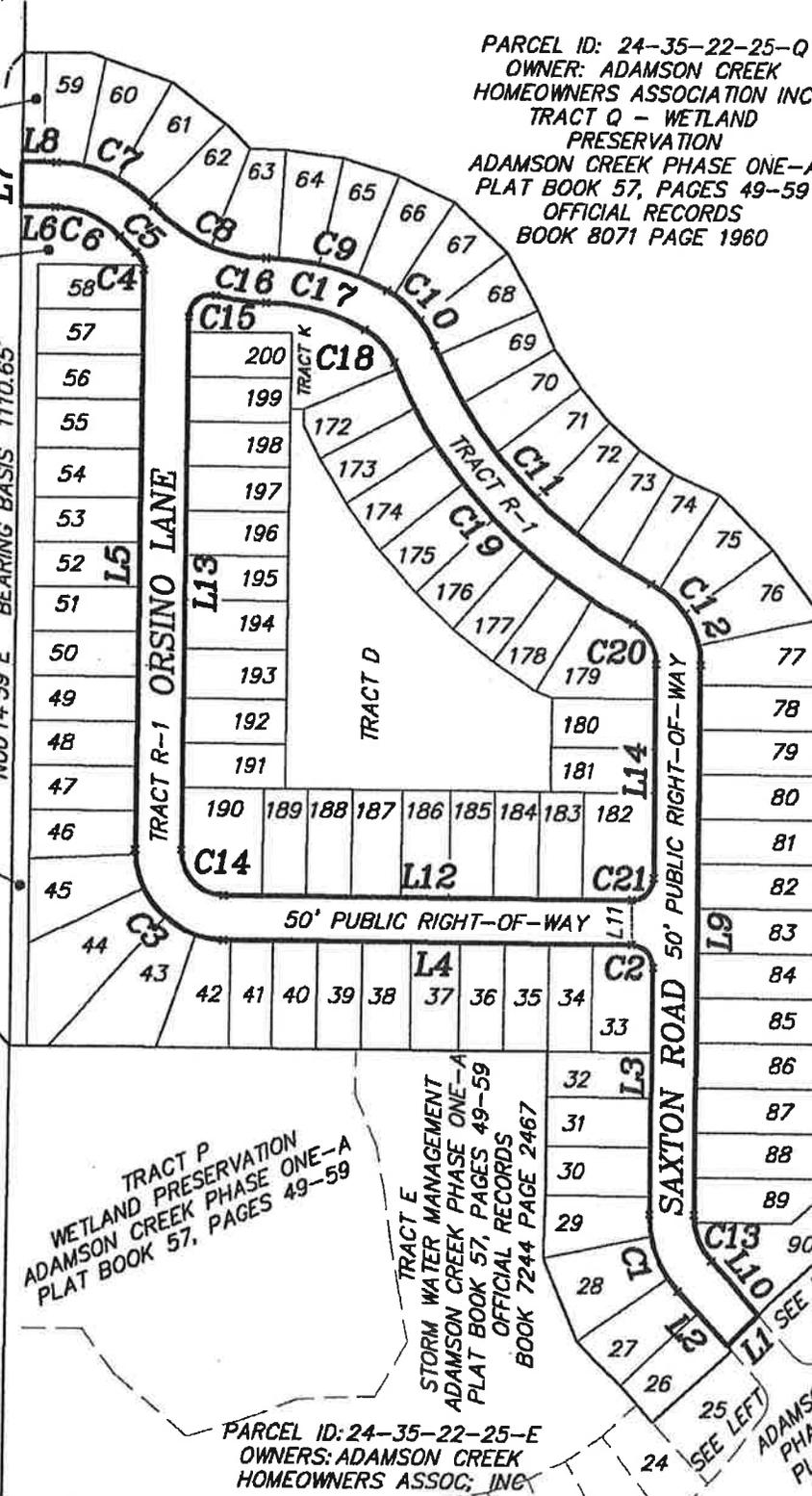
TRACT C

TRACT R-1

TRACT D

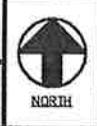
TRACT K

TRACT Q



PREPARED BY:  
**AAL LAND SURVEYING SERVICES, INC.**

SCALE:  
1" = 200'  
PROJECT NO.:  
39169



SECTION 22  
TOWNSHIP 24 SOUTH  
RANGE 35 EAST

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# LOCATION MAP

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TWP: 24 S RNG: 35 E SEC: 22 DISTRICT: 1

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SUBDIVISION NAME: Adamson Creek Phase One-B

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OWNER'S NAME: D.R. Horton, Inc.

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