



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

5/17/2022

Subject:

Approval, Re: Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-01 - District 2.

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 authorize the Chair to execute the attached Resolution and Easement.

Summary Explanation and Background:

The subject property is located in Section 19, Township 24 South, Range 37 East, west of North Banana River Drive on the north side of Chub Street in Merritt Island.

The Utility Services Department is planning the relocation and construction of Lift Station F-01. The lift station improvements will require upgraded electrical service to function properly. The attached Florida Power and Light easement accommodates their 480V 3-Phase transformer in order to provide the upgraded service.

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:

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

RESOLUTION NO. 22- 046

**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

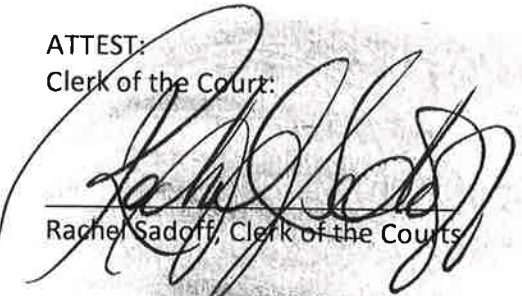
WHEREAS, said utility easement will not conflict with the County's use of the servient property.

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 17th day of May, 2022.

ATTEST:
Clerk of the Court:


Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Zonka, Chair

As approved by the Board on May 17, 2022

LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 24-37-19-50-3-16

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 SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 16, BLOCK 3, SURFSIDE ESTATES UNIT ONE, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE(S) 65, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING IN SECTION 19, TOWNSHIP 24 SOUTH, RANGE 37 EAST, BREVARD COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 16, THENCE N 89°59'25" W ALONG THE NORTH RIGHT OF WAY LINE OF CHUB STREET, BEING A 50.00 FOOT PLATTED RIGHT OF WAY, A DISTANCE OF 7.86 FEET TO THE POINT OF BEGINNING, THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 00°00'35" E A DISTANCE OF 15.00 FEET, THENCE N 89°59'25" W A DISTANCE OF 15.00 FEET, THENCE S 00°00'35" W A DISTANCE OF 15.00 FEET TO THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF CHUB STREET, THENCE S 89°59'25" E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.005 ACRES (225 SQUARE FEET) MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, COVENANTS, EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

SURVEYORS NOTES:

- 1) NOT VALID UNLESS SIGNED AND SEALED
- 2) SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION
- 3) NO OWNERSHIP AND ENCUMBRANCE WAS PROVIDED TO THIS SURVEYOR
- 4) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH RIGHT OF WAY LINE OF CHUB STREET BEING S 89°59'25" E, AN ASSUMED BEARING

LEGEND

ORB OFFICIAL RECORDS BOOK
PG PAGE
PB PLAT BOOK
R/W RIGHT-OF-WAY
AC ACRE
SQ FT SQUARE FEET
N NORTH
E EAST
S SOUTH
W WEST
Δ DELTA
L LENGTH
R RADIUS

CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS AS DIRECTED BY THE BREVARD COUNTY SURVEY DEPARTMENT AND THAT IT MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17.050-5J-17.053 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES

Scot A Carpenter

2022.03.10 14:12:35 -05'00'

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

SCOT A. CARPENTER, PSM 6177
PROFESSIONAL SURVEYOR & MAPPER
MCKIM AND CREED, INC, LB 7917

PREPARED BY: McKim and Creed, Inc.
123 N. Industrial Drive, Suite D
Orange City, FL 32763

DRAWN BY: SAC	CHECKED BY: SAC	PROJECT NO. M-RR-178 TWO 1-A5	SECTION 19
		REVISIONS	TOWNSHIP 24 SOUTH
		DATE	RANGE 37 EAST
DATE: 03/03/2022	DRAWING: M-RR-178	03/10/2022	
		DESCRIPTION	
		REVISED	

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL # 800

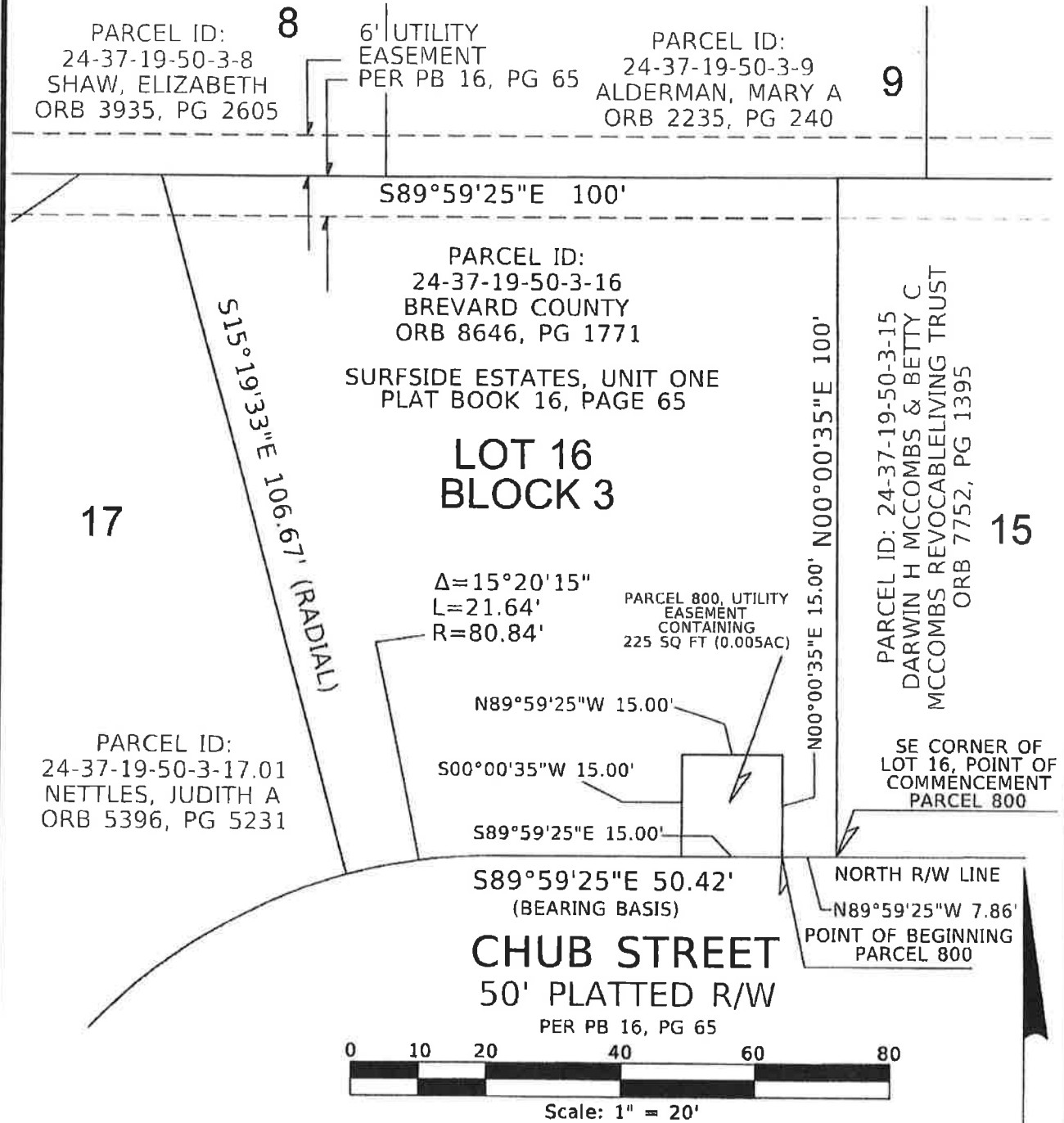
SHEET 2 OF 2

PARENT PARCEL ID#: 24-37-19-50-3-16

NOT VALID WITHOUT SHEET 1 OF 2

PURPOSE: UTILITY EASEMENT

THIS IS NOT A SURVEY



PREPARED BY: McKim and Creed, Inc.
 123 N. Industrial Drive, Suite D
 Orange City, FL 32763
 PH: (386) 843-4517

SCALE:

1"=20'

PROJECT NO.:

MI-RR-178 TWO 1-A5

SECTION 19

TOWNSHIP 24 SOUTH

RANGE 37 EAST

Work Request No. 10547734

Sec. 19, Twp 24 S, Rge 37 E

Parcel I.D. 24-37-19-50-3-16
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Marlon Mariona
Co. Name: FPL
Address: 9001 ELLIS RD.
MELBOURNE, FL 32904

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 overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant 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 wires to 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 heretofore described, 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 May 17, 2022

Signed, sealed and delivered in the presence of:

N/A
(Witness' Signature)

Print Name: N/A
(Witness)

N/A
(Witness' Signature)

Print Name: N/A
(Witness)

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

By: 

Print Name: Kristine Zonka, Chair

Print Address: 2725 Judge Fran Jamieson Way

Viera, Florida 32940

Approved by the board on May 17, 2022
Attest: 

Rachel Sadoff, Clerk to the Board

STATE OF N/A AND COUNTY OF N/A. The foregoing instrument was acknowledged before me this N/A day of N/A, 20N/A, by N/A, the N/A of N/A a N/A, who is personally known to me or has produced N/A as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

N/A

Notary Public, Signature

Print Name N/A

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-01 – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>4-8-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney		<hr/>	<u>4-18-2022</u>