



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

11/15/2022

Subject:

Approval, Re: Dedication by Warranty Deed for Tract P of Aripeka at Viera, Phase One, Bill of Sale, and Sanitary Sewer Easement from The Viera Company all Related to Lift Station U-60 - 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 accept the attached Warranty Deed, Bill of Sale and Sanitary Sewer Easement.

Summary Explanation and Background:

The subject property is located in Section 22, Township 26 South, Range 36 East, east of Lake Andrew Drive, north of Pineda Causeway in Viera.

The Viera Company established Aripeka at Viera, Phase One by Plat, recorded in Plat Book 70, Page 51. The Plat dedicated Tract P to Brevard County for the purpose of a sanitary sewer lift station known as U-60. The attached Warranty Deed will convey fee simple ownership of Tract P to the County. The Bill of Sale conveys the related utility infrastructure that shall be County owned and maintained. The Sanitary Sewer Easement is for the force main that extends south of the limits of Phase One of the project. A final as-built survey with locates will be provided to the Utility Services Department. Service for the lift station will not be activated until reviewed and approved by the Department.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37, the Criteria for Water and Sewage Systems within Brevard County 2.6.5 and County Code 110-184.

Clerk to the Board Instructions:

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication by Warranty Deed for Tract P of Aripeka at Viera, Phase One, Bill of Sale, and Sanitary Sewer Easement from The Viera Company all Related to Lift Station U-60 - District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>10-19-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>10-25-2022</u>



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

November 16, 2022

M E M O R A N D U M

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

RE: Item F.10., Approval for Dedication by Warranty Deed for Tract P of Aripeka at Viera, Phase One, Bill of Sale, and Sanitary Sewer Easement from The Viera Company all Related to Lift Station U-60

The Board of County Commissioners, in regular session on November 15, 2022, accepted the Warranty Deed for Tract P of Aripeka at Viera, Phase One, Bill of Sale and Sanitary Sewer Easement for The Viera Company all related to Lift Station U-60.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/pp

cc: Utility Services

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of interest in Tax Parcel ID: 26-36-22-YE-*-P

WARRANTY DEED

THIS DEED is made this 26th day of Sept, 2022, by The Viera Company, a Florida corporation, hereafter called the Grantor, whose mailing address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

WITNESSETH that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, lying and being in the Brevard County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Together with all riparian and littoral rights appertaining thereto, and all interest in subsurface, oil, gas, and minerals pursuant to Section 270.11(3), Florida Statutes.

The Grantor agrees that upon conveyance of the property, no covenants or restrictions put in place by Grantor shall apply to the property hereto in perpetuity.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title and interest forever, and the Grantor does fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Charlene R. Spangler

Witness

Charlene R. Spangler

Print Name

Cheryl W. Dixon

Witness

Cheryl W. Dixon

Print Name

GRANTOR:

The Viera Company, a Florida corporation

By: [Signature]

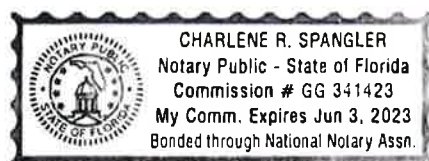
Todd J. Pokrywa, President

(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 26th day of Sept, 2022, by Todd J. Pokrywa as President for The Viera Company, a Florida corporation. Is ☒ personally known or ☐ produced _____ as identification.



Charlene R. Spangler

Notary Signature

SEAL

EXHIBIT "A"

Tract P, Aripeka at Viera – Phase 1, according to the Plat thereof, as recorded in Plat Book 70, Page 51, of the Public Records of Brevard County, Florida.

BILL OF SALE

The Viera Company, a Florida corporation (hereinafter "SELLER"), whose mailing address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, for and in consideration of good and valuable consideration to it paid by BREVARD COUNTY FLORIDA, a political subdivision of the State of Florida (hereinafter "BUYER"), the receipt and sufficiency of which consideration is hereby acknowledged, by these presents does grant, bargain, sell, transfer and deliver unto BUYER, its successors and assigns, the goods, chattels and items of personal property owned by SELLER, their successors and assigns, (hereinafter "property") as that property is set forth on EXHIBIT "A" attached hereto and made a part thereof, and being situate on certain real property described on EXHIBIT "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same unto BUYER, its successors and assigns, forever.

AND SELLER, does, for themselves and their successors and assigns, covenant to and with BUYER, its successors and assigns, that SELLER is the lawful owner of said property; that said property is free from all liens and encumbrances; that SELLER has good right to sell the same aforesaid; and that SELLER will warrant and defend the sale of said property hereby made unto BUYER, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, SELLER, by its duly authorized representative, has caused this instrument to be executed and delivered and has intended this instrument to be and become effective as of the 26th day of September, 2022.

The Viera Company, a Florida corporation

By: 

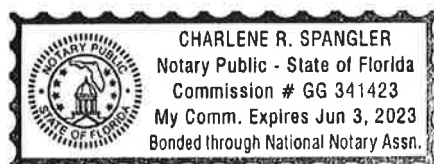
Todd J. Pokrywa, President

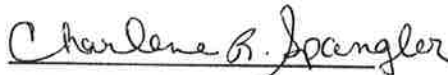
(SEAL)



STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 26th day of Sept, 2022, by Todd J. Pokrywa as President for The Viera Company, a Florida corporation. Is ☒ personally known or ☐ produced as identification.




Notary Signature
SEAL

**VILLAGE 2, NEIGHBORHOOD 1 -
ARIPEKA SUBDIVISION INFRASTRUCTURE IMPROVEMENTS - PHASE 1**

ITEMIZED COST OF CONSTRUCTION

EXHIBIT A

ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
SANITARY SEWER SYSTEM				
4' DIAMETER SAN. SEWER MANHOLE (4'-6' DEPTH) W/ "X" TOP RING & COVER	EA	4	\$ 5,100.00	\$ 20,400.00
4' DIAMETER SAN. SEWER MANHOLE (6'-8' DEPTH) W/ "X" TOP RING & COVER	EA	1	\$ 6,250.00	\$ 6,250.00
4' DIAMETER SAN. SEWER MANHOLE (10'-12' DEPTH) W/ "X" TOP RING & COVER	EA	2	\$ 8,600.00	\$ 17,200.00
5' DIAMETER SAN. SEWER DROP MANHOLE (8'-10' DEPTH) W/ "X" TOP RING & COVER	EA	1	\$ 8,275.00	\$ 8,275.00
5' DIAMETER SAN. SEWER DROP MANHOLE (10'-12' DEPTH) W/ "X" TOP RING & COVER	EA	2	\$ 9,750.00	\$ 19,500.00
5' DIAMETER SAN SEWER MANHOLE (12'-14' DEPTH) W/ "X" TOP RING & COVER	EA	3	\$ 10,950.00	\$ 32,850.00
5' DIAMETER SAN SEWER MANHOLE (14'-16' DEPTH) W/ "X" TOP RING & COVER	EA	4	\$ 12,925.00	\$ 51,700.00
5' DIAMETER SAN SEWER MANHOLE (16'-18' DEPTH) W/ "X" TOP RING & COVER	EA	3	\$ 14,725.00	\$ 44,175.00
5' DIAMETER LINED MANHOLE (18'-20' DEPTH) W/ "X" TOP RING & COVER	EA	1	\$ 23,775.00	\$ 23,775.00
8" PVC SANITARY SEWER (6'-8' DEPTH)	LF	315	\$ 40.50	\$ 12,757.50
8" PVC SANITARY SEWER (4'-6' DEPTH)	LF	483	\$ 26.50	\$ 12,799.50
8" PVC SANITARY SEWER (8'-10' DEPTH)	LF	387	\$ 49.75	\$ 19,253.25
8" PVC SANITARY SEWER (10'-12' DEPTH)	LF	935	\$ 51.25	\$ 47,918.75
8" PVC SANITARY SEWER (12'-14' DEPTH)	LF	811	\$ 71.75	\$ 58,189.25
8" PVC SANITARY SEWER (14'-16' DEPTH)	LF	1,309	\$ 125.00	\$ 163,625.00
8" PVC SANITARY SEWER (16'-18' DEPTH)	LF	651	\$ 215.50	\$ 140,290.50
8" C900 PVC SANITARY SEWER	LF	21	\$ 484.50	\$ 10,174.50
CONNECT TO EXISTING SANITARY FM VALVE	EA	1	\$ 2,250.00	\$ 2,250.00
FORCE MAIN AIR RELIEF VALVE - 4" FM)	EA	6	\$ 3,200.00	\$ 19,200.00
SINGLE SANITARY SEWER SERVICE CONNECTION	EA	9	\$ 900.00	\$ 8,100.00
DOUBLE SANITARY SEWER SERVICE CONNECTION	EA	23	\$ 975.00	\$ 22,425.00
4" PVC SANITARY FORCE MAIN (ON-SITE)	LF	2,720	\$ 26.75	\$ 72,760.00
4" PVC SANITARY FORCE MAIN (LAKE ANDREW)	LF	1,480	\$ 26.75	\$ 39,590.00
4" GATE VALVE ASSEMBLY	EA	3	\$ 1,750.00	\$ 5,250.00
SANITARY SEWER LIFT STATION - COMPLETE WITH TELEMETRY AND DRIVEWAY	EA	1	\$ 319,975.00	\$ 319,975.00
TOTAL				\$ 1,178,683.25

Exhibit "B"

Tract P, Aripeka at Viera – Phase 1, according to the Plat thereof, as recorded in Plat Book 70, Page 51, of the Public Records of Brevard County, Florida.

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-22-00-10

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 26th day of Sept, 2022, between The Viera Company, 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 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 22, 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:

Charlene R. Spangler

Witness

Charlene R. Spangler

Print Name

Cheryl W. Dixon

Witness

Cheryl W. Dixon

Print Name

The Viera Company, a Florida corporation

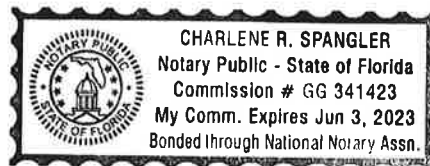
By: Todd J. Pokrywa
Todd J. Pokrywa, President

(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 26th day of Sept, 2022, by Todd J. Pokrywa, as President for The Viera Company, a Florida corporation. Is ☒ personally known or ☐ produced _____ as identification.



Charlene R. Spangler

Notary Signature
SEAL

LEGAL DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 26-36-22-00-10

PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

A PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT Y, ARIPEKA AT VIERA - PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 51, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S85°33'40"E, ALONG THE SOUTH LINE OF SAID ARIPEKA AT VIERA - PHASE 1, A DISTANCE OF 10.05 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 2330.00 FEET, A CENTRAL ANGLE OF 16°07'11", A CHORD LENGTH OF 653.37 FEET AND A CHORD BEARING OF S09°17'35"E), A DISTANCE OF 655.53 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST; THENCE N72°38'49"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 11.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 2319.00 FEET, A CENTRAL ANGLE OF 2°28'16", A CHORD LENGTH OF 99.99 FEET AND A CHORD BEARING OF S18°35'18"E), A DISTANCE OF 100.00 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHWEST; THENCE S70°10'36"W ALONG SAID NON-TANGENT LINE, A DISTANCE OF 11.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 2330.00 FEET, A CENTRAL ANGLE OF 1°15'31", A CHORD LENGTH OF 51.19 FEET AND A CHORD BEARING OF S20°27'11"E), A DISTANCE OF 51.19 FEET TO THE END OF SAID CURVE; THENCE S21°04'57"E A DISTANCE OF 305.08 FEET; THENCE S68°55'03"W A DISTANCE OF 10.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF LAKE ANDREW DRIVE, A 150 FOOT WIDE PUBLIC RIGHT-OF-WAY, ACCORDING TO THE PLAT OF LAKE ANDREW DRIVE - SEGMENT E AND PINEDA BOULEVARD SEGMENT I PHASE 1, AS RECORDED IN PLAT BOOK 68, PAGE 43, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N21°04'57"W A DISTANCE OF 14.84 FEET TO THE SOUTHEAST CORNER OF LAKE ANDREW DRIVE SOUTH EXTENSION No. 1 - PHASE 2, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 87, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF LAKE ANDREW DRIVE, N21°04'57"W A DISTANCE OF 290.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 2340.00 FEET, A CENTRAL ANGLE OF 18°52'25", A CHORD LENGTH OF 807.58 FEET, AND A CHORD BEARING OF N11°08'44"W), A DISTANCE OF 811.65 FEET TO THE POINT OF BEGINNING. CONTAINING 12247.64 SQUARE FEET, OR 0.28 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
2. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
3. BEARING REFERENCE: ASSUMED BEARING OF S85°33'40"E ON THE SOUTH LINE OF ARIPEKA AT VIERA - PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGE 51, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
4. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
5. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 10716362, CUSTOMER REFERENCE NUMBER 11459.01. NO EASEMENTS/ENCUMBRANCES ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE REFERENCED REPORT.
6. 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.
7. 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.



Digitally signed by
Leslie E Howard
Date: 2022.09.21
07:45:49 -04'00'

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

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

B.S.E. PREPARED BY: B.S.E. CONSULTANTS, INC.
312 S. HARBOUR CITY BLVD
MELBOURNE, FLORIDA 3290
PHONE: 321-725-3674

DRAWN BY: LEH/IT

CHECKED BY: LEH

PROJECT NO. 11459.01

REVISIONS

DATE

DESCRIPTION

09/21/2022

COUNTY COMMENTS

DATE: 08/31/2022

DRAWING: 1145901_100_004

SECTION 21
TOWNSHIP 26 SOUTH
RANGE 36 EAST

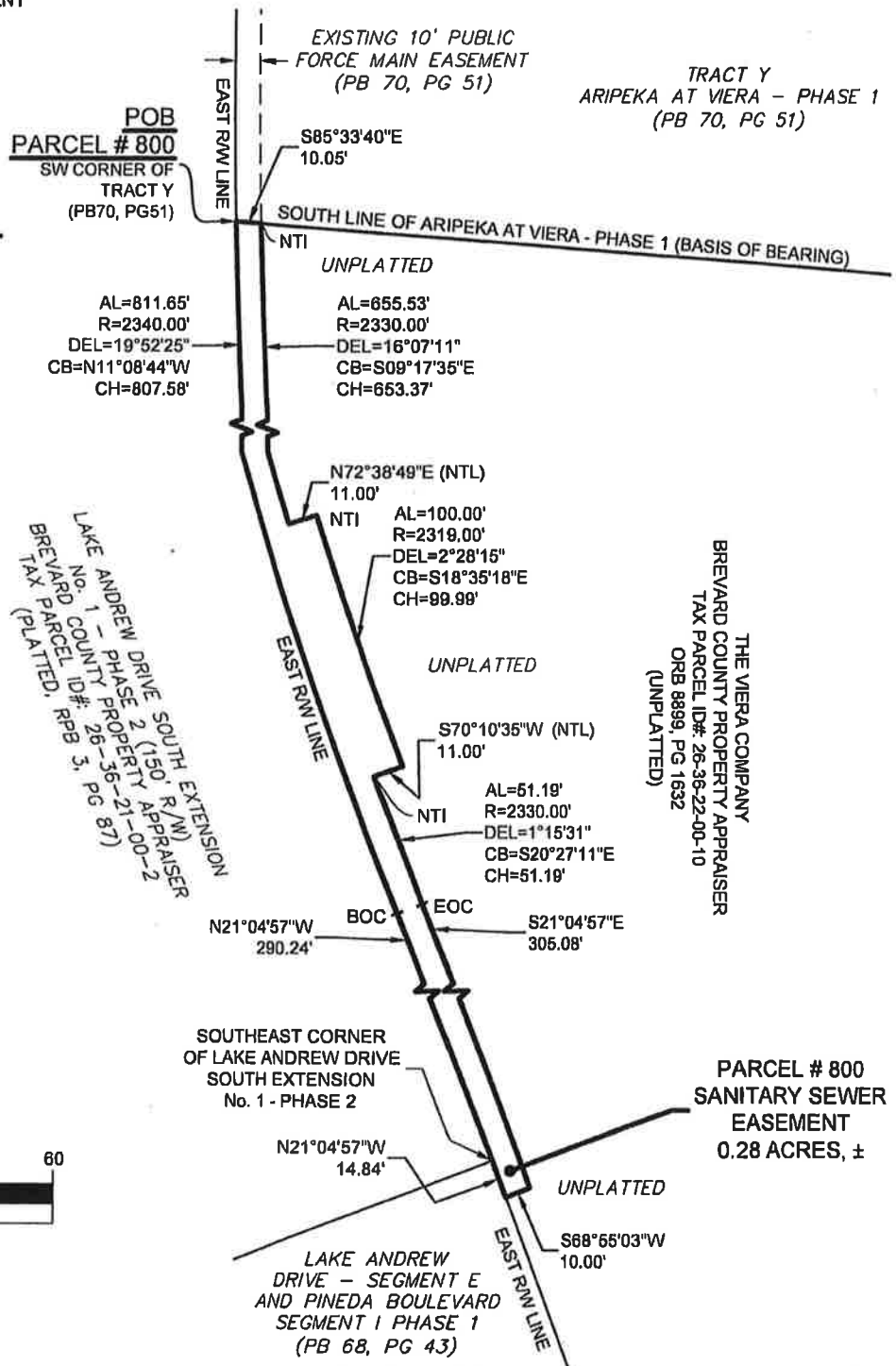
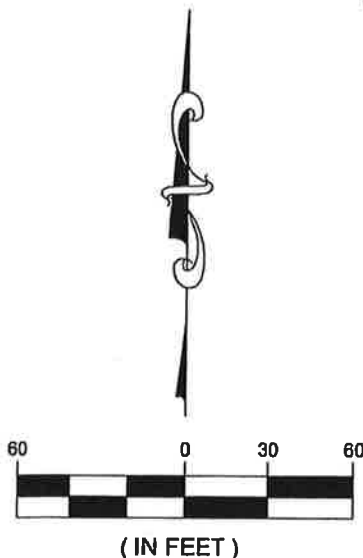
PARCEL #800

PURPOSE: SANITARY SEWER EASEMENT

SHEET 2 OF 2

THIS IS NOT A SURVEY

AL	ARC LENGTH
BOC	BEGINNING OF CURVE
CB	CHORD BEARING
CH	CHORD LENGTH
DEL	DELTA/CENTRAL ANGLE
EOC	END OF CURVE
ID#	IDENTIFICATION NUMBER
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
LB	LICENSED BUSINESS
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
R	RADIUS
RPB	ROAD PLAT BOOK
R/W	RIGHT-OF-WAY



SECTION 21
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 22, Township 26 South, Range 36 East - District 4

PROPERTY LOCATION: East of Lake Andrew Drive, north of Pineda Causeway in Viera.

OWNERS NAME(S): The Viera Company, a Florida corporation

