

F. Consent Agenda - Utility Services Department
ITEM 5.



AGENDA REPORT
September 18, 2018

**Approval Re: Utility Easement from the City of Indian Harbour Beach
needed for the S-15 Lift Station / Oars and Paddles Project – District 4.**

SUBJECT:

Approval Re: Utility Easement from the City of Indian Harbour Beach needed for the S-15 Lift Station / Oars and Paddles Project – District 4.

FISCAL IMPACT:

Fiscal impact: FY 2017 – 2018: No impact
FY 2018 – 2019: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Utility Easement from the City of Indian Harbour Beach.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 11, Township 27 South, Range 37 East.

Utility Services Department has relocated lift station S-15 from Beachside Doubles, Inc. to a parcel known as Oars and Paddles Park. Existing conditions required reconfiguration of the site and additional easement area is needed to complete the project.

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

ATTACHMENTS:

Description

- **S-15 LS-Indian Harbor Bch Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: UTILITY EASEMENT FROM THE CITY OF INDIAN HARBOUR BEACH
NEEDED FOR THE S-15 LIFT STATION / OARS AND PADDLES
PROJECT - DISTRICT 4

AGENCY: UTILITY SERVICES DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u></u>	_____	<u>8/16/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u></u>	_____	<u>8/16/18</u>

AGENDA DUE DATE: September 4, 2018 for the September 18, 2018 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.



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

September 19, 2018

M E M O R A N D U M

TO: Andrew Holmes, Public Works Director

RE: Item F.5., Utility Easement from the City of Indian Harbour Beach Needed for the S-15 Lift Station/Oars and Paddles Project

The Board of County Commissioners, in regular session on September 18, 2018, approved and accepted the Utility Easement from the City of Indian Harbour Beach needed for the S-15 Lift Station/Oars and Paddles Project, located in Section 11, Township 27 South, Range 37 East.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

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.: 27-37-11-53-B.5

UTILITY EASEMENT

THIS INDENTURE, made this ____ day of _____, 2018, between the **CITY OF INDIAN HARBOUR BEACH**, a municipality incorporated under the Laws of Florida, whose mailing address is 2055 South Patrick Drive, India Harbour Beach, FL 32937, 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 construction, operation and maintenance of a sanitary sewer system, which shall include a lift station, together with the right of ingress and egress to said premises at all times for the purposes stated herein; and the right to clear the land and keep it cleared of obstructions within the easement area which might interfere with the operation of the sanitary sewer appurtenances. Any other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

This easement is a continuation of easement recorded in Official Records Book 7852, Page 1003, Public Records of Brevard County, Florida.

The land affected by the granting of this easement is located in Section 11, Township 27 South, Range 37 East, County of Brevard, State of Florida, more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

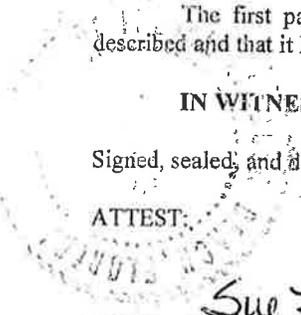
TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns.

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.

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:

ATTEST:



Sue Frank

Sue Frank, City Clerk

CITY OF INDIAN HARBOUR BEACH, A
FLORIDA MUNICIPAL CORPORATION

Mark Ryan

Mark Ryan, City Manager

Reviewed for legal form and content:

Karl W. Bahner
Karl W. Bahner, City Attorney

As approved by the City Council on

July 24, 2018

Brevard County Board Date: _____

Agenda Item No. _____

LEGAL DESCRIPTION

SHEET 1 OF 2 SHEETS

PARCEL 805 UTILITY EASEMENT (BY SURVEYOR)

EXHIBIT "A"

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST
PARENT PARCEL NUMBER: 27-37-11-53-B.5

NOT VALID WITHOUT SHEET 2 OF 2.

PURPOSE: UTILITY EASEMENT

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 805, UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING A PART OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7645, PAGE 1316 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) WITH THE SOUTHERLY RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND SAID POINT BEING THE NORTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5762, PAGE 1756 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S.70°13'25"W., ALONG THE NORTHERLY LINES OF SAID PARCELS OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOKS 5762, PAGE 1756 AND 7645, PAGE 1316 AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID BANANA RIVER DRIVE, 225.00 FEET TO THE MOST NORTHERLY CORNER OF THE UTILITY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 7852, PAGE 1003 OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.40°51'39"E., ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID UTILITY EASEMENT, 43.30 FEET TO THE NEXT CORNER OF SAID UTILITY EASEMENT; THENCE N.02°31'02"W., 10.54 FEET; THENCE N.51°25'42"W., 35.64 FEET TO THE POINT OF BEGINNING. CONTAINING 142 SQUARE FEET OR 0.0033 ACRES MORE OR LESS.

NOTE:

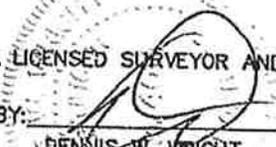
- 1) THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF S.70°13'25"W., AS SHOWN ALONG THE SOUTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE.

LEGEND

⊙ = Centerline
ORB.____, PG.____ = Official Records Book and Page
P.O.B. = Point of Beginning
P.O.C. = Point of Commencement
R/W = Right-of-way

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: _____
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

CERTIFIED BY: 
DENNIS W. WRIGHT
REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE <u>7/6/18</u>	Honeycutt & Associates, Inc. ENGINEERS • SURVEYORS • PLANNERS 3700 South Washington Avenue • Titusville, Florida 32780 (321) 267-6233 Fax (321) 269-7847 CERTIFICATE OF AUTHORIZATION NO. LB 6762	SECTION: <u>11</u>
ORDER NO. <u>25504</u>		TOWNSHIP: <u>27 S.</u>
FB. NO. _____		RANGE: <u>37 E.</u>
SCALE: <u>1" = 40'</u>		
DWG.NO. <u>BANANA PARK EAS LEG-RR.DWG</u>		

MAP OF DESCRIPTION
PARCEL 804 UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST
 PARENT PARCEL NUMBER: 27-37-11-53-B.5

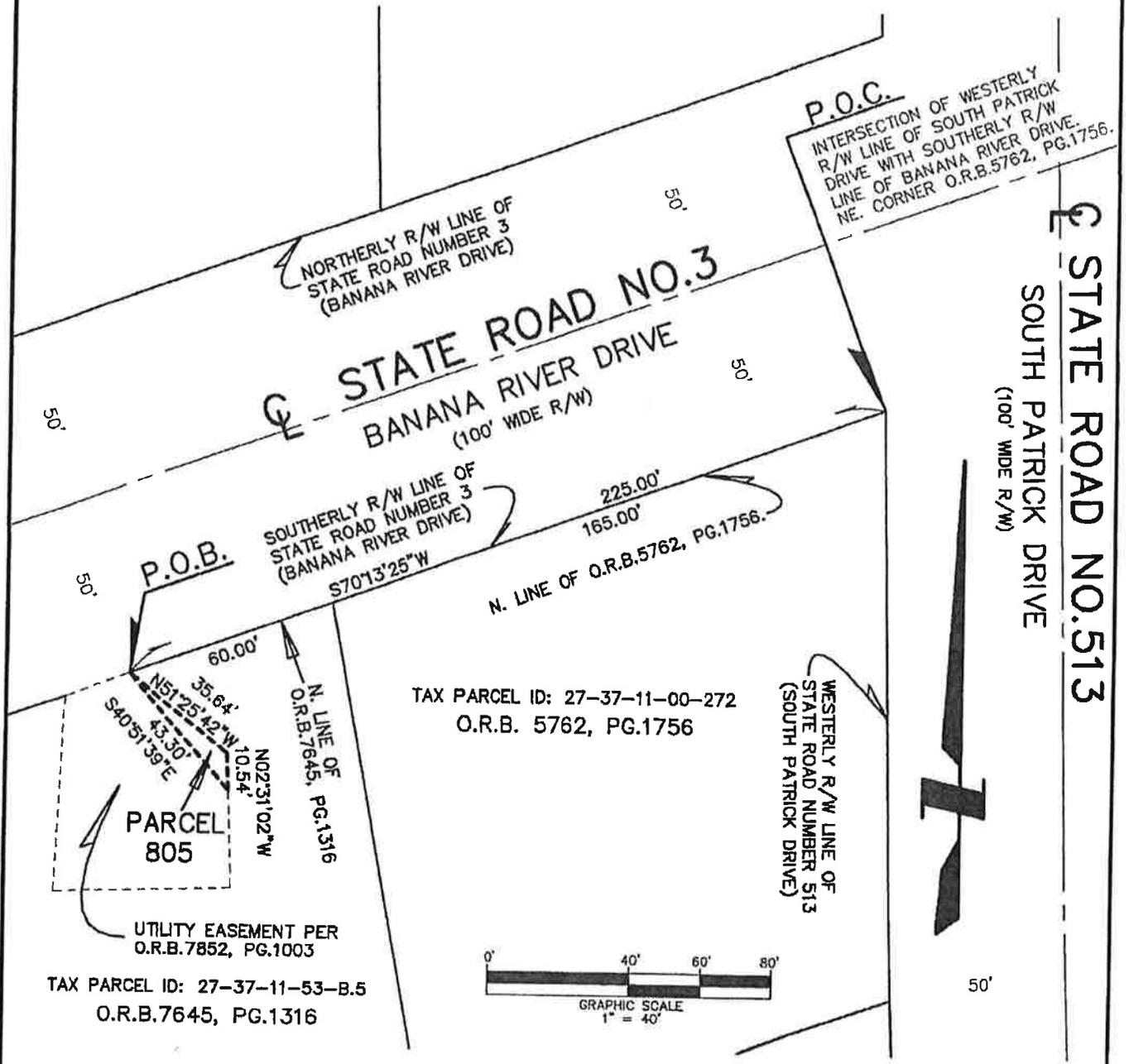
PURPOSE: UTILITY EASEMENT

SHEET 2 OF 2 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEET 1 OF 2.

THIS IS NOT A SURVEY



TAX PARCEL ID: 27-37-11-00-272
 O.R.B. 5762, PG.1756

UTILITY EASEMENT PER
 O.R.B. 7852, PG.1003
 TAX PARCEL ID: 27-37-11-53-B.5
 O.R.B. 7645, PG.1316

DATE 7/6/18
 ORDER NO. 25504
 FB. NO. _____
 SCALE. 1" = 40'
 DWG.NO. BANANA PARK EAS LEG-RR.DWG

Honeycutt & Associates, Inc.
 ENGINEERS • SURVEYORS • PLANNERS
 3700 South Washington Avenue • Titusville, Florida 32780
 (321) 267-6233 Fax (321) 269-7847
 CERTIFICATE OF AUTHORIZATION NO. LB 6762

SECTION: 11
 TOWNSHIP: 27 S.
 RANGE: 37 E.

LOCATION MAP

SEC: 11 TWP: 27 S RNG: 37 DISTRICT: 4

STREET NAME: Banana River Drive

OWNER'S NAME: City of Indian Harbour Beach

