

**F. Consent Agenda - Natural Resources Management
ITEM 2.**



**AGENDA REPORT
October 9, 2018**

Approval Re: Donation of Drainage and Flood Control Easements (various owners) for the Hall Road Pump Station Drainage Improvements Project – District 2

SUBJECT:

Approval Re: Donation of Drainage and Flood Control Easements (various owners) for the Hall Road Pump Station Drainage Improvements Project – District 2

FISCAL IMPACT:

Fiscal impact: FY 2018 – 2019: No impact

FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept Drainage and Flood Control Easements (various owners) needed for the Hall Road Pump Station Drainage Improvements project.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Sections 1 and 2, Township 24S, Range 36E.

The Hall Road Pump Station project will replace the Mosquito Control pump and the need for two temporary portable pumps during substantial rain events. The scope of work includes the installation of two permanent electric pumps designed to discharge a combined 50,000 gallons per minute of stormwater runoff into the Sykes Creek Mosquito Control Impoundment to further improve the recovery time for much of South Chase Hammock Road and east of State Road 3 during larger storm events. Private parcels extend to inside the limits of the perimeter berm and are necessary for stormwater and flood control uses.

Easements include the following owner's and parcel numbers:

Adcock & Segura, parcel #103

Osprey Village at Cedar Creek, Inc., parcel #109

Canaveral Port Authority, parcel #110

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

ATTACHMENTS:

Description

- **Hall Road Drainage Easements Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: DRAINAGE AND FLOOD CONTROL EASEMENTS FOR
PARCELS 103, 109, AND 110 (VARIOUS OWNERS) FOR THE
HALL ROAD PUMP STATION DRAINAGE
IMPROVEMENTS PROJECT - DISTRICT 2

AGENCY: NATURAL RESOURCES MANAGEMENT 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><i>DJ</i></u>	_____	<u>9/18/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u><i>JMB</i></u>	_____	<u>7/18/18</u>

AGENDA DUE DATE: September 25, 2018 for the October 9, 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

October 10, 2018

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Department Director

RE: Item F.2., Approval for Donation of Drainage and Flood Control Easements (Various Owners) for the Hall Road Pump Station Drainage Improvements Project

The Board of County Commissioners, in regular session on October 9, 2018, accepted Drainage and Flood Control Easements (various owners) needed for the Hall Road Pump Station Drainage Improvements Project.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

cc: Asset Management

DRAINAGE AND FLOOD CONTROL EASEMENT

THIS INDENTURE, made this 06 day of August 2018, between **MAYA NENITA ROA SEGURA** and **ERNEST LEN ADCOCK, JR.**, whose address is 1070 Chase Hammock Road, Merritt Island, FL 32953 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 public utilities, drainage, flood control, mosquito control, 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 11, Township 24 South, Range 36 East, County of Brevard, State of Florida, and being 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/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:

[Signature]
Witness
Print Name: Elizabeth Singlebn

[Signature]
Witness
Print Name: LaCheryl Frederick

[Signature]
Maya Nenita Roa Segura
[Signature]
Ernest Len Adcock, Jr.

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 06 day of August, 2018, by Maya Nenita Roa Segura and Ernest Len Adcock, Jr., who is/is not personally known to me or who have produced FL Driver Licenses 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 06 day of August, 2018.

Board Date _____
Agenda Item _____

[Signature]
Notary Public
Print Name LaCheryl Frederick
Commission No. _____
My Commission Expires: _____



LEGAL DESCRIPTION

PARCEL 103

SECTION 1 TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-11-00-11
PURPOSE: EASEMENT

EXHIBIT "A"
SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 103 (BY SURVEYOR)

A PARCEL OF LAND BEING ALL OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS 3538, PAGE 4660 LESS THAN EXCEPT THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7646, PAGE 2290, LOCATED WITHIN SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SAID NORTHEAST ONE-QUARTER OF SECTION 11; THENCE NORTH 00° 20' 57" WEST ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 25.00 FEET TO THE NORTH RIGHT OF WAY LINE SMITH ROAD, A 50 FOOT WIDE RIGHT OF WAY; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89° 42' 19" EAST ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 941.32 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7646, PAGE 2290, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN NORTHERLY ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7646, PAGE 2290 THE FOLLOWING SEVEN (7) COURSES: (1) THENCE NORTH 06° 14' 21" EAST FOR A DISTANCE OF 175.00 FEET; (2) THENCE NORTH 10° 21' 02" EAST FOR A DISTANCE OF 175.14 FEET; (3) THENCE NORTH 04° 31' 35" EAST FOR A DISTANCE OF 92.12 FEET; (4) THENCE NORTH 06° 51' 16" EAST FOR A DISTANCE OF 79.00 FEET; (5) THENCE NORTH 06° 08' 33" WEST FOR A DISTANCE OF 47.38 FEET; (6) THENCE NORTH 37° 48' 02" WEST FOR A DISTANCE OF 49.38 FEET; (7) THENCE NORTH 59° 05' 00" WEST FOR A DISTANCE OF 79.10 FEET TO A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS 3538, PAGE 4660, SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER; THENCE NORTH 89° 40' 56" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 408.23 FEET TO THE NORTHEAST CORNER SAID SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS 3538, PAGE 4660; THENCE SOUTH 00° 22' 07" EAST ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS 3538, PAGE 4660, SAID LINE ALSO BEING THE EAST LINE OF SAID SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER FOR A DISTANCE OF 643.63 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID DESCRIBED LANDS; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89° 42' 19" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 376.35 FEET TO THE POINT OF BEGINNING, CONTAINING 5.02 ACRES (218,569 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED. NO INSTRUMENTS OF RECORD AND/OR TITLE COMMITMENT REFLECTING OWNERSHIP, ENCUMBRANCES OF EXISTING EASEMENTS, RIGHTS OF WAY, OR RESTRICTIONS OF RECORD WERE PROVIDED TO THIS SURVEYOR.

SURVEYOR'S NOTES:

- THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
- BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE MONUMENTED NORTH RIGHT OF WAY LINE OF SMITH ROAD AS BEING NORTH 89°42'19" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
- REFERENCE MATERIALS:
 - TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2443796, FEE SIMPLE OWNER: BELLA VITA PROPERTY OWNERS ASSOCIATION, INC., EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-11-00-6);
 - NO EASEMENTS PER THE ABOVE STATED TITLE REPORTS.
 - BOUNDARY SURVEY PREPARED FOR BREVARD COUNTY BY DRMP, PROJECT NO. 06-0103.002, DATED AUGUST 20, 2007;
 - BOUNDARY SURVEY IN SECTIONS 1, 11 & 12-24-36, PREPARED FOR BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, PREPARED BY JOHN R. CAMPBELL & ASSOCIATES, INC., DATED FEBRUARY 1, 1992, LAST REVISION 4/15/92.
- THE MOSQUITO EMBANKMENT BERM AS LOCATED BASED ON A SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY MOSQUITO CONTROL BY BREVARD COUNTY SURVEYING AND MAPPING PROGRAM, PROJECT NO. 17-02-032, SURVEY FIELD DATE 7/27/2017.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 16-06-050		SECTION 11 TOWNSHIP 24 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: DECEMBER, 2017	SHEET: 1 OF 2		06/06/18	REVISE PURPOSE

SKETCH OF DESCRIPTION

PARCEL 103

SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 24-36-11-00-11

PURPOSE: EASEMENT

ABBREVIATIONS

CCMB = COUNTY COMMISSIONERS
MEETING BOOK
N/F = NOW OR FORMERLY
ORB = OFFICIAL RECORD BOOK
R/W = RIGHT OF WAY
L40 = LINE TABLE NUMBER

EXHIBIT "A"

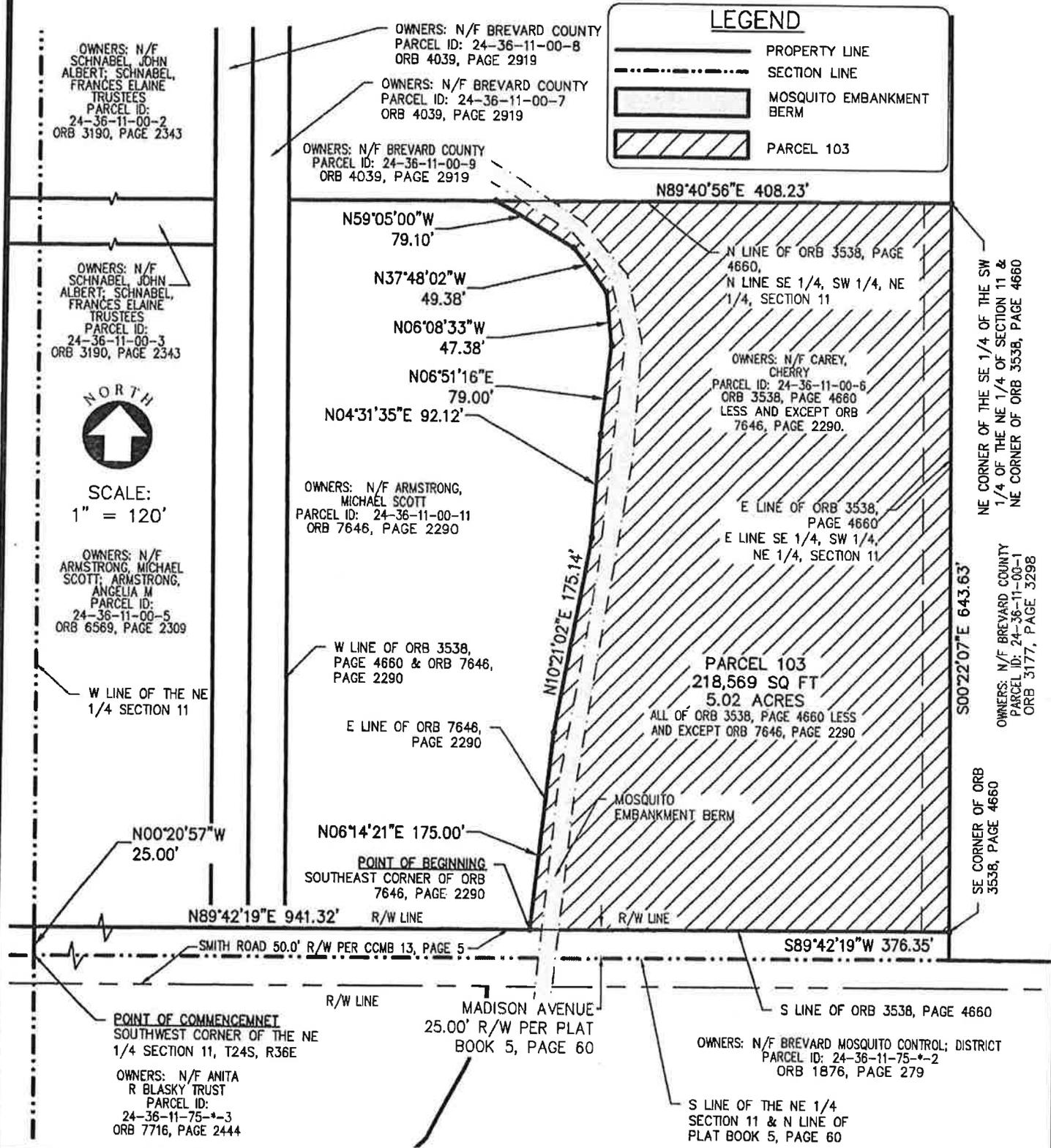
SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

LEGEND

-  PROPERTY LINE
-  SECTION LINE
-  MOSQUITO EMBANKMENT BERM
-  PARCEL 103



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE: 1"=120'
PROJECT NO.: 17-02-032

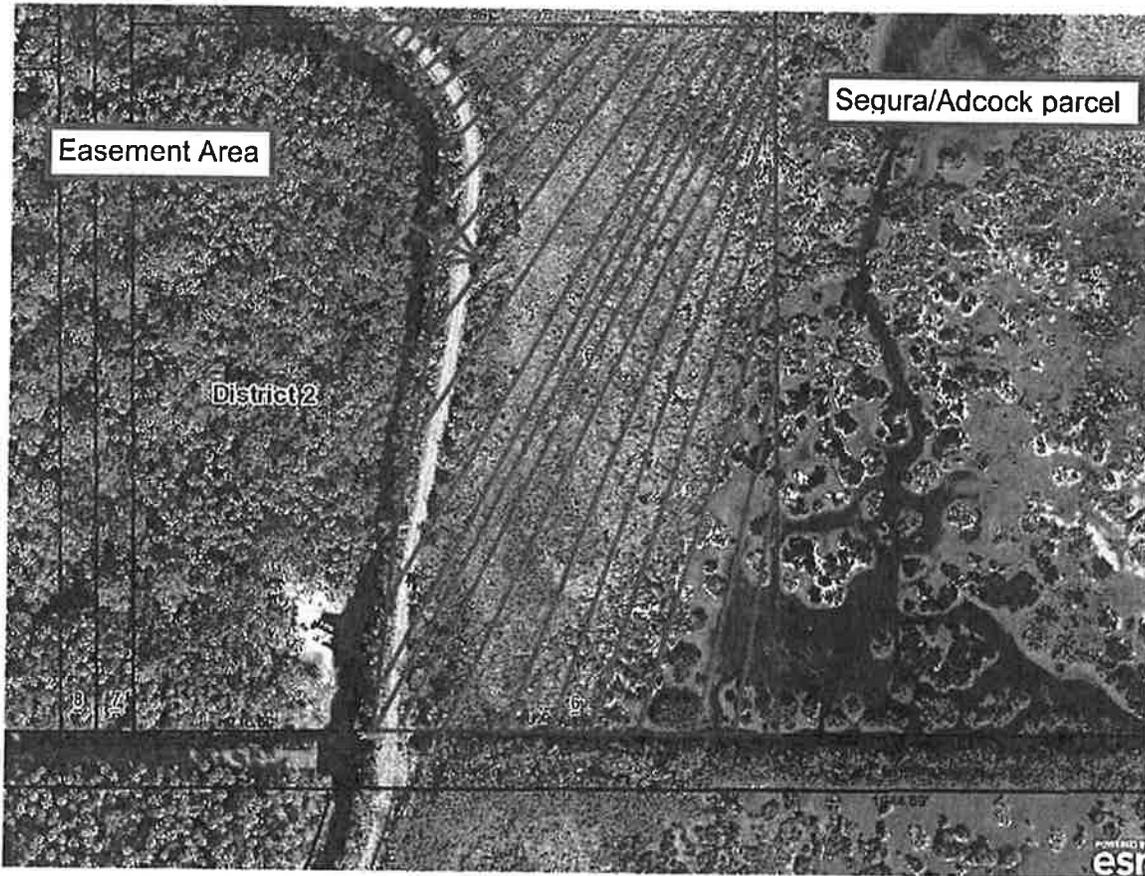
SECTION 11
TOWNSHIP 24 SOUTH
RANGE 36 EAST

LOCATION MAP

TWP: 24 S RNG: 36 E SEC: 11 DISTRICT: 2

STREET NAME: Hall Road

OWNER'S NAME: Segura/Adcock



DRAINAGE AND FLOOD CONTROL EASEMENT

THIS INDENTURE, made this 13 day of August 2018, between **OSPREY VILLAGE AT CEDAR CREEK, INC.**, a Florida not for profit corporation, formerly known as Lutheran Retirement Campus of Merritt Island Condominium Association, Inc., whose address is 4350 Timothy Drive, Merritt Island, FL 32953 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 public utilities, drainage, flood control, mosquito control, 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 2, Township 24 South, Range 36 East, County of Brevard, State of Florida, and being 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/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:

H. Ann James
Witness

Print Name: H. Ann James

James H...
Witness

Print Name: JAMES HOUYOUSE

OSPREY VILLAGE AT
CEDAR CREEK, INC.

Gail Williams
Gail Williams, President

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 13 day of August, 2018, by Gail Williams, as President of Osprey Village at Cedar Creek, Inc, who is/is not personally known to me or who have produced _____ as identification and who did/did not take an oath.

WITNESS my hand and official seal at 8/13/18, Florida, the County of Brevard, State of Florida, this 13 day of August, 2018. Merritt Island

Board Date 8/13/18
Agenda Item _____

Patricia A. Harrison
Notary Public
Print Name PATRICIA A. HARRISON
Commission No. FF 938713
My Commission Expires: 12/12/2019



PATRICIA ANN HARRISON
MY COMMISSION # FF 938713
EXPIRES: December 12, 2019
Bonded Thru Budget Notary Services

LEGAL DESCRIPTION

PARCEL 109

SECTION 2 TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2
PURPOSE: EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

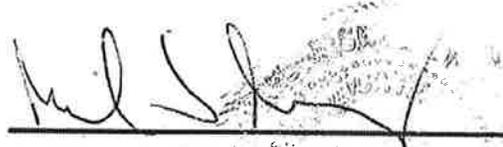
LEGAL DESCRIPTION: PARCEL 109 (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION THOSE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 7281, AND ALSO BEING A PORTION OF TRACT B, BELLA VITA, A PLANNED UNIT DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT B; THENCE SOUTH 00° 16' 29" EAST ALONG THE EAST LINE OF SAID TRACT B FOR A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 7281, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00° 16' 29" EAST ALONG SAID EAST LINE OF TRACT B FOR A DISTANCE OF 874.31 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5761, PAGE 3865; THENCE SOUTH 89° 24' 22" WEST ALONG NORTH LINE THOSE LANDS DESCRIBED IN SAID IN OFFICIAL RECORDS BOOK 5761, PAGE 3865 FOR A DISTANCE OF 153.72 FEET; THENCE NORTH 10° 20' 16" WEST FOR A DISTANCE OF 181.90 FEET; THENCE NORTH 10° 54' 08" WEST FOR A DISTANCE OF 104.19 FEET; THENCE NORTH 13° 20' 24" WEST FOR A DISTANCE OF 199.65 FEET; THENCE NORTH 12° 35' 40" WEST FOR A DISTANCE OF 320.02 FEET; THENCE NORTH 08° 49' 06" EAST FOR A DISTANCE OF 27.20 FEET; THENCE NORTH 67° 25' 04" EAST FOR A DISTANCE OF 177.08 FEET TO A POINT ON THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781; THENCE SOUTH 00° 16' 29" EAST ALONG SAID WEST LINE FOR A DISTANCE OF 6.93 FEET TO THE SOUTHWEST CORNER OF AFORESAID DESCRIBED LANDS; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89° 57' 50" EAST ALONG THE SOUTH LINE OF AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4.74 ACRES (206,275 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS;

SEE SHEET 2 OF 3 FOR SURVEYOR'S NOTES.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

PROJECT NO. 17-02-032

SECTION 2
TOWNSHIP 24 SOUTH
RANGE 36 EAST

DATE: DECEMBER, 2017

SHEET: 1 OF 3

REVISIONS

DATE	DESCRIPTION
06/06/18	REVISE PURPOSE

LEGAL DESCRIPTION

PARCEL 109

SECTION 2 TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2
PURPOSE: EASEMENT

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE EAST LINE OF THE TRACT B, BELLA VITA ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4 AS BEING SOUTH 00°16'29" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIALS:
 - a. TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2442305, FEE SIMPLE OWNER: OSPREY VILLAGES AT CEDAR CREEK, INC., EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-02-NJ-K-3);
 1. ALL EASEMENTS PER THE ABOVE STATED TITLE REPORTS SHOWN HEREIN EXCEPT THE FOLLOWING:
 1. WATER EASEMENT PER OFFICIAL RECORDS BOOK 2719, PAGE 1099 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 2. ACCESS, INGRESS AND EGRESS EASEMENT AGREEMENT PER OFFICIAL RECORDS BOOK 3168, PAGE 1791 AND AS AMENDED IN OFFICIAL RECORDS BOOK 3197, PAGE 4726 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 3. EASEMENT PER OFFICIAL RECORDS BOOK 4263, PAGE 2771 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 4. EASEMENT PER OFFICIAL RECORDS BOOK 4978, PAGE 489 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 5. BELLSOUTH EASEMENT PER OFFICIAL RECORDS BOOK 5281, PAGE 3315 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 6. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 154 IS AN EASEMENT OVER AND UPON TRACT B, BELLA VITA LESS AND EXCEPT THE 25.00 FOOT RIGHT OF WAY OVER AND UPON THE NORTH 25.00 FEET OF SAID TRACT B AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781 (TAX PARCEL 24-36-02-NJ-B.1).
 7. EASEMENT PER OFFICIAL RECORDS BOOK 7317, PAGE 198 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 - b. TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2456210, FEE SIMPLE OWNER: BELLA VITA PROPERTY OWNERS ASSOCIATION, INC., EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-11-NJ-B.2);
 - i. ALL EASEMENTS PER THE ABOVE STATED TITLE REPORTS SHOWN HEREIN EXCEPT THE FOLLOWING:
 1. FP&L EASEMENT PER OFFICIAL RECORDS BOOK 2707, PAGE 1010 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCELS AS SHOWN HEREIN.
 2. BELLSOUTH EASEMENT PER OFFICIAL RECORDS BOOK 5281, PAGE 3315 IS A BLANKET EASEMENT OVER A PORTION OF TRACT B, BELLA VITA BUT THE OFFICIAL RECORD BOOK DEFINING WHICH PORTION OF SAID TRACT B IS NOT VALID MAKING THE EASEMENT PARCEL UN-LOCATABLE.
 3. CONSERVATION EASEMENT PER OFFICIAL RECORDS BOOK 5818, PAGE 154 IS AN EASEMENT OVER AND UPON TRACT B, BELLA VITA LESS AND EXCEPT THE 25.00 FOOT RIGHT OF WAY OVER AND UPON THE NORTH 25.00 FEET OF SAID TRACT B AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781.
 4. EASEMENT PER OFFICIAL RECORDS BOOK 7317, PAGE 198 IS NOT ADJACENT TO OR AFFECTS PROPOSED PARCEL AS SHOWN HEREIN.
 - c. PLAT OF BELLA VITA, PLAT BOOK 23, PAGE 4;
 - d. BOUNDARY SURVEY PREPARED FOR BREVARD COUNTY BY DRMP, PROJECT NO. 06-0103.002, DATED AUGUST 20, 2007;
 - e. BOUNDARY SURVEY IN SECTIONS 1, 11 & 12-24-36, PREPARED FOR BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PREPARED BY JOHN R. CAMPBELL & ASSOCIATES, INC., DATED FEBRUARY 1, 1992, LAST REVISION 4/15/92.
 4. THE MOSQUITO EMBANKMENT BERM AS LOCATED BASED ON A SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY MOSQUITO CONTROL BY BREVARD COUNTY SURVEYING AND MAPPING PROGRAM, PROJECT NO. 17-02-032, SURVEY FIELD DATA 7/27/2017.



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE: 1"=200'
PROJECT NO.: 17-02-032

SECTION 2
TOWNSHIP 24
RANGE 36 EA

SKETCH OF DESCRIPTION

PARCEL 109

SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2
 PURPOSE: EASEMENT

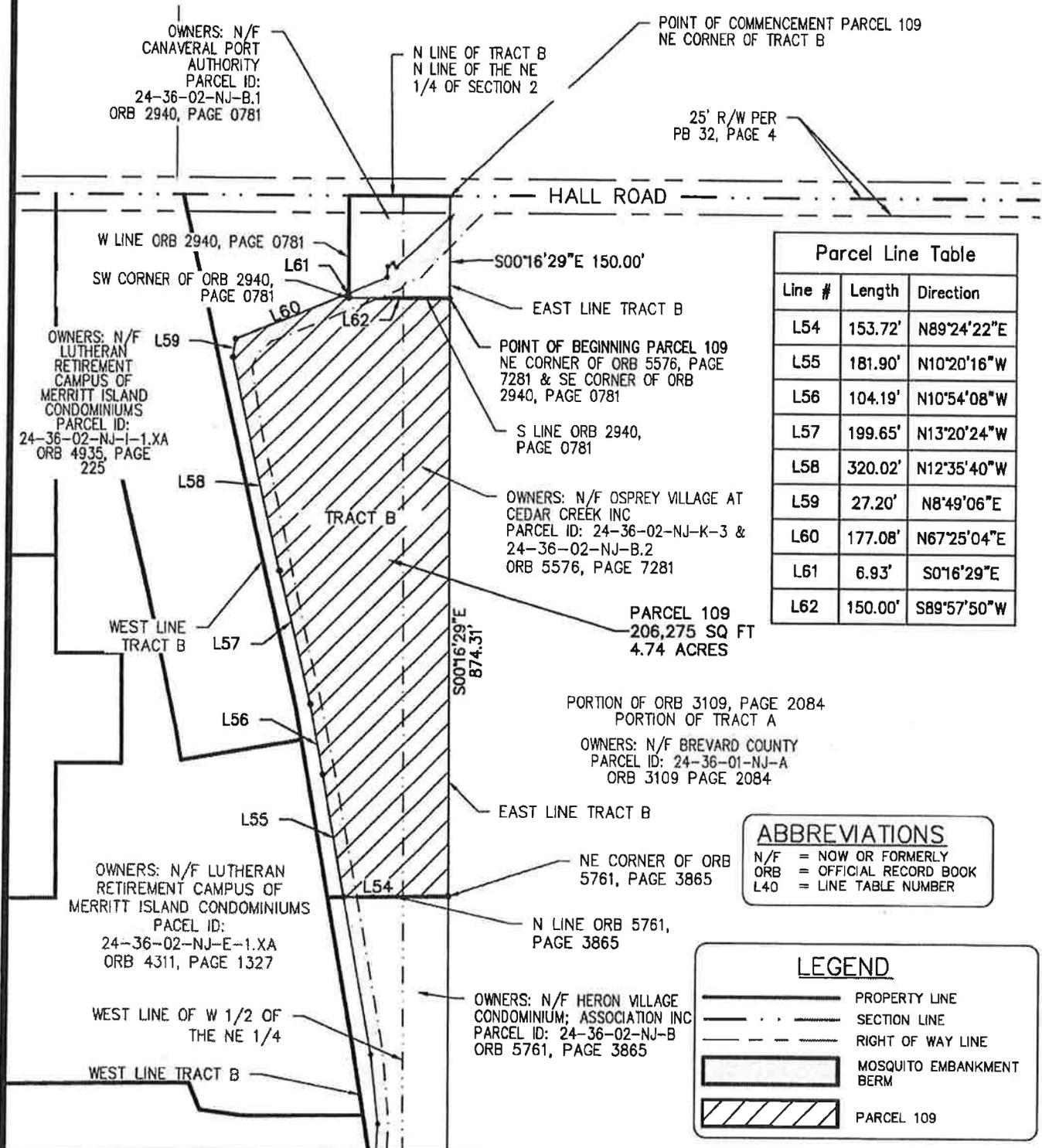


SCALE:
 1" = 200'

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3
THIS IS NOT A SURVEY



Parcel Line Table		
Line #	Length	Direction
L54	153.72'	N89°24'22"E
L55	181.90'	N10°20'16"W
L56	104.19'	N10°54'08"W
L57	199.65'	N13°20'24"W
L58	320.02'	N12°35'40"W
L59	27.20'	N8°49'06"E
L60	177.08'	N67°25'04"E
L61	6.93'	S0°16'29"E
L62	150.00'	S89°57'50"W

ABBREVIATIONS	
N/F	= NOW OR FORMERLY
ORB	= OFFICIAL RECORD BOOK
L40	= LINE TABLE NUMBER

LEGEND	
	PROPERTY LINE
	SECTION LINE
	RIGHT OF WAY LINE
	MOSQUITO EMBANKMENT BERM
	PARCEL 109

	PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VERA, FLORIDA 32940 PHONE: (321) 633-2080	SCALE: 1"=200' PROJECT NO.: 17-02-032	SECTION 2 TOWNSHIP 24 SOUTH RANGE 36 EAST
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LOCATION MAP

TWP: 24 S RNG: 36 E SEC: 2 DISTRICT: 2

STREET NAME: Hall Road

OWNER'S NAME: Osprey Village at Cedar Creek, Inc.



DRAINAGE AND FLOOD CONTROL EASEMENT

THIS INDENTURE, made this 29th day of August, 2018, between **CANAVERAL PORT AUTHORITY**, an independent special taxing district and political subdivision of the State of Florida, whose address is 445 Challenger Road, Suite 301, Cape Canaveral, FL 32920, 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 public utilities, drainage, flood control, mosquito control, 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 2, Township 24 South, Range 36 East, County of Brevard, State of Florida, and being 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/or assigns.

FUTHERMORE, the second party agrees to promptly repair and restore any property of the first party damaged or destroyed by the second party, its contractors, agents, or permittees incident to the use and occupation of said easement. The second party shall promptly indemnify and hold harmless the first party of all claims arising from its use and occupation of said easement except as limited by law. Nothing herein is intended to be or shall be construed as a waiver of Brevard County's sovereign immunity beyond statutory provisions.

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: Melanie Bradford
Print Name: Melanie Bradford
Witness: Craig Langley
Print Name: CRAIG LANGLAY

CANAVERAL PORT AUTHORITY, an independent special taxing district and political subdivision of the State of Florida

By: Wayne E. Justice, Chairman

ATTEST:
By: Thomas W. Weinberg, Secretary/Treasurer

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 29th day of August, 2018, by Wayne E. Justice and Thomas W. Weinberg, as Chairman and Secretary/Treasurer, respectively, of the Canaveral Port Authority, an independent special taxing district and political subdivision of the State of Florida, who are personally known to me or who have produced _____ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Cape Canaveral, Florida, the County of Brevard, State of Florida, this 29th day of August, 2018.

Board Date 08-29-18
Agenda Item 7A

Melanie L. Bradford
Notary Public (SEAL)



Melanie L. Bradford
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF234989
Expires 6/27/2019

LEGAL DESCRIPTION

PARCEL 110

SECTION 2 TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-02-NJ-K-3 & 24-36-02-NJ-B.2
PURPOSE: EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 110 (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781, AND ALSO BEING A PORTION OF TRACT B, BELLA VITA, A PLANNED UNIT DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TRACT B; THENCE SOUTH 00° 16' 29" EAST ALONG THE EAST LINE THE AFORESAID DESCRIBED LANDS, SAID LINE ALSO BEING THE EAST LINE OF SAID TRACT B FOR A DISTANCE OF 31.95 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00° 16' 29" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 118.05 FEET TO THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2940, PAGE 781; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89° 57' 50" WEST ALONG THE SOUTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 00° 16' 29" WEST ALONG THE WEST LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 6.93 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 67° 25' 04" EAST FOR A DISTANCE OF 60.89 FEET; THENCE NORTH 05° 07' 00" EAST FOR A DISTANCE OF 16.20 FEET; THENCE NORTH 60° 10' 17" EAST FOR A DISTANCE OF 8.79 FEET; THENCE SOUTH 41° 58' 45" EAST FOR A DISTANCE OF 6.88 FEET; THENCE NORTH 47° 41' 09" EAST A DISTANCE OF 107.61 FEET TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES (8,241 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE EAST LINE OF THE TRACT B, BELLA VITA ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 4 AS BEING SOUTH 00°16'29" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIALS:
 - a. TITLE REPORT BY NEW REVELATIONS, INC., CRAIG KARLSON, FILE NUMBER 17-1673, TAX IDENTIFICATION NUMBER 2410377, FEE SIMPLE OWNER: CANAVERAL PORT AUTHORITY, EFFECTIVE DATE 11/29/17 (TAX PARCEL 24-36-02-NJ-B.1);
 - i. ALL EASEMENTS PER THE ABOVE STATED TITLE REPORTS SHOWN HEREIN EXCEPT THE FOLLOWING:
 1. WATER EASEMENT PER OFFICIAL RECORDS BOOK 2719, PAGE 1099 IS NOT ADJACENT TO OR AFFECTS PARCEL 110 AS SHOWN HEREIN.
 2. FP&L EASEMENT PER OFFICIAL RECORDS BOOK 4332, PAGE 0920 DOES NOT PROVIDE LEGAL DESCRIPTION THAT IS LOCATABLE. THE LEGAL DESCRIPTION EXHIBIT WAS NOT INCLUDED.
 3. BELLSOUTH EASEMENT PER OFFICIAL RECORDS BOOK 5281, PAGE 3315 IS A BLANKET EASEMENT OVER THE ENTIRE PARENT PARCEL.
 4. EASEMENT AND MEMORANDUM AGREEMENT PER OFFICIAL RECORDS BOOK 7317, PAGE 198 IS NOT ADJACENT TO OR AFFECTS PARCEL 110 AS SHOWN HEREIN.
 - b. PLAT OF BELLA VITA, PLAT BOOK 23, PAGE 4 (P1);
 - c. BOUNDARY SURVEY PREPARED FOR BREVARD COUNTY BY DRMP, PROJECT NO. 06-0103.002, DATED AUGUST 20, 2007 (S1);
 - d. BOUNDARY SURVEY IN SECTIONS 1, 11 & 12-24-36, PREPARED FOR BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, PREPARED BY JOHN R. CAMPBELL & ASSOCIATES, INC., DATED FEBRUARY 1, 1992, LAST REVISION 4/15/92.
4. THE MOSQUITO EMBANKMENT BERM AS LOCATED BASED ON A SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY MOSQUITO CONTROL BY BREVARD COUNTY SURVEYING AND MAPPING PROGRAM, PROJECT NO. 17-02-032, SURVEY FIELD DATE 7/27/2017.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS


MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

PROJECT NO. 17-02-032

REVISIONS

DATE

DESCRIPTION

08/08/18

REVISE PURPOSE

DATE: DECEMBER, 2017

SHEET: 1 OF 2

SECTION 2
TOWNSHIP 24 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 110

SECTION 2, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-02-NJ-B.1
 PURPOSE: EASEMENT

EXHIBIT "A"

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



SCALE:
 1" = 50'

LEGEND

- PROPERTY LINE
- SECTION LINE
- RIGHT OF WAY LINE
- MOSQUITO EMBANKMENT BERM
- PARCEL 110

OWNERS: N/F CANAVERAL PORT AUTHORITY
 PARCEL ID: 24-36-02-NJ-B.1
 ORB 2940, PAGE 0781

N LINE OF TRACT B
 N LINE OF SECTION 2
 N LINE ORB 2940,
 PAGE 0781

POINT OF COMMENCEMENT PARCEL 110
 NE CORNER OF TRACT B
 NE CORNER ORB 2940, PAGE 0781

HALL ROAD

R/W LINE

S00°16'29"E 31.95'

25' R/W PER PB
 32, PAGE 4

OWNERS: N/F BREVARD COUNTY
 PARCEL ID: 24-36-01-NJ-A
 ORB 3109 PAGE 2084

E LINE ORB 5576 PAGE 7281
 W LINE ORB 2940, PAGE 0781

MOSQUITO
 EMBANKMENT BERM

POINT OF BEGINNING
 PARCEL 110

E LINE OF TRACT B
 E LINE ORB 2940, PAGE 0781

PARCEL 110
 8,241 SQ FT
 0.19 ACRES
 PORTION OF ORB 2940,
 PAGE 0781
 PORTION OF TRACT B

L63

60.89'
 N67°25'04"E

L65

L66

107.61'
 N47°41'09"E

S00°16'29"E
 118.05'

S89°57'50"W
 150.00'

S LINE ORB 2940, PAGE 0781
 N LINE ORB 5576, PAGE 7281

NE CORNER ORB
 5576, PAGE 7281
 SE CORNER ORB
 2940, PAGE 0781

SW CORNER OF ORB
 2940, PAGE 0781

OWNERS: N/F OSPREY VILLAGE AT
 CEDAR CREEK INC
 PARCEL ID: 24-36-02-NJ-K-3 &
 24-36-02-NJ-B.2
 ORB 5576, PAGE 7281

W LINE E 1/2 OF
 THE NE 1/4

Parcel Line Table		
Line #	Length	Direction
L63	6.93	N0°16'29"W
L64	16.20	N5°07'00"E
L65	8.79	N60°10'17"E
L66	6.88	S41°58'45"E

ABBREVIATIONS

N/F = NOW OR FORMERLY
 ORB = OFFICIAL RECORD BOOK
 R/W = RIGHT OF WAY
 L40 = LINE TABLE NUMBER

TRACT B

TRACT A



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
 SURVEYING AND MAPPING DIVISION
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
 MIERA, FLORIDA 32940
 PHONE: (321) 633-2080

SCALE:
 1"=50'
 PROJECT NO.:
 17-02-032

SECTION 2
 TOWNSHIP 24 SOUTH
 RANGE 36 EAST

LOCATION MAP

TWP: 24 S RNG: 36 E SEC: 2 DISTRICT: 2

STREET NAME: **Hall Road**

OWNER'S NAME: **Canaveral Port Authority**

