



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.16.

7/6/2021

### Subject:

Approval, Re: Donation of Reuse Line Easement from DD Lake Andrew 11.64, LLC for the Viera Town Center III Multi-Family Site Project- 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 approve and accept the attached Reuse Line Easement.

### Summary Explanation and Background:

The subject property is located in Section 9, Township 26 South, Range 36 East, on the west side of Lake Andrew Drive and north of Metfield Drive in Viera.

DD Lake Andrew 11.64, LLC., owner, has submitted site plan number 18SP00014 for review and approval by the County for the development of a 298 multi-family apartment complex, pool, club house, garages, storage and maintenance facilities. The residential building consists of approximately 332,671 square feet with an additional 2,923 square feet for the pool cabana and maintenance building. In accordance with County code and standards, the owner has agreed to donate the attached reuse line easement required as a condition of the site plan approval.

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:



July 7, 2021

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

**TO:** Marc Bernath, Public Works Director

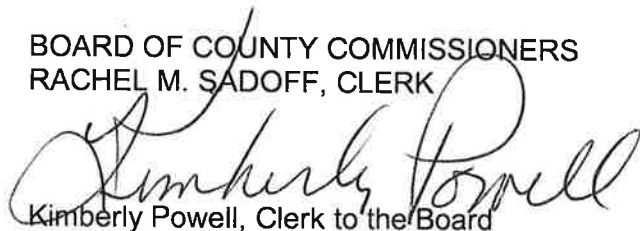
**RE:** Item F.16., Approval for Donation of Reuse Line Easement from DD Lake Andrew 11.64, LLC for the Viera Town Center III Multi-Family Site Project

The Board of County Commissioners, in regular session on July 6, 2021, approved and accepted the Reuse Line Easement from DD Lake Andrew 11.64, LLC for the Viera Town Center III Multi-Family Site Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

cc: Utility Services

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

AGENDA: Donation of Reuse Line Easement from DD Lake Andrew 11.64, LLC for the Viera Town Center III Project – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			<u>6.7.2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>		<u>06/07/2021</u>

Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 26-36-04-WX-A-1

### REUSE LINE EASEMENT

**THIS EASEMENT**, made this 11<sup>th</sup> day of May, 2021, between DD Lake Andrew 11.64, LLC, a Georgia limited liability company, whose address is 403 Corporate Center Drive, Suite 201, Stockbridge, GA 30281 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 non-exclusive easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining a reuse line and associated 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 9, 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 unreasonably 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:

[Signature]

Witness

Blake Kerben

print name

Daniel Baum

Witness

Daniel Baum

print name

DD Lake Andrew 11.64, LLC, a  
Georgia limited liability company

BY: Morrow Investors, Inc., a  
Georgia Corporation, Manager

BY: [Signature]  
Fred S. Hazel, Vice President

STATE OF Georgia  
COUNTY OF Henry

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 11<sup>th</sup> day of May, 2021, by Fred S. Hazel as Vice President for Morrow Investors, Inc, a Georgia corporation, Manager for DD Lake Andrew 11.64, LLC, a Georgia limited liability company. Is personally known or produced \_\_\_\_\_ as identification.

[Signature]

Notary Signature

SEAL



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 26-36-04-WX-A-1  
PURPOSE: RECLAIMED WATER LINE EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 RECLAIMED WATER LINE EASEMENT (PREPARED BY SURVEYOR)

A 10 FOOT WIDE STRIP OF LAND IN LOT 1, BLOCK A, VIERA TOWN CENTER III, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGE 60, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 9, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK A, AND RUN S89°42'46"W, ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK A, (SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF METFIELD DRIVE ACCORDING THE PLAT OF SAID VIERA TOWN CENTER III), A DISTANCE OF 494.98 FEET TO THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°42'46"W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET; THENCE N00°28'27"W A DISTANCE OF 33.00 FEET; THENCE N89°42'46"E A DISTANCE OF 10.00 FEET; THENCE S00°28'27"E A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.007 ACRES, OR 330.00 SQUARE FEET, MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF S89°42'46"W ON THE SOUTH LINE OF LOT 1, BLOCK A, VIERA TOWN CENTER III, AS RECORDED IN PLAT BOOK 66, PAGE 60, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THE INFORMATION CONTAINED WITHIN THAT CERTAIN CHICAGO TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 9093463, DATED 12/07/2020. NO EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE DOCUMENTS REFERENCED IN SAID PROPERTY INFORMATION REPORT.
5. PER REVIEW OF THE DOCUMENTS REFERENCED THE ABOVE NOTED PROPERTY INFORMATION REPORT, NO EASEMENTS WERE FOUND TO BE ENCUMBERING, ABUTTING OR ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON.
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 MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



Digitally signed  
by Leslie E  
Howard  
Date: 2021.05.05  
10:04:12 -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

PREPARED BY: B.S.E. CONSULTANTS, INC.  
312 S. HARBOUR CITY BLVD  
MELBOURNE, FLORIDA 32901

DRAWN BY: LEH/BL	CHECKED BY: LEH	PROJECT NO. 11555			SECTION 9 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
			02/18/2021	COUNTY COMMENTS	
DATE: 02/03/2021	DRAWING: 11555_100_002		03/22/2021	COUNTY COMMENTS	

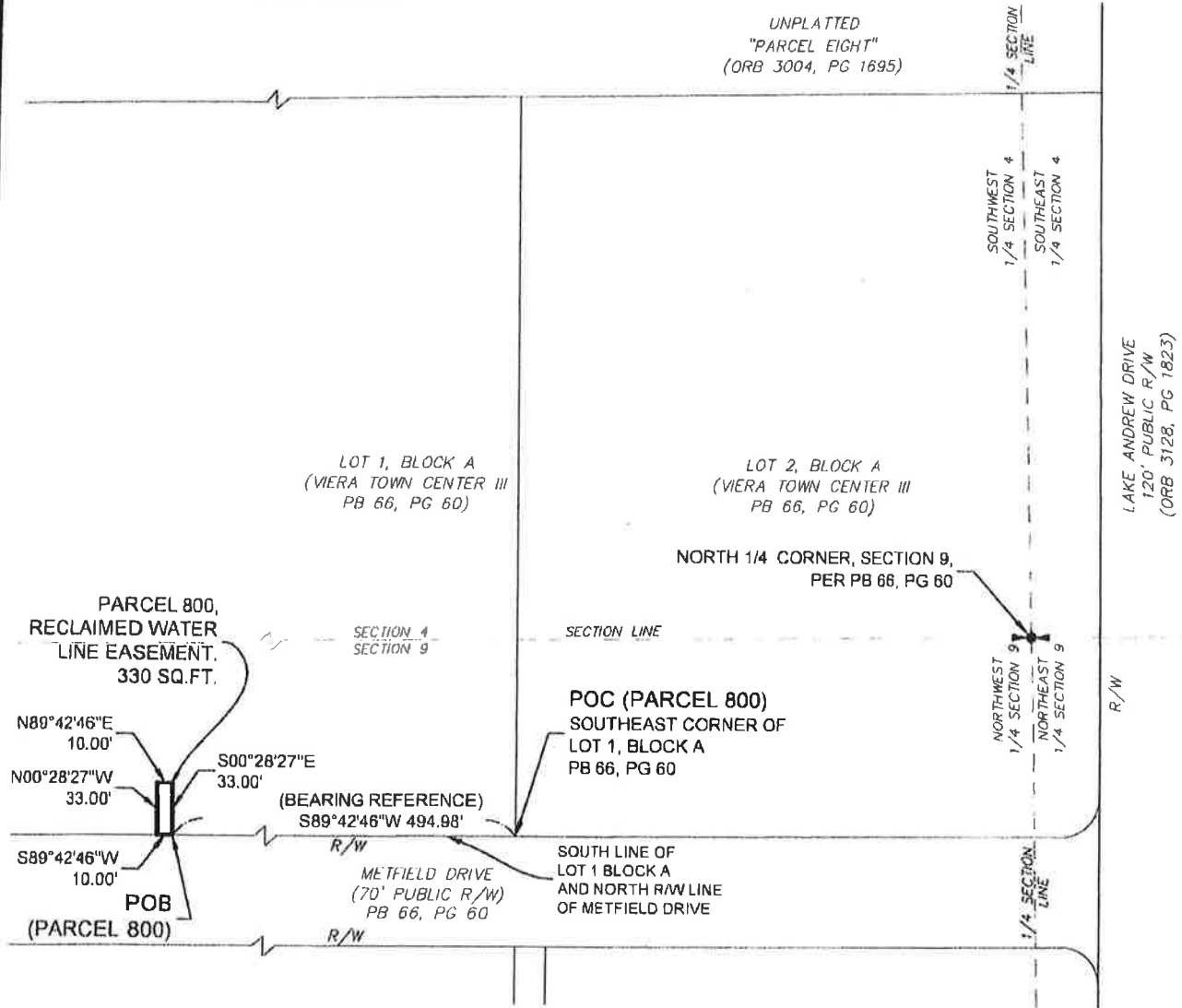
# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 26-36-04-WX-A-1  
PURPOSE: RECLAIMED WATER LINE EASEMENT

## EXHIBIT "A"

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



### ABBREVIATIONS

ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY

B.S.E. PREPARED B.S.E. CONSULTANTS, INC.  
312 S. HARBOUR CITY BLVD  
MELBOURNE, FLORIDA 3290

SCALE:  
1"=100'

PROJECT NO.:  
11555

SECTION 9  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

## LOCATION MAP

**Section 9, Township 26 South, Range 36 East - District: 4**

**PROPERTY LOCATION:** West side of Lake Andrew Drive and north of Metfield Drive in Viera.

**OWNERS NAME(S):** DD Lake Andrew 11.64, LLC

