



AGENDA REPORT
May 7, 2019

Approval Re: Donation of Public Utility Easement from Pierce Hardy Limited Partnership to Brevard County – District 4.

SUBJECT:

Approval Re: Donation of Public Utility Easement from Pierce Hardy Limited Partnership to Brevard County – District 4.

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 accept the donation of public utility easement from Pierce Hardy Limited Partnership.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 30, Township 26 South, Range 37 East.

Pierce Hardy Limited Partnership is the owner of parcel known as parcel 801. 84 Lumber, a subsidiary of Pierce Hardy Limited Partnership, is expanding their facility and is proposing to extend the sanitary sewer system in order to provide additional needed sewer service. This sewer service will also provide service to other properties in the area. Utility Services Department requires an easement to provide off-site sewer services.

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

ATTACHMENTS:

Description

- **84 Lumber-Pierce Hardy Easement Agenda Documents**



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

May 8, 2019

M E M O R A N D U M

TO: Corinna Gumm, Interim Public Works Director

RE: Item F.11., Approval for Donation of Public Utility Easement from Pierce Hardy Limited Partnership to Brevard County

The Board of County Commissioners, in regular session on May 7, 2019, accepted the donation of public utility easement from Pierce Hardy Limited Partnership.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: DONATION OF PUBLIC UTILITY EASEMENT FROM PIERCE HARDY
LIMITED PARTNERSHIP TO BREVARD COUNTY – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /
UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>4/28/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JWB</u>	_____	<u>4/30/19</u>

AGENDA DUE DATE: April 30 2019, for the May 7, 2019 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.

Prepared by/Return to: Lucy Hamelers
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.:26-37-30-00-250

PUBLIC UTILITY EASEMENT

THIS INDENTURE, made this 29th day of April, A.D. 2019, between
PIERCE HARDY LIMITED PARTNERSHIP, A Pennsylvania limited partnership, 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, 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 30, Township 26 South, Range 37
East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

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:

Witness

Remington Rockwood
Print Name

Witness

Jim Zaunich
Print Name

PIERCE HARDY LIMITED PARTNERSHIP

Margaret H. Magerko, as President for
Peter Jon Co., General Partner for Pierce Hardy
Limited Partnership

STATE OF Pennsylvania
COUNTY OF Washington

The foregoing instrument was acknowledged before me this 29th day of April, 2019, by Margaret H. Magerko,
as President for Peter Jon Co., General Partner for Pierce Hardy Limited Partnership, who is/is not personally known
to me or who has produced _____ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Eighty Four, the County of Washington State
of Pennsylvania, this 29th day of April, 2019.

Notary Public

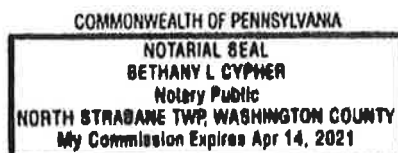
Print Name Bethany L. Cypher

Commission No. 12149148

Commission Expires April 14, 2021

Agenda Item # _____

Brevard County Board Meeting Date _____



LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 26-37-30-00-250
PURPOSE: PUBLIC UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL # 801 (PREPARED BY SURVEYOR)


A PORTION OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 30, THENCE RUN S01°58'24"E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION 30, A DISTANCE OF 79.80 FEET TO A 1" IRON PIPE AT THE NORTHWEST CORNER OF LOT 3 OF INDIAN RIVER VILLA (AN UNRECORDED PLAT) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN N89°30'05"W A DISTANCE OF 227.09 FEET TO THE EAST LINE OF A SANITARY SEWER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4829, PAGE 1452 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN ALONG SAID EAST LINE AND ITS SOUTHERLY EXTENSION S08°40'13"E A DISTANCE OF 25.32 FEET; THENCE RUN S89°30'05"E A DISTANCE OF 222.41 FEET TO THE WEST LINE OF GOVERNMENT LOT 1; THENCE RUN N01°58'24"E ALONG AFOREMENTIONED WEST LINE A DISTANCE OF 25.01 FEET TO THE POINT OF BEGINNING; CONTAINING 5618.86 SQUARE FEET, 0.129 ACRES +/-.

SURVEYORS NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF GOVERNMENT LOT 1, SECTION 30, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BEING S01°58'24"W AN ASSUMED BEARING AS PER DEED AND AS SHOWN HEREON.
2. REFER TO HORIZON SURVEYORS DRAWING NO. 6427, DATED 06-13-17, FOR PARENT PARCEL BOUNDARY SURVEY.
3. TITLE OPINION PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO.: NCS-844016-SNANT, EFFECTIVE DATE, MAY 26, 2017, AMENDED ON JUNE 12, 2017.
4. SANITARY SEWER EASEMENT PER OFFICIAL RECORDS BOOK (O.R.B.) 4818, PAGE (PG.) 3597 AND RE-RECORDED IN O.R.B. 4829, PG. 1452, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LIES ADJACENT TO PARCEL 801.

PREPARED FOR AND CERTIFIED TO:
PIERCE HARDY LIMITED PARTNERSHIP,
A PENNSYLVANIA LIMITED PARTNERSHIP
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS


ROBERT DOERRER JR., 3982
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **HORIZON SURVEYORS**
OF CENTRAL FLORIDA, INC.
390 PONCIANA DR., MELBOURNE, FL 32935
E-MAIL: INFO@HORIZONSURVEYORS.COM
PHONE : (321) 254-8133

LB 6360

DATE: 11-08-18

PHONE : (321) 234-8133

DRAWN BY: CKM	CHECKED BY:	PROJECT NO. 6427			SECTION 30 TOWNSHIP 26 SOUTH RANGE 37 EAST
DATE: 11-08-17	DRAWING: 6427.17-11-08	REVISIONS	DATE	DESCRIPTION	
			7-19-18	PARCEL ID	
			10-31-18	COMMENTS	

SKETCH OF DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 26-37-30-00-250
PURPOSE: PUBLIC UTILITY EASEMENT

EXHIBIT "A"

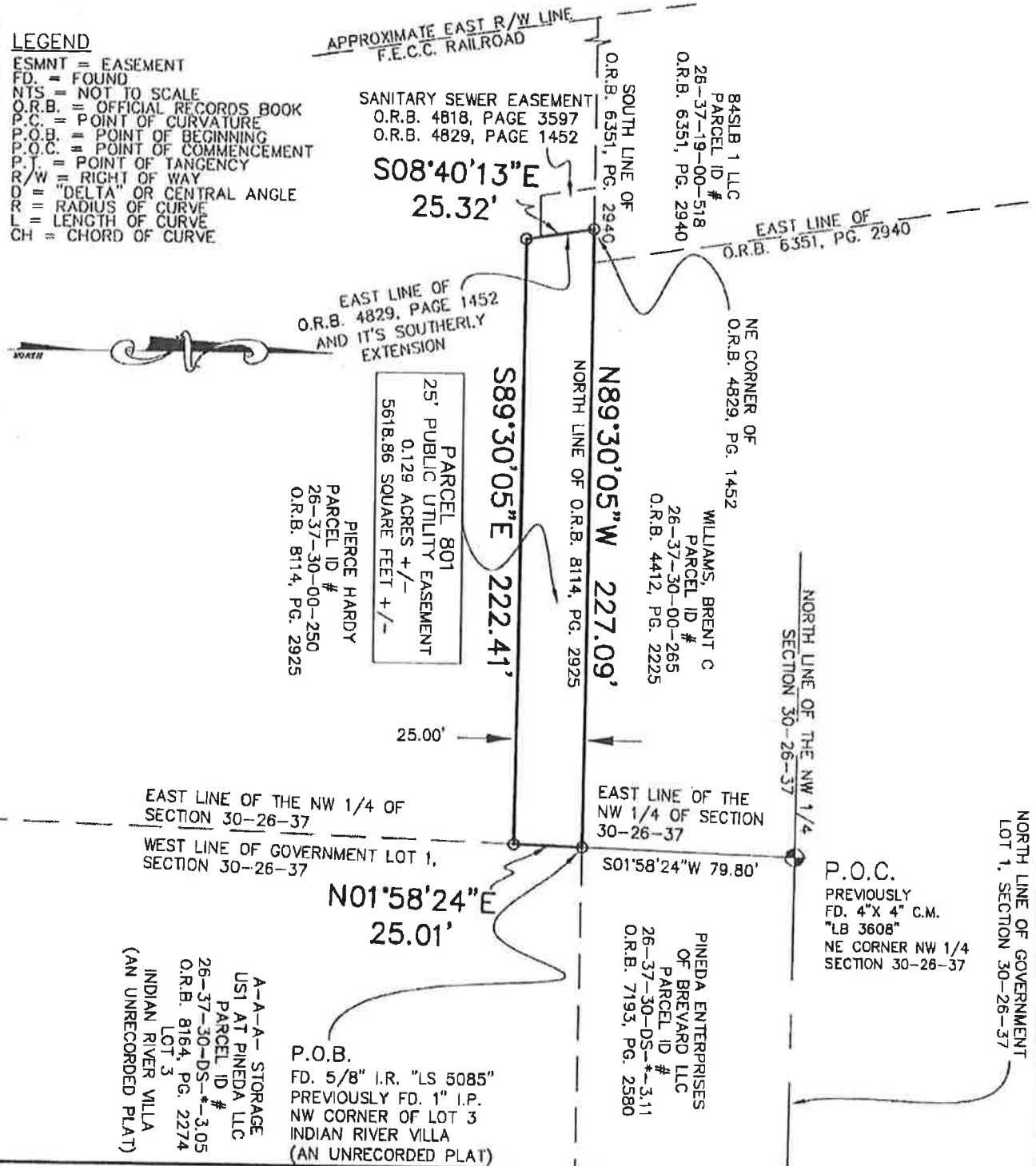
SHEET 2 OF 3

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

LEGEND

ESMNT = EASEMENT
FD. = FOUND
NTS = NOT TO SCALE
O.R.B. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
R/W = RIGHT OF WAY
D = "DELTA" OR CENTRAL ANGLE
R = RADIUS OF CURVE
L = LENGTH OF CURVE
CH = CHORD OF CURVE



PREPARED BY:

HORIZON SURVEYORS

OF CENTRAL FLORIDA, INC.
390 PONCIANA DR., MELBOURNE, FL 32935
E-MAIL: HORIZONSURVEYORS@CFLRR.COM
PHONE: (321) 254-8133

LB 8360

SCALE:

1" = 50'

PROJECT NO.:

6427

SECTION 30

TOWNSHIP 26 SOUTH
RANGE 37 EAST

LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 26-37-30-00-250

PURPOSE: PUBLIC UTILITY EASEMENT

SURVEY NOTES: (BASED ON TITLE OPINION 5011412-844016 — PAGE 8 & 9 OF 12)

NUMBERS 1 THROUGH 5 DELETED

8. THE LIEN OF TAXES AND ASSESSMENTS FOR THE YEAR 2018 AND ALL SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
NOT A SURVEY MATTER.
9. PLAT OF INDIAN RIVER VILLAS, ACCORDING TO THE PLAT THEREOF RECORDED IN DEED BOOK 318, PAGE 182, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **AFFECTS EASEMENT AND BLANKET IN NATURE.**
10. THIS ITEM HAS BEEN INTENTIONALLY DELETED. **NOT A SURVEY MATTER.**
11. CITY ORDINANCE NO. 91-01, RELATING TO ANNEXATION, RECORDED IN OFFICIAL RECORDS BOOK 3142, PAGE 2450, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **AFFECTS EASEMENT AND BLANKET IN NATURE.**
12. CITY ORDINANCE NO. 86-05, RELATING TO ANNEXATION, RECORDED IN OFFICIAL RECORDS BOOK 3299, PAGE 122, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **AFFECTS EASEMENT AND BLANKET IN NATURE.**
13. EASEMENT IN FAVOR OF BREVARD COUNTY, FOR SEWER MANHOLE AND LINE (PIPE) PURPOSES, RECORDED IN OFFICIAL RECORDS BOOK 4818, PAGE 3597, AND RE-RECORDED IN OFFICIAL RECORDS BOOK 4829, PAGE 1452, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **AFFECTS EASEMENT SHOWN ON SURVEY.**
14. RESOLUTION NO. 2006-222, RELATING TO VACATION OF OLD DIXIE HIGHWAY, RECORDED IN OFFICIAL RECORDS BOOK 5701, PAGE 8581, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **AFFECTS EASEMENT VACATED RIGHT OF WAY.**
15. CITY ORDINANCE NO. 2014-07, RELATING TO ZONING, RECORDED IN OFFICIAL RECORDS BOOK 7178, PAGE 972, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **AFFECTS EASEMENT AND BLANKET IN NATURE.**
16. THIS ITEM HAS BEEN INTENTIONALLY DELETED.
NOT A SURVEY MATTER.
17. THIS ITEM HAS BEEN INTENTIONALLY DELETED
NOT A SURVEY MATTER.

ANY FACTS, RIGHTS, INTERESTS OR CLAIMS THAT MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY SURVEY MADE BY ROBERT R. DOERRER, JR., RPLS # 3982 WITH HORIZON SURVEYORS DATED APRIL 21, 2017 LAST REVISED JUNE 13, 2017, DESIGNATED JOB NUMBER 6427: **NOT A SURVEY MATTER.**

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEET 1 & 2

THIS IS NOT A SURVEY

PREPARED BY:

HORIZON SURVEYORS

OF CENTRAL FLORIDA, INC.
390 PONCIANA DR., MELBOURNE, FL 32935
E-MAIL: HORIZONSURVEYORS@CFLRR.COM
PHONE : (321) 254-8133

LB 8380

SCALE:

1" = 50'

PROJECT NO.:

6427

SECTION 30

TOWNSHIP 26 SOUTH

RANGE 37 EAST

LOCATION MAP

TWP: 26 S RNG: 36 E SEC: 30 DISTRICT: 4

STREET NAME: East of FEC Railroad (Pineda)

OWNER'S NAME: Pierce Hardy Limited Partnership

