



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.9.

4/19/2022

Subject:

Approval, Re: Donation of Drainage Easement from South Indian River Isles Homeowners Association, Inc., Required by Right of Way Permit for the Zone C Indian River Isles Septic to Sewer Project- District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Drainage Easement.

Summary Explanation and Background:

The subject property is located in Section 12, Township 26 South, Range 36 East, on the east side of Highway 1 on Topsail Drive in Rockledge.

Natural Resources Management Department is undertaking a project known as the Indian River Isles Septic to Sewer Conversion Project in conjunction with the Utility Services Department. Indian River Isles is located within South Central-Zone C, a project included in the Save Our Indian River Lagoon Project Plan, approved by the Board of County Commissioners in regular session on April 09, 2019.

Utility Services Department applied for a Right of Way Permit for work being performed within the County-owned right of way of Topsail Drive. Upon Public Works Engineering review of the plan, it was determined that a drainage easement was needed. South Indian River Isles Homeowners Association, Inc., owner, has agreed to donate the necessary easement.

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:

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Drainage Easement from South Indian River Isles Homeowners Association, Inc. Required by Right of Way Permit for the Zone C Indian River Isles Septic to Sewer Project – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3.22.2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>3-28-2022</u>



April 20, 2022

MEMORANDUM

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

RE: Item F.9., Approval for Donation of Drainage Easement from South Indian River Isles Homeowners Association, Inc., Required by Right-of-Way Permit for the Zone C Indian River Isles Septic to Sewer Project

The Board of County Commissioners, in regular session on April 19, 2022, approved and accepted the Drainage Easement from South Indian River Isles Homeowners Association, Inc., required by Right-of-Way Permit for the Zone C Indian River Isles Septic to Sewer Project.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for Denna Scott
Kimberly Powell, Clerk to the Board

/ns

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: 26-36-12-05-B

DRAINAGE EASEMENT

THIS INDENTURE, made this 24 day of February, 2022, between South Indian River Isles Homeowners Association, Inc., a Florida not for profit corporation, whose address is 6317 Spinaker Drive, Rockledge, Florida 32955, 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 allowing drainage and flowage of stormwater and groundwater as well as operating, constructing, reconstructing, reconfiguring, and maintaining drainage 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 12, 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:

[Signature]
Witness
[Signature]
Print Name

South Indian River Isles Homeowners Association, Inc., a Florida not for profit corporation

[Signature]
Witness
Emily Ashford
Print Name

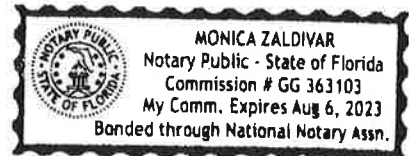
BY: [Signature]
Brian West, President

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 24th day of February, 2022, by Brian West, as President for South Indian River Isles Homeowners Association, a Florida not for profit corporation. Is personally known or produced _____ as identification.

[Signature]
Notary Signature
SEAL

Board Meeting Date: 4/7/21 -
Agenda Item # 6



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 808

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-12-05-B

PURPOSE: DRAINAGE EASEMENT

LEGAL DESCRIPTION: PARCEL 808, DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF TRACT "B" SOUTH INDIAN RIVER ISLES, THIRD ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 93 AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING WITHIN SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID "TRACT B"; THENCE SOUTH 89° 09' 25" WEST, ALONG THE SOUTH LINE OF SAID PLAT BOOK 38, PAGE 93, SAID LINE BEING THIS EASEMENT'S BASIS OF BEARING AS DESCRIBED IN OFFICIAL RECORDS BOOK 9184, PAGE 1464, SAID LINE ALSO BEING THE NORTH LINE OF THE PLAN OF TOWN OF PINEDA AS RECORDED IN PLAT BOOK 1, PAGE 41 AND DESCRIBED IN OFFICIAL RECORDS BOOK 9184, PAGE 1464, FOR A DISTANCE OF 21.21' TO THE SOUTHEAST CORNER OF A LIFT STATION AND FORCE MAIN EASEMENT ESTABLISHED IN THE BREVARD COUNTY OFFICIAL RECORD BOOK 9184, PAGE 1464; THENCE NORTH 20° 25' 31" WEST ALONG THE EAST LINE OF SAID EASEMENT LINE FOR A DISTANCE OF 164.58' TO THE POINT OF BEGINNING:

THENCE, BEARING SOUTH 69° 30' 00" WEST A DISTANCE OF 50.00';
THENCE, BEARING NORTH 20° 17' 54" WEST A DISTANCE OF 70.00';
THENCE, BEARING NORTH 69° 30' 00" EAST A DISTANCE OF 50.00';
THENCE, BEARING SOUTH 20° 17' 54" EAST A DISTANCE OF 70.00' TO THE POINT OF BEGINNING.

CONTAINING 3500 SQUARE FEET OR 0.0803 ACRES, MORE OR LESS

SURVEYORS NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION HEREIN.
2. THE BEARINGS SHOWN HEREON SPECIFICALLY BASED ON THE SOUTH LINE OF PLAT BOOK 38, PAGE 93 AND THE NORTH LINE OF THE PLAN OF TOWN OF PINEDA PLAT BOOK 1, PAGE 41, AS DESCRIBED IN OFFICIAL RECORDS BOOK 9184, PAGE 1464 AS BEING SOUTH 89° 09' 25" WEST, AN ASSUMED BEARING.
3. THE TAX PARCEL NUMBERS SHOWN WERE TAKEN FROM THE BREVARD COUNTY PROPERTY APPRAISER'S WEB SITE AND DEPICT TAX PARCEL NUMBERS AS SHOWN AND DESCRIBED ON SAID WEB SITE AT TIME OF PREPARATION OF SKETCH AND LEGAL SHOWN HEREIN.
4. NO OPINION OF TITLE, OWNERSHIP, OR UNDERWRITTEN RIGHTS IS EXPRESSED OR IMPLIED BY SURVEYOR.

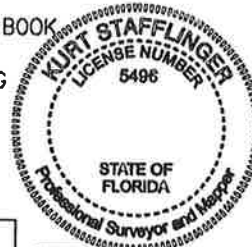
5. REFERENCE MATERIAL:

- A: PLAT BOOK 1 PAGE 41
- B: PLAT BOOK 38 PAGE 93
- C: OFFICIAL RECORDS BOOK 9184 PAGE 1464
- D: TITLE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, BY IRENE FONZI, FILE NUMBER "SIRI", TAX IDENTIFICATION NUMBER 2615580, EFFECTIVE DATE 12/31/2021. PER SAID REPORT, NO EASEMENTS AFFECTING OR ABUTTING PARCEL 808 WERE DECLARED WITHIN SAID TITLE REPORT.

ABBREVIATIONS:

C/L = CENTERLINE
PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT
L = ARC LENGTH
COR = CORNER

ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
POB = POINT OF BEGINNING
R = RADIUS
TYP = TYPICAL
R/W = RIGHT OF WAY



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

KURT STAFFLINGER, PSM 5496
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: ISS SURVEYING
ADDRESS: 7175 MURRELL RD, MELBOURNE, FL 32940
PHONE: 321-622-4646

DRAWN BY: ZC	CHECKED BY: KS	PROJECT NO. BRV020		SECTION 12 TOWNSHIP 26 SOUTH RANGE 36 EAST	
		REVISIONS	DATE		DESCRIPTION
DATE: 2/08/22	DRAWING: BRV020-DRAN-ESMT		1/25/22		REVISED LEGAL DESC.
			2/08/22		REVISED EASEMENT

SKETCH OF DESCRIPTION

PARCEL 808

PARENT PARCEL ID#: 26-36-12-05-B
 PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PARCEL 808

LOT 17

LOT 19

30' PU&DE PER
 PB38, PG 93

TOPSAIL DRIVE
 50' R/W PER
 PB 38, PG 93

LIFT STATION AND
 FORCE MAIN EASEMENT
 ORB 9184, PG 1464

S LINE 30'
 PU&DE PER
 PB38, PG 93

LOT 46

PARCEL 808
 DRAINAGE EASEMENT
 ±3500 SQ. FT.
 ±0.0803 ACRES

LOT 49

5' WIDE DRAINAGE EASEMENT
 ORB 793 PG 360

POB
 PARCEL 808

20' PU&DE PER
 PB38, PG 93

US HWY NO. 1
 AKA STATE ROAD NO. 5
 143' WIDE R/W

TRACT "B"
 OWNER: SOUTH INDIAN RIVER ISLES
 PARCEL ID: 26-36-12-05-B
 ORB 5949, PG 1659

PARCEL 807

LOT 48

POC
 PARCEL 808
 SE COR TRACT "B"
 PB 38, PG 93



S LINE PB 38, PG 93
 N LINE PB 1, PG 41
 (BASIS OF BEARING)

S89°09'25"W
 21.21'

PLAN OF TOWN OF PINEDA
 PB 1, PG 41

PREPARED BY: ISS SURVEYING
 ADDRESS: 7175 MURRELL RD, MELBOURNE, FL 32940
 PHONE: 321-622-4646

SCALE:
 1"=50'
 PROJECT NO.:
 BRV020

SECTION 12
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST

LOCATION MAP

Section 12, Township 26 South, Range 36 East - District: 2

PROPERTY LOCATION: On the east side of Highway 1 on Topsail Drive in Rockledge

OWNERS NAME(S): South Indian River Isles Homeowners Association, Inc.

