



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.11.

11/15/2022

Subject:

Approval, Re: Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-02 - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

The following requested action requires a majority plus one vote by the Board. It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Resolution and Easement (Business).

Summary Explanation and Background:

The subject property is located in Section 19, Township 24 South, Range 37 East, west of North Banana River Drive at 1475 South Harbor Drive in Merritt Island.

Utility Services Department is planning the relocation and construction of Lift Station F-02. The Utility Easement is needed for Florida Power and Light Company to install a new transformer which is required to upgrade the power to 480V 3-Phase for the new lift station.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37 and the adopted amendment to Brevard County Code, Section 2-247.

Clerk to the Board Instructions:

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-02 - District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>10-19-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>10-25-2022</u>



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

November 16, 2022

MEMORANDUM

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

RE: Item F.11., Approval for Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-02

The Board of County Commissioners, in regular session on November 15, 2022, adopted Resolution No. 22-151, authorizing the conveyance of real property interest by the County; and executed and approved the Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-02. Enclosed is a fully-executed Resolution and Easement (Business).

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/pp

Encls. (2)

cc: Utility Services

Work Request No. 11275075

Sec. 19, Twp 24 S, Rge 37 E

Parcel ID 24-37-19-25-1-12

(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Brian Babcox

Co. Name: FPL

Address: 9001 ELLIS RD.
MELBOURNE, FL 32904

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See attached Exhibit "A"

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on November 15, 2022

Signed, sealed and delivered in the presence of:

N/A

(Witness' Signature)

Print Name: N/A

(Witness)

N/A

(Witness' Signature)

Print Name: N/A

(Witness)

Brevard County Board of County Commissioners, a
political subdivision of the State of Florida

By 

Print Name: Kristine Zonka, Chair

Print Address: 2725 Judge Fran Jamieson Way

Viera, Florida 32940

Approved by the board on November 15, 2022

Attest: 
Rachel Sadoff, Clerk of the Court

STATE OF N/A AND COUNTY OF N/A The foregoing instrument was acknowledged
before me this N/A day of N/A, 20 , by N/A the
N/A of N/A a N/A, who is
personally known to me or has produced N/A as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

N/A

Notary Public, Signature

Print Name N/A

LEGAL DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 24-37-19-25-1-12
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL # 800(PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 12, BLOCK 1 OF SURFSIDE ESTATES, UNIT 3, BEING IN SECTION 19, TOWNSHIP 24 SOUTH, RANGE 37 EAST, BREVARD COUNTY.

BEGINNING AT THE NORTHWEST CORNER OF LOT 12, BLOCK 1 OF SURFSIDE ESTATES, UNIT 3, THENCE SOUTH 89 DEGREES 59 MINUTES 25 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SOUTH HARBOR DRIVE (50' PUBLIC RIGHT-OF-WAY) PER SAID PLAT BOOK 17, PAGE 108 A DISTANCE OF 15.00 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE GO SOUTH 00 DEGREES 00 MINUTES 35 SECONDS WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 25 SECONDS WEST TO THE WEST LINE OF SAID LOT 12 A DISTANCE OF 15.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 35 SECONDS EAST ALONG SAID WEST LINE LOT 12 TO SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. SAID PROPERTY CONTAINS 225 SQUARE FEET / 0.005 ACRES MORE OR LESS.

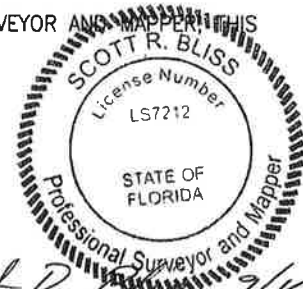
SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. NORTH AND BEARINGS FOR THIS SKETCH IS S89°59'25"E FOR THE SOUTH RIGHT OF WAY LINE OF SOUTH HARBOR DRIVE IS BASED ON PLAT BOOK 17, PAGE 108.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
4. NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
5. THERE IS A 10 FOOT MAINTENANCE OF DRAINAGE AND/OR PUBLIC UTILITY EASEMENT TOTAL (5 FOOT ON EITHER SIDE) ALONG THE WEST PROPERTY LINE OF LOT 12, BLOCK 1, PER SAID PLAT BOOK 17, PAGE 108..

CERTIFICATE OF SURVEY:

I CERTIFY THE INFORMATION SHOWN HEREON TO BE CORRECT, AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING PER CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.082, FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID



PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

Scott R. Bliss 9/14/22
SCOTT R. BLISS, LS 7212
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:
WADETRIM, 3790 DIXIE HIGHWAY NE, SUITE D
PALM BAY, FLORIDA, WWW.WADETRIM.COM

FIRM AUTHORIZATION NO. LB7565

DRAWN BY: J.W.W.

CHECKED BY: SB

PROJECT NO. BCU203602I

REVISIONS

DATE

DESCRIPTION

DATE: 8/15/2022

DRAWING:
VSP-BASE-BCU203602I

SECTION 19
TOWNSHIP 24 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 24-37-19-25-1-12

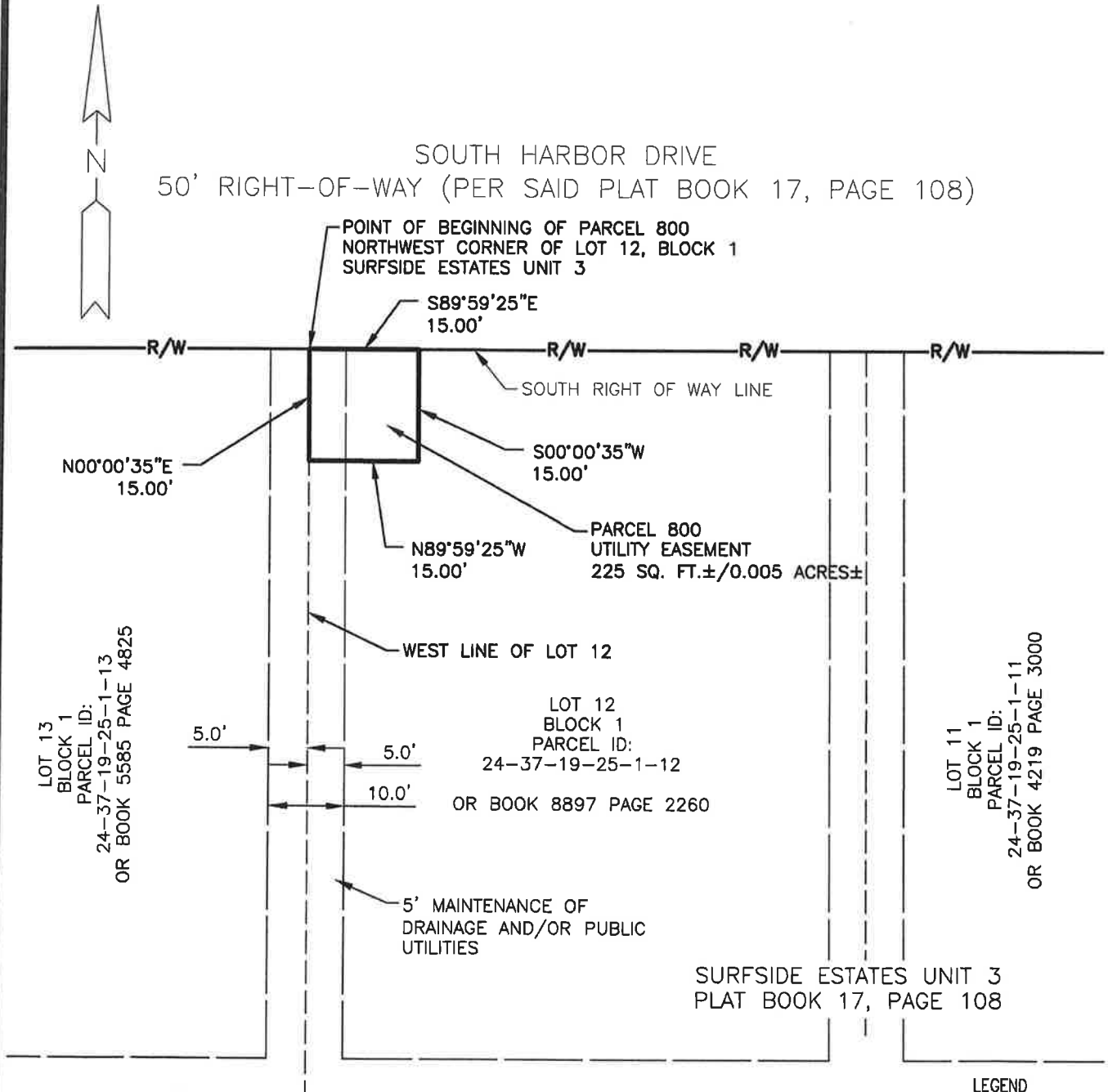
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

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LEGEND

IDENTIFICATION	ID
OFFICIAL RECORD	OR
PARCEL 800 EASEMENT LINE	———
ADJ. PROPERTY LINE	- - - - -
RIGHT OF WAY LINE	-R/W-
PLATTED EASEMENT LINE	———



SURFSIDE ESTATES UNIT 1
PLAT BOOK 16, PAGE 65

PREPARED BY:
WADETRIM
3790 DIXIE HIGHWAY NE, SUITE D
PALM BAY, FLORIDA
WWW.WADETRIM.COM

FIRM AUTHORIZATION NO. LB7565

SCALE:
1"=20'
PROJECT NO.:
BCU2036021

SECTION 19
TOWNSHIP 24 SOUTH
RANGE 37 EAST

RESOLUTION NO. 22- 151

**RESOLUTION PURSUANT TO SECTION 125.38,
FLORIDA STATUTES AUTHORIZING THE CONVEYANCE
OF REAL PROPERTY INTEREST BY THE COUNTY.**

RECITALS

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," owns certain real property described in Exhibit "A"; and

WHEREAS, the Florida Power and Light Company (FPL) is a corporation organized for the purpose of promoting community interest and welfare and FPL has requested a perpetual easement to provide electric service to the public; and

WHEREAS, said utility easement will not conflict with the County's use of the servient property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.
2. Pursuant to section 125.38, Florida Statutes, and section 2-247, Brevard County Code, this easement will serve a public purpose, is in the best interest of the County and will promote community interest and welfare. The easement shall be conveyed at nominal cost. The area of the easement is not needed for other County purposes that would conflict with FPL's use of the easement.
3. County agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place facilities within said easement area in order for FPL to provide electric service to the public.
4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 15th day of November, 2022.

ATTEST:
Clerk of the Court:


Rachel Sadoff, Clerk of the Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY,

By: 
Kristine Zonka, Chair

As approved by the Board on 11/15/22

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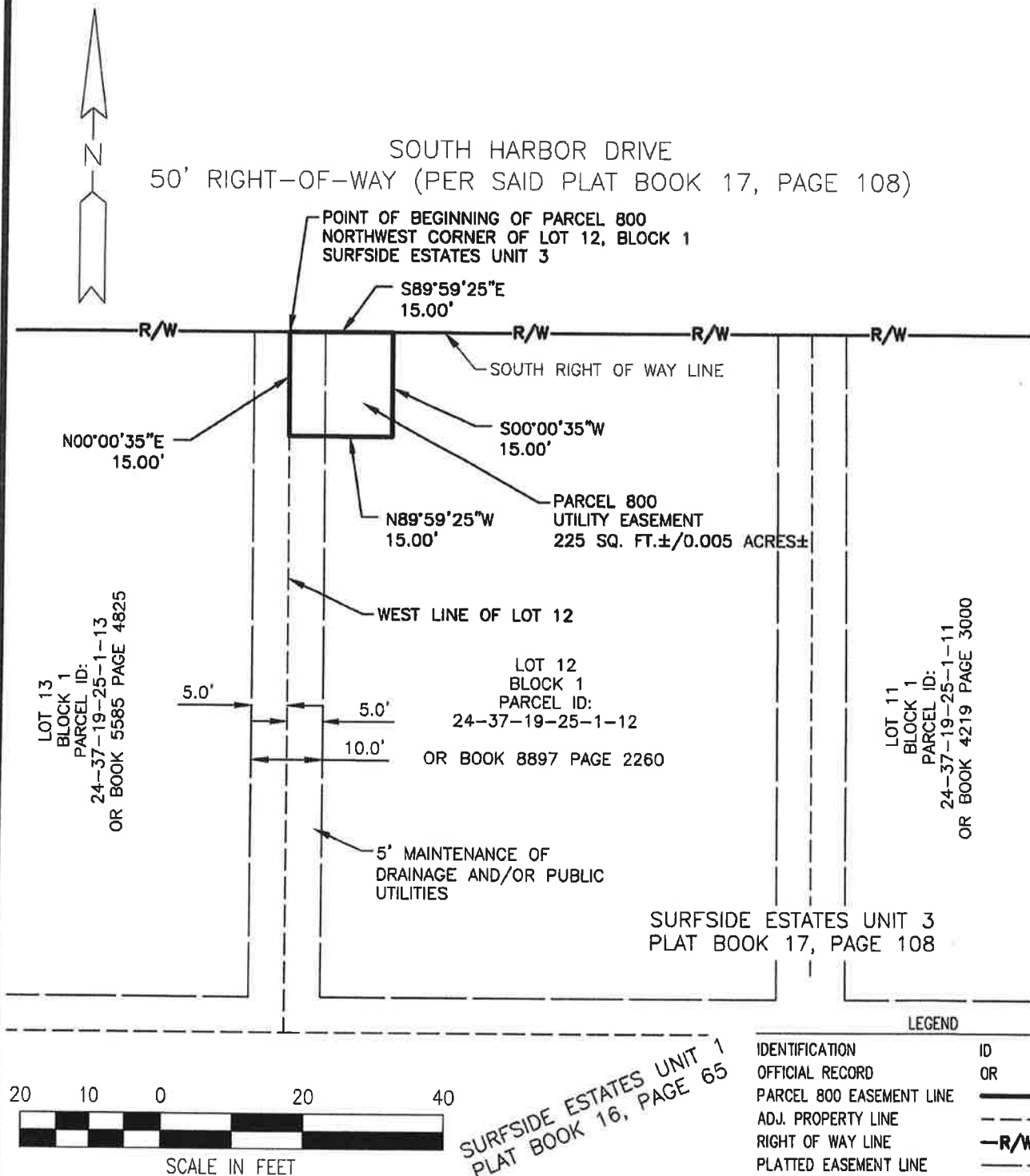
FIRM AUTHORIZATION NO. LB7565

DRAWN BY: J.W.W.	CHECKED BY: SB	PROJECT NO. BCU203602	SECTION 19 TOWNSHIP 24 SOUTH RANGE 37 EAST
DATE: 8/15/2022	DRAWING: VSP-BASE-BCU203602	REVISIONS	
		DATE DESCRIPTION	

PARCEL # 800

EXHIBIT "A"

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FIRM AUTHORIZATION NO. LB7565

SCALE:	1"=20'
PROJECT NO.:	BCU203602

SECTION 19
TOWNSHIP 24 SOUTH
RANGE 37 EAST

LOCATION MAP

Section 19, Township 24 South, Range 37 East - District: 2

PROPERTY LOCATION: West of North Banana River Drive at 1475 South Harbor Drive in Merritt Island.

OWNERS NAME(S): Brevard County, Florida, a political subdivision of the State of Florida.

