



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.16.

5/23/2023

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### **Subject:**

Approval, Re: Corrective Public Utility, Drainage, and Right-of Way Easement from Thomas J. Clark and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2, District 1.

### **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 Public Utility, Drainage, and Right-of-Way Easement.

### **Summary Explanation and Background:**

The subject property is located in Section 41, Township 20 South, Range 34 East, east of US Highway 1 on the south side of Sunset Avenue in Mims.

The Public Works Department is at the ninety percent design phase for the Sunset Avenue Road Improvement Project, Phase 2. In order to coordinate utility realignment, an advanced acquisition of a public utility and drainage easement was donated by Thomas J. and Lynn C. Clark. The current design shows the roadway will run slightly into the easement area previously acquired from the Clarks. The department has requested that a corrective easement be obtained to include the purposes of right-of-way. The easement limits will remain the same. The owners have agreed to provide the corrective 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: Corrective Public Utility, Drainage, and Right-of-Way Easement from Thomas J. Clark and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2, District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist II

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4.26.23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>5-4-2023</u>



May 24, 2023

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

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

**RE:** Item F.16., Corrective Public Utility, Drainage, and Right-of-Way Easement from Thomas J. Clark and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2

The Board of County Commissioners, in regular session on May 23, 2023, approved and accepted Corrective Public Utility, Drainage, and Right-of-Way Easement from Thomas J. Clark and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/tr

Prepared by/Return to: Lisa J. Kruse  
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.:20G-34-41-AC-\*-17

This corrective Public Utility, Drainage and Right-of-Way Easement is being recorded to correct that certain Public Utility and Drainage Easement recorded in Official Records Book 8992, page 1874, Public Records of Brevard County, Florida to incorporate Right-of Way purposes. Said easement omitted the Right-of-Way purposes that should have been included.

## **PUBLIC UTILITY, DRAINAGE, AND RIGHT-OF-WAY EASEMENT**

**THIS INDENTURE**, made this 14th day of February, A.D. 2023, between Thomas J. Clark and Lynn C. Clark, husband and wife, as the first party, Grantor, whose mailing address is 3475 Sunset Avenue, Mims, FL 32754 and Brevard County, Florida, a political subdivision of the State of Florida, as the second party, Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, FL 32940, 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 public utility, drainage, and right-of-way easement commencing on the above date for the purposes of constructing, reconstructing, maintaining or reconfiguring drainage, utilities, right-of-way and other allied uses pertaining thereto, over, under, upon, above and through the following lands:

The land affected by the granting of the easements is located in Section 41, Township 20 South, Range 34 East, County of Brevard, State of Florida, and being more particularly described as follows:

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

Including the right of ingress and egress onto the easement area as may be necessary for full use and enjoyment by Grantee of its easement. Grantor(s) 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.

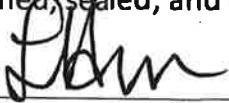
**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.


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.

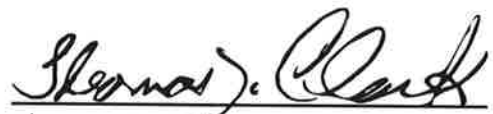
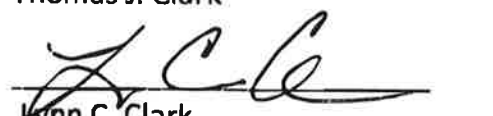
(Signatures and Notary on next page)

**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  
Lucy Hamelers  
(Print Name)

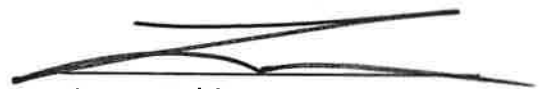
  
\_\_\_\_\_  
Witness  
Lisa J. Kruse  
(Print Name)

  
\_\_\_\_\_  
Thomas J. Clark  
  
\_\_\_\_\_  
Lynn C. Clark

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day of February, 2023, by Thomas J. Clark and Lynn C. Clark, husband and wife, who are not personally known to me or who has produced Driver License as identification and who did not take an oath.

WITNESS my hand and official seal, this 14th day of February, 2023.

  
\_\_\_\_\_  
Notary Public

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

(seal)



# LEGAL DESCRIPTION

## PARCEL 802

SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST

PARENT PARCEL ID NO.: 20G-34-41-AC-\*17

PURPOSE: PUBLIC UTILITY, DRAINAGE, AND RIGHT OF WAY EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

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

**LEGAL DESCRIPTION:** PARCEL 802, PUBLIC UTILITY, DRAINAGE, AND RIGHT OF WAY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 17, RESUBDIVISION OF PART OF FOUNTAIN GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 0, PAGE 2, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ALSO BEING LOCATED WITHIN SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID LOT 17; THENCE SOUTH 11° 28' 52" EAST ALONG THE WEST LINE OF SAID LOT 17 FOR A DISTANCE OF 20.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID WEST LINE, RUN NORTH 68° 53' 57" EAST FOR A DISTANCE OF 90.88 FEET; THENCE NORTH 72° 00' 32" EAST FOR A DISTANCE OF 293.82 FEET TO A POINT ON THE EAST LINE OF SAID LOT 17; THENCE SOUTH 11° 28' 52" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 10.06 FEET; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 72° 00' 32" WEST FOR A DISTANCE OF 292.68 FEET; THENCE SOUTH 69° 15' 24" WEST FOR A DISTANCE OF 91.94 FEET TO A POINT ON SAID WEST LINE OF LOT 17; THENCE NORTH 11° 28' 52" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 9.55 FEET TO THE POINT OF BEGINNING, CONTAINING 3819 SQUARE FEET (0.09 ACRES), 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. 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 SOUTH RIGHT OF WAY LINE OF SUNSET AVENUE ADJACENT TO SAID LOT 17 AS BEING NORTH 72° 54' 10" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 17-1651, TAX IDENTIFICATION NUMBER 2005005, EFFECTIVE DATE 11/15/2017. NO EASEMENTS WERE LISTED PER SAID TITLE REPORT.
  - B. EASEMENTS PER SAID TITLE REPORT: FP&L EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 3203, PAGE 2124; SHOWN HEREIN.
  - C. RIGHT OF WAY CONTROL AND SPECIFIC PURPOSE SURVEY PREPARED FOR BREVARD COUNTY PUBLIC WORKS ROAD & BRIDGE DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 17-12-011-1, DATED 11/17/2017.



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

DRAWING NO.  
203540\_SK\_1803054\_SUNSET-PARCEL-802.dwg

REVISIONS

DATE

DESCRIPTION

2/15/2023

REVISE PURPOSE

DATE: 1/8/21

SHEET: 1 OF 2

SECTION 41  
TOWNSHIP 20 SOUTH  
RANGE 34 EAST

# SKETCH OF DESCRIPTION

PARCEL 802

SECTION 41, TOWNSHIP 20 SOUTH, RANGE 34 EAST

PARENT PARCEL ID NO.: 20G-34-41-AC-\*--17

PURPOSE: PUBLIC UTILITY, DRAINAGE, AND RIGHT OF WAY EASEMENT



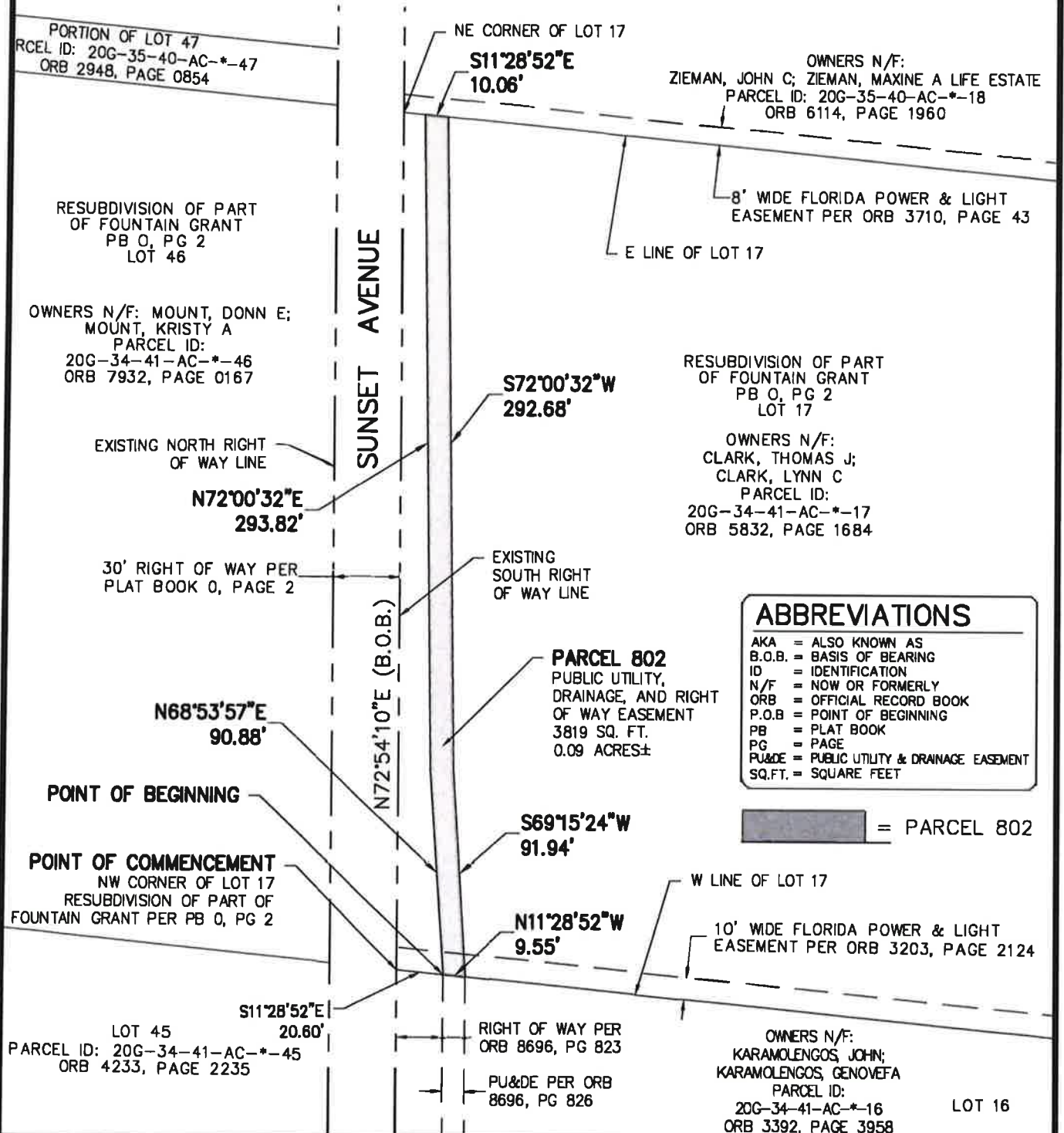
1"=60'

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



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"=60'

DRAWING NO.:  
203540\_SK\_1803054\_SUNSET-PARCEL-802.dwg

SECTION 41  
TOWNSHIP 20 SOUTH  
RANGE 34 EAST



## LOCATION MAP

### Section 41, Township 20 South, Range 34 East – District 1

PROPERTY LOCATION: East of US Highway 1 on the south side of Sunset Avenue in Mims.

OWNERS NAME(S): Thomas J. Clark and Lynn C. Clark

