

Meeting Date
March 7, 2017



AGENDA	
Section	Consent
Item No.	<i>II.A.6</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Florida Department of Transportation (FDOT) Interchange at Viera Boulevard – Resolutions and Subordinations of Force Main Easements in favor of Brevard County and Emergency Access and Maintenance Easements as part of the Plat of Star Rush Drive Extension - District 4 (Fiscal Impact: None)				
DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Utility Services				
Requested Action:	It is requested that the Board of County Commission approve and authorize the Chairman to execute the Resolutions and County Subordination Agreements for Parcels numbered 101.5, 102.2, 103.3 and 800.3, section 70220 F. P. No. 428238 1 FDOT plans for the interchange of I-95 at Viera Boulevard.				
Summary Explanation & Background:	<p>The subject property is located in Section 33, Township 25 South, Range 36 East.</p> <p>On May 9, 2000, A. DUDA & SONS, INC. (ADS) and THE VIERA COMPANY (TVC) granted unto Brevard County a Grant of Force Main Easements and Agreement as recorded in Official Record Book 4164, Page 1195, Public Records of Brevard County, Florida. This area is associated with Parcels 102.2 and 101.5.</p> <p>Plat of Star Rush Drive Extension, Tract A as recorded in Plat Book 48, Page 57 of the Public Records of Brevard County, Florida. As a condition of the Plat there was an easement granted to Brevard County for Emergency Access and Maintenance of the area described in Plat Book 48, Page 57. The area is related to Parcels 103.3 and 800.3.</p> <p>FDOT has requested that the County subordinate the portions of the easements that are within the area involved in the Construction and Maintenance of the Interchange planned for Interstate 95 and Viera Boulevard. FDOT has provided the Subordination Forms and the descriptions for the area to be subordinated.</p> <p>Fiscal impact: FY 2016-2017: No impact FY 2017-2018: No impact</p>				
Clerk to the Board Instructions:	Forward the Board approval memo and signed – original Resolutions and Subordination forms to Department.				
Exhibits Attached:	Resolutions, Subordination of County Easement, copy of OR Book 4164, Pages 1195 thru 1211, Plat Book 48, Page 57, Location Map				
Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager		Department Director / Extension		
<i>[Signature]</i> Stockton Whitten	<i>[Signature]</i> Assistant County Manager		<i>[Signature]</i> John Denninghoff / 57202		
			<i>[Signature]</i> Jim Helmer / 52091		

3/7/17

Deborah Thomas

From: Tammy Rowe
Sent: Monday, March 27, 2017 9:19 AM
To: Deborah Thomas
Cc: Donna Scott
Subject: FW: Agenda Item II.A.6 - March 7, 2017
Attachments: 4282381 101 5 Res.pdf; 4282381 101 5 sub.pdf; 4282381 102 2 Res.pdf; 4282381 102 2 Sub Co Eas Int.pdf; 4282381 103 3 Co Sub Agre.pdf; 4282381 103 3 Res.pdf; 4282381 800 3 Co Sub Agre.pdf; 4282381 800 3 Res.pdf; Item II.A.6 -Resolutions_Subordinations approval memo.pdf

FYI

From: Cruz, Debbie [<mailto:Debbie.Cruz@brevardfl.gov>]
Sent: Wednesday, March 22, 2017 2:56 PM
To: Tammy Rowe
Cc: Jones, Daniel
Subject: Agenda Item II.A.6 - March 7, 2017

Tammy,

I am sending the attached pursuant to your request in the board approval memo dated March 8, 2017.

Sincerely,

Debbie Cruz
Special Projects Coordinator I
Brevard County Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way, A204
Viera, FL 32940
321-690-6847

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."



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

March 8, 2017

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item II.A.6., Resolutions and County Subordinations of Force Main Easements with Florida Department of Transportation (FDOT), for Interchange at Viera Boulevard; and Resolutions and Emergency Access and Maintenance Easements with Florida Department of Transportation (FDOT) for Part of Plat of Star Rush Drive Extension

The Board of County Commissioners, in regular session on March 7, 2017, adopted Resolution Nos. 17-038, 17-039, 17-040, and 17-041, and executed County Subordination Agreements for Parcels 101.5, 102.2, 103.3, and 800.3, Section 70220 F.P. No. 428238 1 FDOT plans for the interchange of I-95 at Viera Boulevard. Enclosed are fully-executed Resolutions for each Parcel, two fully-executed County Subordination Agreements, and two executed Subordination of County Easement Interests.

Upon execution of the Subordination of County Easement Interests by FDOT, and recordation of all documents, please return fully-executed Subordinations and Resolutions to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (8)

cc: Utility Services Director
Contracts Administration
Asset Management

36-SUB08-06/03

January 17, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R/W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County,
Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said
County to execute and deliver to the State of Florida Department of Transportation a
subordination of utility interest, or interests, in favor of the State of Florida Department of
Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard
County, Florida, that the application of the State of Florida Department of Transportation for a
subordination of utility interest, or interests, is for transportation purposes which are in the public
or community interest and for public welfare; that a subordination of utility interest, or interests, in
favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be
drawn and executed by CURT SMITH, on behalf of this Board of County
Commissioners.

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PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida, at a meeting held on the 7 day of March, 2017.



CURT SMITH, CHAIRMAN

Board of County Commissioners
Brevard County, Florida
Approved by Board. 3-7-17

ATTEST:



SCOTT ELLIS, CLERK

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337. 27 F.S.

MW

FL DOT:

23-BREVARDUTL-10/11

January 17, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

SUBORDINATION OF COUNTY EASEMENT INTERESTS

THIS AGREEMENT, entered into this 7th day of MARCH, 2017, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY presently has an easement interest in certain lands that have been determined necessary for highway purposes pursuant to that certain Grant Force Main Easements and Agreement recorded in Official Records Book 4164, Page 1195 and that certain Sanitary Sewer Easement recorded in Official Records Book 5831, Page 1097, of the Public Records of Brevard County, Florida (the "Easement"); and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the COUNTY to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the COUNTY's facilities, if any, located within the Easement Area (as defined below) relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, County and F.D.O.T. agree as follows:

THE COUNTY hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest under the Easement in the lands located in Brevard County, Florida and more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by this reference (the "Easement Area"):

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SECTION 70220
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PAGE 2

PROVIDED that the COUNTY has the following rights:

1. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate road and utility facilities on, within, and upon the Easement Area in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed, but only to the extent such actions by the COUNTY are permitted under the Easement. However, the COUNTY shall not be required to upgrade the system in the event of modification of existing facilities. Any permitted new construction or relocation of facilities within Easement Area will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any permitted new construction or relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within the Easement Area, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the Easement held by Brevard County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The COUNTY shall have a reasonable right to enter upon the Easement Area for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The COUNTY agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above.

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IN WITNESS WHEREOF, the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tammy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
a political subdivision of the State of Florida

By: [Signature]
CURT SMITH, CHAIRMAN
Its Chairperson
(or Vice-Chairperson)
Approved by Board 3-7-17

ATTEST: [Signature]
SCOTT ELLIS, CLERK
Clerk (or Deputy Clerk)

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017 by CURT SMITH, Chairperson (or Vice-Chairperson) of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, on behalf of the Board of County Commissioners, who is personally known to me or who has produced _____ as identification.

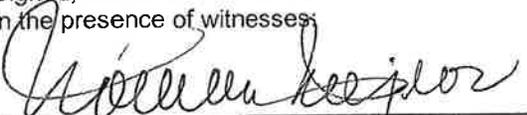
DEBORAH W THOMAS
PRINT/TYPE NAME: [Signature]
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____

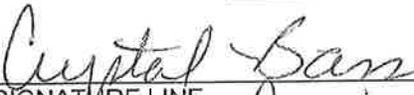


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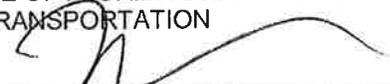
IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:


SIGNATURE LINE
PRINT/TYPE NAME: Norma Mejias


SIGNATURE LINE
PRINT/TYPE NAME: Crystal Bass

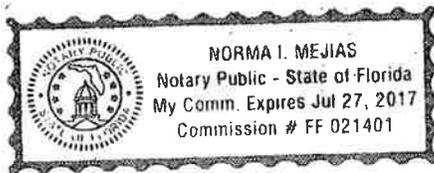
STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

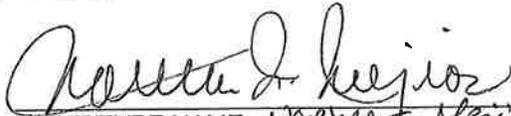
By: 
Frank J. O'Dea, P.E.
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

Legal Review
By: 
Office of the General Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 15 day of March, 2017,
by Frank J. O'Dea, P.E., District Director of Transportation Development for District Five, who is personally known to
me or who has produced _____ as identification.




PRINT/TYPE NAME: NORMA I. MEJIAS
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337. 27 F.S.



FL D.O.T.

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EXHIBIT "A"

PARCEL NO. 101

SECTION 70220
F.P. NO. 428238-1

That part of:

The Southwest quarter of the Northeast quarter of Section 33, Township 25 South, Range 36 East, South of Viera Boulevard and West of Interstate 95; the Southeast quarter of the Northwest quarter of Section 33, Township 25 South, Range 36 East, South of Viera Boulevard; the Northeast quarter of the Southwest quarter of Section 33, Township 25 South, Range 36 East; and the Northwest quarter of the Southeast quarter of Section 33, Township 25 South, Range 36 East, West of Interstate 95.

(Said property being a portion of the same lands as described in Official Records Book 5778, page 5325 of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2582.33 feet to a point on the Easterly projection of the existing Southerly right of way line of Viera Boulevard (lying West of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run North 88°01'08" West along said Easterly projection a distance of 156.44 feet to a point of intersection of said existing Southerly right of way line with the existing Westerly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence run South 14°31'08" East along said existing Westerly limited access right of way line a distance of 1253.01 feet; thence departing said existing Westerly limited access right of way line, run South 75°28'52" West perpendicular to said existing Westerly limited access right of way line a distance of 50.00 feet; thence run North 14°31'08" West parallel with and 50.00 feet Westerly of said existing right of way line a distance of 294.60 feet; thence run North 27°36'31" West a distance of 184.87 feet; thence run North 30°01'08" West a distance of 151.77 feet; thence run North 32°18'34" West a distance of 302.12 feet; thence run North 30°01'08" West a distance of 261.28 feet; thence run North 75°20'53" West a distance of 544.59 feet to a point lying 53.04 feet Southerly of, as measured by perpendicular measurement, to the aforesaid

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SECTION 70220
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existing Southerly right of way line of Viera Boulevard; thence run North 88°01'08" West parallel with said existing Southerly right of way line a distance of 98.33 feet; thence run North 01°58'52" East perpendicular to said existing Southerly right of way line a distance of 53.04 feet to a point on said existing Southerly right of way line; thence run South 88°01'08" East along said existing Southerly right of way line a distance of 885.77 feet to the Point of Beginning.

Containing 6.004 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: October 18, 2016

23-BREVARDUTL-10/11

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

SUBORDINATION OF COUNTY EASEMENT INTERESTS

THIS AGREEMENT, entered into this 7th day of March, 2017, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY presently has an easement interest in certain lands that have been determined necessary for highway purposes pursuant to that certain Grant Force Main Easements and Agreement recorded in Official Records Book 4164, Page 1195 and that certain Sanitary Sewer Easement recorded in Official Records Book 5831, Page 1097, of the Public Records of Brevard County, Florida (the "Easement"); and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the COUNTY to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the COUNTY's facilities, if any, located within the Easement Area (as defined below) relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, County and F.D.O.T. agree as follows:

THE COUNTY hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest under the Easement in the lands located in Brevard County, Florida and more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by this reference (the "Easement Area"):

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SECTION 70220
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PROVIDED that the COUNTY has the following rights:

1. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate road and utility facilities on, within, and upon the Easement Area in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed, but only to the extent such actions by the COUNTY are permitted under the Easement. However, the COUNTY shall not be required to upgrade the system in the event of modification of existing facilities. Any permitted new construction or relocation of facilities within Easement Area will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any permitted new construction or relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within the Easement Area, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the Easement held by Brevard County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The COUNTY shall have a reasonable right to enter upon the Easement Area for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities, and further provided that such actions by the COUNTY are permitted under the Easement Agreement.
4. The COUNTY agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
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IN WITNESS WHEREOF, the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tommy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tommy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
a political subdivision of the State of Florida

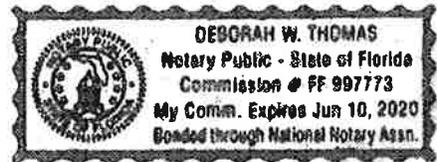
By: [Signature]
CURT SMITH CHAIRMAN
Its Chairperson
(or Vice-Chairperson)
Approved by Board 3-7-17.

ATTEST: [Signature]
SCOTT ELLIS, CLERK
Clerk (or Deputy Clerk)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017 by CURT SMITH, Chairperson (or Vice-Chairperson) of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, on behalf of the Board of County Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah W. Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____



PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 3

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

Norma Mejias
SIGNATURE LINE
PRINT/TYPE NAME: Norma Mejias

Crystal Bass
SIGNATURE LINE
PRINT/TYPE NAME: Crystal Bass

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

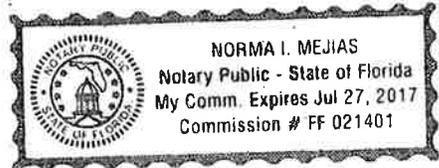
By: *[Signature]*
Frank J. O'Dea, P.E.
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

Legal Review
By: *[Signature]*
Office of the General Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 15 day of March, 2017,
by Frank J. O'Dea, P.E., District Director of Transportation Development for District Five, who is personally known to
me or who has produced _____ as identification.

Norma I. Mejias
PRINT/TYPE NAME: Norma I. Mejias
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____



ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337.27 F.S.
[Signature]
FL D.O.T.

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 5

EXHIBIT "A"

PARCEL NO. 102

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 25 South, Range 36 East lying East of I-95; West of the Plat of Star Rush Drive as recorded in Plat Book 46, Page 100; North of the Plat of Bayhill at Viera West Phase Three as recorded in Plat Book 46, Page 91-92; South of Viera Boulevard as shown on the Plat of Viera Boulevard Extension as recorded in Plat Book 57, Page 40 and Official Records Book 3304, Page 4601 all as recorded in the Public Records of Brevard County, Florida.

(Said property being a portion of the same lands as described in Official Records Book 3231, Page 1003 and re-recorded in Official Records Book 3256, Page 1328 of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2582.34 feet to a point on the Westerly projection of the existing Southerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 87°59'39" East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Southerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence continue South 87°59'39" East along said existing Southerly right of way line a distance of 721.29 feet; thence departing said existing Southerly right of way line, run South 02°00'21" West perpendicular to said existing Southerly right of way line a distance of 60.00 feet; thence run North 87°59'39" West parallel with and 60.00 feet Southerly of said existing Southerly right of way line a distance of 200.00 feet; thence South 80°41'45" West a distance of 254.95 feet; thence South 09°08'13" West a distance of 272.14 feet; thence South 02°59'39" East a distance of 316.76 feet to the point of curvature of a curve concave Easterly having a radius of

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 6

2198.00 feet and a chord bearing South 08°45'23" East; thence run Southerly along the arc of said curve through a central angle of 11°31'29" a distance of 442.11 feet to the end of said curve; thence departing said curve from a tangent bearing of South 14°31'08" East, run South 75°28'52" West radial to said curve a distance of 12.00 feet to a point on said existing Easterly limited access right of way line of State Road No. 9 (Interstate 95); thence run North 14°31'08" West along said existing Easterly limited access right of way line a distance of 1181.41 feet to the Point of Beginning.

Containing 3.478 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: February 1, 2017

36-SUB08-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County,
Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said
County to execute and deliver to the State of Florida Department of Transportation a
subordination of utility interest, or interests, in favor of the State of Florida Department of
Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard
County, Florida, that the application of the State of Florida Department of Transportation for a
subordination of utility interest, or interests, is for transportation purposes which are in the public
or community interest and for public welfare; that a subordination of utility interest, or interests, in
favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be
drawn and executed by CURT SMITH, on behalf of this Board of County
Commissioners.

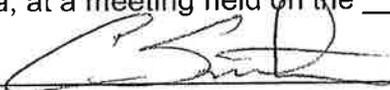
PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238 1
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of BREVARD County, Florida, at a meeting held on the 7 day of MARCH, 2017.



CURT SMITH, CHAIRMAN

Board of County Commissioners
Brevard County, Florida

Approved by Board 3-7-17

ATTEST:



SCOTT ELLIS, CLERK

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337, 27 F.S.

MW
FL D.O.T.

36-SUB07-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

COUNTY SUBORDINATION AGREEMENT

THIS AGREEMENT Made this 7th day of March, 2017, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of a certain emergency access and maintenance easement pursuant to that certain Plat of Star Rush Drive Extension dated May 16, 2002, and recorded in Plat Book 48, Page 57, of the Public Records of Brevard County, Florida and (said easement being referred to herein as the "Easement"),

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Brevard County is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

PARCEL NO. 103

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 36 East lying

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
PAGE 2

East of I-95; South and West of Plat Book 48, Pages 57-59; and North of Official Records Book 3304, Page 4601, and Plat Book 57, Page 40 all as recorded in the Public Records of Brevard County, Florida.

AND

Tract "A", Star Rush Drive Extension, according to the plat thereof, as recorded in Plat Book 48, Pages 57-59 of the Public records of Brevard County, Florida.

(Said property being a portion of the same lands as described in Official Records Book 2812, page 2061; Official Records Book 3231, Page 1003; and re-recorded in Official Records Book 3256, Page 1328 all of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2425.88 feet to a point on the Westerly projection of the existing Northerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 87°59'39" East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Northerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence run North 14°31'08" West along said existing Easterly limited access right of way line a distance of 1144.49 feet; thence departing said existing Easterly limited access right of way line, run North 75°28'52" East perpendicular to said existing Easterly limited access right of way line a distance of 12.00 feet to the beginning of a non-tangent curve concave Easterly having a radius of 2198.00 feet and a chord bearing of South 22°13'56" East; thence from a tangent bearing of South 14°31'08" East, run Southerly along the arc of said curve through a central angle of 15°25'37" a distance of 591.81 feet to the end of said curve; thence departing said curve from a tangent bearing of South 29°56'45" East, run South 32°17'27" East a distance of 238.90 feet; thence South 60°00'21" West a distance of 63.57 feet; thence South 29°59'39" East a distance of 251.22 feet; thence South 73°29'48" East a distance of 121.90 feet to a point lying 88.01 feet Northerly of, as measured by perpendicular measurement, to the aforesaid Northerly right of way line of Viera Boulevard; thence run South 87°59'39" East, parallel with said

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
PAGE 3

existing Northerly right of way line of Viera Boulevard a distance of 505.74 feet; thence run South 02°00'21" West perpendicular to said existing Northerly right of way line a distance of 88.01 feet to a point on said existing Northerly right of way line; thence run North 87°59'39" West along said existing Northerly right of way line a distance of 765.79 feet to the Point of Beginning.

Containing 3.627 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: September 16, 2016

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tammy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA,
a political subdivision of the State of Florida

By: Curt Smith
CURT SMITH CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST:

Scott Ellis
SCOTT ELLIS, CLERK

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
PAGE 4

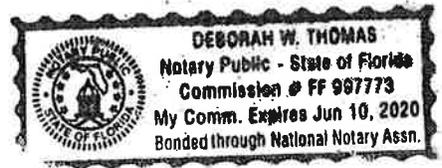
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT SMITH, as Chairperson (or Vice-Chairperson) of the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, on behalf of the Board of Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS

PRINT/TYPE NAME: Deborah W. Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337.27 F.S.
mw
FL D.O.T.



36-SUB08-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S. Woodland Blvd
R/W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County,
Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said
County to execute and deliver to the State of Florida Department of Transportation a
subordination of utility interest, or interests, in favor of the State of Florida Department of
Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard
County, Florida, that the application of the State of Florida Department of Transportation for a
subordination of utility interest, or interests, is for transportation purposes which are in the public
or community interest and for public welfare; that a subordination of utility interest, or interests, in
favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be
drawn and executed by CURT SMITH, on behalf of this Board of County
Commissioners.

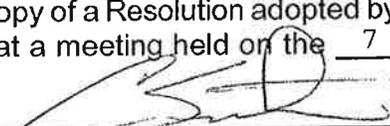
PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238 1
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida, at a meeting held on the 7 day of March, 2017.


CURT SMITH CHAIRMAN

Board of County Commissioners
Brevard County, Florida
Approved by Board 3-7-17

ATTEST:


SCOTT ELLIS, CLERK

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337. 27 F.S.

MW
FL D.O.T.

36-SUB07-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

COUNTY SUBORDINATION AGREEMENT

THIS AGREEMENT Made this 24 day of March, 2017, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of a certain emergency access and maintenance easement pursuant to that certain Plat of Star Rush Drive Extension dated May 16, 2002, and recorded in Plat Book 48, Page 57, of the Public Records of Brevard County, Florida and (said easement being referred to herein as the "Easement"),

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Brevard County is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

PARCEL NO. 800
DRAINAGE EASEMENT

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 36 East lying

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 2

East of I-95; South and West of Plat Book 48, Pages 57-59; and North of Official Records Book 3304, Page 4601, and Plat Book 57, Page 40 all as recorded in the Public Records of Brevard County, Florida.

AND

Tract "A", Star Rush Drive Extension, according to the plat thereof, as recorded in Plat Book 48, Pages 57-59 of the Public records of Brevard County, Florida.

(Said property being a portion of the same lands as described in Official Records Book 2812, page 2061; Official Records Book 3231, Page 1003; and re-recorded in Official Records Book 3256, Page 1328 all of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2425.88 feet to a point on the Westerly projection of the existing Northerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 87°59'39" East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Northerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95); thence continue South 87°59'39" East along said existing Northerly right of way line a distance of 765.79 for a Point of Beginning; thence departing said existing Northerly right of way line, run North 02°00'21" East perpendicular to said existing Northerly right of way a distance of 88.01 feet; thence run North 87°59'39" West parallel with and 88.01 feet Northerly of said existing Northerly right of way line a distance of 505.74 feet; thence run North 73°29'48" West a distance of 121.90 feet; thence run North 29°59'39" West a distance of 251.22 feet; thence run North 60°00'21" East a distance of 333.92 feet; thence run South 50°00'16" East parallel with and 100.00 feet Southwesterly of the Southwesterly line of Tract "A", Star Rush Drive Extension, according to the plat there of, as recorded in Plat Book 48, Pages 57-5 of the Public Records of Brevard County, Florida a distance of 267.10 feet; thence run North 39°59'44" East perpendicular to said Southwesterly line of Tract "A" a distance of 159.04 feet; thence run South 50°00'16" East parallel with and 59.04 feet Northeasterly of the Southwesterly line of Tract "A" a distance of 100.00 feet;

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 3

thence run South 39°59'44" West perpendicular to said Southwesterly line of Tract "A" a distance of 159.04 feet; thence run South 50°00'16" East parallel with and 100.00 feet Southwesterly of the Southwesterly line of Tract "A" a distance of 459.07 feet to a point on the aforesaid existing Northerly right of way line of Viera Boulevard; thence run North 87°59'39" West along said existing Northerly right of way line a distance of 177.42 feet to the Point of Beginning.

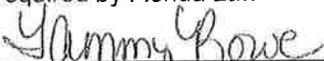
Containing 4.907 acres, more or less.

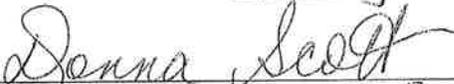
This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: September 16, 2016

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

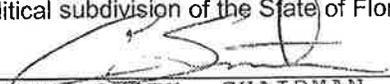
IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law


SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe


SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA,
a political subdivision of the State of Florida

By: 
CURT SMITH, CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST:


SCOTT ELLIS, CLERK

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 4

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT CURT SMITH, as Chairperson (or Vice-Chairperson) of the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, on behalf of the Board of Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS

PRINT/TYPE NAME: Deborah Thomas

Notary Public in and for the

County and State last aforesaid.

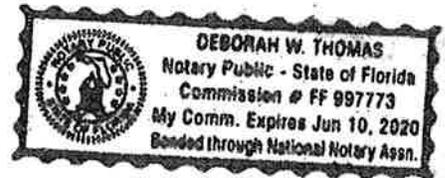
My Commission Expires: June 10, 2020

Serial No., if any: _____

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 397. 27 F.S.

mw

L.D.O.T.

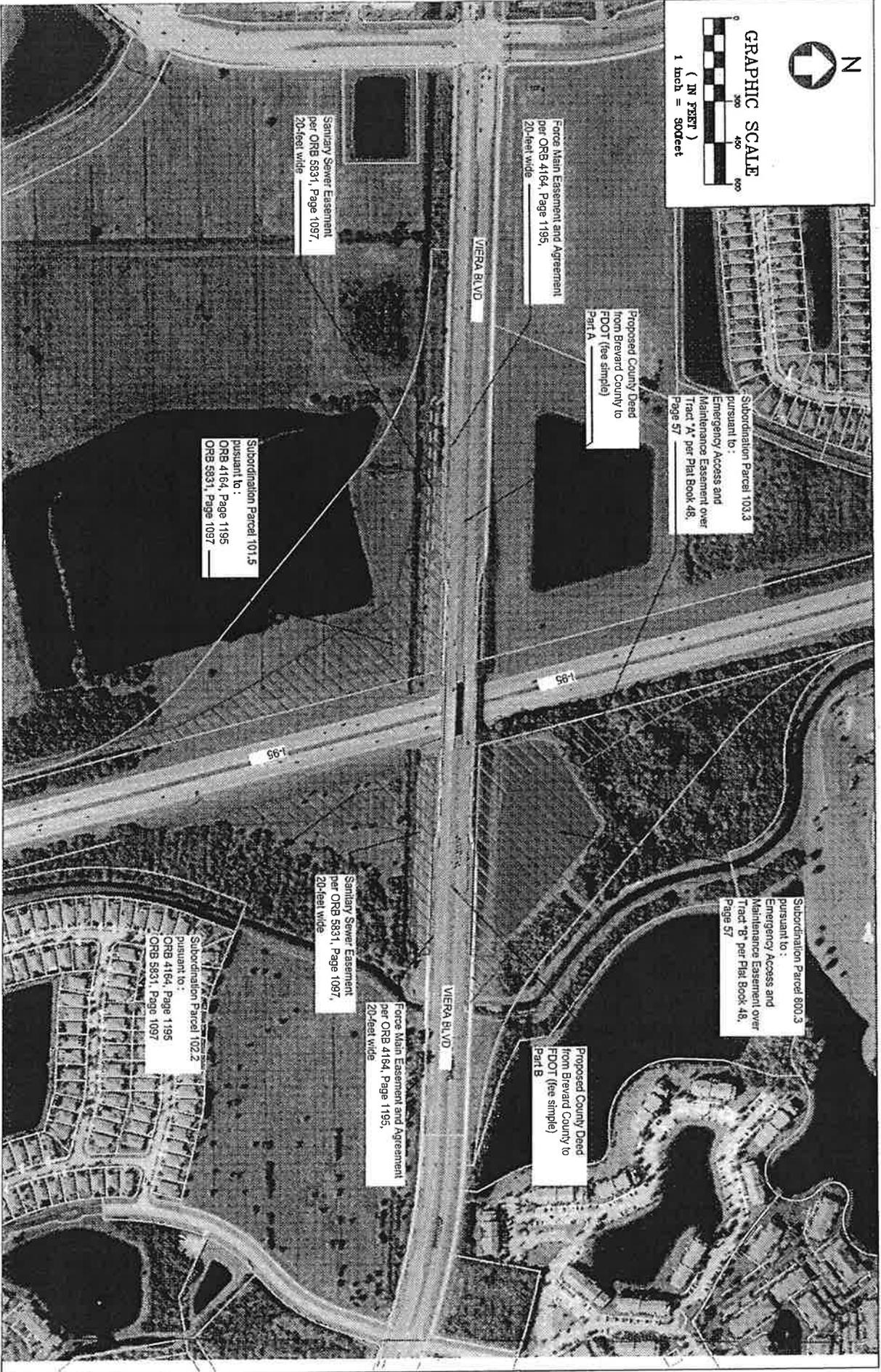




GRAPHIC SCALE



(IN FEET)
1 inch = 300feet



Subordination Parcel 103.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract 'A' per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (see simple)
Part A

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-foot wide

VIERA BLVD

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-foot wide

Subordination Parcel 101.5
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

Subordination Parcel 800.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract 'B' per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (see simple)
Part B

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-foot wide

VIERA BLVD

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-foot wide

Subordination Parcel 102.2
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

1-95

1-95

36-SUB07-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

COUNTY SUBORDINATION AGREEMENT

THIS AGREEMENT Made this 7th day of March, 2017, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of a certain emergency access and maintenance easement pursuant to that certain Plat of Star Rush Drive Extension dated May 16, 2002, and recorded in Plat Book 48, Page 57, of the Public Records of Brevard County, Florida and (said easement being referred to herein as the "Easement"),

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Brevard County is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

PARCEL NO. 800
DRAINAGE EASEMENT

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 36 East lying

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 2

East of I-95; South and West of Plat Book 48, Pages 57-59; and North of Official Records Book 3304, Page 4601, and Plat Book 57, Page 40 all as recorded in the Public Records of Brevard County, Florida.

AND

Tract "A", Star Rush Drive Extension, according to the plat thereof, as recorded in Plat Book 48, Pages 57-59 of the Public records of Brevard County, Florida.

(Said property being a portion of the same lands as described in Official Records Book 2812, page 2061; Official Records Book 3231, Page 1003; and re-recorded in Official Records Book 3256, Page 1328 all of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2425.88 feet to a point on the Westerly projection of the existing Northerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 87°59'39" East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Northerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95); thence continue South 87°59'39" East along said existing Northerly right of way line a distance of 765.79 for a Point of Beginning; thence departing said existing Northerly right of way line, run North 02°00'21" East perpendicular to said existing Northerly right of way a distance of 88.01 feet; thence run North 87°59'39" West parallel with and 88.01 feet Northerly of said existing Northerly right of way line a distance of 505.74 feet; thence run North 73°29'48" West a distance of 121.90 feet; thence run North 29°59'39" West a distance of 251.22 feet; thence run North 60°00'21" East a distance of 333.92 feet; thence run South 50°00'16" East parallel with and 100.00 feet Southwesterly of the Southwesterly line of Tract "A", Star Rush Drive Extension, according to the plat thereof, as recorded in Plat Book 48, Pages 57-5 of the Public Records of Brevard County, Florida a distance of 267.10 feet; thence run North 39°59'44" East perpendicular to said Southwesterly line of Tract "A" a distance of 159.04 feet; thence run South 50°00'16" East parallel with and 59.04 feet Northeasterly of the Southwesterly line of Tract "A" a distance of 100.00 feet;

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 3

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Containing 4.907 acres, more or less.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: September 16, 2016

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tammy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA,
a political subdivision of the State of Florida

By: Curt Smith
CURT SMITH, CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST:

Scott Ellis
SCOTT ELLIS, CLERK

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 4

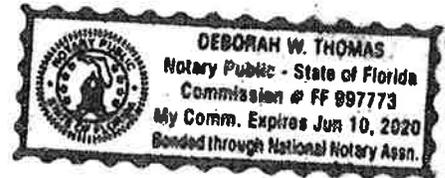
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT CURT SMITH, as Chairperson (or Vice-Chairperson) of the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, on behalf of the Board of Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 397.27 F.S.

mw
C.D.O.T.

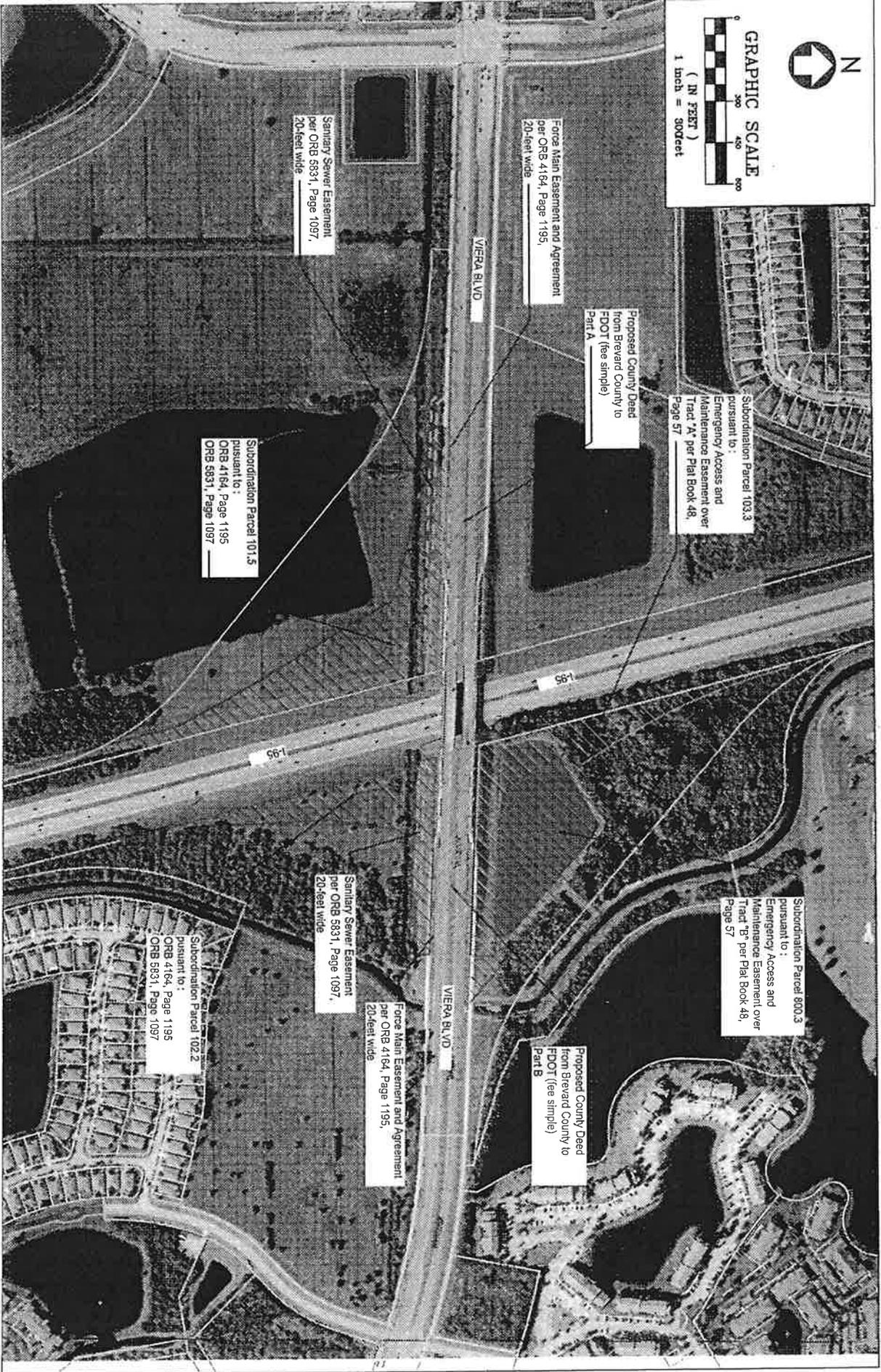




GRAPHIC SCALE

(IN FEET)

1 inch = 300feet



Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-feet wide

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-feet wide

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part A

Subordination Parcel 103.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract 'A' per Plat Book 48,
Page 57

Subordination Parcel 101.5
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

Subordination Parcel 800.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract 'B' per Plat Book 48,
Page 57

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-feet wide

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-feet wide

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part B

Subordination Parcel 102.2
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

VIERA BLVD

VIERA BLVD

1-95

1-95

36-SUB07-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

TAX EXEMPT
F.S. 337.27

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
STATE ROAD 9
COUNTY BREVARD

Please Return To:
Fla Department of Transportation
719 S Woodland Blvd
R / W Records Mgmt, MS 551
DeLand, FL 32720-6834
Attn: S. Hutchison

COUNTY SUBORDINATION AGREEMENT

THIS AGREEMENT Made this 7th day of March, 2017, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of a certain emergency access and maintenance easement pursuant to that certain Plat of Star Rush Drive Extension dated May 16, 2002, and recorded in Plat Book 48, Page 57, of the Public Records of Brevard County, Florida and (said easement being referred to herein as the "Easement"),

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Brevard County is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

PARCEL NO. 800
DRAINAGE EASEMENT

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 36 East lying

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 2

East of I-95; South and West of Plat Book 48, Pages 57-59; and North of Official Records Book 3304, Page 4601, and Plat Book 57, Page 40 all as recorded in the Public Records of Brevard County, Florida.

AND

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(Said property being a portion of the same lands as described in Official Records Book 2812, page 2061; Official Records Book 3231, Page 1003; and re-recorded in Official Records Book 3256, Page 1328 all of the Public Records of Brevard County, Florida.)

Described as follows:

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PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 3

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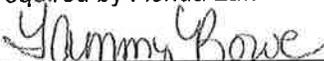
Containing 4.907 acres, more or less.

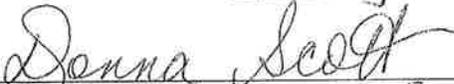
This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: September 16, 2016

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

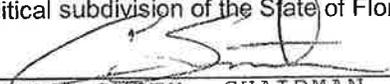
IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law


SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe


SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA,
a political subdivision of the State of Florida

By: 
CURT SMITH, CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST:


SCOTT ELLIS, CLERK

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 4

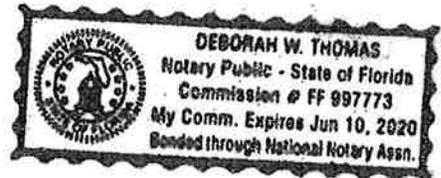
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT CURT SMITH, as Chairperson (or Vice-Chairperson) of the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, on behalf of the Board of Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah Thomas
Notary Public in and for the
County and State last aforesaid
My Commission Expires: June 10, 2020
Serial No., if any: _____

ACQUISITION OF THIS LAND IS
NECESSARY FOR R/W PURPOSES
UNDER THREAT OF CONDEMNATION
PURSUANT TO SEC. 337. 27 F.S.

D.W.T.
L.D.O.T.





GRAPHIC SCALE



(IN FEET)
1 Inch = 300feet

Subordination Parcel 103.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract 'A' per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part A

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-foot wide

VIERA BLVD

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-foot wide

Subordination Parcel 101.5
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

Subordination Parcel 800.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract 'B' per Plat Book 48,
Page 57

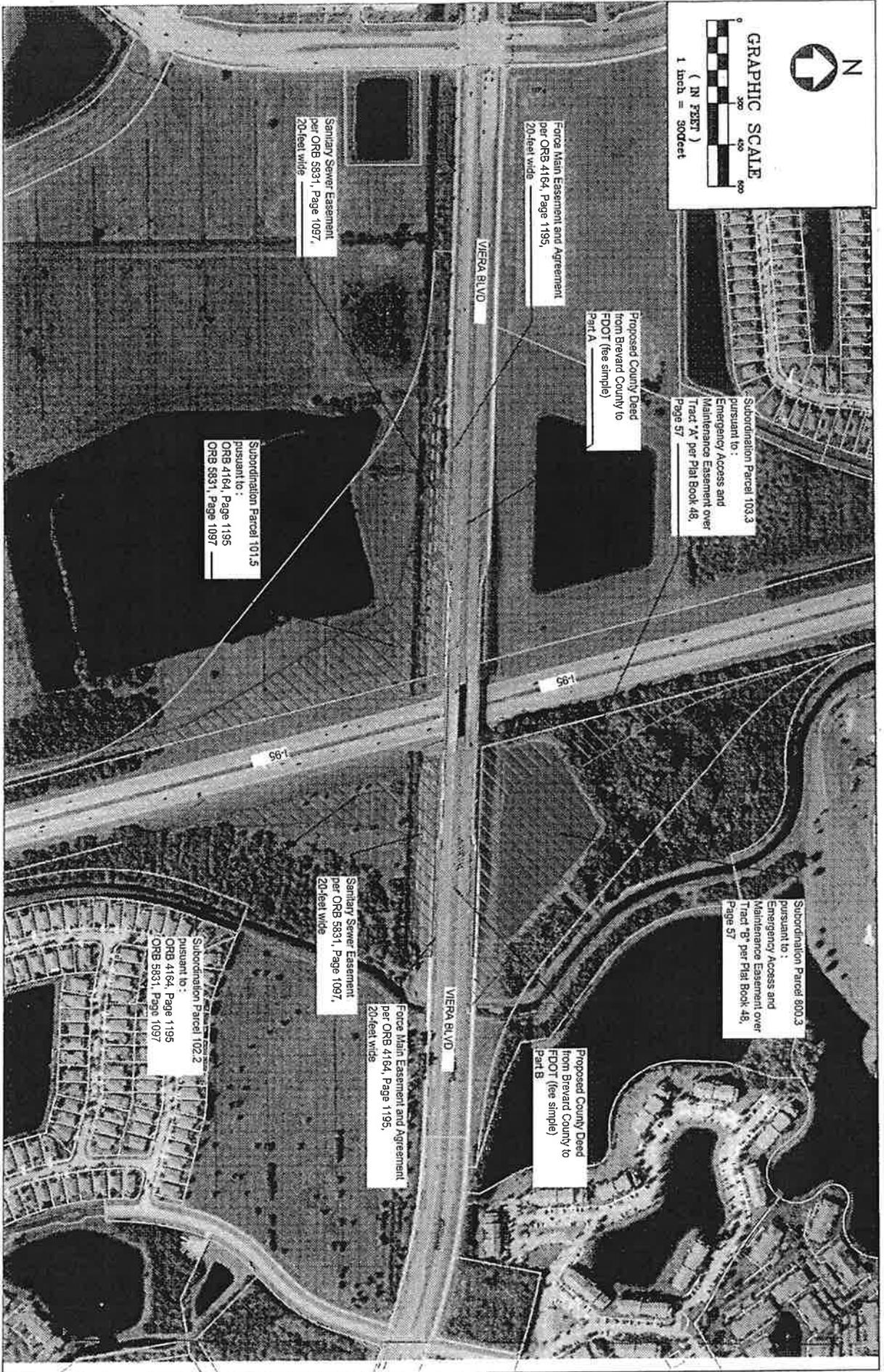
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from Brevard County to
FDOT (fee simple)
Part B

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-foot wide

VIERA BLVD

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-foot wide

Subordination Parcel 102.2
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097





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

March 8, 2017

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.6., Resolutions and County Subordinations of Force Main Easements with Florida Department of Transportation (FDOT), for Interchange at Viera Boulevard; and Resolutions and Emergency Access and Maintenance Easements with Florida Department of Transportation (FDOT) for Part of Plat of Star Rush Drive Extension

The Board of County Commissioners, in regular session on March 7, 2017, adopted Resolution Nos. 17-038, 17-039, 17-040, and 17-041, and executed County Subordination Agreements for Parcels 101.5, 102.2, 103.3, and 800.3, Section 70220 F.P. No. 428238 1 FDOT plans for the interchange of I-95 at Viera Boulevard. Enclosed are fully-executed Resolutions for each Parcel, two fully-executed County Subordination Agreements, and two executed Subordination of County Easement Interests.

Upon execution of the Subordination of County Easement Interests by FDOT, and recordation of all documents, please return fully-executed Subordinations and Resolutions to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (8)

cc: Utility Services Director
Contracts Administration
Asset Management

old

36-SUB08-06/03

January 17, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County,
Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said
County to execute and deliver to the State of Florida Department of Transportation a
subordination of utility interest, or interests, in favor of the State of Florida Department of
Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard
County, Florida, that the application of the State of Florida Department of Transportation for a
subordination of utility interest, or interests, is for transportation purposes which are in the public
or community interest and for public welfare; that a subordination of utility interest, or interests,
in favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be
drawn and executed by CURT SMITH, on behalf of this Board of County
Commissioners.

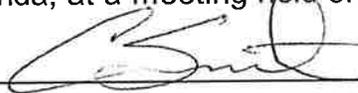
PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

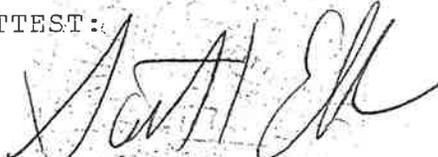
I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida, at a meeting held on the 7 day of March, 2017.



CURT SMITH, CHAIRMAN

Board of County Commissioners
Brevard County, Florida
Approved by Board 3-7-17

ATTEST:



SCOTT ELLIS, CLERK

23-BREVARDUTL-10/11

January 17, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 101.5

SECTION 70220

F.P. NO. 428238 1

STATE ROAD 9

COUNTY BREVARD

SUBORDINATION OF COUNTY EASEMENT INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY presently has an easement interest in certain lands that have been determined necessary for highway purposes pursuant to that certain Grant Force Main Easements and Agreement recorded in Official Records Book 4164, Page 1195 and that certain Sanitary Sewer Easement recorded in Official Records Book 5831, Page 1097, of the Public Records of Brevard County, Florida (the "Easement"); and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the COUNTY to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the COUNTY's facilities, if any, located within the Easement Area (as defined below) relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, County and F.D.O.T. agree as follows:

THE COUNTY hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest under the Easement in the lands located in Brevard County, Florida and more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by this reference (the "Easement Area"):

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
PAGE 2

PROVIDED that the COUNTY has the following rights:

1. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate road and utility facilities on, within, and upon the Easement Area in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed, but only to the extent such actions by the COUNTY are permitted under the Easement. However, the COUNTY shall not be required to upgrade the system in the event of modification of existing facilities. Any permitted new construction or relocation of facilities within Easement Area will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any permitted new construction or relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within the Easement Area, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the Easement held by Brevard County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The COUNTY shall have a reasonable right to enter upon the Easement Area for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The COUNTY agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
PAGE 4

IN WITNESS WHEREOF, the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA
a political subdivision of the State of Florida

Tammy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

By: [Signature]
CURT SMITH, CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST: [Signature]
SCOTT ELLIS, CLERK
Clerk (or Deputy Clerk)

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017 by CURT SMITH, Chairperson (or Vice-Chairperson) of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, on behalf of the Board of County Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____



PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
PAGE 3

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

SIGNATURE LINE
PRINT/TYPE NAME: _____

By: _____
Frank J. O'Dea, P.E.
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

SIGNATURE LINE
PRINT/TYPE NAME: _____

Legal Review

By: _____
Office of the General Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, _____,
by Frank J. O'Dea, P.E., District Director of Transportation Development for District Five, who is personally known to
me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
PAGE 5

EXHIBIT "A"

PARCEL NO. 101

SECTION 70220
F.P. NO. 428238-1

That part of:

The Southwest quarter of the Northeast quarter of Section 33, Township 25 South, Range 36 East, South of Viera Boulevard and West of Interstate 95; the Southeast quarter of the Northwest quarter of Section 33, Township 25 South, Range 36 East, South of Viera Boulevard; the Northeast quarter of the Southwest quarter of Section 33, Township 25 South, Range 36 East; and the Northwest quarter of the Southeast quarter of Section 33, Township 25 South, Range 36 East, West of Interstate 95.

(Said property being a portion of the same lands as described in Official Records Book 5778, page 5325 of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2582.33 feet to a point on the Easterly projection of the existing Southerly right of way line of Viera Boulevard (lying West of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run North 88°01'08" West along said Easterly projection a distance of 156.44 feet to a point of intersection of said existing Southerly right of way line with the existing Westerly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence run South 14°31'08" East along said existing Westerly limited access right of way line a distance of 1253.01 feet; thence departing said existing Westerly limited access right of way line, run South 75°28'52" West perpendicular to said existing Westerly limited access right of way line a distance of 50.00 feet; thence run North 14°31'08" West parallel with and 50.00 feet Westerly of said existing right of way line a distance of 294.60 feet; thence run North 27°36'31" West a distance of 184.87 feet; thence run North 30°01'08" West a distance of 151.77 feet; thence run North 32°18'34" West a distance of 302.12 feet; thence run North 30°01'08" West a distance of 261.28 feet; thence run North 75°20'53" West a distance of 544.59 feet to a point lying 53.04 feet Southerly of, as measured by perpendicular measurement, to the aforesaid

PARCEL NO. 101.5
SECTION 70220
F.P. NO. 428238 1
PAGE 6

existing Southerly right of way line of Viera Boulevard; thence run North 88°01'08" West parallel with said existing Southerly right of way line a distance of 98.33 feet; thence run North 01°58'52" East perpendicular to said existing Southerly right of way line a distance of 53.04 feet to a point on said existing Southerly right of way line; thence run South 88°01'08" East along said existing Southerly right of way line a distance of 885.77 feet to the Point of Beginning.

Containing 6.004 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: October 18, 2016

This Instrument Prepared By:
Jay A. Decator, III, Esq.
A. Duda & Sons, Inc.
7380 Murrell Rd., Ste 201
Viera, Florida 32940



CFN:2000090021 05-16-2000 02:29 pm
OR Book/Page: 4164 / 1195

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 17 #Names: 3
Trust: 9.00 Rec: 69.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

GRANT OF FORCE MAIN EASEMENTS AND AGREEMENT

THIS GRANT OF FORCE MAIN EASEMENTS AND AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into as of the 9th day of May, 2000, by and between A. DUDA & SONS, INC., a Florida corporation (hereinafter individually referred to as "ADS"), THE VIERA COMPANY, a Florida corporation (hereinafter individually referred to as "TVC") (ADS and TVC hereinafter being collectively referred to as "Grantors") and COUNTY OF BREVARD, a political subdivision of the State of Florida (hereinafter referred to as "Grantee").

R E C I T A L S

A. ADS is the owner of a certain twenty foot (20') wide strip of real property lying westerly of Interstate 95 and TVC is the owner of a certain twenty foot (20') wide strip of real property lying easterly of Interstate 95, which strips of real property are more particularly described on Exhibit "A-1" and Exhibit "A-2", respectively, attached hereto and made a part hereof, (hereinafter collectively referred to as the "Easement Premises").

B. The Viera East Community Development District (hereinafter referred to as the "VECDD") has constructed and installed an underground sixteen inch (16") sanitary sewer force main and appurtenant improvements within the Easement Premises (hereinafter referred to as the "Force Main Improvements").

C. VECDD desires to transfer and convey the Force Main Improvements to Grantee and, in connection therewith, VECDD has requested that Grantors grant to Grantee an easement and associated rights with respect to operating and maintaining the Force Main Improvements within the Easement Premises as part of Grantee's public wastewater collection and processing system.

D. Grantors have agreed to grant to Grantee such an easement and associated rights, together with an easement for the installation and maintenance of a force main for the conveyance of treated effluent known as "reclaimed water" (hereinafter referred to as the "Reclaimed Water Force Main", in accordance with the terms and conditions hereof.

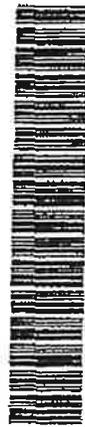
NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, Grantors and Grantee hereby agree as follows:

RECORDED
MAY 16 2000
11:50 AM

1. Recitals. The Recitals set forth hereinabove are true and correct in all respects and are incorporated herein by reference as fully as if set forth herein verbatim.

2. Grant of Easements. Grantors for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, to them in hand paid by Grantee, the receipt whereof is hereby acknowledged, do hereby grant, bargain and sell unto Grantee, its successors and assigns, (i) a non-exclusive easement to operate, repair, replace and maintain the Force Main Improvements for the conveyance of wastewater upon, under and through the Easement Premises, and (ii) a non-exclusive easement to install, construct, operate, repair, replace and maintain the Reclaimed Water Force Main; together with the right of ingress and egress over, across and upon the Easement Premises to the extent necessary to operate, repair, replace and maintain the Force Main Improvements and to install, construct, operate, repair, replace and maintain the Reclaimed Water Force Main (hereinafter collectively referred to as the "Force Main Easement"). Any use of the Easement Premises other than in strict accordance with the terms and conditions of this Agreement without the prior written consent of Grantors, is expressly prohibited hereunder and shall constitute an over-burdening of the Force Main Easement.

3. Grantors' Use of the Easement Premises. The Force Main Easement hereby granted to Grantee is non-exclusive and subject to all covenants, conditions, restrictions, reservations, easements, agreements and other matters recorded in the Public Records of Brevard County, Florida, the foregoing mention of which shall not operate to reimpose same, provided, however, that Grantors warrant the title to the easement interest conveyed hereby subject to such matters of record and Grantors represent and warrant to Grantee that no such matter shall prohibit or preclude Grantee's use of the Easement Premises for the uses and purposes contemplated under the Force Main Easement and that Grantors are the fee simple owners of their respective portions of the Easement Premises and have full right, title and capacity to grant the Force Main Easement described herein. The Force Main Easement hereby granted shall not restrict or limit in any way the right and interest of each of the Grantors in the use and quiet enjoyment of that portion of the Easement Premises owned by such Grantor for any lawful purpose whatsoever which does not unreasonably interfere with Grantee's use and enjoyment of the Force Main Easement. Without limiting the generality of the foregoing, each of the Grantors hereby expressly reserves the right to utilize the Easement Premises and any part thereof for agricultural purposes (including, without limitation, sod, crop and livestock production), the construction and installation of roadways, streets, sidewalks, stormwater drainage facilities, utilities, signage, and related improvements (and in connection therewith to install, maintain, repair and improve such facilities). In no event, however, shall Grantors construct or permit to be constructed, any buildings within the Easement Premises and Grantors shall not install or permit the



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installation of landscaping (other than sod and ordinary shrubbery), walls or fences (other than agricultural wire fencing or walls and fences which only intersect with and traverse the Easement Premises at right or other angles). Each of the Grantors further reserves the right, subject to the Force Main Easement granted to Grantee hereunder, to grant additional easements, rights-of-way, and licenses, with respect to that part of the Easement Premises owned by such Grantor, to other parties and to include such portion of the Easement Premises, in whole or in part, within one or more subdivision plats hereafter recorded in the Public Records of Brevard County, Florida. In connection with any subsequent subdivision plat including the Easement Premises or any part thereof, Grantee agrees to promptly join in any such plat for the sole and limited purpose of consenting to the inclusion of the Easement Premises or any part thereof on such plat, if and to the extent such joinder is required by Brevard County or any other governmental authority.

4. Maintenance and Replacement of the Force Main Improvements.

a. The Force Main Improvements, the Reclaimed Water Force Main (to the extent the Reclaimed Water Force Main is hereafter installed or constructed by Grantee), and any replacements thereof hereafter constructed or installed within the Easement Premises pursuant to this Force Main Easement shall be continuously maintained by Grantee, at its sole cost and expense, in safe condition and good repair in strict accordance with all applicable governmental and regulatory requirements.

b. The Reclaimed Water Force Main and any and all replacements of the Force Main Improvements or any part thereof, shall be located underground and such replacements and all structures appurtenant thereto located within the Easement Premises shall be constructed or installed by Grantee in accordance with plans, drawings and specifications submitted by Grantee to Grantors and approved by Grantors prior to the commencement of any construction or installation of any such installation, construction or replacement, which approval shall not be unreasonably withheld. Notwithstanding the foregoing, however, Grantors agree that with respect to any replacement of the Force Main Improvements, Grantee will be obligated to submit plans for approval by Grantors only with respect to that portion of the replacement work which differs from the original Force Main Improvements in terms of location, depth and relative elevations. In any event, however, the Reclaimed Water Force Main and any replacement thereof or of the Force Main Improvements shall be constructed so that the top of such main shall be not less than thirty-six inches (36") below the then existing surface grade, except where such main intersects with a then existing drainage pipe, canal, ditch or swale, in which case there shall be a minimum ground cover of thirty-six inches (36") between the top of any replacement main and the bottom of such drainage conveyances. All drainage conveyances intersected by the Reclaimed Water Force Main or any replacement thereof or of



the Force Main Improvements shall be plainly marked at the point of intersection with a sign indicating the presence of such main. Grantee shall be solely responsible for obtaining all governmental permits and approvals necessary to construct the Reclaimed Water Main or any replacement thereof or of the Force Main Improvements and for complying with any and all conditions imposed in connection with such permits and approvals at Grantee's sole cost and expense.

c. Upon the completion of construction with respect to the Reclaimed Water Force Main or any replacement thereof or of the Force Main Improvements, in whole or part, or any other work performed by Grantee upon the Easement Premises, Grantee shall promptly (i) remove all construction debris and equipment, (ii) fill and compact all excavations, and (iii) grade, level and restore the Easement Premises to its condition and topography existing before such work, including the repair, restoration and reconstruction of all pasture, crops, drainage ditches, swales, fencing, roadways, sidewalks, driveways, landscaping, and other improvements destroyed, damaged or disturbed by Grantee's work to their condition existing prior to such destruction, damage or disturbance. During the period any street, road, fence, wall or drainage conveyance is cut or obstructed to facilitate Grantee's work, Grantee shall install and maintain temporary measures to facilitate the flow of traffic, prevent the loss of livestock and facilitate the flow of surface and stormwater at all times until such improvements are repaired, restored or reconstructed and fully operational. All repairs, reconstruction or restoration of such improvements shall be at Grantee's sole cost and expense.

d. Grantee shall provide Grantors with not less than two (2) days written notice of its intent to enter upon the Easement Premises to install or construct the Reclaimed Water Force Main, to repair or replace any part of the Force Main Improvements or the Reclaimed Water Force Main, or to commence any excavation within the Easement Premises in connection therewith. Ordinary inspections and general maintenance of the Force Main Improvements and the Reclaimed Water Force Main (to the extent hereafter constructed by Grantee) may be performed by Grantee without prior notice to Grantors. In the event of an emergency, Grantee may enter upon the Easement Premises and undertake such work as is necessary to resolve such emergency without prior notification of Grantors, provided Grantee thereafter promptly notifies Grantors of such emergency and the measures undertaken by Grantee in connection therewith. All work by Grantee, its contractors, subcontractors and agents, including repair, reconstruction or restoration work required under subparagraph 4(c) hereinabove, shall be performed and completed in a diligent, safe and workmanlike manner in accordance with all applicable governmental and regulatory requirements. Grantee's employees and contractors shall comply with the so-called "Ranch Rules" attached hereto as Exhibit "B" and made a part hereof, whenever entering upon that portion of the Easement Premises owned by ADS, provided, however, that in the event of an



emergency, Grantee's employees and contractors shall not be required to comply with such rules regarding notification of the "Ranch" and registration at the "Ranch Office".

e. By acceptance hereof, Grantee acknowledges and understands that Grantors own lands adjacent to and in the vicinity of the Easement Premises, which lands are within the Viera Development of Regional Impact and therefor are likely to be hereafter developed. To facilitate such development, Grantee further acknowledges and understands that it may become necessary or desirable to reconfigure the Force Main Improvements and/or the Reclaimed Water Force Main, or a part thereof within the Force Main Easement or to relocate the Force Main Easement and/or the Reclaimed Water Force Main in whole or in part. Each of the Grantors hereby reserves the right to reconfigure the Force Main Improvements and the Reclaimed Water Force Main within the Easement Premises or to relocate the Force Main Easement, together with the Force Main Improvements and the Reclaimed Water Force Main, to the extent either of the Grantors may from time to time determine is necessary or desirable, provided, however, that (i) such Grantor prepares and furnishes to Grantee all applicable plans, specifications and construction drawings prepared by a registered professional engineer licensed in the State of Florida, depicting and describing the proposed reconfiguration and/or re-location, and obtained Grantee's approval of the proposed reconfiguration and/or relocation, which approval shall not be unreasonably withheld, (ii) such work disrupts Grantee's public wastewater collection, treatment and reclaimed water distribution system only to the extent permitted by Grantee, (iii) such Grantor coordinates all work with Grantee so as to minimize and control such disruption of Grantee's public wastewater collection, treatment, and reclaimed water distribution system, (iv) this Agreement is revised in a manner acceptable to Grantee and such revision is recorded in the Public Records of Brevard County, Florida so that the easements and associated rights granted to Grantee hereunder with respect to the Easement Premises operate and apply to any relocation of the Easement Premises in all respects, and (v) Grantee shall not be responsible for any part of the work necessitated by such reconfiguration and/or relocation or any cost and expense thereof, except to the extent Grantee specifically agrees otherwise in writing.

5. Default. In the event of a breach or violation of any of the terms and conditions of this Agreement, Grantors and Grantee shall have the right, but not the duty, to enforce such terms and conditions by a proceeding or action at law or in equity against the defaulting party, including but not limited to actions for mandatory injunctive relief, prohibitory injunctive relief and/or damages. In connection with any action or proceeding brought by any party to enforce the terms and conditions of this Agreement, each party shall be responsible for its respective expenses and costs incurred in connection therewith, including reasonable attorneys' fees at the trial level and in any appellate proceeding. The foregoing right to



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enforce the terms and conditions of this Agreement shall inure to the benefit of the parties hereto and their respective successors and assigns.

6. Indemnification of Grantors. Except as limited by law, Grantee for itself and its successors and assigns hereby agrees to defend and hold Grantors, and each of them, harmless from any and all claims for injury or death to persons or damage to property arising out of or occasioned wholly or in part by Grantee's use of the Force Main Easement and the operation, maintenance, repair or replacement of the Force Main Improvements, to the extent such injuries or damage arise from the negligent act or omission of Grantee, its employees, agents or contractors. Without limiting the foregoing, if the Easement Premises or any adjoining lands are contaminated by the release of any infectious, toxic or hazardous substance or material as a result of or in connection with the exercise of Grantee's rights granted hereunder, Grantee shall immediately notify Grantor thereof and take all actions, at Grantee's sole cost and expense, as are necessary to preserve and/or restore such lands to their pre-contamination condition. The provisions of this paragraph 6 shall survive any termination or release of the Force Main Easement.

7. Notice. Any notices or other communications which may be required or desired to be given under this Agreement shall be in writing and shall be deemed to have been duly given if personally delivered or if mailed by United States certified mail, return receipt requested, postage prepaid, addressed to the respective party at the addresses set forth below:

To Grantee:	Water Resources Department Brevard County Government Center 2725 Judge Fran Jamieson Way Bldg. A Viera, Florida 32940 Attn: Richard H. Martens, Director
To ADS:	Land Division c/o 7380 Murrell Road, Suite 201 Viera, Florida 32940 Attn: Real Estate Counsel
To TVC:	7380 Murrell Road, Suite 201 Viera, Florida 32940 Attn: Division Counsel

Any notice so given, delivered or made by mail shall be deemed to have been duly given, delivered or made on the date the same is deposited in the United States mail in the manner specified hereinabove. Any notice which is not given, delivered or made by United States mail in the manner specified above shall be deemed to have been duly given, delivered or made upon actual receipt of the same by the party to whom the same is to be given, delivered



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OR Book/Page: 4164 / 1200

or made. Either party may change the address to which notices are to be sent to such party by written notice to the other party specifying such change of address.

9. Successors and Assigns. The terms, covenants, and conditions of this Agreement shall be and are covenants running with and binding upon the Easement Premises and shall be binding upon and inure to the benefit of the parties named herein and their respective assigns or successors in interest and/or title, and any reference herein to any of the parties hereto shall be deemed and construed to include the successors and assigns of such party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their respective names by their proper officers thereunto duly authorized as of the day and year first above written.

WITNESSES:

"GRANTORS"

A. DUDA & SONS, INC., a Florida corporation

By: Joseph A. Duda
Joseph A. Duda, Exec. Vice President

(CORPORATE SEAL)



Nandra R. Ramnarine
Print Name: NANDRA R. RAMNARINE

Jay A. Decator, III
Print Name: JAY A. DECATOR, III

THE VIERA COMPANY, a Florida corporation

By: Thomas A. Babcock
Thomas A. Babcock, President

(CORPORATE SEAL)



Nandra R. Ramnarine
Print Name: NANDRA R. RAMNARINE

Jay A. Decator, III
Print Name: JAY A. DECATOR, III

"GRANTEE"

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida

By: Nancy N. Higgs
Nancy N. Higgs, Chairman

As Approved by the Board on 5-9-00



STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 13th day of March, 2000, by Joseph A. Duda, Executive Vice President of A. DUDA & SONS, INC., a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath. Said person did not take an oath and (check one) is personally known to me, produced identification.

 Nandra R Ramnarine
My Commission CC699086
Expires January 10, 2002


Print Name: NANDRA R. RAMNARINE
Notary Public, State of Florida
My Commission No: _____
My Commission Expires: _____

(NOTARIAL SEAL)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 10th day of March, 2000, by Thomas A. Babcock as President of THE VIERA COMPANY, a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath. Said person did not take an oath and (check one) is personally known to me, produced identification.

 Nandra R Ramnarine
My Commission CC699086
Expires January 10, 2002

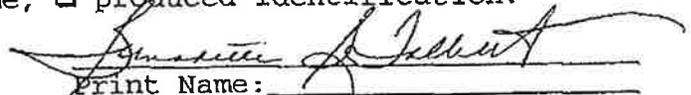

Print Name: NANDRA R. RAMNARINE
Notary Public, State of Florida
My Commission No: _____
My Commission Expires: _____

(NOTARIAL SEAL)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 9th day of May, 2000, by Nancy Higgs, as Chairman of the Board of County Commissioners of Brevard County, Florida, on behalf of the Board of County Commissioners. She is personally known to me and did not take an oath. Said person did not take an oath and (check one) is personally known to me, produced identification.

 Bernadette B. Talbert
MY COMMISSION # CC540700 EXPIRES
May 10, 2000
BONDED THRU TROY FARM INSURANCE, INC.


Print Name: _____
Notary Public, State of Florida
My Commission No: _____
My Commission Expires: _____

(NOTARIAL SEAL)



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OR Book/Page: 4164 / 1202

EXHIBIT "A-1"

EASEMENT PREMISES - A. DUDA & SONS, INC.



CFN:2000090021

OR Book/Page: 4164 / 1203

SKETCH TO ACCOMPANY DESCRIPTION

PROPOSED FORCE MAIN EASEMENT #2

NOT A BOUNDARY SURVEY

POINT OF BEGINNING

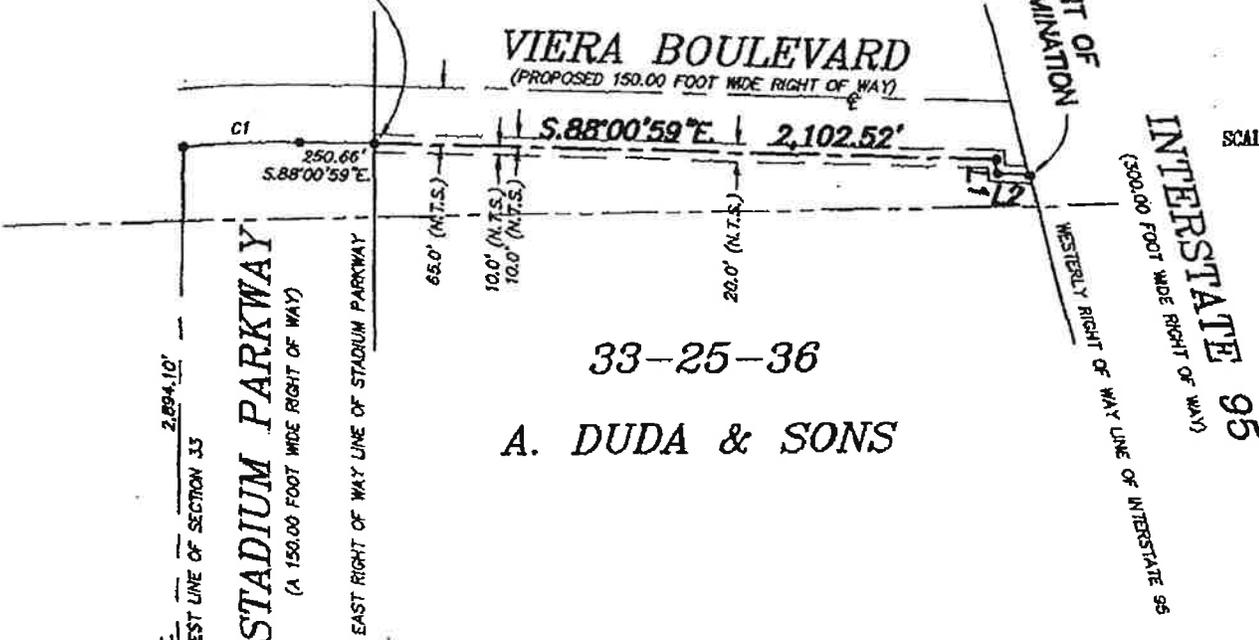
A. DUDA & SONS

VIERA BOULEVARD
(PROPOSED 150.00 FOOT WIDE RIGHT OF WAY)

POINT OF TERMINATION



SCALE: 1"=600'



33-25-36

A. DUDA & SONS

ABBREVIATION DEFINITION
N.T.S. NOT TO SCALE
£ CENTERLINE



CFN:2000090021

OR Book/Page: 4164 / 1204

POINT OF COMMENCEMENT
SOUTHWEST CORNER OF SECTION 33

LINE TABLE

LINE	BEARING	LENGTH
L1	S02°46'49"E	48.17
L2	S86°29'33"E	111.01

EXHIBIT "A"
SHEET 1 OF 4

PREPARED BY:

ALLEN
Engineering, Inc.

SURVEYORS - ENGINEERS

106 DIXIE LANE (P.O. BOX 321321)
COCOA BEACH, FLORIDA 32932-1321
TELEPHONE: (407)783-7443 FAX: (407)783-5902

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2935.00	07°45'46"	397.65	397.34	N88°06'08"E

SEE SHEET 2 OF 2 FOR DESCRIPTION,
SURVEYOR'S CERTIFICATION AND SURVEYOR'S NOTES.

PREPARED AND CERTIFIED FOR:

GEE & JENSON

3.	
2.	
1.	
DATE: 7-27-98	DRAWN BY: DJG
JOB NO. 980032	SCALE: 1"=600'

DESCRIPTION OF EASEMENT

NOT A BOUNDARY SURVEY

DESCRIPTION OF EASEMENT:

A 20.00 foot wide easement for the installation and maintenance of sewer lines, lying in Section 33, Township 25 South, Range 36 East, Brevard County, Florida, lying 10.00 feet on each side of the following described centerline:

Commence at the Southwest corner of said Section 33; thence $N00^{\circ}40'57''E$, along the West line of said Section 33, a distance of 2,894.10 feet, to a point of intersection with a non-tangent curve, concave Southerly, having a radius of 2,935.00 feet and a central angle of $07^{\circ}45'46''$; thence Easterly, along the arc of said curve to the right, a distance of 397.65 feet (said arc subtended by a chord bearing $N88^{\circ}06'08''E$, a distance of 397.34 feet), to a point of tangency; thence $S88^{\circ}00'59''E$, a distance of 250.66 feet, to a point on the East right of way line of Stadium Parkway (a 150.00 foot wide right of way) and the POINT OF BEGINNING of the herein described centerline; thence continue, $S88^{\circ}00'59''E$, a distance of 2,102.52 feet; thence $S02^{\circ}46'49''E$, a distance of 48.17 feet; thence $S86^{\circ}29'33''E$, a distance of 111.01 feet, to a point on the Westerly right of way line of Interstate 95 (a 300.00 foot wide right of way) and the POINT OF TERMINATION of the herein described centerline.

The sidelines of the herein described easement are to be lengthened or shortened so as to meet at the angle points formed.

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on $N00^{\circ}40'57''E$ along the West line of Section 33.
3. * = Denotes change in direction (no corner found or set).



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OR Book/Page: 4164 / 1205

SEE SHEET 1 OF 2 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION.

EXHIBIT "A" SHEET 2 OF 4

PREPARED BY:

ALLEN
Engineering, Inc.

SURVEYORS - ENGINEERS

106 DIXIE LANE (P.O. BOX 321321)
COCOA BEACH, FLORIDA 32932-1321
TELEPHONE: (407)783-7443 FAX: (407)783-5902

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code pursuant to Chapter 472.027, Florida Statutes.

ALLEN ENGINEERING, INC.
BY: *[Signature]*
ROBERT M. SALMON
PROFESSIONAL SURVEYOR &
MAPPER
FLORIDA REGISTRATION No. 4262

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

GEE & JENSON

3.	
2.	
1.	
JOB NO. 980032	DATE: 7-27-98

PREPARED AND CERTIFIED FOR:

08003257 DWG

SKETCH TO ACCOMPANY DESCRIPTION

PROPOSED FORCE MAIN EASEMENT #3

NOT A BOUNDARY SURVEY

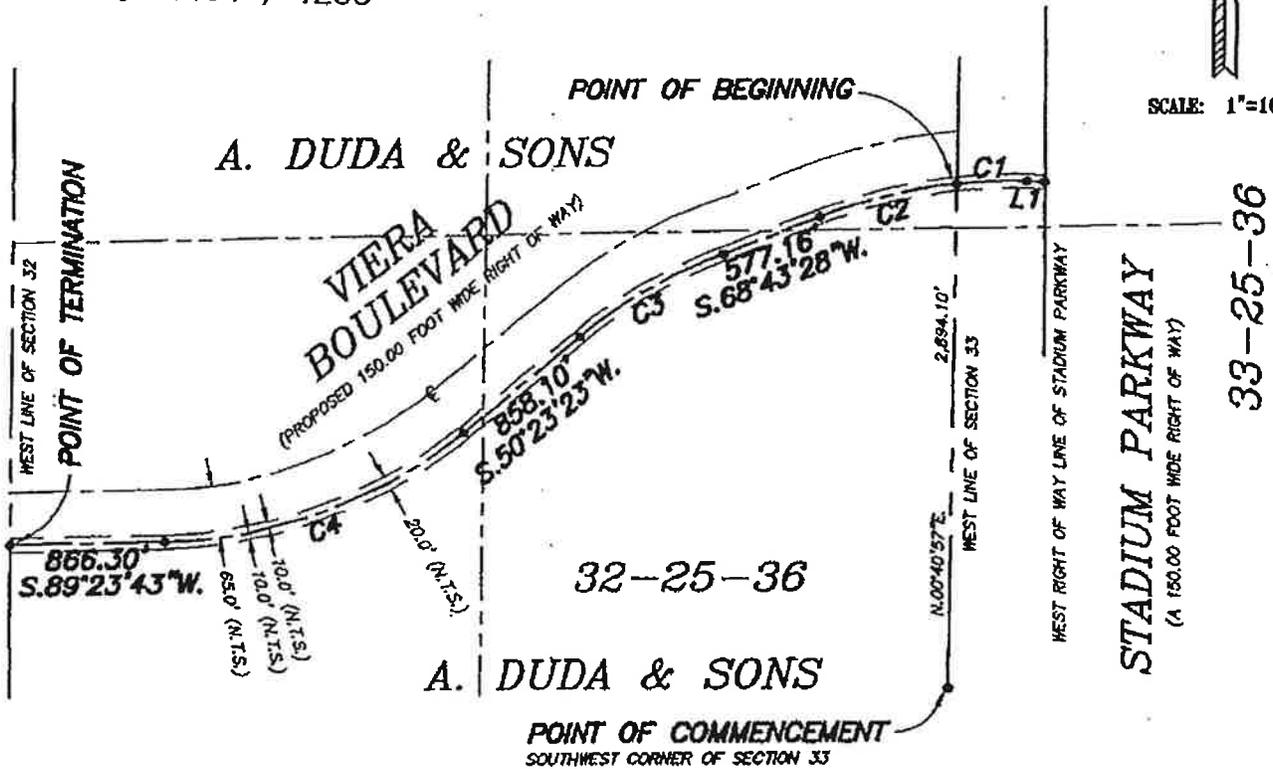


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OR Book/Page: 4164 / 1206



SCALE: 1"=1000'



ABBREVIATION	DEFINITION
N.T.S.	NOT TO SCALE
ε	CENTERLINE

LINE TABLE

LINE	BEARING	LENGTH
L1	S88°00'59\"E	100.54

EXHIBIT "A"
SHEET 3 OF 4

PREPARED BY:

ALLEN
Engineering, Inc.

SURVEYORS - ENGINEERS

106 DIXIE LANE (P.O. BOX 321321)
COCOA BEACH, FLORIDA 32932-1321
TELEPHONE: (407)783-7443 FAX: (407)783-5902

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2935.00	07°45'46"	397.65	397.34	N88°06'08\"E
C2	2935.00	15°29'47"	793.81	791.39	S76°28'21\"W
C3	2935.00	18°20'05"	939.20	935.20	S59°33'26\"W
C4	2665.00	39°00'20"	1814.27	1779.44	N69°53'33\"E

SEE SHEET 2 OF 2 FOR DESCRIPTION,
SURVEYOR'S CERTIFICATION AND SURVEYOR'S NOTES.

PREPARED AND CERTIFIED FOR:

GEE & JENSON

3.	
2.	
1.	
DATE: 7-27-98	DRAWN BY: DJG
JOB NO. 980032	SCALE: 1"=1000'

DESCRIPTION OF EASEMENT

NOT A BOUNDARY SURVEY

DESCRIPTION OF EASEMENT:

A 20.00 foot wide easement for the installation and maintenance of sewer lines, lying in Sections 32 and 33, Township 25 South, Range 36 East, Brevard County, Florida, lying 10.00 feet on each side of the following described centerline:

Commence at the Southwest corner of said Section 33; thence $N00^{\circ}40'57''E$, along the West line of said Section 33, a distance of 2,894.10 feet, to the POINT OF BEGINNING of the herein described centerline, and a point of intersection with a non-tangent curve, concave Southerly, having a radius of 2,935.00 feet and a central angle of $07^{\circ}45'46''$; thence Easterly, along the arc of said curve to the right, a distance of 397.65 feet (said arc subtended by a chord bearing $N88^{\circ}06'08''E$, a distance of 397.34 feet), to a point of tangency; thence $S88^{\circ}00'59''E$, a distance of 100.54 feet, to a point on the West right of way line of Stadium Parkway (a 150.00 foot wide right of way); thence return to the POINT OF BEGINNING, said point being a point of intersection with a non-tangent curve, concave Southerly, having a radius of 2,935.00 feet and a central angle of $15^{\circ}29'47''$; thence Westerly, along the arc of said curve to the left, a distance of 793.81 feet (said arc subtended by a chord bearing $S76^{\circ}28'21''W$, a distance of 791.39 feet), to a point of tangency; thence $S68^{\circ}43'28''W$, a distance of 577.16 feet, to the point of curvature of a curve, concave Southeasterly, having a radius of 2,935.00 feet and a central angle of $18^{\circ}20'05''$; thence Southwesterly, along the arc of said curve to the left, a distance of 939.20 feet, to a point of tangency; thence $S50^{\circ}23'23''W$, a distance of 858.10 feet, to the point of curvature of a curve, concave Northerly, having a radius of 2,665.00 feet and a central angle of $39^{\circ}00'20''$; thence Westerly, along the arc of said curve to the right, a distance of 1,814.27 feet, to a point of tangency; thence $S89^{\circ}23'43''W$, a distance of 866.30 feet, to a point on the West line of said Section 32 and the POINT OF TERMINATION of the herein described centerline.

The sidelines of the herein described easement are to be lengthened or shortened so as to meet at the angle points formed.



CFN:2000090021

OR Book/Page: 4164 / 1207

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on $N00^{\circ}40'57''E$ along the West line of Section 33.
3. * = Denotes change in direction (no corner found or set).

SEE SHEET 1 OF 2 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION.

EXHIBIT "A"

SHEET 4 OF 4

PREPARED BY:

ALLEN
Engineering, Inc.

SURVEYORS - ENGINEERS

106 DIXIE LANE (P.O. BOX 321321)
COCOA BEACH, FLORIDA 32932-1321
TELEPHONE: (407)783-7443 FAX: (407)783-5902

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

ALLEN ENGINEERING, INC.
BY: *[Signature]*
ROBERT M. SALMON
PROFESSIONAL SURVEYOR &
MAPPER
FLORIDA REGISTRATION No. 4262

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

PREPARED AND CERTIFIED FOR:

GEE & JENSON

3.	
2.	
1.	
JOB NO.	980032
DATE:	7-27-98

EXHIBIT "A-2"

EASEMENT PREMISES - THE VIERA COMPANY



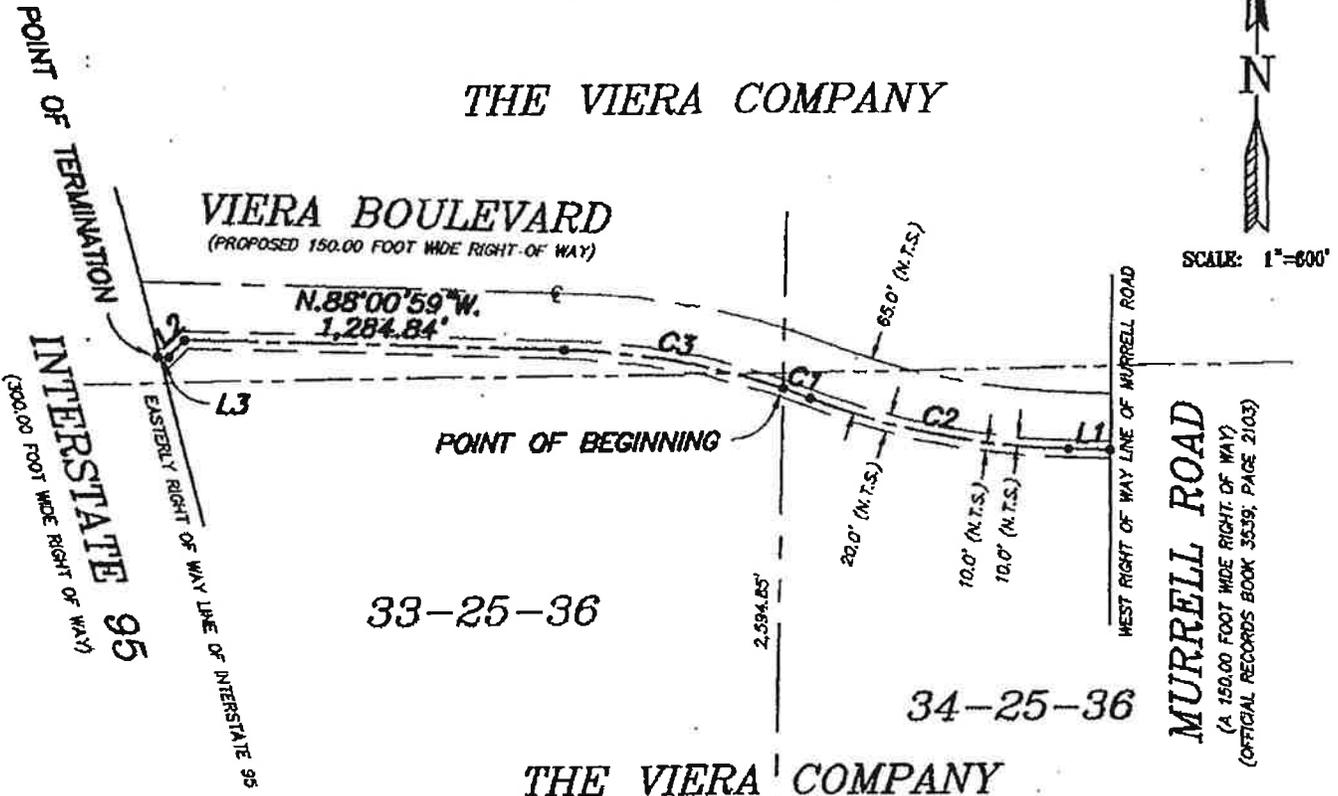
CFN:2000090021

OR Book/Page: 4164 / 1208

SKETCH TO ACCOMPANY DESCRIPTION

PROPOSED FORCE MAIN EASEMENT #1 NOT A BOUNDARY SURVEY

THE VIERA COMPANY



33-25-36

34-25-36

THE VIERA COMPANY

LINE TABLE

LINE	BEARING	LENGTH
L1	S88°08'36"E	144.96
L2	S46°00'45"W	83.45
L3	N86°29'33"W	24.66

ABBREVIATION	DEFINITION
N.T.S.	NOT TO SCALE
€	CENTERLINE

EXHIBIT "A"
SHEET 1 OF 2



CFN:2000090021
OR Book/Page: 4164 / 1209

PREPARED BY:

ALLEN
Engineering, Inc.

SURVEYORS - ENGINEERS

106 DIXIE LANE (P.O. BOX 321321)
COCOA BEACH, FLORIDA 32932-1321
TELEPHONE: (407)783-7443 FAX: (407)783-5902

POINT OF COMMENCEMENT
SOUTHEAST CORNER OF SECTION 33

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2535.00	02°12'58"	98.05	98.05	S69°49'51"E
C2	2665.00	19°25'14"	903.31	898.99	S78°25'59"E
C3	2535.00	17°04'39"	755.58	752.79	N79°28'40"W

SEE SHEET 2 OF 2 FOR DESCRIPTION,
SURVEYOR'S CERTIFICATION AND SURVEYOR'S NOTES.

PREPARED AND CERTIFIED FOR:

GEE & JENSON

3.	
2.	
1.	
DATE: 7-27-98	DRAWN BY: DJG
JOB NO. 980032	SCALE: 1"=600'

DESCRIPTION OF EASEMENT

NOT A BOUNDARY SURVEY

DESCRIPTION OF EASEMENT:

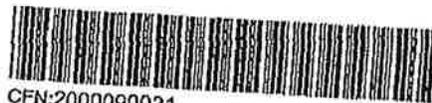
A 20.00 foot wide easement for the installation and maintenance of sewer lines, lying in Sections 33 and 34, Township 25 South, Range 36 East, Brevard County, Florida, lying 10.00 feet on each side of the following described centerline:

Commence at the Southeast corner of said Section 33; thence N00°51'07"E, along the East line of said Section 33, a distance of 2,594.85 feet, to the POINT OF BEGINNING of the herein described centerline, and a point of intersection with a non-tangent curve, concave Southerly, having a radius of 2,535.00 feet and a central angle of 02°12'58"; thence Easterly, along the arc of said curve to the right, a distance of 98.05 feet (said arc subtended by a chord bearing S69°49'51"E, a distance of 98.05 feet), to a point of reverse curvature with a curve, concave Northerly, having a radius of 2,665.00 feet and a central angle of 19°25'14"; thence Easterly, along the arc of said curve to the left, a distance of 903.31 feet, to a point of tangency; thence S88°08'36"E, a distance of 144.96 feet, to a point on the West right of way line of Murrell Road (a 150.00 foot wide right of way as described in Official Records Book 3539, Page 2103 of the Public Records of Brevard County, Florida); thence return to the POINT OF BEGINNING, said point being a point of intersection with a non-tangent curve, concave Southerly, having a radius of 2,535.00 feet and a central angle of 17°04'39"; thence Westerly, along the arc of said curve to the left, a distance of 755.58 feet (said arc subtended by a chord bearing N79°28'40"W, a distance of 752.79 feet), to a point of tangency; thence N88°00'59"W, a distance of 1,284.84 feet; thence S46°00'45"W, a distance of 83.45 feet; thence N86°29'33"W, a distance of 24.66 feet, to a point on the Easterly right of way line of Interstate 95 (a 300.00 foot wide right of way) and the POINT OF TERMINATION of the herein described centerline.

The sidelines of the herein described easement are to be lengthened or shortened so as to meet at the angle points formed.

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on N00°51'07"E along the East line of Section 33.
3. • = Denotes change in direction (no corner found or set).



CFN:2000090021

OR Book/Page: 4164 / 1210

SEE SHEET 1 OF 2 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION.

EXHIBIT "A" SHEET 2 OF 2

PREPARED BY:

ALLEN
AEngineering, Inc.

SURVEYORS - ENGINEERS

106 DIXIE LANE (P.O. BOX 321321)
COCOA BEACH, FLORIDA 32932-1321
TELEPHONE: (407)783-7443 FAX: (407)783-5902

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.



Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

FLORIDA REGISTRATION No. 4262

3.	
2.	
1.	
JOB NO. 980032 DATE: 7-27-98	

PREPARED AND CERTIFIED FOR:

GEE & JENSON

EXHIBIT "B"

RANCH ENTRY RULES

1. Prior to entering upon the Ranch, notify the Ranch Office c/o Barbara Swanson at telephone number 636-3966 Ext. 4001 of your intention to enter the Ranch.
2. Register at the Ranch Office upon entering upon the Ranch.
3. No alcoholic beverages may be brought or consumed on the Ranch.
4. No hunting is allowed on the Ranch. Firearms, weapons, dogs and fires are prohibited within the Ranch.
5. No roaming is allowed on the Ranch.
6. If you go through gates that are closed, close them behind you before proceeding on.
7. No littering, please keep the Ranch clean and free of trash.



CFN:2000090021

OR Book/Page: 4164 / 1211

This instrument prepared by:
Raphael F. Hanley, Esq.
The Viera Company
7380 Murrell Road, #201
Viera, Florida 32940

SANITARY SEWER EASEMENT

THE VIERA COMPANY, a Florida corporation (hereinafter referred to as the "Grantor"), this 31st day of October, 2007, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, hereby grants and gives (subject to the reservations and other matters set forth hereinbelow) to COUNTY OF BREVARD, a political subdivision of the State of Florida (hereinafter referred to as the "Grantee"), an easement (hereinafter referred to as the "Easement") for the purpose of operating, inspecting, repairing, maintaining, replacing and improving an underground sanitary sewer main and related facilities under, upon and through that certain real property located in Brevard County, Florida (hereinafter referred to as the "Easement Area") described in Exhibit "A", attached hereto and made a part hereof, and for no other purpose whatsoever.

TOGETHER WITH the right of reasonable ingress and egress over and across the Easement Area at all times to facilitate the purposes of the Easement and the right to cut, trim, and keep the Easement Area clear of trees, brush and undergrowth.

THE EASEMENT hereby granted is non-exclusive, made subject to easements, conditions, restrictions, reservations and other matters of record, and shall in no way restrict the right or interest of the Grantor or its successors and assigns in the use and quiet enjoyment of the Easement Area to the extent that such use does not unreasonably interfere with the rights granted herein to the Grantee. Without limiting the generality of the preceding sentence, the Grantor, for itself and its successors and assigns, expressly reserves the right to utilize the Easement Area for roadway, sidewalk, landscaping and signage purposes and for the installation of utilities, including, but not limited to, potable water lines, drainage pipes and related improvements (and in connection therewith to construct, install, repair, maintain and improve pavement, utility lines, drainage lines, sidewalks, landscaping, irrigation systems, signs, and improvements related thereto over, across, upon and under the Easement Area or any part thereof).

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name, and its corporate seal to be hereto affixed, by its proper officer thereunto duly authorized on the day and year first above written.

Signed, sealed and delivered
in the presence of:

THE GRANTOR:

THE VIERA COMPANY, a Florida corporation

By: [Signature]
Stephen L. Johnson, Chief Operating Officer

[Signature]
Print Name: BARBARA CARLUS

[Signature]
Print Name: MARY ELLEN MCKIBBEN

STATE OF FLORIDA }
 }
COUNTY OF BREVARD }

The foregoing instrument was acknowledged before me this 31st day of October, 2007, by Stephen L. Johnson, as Chief Operating Officer of THE VIERA COMPANY, a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath.

[Signature]
Print Name: _____
Notary Public, State of Florida
My Commission No. Is: _____
My Commission Expires: _____

(NOTARIAL SEAL)



Exhibit "A" Pg 1 of 2

THIS IS NOT A BOUNDARY SURVEY, SKETCH OF DESCRIPTION ONLY

DESCRIPTION OF A 20 FOOT WIDE STRIP OF LAND LYING WITHIN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

DESCRIPTION PREPARED AS REQUESTED BY THE VERA COMPANY.

BEARING REFERENCE: ASSUMED BEARING OF N88°00'40"W ON THE SOUTH RIGHT OF WAY LINE OF WEST VIERA BLVD.

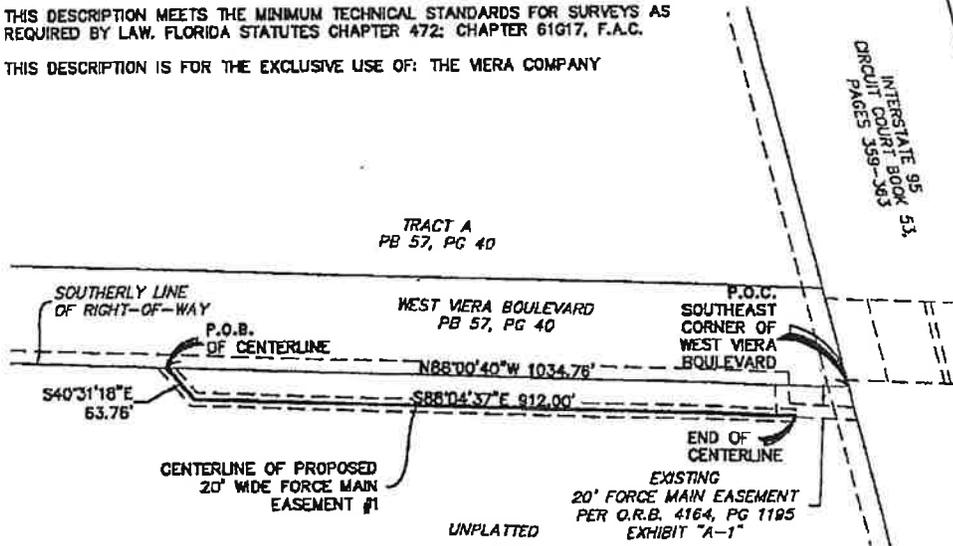
THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS DESCRIPTION IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY A COMPLETE AND ACCURATE TITLE SEARCH.

THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.

THIS DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS REQUIRED BY LAW, FLORIDA STATUTES CHAPTER 472; CHAPTER 61G17, F.A.C.

THIS DESCRIPTION IS FOR THE EXCLUSIVE USE OF: THE VERA COMPANY



DESCRIPTION: CENTERLINE OF A 20' WIDE FORCE MAIN EASEMENT #1

A 20 FOOT WIDE STRIP OF LAND LYING WITHIN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

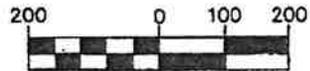
COMMENCE AT THE SOUTHEAST CORNER OF THE WEST VIERA BOULEVARD RIGHT-OF-WAY ACCORDING TO THE PLAT OF VIERA BOULEVARD EXTENSION, AS RECORDED IN PLAT BOOK 57, PAGE 40, AND RUN ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY N88°00'40"W, 1021.20 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE: THENCE DEPARTING SAID SOUTHERLY LINE S40°31'18"E, 63.76 FEET; THENCE S88°04'29"E, 912.00 FEET TO THE END OF SAID CENTERLINE.

SIDE LINES TO BE LENGTHENED OR SHORTENED TO INTERSECT WITH THE SOUTHERLY LINE OF SAID WEST VIERA BOULEVARD.

LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- PB = PLAT BOOK
- PG = PAGE

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

DATE: 10/09/07

SHEET 1 OF 3

2007 B.S.E. CONSULTANTS, INC. H: \Projects\Folder\10679.01\Drawings\10679.01_100Survey.dwg\0679.01_111.dwg October 10, 2007 11:14:43 AM

JOB No. 10679.01

DRAWING No. 10679.01_111A

B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 MELBOURNE, FLORIDA PHONE: (321) 725-3874 FAX: (321) 723-1168
 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION 180004605

LESLIE E. HOWARD
 PROFESSIONAL SURVEYOR
 AND MAPPER
 FLORIDA CERTIFICATION No. 6611

SCOTT M. GLAUBITZ
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATION No. 4151

Exhibit 'A' Pg 2 of 2

THIS IS NOT A BOUNDARY SURVEY, SKETCH OF DESCRIPTION ONLY

DESCRIPTION OF A 20 FOOT WIDE STRIP OF LAND LYING WITHIN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

DESCRIPTION PREPARED AS REQUESTED BY THE VERA COMPANY.

BEARING REFERENCE: ASSUMED BEARING OF N88°00'40"W ON THE SOUTH RIGHT OF WAY LINE OF EAST VERA BLVD.

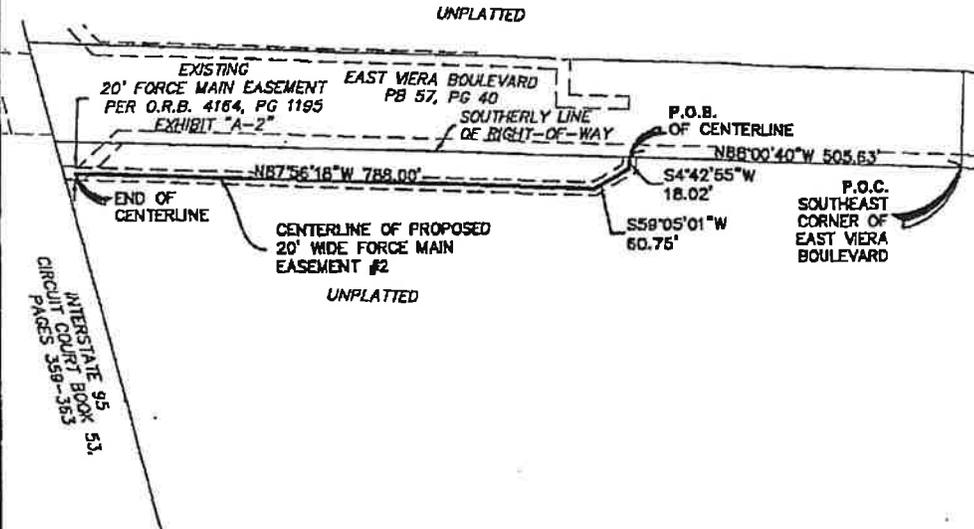
THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS DESCRIPTION IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY A COMPLETE AND ACCURATE TITLE SEARCH.

THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.

THIS DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS REQUIRED BY LAW, FLORIDA STATUTES CHAPTER 472; CHAPTER 61G17, F.A.C.

THIS DESCRIPTION IS FOR THE EXCLUSIVE USE OF: THE VERA COMPANY



DESCRIPTION: CENTERLINE OF A 20' WIDE FORCE MAIN EASEMENT #2

A 20 FOOT WIDE STRIP OF LAND LYING WITHIN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

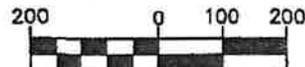
COMMENCE AT THE SOUTHEAST CORNER OF THE EAST VERA BOULEVARD RIGHT-OF-WAY ACCORDING TO THE PLAT OF VERA BOULEVARD EXTENSION, AS RECORDED IN PLAT BOOK 57, PAGE 40, AND RUN ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY N88°00'40"W, 505.63 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE: THENCE DEPARTING SAID SOUTHERLY LINE S04°42'55"W, 18.02 FEET; THENCE S59°05'01"W, 60.75 FEET; THENCE N87°56'18"W, 788.00 FEET TO THE END OF SAID CENTERLINE.

SIDE LINES TO BE LENGTHENED OR SHORTENED TO INTERSECT WITH THE SOUTHERLY LINE OF SAID EAST VERA BOULEVARD.

LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- PB = PLAT BOOK
- PG = PAGE

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

DATE: 10/08/07

SHEET 2 OF 3

2007 B.S.E. CONSULTANTS, INC. H: \Projects\Folder\10679.01\Drawings\10679.01_1000survey\dwg\10679.01_111.dwg October 10, 2007 11:14:43 AM

JOB No. 10679.01

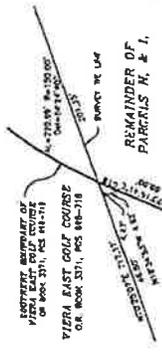
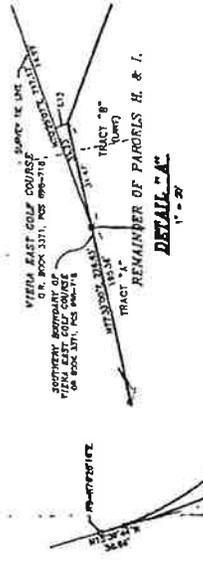
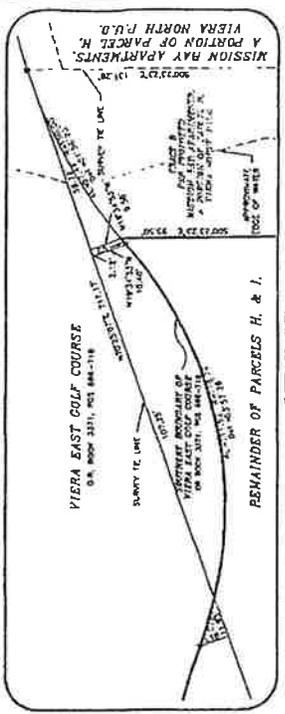
DRAWING No. 10679.01_111

B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 MELBOURNE, FLORIDA PHONE: (321) 725-3874 FAX: (321) 723-1159
 CERTIFICATE OF BUSINESS AUTHORIZATION 4008
 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION LB0004805

LESLIE E. HOWARD
 PROFESSIONAL SURVEYOR
 AND MAPPER
 FLORIDA CERTIFICATION No. 5611

SCOTT M. GLAUBITZ
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATION No. 4151

STAR RUSH DRIVE EXTENSION
VIERA NORTH P.U.D. - REMAINDER OF PARCELS H, I, & TRACT J
SECTIONS 33 AND 34, TOWNSHIP 25 SOUTH, RANGE 36 EAST
VIERA, BREVARD COUNTY, FLORIDA

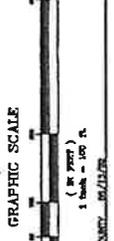
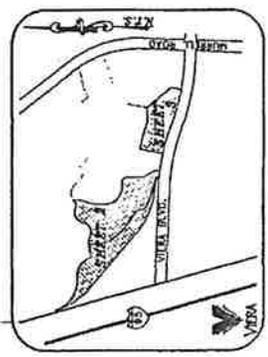
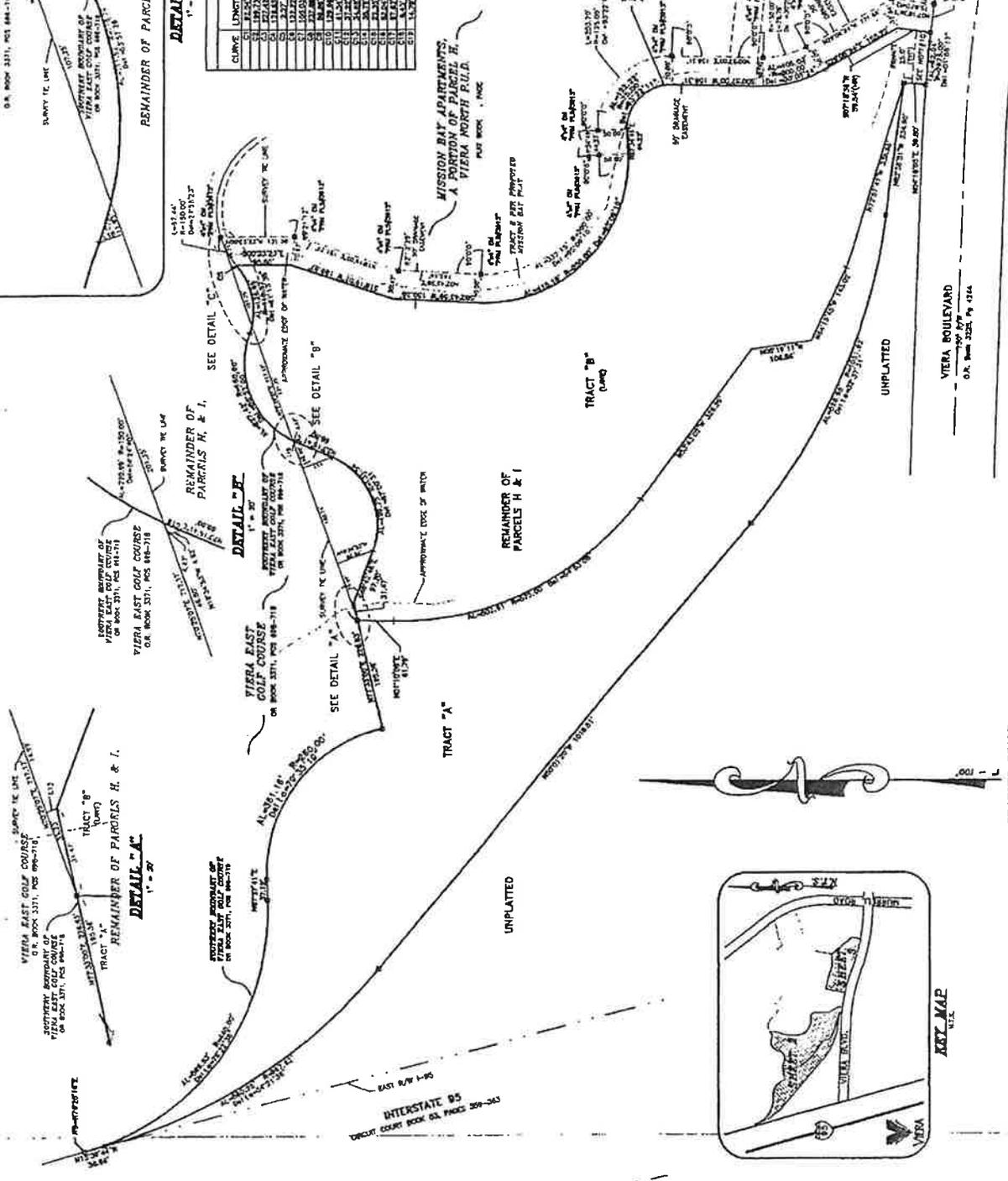


DETAIL "C"
 1" = 20'

CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD	BEARING
C1	189.72	324.85	32.871	118.11	108.231
C2	174.42	183.00	33.150	108.11	108.231
C3	227.77	330.00	30.282	128.11	108.231
C4	102.27	230.00	27.111	62.11	108.231
C5	122.88	270.00	26.282	68.11	108.231
C6	188.88	375.00	21.711	102.11	108.231
C7	111.11	240.00	25.111	58.11	108.231
C8	111.11	240.00	25.111	58.11	108.231
C9	111.11	240.00	25.111	58.11	108.231
C10	111.11	240.00	25.111	58.11	108.231
C11	111.11	240.00	25.111	58.11	108.231
C12	111.11	240.00	25.111	58.11	108.231
C13	111.11	240.00	25.111	58.11	108.231
C14	111.11	240.00	25.111	58.11	108.231
C15	111.11	240.00	25.111	58.11	108.231
C16	111.11	240.00	25.111	58.11	108.231
C17	111.11	240.00	25.111	58.11	108.231
C18	111.11	240.00	25.111	58.11	108.231
C19	111.11	240.00	25.111	58.11	108.231
C20	111.11	240.00	25.111	58.11	108.231

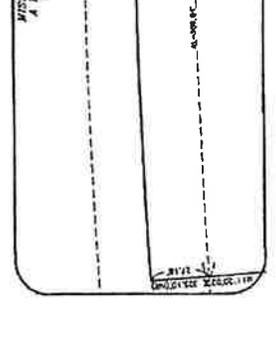
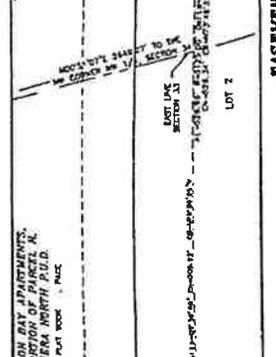
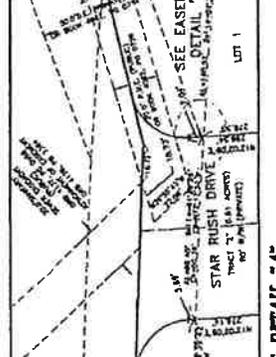
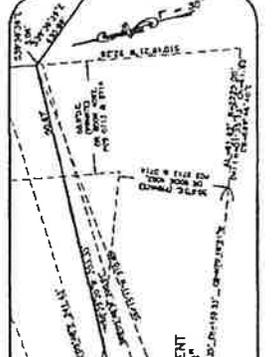
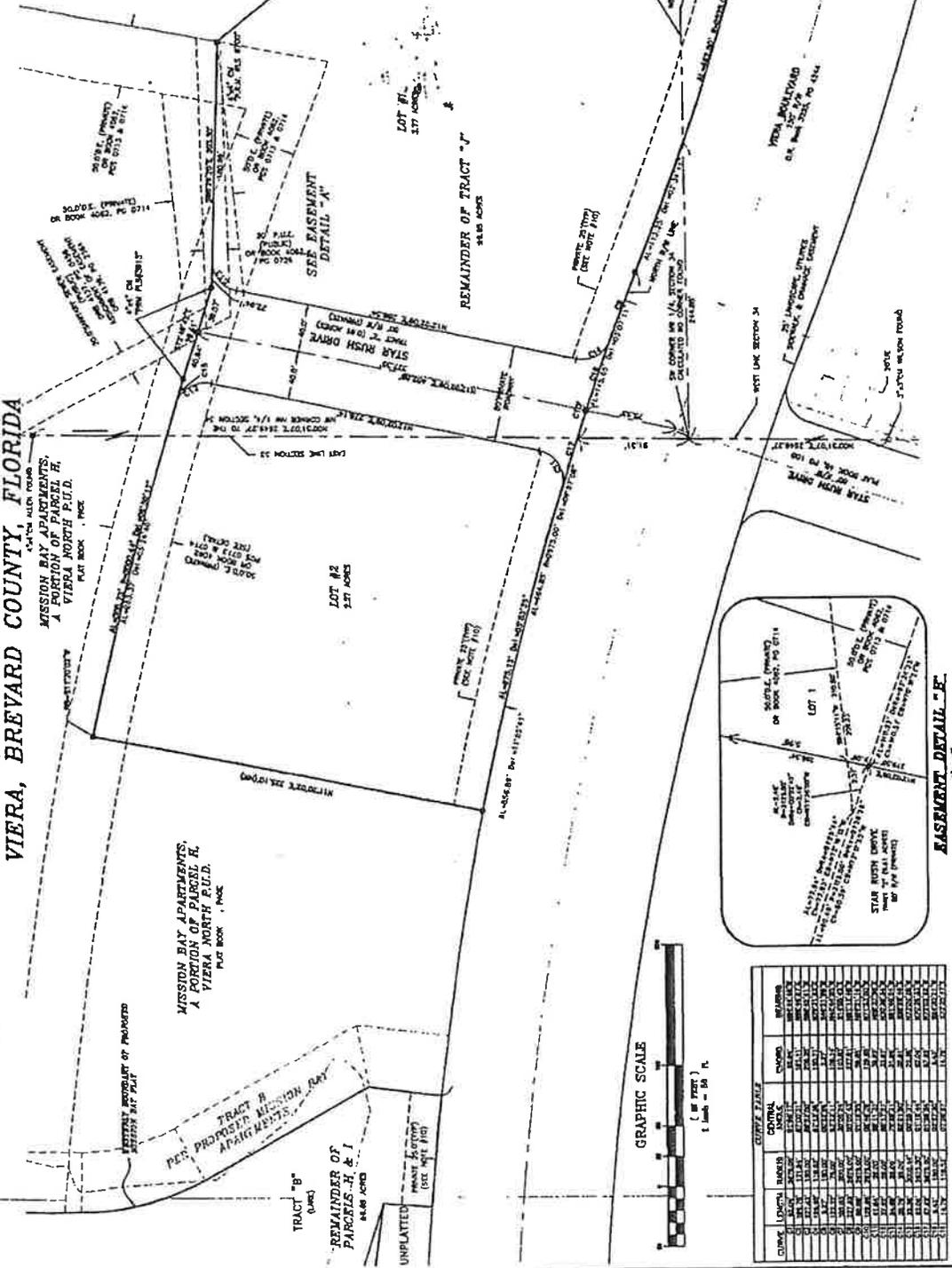
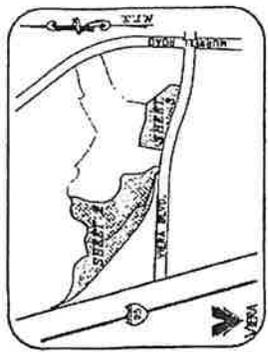
LINE TABLE

LINE	BEARING	LENGTH
L1	N 89° 15' 00" E	331.11
L2	N 89° 15' 00" E	331.11
L3	N 89° 15' 00" E	331.11
L4	N 89° 15' 00" E	331.11



THIS PLAT PREPARED BY
B.S.E. CONSULTANTS, INC.
 CONSULTING ENGINEERS
 111 S. W. 1st St., Suite 200, Viera, Florida 32981
 DATE: 08/15/2013

STAR RUSH DRIVE EXTENSION
VIERA NORTH P.U.D. - REMAINDER OF PARCELS H, I, & TRACT J
SECTIONS 33 AND 34, TOWNSHIP 25 SOUTH, RANGE 36 EAST
VIERA, BREVARD COUNTY, FLORIDA



LINE	BEARING	LENGTH
1	N 89° 58' 00" W	15.00
2	S 89° 58' 00" E	15.00
3	N 00° 00' 00" E	15.00
4	S 00° 00' 00" W	15.00
5	N 89° 58' 00" W	15.00
6	S 89° 58' 00" E	15.00
7	N 00° 00' 00" E	15.00
8	S 00° 00' 00" W	15.00
9	N 89° 58' 00" W	15.00
10	S 89° 58' 00" E	15.00
11	N 00° 00' 00" E	15.00
12	S 00° 00' 00" W	15.00
13	N 89° 58' 00" W	15.00
14	S 89° 58' 00" E	15.00
15	N 00° 00' 00" E	15.00
16	S 00° 00' 00" W	15.00
17	N 89° 58' 00" W	15.00
18	S 89° 58' 00" E	15.00
19	N 00° 00' 00" E	15.00
20	S 00° 00' 00" W	15.00
21	N 89° 58' 00" W	15.00
22	S 89° 58' 00" E	15.00
23	N 00° 00' 00" E	15.00
24	S 00° 00' 00" W	15.00
25	N 89° 58' 00" W	15.00
26	S 89° 58' 00" E	15.00
27	N 00° 00' 00" E	15.00
28	S 00° 00' 00" W	15.00
29	N 89° 58' 00" W	15.00
30	S 89° 58' 00" E	15.00
31	N 00° 00' 00" E	15.00
32	S 00° 00' 00" W	15.00
33	N 89° 58' 00" W	15.00
34	S 89° 58' 00" E	15.00
35	N 00° 00' 00" E	15.00
36	S 00° 00' 00" W	15.00
37	N 89° 58' 00" W	15.00
38	S 89° 58' 00" E	15.00
39	N 00° 00' 00" E	15.00
40	S 00° 00' 00" W	15.00
41	N 89° 58' 00" W	15.00
42	S 89° 58' 00" E	15.00
43	N 00° 00' 00" E	15.00
44	S 00° 00' 00" W	15.00
45	N 89° 58' 00" W	15.00
46	S 89° 58' 00" E	15.00
47	N 00° 00' 00" E	15.00
48	S 00° 00' 00" W	15.00
49	N 89° 58' 00" W	15.00
50	S 89° 58' 00" E	15.00
51	N 00° 00' 00" E	15.00
52	S 00° 00' 00" W	15.00
53	N 89° 58' 00" W	15.00
54	S 89° 58' 00" E	15.00
55	N 00° 00' 00" E	15.00
56	S 00° 00' 00" W	15.00
57	N 89° 58' 00" W	15.00
58	S 89° 58' 00" E	15.00
59	N 00° 00' 00" E	15.00
60	S 00° 00' 00" W	15.00
61	N 89° 58' 00" W	15.00
62	S 89° 58' 00" E	15.00
63	N 00° 00' 00" E	15.00
64	S 00° 00' 00" W	15.00
65	N 89° 58' 00" W	15.00
66	S 89° 58' 00" E	15.00
67	N 00° 00' 00" E	15.00
68	S 00° 00' 00" W	15.00
69	N 89° 58' 00" W	15.00
70	S 89° 58' 00" E	15.00
71	N 00° 00' 00" E	15.00
72	S 00° 00' 00" W	15.00
73	N 89° 58' 00" W	15.00
74	S 89° 58' 00" E	15.00
75	N 00° 00' 00" E	15.00
76	S 00° 00' 00" W	15.00
77	N 89° 58' 00" W	15.00
78	S 89° 58' 00" E	15.00
79	N 00° 00' 00" E	15.00
80	S 00° 00' 00" W	15.00
81	N 89° 58' 00" W	15.00
82	S 89° 58' 00" E	15.00
83	N 00° 00' 00" E	15.00
84	S 00° 00' 00" W	15.00
85	N 89° 58' 00" W	15.00
86	S 89° 58' 00" E	15.00
87	N 00° 00' 00" E	15.00
88	S 00° 00' 00" W	15.00
89	N 89° 58' 00" W	15.00
90	S 89° 58' 00" E	15.00
91	N 00° 00' 00" E	15.00
92	S 00° 00' 00" W	15.00
93	N 89° 58' 00" W	15.00
94	S 89° 58' 00" E	15.00
95	N 00° 00' 00" E	15.00
96	S 00° 00' 00" W	15.00
97	N 89° 58' 00" W	15.00
98	S 89° 58' 00" E	15.00
99	N 00° 00' 00" E	15.00
100	S 00° 00' 00" W	15.00

B.S.E. CONSULTANTS, INC.
 CONSULTING ENGINEERS AND SURVEYORS
 201 S. ...

36-SUB08-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 102.2

SECTION 70220

F.P. NO. 428238 1

STATE ROAD 9

COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County, Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be drawn and executed by CURT SMITH, on behalf of this Board of County Commissioners.

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

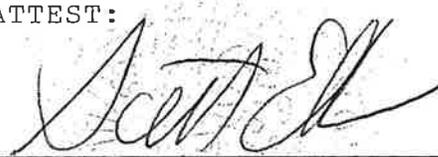
I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida, at a meeting held on the 7 day of March, 2017.


CURT SMITH CHAIRMAN

Board of County Commissioners
Brevard County, Florida

Approved by Board 3-7-17

ATTEST:


SCOTT ELLIS, CLERK

23-BREVARDUTL-10/11

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
STATE ROAD 9
COUNTY BREVARD

SUBORDINATION OF COUNTY EASEMENT INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY presently has an easement interest in certain lands that have been determined necessary for highway purposes pursuant to that certain Grant Force Main Easements and Agreement recorded in Official Records Book 4164, Page 1195 and that certain Sanitary Sewer Easement recorded in Official Records Book 5831, Page 1097, of the Public Records of Brevard County, Florida (the "Easement"); and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the COUNTY to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the COUNTY's facilities, if any, located within the Easement Area (as defined below) relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, County and F.D.O.T. agree as follows:

THE COUNTY hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest under the Easement in the lands located in Brevard County, Florida and more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by this reference (the "Easement Area"):

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 2

PROVIDED that the COUNTY has the following rights:

1. The COUNTY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate road and utility facilities on, within, and upon the Easement Area in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed, but only to the extent such actions by the COUNTY are permitted under the Easement. However, the COUNTY shall not be required to upgrade the system in the event of modification of existing facilities. Any permitted new construction or relocation of facilities within Easement Area will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any permitted new construction or relocation of facilities by the COUNTY or require the COUNTY to alter, adjust, or relocate its facilities located within the Easement Area, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the Easement held by Brevard County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The COUNTY shall have a reasonable right to enter upon the Easement Area for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities, and further provided that such actions by the COUNTY are permitted under the Easement Agreement.
4. The COUNTY agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 4

IN WITNESS WHEREOF, the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tammy Bowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Bowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

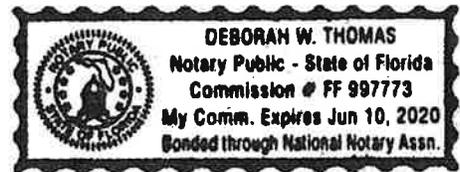
BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
a political subdivision of the State of Florida

By: [Signature]
CURT SMITH CHAIRMAN
Its Chairperson
(or Vice-Chairperson)
Approved by Board 3-7-17
ATTEST: [Signature]
SCOTT ELLIS, CLERK
Clerk (or Deputy Clerk)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT SMITH, Chairperson (or Vice-Chairperson) of the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, on behalf of the Board of County Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah W. Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____



PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 3

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

SIGNATURE LINE
PRINT/TYPE NAME: _____

By: _____
Frank J. O'Dea, P.E.
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

SIGNATURE LINE
PRINT/TYPE NAME: _____

Legal Review

By: _____
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by Frank J. O'Dea, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 5

EXHIBIT "A"

PARCEL NO. 102

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 25 South, Range 36 East lying East of I-95; West of the Plat of Star Rush Drive as recorded in Plat Book 46, Page 100; North of the Plat of Bayhill at Viera West Phase Three as recorded in Plat Book 46, Page 91-92; South of Viera Boulevard as shown on the Plat of Viera Boulevard Extension as recorded in Plat Book 57, Page 40 and Official Records Book 3304, Page 4601 all as recorded in the Public Records of Brevard County, Florida.

(Said property being a portion of the same lands as described in Official Records Book 3231, Page 1003 and re-recorded in Official Records Book 3256, Page 1328 of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2582.34 feet to a point on the Westerly projection of the existing Southerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 87°59'39" East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Southerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence continue South 87°59'39" East along said existing Southerly right of way line a distance of 721.29 feet; thence departing said existing Southerly right of way line, run South 02°00'21" West perpendicular to said existing Southerly right of way line a distance of 60.00 feet; thence run North 87°59'39" West parallel with and 60.00 feet Southerly of said existing Southerly right of way line a distance of 200.00 feet; thence South 80°41'45" West a distance of 254.95 feet; thence South 09°08'13" West a distance of 272.14 feet; thence South 02°59'39" East a distance of 316.76 feet to the point of curvature of a curve concave Easterly having a radius of

PARCEL NO. 102.2
SECTION 70220
F.P. NO. 428238 1
PAGE 6

2198.00 feet and a chord bearing South 08°45'23" East; thence run Southerly along the arc of said curve through a central angle of 11°31'29" a distance of 442.11 feet to the end of said curve; thence departing said curve from a tangent bearing of South 14°31'08" East, run South 75°28'52" West radial to said curve a distance of 12.00 feet to a point on said existing Easterly limited access right of way line of State Road No. 9 (Interstate 95); thence run North 14°31'08" West along said existing Easterly limited access right of way line a distance of 1181.41 feet to the Point of Beginning.

Containing 3.478 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: February 1, 2017

36-SUB08-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 103.3

SECTION 70220

F.P. NO. 428238 1

STATE ROAD 9

COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County, Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be drawn and executed by CURT SMITH, on behalf of this Board of County Commissioners.

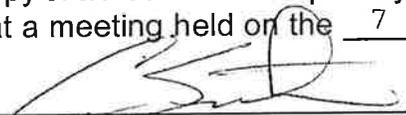
PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238 1
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida, at a meeting held on the 7 day of March, 2017.



CURT SMITH CHAIRMAN

Board of County Commissioners
Brevard County, Florida
Approved by Board 3-7-17

ATTEST:



SCOTT ELLIS, CLERK

36-SUB07-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 103.3

SECTION 70220

F.P. NO. 428238-1

STATE ROAD 9

COUNTY BREVARD

COUNTY SUBORDINATION AGREEMENT

THIS AGREEMENT Made this _____ day of _____, _____, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of a certain emergency access and maintenance easement pursuant to that certain Plat of Star Rush Drive Extension dated May 16, 2002, and recorded in Plat Book 48, Page 57, of the Public Records of Brevard County, Florida and (said easement being referred to herein as the "Easement"),

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Brevard County is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

PARCEL NO. 103

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 36 East lying

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
PAGE 2

East of I-95; South and West of Plat Book 48, Pages 57-59; and North of Official Records Book 3304, Page 4601, and Plat Book 57, Page 40 all as recorded in the Public Records of Brevard County, Florida.

AND

Tract "A", Star Rush Drive Extension, according to the plat thereof, as recorded in Plat Book 48, Pages 57-59 of the Public records of Brevard County, Florida.

(Said property being a portion of the same lands as described in Official Records Book 2812, page 2061; Official Records Book 3231, Page 1003; and re-recorded in Official Records Book 3256, Page 1328 all of the Public Records of Brevard County, Florida.)

Described as follows:

Commence at a 5/8-inch iron rod and cap stamped "FDOT LB 7121" marking the Northeast corner of the Northwest quarter of Section 33, Township 25 South, Range 36 East, Brevard County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 70220, Financial Project No. 428238-1; thence run South 89°24'31" West along the North line of the Northeast quarter of said Northwest quarter of Section 33 a distance of 310.10 feet to a point on the Centerline of Survey of State Road No. 9 (Interstate 95) as shown on said Right of Way Map; thence departing said North line, run South 14°31'08" East along said Centerline of Survey a distance of 2425.88 feet to a point on the Westerly projection of the existing Northerly right of way line of Viera Boulevard (lying East of said State Road No. 9), a 150 foot right of way as per Viera Boulevard Extension, according to the plat thereof, as recorded in Plat Book 57, Page 40 of the Public Records of Brevard County, Florida and as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 87°59'39" East along said Westerly projection a distance of 156.46 feet to a point of intersection of said existing Northerly right of way line with the existing Easterly limited access right of way line of said State Road No. 9 (Interstate 95) for a Point of Beginning; thence run North 14°31'08" West along said existing Easterly limited access right of way line a distance of 1144.49 feet; thence departing said existing Easterly limited access right of way line, run North 75°28'52" East perpendicular to said existing Easterly limited access right of way line a distance of 12.00 feet to the beginning of a non-tangent curve concave Easterly having a radius of 2198.00 feet and a chord bearing of South 22°13'56" East; thence from a tangent bearing of South 14°31'08" East, run Southerly along the arc of said curve through a central angle of 15°25'37" a distance of 591.81 feet to the end of said curve; thence departing said curve from a tangent bearing of South 29°56'45" East, run South 32°17'27" East a distance of 238.90 feet; thence South 60°00'21" West a distance of 63.57 feet; thence South 29°59'39" East a distance of 251.22 feet; thence South 73°29'48" East a distance of 121.90 feet to a point lying 88.01 feet Northerly of, as measured by perpendicular measurement, to the aforesaid Northerly right of way line of Viera Boulevard; thence run South 87°59'39" East, parallel with said

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
PAGE 3

existing Northerly right of way line of Viera Boulevard a distance of 505.74 feet; thence run South 02°00'21" West perpendicular to said existing Northerly right of way line a distance of 88.01 feet to a point on said existing Northerly right of way line; thence run North 87°59'39" West along said existing Northerly right of way line a distance of 765.79 feet to the Point of Beginning.

Containing 3.627 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: September 16, 2016

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tammy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida

By: Curt Smith
CURT SMITH CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST:

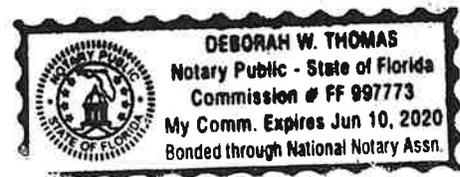
Scott Ellis
SCOTT ELLIS, CLERK

PARCEL NO. 103.3
SECTION 70220
F.P. NO. 428238-1
PAGE 4

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT SMITH, as Chairperson (or Vice-Chairperson) of the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, on behalf of the Board of Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah W. Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____



36-SUB08-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.3

SECTION 70220

F.P. NO. 428238 1

STATE ROAD 9

COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner JIM BARFIELD, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 9, Section No. 70220, F.P. No. 428238 1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Brevard County, Florida, be subordinate to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, in Brevard County, Florida, should be drawn and executed by CURT SMITH, on behalf of this Board of County Commissioners.

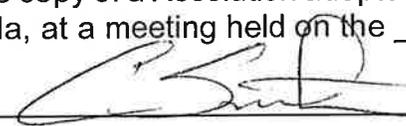
PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238 1
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of BREVARD County, Florida, at a meeting held on the 7 day of MARCH, 2017.



CURT SMITH, CHAIRMAN

Board of County Commissioners
Brevard County, Florida

Approved by Board 3-7-17

ATTEST:



SCOTT ELLIS, CLERK

36-SUB07-06/03

January 13, 2017

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.3

SECTION 70220

F.P. NO. 428238-1

STATE ROAD 9

COUNTY BREVARD

COUNTY SUBORDINATION AGREEMENT

THIS AGREEMENT Made this _____ day of _____, _____, by and between BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of a certain emergency access and maintenance easement pursuant to that certain Plat of Star Rush Drive Extension dated May 16, 2002, and recorded in Plat Book 48, Page 57, of the Public Records of Brevard County, Florida and (said easement being referred to herein as the "Easement"),

WHEREAS, a portion of the land encumbered by said Easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Brevard County is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement affects the following described property, viz:

PARCEL NO. 800
DRAINAGE EASEMENT

SECTION 70220
F.P. NO. 428238-1

That part of:

A portion of the East 1/2 of Section 33, Township 25 South, Range 36 East lying

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 3

thence run South 39°59'44" West perpendicular to said Southwesterly line of Tract "A" a distance of 159.04 feet; thence run South 50°00'16" East parallel with and 100.00 feet Southwesterly of the Southwesterly line of Tract "A" a distance of 459.07 feet to a point on the aforesaid existing Northerly right of way line of Viera Boulevard; thence run North 87°59'39" West along said existing Northerly right of way line a distance of 177.42 feet to the Point of Beginning.

Containing 4.907 acres, more or less.

This legal description prepared under the direction of:
Christopher J. Leftakis, PSM
Florida Registered Surveyor and Mapper No. 6556
Lochrane Engineering, Inc., LB 2856
201 South Bumby Avenue
Orlando, FL 32803
Date: September 16, 2016

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

Tammy Rowe
SIGNATURE LINE
PRINT/TYPE NAME: Tammy Rowe

Donna Scott
SIGNATURE LINE
PRINT/TYPE NAME: Donna Scott

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA,
a political subdivision of the State of Florida

By: Curt Smith
CURT SMITH, CHAIRMAN
Its Chairperson
(or Vice-Chairperson)

Approved by Board 3-7-17

ATTEST:
Scott Ellis
SCOTT ELLIS, CLERK

PARCEL NO. 800.3
SECTION 70220
F.P. NO. 428238-1
PAGE 4

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of MARCH, 2017, by CURT CURT SMITH, as Chairperson (or Vice-Chairperson) of the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, on behalf of the Board of Commissioners, who is personally known to me or who has produced _____ as identification.

DEBORAH W THOMAS
PRINT/TYPE NAME: Deborah Thomas
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: June 10, 2020
Serial No., if any: _____





GRAPHIC SCALE
(IN FEET)
1 inch = 300feet

Subordination Parcel 800.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract "B" per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part B

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-feet wide

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-feet wide

Subordination Parcel 102.2
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

Subordination Parcel 103.3
pursuant to:
Emergency Access and
Maintenance Easement over
Tract "A" per Plat Book 48,
Page 57

Proposed County Deed
from Brevard County to
FDOT (fee simple)
Part A

Force Main Easement and Agreement
per ORB 4164, Page 1195,
20-feet wide

Sanitary Sewer Easement
per ORB 5831, Page 1097,
20-feet wide

Subordination Parcel 101.5
pursuant to:
ORB 4164, Page 1195
ORB 5831, Page 1097

BOARD OF COUNTY COMMISSIONERS

AGENDA: RESOLUTION AND SUBORDINATION OF COUNTY INTEREST IN
FORCE MAIN EASEMENTS RECORDED IN O. R. BOOK 4164, PAGES
1195 THRU 1211 AND PLAT BOOK 48, PAGE 57 - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPS</u>	_____	<u>2/20/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>see attached</u>	_____	<u>2/20/17</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____
UTILITY SERVICES Jim Helmer, Director	<u>JH</u>	_____	<u>2/20/17</u>

AGENDA DUE DATE: February 21, 2017 for the March 7, 2017 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.

BOARD OF COUNTY COMMISSIONERS

AGENDA: RESOLUTION AND SUBORDINATION OF COUNTY INTEREST IN FORCE MAIN EASEMENTS RECORDED IN O. R. BOOK 4164, PAGES 1195 THRU 1211 AND PLAT BOOK 48, PAGE 57 - DISTRICT 4

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CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DJS</u>	_____	<u>2/20/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<i>Numerous comments were provided regarding the resolution. Also, resolutions typically are signed by the commission, not chooses to have a clerk's certification of Board action and a signature from the board.</i>		<u>2/20/17</u>
PUBLIC WORKS John Denninghoff, Director	<u>[Signature]</u>	_____	<u>2/21/17</u>
UTILITY SERVICES Jim Helmer, Director	<u>JH</u>	_____	<u>2/20/17</u>

AGENDA DUE DATE: February 21, 2017 for the March 7, 2017 Board meeting

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.