



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

10/26/2021

Subject:

Approval, Re: Resolution and Easement in Favor of Florida Power and Light Company (FPL) - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Resolution and Easement.

Summary Explanation and Background:

The subject property is located in Section 28, Township 27 South, Range 37 East, on the east side of Nieman Street in Melbourne.

Fire Station 67 is relocating its facilities from Brevard County School Board property located at 11 North Nieman Avenue to Brevard County property located at 51 Nieman Avenue in Melbourne. In order to provide electrical services to the new facility, FPL has requested the County provide an easement.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Resolution with Exhibit and original executed Easement with Exhibit.



October 27, 2021

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.10., Approval for Resolution and Easement in Favor of Florida Power and Light Company (FPL)

The Board of County Commissioners, in regular session on October 26, 2021, executed and adopted Resolution No. 21-151, authorizing the conveyance of real property interest by the County, located in Section 28, Township 27 South, Range 37 East, on the east side of Nieman Street in Melbourne; and executed the Easement. Enclosed are the fully-executed Resolution with Exhibit and Easement with Exhibit.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/cld

Encls. (2)

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Resolution and Easement in favor of Florida Power and Light for Fire Station 67-District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>10-14-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>10-14-2021</u>

RESOLUTION NO. 21- 151

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

RECITALS

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

WHEREAS, the Florida Power and Light Company (FPL), whose mailing address is 700 Universe Boulevard, Juno Beach, Florida 33408, is a corporation organized for the purpose of promoting community interest and welfare and FPL has requested a perpetual easement to provide electric service to the public; and

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

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


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

DONE, ORDERED, and ADOPTED in Regular Session this 26th day of October, 2021.

ATTEST:
Clerk of the Court:


Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Rita Pritchett, Chair

As approved by the Board on 10/26/2021

Work Request No. 10932836

Sec. 28, Twp 27 S, Rge 37 E

Parcel I.D. 27372800753
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Andrew Zicker
Co. Name: FPL
Address: 9001 ELLIS RD.
MELBOURNE, FL 32904

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

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

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

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on October 26, 2021

Signed, sealed and delivered in the presence of:

N/A

(Witness' Signature)
N/A
Print Name: _____
(Witness)
N/A

(Witness' Signature)
N/A
Print Name: _____
(Witness)

Entity name _____
By: [Signature]

Print Name: Rita Pritchett, Chair to Brevard
County Board of County Commissioners
Print Address: 2725 Judge Fran Jamieson Way
Viera, Florida 32940

(As approved by the Board on _____)

ATTEST: [Signature]
Rachel Sadoff, Clerk to the Board

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

My Commission Expires:

n/a
Notary Public, Signature
Print Name n/a

LEGAL DESCRIPTION

PARCEL 800

PARENT PARCEL ID# 27-37-28-00-753

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"**SHEET 1 OF 2****NOT A SURVEY**

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION: PARCEL 800, UTILITY EASEMENT (PREPARED BY SURVEYOR):

A parcel of land lying in the Southeast one-quarter of Section 28, Township 27 South, Range 37 East, Brevard County, Florida, being a portion of those lands described in Official Records Book 218, Page 448 and being more particularly described as follows:

A strip of land lying five feet on each side of the following described centerline:

Commence at the Northeast corner of said lands described in Official Records Book 218, Page 448 and run S 00°19'29" E along the East line of said lands, a distance of 186.23 feet; thence S 89°40'31" W 76.68 feet to the Point of Beginning; thence N 40°11'13" W 18.13 feet; thence N 06°44'51" E 39.17 feet; thence N 45°29'02" W 35.32 feet; thence S 44°29'45" W 7.53 feet to the Point of Terminus. With sidelines of the strip ending and beginning at points perpendicular to the centerline.

The lands described herein contain 1006 square feet (0.02 acres) more or less.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON GRID NORTH, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83(2011) ADJUSTMENT REFERENCED TO THE LINE OF LANDS DESCRIBED IN ORB 218, PAGE 448 BEING S89°46'02"W. (SEE SKETCH)

2. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.

3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.

LEGEND:

BRG = BEARING
C/L = CENTERLINE
ESMT = EASEMENT
ORB = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
REF = REFERENCE
R/W = RIGHT OF WAY

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY: **Kane Surveying, Inc.**

FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 676-0427 FAX (321) 984-1448

Joel Seymour

JOEL A. SEYMOUR, LS 6133
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JAS	PROJECT NO. 39280	SKETCH & DESCRIPTION	DATE: 9/15/21	SECTION 28
DATE: 10/14/21	28-27-37/51NIEMAN	REVISED-COUNTY COMMENTS	DATE: 10/14/21	TOWNSHIP 27 SOUTH
				RANGE 37 EAST

SKETCH OF DESCRIPTION

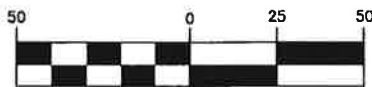
PARCEL 800

PARENT PARCEL ID# 27-37-28-00-753

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"**SHEET 2 OF 2****NOT A SURVEY**

NOT VALID WITHOUT SHEET 1 OF 2

GRAPHIC SCALE

(IN FEET)

1 inch = 50 feet

WILDCAT ALLEY - 60' PUBLIC R/W

C/L

S89°46'02"W (REF BRG)
N LINE OF LANDS DESCRIBED IN ORB 218, PAGE 448

30.00'

P.O.C. OF PARCEL 800
NE CORNER OF LANDS DESCRIBED
IN ORB 218, PAGE 448



PARCEL 800
UTILITY EASEMENT
CONTAINING 1006± SQUARE FEET
(0.02± ACRES)

S 44°29'45" W
7.53'

MELBOURNE COURTHOUSE
No. 51 NIEMAN AVENUE

POINT OF TERMINUS

N 45°29'02" W
35.32'

N 06°44'51" E
39.17'

S 89°40'31" W
76.68'

N 40°11'13" W
18.13'

P.O.B. OF
PARCEL 800

S 00°19'29" E 186.23'

C/L

SCOTT STREET - 60' PUBLIC R/W

W LINE OF P.B. 5, PAGE 18

EAST LINE OF ORB 218, PAGE 448

30.00'

30.00'

NIEMAN AVENUE
60' PUBLIC R/W

TAX PARCEL 27-37-28-00-753
ORB 218, PAGE 448

PREPARED BY:

Kane Surveying, Inc.

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PROJECT NO. 39280

SCALE 1" = 50'

SECTION 28
TOWNSHIP 27 SOUTH
RANGE 37 EAST

LOCATION MAP

Section 28, Township 27 South, Range 37 East - District: 5

PROPERTY LOCATION: East side of Nieman Avenue in Melbourne

OWNERS NAME(S): Brevard County, Florida

