



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

10/12/2021

Subject:

Approval, Re: Donation of Drainage Easement from Michael Lodge for the Cherokee Avenue Drainage Improvement Project - District 1.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

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

Summary Explanation and Background:

The subject property is located in Section 11, Township 24 South, Range 35 East, at the corner of Bayfield Street and Cherokee Avenue in Cocoa. The Public Works Department is planning drainage improvements for Cherokee Avenue due to continued flooding from road water runoff. As part of the Cherokee Avenue Drainage Improvement Project an easement is necessary and is being donated by the owner Michael Lodge. The project will include the installation of drainage inlets and pipes along the south property line which will improve stormwater drainage.

The User Department approves this request.

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

Clerk to the Board Instructions:

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Donation of Drainage Easement from Michael Lodge for the Cherokee Avenue Drainage Improvement Project – District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>9.7.2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>09/07/2021</u>



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

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

October 13, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

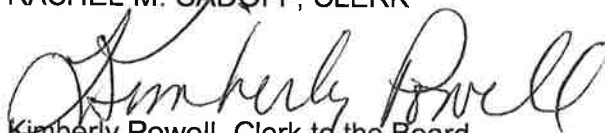
RE: Item F.6., Approval for Donation of Drainage Easement from Michael Lodge for the Cherokee Avenue Drainage Improvement Project

The Board of County Commissioners, in regular session on October 12, 2021, approved and accepted the donation of a drainage easement from Michael Lodge for the Cherokee Avenue Drainage Improvement Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-35-11-01-1-1

DRAINAGE EASEMENT

THIS INDENTURE, made this 11th day of Dec., 2020, between Michael Scott Lodge, whose address is 4095 Cherokee Avenue, Cocoa, Florida 32926, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of operating, constructing, reconstructing, reconfiguring, and maintaining drainage facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 11, Township 24 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed,
the day and year first above written,

Signed, sealed and delivered in the presence of:


Witness

Debbie Cruz
Print Name



Michael Scott Lodge


Witness

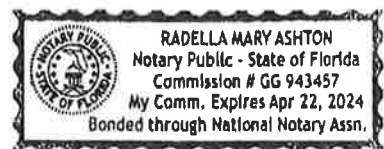
RADELLA ASHTON
Print Name

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization on this 11th day of December, 2020
2020, by Michael Scott Lodge. Is personally known or produced
FL. DR. LIC. as identification.


Notary Signature
SEAL

Board Meeting Date: 10/12/2021
Agenda Item #



LEGAL DESCRIPTION PARCEL 800

SECTION 11, TOWNSHIP 24 SOUTH, RANGE 35 EAST

PARCEL ID: 24-35-11-01-1-1

PURPOSE OF SKETCH: DRAINAGE EASEMENT

DESCRIPTION: PARCEL 800 (BY SURVEYOR)

THE SOUTH 15.00 FEET OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 5605, PAGE 5143 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA ALL LYING IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 35 EAST BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE S. 01°13'42" W. ALONG THE EAST LINE OF NORTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 360.58 FEET; THENCE N. 88°29'21" W., A DISTANCE OF 100.00 FEET TO THE WEST LINE OF A 100.00 FOOT WIDE CANAL AS SHOWN ON CANAVERAL GROVES SUBDIVISION AS RECORDED IN SURVEY BOOK 2, PAGE 82 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT-OF-BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 5605, PAGE 5143; THENCE N. 88°29'21" W., ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 218.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CHEROKEE AVENUE; THENCE N. 00°53'27" E., ALONG SAID EAST LINE, A DISTANCE OF 15.00 FEET; THENCE S. 88°29'21" E., A DISTANCE OF 218.24 FEET TO A POINT ON THE AFORESAID WEST LINE OF A 100.00 FOOT WIDE CANAL; THENCE S. 01°13'42" W., ALONG SAID WEST LINE, A DISTANCE OF 15.00 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 3,273 SQ FT (0.08 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAYS OF RECORD.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 11, BEING: S. 01°13'42" W. PURSUANT TO OFFICIAL RECORDS BOOK 5605, PAGE 5143 OF THE BREVARD COUNTY PUBLIC RECORDS.
3. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW; COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
4. PURSUANT TO AN "O & E REPORT" BY NEW REVELATIONS, INC. DATED 3/23/3030, FILE NO. 20-1167 THE FOLLOWING EASEMENTS OR EXCEPTIONS WERE REVIEWED:
 1. ORDINANCE NO. 32-2003 RECORDED IN ORB 5387, PAGE 3569-DOES NOT ENCUMBER PARCEL 800.



CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, as performed under my direction and supervision and at the direction of the Brevard County survey department, and that it meets or exceeds the standards of practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 6J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

Joseph Barry Cabaniss, P.L.S.
FLORIDA SURVEYOR'S CERTIFICATE NO.:
BUSSEN-MAYER ENGINEERING CERTIFICATE NO.:

Date
4524
3535

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

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



DRAWN BY: JC

CHECKED BY: JBC

PROJECT NO. 388020

SECTION 11

DATE: 10/01/2020

SHEET 1 OF 2

REVISIONS —

TOWNSHIP 24 SOUTH

RANGE 35 EAST

SKETCH OF DESCRIPTION PARCEL 800

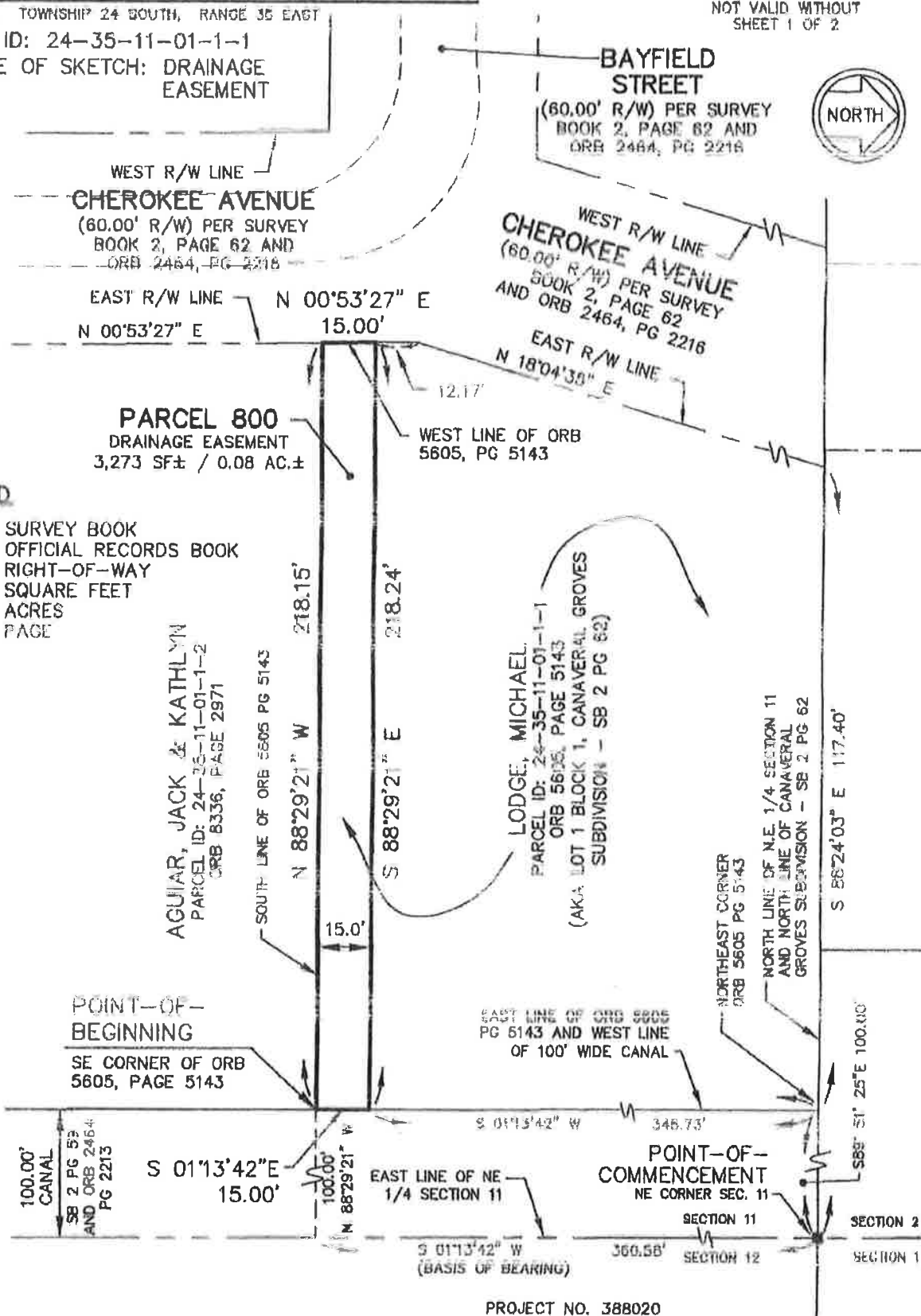
SHEET 2 OF 2

NOT VALID WITHOUT
SHEET 1 OF 2

SECTION 11, TOWNSHIP 24 SOUTH, RANGE 35 EAST

PARCEL ID: 24-35-11-01-1-1

PURPOSE OF SKETCH: DRAINAGE
EASEMENT



LEGEND

SB SURVEY BOOK
ORB OFFICIAL RECORDS BOOK
R/W RIGHT-OF-WAY
SF SQUARE FEET
AC ACRES
PG PAGE

AGUIAR, JACK & KATHLYN
PARCEL ID: 24-35-11-01-1-2
ORB 8336, PAGE 2971

LODGE, MICHAEL
PARCEL ID: 24-35-11-01-1-1
ORB 5605, PAGE 5143
(AKA LOT 1 BLOCK 1, CANAVERAL GROVES
SUBDIVISION - SB 2 PG 62)

SECTION 11, TOWNSHIP 24, RANGE 35 EAST

PROJECT NO. 388020

PREPARED BY: BUSSEN-MAYER ENGINEERING GROUP

LOCATION MAP

Section 30, Township 26 South, Range 36 East - District 4

PROPERTY LOCATION: Corner of Bayfield Street and Cherokee Avenue in Cocoa.

OWNERS NAME: Michael Lodge

