



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

12/20/2022

Subject:

Approval, Re: Dedication of Utility Easement from Viera Town Center Merchants Association, Inc. for the NAP Viera Multi-Family Project - District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

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

Summary Explanation and Background:

The subject property is located in Section 09, Township 26 South, Range 36 East, west of Lake Andrew Drive on Centre Pointe Avenue in Viera.

Luna Apts Joint Venture, LLC, owner, has submitted an engineering revision number 22ER00019 to site plan number 20SP00018 for review and approval by the County for the development of a multi-family housing complex known as NAP Viera Multi-Family. In accordance with County code and standards, the owner has obtained a dedication of easement from Viera Town Center Merchants Association, Inc. to Brevard County, Florida, for the attached Utility Easement required as a condition of the site plan approval. The easement is needed to encompass the manhole that lies within the Private Reciprocal Driveway/Access Easement known as Centre Pointe Avenue.

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:



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

December 21, 2022

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.4., Approval for Dedication of Utility Easement from Viera Town Center Merchants Association, Inc. for the NAP Viera Multi-Family Project

The Board of County Commissioners, in regular session on December 20, 2022, approved and accepted the utility easement from the Viera Town Center Merchants Association, Inc. for the NAP Multi-family Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

cc: Utility Services

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-09-28-A-1.01

UTILITY EASEMENT

THIS INDENTURE, made this 7th day of November, 2022, between Viera Town Center Merchants Association, Inc. , a Florida not-for-profit corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, 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, reconstructing, reconfiguring, and maintaining utility 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 09, Township 26 South, Range 36 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:

Benjamin E. Wilson

Witness

Benjamin E. Wilson

Print Name

Charlene R. Spangler

Witness

Charlene R. Spangler

Print Name

Viera Town Center Merchants Association, Inc., a Florida not-for-profit corporation

BY: Eva M. Rey
Eva M. Rey, President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 7th day of November 2022, by Eva M. Rey, as President for Viera Town Center Merchants Association, Inc., a Florida not-for-profit corporation. Is personally known or produced _____ as identification.

Benjamin E. Wilson

Notary Signature

SEAL



BENJAMIN E. WILSON
Commission # HH 140832
Expires October 10, 2026
Bonded Thru Budget Notary Services

LEGAL DESCRIPTION

PARCEL 801

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-09-28-A-1.01

PURPOSE: UTILITY EASEMENT - PARCEL 801

LEGAL DESCRIPTION: PARCEL 801, UTILITY EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING A PORTION OF LOT 1, BLOCK A, VIERA TOWN CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGE 30-33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, N90°00'00"W, A DISTANCE OF 38.86 FEET; THENCE DEPARTING SAID SOUTH LINE OF LOT 1, N00°00'00"W, A DISTANCE OF 20.12 FEET TO THE POINT OF BEGINNING;

THENCE N90°00'00"W, A DISTANCE OF 20.00 FEET; THENCE N00°00'00"W, A DISTANCE OF 20.00 FEET; THENCE N90°00'00"E, A DISTANCE OF 20.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING (0.009 ACRES) 400 SQUARE FEET OF LAND, MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A SURVEY.
2. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE SOUTH LINE OF LOT 1, BLOCK A, VIERA TOWN CENTER II, WHICH IS RECORDED TO BEAR N90°00'00"E, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 64, PAGE 30-33, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. TITLE INFORMATION AND OWNER AND ENCUMBRANCE REPORT WAS PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT NUMBER 10653025, WITH AN EFFECTIVE DATE OF NOVEMBER 1, 2022. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE FOLLOWING:
 - A. PLAT OF VIERA TOWN CENTER II, PLAT BOOK 64, PAGES 30-33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
 - B. EASEMENT AGREEMENT, OFFICIAL RECORDS BOOK 9047, PAGE 2890, AMENDED IN OFFICIAL RECORDS BOOK 9245, PAGE 2509 AND OFFICIAL RECORDS BOOK 9378, PAGE 2230.
 - C. TEMPORARY CONSTRUCTION EASEMENT AGREEMENT, OFFICIAL RECORDS BOOK 9047, PAGE 2906.
 - D. EASEMENT BY AND BETWEEN VIERA TOWN CENTER MERCHANTS ASSOCIATION, INC., GRANTOR, AND FLORIDA POWER AND LIGHT COMPANY, GRANTEE, OFFICIAL RECORDS BOOK 9378, PAGE 2239.
 - E. WATER LINE AND INGRESS/EGRESS EASEMENT AGREEMENT, RECORDED IN OFFICIAL RECORDS BOOK 9591, PAGES 1888. (DOES NOT AFFECT THE PARCEL 801 EASEMENT)

SURVEYOR'S CERTIFICATION

I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER, DO HEREBY CERTIFY THAT I HAVE COMPLETED THIS SKETCH IN ACCORDANCE WITH FLORIDA ADMINISTRATIVE RULE 5J-17 STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS.

Mike Baerhold 11-29-2022

MIKE BAERHOLD, PSM 55756 DATE:
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY - BOARD OF COUNTY COMMISSIONERS
VIERA TOWN CENTER MERCHANTS ASSOCIATION, INC.

PREPARED BY: LEADING EDGE LAND SERVICES, INC. 8802 EXCHANGE DRIVE ORLANDO, FLORIDA 32809
PHONE: (407) 351-6730
FAX: (407) 351-9691 WEB: WWW.LEADINGEDGELS.COM

DRAWN BY: JAA, TQ	CHECKED BY: TQ	PROJECT NO. 408-21005		SECTION 9
		REVISIONS	DATE	
DATE: 10 OCT 2022	DRAWING: 408005ESMT_REV2		11/08/22	SECTION-TWP-RNG
			11/29/22	ADDED SURVEY NOTE
				TOWNSHIP 26 SOUTH
				RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 801

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-09-28-A-1.01

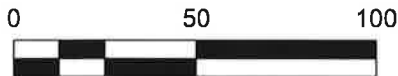
PURPOSE: UTILITY EASEMENT - PARCEL 801

LINE TABLE

LINE	BEARING	DISTANCE
L1	N90°00'00"W	38.86'
L2	N00°00'00"W	20.12'
L3	N90°00'00"W	20.00'
L4	N00°00'00"W	20.00'
L5	N90°00'00"E	20.00'
L6	S00°00'00"E	20.00'

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.B. PLAT BOOK
- O.R.B. OFFICIAL RECORDS BOOK
- PG./PGS. PAGE/PAGES
- R/W RIGHT OF WAY
- LB LICENSED BUSINESS
- ID IDENTIFICATION
- NO. NUMBER
- (S) SANITARY SEWER MANHOLE
- TWP TOWNSHIP
- RNG RANGE



GRAPHIC SCALE 1"=50'



LUNA APTS JOINT VENTURE LLC
O.R.B. 9047, PG. 2865
PARCEL ID:
26-36-09-28-A-1

LOT 1

BLOCK A
VIERA TOWN CENTER II
P.B. 64, PGS. 30-33

EASEMENT AGREEMENT
O.R.B. 9378, PG. 2230
& UTILITY EASEMENT
O.R.B. 9378, PG. 2239

SEE DETAIL

PARCEL 801
UTILITY EASEMENT
400 SQUARE FEET
0.009 ACRES

PARCEL ID:
26-36-09-28-A-1.01

VIERA TOWN CENTER
MERCHANTS ASSOCIATIONS INC
O.R.B. 8698, PG. 2196
SOUTH LINE - LOT 1

EAST LINE - LOT 1

WEST R/W LINE

LAKE ANDREW DR.

(120' PUBLIC R/W)
PER O.R.B. 3128, PG 1823

P.O.B.
PARCEL 801

P.O.C.
PARCEL 801
SE CORNER
LOT 1,
BLOCK A

TEMPORARY
CONSTRUCTION
EASEMENT
O.R.B. 9047,
PG. 2906

PRIVATE RECIPROCAL
DRIVEWAY/ACCESS
EASEMENT AREA
P.B. 64, PGS. 30-33

N90°00'00"E (BASIS OF BEARING)

VIERA TOWN CENTER
MERCHANTS
ASSOCIATIONS INC
O.R.B. 8698, PG. 2190

PARCEL ID:
26-36-09-28-A-2.01

SPACE COAST
MULTIFAMILY DST
O.R.B. 8726, PG. 794

LOT 2

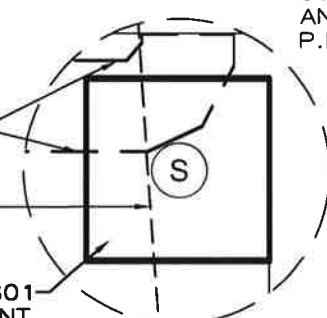
PARCEL ID: 26-36-09-28-A-2
BLOCK A
VIERA TOWN CENTER II
P.B. 64, PGS. 30-33

EASEMENT AGREEMENT O.R.B. 9378, PG. 2230
& UTILITY EASEMENT O.R.B. 9378, PG. 2239

50' PRIVATE LANDSCAPE, UTILITY DRAINAGE,
AND SIDEWALK EASEMENT
P.B. 64, PGS. 30-33

PARCEL 801
UTILITY EASEMENT

50' PRIVATE LANDSCAPE,
UTILITY DRAINAGE,
AND SIDEWALK EASEMENT
P.B. 64, PGS. 30-33



DETAIL
1" = 20'

PREPARED BY: LEADING EDGE LAND SERVICES, INC.
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PHONE: (407) 351-6730
FAX: (407) 351-9691 WEB: WWW.LEADINGEDGELS.COM

SCALE:
1" = 50'
PROJECT NUMBER: 408-21005
DRAWING: 408005ESMT_REV2

SECTION 9
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 09, Township 26 South, Range 36 East - District 4

PROPERTY LOCATION: South of Town Center Avenue, west of Lake Andrew Drive on Centre Pointe Avenue in Viera.

OWNERS NAME(S): Viera Town Center Merchants Association, Inc.

