



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.8.

10/11/2022

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### Subject:

Approval, Re: Dedication of Sanitary Sewer Easement and Reuse Water Main Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II 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 Sanitary Sewer Easement and Reuse Water Main Easement.

### Summary Explanation and Background:

The subject property is located in Section 04, Township 26 South, Range 36 East, south of Viera Boulevard, east of Lake Andrew Drive, west of Interstate 95 in Viera.

DD Willett 17.31, LLC, owner, has submitted site plan number 19SP00016 for review and approval by the County for the development of a multi-family apartment complex known as Viera Boulevard Commercial Center II Multi-family. In accordance with County code and standards, the owner has agreed to dedicate the attached Sanitary Sewer Easement and Reuse Water Main Easement required as a condition of the site plan approval.

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:** Dedication of Sanitary Sewer Easement and Reuse Water Main Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family project – District 4.

**AGENCY:** Public Works Department / Land Acquisition

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

**CONTACT PHONE:** 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
<b>LAND ACQUISITION</b> Lucy Hamelers, Supervisor	<small>Digitally signed by Hamelers, Lucy DN: cn=Hamelers, Lucy, email=Lucy.Hamelers@brevardflg ov Date: 2022.09.23 15:16:47 -0400</small> <hr/>	<hr/>	<hr/>
<b>COUNTY ATTORNEY</b> Christine Schverak Assistant County Attorney	<hr/> <i>CMS</i>	<hr/>	<hr/> <i>9-2-2022</i>



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 12, 2022

MEMORANDUM

TO: Marc Bernath, Public Works Director      Attn: Lucy Hamelers, Land Acquisition


RE: Item F.8., Approval for Dedication of Sanitary Sewer Easement and Reuse Water Main Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project

The Board of County Commissioners, in regular session on October 11, 2022, approved and accepted the Sanitary Sewer Easement and Reuse Water Main Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/pp

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: 26-36-04-XP-D-4

### SANITARY SEWER EASEMENT

**THIS INDENTURE**, made this 1<sup>st</sup> day of August, 2022, between DD Willet 17.31, LLC, a Georgia limited liability company, whose address is 403 Corporate Center Drive, Suite 201, Stockbridge, Georgia 30281, 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 a sanitary sewer line and associated 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 04, 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:

Daniel Baum

Witness

Daniel Baum

Print Name

[Signature]

Witness

Blake Karban

Print Name

DD Willet 17.31, LLC, a Georgia limited liability company

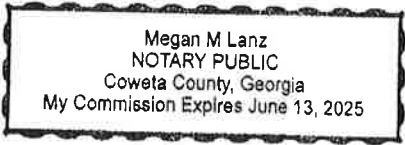
By: Morrow Investors, Inc., a Georgia corporation, as Manager

By: [Signature]  
Fred S. Hazel, Vice President

(Corporate Seal)

STATE OF GEORGIA  
COUNTY OF HENRY

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 1<sup>st</sup> day of August, 2022, by Fred S. Hazel as Vice President for Morrow Investors, Inc., a Georgia corporation as Manager for DD Willett 17.31, LLC, a Georgia limited liability company. Is  personally known or  produced \_\_\_\_\_ as identification.



[Signature]

Notary Signature

SEAL

# LEGAL DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 26-36-04-XP-D-4  
PURPOSE: SANITARY SEWER EASEMENT

# EXHIBIT "A"

SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

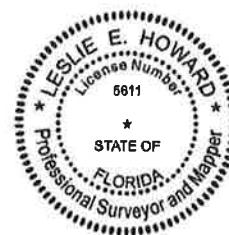
### LEGAL DESCRIPTION: PARCEL #801 SANITARY SEWER EASEMENT (PREPARED BY SURVEYOR)

PART OF LOT 4, BLOCK D, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, LYING IN SECTION 4, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF WILLET PLACE, (A 97.00 FOOT WIDE PUBLIC RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID VIERA BOULEVARD COMMERCIAL CENTER II), AND RUN N58°06'56"E ALONG THE SOUTH LINE OF SAID WILLET PLACE A DISTANCE OF 32.51 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N58°06'56"E, ALONG THE SOUTH LINE OF SAID WILLET PLACE, A DISTANCE OF 20.74 FEET; THENCE S47°14'08"E A DISTANCE OF 22.81 FEET; THENCE S42°45'52"W A DISTANCE OF 20.00 FEET; THENCE N47°14'08"W A DISTANCE OF 28.30 FEET TO THE POINT OF BEGINNING. CONTAINING 511.10 SQUARE FEET, (0.012 ACRES), MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N58°06'56"E ON THE SOUTH RIGHT-OF-WAY LINE OF WILLET PLACE, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN CHICAGO TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NUMBER:10218278. THE LANDS DESCRIBED AS PARCEL 2 IN SAID REPORT ARE ONE AND THE SAME WITH THE LANDS DESCRIBED HEREON. NO EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN SAID REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



Digitally signed  
by Leslie E  
Howard  
Date:  
2022.06.23  
09:57:42 -04'00'

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

LESLIE E. HOWARD, PSM 5611  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FL 32901 LB No. 4905  
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: TBS	CHECKED BY: LEH	PROJECT NO. 11595	SECTION 4
DATE: 02/18/2022	DRAWING: 11595_100_003	REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	
		06/16/22	PER COUNTY COMMENTS
		06/07/22	PER COUNTY COMMENTS

# SKETCH OF DESCRIPTION

## PARCEL #801

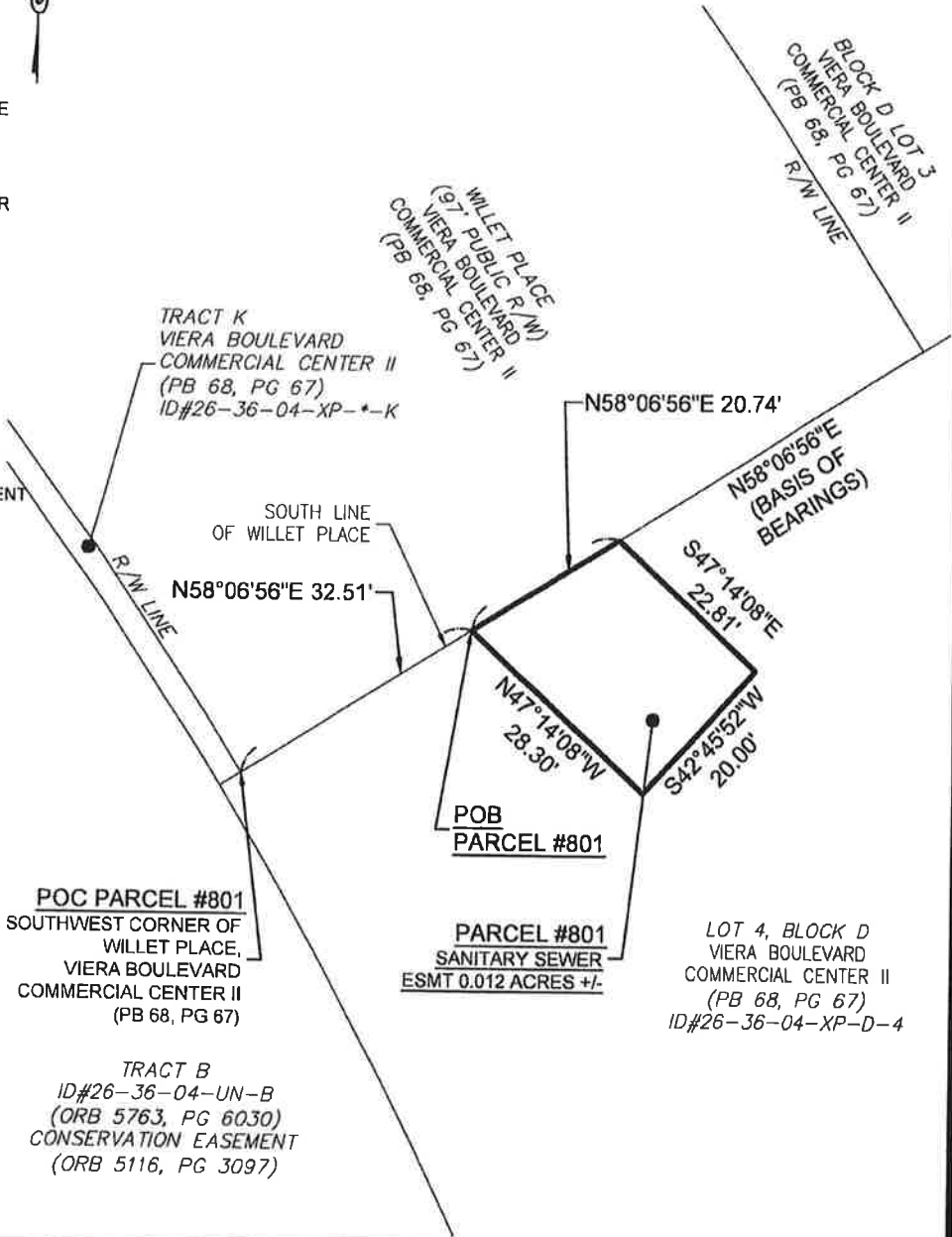
PARENT PARCEL ID#: 26-36-04-XP-D-4  
 PURPOSE: SANITARY SEWER EASEMENT

# EXHIBIT "A"

SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2  
THIS IS NOT A SURVEY

### ABBREVIATIONS

AL	ARC LENGTH
AVE	AVENUE
BLVD	BOULEVARD
BM	BENCH MARK
BOC	BEGINNING OF CURVE
C/L	CENTERLINE
CA	CENTRAL ANGLE
CB	CHORD BEARING
CH	CHORD LENGTH
DB	DEED BOOK
DEL	DELTA / CENTRAL ANGLE
EOC	END OF CURVE
ESMT	EASEMENT
EX	EXISTING
FT	FEET
ID#	IDENTIFICATION NUMBER
N&D	NAIL AND DISK
NAVD88	NORTH AMERICAN
NGVD29	NATIONAL GEODETIC
NTI	NON-TANGENT
NTL	INTERSECTION
NTS	NON-TANGENT LINE
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PVC	POLYVINYL CHLORIDE
R	RADIUS
R/W	RIGHT-OF-WAY
RPB	ROAD PLAT BOOK
SS	SANITARY SEWER



PREPARED BY: B.S.E. CONSULTANTS, INC.  
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
 MELBOURNE, FL 32901 LB No. 4905  
 PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE:  
 1"=20'

PROJECT NO.:  
 11595

SECTION 4  
 TOWNSHIP 26 SOUTH  
 RANGE 36 EAST

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: 26-36-04-XP-D-4

### REUSE WATER MAIN EASEMENT

**THIS INDENTURE**, made this 1<sup>st</sup> day of August, 2022, between DD Willet 17.31, LLC, a Georgia limited liability company, whose address is 403 Corporate Center Drive, Suite 201, Stockbridge, Georgia 30281, 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 non-exclusive easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining a reuse line and associated 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 04, 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:

Daniel Baum

Witness

Daniel Baum

Print Name

[Signature]

Witness

Blake Karban

Print Name

DD Willet 17.31, LLC, a Georgia limited liability company

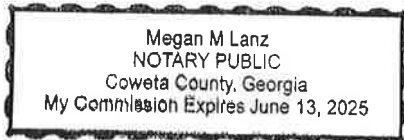
By: Morrow Investors, Inc., a Georgia corporation, as Manager

By: [Signature]  
Fred S. Hazel, Vice President

(Corporate Seal)

STATE OF GEORGIA  
COUNTY OF HENRY

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 1<sup>st</sup> day of August 2022, by Fred S. Hazel as Vice President for Morrow Investors, Inc., a Georgia corporation as Manager for DD Willett 17.31, LLC, a Georgia limited liability company. Is  personally known or  produced \_\_\_\_\_ as identification.



[Signature]  
Notary Signature  
SEAL

# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 26-36-04-XP-D-4  
PURPOSE: REUSE WATER MAIN EASEMENT

# EXHIBIT "A"

SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL #800 REUSE WATER MAIN EASEMENT (PREPARED BY SURVEYOR)

PART OF LOT 4, BLOCK D, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, LYING IN SECTION 4, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT K OF SAID VIERA BOULEVARD COMMERCIAL CENTER II AND RUN N58°06'56"E, ALONG THE SOUTH LINE OF SAID TRACT K, A DISTANCE OF 1.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N58°06'56"E, ALONG THE SOUTH LINE OF SAID TRACT K AND ALONG THE SOUTH LINE OF WILLET PLACE, (A 97.00 FOOT WIDE PUBLIC RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID VIERA BOULEVARD COMMERCIAL CENTER II), A DISTANCE OF 15.00 FEET; THENCE S31°53'04"E A DISTANCE OF 42.06 FEET; THENCE S57°49'14"W A DISTANCE OF 15.00 FEET; THENCE N31°53'04"W A DISTANCE OF 42.14 FEET TO THE POINT OF BEGINNING. CONTAINING 631.48 SQUARE FEET, (0.015 ACRES), MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N58°06'56"E ON THE SOUTH LINE OF WILLET PLACE, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.
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Digitally signed  
by Leslie E  
Howard  
Date:  
2022.06.23  
09:57:02 -04'00'

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

LESLIE E. HOWARD, PSM 5611  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FL 32901 LB No. 4905  
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: TBS	CHECKED BY: LEH	PROJECT NO. 11595	SECTION 4
DATE: 02/18/2022	DRAWING: 11595_100_002	REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	
		06/18/22	PER COUNTY COMMENTS
		06/07/22	PER COUNTY COMMENTS

# SKETCH OF DESCRIPTION

## PARCEL #800

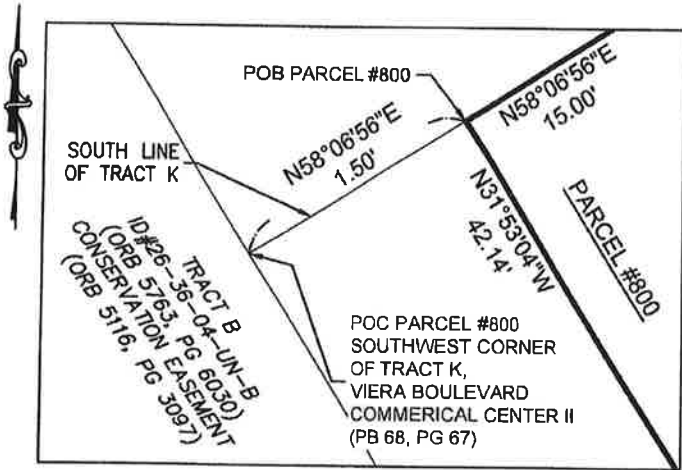
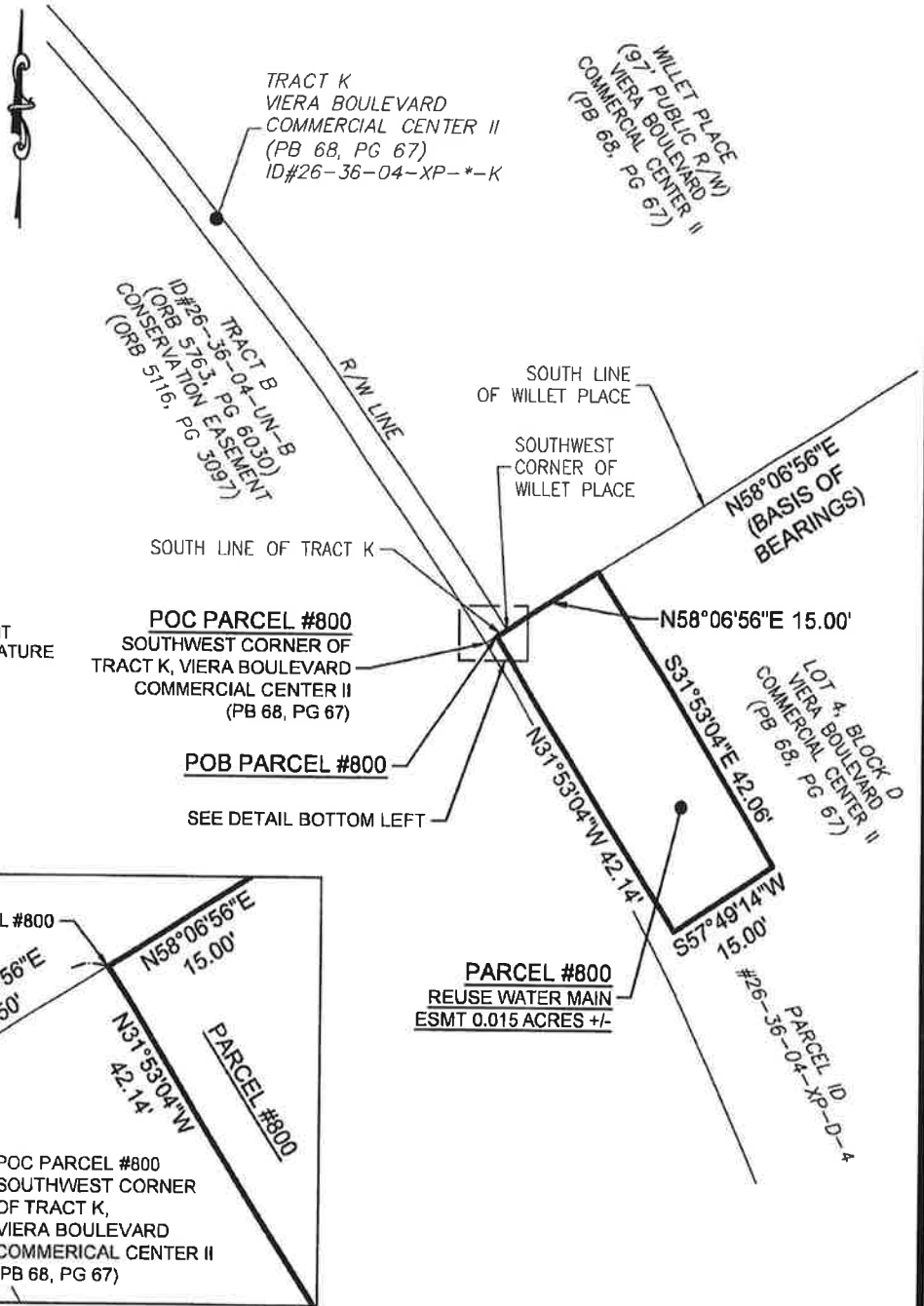
PARENT PARCEL ID#: 26-36-04-XP-D-4  
 PURPOSE: REUSE WATER MAIN EASEMENT

# EXHIBIT "A"

SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2  
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POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVATURE
R	RADIUS
R/W	RIGHT-OF-WAY
RPB	ROAD PLAT BOOK



**DETAIL**  
NTS

PREPARED BY: B.S.E. CONSULTANTS, INC.  
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
 MELBOURNE, FL 32901 LB No. 4905  
 PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE: 1"=20'  
 PROJECT NO.: 11595

SECTION 4  
 TOWNSHIP 26 SOUTH  
 RANGE 36 EAST

# LOCATION MAP

Section 04, Township 26 South, Range 36 East - District 4

PROPERTY LOCATION: South of Viera Boulevard, east of Lake Andrew Drive, west of Interstate 95 in Viera.

OWNERS NAME(S): DD Willet 17.31, LLC

