



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.14.

9/14/2021

### Subject:

Approval, Re: Brevard County Board of County Commissioners Written Consent to Easement in Connection with the City of Titusville's Application for the Use of State-Owned Uplands for a Force Main Easement Required for the Development of Brooks Landing Subdivision - District 1.

### Fiscal Impact:

None

### Dept/Office:

Public Works Department / Land Acquisition / Parks and Recreation Department

### Requested Action:

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

### Summary Explanation and Background:

The subject property is located in Section 29, Township 21 South, Range 35 East, on the west side of US Highway 1 at Dairy Road in Titusville.

AG Ventures, LLC is proposing a 143-lot subdivision known as Brooks Landing within the City of Titusville. Sewer service for the subdivision will be provided by a pump station and force main system. The developer proposes running the force main down the west side of US Highway 1 to tie into an existing force main located at the intersection of U.S. Highway 1 and Dairy Road. In order to make the connection for a required force main easement, it will need to cross the abandoned Florida East Coast Railway right of way, which is the Rails to Trails land owned by the State and managed by the County.

On April 25, 2008 the Board of Trustees of the Internal Improvement Trust Fund (TIITF), Lessor, entered into Lease Agreement 4576 with the State of Florida, Department of Environmental Protection (FDEP), Lessee, over 663.62 acres. Paragraph 12 of the lease states easements are expressly prohibited without the prior written approval of the Lessor. On September 2, 2008, Brevard County entered into a Sublease Agreement with FDEP over 196.6 acres of the East Coast Regional Rail Trail. Paragraph 32 of the sublease states that easements are prohibited without the prior written approval of TIITF and FDEP. As managing agent over the lands, the County must provide a written consent to the easement prior to the State considering the City's application. The Consent is contingent on the written approval of the easement by the TIITF and FDEP.

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 will contact the Clerk's office to make arrangements to pick up the original executed Brevard County Board of County Commissioners Written Consent to Easement.

**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
WRITTEN CONSENT TO EASEMENT**

**WHEREAS**, on the 25<sup>th</sup> day of April 2008, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter the TIITF), Lessor, entered into Lease Agreement 4576 with the State of Florida, Department of Environmental Protection, (hereinafter FDEP), Lessor, over 663.62 acres; and

**WHEREAS**, paragraph 12 of said lease states all easements are expressly prohibited without the prior written approval of the Lessor; and

**WHEREAS**, on the 2<sup>nd</sup> day of September, 2008, Brevard County, Florida, sublessee, entered into a Sublease Agreement with FDEP over 196.6 acres of the East Coast Regional Rail Trail; and

**WHEREAS**, paragraph 32 of the sublease states all easements are prohibited without the prior written approval of the TIITF and FDEP; and

**WHEREAS**, Brevard County is the managing agent over said 196.6 acres; and

**WHEREAS**, the City of Titusville desires to make application to the FDEP and TIITF for the use of State-owned uplands for a force main easement to support a residential development project consisting of a 143 lot subdivision known as Brooks Landing; and

**WHEREAS**, the easement is described in the attached "Exhibit A"; and

**WHEREAS**, the force main will run down the west side of US Highway 1 and tie into an existing force main located at the intersection of US Highway 1 and Dairy road; and

**WHEREAS**, the connection for said force main will cross the abandoned Florida East Coast Railway right of way, which is the Rails to Trails land being managed by Brevard County, and

**WHEREAS**, prior to the City making application for the use of State-owned uplands, the State requires this Consent to Easement from the County, and

**WHEREAS**, Brevard County Parks and Recreation Department, as custodian over the managed lands, has no objections to the easement.

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

1. The recitals are true and correct, and incorporated herein.
2. The County has no objections to the requested easement, provided that the easement is approved in writing by the TIITF and the FDEP.
3. This Consent to Easement shall take effect immediately upon the City obtaining the written approvals delineated in paragraph 2.

DONE AND ORDERED in Regular Session this 14 day of September, 2021.

ATTEST:



Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

As approved by the Board on 09/14/2021

# Sketch of Legal Description for an Utility Easement for the Brooks Landing Project Brevard County, Florida

Exhibit A

Sheet 1 of 2

Not Valid Without All Sheets

## SURVEYORS NOTES

- 1) THE BEARING BASIS IS THE EASTERLY LINE OF THE ABANDONED FLORIDA EAST COAST RAILWAY THE BEARING BEING S27°29'29"E.
- 2) THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
- 3) ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
- 4) THIS SKETCH MEETS THE STANDARD OF PRACTICES FOR SURVEYING AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

## LEGEND

R/W	RIGHT-OF-WAY
NO.	NUMBER
R	RADIUS
L	LENGTH
CH	CHORD DISTANCE
CB	CHORD BEARING
PSM	PROFESSIONAL SURVEYOR AND MAPPER
PG	PAGE
N	NORTH
S	SOUTH
E	EAST
W	WEST
ORB	OFFICIAL RECORDS BOOK

## LEGAL DESCRIPTION UTILITY EASEMENT (BY SURVEYOR)

A PORTION OF LAND IN SECTION 29, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF DAIRY ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2978, PAGE 1657 AND THE WESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5838, PAGE 9507; THENCE SOUTH 27°29'29" EAST ALONG SAID WESTERLY LINE A DISTANCE OF 27.62 FEET, TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT; THENCE DEPARTING SAID WESTERLY LINE NORTH 17°12'55" EAST, A DISTANCE OF 71.08 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 1; THENCE SOUTH 27°29'29" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.32 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 17°12'55" WEST, A DISTANCE OF 54.31 FEET; THENCE SOUTH 62°12'55" WEST, A DISTANCE OF 11.79 FEET, TO AN INTERSECTION WITH THE SAID WESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5838, PAGE 9507; THENCE NORTH 27°29'29" WEST ALONG SAID WESTERLY LINE 9.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 996.26 SQUARE FEET, MORE OR LESS.

SKETCH OF LEGAL DESCRIPTION  
"This is NOT a Boundary Survey"

Drawn by:	Checked	File name	Date	Scale
BMM	DMT	5395.01	8/31/21	N/A



**Masteller, Moler & Taylor, Inc.**

PROFESSIONAL SURVEYORS AND MAPPERS

LAND SURVEYING BUSINESS #4644

1655 27th Street, Suite 2 Vero Beach, Florida 32960

Phone: (772) 564-8050 Fax: (772) 794-0647

NOT VALID WITHOUT THE SIGNATURE AND  
THE ORIGINAL RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER

No. LS5243

STATE OF  
FLORIDA

DAVID TAYLOR P.L.S. 5243

# Sketch of Legal Description for an Utility Easement for the Brooks Landing Project Brevard County, Florida

Sheet 2 of 2

Not Valid Without All Sheets



SCALE: 1"=50'

PARCEL ID: 21-35-29-00-35  
ORB 5588, PG 6617

**POINT OF COMMENCEMENT**  
INTERSECTION OF THE NORTHERLY  
RIGHT-OF-WAY LINE OF DAIRY ROAD  
AS DESCRIBED IN ORB 2978, PG 1657  
AND THE WESTERLY LINE OF LANDS  
DESCRIBED IN ORB 5838, PG 9507

NORTHERLY RIGHT-OF-WAY LINE OF DAIRY ROAD  
S27°29'29"E 27.62'  
N27°29'29"W 9.47'

**POINT OF BEGINNING**  
SUBJECT UTILITY EASEMENT  
DAIRY ROAD  
ORB 2978,  
PG 1657

WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 1  
FLORIDA EAST COAST RAILWAY  
PARCEL ID: 21-35-29-00-50  
ORB 5838, PG 9507  
WESTERLY LINE OF LANDS DESCRIBED IN  
ORB 5838, PG 9507

SUBJECT  
UTILITY EASEMENT

N17°12'55"E  
71.08'

S27°29'29"E  
21.32'

S17°12'55"W  
54.31'

S62°12'55"W  
11.79'

S27°29'29"E

US HIGHWAY NO. 1  
AKA STATE ROAD NO. 1  
FDOT SECTION 7003(175)217

SKETCH OF LEGAL DESCRIPTION  
"This is NOT a Boundary Survey"

Drawn by: BMM	Checked DMT	File name 5395.01	Date 8/31/21	Scale 1"=50'
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NOT VALID WITHOUT THE SIGNATURE AND  
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DAVID M. TAYLOR  
No. LS5243  
STATE OF FLORIDA  
REGISTERED SURVEYOR