



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

9/13/2022

Subject:

Approval, Re: Temporary Construction Easement for Lift Station F-01 from Judith A. Nettles- District 2.

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 Temporary Construction Easement.

Summary Explanation and Background:

The subject property is located in Section 19, Township 24 South, Range 37 East, west of North Banana River Drive on the north side of Chub Street in Merritt Island.

The Utility Services Department is planning the relocation and construction of Lift Station F-01. The Temporary Construction Easement will be used for construction crews to access the existing lift station as part of the lift station rehabilitation project.

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: Temporary Construction Easement for Lift Station F-01 from Judith A. Nettles– District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>8-18-2022</u>
COUNTY ATTORNEY Christine Schverak Interim County Attorney	<u>CMS</u> _____	_____	<u>08-22-2022</u>



September 14, 2022

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Andrew Malach

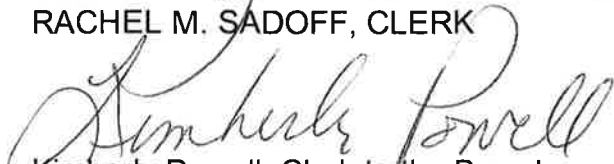
RE: Item F.6., Temporary Construction Easement for Lift Station F-01 from Judith A. Nettles

The Board of County Commissioners, in regular session on September 13, 2022, approved and accepted the Temporary Construction Easement for the Lift Station F-01 from Judith A. Nettles.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**


Kimberly Powell, Clerk to the Board

/ds

cc: Utility Services

Prepared by and return to: Andrew Malach
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-37-19-50-3-17.01

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Judith A. Nettles, hereinafter called the Owner, whose address is 1490 Chub Street, Merritt Island, Florida 32952, does give, grant, bargain and release to Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a temporary construction easement for the purpose of constructing, reconstructing, and reconfiguring a sanitary sewer line and/or lift station 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 19, Township 24 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

With construction to be undertaken by or under direct supervision of the County. This easement shall be limited to said purposes, but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for the County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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)

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

THIS EASEMENT shall expire upon the completion of the project or January 1, 2025, whichever occurs first.

Signed, sealed, and delivered in the presence of:

Amy Rivera
Witness
Amy Rivera
(Print Name)

Judith A. Nettles
Judith A. Nettles

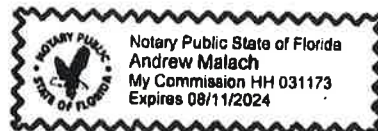
Andrew Malach
Witness
Andrew Malach
(Print Name)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 18th day of August, 2022, by Judith A. Nettles, who is ☐ personally known or ☒ produced Florida D.L. as identification.

Andrew Malach
Notary Signature
SEAL

This document does not get recorded.



LEGAL DESCRIPTION

PARCEL #700

PARENT PARCEL ID#: 24-37-19-50-3-17.01

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 AND 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL # 700, TEMPORARY CONSTRUCTION EASEMENT (AS PREPARED BY SURVEYOR)

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 24 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING A PORTION OF LOT 17, BLOCK 3, SURFSIDE ESTATES, UNIT ONE, AS RECORDED IN PLAT BOOK 16, PAGE 65 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 17, BLOCK 3, SURFSIDE ESTATES, UNIT ONE, AS RECORDED IN PLAT BOOK 16, PAGE 65 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING A FOUND 1/2" IRON ROD, NO IDENTIFICATION; THENCE NORTH 15°12'53" WEST ALONG THE EASTERLY LINE OF SAID LOT 17, BLOCK 3, A DISTANCE OF 87.06 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°54'29" WEST ALONG A LINE 13 FEET SOUTH OF AND PARALLEL TO THE SOUTHERLY LINE OF AN EXISTING 6 FOOT UTILITY EASEMENT PER SAID PLAT, A DISTANCE OF 43.74 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5396, PAGE 5231 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 54°08'50" EAST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 22.24 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING 6 FOOT UTILITY EASEMENT PER SAID PLAT; THENCE NORTH 89°54'29" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 22.17 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 17, BLOCK 3; THENCE SOUTH 15°12'53" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 13.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 428 SQUARE FEET (0.010 ACRES), MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, COVENANTS, EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

Jeffrey Schwartz

Digitally signed by Jeffrey Schwartz
DN: CN=Jeffrey Schwartz,
dnQualifier=A01410C0000017FF5CA8FD800009415,
O=McKIM AND CREED INC., C=US
Date: 2022.08.19 09:04:27-04'00'

JEFFREY M. SCHWARTZ, PSM DATE
PROFESSIONAL SURVEYOR & MAPPER LICENSE NUMBER: LS6618
McKIM AND CREED, INC. (M&C),
PROFESSIONAL SURVEYOR & MAPPER BUSINESS LICENSE NUMBER: LB7917



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

SEE SHEET 2 OF 3 FOR SKETCH
SEE SHEET 3 OF 3 FOR GENERAL
NOTES AND LEGEND

PREPARED BY: McKim and Creed, Inc.
123 N. Industrial Drive, Suite D
Orange City, Florida 32763

DRAWN BY: JMS	CHECKED BY: JMS	PROJECT NO. M-RR-178 TWO 1-A6			SECTION 19 TOWNSHIP 24 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 07/14/2022	DRAWING: PAR700				

PARCEL # 700

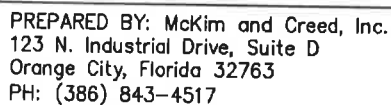
PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

SEE SHEET 1 OF 3 FOR LEGAL AND CERTIFICATION
SEE SHEET 3 OF 3 FOR GENERAL NOTES AND LEGEND

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 AND 3

THIS IS NOT A SURVEY

 $1'' = 30'$

PROJECT NO.:

MI-RR-178 TWO 1-A6

SECTION 19

TOWNSHIP 24 SOUTH
RANGE 37 EAST

LEGAL DESCRIPTION

PARCEL #700

PARENT PARCEL ID#: 24-37-19-50-3-17.01

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 AND 2

THIS IS NOT A SURVEY

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO, THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH RIGHT OF WAY LINE OF CHUB STREET HAVING A BEARING OF NORTH 89°59'25" WEST, AN ASSUMED BEARING.
3. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL OR AN ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
6. THIS SKETCH IS NOT A SURVEY.
7. AN OWNERSHIP AND ENCUMBRANCE REPORT WAS PREPARED BY NEW REVELATIONS, INC., 10079 AUSTRINA OAK LOOP, WINTER GARDEN, FLORIDA, 34787, PHONE: 407-347-8536, FILE NUMBER 22-1346 WITH AN EFFECTIVE DATE OF 07/04/2022. ALL RELEVANT ENCUMBRANCES ARE NOTED/PLOTTED HEREON UNLESS OTHERWISE DENOTED BELOW.
- 7a. OFFICIAL RECORDS BOOK 510, PAGE 548 DEDICATES A 2 1/2 FEET WIDE EASEMENT IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY AS SHOWN HEREON.
- 7b. OFFICIAL RECORDS BOOK 542, PAGE 841 DEDICATES THE RIGHTS TO USE THE EXISTING PLATTED UTILITY EASEMENTS FOR THE PURPOSES OF WATER AND SEWER DISTRIBUTION IN FAVOR OF FIRST FLORIDA UTILITIES, INC.
- 7c. OFFICIAL RECORDS BOOK 542, PAGE 856 DEDICATES THE RIGHTS TO USE THE EXISTING PLATTED UTILITY EASEMENTS FOR THE PURPOSES OF GAS DISTRIBUTION IN FAVOR OF FIRST FLORIDA UTILITIES, INC. WITH AN ASSIGNMENT TO FIRST NATIONAL GAS CORPORATION PER OFFICIAL RECORDS BOOK 557, PAGE 699.
- 7d. THE FOLLOWING OFFICIAL RECORDS BOOK AND PAGES DO NOT AFFECT THE SUBJECT PARCEL:
ORB 493, PAGE 696: NO EASEMENTS WITHIN DOCUMENT
ORB 506, PAGE 831: NO EASEMENTS WITHIN DOCUMENT
ORB 561, PAGE 490: NO EASEMENTS WITHIN DOCUMENT
ORB 572, PAGE 540: NO EASEMENTS WITHIN DOCUMENT

LEGEND:

ID = IDENTIFICATION	PH: = PHONE
NO. = NUMBER	PB = PLAT BOOK
ORB = OFFICIAL RECORDS BOOK	R/W = RIGHT OF WAY
PG = PAGE	

SEE SHEET 1 OF 3 FOR LEGAL AND CERTIFICATION
SEE SHEET 2 OF 3 FOR SKETCH

PREPARED BY: McKim and Creed, Inc.
123 N. Industrial Drive, Suite D
Orange City, Florida 32763
PH: (386) 843-4517

SCALE:
NOT TO SCALE

PROJECT NO.:
MI-RR-178 TWO 1-A6

SECTION 19
TOWNSHIP 24 SOUTH
RANGE 37 EAST

LOCATION MAP

Section 19, Township 24 South, Range 37 East - District: 2

PROPERTY LOCATION: West of North Banana River Drive on the north side of Chub Street in Merritt Island.

OWNERS NAME: Judith A. Nettles

