



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

11/9/2021

Subject:

Approval, Re: Donation of Utility Easement from The School Board of Brevard County, Florida for the Benefit of Lift Station N-13, Mims- District 1.

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 17, Township 21 South, Range 35 East, east side of Broadway Avenue at Mims Elementary, Mims.

The Department has undertaken a rehabilitation and/or replacement project identified as Lift Station N-13, located at and serving Mims Elementary. As part of the project, it is necessary to acquire an easement to run the electrical conduit and wiring running from the existing lift station to the proposed 480v transformer. The School Board has agreed to donate and provide the needed easement.

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: Utility Easement from The School Board of Brevard County Florida for the Benefit of Lift Station N13 – District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>10-18-21</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>10/27/2021</u>



November 10, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director


RE: Item F.7., Approval for Donation of Utility Easement from the School Board of Brevard County, Florida for the Benefit of Lift Station N-13, Mims

The Board of County Commissioners, in regular session on November 9, 2021, approved and accepted the donation of utility easement from the Brevard County School Board for the benefit of Lift Station N-13, Mims.

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: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 21-35-17-00-288
Lift Station N13 (additional easement)

UTILITY EASEMENT

THIS INDENTURE, made this 12th day of Oct, 2021, between The School Board of Brevard County, Florida, whose address is 2700 Judge Fran Jamieson Way, 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 utility easement commencing on the above date for the purposes of constructing, reconstructing, reconfiguring, and maintaining public utilities and its 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 17, Township 21 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:

Mark Mullins
Witness

Mark Mullins
print name

Pam Escobar
Witness

Pam Escobar
Print name

The School Board of Brevard County
Florida

BY: Misty Belford
Misty Belford, Chairman

S
Dy

ATTEST:

Mark W. Mullins
Mark W. Mullins, Ed. D.
Superintendent

Approve as to form: PAB

General Counsel

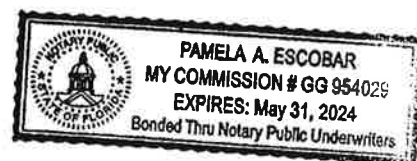
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 12th day of Oct., 2021, by Misty Belford, Chairman of The School Board of Brevard County, Florida. Is ☒ personally known or ☐ produced _____ identification.

Pamela A. Escobar

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL 802

SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST

PARENT PARCEL NUMBER: 21-35-17-00-288

PURPOSE: UTILITY EASEMENT

SHEET 1 OF 4 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 2, 3 AND 4 OF 4

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 802, UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST AND BEING A PART OF THOSE LANDS DESCRIBED IN DEED BOOK 58, PAGE 193 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 17, THENCE ON A BEARING OF N00°00'00"E., ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 17, A DISTANCE OF 52.14 FEET; THENCE N.68°00'00"E., 259.97 FEET TO THE SOUTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS AND THE NORTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5781, PAGE 8278 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF THE FORMER FLORIDA EAST COAST RAILWAY RIGHT OF WAY (ENTERPRISE BRANCH); THENCE N.27°14'56"W., ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN DEED BOOK 58, PAGE 193 AND ALONG SAID EAST RIGHT OF WAY LINE OF THE FORMER FLORIDA EAST COAST RAILWAY RIGHT OF WAY (ENTERPRISE BRANCH), 101.80 FEET; THENCE N.65°38'40"E., 26.52 FEET TO A POINT LYING ON THE EASTERLY LINE OF THE UTILITY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 8664, PAGE 1583, EXHIBIT B OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.65°38'40"E., 110.13 FEET; THENCE N.64°31'04"E., 121.99 FEET; THENCE N.61°29'48"E., 78.39 FEET TO A POINT LYING ON THE WEST LINE OF THE 15 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 5681, PAGE 5513 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.21°54'42"W., ALONG SAID LINE, 15.10 FEET; THENCE S.61°29'48"W., 79.72 FEET; THENCE S.64°31'04"W., 121.44 FEET; THENCE S.65°38'40"W., 113.68 FEET TO A POINT LYING ON THE AFORESAID EAST LINE OF THE UTILITY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 8664, PAGE 1583; THENCE ALONG SAID LINE, THE FOLLOWING TWO COURSES AND DISTANCES: S.27°14'56"E., 12.38 FEET; S.73°36'05"E., 4.05 FEET TO THE POINT OF BEGINNING.
CONTAINING 4708 SQUARE FEET OR 0.11 ACRES MORE OR LESS.

NOTES:

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N.00°00'00"E., AS SHOWN ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 17, TWP.21 S., RGE. 35 E., BREVARD COUNTY, FLORIDA.
- 2) THE EASEMENTS LISTED IN THE OWNERSHIP AND ENCUMBRANCE REPORT FILE NO: 19-1049 BY NEW REVELATIONS INC., DATED 01/31/2019 AS AFFECTING THE PARENT TRACT ARE ADDRESSED AS FOLLOWS:

F.P.&L. EASEMENT RECORDED IN O.R.B.5681, PG. 5513 BORDERS ON THE NORTHEAST BOUNDARY LINE OF THE PROPERTY DESCRIBED HEREIN

FPL EASEMENT RECORDED IN O.R.B.6024, PG.2483 DOES NOT AFFECT THE PROPERTY DESCRIBED HEREIN.

LEGEND

DB., PG. = DEED BOOK AND PAGE

ORB., PG. = Official Records Book and Page

P.O.B. = Point of Beginning

P.O.C. = Point of Commencement

R/W = Right-of-way

TWP = Township

RGE = Range

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

CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

CERTIFIED BY:

DENNIS W. WRIGHT

REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE 8/9/2021

ORDER NO. 25806

FB. NO.

SCALE. 1" = 30'

DWG.NO.MIMS ELEM FPL EASE.DWG

Honeycutt & Associates, Inc.

ENGINEERS•SURVEYORS•PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

SECTION: 17

TOWNSHIP: 21 S.

RANGE: 35 E.

PARCEL 802

SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST
PARENT PARCEL NUMBER: 21-35-17-00-288

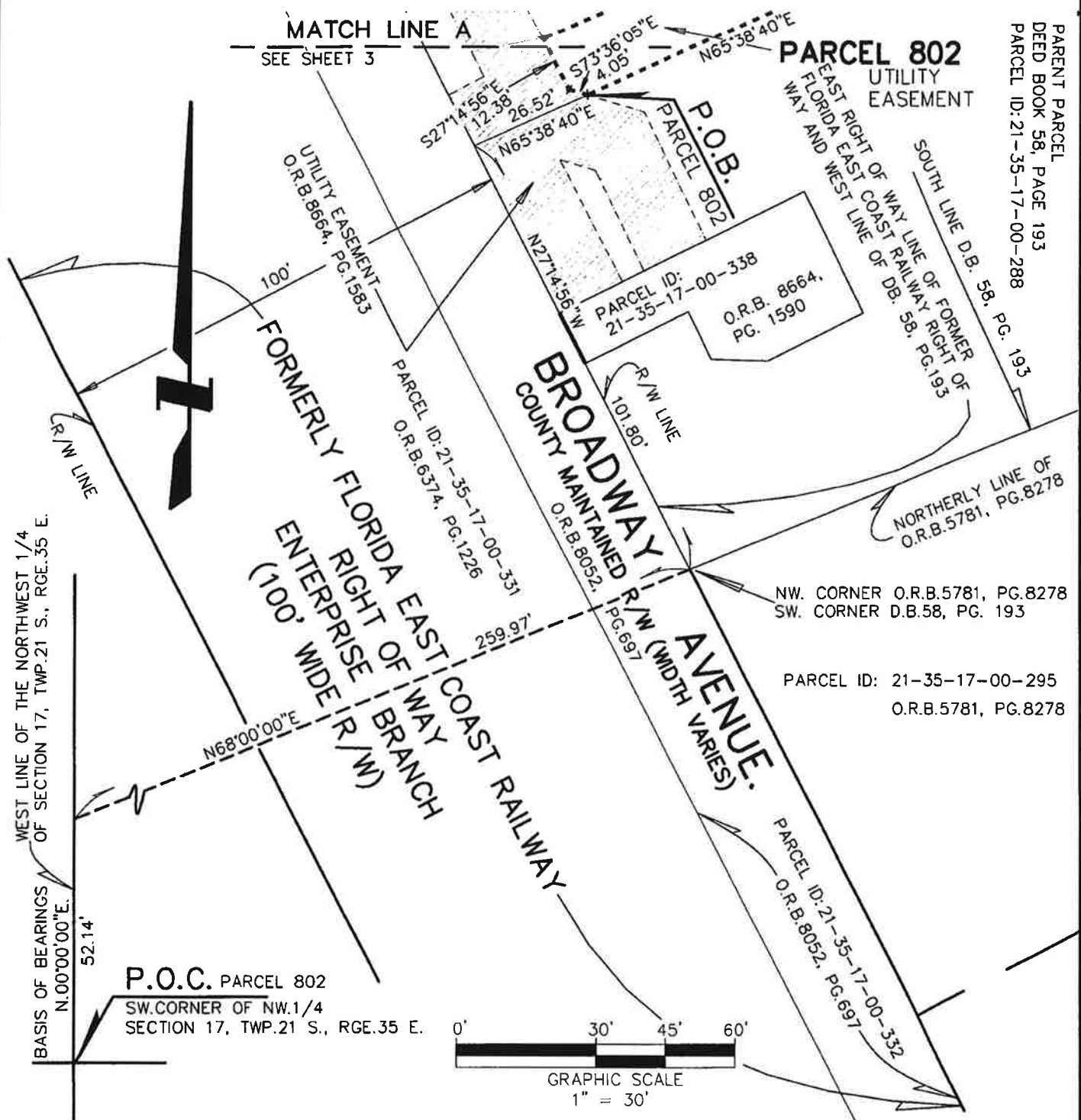
PURPOSE: UTILITY EASEMENT

SHEET 2 OF 4 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1, 3 AND 4 OF 4

THIS IS NOT A SURVEY



DATE 8/9/2021
ORDER NO. 25806
FB. NO. _____
SCALE. 1" = 30'
DWG. NO. MIMS ELEM FPL EASE.DWG

Honeycutt & Associates, Inc.
ENGINEERS • SURVEYORS • PLANNERS
 3700 South Washington Avenue • Titusville, Florida 32780
 (321) 267-6233 Fax (321) 269-7847
 CERTIFICATE OF AUTHORIZATION NO. LB 6762

SECTION: 17
TOWNSHIP: 21 S.
RANGE: 35 E.

PARCEL 802

PARENT PARCEL NUMBER: 21-35-17-00-288

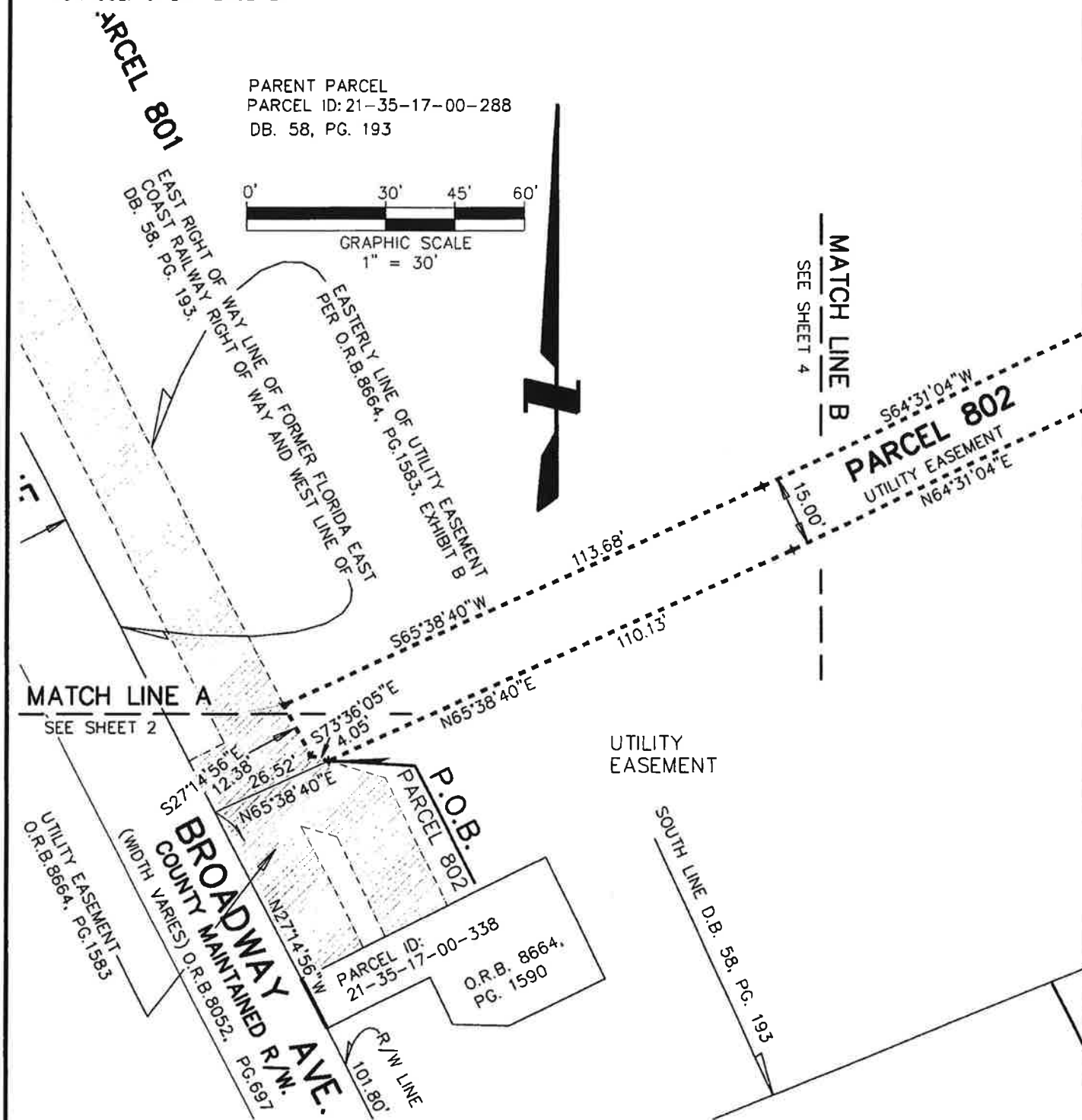
PURPOSE: UTILITY EASEMENT

SHEET 3 OF 4 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1, 2 AND 4 OF 4

THIS IS NOT A SURVEY



DATE 8/9/2021

ORDER NO. 25806

FB. NO.

SCALE, $1'' = 30'$

DWG.NO,MIMS ELEM FPL EASE.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

SECTION: 17

TOWNSHIP: 21 S.

RANGE: 35 E.

MAP OF DESCRIPTION

PARCEL 802

SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST

PARENT PARCEL NUMBER: 21-35-17-00-288

PURPOSE: UTILITY EASEMENT

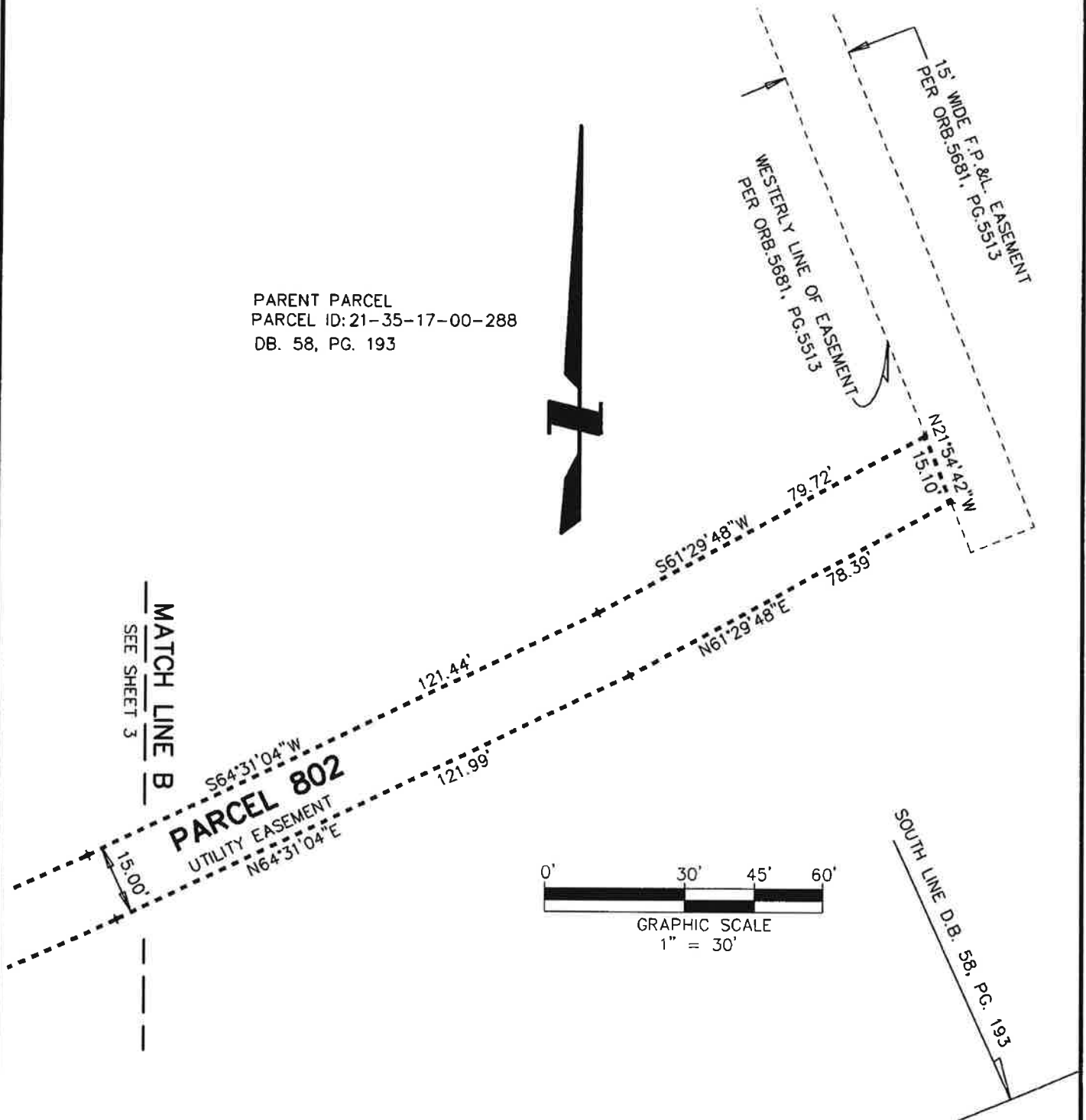
SHEET 4 OF 4 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1, 2 AND 3 OF 4

THIS IS NOT A SURVEY

PARENT PARCEL
PARCEL ID: 21-35-17-00-288
DB. 58, PG. 193



DATE 8/9/2021

ORDER NO. 25806

FB. NO.

SCALE 1" = 30'

DWG. NO. MIMS ELEM FPL EASE.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

SECTION: 17

TOWNSHIP: 21 S.

RANGE: 35 E.

LOCATION MAP

Section 17, Township 21 South, Range 35 East - District: 1

PROPERTY LOCATION: East side of Broadway Avenue at Mims Elementary, Mims

OWNERS NAME(S): The School Board of Brevard County, Florida

