



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.22.

8/25/2020

Subject:

Approval, Re: Dedication of Utility Easement from Bayswater Development Corporation for the Wave Crest Townhomes Sewer Permit Application Process - District 5.

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 31, Township 27 South, Range 38 East, south of Melbourne Causeway, east of A1A, along the west side of Wave Crest Avenue in Indialantic.

Bayswater Development Corporation owns the parcel located at 718 Wave Crest Avenue. The owner desires to build three townhomes and has submitted a sewer application to Brevard County.

Brevard County Code 110-184 has adopted and made part of the code the appendix entitled "Criteria for Water and Sanitary Sewerage Systems within Brevard County" as the minimum standards for the design, construction and installation of water and sewerage systems. Sections 1.2 and 1.13.2 outlines the requirement for an easement over sewer lines maintained by Brevard County. The owners have agreed to dedicate the necessary Utility 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: Dedication of Utility Easement from Bayswater Development Corporation for the Wave Crest Townhomes Sewer Permit Application Process – District 5.

AGENCY: Public Works Department / Land Acquisition / Utility Services Department

AGENCY CONTACT: Page Whittle, Land Acquisition Specialist

CONTACT PHONE: 321-690-6847 extension 58351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u></u>	<u> </u>	<u>8-11-2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u><i>cms</i></u>	<u> </u>	<u>08-14-2020</u>

AGENDA DUE DATE: August 18, 2020 for the August 25, 2020 Board meeting



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

August 26, 2020

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Page Whittle

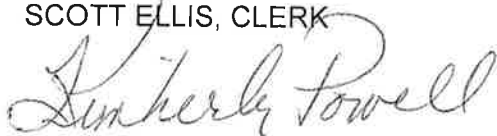
RE: Item F.22., Approval for Dedication of Utility Easement from Bayswater Development Corporation for the Wave Crest Townhomes Sewer Permit Application Process

The Board of County Commissioners, in regular session on August 25, 2020, approved and accepted the Utility Easement for the Wave Crest Townhomes Sewer Permit Application process from Bayswater Development Corporation.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK



Kimberly Powell, Clerk to the Board

Prepared by and return to: Page Whittle
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 27-38-31-EO-40-47 & 27-38-31-EO-40-45

UTILITY EASEMENT

THIS INDENTURE, made this 10th day of August, 2020, between Bayswater Development Corporation, a Florida corporation, whose mailing address is 1684 West Hibiscus Boulevard Melbourne, Florida 32901, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose mailing 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 hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual utility easement commencing on the above date, for the purpose of maintaining a sanitary sewer line, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of this easement is located in Section 31, Township 27 South, Range 38 East, County of Brevard, State of Florida, 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 the County of Brevard and to its successors and assigns.

The first party does hereby 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 having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Jessica Caselli
Witness
Jessica Caselli
(Print Name)

Page R Whittle
Witness
Page R Whittle
(Print Name)

Bayswater Development Corporation,
a Florida corporation

William M. Braselton, III
President

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 10th day of August, 2020, by William M. Braselton, III as President for Bayswater Development Corporation, a Florida corporation. Is personally known or produced _____ as identification.

Page R Whittle
Notary Signature
SEAL

Agenda Item # _____
Board Meeting Date _____



LEGAL DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 27-38-31-EO-40-47 & 27-38-31-EO-40-45
SECTION 31, TOWNSHIP 27 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

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

EXHIBIT "A"

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

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 27 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA, BEING THE EAST 5 FEET OF THE NORTH 15 FEET OF LOT 45, BLOCK 40, AND THE EAST 5.00 FEET OF LOTS 46, 47, AND 48, BLOCK 40, PLAT OF INDIALANTIC BY-THE-SEA, ACCORDING TO THE PLAT THEREOF, AS RECORDED ON PLAT BOOK 3, PAGE 35, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT INTERSECTION OF THE SOUTHEAST CORNER OF THE NORTH 15 FEET OF LOT 45, BLOCK 40, AND THE WEST RIGHT OF WAY LINE OF WAVE CREST AVENUE, SAID PLAT OF INDIALANTIC BY-THE-SEA, AND RUN SOUTH 72°26'00" WEST A DISTANCE OF 5.00 FEET; THENCE NORTH 17°34'00" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 72°26'00" EAST A DISTANCE OF 5.00 FEET TO THE WEST RIGHT OF WAY LINE OF WAVE CREST AVENUE; THENCE SOUTH 17°34'00" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 500 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE 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.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF OPINION OF TITLE PREPARED BY MOSLEY & WALLIS, P.A., DATED JUNE 16, 2020. NO ENCUMBRANCES.
5. BEARINGS ARE BASED ON A ASSUMED BEARING OF SOUTH 17°34'00" EAST FOR THE WESTERLY RIGHT OF WAY LINE OF WAVE CREST AVENUE, SHOWN AS BEING THE BASIS OF BEARINGS.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

DRAWN BY:
DOUG W. GUARE

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____
REVISION: COUNTY COMMENTS 07-29-20
REVISION: COUNTY COMMENTS 07-07-20

DATE: 05-29-20

PROJECT # 38742


DANIEL D. GARNER, PLS #189
PROFESSIONAL LICENSED SURVEYOR
STATE OF FLORIDA
LICENSE #6623

SECTION 31,
TOWNSHIP 27 SOUTH,
RANGE 38 EAST

SKETCH OF DESCRIPTION

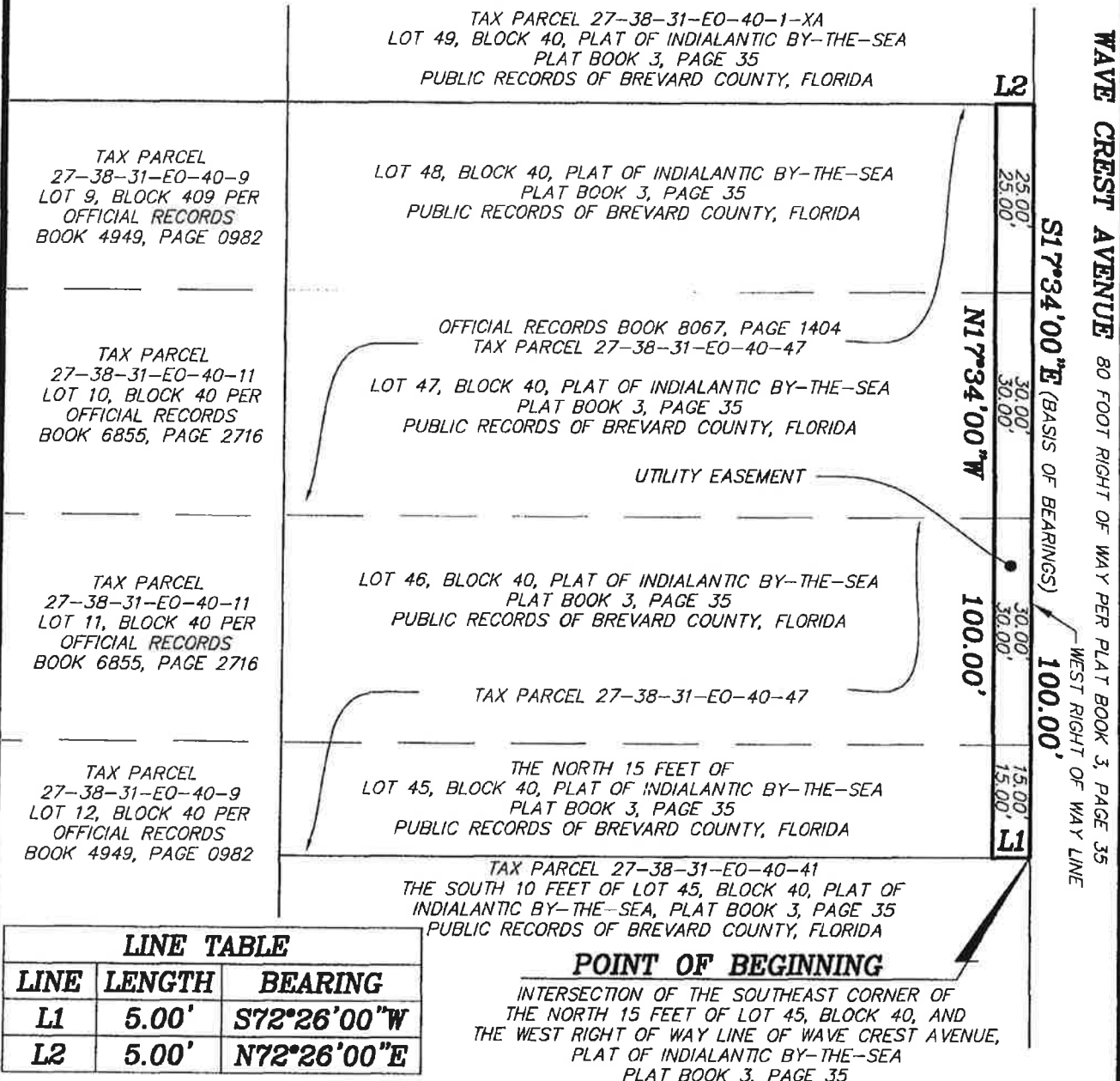
PARCEL 801

EXHIBIT "A"

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

PARENT PARCEL ID#: 27-38-31-EO-40-47 & 27-38-31-EO-40-45
SECTION 31, TOWNSHIP 27 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT



LINE TABLE

LINE	LENGTH	BEARING
L1	5.00'	S72°26'00"W
L2	5.00'	N72°26'00"E



NORTH

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 20'

PROJECT # 38742

REVISION:

REVISION: COUNTY COMMENTS 07-29-20

REVISION: COUNTY COMMENTS 07-07-20

SECTION 31,
TOWNSHIP 27 SOUTH,
RANGE 38 EAST

LOCATION MAP

Section 31, Township 27 South, Range 38 East - District 5

PROPERTY LOCATION: South of Melbourne Causeway, east of A1A, along the west side of Wave Crest Avenue in Indialantic.

OWNERS NAME: Bayswater Development Corporation

