



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

8/27/2024

Subject:

Approval, Re: Dedication of Sanitary Sewer Easement from Marsh Harbor Homeowner's Association, Inc. for the Save Our Indian River Lagoon (SOIRL) Sykes Creek Zone R Septic to Sewer Conversion Project - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition Office / Natural Resources Management Department / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Sanitary Sewer Easement.

Summary Explanation and Background:

The subject property is located in Sections 12 and 13, Township 25 South, Range 36 East, east of South Courtenay Parkway in the Marsh Harbor Subdivision in Merritt Island.

Natural Resources Management Department is undertaking a project known as the Sykes Creek Zone R Septic to Sewer Conversion Project, in conjunction with the Utility Services Department, to help improve the Indian River Lagoon water quality by reducing excess nitrogen loading the lagoon. The Sykes Creek Zone R Septic to Sewer project is included in the Save Our Indian River Lagoon Project Plan, as approved by the Board of County Commissioners. The Plan specifically identifies septic system removals and updates as a key component to reducing pollutant loadings to the Indian River Lagoon.

This project will include the construction of a wastewater collection system to replace the existing septic systems and enable the connection of 221 homes to sewer for the purpose of septic to sewer conversion. Marsh Harbor Homeowner's Association, Inc. has agreed to dedicate the requested Sanitary Sewer Easement over Inlet Way and Marsh Harbor Avenue for the 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: Dedication of Sanitary Sewer Easement from Marsh Harbor Homeowner's Association, Inc. for the Save Our Indian River Lagoon (SOIRL) Zone R Sykes Creek Septic to Sewer Conversion Project – District 2.

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Lisa J. Kruse / Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>7-22-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney	 _____	_____	<u>8/2/2024</u>



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 28, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lisa Kruse

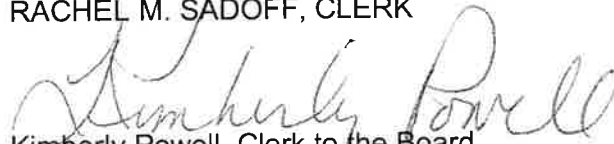
RE: Item F.7., Approval for Dedication of Sanitary Sewer Easement from Marsh Harbor Homeowner's Association, Inc. for the Save Our Indian River Lagoon (SOIRL) Sykes Creek Zone R Septic to Sewer Conversion Project

The Board of County Commissioners, in regular session on August 27, 2024, approved and accepted the Dedication of Sanitary Sewer Easement from Marsh Harbor Homeowner's Association, Inc. for the SOIRL Sykes Creek Zone R Septic to Sewer Conversion Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/sm

cc: Natural Resources Management
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: 25-36-12-OQ-R

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 3rd day of July, 2024, between Marsh Harbor Homeowner's Association, Inc., a Florida not-for-profit corporation, whose address is 2301 Marsh Harbor Avenue, Merritt Island, Florida 32952, 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, constructing, reconstructing, reconfiguring, and maintaining sanitary sewer lines 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 Sections 12 and 13, Township 25 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:



Witness

Angela Chapmar

Print Name

Address: 275 N. Grove St
Merritt Island FL 32953

Marsh Harbor Homeowner's
Association, Inc., a Florida
not-for-profit corporation

By: 

Christopher Neumann, President



Witness

Michelle Brown

Print Name

Address: 275 N. Grove St. Ste 101
Merritt Island, FL 32953

(Seal)

STATE OF FLORIDA

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 3 day of July, 2024, by Christopher Neumann, as President for Marsh Harbor Homeowner's Association, Inc., a Florida not-for-profit corporation. Is ☐ personally known or ☒ produced Valid Photo ID as identification.



Notary Signature

SEAL

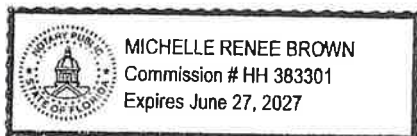


Exhibit "A"

Those road right of ways labeled as Inlet Way and Marsh Harbor Avenue, as identified in Plat Note 12 and as shown on said plat, according to the Plat of Marsh Harbor, as recorded in Plat Book 36, Page 18, of the Public Records of Brevard County, Florida.

LOCATION MAP

Sections 12 and 13, Township 25 South, Range 36 East – District - 2

PROPERTY LOCATION: East of South Courtenay Parkway in the Marsh Harbor Subdivision in Merritt Island.

OWNERS NAME(S): Marsh Harbor Homeowner's Association, Inc.

