



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

5/4/2021

Subject:

Approval, Re: Resolution and Easement in favor of Florida Power and Light Company for the South-Central Waste Water Treatment Plant- District 4.

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 authorize the Chair to execute the attached Resolution and Florida Power and Light Easement.

Summary Explanation and Background:

The subject property is located in Section 18, Township 26 South, Range 36 East, Charlie Corbeil Way in Viera.

The Utility Services Department is planning to upgrade the pump station at the Viera wetlands, to include the elimination of the existing diesel generator. The proposed pump station improvements will require adequate electrical power in order to function properly. The attached easement will provide continued power between the existing wetland easement and the plant easements.

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:



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

May 5, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.5., Approval of Resolution and Easement in Favor of Florida Power and Light Company for the South-Central Waste Water Treatment Plant

The Board of County Commissioners, in regular session on May 4, 2021, executed and adopted Resolution No. 21-049, authorizing the conveyance of real property interest by the County; and approved the Florida Power and Light Easement, located in Section 18, Township 26 South, Range 36 East, Charlie Corbeil Way in Viera. Enclosed are the fully-executed Resolution and Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

Encls. (2)

cc: Utility Services
Land Acquisition

RESOLUTION NO. 21- 049

**RESOLUTION PURSUANT TO SECTION 125.38,
FLORIDA STATUTES AUTHORIZING THE CONVEYANCE
OF REAL PROPERTY INTEREST BY THE COUNTY.**

RECITALS

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," owns certain real property described in Exhibit "A"; and

WHEREAS, the Florida Power and Light Company (FPL) has requested a perpetual easement to provide electric service to said COUNTY property; and

WHEREAS, said utility easement will not conflict with the County's use of the servient property.

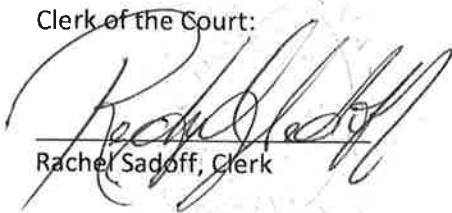
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.
2. Pursuant to section 125.38, Florida Statutes, an easement is required to meet the County's purposes. The easement shall be conveyed at nominal cost. The area of the easement is not needed for other County purposes that would conflict with FPL's use of the easement.
3. County hereby agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place facilities within said easement area in order for FPL to provide electric service to County.
4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 4 day of May, 2021.

ATTEST:

Clerk of the Court:


Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Rita Pritchett, Chair

As approved by the Board on 5-4-21
Item # F.5.

LEGAL DESCRIPTION

PARCEL 802

SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 26-36-18-00-3 & 26-36-18-00-2

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

A PARCEL OF LAND LOCATED WITHIN SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

COMMENCE AT THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2951, PAGE 1574 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 88° 40' 29" WEST ALONG THE NORTH LINE OF SAID SECTION 18 FOR A DISTANCE OF 90.64 FEET TO THE POINT OF TERMINUS OF THE CENTERLINE OF A 10 FOOT WIDE UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8225, PAGE 2598; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 07° 51' 14" WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 50.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE SOUTH 79° 17' 40" EAST A DISTANCE OF 46.00 FEET; THENCE SOUTH 88° 46' 27" EAST FOR A DISTANCE OF 608.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS DESCRIBED AS A 10 FOOT WIDE UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 7628, PAGE 2053, SAID POINT ALSO BEING THE POINT OF TERMINUS OF SAID CENTERLINE, WITH THE SIDE LINES OF THE STRIP PROLONGED OR SHORTENED TO TERMINATE AT SAID WEST LINE, CONTAINING 6,543 SQUARE FEET (0.15 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE NORTH LINE OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST AS BEING SOUTH 88° 40' 29" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.3.
3. ALL DISTANCES SHOWN HEREIN ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.
4. ONLY RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS ARE INDICATED HEREON. NO OWNERSHIP AND ENCUMBRANCE REPORT OR OTHER INFORMATION WAS FURNISHED TO THE SURVEYOR AND MAPPER.
5. REFERENCE MATERIAL:
 - a. AS-BUILT SURVEY, VIERA WETLANDS BYPASS ROAD PREPARED FOR BREVARD COUNTY PUBLIC WORKS BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT, SURVEYING AND MAPPING DIVISION, PROJECT NO. 10-02-008-1, DATED 10/24/2011.
 - b. BOUNDARY SURVEY SOUTH AREA PREPARED FOR BREVARD COUNTY WATER RESOURCES DEPARTMENT BY PBS&J, PROJECT NO. 070364.04, DATED 5/10/2000.
6. NO CONVEYANCE DOCUMENT FOR THE PARENT PARCEL OR THE NORTHERLY ABUTTER WAS FOUND OR PROVIDED.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.
263618_SK_1903047_WWTP-FPL- ESMT.dwg

REVISIONS

DATE

DESCRIPTION

SECTION 18

TOWNSHIP 26 SOUTH

RANGE 36 EAST

DATE: MAY 8, 2019

SHEET: 1 OF 2

SKETCH OF DESCRIPTION

PARCEL 802

SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 26-36-18-00-3 & 26-36-18-00-2

PURPOSE: UTILITY EASEMENT

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
C/L = CENTERLINE
ID = IDENTIFICATION
N/F = NOW OR FORMERLY
ORB = OFFICIAL RECORD BOOK
SQ.FT. = SQUARE FEET



SCALE: 1"=60'



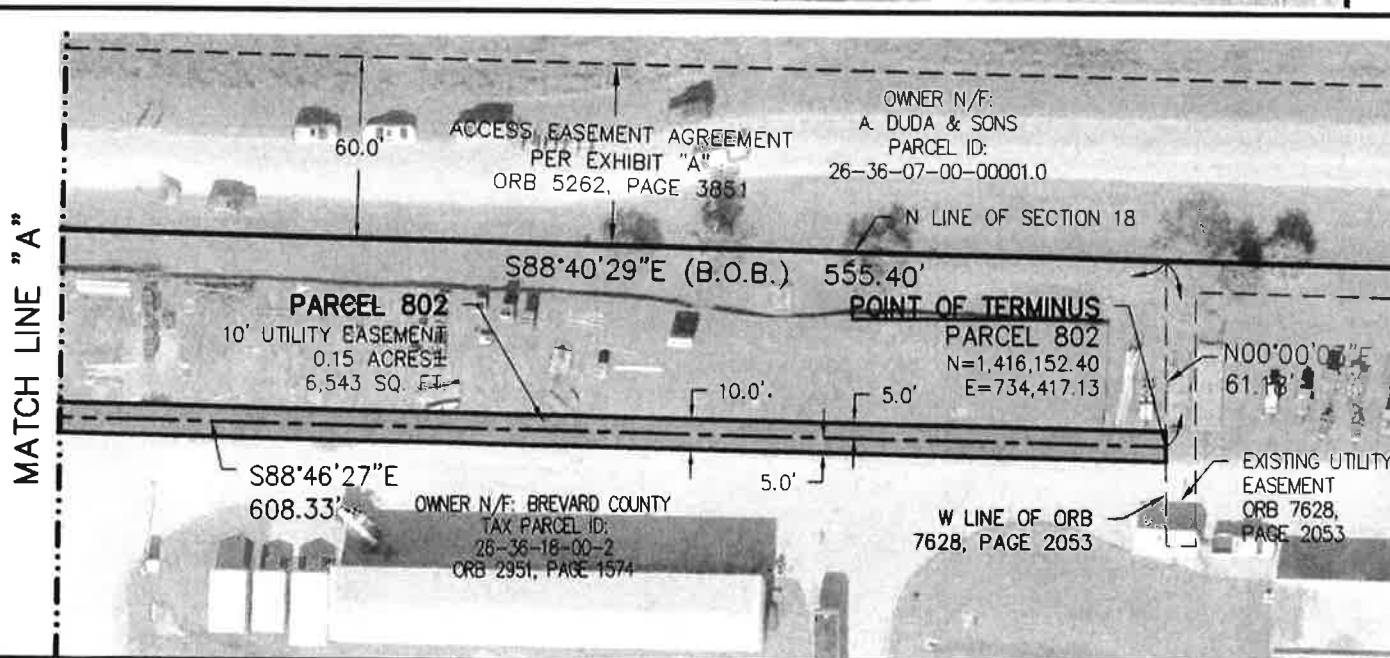
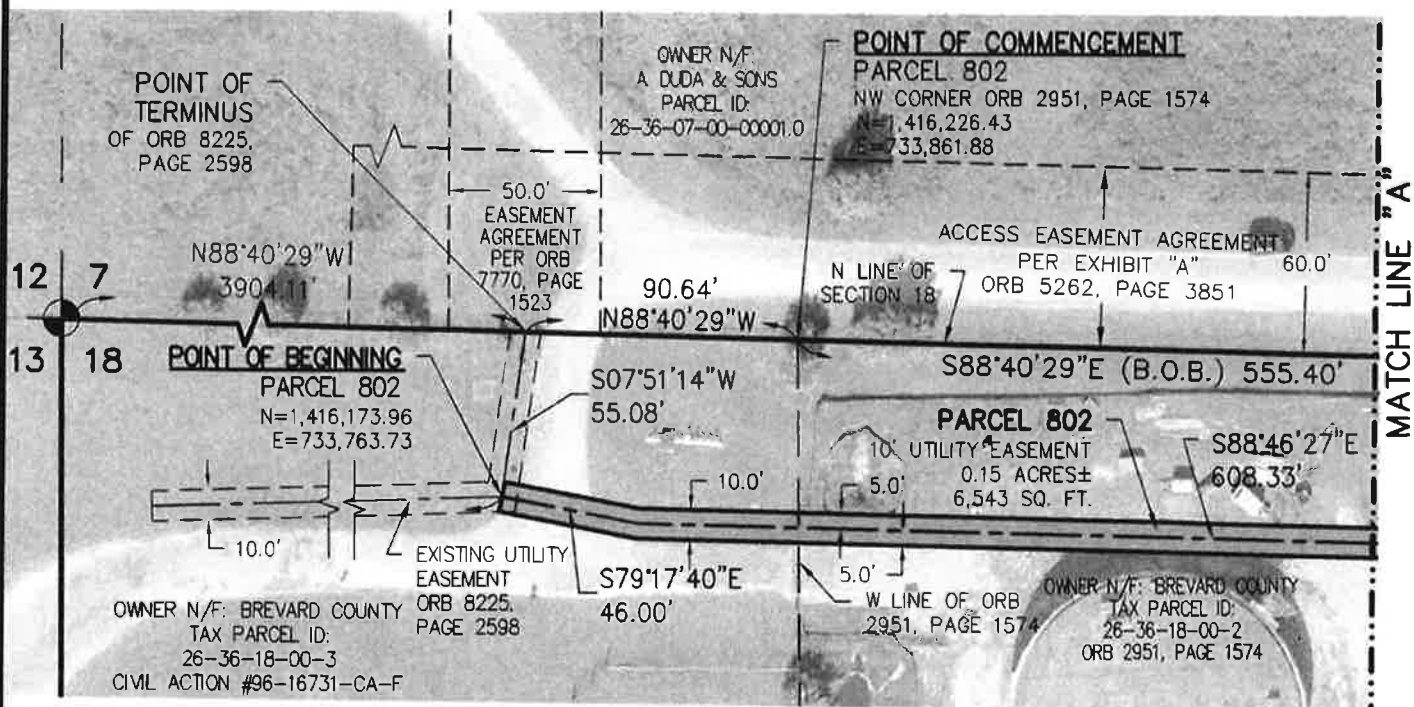
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SECTION 18
TOWNSHIP 26 SOUTH
RANGE 36 EAST

Work Request No. 10156438

UNDERGROUND EASEMENT (BUSINESS)

Sec. 18, Twp 26 S, Rge 36 E

Parcel I.D. 26-36-18-00-3

(Maintained by County Appraiser)

This Instrument Prepared By

Name: Adrienne James

Co. Name: Florida Power and Light

Address: 9001 Ellis Road
Melbourne, FL 32940

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

see Exhibit A attached

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on May 4, 2021

Signed, sealed and delivered in the presence of:

n/a

(Witness' Signature)

Print Name: n/a

(Witness)

n/a

(Witness' Signature)

Print Name: n/a

(Witness)

Brevard County Board of County Commissioners- a
political subdivision of the State of Florida

By:

Print Name: Rita Pritchett, Chair

Print Address: 2725 Judge Fran Jamieson Way
Viera, Florida 32940

Approved by the Board 5-4-21

Attest: Rachel Sadoff, Clerk to the Board

STATE OF n/a AND COUNTY OF n/a. The foregoing instrument was acknowledged before me this n/a day of n/a, 20n/a by n/a, the n/a of n/a a n/a, who is personally known to me or has produced n/a as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

n/a

Notary Public, Signature

Print Name n/a

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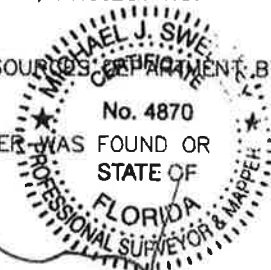
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DESCRIPTION

DATE: MAY 8, 2019

SHEET: 1 OF 2

SECTION 18
TOWNSHIP 26 SOUTH
RANGE 36 EAST

PARCEL 802

PURPOSE: UTILITY EASEMENT

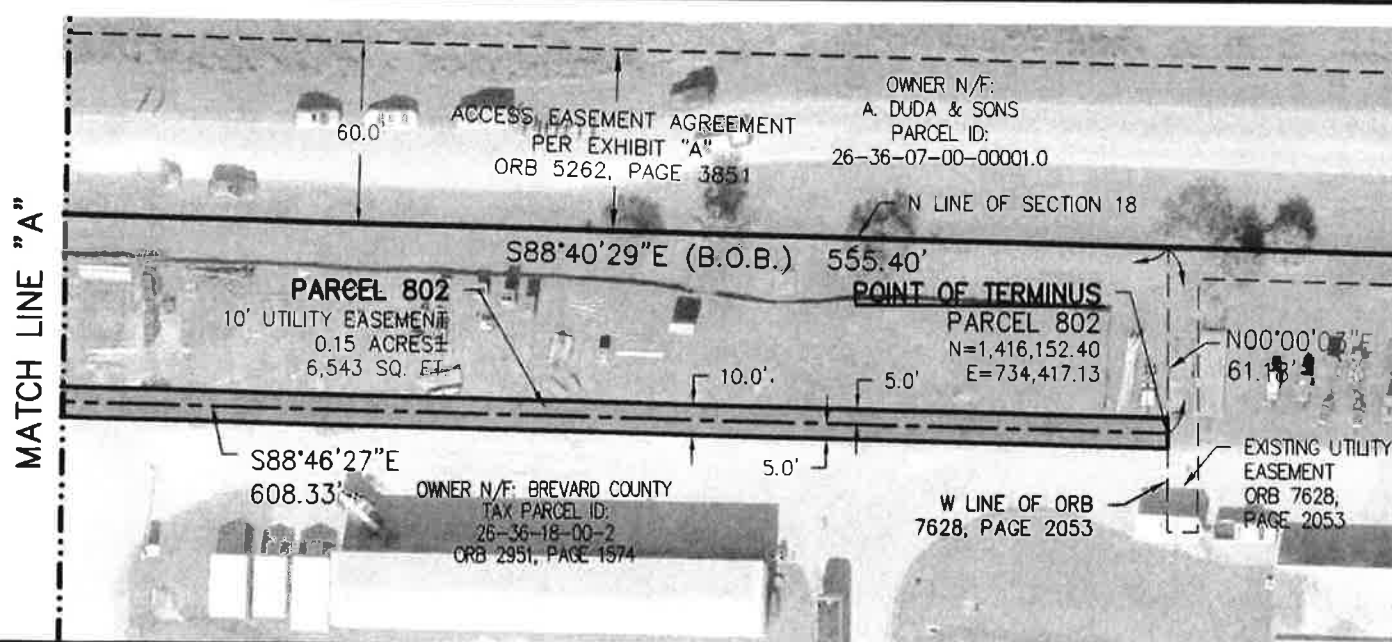
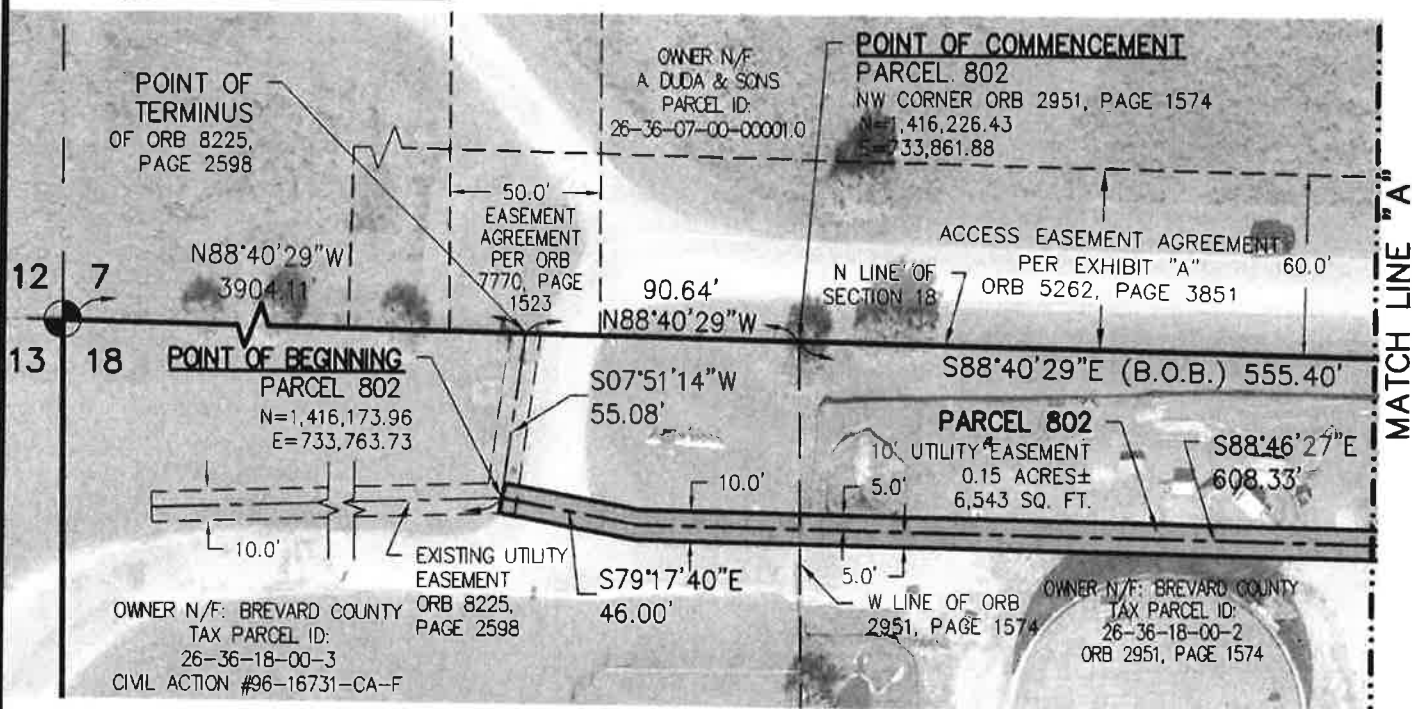
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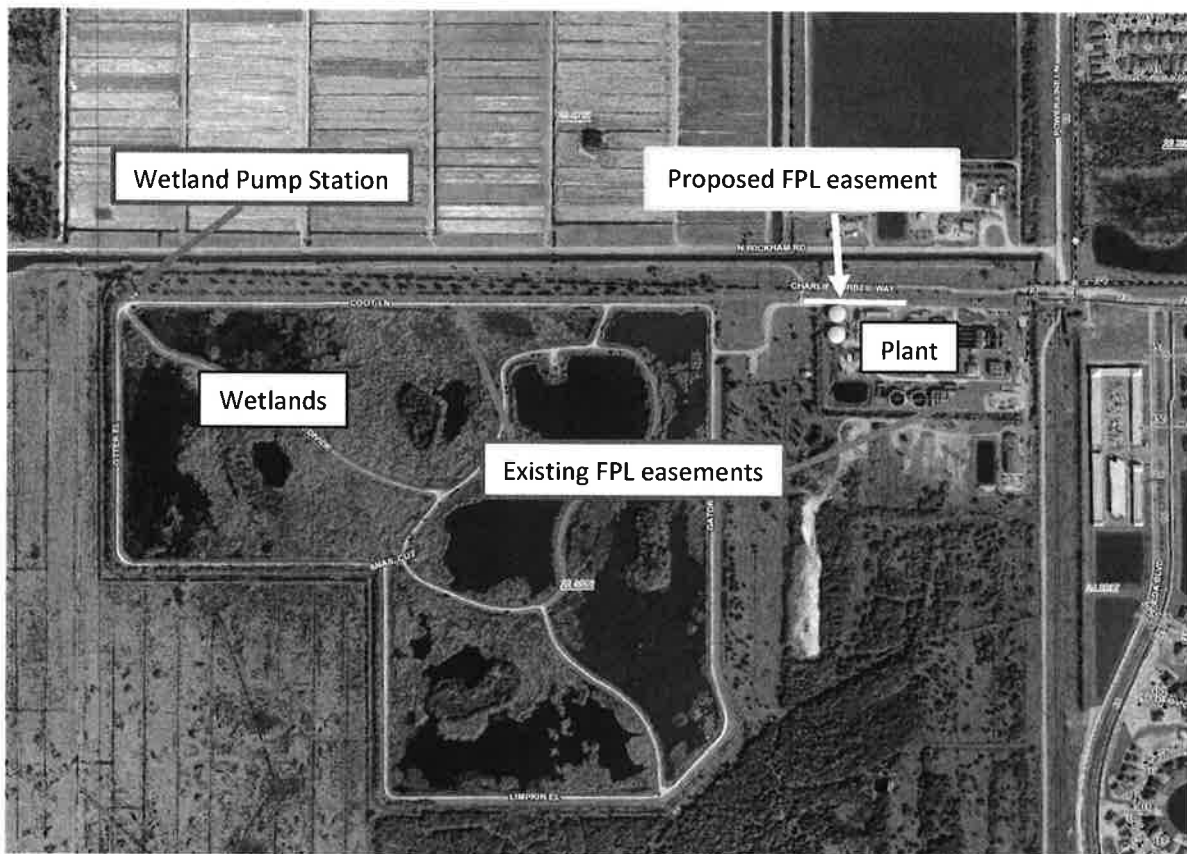
SECTION 18
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 18, Township 26 South, Range 36 East - District 4

PROPERTY LOCATION: Charlie Corbeil Way

OWNERS NAME: Brevard County



BOARD OF COUNTY COMMISSIONERS

2773

AGENDA REVIEW SHEET

AGENDA: Resolution and Easement in favor of Florida Power and Light for the South-Central Waste Water Treatment Plant – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 Ext. 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4.12.2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>4-19-2021</u>