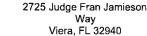
Agenda Report





Consent

F.15. 10/11/2022

Subject:

Approval, Re: Drainage and Emergency Access Easement, and Drainage Easement from Harvest Landing Homeowners Association Inc., Related to Harvest Landing Planned Unit Development (PUD) - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached: 1) Drainage and Emergency Access Easement and 2) Drainage Easement.

Summary Explanation and Background:

The subject property is located in Section 6, Township 25 South, Range 36 East, on the south side of Pluckebaum Road, west of Clearlake Road in Rockledge.

Harvest Landing PUD is a 364 single-family residential subdivision located within the jurisdiction of the City of Rockledge. The owner/developer obtained Right of Way and Easement Permit number 19RW00681 for improvements being constructed within the County owned right of way of Pluckebaum Road. The retention pond, owned and maintained by the homeowner's association, will receive public stormwater run-off. The Drainage and Emergency Access Easement grants the County emergency access to the Association's drainage facility in order to restore flow in the event the Association is unable to respond in a timely manner. A separate Drainage Easement is being dedicated to formalize County maintenance responsibilities over the existing facility along the west property boundary.

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: Drainage and Emergency Access Easement, and Drainage Easement

cms

from Harvest Landing Homeowners Association Inc., Related to Harvest

Landing Planned Unit Development - District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

APPROVE

LAND ACQUISITION
Lucy Hamelers, Supervisor

COUNTY ATTORNEY Christine Schverak Assistant County Attorney 9.14.

DISAPPROVE

9-14-2022

DATE



FLORIDA'S SPACE COAST

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



October 12, 2022

MEMORANDUM

TO: Marc Bernath, Public Works Director

Attn: Lucy Hamelers, Land Acquisition

RE:

Item F.15., Drainage and Emergency Access Easement, And Drainage Easement from Harvest Landing Homeowners Association Inc., Related to Harvest Landing Planned Unit

Development (PUD)

The Board of County Commissioners, in regular session on October 11, 2022, approved and accepted the Drainage and Emergency Access Easement and the Drainage Easement from Harvest Landing Homeowners Association Inc. related to Harvest Landing PUD.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK,

Kimberly Powell, Clerk to the Board

/sm

cc: County Attorney

Prepared by and return to: Andrew Malach Public Works Department, Land Acquisition 2725 Judge Fran Jamleson Way, A204, Viera, Florida 32940 A portion of Interest in Tax Parcel ID: 25-36-06-05-*-ST.1 & 25-36-06-05-*-LD.1

DRAINAGE & EMERGENCY ACCESS EASEMENT

THIS INDENTURE, made this ______ day of __AUJUST__, 2022, between Harvest Landing Homeowners Association of Brevard, Inc., a Florida not for profit corporation, whose address is 215 Celebration Place, Suite 115, Celebration, Florida 34747, 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: (1) a perpetual drainage easement for flowage of public drainage and (2) an emergency access easement, to be used only in the event the first party is unable to timely respond, for the purposes of taking such actions as would stabilize the drainage flow emergency until the first party can respond and related emergency activities as necessary pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 6, Township 25 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

The first party hereby indemnifies, protects, and holds harmless the second party, its successors, assigns, and agents from and against any and all actions or causes of action, claims, demands, liabilities, loss, damage, injury, suit, proceeding, judgment, cost or expense of whatever kind or nature, including but not limited to reasonable attorney's fees, for all incidents, omissions, and actions taken by second party pursuant to the emergency access easement above. The first party remains fully responsible for maintenance of drainage facilities.

This easement includes 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.

(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

Lauren Martin

Print Name

Witness

Print Name

Harvest Landing Homeowners Association of Brevard, Inc., a Florida not for profit corporation

William Fife, President

[SEAL]

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization on this day of da

Notary Signature SEAL

Notary Public State of Florida Robin A Bronson My Commission GG 958728 Expires 02/15/2024

LEGAL DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 25-36-06-05-*-ST.1 & 25-36-06-05-*-LD,1

PURPOSE: DRAINAGE & EMERGENCY ACCESS EASEMENT

EXHIBIT "A"

SHEET I OF 2 NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LECAL DESCRIPTION: PARCEL # 800 DRAINAGE & EMERGENCY ACCESS EASEMENT (PREPARED BY SURVEYOR)

PART OF TRACT ST-1 TOGETHER WITH PART OF TRACT LD-1, HARVEST LANDING P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 6, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT RD-2 OF SAID HARVEST LANDING P.U.D. AND RUN S89°58'11"E, ALONG THE SOUTH LINE OF SAID TRACT RD-2, A DISTANCE OF 497.37 FEET; THENCE S76°04'18"W A DISTANCE OF 85.30 FEET TO THE NORTHEAST CORNER OF LOT 173 OF SAID HARVEST LANDING P.U.D. AND A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF THE CURVED BOUNDARY OF SAID LOT 173 AND THE ARC OF THE CURVED BOUNDARY OF LOT 172 OF SAID HARVEST LANDING P.U.D., (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 172.50 FEET; A CENTRAL ANGLE OF 74°07'50", A CHORD LENGTH OF 207,94 FEET AND A CHORD BEARING OF \$52°49'22"W), A DISTANCE OF 223,18 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 172 AND AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHWEST; THENCE \$53°37'16"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 144.80 FEET; THENCE N89"40'43"W A DISTANCE OF 134.06 FEET TO THE WESTERLY BOUNDARY OF SAID HARVEST LANDING P.U.D.; THENCE N00°25'46"E, ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 231.59 FEET TO THE POINT OF BEGINNING. CONTAINING 1.44 ACRES, MORE OR LESS.

SURVEYORS NOTES:

- DESCRIPTION OF PART OF TRACT ST-1 TOGETHER WITH PART OF TRACT LD-1, HARVEST LANDING P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 6, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
- THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
- BEARING REFERENCE: ASSUMED BEARING OF \$89°58"11"E ON THE SOUTH LINE OF TRACT RD-2, HARVEST LANDING P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD,
- THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN ALLIANT NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, AGENT FILE NUMBER: HARVEST LANDING, ALLIANT FILE NUMBER: 20083999, DATED JUNE 29, 2022, ONLY THOSE MATTERS CONTAINED/REFERENCED IN SAID PROPERTY INFORMATION REPORT WERE REVIEWED AND RELIED UPON FOR INFORMATION REGARDING EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE LANDS DESCRIBED HEREON AND WHICH ARE NOTED AND/OR SHOWN HEREON. NO OTHER SUCH INFORMATION WAS PROVIDED TO, NOR RESEARCHED BY THE SURVEYOR DURING THE PREPARATION OF THIS DESCRIPTION.
- THE LANDS DESCRIBED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HARVEST LANDING AS RECORDED IN OFFICIAL RECORDS BOOK 9113, PAGE 886, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER
- THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 4/2 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



Digitally signed by Leslie E Howard Date: 2022.08.12 06:10:42 -04'00'

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

LESLIE E. HOWARD, PSM 5611 PROFESSIONAL SURVEYOR & MAPPER NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

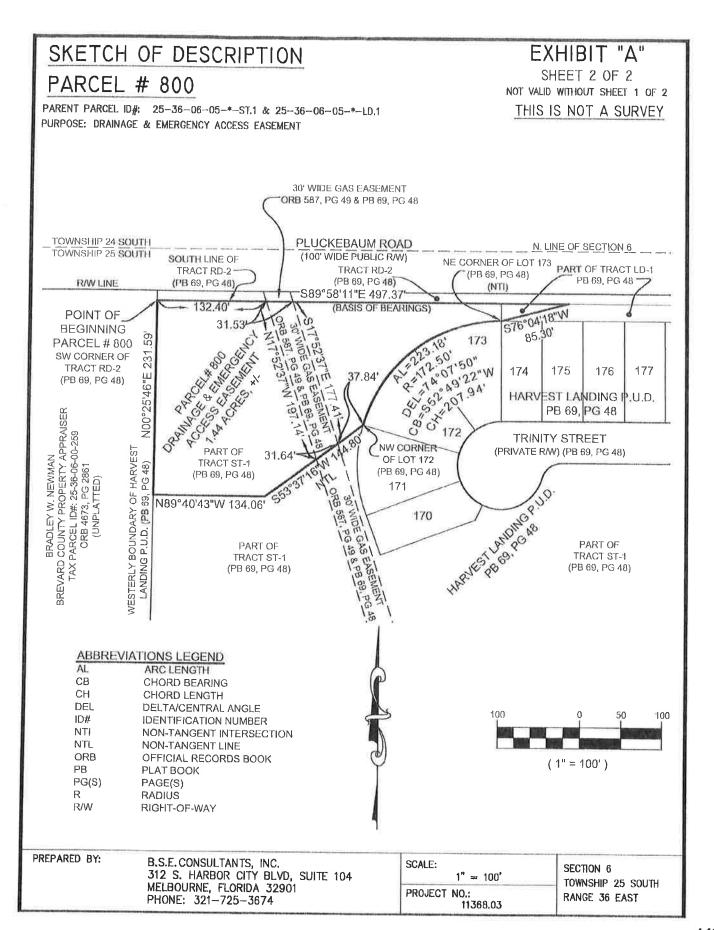
B.S.E. CONSULTANTS, INC.

312 S. HARBOR CITY BLVD, SUITE 104

MELBOURNE, FLORIDA 32901 PHONE: 321-725-3674

1110111. 521-725-5674		PROJECT NO. 11368.03			
DRAWN BY: LEH	CHECKED BY: LEH		DATE	DESCRIPTION	SECTION
		REVISIONS	08/12/2022	COUNTY COMMENTS	TOWNS
DATE: 09/15/2021	DRAWING: 1136803_100_001		10/14/2021	COUNTY COMMENTS	RANGE
		1	09/30/2021	COUNTY COMMENTS	KANGE

)N 6 SHIP 25 SOUTH 36 EAST



Prepared by and return to: Andrew Malach Public Works Department, Land Acquisition 2725 Judge Fran Jamleson Way, A204, Viera, Florida 32940 A portion of Interest in Tax Parcel ID: 25-36-06-05-*-ST.1

DRAINAGE EASEMENT

THIS INDENTURE, made this _____ day of AUJUST___, 2022, between Harvest Landing Homeowners Association of Brevard, Inc., a Florida not for profit corporation, whose address is 215 Celebration Place, Suite 115, Celebration, Florida 34747, 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 constructing, reconstructing, reconfiguring, and maintaining drainage 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 6, 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 // Martin

Print Name

Harvest Landing Homeowners Association of Brevard, Inc., a Florida not for profit corporation

Witness

Print Name

William Fife, President

[SEAL]

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization on this day of August 2022, by William Fife, as President for Harvest Landing Homeowners Association of Brevard, Inc., a Florida not for profit corporation. Is personally known or [] produced ______ as identification.



Notary Signature SEAL

LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 25-36-06-05-*-ST.1 PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

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

LEGAL DESCRIPTION: PARCEL # 801 DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

PART OF TRACT ST-1, HARVEST LANDING P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 6, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT ST-1 AND RUN N00°25'46"E, ALONG THE WESTERLY BOUNDARY OF SAID HARVEST LANDING P.U.D., A DISTANCE OF 1985.95 FEET; THENCE S07"26"24"E A DISTANCE OF 522.22 FEET; THENCE S00"25"46"W, PARALLEL TO AND 71.50 FEET EAST OF, (AS MEASURED PERPENDICULARLY), SAID WESTERLY BOUNDARY, A DISTANCE OF 1470.21 FEET TO THE SOUTH LINE OF SAID HARVEST LANDING P.U.D.; THENCE N88°19'36"W, ALONG SAID SOUTH LINE, A DISTANCE OF 71.52 FEET TO THE POINT OF BEGINNING, CONTAINING 2.84 ACRES, MORE OR LESS.

SURVEYORS NOTES:

- DESCRIPTION OF PART OF TRACT ST-1, HARVEST LANDING P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 6, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
- THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
- BEARING REFERENCE: ASSUMED BEARING OF N88°19'36"W ON THE SOUTH LINE OF HARVEST LANDING P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN ALLIANT NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, AGENT FILE NUMBER: HARVEST LANDING, ALLIANT FILE NUMBER: 20083999, DATED JUNE 29, 2022. ONLY THOSE MATTERS CONTAINED/REFERENCED IN SAID PROPERTY INFORMATION REPORT WERE REVIEWED AND RELIED UPON FOR INFORMATION REGARDING EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE LANDS DESCRIBED HEREON AND WHICH ARE NOTED AND/OR SHOWN HEREON. NO OTHER SUCH INFORMATION WAS PROVIDED TO, NOR RESEARCHED BY THE SURVEYOR DURING THE PREPARATION OF THIS DESCRIPTION.
- THE LANDS DESCRIBED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HARVEST LANDING AS RECORDED IN OFFICIAL RECORDS BOOK 9113, PAGE 886, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472,025.
- THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472. AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



Digitally signed by Leslie E Howard Date: 2022.08.12 06:09:46 -04'00'

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

LESLIE E. HOWARD, PSM 5611 PROFESSIONAL SURVEYOR & MAPPER NOT VALID UNLESS SIGNED AND SEALED

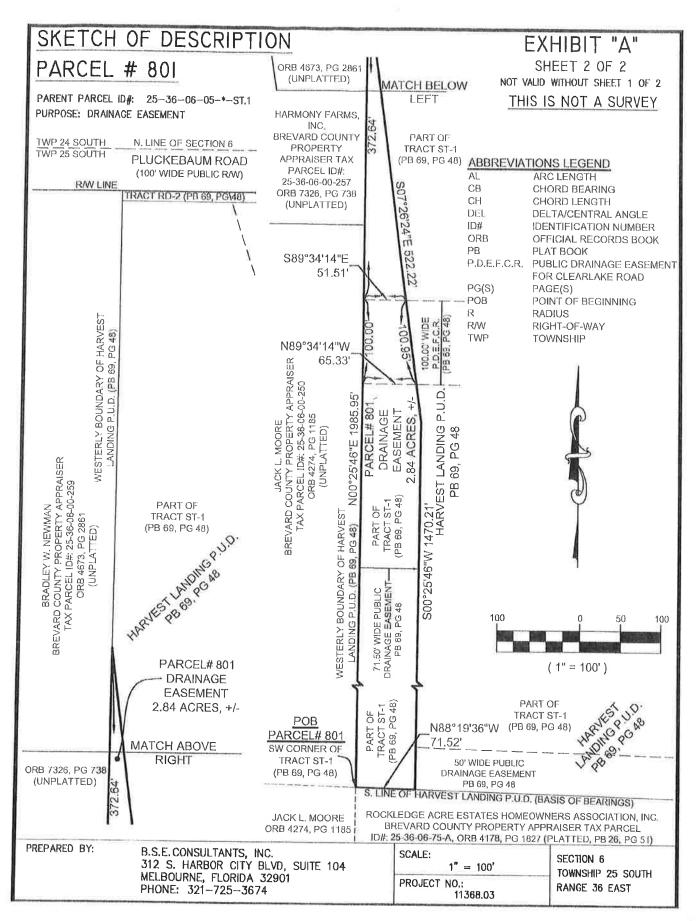
PREPARED BY:

B.S.E. CONSULTANTS. INC.

312 S. HARBOR CITY BLVD, SUITE 104

MELBOURNE, FLORIDA 32901 PHONE: 321-725-3674 PROJECT NO. 11368.03 DRAWN BY: LEH CHECKED BY: LEH DATE DESCRIPTION 08/12/2022 REVISIONS COUNTY COMMENTS 09/30/2021 COUNTY COMMENTS DATE: 09/20/2021 DRAWING: 1136803_100_002 09/28/2021 COUNTY COMMENTS

SECTION 6 TOWNSHIP 25 SOUTH RANGE 36 EAST



LOCATION MAP

Section 6, Township 25 South, Range 36 East - District: 2

PROPERTY LOCATION: The property is located on the south side of Pluckebaum Road, west of Clearlake Road in Rockledge.

OWNERS NAME: Harvest Landing Homeowners Association of Brevard, Inc.

