



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.3.

4/23/2024

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### Subject:

Approval, Re: Permission to Advertise a Proposed Exchange Agreement between Brevard County and A. Duda and Sons, Inc. (Duda) - District 4.

### Fiscal Impact:

None - All costs associated with advertising shall be paid by Duda

### Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

### Requested Action:

It is requested that the Board of County Commissioners authorize the advertisement of the Exchange Agreement between Brevard County and A. Duda and Sons, Inc.

### Summary Explanation and Background:

The subject properties are located in Sections 7, 13 and 18, Township 26 South, Ranges 35 and 36 East, north and south of Charlie Corbeil Way in Viera.

Duda has requested a utility easement in favor of Duda and Florida Power and Light Company (FPL) from the County over, under, and across a portion of the County Property having Brevard County Property Appraiser Parcel ID Number 26-36-18-00-3 for the installation of underground electricity lines and related components to provide electrical service to the Duda Benefitted Property having Brevard County Property Appraiser Parcel ID Number 26-35-13-00-1. The County needs a Utility Easement over, under, and across a portion of the Duda Property having Brevard County Property Appraiser ID Numbers 26-36-07-00-1 and 26-36-07-00-750 for the installation of underground reuse lines and related components to serve the County's reuse water plant to provide reuse water services to the residents of Brevard County.

The terms and conditions of the Exchange Agreement have been tentatively finalized, pending final review and approval by the Board at a Public Hearing. A Public Hearing date will be determined and correlated with the appropriate advertising timeframes in accordance with and as required by Section 125.37 of the Florida Statutes. Section 125.37 of the Florida Statutes requires, before any exchange of property shall be affected, a notice, setting forth the terms and conditions of such exchange of property, shall be first published, once a week for at least two weeks in a newspaper of general circulation published in the county, before adoption by the Board of County Commissioners of a resolution authorizing the exchange of properties.

The attached Exhibits "A" and "B" are location maps depicting the proposed exchange easement parcels being considered.

The User department approves this request.

**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

April 24, 2024

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director

**RE:** Item F.3., Approval of Permission to Advertise a Proposed Exchange Agreement between Brevard County and A. Duda and Sons, Inc.

The Board of County Commissioners, in regular session on April 23, 2024, approved and authorized the advertisement of the exchange agreement between Brevard County and A. Duda and Sons, Inc.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/tr

cc: Utility Services

# BOARD OF COUNTY COMMISSIONERS

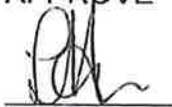
## AGENDA REVIEW SHEET

AGENDA: Permission to Advertise a Proposed Exchange Agreement between  
Brevard County and A. Duda and Sons, Inc. – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>4-10-24</u>
COUNTY ATTORNEY Alex Esseeesse Deputy County Attorney		<hr/>	<u>4/10/24</u>

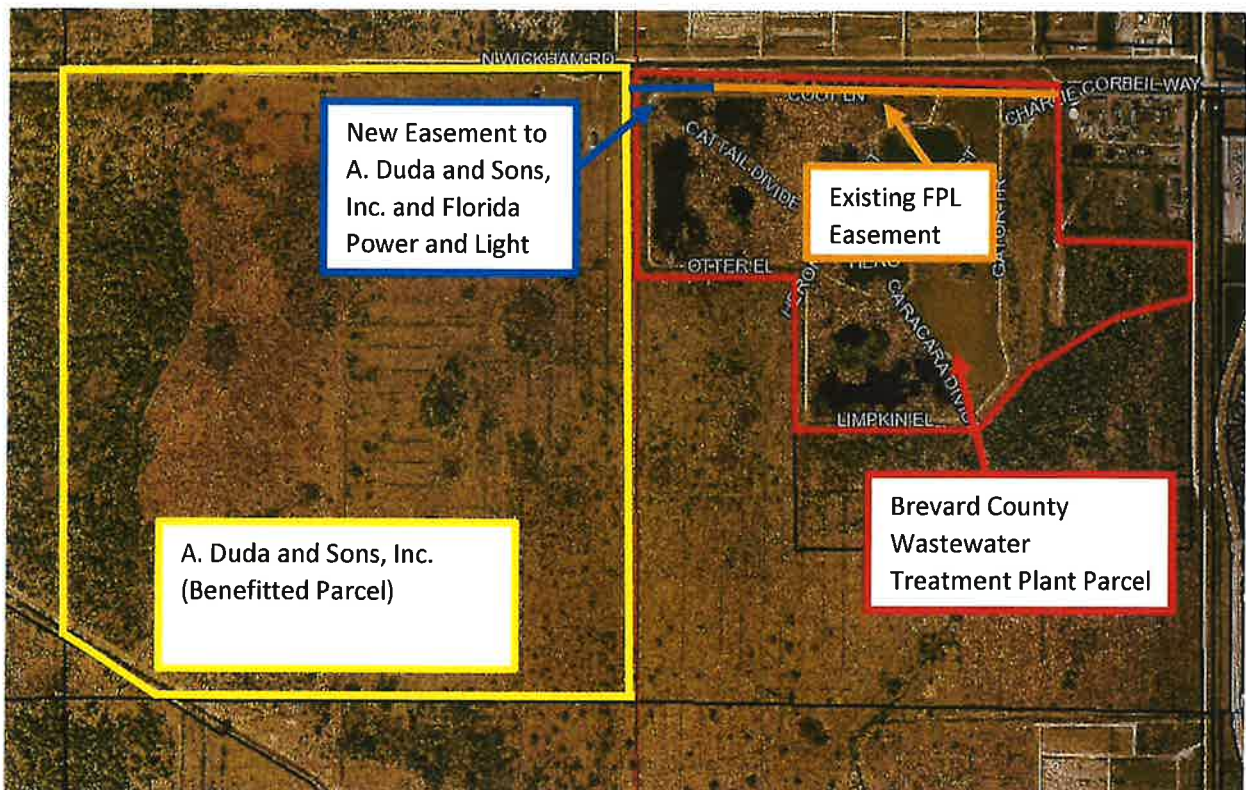
## Exhibit "A"

### LOCATION MAP

Section 13 and 18, Township 26 South, Range 35 and 36 East – District 4

PROPERTY LOCATION: The south side of Charlie Corbell Way in Viera.

OWNERS NAME(S): Brevard County, Florida





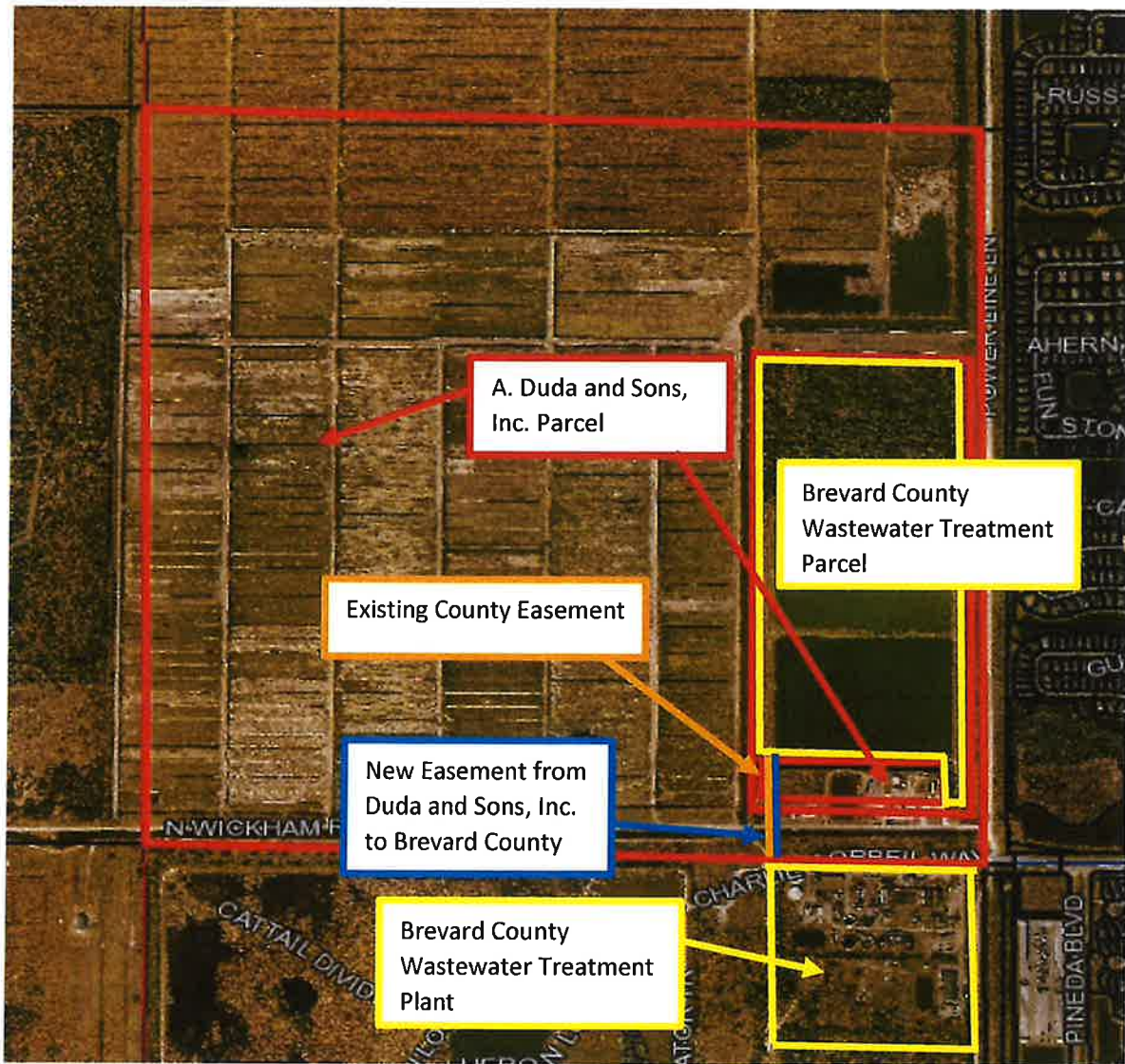
## Exhibit "B"

### LOCATION MAP

Section 07, Township 26 South, Range 36 East – District 4

PROPERTY LOCATION: North of Charlie Corbeil Way in Viera.

OWNERS NAME(S): A. Duda and Sons, Inc.



PUBLIC NOTICE  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Notice is hereby given that the Brevard County Board of County Commissioners will consider entering into an agreement pertaining to the exchange of easements with A. Duda and Sons, Inc., (Duda) at the regularly scheduled meeting at 9:00 a.m. on May 21, 2024, in the Board Chambers located at 2725 Judge Fran Jamieson Way, Viera Government Center, Building C, 1st Floor. An associated resolution will also be considered. This notice is being published as required by Section 125.37 of the Florida Statutes.

The County easement parcel being exchanged is described as follows:

LEGAL DESCRIPTION: PARCEL 802 (PREPARED BY SURVEYOR)

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST, IN BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 18 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 00°23'53" EAST, ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 158.88 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°58'38" EAST, 237.60 FEET; THENCE RUN SOUTH 00°01'22" WEST, 5.00 FEET TO A REFERENCE POINT ON THE CENTERLINE OF THE FPL EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 8225 PAGE 2598; THENCE CONTINUE SOUTH 00°01'22" WEST, 5.00 FEET; THENCE RUN NORTH 89°58'38" WEST; 237.52 FEET TO THE WEST LINE OF SAID SECTION 18; THENCE RUN NORTH 00°23'53" WEST, ALONG SAID WEST LINE; 10.00 FEET TO THE POINT OF BEGINNING.

The description of the easement parcel the County will receive is as follows:

LEGAL DESCRIPTION: PARCEL 801 (PREPARED BY SURVEYOR)

A 30 FOOT WIDE STRIP OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 36 EAST AND BEING A PART OF THE LANDS DESCRIBED IN DEED BOOK 378 PAGE 208 AND OFFICIAL RECORDS BOOK 5262 PAGE 3836 BREVARD COUNTY, FLORIDA, THE CENTERLINE OF WHICH IS BEING DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID SECTION 7 AND PROCEED NORTH 88°41'16" WEST ALONG THE SOUTH LINE OF SAID SECTION 7 A DISTANCE OF 1,382.01 FEET TO A POINT LYING ON THE SOUTHERLY PROLONGATION OF A LINE PARALLEL WITH AND 100.00 FEET EAST OF THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5262 PAGE 3836 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID

POINT BEING THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED PARCEL OF LAND;  
THENCE BEARING NORTH 00°03'31" WEST A DISTANCE OF 670.97 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5262 PAGE 3836 AND THE POINT OF TERMINATION OF THE CENTERLINE OF THE DESCRIBED EASEMENT. CONTAINING 20,129 SQUARE FEET OR 0.46 ACRES MORE OR LESS.

The principal terms and conditions of the proposed Exchange Agreement, and associated documents, are as follows:

1. Duda has requested a utility easement in favor of Duda and Florida Power and Light Company (FPL) from the County over, under, and across a portion of the County Property having Brevard County Property Appraiser Parcel ID Number 26-36-18-00-3 for the installation of underground electricity lines and related components to provide electrical service to the Duda Benefitted Property having Brevard County Property Appraiser Parcel ID Number 26-35-13-00-1.
2. The County needs a Utility Easement over, under, and across a portion of the Duda Property having Brevard County Property Appraiser ID Numbers 26-36-07-00-1 and 26-36-07-00-750 for the installation of underground reuse lines and related components to serve the County's reuse water plant to provide reuse water services to the residents of Brevard County.

Specific terms and conditions of the Exchange Agreement, and associated documents, can be viewed at the County Attorney's Office in Viera, Florida, or at the Office of Clerk to the Board of County Commissioners in Titusville, Florida, between the hours of 9:00 AM and 5:00PM, Monday through Friday prior to the County Commission meeting on May 21, 2024, when the County Commission will consider authorizing the Commission Chair to execute the Exchange Agreement and other associated documents, as needed.

In accordance with the Americans with Disabilities Act and Section 286.26, of the Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify Lucy Hamelers at 321-690-6847 in the Public Works Department, Land Acquisition Section, no later than 48 hours prior to the meeting.

Persons seeking to preserve a verbatim transcript of the record meeting must make those arrangements at their own expense.