



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.11.

5/20/2025

Subject:

Authorization to file suit against Zon Living Concepts LLC, Zon Living Concepts II LLC, and such principals, subsidiaries, affiliates, successors, and assigns as may be appropriate. (District 4)

Fiscal Impact:

Estimated \$15,000 in litigation costs

Dept/Office:

Utility Services

Requested Action:

It is requested that the Board of County Commissioners authorize the County Attorney's Office to file suit, where warranted, against Zon Living Concepts LLC, Zon Living Concepts II LLC, and such principals, subsidiaries, affiliates, successors, and assigns as may be appropriate.

Summary Explanation and Background:

Zon Independent Living Facility (ILF) is an assisted living facility located at the northwest corner of Banana River Drive and South Patrick Drive, Indian Harbor Beach, Florida (Exhibit A). Brevard County owns and operates the wastewater system for this area. Zon ILF developed a vacant portion of their parcel which included existing force mains and gravity sewer within the site. See Exhibit B for existing permanent utility easements dedicated to Brevard County within the above-mentioned site.

Throughout the engineering review and construction of the above-mentioned site expansion, Brevard County expressed that the location of site improvements proposed would conflict with either the County's wastewater system or its easements. See Exhibit C for locations within the site illustrating each of the County's utility conflicts. The conflicts were noted and provided to the developer and engineer via Accela comments, emails, and letters. See Exhibit D for communication between the County and the Developer and Engineer of Record. The conflict is of concern to the Utility Services Department as the Zon ILF expansion impairs the County's ability to maintain and repair several locations of the wastewater system within the site. Exhibit E shows the adjacent developments to the Zon ILF site and the impact to not only the Zon ILF but also the adjacent areas if any sort of pipe break/sewer discharge were to occur within the utility conflict areas. Please note, Exhibit E shows impact to adjacent developments using Equivalent Residential Connection (ERC) which is equal to the utility usage of a single-family home.

The Utility Services Department became aware that Zon ILF was built and occupied without resolution to the easement conflicts. The owner of Zon ILF was notified of the occupancy and requirements to resolve the previously identified conflicts, resulting in correspondence and meetings between the Department and the developer of Zon ILF. Per communication with the developer and this Department, both in person and letter,

there has been no solution that has been proposed that is fair to the County. We are requesting approval for the County to use the means and methods of the judicial system to assist in rectifying the above-mentioned situation.

Clerk to the Board Instructions:

Please return the board memo to Utility Services attention Karina Perez, by email to karina.perez@brevardfl.gov, with a copy to the County Attorney's Office.



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 21, 2025

M E M O R A N D U M

TO: Edward Fontanin, Utility Services Director Attn: Karina Perez

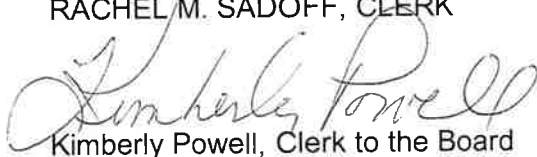
RE: Item F.11., Authorization to File Suit Against Zon Living Concepts LLC, Zon Living Concepts II LLC, and Such Principals, Subsidiaries, Affiliates, Successors, and Assigns as May be Appropriate

The Board of County Commissioners, in regular session on May 20, 2025, authorized the County Attorney to file suit, where warranted, against Zon Living Concepts LLC, Zon Living Concepts II LLC, and such principals, subsidiaries, affiliates, successors, and assigns as may be appropriate.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: Interim County Manager
County Attorney
Finance
Budget

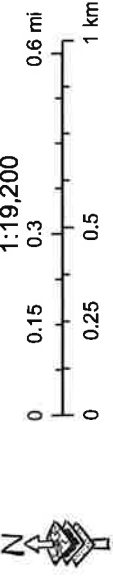


Exhibit A
Vicinity Map

HC

Exhibit B

PERMANENT UTILITY EASEMENT

THIS INDENTURE, made this 1 day of April A.D. 2016, between Zon Living Concepts LLC, a Florida limited liability company, whose address is 1894 South Patrick Drive, Indian Harbor Beach, Florida 32937, as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 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 easement commencing on the above date for the purposes of public utilities, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easements.

The land affected by the granting of the easements is located in Section 11, Township 27 South, Range 37 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or 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.

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:

[Signature]
Witness

Lorraine Chase
(Print Name)

Barbara Kaleta
Witness

Barbara Kaleta
(Print Name)

Zon Living Concepts LLC, a Florida limited liability company

BY: Zon Management, Inc., a Florida corporation, its Manager

BY: [Signature]

John E. Trewitt, President

Roxann Reed Vice President

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 1 day of April, 2016, by John E. Trewitt, President of Zon Management Inc., Manager for Zon Living Concepts LLC who is/is not personally known to me or who has produced drivers license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 1 day of April, 2016.

(SEAL)

Notary Public Barbara Kaleta

Barbara Kaleta

(Name Typed or Printed)

Commission No. FF031311

Commission Expires: 6-26-2017

Board Date 05/17/16
Agenda Item II. A. 14.



Barbara Kaleta
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF031311
Expires 6/26/2017

LEGAL DESCRIPTIONS

PARCELS 801 AND 802, UTILITY EASEMENTS (BY SURVEYOR)

SHEET 1 OF 4 SHEETS

EXHIBIT "A"

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBERS: 27-37-11-00-00263.0-0000.00
27-37-11-00-00278.0-0000.00

PURPOSE: UTILITY EASEMENT

NOT VALID WITHOUT SHEETS 2, 3
AND 4 OF 4.

THIS IS NOT A SURVEY

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

A PARCEL OF LAND BEING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING A PART OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7215, PAGE 1456 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) AND SAID POINT BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7400, PAGE 1301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°45'15"W., ALONG THE EAST LINE OF SAID PARCEL AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, 165.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N.62°01'04"W., 18.46 FEET; THENCE S.83°44'39"W., 134.42 FEET TO A POINT LYING ON THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7215, PAGE 1456 AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.83°44'39"W., 12.08 FEET; THENCE S.85°12'16"W., 163.53 FEET TO A POINT LYING ONE THE WEST LINE OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7215, PAGE 1456; THENCE ALONG THE BOUNDARIES OF SAID PARCEL, THE FOLLOWING TWO COURSES AND DISTANCES: S.00°42'37"E., 11.88 FEET; S.15°02'10"E., 233.74 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7215, PAGE 1456 AND SAID POINT LYING ON THE NORTH RIGHT OF WAY LINE OF SAID BANANA RIVER DRIVE; THENCE N.70°40'08"E., ALONG THE SOUTH LINE OF SAID PARCEL AND ALONG SAID RIGHT OF WAY LINE, 20.06 FEET; THENCE N.15°02'10"W., 213.96 FEET; THENCE N.41°33'21"E., 16.05 FEET; THENCE N.85°12'16"E., 130.00 FEET; THENCE N.83°44'39"E., 18.67 FEET TO A POINT LYING ON THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7215, PAGE 1456; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES: N.00°45'15"W., 3.86 FEET; N.37°27'45"W., 13.05 FEET TO THE POINT OF BEGINNING
CONTAINING 7338 SQUARE FEET OR 0.169 ACRES MORE OR LESS.

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

A PARCEL OF LAND BEING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING A PART OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7400, PAGE 1301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) AND SAID POINT BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7400, PAGE 1301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°45'15"W., ALONG THE EAST LINE OF SAID PARCEL AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, 147.89 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N.00°45'15"W., ALONG SAID LINE, 17.11 FEET TO THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7400, PAGE 1301; THENCE S.70°40'08"W., ALONG THE NORTH LINE OF SAID PARCEL, 20.41 FEET; THENCE S.62°01'04"E., 22.06 FEET TO THE POINT OF BEGINNING
CONTAINING 165 SQUARE FEET OR 0.004 ACRES MORE OR LESS.

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
ZON LIVING CONCEPTS LLC

CERTIFIED BY:
DENNIS W. WRIGHT
REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE 1/29/16
ORDER NO. 25102
FB. NO.
SCALE 1" = 40'
DWG.NO. BANANA EASEMENTS 801-802.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

NOTES AND LEGEND:

SHEET 2 OF 4 SHEETS

PARCELS 801 AND 802, UTILITY EASEMENTS (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBERS: 27-37-11-00-00263.0-0000.00
27-37-11-00-00276.0-0000.00

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1, 3
AND 4 OF 4.

THIS IS NOT A SURVEY

NOTES:

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N.00°45'15"W., AS SHOWN ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE.
- 2) EASEMENTS LISTED IN THE TITLE SEARCH REPORT FUND FILE NO: 285189 (OF THE PARENT PARCELS) BY DAWSON LAW P.A., WERE ADDRESSED IN A SEPARATE DOCUMENT PROVIDED TO THE BREVARD COUNTY SURVEY DEPARTMENT AS TO THEIR EFFECT, IF ANY ON THE EASEMENT PARCELS 801 AND 802 DESCRIBED IN THIS MAP AND LEGAL DESCRIPTION. THOSE THAT DID NOT AFFECT THESE PARCELS 801 AND 803 WERE STATED AS SUCH AND THOSE THAT DID WERE ACKNOWLEDGED AS AFFECTING PARCEL 801 AND WERE ADDED GRAPHICALLY TO THE DRAWING. BLANKET EASEMENTS (OR POSSIBLE BLANKET EASEMENTS) ARE LISTED BELOW.
 - A) F.P.& L. EASEMENT DESCRIBED IN O.R.B. 873, PG. 860 AND O.R.B. 797, PG. 556 IS A BLANKET EASEMENT THAT COVERS THE ENTIRETY OF THE PARENT PARCELS AND THEREFORE COVERS THE ENTIRETY OF PARCELS 801 AND 802.
 - B) RESOLUTION RECORDED IN O.R.B. 5477, PG. 3189 CALLS FOR THE PROPERTY OWNERS OF THE PARENT TRACT TO PARCEL 801 TO PROVIDE EASEMENTS FOR CROSS PARKING AND A SIGN BUT DOES NOT PARTICULARLY DEFINE THE EASEMENT OR ESTABLISHES THEM.
 - C) O.R.B. 5465, PG. 5317 IS A RECIPROCAL CROSS-ACCESS, UTILITIES DRAINAGE RETENTION AND DETENTION EASEMENT BETWEEN THE PARENT PARCEL OF PARCEL 801 AND A NEIGHBORING PARCEL. THE EASEMENT AREA GEOMETRIC LIMITS ARE NOT CLEARLY DEFINED IF AT ALL AND MIGHT WELL BE BLANKET EASEMENTS. THE SURVEYOR IS OF THE OPINION THIS EASEMENT ENCOMPASSES THE ENTIRETY OF PARCEL 801.

LEGEND

L

C = Centerline

DB.____ PG.____ = Deed Book and Page

7400/1301 = Typical nomenclature for Official
Records Book and Page.

ORB.____ PG.____ = Official Records Book and Page

P.O.B. = Point of Beginning

P.O.C. = Point of Commencement

R/W = Right-of-way

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE 1" = 40'
DWG. NO. BANANA EASEMENTS 801-802.DWG

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ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

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CERTIFICATE OF AUTHORIZATION NO. LB 6762

MAP OF DESCRIPTION

PARCELS 801 AND 802, UTILITY EASEMENTS (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBERS: 27-37-11-00-00283.0-0000.00
27-37-11-00-00276.0-0000.00

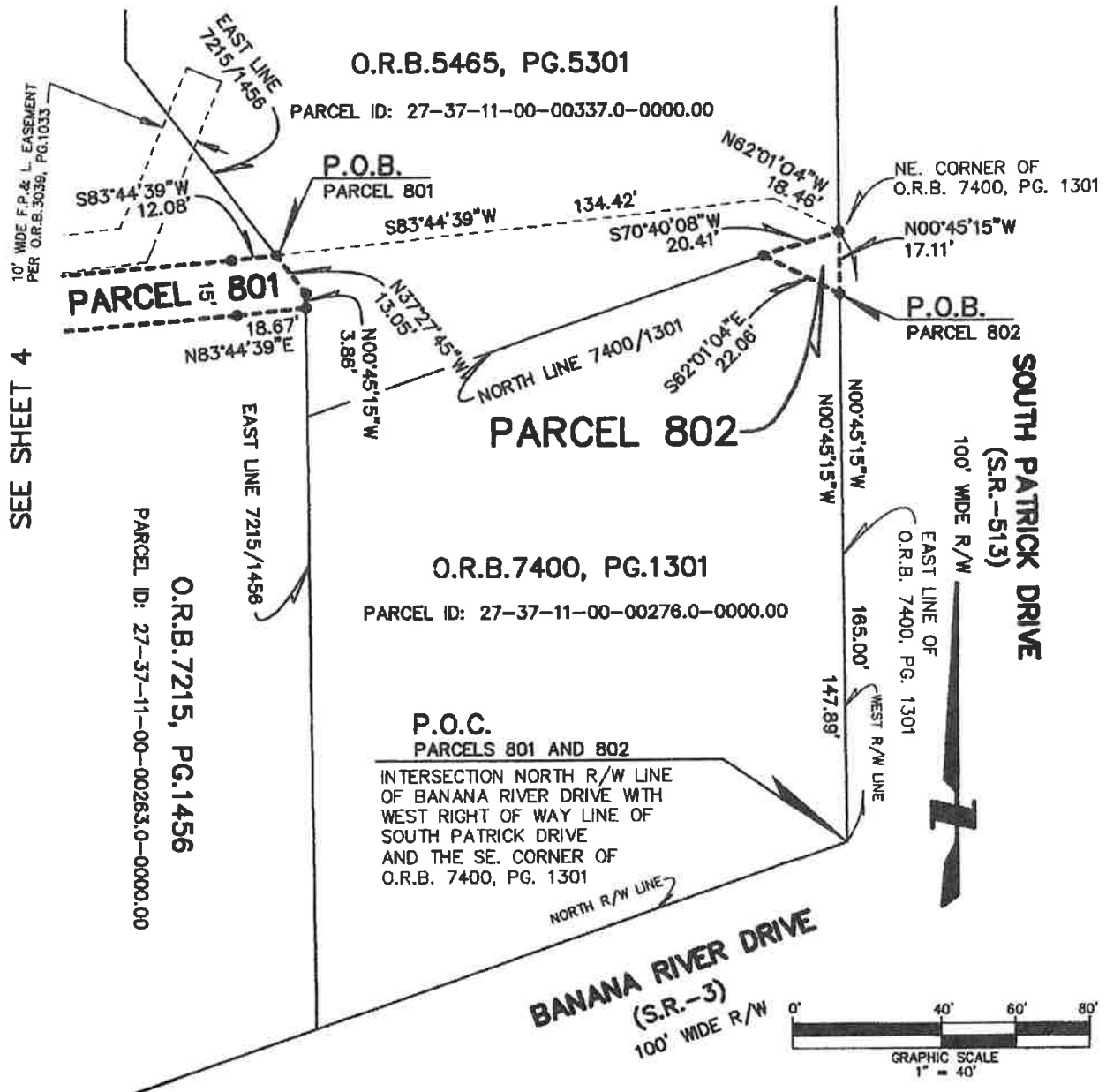
PURPOSE: UTILITY EASEMENT

SHEET 3 OF 4 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1, 2
AND 4 OF 4.

THIS IS NOT A SURVEY



DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE. 1" = 40'
DWG. NO. BANANA EASEMENTS 801-802.DWG

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CERTIFICATE OF AUTHORIZATION NO. LB 6762

MAP OF DESCRIPTION

PARCELS 801 AND 802, UTILITY EASEMENTS (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBERS: 27-37-11-00-00263.0-0000.00
27-37-11-00-00276.0-0000.00

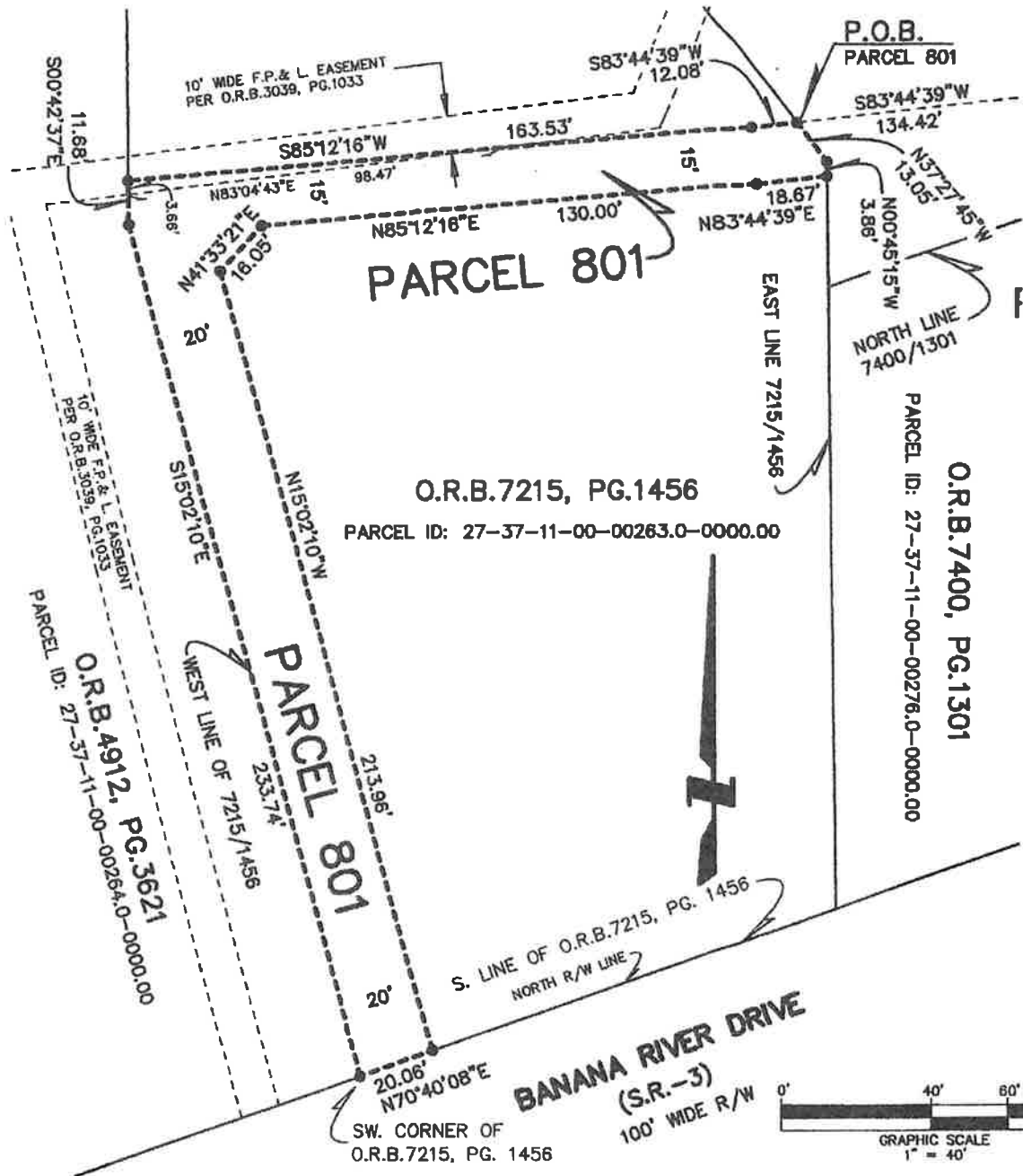
PURPOSE: UTILITY EASEMENT

SHEET 4 OF 4 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1, 2
AND 3 OF 4.

THIS IS NOT A SURVEY



SEE SHEET 3

DATE 1/29/16
ORDER NO. 25102
FB. NO.
SCALE 1" = 40'
DWG. NO. BANANA EASEMENTS 801-802.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 287-6233 Fax (321) 289-7847

CERTIFICATE OF AUTHORIZATION NO. LB 8762

PERMANENT UTILITY EASEMENT

THIS INDENTURE, made this 21 day of March A.D. 2016, between Beachside Doubles, Inc., whose address is 1896 South Patrick Drive, Indian Harbor Beach, Florida 32937, as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 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 easement commencing on the above date for the purposes of public utilities, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 11, Township 27 South, Range 37 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or 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.

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:

Witness

John W. Wichmann
(Print Name)

Witness

Lucy Hamelers
(Print Name)

BEACHSIDE DOUBLES, INC.

BY:

Ray Featherhoff
Ray Featherhoff, President

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 21 day of March, 2016, by Ray Featherhoff, President of Beachside Doubles, Inc., who is/is not personally known to me or who has produced driver's license identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this _____ day of _____, 2016.

Board Date 05/17/16
Agenda Item II.A.13

Notary Public Lucy Hamelers



State of Florida
My Commission Expires 02/24/2019
Commission No. FF 194343

LEGAL DESCRIPTIONS
PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

PURPOSE: UTILITY EASEMENT

SHEET 1 OF 3 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 2 AND
3 OF 3.

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 803, UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING A PART OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5485, PAGE 5301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) AND SAID POINT BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7400, PAGE 1301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°45'15"W., ALONG THE EAST LINE OF SAID PARCEL AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, 165.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND SAID POINT BEING THE SOUTHEAST CORNER OF THE AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5485, PAGE 5301 AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.62°01'04"W., 18.46 FEET; THENCE S.83°44'39"W., 134.42 FEET TO A POINT LYING ON THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 5485, PAGE 5301; THENCE ALONG THE BOUNDARIES OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 5485, PAGE 5301, THE FOLLOWING TWO COURSES AND DISTANCES: S.37°27'45"E., 13.05 FEET; S.00°45'15"E., 3.86 FEET; THENCE N.83°44'39"E., 123.41 FEET TO A POINT LYING ON THE SOUTH LINE OF THE AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5485, PAGE 5301; THENCE N.70°40'08"E., ALONG SAID LINE, 20.41 FEET TO THE POINT OF BEGINNING. CONTAINING 2057 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: BEACHSIDE DOUBLES, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

CERTIFIED BY: DENNIS W. BRIDGE
REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE. 1" = 40'
DWG.NO. BANANA EASEMENT 803.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6782

NOTES AND LEGEND:

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

PURPOSE: UTILITY EASEMENT

SHEET 2 OF 3 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1 AND
3 OF 3.

THIS IS NOT A SURVEY

NOTES:

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N.00°45'15"W., AS SHOWN ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE.
- 2) EASEMENTS LISTED IN THE TITLE SEARCH REPORT FUND FILE NO: 283568 (OF THE PARENT PARCEL) BY DAWSON LAW P.A., WERE ADDRESSED IN A SEPARATE DOCUMENT PROVIDED TO THE BREVARD COUNTY SURVEY DEPARTMENT AS TO THEIR EFFECT, IF ANY ON THE EASEMENT PARCEL 803 DESCRIBED IN THIS MAP AND LEGAL DESCRIPTION. THOSE THAT DID NOT AFFECT THIS PARCEL 803 WERE STATED AS SUCH AND THOSE THAT DID WERE ACKNOWLEDGED AS AFFECTING PARCEL 801 AND WERE ADDED GRAPHICALLY TO THE DRAWING.
BLANKET EASEMENTS (OR POSSIBLE BLANKET EASEMENTS) ARE LISTED BELOW.
 - A) F.P. & L EASEMENT DESCRIBED IN O.R.B. 673, PG. 660 AND O.R.B. 797, PG. 556 IS A BLANKET EASEMENT THAT COVERS THE ENTIRETY OF THE PARENT PARCEL AND THEREFORE COVERS THE ENTIRETY OF PARCEL 803.
 - B) O.R.B. 5465, PG. 5317 IS A RECIPROCAL CROSS-ACCESS, UTILITIES DRAINAGE RETENTION AND DETENTION EASEMENT BETWEEN THE PARENT PARCEL AND A NEIGHBORING PARCEL. THE EASEMENT AREA GEOMETRIC LIMITS ARE NOT CLEARLY DEFINED IF AT ALL AND MIGHT WELL BE BLANKET EASEMENTS.
THE SURVEYOR IS OF THE OPINION THIS EASEMENT ENCOMPASSES THE ENTIRETY OF PARCEL 803.
 - C) RESOLUTIONS RECORDED IN O.R.B. 5477, PG. 3186 AND O.R.B. 5477, PG. 3189 CALL FOR THE PROPERTY OWNERS TO PROVIDE EASEMENTS FOR CROSS PARKING AND A SIGN BUT DOES NOT PARTICULARLY DEFINE THE EASEMENT OR ESTABLISHES THEM.

LEGEND

CL = Centerline

DB.____, PG.____ = Deed Book and Page

7400/1301 = Typical nomenclature for Official
Records Book and Page.

ORB.____, PG.____ = Official Records Book and Page

P.O.B. = Point of Beginning

P.O.C. = Point of Commencement

R/W = Right-of-way

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE 1" = 40'
DWG. NO. BANANA EASEMENT 803.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

MAP OF DESCRIPTION

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

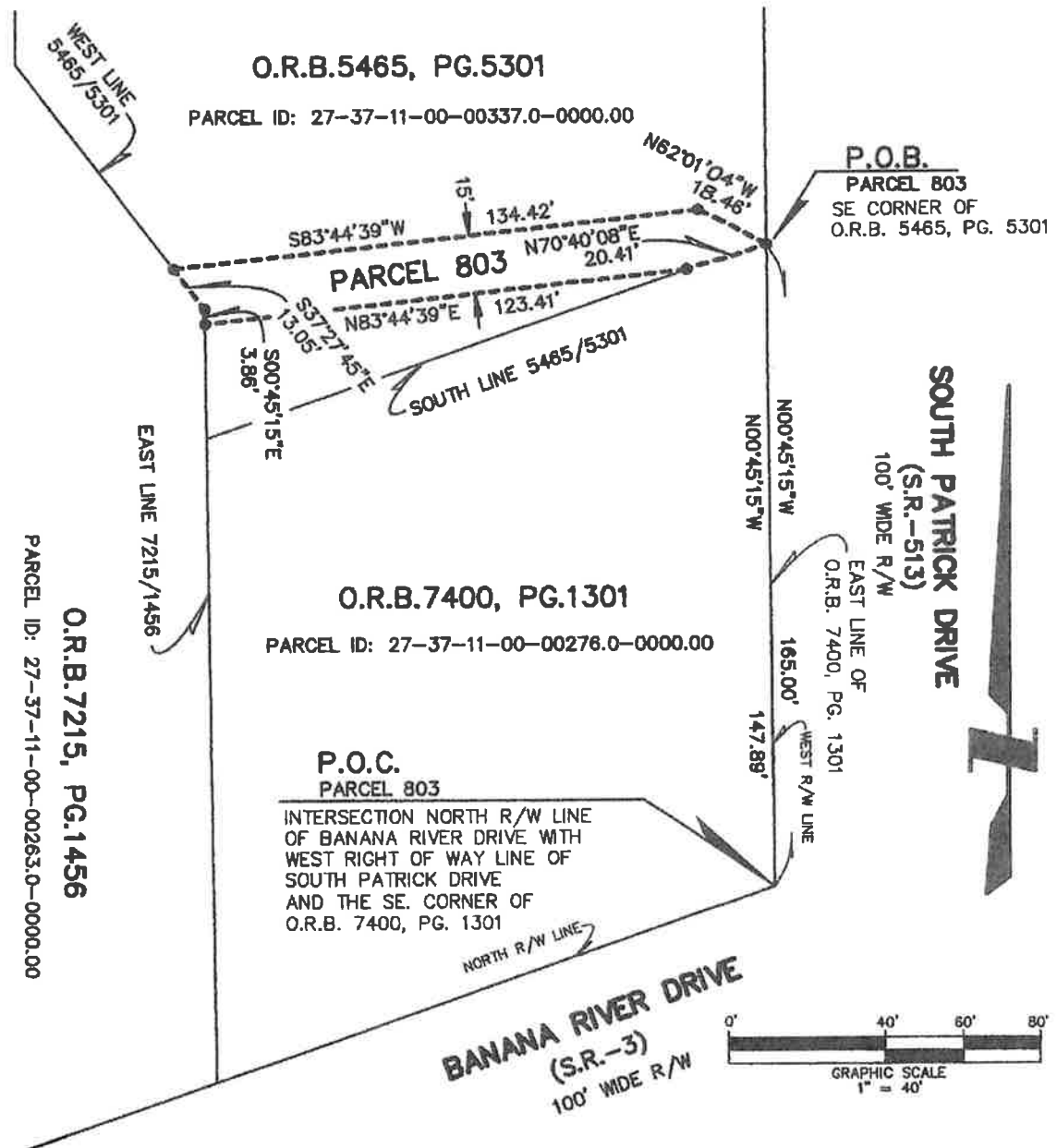
PURPOSE: UTILITY EASEMENT

SHEET 3 OF 3 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1 AND 2 OF 3.

THIS IS NOT A SURVEY



DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE. 1" = 40'
DWG. NO. BANANA EASEMENTS 803.DWG

Honeycutt & Associates, Inc.

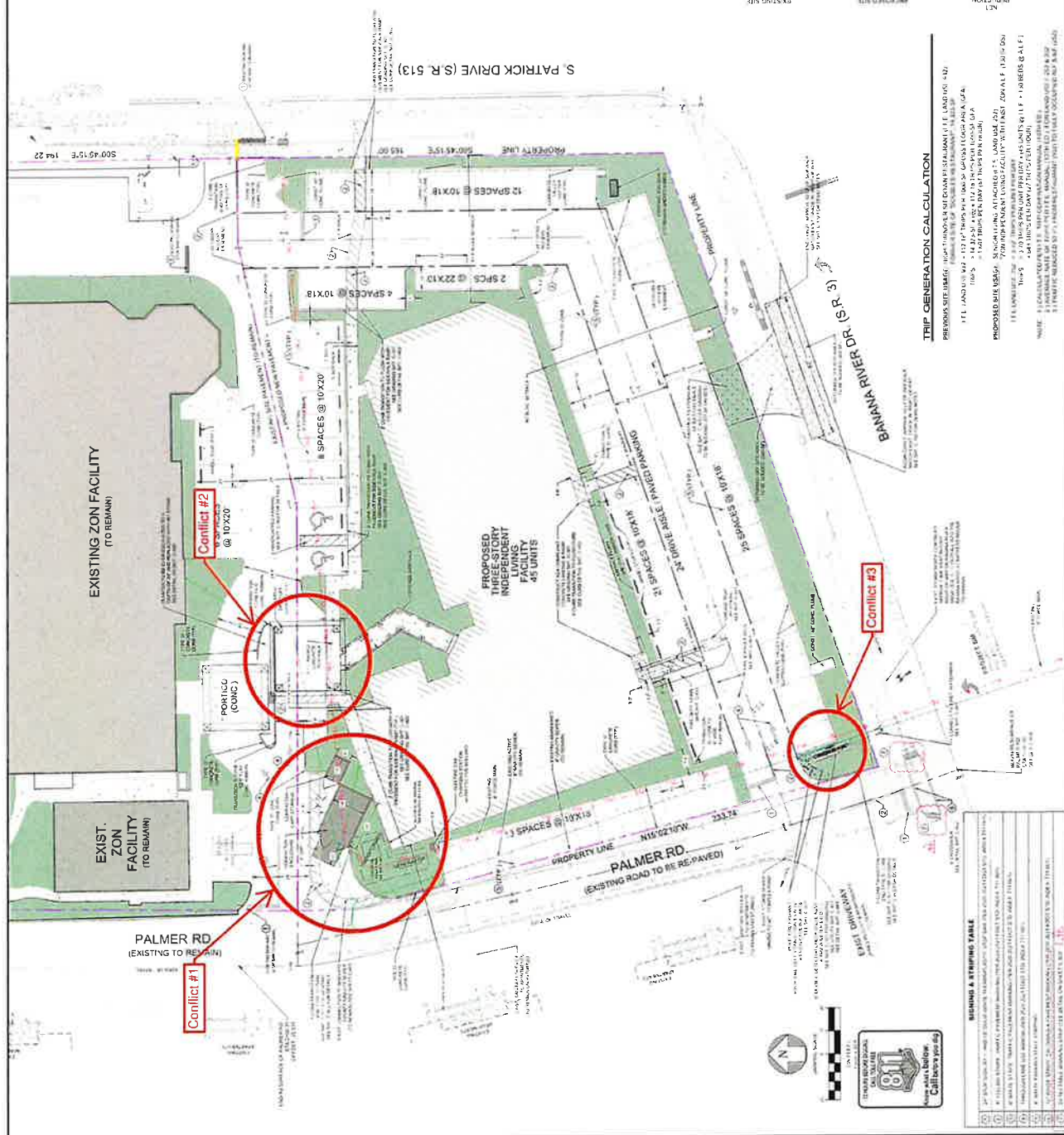
ENGINEERS • SURVEYORS • PLANNERS

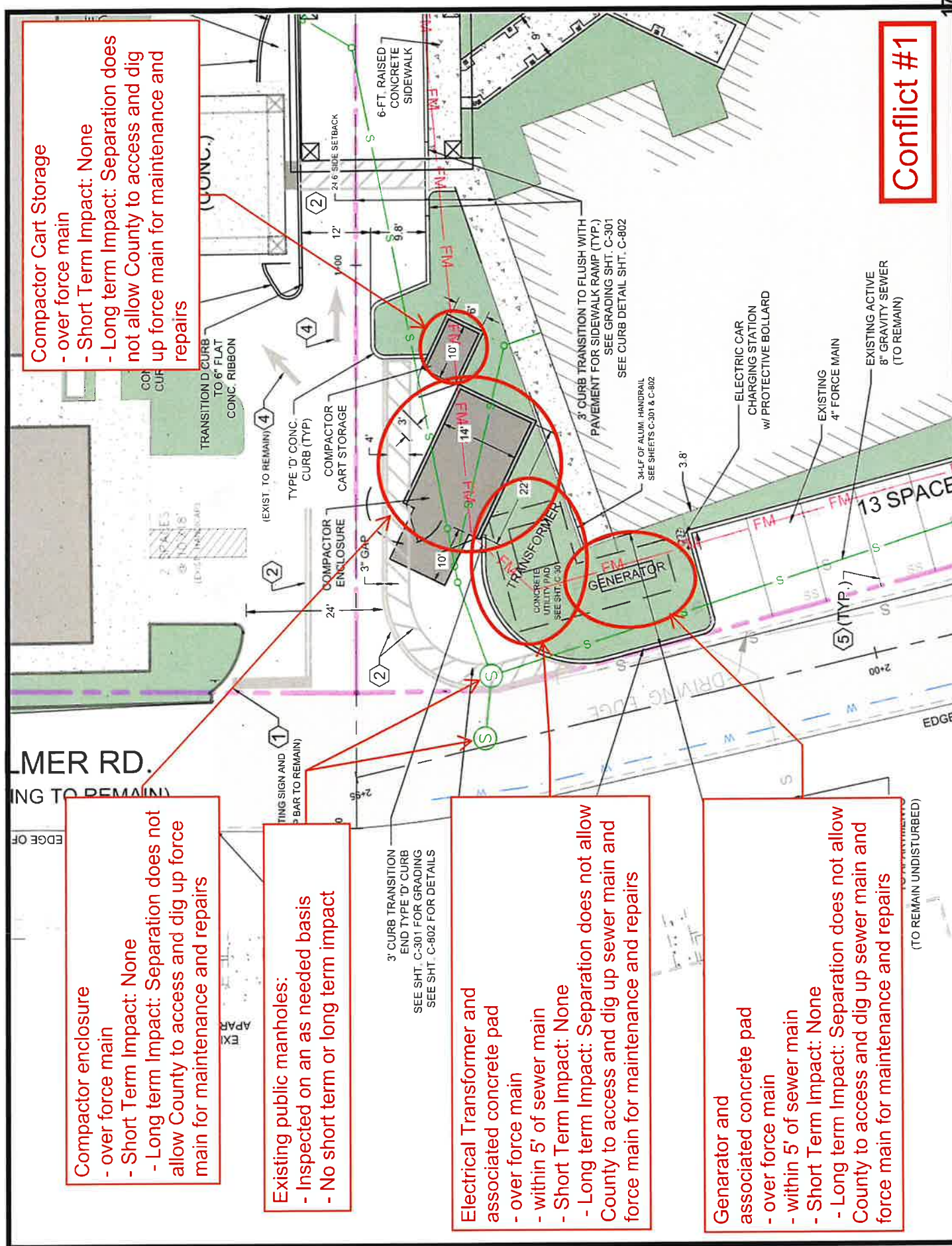
3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

Exhibit C - Utility Conflicts





Compactor Cart Storage

- over force main
- Short Term Impact: None
- Long term Impact: Separation does not allow County to access and dig up force main for maintenance and repairs

Compactor enclosure

- over force main
- Short Term Impact: None
- Long term Impact: Separation does not allow County to access and dig up force main for maintenance and repairs

Existing public manholes:

- Inspected on an as needed basis
- No short term or long term impact

Electrical Transformer and associated concrete pad

- over force main
- within 5' of sewer main
- Short Term Impact: None
- Long term Impact: Separation does not allow County to access and dig up sewer main and force main for maintenance and repairs

Generator and associated concrete pad

- over force main
- within 5' of sewer main
- Short Term Impact: None
- Long term Impact: Separation does not allow County to access and dig up sewer main and force main for maintenance and repairs

Conflict #1

PLANTER TO BE OVER-EXCAVATED TO A DEPTH OF 24" AND REPLACED WITH #57 STONE SEE DETAIL ON SHT. C-802

TYPE 'D' CONCRETE CURB (TYP)

TYPE 'D' CONCRETE CURB (TYP)

PORTICO (CONC.)

TRANSITION D CURB TO 6" FLAT CONC RIBBON

TRANSITION CURB TO 6" CONC. RIBBON

COVERED DROP-OFF (CLEARANCE 13'-6")

24' HANDICAPPED PARKING SEE SHT. C-802 FOR DETAILS

24' TYPE 'D' CONCRETE CURB (TYP)

EXISTING 6" FORCE MAIN

PROPOSED NEW PAVEMENT

EXISTING 5" (TYP.)

1' SOD

4' 1"

SEE GRADING SHT. C-301

SEE CURB DETAIL SHT. C-802

8 SPACES @ 10'X20'

COVERED DROP OFF Column Footing

- within 3' of force main

- Short Term Impact: None

- Long term Impact: Separation does not allow County to access and dig up force main for maintenance and repairs

Covered Drop Off Structure

- over forcemain

- Short Term Impact: None

- Long term Impact: Separation does not allow

County to access and dig up force main for

maintenance and repairs

Covered Drop Off Column Footing

- within 3' of force main

- Short Term Impact: None

- Long term Impact: Separation does not allow

County to access and dig up force main for

maintenance and repairs

Covered Drop Off Column Footing

- within 2' of force main

- Short Term Impact: None

- Long term Impact: Separation does not allow

County to access and dig up force main for

maintenance and repairs

PROPOSED
THREE-STORY
INDEPENDENT

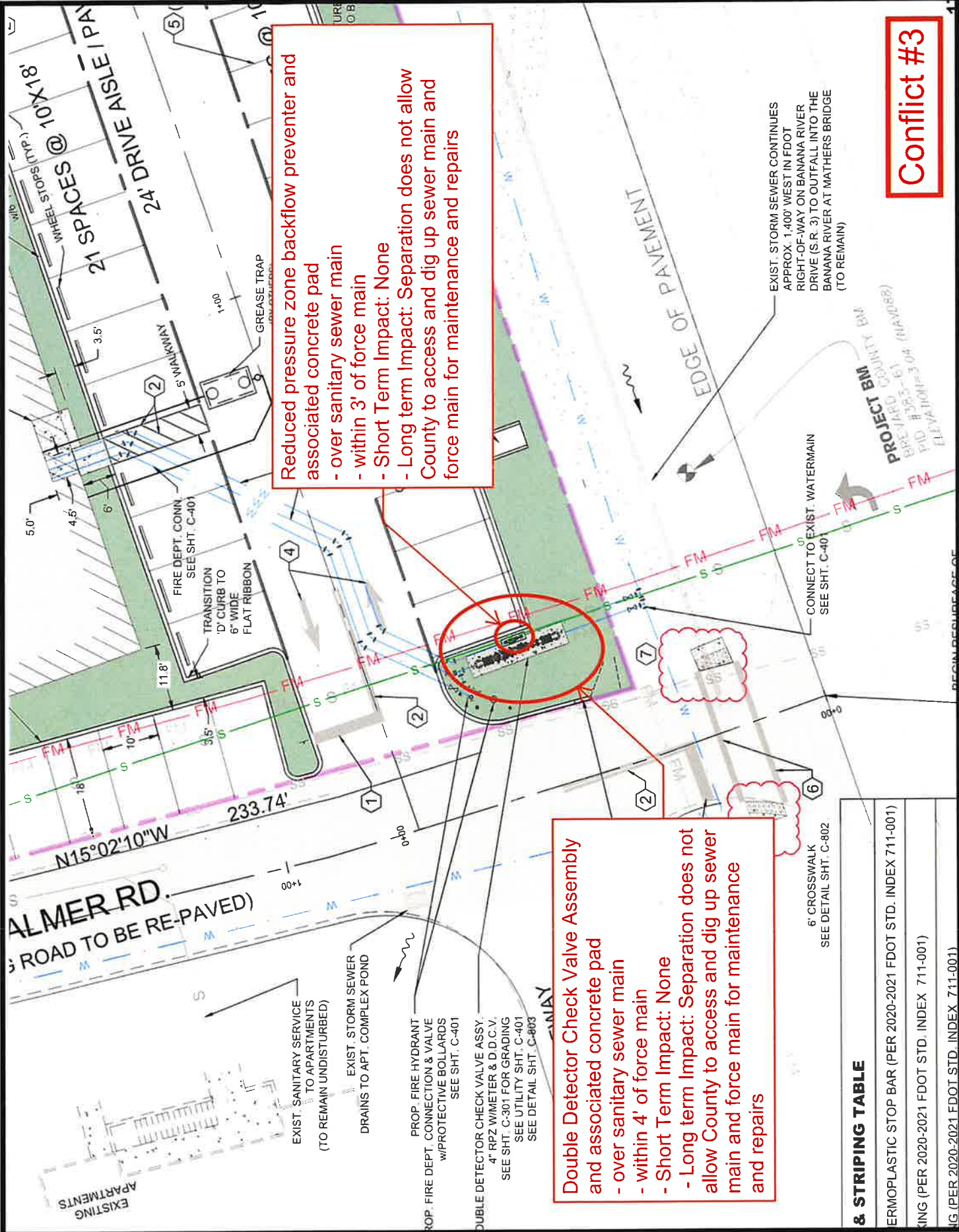
Conflict #2

3' CURB TRANSITION TO FLUSH WITH PAVEMENT FOR SIDEWALK RAMP (TYP.) SEE GRADING SHT. C-301 SEE CURB DETAIL SHT. C-802

FOR ALUM HANDRAIL SHEETS C-301 & C-802

ELECTRIC CAR CHARGING STATION w/ PROTECTIVE BOLLARD

EXISTING 4" FORCE MAIN



Reduced pressure zone backflow preventer and associated concrete pad

- over sanitary sewer main
- within 3' of force main
- Short Term Impact: None
- Long term Impact: Separation does not allow County to access and dig up sewer main and force main for maintenance and repairs

Double Detector Check Valve Assembly and associated concrete pad

- over sanitary sewer main
- within 4' of force main
- Short Term Impact: None
- Long term Impact: Separation does not allow County to access and dig up sewer main and force main for maintenance and repairs

Conflict #3

& STRIPING TABLE	
ERMOPLASTIC STOP BAR (PER 2020-2021 FDOT STD. INDEX 711-001)	
ING (PER 2020-2021 FDOT STD. INDEX 711-001)	
IG (PER 2020-2021 FDOT STD. INDEX 711-001)	

Exhibit D

Verrett, Christine N

From: Verrett, Christine N
Sent: Wednesday, June 28, 2023 11:08 AM
To: Bruce M
Cc: Wanda Kessler
Subject: 21RW01300 - Zon Living Concepts LLC - 1894 S. Patrick Dr. - Deficiency Comments

Your application was reviewed for compliance with the Brevard County Code of Ordinances and other applicable regulations. The following comments were received from the various review agencies. Please make the appropriate revisions and resubmit all affected items along with a set of revised plans with a cover letter providing a written response listing each agency comment with your response to each of the items shown as a deficiency below and how it has been resolved. Resubmittals shall be sent to ROWpermitting@brevardfl.gov. Please ensure that your submitted plans (or other items that are required to be signed and sealed) are either digitally signed and sealed and can be validated through a third party or that they are a scanned pdf of an original hand signed sealed document. Application name and number must be referenced in the subject line and in the response letter.

Engineering Design

Reviewed by: Lauren Holman, 321-350-8337, Lauren.Holman@brevardfl.gov

1. Previous Comment #2: Survey and Sheet C-301: Please provide a signed and sealed survey that includes existing spot elevations along the property line and within the Banana River Drive right-of-way. Please show the existing spot elevations on the grading plan. The comment response provided notes the site has been designed using the historical As-Built surveys. These surveys were provided with this plan submittal but the information is missing on the plans. Please include and reference this survey information on the plans. Please ensure sufficient spot elevations are shown for the proposed improvements in the right-of-way.
2. Sheet C-301 was revised to remove the stormwater outfall to the right-of-way including the revised S.R. 3 – Swale Section. Please include and reference Brevard County Land Development Exhibits 13, 14, and 15 for the proposed sidewalk within the Banana River Drive right-of-way. Please show removal and replacement of the sidewalk to the nearest joint on both ends of the sidewalk at the crosswalk across Palmer Road and construct truncated domes per B.C.L.D. 15

Utilities

Reviewed by: Julian Guerrero, julian.guerrero@brevardfl.gov

Application will not be approved until there is an approved site plan on file.
Please submit updated plans to utility.development@brevardfl.gov.
Brevard County Utilities reserves the right to make comments on future submittals

Regards,

Christine Verrett

Special Projects Coordinator III
Brevard County Public Works/Engineering
2725 Judge Fran Jamieson Way, Bldg. A, Room 204
Melbourne, FL 32940
321-350-8328

September 12, 2023

Ms. Christine Verrett
Brevard County Public Works, Special Projects Coordinator
2725 Judge Fran Jamieson Way
Melbourne, FL 32940

Via Electronic Delivery

Subject: Zon Independent Living Facility
County #: 21RW01300
MBV #: 20-1065

Dear Ms. Verrett:

We have received your comment letter dated June 28, 2023 and have the following responses.

Engineering Design – Lauren Holman

1. Previous Comment #2: Survey and Sheet C-301: Please provide a signed and sealed survey that includes existing spot elevations along the property line and within the Banana River Drive right-of-way. Please show the existing spot elevations on the grading plan. The comment response provided notes the site has been designed using the historical As-Built surveys. These surveys were provided with this plan submittal but the information is missing on the plans. Please include and reference this survey information on the plans. Please ensure sufficient spot elevations are shown for the proposed improvements in the right-of-way. ***Response: Existing spot elevations have been restored to C-101 and C-301. Additional survey information has been added to the plans per request along Banana River Drive.***
2. Sheet C-301 was revised to remove the stormwater outfall to the right-of-way including the revised S.R. 3 – Swale Section. Please include and reference Brevard County Land Development Exhibits 13, 14, and 15 for the proposed sidewalk within the Banana River Drive right-of-way. Please show removal and replacement of the sidewalk to the nearest joint on both ends of the sidewalk at the crosswalk across Palmer Road and construct truncated domes per B.C.L.D. 15 ***Response: Exhibits 13 through 15 have been added to Sheet C-802. Demo of sidewalk is now required on C-103. ADA compliant warning strips are called out at the intersection (C-201) with details on Sheet C-802.***



Ms. Christine Verrett
Zon Independent Living 21RW01300
MBV # 20-1065

Utilities – Julian Guerrero

1. Application will not be approved until there is an approved site plan on file. Please submit updated plans to utility.development@brevardfl.gov.

Brevard County Utilities reserves the right to make comments on future submittals.

Response: Acknowledged. A complete set of Civil Site Plans was supplied to the Utilities Department and to Mr. Guerrero via email on June 28, 2023.

The following items are attached for your review and as requested:

- Signed / sealed survey
- Civil Plan Set

Copies of this letter and all attachments listed have been provided electronically in PDF format via email.

Should you have any questions regarding the above subject, please feel free to contact our office at any time.

Sincerely,

Roger J. Walters, Jr., E.I.
Project Manager

Lovell, Debra A

From: Lovell, Debra A
Sent: Thursday, November 9, 2023 11:47 AM
To: Bruce M; Wanda Kessler
Subject: 21RW01300 - Zon Living - DEFICIENCY COMMENTS

Your application was reviewed for compliance with the Brevard County Code of Ordinances and other applicable regulations. The following comments were received from the various review agencies. Please make the appropriate revisions and resubmit all affected items along with a set of revised plans with a cover letter providing a written response listing each agency comment with your response to each of the items shown as a deficiency below and how it has been resolved. Resubmittals shall be sent to ROWpermitting@brevardfl.gov. Please ensure that your submitted plans (or other items that are required to be signed and sealed) are either digitally signed and sealed and can be validated through a third party or that they are a scanned pdf of an original hand signed sealed document. Application name and number must be referenced in the subject line and in the response letter.

Water Resources

Reviewed by Julian Guerrero, julian.guerrero@brevardfl.gov or 321-350-8377

1. The structures in the County's utility easement at the Zon Independent Living Facility materially interfere with the maintenance and use of the County's infrastructure. Work may be necessary in the ROW to resolve the interference. Please coordinate directly with the Brevard County Utility Services Department to find a solution for the interference such that this ROW application may be approved.

Thank you,

Debra A. Lovell

Debra A. Lovell

Special Projects Coordinator III



Public Works Engineering Program
2725 Judge Fran Jamieson Way, Bldg A, Room 204
Viera, FL 32940
321-350-8334

Brevard County is currently in the process of implementing changes to increase the accessibility of information and documents on its website. If you require assistance to better access this document or information contained therein please contact the County's ADA Coordinator by phone at (321) 637-5347 or by email at ADACompliance@brevardfl.gov.



Exhibit E - Adjacent Impact Areas