



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

12/7/2021

Subject:

Approval, Re: Donation of Sanitary Sewer Easement from Brandon and Jillian Fontaine - District 2.

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 accept the attached Sanitary Sewer Easement.

Summary Explanation and Background:

The subject property is located in Section 27, Township 24 South, Range 36 East, south of Lucas Road along the east side of North Tropical in Merritt Island.

Donovan Homes, LLC, owner and developer of Island Chase Subdivision as recorded in Plat Book 67, Page 95, was required to provide an easement for the sewer line needed for facilities running south along the subdivision. The line and associated manhole affected a total of four parcels. Easements over two of the parcels were conveyed on the Plat. The remaining two easement areas were to be obtained by dedicated easement from the current parcel owners. This easement is the final easement to complete all requirements. The owner has agreed to donate the needed easement to cover the manhole.

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

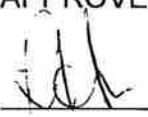
AGENDA REVIEW SHEET

AGENDA: Sanitary Sewer Easement from Brandon Tyler and Jillian Margaret Fontaine – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

| | APPROVE | DISAPPROVE | DATE |
|--|--|------------|------------------|
| LAND ACQUISITION Lucy Hamelers, Supervisor |  _____ | _____ | <u>10-26-21</u> |
| COUNTY ATTORNEY Christine Schverak Assistant County Attorney | <u>cms</u> _____ | _____ | <u>11-2-2021</u> |



December 8, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.3., Approval for Donation of Sanitary Sewer Easement from Brandon and Jillian Fontaine

The Board of County Commissioners, in regular session on December 7, 2021, approved and accepted the donation of Sanitary Sewer Easement from Brandon and Jillian Fontaine, located in Section 27, Township 24 South, Range 36 East, south of Lucas Road along the east side of North Tropical Trail, Merritt Island.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/ds

cc: Utility Services

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-36-27-00-43

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 20th day of MAY, 2021, between Brandon Tyler Fontaine and Jillian Margaret Fontaine, husband and wife, whose address is 1046 North Tropical Trail, Merritt Island, Florida 32953, 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, reconstructing, reconfiguring, and maintaining a sanitary sewer line and its 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 27, Township 24 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:



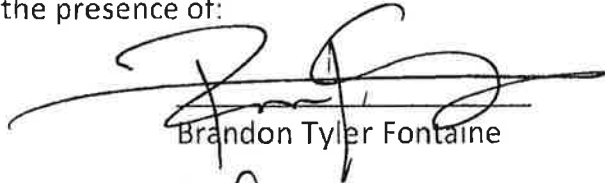
witness

Cassie Hinton
print name

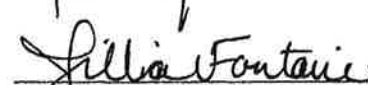


witness

Robert Hinton
print name



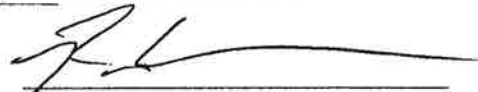
Brandon Tyler Fontaine



Jillian Margaret Fontaine

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical
presence or ~~an~~ online notarization on this 20th day of Mar, 2021, by
Brandon Tyler Fontaine and Jillian Margaret Fontaine, husband and wife. Is
personally known or produced _____ as identification.



Notary Signature

SEAL



BRIAN KLAUSER
Commission # HH 127447
Expires May 9, 2025
Bonded Thru Budget Notary Services

LEGAL DESCRIPTION

Parcel 802

Section 27, Township 24 South, Range 36 East
Parent Parcel ID Number: 24-36-27-00-43
Purpose: Sanitary Sewer Easement

Exhibit "A" Sheet 1 of 2

Not Valid without the Sketch on Sheet 2 of 2
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 802, SANITARY SEWER EASEMENT (BY SURVEYOR)

A 15-foot wide Sanitary Sewer Easement lying in a parcel of land located in Section 27, Township 24 South, Range 36 East, as described in Official Records Book 8409, Page 2342, Public Records of Brevard County, Florida and being more particularly described as follows:

Begin at the Northwest Corner of lands described in Official Records Book 8409, Page 2342, Public Records of Brevard County and being a point on a curve with a radius 1170.92 feet concave to the West. Thence run South along the Easterly Maintained Right of Way Line of North Tropical Trail and the length of said curve a distance of 10.02 feet (with a Chord of 10.02 feet, a Delta of 00°29'25" and a Chord Bearing of S 03°45'03" E). Thence run N 86°29'39" E a distance of 15.00 feet to a point on a curve concave to the west with a radius 1185.92 feet. Thence run North along the length of said curve a distance of 9.11 feet (with a Chord of 9.11 feet, a Delta of 00°26'24" and a Chord Bearing of N 03°43'33" W) to a point on the North Line of lands described in Official Records Book 8409, Page 2342 and the South Line of lands described in Official Records Book 8002, Page 1826. Thence run S 89°58'25" W, along said North and South Lines, a distance of 15.04 feet to the Point of Beginning. Containing 144 feet, more or less (0.003 Acres, more or less).

SURVEY REPORT:

1. Measurements shown hereon are expressed in feet and decimal parts thereof.
2. Bearings are assumed, referenced to N 08°17'30" W along the East Right of Way Line of North Tropical Trail.
3. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.
4. No Blanket Easements or Easements in the Proposed Parcel. No Existing Easements adjacent to Proposed Parcel.
5. TITLE OPINION INFORMATION PROVIDED BY COTNEY CONSTRUCTION LAW as of November 24, 2020, at 2:30 p.m. (EST), title to the Property was vested in Mr. Brandon Tyler Fontaine and Mrs. Jillian Margaret Fontaine, in fee simple, by virtue of a Warranty Deed recorded on April 9, 2019 in the Official Record Book 8409, Page 2342, Public Records of Brevard County, Florida.



115 Alma Blvd., Suite 102
Mailing Address: P.O. Box 541866
Merritt Island, FL. 32954
Phone: (321) 507.4811
LICENSED BUSINESS #7978

John R. Campbell
John R. Campbell
Professional Surveyor & Mapper #2351
State of Florida

NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR: Brandon Tyler Fontaine & Jillian Margaret Fontaine
Brevard County Board of County Commissioners

PREPARED BY: John R. Campbell Surveying, LLC.
ADDRESS: 115 Alma Boulevard, Suite 102, Merritt Island 32953
PHONE: (321) 507-4811

DRAWN BY: Z.A. Dyer
DATE: 04-14-2021

CHECKED BY: J.R. Campbell
Sheet 1 of 2

DRAWING NO. 2019-200
REVISIONS: 1

SECTION 27
TOWNSHIP 24 SOUTH
RANGE 36 EAST

40

LOCATION MAP

Section 27, Township 24 South, Range 36 East - District 2

PROPERTY LOCATION: South of Lucas Road, along the east side of North Tropical Trail in Merritt Island.

OWNERS NAME: Donovan Homes, LLC

