



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

3/7/2023

Subject:

Approval, Re: Dedication of Utility Easement from Brevard Properties I, LLC for the Viera Active Adult Community Project- 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 accept the attached Utility Easement.

Summary Explanation and Background:

The subject property is located in Section 21, Township 26 South, Range 36 East, northwest of Pineda Boulevard and northeast of Stadium Parkway in Viera.

Brevard Properties I, LLC, owner, has submitted site plan number 21SP00046 for review and approval by the County for the development of a multi- family site known as Viera Active Adult Community. In accordance with County code and standards, the owner has agreed to dedicate the attached Utility Easement required as a condition of the site plan approval. The utility easement is required to allow the County to access and maintain 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: Dedication of Utility Easement from Brevard Properties I, LLC, for the Viera Active Adult Community project – 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>2-15-2023</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	<hr/>	<u>2-16-2023</u>



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

March 8, 2023

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

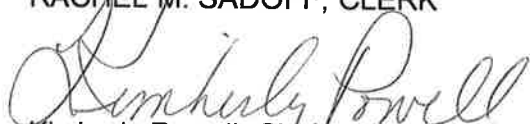
RE: Item F.3., Approval for Dedication of Utility Easement from Brevard Properties I, LLC, for the Viera Active Adult Community Project

The Board of County Commissioners, in regular session on March 7, 2023, approved and accepted the Utility Easement from Brevard Properties I, LLC, for the Viera Active Adult Community Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

cc: Utility Services

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-21-XJ-G-2

UTILITY EASEMENT

THIS INDENTURE, made this 30th day of January, 2023, between Brevard Properties I, LLC, a Delaware limited liability company, whose address is 129 North Patterson Street, Valdosta, Georgia 31601, 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 associated 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 21, Township 26 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:

[Signature]
Witness

Saina Lofton
Print Name

[Signature]
Witness

Shauna Van Cleave
Print Name

Brevard Properties I, LLC, a
Delaware limited liability
company

By: Brevard Properties I JV, LLC,
a Delaware limited liability
company, Sole Member

By: Auterra Partners-Brevard,
LLC, a Georgia limited liability
Company, Manager

By: Brevard Partners, LLC, a
Georgia limited liability
Company, Manager

By: [Signature]
R. Gregory Hunter, Manager

(Seal)

STATE OF Georgia
COUNTY OF Lanier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 30th day of Jan, 2023, by R. Gregory Hunter, as Manager for Brevard Partners, LLC, a Georgia limited liability company, as Manager of Auterra Partners-Brevard, LLC, a Georgia limited liability company, as Manager for Brevard Properties I JV, LLC, a Delaware limited liability company, as Sole Member of Brevard Properties I, LLC, a Delaware limited liability company, on behalf of said company. Is ☒ personally known or ☐ produced _____ as identification.



Alexandria Mergendahl
Notary Signature
SEAL

LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 26-36-21-XJ-G-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 #801, UTILITY EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST AND BEING A PORTION OF LOT 2 BLOCK G, AS SHOWN ON THE PLAT OF AVALONIA SUBDIVISION PHASE 1, AS RECORDED IN PLAT BOOK 68, PAGE 6 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT O OF THE AFOREMENTIONED PLAT OF AVALONIA SUBDIVISION PHASE 1, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF LOT 2 BLOCK G OF SAID PLAT; THENCE SOUTH 87°09'25" EAST, ALONG SAID NORTHERLY LINE OF LOT 2 BLOCK G, A DISTANCE OF 5.98 FEET TO THE **POINT OF BEGINNING**.

THENCE CONTINUING SOUTH 87°09'25" EAST, A DISTANCE OF 15.00 FEET; THENCE LEAVING SAID NORTHERLY LINE OF LOT 2 BLOCK G SOUTH 02°50'35" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 87°09'25" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 02°50'35" EAST, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 225.00 SQUARE FEET (0.005 ACRES), MORE OR LESS.

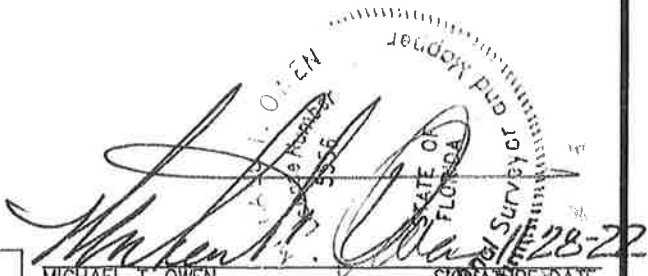
SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH AND REFERENCE THE NORTH LINE OF LOT 2, BLOCK G AND THE LINE LABELED HEREON AS (BEARING BASIS) AND ALL OTHER BEARINGS ARE RELATIVE THERETO. DISTANCES ARE IN U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
2. THIS SKETCH AND DESCRIPTION IS FOR THE EXCLUSIVE PURPOSE OF DESCRIBING THE PARCEL OR STRIP OF LAND SHOWN AND IS NOT A BOUNDARY SURVEY.
3. A TITLE SEARCH FOR THE PROPERTY DESCRIBED HEREON WAS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY ON SEPTEMBER 2, 2022 UNDER FATIC FILE NUMBER: 1054-6196086 AND ALL EASEMENTS FROM THAT TITLE SEARCH AFFECTING OR ABUTTING THE PARCEL DESCRIBED HEREON ARE SHOWN ON THE SKETCH PORTION.

ABBREVIATION LEGEND:

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
SQ. FT. SQUARE FEET
PB PLAT BOOK
PG PAGE

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


MICHAEL T. OWEN
SURVEYOR, PSM #5556
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED
Professional Seal of Michael T. Owen, State of Florida, License #5556, dated 12-28-22.

PREPARED BY:
ENGINEERING, DESIGN & CONSTRUCTION, INC. (LB#8098)
10250 VILLAGE PARKWAY, SUITE 201 PORT SAINT LUCIE, FL 34987
MICHAEL T. OWEN, SURVEYOR PSM LICENSE #5556

DRAWN BY: ABB

CHECKED BY: MTO

PROJECT NO. 21-337

REVISIONS

DATE

DESCRIPTION

SECTION 21

TOWNSHIP 26 SOUTH
RANGE 36 EAST

DATE: 10/19/2022

DRAWING:
21-337 RISE VIERA S&D REV1.DWG

PARCEL # 801

EXHIBIT "A"

THIS IS NOT A SURVEY

0 20
Scale in feet
1 Inch = 20 Feet

Prepared by, Record and Return to:

Hannah Anderson, Esq.
109 South Ashley Street
Valdosta, Georgia 31601
File No.: 31410.064

AFFIDAVIT OF AUTHORITY

STATE OF Georgia
COUNTY OF Lanier

Before me, the undersigned authority, personally appeared **R. GREGORY HUNTER**, ("Affiant") who after first being duly sworn according to law, deposes and says:

1. That the Affiant is a Manager of BREVARD PARTNERS, LLC, a Georgia limited liability company, as the Manager of AUTERRA PARTNERS - BREVARD, LLC, a Georgia limited liability company, as the Manager of BREVARD PROPERTIES I JV, LLC, a Delaware limited liability company, as the Sole Member of **BREVARD PROPERTIES I, LLC**, a Delaware limited liability company (the "Company");
2. That the Company is Member-managed;
3. That the Company was formed on or about September 13, 2021, and has not been dissolved as of the date hereof as a result of the death, bankruptcy, or dissolution of a member of the Company, or the transfer or termination of a member's interest;
4. Neither the Company nor any member of the Company has filed for bankruptcy since the Company was formed;
5. The Company is authorized to transact business in the State of Florida and is in good standing under the laws of the State of Florida, and such authority has not been dissolved or terminated;
6. The Company is the owner of fee simple title to the land in Brevard County, Florida, more particularly described in **Exhibit "A"** attached hereto (the "Property");
7. The Company has approved the grant of an easement to Brevard County, FL ("Grantee");
8. Affiant, in his capacity as Manager of BREVARD PARTNERS, LLC, a Georgia limited liability company, as the Manager of AUTERRA PARTNERS - BREVARD, LLC, a Georgia limited liability company, as the Manager of BREVARD PROPERTIES I JV, LLC, a Delaware limited liability company, as the Sole Member of of the Company, has the full power and authority, in the name and on behalf of the Company, to negotiate the specific terms and conditions of the easement to Grantee (the "Easement"), to do and perform any and all actions and things that may be necessary or desirable or convenient in connection with the Easement, and to execute and deliver and perform such documents as he deems necessary to grant the Easement, including without limitation, a certain Utility Easement to be recorded along with (and in close proximity to) this Affidavit in the Public Records of Brevard County, Florida. All

such actions have been authorized and approved by Company in conformance with the Certificate of Formation and Amended and Restated Limited Liability Company Agreement of the Company.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

[SIGNATURE PAGE TO AFFIDAVIT OF AUTHORITY]

EXECUTED AND DELIVERED effective this 30th day of January 2023.

AFFIANT:

 (SEAL)
R. GREGORY HUNTER

State of Georgia
County of Lanier

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 30th day of Jan 2023, by **R. GREGORY HUNTER** who is ☒ personally known or ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Alexandria Mergendahl
Notary Public, State of GA

My commission expires: 7-31-2026

[Notary Seal]



LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 26-36-21-XJ-G-2
PURPOSE: UTILITY EASEMENT

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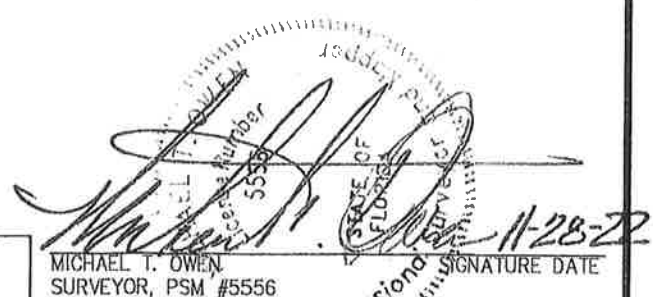
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PG PAGE

PREPARED FOR AND CERTIFIED TO:
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DRAWN BY: ABB	CHECKED BY: MTO	PROJECT NO. 21-337	SECTION 21
DATE: 10/19/2022	DRAWING: 21-337 RISE VIERA S&D REV1.DWG	REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	

SKETCH OF DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 26-36-21-XJ-G-2

PURPOSE: UTILITY EASEMENT

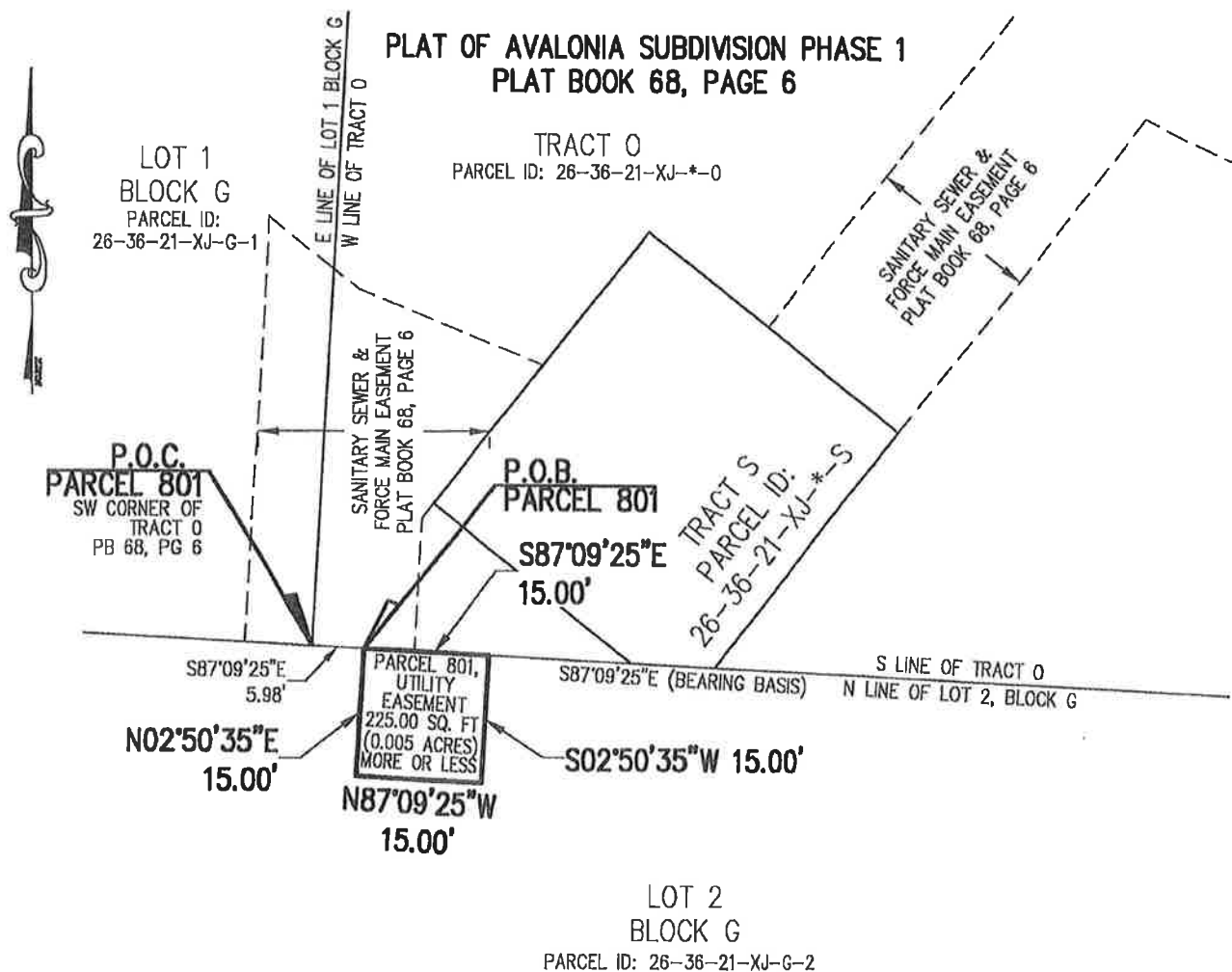
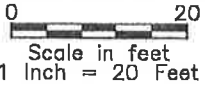
EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

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INTENDED DISPLAY SCALE



PREPARED BY:
ENGINEERING, DESIGN & CONSTRUCTION, INC. (LB#8098)
10250 VILLAGE PARKWAY, SUITE 201 PORT SAINT LUCIE, FL 34987
MICHAEL T. OWEN, SURVEYOR PSM LICENSE #5556

SCALE:

1"=20'

PROJECT NO.:

21-337

SECTION 21

TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 21, Township 26 South, Range 36 East - District: 4

PROPERTY LOCATION: Northeast of Pineda Boulevard and northwest of Stadium Parkway in Viera.

OWNERS NAME(S): Brevard Properties I, LLC, a Delaware limited liability company

