



**AGENDA REPORT**  
**May 7, 2019**

**Approval Re: Donation of Public Utility and Drainage Easement from the Ogle's (Owners) for the Pioneer and Mimosa Drainage Improvement Project – District 2.**

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**SUBJECT:**

Approval Re: Donation of Public Utility and Drainage Easement from the Ogle's (Owners) for the Pioneer and Mimosa Drainage Improvement Project – District 2.

**FISCAL IMPACT:**

FY 2018 – 2019: No impact

FY 2019 – 2020: No impact

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners approve and accept the donation of Public Utility and Drainage Easement.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject parcel is located in Section 14, Township 24, Range 36.

The Public Works Department, Road and Bridge Section, is planning a drainage improvement project located at Pioneer Road and Mimosa Avenue, Merritt Island, Florida. The project consists of installing a 30" reinforced concrete pipe (RCP), type C Inlet and junction box to allow for connection and flow direction to an existing inlet.

The plans as provided by Bussen-Mayer Engineering Group under contract with Brevard County identified the need for an easement along the north and east property line of the Ogle parcel for the construction of drainage swales. The Ogle's are willing to donate the easement needed for the project.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

**ATTACHMENTS:**

**Description**

- ▯ **Pioneer/Mimosa Easement Agenda Documents**

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: DONATION OF PUBLIC UTILITY AND DRAINAGE EASMENT FROM  
THE OGLE'S - OWNER- FOR THE PIONEER/MIMOSA DRAINAGE  
IMPROVEMENT PROJECT - DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>12/29/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>4/30/19</u>

AGENDA DUE DATE: April 30, 2019 for the May 7, 2019 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

May 8, 2019

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

TO: Corinna Gumm, Public Works Interim Director

RE: Item F.17., Donation of Public Utility and Drainage Easement from the Ogle's (Owners)  
for the Pioneer and Mimosa Drainage Improvement Project

The Board of County Commissioners, in regular session on May 7, 2019, approved and accepted the donation of public utility and drainage easement from the Ogle's (Owners) for the Pioneer and Mimosa Drainage Improvement Project.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

cc: Asset Management

Prepared by/Return to:

Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)

2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940

A portion of Interest in Tax Parcel I.D.: 24-36-14-00-507 & 24-36-14-00-508

### PUBLIC UTILITY AND DRAINAGE EASEMENT

**THIS INDENTURE**, made this 26 day of April, A.D. 2019, between **JAMES A. OGLE, GEORGE A. OGLE AND BARBARA H. OGLE**, 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, drainage, maintenance 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 14, Township 24 South, Range 36 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.

(Signatures and Notary on next page)

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:

Susan G. Jackson  
Witness  
Susan G. JACKSON  
Print Name

Lucy Hamelers  
Witness  
Lucy Hamelers  
Print Name

James A. Ogle  
James A. Ogle

George A. Ogle  
George A. Ogle

Barbara H. Ogle  
Barbara H. Ogle

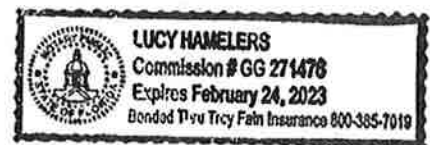
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26 day of April, 2019, by James A. Ogle, George A. Ogle and Barbara H. Ogle, who is/is not personally known to me or who has produced driver's 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 26 day of April, 2019.

Notary Public [Signature]  
Print Name \_\_\_\_\_  
Commission No. \_\_\_\_\_  
Commission Expires \_\_\_\_\_

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-14-00-507 AND 24-36-14-00-508

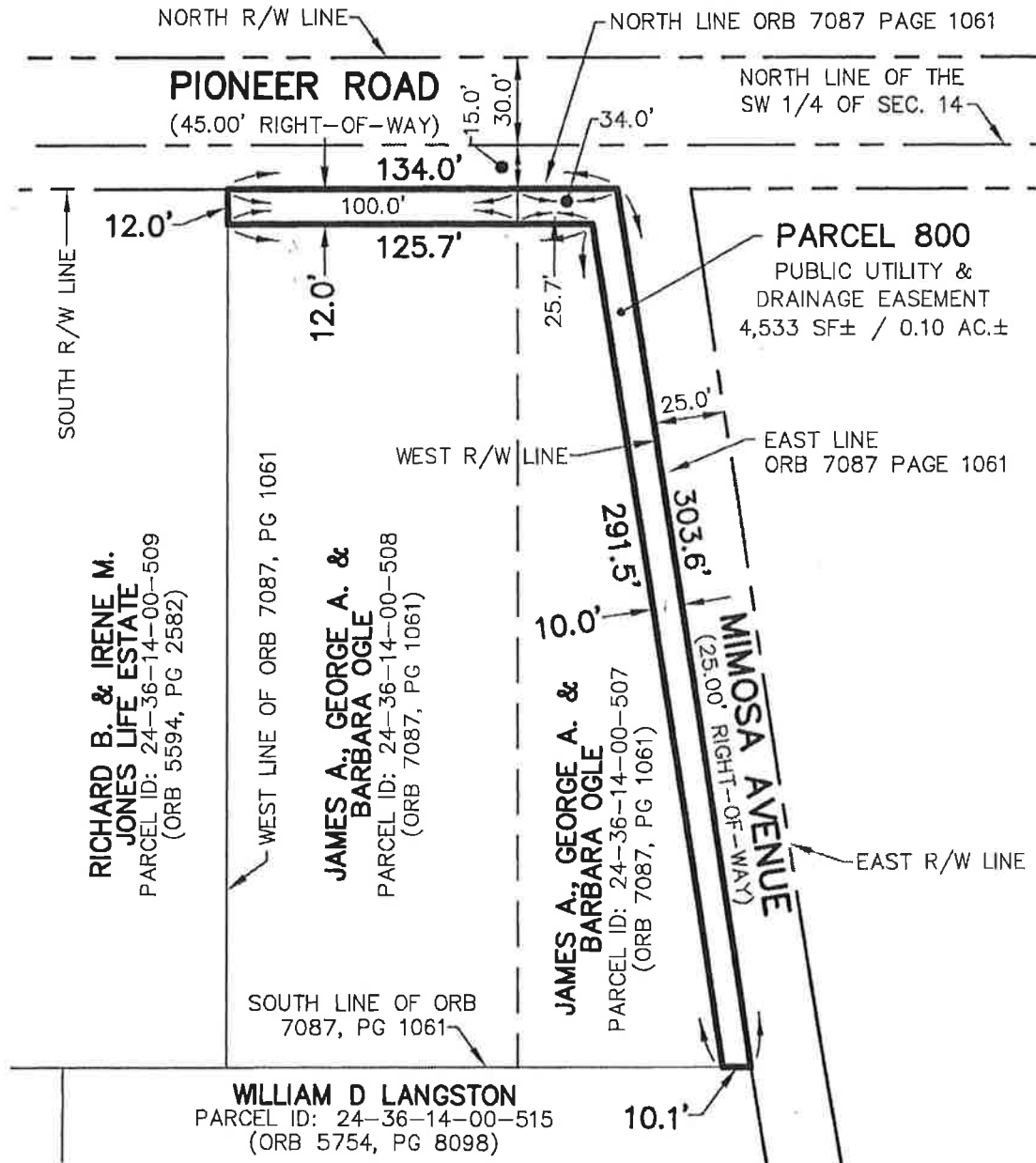
PURPOSE: PUBLIC UTILITY & DRAINAGE EASEMENT

## EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1, 3 OF 3

THIS IS NOT A SURVEY



### NOTES:

- 1.) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION AND CERTIFICATION.
- 2.) SEE SHEET 3 OF 3 FOR LEGEND, ADDITIONAL NOTES AND ADDITIONAL REVISIONS, IF ANY.

PREPARED BY:

**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885

SCALE:

1"=100'

PROJECT NO.:

388009

SECTION 14

TOWNSHIP 24 SOUTH

RANGE 36 EAST

# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-14-00-507 AND 24-36-14-00-508  
PURPOSE: PUBLIC UTILITIES & DRAINAGE EASEMENT

## EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2, 3 OF 3

THIS IS NOT A SURVEY

### DESCRIPTION: PARCEL 800 (BY SURVEYOR)

THE NORTH 12.00 FEET OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 7087, PAGE 1061 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH THE EAST 10.00 FEET OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 7087, PAGE 1061 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.

CONTAINING 0.10 ACRES (4,533± SQUARE FEET) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAYS OF RECORD, AND THE FINDINGS OF A VALID SURVEY.


### NOTES:

- 1.) SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
- 2.) SEE SHEET 3 OF 3 FOR LEGEND, ADDITIONAL NOTES AND ADDITIONAL REVISIONS, IF ANY.

### CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS INSTRUCTED BY THE BREVARD COUNTY SURVEY DEPARTMENT, AND THAT IT MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

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

  
JOSEPH BARRY CABANISS, P.L.S. DATE  
FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524  
BUSSEN-MAYER ENGINEERING CERTIFICATE NO.: 3535  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:



**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



DRAWN BY: JCC

CHECKED BY: JBC

PROJECT NO. 388009

SECTION 14  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

DATE: 2019-03-27

DRAWING:  
388009-SK01.DWG

REVISIONS

DATE

DESCRIPTION

04/10/2019

PER COUNTY COMMENTS



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-14-00-507 AND 24-36-14-00-508

PURPOSE: PUBLIC UTILITY & DRAINAGE EASEMENT

## EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1, 2 OF 3

THIS IS NOT A SURVEY

### LEGEND:

FND.	FOUND	CCR	CERTIFIED CORNER	①	LINE DESIGNATION
COR.	CORNER		RECORD		
C.M.	CONCRETE MONUMENT	W/	WITH		
O.R.B.	OFFICIAL RECORDS BOOK	¢	CENTERLINE		
PB	PLAT BOOK	—W—	GRAPHICS NOT TO		
PG.	PAGE		SCALE		
R/W	RIGHT-OF-WAY	(N.T.S.)	NOT TO SCALE		
PC	POINT-OF-CURVATURE	(N.I.C.)	NOT INCLUDED		
PRC	POINT-OF-REVERSE	SEC.	SECTION		
	CURVATURE	TWP.	TOWNSHIP		
PT	POINT-OF-TANGENCY	RNG.	RANGE		
DB	DEED BOOK				

### NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 1 OF 3 FOR DESCRIPTION AND CERTIFICATION.
3. SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
4. PURSUANT TO AN "O&E REPORT" PREPARED BY NEW REVELATIONS, INC. THERE ARE NO ENCUMBRANCES ON THE SUBJECT PARCEL.
5. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW; COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL..
6. THIS SKETCH AND DESCRIPTION CERTIFIED CORRECT TO  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

PREPARED BY:



**Bussen-Mayer Engineering Group**

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953  
PH. NO.: (321) 463-0010 FAX NO.: (321) 454-8885

SCALE: N/A

PROJECT NO.:  
388009

SECTION 14  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# LOCATION MAP

TWP: 24 RNG: 36 SEC: 14 DISTRICT: 2

STREET NAME: Pioneer and Mimosa

OWNER'S NAME: Ogle

