



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.7

12/10/2019

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### **Subject:**

Approval Re: Access Easement for the Purpose of Drainage Maintenance from Mary F. Storey (Owner) Related to Existing Drainage Facilities in the Area of Burkholm Road in Mims -District 1.

### **Fiscal Impact:**

No Impact

### **Dept/Office:**

Public Works Department / Land Acquisition Section

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the Access Easement for the Purpose of Drainage Maintenance.

### **Summary Explanation and Background:**

The subject easement is located in Section 21X, Township 20 South, Range 34 East, on the north side of Burkholm Road, east of I-95 and west of US 1 in Mims.

The Board of County Commissioners, in regular session on July 9, 2013, approved and accepted the Drainage Easement and Access Easement for the Purpose of Drainage Maintenance from Dr. Ben Storey and Mary F. Storey (H&W) of existing drainage facilities in the area of Burkholm Road in Mims. The access easement was obtained as it became necessary to shift the maintenance operation to the south side of the drainage ditch due to large trees and additional structures that were not present at the time the original easements were granted. The access easement will supersede and replace the original access easement granted to the County. This will create a permanent easement by deleting the right of the parcel owner to terminate the easement.

### **Clerk to the Board Instructions:**

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA REVIEW SHEET**

**AGENDA:** Access Easement for the Purpose of Drainage Maintenance from Mary F. Storey – Related to the Existing Drainage Facilities in the Area of Burkholm Road in Mims – District 1.

**AGENCY:** Public Works Department / Land Acquisition

**AGENCY CONTACT:** Lucy Hamelers, Land Acquisition Supervisor

**CONTACT PHONE:** 321-690-6847 extension 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>LA</u>	_____	<u>11-18-19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>11-18-19</u>
	<i>*legal description not reviewed</i>		

**AGENDA DUE DATE:** November 26, 2019 for the December 10, 2019 Board meeting



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

December 11, 2019

MEMORANDUM

TO: Corinna Gumm, Interim Public Works Director Attn: Christine Verrett

RE: Item F.7., Access Easement from Mary F. Storey (Owner) for Existing Drainage Facilities in the Area of Burkholm Road, Mims

The Board of County Commissioners, in regular session on December 10, 2019, approved and accepted the Access Easement from Mary F. Storey for the purpose of existing drainage facilities in the area of Burkholm Road, Mims.

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: Public Works, Brevard County  
Return to: Land Acquisition, Bldg. A204 - Viera, FL 32940  
Parcel ID# 20G-34-21-AI-00002.0-0001.00 (2001863)

**ACCESS EASEMENT FOR THE PURPOSE OF DRAINAGE MAINTENANCE**

**THIS INDENTURE**, made this 17<sup>th</sup> day of November, A.D. 2019 between Mary F. Storey, un-remarried widow of Ben C. Storey, whose address is 4234 Burkholm Road, Mims, FL 32754, as the first party, and **BREVARD COUNTY**, 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, an access easement commencing on the above date, for the sole purpose of maintaining the area as described in:

1. Drainage Easement as recorded in Official Records Book 1117, Page 0431, Public Records of Brevard County, Florida and other allied uses pertaining thereto with full right of ingress and egress for the purpose herein stated.
2. Drainage Easement as recorded in Official Records Book 1058, Page 0156, Public Records of Brevard County, Florida and other allied uses pertaining thereto with full right of ingress and egress for the purpose herein stated.

Grantee may access the easement granted herein for pedestrian, vehicular or heavy equipment access as necessary to maintain the adjacent drainage easements. Grantor recognizes clearing of the access easement may be necessary to allow vehicles and heavy equipment to enter the access area and perform maintenance activities on the adjacent drainage easement areas.

**THIS EASEMENT SHALL SUPERSEDE AND REPLACE THAT CERTAIN EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 6927, PAGE 1441, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.**

As additional consideration for this easement, Grantee shall include a one-time replacement of the driveway culvert crossing Grantee's Drainage Easement. Grantee shall hereby warrant the culvert for a period of three (3) years from the date of installation. After the expiration of the three (3) year warranty, maintenance and any future replacement of the driveway culvert shall be the sole responsibility of the Grantor and her successors and assigns.

The land affected by the granting of this easement is located in Section 21 X, Township 20 South, Range 34 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

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

**AND**, the said party of the first part does hereby fully warrant the title to said easement, and will defend the same against the lawful claims of all persons whomsoever.

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 Mark S. Storey  
(Type or Print Name)

Mary F. Storey  
Mary F. Storey

Witness Phil Skelton  
(Type or Print Name)

**STATE OF FLORIDA  
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of November, 2019 by Mary F. Storey, un-remarried widow of Ben C. Storey, who is personally known to me or who has produced an identification and who did/did not take an oath.

WITNESS my hand and official seal at Brevard, County of Brevard, State of Florida, this 17<sup>th</sup> day of November, 2019.



**CAROL L. GUNTNER**  
Commission # GG 146415  
Expires October 12, 2021  
Bonded thru Budget Notary Services

Carol L. Guntner  
Notary Public

# LEGAL DESCRIPTION

SHEET 1 OF 2  
NOT VALID WITHOUT SKETCH OF DESCRIPTION: SEE SHEET 2 OF 2

GRANT SECTION 21X, TOWNSHIP 20 SOUTH, RANGE 34 EAST  
PORTION OF PARCEL ID NUMBER:  
20G-34-21-AI-00002.0-0001.00 OWNED BY BEN CHARLES STOREY, M.D., TRUSTEE AND MARY FARR STOREY, TRUSTEE  
PURPOSE: BEN CHARLES STOREY, M.D., TRUSTEE AND MARY FARR STOREY, TRUSTEE TO CONVEY AN ACCESS EASEMENT TO BREVARD COUNTY

## ABBREVIATIONS

ORB = OFFICIAL RECORDS BOOK  
PB = PLAT BOOK  
PG = PAGE  
R/W = RIGHT OF WAY

### "EXHIBIT A"

#### LEGAL DESCRIPTION:

(PREPARED BY SURVEYOR FEBRUARY 20, 2013)

##### DESCRIPTION: ACCESS EASEMENT

A FOURTEEN FOOT WIDE STRIP OF LAND LYING IN GRANT SECTION 21X, TOWNSHIP 20 SOUTH, RANGE 34 EAST OF THE BERNARDO SEGUI GRANT, BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 6787, PAGE 1830 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING IN BLOCK 3, SECTION 21 OF THE PLAT OF "INDIAN RIVER PARK" AS RECORDED IN PLAT BOOK 02, PAGE 33 OF SAID PUBLIC RECORDS; SAID SUBJECT PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID GRANT SECTION 21X; THENCE S.78°59'07"W., ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21X, ALSO BEING THE CENTERLINE OF BURKHOLD ROAD, FOR A DISTANCE OF 387.20 FEET TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF THE DRAINAGE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1117, PAGE 0431 OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID SOUTH LINE, N.17°00'45"W., ALONG SAID SOUTHERLY PROJECTION AND WEST LINE, FOR A DISTANCE OF 291.80 FEET TO POINT LYING 14.00 FEET SOUTH, BY RIGHT ANGLE MEASURE OF THE SOUTH LINE OF SAID DRAINAGE EASEMENT; THENCE DEPARTING SAID WEST LINE, S.78°59'07"W., PARALLEL WITH THE SOUTH LINES OF SAID NORTHWEST 1/4 AND SAID DRAINAGE EASEMENT, FOR A DISTANCE OF 28.47 FEET TO THE POINT-OF-BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE S.78°59'07"W., FOR A DISTANCE OF 1097.31 FEET TO THE EAST LINE OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2933, PAGE 0726 OF SAID PUBLIC RECORDS; THENCE N.18°58'27"W., ALONG SAID EAST LINE FOR A DISTANCE OF 14.00 FEET TO THE SOUTH LINE OF SAID DRAINAGE EASEMENT; THENCE N.78°59'07"E., ALONG THE SOUTH LINE OF SAID DRAINAGE EASEMENT FOR A DISTANCE OF 1099.77 FEET TO A POINT 25.00 FEET EASTERLY, AS MEASURED ALONG THE SOUTH LINE OF SAID DRAINAGE EASEMENT, OF SAID WEST LINE OF THE DRAINAGE EASEMENT; THENCE S11°00'53"E. FOR A DISTANCE OF 14.00 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.363 ACRES (15372.51 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY RESTRICTIONS, COVENANTS, EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

## SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED NORTH AS REFERENCED TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 21X, TOWNSHIP 20 SOUTH, RANGE 34 EAST AS BEING S.78°59'07"W.
2. THE SKETCH SHOWN HEREON IS ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION ATTACHED HERETO AND IS NOT A BOUNDARY SURVEY OF THE SUBJECT PARCEL.
3. THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PARCEL FOR POSSIBLE RESTRICTIONS, COVENANTS, EASEMENTS, RIGHTS OF WAY OR OTHER MATTERS OF RECORD WHICH MAY ENCUMBER THE SUBJECT PARCEL. NO WARRANTY, OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.

## LEGEND

21X DENOTES GRANT SECTION

———— PERMANENT DRAINAGE EASEMENT LINE

----- PARCEL LINE

----- CENTERLINE

----- SECTION LINE

----- RIGHT OF WAY LINE

ACCESS EASEMENT TO BE CONVEYED TO BREVARD COUNTY

PREPARED FOR:  
BREVARD COUNTY DEPARTMENT OF PUBLIC WORKS  
PUBLIC WORKS DIRECTOR: JOHN DENNINGHOFF, P.E.

SUSAN G. JACKSON, SURV. NO. 4897  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING & MAPPING DIVISION

ADDRESS: 2785 JUDGE FRAN JAMIESON WAY BUILDING A, SUITE A220 VIERA, FL. 32940

PHONE: (321) 633-2000, FAX: (321) 633-2083, E-MAIL: susan.jackson@brevardcounty.us

DRAWN BY: M. CORNELL

CHECKED BY: S. G. JACKSON

DRAWING NO. 13-02-017(B)

SECTION 21X

DATE: 02/26/2013

SHEET 1 OF 2

PRJ. FOLDER 0707055

TOWNSHIP 20 SOUTH

REVISIONS

RANGE 34 EAST

# SKETCH OF DESCRIPTION

GRANT SECTION 21X, TOWNSHIP 20 SOUTH, RANGE 34 EAST  
 THIS IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION ON SHEET 1 OF 2.

**SHEET 2 OF 2**  
 THIS SKETCH IS NOT VALID WITHOUT SHEET 1 OF 2

LINE TABLE	
①	N17°00'45"W 291.60'
②	S78°59'07"W 28.47'

OWNER:  
 BEN CHARLES STOREY TRUSTEE AND MARY FARR STOREY TRUSTEE

ADDRESS:  
 4230 BURKHOLM ROAD  
 ORB 6757, PAGE 1830

OWNER:  
 BEN CHARLES STOREY TRUSTEE AND MARY FARR STOREY TRUSTEE

ADDRESS:  
 4230 BURKHOLM ROAD  
 ORB 6757, PAGE 1830

BLOCK 3 - GRANT SECTION 21 INDIAN RIVER PARK PLAT BOOK 02 PAGE 33

46.00' WIDE PUBLIC DRAINAGE EASEMENT PER ORB 1080, PAGE 156

14.00' WIDE PUBLIC DRAINAGE EASEMENT PER ORB 1117, PAGE 0431

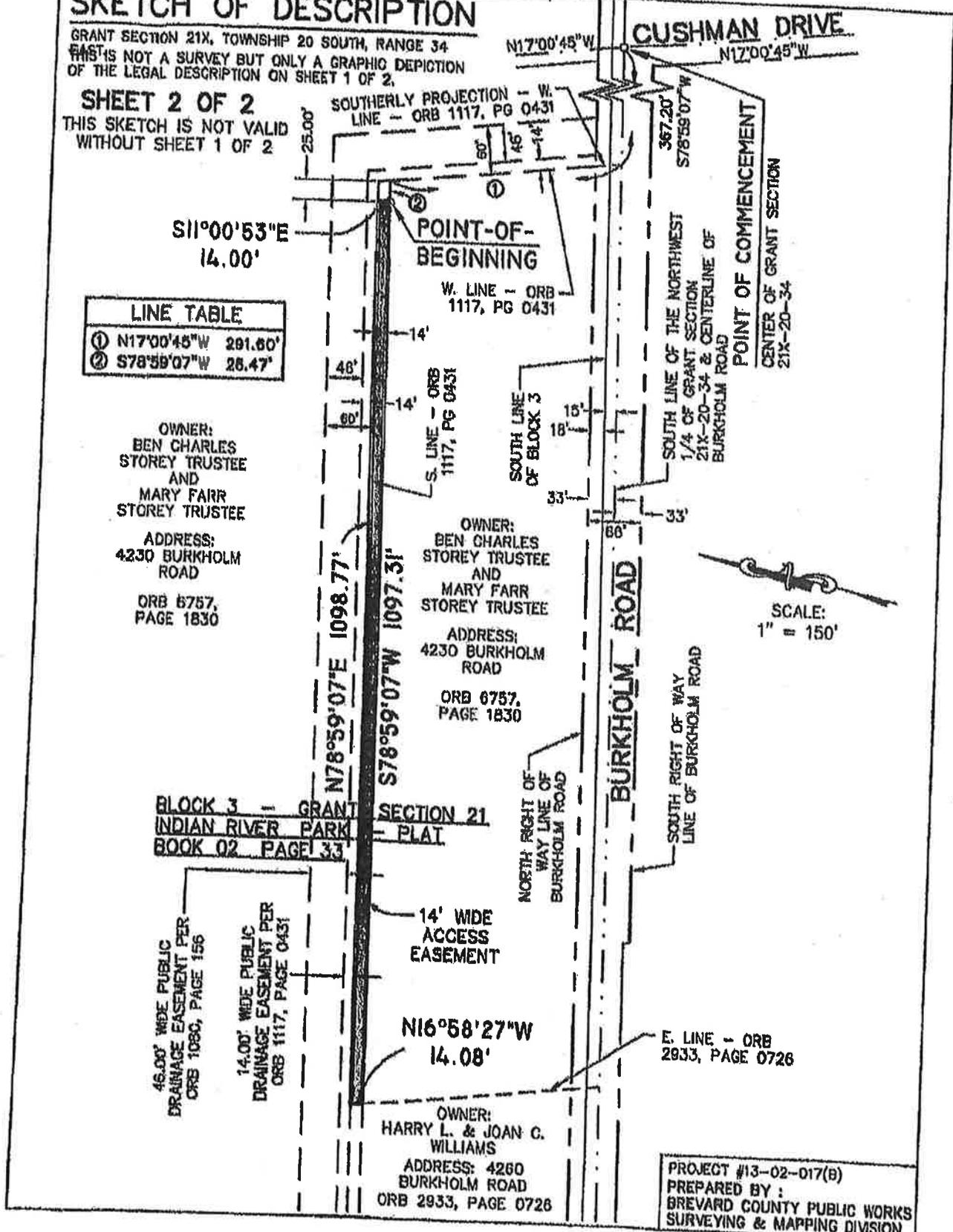
14' WIDE ACCESS EASEMENT

N16°58'27"W  
 14.08'

OWNER:  
 HARRY L. & JOAN G. WILLIAMS

ADDRESS: 4260 BURKHOLM ROAD  
 ORB 2933, PAGE 0726

PROJECT #13-02-017(B)  
 PREPARED BY:  
 BREVARD COUNTY PUBLIC WORKS SURVEYING & MAPPING DIVISION



Location Map  
Storey property owned by Ben Storey and Mary Storey (H&W)  
4234 Burkholm Road  
Mims, FL 32754  
20G-34-21-AI-00002.0-0001.00 (2001863)

Interstate 95

Storey Property

Storey Easements

Burkholm Road

US HWY 1

Approximately 4 miles  
north of FL - 5 in Mims

20G3421

20G3421

20G3421