



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.9.

5/19/2020

### Subject:

Approval Re: Donation of Sanitary Sewer Easement and Temporary Construction Easement from Ulmer R. McBride for the W01 Force Main as Part of the West Cocoa Utilities Improvement Project - District 1.

### 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 Sanitary Sewer Easement and the Temporary Construction Easement.

### Summary Explanation and Background:

The subject property is located in Section 35, Township 24 South, Range 35 East, on the west side of Interstate 95 along Tucker Road, Cocoa.

The Utility Services Department's West Cocoa wastewater collection and transmission system, including lift stations, force mains, and gravity mains, are aging infrastructures that require rehabilitation and/or replacement. Several of the existing lift stations were originally privately-owned, but are now owned and maintained by the Brevard County Utility Services Department. Many of these lift stations are not in compliance with current Brevard County wastewater design standards since they were initially constructed and maintained as private facilities. There are several easements and proposed property acquisitions that are required to optimize the performance of the overall improvements to the West Cocoa wastewater collection system. The McBride parcel has been identified as one of the easement acquisition sites.

The temporary construction easement will allow access for the directional drilling and other allied uses pertaining thereto.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

### Clerk to the Board Instructions:



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 20, 2020

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

**TO:** Corrina Gumm, Interim Public Works Director

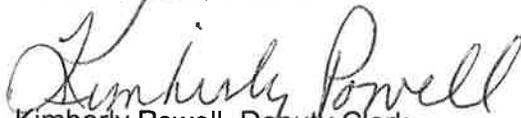
**RE:** Item F.9, Approval of Donation of Sanitary Sewer Easement and Temporary Construction Easement from Ulmer R. McBride for the W01 Force Main as Part of the West Cocoa Utilities Improvement Project

The Board of County Commissioners, in regular session on May 19, 2020, approved and accepted the Sanitary Sewer Easement and Temporary Construction Easement.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

  
Kimberly Powell, Deputy Clerk

/cw

cc: Land Acquisition  
Utility Services Director

Prepared by and return to: Lucy Hamelers  
Brevard County Public Works Dept., Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 24-35-35-00-764

### SANITARY SEWER EASEMENT

INDENTURE, made this 23 day of April, 2020, between Ulmer R. McBride whose mailing address is 631 SE Shrine Circle, Palm Bay, Florida 32909, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose mailing 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 Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual Sanitary Sewer Easement commencing on the above date, for the sole purposes of operating and maintaining a sanitary sewer line and associated facilities, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses pertaining thereto 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 this easement is located in Section 35, Township 24 South, Range 35 East, County of Brevard, State of Florida, and is 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 full use and enjoyment by Grantee of its easement. Grantor(s) 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 the County of Brevard and to its successors and 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 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:

Kayla Bauer  
Witness  
Kayla Bauer  
(Print Name)

Ulmer R. McBride  
Ulmer R. McBride

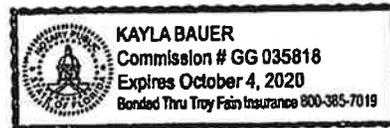
Jan Ma  
Witness  
Belmarie Martinez  
(Print Name)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence on this 23rd day of April, 2020, by Ulmer R. McBride. Is personally known or produced FL DL Military ID as identification.

Kayla Bauer  
Notary Signature  
SEAL

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



# LEGAL DESCRIPTION

## PARCEL 808

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
 PARENT PARCEL ID NO.: 24-35-35-00-764  
 PURPOSE: SANITARY SEWER EASEMENT

# EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL 808, SANITARY SEWER EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBE IN OFFICIAL RECORDS BOOK 5343, PAGE 141 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE SOUTH 59° 40' 59" WEST ALONG THE SOUTH LINE OF THE AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 5.00 FEET; THENCE NORTH 30° 19' 01" WEST, PARALLEL TO AND 5.00 FEET WESTERLY OF THE WEST RIGHT OF WAY LINE OF TUCKER LANE AN 80-FOOT WIDE RIGHT OF WAY AS ESTABLISHED BY ROAD PLAT BOOK 1, PAGE 11, FOR A DISTANCE OF 68.50 FEET TO A PONT ON THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5343, PAGE 141; THENCE NORTH 59° 40' 59" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 5.00 FEET TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 30° 19' 01" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 68.50 FEET TO THE POINT OF BEGINNING, CONTAINING 343 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF TUCKER LANE AS BEING NORTH 30° 19' 01" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 18-1023, TAX IDENTIFICATION NUMBER 2409199, EFFECTIVE DATE 02/20/2020.
    - i. EASEMENTS PER SAID TITLE REPORT: STATE ROAD DEPARTMENT RIGHT OF WAY RESOLUTION RECORDED IN OFFICIAL RECORD BOOK 633, PAGE 974, DOES NOT ABUT OR AFFECT PARCEL 808.



*[Handwritten Signature]*  
 MICHAEL J. SWEENEY, PSM 4870  
 PROFESSIONAL SURVEYOR & MAPPER  
 NOT VALID UNLESS SIGNED AND SEALED

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

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VERA, FLORIDA 32940  
 PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	DRAWING NO. 243535_SK_1902036_PARCEL-808.dwg		SECTION 35 TOWNSHIP 24 SOUTH RANGE 35 EAST
		REVISIONS	DATE	
DATE: MARCH 25, 2020	SHEET: 1 OF 2			

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# SKETCH OF DESCRIPTION

## PARCEL 808

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
 PARENT PARCEL ID NO.: 24-35-35-00-764  
 PURPOSE: SANITARY SEWER EASEMENT



SCALE: 1"=40'

## ABBREVIATIONS

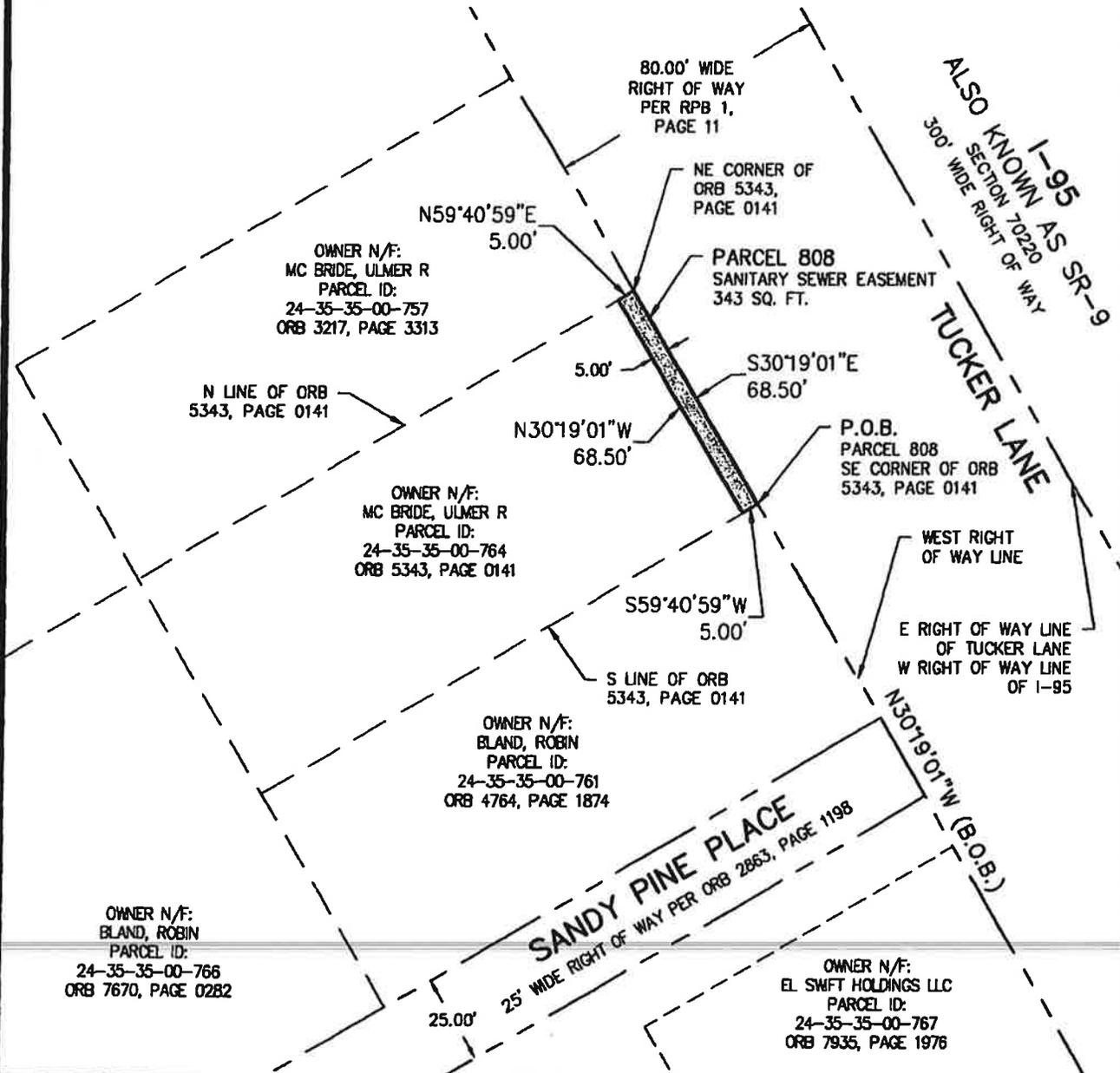
B.O.B. = BASIS OF BEARING  
 ID = IDENTIFICATION  
 N/F = NOW OR FORMERLY  
 ORB = OFFICIAL RECORD BOOK  
 P.O.B. = POINT OF BEGINNING  
 RPB = ROAD PLAT BOOK  
 SQ.FT. = SQUARE FEET

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2  
**THIS IS NOT A SURVEY**

 = DENOTES PARCEL 808  
 SANITARY SEWER EASEMENT



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	PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940 PHONE: (321) 633-2080	SCALE: 1"=40'	SECTION 35 TOWNSHIP 24 SOUTH RANGE 35 EAST
	DRAWING NO.: 243535_SK_1902036_PARCEL-808.dwg		

Prepared by and return to:  
Public Works, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940  
A portion of Interest in Tax Parcel I.D.: 24-35-35-00-764

### **TEMPORARY CONSTRUCTION EASEMENT**

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Ulmer R. McBride, hereinafter called the Owner, whose address is 631 SE Shrine Circle, Palm Bay, Florida 32909 do(es) hereby give, grant, bargain and release to the Brevard County, Florida, a political subdivision of the State of Florida, hereinafter called County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, a temporary construction easement for the purpose(s) of construction of the 8" W-01 force main by directional drilling, 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 35, Township 24 South, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

#### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

With construction to be undertaken by or under direct supervision of Brevard County Florida. This easement shall be limited to said purposes but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

(Signatures and Notary on next page)

THIS EASEMENT shall expire upon the completion of the project or \_\_\_\_\_ days from the commencement of the Project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

Kayla  
Witness  
Kayla Bauer  
(Print Name)

Ulmer R. McBride  
Ulmer R. McBride

Je Ma  
Witness  
Elmarie Martinet  
(Print Name)

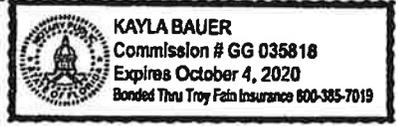
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence on this 23rd day of April, 2020, by Ulmer R. McBride. Is personally known or produced FL DL Military ID as identification.

Kayla  
Notary/Signature

SEAL

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



# LEGAL DESCRIPTION

## PARCEL 701

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
 PARENT PARCEL ID NO.: 24-35-35-00-764  
 PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

# EXHIBIT "A"

## SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2  
**THIS IS NOT A SURVEY**

### LEGAL DESCRIPTION: PARCEL 701, TEMPORARY CONSTRUCTION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5343, PAGE 141 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF TUCKER LANE, A 80-FOOT WIDE RIGHT OF WAY AS ESTABLISHED BY ROAD PLAT BOOK 1, PAGE 11; THENCE NORTH 30° 19' 01" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 43.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN SOUTH 59° 40' 59" WEST FOR A DISTANCE OF 115.00 FEET; THENCE NORTH 30° 19' 01" WEST FOR A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH LINE OF SAID LANDS IN OFFICIAL RECORDS BOOK 5343, PAGE 141; THENCE NORTH 59° 40' 59" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 115.00 FEET; TO THE NORTHEAST CORNER OF THE AFORESAID DESCRIBED LANDS, SAID POINT ALS BEING A PONT ON SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 30° 19' 01" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2875 SQUARE FEET (0.07 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF TUCKER LANE BEING NORTH 30° 19' 01" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 18-1023, TAX IDENTIFICATION NUMBER 2409199, EFFECTIVE DATE 02/20/2020.
  - B. EASEMENTS PER SAID TITLE REPORT: STATE ROAD DEPARTMENT RIGHT OF WAY RESOLUTION RECORDED IN OFFICIAL RECORD BOOK 633, PAGE 974, DOES NOT ABUT OR AFFECT PARCEL 701.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

*Michael J. Sweeney*  
 MICHAEL J. SWEENEY, PSM 4870  
 PROFESSIONAL SURVEYOR & MAPPER  
 NOT VALID UNLESS SIGNED AND SEALED



PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
 PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	DRAWING NO. 243535_SK_1902036_PARCEL-701.dwg			SECTION 35 TOWNSHIP 24 SOUTH RANGE 35 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: MARCH 25, 2020	SHEET: 1 OF 2				

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# SKETCH OF DESCRIPTION

## PARCEL 701

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
 PARENT PARCEL ID NO.: 24-35-35-00-764  
 PURPOSE: TEMPORARY CONSTRUCTION EASEMENT



SCALE: 1"=40'

## ABBREVIATIONS

B.O.B. = BASIS OF BEARING  
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 P.O.B. = POINT OF BEGINNING  
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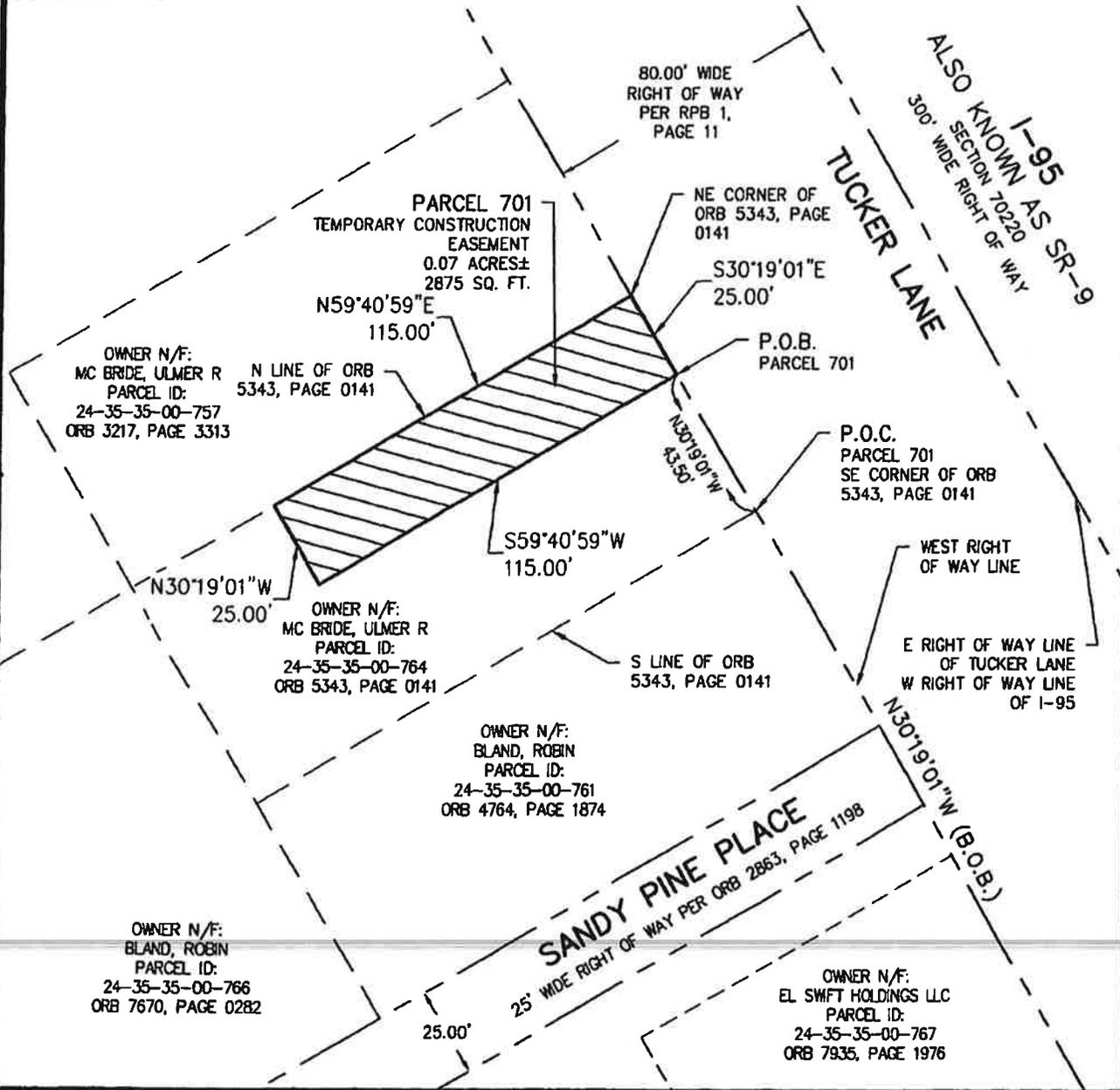


= DENOTES PARCEL 701  
 TEMPORARY CONSTRUCTION EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

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PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
 SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
 VIERA, FLORIDA 32940  
 PHONE: (321) 633-2080

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 DRAWING NO.: 243535\_SK\_1902036\_PARCEL-701.dwg

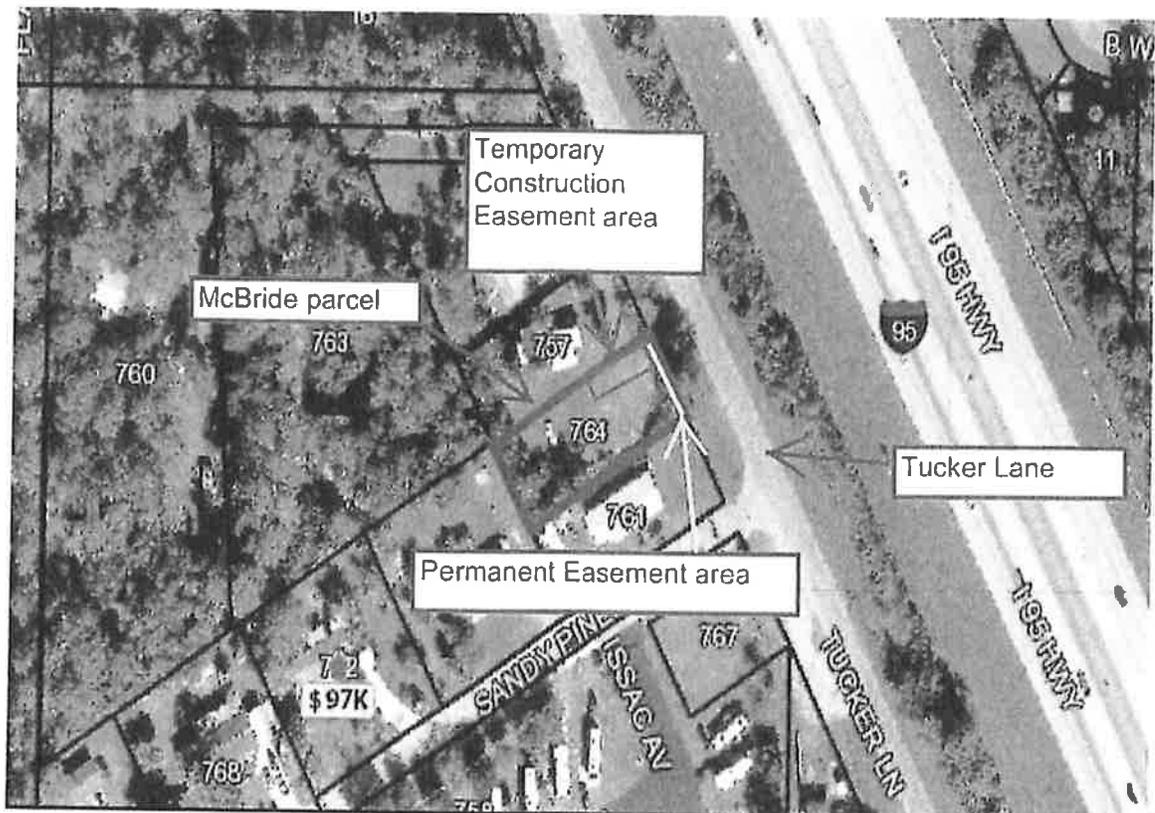
SECTION 35  
 TOWNSHIP 24 SOUTH  
 RANGE 35 EAST

## LOCATION MAP

Section 35, Township 24 South, Range 35 East District: 1

PROPERTY LOCATION: west side of Interstate 95 along Tucker Lane, Cocoa.

OWNERS NAME: Ulmer R. McBride



**BOARD OF COUNTY COMMISSIONERS**

**AGENDA REVIEW SHEET**

AGENDA: Sanitary Sewer Easement and Temporary Construction from Ulmer R. McBride for the W01 Force Main as Part of the West Cocoa Utilities Improvement Project – District 1.

AGENCY: Public Works Department / Land Acquisition / Utility Services Department

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>4.30.2020</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>5/5/2020</u>

AGENDA DUE DATE: May 12, 2020 for the May 19, 2020 Board meeting