



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.8.

3/12/2024

Subject:

Approval, Re: Dedication of Drainage Easement from Epler Park, LLC for the Epler Commercial Park Project - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Drainage Easement.

Summary Explanation and Background:

The subject property is located in Section 19, Township 28 South, Range 37 East, south of Palm Bay Road, and west of Culver Drive Northeast in Palm Bay.

Epler Park, LLC, owner, has obtained Right of Way permit number 22RW01128 from the County for the improvements within the right of way on Palm Bay Road for a commercial condominium project known as Epler Commercial Park. Engineering revision number 23ER00061 was submitted, which requires the widening of the roadside ditch along the east side of the proposed driveway. The attached easement is needed to access the portion of the ditch that falls outside of the right of way. The County will assume all maintenance of the public facilities within the easement area. In accordance with County code and standards, the owner has agreed to dedicate the attached easement as a condition of the permit.

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:



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 13, 2024

MEMORANDUM

TO: Mark Bernath, Public Works Director

Attn: Lucy Hamelers

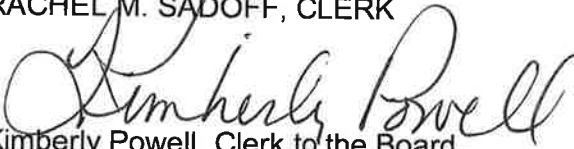
RE: Item F.8., Approval for Dedication of Drainage Easement from Epler Park, LLC for the Epler Commercial Park Project

The Board of County Commissioners, in regular session on March 12, 2024, approved and accepted the dedication of Drainage Easement from Epler Park, LLC for the Epler Commercial Park Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS



AGENDA REVIEW SHEET

AGENDA: Dedication of Drainage Easement from Epler Park, LLC for the Epler Commercial Park Project – District 5

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	 _____	_____	<u>2-21-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney	 _____	_____	<u>2-27-2024</u>

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: 28-37-19-00-501.XA

DRAINAGE EASEMENT

THIS INDENTURE, made this 16 day of February, 2024, between Epler Park, LLC, a Florida limited liability company, whose address is 6300 North Wickham Road, Suite 130, Private Mail Box 110, Melbourne, Florida 32940, 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 reconstructing, reconfiguring, and maintaining drainage 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 19, Township 28 South, Range 37 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:

Mary Renfro
Witness

MARY RENFRO

Print Name

Address: 649 Doral Lane
Melbourne, FL 32940

[Signature]

Witness

Tenessa Renfro

Print Name

Address: 649 Doral Lane
Melbourne, FL 32940

Epler Park, LLC, a Florida limited liability company

By:

[Signature]

Richard E. Renfro, Manager

(Corporate Seal)

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 16 day of February, 2024, by Richard E. Renfro, as Manager for Epler Park, LLC, a Florida limited liability company. Is personally known or produced _____ as identification.



[Signature]

Notary Signature

SEAL

LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 28-37-19-00-501.XA
PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801, DRAINAGE EASEMENT (Prepared by Surveyor):

A parcel being part of those lands described as EPLER PARK, a commercial condominium as recorded in Official Records Book 9745, Page 2937 of the Public Records of Brevard County, Florida, being more particularly described as follows;

Commence at the Northeast corner of aforesaid EPLER PARK, a commercial condominium; thence run N89°14'58"W along the North line of said described lands and along the South Right-of-Way Line of Palm Bay Road (State Road No. 516) as described in Official Records Book 2595, Page 1074 a distance of 3.00 feet to the POINT OF BEGINNING of the herein described parcel; thence S45°45'02"W a distance of 14.14 feet; thence N89°14'58"W parallel with aforesaid North line a distance of 131.78 feet; thence N0°45'02"E a distance of 10.00 feet to a point on aforesaid north line and the South Right-of-Way Line of Palm Bay Road (State Road 516); thence S89°14'58"E along said South Right-of-Way line of Palm Bay Road a distance of 141.78 feet to the Point of Beginning.

Contains 0.031 Acres (1,368 square feet) more or less.

SURVEYOR'S NOTE:

- BEARINGS BASED ON STATE PLANE GRID BEARING OF S89°14'58"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF PALM BAY ROAD AS SHOWN HEREON.
- THE LEGAL DESCRIPTION SHOWN HEREON IS THE SAME AS THE LEGAL DESCRIPTION WHICH IS A PART OF THE OPINION OF TITLE LETTER DATED DECEMBER 12, 2023, ISSUED BY WHITEBIRD LAW, PLLC, SIGNED BY DALE A. DETTMER, ESQ.
- THERE ARE NO PLOTTABLE SURVEY MATTERS CITED IN THE OPINION OF TITLE.

KEVIN A. SMITH
License Number 4457
STATE OF FLORIDA
Professional Surveyor and Mapper
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:
Brevard County Board of County Commissioners;
EPLER PARK, LLC, a Florida limited liability company;

PREPARED BY: SMITH & ASSOCIATES SURVEYING & MAPPING INC.
1350 Malabar Road S.E., Suite 1
Palm Bay, Florida 32907

DRAWN BY: P.A.D	CHECKED BY: K.A.S.	PROJECT NO. 23-1721		SECTION 19 TOWNSHIP 28 SOUTH RANGE 37 EAST	
		REVISIONS	DATE		DESCRIPTION
DATE: 12 / 19 / 2023	DRAWING: 23-1721		1/25/24		REVISED PER COMMENTS
			2/1/24		REVISED PER COMMENTS

SKETCH OF DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 28-37-19-00-501.XA
PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

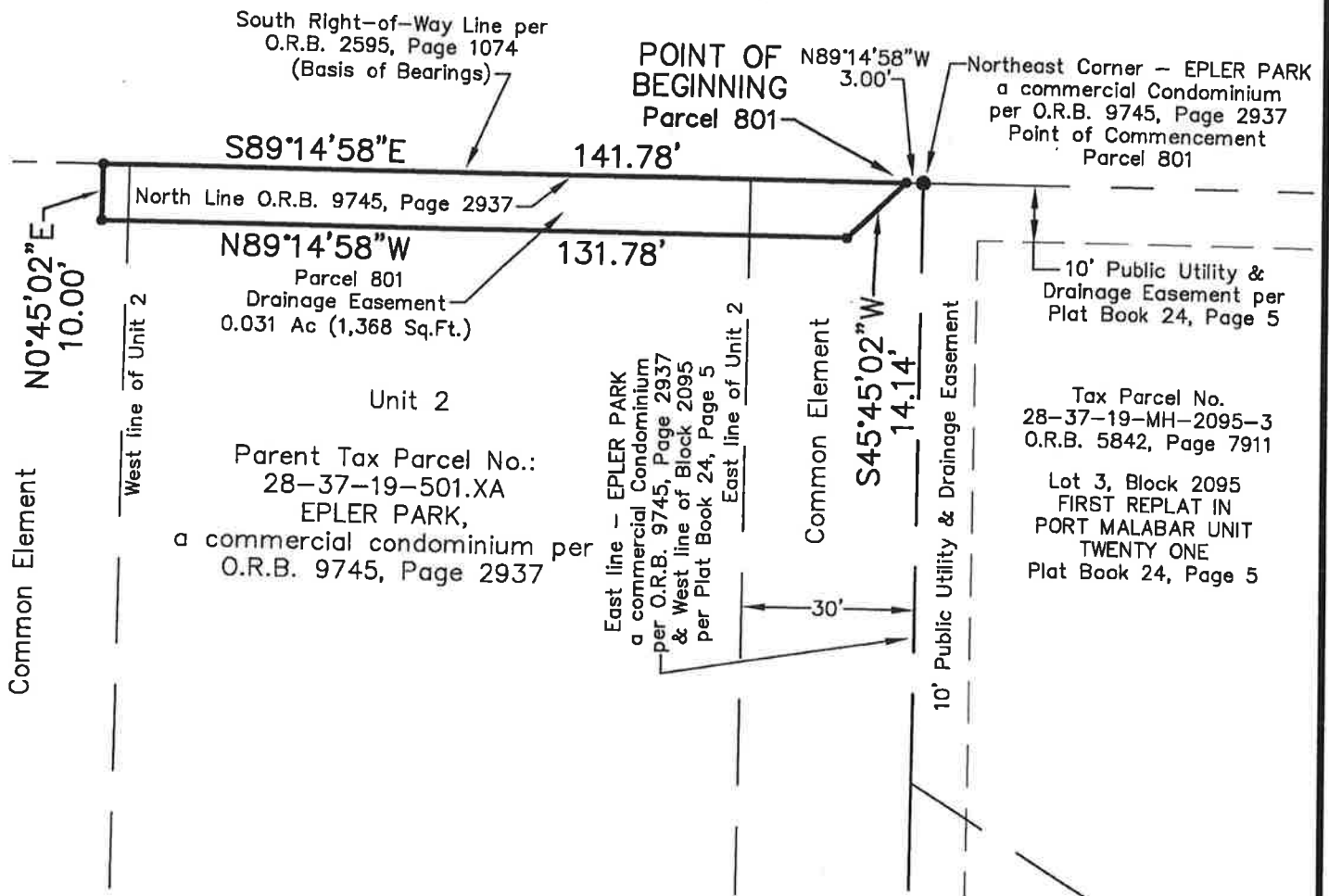
SHEET 2 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PALM BAY ROAD

(AKA State Road No. 516)
(Right-of-Way Width Varies)



ABBREVIATION :

O.R.B. = Official Records Book
AKA = Also Know As
Ac. = Acre
Sq.Ft. = Square Feet

PREPARED FOR and CERTIFIED TO:
Brevard County Board of County Commissioners;
EPLER PARK, LLC, a Florida limited liability company;

SCALE: 1" = 30'
PROJECT NO.: 23-1721

SECTION 19
TOWNSHIP 28 SOUTH
RANGE 37 EAST

LOCATION MAP

Section 19, Township 28 South, Range 37 East - District 5

PROPERTY LOCATION: South of Palm Bay Road and west of Culver Drive Northeast in Palm Bay.

OWNERS NAME(S): Epler Park, LLC

