



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

2/6/2024

Subject:

Approval, Re: Dedication of Utility Easements from D. R. Horton, Inc. and Crystal Bay Community Association, Inc. for Tract RD-2 and a Portion of Lots 26 and 27, Block N Related to the Plat of Crystal Bay Phase 3 - District 3.

Fiscal Impact:

None

Dept/Office:

Public Works Department/ Land Acquisition/ Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners accept and authorize the Chair to execute the attached Utility Easements.

Summary Explanation and Background:

The subject property is located in Section 3, Township 30 South, Range 38 East, west of US Highway 1 in Grant-Valkaria.

Crystal Bay Phase Three, as established by Plat Book 74 at Pages 12 through 16, falls within the Town limits of the City of Grant-Valkaria and within the boundaries of the Barefoot Bay Water and Sewer District. The Town accepted the Plat on June 5, 2023, with Tract RD-2 being dedicated as a private road, utilities and private drainage, owned and maintained by D. R. Horton, Inc. with the ability to convey and assign use of the platted easements. The attached utility easements are for the access and maintenance of utilities to include sanitary sewer lines and potable water lines in Tract RD-2 and a portion of land located within Lots 26 and 27, Block N.

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:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Utility Easements.



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

February 7, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lisa Kruse

RE: Item F.5., Approval of Dedication of Utility Easements from D. R. Horton, Inc. and Crystal Bay Community Association, Inc. for Tract RD-2 and a Portion of Lots 26 and 27, Block N, Related to the Plat of Crystal Bay Phase 3

The Board of County Commissioners, in regular session on February 6, 2024, approved acceptance and executed the Dedication of Utility Easements from Dr. Horton, Inc. and Crystal Bay Community Association, Inc. for Tract RD-2 and a portion of Lots 26 and 27, Block N, related to the Plat of Crystal Bay Phase 3. Enclosed is the fully-executed Utility Easements.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Denna Scott
Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: Utility Services

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Utility Easements from D. R. Horton, Inc. and Crystal Bay Community Association, Inc. for Tract RD-2 and a Portion of Lots 26 and 27, Block N Related to the Plat of Crystal Bay Phase 3 - District 3

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>BA</u>	<u> </u>	<u>1-9-24</u>
COUNTY ATTORNEY Alex Esseeesse Deputy County Attorney	<u>AE</u>	<u> </u>	<u>1/16/24</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: 30-38-3-51-*-RD.2; 30-38-3-51-N-27 and 30-38-3-51-N-26

UTILITY EASEMENTS

THIS INDENTURE, made this 3rd day of January, 2024, between D. R. Horton, Inc., a Delaware corporation, and the Crystal Bay Community Association, Inc., a Florida not-for-profit corporation, whose address is 1430 Culver Drive, Palm Bay, Florida 32907; (hereinafter collectively referred to as GRANTORS), and Barefoot Bay Water and Sewer District, a dependent special district of Brevard County, Florida, whose mailing address is 931 Barefoot Boulevard, #2, Barefoot Bay, Florida 32976 (hereinafter referred to as GRANTEE), and its successors and assigns.

WITNESSETH:

That the GRANTORS, its successors and assigns, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, hereby grants unto the GRANTEE, its successors and assigns, perpetual easements as described in the Plat's Dedication to Utilities as recorded in Plat Book 74, Pages 12 through 16 of the Public Records of Brevard County, Florida, for the purposes of access, installation, operation, inspection and maintenance of utilities to include sanitary sewer lines and potable water lines in Tract RD-2 and a parcel of land located within Lots 26 and 27, Block N.

The land affected by these easements is located in Section 3, Township 30 South, Range 38 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTIONS ATTACHED HERETO AS EXHIBITS "A" AND "B"

Including the right of ingress and egress onto the easement areas as may be necessary for the full use and enjoyment by the GRANTEE of its easements. The GRANTORS shall have full use and enjoyment of the easement areas but shall not make any improvements within the easement areas which will conflict or interfere with the easements granted herein. Pursuant to section 189.076, Florida Statutes, if GRANTEE is dissolved, GRANTORS agree that Brevard County, Florida, a political subdivision of the State of Florida, is the GRANTEE's successor for purposes of the duties and rights associated with these easements, without any further action to be taken by the GRANTORS or GRANTEE.

THE PARTIES AGREE THAT IN THE EVENT GRANTEE, ITS SUCCESSORS OR ASSIGNS, DISTURBS THE SURFACE OF A PRIVATE STREET DUE TO MAINTENANCE, REPAIR OR REPLACEMENT OF A PUBLIC IMPROVEMENT LOCATED THEREIN, THEN THE GRANTEE SHALL BE RESPONSIBLE FOR RESTORING THE STREET SURFACE ONLY TO THE EXTENT WHICH WOULD BE REQUIRED IF THE STREET WERE A PUBLIC STREET IN ACCORDANCE WITH COUNTY SPECIFICATIONS.

TO HAVE AND TO HOLD said Easements unto the GRANTEE and its successors and/or assigns.

The GRANTORS do covenant with the GRANTEE that it is lawfully seized and possessed of these Easements and that it has good lawful right to assign it or any part thereof.

IN WITNESS WHEREOF, the GRANTORS, by its duly authorized representative, have caused these Easements to be executed, the day and year first written,

Signed, sealed and delivered in the presence of:

T. J. [Signature]

Witness

Tim Gree

Print Name 1430 Culver Drive
Palm Bay, FL 32907

Scott Harvey

Witness

Scott Harvey

Print Name 1430 Culver Drive
Palm Bay, FL 32907

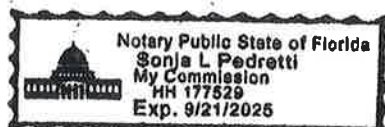
STATE OF Florida
COUNTY OF Brevard

D. R. Horton, Inc., a Delaware corporation

By: [Signature]
Keith V. Williams, Vice President

(Corporate Seal)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 3 day of Jan., 2024, by Keith V. Williams, as Vice President for D. R. Horton, Inc., a Delaware corporation. Is ☒ personally known or ☐ produced _____ as identification.



[Signature]
Notary Signature
SEAL

IN WITNESS WHEREOF, the GRANTORS, by its duly authorized representative, have caused these Easements to be executed, the day and year first written,

Signed, sealed and delivered in the presence of:

T. J. L.

Witness

Tim Gree

Print Name 1430 Culver Drive
Palm Bay, FL 32909

Alexis Ferrigno

Witness

Alexis Ferrigno

Print Name

1430 Culver Drive
Palm Bay, FL 32909

GRANTOR:

Crystal Bay Community
Association, Inc., a Florida
not-for-profit corporation

By Sonja L. Pedretti

Sonja L. Pedretti, President

(Corporate Seal)

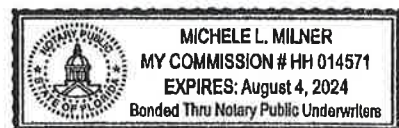
STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 3rd day of Jan., 2024 by Sonja L. Pedretti, as President for Crystal Bay Community Association, Inc., a Florida not-for-profit corporation. Is ☒ personally known or ☐ produced _____ as identification.

Michele L. Milner

Notary Signature

SEAL



ACCEPTANCE

The GRANTEE, by its duly authorized representative, hereby accepts these Easements and agrees to be bound by their terms.

Dated this 6th day of February 2024.

GRANTEE:

Governing Body of the
Barefoot Bay Water and
Sewer District

ATTEST:



Rachel Sadoff, Clerk

By: 

Jason Steele, Chair

As approved by the Board on
February 6, 2024

LEGAL DESCRIPTION

PARCEL 800

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEETS 2-2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 30-38-3-51-*RD.2

SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

LEGAL DESCRIPTION: PARCEL 800, UTILITY EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING ALL OF TRACT RD-2 AS CREATED BY THE PLAT OF CRYSTAL BAY PHASE THREE AS RECORDED IN PLAT BOOK 74, PAGES 12-16 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 7.49 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE THREE, AS RECORDED IN PLAT BOOK 74, PAGES 12-16 AND INFORMATION FURNISHED TO THE SURVEYOR BY PROPERTY INFORMATION REPORT BY ALLIANT NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER 20085103, DATED MAY 3, 2023.
A. EASEMENT CONTAINED IN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, RECORDED IN OFFICIAL RECORDS BOOK 9199, PAGE 298, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, DOES NOT AFFECT THE SUBJECT PARCELS.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS



PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com LICENSE BUSINESS #6623

DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

REVISION: _____

SECTION 3,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

DATE: 10-26-23

PROJECT # 43930

SKETCH OF DESCRIPTION PARCEL 800

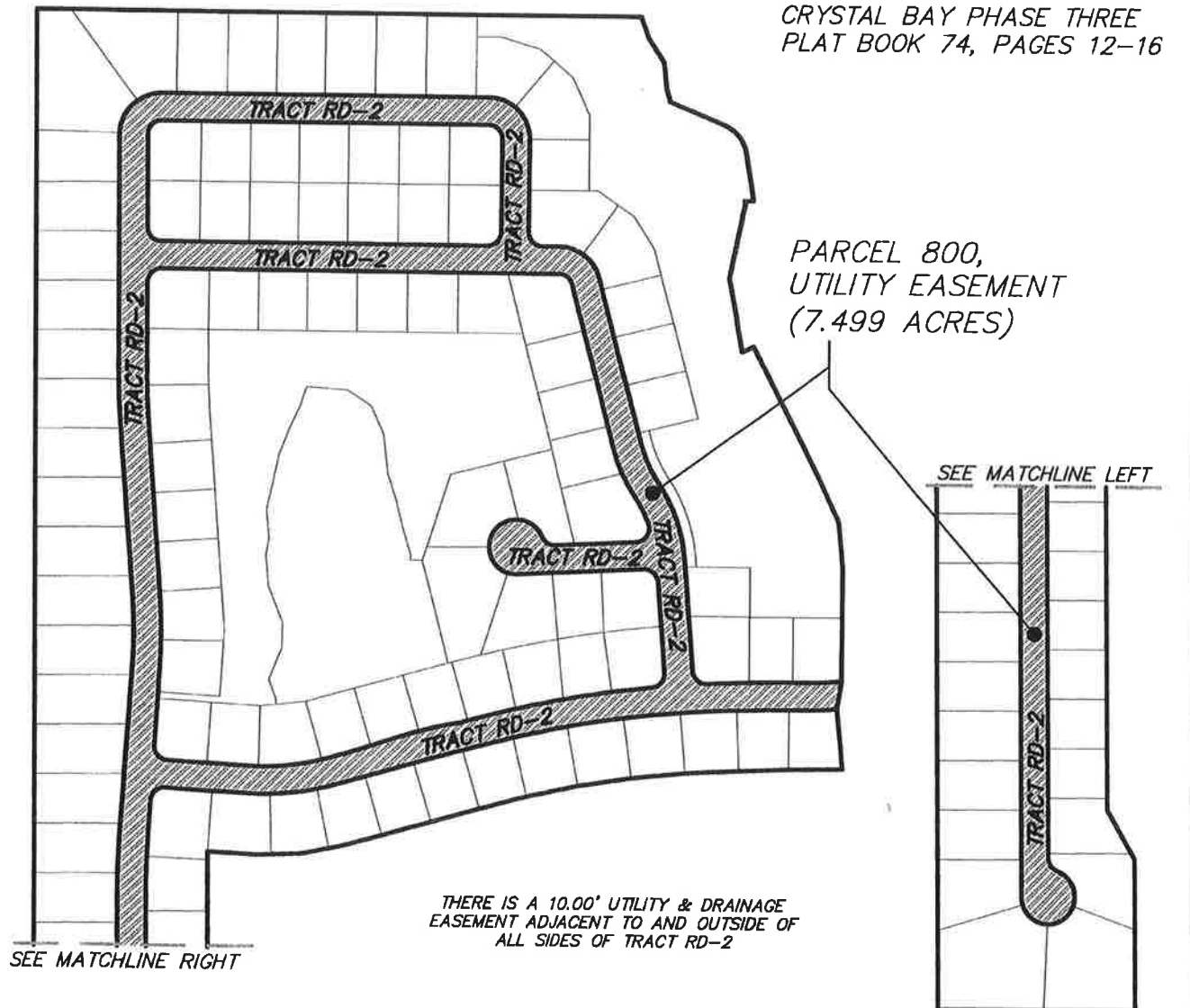
EXHIBIT "A"

SHEET 2 OF 2
NOT VALID WITHOUT SHEETS 1-2
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 30-38-3-51-*-RD.2
SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

CRYSTAL BAY PHASE THREE
PLAT BOOK 74, PAGES 12-16



PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 300'

PROJECT # 43930

REVISION: _____

REVISION: _____

REVISION: _____

SECTION 3,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

SKETCH OF DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 30-38-3-51-N-27

PARENT PARCEL ID#: 30-38-3-51-N-26

SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

EXHIBIT "B"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801, UTILITY EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND LOCATED WITHIN LOTS 26 AND 27, BLOCK N, AS CREATED BY THE PLAT OF CRYSTAL BAY PHASE THREE, AS RECORDED IN PLAT BOOK 74, PAGES 12-16 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING THE WESTERLY 10.00 FEET OF SAID LOT 26 AND THE SOUTHERLY 20.00 FEET OF SAID LOT 26, AND THE EASTERLY 10.00 FEET SAID LOT 27, CONTAINING 6295 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE THREE, AS RECORDED IN PLAT BOOK 74, PAGES 12-16 AND INFORMATION FURNISHED TO THE SURVEYOR BY PROPERTY INFORMATION REPORT BY ALLIANT NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER 20085103, DATED MAY 3, 2023.
A. EASEMENT CONTAINED IN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, RECORDED IN OFFICIAL RECORDS BOOK 9199, PAGE 298, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, DOES NOT AFFECT THE SUBJECT PARCELS.
5. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE SOUTH LINE OF LOTS 26 AND 27, BLOCK N, AS BEING S89°49'44"W, ASSUMED.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS



PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
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DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

REVISION: _____

DATE: 10-26-23

PROJECT # 43930

SECTION 3,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

SKETCH OF DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 30-38-3-51-N-27

PARENT PARCEL ID#: 30-38-3-51-N-26

SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

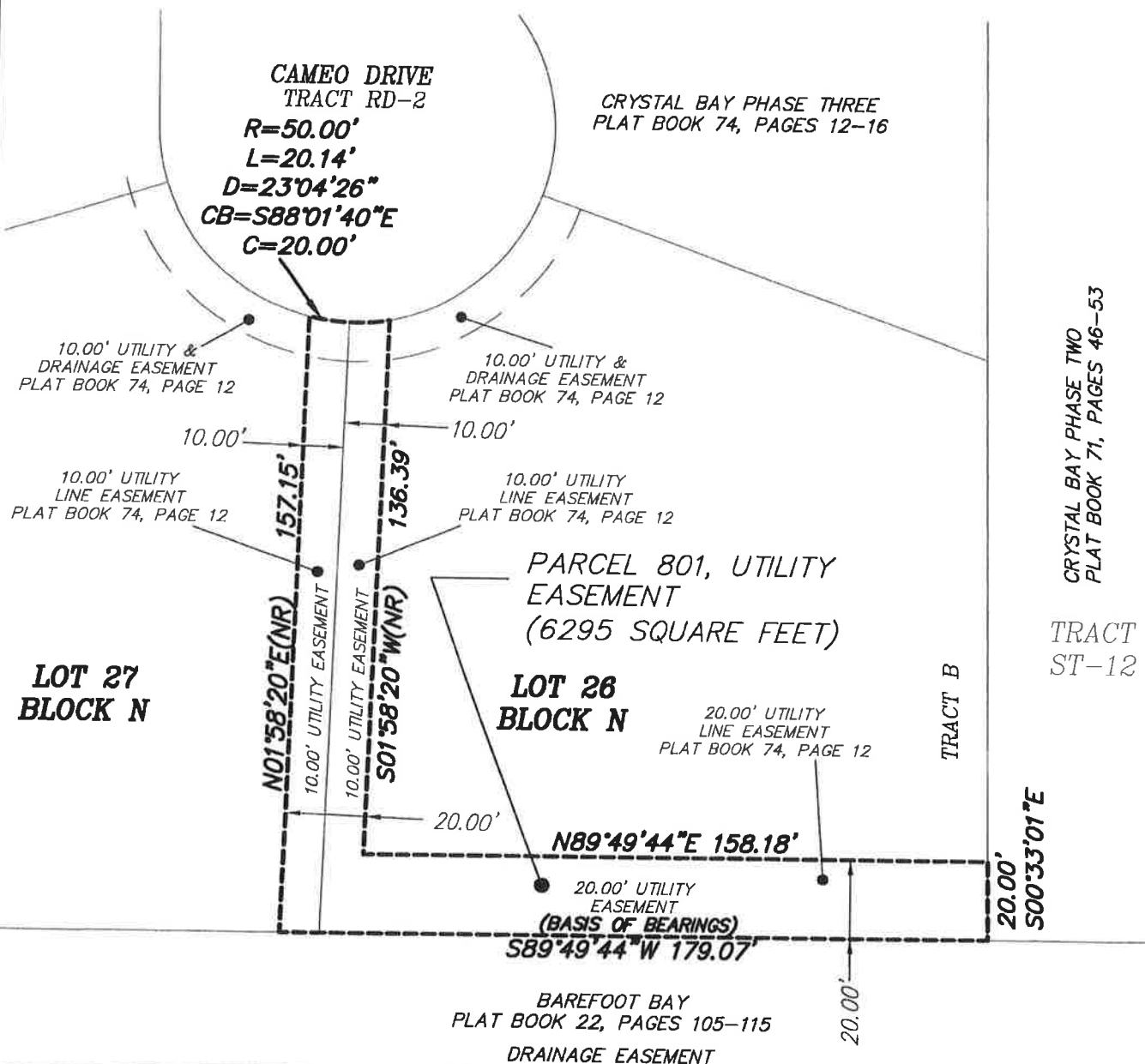
PURPOSE: UTILITY EASEMENT

EXHIBIT "B"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1

THIS IS NOT A SURVEY



NORTH

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 40'

REVISION:

REVISION:

REVISION:

PROJECT # 43930

SECTION 3
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

LOCATION MAP

Section 3, Township 30 South, Range 38 East – District 3

PROPERTY LOCATION: West of US Highway 1 in Grant-Valkaria

OWNERS NAME(S): D. R. Horton, Inc. and Crystal Bay Community Association, Inc.

