



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.8.

4/18/2023

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### **Subject:**

Approval, Re: Donation of Drainage Easement and Temporary Construction Easement from Glenn A. Yarkin and Christine A. Yarkin for the 880 Sandgate Street Ditch Stabilization project - District 2.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department/ Land Acquisition

### **Requested Action:**

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

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

The subject property is located in Section 26, Township 24 South, Range 36 East, east of North Tropical Trail at 880 Sandgate Street in Merritt Island.

Public Works Department is planning a ditch stabilization project for the drainage ditch located adjacent to 880 Sandgate Street. This will be accomplished by constructing rock rubble revetments along the east slope to the west and along the south and north slopes to the north of the parcel owned by the Yarkins. The temporary construction easement is needed to allow access to the ditch areas during the stabilization project. The permanent drainage easement will allow the county additional access to maintain the ditch.

The owners have agreed to donate the Temporary Construction Easement and the Drainage Easement for this project.

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:**

## BOARD OF COUNTY COMMISSIONERS


### AGENDA REVIEW SHEET

AGENDA: Donation of Drainage Easement and Temporary Construction Easement  
from Glenn A. Yarkin and Christine A. Yarkin for the 880 Sandgate Street  
Ditch Stabilization project – District 2.

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>3.20.23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<i>cms</i> _____	_____	<u>3/30/2023</u>



April 19, 2023

**MEMORANDUM**

**TO:** Marc Bernath, Public Works Director

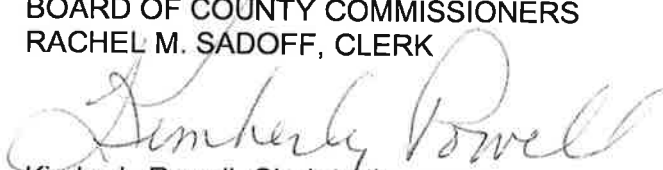
**RE:** Item F.8., Donation of Drainage Easement and Temporary Construction Easement from Glenn A. Yarkin and Christine A. Yarkin for the 880 Sandgate Street Ditch Stabilization Project

The Board of County Commissioners, in regular session on April 18, 2023, accepted donation of Drainage Easement and Temporary Construction Easement from Glenn A. Yarkin and Christine A. Yarkin for the 880 Sandgate Street Ditch Stabilization Project.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

  
Kimberly Powell, Clerk to the Board

/tr

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: 24-36-26-30-E-17

### **DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 9th day of March, 2023, between Glenn A. Yarkin and Christine A. Yarkin, husband and wife, whose address is 880 Sandgate Street, Merritt Island, Florida 32953, 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 operating, 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 26, Township 24 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

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

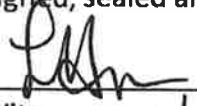
Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict 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:

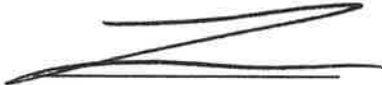


Witness

Lucy Hamelers  
Print Name



Glenn A. Yarkin



Witness

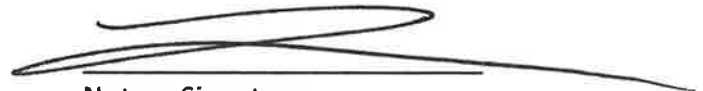
Lisa J. Kruse  
Print Name



Christine A. Yarkin

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 9th day of March, 2023, by Glenn A. Yarkin and Christine A. Yarkin, husband and wife. Is ☐ personally known or ☒ produced Driver License as identification.



Notary Signature

SEAL



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-26-30-E-17  
PURPOSE: DRAINAGE EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5695, PAGE 1391 OF THE BREVARD COUNTY PUBLIC RECORDS BREVARD COUNTY, FLORIDA, ALL LYING IN SECTION 26, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 17, BLOCK "E" AS SHOWN ON BARONY ESTATES UNIT II SECTION I, AS RECORDED IN PLAT BOOK 19, PAGE 33 OF THE BREVARD COUNTY, PUBLIC RECORDS; THENCE N89°40'28"E, ALONG THE NORTH LINE OF SAID LOT 17 BLOCK "E", A DISTANCE OF 7.98 FEET; THENCE S00°19'32"E, A DISTANCE OF 5.00 FEET TO A POINT ON THE SOUTH LINE OF A 5.00 FOOT WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT AS SHOWN ON PLAT BOOK 19, PAGE 33 OF THE BREVARD COUNTY PUBLIC RECORDS AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N89°40'28"E, ALONG THE SOUTH LINE OF SAID DRAINAGE AND/OR PUBLIC UTILITY EASEMENT AND PARALLEL WITH THE NORTH LINE OF LOT 17 BLOCK "E", A DISTANCE OF 89.89 FEET; THENCE S45°35'12"E, ALONG SAID DRAINAGE AND/OR PUBLIC UTILITY EASEMENT, A DISTANCE OF 8.58 FEET; THENCE S89°44'56"W, A DISTANCE OF 33.76 FEET; THENCE S83°37'40"W, A DISTANCE OF 24.07 FEET; THENCE S87°38'45"W, A DISTANCE OF 17.90 FEET; THENCE S78°17'11"W, A DISTANCE 13.67 FEET; THENCE S83°35'41"W, A DISTANCE OF 1.20 FEET, TO A POINT ON THE AFORESAID DRAINAGE AND/OR PUBLIC UTILITY EASEMENT; THENCE N26°12'13"W, ALONG THE EAST LINE OF SAID DRAINAGE AND/OR PUBLIC UTILITY EASEMENT, A DISTANCE OF 13.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 707± S.F. (0.02 ACRES) MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LOT 17 BLOCK "E" BEING N89°40'28"E AS RECORDED IN PLAT BOOK 19 PAGE 33 OF THE BREVARD COUNTY, FLORIDA PUBLIC RECORDS.
3. PURSUANT TO O&E REPORT BY NEW REVELATIONS, INC. DATED 5/11/2021, FILE NO. 21-1259-H THE FOLLOWING EASEMENTS AND EXCEPTIONS WERE NOTED:
  1. EASEMENTS RECORDED IN DEED BOOK 284, PAGE 41-RESERVING STATE ROAD RIGHT-OF-WAY; SEE NUMBER 2
  2. EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 398, PAGE 584-DEPOSITION BY COUNTY CLERK THAT THE RIGHT-OF-WAYS IN DEED BOOK 284, PAGE 41 DO NOT EXIST.
  3. PLAT OF BARONY ESTATES UNIT II, SECTION I, RECORDED IN PLAT BOOK 19, PAGE 33-PUBLIC UTILITY AND DRAINAGE EASEMENTS; SEE SKETCH
  4. NOTICE OF RESTRICTIONS ON REAL PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 734, PAGE 381-DEED RESTRICTIONS-NOT MATTERS OF SURVEY.
4. THIS SKETCH AND DESCRIPTION IS VALID ONLY WHEN SIGNED AND SEALED WITH A SEAL OR SIGNED WITH A VERIFIED DIGITAL SIGNATURE.

BREVARD COUNTY WORK ORDER NO. 2019-4260-B-027

NOTE:  
SEE SHEET 2 FOR GRAPHICS

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

PREPARED BY:



100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32963  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885

### CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, as performed under my direction and direction of the Brevard County survey department, and that the same exceeds the standards of practice set forth by the Florida Board of Professional Land Surveyors Chapter 6J-17.06 Florida Administrative Code pursuant to Section 403.02, Florida Statutes.

Joseph Barry Calabrese, P.L.S.  
FLORIDA SURVEYORS CERTIFICATE NO. 2524  
DRMP INC. CERTIFICATE NO. 2848



DRAWN BY: JCC	CHECKED BY: JBC	PROJECT NO. 21-0700.018	SECTION 26
DATE: 10/4/22	DRAWING: 21-0700.018-sk01.dwg	REVISIONS	TOWNSHIP 24 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	

# SKETCH OF DESCRIPTION

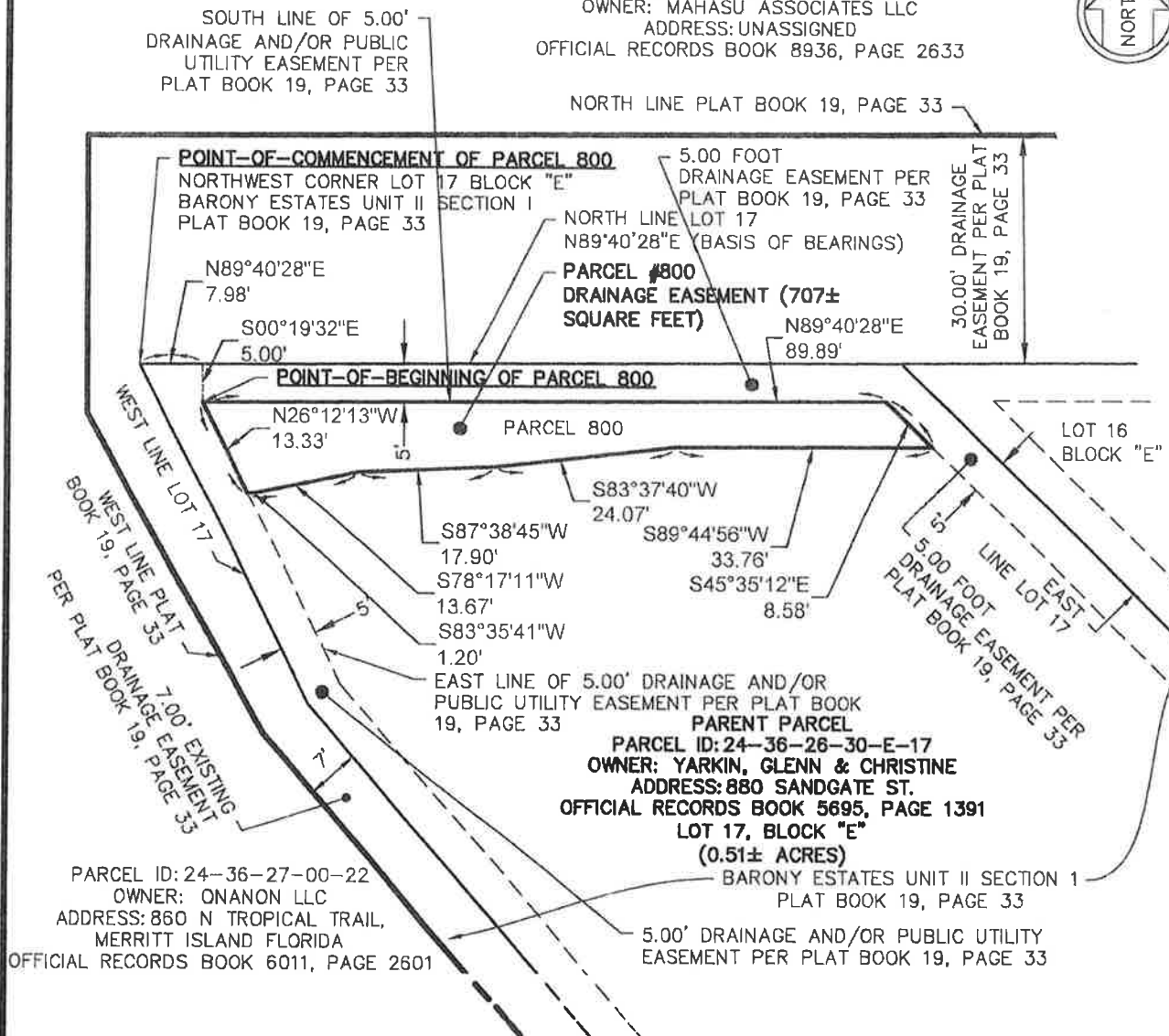
## PARCEL #800

PARENT PARCEL ID#: 24-36-26-30-E-17  
PURPOSE: DRAINAGE EASEMENT

## EXHIBIT "A"

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

PARCEL ID: 24-36-26-00-286  
OWNER: MAHASU ASSOCIATES LLC  
ADDRESS: UNASSIGNED  
OFFICIAL RECORDS BOOK 8936, PAGE 2633



NOTE:  
SEE SHEET 1 FOR DESCRIPTION, NOTES AND  
CERTIFICATION

PREPARED BY:



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

SCALE:

1"=20'

PROJECT NO.:

21-0700.018-sk01.dwg

SECTION 26

TOWNSHIP 24 SOUTH  
RANGE 36 EAST

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: 24-36-26-30-E-17

### **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, Glenn A. Yarkin and Christine A. Yarkin, husband and wife, hereinafter called the Owner, whose address is 880 Sandgate Street, Merritt Island, Florida 32953, do(es) give, grant, bargain and release to Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a temporary construction easement for the purpose(s) of access for constructing, reconstructing, reconfiguring and stabilizing 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 26, Township 24 South, Range 36 East, Brevard County, 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 the County. 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 the 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)



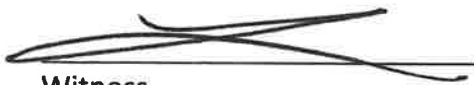
THIS EASEMENT shall expire upon the completion of the project or 365 days from the commencement of the project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

  
\_\_\_\_\_  
Witness  
Lucy Hameler  
(Print Name)

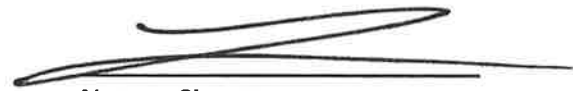
  
\_\_\_\_\_  
Glenn A. Yarkin

  
\_\_\_\_\_  
Christine A. Yarkin

  
\_\_\_\_\_  
Witness  
Lisa J. Kruse  
(Print Name)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 9th day of March, 2023, by Glenn A. Yarkin and Christine A. Yarkin, husband and wife. Is ☐ personally known or ☒ produced Driver License as identification.

  
\_\_\_\_\_  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL #700

PARENT PARCEL ID#: 24-36-26-30-E-17

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION: PARCEL #700 TEMPORARY EASEMENT (PREPARED BY SURVEYOR)

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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COMMENCE AT THE NORTHWEST CORNER OF LOT 17 BLOCK E, BARONY ESTATES UNIT II SECTION I, AS RECORDED IN PLAT BOOK 19 PAGE 33 BREVARD COUNTY, FLORIDA, PUBLIC RECORDS; THENCE S.26°12'13"E., ALONG THE WEST LINE OF SAID LOT 17 BLOCK E, A DISTANCE OF 21.31 FEET; THENCE N.63°47'47"E. A DISTANCE OF 5.00 FEET TO A POINT ON THE EAST LINE OF A 5.00 FOOT WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT AND THE POINT-OF-BEGINNING; THENCE N.83°35'41"E. A DISTANCE OF 1.20' FEET; THENCE N.78°17'11"E. A DISTANCE OF 13.67 FEET; THENCE N.87°38'45"E. A DISTANCE OF 17.90 FEET; THENCE N83°37'40"E, A DISTANCE OF 24.07 FEET; THENCE N89°44'56"E, A DISTANCE OF 33.76 FEET TO A POINT ON THE WEST LINE OF A 5.00 FOOT WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT; THENCE S.45°35'12"E. ALONG SAID WEST LINE A DISTANCE OF 2.00 FEET; THENCE N.89°54'19"W. A DISTANCE OF 35.13 FEET; THENCE S.85°41'10"W. A DISTANCE OF 41.88 FEET; THENCE S.76°49'05"W. A DISTANCE OF 12.45 FEET; THENCE S.27°27'03"E. A DISTANCE OF 31.18 FEET; THENCE S.42°51'45"E. A DISTANCE OF 76.95 FEET; THENCE S.33°41'21"E. A DISTANCE OF 49.28 FEET; THENCE S.31°32'27"E. A DISTANCE OF 41.23 FEET TO A POINT ON THE NORTH LINE OF A 5.00 FOOT WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT; THENCE S.87°08'44"W. A DISTANCE OF 5.51 FEET TO A POINT ON THE EAST LINE OF A 5.00-FOOT-WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT AS REFERENCED ON SAID PLAT OF BARONY ESTATES UNIT II SECTION I; THENCE ALONG SAID DRAINAGE AND/OR PUBLIC UTILITY EASEMENT LINE, THE FOLLOWING THREE (3) COURSES; THENCE N.29°23'40"W. A DISTANCE OF 85.80 FEET; THENCE N.40°43'00"W. A DISTANCE OF 104.47 FEET; THENCE N.26°12'13"W. A DISTANCE OF 27.68 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 645± S.F. (0.01 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAYS OF RECORD.

### SURVEYORS NOTES:

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BREVARD COUNTY WORK ORDER NO. 2019-4260-B-027

NOTE:  
SEE SHEET 2 FOR GRAPHICS

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

### CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, as performed under my direction and direction of the Brevard County survey department, and that it does not exceed the standards of practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.05, Florida Administrative Code, pursuant to Section 4027, Florida Statutes.

Joseph Barry Cabaniss, 22222  
FLORIDA SURVEYOR'S CERTIFICATE NO. 4524  
DRMP INC. CERTIFICATE NO. 2648

PREPARED BY:



100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32963  
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885

DRAWN BY: JCC	CHECKED BY: JBC	PROJECT NO. 21-0700.018	SECTION 26
DATE: 10/4/22	DRAWING: 21-0700.018-sk01.dwg	REVISIONS	TOWNSHIP 24 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	

# SKETCH OF DESCRIPTION

## PARCEL #700

PARENT PARCEL ID#: 24-36-26-30-E-17

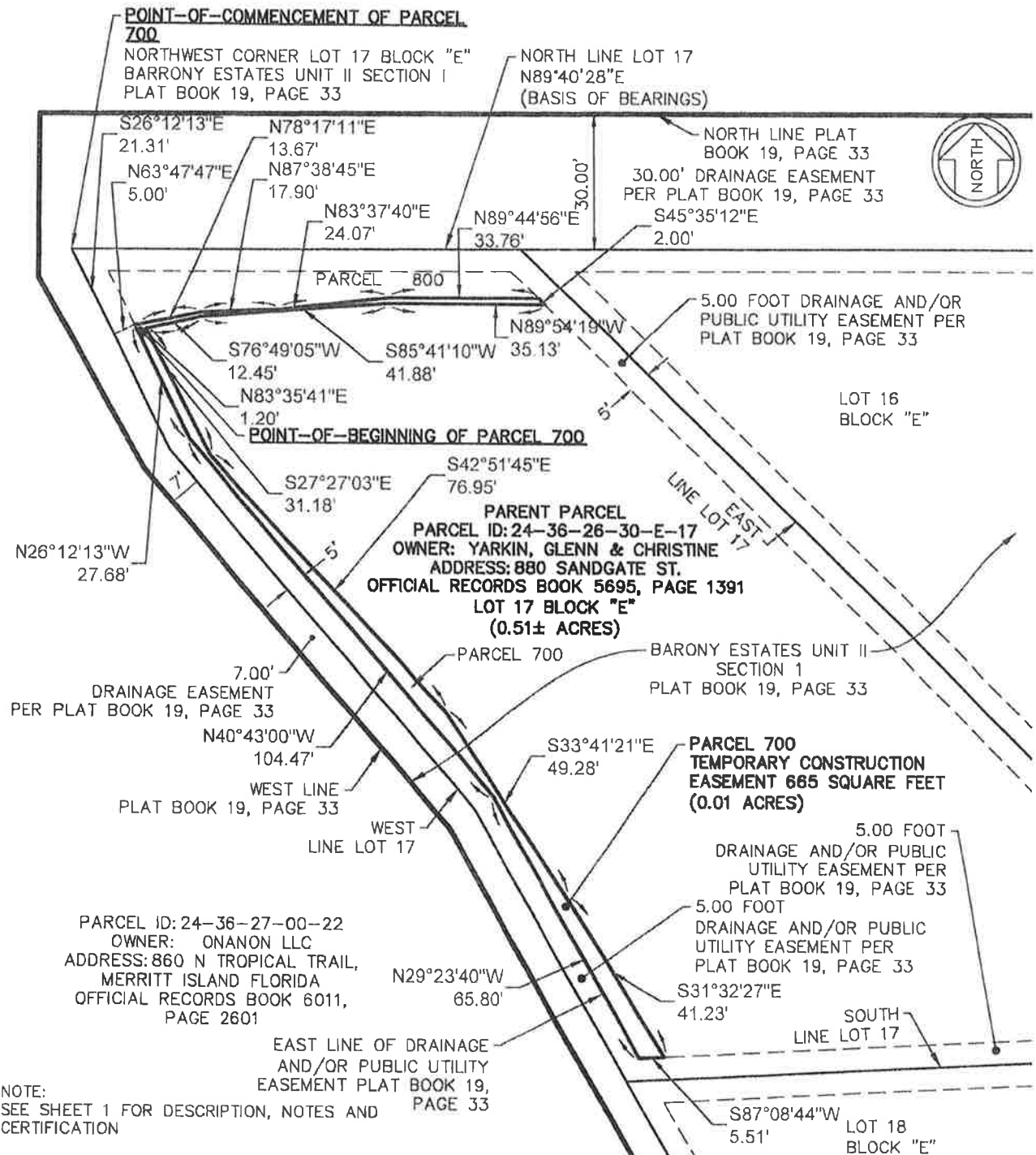
PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY:



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

## LOCATION MAP

### Section 26, Township 24 South, Range 36 East – District 2

PROPERTY LOCATION: East of North Tropical Trail at 880 Sandgate Street in Merritt Island.

OWNERS NAME(S): Glenn A. Yarkin and Christine A. Larkin

