



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.16.

10/11/2022

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### **Subject:**

Approval, Re: Donation of Drainage Easement from Hugh Gregory Dixon and Dorothy A. Dixon for the Old Settlement Road Outfall Replacement Project - District 2.

### **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 25, Township 25 South, Range 36 East, southwest of South Tropical Trail on Old Settlement Road in Merritt Island.

Brevard County Public Works Department is planning an Outfall Replacement Project on Old Settlement Road in Merritt Island. The existing outfall is obstructed and has failed, causing flooding in the area of Old Settlement Road. The project consists of installing a new pipe of like kind, which qualifies for exemption with permitting through St. Johns River Water Management District. The parcel owners have agreed to donate the requested easement.

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 from Hugh Gregory Dixon and Dorothy A. Dixon for the Old Settlement Road Outfall Replacement 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>9-15-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>9/19/2022</u>



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

October 12, 2022

**MEMORANDUM**

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

**Attn:** Lucy Hamelers, Land Acquisition

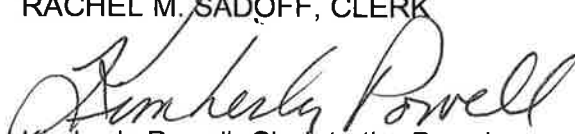
**RE:** Item F.16., Approval for Donation of Drainage Easement from Hugh Gregory Dixon and Dorothy A. Dixon for the Old Settlement Road Outfall Replacement Project

The Board of County Commissioners, in regular session on October 11, 2022, approved and accepted the donation of the Drainage Easement from Hugh Gregory Dixon and Dorothy A. Dixon for the Old Settlement Road Outfall Replacement Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/sm

cc: County Attorney

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: 25-36-25-CS-\*--7.50

### **DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 7<sup>th</sup> day of Sept., 2022, between Hugh Gregory Dixon and Dorothy A. Dixon, husband and wife, whose address is 3920 Old Settlement Road, Merritt Island, Florida 32952, 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, constructing, 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 25, Township 25 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

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

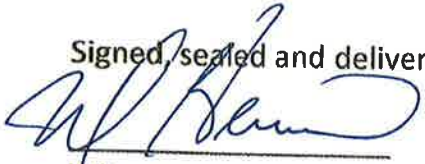
Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict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

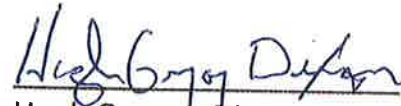
**TO HAVE AND TO HOLD** said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

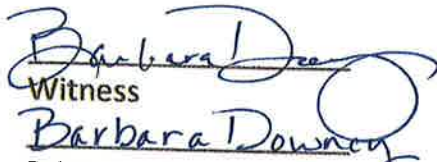
(Signatures and Notary on next page)

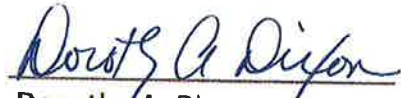
IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

  
Witness  
MAATH BENNETT  
Print Name

  
Hugh Gregory Dixon

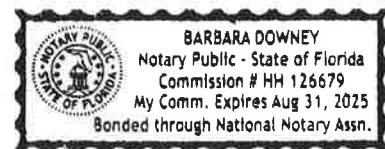
  
Witness  
Barbara Downey  
Print Name

  
Dorothy A. Dixon

STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 7<sup>th</sup> day of Sept, 2022, by Hugh Gregory Dixon and Dorothy A. Dixon, husband and wife. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.

  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL 800

PARENT PARCEL ID#: 25-36-25-CS--7.50  
PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

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

A PARCEL OF LAND BEING THE NORTH 15.00 FEET OF LOT 7-1/2, MAP OF GEORGIANA SETTLEMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 34 THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING THE SAME LANDS AS THE NORTH 15.00 FEET OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8745, PAGE 2959, LYING IN SECTION 25, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, CONTAINING 2,522 SQUARE FEET, (0.06 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

### SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY OF ANY TYPE BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE MONUMENTED NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 25 SOUTH, RANGE 36 EAST, AS BEING N89°47'18"W AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCES:
  - A. MAP OF BOUNDARY SURVEY PREPARED FOR VICTOR & KRISTINA EVERINGHAM, PREPARED BY KANE SURVEYING, INC., JOB NO. 30921, DATED 8/5/2011, LAST REVISION 9/20/2019.
  - B. SPECIFIC PURPOSE SURVEY 3915 OLD SETTLEMENT ROAD PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS SURVEYING & MAPPING DIVISION, PROJECT NO. 22-03-036, DATED MAY 18, 2022.
  - C. O&E REPORT BY NEW REVELATIONS, FILE NUMBER 22-1132, TAX ACCOUNT NUMBER 2511590, EFFECTIVE DATE 3/26/2022. AS LISTED IN THE EASEMENTS AND EXCEPTIONS WITHIN SAID O&E REPORT, EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1949, PAGE 535 AFFECTS PARCEL 800 AND IS SHOWN HEREIN. NO OTHER LISTED EASEMENTS AFFECT OR ABUT PARCEL 800.

ABBREVIATIONS:  
BOB = BASIS OF BEARINGS  
BOC = BASIS OF COORDINATES  
COR = CORNER  
ORB = OFFICIAL RECORDS BOOK  
PB = PLAT BOOK  
PG = PAGE  
POB = POINT OF BEGINNING

POC = POINT OF COMMENCEMENT  
PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT  
RNG = RANGE  
R/W = RIGHT OF WAY  
SECT = SECTION  
SQ FT = SQUARE FEET  
TWN = TOWNSHIP  
TP = TAX PARCEL



PREPARED FOR: BREVARD COUNTY BOARD  
OF COUNTY COMMISSIONERS

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, VERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: D. LABASTIDA

CHECKED BY: MICHAEL J  
SWEENEY

PROJECT NO. 22-03-036

REVISIONS

DATE

DESCRIPTION

DATE: 08/29/2022

SHEET: 1 OF 2

SECTION 25  
TOWNSHIP 25 SOUTH  
RANGE 36 EAST



# SKETCH OF DESCRIPTION

## PARCEL 800

PARENT PARCEL ID#: 25-36-25-CS-\*--7.50

PURPOSE: DRAINAGE EASEMENT

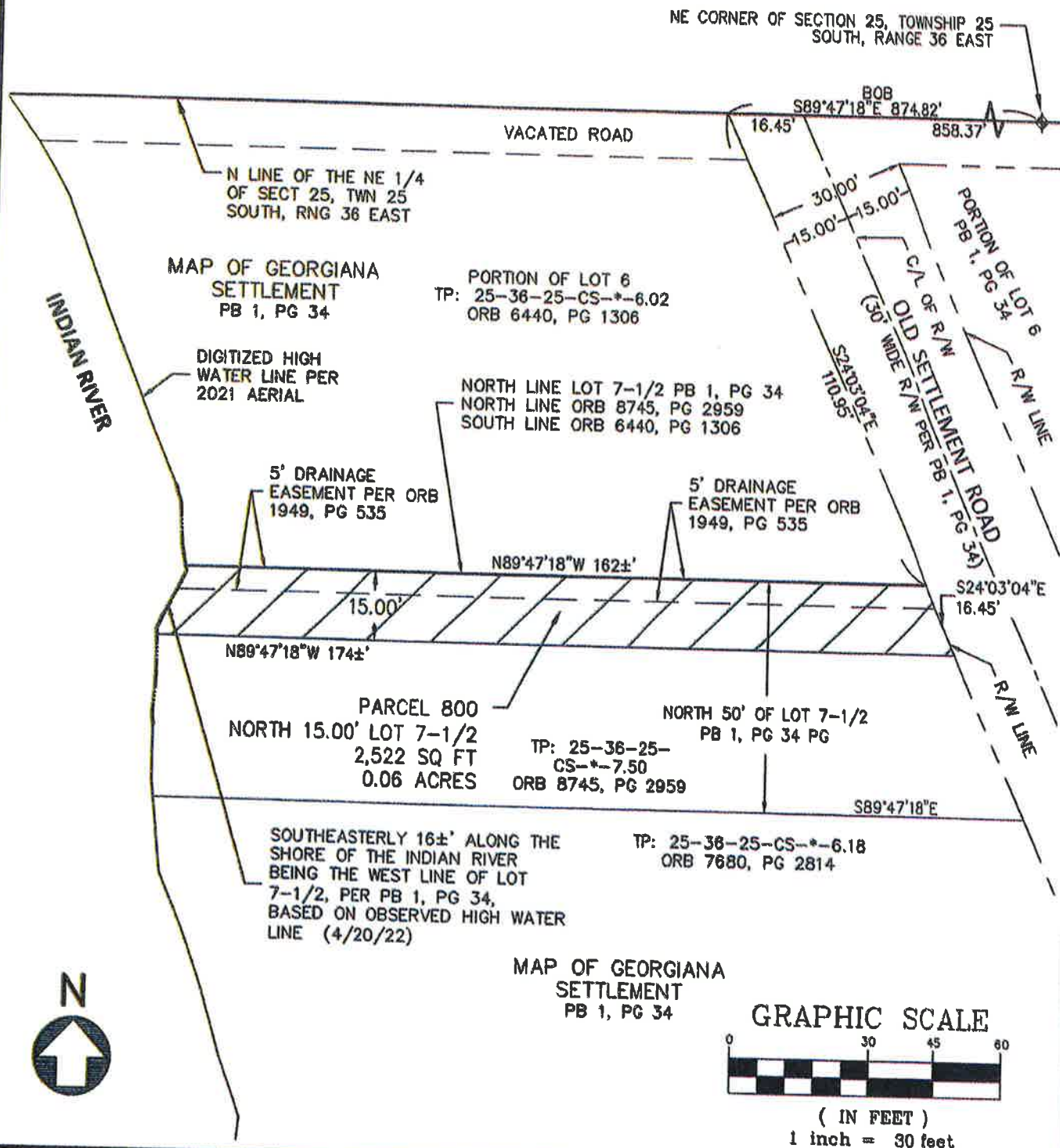
## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



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"=30'  
PROJECT NO.:  
22-03-036

SECTION 25  
TOWNSHIP 25 SOUTH  
RANGE 36 EAST

## LOCATION MAP

**Section 25, Township 25 South, Range 36 East - District 2**

**PROPERTY LOCATION:** Southwest of South Tropical Trail on Old Settlement Road in Merritt Island.

**OWNERS NAME(S):** Hugh Gregory Dixon and Dorothy A. Dixon

