



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

11/10/2020

Subject:

Approval, Re: Drainage Easement for the Kia Dealership 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 02, Township 28 South, Range 36 East, east of Interstate 95, west of South Wickham Road along the north side of West New Haven Avenue in Melbourne.

Boniface & Company, Inc., owner, has submitted site plan number 19SP00029 for review and approval by the County for the development of an automotive dealership known as Kia Dealership. In accordance with County code and standards, the owner has agreed to donate the attached drainage easement required as a condition of the site plan approval.

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: Drainage Easement for the KIA Dealership Project – District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Page Whittle, Land Acquisition Specialist

CONTACT PHONE: 321-690-6847 extension 58351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>RA</u>	<u> </u>	<u>10-14-2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>CMO</u>	<u> </u>	<u>10-15-2020</u>

AGENDA DUE DATE: November 03, 2020 for the November 10, 2020 Board Meeting



November 12, 2020

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.4., Approval of Drainage Easement for the Kia Dealership Project

The Board of County Commissioners, in regular session on November 10, 2020, approved and accepted the Drainage Easement for the Kia Dealership Project.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Prepared by and return to: Page Whittle
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 28-36-02-00-1

DRAINAGE EASEMENT

THIS INDENTURE, made this 13th day of October, 2020, between Boniface and Company, Inc., a Florida corporation, whose address is 625 East Nasa Boulevard, Melbourne, Florida 32901, 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 drainage easement commencing on the above date for the purposes of allowing for drainage and flowage of stormwater and groundwater, and a perpetual access easement for the purposes of emergency maintenance to restore drainage flow 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 02, Township 28 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.

The first party, its successors and assigns, does hereby agree they shall solely be responsible for any and all construction, maintenance, repairs, and reconstruction of any stormwater drainage system or appurtenances thereto in the easement area. The first party shall timely preform all necessary maintenance, repairs, and replacement to ensure proper functioning of the stormwater system in the easement area. In no event shall the second party have any obligation to pay any part of the cost of such maintenance, repair, or replacement.

(Signatures and Notary on next page)

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.

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:

Michelle L. Duvall

Witness

Michelle L. Duvall

Print Name

Bonnie L. James

Witness

Bonnie L. James

Print Name

Boniface and Company, Inc.,
a Florida corporation

Adolphus J. Hiers

Adolphus J. Hiers
President

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 13th day of October, 2020, by Adolphus J. Hiers as President for Boniface and Company, Inc., a Florida corporation. Is personally known or produced _____ as identification.

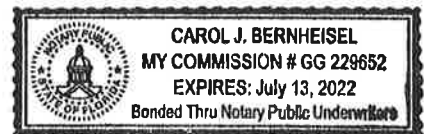
Carol J. Bernheisel

Notary Signature

SEAL

Board Meeting Date: _____

Agenda Item # _____



LEGAL DESCRIPTION

PARCEL 801

EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT SHEETS 1, 2 & 4 OF 4

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-36-02-00-1

SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: DRAINAGE EASEMENT

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	116.00'	60.28'	29°46'19"	59.60'	N15°06'24"E
C2	33.00'	17.15'	29°46'19"	16.96'	S15°06'24"W
C3	128.00'	62.73'	28°04'44"	62.10'	S13°49'08"E
C4	158.00'	77.43'	28°04'44"	76.66'	S13°49'08"E
C5	63.00'	32.74'	29°46'19"	32.37'	S15°06'24"W
C6	86.00'	44.69'	29°46'19"	44.19'	N15°06'24"E

LINE TABLE

LINE	BEARING	LENGTH
L1	S00°01'28"W	30.00'
L2	N89°58'32"W	206.43'
L3	S00°13'14"W	147.63'
L4	S00°13'14"W	184.17'
L5	S27°51'30"E	84.39'
L6	N89°58'32"W	33.94'
L7	N27°51'30"W	68.52'
L8	N00°13'14"E	184.17'
L9	N00°13'14"E	177.53'
L10	S89°58'32"E	236.33'

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: DOUG W. GUARE	CHECKED BY: ANDREW W. POWSHOK	REVISION: COUNTY COMMENTS 10-08-20	SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST
		REVISION: COUNTY COMMENTS 09-30-20	
DATE: 05-12-20	PROJECT # 41043	REVISION: COUNTY COMMENTS 08-12-20	

LEGAL DESCRIPTION

PARCEL 801

EXHIBIT "A"

SHEET 4 OF 4

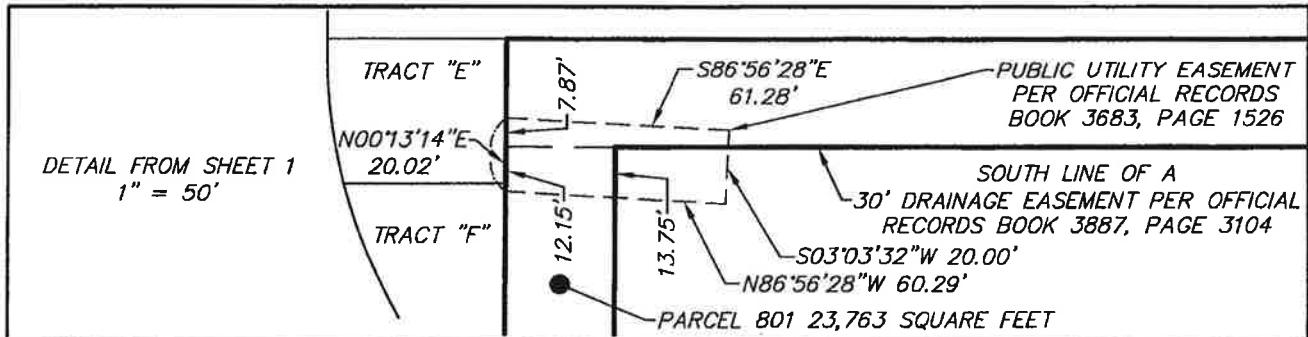
NOT VALID WITHOUT SHEETS 1 - 3 OF 4

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-36-02-00-1

SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: DRAINAGE EASEMENT



SCHEDULE BII ITEMS

ITEMS 6-9 AFFECT THE SUBJECT PROPERTY BUT NOT PLOTTABLE.

ITEM 10. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF FLORIDA INDIAN RIVER LAND CO., RECORDED IN PLAT BOOK 2, PAGE 80. DOES AFFECT THE SUBJECT PROPERTY AND HAS BEEN PLOTTED.

ITEM 11. TERMS AND PROVISIONS OF THAT SANITARY SEWER EXTENSION AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3338, PAGE 1197, AFFECTS THE SUBJECT PROPERTY BUT NOT PLOTTABLE.

ITEM 12. TERMS AND PROVISIONS OF THAT ANNEXATION AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3338, PAGE 1204, AFFECTS THE SUBJECT PROPERTY BUT NOT PLOTTABLE.

ITEM 13. TERMS AND PROVISIONS OF THAT SANITARY SEWER EXTENSION AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 3595, PAGE 3165, AFFECTS THE SUBJECT PROPERTY BUT NOT PLOTTABLE.

ITEM 14. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 1851. DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE SO IT IS NOT PLOTTABLE.

ITEM 15. DEDICATION OF ACCESS AND UTILITIES EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 1876. DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE OVER TRACTS G AND H, MEADOW LAKES PHASE ONE AS TO PROVIDE ACCESS TO AND FROM THE CONTIGUOUS PROPERTY AND THE DEDICATED RIGHT OF WAY OF VISTA LAKE CIRCLE, AND FOR PURPOSES OF PROVIDING UTILITY SERVICE TO THE CONTIGUOUS PROPERTY.

ITEM 16. PUBLIC UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3683, PAGE 1526. DOES AFFECT THE SUBJECT PROPERTY AND HAS BEEN PLOTTED.

ITEM 17. DEDICATION OF DRAINAGE, STORM/SURFACE WATER AND RETENTION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3887, PAGE 3104. DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE SO IT IS NOT PLOTTABLE.

ITEM 18. DEDICATION AND GRANTING OF DRAINAGE AND UTILITIES EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4209, PAGE 1374. DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE SO IT IS NOT PLOTTABLE.

ITEM 19. DEDICATION/CONFIRMATION/RESERVATION/GRANT OF DRAINAGE, STORM/SURFACE WATER AND RETENTION EASEMENT AND LIFT STATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4209, PAGE 1379. DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE SO IT IS NOT PLOTTABLE.

ITEM 20. TERMS AND PROVISIONS OF THAT UTILITY SERVICE AND ANNEXATION AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 8531, PAGE 154, AFFECTS THE SUBJECT PROPERTY BUT NOT PLOTTABLE.

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: DOUG W. GUARE	CHECKED BY: ANDREW W. POWSHOK	REVISION: COUNTY COMMENTS 10-08-20	SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST
		REVISION: COUNTY COMMENTS 09-30-20	
DATE: 05-12-20	PROJECT # 41043	REVISION: COUNTY COMMENTS 08-12-20	

LEGAL DESCRIPTION

PARCEL 801

EXHIBIT "A"

SHEET 1 OF 4

NOT VALID WITHOUT SHEETS 2 - 4 OF 4

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-36-02-00-1

SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: DRAINAGE EASEMENT

LEGAL DESCRIPTION: PARCEL #801 DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND LYING IN SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN NORTH 00°11'12" EAST ALONG THE EAST LINE OF SAID SECTION 02, A DISTANCE OF 806.04 FEET; THENCE NORTH 89°58'32" WEST, ALONG THE SOUTH LINE OF MEADOW LAKE SUBDIVISION, PHASE TWO, AS RECORDED IN PLAT BOOK 44, PAGE 20, A DISTANCE OF 616.35 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE SOUTH 00°01'28" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°58'32" WEST, A DISTANCE OF 206.43 FEET; THENCE SOUTH 00°13'14" WEST, A DISTANCE OF 147.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 116.00 FEET AND A CENTRAL ANGLE OF 29°46'19"; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 60.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 33.00 FEET AND A CENTRAL ANGLE OF 29°46'19"; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 17.15 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°13'14" WEST, A DISTANCE OF 184.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 128.00 FEET AND A CENTRAL ANGLE OF 28°04'44"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 62.73 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 27°51'30" EAST, A DISTANCE OF 84.39 FEET; THENCE NORTH 89°58'32" WEST, A DISTANCE OF 33.94 FEET; THENCE NORTH 27°51'30" WEST, A DISTANCE OF 68.52 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 158.00 FEET AND A CENTRAL ANGLE OF 28°04'44"; THENCE NORTHWESTERLY ALONG THE ARC 77.43 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°13'14" EAST, A DISTANCE OF 184.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 63.00 FEET AND A CENTRAL ANGLE OF 29°46'19"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 32.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 86.00 FEET AND A CENTRAL ANGLE OF 29°46'19"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 44.69 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°13'14" EAST, A DISTANCE OF 177.53 FEET TO THE SOUTH LINE OF MEADOW LAKE SUBDIVISION, PHASE 1, AS RECORDED IN PLAT BOOK 43, PAGE 9; THENCE SOUTH 89°58'32" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 236.33 FEET TO THE POINT OF BEGINNING. CONTAINING 0.55 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 TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, FILE NUMBER/COMMITMENT NO. 8599141 DATED APRIL 13, 2020. FOR EASEMENTS LISTED WITHIN THE TITLE COMMITMENT SEE SHEET 4 OF 4.
5. THIS SKETCH WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON A ASSUMED BEARING OF NORTH 00°11'12" EAST FOR THE EAST LINE OF SECTION 02, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA. SHOWN AS BEING THE BASIS OF BEARINGS.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

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

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DRAWN BY: DOUG W. GUARE	CHECKED BY: ANDREW W. POWSHOK	REVISION: COUNTY COMMENTS 10-08-20	SECTION 02,
		REVISION: COUNTY COMMENTS 09-30-20	TOWNSHIP 28 SOUTH,
DATE: 05-12-20	PROJECT # 41043	REVISION: COUNTY COMMENTS 08-12-20	RANGE 36 EAST

LOCATION MAP

Section 02, Township 28 South, Range 36 East - District 5

PROPERTY LOCATION: East of Interstate 95, west of South Wickham Road along the north side of West New Haven Avenue in Melbourne.

OWNERS NAME: Boniface and Company, Inc.

