



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

3/12/2024

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### Subject:

Approval, Re: Donation of Utility Easement from Merritt Island Lodge No. 2073 Loyal Order of Moose, Inc. for the Armen Groves Subdivision - District 2.

### 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 the attached Utility Easement.

### Summary Explanation and Background:

The subject property is located in Section 11, Township 24 South, Range 36 East, east of North Courtenay Parkway and north of Smith Road in Merritt Island.

Merritt Island Lodge No. 2073 Loyal Order of Moose, Inc., also known as Loyal Order of Moose Lodge, No. 2073, Inc., is the owner of the subject property. The property located to the east of the subject property, which is owned by K. Hovnanian At Armen Groves, LLC, has submitted Subdivision Plan 18SD00015 for review and approval by Brevard County for the development of a residential subdivision. Upon review by the Utility Services Department, it was discovered that a portion of the reuse water line identified in the subdivision plan continued outside of the Armen Groves Subdivision plat and through the Moose Lodge property. In order to accommodate the reuse line to Armen Groves, the Moose Lodge has agreed to donate the utility 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:



March 13, 2024

**M E M O R A N D U M**

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

**Attn:** Lucy Hamelers

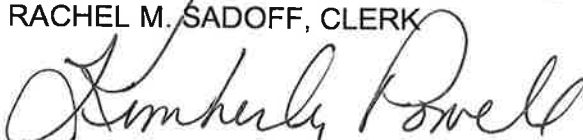
**RE:** Item F.5., Approval for Donation of Utility Easement from Merritt Island Lodge No. 2073 Loyal Order of the Moose, Inc. for the Armen Groves Subdivision

The Board of County Commissioners, in regular session on March 12, 2024, approved and accepted the donation of Utility Easement from Merritt Island Lodge No. 2073, Loyal Order of the Moose, Inc. for the Armen Groves Subdivision.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

**cc:** Asset Management  
Utility Services

## BOARD OF COUNTY COMMISSIONERS


### AGENDA REVIEW SHEET

AGENDA: Donation of Utility Easement from Merritt Island Lodge No. 2073 Loyal Order of Moose, Inc. for the Armen Groves Subdivision – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>2.19.24</u>
COUNTY ATTORNEY Alexander Esseeesse Deputy County Attorney		<hr/>	<u>2/19/24</u>

Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 24-36-11-00-260

### UTILITY EASEMENT

**THIS INDENTURE**, made this 16<sup>th</sup> day of February, 2024, between Merritt Island Lodge No. 2073 Loyal Order of Moose, Inc., a Florida not for profit corporation, also known as Loyal Order of Moose Lodge, No. 2073, Inc., whose address is 3150 North Courtenay Parkway, 1 Moose Lane, 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 a reuse line and associated 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 11, 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:

Daniel Estleman

Witness

Daniel Estleman

Print Name

4458 Dayton Lane Oviedo, FL

Address

Chelene B. Owens

Witness

ARLENE B. OWENS

Print Name

4607 GOLDFINCH LA.

Address MERRITT ISLAND,  
FL 32953

Merritt Island Lodge No. 2073  
Loyal Order of Moose, Inc., a  
Florida not for profit corporation,  
also known as Loyal Order of  
Moose Lodge, No. 2073, Inc.

By: John R. Owens  
John R. Owens, Administrator

By: Barry Miller  
Barry Miller, 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 16 day of Feb, 2024, by John R. Owens as Administrator and Barry Miller as President for Merritt Island Lodge No. 2073 Loyal Order of Moose, Inc., a Florida not for profit corporation, also known as Loyal Order of Moose Lodge, No. 2073, Inc. Is ☒ personally known or ☐ produced AK as identification.

George Alden  
Notary Signature

SEAL



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-11-00-260

PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 24-36-11-00-260 (PARENT PARCEL)

A PARCEL OF LAND BEING THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 3, LESS AND EXCEPT THE SOUTH 330 FEET THEREOF, AND LESS AND EXCEPT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3113, PAGE 2311, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LEGAL DESCRIPTION OF 15.00' WIDE UTILITY EASEMENT (PARCEL #800) (PREPARED BY SURVEYOR):

A PARCEL OF LAND SITUATED WITHIN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAVANNAH LANDING, AS RECORDED IN PLAT BOOK 69, PAGE 17 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9494, PAGE 1800 RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID LAND AND THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11 RUN SOUTH 00°28'07" EAST A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°39'04" WEST A DISTANCE OF 544.76 FEET TO THE EAST RIGHT-OF-WAY LINE OF NORTH COURTENAY PARKWAY PER OFFICIAL RECORDS BOOK 3113, PAGE 2311 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE RUN NORTH 04°33'15" WEST A DISTANCE OF 15.04 FEET TO A POINT ON THE NORTH LINE OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1597, PAGE 265 AND THE NORTH LINE OF AFORESAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11; THENCE ALONG SAID NORTH LINE RUN NORTH 89°39'04" EAST A DISTANCE OF 545.83 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING 8,180 SQUARE FEET OR 0.188 ACRES, MORE OR LESS.

### SURVEYORS NOTES:

1. NO IMPROVEMENTS HAVE BEEN LOCATED.
2. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.S. 472.025 OR THE CERTIFIED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.A.C. 5J-17.062(2) AND 5J17.062(3).
3. THIS DOCUMENT CONSISTS OF 3 PAGES AND IS NOT FULL OR COMPLETE WITHOUT BOTH BEING PRESENT.
4. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE PLAT OF SAVANNAH LANDING, WHICH BEARS NORTH 89°38'58" EAST, AND ASSUMED BEARING, AS RECORDED IN PLAT BOOK 69, PAGE 17 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
5. THIS IS NOT A BOUNDARY SURVEY, BUT A GRAPHICAL REPRESENTATION OF THE LEGAL DESCRIPTION INCLUDED HEREIN.
6. PARCEL #24-36-11-00-260 (THE "PARENT PARCEL"), AS DESCRIBED AND DEPICTED HEREON, IS SUBJECT TO EASEMENTS AND AGREEMENTS AS NOTED IN THE PROPERTY INFORMATION REPORT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO.: 11188113, BEARING AN EFFECTIVE DATE OF OCTOBER 22, 2023. MATTERS AFFECTING SAID PARENT PARCEL ARE LISTED IN THESE SURVEYORS NOTES AND ARE GRAPHICALLY DEPICTED ON SHEETS 2 AND 3 OF 3 OF THIS SKETCH, WHERE APPLICABLE. SAID PARENT PARCEL IS SUBJECT TO:
  - 6.1 EASEMENT SET OUT IN WARRANTY DEED RECORDED JULY 13, 1953, IN DEED BOOK 375 PAGE 440, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS, AS SHOWN)
  - 6.2 EASEMENT BY AND BETWEEN MERRITT ISLAND MOOSE LODGE 2073, GRANTOR, AND FLORIDA POWER AND LIGHT COMPANY, GRANTEE, RECORDED OCTOBER 11, 1979, IN OFFICIAL RECORDS BOOK 2100, PAGE 1641, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS, AS SHOWN)
  - 6.3 EASEMENT BY AND BETWEEN MERRITT ISLAND MOOSE LODGE #2073, GRANTOR, AND CITY OF COCOA UTILITIES DEPARTMENT, GRANTEE, RECORDED MARCH 28, 1980, IN OFFICIAL RECORDS BOOK 2226, PAGE 2316, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS, BLANKET IN NATURE, NOTHING TO PLOT)
  - 6.4 EASEMENT BY AND BETWEEN MERRITT ISLAND MOOSE LODGE #2073, GRANTOR, AND FLORIDA POWER AND LIGHT COMPANY, GRANTEE, RECORDED SEPTEMBER 14, 1983, IN OFFICIAL RECORDS BOOK 2455, PAGE 691, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS, AS SHOWN)
  - 6.5 BINDING DEVELOPMENT PLAN RECORDED JULY 27, 2004, IN OFFICIAL RECORDS BOOK 5338, PAGE 6462, AS AFFECTED BY AMENDED BINDING DEVELOPMENT PLAN RECORDED IN OFFICIAL RECORDS BOOK 7270 PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (AFFECTS, NOT A SURVEY MATTER, NOTHING TO PLOT)

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY, FLORIDA.

PREPARED BY:  
AMERICAN SURVEYING  
& MAPPING, INC.



E. GLENN TURNER, PSM 5643  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: CF

CHECKED BY: EGT

PROJECT NO. 221115

DATE: 11/07/2023

DRAWING: 221115 MOOSE  
LODGE UTILITY EASEMENT SOD

REVISIONS

DATE

DESCRIPTION

SECTION 11

TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-11-00-260

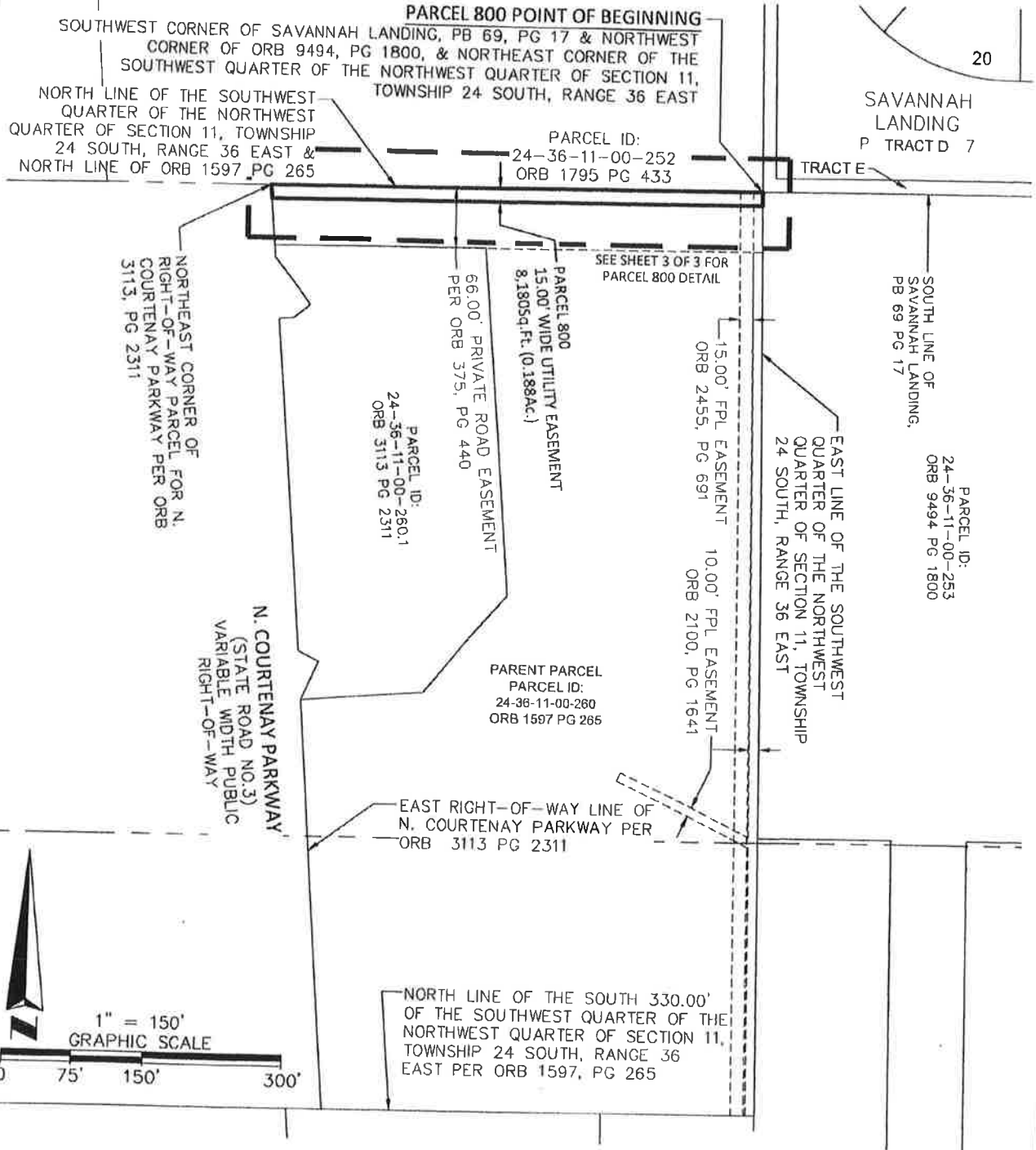
PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

**THIS IS NOT A SURVEY**



PREPARED BY:  
AMERICAN SURVEYING  
& MAPPING, INC.



SCALE:  
1"=150'

PROJECT NO.:  
221115

SECTION 11  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-11-00-260

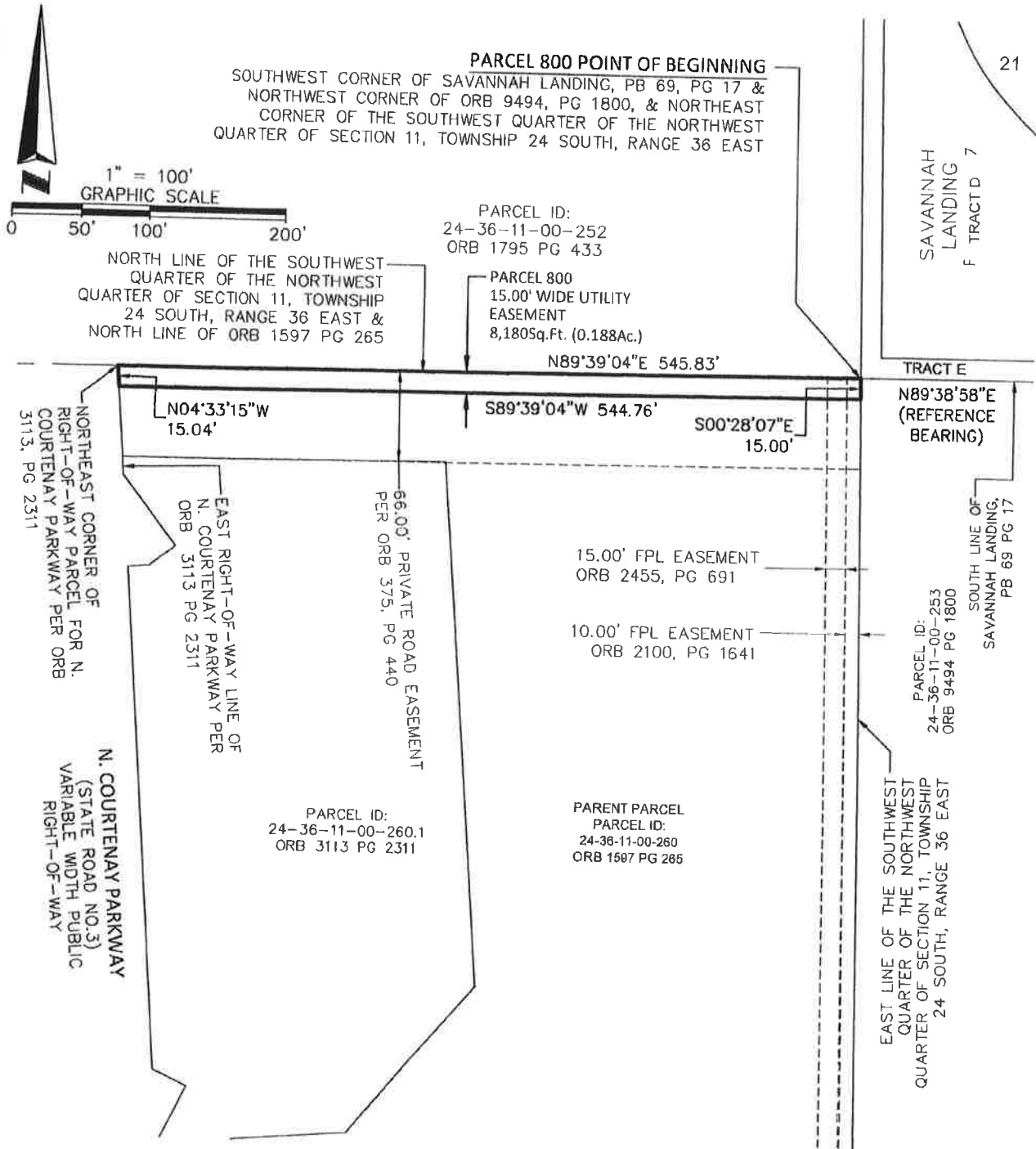
PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY



PREPARED BY:  
 AMERICAN SURVEYING  
 & MAPPING, INC.



SCALE:  
 1"=100'

PROJECT NO.:  
 221115

SECTION 11  
 TOWNSHIP 24 SOUTH  
 RANGE 36 EAST



## LOCATION MAP

**Section 24, Township 24 South, Range 36 East - District: 2**

**PROPERTY LOCATION:** East of North Courtenay Parkway and north of Smith Road in Merritt Island.

**OWNERS NAME(S):** Merritt Island Lodge No. 2073 Loyal Order of the Moose, Inc.

