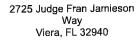
# **Agenda Report**





### Consent

5/20/2025 F.9.

### Subject:

Approval, Re: Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company for the Benefit of Fire Station 86 - District 3.

### Fiscal Impact:

None

# Dept/Office:

Public Works Department / Land Acquisition Office

### Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Resolution and Underground Easement.

# **Summary Explanation and Background:**

The subject property is located in Section 11, Township 30 South, Range 38 East, south of Barefoot Boulevard and east of Ron Beatty Boulevard in Barefoot Bay.

The Brevard County Fire Rescue Department is in the process of redeveloping a new three-bay fire station at Fire Station 86 located in Barefoot Bay. As part of the project, an easement is required to allow Florida Power and Light to install power lines for a new transformer.

The User Department approves this request.

This transaction follows the policies and procedures as set forth in Administrative Orders 28 and 37 and Brevard County Code Section 2.10.1.

# 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 Resolution and original executed Underground Easement (Business).

### **BOARD OF COUNTY COMMISSIONERS**

### **AGENDA REVIEW SHEET**

AGENDA: Resolution and Underground Easement (Business) from Brevard County

APPROVE

to Florida Power and Light Company for the Benefit of Fire Station 86 -

District 3.

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Jean Kremitzki / Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

LAND ACQUISITION
Lucy Hamelers, Supervisor

COUNTY ATTORNEY
Greg Hughes
Assistant County Attorney

DISAPPROVE DA

DATE

5.8.25

5/8/2025



### FLORIDA'S SPACE COAST

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



May 21, 2025

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

RE: Item F.9., Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company (FPL) for the Benefit of Fire Station 86

The Board of County Commissioners, in regular session on May 20, 2025, adopted and executed Resolution No. 25-042, authorizing conveyance of real property interest by the County; and authorized the execution of the Underground Easement from Brevard County to FPL for the benefit of Fire Station 86. Enclosed is the fully-executed Resolution and Underground Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

Encls. (2)

### **RESOLUTION NO. 25-** 042

# RESOLUTION PURSUANT TO SECTION 125.01, FLORIDA STATUTES AUTHORIZING THE CONVEYANCE OF A REAL PROPERTY INTEREST BY THE COUNTY.

### **RECITALS**

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," owns certain real property described in Exhibit "A"; and

WHEREAS, the Florida Power and Light Company (FPL) is a Florida corporation providing electric utility services, and FPL has requested a perpetual easement to provide electric service to said County owned property; and

WHEREAS, said utility easement will support the use of the County owned property, and will not conflict with the County's use of the servient property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

- 1. The recitals above are true and correct, and incorporated herein.
- 2. Pursuant to section 125.01, Florida Statutes, the grant of easement is required to provide electric service to a County structure, to wit, a fire station that will provide fire and rescue services to the community.
- 3. County agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place its facilities within said easement area, so that FPL can provide electric service to the County fire station.
- 4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 20th Day of May, 2025.

ATTEST:

Clerk of the Coupt:

Tchol Sadoff Clark of the

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

1111

Rob Feltner, Chairman

As approved by the Board on 05/20/2025.

# LEGAL DESCRIPTION

PARCEL ID#: 801

PARENT PARCEL ID#: 30-38-11-00-532

PURPOSE: FPL UTILITY EASEMENT

# EXHIBIT "A"

SHEET I OF 3

NOT VALID WITHOUT SHEETS 2&3 OF 3

THIS IS NOT A SURVEY

DESCRIPTION: PARCEL 801, FPL UTILITY EASEMENT

PREPARED BY BRIEL & ASSOCIATES LAND SURVEYORS, INC.

AN EASEMENT BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1477, PAGE 45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 11, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 11 AND RUN N 00°35'36" E ALONG THE WEST LINE OF SAID SECTION 11 A DISTANCE OF 842.10 FEET; THENCE DEPARTING SAID WEST LINE S 89'27'39" E 1084.49 FEET TO THE SOUTHEAST CORNER AND POINT OF BEGINNING OF SAID PARCEL RECORDED IN OFFICIAL RECORDS BOOK 1477, PAGE 45, SAID CORNER LYING ON THE WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY: THENCE N 22°59'57" W 285.69 FEET ALONG THE EAST LINE OF SAID PARCEL AND SAID WEST RIGHT OF WAY LINE TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF BAREFOOT BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 144, PAGE 610 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, ALSO BEING THE NORTHEAST CORNER OF SAID PARCEL, SAID INTERSECTION LYING ON A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2525.00 FEET AND FROM WHICH POINT A RADIAL LINE BEARS N 07°53'34"W; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 00°40'30" AN ARC DISTANCE OF 29.74 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE DEPARTING SAID RIGHT OF WAY LINE S 22°59'57" E 22.35 FEET; THENCE N 67°00'03" E 12.67 FEET; THENCE S 22°59'57" E 15.00 FEET; THENCE S 67°00'03" W 22.67 FEET; THENCE N 22°59'57" W 40.20 FEET TO SAID SOUTH RIGHT OF WAY LINE; THENCE EASTERLY ALONG SAID RIGHT OF WAY LINE AND A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2525.00 FEET, A DELTA ANGLE OF 00°23'59", A CHORD LENGTH OF 10.40 FEET, A CHORD BEARING OF N 82°54'01" E AN ARC DISTANCE OF 10.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 578 SQUARE FEET OR 0.0133 ACRES MORE OR LESS.

This Map or Report conforms to the Standards of Practice for Professional Surveyors and Mappers as outlined in Chapter 5J-17., F.A.C.

Robert R Briel

Digitally signed by Robert R Briel Date: 2025,04.28 15:13:20 -04'00'

ROBERT R. BRIEL, Florida Professional Surveyor &

Mapper, No. 3699

This survey is prepared and certified for the exclusive use of the client or clients named hereon. Not valid without the original signature and seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.



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

SEE SHEET 2 FOR NOTES & ABBREVIATIONS SEE SHEET 3 FOR SKETCH

PREPARED BY:



Briel & Associates

Land Surveyors, Inc.

1790 HIGHWAY A1A, SUITE 208 SATELLITE BCH., FL 32937 LB 3869

DRAWN BY: RRB	CHECKED BY: RRB	PROJECT NO. 24016			SECTION 11
		REVISIONS	DATE	DESCRIPTION	TOWNSHIP 30 SOUTH
DATE: 04/28/2025	DRAWING: 24016FPL				RANGE 38 EAST

# SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1&3 OF 3

THIS IS NOT A SURVEY

PARCEL ID#: 801

PARENT PARCEL ID#: 30-38-11-00-532

PURPOSE: FPL UTILITY EASEMENTS

#### NOTES:

- 1. THIS SKETCH OF DESCRIPTION IS NOT INTENDED TO REPRESENT A LAND BOUNDARY SURVEY.
- 2. BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF FLORIDA EAST COAST RAILWAY BEING N 22°59'57" W. DATUM IS ASSUMED.

### TITLE NOTES

PER 0&E REPORT PREPARED BY NEW REVELATIONS, INC, FILE NO. 22-1256 DATED JUNE 6, 2022.

### EASEMENTS AND EXCEPTIONS:

1. RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK. 144, PAGE 610. PLOTTED AS BAREFOOT BOULEVARD.

#### ABBREVIATIONS:

A = ARC LENGTH AC = ACRES CH = CHORD

CH BRG = CHORD BEARING COR = CORNER

COR = CORNER
DA = DELTA ANGLE
ESMT = EASEMENT

ORB = OFFICIAL RECORDS BOOK P.O.B. = POINT OF BEGINNING P.O.C. = POINT OF COMMENCEMENT

 PG
 = PAGE

 R
 = RADIUS

 R
 = RANGE

 R/W
 = RIGHT OF WAY

 SEC
 = SECTION

 SF
 = SQUARE FEET

 T
 = TOWNSHIP

SEE SHEET 3 FOR SKETCH

PREPARED BY: BRIEL & ASSOCITES LAND SURVEYORS, INC.

1790 HIGHWAY A1A, SUITE 208

SATELLITE BCH., FL 32937

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SCALE:

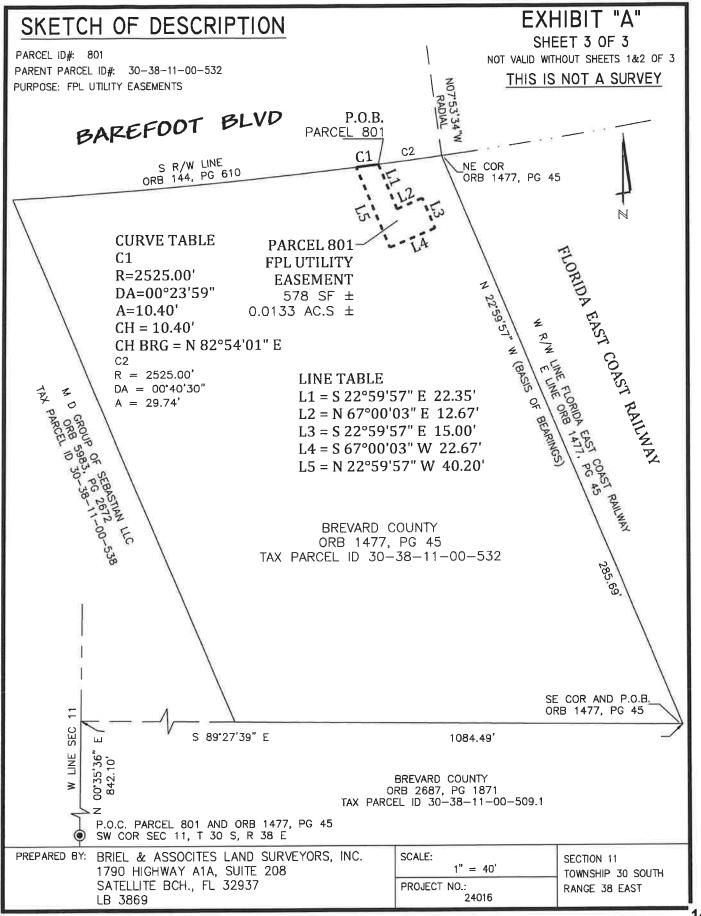
1" = 40'

SECTION 11

PROJECT NO .:

24016

TOWNSHIP 30 SOUTH RANGE 38 EAST



Work Request No:

WR13444306

### UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By Michelle Vakhordjian

Sec.11, Twp 30 S, Rge 38 E

Name: Co. Name: Florida Power and Light Address:

9001 Ellis Road Melbourne, FL 32904

Parcel I.D.30-38-11-00-532 (Maintained by County Appraiser)

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive perpetual easement for the construction, operation and maintenance of underground electric utility facilities (including cables, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities

or any of them within an easement described as follows:

Signed, sealed and delivered in the presence of:

See Exhibit "A"

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

Reserved for Circuit Court

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on May, 20, 2025

Signed, sealed and delivered in the presence of:	Brevard County, a political subdivision of the State of
NOMBA WOOTH	Florida 0 / 1 a
(Witness' Signature)	11100
Print Name bring Scott	By:
(Witness)	Print Name: of County Commissioners
Hydrey fra (Witness' Signature)	Print Address: 2725 Judge Fran Jamieson
(Svittless Digitatore)	Viera, El. 32940
Print Name: Kimberly Lough Nepe (Witness)	Approved by the Board on May 20, 2025.
N	Axest AUCAUT LOOP
	Rache Sadoff, Clerk of the Courts
	J. Gold College and A. C.
As approved by the Board on 05	5/20/2025.
STATE OF Florida AND COUNTY OF _	Brevard
before me this 20 day of Mau	
Rob Feltner , the <u>Chairman</u>	of Brevard County Board of County Commissioners
a political subdivision of the State of Florida, who is perso	
identification, and who did (did not) take an oath.	(Type of Identification)
	Dhu / h
My Commission Expires:	Notary/Public, Signature
676	1/ - \ /
SHAYNA JENCKS	Print Name Shaling Jonals
MY COMMISSION # HH 454837	
EXPIRES: November 1, 2027	

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PARCEL ID#: 801

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Robert R Briel

Digitally signed by Robert R Briel Date: 2025.04.28 15:13:20 -04'00'

ROBERT R. BRIEL, Florida Professional Surveyor &

Mapper, No. 3699

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

SEE SHEET 2 FOR NOTES & ABBREVIATIONS SEE SHEET 3 FOR SKETCH

PREPARED BY:



BRIEL & ASSOCIATES

Land Surveyors, Inc.

1790 HIGHWAY A1A, SUITE 208 SATELLITE BCH., FL 32937 LB 3869

DRAWN BY: RRB	CHECKED BY: RRB	PROJECT NO. 24016			SECTION 11
		REVISIONS	DATE	DESCRIPTION	TOWNSHIP 30 SOUTH
DATE: 04/28/2025	DRAWING: 24016FPL			RANGE	RANGE 38 EAST

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SEE SHEET 3 FOR SKETCH

PREPARED BY: BRIEL & ASSOCITES LAND SURVEYORS, INC.

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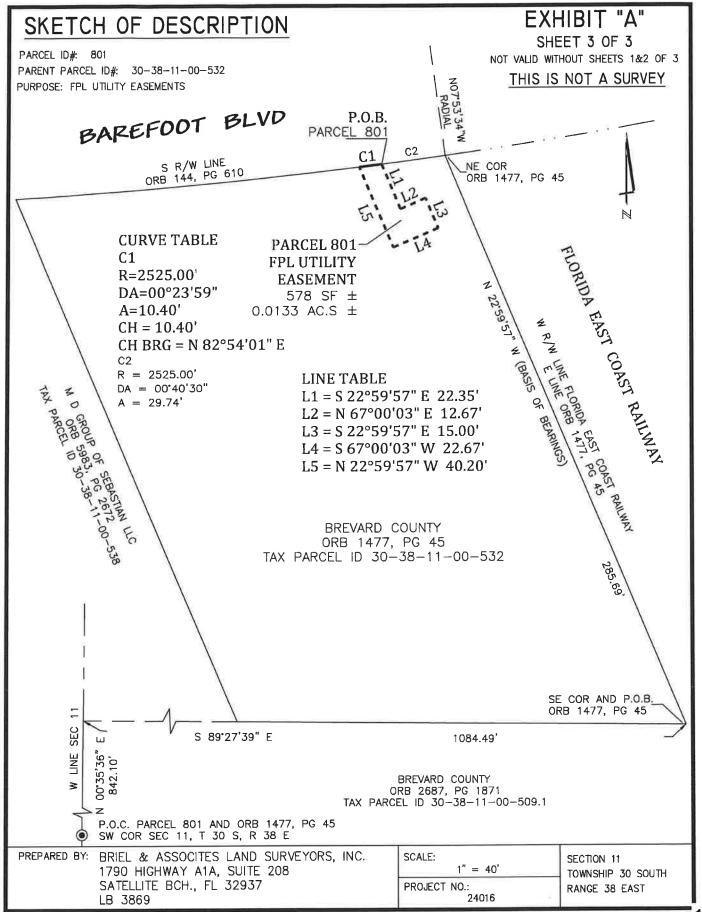
1" = 40'

PROJECT NO .:

24016

SECTION 11

TOWNSHIP 30 SOUTH RANGE 38 EAST



# **LOCATION MAP**

## Section 11, Township 30 South, Range 38 East - District 3

PROPERTY LOCATION: Property is located south of Barefoot Boulevard and east of Ron Beatty Boulevard in Barefoot Bay.

OWNERS NAME(S): Brevard County

