



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.14.

5/23/2023

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### **Subject:**

Approval, Re: Dedication of Sanitary Sewer Easement from RNK Viera, Inc. for the Venezia Wine Bar Project - District 4.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition / Utility Services Department

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the attached Sanitary Sewer Easement.

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

The subject property is located in Section 33, Township 25 South, Range 36 East, east of Stadium Parkway, west of Lake Andrew Drive on Hennessy Place in Viera.

RNK Viera, Inc., owner, has submitted site plan number 21SP00033 for review and approval by the County for the development of a two-story retail wine bar facility known as Venezia Wine Bar. In accordance with County code and standards, the owner has agreed to dedicate the attached easement required as a condition of the site plan approval. The sanitary sewer easement is required to allow the County to access and maintain the manhole.

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:**



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 24, 2023

**MEMORANDUM**

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

**RE:** Item F.14., Dedication of Sanitary Sewer Easement from RNK Viera, Inc. for the Venezia Wine Bar Project

The Board of County Commissioners, in regular session on May 23, 2023, approved and accepted the Sanitary Sewer Easement from RNK Viera, Inc. for the Venezia Wine Bar Project.

Your continued cooperation is always appreciated.

Sincerely,

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

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/tr

cc: Utility Services

**BOARD OF COUNTY COMMISSIONERS**



**AGENDA REVIEW SHEET**

**AGENDA:** Dedication of Sanitary Sewer Easement from RNK Viera, Inc. for the Venezia Wine Bar Project – District 4

**AGENCY:** Public Works Department / Land Acquisition

**AGENCY CONTACT:** Lisa J. Kruse, Land Acquisition Specialist II

**CONTACT PHONE:** 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>5-2-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	 _____	_____	<u>5-4-2023</u>

Prepared by and return to:  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 25-36-33-50-B-1

### SANITARY SEWER EASEMENT

**THIS INDENTURE**, made this 19<sup>th</sup> day of April, 2023, between RNK Viera, Inc. a Florida corporation, whose address is 3279 Levanto Drive, Melbourne, Florida 32940, 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 sanitary sewer 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 33, 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:

[Signature]  
Witness  
Kevin DAUGHTERIDGE  
Print Name

[Signature]  
Witness  
Mandy Kirby PM  
Print Name

RNK Viera, Inc, a Florida corporation

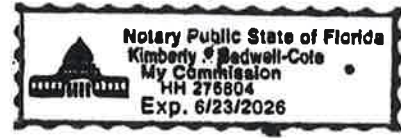
By [Signature]  
Charles R. Abbruscato, CEO

(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 19th day of APRIL, 2023, by Charles R. Abbruscato, as Chief Executive Officer for RNK Viera, Inc., a Florida corporation. Is  personally known or  produced \_\_\_\_\_ as identification.

[Signature]  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 25-36-33-50-B-1  
PURPOSE: SANITARY SEWER EASEMENT

# EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

PART OF LOT 1, BLOCK B, VIERA BOULEVARD COMMERCIAL CENTER III, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 44, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LORKEY LANE ACCORDING TO THE PLAT OF SAID VIERA BOULEVARD COMMERCIAL CENTER III AND RUN N89°43'28"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF HENNESSY PLACE, A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY ACCORDING TO THE PLAT OF VIERA COMMERCIAL CENTER I-PHASE 1, AS RECORDED IN PLAT BOOK 67, PAGE 46, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 173.70 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N89°43'28"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HENNESSY PLACE, A DISTANCE OF 20.00 FEET; THENCE S00°02'06"W A DISTANCE OF 21.97 FEET; THENCE N89°57'54"W A DISTANCE OF 20.00 FEET; THENCE N00°02'06"E A DISTANCE OF 21.86 FEET TO THE POINT OF BEGINNING. CONTAINING 0.01 ACRES ( 438.36 SQUARE FEET), MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N89°43'28"E ON THE SOUTH RIGHT-OF-WAY LINE OF HENNESSY PLACE, VIERA BOULEVARD COMMERCIAL CENTER I-PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 67, PAGE 46, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY OWNER & ENCUMBRANCE PROPERTY INFORMATION REPORT, AGENT FILE NO.: 5475 LORKEY LN, FILE NO.: 22150204 DATED JANUARY 9, 2023. OTHER THAN AS SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN SAID REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

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



3-30-23

LESLIE E. HOWARD, PSM 5611  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:  
B.S.E. CONSULTANTS, INC.  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FL 32901 LB No. 4905  
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: TBS	CHECKED BY: LEH	PROJECT NO. 11582			SECTION 33 TOWNSHIP 25 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 01/09/2023	DRAWING: 11582_100_005		3/9/23	COUNTY COMMENTS	272

# SKETCH OF DESCRIPTION

## PARCEL #800

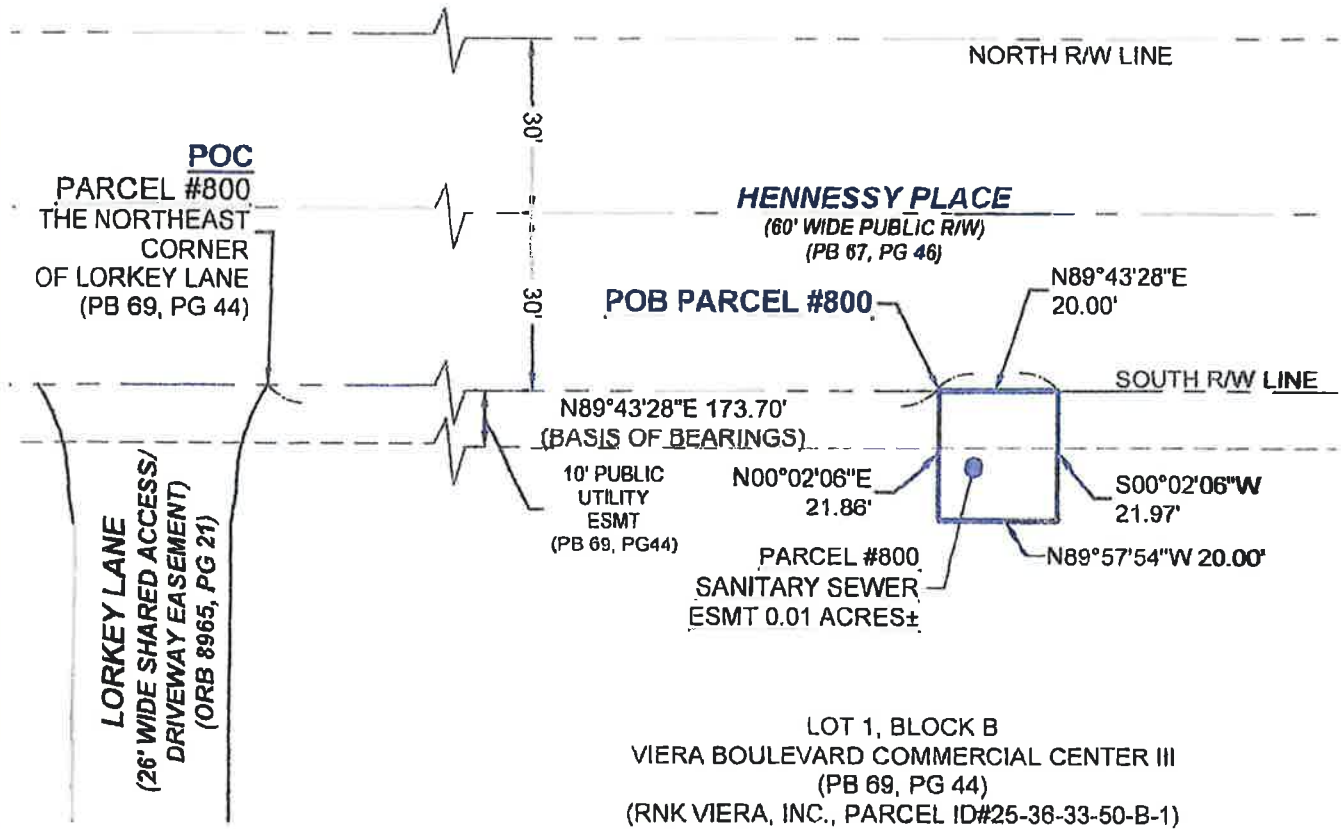
PARENT PARCEL ID#: 25-36-33-50-B-1  
 PURPOSE: SANITARY SEWER EASEMENT

# EXHIBIT "A"

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

### ABBREVIATIONS

AL	ARC LENGTH	NAVD88	NORTH AMERICAN
AVE	AVENUE		VERTICAL DATUM 1988
BLVD	BOULEVARD	NGVD29	NATIONAL GEODETIC
BM	BENCH MARK		VERTICAL DATUM 1929
BOC	BEGINNING OF CURVE	NTI	NON-TANGENT INTERSECTION
C/L	CENTERLINE	NTL	NON-TANGENT LINE
CA	CENTRAL ANGLE	NTS	NOT TO SCALE
CB	CHORD BEARING	OR/ORB	OFFICIAL RECORDS BOOK
CH	CHORD LENGTH	PB	PLAT BOOK
DB	DEED BOOK	PG(S)	PAGE(S)
DEL	DELTA / CENTRAL ANGLE	POB	POINT OF BEGINNING
EOC	END OF CURVE	POC	POINT OF COMMENCEMENT
ESMT	EASEMENT	R	RADIUS
EX	EXISTING	R/W	RIGHT-OF-WAY
FT	FEET	R/PB	ROAD PLAT BOOK
ID#	IDENTIFICATION NUMBER		
N&D	NAIL AND DISK		



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 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
 MELBOURNE, FL 32901 LB No. 4905  
 PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE:  
 1" = 30'  
 PROJECT NO.:  
 11582

SECTION 33  
 TOWNSHIP 25 SOUTH  
 RANGE 36 EAST

# LOCATION MAP

## Section 33, Township 25 South, Range 36 East - District 4

PROPERTY LOCATION: East of Stadium Parkway, west of Lake Andrew Drive on Hennessy Place in Viera.

OWNERS NAME(S): RNK Viera, Inc.

