



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.13.

5/6/2025

Subject:

Partial Release of Easement

Fiscal Impact:

None.

Dept/Office:

County Attorney's Office

Requested Action:

Approve and authorize the Chairman to sign the attached Partial Release of Easement.

Summary Explanation and Background:

In 2024, Brevard County obtained two drainage easements from Suntree Master Homeowners Association, Inc. The easements were identified as Parcel #801 and Parcel #802. Brevard County subsequently learned that Suntree Homeowners Association, Inc. did not have the necessary right, title, or interest in the real property over which the purported Parcel #802 easement lies. Brevard County does not need the Parcel #802 easement as an existing platted drainage easement already covers the same area.

Because Suntree Homeowners Association, Inc. did not have the ability to grant the Parcel #802 easement, it is requested that the Board of County Commissioners approve and authorize the Chairman to execute the attached Partial Release of Easement. The Partial Release of Easement will be recorded in the official records of Brevard County, Florida, and will have no effect on the properly granted Parcel #801 easement, or any other existing easement.

Clerk to the Board Instructions:

Provide a copy of the Clerk's Memorandum and the original executed Partial Release of Easement to the County Attorney's Office.



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 7, 2025

MEMORANDUM

TO: Morris Richardson, County Attorney

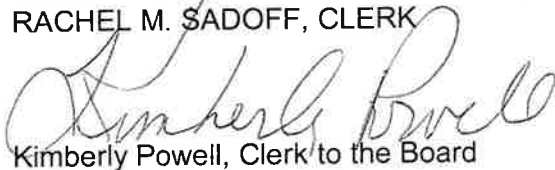
RE: Item F.13., Partial Release of Easement

The Board of County Commissioners, in regular session on May 6, 2025, approved and authorized the Chairman to sign a Partial Release of Easement with Suntree Homeowners Association, Inc. Enclosed is a fully-executed Partial Release of Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

cc: Public Works

Prepared by and return to:
Office of the County Attorney
2725 Judge Fran Jamieson Way, Building C
Viera, Florida 32940

PARTIAL RELEASE OF EASEMENT

THIS PARTIAL RELEASE OF EASEMENT is made by BREVARD COUNTY, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940. BREVARD COUNTY hereby releases, disclaims, and terminates any and all easement rights or interests purportedly created, conveyed, or granted to BREVARD COUNTY by Suntree Homeowners Association, Inc., as to Parcel #802 as shown on and described in Exhibit “B” of that certain Drainage Easement dated January 24, 2024, and recorded on July 11, 2024, in Official Records Book 10107, Page 1935, of the public records of BREVARD COUNTY, Florida (the “Easement Document”).

The easement interest purportedly conveyed and/or granted to BREVARD COUNTY as to Parcel #802 of the Easement Document could not be granted by Suntree Master Homeowners Association, Inc., because the portion of the real property over which the purported easement lies had been previously conveyed to a third party, such that Suntree Homeowners Association, Inc., no longer had any right, title, or interest in said property.

This PARTIAL RELEASE OF EASEMENT specifically does not have any effect whatsoever on the easement granted as to Parcel #801 of the Easement Document recorded on July 11, 2024, in Official Records Book 10107, Page 1935, nor does it have any effect on any other existing easement that the Parcels described in the Easement Document may be subject to, such as the platted drainage easement over all of Parcel 46A pursuant to Plat Book 33, Pages 20-22.

By execution hereof, BREVARD COUNTY does hereby release, disclaim, and otherwise terminate any and all rights, if any, purportedly granted by the Easement Document as to Parcel #802 only, which is shown and described on ATTACHMENT 1, attached hereto and made a part hereof by reference herein.

IN WITNESS WHEREOF, BREVARD COUNTY has executed this instrument on the day and year written below.

ATTEST:

By:

Rachel M. Sadoff, Clerk

BREVARD COUNTY, FLORIDA

By:

Rob Feltner, Chairman

As approved by the Board on: May 6, 2025

ATTACHMENT 1

LEGAL DESCRIPTION

PARCEL #802

PARENT PARCEL ID#: 26-36-24-NS-46.A
PURPOSE: DRAINAGE EASEMENT

EXHIBIT "B"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #802 DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

A PORTION OF PARCEL 46A OF THE PLAT OF OAK PARK AT SUNTREE, AS RECORDED IN PLAT BOOK 33, PAGES 20-22 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 1 OF SAID PLAT; THENCE N 25°32'57" W, A DISTANCE OF 121.32 FEET; THENCE S 64°27'03" W, A DISTANCE OF 20.00 FEET; THENCE S 25°32'57" E, A DISTANCE OF 106.66 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 46A; THENCE S 79°18'30" E, ALONG SAID SOUTH LINE, A DISTANCE OF 24.80 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 0.05 ACRES (2,280 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAYS OF RECORD.

NOTE:

- 1.) SEE SHEET 2 FOR SKETCH OF DESCRIPTION.
- 2.) SEE SHEET 3 FOR NOTES, LEGEND AND CERTIFICATION.

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

PREPARED BY:



100 PARNELL STREET • SUITE A • MERRITT ISLAND, FLORIDA 32953
PHONE NO.: (321) 453-0010
DRMP, INC. CERTIFICATE NO.: 2648

DRAWN BY: JWS	CHECKED BY: JBC	PROJECT NO. 22-0623.000		SECTION 24 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: 2023-09-11	DRAWING: 22-0623.000-SK02		10/05/23	

SKETCH OF DESCRIPTION

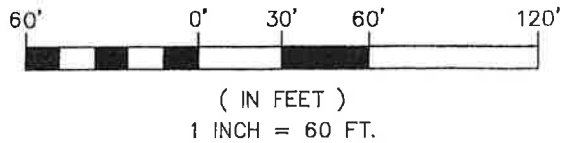
PARCEL #802

PARENT PARCEL ID#: 26-36-24-NS-46.A
 PURPOSE: DRAINAGE EASEMENT

EXHIBIT "B"

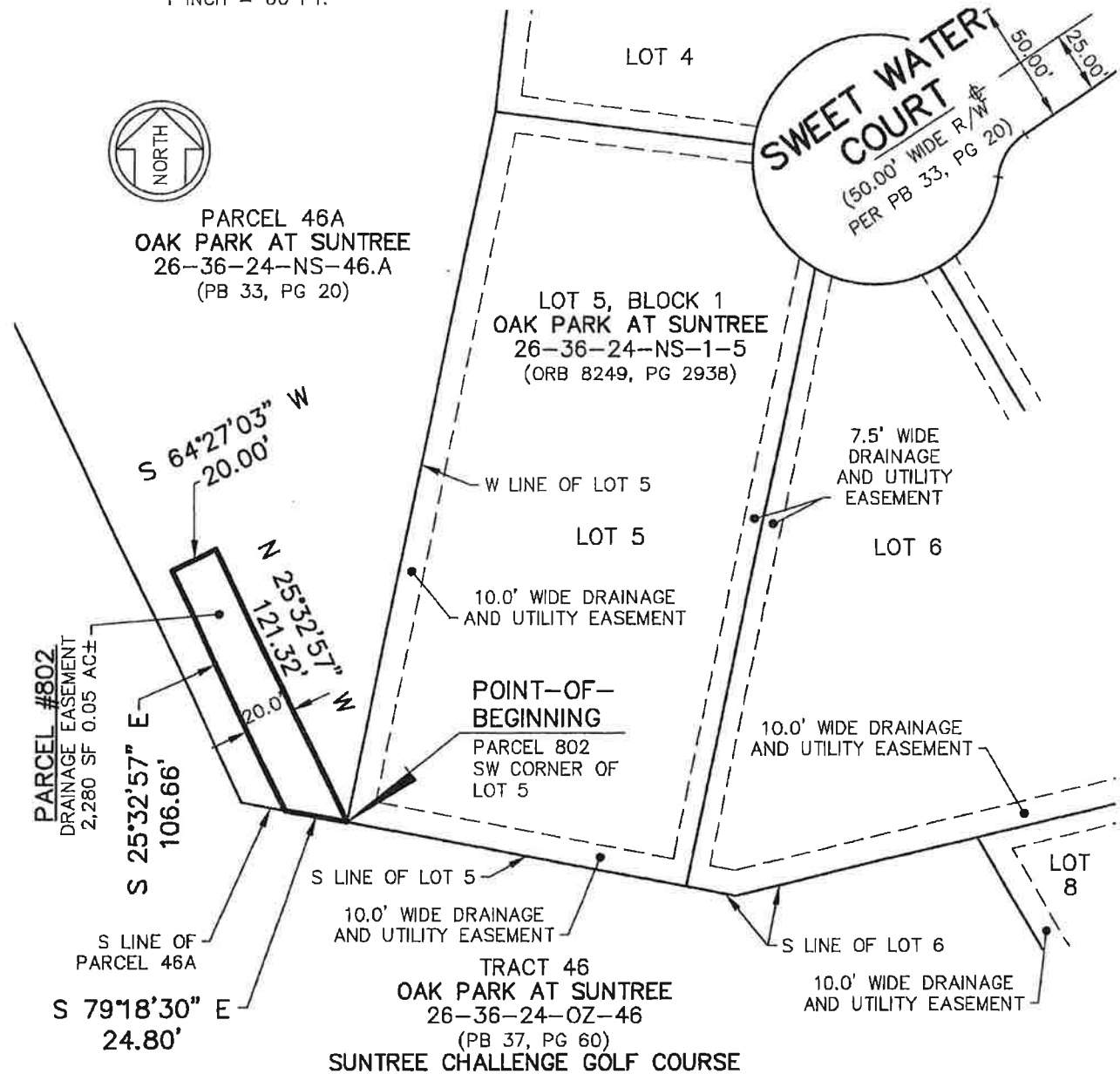
SHEET 2 OF 3
 NOT VALID WITHOUT SHEETS 1 & 3
THIS IS NOT A SURVEY

GRAPHIC SCALE



NOTE:

- 1.) SEE SHEET 1 FOR LEGAL DESCRIPTION.
- 2.) SEE SHEET 3 FOR NOTES, LEGEND AND CERTIFICATION.



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 100 PARNELL STREET • SUITE A
 MERRITT ISLAND, FLORIDA 32953
 PHONE NO.: (321) 453-0010
 DRMP, INC. CERTIFICATE NO.: 2648



SCALE:
 1" = 60'

PROJECT NO.:
 22-0623.000

SECTION 24
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST

NOTES, LEGEND & CERTIFICATION

PARCEL #802

PARENT PARCEL ID#: 26-36-24-NS-46.A
 PURPOSE: DRAINAGE EASEMENT

EXHIBIT "B"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2

THIS IS NOT A SURVEY

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF OAK PARK DRIVE OF THE PLAT OF OAK PARK AT SUNTREE AS RECORDED IN PLAT BOOK 33, PAGE 20 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING N 00°09'38" W. PLAT BEARINGS ROTATED TO STATE PLANE COORDINATE SYSTEM FOR FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2009 (NAD '83/'09)
3. INFORMATION SHOWN HEREON IS BASED ON A SURVEY BY DRMP, INC., PROJECT NUMBER 22-0623.000, DATED JULY 26, 2022.
4. PURSUANT TO AN O&E REPORT BY NEW REVELATIONS, INC. FILE NO. 23-1233-A, DATED 6/20/2023 THE FOLLOWING ITEMS WERE REVIEWED BY THE SURVEYOR:
 ITEM 9 - EASEMENT RECORDED IN O.R. BOOK 2855, PAGE 2814 DOES NOT ENCUMBER PARCEL 802.
 ITEM 12 - DRAINAGE EASEMENT RECORDED IN PLAT BOOK 33, PAGE 20 - ENCUMBERS ALL OF PARCEL 802 AND IS BLANKET IN NATURE.
5. SEE SHEET 1 FOR LEGAL DESCRIPTION. SEE SHEET 2 FOR SKETCH OF DESCRIPTION.
6. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW; COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
7. CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS



LEGEND:

ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG	PAGE
PU	PUBLIC UTILITIES
PU & DE	PUBLIC UTILITIES AND DRAINAGE EASEMENT
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
AC	ACRES
±	PLUS OR MINUS
⊥	CENTERLINE
(TYP)	TYPICAL
POB	POINT-OF-BEGINNING
(C1)	CURVE TABLE DESIGNATION

CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS PERFORMED UNDER MY DIRECTION AND SUPERVISION, AND THAT IT MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.05 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

[Signature]
 JOSEPH BARRY CABANISS, P.L.S.
 FLORIDA SURVEYOR'S CERTIFICATE NO.:
 DRMP, INC. CERTIFICATE NO.:
 NOT VALID UNLESS SIGNED AND SEALED

10/25/23
 DATE 4524
 2648

PREPARED BY:
 100 PARNELL STREET • SUITE A
 MERRITT ISLAND, FLORIDA 32953
 PHONE NO.: (321) 453-0010
 DRMP, INC. CERTIFICATE NO.: 2648



SCALE: N/A
 PROJECT NO.: 22-0623.000

SECTION 24
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST