

Meeting Date
February 20, 2018



AGENDA	
Section	Consent
Item No.	II.A.4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: N. Banana River Drive Transfer of County-Owned Property to the Environmentally Endangered Lands Program (EEL Program) and Conservation Easement in Favor of St. Johns River Water Management District (SJRWMD) - District 2 (Fiscal Impact: \$8,290.00)		
DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Parks and Recreation Department		
Requested Action:	It is requested that the Board of County Commissioners: 1) approve the transfer of County-Owned lands to the EEL Program, 2) approve and authorize the Chair to execute a Conservation Easement, and Resolution in favor of SJRWMD, and 3) approve and authorize the Chair to execute an Affidavit of Ownership.		
Summary Explanation & Background:	<p>The subject property is located in Section 13, Township 24 South, Range 36 East.</p> <p>Brevard County approved constructing a 6 (six) foot wide path and boardwalk for pedestrians along a section of North Banana River Drive. The total area of the proposed boardwalk and improvements will both directly and indirectly impact approximately 1.04 acres of wetlands and surface waters. To offset the wetland impacts and to meet permitting requirements, the County will provide mitigation for this project. As such, Public Works has chosen to donate land to the EEL Program as mitigation for the construction of the boardwalk.</p> <p>The mitigation area is located south of SR 528 and west of N. Banana River Drive in Merritt Island. The proposed mitigation area is located within the SJRWMD Basin 21, which lies within the same drainage basin as the boardwalk site. The SJRWMD have deemed the property suitable to qualify for the mitigation of wetland impacts.</p> <p>The EEL Program policies and procedures have been followed and the lands have been approved for acceptance into the program. The EEL Program requires the property to be approved and transferred by the Board of County Commissioners for preservation and maintenance under the Conservation Easement being conveyed to SJRWMD. The amount of area required by SJRWMD to be covered by the Conservation Easement is 16.58 Acres. The Conservation Easement will preserve the area in its natural condition, preserve the property in perpetuity, and prevent any use of the property that will impair or interfere with its environmental value.</p> <p>A review of the land has determined the conservation value and habitat conditions of the property will further the goals and mission of the EEL Program. The transfer of the mitigation area to EEL will allow the expenditure of EEL Program referendum resources to manage the site. Public Works will provide the one-time, up-front management fee of \$8,290.00 to the EEL Program, and the EEL Program has agreed to assume maintenance and management of the mitigation site at an estimated annual maintenance cost of \$300.00-\$600.00.</p> <p>Fiscal Impact: FY 2017-2018: (Initial Cost) \$8,290.00 Fund 1163/265160 FY 2018-2019: (Annual Estimate of charges) \$300.00-\$600.00 Fund 1610/300100</p>		
Clerk to the Board Instructions: Return original executed Conservation Easement, original executed Resolution, and original executed Affidavit of Ownership to the Department.			
Exhibits Attached: Original Conservation Easement with Exhibits A & B, original Resolution with Exhibit A, original Affidavit of Ownership with Exhibit A, Change in Tangible Personal Property Status, Property Fact Sheet			
Contract /Agreement (If attached): Reviewed by County Attorney Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> PR <input type="checkbox"/>			
County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, P.E. /57202	
	Interim Assistant County Manager Jim Liesenfelt	Mary Ellen Donner / 52046	

BOARD OF COUNTY COMMISSIONERS

AGENDA: NORTH BANANA RIVER DRIVE BOARDWALK PROJECT: TRANSFER OF COUNTY-OWNED LANDS TO EEL PROGRAM, CONSERVATION EASEMENT, RESOLUTION, AND AFFIDAVIT OF OWNERSHIP IN FAVOR OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT-DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / PARKS AND RECREATION DEPARTMENT

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(5-2886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>1/24/18</u>
COUNTY ATTORNEY Eden Bentley, Deputy County Attorney	<u>see attached</u>	_____	<u>1/26/18</u>
PUBLIC WORKS DEPARTMENT Andrew J. Holmes, P.E.	<u>Cell</u>	_____	<u>2/01/2018</u>
PARKS AND RECREATION Mary Ellen Donner, Director	<u>MeD</u>	_____	<u>1/30/2018</u>

AGENDA DUE DATE: February 6, 2018 for the February 20, 2018 Board Meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6316) WHEN READY TO BE PICKED UP.

THANK YOU.

BOARD OF COUNTY COMMISSIONERS

AGENDA: NORTH BANANA RIVER DRIVE BOARDWALK PROJECT: TRANSFER OF COUNTY-OWNED LANDS TO EEL PROGRAM, CONSERVATION EASEMENT, RESOLUTION, AND AFFIDAVIT OF OWNERSHIP IN FAVOR OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT-DISTRICT 2

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LAND ACQUISITION Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>1/24/18</u>
COUNTY ATTORNEY Eden Bentley, Deputy County Attorney	<u>[Signature]</u> <i>as to form legal documents reviewed by staff</i>	_____	<u>1/26/2018</u>
PUBLIC WORKS DEPARTMENT Andrew J. Holmes, P.E.	_____	_____	_____
PARKS AND RECREATION Mary Ellen Donner, Director	_____	_____	_____

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6316) WHEN READY TO BE PICKED UP.

THANK YOU.

RESOLUTION NO. 18- 019

A RESOLUTION pursuant to section 125.38, Florida Statutes, authorizing the conveyance of real property interest by the County;

WHEREAS, Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as County, owns certain real property described in Exhibit "A" attached to and made a part of this Resolution, and

WHEREAS, the St. Johns River Water Management District (SJRWMD), a public body existing under Chapter 373, Florida Statutes, State of Florida, hereinafter known as the District, as a condition of their permit for the north Banana River Drive Boardwalk Project, and

WHEREAS, Grantor desires to off-set adverse impacts to natural resources, fish and wildlife, and wetland functions and to preserve the Property in its natural condition in perpetuity;

WHEREAS, the County's Environmentally Endangered Lands Program has agreed to assume responsibility for management, plans, and monitoring as necessary for restoration and preservation of the wetlands;

Now therefore, be it resolved by the Board of County Commissioners of Brevard County, Florida, that;

The County EEL's program hereby agrees to convey a Conservation Easement in perpetuity to the SJRWMD as a condition of Permit #111795-4 issued by Grantee for the North Banana River Drive Boardwalk Project.

DONE ORDERED AND ADOPTED this 20 day February, 2018.

ATTEST:


By: Scott Ellis, Clerk

BREVARD COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS


By: Rita Pritchett, Chair
Brevard County Board of County
Commissioners

As approved by the Board on 2/20/18

Item # II.A.4

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-13-00-3
PURPOSE: CONSERVATION EASEMENT

LEGAL DESCRIPTION: PARCEL 801, CONSERVATION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN DEED BOOK 238, PAGE 552 OF THE PUBLIC RECORDS OF BREVARD COUNTY, SAID PARCEL ALSO BEING A PORTION OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN DEED BOOK 238, PAGE 552, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE, CONTINUE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHWEST CORNER OF SAID DESCRIBED LANDS; THENCE, NORTH 01° 25' 50" WEST ALONG THE WEST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE WEST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER FOR A DISTANCE OF 1093.34 FEET; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89° 17' 10" EAST FOR A DISTANCE OF 662.16 FEET TO A POINT ON THE EAST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE EAST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER; THENCE, SOUTH 01° 36' 30" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 1084.17 FEET TO THE POINT OF BEGINNING; CONTAINING 16.58 ACRES (722,218 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA WHICH BEARS SOUTH 89° 54' 48" WEST AN ASSUMED BEARING AS SHOWN ON THE PLAT OF ISLAND CROSSINGS PHASE 4A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGE 67.
2. REFERENCE MATERIAL:
 - A. TITLE REPORT PREPARED BY NEW REVELATION, INC., CRAIG KARLSON, FILE NUMBER 17-1737, EFFECTIVE DATE 12/28/2017.
 - B. BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED FOR PULTE HOME CORPORATION PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 258603, SURVEY DATE: 3/21/1996.
3. EASEMENTS LISTED WITHIN SAID TITLE REPORT PREPARED BY NEW REVELATION, INC., CRAIG KARLSON, FILE NUMBER 17-1737:
 - A. EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 486, PAGE 655 DO NOT ABUT OR AFFECT PARCEL 801.
4. THE TOTAL AREA OF CONSERVATION EASEMENT IS 16.58 ACRES AND COMPRISE 45.4% OF THE USEABLE LAND ON THE SITE.

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

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

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 18-12-023		SECTION 13 TOWNSHIP 24 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: JANUARY, 2018	SHEET: 1 OF 3		01/23/18	CORRECT ACREAGE

SKETCH OF DESCRIPTION

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-13-00-3
 PURPOSE: CONSERVATION EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

THIS IS NOT A SURVEY

OWNER N/F: PULTE HOME CORPORATION
 TAX PARCEL ID: 24-36-00-1
 ORB 3575, PAGE 1964

NORTH LINE OF THE
 NE 1/4 SECTION 13

NE CORNER
 SECTION 13



SCALE:
 1" = 400'

OWNER N/F: KABBOORD PROPERTIES, INC.

TAX PARCEL ID:
 24-36-13-00-4
 ORB 3364, PAGE 3686

W LINE OF THE W 1/2 OF THE E 1/2
 OF THE NE 1/4 OF SECTION 13
 AND THE W LINE OF DB 238, PAGE 552

N LINE OF THE SW 1/4 OF
 THE NE 1/4 OF SECTION 13

OWNER: BREVARD COUNTY

TAX PARCEL ID:
 24-36-13-00-5
 ORB 2536, PAGE 1085

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
 DB = DEED BOOK
 ORB = OFFICIAL RECORD BOOK
 SQ. FT. = SQUARE FEET

LEGEND

- RIGHT OF WAY LINE
- SECTION LINE
- PARENT PARCEL
- PARCEL 801 CONSERVATION EASEMENT

SE CORNER
 OF DB 238,
 PAGE 552

657.71' S88°28'35"E

17.15' S88°28'35"E

68.09' S01°25'50"E

S RIGHT OF WAY LINE

641.35' S88°28'35"E

REMAINDER
 19.97 ACRES±
 869798 SQ. FT.

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-3
 DEED BOOK 238, PAGE 552

PARENT PARCEL
 36.55 ACRES±
 1592016 SQ. FT.

N01°25'50"W

S01°36'30"E

ISLAND
 CROSSINGS
 PHASE 4B
 PLAT BOOK 43,
 PAGE 90

E LINE OF THE W
 1/2 OF THE E 1/2
 OF THE NE 1/4
 OF SECTION 13
 AND THE E LINE
 OF DB 238, PAGE
 552

2482.90'

2396.48'

ISLAND CROSSINGS
 PHASE 4A
 PLAT BOOK 43, PAGE 67

PARCEL 801
 CONSERVATION
 EASEMENT
 16.58 ACRES
 722218 SQ. FT.

POINT OF BEGINNING
 PARCEL 801
 SE CORNER DB 236,
 PAGE 552

665.24'
 S89°54'48"W (B.O.B.)

SOUTH LINE OF THE
 NE 1/4 SECTION 13
 AND SOUTH LINE OF
 DB 238, PAGE 552

665.24' S89°54'48"W

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-750
 ORB 7113, PAGE 2552

POINT OF
 COMMENCEMENT
 SE CORNER OF THE NE
 1/4 OF SECTION 13



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
 SURVEYING AND MAPPING DIVISION
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
 VIERA, FLORIDA 32940
 PHONE: (321) 633-2080

SCALE:
 1" = 400'
 PROJECT NO.:
 18-12-023

SECTION 13
 TOWNSHIP 24 SOUTH
 RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-13-00-3
 PURPOSE: CONSERVATION EASEMENT

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY

E LINE OF THE W 1/2 OF
 THE NE 1/4 OF SECTION 13

W LINE OF PLAT BOOK
 43, PAGE 90



SCALE:
 1" = 200'

REMAINDER
 19.97 ACRES±
 869798 SQ. FT.

E LINE OF THE W 1/2 OF THE E 1/2
 OF THE NE 1/4 OF SECTION 13
 AND THE E LINE OF DB 238, PAGE
 552

ISLAND CROSSINGS
 PHASE 4A
 PLAT BOOK 43, PAGE 67

W LINE OF THE W
 1/2 OF THE E 1/2
 OF THE NE 1/4 OF
 SECTION 13 AND THE
 W LINE OF DB 238,
 PAGE 552

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-3
 DEED BOOK 238, PAGE 552

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
 DB = DEED BOOK
 ORB = OFFICIAL RECORD BOOK
 SQ. FT. = SQUARE FEET

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-5
 ORB 2536, PAGE 1085

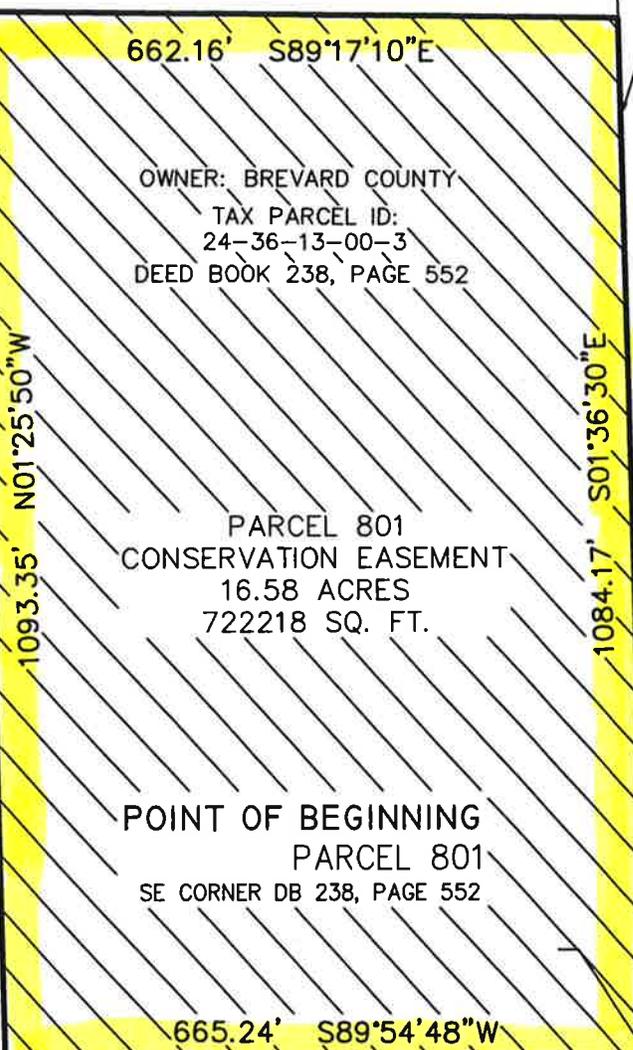
PARCEL 801
 CONSERVATION EASEMENT
 16.58 ACRES
 722218 SQ. FT.

LEGEND

- RIGHT OF WAY LINE
- SECTION LINE
- ▭ PARENT PARCEL
- ▨ PARCEL 801 CONSERVATION EASEMENT

POINT OF BEGINNING
 PARCEL 801
 SE CORNER DB 238, PAGE 552

POINT OF
 COMMENCEMENT
 SE CORNER OF THE NE 1/4
 SECTION 13-T24S-R36E



SOUTH LINE OF THE
 NE 1/4 SECTION 13

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-750
 ORB 7113, PAGE 2552

665.24' S89°54'48"W (B.O.B.)



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
 SURVEYING AND MAPPING DIVISION
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
 VERA, FLORIDA 32940
 PHONE: (321) 633-2080

SCALE:
 1"=200'
 PROJECT NO.:
 18-12-023

SECTION 13
 TOWNSHIP 24 SOUTH
 RANGE 36 EAST

PROPERTY FACT SHEET
NORTH BANANA RIVER DRIVE BOARDWALK PROJECT

Owners:	Brevard County
Parcel Location:	South side of #SR#528, West of North Banana River Drive
Parent Parcel:	37.23 Acres
Conservation Area to be encumbered:	16.58 Acres
Zoning/ Land Use:	Preservation
Improvements:	None
Topography:	Wetlands
Flood Zone:	AE-Special Flood Hazard Area (SFHA): area subject to inundation by the 1-percent-annual-chance flood event.
Tax Parcel ID:	24-36-13-00-3
Market Value/Per Property Appraiser:	\$6,530.00 (Entire 37.23 Acres)
Property Transaction:	Purchase date: N/A
(Clerk of the Court Records)	Sale amount: N/A

Prepared by: Blaise M. Mancini, Land Acquisition Specialist
Brevard County Public Works Department, Land Acquisition Section
2725 Judge Fran Jamieson Way, Building A-#204, Viera, Florida 32940
Being a portion of interest in Tax Parcel ID#'s 24-36-13-00-3

Return recorded original to:
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 20 day February, 2018, by Brevard County, Florida, a political subdivision of the State of Florida having an address at 2725 Judge Fran Jamieson Way, Viera, FL, 32940 ("Grantor"), in favor of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body existing under Chapter 373, Florida Statutes, having a mailing address at 4049 Reid Street, Palatka, Florida 32177 ("Grantee").

WITNESSETH:

WHEREAS, Grantor solely owns in fee simple certain real property in Brevard County, Florida, more particularly described in Exhibit "A" and Exhibit "B" attached hereto and incorporated by this reference (the "Property");

WHEREAS, Grantor grants this conservation easement as a condition of Permit # 111795-4 issued by Grantee, solely to off-set adverse impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, Grantor desires to preserve the Property in its natural condition in perpetuity;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of section 704.06, Florida Statutes (2016), Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons whomsoever.

1. Purpose. The purpose of this Conservation Easement is to assure that the Property will be retained forever in its existing natural condition and to prevent any use of the Property that will impair or interfere with the environmental value of the Property.

2. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing and except as otherwise authorized by the Permit, the following activities and uses are expressly prohibited:

(a) Constructing or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground except that trail roads may be maintained to their pre-existing condition. Authorized maintenance activities shall be limited to (i) removal of dead vegetation; (ii) necessary pruning and removal of hazardous trees and plants; (iii) the application of permeable materials necessary to impede erosion (e.g. sand, gravel, crushed stone); (iv) replacement of culverts; (v) grading of trail roads; (vi) maintenance of upland cut roadside ditches; (vii) controlled burning and fire line maintenance that is conducted in accordance with plans approved in writing by Grantee; (viii) maintenance or improvement of upland areas for scrub jay

habitat preservation pursuant to the Environmentally Endangered Land Program Sanctuary Management Manual adopted by the Board of County Commissioners on September 23, 1997; and (ix) any additional maintenance activities specifically described and approved in writing by Grantee.

(b) Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials.

(c) Removing or destroying trees, shrubs, or other vegetation except exotic and nuisance plant species identified in the Florida Exotic Pest Plant Council's Most Recent or Current List of Invasive Species. In addition, Grantor and its successors and assigns may undertake the following maintenance activities: (i) removal of dead vegetation; (ii) necessary pruning and removal of hazardous trees and plants; (iii) controlled burning and fire line maintenance that is conducted in accordance with plans approved in writing by Grantee; (iv) maintenance or improvement of upland areas for scrub jay habitat preservation pursuant to the Environmentally Endangered Land Program Sanctuary Management Manual adopted by the Board of County Commissioners on September 23, 1997; and (v) any additional maintenance activities specifically described and approved in writing by Grantee.

(d) Excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface.

(e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

3. Reserved Rights. Grantor reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property, that are not expressly prohibited herein, including, but not limited to, management activities to enhance the ecological value of the land that are conducted in accordance with plans approved in writing by Grantee, such as controlled burning and fire line maintenance where wetland soil disturbance will not occur. The Grantor reserves unto itself, and its successors and assigns, the right to manage and to allow public access to the Property as a Category 3 Site as defined in the Environmentally Endangered Land Program Sanctuary Management Manual adopted by the Board of County Commissioners on September 23, 1997.

4. Rights of Grantee. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:

(a) To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement.

(b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of

the Property that may be damaged by any activity inconsistent with this Conservation Easement.

5. Grantee's Discretion. Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

6. Grantee's Liability. Grantor will assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from Grantor's ownership of the Property, however nothing herein is intended to waive Grantor's sovereign immunity. Neither Grantors, nor any person or entity claiming by or through Grantors, shall hold Grantee liable for any damage or injury to person or personal property which may occur on the Property.

7. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any

necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Property or to persons resulting from such causes.

8. Recordation. Grantor shall record this Conservation Easement in timely fashion in the Official Records of Brevard County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

9. Successors. The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property.

10. Amendment. This Conservation Easement may be amended by mutual written agreement of the parties so long as such amendment does not violate the terms of section 704.06, Florida Statutes.

11. Termination. If the fee simple interest in the Property is conveyed to the Board of Trustees of the Internal Improvement Trust Fund, this Conservation Easement shall terminate.

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year first above written.

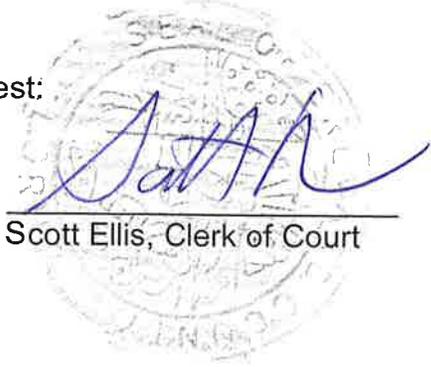
As to the County:
Brevard County Board of County
Commissioners

Attest:

By:



Scott Ellis, Clerk of Court



By:



Rita Pritchett, Chair
Brevard County Board of County
Commissioners

As Approved by the Board on: 2-20-18

Agenda Item # II.A.4

EXHIBIT "A"

LEGAL DESCRIPTION: PARCEL 801, CONSERVATION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN DEED BOOK 238, PAGE 552 OF THE PUBLIC RECORDS OF BREVARD COUNTY, SAID PARCEL ALSO BEING A PORTION OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN DEED BOOK 238, PAGE 552, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE, CONTINUE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHWEST CORNER OF SAID DESCRIBED LANDS; THENCE, NORTH 01° 25' 50" WEST ALONG THE WEST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE WEST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER FOR A DISTANCE OF 1093.34 FEET; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89° 17' 10" EAST FOR A DISTANCE OF 662.16 FEET TO A POINT ON THE EAST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE EAST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER; THENCE, SOUTH 01° 36' 30" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 1084.17 FEET TO THE POINT OF BEGINNING; CONTAINING 16.58 ACRES (772,218 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

EXHIBIT "A"

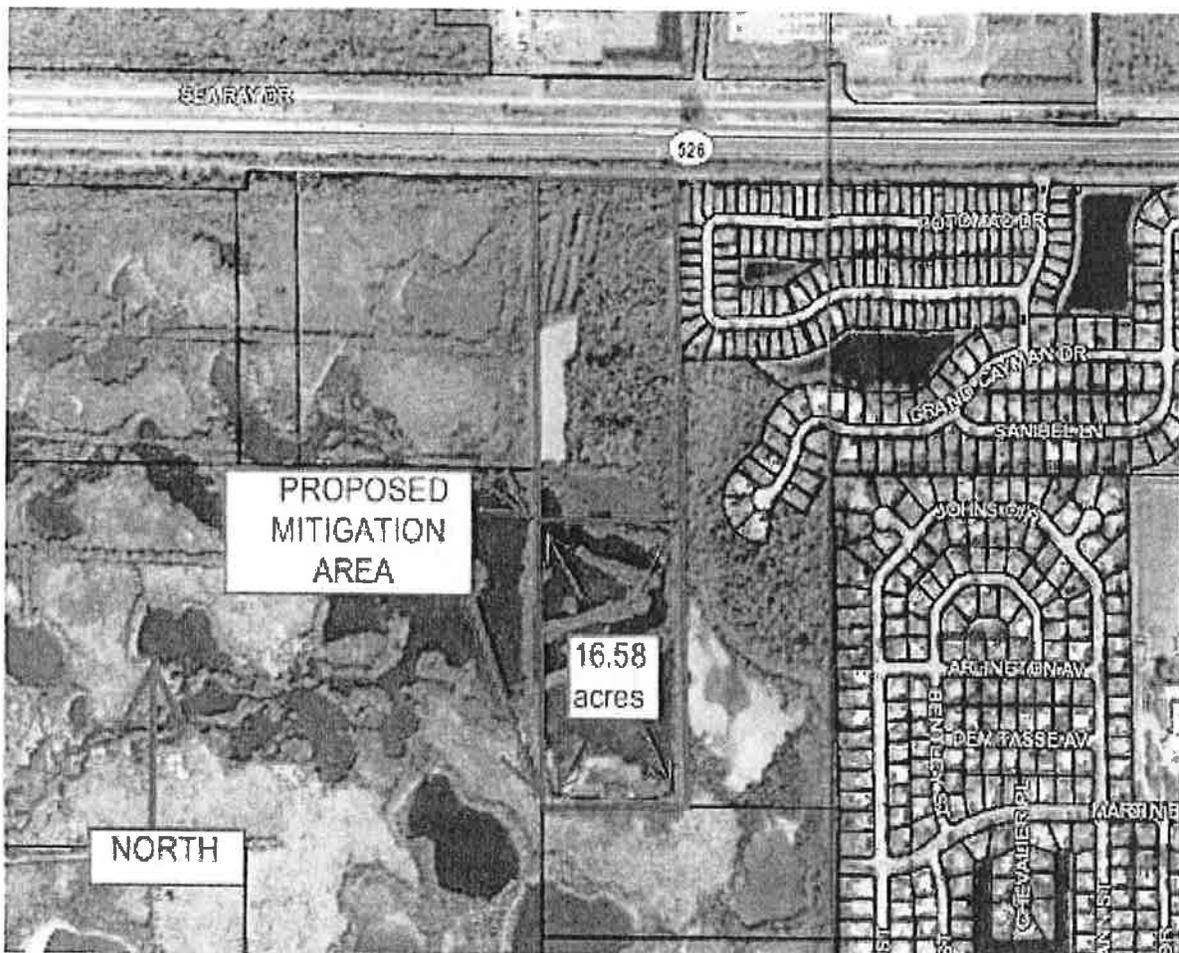
LOCATION MAP

SEC: 13 TWP: 24 RNG: 36 DISTRICT: 2

STREET NAME: S. SIDE OF SR# 528, AND W. OF N. BANANA RIVER DR.

OWNER NAME: BREVARD COUNTY

TAX I.D. #: 24-36-13-00-3, BEING A PORTION OF A PARENT PARCEL (37.23 ACRES) - CONSISTING OF 16.58 ACRES



LEGAL DESCRIPTION

"EXHIBIT B" AS TO THE
CONSERVATION EASEMENT
SHEET 1 OF 5

EXHIBIT "A"
SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-13-00-3
PURPOSE: CONSERVATION EASEMENT

LEGAL DESCRIPTION: PARCEL 801, CONSERVATION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN DEED BOOK 238, PAGE 552 OF THE PUBLIC RECORDS OF BREVARD COUNTY, SAID PARCEL ALSO BEING A PORTION OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN DEED BOOK 238, PAGE 552, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE, CONTINUE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHWEST CORNER OF SAID DESCRIBED LANDS; THENCE, NORTH 01° 25' 50" WEST ALONG THE WEST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE WEST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER FOR A DISTANCE OF 1093.34 FEET; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89° 17' 10" EAST FOR A DISTANCE OF 662.16 FEET TO A POINT ON THE EAST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE EAST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER; THENCE, SOUTH 01° 36' 30" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 1084.17 FEET TO THE POINT OF BEGINNING; CONTAINING 16.58 ACRES (722,218 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA WHICH BEARS SOUTH 89° 54' 48" WEST AN ASSUMED BEARING AS SHOWN ON THE PLAT OF ISLAND CROSSINGS PHASE 4A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGE 67.
2. REFERENCE MATERIAL:
 - A. TITLE REPORT PREPARED BY NEW REVELATION, INC., CRAIG KARLSON, FILE NUMBER 17-1737, EFFECTIVE DATE 12/28/2017.
 - B. BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED FOR PULTE HOME CORPORATION PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 258603, SURVEY DATE: 3/21/1996.
3. EASEMENTS LISTED WITHIN SAID TITLE REPORT PREPARED BY NEW REVELATION, INC., CRAIG KARLSON, FILE NUMBER 17-1737:
 - A. EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 486, PAGE 655 DO NOT ABUT OR AFFECT PARCEL 801.
4. THE TOTAL AREA OF CONSERVATION EASEMENT IS 16.58 ACRES AND COMPRISE 45.4% OF THE USEABLE LAND ON THE SITE.

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

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 18-12-023		SECTION 13 TOWNSHIP 24 SOUTH RANGE 36 EAST	
DATE: JANUARY, 2018	SHEET: 1 OF 3	REVISIONS	DATE		DESCRIPTION
			01/23/18		CORRECT ACREAGE

SKETCH OF DESCRIPTION

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-13-00-3
 PURPOSE: CONSERVATION EASEMENT

"EXHIBIT B" AS TO THE
 CONSERVATION EASEMENT
 SHEET 2 OF 5

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

OWNER N/F: PULTE HOME CORPORATION
 TAX PARCEL ID: 24-36-00-1
 ORB 3575, PAGE 1964

NORTH LINE OF THE
 NE 1/4 SECTION 13

NE CORNER
 SECTION 13



SCALE:
 1" = 400'

OWNER N/F: KABBOORD PROPERTIES, INC.
 TAX PARCEL ID:
 24-36-13-00-4
 ORB 3364, PAGE 3686

W LINE OF THE W 1/2 OF THE E 1/2
 OF THE NE 1/4 OF SECTION 13
 AND THE W LINE OF DB 238, PAGE 552

N LINE OF THE SW 1/4 OF
 THE NE 1/4 OF SECTION 13

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-5
 ORB 2536, PAGE 1085

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
 DB = DEED BOOK
 ORB = OFFICIAL RECORD BOOK
 SQ. FT. = SQUARE FEET

LEGEND

- RIGHT OF WAY LINE
- SECTION LINE
- PARENT PARCEL
- PARCEL 801 CONSERVATION EASEMENT

SE CORNER
 OF DB 238,
 PAGE 552

SOUTH LINE OF THE
 NE 1/4 SECTION 13
 AND SOUTH LINE OF
 DB 238, PAGE 552

657.71' S88°28'35"E

17.15' S88°28'35"E

68.09' S01°25'50"E

S RIGHT OF WAY LINE

641.35' S88°28'35"E

REMAINDER
 19.97 ACRES±
 869798 SQ. FT.

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-3
 DEED BOOK 238, PAGE 552

PARENT PARCEL
 36.55 ACRES±
 1592016 SQ. FT.

N01°25'50"W

S01°36'30"E

ISLAND
 CROSSINGS
 PHASE 4B
 PLAT BOOK 43,
 PAGE 90

E LINE OF THE W
 1/2 OF THE E 1/2
 OF THE NE 1/4
 OF SECTION 13
 AND THE E LINE
 OF DB 238, PAGE
 552

2482.90'

2396.48'

ISLAND CROSSINGS
 PHASE 4A
 PLAT BOOK 43, PAGE 67

PARCEL 801
 CONSERVATION
 EASEMENT
 16.58 ACRES
 722218 SQ. FT.

POINT OF BEGINNING
 PARCEL 801
 SE CORNER DB 236,
 PAGE 552

665.24'
 S89°54'48"W (B.O.B.)

665.24' S89°54'48"W

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-750
 ORB 7113, PAGE 2552

POINT OF
 COMMENCEMENT
 SE CORNER OF THE NE
 1/4 OF SECTION 13



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
 SURVEYING AND MAPPING DIVISION
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
 VIERA, FLORIDA 32940
 PHONE: (321) 633-2080

SCALE:
 1" = 400'
 PROJECT NO.:
 18-12-023

SECTION 13
 TOWNSHIP 24 SOUTH
 RANGE 36 EAST

SKETCH OF DESCRIPTION

"EXHIBIT B" AS TO THE
CONSERVATION EASEMENT
SHEET 3 OF 5

EXHIBIT "A"
SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-13-00-3
PURPOSE: CONSERVATION EASEMENT

E LINE OF THE W 1/2 OF
THE NE 1/4 OF SECTION 13

W LINE OF PLAT BOOK
43, PAGE 90



SCALE:
1" = 200'

REMAINDER
19.97 ACRES±
869798 SQ. FT.

E LINE OF THE W 1/2 OF THE E 1/2
OF THE NE 1/4 OF SECTION 13
AND THE E LINE OF DB 238, PAGE
552

ISLAND CROSSINGS
PHASE 4A
PLAT BOOK 43, PAGE 67

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
DB = DEED BOOK
ORB = OFFICIAL RECORD BOOK
SQ. FT. = SQUARE FEET

LEGEND

- RIGHT OF WAY LINE
- SECTION LINE
-  PARENT PARCEL
-  PARCEL 801
CONSERVATION
EASEMENT

W LINE OF THE W
1/2 OF THE E 1/2
OF THE NE 1/4 OF
SECTION 13 AND THE
W LINE OF DB 238,
PAGE 552

OWNER: BREVARD COUNTY
TAX PARCEL ID:
24-36-13-00-5
ORB 2536, PAGE 1085

OWNER: BREVARD COUNTY
TAX PARCEL ID:
24-36-13-00-3
DEED BOOK 238, PAGE 552

PARCEL 801
CONSERVATION EASEMENT
16.58 ACRES
722218 SQ. FT.

POINT OF BEGINNING
PARCEL 801
SE CORNER DB 238, PAGE 552

POINT OF
COMMENCEMENT
SE CORNER OF THE NE 1/4
SECTION 13-T24S-R36E

665.24' S89°54'48"W

665.24' S89°54'48"W (B.O.B.)

SOUTH LINE OF THE
NE 1/4 SECTION 13

OWNER: BREVARD COUNTY
TAX PARCEL ID:
24-36-13-00-750
ORB 7113, PAGE 2552



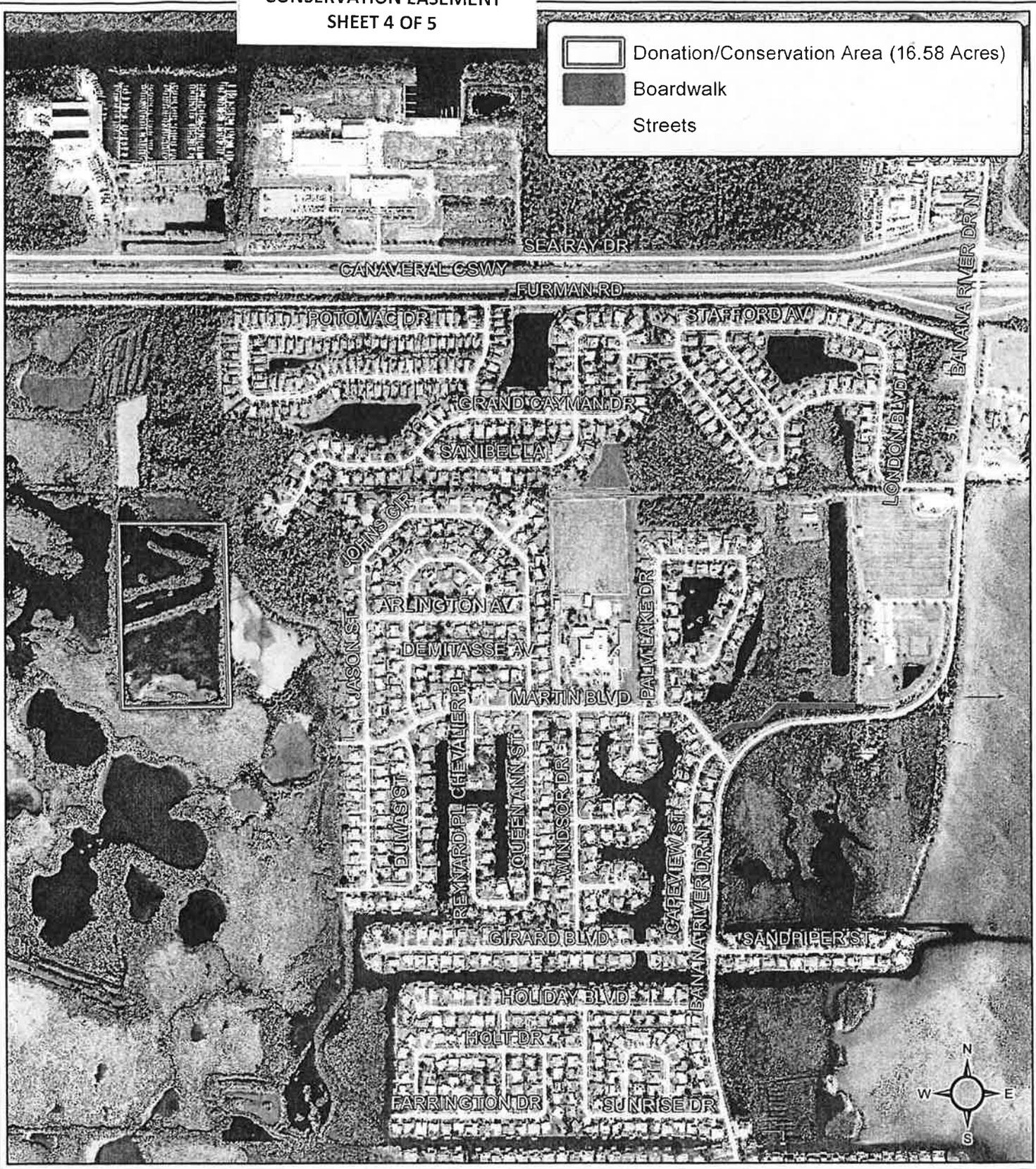
PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMESON WAY, SUITE A220,
VIERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE:
1"=200'
PROJECT NO.:
18-12-023

SECTION 13
TOWNSHIP 24 SOUTH
RANGE 36 EAST

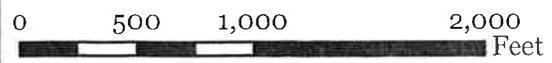
"EXHIBIT B" AS TO THE
 CONSERVATION EASEMENT
 SHEET 4 OF 5

-  Donation/Conservation Area (16.58 Acres)
-  Boardwalk
-  Streets



Project: North Banana River Drive Boardwalk

Project Location Map



2017 Aerial, Brevard County, Florida



ATLANTIC
 ENVIRONMENTAL SOLUTIONS
 ENVIRONMENTAL PERMITTING & MITIGATION
 AES Proj #: 15155

"EXHIBIT B" AS TO THE
CONSERVATION EASEMENT
SHEET 5 OF 5



Project: North Banana River Drive Boardwalk

Mitigation (Conservation) Map



2017 Aerial, Brevard County, Florida



AES Proj #: 15155

OWNERS' AFFIDAVIT

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

BREVARD COUNTY FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA ("Affiant"), being first duly sworn, deposes and says that Affiant on behalf of Grantor (as hereinafter defined) makes these representations to the **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT** (the DISTRICT and the GRANTEE), to induce the DISTRICT to issue Permit #111795-4, and to accept a conservation easement in that certain real property described below. Affiant further states that:

1. The Affiant is the CHAIR of THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, ("Grantor") and in such capacity has personal knowledge of the matters set forth herein, and she has been authorized by the Grantor to make this Affidavit on Grantor's behalf.
2. Grantor is the sole owner in fee simple and now in possession of the real property together with the improvements located thereon described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter the "Property").
3. The Property is free and clear of all liens, taxes, encumbrances and claims of every kind, nature and description whatsoever, except for easements, restrictions, or other title matters listed in the schedule of exceptions in the title information provided to the District for the property subject to this conservation easement in the Property to be received by Grantee in this transaction.
4. There are no matters pending against the Grantor that could give rise to a lien that would attach to the Property or cause a loss of title or impair the title, and the Grantor has not and will not execute any instrument that would adversely affect the interest to be insured.
5. Grantor has undisputed possession of the Property, there is no other person or entity in possession or who has any possessory right in the Property; and Grantor knows of no defects in the fee simple title to the Property, other than items shown in the list of exceptions in the title information described in Paragraph 3.
6. No "Notice of Commencement" has been recorded which pertains to the Property since the date of the title search, there are no unrecorded laborer's, mechanic's or materialmen's liens against the Property, and no material has been furnished to the Property for which payment has not been paid in full. If a "Notice of Commencement" has been recorded, the Grantor agrees to execute and record a Subordination of Notice of Commencement to the conservation easement in the Property to be received by Grantees in this transaction.

7. Within the past 90 days there have been no improvements, alterations, or repairs to the Property for which the costs thereof remain unpaid, and that within the past 90 days there have been no claims for labor or material furnished for repairing or improving the same, which remain unpaid.
8. There are not due, or to come due, unpaid bills, liens or assessments for mowing, water, sanitary sewers, paving or other public utilities or improvements made by any governmental authority. Should any bill be found which relates to Grantor's possession, Grantor will pay such bill upon demand. No notice has been received of any public hearing regarding future or pending zoning changes or assessments for improvements by any governmental authority.
9. There are no unrecorded deeds, agreements for deed, judgments, liens, mortgages, easements or rights of way for users, or adverse interests with respect to the Property.
10. There are no claims, liens or security interests whatsoever of any kind or description against the Property. All real property taxes are paid in full.
11. There are no existing contracts for sale affecting the Property.
12. There is no civil action pending which involves the Property in any way.
13. There are no federal tax claims, liens or penalties assessed against the Grantor either individually or in any other capacity.
14. No proceedings in bankruptcy have ever been brought by or against Grantor nor has an assignment for the benefit of creditors been made at anytime, nor is there now in effect any assignment of rents of the Property or any part thereof.
15. The real estate taxes will be kept current.
16. Grantor is not a "non-resident alien" for the purposes of United States income taxation, nor is Grantor a "foreign person" (as such term is defined in Section 1445 of the Internal Revenue Code of the United States and its related Income Tax Regulations). Grantor understands that the certification made in this paragraph may be disclosed to the Internal Revenue Service by the Grantees; that any false statement contained in this paragraph could be punished by fine, imprisonment, or both; and that the information contained in this paragraph is true and correct and as provided under penalties of perjury.
17. Grantor has no knowledge as to any hazardous substances (as defined by any federal, state or local statute, law, ordinance, code, rule, regulation, order or decree) present on the Property. There has been no production, placement, disposal, storage, release or discharge on or from the Property of any hazardous substances, and there are no buried, partially buried, or aboveground tanks, storage vessels, drums or containers located on the Property. Grantor has received no warning notices, notices of violation,

administrative complaints, judicial complaints or other formal or informal notices from any governmental agency alleging that conditions on the Property are in violation of environmental laws, regulations, ordinances or rules.

THIS AFFIDAVIT is made for the purpose of inducing the DISTRICT to issue Permit #111795-4, and to accept a conservation easement in that certain real property described in Exhibit "A", Paragraph 2 above.

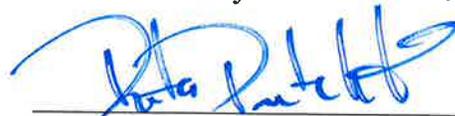
Grantor intends for the DISTRICT rely on these representations. This Affidavit is made under the full understanding of the law regarding liability for any misrepresentation herein.

ATTEST:



Scott Ellis, Clerk

Grantor: Brevard County
Board of County Commissioners



Rita Pritchett, Chair
Brevard County Board of County
Commissioners

Date: 2/20/18

STATE OF FLORIDA
COUNTY OF BREVARD

Approved by the Board on 2/20/18

Agenda Item # II.A.4

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 24-36-13-00-3

PURPOSE: CONSERVATION EASEMENT

LEGAL DESCRIPTION: PARCEL 801, CONSERVATION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN DEED BOOK 238, PAGE 552 OF THE PUBLIC RECORDS OF BREVARD COUNTY, SAID PARCEL ALSO BEING A PORTION OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN DEED BOOK 238, PAGE 552, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE, CONTINUE SOUTH 89° 54' 48" WEST ALONG THE SOUTH LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER FOR A DISTANCE OF 665.24 FEET TO THE SOUTHWEST CORNER OF SAID DESCRIBED LANDS; THENCE, NORTH 01° 25' 50" WEST ALONG THE WEST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE WEST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER FOR A DISTANCE OF 1093.34 FEET; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89° 17' 10" EAST FOR A DISTANCE OF 662.16 FEET TO A POINT ON THE EAST LINE OF SAID DESCRIBED LANDS, SAID LINE ALSO BEING THE EAST LINE OF SAID WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER; THENCE, SOUTH 01° 36' 30" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 1084.17 FEET TO THE POINT OF BEGINNING; CONTAINING 16.58 ACRES (722,218 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA WHICH BEARS SOUTH 89° 54' 48" WEST AN ASSUMED BEARING AS SHOWN ON THE PLAT OF ISLAND CROSSINGS PHASE 4A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGE 67.
2. REFERENCE MATERIAL:
 - A. TITLE REPORT PREPARED BY NEW REVELATION, INC., CRAIG KARLSON, FILE NUMBER 17-1737, EFFECTIVE DATE 12/28/2017.
 - B. BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED FOR PULTE HOME CORPORATION PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 258603, SURVEY DATE: 3/21/1996.
3. EASEMENTS LISTED WITHIN SAID TITLE REPORT PREPARED BY NEW REVELATION, INC., CRAIG KARLSON, FILE NUMBER 17-1737:
 - A. EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 486, PAGE 655 DO NOT ABUT OR AFFECT PARCEL 801.
4. THE TOTAL AREA OF CONSERVATION EASEMENT IS 16.58 ACRES AND COMPRISE 45.4% OF THE USEABLE LAND ON THE SITE.



MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

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

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 18-12-023		SECTION 13
		REVISIONS	DATE	
DATE: JANUARY, 2018	SHEET: 1 OF 3		01/23/18	CORRECT ACREAGE
				TOWNSHIP 24 SOUTH
				RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NO.: 24-36-13-00-3
 PURPOSE: CONSERVATION EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

THIS IS NOT A SURVEY

OWNER N/F: PULTE HOME CORPORATION
 TAX PARCEL ID: 24-36-00-1
 ORB 3575, PAGE 1964

NE CORNER
 SECTION 13

NORTH LINE OF THE
 NE 1/4 SECTION 13

657.71' S88°28'35"E

12 7



17.15' S88°28'35"E

68.09' S01°25'50"E

13 18

S RIGHT OF WAY LINE

641.35' S88°28'35"E

SCALE:
 1" = 400'

REMAINDER
 19.97 ACRES±
 869798 SQ. FT.

OWNER N/F: KABBOORD PROPERTIES, INC.
 TAX PARCEL ID:
 24-36-13-00-4
 ORB 3364, PAGE 3686

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-3
 DEED BOOK 238, PAGE 552

ISLAND
 CROSSINGS
 PHASE 4B
 PLAT BOOK 43,
 PAGE 90

W LINE OF THE W 1/2 OF THE E 1/2
 OF THE NE 1/4 OF SECTION 13
 AND THE W LINE OF DB 238, PAGE 552

N01°25'50"W

PARENT PARCEL
 36.55 ACRES±
 1592016 SQ. FT.

S01°36'30"E

E LINE OF THE W
 1/2 OF THE E 1/2
 OF THE NE 1/4
 OF SECTION 13
 AND THE E LINE
 OF DB 238, PAGE
 552

N LINE OF THE SW 1/4 OF
 THE NE 1/4 OF SECTION 13

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-5
 ORB 2536, PAGE 1085

2482.90'

2396.48'

ISLAND CROSSINGS
 PHASE 4A
 PLAT BOOK 43, PAGE 67

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
 DB = DEED BOOK
 ORB = OFFICIAL RECORD BOOK
 SQ. FT. = SQUARE FEET

LEGEND

- RIGHT OF WAY LINE
- SECTION LINE
- PARENT PARCEL
- PARCEL 801 CONSERVATION EASEMENT

SE CORNER
 OF DB 238,
 PAGE 552

PARCEL 801
 CONSERVATION
 EASEMENT
 16.58 ACRES
 722218 SQ. FT.

POINT OF BEGINNING
 PARCEL 801
 SE CORNER DB 236,
 PAGE 552

665.24'
 S89°54'48"W (B.O.B.)

SOUTH LINE OF THE
 NE 1/4 SECTION 13
 AND SOUTH LINE OF
 DB 238, PAGE 552

665.24' S89°54'48"W

OWNER: BREVARD COUNTY
 TAX PARCEL ID:
 24-36-13-00-750
 ORB 7113, PAGE 2552

POINT OF
 COMMENCEMENT
 SE CORNER OF THE NE
 1/4 OF SECTION 13



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
 SURVEYING AND MAPPING DIVISION
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,
 VIERA, FLORIDA 32940
 PHONE: (321) 633-2080

SCALE:
 1" = 400'
 PROJECT NO.:
 18-12-023

SECTION 13
 TOWNSHIP 24 SOUTH
 RANGE 36 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY

PARCEL 801

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NO.: 24-36-13-00-3
PURPOSE: CONSERVATION EASEMENT

E LINE OF THE W 1/2 OF
THE NE 1/4 OF SECTION 13

W LINE OF PLAT BOOK
43, PAGE 90



SCALE:
1" = 200'

REMAINDER
19.97 ACRES±
869798 SQ. FT.

E LINE OF THE W 1/2 OF THE E 1/2
OF THE NE 1/4 OF SECTION 13
AND THE E LINE OF DB 238, PAGE
552

662.16' S89°17'10"E

OWNER: BREVARD COUNTY
TAX PARCEL ID:
24-36-13-00-3
DEED BOOK 238, PAGE 552

ISLAND CROSSINGS
PHASE 4A
PLAT BOOK 43, PAGE 67

W LINE OF THE W
1/2 OF THE E 1/2
OF THE NE 1/4 OF
SECTION 13 AND THE
W LINE OF DB 238,
PAGE 552

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
DB = DEED BOOK
ORB = OFFICIAL RECORD BOOK
SQ. FT. = SQUARE FEET

OWNER: BREVARD COUNTY
TAX PARCEL ID:
24-36-13-00-5
ORB 2536, PAGE 1085

PARCEL 801
CONSERVATION EASEMENT
16.58 ACRES
722218 SQ. FT.

LEGEND

- RIGHT OF WAY LINE
- SECTION LINE
-  PARENT PARCEL
-  PARCEL 801 CONSERVATION EASEMENT

1093.35' N01°25'50"W

1084.17' S01°36'30"E

POINT OF BEGINNING
PARCEL 801
SE CORNER DB 238, PAGE 552

POINT OF
COMMENCEMENT
SE CORNER OF THE NE 1/4
SECTION 13-T24S-R36E

665.24' S89°54'48"W

665.24' S89°54'48"W (B.O.B.)

SOUTH LINE OF THE
NE 1/4 SECTION 13

OWNER: BREVARD COUNTY
TAX PARCEL ID:
24-36-13-00-750
ORB 7113, PAGE 2552



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SCALE:
1"=200'
PROJECT NO.:
18-12-023

SECTION 13
TOWNSHIP 24 SOUTH
RANGE 36 EAST

