



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

5/17/2022

Subject:

Approval, Re: Warranty Deed, Utility Easement, Temporary Access Easement and Bill of Sale from D.R. Horton, Inc. for Crystal Bay, Phase One, Replat- District 3.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners as the Governing Body for the Barefoot Bay Water and Sewer District: 1) accept the attached Warranty Deed and Temporary Access Easement, 2) accept the attached Utility Easement and authorize the Chair to execute the acceptance page, and 3) accept and authorize the Chair to execute the attached Bill of Sale.

Summary Explanation and Background:

The subject property is located in Sections 3 and 10, Township 30 South, Range 38 East, west of US Highway 1 in Grant-Valkaria.

Crystal Bay Subdivision Phase One, Replat, as established by Plat Book 71, Pages 6-13, falls within the town limits of Grant-Valkaria. The town accepted the Plat on February 9, 2022, with Tract LS 1 being for the purpose of a sanitary sewer subdivision lift station site, owned and maintained by D.R. Horton with the ability to convey the tract to Barefoot Bay Water and Sewer District. The attached utility easement is to support the lift station infrastructure that falls within the privately owned right of way. The attached Temporary Access easement grants access to the lift station until permanent access can be obtained with the development of Tract A of Crystal Bay Phase One, Replat.

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:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Utility Easement and original executed Bill of Sale.



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 18, 2022

M E M O R A N D U M

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

RE: Item F.6., Warranty Deed, Utility Easement, Temporary Access Easement, and Bill of Sale from D.R.Horton, Inc. for Crystal Bay, Phase One, Replat

The Board of County Commissioners, in regular session on May 17, 2022, accepted the Warranty Deed and Temporary Access Easement; accepted the Utility Easement; authorized the Chair to execute the Acceptance page; and accepted and authorized the Chair to execute the Bill of Sale, from D.R.Horton, Inc. for Crystal Bay, Phase one, Replat. Enclosed is fully-executed Easement.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for Donna Scott
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

cc: Utility Services

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of interest in Tax Parcel ID: 30-38-03-XY-*-LS.1 (Lift Station X-20)

WARRANTY DEED

THIS INDENTURE is made this 14 day of April, 2022, by D.R. Horton, Inc., a Delaware Corporation, hereafter called the Grantor, whose mailing address is 1430 Culver Drive, Palm Bay, Florida 32907 to the Barefoot Bay Water and Sewer District, a dependent special district of Brevard County, Florida, hereafter called the Grantee, whose mailing address is 931 Barefoot Boulevard #2, Barefoot Bay, Florida 32976;

WITNESSETH that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does hereby grant, bargain, sell, and conveys fee simple ownership unto the Grantee, its successors and assigns, the following described lands, lying and being in Brevard County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Together with all riparian and littoral rights appertaining thereto, and all interest in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statutes. Pursuant to section 189.076, Florida Statutes, if GRANTEE is dissolved, title shall be transferred to Brevard County, Florida, a political subdivision of the State of Florida.

TO HAVE AND TO HOLD THE SAME, together with all and singular tenements, hereditaments, and appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title and interest forever, and the Grantor does fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever. In conveying these lands, GRANTOR agrees that these lands are exempt from any and all restrictions or covenants that may apply or be applied to the rest of the parcels in said plat.

IN WITNESS WHEREOF, the Grantor, by its duly authorized representative, has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Deanna Demargis
Witness Signature

Deanna Demargis
Typed/Printed Name

[Signature]
Witness Signature

Wendy Pura
Typed/Printed Name

Typed/Printed Name

D.R. Horton, Inc., a Delaware Corporation

BY: [Signature]
Keith V. Williams, Vice 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 14 day of April, 2022, by Keith V. Williams as Vice President for D.R. Horton, Inc., a Delaware Corporation. Is ☒ personally known or ☐ produced as identification.

[Signature]
Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL 100

PARENT PARCEL ID#: 30-38-03-XY--LS.1
SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

FEE SIMPLE CONVEYANCE

EXHIBIT "A"

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

LEGAL DESCRIPTION: PARCEL 100, FEE SIMPLE CONVEYANCE (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING ALL OF TRACT LS-1 AS SHOWN IN THE PLAT OF CRYSTAL BAY, PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL CONTAINS 0.21 ACRES OR 9,078 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13.
5. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE SOUTH LINE OF TRACT LS-1 AS BEING N60°31'24"W, ASSUMED.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

Andrew W
Powshok

Digitally signed by
Andrew W Powshok
Date: 2022.04.06
08:38:17 -04'00'


ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.
3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

LICENSE BUSINESS #6623

DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

REVISION: _____

DATE: 03-23-22

PROJECT # 43930

SECTION 3,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

Prepared by and return to: Lucy Hamelers
Public Works, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of interest in Tax Parcel ID: 30-38-10-XY-A-45; 30-38-10-XY-A-46; 30-38-10-XY-*-RD.1;
30-38-10-XY-*-RD.2; 30-38-10-XY-*-ST.6

Utility Easement

This Easement, dated the 14 day of April, 2022, is made and entered into, by and between the following Parties: D. R. Horton, Inc., a Delaware Corporation, whose mailing address is 1430 Culver Drive, Palm Bay, Florida 32907; the Crystal Bay Community Association, Inc., a Florida not-for-profit corporation (hereinafter collectively referred to as GRANTOR); and the Barefoot Bay Water and Sewer District, a dependent special district of Brevard County, Florida, whose mailing address is 931 Barefoot Boulevard, #2, Barefoot Bay, Florida 32976 (hereinafter referred to as GRANTEE), and its successors and assigns.

WITNESSETH:

That the GRANTOR, its successors and assigns, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, hereby grants unto the GRANTEE, its successors and assigns, a perpetual easement as described in the Plat's Dedication to Utilities as recorded in Plat Book 71, Pages 6-13 of the Public Records of Brevard County, Florida, for the purpose of access, installation, operation, inspection and maintenance of utilities in Tract RD-1; Tract RD-2; Block A, Lot 45; Block A, Lot 46; and Tract ST-6, once said utility system is conveyed to GRANTEE.

The land affected by the easement is located in Sections 3 and 10, Township 30 South, Range 38 East, Brevard County, Florida, and is more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A" and "EXHIBIT B"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the GRANTEE of its easement. The GRANTOR 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. Pursuant to section 189.076, Florida Statutes, if GRANTEE is dissolved, GRANTOR agrees that Brevard County, Florida, a political subdivision of the State of Florida, is the GRANTEE's successor for purposes of the duties and rights associated with this easement, without further action by GRANTOR or GRANTEE.

THE PARTIES AGREE THAT IN THE EVENT GRANTEE, ITS SUCCESSOR OR ASSIGN, DISTURBS THE SURFACE OF A PRIVATE STREET DUE TO MAINTENANCE, REPAIR OR REPLACEMENT OF A PUBLIC IMPROVEMENT LOCATED THEREIN, THEN THE GRANTEE SHALL BE RESPONSIBLE FOR RESTORING THE STREET SURFACE ONLY TO THE EXTENT WHICH WOULD BE REQUIRED IF THE STREET WERE A PUBLIC STREET IN ACCORDANCE WITH COUNTY SPECIFICATIONS.

TO HAVE AND TO HOLD said Easement unto the GRANTEE and to its successors and/or assigns.


The GRANTOR does covenant with the GRANTEE that it is lawfully seized and possessed of the Easements and that it has a good lawful right to assign it or any part thereof.

IN WITNESS WHEREOF, the GRANTOR, by its duly authorized representatives, has caused this Easement to be executed, the day and year first above written,

Signed, sealed, and delivered in the presence of:


Witness

Wyatt Rush
Typed/Printed Name


Witness

Deanna Demargen
Typed/Printed Name

GRANTOR:

D.R. Horton, Inc., a Delaware Corporation

BY: 
Keith V. Williams
Vice President

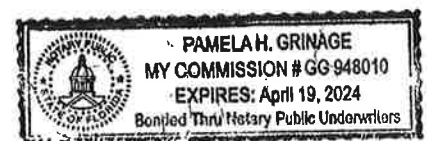
(Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 14 day of April 2022, by Keith V. Williams as Vice President for D.R. Horton, Inc., a Delaware Corporation. Is ☒ personally known or ☐ produced _____ as identification.


Notary Signature

SEAL



IN WITNESS WHEREOF, the GRANTOR, by its duly authorized representatives, has caused this Easement to be executed, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Deanna Demongin
Witness

Deanna Demongin
Typed/Printed Name

[Signature]
Witness

Wyatt Ruk

Typed/Printed Name

GRANTOR:

Crystal Bay Community
Association, Inc., a Florida
not for profit corporation

BY: [Signature]
Sonja L. Pedretti, President

(Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 14 day of April, 2022, by Sonja L. Pedretti, as President of Crystal Bay Community Association, Inc., a Florida not for profit Corporation. Is ☒ personally known or ☐ produced _____ as identification.

[Signature]
Notary Signature

SEAL



ACCEPTANCE

The GRANTEE, by its duly authorized representative, hereby accepts this Easement and agrees to be bound by its terms.

Dated this 17th day of May, 2022.

ATTEST:


Rachel Sadoff, Clerk

GRANTEE:

GOVERNING BODY OF THE
BAREFOOT BAY WATER AND
SEWER DISTRICT

By: 

Kristine Zonka, Chair

(As approved by the Board
5-17-2022)

LEGAL DESCRIPTION

PARCEL 800

EXHIBIT "A"

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

PARENT PARCEL ID#: 30-38-10-XY-*--RD.1

PARENT PARCEL ID#: 30-38-10-XY-*--RD.2

SECTION 3 & 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

LEGAL DESCRIPTION: PARCEL 800. UTILITY EASEMENT
(PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING ALL OF TRACT RD-1 AND ALL OF TRACT RD-2 AS CREATED BY THE PLAT OF CRYSTAL BAY PHASE ONE-A REPLAT AS RECORDED IN PLAT BOOK 71, PAGES 6-13 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 9.063 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE ONE-A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

Andrew W
Powshok

Digitally signed by
Andrew W Powshok
Date: 2022.04.06
08:40:36 -04'00'


ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

LICENSE BUSINESS #6623

DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

DATE: 03-31-22

PROJECT # 43930

REVISION: _____

SECTION 3 & 10,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

SKETCH OF DESCRIPTION
PARCEL 800

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1

THIS IS NOT A SURVEY

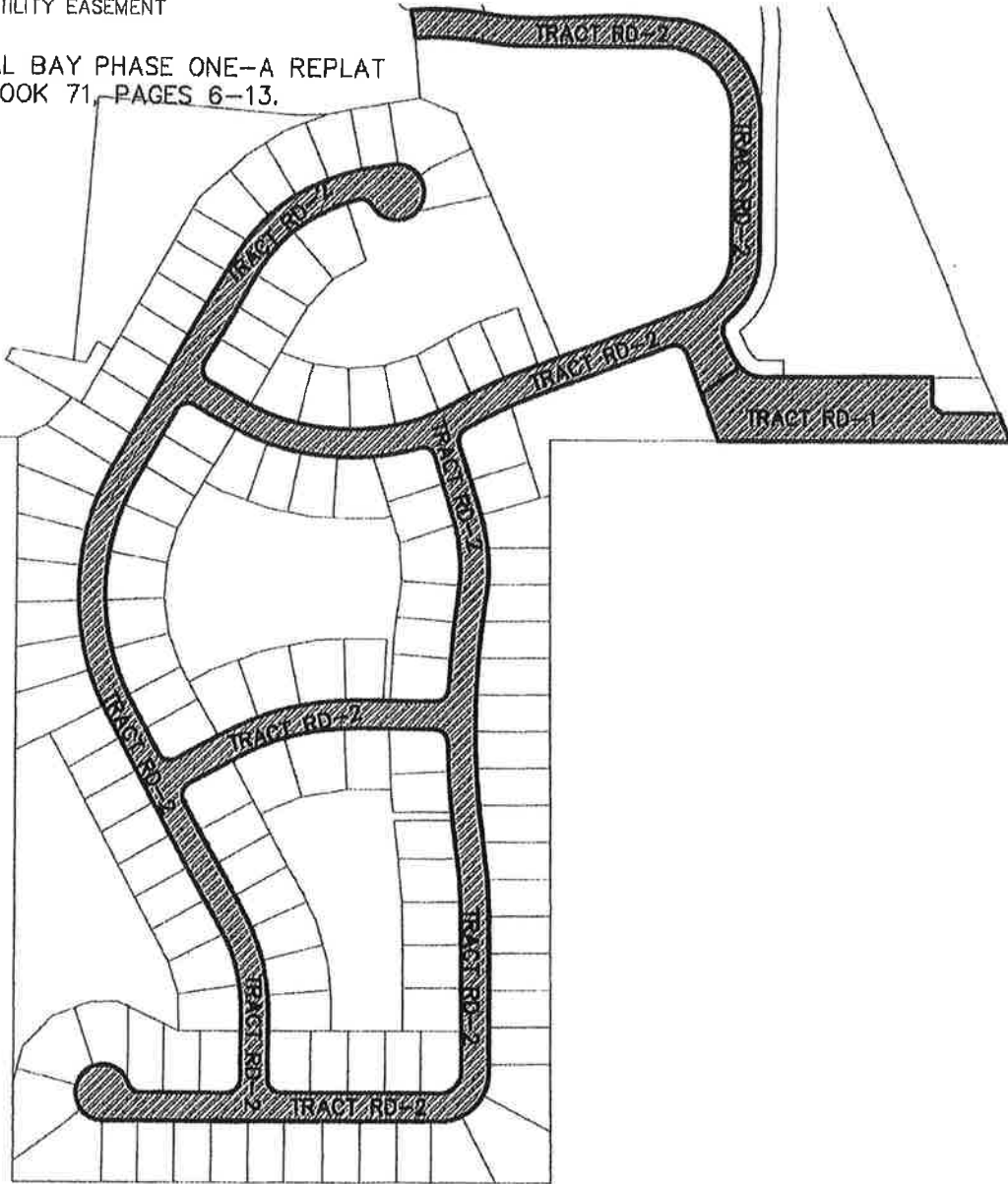
PARENT PARCEL ID#: 30-38-10-XY-*-RD.1

PARENT PARCEL ID#: 30-38-10-XY-*-RD.2

SECTION 3 & 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

CRYSTAL BAY PHASE ONE-A REPLAT
PLAT BOOK 71, PAGES 6-13.



NORTH

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321) 768-8110 FAX: (321) 952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 300'

REVISION:

REVISION:

REVISION:

PROJECT # 43930

SECTION 3 & 10,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

LEGAL DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 30-38-10-XY-A-45
PARENT PARCEL ID#: 30-38-10-XY-A-46
PARENT PARCEL ID#: 30-38-10-XY-*-ST.6

EXHIBIT "B"

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

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

LEGAL DESCRIPTION: PARCEL 800, UTILITY EASEMENT
(PREPARED BY SURVEYOR)

A PARCEL OF LAND LOCATED WITHIN LOTS 45 AND 46, BLOCK A AND WITHIN TRACT ST-6 AS CREATED BY THE PLAT OF CRYSTAL BAY PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A PARCEL OF LAND BEING THE SOUTH 10.00 FEET OF SAID LOT 46 AND THE NORTH 7.50 FEET OF SAID LOT 45 AND SAID TRACT ST-6, AND THE WESTERLY 25.00 FEET OF THE NORTHERLY 70.00 FEET OF SAID TRACT ST-6, CONTAINING 4,817 SQUARE FEET OR 0.111 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13.
5. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE WEST LINE OF TRACT ST-6 AND THE REAR LINE OF LOT 46 AS BEING N00°38'45"W, ASSUMED.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

Andrew W
Powshok

Digitally signed by
Andrew W Powshok
Date: 2022.04.19
11:12:18 -04'00'

ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

LICENSE BUSINESS #6623

DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

REVISION: _____

DATE: 03-23-22

PROJECT # 43930

SECTION 10,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

SKETCH OF DESCRIPTION

PARCEL 801

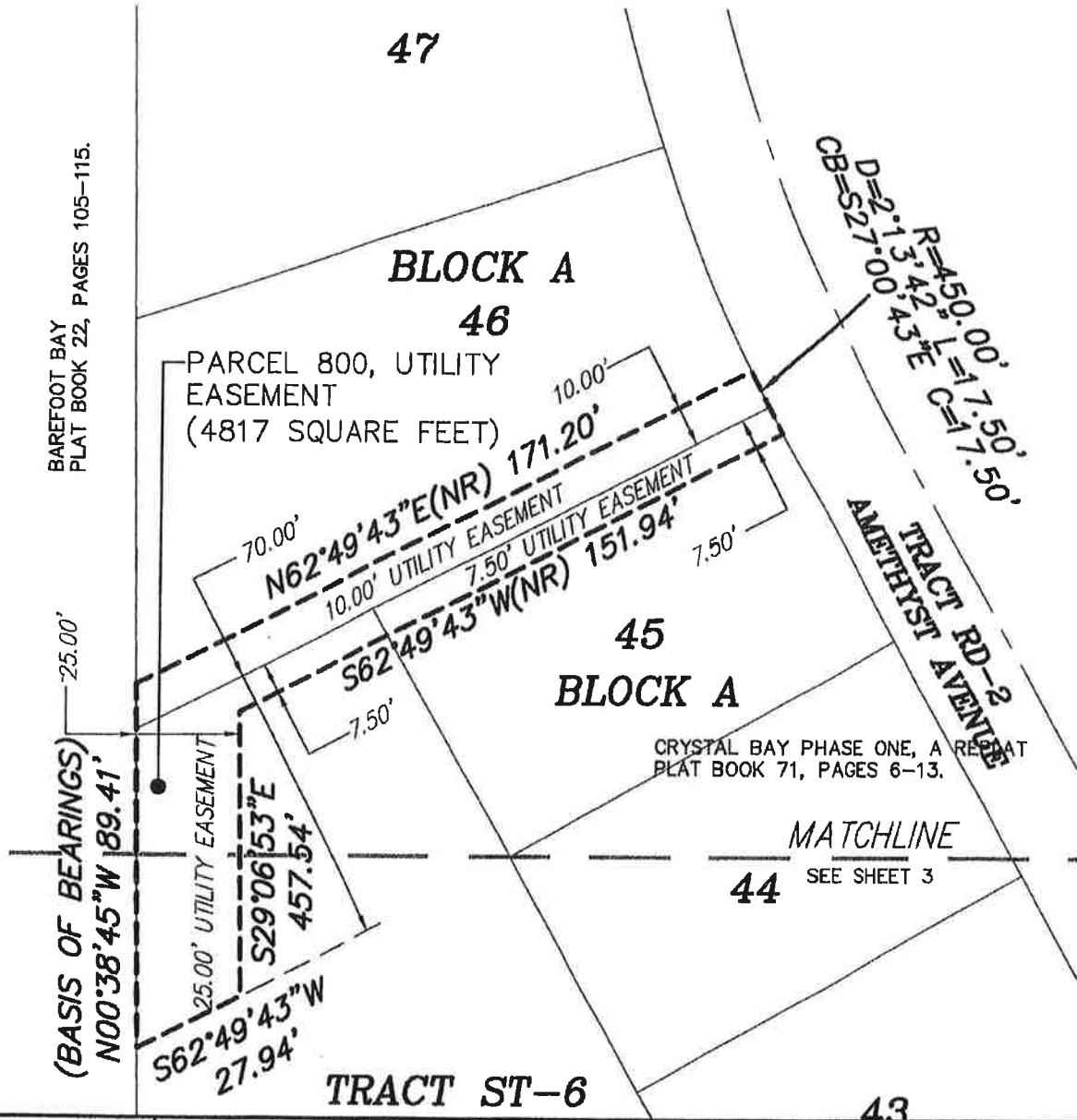
PARENT PARCEL ID#: 30-38-10-XY-A-45
 PARENT PARCEL ID#: 30-38-10-XY-A-46
 PARENT PARCEL ID#: 30-38-10-XY-*-ST.6

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

EXHIBIT "B"

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



NORTH

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
 3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 40'
 PROJECT # 43930

REVISION: _____
 REVISION: _____
 REVISION: _____

SECTION 10
 TOWNSHIP 30 SOUTH,
 RANGE 38 EAST

SKETCH OF DESCRIPTION

PARCEL 801

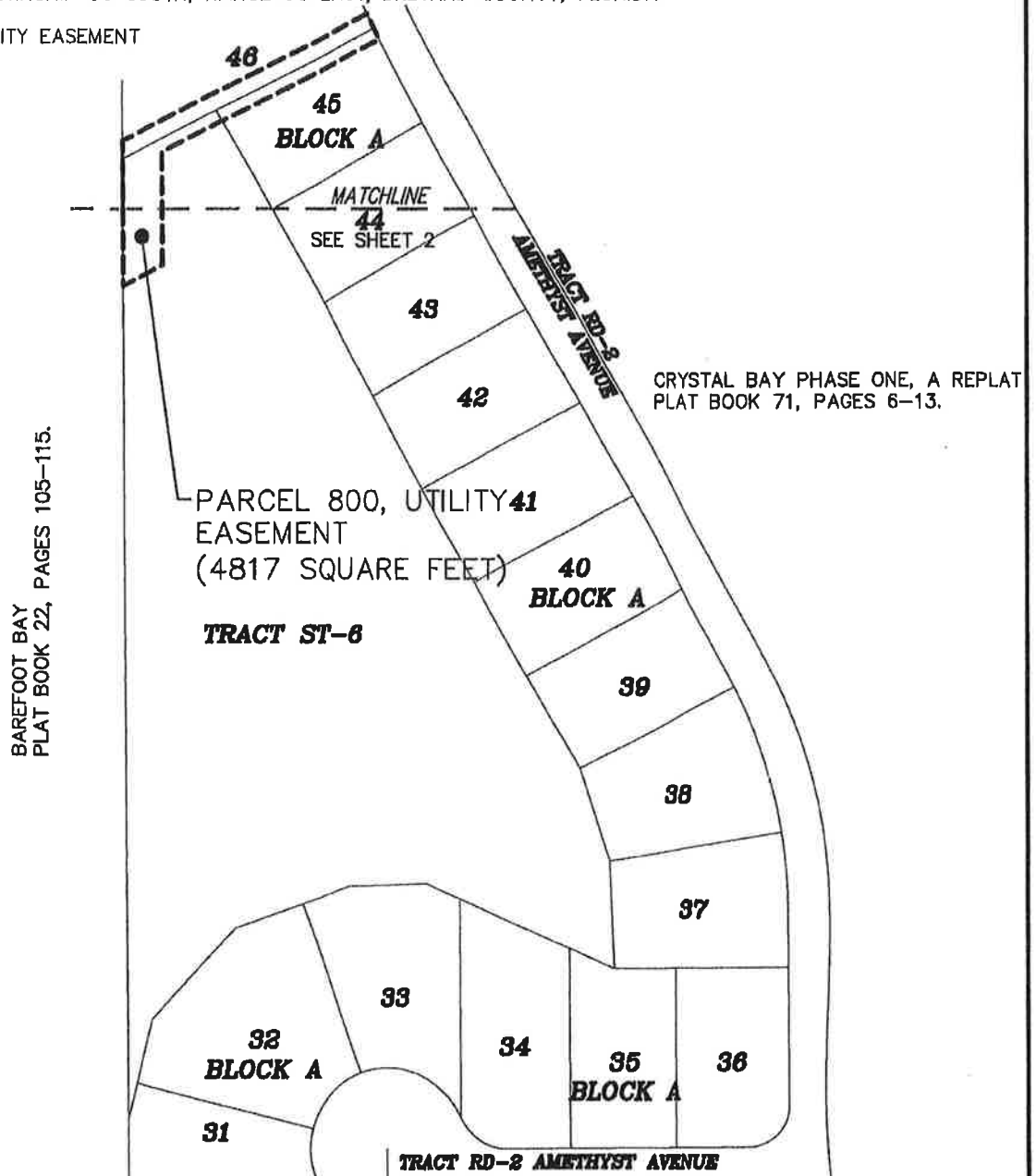
PARENT PARCEL ID#: 30-38-10-XY-A-45
 PARENT PARCEL ID#: 30-38-10-XY-A-46
 PARENT PARCEL ID#: 30-38-10-XY-*-ST.6

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: UTILITY EASEMENT

EXHIBIT "B"

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



NORTH

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
 3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 100'

PROJECT # 43930

REVISION:

REVISION:

REVISION:

SECTION 10
 TOWNSHIP 30 SOUTH,
 RANGE 38 EAST

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 30-38-03-XY- A-54 and 30-38-03-XY-A-55

TEMPORARY ACCESS EASEMENT

This temporary access easement, dated 14 day of April, 2022 is made and entered into, by and between the following Parties: D. R. Horton, Inc., a Delaware Corporation, (hereinafter called the GRANTOR), whose address is 1340 Culver Drive, Palm Bay, Florida 32907, and the Barefoot Bay Water and Sewer District, a dependent special district of Brevard County, Florida, whose mailing address is 931 Barefoot Boulevard, #2, Barefoot Bay, Florida 32976, and (hereinafter referred to as GRANTEE).

WITNESSETH:

That the GRANTOR, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, GRANTOR does give, grant, bargain and release to the GRANTEE, its successors and assigns, a temporary access easement for the purpose of accessing Tract LS-1, as said Tract is described the Crystal Bay Phase One – a Replat, recorded in the Brevard County Official Public Records at Plat Book 71, Pages 6-13, 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 3 and 10, Township 30 South, Range 38 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

This temporary access easement permits a right of ingress and egress onto the easement area as may be necessary for the GRANTEE to accomplish its purposes on Tract LS-1 for the operation, construction and maintenance of a sanitary sewer line and/or lift station and its associated facilities, as well as a right to occupy, possess, and to control the access easement lands described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the GRANTEE to apply for and to secure any necessary permits or approvals to accomplish the stated purposes. Pursuant to section 189.076, Florida Statutes, if GRANTEE is dissolved, GRANTOR agrees that Brevard County, Florida, a political subdivision of the State of Florida, is the GRANTEE's successor for purposes of the duties and rights associated with this easement, without further action by GRANTOR or GRANTEE.

The GRANTOR does hereby covenant with the GRANTEE that it is lawfully seized and possessed of the access easement lands above described and that it has a good and lawful right to convey it or any part thereof.

THIS EASEMENT shall remain in full force and effect until such time as Tract A of Crystal Bay Phase One – a Replat, as described on said plat, which is recorded in the Brevard County Official Public

Records at Plat Book 71, Pages 6-13, has been developed by GRANTOR to the point that GRANTOR has created permanent access to Tract LS-1 and said permanent access is approved by both Parties for GRANTEE's use in accessing Tract LS-1.

IN WITNESS WHEREOF, the GRANTOR, by its duly authorized representative, has caused this Temporary Access Easement to be executed, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Deanna Demargis

Witness

Deanna Demargis

Typed/Printed Name

Wyatt Rush

Witness

Wyatt Rush

Typed/Printed Name

STATE OF Florida
COUNTY OF Brevard

GRANTOR:

D.R. Horton, Inc., a Delaware
Corporation

By: Keith V. Williams

Keith V. Williams
Vice President

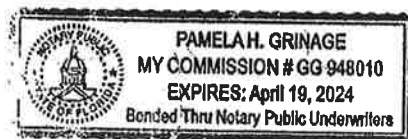
(Corporate Seal)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 14 day of April, 2022, by Keith V. Williams, Vice President for D. R. Horton, Inc., a Delaware Corporation. Is ☒ personally known or ☐ produced _____ as identification.

Pamela H. Grinage

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL 700

PARENT PARCEL ID#: 30-38-03-XY-A-54
PARENT PARCEL ID#: 30-38-03-XY-A-55

EXHIBIT "A"

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

SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: TEMPORARY ACCESS EASEMENT

LEGAL DESCRIPTION; PARCEL 700, TEMPORARY ACCESS EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND LOCATED WITHIN LOTS 54 AND 55, BLOCK A AS CREATED BY THE PLAT OF CRYSTAL BAY PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PARCEL OF LAND BEING THE NORTH 12.50 FEET OF SAID LOT 54 AND THE SOUTH 12.50 FEET AND THE WEST 5.00 FEET OF SAID LOT 55, CONTAINING 3,043 SQUARE FEET OR 0.069 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13.
5. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE REAR LINE OF LOTS 54 AND 55, BLOCK A AS BEING N30°06'20"E, ASSUMED.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

Andrew W
Powshok

Digitally signed by
Andrew W Powshok
Date: 2022.04.06
08:39:11 -04'00'


ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com LICENSE-BUSINESS #6623

DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

REVISION: _____

DATE: 03-23-22

PROJECT # 43930

SECTION 3,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

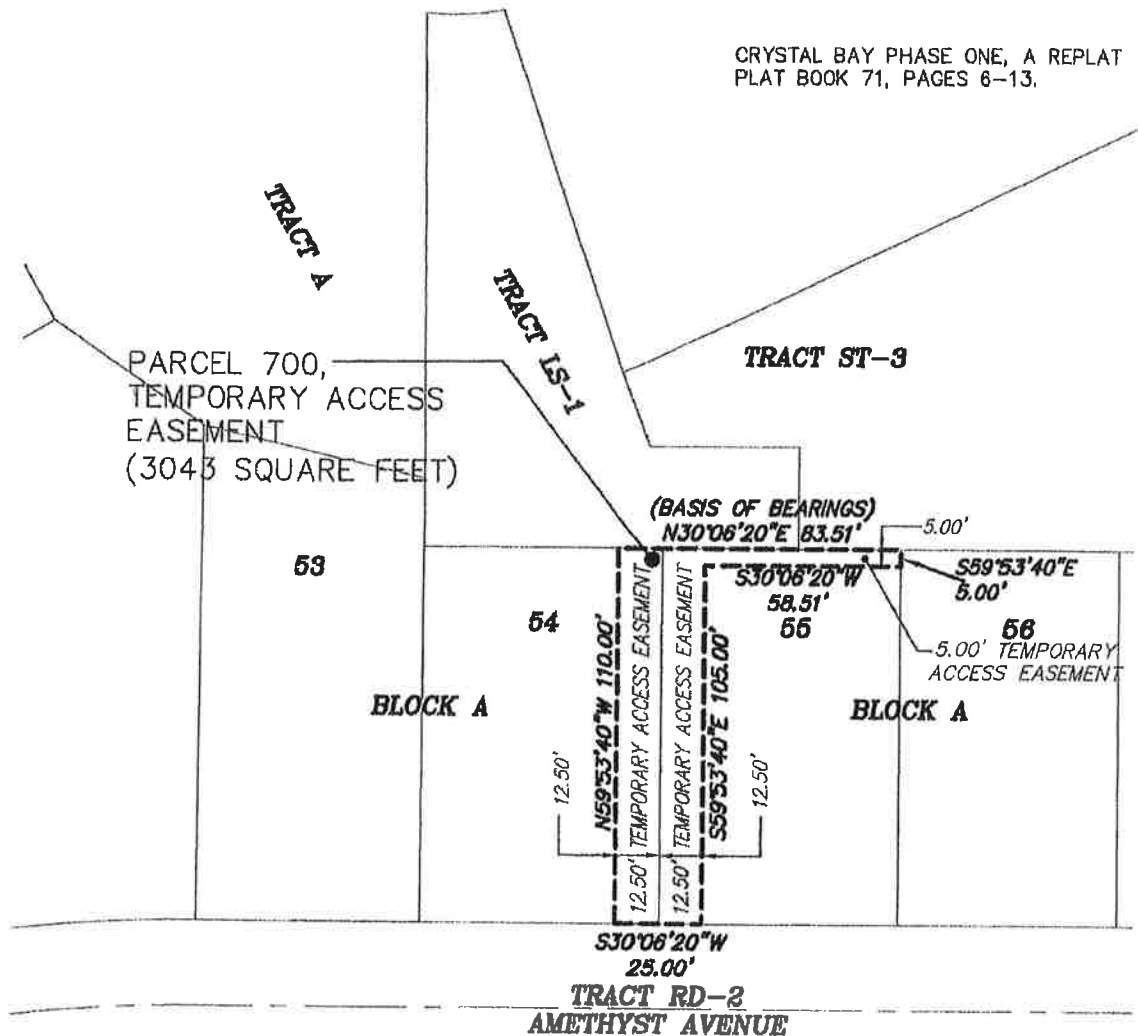
SKETCH OF DESCRIPTION PARCEL 700

EXHIBIT "A"

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

PARENT PARCEL ID#: 30-38-03-XY-A-54
PARENT PARCEL ID#: 30-38-03-XY-A-55
SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: TEMPORARY ACCESS EASEMENT



NORTH

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

SCALE: 1" = 50'

PROJECT # 43930

REVISION:

REVISION:

REVISION:

SECTION 3
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

BILL OF SALE

D.R. Horton, Inc., a Delaware Corporation, (hereinafter "SELLER"), whose mailing address is 1430 Culver Drive, Palm Bay, Florida 32907 for and in consideration of good and valuable consideration to it paid by Barefoot Bay Water and Sewer District, a dependent special district of Brevard County, Florida (hereinafter "BUYER"), the receipt and sufficiency of which consideration is hereby acknowledged, by these presents does grant, bargain, sell, transfer and deliver unto BUYER, its successors and assigns, the goods, chattels and items of personal property owned by SELLER, their successors and assigns, (hereinafter "property") as that property is set forth on **EXHIBIT "A"** attached hereto and made a part thereof, and being situate on certain real property described on **EXHIBIT "B"** attached hereto and made a part hereof. Pursuant to section 189.076, Florida Statutes, if GRANTEE is dissolved, title shall be transferred to Brevard County, Florida, a political subdivision of the State of Florida.

TO HAVE AND TO HOLD the same unto BUYER, its successors and assigns, forever.

AND SELLER, does, for themselves and their successors and assigns, covenant to and with BUYER, its successors and assigns, that SELLER is the lawful owner of said property; that said property is free from all liens and encumbrances; that SELLER has good right to sell the same aforesaid; and that SELLER will warrant and defend the sale of said property hereby made unto BUYER, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, SELLER, by its duly authorized representative, has caused this instrument to be executed and delivered and has intended this instrument to be and become effective as of the 14 day of April, 2022.

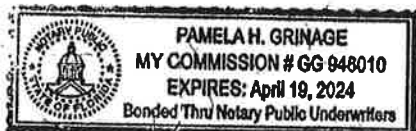
D.R. Horton, Inc., a Delaware Corporation

BY: *Keith V. Williams*
Keith V. Williams, Vice President
(Corporate Seal)

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of X physical presence or online notarization, this 14 day of April, 2022 by Keith V. Williams, Vice President of D.R. Horton, Inc., a Delaware Corporation, [X] who is personally known to me or [] who have provided a Florida driver's license as identification.

SEAL



Pamela H. Grinage
Notary Public

My Commission Expires: 4/19/2024

Exhibit "A"

Personal Property



4450 W. Eau Gallie Blvd., Suite 144, Melbourne, Florida 32934

Date **3/28/2022 - Revise**
Project

BCG #

**Crystal Bay, Grant Valkaria FL -
Opinion of Probable Construction Costs**

SITE WORK				
	Quantity	Unit	Unit Cost	Total
Existing Utilities				
Off Site Sewer Force Main As-Built				
8" HDPE (Sanitary Force Main)	5575	LF	\$ 35.00	\$ 195,125.00
8" Isolation Valve	7	EA	\$ 3,000.00	\$ 21,000.00
Air release valve	15	EA	\$ 9,500.00	\$ 142,500.00
8" Gate valve	1	EA	\$ 3,200.00	\$ 3,200.00
Sewer Force Main As-Built				
8" PVC (Sanitary Force Main)	2240	LF	\$ 35.00	\$ 78,400.00
Air release valve	4	EA	\$ 9,500.00	\$ 38,000.00
8" Gate Valve	3	EA	\$ 3,200.00	\$ 9,600.00
Gravity Sewer As-Built				
8" PVC (Gravity Sewer)	9701	LF	\$ 48.00	\$ 465,648.00
Manholes	20	EA	\$ 6,400.00	\$ 128,000.00
Cleanout	123	EA	\$ 500.00	\$ 61,500.00
Wyes	77	EA	\$ 300.00	\$ 23,100.00
Lifstation 1				
Lifstation 1	1	LS	\$ 450,000.00	\$ 450,000.00
Water Main As-Built				
10" PVC (Water main)	20	LF	\$ 50.00	\$ 1,000.00
8" PVC (Water main)	2078	LF	\$ 35.00	\$ 72,730.00
6" PVC (Water main)	3678	LF	\$ 23.00	\$ 84,594.00
4" PVC (Water main)	684	LF	\$ 19.00	\$ 12,996.00
10" Gate valve	1	EA	\$ 3,600.00	\$ 3,600.00
8" Gate valve	5	EA	\$ 2,600.00	\$ 13,000.00
6" Gate valve	18	EA	\$ 2,100.00	\$ 37,800.00
4" Gate valve	1	EA	\$ 1,900.00	\$ 1,900.00
Fire Hydrant	6	EA	\$ 5,200.00	\$ 31,200.00
connection services	123	EA	\$ 600.00	\$ 73,800.00
Curb stop	123	EA	\$ 300.00	\$ 36,900.00
Sub-Total				\$ 1,985,593.00

Sitework Sub-total **\$ 1,985,593**

SITWORK	\$ 1,985,593
----------------	---------------------

25% \$ 496,398.25

LEGAL DESCRIPTION

PARCEL 100

PARENT PARCEL ID#: 30-38-03-XY-*--LS.1
SECTION 3, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA

FEE SIMPLE CONVEYANCE

EXHIBIT "B"

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

LEGAL DESCRIPTION: PARCEL 100, FEE SIMPLE CONVEYANCE
(PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING ALL OF TRACT LS-1 AS SHOWN IN THE PLAT OF CRYSTAL BAY, PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL CONTAINS 0.21 ACRES OR 9,078 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF CRYSTAL BAY PHASE ONE, A REPLAT, AS RECORDED IN PLAT BOOK 71, PAGES 6-13.
5. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE SOUTH LINE OF TRACT LS-1 AS BEING N60°31'24"W, ASSUMED.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

Andrew W
Powshok

Digitally signed by
Andrew W Powshok
Date: 2022.04.06
08:38:17 -04'00'


ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.
3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

LICENSE BUSINESS #6623

DRAWN BY:
ANDREW POWSHOK

CHECKED BY:
ANDREW W. POWSHOK

REVISION: _____

REVISION: _____

REVISION: _____

DATE: 03-23-22

PROJECT # 43930

SECTION 3,
TOWNSHIP 30 SOUTH,
RANGE 38 EAST

101

LOCATION MAP

Sections 3 and 10, Township 30 South, Range 38 East - District: 3

PROPERTY LOCATION: West of US Highway 1 in Grant-Valkaria

OWNERS NAME(S): D.R. Horton, Inc.



BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Warranty Deed, Utility Easement, Temporary Access Easement and Bill of Sale from D.R. Horton for Crystal Bay, Phase One – District 3.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4-15-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>4-20-2022</u>