



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.11.

7/7/2020

Subject:

Approval Re: Donation of Sanitary Sewer Easement from El Swift Holdings, LLC (Owner) for the W01-W15 Force Main as part of the West Cocoa Utility Improvements Project - District 1.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

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

Summary Explanation and Background:

The subject property is located in Section 35, Township 24 South, Range 35 East, on the west side of Interstate 95 on Tucker Lane in Cocoa.

The Utility Services Department's West Cocoa wastewater collection and transmission system, including lift stations, force mains, and gravity mains, are aging infrastructures that require rehabilitation and/or replacement. Several of the existing lift stations were originally privately-owned, but are now owned and maintained by the Brevard County Utility Services Department. Many of these lift stations are not in compliance with current Brevard County wastewater design standards since they were initially constructed and maintained as private facilities. There are several easements and proposed property acquisitions that are required to optimize the performance of the overall improvements to the West Cocoa wastewater collection system. The El Swift Holdings, LLC parcel has been identified as one of the property acquisition sites.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

BOARD OF COUNTY COMMISSIONERS



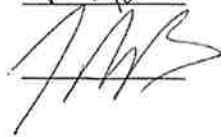

AGENDA REVIEW SHEET

AGENDA: Sanitary Sewer Easement from El Swift Holdings, LLC (Owner) for the W01-W15 Force Main as part of the West Cocoa Utility Improvements Project – District 1.

AGENCY: Public Works Department / Land Acquisition / Utility Services Department

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 (58336)

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			<u>6-17-2020</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney			<u>6-17-2020</u>

AGENDA DUE DATE: June 30, 2020 for the July 7, 2020 Board meeting



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

July 8, 2020

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.11., Donation of Sanitary Sewer Easement from El Swift Holdings, LLC (Owner)
for the W01-W15 Force Main as Part of the West Cocoa Utility Improvements Project

The Board of County Commissioners, in regular session on July 7, 2020, approved and accepted the Sanitary Sewer Easement from El Swift Holdings, LLC (Owner) for the W01-W15 Force Main as Part of the West Cocoa Utility Improvements Project.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Donna Scott
Kimberly Powell, Deputy Clerk

/sm

✓
Prepared by and return to: Lucy Hamelers
Brevard County Public Works Dept., Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of Interest in Tax Parcel I.D.: 24-35-35-00-767

SANITARY SEWER EASEMENT

INDENTURE, made this 3rd day of June, 2020, between El Swift Holdings, LLC, a Foreign Limited Liability Company whose mailing address is 500 Skokie Boulevard #325, Northbrook, IL 60062, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida;

WITNESSETH: That the first party, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual Sanitary Sewer Easement commencing on the above date, for the sole purposes of operating, constructing, reconstructing, reconfiguring, and maintaining a sanitary sewer line and associated facilities, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 35, Township 24 South, Range 35 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

This Easement is granted upon the condition that at the conclusion of any construction or maintenance activities by Grantee contemplated by this easement, the property be restored to a condition as nearly possible to its original condition.

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns, the first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has good and lawful right to convey it or any part thereof.

WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Witness

IRA WEINTRAUB

Print Name

DENYSE WEINTRAUB

Witness

DENYSE WEINTRAUB

Print Name

El Swift Holdings, LLC
a Foreign Limited Liability
Company

BY [Signature]

Lewis Cottler, Manager

STATE OF FLORIDA

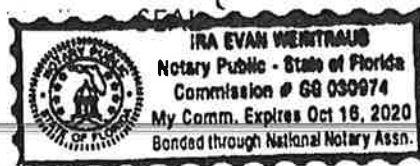
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of physical presence on this 3RD day of JUNE, 2020, by Lewis Cottler as Manager for El Swift Holdings, LLC, a foreign limited liability company. Is personally known or produced _____ as identification.

[Signature]
Notary Signature

Agenda Item # _____

Board Meeting Date _____



LEGAL DESCRIPTION

PARCEL 810

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST

PARENT PARCEL ID NO.: 24-35-35-00-758 & 767

PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 810, SANITARY SEWER EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED AS PARCEL A AND PARCEL B IN OFFICIAL RECORDS BOOK 7935, PAGE 1976 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE AFORESAID LANDS DESCRIBED AS PARCEL A, SAID POINT ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF TUCKER LANE, SAID POINT ALSO BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF SANDY PINE PLACE; THENCE SOUTH 30° 19' 01" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 91.01 FEET TO A POINT THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1582, PAGE 723; THENCE SOUTH 00° 03' 31" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 9.89 FEET; THENCE NORTH 30° 19' 01" WEST PARALLEL TO AND 5.00 FEET WESTERLY OF SAID WEST RIGHT OF WAY LINE OF TUCKER LANE FOR A DISTANCE OF 99.54 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF SANDY PINE PLACE; THENCE NORTH 59° 40' 59" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING 476 SQUARE FEET (0.01 ACRES), 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.

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF TUCKER LANE AS BEING NORTH 30° 19' 01" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
 - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1029-A, TAX IDENTIFICATION NUMBER 2409202, EFFECTIVE DATE 02/20/2020. EASEMENTS PER SAID TITLE REPORT:
 - I. NO EASEMENTS OR EXCEPTIONS LISTED WITHIN THE EASEMENTS AND EXCEPTIONS OF THE AFORESAID TITLE REPORT ABUT OR AFFECT PARCEL 810.
 - B. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1029-B, TAX IDENTIFICATION NUMBER 2409193, EFFECTIVE DATE 02/20/2020. EASEMENTS PER SAID TITLE REPORT:
 - I. ONLY THE FOLLOWING EASEMENT LISTED WITHIN THE EASEMENTS AND EXCEPTIONS OF THE AFORESAID TITLE REPORT ABUT OR AFFECT PARCEL 810: NON-EXCLUSIVE INGRESS, EGRESS AND UTILITIES EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3055, PAGE 3572, AS SHOWN HEREIN.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, RSM 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	DRAWING NO. 243535_SK_1902036_PARCEL-810.dwg			SECTION 35 TOWNSHIP 24 SOUTH RANGE 35 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: MARCH 25, 2020	SHEET: 1 OF 2				

SKETCH OF DESCRIPTION

PARCEL 810

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 35 EAST
 PARENT PARCEL ID NO.: 24-35-35-00-758 & 767
 PURPOSE: SANITARY SEWER EASEMENT



SCALE: 1" = 40'

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
 ID = IDENTIFICATION
 N/F = NOW OR FORMERLY
 ORB = OFFICIAL RECORD BOOK
 P.O.B. = POINT OF BEGINNING
 RPB. = ROAD PLAT BOOK
 SQ.FT. = SQUARE FEET

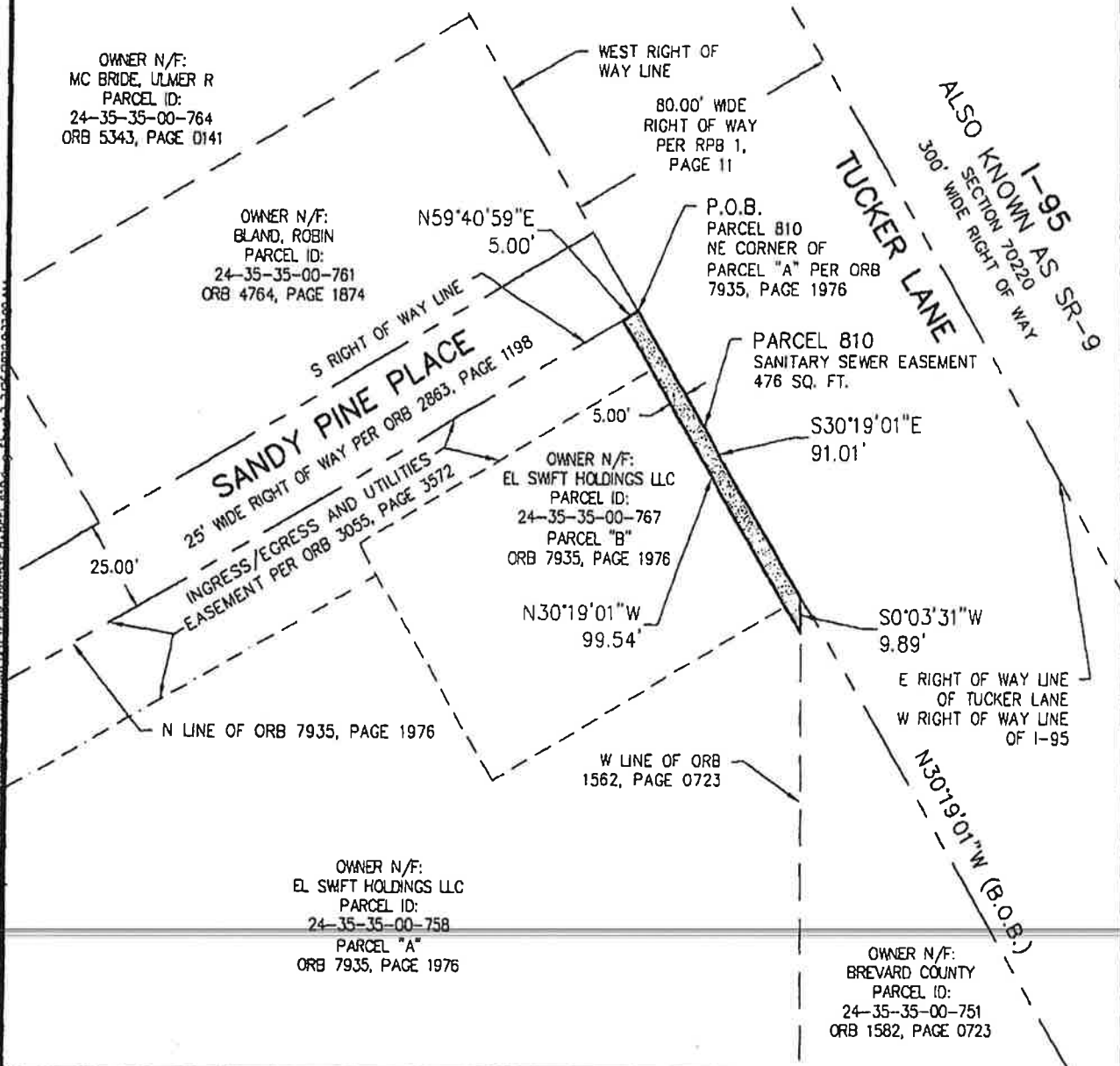
EXHIBIT "A"

SHEET 2 OF 2

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



= DENOTES PARCEL 810
 SANITARY SEWER EASEMENT



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" = 40'

DRAWING NO.:
 243535_SK_1902036_PARCEL-810.dwg

SECTION 35
 TOWNSHIP 24 SOUTH
 RANGE 35 EAST

LOCATION MAP

Section 35, Township 24 South, Range 35 East District: 1

PROPERTY LOCATION: West of Interstate 95 along Sandy Pine Place on Tucker Lane in Cocoa

OWNERS NAME: El Swift Holdings, LLC

