



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

5/9/2023

Subject:

Approval, Re: Dedication of Utility Easement from Brevard Constructors, Inc. for the Folsom Center 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 attached Utility Easement.

Summary Explanation and Background:

The subject property is located in Section 17, Township 21 South, Range 35 East, west of US Highway 1, north of West Main Street on Folsom Road in Mims.

Brevard Constructors Inc., owner, has obtained Right of Way/Easement permit number 21RW01541 from the County for improvements to be constructed within the Folsom Road right of way to enable the Folsom Center warehouse to connect to the County water and sewer system. Upon review of the site plan, the Utility Services Department determined a utility easement is needed for access to the water meter. The owner has agreed to dedicate the attached utility easement.

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:



May 10, 2023

MEMORANDUM

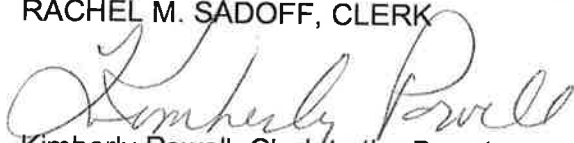
TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers
RE: Item F.5., Approval for Dedication of Utility Easement from Brevard Constructors, Inc. for the Folsom Center Project

The Board of County Commissioners, in regular session on May 9, 2023, approved and accepted the Utility Easement from Brevard Constructors, Inc. for the Folsom Center Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

cc: Utility Services

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Utility Easement from Brevard Constructors, Inc. for the
Folsom Center Project – District 1

AGENCY: Public Works Department / Land Acquisition

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

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u></u>	<u> </u>	<u>4-7-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u></u>	<u> </u>	<u>4-11-2023</u>

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 21-35-17-50-*1

UTILITY EASEMENT

THIS INDENTURE, made this 30th day of March, 2023, between Brevard Constructors, Inc. a Florida corporation, whose address is 2023 North Carpenter Road, Titusville, Florida 32796, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining public utility and associated facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

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

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Russell K Gordon

Witness

Russell K Gordon

Print Name

Debra Mitchell

Witness

Debra Mitchell

Print Name

Brevard Constructors, Inc., a
Florida corporation

By: *Timothy D. Gordon*

Timothy D. Gordon, 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 30th day of March, 2023, by Timothy D. Gordon, as President for Brevard Constructors, Inc., a Florida corporation. Is ☒ personally known or ☐ produced _____ as identification.

Anita Chamberlain

Notary Signature

SEAL



ANITA CHAMBERLAIN
Commission # HH 194173
Expires November 2, 2025
Bonded Thru Budget Notary Services

LEGAL DESCRIPTION

PARCEL # 800

PARENT PARCEL ID# 21-35-17-50-0-1

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

AN EASEMENT ACROSS A PORTION OF CARLILE WARD PLAT OF MMS AS RECORDED IN PLAT BOOK 1, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF OFFICIAL RECORDS BOOK 6036, PAGE 1401 AND THE WEST LINE OF SAID PLAT BOOK 1, PAGE 4; THENCE N00°06'25"W ALONG SAID WEST LINE, A DISTANCE OF 83.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°06'25"W ALONG SAID SAID WEST LINE, A DISTANCE OF 20.00 FEET; THENCE N89°53'35"E, A DISTANCE OF 20.00 FEET; THENCE S00°06'25"E, A DISTANCE OF 20.00 FEET; THENCE S89°53'35"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 400 SQ FT, 0.0092 ACRES.

SURVEYORS NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF PLAT BOOK 1, PAGE 4, N00°06'25"W (ASSUMED).
2. THE FOLLOWING EASEMENTS WERE PROVIDED TO THE SURVEYOR BY THE OWNERSHIP AND ENCUMBRANCE PROPERTY INFORMATION REPORT BY ATTORNEYS' TITLE FUND SERVICES, LLC, FUND FILE 1358689, EFFECTIVE DATES FROM NOVEMBER 27, 2019 TO DECEMBER 30, 2022 AT 11:00 PM.

NO EASEMENTS LISTED

3. THIS SKETCH OF LEGAL DESCRIPTION IS NOT A BOUNDARY SURVEY.
4. NOT VALID WITHOUT THE SIGNATURE AND AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

EARL K. GORDON, PSM 5363
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED



PREPARED BY: GAI Surveyors

L.B. No. 7928
1 OLEANDER ST. COCOA, FL 32922
(321) 806-3908 GAI@CFL.RR.COM

DRAWN BY: AEG

CHECKED BY: EKG

PROJECT NO. 2023-15

REVISIONS

DATE

DESCRIPTION

SECTION 17

TOWNSHIP 21 SOUTH

RANGE 35 EAST

DATE: 9 FEB 23

DRAWING: 2

SKETCH OF DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 21-35-17-50--*-1

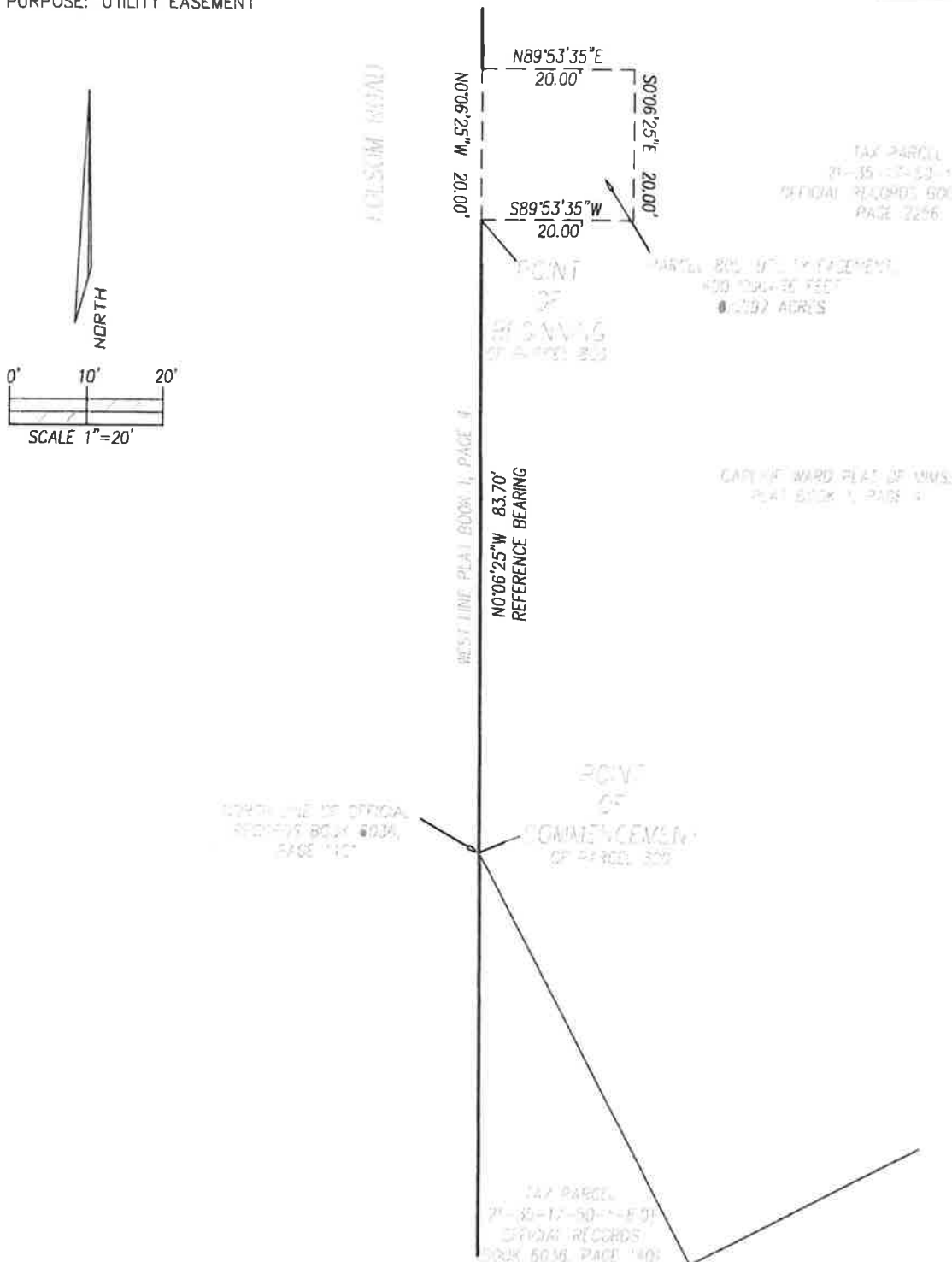
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY: **GAI Surveyors**
 L.B. No. 7928
 1 OLEANDER ST. COCOA, FL 32922
 (321) 806-3908 GAI@CFL.RR.COM

SCALE: 1"=20'

PROJECT NO.:
 2023-15

SECTION 17
 TOWNSHIP 21 SOUTH
 RANGE 35 EAST

LOCATION MAP

Section 17, Township 21 South, Range 35 East – District 1

PROPERTY LOCATION: West of US Highway 1, north of West Main Street on Folsom Road in Mims.

OWNERS NAME(S): Brevard Constructors, Inc.

