



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.2

7/20/2021

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### **Subject:**

Approval, Re: Donation of Utility Easement from Kiwi Tennis Club, LLC, for the Lift Station S-27 Rehabilitation/Reconstruction Project - District 4.

### **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 02, Township 27 South, Range 37 East, on the west side of South Patrick Drive in Indian Harbour Beach.

Utility Services Department is planning a rehabilitation and/or reconstruction project for Lift Station S-27. As part of the project, in order to enable Florida Power and Light Company to provide 480V-3 Phase power to the lift station, an easement is required. The owners have agreed to donate the necessary easement in order to facilitate the project.

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:**



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 21, 2021

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director

**RE:** Item F.2., Approval for Donation of Utility Easement from Kiwi Tennis Club, LLC, for the Lift Station S-27 Rehabilitation/Reconstruction Project

The Board of County Commissioners, in regular session on July 20, 2021, approved and accepted the Utility Easement donated from Kiwi Tennis Club, LLC, for the Lift Station S-27 Rehabilitation/Reconstruction Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/sm

cc: County Manager  
County Attorney  
Utility Services  
Land Acquisition

# BOARD OF COUNTY COMMISSIONERS

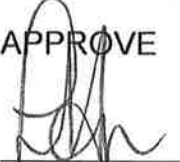
## AGENDA REVIEW SHEET

AGENDA: Utility Easement from Kiwi Tennis Club, LLC for the Lift Station S-27  
Rehabilitation/Reconstruction Project – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 Ext. 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>6.30.2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>6/30/2021</u>

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: 27-37-02-00-587

## UTILITY EASEMENT

**THIS INDENTURE**, made this 30 day of June, 2021, between Kiwi Tennis Club, LLC, a Delaware limited liability company, whose mailing address is Post Office Box 372516, Satellite Beach, Florida 32937, 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, constructing, reconstructing, reconfiguring, and maintaining public utilities and its 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 2, Township 27 South, Range 37 East, Brevard County, Florida, and being 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 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:

Anna Stroman  
witness  
Anna Stroman  
print name

Carol R Kuell  
witness  
Carol R Kuell  
print name

Kiwi Tennis Club, LLC, a  
Delaware limited liability  
company

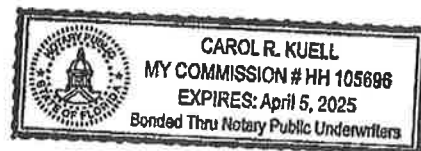
BY: ESCOTTVENTURES, INC.,  
a Delaware Corporation,  
Manager

BY: Edward W. Scott, Jr.  
Edward W. Scott, Jr., President

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization on this 30 day of June,  
2021 by Edward W. Scott, Jr. as President for ESCOTTVENTURES, INC., a  
Delaware Corporation, Manager for Kiwi Tennis Club, LLC, a Delaware limited  
liability company. Is personally known or produced ED is known to me as  
identification.

Carol R Kuell  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL # 800

PARENT PARCEL ID#: 27-37-02-00-587

PURPOSE: UTILITY EASEMENT

LEGAL DESCRIPTION: PARCEL # 800

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATED, LYING AND BEING IN SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST, CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, THE SAME BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4337 AT PAGE 3306 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:

BEGIN AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF TRADEWINDS DR. WITH THE WESTERLY RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE AS SHOWN ON THE PLAT OF "WINDWARD COVE," ACCORDING TO THE PLAT THEREOF, AS RECORDED JULY 18, 1986 IN PLAT BOOK 32 AT PAGE 91 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF TRADEWINDS DR. FOR THE FOLLOWING COURSES: THENCE S85°18'07"W FOR 21.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 30°46'47," A CHORD BEARING OF N79°16'23"W AND A CHORD DISTANCE OF 29.19 FEET FOR AN ARC LENGTH OF 29.55 FEET TO THE POINT OF TANGENCY; THENCE N63°55'06"W FOR 143.12 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 26°56'08," A CHORD BEARING OF N77°23'10"W AND A CHORD DISTANCE OF 53.57 FEET FOR AN ARC LENGTH OF 54.06 FEET TO THE POINT OF TANGENCY; THENCE S89°08'46"W FOR 32.24 FEET TO THE POINT OF TERMINATION ALONG SAID NORTH RIGHT OF WAY LINE OF TRADEWINDS DR.; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE OF TRADEWINDS DR., N00°51'14"W FOR 10.00 FEET; THENCE N89°08'46"E FOR 32.24 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 26°56'08," A CHORD BEARING OF S77°23'10"E AND A CHORD DISTANCE OF 58.22 FEET FOR AN ARC LENGTH OF 58.76 FEET TO THE POINT OF TANGENCY; THENCE S63°55'06"E FOR 143.13 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 30°46'47," A CHORD BEARING OF S79°16'23"E AND A CHORD DISTANCE OF 23.88 FEET FOR AN ARC LENGTH OF 24.17 FEET TO THE POINT OF TANGENCY; THENCE N85°18'07"E FOR 16.05 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 4337 AT PAGE 3306 AND THE WESTERLY RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE; THENCE S31°53'10"E ALONG SAID EASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4337 AT PAGE 3306 AND THE WESTERLY RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE FOR 11.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 2273 SQUARE FEET OR 0.00637 ACRES, MORE OR LESS.



Digitally signed by Alvin  
Santiago Negron  
Date: 2021.06.07  
17:10:15-04'00'

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

ALVIN SANTIAGO, PSM 7160  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: ATKINS NORTH AMERICA, INC.  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB24  
482 SOUTH KELLER RD, ORLANDO, FL 32810

DRAWN BY: J.H.A.

CHECKED BY: D.W.D.

PROJECT NO. SB-RR-154

DATE: 5/20/2021 8:58 AM

DRAWING: 100053596 PARCEL  
800.DWG

REVISIONS

DATE

DESCRIPTION

05-19-21

COUNTY'S COMMENTS

SECTION 2  
TOWNSHIP 27 SOUTH  
RANGE 37 EAST

# LEGAL DESCRIPTION

## PARCEL # 800

PARENT PARCEL ID# 27-37-02-00-587

PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEET 1 AND 3, OF 3

THIS IS NOT A SURVEY

### SURVEYOR'S NOTES:

—PROPERTY OWNERSHIP DATA AND TAX FOLIO INFORMATION AS DERIVED FROM THE 2020 BREVARD COUNTY TAX ROLLS AS PUBLISHED BY THE BREVARD COUNTY PROPERTY APPRAISER'S OFFICE. THIS INFORMATION IS SUBJECT TO PERIODIC CHANGES SUBSEQUENT TO ANNUAL PUBLICATION AND SHOULD ALWAYS BE VERIFIED BEFORE USE.

—BEARINGS AS SHOWN HEREON REFER TO A BEARING OF N63°55'06"W ALONG THE NORTH LINE OF THE TRADEWINDS DR. THIS BEARING IS BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE EAST ZONE OF FLORIDA, NORTH AMERICAN DATUM OF 1983 (NAD83).

—THIS PRODUCT DOES NOT REPRESENT A SURVEY.

—THIS DOCUMENT WAS PREPARED WITH THE BENEFIT OF AN OWNERSHIP AND ENCUMBRANCE REPORT PREPARED BY NEW REVELATIONS, INC. DATED NOVEMBER 10, 2020 UNDER FILE NUMBER 20-1565. ACCORDING TO SAID REPORT, THE FOLLOWING ENCUMBRANCES WERE FOUND:

- EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4347, PAGE 3262. (THIS AGREEMENT AFFECTS THE PROPERTY OWNED BY KIWII TENNIS CLUB, LLC, BUT DOES NOT AFFECT PARCEL 800).
- EXCLUSIVE EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 4347, PAGE 3270. (THIS AGREEMENT AFFECTS THE DOCKSIDE VILLAS HOMEOWNERS ASSOCIATION, INC. FOR THE BENEFIT OF THE KIWII TENNIS CLUB, LLC, BUT DOES NOT AFFECT PARCEL 800).
- PUBLIC UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4628, PAGE 3756. THIS IS A BLANKET UTILITY EASEMENT COVERING ALL OF THE KIWII TENNIS CLUB, LLC PROPERTY AND AFFECTS PARCEL 800.

### ABBREVIATIONS:

B.O.B. = Basis of Bearing	PG. = Page
CB = Chord Bearing	PT = Point of Tangency
CH = Chord distance	R = Radius
L = Length	R/W = Right of Way
O.R.B. = Official Record Book	Δ = Central Angle (Delta)
P.O.C. = Point of Commencement	CL = Center line
P.O.B. = Point of Beginning	
P.B. = Plat Book	
P.O.T. = Point of Termination	

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800.DWG

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COUNTY'S COMMENTS

SECTION 2

TOWNSHIP 27 SOUTH  
RANGE 37 EAST

# SKETCH OF DESCRIPTION

## PARCEL # 800

PARENT PARCEL ID#: 27-37-02-00-587

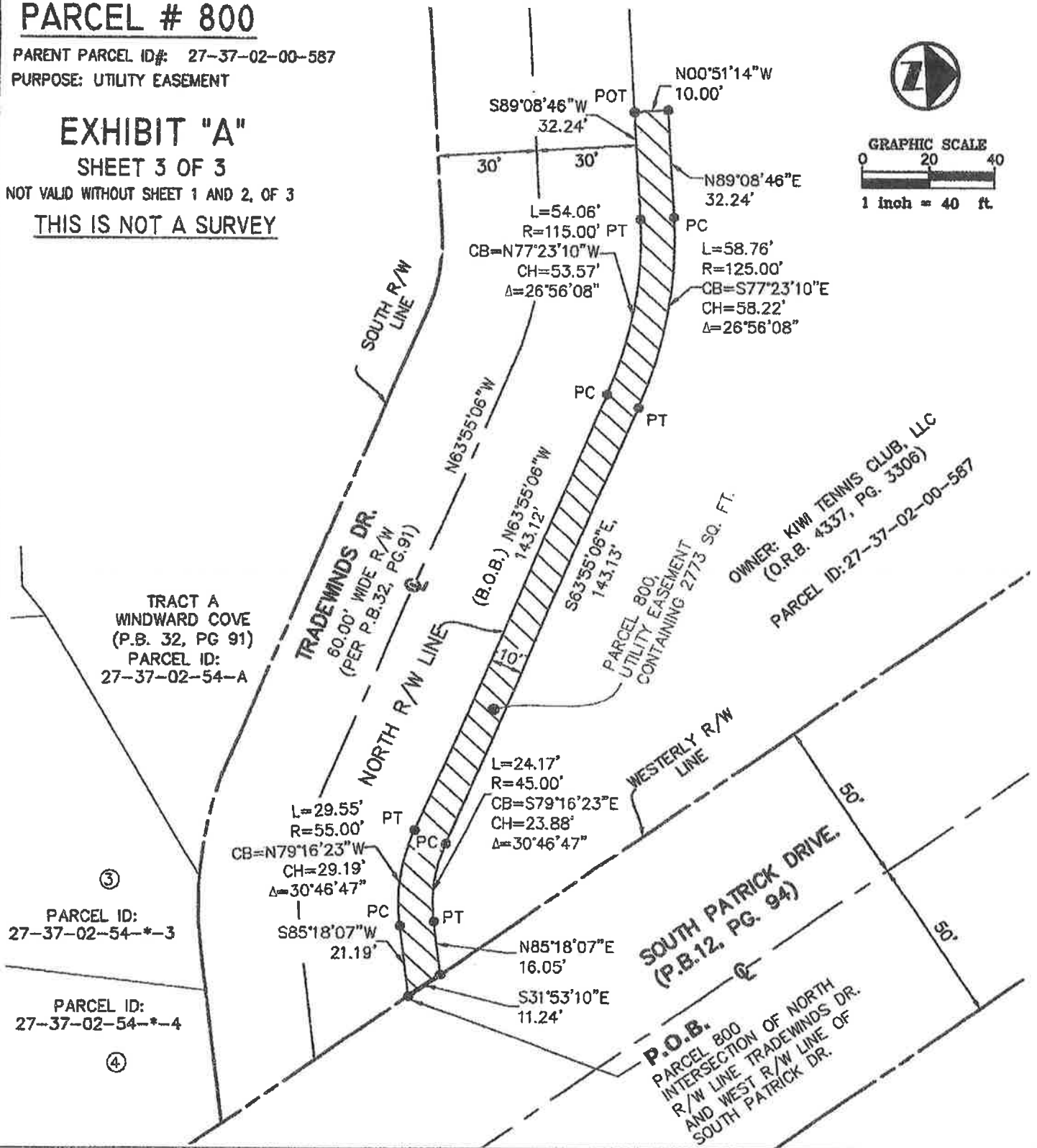
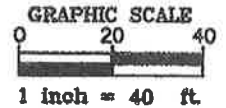
PURPOSE: UTILITY EASEMENT

### EXHIBIT "A"

SHEET 3 OF 3

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COUNTY'S COMMENTS

SECTION 2  
TOWNSHIP 27 SOUTH  
RANGE 37 EAST

# LEGAL DESCRIPTION

## PARCEL # 801

PARENT PARCEL ID#: 27-37-02-00-587  
PURPOSE: UTILITY EASEMENT

## EXHIBIT "B"

SHEET 1 OF 3

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LEGAL DESCRIPTION: PARCEL # 801

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COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF TRADEWINDS DR. WITH THE WESTERLY RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE AS SHOWN ON THE PLAT OF "WINDWARD COVE," ACCORDING TO THE PLAT THEREOF, AS RECORDED JULY 18, 1986 IN PLAT BOOK 32 AT PAGE 91 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF TRADEWINDS DR. FOR THE FOLLOWING COURSES: THENCE S85°18'07"W FOR 21.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 30°46'47," A CHORD BEARING OF N79°16'23"W AND A CHORD DISTANCE OF 29.19 FEET FOR AN ARC LENGTH OF 29.55 FEET TO THE POINT OF TANGENCY; THENCE N63°55'06"W FOR 143.12 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 26°56'08," A CHORD BEARING OF N77°23'10"W AND A CHORD DISTANCE OF 53.57 FEET FOR AN ARC LENGTH OF 54.06 FEET TO THE POINT OF TANGENCY; THENCE S89°08'46"W FOR 32.24 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; FROM SAID POINT OF BEGINNING, THENCE CONTINUE S89°08'46"W ALONG SAID NORTH RIGHT OF WAY LINE OF TRADEWINDS DR. FOR 15.00 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE OF TRADEWINDS DR., N00°51'14"W FOR 15.00 FEET; THENCE N89°08'46"E FOR 15.00 FEET; THENCE S00°51'14"E FOR 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 225 SQUARE FEET OR 0.0052 ACRES, MORE OR LESS.



Digitally signed by Alvin  
Santiago Negron  
Date: 2021.06.07  
17:18:34-04'00'

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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DRAWN BY: J.H.A.	CHECKED BY: D.W.D.	PROJECT NO. SB-RR-154			SECTION 2 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 5/20/2021 3:30 PM	DRAWING: 100053596 PARCEL 801.DWG		05-19-21	COUNTY'S COMMENTS	

# LEGAL DESCRIPTION

## PARCEL # 801

PARENT PARCEL ID#: 27-37-02-00-587

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DATE: 5/20/2021 3:30 PM	DRAWING: 100053596 PARCEL 801_DWG	REVISIONS	TOWNSHIP 27 SOUTH
		DATE	RANGE 37 EAST
		DESCRIPTION	
		05-19-21	COUNTY'S COMMENTS


PARCEL # 801

EXHIBIT "B"

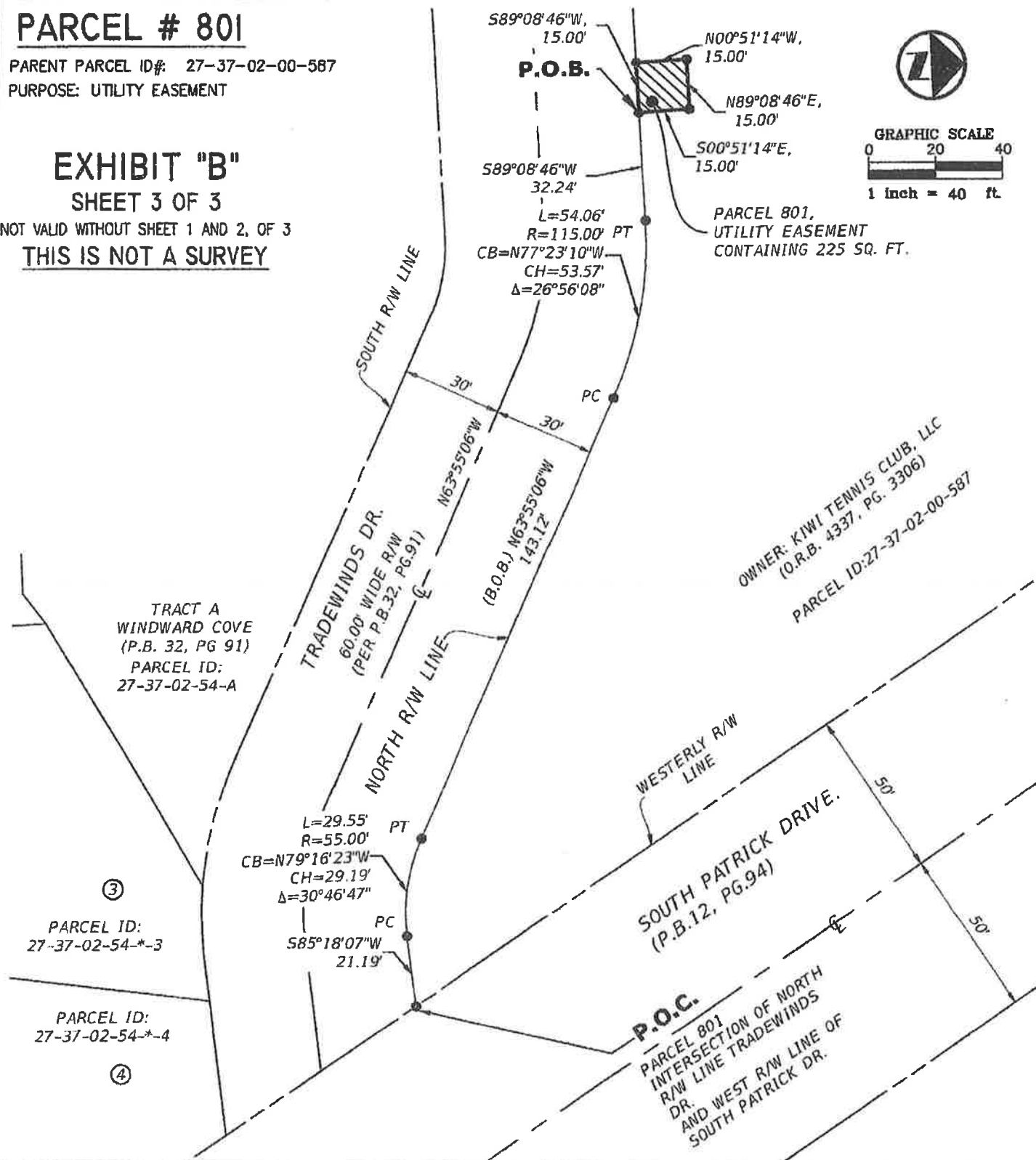
THIS IS NOT A SURVEY



**GRAPHIC SCALE**



1 inch = 40 ft.



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DATE: 5/20/2021 3:30 PM	DRAWING: 100053596 PARCEL 801 DWG	REVISIONS	DATE	DESCRIPTION	
			05-19-21	COUNTY'S COMMENTS	

## LOCATION MAP

**Section 02, Township 27 South, Range 37 East – District 4**

PROPERTY LOCATION: 30 Tradewinds Dr, Unit Tennis Club, Indian Harbour Beach

OWNERS NAME(S): Kiwi Tennis Club, LLC

