



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

4/19/2022

Subject:

Approval, Re: Resolution and Easement (Business) from Brevard County to Florida Power and Light for Lift Station W09 - District 2.

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 authorize the Chair to execute the attached Resolution and Easement (Business).

Summary Explanation and Background:

The subject property is located in Section 17, Township 25 South, Range 36 East, west of Fiske Boulevard off Silver Pines Drive in Rockledge.

Utility Services Department is planning the relocation and construction of Lift Station W09. The current power supply at this location is 240V 3-phase, which is undersized for the new updated lift station. Florida Power and Light will be bringing 480V 3-Phase power to the new station which will require an easement for their transformer.

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 arrange to pick up the original executed Resolution and original executed Easement (Business).

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station W09– District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3-16-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>3-20-2022</u>



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

April 20, 2022

M E M O R A N D U M

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

RE: Item F.7., Resolution and Easement (Business) from Brevard County to Florida Power and Light (FPL) for Lift Station W09

The Board of County Commissioners, in regular session on April 19, 2022, executed and adopted Resolution No.22-037, authorizing the Conveyance of real property interest by the County; and executed and approved the Easement (Business) from Brevard County To FPL for Lift Station W09. Enclosed is a fully-executed Resolution and Easement(Business).

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

Encls. (2)

cc: Utility Services

RESOLUTION NO. 22-037

**RESOLUTION PURSUANT TO SECTION 125.38,
FLORIDA STATUTES AUTHORIZING THE CONVEYANCE
OF REAL PROPERTY INTEREST BY THE COUNTY.**

RECITALS

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," owns certain real property described in Exhibit "A"; and

WHEREAS, the Florida Power and Light Company (FPL) is a corporation organized for the purpose of promoting community interest and welfare and FPL has requested a perpetual easement to provide electric service to the public; and

WHEREAS, said utility easement will not conflict with the County's use of the servient property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.
2. Pursuant to section 125.38, Florida Statutes, an easement is required to promote community interest and welfare. The easement shall be conveyed at nominal cost. The area of the easement is not needed for other County purposes that would conflict with FPL's use of the easement.
3. County agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place facilities within said easement area in order for FPL to provide electric service to the public.
4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 19th day of April, 2022.

ATTEST:
Clerk of the Court:


Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Zonka, Chair

As approved by the Board on 4/19/2022

Work Request No. 10755522

Sec. 17, Twp 25 S, Rge 36 E

Parcel I.D. 25-36-17-00-254
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Marlon Mariona
Co. Name: FPL
Address: 9001 ELLIS RD.
MELBOURNE, FL 32904

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See attached Exhibit "A"

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on April 19th, 2022

Signed, sealed and delivered in the presence of:

n/a

(Witness' Signature)

Print Name:

n/a

(Witness)

n/a

(Witness' Signature)

Print Name:

n/a

(Witness)

Brevard County Board of County Commissioners, a
political subdivision of the State of Florida

By:

Print Name: Kristine Zonka, Chair

Print Address: 2725 Judge Fran Jamieson Way
Viera, Florida 32940

Approved by the Board 4/19/22

Attest: Rachel Sadoff Clerk to the Board

STATE OF n/a AND COUNTY OF n/a. The foregoing instrument was acknowledged before me this n/a day of n/a, 20n/a by n/a, the n/a of n/a a n/a, who is personally known to me or has produced n/a as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires: n/a

n/a

Notary Public, Signature

Print Name n/a

LEGAL DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 25-36-17-00-254

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEETS 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801 (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF SECTION 17, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 18 BLOCK "L" OF THE SILVER PINES ESTATES- NO.4 PLAT AS RECORDED IN THE OFFICIAL RECORDS OF BREVARD COUNTY PLAT BOOK 16 PAGE 67: THENCE, HEADING WEST ALONG THE SOUTH LINE OF LOT "F" AS DESCRIBED IN OFFICIAL RECORDS BOOK 8463 PAGE 304 SOUTH 89° 49' 27" WEST, A DISTANCE OF 102.26' TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1878 PAGE 1038, THENCE, HEADING NORTH ALONG THE WEST LINE OF SAID LOT "F" AND THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1878, PAGE 1038, NORTH 00° 00' 00" WEST, A DISTANCE OF 122.35' TO A POINT THAT IS 5.70' SOUTH OF THE NORTHWEST CORNER OF THE AFOREMENTIONED LOT "F" AND THE POINT OF BEGINNING:

THENCE, BEARING SOUTH 89° 49' 27" WEST A DISTANCE OF 15.00';

THENCE, BEARING NORTH 00° 00' 00" EAST A DISTANCE OF 15.00';

THENCE, BEARING NORTH 89° 49' 27" EAST A DISTANCE OF 15.00';

THENCE, BEARING SOUTH 00° 00' 00" WEST A DISTANCE OF 15.00' TO THE POINT OF BEGINNING.

CONTAINING 225 SQUARE FEET OR 0.0052 ACRES, MORE OR LESS

SURVEYORS NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION HEREIN.
2. THE BEARING BASIS OF THIS SKETCH IS THE SOUTH LINE OF LOT 18, BLOCK "L" OF THE SILVER PINES ESTATES NO. 4 AS RECORDED IN PLAT BOOK 16, PAGE 67 AS BEING SOUTH 89° 49' 27" WEST, AND ASSUMED BEARING ON SAID PLAT.
3. THE TAX PARCEL NUMBERS SHOWN WERE TAKEN FROM THE BREVARD COUNTY PROPERTY APPRAISER'S WEB SITE AND DEPICT TAX PARCEL NUMBERS AS SHOWN AND DESCRIBED ON SAID WEB SITE AT TIME OF PREPARATION OF SKETCH AND LEGAL SHOWN HEREON.
4. NO OPINION OF TITLE, OWNERSHIP, OR UNDERWRITTEN RIGHTS IS EXPRESSED OR IMPLIED BY SURVEYOR.

REFERENCE MATERIAL:

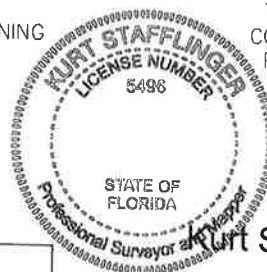
- A. SILVER PINES ESTATE- No.4 PLAT BOOK 16 PAGE 67
- B. BREVARD COUNTY OFFICIAL RECORDS BOOK 8463 PAGE 304
- C. BREVARD COUNTY OFFICIAL RECORDS BOOK 1878 PAGE 1038
- D. TITLE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, BY IRENE FONZI, FILE NUMBER "2900 SILVER", TAX IDENTIFICATION NUMBER 2509822, EFFECTIVE DATE 12/20/2021. PER SAID REPORT, NO EASEMENTS AFFECTING OR ABUTTING PARCEL 801 WERE DECLARED WITHIN SAID TITLE REPORT.

ABBREVIATIONS:

C/L = CENTERLINE
PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT
L = ARC LENGTH

ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
POB = POINT OF BEGINNING
R = RADIUS
TYP = TYPICAL

ID = IDENTIFICATION
TP = TAX PARCEL
COR = CORNER
PG = PAGE
± = MORE OR LESS



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

KURT STAFFLINGER, PSM 5496
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: ISS SURVEYING
ADDRESS: 7175 MURRELL RD, MELBOURNE, FL 32940
PHONE: 321-622-4646

DRAWN BY: ZC

CHECKED BY: KS

PROJECT NO. BRV017

DATE: 1/03/22

DRAWING: BRV017-FPL

REVISIONS

DATE

DESCRIPTION

2/14/22

CHANGED FROM FPL
TO UTILITY EASEMENT

SECTION 17
TOWNSHIP 25 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 25-36-17-00-254

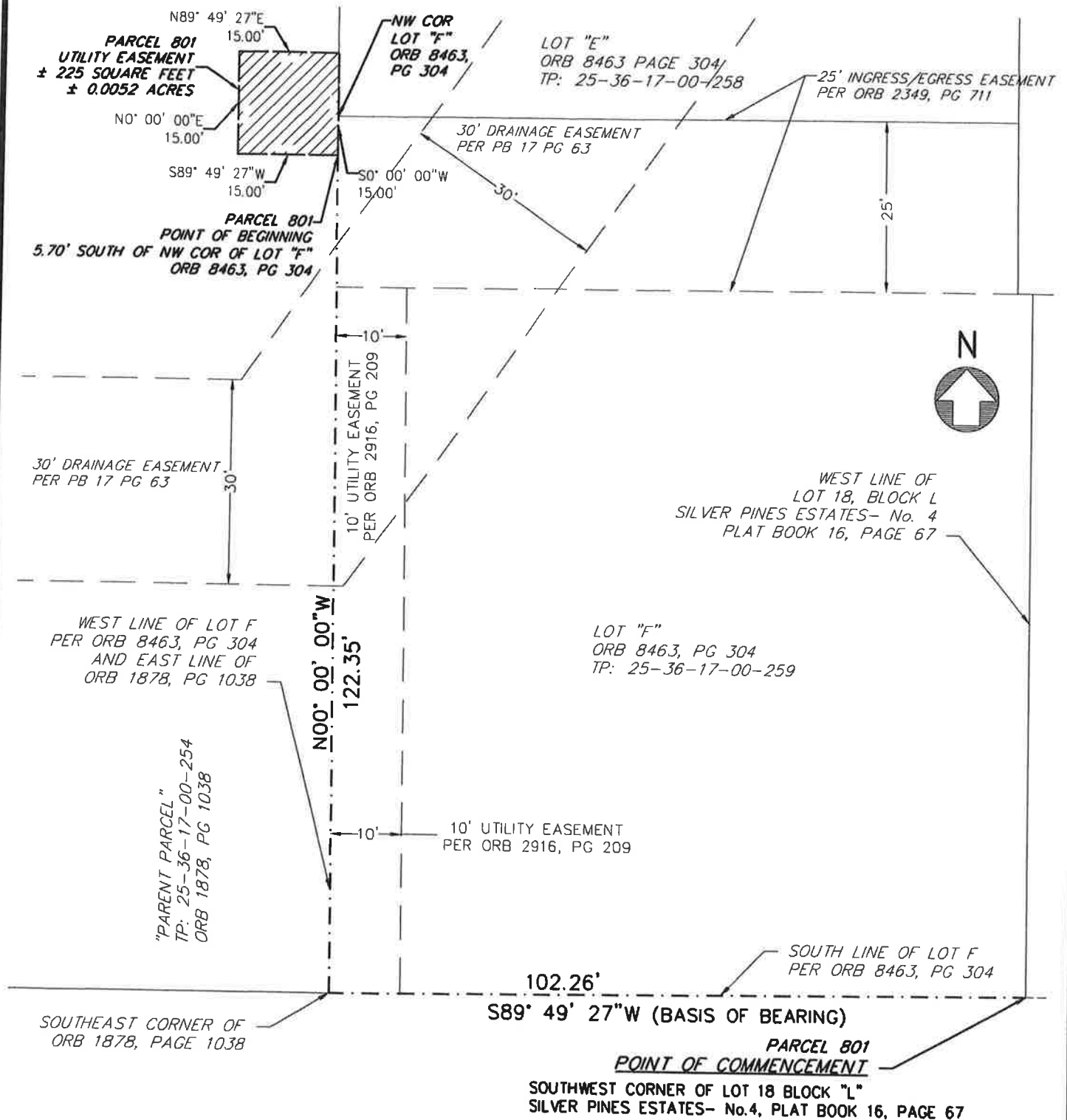
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY: ISS SURVEYING
ADDRESS: 7175 MURRELL RD, MELBOURNE, FL 32940
PHONE: 321-622-4646

SCALE:

1" = 20'

PROJECT NO.:

BRV017

SECTION 17

TOWNSHIP 25 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 17, Township 25 South, Range 36 East - District: 2

PROPERTY LOCATION: West of Fiske Boulevard off Silver Pines Drive in Rockledge

OWNERS NAME(S): Brevard County

