



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.4.

12/5/2023

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### **Subject:**

Approval, Re: Dedication of Sidewalk Easement from the City of Melbourne for the Canova Beach Pump Station Improvements Project - District 4.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition

### **Requested Action:**

It is requested that the Board of County Commissioners accept the attached Sidewalk Easement.

### **Summary Explanation and Background:**

The subject property is located in Section 13, Township 27 South, Range 37 East, south of coastal Hill Drive and north of Wallace Avenue in Indian Harbour Beach.

The City of Melbourne, owner, has submitted site plan number 21AD00013 for review and approval by the County for the improvements to the Canova Beach Pump Station. In accordance with County code and standards, the owner has agreed to dedicate the attached sidewalk easement required as a condition of the site plan approval. The sidewalk is existing and is being maintained by the County. The easement is required to allow the County continued access and maintenance of the sidewalk.

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

December 6, 2023

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

**TO:** Marc Bernath, Public Works Director      Attn: Jean Kremitzki

**RE:** Item F.4., Approval for Dedication of Sidewalk Easement from the City of Melbourne for the Canova Beach Pump Station Improvements Project

The Board of County Commissioners, in regular session on December 5, 2023, accepted the Sidewalk Easement from the City of Melbourne for the Canova Beach Pump Station Improvements Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/dm

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

AGENDA: Dedication of Sidewalk Easement from the City of Melbourne for the  
Canova Beach Pump Station Improvements Project – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8153

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>LA</u>	<u>                    </u>	<u>11.14.23</u>
COUNTY ATTORNEY Alexander Esseeesse Deputy County Attorney	<u>AE</u>	<u>                    </u>	<u>11/16/23</u>

Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 27-37-13-00-251

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this \_\_\_\_ day of NOV - 6 2023, 2023, between the CITY OF MELBOURNE, a Florida municipal corporation, whose address is 900 East Strawbridge Avenue, Melbourne, Florida 32901, 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 reconstructing, reconfiguring, and maintaining sidewalk 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 13, Township 27 South, Range 37 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:

Helen Seaman

Witness

Helen Seaman

Print Name

Sally Goltzman

Witness

SALLY GOLTZMAN

Print Name

CITY OF MELBOURNE, a  
Florida municipal corporation

By: Jenni Lamb  
Jenni Lamb, City Manager

Attest: Kevin McKeown  
Kevin McKeown, City Clerk

(Seal)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 6TH day of NOVEMBER, 2023, by Jenni Lamb, as City Manager of Melbourne, Florida, a Florida municipal corporation. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.



Sally J. Goltzman  
Notary Signature

SEAL

# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 27-37-13-00-251

PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL #800, SIDEWALK EASEMENT (BY SURVEYOR)

A portion of a parcel of land described in Official Record Book 57, Page 25, Public Records of Brevard County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of Tract "G", Coquina Palms, according to the Plat thereof, as recorded in Plat Book 42, Pages 81 through 83, of the Public Records of Brevard County, Florida, said point lying on the North Right of Way line of Wallace Avenue per Canova Beach, Section B, according to the Plat thereof, as recorded in Plat Book 8, Page 12, of the Public Records of Brevard County, Florida; thence South 89°11'30" West, a distance of 348.48 feet along said North Right of Way line to the East line of Tract "D" of said Coquina Palms Plat; thence departing said North Right of Way line, North 12°32'43" West, a distance of 6.13 feet along said East line of said Tract "D"; thence departing said East line, North 89°11'30" East, a distance of 348.48 feet to the West line of aforesaid Tract "G"; thence South 12°32'43" East, a distance of 6.13 feet along said West line to the POINT OF BEGINNING.

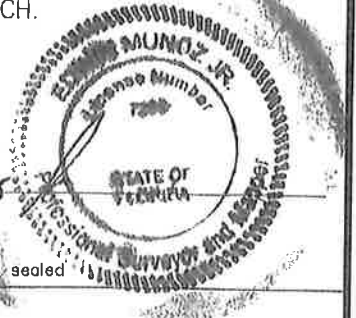
Containing 0.05 acres, or 2,091 square feet, more or less.

### SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON NORTH RIGHT OF WAY LINE OF WALLACE AVENUE, BEING SOUTH 89°11'30" WEST. (ASSUMED)
2. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND IF SHOWN HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE 5J-17.062 AND FLORIDA STATUTE 472.025.
3. I HEREBY CERTIFY THAT THE "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING CHAPTER 5J-17 REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE.
4. I HAVE REVIEWED PROPERTY INFORMATION REPORT FILE NO. 123070016, PREPARED BY ALLIANCE TITLE INSURANCE AGENCY, INC., EFFECTIVE DATE OF SEARCH BEING OCTOBER 1, 1957 TO JULY 25, 2023 AT 5:00 PM, AND ALL RECORDED SURVEY RELATED ENCUMBRANCES, EXCEPT LIENS, IDENTIFIED ON SAID PROPERTY INFORMATION REPORT HAVE BEEN SHOWN OR NOTED ON THIS SKETCH.

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

*Edwin Munoz Jr.*  
EDWIN MUNOZ JR., PSM  
Registered Land Surveyor  
Number 7288  
Not valid unless sign and sealed



PREPARED BY: SOUTHEASTERN SURVEYING & MAPPING CORPORATION  
6500 ALL AMERICAN BOULEVARD, ORLANDO FL 32810  
407-292-8580 LB #2108

DRAWN BY: SK	CHECKED BY: EM	PROJECT NO. 31418 CANOVA PS IMPROV.			SECTION 13 TOWNSHIP 27 SOUTH RANGE 37 EAST
DATE: 07/11/2023	DRAWING: 64508004	REVISIONS	DATE	DESCRIPTION	
			08/29/23	REVISED PER CLIENT'S COMMENT	
			09/26/23	REVISIONS PER COMMENTS	

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 27-37-13-00-251

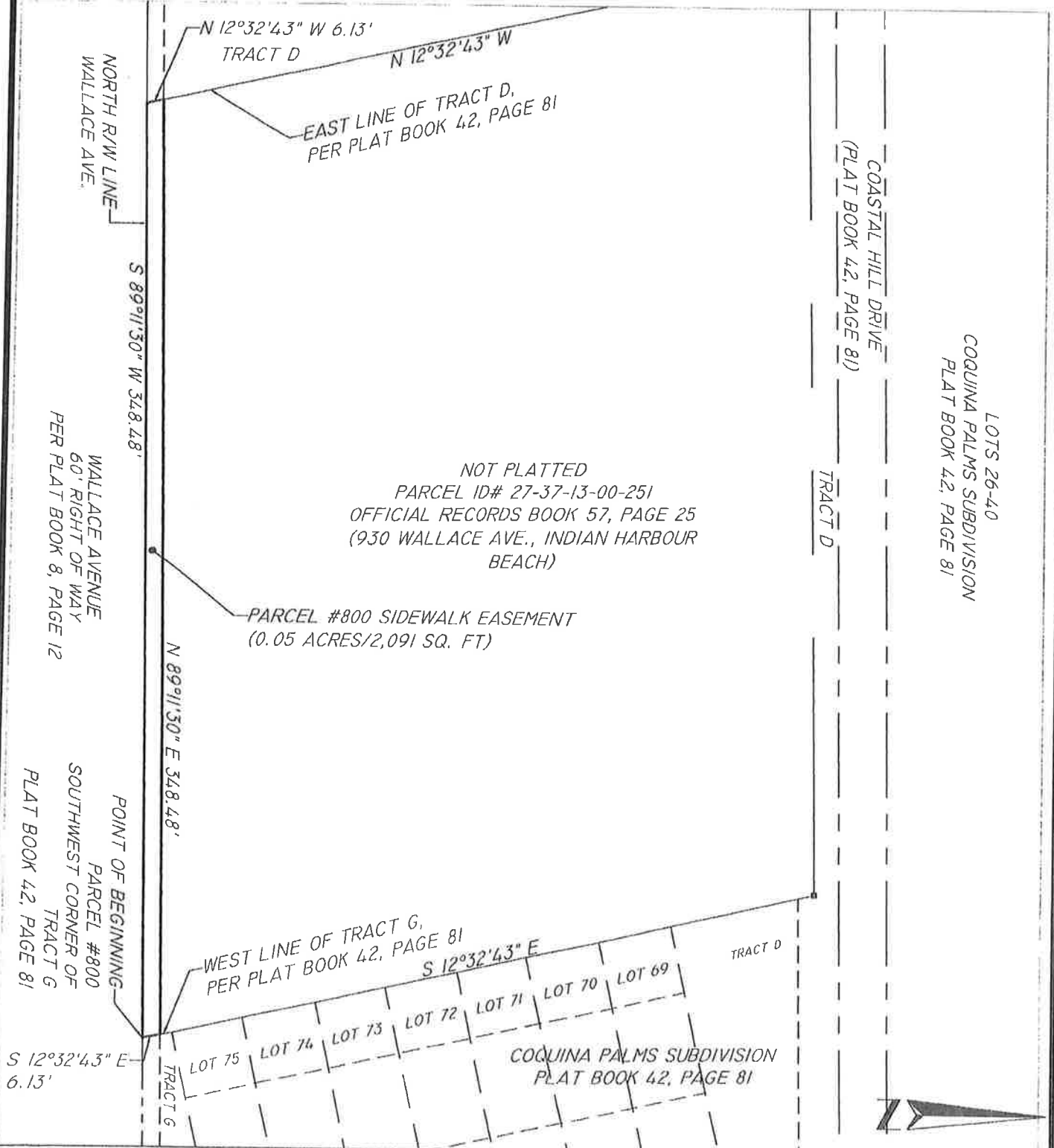
PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY:

SOUTHEASTERN SURVEYING & MAPPING CORPORATION  
 6500 ALL AMERICAN BOULEVARD, ORLANDO FL 32810  
 407-292-8580 LB #2108

SCALE:

1"=50'

PROJECT NO.:

31418 CANOVA PS IMPROV.

SECTION 13

TOWNSHIP 27 SOUTH  
 RANGE 37 EAST

## LOCATION MAP

**Section 13, Township 27 South, Range 37 East - District: 4**

**PROPERTY LOCATION:** South of Coastal Hill Drive and north of Wallace Avenue in Indian Harbour Beach.

**OWNERS NAME(S):** The CITY OF MELBOURNE

