



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Development and Environmental Services Group

J.3.

9/14/2021

Subject:

Approval, Re: Access Easement, Warranty Deed, Resolution, and Easement (Business) for the Waelti Drive Warehouses Site Plan- District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners: 1) approve and accept the attached Access Easement and Warranty Deed and 2) authorize the Chair to execute the attached Resolution and Easement (Business) in favor of Florida Power and Light Company (FPL).

Summary Explanation and Background:

The subject property is located in Section 12, Township 26 South, Range 36 East, the north side of Wickham Road on the east side of Waelti Drive in Melbourne.

KMM-FL-LLC, a Florida limited liability company, owner, has submitted site plan number 19SP00021 for review and approval by the County for the development of a warehouse complex known as Waelti Drive Warehouses. In accordance with County code and standards, the owner has agreed to donate the attached access easement required as a condition of the site plan approval.

Simultaneous with this request under Public Hearings, the Brevard County Surveying and Mapping Department's Vacating Section is requesting Board action for approval to vacate a portion of Tkcas Drive. When the north one-half of the vacated portion of Tkcas Drive is conveyed to the County it will satisfy the site plan requirements for a stormwater pond location. The attached Easement (Business) was requested by FPL in lieu of any objections to the vacate request. This easement will allow FPL to relocate the power pole for continued service to the railroad. The Resolution is pursuant to Section 125.38, Florida Statutes authorizing the conveyance of real property interest by the County.

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



September 15, 2021

MEMORANDUM

TO: Marc Bernath, Public Works Director

Attn: Lucy Hamelers

RE: Item J.3., Approval for Access Easement , Warranty Deed, Resolution, and Easement for the Waelti Drive Warehouse Site Plan

The Board of County Commissioners, in regular session on September 14, 2021, approved and accepted the Access Easement and Warranty Deed; adopted Resolution No. 21-120, authorizing the conveyance of real property interest by the County; and authorized the Chair to execute the Resolution and Easement in favor of Florida Power and Light (FPL) for the Waelti Drive Warehouse Site Plan. Enclosed are are fully-executed Resolution and Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

Encls. (2)

RESOLUTION NO. 21- 120

**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 14 day of September, 2021.

ATTEST:
Clerk of the Court:


Rachel Sadoff, Clerk of the Courts

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Rita Pritchett, Chair

As approved by the Board on 09/14/2021

Work Request No. 10571297

Sec. 12, Twp 26 S, Rge 36 E

Parcel I.D. 26-36-12-DE-41-5
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Adrienne James
Co. Name: FPL
Address: 9001 Ellis Road
Melbourne, FL

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 Exhibit "A" ("Easement Area")

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 September 14, 2021

Signed, sealed and delivered in the presence of:

(Witness' Signature)

Print Name: _____
(Witness)

(Witness' Signature)

Print Name: _____
(Witness)

Brevard County, Florida

By: Rita Pritchett

Print Name: Rita Pritchett, Chair, Brevard
County Board of County Commissioners
Print Address: 2725 Judge Fran Jamieson Way
Viera, Florida 32940

Approved by the Board: 09/14/2021
Agenda Item No. _____

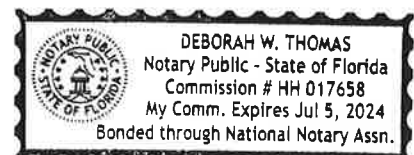
ATTEST: Rachel Sadoff
Rachel Sadoff, Clerk to the Board

STATE OF Florida AND COUNTY OF Brevard. The foregoing instrument was acknowledged before me this 14 day of September, 2021 by Rita Pritchett, the Chair of Brevard County, Florida a political subdivision of the State of Florida, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Deborah W. Thomas
Notary Public, Signature

Print Name Deborah W. Thomas



LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-12-DE-41-5

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801, UTILITY EASEMENT (BY SURVEYOR)

Commencing at the Northeast corner of Lot 13, Block 26, PLAN OF TOWN OF PINEDA, according to the plat thereof recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida; thence N18°50'49"W, along the West right-of-way line of Florida East Coast Railroad (100' wide right-of-way), a distance of 6.50 feet to the POINT OF BEGINNING; thence S71°09'11"W, a distance of 5.00 feet; thence N18°50'49"W, a distance of 5.00 feet; thence N71°09'11"E, a distance of 5.00 feet to a point on said West right-of-way line of Florida East Coast Railroad; thence S18°50'49"E, a distance of 5.00 to the POINT OF BEGINNING.

Containing 25 square feet, more or less.

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of S71°05'51"W referenced to grid north as established by the NOS (National Ocean Survey), along the Northerly right-of-way of Tkacs Drive, a 50 Foot Right-Of-Way per Plat Book 1, Page 41.
3. ○ = Denotes change in direction (no corner found or set).

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DAVID J. IRWIN, PSM 6672
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: ALLEN ENGINEERING, INC. (LB 266)
106 DIXIE LANE
COCOA BEACH, FLORIDA 32931

DRAWN BY: DJI

CHECKED BY: DJI/JWH

PROJECT NO. 040071.5

REVISIONS

DATE

DESCRIPTION

DATE: 6-10-21

DRAWING: 0400715.dwg

SECTION 12
TOWNSHIP 26 SOUTH
RANGE 36 EAST

