



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

3/21/2023

Subject:

Approval, Re: Donation of Temporary Construction Easement from Harlan Property Development, LLC for Lift Station W-09 - 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 accept the attached Temporary Construction Easement.

Summary Explanation and Background:

The subject property is located in Section 17, Township 25 South, Range 36 East, at 2974 Silver Pines Drive in Rockledge.

The Utility Services Department is planning the relocation and construction of Lift Station W-09. The Temporary Construction Easement is necessary to give the construction crews access to remove the existing infrastructure located on the County owned property to the south.

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:

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Donation of Temporary Construction Easement from Harlan Property Development, LLC for Lift Station W-09 – District 2.

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		<hr/>	<u>2-24-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	<hr/>	<u>2-27-2023</u>



March 22, 2023

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.5., Approval for Donation of Temporary Construction Easement from Harlan Property Development, LLC for Lift Station W-09

The Board of County Commissioners, in regular session on March 21, 2023, accepted the donation of a temporary construction easement from Harlan Property Development, LLC for Lift Station W-09.

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

cc: Utility Services

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: 25-36-17-00-259

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Harlan Property Development, LLC, a Florida limited liability company, hereinafter called the Owner, whose address is 284 Clearlake Drive, Cocoa, Florida 32022, do(es) give, grant, bargain and release to Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a temporary construction easement for the purpose(s) of access for constructing, reconstructing and reconfiguring a sanitary force main 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 25 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

With construction to be undertaken by or under direct supervision of the County. This easement shall be limited to said purposes, but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for the County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

(Signatures and Notary on next page)

THIS EASEMENT shall expire upon the completion of the project or 365 days from the commencement of the project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

Witness

(Print Name)

Witness

(Print Name)

Harlan Property Development, LLC,
a Florida limited liability company

By:

Corey Lancaster, Manager

(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 21st day of February, 2023, by Corey Lancaster, as Manager for Harlan Property Development, LLC, a Florida limited liability company. Is ☐ personally known or ☐ produced Driver License as identification.

Notary Signature
SEAL



LEGAL DESCRIPTION

PARCEL 701

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 25-36-17-00-259

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION: PARCEL 701, TEMPORARY CONSTRUCTION EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND, BEING A PORTION OF LOT "F" AS DESCRIBED IN BREVARD COUNTY OFFICIAL RECORDS BOOK 8463 PAGE 304 AND LYING IN SECTION 17, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT "F" AS DESCRIBED IN BREVARD COUNTY OFFICIAL RECORDS BOOK 8463, PAGE 304, SAID POINT BEING THE POINT OF BEGINNING.

THENCE S 89° 49' 27" W FOR A DISTANCE OF 92.26' ALONG THE SOUTH LINE OF SAID LOT "F" TO A POINT 10.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT "F";

THENCE LEAVING SAID SOUTH LINE ON A BEARING OF N 00° 00' 00" E, ALONG A LINE 10.00 FEET EAST AND PARALLEL WITH THE WEST LINE OF SAID LOT "F" FOR A DISTANCE OF 8.00';

THENCE LEAVING SAID WEST LINE ON A BEARING OF N 89° 49' 27" E, SAID BEARING BEING PARALLEL WITH AND 8.00' NORTH OF SAID SOUTH LINE OF LOT "F", FOR A DISTANCE OF 92.26 FEET';

THENCE S 00° 00' 00" E ALONG THE EAST LINE OF SAID LOT "F" FOR A DISTANCE OF 8.00' TO THE POINT OF BEGINNING.

CONTAINING 738.08 SQUARE FEET OR 0.017 ACRES MORE OR LESS.

PARENT PARCEL BEING SUBJECT TO THE FOLLOWING EASEMENTS: AN INGRESS & EGRESS EASEMENT OVER THE NORTH 25 FEET AS RECORDED IN OFFICIAL RECORDS BOOK 2349, PAGE 711 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND A UTILITY EASEMENT OVER THE WEST 10 FEET AS RECORDED IN OFFICIAL RECORDS BOOK 2916, PAGE 209 OF SAID PUBLIC RECORDS.

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 BEARINGS SHOWN HEREON SPECIFICALLY BASED ON WEST LINE OF LOT "F" AS DESCRIBED IN BREVARD COUNTY OFFICIAL RECORDS BOOK 8463, PAGE 304. SAID BEARING OF WEST LINE OF LOT "F" BEING N00°00'00"E, AN ASSUMED BEARING BASIS.
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 HEREIN.
4. NO OPINION OF TITLE, OWNERSHIP, OR UNDERWRITTEN RIGHTS IS EXPRESSED OR IMPLIED BY SURVEYOR.

5. REFERENCE MATERIAL:

- A: OFFICIAL RECORDS BOOK 5888 PAGE 458
B: OFFICIAL RECORDS BOOK 2349 PAGE 711
C: OFFICIAL RECORDS BOOK 2916 PAGE 209
D: OFFICIAL RECORDS BOOK 7628 PAGE 2161
E: O&E REPORT BY NEW REVELATIONS INC., FILE NUMBER 22-1554, TAX IDENTIFICATION NUMBER 2538849, EFFECTIVE DATE 01/08/2023. PER SAID REPORT, ONE EASEMENT AFFECTS OR ABUTTS PARCEL 701 WERE DECLARED WITHIN SAID O&E REPORT.

ABBREVIATIONS:

AKA = ALSO KNOWN AS
BRG = BEARING
BOB = BASIS OF BEARING
COR = CORNER
ESMT = EASEMENT
L = LENGTH
HWY = HIGHWAY
ORB = OFFICAL RECORDS BOOK
PB = PLAT BOOK
PC = POINT OF CURVATURE
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

PT = POINT OF TANGENCY
PD&UE = PUBLIC DRAINAGE
& UTILITY EASEMENT
R = RANGE OR RADIUS
R/W = RIGHT OF WAY
SECT = SECTION
SQ FT = SQUARE FEET

T = TOWNSHIP
TP = TAX PARCEL

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

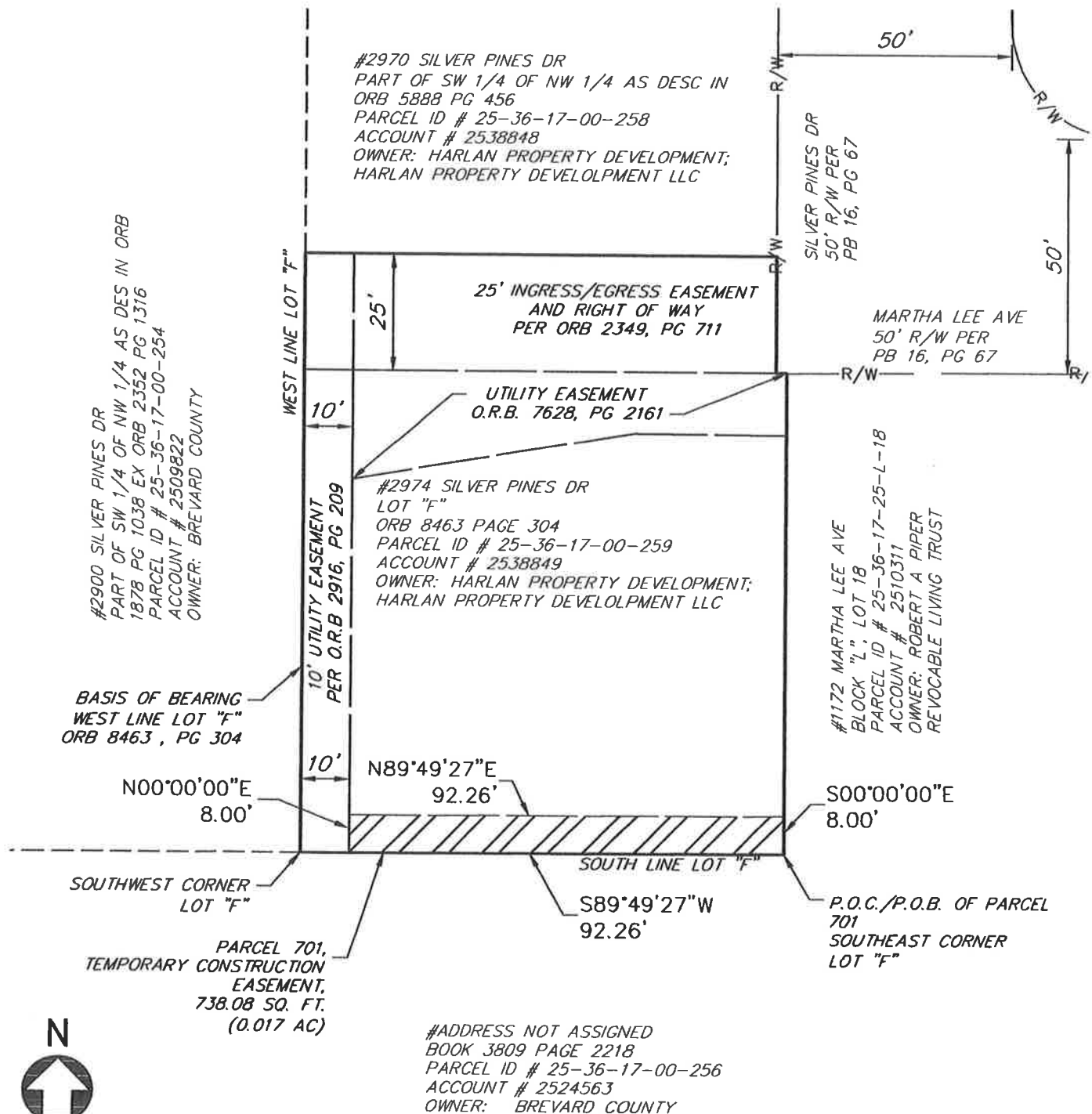
DRAWN BY: ZC	CHECKED BY: KS	PROJECT NO. BRV017			SECTION 17 TOWNSHIP 25 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 01/24/2023	DRAWING: BRV017-TEMP-CONS-ESMT				

PARCEL 701

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

SHEET 2 OF 2

THIS IS NOT A SURVEY



SECTION 17
TOWNSHIP 25 SOUTH
RANGE 36 EAST

LOCATION MAP

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

PROPERTY LOCATION: 2974 Silver Pines Drive in Rockledge

OWNERS NAME(S): Harlan Property Development, LLC, a Florida limited liability company

