



**AGENDA REPORT**  
**July 24, 2018**

**Approval Re: Resolution and Florida Power & Light (FP&L) Underground Easement (Business) for the South Central Waste Water Treatment Facility (District 4)**

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**SUBJECT:**

Approval Re: Resolution and Florida Power & Light (FP&L) Underground Easement (Business) for the South Central Waste Water Treatment Facility (District 4)

**FISCAL IMPACT:**

Fiscal impact: FY 2017 – 2018: No impact  
FY 2018 – 2019: No impact

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the Underground Easement (Business), and 2) adopt and authorize the Chair to execute a Resolution.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject parcel is located in Section 18, Township 26 South, Range 36 East.

The Department has determined that in order for utilities to be provided to the South Central Waste Water Treatment Facility, it is necessary to grant FP&L an underground easement for the construction, operation and maintenance of underground electric utility facilities.

As required by Florida Statute 125.38 conveyance of real property interest by the County requires the Board of County Commissioners to adopt a resolution.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements

**CLERK TO THE BOARD INSTRUCTIONS:**

Return the original executed Underground Easement (Business) and the original executed Resolution to the Department.

**ATTACHMENTS:**

**Description**

- **SCWWTF FPL Backup**

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: RESOLUTION AND EASEMENT FROM BREVARD COUNTY TO  
FLORIDA POWER & LIGHT FOR THE SOUTH CENTRAL WASTE  
WATER TREATMENT FACILITY – DISTRICT 4

AGENCY: LAND ACQUISITION SECTION / UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>6/20/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>6/20/18</u>

AGENDA DUE DATE: July 10, 2018 for the JULY 24, 2018 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

July 25, 2018

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

**TO:** Andrew Holmes, Public Works Director

**RE:** Item F.9., Resolution and Underground Easement with Florida Power & Light (FP&L) for South Central Waste Water Treatment Facility

The Board of County Commissioners, in regular session on July 24, 2018, adopted Resolution No. 18-101, and executed Underground Easement with FP&L for South Central Waste Water Treatment Facility. Enclosed are fully-executed Resolution and fully-executed Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (2)

**RESOLUTION NO. 18-101**

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

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, Florida Power & Light Company needs a perpetual easement to provide electric service to said property; and

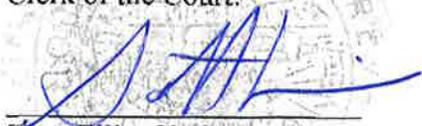
WHEREAS, said utility easement(s) will not conflict with the County's use of the servient property; and

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

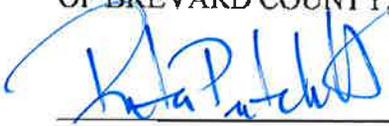
The County hereby agrees to convey a perpetual easement for the purpose of placement of facilities within said easement areas in order for Florida Power & Light Company to provide electric service.

DONE, ORDERED, and ADOPTED in Regular Session this 24 day of JULY, 2018.

ATTEST:  
Clerk of the Court:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on July 24, 2018  
Item # F9

Work Request No. 8180669

# UNDERGROUND EASEMENT (BUSINESS)

Sec. 18, Twp 26 S, Rge 36 E

Parcel I.D. 26-36-18-00-3  
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Sue Williams  
Co. Name: Florida Power and Light  
Address: 9001 Ellis Road  
Melbourne, FL 32940

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 underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground 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 attached

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within 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, 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 JULY 24, 2018

Signed, sealed and delivered in the presence of:

CM Willey  
(Witness Signature)

Print Name: Christine M. Willey  
(WT)

Donna Scott  
(Witness Signature)

Print Name: Donna Scott  
(Witness)

Brevard County Board of County Commissioners- A  
political subdivision of the state of Florida

By: [Signature]

Print Name: Rita Pritchett, Chair

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

Approved by the Board / -24-18

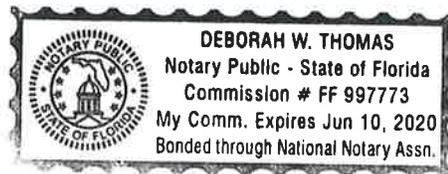
Attest: [Signature]  
Scott Ellis, Clerk to the Board

STATE OF FLORIDA AND COUNTY OF BREVARD. The foregoing instrument was acknowledged before me this 24 day of JULY 24, 2018 by RITA PRITCHETT, the CHAIR COUNTY COMM of BREVARD a \_\_\_\_\_, 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:

[Signature]  
Notary Public Signature

Print Name DEBORAH W. THOMAS



# LEGAL DESCRIPTION

PARCEL 801

# EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 26-36-18-00-3

PURPOSE: UTILITY EASEMENT

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

A PARCEL OF LAND LOCATED WITHIN SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE SOUTH 55° 30' 49" EAST A DISTANCE OF 289.59 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE SOUTH 89° 58' 38" EAST FOR A DISTANCE OF 929.99 FEET; THENCE NORTH 89° 58' 16" EAST FOR A DISTANCE OF 899.99 FEET; THENCE NORTH 89° 50' 43" EAST FOR A DISTANCE OF 900.04 FEET; THENCE SOUTH 89° 58' 54" EAST FOR A DISTANCE OF 409.97 FEET; THENCE NORTH 88° 08' 46" EAST FOR A DISTANCE OF 517.14 FEET; THENCE NORTH 07° 51' 14" EAST FOR A DISTANCE OF 55.08 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 18, CONTAINING 37,120 SQUARE FEET (0.85 ACRES), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE NORTH LINE OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST AS BEING SOUTH 88° 40' 29" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.3.
3. ONLY RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS ARE INDICATED HEREON. NO OWNERSHIP AND ENCUMBRANCE REPORT OR OTHER INFORMATION WAS FURNISHED TO THE SURVEYOR AND MAPPER.
4. REFERENCE MATERIAL:
  - a. AS-BUILT SURVEY, VIERA WETLANDS BYPASS ROAD PREPARED FOR BREVARD COUNTY PUBLIC WORKS BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT, SURVEYING AND MAPPING DIVISION, PROJECT NO. 10-02-008-1, DATED 10/24/2011.
  - b. BOUNDARY SURVEY SOUTH AREA PREPARED FOR BREVARD COUNTY WATER RESOURCES DEPARTMENT BY PBS&J, PROJECT NO. 070364.04, DATED 5/10/2000.
5. NO CONVEYANCE DOCUMENT FOR THE PARENT PARCEL OR THE NORTHERLY ABUTTER WAS FOUND OR PROVIDED.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO. 263618\_SK\_FPL ESMT-WWTP.dwg

SECTION 18

TOWNSHIP 26 SOUTH  
RANGE 36 EAST

DATE: JUNE, 2018

SHEET: 1 OF 2

REVISIONS

DATE	DESCRIPTION
07/02/18	REVISE POINT OF TERMINUS

# SKETCH OF DESCRIPTION

# EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARCEL 801

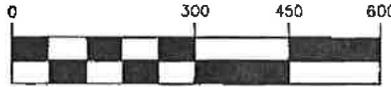
SECTION 18, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 26-36-18-00-3

PURPOSE: UTILITY EASEMENT



## GRAPHIC SCALE

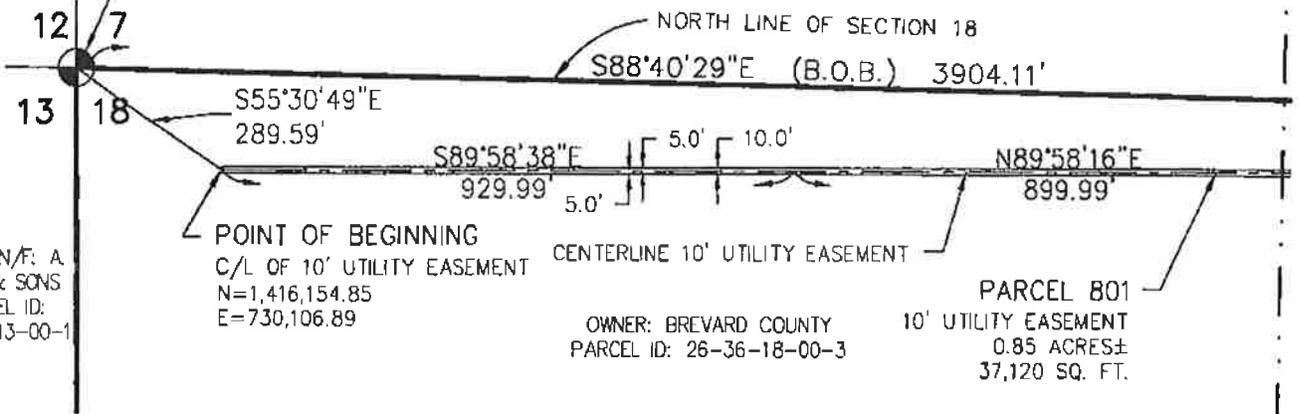


( IN FEET )

1 inch = 300 feet

OWNER N/F: A. DUDA & SONS  
PARCEL ID: 26-36-07-00-1

POINT OF COMMENCEMENT  
NORTH WEST CORNER  
OF SECTION 18,  
TOWNSHIP 26 SOUTH,  
RANGE 36 EAST  
N=1,416,318.82  
E=729,868.19



OWNER N/F: A.  
DUDA & SONS  
PARCEL ID:  
26-35-13-00-1

POINT OF BEGINNING  
C/L OF 10' UTILITY EASEMENT  
N=1,416,154.85  
E=730,106.89

CENTERLINE 10' UTILITY EASEMENT

OWNER: BREVARD COUNTY  
PARCEL ID: 26-36-18-00-3

PARCEL 801  
10' UTILITY EASEMENT  
0.85 ACRES±  
37,120 SQ. FT.

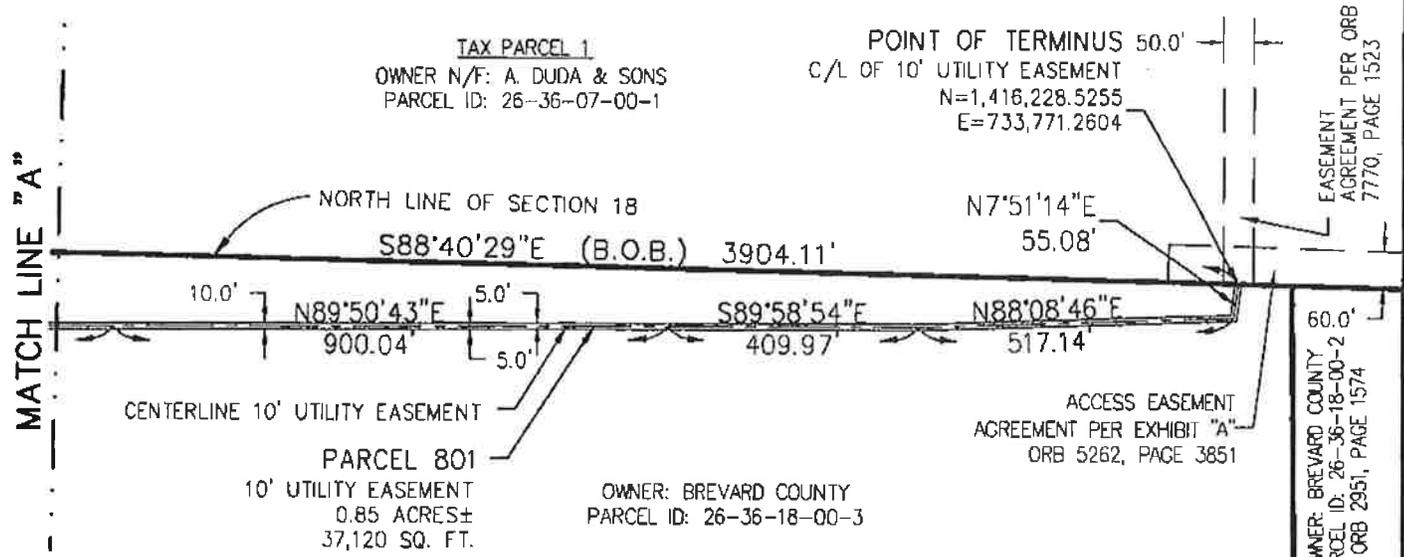
MATCH LINE "A"

### TAX PARCEL 1

OWNER N/F: A. DUDA & SONS  
PARCEL ID: 26-36-07-00-1

POINT OF TERMINUS  
C/L OF 10' UTILITY EASEMENT  
N=1,416,228.5255  
E=733,771.2604

EASEMENT  
AGREEMENT PER ORB  
7770, PAGE 1523



OWNER: BREVARD COUNTY  
PARCEL ID: 26-36-18-00-2  
ORB 2951, PAGE 1574

## ABBREVIATIONS

- B.O.B. = BASIS OF BEARING
- C/L = CENTERLINE
- ID = IDENTIFICATION
- N/F = NOW OR FORMERLY
- ORB = OFFICIAL RECORD BOOK
- SQ.FT. = SQUARE FEET



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
VIERA, FLORIDA 32940  
PHONE: (321) 633-2080

SCALE:  
1" = 300'  
DRAWING NO.:  
263618\_SK\_FPL ESMT-WWTP.dwg

SECTION 18  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

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# LOCATION MAP

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TWP: 26    RNG: 36    SEC: 18    DISTRICT: 4

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**STREET NAME:**        Coot Lane (South Central Waste Water Treatment Facility)

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**OWNER'S NAME:**    BREVARD COUNTY, FLORIDA

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