



AGENDA REPORT
July 9, 2019

Approval Re: Resolution and Perpetual Easement and Resolution and Temporary Easement between Florida Department of Transportation (FDOT) and Brevard County related to the Replacement and realignment of the existing culvert at State Road 5 / US 1 from Ernest Sands Road to Topsail Drive – District 4.

SUBJECT:

Approval Re: Resolution and Perpetual Easement and Resolution and Temporary Easement between Florida Department of Transportation (FDOT) and Brevard County related to the Replacement and realignment of the existing culvert at State Road 5 / US 1 from Ernest Sands Road to Topsail Drive – District 4.

FISCAL IMPACT:

FY 2018 – 2019: None

FY 2019 – 2020: None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the Resolution and Perpetual Easement, and 2) approve and authorize the Chair to execute the Resolution and Temporary Construction Easement between FDOT and Brevard County.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 12, Township 26 South, Range 36 East.

FDOT is designing a project to replace a box culvert within SR-5/US 1 right of way and is requesting a Perpetual Easement for the purpose of constructing a new headwall within a portion of property owned by Brevard County adjacent to an existing easement also over land owned by Brevard County.

There will be a need for a Temporary Easement to allow for work to be done within a portion of (platted but unopened) Brevard County right-of-way (AKA as First Street per Plat Book 1, Page 41).

The purpose of this project is to replace and re-align the existing culvert at State Road 5 / US 1 from Ernest Sands Road to Topsail Drive. This will reduce flooding in the area of the cross drain during and after heavy rainfalls. In addition, these improvements will have a positive impact on the Indian River Lagoon Project in the future.

CLERK TO THE BOARD INSTRUCTIONS:

Return original executed Resolutions, executed Perpetual Easement and executed Temporary Easement to Department.

ATTACHMENTS:

Description

- **FDOT SR 5 / US 1 Resolutions, Easement, TCEs Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: RESOLUTION AND PERPETUAL EASEMENT AND RESOLUTION AND
TEMPORARY CONSTRUCTION EASEMENT FROM BREVARD
COUNTY TO FDOT FOR REPLACEMENT AND REALIGNMENT OF
CULVERT UNDER SR 5 / US 1 - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DJI</u>	_____	<u>6/25/19</u>
COUNTY ATTORNEY Jad Brewer County Attorney's Office	<u>JMB</u>	_____	<u>6/28/19</u>

**updated docs from FDOT attached*

AGENDA DUE DATE: June 29, 2019 for the July 9, 2019 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 10, 2019

M E M O R A N D U M

TO: Corinna Gumm, Interim Public Works Director

RE: Item F.23., Resolutions, Perpetual Easement, and Temporary Easement with Florida Department of Transportation (FDOT) for Replacement and Realignment of the Existing Culvert at State Road 5/U.S. 1 from Ernest Sands Road to Topsail Drive

The Board of County Commissioners, in regular session on July 9, 2019, adopted Resolution Nos. 19-101 and 19-102; approved Perpetual Easement and Temporary Easement with FDOT for replacement and realignment of existing culvert at State Road 5/U.S. 1 from Ernest Sands Road to Topsail Drive; and authorized the Chair to execute Resolutions and Easements. Enclosed are fully-executed Resolutions, Perpetual Easement, and Temporary Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (4)

03-BSD04-08/01

June 27, 2019

This instrument prepared by

Suzette K. Hicks

Under the direction of

DANIEL L. McDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.1

SECTION 70020

F.P. NO. 437937 1

STATE ROAD 5

COUNTY BREVARD

RESOLUTION NO. 2019-101

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner CURT SMITH, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 5, Section No. 70020, F.P. No. 437937-1 in Brevard County, Florida: and

WHEREAS, it is necessary that an interest in certain lands now owned by Brevard County be acquired by the State of Florida Department of Transportation: and

WHEREAS, said property interests are not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a perpetual easement, in favor of the State of Florida Department of Transportation, required for transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, that the application of the State of Florida Department of Transportation for a perpetual easement, is for transportation purposes which are in the public or community interest and for public welfare, and the interests in the land is needed for transportation purposes; that a perpetual easement, in favor of the State of Florida Department of Transportation is granted to said lands and should be drawn and executed by _____, on behalf of this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

PARCEL NO. 800.1
SECTION 70020
F.P. NO. 437937 1
PAGE 2

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 9 day of July 2019

ATTEST:


Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,
By Its Board of County Commissioners

By: 

Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:

As approved by Board July 9, 2019

03-BSD04-08/01

June 27, 2019

This instrument prepared by
Suzette K. Hicks

Under the direction of
DANIEL L. McDERMOTT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 800.1
SECTION 70020
F.P. NO. 437937 1
STATE ROAD 5
COUNTY BREVARD

RESOLUTION 2019-101

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner CURT SMITH, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 5, Section No. 70020, F.P. No. 437937-1 in Brevard County, Florida: and

WHEREAS, it is necessary that an interest in certain lands now owned by Brevard County be acquired by the State of Florida Department of Transportation: and

WHEREAS, said property interests are not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a perpetual easement, in favor of the State of Florida Department of Transportation, required for transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, that the application of the State of Florida Department of Transportation for a perpetual easement, is for transportation purposes which are in the public or community interest and for public welfare, and the interests in the land is needed for transportation purposes; that a perpetual easement, in favor of the State of Florida Department of Transportation is granted to said lands and should be drawn and executed by _____, on behalf of this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

PARCEL NO. 800.1
SECTION 70020
F.P. NO. 437937 1
PAGE 2

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 9 day of July 2019

ATTEST: _____

Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,
By Its Board of County Commissioners

By: _____

Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:

As approved by Board July 9, 2019

03-BSD04-08/01

June 27, 2019

This instrument prepared by
Suzette K. Hicks

Under the direction of

DANIEL L. McDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

102

PARCEL NO. 700.1
SECTION 70020
F.P. NO. 437937 1
STATE ROAD 5
COUNTY BREVARD

RESOLUTION 2019-102

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner CURT SMITH, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 5, Section No. 70020, F.P. No. 437937-1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain lands now owned by Brevard County be acquired
by the State of Florida Department of Transportation: and

WHEREAS, said property interest is not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said
County to execute and deliver to the State of Florida Department of Transportation a temporary
construction easement, in favor of the State of Florida Department of Transportation, required for
transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard
County, that the application of the State of Florida Department of Transportation is for a temporary
construction easement, is for transportation purposes which are in the public or community
interest and for public welfare, and the land is needed for transportation purposes; that a
temporary construction easement, in favor of the State of Florida Department of Transportation is
granted and should be drawn and executed by _____, on behalf of
this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith
to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand,
Florida, 32720-6834.

PARCEL NO. 700.1
SECTION 70020
F.P. NO. 437937 1
PAGE 2

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 9 day of July 2019.

ATTEST:


Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,
By Its Board of County Commissioners

By:


Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:

As approved by Board July 9, 2019

03-BSD04-08/01

June 27, 2019

This instrument prepared by
Suzette K. Hicks

Under the direction of
DANIEL L. McDERMOTT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 700.1
SECTION 70020
F.P. NO. 437937 1
STATE ROAD 5
COUNTY BREVARD

RESOLUTION NO. 2019-102

ON MOTION of Commissioner RITA PRITCHETT, seconded by
Commissioner CURT SMITH, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or
improve State Road No. 5, Section No. 70020, F.P. No. 437937-1 in Brevard County, Florida: and

WHEREAS, it is necessary that certain lands now owned by Brevard County be acquired
by the State of Florida Department of Transportation: and

WHEREAS, said property interest is not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said
County to execute and deliver to the State of Florida Department of Transportation a temporary
construction easement, in favor of the State of Florida Department of Transportation, required for
transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard
County, that the application of the State of Florida Department of Transportation is for a temporary
construction easement, is for transportation purposes which are in the public or community
interest and for public welfare, and the land is needed for transportation purposes; that a
temporary construction easement, in favor of the State of Florida Department of Transportation is
granted and should be drawn and executed by _____, on behalf of
this Board of County Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith
to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand,
Florida, 32720-6834.

PARCEL NO. 700.1
SECTION 70020
F.P. NO. 437937 1
PAGE 2

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 9 day of July, 2019

ATTEST:


Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,
By Its Board of County Commissioners

By: 

Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:

As approved by Board July 9, 2019

TCE 08/18
June 27, 2019
This instrument prepared by
Suzette K. Hicks
Under the direction of
DANIEL L. McDERMOTT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 700.1
SECTION 70020
F.P. NO. 437937 1
STATE ROAD 5
COUNTY BREVARD

TEMPORARY EASEMENT

THIS EASEMENT, made this 9 day of July, 2019, by and between BREVARD COUNTY, a political subdivision of the State of Florida, grantor(s), and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), its successors and assigns, grantee.

WITNESSETH that for and in consideration of the sum of One Dollar and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the grantor hereby gives, grants, bargains, and releases to the grantee, a temporary construction easement over the below described real property for the purpose of constructing, sloping, grading, tying in, harmonizing and reconnecting existing features of the grantor's property with the highway improvements which are to be constructed together with incidental purposes related thereto, and for the purpose of any work necessary and incidental to said activities and to otherwise harmonize said property with the roadway construction to be undertaken by the FDOT. 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 authority of the FDOT to apply for and to secure any necessary permits or approvals to accomplish the stated purposes. FDOT's construction work will be primarily in the area located near FDOT's right of way line within the area of the Temporary Construction Easement as described herein. Access over the lands described herein, which may be necessary to accomplish the construction work, is understood to be included within the scope of this easement. The rights provided for herein shall terminate no later than five years after the Date of this instrument. This easement includes the right to ingress and egress, occupy, possess, and to control the property described herein for the stated purposes and to stage and to use equipment on said lands for the stated purposes, in, upon, over and through the following described land in Brevard County, Florida, described as follows, viz:

SEE ATTACHED SKETCH FOR LEGAL DESCRIPTION

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PARCEL NO. 700.1
SECTION 70020
F.P. NO. 437937 1
PAGE 2

THIS EASEMENT is granted upon the condition that any work performed upon the above described land shall conform to all existing structural improvements within the limits designated, and all work will be performed in such a manner that the remaining existing structural improvements located outside of the land described herein will not be damaged. The Florida Department of Transportation is additionally authorized to require the disconnection of all utilities necessary to safely accomplish the work.

UPON COMPLETION of the transportation project by FDOT, the area of this temporary construction easement will be restored to a condition as nearly as possible to its original condition, except for matters which compensation has been or will be made by FDOT.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST:

Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,
By Its Board of County Commissioners

By:

Its Chairperson
(or Vice-Chairperson)
ADDRESS OF GRANTOR:

As approved by Board July 9, 2019

LEGAL DESCRIPTION

PARCEL 700

That part of:

"A parcel of land lying in Section 12, Township 26 South, Range 36 East, Brevard County, Florida, being a portion of Blocks 32, 33, 34, 48 and 49 of the PLAN OF TOWN OF PINEDA, as recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the intersection of the North Line of the S.E. 1/4 with the Easterly Right of Way Line of U.S. Highway No. 1 and run N 89 degrees 30'51" E. 848.33 to a conc. monument marking said North line of S.E. 1/4, thence continue N. 89 degrees 30'51" E. along said North line of S.E. 1/4 to the waters of the Indian River, thence meander along said waters to the southerly line of Lot 6 of Block 32 of said PLAN OF PINEDA, thence S. 71 degrees 38'42" W. 305 feet more or less to the Easterly line of Block 33 of said PLAN OF PINEDA, thence S. 18 degrees 21'18" E. 300.00 feet to the S.E. corner of said Block 33, thence S. 71 degrees 38'42" W. 277.00 feet to the Easterly Right of Way Line of U.S. Highway No. 1, thence N. 20 degrees 04'18" W. along said Easterly Right of Way Line 717.71 feet to the Point of Beginning."

(BEING the lands described in Official Records Book 3087, Page 2892, of the Public Records of Brevard County, Florida.)

Described as follows:

PART A

COMMENCE at a found nail with disk, with illegible stamping, marking the intersection of the Easterly existing right of way line of State Road 5 (United States Highway 1) and the centerline of Topsail Drive, as shown on South Indian River Isles Thrd Addition, according to the Plat thereof, as recorded in Plat Book 38, Page 93, of the Public Records of Brevard County, Florida, said point being 60.00 feet Right of Point of Curvature Station 1567+89.18 of the Centerline of Survey of State Road 5 (United States Highway 1) as shown on the Florida Department of Transportation (formerly State Road Department) Right of Way Maps for State Road 5 (United States Highway 1), Section 7002-(175)277, circa 1954; thence run South 20°18'52" East along said Easterly existing right of way line, 867.74 feet to the POINT OF BEGINNING; thence, departing said Easterly existing right of way line, North 69°41'08" East 44.00 feet; thence South 20°18'52" East, parallel with said Easterly existing right of way line, 17.50 feet to the North line of a 20.00 foot wide Outfall Ditch, the centerline of which is shown on said Right of Way Map running easterly from Centerline of Survey Station 1558+93.86; thence South 69°41'08" West, along said North line, 44.00 feet to the intersection with the aforementioned Easterly existing right of way line; thence, departing said North line, run North 20°18'52" West, along said Easterly existing right of way line, 17.50 feet to the POINT OF BEGINNING.

LESS That portion lying West of the Westerly Right of Way line of First Street as shown on the Plan of Town of Pineda recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

CONTAINING 82 square feet, more or less.

PART B

COMMENCE at a found nail with disk, with illegible stamping, marking the intersection of the Easterly existing right of way line of State Road 5 (United States Highway 1) and the centerline of Topsail Drive, as shown on South Indian River Isles Third Addition, according to the Plat thereof, as recorded in Plat Book 38, Page 93, of the Public Records of Brevard County, Florida, said point being 60.00 feet Right of Point of Curvature Station 1567+89.18 of the Centerline of Survey of State Road 5 (United States Highway 1) as shown on the Florida Department of Transportation (formerly State Road Department) Right of Way Maps for State Road 5 (United States Highway 1), Section 7002-(175)277, circa 1954; thence run South 20°18'52" East along said Easterly existing right of way line, 905.24 feet to the South line of a 20.00 foot wide Outfall Ditch, the centerline of which is shown on said Right of Way Map running Easterly from Centerline of Survey Station 1558+93.86, also being the POINT OF BEGINNING; thence, departing said Easterly existing right of way line, along said South line run North 69°41'08" East 44.00 feet; thence, departing said South line, run South 20°18'52" East, parallel with said Easterly existing right of way line, 17.50 feet; thence South 69°41'08" West 44.00 feet to a point on said Easterly existing right of way line; thence, along said Easterly existing right of way line, run North 20°18'52" West 17.50 feet to the POINT OF BEGINNING.

LESS That portion lying West of the Westerly Right of Way line of First Street as shown on the Plan of Town of Pineda recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

CONTAINING 103 square feet, more or less.

CONTAINING, in the aggregate, 185 square feet, more or less.

DATE: JUNE 13, 2019
PROJECT NO.: S34-02
DRAWN: PMM CHECKED: RJH

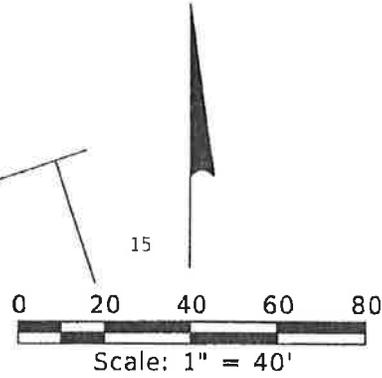
STATE ROAD 5
TEMPORARY
CONSTRUCTION EASEMENT
FP 437937-1



GEODATA CONSULTANTS, INC.
SURVEYING & MAPPING
1349 S INTERNATIONAL PARKWAY
SUITE 2401
LAKE MARY, FLORIDA 32746
VOICE: (407) 732-6965 FAX: (407) 878-0841
LAND SURVEYOR BUSINESS LICENSE NO. 6556

SKETCH OF DESCRIPTION

DACORA GOOD @ SPP1
POINT OF COMMENCEMENT
 PC STATION 1567+89.18
 60.00' RIGHT
 PER RIGHT OF WAY MAPS
 FOR STATE ROAD 5
 SECTION NO. 7002-(175)277
 AND INTERSECTION OF THE
 EASTERLY RIGHT OF WAY LINE
 WITH THE CENTERLINE OF TOPSAIL DRIVE
 SOUTH INDIAN RIVER ISLES
 THIRD ADDITION
 PB 38, PGS 93-94
 FND NAIL & DISK
 ILLEGIBLE

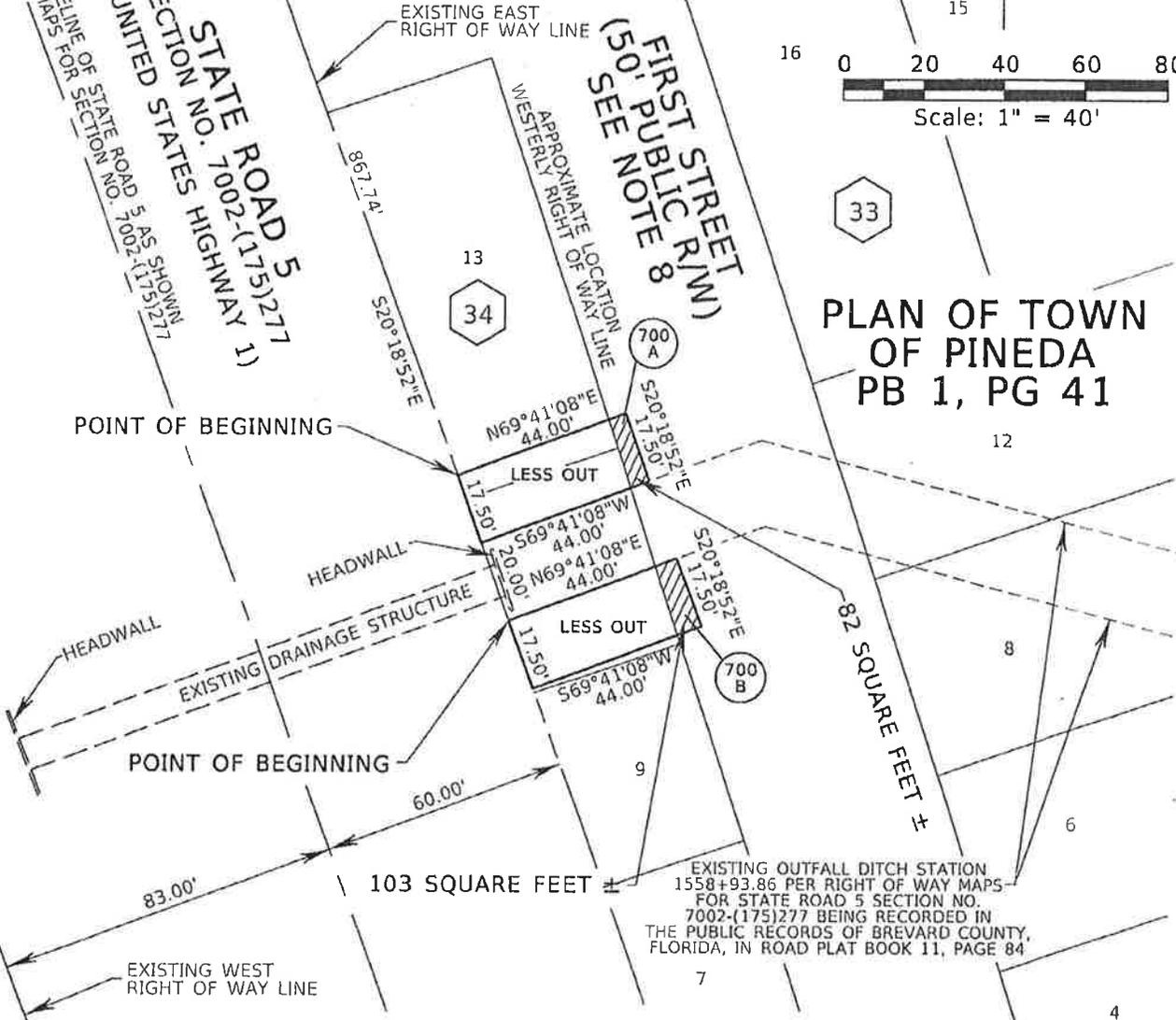


BASELINE OF STATE ROAD 5 AS SHOWN
 ON MAPS FOR SECTION NO. 7002-(175)277
**STATE ROAD 5
 (UNITED STATES HIGHWAY 1)**

EXISTING EAST
 RIGHT OF WAY LINE

**FIRST STREET
 (50' PUBLIC R/W)
 (SEE NOTE 8)**

**PLAN OF TOWN
 OF PINEDA
 PB 1, PG 41**



SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST

SEE SHEET 1 FOR LEGAL DESCRIPTION
 SEE SHEET 3 FOR GENERAL NOTES

SHEET 2 OF 3

DATE: JUNE 13, 2019
 PROJECT NO.: S34-02
 DRAWN: PMM CHECKED: RJH

**STATE ROAD 5
 TEMPORARY
 CONSTRUCTION EASEMENT
 FP 437937-1**

 **GEODATA CONSULTANTS, INC.**
 SURVEYING & MAPPING
 1349 S INTERNATIONAL PARKWAY
 SUITE 2401
 LAKE MARY, FLORIDA 32746
 VOICE: (407) 732-6965 FAX: (407) 878-0841
 LAND SURVEYOR BUSINESS LICENSE NO. 6556

LEGEND AND ABBREVIATIONS

- | | |
|---|---------------------|
| FP | = FINANCIAL PROJECT |
| FND | = FOUND |
| NO. | = NUMBER |
| PGS | = PAGES |
| (P) | = PLAT |
| PB | = PLAT BOOK |
|  | = BLOCK NUMBER |

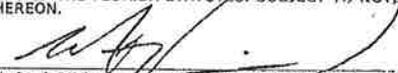
GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT (NAD83/11), EAST ZONE, WITH THE EAST RIGHT OF WAY LINE FOR STATE ROAD 5, HAVING A BEARING OF SOUTH 20°18'52" EAST.
3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS SHOWN HEREON FOR EASEMENTS AND/OR RIGHT-OF-WAY RECORDS. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.
8. THE LOCATION OF THE RIGHT OF WAY OF FIRST STREET IS SHOWN BASED ON INFORMATION PROVIDED BY BREVARD COUNTY, AND WAS NOT FIELD SURVEYED.

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 2 FOR SKETCH OF DESCRIPTION

SHEET 3 OF 3

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.


H. Paul deViviero, Professional Land Surveyor No. 4990 DATE 6-13-2019

REVISION

BY DATE

DATE: JUNE 13, 2019

PROJECT NO.: S34-02

DRAWN: PMM CHECKED: RJH

**STATE ROAD 5
TEMPORARY
CONSTRUCTION EASEMENT
FP 437937-1**



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING
1349 S INTERNATIONAL PARKWAY
SUITE 2401
LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 878-0841
LAND SURVEYOR BUSINESS LICENSE NO. 6556

6/25/2019

BCPAO - Property Search

Location Map:
Perpetual Easement and Temporary Construction Easement from Brevard County to FDOT related to the replacement/realignment of the existing culvert under SR 5 / US-1.

Property Search

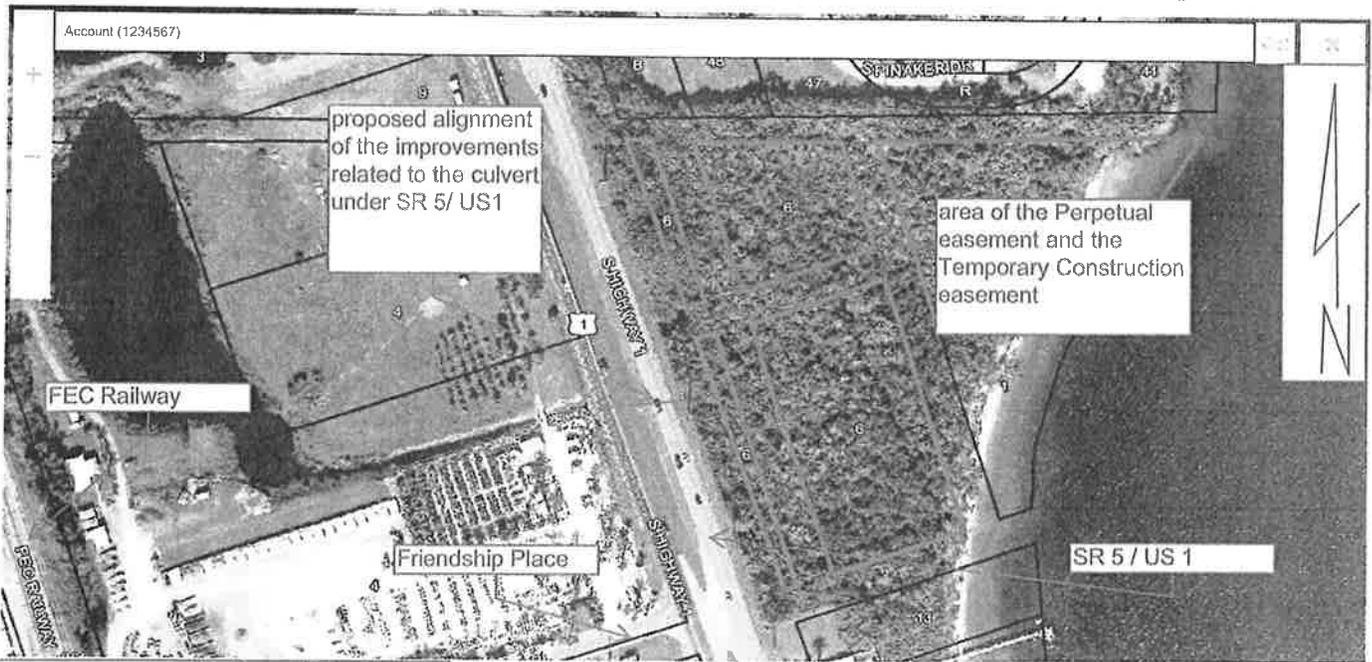
Brevard County Property Appraiser
Dana Blickley, CFA

Map Subject Property () () Open Map in New Window ()

MapView ()

EagleView ()

StreetView ()



the property owned by Brevard County is a portion of Plat Book 1, Page 41, Plan of Town of Pineda to include platted but unopened First Street

https://

07-PE11-09/01

June 17, 2019

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 800.1

SECTION 70020

F.P. NO. 437937 1

STATE ROAD 5

COUNTY BREVARD

PERPETUAL EASEMENT

THIS EASEMENT made this 9 day of July, 2019, by BREVARD COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

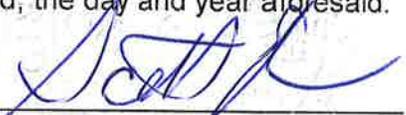
WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of clearing, excavating, constructing, operating, and maintaining outfall and drainage ditches and drains, with all such fills, cuts, drains, ditches and other incidents which the grantee may deem necessary or convenient in connection therewith, in, over, under, upon and through the following described land in Brevard County, Florida, viz:

SEE ATTACHED SKETCH

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson (or Vice-Chairperson) of said Board, the day and year aforesaid.

ATTEST:


Clerk (or Deputy Clerk)

BREVARD COUNTY, FLORIDA,
By Its Board of County Commissioners

By: 

Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:
As approved by Board July 9, 2019

LEGAL DESCRIPTION

PARCEL 800

That part of:

"A parcel of land lying in Section 12, Township 26 South, Range 36 East, Brevard County, Florida, being a portion of Blocks 32, 33, 34, 48 and 49 of the PLAN OF TOWN OF PINEDA, as recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the intersection of the North Line of the S.E. 1/4 with the Easterly Right of Way Line of U.S. Highway No. 1 and run N 89 degrees 30'51" E. 848.33 to a conc. monument marking said North line of S.E. 1/4, thence continue N. 89 degrees 30'51" E. along said North line of S.E. 1/4 to the waters of the Indian River, thence meander along said waters to the southerly line of Lot 6 of Block 32 of said PLAN OF PINEDA, thence S. 71 degrees 38'42" W. 305 feet more or less to the Easterly line of Block 33 of said PLAN OF PINEDA, thence S. 18 degrees 21'18" E. 300.00 feet to the S.E. corner of said Block 33, thence S. 71 degrees 38'42" W. 277.00 feet to the Easterly Right of Way Line of U.S. Highway No. 1, thence N. 20 degrees 04'18" W. along said Easterly Right of Way Line 717.71 feet to the Point of Beginning."

(BEING the lands described in Official Records Book 3087, Page 2892, of the Public Records of Brevard County, Florida.)

Described as follows:

PART A

COMMENCE at a found nail with disk, with illegible stamping, marking the intersection of the Easterly existing right of way line of State Road 5 (United States Highway 1) and the centerline of Topsail Drive, as shown on South Indian River Isles Third Addition, according to the Plat thereof, as recorded in Plat Book 38, Page 93, of the Public Records of Brevard County, Florida, said point being 60.00 feet Right of Point of Curvature Station 1567+89.18 of the Centerline of Survey of State Road 5 (United States Highway 1) as shown on the Florida Department of Transportation (formerly State Road Department) Right of Way Maps for State Road 5 (United States Highway 1), Section 7002-(175)277, circa 1954; thence run South 20°18'52" East along said Easterly existing right of way line, 867.74 feet to the POINT OF BEGINNING; thence, departing said Easterly existing right of way line, North 69°41'08" East 44.00 feet; thence South 20°18'52" East, parallel with said Easterly existing right of way line, 17.50 feet to the North line of a 20.00 foot wide Outfall Ditch, the centerline of which is shown on said Right of Way Map running easterly from Centerline of Survey Station 1558+93.86; thence South 69°41'08" West, along said North line, 44.00 feet to the intersection with the aforementioned Easterly existing right of way line; thence, departing said North line, run North 20°18'52" West, along said Easterly existing right of way line, 17.50 feet to the POINT OF BEGINNING.

LESS That portion lying East of the Westerly Right of Way line of First Street as shown on the Plan of Town of Pineda recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

CONTAINING 688 square feet, more or less.

PART B

COMMENCE at a found nail with disk, with illegible stamping, marking the intersection of the Easterly existing right of way line of State Road 5 (United States Highway 1) and the centerline of Topsail Drive, as shown on South Indian River Isles Third Addition, according to the Plat thereof, as recorded in Plat Book 38, Page 93, of the Public Records of Brevard County, Florida, said point being 60.00 feet Right of Point of Curvature Station 1567+89.18 of the Centerline of Survey of State Road 5 (United States Highway 1) as shown on the Florida Department of Transportation (formerly State Road Department) Right of Way Maps for State Road 5 (United States Highway 1), Section 7002-(175)277, circa 1954; thence run South 20°18'52" East along said Easterly existing right of way line, 905.24 feet to the South line of a 20.00 foot wide Outfall Ditch, the centerline of which is shown on said Right of Way Map running Easterly from Centerline of Survey Station 1558+93.86, also being the POINT OF BEGINNING; thence, departing said Easterly existing right of way line, along said South line run North 69°41'08" East 44.00 feet; thence, departing said South line, run South 20°18'52" East, parallel with said Easterly existing right of way line, 17.50 feet; thence South 69°41'08" West 44.00 feet to a point on said Easterly existing right of way line; thence, along said Easterly existing right of way line, run North 20°18'52" West 17.50 feet to the POINT OF BEGINNING.

LESS That portion lying East of the Westerly Right of Way line of First Street as shown on the Plan of Town of Pineda recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

CONTAINING 667 square feet, more or less.

CONTAINING, in the aggregate, 1355 square feet, more or less.

SHEET 1 OF 3

DATE: JUNE 13, 2019
PROJECT NO.: S34-02
DRAWN: PMM CHECKED: RJH

STATE ROAD 5
DRAINAGE EASEMENT
FP 437937-1



GEODATA CONSULTANTS, INC.
SURVEYING & MAPPING
1349 S INTERNATIONAL PARKWAY
SUITE 2401
LAKE MARY, FLORIDA 32746
VOICE: (407) 732-6965 FAX: (407) 878-0841
LAND SURVEYOR BUSINESS LICENSE NO. 6556

SKETCH OF DESCRIPTION

DACORA GOOD @ SPP1
POINT OF COMMENCEMENT
 PC STATION 1567+89.18
 60.00' RIGHT
 PER RIGHT OF WAY MAPS
 FOR STATE ROAD 5
 SECTION NO. 7002-(175)277
 AND INTERSECTION OF THE
 EASTERLY RIGHT OF WAY LINE
 WITH THE CENTERLINE OF TOPSAIL DRIVE
 SOUTH INDIAN RIVER ISLES
 THIRD ADDITION
 PB 38, PGS 93-94
 FND NAIL & DISK
 ILLEGIBLE

STATE ROAD 5
 SECTION NO. 7002-(175)277
 (UNITED STATES HIGHWAY 1)
 BASELINE OF STATE ROAD 5 AS SHOWN
 ON MAPS FOR SECTION NO. 7002-(175)277

EXISTING EAST
 RIGHT OF WAY LINE

FIRST STREET (RM)
 (50' PUBLIC R/W)
 (SEE NOTE 8)

33

PLAN OF TOWN
 OF PINEDA
 PB 1, PG 41

12

688 SQUARE FEET ±
 POINT OF BEGINNING

HEADWALL

POINT OF BEGINNING

667 SQUARE FEET ±

EXISTING WEST
 RIGHT OF WAY LINE

HEADWALL

EXISTING DRAINAGE STRUCTURE

EXISTING OUTFALL DITCH STATION
 1558+93.86 PER RIGHT OF WAY MAPS
 FOR STATE ROAD 5 SECTION NO.
 7002-(175)277 BEING RECORDED IN
 THE PUBLIC RECORDS OF BREVARD COUNTY,
 FLORIDA, IN ROAD PLAT BOOK 11, PAGE 84

SHEET 2 OF 3

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST

SEE SHEET 1 FOR LEGAL DESCRIPTION
 SEE SHEET 3 FOR GENERAL NOTES

DATE: JUNE 13, 2019
 PROJECT NO.: S34-02
 DRAWN: PMM CHECKED: RJH

STATE ROAD 5
 DRAINAGE EASEMENT
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LEGEND AND ABBREVIATIONS

FP	= FINANCIAL PROJECT
FND	= FOUND
NO.	= NUMBER
PGS	= PAGES
(P)	= PLAT
PB	= PLAT BOOK
	= BLOCK NUMBER

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT (NAD83/11), EAST ZONE, WITH THE EAST RIGHT OF WAY LINE FOR STATE ROAD 5, HAVING A BEARING OF SOUTH 20°18'52" EAST.
3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS SHOWN HEREON FOR EASEMENTS AND/OR RIGHT-OF-WAY RECORDS. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.
8. THE LOCATION OF THE RIGHT OF WAY OF FIRST STREET IS SHOWN BASED ON INFORMATION PROVIDED BY BREVARD COUNTY, AND WAS NOT FIELD SURVEYED.

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 2 FOR SKETCH OF DESCRIPTION

SHEET 3 OF 3

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

H. Paul deViviero, Professional Land Surveyor No. 4990

DATE

6-13-2019

REVISION

BY

DATE

DATE: JUNE 13, 2019

PROJECT NO.: S34-02

DRAWN: PMM CHECKED: RJH

**STATE ROAD 5
DRAINAGE EASEMENT
FP 437937-1**



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