



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.2.

7/23/2024

### Subject:

Approval, Re: Dedication of Reuse Water Main Easement from The Viera Company for the Ibis Office Building at Viera Medical Park Project - District 4.

### 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 Reuse Water Main Easement.

### Summary Explanation and Background:

The subject property is located in Section 09, Township 26 South, Range 36 East, east of Stadium Parkway, and north of North Wickham Road in Melbourne.

The Viera Company, owner, has submitted site plan number 23SP00032 for review and approval by the County for the development of a single-story medical office building known as Ibis Office Building at Viera Medical Park. In accordance with County codes and standards, the owner has agreed to dedicate the attached Water Main Easement required as a condition of the site plan approval.

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

July 24, 2024

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

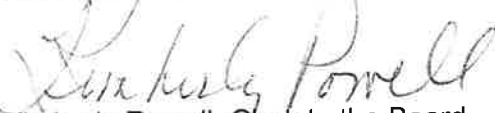
RE: Item F.2., Approval of Dedication of Reuse Water Main Easement from The Viera Company for the Ibis Office Building at Viera Medical Park Project

The Board of County Commissioners, in regular session on July 23, 2024, accepted the Reuse Water Main Easement from The Viera Company for the Ibis Office Building at Viera Medical Park Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/ns

cc: Utility Services

**BOARD OF COUNTY COMMISSIONERS**



**AGENDA REVIEW SHEET**

AGENDA: Dedication of Reuse Water Main Easement from The Viera Company for the Ibis Office Building at Viera Medical Park Project – District 4.

AGENCY: Public Works Department / Land Acquisition / Utility Services Department

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>6-19-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney	 _____	_____	_____

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: 26-36-09-51-A-2; 26-36-09-51-A-1

## REUSE WATER MAIN EASEMENT

**THIS INDENTURE**, made this 4<sup>th</sup> day of June, 2024, between The Viera Company, a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, 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 non-exclusive easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining a reuse water 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 09, Township 26 South, Range 36 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:

Karen P. Prosser

Witness

The Viera Company  
a Florida corporation

KAREN P. PROSSER

Print Name

7380 MURRELL RD SUITE 201 By: [Signature]  
Address MELBOURNE FL 32940 Todd J. Pokrywa, President

Mary Ellen McKibben

Witness

Mary Ellen McKibben

Print Name

(Corporate Seal)

7380 Marrell Rd #201  
Address Melb., FL 32940



STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 4<sup>th</sup> day of June, 2024, by Todd J. Pokrywa, as President for The Viera Company, a Florida corporation. Is  personally known or  produced \_\_\_\_\_ as identification.

Mary Ellen McKibben

Notary Signature

SEAL



# LEGAL DESCRIPTION PARCEL #800

EXHIBIT "A" SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID#: 26-36-09-51-A-2 AND 26-36-09-51-A-1  
PURPOSE: REUSE WATER MAIN EASEMENT

**LEGAL DESCRIPTION: PARCEL #800 REUSE WATER MAIN EASEMENT (PREPARED BY SURVEYOR)**

PART OF LOTS 1 AND 2, BLOCK A, VIERA MEDICAL PARK PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGE 29, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING AND BEING IN SECTION 9, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK A, AND RUN SOUTHWESTERLY, ALONG THE ARC OF THE CURVED EAST LINE OF SAID LOT 1, BLOCK A, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 23°26'23", A CHORD BEARING OF S32°25'22"W, AND A CHORD LENGTH OF 12.19 FEET), A DISTANCE OF 12.27 FEET TO THE END OF SAID CURVE, THENCE S44°08'33"W, CONTINUING ALONG THE EAST LINE OF SAID LOT 1, BLOCK A, A DISTANCE OF 16.95 FEET; THENCE N45°51'27"W, A DISTANCE OF 15.00 FEET; THENCE N44°08'33"E, PARALLEL TO AND 15.00 FEET WEST OF, (AS MEASURED PERPENDICULARLY), THE EAST LINE OF SAID LOT 1, BLOCK A, A DISTANCE OF 16.36 FEET TO THE SOUTH LINE OF SAID LOT 2, BLOCK A; THENCE CONTINUE PARALLEL TO AND 15.00 FEET WEST OF, (AS MEASURED PERPENDICULARLY), THE EAST LINE OF SAID LOT 2, BLOCK A, THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) THENCE N44°08'33"E, A DISTANCE OF 0.59 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 45°00'00", A CHORD BEARING OF N21°38'33"E, AND A CHORD LENGTH OF 11.48 FEET), A DISTANCE OF 11.78 FEET TO THE END OF SAID CURVE; 3) THENCE N00°51'27"W, A DISTANCE OF 42.25 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 4°05'03", A CHORD BEARING OF N01°11'04"E, AND A CHORD LENGTH OF 8.20 FEET), A DISTANCE OF 8.20 FEET TO THE END OF SAID CURVE; 5) THENCE N03°13'36"E, A DISTANCE OF 168.59 FEET; THENCE N14°32'41"E, A DISTANCE OF 12.74 FEET TO THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6571, PAGE 668, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA; THENCE S86°46'24"E, ALONG THE SOUTH LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6571, PAGE 668, A DISTANCE OF 12.50 FEET TO THE EAST LINE OF SAID LOT 2, BLOCK A; THENCE ALONG THE EAST LINE OF SAID LOT 2, BLOCK A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) THENCE S03°13'36"W, A DISTANCE OF 181.08 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 4°05'03", A CHORD BEARING OF S01°11'04"W, AND A CHORD LENGTH OF 7.13 FEET), A DISTANCE OF 7.13 FEET TO THE END OF SAID CURVE; 3) THENCE S00°51'27"E, A DISTANCE OF 42.25 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 21°33'37", A CHORD BEARING OF S09°55'22"W, AND A CHORD LENGTH OF 11.22 FEET), A DISTANCE OF 11.29 FEET TO THE POINT OF BEGINNING. CONTAINING 0.09 ACRES (3968.65 SQUARE FEET), MORE OR LESS.

**SURVEYORS NOTES:**

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

BEARING REFERENCE: ASSUMED BEARING OF S03°13'36"W ON THE EAST LINE OF LOT 2, BLOCK A, ACCORDING TO THE PLAT OF VIERA MEDICAL PARK PHASE 1, AS RECORDED IN PLAT BOOK 59, PAGE 29, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

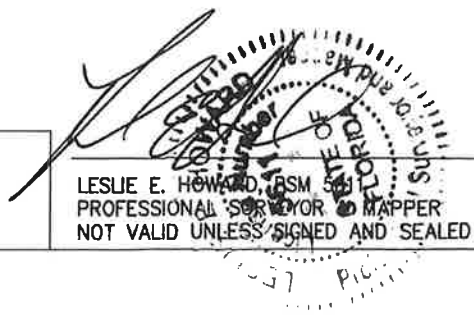
THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR RELIED SOLELY UPON THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO: 11624104, CUSTOMER REFERENCE NUMBER: 11083.06, DATED 02/26/2024 FOR INFORMATION REGARDING EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE LANDS DESCRIBED HEREON. NO SUCH EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN SAID REPORT.

THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

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



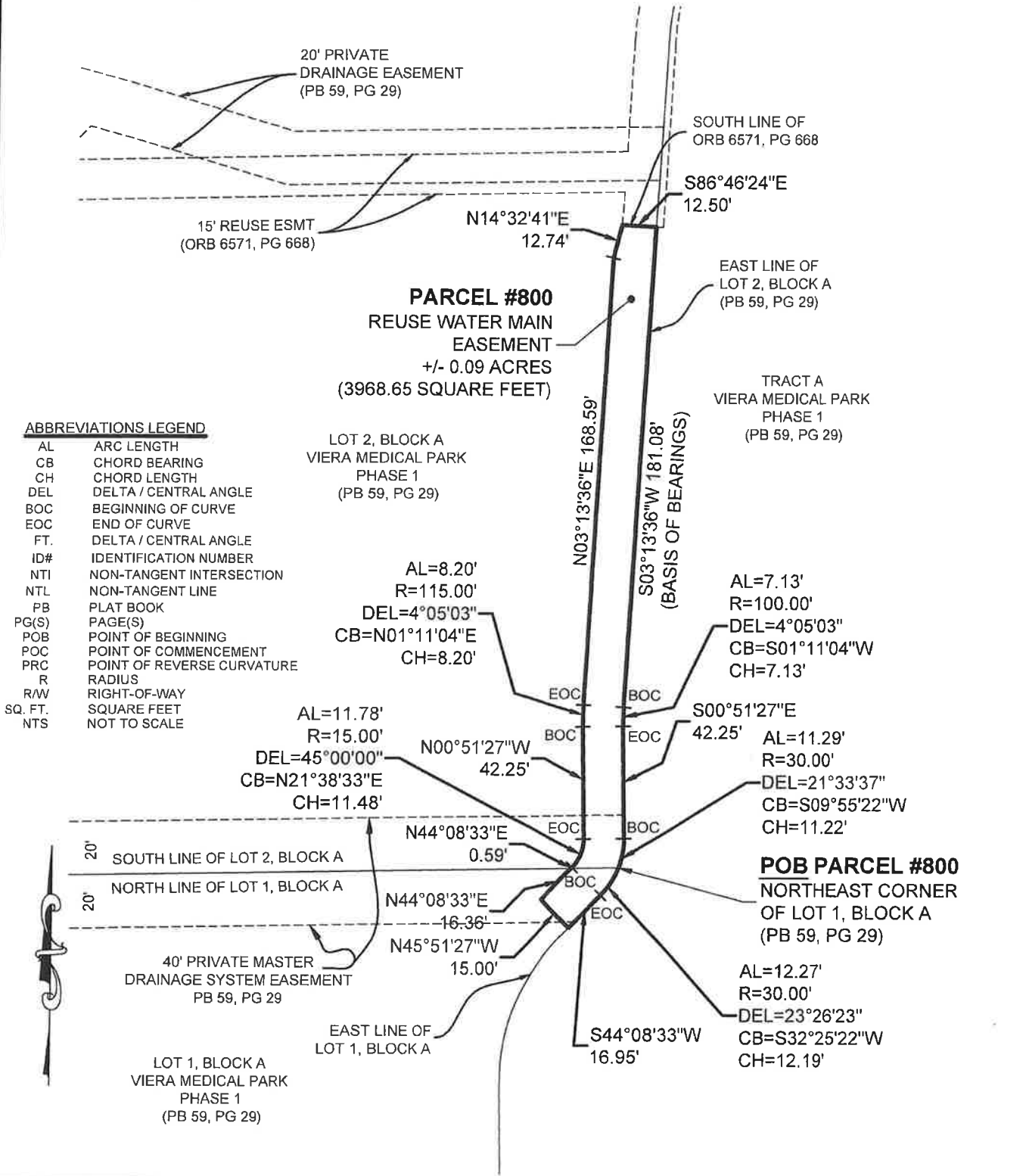
PREPARED BY: B.S.E. CONSULTANTS, INC.  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901 LB No. 4905  
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: LMO/LEH	CHECKED BY: LEH	PROJECT NO. 11083.06			SECTION 9 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 05/02/2024	DRAWING: 1108306_100_002				

# SKETCH OF DESCRIPTION PARCEL #800

EXHIBIT "A" SHEET 2 OF 2  
NOT VALID WITHOUT SHEET 1 OF 2

PARENT PARCEL ID#: 26-36-09-51-A-2 AND 26-36-09-51-A-1  
PURPOSE: REUSE WATER MAIN EASEMENT



PREPARED BY: B.S.E. CONSULTANTS, INC. 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FLORIDA 32901 LB No. 4905 PHONE: (321) 725-3674 FAX: (321) 723-1159	SCALE:	SECTION 9
	PROJECT NO.:	1"=50'
	11083.06	RANGE 36 EAST

# LOCATION MAP

**Section 09, Township 26 South, Range 36 East - District: 4**

PROPERTY LOCATION: East of Stadium Parkway and north of North Wickham Road in Melbourne.

OWNERS NAME(S): The Viera Company

