



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.13.

5/21/2024

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### **Subject:**

Approval, Re: Dedication of Utility Easement from Wickham Summerbrook, LLC for the construction of Space Coast Credit Union - 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 approve and accept the attached Utility Easement.

### **Summary Explanation and Background:**

The subject property is located in Section 37, Township 26 South, Range 37 East, east of North Wickham Road and south of Summer Brook Street in Melbourne.

Wickham Summerbrook, LLC, owner has obtained sewer permit application number 5342 from the County for the development of Space Coast Credit Union. In accordance with County code and standards, the owner has agreed to dedicate the attached utility easement as a condition of the permit.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37 and Brevard County code 110-184, sections 1.2 and 1.13.2 that outlines the requirement for an easement over sewer lines maintained by Brevard County.

### **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

May 22, 2024

**MEMORANDUM**

**TO:** Marc Bernath, Public Works Director

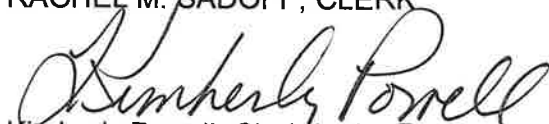
**RE:** Item F.13., Approval for Dedication of Utility Easement from Wickham Summerbrook, LLC for the Construction of Space Coast Credit Union

The Board of County Commissioners, in regular session on May 21, 2024, approved and accepted the Utility Easement from Wickham Summerbrook, LLC for the construction of Space Coast Credit Union.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/sm

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA REVIEW SHEET**

**AGENDA:** Dedication of Utility Easement from Wickham Summerbrook, LLC for the Space Coast Credit Union Project - District 4.

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

**AGENCY CONTACT:** Jean Kremitzki, Land Acquisition Specialist

**CONTACT PHONE:** 321-350-8153

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>5-1-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney		_____	<u>5/3/2024</u>

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: 26-37-31-30-\*-1; 26-37-31-30-\*-2

### UTILITY EASEMENT

**THIS INDENTURE**, made this 30<sup>th</sup> day of April, 2024, between Wickham Summerbrook, LLC, a Florida limited liability company, whose address is 4053 Maple Road, Suite 200, Amherst, New York 14226, 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 easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining a sanitary sewer line 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 31, Township 26 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

**SEE LEGAL DESCRIPTIONS ATTACHED HERETO AS "EXHIBIT A" and "EXHIBIT B"**

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:

[Signature]

Witness  
Yurak Johnson

Print Name

453 Maple Rd, Amherst, NY 14226  
Address

[Signature]

Witness  
Michelle P. Hager

Print Name

453 Maple Rd, Amherst, NY 14226  
Address

Wickham Summerbrook LLC,  
a Florida limited liability company

By: American Equity Corporation  
a New York corporation, as  
Manager

[Signature]  
Steven J. Longo, Vice President

(Corporate Seal)

STATE OF New York  
COUNTY OF ERIE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 30th day of April, 2024, by Steven J. Longo, as Vice President for American Equity Corporation, a New York corporation, as Manager for Wickham Summerbrook LLC, a Florida limited liability company. Is  personally known or  produced \_\_\_\_\_ as identification.

[Signature]

Notary Signature

SEAL

DEBORAH M. SLISZ  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires July 7, 2027

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

**PARCEL #800**

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID#: 26-37-31-30-\*--1  
PURPOSE: UTILITY EASEMENT

**THIS IS NOT A SURVEY**

**LEGAL DESCRIPTION: PARCEL 800 (PREPARED BY SURVEYOR)**

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, SUMMERBROOK COMMERCIAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 73, PAGE 74, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N89°26'56"W ALONG THE SOUTH RIGHT-OF-WAY OF SUMMER BROOK STREET (AN 80' WIDE PUBLIC RIGHT-OF-WAY PER SUMMER BROOK SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 39, PAGE 18, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), SAID RIGHT-OF-WAY LINE ALSO BEING THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING:

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN S00°00'00"E A DISTANCE OF 124.95 FEET TO THE NORTH LINE OF LOT 2 OF SAID PLAT OF SUMMERBROOK COMMERCIAL; THENCE S89°59'15"W ALONG THE NORTH LINE OF LOT 2 A DISTANCE OF 17.00 FEET; THENCE DEPARTING SAID NORTH LINE, RUN N00°00'00"E A DISTANCE OF 125.12 FEET TO SAID SOUTH RIGHT-OF-WAY OF SUMMER BROOK STREET; THENCE S89°26'56"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 17.00 FEET, TO THE POINT OF BEGINNING. CONTAINING: 2,125.63 SQUARE FEET, OR 0.049 ACRES, MORE OR LESS.

**SURVEYORS NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE PLAT OF SUMMER BROOK COMMERCIAL, WHICH BEARS N89°26'56"W, AN ASSUMED BEARING, AS RECORDED IN PLAT BOOK 73, PAGE 74, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING PROPERTY INFORMATION REPORT:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO. 11608895/422400045MS; THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:
  - A. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF SUMMERBROOK COMMERCIAL, RECORDED IN PLAT BOOK 73, PAGE 74 AND 75, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. AFFECTS PARENT PARCEL, DOES NOT ENCUMBER THIS UTILITY EASEMENT.
  - B. PUBLIC ACCESS EASEMENT BY AND BETWEEN WICKHAM SUMMERBROOK LLC, A FLORIDA LIMITED LIABILITY COMPANY, GRANTOR, AND GENERAL PUBLIC, GRANTEE, RECORDED MARCH 13, 2017, IN OFFICIAL RECORDS BOOK 7839, PAGE 1015. AFFECTS PARENT PARCEL, DOES NOT ENCUMBER THIS UTILITY EASEMENT.
  - C. RECORDED NOTICE OF ENVIRONMENTAL RESOURCE PERMIT RECORDED DECEMBER 6, 2022, IN OFFICIAL RECORDS BOOK 9670, PAGE 2956. AFFECTS PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.
  - D. DECLARATION OF EASEMENTS, RESTRICTIONS, AND CONDITIONS FOR SUMMERBROOK COMMERCIAL RECORDED MAY 3, 2023, IN OFFICIAL RECORDS BOOK 9778, PAGE 871. AFFECTS PARENT PARCEL, DOES NOT ENCUMBER THIS UTILITY EASEMENT.
  - E. STORMWATER MAINTENANCE AGREEMENT RECORDED MAY 3, 2023, IN OFFICIAL RECORDS BOOK 9778, PAGE 908. AFFECTS PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.
  - F. UTILITY EASEMENT BY AND BETWEEN WICKHAM SUMMERBROOK LLC, A FLORIDA LIMITED LIABILITY COMPANY, GRANTOR, AND BREVARD COUNTY, GRANTEE, RECORDED SEPTEMBER 12, 2023, IN OFFICIAL RECORDS BOOK 9885, PAGE 1033. AFFECTS PARENT PARCEL, DOES NOT ENCUMBER THIS UTILITY EASEMENT.

Digitally signed by Samuel C Bowers



PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;  
WICKHAM SUMMERBROOK LLC

Date: 2024.04.02 14:36:28 -04'00

PREPARED BY:  
MORGAN & ASSOCIATES  
CONSULTING ENGINEERS, INC.  
504 N. HARBOR CITY BLVD.  
MELBOURNE, FL 32935  
PHONE: (321) 751-6088  
FLORIDA LICENSED BUSINESS NO. 7040



SAMUEL C. BOWERS, PSM NO. 5990  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

DRAWN BY: JTH	CHECKED BY: CSB	PROJECT NO. 2023-081		SECTION 31 TOWNSHIP 26 SOUTH RANGE 37 EAST	
DATE: 3/28/2024	DRAWING: 2023-081 SCCU SAN SEWER ESMT.DWG	REVISIONS	DATE		DESCRIPTION
			3/28/2024		COUNTY COMMENTS
			4/2/2024	COUNTY COMMENTS	

# SKETCH OF DESCRIPTION

## PARCEL #800

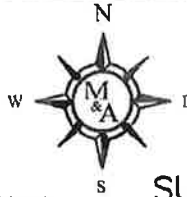
PARENT PARCEL ID#: 26-37-31-30-\*--1  
 PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



SUMMER BROOK STREET

80' PUBLIC RIGHT-OF-WAY  
 P.B. 39, PG. 18

REFERENCE BEARING  
 NORTH BOUNDARY N89°26'56"W 10.00'  
 OF PB 73, PG. 74

SOUTH R/W LINE &  
 N. LINE SECTION 31  
 S89°26'56"E  
 17.00'  
 POINT OF BEGINNING  
 OF PARCEL 800

LOT 1  
 P.B. 73,  
 PAGE 74  
 PARCEL ID:  
 26-37-31-30-\*--1

POINT OF COMMENCEMENT  
 OF PARCEL 800  
 NORTHEAST CORNER OF LOT 1  
 P.B. 73, PG. 74

### LEGEND:

- ID = IDENTIFICATION
- LB = LICENSED BUSINESS
- ORB = OFFICIAL RECORDS BOOK
- PG. = PAGE
- P.B. = PLAT BOOK
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- R/W = RIGHT-OF-WAY
- N = NORTH OR NORTHING
- E = EAST OR EASTING
- S = SOUTH
- W = WEST
- NE = NORTHEAST
- NW = NORTHWEST
- SE = SOUTHEAST
- SW = SOUTHWEST
- ± = PLUS OR MINUS
- ' = FEET OR ARCMINUTES
- " = INCHES OR ARCSECONDS
- ° = DEGREES

N00°00'00"E 125.12'  
 EXHIBIT "A" PARCEL 800: 17' UTILITY EASEMENT  
 2,125.63 SQ OR 0.049± ACRES

S00°00'00"E 124.95'  
 10' PUBLIC UTILITY EASEMENT P.B. 73, PG. 74

N00°00'00"E 124.85'

20' PUBLIC UTILITY EASEMENT  
 P.B. 73, PG. 74

PUBLIC ACCESS  
 EASEMENT  
 ORB 7839,  
 PAGE 1015

PUBLIC UTILITY EASEMENT  
 P.B. 73, PG. 74

S89°59'15"W  
 17.00'

N. LINE LOT 2  
 LOT 2  
 P.B. 73, PAGE 74

EXHIBIT "B"  
 UTILITY  
 EASEMENT  
 PARCEL 801

PREPARED BY:  
 MORGAN & ASSOCIATES  
 CONSULTING ENGINEERS, INC.  
 504 N. HARBOR CITY BLVD.  
 MELBOURNE, FL 32935  
 PHONE: (321) 751-6088  
 FLORIDA LICENSED BUSINESS NO. 7040

**MORGAN & Associates**  
 Consulting Engineers, Inc.  
Civil Engineers and Land Surveyors - G.B. # 7903 / L.B. # 7040  
 504 North Harbor City Blvd. Melbourne, FL 32935  
 Phone (321) 751-6088 Fax (321) 751-6089

SCALE: 1" = 20'  
 PROJECT NO.: 2023-081

SECTION 31  
 TOWNSHIP 26 SOUTH  
 RANGE 37 EAST

**LEGAL DESCRIPTION**

**EXHIBIT "B"**

**PARCEL #801**

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-37-31-30-\*--2  
PURPOSE: UTILITY EASEMENT

**LEGAL DESCRIPTION: PARCEL 801 (PREPARED BY SURVEYOR)**

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COMMENCE AT THE NORTHEAST CORNER OF LOT 2, SUMMERBROOK COMMERCIAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 73, PAGE 74, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S89°59'15"W ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 10.00 TO THE POINT OF BEGINNING:

THENCE DEPARTING SAID NORTH LINE OF LOT 2, RUN S00°00'00"E A DISTANCE OF 17.14 FEET;  
THENCE S89°59'15"W A DISTANCE OF 17.00 FEET;  
THENCE N00°00'00"E A DISTANCE OF 17.14 FEET TO THE NORTH LINE OF SAID LOT 2;  
THENCE N89°59'15"E ALONG SAID NORTH LINE OF SAID LOT 2 A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING: 291.35 SQUARE FEET, OR 0.007 ACRES, MORE OR LESS.

**SURVEYORS NOTES:**

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Digitally signed by Samuel C Bowers



PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;  
WICKHAM SUMMERBROOK LLC

Date: 2024.04.02 14:50:49 -04'00

PREPARED BY:  
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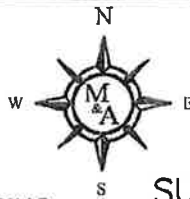
DRAWN BY: JTH	CHECKED BY: CSB	PROJECT NO. 2023-081	SECTION 31
DATE: 3/28/2024	DRAWING: 2023-081 SCCU SAN SEWER ESMT.DWG	REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 37 EAST
		3/28/2024	
		DESCRIPTION	
		COUNTY COMMENTS	



# SKETCH OF DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 26-37-31-30-\*--2  
 PURPOSE: UTILITY EASEMENT

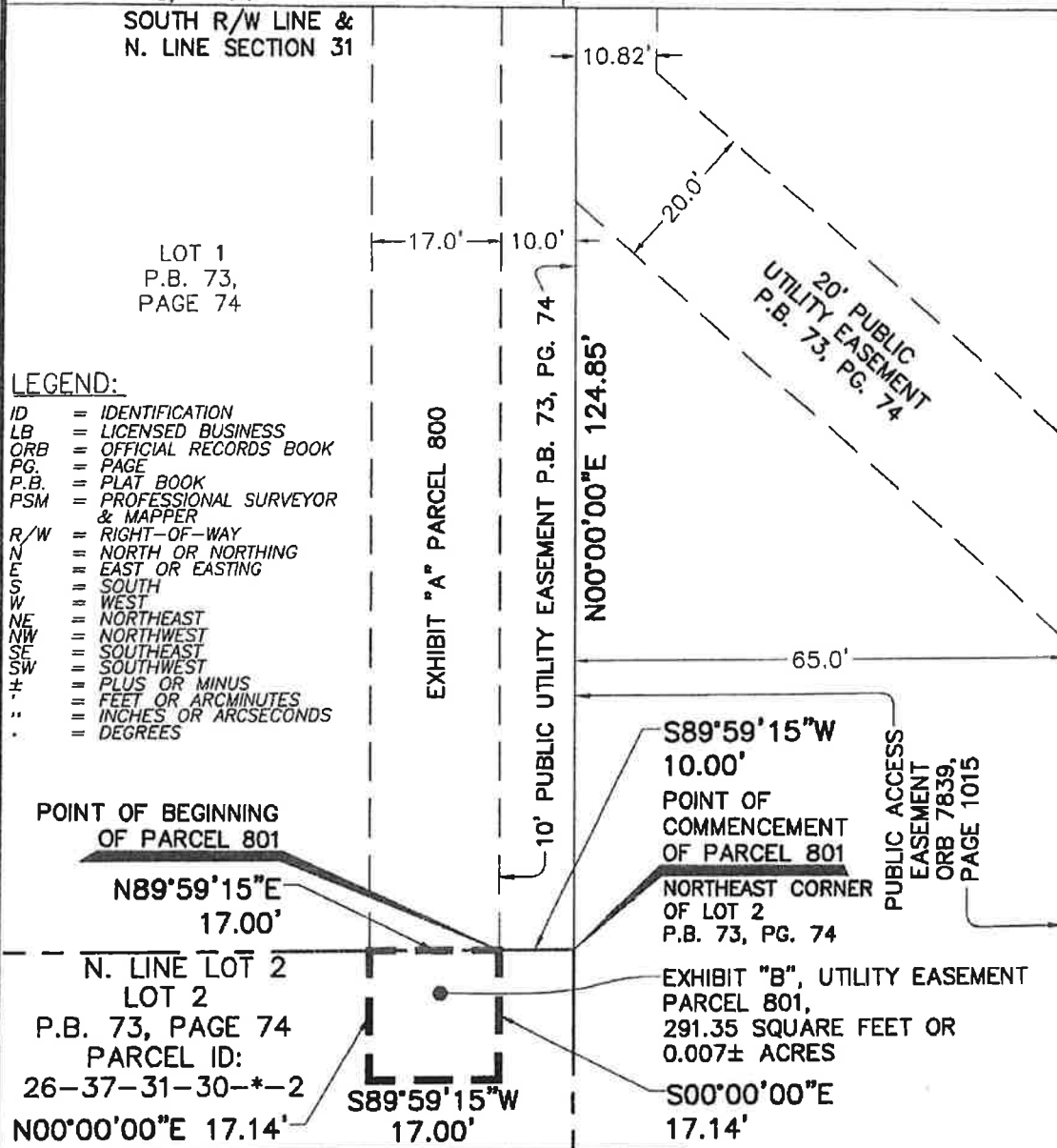


## EXHIBIT "B"

SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2  
**THIS IS NOT A SURVEY**

REFERENCE BEARING  
 NORTH BOUNDARY OF PB 73, PG. 74  $N89^{\circ}26'56''W$  10.00'

SUMMER BROOK STREET  
 80' PUBLIC RIGHT-OF-WAY  
 P.B. 39, PG. 18



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- ' = FEET OR ARCMINUTES
- " = INCHES OR ARCSECONDS
- ° = DEGREES

POINT OF BEGINNING OF PARCEL 801

$S89^{\circ}59'15''W$   
 10.00'

POINT OF COMMENCEMENT OF PARCEL 801

NORTHEAST CORNER OF LOT 2  
 P.B. 73, PG. 74

EXHIBIT "B", UTILITY EASEMENT PARCEL 801,  
 291.35 SQUARE FEET OR 0.007± ACRES

PREPARED BY:  
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SCALE: 1" = 20'  
 PROJECT NO.: 2023-081

SECTION 31  
 TOWNSHIP 26 SOUTH  
 RANGE 37 EAST

# LOCATION MAP

Section 31, Township 26 South, Range 37 East - District: 4

PROPERTY LOCATION: East of North Wickham Road and south of Summer Brook Street in Melbourne.

OWNERS NAME(S): Wickham Summerbrook LLC

