



**AGENDA REPORT**  
**May 7, 2019**

**Approval Re: Donation of Utility Easement from 4 Jays MHP LLC (Owner)  
for the West Cocoa Utilities Improvement Project – District 1.**

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**SUBJECT:**

Approval Re: Donation of Utility Easement from 4 Jays MHP LLC (Owner) for the West Cocoa Utilities Improvement Project – District 1.

**FISCAL IMPACT:**

FY 2018 – 2019: No impact

**FY 2019 – 2020: No impact**

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners approve and accept the Utility Easement from 4 Jays MHP, LLC.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject parcel is located in Section 36, Township 24 South, Range 35 East.

The Utility Services Department's West Cocoa wastewater collection and transmission system, including lift stations, force mains, and gravity mains, are aging infrastructures that require rehabilitation and/or replacement. Several of the existing lift stations were originally privately-owned, but are now owned and maintained by the Brevard County Utility Services Department. Many of these lift stations are not in compliance with current Brevard County wastewater design standards since they were initially constructed and maintained as private facilities. There are several easements and proposed property acquisitions that are required to optimize the performance of the overall improvements to the West Cocoa wastewater collection system. The 4 Jays MHP LLC parcel has been identified as one of the property easement acquisition sites. 4 Jays MHP LLC has agreed to donate the necessary easement.

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

**CLERK TO THE BOARD INSTRUCTIONS:**

**ATTACHMENTS:**

**Description**

- ▯ **W-03 Lift Station Utility Easement Agenda Documents**

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: DONATION OF UTILITY EASEMENT FROM 4 JAYS MHP LLC –  
OWNER – FOR THE WEST COCOA UTILITIES IMPROVEMENT  
PROJECT – DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

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>          </u>	<u>4/23/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	<u>          </u>	<u>4/23/19</u>

AGENDA DUE DATE: APRIL 30, 2019, for the May 7, 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

May 8, 2019

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

**TO:** Corinna Gumm, Interim Public Works Director

**RE:** Item F.12., Approval for Donation of Utility Easement from 4 Jays MHP, LLC (Owner)  
for the West Cocoa Utilities Improvement Project

The Board of County Commissioners, in regular session on May 7, 2019, approved and accepted the utility easement from 4 Jays MHP, LLC.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

cc: Asset Management

Prepared by and Return to: Lucy Hamelers, Land Acquisition Specialist  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 24-36-36-00-523

### UTILITY EASEMENT

**THIS INDENTURE**, made this 15th day of April, 2019, between 4 Jays MHP, LLC whose mailing address is 718 Walt Whitman Road, Melville, NY 11747, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose mailing 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 Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual Utility Easement commencing on the above date, for the sole purpose of constructing, operating and maintaining a sanitary sewer line and/or lift station and associated facilities, and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 36, Township 24 South, Range 35 East, County of Brevard, State of Florida, and is more particularly described as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and assigns, the first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Witness

Judith C. Hansen  
(Print Name)

Witness

Dawn E Lawrence  
(Print Name)

4 Jays MHP, LLC

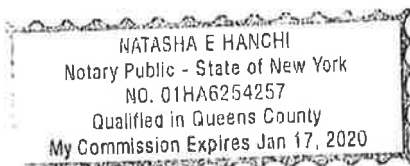
Lev D  
By: Lev D. Brickman, MGRM

Thomas B  
By: Thomas B. Tucker, MGRM

STATE OF New York  
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of April, 2019, by Lev D. Brickman, as Managing Member of 4 Jays MHP, LLC and Thomas B. Tucker, as Managing Member of 4 Jays MHP, LLC, who is/is not personally known to me or who has produced New Driver's License as identification and who did/did not take an oath.

WITNESS my hand and official seal at 115 Broad Hollow Rd, the County of Suffolk, State of New York, this 15<sup>th</sup> day of April, 2019.



Notary Public

Print Name NATASHA HANCHI

Commission No. 01HA6254257

Commission expires 02/17/2020

Agenda Item # \_\_\_\_\_

Board Meeting Date \_\_\_\_\_

# LEGAL DESCRIPTION

PARCEL 801

LIFT STATION W-03

SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
PARENT PARCEL ID NO.: 24-35-36-00-523  
PURPOSE: LIFT STATION EASEMENT.

EXHIBIT "A"

SHEET 1 OF 2

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

## LEGAL DESCRIPTION: PARCEL 801, LIFT STATION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6794, PAGE 1026 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND ALSO BEING LOCATED WITHIN EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE AFORESAID DESCRIBED LANDS; THENCE NORTH 89° 29' 12" EAST ALONG THE NORTH OF SAID DESCRIBED LANDS AND ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER FOR A DISTANCE OF 24.22 FEET; THENCE SOUTH 00° 00' 55" EAST FOR A DISTANCE OF 35.64 FEET; THENCE SOUTH 89° 59' 05" WEST FOR A DISTANCE OF 24.19 FEET TO A POINT ON THE WEST LINE OF SAID DESCRIBED LANDS; THENCE NORTH 00° 04' 19" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 35.43 FEET TO THE POINT OF BEGINNING, CONTAINING 860 SQUARE FEET (0.02 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.

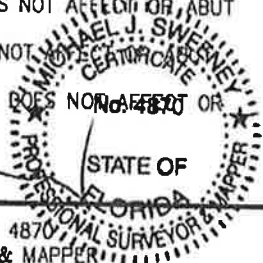
## SURVEYOR'S NOTES:

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 THOSE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6794, PAGE 1026 AS BEING NORTH 89° 29' 12" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
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. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 18-1023, TAX IDENTIFICATION NUMBER 2458115, EFFECTIVE DATE 1/12/18.
  - B. EASEMENTS PER SAID TITLE REPORT:
    1. AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 637, PAGE 661. DOES NOT AFFECT OR ABUT PARCEL 801.
    2. RESTRICTIVE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 851, PAGE 836. DOES NOT AFFECT OR ABUT PARCEL 801.
    3. DEED RECORDED IN OFFICIAL RECORDS BOOK 1571, PAGE 96. DOES NOT AFFECT OR ABUT PARCEL 801.
    4. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1665, PAGE 39. DESCRIPTION OF THE EASEMENT DOES NOT PROVIDE A LOCATABLE EASEMENT PARCEL.
    5. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1681, PAGE 400. DOES NOT AFFECT OR ABUT PARCEL 801.
    6. RESOLUTION NO. 94-102 RECORDED IN OFFICIAL RECORDS BOOK 3388, PAGE 1860. DOES NOT AFFECT OR ABUT PARCEL 801.
    7. RESOLUTION NO. 96-05 RECORDED IN OFFICIAL RECORDS BOOK 3536, PAGE 951. DOES NOT AFFECT OR ABUT PARCEL 801.
    8. RESOLUTION NO. 2008-A003 RECORDED IN OFFICIAL RECORDS BOOK 5872, PAGE 9582. DOES NOT AFFECT OR ABUT PARCEL 801.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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

PROJECT NO. 19-02-036

REVISIONS

DATE

DESCRIPTION

SECTION 36

TOWNSHIP 24 SOUTH

RANGE 35 EAST

DATE: 4/10/19

SHEET: 1 OF 2

# SKETCH OF DESCRIPTION

## PARCEL 801

### LIFT STATION W-03

SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST  
PARENT PARCEL ID NO.: 24-35-36-00-523  
PURPOSE: LIFT STATION EASEMENT.

## EXHIBIT "A"

### SHEET 2 OF 2

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



### POINT OF BEGINNING

NORTHWEST CORNER OF ORB  
6794, PAGE 1026

N89°29'12"E (B.O.B.)  
24.22'

S0°00'55"E  
35.64'

### PARCEL 801

LIFT STATION EASEMENT  
860 SQ. FT (0.02 ACRES±)

S89°59'05"W  
24.19'

N0°04'19"W  
35.43'

NORTH LINE ORB  
6794, PAGE 1026

**PARRISH ROAD**  
(R/W WIDTH VARIES)  
ORB 3388, PAGE 1860  
RESOLUTION NO. 94-102  
PARRISH ROAD MAINTENANCE MAP

OWNER N/F:  
HOSKIN, JOHN H  
TAX PARCEL ID:  
24-35-36-00-524  
NO ORB FOUND

OWNER N/F:  
BREVARD COUNTY  
TAX PARCEL ID:  
24-35-36-00-516  
ORB 1691, PAGE 398  
AKA: STOWE LANE

OWNER N/F:  
4 JAYS MHP LLC  
TAX PARCEL ID:  
24-35-36-00-523  
ORB 6794, PAGE 1026

WEST LINE ORB 6794, PAGE 1026

CATALINA VILLAGE 2ND ADDITION  
PLAT BOOK 19, PAGE 56

30' DRAINAGE AND UTILITIES EASEMENT  
PER PLAT BOOK 19, PAGE 56

### ABBREVIATIONS

AKA = ALSO KNOWN AS  
B.O.B. = BASIS OF BEARING  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
SQ. FT. = SQUARE FEET  
RGE. = RANGE  
TWP. = TOWNSHIP

### LEGEND

 = PARCEL 801



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"=30'

PROJECT NO.:

19-02-036

SECTION 36

TOWNSHIP 24 SOUTH  
RANGE 35 EAST



# LOCATION MAP

TWP: 24S RNG: 35E SEC: 36 DISTRICT: 1

STREET NAME: Parrish Road

OWNER'S NAME: 4 Jays MHP LLC

