#### **BOARD OF COUNTY COMMISSIONERS**

#### AGENDA REVIEW SHEET

AGENDA: Resolution and Underground Easement (Business) from Brevard County

to Florida Power and Light Company for the Benefit of the Veteran's

Memorial Park Bandshell and Additions Project - District 2.

AGENCY: Pub

Public Works Department / Land Acquisition Office

AGENCY CONTACT: Jean Kremitzki / Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

**Assistant County Attorney** 

APPROVE DISAPPROVE DATE

LAND ACQUISITION
Lisa Kruse, Supervisor

COUNTY ATTORNEY

Greg Hughes

<b>RESOLUTION</b>	NO.	25	
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# RESOLUTION PURSUANT TO SECTION 125.01, FLORIDA STATUTES AUTHORIZING THE CONVEYANCE OF A REAL PROPERTY INTEREST BY THE COUNTY.

#### **RECITALS**

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, the Florida Power and Light Company (FPL) is a Florida corporation providing electric utility services, and FPL has requested a perpetual easement to provide electric service to said County owned property; and

WHEREAS, said utility easement will support the use of the County owned property, and will not conflict with the County's use of the servient property.

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

- 1. The recitals above are true and correct, and incorporated herein.
- 2. Pursuant to section 125.01, Florida Statutes, the grant of easement is required to provide electric service to a County structure, to wit, a park that will provide recreational services to the community.
- 3. County agrees to convey a perpetual easement for the purpose of permitting Florida Power and Light Company (FPL) to place its facilities within said easement area, so that FPL can provide electric service to the County Veteran's Memorial Park.
- 4. This Resolution shall take effect immediately upon its adoption.

**DONE, ORDERED, and ADOPTED** in Regular Session this 18th Day of , 2025.

ATTEST:	BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA
Rachel M. Sadoff, Clerk	,Chair
	A

As approved by the Board on 11-18-25.

### LEGAL DESCRIPTION

NOT VALID WITHOUT SHEETS 2, 3, 4, AND 5 OF 5 EXHIBIT "A"

SHEET 1 OF 5

NOT A SURVEY

PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501

PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

#### LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6033, PAGE 2921, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 36 EAST; THENCE N 88'50'36" E, ALONG THE SOUTH LINE OF SAID SECTION 36, FOR A DISTANCE OF 850.01 FEET TO THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 573, PAGE 482 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID SOUTH LINE N 88'50'20" E, 469.95 FEET TO THE INTERSECTION WITH THE EAST LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N 00'34'07" W ALONG SAID EAST LINE A DISTANCE OF 1767.35 FEET TO THE SOUTH RIGHT OF WAY LINE OF FORTENBERRY ROAD (A 60 FOOT RIGHT OF WAY) AS RECORDED IN OFFICIAL RECORDS BOOK 1103, PAGE 172 OF SAID PUBLIC RECORDS; THENCE N 89'31'17" E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 550.36 FEET TO THE NORTHWEST CORNER OF PARCEL "B", AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 6033, PAGE 2921; THENCE CONTINUE N 89'31'17" E ALONG SAID SOUTH RIGHT OF WAY LINE AND THE NORTH LINE OF SAID PARCEL "B" 323.11 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

THENCE CONTINUE N 89'31'17" E ALONG SAID SOUTH RIGHT OF WAY LINE AND SAID NORTH LINE 10.00 FEET; THENCE S 00'39'10" W 184.42 FEET; THENCE S 29'55'28" E 136.16 FEET; THENCE S 23'56'49" E 120.63 FEET; THENCE S 00'20'13" E 25.55 FEET; THENCE S 05'10'07" E 119.09 FEET; THENCE N 89'39'47" E 2.48 FEET; THENCE S 00'20'13" E 15.00 FEET; THENCE S 89'39'47" W 2.50 FEET; THENCE S 00'20'13" E 3.13 FEET; THENCE S 41'25'24" E 198.35 FEET; THENCE S 54'25'35" E 181.14 FEET; THENCE S 49'26'15" E 67.21 FEET; THENCE N 89'39'47" E 3.14 FEET; THENCE N 00'20'13" W 2.50 FEET; THENCE N 89'39'47" E 15.00 FEET; THENCE S 89'39'47" W 15.00 FEET; THENCE N 00'20'13" W 2.50 FEET; THENCE N 49'26'15" W 70.50 FEET; THENCE N 54'25'35" W 181.84 FEET; THENCE N 41'25'24" W 203.24 FEET; THENCE N 00'20'13" W 6.88 FEET; THENCE S 89'39'47" W 2.50 FEET; THENCE N 00'20'13" W 15.00 FEET; THENCE N 00'20'13" W 18.01 FEET; THENCE N 00'20'13" W 18.67 FEET; THENCE N 00'20'13" W 23.88 FEET; THENCE N 23'56'49" W 118.01 FEET; THENCE N 29'55'28" W 138.37 FEET; THENCE N 00'39'10" E 186.96 FEET TO THE POINT OF BEGINNING. CONTAINING 10,920 SQUARE FEET, 0.25 ACRES MORE OR LESS.

#### SURVEYOR'S NOTES:

- 1. BEARINGS BASED ON THE SOUTH R/W LINE OF FORTENBERRY ROAD BEING N 89°31'17" E AS PER OFFICIAL RECORDS BOOK 6033, PAGE 2921 (SEE SKETCH).
- THIS SKETCH AND DESCRIPTION CONTAINS FIVE
   SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
- 3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL, OR THE DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 5.
- 4. THE SURVEYOR WAS FURNISHED THE TITLE STATION OWNER AND ENCUMBRANCES REPORT FILE No. 25-1039-A AND 25-1039-B, DATED 02/05/2025. PLOTTABLE EASEMENTS ARE SHOWN HEREON.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

Kane Surveying, Inc.

FLORIDA LICENSED BUSINESS No. LB 7838 505 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 676-0427

#### LEGEND:

BRG = BEARING (C) = CALCULATED COR = CORNER (D) = DEED ESMT = EASEMENT

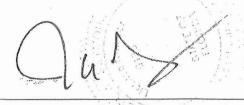
FP&L = FLORIDA POWER AND LIGHT COMPANY

ORB = OFFICIAL RECORDS BOOK PG = PAGE

P.O.B. = POINT OF BEGINNING P.O.C. = POINT OF COMMENCEMENT

RNG = RANGE REF = REFERENCE R/W = RIGHT OF WAY

SEC = SECTION TWP = TOWNSHIP



JOEL A. SEYMOUR, LS 6133 PROFESSIONAL SURVEYOR & MAPPER NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED	PROJECT NO. 44034	REVISIONS:	DATE:	SECTION 36
		ADDED EXISTING EASEMENTS	DATE: 8/27/25	TOWNSHIP 24 SOUTH
DATE: 8/22/25	DRAWING: 36-24-36	·		RANGE 36 EAST

PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501

PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

NOT VALID WITHOUT SHEETS 1, 3, 4, AND 5 OF 5 EXHIBIT "A" SHEET 2 OF 5 NOT A SURVEY

SYKES

CREEK PARKWA

SITE OVERVIEW

- NOT TO SCALE -

FORTENBERRY ROAD

(60' WIDE PUBLIC R/W PER ORB 1103, PG 172)

TAX PARCEL ID: 24-36-36-00-557 (ORB 6272, PG 1911) TAX PARCEL ID: 24-36-36-00-558 (ORB 6272, PG 1911)

SHEET 4

TAX PARCEL ID: 24-36-36-00-517.2 (ORB 6272, PG 1911)

PROPOSED FP&L ESMT
SEE SHEETS 3 AND 4 FOR DETAILS

TAX PARCEL ID: 24-36-36-00-503 (ORB 6033, PG 2921) TAX PARCEL ID: 24-36-36-00-501 (ORB 6033, PG 2921)

PREPARED BY:

Kane Surveying, Inc.

FLORIDA LICENSED BUSINESS No. LB 7838 505 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 676-0427 SCALE: 1 INCH = 60 FEET

PROJECT NO. 44034

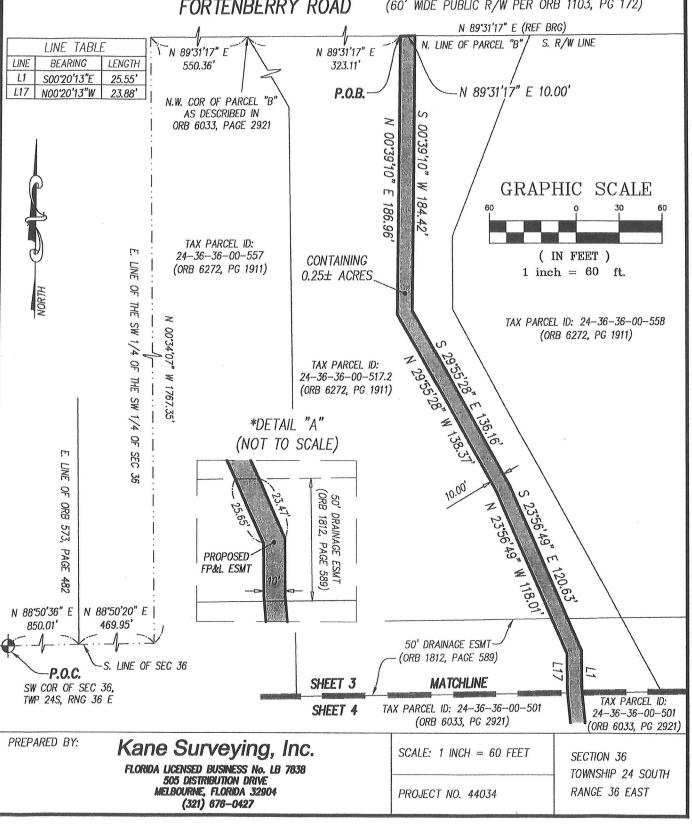
PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501

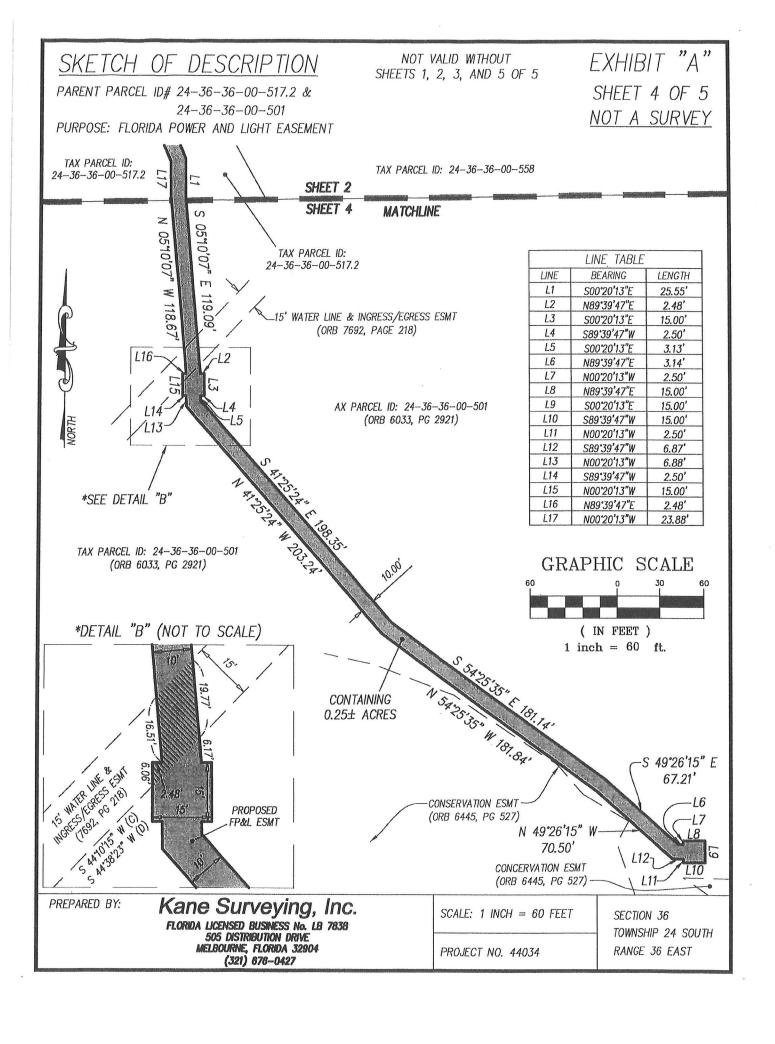
PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

NOT VALID WITHOUT SHEETS 1, 2, 4, AND 5 OF 5 EXHIBIT "A" SHEET 3 OF 5 NOT A SURVEY

### FORTENBERRY ROAD

(60' WIDE PUBLIC R/W PER ORB 1103, PG 172)





NOT VALID WITHOUT SHEETS 1, 2, 3, AND 4 OF 5 EXHIBIT "A"

SHEET 5 OF 5

NOT A SURVEY

PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501

PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

OWNER & ENCUMBRANCE REPORT FILE No. 25-1039-A, DATED 2/5/25

Easements and Exceptions:

1. Right-of-Way Easement recorded in Official Records Book 2296, Page 787.

(Does not affect subject parcel)

Easement recorded in Official Records Book 2302, Page 908.

(Affects subject parcel, blanket in nature)

3. Conservation Easement recorded in Official Records Book 3828, Page725.

(Does not affect subject parcel)

4. Easement recorded in Official Records Book 3828, Page 732.

(Does not affect subject parcel)

5. Resolution recorded in Official Records Book 5659, Page 5368.

(Does not affect subject parcel)

6. Conservation Easement recorded in Official Records Book 5702, Page 8180.

(Does not affect subject parcel)

7. Conservation Easement recorded in Official Records Book 6445, Page 527.

(Does not affect subject parcel)

8. Water Line & Ingress/Egress Easement recorded in Official Records Book 7692, Page 218. (Affects subject parcel, plotted hereon)

OWNER & ENCUMBRANCE REPORT FILE No. 25-1039-B, DATED 2/5/25

Easements and Exceptions:

1. Right-of-Way Easement recorded in Official Records Book 1103, Page 172.

(Does not affect subject parcel)

2. Easement recorded in Official Records Book 1812, Page 589.

(Affects subject parcel, plotted hereon)

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PREPARED BY:

Kane Surveying, Inc.

FLORIDA LICENSED BUSINESS No. LB 7838 505 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 676–0427 SCALE: 1 INCH = 60 FEET

PROJECT NO. 44034

Work Request No:

## UNDERGROUND EASEMENT

WR 14 1 5 9 3 8 3

Sec. 36, Twp 24 S, Rge 36

Parcel I.D.24-36-36-00-517.2 & 24-36-36-00-501

(Maintained by County Appraiser)

(BUSINESS)

This Instrument Prepared By Zineb Elkadir Name:

Co. Name: Florida Power and Light

270 Pioneer Rd Address:

Merritt Island, FL

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"

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 right said Easement Area. through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on November 18, 2025.

Signed, sealed and delivered in the presence of:	Brevard County, a political subdivision of the State of Florida
(Witness' Signature)	<del>-</del>
Print Name:(Witness)	Ву:
(Witness)	Print Name & Title:,Chair Print Address: 2725 Judge Fran Jamieson Way
	Viera, FL 32940
(Witness' Signature)	
Print Name:	Approved by the Board on 11-18-25
Print Name:(Witness)	-
	Attest:
	Rachel M. Sadoff, Clerk
efore me this <u>18th</u> day of <u>November,2025</u> , by oard of County Commissioners a political subdivision of	. The foregoing instrument was acknowledged, theof Brevard County f the State of Florida, who is personally known to me or has produced did not) take an oath. (Type of Identification)
ly Commission Expires:	Notary Public, Signature
	Print Name

### LEGAL DESCRIPTION

NOT VALID WITHOUT SHEETS 2, 3, 4, AND 5 OF 5 EXHIBIT SHEET 1 OF 5 NOT A SURVEY

PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501

PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

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PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

Kane Surveying, Inc.

FLORIDA LICENSED BUSINESS No. LB 7838 505 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 676-0427

#### LEGEND:

BRG = BEARING (C) = CALCULATED COR = CORNER

(D) = DEED ESMT = EASEMENT

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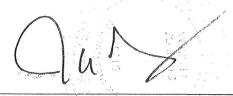
PG = PAGE

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TWP TOWNSHIP



JOEL A. SEYMOUR, LS 6133 PROFESSIONAL SURVEYOR & MAPPER NOT VALID UNLESS SIGNED AND SEALED

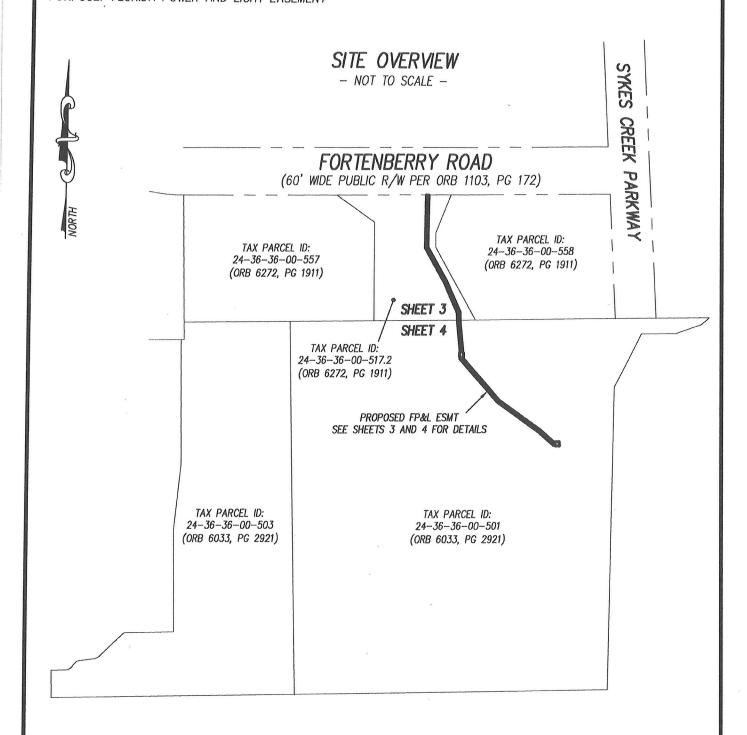
DRAWN BY: JED	PROJECT NO. 44034	REVISIONS:	DATE:	SECTION 36
DATE: 8/22/25 DRAWNG: 36-24-36	ADDED EXISTING EASEMENTS	DATE: 8/27/25	TOWNSHIP 24 SOUTH	
			RANGE 36 EAST	

PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501
PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

NOT VALID WITHOUT SHEETS 1, 3, 4, AND 5 OF 5 EXHIBIT "A"

SHEET 2 OF 5

NOT A SURVEY



PREPARED BY:

Kane Surveying, Inc.

FLORIDA LICENSED BUSINESS No. LB 7838 505 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 678-0427 SCALE: 1 INCH = 60 FEET

PROJECT NO. 44034

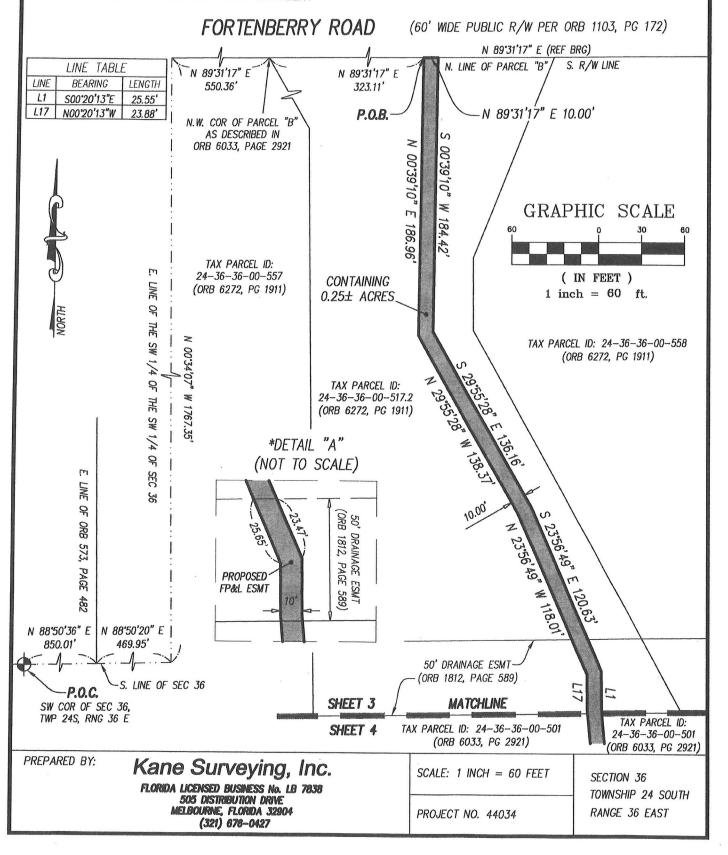
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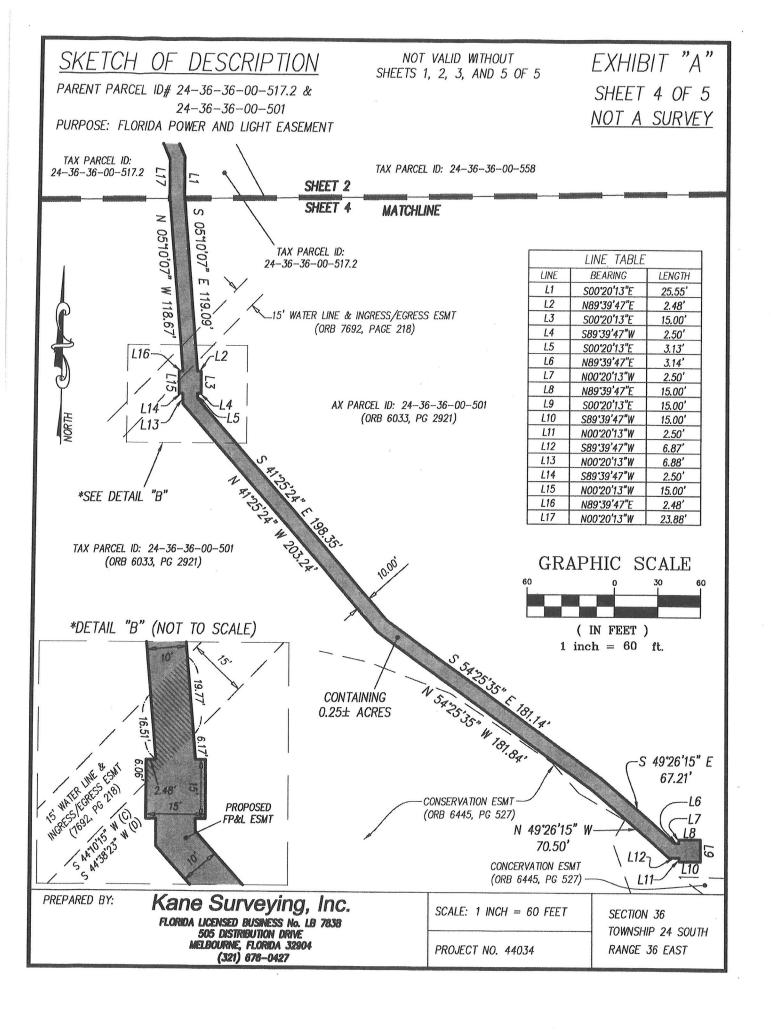
PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

NOT VALID WITHOUT SHEETS 1, 2, 4, AND 5 OF 5 EXHIBIT "A"

SHEET 3 OF 5

NOT A SURVEY





NOT VALID WITHOUT SHEETS 1, 2, 3, AND 4 OF 5 EXHIBIT "A" SHEET 5 OF 5 NOT A SURVEY

PARENT PARCEL ID# 24-36-36-00-517.2 & 24-36-36-00-501
PURPOSE: FLORIDA POWER AND LIGHT EASEMENT

OWNER & ENCUMBRANCE REPORT FILE No. 25-1039-A, DATED 2/5/25

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FLORIDA LICENSED BUSINESS No. LB 7838 505 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 676-0427 SCALE: 1 INCH = 60 FEET

PROJECT NO. 44034

### **LOCATION MAP**

Section 36, Township 24 South, Range 36 East - District: 2

PROPERTY LOCATION: South of Fortenberry Road and north of Cone Road in Merritt Island.

OWNERS NAME(S): Brevard County

