

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Resolution and Access and Utility Easement from Brevard County to the City of Melbourne for a Sanitary Sewer Lift Station Within the County Owned Parcel Along Sarno Road – District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>7-25-2022</u>
COUNTY ATTORNEY Christine Schverak Interim County Attorney	<u>cms</u> _____	_____	<u>08-05-2022</u>

RESOLUTION NO. 22-_____

**RESOLUTION PURSUANT TO SECTION 125.38,
FLORIDA STATUTES AND SECTION 2-247, BREVARD
COUNTY CODE AUTHORIZING THE CONVEYANCE OF
REAL PROPERTY INTEREST BY THE COUNTY.**

RECITALS

WHEREAS, Brevard County, Florida 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 City of Melbourne, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 900 East Strawbridge Avenue, Melbourne Florida 32901, hereinafter known as "CITY", has requested a perpetual access and utility easement for the purposes of operating, constructing, reconstructing, reconfiguring and maintaining a sanitary sewer lift station and other allied uses; and

WHEREAS, the City currently has a lift station located on County property adjacent to the proposed location of the new lift station on certain real property described in Exhibit "A"; and

WHEREAS, the City desires to relocate the existing lift station in order to construct a more efficient and modern lift station; and

WHEREAS, the new lift station configurations required additional space and said access and utility easement 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 125.38, Florida Statutes, and section 2-247, Brevard County Code, this easement will serve a public purpose, is in the best interest of the County and will promote community interest and welfare. The easement shall be conveyed at nominal cost. The area of the easement is not needed for other County purposes that would conflict with the City use of the easement.
3. County agrees to convey a perpetual easement over the real property described in Exhibit "A", attached and incorporated by this reference, for the purpose of permitting the City of Melbourne to place lift station facilities within said easement area in order for the City to provide sanitary sewer service to the public. In the event the property is not used or ceased to be used for the above stated purpose, the easement shall terminate.

4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 30th day of August, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk of the Court

BY: _____
Kristine Zonka, Chair

As approved by the Board on August 30, 2022

LEGAL DESCRIPTION

PARCEL #1

PARENT PARCEL ID#: 27-37-20-00-752

PURPOSE: ACCESS AND UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL ID 27-37-20-00-752 (PREPARED BY SURVEYOR)

A portion of a parcel of land described in Official Record Book 2423, Page 794, Public Records of Brevard County, Florida with Parcel ID number 27-37-20-00-752, being more particularly described as follows:

Commence at the Northwest corner of Lot 1, Block M, First Addition to Greentree Park Subdivision as recorded in Plat Book 13, Page 147 of the Public Records of Brevard County, Florida; thence along the West line of said Lot 1 and Lot 2, South 00°47'07" East, a distance of 128.00 feet to a point on the South line of a parcel described in Official Records Book 8869, Page 2428, of the Public Records of Brevard County, Florida; thence along said South line North 89°09'00" West, a distance of 1.24 feet to the Point of Beginning; thence the following courses and distances South 00°00'00" East, a distance of 31.33 feet; thence North 90°00'00" West, a distance of 40.00 feet; thence North 00°00'00" East, a distance of 13.33 feet; thence North 90°00'00" West, a distance of 60.19 feet to a point of curvature of a curve concave Southeasterly having a radius of 14.00' feet, a central angle of 90°00'00" and chord with bearing and distance of South 45°00'00" West, 19.80 feet; thence Southwesterly along the arc of said curve 21.99 feet; thence departing said curve North 90°00'00" West, a distance of 1.00 foot; thence North 00°00'00" East, a distance of 42.00 feet; thence North 90°00'00" East, a distance of 1.00 foot to a point on a non-tangent curve concave Northeasterly having a radius of 14.00 feet, a central angle of 90°00'00" and a chord with bearing and distance of South 45°00'00" East, 19.80 feet; thence Southeasterly along the arc of said curve 21.99 feet; thence departing said curve North 90°00'00" East, a distance of 60.19 feet; thence North 00°00'00" East, a distance of 4.59 feet to a point on the aforesaid South line; thence along said South line South 89°09'00" East, a distance of 40.00 feet to the Point of Beginning.

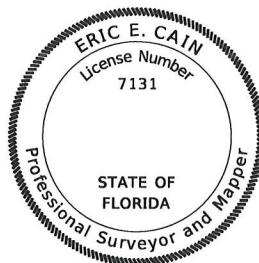
Containing 0.056 acres or 2,530 square feet, more or less.

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF LOT 1, BLOCK M, FIRST ADDITION TO GREENTREE PARK SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 147 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING SOUTH 00°47'07" EAST.
2. THIS SKETCH AND LEGAL DESCRIPTION OR COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. GRAY SCALED FEATURES SHOWN HEREON ARE PROPOSED AND WERE PROVIDED BY CLIENT.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING CHAPTER 5J-17 REQUIREMENTS OF THE FLORIDA ADMINISTRATIVE CODE.



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:

Digitally signed by
Eric E Cain
Date: 2022.06.29
12:25:38 -04'00'

ERIC E. CAIN
FLORIDA PROFESSIONAL SURVEYOR &
MAPPER LS 7131

PREPARED FOR AND CERTIFIED TO:
CHA, CITY OF MELBOURNE &
BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED ON THE ELECTRONIC DOCUMENT.

PREPARED BY: ECHO UES, INC.
CERTIFICATION OF AUTHORIZATION 8184
400 STATE ROAD 434, SUITE 1024
OVIEDO, FLORIDA 32765
888.778.ECHO | www.echoues.com



DRAWN BY: DH

CHECKED BY: EC

PROJECT NO. 21-304

REVISIONS

DATE

DESCRIPTION

DATE: 06/29/2022

DRAWING: 21-304_Sketch03

SECTION 20
TOWNSHIP 27 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

PARCEL #1

PARENT PARCEL ID#: 27-37-20-00-752

PURPOSE: ACCESS AND UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

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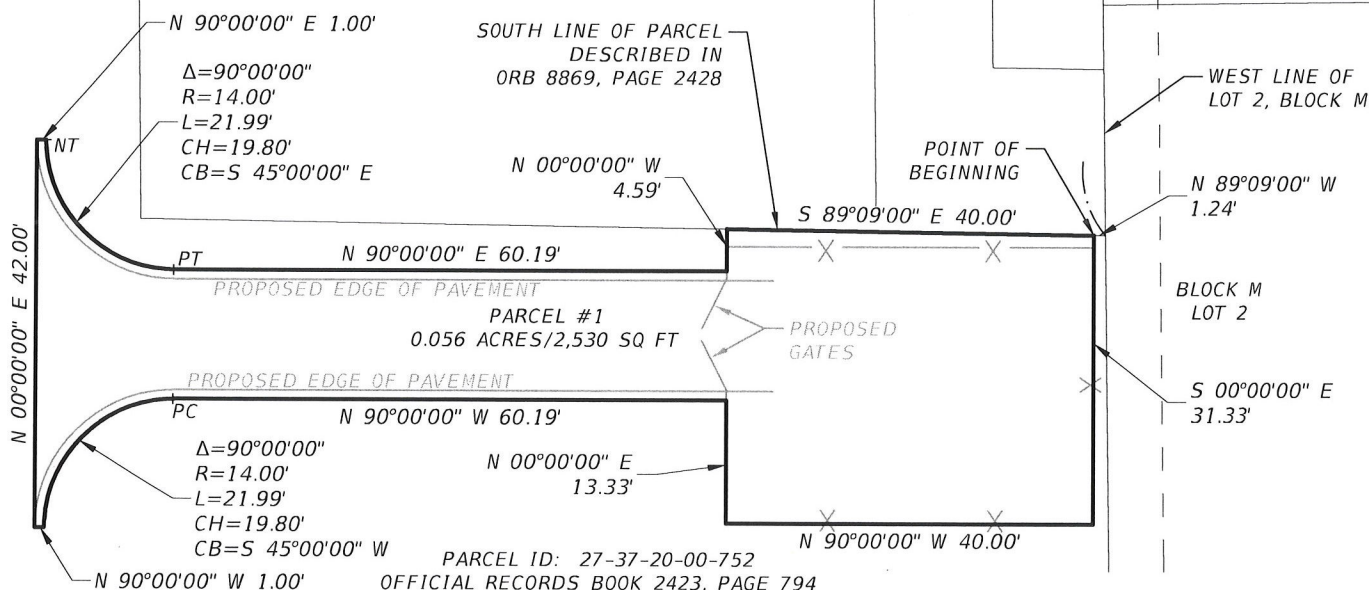


0 10 20
Feet

ABBREVIATIONS

ORB = OFFICIAL RECORDS BOOK
SQ FT = SQUARE FOOT
-X- = PROPOSED FENCE
PC = POINT OF CURVATURE
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PARCEL ID: 27-37-20-00-754
OFFICIAL RECORDS BOOK 8869, PAGE 2428



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SCALE:

1"=20'

PROJECT NO.:

21-304

SECTION 20

TOWNSHIP 27 SOUTH
RANGE 37 EAST

Prepared by and return to: Andrew Malach
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 27-37-20-00-752

ACCESS AND UTILITY EASEMENT

THIS INDENTURE, made this 30th day of August, 2022, between Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the first party, and the City of Melbourne, a municipal corporation of the State of Florida, whose address is 900 East Strawbridge Avenue, Melbourne, Florida 32901, as the second party, for the use and benefit of the City of Melbourne, 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, an easement commencing on the above date for the purposes of operating, constructing, reconstructing, reconfiguring, and maintaining a sanitary sewer lift station 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 20, Township 27 South, Range 37 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 the City of Melbourne, a municipal corporation 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. In the event the property is not used or ceases to be used for the above stated purpose, the easement shall terminate.

(Signatures and Attest on next page)

IN WITNESS WHEREOF, the first party, by its duly authorized representative, has caused this easement to be executed, the day and year first above written,

Signed, sealed and delivered in the presence of:

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk of the Court

BY: _____
Kristine Zonka, Chair

As approved by the Board on August 30, 2022

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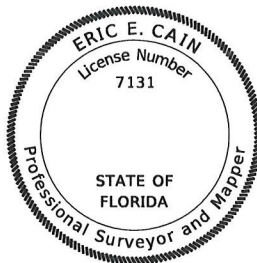
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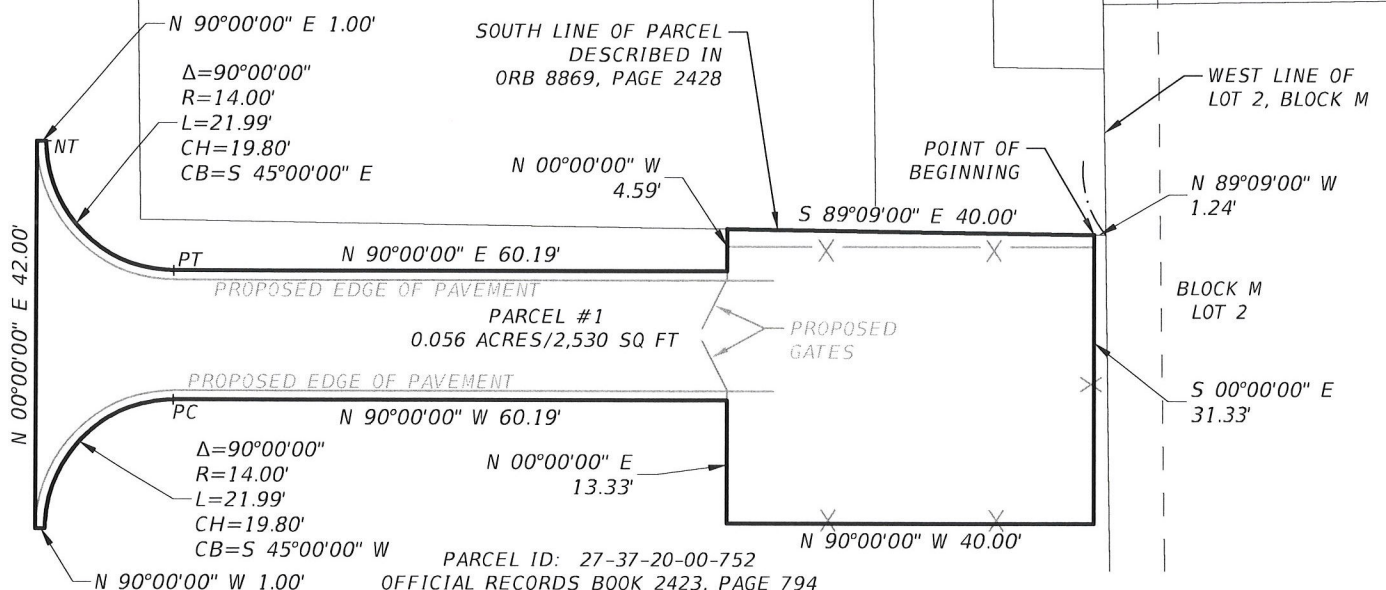


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1"=20'

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21-304

SECTION 20

TOWNSHIP 27 SOUTH
RANGE 37 EAST

LOCATION MAP

Section 20, Township 27 South, Range 37 East - District: 5

PROPERTY LOCATION: West of Ironwood Drive on the south side of Sarno Road in Melbourne.

OWNERS NAME: Brevard County

