

# BOARD OF COUNTY COMMISSIONERS

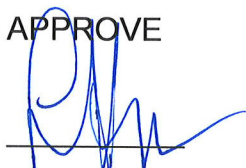
## AGENDA REVIEW SHEET

AGENDA: Dedication of Easements from: 1) The Cloisters Homeowners Association of Brevard, Inc., (2 easements), 2) Enio L. and Mildred Prieto (2 easements), and 3) Angel Marie Davis (1 easement) for the Avenida Drainage Improvement Project – District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 Ext. 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4-6-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>4/19/2021</u>

Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 27-37-25-60-H-18

### **DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 8<sup>th</sup> day of FEBRUARY, 2021, between The Cloisters Homeowners Association of Brevard, Inc., a Florida not for profit corporation, whose address is 1745 North Riverside Drive, Indialantic, Florida 32903, 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, constructing, reconstructing, reconfiguring, and maintaining drainage 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 25, 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 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:

Kelly Dipierro

Witness

Kelly Dipierro

Print Name

Elena Owens

Witness

Elena Owens

Print Name

The Cloisters Homeowners  
Association of Brevard, Inc., a  
Florida not for profit corporation

BY: Gus Dipierro

Gus Dipierro, President

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 22 day of February, 2021, by Gus Dipierro as President of The Cloisters Homeowners Association of Brevard, Inc., a Florida not for profit corporation. Is personally known or produced driver's license as identification.

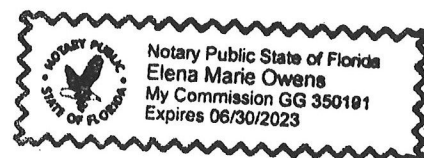
Elena M Owens

Notary Signature

SEAL

Board Meeting Date: 2/8/2021

Agenda Item # ADMINISTRATION



# LEGAL DESCRIPTION

## PARCEL 801

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: PUBLIC DRAINAGE EASEMENT

### EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

**THIS IS NOT A SURVEY**

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 801, PUBLIC DRAINAGE EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 18, BLOCK H, THE CLOISTERS PHASE IIID ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 100 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 25, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT SOUTHEAST CORNER OF SAID PLAT BOOK 45, PAGE 100, SAID POINT ALSO BEING THE NORTHEAST CORNER OF RIVIERA FIRST ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 35; THENCE SOUTH 89° 54' 54" WEST ALONG THE SOUTH LINE OF PLAT BOOK 45, PAGE 100, SAID LINE ALSO BEING THE NORTH LINE OF SAID PLAT BOOK 19, PAGE 35 FOR A DISTANCE OF 7.50 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 01° 34' 41" WEST FOR A DISTANCE OF 132.16 FEET TO A POINT THE NORTH LINE OF SAID LOT 18, BLOCK H: THENCE SOUTH 64° 20' 56" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 8.43 FEET TO A POINT ON THE EAST LINE OF SAID PLAT BOOK 45, PAGE 100, THENCE SOUTH 01° 34' 41" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 128.50 FEET TO THE POINT OF BEGINNING, CONTAINING 977 SQUARE FEET (0.02 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### 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 EAST LINE OF SAID PLAT BOOK 45, PAGE 100, AS BEING SOUTH 01° 34' 41" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. SPECIFIC PURPOSE SURVEY, AVENIDA PEDWAY, PREPARED FOR BREVARD COUNTY PUBLIC WORKS ROAD & BRIDGE DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 19-06-059, DATED 12/17/2019, LAST REVISION 1/13/2020.
  - B. CONSTRUCTION PLANS FOR AVENIDA DRAINAGE IMPROVEMENTS, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 388017, DATED 11/21/2019, LAST REVISION 6/23/2020.
  - C. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1538-B, TAX IDENTIFICATION NUMBER 2742223, EFFECTIVE DATE 10/14/2020. NO EASEMENTS DENOTED WITHIN SAID TITLE REPORT AFFECT PARCEL 801.

#### ABBREVIATIONS:

COR = CORNER  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORDS  
BOOK

PB = PLAT BOOK  
PG = PAGE  
POB = POINT OF BEGINNING  
R/W = RIGHT OF WAY  
SQ FT = SQUARE FEET

PREPARED FOR:

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 SWEENEY	PROJECT NO. 20-07-084			SECTION 25 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 3/23/2021	SHEET: 1 OF 2				



# SKETCH OF DESCRIPTION

## PARCEL 801

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: PUBLIC DRAINAGE EASEMENT

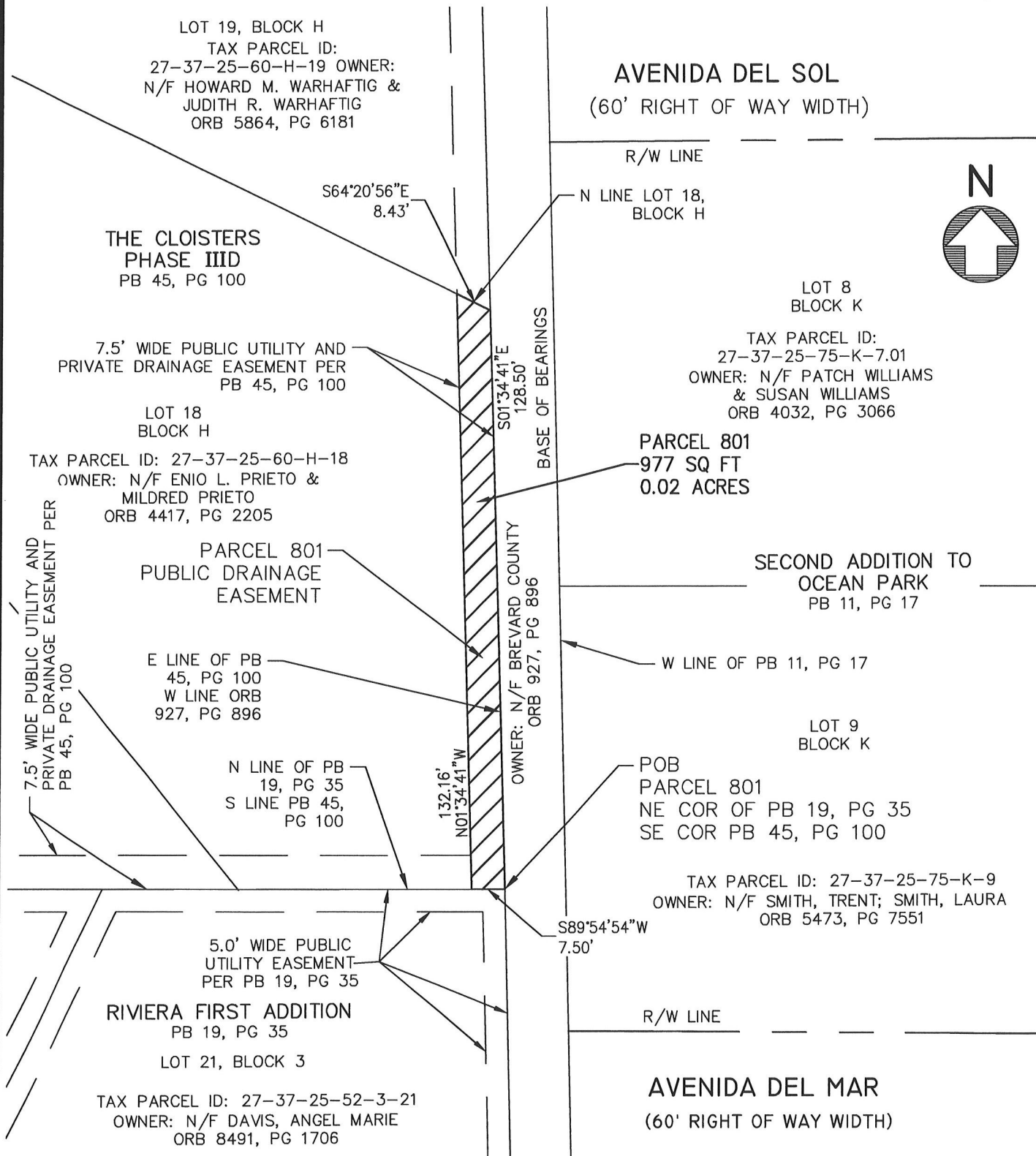
### EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

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SEE SURVEYORS NOTE #1



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.:  
20-07-084

SECTION 25  
TOWNSHIP 27 SOUTH  
RANGE 37 EAST

Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 27-37-25-60-H-18

### **TEMPORARY CONSTRUCTION EASEMENT**

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, The Cloisters Homeowners Association of Brevard, Inc., a Florida not for profit corporation, hereinafter called the Owner, whose address is 1745 North Riverside Drive, Indialantic, Florida 32903, do(es) give, grant, bargain and release to the Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, a temporary construction easement for the purpose(s) of drainage improvements and grading, 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 25, Township 27 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

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

With construction to be undertaken by or under direct supervision of the County. This easement shall be limited to said purposes, but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for the County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

(Signatures and Notary on next page)

THIS EASEMENT shall expire upon the completion of the project or 60 days from the commencement of the project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

K. Dipierro

Witness

Kelly Dipierro

Print Name

Elena Owens

Witness

Elena Owens

Print Name

The Cloisters Homeowners Association  
of Brevard, Inc., a Florida not for profit  
corporation

BY: Gus Dipierro

Gus Dipierro, President

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or [ ] online notarization on this 22 day of FEBRUARY, 2021 by Gus Dipierro as President of The Cloisters Homeowners Association of Brevard, Inc., a Florida not for profit corporation. is personally known or produced driver's license as identification.

Elena M. Owens

Notary Signature

SEAL

Agenda Item # ADMINISTRATION  
Board Meeting Date 2/8/2021



# LEGAL DESCRIPTION

## PARCEL 701

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

### EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

**THIS IS NOT A SURVEY**

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 701, TEMPORARY CONSTRUCTION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 18, BLOCK H, THE CLOISTERS PHASE IIII ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 100 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 25, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT SOUTHEAST CORNER OF SAID PLAT BOOK 45, PAGE 100, SAID POINT ALSO BEING THE NORTHEAST CORNER OF RIVIERA FIRST ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 35; THENCE SOUTH 89° 54' 54" WEST ALONG THE SOUTH LINE OF PLAT BOOK 45, PAGE 100, SAID LINE ALSO BEING THE NORTH LINE OF SAID PLAT BOOK 19, PAGE 35 FOR A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 89° 54' 54" WEST ALONG SAID SOUTH LINE OF PLAT BOOK 45, PAGE 100 FOR A DISTANCE OF 4.77 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00° 46' 31" WEST FOR A DISTANCE OF 43.22 FEET; THENCE NORTH 00° 08' 28" EAST FOR A DISTANCE OF 89.62 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 18, BLOCK H; THENCE SOUTH 64° 20' 56" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 1.66 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 01° 34' 41" EAST ALONG A LINE PARALLEL TO AND 7.50 FEET WEST OF THE EAST LINE OF SAID PLAT BOOK 45, PAGE 100 FOR A DISTANCE OF 132.16 FEET TO THE POINT OF BEGINNING, CONTAINING 445 SQUARE FEET (0.01 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### SURVEYOR'S NOTES:

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3. REFERENCE MATERIAL:
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  - B. CONSTRUCTION PLANS FOR AVENIDA DRAINAGE IMPROVEMENTS, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 388017, DATED 11/21/2019, LAST REVISION 6/23/2020.
  - C. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1538-B, TAX IDENTIFICATION NUMBER 2742223, EFFECTIVE DATE 10/14/2020. NO EASEMENTS DENOTED WITHIN SAID TITLE REPORT AFFECT PARCEL 701.

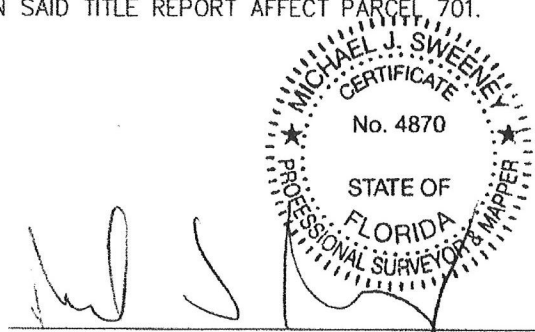
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#### PREPARED FOR:

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 SWEENEY	PROJECT NO. 20-07-084		SECTION 25 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS		
DATE: 3/23/2021	SHEET: 1 OF 2		DATE	
			DESCRIPTION	

# SKETCH OF DESCRIPTION

## PARCEL 701

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

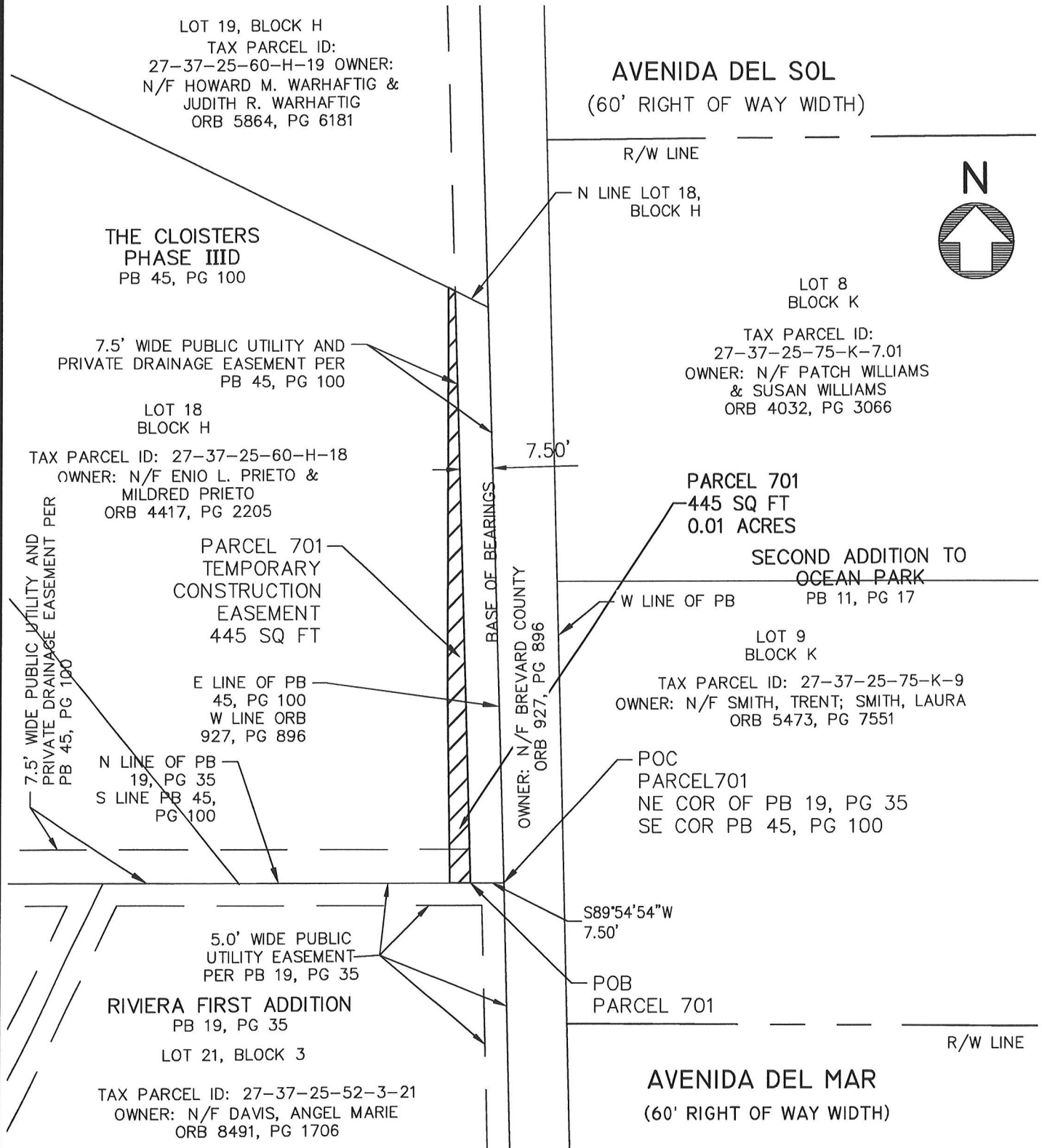
## EXHIBIT "A"

SHEET 2 OF 2

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SEE SURVEYORS NOTE #1



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.:

20-07-084

SECTION 25

TOWNSHIP 27 SOUTH

RANGE 37 EAST

✓  
Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 27-37-25-60-H-18

### **DRAINAGE EASEMENT**

**THIS INDENTURE**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between Enio L. Prieto and Mildred Prieto, husband and wife, whose address is 297 Southampton Drive, Indialantic, Florida 32903, 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, constructing, reconstructing, reconfiguring, and maintaining drainage 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 25, 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 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

Ryan Mertz

Print Name

[Signature]

Witness

Lucy Hamelers

Print Name

[Signature]  
Enio L. Prieto

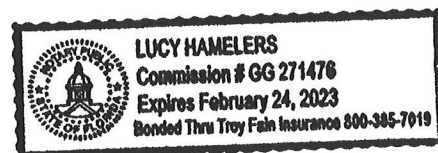
[Signature]  
Mildred Prieto

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of [ ] physical  
presence or [ ] online notarization on this 19<sup>th</sup> day of February,  
2021, by Enio L. Prieto and Mildred Prieto. Are personally known or produced  
driver's license as identification.

[Signature]  
Notary Signature  
SEAL

Board Meeting Date: \_\_\_\_\_  
Agenda Item # \_\_\_\_\_



# LEGAL DESCRIPTION

## PARCEL 801

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: PUBLIC DRAINAGE EASEMENT

### EXHIBIT "A"

SHEET 1 OF 2

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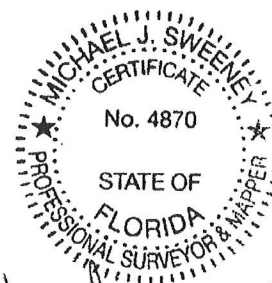
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PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

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ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
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DRAWN BY: R HENNING	CHECKED BY: M SWEENEY	PROJECT NO. 20-07-084			SECTION 25 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 3/23/2021	SHEET: 1 OF 2				

# SKETCH OF DESCRIPTION

## PARCEL 801

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: PUBLIC DRAINAGE EASEMENT

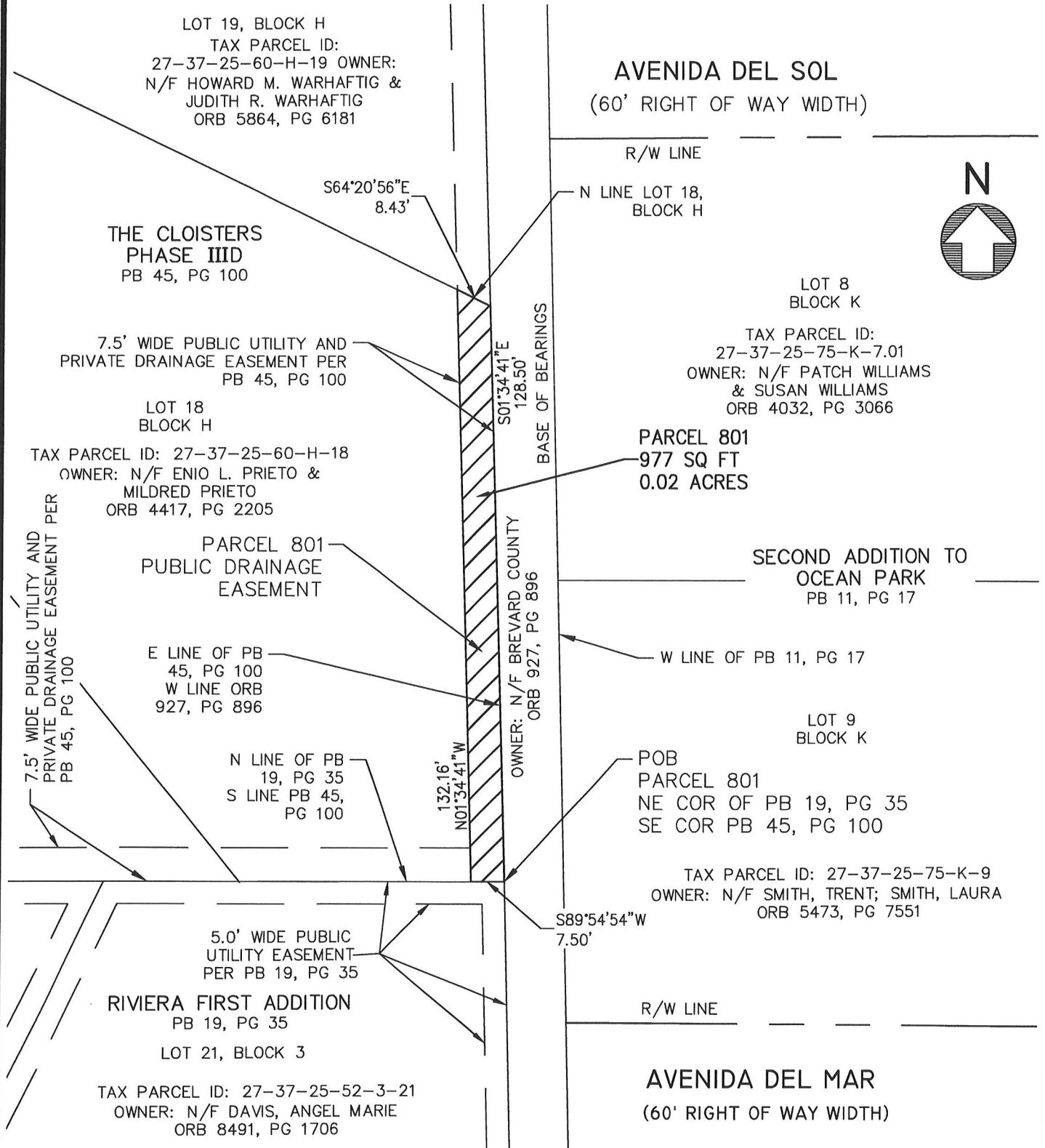
## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

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ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
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PHONE: (321) 633-2080

SCALE:  
1"=30'  
PROJECT NO.:  
20-07-084

SECTION 25  
TOWNSHIP 27 SOUTH  
RANGE 37 EAST

✓  
Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 27-37-25-60-H-18

### **TEMPORARY CONSTRUCTION EASEMENT**

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Enio L. Prieto and Mildred Prieto, husband and wife, hereinafter called the Owner, whose address is 297 Southampton Drive, Indialantic, Florida 32903, do(es) give, grant, bargain and release to the Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, a temporary construction easement for the purpose(s) of drainage improvements and grading, 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 25, Township 27 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

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

With construction to be undertaken by or under direct supervision of the County. This easement shall be limited to said purposes but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for the County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

(Signatures and Notary on next page)

THIS EASEMENT shall expire upon the completion of the project or 60 days from the commencement of the project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

[Signature]

Witness

Ryan Mente  
(Print Name)

[Signature]

Witness

Lucy Hamelers  
(Print Name)

[Signature]

Enio L. Prieto

[Signature]

Mildred Prieto

STATE OF FLORIDA  
COUNTY OF BREVARD

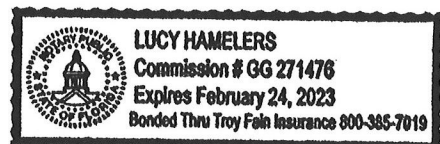
The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization on this 19th day of February, 2021 by Enio L. Prieto and Mildred Prieto. Are personally known or produced driver's license as identification.

[Signature]

Notary Signature

SEAL

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



# LEGAL DESCRIPTION

## PARCEL 701

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

### EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 701, TEMPORARY CONSTRUCTION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 18, BLOCK H, THE CLOISTERS PHASE IHD ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 100 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 25, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT SOUTHEAST CORNER OF SAID PLAT BOOK 45, PAGE 100, SAID POINT ALSO BEING THE NORTHEAST CORNER OF RIVIERA FIRST ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 35; THENCE SOUTH 89° 54' 54" WEST ALONG THE SOUTH LINE OF PLAT BOOK 45, PAGE 100, SAID LINE ALSO BEING THE NORTH LINE OF SAID PLAT BOOK 19, PAGE 35 FOR A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 89° 54' 54" WEST ALONG SAID SOUTH LINE OF PLAT BOOK 45, PAGE 100 FOR A DISTANCE OF 4.77 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00° 46' 31" WEST FOR A DISTANCE OF 43.22 FEET; THENCE NORTH 00° 08' 28" EAST FOR A DISTANCE OF 89.62 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 18, BLOCK H; THENCE SOUTH 64° 20' 56" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 1.66 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 01° 34' 41" EAST ALONG A LINE PARALLEL TO AND 7.50 FEET WEST OF THE EAST LINE OF SAID PLAT BOOK 45, PAGE 100 FOR A DISTANCE OF 132.16 FEET TO THE POINT OF BEGINNING, CONTAINING 445 SQUARE FEET (0.01 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### 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 EAST LINE OF SAID PLAT BOOK 45, PAGE 100, AS BEING SOUTH 01° 34' 41" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. SPECIFIC PURPOSE SURVEY, AVENIDA PEDWAY, PREPARED FOR BREVARD COUNTY PUBLIC WORKS ROAD & BRIDGE DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 19-06-059, DATED 12/17/2019, LAST REVISION 1/13/2020.
  - B. CONSTRUCTION PLANS FOR AVENIDA DRAINAGE IMPROVEMENTS, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 388017, DATED 11/21/2019, LAST REVISION 6/23/2020.
  - C. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1538-B, TAX IDENTIFICATION NUMBER 2742223, EFFECTIVE DATE 10/14/2020. NO EASEMENTS DENOTED WITHIN SAID TITLE REPORT AFFECT PARCEL 701.

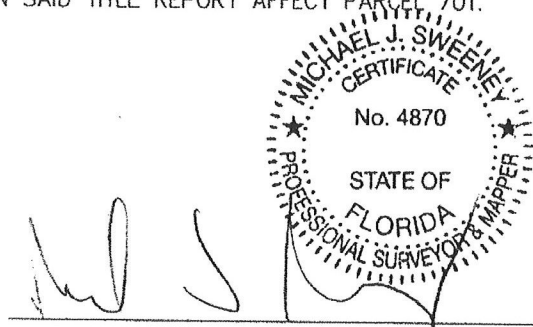
#### ABBREVIATIONS:

COR = CORNER  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORDS  
BOOK

PB = PLAT BOOK  
PG = PAGE  
POB = POINT OF BEGINNING  
R/W = RIGHT OF WAY  
SQ FT = SQUARE FEET

#### PREPARED FOR:

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 SWEENEY	PROJECT NO. 20-07-084			SECTION 25 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 3/23/2021	SHEET: 1 OF 2				



# SKETCH OF DESCRIPTION

## PARCEL 701

PARENT PARCEL ID#: 27-37-25-60-H-18

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

LOT 19, BLOCK H

TAX PARCEL ID:

27-37-25-60-H-19 OWNER:

N/F HOWARD M. WARHAFTIG &

JUDITH R. WARHAFTIG

ORB 5864, PG 6181

THE CLOISTERS  
PHASE IIID

PB 45, PG 100

7.5' WIDE PUBLIC UTILITY AND  
PRIVATE DRAINAGE EASEMENT PER  
PB 45, PG 100

LOT 18  
BLOCK H

TAX PARCEL ID: 27-37-25-60-H-18

OWNER: N/F ENIO L. PRIETO &

MILDRED PRIETO

ORB 4417, PG 2205

PARCEL 701  
TEMPORARY  
CONSTRUCTION  
EASEMENT  
445 SQ FT

E LINE OF PB

45, PG 100

W LINE ORB

927, PG 896

N LINE OF PB

19, PG 35

S LINE PB 45,

PG 100

5.0' WIDE PUBLIC  
UTILITY EASEMENT  
PER PB 19, PG 35

RIVIERA FIRST ADDITION

PB 19, PG 35

LOT 21, BLOCK 3

TAX PARCEL ID: 27-37-25-52-3-21

OWNER: N/F DAVIS, ANGEL MARIE

ORB 8491, PG 1706

AVENIDA DEL SOL

(60' RIGHT OF WAY WIDTH)

R/W LINE

N LINE LOT 18,  
BLOCK H



LOT 8  
BLOCK K

TAX PARCEL ID:

27-37-25-75-K-7.01

OWNER: N/F PATCH WILLIAMS

& SUSAN WILLIAMS

ORB 4032, PG 3066

PARCEL 701

445 SQ FT

0.01 ACRES

SECOND ADDITION TO  
OCEAN PARK

PB 11, PG 17

W LINE OF PB

LOT 9  
BLOCK K

TAX PARCEL ID: 27-37-25-75-K-9

OWNER: N/F SMITH, TRENT; SMITH, LAURA

ORB 5473, PG 7551

POC

PARCEL 701

NE COR OF PB 19, PG 35

SE COR PB 45, PG 100

S89°54'54"W  
7.50'

POB

PARCEL 701

R/W LINE

AVENIDA DEL MAR

(60' RIGHT OF WAY WIDTH)



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.:

20-07-084

SECTION 25

TOWNSHIP 27 SOUTH

RANGE 37 EAST

Prepared by and return to: Lucy Hamelers  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 27-37-25-52-3-21

### **TEMPORARY CONSTRUCTION EASEMENT**

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Angel Marie Davis, hereinafter called the Owner, whose address is 1299 Mosswood Court, Indialantic, Florida 32903, do(es) give, grant, bargain and release to the Brevard County, a political subdivision of the State of Florida, hereinafter called the County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, a temporary construction easement for the purpose(s) of grading, 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 25, Township 27 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

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

With construction to be undertaken by or under direct supervision of the County. This easement shall be limited to said purposes but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for the County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

(Signatures and Notary on next page)

THIS EASEMENT shall expire upon the completion of the project or 60 days from the commencement of the project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness  
Charity Marcella Clifford  
(Print Name)

Angel Marie Davis  
Angel Marie Davis

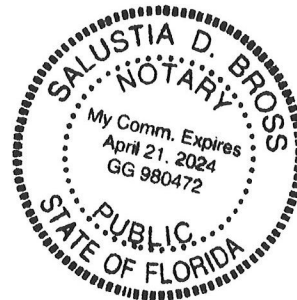
[Signature]  
Witness  
SALUSTIA D. BROSS  
(Print Name)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this 28<sup>th</sup> day of JANUARY, 2021 by Angel Marie Davis. Is personally known or produced driver's license as identification.

[Signature]  
Notary Signature  
SEAL

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



# LEGAL DESCRIPTION

## PARCEL 702

PARENT PARCEL ID#: 27-37-25-52-3-21

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

### EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

**THIS IS NOT A SURVEY**

SEE SURVEYORS NOTE #1

LEGAL DESCRIPTION: PARCEL 702, TEMPORARY CONSTRUCTION EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 21, BLOCK 3, RIVIERA FIRST ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 35 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 25, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHEAST CORNER OF NORTHEAST CORNER OF SAID PLAT BOOK 19, PAGE 35;

THENCE SOUTH 01° 21' 53" EAST ALONG THE EAST LINE OF SAID PLAT BOOK 19, PAGE 35 FOR A DISTANCE OF 105.52 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 21; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 68° 01' 20" WEST ALONG THE SOUTH LINE OF SAID LOT 21, BLOCK 3 FOR A DISTANCE OF 5.31 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 04° 37' 20" WEST FOR A DISTANCE OF 38.85 FEET; THENCE NORTH 07° 18' 16" WEST FOR A DISTANCE OF 50.97 FEET; THENCE NORTH 00° 46' 31" WEST FOR A DISTANCE OF 18.19 FEET TO A POINT ON THE NORTH LINE OF SAID PLAT BOOK 19, PAGE 35, SAID LINE ALSO BEING THE SOUTH LINE OF THE CLOISTERS PHASE IIID ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 100; THENCE NORTH 89° 54' 54" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 12.27 FEET TO THE POINT OF BEGINNING, CONTAINING 952 SQUARE FEET (0.02 ACRES), MORE OR LESS.

ALL DEED, MAP AND PLAT REFERENCES AS SHOWN HEREON. A TITLE OPINION OR REPORT WAS NOT PROVIDED TO THE SURVEYOR. RIGHTS OF WAY AND EASEMENTS SHOWN ON APPLICABLE RECORD PLATS OR INCLUDED IN THE ABOVE REFERENCE MATERIAL ARE INDICATED HEREON. NO OPINION OF TITLE, OWNERSHIP OR UNWRITTEN RIGHTS IS EXPRESSED OR IMPLIED. ALL PUBLIC RECORDS REFERENCED HEREIN ARE PER THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

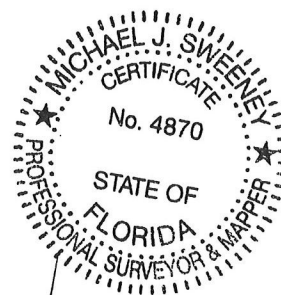
#### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
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3. REFERENCE MATERIAL:
  - A. SPECIFIC PURPOSE SURVEY, AVENIDA PEDWAY, PREPARED FOR BREVARD COUNTY PUBLIC WORKS ROAD & BRIDGE DEPARTMENT, PREPARED BY BREVARD COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING DIVISION, PROJECT NO. 19-06-059, DATED 12/17/2019, LAST REVISION 1/13/2020.
  - B. CONSTRUCTION PLANS FOR AVENIDA DRAINAGE IMPROVEMENTS, PREPARED FOR BREVARD COUNTY PUBLIC WORKS DEPARTMENT, PREPARED BY BUSSEN-MAYER ENGINEERING GROUP, INC., PROJECT NO. 388017, DATED 11/21/2019, LAST REVISION 6/23/2020.

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PB = PLAT BOOK  
PG = PAGE  
POB = POINT OF BEGINNING  
R/W = RIGHT OF WAY  
SQ FT = SQUARE FEET



MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

#### PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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 SWEENEY	PROJECT NO. 20-07-084			SECTION 25 TOWNSHIP 27 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 03/23/2021	SHEET: 1 OF 2				

# SKETCH OF DESCRIPTION

## PARCEL 702

PARENT PARCEL ID#: 27-37-25-52-3-21

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

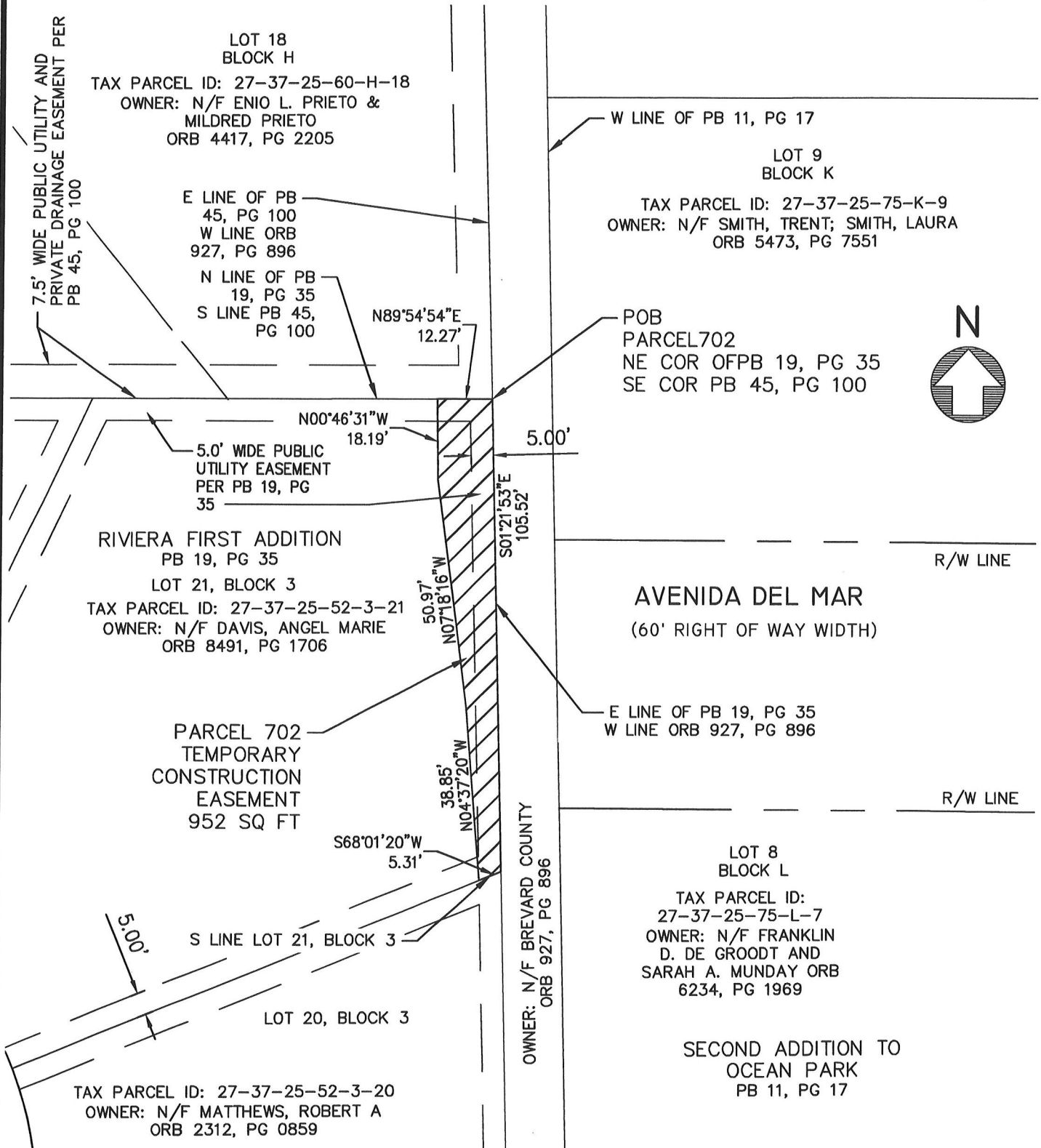
## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

SEE SURVEYORS NOTE #1



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.:  
 20-07-084

SECTION 25  
 TOWNSHIP 27 SOUTH  
 RANGE 37 EAST



# LOCATION MAP

## Section 25, Township 27 South, Range 37 East - District 5

PROPERTY LOCATION: North of Riviera Boulevard, east of North Riverside Drive in Indialantic.

OWNERS NAME: 1) The Cloisters Homeowners Association of Brevard, Inc., 2) Enio L. and Mildred Prieto and 3) Angel Marie Davis

