

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Written Consent to Easement in Connection with the City of Titusville's Application for the Use of State-Owned Uplands for a Force Main Easement Required for the Development of Brooks Landing Subdivision—District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8351

| | APPROVE | DISAPPROVE | DATE |
|--|--|------------|-----------------|
| LAND ACQUISITION Lucy Hamelers, Supervisor |  _____ | _____ | <u>9-1-2021</u> |
| COUNTY ATTORNEY Christine Schverak Assistant County Attorney | <u>cms</u> _____ | _____ | <u>9-1-2021</u> |

**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
WRITTEN CONSENT TO EASEMENT**

WHEREAS, on the 25th day of April 2008, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter the TIITF), Lessor, entered into Lease Agreement 4576 with the State of Florida, Department of Environmental Protection, (hereinafter FDEP), Lessor, over 663.62 acres; and

WHEREAS, paragraph 12 of said lease states all easements are expressly prohibited without the prior written approval of the Lessor; and

WHEREAS, on the 2nd day of September, 2008, Brevard County, Florida, sublessee, entered into a Sublease Agreement with FDEP over 196.6 acres of the East Coast Regional Rail Trail; and

WHEREAS, paragraph 32 of the sublease states all easements are prohibited without the prior written approval of the TIITF and FDEP; and

WHEREAS, Brevard County is the managing agent over said 196.6 acres; and

WHEREAS, the City of Titusville desires to make application to the FDEP and TIITF for the use of State-owned uplands for a force main easement to support a residential development project consisting of a 143 lot subdivision known as Brooks Landing; and

WHEREAS, the easement is described in the attached "Exhibit A"; and

WHEREAS, the force main will run down the west side of US Highway 1 and tie into an existing force main located at the intersection of US Highway 1 and Dairy road; and

WHEREAS, the connection for said force main will cross the abandoned Florida East Coast Railway right of way, which is the Rails to Trails land being managed by Brevard County, and

WHEREAS, prior to the City making application for the use of State-owned uplands, the State requires this Consent to Easement from the County, and

WHEREAS, Brevard County Parks and Recreation Department, as custodian over the managed lands, has no objections to the easement.

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

1. The recitals are true and correct, and incorporated herein.
2. The County has no objections to the requested easement, provided that the easement is approved in writing by the TIITF and the FDEP.
3. This Consent to Easement shall take effect immediately upon the City obtaining the written approvals delineated in paragraph 2.

DONE AND ORDERED in Regular Session this 14 day of September, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on 09/14/2021

***Sketch of Legal Description
for an Utility Easement
for the Brooks Landing Project
Brevard County, Florida***

Exhibit A

Sheet 1 of 2

Not Valid Without All Sheets

SURVEYORS NOTES

- 1) THE BEARING BASIS IS THE EASTERLY LINE OF THE ABANDONED FLORIDA EAST COAST RAILWAY THE BEARING BEING S27°29'29"E.
- 2) THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
- 3) ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
- 4) THIS SKETCH MEETS THE STANDARD OF PRACTICES FOR SURVEYING AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

LEGEND

| | |
|-----|----------------------------------|
| R/W | RIGHT-OF-WAY |
| NO. | NUMBER |
| R | RADIUS |
| L | LENGTH |
| CH | CHORD DISTANCE |
| CB | CHORD BEARING |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| PG | PAGE |
| N | NORTH |
| S | SOUTH |
| E | EAST |
| W | WEST |
| ORB | OFFICIAL RECORDS BOOK |

LEGAL DESCRIPTION UTILITY EASEMENT (BY SURVEYOR)

A PORTION OF LAND IN SECTION 29, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF DAIRY ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2978, PAGE 1657 AND THE WESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5838, PAGE 9507; THENCE SOUTH 27°29'29" EAST ALONG SAID WESTERLY LINE A DISTANCE OF 27.62 FEET, TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT; THENCE DEPARTING SAID WESTERLY LINE NORTH 17°12'55" EAST, A DISTANCE OF 71.08 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 1; THENCE SOUTH 27°29'29" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.32 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 17°12'55" WEST, A DISTANCE OF 54.31 FEET; THENCE SOUTH 62°12'55" WEST, A DISTANCE OF 11.79 FEET, TO AN INTERSECTION WITH THE SAID WESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5838, PAGE 9507; THENCE NORTH 27°29'29" WEST ALONG SAID WESTERLY LINE 9.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 996.26 SQUARE FEET, MORE OR LESS.

SKETCH OF LEGAL DESCRIPTION
"This is NOT a Boundary Survey"

| | | | | |
|-----------|---------|-----------|---------|-------|
| Drawn by: | Checked | File name | Date | Scale |
| BMM | DMT | 5395.01 | 8/31/21 | N/A |



Masteller, Moler & Taylor, Inc.

PROFESSIONAL SURVEYORS AND MAPPERS

LAND SURVEYING BUSINESS #4644

1655 27th Street, Suite 2 Vero Beach, Florida 32960
Phone: (772) 564-8050 Fax: (772) 794-0647

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

STATE OF FLORIDA
No. LS5243
DAVID TAYLOR P.L.S. 5243

Sketch of Legal Description for an Utility Easement for the Brooks Landing Project

Brevard County, Florida

Sheet 2 of 2

Not Valid Without All Sheets



SCALE: 1"=50'

PARCEL ID: 21-35-29-00-35
ORB 5588, PG 6617

POINT OF COMMENCEMENT
INTERSECTION OF THE NORTHERLY
RIGHT-OF-WAY LINE OF DAIRY ROAD
AS DESCRIBED IN ORB 2978, PG 1657
AND THE WESTERLY LINE OF LANDS
DESCRIBED IN ORB 5838, PG 9507

NORTHERLY RIGHT-OF-WAY LINE OF DAIRY ROAD

**POINT OF
BEGINNING**
SUBJECT UTILITY EASEMENT

DAIRY ROAD
ORB 2978,
PG 1657

WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 1
FLORIDA EAST COAST RAILWAY
PARCEL ID: 21-35-29-00-50
ORB 5838, PG 9507
WESTERLY LINE OF LANDS DESCRIBED IN
ORB 5838, PG 9507

SUBJECT
UTILITY EASEMENT

N17°12'55"E
71.08'

S27°29'29"E
21.32'

S17°12'55"W
54.31'

S27°29'29"E
27.62'

N27°29'29"W
9.47'

S62°12'55"W
11.79'

S27°29'29"E

AKA US HIGHWAY NO. 1
FDOT SECTION 7003(175)217.5

SKETCH OF LEGAL DESCRIPTION
"This is NOT a Boundary Survey"

Drawn by:
BMM

Checked
DMT

File name
5395.01

Date
8/31/21

Scale
1"=50'

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

No. LS5243

STATE OF
FLORIDA
DAVID TAYLOR P.L.S. 5243



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LOCATION MAP

Section 29, Township 21 South, Range 35 East - District: 1

