

Meeting Date
December 6, 2016



AGENDA	
Section	Consent
Item No.	<i>II.A.9</i>

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Temporary Construction Easement to include parcels 700 and 701 to Brevard County from Alan M. and Jackie M. O'Connell (Owners) needed for the Washingtonia Culvert Replacement Project- District 4 (Fiscal Impact: None)
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DEPT/OFFICE:	Public Works Department / Land Acquisition Section/ Natural Resources Management Department
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Requested Action:
 It is requested that the Board of County Commissioners accept and approve the Temporary Construction Easement from Alan M. and Jackie M. O'Connell.

Summary Explanation & Background:
 The subject property is located in Section 10, Township 27 South, Range 36 East.

This project is in connection with the construction and replacement of an existing twin 72-inch culvert pipe with a 6'X14' box culvert. It is part of the Upper Eau Gallie Stormwater Master Plan proposed to improve water quality and attenuate peak discharges from the watershed. Utility coordination with Florida Power and Light Company and Florida Gas Transmission Company has been achieved and the Department is ready to replace and install the necessary culvert.

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

Fiscal impact: FY 2016-2017: No impact
FY 2017-2018: No impact

Clerk to the Board Instructions: Forward the Board approval memo to Department.

Exhibits Attached: Copy of the executed Temporary Construction Easement with Exhibit A, Location Map, Property Fact Sheet

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
<i>[Signature]</i>		<i>[Signature]</i>
Stockton Whitten	Assistant County Manager	John Denninghoff / 57202
		<i>[Signature]</i>
		Virginia Barker / 52016



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

December 7, 2016

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.9., Temporary Construction Easement to Include Parcels 700 and 701 from Alan M. and Jackie M. O'Connell for Washingtonia Culvert Replacement Project

The Board of County Commissioners, in regular session on December 6, 2016, accepted the Temporary Construction Easement from Alan M. and Jackie M. O'Connell.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

BOARD OF COUNTY COMMISSIONERS

AGENDA: TEMPORARY CONSTRUCTION EASEMENT TO INCLUDE PARCELS
700 AND 701 TO BREVARD COUNTY FROM ALAN M. O'CONNELL
AND JACKIE M. O'CONNELL (OWNERS) – WASHINGTONIA
CULVERT REPLACEMENT PROJECT – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /
NATURAL RESOURCES MANAGEMENT DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor		_____	11/9/16
NRMO Virginia Barker, Director		_____	11/9/16
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	see attached	_____	11/15/16
PUBLIC WORKS John Denninghoff, Director		_____	11/29/16

AGENDA DUE DATE: November 22, 2016 for the December 6, 2016 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.

BOARD OF COUNTY COMMISSIONERS

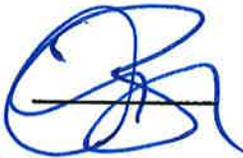
AGENDA: TEMPORARY CONSTRUCTION EASEMENT TO INCLUDE PARCELS
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NRMO Virginia Barker, Director	_____	_____	_____
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney		_____	<u>11/15/16</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

AGENDA DUE DATE: November 22, 2016 for the December 6, 2016 Board meeting

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made this 9 day of Nov., 2016, between ALAN M. O'CONNELL AND JACKIE M. O'CONNELL, whose mailing address is 12 Melford Drive, Pinehurst, North Carolina, 28374, 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;

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a Temporary Construction Easement, commencing on the above date, for the purpose of constructing a driveway and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement. This easement shall expire 30 (thirty) days upon the completion of the Project.

This easement is subject to existing easements as recorded in Official Records Book 641, Page 466 and Official Records Book 77, Page 614, Public Records of Brevard County, Florida.

The land affected by the granting of this easement is located in Section 10, Township 27 South, Range 36 East, County of Brevard, State of Florida, 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 a good and lawful right to convey it or any part thereof.

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:

Debbie C Phillips
Witness
Debbie C. Phillips
(Print)
Ruth Jensen
Witness
Leigh Formyrdwal
(Print)

Alan M. O'Connell
ALAN M. O'CONNELL
Jackie M. O'Connell
JACKIE M. O'CONNELL

STATE OF NORTH CAROLINA
COUNTY OF Moore

The foregoing instrument was acknowledged before me this 9th day of November 2016, by Alan M. and Jackie M. O'Connell, who are personally known to me or have produced Drivers License as identification and who did/did not take an oath.

WITNESS my hand and official seal at County of Moore, State of North Carolina, this 9th day of November 2016.

Board Meeting Date _____
Agenda Item # _____

Debbie C. Phillips
Notary Public
Moore County, NC

Debbie C. Phillips
NOTARY PUBLIC
Debbie C. Phillips
Print Name
Commission No. _____
Commission Expires: 2/26/2017

LEGAL DESCRIPTION

PARCEL # 700

PARENT PARCEL ID# 27-36-10-00-754.1
PURPOSE: TEMPORARY EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 700 (BY SURVEYOR)

A parcel of land lying in Section 10, Township 27 South, Range 36 East, Brevard County, Florida and being a portion of land as described in O.R. Book 6040 Page 421 of the public records of Brevard County, Florida and being more particularly described as follows:

Begin at the intersection of the westerly right-of-way line of Washingtonia Drive with the northerly right-of-way line of Lake Washington Road, said point also being the southeast corner of said lands as described in O.R. Book 6040 Page 421; thence South 89°22'09" West along the north right-of-way line of Lake Washington Road, a distance of 140.00 feet; thence North 00°37'51" West a distance of 5.00 feet; thence North 89°22'09" East a distance of 135.00 feet; thence North 00°35'05" West, a distance of 22.00 feet; thence North 89°24'55" East a distance of 5.00 feet to a point on the aforesaid westerly right-of-way line of Washingtonia Drive (a variable width right-of-way per I-95 also known as S.R. 9 map Section 70220-2403) thence South 00°35'05" East; along said westerly right-of-way line, a distance of 27.00 feet to the Point-of-Beginning.

Containing 0.02 acres (810 square feet), more or less, and being subject to easements and/or right-of-ways of record.

NOTE:

SEE SHEET 2 OF 3 FOR SKETCH,
AND SHEET 3 OF 3 FOR LEGEND,
NOTES AND CERTIFICATE.



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



DRAWN BY: G.M.

CHECKED BY: B.C.

DRAWING NO. 366504

SECTION: 10

DATE: 9/22/16

SHEET 1 OF 3

REV. _____

TOWNSHIP: 27 SOUTH

RANGE: 36 EAST

LEGAL DESCRIPTION

PARCEL # 700

PARENT PARCEL ID# 27-36-10-00-754.1
 PURPOSE: TEMPORARY EASEMENT

EXHIBIT "A"

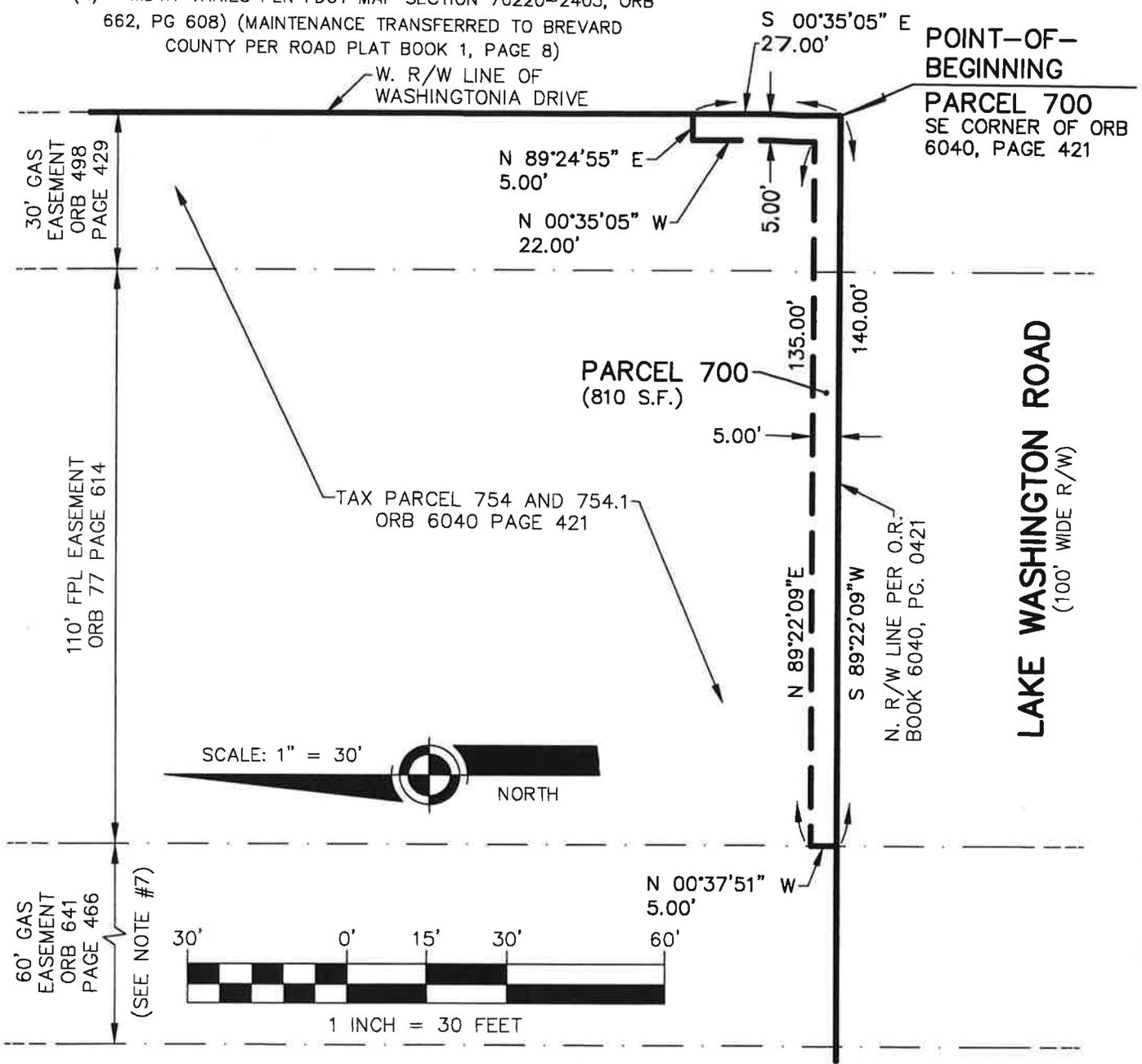
SHEET 2 OF 3

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WASHINGTONIA DRIVE

(R/W WIDTH VARIES PER FDOT MAP SECTION 70220-2403, ORB 662, PG 608) (MAINTENANCE TRANSFERRED TO BREVARD COUNTY PER ROAD PLAT BOOK 1, PAGE 8)



Bussen-Mayer Engineering Group

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 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885

DRAWN BY: <u>G.M.</u>	CHECKED BY: <u>B.C.</u>	DRAWING NO. <u>366504</u>	SECTION: <u>10</u>
DATE: <u>9/22/16</u>	SHEET <u>2</u> OF <u>3</u>	REV. _____	TOWNSHIP: <u>27</u> SOUTH
			RANGE: <u>36</u> EAST

LEGAL DESCRIPTION

PARCEL # 700

PARENT PARCEL ID# 27-36-10-00-754.1
PURPOSE: TEMPORARY EASEMENT

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY

LEGEND:

(N.I.C.)	NOT INCLUDED	CCR	CERTIFIED CORNER	(102)	FLORIDA DEPARTMENT
P.B.	PLAT BOOK		RECORD		OF TRANSPORTATION
PG.	PAGE	W/	WITH		PARCEL NUMBER
R/W	RIGHT-OF-WAY	⊕	CENTERLINE	SEC.	SECTION
COR.	CORNER	— —	GRAPHICS NOT TO	TWP.	TOWNSHIP
C.M.	CONCRETE MONUMENT		SCALE	RNG.	RANGE
FND.	FOUND	ORB	OFFICIAL RECORDS	S.F.	SQUARE FEET
			BOOK		

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF WASHINGTONIA DRIVE OF BREVARD COUNTY, FLORIDA, BEING S.00°35'05"E., AN ASSUMED BEARING.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC DEPICTION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
4. SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.
5. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.
6. THE LOCATION OF THE 60.00 FOOT WIDE F.P.L. EASEMENT AS RECORDED IN O.R. BOOK 641, PAGE 466, BREVARD COUNTY PUBLIC RECORDS IS APPROXIMATE BASED ON THE LOCATION AS SHOWN ON THE PLAT OF "LAKE WASHINGTON ESTATES UNIT 1" AS RECORDED IN PLAT BOOK 24, PAGE 36 BREVARD COUNTY PUBLIC RECORDS.
7. CERTIFIED FOR THE EXCLUSIVE USE OF:
THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;

CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, as performed under my direction and supervision, and that it meets or exceeds the minimum technical standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.052 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

NOV 03 2016

Joseph Barry Cabaniss, P.L.S. Date
 FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524
 BUSSEN-MAYER ENGINEERING CERTIFICATE NO.: 3535



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



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DATE: <u>9/22/16</u>	SHEET <u>3</u> OF <u>3</u>	REV. _____	TOWNSHIP: <u>27</u> SOUTH
			RANGE: <u>36</u> EAST

LEGAL DESCRIPTION

PARCEL # 701

PARENT PARCEL ID# 27-36-10-00-754.1
PURPOSE: TEMPORARY EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 701 (BY SURVEYOR)

A parcel of land lying in Section 10, Township 27 South, Range 36 East, Brevard County, Florida and being a portion of land as described in O.R. Book 6040 Page 421 of the public records of Brevard County, Florida and being more particularly described as follows:

Commence at the intersection of the westerly right-of-way line of Washingtonia Drive with the northerly right-of-way line of Lake Washington Road; thence North 00°35'05" West, along said westerly right-of-way line of Washingtonia Drive, (a variable width right-of-way as shown on I-95 right-of-way, section 70220-2403) a distance of 67.00 feet to the Point-of-Beginning of this description; thence South 89°24'55" West a distance of 5.00 feet; thence North 00°35'05" West, a distance of 55.00 feet; thence North 89°24'55" East a distance of 5.00 feet to a point on the aforesaid westerly right-of-way line of Washingtonia Drive; thence South 00°35'05" East; along said westerly right-of-way line, a distance of 55.00 feet to the Point-of-Beginning.

Containing 0.01 acres (275 square feet), more or less, and being subject to any easements and/or right-of-ways of record.

NOTE:

SEE SHEET 2 OF 3 FOR SKETCH,
AND SHEET 3 OF 3 FOR LEGEND,
NOTES AND CERTIFICATE.



Bussen-Mayer Engineering Group

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DRAWN BY: G.M.

CHECKED BY: B.C.

DRAWING NO. 366504

SECTION: 10

DATE: 9/22/16

SHEET 1 OF 3

REV. _____

TOWNSHIP: 27 SOUTH
RANGE: 36 EAST

LEGAL DESCRIPTION

PARCEL # 701

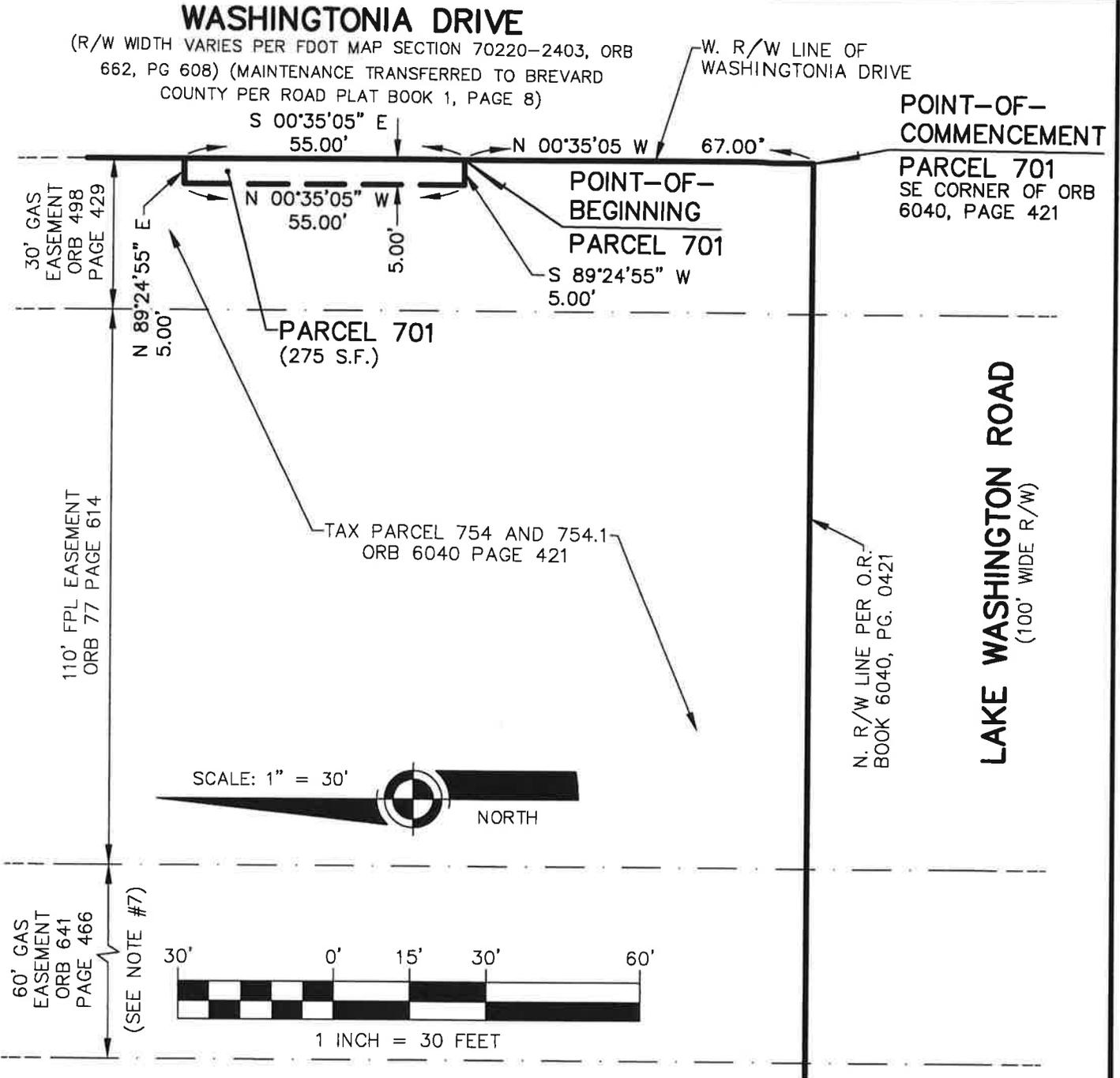
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EXHIBIT "A"

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DRAWN BY: <u>G.M.</u> DATE: <u>9/22/16</u>	CHECKED BY: <u>B.C.</u> SHEET <u>2</u> OF <u>3</u>	DRAWING NO. <u>366504</u> REV. _____	SECTION: <u>10</u> TOWNSHIP: <u>27</u> SOUTH RANGE: <u>36</u> EAST
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LEGAL DESCRIPTION

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PARENT PARCEL ID# 27-36-10-00-754.1
PURPOSE: TEMPORARY EASEMENT

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P.B.	PLAT BOOK				PARCEL NUMBER
PG.	PAGE	W/	WITH	SEC.	SECTION
R/W	RIGHT-OF-WAY	⊕	CENTERLINE	TWP.	TOWNSHIP
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NOV 03 2016

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Bussen-Mayer Engineering Group

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DRAWN BY: <u>G.M.</u>	CHECKED BY: <u>B.C.</u>	DRAWING NO. <u>366504</u>	SECTION: <u>10</u>
DATE: <u>9/22/16</u>	SHEET <u>3</u> OF <u>3</u>	REV. _____	TOWNSHIP: <u>27</u> SOUTH
			RANGE: <u>36</u> EAST

LOCATION MAP

SEC: 10 TWP: 27 S RNG: 36 DISTRICT: 4

STREET NAME: Washingtonia Drive

OWNER'S NAME: Alan M. and Jackie M. O'Connell



PROPERTY FACT SHEET
PROJECT: WASHINGTONIA CULVERT REPLACEMENT

OWNER:	Alan M. and Jackie M. O'Connell
PARCEL LOCATION:	Lake Washington and Washingtonia Drive
PARCEL SIZE:	2.95 – whole parcel
EASEMENT AREA:	1,085 square feet
ZONING/LANDUSE:	
IMPROVEMENTS:	None – Vacant Land
TOPOGRAPHY:	Level with road grade, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	27-36-10-00-00754.1-0000.00
MARKET VALUE:	\$1,480.00 (2015 Assessment)(Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: September 28, 2009 Sale amount: \$244,600.00
ROPER APPRAISAL DATE: Appraisal Amount:	01/19/15 \$2,935,000.00