

Meeting Date
November 1, 2016



AGENDA	
Section	Consent
Item No.	II.A.6

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

<b>SUBJECT:</b>	Approval Re: Emergency Access to Easement conveyed from Riverview Tower, LLC in favor of Brevard County related to site plan 13SP-00220 - District 4. (Fiscal Impact: None)
<b>DEPT/OFFICE:</b>	Public Works Department / Land Acquisition Section

**Requested Action:**

It is requested that the Board of County Commissioners approve and accept an Emergency Access Easement located on the site of Riverview Tower, LLC property.

**Summary Explanation & Background:**

The subject property is located in Section 13, Township 26 South, Range 36 East.

The Developer, as a condition of site plan approval, is required to construct and maintain all drainage and stormwater improvements on their site.

Brevard County is requesting an Emergency Access Easement for the purpose of any future storm events where blockage of structures and/or flooding may occur. The Emergency Access Easement would allow the County to access the Developers drainage structures and/or stormwater pond in order to maintain water flow.

There is no mortgage on the property.

Fiscal Impact: FY 2015-2016: No impact  
**FY 2016-2017: No impact**

Clerk to the Board Instructions: Send Board Approval Memo to Department.

Exhibits Attached: Copy of executed Emergency Access Easement with Exhibit A & B, Property Fact Sheet, Location Map

<b>Contract /Agreement (If attached):</b>	<b>Reviewed by County Attorney</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
---	------------------------------------	-----	-------------------------------------	----	--------------------------	----	--------------------------

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten 	Assistant County Manager	 John Denninghoff / 57202



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

November 2, 2016

**M E M O R A N D U M**

To: John Denninghoff, Public Works Director

Re: Item II.A.6., Emergency Access to Easement from Riverview Tower, LLC in Favor of Brevard County for Site Plan 13SP-00220

The Board of County Commissioners, in regular session on November 1, 2016, approved and accepted an Emergency Access Easement located on the site of Riverview Tower, LLC property.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

cc: Asset Management

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: EMERGENCY ACCESS EASEMENT IN FAVOR OF BREVARD COUNTY  
FROM RIVERVIEW TOWER, LLC, RE: SITEPLAN #13SP00020 – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(5-2886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>9/22/16</u>
COUNTY ATTORNEY Cristina T. Berrios Assistant County Attorney	<u>see attached</u>	_____	<u>9/22/16</u>
PUBLIC WORKS John P. Denninghoff, Director	_____	_____	_____

AGENDA DUE DATE: OCT. 18, 2016 FOR THE NOV. 1, 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 (5-6316) WHEN READY TO BE PICKED UP.**

**THANK YOU.**

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: EMERGENCY ACCESS EASEMENT IN FAVOR OF BREVARD COUNTY  
FROM RIVERVIEW TOWER, LLC, RE: SITEPLAN #13SP00020 – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(5-2886)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor		_____	<u>9/22/16</u>
COUNTY ATTORNEY Cristina T. Berrios Assistant County Attorney		_____	<u>9/27/16</u>
PUBLIC WORKS John P. Denninghoff, Director		_____	<u>10/20/16</u>

AGENDA DUE DATE: OCT. 18, 2016 FOR THE NOV. 1, 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 (5-6316) WHEN READY TO BE PICKED UP.**

**THANK YOU.**

**EMERGENCY ACCESS EASEMENT**

**THIS INDENTURE**, made this 19<sup>th</sup> day of September, 2016, by and between Riverview Tower, LLC whose mailing address is 925 N. Courtenay as the first party, and Brevard County, a political subdivision of the State of Florida, 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 Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, does hereby grant unto the second party, its successors and assigns, an emergency access easement for the purposes of ingress and egress in case of emergency in, over, upon, and through the following described premises commencing on the above date, for the purpose of maintaining drainage flow and related activity as necessary and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement. The foregoing easement shall in no way be construed as a dedication of any access or roadways to the Public.

The land affected by the granting of the easements is located in Section 13, Township 26, Range 36 East, County of Brevard, State of Florida, and being 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/or 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:

Riverview Tower, LLC

[Signature]  
Witness  
Print Name: Monica Feldman

[Signature]  
Robert Kodsi, as President

[Signature]  
Witness  
Print Name: Tina Johnson

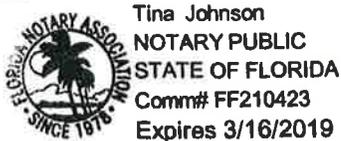
**STATE OF FLORIDA**  
**COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of Sept, 2016, by Robert Kodsi who is/is not personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 19<sup>th</sup> day of Sept., 2016.

Board Date \_\_\_\_\_  
Agenda Item \_\_\_\_\_

[Signature]  
Notary Public  
Print Name Tina Johnson  
Commission No. FF210423  
My Commission Expires: 3/16/19



# LEGAL DESCRIPTION

## PARCEL #801

# EXHIBIT "A"

## SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-13-DE-00053.0.0-0003.00 ORB 7226/1878

PURPOSE: EMERGENCY ACCESS EASEMENT

LEGAL DESCRIPTION: PARCEL #801 (PREPARED BY SURVEYOR)

LEGAL DESCRIPTION FOR EMERGENCY ACCESS EASEMENT

The same being a portion of Block 54 and a portion of Block 53 lying West of the West Right of Way line of State Road 5 also known as U.S. Highway No. 1 as said West right of way line is shown on the State of Florida, State Road Department right of way map No.7002-(175) 277, Road of No. 5, Brevard County, ( a 143 foot wide right of way ) and a portion of vacated Second Street (vacated in Official Records Book 2314 at Page 515 of the Public records of Brevard County, Florida) all in the plan of TOWN OF PINEDA, according to the Plat thereof recorded in Plat Book 1 at Page 41 of the Public Records of Brevard County, Florida, The Same being more particularly described as follows:

Begin at the intersection of the North right of way line of Aspinwall Avenue said North right of way line is described in Official Records Book 7384 at Page 1256 of the Public Records of Brevard County, Florida with the aforesaid said West right of way line of State Road No.5; thence run N 20°04'18" W along said West right of way line for 291.01 feet to the point of tangential curvature of a circular curve to the right; thence run Northwesterly along the arc of said curve having for its elements a Radius of 5812.65 feet, through a Central Angle of 01°01'43" for an arc distance of 104.34 feet to a point on the South right of way line of Suntree Boulevard, a 100 foot wide right of way; thence run S 72°22'48" W along said South right of way line for 22.81 feet to a point; thence leaving said South right of way line run S 17°33'00" E for 346.31 feet ; thence run S 72°27'00"W for 41.80 feet; thence run S 17°33'00"E for 28.69 feet; thence run S 72°27'00" W for 213.10 feet; thence run S 17°33'00" E for 20.00 feet to a point on the aforesaid North right of way line of Aspinwall Avenue; thence run N 72°27'00" E along said North right of way line for 294.22 feet to the Point of Beginning, said parcel contains 18417.27 square feet or 0.42 acres more or less

### SURVEYORS NOTES:

1. The Surveyor has examined the Ownership and Encumbrance Report , Prepared by Fidelity National Title Insurance company, Order No. 5983979, dated August 26, 2016 and have addressed those items listed in "For Information" portion of the Report.

Item 1: Easement granted to Florida Power and Light Company recorded in ORB 2389 at Page 2801. This Easement affects the Parent Parcel however; it does not encumber the proposed Emergency Access Easement.

Item 2: Restrictions as set forth in ORB 5563 at Page 7075. These restrictions affect the Parent Parcel however; they do not affect the dedication of the proposed Emergency Access Easement.

Item 3: Easement granted to Brevard County for Roadway, Sidewalk and Drainage Easement. Recorded in ORB 7384 at Page 1252. This Easement does encumber the Northerly 5 feet of the proposed Emergency Access Easement.

Item 4: Underground Easement granted in to Florida Power and Light Company recorded in Official Records book 7493 at Page 2702. This Easement affects the Parent Parcel however; it does not encumber the proposed Emergency Access Easement.

Item 5: Water line and Ingress Egress easement granted to the City of Cocoa recorded in ORB 7605 at Page 2431. This Easement affects the Parent Parcel however; it does not encumber the proposed Emergency Access Easement.

2. Tax ID # 2602439

3. This Sketch to Accompany Legal Description does no determine ownership and is not a Boundary Survey.

4. The Bearings shown are based on an assumed North azimuth for the West right of way line of State Road 5 (U.S. Highway 1) as being N 20°04'18" W.

5. The improvements shown are for informational purposes. This Sketch of Description is NOT A BOUNDARY SURVEY.

PREPARED FOR AND CERTIFIED TO:  
RIVERVIEW TOWER, LLC AND BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SURVEYOR, PSM 2351  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:



115 Alma Blvd., Suite 102  
Mailing Address: P.O.Box 541866  
Merritt Island, FL. 32954  
Phone: (321) 514.6920  
LICENSED BUSINESS #7978

DRAWN BY: D. ROSS

CHECKED BY: JRC

PROJECT NO. 2015-309

SECTION 13  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

REVISIONS

DATE

DESCRIPTION

DATE: 09/09/2016

DRAWING: 2014-309

# SKETCH OF DESCRIPTION

## PARCEL 801

# EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-13-DE-00053.0.0-0003.00 ORB 7226/1878

PURPOSE: EMERGENCY ACCESS EASEMENT

**SUNTREE BLVD. 100' R/W**  
**Formerly known as PINEDA AVENUE**

5' WIDE ROADWAY/DRAINAGE  
& SIDEWALK EASEMENT ORB  
7384 PG 1252

SOUTH R/W LINE  
PLAT BOOK 1 PG 41

S 72°22'48" W  
22.81'

**THIRD ST.**  
**63' R/W**

EAST R/W LINE  
ORB 7384 PG 1256

5 STORY OFFICE AND  
RETAIL BUILDING

VACATED R/W OF SECOND  
STREET ORB 2314 PG 0515

**BLOCK 54**  
**PER PB 1, PG 41**

**BLOCK 53**  
**PER PB 1, PG 41**

ARC = 104.34°  
DELTA = 01°01'43"  
RADIUS = 5,812.65'  
TANGENT = 52.17'

**U.S. HWY. NO. 1**  
**143' R/W**

S 17°33'00" E  
20.00'

S 72°27'00" W 213.10'

S 72°27'00" E 294.22'

S 72°27'00" W  
41.80'

S 17°33'00" E  
28.69'

NORTH R/W LINE ORB 7384 PG 1256

**ASPINWALL AVE.**  
**55' R/W**

POINT OF BEGINNING  
INTERSECTION WEST R/W  
LINE U.S. HIGHWAY NO. 1  
AND NORTH R/W LINE OF  
ASPINWALL AVENUE PRE  
ORB 7384/1256

**LEGEND:**

ORB = OFFICIAL RECORD BOOK

PG = PAGE

R/W = RIGHT OF WAY

PREPARED BY:



115 Alma Blvd., Suite 102  
Mailing Address: P.O. Box 541866  
Merritt Island, FL. 32954  
Phone: (321) 514.6920  
LICENSED BUSINESS #7978

SCALE:

1" = 60"

PROJECT NO.:

2014-309

SECTION 13  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

EXHIBIT "B"

SHEET 1 OF 1

## PARCEL 801

PARENT PARCEL ID#: 26-36-13-DE-00053.0.0-0003.00 ORB 7226/1878

PURPOSE: EMERGENCY ACCESS EASEMENT

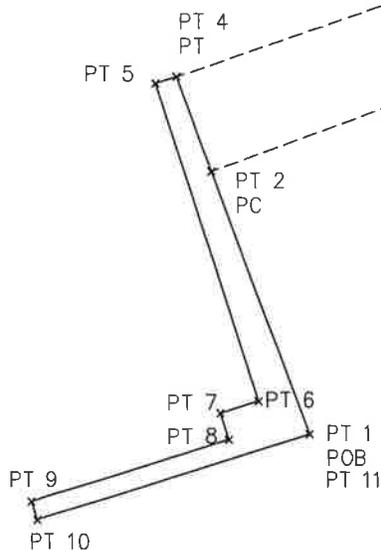
**Closure Results**

Starting Point 1: N -1957.208 E -1244.326 Z 0.000  
 Closing Reference Point 11: N -1957.208 E -1244.326 Z 0.000  
 Ending Point 11: N -1957.199 E -1244.328 Z 0.000  
 Azimuth Of Error: 345°14'05"  
 North Error : 0.00926  
 East Error : -0.00244  
 Vertical Error : -0.00000  
 Hz Dist Error : 0.00958  
 Sl Dist Error : 0.00958  
 Traverse Lines : 10  
 Store Points : 1  
 Horiz Dist Traversed: 12883.301  
 Slope Dist Traversed: 12883.301  
 Closure Precision: 1.0' in 1344926.2'

THIS IS NOT A SURVEY

Starting Point 1: N -1957.208 E -1244.326 Z 0.000

Point No.	Description	Horizontal Angle	Vertical Angle	Slope Dist	Northing	Easting	Elev
2		N20.0418W	0.0000	291.005	-1683.878	-1344.198	0.000
3	PC	N69.5542E	0.0000	5812.650	310.996	4115.416	0.000
4	RADIUS PT	S70.5725W	0.0000	5812.692	-1585.560	-1379.168	0.000
5		S72.2659W	0.0000	22.815	-1592.440	-1400.921	0.000
6		S17.3301E	0.0000	346.325	-1922.645	-1296.489	0.000
7		S72.2700W	0.0000	41.803	-1935.250	-1336.346	0.000
8		S17.3300E	0.0000	28.690	-1962.604	-1327.695	0.000
9		S72.2712W	0.0000	213.102	-2026.851	-1530.882	0.000
10		S17.3248E	0.0000	20.000	-2045.920	-1524.853	0.000
11		N72.2658E	0.0000	294.220	-1957.199	-1244.328	0.000



FOR BEARING AND DISTANCE SEE SHEET 2 OF EXHIBIT "A"

PREPARED BY:



115 Alma Blvd., Suite 102  
 Mailing Address: P.O. Box 541866  
 Merritt Island, FL 32954  
 Phone: (321) 514.6920  
 LICENSED BUSINESS #7978

SCALE:

NOT TO SCALE

PROJECT NO.:

2014-309

SECTION 13

TOWNSHIP 26 SOUTH

RANGE 36 EAST

**PROPERTY FACT SHEET**

**PROJECT: RIVERVIEW TOWER, LLC**

OWNER:	Riverview Towers, LLC
PARCEL LOCATION:	SW Corner US1 and Suntree Boulevard Rockledge, Florida
PARCEL SIZE:	3.156 acres (Parent Tract)
EASEMENT AREA:	18,417.27 sq. ft. or .42 acre
ZONING/LANDUSE:	BU-1 / CC (commercial)
IMPROVEMENTS:	Office Building
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (Outside 500-year Flood)
TAX PARCEL ID#:	26-36-13-DE-00053.0-0003.00
MARKET VALUE: (Property Appraiser's Records)	\$590,100.00 (2015 Assessment)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: Nov. 7, 2005 Sale amount: \$2,000,000.00

