

Meeting Date
March 3, 2015



AGENDA	
Section	Consent
Item No.	II.A.6

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Utility Easement from Little Hollywood Improvement Association Inc. in favor of Brevard County for the purpose of installing and maintaining a modified stormwater filtration system in the Little Hollywood Subdivision, Micco - District 3
DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Natural Resources Management Department

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chairman to accept a Permanent Utility Easement from Little Hollywood Improvement Association Inc. for the purpose of installing and maintaining a modified stormwater baffle box with access for regular maintenance.

Summary Explanation & Background:

The property is located in Section 20, Township 30G South, Range 38 East.

On April 29, 2014, as part of the planned stormwater improvements for the Micco "I" Drainage Improvements project, the Board of County Commissioners approved and accepted a Permanent Drainage Easement for the installation of a modified baffle box to treat stormwater runoff draining to the river. The area where the easement is located is a designated "common" area within the Little Hollywood Subdivision for community access to the river, use of a boat ramp, and picnic area.

The additional easement area is needed for the installation of a modified stormwater baffle box, which will include denitrification media (a filtering medium) that will significantly reduce Nitrogen loading and will be more cost effective in improving the water quality of the runoff to the Sebastian River.

The additional easement will provide permanent access to the modified stormwater baffle box for regular maintenance.

There are no existing mortgages on the property.

Land acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

Fiscal impact: FY 2014-2015: Recording fees, Funding Account Number: 1113/260110/5650000
FY 2015-2016: No impact

Clerk to the Board instructions: Forward the Board Approval Memo to the Department

Exhibits Attached: Copy of Executed Permanent Utility Easement (with Sketch & Description), Location Map, and Property Fact Sheet

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
	Mel Scott	 John P Denninghoff / 57202
Stockton Whitten	Assistant County Manager	 Ernest Brown / 52016
	Venetta Valdengo	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

March 4, 2015

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item II.A.6., Permanent Utility Easement from Little Hollywood Improvement Association, Inc. for the Purpose of Installing and Maintaining a Modified Stormwater Filtration System in Little Hollywood Subdivision in Micco

The Board of County Commissioners, in regular session on March 3, 2015, accepted a Permanent Utility Easement from Little Hollywood Improvement Association, Inc. for the purpose of installing and maintaining a modified stormwater baffle box with access for regular maintenance in Little Hollywood Subdivision in Micco.

Your continued cooperation is greatly appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT UTILITY EASEMENT FROM LITTLE HOLLYWOOD
IMPROVEMENT ASSOCIATION, INC., MICCO, IN CONNECTION WITH
THE MICCO "I" DRAINAGE IMPROVEMENT PROJECT - DISTRICT 3

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

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>1/28/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>see attached</u>	_____	<u>2/2/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	<u>JPD</u>	_____	<u>2/6/15</u>
NATURAL RESOURCES ERNEST BROWN, Director	<u>EB</u>	_____	<u>1/30/15</u>

AGENDA DUE DATE: February 3, 2015 for the March 3, 2015 Board Meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT UTILITY EASEMENT FROM LITTLE HOLLYWOOD
IMPROVEMENT ASSOCIATION, INC., MICCO, IN CONNECTION WITH
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COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>CL</u>	_____	<u>2/2/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	_____	_____	_____
NATURAL RESOURCES ERNEST BROWN, Director	_____	_____	_____

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1/28/15

PERMANENT UTILITY EASEMENT

THIS INDENTURE, made this ____ day of January, 2015, between **Little Hollywood Improvement Association, Inc., a Florida not for profit corporation**, whose mailing address is: 9803 Riverview Drive, Micco, Florida 32796, as party of the first part, and **Brevard County, a political subdivision of the State of Florida**, whose mailing address is: 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as party of 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 hereby acknowledged, does hereby grant unto the second party, its successors and assigns, a perpetual utility and drainage easement commencing on the above date, for the purposes of installing and maintaining a modified stormwater baffle box 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 hereby grants unto Brevard County, full right of ingress and egress to the subject area, for the purpose of regular maintenance and/or replacement of any structures as deemed necessary by the County. If Brevard County and/or its agents should disturb any existing improvements, including landscaping, within or near the easement area, the County, at its expense, shall repair, replace, and/or restore any of the disturbed areas to the condition that existed or better, prior to the maintenance and/or repairs made by the County or its agents.

The land affected by the granting of this easement is located in Section 20, Township 30G South, Range 38 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 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.

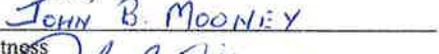
Signed, sealed, and delivered in the presence of:

Little Hollywood Improvement Association, Inc.,
a Florida not for profit corporation


Bruce B. McMann, as President


Witness

Gerald R. Bevan
(Print Name)


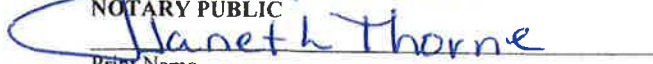

Witness

John B. Mooney
(Print Name)

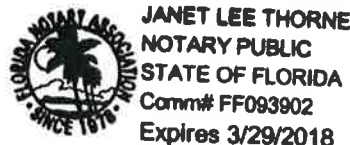
**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 16th day of January, 2015, by Bruce B. McMann, who is personally known to me and who did not take an oath.

WITNESS my hand and official seal in the County of Brevard, State of Florida.


NOTARY PUBLIC

Print Name
Commission No. _____
Commission Expires: _____

Board Date: _____
Agenda Item #: _____



LEGAL DESCRIPTION

FLEMING GRANT, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PARENT PARCEL ID NUMBER:
30G-38-20-03-00000.0-0015.00 OWNED BY
LITTLE HOLLYWOOD IMP ASSOC

PURPOSE: UTILITY EASEMENT

SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2

ABBREVIATIONS

AL = ARC LENGTH
CA = CENTRAL ANGLE
CB = CHORD BEARING
CD = CHORD DISTANCE
CMP = CORRUGATED METAL PIPE
CPEP = CORRUGATED POLYETHYLENE PIPE
N/F = NOW OR FORMERLY
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
R = RADIUS
R/W = RIGHT OF WAY
SF = SQUARE FEET
STMH = STORM MANHOLE


"EXHIBIT A"

LEGAL DESCRIPTION: PARCEL 801 (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 15, PLAT OF LITTLE HOLLYWOOD SUBD'N., AS RECORDED IN PLAT BOOK 10, PAGE 19 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING IN THE FLEMING GRANT, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 15, PLAT OF LITTLE HOLLYWOOD SUBD'N., AS RECORDED IN PLAT BOOK 10, PAGE 19, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID POINT BEING A POINT ON THE EAST RIGHT OF WAY LINE OF RIVERVIEW DRIVE AND SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1680.28 FEET AND A CENTRAL ANGLE OF 00°31'07" AND WHOSE LONG CHORD BEARS NORTH 09°30'35" EAST; THENCE ALONG SAID EAST RIGHT OF WAY LINE AND NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 15.21 FEET TO A POINT 15.00 FEET NORTH OF, BY PERPENDICULAR MEASUREMENT, TO THE SOUTH LINE OF SAID LOT 15; THENCE DEPARTING SAID CURVE RUN SOUTH 89°58'54" EAST, PARALLEL TO AND 15.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 15, FOR A DISTANCE OF 99.49 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°01'06" EAST FOR A DISTANCE OF 5.00 FEET; THENCE SOUTH 89°58'54" EAST FOR A DISTANCE OF 46.18 FEET; THENCE SOUTH 00°01'06" WEST FOR A DISTANCE OF 5.00 FEET TO A POINT 15.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 15; THENCE RUN NORTH 89°58'54" WEST, PARALLEL TO AND 15.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 15, FOR A DISTANCE OF 46.18 FEET TO THE POINT OF BEGINNING, CONTAINING 231 SQUARE FEET (0.005 ACRES), MORE OR LESS, SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.


LEGEND

————— UTILITY EASEMENT LINE
- - - - - LOT LINE
- - - - - RIGHT OF WAY LINE
= = = = = EXISTING STORM PIPE
 UTILITY EASEMENT TO BE ACQUIRED BY BREVARD COUNTY

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHICAL DEPICTION OF THE LAND DESCRIBED HEREIN. TOPOGRAPHICAL FEATURES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE BASED ON A TOPOGRAPHIC SURVEY OF LITTLE HOLLYWOOD, RIVERVIEW DRIVE - MICCO, PROJECT NO. 12-04-029, PREPARED BY BREVARD COUNTY SURVEYING AND MAPPING, DATED MAY 02, 2013.
2. BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 0901, NAD 83 (2011 ADJUSTMENT). THE BEARING REFERENCE LINE IS THE SOUTH LINE OF SAID LOT 15 AS BEING NORTH 89°58'54" WEST AS DETERMINED BY THE AFORESAID TOPOGRAPHIC SURVEY.
3. INSTRUMENTS OF RECORD PERTAINING TO ENCUMBRANCES SUCH AS EASEMENTS, RIGHTS OF WAY, COVENANTS, AGREEMENTS, AND RESTRICTIONS WERE NOT PROVIDED BY THE CLIENT; A SEARCH OF THE PUBLIC RECORDS WAS NOT PERFORMED BY THIS SURVEYOR. NO OPINION OF TITLE IS EXPRESSED OR IMPLIED HEREIN.

PREPARED FOR:
BREVARD COUNTY NATURAL RESOURCES MANAGEMENT DEPARTMENT
PROJECT MANAGER: ROBBYN SPRATT, P.E.
WATERSHED MANAGEMENT PROGRAM


MICHAEL J. SWEENEY, PSM NO. 4870
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING & MAPPING DIVISION
ADDRESS: 2726 JUDGE FRAN JAMIESON WAY BUILDING A, SUITE A220 VIERA, FL 32940
PHONE: (321) 833-2080, FAX: (321) 833-2083, E-MAIL: mike.sweeney@brevardcounty.us

DRAWN BY: <u>M. CORNELL</u>	CHECKED BY: <u>M. J. SWEENEY</u>	DRAWING NO. <u>15-10-002-1(A)</u>	SECTION <u>FLEMING GRANT</u>
DATE: <u>11-07-14</u>	SHEET <u>1</u> OF <u>2</u>	PROJ. FOLDER <u>1204029</u>	TOWNSHIP <u>30</u> SOUTH
		REVISIONS _____	RANGE <u>38</u> EAST

C:\Land Projects 2009\1204029\dwg\12-04-029-2.dwg, 11/14/2014 10:49:32 AM



Dana Blickley, CFA
Brevard County Property Appraiser

Little Hollywood Improvement Association



North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-6700
Fax: (321) 264-6954

Merritt Island Services Complex
2576 N Courteney Pkwy
Merritt Island, FL 32953
Phone: (321) 454-6620
Fax: (321) 454-6618

Viera Government Center
2725 Judge Fran Jamieson Wy
Viera, FL 32940
Phone: (321) 690-6880
Fax: (321) 690-6883

South Services Complex
1515 Sarno Rd
Melbourne, FL 32935
Phone: (321) 255-4440
Fax: (321) 255-4439

Palm Bay Service Complex
450 Cogan Dr, SE
Palm Bay, FL 32909
Phone: (321) 852-4574
Fax: (321) 852-4573

Document content intended for assessment purposes only. Not a survey. Map layers may not precisely align. Other disclaimers apply.

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1 : 2,000

PROPERTY FACT SHEET

Owner: Little Hollywood Improvement Association, Inc.

Parcel Location: 9856 Riverview Drive, Micco
(Located on east side of Riverview Drive
¾ mile south of Main Street)

Parent Parcel Size: 1.21 Acres (Per property Appraiser)

To be acquired: Utility Easement

Tax Parcel ID# 30G-38-20-03-00000.00015.00

Zoning/land Use: RU-1-13, Residential, Residential-2

Improvements: Boat Ramp, Shed, Picnic Area

Topography: Level with Road Grade

Flood Zone: X (Outside the 500 Year Flood Plain)

Public Utilities: Electric/Telephone

Market Value:
(Property Appraiser-Assessed) Not Assessed-Homeowners Association Park

Most Recent Property Transaction: March-1957, Dedicated Per Plat