

Meeting Date
04/28/2015



AGENDA	
Section	Consent
Item No.	II.A.4

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

<b>SUBJECT:</b>	Approval Re: Conveyance of a Non-Exclusive Waterline Utility Easement and Resolution in favor of the City of West Melbourne for an additional easement area to an existing waterline. The additional easement area is located on the Max K. Rodes Park property-District 5!
<b>DEPT/OFFICE:</b>	Public Works Department / Land Acquisition Section/ Parks and Recreation Department

**Requested Action:**  
It is requested that the Board of County Commissioners approve and authorize the Chairman to execute a Non-Exclusive Waterline Utility Easement in favor of, and for the use and benefit of the City of West Melbourne and the Public, and to execute a Resolution for the City of West Melbourne to maintain the waterline.

**Summary Explanation & Background:**  
The subject property is located in Section 12, Township 28 South, Range 36 East.  
On December 17, 2013, the Board of County Commissioners approved a Waterline Utility Easement and Resolution in favor of the City of West Melbourne for the installation of a waterline. The contractor mistakenly installed the waterline outside the boundary of the designated easement.  
To remedy the error, the County needs to grant an additional easement area to the City of West Melbourne to accommodate the location of the existing waterline. The additional easement area is located within the County-owned Max K. Rodes Park and is adjacent to the previously granted easement.  
The waterline is for the extension of water service to a planned subdivision (Parkside of Brevard, LLC) on Fell Road. The Developer proposed a waterline extension from inside the Park to extend and serve the new subdivision.  
Land acquisition Policies and Procedures requires approval by the Board of County Commissioners for all easements and resolutions between entities.  
  
**Fiscal Impact: FY 2014-2015: No impact**  
**FY 2015-2016: No impact**

**Clerk to the Board Instructions: Return Original Executed Non-Exclusive Waterline Utility Easement, Original Executed Resolution and Board Approval Memo to the Department.**

**Exhibits Attached: Resolution with Exhibit A and Non-Exclusive Waterline Utility Easement with Exhibit A, Location Map, Property Fact Sheet,**

<b>Contract /Agreement (If attached): Reviewed by County Attorney</b>		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
<b>County Manager</b>	<b>Assistant County Manager</b>	<b>Department Director / Extension</b>					
	Mel Scott 			John P. Denninghoff / 57202			
<b>Stockton Whitten</b>	Assistant County Manager			Jack Masson / 52046			
	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

April 29, 2015

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

**TO:** John Denninghoff, Public Works Director

**RE:** Item II.A.4., Resolution and Non-Exclusive Water Line Easement with City of West Melbourne for Max K. Rodes Park

The Board of County Commissioners, in regular session on April 28, 2015, adopted Resolution No. 15-046, for the City of West Melbourne to maintain the waterline, and executed a Non-Exclusive Waterline Utility Easement in favor of, and for the use and benefit of, the City of West Melbourne and the Public. Enclosed are two certified copies of the Resolution, and the original Non-exclusive Waterline Utility Easement for your action.

**Upon execution by the City of West Melbourne, please return a fully-executed copy of the Agreement to this office for inclusion in the official minutes of the Board.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/af

Encls. (3)

**RESOLUTION NO. 15-046**

A RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES, AUTHORIZING THE CONVEYANCE OF REAL PROPERTY INTEREST BY THE COUNTY.

WHEREAS, Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as County, owns certain real property described in the attached Exhibit "A" hereto; and

WHEREAS, the City of West Melbourne, a Florida municipal corporation organized and existing under the laws of the State of Florida, whose address is 2240 Minton Road, West Melbourne, Florida 32904, hereinafter known as City, needs a Non-Exclusive Waterline Utility Easement with full rights of ingress and egress for the purpose of operating and maintaining related improvements, and structures thereon the property; and

WHEREAS, said Non-Exclusive Waterline Utility Easement will not conflict with the County's use of the servient property.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the County hereby agrees to convey a Non-exclusive Waterline Utility Easement to the City of West Melbourne for operating and maintaining related improvements and structures with full rights of ingress and egress for the purposes stated herein.

DONE ORDERED AND ADOPTED this 28 day of April 2015.

ATTEST:

By: 

Scott Ellis, Clerk

BREVARD COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

By: 

Robin L. Fisher, Chairman

As approved by the Board on 04-28-15.  
Agenda Item II.A.4.

**NON-EXCLUSIVE WATERLINE UTILITY EASEMENT**

**THIS INDENTURE**, made this 28 day of April, 2015 between Brevard County, a political subdivision of the state of Florida, whose post office address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940 as the first party, and the City of West Melbourne, a Municipal Corporation whose address is 2240 Minton Road, West Melbourne, Florida, 32904 as the second party, for the use and benefit of the City of West Melbourne, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable considerations paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a non-exclusive waterline utility easement commencing on the above date, for the sole purpose of operating and maintaining a waterline and other allied uses pertaining thereto.

**FURTHERMORE:** The Grantee agrees to restore any disturbed areas resulting from the granting of this easement for the use hereby intended and shall hold Brevard County harmless from all liability, bodily injury, or property damage, caused by the Grantees and/or their agents' activities within the easement area.

The land affected by the granting of this easement is located in Section 12, Township 28 South, Range 36 East, County of Brevard, State of Florida, being more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION, EXHIBIT "A"

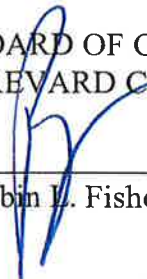
**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and assigns.

**IN WITNESS WHEREOF**, the parties having set their hands and seals this, the day and year first above written.

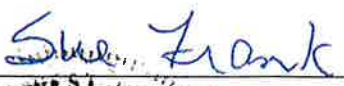
ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Robin L. Fisher, Chairman

ATTEST:

  
\_\_\_\_\_  
Sue Frank, City Clerk

CITY OF WEST MELBOURNE, FLORIDA

  
\_\_\_\_\_  
Hal J. Rose, Mayor



As approved by the Brevard County  
Board of County Commissioners on 04-28-15  
agenda item No. II.A.4.

**LEGAL DESCRIPTION**

THIS IS NOT A SURVEY  
SECTION 12, TOWNSHIP 28 SOUTH,  
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

**SHEET 1 OF 2**

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

PARENT PARCEL ID#28-36-12-50-00041.0-0001.00

**PURPOSE:** **ADDITIONAL WATERLINE EASEMENT ADJACENT TO  
EXISTING EASEMENT RECORDED IN OFFICIAL RECORD  
BOOK 7070, PAGE 1483.**

LEGAL DESCRIPTION:

PARCEL 801 (BY SURVEYOR):

A WATER LINE EASEMENT LYING WITHIN A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5102, PAGE 949, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 12; THENCE RUN N00°32'51"E, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12 AND ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 5102, PAGE 949, A DISTANCE OF 1288.71 FEET; THENCE DEPARTING SAID EAST LINE, N83°25'52"W ALONG THE SOUTH LINE OF A 20 FOOT WATER LINE UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7070, PAGE 1483, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 75.86 FEET; THENCE N80°53'57"W ALONG SAID SOUTH LINE, A DISTANCE OF 21.74 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE DEPARTING SAID SOUTH LINE, N87°30'38"W, A DISTANCE OF 55.02 FEET; THENCE N68°34'02"W, A DISTANCE OF 29.66 FEET TO THE SAID SOUTH LINE; THENCE S80°53'57"E ALONG SAID SOUTH LINE, A DISTANCE OF 83.63 FEET TO THE POINT OF BEGINNING.  
CONTAINING 265 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DESCRIPTION HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE 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.
2. THIS SKETCH AND DESCRIPTION IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
5. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

**AAL LAND SURVEYING SERVICES, INC.**

PROJECT #28484 SOD WAT2 REVISION: _____ REVISION: _____ REVISION: _____ DATE: 02-03-2015	3970 MINTON ROAD, WEST MELBOURNE, FL 32904 PHONE: (321)768-8110 FAX: (321)852-8771 EMAIL: aalsurvey@aalsurvey.com	SCALE: 1" = 100'
LICENSE BUSINESS #6623	ANDREW W. POWSHOK P.L.S. No. 5383	DANIEL D. GARNER P.L.S. No. 6189

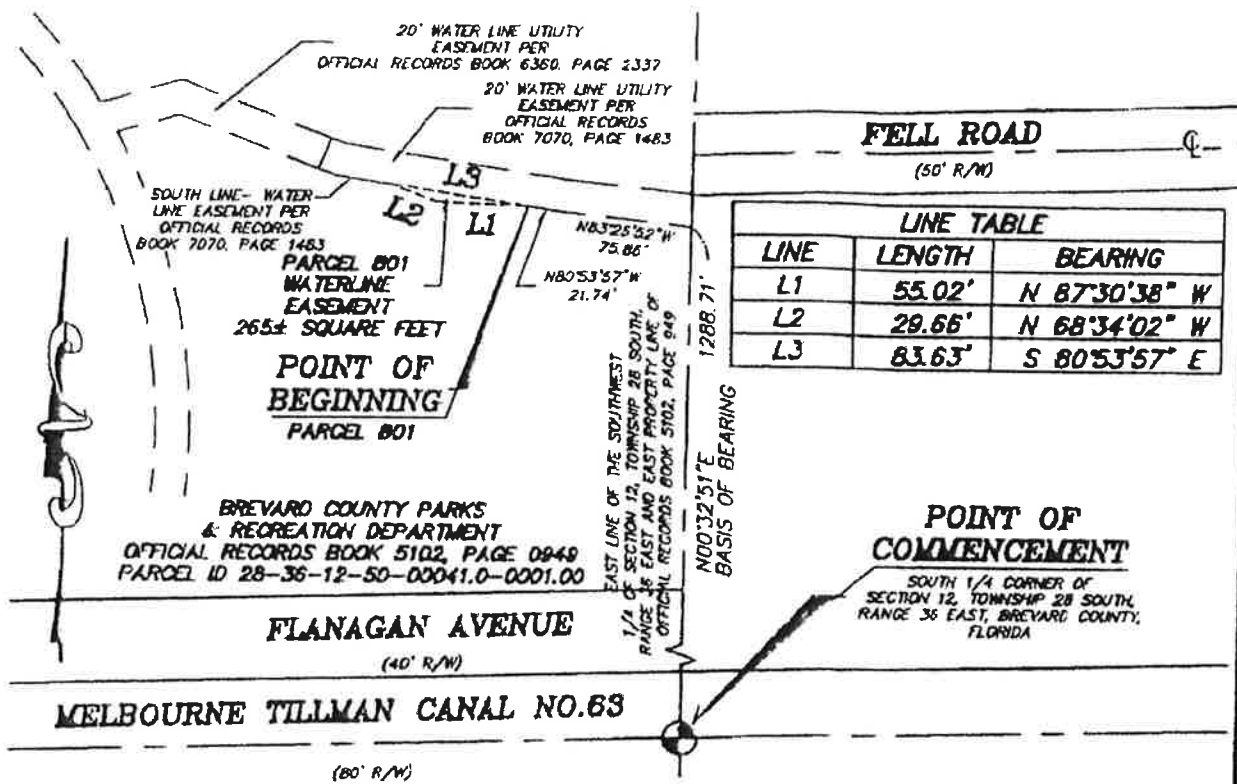
# SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY  
SECTION 12, TOWNSHIP 28 SOUTH,  
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

# SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2

PARENT PARCEL ID#28-36-12-50-00041.0-0001.00



## GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

# AAL LAND SURVEYING SERVICES, INC.

PROJECT #29484 SOD WAIT  
REVISION:  
REVISION:  
REVISION:  
DATE: 02-03-2015

3970 MINTON ROAD, WEST MELBOURNE, FL 32904  
PHONE: (321)765-6110 FAX: (321)952-8771 EMAIL: aalsurvey@aalsurvey.com

LICENSE BUSINESS #6623

ANDREW W. POWSHOK  
P.L.S. No. 5383

DANIEL D. GARNER  
P.L.S. No. 6188

SCALE: 1" = 100'

**PROPERTY FACT SHEET**

**PROJECT: MAX K. RODES PARK  
Non-Exclusive Waterline Easement**

PROPERTY OWNER:	Brevard County-Max K. Rodes Park
PARCEL LOCATION: 32904	3410 Flanagan Ave., W. Melbourne
PARCEL SIZE:	136.27 Acres (per Property Appraiser)
PORTION BEING CONVEYED:	.10 Acres
ZONING/LAND USE:	Gov. Use, Max K. Rodes Park
TOPOGRAPHY:	Level with road grade, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	28-36-12-50-00041.0-0001.00
MARKET VALUE: (Property Appraiser's Records)	\$3,716,090 (2013 Assessment)
PUBLIC UTILITIES:	All utilities available
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: September 29, 2003 Sale amount: \$ 2,400,000.00 Official Record Book/Page 5102/0949

**BOARD OF COUNTY COMMISSIONERS**




AGENDA: APPROVAL AND ACCEPTANCE OF A NON-EXCLUSIVE WATERLINE UTILITY EASEMENT AND RESOLUTION IN FAVOR OF THE CITY OF WEST MELBOURNE FOR ADDITIONAL EASEMENT AREA TO AN EXISTING WATERLINE – MAX K. RODES PARK –DISTRICT 5

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / PARKS AND RECREATION DEPARTMENT

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Blaise M. Mancini Land Acquisition Specialist		_____	3/20/15
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	see attached	_____	3/19/15
PUBLIC WORKS DEPT. John P. Denninghoff, Director		_____	4/9/15
PARKS AND RECREATION DEPT. Jack Masson, Director		_____	3/20/15

AGENDA DUE DATE: April 14, 2015 for the April 28, 2015 Board Meeting

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

**BOARD OF COUNTY COMMISSIONERS**



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LAND ACQUISITION Blaise M. Mancini Land Acquisition Specialist		_____	3/19/15
COUNTY ATTORNEY Christine Lepore Assistant County Attorney		_____	3/19/15
PUBLIC WORKS DEPT. John P. Denninghoff, Director	_____	_____	_____
PARKS AND RECREATION DEPT. Jack Masson, Director	_____	_____	_____

AGENDA DUE DATE: March 31, 2015 for the April 14, 2015 Board Meeting

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

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# LOCATION MAP

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SEC: 12 TWP: 28 S RNG: 36 DISTRICT: 5

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**STREET NAME:** 3355 FELL ROAD, WEST MELBOURNE 32904

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**OWNER'S NAME:** BREVARD COUNTY, MAX K. RODES PARK

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