

Meeting Date
MARCH 17, 2015



AGENDA	
Section	Public Hearing
Item No.	TV.C

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

SUBJECT:	ORDINANCE, RE: AMENDING THE BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARY (District 3)
DEPT/OFFICE:	UTILITY SERVICES DEPARTMENT

Requested Action:  
It is requested that the Board of County Commissioners conduct a Public Hearing to consider an Ordinance to modify the boundary of the Barefoot Bay Water and Sewer District to include parcels owned by Sebastian Inlet Marina, LLC.

Summary Explanation & Background:

Ordinance 99-17, and as subsequently amended, established the Barefoot Bay Water and Sewer District as a Dependent Special District under Chapters 153 and 189, Florida Statutes. Section 1 of the Ordinance set forth the boundary of the District.

On January 20, 2015, Thomas Kennedy, representing Sebastian Inlet Marina, LLC, requested that they be eligible to receive sewer service from the District. All customers receiving service from the District must be included within the boundaries of the District. This agenda item modifies the District boundaries to include the Marina property and additional right-of-way that would allow the Sebastian Inlet Marina, LLC, to construct a sewer force main to the nearest connection point (lift station) within the current Barefoot Bay Water and Sewer District. A sketch of the proposed property and their request is attached.

The Barefoot Bay estimated 1108 remaining water and wastewater connections will accommodate the projected 42 connections for the proposed additional parcel.

This item has been reviewed by the County Attorney's Office.

Fiscal Impact: Cost of advertising and certifying of Ordinance

Contact: Robert G. Adolphe, P.E., Director, 321-633-2091, [bob.adolphe@brevardcounty.us](mailto:bob.adolphe@brevardcounty.us)

Clerk to the Board instruction:

Exhibits Attached: Map of property, ordinance and request from property owner.

Contract / Agreement (If attached):	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>	USD FINANCE	<input checked="" type="checkbox"/>
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County Manager	Assistant County Manager, Mel Scott	Department Director / Extension
Stockton Whitten		Robert G. Adolphe, P.E., Utility Services Director / x52091



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 18, 2015

MEMORANDUM

TO: Robert Adolphe, Utility Services Director

RE: Item IV.C., Ordinance Amending Barefoot Bay Water and Sewer District Boundary

The Board of County Commissioners, in regular session on March 17, 2015, adopted Ordinance 15-03, modifying the boundary of Barefoot Bay Water and Sewer District to include parcels owned by Sebastian Inlet Marina, LLC. Enclosed is a copy of the Ordinance for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

Encl. (1)

ORDINANCE NO. 15- 03

**AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 98-181 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA TO MODIFY THE BOUNDARY OF THE BAREFOOT BAY WATER AND SEWER DISTRICT TO INCLUDE TERRITORY OWNED BY SEBASTIAN INLET MARINA, LLC; LOCATED IN A PORTION OF SECTION 11 AND 14 OF TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA; PROVIDING RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners is authorized to create water and sewer districts, and

WHEREAS, the Board of County Commissioners is authorized to establish the boundaries of such water and sewer districts, and

WHEREAS, the Board of County Commissioners has previously established the Barefoot Bay Water and Sewer District, and

WHEREAS, the Board of County Commissioners wishes to expand or modify the boundaries of the Barefoot Bay Water and Sewer District to include adjacent compact development areas,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA as follows:

Section 1. The last sentence of section 98-181, Article VI, of the Code of Ordinances of Brevard County Florida, is here by amended to read as follows:

The boundaries of the district shall be those set forth in Exhibit A attached hereto.

Section 2. Ratification. All other provisions of sections 98-181 through 98-185 of the Code of Ordinances of Brevard County, Florida as originally enacted in Brevard County Ordinance 99-51, Ordinance 04-35 and Ordinance 13-037 are hereby ratified, confirmed and shall remain in full effect.

Section 3. Effective Date. This ordinance shall take effect immediately upon filing pursuant to law.

DONE AND ADOPTED IN REGULAR SESSION, this 17<sup>th</sup> day of March 2015.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

BY:

  
Robin Fisher, Chairman

Officially filed with the Secretary  
of State March 23, 2015.

As approved by the Board on March 17, 2015

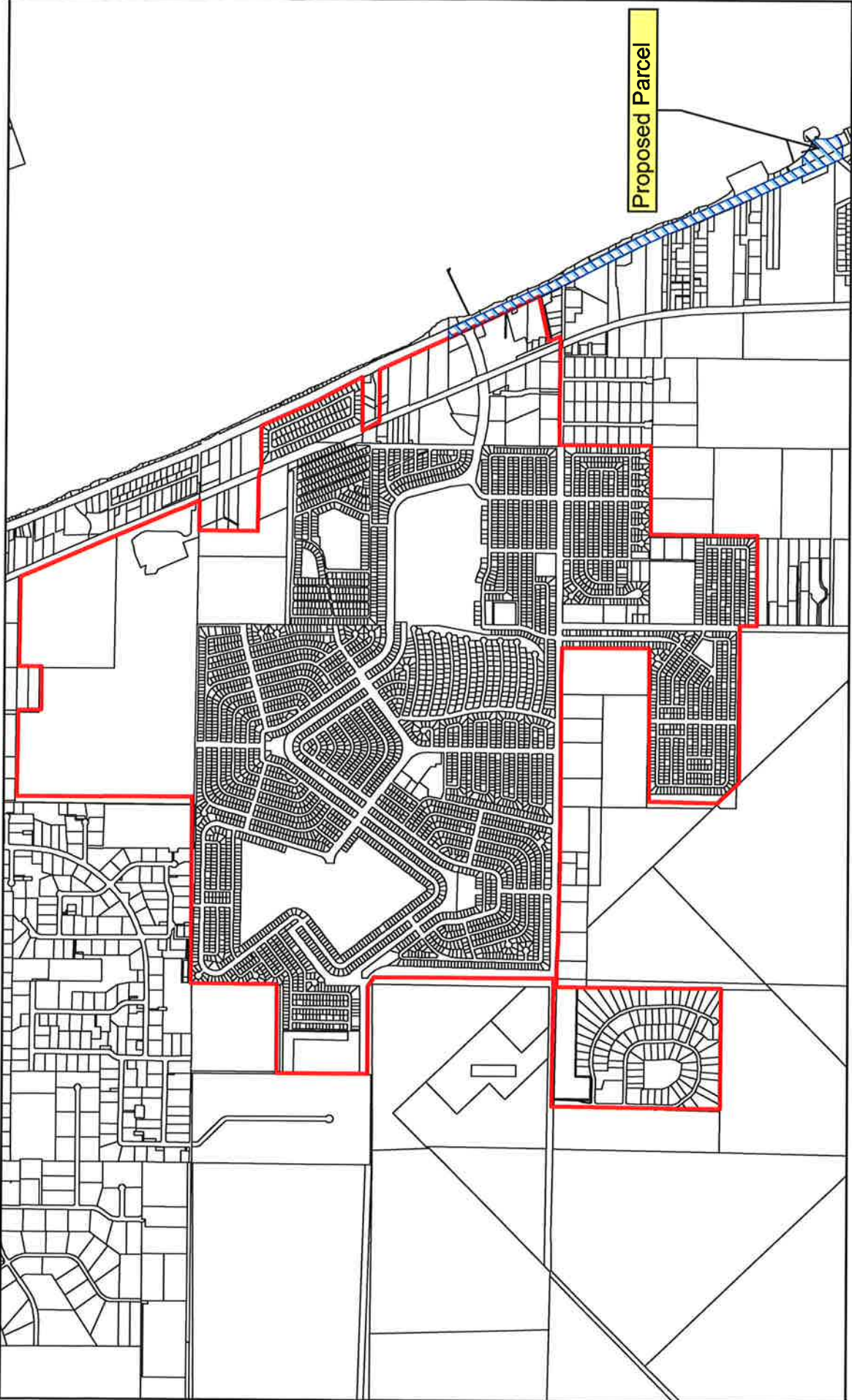
## EXHIBIT A

### BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARY

A portion of Sections 1X,3,9,10,11,14,15 and 16, Township 30 South, Range 38 East, Brevard County, Florida being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ ; thence Westerly along the South boundary of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 15, a distance of 1331 feet, more or less to the Southwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 15; thence South  $00^{\circ}32'45''$  East, a distance of 1582.93 feet; thence South  $89^{\circ}46'20''$  West, a distance of 1331.43 feet, to the West line of the Southeast  $\frac{1}{4}$  of said Section 15; thence Northerly along the North-South centerline of said Section 15, a distance of 261.75 feet to the center of said Section 15; thence South  $89^{\circ}46'20''$  West, along South boundary of the Northwest  $\frac{1}{4}$  of said Section 15, for a distance of 2333.52 feet; thence North  $44^{\circ}37'18''$  West a distance of 475.72 feet; thence North  $0^{\circ}32'45''$  West along the West line of the Northwest  $\frac{1}{4}$  of said Section 15, for a distance of 993.85 feet, to the South boundary of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$ , of said Section 15; thence North  $89^{\circ}53'10''$  East, a distance of 2331.78 feet, to the Southwest corner of the East  $\frac{1}{2}$ , East  $\frac{1}{2}$ , Northeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$  of said Section 15; thence North  $00^{\circ}31'40''$  West, along the West line of the East  $\frac{1}{2}$ , East  $\frac{1}{2}$ , Northeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$  of said Section 15, distance of 1269.63 feet to a point lying on the South right of way of Micco Road; thence West along said South right of way a distance 4992.82 feet to the Northerly projection of the East line of Paladin Estates as recorded in Plat Book 57, Page 7 of the Public Records of Brevard County, Florida; thence South  $00^{\circ}00'30''$  East a distance of 2,432.98 feet; thence South  $89^{\circ}57'46''$  West a distance of 1795.30 feet; thence North  $00^{\circ}36'19''$  East a distance of 2497.81 feet to a point lying 50.00 feet North of and parallel with the South right of way of Micco Road; thence South  $89^{\circ}32'45''$  East distance of 1767.61 feet; thence North  $00^{\circ}33'44''$  West along the West boundary of the Southeast  $\frac{1}{4}$  of Section 9, Township 30 South, Range 38 East, a distance of 2682.14 feet, to center of said Section 9; thence North  $89^{\circ}49'31''$  West, along the South line of the Northwest  $\frac{1}{4}$  of said Section 9 for a distance of 1326.90 feet, to the Southwest corner of the Southeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$ , said Section 9; thence North  $00^{\circ}29'39''$  West, along the West line of the Southeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$ , said Section 9 for a distance of 1343.21 feet to the Northwest corner of the Southeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$ , Section 9 of said Township and Range; thence South  $89^{\circ}44'36''$  East, along the North boundary of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 9 a distance of 1325.33 feet, to the Northeast corner of the Southeast  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$  of said Section 9; thence North  $00^{\circ}33'44''$  West, along the West boundary of the Northeast  $\frac{1}{4}$  of said Section 9 a distance of 1341.33 feet to the North  $\frac{1}{4}$  corner of said Section 9; thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.54 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East, thence North  $00^{\circ}32'48''$  West, along the West line of the Southwest  $\frac{1}{4}$  of said Section 3, a distance of 2656.30 feet to a concrete monument at the Northwest corner of said Southwest  $\frac{1}{4}$ ; thence South  $89^{\circ}50'47''$  East, along the North line of said Southwest  $\frac{1}{4}$  a distance of 1320.29 feet; thence South  $00^{\circ}52'46''$  East a distance of 331.12 feet; thence South  $89^{\circ}53'14''$  East a distance of 660.91 feet; thence North  $00^{\circ}27'56''$  West a distance of 330.62 feet; thence South  $89^{\circ}50'47''$  East a distance of 1360.08 feet to a point on the Westerly right-of-way line of the Florida East Coast Railway; thence South  $23^{\circ}54'12''$  East along said Westerly right-of-way line for 2881.91 feet to the North boundary of the Northeast  $\frac{1}{4}$  of Section 10, Township 30 South, Range 38 East; thence South  $89^{\circ}51'11''$  West along the North boundary a distance of 466.03 feet, to the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 10; thence South  $00^{\circ}36'18''$  East along the West boundary of the Northeast  $\frac{1}{4}$  of the

Northeast ¼ of said Section 10 a distance of 879.98 feet; thence South 89°47'45" East a distance of 1589.42 feet to the Westerly right of way of US Highway 1 (State Road No. 5); thence Southeasterly along said Westerly right of way a distance of 1686 feet (plus or -); thence departing said Westerly right of way South 89°56'12" West a distance of 661.40 feet to the Easterly right of way of the Florida East Coast Railway; thence South 23°52'01" East along said Easterly right of way a distance of 265.58 feet; thence departing said right of way North 89°35'00" East a distance of 663.74 feet to the Westerly right of way of US Highway 1 (State Road No. 5); thence Southeasterly along said Westerly right of way a distance of 1108 feet (plus or minus) to the Northeast corner of that certain parcel described in official records book 6961, page 801 of the public records of Brevard County, Florida, (known as Realty Income Properties 29 LLC, having a parcel identification number of 30-38-11-00-556, property appraiser of Brevard County, Florida), said North line being the South line of the North 300.00 feet of the South 650.78 feet of government lot 2, Section 11, Township 30 South, Range 38 East; thence run easterly approximately 157.97 feet along said South line of the North 300.00 feet of the South 650.78 feet of government lot 2 to the intersection with the east right of way line of aforesaid state road no. 5 / u.s. highway no. 1, 143.00 feet wide right of way, said point of intersection being the Northwest corner of that certain parcel having a parcel identification number of 30-38-11-00-557, property appraiser of Brevard County, Florida, (known as Abbott Manufactured Housing, Inc. / Scott Thomas etal); thence run Southeasterly along said east right of way line approximately 5,793.40 feet to the Northwest corner of that certain parcel described in official records book 5525, page 2559 of the public records of Brevard County, Florida, (known as Sebastian Inlet Marina, LLC, having a parcel identification number of 30-38-14-00-505, property appraiser of Brevard County, Florida) and the North line of the South 469.17 feet of government lot 6, Section 14, Township 30 South, Range 38 East; thence run easterly along the North boundary line of said certain parcel described in official records book 5525, page 3559, and North line of the South 469.17 feet of government lot 6 to the mean high water elevation line of the West shore of the Indian River Lagoon; thence meandering Southeasterly along said mean high water elevation line to the South boundary line of said certain parcel; thence run Southwesterly along said South boundary line and Southwesterly extension to the West right of way line of state road no. 5 / U.S. Highway No. 1, right of way map section No. 7001-275 (207), 143.00 feet wide right of way; thence run Northwesterly along said West right of way line approximately 4,947 feet to the Southeast corner of that certain parcel described in official records book 2772, page 2898, of the public records of Brevard County, Florida, (known as Abbott Manufactured Housing Inc., having a parcel identification number of 30-38-11-00-515, property appraiser of Brevard County, Florida); thence departing said right of way South 77°07'44" West a distance of 681.4 feet (plus of minus); thence South 23°53'16" East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 feet (plus or minus) to the South line of Section 11; thence West along the South line of said Section 11, for a distance of 1662 feet (plus or minus) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.



Proposed Parcel

Date: 2/27/2015

# Proposed Modification to the Barefoot Bay Water and Sewer District Boundary

Legend

-  Barefoot Bay Water and Sewer District Boundary
-  Proposed Parcel
-  Parcels



1 inch = 2,000 feet





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 23, 2015

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: John Lynch, Clerk to the Board

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic replacement copy of Brevard County Ordinance No. 15-03, which was filed in this office on March 23, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

# SEBASTIAN INLET MARINA

8685 US Highway 1  
Micco, FL 32975

January 20, 2015

Brevard County Utility Services  
2725 Judge Fran Jamieson Way, A-213  
Viera, FL 32940-6602


Subject: Parcel ID: 30-38-14-00-505  
Description: That part of S 469.17 ft of Govt lot 6 lying E of US Hwy 1 and part of Tract A of PB 8 Pg 15 as desc in ORB 190 Pg 608 & ORB 4967 Pg 3282 Par HH-A-1

To Whom It May Concern:

As owners of the property identified above, we hereby formally request to be added to the Barefoot Bay Water and Sewer District.

Should you have any questions regarding the above subject, please do not hesitate to contact our office.

Sincerely,



Thomas "T.P." Kennedy  
Managing Manager  
Sebastian Inlet Marina, LLC

## Lewis, Sally A

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**From:** Cicala, Kathy <kcicala@floridatoday.com>  
**Sent:** Wednesday, March 04, 2015 10:58 AM  
**To:** Lewis, Sally A  
**Cc:** Lyons, Rose A; Christine Mulligan; Donna Scott; John Lynch; Kelly; Tammy Etheridge (tammy.etheridge@floridatoday.com)  
**Subject:** RE: Legal Ad for Thursday 3-5-15

AD#349898  
\$140.33  
3/5

AD#349898,03/05/2015 û

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<BF>NOTICE OF PUBLIC HEARING<NM> û  
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on March 17, 2015 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:

<BF>ORDINANCE NO. 15- û

<IT.6>AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 98-181 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA TO MODIFY THE BOUNDARY OF THE BAREFOOT BAY WATER AND SEWER DISTRICT TO INCLUDE TERRITORY OWNED BY SEBASTIAN INLET MARINA, LLC; LOCATED IN A PORTION OF SECTION 11 AND 14 OF TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA; PROVIDING RATI'

FICATION; PROVIDING FOR AN EFFECTIVE DATE.<XI><NM>All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance.

The sponsoring department is the Utility Services Department, 633-2091.

A copy of the ordinance may be inspected at the following locations:

<IT.6>Brevard County Government Center,  
Building C Clerk to the Board of County  
Commissioners Central Brevard Library  
Law Library North Brevard Government  
Complex, Tax Collector Merritt Island  
Service Complex, Supervisor of  
Elections South Brevard Service Com-  
plex, Supervisor of Elections<XI>

By order of the Board of County Commis-  
sioners of Brevard County, Florida

**Kathy Cicala**  
**LEGAL ADVERTISING SPECIALIST**  
**FLORIDA TODAY, THE EAGLE, THE REPORTER**  
**FLORIDATODAY**  
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[theeagle@gannett.com](mailto:theeagle@gannett.com)

[kcicala@floridatoday.com](mailto:kcicala@floridatoday.com)

Please visit us online at [www.floridatoday.com](http://www.floridatoday.com)

**THIS EMAIL IS NOT A BILL.**

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**From:** Lewis, Sally A [<mailto:Sally.Lewis@brevardcounty.us>]

**Sent:** Wednesday, March 04, 2015 9:03 AM

**To:** Cicala, Kathy

**Cc:** Lyons, Rose A; Christine Mulligan; Donna Scott; John Lynch; Kelly; Tammy Etheridge ([tammy.etheridge@brevardclerk.us](mailto:tammy.etheridge@brevardclerk.us))

**Subject:** Legal Ad for Thursday 3-5-15

Kathy,

Please place the attached ad in the legal section of the Florida Today on Thursday, March 5, 2015.

Thank you,

Sally

Sally Lewis

County Manager's Office

321-633-2010

[Sally.lewis@brevardcounty.us](mailto:Sally.lewis@brevardcounty.us)

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