

Meeting Date
July 26, 2016



AGENDA	
Section	Consent
Item No.	II.A.8

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Temporary Construction Easement from Canaveral Port Authority (CPA) to Brevard County for the purpose of installing a force main under the Barge Canal - District 2. (Fiscal Impact: None)
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DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Utility Services Department
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Requested Action:
It is requested that the Board of County Commissioners accept and approve delivery of the Temporary Construction Easement needed from CPA to be used for the construction of a force main under the Barge Canal.

Summary Explanation & Background:
The subject property is located in Section 11, Township 24 South, Range 36 East.
Brevard County Utility Services Department has plans to install a force main under the CPA Barge Canal in the area near State Road #3. Once the force main is constructed, the as-built information will be used as the center-line for the legal description of the permanent utility easement that will replace the TCE.

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

Clerk to the Board Instructions: Return Board approval Memo to Department.

Exhibits Attached: Copy of Temporary Construction Easement, Location Map

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
Stockton Whitten	Assistant County Manager	 John Denninghoff / 57202
		 Jim Helmer / 52091



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

July 27, 2016

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.8., Temporary Construction Easement from Canaveral Port Authority (CPA) for Installing a Force Main Under the Barge Canal

The Board of County Commissioners, in regular session on July 26, 2016, accepted and approved delivery of the Temporary Construction Easement needed from CPA to be used for the construction of a force main under the Barge Canal.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

cc: Contracts Administration
Asset Management
Finance
Budget

BOARD OF COUNTY COMMISSIONERS

AGENDA: TEMPORARY CONSTRUCTION EASEMENT RELATED TO THE
BREVARD COUNTY UTILITY SERVICES INSTALLATION OF A FORCE
MAIN UNDER THE CANAVERAL PORT AUTHORITY BARGE CANAL -
DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /
UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPS</u>	_____	<u>7/5/16</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u>see attached</u>	_____	<u>7/11/16</u>
PUBLIC WORKS John Denninghoff, Director	<u>[Signature]</u>	_____	<u>7/14/16</u>
UTILITY SERVICES Jim Helmer, Director	<u>[Signature]</u>	_____	<u>7/15/16</u>

AGENDA DUE DATE: July 12, 2016 for the July 26, 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 RELATED TO THE BREVARD COUNTY UTILITY SERVICES INSTALLATION OF A FORCE MAIN UNDER THE CANAVERAL PORT AUTHORITY BARGE CANAL - DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>7/5/16</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	* <u>[Signature]</u>	_____	<u>7/11/16</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____
UTILITY SERVICES Jim Helmer, Director	_____	_____	_____

AGENDA DUE DATE: July 12, 2016 for the July 26, 2016 Board meeting

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

THANK YOU.

* see attached e-mails.

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the benefits accruing to Canaveral Port Authority, an independent special taxing district and political subdivision of the State of Florida hereinafter called the GRANTOR, whose address is 445 Challenger Road, Suite 301, Cape Canaveral, FL 32920 does hereby give, grant, bargain and release to the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called GRANTEE, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a non-exclusive temporary easement on that portion of the lands of the Owners being described as follows:

See Attached Legal Description
(the "Premises")

THIS EASEMENT is granted for construction purposes only, including the right to enter upon said lands for the purposes of storage of materials and equipment and restoration during GRANTEE's construction of a Sanitary Force Main (Barge Canal Force Main) as GRANTEE deems necessary or prudent. Should GRANTEE perform any such construction activities in the Premises, GRANTEE shall, at its sole cost and expense, restore such lands to the condition existing prior to such construction activities. Any property of GRANTOR damaged or destroyed by GRANTEE, its contractors, agents or permittees, incident to the use and occupation of said easement shall be promptly repaired or replaced by GRANTEE.

THIS EASEMENT is granted upon the condition that the work will be performed in such a manner that it conforms with the final construction plans prepared by HDR, Inc. for the Barge Canal Force Main Project (Project No. MI-33) and all necessary permits required therefor. GRANTEE acknowledges that its force main is to be installed beneath the Barge Canal, a navigable waterway. GRANTEE covenants not to interfere with the navigability of said Barge Canal.

THIS EASEMENT is effective only as to the rights of GRANTOR in the Premises. GRANTEE shall obtain permission as necessary as to any other existing rights, including GRANTOR's lessees. GRANTEE acknowledges that the upland on the south side of the Barge Canal where the Force Main is to be installed has been leased to Ray Industries, Inc., as assigned to AAEA Investments, LLC. GRANTEE's use of the Premises will not interfere with the rights granted to AAEA Investments, LLC or any subsequent lessee. GRANTEE will be responsible to AAEA Investments, LLC for any damages to the lessee's property or to the leasehold estate, including piers or other facilities incidental to said lessee's business.

GRANTOR shall not be liable for damages or injury of any kind resulting from GRANTEE's use and occupation of said Premises, including environmental damage caused by ruptured or broken pipeline. The GRANTEE shall indemnify and hold harmless GRANTOR for all claims arising from its use of said Premises which shall include indemnification for all costs and expenses incurred including engineering and attorneys fees.

THIS EASEMENT shall automatically expire upon the earlier of the recording of a Permanent Utility Easement granted in favor of the COUNTY for the continued location and maintenance of this project or one (1) year from the date hereof.

Dated this the 20th day of January, 2016.

Signed, sealed and delivered
in the presence of:

Melanie Bradford
Witness:

Melanie Bradford
(Type or Print Name)

Jennifer Parmentier
(Witness)

Jennifer Parmentier
(Type or Print Name)

Canaveral Port Authority:

Jerry W. Allard

BY Jerry W. Allard Chairman

STATE OF Florida
COUNTY OF Brevard

**FLORIDA LAW REQUIRES EXECUTION
OF DOCUMENT BEFORE TWO
WITNESSES AND NOTARY PUBLIC**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Jerry W. Allender, as Chairman of the Canaveral Port Authority, to me known to be the person (s) described in the foregoing instrument or who has/have produced as identification and the above named person (s) did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 9th day of February, 2016.

(SEAL)



Diane Denig
Notary Public
Diane Denig
(Name Typed or Printed)
Commission No. _____
Commission Expires: _____

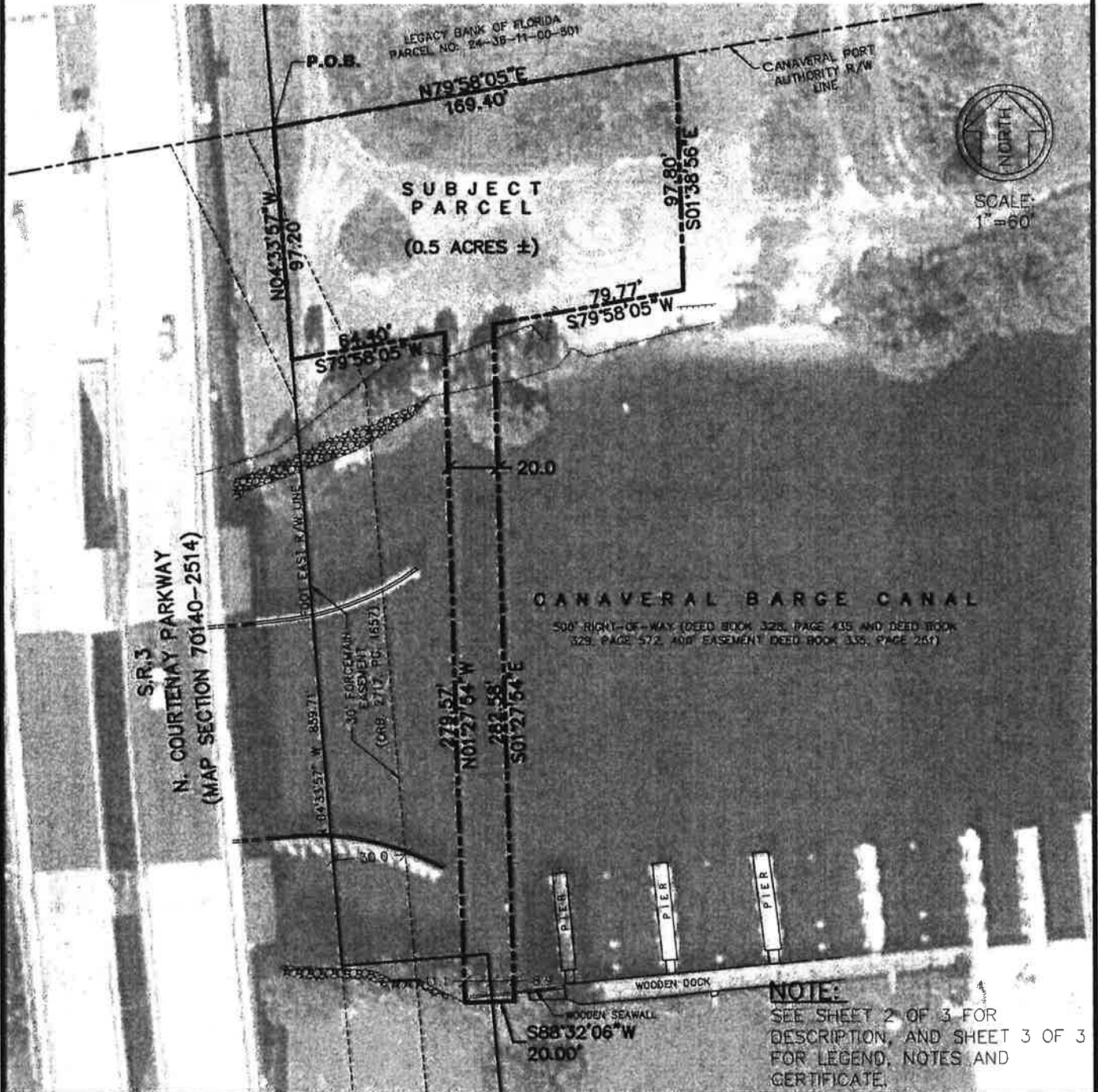
BCC Agenda Item # _____

Date: _____

SKETCH & DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR:
**BREVARD COUNTY BOARD
 OF COUNTY COMMISSIONERS**



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32963
 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885



DRAWN BY: <u>A.J.H.</u>	CHECKED BY: <u>J.B.C.</u>	DRAWING NO. <u>387501</u>	SECTION: <u>11</u>
DATE: <u>11/02/15</u>	SHEET <u>1</u> OF <u>3</u>	REV. _____	TOWNSHIP: <u>24</u> SOUTH
			RANGE: <u>36</u> EAST

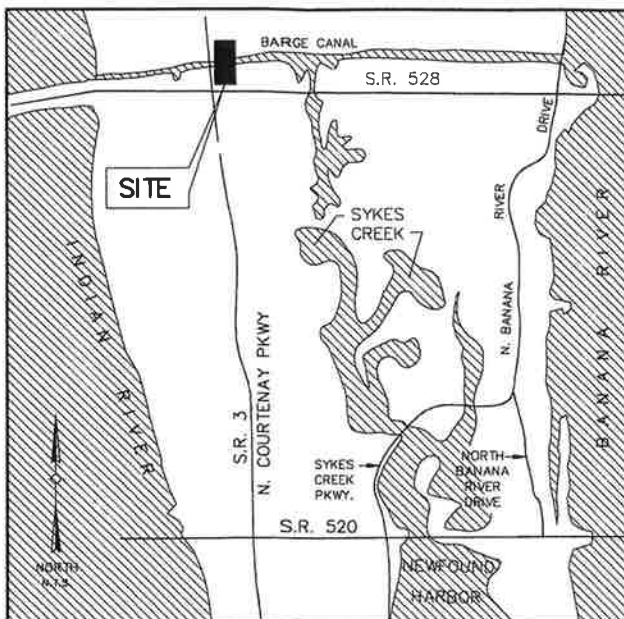
SKETCH & DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS**

VICINITY MAP



LEGAL DESCRIPTION:

A parcel of land lying within the Canaveral Port Authority Barge Canal as described in Deed Book 328, Page 435 and Deed Book 329, Page 572 of the Brevard County, Florida Public Records, all in Section 11, Township 24 South, Range 36 East, and being more particularly described as follows:

Begin at the intersection of the Northerly right-of-way line of the Canaveral Port Authority Barge Canal (a 500.00 foot wide right-of-way per Deed Book 328 Page 435 and Deed Book 329 Page 572 Brevard County Public Records), and the East right-of-way line of State Road 3 as shown on FDOT map Section 70140-2514; Thence North 79°58'05" East, along the North right-of-way line of Canaveral Port Authority Barge Canal, a distance of 169.40 feet; thence South 01°38'56" East, a distance of 97.80 feet; thence South 79°58'05" West, a distance of 79.77 feet; thence South 01°27'54" East, a distance of 282.58 feet; thence South 88° 32'06" West, a distance of 20.00 feet; thence North 01°27'54" West, a distance of 279.57 feet; thence South 79°58'05" West, a distance of 64.40 feet to a point on the aforesaid East right-of-way line of State Road number 3; thence North 04°33'57" West along said East right-of-way line a distance of 97.20 feet to the Point-of-Beginning.

Containing 0.50 acres more or less and being subject to a 30.00 foot wide forcemain easement as recorded in OR Book 2717 Page 1657 Brevard County Public Records and any other easements and/or rights-of-ways of record.

NOTE:

SEE SHEET 1 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) 454-6885



DRAWN BY: A.J.H.

CHECKED BY: J.B.C.

DRAWING NO. 387501

SECTION: 11

TOWNSHIP: 24 SOUTH

DATE: 11/02/15

SHEET 2 OF 3

REV. _____

RANGE: 36 EAST

SKETCH & DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LEGEND:

(N.I.C.)	NOT INCLUDED	FND.	FOUND	FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
P.B.	PLAT BOOK	POB	POINT OF BEGINNING		FLORIDA DEPARTMENT OF TRANSPORTATION
PG.	PAGE		RECORD		FLORIDA DEPARTMENT OF TRANSPORTATION
R/W	RIGHT-OF-WAY	W/	WITH		PARCEL NUMBER
COR.	CORNER	⊕	CENTERLINE	(102)	SECTION
C.M.	CONCRETE MONUMENT	— —	GRAPHICS NOT TO	SEC.	SECTION
R/W	RIGHT OF WAY	— —	SCALE	TWP.	TOWNSHIP
LB	LICENSED BUSINESS	· · · · ·	BEARING DEGREE,	RNG.	RANGE
RB/C	REBAR AND CAP		MINUTES 7 SECONDS	ORB.	OFFICIAL RECORD BOOK

NOTES:

1. BEARINGS SHOWN HERON ARE BASED ON THE EAST RIGHT OF WAY LINE OF FDOT STATE ROAD NO. 3 BEING N04°33'57"W AS SHOWN ON FDOT MAINTNANCE MAP SECTION 70140-2514.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC REPRESENTATION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET 1 OF 3 FOR SKETCH OF DESCRIPTION.
4. SEE SHEET 2 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 SURVEYORS ORIGINAL SIGNATURE AND EMBOSSED SEAL.
6. THE INTENDED USE OF THE PARCEL IDENTIFIED BY THIS SKETCH AND DESCRIPTION IS FOR ACCESS AND CONSTRUCTION OF PROPOSED UTILITIES.
7. CERTIFIED FOR THE EXCLUSIVE USE OF:
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.

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

NOTE:

SEE SHEET 1 OF 3 FOR SKETCH, AND SHEET 2 OF 3 FOR DESCRIPTION.



Bussen-Mayer Engineering Group



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			RANGE: <u>36</u> EAST



Dana Blickley, CFA
Brevard County Property Appraiser

CPA Barge Canal TCE Location Map



Location Map for the TCE needed to install the force main near SR#3 under the CPA Barge Canal.
CPA owned parcels:
24-36-11-00-00518.0-0000.00
24-36-11-00-00514.0-0000.00

CPA Barge Canal

Proposed area of the TCE

Canaveral Port Authority Property

S.R. # 528

S.R. # 3

North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-5700
Fax: (321) 264-8854

Merritt Island Services Complex
2575 N Courteney Pkwy
Merritt Island, FL 32953
Phone: (321) 454-6620
Fax: (321) 454-6818

Viera Government Center
2726 Judge Fran Jamieson Wy
Viera, FL 32940
Phone: (321) 690-6880
Fax: (321) 690-6883

South Services Complex
1515 Samo Rd
Melbourne, FL 32935
Phone: (321) 255-4440
Fax: (321) 255-4438

Palm Bay Service Complex
450 Cogan Dr, SE
Palm Bay, FL 32909
Phone: (321) 862-4574
Fax: (321) 952-4573

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