



AGENDA REPORT
August 14, 2018

Acceptance of Temporary Construction Easement from Holy Trinity Episcopal Academy to Brevard County for Construction Related to the Pineda Grade Separation Project- District 4. (Fiscal Impact: None)

SUBJECT:

Acceptance of Temporary Construction Easement from Holy Trinity Episcopal Academy to Brevard County for Construction Related to the Pineda Grade Separation Project- District 4.

FISCAL IMPACT:

Fiscal Impact: FY 2017 – 2018: None
FY 2018 – 2019: None

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners accept and authorize staff to record the Temporary Construction Easement (TCE).

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Section 19, Township 26 South, Range 37 East.

During our negotiation related to the exchange agreement between Brevard County and Holy Trinity Episcopal Academy (HTP), related to the Pineda Grade Separation Project, it was requested that we modify a portion of the entrance road leading to the HTP parking area. We agreed to the changes and will need the Temporary Construction Easement to allow our contractor to perform the modifications.

The TCE is worded in such a way that allows for the modifications with the improvements being owned and maintained by HTP upon our completion of the Project.

ATTACHMENTS:

Description

- **Pineda-HTP TCE Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: TEMPORARY CONSTRUCTION EASEMENT FROM HOLY TRINITY
EPISCOPAL ACADEMY RELATED TO THE PINEDA GRADE
SEPARATION PROJECT – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>7/17/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>7/17/18</u>

AGENDA DUE DATE: July 24, 2018 for the August 14, 2018 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.



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

August 15, 2018

M E M O R A N D U M

TO: Andrew Holmes, Public Works Director

RE: Item F.4., Acceptance of Temporary Construction Easement from Holy Trinity Episcopal Academy for Construction Related to the Pineda Grade Separation Project

The Board of County Commissioners, in regular session on August 14, 2018, approved acceptance of Temporary Construction Easement (TCE) from Holy Trinity Episcopal Academy for construction related to the Pineda Grade Separation Project; and authorized you to record the TCE.

Upon recordation, please provide a fully-executed document to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Meeting Date
August 14, 2018



AGENDA	
Section	Consent
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Acceptance of Temporary Construction Easement from Holy Trinity Episcopal Academy to Brevard County for Construction Related to the Pineda Grade Separation Project- District 4. (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:
 It is requested that the Board of County Commissioners accept and authorize staff to record the Temporary Construction Easement (TCE).

Summary Explanation & Background:
 The subject property is located in Section 19, Township 26 South, Range 37 East.

 During our negotiation related to the exchange agreement between Brevard County and Holy Trinity Episcopal Academy (HTP), related to the Pineda Grade Separation Project, it was requested that we modify a portion of the entrance road leading to the HTP parking area. We agreed to the changes and will need the Temporary Construction Easement to allow our contractor to perform the modifications.

 The TCE is worded in such a way that allows for the modifications with the improvements being owned and maintained by HTP upon our completion of the Project.

 Fiscal Impact: FY 2017 – 2018: None
 FY 2018 – 2019: None

Clerk to the Board Instructions:

Exhibits Attached: Copy of executed Temporary Construction Easement, Location Map from Holy Trinity Episcopal Academy

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, PE / 57202
	Interim Assistant County Manager Jim Liesenfelt	

Brevard County Public Works Dept., Land Acquisition Section 321-690-6847
2725 Judge Fran Jamieson Way, A-204
Viera, Florida 32940
A portion of Interest in Tax Parcel I.D. 26-37-19-00-00519.0-0000.00

CFN 2018190008. OR BK 8244 PAGE 2685.
Recorded 08/23/2018 at 09:41 AM, Scott Ellis, Clerk of Courts,
Brevard County
Pgs:5

TEMPORARY CONSTRUCTION AND INGRESS / EGRESS EASEMENT 703 and 704

For and in consideration of the benefits accruing to Holy Trinity Episcopal Academy, Inc., hereinafter called Holy Trinity, whose address is 5625 Holy Trinity Drive, Melbourne, FL 32940, does hereby give, grant, bargain and release to BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called COUNTY, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a temporary construction and ingress / egress easement on that portion of the lands of Holy Trinity, being described as follows:

See Attached Legal Description

That for and in consideration of the sum of One Dollar and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, Holy Trinity hereby gives, grants, bargains and releases to the COUNTY, a temporary construction and ingress / egress easement for the purpose of allowing construction and ingress / egress during the reconfiguration of access to Holy Trinity property during construction to be undertaken by or under supervision of COUNTY.

Holy Trinity does hereby covenant with the COUNTY 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.

The parties recognize the temporary construction and ingress / egress easement is intended to allow for the construction of improvements related to the reconfiguration of the Holy Trinity driveway / parking areas as required by the exchange agreement between Holy Trinity and COUNTY. It is also understood that the improvements constructed within Parcels 703 and 704 will be owned by and maintained by Holy Trinity upon the completion of the Project.

THIS EASEMENT shall commence on July 16, 2018 and shall expire upon completion of the Pineda Grade Separation Project or 3 years, whichever occurs first. After the Project is completed, upon request by Holy Trinity, COUNTY shall provide written notice of completion of the Project.

Dated this the 16th day of July, 2018.

Signed, sealed and delivered in the presence of:

Holy Trinity Episcopal Academy, Inc.:

Colleen Middlebrooks

Katherine M. Cobb

Witness:

BY: Katherine M. Cobb, President

Colleen Middlebrooks

(Type or Print Name)

Renee Smith

(Witness)

Renee Smith

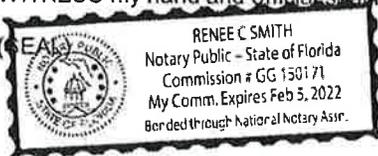
(Type or Print Name)

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 Katherine M. Cobb, 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 16th day of July, 2018.



Renee C. Smith

Notary Public

Renee C. Smith

(Name Typed or Printed)

Commission No. GA 150171

Commission Expires: 2/5/22

BCC Agenda Item # F.4.
Date: 08/14/18

LEGAL DESCRIPTION

SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 BREVARD COUNTY TAX ID NUMBER: 2606130
 OWNER NAME: HOLY TRINITY EPISCOPAL ACADEMY, INC.

Prepared by DRMP, Inc.

Parcel 703
 (TEMPORARY CONSTRUCTION AND INGRESS/EGRESS EASEMENT)

A parcel of land located within the lands described in Official Records Book 3946, Page 1762, Public Records of Brevard County, Florida, and being in the Southwest 1/4 (One-Quarter) of Section 19, Township 26 South, Range 37 East, being more particularly described as follows:

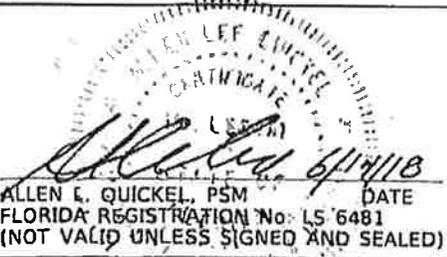
COMMENCE at the intersection of the Westerly right-of-way line of Florida East Coast Railroad (100 foot right-of-way) and the Southerly right-of-way line of Pineda Causeway (200 foot right-of-way); thence South 70°33'25" West along said Southerly right-of-way line, a distance of 504.38 feet to the intersection of said Southerly right-of-way line and the East line of the lands described Official Records Book 3946, Page 1762, Public Records of Brevard County, Florida; thence South 70°33'25" West along said Southerly right-of-way line, a distance of 202.70 feet to a point on a curve, concave to the Southeast, having a Radius of 656.00 feet and a Central Angle of 12°19'03"; thence run Southwesterly along the Arc of said curve and said Southerly right-of-way line, a distance of 141.03 feet (Chord Bearing = South 38°51'13" West, Chord Distance = 140.75 feet) to the end of said curve; thence South 32°41'43" West along said Southerly right-of-way line, a distance of 101.36 feet to a point on the West line of said lands; thence run South 18°49'27" East along said West line, a distance of 88.39 feet ; thence departing said West line, run North 71°10'35" East, a distance of 78.01 feet to the POINT OF BEGINNING; thence continue North 71°10'35" East, a distance of 76.42 feet; thence run North 18°40'18" West, a distance of 20.96 feet; thence run North 70°58'14" East, a distance of 56.31 feet; thence run South 19°01'46" East, a distance of 49.43 feet; thence run South 71°34'13" West, a distance of 133.09 feet; thence run North 18°34'08" West, a distance of 27.36 feet to the POINT OF BEGINNING.

Containing 4,886 Square Feet, more or less.

SURVEYOR'S NOTES

1. THE BEARINGS SHOWN HEREIN ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINEDA CAUSEWAY AS BEING S70°33'25"W.
2. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, BURIED CABLES, SUB-SURFACE UTILITIES, FOUNDATIONS/FOOTERS OR BURIAL SITES WERE LOCATED, EXCEPT AS SHOWN.
3. THIS PROPERTY IS SUBJECT TO THE RECORDED AND UNRECORDED AGREEMENTS, ASSESSMENTS, EXCEPTIONS, COVENANTS, EASEMENTS, RESERVATIONS, RESTRICTIONS, AND OTHER ENCUMBRANCES, IF ANY, WHICH MAY OR MAY NOT APPEAR IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
4. THIS SKETCH OF DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
5. PARCEL TAX ID. No.: 2606130

THIS SKETCH IS NOT A SURVEY

 <p>ALLEN E. QUICKEL, PSM FLORIDA REGISTRATION No. LS 6481 (NOT VALID UNLESS SIGNED AND SEALED)</p>	PINEDA CAUSEWAY BREVARD COUNTY, FLORIDA		RIGHT OF WAY PARCEL SKETCH	
	PARCEL 703			
		BY	DATE	DRMP PROJECT NUMBER
	DRAWN	T. DESMOND	6/14/18	12-0042.002
	CHECKED	A. QUICKEL	6/14/18	SCALE
				N/A

SKETCH PREPARED BY:



DRMP
 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 941 LAKE BALDWIN LANE
 ORLANDO, FLORIDA 32814
 (407) 896-0593 • www.drmp.com
 L.B. No. 2648

SKETCH OF DESCRIPTION

SHEET 2 OF 2

SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 BREVARD COUNTY TAX ID NUMBER: 2606130
 OWNER NAME: HOLY TRINITY EPISCOPAL ACADEMY, INC.

**PINEDA CAUSEWAY
 (200' R/W)**

$\Delta = 12^{\circ}19'03''$
 $L = 141.03'(C)$
 $R = 656.00'(C)$
 $CH = 140.75'(C)$
 $CB = 538^{\circ}51'13''W$

$570^{\circ}33'25''W$
 $202.70'(C)$

$570^{\circ}33'25''W$
 $504.38'(C)$

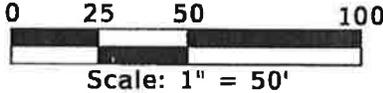
EXIST. S'LY
 R/W LINE

**FLORIDA EAST
 COAST RAILROAD
 (100' R/W)**

EXIST. W'LY R/W LINE

O.R. 3547, PG. 0021
 26-37-19-00-520

EAST LINE OF 1792
 O.R. 3946, PG. 1792



$532^{\circ}41'43''W$
 $101.36'(C)$

$518^{\circ}49'27''E$
 $88.39'(C)$

$N18^{\circ}40'18''W$
 $20.69'(C)$

$N71^{\circ}58'14''E$
 $56.31'(C)$

$S19^{\circ}01'46''E$
 $49.43'(C)$

703

P.O.B.

$N71^{\circ}10'35''E$
 $78.01'(C)$

$N71^{\circ}10'35''E$
 $76.42'(C)$

$S71^{\circ}34'13''W$
 $133.09'(C)$

$N18^{\circ}34'08''W$
 $27.36'(C)$

O.R. WEST LINE OF 1792
 O.R. 3946, PG. 1792

O.R. 3946, PG. 1762
 26-37-19-00-519

O.R. 7808, PG. 2407
 26-37-19-00-521

LEGEND

- (C) = CALCULATED
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- PG. = PAGE
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- R/W = RIGHT-OF-WAY
- S'LY = SOUTHERLY
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- Δ = DELTA
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THIS SKETCH IS NOT A SURVEY

			PINEDA CAUSEWAY BREVARD COUNTY, FLORIDA		RIGHT OF WAY PARCEL SKETCH	
			PARCEL 703			
			BY	DATE	DRMP PROJECT NUMBER	
			DRAWN	T.DESMOND	6/14/18	12-0042.002
			CHECKED	A.QUICKEL	6/14/18	SCALE
						1" = 50'
REVISION	BY	DATE				

SKETCH PREPARED BY:



DRMP
 ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS

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LEGAL DESCRIPTION

SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 BREVARD COUNTY TAX ID NUMBER: 2606130
 OWNER NAME: HOLY TRINITY EPISCOPAL ACADEMY, INC.

Prepared by DRMP, Inc.

Parcel 704
 (TEMPORARY CONSTRUCTION AND INGRESS/EGRESS EASEMENT)

A parcel of land located within the lands described in Official Records Book 3946, Page 1762, Public Records of Brevard County, Florida, and being in the Southwest 1/4 (One-Quarter) of Section 19, Township 26 South, Range 37 East, being more particularly described as follows:

COMMENCE at the Intersection of the Existing Westerly right-of-way line of Florida East Coast Railroad (100 foot right-of-way) and the Existing Southerly right-of-way line of Pineda Causeway (200 foot right-of-way); thence South 70°33'25" West along said Southerly right-of-way line, a distance of 504.38 feet to the Intersection of said Southerly right-of-way line and the East line of the lands described Official Records Book 3946, Page 1762, Public Records of Brevard County, Florida; thence South 70°33'25" West along said Southerly right-of-way line, a distance of 202.70 feet to a point on a curve, concave to the Southeast, having a Radius of 656.00 feet and a Central Angle of 12°19'03"; thence run Southwesterly along the Arc of said curve and said Southerly right-of-way line, a distance of 141.03 feet (Chord Bearing = South 38°51'13" West, Chord Distance = 140.75 feet) to the end of said curve; thence South 32°41'43" West along said Southerly right-of-way line, a distance of 101.36 feet to a point on the West line of said lands; thence run South 18°49'27" East along said West line, a distance of 149.27 feet ; thence departing said West line, run North 71°34'13" East, a distance of 77.74 feet to the POINT OF BEGINNING; thence continue North 71°34'13" East, a distance of 136.00 feet; thence run South 18°25'47" East, a distance of 14.00 feet; thence run South 71°34'13" West, a distance of 43.00 feet; thence run North 18°25'47" West, a distance of 10.00 feet; thence run South 71°34'13" West, a distance of 92.99 feet; thence run North 18°34'08" West, a distance of 4.00 feet to the POINT OF BEGINNING.

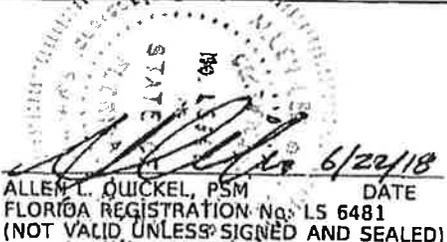
Containing 974 Square Feet, more or less.

SURVEYOR'S NOTES

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3. THIS PROPERTY IS SUBJECT TO THE RECORDED AND UNRECORDED AGREEMENTS, ASSESSMENTS, EXCEPTIONS, COVENANTS, EASEMENTS, RESERVATIONS, RESTRICTIONS, AND OTHER ENCUMBRANCES, IF ANY, WHICH MAY OR MAY NOT APPEAR IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
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5. PARCEL TAX ID No.: 2606130

THIS SKETCH IS NOT A SURVEY

 <p>ALLEN L. QUICKEL, PSM FLORIDA REGISTRATION No.: 15 6481 (NOT VALID UNLESS SIGNED AND SEALED)</p>	PINEDA CAUSEWAY BREVARD COUNTY, FLORIDA		RIGHT OF WAY PARCEL SKETCH		
	PARCEL 704				SKETCH PREPARED BY:  DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0593 - www.drmp.com L.B. No. 2648
		BY	DATE	DRMP PROJECT NUMBER	
DRAWN	T. DESMOND	6/22/18	12-0042.002		
CHECKED	A. QUICKEL	6/22/18	SCALE		
			N/A		

SKETCH OF DESCRIPTION

SHEET 2 OF 2

SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 BREVARD COUNTY TAX ID NUMBER: 2606130
 OWNER NAME: HOLY TRINITY EPISCOPAL ACADEMY, INC.

PINEDA CAUSEWAY
 (200' R/W)

$\Delta = 12^{\circ}19'03''$
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 $R = 656.00'(C)$
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 $CB = S38^{\circ}51'13''W$

$S70^{\circ}33'25''W$
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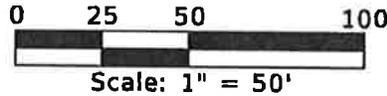
EXIST. S'LY
 R/W LINE

FLORIDA EAST
 COAST RAILROAD
 (100' R/W)

EXIST. W'LY
 R/W LINE

O.R. 3547, PG. 0021
 26-37-19-00-520

EAST LINE OF
 PG. 1762



704

$S32^{\circ}41'43''W$
 $101.36'(C)$

$S18^{\circ}49'27''E$
 $149.27'(C)$

P.O.B.

$N71^{\circ}34'13''E$
 $77.74'$

$N71^{\circ}34'13''E$ 136.00'

$S71^{\circ}34'13''W$
 $92.99'$

$S18^{\circ}25'47''E$
 $14.00'$

$S71^{\circ}34'13''W$
 $43.00'$

$N18^{\circ}34'08''W$
 $4.00'$

$N18^{\circ}25'47''W$
 $10.00'$

O.R. 7808, PG. 2407
 26-37-19-00-521

O.R. 3946, PG. 1762
 WEST LINE OF

O.R. 3946, PG. 1762
 26-37-19-00-519

LEGEND

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THIS SKETCH IS NOT A SURVEY

			PINEDA CAUSEWAY BREVARD COUNTY, FLORIDA		RIGHT OF WAY PARCEL SKETCH	
			PARCEL 704			
			BY		DATE	
			DRAWN		DRMP PROJECT NUMBER	
			T. DESMOND		12-0042.002	
			DATE		SCALE	
			6/22/18		1" = 50'	
			CHECKED			
			A. QUICKEL			
			DATE			
			6/22/18			
REVISION			BY		DATE	

SKETCH PREPARED BY:

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 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

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