



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

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August 23, 2017

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item VIII.A., Pineda Causeway Grade Separation Project Waiver

The Board of County Commissioners, in regular session on August 22, 2017, approved a waiver of the objections to the encumbrances upon the title for the Pineda Causeway Grade Separation Project Easement for title insurance purposes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in cursive script that reads "Tammy Rowe".

Tammy Rowe, Deputy Clerk

/cmw

cc: Assistant County Manager Denninghoff



Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way
Building A, Room 204
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Brevard County Board of County Commissioners for direction

THRU: Scott Knox, County Attorney

THRU: Frank Abbate, County Manager

FROM: John P. Denninghoff, Assistant County Manager

Cc: Dan Jones, Land Acquisition Supervisor

SUBJECT: Title Exceptions

- ALTA Owner's Policy (06/17/06) with Florida Modifications
- Proposed Insured – Board of County Commissioners of Brevard County, FL.,
- Effective Date: August 23, 2017
- Old Republic National Title Insurance Company Fund File #17-0032PB

Survey Exceptions:
(None noted)

PROJECT: Pineda Causeway Grade Separation Project

PARCEL: Tax I.D # 26-37-19-00-268
Owners: Florida East Coast Railway, LLC

DATE: August 22, 2017

The purpose of this memo is to respond to the County Attorney's Office finding of objections to Title Commitment Exceptions B.II.5, 6, 7, 8 & 9.

B.II.5 – Memorandum of Lease, as recorded in O. R. Book 3279, Page 2968, Public Records of Brevard County, Florida.

No determination has been made as to any liens or encumbrances on this leasehold interest.

B.II.6 – Memorandum of Agreement as recorded in O. R. Book 3287, Page 4373, Public Records of Brevard County, Florida.

No determination has been made as to any liens or encumbrances on this leasehold interest.

B.II.7 – Grant of Easements to FDG ROW Holdings, LLC as recorded in O. R. Book 5834, Page 7940, as corrected in O. R. Book 6082, Page 2421 and amended in O. R. Book 7149, Page 1269, Public Records of Brevard County, Florida.

Exhibit D to contract includes Joinder and Consent Agreement from FDG Flagler Station II, LLC.

B.II.8 – Bill of Sale and Non-Exclusive Use Agreement as recorded in O. R. Book 5834, Page 7970, Public Records of Brevard County, Florida.

Exhibit D to contract includes Joinder and Consent Agreement from FDG Flagler Station II, LLC.

B.II.9 – Grant of Passenger Service Easements as recorded in O. R. Book. Book 5834, Page 8004, as amended in O. R. Book 7149, Page 1310 and Assigned in O. R. Book 7149, Page 1345 and further amended in O. R. Book 7149, Page 1350, Public Records of Brevard County, Florida.

Exhibit D to contract includes Joinder and Consent Agreement from All Aboard Florida – Operations, LLC.

B.II.10 – Terms and conditions contained in the Supplemental Final Order and Judgement as recorded in O.R. Book 5853 – Page 8175, Public Records of Brevard County, Florida.

This provided for a 16.5 feet wide tele-communication easement in favor of AT&T. While there is potential for work to be performed by AT&T the existing conduits appear to be within the existing right of way. We will work with AT&T in the event of conflict.

According to AO-37, Paragraph E.4, the encroachments do not significantly affect the intended use or value of the land, and the value is not diminished by more than 10% or \$10,000. Based on the foregoing information, the Assistant County Manager, per the County policy and process recommends waiver of the title and survey defects and encroachments, restrictions, limitations, easements, and reservations of record, and requests the County Attorney's Office to proceed to closing.

cc: File