

Meeting Date
October 10, 2017



AGENDA	
Section	Consent
Item No.	II.A.7

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Subordination of Utility Interests from Florida Power & Light (FP&L) for two easements (801 & 802) for a Sidewalk Along Wickham Road in Melbourne - District 4. (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve, accept, and authorize the Chairman to execute the Subordination of Utility Interests from FP&L for parcels 801 and 802.

Summary Explanation & Background:

The subject easements are located in Section 25, Township 26 South, Range 36.

At the Brevard County Board of County Commissioners meeting on September 19, 2017, the Board approved and accepted two (2) easements from Constellation Commons, LLC for sidewalk purposes. The parcels lie within easements previously conveyed to FP&L and the two easements (801 & 802) must be subordinated.

FP&L will consider subordinating the easements on both parcels once the Brevard County Board of County Commissioners has approved them. The Subordinations of Utility Interests will then be sent to FP&L for approval and signature and returned to the County for recording.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all subordinations.

Fiscal Impact: FY2017 – 2018: No impact
FY2018 – 2019: No impact

Clerk to the Board Instructions: Forward the original executed Subordination of Utility Interests for Parcels 801 & 802 to the Department.

Exhibits Attached: Original Subordination of Utility Interests for Parcels 801& 802 with Exhibit A, Property Fact Sheet, 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 Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, PE / 57202
	Interim Assistant County Manager Jim Liesenfelt	



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

October 11, 2017

LAND ACQUISITION
OCT 16 2017
RECEIVED

MEMORANDUM

TO: Andrew Holmes, Public Works Director Attn: Dan Jones

RE: Item II.A.7., Subordination of Utility Interests from Florida Power and Light (FP&L) for Two Easements (801 and 802) for a Sidewalk Along Wickham Road, Melbourne

The Board of County Commissioners, in regular session on October 10, 2017, accepted and executed the Subordination of Utility Interests from FP&L for two easements (801 and 802) for a sidewalk along Wickham Road, Melbourne. Enclosed are two executed Subordination of Utility Interests for your action.

Upon execution by FP&L, please return a fully executed Subordination of Utility Interests 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

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)

cc: Contracts Administration
Finance
Budget

SUBORDINATION OF UTILITY INTERESTS
PUBLIC ENTITY

THIS AGREEMENT, entered into this 10 day of October, 2017, by and between Brevard County Board of County Commissioners, hereinafter referred to as "Public Entity" and Florida Power and Light Company, a Florida Corporation, hereinafter referred to as "Utility".

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of said lands for highway purposes will require subordination of interest claimed in said lands by Utility to the Public Entity and at the request of the Public Entity, the Utility has agreed, subject to the following condition, to relocate its facilities from the Utility's easement lands onto public right-of-way, or has agreed to leave its facilities on the subordinated lands (hereinafter jointly referred to as "Lands" and depicted in "EXHIBIT A" attached hereto:) and

WHEREAS, Public Entity is willing to pay to have the Utility's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained;

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and Public Entity agree as follows:

1. Utility is the owner of the following easements:

Date	For or Against	In Favor of	Recorded in Book-Page/Other
October 6, 1993	Pineda Crossing Corporation	FP&L	3371/3411

2. The Utility hereby subordinates any and all of its interest in that portion of said easement(s) lying within the lands described on "EXHIBIT A" attached hereto and made a part hereof, to the interest of the Public Entity, its successors or assigns, for the purpose of constructing, improving, maintaining and operating a road over, through, upon and/or across such Lands.

3. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon all Lands described. All new construction, major reconstruction or upgrade, removal or relocation of facilities shall be made in accordance with the Public Entity's minimum standards adopted as of the date of this Agreement. All maintenance, operation, non-major upgrade or improvement shall be made under the Public Entity's minimum standards applicable at the time of the original construction. Any new construction or relocation of facilities within the Lands will be subject to prior approval by the Public Entity. Should the Public Entity fail to approve any new construction or relocation of its facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities from or within said lands, the Public Entity hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.

4. The Utility shall have a reasonable right to enter upon the Lands described herein for the purposes outlined in paragraph 3 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the Public Entity's facilities.

Prepared by Meier G. Wise, Area Real Estate Manager
Florida Power & Light Company
P.O. Box 2851, Daytona Beach, Florida 32120-2851
Being a portion of interest in Tax Parcels # 26-36-25-79-*-[
Brevard County Easement -801

5. The Utility agrees to repair any damage to the Public Entity's facilities and indemnify the Public Entity against any loss or damage resulting from the Company exercising its rights outlined in paragraph 3 or 4 above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

Utility:
FLORIDA POWER & LIGHT COMPANY
PO Box 14000
Juno Beach, Florida 33408-0420
By: Meier G. Wise
Meier G. Wise, Real Estate Manager

Witness: Vickie S. Henson
Print Name: Vickie S. Henson
Witness: Randy M. Schwahl
Print Name: Randy M. Schwahl

(Corporate Seal)

STATE OF FLORIDA AND COUNTY OF Dolphins

The foregoing instrument was acknowledged before me this 27th day of Oct, 2017, by Meier G. Wise, as Real Estate Manager of Florida Power & Light Company, a Florida Corporation, on behalf of said corporation who is personally known to me or who has produced _____ as identification and who did/did not take an oath.



Peany M. Schwahl
Notary Public, State of Florida
Peany M. Schwahl
Print Name
My Commission Expires _____
Commission # _____

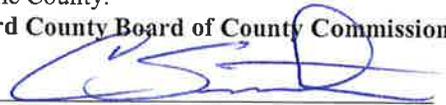
SEE ADDITIONAL SIGNATURES ON FOLLOWING PAGE

Prepared by Meier G. Wise, Area Real Estate Manager
Florida Power & Light Company
P.O. Box 2851, Daytona Beach, Florida 32120-2851
Being a portion of interest in Tax Parcels # 26-36-25-79-*.1
Brevard County Easement -801 *

Attest:

By: 
Scott Ellis, Clerk of Court

As to the County:
Brevard County Board of County Commissioners

By: 
Curt Smith, Chairman Brevard County Board of
County Commissioners

As Approved by the Board on: 10/10/17
Agenda Item # II.A.7

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 801

SHEET 1 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 2, 3, & 4 OF 4

PARENT PARCEL#: 26-36-25-79*-1

THIS IS NOT A SURVEY

PURPOSE: SIDEWALK EASEMENT

LEGAL DESCRIPTION: PARCEL 801 SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 1, CONSTELLATION COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD (A 150 FOOT WIDE RIGHT OF WAY);

THENCE, BEARING NORTH 00° 16' 28" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 12.98 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SIDEWALK EASEMENT;

THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING NORTH 10° 24' 38" WEST, A DISTANCE OF 26.97 FEET TO THE SOUTH LINE OF LOT 3 OF SAID PLAT OF CONSTELLATION COMMONS;

THENCE, BEARING SOUTH 89° 43' 32" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 5.00 FEET TO THE SAID WEST RIGHT OF WAY LINE;

THENCE, BEARING SOUTH 00° 16' 28" WEST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 26.50 FEET TO THE POINT OF BEGINNING;

CONTAINING 66.25 SQUARE FEET (0.002 ACRES) MORE OR LESS AND SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TO: CONSTELLATION COMMONS, LLC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST REVISION: MARCH 2, 2017

STEVEN N. BRICKLEY
FLORIDA SURVEYOR AND MAPPER
REGISTRATION No. 6881
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFY TO:

CONSTELLATION COMMONS, LLC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
4450 W. EAU CALLEE BLVD, SUITE 232
MELBOURNE, FL 32951
Phone: (321) 255-5434
Fax: (321) 255-7751
www.bowmanconsulting.com

Florida Certificate of Authorization No. L88030

DRAWN BY: RT

CHECKED BY: DZ

PROJECT NO. 8582-01-001

SECTION 25
TOWNSHIP 26 SOUTH
RANGE 36 EAST

DATE: 6/26/17

DRAWING:
8582-A-SWLK ESMT

REVISIONS

DATE

REVISION

7/7/17

PER COMMENTS

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 801

SHEET 2 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 1, 3, & 4 OF 4

PARENT PARCEL#: 26-36-25-79*-1

THIS IS NOT A SURVEY

PURPOSE: SIDEWALK EASEMENT

SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARING BASIS OF THIS PLAT IS THE WESTERLY RIGHT-OF-WAY LINE OF WICKHAM ROAD BEING NORTH 00°16'28" EAST. THE BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. REFER TO OWNERSHIP AND ENCUMBRANCE REPORT ORDER NO. 6459532 (CUSTOMER PREFERENCE NO. 42380), ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.
6. IN REFERENCE TO SECTION "EXCEPTIONS/INFORMATIONAL" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
 1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION AT NORTH WICKHAM, RECORDED IN PLAT BOOK 61, PAGES 55 AND 56, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
THERE ARE NO EASEMENTS (DEDICATED BY PLAT BOOK 61, PAGES 55 AND 56) THAT AFFECT PROPOSED PARCEL.
 2. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION COMMONS, RECORDED IN PLAT BOOK 62, PAGES 76 AND 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4)

THE FOLLOWING EASEMENTS DO NOT AFFECT PROPOSED PARCEL:
PUBLIC UTILITY EASEMENT ADJACENT TO THE NORTH LINE OF LOT 2;
JOINT ACCESS, DRAINAGE AND PUBLIC UTILITY EASEMENT ADJACENT TO THE WEST LINES OF LOT 2 AND LOT 3;
20' WIDE DRAINAGE EASEMENT ON LOT 1;
DRAINAGE EASEMENT ON LOT 1;
24' WIDE JOINT ACCESS AND PUBLIC UTILITY EASEMENT ON LOTS 1, 2, AND 3;
25' WIDE JOINT ACCESS AND PUBLIC UTILITY EASEMENT ON LOT 3 (ADJACENT TO PROPOSED PARCEL)
3. RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 2205, PAGE 925, AS AFFECTED BY GRANT OF EASEMENT AND ACCEPTANCE RECORDED IN OFFICIAL RECORDS BOOK 3038, PAGE 3765.
AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)
4. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 2257, PAGE 589.
AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)
5. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 3371, PAGE 3410. AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)
6. EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 528.
DOES NOT AFFECT PROPOSED PARCEL
7. ACCESS EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 538.
DOES NOT AFFECT PROPOSED PARCEL
8. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5696, PAGE 872. DOES NOT AFFECT PROPOSED PARCEL
9. DECLARATION OF COVENANTS AND RESTRICTIONS FOR CONSTELLATION AT NORTH WICKHAM RECORDED IN OFFICIAL RECORDS BOOK 7410, PAGE 1687 AND AMENDED IN OFFICIAL RECORDS BOOK 7506, PAGE 1903.
DOES NOT AFFECT PROPOSED PARCEL

(CONTINUED ON SHEET 3 OF 4)

PREPARED BY:

Bowman
CONSULTING
Bowman Consulting Group, Ltd.
4450 W EAU GALLIE BLVD, Suite 232
MELBOURNE, FL 32934

Phone: (321) 255-5434
Fax: (321) 255-7751
www.bowmanconsulting.com

SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL 801

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARENT PARCEL#: 26-36-25-79-*--1
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT SHEETS 1, 2, & 4 OF 4

THIS IS NOT A SURVEY

SURVEYOR'S NOTES: CONTINUED FROM SHEET 2 OF 4

11. UNDERGROUND EASEMENT (BUSINESS) GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 7682, PAGE 2112. DOES NOT AFFECT PROPOSED PARCEL
12. STORMWATER MAINTENANCE AGREEMENT FOR CONSTELLATION COMMONS SUBDIVISION RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1830.
EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.
13. DECLARATION OF COVENANTS, EASEMENT AND RESTRICTIONS FOR CONSTELLATION COMMONS RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1850.
EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.
14. PERMANENT SANITARY SEWER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7841, PAGE 2957.
DOES NOT AFFECT PROPOSED PARCEL.
15. DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7855, PAGE 1069.
AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)

ABBREVIATIONS:

FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
LB	LICENSED BUSINESS
NAD	NORTH AMERICAN DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
S.F.	SQUARE FEET

PREPARED BY:

Bowman
CONSULTING
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MELBOURNE, FL 32934

Phone: (321) 255-5434
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SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL 801

SHEET 4 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 1, 2, & 3 OF 4

PARENT PARCEL #: 26-36-25-79-*--1

THIS IS NOT A SURVEY

PURPOSE: SIDEWALK EASEMENT



LOT 1

CONSTELLATION AT NORTH WICKHAM
P.B. 61, PG. 55-56
PARCEL NO. 26-36-25-78-*--1

LOT 2

CONSTELLATION COMMONS
P.B. 62, PG. 76-77

LOT 1

CONSTELLATION COMMONS
P.B. 62, PG. 76-77
PARCEL ID: 26-36-25-79-*--1

30' WIDE DRAINAGE EASEMENT
O.R.B. 3038, PG. 3765
(SEE NOTE #6.3)

5' WIDE ELECTRIC EASEMENT
PER O.R.B. 2257, PG. 589
(SEE NOTE #6.4)

24' WIDE JOINT
ACCESS AND PUBLIC
UTILITY EASEMENT
PER P.B. 62, PG. 76-77

LOT 3

CONSTELLATION COMMONS
P.B. 62, PG. 76-77
PARCEL ID: 26-36-25-79-*--3

25' WIDE JOINT
ACCESS AND PUBLIC
UTILITY EASEMENT
PER P.B. 62, PG. 76-77
(SEE NOTE #6.2)

PARCEL 801
SIDEWALK EASEMENT
±66,250 S.F.
(±0.002 ACRES)

WICKHAM ROAD
150' WIDE PUBLIC RIGHT OF WAY
(O.R.B. 2325, PG. 872)

WEST R/W OF LINE
OF WICKHAM ROAD
(BEARING BASIS)

POINT OF BEGINNING
PARCEL 801
SIDEWALK EASEMENT

SOUTH LINE OF LOT 3

S 89°43'32" E
5.00'

S 00°16'28" W
26.50'

TRACT "A"
CONSTELLATION COMMONS
P.B. 62, PG. 76-77

DRAINAGE; PARKING &
LANDSCAPE EASEMENT
PER P.B. 62, PG. 76-77
(SEE NOTE #6.2)

ACCESS EASEMENT
PER O.R.B. 7855,
PG. 1069
(SEE NOTE #6.15)

15' WIDE ELECTRIC EASEMENT
PER O.R.B. 3371, PG. 3410
(SEE NOTE #6.5)

N 10°24'38" W
26.97'

N 00°16'28" E
12.98'

O.R.B. 3038, PG. 3771
PARCEL NO. 26-36-25-00-00752.0-0000.00

POINT OF COMMENCEMENT
S.E. CORNER OF LOT 1
CONSTELLATION COMMONS
P.B. 62, PG. 76-77

PREPARED BY:

Bowman
CONSULTING
Bowman Consulting Group, Ltd.
4450 W EAU GALLIE BLVD, Suite 232
MELBOURNE, FL 32934

Phone: (321) 255-5434
Fax: (321) 255-7751
www.bowmanconsulting.com

SCALE:

1" = 60'

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH
RANGE 36 EAST

SUBORDINATION OF UTILITY INTERESTS
PUBLIC ENTITY

THIS AGREEMENT, entered into this 10 day of October, 2017, by and between Brevard County Board of County Commissioners, hereinafter referred to as "Public Entity" and Florida Power and Light Company, a Florida Corporation, hereinafter referred to as "Utility".

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of said lands for highway purposes will require subordination of interest claimed in said lands by Utility to the Public Entity and at the request of the Public Entity, the Utility has agreed, subject to the following condition, to relocate its facilities from the Utility's easement lands onto public right-of-way, or has agreed to leave its facilities on the subordinated lands (hereinafter jointly referred to as "Lands" and depicted in "EXHIBIT A" attached hereto:) and

WHEREAS, Public Entity is willing to pay to have the Utility's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained;

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and Public Entity agree as follows:

1. Utility is the owner of the following easements:

Date	For or Against	In Favor of	Recorded in Book-Page/Other
March 28, 1980	Frank N. Magnuson	FP&L	2257/3411

2. The Utility hereby subordinates any and all of its interest in that portion of said easement(s) lying within the lands described on "EXHIBIT A" attached hereto and made a part hereof, to the interest of the Public Entity, its successors or assigns, for the purpose of constructing, improving, maintaining and operating a road over, through, upon and/or across such Lands.

3. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon all Lands described. All new construction, major reconstruction or upgrade, removal or relocation of facilities shall be made in accordance with the Public Entity's minimum standards adopted as of the date of this Agreement. All maintenance, operation, non-major upgrade or improvement shall be made under the Public Entity's minimum standards applicable at the time of the original construction. Any new construction or relocation of facilities within the Lands will be subject to prior approval by the Public Entity. Should the Public Entity fail to approve any new construction or relocation of its facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities from or within said lands, the Public Entity hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.

4. The Utility shall have a reasonable right to enter upon the Lands described herein for the purposes outlined in paragraph 3 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the Public Entity's facilities.

Prepared by Meier G. Wise, Area Real Estate Manager
Florida Power & Light Company
P.O. Box 2851, Daytona Beach, Florida 32120-2851
Being a portion of interest in Tax Parcels # 26-36-25-79-*3
Brevard County Easement -802

5. The Utility agrees to repair any damage to the Public Entity's facilities and indemnify the Public Entity against any loss or damage resulting from the Company exercising its rights outlined in paragraph 3 or 4 above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

FLORIDA POWER & LIGHT COMPANY
PO Box 14000
Juno Beach, Florida 33408-0420

By: Meier G. Wise
Meier G. Wise, Real Estate Manager

Vickie S. Henson
Witness:
Print Name: Vickie S. Henson

Peany M. Schwahl
Witness:
Print Name: Peany M. Schwahl (Corporate Seal)

STATE OF FLORIDA AND COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 27th day of Oct, 2017, by Meier G. Wise, as Real Estate Manager of Florida Power & Light Company, a Florida Corporation, on behalf of said corporation who is personally known to me or who has produced _____ as identification and who did/did not take an oath.



Peany M. Schwahl
Notary Public, State of Florida
Peany M. Schwahl
Print Name

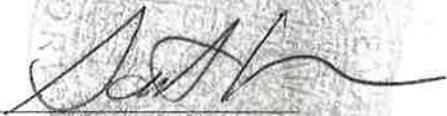
My Commission Expires: _____
Commission # _____

SEE ADDITIONAL SIGNATURES ON FOLLOWING PAGE

Prepared by Meier G. Wise, Area Real Estate Manager
Florida Power & Light Company
P.O. Box 2851, Daytona Beach, Florida 32120-2851
Being a portion of interest in Tax Parcels # 26-36-25-79-*-.3
Brevard County Easement -802

Attest:

By:


Scott Ellis, Clerk of Court

As to the County:

Brevard County Board of County Commissioners

By:


Curt Smith, Chairman, Brevard County Board of
County Commissioners

As approved by the Board on: 10/10/17
Agenda Item # II.A.7

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 802

SHEET 1 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 2, 3, & 4 OF 4

PARENT PARCEL#: 26-36-25-79-~~8~~-3

THIS IS NOT A SURVEY

PURPOSE: SIDEWALK EASEMENT

LEGAL DESCRIPTION: PARCEL 802 SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 3, CONSTELLATION COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF LOT 1, OF SAID PLAT OF CONSTELLATION COMMONS, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD (A 150 FOOT WIDE RIGHT OF WAY);

THENCE, BEARING NORTH 00° 16' 28" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 34.98 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SIDEWALK EASEMENT;

THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING NORTH 89° 43' 32" WEST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 5.00 FEET TO A POINT;

THENCE, BEARING NORTH 10° 13' 30" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 28.94 FEET TO THE SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD;

THENCE, BEARING SOUTH 00° 16' 28" WEST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 28.50 FEET TO THE POINT OF BEGINNING;

CONTAINING 71.25 SQUARE FEET (0.002 ACRES) MORE OR LESS AND SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TO: CONSTELLATION COMMONS, LLC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELDWORK: MARCH 2, 2017

STEVEN N. BRICKLEY
FLORIDA SURVEYOR AND MAPPER
REGISTRATION No. 6841
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFY TO:

CONSTELLATION COMMONS, LLC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

Bowman
CONSULTING

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Florida Certificate of Authorization No. LB8030

DRAWN BY: RT

CHECKED BY: DZ

PROJECT NO. 8582-01-001

SECTION 25

REVISIONS

DATE

REVISION

TOWNSHIP 26 SOUTH

DATE: 6/26/17

DRAWING:
8582-A-SWLK ESMT

7/7/17

PER COMMENTS

RANGE 36 EAST

8/4/17

PER COMMENTS

LEGAL DESCRIPTION

PARCEL 802

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARENT PARCEL#: 26-36-25-79-3-3
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 2 OF 4

NOT VALID WITHOUT SHEETS 1, 3, & 4 OF 4

THIS IS NOT A SURVEY

SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARING BASIS OF THIS PLAT IS THE WESTERLY RIGHT-OF-WAY LINE OF WICKHAM ROAD BEING NORTH 00°16'28" EAST. THE BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. REFER TO OWNERSHIP AND ENCUMBRANCE REPORT ORDER NO. 6459532 (CUSTOMER PREFERENCE NO. 42380), ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.
6. IN REFERENCE TO SECTION "EXCEPTIONS/INFORMATIONAL" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
 1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION AT NORTH WICKHAM, RECORDED IN PLAT BOOK 61, PAGES 55 AND 56, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
THERE ARE NO EASEMENTS (DEDICATED BY PLAT BOOK 61, PAGES 55 AND 56) THAT AFFECT PROPOSED PARCEL.
 2. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION COMMONS, RECORDED IN PLAT BOOK 62, PAGES 76 AND 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4)

THE FOLLOWING EASEMENTS DO NOT AFFECT PROPOSED PARCEL:
PUBLIC UTILITY EASEMENT ADJACENT TO THE NORTH LINE OF LOT 2;
JOINT ACCESS, DRAINAGE AND PUBLIC UTILITY EASEMENT ADJACENT TO THE WEST LINES OF LOT 2 AND LOT 3;
20' WIDE DRAINAGE EASEMENT ON LOT 1;
DRAINAGE EASEMENT ON LOT 1;
24' WIDE JOINT ACCESS AND PUBLIC UTILITY EASEMENT ON LOTS 1, 2, AND 3;
DRAINAGE; PARKING AND LANDSCAPE EASEMENT ON LOT 1 (ADJACENT TO PROPOSED PARCEL)
3. RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 2205, PAGE 925, AS AFFECTED BY GRANT OF EASEMENT AND ACCEPTANCE RECORDED IN OFFICIAL RECORDS BOOK 3038, PAGE 3765.
AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)
4. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 2257, PAGE 589.
AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)
5. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 3371, PAGE 3410. **DOES NOT AFFECT PROPOSED PARCEL**
6. EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 528.
DOES NOT AFFECT PROPOSED PARCEL
7. ACCESS EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 538.
DOES NOT AFFECT PROPOSED PARCEL
8. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5696, PAGE 872. **DOES NOT AFFECT PROPOSED PARCEL**
9. DECLARATION OF COVENANTS AND RESTRICTIONS FOR CONSTELLATION AT NORTH WICKHAM RECORDED IN OFFICIAL RECORDS BOOK 7410, PAGE 1687 AND AMENDED IN OFFICIAL RECORDS BOOK 7506, PAGE 1903.
DOES NOT AFFECT PROPOSED PARCEL

(CONTINUED ON SHEET 3 OF 4)

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SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL 802

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL#: 26-36-25-79-0-3

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT SHEETS 1, 2, & 4 OF 4

THIS IS NOT A SURVEY

SURVEYOR'S NOTES: CONTINUED FROM SHEET 2 OF 4

11. UNDERGROUND EASEMENT (BUSINESS) GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 7682, PAGE 2112. **DOES NOT AFFECT PROPOSED PARCEL**
12. STORMWATER MAINTENANCE AGREEMENT FOR CONSTELLATION COMMONS SUBDIVISION RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1830.
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.**
13. DECLARATION OF COVENANTS, EASEMENT AND RESTRICTIONS FOR CONSTELLATION COMMONS RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1850.
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.**
14. PERMANENT SANITARY SEWER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7841, PAGE 2957.
DOES NOT AFFECT PROPOSED PARCEL.
15. DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7855, PAGE 1069.
ADJACENT TO PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)

ABBREVIATIONS:

FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
LB	LICENSED BUSINESS
NAD	NORTH AMERICAN DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
S.F.	SQUARE FEET

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SCALE:

N/A

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SECTION 25
TOWNSHIP 26 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL 802

SHEET 4 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 1, 2, & 3 OF 4

PARENT PARCEL#: 26-36-25-79-*--3

THIS IS NOT A SURVEY

PURPOSE: SIDEWALK EASEMENT

LOT 1

CONSTELLATION AT NORTH WICKHAM

P.B. 61, PG. 55-56

PARCEL NO. 26-36-25-78-*--1



LOT 1
CONSTELLATION COMMONS
P.B. 62, PG. 76-77
PARCEL ID: 26-36-25-79-*--1

30' WIDE DRAINAGE EASEMENT
O.R.B. 3038, PG. 3765
(SEE NOTE #6.3)

LOT 2
CONSTELLATION COMMONS
P.B. 62, PG. 76-77

5' WIDE ELECTRIC EASEMENT
PER O.R.B. 2257, PG. 589
(SEE NOTE #6.4)

24' WIDE JOINT
ACCESS AND PUBLIC
UTILITY EASEMENT
PER P.B. 62, PG. 76-77

LOT 3
CONSTELLATION COMMONS
P.B. 62, PG. 76-77
PARCEL ID: 26-36-25-79-*--3

25' WIDE JOINT
ACCESS AND PUBLIC
UTILITY EASEMENT
PER P.B. 62, PG. 76-77
(SEE NOTE #6.2)

N 10°13'30" E
28.94'
PARCEL 802
SIDEWALK EASEMENT
±71.250 S.F.
(±0.002 ACRES)

SOUTH LINE OF LOT 3

WEST R/W OF LINE
OF WICKHAM ROAD
(BEARING BASIS)
WICKHAM ROAD
150' WIDE PUBLIC RIGHT OF WAY
(O.R.B. 2325, PG. 872)

POINT OF BEGINNING
PARCEL 802
SIDEWALK EASEMENT
S.W. CORNER OF LOT 3

TRACT "A"
CONSTELLATION COMMONS
P.B. 62, PG. 76-77

DRAINAGE; PARKING &
LANDSCAPE EASEMENT
PER P.B. 62, PG. 76-77
(SEE NOTE #6.2)

ACCESS EASEMENT
PER O.R.B. 7855,
PG. 1069
(SEE NOTE #6.15)

15' WIDE ELECTRIC EASEMENT
PER O.R.B. 3371, PG. 3410

N 89°43'32" W
5.00'

O.R.B. 3038, PG. 3771
PARCEL NO. 26-36-25-00-00752.0-0000.00

POINT OF COMMENCEMENT
S.E. CORNER OF LOT 1
CONSTELLATION COMMONS
P.B. 62, PG. 76-77

S 00°16'28" W
28.50'

N 00°16'28" E
34.98'

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SCALE:

1" = 60'

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH
RANGE 36 EAST

PROPERTY FACT SHEET

**SUBORDINATION OF FP&L EASEMENTS, PARCELS 801 & 802
Constellation Commons LLC, a Florida limited liability company**

OWNER:	Constellation Commons LLC, a Florida limited liability company
PARCEL LOCATION:	Fronting Wickham Road
PARENT PARCEL SIZE:	11.32 acres
ZONING/LANDUSE:	R-18 (Low Density Residential)
IMPROVEMENTS:	Sanitary Sewer Line/Facilities
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (Outside 500-year Flood)
TAX PARCEL ID's#:	26-36-25-79-*-3 26-36-25-79-*-1
MARKET VALUE:	\$1,479,450 (2016 Assessment) (Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities available
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: 12-29-2015 Sale amount: \$1,175,000.00 (Official Record Book & Page, 7522/2908)

LOCATION MAP

SEC: 25 TWP: 26 RNG: 36 DISTRICT: 4

STREET NAME: WICKHAM ROAD

OWNER'S NAME: CONSTELLATION COMMONS, LLC.

