



AGENDA REPORT
December 4, 2018

**Approval Re: Permanent Sanitary Sewer Easement from Baytree Plaza, LLC
- District 4. (Fiscal Impact: None)**

SUBJECT:

Approval Re: Permanent Sanitary Sewer Easement from Baytree Plaza, LLC - District 4.

FISCAL IMPACT:

Fiscal Impact: FY 2018-2019: No impact
FY 2019-2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept a Permanent Sanitary Sewer Easement from Baytree Plaza, LLC.

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Section 11, Township 26 South, Range 36 East.

The property owners have constructed a sanitary sewer system on property located along Wickham Road in Suntree for the use and benefit of their retail development. They are required by Brevard County Code to construct the system to County specifications and convey an easement to the County for access and maintenance of the facilities.

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

CLERK TO THE BOARD INSTRUCTIONS:

Return Board approval memo to Public Works Land Acquisition Section and copy to Utility Services Department.

ATTACHMENTS:

Description

- **Baytree Easement Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: SHOPPES AT BAYTREE PERMANENT SANITARY SEWER EASEMENT
FROM BAYTREE PLAZA, LLC - DISTRICT 4

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

AGENCY
CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT
PHONE: 321-690-6847 (52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>10/31/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>11/2/18</u>

AGENDA DUE DATE: November 13, 2018 for the December 4, 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

December 5, 2018

MEMORANDUM

TO: Dan Jones, Interim Public Works Director

RE: Item F.6., Approval of Permanent Sanitary Sewer Easement from Baytree Plaza, LLC

The Board of County Commissioners, in regular session on December 4, 2018, approved and accepted a permanent Sanitary Sewer Easement from Baytree Plaza, LLC.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

cc: Utility Services

Prepared by and Return to: Blaise M. Mancini, Land Acquisition Specialist
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.: T-26-R-36-S-11-00-528 & 530

PERMANENT SANITARY SEWER EASEMENT

THIS INDENTURE, made this 30th day of October, 2018, between Baytree Plaza, LLC, a Florida Limited Liability Company, whose mailing address is, 1431 Orange Camp Road, Suite 110, Deland, Florida 32724, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, as the second party, for the use and benefit of Brevard County, Florida;

WITNESSETH: That the first party, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a Permanent Sanitary Sewer Easement commencing on the above date, for the sole purpose of constructing, operating, and maintaining a sanitary sewer line and associated facilities, and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 11, Township 26, Range 36, County of Brevard, State of Florida, and is more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns, the first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness
Robert G. Nagel
Print Name
Donna M. Rotondo
Witness
Donna M. Rotondo
Print Name

Baytree Plaza, LLC
[Signature]
Frank J. Cannon, Co-Manager

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 30th day of October, 2018, by Frank J. Cannon, who is personally known to me or who has produced N/A as identification and who did/did not take an oath.

WITNESS my hand and official seal on this 30th day of October 2018.

[Signature]
NOTARY PUBLIC

Board Meeting Date: _____
Agenda Item #: _____

(SEAL)



SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL # 800

SHEET 1 OF 3

NOT VALID WITHOUT SHEET 2 AND 3 OF 3

THIS IS NOT A SURVEY

PARENT PARCEL ID: 26-36-11-00-528 & 530
 PURPOSE: PERMANENT SANITARY SEWER EASEMENT

DESCRIPTION PARCEL 800 PERMANENT SANITARY SEWER EASEMENT (BY SURVEYOR):

A 20.00 FOOT WIDE PERMANENT SANITARY SEWER EASEMENT BEING A PORTION OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 8074 PAGE 1371 OF BREVARD COUNTY PUBLIC RECORDS AND LYING IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LYING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHWEST CORNER OF LANDS AS DESCRIBED IN OFFICAL RECORDS BOOK 8074, PAGE 1371 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 00°58'45" EAST ALONG THE EAST LINE OF BAYTREE BOULEVARD A 60.00 WDE FOOT RIGHT-OF-WAY AS DESCRIBED IN OFFICAL RECORDS BOOK 4125, PAGE 3848 OF SAID PUBLIC RECORDS A DISTANCE OF 54.28 FEET TO THE POINT-OF-BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE SOUTH 27°34'08" EAST A DISTANCE OF 92.44 FEET; THENCE NORTH 88°27'11" EAST A DISTANCE OF 197.67 FEET; THENCE SOUTH 02°24'48" EAST A DISTANCE OF 137.94 FEET; THENCE NORTH 89°08'11" EAST A DISTANCE OF 138.26 FEET; THENCE NORTH 88°29'36" EAST A DISTANCE OF 209.53 FEET TO THE POINT-OF-TERMINATION OF THIS CENTERLINE DESCRIPTION.

CONTAINING 15,517 SQ FEET (0.36 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAYS OF RECORD.

CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS AS DIRECTED BY THE BREVARD COUNTY SURVEY DEPARTMENT AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 402.07, FLORIDA STATUTES.

(Signature)
 JOSEPH BARRY CABANISS, P.E., S. STATE OF FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524
 BUSSEN-MAYER ENGINEERING, INC. 3535

PREPARED FOR AND CERTIFIED TO:
BAYTREE PLAZA, LLC
 (SEWER EASEMENT)

PREPARED BY: **Bussen-Mayer Engineering Group**
 100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
 PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885

DRAWN BY: <u>JWS</u>	CHECKED BY: <u>JBC</u>	PROJECT NO. <u>342820</u>	SECTION <u>11</u>
DATE: <u>2018-10-16</u>	DRAWING NO.: <u>342820-SK02</u>	REVISIONS	TOWNSHIP <u>26</u> SOUTH
		DATE	RANGE <u>36</u> EAST
		DESCRIPTION	

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL # 800

SHEET 3 OF 3
NOT VALID WITHOUT SHEET 1 AND 2 OF 3

THIS IS NOT A SURVEY

PARENT PARCEL ID: 26-36-11-00-528 & 530
PURPOSE: PERMANENT SANITARY SEWER EASEMENT

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BEING "N.00°58'45"W.", AN ASSUMED BEARING.
3. THIS SKETCH AND DESCRIPTION IS BASED ON AS-BUILT LOCATIONS OF SANITARY SEWER BY MORGAN AND ASSOCIATES, DATED 9/20/18 AND REVISED 10/11/18.
4. PURSUANT TO THE OWNERSHIP AND ENCUMBRANCE REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2037-4153743 DATED 18OCT2018, THE FOLLOWING ITEMS WERE REVIEWED:
 - 4-1. O.R. BOOK 3211, PAGE 3490: LANDSCAPE, DRAINAGE AND PUBLIC UTILITIES EASEMENT IN FAVOR OF BREVARD COUNTY; ENCUMBERS SOUTH 15.00 FEET OF PARCEL 1.
 - 4-2. O.R. BOOK 4164, PAGE 0381; NON-EXCLUSIVE EASEMENT IN FAVOR OF BREVARD COUNTY; ENCUMBERS SITE (SEE GRAPHICS). RELOCATING DRAINAGE EASEMENT TO LOCATION SHOWN.
 - 4-3. O.R. BOOK 4142, PAGE 422: RELOCATING DRAINAGE EASEMENT (SEE GRAPHICS).
 - 4-4. O.R. BOOK 7761, PAGE 1245, DELETING AND REMOVING THE STORMWATER, TEMPORARY CONSTRUCTION AND SUPPORT EASEMENTS ESTABLISHING TERMS AND CONDITIONS OF THE AGREEMENT; ENCUMBERS ENTIRE SITE (NOT SHOWN).
 - 4-5. O.R. BOOK 7983, PAGE 2053: TERMS AND CONDITIONS IN MEMORANDUM OF LEASE, ENCUMBERS ALL OF PARCEL 1 (NOT SHOWN).
 - 4-6. O.R. BOOK 8074 PAGE 1412 - NOT SHOWN ENCUMBERS ALL OF PARCEL 1.
 - 4-7. O.R. BOOK 8074 PAGE 1427 - NOT SHOWN ENCUMBERS ALL OF PARCEL 1.
 - 4-8. O.R. BOOK 8248 PAGE 943 - NOT SHOWN ENCUMBERS ALL OF PARCEL 1.
 - 4-9. O.R. BOOK 8163 PAGE 2650 - NOT SHOWN ENCUMBERS ALL OF PARCEL 1.
 - 4-10. O.R. BOOK 8219 PAGE 2713 - ENCUMBERS PARCEL 1, SEE GRAPHICS.
 - 4-11. O.R. BOOK 8268 PAGE 1655 - ENCUMBERS ALL OF PARCEL 1 AND 2- NOT SHOWN.
 - 4-12. O.R. BOOK 8248 PAGE 980 - NOT SHOWN, ENCUMBERS ALL OF PARCEL 1 AND 2.
 - 4-13. O.R. BOOK 8248 PAGE 1009 - NOT SHOWN, ENCUMBERS ALL OF PARCEL 2.
5. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND IS VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
6. THIS SKETCH AND DESCRIPTION IS CERTIFIED CORRECT TO:
BAYTREE PLAZA, LLC;
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LEGEND:

FND.	FOUND	CCR	CERTIFIED CORNER	①	LINE DESIGNATION
COR.	CORNER		RECORD		
C.M.	CONCRETE MONUMENT	w/	WITH		
O.R.B.	OFFICIAL RECORDS BOOK	⊕	CENTERLINE		
PB	PLAT BOOK	—V—	GRAPHICS NOT TO		
PG.	PAGE		SCALE		
R/W	RIGHT-OF-WAY	(N.T.S.)	NOT TO SCALE		
PC	POINT-OF-CURVATURE	(N.I.C.)	NOT INCLUDED		
PRC	POINT-OF-REVERSE	SEC.	SECTION		
	CURVATURE	TWP.	TOWNSHIP		
PT	POINT-OF-TANGENCY	RNG.	RANGE		

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET * MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 459-0010 FAX NO.: (321) 454-0886



SCALE: N/A

SECTION 11

PROJECT NO:
342820

TOWNSHIP 26 SOUTH

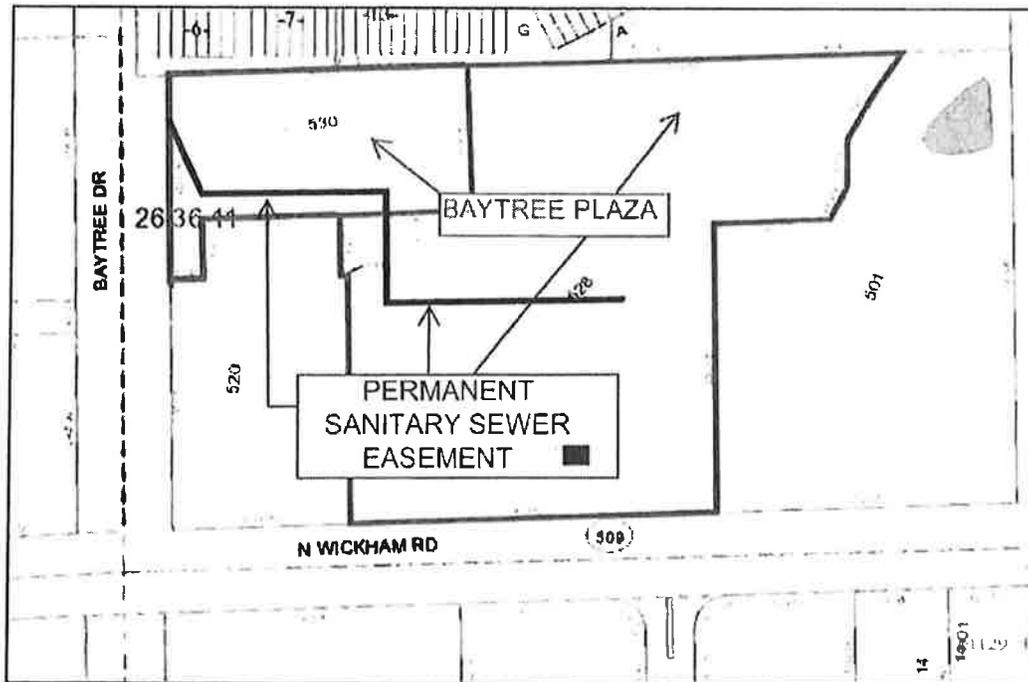
RANGE 36 EAST

LOCATION MAP

SEC:11 TWP:26 RNG:36 DISTRICT:

STREET NAME: WICKHAM ROAD

OWNER'S NAME: BAYTREE PLAZA, LLC



PROPERTY FACT SHEET

**BAYTREE PLAZA, LLC
PERMANENT SANITARY SEWER EASEMENT**

OWNER:	Baytree Plaza, LLC.
PARCEL LOCATION:	7954 North Wickham Road Fronting North Side of Wickham Road, Lying East of Baytree Blvd.
PARENT PARCEL SIZE:	7.53 Acres
EASEMENT SIZE	.36 Acres
ZONING/LANDUSE:	Commercial (Retail)
IMPROVEMENTS:	Retail Shops
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (Outside 500-year Flood)
TAX PARCEL ID#:	26-36-11-00-528 & 530
MARKET VALUE:	\$1,912,000.00 (2018 Assessment) (Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities available
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: 1-10-2018 Sale amount: \$2,375,000.00 (Official Record Book & Page, 8074/1371)