

Meeting Date
February 20, 2018



AGENDA	
Section	Consent
Item No.	<i>II.A.5</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Extension of Agreement Regarding Reservation of Right to Occupy Between Brevard County and William J. Page Related to the Pineda Grade Change 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 approve and authorize the Chair to execute the Extension of Agreement Regarding Reservation of Right to Occupy Between Brevard County, Florida (County) and William J. Page (Page) Dated December 15, 2015.

Summary Explanation & Background:

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

In February of 2016, County entered into a Memorandum of Agreement reserving certain rights to Mr. Page by allowing continued occupancy of the site until February 4, 2018.

Mr. Page has requested an extension until March 30, 2018, to allow for the completion of the construction on the site where he will be relocating. Due to the impact of the hurricane season on construction and the permitting process related to this project, Mr. Page has been delayed.

It is staff's recommendation to support the request for Extension.

Fiscal Impact – 2017 – 2018: No Impact
2018 – 2019: No Impact

Clerk to the Board Instructions: Forward original executed Extension of Agreement Regarding Reservation of Right to Occupy Between Brevard County, Florida (County) and William J. Page (Page) Dated December 15, 2015, to Land Acquisition.

Exhibits Attached: Original Extension of Agreement Regarding Reservation of Right to Occupy Between Brevard County, Florida (County) and William J. Page (Page) dated December 15, 2015, copy of Memorandum of Agreement recorded on February 5, 2016

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

BOARD OF COUNTY COMMISSIONERS

AGENDA: EXTENSION OF AGREEMENT REGARDING RESERVATION OF RIGHT TO OCCUPY BETWEEN BREVARD COUNTY, FLORIDA AND WILLIAM J. PAGE DATED DECEMBER 15, 2015, RELATED TO THE PINEDA GRADE CHANGE PROJECT - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u></u>	_____	<u>02/11/18</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>see attached</u>	_____	<u>02/01/18</u>
PUBLIC WORKS DEPARTMENT Andrew J. Holmes, PE, Director	<u></u>	_____	<u>2/1/2018</u>

AGENDA DUE DATE: February 6, 2018 for the February 20, 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.

BOARD OF COUNTY COMMISSIONERS

AGENDA: EXTENSION OF AGREEMENT REGARDING RESERVATION OF RIGHT TO OCCUPY BETWEEN BREVARD COUNTY, FLORIDA AND WILLIAM J. PAGE DATED DECEMBER 15, 2015, RELATED TO THE PINEDA GRADE CHANGE PROJECT - DISTRICT 4

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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPS</u>	_____	<u>2/1/18</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>[Signature]</u>	_____	<u>2/1/18</u>
ASSISTANT COUNTY MANAGER John Denninghoff, ACM	_____	_____	_____

AGENDA DUE DATE: February 6, 2018 for the February 20, 2018 Board meeting

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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

February 21, 2018

M E M O R A N D U M

TO: Andrew Holmes, Public Works Director

RE: Item II.A.5., Extension of Agreement for Reservation of Right to Occupy Between Brevard County and William J. Page Related to the Pindea Grade Change Project

The Board of County Commissioners, in regular session on February 20, 2018, executed the Extension of Agreement Regarding Reservation of Right to Occupy with William J. Page related to the Pindea Grade Change Project. Enclosed is a fully-executed copy of the Extension of Agreement.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Contracts Administration
Budget
Finance

**EXTENSION OF AGREEMENT
REGARDING RESERVATION OF RIGHT TO OCCUPY
BETWEEN BREVARD COUNTY, FLORIDA (County) AND WILLIAM J. PAGE (Page)
DATED DECEMBER 15, 2015**

Whereas, the parties entered into this agreement on December 15, 2015; and

Whereas, the parties anticipated a new building could be constructed by Page in the two year time period provided; and

Whereas, Page has been diligently working to construct a new facility where he can move his tenants and his property; and

Whereas, due to Hurricane Irma in the Fall of 2017 and the emergency conditions which ensued; and

Whereas, Governor Scott issued an emergency proclamation which extends the time frames for permits applications and many other items; and

Whereas, Page has requested an extension from February 4, 2018 until March 30, 2018.

NOW THEREFORE, it is hereby agreed:

1. The foregoing recitals are adopted herein.
2. The term of the agreement contained in Paragraph 2 is hereby amended to extend the expiration date from February 4, 2018 to March 30, 2018.
3. All other terms of the agreement shall remain in full force and effect.

Attest:



A handwritten signature in blue ink, appearing to read "Scott Ellis", is written over a faint circular official seal of Brevard County, Florida.

Scott Ellis, Clerk

Board of County Commissioners, Brevard
County, Florida:

By: 
A handwritten signature in blue ink, appearing to read "Rita Pritchett", is written over a horizontal line.

Rita Pritchett, Chair

As approved by the Board on 2/20/18

(Additional signatures on following page)

William J. Page:

Witnesses:

By: William J. Page
William J. Page

[Signature]

Print Name: Scott Leidich

[Signature]

Print Name: DAN JONES

Gray Robinson
P.O. Box 3008 - HC
Orlando FL 32802
407-843-8880

CFN 2016021757, OR BK 7544 PAGE 556,
Recorded 02/05/2016 at 02:24 PM, Scott Ellis, Clerk of Courts,
Brevard County
Pgs:3

Prepared by:
Eden Bentley, Deputy County Attorney
2725 Judge Fran Jamieson Way
Building C
Viera, FL 32940

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement executed by the Buyer, Board of County Commissioners of Brevard County, Florida and Seller, William J. Page, is provided for recording in the Public Records of Brevard County Florida to advise that Seller reserved certain rights in a portion of the property transferred to Brevard County, Florida for a term not to exceed February 4, 2018 and which may terminate at an early date pursuant to the provisions of an Agreement between the parties entitled Agreement Regarding Reservation of Right to Occupy executed on the date of the transfer of the property described in Exhibit "A" to Brevard County, Florida. The original of this agreement is a public record and the provisions of an executed copy of that agreement may be reviewed by any person, upon request, to the Brevard County Clerk to the Board of County Commissioners or the County Attorney's Office.

Attest:



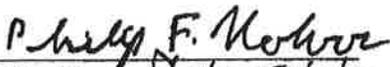
Scott Ellis, Clerk

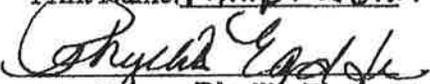
Board of County Commissioners, Brevard
County, Florida:

By: 

Print Name: Jim Barfield
Title: as Chairman

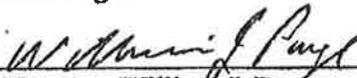
Witnesses:



Print Name: Philip F. Mohr


Print Name: Phyllis Egendoerfer

William J Page:

By: 

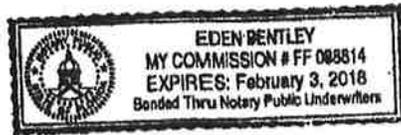
Print Name: William J. Page

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 25 day of February, 2016, by Jim Barfield as Chairman of Board of County Commissioners, Brevard County, Florida, who is personally known to me or has produced as identification.

Eden Bentley
Signature of Notary Public
Print Name: _____
Notary Public - State of Florida
My Commission Expires: _____
Commission No: _____

(NOTARY SEAL)



STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 27 day of January, 2016, by William J. Page, who is personally known to me or has produced as identification.

Phyllis Engel Egendoerfer
Signature of Notary Public
Print Name: _____
Notary Public - State of Florida
My Commission Expires: _____
Commission No: _____

(NOTARY SEAL)

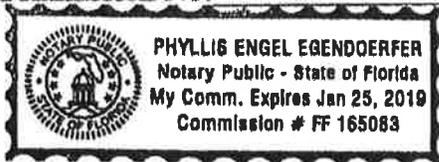


Exhibit A

A parcel of land lying in Section 19., Township 26 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows: Begin at the Intersection of the West right of way line of the Florida East Coast Railroad with the South right of way line of the Pineda Causeway and run South; 70 degrees 39'49" West, along said South right of way line, a distance of 504.40 feet; thence run South 18 degrees 44'01" East, parallel to said West right of way line, a distance of 518.23 feet; thence run North 70 degrees 39'49" East, parallel to aforesaid South right of way line, a distance of 504.40 feet, to a point on said West right of way line; thence run North 18 degrees 44'01" West, along said West right of way line, a distance of 518.23 feet to the Point of Beginning of this description

Less and Except

A part of the Southwest 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

BEGINNING at Intersection of the South Right-of-Way line of Pineda Causeway Extension, (said Right-of-Way being 200 feet in width) as shown on Brevard County Survey, Project No. 500014-214, and the West Right-of-Way line of the Florida East Coast Railroad; thence S. 18 degrees 49'20" E., along said West Right of Way line for 518.21 feet; thence S. 70 degrees 33'25" W. along the South line of lands described in Official Records Book 3547, Page 0021, Public Records, Brevard County, Florida, for 300.00 feet; thence N. 18 degrees 49'20" W. for 308.21 feet; thence N. 70 degrees 33'25" E. for 200.00 feet, thence N. 18 degrees 49'20" W. for 210.00 feet to said South Right-of-Way line; thence N. 70 degrees 33'25" E. along said South Right-of-Way line for 100.00 feet to the POINT OF BEGINNING.

Also described as:

LEGAL DESCRIPTION: PARCEL 110A (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3547, PAGE 21 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING WITHIN IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF FLORIDA EAST COAST RAILWAY WITH THE SOUTH RIGHT OF WAY LINE OF PINEDA CAUSEWAY EXTENSION SAID RIGHT-OF-WAY BEING 200 FEET IN WIDTH, AS SHOWN ON BREVARD COUNTY SURVEY, PROJECT NO. 500014-5214, AS RECORDED IN ROAD PLAT BOOK 1, PAGE 47; THENCE RUN SOUTH 70°33'22" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4563, PAGE 1249, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, RUN ALONG THE WESTERLY LINE OF AFORESAID DESCRIBED LANDS THE FOLLOWING THREE COURSES: (1) SOUTH 18°49'35" EAST FOR A DISTANCE OF 210.00 FEET; (2) THENCE SOUTH 70°33'22" WEST FOR A DISTANCE OF 200.00 FEET; (3) THENCE SOUTH 18°49'35" EAST FOR A DISTANCE OF 308.21 FEET TO A POINT ON THE NORTH LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3946, PAGE 1762; THENCE SOUTH 70°33'22" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 204.40 FEET TO THE SOUTHWEST CORNER OF AFORESAID DESCRIBED LANDS; THENCE NORTH 18°49'35" WEST ALONG THE WEST LINE OF AFORESAID DESCRIBED LANDS FOR A DISTANCE OF 518.21 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID PINEDA CAUSEWAY EXTENSION; THENCE RUN NORTH 70°33'22" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 404.40 FEET TO THE POINT OF BEGINNING, CONTAINING 3.40 ACRES (148,104 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, AGREEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD.