

Meeting Date
March 3, 2015



AGENDA	
Section	Consent
Item No.	II. A. 8

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

<b>SUBJECT:</b>	Approval Re: Permanent Utility Easement from 330 Pineda Court, LLC, in favor of Brevard County to service an existing professional office building - District 4
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<b>DEPT/OFFICE:</b>	Public Works Department / Land Acquisition Section / Utility Services Department
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**Requested Action:**  
 It is requested that the Board of County Commissioners approve and authorize the Chairman to accept the Permanent Utility Easement for maintenance of existing sanitary sewer structures from 330 Pineda Court, LLC.

**Summary Explanation & Background:**

The subject property is located in Section 13, Township 26 South, Range 36 East.

The easement is located on the south side of the property located at 3275 Suntree Boulevard in Melbourne.

This easement is required by Brevard County Utility Services Department for the purposes of maintaining a sanitary sewer line for service to a professional office building owned by 330 Pineda Court, LLC.

The property does not have a mortgage.

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

**Fiscal impact: FY 2014-2015: Recording Fees to be paid from Funding Account # 4150/365135/5340000**  
**FY 2015-2016: No impact**

**Clerk to the Board Instructions:** Forward the Board Approval Memo to Department.

**Exhibits Attached:** Copy of Executed Permanent Utility Easement (with attached Sketch & Description), Location Map and Property Fact Sheet

**Contract /Agreement (If attached):** Reviewed by County Attorney    Yes         No     PR

<b>County Manager</b>	<b>Assistant County Manager</b>	<b>Department Director / Extension</b>
Stockton Whitten	Mel Scott Assistant County Manager	John P Denninghoff / 57202
	Venetta Valdengo	Robert Adolphe / 52091



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

March 4, 2015

**M E M O R A N D U M**

**TO:** John Denninghoff, Public Works Director

**RE:** Item II.A.8., Permanent Utility Easement from 330 Pineda Court, LLC for Service on Existing Professional Office Building

The Board of County Commissioners, in regular session on March 3, 2015, accepted Permanent Utility Easement from 330 Pineda Court, LLC for maintenance of existing sanitary sewer structures on an existing professional office building located at 3275 Suntree Boulevard in Melbourne.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

cc: Natural Resources Management Interim Director  
Asset Management

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: ACCEPTANCE OF PERMANENT UTILITY EASEMENT FROM 330 PINEDA COURT, LLC IN FAVOR OF BREVARD COUNTY FOR THE PURPOSE OF MAINTAINING AN EXISTING SANITARY SEWER LINE – 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(5-2886)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u></u>	_____	<u>2/10/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>see attached</u>	_____	<u>2/11/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	<u></u>	_____	<u>2/19/15</u>
UTILITY SERVICES DEPT. Robert Adolphe, Director	<u></u>	_____	<u>2/12/15</u>

AGENDA DUE DATE: February 17, 2015 for the March 3, 2015 Meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

**BOARD OF COUNTY COMMISSIONERS**



AGENDA: ACCEPTANCE OF PERMANENT UTILITY EASEMENT FROM 330 PINEDA COURT, LLC IN FAVOR OF BREVARD COUNTY FOR THE PURPOSE OF MAINTAINING AN EXISTING SANITARY SEWER LINE – DISTRICT 4

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COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u></u>	_____	<u>2/11/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	_____	_____	_____
UTILITY SERVICES DEPT. Robert Adolphe, Director	_____	_____	_____

AGENDA DUE DATE: February 17, 2015 for the March 3, 2015 Meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

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  
Being a portion of Interest in Tax Parcel I.D.: 26-36-13-00.00008.0-0000.00

**PERMANENT UTILITY EASEMENT**

THIS INDENTURE, made this 9<sup>th</sup> day of February, 2015, between 330 Pineda Court, LLC, a Florida limited liability company, whose mailing Address is 3275 Suntree Boulevard, Melbourne, Florida 32940, as the first party, and Brevard County, 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;

WITNESSETH: That the first party, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, does hereby grant unto the second party, its successors and assigns, a perpetual utility easement commencing on the above date, for the purposes of maintaining a sanitary sewer line and other allied uses pertaining thereto.

The land affected by the granting of this easement is located in Section 13, Township 26 South, Range 36 East, County of Brevard, State of Florida, 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 a 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:

Anthony Reilly  
Witness  
Anthony Reilly  
(Print)  
Wayne H Sanford  
Witness  
WAYNE H SANFORD  
(Print)

330 Pineda Court, a Florida limited liability company  
Jeffery A. Simon  
Jeffery A. Simon, as Manager

**STATE OF FLORIDA  
COUNTY OF BREVARD**

Jeffery A. Simon acknowledged the foregoing instrument before me this 9<sup>th</sup> day of February, 2015, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

WITNESS my hand and official seal at County of Brevard, State of Florida, this 9<sup>th</sup> day of February, 2015.



Board Date: \_\_\_\_\_  
Agenda Item #: \_\_\_\_\_

Amy B Hancock  
NOTARY PUBLIC  
Amy B Hancock  
Print Name  
Commission No. FF014695  
Commission Expires: 05/10/2017

# SKETCH OF DESCRIPTION

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PURPOSE: TO ACQUIRE A 15.00 FOOT WIDE STRIP OF LAND FOR A PERMANENT SANITARY SEWER EASEMENT IN FAVOR OF BREVARD COUNTY.

THIS SKETCH IS NOT A SURVEY AND IS NOT VALID WITHOUT SHEET 1 OF 2.

**EXHIBIT "A"**  
SHEET 2 OF 2



NOT TO SCALE

TAX PARCEL 6.0  
KENNEDY SPACE CENTER  
FEDERAL CREDIT UNION  
ORB 3493, PAGE 2950  
ADDRESS: 7007 N WICKHAM RD

TAX PARCEL 8.0  
OWNER: 330 PINEDA COURT LLC  
ORB 6300, PAGE 2031  
ADDRESS: 3275 SUNTREE BLVD

SOUTH LINE OF THE  
NW<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub> OF  
SECTION 13-26-36

EAST LINE OF  
THE NW<sup>1</sup>/<sub>4</sub> OF  
THE NE<sup>1</sup>/<sub>4</sub> OF  
SECTION 13

WEST RIGHT OF WAY LINE  
OF PINEDA COURT  
PARCEL "A"

PARCEL "B"

SOUTH 15.00' OF  
PARCEL "B" PER ORB  
6300, PAGE 2031

N89°33'27"E 305.97'

N89°33'27"E 305.97'

S89°33'27"W 305.97'

SOUTH LINE OF ORB  
6300, PAGE 2031

SE CORNER OF THE  
NW<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub> OF  
SECTION 13-26-36

LOT 1  
SUNTREE PLANNED UNIT  
DEVELOPMENT STAGE  
NINETY TRACT 99  
PLAT BOOK 25, PAGE 99

**FIRE STATION 80**

TAX PARCEL 11.0  
OWNER: BREVARD COUNTY  
ORB 1898, PAGE 0204  
ADDRESS: 400 PINEDA COURT

LOT 1  
OWNER: ST ANDREWS-NORTH INC.  
ORB 2746, PAGE 2428  
ADDRESS: 6935 N WICKHAM RD

NORTH RIGHT OF WAY  
LINE AND SOUTH LINE OF  
ORB 1898, PAGE 0204

**LEGEND**



DENOTES A STRIP OF LAND TO  
BE ACQUIRED BY BREVARD  
COUNTY FOR A PERMANENT  
SANITARY SEWER EASEMENT.

**ABBREVIATIONS**

- PB = PLAT BOOK
- ORB = OFFICIAL RECORD BOOK
- PG = PAGE
- R/W = RIGHT OF WAY

PROJECT NO. 13-06-037  
SECTION 13, TOWNSHIP 26  
SOUTH, RANGE 36 EAST

PREPARED BY:  
BREVARD COUNTY  
PUBLIC WORKS DEPARTMENT,  
SURVEYING & MAPPING DIVISION

C:\land Projects\2007\Pineda\_C\SUPT SEWER ESMT S&D.dwg; 13-06-037.dwg, Model, 9/25/2013 12:25:33 PM

PINEDA COURT  
(60.00' WIDE PUBLIC R/W)  
PER ORB 2289, PAGE 1157  
N18°20'00"W

ST. ANDREWS BLVD.  
(100.00' WIDE PUBLIC R/W)  
PER PLAT BOOK 25, PAGE 99

# LEGAL DESCRIPTION

NOT VALID WITHOUT  
SHEET 2 OF 2

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PURPOSE: TO ACQUIRE A 15.00 FOOT WIDE STRIP OF  
LAND FOR A PERMANENT SANITARY SEWER EASEMENT IN  
FAVOR OF BREVARD COUNTY.

## EXHIBIT "A" SHEET 1 OF 2

### LEGAL DESCRIPTION:

(PREPARED BY SURVEYOR AUGUST, 2013)

A 15.00 FOOT WIDE STRIP OF LAND LYING IN SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BEING A  
PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 6300, PAGE 2031, AS RECORDED IN THE  
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 15.00 FEET OF PARCEL "B" AS DESCRIBED IN OFFICIAL RECORDS BOOK 6300, PAGE 2031, PUBLIC  
RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 0.105 ACRES MORE OR LESS, AND BEING SUBJECT TO ANY RESTRICTIONS, COVENANTS, EASEMENTS  
AND/OR RIGHTS-OF-WAY OF RECORD.

### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A BOUNDARY SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREON.
2. BEARINGS SHOWN HEREON ARE BASED ON ASSUMED NORTH REFERENCED TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE  
NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST WHICH BEARS S89°33'27"W AS RECORDED IN OFFICIAL  
RECORDS BOOK 6300, PAGE 2031, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THE  
SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
4. THE PURPOSE OF THIS SKETCH AND DESCRIPTION IS TO ACQUIRE A 15.00 FOOT WIDE PERMANENT SANITARY SEWER EASEMENT  
IN FAVOR OF BREVARD COUNTY.
5. THERE IS CURRENTLY AN EXISTING UNDERGROUND SANITARY SEWER GRAVITY LINE WITHIN THE 15.00 FOOT STRIP OF LAND  
SHOWN HEREON TO BE ACQUIRED BY BREVARD COUNTY.

PREPARED FOR: RON VOLL, ASSISTANT DIRECTOR  
BREVARD COUNTY UTILITY  
SERVICES DEPARTMENT

SUSAN G. JACKSON, PSM NO. 4637  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING & MAPPING DIVISION

ADDRESS: 2725 JUDGE FRAN JAMIESON WAY BUILDING A, SUITE A220 VERA, FL. 32940

PHONE: (321) 633-2080, FAX: (321) 633-2083, E-MAIL: susan.jackson@brevardcounty.us

DRAWN BY: <u>R. HENNING</u>	CHECKED BY: <u>S. G. JACKSON</u>	PROJECT NO. <u>1306037</u>	SECTION <u>13</u>
DATE: <u>08-05-13</u>	SHEET <u>1</u> OF <u>2</u>	DRAWING NO. <u>13-06-037.dwg</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>36</u> EAST

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# LOCATION MAP

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SEC: 13 TWP: 26 RNG: 36 DISTRICT: 4

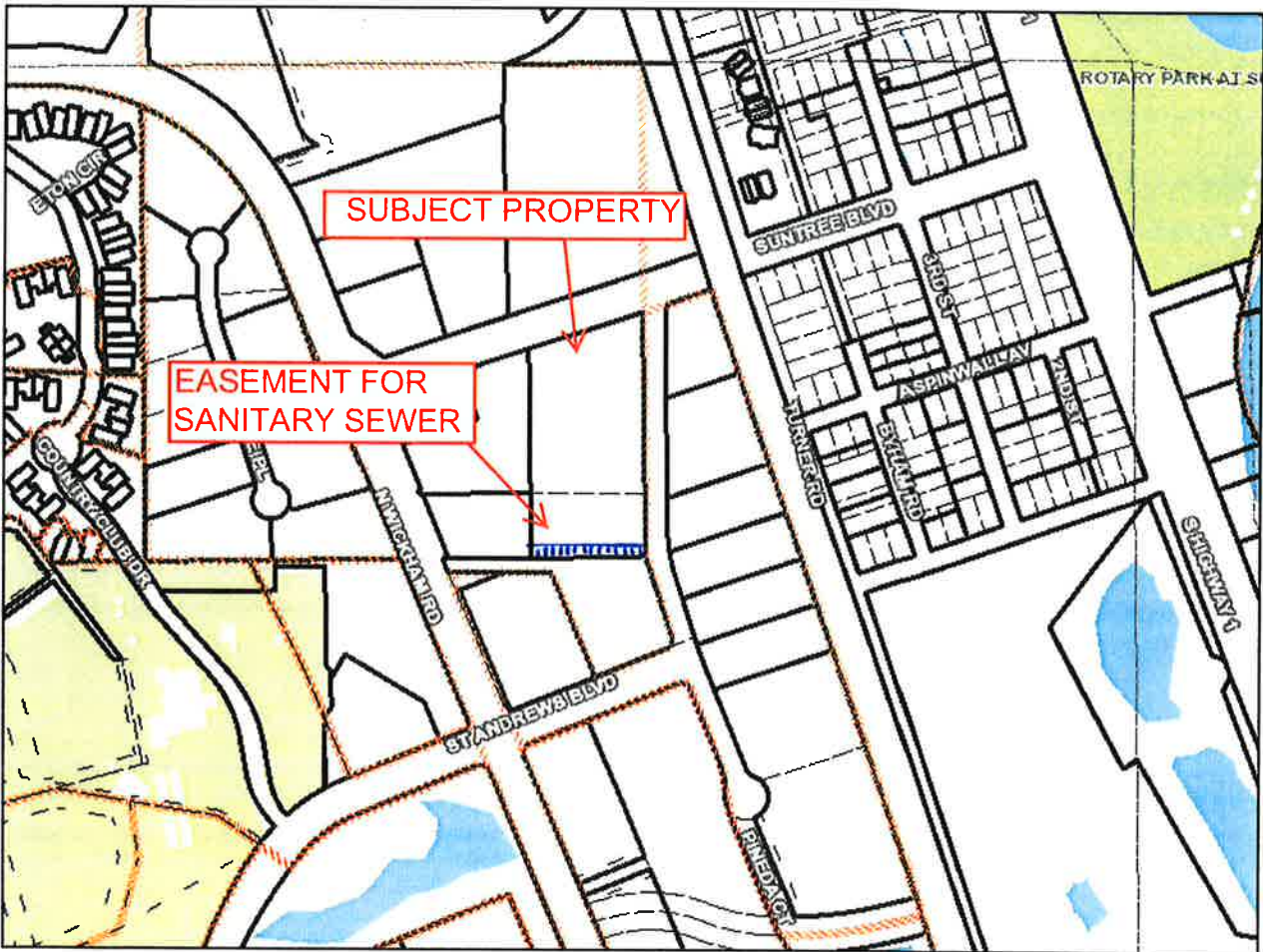
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**STREET NAME:** 3275 SUNTREE BOULEVARD, MELBOURNE, FL. 32940

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**OWNER'S NAME:** 330 PINEDA COURT, LLC

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PROPERTY FACT SHEET

PROJECT: 330 PINEDA COURT, LLC

PERMANENT UTILITY EASEMENT

Owner:	330 Pineda Court, LLC, a Florida limited liability company
Parcel Location:	3275 Suntree Boulevard, Melbourne, Florida 32940
Parent Parcel Size:	4.24 acres
To be acquired:	Permanent Utility Easement (Sanitary Sewer)
Tax Parcel ID#	26-36-13-00-00008.0-0000.00
Zoning/land Use:	C-Office Building Single Tenant-1 Story
Improvements:	Office Buildings
Topography:	Level with Road Grade
Flood Zone:	X (Outside the 500 Year Flood Plain)
Public Utilities:	All Utilities Available
Market Value: (Property Appraiser-Assessed)	\$1,720,000.00
Most Recent Property Transaction:	12/15/2010    \$2,000,000.00