



AGENDA REPORT
December 4, 2018

**Legislative Intent and Permission to Advertise Amendment to modify
Ordinance 99-17, Section 1 which sets forth the boundaries of the Barefoot
Bay Water and Sewer District**

SUBJECT:

Legislative Intent and Permission to Advertise Amendment to modify Section 1 of Ordinance 99-17, and as subsequently amended, which sets forth the Barefoot Bay Water and Sewer District Boundary to include property owned by the Diocese of Orlando.
(District 3)

FISCAL IMPACT:

Cost of advertising and certifying of ordinance

DEPT/OFFICE:

Utility Services

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve legislative intent and grant permission to advertise an ammendment of Ordinance 99-17, and as subsequently amended, which sets forth the boundaries of the Barefoot Bay Water & Sewer District to include property owned by the Diocese of Orlando.

SUMMARY EXPLANATION and BACKGROUND:

Ordinance 99-17, and as subsequently amended, established the Barefoot Bay Water and Sewer District as a Dependent Special District under Chapters 153 and 189, Florida Statutes. Section 1 of the Ordinance sets forth the boundary of the District.

Rev. John Noonan, Bishop of Orlando, representing the Diocese of Orlando, has requested that they be eligible to receive water service from the District. All customers receiving service from the District must be included within the boundaries of the District. A sketch of the proposed property and a draft ordinance and legal description are attached. This amendment would allow St. Luke's Catholic Church to construct a water main to the nearest connection point within the current Barefoot Bay Water and Sewer District.

Contact: Jim Helmer, Utility Services Director, 321-633-2091, jim.helmer@brevardfl.gov

CLERK TO THE BOARD INSTRUCTIONS:

Please e-mail Clerk Memo to rose.lyons@brevardfl.gov

ATTACHMENTS:

Description

- ▣ **Drawing with proposed property additions**
- ▣ **DRAFT - Ordinance & Legal Description**
- ▣ **Diocese of Orlando Request & E-mail**



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

M E M O R A N D U M

TO: Jim Helmer, Utility Services Director Attn: Rose Lyons

RE: Item J.1., Legislative Intent and Permission to Advertise Amendment to Modify Ordinance 99-17, Section 1, Which Sets Forth the Boundaries of the Barefoot Bay and Sewer District

The Board of County Commissioners, in regular session on December 4, 2018, approved legislative intent and granted permission to advertise an amendment of Ordinance 99-17, as subsequently amended, which sets forth boundaries of the Barefoot Bay and Water Sewer District to include property owned by the Diocese of Orlando.

Your continued cooperation is always appreciated.

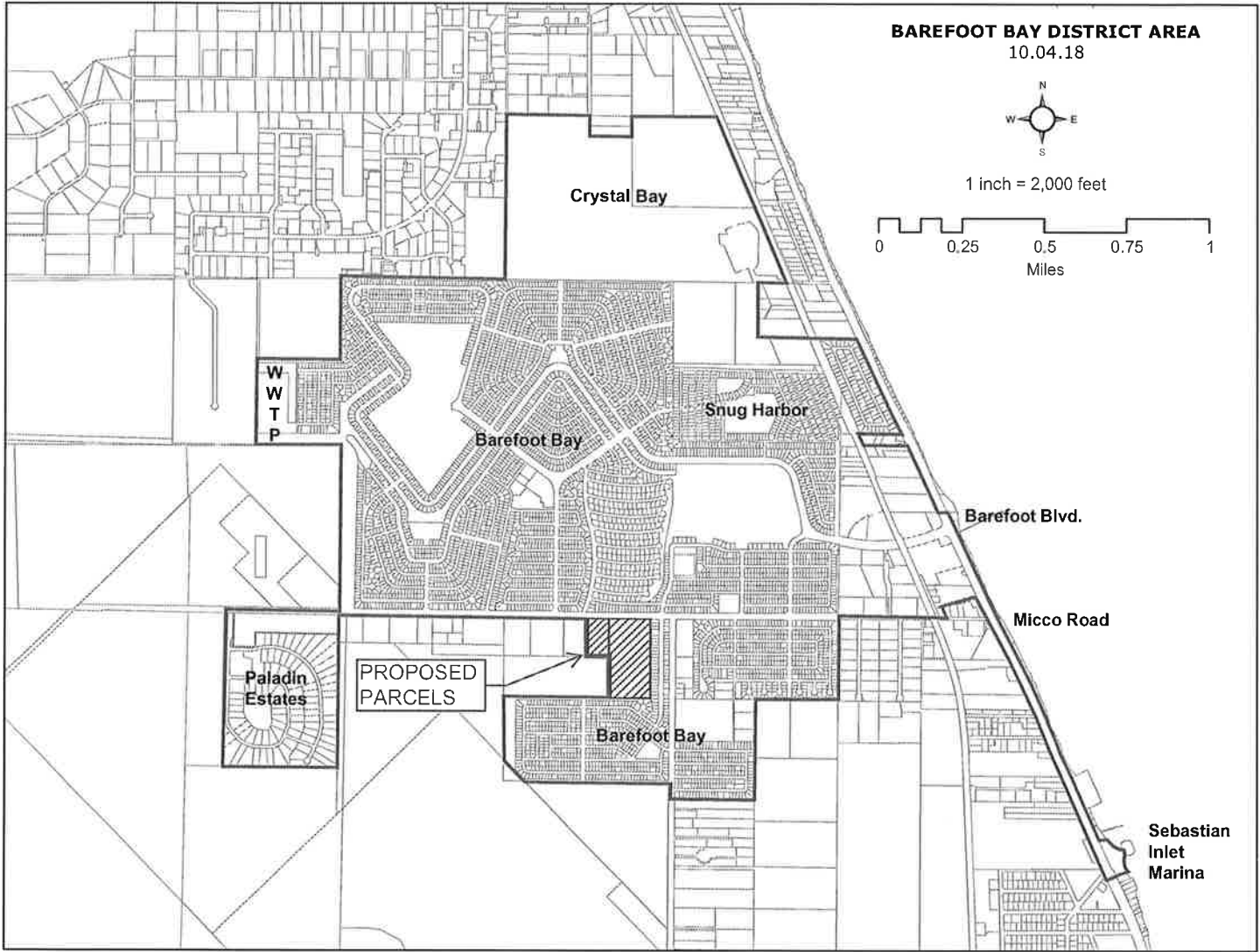
Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp



ORDINANCE NO. 18-

AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 98-181 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA TO MODIFY THE BOUNDARY OF THE BAREFOOT BAY WATER AND SEWER DISTRICT TO INCLUDE TERRITORY OWNED BY DIOCESE OF ORLANDO; LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA; PROVIDING RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized to create water and sewer districts, and

WHEREAS, the Board of County Commissioners is authorized to establish the boundaries of such water and sewer districts, and

WHEREAS, the Board of County Commissioners has previously established the Barefoot Bay Water and Sewer District, and

WHEREAS, the Board of County Commissioners wishes to expand or modify the boundaries of the Barefoot Bay Water and Sewer District to include adjacent compact development areas,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA as follows:

Section 1. The last sentence of section 98-181, Article VI, of the Code of Ordinances of Brevard County Florida, is here by amended to read as follows:

The boundaries of the district shall be those set forth in Exhibit A attached hereto.

Section 2. Ratification. All other provisions of sections 98-181 through 98-185 of the Code of Ordinances of Brevard County, Florida as originally enacted in Brevard County Ordinance 99-51, Ordinance 04-35, Ordinance 13-037 and Ordinance 15-03 are hereby ratified, confirmed and shall remain in full effect.

Section 3. Effective Date. This ordinance shall take effect immediately upon filing pursuant to law.

DONE AND ADOPTED IN REGULAR SESSION, this 18th day of December 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

BY: _____
Kristine Isnardi, Chair

As approved by the Board on _____

EXHIBIT A

BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARY

A portion of Sections 1X,3,9,10,11,14,15 and 16, Township 30 South, Range 38 East, Brevard County, Florida being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence Westerly along the South boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15, a distance of 1331 feet, more or less to the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15; thence South $00^{\circ}32'45''$ East, a distance of 1582.93 feet; thence South $89^{\circ}46'20''$ West, a distance of 1331.43 feet, to the West line of the Southeast $\frac{1}{4}$ of said Section 15; thence Northerly along the North-South centerline of said Section 15, a distance of 261.75 feet to the center of said Section 15; thence South $89^{\circ}46'20''$ West, along South boundary of the Northwest $\frac{1}{4}$ of said Section 15, for a distance of 2333.52 feet; thence North $44^{\circ}37'18''$ West a distance of 475.72 feet; thence North $0^{\circ}32'45''$ West along the West line of the Northwest $\frac{1}{4}$ of said Section 15, for a distance of 993.85 feet, to the South boundary of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, of said Section 15; thence North $89^{\circ}53'10''$ East, a distance of 1660.08 feet; thence North $00^{\circ}32'53''$ West, a distance of 664.81 feet; thence North $89^{\circ}54'47''$ West a distance of 354.30 feet; thence North $00^{\circ}19'45''$ West a distance of 615.24 feet to a point lying on the South right of way of Micco Road; thence West along said South right of way a distance 3966.50 feet to the Northerly projection of the East line of Paladin Estates as recorded in Plat Book 57, Page 7 of the Public Records of Brevard County, Florida; thence South $00^{\circ}00'30''$ East a distance of 2,432.98 feet; thence South $89^{\circ}57'46''$ West a distance of 1795.30 feet; thence North $00^{\circ}36'19''$ East a distance of 2497.81 feet to a point lying 50.00 feet North of and parallel with the South right of way of Micco Road; thence South $89^{\circ}32'45''$ East distance of 1767.61 feet; thence North $00^{\circ}33'44''$ West along the West boundary of the Southeast $\frac{1}{4}$ of Section 9, Township 30 South, Range 38 East, a distance of 2682.14 feet, to center of said Section 9; thence North $89^{\circ}49'31''$ West, along the South line of the Northwest $\frac{1}{4}$ of said Section 9 for a distance of 1326.90 feet, to the Southwest corner of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, said Section 9; thence North $00^{\circ}29'39''$ West, along the West line of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, said Section 9 for a distance of 1343.21 feet to the Northwest corner of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 9 of said Township and Range; thence South $89^{\circ}44'36''$ East, along the North boundary of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 9 a distance of 1325.33 feet, to the Northeast corner of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 9; thence North $00^{\circ}33'44''$ West, along the West boundary of the Northeast $\frac{1}{4}$ of said Section 9 a distance of 1341.33 feet to the North $\frac{1}{4}$ corner of said Section 9; thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.54 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East, thence North $00^{\circ}32'48''$ West, along the West line of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 2656.30 feet to a concrete monument at the Northwest corner of said Southwest $\frac{1}{4}$; thence South $89^{\circ}50'47''$ East, along the North line of said Southwest $\frac{1}{4}$ a distance of 1320.29 feet; thence South $00^{\circ}52'46''$ East a distance of 331.12 feet; thence South $89^{\circ}53'14''$ East a distance of 660.91 feet; thence North $00^{\circ}27'56''$ West a distance of 330.62 feet; thence South $89^{\circ}50'47''$ East a distance of 1360.08 feet to a point on the Westerly right-of-way line of the Florida East Coast Railway; thence South $23^{\circ}54'12''$ East along said Westerly right-of-way line for 2881.91 feet to the North boundary of the Northeast $\frac{1}{4}$ of Section 10, Township 30 South, Range 38 East; thence South $89^{\circ}51'11''$ West along the North boundary a distance of 466.03 feet, to the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 10; thence South $00^{\circ}36'18''$ East along the West boundary

of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 10 a distance of 879.98 feet; thence South $89^{\circ}47'45''$ East a distance of 1589.42 feet to the Westerly right of way of US Highway 1 (State Road No. 5); thence Southeasterly along said Westerly right of way a distance of 1686 feet (plus or -); thence departing said Westerly right of way South $89^{\circ}56'12''$ West a distance of 661.40 feet to the Easterly right of way of the Florida East Coast Railway; thence South $23^{\circ}52'01''$ East along said Easterly right of way a distance of 265.58 feet; thence departing said right of way North $89^{\circ}35'00''$ East a distance of 663.74 feet to the Westerly right of way of US Highway 1 (State Road No. 5); thence Southeasterly along said Westerly right of way a distance of 1108 feet (plus or minus) to the Northeast corner of that certain parcel described in official records book 6961, page 801 of the public records of Brevard County, Florida, (known as Realty Income Properties 29 LLC, having a parcel identification number of 30-38-11-00-556, property appraiser of Brevard County, Florida), said North line being the South line of the North 300.00 feet of the South 650.78 feet of government lot 2, Section 11, Township 30 South, Range 38 East; thence run easterly approximately 157.97 feet along said South line of the North 300.00 feet of the South 650.78 feet of government lot 2 to the intersection with the east right of way line of aforesaid state road no. 5 / U.S. highway no. 1, 143.00 feet wide right of way, said point of intersection being the Northwest corner of that certain parcel having a parcel identification number of 30-38-11-00-557, property appraiser of Brevard County, Florida, (known as Abbott Manufactured Housing, Inc. / Scott Thomas et al); thence run Southeasterly along said east right of way line approximately 5,793.40 feet to the Northwest corner of that certain parcel described in official records book 5525, page 2559 of the public records of Brevard County, Florida, (known as Sebastian Inlet Marina, LLC, having a parcel identification number of 30-38-14-00-505, property appraiser of Brevard County, Florida) and the North line of the South 469.17 feet of government lot 6, Section 14, Township 30 South, Range 38 East; thence run easterly along the North boundary line of said certain parcel described in official records book 5525, page 3559, and North line of the South 469.17 feet of government lot 6 to the mean high water elevation line of the West shore of the Indian River Lagoon; thence meandering Southeasterly along said mean high water elevation line to the South boundary line of said certain parcel; thence run Southwesterly along said South boundary line and Southwesterly extension to the West right of way line of state road no. 5 / U.S. Highway No. 1, right of way map section No. 7001-275 (207), 143.00 feet wide right of way; thence run Northwesterly along said West right of way line approximately 4,947 feet to the Southeast corner of that certain parcel described in official records book 2772, page 2898, of the public records of Brevard County, Florida, (known as Abbott Manufactured Housing Inc., having a parcel identification number of 30-38-11-00-515, property appraiser of Brevard County, Florida); thence departing said right of way South $77^{\circ}07'44''$ West a distance of 681.4 feet (plus of minus); thence South $23^{\circ}53'16''$ East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 feet (plus or minus) to the South line of Section 11; thence West along the South line of said Section 11, for a distance of 1662 feet (plus or minus) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.



Office of the Bishop

Received
MAY 25 2017

Utility Service

May 24, 2017

Mr. James Helmer
Brevard County Utility Services
2725 Judge Fran Jamieson Way
Building A, Suite 213
Viera, FL 32940

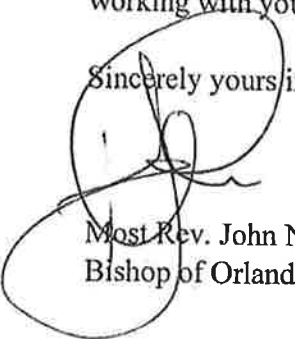
RE: Parcel IDs 30-38-15-00-259 and 30-38-15-00-251

Dear Mr. Helmer:

John G. Noonan, as Bishop of the Diocese of Orlando, his successors in office, a corporation sole is the owner of the above mentioned parcels, which contain St. Luke's Catholic Church. We respectfully request that these parcels be incorporated into the Barefoot Bay Water and Sewer District, in order to connect to the municipal water and sewer service.

I would greatly appreciate your cooperation with this request and look forward to my office working with you to complete this process.

Sincerely yours in Christ,



Most Rev. John Noonan
Bishop of Orlando

From: [Hurley, Tammy L](#)
To: [Lyons, Rose A](#)
Subject: FW: St. Lukes
Date: Wednesday, November 21, 2018 11:19:10 AM

-----Original Message-----

From: Bruce M [<mailto:brucem@mbveng.com>]
Sent: Wednesday, November 21, 2018 11:19 AM
To: Hurley, Tammy L
Cc: ddemery@orlandodiocese.org
Subject: St. Lukes

Tammy,

We understand that sewer capacity is an issue in barefoot Bay. Based on that we are OK with the agenda moving forward with water only. Let me know if you have any questions.

Sent from my iPhone

Bruce Moia
MBV Engineering, Inc.
Office 321-253-1510
Mobil 321-243-0583