



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.11.

12/19/2023

Subject:

Approval, Re: Underground utility line easement for BellSouth Telecommunications, LLC at the Micco Scrub Sanctuary - District 3

Fiscal Impact:

The County will receive \$5,000 from BellSouth as compensation for the easement that will be used by the EEL Program for ongoing management of the sanctuary property.

Dept/Office:

Parks and Recreation EEL Program

Requested Action:

It is requested that the Board of County Commissioners approve the resolution granting the easement to BellSouth Telecommunications, LLC and authorize the Chair to execute the resolution and any easement related documents.

Summary Explanation and Background:

BellSouth Telecommunications, LLC is constructing a cell tower adjacent to the Micco Scrub Sanctuary, which the County manages under the Environmentally Endangered Lands Program. BellSouth is requesting an underground utility easement through approximately 150 feet of the sanctuary property for the connection of the new cell tower to the existing fiber optic cable system running along Micco Road.

The easement will run adjacent to the sanctuary fire control line and an existing Florida Power and Light powerline easement. Since the location is already maintained as an open (non-forested) area, there will be no negative impacts to the sanctuary property.

The EEL Selection and Management Committee reviewed and recommended approval of the easement request on September 26, 2023.

Clerk to the Board Instructions:

Please return Board Memo to the EEL Program.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 20, 2023

M E M O R A N D U M

TO: Mike Knight, EEL Program Manager

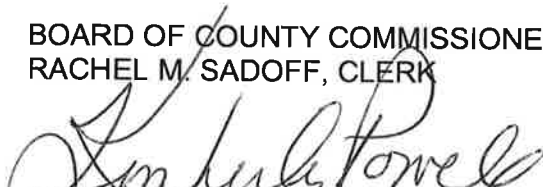
RE: Item F.11., Approval of Underground Utility Line Easement and Resolution for BellSouth Telecommunications, LLC at the Micco Scrub Sanctuary

The Board of County Commissioners, in regular session on December 19, 2023, adopted Resolution No. 23-152; and authorized the Chair to execute Easement with BellSouth Telecommunications, LLC, for Micco Scrub Sanctuary. Enclosed are the fully-executed Resolution and Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encls. (2)

/tr

cc: Parks and Recreation
Finance
Budget

Resolution Number 2023-152

A Resolution of the Board of County Commissioners of Brevard County, Florida, Pursuant to Section 125.35, Florida Statutes and Section 2-247 of the Brevard County Code of Ordinances, authorizing the sale of a non-exclusive easement to BellSouth Telecommunications, LLC, a Georgia limited liability company d/b/a/ AT&T Florida; and providing for an effective date.

Whereas, Brevard County, Florida (County), owns certain real property known as the MICCO SCRUB SANCTUARY (Property), located in southern Brevard County, Florida; and

Whereas, BellSouth Telecommunications, LLC, a Georgia limited liability company d/b/a/ AT&T Florida (hereinafter referred to as "Grantee") has applied to the **Brevard County Board of County Commissioners**, a political subdivision of the State of Florida (hereinafter referred to as "County") to purchase a non-exclusive easement to install and maintain a telecommunications line on a portion of the Property; and

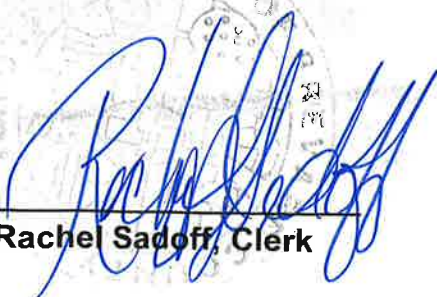
Whereas, the County finds that the Grantee's proposed use of the Property will promote public health, safety or welfare, will serve the public interest, will serve a public purpose, and constitutes a service that could be provided by the local government, and is compatible with the County purposes for which the Property is used.

Now, Therefore, Be it Resolved by the Brevard County Board of County Commissioners, that:

1. The recitals set forth hereinabove are true and correct in all respects and are incorporated herein by reference as if set forth herein verbatim.
2. The County hereby agrees to grant a non-exclusive easement in favor of the Grantee for the sum of five thousand dollars (\$5,000.00). A copy of the easement is hereby incorporated by reference and attached as Exhibit A.
3. In the event the Grantee fails to use the easement, or the easement ceases to be used for its stated purpose, the easement shall revert to the County which shall thereafter have the right to re-enter and repossess the easement area.

Done, Ordered, and Adopted this 19th day of December, 2023.

Attest:


Rachel Sadoff, Clerk

**Board of County Commissioners
of Brevard County, Florida**

By: 
Jason Steele, Chair
As approved by the Board on 12/19/2023.

STATE OF FLORIDA
COUNTY OF BREVARD

Preparer's name and address:
BellSouth Telecommunications, LLC
712 N. Florida Avenue
Cocoa, FL 32922

Grantee's Name and Address
BellSouth Telecommunications, LLC
712 N. Florida Avenue
Cocoa, FL 32922

EASEMENT

For and in consideration of one dollar (\$ 1.00) and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, **Brevard County, Florida , a political subdivision of the State of Florida, having an address of, c/o Parks and Recreation Director, 2725 Judge Fran Jamieson Way, Viera, FL 32940** undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to **BellSouth Telecommunications, LLC, a Georgia limited liability company, d/b/a AT&T Florida**, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns (hereinafter referred to as Grantee), an non-exclusive easement to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities and related items as the Grantee may from time to time deem necessary in the conduct of its business along, and under a portion of lands described in Official Records Book 4209 , Page 2959, Brevard County, Florida Records. The said easement is more particularly described as follows:

All that tract or parcel of land lying in Section 14 Township 30 South, Range 37 East, Brevard County, State of Florida, consisting of a parcel of land described in the attached Exhibit 1 (survey and legal description)

The following rights are also granted: the right to allow any other person, firm, or corporation to attach wires or lay cable or conduit upon, over and under said easement for communications; ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements.

To have and to hold the above granted easement unto BellSouth Telecommunications, LLC., d/b/a AT&T Florida and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licenses, successors, and assigns forever and in perpetuity.

In the event the easement is not used or ceases to be used for the stated purpose, the easement shall revert to the Grantor which shall thereafter have the right to re-enter and repossess the property.

Grantor warrants that Grantor is the true owner of record of the above described land on which the aforesaid easement is granted less the described existing easements.

SPECIAL STIPULATIONS OR COMMENTS:

The following special stipulations shall control in the event of conflict with any of the foregoing easement:

1. THIS EASEMENT IS NON-EXCLUSIVE.
2. THE GRANTEE'S USE OF THE EASEMENT AREA SHALL NOT INTERFERE WITH GRANTOR'S USE AND MAINTENANCE OF THE FIRELINE. GRANTEE ACKNOWLEDGES THAT THE EASEMENT AREA IS USED AS A FIRELINE AND MAINTENANCE INCLUDES, BUT IS NOT LIMITED TO,

CHOPPING, CUTTING, MOWING, ROLLING, OR BURNING OF THE SURFACE AREA WITH OR WITHOUT HEAVY MACHINERY, AND THAT GRANTOR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE EASEMENT AREA OR ASSOCIATED INFRASTRUCTURE CAUSED BY SUCH ACTIVITIES.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 19th day of December 2023

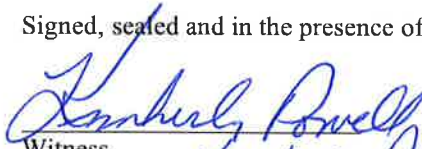
GRANTOR: BREVARD COUNTY

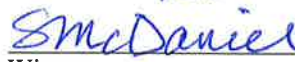
Address:



By: Jason Steele, Chair

Signed, sealed and in the presence of:


Witness
(Print Name) Kimberly Powell


Witness
(Print Name) Samantha McDaniel

Print Name: Rachel M. Sadoff

Title: Clerk of Courts & Comptroller

Attest: 

As approved by the Board 12/19/2023.

State of Florida, County of Brevard

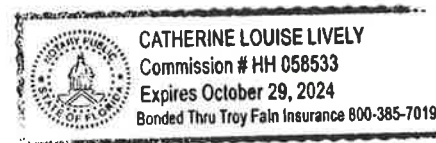
I HEREBY CERTIFY that Jason Steele, personally appeared before me and acknowledged that he/she was the same. The foregoing instrument was acknowledged before me this 19th day of December, 2023, by Jason Steele, Chair (name and title of officer) of Brevard County Board of County Comm. (name of corporation), a Political Subdivision corporation, on behalf of the corporation. He/she is personally known to me or has produced Identification and who did/did not take an oath.

Witness my hand and official seal in the County and State aforesaid, this 19th day of December, 2023.


Notary Public
(Print Name) Catherine Louise Lively

My Commission Expires: 10-29-2024

Commission Number HH 058633



TO BE COMPLETED BY GRANTEE

District	FRC	Wire Center/NXX	Authority
Drawing	Area Number	Plat Number	RWID
Parcel ID	Approval	Title	

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO:

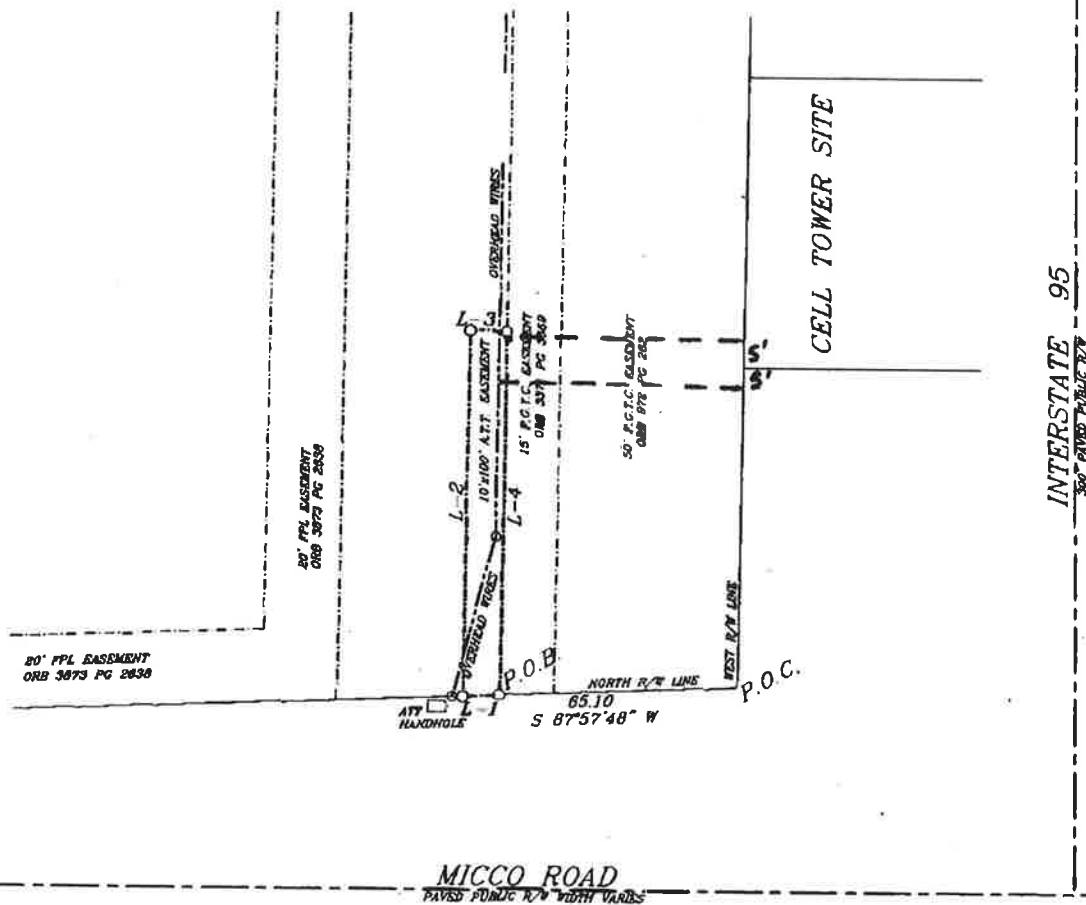
BellSouth Telecommunications LLC, d/b/a AT&T Florida

PARCEL ID 30-37-14-00-1

LYING IN SECTION 14-30-37, BREVARD COUNTY, FLORIDA. MICCO ROAD @ I-95

DESCRIPTION AS FOLLOWS: A 10'x100' CABLE, INGRESS EGRESS EASEMENT LYING IN PARCEL 1 SECTION 14, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE INTERSECTION OF THE NORTH R/W LINE OF MICCO ROAD AND THE WEST R/W LINE OF INTERSTATE 95, THEN RUN S 87°47'58" W ALONG THE SAID NORTH R/W LINE A DISTANCE OF 65.10 TO THE POINT OF BEGINNING. THENCE CONTINUE S 87°47'58" W ALONG SAID R/W LINE A DISTANCE OF 10.01 FEET, THENCE RUN N 00°55'40" E ALONG A LINE 129' WEST OF AND PARALLEL TO THE SAID WEST R/W LINE OF INTERSTATE 95, A DISTANCE OF 100.55 FEET, THENCE RUN S 89°04'20" E A DISTANCE OF 10.00 FEET, THENCE RUN S 00°55'40" W, ALONG THE WEST LINE OF AN F.P.L. EASEMENT DESCRIBED IN ORB 3873 PAGE 2638 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

L-1 S 87°47'58" W 10.01
 L-2 N 00°55'40" E 100.55
 L-3 S 89°04'20" E 10.00
 L-4 S 00°55'40" W 100.00



WALKER LAND SURVEYING, INC.

<p>N S</p> <p>VICINITY MAP NOT TO SCALE</p> <p>LEGEND</p> <p>PT. = POINT OF TANGENCY D = DESCRIPTION B.B. = BOUNDARY BEARING (SEE 10) A/C = AREA CONDITIONER R = RADIUS S = SIDE LENGTH CH = CHORD CS = CHORD BEARING P/L = POINT ON LINE TYP. = TYPICAL R/W = RIGHT-OF-WAY R/S = RADIUS M/R = MID-RADIUS M/P = MID-POINT M/V = MID-VELOCITY M/W = MID-WIDTH M/E = MID-ELEVATION M/L = MID-LENGTH M/A = MID-AREA M/V = MID-VELOCITY M/W = MID-WIDTH M/E = MID-ELEVATION M/L = MID-LENGTH M/A = MID-AREA</p>		<p>NOTES</p> <p>1. STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 31-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-023, FLORIDA STATUTES.</p> <p>2. UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID.</p> <p>3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.</p> <p>4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.</p> <p>5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.</p> <p>6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.</p> <p>7. ELEVATIONS, IF SHOWN, ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.</p> <p>8. BEARINGS BASED ON: <u>THE NORTH R/W LINE OF MICCO ROAD</u></p> <p>SAID BEARING BEING: <u>S 87°57'48" W</u></p> <p>9. BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.</p> <p>10. MEASUREMENTS SHOWN ARE BASED ON THE STANDARD U.S. SURVEY FOOT.</p> <p>11. ADDITIONS OR DELETIONS TO THIS SURVEY IS PROHIBITED WITHOUT CONSENT FROM SIGNING SURVEYOR.</p>	
<p>3014 CALWOOD COURT ORLANDO, FL 32825 321-537-3974</p> <p>LB 6710</p>		<p>CERTIFIED BY: <i>[Signature]</i> R.L.S. NO. 5362</p> <p>JOHN V. WALKER</p>	
<p>THIS BUILDING/PROPERTY DOES NOT LIE WITHIN THE ESTABLISHED SPECIAL FLOOD HAZARD AREA PER FIRM. IT LIES IN ZONE: <u>X</u></p> <p>PANEL: <u>12009C 0000E</u> MAP DATE: <u>8-12-14</u></p>		<p>SCALE: 1" = 40'</p> <p>FILED DATE: <u>9-21-23</u></p> <p>BASEMENT: <u>9-21-23</u> ORDER NO. (DWG. NO.): <u>ATT MICCO RD</u></p> <p>DRAWN BY: <u>NICK</u> CHECKED BY: <u></u></p>	

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: BELLSOUTH TELECOMMUNICATIONS LLC		2. Amount:
3. Fund/Account #: 1610	4. Department Name: P&R-EEL PROGRAM	
5. Contract Description: ATT FIBER OPTIC EASEMENT		
6. Contract Monitor: JENNY WARNER		8. Contract Type: LEASE/RENTALS
7. Dept/Office Director: MARY ELLEN DONNER		
9. Type of Procurement: Other		

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	

SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Warner, Jenny <small>Digitally signed by Warner, Jenny Date: 2023.07.05 10:37:12 -04'00'</small>
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Caron, Justin <small>Digitally signed by Caron, Justin Date: 2023.11.14 16:53:41 -05'00'</small>

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

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7. Dept/Office Director: MARY ELLEN DONNER		
9. Type of Procurement: Other		

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Purchasing

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Risk Management

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County Attorney

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SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Warner, Jenny

Digitally signed by Warner, Jenny
Date: 2023.07.05 10:37:12 -04'00'

Purchasing

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☐

Risk Management

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Watson, Michael

Digitally signed by Watson, Michael
Date: 2023.11.13 14:42:19 -05'00'

County Attorney

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SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
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**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

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SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Purchasing

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Risk Management

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County Attorney

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SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Warner, Jenny

Digitally signed by Warner, Jenny
Date: 2023.07.05 10:37:12 -04'00'

Purchasing

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☐

Wall, Katherine

Digitally signed by Wall, Katherine
Date: 2023.11.13 12:38:11 -05'00'

Risk Management

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☐

County Attorney

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SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
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Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
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