

Meeting Date
February 20, 2018



AGENDA	
Section	Consent
Item No.	II.A.2

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Sidewalk Easement Located at Suntree Place From Suntree Hope Plantation, LLC. - 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 accept a Permanent Sidewalk Easement from Suntree Hope Plantation, LLC.

Summary Explanation & Background:
 The subject property is located within Section 13, Township 26 South, Range 36.
 The property is located off of Wickham Road on Suntree Place.
 The Property owner is constructing a Professional Office Building (Medical Offices-16SP00033) and has constructed a sidewalk at this location pursuant to Brevard County Land Development Regulations that require the owner to dedicate a sidewalk easement for maintenance.
 Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.
 Fiscal Impact: FY 2017-2018: No impact
FY 2018-2019: No impact

Clerk to the Board Instructions:
 Exhibits Attached: Copy of Permanent Sidewalk Easement, Location Map, Property Fact Sheet

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

County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, PE / 57202
	Interim Assistant County Manager Jim Liesenfelt	

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT SIDEWALK EASEMENT IN FAVOR OF BREVARD
COUNTY FROM SUNTREE HOPE PLANTATION, LLC - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>1/31/18</u>
DEPUTY COUNTY ATTORNEY Eden Bentley	<u>see attached</u>	_____	<u>1/30/18</u>
PUBLIC WORKS Andrew P. Holmes, P.E., Director	_____	_____	_____

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: PERMANENT SIDEWALK EASEMENT IN FAVOR OF BREVARD COUNTY FROM SUNTREE HOPE PLANTATION, LLC - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	_____	_____	_____
DEPUTY COUNTY ATTORNEY Eden Bentley <i>OK EB</i>	<i>Subject to proof Authorized Manager to proceed</i>		<i>1/30/18</i>
PUBLIC WORKS Andrew P. Holmes, P.E., Director	_____	_____	_____

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.



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.2., Acceptance of Permanent Sidewalk Easement from Suntree Hope Plantation, LLC for Suntree Place

The Board of County Commissioners, in regular session on February 20, 2018, accepted a Permanent Sidewalk Easement from Suntree Hope Plantation, LLC in favor of Suntree Place.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

cc: Asset Management
Budget
Finance

PERMANENT SIDEWALK EASEMENT

THIS INDENTURE, made this 26th day of January, 2018, between **Suntree Hope Plantation, LLC, a Florida limited liability company**, whose Post Office address is 3025 Turtle Mound Rd., Melbourne, Florida, 32934, 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.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date, for the sole purpose of maintaining a sidewalk and other allied uses 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 the easements is located in Section 13, Township 26 South, Range 36 East, 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 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:

Tammy Zarn
Witness
Tammy Zarn
(Print Name)
Blaise M. Mancini
Witness
Blaise M. Mancini
(Print Name)

Suntree Hope Plantation, LLC, a Florida limited liability company
Frank G. Ditz, M.D.
Frank G. Ditz, M.D., as Manager



STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26th day of January, 2018, by Frank G. Ditz, M.D., as Manager of Suntree Hope Plantation, LLC, a Florida limited liability company, who is/is not 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 at Rockledge, Florida, County of Brevard, State of Florida, this 26th day of January, 2018.

NOTARY PUBLIC Blaise M. Mancini
Print Name Blaise M. Mancini
Commission No. FF 053678

Board Date: _____
Agenda Item# _____

LEGAL DESCRIPTION

PARCEL #801

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-13-05-*--2

PURPOSE: SIDEWALK EASEMENT

LEGAL DESCRIPTION: PARCEL #801 (PREPARED BY SURVEYOR)

A sidewalk easement parcel, being the Easterly 10.00 feet of Lot 2 as measured radially to, and being contiguous with the right of way of Suntree Place, SUNTREE PLANNED UNIT DEVELOPMENT STAGE ONE, TRACT 72 according to the plat thereof as recorded in Plat Book 30, Page 37 of the Public Records of Brevard County, Florida; Containing 1321.79 square feet or 0.03 acres, more or less.

SURVEYORS NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of N00°48'34"W, along the East line of Lot 2, as per the plat of Suntree Planned Unit Development Stage One, Tract 72, as recorded in Plat Book 30, Page 37 and as stated therein bearings are based on Florida State Plane Coordinate System, East Zone.
3. o = Denotes change in direction (no corner found or set).
4. Easement information shown was obtained from Schedule B-Section II of Title Search Report by Old Republic National Insurance Company, File Number: 18002663, Agent File #: 18-9813, Effective Date: January 11, 2018, at 5:00 p.m. The exceptions noted in Schedule B-Section II of the above referenced Title Search Report are as follows:
 Items #1 through #9 are not considered in this exercise.
 Item #10 the Declaration of Covenants Suntree Professional Center recorded in Official Records Book 2490, Page 1378 creates an easement 5 feet in width along all side lot lines and 10 feet in width along all lot line bordering Suntree Place as shown hereon. That amendment recorded in Official Records Book 2705, Page 512 does not affect the subject property.
 Item #11 All easements established by Plat Book 30, Page 37 have been shown that affect this easement.
 Item #12 Easement to BellSouth recorded in Official Records Book 3414, Page 3210 has been shown hereon.
 Item #13 Easement recorded in Official Records Book 3501, Page 1318 has been shown but does not affect the sidewalk easement.
 Item #14 FPL easements recorded in Official Records Book 8048, Page 79 and Official Records Book 8069, Page 978 have been shown but do not affect the sidewalk easement.

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Standards of Practice for Land Surveys in Florida" as described in Chapter 5J-17 Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ALLEN ENGINEERING, INC.

Robert M. Salmon
ROBERT M. SALMON
Professional Surveyor & Mapper
Florida Registration No. 4262

PREPARED FOR AND CERTIFIED TO:

Brevard County Board of County Commissioners

PREPARED BY:

ALLEN ENGINEERING, INC.
106 DIXIE LANE COCOA BEACH, FLORIDA 32931
TELEPHONE: (321)783-7443 - FAX: (321)783-5902
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

DRAWN BY: DJG

CHECKED BY: RMS

PROJECT NO. 170021.1

SECTION 13
TOWNSHIP 26 SOUTH
RANGE 36 EAST

DATE: 1-10-18

DRAWING: 1700211_Sidewalk

REVISIONS

DATE	DESCRIPTION
1-24-18	REVISIONS PER COUNTY
1-30-18	REVISIONS PER COUNTY

L:\Survey\Projects\170021 Ditz Office Easements\Drawings\CAD\1700211_Sidewalk.dwg, 1/30/2018 2:14:19 PM

SKETCH OF DESCRIPTION

PARCEL #801

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-13-05-*--2

PURPOSE: SIDEWALK EASEMENT

CURVE TABLE

CURVE #	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	24.99'	48°11'23"	21.03'	20.41'	S05°16'08"W
C2	50.00'	120°10'23"	104.87'	86.68'	S30°43'22"E
C3	60.00'	120°10'22"	125.84'	104.01'	N30°43'17"W
C4	14.99'	48°11'23"	12.62'	12.25'	N05°16'08"E

LINE TABLE

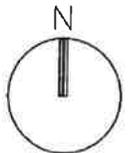
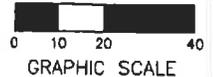
LINE #	BEARING	DISTANCE
L1	S00°48'34"E	10.00'
L2	N71°10'26"E	10.00'

ABBREVIATIONS:

FPL FLORIDA POWER & LIGHT COMPANY
 ID IDENTIFICATION
 ORB OFFICIAL RECORDS BOOK
 P.U.D. PLANNED UNIT DEVELOPMENT
 PRC POINT OF REVERSE CURVATURE

POINT OF BEGINNING

NORTHERLY CORNER OF LOT 2
 10' UTILITY EASEMENT
 ORB 2400, PAGE 1378
 SECTION 15



PARCEL ID: 26-36-13-05-*--3

LOT 3

SUNTREE P.U.D., STAGE ONE, TRACT 72
 PLAT BOOK 30, PAGE 37

5' UTILITY EASEMENT
 ORB 2400, PAGE 1378, SECTION 15

8' DRAINAGE & UTILITY EASEMENT
 PLAT BOOK 30, PAGE 37

FPL EASEMENT
 ORB 8069, PAGE 978

LINE 10 FEET SOUTHWESTERLY
 OF AND CONCENTRIC WITH THE
 EASTERLY LINE OF LOT 2
 ADJACENT TO SUNTREE PLACE

PARCEL #801

SIDEWALK EASEMENT

0.03 ACRES
 1321.79 SQUARE FEET

EASTERLY LINE OF LOT 2

UNDERGROUND DRAINAGE &
 UTILITY EASEMENT
 ORB 2490, PAGE 1378

BELLSOUTH EASEMENT
 ORB 3414, PAGE 3210

2 SUNTREE PLACE
MELBOURNE, FL

LOT 2, SUNTREE P.U.D.,
 STAGE ONE, TRACT 72
 PLAT BOOK 30, PAGE 37
 1.15± ACRES

8' DRAINAGE & UTILITY EASEMENT
 PLAT BOOK 30, PAGE 37

8' DRAINAGE & UTILITY EASEMENT
 PLAT BOOK 30, PAGE 37

FPL EASEMENT
 ORB 8048, PAGE 79

20' DRAINAGE & UTILITY EASEMENT
 PLAT BOOK 30, PAGE 37

PROPERTY LINE (TYP.)

5' UTILITY EASEMENT
 PLAT BOOK 3501, PAGE 1318

PARCEL ID: 26-36-13-KM-Q
 SUNTREE PLANNED UNIT DEVELOPMENT
 STAGE ONE
 PLAT BOOK 24, PAGE 56

PARCEL ID: 26-36-13-01-*--P.03
 SUNTREE PLANNED UNIT DEVELOPMENT
 STAGE FOUR, TRACT "P"
 PLAT BOOK 25, PAGE 35

PARCEL ID: 26-36-13-05-*--1.02
 LOT 1, SUNTREE P.U.D.,
 STAGE ONE, TRACT 72
 PLAT BOOK 30, PAGE 37

PREPARED BY:

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 WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

SCALE:

1" = 40'

PROJECT NO.:

170021.1

SECTION 13

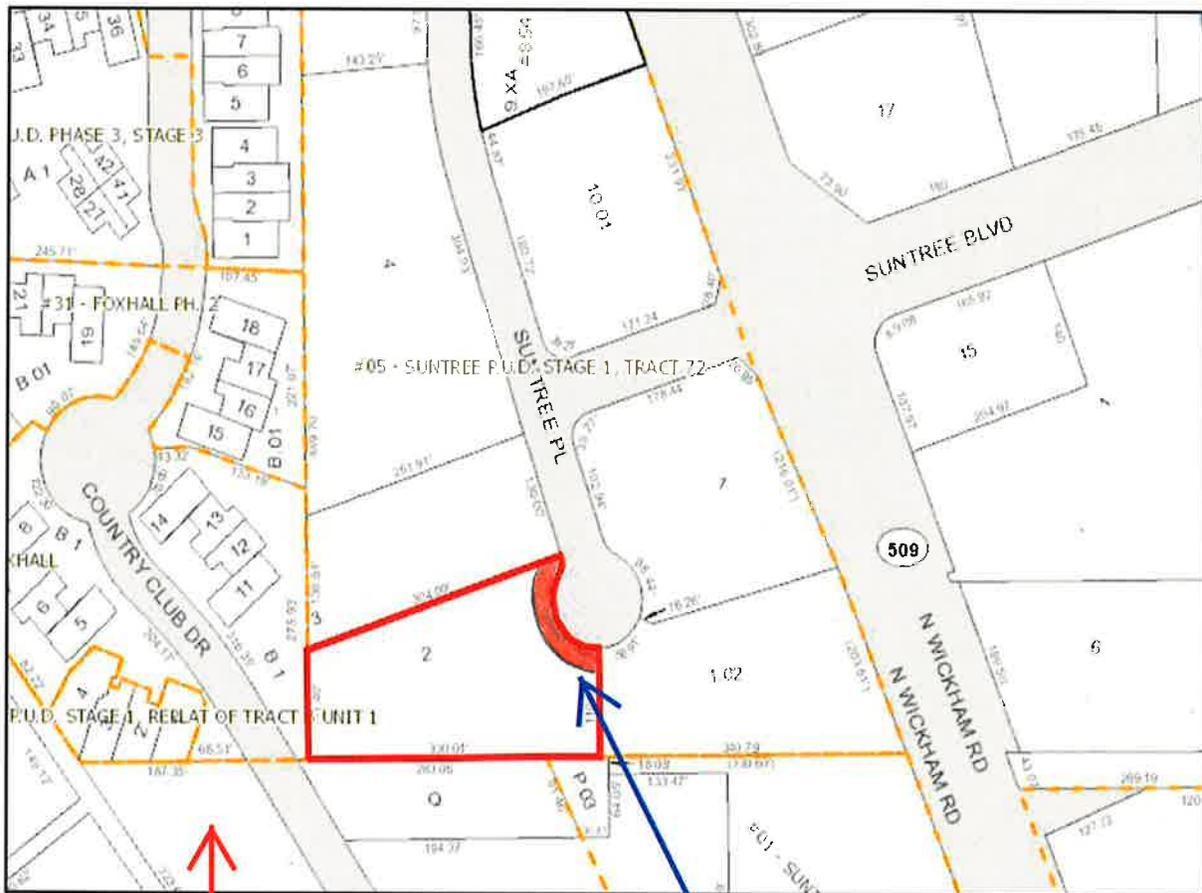
TOWNSHIP 26 SOUTH
 RANGE 36 EAST

LOCATION MAP

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

STREET NAME: SUNTREE PLACE

OWNER'S NAME: SUNTREE HOPE PLANTATION, LLC



NORTH

PROPOSED
SIDEWALK
EASEMENT

Property Fact Sheet

PROJECT: PERMANENT SIDEWALK EASEMENT AT SUNTREE PLACE

Owners: Suntree Hope Plantation, LLC

Tax Parcel ID # 26-36-13-05-*-2

Parcel Location: Suntree Place

Parent Parcel: 1.15 Acres

Easement area to be acquired: 13, 21.77 Square Feet.

Zoning/ Land Use: Commercial/Retail/Office

Improvements: Medical Building

Topography: Level with road grade

Flood Zone: X

Tax Parcel ID's: 26-36-13-05-*-2

Market Value/Per Property Appraiser: \$595,000.00

Public Utilities: All Utilities Available

Property Transaction: Acquisition Date: 5/03/2010

Property Transaction Amount \$400,000.00

Official Record Book/ Page 6165/1451