

Meeting Date
<b>October 20, 2015</b>



AGENDA	
Section	Consent
Item No.	<b>II.A.4</b>

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

SUBJECT:	Approval Re: N-03 Lift Station - Permanent Ingress and Egress Easement from Darroll and Paula Rae Higginbotham for a Sanitary Sewer, Force Main, and Lift Station. District 1 (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chairman to accept the Permanent Ingress and Egress Easement from Darroll and Paula Rae Higginbotham.

Summary Explanation & Background:

The subject property is located in Section 30, Township 21 South, Range 35 East.

The current lift station was constructed in the late 1960's to service the Lakeview Subdivision and adjacent properties and was within the limits of the road right of way at the west end of Eola Avenue.

The County has identified the need to completely update, upgrade, and relocate the existing facility to the County's adjoining property located immediately to the west.

The easement will provide the County access to the facility for maintenance, repairs, and/or upgrades when needed.

Land acquisition Policies and Procedures requires approval and acceptance by the Board of County Commissioners for all easements.

Fiscal impact: FY 2014-2015: No impact  
**FY 2015-2016: No impact**

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

Exhibits Attached: Copy of executed Permanent Ingress and Egress Easement (with sketch & descriptions), Vicinity Map and Property Fact Sheet

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

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	John Denninghoff / 57202
		James Helmer / 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

October 21, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.4., Acceptance of Permanent Ingress and Egress Easement from Darroll and Paula Rae Higginbotham for N-03 Lift Station

The Board of County Commissioners, in regular session on October 20, 2015, accepted the Permanent Ingress and Egress Easement from Darroll and Paula Rae Higginbotham.

Your continued cooperation is always appreciated.

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*for: Donna Scott*  
for: Tammy Etheridge, Deputy Clerk

/kg

cc: Utility Services  
Land Acquisition

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: N-03 LIFT STATION – PERMANENT INGRESS AND EGRESS EASEMENT FROM DARROLL AND PAULA RAE HIGGINBOTHAM - DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (52886)

	<u>REVIEW</u>		
	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones Land Acquisition Supervisor	<u>DPI</u>	_____	<u>9/21/15</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u>see attached</u>	_____	<u>9/30/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	<u>JPD</u>	_____	<u>10/6/15</u>
UTILITY SERVICES DEPT. Jim Helmer, Interim Director	<u>JH</u>	_____	<u>9/25/15</u>

AGENDA DUE DATE: October 6, 2015 for the **October 20, 2015 Board Meeting**

If any reviewing office has questions or concerns regarding this package, please advise agency contact immediately.

Please contact Debbie Cruz when review is ready to be picked up at 321-690-6847

**BOARD OF COUNTY COMMISSIONERS**


AGENDA: N-03 LIFT STATION – PERMANENT INGRESS AND EGRESS EASEMENT  
FROM DARROLL AND PAULA RAE HIGGINBOTHAM - DISTRICT 1

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /  
UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(52886)

**REVIEW**

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones Land Acquisition Supervisor	<u>DPI</u>	_____	<u>9/21/15</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u></u>	_____	<u>9/30/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	_____	_____	_____
UTILITY SERVICES DEPT. Jim Helmer, Interim Director	_____	_____	_____

AGENDA DUE DATE: October 6, 2015 for the October 20, 2015 Board Meeting

If any reviewing office has questions or concerns regarding this package, please advise agency contact immediately.

Please contact Debbie Cruz when review is ready to be picked up at 321-690-6847

**PERMANENT INGRESS AND EGRESS EASEMENT**

**THIS INDENTURE**, made this 19<sup>th</sup> day of Sept., 2015, between Darroll W. Higginbotham (also known as Darrell W. Higginbotham) and Paula Rae Higginbotham (also known as Paul Rae Higginbotham), as husband and wife, whose mailing address is 1874 Carpenter Road, Titusville, Florida, 32796, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera Florida, 32940, as the second party.

**WITNESSETH:** That the first party, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual non-exclusive easement described herein at Exhibit "A", for ingress and egress to the County's Lift Station described herein at Exhibit "B" which is located on County owned property commencing on the above date.

*Grantee agrees to maintain open access to the Grantors property at all times.*

The land affected by the granting of this easement is located in Section 30, Township 21 South, Range 35 East, County of Brevard, State of Florida, and more particularly described as follows:

**SEE EXHIBIT "A" (INGRESS AND EGRESS EASEMENT) & EXHIBIT "B" (PROPOSED DESIGNATED BREVARD COUNTY LIFT STATION) ATTACHED HERETO**

**TO HAVE AND TO HOLD** said INGRESS AND EGRESS EASEMENT unto Brevard County and to its successors and assigns.

**AND**, the said part of the first part does hereby fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the first party having set their hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness: [Signature]

Scott Graves  
(Print Name)

Blaise M. Mancini  
Witness:

Blaise M. Mancini  
(Print Name)

[Signature]  
Darroll W. Higginbotham

[Signature]  
Paula R. Higginbotham

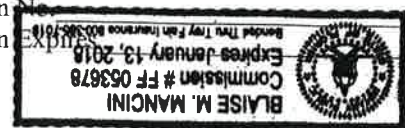
**STATE OF FLORIDA  
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of Sept., 2015, by Darroll W. Higginbotham and Paula Rae Higginbotham, as husband and wife, who is/are personally known to me or who have produced DRIVERS license as identification and who did/did not take an oath.

WITNESS my hand and official seal at Titusville, County of Brevard, State of Florida, this 19<sup>th</sup> day of Sept., 2015.

Blaise M. Mancini  
NOTARY PUBLIC  
Blaise M. Mancini  
Print Name

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



# LEGAL DESCRIPTION

# EXHIBIT "A"

## SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

### THIS IS NOT A SURVEY

SECTION 30, TOWNSHIP 21 SOUTH, RANGE 35 EAST  
PARENT PARCEL ID#: 21-35-30-00-00506.0-0000.00  
PURPOSE: ACCESS EASEMENT  
**PARCEL 802**

### LEGAL DESCRIPTION: PARCEL 802 ACCESS EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF UNPLATTED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1883, PAGE 0904, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA SITUATE IN SECTION 30, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, LYING WEST OF LAKE VIEW HILLS UNIT NO. 2, SECTION C, PLAT BOOK 21, PAGE 127, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 12, BLOCK F, LAKE VIEW HILLS, UNIT No. 2, SECTION C, AS SHOWN IN PLAT BOOK 21, PAGE 127, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;

THENCE BEARING SOUTH 89°34'00" WEST ALONG THE SOUTH LINE OF OFFICIAL RECORDS BOOK 1883, PAGE 0904, SAID LINE ALSO BEING THE NORTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2837, PAGE 1299, ALL IN OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 20.00 FEET TO A POINT;

THENCE, LEAVING SAID LINE, BEARING NORTH 02°03'37" WEST, A DISTANCE OF 25.01 FEET TO A POINT;

THENCE, BEARING NORTH 89°34'00" EAST, A DISTANCE OF 20.00 FEET TO THE WEST LINE OF SAID PLAT OF LAKE VIEW HILLS UNIT No. 2, SECTION C;

THENCE BEARING SOUTH 02°03'37" EAST, ALONG SAID WEST LINE, A DISTANCE OF 25.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 500 SQUARE FEET OR 0.012 ACRES MORE OR LESS AND IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

### SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE LEGAL DESCRIPTION HEREON WAS BASED ON A SKETCH PROVIDED BY INFRASTRUCTURE SOLUTIONS SYSTEMS AND THE PLAT OF LAKE VIEW HILLS, UNIT No. 2, PLAT BOOK 21, PAGE 127, BREVARD COUNTY, FLORIDA PUBLIC RECORDS.
3. THE BEARINGS SHOWN HEREON ARE BASED AN ASSUMED DATUM, MORE PARTICULARLY THE WEST LINE OF LAKE VIEW HILLS, UNIT 2, LOT 12, BLOCK F BEARS SOUTH 02°03'37" EAST AS DESIGNATED ON SAID PLAT.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

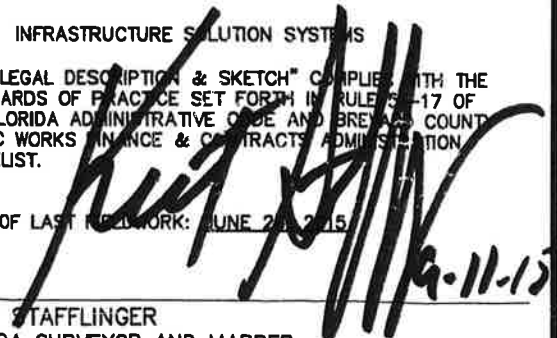
### ABBREVIATIONS:

APPROX. = APPROXIMATE  
 CR = COUNTY ROAD  
 EX = EXISTING  
 F.P.L. = FLORIDA POWER AND LIGHT COMPANY  
 FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION  
 LB = LICENSED BUSINESS  
 NAD = NORTH AMERICAN DATUM  
 NAVD = NORTH AMERICAN VERTICAL DATUM  
 O.R.B. = OFFICIAL RECORDS BOOK  
 P.B. = PLAT BOOK  
 PG = PAGE  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT  
 PRM = PERMANENT REFERENCE MONUMENT  
 R/W = RIGHT OF WAY  
 SF = SQUARE FEET  
 SR = STATE ROAD

TO: INFRASTRUCTURE SOLUTION SYSTEMS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULES 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND BREVARD COUNTY PUBLIC WORKS FINANCE & CONTRACTS ADMINISTRATION CHECKLIST.

DATE OF LAST FIELD WORK: JUNE 23, 2015



KURT STAFFLINGER  
FLORIDA SURVEYOR AND MAPPER  
REGISTRATION No. 5496  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



Bowman Consulting Group, Ltd. Phone: (321) 255-5434  
4450 W EAU GALLIE BLVD, Suite 232 Fax: (321) 255-7751  
MELBOURNE, FL 32934 www.bowmanconsulting.com

Florida Certificate of Authorization No. LB8030

DRAWN BY: RT	CHECKED BY: KS	PROJECT NO. 8551-01-001		SECTION 30 TOWNSHIP 21 SOUTH RANGE 35 EAST
		REVISIONS	DATE	
DATE: 7/8/15	DRAWING: 8551-A-BP-001-ACCESS EST		7/10/15	
			8/20/15	REMOVED FPL EASEMENT, REVISED PER COMMENTS

# SKETCH OF DESCRIPTION

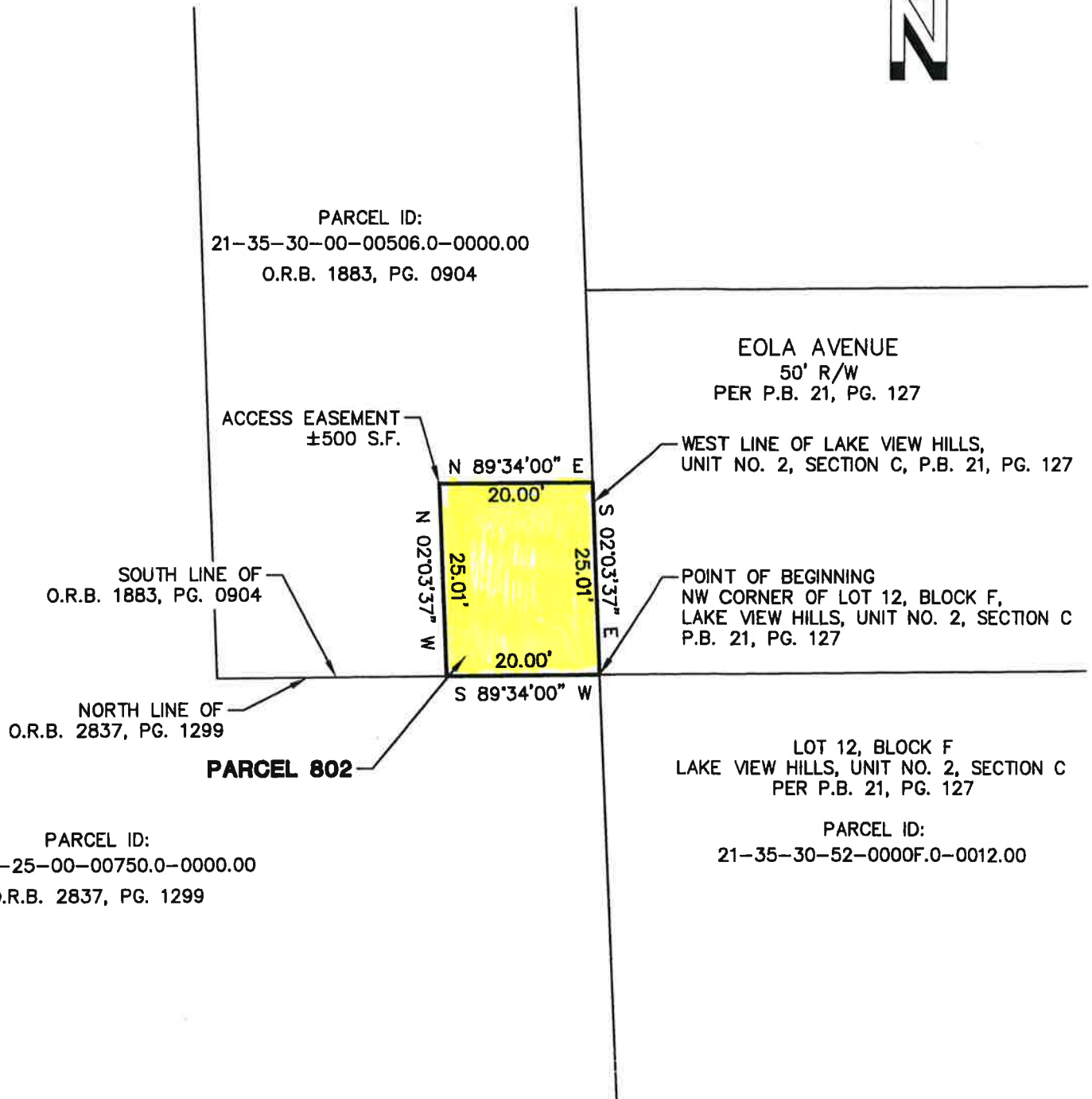
## EXHIBIT "A"

### SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

SECTION 30, TOWNSHIP 21 SOUTH, RANGE 35 EAST  
PARENT PARCEL ID#: 21-35-30-00-00506.0-0000.00  
PURPOSE: ACCESS EASEMENT  
PARCEL 802



PREPARED BY:

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
4450 W EAU GALLIE BLVD, Suite 232  
MELBOURNE, FL 32934

Phone: (321) 255-5434  
Fax: (321) 255-7751  
www.bowmanconsulting.com

SCALE:

1" = 20'

PROJECT NO.:

8551-01-001

SECTION 30  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

# LEGAL DESCRIPTION

EXHIBIT "B"

SHEET 1 OF 2

SECTION 30, TOWNSHIP 21 SOUTH, RANGE 35 EAST  
 PARENT PARCEL ID# 21-34-25-00-00750.0-0000.00

NOT VALID WITHOUT SHEET 2 OF 2

PURPOSE: UTILITY EASEMENT

THIS IS NOT A SURVEY

PARCEL 801

LEGAL DESCRIPTION: PARCEL 801 UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF UNPLATTED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2837, PAGE 1298, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA SITUATE IN SECTION 30, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, LYING WEST OF LAKE VIEW HILLS UNIT No. 2, SECTION C, PLAT BOOK 21, PAGE 127, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE BEARING SOUTH 02°03'37" EAST ALONG THE WEST LINE SAID LOT 12, BLOCK F, A DISTANCE OF 30.00 FEET TO A POINT;

THENCE, LEAVING SAID LINE, BEARING SOUTH 89°34'00" WEST, A DISTANCE OF 30.00 FEET TO A POINT;

THENCE, BEARING NORTH 02°03'37" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1883, PAGE 0904, SAID POINT ALSO LYING ON THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2837, PAGE 1298, BREVARD COUNTY PUBLIC RECORDS;

THENCE BEARING NORTH 89°34'00" EAST, ALONG SAID LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 900 SQUARE FEET OR 0.021 ACRES MORE OR LESS AND IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE LEGAL DESCRIPTION HEREON WAS BASED ON A SKETCH PROVIDED BY INFRASTRUCTURE SOLUTIONS SYSTEMS AND THE PLAT OF LAKE VIEW HILLS, UNIT No. 2, PLAT BOOK 21, PAGE 127, BREVARD COUNTY, FLORIDA PUBLIC RECORDS.
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TO: INFRASTRUCTURE SOLUTION SYSTEMS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND BREVARD COUNTY PUBLIC WORKS FINANCE & CONTRACTS ADMINISTRATION CHECKLIST.

DATE OF LAST FIELD WORK: JUNE 13, 2015

*Kurt Stafflinger* 9-11-15

KURT STAFFLINGER  
 FLORIDA SURVEYOR AND MAPPER  
 REGISTRATION No. 5498  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFY TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



Bowman Consulting Group, Ltd.  
 4450 W EAU GALLIE BLVD, Suite 232  
 MELBOURNE, FL 32934  
 Phone: (321) 255-5434  
 Fax: (321) 255-7751  
 www.bowmanconsulting.com

Florida Certificate of Authorization No. LB8030

DRAWN BY: RT	CHECKED BY: KS	PROJECT NO. 8551-01-001		SECTION 30 TOWNSHIP 21 SOUTH RANGE 35 EAST	
		REVISIONS	7/10/15		ADDED FPL EASEMENT
			8/20/15		REMOVED FPL EASEMENT REVISED PER COMMENTS
DATE: 7/8/15	DRAWING: 8551-A-BP-001-UTIL EST		8/25/15	REVISED TO "EXHIBIT B"	

# SKETCH OF DESCRIPTION

SECTION 30, TOWNSHIP 21 SOUTH, RANGE 35 EAST  
PARENT PARCEL ID# 21-34-25-00-00750.0-0000.00  
PURPOSE: UTILITY EASEMENT  
PARCEL 801

# EXHIBIT "B"

SHEET 2 OF 2  
NOT VALID WITHOUT SHEET 1 OF 2  
THIS IS NOT A SURVEY



EOLA AVENUE  
50' R/W  
PER P.B. 21, PG. 127

PARCEL ID:  
21-35-30-00-00506.0-0000.00  
O.R.B. 1883, PG. 0904

SOUTH LINE OF  
O.R.B. 1883, PG. 0904

POINT OF BEGINNING  
NW CORNER OF LOT 12, BLOCK F,  
LAKE VIEW HILLS, UNIT NO. 2, SECTION C  
P.B. 21, PG. 127

NORTH LINE OF  
O.R.B. 2837, PG. 1299

PARCEL ID:  
21-34-25-00-00750.0-0000.00  
O.R.B. 2837, PG. 1299

N 89°34'00" E

30.00'

N 02°03'37" W

30.00'

30.00'

S 89°34'00" W

**PARCEL 801**  
UTILITY EASEMENT  
±900 S.F.

LOT 12, BLOCK F  
LAKE VIEW HILLS, UNIT NO. 2, SECTION C  
PER P.B. 21, PG. 127

PARCEL ID:  
21-35-30-52-0000F.0-0012.00

WEST LINE OF LOT 12, BLOCK F,  
LAKE VIEW HILLS, UNIT NO. 2, SECTION C  
P.B. 21, PG. 127

S 02°03'37" E

30.00'

PARCEL ID:  
21-35-30-00-00503.0-0000.00  
O.R.B. 5604, PG. 5239

PREPARED BY:

**Bowman**  
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SCALE:

1" = 20'

PROJECT NO.:

8551-01-001

SECTION 30

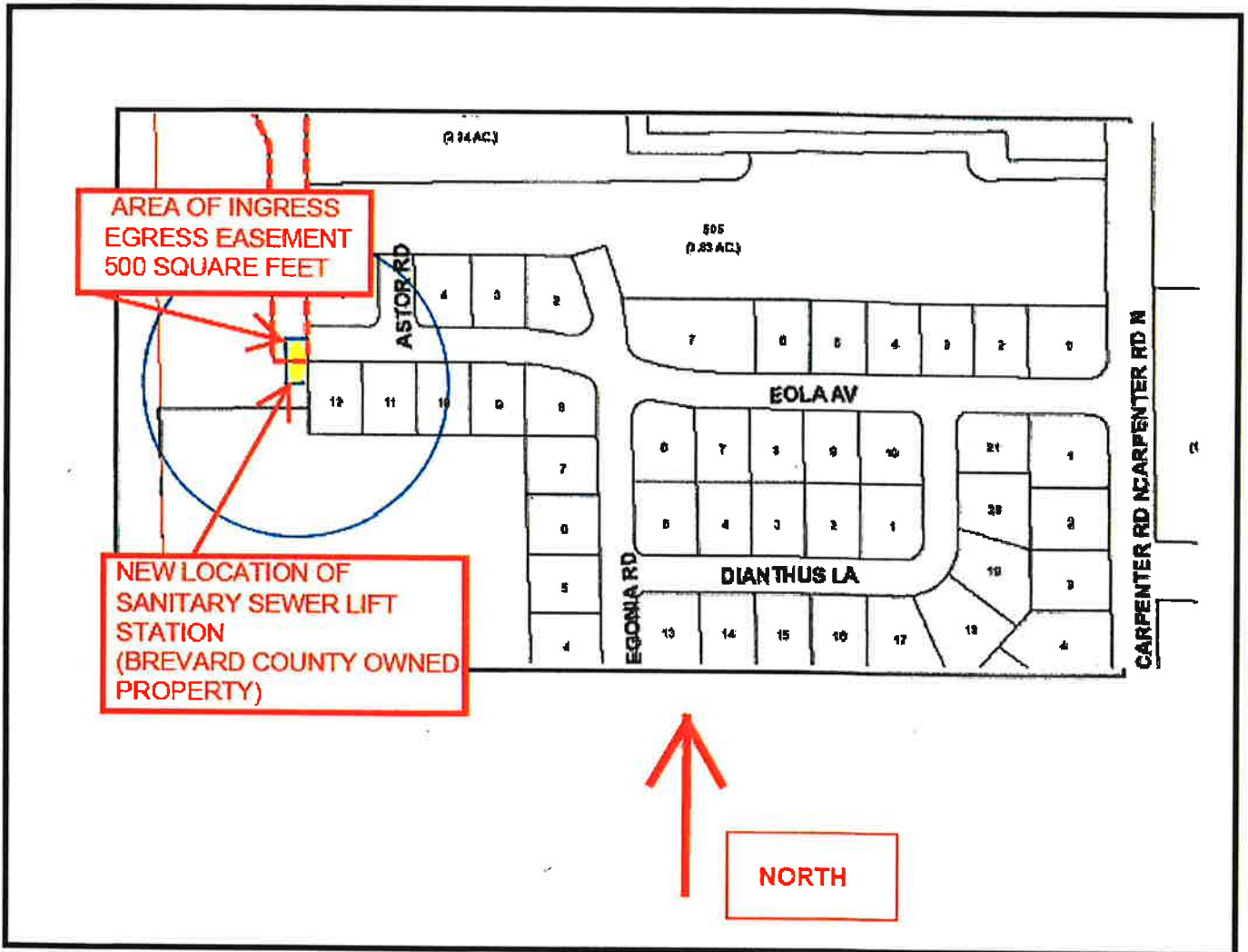
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

# VICINITY MAP

SEC: 30 TWP: 21 S RNG: 35 DISTRICT: 1

STREET NAME: EOLA AVENUE

OWNER'S NAME: DARROLL AND PAULA R. HIGGINBOTHAM (H/W)



**Property Fact Sheet**

**PROJECT: N-03 LIFT STATION  
PERMANENT INGRESS AND EGRESS EASEMENT**

Owner: Darroll and Paula Rae Higginbotham

Parcel Location: 4200 Eola Avenue, Titusville, Florida

Parent Parcel Size: 9 Acres

Easement be acquired: 500 Square Feet

Improvements: Pole Barns and Out buildings  
(Plant Nursery)

Topography: Level with road grade, no wetlands indicated

Flood Zone: X (outside 500-year flood)

Tax Parcel #: 21-35-30-00-00506.0-0000.0000

Market Value: \$222,890 (2015 Assessment-Property Appraiser)

Public Utilities: All Utilities Available

Property Transaction: Purchase Date: May 1, 1978  
(Property Appraisers' Records) Sale amount: \$16,000