

| |
|--------------|
| Meeting Date |
| May 17, 2016 |



| AGENDA | |
|----------|---------|
| Section | Consent |
| Item No. | II.A.10 |

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

| | |
|-----------------|--|
| SUBJECT: | Approval Re: Sanitary Sewer Easement from Brevard Medical City, LLC in favor of Brevard County for property located on Wickham Road (13-SP-00362) - District 4 (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 accept a Sanitary Sewer Easement from Brevard Medical City, LLC.

Summary Explanation & Background:

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

On July 7, 2015, Brevard County accepted a Sanitary Sewer Easement from the property owner to construct, maintain, and serve professional medical offices on Wickham Road. When construction of the sewer line was complete, it was determined that a portion of the sewer line was constructed outside of the easement area. It is more cost efficient for the developer to grant the County additional easement area to accommodate the improvements than to relocate the structures. The owner has executed the document conveying the additional easement.

There is a mortgage on the property and the Mortgagee, Suntrust Bank, has executed a Joinder to Sanitary Sewer Easement.




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

Fiscal impact: FY 2015-2016: No impact
FY 2016-2017: No impact

Clerk to the Board instruction: Forward Board approval memo to Department.

Exhibits Attached: Copy of Executed Sanitary Sewer Easement and Joinder to Sanitary Sewer Easement with Exhibit A, Location Map, Property Fact Sheet.

| | | | | | | | |
|---|------------------------------------|-----|-------------------------------------|----|--------------------------|----|--------------------------|
| Contract /Agreement (If attached): | Reviewed by County Attorney | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | PR | <input type="checkbox"/> |
|---|------------------------------------|-----|-------------------------------------|----|--------------------------|----|--------------------------|

| | | |
|--|---------------------------------|---|
| County Manager | Assistant County Manager | Department Director / Extension |
| Stockton Whitten  | Assistant County Manager |  John Denninghoff / 57202  Jim Helmer / 52091 |



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

May 18, 2016

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.10., Sanitary Sewer Easement from Brevard Medical City, LLC, in Favor of Brevard County for Property Located on Wickham Road (13-SP-00362)

The Board of County Commissioners, in regular session on May 17, 2016, accepted a Sanitary Sewer Easement from Brevard Medical City, LLC, in favor of Brevard County for the property located on Wickham Road (13-SP-00362).

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

cc: Utility Services Director
Asset Management
Land Acquisition

BOARD OF COUNTY COMMISSIONERS

AGENDA: ACCEPTANCE OF A SANITARY SEWER EASEMENT FROM BREVARD MEDICAL CITY, LLC, IN FAVOR OF BREVARD COUNTY, BEING LOCATED ON WICKHAM ROAD IN CONJUNCTION WITH SITE PLAN (13-SP-00362). 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 (52886)

REVIEW

| | APPROVE | DISAPPROVE | DATE |
|---|---------------------|------------|----------------|
| <u>LAND ACQUISITION</u> Dan P. Jones, Supervisor | <u>DPJ</u> | _____ | <u>4/6/16</u> |
| <u>COUNTY ATTORNEY</u> Cristina Berrios Assistant County Attorney | <u>see attached</u> | _____ | <u>4/14/16</u> |
| <u>PUBLIC WORKS</u> John P. Denninghoff, Director | <u>JPD</u> | _____ | <u>4/19/16</u> |
| <u>UTILITY SERVICES</u> James Helmer, Director | <u>JH</u> | _____ | <u>4/14/16</u> |

AGENDA DUE DATE: MAY 3, 2016 FOR THE MAY 17, 2016 BOARD MEETING

PLEASE CALL: DEBBIE CRUZ, LAND ACQUISITION SECRETARY AT 690-6847 WHEN READY FOR PICK UP. THANK YOU.

BOARD OF COUNTY COMMISSIONERS


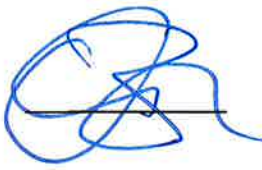
AGENDA: ACCEPTANCE OF A SANITARY SEWER EASEMENT FROM BREVARD MEDICAL CITY, LLC, IN FAVOR OF BREVARD COUNTY, BEING LOCATED ON WICKHAM ROAD IN CONJUNCTION WITH SITE PLAN (13-SP-00362). DISTRICT 4

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

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (52886)

REVIEW

| | APPROVE | DISAPPROVE | DATE |
|--|--|------------|---------|
| <u>LAND ACQUISITION</u> Dan P. Jones, Supervisor |  | _____ | 4/6/16 |
| <u>COUNTY ATTORNEY</u> Cristina Berrios Assistant County Attorney |  | _____ | 4/14/16 |
| <u>PUBLIC WORKS</u> John P. Denninghoff, Director | _____ | _____ | _____ |
| <u>UTILITY SERVICES</u> James Helmer, Director | _____ | _____ | _____ |

AGENDA DUE DATE: MAY 3, 2016 FOR THE MAY 17, 2016 BOARD MEETING

PLEASE CALL: DEBBIE CRUZ, LAND ACQUISITION SECRETARY AT 690-6847 WHEN READY FOR PICK UP. THANK YOU.

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
An Easement Interest in Tax Parcel I.D. 26-36-13-00-00767.0-0000.00

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 11th day of April, 2016, **Brevard Medical City, LLC**, a Florida limited liability company ("Grantor"), whose address is 903 Jordan Blass Drive, Suite #102, Melbourne, Florida 32940, and **Brevard County**, a political subdivision of the State of Florida ("Grantee"), whose post office address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, for the use and benefit of Brevard County.

WITNESSETH: That Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto Grantee, its successors and assigns, a perpetual easement commencing on the above date, for the sole purpose of maintaining a Sanitary Sewer/Force Main and other allied uses pertaining thereto 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 this easement is located in Section 13, Township 26 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described in the sketch and legal description attached hereto as Exhibit "A."

TO HAVE AND TO HOLD said easement unto Grantee and to its successors and assigns.

AND, Grantor does hereby fully warrant the title to said easement, and will defend the same against the lawful claims of all persons whomsoever.

SUNTRUST BANK as, the owner and holder of: (i) that certain Mortgage and Security Agreement recorded in Official Records Book 7200, Page 33; that certain Assignment of Rents, Leases and Proceeds recorded in Official Records Book 7200, Page 466; that certain Collateral Assignment of Development Rights, Licenses, Contracts, Permits and Warranties recorded in Official Records Book 7200, Page 73; and (ii) that certain Mortgage and Security Agreement recorded in Official Records Book 7296, Page 377; that certain Assignment of Rents, Leases and Proceeds recorded in Official Records Book 7296, Page 412; that certain Collateral Assignment of Development Rights, Licenses, Contracts, Permits and Warranties recorded in Official Records Book 7296, Page 419; and that certain State of Florida Uniform Commercial Code Financing Statement recorded in Official Records Book 7296, Page 426, all of the Public Records of Brevard County, Florida (the "Loan Documents") which encumber Units A and B respectively, executes this instrument for the purpose of joining, ratifying and consenting to the easement herein granted.

(See Notary Block 2nd Page)

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
An Easement Interest in Tax Parcel I.D. 26-36-13-00-00767.0-0000.00

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

[Signature]
Witness
ERIC Hardoon
(Print Name)

[Signature]
Witness
MAYSSON DILLON
(Print Name)

Brevard Medical City, LLC, a Florida limited liability company

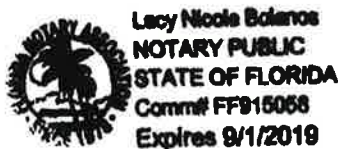
By: [Signature]
Abraham Hardoon, Manager

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 11 day of April, 2016 by Abraham Hardoon, as Manager of Brevard Medical City, LLC, a Florida limited liability company, who is personally known to me or who has produced his driver's license as identification and who did/did not take an oath.

WITNESS my hand and official seal at the City of Melbourne, County of Brevard, State of Florida, and this 11 day of April, 2016.

[Signature]
Notary Public, State of Florida
Lacy Nicole Bolanos
(Print Name)
Commission No. FF915058
Commission Expires: 9/1/2019



**JOINDER TO
SANITARY SEWER EASEMENT
(Suntrust Bank)**

The undersigned does hereby execute the Sanitary Sewer Easement, dated ^{April} May 4, 2016, to which this Joinder is attached for the purpose therein set forth.

Signed, sealed and delivered
in the presence of:

SUNTRUST BANK

Kalli Newhouse

Witness:

Kalli Newhouse

Print

Ashley Sanders

Witness:

Ashley Sanders

Print

By: Christina Teague
Print Name: CHRISTINA TEAGUE
Its: RELATIONSHIP MANAGER

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 4th day of April, 2016, by Christina Teague, as manager of SunTrust Bank, and that he/she is personally known to me or has provided _____ as identification.

Notary Public, State of Florida

Lacy Nicole Bolanos

Lacy Nicole Bolanos

(Print Name)

Commission No. FF915058

Commission Expires: 9/1/2019



LEGAL DESCRIPTION

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL 802
 PARENT PARCEL ID NUMBER: 26-36-13-00-767.0-0000.00
 PURPOSE: SANITARY SEWER EASEMENT
 (THIS IS NOT A SURVEY)

EXHIBIT A

SHEET 1 OF 3
 NOT VALID WITHOUT
 SHEETS 2 & 3 OF 3

LEGAL DESCRIPTION: PARCEL 802 (BY SURVEYOR)

A portion of lands described in Official Records Book 6772, Pages 146 through 162, as recorded in the Public Records of Brevard County, Florida. Said lands lying in Section 13, Township 26 South, Range 36 East, said Brevard County and being more particularly described as follows:

Commence at the Southeast corner of Complex, as recorded in Plat Book 34, Page 22, said Public Records of Brevard County, Florida; thence South 89°02'44" West along the North line of said Official Records Book 6772, Pages 146 through 162, of the said Public Records of Brevard County, Florida, a distance of 393.41 Feet to a point on the South Right-of-Way line of Pineda Court (a 60' Wide Road Right-of-Way) as recorded in Official Records Book 3056, Page 2823, also being the said Northerly line of said Official Records Book 6772, Pages 146-162, and the point of curvature of a non tangent circular curve concave to the northwest, having a radius of 380.00 Feet, and a central angle of 37°47'00"; thence from a tangent bearing of South 42°45'04" West, run southwesterly along the said North line of Official Records Book 6772, Pages 146 - 162 and the said South Right-of-Way line of Pineda Court, and the arc of said curve an arc distance of 250.59 Feet; thence continue along said North and South lines South 80°32'04" West, a distance of 16.17 Feet; thence leaving said line run along the Easterly line of a 20.00 Foot Sanitary Sewer Easement (Parcel 801), as described in Official Records Book 7426, Page 518, said Public Records for the following Seven (7) calls:

South 47°56'24" East, a distance of 99.29 Feet; thence South 09°27'38" East, a distance of 328.93 Feet; thence North 78°48'37" East, a distance of 47.19 Feet; thence South 11°11'23" East, a distance of 20.00 Feet; thence South 78°48'37" West, a distance of 46.98 Feet; thence South 14°04'01" East, a distance of 173.71 Feet; thence South 25°42'22" East, a distance of 229.81 Feet to the Southeast corner of said Sanitary Sewer Easement and the **POINT-OF-BEGINNING**; thence leaving said line continue South 25°42'22" East, a distance of 10.00 Feet; thence South 64°15'23" West, a distance of 20.00 Feet; thence North 25°43'08" West, a distance of 10.00 Feet; thence North 64°15'23" East, a distance of 20.00 Feet to the **POINT-OF-BEGINNING**.

Containing 199.98 Square Feet (0.005 Acres) of land more or less.



PREPARED FOR AND CERTIFIED TO:
 Brevard Medical City, LLC and
 Brevard County Board of County Commissioners

JONATHAN W. MOTT, PLS NO. 5060
 NOT VALID UNLESS SIGNED AND SEALED

WILLIAM MOTT LAND SURVEYING INC.

EAGLE HARBOUR DOWNTOWN
 3800 WEST EAU GALLIE BOULEVARD, SUITE 101
 MELBOURNE, FLORIDA 32934-3285
 PHONE (321) 751-4444 FAX (321) 751-4445

COPYRIGHT © 2015 WILLIAM MOTT LAND SURVEYING INC., ALL RIGHTS RESERVED LICENSED BUSINESS "3608"

LEGEND:
 R.B. = REFERENCE BEARING
 O.R.B. = OFFICIAL RECORDS BOOK (ORB)
 D.B. = DEED BOOK
 P.B. = PLAT BOOK NT =NON TANGENT
 PG. = PAGE (PG) PC = POINT OF CURVATURE
 R/W = RIGHT-OF-WAY
 L/T = LINE TABLE TAG NTS =NOT TO SCALE
 C/T = CURVE TABLE TAG
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT

| | | | |
|----------------|--------------------|----------------------|-------------------|
| DRAWN BY: T.B. | CHECKED BY: J.M.M. | DRAWING NO. A16-0008 | SECTION 13 |
| DATE: 03-30-16 | SHEET 1 OF 3 | REVISIONS 03/31/16 | TOWNSHIP 26 SOUTH |
| | | REVISIONS 04/01/16 | RANGE 36 EAST |

SKETCH OF DESCRIPTION

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL 802
 PARENT PARCEL ID NUMBER: 26-36-13-00-767.0-0000.00
 (THIS IS NOT A SURVEY)

EXHIBIT A

SHEET 2 OF 3
 NOT VALID WITHOUT
 SHEETS 1 & 3 OF 3

SCALE: 1"=200'

CORPLEX
 PLAT BOOK 34, PAGE 22

LANDS DESCRIBED IN
 OFFICIAL RECORDS
 BOOK 2888,
 PAGES 1573-1577

Pineda Court
 80' ROAD R/W
 PER O.R.B. 3056, PAGE 2823

POC.

SOUTHEAST CORNER
 OF CORPLEX
 PLAT BOOK 34, PAGE 22
 S 89°02'44" W (RB)

**Florida East
 Coast Railroad**
 (100' RIGHT-OF-WAY)

SOUTH R/W
 PINEDA COURT

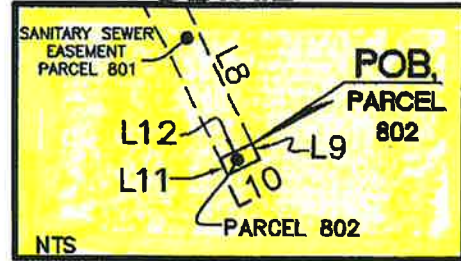
NORTH LINE OF
 O.R.B. 6772,
 PG. 146-162

393.41'
 SOUTH LINE OF CORPLEX
 NORTH LINE OF O.R.B.
 6772, PG. 146-162

R=380.00' Δ=37°47'00"
 L=250.59' CH=246.07'
 CB=S61°38'34"W
 TANGENT BEARING=
 S 42°45'04" W

SANITARY SEWER EASEMENT
 PARCEL 801 (SHADED)
 PER O.R.B. 7426,
 PAGE 518

DETAIL



Wickham Road
 RIGHT-OF-WAY WIDTH VARIES

WEST LINE OF O.R.B. 6772, PG. 146-162
 EAST R/W LINE OF WICKHAM ROAD

WATER MAIN &
 INGRESS EGRESS
 EASEMENT (HATCHED)
 PER O.R.B. 7395,
 PAGE 2394

INGRESS/EGRESS
 EASEMENT
 PER O.R.B. 7213
 PAGES 155-171
 (EXHIBIT 3)

PHASE TWO
 BREVARD MEDICAL CITY,
 A COMMERCIAL CONDOMINIUM
 ORB 7225, PG. 2347

R/W DEED PER
 O.R.B. 7241,
 PAGE 2006

FPL UNDERGROUND
 EASEMENT PER
 O.R.B. 7567,
 PAGE 858

POB, PARCEL 802

Matchpoint See detail above

PARCEL 802
 SANITARY SEWER
 EASEMENT
 199.98 sq.ft.
 0.005 acres

LANDS DESCRIBED IN
 OFFICIAL RECORDS BOOK 7213,
 PAGE 147

| LINE TABLE | | |
|------------|---------|---------------|
| LINE | LENGTH | BEARING |
| L1 | 16.17' | S 80°32'04" W |
| L2 | 99.29' | S 47°56'24" E |
| L3 | 328.93' | S 09°27'38" E |
| L4 | 47.19' | N 78°48'37" E |
| L5 | 20.00' | S 11°11'23" E |
| L6 | 46.98' | S 78°48'37" W |
| L7 | 173.71' | S 14°04'01" E |
| L8 | 229.81' | S 25°42'22" E |
| L9 | 10.00' | S 25°42'22" E |
| L10 | 20.00' | S 64°15'23" W |
| L11 | 10.00' | N 25°43'08" W |
| L12 | 20.00' | N 64°15'23" E |

R/W DEED PER
 O.R.B. 7241,
 PAGE 2006

INGRESS/EGRESS
 EASEMENT
 (EXHIBIT 3)
 PER O.R.B. 7213
 PAGES 155-171

PREPARED BY: WILLIAM MOTT LAND SURVEYING, INC.
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST

DWG: SK-SEWERADD.DWG
 PROJECT NO. 213-0012

SURVEYOR'S NOTES

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARCEL 802
PARENT PARCEL ID NUMBER: 26-36-13-00-767.0-0000.00
(THIS IS NOT A SURVEY)

EXHIBIT A

SHEET 3 OF 3
NOT VALID WITHOUT
SHEETS 1 & 2 OF 3

NOTES:

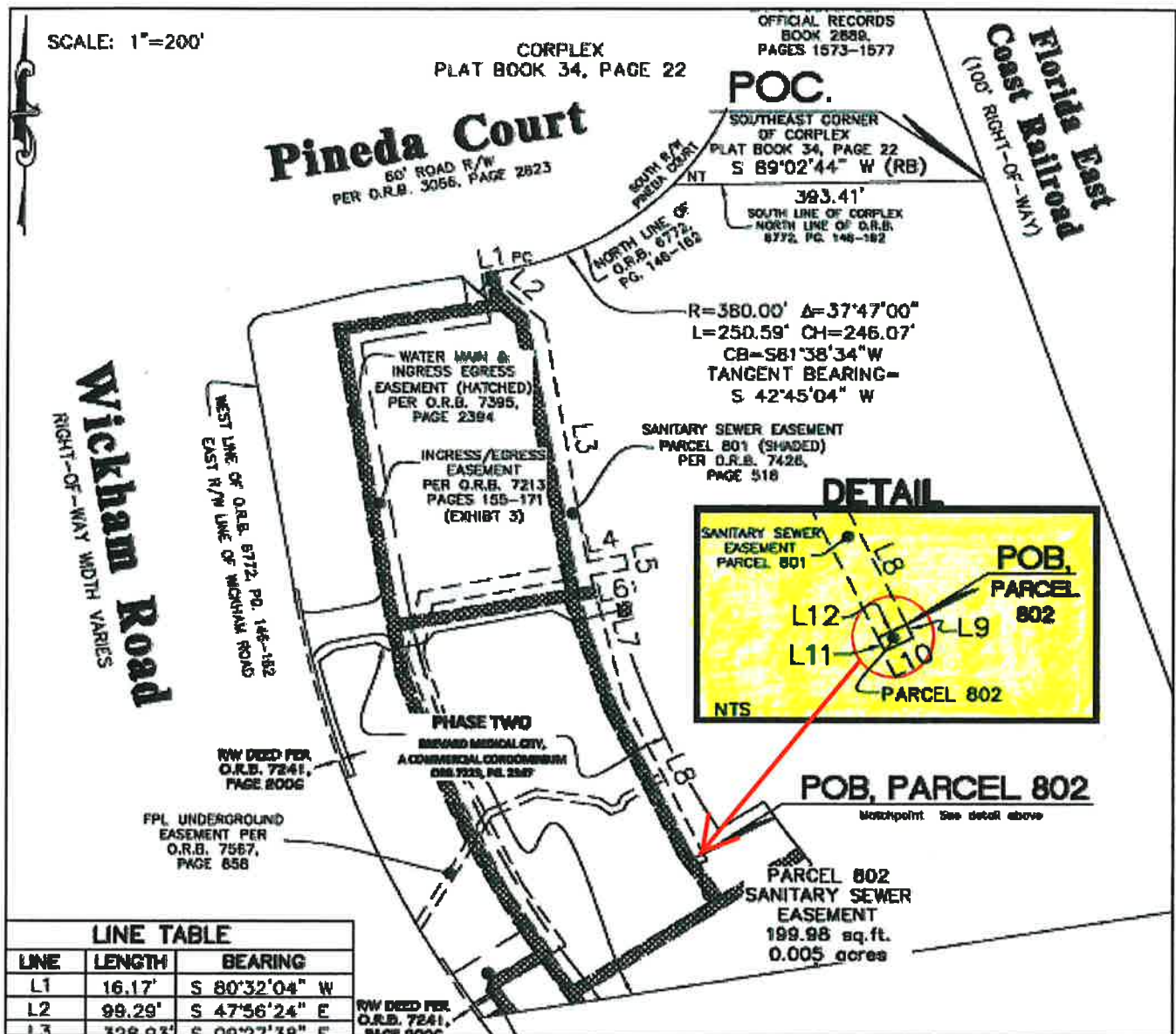
1. THIS SKETCH AND DESCRIPTION IS BASED ON A BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY WILLIAM MOTT LAND SURVEYING, PROJECT NUMBER 213-0012, DRAWING NUMBER D13-0018A THROUGH D13-0018E, DATED 04/24/2013.
2. EASEMENTS SHOWN HEREON WERE PROVIDED IN OPINION LETTER PREPARED BY KRASNY AND DETTMER, DATED MARCH 29, 2016.
3. BEARINGS HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR FLORIDA'S EAST ZONE. SAID COORDINATE SYSTEM YIELDS A BEARING OF SOUTH 89°02'44" WEST FOR THE SOUTH LINE OF CORPLEX.
4. THE EASEMENT AREA (PARCEL 802) IS SUBJECT TO BLANKET EASEMENTS FOR UTILITIES, INGRESS AND EGRESS, AND CONSTRUCTION PER THE DECLARATION OF CONDOMINIUM OF SUNTREE VIERA PROFESSIONAL PARK, A COMMERCIAL CONDOMINIUM AND RECORDED IN OFFICIAL RECORDS BOOK 7223, PAGE 2347, AMENDED IN OFFICIAL RECORDS BOOK 7231 PAGE 717 AND IN OFFICIAL RECORDS BOOK 7289 PAGE 2711, TOGETHER WITH ASSIGNMENT OF DEVELOPER'S RIGHTS AND OBLIGATIONS RECORDED IN OFFICIAL RECORDS BOOK 7289 PAGE 2708, AS MAY BE FURTHER AMENDED AND RECORDED IN THE DECLARATION OF CONDOMINIUM OF SUNTREE VIERA ONE, A COMMERCIAL CONDOMINIUM RECORDED IN OFFICIAL RECORDS BOOK 7231, PAGE 734 AND IN OFFICIAL RECORDS BOOK 7289 PAGE 2713, TOGETHER WITH ASSIGNMENT OF DEVELOPER'S RIGHTS AND OBLIGATIONS RECORDED IN OFFICIAL RECORDS BOOK 7289 PAGE 2708, AS MAY BE FURTHER AMENDED.

LOCATION MAP

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

STREET NAME: WICKHAM ROAD –SANITARY SEWER EASEMENT

OWNER'S NAME: BREVARD MEDICAL CITY, LLC, MELBOURNE, FLORIDA



PROPERTY FACT SHEET

PROJECT: BREVARD MEDICAL CITY, LLC SANITARY SEWER EASEMENT

| | |
|--|--|
| Owner: | Brevard Medical City, LLC |
| Parcel Location: | South East Corner of Wickham Road and Pineda Court, Melbourne, Florida |
| Parcel Size: | Easement Interest being a portion of interest in a parent parcel of 23.46 Acres |
| Acquisition Area: | .005 Acres |
| Zoning/land Use: | Commercial |
| Improvements: | Medical/Professional Offices |
| Topography: | Level with Road Grade |
| Flood Zone: | X-Outside the 500 Year Flood Plain |
| Tax Parcel ID#: | 26-36-13-00-00767.0-0000.00 |
| Market Value: (Property Appraiser-Assessed) | \$1,635,010.00 |
| Public Utilities: | All Utilities Available |
| Property Transaction: | \$2,000,000.00 (12/28/12- Parent parcel was purchased for this amount; this sewer easement is located on the north portion of the parent site. |