

Meeting Date
March 20, 2018



AGENDA	
Section	Consent
Item No.	II.A.7

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Temporary Sanitary Sewer Easement from The Viera Company for Brevard Oaks ALF - District 4 - (Fiscal Impact: None).
DEPT/OFFICE:	Land Acquisition / Utility Services Department

Requested Action:
 It is requested that the Board of County Commissioners approve and accept the Temporary Sanitary Sewer Easement (Future Ivanhoe Drive Extension) from the Viera Company.

Summary Explanation & Background:
 The subject parcel is located in Section 16, Township 26, Range 36.
 The department has determined this easement is required in order for Brevard County to maintain and operate a sewer line over the area; which will initially serve the Brevard Oaks Assisted Living Facility and will eventually be extended once additional development occurs in the area. This easement is proposed as temporary until such time as the alignment is platted and conveyed as a public roadway to Brevard County.
 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 the executed Temporary Sanitary Sewer Easement with Exhibit A attached, Location Map

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Jim Helmer / 52091
	Interim Assistant County Manager Jim Liesenfelt	

BOARD OF COUNTY COMMISSIONERS

AGENDA: TEMPORARY SANITARY SEWER EASEMENT FROM THE VIERA COMPANY (OWNER) TO BREVARD COUNTY – BREVARD OAKS ALF PROJECT – DISTRICT 4

AGENCY: LAND ACQUISITION SECTION / UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor		_____	2/27/18
UTILITY SERVICES DEPARTMENT Jim Helmer, Director		_____	3/2/18
ASSISTANT COUNTY MANAGER John P. Denninghoff		_____	3/7/18
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	see attached	_____	3/1/18

AGENDA DUE DATE: March 6, 2018 for the **March 20, 2017 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: TEMPORARY SANITARY SEWER EASEMENT FROM THE VIERA COMPANY (OWNER) TO BREVARD COUNTY – BREVARD OAKS ALF PROJECT – DISTRICT 4

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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>[Signature]</u>	_____	<u>2/27/18</u>
UTILITY SERVICES DEPARTMENT Jim Helmer, Director	_____	_____	_____
ASSISTANT COUNTY MANAGER John P. Denninghoff	_____	_____	_____
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>X</u>	_____	<u>2/23/18</u>

Recommended that this E be terminable not temporary

AGENDA DUE DATE: March 6, 2018 for the March 20, 2017 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

March 21, 2018

MEMORANDUM

TO: Jim Helmer, Utility Services Director

RE: Item II.A.7., Acceptance of Temporary Sanitary Sewer Easement from The Viera Company for Brevard Oaks Assisted Living Facility (ALF)

The Board of County Commissioners, in regular session on March 20, 2018, approved acceptance of the Temporary Sanitary Sewer Easement, future Ivanhoe Drive Extension, from The Viera Company for Brevard Oaks Assisted Living Facility (ALF).

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

cc: Land Acquisition

This instrument prepared by:
Benjamin E. Wilson, Esq.
The Viera Company
7380 Murrell Rd., Ste. 201
Viera, FL 32940
321.242.1200, Ext. 4501

TEMPORARY SANITARY SEWER EASEMENT
(Future Ivanhoe Drive Extension)

THE VIERA COMPANY, a Florida corporation (hereinafter referred to as the "Grantor"), as of this 26th day of Feb., 2018, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, hereby grants and gives (subject to the reservations and other matters set forth hereinbelow) to BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the "Grantee"), a temporary easement for the purpose of installing, operating, inspecting, repairing, maintaining, replacing and improving sanitary sewer lines and related facilities under, upon and through that certain real property containing approximately 0.91 acres and more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Easement Area") (said temporary easement hereinafter referred to as the "Easement").

TOGETHER WITH the right in favor of Grantee of reasonable ingress and egress over and across the Easement Area at all times to facilitate the purposes of the Easement and the right to cut, trim, and keep the Easement Area clear of trees, brush and undergrowth.

THE EASEMENT hereby granted is non-exclusive, made subject to easements, conditions, restrictions, reservations and other matters of record encumbering the Easement Area as of the date of this instrument and as granted by Grantor from time to time, and shall in no way restrict the right or interest of Grantor in the use and quiet enjoyment of the Easement Area to the extent that such use does not unreasonably interfere with the rights granted herein to Grantee. Without limiting the generality of the preceding sentence, Grantor expressly reserves the right to utilize the Easement Area for roadway, driveway, sidewalk, landscaping and signage purposes and for the installation of utilities such as potable water lines and related improvements, and in connection therewith to construct, install, repair, maintain and improve roadways, utility lines, driveways, sidewalks, landscaping, irrigation systems, signs, and improvements related thereto over, across, upon and under the Easement Area or any part thereof.

GRANTOR anticipates that Grantor shall, in connection with platting and developing the lands of which the Easement Area is a part, dedicate the Easement Area, in whole or in parts, to Grantee for use as a public right-of-way for roadway and utility purposes and/or a utility easement. Therefore all Easement rights and interests hereby granted to Grantee with respect to any portion of the Easement Area hereafter so dedicated to Grantee by Grantor shall automatically terminate and be in all respects extinguished, null, void and of no further force and effect as to the dedicated portion of the Easement Area upon the recording a subdivision plat in the Public Records of Brevard County, Florida, containing such a dedication to Grantee.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed in its name, and its corporate seal to be hereto affixed, by its proper officer thereunto duly authorized on the day and year first above written.

Signed, sealed and delivered in the presence of:

Mary Ellen McKibben
Name: Mary Ellen McKibben

Sandra Patrick
Name: SANDRA PATRICK

GRANTOR:

THE VIERA COMPANY, a Florida corporation

By: [Signature]
Name: Todd J. Pokrywa
Title: Sr. Vice Pres

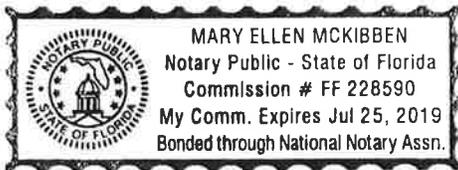
(CORPORATE SEAL)

Address: 7380 Murrell Road, Ste 201
Viera, FL 32940

STATE OF FLORIDA }
 }
COUNTY OF BREVARD }

The foregoing instrument was acknowledged before me this 26th day of Feb, 2018, by Todd J. Pokrywa, Sr. V. Pres, as _____ of The Viera Company, a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath.

(SEAL)



Mary Ellen McKibben
Print Name: Mary Ellen McKibben
Notary Public, State of Florida
Commission No.: _____
Expires: _____

LEGAL DESCRIPTION

SHEET 1 OF 2

PARCEL #701

NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2

SECTION 16, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NUMBER: 26-36-16-00-1

PURPOSE: TEMPORARY INGRESS/EGRESS EASEMENT

LEGAL DESCRIPTION: PARCEL #701, TEMPORARY INGRESS/EGRESS EASEMENT (BY SURVEYOR)

A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF STADIUM PARKWAY, ACCORDING TO THE PLAT OF REELING PARK NORTH AND SEVILLE AT ADDISON VILLAGE - PHASE 1, RECORDED IN PLAT BOOK 61, PAGE 37, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S00°51'27"E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID STADIUM PARKWAY, A DISTANCE OF 77.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE OF STADIUM PARKWAY AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S45°51'27"E, AND A CHORD LENGTH OF 35.36 FEET), A DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; THENCE N89°08'33"E, A DISTANCE OF 539.12 FEET; THENCE S00°51'27"E, A DISTANCE OF 70.00 FEET; THENCE S89°08'33"W, A DISTANCE OF 539.12 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S44°08'33"W, AND A CHORD LENGTH OF 35.36 FEET), A DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE AND THE EAST RIGHT-OF-WAY LINE OF SAID STADIUM PARKWAY; THENCE N00°51'27"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.91 ACRES (39,756.33 SQUARE FEET), MORE OR LESS.

SURVEYORS NOTES:

- DESCRIPTION OF A PARCEL OF LAND IN SECTIONS 16, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA
- THIS IS NOT A BOUNDARY SURVEY NOR IS IT INTENDED TO BE USED AS ONE.
- BEARING REFERENCE: ASSUMED BEARING OF N00°51'27"W ON THE EAST RIGHT-OF-WAY LINE OF STADIUM PARKWAY - PHASE 3, ACCORDING TO RPB 2, PG 5, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- BASED UPON REVIEW OF THE OWNERSHIP AND ENCUMBRANCE REPORT, PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER #6507195 FOR THE HEREIN DESCRIBED PARCEL, THERE ARE NO EXISTING EASEMENTS AFFECTING TO OR ADJACENT TO THE TEMPORARY INGRESS AND EGRESS EASEMENT DESCRIBED HEREIN.

PREPARED FOR AND CERTIFIED TO:
THE VIERA COMPANY & BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS


LESLIE E. HOWARD, PSM No. 5611
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901

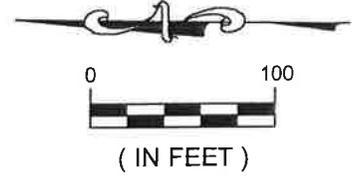
DRAWN BY: LEH/EAK	CHECKED BY: LEH/EAK	DRAWING NO. 1132901_100_102	SECTION 16,
DATE: 2/21/2018	SHEET 1 OF 2	REVISIONS: COUNTY COMMENTS 02/21/18	TOWNSHIP 26 SOUTH RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL #701

SECTION 16, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-16-00-1
 PURPOSE: TEMPORARY INGRESS/EGRESS EASEMENT

SHEET 2 OF 2
 NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2



Ohi Asset FL Melbourne Llc
 26-36-16-00-256
 ORB 7649, PG 2607

W BOUNDARY LINE
 ORB 7649, PG 2607

S BOUNDARY LINE
 ORB 7649, PG 2607

A. DUDA & SONS, INC.
 ORB 5387, PG 3769

AL=39.27' R=25.00'
 DEL=90°00'00"
 CB=S45°51'27"E
 CH=35.36'

POB

PARCEL #701 TEMPORARY
 INGRESS/EGRESS EASEMENT

POC

NE CORNER OF STADIUM PARKWAY PER
 REELING PARK NORTH AND SEVILLE
 AT ADDISON VILLAGE - PHASE 1,
 PB 61, PG 37

S00°51'27"E
 70.00'

70'
PARCEL 701
TEMPORARY INGRESS/EGRESS EASEMENT
0.91 ACRES (39,756.33 SQUARE FEET)

N89°08'33"E 539.12'

S89°08'33"W 539.12'

A. DUDA & SONS, INC.
 ORB 5387, PG 3769

AL=39.27'
 R=25.00'
 DEL=90°00'00"
 CB=S44°08'33"W
 CH=35.36'

ABBREVIATIONS

AL	ARC LENGTH
BOC	BEGINNING OF CURVE
CB	CHORD BEARING
CH	CHORD LENGTH
DEL	DELTA ANGLE
EOC	END OF CURVE
OR/ORB	OFFICIAL RECORDS BOOK
R(PB)	ROAD (PLAT BOOK)
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RPB	ROAD PLAT BOOK
R/W	RIGHT-OF-WAY
RGE	RANGE
SEC	SECTION
TWP	TOWNSHIP

IVANHOE DRIVE AND
 VIDINA DRIVE

TRACT A
 RPB 2, PG 39

R/W LINE

E R/W LINE OF
 STADIUM PARKWAY PHASE 3
 (RPB 2, PG 5)

STADIUM PARKWAY PHASE 3
 150' PUBLIC R/W
 (RPB 2, PG 5)

R/W LINE

S00°51'27"E
 77.00'

NORTH LINE OF
 PB 61, PG 37

SOUTH LINE OF
 RPB 2, PG 5

N00°51'27"W
 120.00'

STADIUM PARKWAY
 150' PUBLIC R/W
 (PB 61, PG 37)

R/W LINE

R/W LINE

E R/W LINE OF
 STADIUM PARKWAY
 PB 61, PG 37

TRASONA DRIVE
 PB 62, PG 62

LOREN COVE, PHASE 1
 PB 62, PG 62

PREPARED BY:
 B.S.E. CONSULTANTS, INC.
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 MELBOURNE, FLORIDA 32901

SCALE:
 1" = 100'
 PROJECT NO.
 11329.01

SECTION 16
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST

LOCATION MAP

TWP: 26 RNG: 36 SEC: 16 DISTRICT: 4

STREET NAME: Future Ivanhoe Drive

OWNER'S NAME: The Viera Company

