

Meeting Date
March 21, 2017



AGENDA	
Section	Consent
Item No.	<i>II, A, 14</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Utility Easement to the County from The City of Indian Harbour Beach for conveyance of easement (804) needed for the S-15 Lift Station/Oars and Paddles Project – - District 4 (Fiscal Impact: None)
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DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Utility Services Department
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Requested Action:
 It is requested that the Board of County Commissioners approve and accept the Utility Easement to the County from The City of Indian Harbour Beach.

Summary Explanation & Background:
 The subject property is located in Section 11, Township 27 South, Range 37 East.
 Utility Services Department is relocating lift station S-15 from Beachside Doubles, Inc. to parcel known as Oars and Paddles Park. This easement is the designated area that will house the relocated lift station.
 Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.
 Fiscal impact: FY 2016-2017: No impact
FY 2017-2018: No impact

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

Exhibits Attached: Copy of executed Utility 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"/>
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County Manager	Assistant County Manager	Department Director / Extension
<i>[Signature]</i>		<i>[Signature]</i> John Denninghoff / 57202
Stockton Whitten	Assistant County Manager	<i>[Signature]</i> Jim E. Helmer / 52091

BOARD OF COUNTY COMMISSIONERS

AGENDA: UTILITY EASEMENT TO BREVARD COUNTY (804) FROM THE CITY
OF INDIAN HARBOUR BEACH (OWNER) – 1329 BANANA RIVER
DRIVE – OARS AND PADDLES PARK – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / 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	<u>DPJ</u>	_____	<u>3/3/17</u>
UTILITY SERVICES DEPARTMENT Jim E. Helmer, Director	<u>JH</u>	_____	<u>3/6/17</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	_____	_____	_____
PUBLIC WORKS John Denninghoff, Director	<u>JDD</u>	_____	<u>3/6/17</u>

AGENDA DUE DATE: March 7, 2017 for the **March 21, 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: UTILITY EASEMENT TO BREVARD COUNTY (804) FROM THE CITY
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COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u>[Signature]</u> *	_____	<u>3/6/17</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

** See attached e-mail.*



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 22, 2017

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.14., Utility Easement to Brevard County from City of Indian Harbour Beach for Conveyance of Easement (804) Needed for the S-15 Lift Station/Oars and Paddles Project

The Board of County Commissioners, in regular session on March 21, 2017, approved and accepted the Utility Easement from City of Indian Harbour Beach needed for the S-15 Lift Station/Oars and Paddles Project. Enclosed is executed Utility Easement for your action

Upon execution by Land Surveyor, please return a fully-executed copy to this office for inclusion in the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Utility Services Director
Asset Management

UTILITY EASEMENT

THIS INDENTURE, made this 20th day of February A.D. 2017, between the **CITY OF INDIAN HARBOUR BEACH**, a municipality incorporated under the Laws of Florida, whose address is 2055 South Patrick Drive, Indian Harbour Beach, FL 32937, 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, for the use and benefit of Brevard County, Florida.

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 non-exclusive perpetual easement commencing on the above date for the purposes of the operation and maintenance of a sanitary sewer system, which shall include a lift station, together with the right of ingress and egress to said premises at all times for the purposes stated herein; and the right to clear the land and keep it cleared of obstructions within the easement area which might interfere with the operation of the sanitary sewer appurtenances. Any other allied uses shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement. This grant of easement is conditioned upon Brevard County installing and maintaining perimeter fencing. The land affected by the granting of the easements is located in Section 11, Township 27 South, Range 37 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or 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,



Debbie Maliska
Debbie Maliska, City Clerk

CITY OF INDIAN HARBOUR
BEACH, A FLORIDA MUNICIPAL
CORPORATION

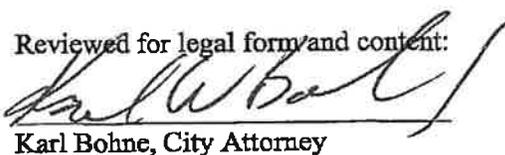


Mark Ryan
Mark Ryan, City Manager

As approved by the City Council on
February 28, 2017

Conditioned upon Brevard County installing and maintaining perimeter fencing around the proposed lift station and apparatus.

Reviewed for legal form and content:



Karl Bohne
Karl Bohne, City Attorney

LEGAL DESCRIPTION

PARCEL 804 UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-53-B.5

PURPOSE: UTILITY EASEMENT

SHEET 1 OF 2 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEET 2 OF 2.

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 804, UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING A PART OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3182, PAGE 4531 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) WITH THE SOUTHERLY RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND SAID POINT BEING THE NORTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5762, PAGE 1756 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S.70°13'25"W., ALONG THE NORTHERLY LINES OF SAID PARCELS OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOKS 5762, PAGE 1756 AND 3182, PAGE 4531 AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID BANANA RIVER DRIVE, 225.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, THENCE CONTINUE S.70°13'25"W., ALONG SAID NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3182, PAGE 4531 AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID BANANA RIVER DRIVE, 19.75 FEET; THENCE S.02°28'57"W., 54.16 FEET; THENCE N.88°22'03"E., 50.45 FEET; THENCE N.02°31'02"W., 26.63 FEET; THENCE N.40°51'39"W., 43.30 FEET TO THE POINT OF BEGINNING. CONTAINING 2370 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

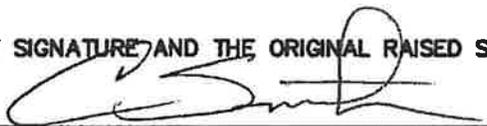
NOTE:

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF S.70°13'25"W., AS SHOWN ALONG THE SOUTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE.

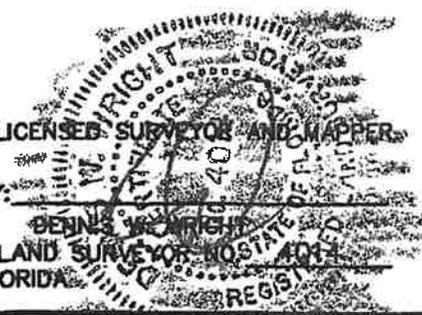
LEGEND

- ⊕ = Centerline
- ORB. __, PG. __ = Official Records Book and Page
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- R/W = Right-of-way

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: 
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Curt Smith, Chairman
Approved by Board 3/21/2017

CERTIFIED BY: 
REGISTERED LAND SURVEYOR - NO. 4014
STATE OF FLORIDA

DATE 10/3/16
ORDER NO. 25252
FB. NO. _____
SCALE 1" = 40'
DWG.NO. BANANA PARK EAS LEG.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

MAP OF DESCRIPTION

PARCEL 804 UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-53-B.5

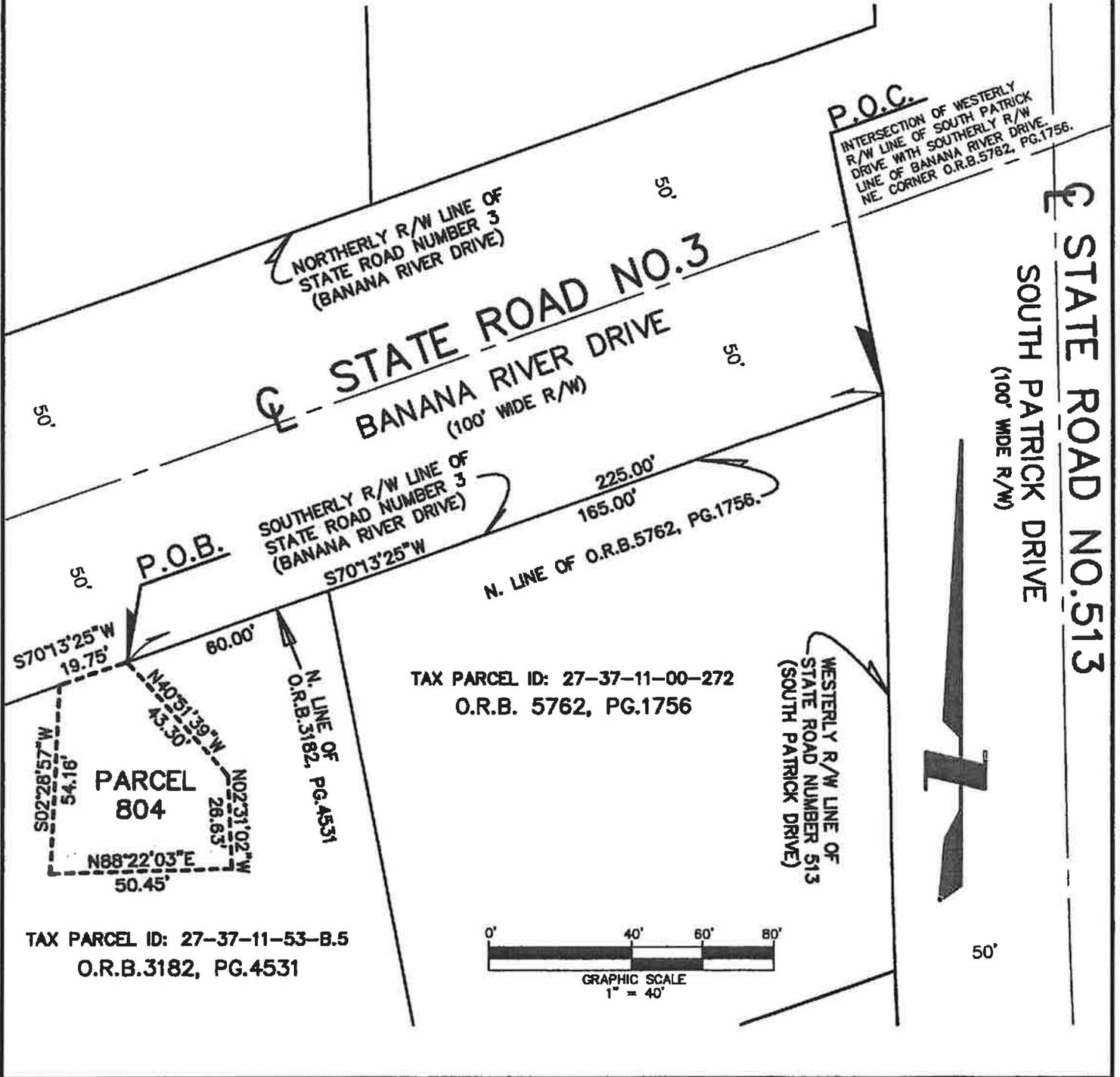
PURPOSE: UTILITY EASEMENT

SHEET 2 OF 2 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEET 1 OF 2.

THIS IS NOT A SURVEY



TAX PARCEL ID: 27-37-11-00-272
O.R.B. 5762, PG. 1756

TAX PARCEL ID: 27-37-11-53-B.5
O.R.B. 3182, PG. 4531

DATE 10/3/16
ORDER NO. 25252
FB. NO. _____
SCALE 1" = 40'
DWG. NO. BANANA PARK EAS LEG.DWG

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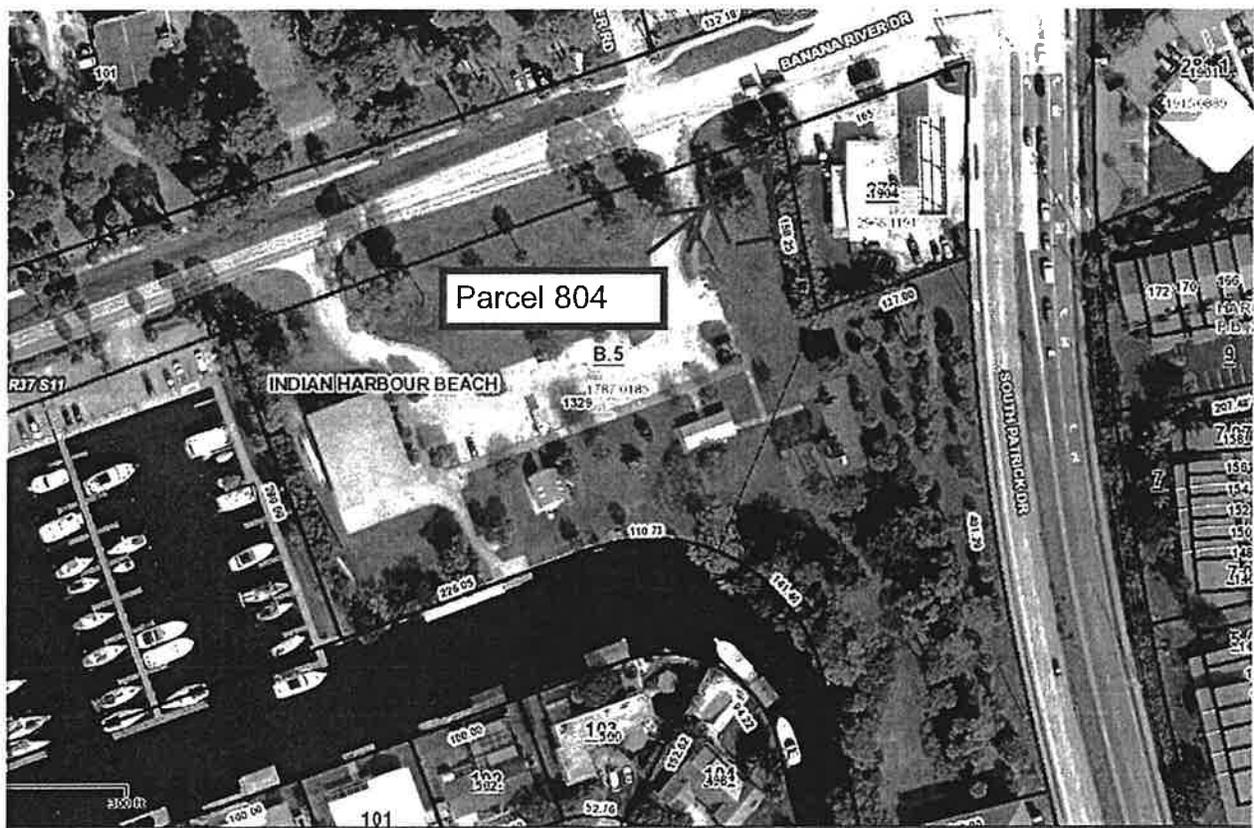
CERTIFICATE OF AUTHORIZATION NO. LB 6782

LOCATION MAP

SEC: 11 TWP: 27 S RNG: 37 DISTRICT: 4

STREET NAME: Banana River Drive

OWNER'S NAME: City of Indian Harbour Beach



PROPERTY FACT SHEET
PROJECT: Lift Station S-15 Oars and Paddles

OWNER:	City of Indian Harbour Beach
PARCEL LOCATION:	1329 Banana River Drive
PARCEL SIZE:	4.77 acres
EASEMENT AREA:	2370 square feet
ZONING/LANDUSE:	8020
IMPROVEMENTS:	Three buildings
TOPOGRAPHY:	Level with road grade, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	27-37-11-53-B.5
MARKET VALUE:	\$1,298,630.00 (2016 Assessment)(Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: November 17, 2015 Sale amount: \$100.00