

Meeting Date
October 10, 2017



AGENDA	
Section	Consent
Item No.	<i>II.A.8</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Sanitary Sewer, Force Main, and Lift Station Easement (T-14 Lift Station) from Fieldstone at Suntree, Inc.- 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, Force Main, and Lift Station Easement from Fieldstone at Suntree, Inc.

Summary Explanation & Background:

The subject property is located within Section 23, Township 26 South, Range 36.

The easement is located at the intersection of Interlachen Road and St. Andrews Boulevard, in Suntree.

Brevard County plans to improve the existing lift station at this location and requires additional easement area to perform maintenance and upgrades.

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 executed Sanitary Sewer, Force Main, and Lift Station Easement, Location Map

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager Frank Abbate <i>[Signature]</i>	Assistant County Manager John P. Denninghoff <i>[Signature]</i>	Department Director / Extension Andrew J. Holmes, PE / 57202 <i>[Signature]</i>					
	Interim Assistant County Manager Jim Liesenfelt	Jim Helmer / 52091 <i>[Signature]</i>					

BOARD OF COUNTY COMMISSIONERS

AGENDA: SANITARY SEWER, FORCE MAIN, AND LIFT STATION EASEMENT
(T-14 LS) IN FAVOR OF BREVARD COUNTY FROM FIELDSTONE AT
SUNTREE, INC.- 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
LAND ACQUISITION Dan P. Jones, Supervisor	<u>DPJ</u>	_____	<u>9/7/17</u>
UTILITY SERVICES DEPARTMENT Jim Helmer, Director	<u>JH</u>	_____	<u>9/18/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>see attached</u>	_____	<u>9/15/17</u>
PUBLIC WORKS Andrew Holmes, Interim Director	<u>AH</u>	_____	<u>9/21/17</u>

AGENDA DUE DATE: September 26, 2017 for the **October 10, 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

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UTILITY SERVICES DEPARTMENT Jim Helmer, Director	_____	_____	_____
COUNTY ATTORNEY Eden Bentley Deputy County Attorney <i>Reva 9/15</i>	<u>EB</u>	_____	<u>9/15/17</u>
PUBLIC WORKS Andrew Holmes, Interim Director	_____	_____	_____

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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

October 11, 2017

MEMORANDUM

TO: Andrew Holmes, Public Works Director

RE: Item II.A.8., Acceptance of Sanitary Sewer, Force Main, and Lift Station Easement (T-14 Lift Station) from Fieldstone at Suntree, Inc.

The Board of County Commissioners, in regular session on October 10, 2017, accepted the Sanitary Sewer, Force Main, and Lift Station Easement from Fieldstone at Suntree, Inc.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

cc: Utility Services Director

SANITARY SEWER, FORCE MAIN, AND LIFT STATION EASEMENT

THIS INDENTURE, made this 30th day of Aug., 2017, between Fieldstone at Suntree, Inc., A Florida non-profit corporation, whose mailing address is P.O. Box #411056, Melbourne, Florida 32940 as the first party and Brevard County, 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 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 dedicated to Brevard County over, under, and across the lands described in "EXHIBIT A" for the installation, maintenance, operation, repair, and improvement of a sanitary sewer system, together with the right of vehicular and pedestrian ingress and egress in connection therewith commencing on the above date, for the purpose of maintaining same, and any other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

Grantee shall utilize the Easement in a manner, which shall not unreasonably interfere with the use, occupancy, or enjoyment of the Grantor's Property by the Grantor, their tenants, licensees, and invitees except in each case for temporary closures or other minor inconveniences, the scope and duration of which are minimized to the extent reasonably possible. All work performed by Grantee shall be performed in a manner that will minimize damage to the Grantor's Property, any of which shall be promptly and diligently repaired by the Grantee. Grantor, its successor, or assigns shall not locate any structures within the Utility Easement or utilize the Grantor's Property in a manner, which would restrict or impede Grantee's access to or use of the Utility Systems.

Should any of the areas of the Grantors property be disturbed during the construction, upgrading, or maintenance thereof, the Grantee shall restore those portions of the Grantor's Property disturbed by Grantee during the construction, or maintenance of the Utility Systems (including but not limited to lighting and/or sprinkler systems), the Grantee shall restore the area(s) and improvements of the Grantor to a condition substantially similar to that in which the Grantee found the Grantor's Property at the Grantee's sole cost and expense which restoration shall be completed in a reasonable time period.

The land affected by the granting of this easement is located in Section 23, Township 26 South, Range 36 East, County of Brevard, and State of Florida, 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.

SEE NOTARY BLOCK NEXT PAGE

Fieldstone at Suntree, Inc., a Florida non-profit corporation

Signed, sealed, and delivered in the presence of:

Keith Alward

Witness Keith Alward

(Print) Blaise M. Mancini

Witness Blaise M. Mancini

(Print)

Robert Adams
Robert Adams, President

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 30 day of Aug. 2017, by Robert Adams, as President of the Fieldstone at Suntree, Inc., a Florida non-profit corporation, who is personally known to me and has produced Drivers Lic. as identification and who did/did not take an oath.

WITNESS my hand and official seal at County of Brevard, State of Florida, and this 30 day of Aug. 2017.

Board Meeting Date _____
Agenda Item # _____

Blaise M. Mancini
NOTARY PUBLIC
BLAISE M. MANCINI
Print Name
Commission No. _____
Commission Expires: _____



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 801

SHEET 1 OF 3

SECTION 23, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

PARENT PARCEL#: 26-36-23-02-0041b.0-0000.00

THIS IS NOT A SURVEY

PURPOSE: LIFT STATION EASEMENT

LEGAL DESCRIPTION: PARCEL 801 (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF TRACT 41-B, FIELDSTONE SUNTREE P.U.D. STAGE 4, TRACT 41, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 37, PAGE 9-12 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEASTERLY CORNER OF LOT 6, BLOCK 1, SAID PLAT OF FIELDSTONE SUNTREE P.U.D. STAGE 4, TRACT 41, UNIT 1;

THENCE, BEARING NORTH 46°44'02" EAST, A DISTANCE OF 5.01 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT;

THENCE, BEARING NORTH 46°44'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERLACHEN ROAD;

SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2350.00 FEET, A CENTRAL ANGLE OF 00°08'20", A CHORD BEARING OF SOUTH 41°43'54" EAST AND A CHORD DISTANCE OF 5.70 FEET;

THENCE, ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 5.70 FEET TO A POINT;

SAID POINT BEING THE BEGINNING OF A COMPOUND CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°23'45", A CHORD BEARING OF SOUTH 02°32'09" WEST AND A CHORD DISTANCE OF 34.86 FEET;

THENCE, ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 38.57 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF ST. ANDREWS BOULEVARD;

THENCE, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, BEARING SOUTH 46°44'02" WEST, A DISTANCE OF 4.86 FEET TO A POINT;

THENCE, LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE, BEARING NORTH 43°15'58" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 761.98 SQUARE FEET OR 0.017 ACRES, MORE OR LESS.

CERTIFIED TO: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

Derek Zeman 7/20/17

PREPARED FOR AND CERTIFY TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DEREK G. ZEMAN
FLORIDA SURVEYOR AND MAPPER
REGISTRATION No. 5655
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

Bowman
CONSULTING

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: DZ

PROJECT NO. 8683-01-001

SECTION 23
TOWNSHIP 26 SOUTH
RANGE 36 EAST

DATE: 5/9/17

DRAWING: LS T-14 ESMT

REVISIONS

DATE

REVISION

6/28/17

PER COMMENTS

SKETCH OF DESCRIPTION

PARCEL 801

SECTION 23, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL#: 26-36-23-02-0041b.0-0000.00

PURPOSE: LIFT STATION EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

THIS IS NOT A SURVEY

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 BEARING BASIS OF THIS SKETCH IS THE SOUTHEASTERLY LINE LOT 6, BLOCK 1, WITH A PLAT BEARING OF NORTH 46°42'01" EAST (NORTH 46°44'02" EAST, CALCULATED). THE BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
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.
5. REFER TO OWNERSHIP AND ENCUMBRANCE REPORT CUSTOMER ORDER NO. 17-32802, ISSUED BY CHICAGO TITLE INSURANCE COMPANY.
6. IN REFERENCE TO ITEM 4(a) FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:

BELLSOUTH TELECOMMUNICATIONS EASEMENT RECORDED IN O.R. BOOK 7090, PAGE 2421, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

EASEMENT DOES NOT AFFECT PROPOSED PARCEL. SHOWN ON SKETCH FOR REFERENCE (SEE SHEET 3 OF 3)
7. IN REFERENCE TO ITEM 4(c) FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:

NO EASEMENT FOUND FOR FPL EASEMENT OTHER THAN IS WHAT IS SHOWN ON PLAT.

FPL EASEMENT AFFECTS AFFECT PROPOSED PARCEL AND IS SHOWN ON SKETCH. (SEE SHEET 3 OF 3)
8. IN REFERENCE TO ITEM 4(d) FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:

DECLARATION OF COVENANTS AND RESTRICTIONS FOR FIELDSTONE AT SUNTREE RECORDED IN O.R. BOOK 3064, PAGE 2860, AND AMENDMENT RECORDED IN O.R. BOOK 3398, PAGE 4013, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AFFECTS PROPOSED PARCEL - BLANKET IN NATURE AND IS NOT SHOWN ON SKETCH.

ABBREVIATIONS:

S.R.	STATE ROAD
U.S.	UNITED STATES
O.R.	OFFICIAL RECORDS
O.R.B.	OFFICIAL RECORDS BOOK
PG.	PAGE
R/W	RIGHT OF WAY
(P)	PLAT DATA
(C)	CALCULATED DATA
CHB	CHORD BEARING
CHD	CHORD DISTANCE

PREPARED BY:

Bowman
CONSULTING

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SCALE:

N/A

PROJECT NO.:

008683-01-001

SECTION 23
TOWNSHIP 26 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

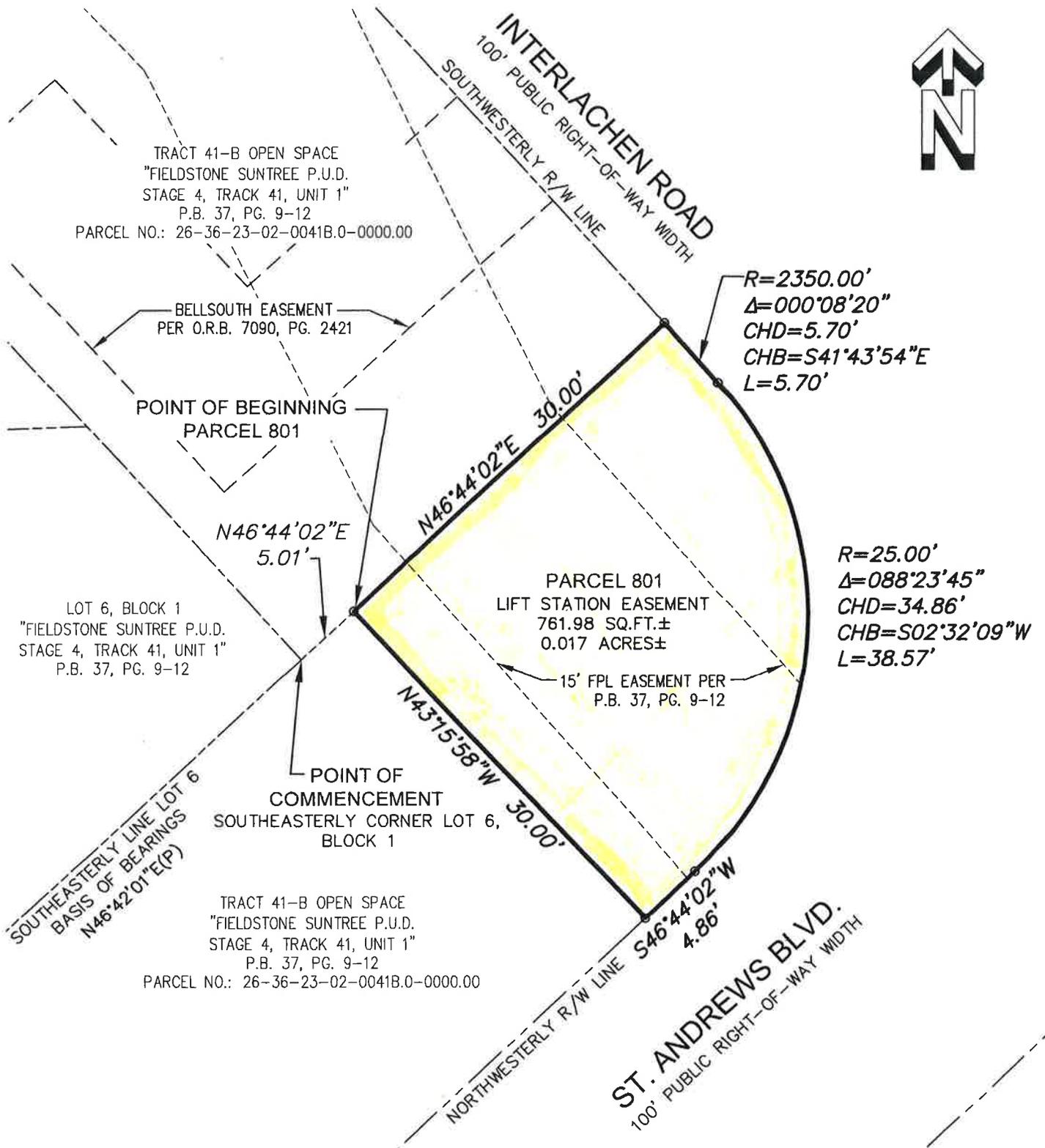
THIS IS NOT A SURVEY

PARCEL 801

SECTION 23, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL#: 26-36-23-02-0041b.0-0000.00

PURPOSE: LIFT STATION EASEMENT



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SCALE:

1" = 20'

PROJECT NO.:

008683-01-001

SECTION 23

TOWNSHIP 26 SOUTH

RANGE 36 EAST

LOCATION MAP

SEC: 23 TWP: 26 RNG: 36 DISTRICT: 4

SUBDIVISION: FIELDSTONE AT SUNTREE

STREET NAME: CORNER OF ST. ANDREWS BLVD. &
INTERLACHEN ROAD

OWNER'S NAME: FIELDSTONE AT SUNTREE, INC. A FLORIDA NON-PROFIT
CORPORATION (HOMEOWNERS ASSOCIATION)

