

Meeting Date
August 22, 2017



AGENDA	
Section	Consent
Item No.	II.A.5

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Supplemental Agreement Number 1 to Grant of Easement from Patrick Air Force Base to Brevard County - 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 accept and authorize the Chairman to execute the Supplemental Agreement Number 1 to Grant of Easement from Patrick Air Force Base to Brevard County.

Summary Explanation & Background:

The subject property is located in Sections 22, 23, 27, Township 26 South, Range 37 East.

The Board of County Commissioners accepted and approved a Grant of Easement from Patrick Air Force Base to Brevard County in regular session March 21, 2017, Item II.A.12. It has been determined that additional wording to the Grant of Easement is necessary. This Supplemental Agreement addresses the necessary amendments and has been reviewed and approved by the Department and Patrick Air Force Base.

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 Original executed Supplemental Agreement Number 1 with Exhibits A and B, and the Board approval memo to Department

Exhibits Attached: Original Supplemental Agreement Number 1 with Exhibits A and B, copy of Memorandum

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

County Manager	Assistant County Manager	Department Director / Extension
Frank Abbate	John Denninghoff	 Andrew J. Holmes, PE (Interim) / 57202
		 Jim E. 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

August 23, 2017

MEMORANDUM

TO: Andrew Holmes, Interim Public Works Director Attn: Dan Jones

RE: Item II.A.5., Approval of Supplemental Agreement No. 1 for Grant of Easement from Patrick Air Force Base to Brevard County – B19 Force Main Lift Station

The Board of County Commissioners, in regular session on August 22, 2017, executed and approved the Supplemental Agreement No. 1 for accepting grant of easement from Patrick Air Force Base to Brevard County for B19 Force Main Lift Station on Sea Park Lane. Enclosed is executed Supplemental Agreement No. 1 for your action.

Upon execution by the United States Air Force Commander, please return the fully-executed Agreement 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

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Assistant County Manager Denninghoff
Contracts Administration
Utility Services Director
Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: SUPPLEMENTAL AGREEMENT NUMBER 1 TO GRANT OF EASEMENT
FROM PATRICK AIR FORCE BASE TO BREVARD COUNTY – B19
FORCE MAIN LIFT STATION – SEA PARK LANE – 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></u>	_____	<u>6/20/17</u>
UTILITY SERVICES Jim E. Helmer, Director	<u></u>	_____	<u>7/17/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>see attached</u>	_____	<u>6/20/17</u>
PUBLIC WORKS Andrew J. Holmes, PE, Interim Director	<u></u>	_____	<u>8/11/2017</u>

AGENDA DUE DATE: July 11, 2017 for the July 25, 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: SUPPLEMENTAL AGREEMENT NUMBER 1 TO GRANT OF EASEMENT
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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>6/20/17</u>
UTILITY SERVICES Jim E. Helmer, Director	_____	_____	_____
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>EB</u>	_____	<u>6/20/17</u>
PUBLIC WORKS Andrew J. Holmes, PE, Interim Director	_____	_____	_____

AGENDA DUE DATE: July 11, 2017 for the July 25, 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.

HC

SUPPLEMENTAL AGREEMENT NUMBER 1

THIS SUPPLEMENTAL AGREEMENT is made and entered into the 21st day of November, 2017 by and between the Secretary of the Air Force, on behalf of the United States of America ("Government" or "Air Force"), and Brevard County, Florida, 2725 Judge Fran Jamieson Way, Bldg. A-204 Viera, Florida 32940 (hereafter "Grantee"). The Government and the Grantee may be referred to jointly as the "Parties" and each separately may be referred to as a "Party".

RECITAL:

On 14 January 2016, the Parties entered into Easement agreement number USAF-AFSPC-SXHT-17-2-0215 for a nonexclusive Easement for the operation and maintenance of a sanitary water main, in and upon lands of the United States, as described in **Exhibit A** and depicted on **Exhibit B** (the "Easement Area") of the subject Easement. Subsequent to this agreement, the Grantee has requested that the verbiage in the preamble and Condition 4 (Use Of Easement Area) be corrected to better describe the facility and use thereof. As such, the Parties agree to amend the Easement as follows.

AGREEMENT:

1. The Parties agree to amend Easement USAF-AFSPC-SXHT-17-2-0215 by amending the Preamble to read, "**THE UNITED STATES OF AMERICA**, acting by and through the Secretary of the Air Force (the "Grantor"), under and pursuant to the authority granted in 10 U.S.C. § 2668, the Secretary of the Air Force having determined that no more land than needed for the Easement is included herein, and the granting of this Easement is not against the public interest, does hereby grant and convey to Brevard County, Florida, a political-subdivision, duly incorporated in the State of Florida and authorized to do business in this State (Grantee), a nonexclusive Easement for the construction, operation and maintenance of sanitary sewer facilities, in and upon lands of the United States, as described in **Exhibit A** and depicted on **Exhibit B** (the "Easement Area"). The Grantor and Grantee may be referred to as Parties or separately as a Party."
2. The Parties also agree to amend Condition 4 (Use Of Easement Area) / Paragraph 4.1 (Permitted Uses) first sentence to read, "The Grantee shall use the Easement Area solely for the construction, operation and maintenance of sanitary sewer facilities in and upon lands of the United States."
3. The original Environmental Baseline Survey (EBS) at Exhibit C of USAF-AFSPC-SXHT-17-2-0215 covered the area and Brevard County's sanitary sewer facilities; no supplemental EBS will be required.
4. All other terms and conditions of USAF-AFSPC-SXHT-17-2-0215 shall be and remain the same.
5. This Supplemental Agreement Number 1 to Easement USAF-AFSPC-SXHT-17-2-0215 shall be effective immediately.

(Remainder of this page intentionally left blank)

THIS SUPPLEMENTAL AGREEMENT is also executed by the Government under the authority of the Secretary of the Air Force this 21st day of NOV, 2017.

UNITED STATES OF AMERICA

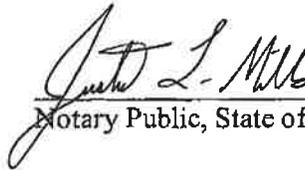


WAYNE R. MONTEITH
Brigadier General, USAF
Commander

State of Florida
County of Brevard

This document was acknowledged before me, the undersigned Notary Public, by WAYNE R. MONTEITH on this the 21 day of November, 2017

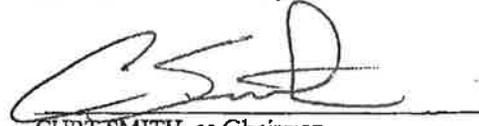
Justin L. Mills, ^{At}(SEAL)
Paralegal, USAF
Notary Public by Federal Statute
10 U.S.C 1044a



Notary Public, State of Florida

IN WITNESS WHEREOF, this Amendment is executed by the Licensee this 22 day of August, 2017.

BREVARD COUNTY, FLORIDA



CURT SMITH, as Chairman
Board of County Commissioner
Approved by Board 8-22-17

Attest:



SCOTT ELLIS, CLERK

Exhibit A - Description of Premises

LEGAL DESCRIPTION

SECTIONS 22, 23, 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 6
NOT VALID WITHOUT SHEETS 2, 3,
4, 5, & 6 OF 6
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND LYING WITHIN THE RIGHT-OF-WAY OF STATE ROAD NO. 513, ALSO KNOWN AS SOUTH PATRICK DRIVE, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 70008, AND LYING WITHIN SECTIONS 22, 23 AND 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 513 WITH THE NORTH RIGHT OF WAY LINE OF SEA PARK BOULEVARD; THENCE SOUTH 00° 07' 13" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 28.30 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN SOUTH 89° 49' 53" WEST FOR A DISTANCE OF 132.00 FEET; THENCE SOUTH 00° 07' 13" EAST PARALLEL WITH AND 32.00 FEET WESTERLY OF THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22 FOR A DISTANCE OF 665.39 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER; THENCE SOUTH 00° 00' 00" WEST PARALLEL WITH AND 32.00 FEET WESTERLY OF THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 FOR A DISTANCE OF 1154.92 FEET; THENCE SOUTH 42° 07' 09" EAST FOR A DISTANCE OF 47.71 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST ONE-QUARTER; THENCE SOUTH 00° 00' 00" WEST ALONG SAID EAST LINE FOR A DISTANCE OF 133.84 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27; THENCE NORTH 89° 50' 36" WEST ALONG SAID SOUTH FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 513; THENCE NORTH 00° 00' 00" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1334.12 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE NORTH 00° 07' 13" WEST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 692.46 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN SOUTH 89° 50' 55" EAST FOR A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.36 ACRES (146,179 SQUARE FEET), MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED. NO INSTRUMENTS OF RECORD AND/OR TITLE COMMITMENT REFLECTING OWNERSHIP, ENCUMBRANCES OF EXISTING EASEMENTS, RIGHTS OF WAY, OR RESTRICTIONS OF RECORD WERE PROVIDED TO THIS SURVEYOR.

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC ILLUSTRATION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS ARE BASED ON AN ASSUMED BEARING REFERENCED TO THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS BEING SOUTH 00°00'00" EAST.
3. REFERENCE MATERIALS:
 - a. OFFICIAL RECORDS BOOK 3112, PAGE 2506 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
 - b. FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE ROAD NO. 513, SECTION NO. 70008, FP NO. 237565-1, DATED 07/18/2006;
 - c. SOUTH PATRICK AND INDIAN HARBOUR BEACH FORCE MAIN INTERCONNECT PLANS PREPARED FOR BREVARD COUNTY BY STOTTLER STAGG & ASSOCIATES, RECORD DRAWINGS, DATED 3/11/1985, LAST REVISION FEBRUARY 1986.



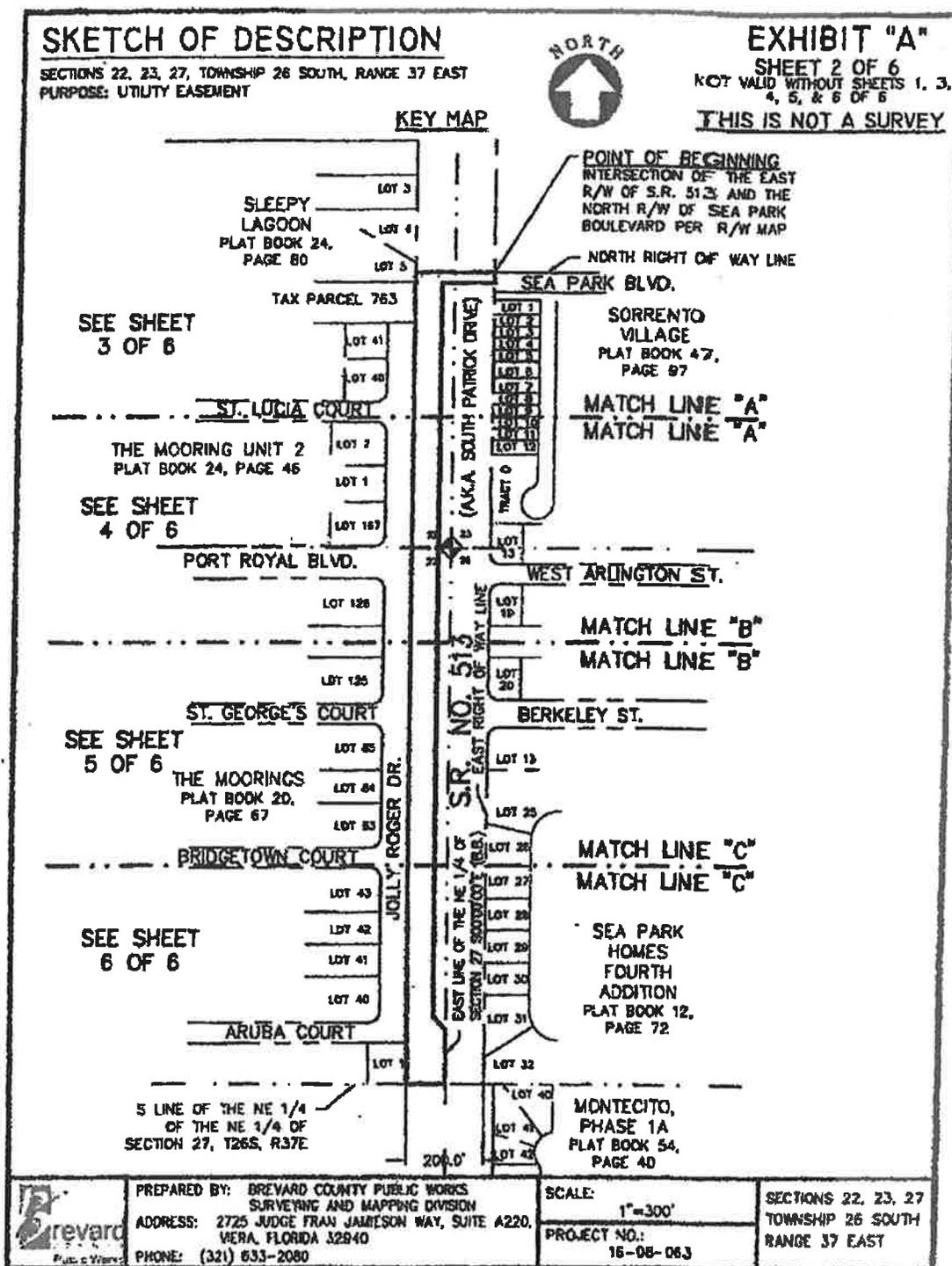
PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY UTILITY SERVICES,
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRAN JAMESON WAY, SUITE A220, MERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	PROJECT NO. 16-08-053	SECTIONS 22, 23, 27 TOWNSHIP 26 SOUTH RANGE 37 EAST
DATE: SEPTEMBER 23, 2016	SHEET: 1 OF 6	REVISIONS	
		DATE	DESCRIPTION



SKETCH OF DESCRIPTION

SECTIONS 22, 23, 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 PURPOSE: UTILITY EASEMENT



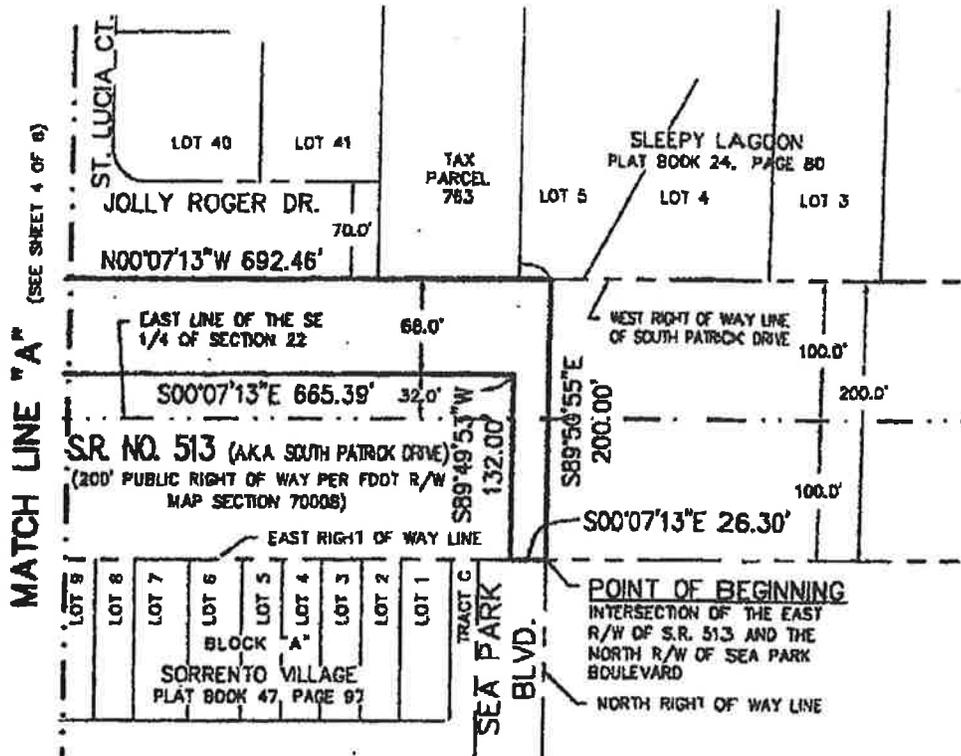
EXHIBIT "A"

SHEET 3 OF 6
 NOT VALID WITHOUT SHEETS 1, 2,
 4, 5, & 6 OF 6

THIS IS NOT A SURVEY

LEGEND	
	LOT LINE
	SECTION LINE
	RIGHT OF WAY LINE
	SECTION CORNER
	UTILITY EASEMENT

ABBREVIATIONS	
A.K.A.	ALSO KNOWN AS
B.B.	BASIS OF BEARING
N/F	NOW OR FORMERLY
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
R	RANGE OR RADIUS
RPB	ROAD PLAT BOOK
R/W	RIGHT OF WAY



	PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220 VERA, FLORIDA 32940 PHONE: (321) 633-2080	SCALE: 1"=100' PROJECT NO.: 16-08-063	SECTIONS 22, 23, 27 TOWNSHIP 26 SOUTH RANGE 37 EAST
	MATCH LINE "A" (SEE SHEET 4 OF 6)		

SKETCH OF DESCRIPTION

SECTIONS 22, 23, 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST
PURPOSE: UTILITY EASEMENT



EXHIBIT "A"

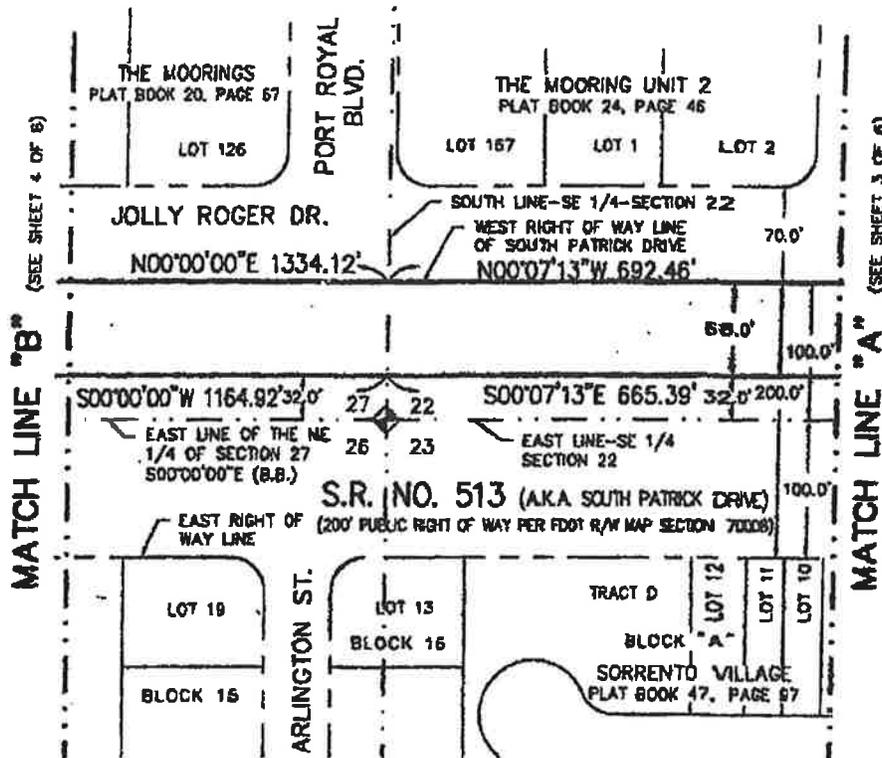
SHEET 4 OF 6
NOT VALID WITHOUT SHEETS 1, 2,
3, 5, & 6 OF 6
THIS IS NOT A SURVEY

LEGEND

- LOT LINE
- SECTION LINE
- RIGHT OF WAY LINE
- SECTION CORNER
- UTILITY EASEMENT

ABBREVIATIONS

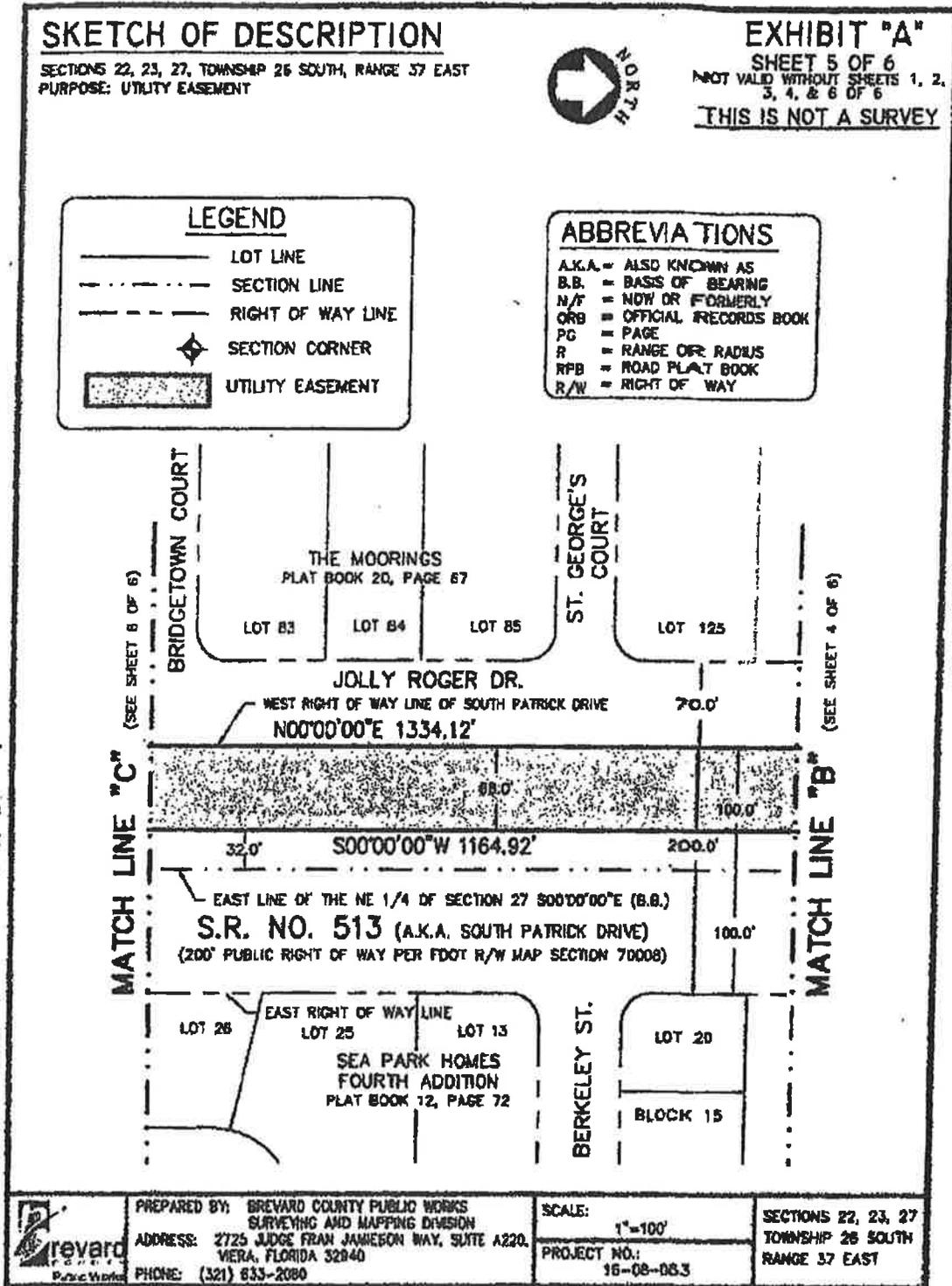
- A.K.A. = ALSO KNOWN AS
- B.B. = BASIS OF BEARING
- N/F = NOW OR FORMERLY
- ORB = OFFICIAL RECORDS BOOK
- PG = PAGE
- R = RANGE OR RADIUS
- RPB = ROAD PLAT BOOK
- R/W = RIGHT OF WAY



PREPARED BY: BREVARD COUNTY PUBLIC WORKS
SURVEYING AND MAPPING DIVISION
ADDRESS: 2725 JUDGE FRANK JAMESON WAY, SUITE A220,
VERA, FLORIDA 32940
PHONE: (321) 633-2080

SCALE: 1"=100'
PROJECT NO.: 16-08-063

SECTIONS 22, 23, 27
TOWNSHIP 26 SOUTH
RANGE 37 EAST



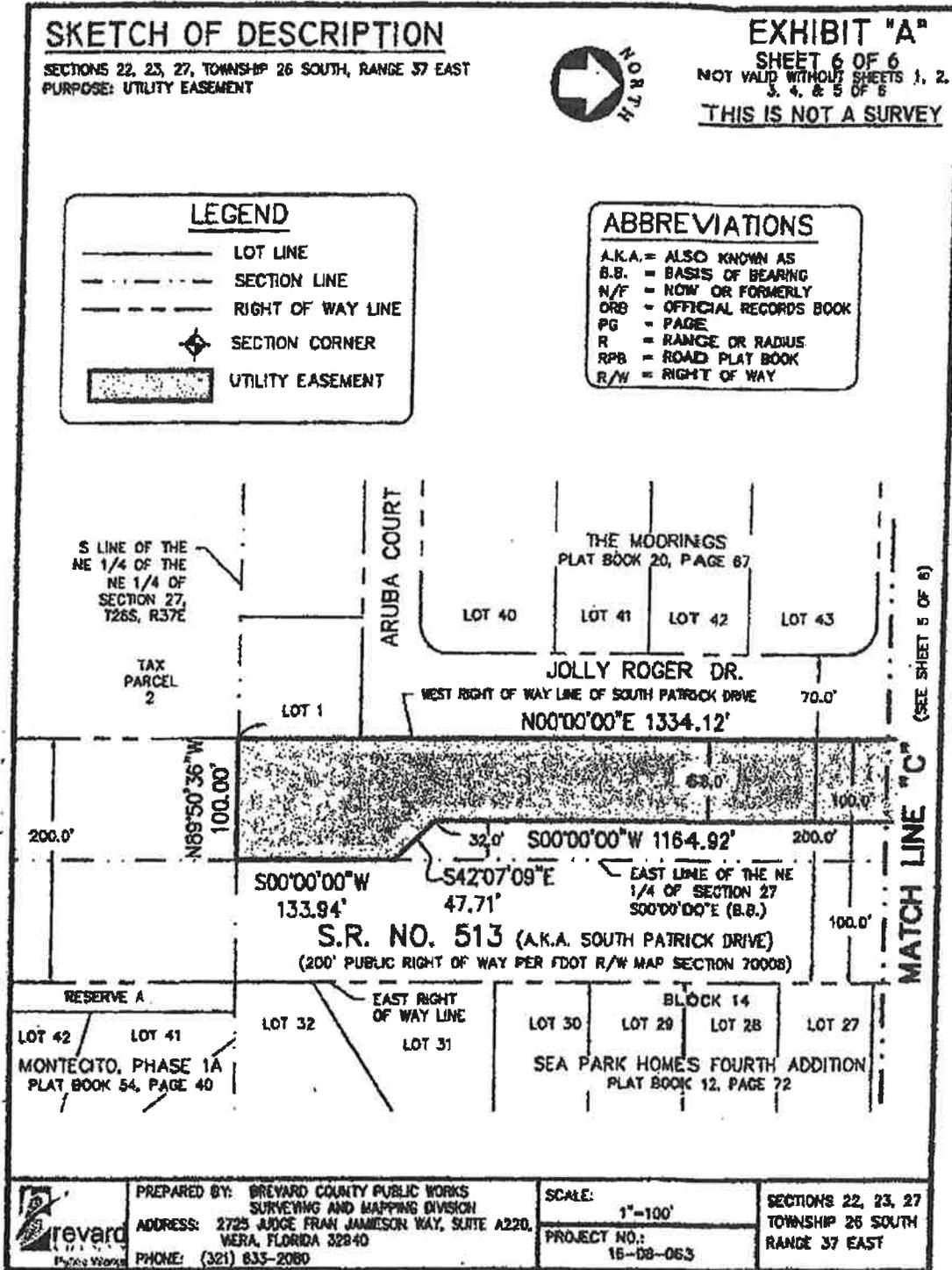
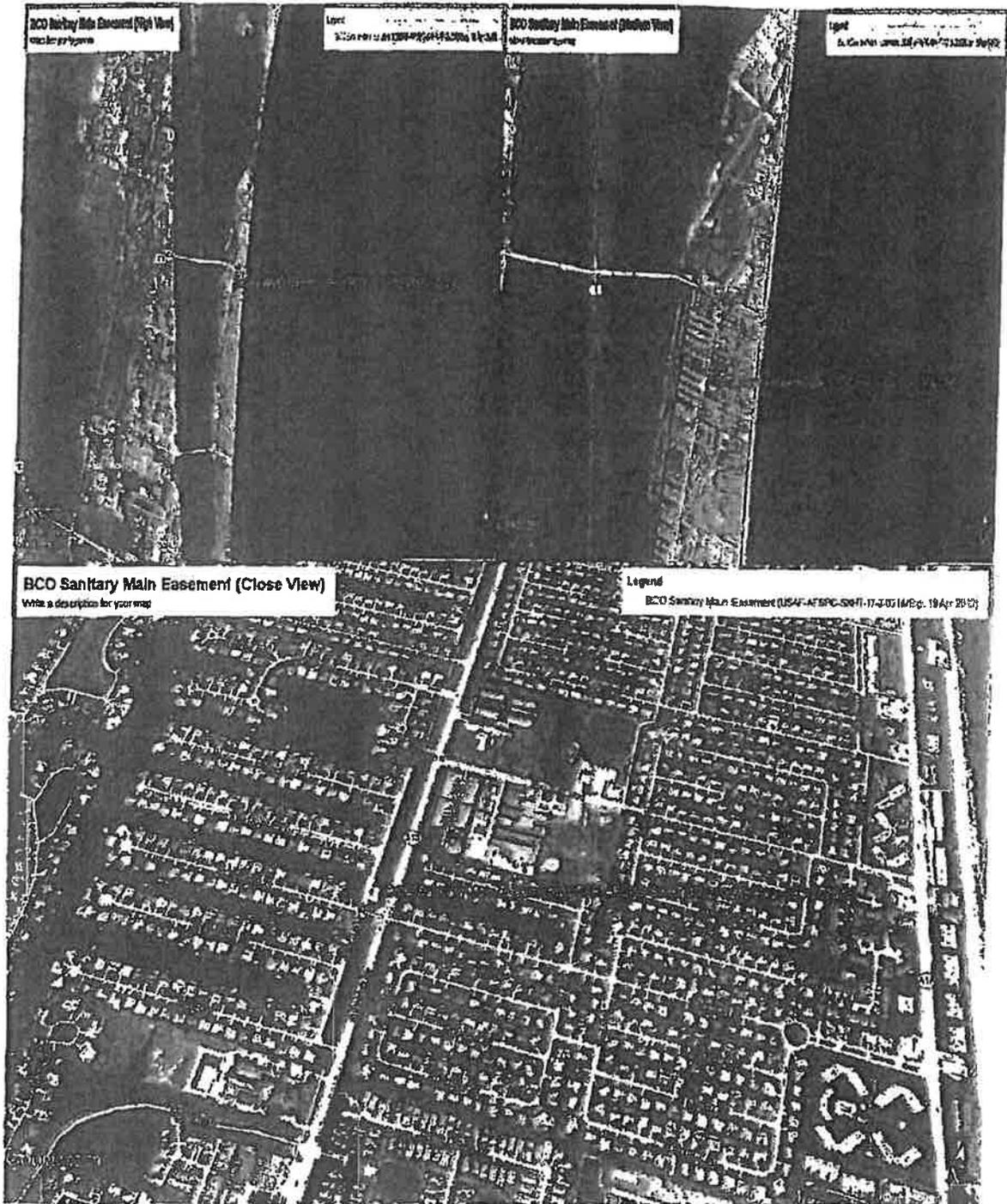


Exhibit B - Map of Premises





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.12., Grant of Easement to Brevard County from Patrick Air Force Base for Property Located in Sections 22, 23, and 27, Township 26 South, Range 37 East – B19 Force Main

The Board of County Commissioners, in regular session on March 21, 2017, approved and accepted the Grant of Easement from Patrick Air Force Base for property located in Sections 22, 23, and 27, Township 26 South, Range 37 East – B19 Force Main. Enclosed is the executed Grant Easement for your action.

Upon execution by the Secretary of the Air Force, 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

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Utility Services Director
Asset Management