

Meeting Date
August 22, 2017



AGENDA	
Section	Consent
Item No.	II.A.6

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	Approval Re: Release and Termination of Temporary Construction Easement (TCE) from Synergistic Satellite, Inc. 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 approve and authorize the Chairman to sign the Release and Termination of Temporary Construction Easement from Synergistic Satellite, Inc.

Summary Explanation & Background:

This subject property is located in Section 35, Township 26 South, Range 37 East.

Brevard County Utility Services has completed the improvements to Lift Station S-07 located at the northeast corner of the intersection of South Patrick Drive and Sherwood Avenue in Satellite Beach. To make these improvements, Synergistic Satellite, Inc., granted to Brevard County a Temporary Construction Easement (OR Book 7152, Page 2405) and has requested that the County release and terminate that TCE.

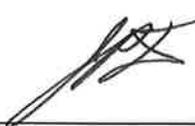
Fiscal Impact – FY 2016 / 2017 – No Impact  
**FY 2017 / 2018 – No impact**



Clerk to the Board Instructions: Department will pick up executed Release and Termination of Temporary Construction Easement and Board approval memo from Clerk's office when ready.

Exhibits Attached: Original Release and Termination of Temporary Construction Easement, Location Map.

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

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

**M E M O R A N D U M**

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

**RE:** Item II.A.6., Release and Termination of Temporary Construction Easement (TCE) from Synergistic Satellite, Inc. to Brevard County – Lift Station S-07

The Board of County Commissioners, in regular session on August 22, 2017, executed and approved the Release and Termination of Temporary Construction Easement from Synergistic Satellite, Inc. to Brevard County for Lift Station S-07. Enclosed is fully-executed Release and Termination of TCE for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Assistant County Manager Denninghoff  
Contracts Administration  
Utility Services Director

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: RELEASE OF TEMPORARY CONSTRUCTION EASEMENT FROM SYNERGISTIC SATELLITE, INC. TO BREVARD COUNTY RELATED TO LIFT STATION S-07- DISTRICT 4

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

AGENCY CONTACT: DAN JONES, LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u></u>	_____	<u>8/10/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u></u>	_____	<u>8/11/17</u>
PUBLIC WORKS Andrew J. Holmes, Director	<u></u>	_____	<u>8/11/2017</u>
Utility services Jim E. Helmer, Director	<u></u>	_____	<u>8/10/17</u>

AGENDA DUE DATE: August 8, 2017 for the August 22, 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.

This instrument was prepared by  
and to be returned to:  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

**COPY**  
OK per DS  
8/23/17

**RELEASE AND TERMINATION OF  
TEMPORARY CONSTRUCTION EASEMENT**

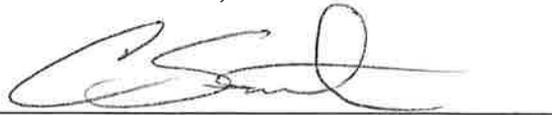
On May 27, 2014, Synergistic Satellite, Inc. ("Synergistic") granted unto Brevard County, Florida, ("County"), a Temporary Construction Easement ("TCE") for construction related to the S-07 lift station project. (TCE attached as "Attachment A"). The TCE in question was recorded in Book 7152, Page 2405 of the Official Public Records of Brevard County, Florida. Release and termination of that TCE was conditioned upon completion of the construction related to the S-07 lift station project.

As of August 9, 2017, construction related to the S-07 lift station project was completed. The County hereby releases and terminates the TCE recorded in Book 7152, Page 2405 and any claim of rights to the property as shown in "Attachment A" arising from the TCE.

This release and termination shall be governed by and construed under the laws of the state of Florida and shall be considered final action related to the TCE.

**BREVARD COUNTY BOARD OF COUNTY  
COMMISSIONERS,**

By:



Curt Smith as Chair  
Approved by Board August 22, 2017

Attest:

  
Scott Ellis, Clerk

HC

Brevard County Public Works Dept., Land Acquisition Section 321-690-6847  
2725 Judge Fran Jamieson Way, A-204  
Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D. 26-37-35-60-0000S.0-0009.00

CFN 2014125560, OR BK 7152 PAGE 2405,  
Recorded 06/24/2014 at 11:46 AM, Scott Ellis, Clerk of  
Courts, Brevard County  
Doc D: \$0.70 # Pgs:3

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the benefits accruing to SYNERGISTIC SATELLITE, Inc. hereinafter called the OWNER, whose address is 1255 South Patrick Drive, Satellite Beach, FL 32937 do hereby give, grant, bargain and release to the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called COUNTY, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a temporary easement on that portion of the lands of the Owners being described as follows:

See Attached Legal Descriptions

for the purpose of construction activities related to improvements to the existing lift station located adjacent to the Owner's property on said property, thereon, with construction to be undertaken by Brevard County Florida.

THIS EASEMENT is granted upon the condition that the work will be performed in such manner that the existing structural improvements will not be damaged; however, in the event of accidental damage to private property (e.g., signs, curbing, shrubbery, trees, parking areas, etc.) those items shall be repaired, replaced or restored to their original condition or the equivalent thereof.

THIS EASEMENT shall expire upon the completion of this project.

Dated this the 27<sup>th</sup> day of May, 2014.

Signed, sealed and delivered  
in the presence of:

Witness:

Joseph Joseph III  
(Type or Print Name)

(Witness)

Mary June Joseph  
(Type or Print Name)

SYNERGISTIC SATELLITE, Inc.

BY: Joseph J. Joseph, Jr., as President

STATE OF Florida  
COUNTY OF Brevard

FLORIDA LAW REQUIRES EXECUTION  
OF DOCUMENT BEFORE TWO WITNESSES  
AND NOTARY PUBLIC

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Joseph J. Joseph, Jr. to me known to be the person (s) described in the foregoing instrument or who has/have produced W/A as identification and the above named person (s) did/did not take an oath.

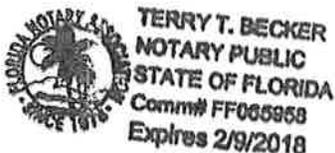
WITNESS my hand and official seal in the County and State last aforesaid, this 27<sup>th</sup> day of May, 2014.

(SEAL)

Terry T. Becker  
Notary Public

(Name Typed or Printed)  
Commission No. \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

tce.doc



# LEGAL DESCRIPTION

OFFICIAL COURT USE ONLY

SECTION 35, TOWNSHIP 26 S, RANGE 37 E  
PARENT PARCEL ID # 26-37-35-60-0000S.0-0009.00

PURPOSE: LEGAL DESCRIPTION FOR TEMPORARY  
CONSTRUCTION EASEMENT IN FAVOR OF THE  
BOARD OF COUNTY COMMISSIONERS

SHEET 1 OF 2  
NOT VALID WITHOUT  
SHEET 2 OF 2

## "EXHIBIT A"

### LEGAL DESCRIPTION: TEMPORARY CONSTRUCTION EASEMENT, BY SURVEYOR

A PORTION OF LOT 9, BLOCK S, 11TH ADDITION TO MICHIGAN BEACH SUBDIVISION AS RECORDED IN PLAT BOOK BOOK 19, PAGE 23 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCE AT THE SOUTHWEST CORNER OF THE SAID LOT 9, BLOCK S; THENCE N00°16'00"W ALONG THE WEST PROPERTY LINE OF THE SAID LOT 9, BLOCK S AND THE EAST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°16'00"E ALONG THE WEST PROPERTY LINE OF THE SAID LOT 9, BLOCK S AND THE EAST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, A DISTANCE OF 4.00 FEET; THENCE DEPARTING THE SAID WEST PROPERTY LINE NB9°02'42"E, A DISTANCE OF 60.00 FEET; THENCE S00°16'00"E, A DISTANCE OF 20.00 FEET TO THE SOUTH PROPERTY LINE OF THE SAID LOT 9, BLOCK S AND THE NORTH RIGHT OF WAY LINE OF SHERWOOD AVENUE; THENCE S90°00'00"W ALONG THE SOUTH PROPERTY LINE OF THE SAID LOT 9, BLOCK S AND THE NORTH RIGHT OF WAY LINE OF SHERWOOD AVENUE, A DISTANCE OF 30.00 FEET; THENCE DEPARTING THE SAID SOUTH PROPERTY LINE, N00°16'00"W, A DISTANCE OF 15.00 FEET; THENCE S90°00'00"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 720.02 SQUARE FEET MORE OR LESS AND SUBJECT TO ANY OTHER EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

#### SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS BASED ON THE PLAT OF 11TH ADDITION TO MICHIGAN BEACH SUBDIVISION PER PLAT BOOK 19, PAGE 23.
3. SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF ALLIANT NATIONAL TITLE INSURANCE COMPANY OWNERSHIP AND ENCUMBRANCE REPORT, FILE NUMBER FL1075-1400798 AND AGENT FILE NUMBER 14-1074.
5. SKETCH DOES NOT WARRANT TITLE.
6. THIS SKETCH WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT (S) SHOWN HEREON; COPIES ARE VALID ONLY WHEN SIGNED, DATED AND EMBOSSED WITH THE SURVEYOR'S SEAL.

MAP OF LEGAL DESCRIPTION PREPARED FOR AND  
CERTIFIED TO: THE BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS

*David J. Kugelmann* 5/10/14  
DAVID J. KUGELMANN, P.E.S. NO. 5117  
NOT VALID UNLESS SIGNED AND SEALED

### KUGELMANN LAND SURVEYING, INC.

30 NORTH TROPICAL TRAIL, SUITE B  
MERRITT ISLAND, FLORIDA 32953  
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK

CHECKED BY: KKW

DRAWING NO. 2013058

SECTION 35

DATE: 1-13-14

SHEET 1 OF 2

REVISIONS \_\_\_\_\_

TOWNSHIP 26 SOUTH

RANGE 37 EAST

# SKETCH OF DESCRIPTION

OFFICIAL COURT USE ONLY

SECTION 35, TOWNSHIP 26 S. RANGE 37 E  
 THIS IS NOT A SURVEY BUT ONLY A GRAPHIC  
 DEPICTION OF THE LEGAL DESCRIPTION  
 SHOWN HEREON.  
 PARENT PARCEL ID # 26-37-35-60-0000S.0-0009.00

SHEET 2 OF 2  
 THIS SKETCH IS NOT A SURVEY AND  
 IS NOT VALID WITHOUT SHEET 1 OF 2

## "EXHIBIT A"

**ABBREVIATIONS:**

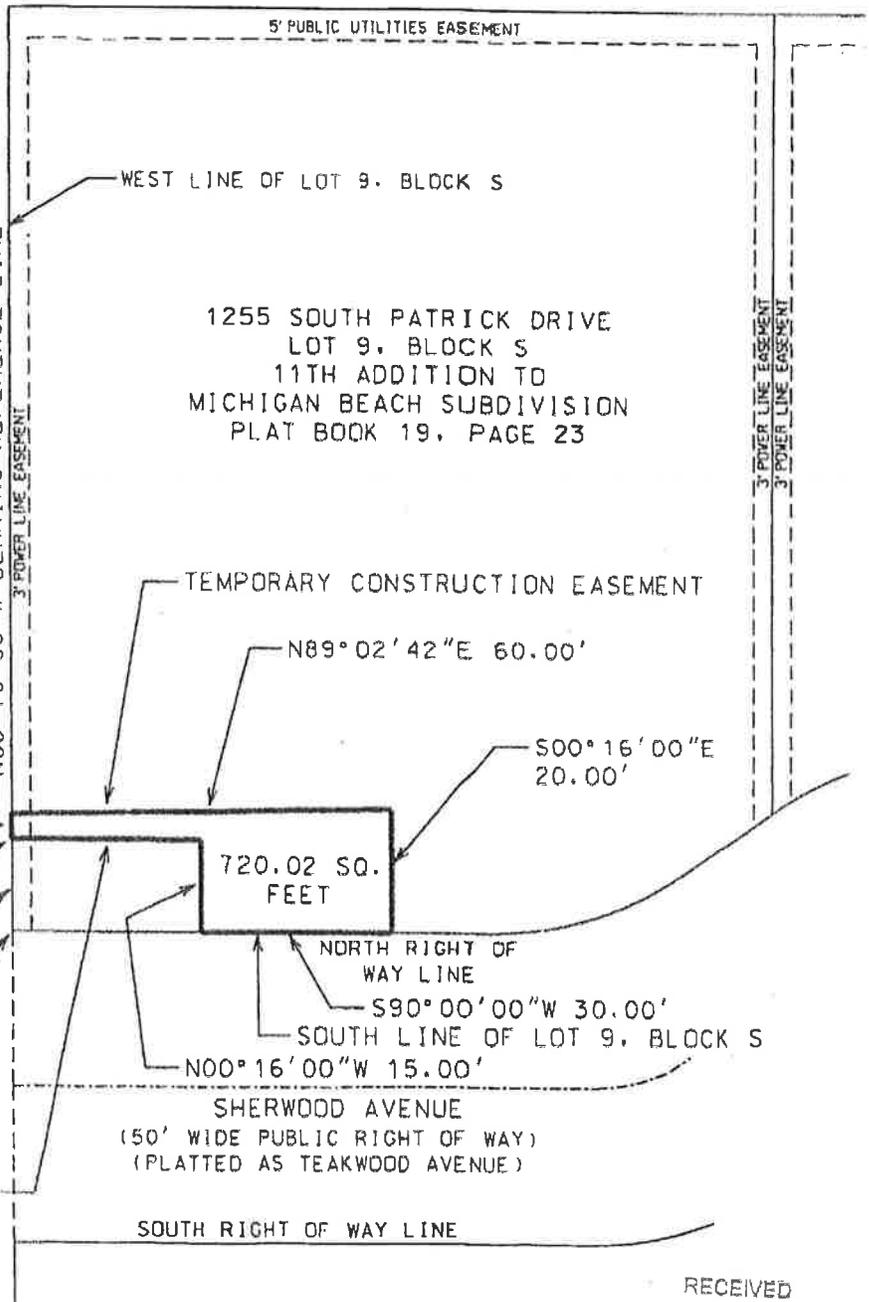
- FND FOUND
- N&D NAIL & DISK
- ID IDENTIFICATION
- C/L CENTERLINE
- SEC SECTION
- T TOWNSHIP
- P.B. PLAT BOOK
- AVE AVENUE
- R/W RIGHT OF WAY
- P.U & D.E. PUBLIC UTILITIES & DRAINAGE EASEMENT
- EDP EDGE OF PAVEMENT
- S/W SIDEWALK
- SO SQUARE
- FT FEET
- L LOT
- R RANGE
- FPL FLORIDA POWER & LIGHT
- ESMT EASEMENT
- PG PAGE
- ORB OFFICIAL RECORDS BOOK
- AKA ALSO KNOWN AS
- ST STREET
- N NORTH
- S SOUTH
- E EAST
- W WEST

SCALE:  
 1" = 30'



SOUTH PATRICK DRIVE  
 (100' WIDE PUBLIC RIGHT OF WAY)

N00° 16' 00" W BEARING REFERENCE LINE  
 3' POWER LINE EASEMENT



N00° 16' 00" W 4.00'

POINT OF BEGINNING

N00° 16' 00" W 15.00'

POINT OF COMMENCEMENT  
 SOUTHWEST CORNER OF  
 LOT 9, BLOCK 5

S90° 00' 00" W 30.00'

1255 SOUTH PATRICK DRIVE  
 LOT 9, BLOCK 5  
 11TH ADDITION TO  
 MICHIGAN BEACH SUBDIVISION  
 PLAT BOOK 19, PAGE 23

TEMPORARY CONSTRUCTION EASEMENT

N89° 02' 42" E 60.00'

S00° 16' 00" E  
 20.00'

720.02 SQ.  
 FEET

NORTH RIGHT OF  
 WAY LINE

S90° 00' 00" W 30.00'

SOUTH LINE OF LOT 9, BLOCK 5

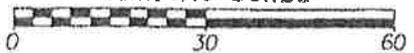
N00° 16' 00" W 15.00'

SHERWOOD AVENUE

(50' WIDE PUBLIC RIGHT OF WAY)  
 (PLATTED AS TEAKWOOD AVENUE)

SOUTH RIGHT OF WAY LINE

GRAPHIC SCALE



( IN FEET )  
 1 INCH = 30 FEET

PROJECT NO. 2013058  
 SECTION 35, TOWNSHIP 26  
 SOUTH, RANGE 37 EAST

RECEIVED  
 MAY 08 2014  
 UTILITY SERVICES  
 PREPARED BY:  
 DAVID J. KUGELMANN, PLS NO. 5117