

Meeting Date
08/05/2014



AGENDA	
Section	Consent
Item No.	II.A.6

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Easement from Brevard County to Florida Power and Light for use in conjunction with improvements in the area of the intersection of N. Banana River Drive at Martin Boulevard - District 2
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners authorize the Chairman to execute the original easement and original resolution in favor of Florida Power and Light.

Summary Explanation & Background:

The subject property is located in Section 18, Township 24 South, Range 37 East.

The requested easement is located on property owned by the County in the area north of the intersection of N. Banana River Drive at Martin Boulevard.

This easement is for the installation of a switch and pad-mount transformer that will allow the existing overhead power lines to be installed underground as well as be used as the point of service for the proposed mast arm traffic signal and street lighting being installed as part of the North Banana River Drive at Martin Boulevard Intersection Improvement Project.

It is requested the Board authorize the Chairman to execute the easement document and sign the resolution as required by State Statute, Section 125.38 (Conveyance of Real Property Interest by County).

Land acquisition policies and procedures require approval by the Board of County Commissioners for all easements and resolutions between the entities.

Fiscal Impact: FY 2013-2014: Recording fees
FY 2014-2015: No impact

Clerk to the Board Instructions: **Return Original Executed FPL Easement, Original Executed Resolution and Board Approval Letter to Department**

Exhibits Attached: Original FPL Easement (with Exhibit "A"), Original Resolution (with Exhibit "A"), Property Fact Sheet and Location Map

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
	Mel Scott	 John P Denninghoff / 57202
Stockton Whitten	Assistant County Manager	
	Venetta Valdengo	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

August 6, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.6., Resolution and Easement to Florida Power and Light Company for Use in Conjunction with Improvements of the Intersection of N. Banana River Drive at Martin Boulevard

The Board of County Commissioners, in regular session on August 5, 2014, adopted Resolution No. 14-124; and executed Easement to Florida Power and Light Company for use in conjunction with improvement of the intersection of N. Banana River Drive at Martin Boulevard. Enclosed is original Resolution and Easement for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

Encls. (2)

/ds

cc: Contracts Administration
Land Acquisition
Finance
Budget

RESOLUTION NO. 14 - 124

A RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES, AUTHORIZING THE TRANSFER OF A REAL PROPERTY INTEREST IN COUNTY PROPERTY; PROVIDING FOR CONDITIONS UPON TRANSFER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as County, owns certain real properties described in Exhibit "A"; and

WHEREAS, Florida Power and Light needs a perpetual easement for the purpose of upgrading existing electric conveyance over a portion of said property; and

WHEREAS, said utility easement will not conflict with the County's use of the underlying property,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

The County does hereby agree to convey a perpetual easement for the purpose of installing a switch and pad-mounted transformer to serve as the point of service for the proposed mast arm traffic signal as well as street lights.

This Resolution is DONE, ORDERED AND ADOPTED this 5th day of August, 2014

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Mary Bofin Lewis, Chairman

As approved by the Board on: AUG 05 2014

Work Request No. 5537804

Sec. 18, Twp 24 S, Rge 37 E

Parcel I.D. _____
(Maintained by County Appraiser)
24-37-18-00-00501.0-0000.00

**EASEMENT
(BUSINESS)**
This Instrument Prepared By

Name: Sue Williams
Co. Name: FPL
Address: 270 Pioneer Road
Merritt Island, FL 32953

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on AUG 05 2014, 2014.

Signed, sealed and delivered in the presence of:

Tammy Etheridge
(Witness Signature)

Print Name: Tammy Etheridge
(Witness)

Donna Scott
(Witness Signature)

Print Name: Donna Scott
(Witness)

Board of County Commissioners, Brevard County, FL

By: Mary Bolin Lewis

Print Name: Mary Bolin Lewis, Chairman

Print Address: 2725 Judge Fran Jamieson Way
Viera, FL 32940

STATE OF Florida AND COUNTY OF Brevard. The foregoing instrument was acknowledged before me this 5th day of August, 2014 by Mary Bolin Lewis, the Chairman of BOCC a Commissioner, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Christine Mulligan
Notary Public, Signature

Print Name Christine Mulligan



SKETCH & DESCRIPTION

SECTION 18, TOWNSHIP 24 SOUTH, RANGE 37 EAST
NOT A BOUNDARY SURVEY

Exhibit "A"
Sheet 1 of 2

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

A PARCEL LYING IN SECTION 18, TOWNSHIP 24 SOUTH, RANGE 37 EAST,
BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


FROM THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 18,
RUN S1°25'15"E ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF
106.33 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF NORTH
BANANA RIVER DRIVE, SAID POINT ALSO BEING ON A CURVE BEING CONCAVE
SOUTHEASTERLY, HAVING A RADIUS OF 602.96 FEET AND CENTRAL ANGLE OF
25°00'17" WITH A CHORD BEARING OF S51°31'52"W; THENCE SOUTHWESTERLY
ALONG SAID CURVE AN ARC DISTANCE OF 263.14 FEET TO A POINT OF REVERSE
CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A
CENTRAL ANGLE OF 102°49'26"; THENCE WESTERLY AND NORTHERLY ALONG SAID
CURVE AND THE NORTH EASTERLY RIGHT OF WAY LINE OF MARTIN BOULEVARD
AN ARC DISTANCE OF 53.84 FEET TO A POINT OF TANGENCY; THENCE
N38°08'50"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF MARTIN
BOULEVARD A DISTANCE OF 103.52 FEET TO THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED PARCEL; THENCE CONTINUE N38°08'50"W A DISTANCE OF
30.00 FEET; THENCE N51°51'10"E A DISTANCE OF 20.00 FEET; THENCE
S38°08'50"E A DISTANCE OF 30.00 FEET; THENCE S51°51'10"W A DISTANCE OF
20.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 600 SQUARE FEET, MORE OR LESS.

PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32905
Brevard(321)724-2940 Indian River(772)589-3228 Fax(321)951-4878
E-MAIL: SMITHSURVEYING @ AOL.COM


KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 4457
(NOT VALID UNLESS SIGNED AND SEALED)

PREPARED FOR:

DRAWN BY: P.A.D.
DATE: MAY 23, 2014
DATE: JUNE 25, 2014

CHECKED BY: KAS
SHEET 1 OF 2

DRAWING NO. 14-1369
REVISIONS 14-1685

SECTION 18
TOWNSHIP 24 SOUTH
RANGE 37 EAST

SKETCH & DESCRIPTION

SECTION 18, TOWNSHIP 24 SOUTH, RANGE 37 EAST
NOT A BOUNDARY SURVEY

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



SCALE: 1" = 50'

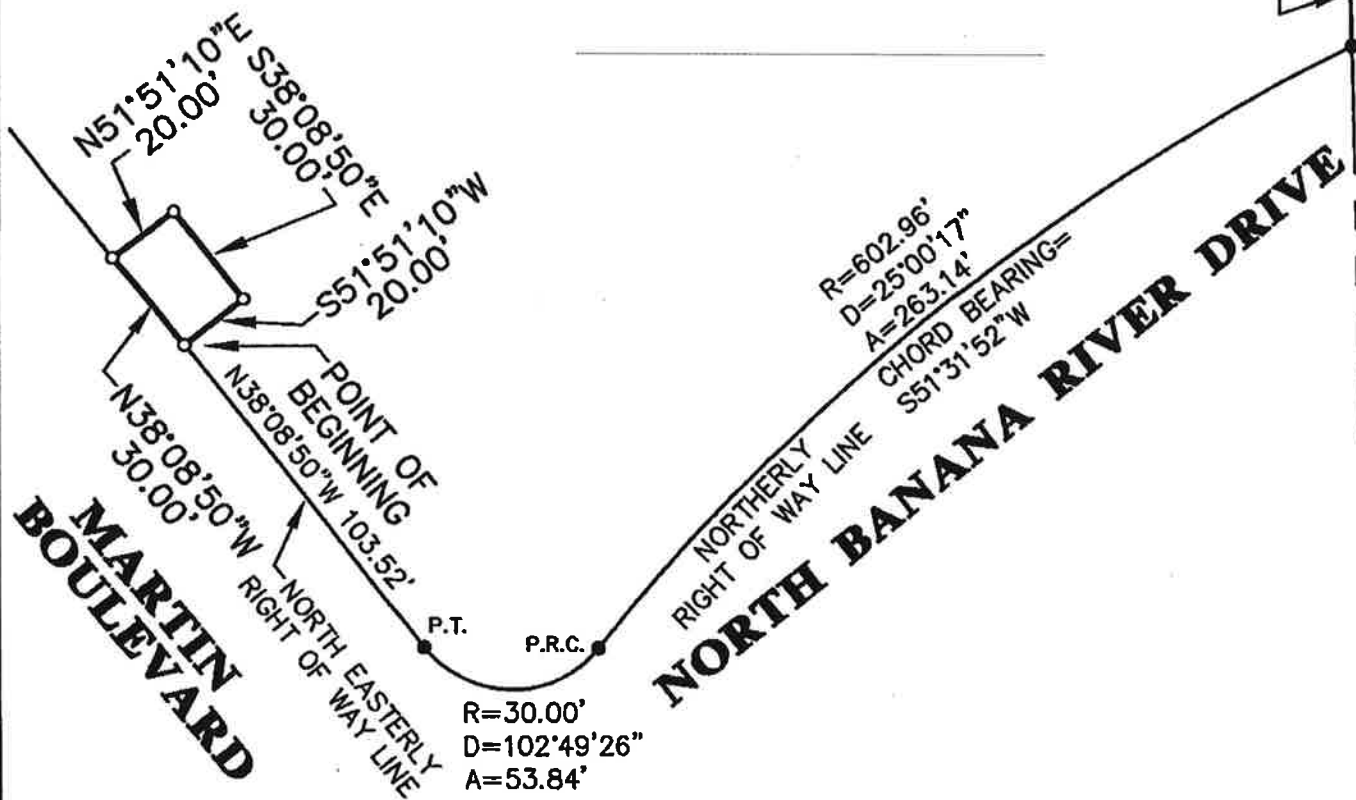
Exhibit "A"
Sheet 2 of 2

NORTH LINE - S.W. 1/4

N.E. CORNER - SW 1/4
SEC. 18, TWP. 24 S., RNG. 37 E.
FOUND 1-1/4" IRON PIPE (NO I.D.)

TAX PARCEL NO. 501
O.R.B. 6406, P. 731

EAST LINE - SW 1/4
SECTION 18
S1°25'38"E
106.32'



PREPARED BY:



DRAWING NO. 14-1369

SECTION 18, TOWNSHIP 24 SOUTH, RANGE 37 EAST

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BOARD OF COUNTY COMMISSIONERS

AGENDA: EASEMENT AND RESOLUTION FOR FLORIDA POWER & LIGHT COMPANY FOR USE IN THE AREA OF N. BANANA RIVER DRIVE AND MARTIN BOULEVARD. DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION

AGENCY CONTACT: DAN P. JONES, SUPERVISOR

CONTACT PHONE: 321-690-6847 (x 5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>7/18/14</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>see attached</u>	_____	<u>7/22/14</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____
E. D., P & C* Richard Szpyrka, Manager	<u>(DPJ)</u>	_____	<u>7/10/14</u>

AGENDA DUE DATE: July 22, 2014 FOR THE AUGUST 5, 2014 BOARD MEETING

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DAN JONES AT 690-6847 (5-2726) WHEN READY TO BE PICKED UP.

THANK YOU.

***Engineering Design, Permitting and Construction**

BOARD OF COUNTY COMMISSIONERS

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PUBLIC WORKS John Denninghoff, Director	_____	_____	_____
E. D., P & C* Richard Szpyrka, Manager	<u>RS</u>	_____	<u>7/10/14</u>

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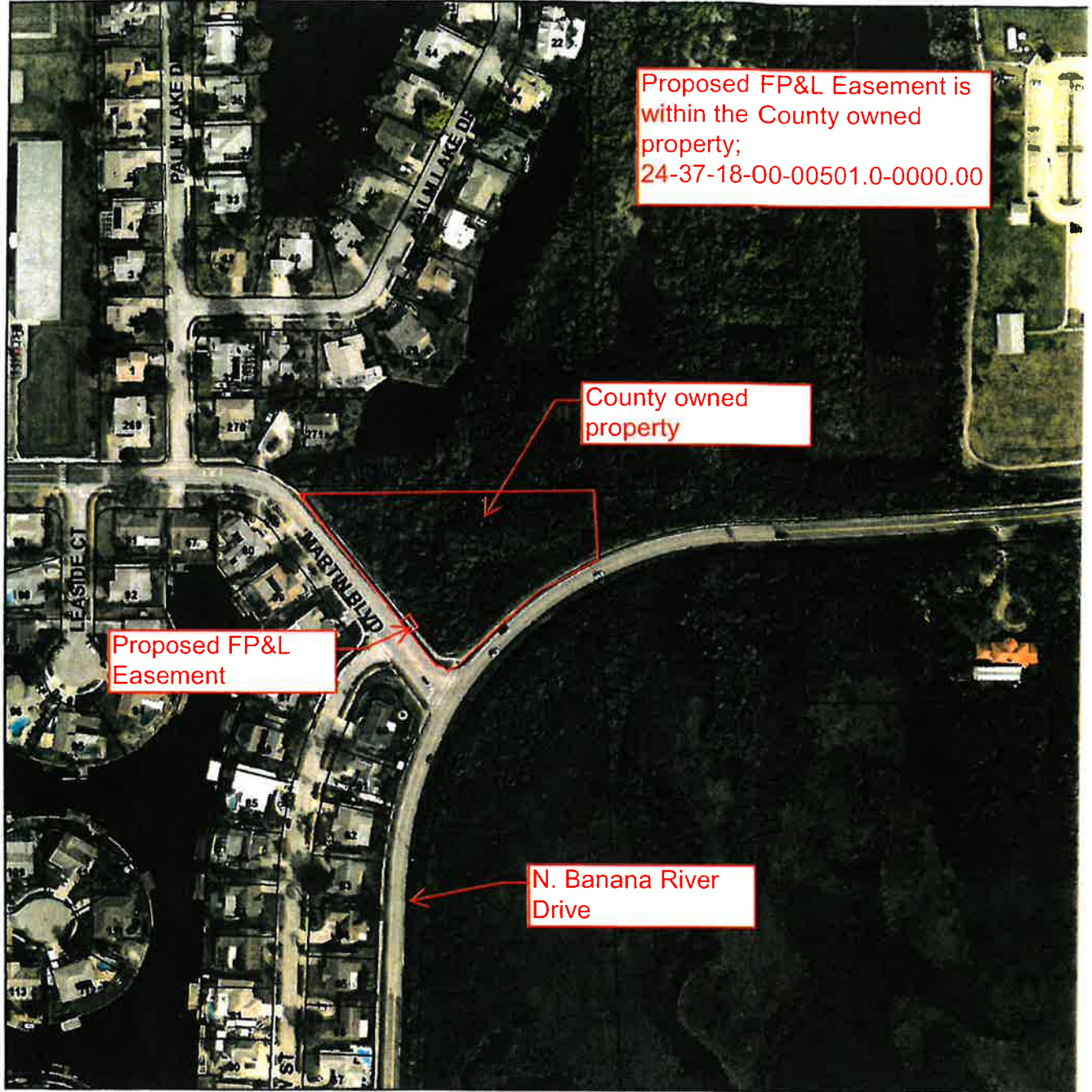
PROPERTY FACT SHEET
PROJECT: FPL Easement on County owned property

OWNER:	Brevard County
PARCEL LOCATION:	Intersection of Banana River Drive and Martin Boulevard
PARCEL SIZE:	1.78 Acres (per Property Appraiser)
EASEMENT AREA:	600 square feet +/-
ZONING/LANDUSE:	County Owned Property
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	24-37-18-00-00501.0-0000.00
MARKET VALUE: (Property Appraiser's Records)	\$28,480.00 (2014 Assessment)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION:	Purchase date: June 17, 2011 Sale amount: \$59,000.00 (Clerk of the Court Records)



Dana Blickley, CFA
Brevard County Property Appraiser

Location Map FPL Easement



Proposed FP&L Easement is within the County owned property;
24-37-18-00-00501.0-0000.00

County owned property

Proposed FP&L Easement

N. Banana River Drive

North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-6700
Fax: (321) 264-6954

Merritt Island Services Complex
2575 N Courtenay Pkwy
Merritt Island, FL 32953
Phone: (321) 454-6620
Fax: (321) 454-6618

Viera Government Center
2725 Judge Fran Jamieson Wy
Viera, FL 32940
Phone: (321) 690-6880
Fax: (321) 690-6883

South Services Complex
1515 Samo Rd
Melbourne, FL 32935
Phone: (321) 255-4440
Fax: (321) 255-4439

Palm Bay Service Complex
450 Cogan Dr, SE
Palm Bay, FL 32909
Phone: (321) 952-4574
Fax: (321) 852-4573

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