

**F. Consent Agenda - Public Works Department
ITEM 5.**



**AGENDA REPORT
March 12, 2019**

**Approval Re: Resolution and Florida Power & Light Company (FP&L)
Underground Easement (Business) for the Wickham Park Pavilion Power
Extension Project -District 4.**

SUBJECT:

Approval Re: Resolution and Florida Power & Light Company (FP&L) Underground Easement (Business) for the Wickham Park Pavilion Power Extension Project -District 4.

FISCAL IMPACT:

Fiscal impact: FY 2018 – 2019: No impact
FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the Underground Easement (Business), and 2) adopt and authorize the Chair to execute a Resolution.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 06, Township 27, Range 37.

The Parks & Recreation Department features a reoccurring monthly event called Movies in the Park (MITP). This event offers free movies and other family friendly activities to the public eleven months out of the year. Currently the MITP equipment, including the inflatable screen, visual, audio, and popcorn machines are powered utilizing generators. Granting this easement to FP&L will allow for an additional electrical power source for the necessary equipment.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements and resolutions.

CLERK TO THE BOARD INSTRUCTIONS:

Return the original executed Resolution, original executed Underground Easement (Business) with Exhibit, and Board approval memo to Land Acquisition Section with a copy of the Board memo to the Parks & Recreation Department.

ATTACHMENTS:

Description

- ▯ **Wickham Park-FPL Easement Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: RESOLUTION AND UNDERGROUND EASEMENT (BUSINESS) FROM
BREVARD COUNTY TO FLORIDA POWER & LIGHT COMPANY FOR
THE WICKHAM PARK PAVILION POWER EXTENSION PROJECT

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION /
PARKS AND RECREATION DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPT</u>	_____	<u>3/4/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>3/4/19</u>

AGENDA DUE DATE: March 5, 2019 for the March 12, 2019 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.



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 13, 2019

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.5., Approval of Resolution and Florida Power and Light Company (FP&L) Underground Easement (Business) for the Wickham Park Pavilion Power Extension Project

The Board of County Commissioners, in regular session on March 12, 2019, adopted Resolution No. 19-032; and authorized the Chair to execute the Underground Easement (Business) with FP&L for the Wickham Park Pavilion Power Extension Project. Enclosed is a fully-executed copy of the Resolution, Easement, and Non-Acceptance for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encls. (3)

cc: Parks and Recreation Director

RESOLUTION NO. 19- 032

RESOLUTION PURSUANT TO SECTION 125.38, FLORIDA STATUTES
AUTHORIZING THE CONVEYANCE OF REAL PROPERTY INTEREST BY THE
COUNTY.

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

WHEREAS, Florida Power & Light Company needs a perpetual easement to provide
electric service to said property; and

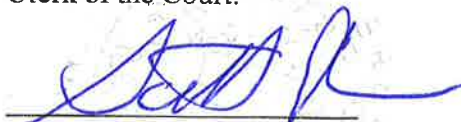
WHEREAS, said utility easement(s) will not conflict with the County's use of the
servient property; and

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

The County hereby agrees to convey a perpetual easement for the purpose of
placement of facilities within said easement areas in order for Florida Power & Light
Company to provide electric service.

DONE, ORDERED, and ADOPTED in Regular Session this 12 day of
MARCH, 2019.

ATTEST:
Clerk of the Court:


Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Ishardi, Chair

As approved by the Board on 3/12/19
Item # F.5.

Work Request No. 8517252

Sec. 06, Twp 27 S, Rge 37 E

Parcel I.D. 2709637

(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Timothy Carpenter

Co. Name: Florida Power & Light

Address: 9001 Ellis Rd
Melbourne, FL 32904

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 underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground 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 attached

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within 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, 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 March 12, 2019

Signed, sealed and delivered in the presence of:

Timmy Rowe
(Witness Signature)

Print Name: Timmy Rowe
(Witness)

Donna Scott
(Witness Signature)

Print Name: Donna Scott
(Witness)

Entity Name BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

By: [Signature]

Print Name: Kristine Isnardi, Chair

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

Approved by the Board on: 3/12/19 Agenda Item # F.5.

ATTEST: [Signature]
Scott Ellis, Clerk to the Board

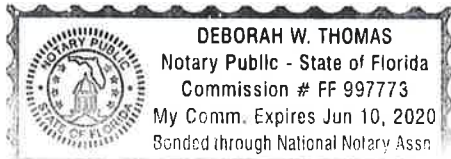
STATE OF Florida AND COUNTY OF Brevard. The foregoing instrument was acknowledged before me this 12 day of MARCH, 2019 by Kristine Isnardi, the Chair

Of the Brevard County Board of County Commissioners a , who is personally known to me or has produced personally known as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Deborah W. Thomas
Notary Public, Signature

Print Name DEBORAH W. THOMAS



SKETCH OF DESCRIPTION

PARCEL 801

SECTION 06, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL ID NO.: 27-37-06-01-1-1

PURPOSE: UTILITY EASEMENT.

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801, UTILITY EASEMENT (BY SURVEYOR)

A STRIP OF LAND 10.0 FEET WIDE WHICH LIES OVER AND ACROSS A PORTION OF THOSE LANDS KNOWN AS WICKHAM PARK LOCATED IN SECTION 6, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, SAID 10.0 FOOT WIDE STRIP LYING 5.0 FEET ON EACH/BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6, TOWNSHIP 27 SOUTH, RANGE 37 EAST; THENCE RUN NORTH 89°58'23" EAST ALONG THE SOUTH LINE OF SAID SECTION 6 FOR A DISTANCE OF 2448.71 FEET; THENCE DEPARTING SAID SOUTH LINE OF SECTION 6, RUN NORTH 00°01'37" WEST FOR A DISTANCE OF 1056.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE NORTH 53°26'55" EAST FOR A DISTANCE OF 5.00 FEET; THENCE SOUTH 36°33'05" EAST FOR A DISTANCE OF 105.12 FEET; THENCE NORTH 81°03'47" EAST FOR A DISTANCE OF 235.00 FEET; THENCE NORTH 50°05'26" EAST FOR A DISTANCE OF 76.42 FEET; THENCE NORTH 81°03'47" EAST FOR A DISTANCE OF 226.92 FEET TO THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE DESCRIPTION. CONTAINING 6812 SQUARE FEET (0.16 ACRES), 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 RIGHTS-OF-WAY, EASEMENTS, AGREEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD. THE SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS.

SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHICAL DEPICTION OF THE LANDS DESCRIBED HEREIN.
2. COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE NORTH AMERICAN DATUM OF 1983 AND READJUSTED IN 2011(NAD83(2011)).
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 37 EAST AS BEING NORTH 89° 58' 23" EAST AS CALCULATED FROM STATE PLANE COORDINATES BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901, NORTH AMERICAN DATUM OF 1983 AND READJUSTED IN 2011(NAD83(2011)).
4. INSTRUMENTS OF RECORD PERTAINING TO ENCUMBRANCES SUCH AS EASEMENTS, RIGHTS OF WAY, COVENANTS, AGREEMENTS, AND RESTRICTIONS WERE NOT PROVIDED BY THE CLIENT; A SEARCH OF THE PUBLIC RECORDS WAS NOT PERFORMED BY THIS SURVEYOR. NO OPINION OF TITLE IS EXPRESSED OR IMPLIED HEREIN.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSSIONERS

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 JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

PROJECT NO. 19-12-029

REVISIONS

DATE

DESCRIPTION

DATE: JANUARY 24, 2019

SHEET: 1 OF 2

SECTION 06
TOWNSHIP 27 SOUTH
RANGE 37 EAST

PARCEL 801

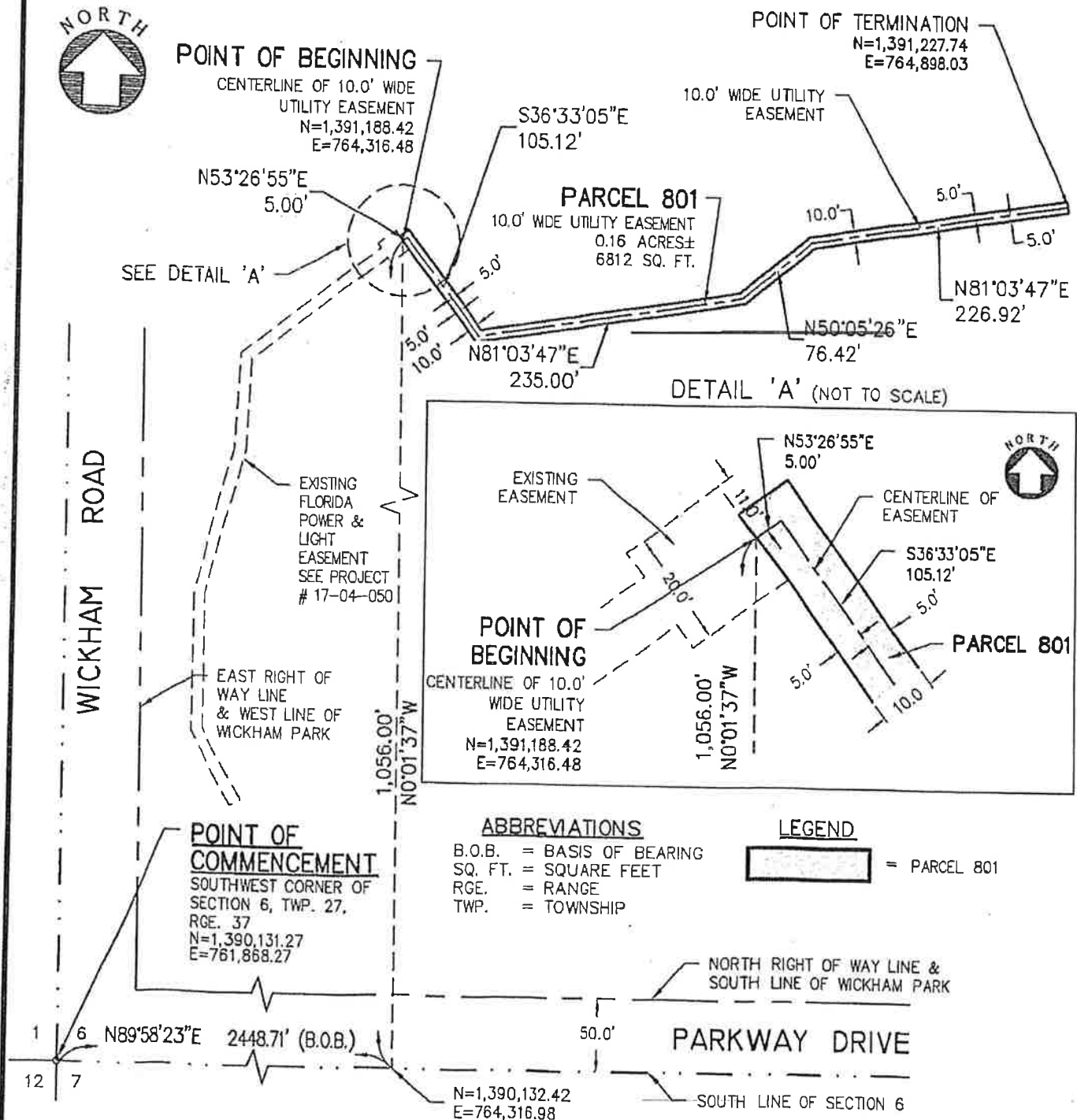
PURPOSE: UTILITY EASEMENT.

OWNER:

BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS

SHEET 2 OF 2

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



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


SCALE: 1"=120'

PROJECT NO.:
19-12-029

SECTION 06
TOWNSHIP 27 SOUTH
RANGE 37 EAST

SEC: 06 TWS: 27 RNG: 37 DISTRICT: 4
OWNER NAME: BREVARD COUNTY, FLORIDA



 Brevard COUNTY PARKS AND RECREATION DEPARTMENT Public Works	SUPERVISING & MAPPING DIVISION 2755 US HWY 1 JAMESON, FL 32940 BUDG. A. STE. A220 BLDG. A. FL. 32940		SCALE: 1"=50' PARTY CHIEF: M. HAZLEWOOD DRAWN BY: R. HENNING CHECK BY: M. J. SWEENEY FIELD BOOK: 624 PROJECT NUMBER: 19-12-029		DATE: JANUARY 15, 2019 DRAWING NAME: 275706_SW_1912029_WOSHAM-PARK-PFL SHEET: 1 OF 1 DATE: REVISION		INFORMATION SKETCH WICKHAM PARK PAVILION		PREPARED FOR: BREVARD COUNTY PARKS AND RECREATION DEPARTMENT	
							SECTION: 6, TWN: 27 SOUTH, RNG: 37 EAST		MANAGER:	