



AGENDA REPORT
January 8, 2019

Approval Re: Sanitary Sewer Easement from Palmetto Melbourne -Wickham Rd., LLC - District 4

SUBJECT:

Approval Re: Sanitary Sewer Easement from Palmetto Melbourne -Wickham Rd., LLC
- 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 approve and accept a Sanitary Sewer Easement from Palmetto Melbourne-Wickham Rd, LLC.

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Section 25, Township 26, Range 36.

The property owners have constructed a sanitary sewer system on property located along Wickham Road for the use and benefit of their retail store. They are required by Brevard County Code to construct the system to County specifications and convey an easement to the County for access and maintenance of the facilities.

There is a mortgage on the property and the bank has provided a Joinder in Consent to grant Brevard County the easement.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all Right(s) of Way.

ATTACHMENTS:

Description

- **Autozone Sanitary Sewer Easement Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: SANITARY SEWER EASEMENT IN FAVOR OF BREVARD COUNTY
FROM PALMETTO MELBOURNE - WICKHAM RD, I.L.C.,
DISTRICT - 4

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

CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT
PHONE: 321-690-6847 (52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u><i>DJ</i></u>	_____	<u>12/20/18</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u><i>JMB</i></u>	_____	<u>12/20/18</u>
UTILITY SERVICES Jim Helmer, Director	_____	_____	_____

AGENDA DUE DATE: December 18, 2018 for the January 8, 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

January 9, 2019

M E M O R A N D U M

TO: Dan Jones, Interim Public Works Director Attn: Blaise Mancini

RE: Item F.2., Approval of Sanitary Sewer Easement from Palmetto–Wickham Rd, LLC

The Board of County Commissioners, in regular session on January 8, 2019, approved and accepted the Sanitary Sewer Easement from Palmetto Melbourne–Wickham Rd, LLC, for property located at 5400 North Wickham Road in Section 25, Township 26, Range 36.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

cc: Utility Services Director
Asset Management

Prepared by and Return to: Lucy Hamelers, Land Acquisition Specialist
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.: 26-36-25-05-*4

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 6th day of December, 2018, between Palmetto Melbourne-Wickham Rd, LLC, a Florida limited liability company, whose mailing address is P.O. Box 1615, Thomasville, Georgia 31799, as the first party, and Brevard County, Florida, 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, Florida;

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 Utility Easement commencing on the above date, for the sole purpose of operating and maintaining a sanitary sewer line and associated facilities, and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 25, Township 26S, Range 36E, County of Brevard, State of Florida, and is 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 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.

Signed, sealed and delivered in the presence of:

WITNESSES:

Printed Name: Jeff Lazenby

Printed Name: John Tate

PALMETTO MELBOURNE-WICKHAM RD, LLC

By: Palmetto Capital Group, LLC
Its Manager

By: Houghton Family Entities, LLC
Its Manager

By: Michael D. Houghton
Michael D. Houghton, Manager

STATE OF FLORIDA)

) SS

COUNTY OF POLK)

On this the 6th day of December, 2018, before me, the undersigned, personally appeared Michael D. Houghton, who acknowledged himself to be the Manager of Houghton Family Entities, LLC, which entity is the Manager of Palmetto Capital Group, LLC, which entity is the Manager of Palmetto Melbourne-Wickham Rd, LLC, a Florida limited liability company, and that he, as such officer(s), being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as Manager.



JEFFREY A LAZENBY
Commission # GG 168919
Expires April 18, 2022
Bonded Title Budget Notary Services

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 04-18-22

Board Meeting Date: _____
Agenda Item #: _____

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-25-05-*--4

PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #801, SANITARY SEWER EASEMENT (PREPARED BY SURVEYOR)

THAT PART OF LOT 4, DEER LAKES COMMERCIAL SUBDIVISION, ACCORDING TO PLAT BOOK 59, PAGE 84 OF THE PUBLIC RECORDS OF BREVARD COUNTY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF AFORESAID, LOT 4; THENCE ALONG SOUTH LINE OF SAID LOT 4, N89°37'12"W, 8.50 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE, N89°37'12"W, 15.00 FEET; THENCE ALONG A LINE, 23.50 FEET WEST OF AND PARALLEL WITH THE WEST RIGHT-OF-WAY OF WICKHAM ROAD (COUNTY ROAD #509), N00°22'48"E, 413.18 FEET TO THE SOUTH RIGHT-OF-WAY OF DEER LAKES DRIVE BEING A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 37°51'36", A CHORD BEARING OF S67°15'01"E WITH A CHORD LENGTH OF 16.22 FEET; THENCE EASTERLY ALONG ARC OF SAID CURVE 16.52 FEET, TO THE INTERSECTION WITH A LINE 8.50 FEET WEST OF AND PARALLEL WITH THE AFORESAID WEST RIGHT-OF-WAY OF WICKHAM ROAD; THENCE ALONG SAID PARALLEL LINE, S00°22'48"W, 407.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,166 SQUARE FEET OR 0.14 ACRES MORE OR LESS.

DATA SOURCES:

1. PER PLAT OF DEER LAKES COMMERCIAL SUBDIVISION, BASIS OF BEARING IS THE WEST RIGHT-OF-WAY OF WICKHAM ROAD, BEING S00°22'48"W. (ASSUMED)
2. PLAT OF DEER LAKES COMMERCIAL SUBDIVISION, RECORDED PLAT BOOK 59, PAGE 84, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. FIDELITY NATIONAL TITLE INSURANCE COMPANY, OWNER'S POLICY OF TITLE INSURANCE, FILE NO.: 150694.00190, POLICY NO.: 5506-26-150694.00190-2018.2730609-215418783, DATE OF POLICY: SEPTEMBER 18, 2018 @ 3:14 P.M.

SCHEDULE B EXCEPTIONS FROM COVERAGE RELATING TO EASEMENTS ARE AS FOLLOWS:

CONTINUED SHEET 2..

Digitally signed by George Martin
DN: C=US, OU=President, O="Bullseye Surveying, Inc.",
CN=George Martin,
E=gmartin@bullseyesurveying.com
Reason: I am the author of this document
Location:
Date: 2018-12-20 10:48:25

GEORGE R. MARTIN
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NUMBER LS 6019
STATE OF FLORIDA

PREPARED FOR AND CERTIFIED TO:
AUTOZONE STORES, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

GEORGE R. MARTIN, PSM 6019
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:
BULLSEYE SURVEYING, INC, LB 7818
2198 NE COACHMAN ROAD, UNIT F, CLEARWATER, FL 33765
PHONE: 727-475-8088, FAX: 727-264-0457



DRAWN BY: GRM / GSS	CHECKED BY: GRM	PROJECT NO. 18-003	SECTION 25
		REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	
DATE: 10/29/2018	DRAWING: 18-003 - SD		

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-25-05-*--4

PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3

THIS IS NOT A SURVEY

SCHEDULE B EXCEPTIONS FROM COVERAGE RELATING TO EASEMENTS CONTINUED FROM SHEET 1

10. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF DEER LAKES COMMERCIAL SUBDIVISION, RECORDED IN PLAT BOOK 59, PAGE 84 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SURVEYOR'S COMMENT: SHOWN HEREON.
11. EASEMENT TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 2257, PAGE 589 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SURVEYOR'S COMMENT: SHOWN HEREON.
12. TERMS, CONDITIONS, EASEMENT, OBLIGATIONS AND OTHER MATTERS SET FORTH IN THAT CERTAIN CROSS-ACCESS EASEMENT AGREEMENT ATTACHED TO AND FORMING A PART OF THAT CERTAIN AFFIDAVIT OF CROSS-ACCESS EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5403, PAGE 2313 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SURVEYOR'S COMMENT: SUBJECT TO NON-DELINEABLE BLANKET EASEMENT.
13. TERMS, CONDITIONS, EASEMENT, OBLIGATIONS AND OTHER MATTERS SET FORTH IN THE EASEMENT AGREEMENT BY AND BETWEEN PINEDA CROSSING CORPORATION, A FLORIDA CORPORATION, AND CVS 75766 FL, LLC., A DELAWARE LIMITED LIABILITY COMPANY, RECORDED IN OFFICIAL RECORDS BOOK 6019, PAGE 532 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SURVEYOR'S COMMENT: DOES NOT AFFECT OR ABUT PARCEL 801.

PREPARED BY:

BULLSEYE SURVEYING, INC, LB 7818
2198 NE COACHMAN ROAD, UNIT F, CLEARWATER, FL 33765
PHONE: 727-475-8088, FAX: 727-264-0457



DRAWN BY: GRM / GSS	CHECKED BY: GRM	PROJECT NO. 18-003	SECTION 25 TOWNSHIP 26 SOUTH RANGE 36 EAST
DATE: 10/29/2018	DRAWING: 18-003 - SD	REVISIONS	
		DATE	
		DESCRIPTION	

SKETCH OF DESCRIPTION DEER LAKES EXHIBIT "A"

PARCEL #801

100' PRIVATE RIGHT-OF-WAY AND
CROSS ACCESS EASEMENT
PER PB 47, PG 40

DRIVE

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2

PARENT PARCEL ID#26-36-25-05-*
PURPOSE: SANITARY SEWER EASEMENT

THIS IS NOT A SURVEY

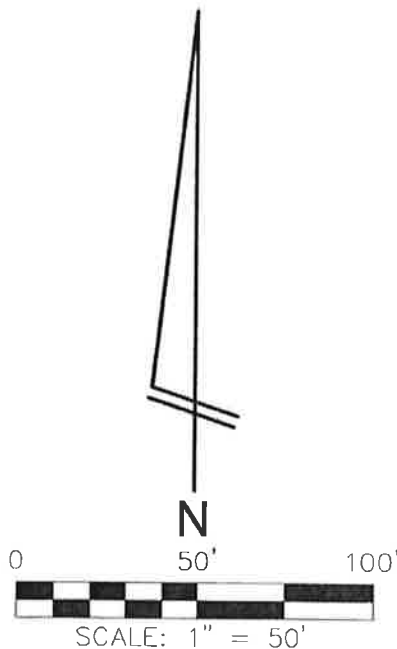
DEER LAKES COMMERCIAL
SUBDIVISION
PB 59 PG 84

ABBREVIATIONS

⬢ DENOTES
⬢ = SCHEDULE B
EASEMENT
(P) = PLAT INFORMATION
PB = PLAT BOOK
PG = PAGE

Curve Table				
CURVE #	RADIUS	DELTA	LENGTH	CHORD LENGTH
C1	25.00'	37°51'36"	16.52'	16.22'
				CHORD BEARING S67°15'01"E

LOT 4



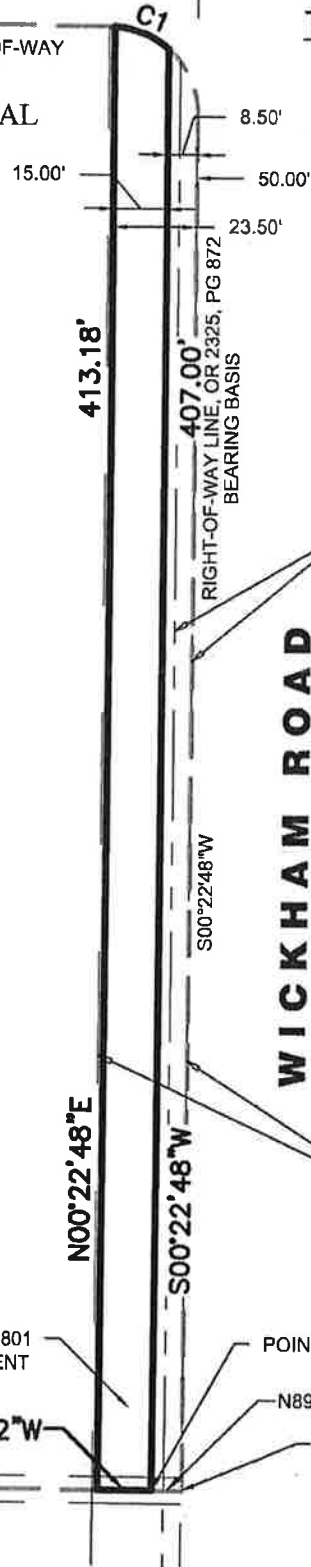
⬢
3.75' NONEXCLUSIVE DRAINAGE
AND PUBLIC UTILITIES EASEMENT
PER PB 59, PG 84

PARCEL 801
SANITARY SEWER EASEMENT

N89°37'12"W
15.00'

LOT 3
26-36-25-05-*3

SOUTH LINE LOT 4



WICKHAM ROAD
COUNTY ROAD 509

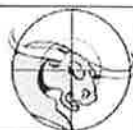
5' FPL EASEMENT (P)
OR 2257 PG 589

⬢ ⬢

25' INGRESS-EGRESS
EASEMENT
PER PB 59, PG 84

⬢

PREPARED BY: BULLSEYE SURVEYING, INC.
2198 NE COACHMAN ROAD, UNIT F
CLEARWATER, FLORIDA 33765
PHONE: 727-475-8088



SCALE:

1" = 50'

PROJECT NO.:

#18-003

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

VICINITY MAP

SEC: 25 TWP: 26 RNG: 36 DISTRICT: 4

STREET NAME: 5400 N. WICKHAM ROAD

OWNER'S NAME: PALMETTO MELBOURNE – WICKHAM RD, LLC AND
HOUGHTON FAMILY ENTITIES, LLC

