

Meeting Date
February 21, 2017



AGENDA	
Section	Consent
Item No.	II.A.13

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Utility Easement from RaceTrac Petroleum, Inc. in favor of Brevard County for an easement located on Constellation Drive in Melbourne – District 4 (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Utility services Department

Requested Action:
 It is requested the Board of County Commissioners approve and accept a Utility Easement from RaceTrac Petroleum, Inc.

Summary Explanation & Background:

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

As a condition of site plan approval (15RW00819) for construction of the RaceTrac Petroleum Inc., a fuel and retail facility located at the southwest corner of Wickham Road and Constellation Drive, the developer is required to convey the Utility Easement.

Land Acquisition policies and procedures requires approval and acceptance by the Board of County Commissioners for all Deeds and Easements.

Fiscal impact: FY 2016- 2017: No Impact
FY 2017-2018: No Impact

Clerk to the Board Instructions: Forward the Board approval memo to Department.

Exhibits Attached: Copy of executed Utility Easement, Location Map, Property Fact Sheet

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

February 22, 2017

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item II.A.13., Utility Easement from Race Trac Petroleum, Inc. in Favor of Brevard County for an Easement Located on Constellation Drive, Melbourne

The Board of County Commissioners, in regular session on February 21, 2017, approved acceptance of Utility Easement from Race Trac Petroleum, Inc. for property located on Constellation Drive, Melbourne.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS

AGENDA: ACCEPTANCE OF A UTILITY EASEMENT FROM RACETRAC
PETROLEUM, INC. IN FAVOR OF BREVARD COUNTY - DISTRICT 4

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

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>1/26/17</u>
UTILITIES SERVICES Jim Helmer, Director	<u>JH</u>	_____	<u>1/31/17</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u>see attached</u>	_____	<u>1/26/17</u>
PUBLIC WORKS John P. Denninghoff, Director	<u>JPD</u>	_____	<u>2/7/17</u>

AGENDA DUE DATE: February 7, 2017 for the February 21, 2017 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: ACCEPTANCE OF A UTILITY EASEMENT FROM RACETRAC
PETROLEUM, INC. IN FAVOR OF BREVARD COUNTY - DISTRICT 4

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UTILITIES SERVICES Jim Helmer, Director	_____	_____	_____
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney		_____	1/26/17
PUBLIC WORKS John P. Denninghoff, Director	_____	_____	_____

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

PERMANENT UTILITY EASEMENT

THIS INDENTURE, made this 25 day of January 2017, between RaceTrac Petroleum, Inc. whose P.O. address is 3225Cumberland Blvd., Suite 100, Atlanta, Georgia, 30339 as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 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 One Dollar (\$1.00) 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 purposes of public utilities, and other allied uses 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 the easements is located in Section 25, Township 26 South, Range 36 East, County of Brevard, State of Florida, and being 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/or 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 a good and lawful right to convey it or any part thereof.

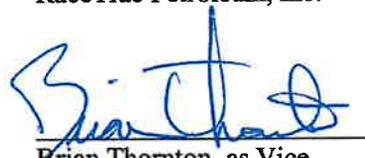
IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

RaceTrac Petroleum, Inc.

Witness

Print Name: Seth Johnson



Brian Thornton, as Vice President of Real Estate and Engineering

Witness

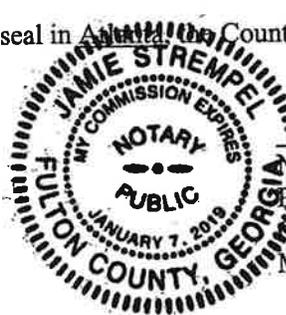
Print Name: Luke Hanson

STATE OF GEORGIA
COUNTY OF FULTON

The foregoing instrument was acknowledged before me this 25 day of January, 2017, by Brian Thornton, who is/is not personally known to me or who has produced _____ as identification and who did/did not take an oath.

WITNESS my hand and official seal in Fulton County of Fulton, State of Georgia, this 25th day of January, 2017.

Board Date _____
Agenda Item _____



Jamie Stempel
Notary Public
Print Name Jamie Stempel
Commission No. N/A - Exempt
My Commission Expires: Jan. 7, 2019

LEGAL DESCRIPTION

PARCEL 802

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL: LOT 1, CONSTELLATION AT NORTH WICKHAM
 PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 802 UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 1, CONSTELLATION AT NORTH WICKHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61, PAGES 55 AND 56 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 1, CONSTELLATION AT NORTH WICKHAM. SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF CONSTELLATION DRIVE (A 100 FOOT WIDE RIGHT OF WAY);

THENCE, BEARING SOUTH 02° 02' 42" WEST, ALONG THE WEST LINE OF SAID LOT 1, CONSTELLATION AT NORTH WICKHAM, A DISTANCE OF 64.01 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 15 FOOT WIDE UTILITY EASEMENT LYING AND BEING 7.50 FEET WIDE ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; (THE SIDE LINES OF THIS EASEMENT ARE LENGTHENED OR SHORTENED TO INTERSECT THE LINE OF THE LANDS LIMITING THE EXTENT OF THE EASEMENT AS SHOWN);

THENCE, DEPARTING SAID WEST LINE, BEARING NORTH 62° 32' 20" EAST, A DISTANCE OF 101.31 FEET TO POINT "A";

THENCE, BEARING SOUTH 14° 35' 45" EAST, A DISTANCE OF 134.97 FEET TO A POINT;

THENCE, BEARING SOUTH 00° 13' 32" EAST, A DISTANCE OF 230.03 FEET TO THE SOUTH LINE OF SAID LOT 1 AND THE POINT OF TERMINUS;

THENCE, RETURN TO POINT "A", BEARING NORTH 00° 19' 09" EAST A DISTANCE OF 19.73 FEET TO THE SAID SOUTH RIGHT OF WAY LINE OF CONSTELLATION DRIVE AND THE POINT OF TERMINUS.

CONTAINING 7178.89 SQUARE FEET (0.16 ACRES) MORE OR LESS AND SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TO: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
 RACETRAC PETROLEUM INC.

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELDWORK: OCTOBER 4, 2016

PREPARED FOR AND CERTIFY TO:
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
 RACETRAC PETROLEUM INC.

KURT STAFFLINGER
 FLORIDA SURVEYOR AND MAPPER
 REGISTRATION No. 5496
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:



Bowman Consulting Group, Ltd. Phone: (321) 255-5434
 4450 W EAU GALLIE BLVD, Suite 232 Fax: (321) 255-7751
 MELBOURNE, FL 32934 www.bowmanconsulting.com

Florida Certificate of Authorization No. LB8030

DRAWN BY: RT	CHECKED BY: KS	PROJECT NO. 8779-01-001		SECTION 25	
		REVISIONS	DATE		REVISION
DATE: 10/04/16	DRAWING: 8779-SEWER ESMT		1/17/17	PER COMMENTS	RANGE 36 EAST
			12/22/16	PER COMMENTS	

SKETCH OF DESCRIPTION

PARCEL 802

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL: LOT 1, CONSTELLATION AT NORTH WICKHAM

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

THIS IS NOT A SURVEY

SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID DESCRIPTION AND SKETCH TO ACCOMPANY DESCRIPTION MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARINGS ARE BASED ON THE WEST LINE OF LOT 1 CONSTELLATION AT NORTH WICKHAM PER PLAT BOOK 61, PAGES 55 AND 56 BEING SOUTH 02°02'42" WEST, ACCORDING TO SAID PLAT. THE BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
3. THIS LEGAL DESCRIPTION WITH A SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. AT THIS TIME, THE BREVARD COUNTY APPRAISER HAS NOT ASSIGNED A PARCEL NUMBER TO THE PARENT PARCEL.
6. THIS EASEMENT DESCRIPTION WAS BASED UPON THE ACTUAL LOCATION OF THE CONSTRUCTED IMPROVEMENTS AS LOCATED IN THE FIELD ON 10/04/16.
7. REFER TO OWNERSHIP AND ENCUMBRANCE REPORT FILE NUMBER 2037-3668961, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY.
8. IN REFERENCE TO ITEM "D" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
ACCESS EASEMENT AND MAINTENANCE AGREEMENT RECORDED AUGUST 18, 2005 IN OFFICIAL RECORDS BOOK 5518, PAGE 7798, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA - DOES NOT AFFECT PROPOSED PARCEL
9. IN REFERENCE TO ITEM "E" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
EASEMENT AGREEMENT RECORDED OCTOBER 12, 2005 IN OFFICIAL RECORDS BOOK 5549, PAGE 2121 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA - DOES NOT AFFECT PROPOSED PARCEL
10. IN REFERENCE TO ITEM "F" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
EASEMENT AGREEMENT RECORDED MAY 5, 2006 IN OFFICIAL RECORDS BOOK 5641, PAGE 528, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA - AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH OF LEGAL DESCRIPTION (SEE SHEET 3 OF 3)

IN REFERENCE TO ITEM "H" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
EASEMENT GRANTED TO PINEDA CROSSING CORPORATION, RECORDED SEPTEMBER 11, 2006 IN OFFICIAL RECORDS BOOK 5696, PAGE 872, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA - AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH OF LEGAL DESCRIPTION (SEE SHEET 3 OF 3)
11. IN REFERENCE TO ITEM "G" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
ACCESS EASEMENT AND MAINTENANCE AGREEMENT RECORDED MAY 5, 2006 IN OFFICIAL RECORDS BOOK 5641, PAGE 538, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA - DOES NOT AFFECT PROPOSED PARCEL
12. IN REFERENCE TO ITEM "I" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
EASEMENT GRANTED TO PINEDA CROSSING CORPORATION, RECORDED SEPTEMBER 11, 2006 IN OFFICIAL RECORDS BOOK 5696, PAGE 882, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA - DOES NOT AFFECT PROPOSED PARCEL
13. IN REFERENCE TO ITEM "K" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
DECLARATION OF COVENANTS AND RESTRICTIONS FOR CONSTELLATION AT NORTH WICKHAM RECORDED JULY 15, 2015 IN OFFICIAL RECORDS BOOK 7410, PAGE 1687, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

EASEMENT AREA #1 (AS SHOWN IN OFFICIAL RECORDS BOOK 7410, PAGE 1687) AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH OF LEGAL DESCRIPTION (SEE SHEET 3 OF 3)

EASEMENT AREA #2 (AS SHOWN IN OFFICIAL RECORDS BOOK 7410, PAGE 1687) DOES NOT AFFECT PROPOSED PARCEL - SHOWN ON SKETCH OF LEGAL DESCRIPTION FOR PREFERENCE (SEE SHEET 3 OF 3)
14. IN REFERENCE TO ITEM "M" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED AUGUST 29, 2016 IN OFFICIAL RECORDS BOOK 7697, PAGE 343, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. - AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH OF LEGAL DESCRIPTION (SEE SHEET 3 OF 3)

PREPARED BY:

Bowman
CONSULTING

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www.bowmanconsulting.com

SCALE:

N/A

PROJECT NO.:

8779-01-001

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 802

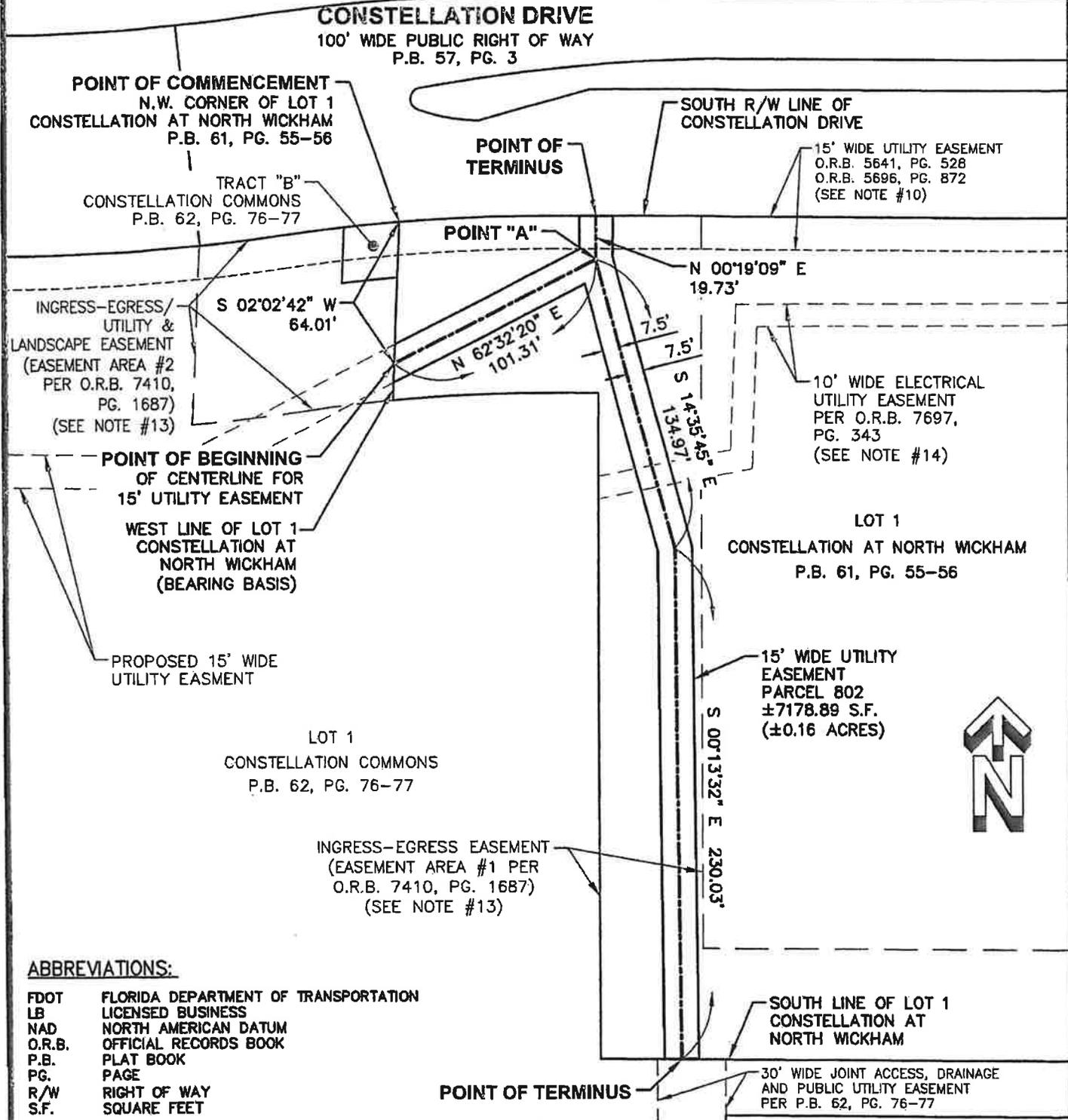
SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL: LOT 1, CONSTELLATION AT NORTH WICKHAM
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EXHIBIT "A"

SHEET 3 OF 3

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ABBREVIATIONS:

- FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
- LB LICENSED BUSINESS
- NAD NORTH AMERICAN DATUM
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET



PREPARED BY: Bowman CONSULTING Bowman Consulting Group, Ltd. 4450 W EAU GALLIE BLVD, Suite 232 MELBOURNE, FL 32934	Phone: (321) 255-5434 Fax: (321) 255-7751 www.bowmanconsulting.com	SCALE: 1" = 60' PROJECT NO.: 8779-01-001	SECTION 25 TOWNSHIP 26 SOUTH RANGE 36 EAST
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LOCATION MAP

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

PROPERTY ADDRESS: 4920 N. WICKHAM ROAD, MELBOURNE

PROPERTY OWNER: RACETRAC PETROLEUM, INC



PROPERTY FACT SHEET

Owner: RaceTrac Petroleum, Inc.

Parcel Location: 4920 N Wickham Rd, Melbourne FL 32940

Parent Parcel Size: 2.91 Acres

Easement Area to be conveyed: 7,178.89 Square Feet (.16 Acre)

Improvements: Fuel/Convenience Store

Topography: Level with road grade

Flood Zone: Zone-X: Area Moderate or minimal Flood Hazard Area

Tax Parcels#: 26-36-25-78-1

Market Value: \$950,360 (2016 Assessment-Property Appraiser)

Public Utilities: All Utilities Available

Property Transaction: Purchase Date: 12/31/2015

Official Record Book / Page 7522/2908

(Property Appraisers' Records) Property Sale amount: \$1,175,000.00