

Meeting Date
08/19/2014



AGENDA	
Section	Consent
Item No.	II.A.5.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Sidewalk Easement from Chick-Fil-A, a Georgia Corporation, in favor of Brevard County for the realignment and construction of the public access sidewalk (14RW - 00351) - District 3.
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve and accept the Permanent Sidewalk Easement from Chick-Fil-A to Brevard County associated with (14RW-00351).

Summary Explanation & Background:

The subject property is located in Section 20, Township 28 South, Range 37 East.

Brevard County Land Development Regulation 62-2956 requires that the applicant shall provide sidewalks adjacent to roadways on which the development abuts and adjacent to all roadways within the development, with a minimum width of five feet. The purpose of the easement is for the future construction (at the developer's expense) and maintenance of a sidewalk adjacent to the right-of-way for (County maintained) Palm Bay Road. Chick-Fil-A has executed the easement.

Land Acquisition policies and procedures require approval and acceptance by the Board of County Commissioners for all easements.

Fiscal Impact: FY 2013-2014: No Impact
FY 2014-2015: No Impact

Clerk to the Board Instructions: Return Board Approval Letter to Department.

Exhibits Attached: Copy of Permanent Sidewalk Easement with Description, Property Fact Sheet, Location Map

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

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 20, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.5, Permanent Sidewalk Easement with Chick-Fil-A, a Georgia Corporation, for Realignment and Construction of the Public Access Sidewalk (14RW-00351)

The Board of County Commissioners, in regular session on August 19, 2014, accepted the Permanent Sidewalk Easement from Chick-Fil-A, for realignment and construction of the public access sidewalk.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/clm

cc: Asset Management

PERMANENT SIDEWALK EASEMENTS

THIS INDENTURE, made this 4th day of August A.D. 2014, between CHICK-FIL-A, a Georgia corporation, whose mailing address is 5200 Buffington Road, Atlanta, GA 30349-2998, 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, perpetual easements commencing on the above date, for the sole purpose of constructing and maintaining sidewalk easements and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easements.

The land affected by the granting of the easements is located in Section 20, Township 18 South, Range 31 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTIONS

TO HAVE AND TO HOLD said easements unto the County of Brevard and to its successors and assigns.

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:

CHICK-FIL-A, INC.

By: [Signature]
Name: B. Lynn Chastain
Title: Vice President and General Counsel

By: [Signature]
Name: _____
Title: S. Tammy Pearson
Vice President and Assistant General Counsel
(CORPORATE SEAL)

STATE OF GEORGIA)
COUNTY OF Cobb) SS:

I, Anne Marie C. Deltor, a notary public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT B. LYNN CHASTAIN and S. TAMMY PEARSON, the Vice President and Vice President, respectively, of Chick-fil-A, Inc., a Georgia corporation, personally known to me to be the same persons whose names are subscribed to the foregoing **PERMANENT SIDEWALK EASEMENTS**, appeared before me this day in person and acknowledged that they signed and delivered the said document on behalf of the corporation and as their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 4th day of August, 2014.

Board Date: _____
Agenda Item #: _____

[Signature]
NOTARY PUBLIC



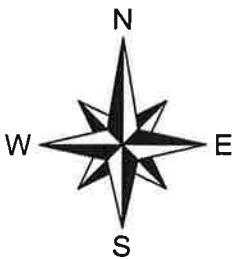
SKETCH OF DESCRIPTION

DESCRIPTION

A PART OF LOT 21, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 164 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

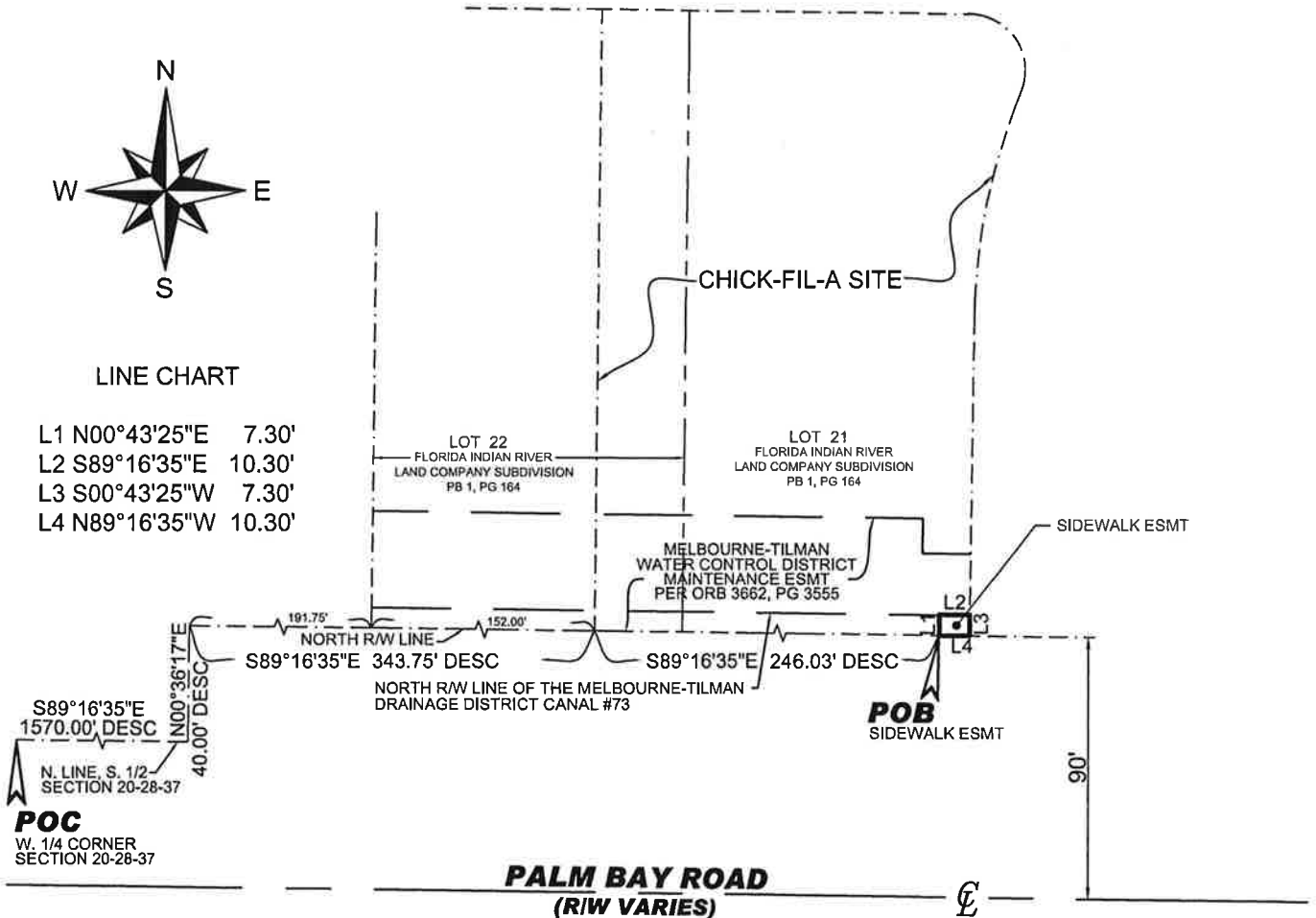
COMMENCE AT THE WEST QUARTER CORNER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S89°16'35"E, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 20 A DISTANCE OF 1,570.00 FEET; THENCE N00°36'17"E A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PALM BAY ROAD; THENCE S89°16'35"E ALONG SAID NORTH RIGHT-OF-WAY LINE OF PALM BAY ROAD A DISTANCE OF 343.75 FEET; THENCE CONTINUE S89°16'35"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 246.03 FEET FOR A POINT OF BEGINNING; THENCE N00°43'25"E A DISTANCE OF 7.30 FEET; THENCE S89°16'35"E A DISTANCE OF 10.30 FEET; THENCE S00°43'25"W A DISTANCE OF 7.30 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE N89°16'35"W A DISTANCE OF 10.30 FEET TO THE POINT OF BEGINNING.

CONTAINS 75 SQUARE FEET, MORE OR LESS.



LINE CHART

- L1 N00°43'25"E 7.30'
- L2 S89°16'35"E 10.30'
- L3 S00°43'25"W 7.30'
- L4 N89°16'35"W 10.30'



THIS SKETCH IS NOT A BOUNDARY SURVEY.

JOB #39841
CF#BC1-164 CHICK-FIL-A (SOD)
DATE: 6/23/2014
SCALE: 1" = 60'
DRAWN BY:

PREPARED FOR: INTERPLAN LLC.
BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED NORTH R/W LINE OF PALM BAY ROAD, BEING: S89°16'35"E (ASSUMED).

REVISIONS:

THIS SKETCH MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.



ACCURIGHT SURVEYS
OF ORLANDO INC., LB 4475
2012 E. Robinson Street Orlando, Florida 32803
www.AccurightSurveys.net
Admin@AccurightSurveys.net
PHONE: (407) 894-6314 FAX: (407) 897-3777

LEGEND	
CLC	- CALCULATED
CBW	- CONCRETE BLOCK WALL
CLF	- CHAIN LINK FENCE
CM	- CONCRETE MONUMENT
CP	- CONCRETE PAD
CONC	- CONCRETE
COVD	- COVERED
CW	- CONCRETE WALKWAY
D	- CENTRAL ANGLE
DB	- DEED BOOK
DE	- DRAINAGE EASEMENT
DW	- DRIVEWAY
ES/P	- EDGE OF PAVEMENT
ESMT	- EASEMENT
FFE	- FINISHED FLOOR ELEVATION
FND	- FOUND
IP	- IRON PIPE
IR	- IRON ROD
L	- ARC LENGTH
MEAS	- MEASURED
MS	- METAL SHED
N&D	- NAIL & DISK
ORB	- OFFICIAL RECORDS BOOK
P&M	- PLAT & MEASURED
PB	- PLAT BOOK
PC	- POINT OF CURVATURE
PG	- PAGE
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
R/W	- RIGHT OF WAY
R	- RADIUS
TYP	- TYPICAL
UB	- UTILITY BOX
UE	- UTILITY EASEMENT
WF	- WOOD FENCE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT SIDEWALK EASEMENT FROM CHICK-FIL-A TO BREVARD COUNTY RELATED TO (14RW-00351).

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>8/6/14</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	_____	_____	_____
PUBLIC WORKS John Denninghoff, Director	<u>JD</u>	_____	<u>8/6/14</u>

AGENDA DUE DATE: August 5, 2014 for the August 19th 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.

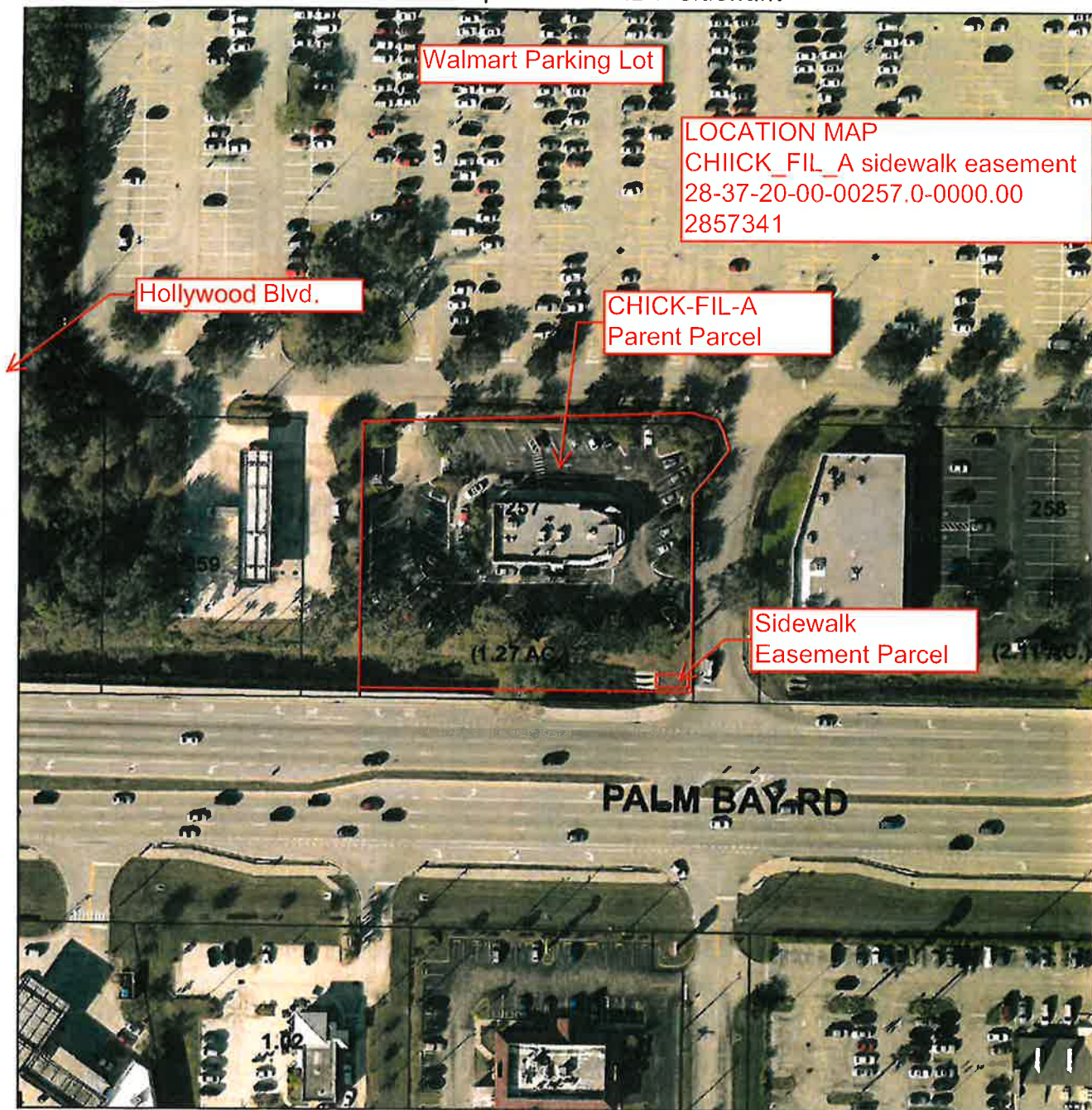
PROPERTY FACT SHEET
PROJECT: Chick-Fil-A Sidewalk Easement

OWNER:	Chick-Fil-A
PARCEL LOCATION:	835 Palm Bay Road, W. Melbourne, Florida
PARCEL SIZE:	.96 Acre (per appraisal)
EASEMENT AREA:	75 square feet
ZONING/LANDUSE:	Commercial – Fast Food Restaurant
IMPROVEMENTS:	3,935 sqft restaurant building
TOPOGRAPHY:	Level with road grade, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	28-37-20-00-00257.0-0000.00
MARKET VALUE: (Property Appraiser's Records)	\$620,000.00 (2014 Assessment)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: 12/30/98 Sale amount: \$527,000.00



Dana Blickley, CFA
Brevard County Property Appraiser

Location Map – CHICK-FIL-A Sidewalk



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 Sarno 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) 952-4573

Document content intended for assessment purposes only. Not a survey. Map layers may not precisely align. Other disclaimers apply.

Printed Tuesday, August 5, 2014 at 3:00 PM. www.bcpao.us

II. A. 5
ATTACHMENT

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COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>CL</u>	_____	<u>8/7/14</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

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

THANK YOU.

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THANK YOU.

RECEIVED

AUG 06 2014

Logged
Brevard County Attorney