

Meeting Date
September 19, 2017



AGENDA	
Section	Consent
Item No.	II.D.7

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Colonnade Avenue - Permanent Sanitary Sewer Easement from CLA RETAIL, LLC-District 4. (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve and accept a Permanent Sanitary Sewer Easement from CLA RETAIL, LLC.

Summary Explanation & Background:

The subject property is located within Section 04, Township 26 South, Range 36 East.

The property is located in Viera along the east side of Lake Andrew Drive. The property owner, CLA RETAIL, LLC, has plans for construction of general retail facilities and is required per Brevard County Code to construct a sanitary sewer line and convey an easement over the subject line in favor of Brevard County for maintenance. All improvements shall be constructed at the developer's expense.

There is a mortgage on the property and the appropriate Joinder in Consent has been obtained from the Mortgage Holder.

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

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

Clerk to the Board Instructions: Forward Board Approval Memo to Department

Exhibits Attached: Copy of executed Permanent Sanitary Sewer Easement, Location Map, Property Fact Sheet

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

County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, PE (Interim) / 57202
	Interim Assistant County Manager Jim Liesenfelt	Jim Helmer / 52097

BOARD OF COUNTY COMMISSIONERS

AGENDA: COLONNADE AVENUE - PERMANENT SANITARY SEWER EASEMENT
IN FAVOR OF BREVARD COUNTY FROM CLA RETAIL, LLC-
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(56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan P. Jones, Supervisor	<u>DPJ</u>	_____	<u>8/4/17</u>
UTILITY SERVICES DEPT. Jim E. Helmer, Director	<u>JH</u>	_____	<u>8/7/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>EB</u>	_____	<u>8/7/17</u>
PUBLIC WORKS Andrew J. Holmes, PE, Interim Director	<u>AJH</u>	_____	<u>8/31/2017</u>

AGENDA DUE DATE: September 5, 2017 for the September 19, 2017 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

September 20, 2017

MEMORANDUM

TO: Andrew Holmes, Interim Public Works Department Director Attn: Dan Jones

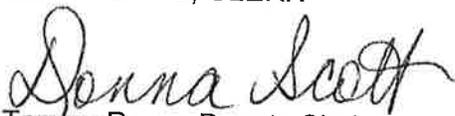
RE: Item II.A.7., Acceptance of Permanent Sanitary Sewer Easement from CLA RETAIL, LLC for Colonnade Avenue

The Board of County Commissioners, in regular session on September 19, 2017, accepted a Permanent Sanitary Sewer Easement from CLA RETAIL, LLC, for Colonnade Avenue.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for 
Donna Scott
Tammy Rowe, Deputy Clerk

/ds

cc: Assistant County Manager Denninghoff
Utility Services Director
Asset Management

PERMANENT SANITARY SEWER EASEMENT

THIS INDENTURE, made this 3 day of August 2017, between CLA Retail, LLC, a Florida limited liability company, whose mailing address is: 7332 Office Park Place, Suite #101, Melbourne, Florida 32940, 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 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 permanent sanitary sewer easement commencing on the above date, for the purpose of constructing and maintaining a sanitary sewer line 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 04, Township 26 South, Range 36 East, County of Brevard, State of Florida, 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 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:

CLA Retail, LLC, a Florida limited liability company

Jennifer L. Dowell
Witness
Jennifer L. Dowell
(Print)
Kristin Dowell
Witness
Kristin Dowell
(Print)

Myles H. Wilkinson
Myles H. Wilkinson, Manager

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 3 day of August 2017, by Myles H. Wilkinson, as Manager of CLA Retail, LLC, a Florida limited liability company, who is personally known to me or who has produced N/A as identification and who did/did not take an oath.

WITNESS my hand and official seal at County of Brevard, State of Florida, this 3 day of August 2017.

Jennifer L. Dowell
NOTARY PUBLIC
Jennifer L. Dowell
Print Name
Commission No. _____
Commission Expires: _____



Board Date: _____
Agenda Item #: _____

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARCEL 801

SECTION 04, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID#: 26-36-04-75-A-1

PURPOSE: UTILITY EASEMENT

LEGAL DESCRIPTION: PARCEL 801 (PREPARED BY SURVEYOR)

A PARCEL OF LAND LYING WITHIN A PORTION OF LOT 1 AND BLOCK A, LAKE ANDREW COMMERCIAL CENTER, AS DESCRIBED IN PLAT BOOK 51, PAGE 71, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1 AND BLOCK A, SAID POINT ALSO LYING ON THE WEST LINE OF TRACT A PER SAID PLAT OF LAKE ANDREW COMMERCIAL CENTER (A PRIVATE DRIVEWAY TRACT ALSO KNOWN AS COLONNADE AVENUE), AND RUN S 00°17'14" E ALONG SAID WEST LINE, A DISTANCE OF 23.78 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT;

- THENCE CONTINUE ALONG SAID WEST LINE, RUN S 00°17'14" E, A DISTANCE OF 20.00 FEET;
- THENCE RUN S 89°25'11" W, A DISTANCE OF 178.91 FEET;
- THENCE RUN S 00°16'48" E, A DISTANCE OF 26.69 FEET;
- THENCE RUN N 89°36'09" E, A DISTANCE OF 6.72 FEET;
- THENCE RUN S 00°32'20" E, A DISTANCE OF 328.10 FEET;
- THENCE RUN S 89°52'21" W, A DISTANCE OF 8.21 FEET;
- THENCE RUN S 00°16'48" E, A DISTANCE OF 30.85 FEET;
- THENCE RUN S 89°43'12" W, A DISTANCE OF 20.00 FEET;
- THENCE RUN N 00°16'48" W, A DISTANCE OF 405.50 FEET;
- THENCE RUN N 89°25'11" E, A DISTANCE OF 198.90 FEET;
- TO THE POINT OF BEGINNING,

CONTAINING 0.32 ACRES (14,138.07 SQUARE FEET), MORE OR LESS.

SURVEYOR'S NOTES:

1. OPINION OF TITLE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY (COMMITMENT TITLE NO. V0370147.v1), DATED 07/18/2017.
2. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS SHOWN HEREON FOR EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD OTHER THAN THOSE DISCLOSED PER THE ABOVE NOTED OPINION OF TITLE, WHICH ARE SHOWN.
3. BEARINGS SHOWN HEREON ARE REFERRED TO AN ASSUMED VALUE OF:
S 00°17'14" E FOR THE WEST R/W OF COLONNADE AVE.
SAID BEARINGS ARE IDENTICAL WITH THE PLAT OF RECORD.
4. TRACTS A AND B PER SAID PLAT OF LAKE ANDREW COMMERCIAL CENTER NAMED COLONNADE AVENUE AND PENTLAND LANE RESPECTIVELY PER OFFICIAL RECORDS BOOK 5570, PAGE 8506.
5. ITEMS 1, 2, 6, AND 10 OF THE OPINION OF TITLE DO NOT AFFECT OR ABUT PARCEL 801.
6. ITEMS 3, 4, 7, 8, AND 9 OF THE OPINION OF TITLE ARE BLANKET EASEMENTS FOR LOT 1 AND BLOCK A, AND ARE NOT SHOWN HEREON.
7. ITEM 5 (NOTE 1, ITEM 4) OF THE OPINION OF TITLE BEING A FIVE FOOT PUBLIC UTILITY EASEMENT IS MAPPED AND SHOWN HEREON.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS


CHRISTOPHER S. BOWERS, PSM 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **MORGAN & ASSOCIATES CONSULTING ENGINEERS, INC.**
504 N. HARBOR CITY BLVD, MELBOURNE, FL, 32935
PHONE: (321) 751-6088 FAX: (321)751-6089
LICENSED BUSINESS NUMBER 5990

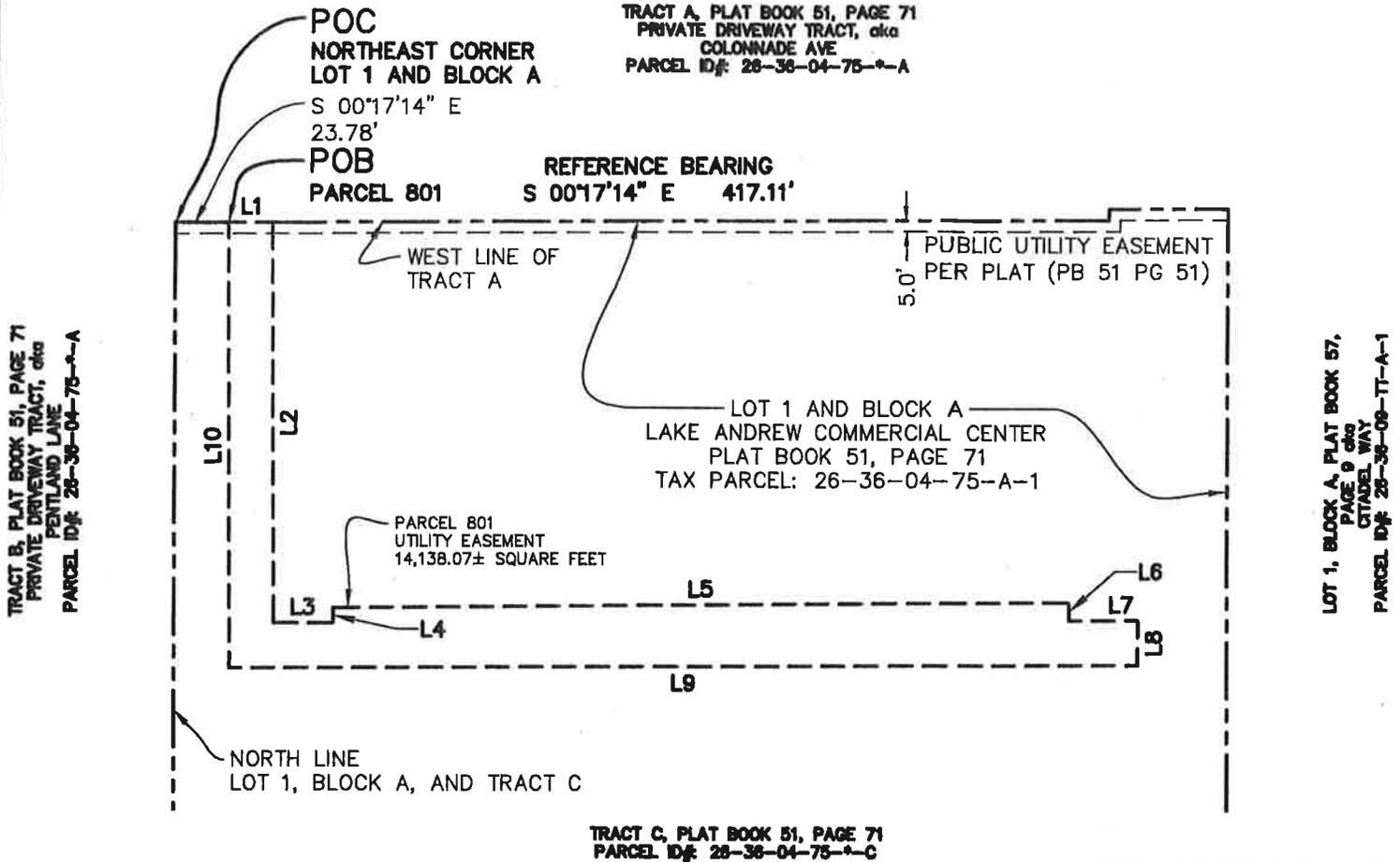
DRAWN BY: NBW	CHECKED BY: CB	PROJECT NO. 2016-94		SECTION 04 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: 07/18/2017	DRAWING: VIERA COLONNADE UTILITY EASEMENT.DWG			

SKETCH OF DESCRIPTION

PARCEL 801
 SECTION 04, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID#: 26-36-04-75-A-1
 PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

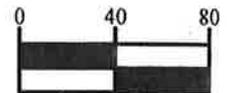
SHEET 2 OF 2
 NOT VALID WITHOUT SHEET 1 OF 2
THIS IS NOT A SURVEY



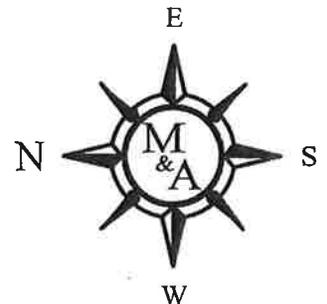
Line Table		
Line #	Distance	Bearing
L1	20.00'	S 00°17'14" E
L2	178.91'	S 89°25'11" W
L3	26.69'	S 00°16'48" E
L4	6.72'	N 89°36'09" E
L5	328.10'	S 00°32'20" E
L6	8.21'	S 89°52'21" W
L7	30.85'	S 00°16'48" E
L8	20.00'	S 89°43'12" W
L9	405.50'	N 00°16'48" W
L10	198.90'	N 89°25'11" E

POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING
 PB = PLAT BOOK
 PG = PAGE

GRAPHIC SCALE



(IN FEET)
 1 INCH = 80 FEET



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 PHONE: (321) 751-6088 FAX: (321) 751-6089
 LICENSED BUSINESS NUMBER 5990

SCALE:
 1" = 80'
 PROJECT NO.:
 2016-94

SECTION 04
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST

LOCATION MAP

SEC: 04 TWP: 26 RNG: 36 DISTRICT: 4

STREET NAME: COLONNADE AVENUE & LAKE ANDREW DRIVE

OWNER'S NAME: CLA RETAIL, LLC



PROPERTY FACT SHEET
COLONNADE AVENUE
PERMANENT SANITARY SEWER EASEMENT

OWNER:	CLA Retail, LLC, a Florida limited liability company
PARCEL LOCATION:	Lake Andrew Commercial Center Fronting East Side of Lake Andrew Drive, just south of Judge Fran Jamieson Way
PARENT PARCEL SIZE:	3.44 Acres
EASEMENT SIZE	.32 Acres
ZONING/LANDUSE:	Commercial (Retail)
IMPROVEMENTS:	Preliminary Retail Sanitary Sewer Line/Facilities
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (Outside 500-year Flood)
TAX PARCEL ID#:	26-36-04-75-A-1
MARKET VALUE:	\$2,322,600.00 (2016 Assessment) (Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities available
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: 08-18-2016 Sale amount: \$2,697,300.00 (Official Record Book & Page, 7690/2552)