

Meeting Date
February 21, 2017



AGENDA	
Section	Consent
Item No.	II.A.12

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Approval Re: Permanent Sanitary Sewer Easement in favor of Brevard County from Constellation Commons, LLC, a Florida limited liability company - 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 Constellation Commons, LLC.	
Summary Explanation & Background: The subject property is located within Section 25, Township 26 South, Range 36 East. The property is located in Melbourne at Constellation Dr. and Wickham Road. The Developer of Constellation Commons is required to convey the easement to Brevard County to tie into the County's Sanitary Sewer System. The easement is for the maintenance by the County of a recently constructed Sanitary Sewer Line. All improvements have been constructed at the developers' expense. Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all Deeds and Easements conveyed to the County. 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 <input checked="" type="checkbox"/> N <input type="checkbox"/> PR <input type="checkbox"/>	
County Manager	Assistant County Manager
Stockton Whitten	Assistant County Manager
Department Director / Extension  John Denninghoff / 57202  Jim Helmer, Director / 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

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.12., Approval of Permanent Sanitary Sewer Easement in Favor of Brevard County from Constellation Commons, LLC, A Florida Limited Liability Company

The Board of County Commissioners, in regular session on February 21, 2017, approved and accepted the Permanent Sanitary Sewer Easement from Constellation Commons, LLC.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

cc: Utility Services Director

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT SANITARY SEWER EASEMENT IN FAVOR OF BREVARD
COUNTY FROM CONSTELLATION COMMONS, 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(5-2886)

REVIEW

	APPROVE	DISAPPROVE	DATE
<u>LAND ACQUISITION</u> Daniel P. Jones, Supervisor	<u>DPS</u>	_____	<u>1/30/17</u>
<u>UTILITY SERVICES DEPARTMENT</u> Jim Helmer, Director	<u>JH</u>	_____	<u>1/31/17</u>
<u>COUNTY ATTORNEY</u> Cristina Berrios Assistant County Attorney	<u>see attached</u>	_____	<u>1/30/17</u>
<u>PUBLIC WORKS</u> John P. Denninghoff, Director	<u>[Signature]</u>	_____	<u>2/7/17</u>

AGENDA DUE DATE: February 7, 2017 for the February 21, 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 (5-6316) WHEN READY TO BE PICKED UP.

THANK YOU.

BOARD OF COUNTY COMMISSIONERS

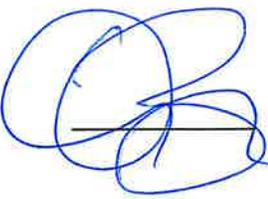
AGENDA: PERMANENT SANITARY SEWER EASEMENT IN FAVOR OF BREVARD COUNTY FROM CONSTELLATION COMMONS, LLC.
DISTRICT - 4

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

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

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REVIEW

	APPROVE	DISAPPROVE	DATE
<u>LAND ACQUISITION</u> Daniel P. Jones, Supervisor	<u>DPJ</u>	_____	<u>1/30/17</u>
<u>UTILITY SERVICES DEPARTMENT</u> Jim Helmer, Director	_____	_____	_____
<u>COUNTY ATTORNEY</u> Cristina Berrios Assistant County Attorney		_____	<u>1/30/17</u>
<u>PUBLIC WORKS</u> John P. Denninghoff, Director	_____	_____	_____

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PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6316) WHEN READY TO BE PICKED UP.

THANK YOU.

PERMANENT SANITARY SEWER EASEMENT

THIS INDENTURE, made this 14th day of November, 2016, between Constellation Commons, LLC, a Florida limited liability company, whose mailing address is 7331 Office Park Place, Suite #300, Viera, 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;

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 Sanitary Sewer Easement commencing on the above date, for the sole purpose of maintaining a sanitary sewer 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 26 South, Range 36 East, 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:

Matthew T. Williams
Witness

Matthew T. Williams
(Print Name)

[Signature]
Witness

ERNE EULER
(Print Name)

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 14 day of November, 2016, by Daniel M. Renfro 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, on this 14 day of November, 2016.



[Signature]
NOTARY PUBLIC
Bernie K. Brooks
Print Name

Board Date: _____

Agenda Item #: _____

Commission No. FF230750

Commission Expires: 5/14/19

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 801

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

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801 UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 1, CONSTELLATION COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE NORTHWEST CORNER OF LOT 1, CONSTELLATION AT NORTH WICKHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61, PAGES 55 AND 56, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. 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 SOUTH 62° 32' 20" WEST, A DISTANCE OF 106.98 FEET TO A POINT;

THENCE, BEARING NORTH 89° 05' 09" WEST, A DISTANCE OF 219.33 FEET TO A POINT;

THENCE, BEARING SOUTH 00° 26' 57" WEST, A DISTANCE OF 183.12 FEET TO THE POINT OF TERMINUS;

CONTAINING 7641.44 SQUARE FEET (0.18 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
CONSTELLATION COMMONS, LLC.

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
CONSTELLATION COMMONS, LLC.

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. 8582-01-001

SECTION 25
TOWNSHIP 26 SOUTH
RANGE 36 EAST

DATE: 10/04/16

DRAWING: 8582-SEWER ESMT

REVISIONS

DATE

REVISION

1/17/17

PER COMMENTS

12/22/16

PER COMMENTS

SKETCH OF DESCRIPTION

PARCEL 801

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARENT PARCEL: LOT 1, CONSTELLATION COMMONS
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 ORDER NO. 6102959 (CUSTOMER PREFERENCE NO. 41631), ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.
8. IN REFERENCE TO ITEM "A" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:

EASEMENT BY AND BETWEEN CONSTELLATION COMMONS, LLC, GRANTOR AND FLORIDA POWER AND LIGHT COMPANY, GRANTEE, RECORDED AUGUST 9, 2016, IN OFFICIAL RECORDS BOOK 7682, PAGE 2112 - AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH OF LEGAL DESCRIPTION (SEE SHEET 3 OF 3)

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

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Fax: (321) 255-7751
www.bowmanconsulting.com

SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25
TOWNSHIP 26 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 3 OF 3

PARCEL 801

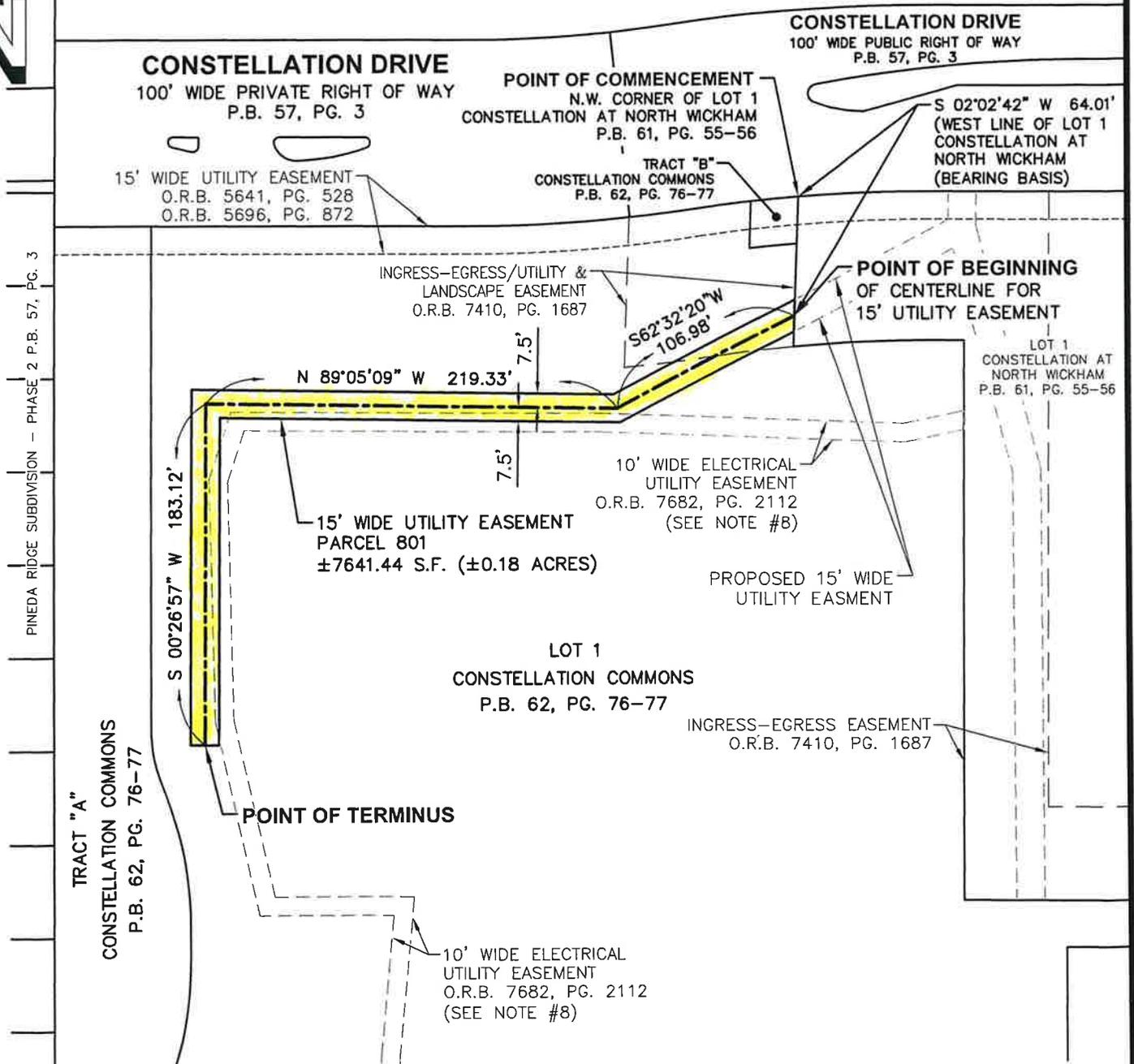
SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL: LOT 1, CONSTELLATION COMMONS

PURPOSE: UTILITY EASEMENT

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY



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SCALE:

1" = 80'

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

LOCATION MAP

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

STREET NAME: FRONTAGE ON CONSTELLATION DR. AND WICKHAM RD.

OWNER'S NAME: CONSTELLATION COMMONS, LLC



PROPERTY FACT SHEET

PROPERTY OWNER: CONSTELLATION COMMONS, LLC

OWNER:	Constellation Commons LLC, a Florida limited liability company
PARCEL LOCATION:	Fronting Constellation Drive and Wickham Roads
PARENT PARCEL SIZE:	11.32 acres
EASEMENT SIZE	7641.44 SQ FT or 0.18 ACRES
ZONING/LANDUSE:	R-18 (Low Density Residential)
IMPROVEMENTS:	Preliminary Subdivision Sanitary Sewer Line/Facilities
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (Outside 500-year Flood)
TAX PARCEL ID#:	26-36-25-78*-A
MARKET VALUE:	\$1,479,450 (2016 Assessment) (Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities available
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: 12-29-2015 Sale amount: \$1,175,000.00 (Official Record Book & Page, 7522/2908)