



**F. Consent Agenda - Public Works Department
ITEM 10.**



**AGENDA REPORT
February 26, 2019**

Approval Re: Maintenance and Access Agreement between Brevard County, Florida and Suntree Country Club, Inc. (Owner), for the Pinehurst Avenue and Doral Lane Drainage Improvements Project-District 4

SUBJECT:

Approval Re: Maintenance and Access Agreement between Brevard County, Florida and Suntree Country Club, Inc. (Owner), for the Pinehurst Avenue and Doral Lane Drainage Improvements Project-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 accept and authorize the Chair to execute the Maintenance and Access Agreement.

SUMMARY EXPLANATION and BACKGROUND:

The subject parcel is located in Section 13, Township 26, Range 36.

The Public Works Department, Road and Bridge Section, is planning a drainage improvements project along the North, South and East perimeter ditch located in Tracts 4 and 5 of the Suntree Country Club subdivision to improve functionality of the drainage system. Pinehurst Avenue and Doral Lane are County maintained streets and drain onto Tracts 4 and 5 via a drainage easement. The project consists of cleaning and reshaping the perimeter ditch. The Maintenance and Access Agreement allows for additional drainage improvements that are needed outside the boundaries of the existing drainage easement. Upon completion of the construction project, the County and Owner wish to delineate maintenance responsibilities.

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

CLERK TO THE BOARD INSTRUCTIONS:

Return the Board memo and original executed Maintenance and Access Agreement to Public Works Department, Land Acquisition Section.

ATTACHMENTS:

Description

- [Suntree Country Club - Doral Lane Drainage Improvements](#)

Public Works Department, Land Acquisition Section.

ATTACHMENTS:

Description

- **Suntree Country Club - Doral Lane Drainage Improvements**

BOARD OF COUNTY COMMISSIONERS

AGENDA: MAINTENANCE AND ACCESS AGREEMENT FROM SUNTREE
COUNTRY CLUB, INC. – OWNER – FOR THE DORAL LANE
DRAINAGE IMPROVEMENTS PROJECT – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	<u> </u>	<u>2/12/19</u>
PUBLIC WORKS DEPARTMENT Corrina Gumm, Interim Director	<u> </u>	<u> </u>	<u> </u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JWB</u>	<u> </u>	<u>2/13/19</u>

AGENDA DUE DATE: February 12, 2019 for the February 26, 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

February 27, 2019

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.10., Maintenance and Access Agreement with Suntree Country Club, Inc. for the Pinehurst Avenue and Doral Lane Drainage Improvements Project

The Board of County Commissioners, in regular session on February 26, 2019, accepted and authorized the Chair to execute the Maintenance and Access Agreement with Suntree Country Club, Inc. for the Pinehurst Avenue and Doral Lane Drainage Improvements Project. Enclosed is a fully-executed Agreement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Contracts Administration

MAINTENANCE AND ACCESS AGREEMENT

THIS AGREEMENT, made and entered into this 30 day of January, 2019 by and between BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, BREVARD COUNTY FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as "County", and SUNTREE COUNTRY CLUB, INC., a Florida Not for Profit Corporation, who mailing address is One Country Club Drive, Melbourne, FL 32940 hereinafter referred to as "Owner".

WITNESSETH:

WHEREAS, the Owner owns that certain parcel of land referred to as Tracts 4 and 5, Suntree P.U.D. Stage One, Plat Book 24, Page 37; and

WHEREAS, Pinehurst Avenue and Doral Lane are County owned and maintained roads for the use of the public that have been subject to flooding and drainage issues; and

WHEREAS, Pinehurst Avenue and Doral Lane drain onto Tracts 4 and 5 via drainage easements; and

WHEREAS, the County has plans to improve drainage along the North, South and East perimeter ditch located in Tracts 4 and 5 as shown on the attached Exhibit A for the purpose of improving drainage along Pinehurst Avenue and Doral Lane; and

WHEREAS, additional drainage improvements are needed outside the boundaries of said drainage easements in certain areas of Tracts 4 and 5 to improve functionality of the drainage system; and

WHEREAS, County and Owner wish to delineate maintenance responsibilities after construction for improvements made by County.

NOW, THEREFORE, it is mutually agreed as follows:


1. The recitals set forth above are true and correct in all respects and are incorporated herein by reference as if set forth herein verbatim
2. The Owner will be responsible for routine maintenance of perimeter ditch system within Tracts 4 and 5 and any and all landscaping and sod associated with said perimeter ditch.
3. The Owner will maintain the perforated pipe system and underdrain system located within said perimeter ditch system.
4. The County on an as needed or emergency basis will maintain the positive flow of water in the perimeter ditch by clearing any blockages or impediments to drainage

and reshaping the perimeter ditch areas should washing out occur. The County will make all reasonable attempts to notify Owner manager or superintendent that County or its contractors will be on site conducting emergency maintenance of the perimeter ditch.

5. Owner hereby grants to County a perpetual right of access to maintain positive flow and for inspection of the perimeter ditch system.
6. In the event County determines sod shall need to be replaced after emergency or non-routine maintenance by the County to maintain positive flow of the perimeter ditch, the County will install the County's standard Bahia sod. If the Owner desires to upgrade from the standard County sod, the Owner agrees to pay the difference in costs as calculated by the County.
7. After execution by all parties, County will record this Agreement in the public records of Brevard County, Florida.

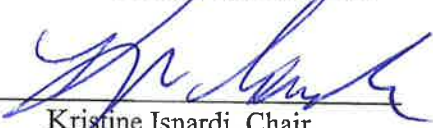
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this day and year first above written.

ATTEST:



Scott Ellis, Clerk to the Board

BREVARD COUNTY, FLORIDA

By: 

Kristine Isnardi, Chair
Board of County Commissioners

Approved by the Board on: 2/26/19

Agenda Item # F.10.

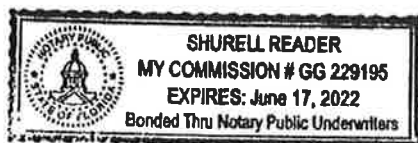
SUNTREE COUNTRY CLUB, INC.

BY: Richard Rossetti
Richard Rossetti, President

State of Florida
County of Brevard

I HEREBY CERTIFY, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Richard Rossetti, as President of Suntree Country Club, Inc., a person well known to me to be the person described in and who executed the foregoing agreement, and he acknowledged before me that he executed the same freely and voluntarily for the purpose therein expressed. He has produced a Florida Drivers License as identification and he did not take an oath.

WITNESS my hand official seal in the County and State last aforesaid, this 30 day of January, 2019.



Shurell Reader
Notary Public
Print or type name
Commission Expires: June 17, 2022
Commission No. GG 229195

LOCATION MAP for Right of Entry

SEC: 13 TWP: 26 RNG: 36 DISTRICT: 4

STREET NAME: Doral Lane

OWNER'S NAME: Suntree Country Club, Inc.

