

Meeting Date
10/24/17



AGENDA	
Section	Consent
Item No.	II.A.2

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Perpetual Sanitary Sewer Easement from Canaveral Port Authority to Brevard County Related to the Force Main Under the Barge Canal – District 2. (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 the delivery of the Perpetual Sanitary Sewer Easement to replace the Temporary Construction Easement previously approved and accepted by the Board.

Summary Explanation & Background:
 The Subject property is located in Section 11, Township 24 South, Range 36 East.
 The Board of County Commissioners, at the regular session dated July 26, 2016, approved and accepted the delivery of the Temporary Construction Easement related to the construction of the force main located under the Barge Canal in the area near State Road #3. It was stipulated that upon completion of the work that a survey would be performed to locate the force main and use that location of the force main as the centerline of the Perpetual Sanitary Sewer Easement being considered in this action.
 The Canaveral Port Authority, at their regular session dated September 28, 2017, authorized the CPA Chairman to execute the Perpetual Sanitary Sewer Easement to Brevard County for the purpose of maintaining and any future actions related to the force main.
 Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.
 Fiscal Impact: FY 2017– 2018: No Impact
FY 2018 – 2019: No Impact

Clerk to the Board Instructions:

Exhibits Attached:: Copy of executed Perpetual Sanitary Sewer Easement, Location Map, Clerk memo dated July 27, 2016

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

County Manager Frank Abbate <i>[Signature]</i>	Assistant County Manager John P. Denninghoff <i>[Signature]</i>	Department Director / Extension Andrew J. Holmes, P.E. / 57202 <i>[Signature]</i>
	Interim Assistant County Manager Jim Liesenfelt	Jim Helmer / 52091 <i>[Signature]</i> 10/24/17

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERPETUAL SANITARY SEWER EASEMENT FROM CANAVERAL
PORT AUTHORITY TO BREVARD COUNTY RELATED TO THE BARGE
CANAL FORCE MAIN – DISTRICT 2

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

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

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

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u><i>DJ</i></u>	_____	<u>10/3/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u><i>See attached</i></u>	_____	<u>10/9/17</u>
PUBLIC WORKS Andrew J. Holmes, P.E., Director	<u><i>AJH</i></u>	_____	<u>10/10/2017</u>
UTILITY SERVICES Jim Helmer, Director	<u><i>JH</i></u>	_____	<u>10/09/17</u>

AGENDA DUE DATE: October 10, 2017 for the October 24, 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.

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERPETUAL SANITARY SEWER EASEMENT FROM CANAVERAL
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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>10/3/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney <i>Revised 10/9/17</i>	<u>EB</u>	_____	<u>10/9/17</u>
PUBLIC WORKS Andrew J. Holmes, P.E., Director	_____	_____	_____
UTILITY SERVICES Jim Helmer, Director	_____	_____	_____

AGENDA DUE DATE: October 10, 2017 for the **October 24, 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

October 25, 2017

M E M O R A N D U M

TO: Andrew Holmes, Public Works Director

RE: Item II.A.2., Approval and Acceptance of Perpetual Sanitary Sewer Easement from Canaveral Port Authority to Brevard County Related to the Force Main Under the Barge Canal

The Board of County Commissioners, in regular session on October 24, 2017, approved and accepted the delivery of Perpetual Sanitary Sewer Easement to replace the Temporary Construction Easement previously approved and accepted by the Board from Canaveral Port Authority to Brevard County related to the Force Main Under the Barge Canal.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

cc: Utilities Management Director

PERPETUAL SANITARY SEWER EASEMENT

THIS INDENTURE, made this 28th day of September, 2017, between **Canaveral Port Authority**, an independent special taxing district and political subdivision of the State of Florida, whose address is 445 Challenger Road, Suite 301, Cape Canaveral, FL 32920, as the first party, and **Brevard County, Florida**, a political subdivision of the State of Florida, as the second party.

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 exclusive easement for the sole purpose of installation, maintenance, operation, and repair of sanitary sewer facilities with full right of ingress and egress for the purpose herein stated.

The land affected by the granting of this easement is located in Section 11, Township 24 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows, hereinafter called the Easement Area:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD said easement unto Brevard County and to its successors and assigns.

FURTHERMORE: The second party acknowledges that its sanitary sewer facilities are installed beneath the Barge Canal, a navigable waterway and covenants not to interfere with the navigability of said waterway. The second party further agrees to promptly repair and restore any property of the first party damaged or destroyed by the second party, its contractors, agents, or permittees incident to the use and occupation of said easement. The second party shall indemnify and hold harmless the first party for all claims arising from its use and occupation of said easement.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the Easement Area 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 day and year first above written.

Signed, sealed and delivered in the presence of:

Witness:

(Type or Print Name)

(Witness)

(Type or Print Name)

Grantor:
CANAVERAL PORT AUTHORITY

BY: Thomas W. Weinberg, as Chairman

STATE OF Florida
COUNTY OF Brevard

FLORIDA LAW REQUIRES EXECUTION OF DOCUMENT BEFORE TWO WITNESSES AND NOTARY PUBLIC

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas W. Weinberg, as Chairman of the CANAVERAL PORT AUTHORITY, to me known to be the person(s) described in the foregoing instrument or who has/have produced _____ as identification and the above named person(s) did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 28th day of September, 2017.
(SEAL)

Melanie L. Bradford
Notary Public

(Name Typed or Printed)

Commission No. _____

Commission Expires: _____



Melanie L. Bradford
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF234989
Expires 5/27/2019

PFME doc.

BCC Agenda Item # _____

Date: _____

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 800

SHEET 1 OF 3

PARENT PARCEL ID# 24-36-11-00-511 AND 518

NOT VALID WITHOUT SHEETS
2 AND 3 OF 3

PURPOSE: PERPETUAL SANITARY SEWER EASEMENT

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 (PREPARED BY SURVEYOR)

A parcel of land lying within the Canaveral Port Authority Barge Canal as described in Deed Book 328, Page 435 and Deed Book 329, Page 572 of the Brevard County, Florida Public Records, all in Section 11, Township 24 South, Range 36 East, and being more particularly described as follows:

Begin at the intersection of the easterly right-of-way line of State Road No.3 (also known as North Courtenay Parkway) a variable width right-of-way as shown on F.D.O.T. map section 70140-2514 with the Northerly right-of-way line of the Canaveral Port Authority Barge Canal pursuant to Deed Book 328 page 435, Deed Book 329 Page 572 and Deed Book 335 page 251 all of the Public Records of Brevard County, Florida, thence North 79°58'05" East along said North right-of-way line of the Canaveral Port Authority Barge Canal, a distance of 92.70 feet; thence South 01°50'25" East, a distance of 505.48 feet to a point on the Southerly right-of-way line of said Canaveral Port Authority Barge Canal; thence South 79°58'05" West, along said Southerly right-of-way line, a distance of 30.31 feet; thence North 01°50'25" West, a distance of 478.53 feet; thence South 83°26'00" West, a distance of 44.26 feet; thence South 18°29'32" East, a distance of 18.94 feet; thence South 71°30'28" West, a distance of 16.51 feet to a point on an existing 30 foot wide forcemain easement as recorded in O.R. Book 2717 page 1654 of said Public Records; thence North 25°31'03" West along the easterly line of said forcemain easement, a distance of 46.86 feet to a point on the aforesaid Northerly right-of-way line of the Canaveral Port Authority Barge Canal; thence North 79°58'05" East along said Northerly right-of-way line, a distance 11.69 feet, to the Point-of-Beginning

Containing 17,242 sq ft or 0.40 acres, more or less, and being subject to any easements or right-of-ways of record.

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HERON ARE BASED ON THE EAST RIGHT OF WAY LINE OF FDOT STATE ROAD NO. 3 BEING N04°33'57"W AS SHOWN ON FDOT MAINTNANCE MAP SECTION 70140-2514.
2. THE SKETCH SHOWN HEREON IS A GRAPHIC REPRESENTATION OF THE ATTACHED DESCRIPTION AND IS NOT A BOUNDARY SURVEY.
3. SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
4. SEE SHEET 3 OF 3 FOR LEGEND AND VICINITY MAP.
5. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYORS ORIGINAL SIGNATURE AND EMBOSSED SEAL.
6. THIS SKETCH AND DESCRIPTION IS BASED ON AN AS-BUILT SURVEY BY ALLEN ENGINEERING, JOB #160008, DATED NOVEMBER 4, 2016.
7. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF AN OWNERSHIP AND ENCUMBRANCE REPORT.
8. CERTIFIED FOR THE EXCLUSIVE USE OF:
HDR ENGINEERING;
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

CERTIFICATE:

I hereby certify that the sketch and description shown hereon is true and correct to the best of my knowledge and belief, as performed under my direction and supervision, and that it meets or exceeds the minimum technical standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.052 Florida Administrative Code, pursuant to Section 472.027, Florida statutes.

[Signature] 3/22/17
 Joseph Barry Cabaniss, P.L.S. Date
 FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524
 BUSSEN-MAYER ENGINEERING CERTIFICATE NO.: 3535
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR:

HDR ENGINEERING

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 463-0010 FAX NO.: (321) 454-6885



DRAWN BY: A.J.H.

CHECKED BY: J.B.C.

PROJECT NO. 387503

SECTION 11
TOWNSHIP 24 SOUTH
RANGE 36 EAST

DATE: 01/12/17

DRAWING: 387503-SK01.DWG

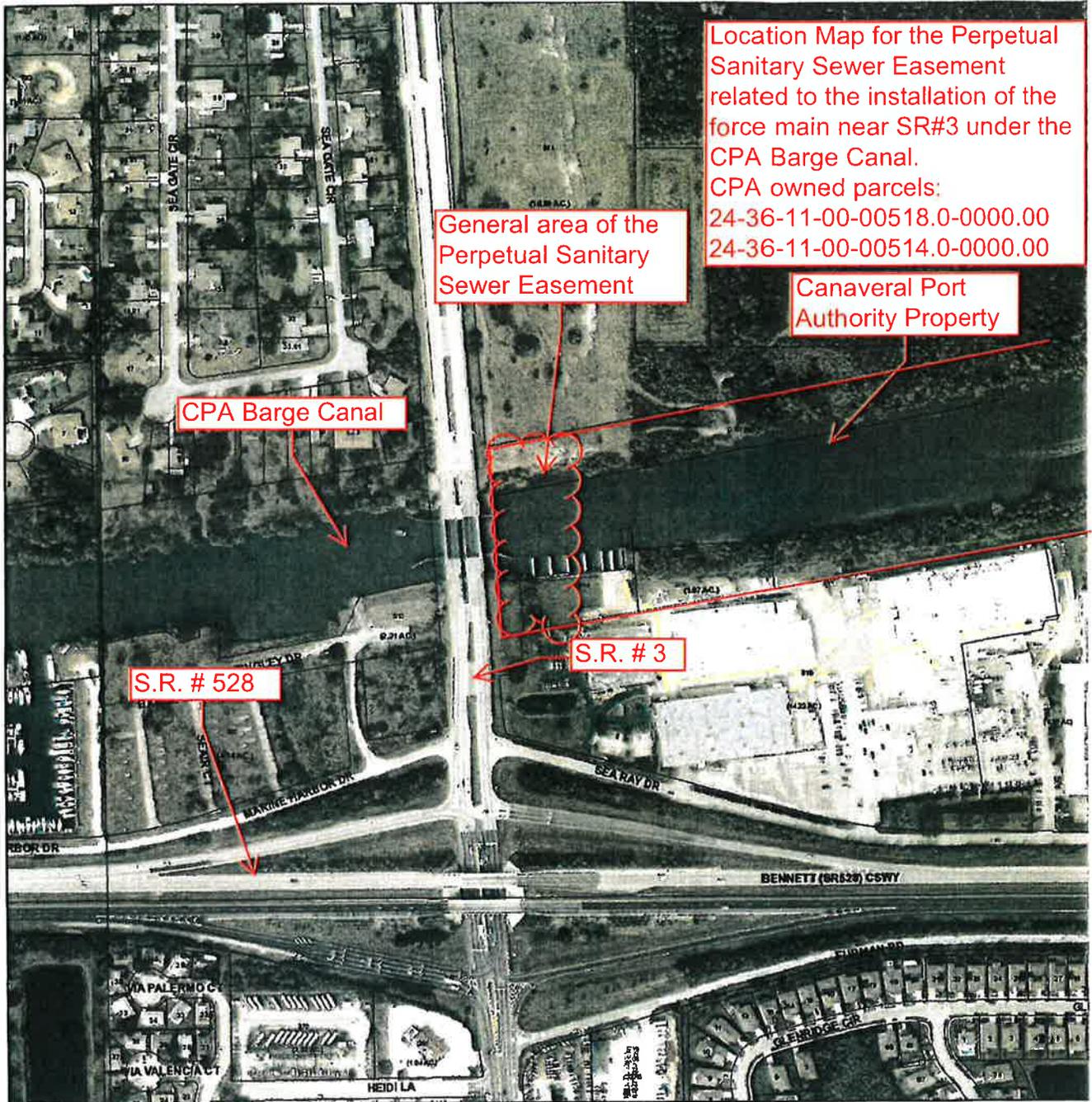
REVISIONS

DATE	DESCRIPTION
2017/02/10	REV. PER BREVARD COUNTY
2017/03/23	REV. PER PORT



Dana Blickley, CFA
 Brevard County Property Appraiser

CPA Barge Canal TCE Location Map



Location Map for the Perpetual Sanitary Sewer Easement related to the installation of the force main near SR#3 under the CPA Barge Canal.
 CPA owned parcels:
 24-36-11-00-00518.0-0000.00
 24-36-11-00-00514.0-0000.00

General area of the Perpetual Sanitary Sewer Easement

Canaveral Port Authority Property

CPA Barge Canal

S.R. # 528

S.R. # 3

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 Jamleson Wy
 Viera, FL 32940
 Phone: (321) 690-6880
 Fax: (321) 690-6883

South Services Complex
 1516 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.
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Tammy.Rowe@brevardclerk.us

July 27, 2016

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.8., Temporary Construction Easement from Canaveral Port Authority (CPA) for Installing a Force Main Under the Barge Canal

The Board of County Commissioners, in regular session on July 26, 2016, accepted and approved delivery of the Temporary Construction Easement needed from CPA to be used for the construction of a force main under the Barge Canal.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in blue ink that reads "Tammy Rowe".

Tammy Rowe, Deputy Clerk

/cm

cc: Contracts Administration
Asset Management
Finance
Budget

