

Meeting Date
05/12/2015



AGENDA	
Section	Consent
Item No.	<i>II.A.8.</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Contract for Purchase of Easement Rights and acceptance of a Perpetual Lift Station Easement from the City of Satellite Beach for use in improving and/or modifying an existing lift station. (District 4)
DEPT/OFFICE:	Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners accept and authorize the Chairman to execute the Contract for Purchase of Easement Rights and accept the Perpetual Lift Station Easement from the City of Satellite Beach for improving and/or modifying an existing lift station.

Summary Explanation & Background:

The subject property is located in Section 18, Township 23 South, Range 36 East.

Utility Services Department plans to make improvements and/or modifications to the existing Lift Station S-20 and requires additional land to do so. The City of Satellite Beach owns the parent parcel that was purchased by using Florida Communities Trust (FCT) funding. FCT has granted preliminary approval contingent that the City will purchase the easement from FCT at the percentage commensurate with the grant award percentage from an appraised value of the property.

The acquisition of the property for \$13,597.75 will be equal to the costs associated with grant award percentage that the City of Satellite Beach will reimburse to FCT.

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

Fiscal Impact: FY 2014-2015: \$13,597.75 plus associated Closing Costs
 Funding Account: 4157 365305 5650000 6982416
FY 2015-2016: No impact

Clerk to the Board Instructions: Return executed original contract and addendum to Department

Exhibits Attached: Original Contract and Addendum, Copy of Perpetual Lift Station Easement with Sketch & Descriptions, Property Fact Sheet, Location Map

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

County Manager 	Assistant County Manager Mel Scott	Department Director / Extension John P. Denninghoff / 57202
Stockton Whitten	Assistant County Manager Venetta Valdengo	 Jim E. Helmer / 52091



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

May 13, 2015

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item II.A.8., Contract for Purchase of Easement Rights and Acceptance of a Perpetual Lift Station Easement from the City of Satellite Beach for Use in Improving and/or Modifying an Existing Lift Station

The Board of County Commissioners, in regular session on May 12, 2015, executed Contract for Purchase of Easement Rights and Addendum with City of Satellite Beach for perpetual lift station easement from the City to improve and/or modify an existing lift station. Enclosed are original Contract for Purchase of Easement Rights and Addendum for your action.

Upon execution of City of Satellite Beach Mayor, please return a fully-executed copy of the Addendum to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encls. (2)

cc: Interim Utility Services Director
Land Acquisition
Contracts Administration
Budget
Finance



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Telephone: (321) 637-2001
Fax: (321) 284-6972

May 13, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.8., Contract for Purchase of Easement Rights and Acceptance of a Perpetual Lift Station Easement from the City of Satellite Beach for Use in Improving and/or Modifying an Existing Lift Station

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CONTRACT FOR PURCHASE OF EASEMENT RIGHTS

Seller: City of Satellite Beach, a municipality within Brevard County, with its address being 565 Cassia Boulevard, Satellite Beach, Florida 32937.

Buyer: Board of County Commissioners, Brevard County, Florida
2725 Judge Fran Jamieson Way, Viera, Florida 32940

Legal description of easement area being transferred:

See Attached Exhibit "A"

The transfer shall be made pursuant to the following terms and conditions and the Standards for Real Estate Transactions, on the second page of this contract.

Purchase price: \$ 13,597.75 (THIRTEEN THOUSAND FIVE HUNDRED NINETY SEVEN DOLLAR AND SEVENTY FIVE CENTS)

Closing Date: This transaction shall be fully executed and the easement document recorded upon Brevard County Board of County Commission acceptance and signature.

Buyer Acknowledges:

Warranties: The following warranties are made and shall survive closing.

- a. Seller makes no warranty as to suitability or fitness of use for a Perpetual Lift Station Easement.
- b. SELLER hereby represents and warrants to COUNTY that SELLER has not engaged or dealt with any agent, broker or finder, in regard to this Agreement or to the sale and purchase of the property contemplated hereby. SELLER hereby acknowledges and covenants that SELLER is solely responsible for any and all commissions due arising out of or connected within the sale or transfer of the property rights. SELLER hereby indemnifies COUNTY and agrees to hold COUNTY free and harmless from and against any and all liability, loss, costs, damage and expense, including but not limited to attorney's fees and costs of litigation both prior to and on appeal, which COUNTY shall ever suffer or incur because of any claim by any agent, broker or finder engaged by SELLER, including broker, whether or not meritorious, for any fee, commission or other compensation with respect to this Agreement or to the sale and purchase of the property rights contemplated hereby.

Condemnation: This property is is not being acquired under threat of condemnation. If so, this agreement includes and settles all issues of full compensation for the property being acquired, including fees and costs.

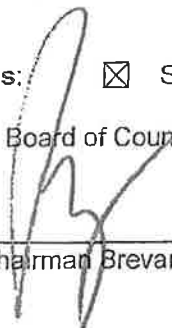
SELLER shall comply with §196.295, Fla. Stat.

Special Clauses: See attached addendum

NOT APPLICABLE

Brevard County Board of County Commission:

Seller: City of Satellite Beach



Robin Fisher, Chairman Brevard County Commission

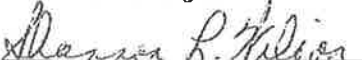
By:  Date July 10, 2015

Print: Frank Catino, Mayor

As approved by Brevard County Commission May 12, 2015

Agenda Item # II.A.8

Reviewed for legal form and content:



County Attorney

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Brevard County Board of County Commission:

Seller: City of Satellite Beach



Robin Fisher, Chairman Brevard County Commission

By: _____ Date _____

Print: Frank Catino, Mayor

As approved by Brevard County Commission May 12, 2015

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County Attorney

SKETCH OF DESCRIPTION

SHEET 1 OF 3 SHEETS

NOT VALID WITHOUT THE LEGAL DESCRIPTIONS ON SHEET 2 AND THE MAP OF DESCRIPTIONS ON SHEET 3.

EXHIBIT A

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST
PROJECT PARENT PARCEL NUMBER: 26-37-26-00-00010.0-0000.00
OWNER NAME: CITY OF SATELLITE BEACH, FL.
PURPOSE: SEWER LIFT STATION EASEMENT

THIS IS NOT A SURVEY

LEGAL DESCRIPTIONS: PARCELS 801-A AND 801-B (BY SURVEYOR)

(SEE SHEET 2 FOR DESCRIPTIONS)

(SEE SHEET 3 FOR MAP OF DESCRIPTIONS)

SURVEYOR'S NOTES:

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

CERTIFIED TO: THE BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS

CERTIFIED BY: _____
DENNIS W. WRIGHT
REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE 1/21/15
 ORDER NO. 24891
 FB. NO. N/A
 SCALE. 1" = 10'
 DWG.NO. A1A LEG-L.DWG

Honeycutt & Associates, Inc.
 ENGINEERS • SURVEYORS • PLANNERS
 3700 South Washington Avenue • Titusville, Florida 32780
 (321) 267-6233 Fax (321) 269-7847
 CERTIFICATE OF AUTHORIZATION NO. LB 6762

LEGAL DESCRIPTION

SHEET 2 OF 3 SHEETS

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BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 820.00 FEET OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF SAID SECTION 26 WITH THE EAST RIGHT OF WAY LINE OF STATE ROAD A1A (A 100 FOOT WIDE RIGHT OF WAY) AND SAID POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1362, PAGE 175 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°14'20"E., ALONG SAID SOUTH LINE OF THE NORTH 820.00 FEET OF THE SOUTH 1/2 OF GOVERNMENT LOT 1 OF SAID SECTION 26 AND ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1362, PAGE 175, A DISTANCE OF 20.26 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.80°02'11"W., 20.00 FEET TO A POINT LYING ON THE AFORESAID EAST RIGHT OF WAY LINE OF STATE ROAD A1A; THENCE N.09°57'49"W., ALONG SAID RIGHT OF WAY LINE, 3.24 FEET TO THE POINT OF BEGINNING.
CONTAINING 32 SQUARE FEET.

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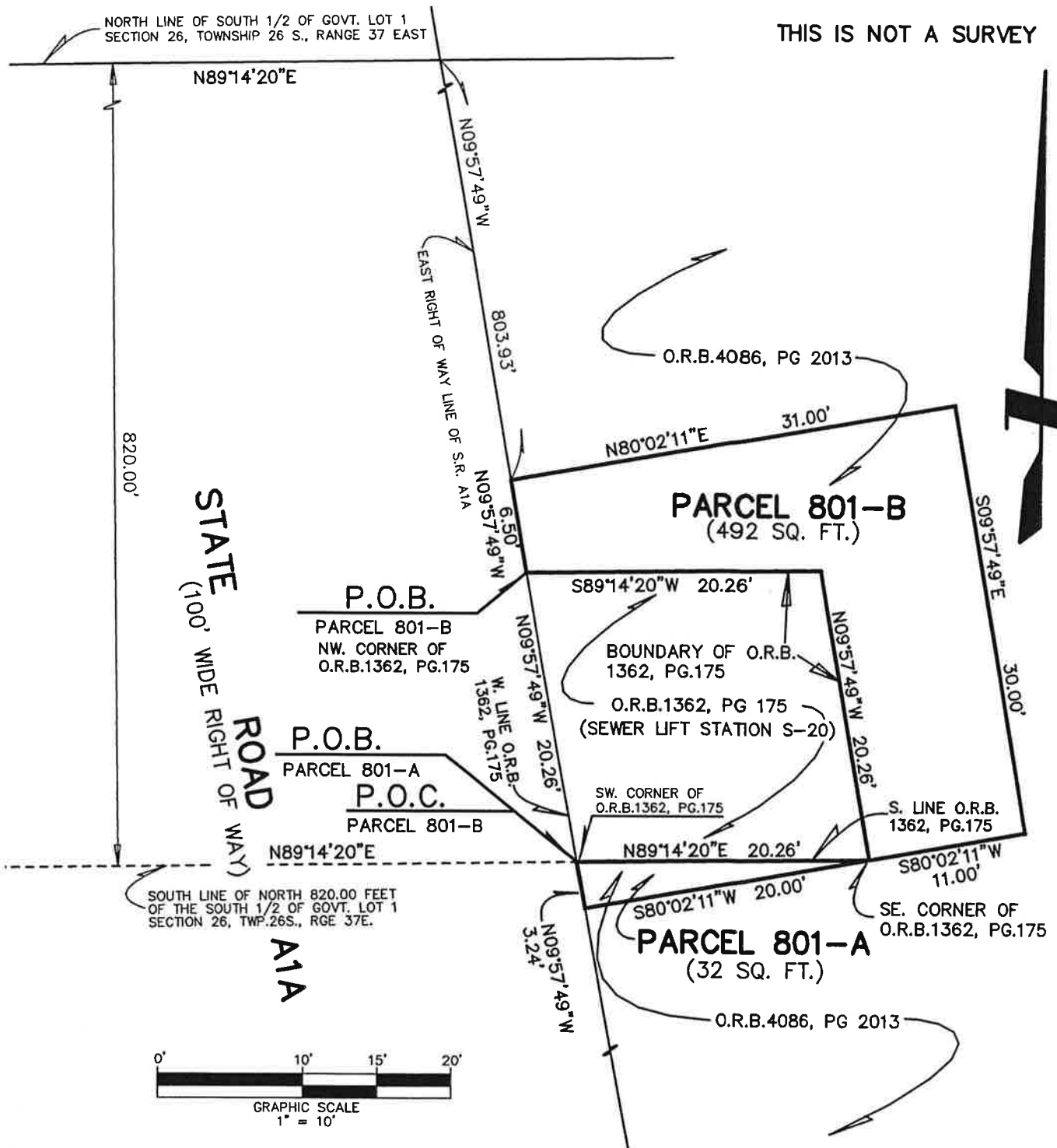
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Addendum

This addendum is made this May 12, 2015 and amends the CONTRACT FOR SALE AND PURCHASE between Seller: City of Satellite Beach whose address is; 565 Cassia Boulevard, Satellite Beach, FL 32937, and Buyer: Board of County Commissioners, Brevard County, Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940:

For value received, the parties hereto agree as follows:

WHEREAS, Seller acquired the Property with funding from the Florida Communities Trust (FCT), and the Property is subject to certain limitations provided in the FCT Grant Award Agreement a/k/a the Declaration of Restrictive Covenants (as recorded in the Official Records of Brevard County, Florida Book 4086, Page 2001(the "Agreement,"); and

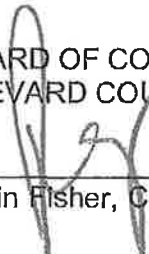
WHEREAS, as part and condition of the FCT funding, Seller provided and FCT approved a Management Plan that includes the Property, the terms of which, together with the Agreement, are hereby incorporated herein by reference; and

WHEREAS, Seller intends that the historic and natural resources, and recreational values of the Property be preserved and enhanced in accordance with the Management Plan, as it may be amended from time to time only after review and approval by FCT; and

WHEREAS, All activities by Seller and Buyer shall be consistent with the Agreement and Management Plan.

1. Seller agrees to accept a cash payment of \$13,597.75 for the purpose of reimbursing FCT as a condition of the City's responsibility associated with the Management Plan.
2. All other terms and conditions of the contract for sale and purchase between the parties shall remain in full force and effect.
3. This contract is subject to final approval by the Board of County Commissioners, Brevard County, Florida.

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



Robin Fisher, CHAIRMAN

CITY OF SATELLITE BEACH



Frank Catino, Mayor

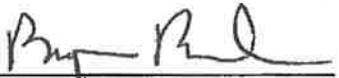
Date: July 10, 2015

As approved by the Board: May 12, 2015

Provision made for FCT review and signature on additional page attached:

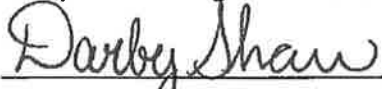
Reviewed and Approved by:

FLORIDA COMMUNITIES TRUST
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA

By: 

Bryan J. Bradner, Director
Office of Operations

Accepted as to Legal Form and Sufficiency



Darby Shaw, Trust Counsel

PERPETUAL LIFT STATION EASEMENT

THIS INDENTURE, made this ____ day of _____, 2015, between **City of Satellite Beach, a municipality within Brevard County, whose address is 565 Cassia Boulevard, Satellite Beach, FL 32937**, 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 non-exclusive Sanitary Sewer Lift Station Easement for the purpose of constructing, maintaining, access and other allied uses pertaining thereto 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 26, Township 26 South, Range 37 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD said easement unto Brevard County 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 day and year first above written.

Signed, sealed and delivered in the presence of:

City of Satellite Beach

Witness:

Frank Catino, Mayor

(Print Name)

Witness:

(Print Name)

**STATE OF
COUNTY OF**

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ of the City of Satellite Beach, who is/are personally known to me or who has produced _____ as identification and who did/did not take an oath.

WITNESS my hand and official seal at _____, County of _____, State of _____, this _____ day of _____, 2015

NOTARY PUBLIC

Type or Print Name

Commission No. _____

Commission Expires _____

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(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

SKETCH OF DESCRIPTION

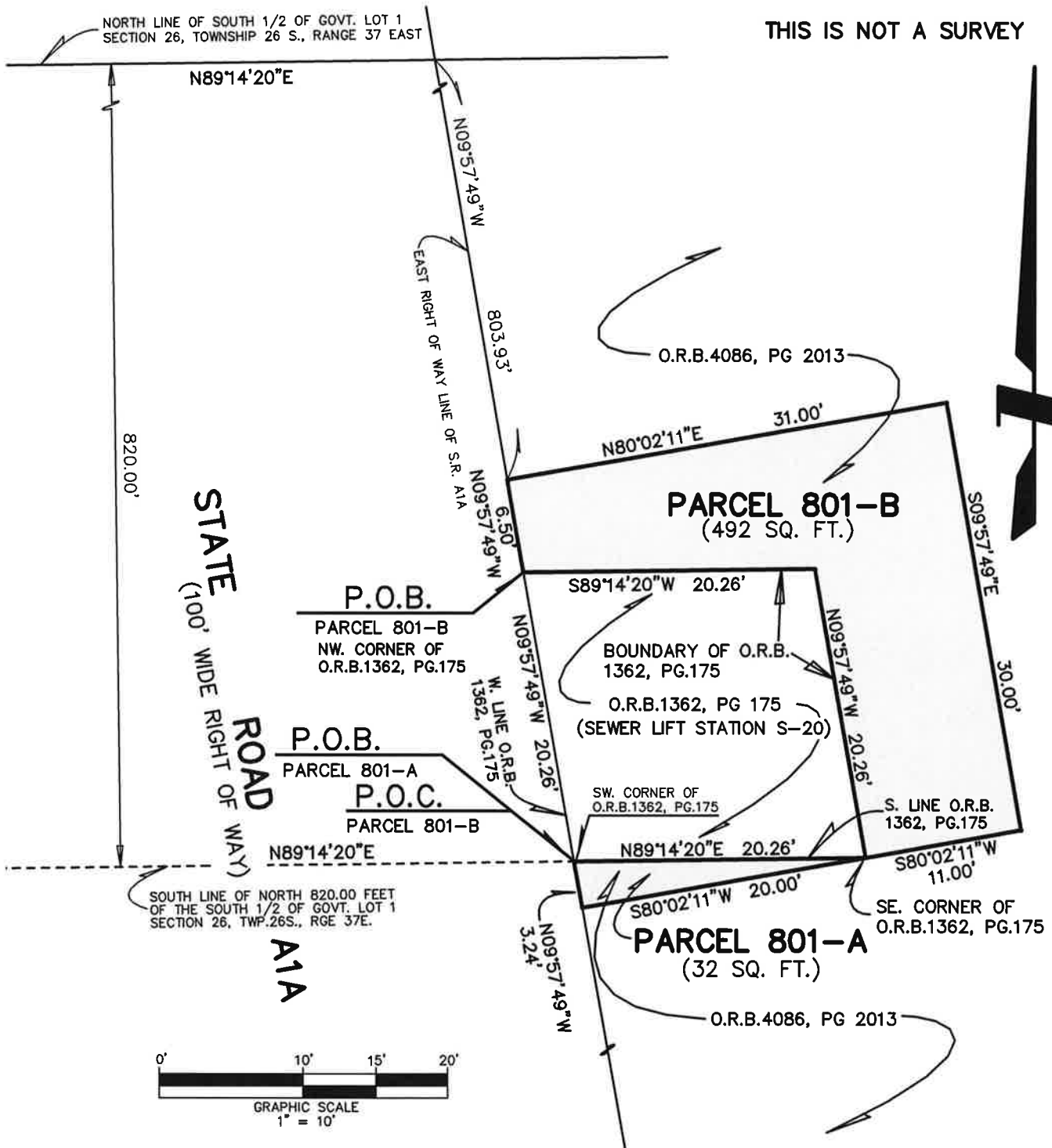
EXHIBIT A

SHEET 3 OF 3 SHEETS

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST
 PROJECT PARENT PARCEL NUMBER: 26-37-26-00-00010.0-0000.00
 OWNER NAME: CITY OF SATELLITE BEACH, FL.
 PURPOSE: SEWER LIFT STATION EASEMENT

NOT VALID WITHOUT THE TITLE PAGE SHOWING NOTES AND LEGEND ON SHEET 1 AND THE LEGAL DESCRIPTIONS ON SHEET 2

THIS IS NOT A SURVEY



DATE 1/21/15
 ORDER NO. 24891
 FB. NO. N/A
 SCALE 1" = 10'
 DWG. NO. A1A LEG-L.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780

(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

BOARD OF COUNTY COMMISSIONERS

AGENDA: CONTRACT FOR PURCHASE OF EASEMENT RIGHTS AND ACCEPTANCE OF A PERPERTUAL LIFT STATION EASEMENT FROM THE CITY OF SATELLITE BEACH - DISTRICT 4

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></u>	_____	<u>4/24/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	_____	_____	_____
PUBLIC WORKS John Denninghoff, Director	<u></u>	_____	<u>4/29/15</u>
UTILITY SERVICES Jim E. Helmer, Interim Director	<u></u>	_____	<u>4/28/15</u>

AGENDA DUE DATE: April 28, 2015 for the May 12, 2015 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


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THANK YOU.

PROPERTY FACT SHEET

PROJECT: City of Satellite Beach Perpetual Lift Station Easement

OWNER: City of Satellite Beach

PARCEL LOCATION: State Road A1A

PARENT PARCEL SIZE: 7.02 Acres

EASEMENT AREA: Parcel 801 A – 32 Square Feet
Parcel 801 B – 492 Square Feet

ZONING/LANDUSE: CU (conservation use)

IMPROVEMENTS: None within Easement area

TOPOGRAPHY: Level with road grade, no wetlands indicated

FLOOD ZONE: x (outside 500-year flood)

TAX PARCEL ID#: 26-37-26-00-00010.0-0000.00

MARKET VALUE: \$3,555,000 (2014 Assessment)
(Property Appraiser's Records)

PUBLIC UTILITIES: All utilities

PROPERTY TRANSACTION: Purchase date: 10/17/1999
(Clerk of the Court Records) Sale amount: \$3,800,000 (OR Book 4086, Page 2013)

LOCATION MAP

SEC: 26 TWP: 26 S RNG: 37 DISTRICT: 4

STREET NAME: STATE ROAD A1A

OWNER'S NAME: CITY OF SATELLITE BEACH

