



**AGENDA REPORT**  
**August 6, 2019**

**Approval Re: Caudill Orthodontics Stormwater Drainage Easement from Porada Drive Holdings, LLC as required by Site Plan 18SP00016 – District 4.**

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**SUBJECT:**

Approval Re: Caudill Orthodontics Stormwater Drainage Easement from Porada Drive Holdings, LLC as required by Site Plan 18SP00016 – District 4.

**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 approve and accept the Stormwater Drainage Easement from Porada Drive Holdings, LLC.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject property is located in Section 33, Township 25, Range 36, at the southwest corner of Stadium Parkway and Porada Drive, in Viera.

Porada Drive Holdings, LLC is developing the parcel located at 5500 Stadium Parkway. The improvements made to the site will include an office building for its business known as Caudill Orthodontics.

The stormwater drainage easement is required by Brevard County in accordance with Site Plan 18SP00016.

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

**ATTACHMENTS:**

**Description**

- **Caudill Ortho-Porado Drive Holdings Agenda Documents**



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

August 7, 2019

**MEMORANDUM**

**TO:** Corrina Gumm, Interim Public Works Director

**RE:** Item F.1., Approval of Caudill Orthodontics Stormwater Drainage Easement from Porada Drive Holdings, LLC as Required by Site Plan 18SP00016

The Board of County Commissioners, in regular session on August 6, 2019, approved and accepted the Stormwater Drainage Easement from Porada Drive Holdings, LLC, for property located at the southwest corner of Stadium Parkway and Porada Drive, Viera.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/cmw

Prepared by/Return to: Lucy Hamelers  
Brevard County Public Works Dept., Land Acquisition Section  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940 (321-690-6847)  
A portion of Interest in Tax Parcel I.D. 25-36-33-VE-A-3

### **STORMWATER DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 27<sup>th</sup> day of June 2019, between **PORADA DRIVE HOLDINGS, LLC**, a Florida limited liability company, whose address is 270 N. Sykes Creek Parkway, Suite 104, Merritt Island, FL 32953 as the first party, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, 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 perpetual, non-exclusive easement commencing on the above date for the purposes of stormwater drainage from Grantee's property and right of way into and over the easement area and stormwater system on the property of Grantor, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easements, rights, and interests, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement. Grantor shall maintain sole responsibility for construction, maintenance, and reconstruction of any stormwater drainage system or appurtenances thereto in the easement area. Grantor shall timely perform all necessary maintenance, repairs, and replacement to ensure proper functioning of the stormwater system. In no event shall Grantee have any obligation to pay any part of the cost of such maintenance, repair, or replacement.

The land affected by the granting of the easements is located in Section 1, Township 24 South, Range 36 East, County of Brevard, State of Florida, and being 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/or 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.

**FOR SIGNATURE, WITNESSESS AND NOTARY ACKNOWLEDGEMENT, SEE PAGE TWO**

PAGE TWO STORMWATER DRAINAGE EASEMENT

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:

[Signature]  
Witness

JUSTIN MORTON  
Print Name

[Signature]  
Witness

Erin L Morton  
Print Name

PORADA DRIVE HOLDINGS, LLC  
a Florida limited liability company

[Signature]  
By: Ryan L. Caudill, Authorized Member

[Signature]  
By: Angela McNeight, Authorized Member

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of June, 2019, by Ryan L. Caudill and Angela McNeight, as Authorized Managers of Porada Drive Holdings, LLC, a Florida limited liability company, who is is not personally known to me or who have produced \_\_\_\_\_ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Meritt Island, Florida, the County of Brevard, State of Florida, this 27<sup>th</sup> day of June, 2019.

Board Date \_\_\_\_\_  
Agenda Item \_\_\_\_\_

Michelle M Strickland  
Notary Public

(SEAL)



**SKETCH AND DESCRIPTION**  
OF  
**UTILITY EASEMENT**  
OF  
**CAUDILL ORTHODONTICS**  
SITUATED IN A PART OF LOT 3  
SOUTH SOLERNO COMMERCIAL CENTER  
AS RECORDED IN P.B. 57, PG. 97  
PUBLIC RECORDS OF BREVARD COUNTY, FL.

DESCRIPTION PREPARED:

A PARCEL OF LAND TO BE USED AS A STORMWATER DRAINAGE EASEMENT, LOCATED WITHIN A PORTION OF LOT 3, BLOCK "A" SOUTH SOLERNO COMMERCIAL CENTER AS RECORDED IN PLAT BOOK 57, PAGE 97, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING AND BEING IN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF PORADA DRIVE (RIGHT OF WAY VARIES) THENCE GO S31°25'07"E ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 444.81 FEET TO THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN O.R. 8242, PG. 2758, PUBLIC RECORDS OF SAID BREVARD COUNTY AND THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE GO S89°51'55"E A DISTANCE OF 23.48 FEET; THENCE S31°25'07"E A DISTANCE OF 60.68 FEET; THENCE S01°48'24"W A DISTANCE OF 39.20 FEET; AND INTERSECT WITH THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE; SAID POINT BEING IN A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 230.00 FEET; THENCE ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 06°29'35", AN ARC LENGTH OF 26.08 FEET; (CHORD BEARING N28°10'20"W CHORD DISTANCE 26.05') TO THE POINT OF TANGENCY; THENCE N31°25'07"W A DISTANCE OF 79.75 FEET; TO THE POINT OF BEGINNING; HAVING AN AREA OF 1,653.4 SQUARE FEET, 0.04 ACRES MORE OR LESS

CERTIFIED TO:  
PARADA DRIVE HOLDINGS LLC  
M H WILLIAMS CONSTRUCTION GROUP  
BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FL

LEGEND:

L# = LINE NUMBER  
O.R. = OFFICIAL RECORDS  
P.B. = PLAT BOOK  
PG. = PAGE  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
POT = POINT OF TERMINUS  
PT = POINT OF TANGENCY

SHEET 1 OF 2

(SEE SHEET 2 FOR SKETCH)

NOTES:

1. PREPARED AS A SKETCH OF DESCRIPTION. \*\*\* THIS IS NOT A SURVEY \*\*\*
2. THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES AND WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
3. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. (RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN).
4. IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED.
5. MAP BASED ON DESCRIPTION PROVIDED BY THE CLIENT.
6. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
7. ALL BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF PORADA DRIVE BEING S31°25'07"E.
8. DIMENSIONS OF IMPROVEMENTS SHOWN SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 50-17.050 THRU .052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES, 405 WEST CENTRAL PARKWAY, ALTAMONTE SPRINGS, FL 32714

REVISIONS:

PROJECT NO: 18-543 EASE  
SCALE: 1" = 30'  
DRAWN BY: HMT  
CHECKED BY: RAE  
DATE DRAWN: 05/09/19  
FIELD BOOK/PAGE: FILE



**ELLIS SURVEYS LLC**  
**Land Surveying & Planning**  
P.O. Box 160952  
Altamonte Springs, FL 32716  
Florida Licensed Business LB-7970  
P. 407-834-4003 F. 407-869-5454  
www.ellisurveys.com

THIS MAP IS NOT VALID UNLESS THE ORIGINAL SIGNATURE AND RAYED SEAL OF THE SURVEYOR LICENSED SURVEYING IS ATTACHED

ROBERT A. ELLIS, P.L.S.  
FLORIDA REGISTERED SURVEYOR  
FOR THE FIRM  
DATE SIGNED: 5/10/19

**SKETCH AND DESCRIPTION  
OF  
UTILITY EASEMENT  
OF  
CAUDILL ORTHODONTICS  
SITUATED IN A PART OF LOT 3  
SOUTH SOLERNO COMMERCIAL CENTER  
AS RECORDED IN P.B. 57, PG. 97  
PUBLIC RECORDS OF BREVARD COUNTY, FL.**

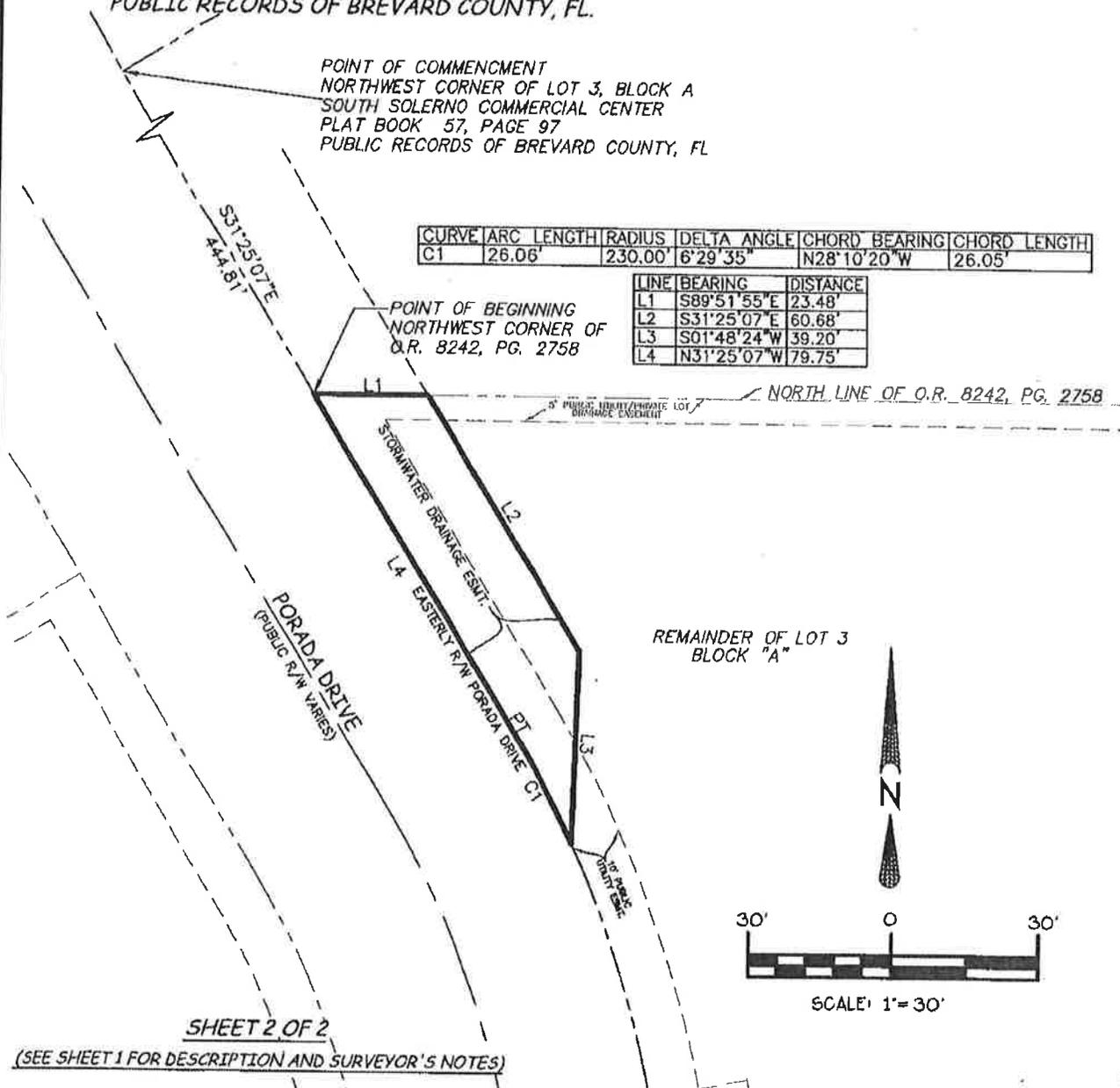
POINT OF COMMENCEMENT  
NORTHWEST CORNER OF LOT 3, BLOCK A  
SOUTH SOLERNO COMMERCIAL CENTER  
PLAT BOOK 57, PAGE 97  
PUBLIC RECORDS OF BREVARD COUNTY, FL

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	26.06'	230.00'	6°29'35"	N28°10'20"W	26.05'

LINE	BEARING	DISTANCE
L1	S89°51'55"E	23.48'
L2	S31°25'07"E	60.68'
L3	S01°48'24"W	39.20'
L4	N31°25'07"W	79.75'

POINT OF BEGINNING  
NORTHWEST CORNER OF  
O.R. 8242, PG. 2758

NORTH LINE OF O.R. 8242, PG. 2758



SHEET 2 OF 2

(SEE SHEET 1 FOR DESCRIPTION AND SURVEYOR'S NOTES)

REVISIONS:

PROJECT NO: 18-543 EASE  
SCALE: 1" = 30'  
DRAWN BY: HMJ  
CHECKED BY: RAE  
DATE DRAWN: 05/01/19  
FIELD BOOK/PAGE: FILE



**ELLIS SURVEYS LLC**  
Land Surveying & Planning  
P.O. Box 160952  
Altamonte Springs, FL 32716  
Florida Licensed Business LB-7970  
P. 407-834-4003 F. 407-869-5454  
www.ellisurveys.com

THIS MAP IS NOT VALID UNLESS THE ORIGINAL SURVEYOR'S SIGNATURE AND SEAL ARE PLACED IN THE FOLLOWING DESIGNATED SPACES.

ROBERT A. ELLIS, P.L.S.  
FLORIDA REGISTRATION NO. 3880  
FOR THE YEAR  
DATE SIGNED: 5/10/19

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# LOCATION MAP

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TWP: 25    RNG: 36    SEC: 33    DISTRICT: 4

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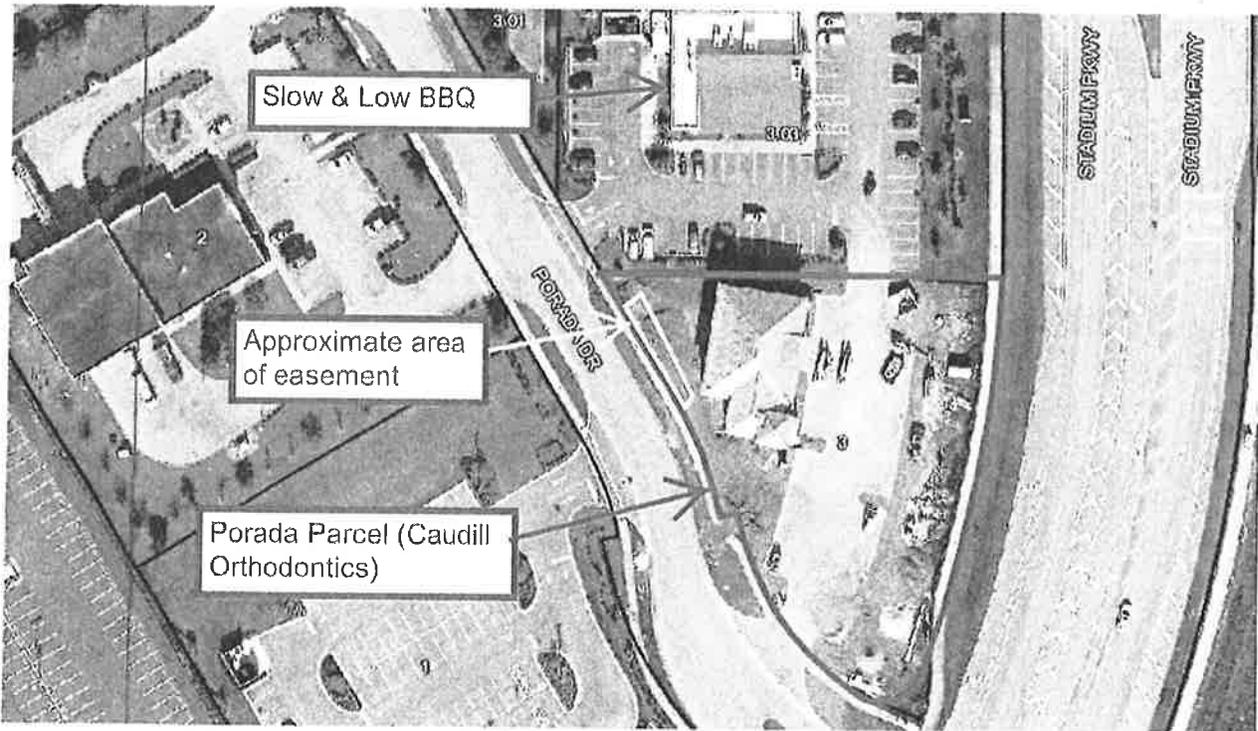
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**STREET NAME:**        Porada/Stadium

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**OWNER'S NAME:**    Porada Drive Holdings LLC

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**BOARD OF COUNTY COMMISSIONERS**

AGENDA: STORMWATER DRAINAGE EASEMENT FROM PORADA DRIVE  
HOLDINGS, LLC (OWNERS) AS REQUIRED PER SITE PLAN  
#18SP00016 – 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 Lucy Hamelers, Interim Supervisor	<u>PH</u>	_____	<u>7-25-19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>7-25-19</u>

AGENDA DUE DATE: July 30, 2019 for the August 6, 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.**