



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

4/7/2020

Subject:

Approval Re: Donation of Warranty Deed and Temporary Construction Easement from Sebastian Inlet Marina, LLC for Septic to Sewer Conversion- District 3.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Natural Resources Management Department / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve and accept the Temporary Construction Easement and Warranty Deed from Sebastian Inlet Marina, LLC.

Summary Explanation and Background:

The subject parcel is located in Section 14, Township 30 South, Range 38 East, south of Steamboat Rd., east of Daytona Blvd. along US1 in Micco.

Brevard County is undertaking the Micco Sewer Line Extension Project through a collaboration between the Natural Resources Management Department and the Utility Services Department to help improve Indian River Lagoon water quality by reducing excess nitrogen loading from septic systems to the lagoon. The project will include the construction of a force main, lift stations, and sewer service connections for the purpose of septic to sewer conversions. The Micco Sewer Line Extension Project was approved in 2017 and remains included in the 2020 Save Our Indian River Lagoon Project Plan, approved by the Board of County Commissioners in regular session on March 10, 2020.

The Save Our Indian River Lagoon Project Plan specifically identifies septic system removals and upgrades as a key component to reducing pollutant loadings to the Indian River Lagoon. The Natural Resources Management Department and the Utility Services Department are working in conjunction with Sebastian Inlet Marina whose owner proposed this sewer extension project.

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

Clerk to the Board Instructions:

BOARD OF COUNTY COMMISSIONERS

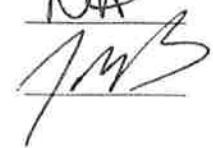
AGENDA REVIEW SHEET

AGENDA: Donation of Warranty Deed and Temporary Construction Easement from Sebastian Inlet Marina, LLC for Septic to Sewer Conversion- District 3.

AGENCY: Public Works Department / Land Acquisition / Natural Resources Management Department

AGENCY CONTACT: Page Whittle, Land Acquisition Specialist

CONTACT PHONE: (321) 350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		<hr/>	<u>3-26-2020</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney		<hr/>	<u>3-27-2020</u>

AGENDA DUE DATE: March 31, 2020 for the April 07, 2020 Board meeting



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

April 8, 2020

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director


RE: Item F.4, Approval of Donation of Warranty Deed and Temporary Construction Easement from Sebastian Inlet Marina, LLC for Septic to Sewer Conversion

The Board of County Commissioners, in regular session on April 7, 2020, accepted the Temporary construction Easement and Warranty Deed from Sebastian Inlet Marina, LLC.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

/cw

cc: Asset Management
Land Acquisition
Natural Resources Management
Utility Services

Prepared by and return to: Page Whittle
Public Works, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of interest in Tax Parcel I.D.: 30-38-14-00-505

WARRANTY DEED

THIS INDENTURE is made this 27 day of February, 2020, between Sebastian Inlet Marina, LLC, a Florida Limited Liability Company, as party of the first part, whose mailing address is 8685 US Highway 1, Sebastian, FL 32976, and Brevard County, Florida, a political subdivision of the State of Florida, as party of the second part, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns the following described lands, situate, lying and being in the County of Brevard, State of Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title & interest forever, and the said party of the first part does hereby fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the party of the first part has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Emmeline Chodorowski
Witness
Emmeline Chodorowski

Print Name
D.L. Dewitt

Witness
Derek L. Dewitt
Print Name

GRANTOR:

Sebastian Inlet Marina, LLC, a Florida Limited Liability Company

Thomas P. Kennedy
Manager / President

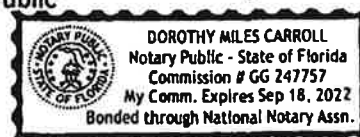
STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY, that on this day personally appeared me, an officer duly authorized to administer oaths and take acknowledgments, Thomas P. Kennedy as Manager / President of Sebastian Inlet Marina, LLC, personally and well known to me to be the person(s) described in and who executed the foregoing deed, and that they have acknowledged before me that he has executed the same freely and voluntarily for the purpose therein expressed. That they did/did not produce a Driver's License as identification and that they did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 27 day of Feb, 2020

Brevard County Board Date: _____
Agenda Item # _____

Dorothy Miles Carroll
Notary Public
(SEAL)



LEGAL DESCRIPTION

PARCEL #100

PARENT PARCEL ID#: 30-38-14-00-505
PURPOSE: FEE SIMPLE

EXHIBIT "A"

SHEET 1 OF 3
NOT VALID WITHOUT SHEETS 2, 3 OF 3

THIS IS NOT A SURVEY

DESCRIPTION PARCEL 100 (BY SURVEYOR):

A parcel of land being a portion of lands as described in O.R. Book 5525, Page 3559, lying in Government Lot 6, Section 14, Township 30 South, Range 38 East, Brevard County, Florida, and being more particularly described as follows;

Commence at the Northwest corner of said lands as described in O.R. Book 5525, Page 3559, said point also being on the east right-of-way line of U.S. Highway #1 (State Road #5) Per State Road Department right-of-way maps Section #7001-275; thence South 24°40'06" East, along said easterly right-of-way line of U.S. Highway #1, a distance of 117.11 feet to the Point-of-Beginning of the following described parcel; thence North 65°18'55" East a distance of 30.00 feet; thence South 24°40'06" East a distance of 30.00 feet; thence South 65°18'55" West a distance of 30.00 feet to a point on the aforesaid East right-of-way line of U.S. Highway 1, thence North 24°40'06" West, along said right-of-way line, a distance of 30.00 feet to the Point-of-Beginning.

Containing 0.02 acres more or less (900 sq ft +/-) and being subject to any easements and or rights-of-ways of record and the findings of a valid survey.

NOTES:

- 1.) SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
- 2.) SEE SHEET 3 OF 3 FOR LEGEND, ADDITIONAL NOTES AND ADDITIONAL REVISIONS, IF ANY.

CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT MEETS THE STANDARDS OF PRACTICE AS 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.

PREPARED FOR AND CERTIFIED TO:
**THE BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS**

JOSEPH BARRY CABANISS, P.L.S.
FLORIDA SURVEYOR'S CERTIFICATE No. 4524
BUSSEN-MAYER ENGINEERING, CERTIFICATE NO. 3535
NOT VALID UNLESS SIGNED AND SEALED BY A FLORIDA SURVEYOR

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885

DRAWN BY: JCC

CHECKED BY: JBC

PROJECT NO. 388005

SECTION 14
TOWNSHIP 30 SOUTH
RANGE 38 EAST

DATE: 2019-03-27

DRAWING:
388005-SK01.DWG

REVISIONS

DATE

DESCRIPTION

LEGAL DESCRIPTION

PARCEL #100

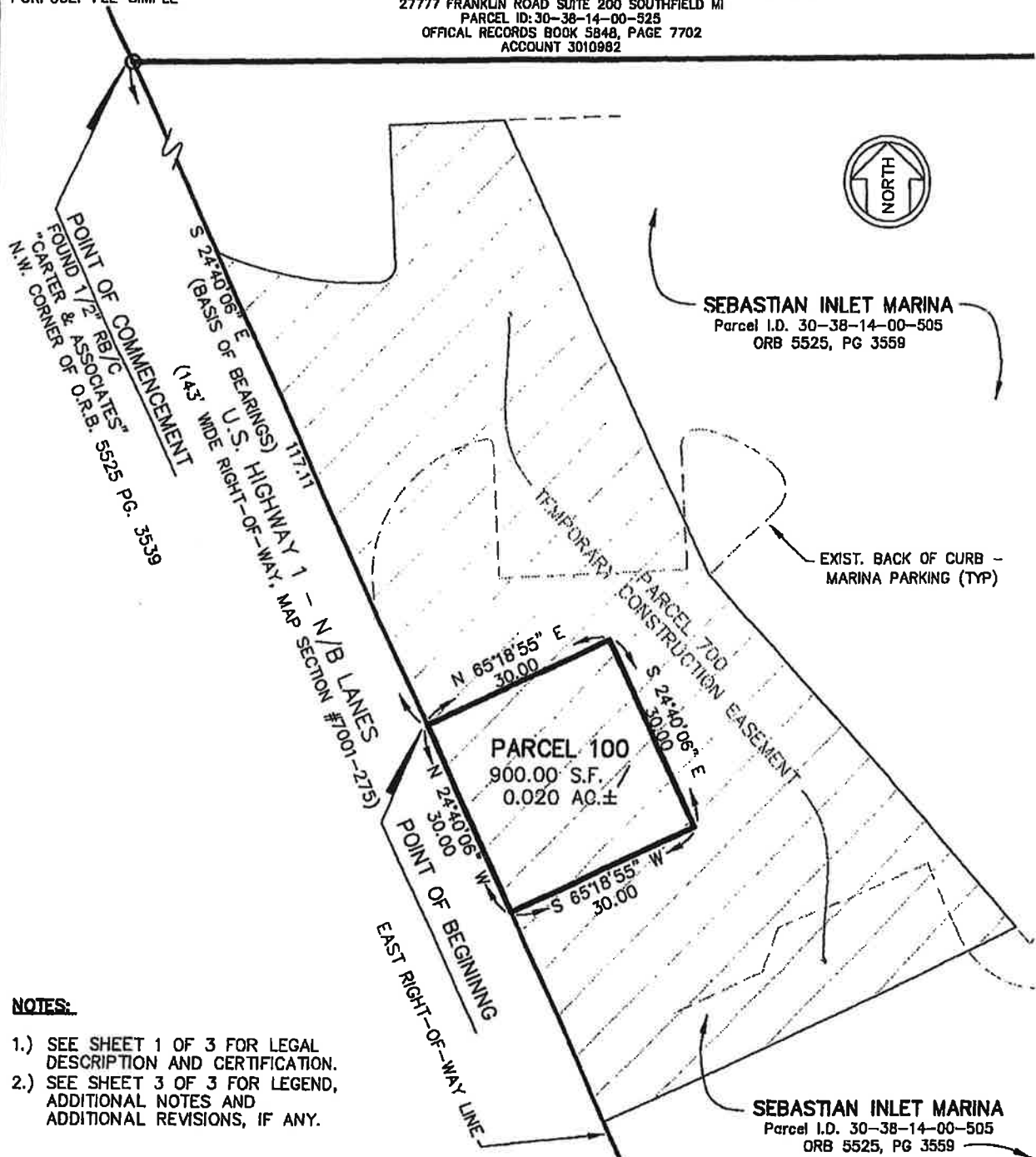
PARENT PARCEL ID#: 30-38-14-00-505
PURPOSE: FEE SIMPLE

PELICAN BAY COMMUNITIES LLC
27777 FRANKLIN ROAD SUITE 200 SOUTHFIELD MI
PARCEL ID: 30-38-14-00-525
OFFICIAL RECORDS BOOK 5848, PAGE 7702
ACCOUNT 3010982

EXHIBIT "A"

SHEET 2 OF 3
NOT VALID WITHOUT SHEETS 1, 3 OF 3

THIS IS NOT A SURVEY



NOTES:

- 1.) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION AND CERTIFICATION.
- 2.) SEE SHEET 3 OF 3 FOR LEGEND, ADDITIONAL NOTES AND ADDITIONAL REVISIONS, IF ANY.

PREPARED BY:

Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-8885

SCALE:

1"=20'

PROJECT NO.:

388005

SECTION 14

TOWNSHIP 30 SOUTH
RANGE 38 EAST

LEGAL DESCRIPTION

PARCEL #100

PARENT PARCEL ID#: 30-38-14-00-505

PURPOSE: FEE SIMPLE

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1, 2 OF 3

THIS IS NOT A SURVEY

LEGEND:

FND.	FOUND	CCR	CERTIFIED CORNER
COR.	CORNER		RECORD
C.M.	CONCRETE MONUMENT	W/	WITH
O.R.B.	OFFICIAL RECORDS BOOK	¢	CENTERLINE
PB	PLAT BOOK	—W—	GRAPHICS NOT TO
PG.	PAGE		SCALE
R/W	RIGHT-OF-WAY	(N.T.S.)	NOT TO SCALE
PC	POINT-OF-CURVATURE	(N.I.C.)	NOT INCLUDED
PRC	POINT-OF-REVERSE	SEC.	SECTION
	CURVATURE	TWP.	TOWNSHIP
PT	POINT-OF-TANGENCY	RNG.	RANGE
DB	DEED BOOK	(TYP.)	TYPICAL

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 1 OF 3 FOR DESCRIPTION AND CERTIFICATION.
3. SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
4. THIS SKETCH AND DESCRIPTION IS BASED ON A SURVEY BY CARTER ASSOCIATES, INC., PROJECT No. 15-240S, DATED FEBRUARY 2015. THE BASIS OF BEARINGS IS THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, BEING S 24°40'06" E, AN ASSUMED BEARING.
5. PURSUANT TO AN O&E REPORT BY NEW REVELATION, INC. DATED 10/24/19 FILE NO. 19-1530 THE FOLLOWING ITEMS WERE REVIEWED BY THE SURVEYOR:
 1. O.R. BOOK 18, PAGE 231-DOES NOT ENCUMBER THE SITE.
 2. O.R. BOOK 161, PAGE 369-INCOMPLETE DOCUMENT, NO PLAT ATTACHED, UNABLE TO PLOT ACCURATELY.
 3. O.R. BOOK 276, PAGE 660-DOES NOT ENCUMBER SUBJECT SITE.
 4. O.R. BOOK 1671, PAGE 313-DOES NOT ENCUMBER THE SITE.
 5. O.R. BOOK 1671, PAGE 315-DOES NOT ENCUMBER SUBJECT SITE.
 6. O.R. BOOK 5732, PAGE 8793-SIDEWALK ASSESSMENT AGREEMENT BLANKET IN NATURE COVERS ENTIRE SITE-NOT SHOWN.
 7. O.R. BOOK 5793, PAGE 6521-DOES NOT ENCUMBER SUBJECT SITE.
 8. O.R. BOOK 5858, PAGE 715-DOES NOT ENCUMBER SUBJECT SITE.
6. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW; COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
7. THIS SKETCH AND DESCRIPTION CERTIFIED CORRECT TO
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 463-0010 FAX NO.: (321) 464-8886

SCALE: N/A

PROJECT NO.:
388005

SECTION 14
TOWNSHIP 30 SOUTH
RANGE 38 EAST

Prepared by and return to: Page Whittle
Public Works, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940
A portion of Interest in Tax Parcel I.D.: 30-38-14-00-505

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the mutual benefits accruing to the parties, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Sebastian Inlet Marina, LLC, a Florida Limited Liability Company hereinafter called the Owner, whose address is 8685 US Highway 1, Sebastian, FL 32976, do(es) hereby give, grant, bargain and release to the Brevard County, Florida, a political subdivision of the State of Florida, hereinafter called County, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, a temporary construction easement for the purpose(s) of septic tank conversion to sewer, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 14, Township 30 South, Range 38 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

With construction to be undertaken by or under direct supervision of Brevard County Florida. This easement shall be limited to said purposes but shall include all rights necessary to accomplish the stated purposes, including, but not limited to the right of ingress and egress onto the easement area as may be necessary for County to accomplish the work, the right to occupy, possess, and to control the property described herein for the stated purposes, the right to stage and to use equipment on said lands for the stated purposes, , and the authority of the County to apply for and to secure any necessary permits or approvals to accomplish the stated purposes.

The Owner does hereby covenant with the County 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.

THIS EASEMENT is granted upon the condition that the property will be restored to a condition as nearly as possible to its original condition that existed prior to the use intended by this easement.

(Signatures and Notary on next page)

THIS EASEMENT shall expire upon the completion of the project or 270 days from the commencement of the Project, whichever occurs first.

Signed, sealed, and delivered in the presence of:

Anne Marie Cibrowski

Witness

Anne Marie Cibrowski

(Print Name)

Dr. L. Dewitt

Witness

Derek L. Dewitt

(Print Name)

Name

Thomas P. Kennedy
manager / partner

Name

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 27 day of February, 2020 by Thomas P. Kennedy who is/is not 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 Melbourne, Florida, the County of Brevard, State of Florida, this 27 day of February, 2020.

Notary Public

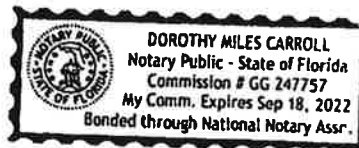
Print Name Dorothy Miles Carroll

Commission No. GG 247757

Commission expires 9/18/22

Agenda Item # _____

Board Meeting Date _____



LEGAL DESCRIPTION

PARCEL #700

PARENT PARCEL ID#: 30-38-14-00-505

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2, 3 OF 3

THIS IS NOT A SURVEY

DESCRIPTION PARCEL 700 (BY SURVEYOR):

A parcel of land being a portion of lands as described in O.R. Book 5525, Page 3559, lying in Government Lot 6, Section 14, Township 30 South, Range 38 East, Brevard County, Florida, and being more particularly described as follows;

Commence at the Northwest corner of said lands as described in O.R. Book 5525, Page 3559, said point also being on the east right-of-way line of U.S. Highway #1 (State Road #5) Per State Road Department right-of-way maps Section #7001-275; thence South 24°40'06" East, along said easterly right-of-way line, a distance of 40.87 feet to the Point-of-Beginning; thence continue South 24°40'06" East, along said right-of-way line, a distance of 140.00 feet; thence North 65°19'54" East a distance of 68.61 feet; thence North 42°27'04" West a distance of 69.72 feet; thence North 24°40'06" West a distance of 73.20 feet; thence South 87°32'51" West a distance of 17.12 feet; thence South 02°29'08" East a distance of 20.43 feet to the Point-of-Curvature of a 2.50 foot radius circular curve concave northwesterly; said curve having a tangent bearing of South 02°29'08" East, a chord bearing of South 42°08'29" West, a chord distance of 3.51 feet, thence southwesterly along the arc of said curve through a central angle of 89°15'15" a distance of 3.89 feet to the Point-of-Compound Curvature of a 54.21 foot radius circular curve concave northerly; thence westerly along the arc of said curve through a central angle of 26°38'54" a distance of 25.21 feet said curve having a chord bearing of North 79°54'21" West and a chord distance of 24.99 feet to the Point-of-Beginning

Containing 0.16 acres (7,133± square feet) more or less and being subject to any easements and/or rights-of-ways of record, and the findings of a valid survey.

NOTES:

- 1.) SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
- 2.) SEE SHEET 3 OF 3 FOR LEGEND, ADDITIONAL NOTES AND ADDITIONAL REVISIONS, IF ANY.

CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT MEETS THE STANDARDS OF PRACTICE AS 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.

PREPARED FOR AND CERTIFIED TO:

THE BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS

JOSEPH BARRY CABANES, P.L.S.

FLORIDA SURVEYOR'S CERTIFICATE

BUSSEN-MAYER ENGINEERING CERTIFICATE

NOT VALID UNLESS SIGNED AND SEALED

DATE

4524

3535

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 468-0010 FAX NO.: (321) 464-6885

DRAWN BY: JCC

CHECKED BY: JBC

PROJECT NO. 388005

REVISIONS

DATE

DESCRIPTION

DATE: 2019-03-27

DRAWING:
388005-SK01.DWG

SECTION 14

TOWNSHIP 30 SOUTH

RANGE 38 EAST

LEGAL DESCRIPTION

PARCEL #700

PARENT PARCEL ID#: 30-38-14-00-505

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

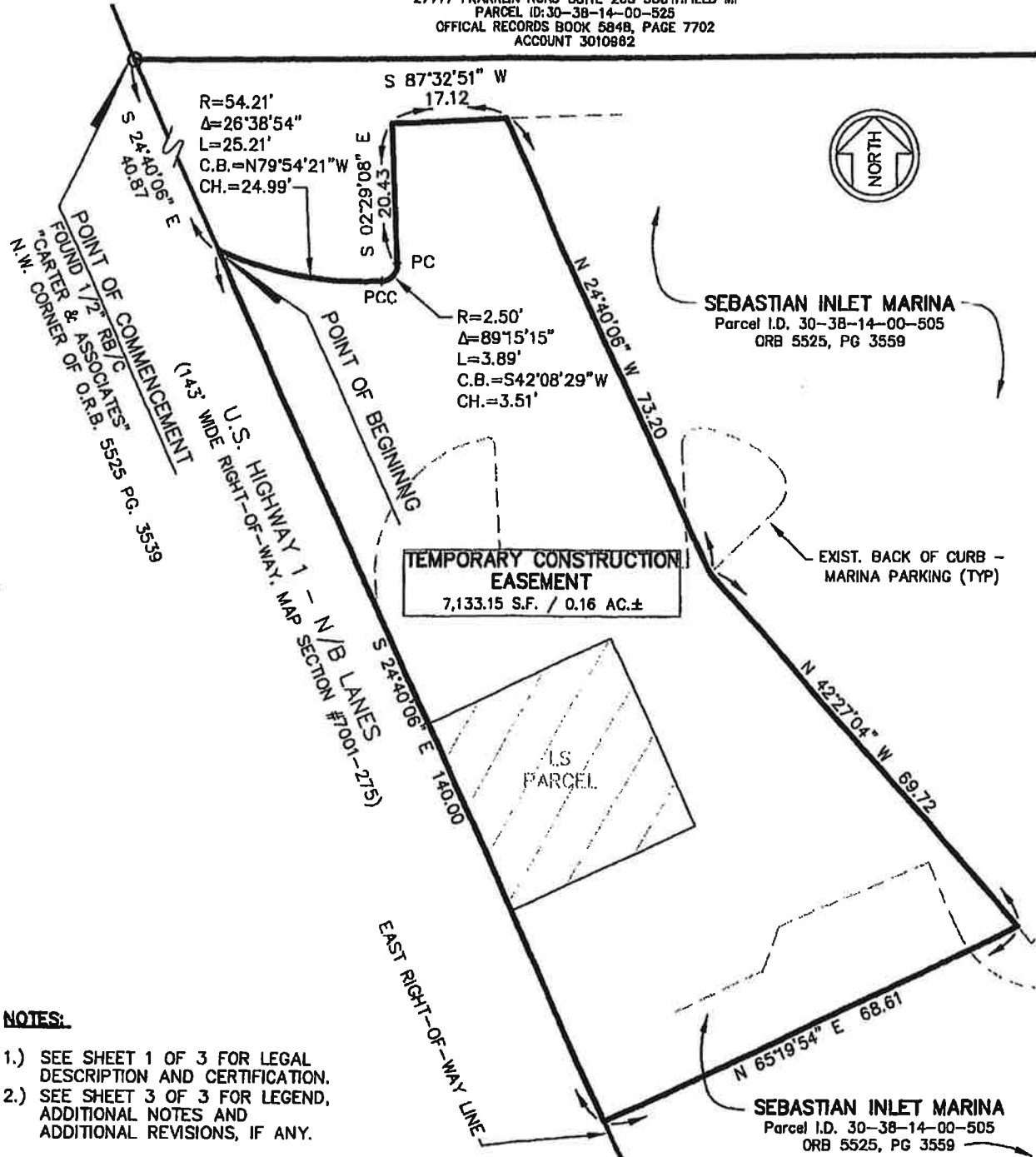
PELICAN BAY COMMUNITIES LLC
27777 FRANKLIN ROAD SUITE 200 SOUTHFIELD MI
PARCEL ID: 30-38-14-00-525
OFFICIAL RECORDS BOOK 5848, PAGE 7702
ACCOUNT 3010882

EXHIBIT "A"

SHEET 2 OF 3

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PREPARED BY:

Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 458-0010 FAX NO.: (321) 464-8888

SCALE: 1"=20'

PROJECT NO.: 388005

SECTION 14
TOWNSHIP 30 SOUTH
RANGE 38 EAST

LEGAL DESCRIPTION

PARCEL #700

PARENT PARCEL ID#: 30-38-14-00-505

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

SHEET 3 OF 3

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LEGEND:

FND.	FOUND	CCR	CERTIFIED CORNER
COR.	CORNER		RECORD
C.M.	CONCRETE MONUMENT	W/	WITH
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BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32883
TEL NO.: (321) 458-0010 FAX NO.: (321) 454-8885

SCALE: N/A

PROJECT NO.:
388005

SECTION 14
TOWNSHIP 30 SOUTH
RANGE 38 EAST

LOCATION MAP

Section 14, Township 30 S, Range 38 E District: 3

PROPERTY LOCATION: South of Steamboat Rd, east of Daytona Blvd. along US1 in Micco.

OWNERS NAME: Sebastian Inlet Marina, LLC.

