

EXPLANATION OF CONSENT AGENDA ITEM E.2.c.(17) – January 20, 2016

ITEM:

Consideration of authorizing a Temporary Utility Construction Easement to Brevard County for the installation of a sanitary sewer force main under the Barge Canal along the east side of State Road 3 with construction to be undertaken by Brevard County, subject to review and approval by the Port Attorney and General Counsel.

EXPLANATION:

Brevard County Utilities has requested a Temporary Utility Construction Easement from the Canaveral Port Authority to install a sanitary sewer force main under the Barge Canal along the east side of State Road 3. The proposed force main will be a parallel pipe line for redundancy located adjacent to an existing forcemain crossing the barge canal as evidenced by that certain Consent for Sewage Force Main dated July 25, 1986, recorded at Official Records Book 2717, Page 1654, Public Records of Brevard County, Florida.

Once installed, the surveyed centerline of the forcemain will be used to describe the location for a permanent easement, which easement will be subject to further Board approval. All costs associated with construction, installation and maintenance of the forcemain shall be borne by Brevard County.

STAFF RECOMMENDS APPROVAL

Prepared by Craig Langley

Brevard County Public Works Dept., Land Acquisition Section 321-690-6847
2725 Judge Fran Jamieson Way, A-204
Viera, Florida 32940

A portion of Interest in Tax Parcel I.D. 24-36-11-00-00511.0-0000.00, 24-36-11-00-00518.0-0000.00, 24-36-11-00-00514.0-0000.00

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the benefits accruing to Canaveral Port Authority, an independent special taxing district and political subdivision of the State of Florida hereinafter called the GRANTOR, whose address is 445 Challenger Road, Suite 301, Cape Canaveral, FL 32920 does hereby give, grant, bargain and release to the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter called GRANTEE, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, a non-exclusive temporary easement on that portion of the lands of the Owners being described as follows:

See Attached Legal Description
(the "Premises")

THIS EASEMENT is granted for construction purposes only, including the right to enter upon said lands for the purposes of storage of materials and equipment and restoration during GRANTEE's construction of a Sanitary Force Main (Barge Canal Force Main) as GRANTEE deems necessary or prudent. Should GRANTEE perform any such construction activities in the Premises, GRANTEE shall, at its sole cost and expense, restore such lands to the condition existing prior to such construction activities. Any property of GRANTOR damaged or destroyed by GRANTEE, its contractors, agents or permittees, incident to the use and occupation of said easement shall be promptly repaired or replaced by GRANTEE.

THIS EASEMENT is granted upon the condition that the work will be performed in such a manner that it conforms with the final construction plans prepared by HDR, Inc. for the Barge Canal Force Main Project (Project No. MI-33) and all necessary permits required therefor. GRANTEE acknowledges that its force main is to be installed beneath the Barge Canal, a navigable waterway. GRANTEE covenants not to interfere with the navigability of said Barge Canal.

THIS EASEMENT is effective only as to the rights of GRANTOR in the Premises. GRANTEE shall obtain permission as necessary as to any other existing rights, including GRANTOR's lessees. GRANTEE acknowledges that the upland on the south side of the Barge Canal where the Force Main is to be installed has been leased to Ray Industries, Inc., as assigned to AAEA Investments, LLC. GRANTEE's use of the Premises will not interfere with the rights granted to AAEA Investments, LLC or any subsequent lessee. GRANTEE will be responsible to AAEA Investments, LLC for any damages to the lessee's property or to the leasehold estate, including piers or other facilities incidental to said lessee's business.

GRANTOR shall not be liable for damages or injury of any kind resulting from GRANTEE's use and occupation of said Premises, including environmental damage caused by ruptured or broken pipeline. The GRANTEE shall indemnify and hold harmless GRANTOR for all claims arising from its use of said Premises which shall include indemnification for all costs and expenses incurred including engineering and attorneys fees.

THIS EASEMENT shall automatically expire upon the earlier of the recording of a Permanent Utility Easement granted in favor of the COUNTY for the continued location and maintenance of this project or one (1) year from the date hereof.

Dated this the _____ day of _____, 2016.

Signed, sealed and delivered
in the presence of:

Canaveral Port Authority:

Witness:

BY: _____, as Chairman

(Type or Print Name)

(Witness)

(Type or Print Name)

STATE OF _____
COUNTY OF _____

**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 _____, 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 ____ day of _____, 2016.

(SEAL)

Notary Public

(Name Typed or Printed)

Commission No. _____

Commission Expires: _____

tce.doc

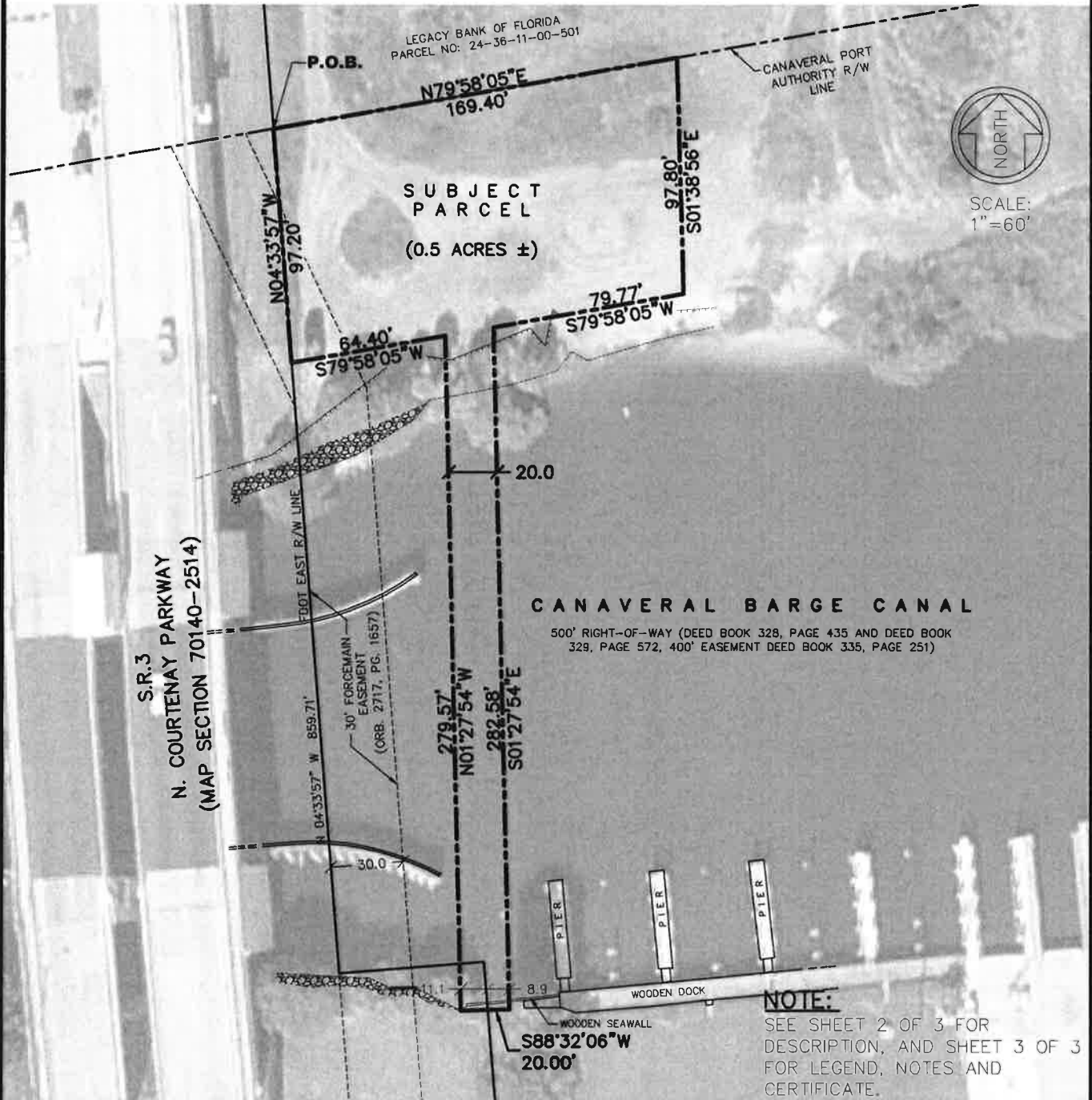
BCC Agenda Item # _____

Date: _____

SKETCH & DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR:
**BREVARD COUNTY BOARD
 OF COUNTY COMMISSIONERS**



Bussen-Mayer Engineering Group

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

DRAWN BY: <u>A.J.H.</u>	CHECKED BY: <u>J.B.C.</u>	DRAWING NO. <u>387501</u>	SECTION: <u>11</u>
DATE: <u>11/02/15</u>	SHEET <u>1</u> OF <u>3</u>	REV. _____	TOWNSHIP: <u>24</u> SOUTH
			RANGE: <u>36</u> EAST

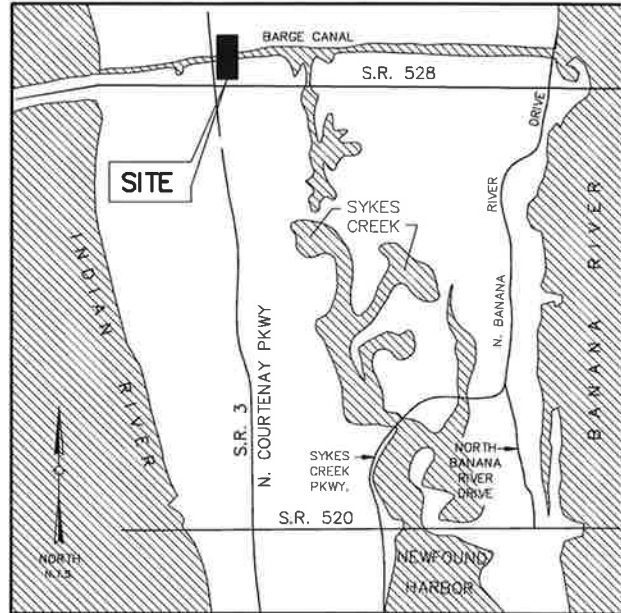
SKETCH & DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS**

VICINITY MAP



LEGAL DESCRIPTION:

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 Northerly right-of-way line of the Canaveral Port Authority Barge Canal (a 500.00 foot wide right-of-way per Deed Book 328 Page 435 and Deed Book 329 Page 572 Brevard County Public Records), and the East right-of-way line of State Road 3 as shown on FDOT map Section 70140-2514; Thence North $79^{\circ}58'05''$ East, along the North right-of-way line of Canaveral Port Authority Barge Canal, a distance of 169.40 feet; thence South $01^{\circ}38'56''$ East, a distance of 97.80 feet; thence South $79^{\circ}58'05''$ West, a distance of 79.77 feet; thence South $01^{\circ}27'54''$ East, a distance of 282.58 feet; thence South $88^{\circ}32'06''$ West, a distance of 20.00 feet; thence North $01^{\circ}27'54''$ West, a distance of 279.57 feet; thence South $79^{\circ}58'05''$ West, a distance of 64.40 feet to a point on the aforesaid East right-of-way line of State Road number 3; thence North $04^{\circ}33'57''$ West along said East right-of-way line a distance of 97.20 feet to the Point-of-Beginning.

Containing 0.50 acres more or less and being subject to a 30.00 foot wide forcemain easement as recorded in OR Book 2717 Page 1657 Brevard County Public Records and any other easements and/or rights-of-ways of record.

NOTE:

SEE SHEET 1 OF 3 FOR SKETCH,
AND SHEET 3 OF 3 FOR LEGEND,
NOTES AND CERTIFICATE.



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6885



DRAWN BY: A.J.H.

CHECKED BY: J.B.C.

DRAWING NO. 387501

SECTION: 11

DATE: 11/02/15

SHEET 2 OF 3

REV. _____

TOWNSHIP: 24 SOUTH

RANGE: 36 EAST

SKETCH & DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LEGEND:

(N.I.C.)	NOT INCLUDED	FND.	FOUND	FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
P.B.	PLAT BOOK	POB	POINT OF BEGINNING RECORD		FLORIDA DEPARTMENT OF TRANSPORTATION
PG.	PAGE		WITH CENTERLINE	(102)	PARCEL NUMBER
R/W	RIGHT-OF-WAY	W/	GRAPHICS NOT TO SCALE	SEC.	SECTION
COR.	CORNER	⊕	BEARING DEGREE, MINUTES 7 SECONDS	TWP.	TOWNSHIP
C.M.	CONCRETE MONUMENT	— —		RNG.	RANGE
R/W	RIGHT OF WAY	— — —		ORB.	OFFICIAL RECORD BOOK
LB	LICENSED BUSINESS				
RB/C	REBAR AND CAP				

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 1 OF 3 FOR SKETCH OF DESCRIPTION.
4. SEE SHEET 2 OF 3 FOR LEGAL DESCRIPTION.
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. THE INTENDED USE OF THE PARCEL IDENTIFIED BY THIS SKETCH AND DESCRIPTION IS FOR ACCESS AND CONSTRUCTION OF PROPOSED UTILITIES.
7. CERTIFIED FOR THE EXCLUSIVE USE OF:
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.

Joseph Barry Cabaniss, P.L.S. Date
FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524
BUSSEN-MAYER ENGINEERING CERTIFICATE NO.: 3535

NOTE:

SEE SHEET 1 OF 3 FOR SKETCH, AND SHEET 2 OF 3 FOR DESCRIPTION.



Bussen-Mayer Engineering Group

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



DRAWN BY: A.J.H.

CHECKED BY: J.B.C.

DRAWING NO. 387501

SECTION: 11

DATE: 11/02/15

SHEET 3 OF 3

REV. _____

TOWNSHIP: 24 SOUTH

RANGE: 36 EAST