Honeycutt &
Associates, Inc.
ENGINEERS • SURVEYORS • PLANNERS 5195 S. Washington Avenue, Titusville FL 32780
email : mail@honeycutt.cc Phone : 321-267-6233 Fax : 321-269-7847

September 12, 2011

Mr. Matt Cline
Florida Department of Environmental Protection
Office of Greenways and Trials
3900 Commonwealth Blvd
Mail Station # 795
Tallahassee, Florida 32399-3000

RE: Cerrato Trail Crossing

Dear Mr. Cline:

We have enclosed an Upland Easement Application for the Cerrato Family Trust (CFT) for a commercial driveway and utilities crossing. The application includes attachments and the non-refundable fee required for the review and processing. We have also enclosed a copy of the project site plan showing the proposed trail.

Please note that CFT proposes to construct the twelve-foot (12') wide trail in the easement along their frontage as construction progresses. The city requires a five-foot (5') wide sidewalk along the frontage road (US 1) but since the trail is located between the CFT property and US 1, the 12' wide trail will be constructed in lieu of the sidewalk. The estimated construction cost of the 12' wide trail is $50,974.52 and the estimated construction cost of the 5' wide sidewalk is $21,686.00 (construction cost estimates are attached). Therefore the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida is receiving a net positive benefit from CFT for the construction of a portion of the trail in the amount of $29,288.52 which is the difference in the construction cost of the 5' sidewalk CFT would have provided versus the 12' trail that CFT proposed to provide.

Let us know if you need additional information.

Yours truly,

Rodney M. Honeycutt, P.E.
President

RECEIVED
SEP 15 2011
OFFICE OF
GREENWAYS TRAILS

Klein, Matt

Subject: Cerrato easement - East Central Regional Rail-Trail (#4576)

TJ,

Please find enclosed a complete easement application packet from **Cerrato Family Partnership, Ltd** requesting authorization to construct and use a crossing of the **East Central Regional Rail-Trail (Lease 4576) in Brevard County**. Over the past few months, the applicant's representative (Honeycutt engineering) has been submitting various documents for the packet in a piecemeal manner. Now, as far as I can tell, the application packet is finally complete.

A few important points:

- This property is subleased to Brevard County (Sublease 4576-01) for local management. OGT will need to seek the County's input before OGT can offer a Letter of No Objection.
- Although the map of property boundaries appears to show that the applicant's property has access to public road right of way in two locations, the City of Titusville will not authorize use of either of those access points. Therefore, the applicant's property is now landlocked, due to local regulatory actions/decisions.
    - Georgia Avenue (on NW boundary of applicant's parcel) – On 1-8-2008, the Titusville City Council voted to approve the sketch plat for the applicant's project with a specific modification that Georgia Avenue not be extended to the applicant's parcel. [Meeting minutes included in application packet.]
    - Silver Star Road (on SE boundary of applicant's parcel) – On 11-14-2011, the City of Titusville's Director of Development Services (City Engineer) confirmed that Silver Star Road cannot be upgraded to the City's standards for a local public street, due to a restrictive right-of-way. Consequently, the City determined that Silver Star Road is not a feasible access point for the applicant's parcel/project. [City Engineer's official correspondence included in application packet.]
- As Net Positive Benefit, the applicant is offering TIITF to construct approx 1,250 linear feet of the as-yet-unbuilt rail-trail in front of their parcel. By building the 12-foot wide rail-trail (as opposed to a 5-foot wide sidewalk required by the local development permit), the applicant will be investing an additional $29,000 into the rail-trail above and beyond what the mandated sidewalk would cost.
- In addition to the requested long-term easement across the trail corridor, the applicant is also requesting a temporary construction easement (430' x 15') along the eastern edge of the trail corridor for the purpose of regrading the ground slope to accommodate the required right-turn lane from U.S. Highway 1 (as mandated by FDOT).

If OGT can get some assistance from BPLA with scanning the larger documents within the application packet (sketch maps, design plans), OGT will send a scanned copy of the packet to Brevard County for their review.

It is the opinion of OGT that this proposed easement will qualify for expedited review by ARC under Delegations #2 and/or #4 as approved by ARC on 4-15-2011.

Matt Klein
Land Administration Specialist
Office of Greenways & Trails
Division of Recreation and Parks
Florida Department of Environmental Protection
3900 Commonwealth Blvd, M.S. 795
Tallahassee, Florida 32399
Tel: (850) 245-2080
Fax: (850) 245-2083
matt.klein@dep.state.fl.us

East Cetrail Regional Rail-Trail proposed crossing for Cerrato Family Partnership

T21S-R35E-Sec33

CERRATO MEDICAL PARK

9-13-2011

12' ASPHALT TRAIL

ENGINEERS ESTIMATE OF PROBABLE COSTS

DESCRIPTION	QUANTITY	UNIT	UNIT COST		COST	
PHASE 1 TRAIL						
MISCELLANEOUS	1	LS	$	3,000.00	$	3,000.00
SILT FENCING	1,536	LF	$	1.45	$	2,227.20
SODDING	12,288	SF	$	0.20	$	2,457.60
GRADING	2,731	SY	$	1.50	$	4,096.00
1.25" ASPHALT SP-12.5	1,024	SY	$	9.00	$	9,219.00
PRIME	1,024	SY	$	0.50	$	512.17
4" LIMEROCK BASE	1,082	SY	$	6.00	$	6,490.00
12" STABILIZED SUBBASE	1,369	SY	$	3.25	$	4,450.33
PHASE 2 TRAIL						
MISCELLANEOUS	1	LS	$	1,700.00	$	1,700.00
SILT FENCING	880	LF	$	1.45	$	1,276.00
SODDING	7,040	SF	$	0.20	$	1,408.00
GRADING	1,564	SY	$	1.50	$	2,346.67
1.25" ASPHALT SP-12.5	584	SY	$	9.00	$	5,256.00
PRIME	584	SY	$	0.50	$	292.00
4" LIMEROCK BASE	617	SY	$	6.00	$	3,701.33
12" STABILIZED SUBBASE	782	SY	$	3.25	$	2,542.22
TOTAL					**$**	**50,974.52**

CERRATO MEDICAL PARK

9-13-2011

5' SIDEWALK
ENGINEERS ESTIMATE OF PROBABLE COSTS

DESCRIPTION	QUANTITY	UNIT	UNIT COST		COST	
PHASE 1 TRAIL						
MISCELLANEOUS	1	LS	$	2,000.00	$	2,000.00
SILT FENCING	1,536	LF	$	1.45	$	2,227.20
SODDING	3,072	SF	$	0.20	$	614.40
GRADING	853	SY	$	1.50	$	1,279.50
4" THICK FIBER MESH CONCRETE	427	SY	$	23.00	$	9,821.00
PHASE 2 TRAIL						
MISCELLANEOUS	1	LS	$	1,200.00	$	1,200.00
SILT FENCING	880	LF	$	1.45	$	1,276.00
SODDING	1,752	SF	$	0.20	$	350.40
GRADING	487	SY	$	1.50	$	730.50
4" THICK FIBER MESH CONCRETE	243	SY	$	9.00	$	2,187.00
TOTAL					**$**	**21,686.00**

CERRATO FAMILY PARTNERSHIP, LTD
3750 RANEY RD
TITUSVILLE, FL 32780

August 9, 2011

Board of Trustees of the
Internal Improvement Trust Fund
of the State of Florida

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
3800 Commonwealth Boulevard
Tallahassee, Florida 32399-3000, MS 130

RE: Easement Request
Cerrato Medical Park

Ladies and Gentlemen:

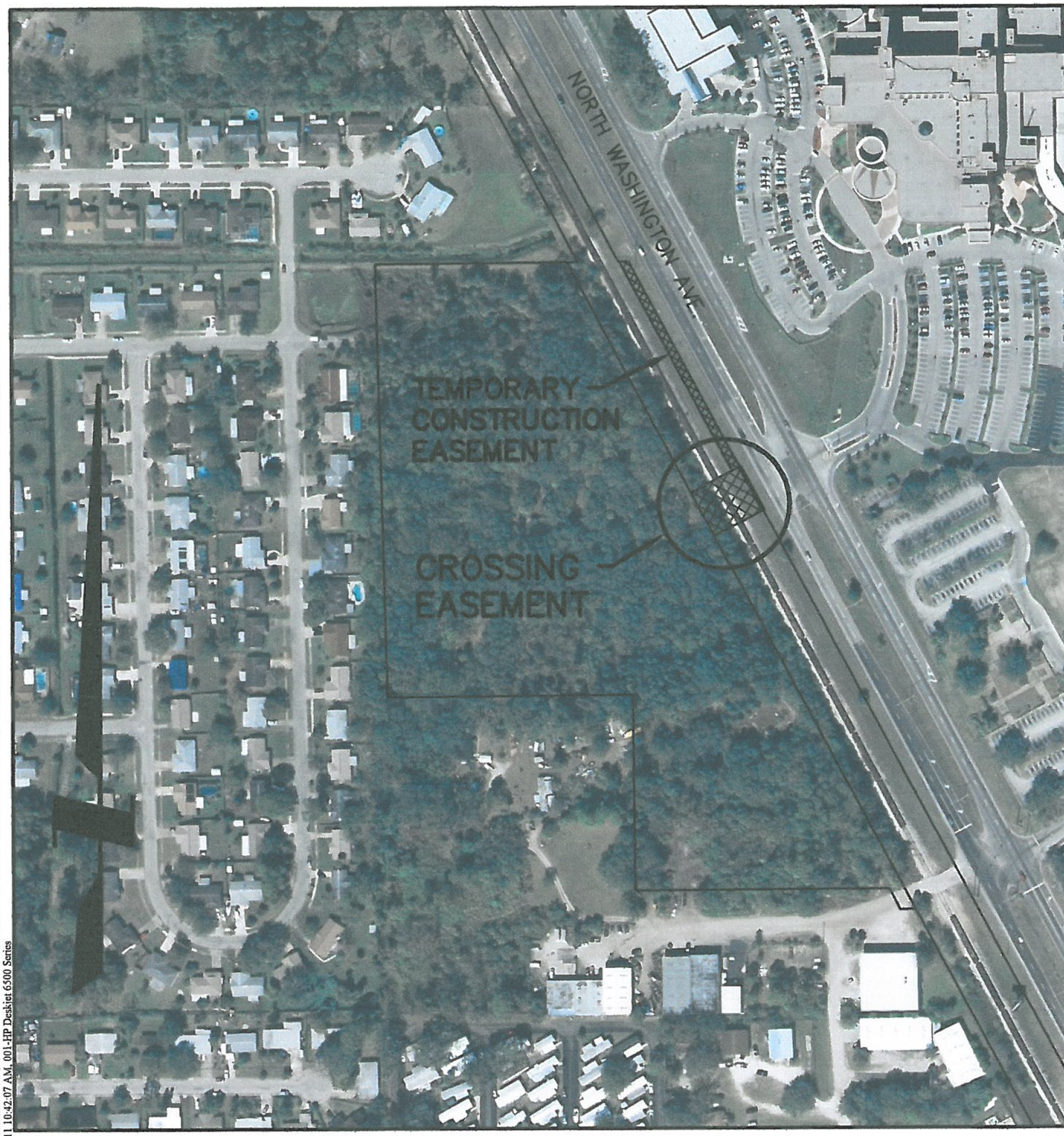
Cerrato Family Partnership, LTD agrees to pay reasonable fees for an appraisal and easement to allow one commercial driveway on State property. We request that the amount of the fee for the appraisal and easement be provided prior to any charge for the items.

Please note that we have already paid a fee of $24,293.00 to the Florida East Coast (FEC) Railroad in 2005 for utility crossings and that FEC had approved this commercial driveway access.

Sincerely,

Walter Cerrato

Walter A. Cerrato
General Partner
Cerrato Family Partnership, LTD



C:\DWG\CERRATO\dwgs\July2009\CerratoCover.dwg, 9/12/2011 10:42:07 AM, 001-HP Deskjet 6500 Series

UPLAND EASMENT
RAILS TO TRAILS
BREVARD COUNTY
SEC: 33 TWN: 21S RNG: 35E
DATUM:
SCALE: NOT TO SCALE

Honeycutt & Associates, Inc.
ENGINEERS·SURVEYORS·PLANNERS
5195 South Washington Avenue
Titusville, Florida 32780
(321) 267-6233 Fax (321) 269-7847
Certificate of Authorization EB-0007623

AERIAL PHOTOGRAPH

APPLICANT: CERRATO FAMILY PARTNERSHIP
DATE: July 2011
SHEET 1 OF 1

<u>APPLICATION DATA</u>

PUBLIC BENEFITS:

Cerrato Family Partnership, LTD was formed to develop a medical office park in Titusville, Florida. This medical park is located on U.S. Highway 1 across from Parrish Medical Center Hospital. This facility will provide medical offices adjacent to the hospital and so will keep public access to multiple aspects of local medical care in close proximity to each other.

STATEMENT OF INTENDED USE:

1. **<u>Easement Term:</u>** The term of the proposed easement is indefinite as this will be the only available access to this property. This is the minimum term of the proposed easement.

2. **<u>Need for Easement and Alternatives:</u>**
   <u>Crossing Easement:</u> This is needed to provide the property with a means of vehicular access. All other means of access have been pursued with adjacent property owners and the City of Titusville and there are no other alternatives. Please reference letter to Matt Klein dated July 22, 2011.
   <u>Temporary Construction Easement:</u> This will be required to construct the grass shoulder and ditch slope that will have to be re-graded within the trail right-of-way. The existing ditch centerline will remain unchanged. A right turn lane is required by FDOT for the proposed entrance. The width of the turn lane and paved shoulder will require pavement to within a foot of the right-of-way.

3. **<u>Revenue Generated:</u>** There will not be any revenue generated by the use of state land for this easement.

4. **<u>Intended Use – Public or Private:</u>** The intended use is for vehicular and utility access to the property from the FDOT right-of-way and will be for both public and private use. The roadway and some utilities will ultimately be dedicated to the City of Titusville for public use.

5. **<u>Type of Facility Proposed:</u>** the use of the requested easement is for roadway and utility crossings to private property. The utilities may include but not be limited to potable water, sanitary sewer, storm drainage, electric power, phone, cable and gas. The roadway and some utilities will ultimately be dedicated to the City of Titusville for public use.

Klein, Matt

From: Rodney Honeycutt, P.E. [rodney@honeycutt.cc]
Sent: Monday, November 14, 2011 12:25 PM
To: Klein, Matt
Subject: Cerrato Family Partnership Trail Crossing Application
Attachments: Cerrato Silver Star Access Denial Letter.pdf

Matt,
Please find attached a letter from the city of Titusville that denys the Cerrato's an access to Silver Star Road. We previously provided you w/city council minutes that Georgia Avenue access was not allowed. Hopefully this will allow you to continue to process our application to cross the Trail w/an access to US1 as previously approved by FEC when it was a railway.
Please call if you have any questions.
thanks,
Rodney

City of Titusville
DEVELOPMENT SERVICES
555 S. WASHINGTON AVE
TITUSVILLE, FL 32796

TITUSVILLE, FLORIDA
FOUNDED 1867
TEL (321) 383-5782
FAX (321) 383-5700

November 14, 2011

Rodney M. Honeycutt, P.E.
Honeycutt & Associates, Inc.
5195 South Washington Ave.
Titusville, FL 32780

RE: Cerrato Medical Park
City project 07-93

Dear Mr. Honeycutt:

As you know, about three years ago we explored in detail the possibility of upgrading Silver Star Road for use as an access point to this project and determined that it was not feasible for the following reasons:

1. The existing road surface is within a variable width, prescriptive right-of-way that is too narrow to construct a city standard local street. City of Titusville code section 39-40 (b)(2) requires that local and marginal access streets have a minimum width of 26 feet from back of curb to back of curb.
2. The extensive efforts by the City, Mr. Cerrato's attorney and yourself, to acquire land in and around the prescriptive right-of-way that would allow Silver Star Road to be upgraded to city standards were unsuccessful.
3. The portion of Mr. Cerrato's property across the prescriptive right-of-way is not deep enough to allow Silver Star Road to be upgraded city standards.

If you have any questions, please call me at (321) 383-5823.

Sincerely,

L.V. "Woody" Rice, P.E., CFM
Director of Development Services, City Engineer

cc: Dr. Walter Cerrato, MD

City Council
Regular Meeting
January 8, 2008

The City Council of the City of Titusville met in regular session in the Council Chamber of City Hall, 555 South Washington Avenue, on Tuesday, January 8, 2008.

xxx

Mayor Ron Swank called the meeting to order at 6:50 p.m. Present were Mayor Swank, Vice-Mayor Paul Secor and Members Conrad Eigenmann, Walt Johnson and Jim Tulley. Also present were City Manager Mark Ryan, City Attorney Dwight Severs and City Clerk Wanda Wells. Assistant City Clerk Johnny Bledsoe completed the minutes.

xxx

City Attorney Severs asked those present to remember former council member and police officer Charles Davis who had recently passed away. Mayor Swank asked for a moment of silence then led those present in the Pledge of Allegiance to the Flag. Mayor Swank then reviewed public speaking procedures for the meeting.

xxx

Mayor Swank announced that staff requested the public hearing on the first amendment to the Sandy Pointe Developers Agreement be tabled to the regular meeting on January 22, 2008.

Motion:
Member Eigenmann moved to table consideration of the First Amendment to the Sandy Pointe Developers Agreement to January 22, 2008. Member Tulley seconded the motion and it carried unanimously.

xxx

Minutes – Mayor Swank announced that an addendum to the minutes of the regular meeting on December 11, 2007 was provided to council prior to the meeting.

City Clerk Wanda Wells clarified the addendum was published due to corrections made to the minutes of the December 11, 2007 regarding the public hearing on Small Scale Amendment No. 15-2007 and also to correct a scrivener's error.

Motion:
Member Tulley moved to approve the minutes of the regular meeting on December 11, 2007 as corrected in the published addendum, and special meeting on December 4, 2007, and noted a scrivener's error for correction on page 11 of the December 11, 2007 minutes. Member Johnson seconded the motion. The motion carried unanimously.

xxx

Special Recognitions and Presentations:

Recognition of Employees for the Spaceview Park Holiday Decorations – City Manager Ryan recognized employees of the Public Works Department who were involved with the design and installation of the holiday decorations. A brief video of the installation of the lights was played. Mayor Swank commented on the good job the employees did and thanked them. Those employees recognized were Jim Herron, Joey Arena, Kevin Cook, Gary Culbertson, Rodney Ladd, Mark Leslie, Bryan Michaud, Pat Moore, Karen Richards and Scott Selph.

xxx

Titusville Police Department's 2007 Year-End Report – Police Commander Mel Williams invited members of the public to the Police Department's presentation of their 2007 year end report on January 24, 2008 from 7:00 p.m. to 9:00 p.m. in the council chamber of City Hall. Commander Williams highlighted the goal of the presentation was to provide citizens a better understanding of the Police Department's mission, duties and commitment to the citizens of Titusville, and to serve as a resource guide for those seeking information about the department.

xxx

Letters of Appreciation – City Manager Ryan read the names of the following employees that received letters of appreciation:

Fire and Emergency Services –

Mike Abernathy	Robert Allard	Alex Barna	Reggie Belle
Daryle Blankenship	Matt Bowman	Jerry Brown	Lisa Caron
Rusty Carpentier	Doug Chamberlain	Justin Chase	Mike Chiles
Dave Cody	Alan Colquhoun	Bob Crocker	Scott Einkoph
Bill Feagon	Jerry Ford	Tiffany Ford	Scott Gaenicke
Jeff Harris	David Higginbotham	Shawn Holbrook	Jeremy House
Matt Johnson	Phil Jones	Wally Kohler	Bridget Kozielski
Brian Litterilla	Brian Marfitt	Randy Moore	Frank Neeld
Doug Neeld	LaWanda Park	Diane Parker	Rodney Perry
Don Pierce	Lucas Senger	Brook Smith	Brian Strong
Chris Threlkeld	Adam Vaknin	Dave Williams	Mike Woodward

Police Department –

Paul Butler	Tracey Glover	Jon Hurley	Telly Joiner
Sara Kane	Sheri Knapp	Larry Larson	Lawrence Larson II
Dave McCourt	Marie Mion	Sarah Schwartzott	Connie Sparks
Lincoln Strom			

Public Works Department –

Joey Arena	Andre Britt	Kevin Cook	Gary Culbertson
DJ Dublin	Troy Henley	Bill Hughes	Rodney Ladd, Jr.
Mark Leslie	James Lowder	Larry Mack	Bryan Michaud
Pat Moore	Curtis Murray	Dennis Pouncy	Mike Redman
Karen Richards	Scott Selph		

xxx

Community Environmental Award –Titusville Environmental Commission Chairman Dean Pettit presented the Community Environmental Award to the Titusville Men's Garden Club for their participation in the Arbor Day and Earth Day activities in which they distributed over 5000 trees within the last five years. Mr. Pettit read from the organizations' nomination and presented a plaque to Earl Ferguson, representing the Titusville Men's Garden Club. Mayor Swank commented on the efforts of the Titusville Men's Garden Club and highlighted the donation of trees for the annual earth day activities.

xxx

Boards and Commissions:

Titusville Environmental Commission Semi-Annual Report – Chairman Dean Pettit gave the Titusville Environmental Commission Semi-Annual Report, which highlighted research being conducting regarding conservation lands criteria and definitions, green municipality strategies and wellfields habitat management. Mayor Swank and Mr. Pettit discussed the rare Dicerandra thinicola plant found only it certain locations in Titusville.

Motion:
Member Eigenmann moved to accept the Titusville Environmental Commission Semi-Annual Report as presented. Member Tulley seconded the motion and it carried unanimously.

xxx

Board of Adjustments and Appeals – Mayor Swank outlined the Board of Adjustments and Appeals had a vacancy for a regular member. Alternate Member Kathleen Burson requested consideration for appointment to fill the vacancy. City Manager Ryan reported two additional applications for consideration were received on January 7, 2008. Mayor Swank clarified applications were to be received five days prior to consideration, but the City Code contained a provision that council could waive the requirement.

Motion:
Member Eigenmann moved to accept the two additional applications from Martha Long and Dina Beloh-Sayre in order to be considered for appointment to the Board of Adjustments and Appeals. Member Tulley seconded the motion and it carried unanimously.

Motion:
Member Tulley moved to appoint Alternate Member Kathleen Burson as a regular member to the Board of Adjustments and Appeals for a term to expire on July 31, 2008. Member Eigenmann seconded the motion. Member Johnson felt the newly received applications should be given their due diligence.

Motion:
Member Johnson moved to table the appointment to the next regular meeting on January 22, 2008. Vice-Mayor Secor seconded and the motion failed by a vote of 3 to 2 with Mayor Swank, Member Eigenmann and Member Tulley opposed.

Mayor Swank supported tabling the appointment of an alternate member to the regular meeting on January 22, 2008. Member Johnson commented on the uniqueness of this board and felt it was important not to make a decision prior to reviewing the new applications received on January 7, 2008.

Mayor Swank clarified the motion on the floor was to appoint Alternate Member Kathleen Burson as a regular member to the Board of Adjustments and Appeals for a term to expire on July 31, 2008.

Vice-Mayor Secor felt council should not rush the process and supported taking time to review the newly submitted applications.

Mayor Swank reviewed the motion on the floor was to appoint Alternate Member Kathleen Burson as a regular member to the Board of Adjustments and Appeals for a term to expire on July 31, 2008. The roll call was:

Member Tulley	yes
Vice-Mayor Secor	no
Mayor Swank	yes
Member Eigenmann	yes
Member Johnson	no

The motion carried by majority with a 3 to 2 vote with Vice-Mayor Secor and Member Johnson voting opposed. Mayor Swank commented on difficulties faced as members of the Board of Adjustments and Appeals.

Motion:
Member Johnson moved to appoint Dina Beloh-Sayre as an alternate member to the Board of Adjustments and Appeals for a term to expire July 31, 2008. Vice-Mayor Secor seconded the motion.

Discussion ensued regarding allowing additional time to review the applications that were received on January 7, 2008 for the appointment of the alternate member.

Motion:
Member Tulley moved to table appointing an alternate member to the Board of Adjustments and Appeals to the regular meeting on January 22, 2008. Member Eigenmann seconded the motion and it carried unanimously

xxx

Municipal Code Enforcement Board – Mayor Swank outlined staff's request that council appoint two regular members to the Municipal Code Enforcement Board for terms to expire on October 31, 2008 and October 31, 2009.

Motion:
Member Tulley moved to appoint James Devine as a regular member to the Municipal Code Enforcement Board for a term to expire October 31, 2009 and to appoint Patricia Bell as a regular member to the Municipal Code Enforcement Board for a term to expire October 31, 2008. Member Johnson seconded the motion and it carried unanimously. Mayor Swank congratulated each appointee that was present at the meeting.

xxx

Student Advisory Council –

Motion:
Member Eigenmann moved to appoint the following students as recommended to the Student Advisory Council:

Adrianne Alexander – Sophomore Class Representative – Titusville High School
Erica Halvorson – Freshman Class Representative – Titusville High School
James Thompson – Freshman Class Representative – Astronaut High School

Member Tulley seconded the motion and commented on his attendance at a recent meeting of the Student Advisory Council where he felt the students were doing a wonderful job. He also commented on their plans to host a leadership seminar in the spring. The motion carried unanimously.

xxx

Petitions and Requests from the Public Present (Open Forum) – Pete Petyk, 1237 Little Oak Circle, commented on concerns with perceived City financial obligations to the General Employees' and Police and Fire Fighters' Pension Plan investment return assumptions.

Mayor Swank commented on financial processes relative to the City pension plans. Member Johnson commented on recent adoption of legislation regarding retiree cost of living adjustments.

Motion:
Member Eigenmann moved to allow Mr. Petyk an additional minute to speak. Member Tulley seconded the motion and it carried unanimously.

Mr. Petyk suggested the City seek protection, such as a cap, to limit City financial responsibilities if future investment assumptions were not realized. City Manager Ryan commented on certification practices by the state relative to meeting requirements of the *statutes* regarding the administration of the pension plan.

Maureen Rupe, President of the Partnership for a Sustainable Future, commented on recent actions by the St. Johns River Water Management District regarding potable water and its affects on the aquifer such as salt water intrusion. Ms. Rupe highlighted the future Taylor Creek Water Production Project and its proposed affect on the flow of the St. Johns River in Jacksonville. She felt mismanagement by leaders has negatively affected Florida's water supply.

Motion:
Member Eigenmann moved to allow Ms. Rupe an additional ten seconds to speak. Vice-Mayor Secor seconded the motion and it carried unanimously.

Mayor Swank commented on studies conducted to provide alternatives for clean drinking water, desalinization processes, and associated costs. Member Tulley commented on future possibilities of desalinization facilities. City Manager Ryan commented on reports of the future Hillsborough County Desalinization Plant being behind schedule and far over budget. Member Eigenmann felt conservation was much cheaper. Mayor Swank commented on the conservation efforts by the City.

xxx

Consent Agenda –

Motion –
Member Johnson moved to approve Consent Agenda Items A through E in accordance with recommendations. Member Tulley seconded the motion. Member Johnson read consent agenda items as follows:

A. Approve the purchase of a hydraulic wheeled excavator (Gradall model XL3100) with options under Florida State Contract 760-001-08-1 from Great Southern Construction Equipment Company, Orlando, Florida in the amount of $249,494 as funded through an approved capital outlay request.

B. Approve a budget amendment and authorize the purchase of a 2008 Ford Escape vehicle for the Support Services Department for use by MIS technicians. The vehicle will be purchased off the Sheriff's Bid State Contract at a price of $13,970 plus the cost for insurance and gasoline and maintenance cost for a total of $17,515, as funded through a reprogramming of allocated funds within the FY 2008 adopted budget for Support Services/MIS.

C. Approve the purchase of seventeen (1) Mobile – 800 Mhz Radios equipped with Pro-voice, Digital Encryption and accessories from Communications International, Inc. (CII) of Vero Beach, Florida as part of the police radio replacement plan, approved through the FY 07-08 Budget Process – Capital Outlay, at a cost not to exceed $68,128.75.

D. Authorize the City to accept the donation of property located at Sunvalley Lot 26, Block 65.

E. Approve a new lease agreement with Early Learning Coalition of Brevard County, Inc., a non-profit tenant, at the Harry T. Moore Social Services Center and authorize the Mayor to execute the agreement.

The motion carried unanimously.

xxx

Ordinances – Second Readings, Public Hearings and Related Action:

Ordinance No. 74-2007 - Pension Ordinance Revision – City Attorney Severs read Ordinance No. 74-2007, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 15-26 "DEFINITIONS" AND SECTION 15-126 BY CHANGING THE DEFINITION OF SALARY TO EXCLUDE FROM SAID DEFINITION REIMBURSEMENT OF EXPENSES OR PAYMENTS OF EXPENSE ALLOWANCES FOR SUCH ITEMS AS CAR ALLOWANCES; CELL PHONE ALLOWANCES, CLOTHING ALLOWANCES, SAFETY AWARD, TRAVEL REIMBURSEMENT, ETC.; AND PROVIDING FOR AN EFFECTIVE DATE, the second time by title only.

City Manager Ryan outlined the proposed Ordinance No. 74-2007, which if approved, would change the definition of salary for purposes of the General Employees and Police Officers' and Firefighters' Pension Plans. He highlighted the definition would be the same in both plans. City Manager Ryan advised the General Employees Pension Board previously had recommended the change and, submitted a memorandum discussing such, specifically outside employment.

Mayor Swank opened the public hearing. With no citizens desiring to speak, Mayor Swank closed the public hearing.

Motion:
Member Johnson moved to approve Ordinance No. 74-2007 as submitted. Vice-Mayor Secor seconded the motion and the roll call was:

Vice-Mayor Secor	yes
Mayor Swank	yes
Member Eigenmann	yes
Member Johnson	yes
Member Tulley	yes

The motion carried unanimously.

xxx

Ordinance No. 1-2008 Amending the Regional Mixed Use Zoning District – City Attorney Severs read Ordinance No. 1-2008, AN ORDINANCE OF THE CITY OF TITUSVILLE, AMENDING SECTION 59-781 OF THE LAND DEVELOPMENT REGULATIONS BY ADDING THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT AS AN UNDERLYING ZONING DISTRICT TO THE RMU 200 DISTRICT OF THE REGIONAL MIXED USE ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE, the second time by title only.

Mayor Swank announced it was the first of two public hearings with the second and final public hearing scheduled for January 22, 2008.

City Manager Ryan outlined Ordinance No. 1-2008, which if approved, would accommodate the request by the property owner of the Sandy Pointe development to allow for longer, narrower lots that would be 65 to 75 feet wide. He highlighted that an amendment to the approved plan would require an amendment to the Developers Agreement, which was an agenda item for the regular meeting on January 22, 2008.

Mayor Swank opened the public hearing.

John Evans, 1712 South Washington Avenue, representing the developer of Sandy Pointe, was present to answer questions. He supported the proposed project and adoption of the ordinance. Mr. Evans advised council that construction on the property was scheduled to begin soon.

Mayor Swank closed the public hearing.

Member Tulley commented on past suggestions to the developer for increasing single-family lots along the river.

xxx

<u>Old Business:</u> - <u>Waterfront Recreation and Trails Master Plan</u> – City Manager Ryan reviewed staff's recommendation the council approves the Waterfront Recreation and Trails Master Plan. He highlighted the plan's revisions including removal of the viewing piers and a number of clarifications regarding the implementation schedule and grants. City Manager Ryan advised the revisions were in response to City Council concerns expressed at the November 13, 2007 meeting.

Member Johnson commented on his desire to remove viewing stands from the water line due to possible future damage. He commented on alternatives for viewing areas and felt certain piers were not designed for viewing and felt parks should be made as convenient as possible for citizens. Planning and Growth Management Director Courtney Harris commented on alternative language to address the expansion of upland piers for use as viewing piers if funding permitted and the grant application processes for conceptual design.

Member Tulley agreed with Member Johnson and felt there should be less viewing area on the water level. He suggested a "virtual hillside" viewing area be considered. Ms. Harris clarified that certain piers had to remain in the plan due to grant requirements. Member Tulley complimented staff and the consultant for their efforts in preparing the plan.

<u>Motion</u>:
Member Tulley moved to approve the plan with the concept of ~~virtual hillsides~~ <u>tier viewing</u>. Member Eigenmann seconded the motion and it carried unanimously. *(Corrected by Member Tulley at the regular meeting on January 22, 2008.)*

Mayor Swank requested the estimated annual maintenance costs and asked whether Brevard County would absorb the costs. Planning and Growth Management Director Courtney Harris advised that staff continued to have discussions with Brevard County and staff would continue to review the maintenance agreement. Ms. Harris advised she would provide replacement pages for council's hard copies of the plan.

xxx

New Business:

Sketch Plat – Lonsdale Subdivision – City Manager Ryan outlined staff's request that council approve the sketch plat of the proposed Lonsdale subdivision, which if approved, would be located at the southeast corner of Tropic Street and Hillcrest Avenue; the project would consist of 14 single-family lots on 4.55 acres, and zoned Single-Family Medium Density Residential (R-1b) and that it satisfied all zoning and height, yard and area requirements.

Rick Kern, Melbourne, representing the applicant was present to answer question and advised council the applicant concurred with staff's findings.

Mayor Swank and Member Tulley each asked Mr. Kern stormwater management related questions. Mr. Kern clarified that stormwater would be contained on the site and past stormwater retentions plans were no longer satisfactory and it would be updated for the site.

Motion:
Member Tulley moved to approve the Lonsdale Subdivision Sketch Plat as submitted. Member Johnson seconded the motion and it carried unanimously.

xxx

Sketch Plat – Cerrato Medical Park – City Manager Ryan outlined staff's request that council approve the sketch plat of the proposed Cerrato Medical Park, which if approved, would be located west of H.S. Highway 1, north of Silver Star Road. He highlighted the project would consist of 16 commercial lots on 13.31 acres that was zoned Hospital Medical (HM) and it satisfied all zoning, height, yard and area requirements. Mayor Swank disclosed the property was located one block from his residence.

Rodney Honeycutt, 5195 South Washington Avenue, representing the applicant, outlined the proposed project and commented on the many difficulties faced by the applicant and City staff in establishing a site design for the property. He made himself available for questions. City Engineer Woody Rice clarified tree replacement mitigation requirements.

Member Tulley commented on proposed traffic patterns and asked staff to outline objections received by members of the Planning and Zoning Commission. City Engineer Woody Rice clarified objections from the Planning and Zoning Commission was rather broad based and included compatibility with comprehensive plan objectives and sustainability issues.

Mayor Swank commented on a "stub-out" connector to Georgia Avenue and suggested a footnote be added to the sketch plat that would read that Georgia Avenue was not being planned for an extension.

Motion:
Member Johnson moved to approve the sketch plat for the Cerrato Medical Park as modified to include a footnote that Georgia Avenue was not being planned for an extension. Member Tulley seconded the motion and it carried unanimously.

xxx

Petitions and Requests from the Public Present (Open Forum) – No citizens desired to speak.

xxx

Mayor and Council Reports – Mayor Swank submitted his written report.

Member Tulley announced he would no longer hold his regular meetings with citizens on the Monday prior to council meetings. He encouraged citizens to continue emailing him or contacting him via telephone. Member Tulley commented on how glad he was to serve as liaison to the Student Advisory Council.

xxx

City Manager's Report:

City Manager Ryan submitted his written report.

Prioritization of Riverfront Land Acquisition – City Manager Ryan outlined that at the October 9, 2007 City Council meeting council, staff discussed the development of a priority list for acquisition of riverfront property utilizing the remaining funds from the Riverfront Land Acquisition Bond proceeds. He reported that in FY 07/08, the City had $600,000 of those funds remaining for continued land acquisition. City Manager Ryan gave council a list of available parcels to assist in ranking them by priority for possible future purchase.

City Manager Ryan also reported that City Attorney Severs received a telephone call from representatives of Paul's Smokehouse (3665 S. Washington Ave.) indicating their desire to sell their property to the City. In addition to Mr. Severs' telephone call, City Manager Ryan received a telephone call from representatives of the Kodski property (former Howard Johnson's Hotel – 1829 Riverside Drive) indicating they would be a willing seller to the City.

Council discussed the prioritization of riverfront land acquisition. The discussion included ensuring the issue was community run, focusing on properties in Window 1, acquiring the more expensive properties first, exploring the possibility of easements for various parcels, and obtaining current asking prices for properties located at 3665 South Washington Avenue (Paul's Smokehouse) and 1829 Riverside Drive (Former Howard Johnson's Hotel – Kodsi property).

xxx

Summer Recess – City Manager Ryan reported that in 2007 council implemented a summer recess by canceling the first regular meeting in June. He advised that if council desired to continue the program in 2008, it was staff's recommendation that the June 10, 2008 regular meeting be cancelled, which would provide council with a summer recess from May 28 to June 24, 2008.

Member Tulley clarified the original intent of the recess was to cancel a meeting associated with a skip week to give council and staff a five-week break. City Manager Ryan clarified that canceling the June 10, 2008 meeting was the best fit for staff.

Motion:
Member Tulley moved to cancel the June 10, 2008 regular meeting to allow for a summer recess. Member Johnson seconded the motion and it carried unanimously. Mayor Swank clarified the cancellation included canceling the June 10, 2008 meeting of the Community Redevelopment Agency.

xxx

Letter Requesting Sponsorship of Legislation Amending Florida Statutes Chapter 856.015 – City Manager Ryan outlined a sample draft letter from council to candidates for the Florida House of Representatives Seat #32, requesting commitment from each candidate to sponsor legislation amending *Florida Statutes* Chapter 856.015 by enhancing the penalty for violating the Open House Statutes, increasing the penalty from a second degree misdemeanor to a first degree misdemeanor. City Manager Ryan requested authorization for the entire council to sign the letter and send it to each announced candidate for Seat #32 in the Florida House.

Mayor Swank supported the request and asked if a resolution would be necessary. City Manager Ryan clarified a resolution was not necessary.

Motion:
Member Johnson moved to authorize a letter, signed by each member of council, requesting sponsorship of legislation amending *Florida Statutes* Chapter 856.015 as requested. Vice-Mayor Secor seconded the motion and it carried unanimously.

xxx

Area IV Well Field Monitoring Sites Change Order Request – City Manager Ryan outlined staff's request that a Change Order for additional survey work related to the Area IV Well Field Wetland Monitoring Sites be authorized to GCY, Inc. in the amount of $24,000. Member Tulley asked whether the issue could be made an agenda item on a future meeting agenda. City Manager Ryan clarified that the consultant requested immediate approval in order for the survey work to move forward. City Attorney Severs advised that additional requirements made the requested action necessary.

Motion:
Member Johnson moved to authorize a change order to GCY, Inc. in the amount of $24,000 for additional survey work related to the Area IV Well Field wetland monitoring sites. Member Tulley seconded the motion and it carried unanimously.

xxx

City Manager Ryan reported that two of the four Community Budget Issue Requests (CBIR) submitted by the City has been forwarded to the legislature for consideration by Representative Ralph Poppel's office. The two CBIRs were: 1) Area IV Wellfield Project, Future Water, $2,000,000; and, 2) Space Coast Regional Biosolids Dryer, $1,500,000

xxx

Mayor Swank outlined upcoming special meetings were as follows:

- January 15, 2008 – 6:30 p.m. – Council Chamber – CDBG and HOME Funding Requests
- January 26, 2008 – 9:00 a.m. to 3:00 p.m. – Parrish Medical Center – Strategic Planning Workshop

Member Tulley advised that he would be absent for the morning portion of the workshop on January 26, 2008, but would be present for the afternoon portion.

xxx

Vice-Mayor Secor commented on the difficulty of having CIBR requests selected for submission to the legislature for funding consideration.

xxx

City Attorney's Report – City Attorney Severs advised council that the closing on the sale of the old downtown fire station had occurred.

City Attorney Severs reported that the property known as "inspiration point" was abandoned and in foreclosure. He advised that the City was attempting to secure authorization to issue trespass warnings and he commented on recommendations made to the Municipal Code Enforcement Board regarding future code violation enforcement.

xxx

City Manager Ryan outlined staff's request that council consider scheduling a special meeting on Tuesday, January 29, 2008 in order to conduct a workshop on the upcoming Interlocal Agreement with the Brevard County School Board regarding concurrency. Council discussed starting times and location of the workshop.

Motion:
Member Tulley moved to authorize a special meeting to be held on January 29, 2008 at 5:00 p.m. to discuss the interlocal agreement with the Brevard County School Board, to be held at the multi-purpose room located on the second floor of Fire Headquarters across from City Hall. Member Johnson seconded the motion and it carried unanimously.

xxx

With there being no further business, Mayor Swank declared the meeting adjourned at 9:00 p.m.

Ronald G. Swank, Mayor

ATTEST:

Wanda F. Wells, City Clerk

City of Titusville

555 SOUTH WASHINGTON AVENUE
TITUSVILLE, FLORIDA 32796-3584
POST OFFICE BOX 2806 (32781-2806)

PLANNING DEPARTMENT
(321) 383-5825
Fax (321) 383-5700
"A City of Service"
www.titusville.com

September 7, 2011

Board of Trustees of the
Internal Improvements Trust Fund
Bureau of Public Land Administration
3800 Commonwealth Boulevard
Tallahassee, Florida 32399-3000, MS 130

RE: Easement Request
Cerrato Medical Park

Ladies and Gentlemen:

This letter is to confirm that the proposed commercial driveway easement over State property for the Cerrato Medical Park as shown on the attached drawing is consistent with the City of Titusville Comprehensive Plan adopted pursuant to section 163-3167, Florida Statutes.

Yours truly,

Courtney Barker, AICP
Executive Director

City of Titusville

555 SOUTH WASHINGTON AVENUE
TITUSVILLE, FLORIDA 32796-3584
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September 7, 2011

RECEIVED SEP 18 2011

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Executive Director

UPLAND EASEMENT APPLICATION
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

This application is to be used in order to apply for easement interest in land, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees). If you have any questions, after reading this application form, you may call (850) 245-2720 for assistance. **Mail application to: Department of Environmental Protection, Division of State Lands, Bureau of Public Land Administration, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, MS 130.**

SPECIAL NOTE TO ALL APPLICANTS: SUBMITTAL OF A COMPLETE APPLICATION SHALL NOT OPERATE TO CREATE ANY RIGHTS OR CONSTITUTE ANY GROUNDS FOR THE DEPARTMENT TO RECOMMEND APPROVAL OF ANY EASEMENT. THE BOARD OF TRUSTEES HAS THE AUTHORITY AND RESERVES THE RIGHT TO DENY ANY EASEMENT APPLICATION. ALL COSTS INCURRED BY APPLICANTS COMPLYING WITH THE REQUIREMENTS OF THIS APPLICATION SHALL BE AT THEIR OWN RISK. COSTS ASSOCIATED WITH OBTAINING AN EASEMENT ARE NON-REFUNDABLE AND SHALL BE ASSUMED BY THE APPLICANT INCLUDING, BUT NOT LIMITED TO, ALL APPRAISALS, ALL SURVEYS, ALL TITLE SEARCHES, AND ALL RECORDING FEES.

PRIOR TO COMPLETING THE APPLICATION, PLEASE BE ADVISED THAT:
Any application to use state land which would result in significant adverse impact to state land or associated resources shall not be approved unless the applicant demonstrates there is no other alternative and proposes compensation or mitigation acceptable to the Board of Trustees pursuant to paragraph 18-2.018(2)(i), Florida Administrative Code. Any requested use of state land which has been acquired for a specific purpose, such as conservation and recreation lands, shall be consistent with the original specified purpose for acquiring such land pursuant to paragraph 18-2.018(2)(c), Florida Administrative Code. Applicants applying for an easement across state land which is managed for the conservation and protection of natural resources shall be required to provide net positive benefit as defined in subsection 18-2.017(38), Florida Administrative Code, if the proposed easement is approved.

Type of Easement: ¡ Private ¡ Federal, Regional or Local Agency ¡ State Agency

Applicant Information:
Name: Corrato Family Partnership, LTD Walter A. Corrato Home Phone: ______
Mailing Address: 3750 Raney Rd. Work Phone: ______
City: Titusville State: FL Zip: 32780 Fax Number: ______
Email Address: wcerrato@bellsouth.net

Representative Information: Only complete if someone will be handling this transaction on your behalf.
Name: Honeycutt & Associates, Inc. Rodney M. Honeycutt, P.E. Home Phone: ______
Mailing Address: 5195 S. Washington Ave. Work Phone: (321) 267-6233
City: Titusville State: FL Zip: 32780 Fax Number: (321) 269-7847
Email Address: rodney@honeycuttcc

Property Information:
County: Brevard Property Appraiser's Parcel Number: 21-35-33-00-00255.0-0000.0 21-35-33-00-00329.0-0000.0
Section: 33 Township: 21 Range: 35 Zoning Designation: HM (Hospital Medical)
Intended Use of Property: Medical Office Subdivision

Include the Following with the Application: Please check all that are included

✓ **(Private Easements Only)** A check in the amount of $300 made payable to the Department of Environmental Protection. This fee in non-refundable.
✓ **(Private Easements Only)** A written commitment to pay an easement fee based on the appraised market value of the proposed easement.
____ **(Local Governments Only)** A formal resolution adopted by the Board of County/City Commissioners requesting the proposed easement.
✓ Recent aerial photograph with the boundaries of proposed easement area identified.
✓ A statement describing the public benefits that will occur as a result of the proposed easement.
____ A letter from the applicable local planning agency stating that the proposed easement is consistent with the local government Comprehensive plan adopted pursuant to section 163-3167, Florida Statutes.
✓ A county tax map identifying the parcel proposed for easement.
____ Two prints of a certified survey of the easement area meeting the minimum technical standards of Chapter 61G17-6 Florida Administrative Code, which contain the boundaries, legal descriptions, and acreage of the property.
____ A statement of written approval from the managing agency along with a statement from the managing agency describing how the proposed easement conforms to the management plan when the easement application involves state land which is under lease, sublease, easement, or management agreement.
✓ Applications for easements across state land shall include a statement of intended use which shall include, at a minimum, the following:

1. The requested term for the proposed easement which shall not be greater than is necessary to provide for the reasonable use of the state land.
2. The need for the proposed easement and written evidence that all other alternatives to the use of state land have been denied.
3. Projected revenue to be generated from the use of the state land.
4. Whether the intended use is public or private and the extent of public access for such use.
5. A description of the type of facility proposed for the easement area (e.g. road, overhead utility, pipes, etc.)

******General Information:*** *The granting or approval of an easement that will negatively affect the Board of Trustees' ability to manage uplands in a manner that achieves maximum public benefit will be discouraged pursuant to paragraph 18-2.018(2) (h), Florida Administrative Code. The successful grantee shall assume all liability for the property covered by the easement.*

MONEY DEPOSIT INFORMATION SHEET
Bureau of Public Land Administration
Internal Improvement Trust Fund Deposits (408001)
(THIS FORM MUST BE COMPLETELY FILLED OUT)

Upland Lease # or Easement # with suffix if applicable: # 32414

Upland Lease # are 4 digit + 2 for suffix and Easement # are 5 diget

Name: Cerrato Family Partnership

Address: 3750 Raney Road
Titusville Fla. 32780

$	Object Code 001015	☐	New Lease 300.00 yr or 25.00 per month
$	Object Code 001025	☐	Upland Application/Processing Fee 300.00
$ $300.00	Object Code 001101	X	Upland Easement Application/Processing Fee 300.00
$	Object Code 021046	☐	Upland Easement Fee based on value
$	Object Code 021046	☐	Upland Electric Transmission Easement Fee based on value 1X=IITF
$	Object Code 021046	☐	Upland Electric Transmission Easement Fee based on value 2X=**Florida Forever**

Please complete this Money Deposit Information Sheet when depositing funds for BPLA and send it to: Bureau of Public Land Administration, MS 125, Fax# 850-245-2761 (SC Fax 205-2761). All funds deposited for BPLA must balance with Finance & Accounting each month. If you have any questions about where the funds should be deposited, please call Mary Upchurch or Susan Riggs at 850-245-2720 (SC 205-2720) or e-mail them at [first.lastname@dep.state.fl.us].
(rev.07/07/2009)

CERRATO FAMILY PARTNERSHIP, LTD
3750 RANEY RD
TITUSVILLE, FL 32780

2172

63-751/631
BRANCH 00621

DATE 8-11-11

PAY TO THE ORDER OF Dep't Environmental Protection $ 300.00

Three hundred 00/100 DOLLARS

Security Features Details on Back.

WACHOVIA
Wachovia Bank, a division of Wells Fargo Bank, N.A.

FOR Cerrato Med. Park

MP

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