

Melbourne-Tillman Water Control District



Board Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, DECEMBER 3, 2024

9:00 AM



Call to Order Joe Hale, Vice President

Pledge of Allegiance Joe Hale, Vice President

Roll Call Lisa Blackett

Board Members:

Joseph Hale (Palm Bay September 30, 2025)

Brant Hoffman (Brevard County September 30, 2025)

Keith Jerdon, (West Melbourne September 30, 2027)

Don Jordan, (Palm Bay September 30, 2026)

Drew Powshok (Brevard County September 30, 2025)

Jay Woltering (Brevard County September 30, 2025)

Staff & Support: Rick Nipper, District Manager

Lisa Blackett, Assistant Manager/Administration,
Secretary/Treasurer

Jim Beadle, District Attorney

Recognition of Guests and Staff

Bo Rainbolt, Assistant Manager/ Operations

Mike McCabe, District Engineer

Debra Gutierrez, Owner of Fulcher Property

Jake Wise, Construction Engineering Group (CEG)

Melbourne-Tillman Water Control District

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9:00 AM

Announcements

- Mike McCabe has reached his 10-year anniversary of employment with the District.
- The City of Palm Bay Board Member Appointment
- The District's Christmas Party will be held on December 19, 2024 at Fred Poppe Park Pavilion at 12:00 pm. (Attachment 1)

Public Comments

Presentations

- None.

Regular Business

- Approval of the minutes of the October 22, 2024 MTWCD Board of Director's Meeting (Attachment 2)
- Approval of the Operating Statement through October 31, 2024 (Attachment 3)

New Business

- The Annual Election of Board Officers (President, Vice-President, Secretary/Treasurer and District Attorney)
- Request to approve Holiday Hours of Operation
- Debra Gutierrez, Fulcher Property on C-85 (Attachment 4)
- Jake Wise, Cypress Bay parallel use C-41 (Attachment 5)

Old Business

- AT&T Parallel Installation C-51, continued from June 27, 2023 – final update

Budget

- None

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, DECEMBER 3, 2024

9:00 AM

Staff Reports

- District Manager's Report, Rick Nipper
- Engineer's Report, Mike McCabe
- Assistant Manager/Operations Report, Bo Rainbolt
- Attorney's Report, Jim Beadle
- Secretary/Treasurer's Report, Lisa Blackett

Closing

- Meeting Schedule – The next Board Meeting is scheduled for Tuesday February 25, 2025 at 9:00 am in the City of West Melbourne Council Chambers.
- Board Member Reports
 - Joe Hale*
 - Brant Hoffman*
 - Keith Jerdon*
 - Don Jordan*
 - Drew Powshok*
 - Jay Woltering*
- Adjourn

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the Melbourne-Tillman Water Control District Board of Directors with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual will need to ensure that a verbatim transcript of the proceedings is made,

In accordance with the Americans with Disabilities Act and Section 286.26, FSS, persons needing special accommodations for this meeting shall within reasonable time, prior to this meeting, contact the Office of the Secretary to the Board of Directors, (321)-723-7233.

Attachment

1



Christmas Party

Melbourne Tillman Water

Control District's

2024 Christmas Party

will be held

Thursday, December 19, 2024

at Ted Whitlock Community Center

Fred Poppe Park

370 Championship Cir NW

Palm Bay, FL 32907

12:00 pm—2:00 pm

Please RSVP 723-7233 by December 16, 2024

Attachment

2

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

October 22, 2024

CALL TO ORDER

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Joe Hale, Vice President on Tuesday, October 22, 2024 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by all present.

ROLL CALL

The following Board Members were present:

Joe Hale, Vice President
Drew Powshok
Brant Hoffman
Keith Jerdon
Jay Woltering

Absent Don Jordan

Also present: Rick Nipper, District Manager
Lisa Blackett, Assistant Manager/Administration/Secretary/Treasurer
Jim Beadle, District Attorney

RECOGNITION OF GUESTS/VISITORS/STAFF

Bo Rainbolt, Assistant Manager of Operations
Mike McCabe, District Engineer
Scott Glaubitz, BSE Consulting
Phil Weinberg

ANNOUNCEMENTS

The Manager announced Keith Jerdon had been re-appointed by the West Melbourne City Council to the Board and his term will expire on September 30, 2027. He added that the City of Palm Bay had not appointed a Board member to replace Phil Weinberg whose term expired September 30, 2024.

The Manager reported the District's budget was approved by the Brevard County Commission during public hearings on September 10, 2024 and September 24, 2024.

The Manager reported the District's annual inventory had been conducted on October 7, 2024 with no discrepancies noted by Board member Drew Powshok and staff member Ken Neff.

PUBLIC COMMENTS

None

PRESENTATIONS

Scott Glaubitz, BSE Consulting presented a request for parallel use for a conceptual permit issued in 2011. The Manager advised the Board the District had received communication from Mr. Glaubitz's legal representatives.

Mr. Glaubitz stated he was representing Rolling Meadows Lakes for permits that were secured on behalf of the City of Palm Bay for utility line extensions for the subdivision. He added the permit was unusual in that the Board approved a 15-year expiration date meaning the permits are currently active. Mr. Glaubitz advised the Board that Rolling Meadow Lakes is about to be developed. He provided a letter for the record identifying himself and the developers of Rolling Meadows Lakes as a third-party beneficiary representing the subdivision owner with the acknowledgement and concurrence of the utility department.

He stated he submitted plans to the District for approval approximately four months ago and due to a policy change, the permit cannot be issued. Mr. Glaubitz requested the Board authorize staff to review and approve the plans so that the subdivision can move forward. He indicated that if the subdivision cannot move forward due to the valid permit not being utilized there would be damages due the owner.

The Vice-President thanked Mr. Glaubitz for his presentation and announced there were no questions for him.

REGULAR BUSINESS

The Manager presented the minutes of the August 28, 2024 Board meeting for approval. Drew Powshok **motioned to approve the minutes of the August 28, 2024 Board meeting.** Brant Hoffman **seconded the motion.** The Board **voted 5-0 to approve the motion.**

The Vice-President presented the Operating Statement through July 31, 2024 (should be September 30, 2024) for Board approval. Drew Powshok **motioned to approve the Operating Statement through July 31, 2024 (should be September 30, 2024).** Jay Woltering **seconded the motion.** The Board **voted 5-0 to approve the motion.**

NEW BUSINESS

None

OLD BUSINESS

The District Manager asked the District Engineer to provide updates on the progress to remove the AT&T works from the District's right of way. The District Engineer reported that to Terry Cosner, AT&T advised him the redesign has been completed but due to the storms, they have been delayed in removing the works.

BUDGET

None

MANAGER'S REPORT

The Manager reported staff had worked hard to prepare for Hurricane Milton, and was pleased the amount of rainfall was less than predicted. He reported West Melbourne had helped the Westbrooke HOA secure pumps and Andrea Young, Westbrooke HOA President coordinated their usage with staff. Jay Woltering asked the Manager if there was any flooding reported to which the Manager answered not to his knowledge.

Don Jordan arrived at 9:15 am

ENGINEER'S REPORT

The District Engineer reported the District had received an increase in utility permit applications for many of the new subdivisions. The Engineer announced that October 28th was National First Responders Day and in conjunction with the American Public Works Association (APWA) he wanted to bring awareness to the fact that public works employees are first responders for their work during storm events. He expressed hope to have formal recognition in the future.

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager/Operations reviewed Hurricane Milton preparations including the drawdown of MS-1 and the coordination of the Westbrooke HOA pumps with the District's pumps in C-69 and C-70. He reported he had received several concerns from Westbrooke residents that the canals were not pumped all the way down to which he explained if the water levels become too low, water from other places would backflow into Westbrooke.

The Assistant Manager/Operations reported District staff had been in contact with the Harvester's manufacturer to find options for repair. He stated that District staff have used the long reach excavator and two airboats to dip the weeds from the tough booms that equaled 1,785 pounds of nitrogen and 400 pounds of phosphorus removed from the system. The Assistant Manager/Operations advised that the District's new flat mower with side rotary mower had not been working properly and was returned to the dealer for repairs.

The Assistant Manager/Operations discussed issues with debris blocking double pipes and presented a photograph of weeds blocking a double pipe versus a box culvert on the same canal. He stated the pipes were blocked over 50%. The Manager added in instances where failing pipes are lined instead of replaced, the District requests a 5-year CIP commitment to replace them. Drew Powshok agreed replacement structures should be required to be a bridge or box culvert but lining pipes is a grey area because the pipes are not being replaced. The Manager agreed there were many impacts to consider. Drew Powshok suggested making a list of the twin crossing pipes to notify the owner that when the pipes fail, they must be replaced and lining will not be an option. The Manager stated staff has been working with the City of Palm Bay in monthly meetings to identify and plan mitigation before the pipe fails.

ATTORNEY'S REPORT

None.

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer reported the District received the \$19,165.81 FEMA reimbursement for Force Account Equipment. She stated the Auditors had been on site to perform pre-planning verification of processes for separation of power, computer security, data integrity and like items. She added with the

pre-planning complete, the auditors would be on-site December 4th and 5th to conduct the audit. The Secretary/Treasurer reported the Operating Statement demonstrated closely how the District ended for the fiscal year. She added there were outstanding invoices, but the District was under budget on virtually all expense accounts.

CLOSING

The Vice President advised the next Board meeting would be 1st Tuesday in December, December 5, 2024 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

DIRECTOR'S REPORTS

Keith Jerdon – Thanked staff for the phenomenal work they have been doing and stated the past couple of years have seemed like a different organization.

Jay Woltering – none

Brant Hoffman – none

Drew Powshok – none

Joe Hale – Thanked Drew Powshok for conducting the inventory and appreciated his support. He stated that he had heard nothing but thanks from his employer, the City of Palm for Staff's proactive approach in preparing the canals that move storm water from subdivisions ready for capacity for Hurricane Milton. He advised the District Engineer to present a proclamation or resolution for next year's first responder awareness. He stated the attorney letter could be emailed to the Board to review and the Manager advised the Secretary/Treasurer would do that.

ADJOURN

Joe Hale, Vice President adjourned the meeting at 9:35 am.

Respectfully,

Lisa Blackett
Secretary
Board of Directors

Attachment

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MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Operating Statement Through October 31, 2024

| | Actual \$ | FY 2024 | Approved Budget | FY 2024 | Over/Under | Percentage |
|-----------------------------------|-------------------|---------------------|-----------------|---------------------|---------------------|------------|
| | To Date | Approved Budget | Adjustment | Modified Budget | Budget | Budget |
| Revenue | | | | | | |
| User Fees | \$ 23,374 | \$ 2,323,123 | | \$ 2,323,123 | \$ (2,299,749) | 1% |
| Permits | \$ 5,890 | \$ 40,000 | | \$ 40,000 | \$ (34,110) | 15% |
| Miscellaneous Income | \$ 18,106 | \$ 180,000 | | \$ 180,000 | \$ (161,894) | 10% |
| Other Income | \$ - | \$ - | 2 | | \$ - | |
| | \$ 47,369 | \$ 2,543,123 | \$ - | \$ 2,543,123 | \$ (2,495,754) | 2% |
| Balance Forward Operating | | \$ 2,338,471 | | \$ 2,338,471 | \$ (2,338,471) | 0% |
| TOTAL REVENUE | \$ 47,369 | \$ 4,881,594 | \$ - | \$ 4,881,594 | \$ 4,834,225 | 1% |
| Expenses | | | | | | |
| Uniform Reimbursement | | | | | | |
| Salaries | \$ 156,282 | \$ 1,191,415 | | \$ 1,191,415 | \$ 1,035,133 | 13% |
| Health Insurance | \$ 44,095 | \$ 286,388 | | \$ 286,388 | \$ 242,293 | 15% |
| Retirement | \$ 14,871 | \$ 217,800 | | \$ 217,800 | \$ 202,929 | 7% |
| FICA/Medicare | \$ 11,599 | \$ 91,143 | | \$ 91,143 | \$ 79,544 | 13% |
| Workers' Comp | \$ 6,052 | \$ 37,000 | | \$ 37,000 | \$ 30,948 | 16% |
| SALARY & BENEFITS | \$ 232,899 | \$ 1,823,746 | \$ - | \$ 1,823,746 | \$ 1,590,847 | 13% |
| Professional Services | \$ 8,500 | \$ 54,600 | | \$ 54,600 | \$ 46,100 | 16% |
| Contract Services | \$ 855 | \$ 4,400 | | \$ 4,400 | \$ 3,545 | 19% |
| Travel | \$ - | \$ 2,000 | | \$ 2,000 | \$ 2,000 | 0% |
| Communications | \$ 840 | \$ 10,450 | | \$ 10,450 | \$ 9,610 | 8% |
| Utilities | \$ 782 | \$ 8,500 | | \$ 8,500 | \$ 7,718 | 9% |
| Rentals | \$ - | \$ 2,500 | | \$ 2,500 | \$ 2,500 | 0% |
| Liability Insurance | \$ 140,418 | \$ 165,713 | | \$ 165,713 | \$ 25,295 | 85% |
| Repair & Maintenance | \$ 6,237 | \$ 149,000 | | \$ 149,000 | \$ 142,763 | 4% |
| Current Charges | \$ 336 | \$ 63,500 | | \$ 63,500 | \$ 63,164 | 1% |
| Office Supplies | \$ 488 | \$ 5,000 | | \$ 5,000 | \$ 4,512 | 10% |
| Operating Supplies | \$ 7,420 | \$ 195,000 | | \$ 235,000 | \$ 227,580 | 3% |
| Books & Training | \$ 185 | \$ 7,000 | | \$ 7,000 | \$ 6,815 | 3% |
| Restricted Reserves | \$ - | \$ 2,079,515 | | \$ 2,079,515 | \$ 2,079,515 | |
| OPERATIONS | \$ 166,062 | \$ 2,747,178 | | \$ 2,747,178 | \$ 2,581,116 | 6% |
| Improvements Other than Buildings | \$ - | \$ 15,000 | | \$ 15,000 | \$ 15,000 | 0% |
| Machinery | \$ - | \$ 280,670 | | \$ 280,670 | \$ 280,670 | 0% |
| Computer Equipment | \$ - | \$ 7,500 | | \$ 7,500 | \$ 7,500 | 0% |
| Computer Software | \$ - | \$ 7,500 | | \$ 7,500 | \$ 7,500 | 0% |
| CAPITAL OUTLAY | \$ - | \$ 310,670 | | \$ 310,670 | \$ 310,670 | 0% |
| TOTAL EXPENSE | \$ 398,961 | \$ 4,881,594 | | \$ 4,881,594 | \$ 4,482,633 | 8% |

Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing, Miscellaneous Professional Services
Uniforms, Garbage Service
Travel
Postage, Telephone Service
Utility, Solid Waste Assessment
Rentals
Insurance
Repair & Maintenance Service, Repair & Maintenance Supplies, Auto & Equipment Parts, Maintenance Agreements
Unemployment
Office Supplies
Operating Supplies, Fuel, Gas & Oil, Aquatics
Books, Pubs., Memberships, Training Costs

Attachment

4

FULCHER DLG, LLC

Debra Gutierrez
1334 W. Deer Creek Rd., Phoenix, AZ 85045

Rick Nipper, District Manager
Melbourne-Tillman Water Control District
5990 Minton Road
Palm Bay, FL 32907
rnipper@melbournetillman.org

November 18, 2024

Reference:
Canal 85
Parcel ID: 28-36-03-00-785
Parcel ID: 28-36-02-00-505

Dear Mr. Nipper,

I own property in the city of West Melbourne, Florida. Canal 85 divides two of my parcels. Recently, I have had interest from different buyers to acquire my property. The last survey that was done on August 29, 2023, shows a large section of Canal 85 is on my property. I would like to discuss this finding with you and the Board at your next meeting to discuss a solution on how to remedy this finding that will be mutually beneficial.

This property has been in my family for 4 generations. My grandfather, Joseph Fulcher, was a Developer, and my father, James Fulcher, was an Architect. Four years ago, I spoke with Mike McCabe, District Engineer, about the process of obtaining a permit to connect my 2 pieces of property. Currently one parcel is landlocked with no access due to the canal that divides the 2 parcels. Prior to my father's passing in 2019, he had mentioned to me about obtaining the deed for the canal from Melbourne-Tillman to connect the 2 parcels. As much as he educated me on the property, he didn't elaborate on how to obtain the deed. I now wonder if it's because part of Canal 85 is on my property. After speaking with Mr. McCabe at length on September 24, 2024, I believe one solution would be to relocate the canal to the far east side of my property and swap land.

FULCHER DLG, LLC

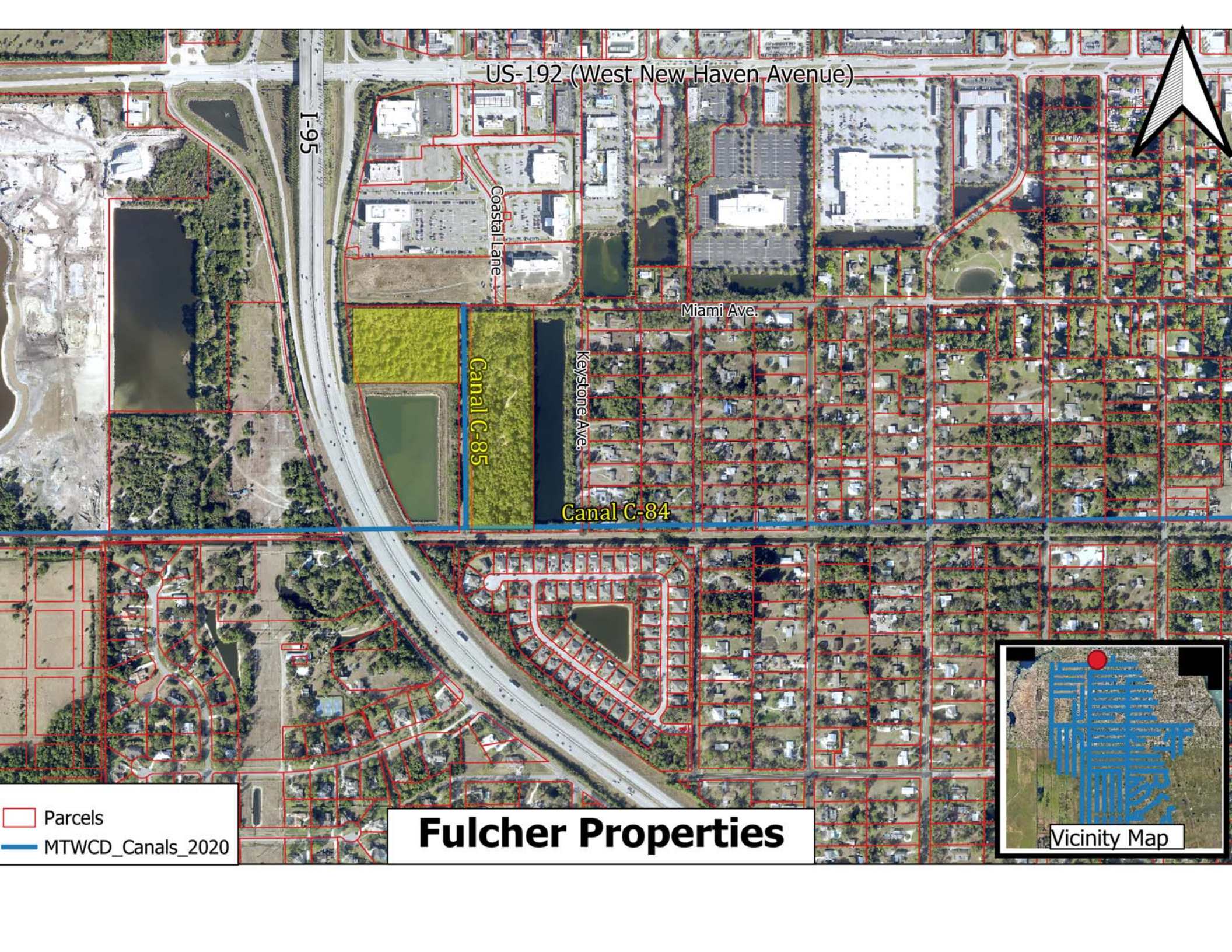
Debra Gutierrez
1334 W. Deer Creek Rd., Phoenix, AZ 85045

Please let me know if this can be addressed at your next meeting on Tuesday, December 3, 2024. I live in Phoenix, Arizona but I will be in Florida on December 3rd. Thank you for assistance.

Sincerely,

A handwritten signature in blue ink that reads "Debra L. Gutierrez". The signature is written in a cursive style with a large, looping 'G' at the end.

Debra L. Gutierrez



US-192 (West New Haven Avenue)

I-95

Coastal Lane

Miami Ave.

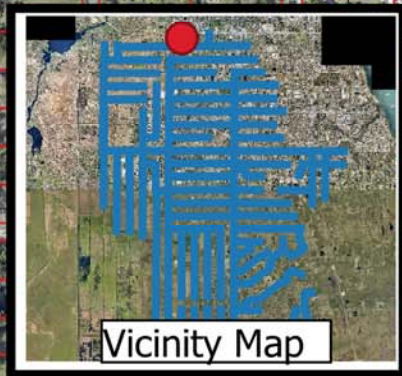
Keystone Ave.

Canal C-85

Canal C-84

- Parcels
- MTWCD_Canals_2020

Fulcher Properties



Vicinity Map

ITEMS CORRESPONDING TO SCHEDULE B-II

SCHEDULE B SECTION II ITEMS SHOWN BELOW ARE AS PER CHICAGO TITLE INSURANCE COMPANY, COMMITMENT FILE NO. 11221842, WITH EFFECTIVE DATE OF JUNE 20, 2023.

ITEMS 1-7, 22, & 23 ARE NOT SURVEY RELATED MATTERS AND ARE NOT REFLECTED BELOW

- 8 Restrictions, covenants, conditions and easements as contained on the Plat of COASTAL COMMERCE CENTER, TRACT G-2, 1ST RE-PLAT, recorded in Plat Book 64, Page 63, Public Records of Brevard County, Florida. (as to Parcel 4) PLOTTED HEREON
9 Easement by and between J. H. Fulcher and Lorraine Fulcher, His Wife, Grantor, and Brevard County, Grantee, recorded June 9, 1979, in Official Records Book 1534, Page 291, Public Records of Brevard County, Florida. (as to Parcel 2) PLOTTED HEREON
10 Pre-Annexation Agreement by and between City of West Melbourne and American Bank of the South, a Florida banking corporation, William B. Ferrell, Trustee, and Albert H. Klair, Jr., recorded April 22, 1994 in Official Records Book 3386, Page 1068, assigned by the American Bank of the South to Rest Area, L.L.C., a Florida limited liability company, by Assignment recorded December 26, 1995 in Official Records Book 3530, Page 4414, both of the Public Records of Brevard County, Florida. (as to all Parcels) DESCRIPTION DOES NOT CONTAIN SUBJECT PROPERTY - NOT PLOTTED
11 Restrictions, covenants, conditions and easements, which include provisions for an easement on the land, as contained in that certain Declaration of Covenants, Restrictions and Easements for Coastal Commerce Center recorded September 13, 2007 in Official Records Book 5811, Page 4203, Public Records of Brevard County, Florida. (as to all Parcels) PLOTTED HEREON
12 Terms, conditions and Provisions of that certain Easement and Restrictive Use Agreement for Shopping Center by and between Melbourne 95 New Haven, LLC, a North Carolina limited liability company and Kettle Construction LLC, a Nevada limited liability company, recorded September 25, 2007 in Official Records Book 5814, Page 1120, together with the First Amendment recorded April 10, 2008 in Official Records Book 5856, Page 8071, the Second Amendment recorded October 14, 2008 in Official Records Book 5853, Page 1299, the Third Amendment recorded November 25, 2009 in Official Records Book 6069, Page 1164, the Fourth Amendment recorded December 20, 2016 in Official Records Book 7781, Page 71, and the Fifth Amendment to the Easement and Restrictive Use Agreement for Shopping Center recorded in Official Records Book 8174, Page 52 and Sixth Amendment to the Easement and Restrictive Use Agreement for Shopping Center recorded in Official Records Book 8509 Page 2107, all of the Public Records of Brevard County, Florida. (as to Parcel 4) DEPICTIONS WHOLLY CONTAIN PARCEL 4 EASEMENT PARCELS -NO PLOTTABLE DESCRIPTION- NOT PLOTTED
13 West Melbourne Potable Water Line Extension Agreement by and between Melbourne 95 New Haven, LLC, a North Carolina limited liability company and the City of West Melbourne, recorded January 11, 2008 in Official Records Book 5837, Page 7500, Public Records of Brevard County, Florida. (as to Parcel 4) DEPICTIONS CONTAIN PORTIONS OF PARCEL 4 EASEMENT PARCELS -NO PLOTTABLE DESCRIPTION- NOT PLOTTED
14 Pre-Annexation and Development Agreement by and between City of West Melbourne and Sooner Investment Group, Inc., an Oklahoma corporation, recorded January 17, 2008 in Official Records Book 5838, Page 7509, Public Records of Brevard County, Florida. (as to Parcel 4) DESCRIBES SUBJECT PARCEL 1 & 2 - NOT PLOTTED
15 West Melbourne Sewer Line Extension Agreement by and between Melbourne 95 New Haven, LLC, a North Carolina limited liability company and City of West Melbourne, a Florida municipal corporation, recorded June 19, 2008 in Official Records Book 5871, Page 6923, Public Records of Brevard County, Florida. (as to Parcel 4) DEPICTIONS CONTAIN PORTIONS OF PARCEL 4 EASEMENT PARCELS -NO PLOTTABLE DESCRIPTION- NOT PLOTTED
16 Developer's Agreement by and between the Board of County Commissioners of Brevard County, Florida and Melbourne 95 New Haven, LLC, a North Carolina limited liability company, Echo Trading Company, LLC, a Florida limited liability company, Florida Incorporated, a Florida corporation, James E. Fulcher and Barbara Fulcher, and the City of West Melbourne, Florida, recorded September 5, 2008 in Official Records Book 5885, Page 8093, together with First Amendment recorded April 22, 2009 in Official Records Book 5936, Page 215, and Resolution No. 2011-11 recorded March 4, 2011 in Official Records Book 6344, Page 1175, all of the Public Records of Brevard County, Florida. (as to all Parcels) DESCRIPTION WHOLLY CONTAINS SUBJECT PARCELS - NOT PLOTTED
17 Grant of Easement to the City of West Melbourne recorded September 15, 2009 in Official Records Book 6026, Page 1985, Public Records of Brevard County, Florida. (as to Parcel 4) PLOTTED HEREON
18 Grant of Easement to the City of West Melbourne recorded September 15, 2009 in Official Records Book 6026, Page 1989, Public Records of Brevard County, Florida. (as to Parcel 4) PLOTTED HEREON
19 Parcels Easement and Restrictive Use Agreement for Shopping Center by Melbourne 95 New Haven, LLC, a North Carolina limited liability company, recorded November 25, 2009 in Official Records Book 6069, Page 1273, together with the First Amendment recorded December 7, 2010 in Official Records Book 6293, Page 2171, the Second Amendment recorded September 25, 2013 in Official Records Book 6977, Page 1995, the Third Amendment recorded December 20, 2016 in Official Records Book 7781, Page 61, the Fourth Amendment recorded February 1, 2017 in Official Records Book 7811, Page 886, Fifth Amendment to Outparcels Easement and Restrictive Use Agreement recorded May 25, 2018 in Official Records Book 8174, Page 59 and Sixth Amendment to Outparcels Easement and Restrictive Use Agreement recorded August 8, 2019 in Official Records Book 8509, Page 2099, all of the Public Records of Brevard County, Florida. (As to Parcel 4) DEPICTIONS WHOLLY CONTAIN PARCEL 4 EASEMENT PARCELS - NOT PLOTTED
20 Parking and Protected Drive Easement by and between Melbourne 95 New Haven, LLC, a North Carolina limited liability company, Grantor, and Melbourne Palio Partners, LLC, a Florida limited liability company, Grantee, recorded December 7, 2010, in Official Records Book 6293, Page 2200, Public Records of Brevard County, Florida. (as to Parcel 4) DEPICTIONS CONTAIN PORTIONS OF PARCEL 4 EASEMENT PARCELS -NO PLOTTABLE DESCRIPTION- NOT PLOTTED
21 Grant of Easement by and between Melbourne 95 New Haven, LLC, Grantor, and City of West Melbourne, Grantee, recorded April 18, 2011, in Official Records Book 6369, Page 720, Public Records of Brevard County, Florida. (as to Parcel 4) PLOTTED HEREON

MISCELLANEOUS NOTES

- MN1 UNDERGROUND UTILITIES SHOWN ON THIS SURVEY ARE BASED ON ABOVE GROUND MARKINGS ONLY. UNDERGROUND UTILITIES THAT ARE NOT SHOWN HEREON MAY EXIST. UNDERGROUND UTILITY LINES SHOWN HEREON ARE BASED ON APPROXIMATE LOCATIONS ONLY. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS, ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
MN2 NO VISIBLE EVIDENCE OF GRAVE SITES, BURIAL GROUNDS OR CEMETERIES ON SUBJECT PROPERTY.
MN3 NO OBSERVED EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE LOCATED ON THE PROPERTY OR VISIBLE EVIDENCE OF USE AS A SOLID WASTE DUMP.
MN4 THE SUBJECT PROPERTY DOES NOT HAVE DIRECT ACCESS TO PUBLIC RIGHT OF WAY.
MN5 PER TABLE A ITEM NO. 10, NO EVIDENCE OF PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES WAS OBSERVED ON THE SUBJECT PROPERTY IN THE PROCESS OF CONDUCTING THE FIELDWORK.
MN6 PER TABLE A ITEM NO. 16, NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
MN7 PER TABLE A ITEM NO. 17, NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION, NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
MN8 PER TABLE A, ITEM NO. 18, OFFSITE EASEMENTS KNOWN TO THE SURVEYOR AND ANY IMPROVEMENTS OBSERVED THEREIN ARE SHOWN HEREON.
MN9 ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
MN10 PARCELS SHOWN HEREON, ARE NOT CONTIGUOUS ALONG THEIR COMMON BOUNDARIES WITHOUT GAP, GORE, HIATUS, OR OVERLAP. PARCEL ARE SEPARATED BY CANAL RIGHT OF WAY.
MN11 USE OF THIS SURVEY FOR PURPOSES OTHER THAN INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
ON THIS DRAWING, CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FINDINGS OR FACTS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER IMPLIED OR EXPRESSED. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED. THIS CERTIFICATION IS NOT A CERTIFICATE OF TITLE, EASEMENTS, ZONING OR FREEDOM OF ENCUMBRANCES.
MN13 ALL BOUNDARY LINE DIMENSIONS ARE SURVEY MEASURED THAT COINCIDE WITH MATCHING PLAT DIMENSIONS UNLESS OTHERWISE NOTED.
MN14 PARKING SPACE COUNT: NO PARKING SPACES WERE OBSERVED ON SUBJECT PROPERTY.
MN15 SUBJECT PARCEL ADDRESS OF 000 COASTAL LANE, WEST MELBOURNE, FL 32904 WAS PROVIDED IN RECORD DOCUMENTS AND WAS NOT OBSERVED DURING FIELD SURVEY.

SIGNIFICANT OBSERVATIONS

A DRAINAGE CANAL APPEARS TO EXTEND OVER THE ENTIRE WEST BOUNDARY OF PARCEL 2

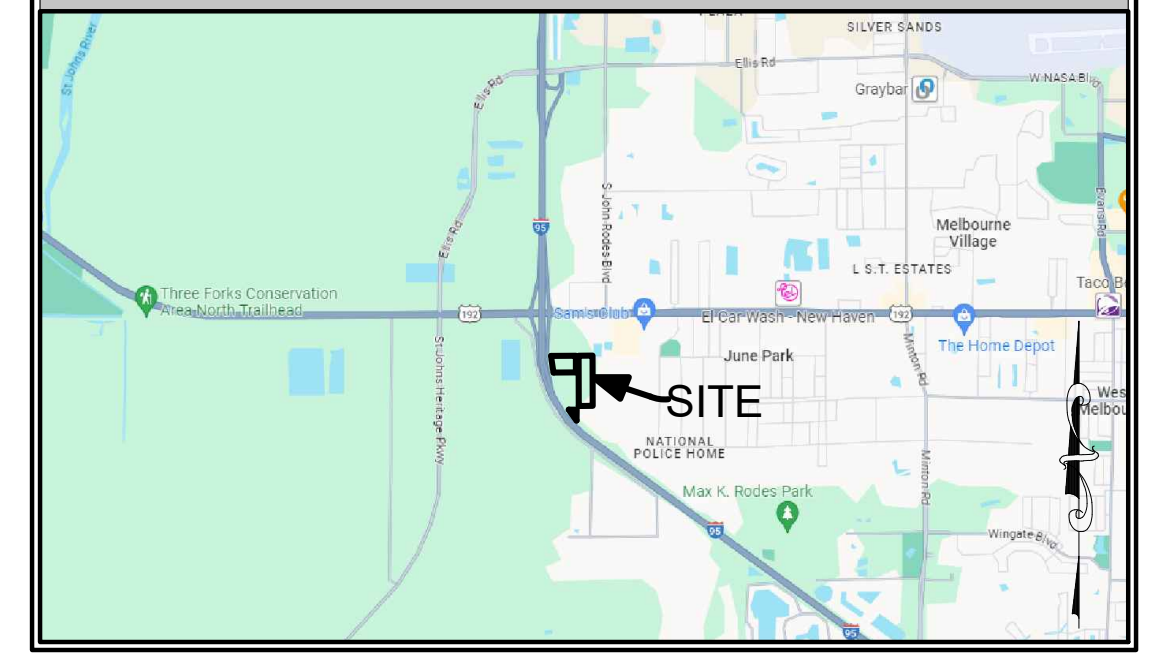
ZONING INFORMATION

ZONING LETTER NOT YET PROVIDED TO SURVEYOR

TITLE DESCRIPTION

PARCEL 1: THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, LYING EAST OF INTERSTATE NO. 95, EXCEPTING THEREFROM ROAD AND CANAL RIGHTS OF WAY. LESS AND EXCEPT ANY PROPERTY CONVEYED PURSUANT TO THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5729, PAGE 5931, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. PARCEL 1 ALSO BEING DESCRIBED AS: THOSE PARTS OF LOT 1 AND LOT 2, SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, FLORIDA INDIAN RIVER LAND CO'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING EAST OF THE EASTERLY RIGHT OF WAY AND THE LIMITED ACCESS RIGHT OF WAY INTERSTATE 95, EXCEPTING THEREFROM CANAL RIGHTS OF WAY. LESS AND EXCEPT: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, LYING EAST OF INTERSTATE NO. 95 (SAID PROPERTY BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2357, PAGE 1557, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA) BEING DESCRIBED AS FOLLOWS: COMMENCE AT A 5/8" IRON ROD AND CAP STAMPED "FOOT LB 7121" MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 06 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 422.55 FEET TO THE INTERSECTION WITH THE CENTERLINE OF SURVEY FOR I-95 (STATE ROAD 9) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 70220, F.P. NO. 465506 3, SAID POINT OF INTERSECTION BEING A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 3125.36 FEET; THENCE RUN NORTHERLY 54.63 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD BEARING OF NORTH 28 DEGREES 55 MINUTES 13 SECONDS WEST THROUGH A CENTRAL ANGLE OF 01 DEGREES 00 MINUTES 05 SECONDS TO A POINT ON SAID CURVE, THENCE DEPARTING SAID CURVE AND CENTERLINE OF SURVEY RUN NORTH 89 DEGREES 36 MINUTES 06 SECONDS EAST (NON-RADIAL), A DISTANCE OF 171.15 FEET TO A POINT ON THE EXISTING EASTERLY LIMITED ACCESS RIGHT OF WAY LINE FOR SAID I-95; SAID POINT BEING THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2978.36 FEET; THENCE RUN NORTHERLY 910.92 FEET ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE WITH A CHORD BEARING OF NORTH 21 DEGREES 11 MINUTES 51 SECONDS WEST THROUGH A CENTRAL ANGLE OF 17 DEGREES 32 MINUTES 29 SECONDS TO A POINT ON SAID CURVE; THENCE DEPARTING SAID CURVE AND RIGHT OF WAY LINE RUN NORTH 89 DEGREES 37 MINUTES 34 SECONDS EAST (NON-RADIAL), A DISTANCE OF 568.30 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF THE MELBOURNE-TILLMAN DRAINAGE DISTRICT CANAL NO. 85 (70 FOOT RIGHT OF WAY) AS SHOWN ON THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT RIGHT OF WAY MAP; THENCE SOUTH 00 DEGREES 10 MINUTES 02 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 848.00 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF MELBOURNE-TILLMAN DRAINAGE CANAL DISTRICT NO. 84 (88 FOOT RIGHT OF WAY) AS SHOWN ON SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT RIGHT OF WAY MAP; THENCE SOUTH 89 DEGREES 36 MINUTES 06 SECONDS WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 242.68 FEET TO THE POINT OF BEGINNING. PARCEL 2: LOT 8, SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, FLORIDA INDIAN RIVER LAND CO'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, EXCEPTING THEREFROM CANAL RIGHTS OF WAY AND LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND: THAT PART OF LOT 8, SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, FLORIDA INDIAN RIVER LAND CO'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 8, (SAID CORNER ALSO BEING THE NORTHWEST CORNER OF NATIONAL POLICE HOME FDN, INC. SUBDIVISION, SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 112, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA) AS THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED AND RUN SOUTH 00 DEGREES 08 MINUTES 39 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 8, (SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF PENNSYLVANIA STREET AS PER THE PLAT OF SAID NATIONAL POLICE HOME FDN, INC. SUBDIVISION, SECOND ADDITION), A DISTANCE OF 1276.34 FEET TO THE NORTH RIGHT OF WAY LINE OF THE MELBOURNE-TILLMAN DRAINAGE DISTRICT CANAL C-84 (AN 88 FOOT WIDE RIGHT OF WAY); THENCE SOUTH 89 DEGREES 39 MINUTES 50 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 273.05 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 39 SECONDS WEST, PARALLEL TO AND 273.05 FEET WEST OF (AS MEASURED PERPENDICULARLY) THE EAST LINE OF SAID LOT 8, A DISTANCE OF 1276.33 FEET TO THE NORTH LINE OF SAID LOT 8; THENCE NORTH 89 DEGREES 39 MINUTES 45 SECONDS EAST A DISTANCE OF 273.05 FEET TO THE POINT OF BEGINNING. PARCEL 3: THE PORTION OF THE EAST 340 FEET OF THE NORTH 1/2 OF LOT 32, FLORIDA INDIAN RIVER LAND CO'S SUBDIVISION, SECTION 10, TOWNSHIP 28 SOUTH, RANGE 36 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING EAST OF INTERSTATE 95, EXCEPTING THEREFROM CANAL RIGHTS OF WAY. PARCEL 4: TOGETHER WITH A PERPETUAL EASEMENT OVER TRACT G-4, AS SET FORTH AND CREATED BY THAT CERTAIN PLAT OF COASTAL COMMERCE CENTER, TRACT G-2, 1ST REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGE 63, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, PURSUANT TO PLAT NOTE 14, OVER UNDER AND ACROSS THE LANDS DESCRIBED THEREIN. AND TOGETHER WITH: NON-EXCLUSIVE EASEMENTS AS SET FORTH AND CREATED BY THAT CERTAIN DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR COASTAL COMMERCE CENTER RECORDED IN OFFICIAL RECORDS BOOK 5811 PAGE 4200, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, OVER, UNDER AND ACROSS THE LANDS DESCRIBED THEREIN. THE ABOVE DESCRIPTION DESCRIBES THE SAME PROPERTY AS CONTAINED IN CHICAGO TITLE INSURANCE COMPANY, COMMITMENT FILE NO. 11221842, WITH EFFECTIVE DATE OF JUNE 20, 2023.

VICINITY MAP - NOT TO SCALE



PROJECT REVISION RECORD

Table with 4 columns: DATE, DESCRIPTION, DATE, DESCRIPTION. Row 1: 09/07/23, FIRST DRAFT, , . Row 2: FIELD WORK: PM, DRAFTED: YMO, CHECKED BY: PAM, FB & PG: N/A

FLOOD NOTE

FLOOD NOTE: BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.MSC.FEMA.GOV. AND BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X" ON FLOOD INSURANCE RATE MAPS NUMBER 12009C0579G, BOTH BEARING AN EFFECTIVE DATE OF 3/17/2014. AND THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA. BY REVIEWING FLOOD MAPS PROVIDED BY THE NATIONAL FLOOD INSURANCE PROGRAM WE HAVE LEARNED THIS COMMUNITY DOES PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THE ACCURACY OF THE MAPS AND/OR TO APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

BASIS OF BEARINGS

BASIS OF BEARING FOR THE MEASUREMENTS SHOWN HEREON IS THE NORTH BOUNDARY OF LOT 8, INDIAN RIVER LAND CO'S SUBDIVISION HAVING A GRID BEARING OF N 89°39'45"E. THE GRID BEARINGS AS SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICA HORIZONTAL DATUM OF 1983 (NAD 83-2011 ADJUSTMENT) FOR THE EAST ZONE OF FLORIDA.

LEGAL

THIS SURVEY WAS PREPARED FOR THE PURPOSE OF THIS REAL ESTATE TRANSACTION ONLY AND NO FURTHER PARTIES OTHER THAN THOSE CERTIFIED BELOW SHALL RELY ON IT FOR ANY OTHER PURPOSE OR TRANSACTION

SURVEYED BY



MRIC Spatial, LLC
701 S. Howard Ave, Ste 106-320, Tampa, FL 33606
813-515-0821 - MRICSpatial.com
Project No. 230095

ALTA/NSPS LAND TITLE SURVEY

for TT of Brevard
NV5 Project No. 202303147, 001
000 Coastal Lane,
West Melbourne, FL 32904

BASED UPON TITLE COMMITMENT NO. 11221842 OF CHICAGO TITLE INSURANCE COMPANY BEARING AN EFFECTIVE DATE OF JUNE 20, 2023

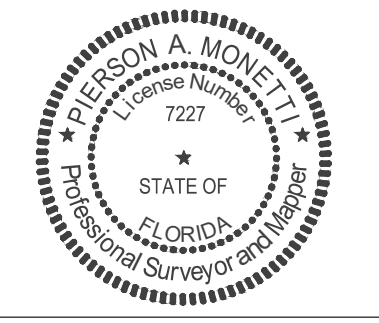
Surveyor's Certification

To: Chicago Title Insurance Company and Bock & Clark Corporation, an NV5 Company.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS. JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 10(b), 13, 14, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 29, 2023.

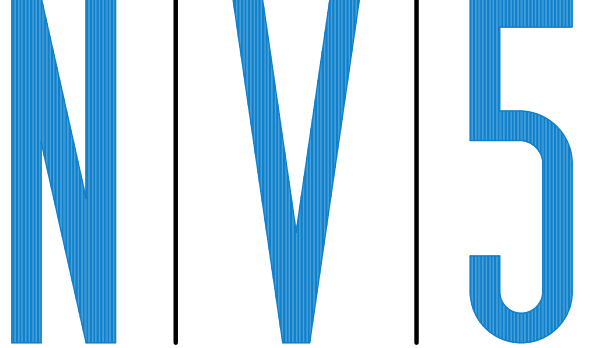
PRELIMINARY

Pierson Monetti
Professional Surveyor and Mapper No. LS7227
In the State of Florida
Date of Plat: September 7, 2023
Date of Last Revision: September 7, 2023
Network Project No. 202303147-001-RLS



SHEET 1 OF 2

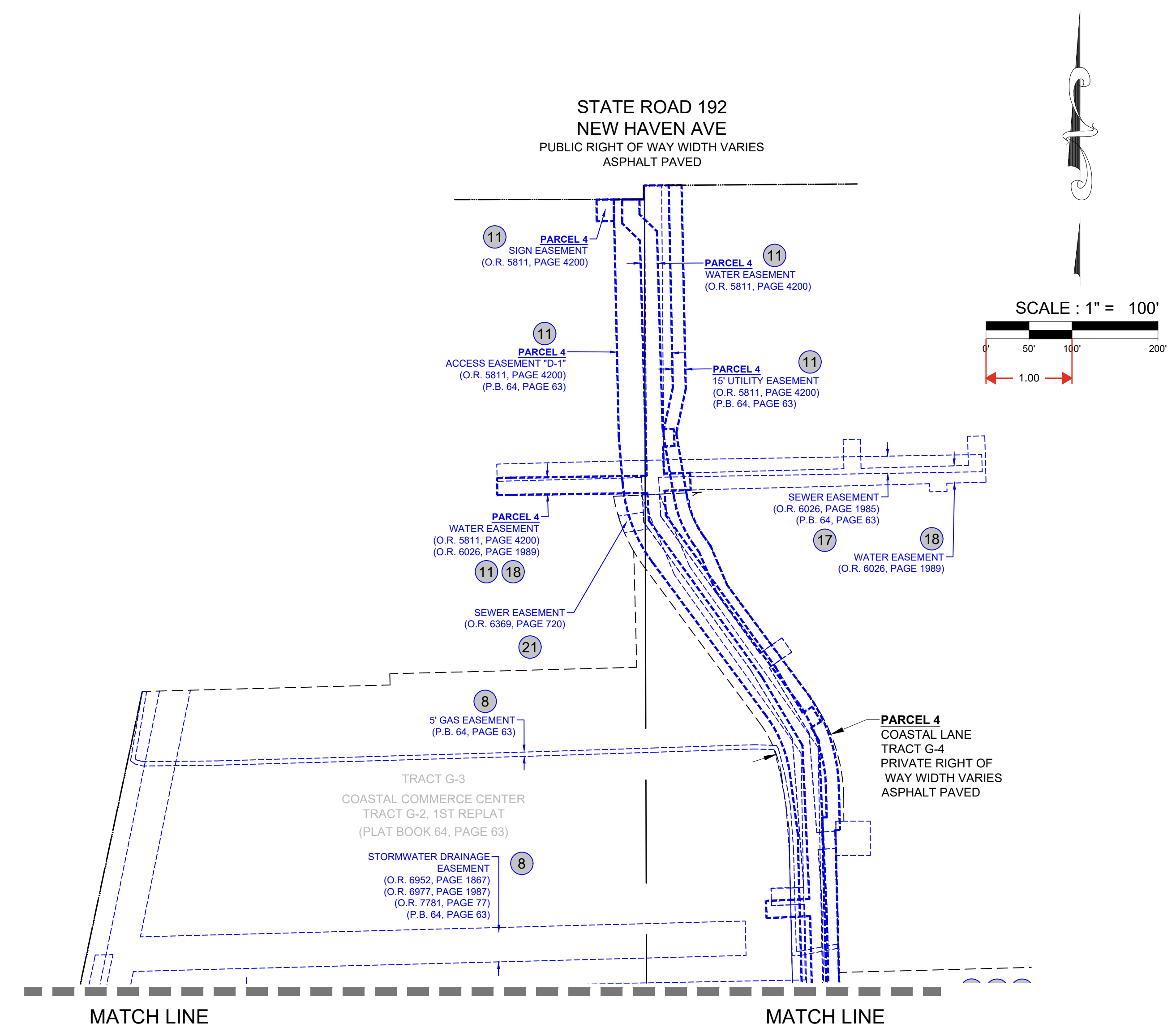
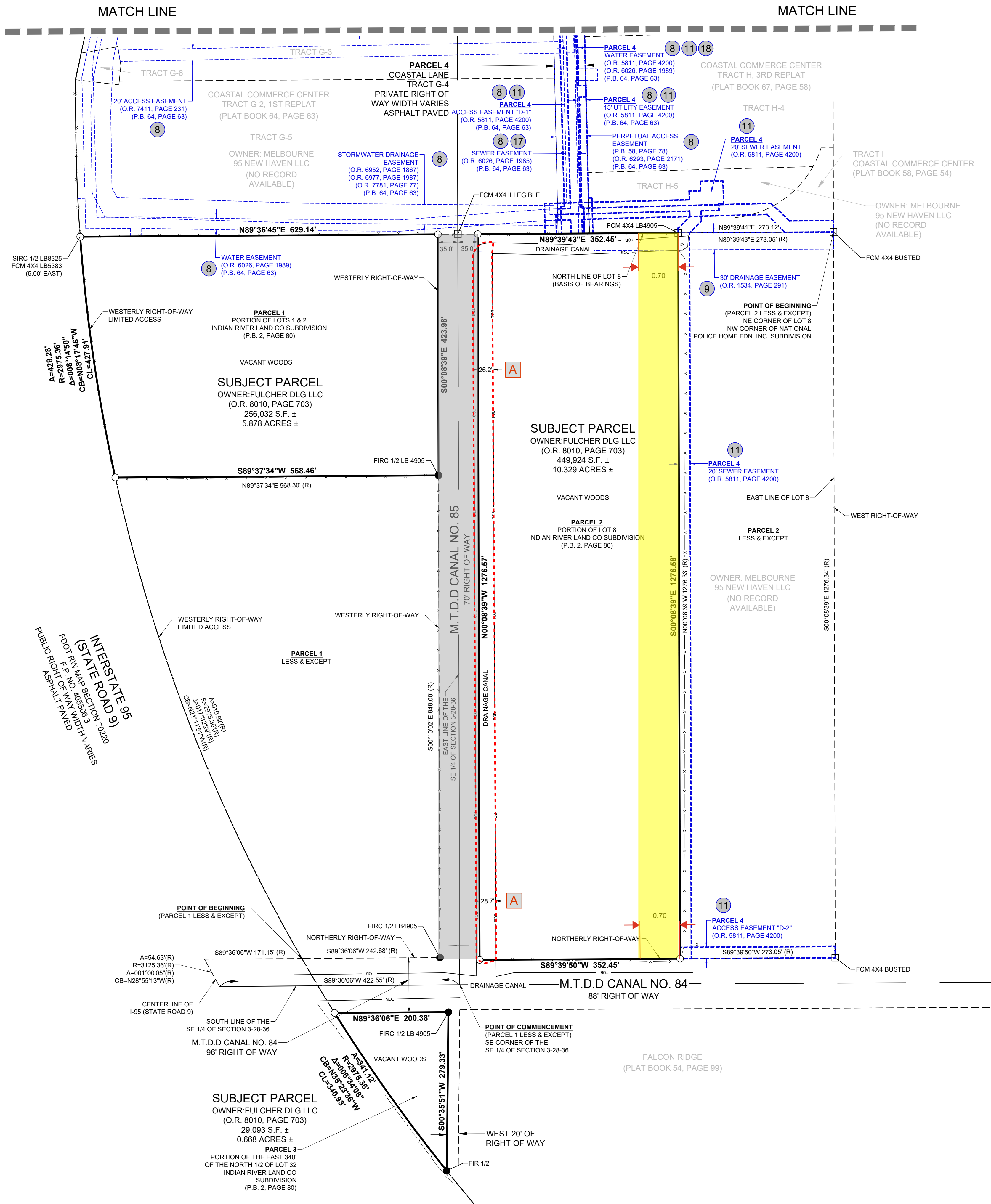
Bock & Clark Corporation
an NV5 Company



Transaction Services 1-800-SURVEYS (787-8397)
3550 W. Market Street, Suite 200, Akron, Ohio 44333
www.BockandClark.com maywehelpyou@bockandclark.com www.NV5.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

OVERALL BOUNDARY & EASEMENT DETAIL



LEGEND OF SYMBOLS & ABBREVIATIONS

| | |
|----------------------------------|---------------------------------|
| ○ SET IRON ROD & CAP LB8325 | ⊕ LIGHT POLE |
| ⊙ SET MAG NAIL 7 DISK LB8325 | ⊕ BACKFLOW PREVENTER |
| ○ SIR SET IRON ROD | ⊕ POWER POLE |
| ○ SMG SET MAG NAIL | ⊕ FIRE HYDRANT |
| ○ SMGD SET MAG NAIL AND DISK | ⊕ IRRIGATION CONTROL VALVE |
| ○ SNL SET NAIL | ⊕ WATER VALVE |
| ○ SX SET X CROSS | ⊕ GAS METER |
| ● FIR FOUND IRON ROD & CAP | ⊕ UTILITY VAULT |
| ○ FIR FOUND IRON ROD | ⊕ TRANSFORMER |
| ○ FIP FOUND IRON PIPE | ⊕ MAILBOX |
| ○ TP TRAVERSE POINT | ⊕ ELECTRIC METER |
| ○ WP WORK POINT | ⊕ UTILITY BOX |
| ○ TD TACK & DISK | ⊕ UTILITY HANDHOLE |
| ○ O.R. OFFICIAL RECORDS BOOK | ⊕ DRAINAGE MANHOLE |
| ○ LB LICENSED BUSINESS | ⊕ ELECTRIC MANHOLE |
| ○ (R) RECORD OR PLAT MEASUREMENT | ⊕ MANHOLE |
| (TYP) TYPICAL | ⊕ SANITARY MANHOLE |
| ○ CONC. CONCRETE | ○ BOLLARD |
| ○ RW RIGHT OF WAY | — SOLID YELLOW LINE |
| ○ GTI GRATE TOP INLET | — SOLID WHITE LINE |
| ○ BFP BACK FLOW PREVENTER | — DASHED WHITE LINE |
| ○ CONC. CONCRETE | — DASHED YELLOW LINE |
| ○ CMP CORRUGATED METAL PIPE | — DASHED WHITE LINE |
| ○ HDPE HIGH-DENSITY POLYETHYLENE | — DASHED YELLOW LINE |
| ○ BH BUILDING HEIGHT | — w— UNDERGROUND WATER LINES |
| ○ CI CURB INLET | — s— UNDERGROUND SANITARY LINES |
| ○ AC AIR CONDITIONING PAD | — s— UNDERGROUND STORM LINES |
| ○ CC CART CORRAL | — x— FENCE |
| ○ SIGN | ○ CLEAN OUT |
| ○ GRATE TOP INLET | ⊕ COMMUNICATIONS BOX |

- Existing Canal C-85 Right-of-Way
- Proposed relocation
- Identified current location of excavated canal

SHEET 2 OF 2

NV5

ALTA/NSPS LAND TITLE SURVEY
 PREPARED FOR
TT of Brevard
 DATE OF FIELD SURVEY: August 29, 2023
 NETWORK PROJECT NUMBER: 202303147-001-RLS
1-(800)-SURVEYS (787-8397)
 TRANSACTION SERVICES
 www.bockandclark.com maywehelpyou@bockandclark.com www.NV5.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

Attachment

5

Melbourne-Tillman Water Control District



January 3, 2022

Construction Engineering Group
2651 Eau Gallie Blvd.
Suite A
Melbourne, FL 32935
ATTN: Jake T. Wise, P.E. (via email jwise@ceengineering.com)

RE: Southeast Palm Bay Utilities Extension Request for Additional Information (RAI)

Dear Mr. Wise,

Fees:

1. Sheet C-2A, \$355 Miscellaneous Fees for excavation of maintenance berm west of Cogan Drive.
2. Sheet C-2A, \$355 Miscellaneous Fees for excavation of maintenance berm east of Cogan Drive.
3. Sheets C-2A and C-2B, \$41,500 Utility Lines Parallel Installation ($\$750 + \$24/\text{LF} * 1700 \text{ LF}$)
4. Sheet C-2B, \$2,550 Utility Lines Sub-aqueous canal crossing ($\$750 + \$18/\text{LF} * 100 \text{ LF}$)
5. Sheet C-2B, \$710 Miscellaneous Fees Excavation of rights-of-way maintenance berm ($\$355 * 2$)
6. Sheet C-2J, \$2,550 Utility Lines Sub-aqueous canal crossing ($\$750 + \$18/\text{LF} * 100 \text{ LF}$)
7. Sheet C-2J \$710 Miscellaneous Fees Excavation of rights-of-way maintenance berm ($\$355 * 2$)
8. Sheet C-2M, \$2,262 Utility Lines Sub-aqueous canal crossing ($\$750 + \$18/\text{LF} * 84\text{LF}$)
9. Sheet C-2M, \$ 710 Miscellaneous Fees Excavation of rights-of-way maintenance berm ($\$355 * 2$)

Plans

1. Sheet G-3, correct Canal C-41 which is incorrectly identified as C-39. Properly identify Canal C-39. Provide index of sheets.
2. Sheet C-1A, correct MTWCD Canal C-41 (100 R/W) and Tract P6 (Preservation) per Stonebriar at Bayside Lakes PB 55 Pages 81-84.
3. Sheet C-1D, Identify Canal C-39 and proposed forcemain.
4. Sheet C-1E, Identify C-38 and proposed forcemain.
5. Sheet C-2A, see comment #2.
6. Sheet C-2A, callout 2-6, is this directed at the correct location? Explain why an air-release valve is required at this location.
7. Sheet C-2A, water valve identified on west side of Cogan Blvd. appears to be in wrong location. Location appears to be 12' west of existing water line and 16' north of base line.
8. Sheet C-2A, callout 2-6 on west side of Cogan Blvd, air-release valve, why is this required for level run and can it not be relocated on main line of waterline? Location within canal right-of-way is not desirable.
9. Sheet C-2A, callout 2-6 on east side of Cogan Blvd., air-release valve, appears to pointing at incorrect point and is this device required?
10. Sheet C-2B, approximately station 17+10, callout 2-3, "Utilities crossing under canal" sign is located in middle of maintenance road. Sign must be placed as close to the right-of-way line as possible, if required.

11. Sheet C-2B, approximately station 17+15, callout 2-4, air release valve is located on sloped portion of pipe and does not appear to function at this this location.
12. Sheet C-2B, is a temporary cofferdam proposed for excavation to by-pass flow of canal water during installation? Permit required for construction dewatering activity. Staked turbidity barrier in front of culvert required to prevent sediment from entering culvert.
13. Sheet C-2B, elevation of proposed waterline and concrete cap are not at proper depth in reference to the invert of existing culvert. Utilize culvert invert for reference to depth of canal bottom for depth of pipe and concrete cap.
14. Sheet C-2B, approximately station 17+75, callout 2-3, "Utilities crossing under canal" sign appears to be located on slope of canal. Sign must be placed as close to the right-of-way line as possible, if required.
15. Sheet C-2B, approximately station 18+00, callout 2-5, 24" gate valve appears to be on slope of pipe and within canal right-of-way. Relocate on plan view so at level surface and outside of canal right-of-way.
16. Sheet C-2B, fence and gate required to be placed along south side of canal right-of-way to span width of easement to restrict access for unauthorized motorized vehicles and personal.
17. Sheet C-2B, profile view, correctly identify canal number as C-41.
18. Sheet C-2J, approximately station 96+75 and 97+90, callout 2-8 "Utility crossing under canal" sign must be placed outside of canal right-of-way.
19. Sheet C-2J, identify cofferdam, by-pass and dewatering pumping requires permit.
20. Sheet C-2J, profile view, top of waterline must be six feet (6') below proposed canal grade. The west invert of culvert crossing Waterbury Avenue to the east of this crossing is elevation 13.23 NGVD 29 or 11.86 NAVD 88. Therefore, top of waterline must be no greater than elevation 5.86 NAVD 88. Please correct.
21. Sheet C-2J, profile view, correctly identify the type of pipe crossing the canal. On this sheet it is PVC whereas on Sheet C-2M it is identified as DIP.
22. Sheet C-2M, approximately station 30+10, callout 2-8 "Utility crossing under canal" sign must be placed outside of canal right-of-way.
23. Sheet C-2M, callout 2-9, sidewalk thickness within canal right-of-way must be six inches (6"). Include in callout.
24. Sheet C-2M, is a temporary cofferdam proposed for excavation to by-pass flow of canal water during installation? Permit required for construction dewatering activity.
25. Sheet C-2M, profile view, provide callout for restoration of levee to be at existing elevation and width or better.
26. In accordance with Permit Policy, Section XVIII, paragraph 1, subsection b), provide Florida Department of Environmental Protection (FDEP) permit application and statement from Palm Bay Utilities that this project is funded entirely with public funds and implement in accordance with standard procedures for issuing contacts for Capital Improvement Project. If this information is not available, then paragraph c) will apply.

If you have any questions feel free to contact me at mike@melbournetillman.org.

Sincerely,

Michael E. McCabe, P.E.
District Engineer

From: [Mike McCabe](#)
To: [Jake Wise](#); [R. Joseph Nagy](#)
Cc: [Jamie Mannon](#)
Subject: RE: Southeast Palm Bay Utilities Extension
Date: Wednesday, January 11, 2023 1:05:00 PM
Attachments: [Certified Minutes December 9, 2021.pdf](#)

Good afternoon Jake, attached is the minutes from the meeting you presented the request for parallel use for this project. I had to make the comment since I have not seen the permit and the required permit is identified as FDEP's.

XVIII. PROCEDURES FOR UTILITY LINES

1. All Applicants for a MTWCD Permit must provide documentation that ALL other avenues have been exhausted. Copies of formal signed denials from all of the entities that control the other possible routes must be provided with the MTWCD Utility Permit Application. MTWCD will not process any application that does not contain this information
 - b) The MTWCD permit fee will be waived if the applicant listed on the Florida Department of Environmental Protection (FDEP) permit application is a government agency that has a reciprocal "No Fee" agreement with MTWCD. In addition to this, the utility project must be funded entirely with public funds and have been implemented in accordance with the standard procedures that the government agency follows in issuing contracts for all of its Capital Improvements Projects. Utilities such as gas, fiber optics, electric, cable, etc. are not eligible for a waiver of the fees.

So once I see the FDEP permit, I'll know if fees are required. Hope that explains.

From: Jake Wise <jwise@cegengineering.com>
Sent: Wednesday, January 4, 2023 2:15 PM
To: Mike McCabe <mike@melbournetillman.org>; R. Joseph Nagy <rjnagy@cegengineering.com>
Cc: Jamie Mannon <jmannon@cegengineering.com>
Subject: RE: Southeast Palm Bay Utilities Extension

Happy New Year my friend, hope you got some time off and enjoyed the break. One quick reminder, for the fees we went before the MTWCD Board and they unanimously approved us to be exempt so they would not apply. This is a City project for multiple landowners if you recall. Please confirm, thanks.

Jake T. Wise, P.E.
Principal Civil Engineer



Construction Engineering Group, LLC

2651 W. Eau Gallie Blvd, Suite A
Melbourne, Florida 32935
Direct: 321.610.1760
Cell: 321.427.7455
www.cegengineering.com

From: Mike McCabe <mike@melbournetillman.org>
Sent: Tuesday, January 3, 2023 3:33 PM
To: R. Joseph Nagy <rjnagy@cegengineering.com>; Jake Wise <jwise@cegengineering.com>
Cc: Jamie Mannon <jmannon@cegengineering.com>
Subject: RE: Southeast Palm Bay Utilities Extension

Jake and Joe, Happy New Year to you. I reviewed the referenced plans and attached the Southeast_Watermain_RAI letter for your review. If there are any questions, feel free to contact me.

Michael E. McCabe, P.E.
District Engineer
Melbourne-Tillman Water Control District
5990 Minton Road
Palm Bay, FL 32907
321-723-7233
M-TH 6:30-5:00
www.melbournetillman.org

From: R. Joseph Nagy <rjnagy@cegengineering.com>
Sent: Thursday, December 15, 2022 2:33 PM
To: Mike McCabe <mike@melbournetillman.org>
Subject: RE: Southeast Palm Bay Utilities Extension

Mike,

Just wanted to see if you had a chance to take a look at these and see if you were good with them or needed anything else?

Thank you,

R. Joseph Nagy, PE

Civil Engineer



Construction Engineering Group, LLC

2651 W. Eau Gallie Blvd, Suite A
Melbourne, Florida 32935
Direct: 321.610.1762
www.cegengineering.com

From: Jake Wise <jwise@cegengineering.com>

Sent: Monday, November 21, 2022 3:03 PM

To: Christopher Little <Christopher.Little@palmbayflorida.org>; Tim Roberts <Tim.Roberts@palmbayflorida.org>; Mike McCabe <mike@melbournetillman.org>

Cc: Jamie Mannon <jmannon@cegengineering.com>; R. Joseph Nagy <rjnagy@cegengineering.com>

Subject: Southeast Palm Bay Utilities Extension

Gentlemen (and Mike), just so we are all on the same page we have provided below a link to our final (hopefully) revised drawings and response letter to the City comments. We also added the manholes at the canal crossings as required by FDEP. We are sending everything to both permit entities at once so we are all on the same page and singing from the same music. If any of you prefer hard copies please advise and we will run however many sets you want. Thanks all! Happy Turkey week!!!

Jake T. Wise, P.E.

Principal Civil Engineer



Construction Engineering Group, LLC

2651 W. Eau Gallie Blvd, Suite A
Melbourne, Florida 32935
Direct: 321.610.1760
Cell: 321.427.7455
www.cegengineering.com

<https://www.dropbox.com/scl/fo/guqip5gcglzc9lpx9mkn2/h?dl=0&rlkey=136hk2hie56ilvzuj5wi5pku>

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

December 9, 2021

CALL TO ORDER

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Phil Weinberg, President on Thursday, December 9, 2021 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by all present.

ROLL CALL

The following Board Members were present:

Philip Weinberg, Board President
Drew Powshok
Jay Woltering
Don Jordan
Eric Blount

Absent: Keith Jerdon
Joe Hale, Board Vice President

Also present:

Debbie Leclair, District Manager
Lisa Blackett, Assistant Manager/ Administration/Secretary/Treasurer
Mike McCabe, District Engineer
John Gergen, Assistant Manager of Operations
Jim Beadle, District Attorney

RECOGNITION OF GUESTS/VISITORS/STAFF

Jake Wise, PE, Principal, Construction Engineering Group
Chris Little, Director, Palm Bay Utilities
Donny Felix, Councilman, City of Palm Bay

ANNOUNCEMENTS

The District Manager announced that the auditors from Carr, Riggs and Ingram were onsite November 16, 2021 to conduct the District audit for FY 2020/2021 and were on target to present the District's Financial Statements at the February 22, 2022 Board Meeting.

The Manager announced two employees, Ken Neff, Aquatic Applicator and Raymond Taylor, Facility Maintenance reach their 5-year anniversary of employment with the District.

The Manager announced that next year, 2022 will be the District's 100-year anniversary and requested the Board discuss any type of celebration in order to have time to plan accordingly. The Board President said the 100-year anniversary should be celebrated with an open house event for employees, their families and the public to view District equipment and operations and asked for discussion at the next Board meeting.

PRESENTATIONS

Jake Wise, PE, Principal of CEG presented a request for Board consideration for parallel use of the right of way for a regional project for the City of Palm Bay to extend water mains multiple miles to

the southeast for infrastructure improvements and future development. Mr. Wise stated the project cost is approximately \$30 million and includes expansion of the City of Palm Bay Utilities water and waste water plants, improvements to current infrastructure, addition of 9-10 connection points throughout the City of Palm Bay, and the extension of water mains for future development projects Emerald Lakes, Rolling Meadows, Waterstone, Cypress Bay and other commercial projects. Mr. Wise stated the City of Palm Bay has obtained permission from Florida Power & Light (FPL) to install the water mains in their transmission easement but in order to utilize the FPL easement, a connection point at C-41 and Cogan Road is needed.

After researching all options, Mr. Wise has determined there were no other public right of ways with a direct route to the connection point. Therefore, he requested access from the North bank of C-41 via the new culvert at the FPL easement to install a 24" water main, six feet deep, three feet off of the North edge of the right of way and to waive the permit fees since the project is for the City of Palm Bay Utilities. Mr. Wise also advised the Board he would submit permit applications to staff for crossing permits on C-38 and C-39 once the final design plans are completed.

Jay Woltering asked if the crossing would be underground to which Mr. Wise stated the crossing would be a couple of feet lower than the canal elevation for the concrete pad and signs would be installed on both sides of the canal identifying the crossing. Phil Weinberg asked for discussion regarding the permit fees. Drew Powshok stated the District's parallel use policy had addressed not charging municipalities permit fees. The District Manager stated she believed the City of Palm Bay would be the applicant for the permit therefore per policy the fees would be waived. **Drew Powshok motioned to approve the proposed parallel use as explained by CEG provided they submit documents necessary for the application process to the District Engineer.** Don Jordan **seconded the motion.** The Board voted 5-0 to **approve the motion.**

PUBLIC COMMENTS

There were no Public Comments.

REGULAR BUSINESS

The Board President presented the minutes from the October 26, 2021 for Board approval. Drew Powshok **motioned** to approve the minutes of the October 26, 2021 Board Meeting. Eric Blount **seconded the motion.** The Board voted 5-0 to **approve the motion.**

The Board President presented the Operating Statement through November 30, 2021 for Board approval. Eric Blount **motioned** to approve the Operating Statement through November 30, 2021. Jay Woltering **seconded the motion.** The Board voted 5-0 to **approve the motion.**

NEW BUSINESS

The Manager stated staff will review District policies to ensure they are current. She presented Policy P-222, Compensation Plan with modifications to definitions, promotions/demotions, and verbiage changes. The Manager said "Attachment 1, Positions and Pay Ranges" of Policy P-222 is being compared to other entities minimum/maximum pay grades and descriptions for competitiveness and will be presented at the February 22, 2022 Board meeting for approval. The Board President asked if there were any questions or comments regarding the changes to Policy P-222 to which there were none. Jay Woltering **motioned** to accept the changes to the policy. Eric Blount **seconded the motion.** The Board voted 5-0 to **approve the motion.**

The Board President announced the District Manager's Annual Review and asked for discussion about the Manager's performance and merit increase of salary typically given during the review. Mr. Weinberg stated he was very pleased with the Manager's work and feels she has been very efficient very professional, and overall has done an excellent job. Jay Woltering added it is a very busy position and the Manager has covered a lot of things for the time she has been Manager. The Board President reminded the Board the Manager's salary was adjusted several months ago to align with the position and suggested a 5% merit increase. Drew Powshok concurred the Manager has done a phenomenal job since taking the position and would be agreeable to the salary