



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

4/23/2024

Subject:

Approval, Re: Dedication of Sidewalk Easements from The Viera Company as to Parcel 800 and KSS Melbourne, LLC as to Parcel 801 for the Village 2 Center Infrastructure Improvements Project - District 4

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners accept the attached Sidewalk Easements.

Summary Explanation and Background:

The subject properties are located in Sections 20 and 21, Township 26 South, Range 36 East, northwest of Stadium Parkway and southeast of Pineda Boulevard on Sodore Way in Viera.

The Viera Company has submitted subdivision plan number 22SD00007 for review and approval by the County for the development of infrastructure improvements for an office and assisted living facility known as Village 2 Center. As a condition of plan approval, sidewalks are required along the County-maintained rights of way. All sidewalks have been constructed as part of the completed project. The County will assume all future maintenance of the sidewalks. A portion of the sidewalk was built outside of the right of way in two locations at the end of Sodore Way. In accordance with County code and standards, The Viera Company and KSS Melbourne, LLC, owners have agreed to dedicate the attached sidewalk easements, required as a condition of subdivision plan approval.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

April 24, 2024

MEMORANDUM

TO: Marc Bernath, Public Works Director

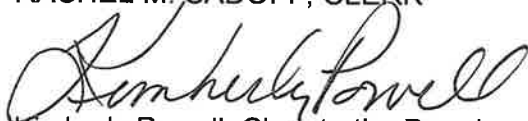
RE: Item F.2., Approval of Dedication of Sidewalk Easements from The Viera Company as to Parcel 800, and KSS Melbourne, LLC, as to Parcel 801 for the Village 2 Center Infrastructure Improvements Project

The Board of County Commissioners, in regular session on April 23, 2024, approved and accepted Sidewalk Easements from The Viera Company as to Parcel 800, and KSS Melbourne, LLC, as to Parcel 801 for the Village 2 Center Infrastructure Improvements Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/tr

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Dedication of Sidewalk Easements from The Viera Company as to Parcel 800 and KSS Melbourne, LLC as to Parcel 801 for the Village 2 Center Infrastructure Improvements Project – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4.2.24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney	 _____	_____	<u>4-4-2024</u>

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-20-YT-C-1

SIDEWALK EASEMENT

THIS INDENTURE, made this 12th day of March, 2024, between The Viera Company, a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of reconstructing, reconfiguring, and maintaining the sidewalk and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 21, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Charlene R. Spangler

Witness

Charlene R. Spangler

Print Name

Address: 7380 Murrell Rd., Ste 201

Viera, FL 32940

The Viera Company, a Florida corporation

By:

Todd J. Pokrywa

Todd J. Pokrywa, President

Mary Ellen M. Kibben

Witness

Mary Ellen M. Kibben

Print Name

Address: 7380 Murrell Rd #201

Viera, FL 32940

(Corporate Seal)



STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 12th day of March, 2024, by Todd J. Pokrywa, as President for The Viera Company, a Florida corporation. Is personally known or produced _____ as identification.



Charlene R. Spangler

Notary Signature

SEAL

LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-36-20-YT-C-1
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

PART OF LOT 1, BLOCK C, VILLAGE 2 CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BOWER LANE, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND SODORE WAY, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY), ACCORDING TO THE PLAT OF SAID VILLAGE 2 CENTER AND RUN S05°47'07"W A DISTANCE OF 57.31 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK C AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N61°31'34"W, A DISTANCE OF 24.98 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT, (SAID POINT ALSO BEING A POINT ON THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK C); THENCE ALONG THE ARC OF SAID CURVED BOUNDARY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 59°57'12", A CHORD BEARING OF S61°31'34"E AND A CHORD LENGTH OF 24.98 FEET), A DISTANCE OF 26.16 FEET TO THE POINT OF BEGINNING. CONTAINING 0.001 ACRES (56.49 SQUARE FEET) MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF S25°55'27"E ON THE NORTHEAST LINE OF LOT 1, BLOCK C, VILLAGE 2 CENTER ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 11548477, CUSTOMER REFERENCE NUMBER: 11629.01 DATED 01/19/2024. OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS/ENCUMBRANCES ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE REFERENCED REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

(Signature)

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LESLIE E. HOWARD, PSM 5611
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: TBS	CHECKED BY: LEH	PROJECT NO. 11629.01			SECTION 21 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 02/05/2024	DRAWING: 1162901_100_005		02/21/24	PER COUNTY COMMENTS	

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL #800

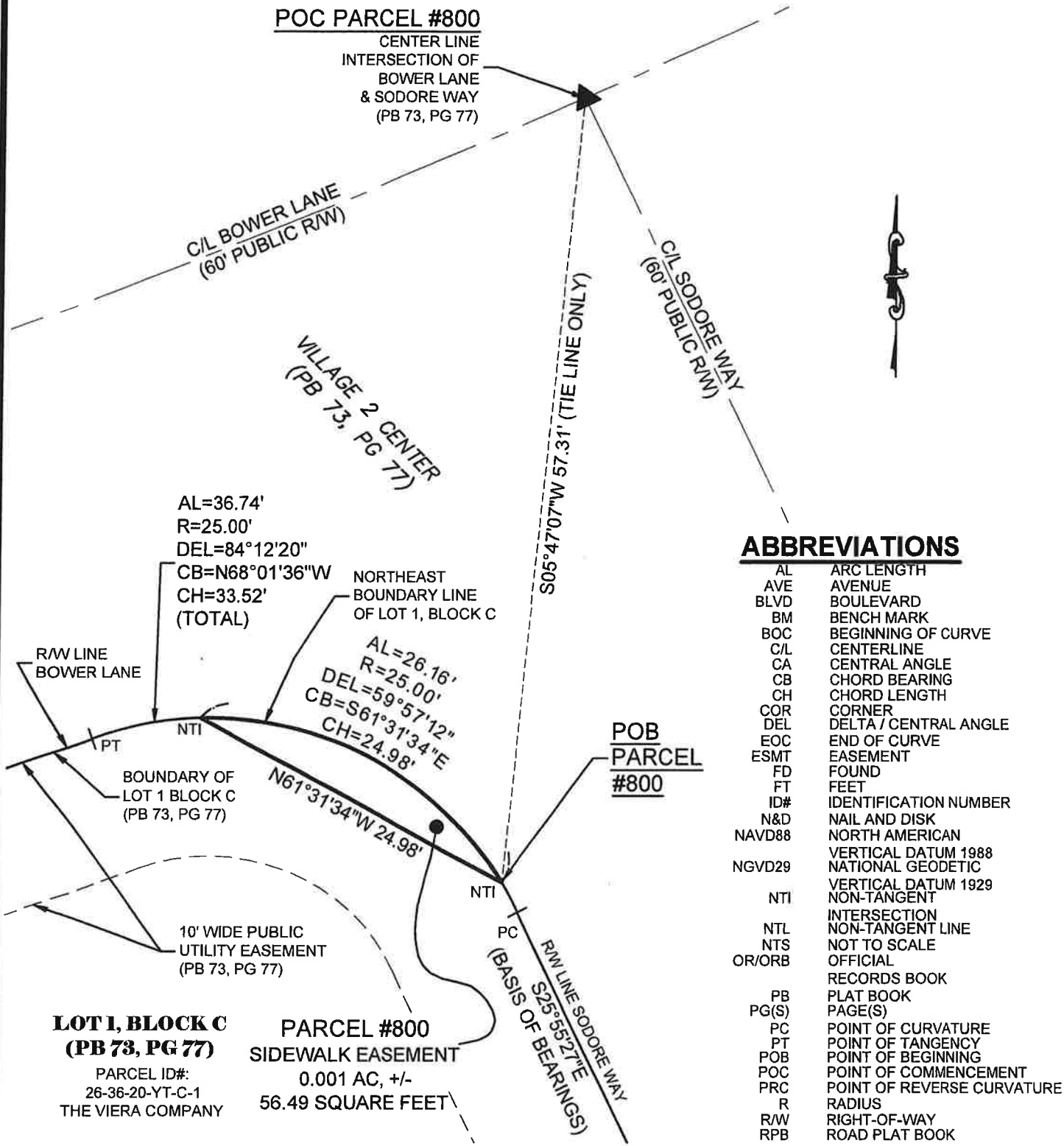
SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-20-YT-C-1

PURPOSE: SIDEWALK EASEMENT



PREPARED BY:
B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE: 1"=10'
PROJECT NO.: 11629.01

SECTION 21
TOWNSHIP 26 SOUTH
RANGE 36 EAST

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-21-YT-B-1

SIDEWALK EASEMENT

THIS INDENTURE, made this 12th day of March, 2024, between KSS Melbourne LLC, a Florida limited liability company, whose address is 220 Forest Trail, Oviedo, Florida 32765, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of reconstructing, reconfiguring, and maintaining the sidewalk and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 21, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness
Jasmya Brandt
Print Name
Address: 6048 Bent Pine
Dr. Apt 3412, Orlando, FL 32822

KSS Melbourne LLC, a Florida limited liability company

By: [Signature]
William S. Sheldon, Jr.,
Manager

[Signature]
Witness
Jessica Hornbuckle
Print Name
Address: 1926 Palmetto Drive La
Orlando, FL 32824

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 12th day of March, 2024, by William S. Sheldon, Jr., as Manager for KSS Melbourne LLC, a Florida limited liability company. Is personally known or produced _____ as identification.

[Signature]

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL #801

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-21-YT-B-1

PURPOSE: SIDEWALK EASEMENT

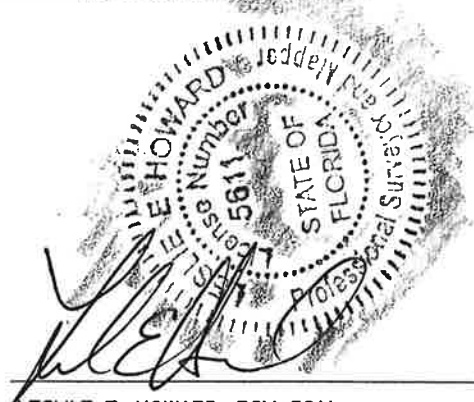
LEGAL DESCRIPTION: PARCEL #801 SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

PART OF LOT 1, BLOCK B, VILLAGE 2 CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BOWER LANE, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND SODORE WAY, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY), ACCORDING TO THE PLAT OF SAID VILLAGE 2 CENTER AND RUN S55°42'01"E A DISTANCE OF 60.71 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK B AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N11°18'25"E, A DISTANCE OF 25.72 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT, (SAID POINT ALSO BEING A POINT ON THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK B); THENCE ALONG THE ARC OF SAID CURVED BOUNDARY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 61°54'39", A CHORD BEARING OF S11°18'25"W AND A CHORD LENGTH OF 25.72 FEET), A DISTANCE OF 27.01 FEET TO THE POINT OF BEGINNING. CONTAINING 0.001 ACRES (61.98 SQUARE FEET) MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF S25°55'27"E ON THE SOUTHWEST LINE OF LOT 1, BLOCK B, VILLAGE 2 CENTER ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 11548477, CUSTOMER REFERENCE NUMBER: 11629.01 DATED 01/19/2024. OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS/ENCUMBRANCES ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE REFERENCED REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LESLIE E. HOWARD, PSM 5611
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: TBS	CHECKED BY: LEH	PROJECT NO. 11629.01		SECTION 21 TOWNSHIP 26 SOUTH RANGE 36 EAST	
		REVISIONS	DATE		DESCRIPTION
DATE: 02/05/2024	DRAWING: 1162901_100_006		02/21/24		PER COUNTY COMMENTS

SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL #801

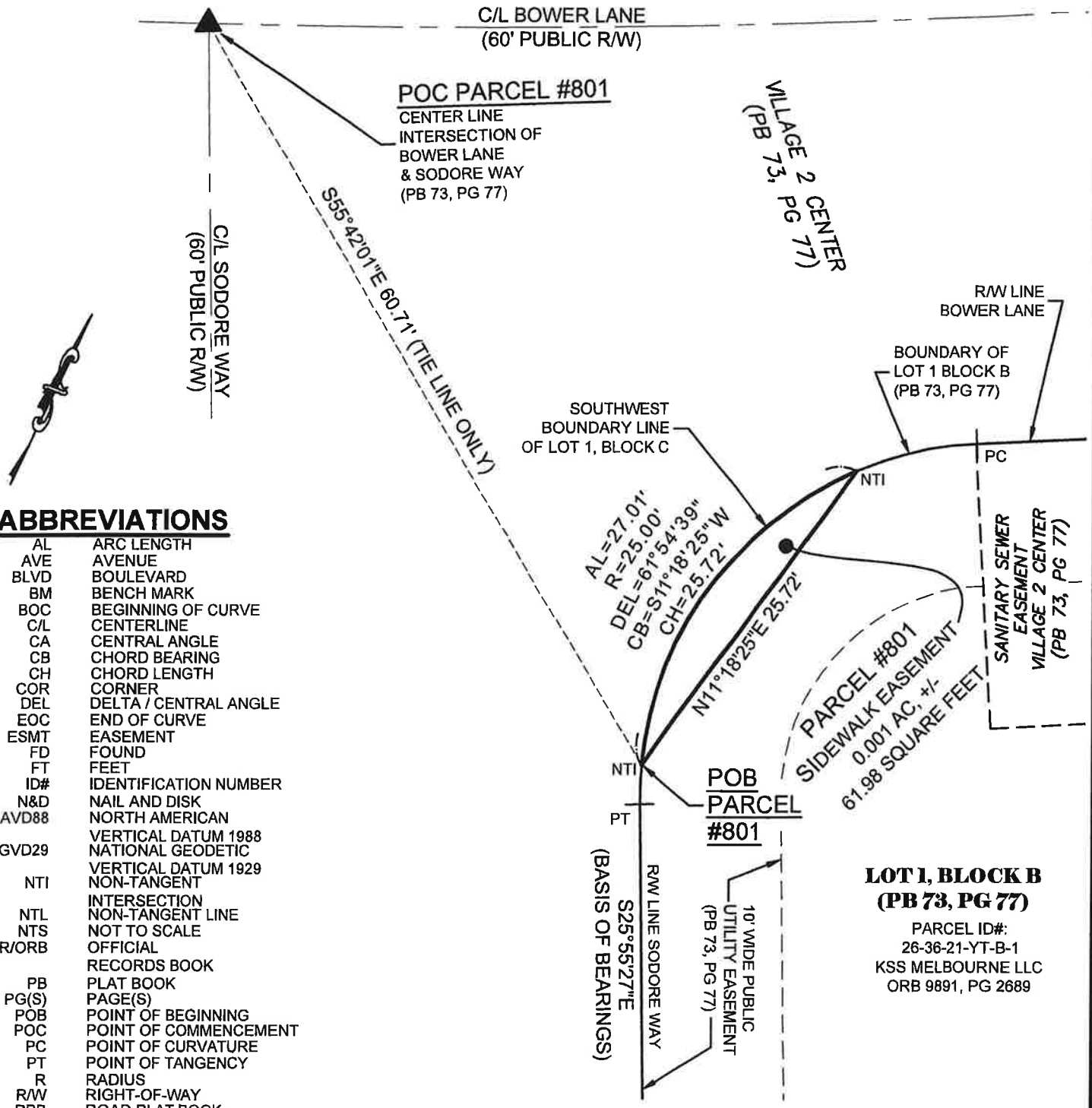
SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-21-YT-B-1

PURPOSE: SIDEWALK EASEMENT



ABBREVIATIONS

AL	ARC LENGTH
AVE	AVENUE
BLVD	BOULEVARD
BM	BENCH MARK
BOC	BEGINNING OF CURVE
C/L	CENTERLINE
CA	CENTRAL ANGLE
CB	CHORD BEARING
CH	CHORD LENGTH
COR	CORNER
DEL	DELTA / CENTRAL ANGLE
EOC	END OF CURVE
ESMT	EASEMENT
FD	FOUND
FT	FEET
ID#	IDENTIFICATION NUMBER
N&D	NAIL AND DISK
NAVD88	NORTH AMERICAN
NGVD29	VERTICAL DATUM 1988
	NATIONAL GEODETIC
	VERTICAL DATUM 1929
NTI	NON-TANGENT
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OR/ORB	OFFICIAL
	RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
R	RADIUS
R/W	RIGHT-OF-WAY
RPB	ROAD PLAT BOOK

LOT 1, BLOCK B (PB 73, PG 77)

PARCEL ID#: 26-36-21-YT-B-1
KSS MELBOURNE LLC
ORB 9891, PG 2689

PREPARED BY:
B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 LB No. 4905
PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE: 1" = 10'
PROJECT NO.: 11629.01

SECTION 21
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Sections 20 and 21, Township 26 South, Range 36 East – District 4

PROPERTY LOCATION: Northwest of Stadium Parkway and southwest of Pineda Boulevard on Sodore Way in Viera.

OWNERS NAME(S): The Viera Company as to Parcel 800 and KSS Melbourne, LLC as to Parcel 801

