



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.6.

3/12/2024

### Subject:

Approval, Re: Dedication of Roadway, Drainage, Utility and Sidewalk Easement from Tootie's Grocery, LLC and Dedication of Right of Way by Warranty Deed from 2354 Talmadge Drive, LLC Related to Phase 1 and 2 of Site Plan Number 21SP00005 - District 1.

### Fiscal Impact:

None

### Dept/Office:

Public Works Department / Land Acquisition

### Requested Action:

It is requested that the Board of County Commissioners accept the Roadway, Drainage, Utility and Sidewalk Easement and Warranty Deed.

### Summary Explanation and Background:

The subject property is located in Section 17, Township 21 South, Range 35 on the west side of Harry T. Moore Avenue and south of East Main Street.

Tootie's Grocery, LLC and 2354 Talmadge Drive, LLC, owners, have submitted Site Plan 21SP00005, for review and approval by the County for the development of a retail grocery store and the future development of single-family residences.

Phase 1 of the site plan consists of the development of a retail grocery store known as Tootie's Grocery. In accordance with County code and standards, the owner has agreed to dedicate a Roadway, Drainage, Utility and Sidewalk Easement. The sidewalk has been constructed as part of the completed project and the owner will be responsible for all future maintenance of the sidewalk as outlined in the attached easement.

Phase 2 of the site plan consists of a future plan for the development of residential properties. Both phases share drainage infrastructure. The County required additional right of way along East Main Street to increase the existing right of way from 30 feet to 50 feet to meet the code requirements and to capture the roadway, drainage, utility and sidewalk along both phases. The owner has agreed to dedicate the additional required right of way.

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

March 13, 2024

**M E M O R A N D U M**

**TO:** Mark Bernath, Public Works Director

Attn: Lucy Hamelers

**RE:** Item F.6., Approval for Dedication of Roadway, Drainage, Utility, and Sidewalk Easement from Tootie's Grocery, LLC and Dedication of Right-of-Way by Warranty Deed from 2354 Talmadge Drive, LLC Related to Phase 1 and 2 of Site Plan Number 21SP00005

The Board of County Commissioners, in regular session on March 12, 2024, approved and accepted the dedication of Roadway, Drainage, Utility, and Sidewalk Easement from Tootie's Grocery, LLC; and approved and accepted the right-of-way by Warranty Deed from 2354 Talmadge Drive, LLC related to Phase 1 and 2 of site plan number 21SP00005.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

cc: Asset Management

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA REVIEW SHEET**

**AGENDA:** Dedication of Roadway, Drainage, Utility and Sidewalk Easement from Tootie's Grocery, LLC and Dedication of Right of Way by Warranty Deed from 2354 Talmadge Drive, LLC Related to Phase 1 and 2 of Site Plan Number 21SP00005 - District 1.

**AGENCY:** Public Works Department / Land Acquisition

**AGENCY CONTACT:** Jean Kremitzki, Land Acquisition Specialist

**CONTACT PHONE:** 321-350-8351

	APPROVE	DISAPPROVE DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>LA</u>	<u>2/21/24</u>
COUNTY ATTORNEY Alexander Esseeesse Deputy County Attorney	<u>AE</u>	<u>2/22/24</u>

Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 21-35-17-53-\* 6

**ROADWAY, DRAINAGE, UTILITY AND SIDEWALK  
EASEMENT**

THIS INDENTURE, made this 16 day of February, 2024, between Tootie's Grocery, LLC, a Florida limited liability company, whose address is 2050 White Sands Drive, Titusville, Florida 32780, 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 operating, reconstructing, reconfiguring, and maintaining roadway, drainage, and utility facilities, and a perpetual sidewalk easement for the purposes of public and pedestrian sidewalk access, 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 17, Township 21 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

Any and all reconstruction, repair, and maintenance of the sidewalk shall be the responsibility of the owner of the land over which the easement is located.

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.

(Signatures and Notary on next page)

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.

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:

*Sandra D. Harris*

Witness

*Sandra D. Harris*

Print Name

*2702 Orange Ave Mims FL 32754*

Address

*Theodora Copeland-Bishop*

Witness

*Theodora Copeland Bishop*

Print Name

*P.O. Box 805 Titusville FL 32781*

Address

GRANTOR:

Tootie's Grocery, LLC, a Florida limited liability company

BY:

*[Signature]*  
Aldon Bookhardt, Manager

(Corporate Seal)

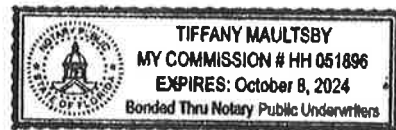
STATE OF FLORIDA  
COUNTY OF *Brevard*

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this *6* day of *February*, 2024, by Aldon Bookhardt, as Manager for Tootie's Grocery, LLC, a Florida limited liability company. Is  personally known or  produced *[Signature]* as identification.

*[Signature]*

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID# 21 35 17 33 1 G

PURPOSE: ROADWAY, DRAINAGE, UTILITY & SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 ROADWAY, DRAINAGE, UTILITY & SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

A parcel lying in the Southwest 1/4 of Section 17, Township 21 South, Range 35 East, being more particularly described as follows:

Beginning at the Northeast corner of the SW 1/4 of said Section 17, thence S 00°51'59" E, along the East line of said Southwest 1/4, 295.52 feet to the Easterly extension of the Northerly right of way line of Jefferson Street; thence departing said Section line run S 62°06'53" W along said Northerly right of way line, 39.29 feet; thence run N 00°51'59" W 278.33 feet; thence run S 89°04'01" W, 192.84 feet; thence run N 27°56'58" W, a distance of 22.45 feet; thence run N 00°54'29" W, 15.00 feet to the North line of the Southwest 1/4 of said Section 17; thence run N 89°04'01" E, along said North line, 243.07 feet to the POINT OF BEGINNING

Said parcel contains 17,835 square feet (0.41 acres), more or less.

SURVEYORS NOTES:

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY
2. BASIS OF BEARING - THE SOUTHERLY RIGHT OF WAY LINE OF LAST MAIN STREET AS BEING N 89°04'01" E, PER WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 9191, PAGE 1680, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA
3. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY. NO PROPERTY CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH.
4. THIS SKETCH WAS PREPARED WITH THE ASSISTANCE OF THE PROPERTY INFORMATION REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, ORDER #11164519, CUSTOMER REFERENCE NUMBER 2345 TALMADGE, UPDATED 01/08/2024 AT 8:00 AM, AND PROVIDED BY THE CLIENT
5. THE DEEDS REFERENCED AND LEGAL DESCRIPTION FOR THE PARENT PARCEL WAS TAKEN FROM THE PROPERTY INFORMATION REPORT BY CHICAGO TITLE INSURANCE COMPANY, ORDER #11164519, CUSTOMER REFERENCE NUMBER 2345 TALMADGE, UPDATED 01/08/2024 AT 8:00 AM, AND PROVIDED BY THE CLIENT.

Digitally signed by  
Faun Hoffmeier  
Date: 2024.02.05  
08:47:10 -05'00'

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
BOOKHARDT GROUP

FAUN M HOFFMEIER, PSM LS 6552  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
131 W BROADWAY, SUITE 1001  
OWIEDO, FLORIDA 32765  
407-542-4977 LB 8291

DRAWN BY: FMH	CHECKED BY: DWH	PROJECT NO. 22-06-075	SECTION 17 TOWNSHIP 21 SOUTH RANGE 35 EAST
DATE: 2/5/24	DRAWING: 22-06-075-SK00	REVISIONS	
		DATE	DESCRIPTION
		1/17/24	UPDATE TITLE/REV SKETCH

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID# 21-35-17-53-6

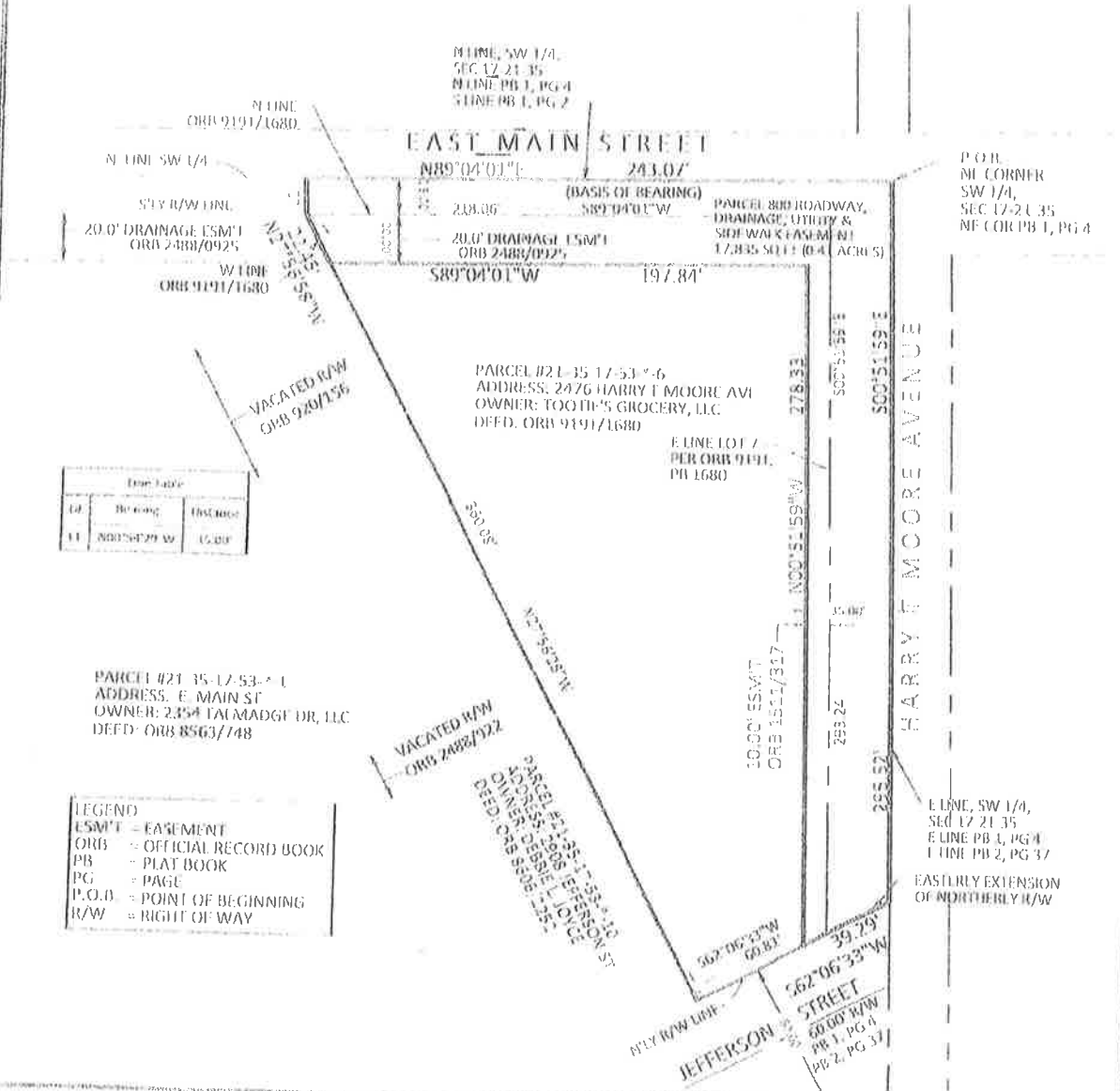
PURPOSE: ROADWAY, DRAINAGE, UTILITY & SIDE WALK EASEMENT

# EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



Time Table		
ID	Beginning	End/Close
11	N00°56'29\"/>	

PARCEL #21-35-17-53-6  
 ADDRESS: E MAIN ST  
 OWNER: 2454 TALMADGE DR, LLC  
 DEED: ORB 8563/148

LEGEND	
ESMT	= EASEMENT
ORB	= OFFICIAL RECORD BOOK
PB	= PLAT BOOK
PG	= PAGE
P.O.B.	= POINT OF BEGINNING
R/W	= RIGHT OF WAY

PREPARED BY: I&H SURVEY CONSULTANTS, LLC  
 131 W BROADWAY, SUITE 1001  
 OVILDO, FL 32765  
 407-542-4977  
 FB 8291



SCALE:  
 1" = 60'  
 PROJECT NO.  
 22-06-075

SECTION 17  
 TOWNSHIP 21 SOUTH  
 RANGE 35 EAST



Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 21-35-17-53 \*-1

WARRANTY DEED

THIS DEED is made this 16 day of February, 2024, by 2354 Talmadge Drive, LLC, a Florida limited liability company, hereafter called the Grantor, whose mailing address is 2050 White Sands Drive, Titusville, Florida 32780, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

WITNESSETH that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, lying and being in the Brevard County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Together with all riparian and littoral rights appertaining thereto.

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

(Signatures and Notary on next page)

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

Signed, sealed and delivered in the presence of:

Sandra D. Harris  
Witness

Sandra D. Harris  
Print Name

2702 Dronge Ave Mims FL 32754  
Address

Theodora Copeland-Bishop  
Witness

Theodora Copeland-Bishop  
Print Name

P.O. Box 805 Titusville FL  
Address  
32781

GRANTOR:

2354 Talmadge Drive, LLC

a Florida limited liability company

BY [Signature]  
Aldon Bookhardt, Manager

(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 16 day of February, 2024, by Aldon Bookhardt, as Manager for 2354 Talmadge Drive, LLC, a Florida limited liability company. Is  personally known or  produced as identification.

[Signature]  
Notary Signature  
SEAL



**LEGAL DESCRIPTION**

**PARCEL #101**

PARENT PARCEL ID#: 21-35-17-53-\* -1  
PURPOSE: FEE SIMPLE RIGHT OF WAY

**EXHIBIT "A"**

SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

**LEGAL DESCRIPTION: PARCEL #101 FEE SIMPLE RIGHT OF WAY (PREPARED BY SURVEYOR)**

A parcel lying in the Southwest 1/4 of Section 17, Township 21 South, Range 35 East, being more particularly described as follows:

Commence at the Northeast corner of the SW 1/4 of said Section 17, thence S 89°04'01" W, along the North line of said Southwest 1/4, 243.07 feet for a POINT OF BEGINNING; thence departing said North line run S 00°54'29" E, 15.00 feet; thence run S 27°56'58" E, a distance of 22.45 Feet; thence run S 89°04'01" W, 359.20 feet to the Easterly Right-of-Way line of Myrtle Avenue; thence run N 27°56'58" W, along said right of way line, 22.45 feet; thence run N 00°54'29" W, 15.00 feet to the North line of said SW 1/4; thence run N 89°04'01" E, along said North line of the SW 1/4 a distance of 359.20 feet to the POINT OF BEGINNING.

Said parcel contains 12,572 square feet (0.29 acres), more or less.

**SURVEYORS NOTES:**

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. BASIS OF BEARING - THE SOUTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET AS BEING N 89°04'01" E, PER WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 9191, PAGE 1680, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY. NO PROPERTY CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH.
4. THIS SKETCH WAS PREPARED WITH THE ASSISTANCE OF THE PROPERTY INFORMATION REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, ORDER #11227537, CUSTOMER REFERENCE NUMBER S-22185, DATED 01/08/2024 AT 8:00 AM, AND PROVIDED BY THE CLIENT.



PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
BOOKHARDT GROUP

FAUN M HOFFMEIER, PSM LS 8552  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
131 W BROADWAY, SUITE 1001  
OVIEDO, FLORIDA 32765  
407-542-4977 LB 8291

DRAWN BY: FMH	CHECKED BY: DWH	PROJECT NO. 22-06-075			SECTION 17 TOWNSHIP 21 SOUTH RANGE 35 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 2/5/24	DRAWING: 22-06-075-SKOD				

# SKETCH OF DESCRIPTION

## PARCEL #101

PARENT PARCEL ID: 21-35-17-53-\*1

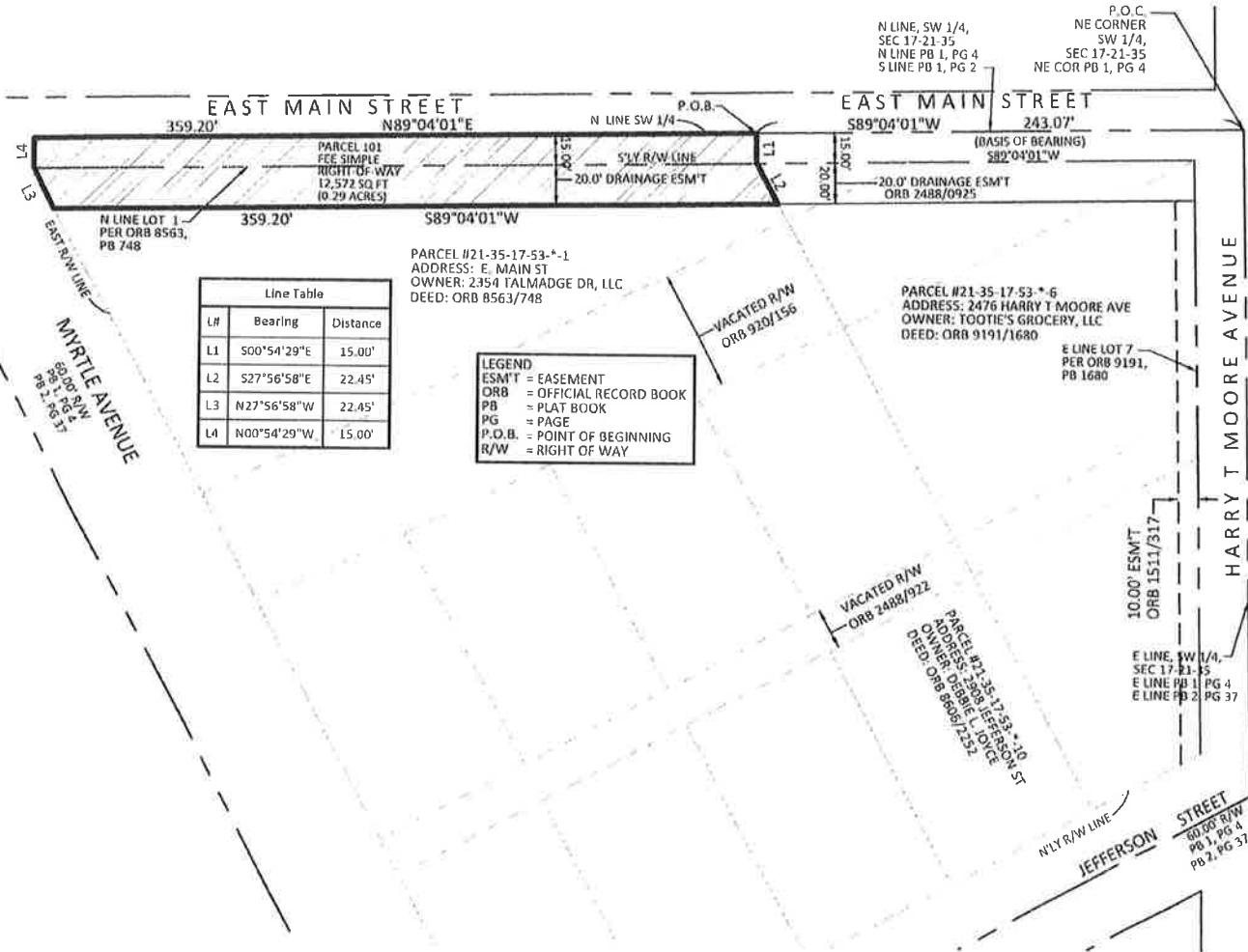
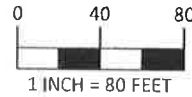
PURPOSE: FEE SIMPLE RIGHT OF WAY

# EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



Line Table		
L#	Bearing	Distance
L1	S00°54'29"E	15.00'
L2	S27°56'58"E	22.45'
L3	N27°56'58"W	22.45'
L4	N00°54'29"W	15.00'

**LEGEND**  
 ESM'T = EASEMENT  
 ORB = OFFICIAL RECORD BOOK  
 PB = PLAT BOOK  
 PG = PAGE  
 P.O.B. = POINT OF BEGINNING  
 R/W = RIGHT OF WAY

PARCEL #21-35-17-53-\*1  
 ADDRESS: E. MAIN ST  
 OWNER: 2354 TALMADGE DR, LLC  
 DEED: ORB 8563/748

PARCEL #21-35-17-53-\*6  
 ADDRESS: 2476 HARRY T MOORE AVE  
 OWNER: TOOTIE'S GROCERY, LLC  
 DEED: ORB 9191/1680

PARCEL #21-35-17-53-\*10  
 ADDRESS: 3288 JEFFERSON ST  
 OWNER: DEBBIE L. LOYCE  
 DEED: ORB 8507/252

PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
 131 W BROADWAY, SUITE 1001  
 OVIEDO, FL 32765  
 407-542-4977  
 LB 8291



SCALE: 1"=60'  
 PROJECT NO.: 22-06-075

SECTION 17  
 TOWNSHIP 21 SOUTH  
 RANGE 35 EAST

## LOCATION MAP

Section 17, Township 24 South, Range 35 East - District: 1

PROPERTY LOCATION: The west side of Harry T Moore Avenue and south of East Main Street.

OWNERS NAME(S): Tootie's Grocery LLC & 2354 Talmadge Drive, LLC

