



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.3.

7/21/2020

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### **Subject:**

Approval Re: Dedication of Warranty Deed for Right of Way from Mahaffey Associates West Melbourne, LLC for the Carlton Multi-Family Development - District 3.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the Warranty Deed from Mahaffey Associates West Melbourne, LLC.

### **Summary Explanation and Background:**

The subject property is located in Section 19, Township 28 South, Range 37 East, north of Palm Bay Road, west of Hollywood Blvd., along the east side of Interstate 95 in West Melbourne.

Mahaffey Associates West Melbourne, LLC, the owner, is developing the parcel for the Carlton Multi-Family Development. Brevard County Code, Article VII, Section 62-2802, Exhibit 4, states the addition of a right turn lane, will require an additional 12 feet of right of way. The owner has agreed to provide the Warranty Deed for the right of way dedication.

The User Department is in agreeance with 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

July 22, 2020

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

**TO:** Marc Bernath, Public Works Director    Attn: Lucy Hamelers

**RE:** Item F.3. Approval for Dedication of Warranty Deed for Right-of-Way from Mahaffey Associates West Melbourne, LLC for the Carlton Multi-Family Development

The Board of County Commissioners, in regular session on July 21, 2020, approved and accepted the Warranty Deed from Mahaffey Associates West Melbourne, LLC for the Carlton Multi-Family Development.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

*for: Donna Scott*  
Kimberly Powell, Deputy Clerk

/ns

cc:     Asset Management

Prepared by and return to: Page R Whittle  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 28-37-19-00-1

## WARRANTY DEED

**THIS INDENTURE** is made this \_\_\_\_ day of May, 2020, between Mahaffey Associates West Melbourne, LLC, a Florida limited liability company, as party of the first part, whose mailing address is 731 Jamestown Drive, Winter Park, FL 32792, and Brevard County, Florida, a political subdivision of the State of Florida, as party of the second part, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns the following described lands, situate, lying and being in the County of Brevard, State of Florida, to-wit:

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

**TO HAVE AND TO HOLD THE SAME,** together with all and singular the appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title & interest forever, and the said party of the first part does hereby 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 party of the first part has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
In the presence of:

Mahaffey Associates West Melbourne LLC,  
a Florida limited liability company

Shayne Nichols

Witness  
Shayne Nichols

Print Name

Daniel M. Esterline

Name: Daniel M. Esterline

Title: Manager

Austin Everett

Witness  
Austin Everett

Print Name

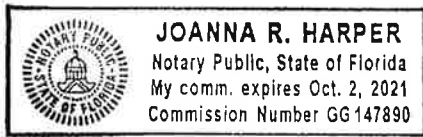
M. Thomas Mahaffey, Jr.

Name: M. Thomas Mahaffey, Jr.

Title: Manager

STATE OF FLORIDA  
COUNTY OF BREVARD

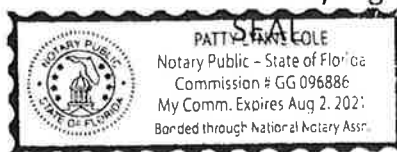
The foregoing instrument was acknowledged before me by means of physical presence on this 07 day of May, 2020, by Daniel M. Esterline as Manager for Mahaffey Associates West Melbourne LLC, a Florida limited liability company. Is personally known or produced \_\_\_\_\_ as identification.



Joanna R. Harper  
Notary Signature  
SEAL

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of physical presence on this 13th day of May, 2020, by M. Thomas Mahaffey, Jr. as Manager for Mahaffey Associates West Melbourne LLC, a Florida limited liability company. Is personally known or produced known to me as identification.



Board Meeting Date: \_\_\_\_\_  
Agenda Item # \_\_\_\_\_

Patty L. Cole  
Notary Signature

# LEGAL DESCRIPTION

# EXHIBIT "A"

PARCEL ID# 101

SHEET 1 OF 3  
NOT VALID WITHOUT SHEETS 1-3  
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-37-19-00-1  
PURPOSE: FEE SIMPLE RIGHT OF WAY

## LEGAL DESCRIPTION: PARCEL #101 (PREPARED BY SURVEYOR)

### DESCRIPTION:


A PARCEL OF LAND BEING A PORTION OF OFFICIAL RECORDS BOOK 8174, PAGE 2206, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 19, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 19; THENCE NORTH 89°21'54" WEST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 50.00 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HOLLYWOOD BOULEVARD; THENCE SOUTH 00°53'09" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 45.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO.72 SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°53'09" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 179.79 FEET TO A POINT, SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1050.00 FEET, A CENTRAL ANGLE OF 43°07'51", AND A RADIAL BEARING OF SOUTH 89°06'08" EAST, THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 790.41 FEET; THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 8174, PAGE 2206, A DISTANCE OF 20.14 TO A POINT; SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1065.00 FEET, A CENTRAL ANGLE OF 42°24'09", AND A RADIAL BEARING OF NORTH 48°29'43" EAST, THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 788.17 FEET TO A POINT; THENCE NORTH 00°53'09" EAST, A DISTANCE OF 179.72 FEET; THENCE SOUTH 89°21'54" EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 ACRES MORE OR LESS.

### SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF OWNERSHIP AND ENCUMBRANCE REPORT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO. 6615464 DATED FEBRUARY 18, 2020. AND IS SUBJECT TO: AGREEMENT MEMORANDUM RECORDED IN OFFICIAL RECORDS BOOK 5876, PAGE 287 AND OFFICIAL RECORDS BOOK 8174, PAGE 2219.
5. THIS SKETCH WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON A ASSUMED BEARING OF SOUTH 89°21'51" EAST FOR THE NORTH LINE OF SECTION 19, TOWNSHIP 28, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, SHOWN AS BEING THE BASIS OF BEARINGS.

PREPARED FOR:  
BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS

  
DANIEL D. GARNER, PSM 6189  
PROFESSIONAL SURVEYOR & MAPPER

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**  
3970 MINTON ROAD, WEST MELBOURNE, FL 32904  
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com) LICENSE BUSINESS #6623

|                               |                                  |                                    |  |
|-------------------------------|----------------------------------|------------------------------------|--|
| DRAWN BY:<br>DANIEL D. GARNER | CHECKED BY:<br>ANDREW W. POWSHOK | REVISION: COUNTY COMMENTS 04-01-20 | SECTION 19,<br>TOWNSHIP 28 SOUTH,<br>RANGE 37 EAST |
|                               |                                  | REVISION: COUNTY COMMENTS 03-31-20 |  |
| DATE: 02-20-2020              | PROJECT # 40947                  | REVISION: COUNTY COMMENTS 03-19-20 |  |

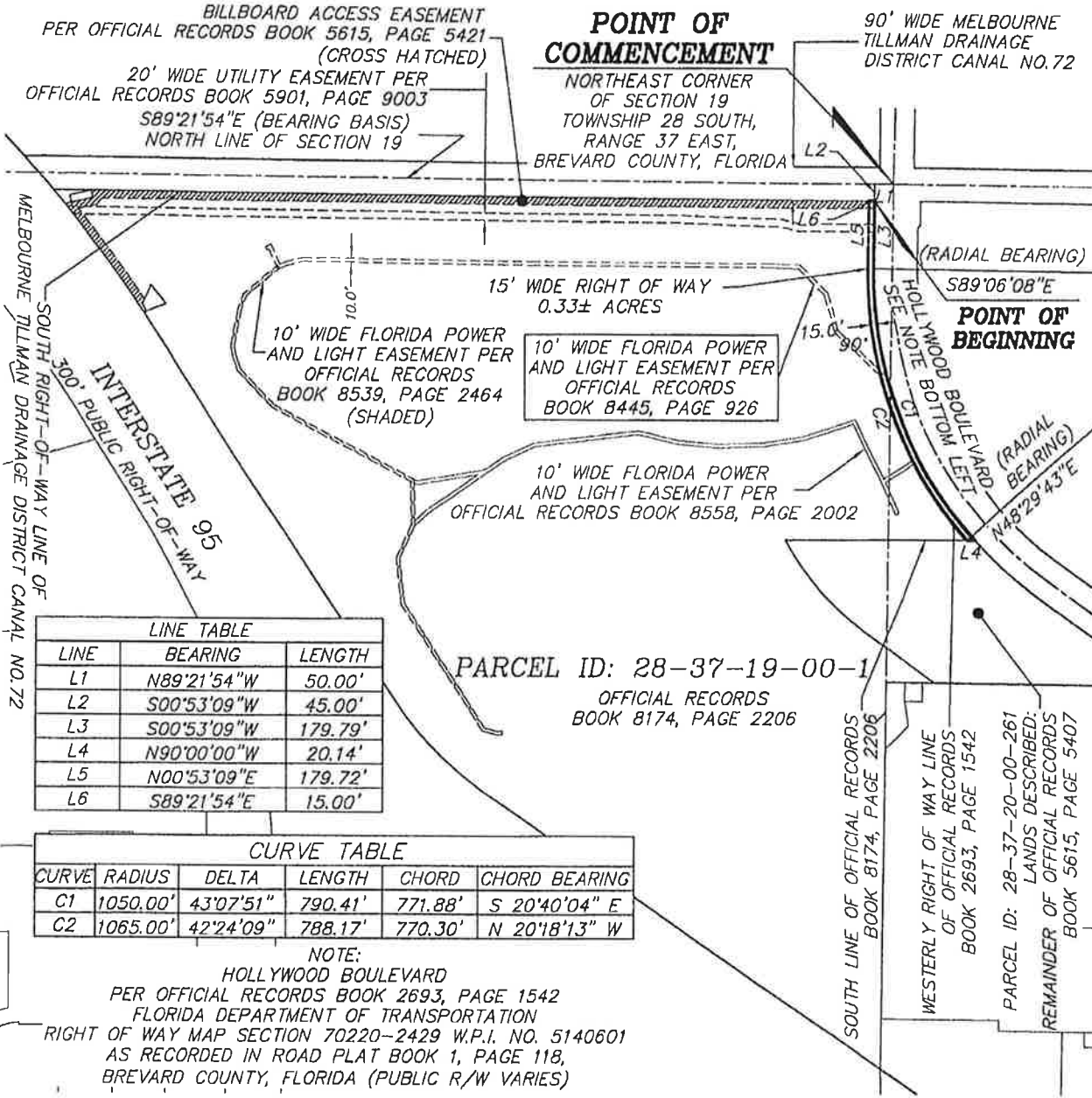
# SKETCH OF DESCRIPTION

EXHIBIT "A"

PARCEL ID# 101

SHEET 2 OF 3  
NOT VALID WITHOUT SHEETS 1-3  
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-37-19-00-1  
PURPOSE: FEE SIMPLE RIGHT OF WAY



| LINE TABLE |             |         |
|------------|-------------|---------|
| LINE       | BEARING     | LENGTH  |
| L1         | N89°21'54"W | 50.00'  |
| L2         | S00°53'09"W | 45.00'  |
| L3         | S00°53'09"W | 179.79' |
| L4         | N90°00'00"W | 20.14'  |
| L5         | N00°53'09"E | 179.72' |
| L6         | S89°21'54"E | 15.00'  |

| CURVE TABLE |          |           |         |         |               |
|-------------|----------|-----------|---------|---------|---------------|
| CURVE       | RADIUS   | DELTA     | LENGTH  | CHORD   | CHORD BEARING |
| C1          | 1050.00' | 43°07'51" | 790.41' | 771.88' | S 20°40'04" E |
| C2          | 1065.00' | 42°24'09" | 788.17' | 770.30' | N 20°18'13" W |

NOTE:  
HOLLYWOOD BOULEVARD  
PER OFFICIAL RECORDS BOOK 2693, PAGE 1542  
FLORIDA DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY MAP SECTION 70220-2429 W.P.I. NO. 5140601  
AS RECORDED IN ROAD PLAT BOOK 1, PAGE 118,  
BREVARD COUNTY, FLORIDA (PUBLIC R/W VARIES)

PARCEL ID: 28-37-19-00-1  
OFFICIAL RECORDS  
BOOK 8174, PAGE 2206



NORTH

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**  
3970 MINTON ROAD, WEST MELBOURNE, FL 32904  
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)

SCALE: 1"=400'

PROJECT # 40947

REVISION: COUNTY COMMENTS 04-01-20  
REVISION: COUNTY COMMENTS 03-30-20  
REVISION: COUNTY COMMENTS 03-19-20

SECTION 19,  
TOWNSHIP 28 SOUTH,  
RANGE 37 EAST

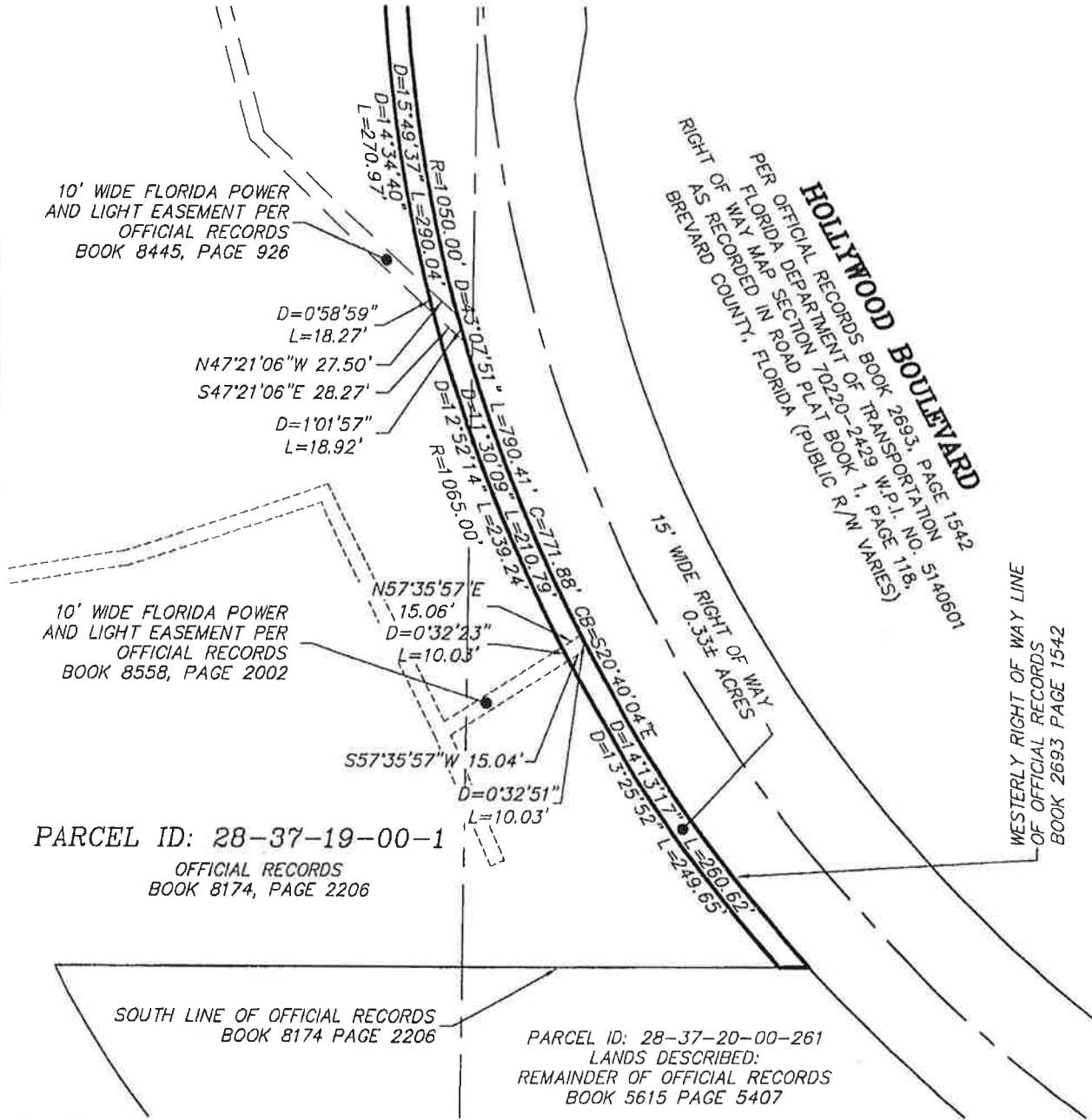
# SKETCH OF DESCRIPTION

# EXHIBIT "A"

**PARCEL ID#** 101

SHEET 3 OF 3  
NOT VALID WITHOUT SHEETS 1-3  
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-37-19-00-1  
PURPOSE: FEE SIMPLE RIGHT OF WAY



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PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)

|                 |                                    |  |
|-----------------|------------------------------------|--|
| SCALE: 1"=100'  | REVISION: COUNTY COMMENTS 04-01-20 | SECTION 19,<br>TOWNSHIP 28 SOUTH,<br>RANGE 37 EAST |
| PROJECT # 40947 | REVISION: COUNTY COMMENTS 03-30-20 |  |
|                 | REVISION: COUNTY COMMENTS 03-19-20 |  |

# LOCATION MAP

## Section 19, Township 28 South, Range 37 East - District 3

PROPERTY LOCATION: North of Palm Bay Road, west of Hollywood Boulevard, along the east side of Interstate 95 in West Melbourne

OWNERS NAME: Mahaffey Associates West Melbourne, LLC

