



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

1/26/2021

Subject:

Approval, Re: Sidewalk Easement for the Coastal Septic Office Facility Project - District 1.

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 Sidewalk Easement.

Summary Explanation and Background:

The subject property is located in Section 30, Township 23 South, Range 36 East, along the north side of MacArthur Circle in Titusville.

The Board of County Commissioners, in regular session on July 9, 2019, accepted a Sidewalk Easement from Coastal Family, LLC. Upon final approval of the site plan by staff, it was determined that additional easement area was required. The owner has agreed to dedicate the additional easement area.

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:

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Sidewalk Easement for the Coastal Septic Office Facility Project – District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 extension 58336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u></u>	<u> </u>	<u>12.21.2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u><i>cms</i></u>	<u> </u>	<u>12/22/2020</u>



January 27, 2021

M E M O R A N D U M

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

RE: Item F.1., Sidewalk Easement for the Coastal Septic Office Facility Project

The Board of County Commissioners, in regular session on January 26, 2021, accepted and approved the Sidewalk Easement for Coastal Septic Office Facility Project

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ns

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 23-36-30-00-254

SIDEWALK EASEMENT

THIS INDENTURE, made this 11th day of December, 2020, between Coastal Family LLC, a Florida limited liability company, whose mailing address is Post Office Box 927, Sharpes, Florida 32927, 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 a 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 30, Township 23 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:

Terie Luke

Witness

Terie Luke

Print Name

Ronda Cloud

Witness

Ronda Cloud

Print Name

Coastal Family LLC, a Florida
limited liability company

Kimberly Blackmon

Kimberly Blackmon, Manager

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 December, 2020, by Kimberly Blackmon, Manager of Coastal Family LLC, a Florida limited liability company. Is personally known or produced _____ as identification.

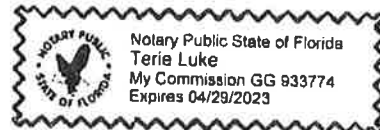
Terie Luke

Notary Signature

SEAL

Board Meeting Date: _____

Agenda Item # _____



LEGAL DESCRIPTION

PARCEL 800

EXHIBIT "A"

PARCEL 800 SIDEWALK EASEMENT (BY SURVEYOR)
SECTION 30, TOWNSHIP 23 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NUMBER: 23-36-30-00-254

SHEET 1 OF 2

PURPOSE OF SKETCH & DESCRIPTION: SIDEWALK EASEMENT

NOT VALID WITHOUT THE
SKETCH OF SHEET 2 OF 2

LEGAL DESCRIPTION: PARCEL 800 SIDEWALK EASEMENT, BY SURVEYOR

LEGAL DESCRIPTION: PARCEL 800, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 23 SOUTH, RANGE 36 EAST AND BEING PART OF TRACT B AS SHOWN ON THE PLAT OF MACARTHUR HEIGHTS AS RECORDED IN PLAT BOOK 16, PAGE 135 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT B, THENCE S89°50'47"W, ALONG THE NORTH LINE OF SAID TRACT B, A DISTANCE OF 4.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF A 4.00 FOOT WIDE SIDEWALK EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 909, PAGE 629 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°06'13"E ALONG SAID LINE, A DISTANCE OF 76.55 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE S00°06'13"E, ALONG SAID LINE, A DISTANCE OF 3.96 FEET TO THE NORTHWESTERLY LINE OF A TRIANGULAR SIDEWALK EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8485, PAGE 1509; OF SAID PUBLIC RECORDS; THENCE S49°04'39"W, ALONG THE SAID NORTHWESTERLY LINE, A DISTANCE OF 26.57 FEET TO THE NORTH LINE OF A 5.00 FOOT WIDE SIDEWALK EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 5836, PAGE 6919 OF SAID PUBLIC RECORDS; THENCE S89°50'47"W, ALONG SAID NORTH LINE, A DISTANCE OF 213.98 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 20.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°06'40", A DISTANCE OF 7.72 FEET; THENCE N88°56'01"E, A DISTANCE OF 222.76 FEET; THENCE N49°04'39"E, A DISTANCE OF 24.96 FEET TO THE POINT OF BEGINNING. CONTAINING 792.93 SQUARE FEET (0.018 ACRES).

SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS DEPICTED HEREON ARE ASSUMED BEARINGS AND ARE BASED ON THE EASTERLY LINE OF TRACT B, MACARTHUR HEIGHTS, PLAT BOOK 16, PAGE 135 HAVING A BEARING OF S00°06'13"E.
3. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THE OLD REPUBLIC TITLE INSURANCE COMPANY OWNERSHIP AND ENCUMBRANCE REPORT, FILE NUMBER A-47355MOD, DATED OCTOBER 16, 2020. THERE ARE THREE EASEMENTS ABUTTING THE PROPOSED EASEMENT (1) SIDEWALK EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 5836, PAGE 6919) AND (2) SIDEWALK EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 909, PAGE 629 AND (3) SIDEWALK EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8485, PAGE 1507. NO OTHER EASEMENTS AFFECT THE PROPOSED EASEMENT.
4. SKETCH DOES NOT WARRANT TITLE.
5. THIS SKETCH WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT (S) SHOWN HEREON; COPIES ARE VALID ONLY WHEN SIGNED, DATED AND EMBROSSED WITH THE SURVEYOR'S SEAL.

MAP OF LEGAL DESCRIPTION PREPARED FOR AND CERTIFIED TO:
THE BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS

DAVID J. KUGELMANN, PLS NO. 5117
NOT VALID UNLESS SIGNED AND SEALED

KUGELMANN LAND SURVEYING, INC.

30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJKCHECKED BY: DJK

DRAWING NO.

ADD_SW_ESMT.DGNSECTION 30TOWNSHIP 23 SOUTHDATE: 11/20/2020SHEET 1 OF 2

REVISIONS

RANGE 36 EAST

SKETCH OF DESCRIPTION PARCEL 800

EXHIBIT "A"

SHEET 2 OF 2

PARCEL 800 SIDEWALK EASEMENT (BY SURVEYOR)
SECTION 30, TOWNSHIP 23 SOUTH, RANGE 36 EAST
PARENT PARCEL ID NUMBER: 23-36-30-00-254
PURPOSE OF SKETCH & DESCRIPTION: SIDEWALK EASEMENT

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2

ABBREVIATIONS:

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
ORB. OFFICIAL RECORDS BOOK
PG. PAGE
PC POINT OF CURVATURE
PT POINT OF TANGENCY
BB BEARING BASIS
ESMT EASEMENT
AKA ALSO KNOWN AS
DIST DISTANCE



EASEMENT PERIMETER CLOSURE
USING CURVE DATA:
TOTAL PERIMETER LENGTH: 499.95'
CLOSING BEARING AND DISTANCE:
S05°53'11"W 0.01'
PRECISION: 1' IN 49,995.00'

EASEMENT PERIMETER CLOSURE
USING CHORD DATA:
TOTAL PERIMETER LENGTH: 499.90'
CLOSING BEARING AND DISTANCE:
S08°53'29"W 0.01'
PRECISION: 1' IN 49,990.00'

4.00' WIDE SIDEWALK ESMT PER ORB 909, PG 629
NORTH LINE OF TRACT B
S89°50'47"W 4.00'
P.O.C. PARCEL 800 NE CORNER OF TRACT B

TRACT B
MACARTHUR HEIGHTS
PLAT BOOK 16, PAGE 135

POINT OF BEGINNING
PARCEL 800
5.00' WIDE SIDEWALK ESMT PER ORB. 5836, PG. 6919

PARCEL 800 SIDEWALK EASEMENT 792.93 SQUARE FEET
(0.018 ACRES)

N88°56'01"E 222.76'
S89°50'47"W 213.98'
PC
DELTA: 22°06'40"
RADIUS: 20.00'
ARC: 7.72'
CHORD BEARING: N79°05'51"W
CHORD DIST: 7.67'

NORTH LINE OF 5.00' WIDE SIDEWALK EASEMENT
(PER OFFICIAL RECORDS BOOK 5836, PAGE 6919)

MAC ARTHUR CIRCLE
50' RIGHT OF WAY
(PER PLAT BOOK 16, PAGE 135)

SIDEWALK EASEMENT
PER ORB. 8485, PG. 1509

S00°06'13"E 76.55'
WEST LINE OF 4-FOOT
WIDE SIDEWALK ESMT
S00°06'13"E (BB)
EAST LINE OF TRACT B
AND RIGHT OF WAY LINE
PC
S00°06'13"E 3.96'
NORTHWESTERLY
LINE OF
TRIANGULAR
EASEMENT
S49°04'39"W
26.57'
(PER OFFICIAL
RECORDS BOOK
8485, PAGE
1509)

U.S HIGHWAY 1 (143' WIDE RIGHT OF WAY)
AKA STATE ROAD 5, SECTION NO. 7002-177

PREPARED BY:
DAVID J. KUGELMANN, PLS

SCALE: 1" = 30'

PROJECT NO:
2019033_ADD_SW_ESMT.DGN

SECTION 30
TOWNSHIP 23 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 30, Township 23 South, Range 36 East - District 1

STREET NAME: MacArthur Circle

OWNER'S NAME: Coastal Family LLC

