



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.11.

7/12/2022

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### **Subject:**

Approval, Re: Dedication of Warranty Deed from Parasol Melbourne Investments, LLC, for the Parasol at Melbourne Apartments -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 attached Warranty Deed.

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

The subject property is located in Section 21, Township 28 South, Range 37 East, north of Palm Bay Road along the east side of Dairy Road in Melbourne.

Parasol Melbourne Investments, LLC, owner, has obtained Right of Way permit number 20RW00850 from the County for improvements within Dairy Road for an apartment project known as Parasol at Melbourne. In accordance with County code and standards, the owner, as a condition of the permit, has agreed to dedicate the attached Warranty Deed for the required right of way for a turn lane.

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: Dedication of Warranty Deed from Parasol Melbourne Investments, LLC, for the Parasol at Melbourne Apartments – District 3.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>6-15-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	_____	<u>6-16-2022</u>



July 13, 2022

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

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

**RE:** Item F.11., Dedication of Warranty Deed from Parasol Melbourne Investments, LLC, for the Parasol at Melbourne Apartments

The Board of County Commissioners, in regular session on July 12, 2022, approved and accepted the Warranty Deed from Parasol Melbourne Investments, LLC, for the Parasol at Melbourne Apartments.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/ns

cc: Asset Management

Prepared by and return to: Andrew Malach  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 28-37-21-00-254

### WARRANTY DEED

**THIS INDENTURE** is made this 25 day of May, 2022, by Parasol Melbourne Investments, LLC, a Delaware limited liability company, hereafter called the Grantor, whose mailing address is 1955 Harrison Street, Suite 200, Hollywood, Florida 33020, 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, and all interest in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statutes.

**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.

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

(Signatures and notary on next page)

Signed, sealed and delivered in the presence of:

[Signature]  
Witness

GISELA LEVY  
Print Name

[Signature]  
Witness

LOLA GRUNBERG  
Print Name

Parasol Melbourne Investment, LLC, a Delaware limited liability company

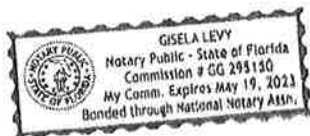
By: Parasol Multifamily Holdings, LLC, a Delaware limited liability company, its Member

By: AD 1 Management Inc., a Florida corporation, its Manager

[Signature]  
Jose Daniel Berman, President

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 25 day of May, 2022, by Jose Daniel Berman, as President of AD 1 Management Inc., a Florida corporation, the Manager of Parasol Multifamily Holdings, LLC, a Delaware limited liability company, the Member of Parasol Melbourne Investment, LLC, a Delaware limited liability company. Who is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.



[Signature]  
Notary Signature

My commission expires: 5/19/23

(SEAL)

## LEGAL DESCRIPTION

### PARCEL 101

SECTION 21, TOWNSHIP 28 SOUTH, RANGE 37 EAST  
PARENT PARCEL ID NUMBER: 28-37-21-00-254  
PURPOSE: FEE SIMPLE RIGHT-OF-WAY

## EXHIBIT A

SHEET 1 OF 3  
NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 3

### Legal Description: Parcel 101, Fee Simple Right-of-Way (By Surveyor)

A portion of land described in Official Records Book 8947, Page 988, of the Public Records of Brevard County, Florida, said lands being a portion of Lot 24, Section 21, Township 28 South, Range 37 East, Florida Indian River Land Company, according to the Plat thereof, as recorded in Plat Book 1, Page 164, of the said Public Records of Brevard County, being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of said Section 21; thence South 89°46'57" East along the South line of the said Northwest 1/4 of Section 21, a distance of 50.00 feet to the southerly projection of the East Right-of-Way line of Dairy Road as described in Official Records Book 0456, Page 0309, of the said Public Records of Brevard County; thence North 00°37'24" East along said East Right-of-Way line, a distance of 448.36 feet to the **POINT OF BEGINNING**; thence continue North 00°37'24" East along said East Right-of-Way line, a distance of 342.72 Feet; thence leaving said right-of-way line run South 89°22'36" East, a distance of 15.00 feet; thence South 00°37'24" West, a distance of 342.72 feet to the South line said Official Records Book 8947, Page 988; thence North 89°22'36" West along said North line, a distance of 15.00 to the **POINT OF BEGINNING**.

Containing 5141 Square Feet or 0.12 Acres of land more or less.

### Notes:

1. The Bearing Structure shown heron is based on the South line of the Northwest 1/4 of Section 21, Township 28 South, Range 37 East, being South 89°46'57" East, said bearing is assumed and identical with Official Records Book 8947, Page 988 of the Public Records of Brevard County, Florida.
2. This Sketch and Description is based on a Boundary and Topographic Survey prepared by William Mott Land Surveying Inc. under Project Number 221-0271.

### NOTES CONTINUED ON SHEET 3 OF 3

#### PREPARED FOR:

Parasol Melbourne Investment, LLC and  
Brevard County Board of County Commissioners

SURVEYOR & MAPPER, PSM NO. 5060  
NOT VALID UNLESS SIGNED AND SEALED

#### PREPARED BY:

**WILLIAM MOTT LAND SURVEYING INC.**

3159 ALZANTE CIRCLE, SUITE 103  
MELBOURNE, FLORIDA 32940  
PHONE (321) 751-4444 FAX (321) 751-4445

LEGEND: O.R.B. = OFFICIAL RECORDS BOOK  
D.B. = DEED BOOK  
P.B. = PLAT BOOK  
P.C. = PAGE  
R/W = RIGHT-OF-WAY  
L.T. = LINE TABLE TAG  
C.T. = CURVE TABLE TAG  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT

DRAWN BY: J.M.M.

CHECKED BY: W.A.M.

PROJECT NO. 221-0271

SECTION 21

DATE: 08-31-21

SHEET 1 OF 3

REVISIONS 09-22-21

TOWNSHIP 28 SOUTH

REVISIONS 10-07-21

RANGE 37 EAST

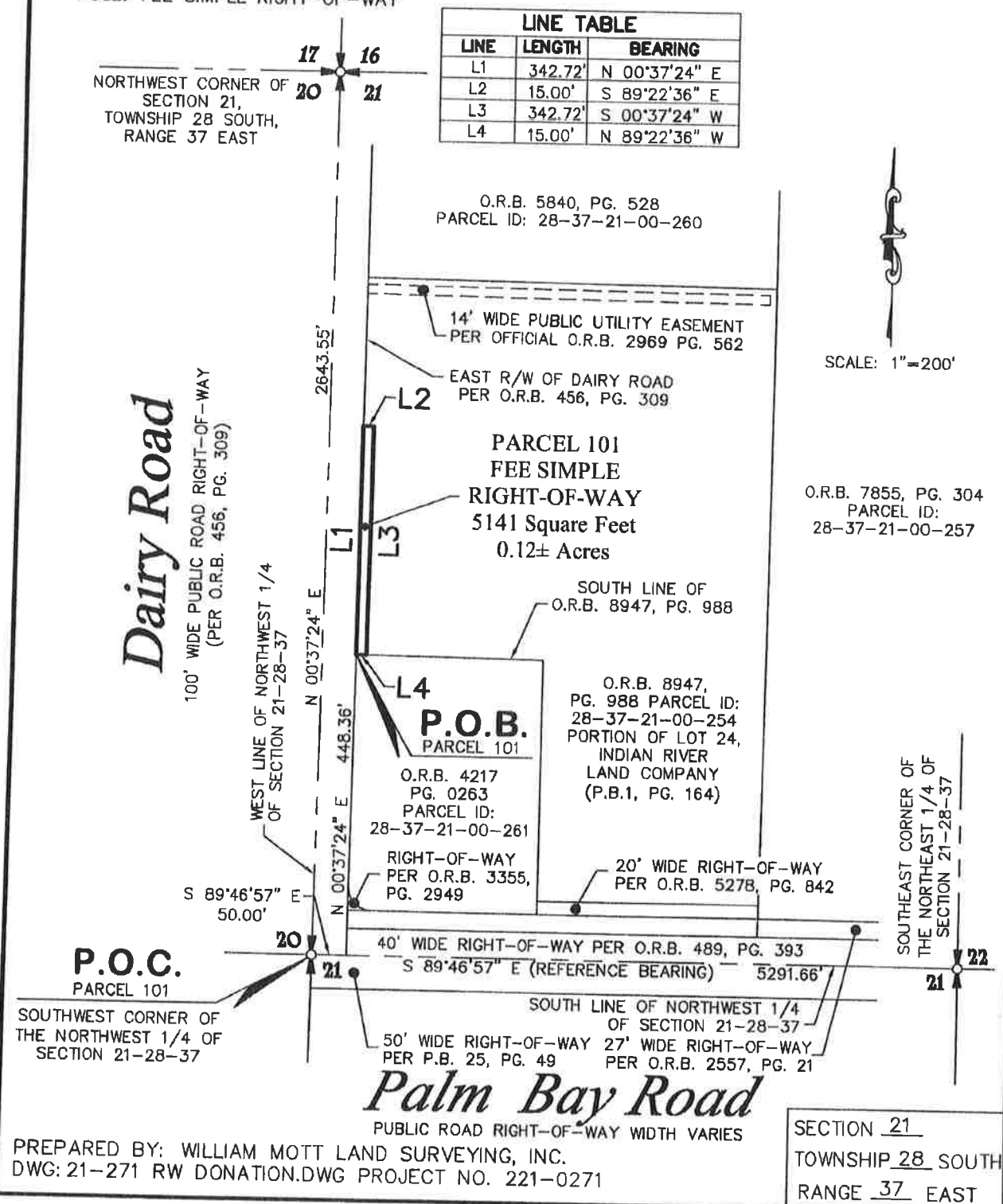
# SKETCH OF DESCRIPTION PARCEL 101

SECTION 21, TOWNSHIP 28 SOUTH, RANGE 37 EAST  
PARENT PARCEL ID NUMBER: 28-37-21-00-254  
PURPOSE: FEE SIMPLE RIGHT-OF-WAY

## EXHIBIT A

SHEET 2 OF 3

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 3



## NOTES CONTINUED

### PARCEL 101

SECTION 21, TOWNSHIP 28 SOUTH, RANGE 37 EAST  
PARENT PARCEL ID NUMBER: 28-37-21-00-254  
PURPOSE: FEE SIMPLE RIGHT-OF-WAY

## EXHIBIT A

### SHEET 3 OF 3

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 3

#### *Encumbrance / Matters Affecting Title*

*Per Property Information Report prepared by:*

*Fidelity National Title Insurance Company*

*Order No.: 9751113*

*Customer Reference Number: 68697.0003*

*Date: 08-09-2021*

1. Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement executed by MLEF1-3, LLC, a Florida limited liability company, Mortgagor, in favor of New Wave Loans Residential, LLC, a Delaware limited liability company, Mortgagee, dated January 31, 2019, in the original principal amount of \$1,500,000.00, recorded January 31, 2019, in Official Records Book 8358, Page 1858; as assigned to NWL 2016 Evergreen LP, a Delaware limited partnership, by virtue of Assignment of Mortgage and Other Loan Documents recorded February 25, 2019, in Official Records Book 8374, Page 2899; as affected by Assumption Agreement recorded October 16, 2020, in Official Records Book 8889, Page 446; Mortgage Modification Agreement recorded October 16, 2020, in Official Records Book 8889, Page 454 and Consent and Release recorded December 10, 2020, in Official Records Book 8947, Page 985.

Agreement in form, not a matter of survey. No plottable easements or encumbrance.

The following exceptions affect the subject property:

1. Public Utility Easement – Maintenance in favor of the City of Melbourne recorded December 19, 1988, in Official Records Book 2969, Page 562.

Shown hereon

2. Recorded Notice of Environmental Resource Permit recorded February 9, 2021, in Official Records Book 9009, Page 2749. NOTE: "This Notice is for informational purposes only. It is not intended to be a lien, encumbrance or cloud on the title of the premises."

Agreement in form, not a matter of survey. No plottable easements or encumbrance.

3. Notice of Commencement recorded March 15, 2021, in Official Records Book 9051, Page 1046.

Agreement in form, not a matter of survey. No plottable easements or encumbrance.

PREPARED BY: WILLIAM MOTT LAND SURVEYING, INC.  
DWG: 21-271 RW DONATION.DWG PROJECT NO. 221-0271

SECTION 21  
TOWNSHIP 28 SOUTH  
RANGE 37 EAST



## LOCATION MAP

**Section 21, Township 28 South, Range 37 East - District: 3**

**PROPERTY LOCATION:** The property is located north of Palm Bay Road along the east side of Dairy Road in Melbourne.

**OWNERS NAME:** Parasol Melbourne Investments, LLC

