



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

3/21/2023

Subject:

Approval, Re: Dedication of Public Utility Easement from Cumberland Farms, Inc. for the Cumberland Farms Micco Project - District 3

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners accept the attached Public Utility Easement.

Summary Explanation and Background:

The subject property is located in Section 11, Township 30 South, Range 38 East, north of Micco Road and west of Highway US 1 in Micco.

Cumberland Farms, Inc., owner, has submitted site plan number 21SP00026 for review and approval by the County for the development of a convenience store with fuel sales known as Cumberland Farms Micco. In accordance with County code and standards, the owner has agreed to dedicate the attached Public Utility Easement required as a condition of the site 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:

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Public Utility Easement from Cumberland Farms, Inc. for the Cumberland Farms Micco Project – District 3.

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>2-20-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>2-21-2023</u>



March 22, 2023

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.4., Approval of Dedication of Public Utility Easement from Cumberland Farms, Inc. for the Cumberland Farms Micco Project

The Board of County Commissioners, in regular session on March 21, 2023, accepted the public utility easement from Cumberland Farms, Inc. for the Cumberland Farms Micco Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, appearing to read "Kimberly Powell".

Kimberly Powell, Clerk to the Board

cc: Utility Services

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: 30-38-11-00-558 & 30-38-11-00-525

PUBLIC UTILITY EASEMENT

THIS INDENTURE, made this 7th day of February, 2023, between Cumberland Farms, Inc., a Delaware corporation whose address is 165 Flanders Road, Westborough, Massachusetts 01581, 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 public utility facilities 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 11, Township 30 South, Range 38 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

David G. Allen

Print Name

[Signature]

Witness

Laura Sherman

Print Name

Cumberland Farms, Inc. a
Delaware corporation

By: [Signature]

Print Name: Nicholas Unkovic

Title: Chief Legal and Administrative Officer

(Corporate Seal)

STATE OF Massachusetts
COUNTY OF Worcester

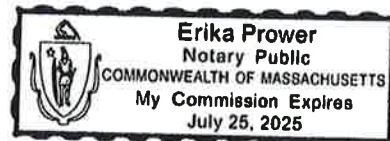
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 7th day of February, 2023, by Nicholas Unkovic, as _____ for Cumberland Farms, Inc., a Delaware corporation. Is ☒ personally known or ☐ produced _____ as identification.

Chief Legal and
Administrative Officer

Erika Prower

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL 800

PARENT PARCEL ID# 30-38-11-00-558 & 30-38-11-00-525

PURPOSE: PUBLIC UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT A SURVEY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION: PARCEL 800, PUBLIC UTILITY EASEMENT (PREPARED BY SURVEYOR)

A portion of those lands described in Official Records Book 7539, Page 866 and Official Records Book 7539, Page 1005 and lying in the Southwest 1/4 of Section 11, Township 30 South, Range 38 East, Brevard County, Florida, Commence at the intersection of the North right-of-way line of Micco Road (right-of-way width varies) with the Westerly right-of-way line of U.S. Highway No. 1 (a 143.00 foot wide right-of-way), said intersection also being the Southeast corner of those lands described in Official Records Book 8486, Page 95, Public Records of Brevard County, Florida; thence N 90°00'00" W along the South line of said lands described in Official Records Book 8486, Page 95 a distance of 26.00 feet to Southwest corner of said lands described in Official Records Book 8486, Page 95 and the Point of Beginning of the herein described parcel; thence continue N 90°00'00" W along the South line of those lands described Official Records Book 7539, Page 866 a distance of 140.70 feet; thence N 00°00'00" E 10.00 feet; thence S 90°00'00" E 135.07 feet; thence N 31°09'34" E 15.64 feet to a non-tangent intersection with a circular curve concave to the Northeast and having a radius of 5817.65 feet, a radial line bears S 62°30'08" W to said intersection; thence run Northwesterly along the arc of said curve, through a central angle of 02°30'40" an arc distance of 254.97 feet to the point of tangency of said curve; thence N 24°59'12" W 52.25 feet to the intersection with the South line of lands described in Official Records Book 2772, Page 2898; thence N 77°37'47" E along said South line 10.25 feet to said Westerly right-of-way line of U.S. Highway No. 1; thence S 24°59'12" E along said Westerly right-of-way line 50.01 feet to the point of curvature of a circular curve concave to the Northeast and having a radius of 5807.65 feet; thence continue Southeasterly along the said Westerly right-of-way line and the arc of said curve through a central angle of 02°33'59" an arc distance of 260.14 feet to the Northernmost corner of said lands described in Official Records Book 8486, Page 95; thence S 31°09'34" W along the Westerly line of said lands 26.91 feet to the Point of Beginning. Containing 0.11 acres more or less (4,679 square feet more or less).

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE S. LINE OF ORB 7539, PAGE 866 BEING N 90°00'00" W, AS PER DEED.
2. THIS IS NOT A SURVEY.
3. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
4. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.
5. THE SURVEYOR WAS FURNISHED AND HAS REVIEWED FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT No. NCS-1161628-HOU1, EFFECTIVE DATE 12/27/22. THERE ARE NO PLOTTABLE EASEMENTS CONTAINED WITHIN SAID TITLE COMMITMENT.
6. THE SUBJECT PARCEL APPEARS TO BE SUBJECT TO AN EASEMENT GRANTED TO FLORIDA POWER & LIGHT RECORDED IN DEED BOOK 166, PAGE 47. IT IS NOT PLOTTABLE.

LEGEND:

BRG = BEARING
CHD = CHORD
COR = CORNER
DA = DELTA ANGLE
EOP = EDGE OF PAVEMENT
ORB = OFFICIAL RECORDS BOOK
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT OF WAY
RNG = RANGE
REF = REFERENCE
SEC = SECTION
S.F. = SQUARE FEET
TWP = TOWNSHIP

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

PREPARED BY: **Kane Surveying, Inc.**

FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 678-0427 FAX (321) 984-1448

JOEL A. SEYMOUR, LS 6133
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED	SKETCH	DATE: 1/11/22	REVISIONS:	REVIEWED TITLE COMMITMENT	DATE: 5/12/22	SECTION 11
DATE: 1/18/23	DRAWING: CF-MICCO/ESMTS		ADDRESSED COMMENTS	DATE: 6/29/22 & 7/7/22		TOWNSHIP 30 SOUTH
			UPDATED TITLE COMMITMENT	DATE: 1/18/23		RANGE 38 EAST

NOT VALID WITHOUT SHEET 1 OF 2

4C

LOCATION MAP

Section 36, Township 27 South, Range 37 East - District: 5

PROPERTY LOCATION: North of Micco Road and west of Highway US 1 in Micco.

OWNERS NAME(S): Cumberland Farms, Inc.

