



AGENDA REPORT
July 9, 2019

Approval Re: Warranty Deed for Right of Way Dedication from Cumberland Farms, Inc. (Micco) as required by Site Plan #18SP00017 – District 3. (Fiscal Impact: None)

SUBJECT:

Approval Re: Warranty Deed for Right of Way Dedication from Cumberland Farms, Inc. (Micco) as required by Site Plan #18SP00017 – District 3. (Fiscal Impact: None)

FISCAL IMPACT:

FY 2018 – 2019: No impact
FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Warranty Deed for Right of Way Dedication from Cumberland Farms, Inc.

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Section 11, Township 30, Range 38.

Cumberland Farms, Inc. is developing the parcel at the corner of Micco Road and US 1 in Micco. The improvements made to the site will include a convenience store.

The right of way dedication is for a corner clip of the parcel as required by Site Plan #18SP00017. The purpose of the corner clip dedication is to connect Micco Road and US 1 with a sidewalk.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

ATTACHMENTS:

Description

- **Cumberland Farms - Micco Right of Way Deed Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: WARRANTY DEED FOR DEDICATED RIGHT OF WAY AS REQUIRED
BY SITE PLAN #18SP00017 – CUMBERLAND FARMS, INC. – OWNER
– DISTRICT 3

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>6/12/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>6/17/19</u>

AGENDA DUE DATE: July 1, 2019 for the July 9, 2019 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

July 10, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.18., Warranty Deed for Right-of-Way Dedication from Cumberland Farms, Inc., Micco

The Board of County Commissioners, in regular session on July 9, 2019, accepted the Warranty Deed for Right-of-Way Dedication from Cumberland Farms, Inc.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Prepared by and Return to: Lucy Hamelers
Public Works, Land Acquisition Section, (321) 690-6847
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940

WARRANTY DEED

THIS INDENTURE is made this 11th day of June, 2019, between **Cumberland Farms, Inc**, a foreign profit corporation as party of the first part, whose mailing address is 165 Flanders Road, Westborough, MA 01581, 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.

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:

Deborah Consolues
Witness

Deborah Consolues

Print Name Elizabeth Burt

Witness Elizabeth Burt

Print Name

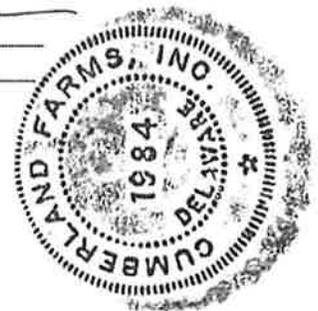
GRANTOR:

CUMBERLAND FARMS, INC. a foreign profit corporation

BY: [Signature]

It's Vice President

Title



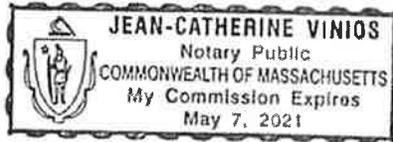
FOR NOTARY ACKNOWLEDGEMENT SEE PAGE TWO

WARRANTY DEED

Commonwealth of Massachusetts
~~STATE OF FLORIDA~~
COUNTY OF BREVARD
Worcester

I HEREBY CERTIFY, that on this day personally appeared me, an officer duly authorized to administer oaths and take acknowledgments, Thomas Acciola, as Vice President of Cumberland Farms, Inc., a foreign profit corporation, personally and well known to me to be the person described in and who executed the foregoing deed, and that he has acknowledged before me that he has executed the same freely and voluntarily for the purpose therein expressed. That he did/did not produce a Driver's License as identification and that he did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 11th day of June 2019.



[Handwritten Signature]

Notary Public

Brevard County Board Date: _____
Agenda Item # _____

(SEAL)



LEGAL DESCRIPTION

PARCEL# 101

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

PURPOSE: FEE SIMPLE RIGHT-OF-WAY

EXHIBIT "A"

SHEET 1 OF 2

NOT A SURVEY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION: PARCEL #101 (PREPARED BY SURVEYOR)

A portion of land lying in the Southwest 1/4 of Section 11, Township 30 South, Range 38 East, Brevard County, Florida, Commence at the Southwest corner of said Section 11; thence run N 90°00'00" E, along the South line of said Section 11, a distance of 2355.46 feet; thence N 00°00'00" W a distance of 20.00 feet to a point on the North right-of-way line of Micco Road, a 50 foot wide right-of-way, and to the Point of Beginning of the herein described parcel; thence S 90°00'00" W along the said North right-of-way line 26.00 feet; thence N 31°09'34" E 26.91 feet to the intersection with the Westerly right-of-way line of U.S. Highway No. 1, a 143 foot wide right-of-way, said Westerly right-of-way also being a circular curve concave to the Northeast having a radius of 5807.65 feet, a radial line bears N 62°26'49" E to said intersection; thence run Southeasterly along said Westerly right-of-way line and along the arc of said curve, through a central angle of 00°15'24", an arc distance of 26.02 feet to the Point of Beginning. Containing 299 square feet more or less.

SURVEYOR'S NOTES:

- 1. BEARINGS BASED ON THE N. R/W LINE BEING S 90°00'00" W, AN ASSUMED BEARING AS PER OFFICIAL RECORDS BOOK 7839, PAGE 888.
- 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. EASEMENTS LISTED ON FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NO. 8011812-NCS-742088-A-HOU1, EFFECTIVE DATE 11/1/18, SCHEDULE BII ARE AS FOLLOWS:
 ITEM 9. SIDEWALK EASEMENT, ORB 5456, PAGE 6869: DOES NOT AFFECT THE SUBJECT PARCEL.
 ITEM 10. RIGHT-OF-WAY AGREEMENT, DEED BOOK 168, PAGE 47: AFFECTS THE SUBJECT PARCEL, BLANKET, NOT-PLOTTABLE
 ITEM 11. SIDEWALK ASSESSMENT, ORB 5656, PAGE 3524: DOES NOT AFFECT THE SUBJECT PARCEL.
 ITEM 12. RESOLUTION NO. 2007-084, ORB 5764, PAGE 8904: DOES NOT AFFECT THE SUBJECT PARCEL.
 ITEM 13. SURVEYORS AFFIDAVIT, ORB 8084, PAGE 2871: DOES NOT AFFECT THE SUBJECT PARCEL.

LEGEND

- BRO = BEARING
- C/L = CENTERLINE
- CHD = CHORD
- EOP = EDGE OF PAVEMENT
- 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) 878-0427 FAX (321) 984-1448



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

DRAWN BY: JAS	PROJECT No.	REVISIONS	DATE	DESCRIPTION	SECTION 11 TOWNSHIP 30 SOUTH RANGE 38 EAST
			5/16/19	REVISED DESCRIPTION	
DATE: 5/16/19	DRAWING: CF_MICCO		5/29/19	COMMENTS	

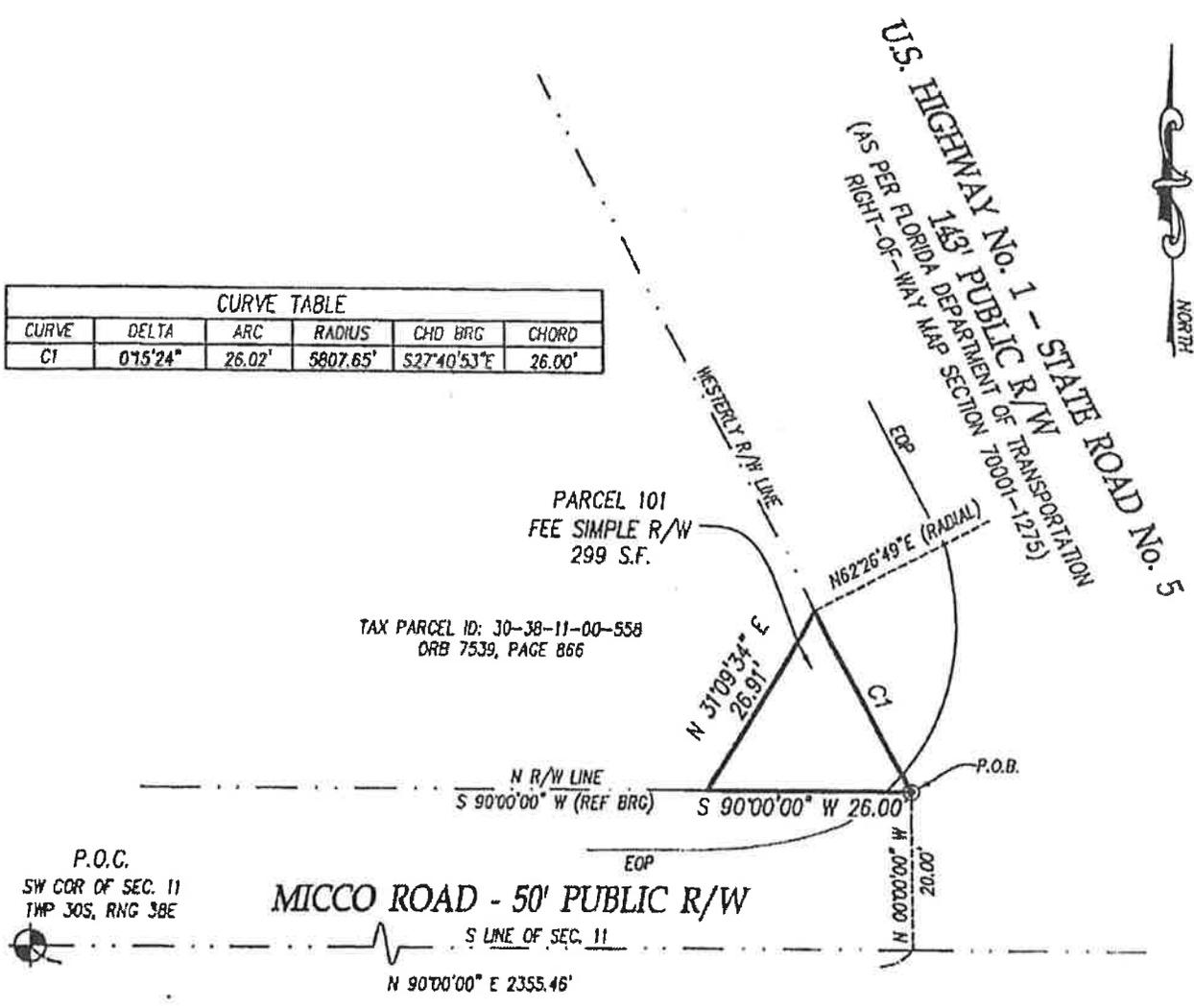
SKETCH OF DESCRIPTION
PARCEL# 101

PARENT PARCEL ID# 30-38-11-00-558
 PURPOSE: FEE SIMPLE RIGHT-OF-WAY

EXHIBIT "A"
SHEET 2 OF 2
NOT A SURVEY

NOT VALID WITHOUT SHEET 1 OF 2

CURVE TABLE					
CURVE	DELTA	ARC	RADIUS	CHD BRG	CHORD
C1	075°24"	26.02'	5807.65'	S27°40'53"E	26.00'



P.O.C.
 SW COR OF SEC. 11
 TWP 30S, RNG 38E

MICCO ROAD - 50' PUBLIC R/W

GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.

PREPARED BY: Kane Surveying, Inc. FLORIDA LICENSED BUSINESS No. LB 7838 805 DISTRIBUTION DRIVE MELBOURNE, FLORIDA 32904 (321) 878-0427 FAX (321) 884-1448	SCALE: 1 INCH = 20 FEET	SECTION 11 TOWNSHIP 30 SOUTH RANGE 38 EAST
	PROJECT No.	

LOCATION MAP

TWP: 30 RNG: 38 SEC: 11 DISTRICT: 3

STREET NAME: Micco/US I

OWNER'S NAME: Cumberland Farms, Inc.

