

Meeting Date
March 3, 2015



AGENDA	
Section	Consent
Item No.	<i>II.A.5</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Warranty Deed from FMKT MEL OWNER LLC, a Florida limited liability company for road right-of-way and sidewalk located along the east side of Wickham Road across from Jordan Blass Blvd. (Site Plan # 14SP-00455 -Wickham Road Retail) - District 4
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DEPT/OFFICE:	Public Works Department / Land Acquisition Section
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Requested Action:
It is requested that the Board of County Commissioners approve and accept the Warranty Deed from FMKT MEL OWNER LLC, for the proposed construction of a turn lane and installation of a sidewalk to serve a planned retail site. (Site Plan # 14SP-00455-Wickham Road Retail)

Summary Explanation & Background:
The subject property is located in Section 13, Township 26 South, Range 36 East.
Brevard County Land Development Regulation #62-2956 (1) requires that "right-of-way width shall be sufficient to accommodate all public facilities, including, but not limited to: pavement, drainage, pedestrian ways, auxiliary lanes, medians, utilities, and landscaping." Further, #62-2956 (10) (b) (2) requires that "the applicant shall provide sidewalks adjacent to roadways on which a development abuts and adjacent to all roadways within the development, with a minimum width of five feet. A width of not less than four feet may be considered where necessary to provide consistency with established widths or to address right-of-way constraints."
Through a Warranty Deed, the owner has conveyed sufficient area to accommodate both the turning lane and the sidewalk. All improvements within the right-of-way will be at the owner's expense.
There is no mortgage on the property.
Land Acquisition policies and procedures require approval and acceptance by the Board of County Commissioners for all easements and right-of-way conveyances to the County.
Fiscal impact: FY 2014-2015: No impact
FY 2015-2016: No impact

Clerk to the Board Instructions: Forward the Board approval memo to Department.

Exhibits Attached: Copy of Executed and Recorded Warranty Deed with Sketch and Legal Descriptions, Copy of Executed and Recorded Partial Release of Reciprocal Easement and Operating Agreement with Sketch and Legal Descriptions, Location Maps, Property Fact Sheet

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
	Mel Scott	
Stockton Whitten	Assistant County Manager	John P Denninghoff / 57202
	Venetta Valdengo	



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

March 4, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.5., Warranty Deed from FMKT MEL OWNER, LLC, a Florida Limited Liability Company, for Road Right-of-Way and Sidewalk Located Along the East Side of Wickham Road Across from Jordan Blass Boulevard (Site Plan #14SP-00455 – Wickham Road Retail)

The Board of County Commissioners, in regular session on March 3, 2015, accepted a Warranty Deed from FMKT MEL OWNER LLC, for the proposed construction of a turn lane and installation of a sidewalk to serve a planned retail site located along the east side of Wickham Road across from Jordan Blass Boulevard (Site Plan #14SP-00455 – Wickham Road Retail).

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS



AGENDA: ACCEPTANCE OF WARRANTY DEED FROM FMKT MEL OWNER LLC,
A FLORIDA LIMITED LIABILITY COMPANY IN FAVOR OF BREVARD
COUNTY FOR THE PURPOSE OF INSTALLATION OF A TURNING
LANE AND A SIDEWALK IN FRONT OF A PROPOSED RETAIL SITE
(SITE PLAN 14SP-00455 – WICKHAM ROAD RETAIL) - DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847(5-2886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor		_____	<u>2/9/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u>See attached</u>	_____	<u>2/9/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director		_____	<u>2/19/15</u>

AGENDA DUE DATE: February 17, 2015 for the **March 3, 2015** Board Meeting

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

BOARD OF COUNTY COMMISSIONERS

AGENDA: ACCEPTANCE OF WARRANTY DEED FROM FMKT MEL OWNER LLC,
A FLORIDA LIMITED LIABILITY COMPANY IN FAVOR OF BREVARD
COUNTY FOR THE PURPOSE OF INSTALLATION OF A TURNING
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REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u></u>	_____	<u>2/9/15</u>
COUNTY ATTORNEY Christine Lepore Assistant County Attorney	<u></u>	_____	<u>2/9/15</u>
PUBLIC WORKS DEPT. John P. Denninghoff, Director	_____	_____	_____

AGENDA DUE DATE: February 17, 2015 for the March 3, 2015 Board Meeting

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

*This instrument prepared by
and when recorded return to:*

**Philip A. Holtsberg, Esq.
The Ort Law Firm
1305 E. Plant Street
Winter Garden, FL 34787**

-----[SPACE ABOVE THIS LINE FOR RECORDING INFORMATION]-----

Warranty Deed

THIS INDENTURE is made this **15th** day of January, 2015 between **FMKT MEL OWNER, LLC**, a Florida limited liability company, whose post office address is 250 North Orange Avenue, Suite 1500, Orlando, Florida 32801, as party of the first part, and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, as party of the second part, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940-6605.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00) 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 land, situated, lying and being in the County of Brevard, State of Florida, to-wit:

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S88°53'28"W ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 310.11 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 440.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 226.78 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WA Y LINE, RUN N53°54'42"E, A DISTANCE OF 10.00 FEET; THENCE RUN S36°05'18"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 226.78 FEET; THENCE RUN S53°54' 42"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S88°53'28"W ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 310.11 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N36°05'18"W ALONG SAID EASTERLY RIGHT

OF WAY LINE, A DISTANCE OF 8.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 328.42 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN S81°05'18"E, A DISTANCE OF 19.80 FEET; THENCE RUN S36°05'18"E ALONG A LINE 14.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.30 FEET; THENCE RUN N53°54'42"E, A DISTANCE OF 12.00 FEET; THENCE RUN S36°05'18"E ALONG A LINE 26.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 25.16 FEET; THENCE RUN S08°54'42"W, A DISTANCE OF 22.63 FEET; THENCE RUN S36°05'18"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 168.96 FEET; THENCE RUN S53°54'42"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

Subject to easements, restrictions, and reservations of record, if any, and taxes for the year 2015 and subsequent years.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, forever, and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

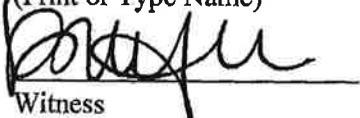
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

**Signed, sealed and delivered
In the presence of:**

WITNESSES:


Witness

Elizabeth S. Pullum
(Print or Type Name)



Witness

Brittany Mead
(Print or Type Name)

FMKT MEL OWNER LLC,
a Florida limited liability company

By: **FMKT MEL MGR LLC**
a Florida limited liability company
As its sole member and manager

By: **FMKT MEL JV LLC**
a Florida limited liability company
As its sole member and manager

By: 
Troy M. Cox
Authorized Signatory

STATE OF FLORIDA

COUNTY OF ORANGE

1/19/15

I HEREBY CERTIFY, that on this day personally appeared before me Troy M. Cox, as Authorized Signatory for FMKT MEL JV LLC, a Florida limited liability company, as sole member and manager of FMKT MEL MGR LLC, a Florida limited liability company, as sole member and manager of FMKT MEL OWNER LLC, a Florida limited liability company, well known to me to be the person described herein and who executed the foregoing deed on behalf of the company, and that he acknowledged before me that he executed the same freely and voluntarily for the purposes herein expressed. He is personally known to me or [] presented a _____ driver's license as identification.

NOTARY PUBLIC

Print Name: Elizabeth S Pullum

Commission No.: EG 072459

Commission Expiration Date: 3/10/15

Notary Seal:



LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 2

PARCEL 101
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 2 OF 2
 THIS IS NOT A SURVEY

LEGAL DESCRIPTION PARCEL 101 (BY SURVEYOR):

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

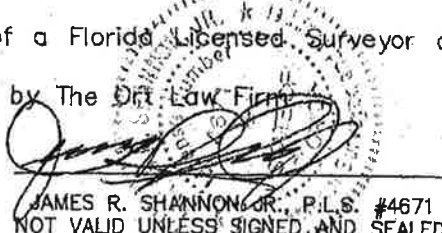
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S88°53'28"W ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 310.11 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 440.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 226.78 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN N53°54'42"E, A DISTANCE OF 10.00 FEET; THENCE RUN S36°05'18"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 226.78 FEET; THENCE RUN S53°54'42"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

2,268 SQUARE FEET, OR 0.052 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. Bearings are assumed and based on the South line of Section 13-26-36 as being S88°53'28"W.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standard of Practice for Land Surveying, CH 5J-17.051 requirements.
3. Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.
4. Reference: Opinion of Title dated December 5, 2014 by The Off. Law Firm

PREPARED FOR:
 NARR Construction Services
 Brevard County Board of County Commissioners



JAMES R. SHANNON, JR., P.L.S. #4671
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: SHANNON SURVEYING, INC. / LB #6898
 ADDRESS: 499 NORTH S.R. 434 - SUITE 2155, ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-774-8372

DRAWN BY: <u>B.P.</u>	CHECKED BY: <u>JS</u>	PROJECT: <u>WICKHAM RD RETAIL</u>	SECTION <u>13</u>
DATE: <u>12/05/2014</u>	SHEET <u>1</u> OF <u>2</u>	DRAWING NO.: <u>WICKHAM RD-RW DED-SKETCH 2</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>36</u> EAST

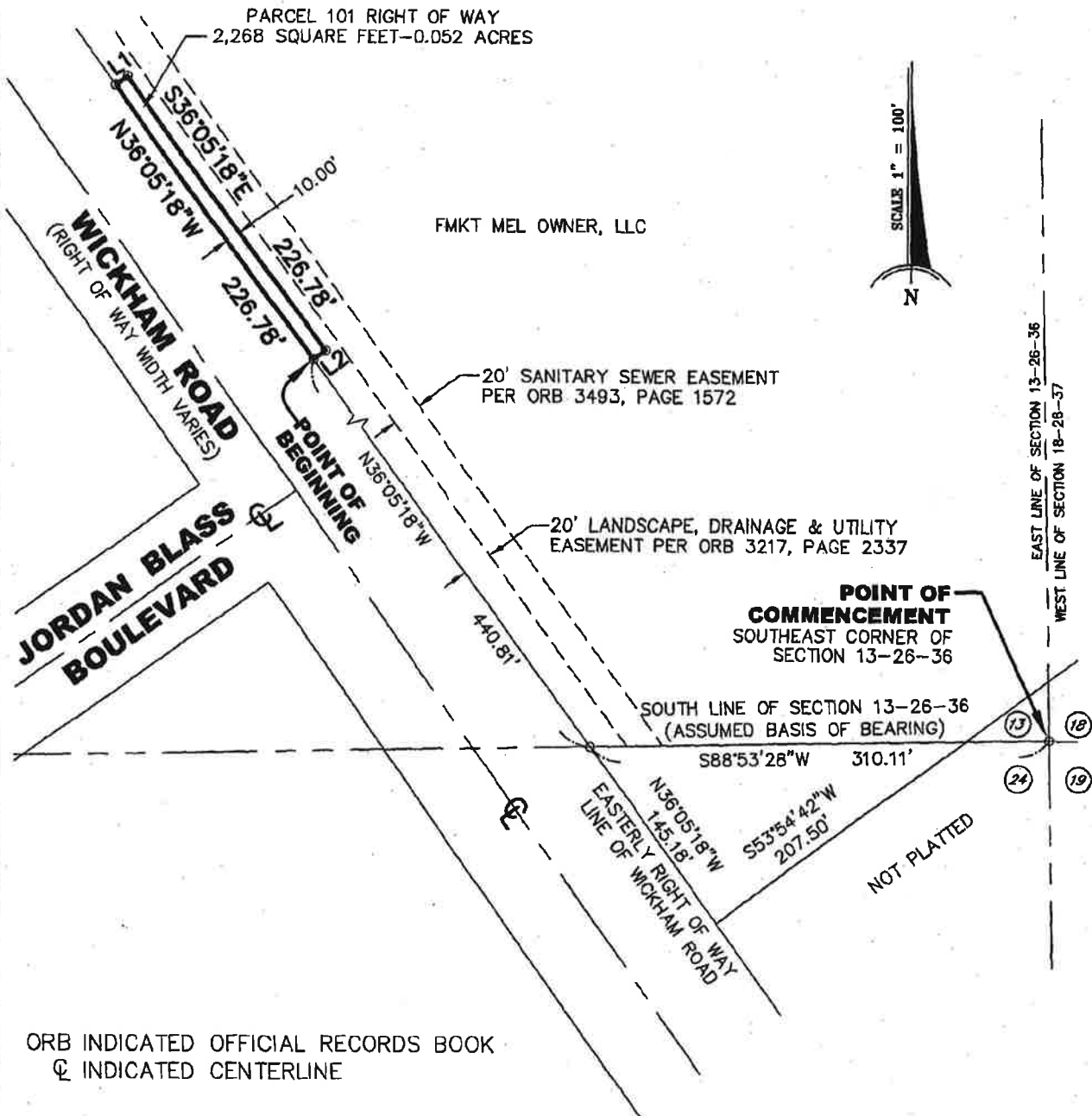
LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 2 OF 2

PARCEL 101
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 1 OF 2
 THIS IS NOT A SURVEY



ORB INDICATED OFFICIAL RECORDS BOOK
 Q INDICATED CENTERLINE

LINE TABLE		
LINE	BEARING	LENGTH
L1	$N53^{\circ}54'42''E$	10.00'
L2	$S53^{\circ}54'42''W$	10.00'

PROJECT: WICKHAM RD RETAIL
 DRAWING NO.: WICKHAM RD-RW DED-SKETCH 2
 PREPARED BY: SHANNON SURVEYING, INC.

LEGAL DESCRIPTION

EXHIBIT "B"

SHEET 1 OF 2

PARCEL 102
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 2 OF 2
 THIS IS NOT A SURVEY

LEGAL DESCRIPTION PARCEL 102 (BY SURVEYOR):

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S88°53'28"W ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 310.11 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 8.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 328.42 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN S81°05'18"E, A DISTANCE OF 19.80 FEET; THENCE RUN S36°05'18"E ALONG A LINE 14.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.30 FEET; THENCE RUN N53°54'42"E, A DISTANCE OF 12.00 FEET; THENCE RUN S36°05'18"E ALONG A LINE 26.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 25.16 FEET; THENCE RUN S08°54'42"W, A DISTANCE OF 22.63 FEET; THENCE RUN S36°05'18"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 168.96 FEET; THENCE RUN S53°54'42"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,190 SQUARE FEET, OR 0.096 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. Bearings are assumed and based on the South line of Section 13-26-36 as being S88°53'28"W.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standard of Practice for Land Surveying CH 5J-17.051 requirements.
3. Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.
4. Reference: Opinion of Title dated December 5, 2014 by The Ort Law Firm

PREPARED FOR:
 NARR Construction Services
 Brevard County Board of County Commissioners

JAMES R. SHANNON, JR., P.L.S. #4671
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: SHANNON SURVEYING, INC. / LB #6898
 ADDRESS: 499 NORTH S.R. 434 - SUITE 2155, ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-774-8372

DRAWN BY: <u>B.P.</u>	CHECKED BY: <u>JS</u>	PROJECT: <u>WICKHAM RD RETAIL</u>	SECTION <u>13</u>
DATE: <u>12/05/2014</u>	SHEET <u>1</u> OF <u>2</u>	DRAWING NO.: <u>WICKHAM RD-RW DED-SKETCH 1</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>36</u> EAST

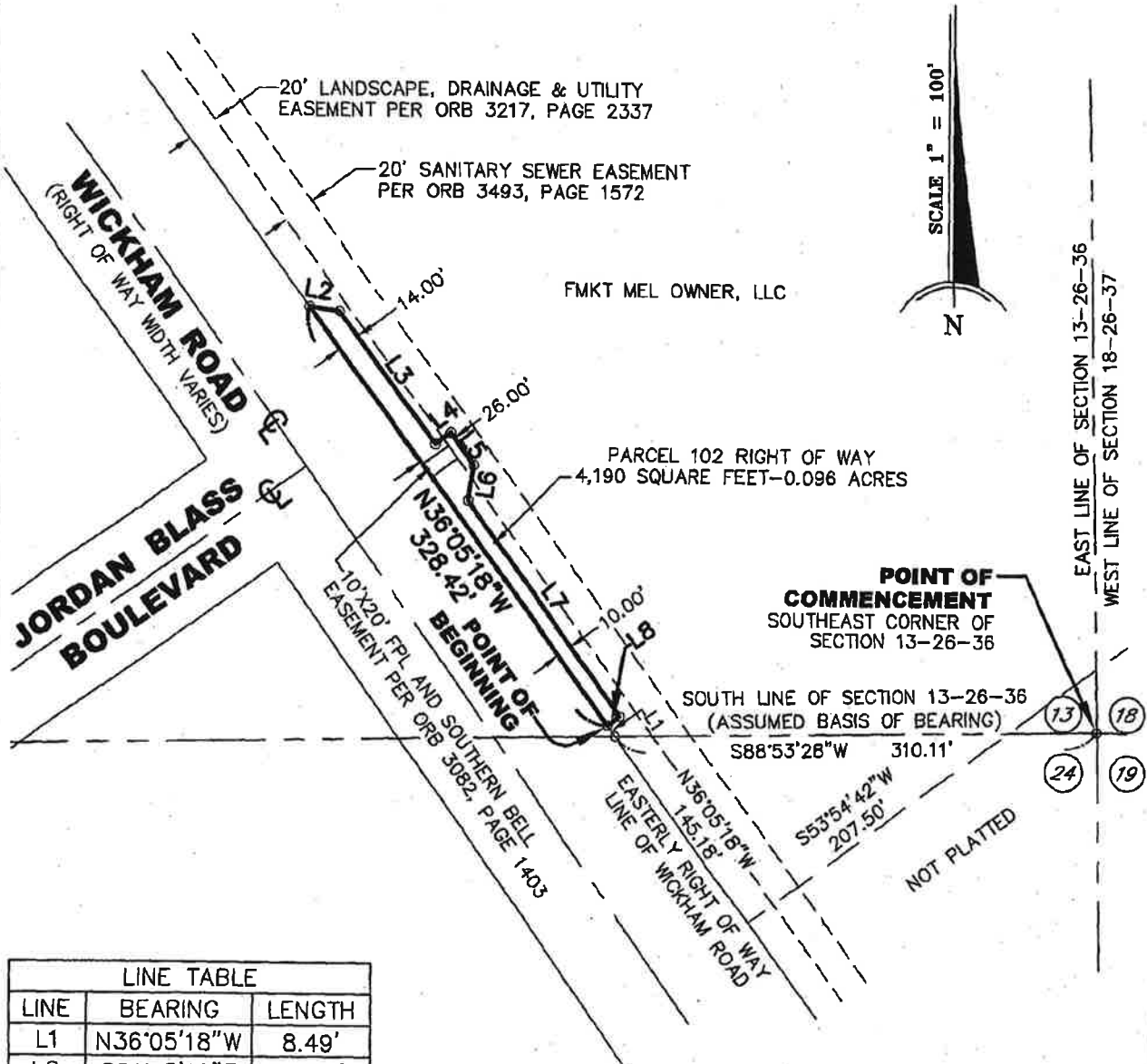
LEGAL DESCRIPTION

EXHIBIT "B"

SHEET 2 OF 2

PARCEL 102
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 1 OF 2
 THIS IS NOT A SURVEY



LINE TABLE		
LINE	BEARING	LENGTH
L1	N36°05'18"W	8.49'
L2	S81°05'18"E	19.80'
L3	S36°05'18"E	104.30'
L4	N53°54'42"E	12.00'
L5	S36°05'18"E	25.16'
L6	S08°54'42"W	22.63'
L7	S36°05'18"E	168.96'
L8	S53°54'42"W	10.00'

SOUTHERN BELL INDICATED SOUTHERN BELL TELEPHONE AND TELEGRAPHY COMPANY
 FPL INDICATED FLORIDA POWER & LIGHT COMPANY
 ORB INDICATED OFFICIAL RECORDS BOOK
 ☉ INDICATED CENTERLINE

PROJECT: WICKHAM RD RETAIL
 DRAWING NO.: WICKHAM RD-RW DED-SKETCH 1
 PREPARED BY: SHANNON SURVEYING, INC.

*This instrument prepared by
and when recorded return to:*

Philip A. Holsberg, Esq.
The Ort Law Firm
1305 E. Plant Street
Winter Garden, FL 34787

-----[SPACE ABOVE THIS LINE FOR RECORDING INFORMATION]-----

**PARTIAL RELEASE FROM RECIPROCAL EASEMENT
AND OPERATING AGREEMENT**

THIS PARTIAL RELEASE FROM RECIPROCAL EASEMENT AND OPERATING AGREEMENT (this "PARTIAL RELEASE") is entered into this 5th day of January, 2015 (the "Effective Date"), by and among IMPERIAL SOUTH, INC., a Florida corporation ("Imperial"), SUNTREE VIERA PROPERTIES, LLC, a Florida limited liability company ("Suntree"), and FMKT MEL OWNER LLC, a Florida limited liability company ("FMO").

RECITALS:

- A. Imperial, Suntree, and FMO own all of the real property which is subject to that certain Reciprocal Easement and Operating Agreement, dated December 31, 2012, which was recorded January 4, 2013, in Official Records Book 6772, Page 163, Public Records of Brevard County, Florida (the "Original REA"), as modified and amended by that certain First Amendment to Reciprocal Easement and Operating Agreement, dated June 2, 2014, which was recorded June 5, 2014, in Official Records Book 7140, Page 1556, Public Records of Brevard County, Florida (the "First Amendment"), as modified and amended by that certain Second Amendment to Reciprocal Easement and Operating Agreement, dated September 19, 2014, which was recorded September 22, 2014, in Official Records Book 7213, Page 155, Public Records of Brevard County, Florida (the "Second Amendment") (the Original REA, the First Amendment, and Second Amendment are collectively referred to in this Partial Release as the "REA").
- B. The REA encumbers certain real property located in Brevard County, Florida, as described in the REA.
- C. As part of the development plan for a portion of the real property which remains subject to the REA, Brevard County, Florida has requested that FMO convey to it in fee simple certain real property owned by FMO, for right of way purposes, free and clear of the REA, and the parties hereto are willing to release that property from the REA for such purposes.

NOW, THEREFORE, Imperial, Suntree, and FMO agree, each for themselves and their respective successors and assigns, as follows:

1. Recitals; Capitalized Terms; Conflict. The foregoing Recitals are true and correct and are incorporated herein by this reference. All capitalized terms used in this Partial Release and not otherwise defined shall have the meanings ascribed to such terms in the REA. In the event of any conflict between the terms and conditions of this Partial Release and those set forth in the REA, the terms and conditions of this Partial Release shall control.
2. Partial Release. The undersigned do hereby release and convey to Brevard County, Florida, any right, title, estate, claim or interest which they have or may have by virtue of the REA, as it applies to the property described in Exhibits "A" and "B" (attached hereto and made a part hereof), which is to be conveyed to Brevard County, Florida by FMO for the use and purpose of additional road right of way for Wickham Road. The undersigned do hereby release any and all interest in the property described in Exhibits "A" and "B" to Brevard County, Florida.
3. Continuing Effect. Except as herein contained the REA remains in full force and effect and the parties hereto hereby ratify and confirm the continued validity and viability of all terms, conditions, provisions and obligations set forth in the REA which shall remain in full force and effect and shall be fully complied with.

IN WITNESS WHEREOF, the Parties executed and delivered this Partial Release as of the Effective Date.

(Signature pages follow)

WITNESSES:

Sign: [Signature]
Name (print): Jeffrey P. Jardine

Sign: [Signature]
Name (print): Kathleen Szypuri

IMPERIAL:

IMPERIAL SOUTH, INC.,
a Florida corporation

Sign: [Signature]
Name (print): JP Reid Levy
Date: 1-15-15

STATE OF New York
COUNTY OF Westchester

The foregoing instrument was acknowledged before me this 15th day of JANUARY, 2015, by JEFFREY LEVY, as PRESIDENT of IMPERIAL SOUTH, INC., a Florida corporation, on behalf of the corporation, who [] is personally known to me or [] produced his/her driver's license as identification.

JEFFREY P. JARDINE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01JA6036216
Qualified in Westchester County
My Commission Expires January 31, 2018

[Signature]
NOTARY PUBLIC
Print Name: Jeffrey P. Jardine
Commission No.:
Commission Expiration Date:
Notary Seal:

Signature page to Partial Release of Reciprocal Easement And Operating Agreement.

WITNESSES:

Sign: [Signature]
Name (print): MAURICE SIMPSON

Sign: [Signature]
Name (print): Kim Amato

SUNTREE:

SUNTREE VIERA PROPERTIES, LLC,
a Florida limited liability company

Sign: [Signature]
Name (print): ERIC HARDON (Manager)
Date: 1/14/15

STATE OF Florida
COUNTY OF Bayard

The foregoing instrument was acknowledged before me this 14 day of January, 2015, by Eric Hardon, as Director Manager of SUNTREE VIERA PROPERTIES, LLC, a Florida limited liability company, on behalf of the company, who [] is personally known to me or [X] produced his/her driver's license as identification.



[Signature]
NOTARY PUBLIC
Print Name: Diane C Martin
Commission No.: FF133595
Commission Expiration Date: 01/17/18
Notary Seal:

Signature page to Partial Release of Reciprocal Easement And Operating Agreement.

WITNESSES:

[Signature]
Print: Elizabeth Pullum
[Signature]
Print: Brittany Mead

FMO:

FMKT MEL OWNER LLC,
a Florida limited liability company

By: FMKT MEL MGR LLC
a Florida limited liability company
As its sole member and manager

By: FMKT MEL JV LLC
a Florida limited liability company
As its sole member and manager

By: [Signature]
Troy M. Cox
Authorized Signatory

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 15TH day of JANUARY, 2015, by Troy M. Cox, as Authorized Signatory for FMKT MEL JV LLC, a Florida limited liability company, as sole member and manager of FMKT MEL MGR LLC, a Florida limited liability company, as sole member and manager of FMKT MEL OWNER LLC, a Florida limited liability company. He is personally known to me or [] presented a _____ driver's license as identification.



[Signature]
NOTARY PUBLIC
Print Name: Elizabeth Pullum
Commission No.: EE 072459
Commission Expiration Date: 3/10/15
Notary Seal:

Signature page to Partial Release of Reciprocal Easement And Operating Agreement.

JOINDER AND CONSENT OF MORTGAGEE

SUNTRUST BANK, ("Mortgagee"), as owner and holder of the following Loan Documents:

- 1. Mortgage and Security Agreement
Recorded in O.R. Book 7200, Page 33, in Brevard County, Florida
- 2. Assignment of Rents, Leases and Proceeds
Recorded in O.R. Book 7200, Page 66, in Brevard County, Florida
- 3. Collateral Assignment of Development Rights, Licenses, Contracts, Permits and Warranties
Recorded in O.R. Book 7200, Page 73, in Brevard County, Florida

hereby joins and consents to the foregoing Partial Release of Reciprocal Access Easement and Operating Agreement.

Signed sealed and delivered in the presence of:

SunTrust Bank

Witness #1:

Sign Name: Kristine C. Watts
Print Name: KRISTINE C. WATTS

By: Christina Teague
Name: CHRISTINA TEAGUE
Title: Relationship Manager

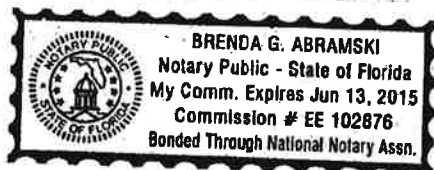
Witness #2:

Sign Name: [Signature]
Print Name: ERIC Hardoon

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 14th day of January, 2015 by Christina Teague of SunTrust Bank, on behalf of the Bank. He/She is personally known to me or has produced a Florida driver's license as identification.

[Notary Seal]



Brenda G. Abramski
Notary Public
Printed Name: Brenda G. Abramski
My Commission Expires: 6/13/15

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 2

PARCEL 101
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 2 OF 2
 THIS IS NOT A SURVEY

LEGAL DESCRIPTION PARCEL 101 (BY SURVEYOR):

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

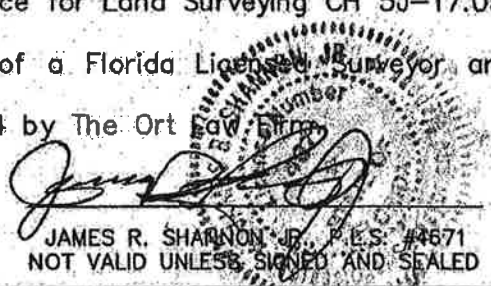
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S88°53'28"W ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 310.11 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 440.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 226.78 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN N53°54'42"E, A DISTANCE OF 10.00 FEET; THENCE RUN S36°05'18"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 226.78 FEET; THENCE RUN S53°54'42"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

2,268 SQUARE FEET, OR 0.052 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. Bearings are assumed and based on the South line of Section 13-26-36 as being S88°53'28"W.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standard of Practice for Land Surveying CH 5J-17.051 requirements.
3. Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.
4. Reference: Opinion of Title dated December 5, 2014 by The Ort Law Firm

PREPARED FOR:
 NARR Construction Services
 Brevard County Board of County Commissioners



JAMES R. SHANNON, JR., P.E.S. #4671
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: SHANNON SURVEYING, INC. / LB #6898
 ADDRESS: 499 NORTH S.R. 434 - SUITE 2155, ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-774-8372

DRAWN BY: <u>B.P.</u>	CHECKED BY: <u>JS</u>	PROJECT: <u>WICKHAM RD RETAIL</u>	SECTION: <u>13</u>
DATE: <u>12/05/2014</u>	SHEET: <u>1</u> OF <u>2</u>	DRAWING NO.: <u>WICKHAM RD-RW DED-SKETCH 2</u>	TOWNSHIP: <u>26</u> SOUTH
			RANGE: <u>36</u> EAST

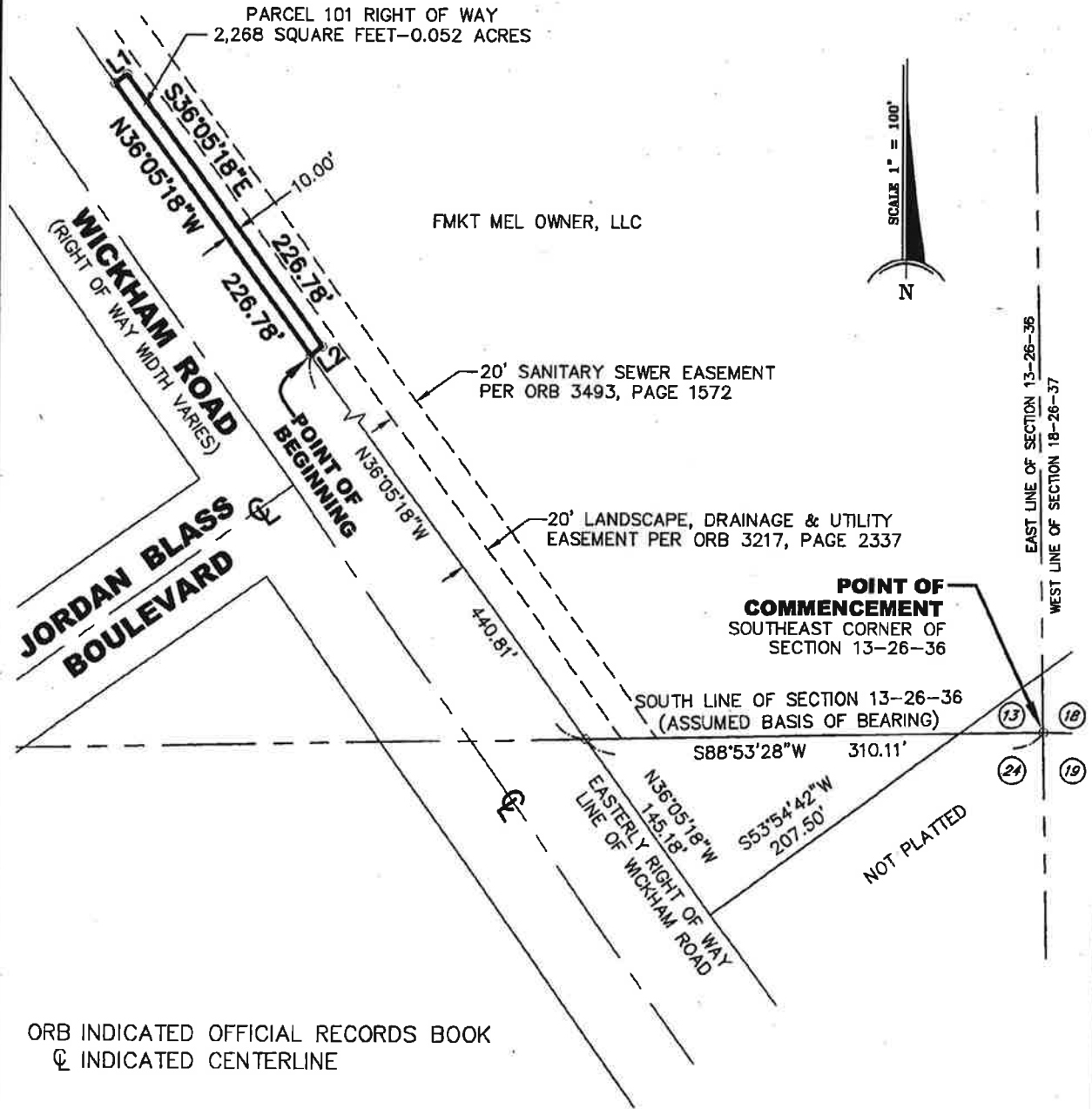
LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 2 OF 2

PARCEL 101
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 1 OF 2
 THIS IS NOT A SURVEY



ORB INDICATED OFFICIAL RECORDS BOOK
 Q INDICATED CENTERLINE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N53°54'42"E	10.00'
L2	S53°54'42"W	10.00'

PROJECT: WICKHAM RD RETAIL
 DRAWING NO.: WICKHAM RD-RW DED-SKETCH 2
 PREPARED BY: SHANNON SURVEYING, INC.

LEGAL DESCRIPTION

EXHIBIT "B"

SHEET 1 OF 2

PARCEL 102
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 2 OF 2
 THIS IS NOT A SURVEY

LEGAL DESCRIPTION PARCEL 102 (BY SURVEYOR):

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE RUN S88°53'28"W ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 310.11 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF WICKHAM ROAD; THENCE RUN N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 8.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N36°05'18"W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 328.42 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN S81°05'18"E, A DISTANCE OF 19.80 FEET; THENCE RUN S36°05'18"E ALONG A LINE 14.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.30 FEET; THENCE RUN N53°54'42"E, A DISTANCE OF 12.00 FEET; THENCE RUN S36°05'18"E ALONG A LINE 26.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 25.16 FEET; THENCE RUN S08°54'42"W, A DISTANCE OF 22.63 FEET; THENCE RUN S36°05'18"E ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 168.96 FEET; THENCE RUN S53°54'42"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,190 SQUARE FEET, OR 0.096 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. Bearings are assumed and based on the South line of Section 13-26-36 as being S88°53'28"W.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standard of Practice for Land Surveying CH 5J-17.051 requirements.
3. Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.
4. Reference: Opinion of Title dated December 5, 2014 by The Orlando Office of James R. Shannon, Jr., P.E.S. #4671

(Signature)
 JAMES R. SHANNON JR., P.E.S. #4671
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR:
 NARR Construction Services
 Brevard County Board of County Commissioners

PREPARED BY: SHANNON SURVEYING, INC. / LB #6898
 ADDRESS: 499 NORTH S.R. 434 - SUITE 2155, ALTAMONTE SPRINGS, FL 32714
 PHONE: 407-774-8372



DRAWN BY: <u>B.P.</u>	CHECKED BY: <u>JS</u>	PROJECT: <u>WICKHAM RD RETAIL</u>	SECTION <u>13</u>
DATE: <u>12/05/2014</u>	SHEET <u>1</u> OF <u>2</u>	DRAWING NO.: <u>WICKHAM RD-RW DED-SKETCH 1</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>36</u> EAST

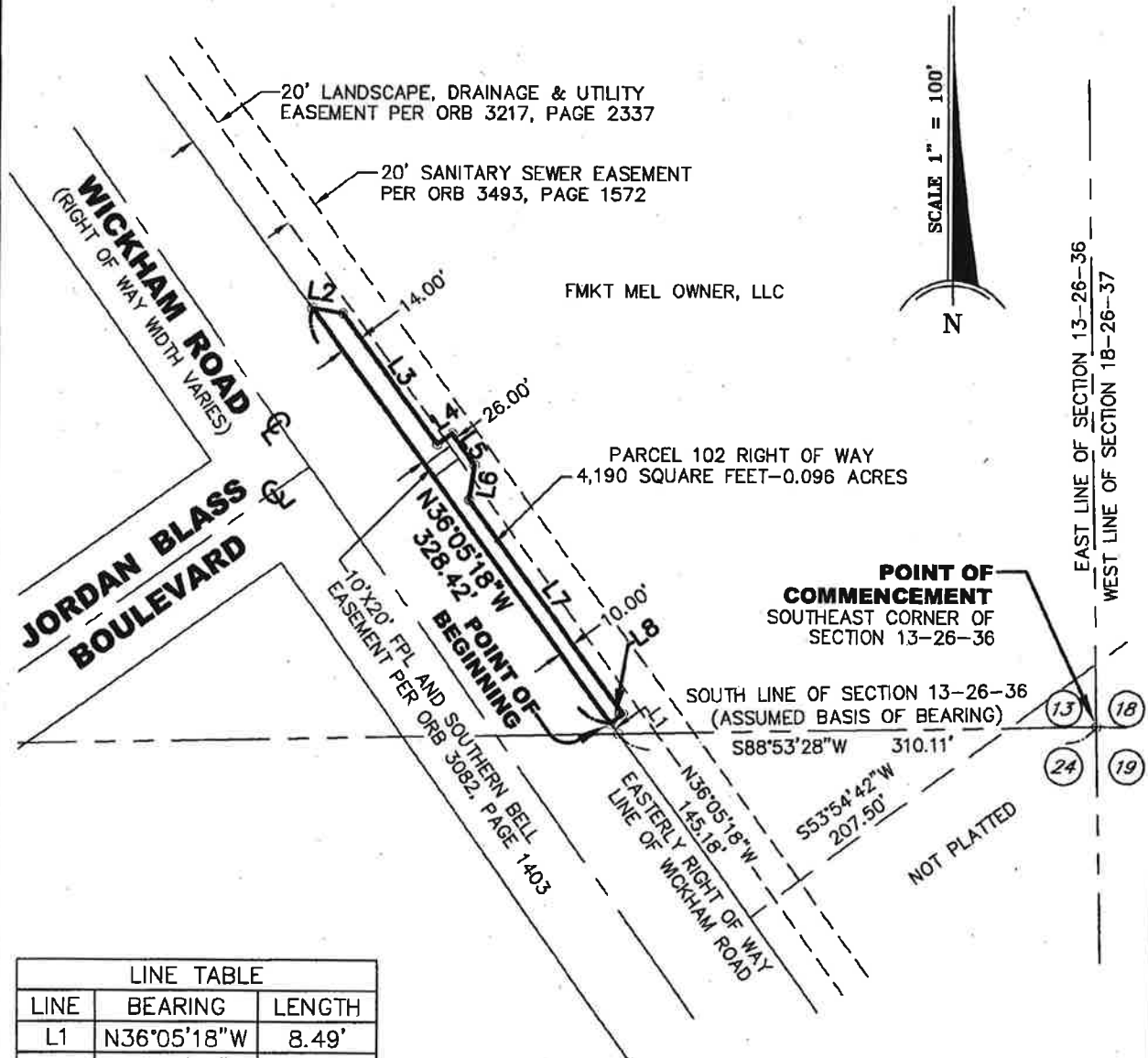
LEGAL DESCRIPTION

EXHIBIT "B"

SHEET 2 OF 2

PARCEL 102
 SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARENT PARCEL ID NUMBER: 26-36-13-00-7560.0-0000.00
 PURPOSE OF SURVEY: RIGHT OF WAY DEDICATION

NOT VALID WITHOUT THE
 SKETCH ON SHEET 1 OF 2
 THIS IS NOT A SURVEY



LINE TABLE		
LINE	BEARING	LENGTH
L1	N36°05'18"W	8.49'
L2	S81°05'18"E	19.80'
L3	S36°05'18"E	104.30'
L4	N53°54'42"E	12.00'
L5	S36°05'18"E	25.16'
L6	S08°54'42"W	22.63'
L7	S36°05'18"E	168.96'
L8	S53°54'42"W	10.00'

SOUTHERN BELL INDICATED SOUTHERN BELL TELEPHONE AND TELEGRAPHY COMPANY
 FPL INDICATED FLORIDA POWER & LIGHT COMPANY
 ORB INDICATED OFFICIAL RECORDS BOOK
 ☉ INDICATED CENTERLINE

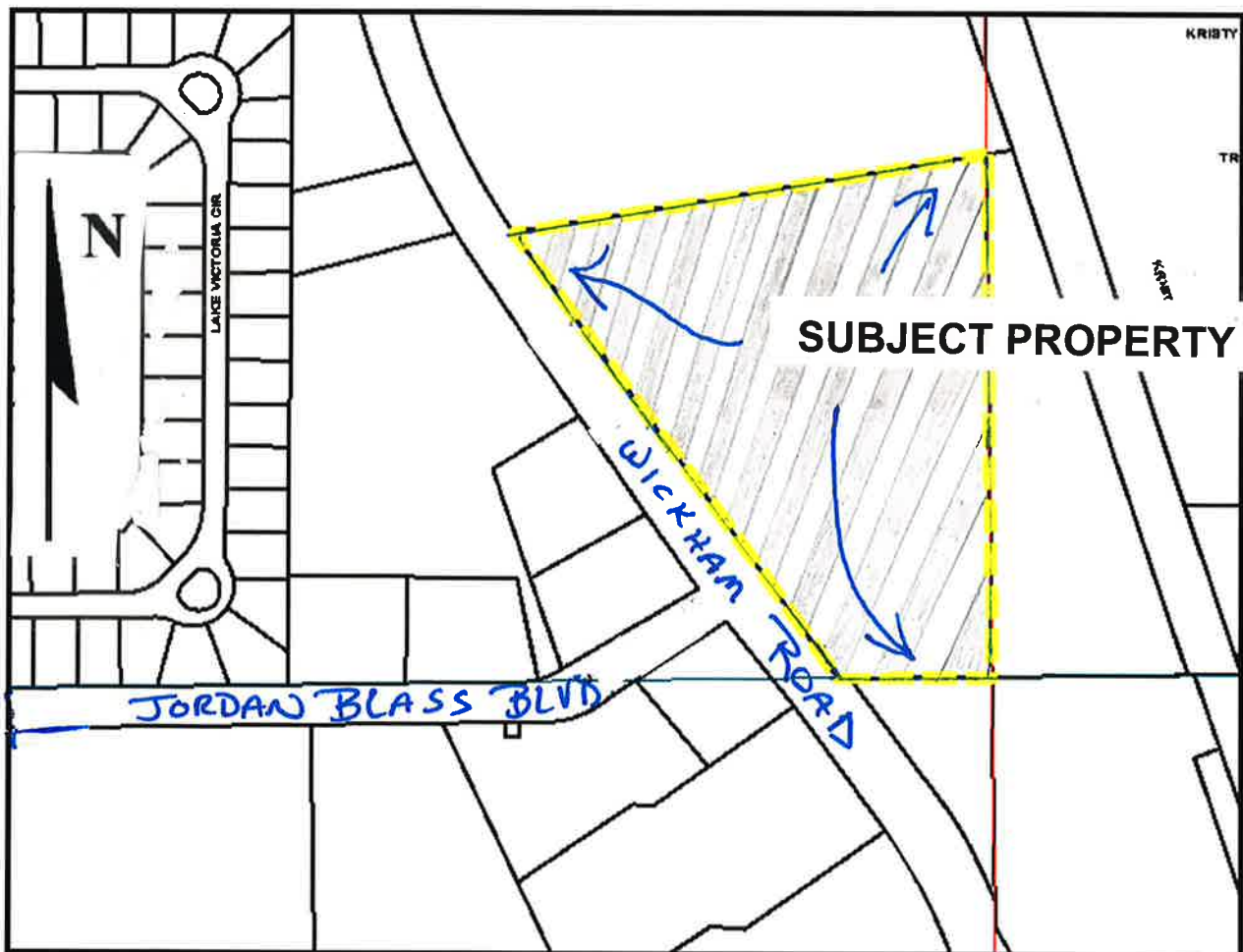
PROJECT: WICKHAM RD RETAIL
 DRAWING NO.: WICKHAM RD-RW DED-SKETCH 1
 PREPARED BY: SHANNON SURVEYING, INC.

LOCATION MAP

SEC: 13 TWP: 26 RNG: 36 DISTRICT: 4

STREET NAME: WICKHAM ROAD @ JORDAN BLASS BLVD.

OWNER'S NAME: FMKT MEL OWNER LLC





Dana Blickley, CFA

Brevard County Property Appraiser



North Government Complex
400 South St, 5th Floor
Titusville, FL 32780
Phone: (321) 264-6700
Fax: (321) 264-6954

Merritt Island Services Complex
2575 N Courtenay Pkwy
Merritt Island, FL 32953
Phone: (321) 454-6620
Fax: (321) 454-6618

Viera Government Center
2725 Judge Fran Jamieson Wy
Viera, FL 32940
Phone: (321) 690-6880
Fax: (321) 690-6883

South Services Complex
1515 Sarno Rd
Melbourne, FL 32935
Phone: (321) 255-4440
Fax: (321) 255-4439

Palm Bay Service Complex
450 Cogan Dr, SE
Palm Bay, FL 32909
Phone: (321) 952-4574
Fax: (321) 952-4573

Document content intended for assessment purposes only. Not a survey. Map layers may not precisely align. Other disclaimers apply.

Printed Monday, December 8, 2014 at 8:54 AM. www.bcpao.us

1 : 2,000

PROPERTY FACT SHEET

PROJECT: 14SP-00455- FRESH MARKET RETAIL STORE

INTEREST ACQUIRED-FEE SIMPLE INTEREST FOR THE PURPOSES OF ROAD RIGHT-OF-WAY AND SIDEWALK

Owner:	FMKT MEL OWNER LLC, A Florida limited liability company
Parcel Location:	East Side of Wickham Road across from Jordan Boulevard
Parent Parcel Size:	17.55 Total Acres
Type Property Acquired:	Fee Simple (Warranty Deed) R/W and Sidewalk
Easements affecting subject property conveyed to County:	Landscape, Drainage and Public Utility Easement in favor of Brevard County (OR BK 3217 PG 2337) Reciprocal Easement and Operating Agreement (OR BK 6772 PG 163) – Owner has Released area conveyed to County
Utility Easements encumbering property	Florida Power & Light and BellSouth (AT&T) Utility easements – No affect for intended use of property; these easements will be subordinated at a later date
*Tax Parcel ID#	To be determined by Property Appraiser
Zoning/land Use:	C-Retail
Improvements:	Proposed Retail
Topography:	Level with Road Grade
Flood Zone:	X (Outside the 500 Year Flood Plain)
Public Utilities:	All Utilities Available
*Market Value: (Property Appraiser-Assessed)	To be determined
Most Recent Property Transaction:	09/16/2014 \$250,000.00

*Property is being reviewed by Value Adjustment Board