

Meeting Date
October 6, 2015



Replacement	
AGENDA	
Section	Consent
Item No.	II A 4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Donation to Brevard County by 192 Associates for St Johns Heritage Parkway related construction - District 5. (Fiscal Impact: None)
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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 1) two Deeds (Parcels 103 E and F) and one Easement (811B) as donations from 192 Associates and 2) waive the requirement for an environmental assessment.

Summary Explanation & Background:

The subject property is located in Section 03, Township 28 South, Range 36 East.

In an effort to ensure a maximum efficiency related to the drainage in the area of the proposed intersection of St. Johns Heritage Parkway and US 192, it was determined that additional storm water conveyance pipes should be added in conjunction with the plan modification related to the Florida Department of Transportation drainage improvements. The owner of 192 Associates, Tuck Ferrell, has agreed to donate the needed property rights.

It is requested to waive the requirement for an environmental assessment since the parcels and easement are in the area of the ditch along FDOT right of way and the area was assessed as part of the St. Johns Heritage Parkway Project.


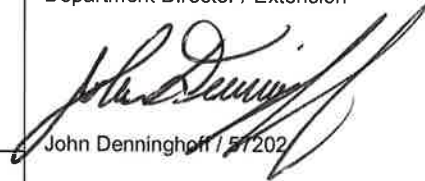
Land Acquisition policies and procedures have been followed in this process.

Fiscal Impact: FY 2015-2016: No impact
FY 2016-2017: No impact

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

Exhibits Attached: Copy of Donation Letter, Copy of Drainage, Maintenance, Slope Easement, Copy of (2) Warranty Deeds (with Descriptions) and Location Map

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
		 John Denninghoff / 5/202
Stockton Whitten	Assistant County Manager	



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

October 7, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.4., Approval of Donation to Brevard County by 192 Associates for St. Johns Heritage Parkway Relating to Construction

The Board of County Commissioners, in regular session on October 6, 2015, approved and accepted two Deeds (Parcels 103 E and F); one Easement (811B) as donations from 192 Associates; and waived the requirement for an environmental assessment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

✓ Tammy Etheridge, Deputy Clerk

/kg

BOARD OF COUNTY COMMISSIONERS

AGENDA: ST JOHNS HERITAGE PARKWAY – DEED AND EASEMENT FROM
192 ASSOCIATES TO BREVARD COUNTY FOR DRAINAGE
MODIFICATIONS AT INTERSECTION OF SJHP AND US 192. –
DISTRICT 5

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DRJ</u>	_____	<u>9/24/15</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>See Attached</u>	_____	_____
PUBLIC WORKS John Denninghoff, Director	<u>[Signature]</u>	_____	<u>9/30/15</u>

AGENDA DUE DATE: September 22, 2015 for the **October 6, 2015 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.

BOARD OF COUNTY COMMISSIONERS

AGENDA: ST JOHNS HERITAGE PARKWAY – DEED AND EASEMENT FROM
192 ASSOCIATES TO BREVARD COUNTY FOR DRAINAGE
MODIFICATIONS AT INTERSECTION OF SJHP AND US 192. –
DISTRICT 5

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DRS</u>	_____	<u>9/24/15</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>[Signature]</u>	_____	<u>Rec'd 9/30</u> <u>10/1/15</u>
PUBLIC WORKS John Denninghoff, Director	_____	_____	_____

AGENDA DUE DATE: September 22, 2015 for the October 6, 2015 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.



BOARD OF COUNTY COMMISSIONERS

Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way
Building A, Room 204
Viera, Florida 32940

Donation of Property to the County

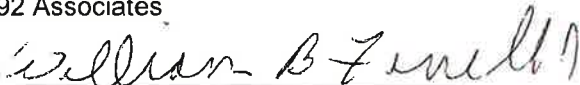
192 Associates
c/o William B. Ferrell, Jr.
12546 N. Highway A1A
Vero Beach, FL 32801

ITEM/SEGMENT NO.: 428346 – 3 – 58 - 01
F.A.P. NO.: N/A
PROJECT: St Johns Heritage Parkway
COUNTY: Brevard
PARCEL NO.: 103 E, 103 F and 811 A
INTEREST CONVEYED: Fee Simple – 103 E and 103F, Permanent Slope Easement – 811A

This is to advise that the undersigned, as owner of the property referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property (or portion thereof) to the County for the use and benefit of the County with the potential for 103 E and 103 F being transferred to the Florida Department Of Transportation.

The undersigned hereby acknowledges that he has been fully advised by a County representative of his right to have the referenced property appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

192 Associates



William B. Ferrell, Managing Partner

9/30/15
Date

Prepared by and return to:
Dan Jones, Land Acquisition Section
Public Works Department, Land Acquisition Section (321-690-6847)
2725 Judge Fran Jamieson Way, Room # 204 Viera, Florida 32940-6605
Being a Portion of Interest in Tax Parcel I.D #:28-36-03-00-00502.0-0000.00

WARRANTY DEED

THIS INDENTURE is made this _____ day of _____, 2015 between 192 Associates, a Florida General Partnership whose post office address is 12546 Highway A1A, Vero Beach, FL 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:

See Legal Description for 103 E Attached hereto as "Exhibit "A":

Subject to easements, restrictions, and reservations of record, if any, and taxes for the 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:

Witness
DANIEL P JONES
(Print or Type Name)

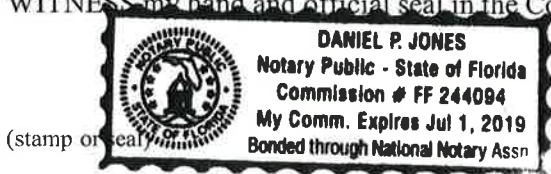
Witness
Lucy Hamelers
(Print or Type Name)

192 Associates, a Florida General Partnership
William B Ferrell
(Grantor) William B. Ferrell, Jr.
Managing Partner

State of: FLORIDA
County: BREVARD

The foregoing instrument was acknowledged before me this 30th day of Sept., 2015 by William B. Ferrell, Jr., Managing Partner of 192 Associates, a Florida General Partnership on behalf of the corporation who is personally known to me or has produced his Florida Driver's license as identification.

WITNESS my hand and official seal in the County and State last aforesaid, this 30th day of SEPT., 2015.



DANIEL P. JONES
Notary Public
Print Name

Approved by the Board: _____
Item # _____

LEGAL DESCRIPTION

Parcel 103E
Exhibit "A"
Page 1 of 3

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

Prepared by DRMP, Inc.

A parcel of land being in the Southwest 1/4 of Section 3, Township 28 South, Range 36 East, Brevard County, Florida and being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 3, Township 28 South, Range 36 East; thence run North 89°37'52" East along the North line of said Southwest 1/4 of Section 3 a distance of 1,529.40 feet, thence run South 00°12'14" East a distance of 131.39 feet to the South right-of-way line of US Highway 192 for a Point of Beginning; thence run North 89°37'29" East along said South right of way line of US Highway 192 a distance of 48.91 feet; thence leaving said South right-of-way line of US Highway 192 run South 00°22'31" East a distance of 15.00 feet; thence run South 89°37'29" West a distance of 48.96 feet; thence run North 00°12'14" West a distance of 15.00 feet to the South right-of-way line of US Highway 192 and the Point of Beginning.

Containing 734 square feet, more or less.

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AS BEING NORTH 89°37'52" EAST AS CALCULATED USING COORDINATES FROM THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT.
2. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, BURIED CABLES, SUB-SURFACE UTILITIES, FOUNDATIONS/FOOTERS OR BURIAL SITES WERE LOCATED, EXCEPT AS SHOWN.
3. THIS PROPERTY IS SUBJECT TO THE RECORDED AND UNRECORDED AGREEMENTS, ASSESSMENTS, EXCEPTIONS, COVENANTS, EASEMENTS, RESERVATIONS, RESTRICTIONS, AND OTHER ENCUMBRANCES, IF ANY, WHICH MAY OR MAY NOT APPEAR IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
4. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.

THIS SKETCH IS NOT A SURVEY

		ST. JOHN'S HERITAGE PARKWAY			FEE TAKE PARCEL SKETCH	
		PARCEL 103E				
BARRY W. PREWITT, FSM FLORIDA REGISTRATION No. LS 5267 (NOT VALID UNLESS SIGNED AND SEALED)		DATE	DATA SOURCE:	SCALE	DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
DRAWN	C.U.	9/9/15	N/A	1" = 200'		
CHECKED	A.L.Q.	9/10/15	DRMP PROJECT	06-0809.008		

SKETCH OF DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

Parcel 103E
Exhibit "A"
Page 2 of 3

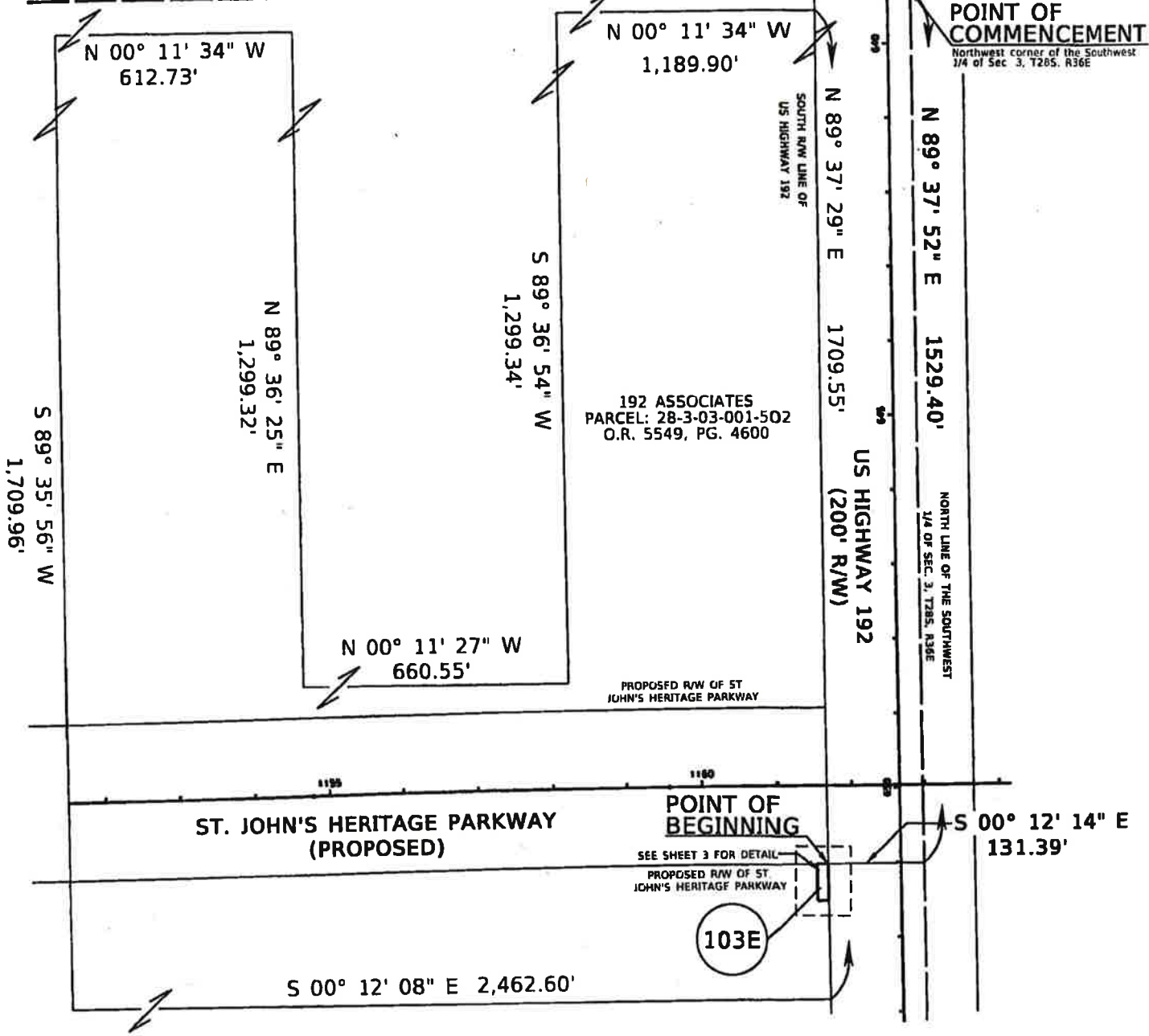
0 100 200 400 600 800



Scale: 1" = 200'

WEST LINE OF THE SOUTHWEST 1/4 OF SEC. 3, T28S, R36E

POINT OF COMMENCEMENT
Northwest corner of the Southwest 1/4 of Sec 3, T28S, R36E



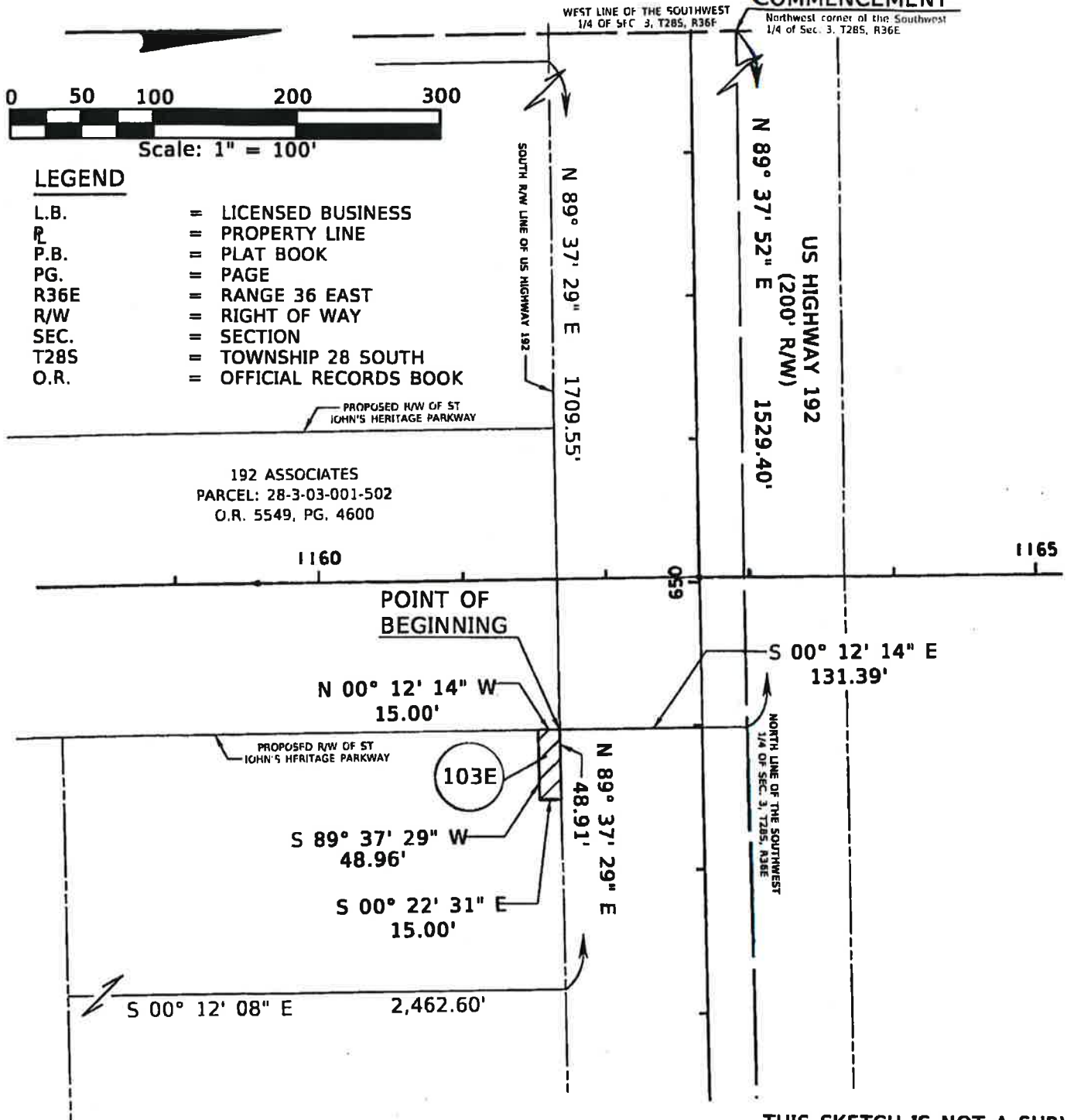
THIS SKETCH IS NOT A SURVEY

				ST. JOHN'S HERITAGE PARKWAY			FEE TAKE PARCEL SKETCH	
				PARCEL 103E			SKETCH PREPARED BY	
							DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
PER COMMENTS FROM CLIENT	CU	9/24/2015	DRAWN	C.U.	9/9/15	DATA SOURCE: N/A	SCALE: 1" = 200'	
REVISION	BY	DATE	CHECKED	A.L.Q.	9/10/15	DRMP PROJECT 06-0809.008		


SKETCH OF DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

Parcel 103E
Exhibit "A"
Page 3 of 3



THIS SKETCH IS NOT A SURVEY

			ST. JOHN'S HERITAGE PARKWAY				FEE TAKE PARCEL SKETCH	
			PARCEL 103E				SKETCH PREPARED BY	
			BY	DATE	DATA SOURCE:	SCALE	 DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
PER COMMENTS FROM CLIENT			C.U.	9/9/15	N/A	1" = 100'		
REVISION			BY	DATE	CHECKED	A.L.Q. 9/10/15		
			CU	9/24/2015	DRAWN	C.U.	DRMP PROJECT	
							06-0809.008	

Prepared by and return to:
Dan Jones, Land Acquisition Section
Public Works Department, Land Acquisition Section (321-690-6847)
2725 Judge Fran Jamieson Way, Room # 204 Viera, Florida 32940-6605
Being a Portion of Interest in Tax Parcel I.D #:28-36-03-00-00502.0-0000.00

WARRANTY DEED

THIS INDENTURE is made this _____ day of _____, 2015 between 192 Associates, a Florida General Partnership whose post office address is 12546 Highway A1A, Vero Beach, FL 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:

See Legal Description for 103 F Attached hereto as "Exhibit "A":

Subject to easements, restrictions, and reservations of record, if any, and taxes for the 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:

Witness

DANIEL P JONES
(Print or Type Name)

Witness

Lucy Hamelers
(Print or Type Name)

192 Associates, a Florida General Partnership

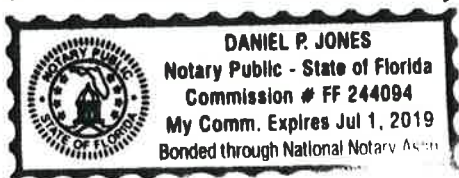
William B Ferrell, Jr
(Grantor) William B. Ferrell, Jr.
Managing Partner

State of: FLORIDA
County: BREVARD

The foregoing instrument was acknowledged before me this 30th day of Sept, 2015 by William B. Ferrell, Jr., Managing Partner of 192 Associates, a Florida General Partnership on behalf of the corporation who is personally known to me or has produced his Florida Driver's license as identification.

WITNESS my hand and official seal in the County and State last aforesaid, this 30th day of Sept, 2015.

(stamp or seal)



Notary Public

Print Name

DANIEL P. JONES

Approved by the Board: _____

Item # _____

LEGAL DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

Parcel 103F
Exhibit "A"
Page 1 of 3

Prepared by DRMP, Inc.

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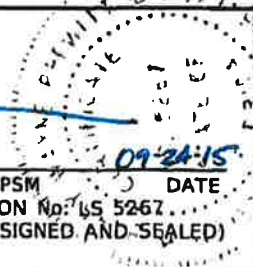
Commence at the Northwest corner of the Southwest 1/4 of Section 3, Township 28 South, Range 36 East; thence run North 89°37'52" East along the North line of said Southwest 1/4 of Section 3 a distance of 827.92 feet, thence run South 00°22'31" East a distance of 131.47 feet to the South right-of-way line of US Highway 192 for a Point of Beginning; thence run North 89°37'29" East along said South right-of-way line of US Highway 192 a distance of 491.09 feet; thence leaving said South right-of-way line of US Highway 192 run South 00°12'14" East a distance of 15.00 feet; thence run South 89°37'29" West a distance of 491.04 feet; thence run North 00°22'31" West a distance of 15.00 feet to the South right-of-way line of US Highway 192 and the Point of Beginning.

Containing 7366 square feet, more or less.

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AS BEING NORTH 89°37'52" EAST AS CALCULATED USING COORDINATES FROM THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT.
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3. THIS PROPERTY IS SUBJECT TO THE RECORDED AND UNRECORDED AGREEMENTS, ASSESSMENTS, EXCEPTIONS, COVENANTS, EASEMENTS, RESERVATIONS, RESTRICTIONS, AND OTHER ENCUMBRANCES, IF ANY, WHICH MAY OR MAY NOT APPEAR IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
4. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.

THIS SKETCH IS NOT A SURVEY

		ST. JOHN'S HERITAGE PARKWAY			FEE TAKE PARCEL SKETCH	
		PARCEL 103F				
	BY	DATE	DATA SOURCE	SCALE		
	C.U.	9/9/15	N/A	1" = 200'		
DRAWN	A.L.Q.	9/10/15	DRMP PROJECT: 06-0809.008			
CHECKED						

Barry W. Prewitt
 BARRY W. PREWITT, P.S.M.
 FLORIDA REGISTRATION No. 5267
 (NOT VALID UNLESS SIGNED AND SEALED)

SKETCH OF DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

POINT OF COMMENCEMENT
Northwest corner of the Southwest 1/4 of Sec. 3, T28S, R36E

Parcel 103F
Exhibit "A"
Page 3 of 3

N 00° 11' 34" W
1,189.90'

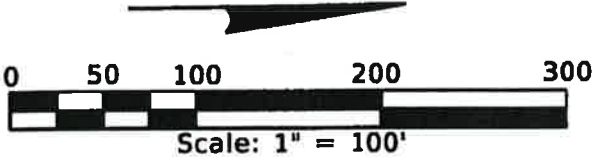
N 00° 22' 31" W
15.00'

N 89° 37' 29" E
808.28'

N 89° 37' 52" E
827.92'

POINT OF BEGINNING

S 00° 22' 31" E
131.47'



192 ASSOCIATES
PARCEL: 28-3-03-001-502
O.R. 5549, PG. 4600

103F

LEGEND

- L.B. = LICENSED BUSINESS
- P. = PROPERTY LINE
- P.B. = PLAT BOOK
- PG. = PAGE
- R36E = RANGE 36 EAST
- R/W = RIGHT OF WAY
- SEC. = SECTION
- T28S = TOWNSHIP 28 SOUTH
- O.R. = OFFICIAL RECORDS BOOK

S 89° 37' 29" W
491.04'

N 89° 37' 29" E
491.09'

US HIGHWAY 192
(200' R/W)

NORTH LINE OF THE SOUTHWEST 1/4 OF SEC. 3, T28S, R36E

PROPOSED R/W OF ST. JOHN'S HERITAGE PARKWAY

S 00° 12' 14" E
15.00'

1160

THIS SKETCH IS NOT A SURVEY

			ST. JOHN'S HERITAGE PARKWAY				FEE TAKE PARCEL SKETCH	
			PARCEL 103F				SKETCH PREPARED BY	
					DATA SOURCE: N/A	SCALE: 1" = 100'		
PER COMMENTS FROM CLIENT			CU	9/24/2015	DRAWN C.U.	9/9/15	DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
REVISION			BY	DATE	CHECKED A.L.Q.	9/10/15		
					DRMP PROJECT: 06-0809.008			

Prepared by: Dan Jones, Land Acquisition Section
Return to: Land Acquisition Office
2725 Judge Fran Jamieson Way, Room A204
Viera, FL 32940
Parcel ID#: 28-36-03-00-00502.0-0000.00

DRAINAGE, MAINTENANCE, SLOPE EASEMENT

THIS INDENTURE, made this _____ day of _____ A.D., 2015, between the **192 Associates, a Florida General Partnership**, 12546 Highway A1A, Vero Beach FL 32801, as the first party, and, **BREVARD COUNTY**, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Room A204, Viera, FL 32940 as the second party.

WITNESSETH: That the first party, in consideration of One Dollar (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date, for the sole purpose of constructing and maintaining DRAINAGE IMPROVEMENTS, and other allied uses pertaining thereto with full right of ingress and egress for the purpose herein stated.

The land affected by the granting of this easement is located in Section 03 Township 28 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

See attached Exhibit "A"

Subject to easements, restrictions, and reservations of record, if any, and taxes for the 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:

192 Associates, a Florida General Partnership

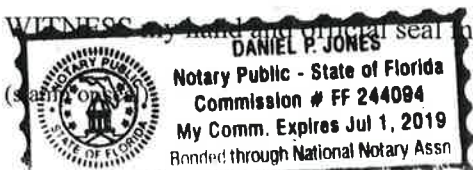
Witness
DANIEL P JONES
(Print or Type Name)

William B Ferrell, Jr.
(Grantor) William B. Ferrell, Jr.
Managing Partner

Witness
Lucy Hamelers
(Print or Type Name)

State of: FLORIDA
County: BREVARD

The foregoing instrument was acknowledged before me this 30th day of SEPT., 2015 by William B. Ferrell, Jr., Managing Partner of 192 Associates, a Florida General Partnership on behalf of the corporation who is personally known to me or has produced his Florida Driver's license as identification.



DANIEL P. JONES
Notary Public
Print Name

Approved by the Board: _____
Item # _____

LEGAL DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
 BREVARD COUNTY, FLORIDA

Parcel 811A
 Exhibit "A"
 Page 1 of 3

Prepared by DRMP, Inc.

A parcel of land being in the Southwest 1/4 of Section 3, Township 28 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

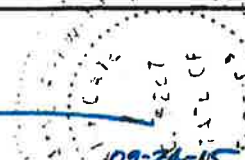

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1. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AS BEING NORTH 89°37'52" EAST AS CALCULATED USING COORDINATES FROM THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT.
2. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, BURIED CABLES, SUB-SURFACE UTILITIES, FOUNDATIONS/FOOTERS OR BURIAL SITES WERE LOCATED, EXCEPT AS SHOWN.
3. THIS PROPERTY IS SUBJECT TO THE RECORDED AND UNRECORDED AGREEMENTS, ASSESSMENTS, EXCEPTIONS, COVENANTS, EASEMENTS, RESERVATIONS, RESTRICTIONS, AND OTHER ENCUMBRANCES, IF ANY, WHICH MAY OR MAY NOT APPEAR IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
4. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.

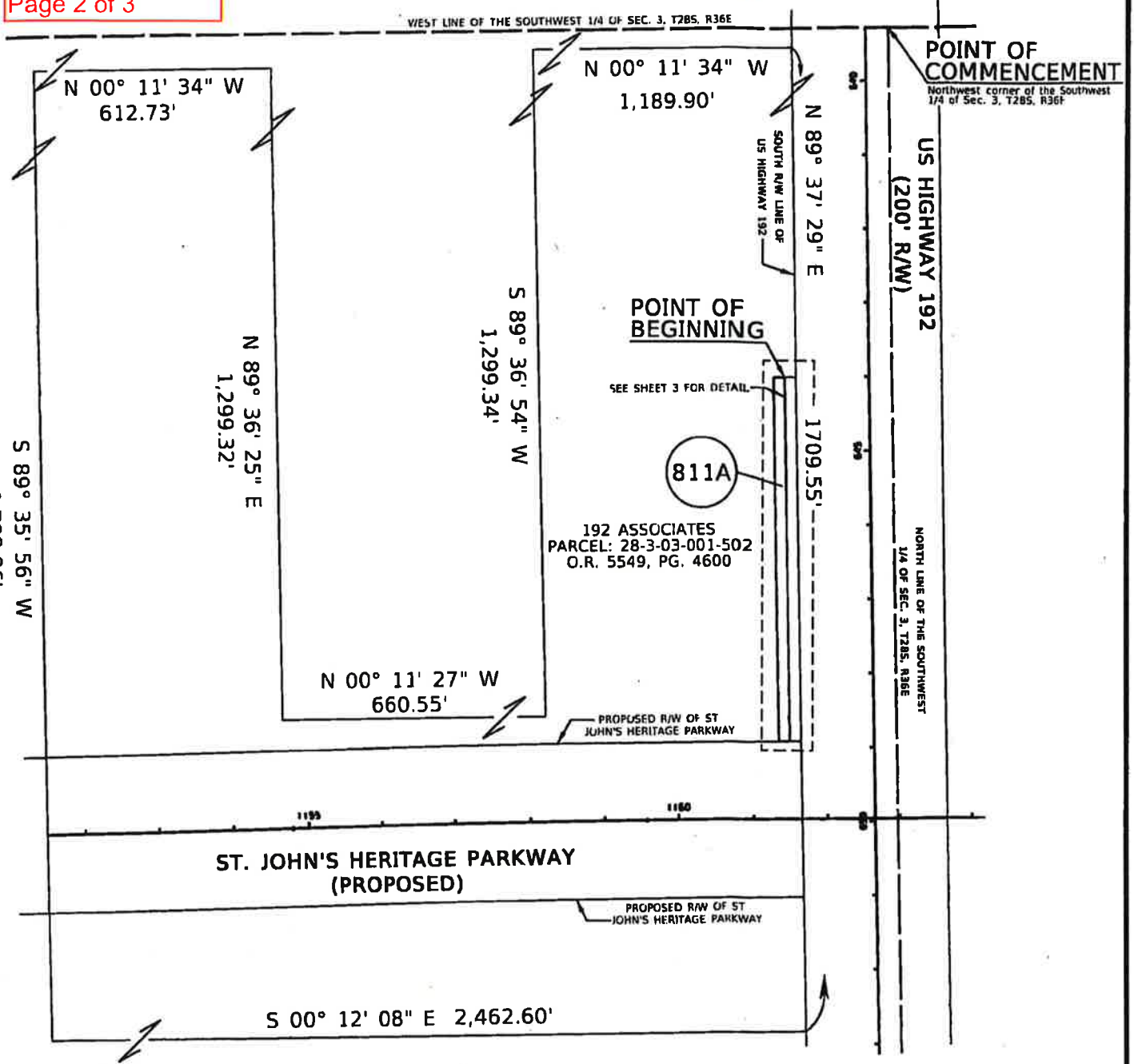
THIS SKETCH IS NOT A SURVEY

		ST. JOHN'S HERITAGE PARKWAY			EASEMENT PARCEL SKETCH	
		PARCEL 811A			SKETCH PREPARED BY  DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
BARRY W. PREWITT, PSM FLORIDA REGISTRATION No: LS 5267 (NOT VALID UNLESS SIGNED AND SEALED)	DATE: 09-24-15	BY: C.U.	DATE: 9/9/15	DATA SOURCE: N/A	SCALE: 1" = 200'	
CHECKED: A.L.Q.	DATE: 9/10/15	DRMP PROJECT: 06-0809.00B				

SKETCH OF DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

Parcel 811A
Exhibit "A"
Page 2 of 3



THIS SKETCH IS NOT A SURVEY

			ST. JOHN'S HERITAGE PARKWAY				EASEMENT PARCEL SKETCH	
			PARCEL 811A				SKETCH PREPARED BY	
					DATA SOURCE: N/A	SCALE: 1" = 200'		
			BY C.U.	DATE 9/9/15	DRMP PROJECT: 06-0809.008		DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	
PER COMMENTS FROM CLIENT	CU	9/24/2015	DRAWN	A.L.Q.	9/10/15			
REVISION	BY	DATE	CHECKED	A.L.Q.	9/10/15			

SKETCH OF DESCRIPTION

SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

WEST LINE OF THE SOUTHWEST
1/4 OF SEC. 3, T28S, R36E

POINT OF
COMMENCEMENT

Northwest corner of the Southwest
1/4 of Sec. 3, T28S, R36E

Parcel 811A
Exhibit "A"
Page 3 of 3

N 00° 11' 34" W
1,189.90'

POINT OF
BEGINNING

N 00° 22' 31" W
15.00'

SOUTH R/W LINE OF
US HIGHWAY 192

N 89° 37' 29" E
808.28'

N 89° 37' 52" E
827.92'

S 00° 22' 31" E
131.47'

S 00° 22' 31" E
15.00'



192 ASSOCIATES
PARCEL: 28-3-03-001-502
O.R. 5549, PG. 4600

LEGEND

- L.B. = LICENSED BUSINESS
- R = PROPERTY LINE
- P.B. = PLAT BOOK
- PG. = PAGE
- R36E = RANGE 36 EAST
- R/W = RIGHT OF WAY
- SEC. = SECTION
- T28S = TOWNSHIP 28 SOUTH
- O.R. = OFFICIAL RECORDS BOOK

811A

S 89° 37' 29" W

491.00'

N 89° 37' 29" E

491.04'

649

US HIGHWAY 192
(200' R/W)

NORTH LINE OF THE SOUTHWEST
1/4 OF SEC. 3, T28S, R36E

PROPOSED R/W OF ST
JOHN'S HERITAGE PARKWAY

S 00° 12' 14" E
15.00'

1160

059

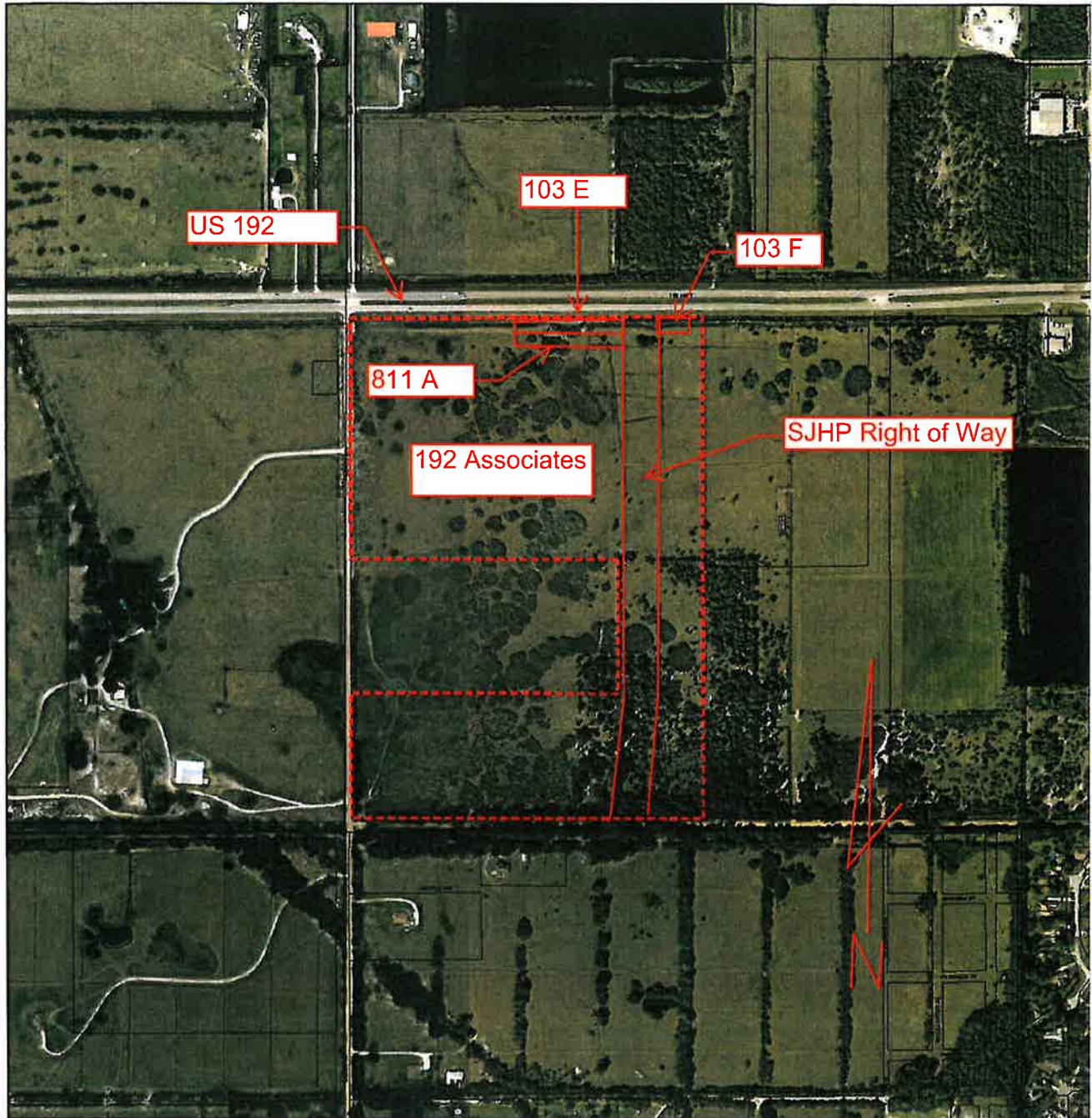
THIS SKETCH IS NOT A SURVEY

			ST. JOHN'S HERITAGE PARKWAY			EASEMENT PARCEL SKETCH			
			PARCEL 811A			SKETCH PREPARED BY			
						DRMP			
						ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS			
						941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648			
PER COMMENTS FROM CLIENT	CU	9/24/2015	BY	C.U.	9/9/15	DATA SOURCE:	N/A	SCALE:	1" = 100'
REVISION	BY	DATE	CHECKED	A.L.Q.	9/10/15	DRMP PROJECT:	06-0809.008		



Dana Blickley, CFA
Brevard County Property Appraiser

192 Associates Location Map



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
2726 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 Thursday, September 24, 2015 at 2:48 PM. www.bcpao.us

Subdivision No. 14SD-00982Project Name Strom Park, Phase 4

**Subdivision Infrastructure
Contract**

THIS CONTRACT entered into this 27th day of January, 2015, by and between the Board of County Commissioners of Brevard County, Florida, hereinafter referred to as "COUNTY," and The Viera Company, hereinafter referred to as "PRINCIPAL."

WITNESSETH:

IN CONSIDERATION of the mutual covenants and promises herein contained, the parties hereto agree as follows:

1. The PRINCIPAL agrees to construct the improvements described below:

and all other improvements depicted in subdivision number 14SD-00982. A copy of said plat to be recorded in the Plat Books of the Public Records of Brevard County.

2. Principal agrees to construct the improvements strictly in accordance with the plans and specifications on file in the Land Development Division (which construction is hereinafter referred to as the "Work"). Such plans and specifications (hereinafter referred to as the "Plans") are hereby incorporated into this Agreement by reference and made a part hereof. Principal warrants to County that the Work will conform to the requirements of the Plans and other requirements specified in the County's approval of the Work. Principal also warrants to County that the Work will be free from faults and defects. Work not conforming to these requirements, including substitutions not properly approved and authorized, may be considered to be defective. All defective Work, whether or not in place, may be rejected, corrected or accepted as provided in this paragraph 2.

If within two (2) years after approval and acceptance of the improvements by County, any Work is found to be defective, Principal shall promptly, without cost to County, either correct such defective Work, or, if it has been rejected by County, remove it from the site and replace it with nondefective Work. If Principal does not promptly comply with the terms of such instructions, County may elect any of the remedies provided for in paragraph 6 herein below. Corrective Work shall be warranted to be free from defects for a period of six (6) months. Any defect in such Work shall be corrected again by Principal promptly upon notice of the defect from County. In the event the maintenance bond given by Principal in connection with County's acceptance of the improvements is extended, the two (2) year warranty period provided for herein shall be extended for a like period.

To the extent assignable, Principal assigns to County all of Principal's warranty rights under its construction contract with the contractor constructing the improvements (including all warranties provided by law of in equity with respect to such construction contract), which warranties may be asserted by County on behalf of Principal in the event Principal fails to perform its warranty obligations hereunder. Where warranties granted hereunder overlap, the more stringent requirement shall control."


3. The PRINCIPAL agrees to complete said construction on or before the 30th day of January, 2016.

4. In order to guarantee performance of PRINCIPAL'S obligations herein contained, PRINCIPAL shall furnish cash, letter of credit, certificate of deposit or surety bond in a form approved by the COUNTY, in the amount of \$ 646,762.19. If such bond is a cash bond or a certificate of deposit, said amount shall be deposited with the Board of County Commissioners. Said bond shall be 125% of the estimated cost of construction, as determined by the Land Development Division. PRINCIPAL shall maintain such records and accounts, including property, personnel, financial records, as are deemed necessary by the COUNTY to ensure proper accounting for all funds expended under the agreement. Said records shall be made available upon request for audit purposes to Brevard County and its auditors.
5. The COUNTY agrees to accept said plat above described for recording in the public records of Brevard County, Florida and to accept the areas depicted thereon as dedicated for public use, including but not limited to streets and parks, at such time as said improvements are satisfactorily completed. Satisfactory completion in accordance with the plans and specifications shall be determined by written approval of the County Development Engineer or designated assistant.
6. In the event, PRINCIPAL fails to complete said improvements within the time prescribed, the COUNTY may elect to take all or any of the following actions:
 - A. Vacate all or part of such recorded plat where improvements have not been completed in accordance with the plans and specifications,
 - B. Complete the improvements utilizing COUNTY employees and materials and request payment from the bond or the PRINCIPAL,
 - C. Request the surety on said performance bond to complete such improvements, or
 - D. Contract for completion of said improvements.
7. The PRINCIPAL and Surety on said performance bond shall be liable for all costs, expenses, and damages incurred by the COUNTY, including attorney's fees, in the event the PRINCIPAL defaults on this contract.
8. In the performance of this Agreement, the PRINCIPAL shall keep books, records, and accounts of all activities, related to the agreement, in compliance with generally accepted accounting procedures. Books, records and accounts related to the performance of this agreement shall be open to inspection during regular business hours by an authorized representative of the Office and shall be retained by the PRINCIPAL for a period of three years after termination of this agreement. All records, books and accounts related to the performance of this agreement shall be subject to the applicable provisions of the Florida Public Records Act, Chapter 119 of the Florida Statutes.
9. No reports, data, programs or other materials produced, in whole or in part for the benefit and use of the County, under this agreement shall be subject to copyright by PRINCIPAL in the United States or any other country.


IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**



Scott Ellis, Clerk



Robin Fisher, Chairman

Approved by the Board on: January 27, 2015.

WITNESSES:

PRINCIPAL:





Todd J. Pokrywa, Senior Vice President



1-7-15

DATE

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 7th day of Jan., 2015, by Todd J. Pokrywa who is personally known to me and who did not take an oath.

My commission expires:



Notary Public

S E A L

Commission Number:

Mary Ellen McKibben

Notary Name printed, typed or stamped

