

Meeting Date
Feb. 20, 2018



AGENDA	
Section	Consent
Item No.	II.A.3

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Sidewalk Easement Located at US HWY 1 and Barefoot Blvd. in Favor of Brevard County From Inlet Outparcel, LLC - District 3. (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:
 It is requested that the Board of County Commissioners approve and accept a Permanent Sidewalk Easement from Inlet Outparcel, LLC.

Summary Explanation & Background:
 The subject property is located within Section 11, Township 30 South, Range 38 East.
 The property owner has constructed a retail store and installed a sidewalk (16SP00033) at the southwest corner of Barefoot Blvd. and US HWY 1 in Barefoot Bay.
 The property owner recorded a Sidewalk Easement without presenting it to staff for review or for Board approval and acceptance.
 The recorded easement contains errors so a new Permanent Sidewalk Easement is necessary to correct the language with reference made to the previously recorded Sidewalk Easement.
 Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.
 Fiscal Impact: FY 2017-2018: No impact
FY 2018-2019: No impact

Clerk to the Board Instructions:

Exhibits Attached: Copy of Permanent Sidewalk Easement, Location Map, Property Fact Sheet, copy of previously recorded Sidewalk Easement

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR <input type="checkbox"/>
County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Interim Assistant County Manager Jim Liesenfelt		Department Director / Extension Andrew J. Homes, PE / 57202			

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT SIDEWALK EASEMENT LOCATED AT THE
INTERSECTION OF US HWY 1 AND BAREFOOT BLVD. IN FAVOR OF
BREVARD COUNTY FROM INLET OUTPARCEL, LLC - DISTRICT 3

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (52886)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Daniel P. Jones, Supervisor	<u><i>DPJ</i></u>	_____	<u><i>1/26/18</i></u>
COUNTY ATTORNEY Eden Bentley, Deputy	<u><i>see attached</i></u>	_____	<u><i>1/30/18</i></u>
PUBLIC WORKS Andrew P. Holmes, P.E., Director	_____	_____	_____

AGENDA DUE DATE: February 6, 2018 for the February 20, 2018 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

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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

February 21, 2018

MEMORANDUM

TO: Andrew Holmes, Public Works Director

RE: Item II.A.3, Acceptance of Permanent Sidewalk Easement from Inlet Outparcel, LLC for U.S. Highway 1 and Barefoot Boulevard in Favor of Brevard County

The Board of County Commissioners, in regular session on February 20, 2018, accepted a Permanent Sidewalk Easement from Inlet Outparcel, LLC for U.S. Highway 1 and Barefoot Bay Boulevard, in favor of Brevard County.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

cc: Asset Management
Budget
Finance

PERMANENT SIDEWALK EASEMENT

THIS INDENTURE, made this 30th day of January, 2018, between **Inlet Outparcel, LLC**, a Florida limited liability company, whose Post Office address is 6525 3rd Street, Suite #409, Rockledge, Florida 32955, as the first party, and **Brevard County, Florida**, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of BREVARD COUNTY.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) 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 maintaining a sidewalk and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 11, Township 30 South, Range 38 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns. The first party does hereby 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.

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written.

Signed, sealed and delivered in the presence of:

Patti VanWalleghe
Witness
Patti VanWalleghe
(Print Name)
Karen Felder
Witness
MONICA FELDMAN
(Print Name)

Inlet Outparcel, LLC, a
Florida limited liability company

Robert Kodsi
Robert Kodsi, as Authorized Member

Maurice Kodsi
Maurice Kodsi, as Authorized Member

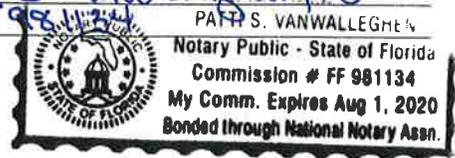
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 30th day of January, 2018, by Robert Kodsi and Maurice Kodsi as authorized members of Inlet Outparcel, LLC, a Florida limited liability company, who is personally known to me and who did/did not take an oath.

WITNESS my hand and official seal in the City of Rockledge, County of Brevard, State of Florida, this 30th day of January, 2018.

Board Date: _____
Agenda Item# _____

Notary Public: *Patti S. VanWalleghe*
Print Name: Patti S. VanWalleghe
Commission No.: FF 981134



This Sidewalk Easement is being recorded to correct certain language Recorded in Brevard County Official Record Book 8094, Page 1226 and to correct language within that document that the interest being conveyed is to Brevard County as Grantee and that the Brevard County Board of County Commissioners has considered, approved, and accepted the Sidewalk Easement in perpetuity. All other terms within the original Easement shall remain unchanged.

SKETCH and ACCOMPANYING LEGAL DESCRIPTION

SECTION 11, TOWNSHIP 30 SOUTH, RANGE 38 EAST
 PETITIONER'S PARCEL ID #:
 30-38-11-00-551
 PURPOSE: SIDEWALK EASEMENT

SHEET 1 OF 2
 NOT VALID WITHOUT SHEET 2 OF 2

Legal Description: (As prepared by Surveyor):

A parcel of land in Section 11, Township 30 South, Range 38 East, Brevard County, Florida, being a portion of that particular parcel of land as recorded in Official Records Book 7282, Page 301 of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the most easterly corner of said parcel of land as recorded in Official Records Book 7282, Page 301, said corner being on the Westerly right of way line of U.S. Highway #1 (a 143' wide R/W), thence run S70°35'29"W, along the South line of said O.R.B. 7282, Page 301, for 9.05 feet; thence run N25°23'50"W, parallel with and 9.0 feet west of said Westerly right of way line for 107.13 feet to Southerly right of way line of Barefoot Boulevard, a 150 foot wide right of way; thence run S70°28'50"E, along said Southerly right of way line of Barefoot Boulevard for 12.71 feet to the point of intersection with the aforesaid Westerly right of way line of U.S. Highway #1; thence S25°23'50"E, along said Westerly right of way line for 99.10 feet to the Point of Beginning; containing 928.03 square feet, 0.02 acres more or less.

EXPLANATION OF ABBREVIATIONS

- R/W Right of Way
- P.O.B. Point of Beginning
- LB Licensed Business
- O.R.B. Official Records Book
- I.P. Iron Pipe
- C.L.F. Chain link fence
- P.I. Point of Intersection

SURVEYOR'S REPORT:

1. The intended purpose of this survey is for informational purposes only.
2. This is not a field survey.
3. The bearings shown are based on the Westerly right of way line U.S. Hwy #1 being S25°23'50"E which is an assumed bearing.


 John R. Campbell
 Professional Surveyor & Mapper #2351
 State of Florida
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR:
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

 115 Alma Blvd., Suite 102
 Mailing Address: P.O. Box 541866
 Merritt Island, FL. 32954
 Phone: (321) 514.6920
 LICENSED BUSINESS #7978

DRAWN BY: <u>WFG</u>	CHECKED BY: <u>JRC</u>	DRAWING NO. <u>2014-310-2</u>	SECTION <u>11</u>
DATE: <u>1/13/17</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS _____	TOWNSHIP <u>30</u> SOUTH
			RANGE <u>38</u> EAST

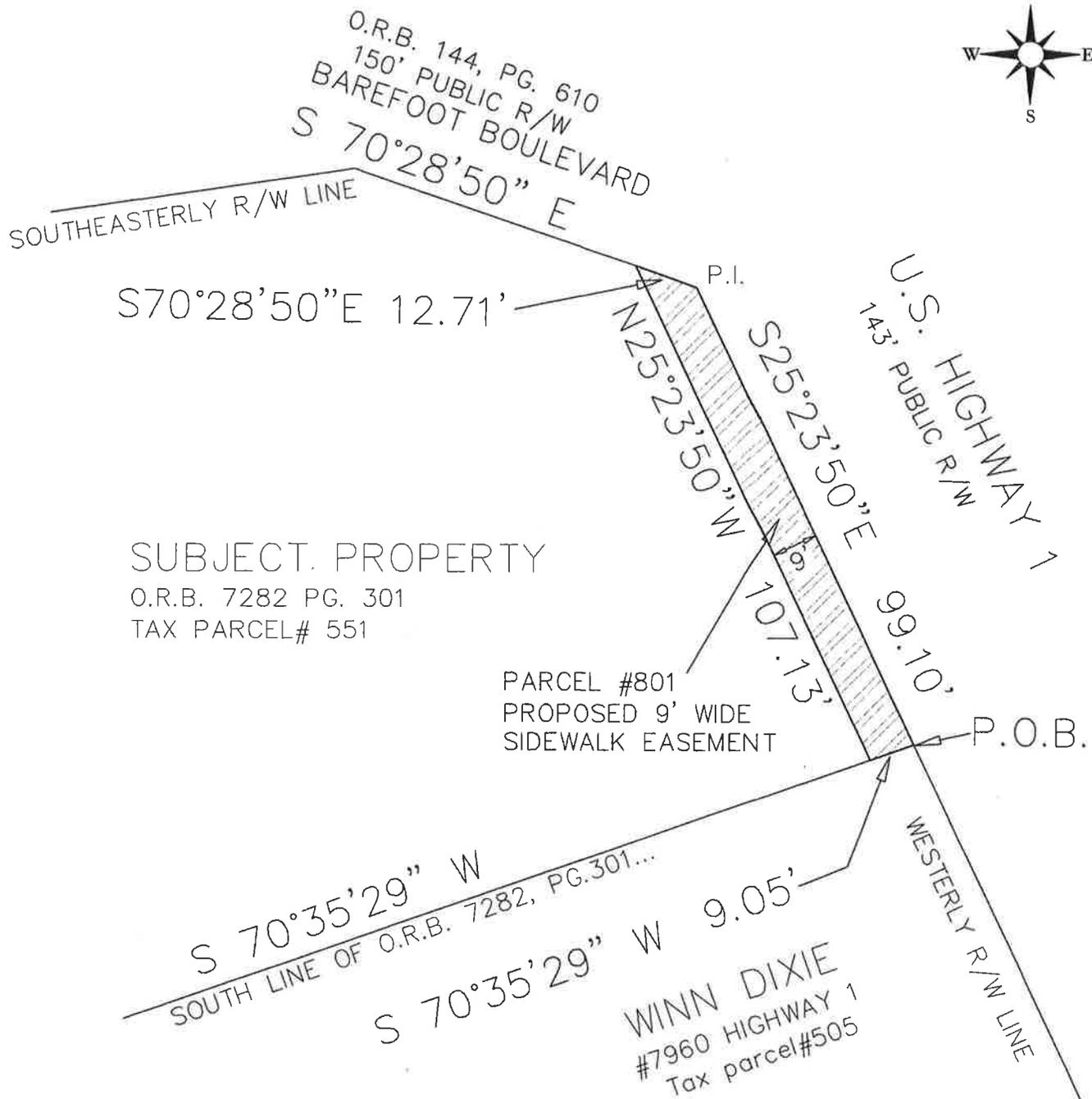
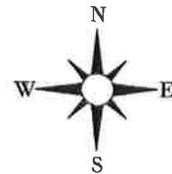
SKETCH and ACCOMPANYING LEGAL DESCRIPTION

SECTION 11, TOWNSHIP 30 SOUTH, RANGE 38 EAST

SHEET 2 OF 2

PETITIONER'S PARCEL ID #:
30-38-11-00-551

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



SUBJECT PROPERTY
O.R.B. 7282 PG. 301
TAX PARCEL# 551

PARCEL #801
PROPOSED 9' WIDE
SIDEWALK EASEMENT

PREPARED FOR: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

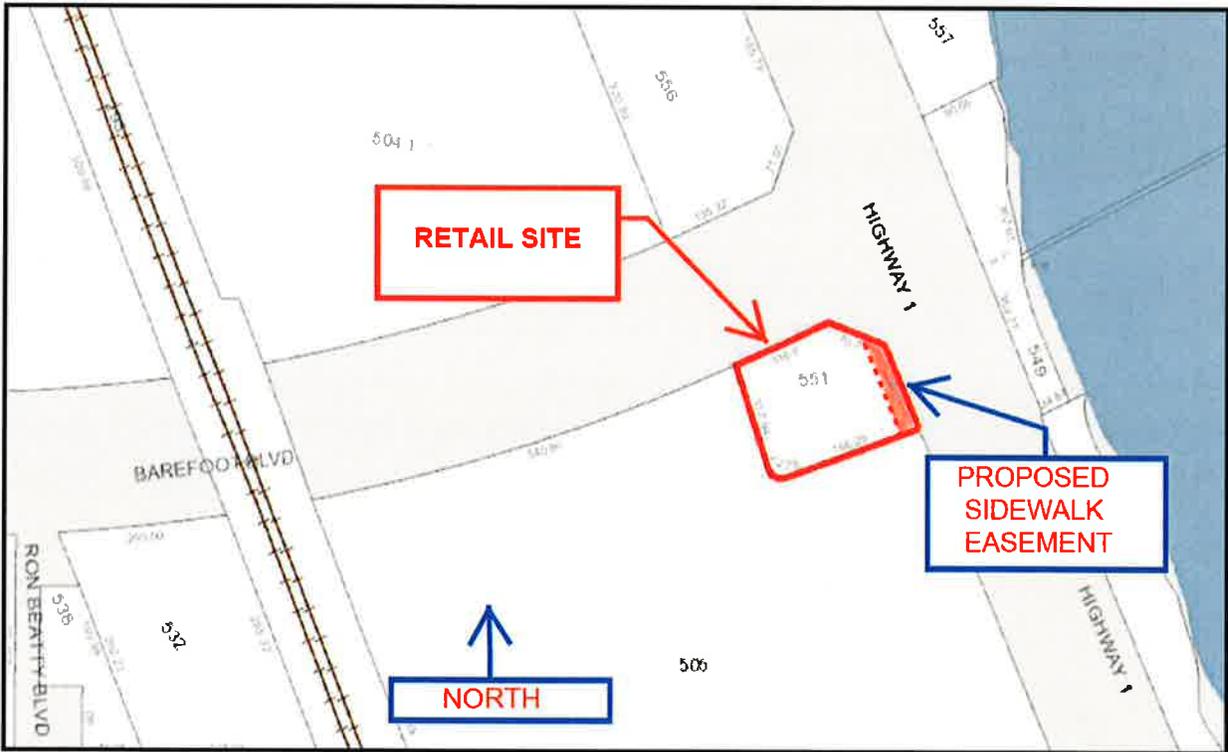
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DATE: <u>1/13/17</u>	SHEET <u>2</u> OF <u>2</u>	REVISIONS _____	TOWNSHIP <u>30</u> SOUTH
			RANGE <u>38</u> EAST

LOCATION MAP

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

STREET NAME: BAREFOOT BLVD. AT US HWY 1

OWNER'S NAME: INLET OUTPARCEL, LLC



Property Fact Sheet

PROJECT: SIDEWALK EASEMENT AT THE SW CORNER OF US HWY 1 & BAREFOOT BLVD.

Owners: Inlet Outparcel, LLC, a Florida limited liability company

Tax Parcel ID # 30-38-11-00-551

Parcel Location: SW Corner of US HWY 1 at Barefoot Blvd.

Parent Parcel: .53 Acres

Easement area to be acquired: 928.03 Square Feet

Zoning/ Land Use: Commercial/Retail

Improvements: Retail Store (Dunkin Donut's)

Topography: Level with road grade

Flood Zone: X

Tax Parcel ID's: 30-38-11-00-551

Market Value/Per Property Appraiser: \$86,100.00

Public Utilities: All Utilities Available

Quit Claimed to: Inlet Outparcel, LLC 4/7/2017
From: Tricon Real Estate, Inc. \$10.00

Property Transaction: Acquisition Date: 1/09/2015
Property Transaction Amount \$45,000.00
From: Glenn W. Miller and Linda W. Miller,
as Trustees of the Glenn W. Miller
living Trust dated May 8, 1997 to: Tricon Real Estate, Inc.

SIDEWALK EASEMENT

PLAN NUMBER: 16SP00033 PARCEL 30-38-11-00-551 TAX ACCOUNT: 3009711

THIS SIDEWALK EASEMENT is made this 20th day of December, 2017, between, **INLET OUTPARCEL, LLC**, a Florida corporation/limited liability company, whose address is 6525 3rd St Unit Ste 409, Rockledge, FL 32955, (hereinafter "Grantor"); and **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY**, (hereinafter the "County").

WITNESSETH:

WHEREAS, existing sidewalk in connection with site plan development, it will be necessary to have access to the real property owned by the Grantor;

THAT the Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable considerations, to it in hand paid by the County, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienates, remises, releases, conveys, and confirms unto the County an easement for public access, maintenance, or replacement, of existing sidewalks (hereinafter: "Facilities") over, under, and across the following described real property, located and situate in the County of Brevard, State of Florida, to wit:

See Legal Description and Sketch
attached hereto as Exhibit "A"
and incorporated herein by reference;

TITLE TO THE PROPERTY DESCRIBED HEREIN, AS WELL
AS THE LEGAL DESCRIPTION, HAS NOT BEEN EXAMINED
OR APPROVED BY THE COUNTY OR THE COUNTY
ATTORNEY'S

(hereinafter, the "Easement Area").

The rights herein granted to the City by Grantor specifically
include:

- (a) the right of the general public to use the aforesaid
sidewalk for pedestrian purposes;
- (b) the right of the COUNTY, its employees, contractors,
subcontractors and agents to perform inspection of the
Facilities; and
- (c) the right to have ingress and egress for the purposes
expressed in (a) and (b) immediately above.

TOGETHER WITH ALL the tenements, hereditaments, and appurtenances
thereto belonging or in any way appertaining,

By delivery of this Easement, Grantor covenants not to interfere
with the safe operation or maintenance of the Facilities within
the Easement Area.

TO HAVE AND TO HOLD unto the same forever.

The COUNTY, its successors and assigns agree to the following
conditions of this Easement:

- (1) The rights granted herein shall not be construed to
unreasonably interfere with Grantor's use of Grantor's
premises adjacent to the Easement Area so long as
Grantor's use of such premises does not impair the
strength or interfere with the use and maintenance of
the Facilities.
- (2) Upon the County completing any work within the
Facilities, the County shall restore the ground surface
and repair any damage to the

Easement Area so as to restore the Easement Area to a neat and presentable condition. All such restoration shall be completed as soon as reasonably practicable.

The Grantor hereby covenants with the County that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey an easement in the same; that the Grantor does hereby fully warrant the title to the said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except for taxes for the year the pending tax year and matters of record.

All covenants, terms, provisions, and conditions herein contained shall inure and extend to and be obligatory upon the successors, lessees, and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal this day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

Patti VanWalleghen
Signature of Witness #1
Patti VanWalleghen
Name Printed/Typed

INLET OUTPARCEL, LLC
a Florida corporation/
limited liability company

Robert Kodosi
Signature of Grantor
ROBERT KODOSI, MANAGING MEMBER
Name Printed/Typed & Title

(Corporate Seal)

Signature of Witness #2

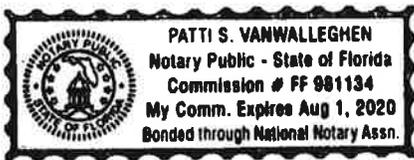
Name Printed/Typed

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this
21st day of December, 2017, Robert D Kodosi as
managing member of Inlet Outparcel, LLC, a
Florida corporation, who is personally known to me OR who has
produced _____ as identification.

My commission expires:

Patti S. VanWalleghen
Notary Public



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3. The bearings shown are based on the Westerly right of way line
 U.S. Hwy #1 being S25°23'50"E which is an assumed bearing.

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

John R. Campbell
 John R. Campbell
 Professional Surveyor & Mapper #2850
 State of Florida
 NOT VALID UNLESS SIGNED AND SEALED
 REGIS

PREPARED BY:



115 Alma Blvd., Suite 102
 Mailing Address: P.O. Box 541866
 Merritt Island, FL 32954
 Phone: (321) 514.6920
 LICENSED BUSINESS #7978

DRAWN BY: WFG

CHECKED BY: JRC

DRAWING NO. 2014-310-2

SECTION 11

DATE: 1/13/17

SHEET 1 OF 2

REVISIONS _____

TOWNSHIP 30 SOUTH

RANGE 38 EAST

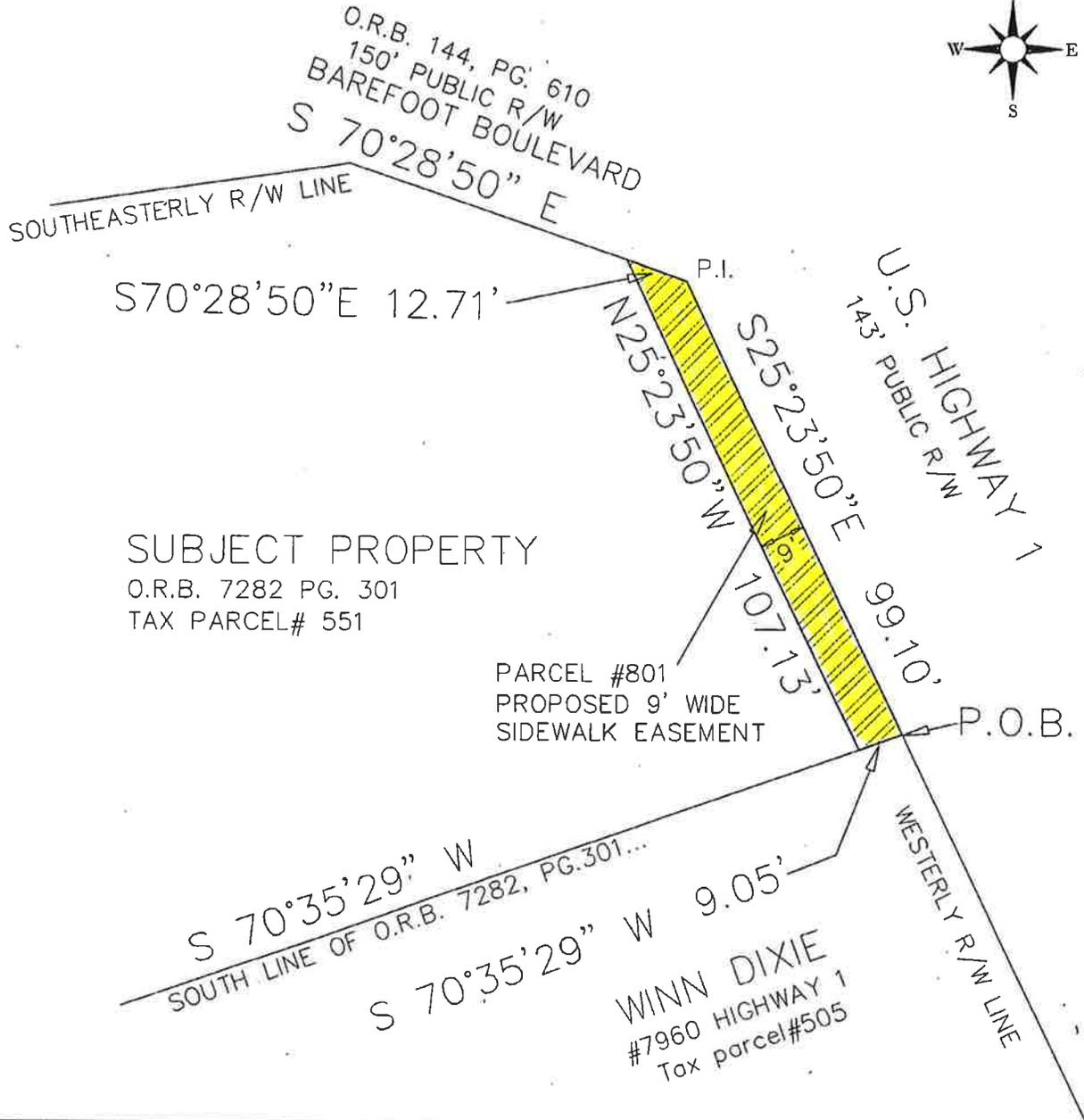
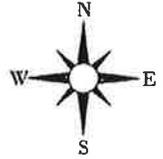
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SHEET 2 OF 2

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30-38-11-00-551

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PREPARED FOR:

BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS

DRAWN BY: WFG

CHECKED BY: JRC

DRAWING NO. 2014-310-2

SECTION 11

DATE: 1/13/17

SHEET 2 OF 2

REVISIONS _____

TOWNSHIP 30 SOUTH

RANGE 38 EAST