

F. Consent Agenda - Public Works Department  
ITEM 3.



AGENDA REPORT  
July 23, 2019

**Approval Re: Donation of Warranty Deed for Additional Right of Way from  
Lake Washington Center LLC (Owner) for the Addison Pointe Apartment  
Project – District 4.**

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**SUBJECT:**

Approval Re: Donation of Warranty Deed for Additional Right of Way from Lake Washington Center LLC (Owner) for the Addison Pointe Apartment Project – District 4.

**FISCAL IMPACT:**

FY 2018 - 2019: No Impact  
FY 2019 - 2019: No Impact

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners approve and accept the Warranty Deed.

**SUMMARY EXPLANATION and BACKGROUND:**

The subject parcels are located on the west side of North Wickham Road across from Leisure Way in Section 1, Township 27 South, Range 36 East.

The Addison Pointe Apartments project parcel, which is owned by Melbourne Addison Preserve, LLC, is adjacent to the Lake Washington Center LLC parcels. The owners of the three parcels have an agreement in place in order for the Addison Pointe Apartments to obtain access to North Wickham Road through the Lake Washington Center, LLC's parcels. Melbourne Addison Preserve, LLC has obtained required permits from both the City of Melbourne and the County for this project. Construction of the project requires a southbound right turn lane and future improvements to the Lake Washington Center LLC parcels will require a signalized intersection. Lake Washington Center, LLC has agreed to donate the additional right-of-way in order to accommodate these requirements.

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

**ATTACHMENTS:**

**Description**

- **Lake Washington Center LLC - Addison Pointe Agenda Documents**

**BOARD OF COUNTY COMMISSIONERS**

AGENDA: DONATION OF WARRANTY DEED FOR RIGHT OF WAY FROM LAKE WASHINGTON CENTER LLC – OWNER – FOR THE ADDISON POINTE APARTMENTS PROJECT – DISTRICT- 4

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>7/2/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JMB</u>	_____	<u>7/2/19</u>

AGENDA DUE DATE: July 16, 2019 for the July 23, 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 24, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.3., Approval for Donation of Warranty Deed for Additional Right of Way from Lake Washington Center, LLC for the Addison Pointe Apartment Project

The Board of County Commissioners, in regular session on July 23, 2019, approved and accepted the donation of Warranty Deed for Addison Pointe Apartment Project from Lake Washington Center, LLC.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

cc: Asset Management

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 1<sup>st</sup> day of MAY, 2019, between LAKE WASHINGTON CENTER LLC, a Florida limited liability company, as party of the first part, whose mailing address is 1698 W. Hibiscus Boulevard, Suite A, Melbourne, Fl 32901, 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:**

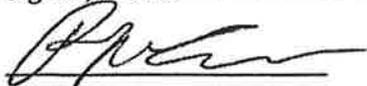
That the said party of the first part, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns the 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:

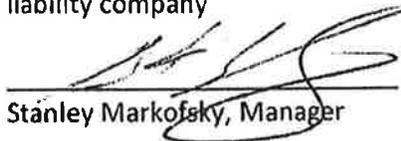
  
Witness

Michael Evans  
Print Name

  
Witness

Michael Evans  
Print Name

LAKE WASHINGTON CENTER LLC, a Florida limited liability company

  
Stanley Markofsky, Manager

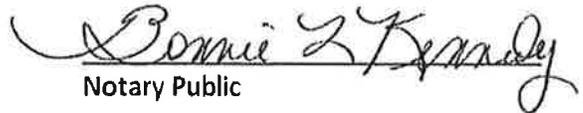
STATE OF Florida  
COUNTY OF Brevard

I HEREBY CERTIFY, that on this day personally appeared me, an officer duly authorized to administer oaths and take acknowledgments, Stanley Markofsky, as Manager of Lake Washington LLC, 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 1<sup>st</sup> day of May 2019.

Brevard County Board Date: \_\_\_\_\_

Agenda Item # \_\_\_\_\_

  
Notary Public

(SEAL)



# SKETCH & DESCRIPTION PARCEL 801

# EXHIBIT A

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
 PARENT PARCEL ID NUMBER: 27-36-01-00-758 & 752.1  
 PURPOSE OF SKETCH: RIGHT-OF-WAY DEDICATION  
 (THIS IS NOT A SURVEY)

SHEET 1 OF 3  
 NOT VALID WITHOUT THE  
 SKETCH ON SHEET 2 OF 3

## LEGAL DESCRIPTION: (By Surveyor)

Part of lands described in Official records Book 7805, Page 437 and Official Records Book 7805, Page 450, inclusive of the Public Records of Brevard County, Florida and being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 27 South, Range 36 East, said Brevard County; thence North 00°05'56" West, along the East line of said Section 1, a distance of 1,184.46 Feet; thence South 89°54'04" West, a distance of 50.00 Feet to the West right-of-way line of Wickham Road (100' wide public right-of-way) and the **POINT-OF-BEGINNING**; thence leaving said right-of-way line South 89°54'04" West, a distance of 17.00 Feet; thence North 00°05'56" West, a distance of 113.80 Feet; thence North 89°54'04" East, a distance of 5.00 Feet; thence North 00°05'56" West, a distance of 214.77 Feet to the South line of Official Records Book 3138, Page 4730, said public records; thence North 89°23'27" East, along said South line, a distance of 12.00 Feet to the said West right-of-way line of Wickham Road; thence South 00°05'56" East, along said right-of-way line, a distance of 328.68 Feet to the **POINT-OF-BEGINNING**.

Containing 4,513 square feet, 0.104 Acres of land more or less.

### Notes:

- The Bearing Structure shown hereon is based on the East line of Section 1, Township 27 South, Range 36 East, being North 89°05'56" West, said bearing is assumed and identical with Official Records Book 3138, Page 4730 of the Public Records of Brevard County, Florida.
- This Sketch and Description is based on a Boundary and Topographic Survey prepared by William Mott Land Surveying, Inc. under Project Number 218-0244.

PREPARED FOR: Lake Washington Center, LLC  
 Brevard County Board of  
 County Commissioners

STATE OF FLORIDA  
 SURVEYOR & MAPPER, PSM NO. 5060  
 NOT VALID UNLESS SIGNED AND SEALED

### PREPARED BY:

**WILLIAM MOTT LAND SURVEYING INC.**

3159 ALZANTE CIRCLE, SUITE 103  
 MELBOURNE, FLORIDA 32940  
 PHONE (321) 751-4444 FAX (321) 751-4445

LEGEND: COR.B = ORIGINAL RECORDS BOOK  
 D.B. = LAND DEED BOOK  
 P.B. = PLAT BOOK  
 PG. = PAGE  
 R/W = RIGHT-OF-WAY  
 LT. = LINE TABLE TAG  
 CT. = CURVE TABLE TAG  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT

DRAWN BY: J.M.M.

CHECKED BY: W.A.M.

PROJECT NO. 218-0244

SECTION 1

DATE: 02-27-19

SHEET 1 OF 3

REVISIONS 03-18-19

TOWNSHIP 27 SOUTH

REVISIONS 05-08-19

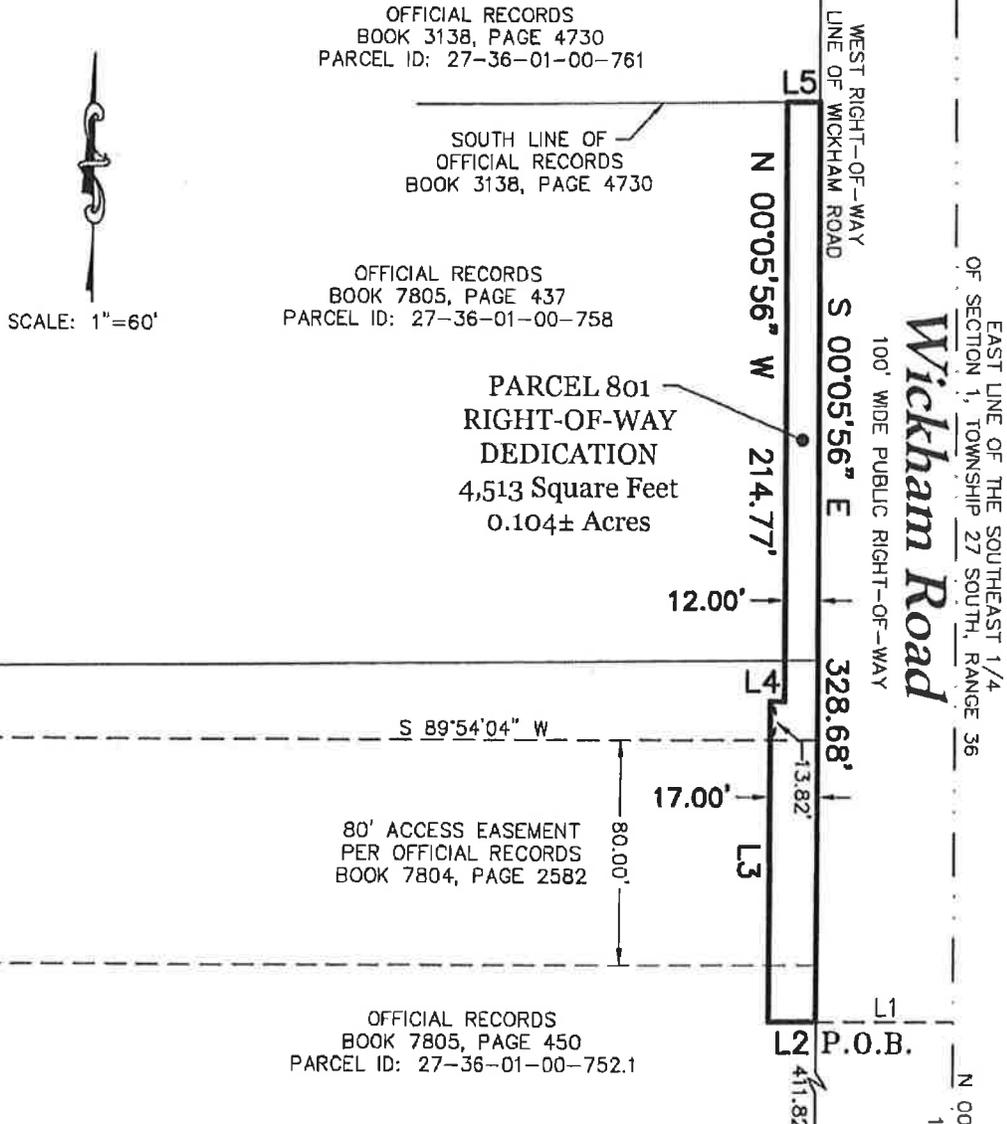
RANGE 36 EAST

# SKETCH & DESCRIPTION PARCEL 801

# EXHIBIT A

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
 PARENT PARCEL ID NUMBER: 27-36-01-00-758 & 752.1  
 (THIS IS NOT A SURVEY)

SHEET 2 OF 3  
 NOT VALID WITHOUT THE LEGAL  
 DESCRIPTION ON SHEET 1 OF 3



OFFICIAL RECORDS  
 BOOK 3138, PAGE 4730  
 PARCEL ID: 27-36-01-00-761

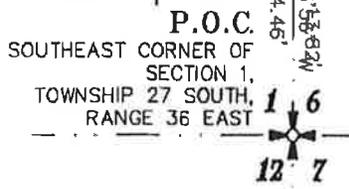
SOUTH LINE OF  
 OFFICIAL RECORDS  
 BOOK 3138, PAGE 4730

OFFICIAL RECORDS  
 BOOK 7805, PAGE 437  
 PARCEL ID: 27-36-01-00-758

OFFICIAL RECORDS  
 BOOK 7805, PAGE 450  
 PARCEL ID: 27-36-01-00-752.1

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00'	S 89°54'04" W
L2	17.00'	S 89°54'04" W
L3	113.80'	N 00°05'56" W
L4	5.00'	N 89°54'04" E
L5	12.00'	N 89°23'27" E

SOUTH LINE OF  
 OFFICIAL RECORDS  
 BOOK 7805, PAGE 450



PREPARED BY: WILLIAM MOTT LAND SURVEYING, INC.  
 DWG: 18-244 RW DONATION.DWG PROJECT NO. 218-0244

SECTION 1  
 TOWNSHIP 27 SOUTH  
 RANGE 36 EAST

# SKETCH & DESCRIPTION PARCEL 801

# EXHIBIT A

SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NUMBER: 27-36-01-00-758 & 752.1

(THIS IS NOT A SURVEY)

SHEET 3 OF 3

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 3

**Encumbrances/Matters Affecting Title  
Per Ownership and Encumbrance Report  
First American File Number: 2037-4258615  
Customer Reference Number: 23877-0046/SEC**

1. Terms and provisions of Resolution 92-14 (unrecorded) by the Board of County Commissioners of Brevard County, Florida; Resolution 92-253 by the Board of County Commissioners of Brevard County, Florida, recorded July 30, 1992 in Book 3218, Page 2647; Resolution 93-150 by the Board of County Commissioners of Brevard County, Florida, recorded May 5, 1993 in Book 3287, Page 2258.

Not a matter of survey, no plottable easements or encumbrances.

2. Easement executed by Park Place Partnership, a Florida general partnership, in favor of Park Place Plaza Partnership, a Florida general partnership, recorded July 31, 1996 in Book 3592, Page 4418.

Outside of and not contiguous with the proposed right-of-way dedication.

3. Driveway Easement by and between Park Place Plaza Partnership, a Florida general partnership, and Park Place Partnership, a Florida general partnership, recorded July 31, 1996 in Book 3592, Page 4424.

Outside of and not contiguous with the proposed right-of-way dedication.

4. Agreement for Future Cooperation Regarding Access [sic] and Drainage, by and among The Park Place II Partnership, a Florida general partnership, Wickham Corporation, L.L.C., a Florida limited liability company, and Lake Washington Station, a Florida corporation, recorded June 6, 2008 in Book 5868, Page 7471.

Agreement in form, not a matter of survey. No plottable easements or encumbrance.

5. Agreement to Relinquish Development Permits by and among The Park Place II Partnership, a Florida general partnership, Wickham Corporation, L.L.C., a Florida limited liability company, Lake Washington Station, a Florida corporation, and City of Melbourne, a Florida municipal corporation, recorded February 5, 2014 in Book 7060, Page 1781.

Agreement in form, not a matter of survey. No plottable easements or encumbrance.

6. Access, Landscaping, Signage, Sewer and Water Line, and Drainage Easement Agreement by and between Lake Washington Center, L.L.C., a Florida limited liability company, and Melbourne Addison Preserve, LLC, a Delaware limited liability company, recorded January 25, 2017 in Book 7804, Page 2582.

Shown hereon.

PREPARED BY: WILLIAM MOTT LAND SURVEYING, INC.  
DWG: 18-244 RW DONATION.DWG PROJECT NO. 218-0244

SECTION 1  
TOWNSHIP 27 SOUTH  
RANGE 36 EAST

