



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.10

9/15/2020

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### **Subject:**

Approval Re: Sidewalk Replacement Project at Melaleuca Road in Cocoa - District 1.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the attached four Sidewalk Easements.

### **Summary Explanation and Background:**

The subject properties are located in Section 31, Township 23 South, Range 36 East, south of Camp Road, east of Fern Drive along the west side of US1 in Cocoa.

Public Works Department, Road and Bridge Section, is planning a sidewalk reconstruction project. The project consists of replacing a 4-foot sidewalk in disrepair with a 5-foot sidewalk. The project limits run north from Melaleuca Road approximately 600 feet. The following owners have agreed to donate the additional 1-foot easement per parcel:

- 1) Parcel # 801, Investor Group, Inc.
- 2) Parcel # 802, Kemper
- 3) Parcel # 803, Coyle
- 4) Parcels # 804 and # 805, Bad Lands, LLC

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

### **Clerk to the Board Instructions:**



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

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

September 16, 2020

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director Attention: Lucy Hamelers

**RE:** Item F.10., Approval for Sidewalk Replacement Project at Melaleuca Road, Cocoa

The Board of County Commissioners, in regular session on September 15, 2020, approved and accepted the four sidewalk easements located in Section 31, Township 23 South, Range 36 East, south of Camp Road, east of Fern Drive along the west side of US1, Cocoa from the Investors Group, Inc., Harold Palmer Kemper and Betty Jean Kemper, as Trustees of the Harold Palmer Kemper and Betty Jean Kemper Revocable Living Trust, June 11, 2008, Barbara L. Coyle, as Successor Trustee of the Larkin H. Coyle Trust U/A/D September 1, 1994, and Bad Lands, LLC.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS**  
**SCOTT ELLIS, CLERK**

Kimberly Powell, Clerk to the Board

/sm

cc: County Manager

## BOARD OF COUNTY COMMISSIONERS

### AGENDA REVIEW SHEET

AGENDA: Sidewalk Replacement Project at Melaleuca Road in Cocoa – District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Page Whittle, Land Acquisition Specialist

CONTACT PHONE: 321-690-6847 extension 58351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>GA</u>	<u>                    </u>	<u>8-31-2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>UMD</u>	<u>                    </u>	<u>9-1-2020</u>

AGENDA DUE DATE: September 8, 2020 for the September 15, 2020 Board meeting

Prepared by and return to: Page R Whittle  
Brevard County Public Works Dept., Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 23-36-31-00-261

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 9<sup>th</sup> day of July 2020, between The Investors Group, Inc., a Florida profit corporation whose mailing address is 1050 Pelican Lane, Rockledge, FL 32955, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

**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, perpetual easement commencing on the above date, for the sole purposes of constructing, reconstructing, repairing, and maintaining the sidewalk, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easements is located in Section 31, Township 23 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

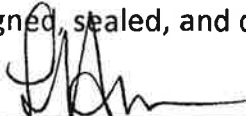
Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement. Grantor(s) shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.


**TO HAVE AND TO HOLD** said easements 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.

(Signatures and Notary on next page)

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:

  
\_\_\_\_\_  
Witness  
Lucy Hamelers  
(Print Name)

  
\_\_\_\_\_  
Witness  
Page Whittle  
(Print Name)

The Investors Group, Inc., a  
Florida profit corporation

Nita Patel  
\_\_\_\_\_  
Nita Patel  
President

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 9<sup>th</sup> day of July, 2020, by Nita Patel as President for The Investors Group, Inc., a Florida profit corporation. Is personally known or produced Drivers License as identification.

  
\_\_\_\_\_  
Notary Signature  
SEAL

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



# LEGAL DESCRIPTION

PARCEL 801

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-261

PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4924, PAGE 1891 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS THE WEST 1.00 FOOT OF THE EAST 5.00 FEET, AS MEASURED PERPENDICULARLY, OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4924, PAGE 1891, CONTAINING 100 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.5 AS BEING NORTH 00° 22' 34" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1155-A, TAX ACCOUNT NUMBER 2317690, EFFECTIVE DATE 4/12/2020. EASEMENTS WERE LISTED PER SAID TITLE REPORT:
    - i. SIDEWALK EASEMENT PER OFFICIAL RECORDS BOOK 908, PAGE 164 AS SHOWN HEREON.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.:  
233631\_SK\_2003058\_US1-CAMP-MFLALEUCA.dwg

REVISIONS

DATE

DESCRIPTION

SECTION 31  
TOWNSHIP 23 SOUTH  
RANGE 36 EAST

DATE: 9/2/2020

SHEET: 1 OF 2

# SKETCH OF DESCRIPTION

## PARCEL 801

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-261

PURPOSE: SIDEWALK EASEMENT



SCALE: 1"=20'

## ABBREVIATIONS

A.K.A. = ALSO KNOWN AS  
B.O.B. = BASIS OF BEARING  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORD BOOK  
PB = PLAT BOOK  
PG = PAGE  
R/W = RIGHT OF WAY  
SQ.FT. = SQUARE FEET

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



= DENOTES PARCEL 801  
SIDEWALK EASEMENT

## MELALEUCA ROAD

(PUBLIC R/W PER PB 17, PG 83)  
(R/W WIDTH VARIES)

N89°57'05"E  
1.00'

N89°57'05"E

NORTH LINE ORB 4924, PG 1891  
S RIGHT OF WAY LINE

### PARCEL 801

W 1.00' OF THE E 5.00'  
OF ORB 4924, PAGE 1891  
SIDEWALK EASEMENT  
100 SQ. FT.±

OWNER N/F:  
THE INVESTORS GROUP INC  
TAX PARCEL ID:  
23-36-31-00-261  
ORB 4924, PAGE 1891

S89°57'05"W  
4.00'

W RIGHT OF  
WAY LINE

EXISTING 4' SIDEWALK  
EASEMENT PER ORB  
908, PAGE 164

N00°22'34"E  
100.00'

S00°22'34"W  
100.00'

N00°22'34"E  
(B.O.B.)

W LINE OF ORB  
908, PAGE 164

SOUTH LINE ORB  
4924, PG 1891

NORTH LINE  
PB 66, PG 36

N89°57'05"E

S89°57'05"W  
1.00'

PANTHER RIDGE PHASE ONE  
PLAT BOOK 66, PAGE 36

STATE ROAD NO. 5

(SECTION 7002-177)

A.K.A. U.S. HIGHWAY NO. 1

(143' RIGHT OF WAY WIDTH)



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
VIERA, FLORIDA 32940  
PHONE: (321) 633-2080

SCALE:

1"=20'

DRAWING NO.:

233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

SECTION 31  
TOWNSHIP 23 SOUTH  
RANGE 36 EAST

Prepared by and return to: Page R Whittle  
Brevard County Public Works Dept., Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 23-36-31-00-251.1

#### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 23 day of June 2020, between Harold Palmer Kemper and Betty Jean Kemper, as Trustees of the Harold Palmer Kemper and Betty Jean Kemper Revocable Living Trust, dated June 11, 2008 whose mailing address is 4210 Parkway Drive, Melbourne, FL 32934, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

**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, perpetual easement commencing on the above date, for the sole purposes of constructing, reconstructing, repairing, and maintaining the sidewalk, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easements is located in Section 31, Township 23 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

#### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement. Grantor(s) shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

**TO HAVE AND TO HOLD** said easements 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.

(Signatures and Notary on next page)



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:

Pager Whittle  
Witness

Pager Whittle  
(Print Name)

Lucy Hamelers  
Witness

Lucy Hamelers  
(Print Name)

STATE OF FLORIDA  
COUNTY OF BREVARD

Harold Palmer Kemper

Harold Palmer Kemper as Trustee  
of the Harold Palmer Kemper and  
Betty Jean Kemper Revocable Living  
Trust, dated June 11, 2008

Betty Jean Kemper

Betty Jean Kemper as Trustee of the  
Harold Palmer Kemper and Betty  
Jean Kemper Revocable Living Trust,  
dated June 11, 2008

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 23 day of June, 2020, by Harold Palmer Kemper and Betty Jean Kemper, as Trustees of the Harold Palmer Kemper and Betty Jean Kemper Revocable Living Trust, dated June 11, 2008. Is personally known or produced FL Driver's License as identification.

Pager Whittle  
Notary Signature

SEAL

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



# LEGAL DESCRIPTION

PARCEL 802

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-251.1

PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 802, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5881, PAGE 4905 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS THE WEST 1.00 FOOT OF THE EAST 5.00 FEET, AS MEASURED PERPENDICULARLY, OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5881, PAGE 4905, CONTAINING 100 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.5 AS BEING NORTH 00° 22' 34" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1155-B, TAX ACCOUNT NUMBER 2317681, EFFECTIVE DATE 4/12/2020. EASEMENTS WERE LISTED PER SAID TITLE REPORT:
    - i. SIDEWALK EASEMENT PER OFFICIAL RECORDS BOOK 905, PAGE 363 AS SHOWN HEREON.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.:

233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

REVISIONS

DATE

DESCRIPTION

SECTION 31

TOWNSHIP 23 SOUTH

RANGE 36 EAST

DATE: 9/2/2020

SHEET: 1 OF 2

# SKETCH OF DESCRIPTION

## PARCEL 802

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST  
 PARENT PARCEL ID NO.: 23-36-31-00-251.1  
 PURPOSE: SIDEWALK EASEMENT



SCALE: 1"=30'

## ABBREVIATIONS

A.K.A. = ALSO KNOWN AS  
 B.O.B. = BASIS OF BEARING  
 ID = IDENTIFICATION  
 N/F = NOW OR FORMERLY  
 ORB = OFFICIAL RECORD BOOK  
 PB = PLAT BOOK  
 PG = PAGE  
 R/W = RIGHT OF WAY  
 SQ.FT. = SQUARE FEET

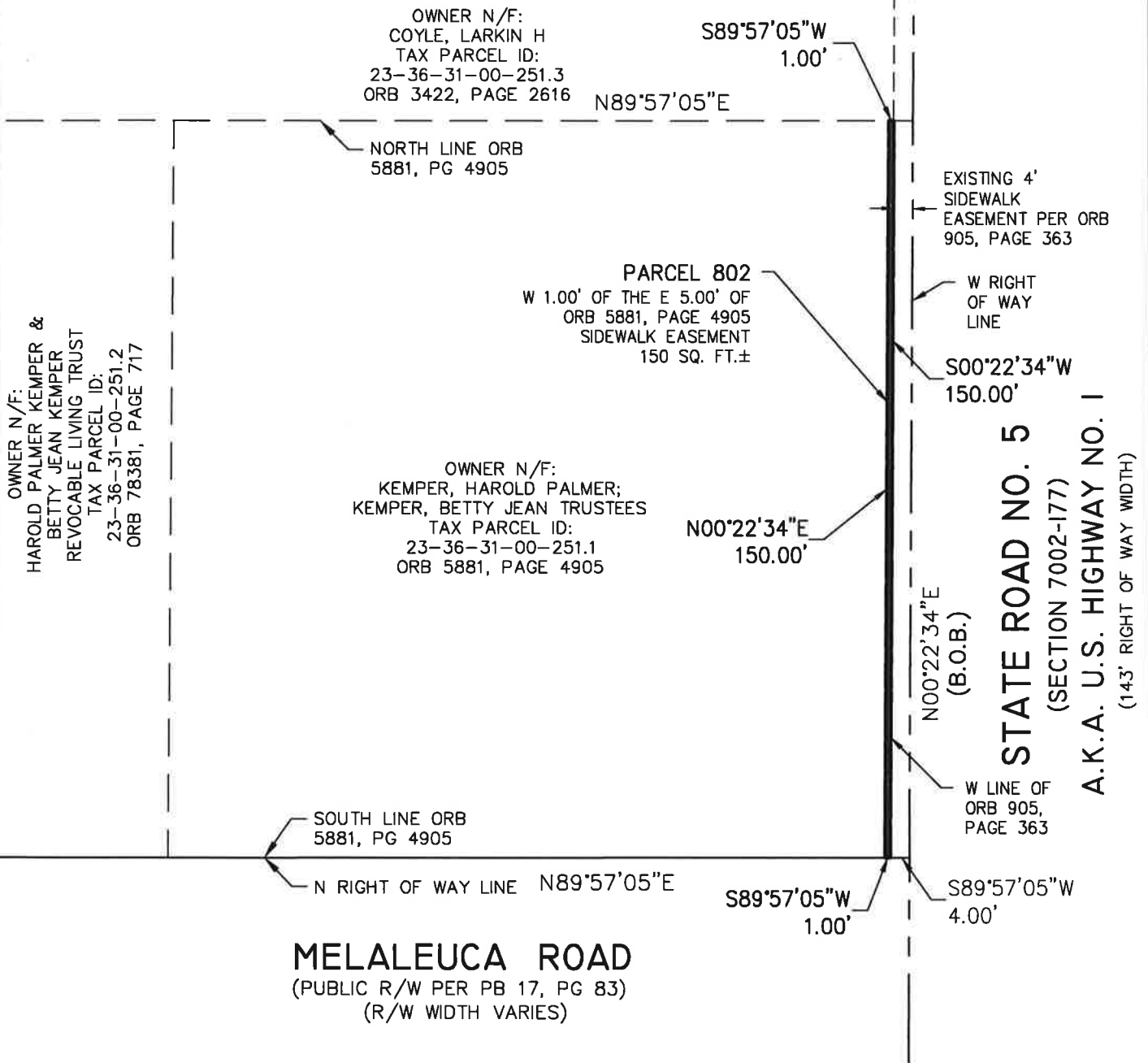
## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2  
THIS IS NOT A SURVEY



= DENOTES PARCEL 802  
 SIDEWALK EASEMENT



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
 SURVEYING AND MAPPING DIVISION  
 ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
 VIERA, FLORIDA 32940  
 PHONE: (321) 633-2080

SCALE:  
 1"=30'

DRAWING NO.:  
 233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

SECTION 31  
 TOWNSHIP 23 SOUTH  
 RANGE 36 EAST

Prepared by and return to: Page Whittle  
Brevard County Public Works Dept., Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 23-36-31-00-251.3

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 26 day of August, 2020, between Barbara L. Coyle, as Successor Trustee of the Larkin H. Coyle Trust U/A/D September 1, 1994, whose mailing address is PO Box 951, Jupiter, FL 33468, as the first party, and Brevard County, 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, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, perpetual easement commencing on the above date, for the sole purposes of constructing, reconstructing, repairing, and maintaining the sidewalk, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easements is located in Section 31, Township 23 South, Range 36 East, Brevard County, Florida, and is more particularly described as follows:

#### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"**

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

**TO HAVE AND TO HOLD** said easements unto Brevard County, a political subdivision of the State of Florida, and to its successors and assigns. The first party does 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.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed,  
the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness  
B. Campbell  
(Print)

[Signature]  
Witness  
DAVID S. RIVERA  
(Print)


Barbara L. Coyle  
Barbara L. Coyle as Successor  
Trustee of the Larkin H. Coyle  
Trust U/A/D September 1, 1994

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization on this 26<sup>th</sup> day of August, 2020, by Barbara L.  
Coyle, as Successor Trustee of the Larkin H. Coyle Trust U/A/D September 1, 1994.  
Is personally known or produced FLORIDA DRIVERS LICENSE as identification.

[Signature]  
Notary Signature  
SEAL

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

 David S. Rivera  
State of Florida  
My Commission Expires 02/22/2022  
Commission No. GG 188834

# LEGAL DESCRIPTION

PARCEL 803

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-251.3

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 803, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3422, PAGE 2616 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS THE WEST 1.00 FOOT OF THE EAST 5.00 FEET, AS MEASURED PERPENDICULARLY, OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3422, PAGE 2616, CONTAINING 100 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

## SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.5 AS BEING NORTH 00° 22' 34" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1155-C, TAX ACCOUNT NUMBER 2317683, EFFECTIVE DATE 4/12/2020. EASEMENTS WERE LISTED PER SAID TITLE REPORT:
    - i. SIDEWALK EASEMENT PER OFFICIAL RECORDS BOOK 908, PAGE 172 AS SHOWN HEREON.
    - ii. EASEMENT PER OFFICIAL RECORDS BOOK 1542, PAGE 436; PART ONE AFFECTS PARCEL 803 AND IS SHOWN HEREON, PART TWO DOES NOT AFFECT OR ABUT PARCEL 803 BUT IS SHOWN HEREON; PART THREE DOES NOT AFFECT OR ABUT PARCEL 803 AND IS NOT SHOWN HEREON.
    - iii. EASEMENT PER OFFICIAL RECORDS BOOK 1542, PAGE 438 AFFECTS PARCEL 803 AND IS SHOWN HEREON.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION

ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VERA, FLORIDA 32940

PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.:

233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

REVISIONS

DATE

DESCRIPTION

SECTION 31

TOWNSHIP 23 SOUTH

RANGE 36 EAST

DATE: 9/2/2020

SHEET: 1 OF 2

C:\Survey\CAD Files\CAD-DRAWINGS\RICK\233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg, SHEET 2 PARCEL 803, 5/12/2020 11:17:36 AM

Prepared by and return to: Page Whittle  
Brevard County Public Works Dept., Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 23-36-31-00-251.4, 23-36-31-00-251

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 15<sup>TH</sup> day of July 2020, between Bad Lands, LLC, a Florida limited liability company whose mailing address is 2323 S. Volusia Ave., Orange City, FL 32763, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

**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, perpetual easement commencing on the above date, for the sole purposes of constructing, reconstructing, repairing, and maintaining the sidewalk, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 31, Township 23 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

#### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A" and "EXHIBIT B"**

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement. Grantor(s) shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

**TO HAVE AND TO HOLD** said easements 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.

(Signatures and Notary on next page)



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:

Mary Johanna Mansfield  
Witness  
Mary Johanna Mansfield  
(Print Name)

Kathleen A. Lee  
Witness  
Kathleen A. Lee  
(Print Name)

STATE OF FLORIDA  
COUNTY OF Collier

Bad Lands, LLC, a Florida  
limited liability company

David N. Sexton  
David N. Sexton, Manager



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 13<sup>th</sup> day of July, 2020, by David N. Sexton as Manager for Bad Lands, LLC, a Florida limited liability company. Is personally known or produced as identification.

Mary Johanna Mansfield  
Notary Signature  
SEAL

Kimberly J. Perné  
Witness  
Kimberly J. Perné  
(Print Name)

Joanna Guyer  
Witness  
Joanna Guyer  
(Print Name)

STATE OF FLORIDA  
COUNTY OF ~~Florida~~ Collier

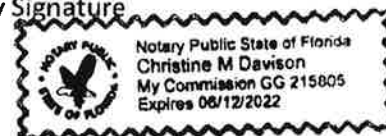
Bad Lands, LLC, a Florida  
limited liability company

Bruce D. Dee  
Bruce D. Dee, Manager

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this 15 day of July, 2020, by Bruce D. Dee as Manager for Bad Lands, LLC, a Florida limited liability company. Is personally known or produced as identification.

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

Christine M. Davison  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

PARCEL 804

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-251.4

PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 804, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5439, PAGE 993, BEING THE SECOND DESCRIPTION THEREIN AND BEING THE SAME AS THOSE LANDS DESCRIBED WITHIN OFFICIAL RECORDS BOOK 2433, PAGE 2116 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS THE WEST 1.00 FOOT OF THE EAST 5.00 FEET, AS MEASURED PERPENDICULARLY, OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5439, PAGE 993, BEING THE SECOND DESCRIPTION THEREIN AND BEING THE SAME AS THOSE LANDS DESCRIBED WITHIN OFFICIAL RECORDS BOOK 2433, PAGE 2116, CONTAINING 100 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

### SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.5 AS BEING NORTH 00° 22' 34" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. OFFICIAL RECORDS BOOK 2545, PAGE 2927.
  - B. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1155-D, TAX ACCOUNT NUMBER 2317684, EFFECTIVE DATE 4/12/2020. EASEMENTS WERE LISTED PER SAID TITLE REPORT:
    - i. SIDEWALK EASEMENT PER OFFICIAL RECORDS BOOK 908, PAGE 172 AS SHOWN HEREON.
    - ii. EASEMENT PER OFFICIAL RECORDS BOOK 2570, PAGE 2826 DOES AFFECT OR ABUT PARCEL 804 AND IS NOT SHOWN HEREON.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION

ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940

PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	DRAWING NO.: 233631_SK_2003058_US1-CAMP-MELALEUCA.dwg			SECTION 31 TOWNSHIP 23 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 9/2/2020	SHEET: 1 OF 2				

# SKETCH OF DESCRIPTION

## PARCEL 804

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-251.4

PURPOSE: SIDEWALK EASEMENT



SCALE: 1"=20'


## ABBREVIATIONS

A.K.A. = ALSO KNOWN AS  
B.O.B. = BASIS OF BEARING  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORD BOOK  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
PB = PLAT BOOK  
PG = PAGE  
R/W = RIGHT OF WAY  
SQ.FT. = SQUARE FEET

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2  
THIS IS NOT A SURVEY

 = DENOTES PARCEL 804  
SIDEWALK EASEMENT

OWNER N/F:  
BAD LANDS LLC  
TAX PARCEL ID:  
23-36-31-00-251  
ORB 5439, PAGE 993  
(FIRST DESCRIPTION)

ORB 2545,  
PAGE 2927

N89°57'05"E  
1.00'

N89°57'05"E

N LINE OF ORB 2433, PG 2116 (SECOND DESCRIPTION)  
S LINE OF ORB 2545, PG 2927 (FIRST DESCRIPTION)

PARCEL 804  
W 1.00' OF THE EAST  
5.00' OF A PORTION OF  
ORB 5439, PAGE 993  
SIDEWALK EASEMENT  
100 SQ. FT.±

OWNER N/F:  
BAD LANDS LLC  
TAX PARCEL ID:  
23-36-31-00-251.4  
PORTION OF ORB 5439, PAGE 993  
(SECOND DESCRIPTION)

ORB 2433, PAGE 2116

S LINE OF ORB 5439, PG 993  
S LINE OF ORB 2433, PG 2116 (SECOND DESCRIPTION)

N89°57'05"E

OWNER N/F:  
COYLE, LARKIN H  
TAX PARCEL ID:  
23-36-31-00-251.3  
ORB 3422, PAGE 2616

S89°57'05"W  
1.00'

EXISTING 4'  
SIDEWALK  
EASEMENT  
PER ORB 908,  
PAGE 172

W RIGHT  
OF WAY  
LINE

N00°22'34"E  
100.00'

S00°22'34"W  
100.00'

N00°22'34"E  
(B.O.B.)

W LINE OF  
ORB 908,  
PAGE 172

S89°57'05"W  
4.00'

STATE ROAD NO. 5

(SECTION 7002-177)

A.K.A. U.S. HIGHWAY NO. 1

(143' RIGHT OF WAY WIDTH)



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
VIERA, FLORIDA 32940  
PHONE: (321) 633-2080

SCALE:  
1"=20'

DRAWING NO.:  
233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

SECTION 31  
TOWNSHIP 23 SOUTH  
RANGE 36 EAST

# LEGAL DESCRIPTION

PARCEL 805

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-251

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "B"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 805, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5439, PAGE 993, BEING THE FIRST DESCRIPTION THEREIN AND BEING THE SAME AS THOSE LANDS DESCRIBED WITHIN OFFICIAL RECORDS BOOK 2545, PAGE 2927 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS THE WEST 1.00 FOOT OF THE EAST 5.00 FEET, AS MEASURED PERPENDICULARLY, OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5439, PAGE 993, BEING THE FIRST DESCRIPTION THEREIN AND BEING THE SAME AS THOSE LANDS DESCRIBED WITHIN OFFICIAL RECORDS BOOK 2545, PAGE 2927, CONTAINING 126 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

## SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.5 AS BEING NORTH 00° 22' 34" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.
3. REFERENCE MATERIAL:
  - A. OFFICIAL RECORDS BOOK 2433, PAGE 2116.
  - B. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1155-E, TAX ACCOUNT NUMBER 2317680, EFFECTIVE DATE 4/12/2020. EASEMENTS WERE LISTED PER SAID TITLE REPORT:
    - i. SIDEWALK EASEMENT PER OFFICIAL RECORDS BOOK 908, PAGE 172 AS SHOWN HEREON.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: R. HENNING	CHECKED BY: M. J. SWEENEY	DRAWING NO.: 233631_SK 2003058_US1-CAMP-MELAI/BUCA.dwg			SECTION 31 TOWNSHIP 23 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 9/2/2020	SHEET: 1 OF 2				

# SKETCH OF DESCRIPTION

## PARCEL 805

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-251

PURPOSE: SIDEWALK EASEMENT



SCALE: 1"=20'

OWNER N/F:  
ECA CARE INC  
TAX PARCEL ID:  
23-36-31-00-251.1  
ORB 5703, PAGE 8995

## ABBREVIATIONS

A.K.A. = ALSO KNOWN AS  
B.O.B. = BASIS OF BEARING  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORD BOOK  
PB = PLAT BOOK  
PG = PAGE  
R/W = RIGHT OF WAY  
SQ.FT. = SQUARE FEET

## EXHIBIT "B"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

N89°57'05"E  
1.00'

S89°57'05"W  
4.00'


N89°57'05"E

NORTH LINE OF ORB 5439, PG 993  
NORTH LINE OF ORB 2545, PG 2927

PARCEL 805  
W 1.00' OF THE E 5.00'  
OF A PORTION OF ORB  
5439, PAGE 993  
SIDEWALK EASEMENT  
126 SQ. FT.±

OWNER N/F:  
BAD LANDS LLC  
TAX PARCEL ID:  
23-36-31-00-251  
PORTION OF ORB 5439, PAGE 993  
(FIRST DESCRIPTION)

ORB 2545, PAGE 2927

 = DENOTES PARCEL 805  
SIDEWALK EASEMENT

N0°22'34"E  
125.61'

W RIGHT OF  
WAY LINE

S0°22'34"W  
125.61'

EXISTING 4' SIDEWALK  
EASEMENT PER ORB  
908, PAGE 172

N00°22'34"E  
(B.O.B.)

W LINE OF  
ORB 908,  
PAGE 172

NORTH LINE OF ORB 2433, PG 2116  
SOUTH LINE OF ORB 2545, PG 2927

OWNER N/F:  
BAD LANDS LLC  
TAX PARCEL ID:  
23-36-31-00-251.4  
PORTION OF ORB 5439, PAGE 993

N89°57'05"E

S89°57'05"W  
1.00'

ORB 2433,  
PAGE 2116

STATE ROAD NO. 5

(SECTION 7002-177)

A.K.A. U.S. HIGHWAY NO. 1

(143' RIGHT OF WAY WIDTH)



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ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
VIERA, FLORIDA 32940  
PHONE: (321) 633-2080

SCALE:  
1"=20'

DRAWING NO.:  
233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

SECTION 31  
TOWNSHIP 23 SOUTH  
RANGE 36 EAST

## LOCATION MAP

### Section 31, Township 23 South, Range 36 East - District 1

PROPERTY LOCATION: South of Camp Road, east of Fern Drive along the west side of US 1

OWNERS NAME(S): Investor Group, Inc., Kemper, Coyle, and Bad Lands, LLC

