



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

12/20/2022

Subject:

Approval, Re: Dedication by Warranty Deed and Utility Easement from SECP MIMS, LLC for Florida Coast Equipment Project - District 1

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners accept the attached Warranty Deed and Utility Easement.

Summary Explanation and Background:

The subject property is located in Section 17, Township 21, Range 35 East, east of US Highway 1, west of Harry T. Moore Avenue on Cuyler Street in Mims.

SECP MIMS, LLC, owner, has submitted site plan number 21SP00012 for review and approval by the County for the development of a Commercial Building known as Florida Coast Equipment. As a condition of site plan approval, the owner has agreed to dedicate the attached Warranty Deed and Utility Easement. The Warranty Deed will convey additional right of way along Cuyler Street. A sidewalk will be constructed as part of the completed project with the County assuming future maintenance responsibilities for the sidewalk, which will be located in the County's right of way. The Utility Easement is to cover the Water-Line.

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:



December 21, 2022

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

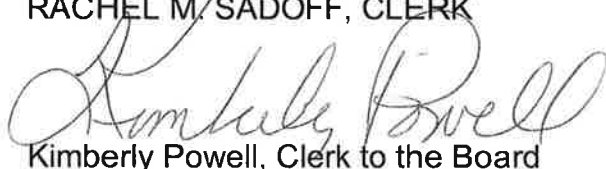
RE: Item F.5., Approval for Dedication by Warranty Deed and Utility Easement from SECP MIMS, LLC for Florida Coast Equipment Project

The Board of County Commissioners, in regular session on December 20, 2022, accepted the warranty deed and utility easement from SECP MIMS, LLC for Florida Coast Equipment Project.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**


Kimberly Powell, Clerk to the Board

cc: Utility Services

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of interest in Tax Parcel ID: 21-35-17-00-533

WARRANTY DEED

THIS DEED is made this 6th day of October, 2022, by SECP MIMS, LLC, a Florida limited liability company, hereafter called the Grantor, whose mailing address is 1 North Federal Highway, Suite 300, Boca Raton, Florida 33432, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

WITNESSETH that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, lying and being in the Brevard County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Together with all riparian and littoral rights appertaining thereto, and all interest in subsurface oil, gas, and minerals pursuant to section 270.11(3), Florida Statutes.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title and interest forever, and the Grantor does fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness
Timothy Morris
Print Name
[Signature]
Witness
BROCKE RAY
Print Name

GRANTOR:
SECP MIMS, LLC, a Florida limited liability company

By: [Signature]
Jason T. Bachman, President

(Corporate Seal)

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 6th day of October, 2022, by Jason T. Bachman, as President for SECP MIMS, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



[Signature]
Notary Public
(seal) Jo-ell Wise

LEGAL DESCRIPTION

PARCEL #100

PARENT PARCEL ID#: 21-35-17-00-533
PURPOSE: FEE SIMPLE CONVEYANCE

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 100, FEE SIMPLE CONVEYANCE (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9238, PAGE 2304, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AND BEGIN AT THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 9238, PAGE 2304, SAID POINT ALSO LYING ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 (SAID ROAD ALSO KNOWN AS STATE ROAD NO. 5), SAID POINT ALSO LYING ON AN ARC, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1827.08 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 0°17'32", AN ARC LENGTH OF 9.32 FEET TO A POINT OF TANGENCY (SAID ARC OF SAID CURVE SUBTENDED BY A CHORD BEARING OF N13°17'53"W, A CHORD LENGTH OF 9.32 FEET); THENCE RUN N13°09'07"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 15.25 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN N89°05'57"E A DISTANCE OF 575.80 FEET TO THE EASTERLY LINE OF SAID OFFICIAL RECORDS BOOK 9238, PAGE 2304; THENCE S00°54'11"E A DISTANCE OF 24.00 FEET TO THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9238, PAGE 2304; THENCE S89°05'57"W A DISTANCE OF 570.56 FEET TO THE POINT OF BEGINNING.

CONTAINING: 13,756.55 SQUARE FEET OR 0.316 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING TITLE COMMITMENT BY THE CLIENT:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
ORDER NO. 10522180; ISSUING OFFICE FILE NO.: SECP MIMS LLC
COMMITMENT DATE: 6/2/2022 AT 5:00 PM
2. NONE OF THE ITEMS DISCLOSED IN SAID TITLE COMMITMENT AFFECT PARCEL 100, NOR ARE PLOTTABLE.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF S89°05'57"W FOR THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9238, PAGE 2304.

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
SECP MIMS, LLC

PREPARED BY:

MORGAN & Associates

Consulting Engineers, Inc.

504 N Harbor City Blvd. Melbourne, FL 32935

PROJECT NO. 2021-111 Phone (321) 751-6088 Fax (321) 751-6089 - LB 7040

Christopher S.
Bowers, PSM 5990

Digitally signed by Christopher S. Bowers, PSM 5990

Date: 2022.07.21 17:03:27 -04'00'

CHRISTOPHER S. BOWERS 7/21/2022
PROFESSIONAL SURVEYOR & MAPPER, PSM 5990
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JTH	CHECKED BY: CSB	REVISIONS	DATE	DESCRIPTION	SECTION 17
		1.	7/6/2022	24' R/W	TOWNSHIP 21 SOUTH
DATE: 6/29/2022	DRAWING: 2021-111 FLORIDA COAST EQUIPMENT ESMTS.DWG	2.	7/21/2022	COUNTY COMMENTS	RANGE 35 EAST
		3.			

SKETCH OF DESCRIPTION

PARCEL #100

PARENT PARCEL ID#: 21-35-17-00-533

PURPOSE: FEE SIMPLE CONVEYANCE

LEGEND

Δ = DELTA
CB = CHORD BEARING
CHD. = CHORD
COR. = CORNER
ESMT. = EASEMENT
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
L = LENGTH
R = RADIUS
R/W = RIGHT-OF-WAY
ORB = OFFICIAL RECORDS BOOK
P.O.B. = POINT OF BEGINNING
PG. = PAGE
PT = POINT OF TANGENCY
~ = BREAKLINE

SE CORNER OF
ORB 9238, PG. 2304

PILATE, PATRICE J
PARCEL ID: 21-35-17-00-529
ORB 5557, PG. 5944

EASTERLY LINE OF
ORB 9238, PG. 2304

S00°54'11"E
24.00'

24.00'

PARCEL 100
FEE SIMPLE CONVEYANCE,
13,756.55 SQUARE FEET
OR 0.316 ACRES, MORE OR LESS

SECP MIMS, LLC
ORB 9238, PG. 2304
PARCEL ID:
21-35-17-00-533

N89°05'57"E 575.80'

REFERENCE BEARING S. LINE ORB 9238, PG. 2304: S89°05'57"W 570.56'

CUYLER ST
AKA ROBERTS ROAD

24.00'

Δ=0°17'32"
R=1827.08'
L=9.32'

CB=N13°17'53"W
CHD.=9.32'

N13°09'07"W
15.25'

EAST R/W
US HIGHWAY NO. 1
WIDTH VARIES
AKA STATE ROAD NO. 5
FDOT R/W MAP
SECTION NO. 7003-175 277

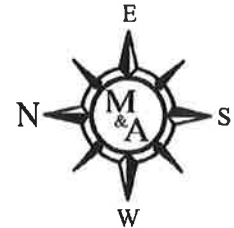
**POINT OF
COMMENCEMENT
& BEGINNING
PARCEL 100**

SW CORNER OF
ORB 9238, PG. 2304

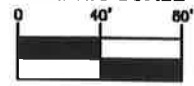
EXHIBIT "A"

SHEET 2 OF 2

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



GRAPHIC SCALE



1 INCH = 80 FEET

PREPARED BY:
MORGAN & ASSOCIATES CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD, MELBOURNE, FL 32935
PHONE (321) 751-6088; FAX (321) 751-6089

SCALE:

1" = 80'

PROJECT NO.: 2021-111

REV. 2 DATE: 7/21/2022

SECTION 17
TOWNSHIP 21 SOUTH
RANGE 35 EAST

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 21-35-17-00-533

UTILITY EASEMENT

THIS INDENTURE, made this 6 day of October, 2022, between SECP MIMS, LLC, a Florida limited liability company, whose address is 1 North Federal Highway, Suite 300, Boca Raton, Florida 33432, as the first party, and Brevard County, a political subdivision of the State of Florida, whose 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, a perpetual easement commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining utility facilities 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 17, Township 21 South, Range 35 East, Brevard County, Florida, and being 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 easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or 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:

Timothy Morris

Witness

Timothy Morris

Print Name

Brooke Rau

Witness

Brooke Rau

Print Name

SECP MIMS, LLC, a Florida
limited liability company

By: Jason T. Bachman

Jason T. Bachman, President

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 4th day of October 2022, by Jason T. Bachman, as President for SECP MIMS, LLS, a Florida limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



Jo-Ell Wise
Notary Signature
SEAL

LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 21-35-17-00-533
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

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

LEGAL DESCRIPTION: PARCEL 800, UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9238, PAGE 2304, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 9238, PAGE 2304, SAID POINT ALSO LYING ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 (SAID ROAD ALSO KNOWN AS STATE ROAD NO. 5), SAID POINT ALSO LYING ON AN ARC, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1827.08 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 0°17'32", AN ARC LENGTH OF 9.32 FEET TO A POINT OF TANGENCY (SAID ARC OF SAID CURVE SUBTENDED BY A CHORD BEARING OF N13°17'53"W, A CHORD LENGTH OF 9.32 FEET); THENCE RUN N13°09'07"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 15.25 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN N89°05'57"E A DISTANCE OF 267.55 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE N13°15'13"W A DISTANCE OF 131.42 FEET;
THENCE N14°14'31"W A DISTANCE OF 136.87 FEET;
THENCE N55°30'50"W A DISTANCE OF 14.58 FEET;
THENCE N34°29'10"E A DISTANCE OF 20.00 FEET;
THENCE S55°30'50"E A DISTANCE OF 22.12 FEET;
THENCE S14°14'31"E A DISTANCE OF 144.58 FEET;
THENCE S13°15'13"E A DISTANCE OF 135.97 FEET;
THENCE S89°05'57"W A DISTANCE OF 20.47 FEET TO THE POINT OF BEGINNING.

CONTAINING: 5,855.40 SQUARE FEET, OR 0.134 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING TITLE COMMITMENT BY THE CLIENT:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
ORDER NO. 10522180; ISSUING OFFICE FILE NO.: SECP MIMS LLC
COMMITMENT DATE: 6/2/2022 AT 5:00 PM
2. NONE OF THE ITEMS DISCLOSED IN SAID TITLE COMMITMENT AFFECT PARCEL 800, NOR ARE PLOTTABLE.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF S89°05'57"W FOR THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9238, PAGE 2304.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
SECP MIMS, LLC

PREPARED BY:

MORGAN & Associates

Consulting Engineers, Inc.

504 N Harbor City Blvd. Melbourne, FL 32935
PROJECT NO. 2021-111 Phone (321) 751-6088 Fax (321) 751-6089 - LB 7040

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

Christopher S.
Bowers, PSM 5990

Digitally signed by Christopher S.
Bowers, PSM 5990
Date: 2022.07.21 17:04:26 -04'00'

CHRISTOPHER S. BOWERS 7/21/2022
PROFESSIONAL SURVEYOR & MAPPER, PSM 5990
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JTH	CHECKED BY: CSB	REVISIONS	DATE	DESCRIPTION	SECTION 17
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DATE: 6/29/2022	DRAWING: 2021-111 FLORIDA COAST EQUIPMENT ESMTS.DWG	2.	7/21/2022	COUNTY COMMENTS	RANGE 35 EAST
		3.			

SKETCH OF DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 21-35-17-00-533
PURPOSE: UTILITY EASEMENT

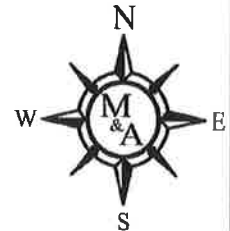
EXHIBIT "A"

SHEET 2 OF 2

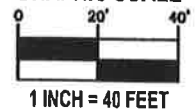
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LEGEND

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- L = LENGTH
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- ORB = OFFICIAL RECORDS BOOK
- P.O.B. = POINT OF BEGINNING
- PG. = PAGE
- PT = POINT OF TANGENCY
- = BREAKLINE



GRAPHIC SCALE



PARCEL 800
UTILITY EASEMENT
5,855.40 SQUARE FEET
OR 0.134 ACRES,
MORE OR LESS

SECP MIMS, LLC
ORB 9238, PG. 2304
PARCEL ID:
21-35-17-00-533

EAST R/W
US HIGHWAY NO. 1
AKA STATE ROAD NO. 5
FDOT R/W MAP
SECTION NO.
7003-175 277
WIDTH VARIES

N13°09'07"W 15.25'
Δ=0°17'32"
R=1827.08'
L=9.32'
CB=N13°17'53"W
CHD.=9.32'
N89°05'57"E 267.55'

**POINT OF
BEGINNING
PARCEL 800**

N14°14'31"W 136.87'
S55°30'50"E 22.12'
N13°15'13"W 131.42'
S14°14'31"E 144.58'
S13°15'13"E 135.97'
S89°05'57"W 20.47'

SE CORNER OF
ORB 9238,

REFERENCE BEARING: S. LINE OF ORB 9238, PG. 2304 S89°05'57"W 570.56' (R) PG. 2304

**POINT OF COMMENCEMENT
PARCEL 800**

SW CORNER OF ORB 9238, PG. 2304

CUYLER ST

AKA ROBERTS ROAD

PREPARED BY:
MORGAN & ASSOCIATES CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD, MELBOURNE, FL 32935
PHONE (321) 751-6088; FAX (321) 751-6089

SCALE:

1" = 40'

PROJECT NO.: 2021-111

REV. 2 DATE: 7/21/2022

SECTION 17
TOWNSHIP 21 SOUTH
RANGE 35 EAST

LOCATION MAP

Section 17, Township 21 South, Range 35 East - District: 1

PROPERTY LOCATION: East of US Highway 1, west of Harry T. Moore Avenue on Cuyler Street in Mims.

OWNERS NAME(S): SECP MIMS, LLC



BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication by Warranty Deed, and Utility Easement from SECP MIMS, LLC for Florida Coast Equipment - District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>12-5-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>12-5-2022</u>