



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

8/27/2024

Subject:

Approval, Re: Dedication of Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement from BG Wickham, LLC for the Pineda Commons Project - District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition Office / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners: 1) approve and accept the attached Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement, 2) Authorize the Chair to execute the attached Permanent Drainage and Access Easement acknowledging acceptance thereof.

Summary Explanation and Background:

The subject property is located in Section 30, Township 26 South, Range 37 East, south of Business Center Boulevard and east of North Wickham Road in Melbourne.

Upon review of the Pineda Commons site plan, engineering staff determined certain easements are necessary. The attached permanent access easement will allow the County access to maintain an adjacent county-maintained ditch. The Utility Easement is required to access and maintain the manholes and sanitary sewer lines. The Permanent Drainage and Access Easement allows for emergency maintenance, access, and flowage only. The owner will maintain the stormwater drainage system, as outlined in the attached easement. In accordance with County code and standards, BG Wickham, LLC, owner, has dedicated the attached easements.

The User Departments approves this request.

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

Clerk to the Board Instructions:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Permanent Drainage and Access Easement.

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement from BG Wickham, LLC for the Pineda Commons Project – District 4.

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>7-31-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney		_____	<u>8/6/2024</u>



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

August 28, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Jean Kremitzki

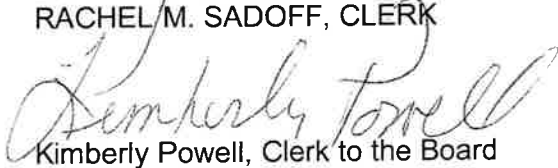
RE: Item F.6., Approval for Dedication of Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement from BG Wickham, LLC for the Pineda Commons Project

The Board of County Commissioners, in regular session on August 27, 2024, approved and accepted the Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement from BG Wickham, LLC for the Pineda Commons Project; and authorized the Chair to execute the Permanent Drainage and Access Easement acknowledging acceptance thereof. Enclosed is the fully-executed Permanent Drainage and Access Easement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Utility Services

Prepared by and return to: Jean Kremitzki
Public Works, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
Being a portion of Interest in Tax Parcel #26-37-30-50-*1.01

PERMANENT DRAINAGE AND ACCESS EASEMENT

THIS EASEMENT is given this 24th day of July, 2024, by BG Wickham LLC, a Florida limited liability company, as Grantor, whose mailing address is 1211 North Westshore Boulevard, Suite 801, Tampa, FL 33607, to Brevard County, a political subdivision of the State of Florida, as Grantee. As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH that the Grantor, in consideration of Ten and No/100 Dollars (\$10.00) and other valuable consideration paid, the receipt of which is acknowledged, does grant unto the Grantee, its successors and assigns, a perpetual drainage and access easement ("Easement") for the purposes of emergency maintenance to restore drainage flow and other allied uses pertaining thereto, over, under, upon, above, across, and through the Property, for the specific purposes set forth herein.

WHEREAS, Grantor is the fee simple owner of that certain lands situated in Brevard County, Florida and more specifically described in Exhibit "A" attached hereto; and

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions set forth herein, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are acknowledged, Grantor voluntarily grants, creates, conveys and establishes a perpetual access easement for and in favor of Grantee upon the Property described on Exhibit "A" which shall run with the land and be binding upon Grantor.

The scope, nature and character of this Easement shall be as follows:

1. **Recitals.** The recitals herein are true and correct and are incorporated into and made a part of this Easement.
2. **Purpose.** It is the purpose of this Easement is to grant a perpetual access easement for the purposes of emergency maintenance to restore drainage flow and other allied uses.
3. **Acknowledgment.** The land affected by the granting of this Easement is located in Section 30, Township 26 South, Range 37 East, Brevard County, Florida.
4. **Agreement.** Grantee shall have the right of ingress and egress onto the Easement area as may be necessary for the full use and enjoyment by Grantee of the Easement. Grantor(s) shall have full use and enjoyment of the Easement area, but shall not make any improvements within the Easement area that will conflict or interfere with the Easement granted herein.

Maintenance. Grantor, its successors and assigns, does agree they shall solely be responsible for any and all construction, maintenance, repairs, and reconstruction of any stormwater drainage system or appurtenances thereto in the Easement area. Grantor shall timely perform all necessary maintenance, repairs, and replacement to ensure proper functioning of the stormwater system in the Easement area and shall provide

an annual inspection report of maintenance. Grantor, upon request by Grantee, will make available annual inspection reports within ten days of request by Grantee. In the event of a lapse in maintenance, Grantee will give Grantor a 30-day notice to maintain or repair the stormwater system. If the stormwater system is not maintained or repaired at the end of the 30-day notice, this Easement shall give Grantee the right, but not the obligation, to perform the required maintenance or make the required repairs to restore stormwater drainage flow and to demand immediate reimbursement from the Grantor. Should Grantor fail to reimburse Grantee for required maintenance or repair, Grantee may file a claim of lien within ninety (90) days of completion of the work against all property described by the plat which maybe foreclosed by any action brought by us on behalf of the Grantee on the property for the costs incurred by the Grantee in connection with performing the repairs or maintenance. In no event shall Grantee have any obligation to pay any part of the cost of such maintenance, repair, or replacement.

Duration. This Easement shall remain in full force and effect in perpetuity.

Indemnification. Grantor agrees that it will indemnify and save harmless Grantee from any and all liability, claims, damages, expenses, proceedings and causes of action of every kind and nature arising out of or connected with the Grantor's use, occupation, management or control of the Easement area, or any improvement placed thereon by Grantor, or any equipment or fixtures used by Grantor in connection with the Easement area. Grantor agrees that it will, at their own expense, defend any and all actions, suits or proceedings which may be brought against the Grantee in connection with any negligent, reckless, or intentional wrongful act or omission of the Grantor and persons employed or utilized by the Grantor as it relates to the Easement area, and that it will satisfy, pay and discharge any and all judgments that may be entered against the Grantee in any such action or proceedings. The parties acknowledge specific consideration has been exchanged for the provision. Nothing herein is intended to be or shall be construed as a waiver of the Grantee's sovereign immunity beyond statutory provisions.

Modification. This Easement may be amended, altered, released, or revoked only by written agreement between the parties hereto or their heirs, assigns, or successors – in – interest, which shall be filed in the public records of Brevard County, Florida.

(Signatures on next two pages)

IN WITNESS WHEREOF BG Wickham, LLC, the Grantor, has hereunto set its authorized hand this 29th day of July, 2024.

BG Wickham, LLC, a Florida limited liability company

R. T. Goodman

Witness

Bryan T. Goodman

(Print Name)

1211 N. WESTSHORE BLVD. STE 801
TAMPA, FL 33607

Address

Alex M Zapata

Witness

Alex M Zapata

(Print Name)

1211 N. Westshore Blvd. Ste 801
Tampa, FL 33607

Address

By: BG Wickham Partners, LLC,
a Florida limited liability company,
its Sole Member as Manager

By: BG Wickham Partners GP, LLC,
a Florida limited liability company,
its Manager

By: BGV Limited, LLLP, a Florida
limited liability limited partnership, its
Manager

By: Gerald F. Hart

Gerald F. Hart, as Authorized Signatory

(Corporate Seal)

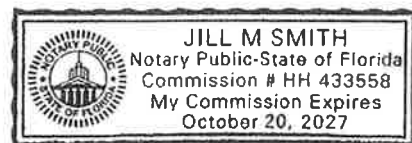
STATE OF FLORIDA

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29 day of July, 2024, by Gerald F. Hart, as Authorized Signatory of BGV Limited, LLLP, a Florida limited liability limited partnership, as Manager of BG Wickham Partners GP, LLC, a Florida limited liability company, as Manager of BG Wickham Partners, LLC, a Florida limited liability company, its Sole Member as Manager of BG Wickham, LLC, a Florida limited liability company. Such person is ☒ personally known to me or has ☐ produced a valid driver's license as identification.

Jill M Smith
Notary Signature

(SEAL)



Acceptance

The Grantee hereby accepts the Permanent Access Easement and agrees to be bound by its terms.

Dated: 27th day of August, 2024.

ATTEST:



Rachel Sadoff, Clerk of the Court

GRANTEE:
BREVARD COUNTY, FLORIDA



Jason Steele, Chair

Agenda Item: F.6.

Board Meeting Date: August 27, 2024.

LEGAL DESCRIPTION

PARCEL #803

PARENT PARCEL ID#: 26-37-30-50-*--1.01

PURPOSE: DRAINAGE & ACCESS EASEMENT

LEGAL DESCRIPTION: PARCEL 803 DRAINAGE & ACCESS EASEMENT

(PREPARED BY SURVEYOR)

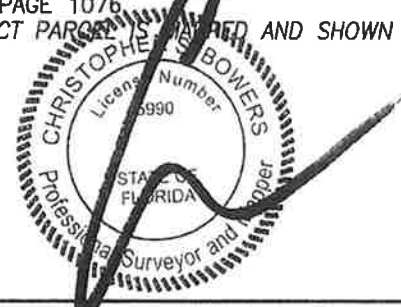
A DRAINAGE & ACCESS EASEMENT LYING WITHIN A PORTION OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID EASEMENT ALSO LYING WITHIN A PORTION OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE & BEGIN AT THE NORTHEAST CORNER OF LOT 1 OF SAID PLAT AND RUN S00°22'32"W ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 890.20 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE N88°23'51"W ALONG SAID SOUTH LINE OF LOT 1 A DISTANCE OF 591.64 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N00°21'23"E A DISTANCE OF 139.87 FEET; THENCE N55°16'29"E A DISTANCE OF 20.94 FEET; THENCE S89°32'13"E A DISTANCE OF 495.23 FEET; THENCE N53°24'58"E A DISTANCE OF 34.05 FEET; THENCE N00°22'28"E A DISTANCE OF 707.03 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY OF BUSINESS CENTER BOULEVARD, A PUBLIC RIGHT-OF-WAY 130 FEET IN WIDTH PER SAID PLAT; THENCE S88°23'51"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 52.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING THE POINT OF BEGINNING.

CONTAINING: 131,325.86 SQUARE FEET OR 3.015 ACRES, MORE OR LESS

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, WHICH BEARS: S00°22'32"W, AN ASSUMED BEARING, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING OPINION OF TITLE:
HILL, WARD & HENDERSON, P.A., DATE OF POLICY: APRIL 22, 2024.
THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:
(EXCLUDING STANDARD EXCEPTIONS RELATED TO TAXES, LIENS, TENANTS, LEASES, ETC., BEING NOT A SURVEY MATTER)
 1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, AND OTHER MATTERS AS CONTAINED ON THE PLAT OF WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, RECORDED IN PLAT BOOK 31, PAGE 6, AS AFFECTED BY THAT CERTAIN NOTICE REGARDING ACCESS RESTRICTION RECORDED FEBRUARY 2, 2016 IN OFFICIAL RECORDS BOOK 7541, PAGE 564. AFFECTS THE SUBJECT PARCEL, ALL PLOTTABLE MATTERS OF SAID PLAT ARE MAINTAINED AND SHOWN HEREON.
NOTICE REGARDING ACCESS RESTRICTION IS BLANKET IN NATURE, NON-PLOTTABLE
 2. EASEMENT RECORDED MAY 9, 1989 IN OFFICIAL RECORDS BOOK 2995, PAGE 1076.
AFFECTS THE SUBJECT PARCEL, & THE PORTION ENCUMBERING THE SUBJECT PARCEL, AS MAINTAINED AND SHOWN HEREON.



PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
BG WICKHAM LLC

PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088.
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.B. #7703 / L.B. #7040
504 North Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

SAMUEL C. BOWERS, PSM NO. 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

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.

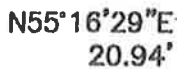
DRAWN BY: JTH	CHECKED BY: CSB	PROJECT NO. 2024-007			SECTION 30 TOWNSHIP 26 SOUTH RANGE 37 EAST
DATE: 7/8/2024	DRAWING: 2024-007 PINEDA COMMONS UTILITY ESMT.DWG	REVISIONS NO. 1	DATE 8/25/2024	DESCRIPTION COUNTY REVIEW COMMENTS	
		NO. 2	7/8/2024	COUNTY REVIEW COMMENTS	

PARCEL #803

PARENT PARCEL ID#: 26-37-30-50-* -1.01

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2



PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

Consulting Engineers, Inc.

 $1'' = 120'$

TOWNSHIP 26 SOUTH
RANGE 37 EAST

Prepared by and return to: Jean Kremitzki
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-37-30-50-*-1.01

PERMANENT ACCESS EASEMENT

THIS INDENTURE, made this 24th day of July, 2024, between BG Wickham, LLC, a Florida limited liability company, whose address is 1211 North Westshore Boulevard, Suite 801, Tampa, FL 33607, 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 reconstructing, reconfiguring, and maintaining the access for the adjacent ditch to the east of the property line that lies within the 30-foot wide drainage easement of Lots 2 and 3 and the 50-foot wide drainage easement of Lot 3 of Plat Book 31, Page 6 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 30, Township 26 South, Range 37 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:

BG Wickham, LLC, a Florida limited liability company

R. T. Goodman

Witness

RYAN T. GOODMAN

(Print Name)

1211 N. WESTSHORE BLVD STE 801
TAMPA, FL 33607

Address

Alex M. Zapata

Witness

Alex M Zapata

(Print Name)

1211 N Westshore Blvd Ste 801
Address Tampa, FL 33607

By: BG Wickham Partners, LLC,
a Florida limited liability company,
its Sole Member as Manager

By: BG Wickham Partners GP, LLC,
a Florida limited liability company,
its Manager

By: BGV Limited, LLLP, a Florida
limited liability limited partnership, its
Manager

By: Gerald F. Hart

Gerald F. Hart, as Authorized Signatory

(Corporate Seal)

STATE OF FLORIDA

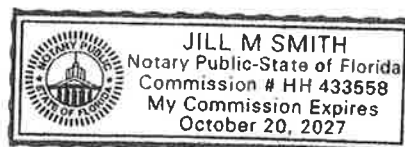
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29 day of July, 2024, by Gerald F. Hart, as Authorized Signatory, of BGV Limited, LLLP, a Florida limited liability limited partnership, as Manager of BG Wickham Partners GP, LLC, a Florida limited liability company, as Manager of BG Wickham Partners, LLC, a Florida limited liability company, its Sole Member as Manager of BG Wickham, LLC, a Florida limited liability company. Such person is ☒ personally known to me or has ☐ produced a valid driver's license as identification.

Jill M Smith

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-37-30-50-*1.01

PURPOSE: ACCESS EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 800 ACCESS EASEMENT (PREPARED BY SURVEYOR)

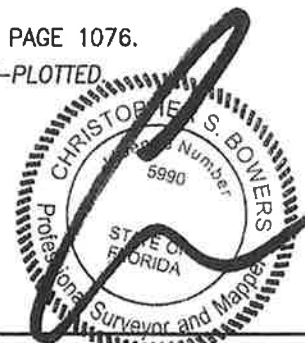
THE EAST FIFTEEN FEET OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9922, PAGE 2490, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID EASEMENT ALSO BEING THE EAST FIFTEEN FEET OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID EASEMENT ALSO LYING IN A PORTION OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE & BEGIN AT THE NORTHEAST CORNER OF SAID LOT 1 AND RUN S00°22'32"W ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 890.20 FEET TO THE SOUTH LINE OF LOT 1; THENCE N88°23'51"W ALONG SAID SOUTH LINE A DISTANCE OF 15.00 FEET; THENCE N00°22'32"E A DISTANCE OF 890.20 FEET TO THE SOUTH RIGHT-OF-WAY OF BUSINESS CENTER BOULEVARD, A PUBLIC RIGHT-OF-WAY 130 FEET IN WIDTH PER SAID PLAT BOOK 31, PAGE 6; THENCE S88°23'51"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 15.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 13,353.00 SQUARE FEET, OR 0.307 ACRES, MORE OR LESS.

SURVEYORS NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, WHICH BEARS: S00°22'32"W, AN ASSUMED BEARING, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING OPINION OF TITLE:
HILL, WARD & HENDERSON, P.A., DATE OF POLICY: APRIL 22, 2024.
THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:
(EXCLUDING STANDARD EXCEPTIONS RELATED TO TAXES, LIENS, TENANTS, LEASES, ETC., BEING NOT A SURVEY MATTER)
 - RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, AND OTHER MATTERS AS CONTAINED ON THE PLAT OF WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, RECORDED IN PLAT BOOK 31, PAGE 6, AS AFFECTED BY THAT CERTAIN NOTICE REGARDING ACCESS RESTRICTION RECORDED FEBRUARY 2, 2016 IN OFFICIAL RECORDS BOOK 7541, PAGE 564.
AFFECTS THE SUBJECT PARCEL, ALL PLOTTABLE MATTERS OF SAID PLAT ARE MAPPED AND SHOWN HEREON. NOTICE REGARDING ACCESS RESTRICTION IS BLANKET IN NATURE, NON-PLOTTABLE.
 - EASEMENT RECORDED MAY 9, 1989 IN OFFICIAL RECORDS BOOK 2995, PAGE 1076.
AFFECTS THE PARENT PARCEL, DOES NOT AFFECT THIS EASEMENT, NOT-PLOTTED



PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
BG WICKHAM LLC

PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.B. # 7993 / L.B. # 7040
504 North Harbor City Blvd., Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

SAMUEL C. BOWERS, PSM NO. 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

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.

DRAWN BY: JTH	CHECKED BY: CSB	PROJECT NO. 2024-007	SECTION 30
DATE: 6/25/2024	DRAWING: 2024-007 PINEDA COMMONS EAST 15' ESMT.	REVISIONS NO. 1	TOWNSHIP 26 SOUTH RANGE 37 EAST
		DATE 6/25/2024	DESCRIPTION COUNTY REVIEW COMMENTS

SKETCH OF DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-37-30-50-*1.01
PURPOSE: ACCESS EASEMENT

BUSINESS CENTER BLVD

130' PUBLIC R/W P.B. 31, PG. 6

EXHIBIT "A"

SHEET 2 OF 2

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

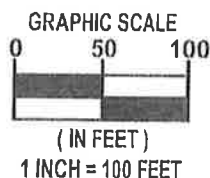
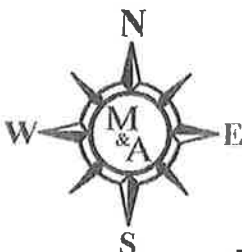


EXHIBIT "A" PARCEL 800:
15' ACCESS EASEMENT
13,353.00 SQ FT OR 0.307± ACRES

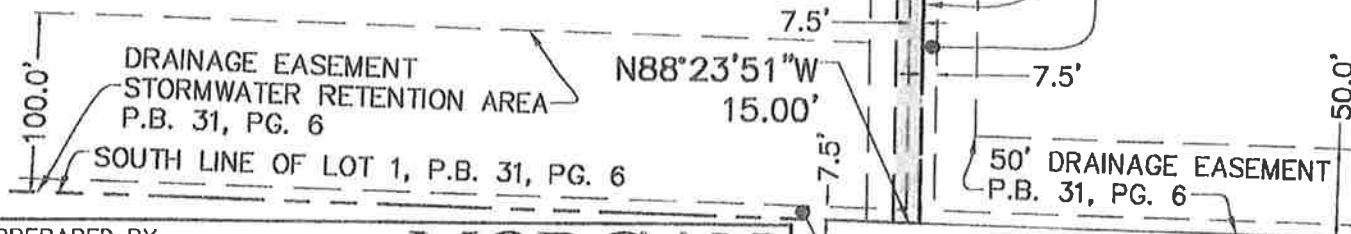
BG WICKHAM LLC

PARCEL ID: 26-37-30-50-*1.01
ORB 9922, PG. 2490
A PORTION OF LOT 1,
WICKHAM ROAD
BUSINESS CENTER SOUTH PHASE 1
P.B. 31, PG. 6

LEGEND:

ID = IDENTIFICATION
LB = LICENSED BUSINESS
NTI = NON-TANGENT INTERSECTION
ORB = OFFICIAL RECORDS BOOK
PG. = PAGE
P.B. = PLAT BOOK
PSM = PROFESSIONAL SURVEYOR & MAPPER
R/W = RIGHT-OF-WAY
N = NORTH OR NORTHING
E = EAST OR EASTING
S = SOUTH
W = WEST
NE = NORTHEAST
NW = NORTHWEST
SE = SOUTHEAST
SW = SOUTHWEST

± = PLUS OR MINUS
" = FEET OR ARCMINUTES
" = INCHES OR ARCSECONDS
° = DEGREES
Δ = CENTRAL ANGLE
CB = CHORD BEARING
CHD = CHORD
L. = LENGTH (ARC)
R. = RADIUS
C. = CENTERLINE
TYP. = TYPICAL
AC. = ACRES
SF = SQUARE FEET
PC = POINT OF CURVATURE
PRC = POINT OF REVERSE CURVATURE
PT = POINT OF TANGENCY



PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - P.E. & P.S. L.B. 970-0
504 North Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

7.5' DRAINAGE & UTILITY EASEMENT
P.B. 31, PG. 6

SCALE:
1" = 100'
PROJECT NO.: 2024-007

SECTION 30
TOWNSHIP 26 SOUTH
RANGE 37 EAST

Prepared by and return to: Jean Kremitzki
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-37-30-50-*-1.01

UTILITY EASEMENT

THIS INDENTURE, made this 20th day of July, 2024, between BG Wickham, LLC, a Florida limited liability company, whose address is 1211 North Westshore Boulevard, Suite 801, Tampa, FL 33607, 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 sanitary sewer line and associated 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 30, Township 26 South, Range 37 East, Brevard County, Florida, and being 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 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:

BG Wickham, LLC, a Florida limited liability company

R. T. Goodman

Witness

RYAN T. GOODMAN

(Print Name)

1211 N. WESTSHORE BLVD. STE 201
TAMPA, FL 33607

Address

Alex M Zapata

Witness

Alex M Zapata

(Print Name)

1211 N Westshore Blvd. Ste 201

Address Tampa, FL 33607

By: BG Wickham Partners, LLC,
a Florida limited liability company,
its Sole Member as Manager

By: BG Wickham Partners GP, LLC,
a Florida limited liability company,
its Manager

By: BGV Limited, LLLP, a Florida
limited liability limited partnership, its
Manager

By: Gerald F. Hart
Gerald F. Hart, as Authorized Signatory

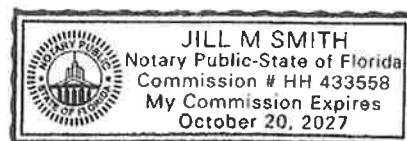
(Corporate Seal)

STATE OF FLORIDA

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29 day of July, 2024, by Gerald F. Hart, as Authorized Signatory of BGV Limited, LLLP, a Florida limited liability limited partnership, as Manager of BG Wickham Partners GP, LLC, a Florida limited liability company, as Manager of BG Wickham Partners, LLC, a Florida limited liability company, its Sole Member as Manager of BG Wickham, LLC, a Florida limited liability company. Such person is ☒ personally known to me or has ☐ produced a valid driver's license as identification.

Jill M Smith
Notary Signature
SEAL



LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-37-30-50-*--1.01
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

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

LEGAL DESCRIPTION: PARCEL 801 UTILITY EASEMENT (PREPARED BY SURVEYOR)

A UTILITY EASEMENT LYING WITHIN A PORTION OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID EASEMENT ALSO LYING WITHIN A PORTION OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1 OF SAID PLAT AND RUN N88°23'51"W ALONG THE SOUTH RIGHT-OF-WAY OF BUSINESS CENTER BOULEVARD, A PUBLIC RIGHT-OF-WAY 130 FEET IN WIDTH PER SAID PLAT, A DISTANCE OF 445.78 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 147.24 FEET, SAID INTERSECTION BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT:

THENCE RUN SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 58°56'14", AN ARC LENGTH OF 151.46 FEET (SAID CURVE SUBTENDED BY A CHORD BEARING OF S27°51'29"W, AND A CHORD OF 144.87 FEET) TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 95.95 FEET; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°51'07", AN ARC LENGTH OF 95.20 FEET (SAID CURVE SUBTENDED BY A CHORD BEARING OF S28°54'03"W, AND A CHORD OF 91.34 FEET) TO A POINT OF TANGENCY; THENCE RUN S00°28'29"W A DISTANCE OF 508.07 FEET; THENCE S55°16'29"W A DISTANCE OF 39.16 FEET; THENCE N00°28'29"E A DISTANCE OF 530.64 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 127.95 FEET; THENCE RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°26'41", AN ARC LENGTH OF 110.41 FEET (SAID CURVE SUBTENDED BY A CHORD BEARING OF N25°11'50"E, AND A CHORD OF 107.02 FEET) TO A POINT OF TANGENCY; THENCE N49°55'10"E A DISTANCE OF 24.25 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 114.51 FEET; THENCE RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°20'16", AN ARC LENGTH OF 108.60 FEET (SAID CURVE SUBTENDED BY A CHORD BEARING OF N22°45'02"E, AND A CHORD OF 104.57 FEET) TO A NON-TANGENT INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF BUSINESS CENTER BOULEVARD; THENCE S88°23'51"E ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 39.30 FEET, TO THE POINT OF BEGINNING. CONTAINING: 25,074.07 SQUARE FEET, OR 0.576 ACRES, MORE OR LESS.

SURVEYORS NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, WHICH BEARS: S00°22'32"W, AN ASSUMED BEARING, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING OPINION OF TITLE:
HILL, WARD & HENDERSON, P.A., DATE OF POLICY: APRIL 22, 2024.
THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:
(EXCLUDING STANDARD EXCEPTIONS RELATED TO TAXES, LIENS, TENANTS, LEASES, ETC., BEING NOT A SURVEY MATTER)
1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, AND OTHER MATTERS AS CONTAINED ON THE PLAT OF WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, RECORDED IN PLAT BOOK 31, PAGE 6, ARE AFFECTED BY THAT CERTAIN NOTICE REGARDING ACCESS RESTRICTION RECORDED FEBRUARY 2, 2018 IN OFFICIAL RECORDS BOOK 7541, PAGE 564. AFFECTS THE SUBJECT PARCEL, ALL PLOTTABLE MATTERS OF SAID PLAT ARE SHOWN AND SHOWN HEREON. NOTICE REGARDING ACCESS RESTRICTION IS BLANKET IN NATURE, NON-PLOTTABLE.
- EASEMENT RECORDED MAY 9, 1989 IN OFFICIAL RECORDS BOOK 2995, PAGE 4076. AFFECTS THE PARENT PARCEL, DOES NOT AFFECT THIS EASEMENT, NOT-PLOTTED.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
BG WICKHAM LLC

PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.B. # 7903 / L.B. # 7040
504 North Harbor City Blvd., Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

SAMUEL C. BOYER, SURV. NO. 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

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.

DRAWN BY: JTH	CHECKED BY: CSB	PROJECT NO. 2024-007			SECTION 30
DATE: 7/8/2024	DRAWING: 2024-007 PINEDA COMMONS UTILITY ESMT.DWG	REVISIONS	DATE	DESCRIPTION	TOWNSHIP 26 SOUTH RANGE 37 EAST
		NO. 1	8/25/2024	COUNTY REVIEW COMMENTS	
		NO. 2	7/8/2024	COUNTY REVIEW COMMENTS	

SKETCH OF DESCRIPTION

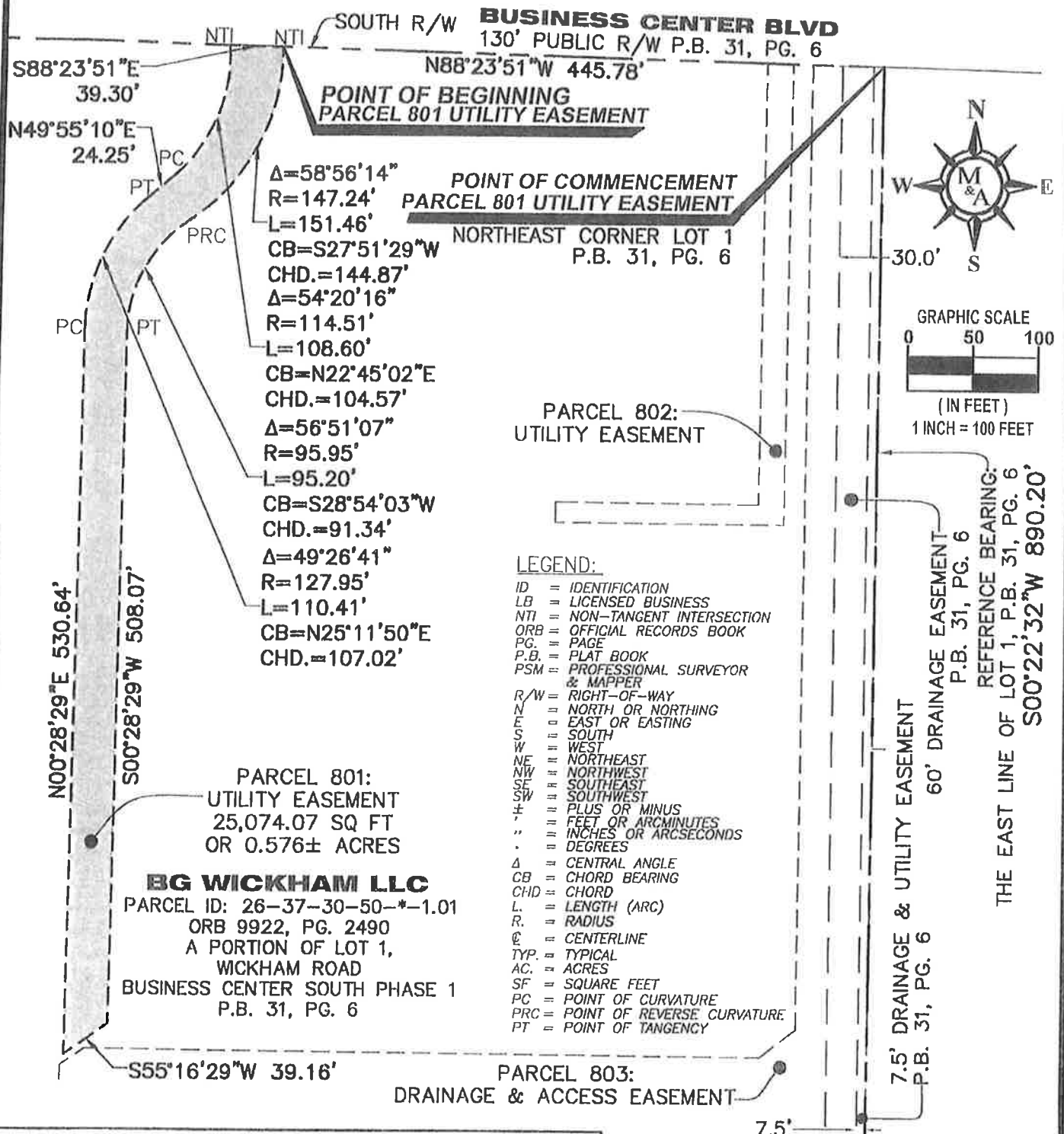
PARCEL #801

PARENT PARCEL ID#: 26-37-30-50-*--1.01
PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

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



PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.B. & S.B. / L.B. & G.D.
504 North Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

SCALE:
1" = 100'
PROJECT NO.: 2024-007

SECTION 30
TOWNSHIP 26 SOUTH
RANGE 37 EAST

LEGAL DESCRIPTION

PARCEL #802

PARENT PARCEL ID#: 26-37-30-50-*1.01

PURPOSE: UTILITY EASEMENT

EXHIBIT "B"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 802 UTILITY EASEMENT (PREPARED BY SURVEYOR)

A UTILITY EASEMENT LYING WITHIN A PORTION OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID EASEMENT ALSO LYING WITHIN A PORTION OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

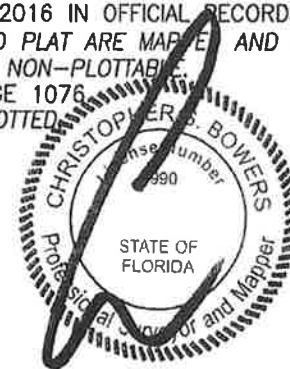
COMMENCE AT THE NORTHEAST CORNER OF LOT 1 OF SAID PLAT AND RUN N88°23'51"W ALONG THE SOUTH RIGHT-OF-WAY OF BUSINESS CENTER BOULEVARD, A PUBLIC RIGHT-OF-WAY 130 FEET IN WIDTH PER SAID PLAT, A DISTANCE OF 66.38 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT:

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN S00°30'05"W A DISTANCE OF 338.21 FEET; THENCE N89°31'26"W A DISTANCE OF 169.13 FEET; THENCE N00°28'34"E A DISTANCE OF 15.00 FEET; THENCE S89°31'26"E A DISTANCE OF 149.14 FEET; THENCE N00°30'05"E A DISTANCE OF 323.60 FEET TO THE SOUTH RIGHT-OF-WAY OF BUSINESS CENTER BOULEVARD; THENCE S88°23'51"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 20.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 9,005.16 SQUARE FEET OR 0.207 ACRES, MORE OR LESS

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 1, WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, WHICH BEARS: S00°22'32"W, AN ASSUMED BEARING, AS RECORDED IN PLAT BOOK 31, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING OPINION OF TITLE:
HILL, WARD & HENDERSON, P.A., DATE OF POLICY: APRIL 22, 2024.
THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:
(EXCLUDING STANDARD EXCEPTIONS RELATED TO TAXES, LIENS, TENANTS, LEASES, ETC., BEING NOT A SURVEY MATTER)
 1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, AND OTHER MATTERS AS CONTAINED ON THE PLAT OF WICKHAM ROAD BUSINESS CENTER SOUTH PHASE 1, RECORDED IN PLAT BOOK 31, PAGE 6, AS AFFECTED BY THAT CERTAIN NOTICE REGARDING ACCESS RESTRICTION RECORDED FEBRUARY 2, 2016 IN OFFICIAL RECORDS BOOK 7541, PAGE 564. AFFECTS THE SUBJECT PARCEL, ALL PLOTTABLE MATTERS OF SAID PLAT ARE MARKED AND SHOWN HEREON.
NOTICE REGARDING ACCESS RESTRICTION IS BLANKET IN NATURE, NON-PLOTTABLE.
 2. EASEMENT RECORDED MAY 9, 1989 IN OFFICIAL RECORDS BOOK 2995, PAGE 1076
AFFECTS THE PARENT PARCEL, DOES NOT AFFECT THIS EASEMENT, NOT-PLOTTED.



PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
BG WICKHAM LLC

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SAMUEL C. BOWERS, PSM NO. 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

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DRAWN BY: JTH	CHECKED BY: CSB	PROJECT NO. 2024-007	SECTION 30
DATE: 7/8/2024	DRAWING: 2024-007 PINEDA COMMONS UTILITY ESMT.DWG	REVISIONS NO. 1 NO. 2	TOWNSHIP 26 SOUTH RANGE 37 EAST
		DATE 8/25/2024 7/8/2024	DESCRIPTION COUNTY REVIEW COMMENTS COUNTY REVIEW COMMENTS

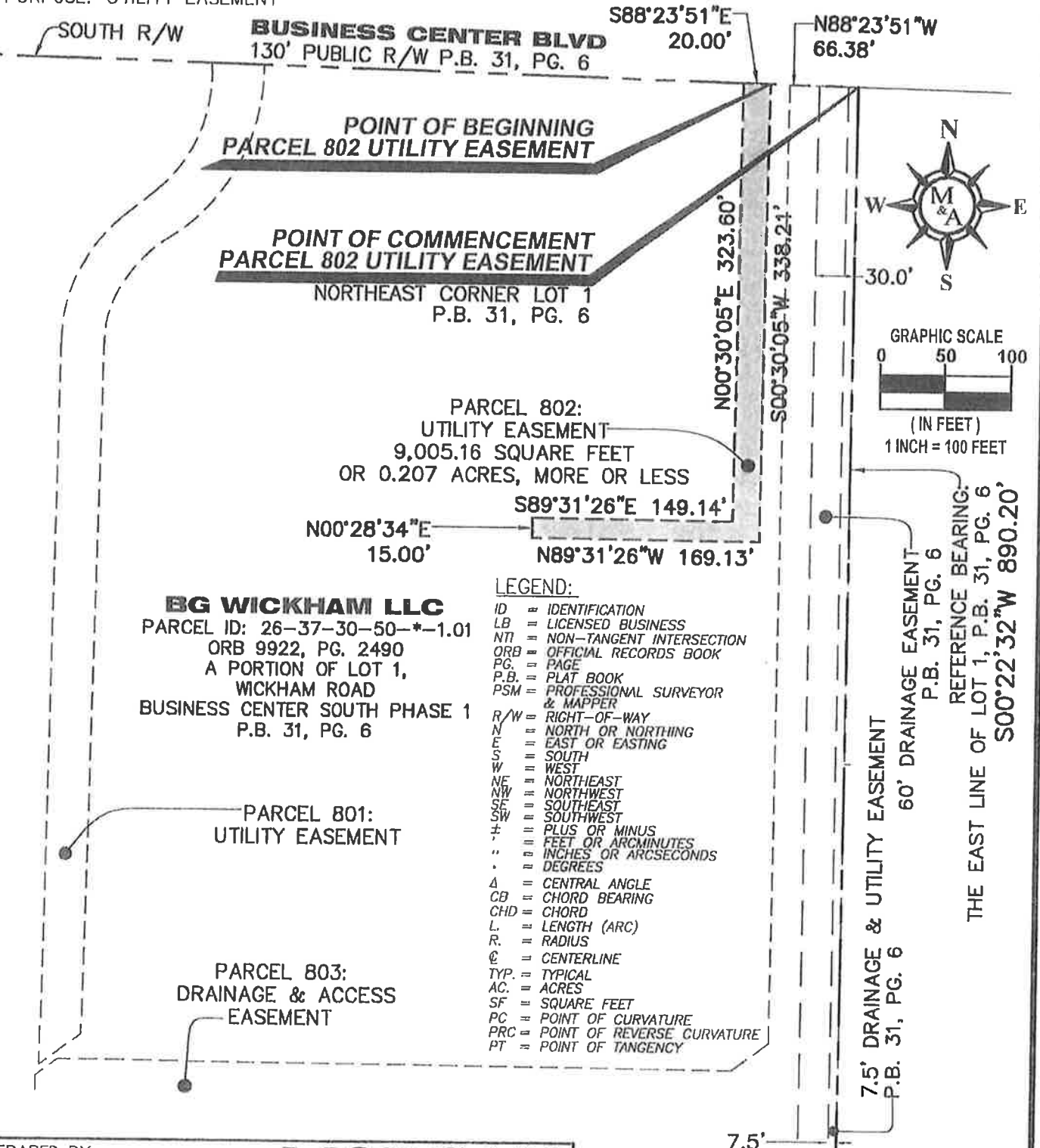
SKETCH OF DESCRIPTION

PARCEL #802

PARENT PARCEL ID#: 26-37-30-50-*--1.01
PURPOSE: UTILITY EASEMENT

EXHIBIT "B"

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



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504 North Harbor City Blvd., Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

S. LINE LOT 1

SCALE:
1" = 100'

PROJECT NO.: 2024-007

SECTION 30
TOWNSHIP 26 SOUTH
RANGE 37 EAST

LOCATION MAP

Section 30, Township 26 South, Range 37 East - District: 4

PROPERTY LOCATION: South of Business Center Boulevard and east of North Wickham Road in Melbourne.

OWNERS NAME(S): BG Wickham, LLC

