



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.6.

12/5/2023

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### **Subject:**

Approval, Re: Dedication of Right of Way by Warranty Deed and Sidewalk Easement from SHJ Development, LLC for the Tidal Wave Car Wash Project - District 2.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition

### **Requested Action:**

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

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

The subject property is located in Section 31 Township 24 South, Range 37 west side of South Banana River Drive in Merritt Island.

SHJ Development, LLC, owner, has submitted site plan number 23SP00001 for review and approval by the County for the development of a commercial car wash known as Tidal Wave Car Wash. As a condition of site plan approval, the Public Works Department requires additional right of way along South Banana River Drive for roadway and drainage improvements. The owner will also be required to construct a sidewalk along the right of way of South Banana River Drive. The sidewalk will be constructed as part of the completed project with the property owner assuming future maintenance responsibilities for the sidewalk as outlined in the attached easement. The owner has agreed to dedicate the warranty deed for additional right of way and the sidewalk easement.

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

December 6, 2023

**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 Right-of-Way by Warranty Deed and Sidewalk Easement from SHJ Development, LLC for the Tidal Wave Car Wash Project

The Board of County Commissioners, in regular session on December 5, 2023, approved and accepted the Warranty Deed and Sidewalk Easement from SHJ Development, LLC dedication of right-of-way for the Tidal Wave Car Wash Project.

Your continued cooperation is always appreciated.

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

  
Kimberly Powell, Clerk to the Board

/dm

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

AGENDA: Dedication of Right of Way by Warranty Deed and Sidewalk Easement from SHJ Development, LLC for the Tidal Wave Car Wash Project – District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8153

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>PM</u>	<u>                    </u>	<u>11.20.23</u>
COUNTY ATTORNEY Alexander Esseeesse Deputy County Attorney	<u>AE</u>	<u>                    </u>	<u>11/20/23</u>

Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 24-37-31-01-\* -61

**WARRANTY DEED**  
(Right of Way for a portion of South Banana River Drive)

**THIS DEED** is made this 13<sup>th</sup> day of November, 2023, by SHJ Development, LLC, a Delaware limited liability company, formerly known as TWAS Properties, LLC, a Delaware limited liability company, hereafter called the Grantor, whose mailing address is 115 East Main Street, Thomaston, Georgia 30286, 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.

**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.

(Signatures and Notary on next Page)

Signed, sealed and delivered in the presence of:

Kelly Murray  
Witness

Kelly Murray  
Print Name

Lauren Drown  
Witness

Lauren Drown  
Print Name

GRANTOR:

SHJ Development, LLC, a Delaware limited liability company, formerly known as TWAS Properties, LLC, a Delaware limited company

By: Scott S. Blackstock

Scott S. Blackstock, Chief Executive Officer

(Corporate Seal)

STATE OF Georgia  
COUNTY OF Upson

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this 13<sup>th</sup> Day of November 2023, by Scott S. Blackstock, as Chief Executive Officer for SHJ Development, LLC, a Delaware limited liability company, formerly known as TWAS Properties, a Delaware limited liability company. Is ☒ personally known or ☐ Produced \_\_\_\_\_ as identification.

Cynthia W. Amos

Notary Signature

SEAL



# LEGAL DESCRIPTION

## PARCEL #101

PARENT PARCEL ID#: 24-37-31-01-\*--61

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 101 FEE SIMPLE, (BY SURVEYOR)

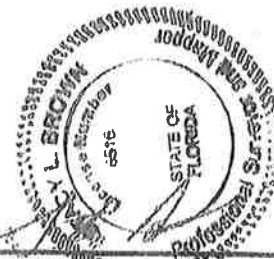
A strip of land being a portion of the lands described in Official Records Book 9827, Page 1922, of the Public Records of Brevard County, Florida, said lands being described as being the North 23.30 feet of Lot 61 and all of Lots 62 through 68, and a portion of vacated Avenue B, BANANA RIVER PARK HORTI POINT, according to the plat thereof, as recorded in Plat Book 4, page 35a, of the Public Records of Brevard County, Florida, said strip of land being more particularly described as follows:

COMMENCE at a point marking the Northwest corner of the Northeast 1/4 of Section 31, Township 24 South, Range 37 East, Brevard County, Florida, according to Florida Department of Environmental Protection certified corner record #112953, thence S 45°52'52" E, a distance of 2251.00 feet to a point of intersection of the South right-of-way boundary of East Merritt Island Causeway per Florida Department of Transportation Map Section 70100-2553 and the West right-of-way boundary of South Banana River Drive per the Plat of BANANA RIVER PARK HORTI POINT, according to the plat thereof, as recorded in Plat Book 4, page 35a, of the Public Records of Brevard County, Florida, said point also being the Northeast corner of Lot 68 per said Plat of BANANA RIVER PARK HORTI POINT, said point further being the POINT OF BEGINNING; thence departing said South right-of-way boundary, coincident with said West right-of-way boundary, S 02°22'49" E a distance of 423.81 feet to a point coincident with the South boundary of the North 23.30 feet of Lot 61 of said Plat of BANANA RIVER PARK HORTI POINT; thence departing said West right-of-way boundary, coincident with said South boundary, N 89°59'03" W a distance of 10.01 feet to a point coincident with a line being 10.00' West of and parallel to the aforesaid West right-of-way boundary of South Banana River Drive; thence departing said South boundary, coincident with said parallel line, N 02°22'49" W a distance of 423.67 feet to a point coincident with the aforesaid South right-of-way boundary of East Merritt Island Causeway; thence departing said parallel line, coincident with said South right-of-way boundary, N 89°11'58" E a distance of 10.00 feet to the POINT OF BEGINNING.

Containing an area of 4237.37 square feet, 0.097 acres, more or less.

### SURVEYORS NOTES:

- 1.) Paper copies of this survey are not valid without the original signature and raised seal of a Florida Licensed Surveyor and Mapper. Digital copies are not valid without the digital signature of a Florida Licensed Surveyor and Mapper.
- 2.) The bearing structure for this survey is based on a Florida East State Plane grid bearing of N 89°11'58" E for the South right-of-way boundary of East Merritt Island Causeway.
- 3.) THIS IS NOT A FIELD SURVEY.
- 4.) This sketch was prepared according to the standards of practice set forth by the Florida Administrative Chapter 5J-17 as code, adopted by the Board of Professional Surveyors and Mappers.
- 5.) per ALTA Owner's Form referenced by Policy No. 3177112-07318130 issued by WFG National Title Insurance Company, bearing a policy date of June 30, 2023 at 4:02 PM.
  - 3) Easements, restrictions, covenants and conditions as set forth in the Plat recorded in Plat Book 4, Page 35A. Affects subject property, however, plat did not contain any plottable easements.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

STACY L. BROWN, PSM 6516  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

SURVTECH SOLUTIONS, INC.  
SURVEYORS AND MAPPERS

10220 U.S. Highway 92 East, Tampa, FL 33610

phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340

email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

DRAWN BY: C. CRINER

CHECKED BY: S. BROWN

PROJECT NO. 221163

REVISIONS

DATE

DESCRIPTION

10/5/23

COUNTY COMMENTS

SECTION 31  
TOWNSHIP 24 SOUTH  
RANGE 37 EAST

DATE: 8/29/2023

DRAWING: 221163\_ROWSK

# SKETCH OF DESCRIPTION

## PARCEL #101

PARENT PARCEL ID#: 24-37-31-01-\*--61

PURPOSE: FEE SIMPLE CONVEYANCE

Point of Commencement  
Of Parcel 101

Northwest Corner  
of the NE 1/4 of  
Section 31-24S-37E  
CCR #112953

East Merritt Island Causeway

State Road 520  
200' Public Right-of-way  
per FDOT R/W Map Section 70100-2553  
(Asphalt Pavement)

Basis of Bearings L2

South Right-of-Way Boundary  
of East Merritt Island Causeway  
per FDOT R/W Map  
Section 70100-2553 Lot 68

Avenue "B" Vacated per Deed Book 406, Page 367

Parcel ID: 24-37-31-01-\*--61  
TWAS PROPERTIES LLC  
1850 East Merritt Island Causeway Lot 67  
Merritt Island, FL 32952  
OR Book 9827, Page 1922

BANANA RIVER PARK  
HORTI POINT Lot 66  
Plat Book 4, Page 35a

Lot 65

Line Being 10.00' West of and Parallel  
to the West Right-of-Way Boundary of  
Lot 64 South Banana River Drive

Lot 63

South Boundary of the  
North 23.30' of Lot 61  
Lot 62

North 23.30' of Lot 61

Parcel ID: 24-37-31-01-\*--57  
GUN SITE RANGE INC, THE  
125 South Banana River Drive  
Merritt Island, FL 32952  
OR Book 4123, Page 2254

Pelican Creek



## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

Point of Beginning  
Of Parcel 101

10.00' Right-of-Way  
Dedication  
Intersection of  
South Right-of-Way  
Boundary of East Merritt  
Island Causeway and  
West Right-of-Way  
Boundary of South  
Banana River Drive,  
Northeast Corner  
of Lot 68

South Banana River Drive  
30' Public Right-of-way  
per Plat Book 4, Page 35A  
(Asphalt Pavement)

Parcel 101  
10.00' Right-of-Way  
Dedication  
Total Acreage  
4237.37 Square Feet  
0.097 Acres

West Right-of-Way Boundary of  
South Banana River Drive per Plat

Line Information: Field

LINE	BEARING	DISTANCE
L1	N 89°59'03" W	10.01'
L2	N 89°11'58" E	10.00'

PREPARED BY:



SURVTECH SOLUTIONS, INC.  
SURVEYORS AND MAPPERS

SCALE:

1" = 80'

PROJECT NO.:

221163

SECTION 31

TOWNSHIP 24 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: 24-37-31-01-\* -61

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 13<sup>th</sup> day of November 2023, between SHJ Development, LLC, a Delaware limited liability company, formerly known as TWAS Properties, LLC, a Delaware limited liability company, whose address is 115 East Main Street, Thomaston, Georgia 30286, 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 sidewalk easement commencing on the above date for the purposes of public and pedestrian sidewalk access, 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 24 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

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

Any and all maintenance shall be the responsibility of the owner of the land over which the Easement is located.

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:

Kelly Murray  
Witness

Kelly Murray  
Print Name

Lauren Drown  
Witness

Lauren Drown  
Print Name

GRANTOR:

SHJ Development, LLC, a Delaware limited liability company, formerly known as TWAS Properties, LLC, a Delaware limited liability company

BY:

Scott S. Blackstock

Scott S. Blackstock, Chief Executive Officer

(Corporate Seal)

STATE OF Georgia  
COUNTY OF Upson

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this 13<sup>th</sup> Day of November, 2023, by Scott S. Blackstock, as Chief Executive Officer for SHJ Development, LLC, a Delaware limited liability company, formerly known as TWAS Properties, LLC, a Delaware limited liability company. Is ☒ personally known or ☐ Produced \_\_\_\_\_ as identification.

Cynthia W. Amos  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 24-37-31-01-\*--61

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 strip of land being a portion of the lands described in Official Records Book 9827, Page 1922, of the Public Records of Brevard County, Florida, said lands being described as being the North 23.30 feet of Lot 61 and all of Lots 62 through 68, and a portion of vacated Avenue B, BANANA RIVER PARK HORTI POINT, according to the plat thereof, as recorded in Plat Book 4, page 35a, of the Public Records of Brevard County, Florida, said strip of land being more particularly described as follows:

COMMENCE at a point marking the Northwest corner of the Northeast 1/4 of Section 31, Township 24 South, Range 37 East, Brevard County, Florida, according to Florida Department of Environmental Protection certified corner record #112953, thence S 45°52'52" E, a distance of 2251.00 feet to a point of intersection of the South right-of-way boundary of East Merritt Island Causeway per Florida Department of Transportation Map Section 70100-2553 and the West right-of-way boundary of South Banana River Drive per the Plat of BANANA RIVER PARK HORTI POINT, according to the plat thereof, as recorded in Plat Book 4, page 35a, of the Public Records of Brevard County, Florida, said point also being the Northeast corner of Lot 68 per said Plat of BANANA RIVER PARK HORTI POINT, thence departing said West right-of-way boundary, coincident with said South right-of-way boundary, S 89°11'58" W a distance of 20.01 feet to a point coincident with a line being 20.00 feet West of and parallel to the aforesaid West right-of-way boundary of South Banana River Drive, said point being the POINT OF BEGINNING; thence departing said South right-of-way boundary, coincident with said parallel line, S 02°22'49" E a distance of 423.52 feet to a point coincident with the South boundary of the North 23.30 feet of Lot 61 of said Plat of BANANA RIVER PARK HORTI POINT; thence departing said parallel line, coincident with said South boundary, N 89°59'03" W a distance of 5.00 feet; thence departing said South boundary, N 02°22'49" W a distance of 196.40 feet; thence N 04°02'36" W a distance of 34.46 feet; thence N 02°22'49" W a distance of 192.63 feet to a point coincident with the aforesaid South right-of-way boundary of East Merritt Island Causeway; thence coincident with said South right-of-way boundary, N 89°11'58" E a distance of 6.00 feet to the POINT OF BEGINNING.

Containing an area of 2327.28 square feet, 0.053 acres, more or less.

### SURVEYORS NOTES:

- 1.) Paper copies of this survey are not valid without the original signature and raised seal of a Florida Licensed Surveyor and Mapper. Digital copies are not valid without the digital signature of a Florida Licensed Surveyor and Mapper.
- 2.) The bearing structure for this survey is based on a Florida East State Plane grid bearing of N 89°11'58" E for the South right-of-way boundary of East Merritt Island Causeway.
- 3.) THIS IS NOT A FIELD SURVEY.
- 4.) This sketch was prepared according to the standards of practice set forth by the Florida Administrative Chapter 5J-17 as code, adopted by the Board of Professional Surveyors and Mappers.
- 5.) per ALTA Owner's Form referenced by Policy No. 3177112-07318130 issued by WFG National Title Insurance Company, bearing a policy date of June 30, 2023 at 4:02 PM.
  - 3) Easements, restrictions, covenants and conditions as set forth in the Plat recorded in Plat Book 4, Page 35A. Affects subject property, however, plat did not contain any plottable easements.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

STACY L. BROWN, PSM 6516  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

SURVTECH SOLUTIONS, INC.  
SURVEYORS AND MAPPERS

10220 U.S. Highway 92 East, Tampa, FL 33610

phone: (813)-621-4929, fax: (813)-621-7194, Licensed Business #7340

email: sbrown@survtechsolutions.com <http://www.survtechsolutions.com>

DRAWN BY: C. CRINER

CHECKED BY: S. BROWN

PROJECT NO. 221163

REVISIONS

DATE

DESCRIPTION

9/12/23

Changed Easement Width

10/5/23

County Comments

DATE: 8/29/2023

DRAWING: 221163\_SWSK

SECTION 31

TOWNSHIP 24 SOUTH

RANGE 37 EAST

# SKETCH OF DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 24-37-31-01-\*--61

PURPOSE: SIDEWALK EASEMENT

*Point of Commencement  
Of Parcel 801*

Northwest Corner  
of the NE 1/4 of  
Section 31-24S-37E  
CCR #112953

**East Merritt Island Causeway**

State Road 520

200' Public Right-of-way

FDOT R/W Map Section 70100-2553  
(Asphalt Pavement)

Basis of Bearing

South Right-of-Way Boundary  
of East Merritt Island Causeway  
per FDOT R/W Map  
Section 70100-2553

Lot 68

Avenue "B" Vacated per DB 406, Pg 367

Parcel ID: 24-37-31-01-\*--61  
TWAS PROPERTIES LLC  
1850 East Merritt Island Causeway  
Merritt Island, FL 32952  
OR Book 9827, Page 1922

BANANA RIVER PARK  
HORTI POINT  
Plat Book 4, Page 35a

Lot 65

Lot 64

Lot 63

South Boundary of the  
North 23.30' of Lot 61  
23.30'

North 23.30' of Lot 61

Parcel ID: 24-37-31-01-\*--57  
GUN SITE RANGE INC, THE  
125 South Banana River Drive  
Merritt Island, FL 32952  
OR Book 4123, Page 2254

# EXHIBIT "A"

## SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

**THIS IS NOT A SURVEY**

*Point of Beginning  
Of Parcel 801*  
Sidewalk Easement

Intersection of South Right-of-Way Boundary of  
East Merritt Island Causeway and West  
Right-of-Way Boundary of South Banana River  
Drive, Northeast Corner of Lot 68

Line Information: Field

LINE	BEARING	DISTANCE
L1	S 89°11'58" W	20.01'
L2	S 02°22'49" E	423.52'
L3	N 89°59'03" W	5.00'
L4	N 02°22'49" W	196.40'
L5	N 04°02'36" W	34.46'
L6	N 02°22'49" W	192.63'
L7	N 89°11'58" E	6.00'

South Banana River Drive  
30' Public Right-of-way  
per Plat Book 4, Page 35a  
(Asphalt Pavement)

Parcel 801  
Sidewalk Easement  
Total Acreage  
2327.28 Square Feet  
0.053 Acres

Line Being 20.00' West of and Parallel  
to the West Right-of-Way Boundary of  
South Banana River Drive

West Right-of-Way Boundary of  
South Banana River Drive per Plat

Pelican Creek

Grid North

PREPARED BY:



**SURVTECH SOLUTIONS, INC.**  
SURVEYORS AND MAPPERS

SCALE:

1" = 80'

PROJECT NO.:

221163

SECTION 31

TOWNSHIP 24 SOUTH

RANGE 37 EAST

## LOCATION MAP

**Section 31, Township 24 South, Range 37 East - District: 2**

PROPERTY LOCATION: West side of South Banana River Drive in Merritt Island.

OWNERS NAME(S): SHJ Development, LLC

