



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

11/10/2020

Subject:

Approval, Re: Sidewalk Easement for the Addison Pointe Apartments Project - District 4.

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 Sidewalk Easement.

Summary Explanation and Background:

The subject property is located in Section 01, Township 27 South, Range 36 East, south of Post Road, north of Parkway Drive along the west side of North Wickham Road in Melbourne.

The Addison Pointe Apartments Project parcel, which is owned by Melbourne Addison Preserve, LLC, is adjacent to the Lake Washington Center, LLC parcels. The owners of the parcels have an agreement in place in order for the Addison Pointe Apartments to meet the conditions of the right-of-way permit for the intersection connection. The owner of Lake Washington Center, LLC has agreed to dedicate a 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:

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Sidewalk Easement for the Addison Pointe Apartments Project – District 4.

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>10.14.2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>10-24-2020</u>

AGENDA DUE DATE: November 03, 2020 for the November 10, 2020 Board Meeting



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

November 12, 2020

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

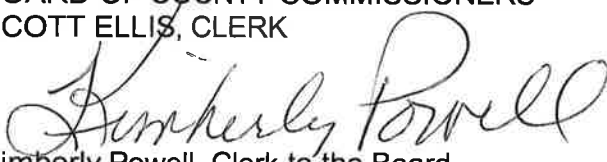
RE: Item F.5., Approval of Sidewalk Easement for the Addison Point Apartments Project

The Board of County Commissioners, in regular session on November 10, 2020, approved and accepted the Sidewalk Easement for the Addison Pointe Apartments Project.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Clerk to the Board

/sm

Prepared by and return to: Page Whittle
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 27-36-01-00-752.1 & 27-36-01-00-784.1

SIDEWALK EASEMENT

THIS INDENTURE, made this 13 day of October, 2020, between Lake Washington Center, LLC, a Florida limited liability company, whose address is 1698 West Hibiscus Boulevard, Suite A, Melbourne, Florida 32901, 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 maintaining, repairing, reconstructing, and reconfiguring of 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 01, Township 27 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

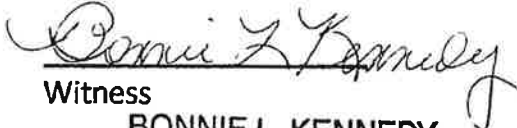
Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict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

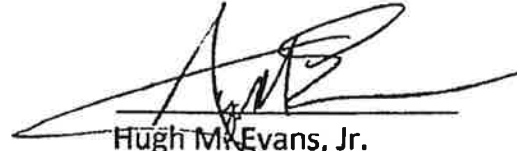

Witness
BONNIE L. KENNEDY

Print Name


Witness
Judith A. DeVault


Print Name

Lake Washington Center, LLC,
a Florida limited liability company


Hugh M. Evans, Jr.
Manager

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization on this 13 day of October, 2020, by Hugh M. Evans, Jr., as Manager for Lake Washington Center, LLC, a Florida limited liability company. Is personally known or produced _____ as identification.


Notary Signature
SEAL

BONNIE L. KENNEDY
MY COMMISSION # GG 126171
EXPIRES: October 9, 2021
Bonded Thru Notary Public Underwriters

Board Meeting Date: _____
Agenda Item # _____

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: TAX PARCELS 27-36-01-00-752.1 & 27-36-01-00-784.1
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #801 SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

A 12.00 FOOT WDE EASEMENT ACROSS A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7805, PAGE 450 AND OFFICIAL RECORDS BOOK 8447, PAGE 1884 AND BEING A PORTION OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 8447, PAGE 1884, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S89°29'55"W ALONG THE SOUTH LINE OF SAID PROPERTY, A DISTANCE OF 12.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 426.94 FEET; THENCE N90°00'00"E ALONG THE SOUTH LINE OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 8510, PAGE 692, A DISTANCE OF 12.00 FEET; THENCE S00°00'00"E ALONG THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 426.83 FEET TO THE POINT OF BEGINNING. CONTAINING 5,122.6 SQUARE FEET (0.118 ACRES), MORE OR LESS.

SURVEYORS NOTES:

1. BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY OF LINE OF WICKHAM ROAD, S00°00'00"E (ASSUMED) AS DESCRIBED IN PER OFFICIAL RECORDS BOOK 7805, PAGE 450 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THE FOLLOWING EASEMENTS WERE PROVIDED TO THE SURVEYOR BY THE PROPERTY INFORMATION REPORT BY CHICAGO TITLE INSURANCE COMPANY, FILE NUMBER 8411127, DATED MAY 11, 2020.
 1. PLAT PB 1 PG 46 (SUBDIVISION PLAT ESTABLISHES NO EASEMENTS)
 2. RESOLUTION 92-253 ORB 3218, PG 2646 (UNABLE TO DETERMINE)
 3. EASEMENT ORB 3592, PG 4415 (DOES NOT ENCUMBER PARCEL 801)
 4. DRIVEWAY EASEMENT ORB 3592, PG 4424 (ENCUMBERS PARCEL 801, PLOTTED)
 5. EASEMENT ORB 8477, PG 1991 (ENCUMBERS PARCEL 801, PLOTTED)

PREPARED FOR AND CERTIFIED TO:

LAKE WASHINGTON CENTER LLC
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

EARL K. GORDON PSM No. LS 5363
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **GAI Surveyors** 1 OLEANDER ST. COCOA, FL 32922
L.B. No. 7928 (321) 806-3908

DRAWN BY: AEG	CHECKED BY: EKG	PROJECT NO. 5520	SECTION 1
DATE: 28 APR 20	DRAWING: ADDISON	REVISIONS	TOWNSHIP 27 SOUTH
		14 MAY 20	RANGE 36 EAST
		26 JUL 20	
		04 AUG 20	
		08 OCT 20	

SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 2 OF 2

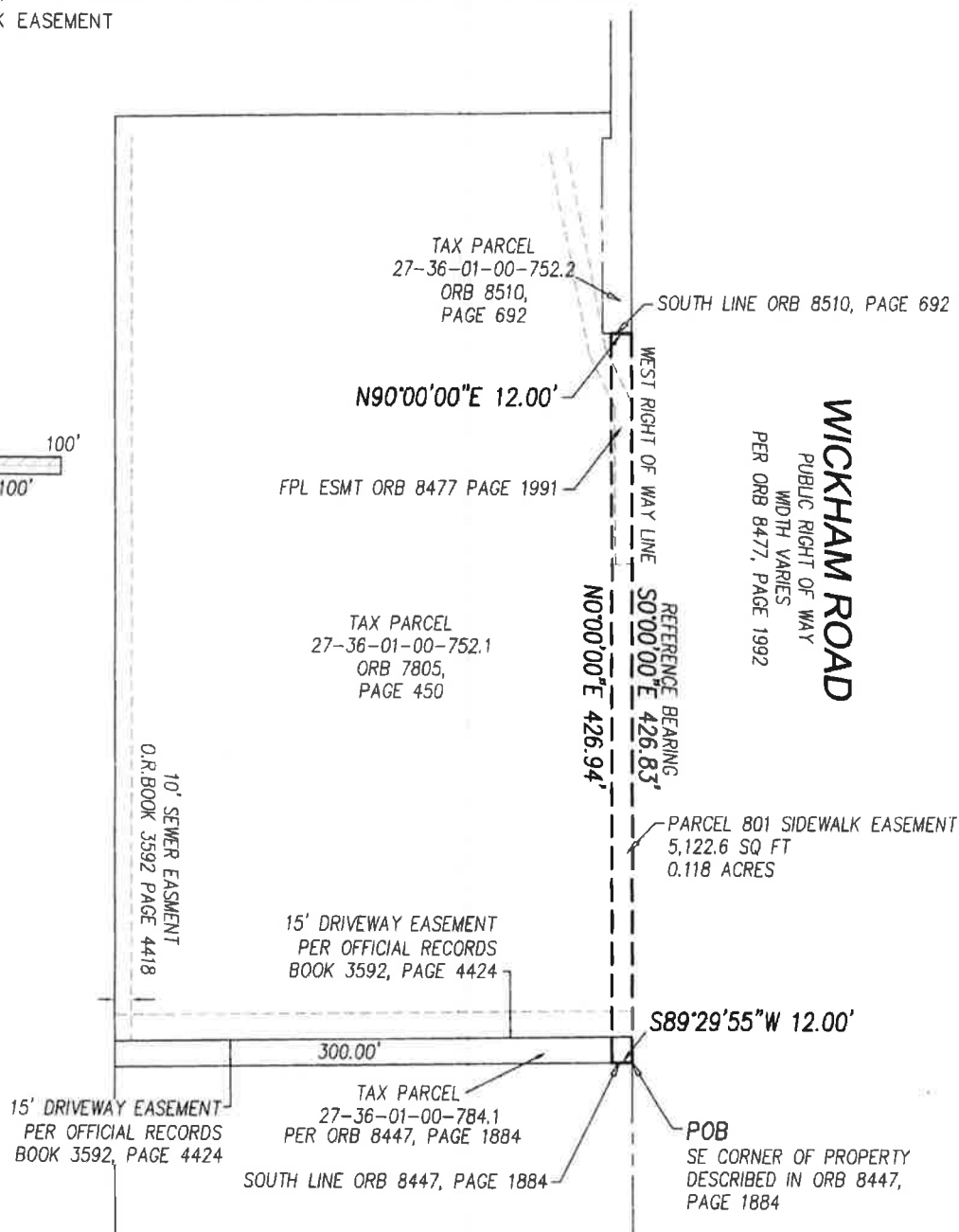
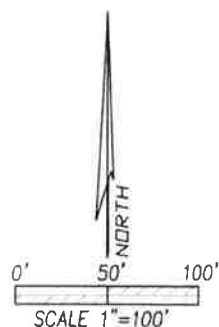
NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

PARCEL # 801

PARENT PARCEL ID#: TAX PARCELS 27-36-01-00-752.1 & 27-36-01-00-784.1

PURPOSE: SIDEWALK EASEMENT



ORB= OFFICIAL RECORDS BOOK
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

PREPARED BY:

GAI Surveyors

L.B. No. 7928

1 OLEANDER ST. COCOA, FL 32922
(321) 806-3908

SCALE: 1"=100'

PROJECT NO.:
5520

SECTION 1
TOWNSHIP 27 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 01, Township 27 South, Range 36 East - District 4

PROPERTY LOCATION: South of Post Road, north of Parkway Drive along the west side of North Wickham Road in Melbourne

OWNERS NAME: Lake Washington, LLC

