



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.4.

3/12/2024

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### Subject:

Approval, Re: Donation of Right of Way by Warranty Deed from West Malabar Properties, L.L.C. for the Benefit of the DR Horton Signalization Plans at the Intersection of Minton Road and Hield Road - District 5.

### 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 Warranty Deed.

### Summary Explanation and Background:

The subject property is located in Section 24, Township 28 South, Range 36 East, at the southwest corner of Minton Road and Hield Road.

DHIC - HAMMOCK LANDING LLC., owner, has obtained Right of Way/Easement permit number 21RW01077 from the County for the signalization and roadway improvements within the intersection of Minton Road and Hield Road. A utility conflict required the mast arm in the southwest corner of the intersection to shift, resulting in an encroachment on the parcel owned by West Malabar Properties, L.L.C. At the owner's request, West Malabar Properties, L.L.C., has agreed to donate the additional right of way needed.

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:



March 13, 2024

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

**TO:** Mark Bernath, Public Works Director

**Attn:** Lucy Hamelers


**RE:** Item F.4., Approval for Donation of Right-of-Way by Warranty Deed from West Malabar Properties, LLC for the Benefit of the DR Horton Signalization Plans at the Intersection of Minton Road and Hield Road

The Board of County Commissioners, in regular session on March 12, 2024, approved and accepted the donation of right-of-way by Warranty Deed from West Malabar Properties, LLC for the benefit of the DR Horton Signalization Plans at the intersection of Minton Road and Hield Road.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

**cc:** Asset Management

## BOARD OF COUNTY COMMISSIONERS

### AGENDA REVIEW SHEET

**AGENDA:** Donation of Right of Way by Warranty Deed from West Malabar Properties, L.L.C. for the Benefit of the DR Horton Signalization Plans at the Intersection of Minton Road and Hield Road – District 5

**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		_____	2.12.24
COUNTY ATTORNEY ALEXANDER ESSEESSE Deputy County Attorney		_____	2/13/24

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: 28-36-24-FA-2-1

WARRANTY DEED  
(Right of Way for a portion of Minton/Hield)

**THIS DEED** is made this 1<sup>st</sup> day of February, 2024, by West Malabar Properties, L.L.C., a Florida limited liability company, hereafter called the Grantor, whose mailing address is 516 Delannoy Avenue, Cocoa, Florida 32922, 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.

(Signatures and Notary on next page)

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:

Batni Gordon

Witness

Batni Gordon

Print Name

516 Delannoy COCOA FL  
32922

Address

Amy Cheng

Witness

Amy Cheng

Print Name

516 Delannoy COCOA FL  
32922

Address

GRANTOR:

West Malabar Properties, L.L.C.,  
a Florida limited liability company

By: J. Cole Oliver

J. Cole Oliver, Manager

(Corporate Seal)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or  
☐ online notarization on this 1st day of February, 2024, by J. Cole Oliver as Manager for West Malabar  
Properties, L.L.C., a Florida limited liability company. Is ☒ personally known or ☐ produced  
\_\_\_\_\_ as identification.

Devon Kernan  
Notary Signature  
(SEAL)



# LEGAL DESCRIPTION

## PARCEL #100

PARENT PARCEL ID#: 28-36-24-FA-2-1

SECTION 24, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: FEE SIMPLE RIGHT-OF-WAY

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL 100, FEE SIMPLE RIGHT OF WAY (BY SURVEYOR)

THAT PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9660, PAGE 909, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF HIELD ROAD AND THE WEST RIGHT OF WAY LINE ON MINTON ROAD, AND RUN SOUTH 00°30'29" WEST ALONG THE WEST RIGHT OF WAY LINE OF MINTON ROAD, A DISTANCE OF 30.00 FEET, THENCE NORTH 45°29'08" WEST, A DISTANCE OF 41.68 FEET TO THE SOUTH RIGHT OF WAY LINE OF HIELD ROAD; THENCE NORTH 88°31'15" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 450 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

### ABBREVIATIONS

B.B. = BASIS OF BEARINGS  
O.R.B. = OFFICIAL RECORDS BOOK  
R/W = RIGHT-OF-WAY

### SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF AN OWNERSHIP & ENCUMBRANCE REPORT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER 11319180, EFFECTIVE DATES JUNE 01, 1983 THROUGH AUGUST 4, 2023, AND FOUND NO ENCUMBRANCES ON THE SUBJECT PROPERTY.
5. BEARINGS ARE BASED ON AN ASSUMED BEARING OF NORTH 88°31'15" EAST FOR THE SOUTH RIGHT OF WAY LINE OF HIELD ROAD.

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS

  
DANIEL D. GARNER, FLS #189  
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY: AAL LAND SURVEYING SERVICES, INC.  
3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)

DRAWN BY:  
DOUG W. GUARE

CHECKED BY:  
DANIEL D. GARNER

REVISION:

REVISION:

REVISION: COUNTY COMMENTS

DATE: 08-11-23

PROJECT # 35061

09-05-23

SECTION 24,  
TOWNSHIP 28 SOUTH,  
RANGE 36 EAST

# SKETCH OF DESCRIPTION PARCEL #100

EXHIBIT "A"

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

PARENT PARCEL ID#: 28-36-24-FA-2-1  
SECTION 24, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: FEE SIMPLE RIGHT-OF-WAY

**HIELD ROAD**  
(66' R/W)  
MELBOURNE POULTRY COLONY  
ADDITION No. 1  
(PLAT BOOK 7, PAGE 12)

**POINT OF BEGINNING  
OF PARCEL #100**

THE INTERSECTION OF THE SOUTH  
RIGHT OF WAY LINE OF  
HIELD ROAD AND THE WEST  
RIGHT OF WAY LINE  
OF MINTON ROAD

SOUTH R/W LINE **L3** (B.B.)

PARCEL #100, FEE SIMPLE  
RIGHT OF WAY,  
450 SQUARE FEET  
(0.01 ACRES)

PARCEL ID:  
28-36-24-FA-2-1  
(O.R.B. 9660, PAGE 909)

**MINTON ROAD**  
(COUNTY ROAD 509)  
(R/W VARIES)

(FLORIDA DEPARTMENT OF TRANSPORTATION  
MAP SECTION No. 70220-2401 F.P. No. 405506 3  
AS RECORDED IN ROAD PLAT BOOK 1, PAGE 3)

ORIGINAL RIGHT OF WAY

WEST  
R/W LINE

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°30'29"W	30.00'
L2	N45°29'08"W	41.68'
L3	N88°31'15"E	30.00'



NORTH

PREPARED BY: AAL LAND SURVEYING SERVICES, INC.  
3970 MINTON ROAD, WEST MELBOURNE, FL 32904  
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)

SCALE: 1" = 10'

PROJECT # 35061

REVISION:

REVISION:

REVISION: COUNTY COMMENTS

09-05-23

SECTION 24,  
TOWNSHIP 28 SOUTH,  
RANGE 36 EAST



## LOCATION MAP

**Section 24, Township 28 South, Range 36 East - District: 5**

**PROPERTY LOCATION:** The intersection of the southwest corner of the Minton Road and Hield Road.

**OWNERS NAME(S):** West Malabar Properties, L.L.C.

