



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.8.

5/17/2022

Subject:

Approval, Re: Dedication of Drainage Easement and Warranty Deed for Tractor Supply - Pineda from Primax Properties, LLC - 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 Drainage Easement and Warranty Deed.

Summary Explanation and Background:

The subject property is located in Section 24, Township 26 South, Range 36 East, north of Pineda Causeway on the west side of Wickham Road.

Primax Properties, LLC, owner, has submitted site plan number 20SP00028 for review and approval by the County for the development of a retail store known as Tractor Supply - Pineda. In accordance with County code and standards, the owner has agreed to dedicate the attached Drainage Easement and Warranty Deed required as a condition of the site plan approval. The Warranty Deed is conveying additional right-of-way along North Wickham Road. A sidewalk will be constructed as part of the completed project and will connect to the crosswalk at the intersection of Pineda Causeway and North Wickham Road. The County will be responsible for all future maintenance for the sidewalk that will be located in the County right of way.

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: Dedication of Drainage Easement and Warranty Deed for Tractor Supply –
Pineda from Primax Properties, LLC – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353, Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4.25.2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>4/25/2022</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

May 18, 2022

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers

RE: Item F.8., Dedication of Drainage Easement and Warranty Deed for Tractor Supply-Pineda from Primax Properties, LLC

The Board of County Commissioners, in regular session on May 17, 2022, approved and accepted the Drainage Easement and Warranty Deed from Primax Properties, LLC for Tractor Supply-Pineda.

Your continued cooperation is greatly appreciated.

Sincerely,

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

Donna Scott
for Kimberly Powell, Clerk to the Board

/ns

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: 26-36-24-00-760

DRAINAGE EASEMENT

THIS INDENTURE, made this 12th day of April, 2022, between Primax Properties, LLC, a North Carolina limited liability company, whose address is 1100 East Morehead Street, Charlotte, North Carolina 28204-2815, 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 drainage 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 24, Township 26 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:

K. Mox

Witness

Kristin Mox

Print Name

Frank S. Alexander, Jr.

Witness

FRANK S. ALEXANDER, JR.

Print Name

Primax Properties, LLC, a
North Carolina limited liability
company

By: William G. Seymour
William G. Seymour, Manager

(SEAL)

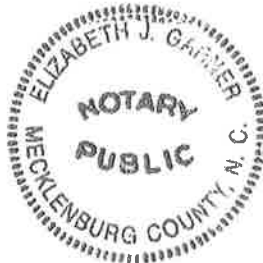
STATE OF North Carolina
COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization on this 15th day of April, 2022, by William G.
Seymour, Manager for Primax Properties, LLC, a North Carolina limited liability
company. Is ☒ personally known or ☐ produced _____ as
identification.

Elizabeth J. Garner
Notary Signature

SEAL

My Commission Expires 7/15/2025



LEGAL DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 26-36-24-00-760

PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL # 800, DRAINAGE EASEMENT (PREPARED BY SURVEYOR)


A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

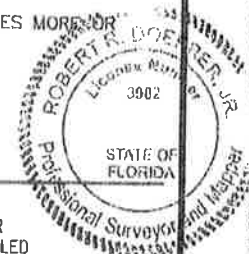
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S88°41'37"W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 65.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°41'37"W ALONG SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 13.00 FEET; THENCE RUN N1°00'27"W A DISTANCE OF 4.21; THENCE RUN N21°49'57"E A DISTANCE OF 22.61 FEET; THENCE RUN N88°41'37"E A DISTANCE OF 4.23 FEET TO THE WEST LINE OF A 15 FOOT WIDE DRAINAGE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3030, PAGE 3575 OF PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S1°00'27"E ALONG SAID WEST LINE A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. CONTAINING 233.80 SQUARE FEET MORE OR LESS (0.01 ACRES MORE OR LESS).

SURVEYORS NOTES:

- 1) THE BEARING BASIS FOR THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST. AS PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, ZONE EAST, NORTH AMERICAN DATUM 1983, WHICH BEARS S88°41'37"W AND AS SHOWN HEREON.
- 2) PROPERTY INFORMATION REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AGENT FILE NUMBER: 14984-2, FILE NUMBER: 22039809 DATED MARCH 15, 2022.
- 3) SQUARE FOOTAGE OF DRAINAGE EASEMENT CONTAINS 233.80 FEET MORE OR LESS AND 0.01 ACRES MORE OR LESS.

PREPARED FOR AND CERTIFIED TO: PRIMAX PROPERTIES
BREVARD COUNTY BOARD OF COUNTY COMMISSIONS


ROBERT R. DOERRER JR., PSM 3982
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED



PREPARED BY: **HORIZON SURVEYORS**
OF CENTRAL FLORIDA, INC.
LB 6380

390 POINCIANA DR., MELBOURNE, FL 32935
E-MAIL: INFO@HORIZONSURVEYORS.COM
PHONE: (321) 254-8133

DRAWN BY: MJS	CHECKED BY: RRD	PROJECT NO. 6574			SECTION 24 TOWNSHIP 26 SOUTH RANGE 36 EAST
DATE: 10-8-21	DRAWING: 6574	REVISIONS	DATE	DESCRIPTION	
			3-24-22	COMMENTS	

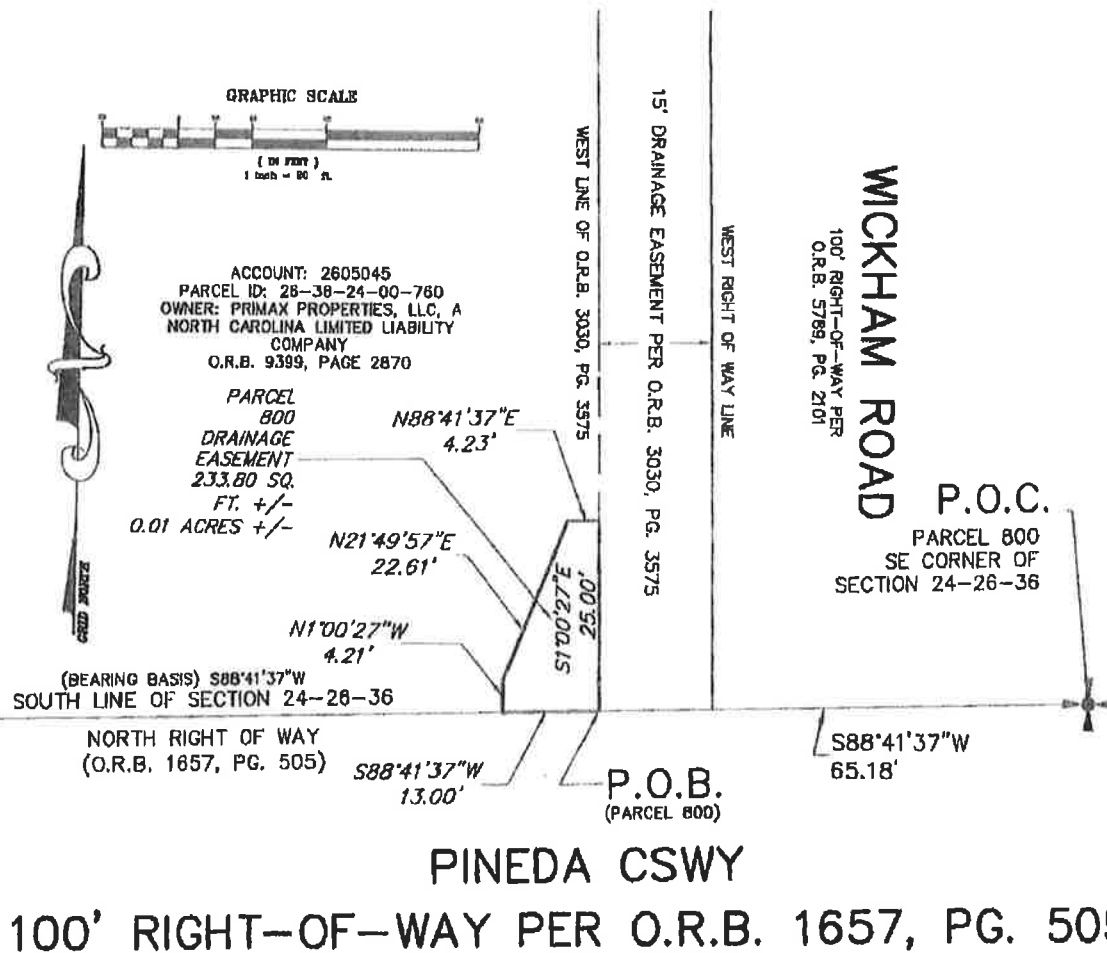
THIS DRAWING IS THE PROPERTY OF HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM HORIZON SURVEYORS OF CENTRAL FLORIDA, INC.

PARCEL # 800

PARENT PARCEL ID#: 26-36-24-00-760
PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

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



PREPARED BY: **HORIZON SURVEYORS**
OF CENTRAL FLORIDA, INC.
LB 8380

SCALE: 1" = 20'

PROJECT NO.: 6574

SECTION 24
TOWNSHIP 26 SOUTH
RANGE 36 EAST

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: 26-36-24-00-760

WARRANTY DEED

THIS DEED is made this 12th day of April, 2022, by Primax Properties, LLC, a North Carolina limited liability company, hereafter called the Grantor, whose mailing address is 1100 East Morehead Street, Charlotte, North Carolina 28204-2815, 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:

K. Meye

Witness

Kristin Meye

Print Name

Frank S. Alexander, Jr.

Witness

FRANK S. ALEXANDER, JR.

Print Name

GRANTOR:

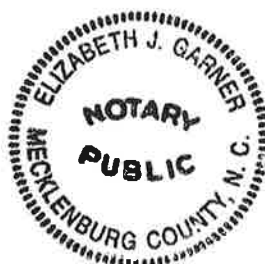
Primax Properties, LLC, a North
Carolina limited liability company

By: William G. Seymour

William G. Seymour, Manager

STATE OF North Carolina
COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 12 day of April, 2022, by William G. Seymour, Manager for Primax Properties, LLC, a North Carolina limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



Elizabeth J. Garner
Notary Signature

Seal

My Commission Expires 7/15/2025

LEGAL DESCRIPTION

PARCEL # 100

PARENT PARCEL ID#: 26-36-24-00-760
PURPOSE: FEE SIMPLE RIGHT OF WAY

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S88°41'37"W A DISTANCE OF 50.18 FEET TO THE POINT OF BEGINNING; THENCE RUN S88°41'37"W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 14.83 FEET; THENCE RUN N27°41'20"E A DISTANCE OF 9.00 FEET; THENCE RUN N0°35'13"W A DISTANCE OF 88.00 FEET; THENCE RUN N7°43'01"E A DISTANCE OF 85.04 FEET; TO THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD, THENCE RUN S1°00'27"E ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 160.11 FEET TO THE POINT OF BEGINNING; CONTAINING 1313.10 SQUARE FEET, MORE OR LESS (0.030 ACRES, MORE OR LESS).

SURVEYORS NOTES:

- 1) THE BEARING BASIS FOR THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AS PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, ZONE EAST, NORTH AMERICAN DATUM 1983, WHICH BEARS S88°41'37"W AND AS SHOWN HEREON.
- 2) PROPERTY INFORMATION REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AGENT FILE NUMBER: 14984-2, FILE NUMBER: 22039809 DATED MARCH 15, 2022.
- 3) SQUARE FOOTAGE OF SIDEWALK DEDICATION CONTAINS 1313.10 FEET MORE OR LESS AND 0.03 ACRES MORE OR LESS.

PREPARED FOR AND CERTIFIED TO: PRIMAX PROPERTIES
BREVARD COUNTY BOARD OF COUNTY COMMISSIONS

ROBERT R. DOERRER, JR., PSM 3982
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **HORIZON SURVEYORS**
OF CENTRAL FLORIDA, INC.
LB 6380

390 POINCIANA DR., MELBOURNE, FL 32935
E-MAIL: INFO@HORIZONSURVEYORS.COM
PHONE: (321) 254-8133

DRAWN BY: MLS	CHECKED BY: RRD	PROJECT NO. 6574	SECTION 24 TOWNSHIP 26 SOUTH RANGE 36 EAST
DATE: 10-6-21	DRAWING: 6574	REVISIONS	
		DATE	
		DESCRIPTION	
DATE: 10-6-21	DRAWING: 6574	10-27-21	COMMENTS
		3-24-22	COMMENTS

2021/10/06 10:00:00 AM: HORIZON SURVEYORS, 390 POINCIANA DR., MELBOURNE, FL 32935, TEL: (321) 254-8133, FAX: (321) 254-8134, E-MAIL: INFO@HORIZONSURVEYORS.COM

PARCEL # 100

EXHIBIT "A"

GRAPHIC SCALE



ACCOUNT: 2805045
PARCEL ID: 28-36-24-00-760
OWNER: PRIMAX PROPERTIES, LLC, A NORTH
CAROLINA LIMITED LIABILITY COMPANY
O.R.B. 9399, PAGE 2870

WICKHAM ROAD
100' RIGHT-OF-WAY PER
O.R.B. 5789, PG. 2101

P.O.C.
PARCEL 100
SE CORNER OF
SECTION 24-26-36
S88°41'37"W
B. 150.18'

P.O.B.
PARCEL 100

(BEARING BASIS) S88°41'37"W
SOUTH LINE OF SECTION 24-26-36
NORTH RIGHT OF WAY (O.R.B. 1657, PG. 505)
100' RIGHT-OF-WAY PER O.R.B. 1657, PG. 505

S88°41'37"W
14.83' PINEDA CSWY

PREPARED BY:

HORIZON SURVEYORS
OF CENTRAL FLORIDA, INC.
LB 6380

SCALE:

1" = 20'

PROJECT NO.:

6574

SECTION 24

TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 24, Township 26 South, Range 36 East – District 4

PROPERTY LOCATION: Parcel is located north of Pineda Causeway on west side of Wickham Road.

OWNERS NAME(S): Primax Properties, LLC

