



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.18.

7/6/2021

Subject:

Approval, Re: Donation of Sidewalk and Drainage Easement and Quit Claim Deed from Boniface Chrysler Dodge, Inc., for the Boniface Hiers Chrysler Dodge Ram Jeep Dealership Project-Cocoa-District 1.

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 and Drainage Easement and Quit Claim Deed.

Summary Explanation and Background:

The subject property is located in Section 36, Township 24 South, Range 35 East, on the south side of Highway 520 in Cocoa.

Boniface Chrysler Dodge Inc., owner, has submitted site plan number 20SP00011 for review and approval by the County for the development of a one-story, 35,384 square foot automotive dealership building that will include a showroom, sales area, service center, car wash, covered detail bays along with associated site and utility work, site lighting, landscaping, and irrigation. In accordance with County code and standards, the owner has agreed to donate the attached sidewalk and drainage easement required as a condition of the site plan approval.

The Quit Claim Deed is being donated to formalize the maintained right-of-way for Range Road.

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) 264-8972
Kimberly.Powell@brevardclerk.us

July 7, 2021

MEMORANDUM

TO: Marc Bernath, Public Works Director

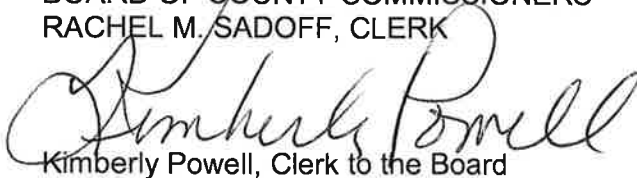
RE: Item F.18., Approval for Donation of Sidewalk and Drainage Easement and Quit Claim Deed from Boniface Chrysler Dodge, Inc., for the Boniface Hiers Chrysler Dodge Ram Jeep Dealership Project - Cocoa

The Board of County Commissioners, in regular session on July 6, 2021, approved and accepted the Sidewalk and Drainage Easement and Quit Claim Deed from Boniface Chrysler Dodge, Inc., for the Boniface Hiers Chrysler Dodge Ram Jeep Dealership Project, Cocoa.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Donation of Sidewalk and Drainage Easement and Quit Claim Deed from Boniface Chrysler Dodge, Inc., for the Boniface Hiers Chrysler Dodge Ram Jeep Dealership Project – District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>6.14.2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<i>cms</i> _____	_____	<u>06-17-2021</u>

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-35-36-00-56 and 24-35-36-00-59

SIDEWALK AND DRAINAGE EASEMENT

THIS INDENTURE, made this 10th day of June, 2021, between Boniface Chrysler Dodge, Inc., a Florida corporation, whose address is 1775 East Merritt Island Causeway, Merritt Island, Florida 32952-2662 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 a public and pedestrian sidewalk access and for allowing drainage, flowage, retention, detention of stormwater and groundwater 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 36, Township 24 South, Range 35 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 Easements are 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:



Witness

M. J. Harts

Print Name

Patricia Rhodes

Witness

Patricia Rhodes

Print Name

Boniface Chrysler Dodge, Inc.,
a Florida corporation

BY 

Adolphus J. Hiers, President

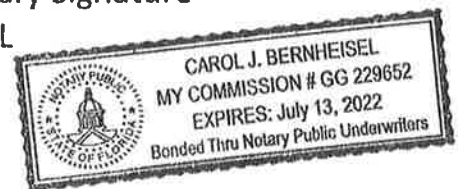
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 10th day of June, 2021, by Adolphus J. Hiers, as President of Boniface Chrysler Dodge, Inc., a Florida corporation. Is personally known or produced _____ as identification.



Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 24-35-36-00-56 AND 24-35-36-00-59

PURPOSE: SIDEWALK & DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801, SIDEWALK & DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, LYING SOUTH OF STATE ROAD NO. 520, SAID PORTION BEING PART OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8245, PAGE 1901 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE RUN S 00° 11' 53" W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, A DISTANCE OF 1655.08 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 520 (A 200 FOOT WIDE RIGHT OF WAY); THENCE RUN S 89° 54' 19" W ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN S 00° 11' 53" W PARALLEL TO AND 50.00 FEET WEST, AS MEASURED BY PERPENDICULAR, OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36 FOR A DISTANCE OF 985.06 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE RUN S 89° 34' 11" W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36 FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 00° 11' 53" E FOR A DISTANCE OF 985.29 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID STATE ROAD NO. 520; THENCE RUN S 89° 54' 19" E ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.565 ACRES, MORE OR LESS.

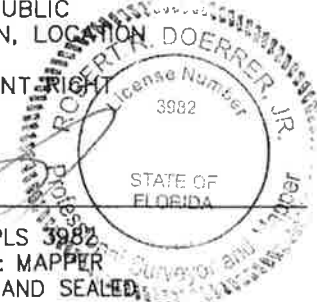
SURVEYORS NOTES:

1. BEARING BASIS FOR THIS SURVEY IS THE THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 24 SOUTH RANGE 35 EAST, BREVARD COUNTY, FLORIDA WHICH BEARS S00°11'53"W, AS PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, ZONE EAST, NAD 1983 AND AS SHOWN HEREON.
2. THE LEGAL DESCRIPTION SHOWN HEREON IS AS FURNISHED AND SUBJECT TO EASEMENTS, RESTRICTIONS AND ALL OTHER MATTERS CONTAINED IN OPINION OF TITLE DATED: MAY 13, 2021, PROVIDED BY KEVIN MARKEY, PROFESSIONAL LIMITED LIABILITY COMPANY, ATTORNEY AT LAW. ALL EASEMENTS LISTED WITHIN SAID OPINION OF TITLE ARE SHOWN EXCEPT AS NOTED BELOW.
 - WATERLINE INGRESS/EGRESS EASEMENT RECORDED IN O.R. BOOK 3014, PAGE 4912, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. DOES NOT AFFECT PARCEL SHOWN HEREON.
 - CABLE TELEVISION INSTALLATION AGREEMENT RECORDED IN O.R. BOOK 2472, PAGE 216, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. A BLANKET OVER AN ILLEGIBLE LEGAL DESCRIPTION, LOCATION COULD NOT BE DETERMINED.
3. STATE ROAD NO. 520 RIGHT OF WAY IS PER STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 70100-2502, DATED FEBRUARY, 1964.

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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



PREPARED BY:

HORIZON SURVEYORS
OF CENTRAL FLORIDA, INC.

LB 6360

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

DRAWN BY: HB	CHECKED BY: RD	PROJECT NO. 20-0807-SWDE	SECTION 36
DATE: 08/07/20	DRAWING: 6524	REVISIONS	TOWNSHIP 24 SOUTH
		DATE	RANGE 35 EAST
		DESCRIPTION	
		05/14/21	COMMENTS
		08/07/21	COMMENTS

SKETCH OF DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 24-35-36-00-56 & 24-35-36-00-59

PURPOSE: SIDEWALK & DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

LEGEND

ESMNT = EASEMENT
FD. = FOUND
NTS = NOT TO SCALE
O.R.B. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
R/W = RIGHT OF WAY
D = "DELTA" OR CENTRAL ANGLE
R = RADIUS OF CURVE
L = LENGTH OF CURVE
CH = CHORD OF CURVE

PARCEL ID:
24-35-36-00-4
O.R.B. 4845, PG. 1179

OWNERSHIP UNKNOWN, NO DEED
AVAILABLE. THERE IS A 45'
STRIP BETWEEN PARCEL 100
AND PARCEL 267.

STATE ROAD NO. 520

200' WIDE R/W
FDOT SECTION NO. 70100

SOUTH R/W LINE

S89°54'19"E
25.00'

CENTERLINE OF 10' F.P. & L.
COMPANY EASEMENT
(O.R.B. 9035, PG. 2266)

PARCEL 801

0.565
ACRES +/-

50.00'

N01°11'53"E 985.29'

25.00'

RANGE ROAD S01°11'53"W 985.06' R/W WIDTH UNKNOWN

EAST LINE OF NE 1/4 SECTION 36-24-35

BEARING BASIS S01°11'53"W 2639.68'

WEST LINE OF

O.R.B. 8970, PG. 1772

PARCEL ID:
24-36-31-00-267

O.R.B. 8970, PG. 1772

P.O.C.
NE CORNER OF
SECTION
36-24-35

1655.08'
S01°11'53"W

45.00'

EAST LINE OF O.R.B. 8245,
PAGE 1901 & EAST LINE OF NE
1/4 SECTION 36-24-35

PARCEL 100 - RIGHT-OF-WAY
CONTAINS: 1.130 ACRES ±

SOUTH LINE OF NE 1/4 SECTION 36-24-35 &
SOUTH LINE OF O.R.B. 8245, PG. 1901

NORTH R/W LINE

PARRISH ROAD

COUNTY COMMISSIONERS MINUTES BOOK 19, PAGE 216

S89°34'11"W
25.00'

SE CORNER OF
THE NE 1/4 OF
SECTION
36-24-35

602.56'
S00°06'16"W

WEST LINE OF SE 1/4
OF NE 1/4 OF
SECTION 36-24-35

40' DRAINAGE EASEMENT
(O.R.B. 3002, PG. 597)

PARCEL
ID: 24-35-36-00-56 &
PARCEL ID
24-35-36-00-59
O.R.B. 8245, PAGE 1901

PREPARED BY:

HORIZON SURVEYORS
OF CENTRAL FLORIDA, INC. LB 6360
390 POINCIANA DR., MELBOURNE, FL 32935
E-MAIL: INFO@HORIZONSURVEYORS.COM

SCALE:

1" = 200'

PROJECT NO.:

6524

SECTION 36

TOWNSHIP 24 SOUTH
RANGE 35 EAST

Prepared by and return to: Lucy Hamelers
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, FL 32940
A portion of interest in Tax Parcel ID: 24-35-36-00-56 and 24-35-36-00-59

QUIT CLAIM DEED


THIS INDENTURE is made this 10th day of June, 2021, by Boniface Chrysler Dodge, Inc., a Florida corporation, hereafter called the Grantor, whose mailing address is 1775 East Merritt Island Causeway, Merritt Island, Florida 32952-2662 and Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Melbourne, Florida 32940.


WITNESS THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby released and quit-claimed to the Grantee, its successors and assigns, any of the Grantor's right, title, interest, and claim of demand which the Grantor may have in the following described land:


SEE ATTACHED EXHIBIT A


IN WITNESS WHEREOF, the Grantor having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:



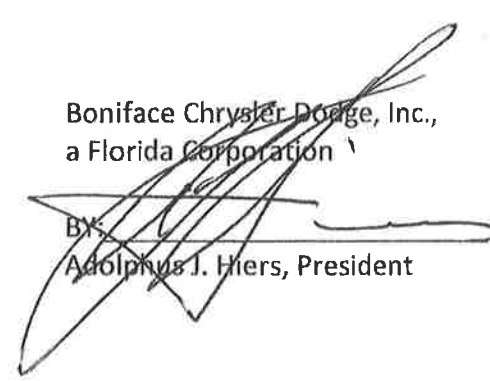
Witness


(Print Name)


Witness


(Print Name)

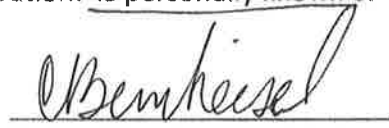
Boniface Chrysler Dodge, Inc.,
a Florida Corporation



BY: Adolphus J. Hiers, President

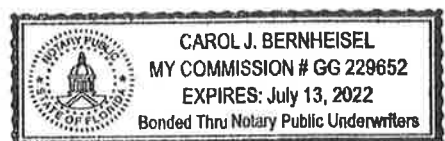
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 10th day of June, 2021, by Adolphus J. Hiers, as President of Boniface Chrysler Dodge, Inc., a Florida corporation. Is personally known or produced _____ as identification.



Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL # 100

PARENT PARCEL ID#: 24-35-36-00-56 AND 24-35-36-00-59

PURPOSE: 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, RIGHT-OF-WAY (PREPARED BY SURVEYOR)

A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, LYING SOUTH OF STATE ROAD NO. 520, SAID PORTION BEING PART OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8245, PAGE 1901 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE RUN S 00° 11' 53" W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, A DISTANCE OF 1655.08 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 520 (A 200 FOOT WIDE RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN S 00° 11' 53" W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, A DISTANCE OF 984.60 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE RUN S 89° 34' 11" W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36 FOR A DISTANCE OF 50.00 FEET TO A POINT ON A LINE LYING 50 FEET WEST, AS MEASURED BY PERPENDICULAR, OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE RUN N 00° 11' 53" E ALONG SAID LINE FOR A DISTANCE OF 985.06 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 520; THENCE RUN S 89° 54' 19" E ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1.130 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. BEARING BASIS FOR THIS SURVEY IS THE THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 24 SOUTH RANGE 35 EAST, BREVARD COUNTY, FLORIDA WHICH BEARS S00°11'53"W, AS PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, ZONE EAST, NAD 1983 AND AS SHOWN HEREON.

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– WATERLINE INGRESS/EGRESS EASEMENT RECORDED IN O.R. BOOK 3014, PAGE 4912, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. DOES NOT AFFECT PARCEL SHOWN HEREON.

– CABLE TELEVISION INSTALLATION AGREEMENT RECORDED IN O.R. BOOK 2472, PAGE 216, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. A BLANKET OVER AN ILLEGIBLE LEGAL DESCRIPTION LOCATION COULD NOT BE DETERMINED.

3. STATE ROAD NO. 520 RIGHT OF WAY IS PER STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 70100-2502, DATED FEBRUARY, 1964.

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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

PREPARED BY:

HORIZON SURVEYORS
OF CENTRAL FLORIDA, INC.

LB 6360

390 POINCIANA DR., MELBOURNE, FL 32935

E-MAIL: INFO@HORIZONSURVEYORS.COM

PHONE: (321) 254-8133

DRAWN BY: HB

CHECKED BY: RD

PROJECT NO. 20-0806-RW

REVISIONS

DATE

DESCRIPTION

DATE: 08/06/20

DRAWING: 6524

05/14/21

COMMENTS

SECTION 36

TOWNSHIP 24 SOUTH

RANGE 35 EAST

SKETCH OF DESCRIPTION

PARCEL #100

PARENT PARCEL ID#: 24-35-36-00-56 AND 24-35-36-00-59

PURPOSE: RIGHT-OF-WAY

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

LEGEND

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P.T. = POINT OF TANGENCY
R/W = RIGHT OF WAY
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L = LENGTH OF CURVE
CH = CHORD OF CURVE

PARCEL ID:
24-35-36-00-4
O.R.B. 4845, PG. 1179

OWNERSHIP UNKNOWN, NO DEED
AVAILABLE. THERE IS A 45'
STRIP BETWEEN PARCEL 100
AND PARCEL 267.

P.O.C.
NE CORNER OF
SECTION
36-24-35

STATE ROAD NO. 520

200' WIDE R/W
FDOT SECTION NO. 70100

SOUTH R/W LINE

PARCEL ID: 24-35-36-00-56 &
PARCEL ID: 24-35-36-00-59
O.R.B. 8245, PAGE 1901

CENTERLINE OF 10' F.P. & L.
COMPANY EASEMENT
(O.R.B. 9035, PG. 2266)

EAST LINE OF O.R.B. 8245,
PAGE 1901 & EAST LINE OF NE
1/4 SECTION 36-24-35

PARCEL 100 - RIGHT-OF-WAY
CONTAINS: 1.130 ACRES ±

SOUTH LINE OF NE 1/4 SECTION 36-24-35 &
SOUTH LINE OF O.R.B. 8245, PG. 1901

NORTH R/W LINE

PARRISH ROAD

COUNTY COMMISSIONERS MINUTES BOOK 19, PAGE 216

S89°34'11"W
50.00'

SE CORNER OF
THE NE 1/4 OF
SECTION
36-24-35

RANGE ROAD

N01°1'53"E | 985.06'

R/W WIDTH UNKNOWN

S01°1'53"W | 984.60'

1/4 SECTION 36-24-35

50.00'

BEARING BASIS EAST LINE OF

WEST LINE OF

O.R.B. 8970, PG. 1772

45.00'
P.O.B.

PARCEL ID:
24-36-31-00-267
O.R.B. 8970, PG. 1772

602.56' S00°06'16"W

WEST LINE OF SE 1/4
OF NE 1/4 OF
SECTION 36-24-35

40' DRAINAGE EASEMENT
(O.R.B. 3002, PG. 597)

SW CORNER OF
THE SE 1/4 OF
THE NE 1/4 OF
SECTION
36-24-35

PREPARED BY:

HORIZON SURVEYORS

OF CENTRAL FLORIDA, INC. LB 6360
390 POINCIANA DR., MELBOURNE, FL 32935
E-MAIL: INFO@HORIZONSURVEYORS.COM

SCALE:

1" = 200'

PROJECT NO.:

6524

SECTION 36

TOWNSHIP 24 SOUTH
RANGE 35 EAST

LOCATION MAP

Section 36, Township 24 South, Range 35 East - District 1

PROPERTY LOCATION: On the south side of Highway 520 in Cocoa.

OWNERS NAME: Boniface Hiers Chrysler Dodge, Inc.

