



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

4/6/2021

Subject:

Approval, Re: Sanitary Sewer Easement and Drainage Easement for the Walk-on's Bistreaux and Bar - District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners approve and accept the attached Sanitary Sewer Easement and Drainage Easement.

Summary Explanation and Background:

The subject property is located in Section 09, Township 26 South, Range 36 East, East of Lake Andrew Drive on Napolo Drive in Viera.

Renegade Diversified, Inc., the owner, has submitted site plan number 19SP00025 for review and approval by the County for the development of a business known as Walk-on's Bistreaux and Bar. In accordance with County code and standards, the owner has agreed to donate the attached sanitary sewer easement and drainage easement required as a condition of the site plan approval.

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

April 7, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lisa Kruse, Land Acquisition

RE: Item F.5., Approval for Sanitary Sewer Easement and Drainage Easement for the Walk-on's Bistreaux and Bar

The Board of County Commissioners, in regular session on April 6, 2021, approved and accepted the Sanitary Sewer Easement and Drainage Easement for the Walk-on's Bistreaux and Bar.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell", is written over the typed name.

Kimberly Powell, Clerk to the Board

/sm

cc: County Manager
Utility Services

BOARD OF COUNTY COMMISSIONERS





AGENDA REVIEW SHEET

AGENDA: Sanitary Sewer Easement and Drainage Easement for the Walk-On's Bistreaux and Bar from Renegade Diversified, Inc. – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-850-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			<u>3.18.2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney			<u>3-22-2021</u>

Prepared by and return to: Lisa Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-09-VH-A-1.03

DRAINAGE EASEMENT

THIS INDENTURE, made this 15th day of March, 2021, between Renegade Diversified, Inc., a Florida corporation, whose address is 8550 Napolo Drive, Melbourne, Florida 32940, 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 allowing for drainage and flowage of stormwater, groundwater and access for emergency maintenance to restore drainage flow, which said easement shall be maintained by the first party and other allied uses pertaining thereto, all over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 09, 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 easements 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.

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

Print Name

Witness

Print Name

Renegade Diversified, Inc., a Florida corporation

By:

Nathan L. Fowler, President

STATE OF FL
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 15th day of March, 2021, by Nathan L. Fowler, as President for Renegade Diversified, Inc., a Florida corporation. Is personally known or produced Driver License as identification.

Notary Signature

SEAL

Board Meeting Date: _____

Agenda Item # _____



LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-36-09-VH-A-1.03

PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 1 OF 4

NOT VALID WITHOUT ALL 4 SHEETS

THIS IS NOT A SURVEY

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

A 15 FOOT WIDE EASEMENT LYING 7.5 FEET ON BOTH SIDES OF THE CENTERLINE AS DESCRIBED, BEING PART OF LOT 1, BLOCK A, BROMLEY DRIVE CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGE 11, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING AND BEING IN SECTION 9, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT D OF MHW SHOPS THREE, PER PLAT BOOK 60, PAGE 85 OF THE OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF NAPOLO DRIVE AND THE SOUTHERLY BOUNDARY OF SAID LOT 1, BLOCK A, ALSO BEING ON A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2425.00 FEET HAVING A CHORD BEARING OF N 79°45'28" E AND CHORD DISTANCE OF 129.95 FEET; THENCE ALONG SAID SOUTHERLY BOUNDARY OF LOT 1, BLOCK A AND NORTHERLY BOUNDARY OF NAPOLO DRIVE RIGHT OF WAY AND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 125.96 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY AND SOUTHERLY BOUNDARY N 48°10'19" W, A DISTANCE OF 38.83' FEET; THENCE N 77°45'51" E, A DISTANCE OF 81.22 FEET; THENCE N 25°40'56" E, A DISTANCE OF 117.85 FEET; THENCE N 05°06'19" W, A DISTANCE OF 122.39 FEET; THENCE S 88°16'04" W, A DISTANCE OF 167.26 FEET; THENCE N 06°10'56" W, A DISTANCE OF 159.95 FEET; THENCE N 00°57'28" W, A DISTANCE OF 106.65 FEET TO THE POINT OF TERMINUS


SAID 15' WIDE EASEMENT BEING 7.5 ON EACH SIDE OF THE FOREGOING DESCRIBED EASEMENT CENTERLINES, SUCH THAT EACH SIDE OF THE EASEMENT TO BE EXTENDED (LENGTHENED) OR CONTRACTED (SHORTENED) TO FORM A CLOSED FIGURE AND NOT CROSS ANY BOUNDARY LINE. SAID EASEMENT LINES SHALL NOT PASS THROUGH ANY BUILDINGS; WHERE SAID EASEMENT LINE IS IN CONFLICT WITH ANY EXISTING BUILDING, THE FACE OF THE BUILDING SHALL BECOME THE EASEMENT LINE. SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS, CONDITIONS, OR EASEMENTS OF RECORD.

SAID PARCEL CONTAINING 0.27 ACRES OR 11,889 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DESCRIPTION IS BASED UPON PROVIDED BOUNDARY SURVEY BY PRECISION LAND SURVEYING BEARING A PROJECT NUMBER OF 19-1732 AND A SURVEY DATE OF 06/28/2019.
2. BEARINGS SHOWN ARE BASED UPON THE EASTERLY BOUNDARY OF TRACT D OF SAID MHW SHOPS THREE, PER PLAT BOOK 60, PAGE 85, BEING S05°06'19"E
3. ENCUMBRANCES SHOWN BASED UPON OPINION OF TITLE BY: FIDELITY NATIONAL BEARING A COMMITMENT DATE OF MAY 19, 2020 @2:19PM AND ISSUING OFFICE FILE NUMBER: 002782/071383 UPDATED BY ENDORSEMENT NO. 10 DATED JANUARY 21, 2021. SEE SHEETS 3 AND 4

PREPARED FOR AND CERTIFIED TO:
WALK-ONS BISTREAUX AND BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS


AARON J MURPHY, PSM 6768
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

3-16-21

PREPARED BY: HAMILTON ENGINEERING AND SURVEYING LB7013
3409 W LEMON ST, TAMPA FL 33609
813-250-3535

DRAWN BY: AJM	CHECKED BY: RJC	PROJECT NO. 53646			SECTION 09 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 02-23-2021	DRAWING: 53646.0010				

PARCEL #800

PURPOSE: DRAINAGE EASEMENT

SHEET 2 OF 4

THIS IS NOT A SURVEY

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2425.00'	125.96'	125.95'	N 79°45'28" E	2°58'34"

57542°02'W

NORTH LINE OF
LOT 1,
BLOCK A AND
THE SOUTH LINE
OF TRACT B,
PLAT BOOK 58,
PAGE 11

SCALE: 1"=100'

LEGEND:
P PLAT
D DEED
M MEASURED
ORB OFFICIAL RECORDS BOOK
PB PLAT BOOK
PG PAGE

LINE	BEARING	DISTANCE
L1	N 48°10'19" W	38.83'
L2	N 77°45'51" E	81.22'
L3	N 25°40'56" E	117.85'
L4	N 05°06'19" W	122.39'
L5	N 88°16'04" E	167.26'
L6	N 06°10'56" W	159.95'
L7	N 00°57'28" W	106.65'

A PORTION OF LOT 1,
BLOCK A
BROMLEY DRIVE CENTER
PLAT BOOK 58, PAGE 11
ORB 8744, PAGE 2335
PARCEL ID
26-36-09-VH-A-1.03

NT
000
T D
85 25' LANDSCAPE, SIDEWALK,
DRAINAGE AND UTILITY EASEMENT
PLAT BOOK 58, PAGE 11

15' UTILITY EASEMENT PER
OFFICIAL RECORDS BOOK 4784 PAGE 212
NAPOLIO DRIVE
(PUBLIC RIGHT-OF-WAY VARIES)
(PLAT BOOK 48, PAGE 30)

SECTION 09
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-36-09-VH-A-1.03

PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT ALL 4 SHEETS

THIS IS NOT A SURVEY

SCHEDULE B EXCEPTIONS:

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable. NOT SURVEY RELATED
2. Matters shown on the plat of BROMLEY DRIVE, according to the plat thereof, as recorded in Plat Book 58, Page 11 through 15, of the Public Records of Brevard County, Florida. (as to the Fee Parcel) AS SHOWN
3. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of MHW Shops Three, recorded in Plat Book 60, Page 85 - 87, inclusive, of the Public Records of Brevard County, Florida. (as to Easement Parcel) AS SHOWN
4. Agreement between The Viera Company and The Florida Department of Community Affairs recorded in Official Records Book 3104 page 1881, Public Records of Brevard County, Florida. NOT SURVEY RELATED
5. Agreement Covering Water Service between The Viera Company and the City of Cocoa, Florida under Resolution 88-25 dated August 26, 1988, as amended by that certain Amendment #1 To Agreement To Provide Water Service dated June 13, 1989, as further amended by the certain Second Amendment to Agreement dated May 27, 1994 as recorded in Official Records Book 3404 page 0953, and re-recorded in Official Records Book 3407 page 3452, together with Third Amendment to Agreement recorded August 16, 2017 in Official Records Book 7962 page 1632 and Fourth Amendment to Agreement recorded August 16, 2007 in Official Records Book 7962 page 1655, all of the Public Records of Brevard County, Florida. NOT SURVEY RELATED
6. Declaration of Covenants, Conditions, Easement, Reservations and Restrictions for Central Viera Community, which contains provisions for (i) an easement on the land; (ii) a private charge or assessments, as recorded in Official Records Book 3409 page 0624, as modified by the First Amendment recorded in Official Records Book 3813 page 3867, the Second Amendment recorded in Official Records Book 3882 page 2349, the Third Amendment recorded in Official Records Book 4065 page 2855, Amendment Number Four recorded in Official Records Book 4209 page 2335, the Fourth (sic) Amendment recorded in Official Records Book 4297 page 0372, Amendment Number Five recorded in Official Records Book 4303 page 0571, the Sixth Amendment recorded in Official Records Book 4718 page 1926, (number sequence skips "seventh" amendment), the Eighth Amendment recorded in Official Records Book 5103 page 0627, the Ninth Amendment recorded in Official Records Book 5333 page 1015, the Tenth Amendment recorded in Official Records Book 5369 page 4776, the Eleventh Amendment recorded in Official Records Book 5806 page 8129 and the Twelfth Amendment recorded in Official Records Book 6279 page 1612, and Thirteenth Amendment recorded in Official Records Book 6359 page 1905, and Fourteenth Amendment recorded in Official Records Book 6871 page 630, Fifteenth Amendment recorded in Official Records Book 7828 page 1083, Sixteenth Amendment recorded in Official Records Book 8114 page 2777, Seventeenth Amendment recorded in Official Records Book 8130 page 63, Eighteenth Amendment recorded in Official Records Book 8242 page 2738, Annexation Agreement Number One Hundred Twenty-Eight annexing Walk On's Restaurant Nonresidential District recorded in Official Records Book 8744, Page 2321, all of the Public Records of Brevard County, Florida. BLANKET IN NATURE WITH RESPECT TO THE SUBJECT PARCEL
7. Binding Development Agreement recorded April 23, 2002 in Official Records Book 4577 page 1842, as modified by Amendment dated July 13, 2004 and recorded in Official Records Book 5467, Page 1558, Public Records of Brevard County, Florida. (as to the Fee Parcel) NOT SURVEY RELATED
8. Drainage Easement by and between The Viera Company, Grantor, and County of Brevard, Grantee, recorded July 24, 2002, in Official Records Book 4644, Page 1354, Public Records of Brevard County, Florida. (as to the Fee Parcel) AS SHOWN
9. Underground Utility Easement Agreement recorded January 7, 2003, in Official Records Book 4784, Page 212, Public Records of Brevard County, Florida. (as to the Fee Parcel) AS SHOWN

PREPARED BY: HAMILTON ENGINEERING AND SURVEYING LB7013
3409 W LEMON ST, TAMPA FL 33609
813-250-3535

DRAWN BY: AJM	CHECKED BY: RJC	PROJECT NO. 53646			SECTION 09 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 02-23-2021	DRAWING: 53646.0010				

LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-36-09-VH-A-1.03

PURPOSE: DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 4 OF 4

NOT VALID WITHOUT ALL 4 SHEETS

THIS IS NOT A SURVEY

SCHEDULE B EXCEPTIONS:

10. Hospital Restriction contained in the certain Third Amended Restated Declaration of Restrictive Covenants recorded in Official Records Book 5885 page 8902, Public Records of Brevard County, Florida .NOT SURVEY RELATED

11. Declaration of Restrictions Establishing Exclusive Use Rights for Ten year Exclusive Area recorded July 11, 2011 in Official Records Book 6415, Page 1892, Public Records of Brevard County, Florida. NOT SURVEY RELATED

12. Napolo Connector and Remi Drive Easement Agreement recorded August 26, 2014, in Official Records Book 7196, Page 995, Public Records of Brevard County, Florida. (as to the Easement Parcel) DOES NOT AFFECT THE SUBJECT EASEMENT

13. Nonexclusive Driveway Easement Agreement recorded September 25, 2014, in Official Records Book 7215, Page 2516, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT

14. Restrictions, covenants, and conditions as set forth in those instruments recorded in Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for MHW Shops Three, recorded in Official Records Book 7287 page 1926, and amended in Official Records Book 7549 page 1836, all of the Public Records of Brevard County, Florida (as to Easement Parcel). AS SHOWN

15. Amended and Restated Development Order Viera Development of Regional Impact, as approved by that certain Resolution 19-134 adopted by the Brevard County Board of County Commissioners on August 20, 2019 and as evidenced by Notice of Modification of a Development Order recorded September 23, 2019 in Official Records Book 8545, page 418, Public Records of Brevard County, Florida. NOT SURVEY RELATED

16. Restrictions and Easements set out in Special Warranty Deed recorded July 6, 2017, in Official Records Book 7931, Page 1262, Public Records of Brevard County, Florida. (as to Easement Parcel) DOES NOT AFFECT THE SUBJECT EASEMENT

17. Easements, Restrictions and Reverter contained in Special Warranty Deed dated May 15, 2020 and recorded in Official Records Book 8744, Page 2335, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT

18. Declaration of Restrictions dated May 15, 2020 and recorded in Official Records Book 8744, Page 2325, Public Records of Brevard County, Florida. NOT SURVEY RELATED

19. Amendment and Assignment of Easement Rights dated May 15, 2020 and recorded in Official Records Book 8744, Page 2345, Public Records of Brevard County, Florida.. (as to Easement Parcel) DOES NOT AFFECT THE SUBJECT EASEMENT

20. Drainage and Connection Easement dated May 15, 2020 and recorded in Official Records Book 8744, Page 2380, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT

21. Declaration of Shared Driveway Easements dated May 15, 2020 and recorded in Official Records Book 8744, Page 2351, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT

22. Sidewalk Connection Easement dated May 15, 2020 and recorded in Official Records Book 8744, Page 2363, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT

23. Notwithstanding the acreage set forth on Exhibit "A" attached hereto, this Policy does not insure the acreage of the insured lands. NOT SURVEY RELATED

24. Matters appearing on boundary survey prepared by Precision Land Surveying, Inc. dated June 28, 2019 under Project No. 19-1732. AS SHOWN

25. Any loss or damage arising from assessments occurring after date of policy resulting from the provisions contained in Florida Statute 720.3085(2), notwithstanding any contrary provisions of any ALTA 5.1 or ALTA 9 series endorsements which may be attached NOT SURVEY RELATED

PREPARED BY: HAMILTON ENGINEERING AND SURVEYING LB7013
3409 W LEMON ST, TAMPA FL 33609
813-250-3535

DRAWN BY: AJM	CHECKED BY: RJC	PROJECT NO. 53646			SECTION 09 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 02-23-2021	DRAWING: 53646.0010				

Prepared by and return to: Lisa Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-09-VH-A-1.03

SANITARY SEWER EASEMENT

THIS INDENTURE, made this 11th day of March, 2021, between Renegade Diversified, Inc., a Florida corporation, whose address is 8550 Napolo Drive, Melbourne, Florida 32940, 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: Parcel 801 for the purposes of operating, reconstructing, reconfiguring, and maintaining a sanitary sewer line and associated facilities and other allied uses pertaining thereto, all over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 09, 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 easements 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.

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

Print Name

Witness

Print Name

Renegade Diversified, Inc., a Florida corporation

By:

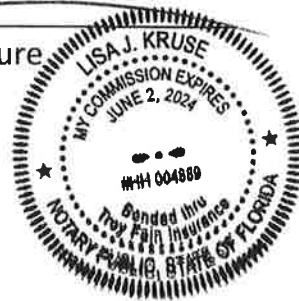
Nathan L. Fowler, President

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this 14th day of March, 2021, by Nathan L. Fowler, as President for Renegade Diversified, Inc., a Florida corporation. Is personally known or produced Driver License as identification.

Notary Signature
SEAL

Board Meeting Date: _____
Agenda Item # _____



LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-09-VH-A-1.03
PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 1 OF 4

NOT VALID WITHOUT ALL 4 SHEETS

THIS IS NOT A SURVEY

LEGAL DESCRIPTION (PARCEL 801, SANITARY SEWER EASEMENT (BY SURVEYOR):

A PARCEL OF LAND BEING PART OF LOT 1, BLOCK A, BROMLEY DRIVE CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGE 11, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING AND BEING IN SECTION 9, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT D PER MHW SHOPS THREE, PLAT BOOK 60, PAGE 85 OF THE OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF NAPOLO DRIVE AND THE SOUTHERLY BOUNDARY OF SAID LOT 1, BLOCK A, ALSO BEING ON A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2425.00 FEET HAVING A CHORD BEARING OF N 80°25'19" E AND CHORD DISTANCE OF 69.89 FEET; THENCE ALONG SAID SOUTHERLY BOUNDARY OF LOT 1, BLOCK A AND NORTHERLY BOUNDARY OF NAPOLO DRIVE RIGHT OF WAY AND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 69.89 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY AND SOUTHERLY BOUNDARY N 12°25'27" W, A DISTANCE OF 66.35 FEET; THENCE N 74°59'40" E, A DISTANCE OF 135.68 FEET; THENCE S 14°07'21" E, A DISTANCE OF 15.00 FEET; THENCE S 74°59'40" W, A DISTANCE OF 121.11 FEET; THENCE S 12°25'27" E, A DISTANCE OF 52.50 FEET RETURNING TO SAID NORTHERLY RIGHT OF WAY LINE AND SAID SOUTHERLY BOUNDARY ALSO BEING A POINT ON A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 2425.00 FEET HAVING A CHORD BEARING OF S 79°25'08" W AND CHORD DISTANCE OF 15.01 FEET; THENCE ALONG SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT OF WAY AND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.06 ACRES OR 2,817 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

1. THIS SKETCH AND DESCRIPTION IS BASED UPON PROVIDED BOUNDARY SURVEY BY PRECISION LAND SURVEYING BEARING A PROJECT NUMBER OF 19-1732 AND A SURVEY DATE OF 06/28/2019.
2. BEARINGS SHOWN ARE BASED UPON THE EASTERLY BOUNDARY OF TRACT D OF SAID MHW SHOPS THREE, PLAT BOOK 60, PAGE 85, BEING S05°06'19"E.
3. ENCUMBRANCES SHOWN BASED UPON OPINION OF TITLE BY: FIDELITY NATIONAL BEARING A COMMITMENT DATE OF MAY 19, 2020 @2:19PM AND ISSUING OFFICE FILE NUMBER: 002782/071383 UPDATED BY ENDORSEMENT NO. 10 DATED JANUARY 21, 2021. SEE SHEETS 3 AND 4

PREPARED FOR AND CERTIFIED TO:
WALK-ONS BISTREUX AND BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

AARON J. MURPHY
LICENSE NUMBER
NO. 10768
AARON J. MURPHY, PSM 6268
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

3-11-21

PREPARED BY: HAMILTON ENGINEERING AND SURVEYING LB7013
3409 W LEMON ST, TAMPA FL 33609
813-250-3535

DRAWN BY: AJM	CHECKED BY: RJC	PROJECT NO. 53646	SECTION 09
DATE: 02-23-2021	DRAWING: 53646.0010	REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 36 EAST
		DESCRIPTION	

SKETCH OF DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-09-VH-A-1.03

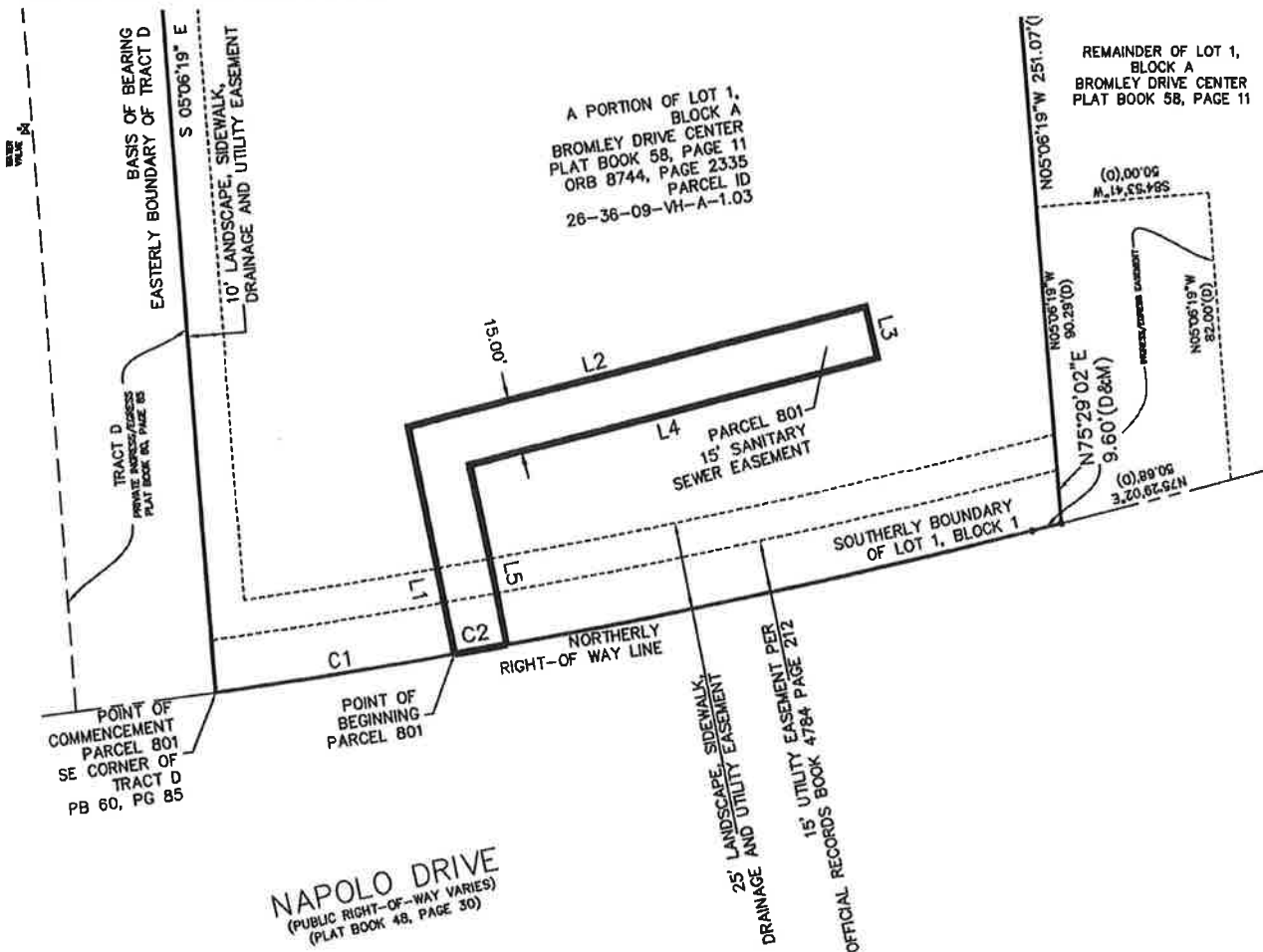
PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 2 OF 4

NOT VALID WITHOUT all 4 SHEETS

THIS IS NOT A SURVEY



SCALE: 1"=50'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2425.00'	69.89'	69.89'	N 80°25'19" E	1°39'05"
C2	2425.00'	15.01'	15.01'	S 79°25'08" W	0°21'17"

LINE	BEARING	DISTANCE
L1	N 12°25'27" W	66.35'
L2	N 74°59'40" E	135.68'
L3	S 14°07'21" E	15.00'
L4	S 74°59'40" W	121.11'
L5	S 12°25'27" E	52.50'

PREPARED BY: HAMILTON ENGINEERING AND SURVEYING LB7013
3409 W LEMON ST, TAMPA FL 33609
813-250-3535

SCALE:
1" = 50'

PROJECT NO.:
53646.0010

SECTION 09
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-09-VH-A-1.03

PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT ALL 4 SHEETS

THIS IS NOT A SURVEY

SCHEDULE B EXCEPTIONS:

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable. NOT SURVEY RELATED
2. Matters shown on the plat of BROMLEY DRIVE, according to the plat thereof, as recorded in Plat Book 58, Page 11 through 15, of the Public Records of Brevard County, Florida. (as to the Fee Parcel) AS SHOWN
3. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of MHW Shops Three, recorded in Plat Book 60, Page 85 - 87, inclusive, of the Public Records of Brevard County, Florida. (as to Easement Parcel) AS SHOWN
4. Agreement between The Viera Company and The Florida Department of Community Affairs recorded in Official Records Book 3104 page 1881, Public Records of Brevard County, Florida. NOT SURVEY RELATED
5. Agreement Covering Water Service between The Viera Company and the City of Cocoa, Florida under Resolution 88-25 dated August 26, 1988, as amended by that certain Amendment #1 To Agreement To Provide Water Service dated June 13, 1989, as further amended by the certain Second Amendment to Agreement dated May 27, 1994 as recorded in Official Records Book 3404 page 0953, and re-recorded in Official Records Book 3407 page 3452, together with Third Amendment to Agreement recorded August 16, 2017 in Official Records Book 7962 page 1632 and Fourth Amendment to Agreement recorded August 16, 2007 in Official Records Book 7962 page 1655, all of the Public Records of Brevard County, Florida. NOT SURVEY RELATED
6. Declaration of Covenants, Conditions, Easement, Reservations and Restrictions for Central Viera Community, which contains provisions for (i) an easement on the land; (ii) a private charge or assessments, as recorded in Official Records Book 3409 page 0624, as modified by the First Amendment recorded in Official Records Book 3813 page 3867, the Second Amendment recorded in Official Records Book 3882 page 2349, the Third Amendment recorded in Official Records Book 4065 page 2855, Amendment Number Four recorded in Official Records Book 4209 page 2335, the Fourth (sic) Amendment recorded in Official Records Book 4297 page 0372, Amendment Number Five recorded in Official Records Book 4303 page 0571, the Sixth Amendment recorded in Official Records Book 4718 page 1926, (number sequence skips "seventh" amendment), the Eighth Amendment recorded in Official Records Book 5103 page 0627, the Ninth Amendment recorded in Official Records Book 5333 page 1015, the Tenth Amendment recorded in Official Records Book 5369 page 4776, the Eleventh Amendment recorded in Official Records Book 5806 page 8129 and the Twelfth Amendment recorded in Official Records Book 6279 page 1612, and Thirteenth Amendment recorded in Official Records Book 6359 page 1905, and Fourteenth Amendment recorded in Official Records Book 6871 page 630, Fifteenth Amendment recorded in Official Records Book 7828 page 1083, Sixteenth Amendment recorded in Official Records Book 8114 page 2777, Seventeenth Amendment recorded in Official Records Book 8130 page 63, Eighteenth Amendment recorded in Official Records Book 8242 page 2738, Annexation Agreement Number One Hundred Twenty-Eight annexing Walk On's Restaurant Nonresidential District recorded in Official Records Book 8744, Page 2321, all of the Public Records of Brevard County, Florida. BLANKET IN NATURE WITH RESPECT TO THE SUBJECT PARCEL
7. Binding Development Agreement recorded April 23, 2002 in Official Records Book 4577 page 1842, as modified by Amendment dated July 13, 2004 and recorded in Official Records Book 5467 , Page 1558, Public Records of Brevard County, Florida. (as to the Fee Parcel) NOT SURVEY RELATED
8. Drainage Easement by and between The Viera Company, Grantor, and County of Brevard, Grantee, recorded July 24, 2002, in Official Records Book 4644, Page 1354, Public Records of Brevard County, Florida. (as to the Fee Parcel) AS SHOWN
9. Underground Utility Easement Agreement recorded January 7, 2003, in Official Records Book 4784, Page 212, Public Records of Brevard County, Florida. (as to the Fee Parcel) AS SHOWN

PREPARED BY: HAMILTON ENGINEERING AND SURVEYING LB7013
3409 W LEMON ST, TAMPA FL 33609
813-250-3535

DRAWN BY: AJM	CHECKED BY: RJC	PROJECT NO. 53646			SECTION 09 TOWNSHIP 26 SOUTH RANGE 36 EAST	
		REVISIONS	DATE	DESCRIPTION		
DATE: 02-23-2021	DRAWING: 53646.0010					

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 26-36-09-VH-A-1.03

PURPOSE: SANITARY SEWER EASEMENT

EXHIBIT "A"

SHEET 4 OF 4

NOT VALID WITHOUT ALL 4 SHEETS

THIS IS NOT A SURVEY

SCHEDULE B EXCEPTIONS:

10. Hospital Restriction contained in the certain Third Amended Restated Declaration of Restrictive Covenants recorded in Official Records Book 5885 page 8902, Public Records of Brevard County, Florida .NOT SURVEY RELATED
11. Declaration of Restrictions Establishing Exclusive Use Rights for Ten year Exclusive Area recorded July 11, 2011 in Official Records Book 6415, Page 1892, Public Records of Brevard County, Florida. NOT SURVEY RELATED
12. Napolo Connector and Remi Drive Easement Agreement recorded August 26, 2014, in Official Records Book 7196, Page 995, Public Records of Brevard County, Florida. (as to the Easement Parcel) DOES NOT AFFECT THE SUBJECT EASEMENT
13. Nonexclusive Driveway Easement Agreement recorded September 25, 2014, in Official Records Book 7215, Page 2516, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT
14. Restrictions, covenants, and conditions as set forth in those instruments recorded in Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for MHW Shops Three, recorded in Official Records Book 7287 page 1926, and amended in Official Records Book 7549 page 1836, all of the Public Records of Brevard County, Florida (as to Easement Parcel). AS SHOWN
15. Amended and Restated Development Order Viera Development of Regional Impact, as approved by that certain Resolution 19-134 adopted by the Brevard County Board of County Commissioners on August 20, 2019 and as evidenced by Notice of Modification of a Development Order recorded September 23, 2019 in Official Records Book 8545, page 418, Public Records of Brevard County, Florida. NOT SURVEY RELATED
16. Restrictions and Easements set out in Special Warranty Deed recorded July 6, 2017, In Official Records Book 7931, Page 1262, Public Records of Brevard County, Florida. (as to Easement Parcel) DOES NOT AFFECT THE SUBJECT EASEMENT
17. Easements, Restrictions and Reverter contained in Special Warranty Deed dated May 15, 2020 and recorded in Official Records Book 8744, Page 2335, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT
18. Declaration of Restrictions dated May 15, 2020 and recorded in Official Records Book 8744, Page 2325, Public Records of Brevard County, Florida. NOT SURVEY RELATED
19. Amendment and Assignment of Easement Rights dated May 15, 2020 and recorded in Official Records Book 8744, Page 2345, Public Records of Brevard County, Florida.. (as to Easement Parcel) DOES NOT AFFECT THE SUBJECT EASEMENT
20. Drainage and Connection Easement dated May 15, 2020 and recorded in Official Records Book 8744, Page 2380, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT
21. Declaration of Shared Driveway Easements dated May 15, 2020 and recorded in Official Records Book 8744, Page 2351, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT
22. Sidewalk Connection Easement dated May 15, 2020 and recorded in Official Records Book 8744, Page 2363, Public Records of Brevard County, Florida. DOES NOT AFFECT THE SUBJECT EASEMENT
23. Notwithstanding the acreage set forth on Exhibit "A" attached hereto, this Policy does not insure the acreage of the insured lands. NOT SURVEY RELATED
24. Matters appearing on boundary survey prepared by Precision Land Surveying, Inc. dated June 28, 2019 under Project No. 19-1732. AS SHOWN
25. Any loss or damage arising from assessments occurring after date of policy resulting from the provisions contained in Florida Statute 720.3085(2), notwithstanding any contrary provisions of any ALTA 5.1 or ALTA 9 series endorsements which may be attached NOT SURVEY RELATED

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DRAWN BY: AJM	CHECKED BY: RJC	PROJECT NO. 53646			SECTION 09 TOWNSHIP 26 SOUTH RANGE 36 EAST	
		REVISIONS	DATE	DESCRIPTION		
DATE: 02-23-2021	DRAWING: 53646.0010					

LOCATION MAP

Section 09, Township 26 South, Range 36 East - District 4

PROPERTY LOCATION: East of Lake Andrew Drive on Napolo Drive in Viera.

OWNERS NAME: Renegade Diversified, Inc.

