



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

10/24/2023

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### **Subject:**

Approval, Re: Dedication of Utility Easement from Quattro VFL Ford, LLC for Ford's Garage Viera Project - 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 accept the attached Utility Easement.

### **Summary Explanation and Background:**

The subject property is located in Section 33, Township 25 South, Range 36 East, west of Lake Andrew Drive, east of Lorkey Lane, and south of Hennessy Place in Viera.

Quattro VFL Ford, LLC, owner, has submitted site plan number 22SP00031 for review and approval by the County for the development of a restaurant known as Ford's Garage Viera. In accordance with County code and standards, the owner has agreed to dedicate the attached utility 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

October 25, 2023

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

TO: Marc Bernath, Public Works Director Attn: Jean Kremitzki

RE: Item F.5., Approval for Dedication of Utility Easement from Quattro VFL Ford, LLC for Ford's Garage Viera Project

The Board of County Commissioners, in regular session on October 24, 2023, accepted the Utility Easement from Quattro VFL Ford, LLC for Ford's Garage Viera Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*for: Donna Scott*  
Kimberly Powell, Clerk to the Board

/ds

cc: Utility Services

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

**AGENDA:** Dedication of Utility Easement from Quattro VFL Ford, LLC for the Ford's Garage Viera Project- District 4

**AGENCY:** Public Works Department / Land Acquisition

**AGENCY CONTACT:** Jean Kremitzki, Land Acquisition Specialist

**CONTACT PHONE:** 321-350-8153

**LAND ACQUISITION**  
Lucy Hamelers, Supervisor

APPROVE



DISAPPROVE

\_\_\_\_\_

DATE

10-5-23

**COUNTY ATTORNEY**  
Alexander Esseeesse  
Deputy County Attorney



\_\_\_\_\_

10/6/23

Prepared by and return to: Jean Kremltzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 25-36-33-50-B-2

#### UTILITY EASEMENT

**THIS INDENTURE**, made this 25TH day of SEPTEMBER, 2023, between Quattro VFL Ford, LLC, a Florida limited liability company, whose address is 1100 Jorie Boulevard, Suite 140, Oak Brook, Illinois 60523, 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 a sanitary sewer line, 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 33, Township 25 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:

Matthew Libord

Witness

Matthew Libord

Print Name

Grant Burrett

Witness

Grant Burrett

Print Name

Quattro VFL Ford, LLC, a Florida  
limited liability company

BY: Michael K. Liyeos

Name: Michael K. Liyeos

Title: Manager

(Corporate Seal)

STATE OF ILLINOIS  
COUNTY OF COOK

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 25th day of September, 2023, by Michael K. Liyeos, as Manager for Quattro VFL Ford, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.

Michael Haigh

Notary Signature

SEAL



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

Matthew Liburd

Print Name



Witness

Grant Barrett

Print Name

Quattro VFL Ford, LLC, a Florida limited liability company

BY: 

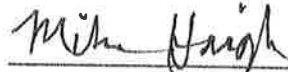
Name: Robert Walters

Title: Manager

(Corporate Seal)

STATE OF ILLINOIS  
COUNTY OF COOK

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 25<sup>th</sup> day of SEPTEMBER, 2023, by Robert Walters, as Manager for Quattro VFL Ford, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.



Notary Signature

SEAL



# LEGAL DESCRIPTION

PARCEL # 802

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEET 2 AND 3 OF 3

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 25--36--33--50--B-2

PURPOSE: UTILITY EASEMENT

## LEGAL DESCRIPTION: PARCEL 802 (PREPARED BY SURVEYOR)

A PORTION OF THAT PART OF LOT 2, BLOCK B, VIERA BOULEVARD COMMERCIAL CENTER III, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 44, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2755 (SAID POINT BEING ALONG THE SOUTH RIGHT-OF-WAY LINE OF HENNESSY PLACE, A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY ACCORDING TO THE PLAT OF THE VIERA BOULEVARD COMMERCIAL CENTER III, AS RECORDED IN PLAT BOOK 69, PAGE 44, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), THENCE RUNNING N89°43'28"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF HENNESSY PLACE A DISTANCE OF 101.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE N89°43'28"E ALONG THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF HENNESSY PLACE A DISTANCE OF 15.00 FEET;

THENCE S00°16'32"E A DISTANCE OF 20.00 FEET;

THENCE S89°43'28"W A DISTANCE OF 15.00 FEET;

THENCE N00°16'32"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.01 ACRES, 300.00 SQUARE FEET, MORE OR LESS.

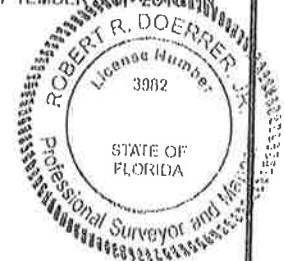
## SURVEYORS NOTES:

1. THE BEARING BASIS FOR THIS LEGAL DESCRIPTION AND SKETCH IS THE SOUTH RIGHT-OF-WAY LINE OF HENNESSY PLACE, ACCORDING TO VIERA BOULEVARD COMMERCIAL CENTER III IN PLAT BOOK 69, PAGE 44 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND AS SHOWN HEREON.
2. THIS IS A LEGAL DESCRIPTION AND SKETCH OF PARCEL 802, A UTILITY EASEMENT. THIS IS NOT A SURVEY.
3. NO OPINION OF TITLE IS EXPRESSED BY SURVEYOR THROUGH THIS LEGAL DESCRIPTION AND SKETCH.
4. THE LEGAL DESCRIPTION SHOWN HEREON IS AS FURNISHED AND SUBJECT TO EASEMENTS, RESTRICTIONS AND ALL OTHER MATTERS CONTAINED IN TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER: 11276588, DATED 07/17/2023 AT 5:00PM, AS SHOWN BELOW.

(1) DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS, EASEMENTS, RESERVATIONS AND RESTRICTIONS FOR CENTRAL VIERA COMMUNITY AND RECORDED ON JULY 25, 1994, IN OFFICIAL RECORDS BOOK 3409, PAGE 624, AND ALL AMENDMENTS THEREOF THROUGH THE TWENTY-THIRD AMENDMENT RECORDED ON JULY 12, 2023, IN OFFICIAL RECORDS BOOK 9835, PAGE 2504 AND TOGETHER WITH ANNEXATION AGREEMENT NUMBER ONE HUNDRED SIXTY-SIX RECORDED ON OCTOBER 6, 2022, IN OFFICIAL RECORDS BOOK 9628, PAGE 2740. BLANKET IN NATURE

(2) DECLARATION OF RESTRICTIONS RECORDED JULY 11, 2011, IN OFFICIAL RECORDS BOOK 6415, PAGE 1884. BLANKET IN NATURE

(3) 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 20, 2019, IN OFFICIAL RECORDS BOOK 8545, PAGE 418. BLANKET IN NATURE



PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

ROBERT R. DOERRER, JR.  
PROFESSIONAL LAND SURVEYOR #3982  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. LB 6360  
5445 MURRELL RD, UNIT 101, ROCKLEDGE, FLORIDA 32955  
E-MAIL: INFO@HORIZONSURVEYORS.COM PHONE : (321) 806-4171

DRAWN BY: ZC	CHECKED BY: HB	PROJECT NO. 6631	SECTION 33 TOWNSHIP 25 SOUTH RANGE 36 EAST	
DATE: 8-24-2023	DRAWING: 6633	REVISIONS	DATE	DESCRIPTION

# LEGAL DESCRIPTION

PARCEL # 802

PARENT PARCEL ID#: 25-36-33-50-B-2

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEET 1 AND 3 OF 3

THIS IS NOT A SURVEY

## SURVEYORS NOTES: (CONTINUED FROM SHEET 1)

(4) DECLARATION OF SHARED ACCESS DRIVEWAY EASEMENTS FOR BORROWS WEST RECORDED DECEMBER 29, 2020, IN OFFICIAL RECORDS BOOK 8965, PAGE 21, AS AFFECTED BY FIRST AMENDMENT AND ANNEXATION AGREEMENT # 1 RECORDED IN OFFICIAL RECORDS BOOK 9112 PAGE 510, SECOND AMENDMENT AND ANNEXATION #2 RECORDED IN OFFICIAL RECORDS BOOK 9246 PAGE 1174, THIRD AMENDMENT AND ANNEXATION AGREEMENT #3 RECORDED IN OFFICIAL RECORDS BOOK 9278 PAGE 2378; FOURTH AMENDMENT AND ANNEXATION AGREEMENT #4 RECORDED IN OFFICIAL RECORDS BOOK 9588 PAGE 1712, FIFTH AMENDMENT AND ANNEXATION AGREEMENT #5 RECORDED IN OFFICIAL RECORDS BOOK 9628 PAGE 2765. ADJOINS PARENT PARCEL.

(5) DECLARATION OF SHARED ACCESS DRIVEWAY EASEMENTS RECORDED AUGUST 17, 2022 IN OFFICIAL RECORDS BOOK 9588, PAGE 1724, AS AFFECTED BY AMENDMENT AND ANNEXATION TO DECLARATION OF SHARED ACCESS DRIVEWAY EASEMENTS FOR BORROWS WEST RECORDED OCTOBER 6, 2022 IN OFFICIAL RECORDS BOOK 9628 PAGE 2776. ADJOINS PARENT PARCEL.

(6) EASEMENTS AND RESTRICTIONS CONTAINED IN SPECIAL WARRANTY DEED RECORDED OCTOBERS, 2022, IN OFFICIAL RECORDS BOOK 9628, PAGE 2755. AFFECTS PARCEL 802.

(7) DECLARATION OF RESTRICTIONS FOR BORROWS WEST SITE #8-- NONRESIDENTIAL DISTRICT RECORDED OCTOBER 6, 2022, IN OFFICIAL RECORDS BOOK 9628, PAGE 2744. BLANKET IN NATURE.

(8) GENERAL OR SPECIAL TAXES AND ASSESSMENTS REQUIRED TO BE PAID FOR THE YEAR 2021. NOT A SURVEY MATTER.

## REFERENCES:

1. PLAT BOOK 69, PAGE 44 OF THE PUBLIC RECORDS OF BREVARD COUNTY
2. TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER: 11276588, DATED 07/17/2023 AT 5:00PM
3. DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS, EASEMENTS, RESERVATIONS AND RESTRICTIONS FOR CENTRAL VIERA COMMUNITY AND ALL AMENDMENTS THEREOF THROUGH TO THE TWENTY-THIRD AMENDMENT, BEGINNING WITH BREVARD COUNTY OFFICIAL RECORDS BOOK 3409, PAGE 624 AND ENDING WITH BREVARD COUNTY OFFICIAL RECORDS BOOK 9835, PAGE 2504
4. BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2755
5. BREVARD COUNTY OFFICIAL RECORDS BOOK 6415, PAGE 1884
6. BREVARD COUNTY OFFICIAL RECORDS BOOK 8545, PAGE 418
7. BREVARD COUNTY OFFICIAL RECORDS BOOK 8965, PAGE 21
8. BREVARD COUNTY OFFICIAL RECORDS BOOK 9112, PAGE 510
9. BREVARD COUNTY OFFICIAL RECORDS BOOK 9246, PAGE 1174
10. BREVARD COUNTY OFFICIAL RECORDS BOOK 9278, PAGE 2378
11. BREVARD COUNTY OFFICIAL RECORDS BOOK 9588, PAGE 1712
12. BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2765
13. BREVARD COUNTY OFFICIAL RECORDS BOOK 9588, PAGE 1724
14. BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2776
15. BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2755
16. BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2744
17. BREVARD COUNTY OFFICIAL RECORDS BOOK 9628, PAGE 2740

PREPARED FOR:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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DATE: 8-24-2023	DRAWING: 6633	REVISIONS	
		DATE	
		DESCRIPTION	



# SKETCH OF DESCRIPTION

**PARCEL # 802**

PARENT PARCEL ID#: 25-36--33-50-B-2  
PURPOSE: UTILITY EASEMENT

**EXHIBIT "A"**

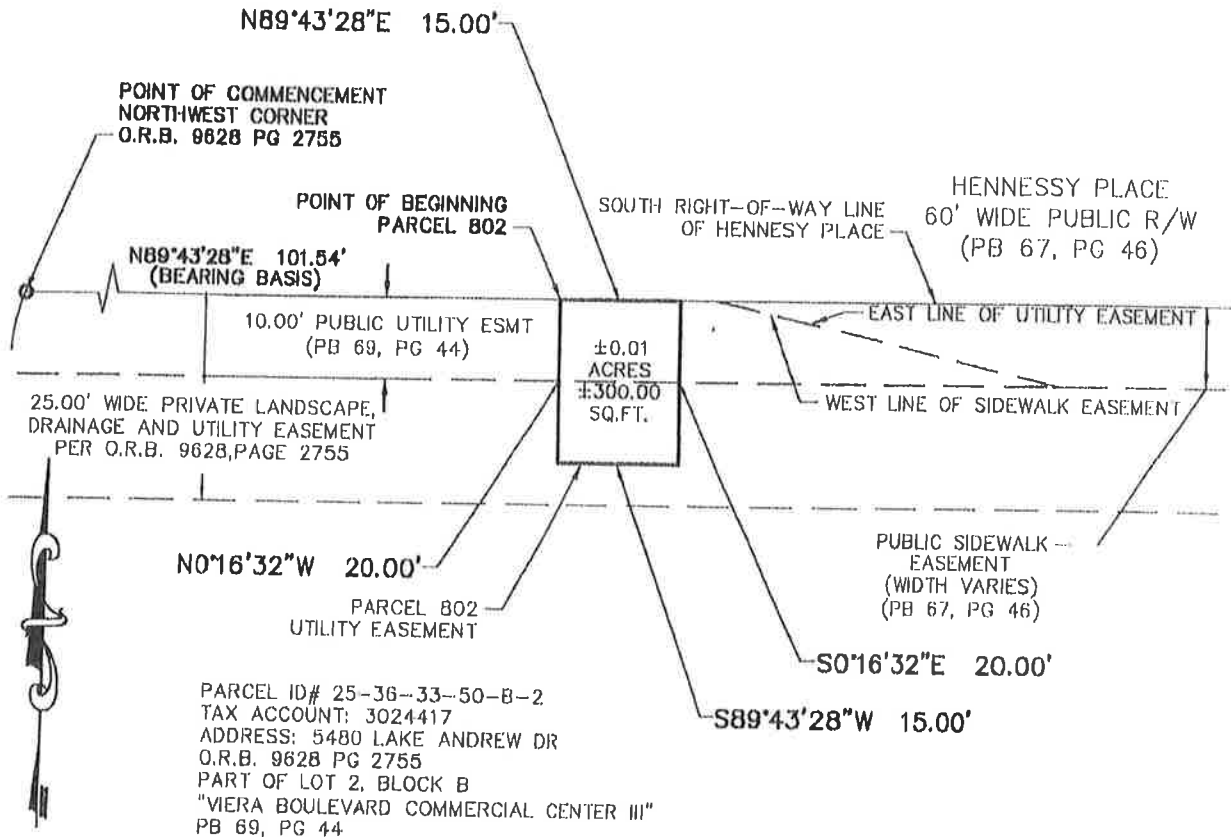
SHEET 3 OF 3

NOT VALID WITHOUT SHEET 1 AND 2 OF 3

THIS IS NOT A SURVEY

## LEGEND OF ABBREVIATIONS

CD	=	CHORD BEARING
CH	=	CHORD
D	=	DELTA (CENTRAL ANGLE)
L	=	LENGTH OF ARC
O.R.B.	=	OFFICIAL RECORDS BOOK
PB	=	PLAT BOOK
PG	=	PAGE
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
R	=	RADIUS
R/W	=	RIGHT OF WAY
SQ. FT.	=	SQUARE FEET



PREPARED BY:

HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. LB 6360  
5445 MURRELL RD, UNIT 101, ROCKLEDGE, FLORIDA 32955  
E-MAIL: INFO@HORIZONSURVEYORS.COM PHONE : (321) 806-4171

SCALE:

1" = 20'

PROJECT NO.:

6633

SECTION 33

TOWNSHIP 25 SOUTH  
RANGE 36 EAST

## LOCATION MAP

**Section 33, Township 25 South, Range 36 East - District: 4**

**PROPERTY LOCATION:** West of Lake Andrew Drive, east of Lorkey Lane and south of Hennessy Place in Viera.

**OWNERS NAME(S):** Quattro VFL Ford, LLC

