



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.9.

10/25/2022

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### **Subject:**

Approval, Re: Utility Easements from Vaquero Mims Partners, LP, for O'Reilly Auto Parts - District 1.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition / Utility Department

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the attached Utility Easements.

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

The subject property is located in Section 17, Township 21 South, Range 35 East, east side of U.S. 1 just north of East Main Street in Mims.

Vaquero Mims Partners, LP, owner, has submitted site plan number 20SP00017 for review and approval by the County for the development of an auto parts store known as O'Reilly Auto Parts. In accordance with County code and standards, the owner has agreed to dedicate the attached utility easements 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:**

## BOARD OF COUNTY COMMISSIONERS

### AGENDA REVIEW SHEET

AGENDA: Utility Easements from Vaquero Mims Partners, LP, for O'Reilly Auto Parts  
– District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

|  | APPROVE  | DISAPPROVE                  | DATE             |
|--|--|-----------------------------|------------------|
| LAND ACQUISITION<br>Lucy Hamelers, Supervisor                      | <u></u> | <u>                    </u> | <u>9-26-2022</u> |
| COUNTY ATTORNEY<br>Christine Schverak<br>Assistant County Attorney | <u>cms</u>   | <u>                    </u> | <u>9/27/2022</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

October 26, 2022

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

**TO:** Marc Bernath, Public Works Director    Attn: Andrew Malach

**RE:** Item F.9., Utility Easements from Vaquero Mims Partners, LP, for O'Reilly Auto Parts

The Board of County Commissioners, in regular session on October 25, 2022, approved and accepted utility easements from Vaquero Mims Partners, LP, for O'Reilly Auto Parts.

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

Prepared by and return to: Andrew Malach  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 21-35-17-00-324

#### UTILITY EASEMENTS

**THIS INDENTURE**, made this 15 day of September 2022, between Vaquero Mims Partners, LP, a Texas limited partnership, whose address is 2627 Tillar Street, Suite 131, Fort Worth, Texas 76107 (hereinafter called "**Vaquero**"), and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, (hereinafter called "**Brevard County**"), for the use and benefit of Brevard County, Florida.

**WITNESSETH** that Vaquero, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto Brevard County, its successors and assigns, perpetual non-exclusive easements commencing on the above date for the purposes of operating, reconstructing, reconfiguring, and maintaining public water utilities and associated facilities and other allied uses pertaining thereto (the "**Utility Easements**") over, under, upon, above, and through the following lands.

The lands affected by the granting of the Utility Easements are located in Section 17, Township 21 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

#### **SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A" AND "EXHIBIT B"**

Including the right of reasonable ingress and egress within the Utility Easements as may be necessary for the full use and enjoyment by Brevard County of the Utility Easements, provided, Brevard County shall have a right to go or travel upon, over or across the parent parcel Brevard County Property Appraiser Parcel Identification Number 21-35-17-00-324 to reach the Utility Easements from State Highway U.S. 1 without blocking the public's access to Vaquero's facilities. Nothing contained herein shall grant or be construed as granting to Brevard County the right to use the Utility Easements for any purpose other than for the purposes herein specified or to change the dimensions or location of the Utility Easements.

Vaquero, and its successors and assigns, shall have full use and enjoyment of the Utility Easements but shall not make any improvements within the Utility Easements which will unreasonably conflict or interfere with the easement granted herein. Vaquero may place pavement, landscaping, irrigation and irrigation appurtenances, and/or drainage and detention facilities (hereinafter collectively the "Improvements") over or within the Utility Easements that do not unreasonably conflict or interfere with this easement. In the event that County finds it necessary to disturb the Improvements, County shall restore said Improvements in the same or similar conditions prior to the disturbance.

**TO HAVE AND TO HOLD** said Utility Easements unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. Vaquero does covenant with the Brevard County 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, Vaquero, by its duly authorized representative, has caused these Utility Easements to be executed, the day and year first above written,

Signed, sealed and delivered in the presence of:

Vaquero:

VAQUERO MIMS PARTNERS, LP,  
a Texas limited partnership

By: VAQUERO VENTURES  
MANAGEMENT, LLC, General Partner

By: W.A. Landreth III  
W.A. Landreth III, Manager

2627 Tillar Street, Suite 131  
Fort Worth, TX 76107

WITNESSED BY:

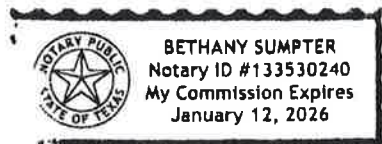
Joseph Best  
Name: Joseph Best

AJ Wright  
Name: AJ Wright

STATE OF TEXAS )

COUNTY OF TARRANT )

This instrument was acknowledged before me on the 15 day of September, 2022 by W.A. Landreth III, Manager of Vaquero Ventures Management, LLC, General Partner of Vaquero Mims Partners, LP, a Texas limited partnership, on behalf of such limited partnership, who is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.



Bethany Sumpter  
Notary Public, State of Texas

# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 21-35-17-00-324

PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL #800 - 10' UTILITY EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9170, PAGE 1854 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF EAST MAIN STREET (60 FOOT RIGHT OF WAY) AND THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (100 FOOT RIGHT OF WAY); THENCE NORTH 22°44'13" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 629.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 22°44'13" WEST ALONG SAID EAST RIGHT OF WAY LINE 47.30 FEET TO THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9170, PAGE 1854 OF SAID PUBLIC RECORDS; THENCE NORTH 66°18'21" EAST ALONG SAID NORTH LINE FOR 10.00 FEET; THENCE SOUTH 22°44'13" EAST 47.47 FEET; THENCE SOUTH 67°15'47" WEST 10.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT LYING AND BEING IN BREVARD COUNTY, FLORIDA, AND CONTAINING 474 SQUARE FEET (0.0109 ACRES), MORE OR LESS.

### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE EAST LINE OF U.S. HIGHWAY NO. 1 BEING N22°44'13"W.
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER BREVARD COUNTY RECORDS.
5. THIS DESCRIPTION AND SKETCH WAS PREPARED WITH BENEFIT OF A COMMITMENT FOR TITLE INSURANCE, FILE NUMBER: 201541N-A PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT DATE: JULY 28, 2022. THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B-11 OF SAID COMMITMENT.  
ITEMS 1, 2, 3, 4, 5, & 6: ARE NOT SURVEY MATTERS AND ARE NOT ADDRESSED HEREIN.  
ITEM 7: RECIPROCAL EASEMENT AGREEMENT IN O.R.B. 5762, PAGE 2346 AFFECTS PARCEL 800 AND IS A BLANKET EASEMENT (NOT PLOTTABLE).  
ITEM 8: IRREVOCABLE INSPECTION LICENSE IN O.R.B. 6120, PAGE 215 AFFECTS PARCEL 800 (BLANKET EASEMENT). THE DRIVEWAY EASEMENT CONTAINED THEREIN IS DEPICTED HEREON.  
ITEM 9: RECIPROCAL EASEMENT AGREEMENT IN O.R.B. 6422, PAGE 1964, AS AMENDED IN O.R.B. 6523, PAGE 1737, AND O.R.B. 9402, PAGE 464, AFFECTS PARCEL 800 AS DEPICTED HEREON.  
ITEM 10: DRAINAGE PIPE EASEMENT IN O.R.B. 6422, PAGE 1987 AFFECTS PARCEL 800 AS DEPICTED HEREON.  
ITEM 11: RESTRICTIVE USE COVENANT IN O.R.B. 6432, PAGE 2437 AFFECTS PARCEL 800 AND IS A BLANKET EASEMENT (NOT PLOTTABLE).  
ITEM 12: RECIPROCAL ACCESS EASEMENT AGREEMENT IN O.R.B. 9170, PAGE 1836 AFFECTS PARCEL 800 AS DEPICTED HEREON.  
ITEM 13: GRADING EASEMENT AGREEMENT IN O.R.B. 9170, PAGE 1883 DOES NOT AFFECT PARCEL 800.  
ITEM 14: FLORIDA, POWER & LIGHT EASEMENT IN O.R.B. 9539, PAGE 2822. DOES NOT AFFECT THE PARCEL 800 AS DEPICTED HEREON.
6. THIS DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

John F Pulice

Digitally signed by John F Pulice  
Date: 2022.08.05 09:28:17 -04'00'

### PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

JOHN F. PULICE, PSM LS2691  
BETH BURNS, PSM LS6136  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: PULICE LAND SURVEYORS, INC.  
5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351  
PHONE: (954) 572-1777

DRAWN BY: DCW/B.B.

CHECKED BY: JFP

PROJECT NO. 69715A; 69970A

REVISIONS

DATE

DESCRIPTION

5/23/22

UPDATED COMMITMENT & NOTES

7/18/22

REVISIONS PER COUNTY REVIEW

8/4/2022

REVISIONS PER TITLE COMMITMENT

DATE: 3/17/22

DRAWING: N/A

SECTION 17  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

# SKETCH OF DESCRIPTION

## PARCEL #800

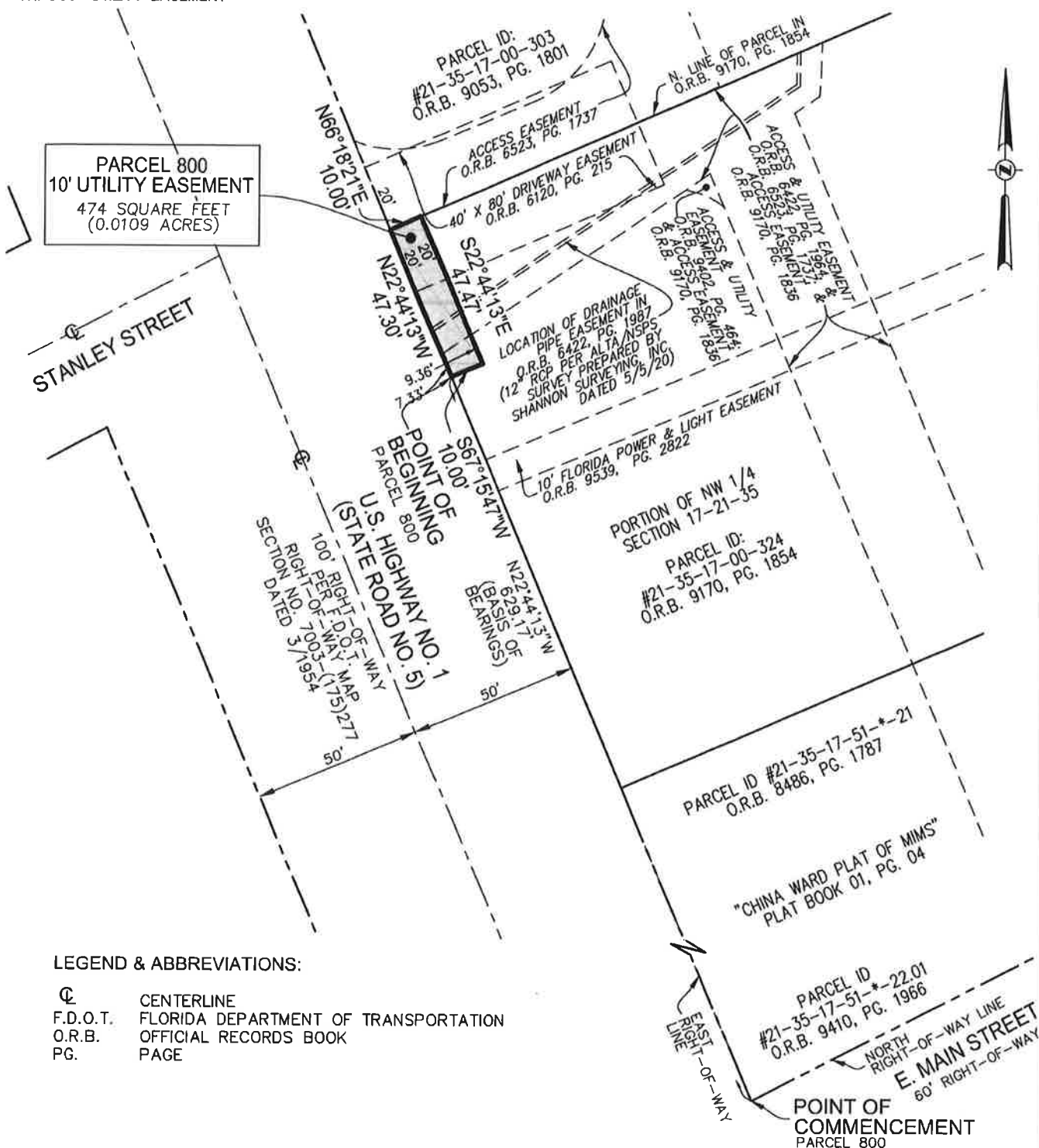
PARENT PARCEL ID#: 21-35-17-00-324  
PURPOSE: UTILITY EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY:

PULICE LAND SURVEYORS, INC.  
5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351  
PHONE: (954) 572-1777

SCALE:

1"=40'

PROJECT NO.:

69715A; 69970A

SECTION 17

TOWNSHIP 21 SOUTH  
RANGE 35 EAST

# LEGAL DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 21-35-17-00-324

PURPOSE: UTILITY EASEMENT

## EXHIBIT "B"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

**THIS IS NOT A SURVEY**

### LEGAL DESCRIPTION: PARCEL #801 - 10' UTILITY EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9170, PAGE 1854 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF EAST MAIN STREET (60 FOOT RIGHT OF WAY) AND THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (100 FOOT RIGHT OF WAY); THENCE NORTH 22°44'13" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 506.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 22°44'13" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR 10.00 FEET; THENCE NORTH 67°15'47" EAST 7.74 FEET; THENCE SOUTH 22°44'13" EAST 10.00 FEET; THENCE SOUTH 67°15'47" WEST 7.74 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT LYING AND BEING IN BREVARD COUNTY, FLORIDA, AND CONTAINING 77 SQUARE FEET (0.0018 ACRES), MORE OR LESS.

### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE EAST LINE OF U.S. HIGHWAY NO. 1 BEING N22°44'13"W.
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER BREVARD COUNTY RECORDS.
5. THIS DESCRIPTION AND SKETCH WAS PREPARED WITH BENEFIT OF A COMMITMENT FOR TITLE INSURANCE, FILE NUMBER: 201541N-A PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT DATE: JULY 28, 2022. THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B-11 OF SAID COMMITMENT.  
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ITEM 9: RECIPROCAL EASEMENT AGREEMENT IN O.R.B. 6422, PAGE 1964, AS AMENDED IN O.R.B. 6523, PAGE 1737, AND O.R.B. 9402, PAGE 464, DOES NOT AFFECT PARCEL 801.  
ITEM 10: DRAINAGE PIPE EASEMENT IN O.R.B. 6422, PAGE 1987 DOES NOT AFFECT PARCEL 801 (AS DEPICTED HEREON).  
ITEM 11: RESTRICTIVE USE COVENANT IN O.R.B. 6432, PAGE 2437 AFFECTS PARCEL 801 AND IS A BLANKET EASEMENT (NOT PLOTTABLE).  
ITEM 12: RECIPROCAL ACCESS EASEMENT AGREEMENT IN O.R.B. 9170, PAGE 1836 DOES NOT AFFECT PARCEL 801 (AS DEPICTED HEREON).  
ITEM 13: GRADING EASEMENT AGREEMENT IN O.R.B. 9170, PAGE 1883 DOES NOT APPLY TO THIS SITE.  
ITEM 14: FLORIDA, POWER & LIGHT EASEMENT IN O.R.B. 9539, PAGE 2822. DOES NOT AFFECT THE PARCEL 801 AS DEPICTED HEREON.
6. THIS DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 6J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Digitally signed by John F Pulice  
Date: 2022.08.05 09:29:35  
-04'00'

### PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

JOHN F. PULICE, PSM LS2691  
BETH BURNS, PSM LS6136  
PROFESSIONAL SURVEYOR & MAPPER  
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PHONE: (954) 572-1777

DRAWN BY: DCW/B.B.

CHECKED BY: JFP

PROJECT NO. 69715B; 69970B

REVISIONS

| DATE     | DESCRIPTION                    |
|----------|--------------------------------|
| 5/23/22  | UPDATED COMMITMENT & NOTES     |
| 7/18/22  | REVISIONS PER COUNTY REVIEW    |
| 8/4/2022 | REVISIONS PER TITLE COMMITMENT |

SECTION 17

TOWNSHIP 21 SOUTH

RANGE 35 EAST

DATE: 3/17/22

DRAWING: N/A



# SKETCH OF DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 21-35-17-00-324

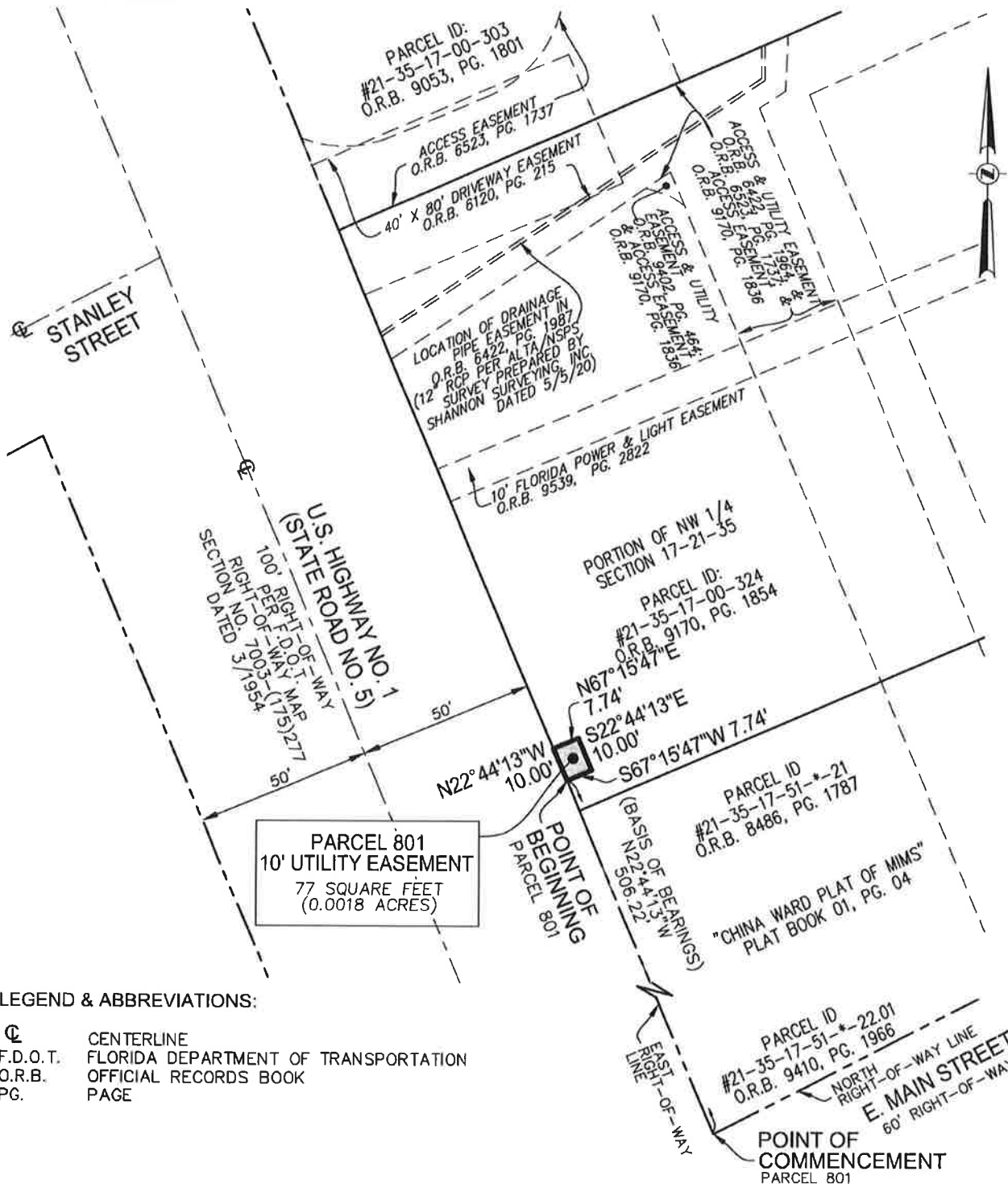
PURPOSE: UTILITY EASEMENT

## EXHIBIT "B"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



### LEGEND & ABBREVIATIONS:

CL CENTERLINE  
F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION  
O.R.B. OFFICIAL RECORDS BOOK  
PG. PAGE

PREPARED BY: PULICE LAND SURVEYORS, INC.  
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PHONE: (954) 572-1777

SCALE:  
1"=40'  
PROJECT NO.:  
69715B; 69970B

SECTION 17  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

## LOCATION MAP

**Section 17, Township 21 South, Range 35 East - District: 1**

PROPERTY LOCATION: The east side of U.S. 1 just north of East Main Street in Mims

OWNERS NAME: Vaquero Mims Partners, LP

