



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.14.

11/14/2023

Subject:

Approval, Re: Dedication of Drainage Easement from Yardco Cocoa Holdings, LLC for the Yardco Cocoa Holdings, LLC Project - District 1.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners accept the attached Drainage Easement.

Summary Explanation and Background:

The subject property is located in Section 26, Township 24 South, Range 35 East, north of State Road 520/West King Street, east of I-95, and west of Cox Road in Cocoa.

Yardco Cocoa Holdings, LLC, owner, has submitted Right of Way/Easement permit number 23RW00516 for review and approval by the County for driveway repair. Upon review of the site plan, the Public Works Department Engineering Division determined a drainage easement was needed for access to maintain the ditch along Cox Road. In accordance with County code and standards, the owner has agreed to dedicate the attached drainage easement required as a condition of the right of way permit.

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

November 15, 2023

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.14., Approval for Dedication of Drainage Easement from Yardco Cocoa Holdings, LLC for the Yardco Cocoa Holdings, LLC Project

The Board of County Commissioners, in regular session on November 14, 2023, approved acceptance of the drainage easement from Yardco Cocoa Holdings, LLC for the Yardco Cocoa Holdings, LLC 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

cc: Land Acquisition

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Drainage Easement from Yardco Cocoa Holdings, LLC for the Yardco Cocoa Holdings, LLC Project – District 1

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Jean Kremitzki, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	_____
COUNTY ATTORNEY ALEXANDER ESSEESSE Deputy County Attorney	 _____	_____	<u>10/26/23</u>

Prepared by and return to: Jean Kremitzki
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 24-35-26-00-767

DRAINAGE EASEMENT

THIS INDENTURE, made this 23 day of OCTOBER, 2023, between Yardco Cocoa Holdings, LLC, whose address is 17105 East Colonial Drive, Orlando, Florida 32820, 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 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 26, Township 24 South, Range 35 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:

Karen M. Brown
Witness KAREN M. BROWN

Print Name

Sharon B. Abner
Witness SHARON B. ABNER

Print Name

Yardco Cocoa Holdings, LLC, a
Florida limited liability company

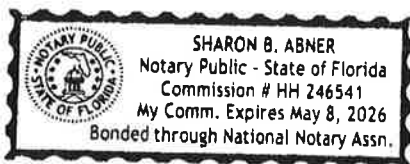
By: Yardco Holdings, LLC, a
Florida limited liability company,
Manager

By: Deryck Harmer
Deryck Harmer, Manager

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 23rd day of October, 2023, by Deryck Harmer, as Manager of Yardco Holdings, LLC, a Florida limited liability company, as Manager of Yardco Cocoa Holdings, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



Sharon B. Abner
Notary Signature
SEAL SHARON B. ABNER

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:

Karen M. Brown

Witness KAREN M. BROWN

Print Name

Sharon B. Abner

Witness

SHARON B. ABNER

Print Name

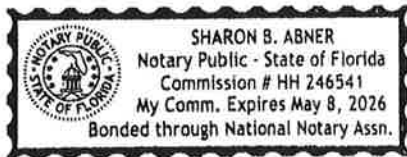
Yardco Cocoa Holdings, LLC, a
Florida limited liability company

By: Yardco Holdings, LLC, a
Florida limited liability company,
Manager

By: Joel Alwinson
Joel Alwinson, Manager
(Corporate Seal)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 23rd day of October, 2023, by Joel Alwinson, as Manager of Yardco Holdings, LLC, a Florida limited liability company, as Manager of Yardco Cocoa Holdings, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



Sharon B. Abner

Notary Signature

SEAL SHARON B. ABNER

LEGAL DESCRIPTION

PARCEL # 800

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 24-35-26-00-767

PURPOSE: Drainage Easement

LEGAL DESCRIPTION: PARCEL # 800 (PREPARED BY: Wm. David McCrary, JR., P.S.M.)

A portion of a parcel of land as described in Official Records Book 9815, Page 671 of the Public Records of Brevard County, Florida, Located in Section 26, Township 24 South, Range 35 East, Brevard County, Florida. Said parcel being more particularly described as follows:

COMMENCE at the East 1/4 corner of said Section 26; thence South 00° 14' 13" West along the East line of the northeast 1/4 of the southeast 1/4 of said Section 26 a distance of 926.01 feet; thence leaving said East line, run South 89° 47' 52" West, 45.00 feet to a point on the West right of way line of Cox Road per Official Records Book 596, Page 452, being the POINT OF BEGINNING; thence South 00° 14' 13" West along the West right of way line of said Cox Road 400.01 feet to a point on the South line of lands described in said Official Records Book 9815, Page 671; thence leaving said West right of way line, run South 89° 47' 52" West along said South line 7.00 feet to a point on a line that is 7.00 feet West of and parallel to the West right of way line of said Cox Road; thence leaving said South line, run North 00° 14' 13" East along said parallel line 400.01 feet to a point on the North line of lands described in said Official Records Book 9815, Page 671; thence leaving said parallel line, run North 89° 47' 52" East along said North line 7.00 feet to the POINT OF BEGINNING.

Said parcel contains 0.06 acres or 2800.00 square feet, more or less.

SURVEYORS NOTES:

1. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER LISTED BELOW.
3. THE LAND DESCRIPTION HEREON WAS WRITTEN BY THIS SURVEYOR AT THE DIRECTION OF THE CLIENT.
4. UNLESS OTHERWISE NOTED, ALL RECORD INFORMATION SHOWN HEREON IS BASED SOLELY ON INFORMATION CONTAINED IN THIS TITLE COMMITMENT, COMMITMENT NUMBER: 6040000231, ISSUED BY AGENTS NATIONAL TITLE INSURANCE COMPANY, WITH A COMMITMENT DATE OF JULY 16, 2023 AT 12:09PM AND WAS PROVIDED BY THE CLIENT. THERE ARE NO ENCUMBRANCES LISTED IN THE SCHEDULE BII THAT AFFECT THE PORTION OF PROPERTY AS SHOWN ON THE SKETCH OF SHEET 2.
5. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, THAT BEARING BEING S 00°14'13" W (ASSUMED NORTH).

SCHEDULE B SECTION II EXCEPTIONS:

2. Easement granted to Florida Power & Light Company as recorded in Book 2403, Page 2856. (as to Parcel 1) (DOES NOT AFFECT DRAINAGE EASEMENT)
3. Restrictions, reservations, covenants and conditions pursuant to that certain instrument recorded in Book 7613, Page 202. (as to Parcels 1 and 2) (NOT A SURVEY MATTER)
4. Ordinance 15-2019 as recorded in Book 8614, Page 2555. (as to Parcels 1 and 2) (NOT A SURVEY MATTER)

CERTIFICATION

I HEREBY STATE THAT THIS SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR FLORIDA SURVEYORS AND MAPPERS, AS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND BREVARD COUNTY PUBLIC WORKS FINANCE AND CONTRACTS ADMINISTRATION CHECKLIST, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.



PREPARED FOR AND CERTIFIED TO:

The Brevard County Board of County Commissioners.

Oct 18 / 2023
SURVEYOR, Wm. David McCrary, JR., P.S.M.
FLORIDA LICENSE NO. 4883
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: Vanasse Hangen Brustlin, Inc. - Landmark Center Two
225 E. Robinson Street, Suite 300
Orlando, Florida 32801 - Licensed Business LB 7153

DRAWN BY: CAP	CHECKED BY: WDM	PROJECT NO. 64414.00			SECTION 26 TOWNSHIP 24 SOUTH RANGE 35 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 09/11/2023	DRAWING: 64414.00 Sk&Desc 7Ft DE.dwg				

SKETCH OF DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 24-35-26-00-767

PURPOSE: Drainage Easement

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

NORTH LINE OF THE NORTHEAST 1/4 OF
THE SOUTHEAST 1/4 OF SECTION 26,
TOWNSHIP 24 SOUTH, RANGE 35 EAST

UNPLATTED
OWNERS: A BETTER WAREHOUSE & STORAGE LLC
ACCOUNT: 2408019
PARCEL IDENTIFICATION: 24-35-26-00-750
OFFICIAL RECORDS BOOK 4692, PAGE 1626

UNPLATTED
OWNERS: LEGACY PROPERTIES LLC
ACCOUNT: 2408045
PARCEL IDENTIFICATION: 24-35-26-00-770
OFFICIAL RECORDS BOOK 9793, PAGE 290

NORTH LINE OF LANDS DESCRIBED IN
OFFICIAL RECORDS BOOK 9815, PAGE 671

UNPLATTED
OWNERS: YARDCO COCOA HOLDINGS LLC
ACCOUNT: 2408043
PARCEL IDENTIFICATION: 24-35-26-00-767
OFFICIAL RECORDS BOOK 9815, PAGE 671

PARCEL 800
DRAINAGE EASEMENT 0.06 ACRES OR
2,800.00 SQUARE FEET, MORE OR LESS

Parcel Line Data		
NUMBER	BEARING	DISTANCE
L1	S 89°47'52" W	45.00'
L2	S 89°47'52" W	7.00'
L3	N 89°47'52" E	7.00'

SOUTH LINE OF LANDS DESCRIBED IN
OFFICIAL RECORDS BOOK 9815, PAGE 671

PARALLEL LINE WITH WEST RIGHT OF WAY

N 00°14'13" E 400.01'

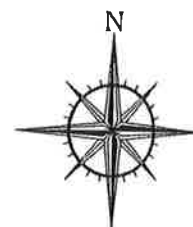
S 00°14'13" W 400.01'

WEST RIGHT OF WAY LINE
COX ROAD (A PUBLIC 80.00' RIGHT OF WAY)

OFFICIAL RECORDS BOOK 596, PAGE 452

POINT OF COMMENCEMENT
OF PARCEL 800
EAST 1/4 CORNER OF SECTION 26,
TOWNSHIP 24 SOUTH, RANGE 35 EAST
CERTIFIED CORNER RECORD #0062322
HELD VALUES

POINT OF BEGINNING
OF PARCEL 800



0 50 100

1 : 100 U.S. SURVEY FEET

LEGEND

R/W RIGHT OF WAY

THE SOUTHEAST CORNER OF THE
NORTHEAST 1/4 OF THE SOUTHEAST
1/4 OF SECTION 26, TOWNSHIP 24
SOUTH, RANGE 35 EAST

PREPARED BY:
Vanasse Hangen Brustlin, Inc.
Landmark Center Two
225 E. Robinson Street, Suite 300
- Orlando, Florida 32801 Licensed Business LB 7153

SCALE:
1" = 100'
PROJECT NO.:
64414.00

SECTION 26
TOWNSHIP 24 SOUTH
RANGE 35 EAST

LOCATION MAP

Section 26, Township 24 South, Range 35 East - District: 1

PROPERTY LOCATION: North of State Road 520/West King Street, east of I 95, and west of Cox Road in Cocoa.

OWNERS NAME(S): Yardco Cocoa Holdings, LLC

