



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

---

F.2.

4/6/2021

---

### **Subject:**

Approval Re: Donation of Sidewalk Easement from ECA Care Inc. for the US 1 Sidewalk Replacement Project at Melaleuca Road in 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 Easement.

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

The subject property is located in Section 31, Township 23 South, Range 36 East, south of Camp Road, east of Fern Drive along the west side of US1 in Cocoa.

Public Works Department has a sidewalk reconstruction project that consists of replacing a 4-foot sidewalk in disrepair with a 5-foot sidewalk. The project limits run north from Melaleuca Road approximately 600 feet. The parcel owner has agreed to donate the necessary easement for the project.

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:** Donation of Sidewalk Easement from ECA Care, Inc. for the US 1  
Sidewalk Replacement Project at Melaleuca Road in Cocoa – District 1.

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

**AGENCY CONTACT:** Lisa Kruse, Land Acquisition Specialist

**CONTACT PHONE:** 321-350-8353

	APPROVE	DISAPPROVE	DATE
<b>LAND ACQUISITION</b> Lucy Hamelers, Supervisor		_____	<u>3-8-2021</u>
<b>COUNTY ATTORNEY</b> Christine Schverak Assistant County Attorney		_____	<u>3-9-2021</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

April 7, 2021

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

**TO:** Marc Bernath, Public Works Director

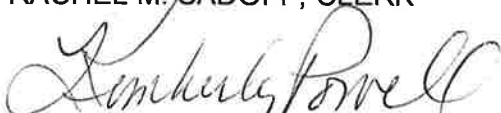
**RE:** Item F.2., Approval for Donation of Sidewalk Easement from ECA Care Inc. for the US 1 Sidewalk Replacement Project at Melaleuca Road in Cocoa

The Board of County Commissioners, in regular session on April 6, 2021, approved and accepted the Sidewalk Easement from ECA Care Inc. for the US 1 Sidewalk Replacement Project at Melaleuca Road in Cocoa

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

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: 23-36-31-00-250.1

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 2<sup>nd</sup> day of March, 2021, between ECA Care, Inc., a Florida corporation, whose address is 6101 Crill Avenue, Palatka, Florida 32177, 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 sidewalk easement commencing on the above date for the purposes of operating, constructing, reconstructing, reconfiguring, and maintaining the sidewalk, 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 31, Township 23 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:

Marylin Folch  
Witness  
Marylin Folch  
Print Name

Ira Cohen  
Witness  
Ira Cohen  
Print Name

ECA Care, Inc., a  
Florida corporation

Jerry Jacobson  
Jerry Jacobson  
President

STATE OF FLORIDA  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 2<sup>nd</sup> day of MARCH, 2021, by Jerry Jacobson as President for ECA Care, Inc., a Florida corporation. Is personally known or produced FC DJAZ 43662370 as identification.

Marylin Folch  
Notary Signature  
SEAL



Board Meeting Date: \_\_\_\_\_  
Agenda Item # \_\_\_\_\_

# LEGAL DESCRIPTION

PARCEL 806

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-250.1

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "B"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 806, SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5703, PAGE 8995 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING LOCATED WITHIN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS THE WEST 1.00 FOOT OF THE EAST 5.00 FEET, AS MEASURED PERPENDICULARLY, OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5703, PAGE 8995, CONTAINING 200 SQUARE FEET, MORE OR LESS.

UNLESS OTHERWISE INDICATED, ALL PUBLIC RECORDS REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THE ABOVE DESCRIBED LANDS IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

## SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREIN.
2. BEARINGS SHOWN HEREON ARE SPECIFICALLY BASED ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.5 AS BEING NORTH 00° 22' 34" EAST AS DETERMINED BY THEIR COORDINATE VALUES PER SAID FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE 0901.3.

## 3. REFERENCE MATERIAL:

A. TITLE REPORT BY NEW REVELATIONS, INC., BY CRAIG KARLSON, FILE NUMBER 20-1155-E, TAX ACCOUNT NUMBER 2317680, EFFECTIVE DATE 4/12/2020. EASEMENTS WERE LISTED PER SAID TITLE REPORT:

- i. SIDEWALK EASEMENT PER OFFICIAL RECORDS BOOK 908, PAGE 172 AS SHOWN HEREON.



*[Signature]*

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

MICHAEL J. SWEENEY, PSM 4870  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220, VIERA, FLORIDA 32940  
PHONE: (321) 633-2080



DRAWN BY: R. HENNING

CHECKED BY: M. J. SWEENEY

DRAWING NO.:

233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

REVISIONS

DATE

DESCRIPTION

SECTION 31

TOWNSHIP 23 SOUTH

RANGE 36 EAST

DATE: 2/09/2021

SHEET: 1 OF 2

# SKETCH OF DESCRIPTION

PARCEL 806

SECTION 31, TOWNSHIP 23 SOUTH, RANGE 36 EAST

PARENT PARCEL ID NO.: 23-36-31-00-250.1

PURPOSE: SIDEWALK EASEMENT



SCALE: 1"=30'

## ABBREVIATIONS

A.K.A. = ALSO KNOWN AS  
B.O.B. = BASIS OF BEARING  
ID = IDENTIFICATION  
N/F = NOW OR FORMERLY  
ORB = OFFICIAL RECORD BOOK  
PB = PLAT BOOK  
PG = PAGE  
R/W = RIGHT OF WAY  
SQ.FT. = SQUARE FEET

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

OWNER N/F:  
HEMMERLE, RANDOLPH H  
TAX PARCEL ID:  
23-36-31-00-262  
ORB 2507, PAGE 2793

NORTH LINE OF ORB 5703, PG 8995  
SOUTH LINE OF ORB 2507, PG 2793

PARCEL 806  
W 1.00' OF THE E 5.00' OF  
ORB 5703, PAGE 8995  
SIDEWALK EASEMENT  
200 SQ. FT.±

OWNER N/F:  
ECA CARE INC  
TAX PARCEL ID:  
23-36-31-00-250.1  
ORB 5703, PAGE 8995

NORTH LINE OF ORB 5439, PG 993  
SOUTH LINE OF ORB 5703, PG 8995

OWNER N/F:  
BAD LANDS LLC  
TAX PARCEL ID:  
23-36-31-00-251  
PORTION OF ORB 5439, PAGE 993  
(FIRST DESCRIPTION)

S89°59'43"E  
1.00'

W RIGHT  
OF WAY  
LINE

N00°22'34"E  
(B.O.B.)

S0°22'34"W  
200.00'

N0°22'34"E  
200.00'

EXISTING 4'  
SIDEWALK  
EASEMENT PER  
ORB 908,  
PAGE 172

W LINE OF ORB  
908, PAGE 172

S89°57'05"W  
4.00'

S89°57'05"W  
1.00'

= DENOTES PARCEL 806  
SIDEWALK EASEMENT

STATE ROAD NO. 5

(SECTION 7002-177)

A.K.A. U.S. HIGHWAY NO. 1

(143' RIGHT OF WAY WIDTH)



PREPARED BY: BREVARD COUNTY PUBLIC WORKS  
SURVEYING AND MAPPING DIVISION  
ADDRESS: 2725 JUDGE FRAN JAMIESON WAY, SUITE A220,  
VIERA, FLORIDA 32940  
PHONE: (321) 633-2080

SCALE:

1"=30'

DRAWING NO.:

233631\_SK\_2003058\_US1-CAMP-MELALEUCA.dwg

SECTION 31  
TOWNSHIP 23 SOUTH  
RANGE 36 EAST

## LOCATION MAP

### Section 31, Township 23 South, Range 36 East - District 1

PROPERTY LOCATION: South of Camp Road, east of Fern Drive along the west side of US 1

OWNERS NAME: ECA CARE INC.

