



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.14.

10/11/2022

Subject:

Approval, Re: Sidewalk Easement from Concept Real Property Holdings, LLLP, for a Commercial Retail Store - 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 13, Township 23 South, Range 35 East, west of US Highway 1, south of Kings Highway in Port St John.

Concept Real Property Holdings, LLLP, owner, has submitted site plan number 20SP00031 for review and approval by the County for the development of a commercial retail store. As a condition of site plan approval, the Public Works Department requires the owner to construct a sidewalk along the County owned and maintained right of way of Osceola Avenue. The sidewalk will be constructed as part of the completed project with the County assuming future maintenance responsibilities for the sidewalk as outlined in the attached easement. In accordance with County code and standards, the owner has agreed to dedicate the attached Sidewalk Easement 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: Sidewalk Easement from Concept Real Property Holdings, LLLP, for a Commercial Retail Store – 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 Lucy Hamelers, Supervisor	 _____	_____	<u>9-14-2022</u> 9/19/2022
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</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 12, 2022

M E M O R A N D U M

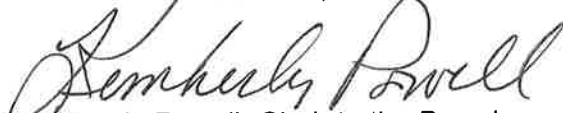
TO: Marc Bernath, Public Works Director Attn: Lucy Hamelers, Land Acquisition
RE: Item F.14., Approval for Sidewalk Easement from Concept Real Property Holdings, LLLP,
for a Commercial Retail Store

The Board of County Commissioners, in regular session on October 11, 2022, approved and accepted the Sidewalk Easement from Concept Real Property Holdings, LLLP for a commercial retail store.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

cc: County Attorney

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: 23-35-13-02-33-1

SIDEWALK EASEMENT

THIS INDENTURE, made this 27 day of July, 2022, between Concept Real Property Holdings, LLLP, a Florida limited liability limited partnership, whose address is 1449 Southwest 74th Drive, Suite 200, Gainesville, FL 32607, 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, repairing and maintaining the sidewalk, and other allied uses pertaining thereto pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 13, Township 23 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:



Witness



Print Name

Concept Real Property Holdings, LLLP,
a Florida limited liability limited partnership

By: Concept Development, Inc., a Florida
corporation, its General Partner

By: 
Matthew Cason, its President



Witness



Print Name

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization on this 27 day of July, 2022, by Matthew Cason
as President of Concept Development, Inc., a Florida corporation, as General
Partner of Concept Real Property Holdings, LLLP, a Florida limited liability limited
partnership. Is ☒ personally known or ☐ produced _____ as
identification.



Notary Signature

SEAL



PATRICK R SULLIVAN
Commission # GG 357749
Expires July 22, 2023
Bonded thru Budget Notary Services

LEGAL DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 23-35-13-02-33-1
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL # 800 (PREPARED BY SURVEYOR)

A SIDEWALK EASEMENT BEING A PORTION OF LOT 3, BLOCK 33 AS SHOWN ON THE PLAT OF NORTH PORT ST JOHN - UNIT THREE AS RECORDED IN PLAT BOOK 23, PAGES 50 THROUGH 52 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

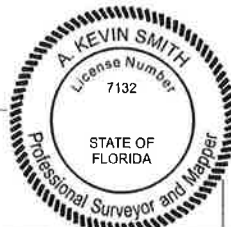
COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 3, THENCE SOUTH 0°05'34" EAST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 58.27 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE WEST LINE OF SAID LOT 3, SOUTH 44°59'50" EAST, A DISTANCE OF 11.87 FEET; THENCE SOUTH 0°00'10" WEST, A DISTANCE OF 24.45 FEET TO THE SOUTHWESTERLY BOUNDARY LINE OF SAID LOT 3, SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 24°15'42" WEST, 20.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID LOT 3, THROUGH A CENTRAL ANGLE OF 48°04'29", AN ARC LENGTH OF 20.98 FEET TO THE END OF SAID CURVE; THENCE NORTH 0°05'34" WEST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 14.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 192 SQUARE FEET (0.004 ACRES) MORE OR LESS.

ALL AS SHOWN ON THE MAP
ATTACHED HERewith AND MADE
A PART HEREOF

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON A VALUE OF S 0°05'34" E FOR THE WEST LINE OF LOT 3, BLOCK 33, NORTH PORT ST JOHN - UNIT THREE, PLAT BOOK 23, PAGES 50 THROUGH 52, SAID BEARING BEING IDENTICAL TO THE PLAT OF RECORD.
2. INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2076-5075717 DATED MAY 05, 2022. A SEARCH OF THE PUBLIC RECORDS HAS NOT BEEN DONE BY THE SURVEYOR. (SEE SHEET 2 OF 3 FOR SCHEDULE B-II EXCEPTIONS)



Andrew K Smith

Digitally signed by Andrew K Smith
DN: cn=Andrew K Smith, o=CHW, ou=CHW, email=Andrew.K.Smith@chw-inc.com, c=US
Reason: I agree to the terms defined by the placement of my signature on this document.
Contact Info: (239)825-0739
Date: 2022.06.12 08:12:24-0400

PREPARED FOR AND CERTIFIED TO:
CONCEPT DEVELOPMENT, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

ANDREW K. SMITH, PSM 7132
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:
CHW, INC.
PROFESSIONAL CONSULTANTS

11801 RESEARCH DRIVE
ALACHUA, FLORIDA 32615
(352) 331-1976
WWW.CHW-INC.COM

DRAWN BY: KWM

CHECKED BY: AKS

PROJECT NO. 21-0376

SECTION 13

DATE: 06/27/2022

DRAWING: 21-0376 PARCEL 800

REVISIONS

DATE

DESCRIPTION

TOWNSHIP 23 SOUTH
RANGE 35 EAST

SCHEDULE B-II EXCEPTIONS

PARCEL # 800

PARENT PARCEL ID#: 23-35-13-02-33-1

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

THIS IS NOT A SURVEY

SCHEDULE B-II EXCEPTIONS:

(PER FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2076-5075717 DATED MAY 05, 2022.)

ITEM # 9: THIS PARCEL IS SUBJECT TO THE RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF NORTH PORT ST. JOHN UNIT 3, RECORDED IN PLAT BOOK 23, PAGE(S) 50, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX HANDICAP, FAMILIAL STATUS OF NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OF RESTRICTIONS VIOLATE 42 USC 3604(C). (THERE ARE NO SURVEYING MATTERS TO GRAPHICALLY DEPICT.)

ITEM # 10: THIS PARCEL IS NOT SUBJECT TO THE RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF NORTH PORT ST. JOHN UNIT 4, RECORDED IN PLAT BOOK 24, PAGE 76, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX HANDICAP, FAMILIAL STATUS OF NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OF RESTRICTIONS VIOLATE 42 USC 3604(C).

ITEM # 11: THIS PARCEL IS SUBJECT TO THE RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF MAP OF DELESPINE ON INDIAN RIVER, RECORDED IN PLAT BOOK 2, PAGE 2, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX HANDICAP, FAMILIAL STATUS OF NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OF RESTRICTIONS VIOLATE 42 USC 3604(C). (THERE ARE NO SURVEYING MATTERS TO GRAPHICALLY DEPICT.)

ITEM # 12: THIS PARCEL IS NOT SUBJECT TO THE RESTRICTIONS, COVENANTS, AND CONDITIONS AS SET FORTH IN THOSE INSTRUMENTS RECORDED IN OFFICIAL RECORDS BOOK 1534, PAGE 4, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX HANDICAP, FAMILIAL STATUS OF NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OF RESTRICTIONS VIOLATE 42 USC 3604(C).

ITEM # 13: THIS PARCEL IS SUBJECT TO THE TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S). (THERE ARE NO SURVEYING MATTERS TO GRAPHICALLY DEPICT.)

ITEM # 14: THIS PARCEL IS SUBJECT TO THE ENVIRONMENTAL RESOURCE PERMIT AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 9352, PAGE 940. (BLANKET IN NATURE, UNABLE TO GRAPHICALLY DEPICT)

ITEM # 15: THIS PARCEL IS NOT SUBJECT TO THE RECIPROCAL ACCESS EASEMENT AGREEMENT WITH COVENANTS AND RESTRICTIONS RECORDED IN BOOK 9477, PAGE 2367.

ITEM # 16: THIS PARCEL IS SUBJECT TO ALL OF THE TERMS AND PROVISIONS SET FORTH AND CONTAINED IN THAT CERTAIN LEASE BETWEEN CONCEPT REAL PROPERTY HOLDINGS, LLLP, A FLORIDA LIMITED LIABILITY LIMITED PARTNERSHIP, LESSOR AND DOLGENCORP, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, LESSEE, A MEMORANDUM OF WHICH IS RECORDED IN BOOK 9503, PAGE 1353. (BLANKET IN NATURE, UNABLE TO GRAPHICALLY DEPICT.)

PREPARED BY:

CHW, INC.
PROFESSIONAL CONSULTANTS

11801 RESEARCH DRIVE
ALACHUA, FLORIDA 32615
(352) 331-1976
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SCALE:

1" = 40'

PROJECT NO.:

21-0376

SECTION 13

TOWNSHIP 23 SOUTH
RANGE 35 EAST

SKETCH OF DESCRIPTION

PARCEL # 800

PARENT PARCEL ID#: 23-35-13-02-33-1

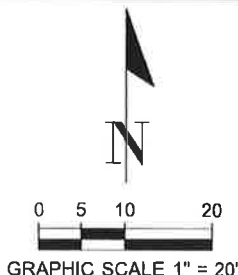
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 & 2 OF 3

THIS IS NOT A SURVEY



LINE DATA TABLE		
LINE	DIRECTION	LENGTH
L1	S 44°59'50" E	11.87'
L2	S 0°00'10" W	24.45'
L3	N 0°05'34" W	14.27'

LOT 2, BLOCK 33
NORTH PORT ST JOHN - UNIT THREE
PLAT BOOK 23, PAGES 50 - 52
PORTION OF PARCEL ID:
23-35-13-02-33-1

POINT OF COMMENCEMENT
OF PARCEL 800
THE NORTHWEST CORNER OF
LOT 3, BLOCK 33
NORTH PORT ST JOHN - UNIT THREE
PLAT BOOK 23, PAGES 50 - 52

OSCEOLA AVENUE
(R/W WIDTH VARIES)
PLAT BOOK 23, PAGES 50 - 52
(BASIS OF BEARINGS)
S 0°05'34" E 58.27'

THE WEST LINE
OF LOT 3, BLOCK 33

LOT 3, BLOCK 33
NORTH PORT ST JOHN - UNIT THREE
PLAT BOOK 23, PAGES 50 - 52
PORTION OF PARCEL ID:
23-35-13-02-33-1

POINT OF BEGINNING
OF PARCEL 800

LOT 4, BLOCK 33
NORTH PORT ST JOHN - UNIT THREE
PLAT BOOK 23, PAGES 50 - 52
PARCEL ID 23-35-13-02-33-4

PARCEL 800
SIDEWALK EASEMENT
CONTAINS: 192 SQUARE FEET (0.004 ACRES)
MORE OR LESS

END OF CURVE

THE SOUTHWESTERLY LINE
OF LOT 3, BLOCK 33

AVON STREET
(50' R/W WIDTH)
PLAT BOOK 23, PAGES 50 - 52

CURVE DATA TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	20.98'	25.00'	48°04'29"	11.15'	20.37'	N 24°15'42" W

LEGEND:

R/W = RIGHT OF WAY
ID = IDENTIFICATION

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SCALE:

1" = 40'

PROJECT NO.:

21-0376

SECTION 13

TOWNSHIP 23 SOUTH
RANGE 35 EAST

LOCATION MAP

Section 13, Township 23 South, Range 35 East - District: 1

PROPERTY LOCATION: West of US Highway 1, south of Kings Highway in Port St John.

OWNERS NAME: Concept Real Property Holdings, LLLP

