



AGENDA REPORT
July 9, 2019

**Approval Re: Ingress and Egress Easement from Turtle Beach Properties,
LLC as Required by Site Plan 15SP00009-District 2..**

SUBJECT:

Approval Re: Ingress and Egress Easement from Turtle Beach Properties, LLC as Required by Site Plan 15SP00009-District 2.

FISCAL IMPACT:

FY 2018 – 2019: No impact

FY 2019 – 2020: No impact

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and accept the Ingress and Egress Easement from Turtle Beach Properties LLC.

SUMMARY EXPLANATION and BACKGROUND:

The subject property is located in Section 36, Township 24, Range 37.

Turtle Beach Properties, LLC is developing the parcel located 6015 Turtle Beach Lane, Cocoa Beach. The improvements made to the site include multiple residential units known as Flores De La Costa Condominiums.

The ingress and egress easement is required by Brevard County in accordance with Site Plan Number 15SP00009 to accommodate emergency vehicles.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

ATTACHMENTS:

Description

- **Turtle Beach Easement Agenda Documents**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

July 10, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.16., Ingress and Egress Easement from Turtle Beach Properties, LLC

The Board of County Commissioners, in regular session on July 9, 2019, approved and accepted the Ingress and Egress Easement from Turtle Beach Properties, LLC, as required by Site Plan 15SP00009.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

BOARD OF COUNTY COMMISSIONERS

AGENDA: INGRESS AND EGRESS EASEMENT FROM TURTLE BEACH
PROPERTIES, LLC (OWNER) AS REQUIRED BY SITE PLAN
15SP00009 – DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>5/30/19</u>
COUNTY ATTORNEY Jad Brewer Assistant County Attorney	<u>JAB</u>	_____	<u>5/31/19</u>

AGENDA DUE DATE: July 1, 2019 for the July 9, 2019 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

✓

INGRESS AND EGRESS EASEMENT

THIS INDENTURE, made this 28 day of May, 2018, between **TURTLE BEACH PROPERTIES, LLC**, a Florida limited liability company, whose mailing address is 11906 Provincial Way, Windermere, Florida, 34786, as the first party and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, as the second party, for the use and benefit of Brevard County;

WITNESSETH: That the first party, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual Ingress and Egress Easement, commencing on the above date, for the purpose of public access and maintaining public access and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 26, Township 24 South, Range 37 East, County of Brevard, State of Florida, more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns. The first party does hereby 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.

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written. Signed, sealed, and delivered in the presence of:

Alyssa D. Boyd
Witness
ALYSSA D. BOYD
(Print)
David A. Lavender
Witness
DAVID A. LAVENDER
(Print)

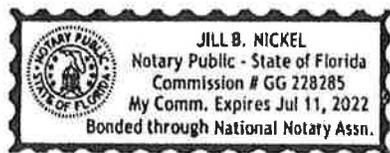
TURTLE BEACH PROPERTIES, LLC, a Florida limited liability company

By: *John D. Dorough*
JOHN D. DOROUGH, Authorized Member

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 28 day of May, 2018, by John D. Dorough, as Authorized Member of Turtle Beach Properties, LLC, who is personally known to me or who has produced FL Drivers License as identification and who did/did not take an oath.

WITNESS my hand and official seal at County of Brevard, State of Florida, and this 28 day of May, 2018.



Board Meeting Date _____
Agenda Item # _____

Jill B. Nickel
NOTARY PUBLIC
Jill B. Nickel
Print Name
Commission No. 7117 GG 228285
Commission Expires: 7/11/22

LEGAL DESCRIPTION

PARCEL 801, INGRESS & EGRESS EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 24-37-26-CG-00098.0-0009.00

PURPOSE: INGRESS & EGRESS EASEMENT

LEGAL DESCRIPTION: PARCEL 801, INGRESS & EGRESS EASEMENT (PREPARED BY SURVEYOR)

A parcel of land being a portion of Lot 10, Block 98, for Lot 10, Block 98, AVON-BY-THE-SEA, according to the plat thereof as recorded in Plat Book 3, Page 7 of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commencing at a Department of Natural Resources published monument "DNR-CM-70-80-A06," said point being the POINT OF COMMENCEMENT; thence S.13°48'32"E., a distance of 688.24 feet to an Iron Rod and Cap stamped "ALLEN ENG LB 266" marking the Northeast corner of said Lot 10; said point being the POINT OF BEGINNING; thence S.10°54'38"W., a distance of 129.52 feet along the East line of said Lot 10 to a Nail and Disk stamped "LB 6464;" said point being the Southeast corner of said Lot 10; thence N.89°54'51"W. along the South line of said Lot 10, a distance of 8.15 feet; thence N.10°54'38"E parallel with the East line of said Lot 10; a distance of 129.49 feet to a POINT on the North line of said Lot 10; thence N.89°49'15"E. along the North line of said Lot 10, a distance of 8.15 feet to the POINT OF BEGINNING.

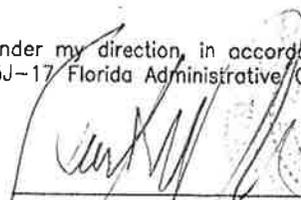
Containing 1,036 square feet or 0.02 acres, more or less.

SURVEYORS NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of S10°59'36"W, between published monuments 70-80-A06 and 70-80-A07 NAD 83 (North American Datum of 1983) (Grid).
3. ○ = Denotes change in direction (no corner found or set).
4. ⊙ = Denotes Iron Rod and Cap stamped "LB 266" and change in direction (property corner found or set).
5. △ = Denotes Nail and Disk stamped "LB 6464" and change in direction (property corner found or set).
6. ⊕ = Denotes Department of Natural Resources Concrete Monument.
7. The "Property Information Report" by Alliant National Title Insurance Company File No. 19007999, Agent File No. 16-29267 dated May 29, 2019 discloses the property described herein is subject to the following: Mortgage ORB 7830, page 1761; Collateral Assignment of Leases, Rents and Profits ORB 7830, page 1780; Notice of Commencement ORB 8177, page 704; Ingress/Egress and Parking Easement Agreement ORB 7661, page 388; and Sidewalk Assessment Agreement ORB 7949, page 2457.

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Standards of Practice" as described in Chapter 5J-17 Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.



ROBERT M. SALMON, PSM 4262
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COMMISSIONERS

PREPARED BY: ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA 32931

DRAWN BY: JDF/DJG	CHECKED BY: RMS	PROJECT NO. 040094.1		SECTION 26 TOWNSHIP 24 SOUTH RANGE 37 EAST
		REVISIONS	DATE	
DATE: 6-03-19	DRAWING: 0400941 IngressEgress.dwg			

VAE-DC01\Company\Survey\Projects\040094-Avon-By-The-Sea-Block-98\040094-1 Flores De La Costa Condominium\Drawings\CAD\0400941 IngressEgress.dwg, 6/3/2019 3:14:34 PM

SKETCH OF DESCRIPTION

PARCEL 80I, INGRESS & EGRESS EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

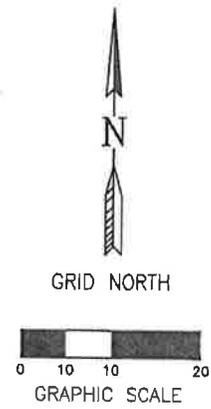
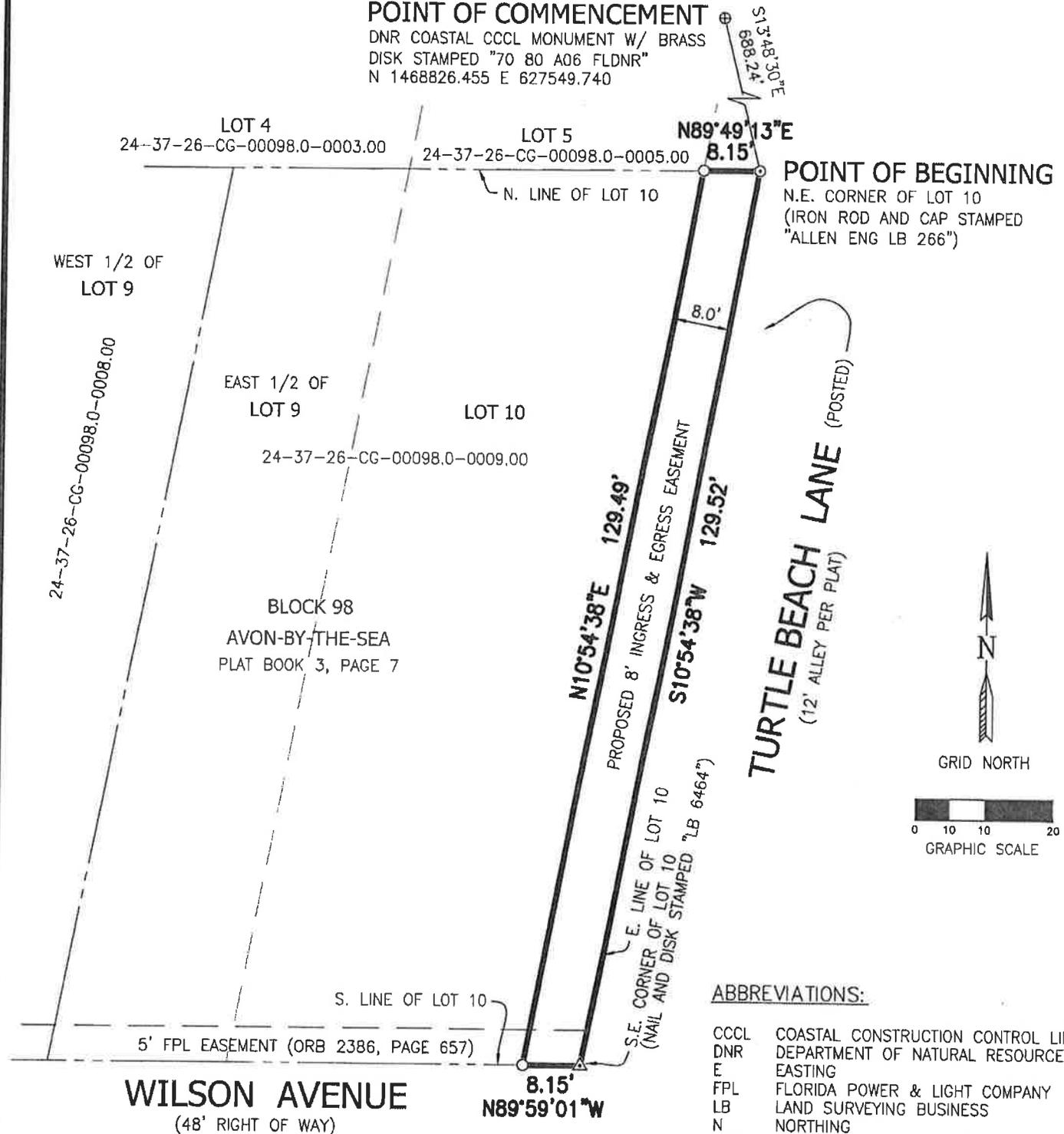
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 24-37-26-CG-00098.0-0009.00

PURPOSE: INGRESS & EGRESS EASEMENT

POINT OF COMMENCEMENT

DNR COASTAL CCCL MONUMENT W/ BRASS
DISK STAMPED "70 80 A06 FLDNR"
N 1468826.455 E 627549.740



WAE-DC011\Company\Survey\Projects\040094.1\Avon-By-The-Sea-Block-98\040094.1-Flpns-De-La-Costa-Condominium\Drawings\CAD\040094.1-IngressEgress.dwg, 6/3/2019 3:14:58 PM

PREPARED BY: ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA 32931

SCALE: 1" = 20'
PROJECT NO.: 040094.1

SECTION 26
TOWNSHIP 24 SOUTH
RANGE 37 EAST

LOCATION MAP

TWP: 24 RNG: 37 SEC: 26 DISTRICT: 2

STREET NAME: Turtle Beach Lane

OWNER'S NAME: Turtle Beach Properties LLC

