

Meeting Date
May 17, 2016



AGENDA	
Section	Consent
Item No.	II.A.9.

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

<b>SUBJECT:</b>	Approval Re: Warranty Deed conveying additional right of way for San Pedro Drive in Melbourne, from Evans Retail, LLC, a Florida limited liability company in favor of Brevard County – District 4. (Fiscal Impact: None)
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<b>DEPT/OFFICE:</b>	Public Works Department / Land Acquisition Section
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**Requested Action:**  
It is requested that the Board of County Commissioners approve and accept a Warranty Deed from Evans Retail, LLC.

**Summary Explanation & Background:**

The subject property is located in Section 13, Township 27 South, Range 37 East.

Evans Retail, LLC (owner) is planning to develop (SP-050404007) the property identified as Tax Parcel ID # 27-37-13-25-00004.0-0001.01 for Commercial use. By code, a fifty foot road right of way is required and the County only holds title to forty feet of right of way for San Pedro Drive.

The owner has agreed to convey an additional 10' feet to the County to bring the right of way of San Pedro Drive into compliance.

There is a mortgage on the property and a "Partial Release of Mortgage" has been obtained for the additional ten feet of right of way being conveyed to the County.



Land Acquisition policies and procedures require approval and acceptance by the board of County Commissioners for all deeds.

Fiscal impact: FY 2015-2016: No Impact  
**FY 2016-2017: No Impact**

**Clerk to the Board Instructions:** Forward the Board approval memo to the Department.

**Exhibits Attached:** Copy Executed Warranty Deed, Copy Partial Release of Mortgage, Vicinity Map, and Property Fact Sheet

<b>Contract /Agreement (If attached):</b> Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten 	Assistant County Manager	 John Denninghoff / 57202



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

May 18, 2016

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

**TO:** John Denninghoff, Public Works Director

**RE:** Item II.A.9., Warranty Deed with Evan Retail, LLC, Conveying Additional Right-of-Way for San Pedro Drive, Melbourne

The Board of County Commissioners, in regular session on May 17, 2016, accepted a Warranty Deed from Evans Retail, LLC, conveying additional right-of-way for San Pedro Drive, Melbourne.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

/ds

cc: Land Acquisition  
Asset Management

**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

AGENDA: WARRANTY DEED CONVEYING RIGHT OF WAY FOR SAN PEDRO DRIVE FROM EVANS RETAIL, LLC, A FLORIDA LIMITED LIABILITY COMPANY IN FAVOR OF BREVARD COUNTY, IN CONJUNCTION WITH SITE PLAN (SP0504007) – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (52886)

	<u>REVIEW</u>		
	APPROVE	DISAPPROVE	DATE
<u>LAND ACQUISITION</u> DANIEL P. JONES, LAND ACQUISITION SUPERVISOR	<u>DPJ</u>	_____	<u>4/13/16</u>
<u>COUNTY ATTORNEY</u> CRISTINA BERRIOS, ASSISTANT COUNTY ATTORNEY	<u>see attached</u>	_____	<u>4/18/16</u>
<u>PUBLIC WORKS DEPARTMENT</u> JOHN P. DENNINGHOFF, DIRECTOR	<u>JPD</u>	_____	<u>5/3/16</u>

AGENDA DUE DATE: MAY 3, 2016 FOR THE MAY 17, 2016 BOARD MEETING

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

**PLEASE CALL DEBBIE CRUZ AT 321-690-6847 (56847) WHEN READY TO BE PICKED UP.**

**THANK YOU.**



**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

AGENDA: WARRANTY DEED CONVEYING RIGHT OF WAY FOR SAN PEDRO DRIVE FROM EVANS RETAIL, LLC, A FLORIDA LIMITED LIABILITY COMPANY IN FAVOR OF BREVARD COUNTY, IN CONJUNCTION WITH SITE PLAN (SP0504007) – DISTRICT 4

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<u>COUNTY ATTORNEY</u> CRISTINA BERRIOS, ASSISTANT COUNTY ATTORNEY		_____	<u>4/18/16</u>
<u>PUBLIC WORKS DEPARTMENT</u> JOHN P. DENNINGHOFF, DIRECTOR	_____	_____	_____

AGENDA DUE DATE: MAY 3, 2016 FOR THE MAY 17, 2016 BOARD MEETING

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

**PLEASE CALL DEBBIE CRUZ AT 321-690-6847 (56847) WHEN READY TO BE PICKED UP.**

**THANK YOU.**

**WARRANTY DEED  
(Road Right of Way)**

THIS INDENTURE is made this 22 day of March, 2016 by and between **Evans Retail, LLC, a Florida limited liability company**, whose post office address is **P.O. Box 1685, New Smyrna Beach, Florida, 32170** as party of the first part, and Brevard County, a political subdivision of the State of Florida, as party of the second part, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940-6605.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00) and other valuable considerations, paid receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the party of the second part, its successors and assigns the following described land, situated, lying and being in the County of Brevard, State of Florida, to-wit:

See Legal Description Attached hereto as "Exhibit "A":

This conveyance is subject to easements, restrictions, and reservations of record if any, and taxes due for the year 2016, and subsequent years.

TO HAVE AND TO HOLD THE SAME, together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining, forever, and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Witness Aimee Pieropan Jenna  
Aimee Pieropan Jenna  
(Print Name)

Evans Retail, LLC, a Florida limited liability company

Jerry C. Evans  
Jerry C. Evans, Manager  
Laura Evans  
Laura Evans, Member

Witness Michelle D. Dail  
Michelle D. Dail  
(Print Name)

State of: FLORIDA  
County: ~~BREVARD~~ Volusia

I HEREBY CERTIFY, that on this day personally appeared before me, Jerry C. Evans and Laura Evans, well known to me to be the persons described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purpose therein expressed and that they have produced FLD as identification and they did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 22 day of March, 2016.



Michelle D. Dail  
Notary Public  
Michelle D. Dail  
Print Name  
Commission Expires: Apr 22 2016  
Commission No. EE 166157

Approved by the Board: \_\_\_\_\_  
Item # \_\_\_\_\_

# LEGAL DESCRIPTION

# EXHIBIT A

## PARCEL 101

PARENT PARCEL ID NUMBER: 27-37-13-25-00004.0-0001.01

PURPOSE: DEDICATE RIGHT-OF-WAY

(THIS IS NOT A SURVEY)

SHEET 1 OF 2  
NOT VALID WITHOUT  
SHEET 2 OF 2

### LEGAL DESCRIPTION: (By Surveyor)


The East 10 Feet of the West 25 Feet of Lots 4 and 5, Block 4, Re Plat of Block 3 Canova Beach Section B, according to the plat thereof, as recorded in Plat Book 9, Page 71B, of the Public Records of Brevard County, Florida.

Containing 3,199.73 Square Feet (0.07 acres) of land more or less.

### SURVEYOR'S NOTES:

- Easements and Rights-of-Way shown hereon except as called for by the Plat only include those provided to the surveyor in Alliant National Title Insurance Company, Inc., Owners Policy of Title Insurance; Policy Number 1063747, File Number: 15.1653, dated November 24, 2015. The surveyor has made no search of the Public Records for such.
- Only open and notorious evidence of easements and Right-of-Way are located and shown hereon. The surveyor has not located any underground utilities or foundations which may encroach.
- Bearings hereon are referred to an assumed value of S 01°27'16" E for the East line of Lots 1 and 8, Block 4. Said bearing is identical with the Plat of record.
- This property is located in Federal Flood Zone X, areas determined to be outside the 500 year flood plain, as shown on Flood Insurance Rate Map Community No. 120025, Panel 0539, Suffix G, effective date March 17, 2014.
- The parent parcel, less the West 28 feet is encumbered by a blanket easement described in Official Records book 6925, Page 757. The subject property (proposed R/W) is not affected by this document.

PREPARED FOR AND CERTIFIED TO:  
Evans Retail, LLC  
Brevard County Board of County Commissioners

  
JONATHAN M. MOTT, PLS NO. 5060  
NOT VALID UNLESS SIGNED AND SEALED

## WILLIAM MOTT LAND SURVEYING INC.

EAGLE HARBOUR DOWNTOWN  
3800 WEST EAU GALLIE BOULEVARD, SUITE 101  
MELBOURNE, FLORIDA 32934-3285  
PHONE (321) 751-4444 FAX (321) 751-4445

LEGEND:  
R.B. = REFERENCE BEARING  
O.R.B. = OFFICIAL RECORDS BOOK  
D.B. = DEED BOOK  
P.B. = PLAT BOOK NT = NON TANGENT  
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CT = CURVE TABLE TAG  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT

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DRAWN BY: T.B.	PROJECT NO: 215-0288	REVISION	DATE	DESCRIPTION	SECTION 13 TOWNSHIP 27 SOUTH RANGE 37 EAST
CHECKED BY: J.M.M.	DRAWING: SK-10'ROW.DWG		DATE	DESCRIPTION	
DATE: 04/06/16	DRAWING NO: A16-0009		DATE	DESCRIPTION	
			DATE	DESCRIPTION	



**Partial Release of Mortgage**

**Know All Men By These Presents:**

**WHEREAS, Evans Retail, LLC, a Florida limited liability company (hereinafter referred to as Mortgagor),** by Indenture of that certain **Mortgage Deed** bearing the date of the 23rd day of November, 2015, and recorded in the office of the Clerk of the Circuit Court in and for the County of Brevard, State of Florida, in Official Records Book **7499**, Page **881**, mortgaged unto **Reunion Bank of Florida** (herein after referred to as "Mortgagee"), now known as **National Bank of Commerce, a national banking association**, by Merger filed with the Florida Department of State effective October, 31, 2015, Florida Division of Corporations, Secretary of State, Tallahassee, does hereby release the premises hereinafter described, being part of said mortgaged premises, from the lien and operation of said Mortgage,

**AND WHEREAS,** the said mortgagor(s) have requested the said mortgagee to release the premises hereinafter described, being part of said mortgaged premises, from the lien and operation of said Mortgage,

**NOW THEREFORE; KNOW YE,** That the said mortgagee, in consideration of the premises and the sum of Ten and No/100 (\$10.00) dollars, to it paid by, or on behalf of, the said mortgagor(s) at the time of the execution hereof, the receipt whereof is hereby acknowledged, does remise, release, quit-claim, exonerate and discharge from the lien and operation of said mortgage unto the said mortgagor(s), heirs and assigns, all that portion of the premises conveyed by said mortgage, described as follows:

LANDS DESCRIBED IN EXHIBIT "A"  
ATTACHED HERETO AND MADE A PART HEREOF.

**TO HAVE AND TO HOLD** the same with the appurtenances, unto the said mortgagor, their heirs and assigns forever, freed, exonerated and discharged of and from the lien of said mortgage, and every part thereof; provided always, nevertheless, that nothing herein contained, shall in anywise impair, alter or diminish the effect, lien or encumbrance of the aforesaid Mortgage on the remaining part of said mortgaged premises not hereby released therefrom, or any of the rights and remedies of the holder (s) thereof. This document covers only the released premises.

**See Notary/Signatures Attached hereto as 2<sup>nd</sup> Page**

Prepared by/Return to: Blaise M. Mancini, Land Acquisition Specialist  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, Building A- Suite 204, Viera, Florida, 32940

IN WITNESS WHEREOF, the said Mortgagee(s) has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, this 13 day April 2016.

Signed, sealed and delivered in the presence of:

Lindsey Meyerhoff  
Witness  
Lindsey Meyerhoff  
Print Name

Melissa B Benson  
Witness  
Melissa B Benson  
Print Name

National Bank of Commerce, a  
national banking association

Mark Chastain  
Mark Chastain, as Executive Vice  
President, Regional Executive-East  
Central Florida

Cindy Payton  
Cindy Payton, as Secretary

STATE OF FLORIDA  
COUNTY OF Volusia

I Hereby Certify, that on this day, before me, an officer duly authorized in the State of Florida, aforesaid to take acknowledgements, personally appeared Mark Chastain, well known to me to be to be the Executive Vice President, Regional Executive-East Central Florida of the National Bank of Commerce, a national banking association, and Cindy Payton, well known to me to be the duly elected Secretary of National Bank of Commerce, a national banking association who has acknowledged executing the same in the presence of the two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

Witness my hand and official seal in the County and State last aforesaid this 13 day of April, 2016.

Jolene Faucette  
Notary Public  
Jolene Faucette  
Print name  
My Commission expires 7-16-19



# LEGAL DESCRIPTION

# EXHIBIT A

## PARCEL 101

PARENT PARCEL ID NUMBER: 27-37-13-25-00004.0-0001.01  
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JONATHAN M. MOTT, PLS NO. 5060  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:  
**Evans Retail, LLC**  
 Brevard County Board of County Commissioners

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DRAWN BY: <u>T.B.</u>	PROJECT NO: <u>215-0288</u>	REVISION	DATE	DESCRIPTION	SECTION <u>13</u>
CHECKED BY: <u>J.M.M.</u>	DRAWING: <u>SK-10'ROW.DWG</u>		DATE	DESCRIPTION	TOWNSHIP <u>27</u> SOUTH
DATE: <u>04/06/16</u>	DRAWING NO: <u>A16-0009</u>		DATE	DESCRIPTION	RANGE <u>37</u> EAST

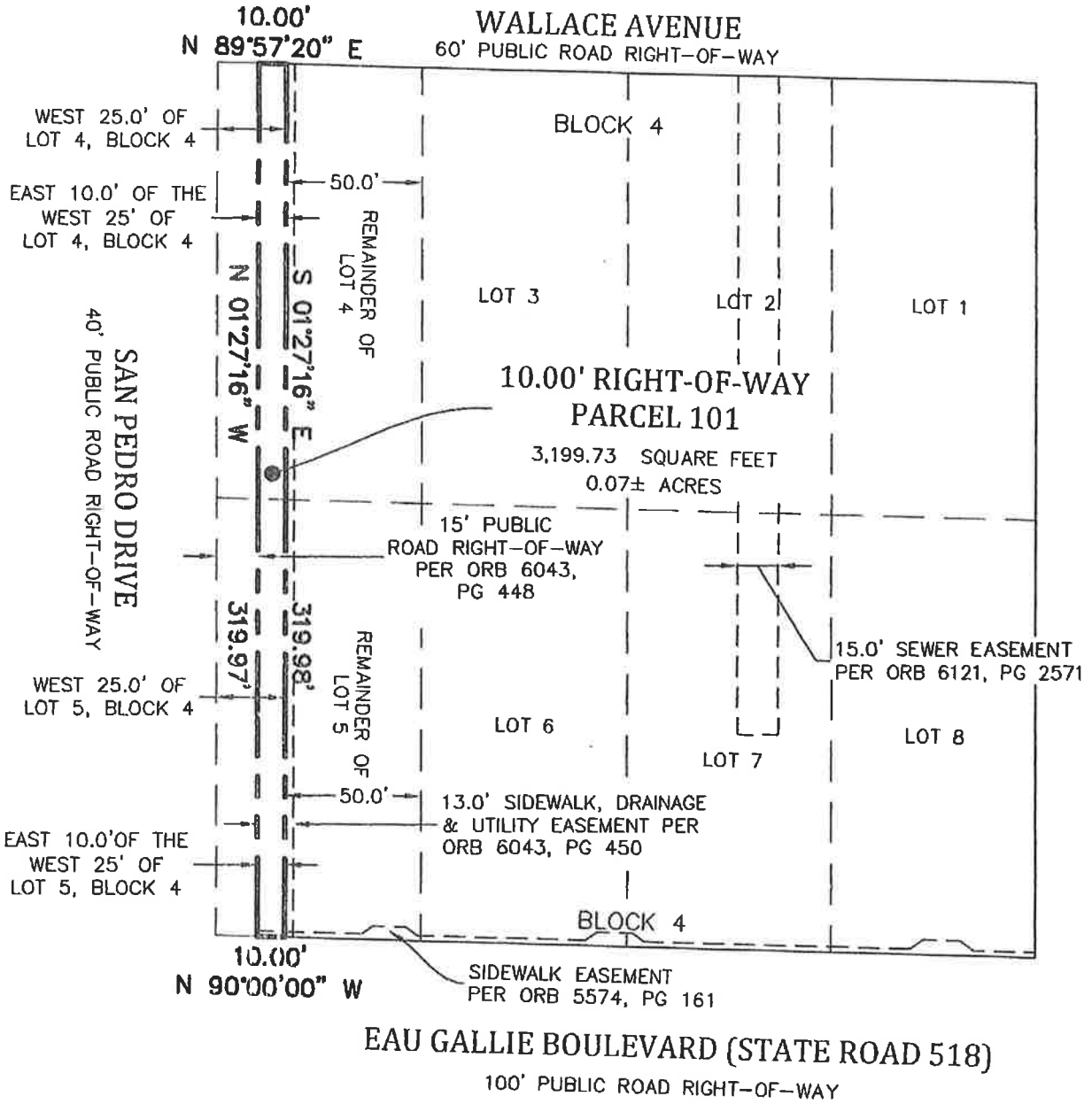
# SKETCH OF DESCRIPTION

# EXHIBIT A

## PARCEL 101

PARENT PARCEL ID NUMBER: 27-37-13-25-00004.0-0001.01  
PURPOSE: DEDICATE RIGHT-OF-WAY  
(THIS IS NOT A SURVEY)

SHEET 2 OF 2  
NOT VALID WITHOUT  
SHEET 1 OF 2



PREPARED BY: WILLIAM MOTT LAND SURVEYING, INC.  
SECTION 13, TOWNSHIP 27 SOUTH, RANGE 37 EAST

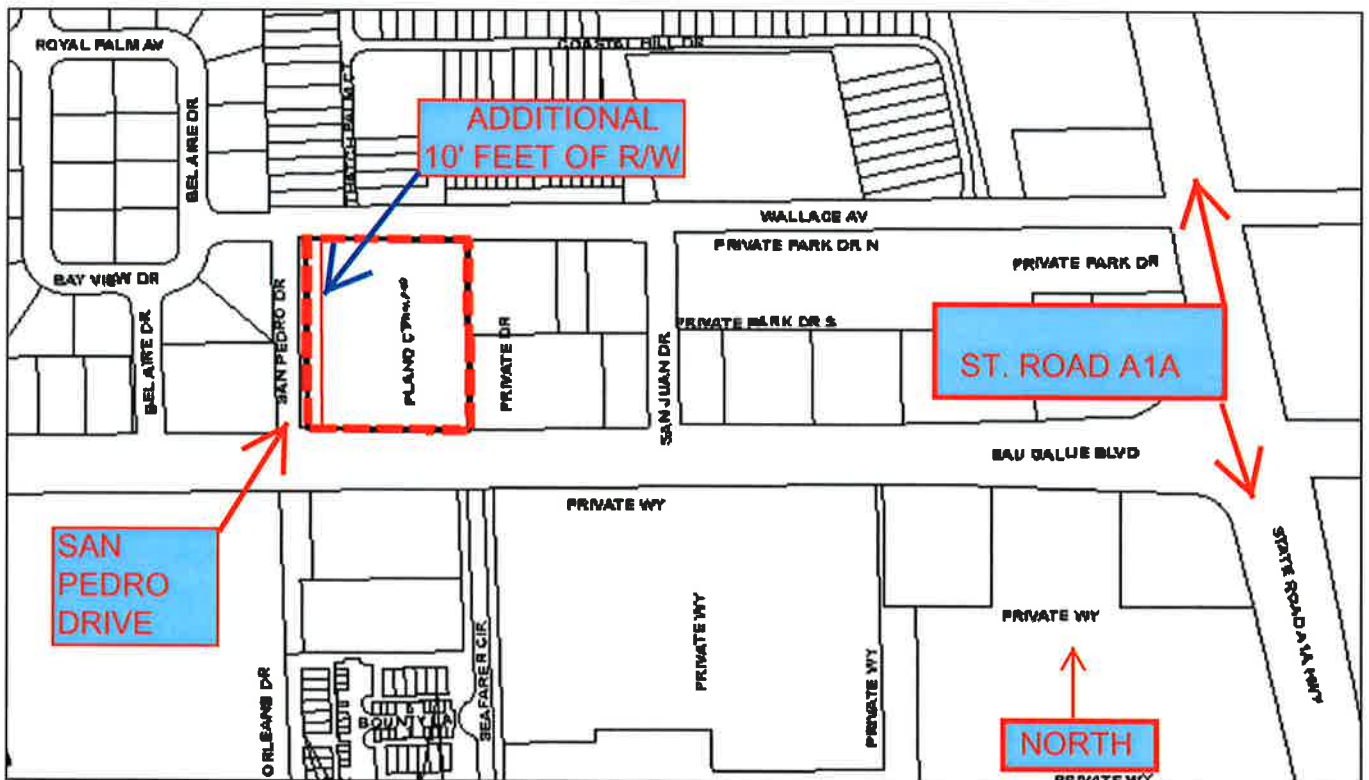
SCALE: 1" = 60'  
PROJECT NO. 215-0288

# VICINITY MAP

SEC: 13 TWP: 27 RNG: 37 DISTRICT: 4

STREET NAME: 119 SAN PEDRO DRIVE, MELBOURNE

PROPERTY OWNER: EVANS RETAIL, LLC, A FLORIDA LIMITED LIABILITY COMPANY



**PROPERTY FACT SHEET**

**PROJECT: WARRANTY DEED CONVEYING  
ADDITIONAL RIGHT OF WAY ON SAN PEDRO DRIVE**

OWNER: EVANS RETAIL, LLC, A FLORIDA LIMITED LIABILITY COMPANY

PARCEL LOCATION: 119 SAN PEDRO DRIVE,  
MELBOURNE, FLORIDA, 32937

PARCEL SIZE: BEING A PORTION OF THE PARENT PARCEL  
1.55 ACRES

ACQUISITION AREA: .07 ACRES

ZONING/LANDUSE: C-CONDOMINIUM

IMPROVEMENTS: NONE

TOPOGRAPHY: LEVEL WITH ROAD GRADE

FLOOD ZONE: X (OUTSIDE 500 YEAR FLOOD PLAIN)

TAX PARCEL ID#: 27-37-13-25-00004.0-0001.01

ESTIMATED MARKET VALUE:  
(PROPERTY APPRAISER'S RECORDS) NOT AVAILABLE

PUBLIC UTILITIES: ALL UTILITIES ARE AVAILABLE

PROPERTY TRANSACTION: 11/23/2015 \$1,250,000.00