



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

7/11/2023

Subject:

Approval, Re: Donation of Sidewalk Easement from Patel Merritt Island Outparcel LLC for the Dunkin Donuts North Courtenay Parkway Project- District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

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

Summary Explanation and Background:

The subject property is located in Section 14, Township 24 South, Range 36 East, on the east side of North Courtenay Parkway in Merritt Island.

Patel Merritt Island Outparcel LLC, owner, has submitted site plan number 22SP00017 for review and approval by the County for the development of a drive through donut shop known as Dunkin Donuts North Courtenay Parkway. As a condition of site plan approval, the Public Works department requires the owner to construct a sidewalk along the State owned and maintained right of way of North Courtenay Parkway. The attached easement will provide public and pedestrian sidewalk access. The owner will assume future maintenance responsibilities for the sidewalk as outlined in the attached easement. The owner has agreed to dedicate the required easement.

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:



July 12, 2023

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.5., Approval of Donation of Sidewalk Easement from Patel Merritt Island Outparcel, LLC for the Dunkin Donuts North Courtenay Parkway Project

The Board of County Commissioners, in regular session on July 11, 2023, accepted the donation of a sidewalk easement from Patel Merritt Island Outparcel, LLC for the Dunkin Donuts North Courtenay Parkway Project.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

Kimberly Powell
Kimberly Powell, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS


AGENDA REVIEW SHEET

AGENDA: Dedication of Sidewalk Easement from Patel Merritt Island Outparcel LLC for the Dunkin Donuts North Courtenay Parkway Project – District 2.

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	 _____	_____	<u>5-25-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>6-2-2023</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: 24-36-14-00-574

SIDEWALK EASEMENT

THIS INDENTURE, made this 12 day of May, 2023, between Patel Merritt Island Outparcel LLC, a Florida limited liability company, whose address is 991 Stinson Way Suite 401, West Palm Beach, FL 33411, 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 public and pedestrian sidewalk access, and other allied uses, which said sidewalk shall be maintained by the first party, pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 14, Township 24 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:

Linda Jackson
Witness

Ajit Patel
Witness

Patel Merritt Island Outparcel LLC
a Florida limited liability company

By: *Amish Patel*
Amish Patel, Manager

By: *Ajit Patel*
Ajit Patel, Manager

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 12th day of May, 2023, by Amish Patel and Ajit Patel, as Managers, for Patel Merritt Island Outparcel LLC., a Florida limited liability company. Is ☒ personally known or ☐ produced _____ as identification.

Blesilda D. Reis

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID: 24-36-14-00-574
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 SIDEWALK EASEMENT EASEMENT (PREPARED BY SURVEYOR)

A PORTION OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 9654, PAGE 1020 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING A PORTION OF THE SOUTH 200 FEET OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, EAST OF STATE ROAD NO. 3 RIGHT OF WAY, EXCEPT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 559, PAGE 707, SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST AND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF COURTENAY PARKWAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NO. 70140-2377053 AND THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 14; THENCE N09°04'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID COURTENAY PARKWAY A DISTANCE OF 202.58 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14; THENCE, ALONG SAID NORTH LINE, S89°54'35"E A DISTANCE OF 9.12 FEET; THENCE S09°04'14"E A DISTANCE OF 95.00 FEET; THENCE S10°50'25"E A DISTANCE OF 108.18 FEET TO THE SAID SOUTH LINE; THENCE, ALONG SAID SOUTH LINE, N89°54'35"W A DISTANCE OF 12.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 2002.95 SQUARE FEET, 0.046 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARINGS DEPICTED HEREON ARE ASSUMED AND ARE BASED ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, HAVING A BEARING OF N89°54'35"W.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF THE AMERICAN LAND TITLE ASSOCIATION COMMITMENT FOR TITLE INSURANCE ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY IN FILE NO. 23-8091, COMMITMENT DATE: 03/03/2023 AT: 5:00 PM. ONLY THOSE PLOTTABLE EASEMENTS AFFECTING THE LANDS DESCRIBED HEREON ARE SHOWN AND NOTED.
5. THIS SKETCH & DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT(S) SHOWN HEREON AND COPIES ARE VALID ONLY WITH THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REFERENCED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES.



David J
Kugelmann

Digitally signed by David J
Kugelmann
Date: 2023.04.12 10:03:19 -04'00'

PREPARED FOR AND CERTIFIED TO :
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DAVID J. KUGELMANN, PLS 5117
PROFESSIONAL LAND SURVEYOR
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: KUGELMANN LAND SURVEYING, INC.
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK	CHECKED BY: KKW	PROJECT NO. 2021015			SECTION 14 TOWNSHIP 24 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
4/12/2023	PER COUNTY COMMENTS				
DATE: 12/12/2022	DRAWING: VB_2021015SW_ESMT.DGN				

SKETCH OF DESCRIPTION

PARCEL #800

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

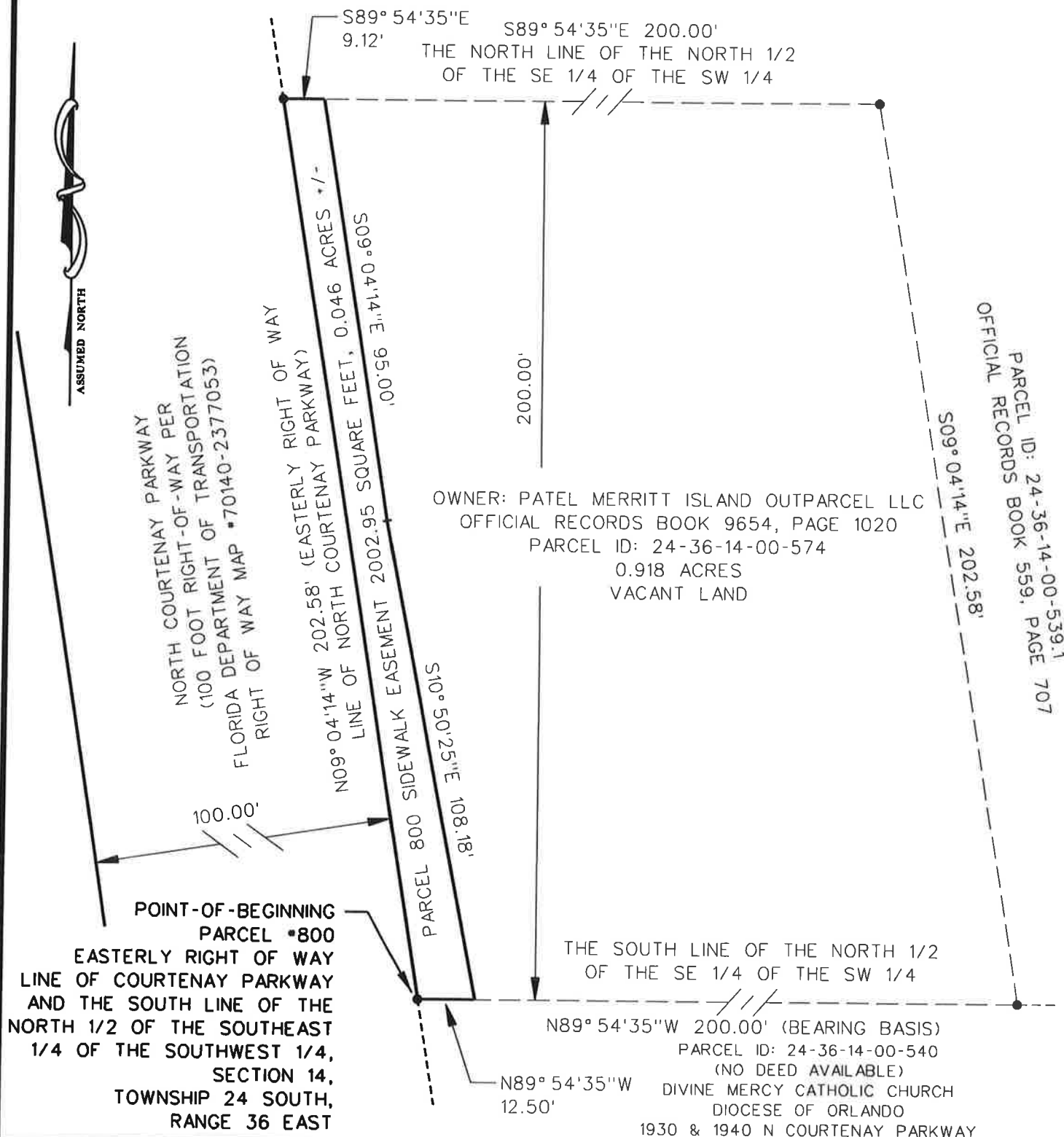
THIS IS NOT A SURVEY

PARENT PARCEL ID: 24-36-14-00-574

PARCEL ID: 24-36-14-00-539.1

PURPOSE: SIDEWALK EASEMENT

OFFICIAL RECORDS BOOK 559, PAGE 707



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MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

SCALE:

1" = 30'

PROJECT NO.:

2021015

SECTION 14
TOWNSHIP 24 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 14, Township 24 South, Range 36 East - District: 2

PROPERTY LOCATION: East side of North Courtenay Parkway.

OWNERS NAME(S): Patel Merritt Island Outparcel LLC.

