



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

7/11/2023

Subject:

Approval, Re: Dedication of Public Access Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project - District 4.

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 Public Access Easement.

Summary Explanation and Background:

The subject property is located in Section 04, Township 26 South, Range 36 East, south of Viera Boulevard, east of Lake Andrew Drive, west of Interstate 95 in Viera.

DD Willett 17.31, LLC, owner, has submitted site plan number 19SP00016 for review and approval by the County for the development of a multi-family apartment complex known as Viera Boulevard Commercial Center II Multi-family. In accordance with County code and standards, the owner has agreed to dedicate the attached Public Access Easement required as a condition of the site plan approval. Any and all maintenance shall be the responsibility of the owner of the land over which the easement is located.

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:



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

July 12, 2023

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.7., Approval of Dedication of Public Access Easement from DD Willett 17.31, LLC,
for the Viera Boulevard Commercial Center II Multi-Family Project

The Board of County Commissioners, in regular session on July 11, 2023, approved and accepted the Public Access Easement from DD Willett 17.31, LLC for the Viera Boulevard Commercial Center II Multi-Family Project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Public Access Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family project – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>6-16-23</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<i>cms</i> _____	_____	<u>6-19-2023</u>

Prepared by and return to:
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-04-XP-D-4

PUBLIC ACCESS EASEMENT

THIS INDENTURE, made this 7th day of June, 2023, between DD Willet 17.31, LLC, a Georgia limited liability company, whose address is 403 Corporate Center Drive, Suite 201, Stockbridge, Georgia 30281, 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 public access easement commencing on the above date for the purposes of vehicular and pedestrian access, 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 04, Township 26 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. Any and all maintenance shall be the responsibility of the owner of the land over which the Easement is located.

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

Parker Grant
Print Name

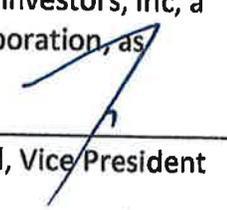


Witness

W. Blake Karban
Print Name

DD Willet 17.31, LLC, a Georgia limited liability company

By: Morrow Investors, Inc, a Georgia corporation, as Manager

By: 
Fred S. Hazel, Vice President

(Corporate Seal)

STATE OF Georgia
COUNTY OF Henry

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 7th day of June, 2023, by Fred S. Hazel, as Vice President for Morrow Investors, Inc., a Georgia corporation as Manager for DD Willet 17.31, LLC, a Georgia limited liability company. Is personally known or produced _____ as identification.





Notary Signature
SEAL

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL #800

SHEET 1 OF 2

PARENT PARCEL ID#: 26-36-04-XP-D-4

NOT VALID WITHOUT SHEET 2 OF 2

PURPOSE: PUBLIC ACCESS EASEMENT

THIS IS NOT A SURVEY

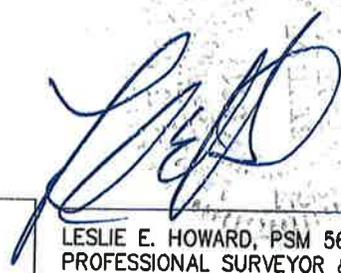
LEGAL DESCRIPTION: PARCEL #800 PUBLIC ACCESS EASEMENT (PREPARED BY SURVEYOR)

PART OF LOT 4, BLOCK D, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, LYING IN SECTION 4, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF WILLET PLACE, (A 97.00 FOOT WIDE PUBLIC RIGHT-OF-WAY ACCORDING TO THE PLAT OF SAID VIERA BOULEVARD COMMERCIAL CENTER II) AND RUN S58°06'56"W, ALONG THE SOUTH LINE OF SAID WILLET PLACE, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S31°53'04"E, A DISTANCE OF 99.26 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 35°59'57", A CHORD BEARING OF S49°53'02"E, AND A CHORD LENGTH OF 15.45 FEET), A DISTANCE OF 15.71 FEET TO THE END OF SAID CURVE; THENCE S67°53'01"E A DISTANCE OF 61.90 FEET; THENCE S69°48'40"E A DISTANCE OF 13.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 39.00 FEET, A CENTRAL ANGLE OF 180°00'00", A CHORD BEARING OF S20°11'20"W, AND A CHORD LENGTH OF 78.00 FEET), A DISTANCE OF 122.52 FEET TO THE END OF SAID CURVE; THENCE N69°48'40"W A DISTANCE OF 27.93 FEET; THENCE N67°19'19"W A DISTANCE OF 56.67 FEET; THENCE N53°14'37"W A DISTANCE OF 7.97 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 114.00 FEET, A CENTRAL ANGLE OF 7°42'04", A CHORD BEARING OF N49°23'35"W, AND A CHORD LENGTH OF 15.31 FEET), A DISTANCE OF 15.32 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 28°26'36", A CHORD BEARING OF N31°19'15"W, AND A CHORD LENGTH OF 12.28 FEET), A DISTANCE OF 12.41 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 14°47'06", A CHORD BEARING OF N24°29'31"W, AND A CHORD LENGTH OF 12.87 FEET), A DISTANCE OF 12.90 FEET TO THE END OF SAID CURVE; THENCE N31°53'04"W A DISTANCE OF 107.14 FEET TO THE SOUTH LINE OF SAID WILLET PLACE; THENCE N58°06'56"E ALONG THE SOUTH LINE OF SAID WILLET PLACE A DISTANCE OF 22.00 FEET; THENCE S31°53'04"E A DISTANCE OF 105.26 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 10°39'59", A CHORD BEARING OF S37°13'03"E, AND A CHORD LENGTH OF 16.17 FEET), A DISTANCE OF 16.20 FEET TO THE END OF SAID CURVE; THENCE S42°33'02"E A DISTANCE OF 7.87 FEET; THENCE S61°44'06"E A DISTANCE OF 64.47 FEET; THENCE S69°48'40"E A DISTANCE OF 28.70 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 180°00'00", A CHORD BEARING OF N20°11'20"E, AND A CHORD LENGTH OF 30.00 FEET), A DISTANCE OF 47.12 FEET TO THE END OF SAID CURVE; THENCE N69°48'40"W A DISTANCE OF 78.88 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST, AND HAVING A RADIUS OF 63.00 FEET, A CENTRAL ANGLE OF 20°10'26", A CHORD BEARING OF N41°58'17"W, AND A CHORD LENGTH OF 22.07 FEET), A DISTANCE OF 22.18 FEET TO THE END OF SAID CURVE; THENCE N31°53'04"W A DISTANCE OF 105.26 FEET TO THE SOUTH LINE OF SAID WILLET PLACE; THENCE N58°06'56"E ALONG THE SOUTH LINE OF SAID WILLET PLACE, A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING. CONTAINING 12,199.70 SQUARE FEET, (0.28 ACRES), MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N58°06'56"E ON THE SOUTH LINE OF WILLET PLACE, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN CHICAGO TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NUMBER: 11058775, CUSTOMER REFERENCE NUMBER 4011058775bm, DATED 03/23/2023. PLOTTABLE EASEMENTS FOUND IN THE REFERENCED REPORT WHICH AFFECT THE LANDS DESCRIBED HEREON ARE NOTED AND/OR SHOWN.
5. THIS DESCRIPTION IS NOT VALID WITHOUT 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.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.



LESLIE E. HOWARD, PSM 5611
 PROFESSIONAL SURVEYOR & MAPPER
 NOT VALID UNLESS SIGNED AND SEALED

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

PREPARED BY: B.S.E. CONSULTS, INC.
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
 MELBOURNE, FLORIDA 32901 LB No. 4905
 PHONE: (321)-725-3674 / FAX: (321)-723-1159

DRAWN BY: TBS	SCALE: 1"=30'	PROJECT NO. 11595		SECTION 4 TOWNSHIP 26 SOUTH RANGE 36 EAST
		CHECKED BY: LEH	REVISIONS	
DRAWING: 11595_100_006	DATE: 03/31/2023		04/25/2023	PER COUNTY COMMENTS
			04/13/2023	REVISED SURVEYOR NOTE #4

SKETCH OF DESCRIPTION PARCEL #800

SHEET 2 OF 2

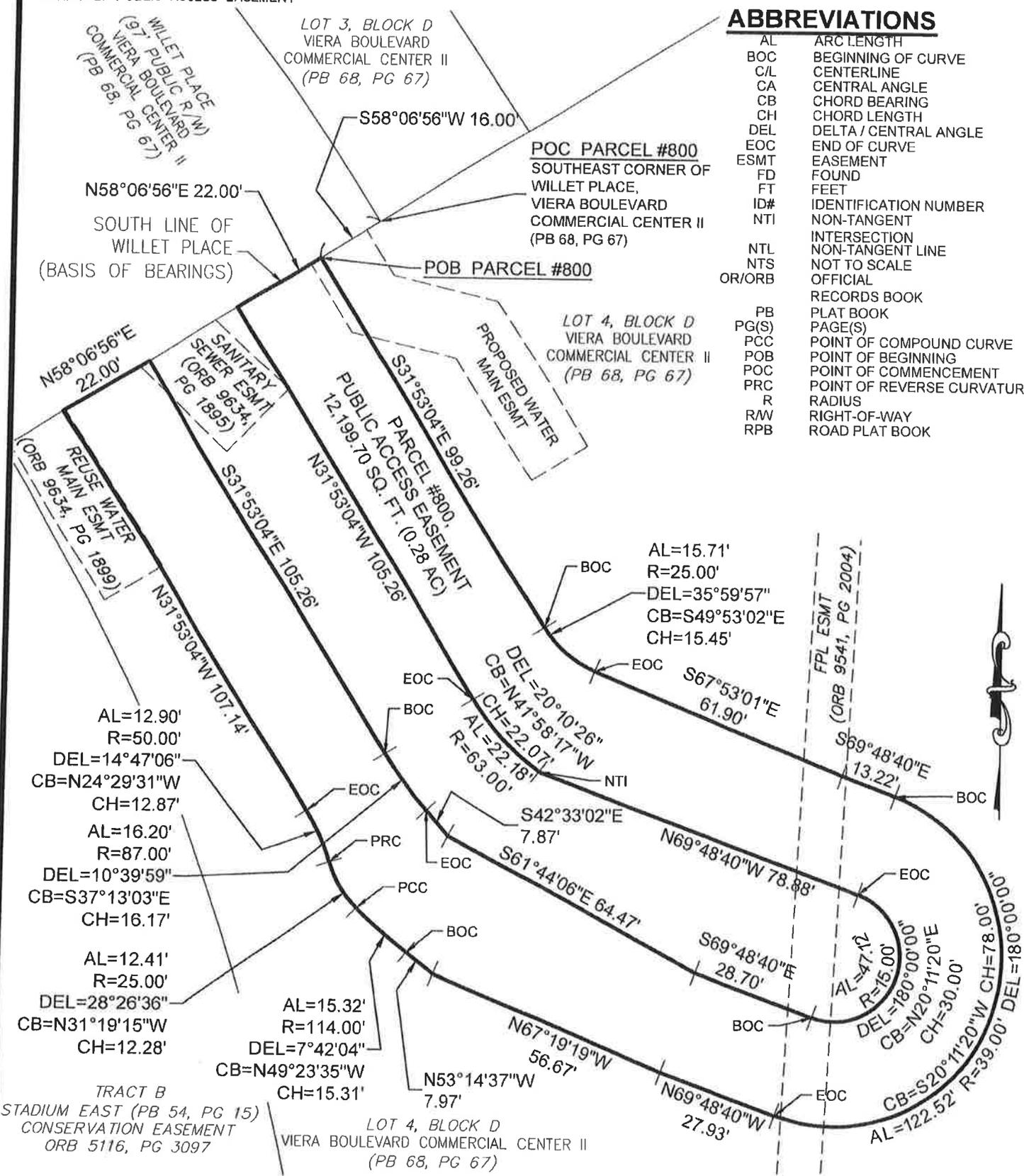
PARENT PARCEL ID#: 26-36-04-XP-D-4

NOT VALID WITHOUT SHEET 1 OF 2

PURPOSE: PUBLIC ACCESS EASEMENT

ABBREVIATIONS

AL	ARC LENGTH
BOC	BEGINNING OF CURVE
C/L	CENTERLINE
CA	CENTRAL ANGLE
CB	CHORD BEARING
CH	CHORD LENGTH
DEL	DELTA / CENTRAL ANGLE
EOC	END OF CURVE
ESMT	EASEMENT
FD	FOUND
FT	FEET
ID#	IDENTIFICATION NUMBER
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
PCC	POINT OF COMPOUND CURVE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVATURE
R	RADIUS
RW	RIGHT-OF-WAY
RPB	ROAD PLAT BOOK



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SCALE: 1" = 30'
 PROJECT NO.: 11595

SECTION 4
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST

LOCATION MAP

Section 04, Township 26 South, Range 36 East – District 4

PROPERTY LOCATION: South of Viera Boulevard, east of Lake Andrew Drive, west of Interstate 95 in Viera

OWNERS NAME(S): DD Willet 17.31, LLC

