



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.4.

9/12/2023

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### **Subject:**

Approval, Re: Dedication of Utility Easements from: 1) Wickham Summerbrook, LLC, 2) Summerbrook Commercial Property Owner's Association, Inc., and, 3) Quick Service Realco, LLC, related to the Plat of Summerbrook Commercial- District 4

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition/Utility Services Department

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the attached three Utility Easements.

### **Summary Explanation and Background:**

The subject property is located in Section 31, Township 26 South, Range 37 East, east of North Wickham Road, south of Summer Brook Street.

Summerbrook Commercial, as established by Plat Book 73, Page 74, falls within the City jurisdiction of the City of Melbourne. The City of Melbourne accepted the Plat on April 25th, 2023. The Plat contained a utility easement intended for the Brevard County Utility Services Department. The Utilities Services Department requested the easements to enable the Board to formally accept the easements. The owners have agreed to dedicate the attached easements.

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:**



September 13, 2023

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

**TO:** Marc Bernath, Public Works Director

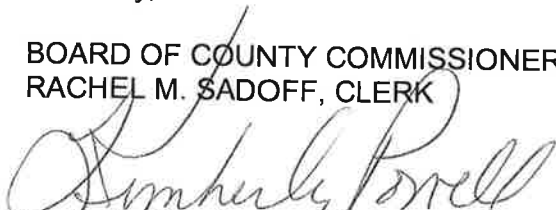
**RE:** Item F.4., Approval for Dedication of Utility Easements from Wickham Summerbrook, LLC, Summerbrook Commercial Property Owner's Association, Inc., and Quick Service Realco, LLC, Related to the Plat of Summerbrook Commercial

The Board of County Commissioners, in regular session on September 12, 2023, approved and accepted Utility Easements from Wickham Summerbrook, LLC, Summerbrook Commercial Property Owner's Association, Inc., and Quick Service Realco, LLC, related to the plat of Summerbrook Commercial.

Your continued cooperation is always appreciated.

Sincerely,

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



Kimberly Powell, Clerk to the Board

/sm

**cc:** Utility Services

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

**AGENDA:** Dedication of Utility Easements from: 1) Wickham Summerbrook LLC, 2) Wickham Summerbrook Property Owner's Association, and 3) Quick Service Realco, LLC, related to the Plat of Summerbrook Commercial - District 4

**AGENCY:** Public Works Department / Land Acquisition

**AGENCY CONTACT:** Jean Kremitzki, Land Acquisition Specialist

**CONTACT PHONE:** 321-350-8153

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u></u>	<u>                    </u>	<u>8.21.23</u>
COUNTY ATTORNEY Alexander Esseeesse Deputy County Attorney	<u></u>	<u>                    </u>	<u>8/22/23</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 Lots 1, 3, 4, 5 and Tract B of Summerbrook Commercial Plat recorded at Plat Book 73,  
Page 74, located in BCPAO identification # 26-37-31-00-262

### UTILITY EASEMENT

**THIS INDENTURE**, made this 15<sup>th</sup> day of August, 2023, between Wickham Summerbrook, LLC, a Florida limited liability company, whose address is 4053 Maple Road, Suite 200, Amherst, New York 14226, 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 operating, reconstructing, reconfiguring, and maintaining public utilities and associated facilities 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 31, Township 26 South, Range 37 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

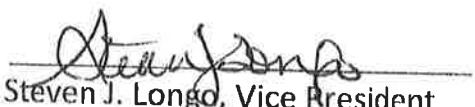
Michelle P. Hager  
Print Name

Wickham Summerbrook LLC, a Florida  
limited liability company

By: American Equity corporation  
as Manager

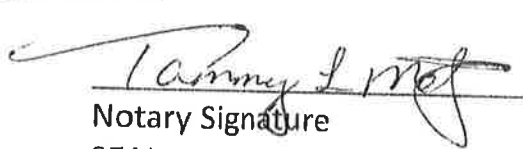
  
Witness

Robert S. Williams  
Print Name

  
Steven J. Longo, Vice President

STATE OF New York  
COUNTY OF Erie

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 15<sup>th</sup> day of August, 2023, by Steven J. Longo, as Vice President for American Equity Corporation as Manager for Wickham Summerbrook LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.

  
Notary Signature

SEAL

TAMMY L. METZGER  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01ME8134700  
Qualified in Niagara County  
Commission Expires October 3, 2025

**EXHIBIT A**

Easement as described, Lots 1, 3, 4, 5 and tract B, as identified in Plat Note 4.a. according to the Summerbrook Commercial Plat, as recorded Plat Book 73 Page 74 in the Public Records of Brevard County, Florida.

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: 26-37-31-30-\* -3

### UTILITY EASEMENT

**THIS INDENTURE**, made this 15<sup>th</sup> day of August, 2023, between Quick Service Realco, LLC, a Delaware limited liability company, whose address is 11141 Overbrook Road, Suite 400, Leawood, KS 66211, 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 operating, reconstructing, reconfiguring, and maintaining public utilities and associated facilities 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 31, Township 26 South, Range 37 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:

Sherry Williams  
Witness  
Sadie Williams  
Print Name

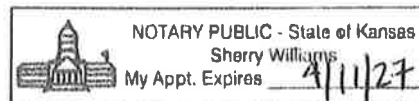
Quick Service Realco, LLC, a Delaware  
limited liability company  
Ben Johnson II  
Ben Johnson II Vice President

Kelsey Moore  
Witness  
Kelsey Moore  
Print Name

STATE OF Kansas  
COUNTY OF Johnson

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization on this 15<sup>th</sup> day of August, 2023, by Ben  
Johnson II, as President for Quick Service Realco, LLC, a Delaware limited liability  
company. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.

Sherry Williams  
Notary Signature  
SEAL





## **EXHIBIT A**

Easement as described, Lot 3, as identified in Plat Note 4.a. according to the Summerbrook Commercial Plat, as recorded Plat Book 73 Page 74 in the Public Records of Brevard County, Florida.

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: 26-37-30 -51- B

### UTILITY EASEMENT

**THIS INDENTURE**, made this 15<sup>th</sup> day of August, 2023, between Summerbrook Commercial Property Owner's Association, Inc. a Florida corporation, whose address is 4053 Maple Road, Amherst, New York 14226, 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 operating, reconstructing, reconfiguring, and maintaining public utilities and associated facilities 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 31, Township 26 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows:

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(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:

[Signature]  
Witness

Michelle P. Hager  
Print Name

[Signature]  
Witness

Robert S. Williams Jr  
Print Name

Summerbrook Commercial Property  
Owner's Association, Inc., a Florida  
corporation

[Signature]  
Steven J. Longo, President

STATE OF New York  
COUNTY OF Erie

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 15<sup>th</sup> day of August, 2023, by Steven J. Longo, as President for Summerbrook Commercial Property Owner's Association, Inc., a Florida corporation. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.

[Signature]  
Notary Signature

SEAL

TAMMY L METZGER  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01ME6134700  
Qualified in Niagara County  
Commission Expires October 3, 2025

**EXHIBIT A**

Easement as described, Tract B, as identified in Plat Note 4.a. according to the Summerbrook Commercial Plat, as recorded Plat Book 73 Page 74 in the Public Records of Brevard County, Florida.

## LOCATION MAP

**Section 31, Township 26 South, Range 37 East - District: 4**

**PROPERTY LOCATION:** The east side of North Wickham Road and south of Summer Brook Street in Melbourne.

**OWNERS NAME(S):** Wickham Summerbrook LLC

