



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.9.

11/15/2022

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### **Subject:**

Approval, Re: Donation of Additional Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair - 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 36, Township 24 South, Range 36 East, on the east side of North Plumosa Street and north of East Merritt Island Causeway in Merritt Island.

The Board of County Commissioners, in regular session on February 22, 2022, approved and accepted a Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair. During construction, Florida Power and Light installed an electrical pole conflicting with the approved site plan. An additional easement is needed to cover the portion of the sidewalk that falls on private property. The sidewalk has been constructed as part of the completed project, and lies within the maintenance responsibilities of the County 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:**

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

AGENDA: Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair - District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Andrew Malach, Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			<u>10.24.2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>		<u>10-25-2022</u>



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

November 16, 2022

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

**TO:** Marc Bernath, Public Works Director      **Attn:** Lucy Hamelers

**RE:** Item F.9., Approval for Donation of Additional Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair

The Board of County Commissioners, in regular session on November 15, 2022, approved and accepted the Donation of Additional Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair.

Your continued cooperation is always appreciated.

Sincerely,

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

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/pp

Prepared by and return to: Andrew Malach  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 24-36-36-25-\* -1

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 12 day of October, 2022, between AD Endeavors Inc., a Florida corporation, whose address is 3135 Constellation Drive, Melbourne, Florida 32940, 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 reconstructing, reconfiguring, repairing and maintaining the sidewalk, 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 36, 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:

  
Witness  
JOHN BUKANE

Print Name

  
Witness  
Warren Lerau

Print Name

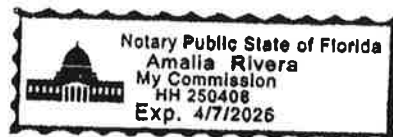
AD Endeavors Inc., a  
Florida corporation

  
Alex Donofrio, President

(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 12 day of October, 2022, by Alex Donofrio as President for AD Endeavors Inc., a Florida corporation. Is ☐ personally known or ☒ produced Driver License as identification.



  
Notary Signature  
SEAL

# LEGAL DESCRIPTION

## PARCEL 801

PARENT PARCEL ID#: 24-36-36-25-\*--1

SECTION 36, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: SIDEWALK EASEMENT

### EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2

THIS IS NOT A SURVEY

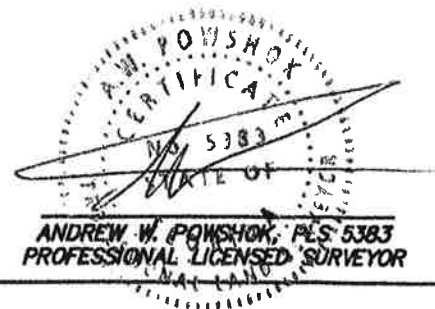
### LEGAL DESCRIPTION: PARCEL 801, SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

A PARCEL OF LAND LOCATED WITHIN THE NORTH 100 FEET OF LOT 1, AS CREATED BY THE PLAT OF HIGHLAND PARK SUBDIVISION, SECTION 2 AS RECORDED IN PLAT BOOK 10, PAGE 12 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1 AND THENCE S00°32'34"E, ALONG THE WEST LINE OF SAID LOT 1, 65.00 FEET TO THE POINT OF BEGINNING; THENCE S45°32'34"E, 5.66 FEET; THENCE S00°32'34"E, 7.00 FEET; THENCE S44°27'26"W, 5.66 FEET TO THE WEST LINE OF SAID LOT 1; THENCE N00°32'34"W, ALONG THE WEST LINE OF SAID LOT 1, 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 44 SQUARE FEET OR 0.001 ACRES, MORE OR LESS.

### SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITH THE BENEFIT OF PLAT OF HIGHLAND PARK SUBDIVISION, SECTION TWO, AS RECORDED IN PLAT BOOK 10, PAGE 12 AND THE OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY POLICY 1301744, DATED 7-20-2022. ITEMS RECORDED ON OFFICIAL RECORDS BOOK 8757, PAGE 2808, OFFICIAL RECORDS BOOK 9422, PAGE 69, OFFICIAL RECORDS BOOK 9422, PAGE 75, AND OFFICIAL RECORDS BOOK 9477, PAGE 2163 DO NOT AFFECT THIS SUBJECT EASEMENT AREA WITHIN PARCEL 801.
5. THE BASIS OF BEARINGS FOR THIS SKETCH IS THE WEST LINE OF LOT 1 AS BEING S00°32'34"E, ASSUMED.

PREPARED FOR:  
BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS



PREPARED BY:

**AAL LAND SURVEYING SERVICES, INC.**  
**3970 MINTON ROAD, WEST MELBOURNE, FL 32904**

**PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)**

**LICENSE BUSINESS #6623**

DRAWN BY:  
ANDREW POWSHOK

CHECKED BY:  
ANDREW W. POWSHOK

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

SECTION 36,  
TOWNSHIP 24 SOUTH,  
RANGE 36 EAST

DATE: 8-17-22

PROJECT # 45583

# LEGAL DESCRIPTION

EXHIBIT "A"

## PARCEL 801

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 24-36-36-25-\*-1

SECTION 36, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: SIDEWALK EASEMENT

PARCEL 801  
POINT OF COMMENCEMENT  
NW CORNER OF LOT 1

E R/W LINE PER  
OFFICIAL RECORDS BOOK  
84, PAGE 906

24-36-36-00-256  
OFFICIAL RECORDS BOOK 9098,  
PAGE 1428

PLUMOSA STREET  
EASTERLY 25.00' R/W  
PLAT BOOK 10, PAGE 12

BASIS OF BEARINGS  
EAST R/W LINE

NORTH LINE OF LOT 1

24-36-36-25-\*-1  
OFFICIAL RECORDS BOOK 8464,  
PAGE 1577

PARCEL 801  
POINT OF  
BEGINNING

N00°32'34"W  
15.00'

S00°32'34"E 65.00'  
WEST LINE OF LOT 1

S45°32'34"E  
5.66'

PARCEL 801,  
SIDEWALK EASEMENT  
(44 SQUARE FEET)

S00°32'34"E  
7.00'

S44°27'26"W  
5.66'

EAST LINE OF LOT 1

NORTH 100 FEET OF LOT 1  
HIGHLAND PARK SUBDIVISION, SECTION TWO  
PLAT BOOK 10, PAGE 12.



NORTH

PREPARED BY:

AAL LAND SURVEYING SERVICES, INC.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904

PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: [frontdesk@aalsurvey.com](mailto:frontdesk@aalsurvey.com)

SCALE: 1" = 20'

REVISION:

REVISION:

REVISION:

PROJECT # 45583

SECTION 36  
TOWNSHIP 24 SOUTH,  
RANGE 36 EAST

## LOCATION MAP

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

**PROPERTY LOCATION:** The property is located on the east side of North Plumosa Street and north of East Merritt Island Causeway in Merritt Island.

**OWNERS NAME:** AD Endeavors, Inc.

