



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.9.

12/21/2021

Subject:

Approval, Re: Dedication of Sidewalk Easement from Melbourne Skyway Inc., for Wickham Commerce Center Warehouse Complex - District 5

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 Sidewalk Easement.

Summary Explanation and Background:

The subject property is located in Section 25, Township 27 South, Range 36 East, on Wickham Road just south of New York Avenue in Melbourne.

Melbourne Skyway Inc., owner, has obtained right of way permit number 21RW00244 from the County for a warehouse complex known as the Wickham Commerce Center Warehouse Complex. In accordance with County code and standards, the owner has agreed to dedicate the sidewalk easement, as a required condition of the permit.

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 for the Wickham Commerce Center Warehouse Complex from Melbourne Skyway, Inc. – District 5.

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>11.29.2021</u> |
| COUNTY ATTORNEY Christine Schverak Assistant County Attorney | <u>cms</u> | _____ | <u>12-01-2021</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

December 22, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.9., Approval for Dedication of Sidewalk Easement from Melbourne Skyway Inc., for Wickham Commerce Center Warehouse Complex

The Board of County Commissioners, in regular session on December 21, 2021, approved and accepted the sidewalk easement from Melbourne Skyway Inc. for Wickham Commerce Center Warehouse Complex located in Section 25, Township 27 South, Range 36 East, on Wickham Road just south of New Your Avenue in Melbourne.

Your continued cooperation is always appreciated.

Sincerely,

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

Kimberly Powell
Kimberly Powell, Clerk to the Board

/cld

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: 27-36-25-01-*--18

SIDEWALK EASEMENT

THIS INDENTURE, made this 15 day of September, 2021, between Melbourne Skyway, Inc., a Florida corporation, whose address is 12804 Southwest 122 Avenue, Miami, Florida 33186, 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 25, Township 27 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:

[Signature]
Witness

[Signature]
Print Name

Stacey Jones
Witness

Stacey Jones
Print Name

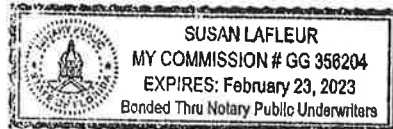
Melbourne Skyway, Inc.,
a Florida corporation

[Signature]
Signature
Joel F. Wynne, President
Print Name, Title

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical
presence or ☐ online notarization on this 15 day of September, 2021, by
Joel F. Wynne as President for Melbourne Skyway, Inc., a
Florida corporation. Is personally known or produced _____ as
identification.

[Signature]
Notary Signature
SEAL



LEGAL DESCRIPTION

PARCEL 801

PARENT PARCEL ID#: 27-36-25-01-*18

SECTION 25, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

THIS IS NOT A SURVEY

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

A PARCEL OF LAND BEING A PORTION OF LOT 18, SKYWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 32-33. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 18 AND RUN SOUTH 88°01'05" WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 17.02 FEET; THENCE NORTH 00°25'55" EAST, A DISTANCE OF 15.04 FEET; THENCE NORTH 44°34'05" WEST, A DISTANCE OF 7.07 FEET; THENCE NORTH 00°25'55" EAST, A DISTANCE OF 15.80 FEET; THENCE NORTH 45°25'55" EAST, A DISTANCE OF 7.07 FEET; THENCE NORTH 00°25'55" EAST, A DISTANCE OF 206.39 FEET TO THE NORTH LINE OF SAID LOT 18; THENCE NORTH 88°12'03" EAST ALONG SAID NORTH LINE, A DISTANCE OF 17.01 FEET TO THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD AND THE EAST LINE OF LOT 18; THENCE SOUTH 00°25'55" WEST ALONG SAID WEST RIGHT OF WAY LINE AND THE EAST LINE OF LOT 18, A DISTANCE OF 247.17 FEET TO THE POINT OF BEGINNING. CONTAINING 4,306 SQUARE FEET OR 0.10 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 TITLE COMMITMENT FILE NUMBER 1114087 DATED JULY 13, 2021. FOR EASEMENTS LISTED WITHIN THE TITLE COMMITMENT SEE SHEET 3 OF 3.
5. THIS SKETCH WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°25'55" WEST FOR THE EAST LINE OF LOT 18, SKYWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 32-33.

The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No.5383, on November, 18, 2021.

This item has been electronically signed and sealed by Andrew W. Powshok, PLS No.5383 using a digital signature on November, 18, 2021.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

Powshok
ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED SURVEYOR

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 LICENSE BUSINESS #6623

DRAWN BY:
DOUG W. GUARE

CHECKED BY:
ANDREW W. POWSHOK

REVISION:

REVISION: COUNTY COMMENTS 11-16-21

REVISION: COUNTY COMMENTS 11-12-21

DATE: 11-05-21

PROJECT # 43487

SECTION 25,
TOWNSHIP 27 SOUTH,
RANGE 36 EAST

SKETCH OF DESCRIPTION PARCEL 801

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 & 3 OF 3

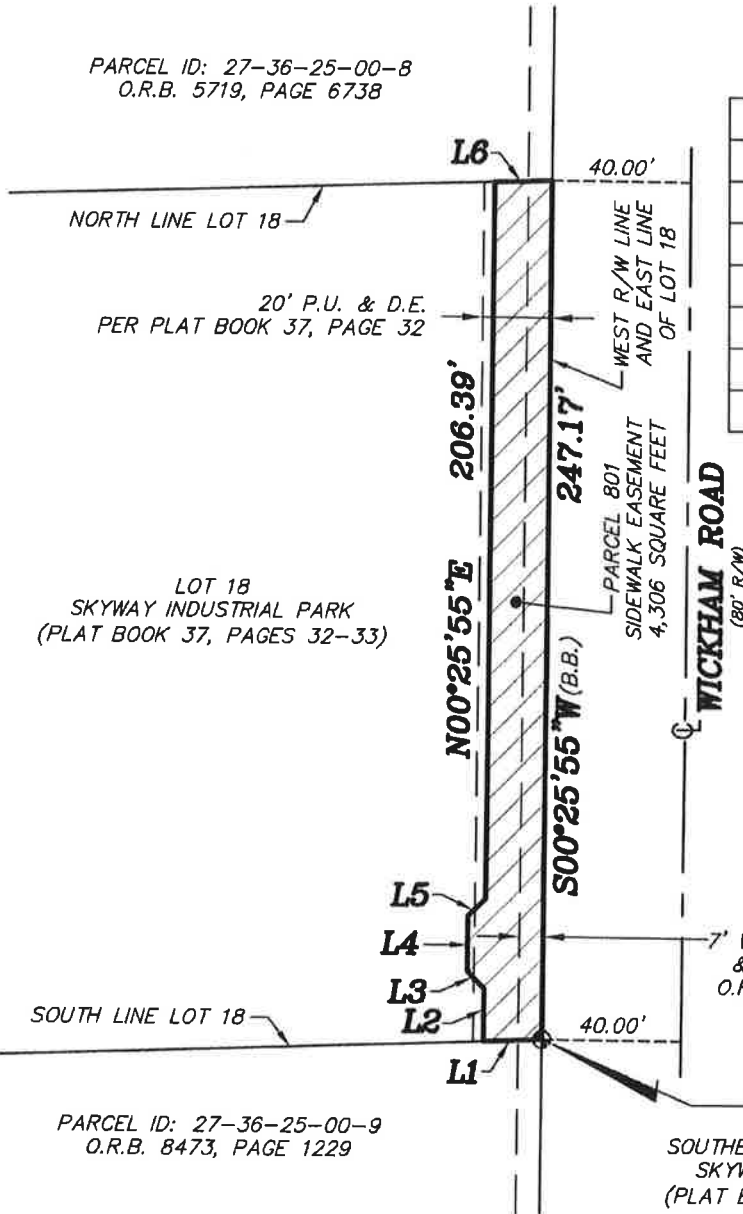
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 27-36-25-01-*--18

SECTION 25, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: SIDEWALK EASEMENT

PARCEL ID: 27-36-25-00-8
O.R.B. 5719, PAGE 6738



| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S88°01'05"W | 17.02' |
| L2 | N00°25'55"E | 15.04' |
| L3 | N44°34'05"W | 7.07' |
| L4 | N00°25'55"E | 15.80' |
| L5 | N45°25'55"E | 7.07' |
| L6 | N88°12'03"E | 17.01' |

LEGEND

B.B. - BASIS OF BEARINGS
D.E. - DRAINAGE EASEMENT
O.R.B. - OFFICIAL RECORDS BOOK
P.U. - PUBLIC UTILITY
R/W - RIGHT OF WAY

POINT OF BEGINNING

PARCEL 801
SOUTHEAST CORNER OF LOT 18
SKYWAY INDUSTRIAL PARK
(PLAT BOOK 37, PAGES 32-33)



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

SCALE: 1" = 50'

REVISION:

COUNTY COMMENTS 11-16-21

PROJECT # 43487

REVISION:

COUNTY COMMENTS 11-12-21

SECTION 25,
TOWNSHIP 27 SOUTH,
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL 801

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEET 1 & 2 OF 3

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 27-36-25-01-*18

SECTION 25, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: SIDEWALK EASEMENT

TITLE SEARCH REPORT ITEMS

- Item 1. 20-Foot Public Utility and Drainage Easement shown on the Plat of Skyway Industrial Park, as recorded in Plat Book 37, page 32, Public Records of Brevard County, Florida. Does affect the subject property and has been plotted.
- Item 2. Covenants, Conditions, and Restrictions recorded in O.R. Book 3086, Page 2673, and amended in O.R. Book 3840, Page 3358, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 3. Reservation recorded in Deed Book 108, Page 232, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 4. Easement in favor of Florida Power and Light recorded in O.R. Book 855, Page 809, Public Records of Brevard County, Florida. Does affect the subject property and has been plotted.
- Item 5. Resolution recorded in O.R. Book 2724, Page 2578, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 6. Water Agreement recorded in O.R. Book 2743, Page 669, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 7. Resolution recorded in O.R. Book 2812, Page 2406, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 8. Sewer Agreement recorded in O.R. Book 2836, Page 294, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 9. Sanitary Sewer Agreement recorded in O.R. Book 2806, Page 480, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.
- Item 10. Stormwater Maintenance Agreement recorded in O.R. Book 3086, Page 2685, Public Records of Brevard County, Florida. Does affect the subject property but is not plottable.

| | | |
|--|---|--|
| | 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 | |
| | SCALE: N/A | REVISION: _____ |
| | PROJECT # 43487 | REVISION: COUNTY COMMENTS 11-16-21 REVISION: COUNTY COMMENTS 11-12-21 |
| | | SECTION 25, TOWNSHIP 27 SOUTH, RANGE 36 EAST |

LOCATION MAP

Section 25, Township 27 South, Range 36 East - District: 5

PROPERTY LOCATION: 310 North Wickham Road, Melbourne, Florida 32935

OWNERS NAME: Melbourne Skyway Inc. of Miami, Florida

