



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.9.

7/11/2023

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### **Subject:**

Approval, Re: Donation of Right of Way by Warranty Deed from Brooks Landing Project I, LLC for Brooks Landing Phase 1 - District 1

### **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 Warranty Deed.

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

The subject property is located in Sections 20 and 21, Township 21 South, Range 35 East, East of US 1, and North of Jay Jay Road in Titusville.

Brooks Landing Project I, LLC, owner, has obtained Right of Way permit number 20RW00109 from the County for improvements within the Jay Jay Road right of way for a City of Titusville project known as Brooks Landing subdivision. Upon review of the Plat, Public Works Engineering determined that additional right of way conveyance by the owner/developer would create a consistent right of way width along their entire frontage of Jay Jay Road, a County maintained right of way. The owner has agreed to dedicate the additional right of way.

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) 837-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

July 12, 2023

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

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

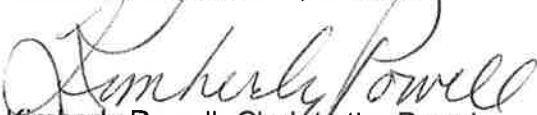
**RE:** Item F.9., Approval of Donation of Right-of-Way by Warranty Deed from Brooks Landing Project I, LLC for Brooks Landing Phase 1

The Board of County Commissioners, in regular session on July 11, 2023, approved and accepted donation of right-of-way by Warranty Deed from Brooks Landing Project I, LLC for Brooks Landing Phase 1.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/tr

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA REVIEW SHEET**

**AGENDA:** Donation of Right of Way by Warranty Deed from Brooks Landing Project 1, LLC for the Brooks Landing Phase 1 District 1

**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>6.28-2023</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney		<u>6.28</u>

Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 21-35-20-00-794, 21-35-21-00-513, 21-35-21-00-511

WARRANTY DEED

**THIS DEED** is made this 8<sup>th</sup> day of June, 2023, by Brooks Landing Project I, LLC, a Florida limited liability company, hereafter called the Grantor, whose mailing address is 3601 Rigby Road, Suite 300, Miamisburg, Ohio 43542, to Brevard County, a political subdivision of the State of Florida, hereafter called the Grantee, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940;

**WITNESSETH** that the Grantor, for and in consideration of the sum of One Dollar and No Cents (\$1.00) and other valuable considerations, paid, receipt of which is acknowledged, does grant, bargain, sell, and convey unto the Grantee, its successors and assigns the following described lands, lying and being in the Brevard County, Florida, to-wit:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"**

Together with all riparian and littoral rights appertaining thereto, and all interest in subsurface oil, gas, and minerals.

**TO HAVE AND TO HOLD THE SAME**, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise incident and/or appertaining thereto and all the estate, right, title and interest forever, and the Grantor does fully warrant the title to said lands, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Jamie Melson  
Witness  
Jamie Melson  
Print Name  
Kaitlyn Shafer  
Witness  
Kaitlyn Shafer  
Print Name

GRANTOR:  
Brooks Landing Project I, LLC,  
a Florida limited liability company  
By: Aaron Matson  
Aaron Matson, Manager

(Corporate Seal)

STATE OF OHIO  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 8<sup>th</sup> day of June, 2023, by Aaron Matson, as Manager for Brooks Landing Project I, LLC, a Florida limited liability company. Is  personally known or  produced as identification.

Jamie Melson  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL # 101

# EXHIBIT "A"

## SHEET 1 OF 4

NOT VALID WITHOUT ALL SHEETS

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 21-35-20-00-794,21-35-21-00-513, 21-35-21-00-511  
PURPOSE: FEE SIMPLE RIGHT-OF-WAY DEDICATION

### LEGAL DESCRIPTION: PARCEL # 101(PREPARED BY SURVEYOR)

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9372, PAGE 685 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING IN SECTIONS 20 & 21, TOWNSHIP 21 SOUTH, RANGE 35 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 20; THENCE NORTH 00°42'27" WEST ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 20, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF JAY JAY ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1140, PAGE 976 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°45'47" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 653.82 FEET TO A POINT ON THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5852, PAGE 5407 OF SAID PUBLIC RECORDS; THENCE NORTH 00°42'07" WEST ALONG SAID EAST LINE, 5.00 FEET; THENCE NORTH 89°45'47" EAST, 653.82 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 20; THENCE NORTH 90°00'00" EAST, 1333.66 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9600, PAGE 1226 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°28'53" EAST ALONG SAID WEST LINE, 5.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 90°00'00" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 1333.64 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 9,937 SQUARE FEET/0.23 ACRES.


### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 20 TOWNSHIP 21 SOUTH, RANGE 35 HAVING AN ASSUMED BEARING OF N00°42'27"W.
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 STEWART TITLE GUARANTY COMPANY TITLE COMMITMENT, COMMITMENT # 22000050134 DATED 04/17/23..
5. B-II ITEM 6 (ORDINANCE ORB 5717, PG 5554) AFFECTS THE SUBJECT PARTY AND IS BLANKET IN NATURE.
6. 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.
7. 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.

#### LEGEND:

(BB)=BASIS OF BEARINGS  
 COR=CORNER  
 LB=LICENSED BUSINESS  
 ORB=OFFICIAL RECORDS BOOK  
 PG=PAGE  
 POB=POINT OF BEGINNING  
 POC=POINT OF COMMENCEMENT  
 R/W=RIGHT-OF-WAY  
 SEC= SECTION

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

  
 EDWARD MIZO, PSM 3376  
 PROFESSIONAL SURVEYOR & MAPPER  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: MIZO & ASSOCIATES LB 8497  
 1407 CUMBIE STREET  
 ORLANDO, FL 32804

DRAWN BY: ION

CHECKED BY: CEM

PROJECT NO. BROOKS LANDING I

SECTION 20 & 21  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

DATE: 05/16/23

DRAWING: R/W DEDICATION

REVISIONS

DATE

DESCRIPTION

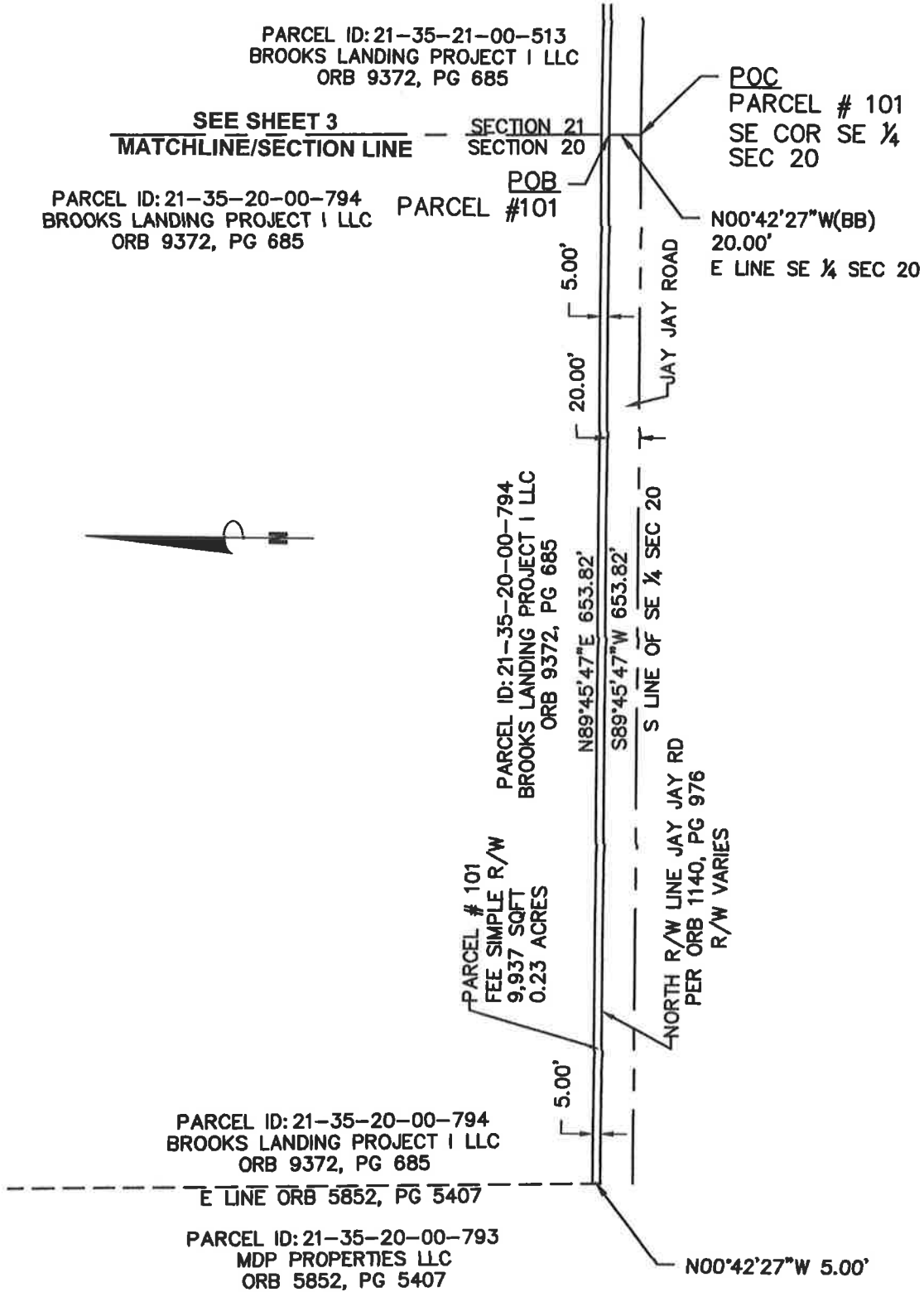
# SKETCH OF DESCRIPTION

## PARCEL # 101

PARENT PARCEL ID#: 21-35-20-00-794, 21-35-21-00-513, 21-35-21-00-511  
 PURPOSE: FEE SIMPLE RIGHT-OF-WAY DEDICATION

# EXHIBIT "A"

SHEET 2 OF 4  
 NOT VALID WITHOUT ALL SHEETS  
THIS IS NOT A SURVEY



PREPARED BY: MIZO+ASSOCIATES LB 8497  
 1407 CUMBIE STREET  
 ORLANDO, FL 32804

SCALE:  
 1"=100'  
 PROJECT NO.:  
 BROOKS LANDING 1

SECTIONS 20 & 21  
 TOWNSHIP 21 SOUTH  
 RANGE 35 EAST

# SKETCH OF DESCRIPTION

## PARCEL # 101

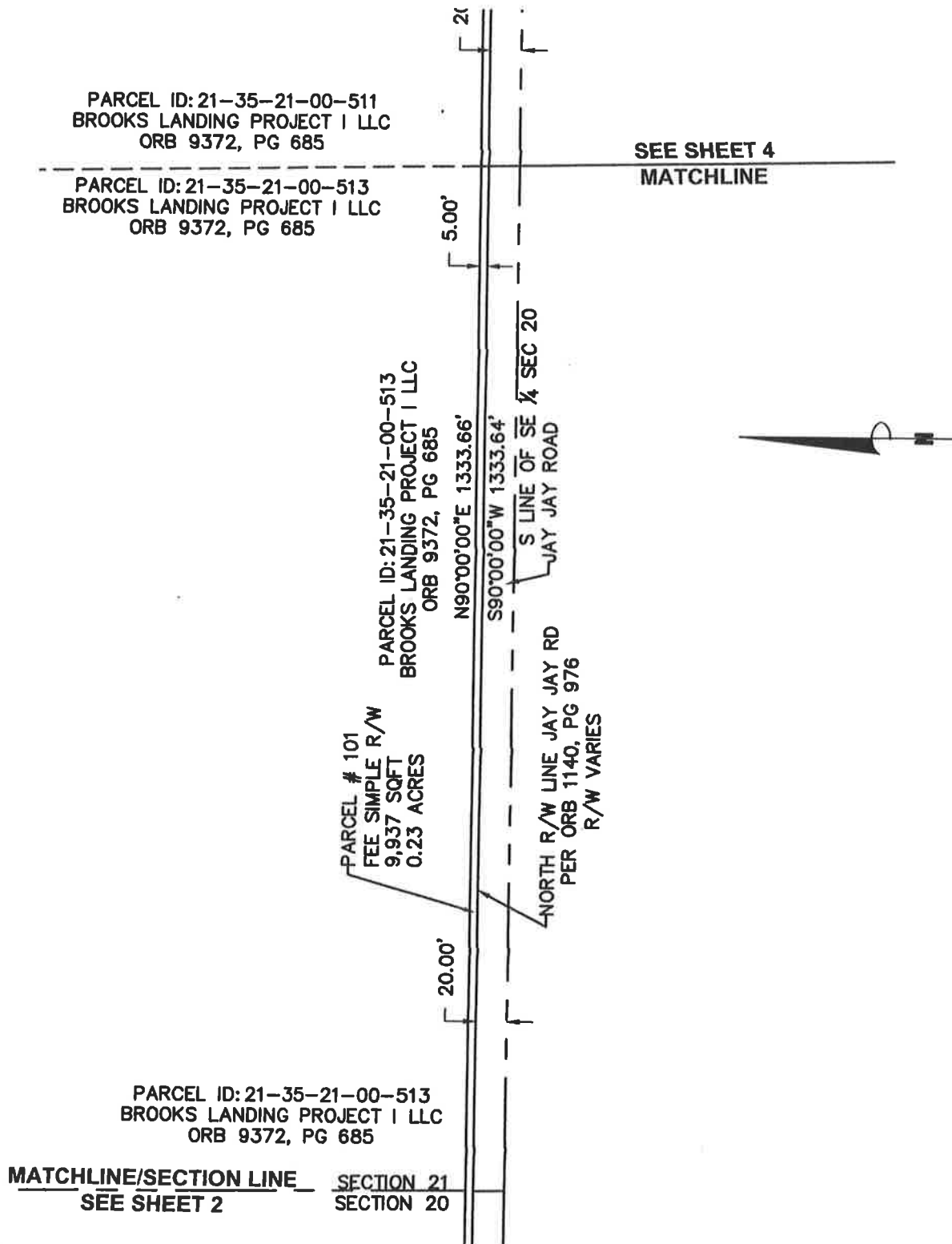
PARENT PARCEL ID#: 21-35-20-00-794, 21-35-21-00-513, 21-35-21-00-511  
PURPOSE: FEE SIMPLE RIGHT-OF-WAY DEDICATION

# EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT ALL SHEETS

THIS IS NOT A SURVEY



PREPARED BY: MIZO+ASSOCIATES LB 8497  
1407 CUMBIE STREET  
ORLANDO, FL 32804

SCALE:  
1"=100'

PROJECT NO.:  
BROOKS LANDING 1

SECTIONS 20 & 21  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

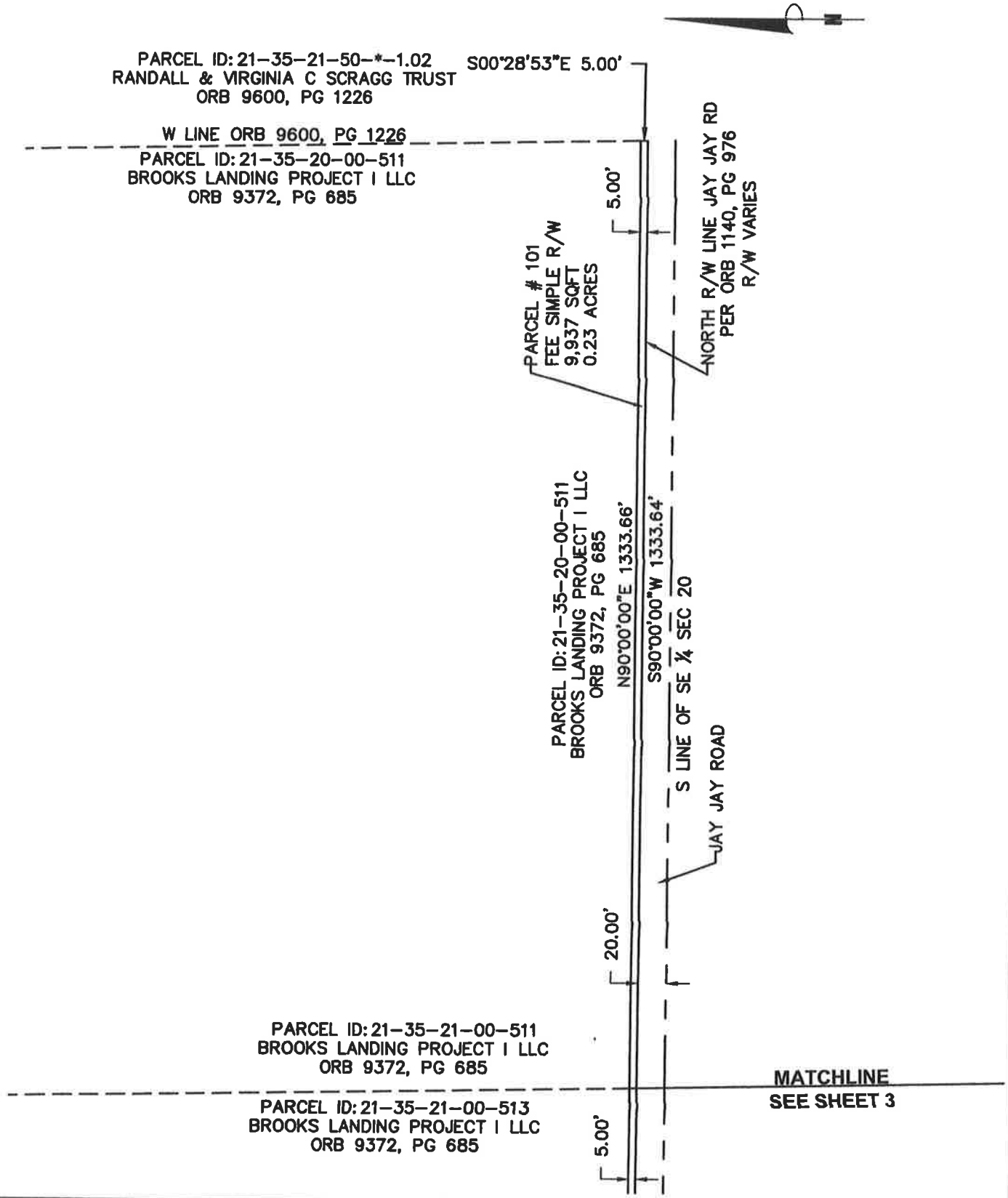
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EXHIBIT "A"

SHEET 4 OF 4  
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PREPARED BY: MIZO+ASSOCIATES LB 8497  
 1407 CUMBIE STREET  
 ORLANDO, FL 32804

SCALE:  
 1" = 100'  
 PROJECT NO.:  
 BROOKS LANDING 1

SECTIONS 20 & 21  
 TOWNSHIP 21 SOUTH  
 RANGE 35 EAST



# LOCATION MAP

**Section 20 and 21, Township 21 South, Range 35 East - District: 1**

**PROPERTY LOCATION:** The East side of US 1, and North of Jay Jay Road in Titusville.

**OWNERS NAME(S):** Brooks Landing Project I, LLC

