



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.3.

5/3/2022

### Subject:

Approval, Re: Dedication of Sidewalk Easement from City Electric Supply Company for Retail Storage Building - District 2.

### 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 35, Township 24 South, Range 36 East, on the north side of Fortenberry Road west of South Plumosa Street in Merritt Island.

City Electric Supply Company, owner, has submitted site plan number 19SP00013 for review and approval by the County for the development of a retail storage building known as City Electric Supply. In accordance with County code and standards, the owner has agreed to dedicate the attached Sidewalk Easement required as a condition of the site plan approval. The sidewalk will be constructed as part of the completed project and the owner will be responsible for all future maintenance for the sidewalk as outlined in the attached 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: Dedication of Sidewalk Easement from City Electric Supply Company  
for Retail Storage Building– District 2.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>3-29-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>4-13-2022</u>



May 4, 2022

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

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

**RE:** Item F.3., Dedication of Sidewalk Easement from City Electric Supply Company  
for Retail Storage Building

The Board of County Commissioners, in regular session on May 3, 2022, approved and accepted Dedication of Sidewalk Easement from City Electric Supply Company for Retail Storage Building, on the north side of Fortenberry Road west of South Plumosa Street, Merritt Island.

Your continued cooperation is greatly appreciated.

Sincerely,

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

*for Donna Scott*  
for Kimberly Powell, Clerk to the Board

/ns

Prepared by and return to: Lisa Kruse  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of interest in Tax Parcel ID: 24-36-35-02-\* -38A.04

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 24<sup>th</sup> day of March, 2022, between City Electric Supply Company, a Florida corporation, whose address is 400 South Record Street, Suite 1500, Dallas, Texas 75202, 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 sidewalk easement commencing on the above date for the purposes of public and pedestrian sidewalk 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 35, Township 24 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

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

Any and all maintenance shall be the responsibility of the owner of the land over which the Easement is located.

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  
Brooke Stone  
Print Name

[Signature]  
Witness  
Michael Reynolds  
Print Name

City Electric Supply Company, a  
Florida corporation

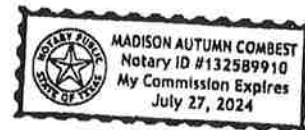
By: [Signature]  
Sone Cavazos, Senior Real  
Estate Manager

(SEAL)

STATE OF TEXAS  
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization on this 24 day of MARCH, 2022, by Sone  
Cavazos as Senior Real Estate Manager for City Electric Supply Company, a Florida  
corporation. Is ☒ personally known or ☐ produced \_\_\_\_\_ as  
identification

[Signature]  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-35-02-\*--38A.04  
PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 AND 3 OF 3

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL 800 SIDEWALK EASEMENT (BY SURVEYOR)

THE SOUTH 7.00 FEET OF THE FOLLOWING DESCRIBED PARCEL LYING ADJACENT TO AND CONTIGUOUS WITH THE NORTH RIGHT-OF-WAY LINE OF FORTENBERRY ROAD (A 50.00 FOOT WIDE RIGHT-OF-WAY);

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING THE EAST 100 FEET OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5789, PAGE 2702, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 35 AND RUN S.00°32'15"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 53.00 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF FORTENBERRY ROAD (A 50 FOOT WIDE RIGHT-OF-WAY); THENCE S.89°06'35"W., ALONG SAID EXTENSION AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 534.92 FEET TO THE SOUTHEAST CORNER OF THE AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5789, PAGE 2702, THE POINT-OF-BEGINNING; THENCE CONTINUE S.89°06'35"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET; THENCE N.00°32'34"W., 197.00 FEET; TO A POINT ON THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5789, PAGE 2702; THENCE N.89°06'35"E., ALONG SAID NORTH LINE AND PARALLEL WITH THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S. 00°32'34"E., ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 197.00 FEET TO THE POINT-OF-BEGINNING. CONTAINING 0.02 ACRES, (700 S.F.) MORE OR LESS.

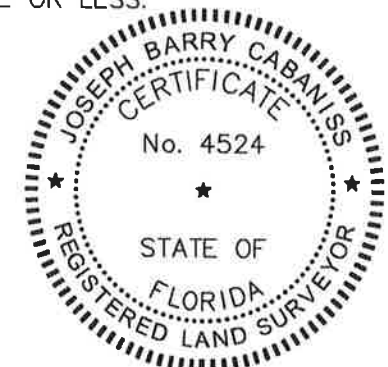
### NOTES:

- 1.) SEE SHEET 2 OF 3 FOR SKETCH OF DESCRIPTION.
- 2.) SEE SHEET 3 OF 3 FOR LEGEND, ADDITIONAL NOTES AND ADDITIONAL REVISIONS, IF ANY.

### CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS AS DIRECTED BY THE BREVARD COUNTY SURVEY DEPARTMENT AND THAT IT MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.05 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**Joseph Barry  
Cabaniss**



**Digitally signed by Joseph  
Barry Cabaniss**

**Date: 2022.04.12 13:50:56  
-04'00'**

PREPARED FOR AND CERTIFIED TO:  
**THE BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS**

JOSEPH BARRY CABANISS, P.L.S. DATE  
FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524  
DRMP, INC. CERTIFICATE NO.: 2648  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:



100 PARNELL STREET • SUITE A • MERRITT ISLAND, FLORIDA 32953  
PHONE NO.: (321) 453-0010  
DRMP, INC. CERTIFICATE NO.: 2648

DRAWN BY: MAM

CHECKED BY: JBC

PROJECT NO. 21-0565.001

REVISIONS

DATE

DESCRIPTION

DATE: 2021-09-21

DRAWING: 21-0565.001-SK01

2022-04-11

COUNTY COMMENTS

2022-04-06

COUNTY COMMENTS

SECTION 35  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 24-36-35-02-\*--38A.04

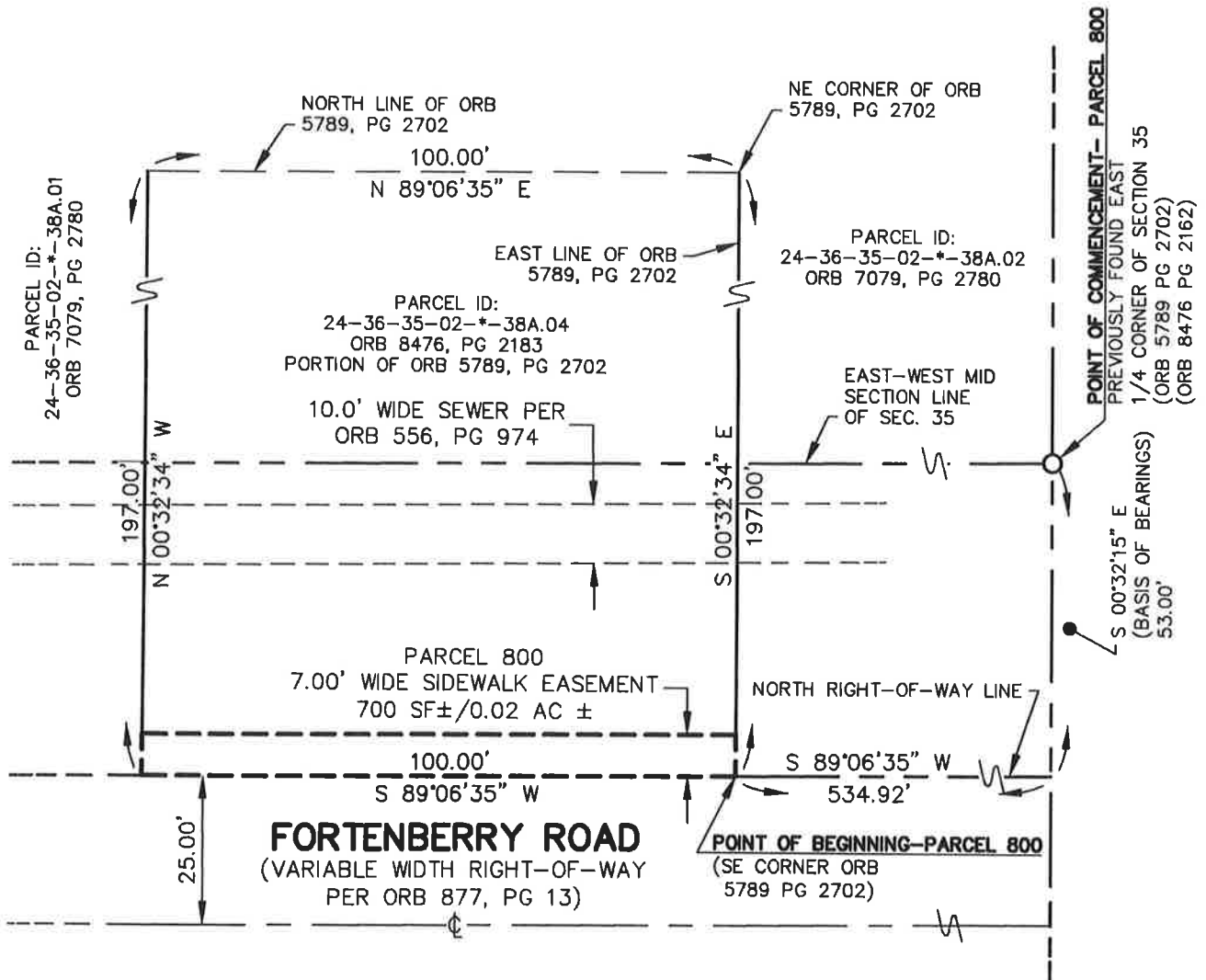
PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEETS 1 AND 3 OF 3

THIS IS NOT A SURVEY



PREPARED BY:  
100 PARNELL STREET • SUITE A  
MERRITT ISLAND, FLORIDA 32953  
PHONE NO.: (321) 453-0010  
DRMP, INC. CERTIFICATE NO.: 2648



SCALE:  
1" = 30'

PROJECT NO.:  
21-0565.001

SECTION 35  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

# NOTES AND LEGEND

## PARCEL #800

PARENT PARCEL ID#: 24-36-35-02--38A.04

PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 AND 2 OF 3

THIS IS NOT A SURVEY

### LEGEND:

ORB	OFFICIAL RECORDS BOOK
PG	PAGE
⌘	CENTERLINE
—w—	GRAPHICS NOT TO SCALE
AC	ACRES
SF	SQUARE FEET
N.T.S.	NOT TO SCALE

### NOTES:

1. BEARINGS ARE ASSUMED AND BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 35 BEING S 00°32'15" E IN ACCORDANCE WITH OFFICIAL RECORDS BOOK 5789, PAGE 2702, BREVARD COUNTY PUBLIC RECORDS.
2. THIS IS NOT A BOUNDARY SURVEY.
3. PURSUANT TO TITLE SEARCH REPORT ISSUED BY ALLIANCE TITLE FILE NO. 119020070 DATED JANUARY 14, 2022,  
THE FOLLOWING ITEMS WERE REVIEWED BY THE SURVEYOR:  
ITEM A, ORB 556, PAGE 974 DOES NOT AFFECT PARCEL 800;. BUT IS SHOWN HEREON  
ITEM B; ORB 1755, PAGE 408 DOES NOT AFFECT PARCEL 800 AND IS NOT SHOWN  
HEREON;
4. THIS SKETCH AND DESCRIPTION IS VALID ONLY WHEN SIGNED AND SEALED.
5. THIS SKETCH AND DESCRIPTION CERTIFIED CORRECT TO:  
**CITY ELECTRIC SUPPLY;**  
**THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

PREPARED BY:  
100 PARNELL STREET • SUITE A  
MERRITT ISLAND, FLORIDA 32953  
PHONE NO.: (321) 453-0010  
DRMP, INC. CERTIFICATE NO.: 2648



SCALE:  
N.T.S.

PROJECT NO.:  
21-0565.001

SECTION 35  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST



## LOCATION MAP

**Section 35, Township 24 South, Range 36 East - District: 2**

**PROPERTY LOCATION:** Parcels are located on the north side of Fortenberry Road west of South Plumosa Street in Merritt Island

**OWNERS NAME(S):** City Electric Supply Company

