



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

4/9/2024

Subject:

Approval, Re: Dedication of Public Access Sidewalk Easement from Central Viera Community Association, Inc. for the Pineda Boulevard West Extension -Segments F, G and H, Phase 2 - District 4.

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 Sections 20 and 21, Township 26 South, Range 36 East, west of Stadium Parkway along the north side of Pineda Boulevard in Viera.

The Viera Company, has submitted subdivision plan number 22SD00001 for review and approval by the County for the development of Pineda Boulevard West Extension / Segments F, G and H, Phase 2. In accordance with County Code and standards, the Central Viera Community Association, Inc., owner, has agreed to dedicate the public access sidewalk easement required as a condition of the subdivision plan approval. The sidewalk was constructed as part of the completed project. Any and all maintenance responsibilities for the easement and sidewalk areas shall be the responsibility of the owner of the land over which the easement is located.

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) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

April 10, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director Attn: Lisa Kruse

RE: Item F.2., Approval for Dedication of Public Access Sidewalk Easement from Central Viera Community Association, Inc. for the Pineda Boulevard West Extension – Segments F, G, and H, Phase 2

The Board of County Commissioners, in regular session on April 9, 2024, approved acceptance of Public Access Sidewalk Easement from Central Viera Community Association, Inc. for the Pineda Boulevard West Extension Segments F, G, and H, Phase 2.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/ds

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Public Access Sidewalk Easement from Central Viera Community Association, Inc. for the Pineda Boulevard West Extension – Segments F, G, and H, Phase 2 – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor		_____	<u>3-19-24</u>
COUNTY ATTORNEY Alex Esseeesse Deputy County Attorney	<u>AE</u>	_____	<u>3/20/24</u>

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-21-XJ-*-Q and 26-36-21-XJ-*-P

PUBLIC ACCESS SIDEWALK EASEMENT

THIS INDENTURE, made this 7th day of March 2024, between Central Viera Community Association, Inc., a Florida not-for-profit corporation, whose address is 7380 Murrell Road, Suite 201, Viera, 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 non-exclusive 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 Sections 20 and 21, Township 26 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 of the easement and sidewalk area 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:

Hunter P.
Witness
Hunter Parviaimen

Central Viera Community
Association, Inc., a Florida
not-for-profit corporation

Print Name
Address: 7380 Murrell Rd #201
Viera FL 32980

By: Eva M. Rey
Eva M. Rey, President

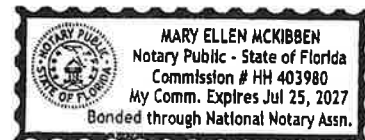
Mary Ellen McKibben
Witness
Mary Ellen McKibben
Print Name
Address: 7380 Murrell Rd #201
Viera, FL 32980

(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 7th day of March 2024, by Eva M. Rey, as President for Central Viera Community Association, Inc., a Florida not-for-profit corporation. Is ☒ personally known or ☐ produced _____ as identification.

Mary Ellen McKibben
Notary Signature
SEAL



LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-36-21-XJ-*--Q
PARENT PARCEL ID#: 26-36-21-XJ-*--P

PURPOSE: SIDEWALK EASEMENT

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

PART OF TRACT P AND TRACT Q, AVALONIA SUBDIVISION - PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, LYING IN SECTIONS 20 AND 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT Q, (SAID POINT ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PINEDA BOULEVARD, 150 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN ROAD PLAT BOOK 5, PAGE 70, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA) AND RUN SOUTHEASTERLY ALONG THE ARC OF THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID PINEDA BOULEVARD, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2075.00 FEET, A CENTRAL ANGLE OF 3°23'32" A CHORD BEARING OF S87°50'34"E AND A CHORD LENGTH OF 122.83 FEET), A DISTANCE OF 122.85 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N24°38'28"E, ALONG SAID NON-TANGENT LINE A DISTANCE OF 55.80 FEET; THENCE S86°18'32"E A DISTANCE OF 89.82 FEET; THENCE S47°35'22"E A DISTANCE OF 255.89 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID PINEDA BOULEVARD; THENCE ALONG THE ARC OF SAID CURVED NORTH RIGHT-OF-WAY LINE OF SAID PINEDA BOULEVARD, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2075.00 FEET, A CENTRAL ANGLE OF 1°51'42" A CHORD BEARING OF N57°50'35"W AND A CHORD LENGTH OF 67.41 FEET), A DISTANCE OF 67.42 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHWEST; THENCE N47°35'22"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 187.49 FEET; THENCE N85°18'32"W A DISTANCE OF 27.84 FEET; THENCE S24°40'02"W A DISTANCE OF 43.80 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID PINEDA BOULEVARD; THENCE ALONG THE ARC OF SAID CURVED NORTH RIGHT-OF-WAY LINE OF SAID PINEDA BOULEVARD, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2075.00 FEET, A CENTRAL ANGLE OF 1°39'53" A CHORD BEARING OF N85°18'51"W AND A CHORD LENGTH OF 60.28 FEET), A DISTANCE OF 60.29 FEET TO THE POINT OF BEGINNING CONTAINING 8,345.39 SQUARE FEET, (0.146 ACRES), MORE OR LESS.

SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N22°07'08"E ON THE WEST LINE OF TRACT P, AVALONIA SUBDIVISION - PHASE 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 6, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
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 FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 11443931, CUSTOMER REFERENCE NUMBER 11554.04 DATED 12/07/2023 AT 5:00 PM. NO EASEMENTS ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN SAID REPORT.
5. 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.
6. 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.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

LESLIE E. HOWARD, PSM 5511
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FL 32901 LB No. 4905
PHONE: (321) 725-3674 FAX: (321) 723-1159

DRAWN BY: TBS	CHECKED BY: LEH	PROJECT NO. 11554.04			SECTION 20 & 21 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
01/24/24	UPDATE NOTE 4				
11/30/23	PER COUNTY COMMENTS				
DATE: 11/14/2023	DRAWING: 1155404_100_001				

SKETCH OF DESCRIPTION

PARCEL #800

PARENT PARCEL ID#: 26-36-21-XJ-*~Q
PARENT PARCEL ID#: 26-36-21-XJ-*~P

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

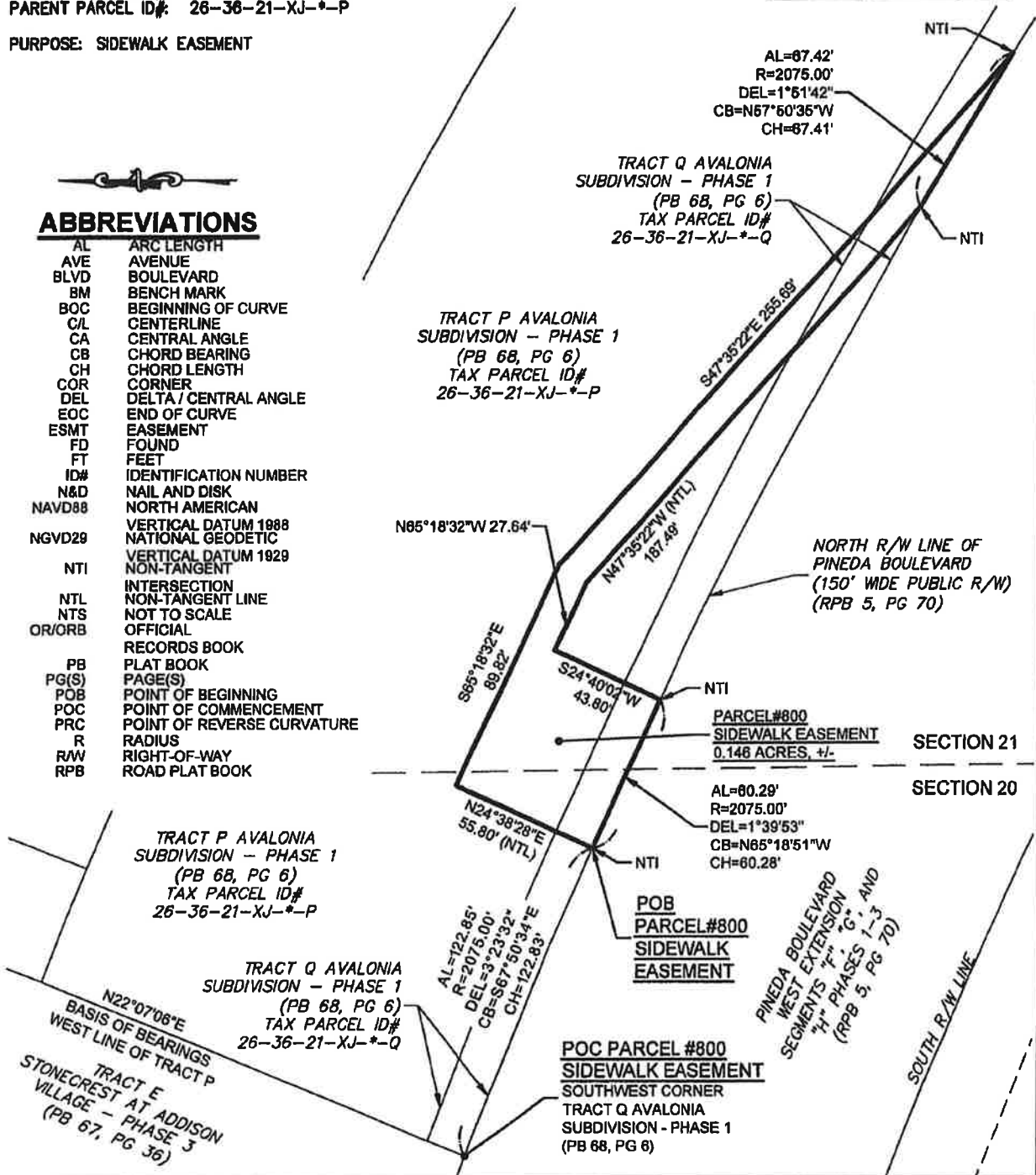
SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

ABBREVIATIONS

AL	ARC LENGTH
AVE	AVENUE
BLVD	BOULEVARD
BM	BENCH MARK
BOC	BEGINNING OF CURVE
C/L	CENTERLINE
CA	CENTRAL ANGLE
CB	CHORD BEARING
CH	CHORD LENGTH
COR	CORNER
DEL	DELTA / CENTRAL ANGLE
EOC	END OF CURVE
ESMT	EASEMENT
FD	FOUND
FT	FEET
ID#	IDENTIFICATION NUMBER
N&D	NAIL AND DISK
NAVD88	NORTH AMERICAN
NGVD29	VERTICAL DATUM 1988
	NATIONAL GEODETIC
	VERTICAL DATUM 1929
NTI	NON-TANGENT
NTL	INTERSECTION
NTS	NON-TANGENT LINE
OR/ORB	NOT TO SCALE
	OFFICIAL
	RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVATURE
R	RADIUS
R/W	RIGHT-OF-WAY
RPB	ROAD PLAT BOOK



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MELBOURNE, FL 32901 LB No. 4905
PHONE: (321) 725-3874 FAX: (321) 723-1159

SCALE:
1"=50'
PROJECT NO.:
11554.04

SECTION 20 & 21
TOWNSHIP 26 SOUTH
RANGE 36 EAST

LOCATION MAP

Sections 20 and 21, Township 26 South, Range 36 East – District 4

PROPERTY LOCATION: West of Stadium Parkway along the north side of Pineda Boulevard in Viera.

OWNERS NAME(S): Central Viera Community Association, Inc.

