

Meeting Date
September 19, 2017



AGENDA	
Section	Consent
Item No.	II.D.6

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Sidewalk Easements (801 & 802) from Constellation Commons, LLC on Property Located Along Wickham Road in Melbourne - District 4. (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:  
 It is requested that the Board of County Commissioners approve and accept the Permanent Sidewalk Easements (801 & 802) from Constellation Commons, LLC.

Summary Explanation & Background:  
 The subject property is located in Section 25, Township 26 South, Range 36 East.

It has been determined that the sidewalk was constructed outside of the dedicated sidewalk easement and not per the Site Plan (#16RW0004). The contractor constructed outside the dedicated easement to avoid a conflict with installed underground utilities. The County has requested additional easement area to accommodate the relocated sidewalk.

The owner has executed the appropriate documents conveying the additional easement area.

There is a mortgage on the property and the Mortgagee has executed a Joinder in Consent to allow Constellation Commons, LLC to convey the Permanent Sidewalk Easements (801 and 802) in favor of Brevard County.

Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.

Fiscal impact: FY 2016-2017: No impact  
**FY 2017-2018: No impact**

Clerk to the Board Instructions: Forward Board Approval Memo to Department

Exhibits Attached: Copy of executed Permanent Sanitary Sewer Easement, Location Map, Property Fact Sheet

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, PE (Interim) / 57202 
	Interim Assistant County Manager Jim Liesenfelt	

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA:**

**PERMANENT SIDEWALK EASEMENTS (801 & 802) FROM CONSTELLATION  
COMMONS LLC IN FAVOR OF BREVARD COUNTY ON PROPERTY FRONTING  
WICKHAM ROAD, MELBOURNE - DISTRICT 4**

**AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION**

**AGENCY CONTACT: BLAISE M. MANCINI, LAND ACQUISITION SPECIALIST**

**CONTACT PHONE: 321-690-6847 (52886)**

**REVIEW**

	<b>APPROVE</b>	<b>DISAPPROVE</b>	<b>DATE</b>
<b><u>LAND ACQUISITION</u> Dan P. Jones, Supervisor</b>	<u></u>	_____	<u>8/8/17</u>
<b><u>COUNTY ATTORNEY</u> Eden Bentley, Deputy County Attorney</b>	<u></u>	_____	<u>8/8/17</u>
<b><u>PUBLIC WORKS</u> Andrew J. Holmes, PE., Interim Director</b>	<u></u>	_____	<u>8/31/2017</u>

**AGENDA DUE DATE: SEPTEMBER 5, 2017 FOR THE SEPTEMBER 19, 2017 BOARD MEETING**

**PLEASE CALL: DEBBIE CRUZ, LAND ACQUISITION SECRETARY AT 690-6847 WHEN READY FOR PICK UP. THANK YOU.**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

September 20, 2017

**MEMORANDUM**

TO: Andrew Holmes, Interim Public Works Department Director Attn: Dan Jones

RE: Item II.A.6., Acceptance of Sidewalk Easements (801 & 802) from Constellation Commons, LLC for Property Located Along Wickham Road, Melbourne

The Board of County Commissioners, in regular session on September 19, 2017, approved and accepted the Permanent Sidewalk Easements (801 & 802) from Constellation Commons, LLC in favor of Brevard County on property located along Wickham Road, Melbourne.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*for Donna Scott*  
for Tammy Rowe, Deputy Clerk

cc: Assistant County Manager Denninghoff  
Asset Management

Prepared by/Return to: Blaise M. Mancini, Land Acquisition  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 26-36-25-00-755

**PERMANENT SIDEWALK EASEMENTS**

**THIS INDENTURE**, made this 31<sup>st</sup> day of July, 2017, between Constellation Commons, LLC, a Florida corporation, whose mailing address is 7331 Office Park Place, Suite #300, Viera, Florida 32940, as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of BREVARD COUNTY.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, an easement commencing on the above date, for the sole purpose of maintaining a sidewalk and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easements.

The land affected by the granting of the easements is located in Section 25, Township 26 South, Range 36 East, County of Brevard, State of Florida, and is more particularly described as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"  
(PARCELS #801 AND #802)**

**TO HAVE AND TO HOLD** said easements unto the County of Brevard and to its successors and assigns. The first party does hereby 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.

**IN WITNESS WHEREOF**, the first party having set their hand and seal this, the day and year first above written;

Signed, sealed and delivered in the presence of:

K. Gilbert  
Witness  
KEY GILBERT  
(Print Name)

Constellation Commons, LLC, a Florida  
limited liability company

D. M. Renfro  
Daniel M. Renfro, Manager

Bernie K. Brooks  
Witness  
Bernie K. Brooks  
(Print Name)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 31 day of July, 2017, by Daniel M. Renfro, as Manager of Constellation Commons, LLC, a Florida corporation, who is/is not personally known to me or who has produced as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 31 day of July, 2017.

Board Date: \_\_\_\_\_  
Agenda Item #: \_\_\_\_\_

NOTARY PUBLIC Bernie K. Brooks  
Print Name Bernie K. Brooks  
Commission No. FF 230750  
Commission Expires: 5/14/19

# LEGAL DESCRIPTION

# EXHIBIT "A"

## PARCEL 801

### SHEET 1 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
 PARENT PARCEL#: 26-36-25-79-\*--1  
 PURPOSE: SIDEWALK EASEMENT

NOT VALID WITHOUT SHEETS 2, 3, & 4 OF 4

THIS IS NOT A SURVEY

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

A PARCEL OF LAND BEING A PORTION OF LOT 1, CONSTELLATION COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD (A 150 FOOT WIDE RIGHT OF WAY);

THENCE, BEARING NORTH 00° 16' 28" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 12.98 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SIDEWALK EASEMENT;

THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING NORTH 10° 24' 38" WEST, A DISTANCE OF 26.97 FEET TO THE SOUTH LINE OF LOT 3 OF SAID PLAT OF CONSTELLATION COMMONS;

THENCE, BEARING SOUTH 89° 43' 32" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 5.00 FEET TO THE SAID WEST RIGHT OF WAY LINE;

THENCE, BEARING SOUTH 00° 16' 28" WEST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 26.50 FEET TO THE POINT OF BEGINNING;

CONTAINING 66.25 SQUARE FEET (0.002 ACRES) MORE OR LESS AND SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TO: CONSTELLATION COMMONS, LLC.  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELDWORK: MARCH 2, 2017

*Derek Zeman* 8/4/17

DEREK G. ZEMAN  
 FLORIDA SURVEYOR AND MAPPER  
 REGISTRATION No. 5655  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFY TO:

CONSTELLATION COMMONS, LLC.  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



Bowman Consulting Group, Ltd. Phone: (321) 255-5434  
 4450 W EAU GALLIE BLVD, Suite 238 Fax: (321) 255-7751  
 MELBOURNE, FL 32934 www.bowmanconsulting.com

Florida Certificate of Authorization No. LB8030

DRAWN BY: RT	CHECKED BY: DZ	PROJECT NO. 8582-01-001		SECTION 25, TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: 6/26/17	DRAWING: 8582-A-SWLK ESMT		7/7/17	PER COMMENTS

# LEGAL DESCRIPTION

## PARCEL 801

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARENT PARCEL#: 26-36-25-79-\*--1

PURPOSE: SIDEWALK EASEMENT

# EXHIBIT "A"

SHEET 2 OF 4

NOT VALID WITHOUT SHEETS 1, 3, & 4 OF 4

THIS IS NOT A SURVEY

### SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARING BASIS OF THIS PLAT IS THE WESTERLY RIGHT-OF-WAY LINE OF WICKHAM ROAD BEING NORTH 00°16'28" EAST. THE BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. REFER TO OWNERSHIP AND ENCUMBRANCE REPORT ORDER NO. 6459532 (CUSTOMER PREFERENCE NO. 42380), ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.
6. IN REFERENCE TO SECTION "EXCEPTIONS/INFORMATIONAL" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
  1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION AT NORTH WICKHAM, RECORDED IN PLAT BOOK 61, PAGES 55 AND 56, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.  
**THERE ARE NO EASEMENTS (DEDICATED BY PLAT BOOK 61, PAGES 55 AND 56) THAT AFFECT PROPOSED PARCEL.**
  2. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION COMMONS, RECORDED IN PLAT BOOK 62, PAGES 76 AND 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.  
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4)**  
  
**THE FOLLOWING EASEMENTS DO NOT AFFECT PROPOSED PARCEL:**  
**PUBLIC UTILITY EASEMENT ADJACENT TO THE NORTH LINE OF LOT 2;**  
**JOINT ACCESS, DRAINAGE AND PUBLIC UTILITY EASEMENT ADJACENT TO THE WEST LINES OF LOT 2 AND LOT 3;**  
**20' WIDE DRAINAGE EASEMENT ON LOT 1;**  
**DRAINAGE EASEMENT ON LOT 1;**  
**24' WIDE JOINT ACCESS AND PUBLIC UTILITY EASEMENT ON LOTS 1, 2, AND 3;**  
**25' WIDE JOINT ACCESS AND PUBLIC UTILITY EASEMENT ON LOT 3 (ADJACENT TO PROPOSED PARCEL)**
  3. RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 2205, PAGE 925, AS AFFECTED BY GRANT OF EASEMENT AND ACCEPTANCE RECORDED IN OFFICIAL RECORDS BOOK 3038, PAGE 3765.  
**AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**
  4. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 2257, PAGE 589.  
**AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**
  5. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 3371, PAGE 3410. **AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**
  6. EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 528.  
**DOES NOT AFFECT PROPOSED PARCEL**
  7. ACCESS EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 538.  
**DOES NOT AFFECT PROPOSED PARCEL**
  8. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5696, PAGE 872. **DOES NOT AFFECT PROPOSED PARCEL**
  9. DECLARATION OF COVENANTS AND RESTRICTIONS FOR CONSTELLATION AT NORTH WICKHAM RECORDED IN OFFICIAL RECORDS BOOK 7410, PAGE 1687 AND AMENDED IN OFFICIAL RECORDS BOOK 7506, PAGE 1903.  
**DOES NOT AFFECT PROPOSED PARCEL**

(CONTINUED ON SHEET 3 OF 4)

PREPARED BY:

**Bowman**  
**CONSULTING**

Bowman Consulting Group, Ltd.  
4450 W EAU GALLIE BLVD, Suite 232  
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Fax: (321) 255-7751  
www.bowmanconsulting.com

SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

# LEGAL DESCRIPTION

## PARCEL 801

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
PARENT PARCEL#: 26-36-25-79-\*--1  
PURPOSE: SIDEWALK EASEMENT

# EXHIBIT "A"

SHEET 3 OF 4

NOT VALID WITHOUT SHEETS 1, 2, & 4 OF 4

THIS IS NOT A SURVEY

### SURVEYOR'S NOTES: CONTINUED FROM SHEET 2 OF 4

11. UNDERGROUND EASEMENT (BUSINESS) GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 7682, PAGE 2112. **DOES NOT AFFECT PROPOSED PARCEL**
12. STORMWATER MAINTENANCE AGREEMENT FOR CONSTELLATION COMMONS SUBDIVISION RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1830.  
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).  
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.**
13. DECLARATION OF COVENANTS, EASEMENT AND RESTRICTIONS FOR CONSTELLATION COMMONS RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1850.  
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).  
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.**
14. PERMANENT SANITARY SEWER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7841, PAGE 2957.  
**DOES NOT AFFECT PROPOSED PARCEL**
15. DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7855, PAGE 1069.  
**AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**

### ABBREVIATIONS:

FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
LB	LICENSED BUSINESS
NAD	NORTH AMERICAN DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
S.F.	SQUARE FEET

PREPARED BY:

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SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

# EXHIBIT "A"

## PARCEL 801

## SHEET 4 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

NOT VALID WITHOUT SHEETS 1, 2, & 3 OF 4

PARENT PARCEL#: 26-36-25-79-\*--1

THIS IS NOT A SURVEY

PURPOSE: SIDEWALK EASEMENT

LOT 1

CONSTELLATION AT NORTH WICKHAM

O.R.B. 61, PG. 55-56

PARCEL NO. 26-36-25-78-\*--1



30' WIDE DRAINAGE EASEMENT  
O.R.B. 3038, PG. 3765  
(SEE NOTE #6.3)

LOT 2

CONSTELLATION COMMONS

P.B. 62, PG. 76-77

5' WIDE ELECTRIC EASEMENT  
PER O.R.B. 2257, PG. 589  
(SEE NOTE #6.4)

LOT 1

CONSTELLATION COMMONS

P.B. 62, PG. 76-77

PARCEL ID: 26-36-25-79-\*--1

24' WIDE JOINT  
ACCESS AND PUBLIC  
UTILITY EASEMENT  
PER P.B. 62, PG. 76-77

LOT 3

CONSTELLATION COMMONS

P.B. 62, PG. 76-77

PARCEL ID: 26-36-25-79-\*--3

25' WIDE JOINT  
ACCESS AND PUBLIC  
UTILITY EASEMENT  
PER P.B. 62, PG. 76-77  
(SEE NOTE #6.2)

PARCEL 801  
SIDEWALK EASEMENT  
±66.250 S.F.  
(±0.002 ACRES)

S 89°43'32" E  
5.00'

WEST R/W OF LINE  
OF WICKHAM ROAD  
(BEARING BASIS)

WICKHAM ROAD  
150' WIDE PUBLIC RIGHT OF WAY  
(O.R.B. 2325, PG. 872)

POINT OF BEGINNING  
PARCEL 801  
SIDEWALK EASEMENT

S 00°16'28" W  
26.50'

TRACT "A"  
CONSTELLATION COMMONS  
P.B. 62, PG. 76-77

DRAINAGE; PARKING &  
LANDSCAPE EASEMENT  
PER P.B. 62, PG. 76-77  
(SEE NOTE #6.2)

ACCESS EASEMENT  
PER O.R.B. 7855,  
PG. 1069  
(SEE NOTE #6.15)

15' WIDE ELECTRIC EASEMENT  
PER O.R.B. 3371, PG. 3410  
(SEE NOTE #6.5)

N 10°24'38" W  
26.97'

N 00°16'28" E  
12.98'

O.R.B. 3038, PG. 3771  
PARCEL NO. 26-36-25-00-00752.0-0000.00

POINT OF COMMENCEMENT  
S.E. CORNER OF LOT 1  
CONSTELLATION COMMONS  
P.B. 62, PG. 76-77

PREPARED BY:

**Bowman**  
CONSULTING

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www.bowmanconsulting.com

SCALE:

1" = 60'

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

# LEGAL DESCRIPTION

EXHIBIT "A"

## PARCEL 802

SHEET 1 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
 PARENT PARCEL#: 26-36-25-79--3  
 PURPOSE: SIDEWALK EASEMENT

NOT VALID WITHOUT SHEETS 2, 3, & 4 OF 4

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL 802 SIDEWALK EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF LOT 3, CONSTELLATION COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 76 AND 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF LOT 1, OF SAID PLAT OF CONSTELLATION COMMONS, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF WICKHAM ROAD (A 150 FOOT WIDE RIGHT OF WAY);

THENCE, BEARING NORTH 00° 16' 28" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 34.98 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SIDEWALK EASEMENT;

THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING NORTH 89° 43' 32" WEST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 5.00 FEET TO A POINT;

THENCE, BEARING NORTH 10° 13' 30" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 28.94 FEET TO THE SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD;

THENCE, BEARING SOUTH 00° 16' 28" WEST, ALONG SAID WEST RIGHT OF WAY LINE OF WICKHAM ROAD, A DISTANCE OF 28.50 FEET TO THE POINT OF BEGINNING;

CONTAINING 71.25 SQUARE FEET (0.002 ACRES) MORE OR LESS AND SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS AND EASEMENTS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TO: CONSTELLATION COMMONS, LLC.  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELDWORK: MARCH 2, 2017

*Derek Zeman* 8/4/17

PREPARED FOR AND CERTIFY TO:

CONSTELLATION COMMONS, LLC.  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DEREK G. ZEMAN,  
 FLORIDA SURVEYOR AND MAPPER  
 REGISTRATION No. 5655  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

**Bowman**  
 CONSULTING

Bowman Consulting Group, Ltd. Phone: (321) 255-5434  
 4450 W EAU GALLE BLVD, Suite 232 Fax: (321) 255-7751  
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Florida Certificate of Authorization No. LB8030

DRAWN BY: RT	CHECKED BY: DZ	PROJECT NO. 8582-01-001			SECTION 25 TOWNSHIP 26 SOUTH RANGE 36 EAST
		REVISIONS	DATE	REVISION	
DATE: 6/26/17	DRAWING: 8582-A-SWLK ESMT		7/7/17	PER COMMENTS	
			8/4/17	PER COMMENTS	

# LEGAL DESCRIPTION

## PARCEL 802

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
PARENT PARCEL#: 26-36-25-79-\*--3  
PURPOSE: SIDEWALK EASEMENT

# EXHIBIT "A"

## SHEET 2 OF 4

NOT VALID WITHOUT SHEETS 1, 3, & 4 OF 4

THIS IS NOT A SURVEY

### SURVEYOR'S NOTES:

1. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARING BASIS OF THIS PLAT IS THE WESTERLY RIGHT-OF-WAY LINE OF WICKHAM ROAD BEING NORTH 00°16'28" EAST. THE BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. REFER TO OWNERSHIP AND ENCUMBRANCE REPORT ORDER NO. 6459532 (CUSTOMER PREFERENCE NO. 42380), ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.
6. IN REFERENCE TO SECTION "EXCEPTIONS/INFORMATIONAL" FROM THE ABOVE SAID OWNERSHIP AND ENCUMBRANCE REPORT:
  1. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION AT NORTH WICKHAM, RECORDED IN PLAT BOOK 61, PAGES 55 AND 56, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.  
**THERE ARE NO EASEMENTS (DEDICATED BY PLAT BOOK 61, PAGES 55 AND 56) THAT AFFECT PROPOSED PARCEL.**
  2. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF CONSTELLATION COMMONS, RECORDED IN PLAT BOOK 62, PAGES 76 AND 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.  
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4)**  
  
**THE FOLLOWING EASEMENTS DO NOT AFFECT PROPOSED PARCEL:**  
**PUBLIC UTILITY EASEMENT ADJACENT TO THE NORTH LINE OF LOT 2;**  
**JOINT ACCESS, DRAINAGE AND PUBLIC UTILITY EASEMENT ADJACENT TO THE WEST LINES OF LOT 2 AND LOT 3;**  
**20' WIDE DRAINAGE EASEMENT ON LOT 1;**  
**DRAINAGE EASEMENT ON LOT 1;**  
**24' WIDE JOINT ACCESS AND PUBLIC UTILITY EASEMENT ON LOTS 1, 2, AND 3;**  
**DRAINAGE; PARKING AND LANDSCAPE EASEMENT ON LOT 1 (ADJACENT TO PROPOSED PARCEL)**
  3. RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 2205, PAGE 925, AS AFFECTED BY GRANT OF EASEMENT AND ACCEPTANCE RECORDED IN OFFICIAL RECORDS BOOK 3038, PAGE 3765.  
**AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**
  4. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 2257, PAGE 589.  
**AFFECTS PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**
  5. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 3371, PAGE 3410. **DOES NOT AFFECT PROPOSED PARCEL**
  6. EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 528.  
**DOES NOT AFFECT PROPOSED PARCEL**
  7. ACCESS EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5641, PAGE 538.  
**DOES NOT AFFECT PROPOSED PARCEL**
  8. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 5696, PAGE 872. **DOES NOT AFFECT PROPOSED PARCEL**
  9. DECLARATION OF COVENANTS AND RESTRICTIONS FOR CONSTELLATION AT NORTH WICKHAM RECORDED IN OFFICIAL RECORDS BOOK 7410, PAGE 1687 AND AMENDED IN OFFICIAL RECORDS BOOK 7506, PAGE 1903.  
**DOES NOT AFFECT PROPOSED PARCEL**

(CONTINUED ON SHEET 3 OF 4)

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SCALE:

N/A

PROJECT NO.:

8582-01-001

SECTION 25

TOWNSHIP 26 SOUTH

RANGE 36 EAST

# LEGAL DESCRIPTION

## PARCEL 802

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
PARENT PARCEL#: 26-36-25-79-\*--3  
PURPOSE: SIDEWALK EASEMENT

# EXHIBIT "A"

## SHEET 3 OF 4

NOT VALID WITHOUT SHEETS 1, 2, & 4 OF 4

THIS IS NOT A SURVEY

### SURVEYOR'S NOTES: CONTINUED FROM SHEET 2 OF 4

11. UNDERGROUND EASEMENT (BUSINESS) GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 7682, PAGE 2112. **DOES NOT AFFECT PROPOSED PARCEL**
12. STORMWATER MAINTENANCE AGREEMENT FOR CONSTELLATION COMMONS SUBDIVISION RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1830.  
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).  
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.**
13. DECLARATION OF COVENANTS, EASEMENT AND RESTRICTIONS FOR CONSTELLATION COMMONS RECORDED IN OFFICIAL RECORDS BOOK 7703, PAGE 1850.  
**EASEMENTS THAT AFFECT PROPOSED PARCEL ARE SHOWN ON SKETCH (SEE SHEET 4 OF 4).  
SEE NOTE 6.2 FOR EASEMENTS THAT DON'T AFFECT PROPOSED PARCEL.**
14. PERMANENT SANITARY SEWER EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7841, PAGE 2957.  
**DOES NOT AFFECT PROPOSED PARCEL.**
15. DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7855, PAGE 1069.  
**ADJACENT TO PROPOSED PARCEL AND IS SHOWN ON SKETCH (SEE SHEET 4 OF 4)**

### ABBREVIATIONS:

FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
LB	LICENSED BUSINESS
NAD	NORTH AMERICAN DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT OF WAY
S.F.	SQUARE FEET

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N/A

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SECTION 25  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

# EXHIBIT "A"

## PARCEL 802

SHEET 4 OF 4

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
 PARENT PARCEL#: 26-36-25-79-\*--3  
 PURPOSE: SIDEWALK EASEMENT

NOT VALID WITHOUT SHEETS 1, 2, & 3 OF 4

THIS IS NOT A SURVEY



LOT 1  
 CONSTELLATION AT NORTH WICKHAM  
 P.B. 61, PG. 55-56  
 PARCEL NO. 26-36-25-78-\*--1

LOT 2  
 CONSTELLATION COMMONS  
 P.B. 62, PG. 76-77

LOT 1  
 CONSTELLATION COMMONS  
 P.B. 62, PG. 76-77  
 PARCEL ID: 26-36-25-79-\*--1

5' WIDE ELECTRIC EASEMENT  
 PER O.R.B. 2257, PG. 589  
 (SEE NOTE #6.4)

30' WIDE DRAINAGE EASEMENT  
 O.R.B. 3038, PG. 3765  
 (SEE NOTE #6.3)

24' WIDE JOINT  
 ACCESS AND PUBLIC  
 UTILITY EASEMENT  
 PER P.B. 62, PG. 76-77

LOT 3  
 CONSTELLATION COMMONS  
 P.B. 62, PG. 76-77  
 PARCEL ID: 26-36-25-79-\*--3

25' WIDE JOINT  
 ACCESS AND PUBLIC  
 UTILITY EASEMENT  
 PER P.B. 62, PG. 76-77  
 (SEE NOTE #6.2)

N 10°13'30" E  
 28.94'  
 PARCEL 802  
 SIDEWALK EASEMENT  
 ±71.250 S.F.  
 (±0.002 ACRES)

WICKHAM ROAD  
 150' WIDE PUBLIC RIGHT OF WAY  
 (O.R.B. 2325, PG. 872)

WEST R/W OF LINE  
 OF WICKHAM ROAD  
 (BEARING BASIS)

POINT OF BEGINNING  
 PARCEL 802  
 SIDEWALK EASEMENT  
 S.W. CORNER OF LOT 3

S 00°16'28" W  
 28.50'

N 00°16'28" E  
 34.98'

TRACT "A"  
 CONSTELLATION COMMONS  
 P.B. 62, PG. 76-77

DRAINAGE; PARKING &  
 LANDSCAPE EASEMENT  
 PER P.B. 62, PG. 76-77  
 (SEE NOTE #6.2)

ACCESS EASEMENT  
 PER O.R.B. 7855,  
 PG. 1069  
 (SEE NOTE #6.15)

15' WIDE ELECTRIC EASEMENT  
 PER O.R.B. 3371, PG. 3410

N 89°43'32" W  
 5.00'

O.R.B. 3038, PG. 3771  
 PARCEL NO. 26-36-25-00-00752.0-0000.00

POINT OF COMMENCEMENT  
 S.E. CORNER OF LOT 1  
 CONSTELLATION COMMONS  
 P.B. 62, PG. 76-77

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SCALE:

1" = 60'

PROJECT NO.:

8582-01-001

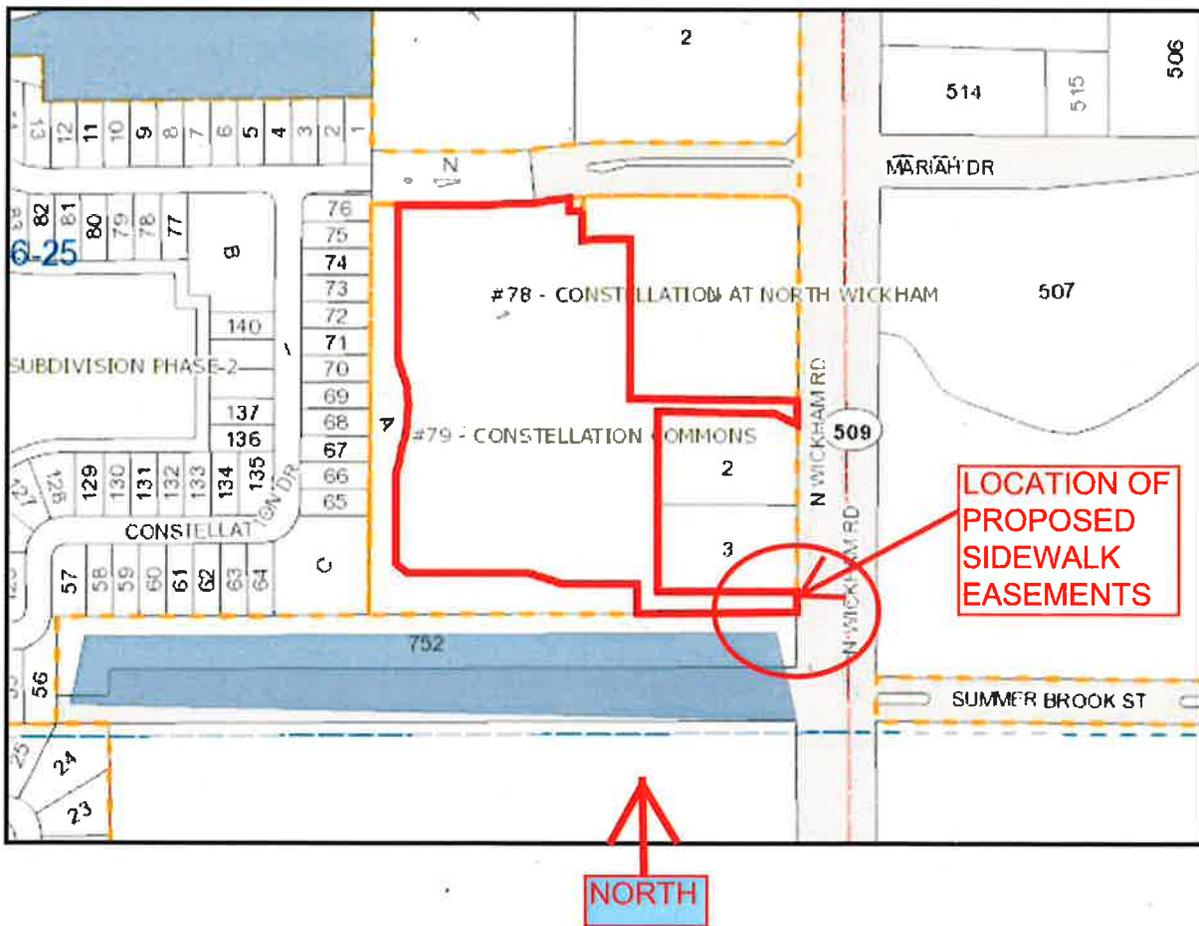
SECTION 25  
 TOWNSHIP 26 SOUTH  
 RANGE 36 EAST

# LOCATION MAP

SEC: 25 TWP: 26 RNG: 36 DISTRICT: 4

STREET NAME: WICKHAM ROAD

OWNER'S NAME: CONSTELLATION COMMONS, LLC.



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# LOCATION MAP

---

SEC: 25 TWP: 26 RNG: 36 DISTRICT: 4

---

STREET NAME: FRONTAGE ON CONSTELLATION DR. AND WICKHAM RD.

---

OWNER'S NAME: CONSTELLATION COMMONS, LLC

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**PROPERTY FACT SHEET**

**CONSTELLATION COMMONS, LLC  
SIDEWALK EASEMENTS 801 & 802**

OWNER:	Constellation Commons LLC, a Florida limited liability company
PARCEL LOCATION:	Fronting Constellation Drive and Wickham Road
PARENT PARCEL SIZE:	11.32 acres
EASEMENT SIZE	137.50 sq. ft.
ZONING/LANDUSE:	R-18 (Low Density Residential)
IMPROVEMENTS:	Sanitary Sewer Line/Facilities
TOPOGRAPHY:	Level with road grade
FLOOD ZONE:	X (Outside 500-year Flood)
TAX PARCEL ID#:	26-36-25-78-*-A
MARKET VALUE:	\$1,479,450 (2016 Assessment) (Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities available
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: 12-29-2015 Sale amount: \$1,175,000.00 (Official Record Book & Page, 7522/2908 )