

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

**AGENDA:** Dedication of Roadway, Drainage, Utility and Sidewalk Easement from Tootie's Grocery, LLC and Dedication of Right of Way by Warranty Deed from 2354 Talmadge Drive, LLC Related to Phase 1 and 2 of Site Plan Number 21SP00005 - District 1.

**AGENCY:** Public Works Department / Land Acquisition

**AGENCY CONTACT:** Jean Kremitzki, Land Acquisition Specialist

**CONTACT PHONE:** 321-350-8351

**LAND ACQUISITION**  
Lucy Hamelers, Supervisor

APPROVE



DISAPPROVE DATE

2/21/24

**COUNTY ATTORNEY**  
Alexander Esseeesse  
Deputy County Attorney



2/22/24

Prepared by and return to: Jean Kremitzki  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 21-35-17-53-\*6

**ROADWAY, DRAINAGE, UTILITY AND SIDEWALK  
— EASEMENT**

THIS INDENTURE, made this 16 day of February, 2024, between Tootie's Grocery, LLC, a Florida limited liability company, whose address is 2050 White Sands Drive, Titusville, Florida 32780, 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 operating, reconstructing, reconfiguring, and maintaining roadway, drainage, and utility facilities, and a perpetual sidewalk easement 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 17, Township 21 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

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

Any and all reconstruction, repair, and maintenance of the sidewalk 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.

(Signatures and Notary on next page)

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.

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:

Sandra D. Harris

Witness

Sandra D. Harris

Print Name

2702 Orange Ave Mims FL 32754

Address

Theodora Copeland-Bishop

Witness

Theodora Copeland Bishop

Print Name

P.O. Box 805 Titusville FL 32781

Address

GRANTOR:

Tootie's Grocery, LLC, a Florida limited liability company

BY: [Signature]

Aldon Bookhardt, Manager

(Corporate Seal)

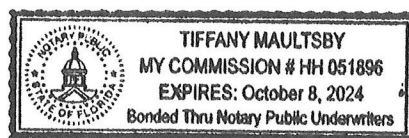
STATE OF FLORIDA

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 16 day of February, 2024, by Aldon Bookhardt, as Manager for Tootie's Grocery, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced [Signature] as identification.

[Signature]  
Notary Signature

SEAL



# LEGAL DESCRIPTION

PARCEL #800

PARENT PARCEL ID# 21-35-17-53 \*-6

PURPOSE: ROADWAY, DRAINAGE, UTILITY & SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #800 ROADWAY, DRAINAGE, UTILITY & SIDEWALK EASEMENT (PREPARED BY SURVEYOR)

A parcel lying in the Southwest  $\frac{1}{4}$  of Section 17, Township 21 South, Range 35 East, being more particularly described as follows:

Beginning at the Northeast corner of the SW  $\frac{1}{4}$  of said Section 17, thence S 00°51'59" E, along the East line of said Southwest  $\frac{1}{4}$ , 295.52 feet to the Easterly extension of the Northerly right of way line of Jefferson Street; thence departing said Section line run S 62°06'33" W along said Northerly right of way line, 39.29 feet; thence run N 00°51'59" W 278.33 feet; thence run S 89°04'01" W, 197.84 feet; thence run N 27°56'58" W, a distance of 22.45 feet; thence run N 00°54'29" W, 15.00 feet to the North line of the Southwest  $\frac{1}{4}$  of said Section 17; thence run N 89°04'01" E, along said North line, 243.07 feet to the POINT OF BEGINNING.

Said parcel contains 17,835 square feet (0.41 acres), more or less.

## SURVEYORS NOTES:

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY
2. BASIS OF BEARING - THE SOUTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET AS BEING N 89°04'01" E, PER WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 9191, PAGE 1680, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY. NO PROPERTY CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH.
4. THIS SKETCH WAS PREPARED WITH THE ASSISTANCE OF THE PROPERTY INFORMATION REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, ORDER #11164519, CUSTOMER REFERENCE NUMBER 2345 TALMADGE, UPDATED 01/08/2024 AT 8:00 AM, AND PROVIDED BY THE CLIENT.
5. THE DEEDS REFERENCED AND LEGAL DESCRIPTION FOR THE PARENT PARCEL WAS TAKEN FROM THE PROPERTY INFORMATION REPORT BY CHICAGO TITLE INSURANCE COMPANY, ORDER #11164519, CUSTOMER REFERENCE NUMBER 2345 TALMADGE, UPDATED 01/08/2024 AT 8:00 AM, AND PROVIDED BY THE CLIENT.

Digitally signed by

Faun Hoffmeier

Date: 2024.02.05

08:47:10 -05'00'

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
BOOKHART GROUP

FAUN M HOFFMEIER, PSM LS 6552  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
131 W BROADWAY, SUITE 1001  
OMEDO, FLORIDA 32765  
407-542-4977 LB 8291

DRAWN BY: FMH

CHECKED BY: DWH

PROJECT NO. 22-06-075

REVISIONS

DATE

DESCRIPTION

SECTION 17

TOWNSHIP 21 SOUTH

RANGE 35 EAST

DATE: 2/5/24

DRAWING: 22-06-075-SKOD

1/17/24

UPDATE TITLE/REV SKETCH

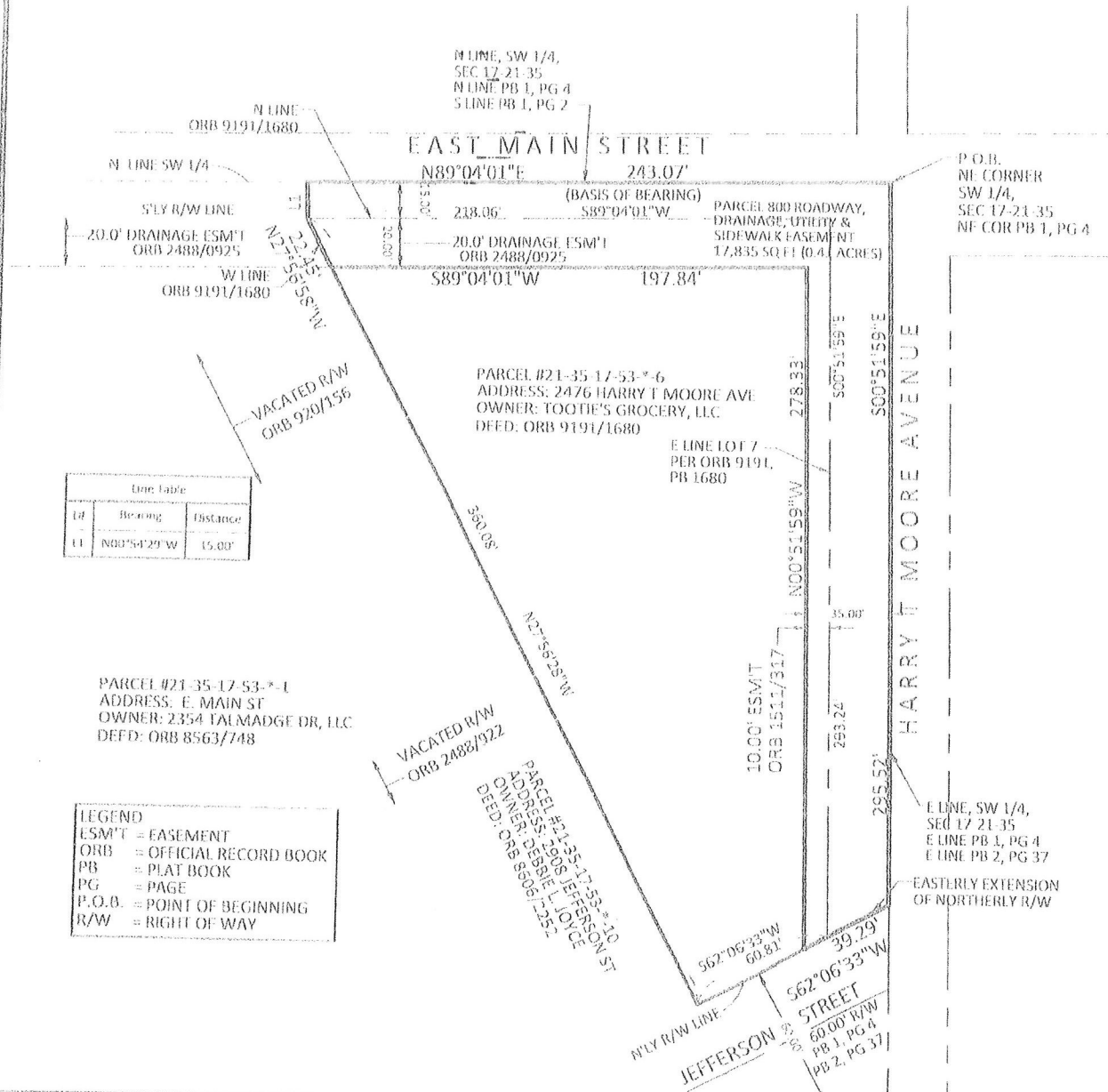
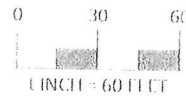
PARCEL #800

PURPOSE: ROADWAY, DRAINAGE, UTILITY & SIDEWALK EASEMENT

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

## THIS IS NOT A SURVEY



PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
131 W BROADWAY, SUITE 1001  
OMIEGO, FL 32765  
407-542-4977  
LB 8291



SCALE:

 $\theta'' = 60^\circ$ 

PROJECT NO. \_\_\_\_\_

22-06-075

SECTION 17  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

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: 21-35-17-53-\*1

WARRANTY DEED

THIS DEED is made this 16 day of February, 2024, by 2354 Talmadge Drive, LLC, a Florida limited liability company, hereafter called the Grantor, whose mailing address is 2050 White Sands Drive, Titusville, Florida 32780, 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.

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.

(Signatures and Notary on next page)

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:

Sandra D. Harris  
Witness

Sandra D. Harris  
Print Name

2702 Dronge Ave Mims FL 32754  
Address

Theodora Copeland-Bishop  
Witness

Theodora Copeland-Bishop  
Print Name

P.O. Box 805 Titusville FL  
Address  
32781

GRANTOR:

2354 Talmadge Drive, LLC  
a Florida limited liability company

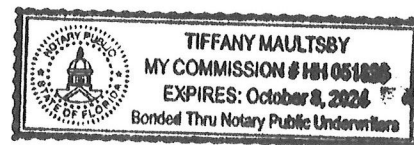
BY [Signature]  
Aldon Bookhardt, Manager

(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 16 day of February, 2024, by Aldon Bookhardt, as Manager for 2354  
Talmadge Drive, LLC, a Florida limited liability company. Is ☐ personally known or ☐ produced  
as identification.

[Signature]  
Notary Signature  
SEAL



# LEGAL DESCRIPTION

## PARCEL #101

PARENT PARCEL ID#: 21-35-17-53-\*-1

PURPOSE: FEE SIMPLE RIGHT OF WAY

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

### LEGAL DESCRIPTION: PARCEL #101 FEE SIMPLE RIGHT OF WAY (PREPARED BY SURVEYOR)

A parcel lying in the Southwest  $\frac{1}{4}$  of Section 17, Township 21 South, Range 35 East, being more particularly described as follows:

Commence at the Northeast corner of the SW  $\frac{1}{4}$  of said Section 17, thence S  $89^{\circ}04'01''$  W, along the North line of said Southwest  $\frac{1}{4}$ , 243.07 feet for a POINT OF BEGINNING; thence departing said North line run S  $00^{\circ}54'29''$  E, 15.00 feet; thence run S  $27^{\circ}56'58''$  E, a distance of 22.45 Feet; thence run S  $89^{\circ}04'01''$  W, 359.20 feet to the Easterly Right-of-Way line of Myrtle Avenue; thence run N  $27^{\circ}56'58''$  W, along said right of way line, 22.45 feet; thence run N  $00^{\circ}54'29''$  W, 15.00 feet to the North line of said SW  $\frac{1}{4}$ ; thence run N  $89^{\circ}04'01''$  E, along said North line of the SW  $\frac{1}{4}$  a distance of 359.20 feet to the POINT OF BEGINNING.


Said parcel contains 12,572 square feet (0.29 acres), more or less.

### SURVEYORS NOTES:

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. BASIS OF BEARING - THE SOUTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET AS BEING N  $89^{\circ}04'01''$  E, PER WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 9191, PAGE 1680, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY. NO PROPERTY CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH.
4. THIS SKETCH WAS PREPARED WITH THE ASSISTANCE OF THE PROPERTY INFORMATION REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, ORDER #11227537, CUSTOMER REFERENCE NUMBER S-22185, DATED 01/08/2024 AT 8:00 AM, AND PROVIDED BY THE CLIENT.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
BOOKHARDT GROUP

  
FAUN M HOFFMEIER, PSM LS 6552  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
131 W BROADWAY, SUITE 1001  
OVIEDO, FLORIDA 32765  
407-542-4977 LB 8291

DRAWN BY: FMH

CHECKED BY: DWH

PROJECT NO. 22-06-075

SECTION 17  
TOWNSHIP 21 SOUTH  
RANGE 35 EAST

DATE: 2/5/24

DRAWING: 22-06-075-SKOD

REVISIONS

DATE

DESCRIPTION



# SKETCH OF DESCRIPTION

## PARCEL #101

PARENT PARCEL ID#: 21-35-17-53-\*1

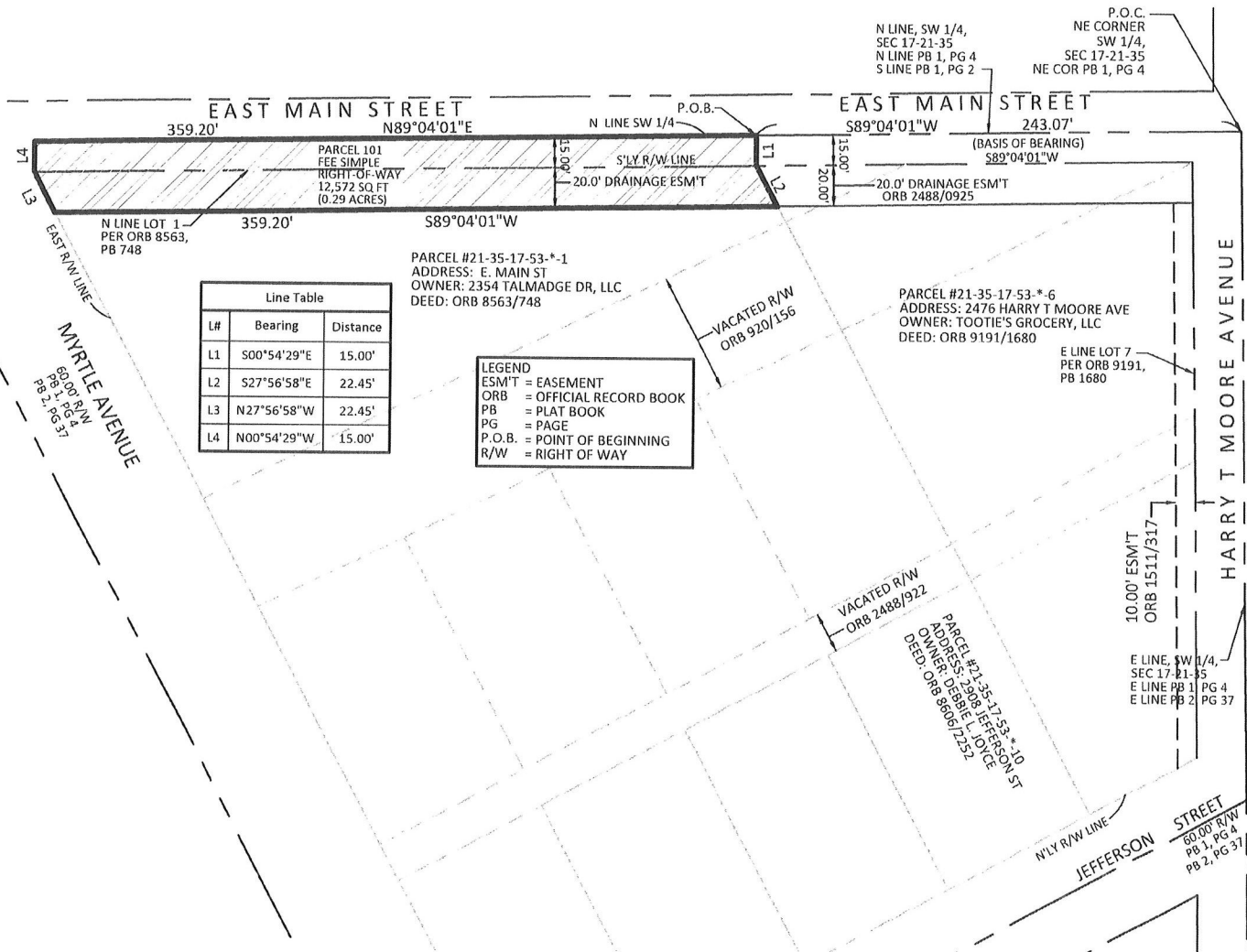
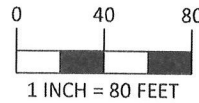
PURPOSE: FEE SIMPLE RIGHT OF WAY

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



Line Table		
L#	Bearing	Distance
L1	S00°54'29\"E	15.00'
L2	S27°56'58\"E	22.45'
L3	N27°56'58\"W	22.45'
L4	N00°54'29\"W	15.00'

LEGEND  
 ESM'T = EASEMENT  
 ORB = OFFICIAL RECORD BOOK  
 PB = PLAT BOOK  
 PG = PAGE  
 P.O.B. = POINT OF BEGINNING  
 R/W = RIGHT OF WAY

PREPARED BY: H&H SURVEY CONSULTANTS, LLC  
 131 W BROADWAY, SUITE 1001  
 OVIEDO, FL 32765  
 407-542-4977  
 LB 8291



SCALE:

1"=60'

PROJECT NO.:

22-06-075

SECTION 17

TOWNSHIP 21 SOUTH

RANGE 35 EAST

# LOCATION MAP

**Section 17, Township 24 South, Range 35 East - District: 1**

**PROPERTY LOCATION:** The west side of Harry T Moore Avenue and south of East Main Street.

**OWNERS NAME(S):** Tootie's Grocery LLC & 2354 Talmadge Drive, LLC

