

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Sidewalk Easement from DJD Real Estate Holdings, LLC for the Columbia Lane Construction Project – District 5.

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Jean Kremitzki/ Land Acquisition Specialist

CONTACT PHONE: 321-350-8351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor			<u>8-20-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney			<u>8/26/2024</u>

Prepared by and return to: Jean Kremitzki
Brevard County Public Works Dept., Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 28-36-03-00-2

SIDEWALK EASEMENT

THIS INDENTURE, made this 17th day of July, 2024, between DJD Real Estate Holdings, LLC, a Delaware limited liability company, whose address is 2730 South Falkenburg Road, Tampa, FL 33578, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran 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 reconstructing, reconfiguring, and maintaining sidewalk facilities 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 03, Township 28 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A, B, C, AND D"

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 two pages)

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:

Witness

Jessica Simonson

Print Name

6070 Poplar Ave Ste 750
Address Memphis TN 38119

Witness

Kevin Filmer

Print Name

6070 Poplar Ave Ste 750
Address Memphis, TN 38117

DJD Real Estate Holdings, LLC,
a Delaware limited liability
company

By: [Signature]

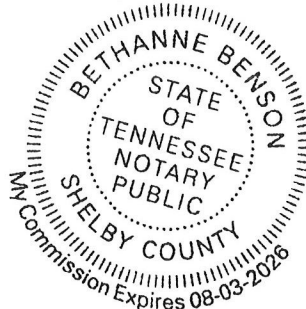
Print Name: Michael A. Orians

Title: Manager

(Corporate Seal)

STATE OF Tennessee
COUNTY OF Shelby

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 17th day of July, 2024, by Michael A. Orians, as Manager, for DJD Real Estate Holdings, LLC, a Delaware limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



Bethanne Benson

Notary Signature

SEAL

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:


Witness

Jessica Simpson

Print Name

6070 Poplar Ave Ste 750

Address Memphis TN 38119


Witness

Print Name

6070 Poplar Ave, Ste 750

Address Memphis, TN 38134

DJD Real Estate Holdings, LLC,
a Delaware limited liability
company

By: 

Print Name: W. Christopher Crosby

Title: Manager

(Corporate Seal)

STATE OF Tennessee
COUNTY OF Shelby

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 17th day of July, 2024, by W. Christopher Crosby, as Manager, for DJD Real Estate Holdings, LLC, a Delaware limited liability company. Is ☒ personally known or ☐ produced _____ as identification.



BethAnne Benson

Notary Signature

SEAL

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL #800

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-36-03-00-2

PURPOSE: SIDEWALK EASEMENT

LEGAL DESCRIPTION: PARCEL 800 (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9213, PAGE 2754 AND LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 9213, PAGE 2754, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, SAID POINT ALSO LYING ON THE SOUTH LINE OF A 20' RIGHT-OF-WAY AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE EAST RIGHT-OF-WAY OF COLUMBIA LANE, AN 80' WIDE ACCESS RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 70220, AND RUN S00°04'57"E ALONG SAID EAST RIGHT-OF-WAY OF COLUMBIA LANE, A DISTANCE OF 538.20 FEET, TO THE POINT OF BEGINNING:

THENCE DEPARTING SAID EAST RIGHT-OF-WAY OF COLUMBIA LANE, RUN N89°55'03"E A DISTANCE OF 2.00 FEET; THENCE S00°04'57"E A DISTANCE OF 15.00 FEET; THENCE S89°55'03"W A DISTANCE OF 2.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF SAID COLUMBIA LANE; THENCE N00°04'57"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 15.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 30.00 SQUARE FEET OR 0.001 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE REFERRED TO A RECORDED VALUE OF N89°27'31"E FOR THE NORTH LINE OF THE NE 1/4 OF SECTION 3, BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT OF WAY MAP, SECTION NO. 70220, SHEET 26 OF 39.

2. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING PROPERTY INFORMATION REPORT:

ISSUING AGENT: FIDELITY NATIONAL TITLE INSURANCE COMPANY;

ISSUING AGENT: MARTIN, TATE, MORROW & MARSTON, P.C.; COMMITMENT NO.: 11744621;

ISSUING OFFICE FILE NO.: TRUIST BAND/DJD REAL EST. HOLD;

COMMITMENT DATE: APRIL 20, 2024 AT 8:00 AM

THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:

ITEM 6. ORB 3386, PG. 1068, TOGETHER WITH ORDINANCE NO. 2009-46 IN ORB 6056, PG. 1241 AFFECTS THE PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.

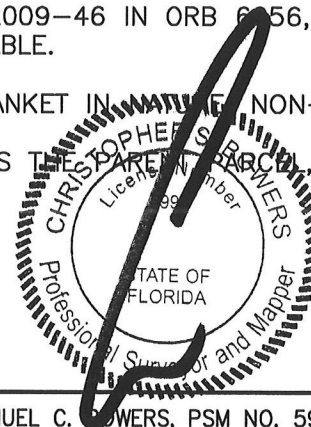
ITEM 7. ORB 9628, PG. 1056 AFFECTS THE PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.

ITEM 8. UNDERGROUND EASEMENT IN ORB 9765, PG. 941 AFFECTS THE PARENT PARCEL, NOT PARCEL 800 HEREIN. NOT MAPPED/NOT IN SCALED VIEW OF SKETCH.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
DJD REAL ESTATE HOLDINGS LLC

PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.
Civil Engineers and Land Surveyors - E.B. # 7903 / L.B. # 7040
504 North Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089



SAMUEL C. POWERS, PSM NO. 5990
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

DRAWN BY: JTH

CHECKED BY: CSB

PROJECT NO. 2023-007

DATE: 6/13/2024

DRAWING: 2023-007 DOBBS
EQUIPMENT ESMT SIDEWALK.DWG

REVISIONS
NO. 1

DATE
6/5/2024

DESCRIPTION
UPDATED TITLE

NO. 2

6/13/2024

COUNTY COMMENTS

SECTION 3

TOWNSHIP 28 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL #800

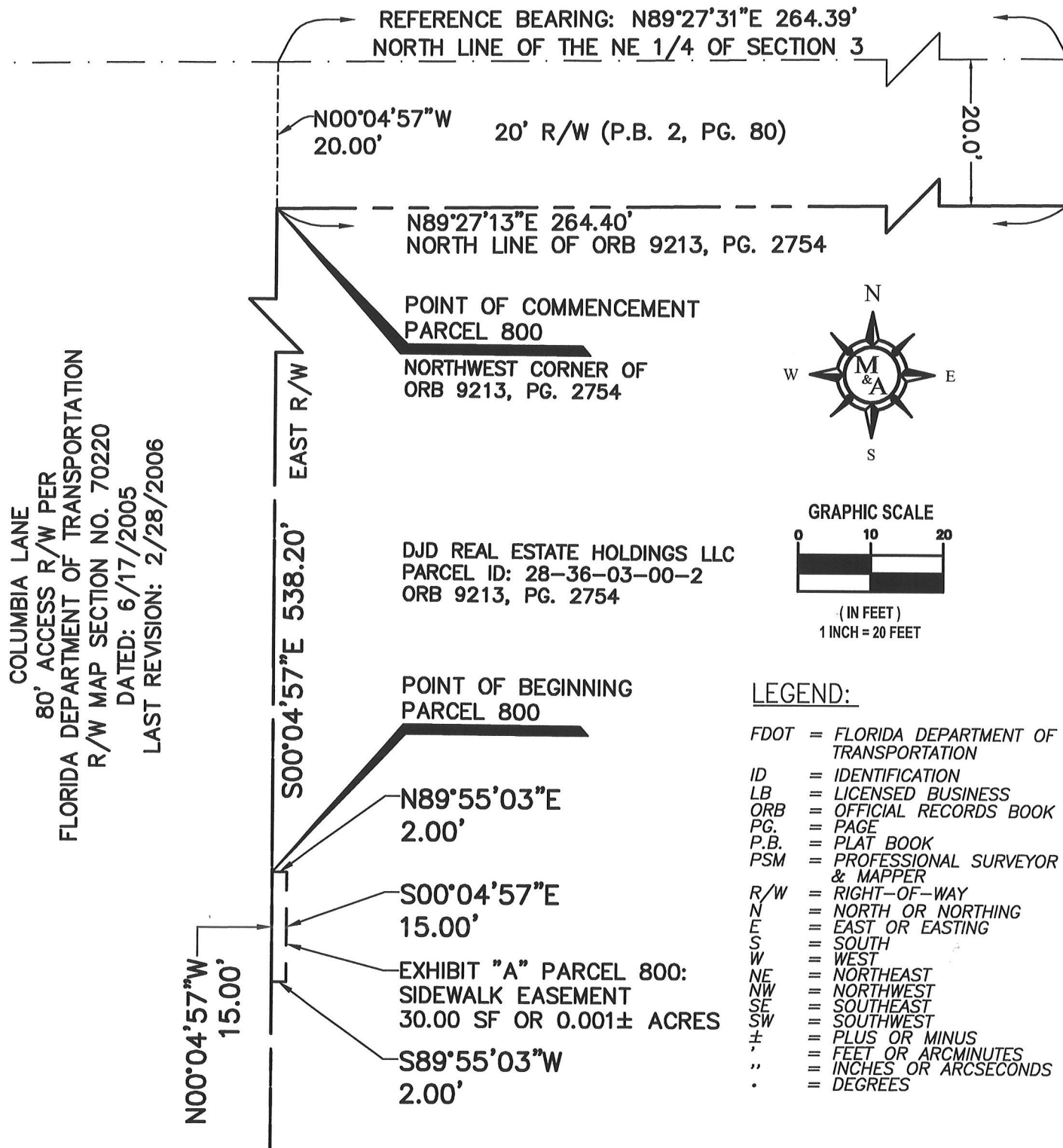
PARENT PARCEL ID#: 28-36-03-00-2
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



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SCALE:
1" = 20'

PROJECT NO.: 2023-007

SECTION 3
TOWNSHIP 28 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL #801

PARENT PARCEL ID#: 28-36-03-00-2

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "B"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 801 (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9213, PAGE 2754 AND LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE DEPARTING SAID EAST RIGHT-OF-WAY OF COLUMBIA LANE, RUN N89°55'03"E A DISTANCE OF 4.00 FEET; THENCE S00°04'57"E A DISTANCE OF 40.00 FEET; THENCE S89°55'03"W A DISTANCE OF 4.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF SAID COLUMBIA LANE; THENCE N00°04'57"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 40.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 160.01 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE REFERRED TO A RECORDED VALUE OF N89°27'31"E FOR THE NORTH LINE OF THE NE 1/4 OF SECTION 3, BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT OF WAY MAP, SECTION NO. 70220, SHEET 26 OF 39.

2. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING PROPERTY INFORMATION REPORT:

ISSUING AGENT: FIDELITY NATIONAL TITLE INSURANCE COMPANY;

ISSUING AGENT: MARTIN, TATE, MORROW & MARSTON, P.C.; COMMITMENT NO.: 11744621;

ISSUING OFFICE FILE NO.: TRUIST BAND/DJD REAL EST. HOLD;

COMMITMENT DATE: APRIL 20, 2024 AT 8:00 AM

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ITEM 7. ORB 9628, PG. 1056 AFFECTS THE PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.

ITEM 8. UNDERGROUND EASEMENT IN ORB 9765, PG. 941 AFFECTS THE PARENT PARCEL, NOT PARCEL 801 HEREIN. NOT MAPPED/NOT IN SCALED VIEW OF SKETCH.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
DJD REAL ESTATE HOLDINGS LLC

PREPARED BY:

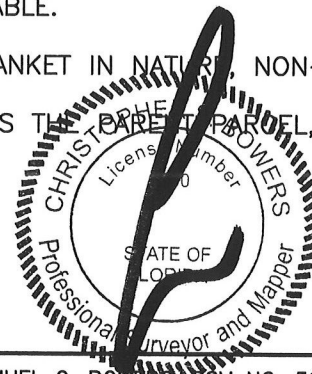
MORGAN & ASSOCIATES
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PHONE: (321) 751-6088

FLORIDA LICENSED BUSINESS NO. 7040

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DRAWN BY: JTH

CHECKED BY: CSB

PROJECT NO. 2023-007

DATE: 6/13/2024

DRAWING: 2023-007 DOBBS
EQUIPMENT ESMT SIDEWALK.DWG

REVISIONS
NO. 1

DATE
6/5/2024

DESCRIPTION
UPDATED TITLE

NO. 2

6/13/2024

COUNTY COMMENTS

SECTION 3

TOWNSHIP 28 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL #801

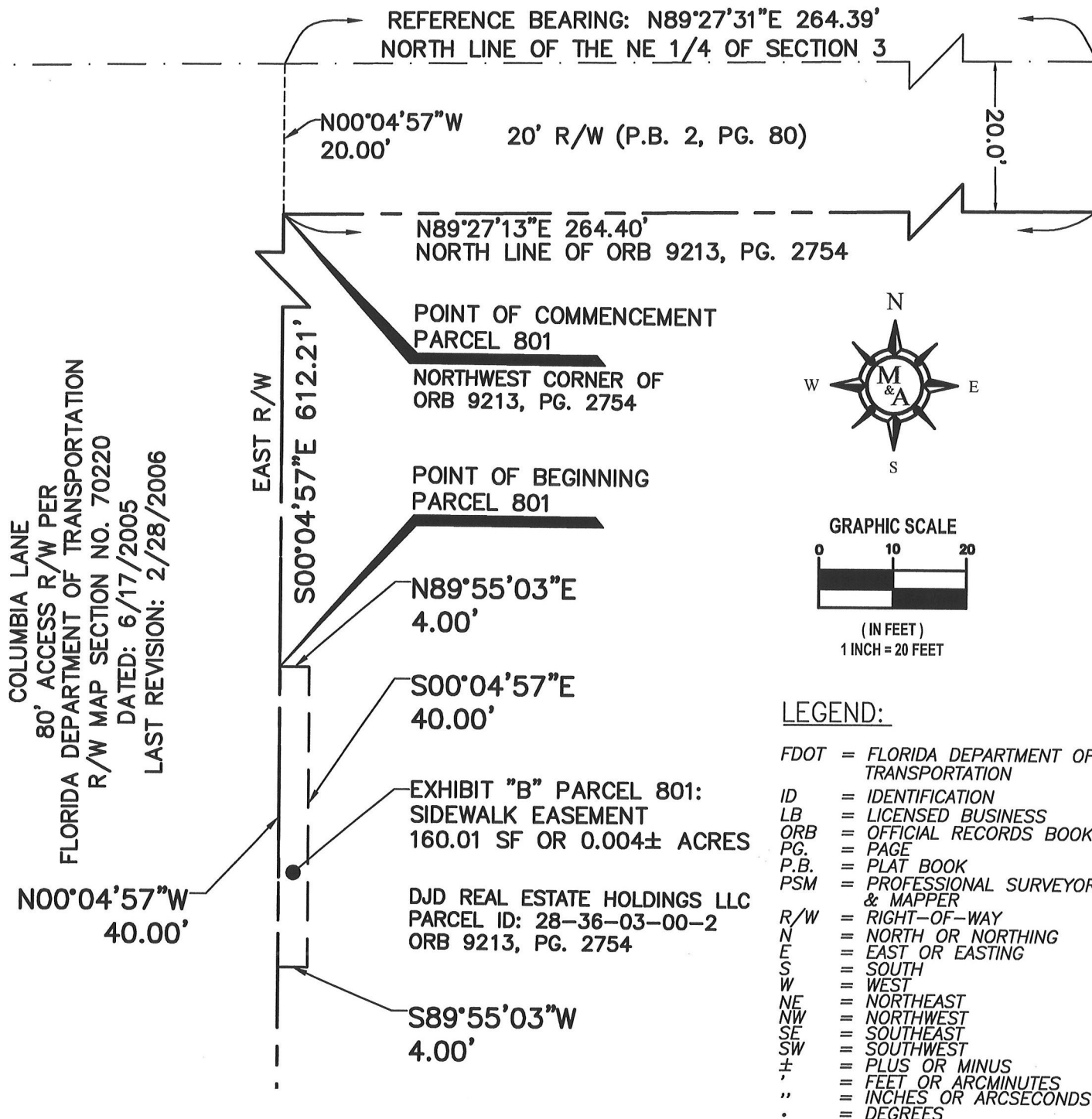
PARENT PARCEL ID#: 28-36-03-00-2
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "B"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



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SCALE:
1" = 20'
PROJECT NO.: 2023-007

SECTION 3
TOWNSHIP 28 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL #802

PARENT PARCEL ID#: 28-36-03-00-2

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "C"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 802 (PREPARED BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9213, PAGE 2754 AND LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE DEPARTING SAID EAST RIGHT-OF-WAY OF COLUMBIA LANE, RUN N89°55'03"E A DISTANCE OF 4.00 FEET; THENCE S00°04'57"E A DISTANCE OF 40.01 FEET; THENCE S89°55'03"W A DISTANCE OF 4.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF SAID COLUMBIA LANE; THENCE N00°04'57"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 40.01 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 160.03 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

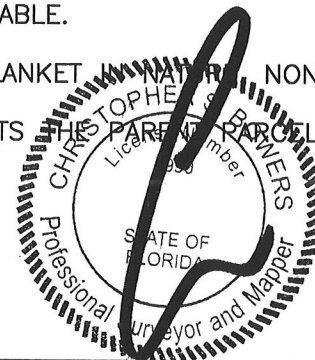
SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE REFERRED TO A RECORDED VALUE OF N89°27'31"E FOR THE NORTH LINE OF THE NE 1/4 OF SECTION 3, BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT OF WAY MAP, SECTION NO. 70220, SHEET 26 OF 39.
2. THE SURVEYOR WAS PROVIDED WITH THE FOLLOWING PROPERTY INFORMATION REPORT:
ISSUING AGENT: FIDELITY NATIONAL TITLE INSURANCE COMPANY;
ISSUING AGENT: MARTIN, TATE, MORROW & MARSTON, P.C.; COMMITMENT NO.: 11744621;
ISSUING OFFICE FILE NO.: TRUIST BAND/DJD REAL EST. HOLD;
COMMITMENT DATE: APRIL 20, 2024 AT 8:00 AM
THE FOLLOWING MATTERS AFFECT THE PARENT PARCEL:

ITEM 6. ORB 3386, PG. 1068, TOGETHER WITH ORDINANCE NO. 2009-46 IN ORB 6056, PG. 1241 AFFECTS THE PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.

ITEM 7. ORB 9628, PG. 1056 AFFECTS THE PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.

ITEM 8. UNDERGROUND EASEMENT IN ORB 9765, PG. 941 AFFECTS THE PARENT PARCEL, NOT PARCEL 802 HEREIN. NOT MAPPED/NOT IN SCALED VIEW OF SKETCH.



PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
DJD REAL ESTATE HOLDINGS LLC

PREPARED BY:
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SAMUEL C. BOWERS, PSM NO. 5990
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DRAWN BY: JTH

CHECKED BY: CSB

DATE: 6/13/2024

DRAWING: 2023-007 DOBBS
EQUIPMENT ESMT SIDEWALK.DWG

PROJECT NO. 2023-007

REVISIONS
NO. 1

DATE
6/5/2024

DESCRIPTION

UPDATED TITLE

NO. 2

6/13/2024

COUNTY COMMENTS

SECTION 3

TOWNSHIP 28 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL #802

PARENT PARCEL ID#: 28-36-03-00-2

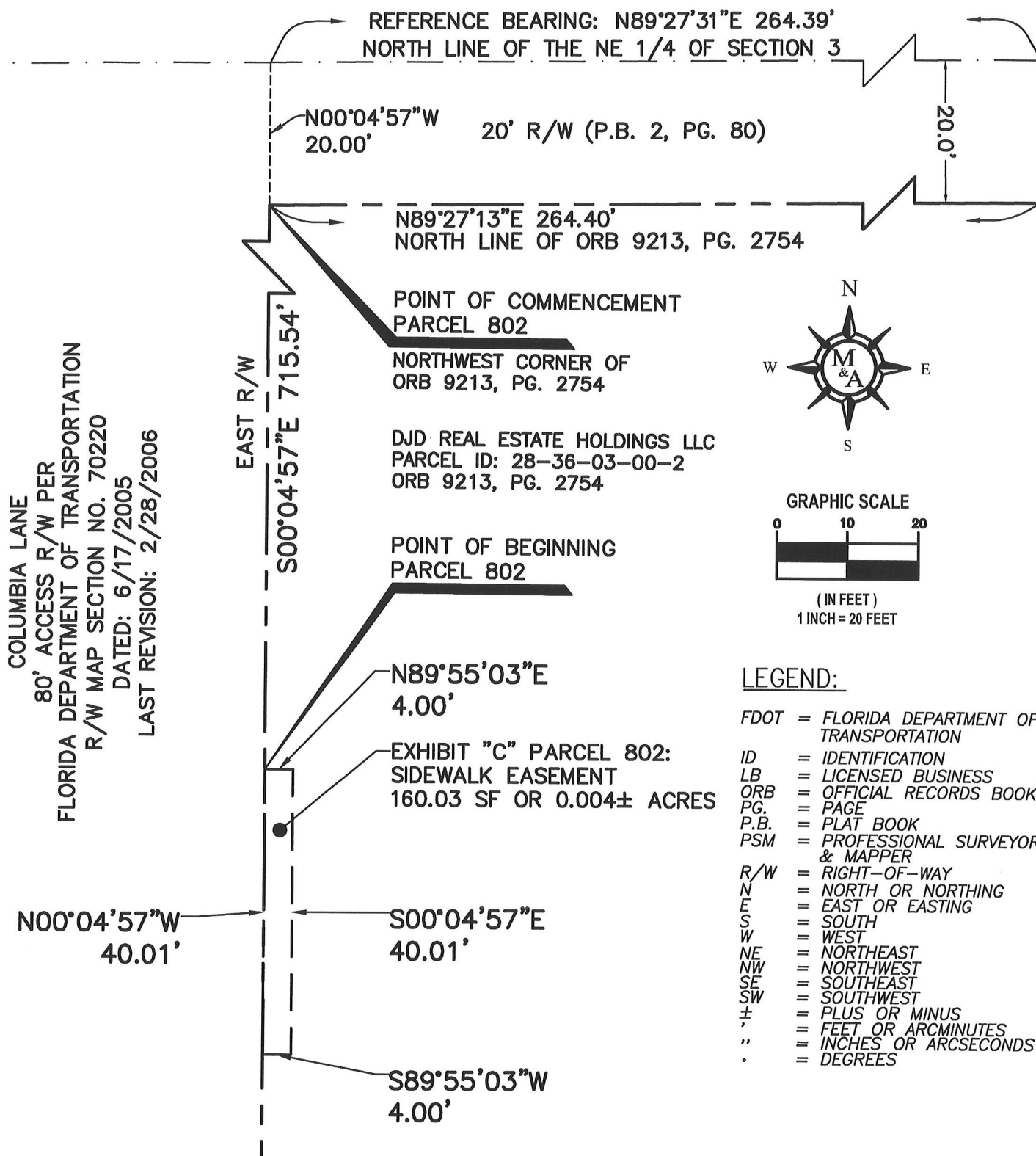
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "C"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



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SCALE:
1" = 20'

PROJECT NO.: 2023-007

SECTION 3
TOWNSHIP 28 SOUTH
RANGE 36 EAST

LEGAL DESCRIPTION

PARCEL #803

PARENT PARCEL ID#: 28-36-03-00-2

PURPOSE: SIDEWALK EASEMENT

EXHIBIT "D"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 803 (PREPARED BY SURVEYOR)

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THENCE DEPARTING SAID EAST RIGHT-OF-WAY OF COLUMBIA LANE, RUN N89°55'03"E A DISTANCE OF 4.00 FEET; THENCE S00°04'57"E A DISTANCE OF 38.00 FEET; THENCE S89°55'03"W A DISTANCE OF 4.00 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF SAID COLUMBIA LANE; THENCE N00°04'57"W ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 38.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 152.01 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE REFERRED TO A RECORDED VALUE OF N89°27'31"E FOR THE NORTH LINE OF THE NE 1/4 OF SECTION 3, BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT OF WAY MAP, SECTION NO. 70220, SHEET 26 OF 39.

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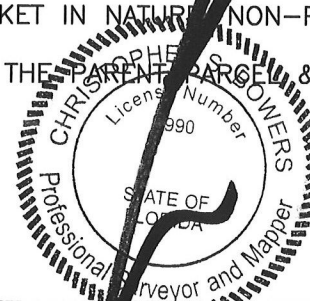
ITEM 7. ORB 9628, PG. 1056 AFFECTS THE PARENT PARCEL, BLANKET IN NATURE, NON-PLOTTABLE.

ITEM 8. UNDERGROUND EASEMENT IN ORB 9765, PG. 941 AFFECTS THE PARENT PARCEL & PARCEL 803 HEREIN. SAID EASEMENT IS MAPPED AND SHOWN HEREIN.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS;
DJD REAL ESTATE HOLDINGS LLC

PREPARED BY:
MORGAN & ASSOCIATES
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PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

DRAWN BY: JTH

CHECKED BY: CSB

PROJECT NO. 2023-007

DATE: 6/13/2024

DRAWING: 2023-007 DOBBS
EQUIPMENT ESMT SIDEWALK.DWG

REVISIONS
NO. 1

DATE
6/5/2024

DESCRIPTION

UPDATED TITLE

NO. 2

6/13/2024

COUNTY COMMENTS

SECTION 3

TOWNSHIP 28 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

PARCEL #803

PARENT PARCEL ID#: 28-36-03-00-2

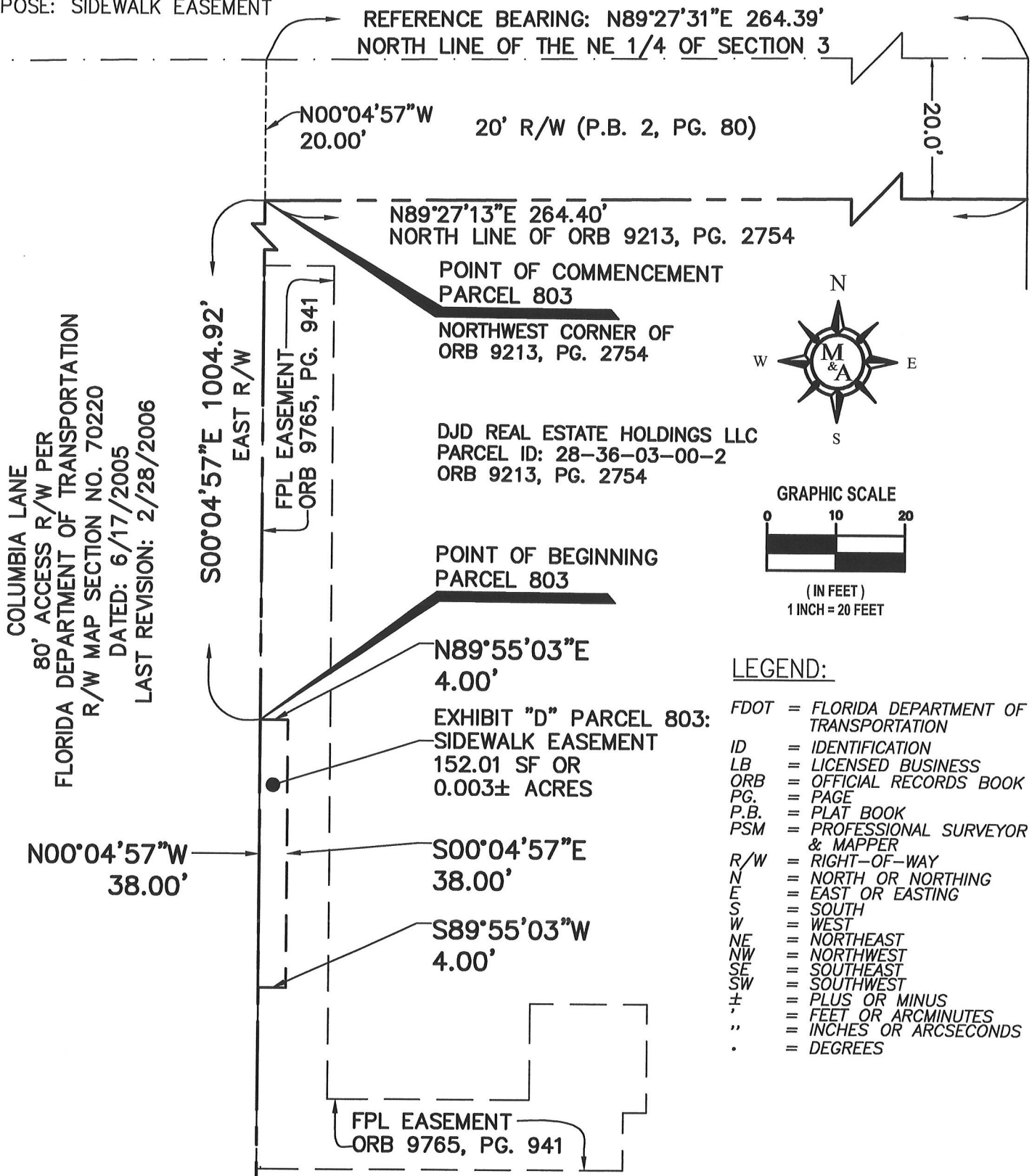
PURPOSE: SIDEWALK EASEMENT

EXHIBIT "D"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY:
MORGAN & ASSOCIATES
CONSULTING ENGINEERS, INC.
504 N. HARBOR CITY BLVD.
MELBOURNE, FL 32935
PHONE: (321) 751-6088
FLORIDA LICENSED BUSINESS NO. 7040

MORGAN & Associates
Consulting Engineers, Inc.

Civil Engineers and Land Surveyors - E.B. # 7903 / L.B. # 7040
504 North Harbor City Blvd. Melbourne, FL 32935
Phone (321) 751-6088 Fax (321) 751-6089

SCALE:

1" = 20'

PROJECT NO.: 2023-007

SECTION 3

TOWNSHIP 28 SOUTH

RANGE 36 EAST

LOCATION MAP

Section 03, Township 28 South, Range 36 East - District: 5

PROPERTY LOCATION: West of I 95, east of Columbia Lane, and north of State Road 192 in West Melbourne.

OWNERS NAME(S): DJD Real Estate Holdings, LLC

