

BOARD OF COUNTY COMMISSIONERS



AGENDA REVIEW SHEET

AGENDA: Purchase Agreements, Resolutions, and County Deeds for a Portion of County Owned Parcels 110 and 112, and County Deeds and Resolutions for Existing County Rights-of-Way for Parcels 100, 101 and 109 all Related to the Florida Department of Transportation (FOOT) Facility Improvement Project 4074023 State Road 528 East from East of State Road 524 (Industry) to East of State Road 3

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Lucy Hamelers/ Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>11-5-24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney	 _____	_____	<u>11/8/2024</u>

III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
- (h) Seller and buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: _____

- (j) Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes**.

IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- There is an addendum to this agreement. Page _____ is made a part of this agreement.
- There is not an addendum to this agreement.

VI. Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement.

Seller(s)

Brevard County, a political subdivision of
the State of Florida

BY: _____ 12/03/2024
Signature Date

Rob Feltner, Chairman of the Brevard County
Board of County Commissioners

As approved by the
Board 12-03-2024

Buyer

State of Florida Department of Transportation

BY: _____
Signature Date

Type or Print Name and Title

VII. FINAL AGENCY ACCEPTANCE

The Buyer has granted Final Agency Acceptance this ____ day of _____, _____

BY: _____
Signature Type or Print Name and Title

Legal Review: _____

Date

Type or Print Name and Title

ADDITIONAL SIGNATURES

SELLER(S)

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

PURCHASE AGREEMENT

ITEM SEGMENT NO.: 4074023
 DISTRICT: 05-70070
 FEDERAL PROJECT NO.: N/A
 STATE ROAD NO.: Brevard
 COUNTY: 528
 PARCEL NO.: 112

Seller: BREVARD COUNTY, a political subdivision of the State of Florida

Buyer: State of Florida, Department of Transportation

Buyer and Seller hereby agree that Seller shall sell and Buyer shall buy the following described property pursuant to the following terms and conditions:

I. Description of Property:

(a) **Estate Being Purchased:** Fee Simple Permanent Easement Temporary Easement Leasehold

(b) **Real Property Described As:** Parcel 112, Brevard County, Florida

(c) **Personal Property:** N/A

(d) **Outdoor Advertising Structure(s) Permit Number(s):** N/A

Buildings, Structures, Fixtures and Other Improvements Owned By Others: N/A

These items are **NOT** included in this agreement. A separate offer is being, or has been, made for these items.

II. PURCHASE PRICE

(a) **Real Property**

Land	1.	\$	<u>74,600.00</u>
Improvements	2.	\$	<u>77,000.00</u>
Real Estate Damages (Severance/Cost-to-Cure)	3.	\$	<u>83,400.00</u>

Total Real Property 4. \$ 235,000.00

(b) **Total Personal Property** 5. \$ _____

(c) **Fees and Costs**

Attorney Fees	6.	\$	_____
Appraiser Fees	7.	\$	_____

_____ Fee(s)	8.	\$	_____
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Total Fees and Costs 9. \$ 0.00

(d) **Total Business Damages** 10. \$ _____

(e) **Total of Other Costs** 11. \$ _____

List: _____

Total Purchase Price (Add Lines 4, 5, 9, 10 and 11) \$ 235,000.00

Total Global Settlement Amount

(f) Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer at Closing \$ _____

(g) Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer upon surrender of possession or _____ \$ _____

III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
- (h) Seller and buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: _____

- (j) Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes**.

IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- There is an addendum to this agreement. Page _____ is made a part of this agreement.
- There is not an addendum to this agreement.

VI. Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement.

Seller(s)

Buyer

Brevard County, a political subdivision of
the State of Florida

State of Florida Department of Transportation

BY: _____ 12/03/24
Signature Date

BY: _____
Signature Date

Rob Feltner, Chairman of the Brevard County
Board of County Commissioners

As approved by the
Board 12-03-2024

Type or Print Name and Title

VIII. FINAL AGENCY ACCEPTANCE

The Buyer has granted Final Agency Acceptance this _____ day of _____, _____.

BY: _____
Signature

Type or Print Name and Title

Legal Review: _____

Date

Type or Print Name and Title

ADDITIONAL SIGNATURES

SELLER(S):

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Signature Date

Type or Print Name

03-BREVARD CTY-03/07

March 19, 2024

This instrument prepared by

Meg Hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 110.01, 112.01

SECTION 70070

F.P. NO. 407402-3

STATE ROAD 528

COUNTY BREVARD

COUNTY DEED

THIS DEED, made this 3rdday of December, 2024 by BREVARD COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors, and assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

**PARCEL 110
LIMITED ACCESS RIGHT OF WAY**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

"From the Northwest corner of Section 14, Township 24 South, Range 36 East, run South 0°07'02" East, along the Section line, a distance of 491.25 feet; thence North 89°43'41" East, 651.48 feet for a point of beginning; thence North 0°07'02" West, 217.58 feet to the South line of State Road 528; thence Northwesterly along the South line of State Road 528 to a point which is 300 feet East of the West line of said Section 14; thence South 0°03'29" East, a distance of 322.42 feet to the North line of a proposed fifty foot street; thence North 89°43'41" East along the North line of said street, a distance of 351.48 feet to the point of beginning; said property being a part of the NW 1/4 of Section 14, Township 24 South, Range 36 East, and containing 2.178 acres, more or less."

(BEING a portion of the lands described in Official Records Book 1817, Page 208, of the Public Records of Brevard County, Florida.)

PARCEL NO. 110.01, 112.01
SECTION 70070
F.P. NO. 407402-3
PAGE 2

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification marking the Southwest corner of the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 00°12'53" West, along the West line of the Northwest 1/4 of said Section 14, a distance of 2663.99 feet to the Northwest corner of said Section 14, said point being on the Baseline of Survey State Road 528, Station 526+31.18 as shown on said map; thence departing said West line, run North 89°42'34" East along said North line and said Baseline of Survey, a distance of 299.37 feet to Station 529+30.55; thence departing said North line and said Baseline of Survey, run South 00°14'19" East along the Northerly projection of the East line of the plat of The Villas at Indian River Unit One, as described in Plat Book 24, Pages 84 and 85, of the Public Records of Brevard County, Florida, a distance of 169.17 feet to the Northeast corner of said plat, said point lying on the Southerly Limited Access Right of Way Line of said State Road 528, being on a non-tangent curve, concave Southwesterly and having a radius of 1436.18 feet and the POINT OF BEGINNING; thence run the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of South 77°13'40" East, run Southeasterly 97.55 feet along the arc of said curve, through a central angle of 03°53'30" to a point of tangency; thence South 73°20'09" East, a distance of 56.16 feet; thence departing said Southerly Limited Access Right of Way Line, run North 74°47'45" West, a distance of 110.02 feet; thence North 88°17'29" West, a distance of 41.94 feet to the intersection with the aforesaid East line; thence North 00°14'19" West along said East line, a distance of 10.78 feet to the POINT OF BEGINNING.

CONTAINING 406 square feet, more or less.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

AND

**PARCEL 112
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

"That part of the North two hundred fifty (250) feet of the south two thousand one hundred-twenty-two and fifty-eight hundredths (2122.58) feet of the Northwest quarter (NW 1/4) of Section fourteen (14) Township twenty-four (24) South, Range thirty-six (36) East, lying West of U.S. Highway A1A, less the West three hundred fifty (350) feet thereof, and subject to an easement for egress and ingress over the

PARCEL NO. 110.01, 112.01
SECTION 70070
F.P. NO. 407402-3
PAGE 3

South ten (10) feet thereof, containing three and thirty hundredths (3.30) acres, more or less, together with a non-exclusive easement for ingress and egress over the non-dedicated paved road along the North property line;"

(BEING a portion of the lands described in Official Records Book 1817, Page 208, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification, marking the Southwest corner of the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 00°12'53" West, along the West line of the Northwest 1/4 of said Section 14, a distance of 2531.77 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said West line, run the following three courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of South 89°17'05" East, run Easterly 399.77 feet along the arc of said curve, through a central angle of 15°56'55" to a point of tangency; thence South 73°20'09" East, a distance of 431.32 feet to a point of curvature of a curve concave Southwesterly and having a radius of 146.11 feet; thence run Southeasterly 175.39 feet along the arc of said curve, through a central angle of 68°46'35" to a point of tangency, said point being the end of said Southerly Limited Access Right of Way Line and the beginning of existing Westerly Right of Way Line of State Road 3 as shown on aforesaid map; thence departing said Southerly Limited Access Right of Way Line, run the following two courses along said Westerly Right of Way Line; run South 04°33'30" East, a distance of 91.16 feet to the intersection with the existing South Right of Way Line of Heidi Lane as shown on said map and the POINT OF BEGINNING; thence continue South 04°33'30" East, a distance of 250.64 feet to the intersection with the South line of the North 250 feet of the South 2122.58 feet of the Northwest 1/4 of aforesaid Section 14; thence departing said Westerly Right of Way Line, run South 89°31'52" West along said South line, a distance of 17.04 feet; thence departing said South line, run North 04°33'30" West along a line 17.00 feet West of and parallel to said Westerly Right of Way Line, a distance of 250.64 feet to the intersection with the aforesaid South Right of Way Line; thence North 89°31'52" East along said North Right of Way Line, a distance of 17.04 feet to the POINT OF BEGINNING.

CONTAINING 4,261 square feet, more or less.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

PARCEL NO. 110.01, 112.01
SECTION 70070
F.P. NO. 407402-3
PAGE 4

TO HAVE AND TO HOLD, the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the said grantee forever.

PROVIDED that the following rights are reserved to Grantor:

1. The Grantor shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the Grantor or require the Grantor to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The Grantor shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The Grantor agrees to repair any damage caused by Grantor to F.D.O.T.'s facilities and to indemnify to the extent permitted under Florida Law the F.D.O.T. against any loss or damage resulting from the Grantor exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

PARCEL NO. 110.01, 112.01
SECTION 70070
F.P. NO. 407402-3
PAGE 5

Brevard County Florida, a political
subdivision of the State of Florida

ATTEST:

By: _____

Rachel Sadoff, Clerk of the Court

Rob Feltner, Chairman of the Brevard
County Board of County Commissioners

As approved by the Board on 12/03/24
Agenda Item#: _____

ADDRESS OF GRANTOR:
2725 Judge Fran Jamieson Way
Viera, FL 32940

03-BSD04-08/01

March 19, 2024

This instrument prepared by

Meg Hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 110.01RES, 112.01RES

SECTION 70070

F.P. NO. 407402-3

STATE ROAD 528

COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner _____, seconded by
Commissioner _____, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 528, Section No. 70070, F.P. No. 407402-3 in Brevard County, Florida: and

WHEREAS, it is necessary that certain lands now owned by Brevard County be acquired by the State of Florida Department of Transportation: and

WHEREAS, said property is not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a deed, or deeds, in favor of the State of Florida Department of Transportation, conveying all rights, title and interest that said County has in and to said lands required for transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, that the application of the State of Florida Department of Transportation for a deed, or deeds, is for transportation purposes which are in the public or community interest and for public welfare and the land needed for transportation purposes is not needed for county purposes; that a deed, or deeds, in favor of the State of Florida Department of Transportation conveying all right, title and interest of Brevard County in and to said lands should be drawn and executed by _____, on behalf of this Board of County Commissioners.

PARCEL NO. 110.1RES, 112.1RES
SECTION 70070
F.P. NO. 407402-3
PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 3rd of December, 2024.

ATTEST:

BY: _____

Rob Feltner, Chairman
Board of County Commissioners
Brevard County, Florida

Rachel Sadoff, Clerk of the Court

As approved by the Board on 12-03-2024
Agenda Item #: _____

**PARCEL 110
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

"From the Northwest corner of Section 14, Township 24 South, Range 36 East, run South $0^{\circ}07'02''$ East, along the Section line, a distance of 491.25 feet; thence North $89^{\circ}43'41''$ East, 651.48 feet for a point of beginning; thence North $0^{\circ}07'02''$ West, 217.58 feet to the South line of State Road 528; thence Northwesterly along the South line of State Road 528 to a point which is 300 feet East of the West line of said Section 14; thence South $0^{\circ}03'29''$ East, a distance of 322.42 feet to the North line of a proposed fifty foot street; thence North $89^{\circ}43'41''$ East along the North line of said street, a distance of 351.48 feet to the point of beginning; said property being a part of the NW 1/4 of Section 14, Township 24 South, Range 36 East, and containing 2.178 acres, more or less."

(BEING a portion of the lands described in Official Records Book 1817, Page 208, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification marking the Southwest corner of the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North $00^{\circ}12'53''$ West, along the West line of the Northwest 1/4 of said Section 14, a distance of 2663.99 feet to the Northwest corner of said Section 14, said point being on the Baseline of Survey State Road 528, Station 526+31.18 as shown on said map; thence departing said West line, run North $89^{\circ}42'34''$ East along said North line and said Baseline of Survey, a distance of 299.37 feet to Station 529+30.55; thence departing said North line and said Baseline of Survey, run South $00^{\circ}14'19''$ East along the Northerly projection of the East line of the plat of The Villas at Indian River Unit One, as described in Plat Book 24, Pages 84 and 85, of the Public Records of Brevard County, Florida, a distance of 169.17 feet to the Northeast corner of said plat, said point lying on the Southerly Limited Access Right of Way Line of said State Road 528, being on a non-tangent curve, concave Southwesterly and having a radius of 1436.18 feet and the POINT OF BEGINNING; thence run the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of South $77^{\circ}13'40''$ East, run Southeasterly 97.55 feet along the arc of said curve, through a central angle of $03^{\circ}53'30''$ to a point of tangency; thence South $73^{\circ}20'09''$ East, a distance of 56.16 feet;

thence departing said Southerly Limited Access Right of Way Line, run North 74°47'45" West, a distance of 110.02 feet; thence North 88°17'29" West, a distance of 41.94 feet to the intersection with the aforesaid East line; thence North 00°14'19" West along said East line, a distance of 10.78 feet to the POINT OF BEGINNING.

CONTAINING 406 square feet, more or less.

**PARCEL 112
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

“That part of the North two hundred fifty (250) feet of the south two thousand one hundred-twenty-two and fifty-eight hundredths (2122.58) feet of the Northwest quarter (NW 1/4) of Section fourteen (14) Township twenty-four (24) South, Range thirty-six (36) East, lying West of U.S. Highway A1A, less the West three hundred fifty (350) feet thereof, and subject to an easement for egress and ingress over the South ten (10) feet thereof, containing three and thirty hundredths (3.30) acres, more or less, together with a non-exclusive easement for ingress and egress over the non-dedicated paved road along the North property line;”

(BEING a portion of the lands described in Official Records Book 1817, Page 208, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

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Right of Way Line, run South $89^{\circ}31'52''$ West along said South line, a distance of 17.04 feet; thence departing said South line, run North $04^{\circ}33'30''$ West along a line 17.00 feet West of and parallel to said Westerly Right of Way Line, a distance of 250.64 feet to the intersection with the aforesaid South Right of Way Line; thence North $89^{\circ}31'52''$ East along said North Right of Way Line, a distance of 17.04 feet to the POINT OF BEGINNING.

CONTAINING 4,261 square feet, more or less.

03-BREVARD CTY-03/07

July 25, 2023

This instrument prepared by

Meg Hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 100.01, 101.01

SECTION 70070

F.P. NO. 407402-3

STATE ROAD 528

COUNTY BREVARD

COUNTY DEED

THIS DEED, made this 3rd day of December, 2024 by BREVARD COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors, and assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Flomegrida, viz:

**PARCEL 100
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

PART A

THAT PART OF:

San Remo Way a 50 feet wide Right of Way of The Villas at Indian River, Unit One, according to the plat thereof as recorded in Plat Book 24, Pages 84 and 85, of the Public Records of Brevard County, Florida.

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification marking the Southeast corner of the Northeast 1/4 of Section 15, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 00°12'53" West, along the East line of the Northeast 1/4 of said Section 15, a distance of 2531.77 feet to the intersection

PARCEL NO. 100.01, 101.01
SECTION 70070
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with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said East line, run the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of North 89°17'05" West, run Westerly 25.24 feet along the arc of said curve, through a central angle of 01°00'25" to a point of tangency; thence South 89°42'31" West, a distance of 305.30 feet to the POINT OF BEGINNING; thence departing said Southerly Limited Access Right of Way Line, run South 00°07'56" East, a distance of 25.95 feet; thence North 88°17'29" West, a distance of 435.03 feet; thence North 00°10'21" West, a distance of 10.77 feet to the intersection with the aforesaid Southerly Limited Access Right of Way Line; thence North 89°42'31" East along said Southerly Limited Access Right of Way Line, a distance of 434.81 feet to the POINT OF BEGINNING.

CONTAINING 7,982 square feet, more or less.

AND

PART B

THAT PART OF:

Marine Harbor Drive a varied width Brevard County Right of Way lying in the Southeast 1/4 of Section 10, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northeast corner of the Southeast 1/4 of Section 10, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence South 00°27'48" East, along the East line of the Southeast 1/4 of said Section 10, a distance of 2202.64 feet; thence departing said East line, run South 89°34'02" West, a distance of 50.00 feet; thence South 00°27'48" East along a line 50.00 feet West of and parallel to said East line, a distance of 389.22 feet to the POINT OF BEGINNING; thence continue South 00°27'48" East along a line 50.00 feet West of and parallel to said East line, a distance of 3.99 feet to the intersection with the existing Southerly Right of Way Line of Marine Harbor Drive as shown on said map; thence South 89°42'31" West along said Southerly Right of Way Line, a distance of 114.40 feet; thence departing said Southerly Right of Way Line, run North 87°42'31" East, a distance of 114.46 feet to the POINT OF BEGINNING.

CONTAINING 229 square feet, more or less.

AND

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SECTION 70070
F.P. NO. 407402-3
PAGE 3

PART C

THAT PART OF:

Marine Harbor Drive a varied width Brevard County Right of Way lying in the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northwest corner of the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence South $00^{\circ}27'48''$ East, along the West line of the Southwest 1/4 of said Section 11, a distance of 2590.24 feet to the POINT OF BEGINNING; thence departing said West line, run North $87^{\circ}42'31''$ East, a distance of 236.43 feet to the intersection with the existing Northerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Northerly, and having a radius of 1432.61 feet; thence from a tangent bearing of South $78^{\circ}46'40''$ West, run Westerly 87.75 feet along the arc of said curve and along said Northerly Limited Access Right of Way Line, through a central angle of $03^{\circ}30'35''$ to the intersection with the Southerly Right of Way Line of Marine Harbor Drive; thence departing said Northerly Limited Access Right of Way Line, run South $89^{\circ}42'31''$ West along said Southerly Right of Way Line, a distance of 149.65 feet to the intersection with the aforesaid West line; thence North $00^{\circ}27'48''$ West along said West line, a distance of 5.74 feet to the POINT OF BEGINNING.

CONTAINING 1,764 square feet, more or less.

AND

PART D

THAT PART OF:

Furman Road a varied width Brevard County Right of Way lying in the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, lying South of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification, marking the Southwest corner of the

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Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 89°41'15" East, along the South line of the Northwest 1/4 of said Section 14, a distance of 2629.87 feet to a nail and disk stamped "BSA LB 1221", marking the Southeast corner of the Northwest 1/4 of said Section 14 as shown on said map; thence departing said South line, run North 00°24'36" West along the East line of said Northwest 1/4, a distance of 2531.02 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map; thence departing said East line, run South 89°42'31" West along said Southerly Limited Access Right of Way Line, a distance of 216.87 feet to the POINT OF BEGINNING; thence departing said Southerly Limited Access Right of Way Line, run South 87°02'28" West, a distance of 683.82 feet; thence South 85°53'43" West, a distance of 66.74 feet to the intersection with the aforesaid Southerly Limited Access Right of Way Line, said point being on a non-tangent curve, concave Southerly and having a radius of 1429.54 feet; thence the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of North 76°46'32" East, run Easterly 322.68 feet along the arc of said curve, through a central angle of 12°55'58" to a point of tangency; thence North 89°42'31" East, a distance of 429.73 feet to the POINT OF BEGINNING.

CONTAINING 9,289 square feet, more or less.

AND

PART E

THAT PART OF:

Sea Ray Drive a varied width Brevard County Right of Way lying in the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northwest corner of the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 89°41'43" East, along the North line of the Southwest 1/4 of said Section 11, a distance of 2627.05 feet to a 1" iron pipe with no identification, marking the Northeast corner of said Southwest 1/4 as shown on said map; thence departing said North line, run South 00°19'46" East along the East line of said Southwest 1/4, a distance of 2608.58 feet to the intersection with the existing Northerly Limited Access Right of Way Line of State Road 528 as shown on said map; thence departing said East line, run the following three courses along said Northerly Limited Access Right of Way Line; thence South 89°42'31" West, a distance of 514.42 feet to the POINT OF BEGINNING; thence continue South 89°42'31" West, a distance of 140.91 feet

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to a point of curvature of a curve concave Northerly and having a radius of 1424.67 feet; thence run Westerly 297.84 feet along the arc of said curve, through a central angle of $11^{\circ}58'41''$; thence departing said Northerly Limited Access Right of Way Line, run North $11^{\circ}41'12''$ East, a distance of 2.00 feet; thence South $79^{\circ}41'19''$ East, a distance of 83.04 feet; thence South $87^{\circ}26'02''$ East, a distance of 354.99 feet to the POINT OF BEGINNING.

CONTAINING 2,175 square feet, more or less.

AND

PART F

THAT PART OF:

Heidi Lane a 50 feet wide Brevard County Right of Way lying in the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, lying South of State Road 528 and West of State Road 3.

(BEING the lands described in Official Records Book 1860, Page 479, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification, marking the Southwest corner of the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North $00^{\circ}12'53''$ West, along the West line of the Northwest 1/4 of said Section 14, a distance of 2531.77 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said West line, run the following three courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of South $89^{\circ}17'05''$ East, run Easterly 399.77 feet along the arc of said curve, through a central angle of $15^{\circ}56'55''$ to a point of tangency; thence South $73^{\circ}20'09''$ East, a distance of 431.32 feet to a point of curvature of a curve concave Southwesterly and having a radius of 146.11 feet; thence run Southeasterly 175.39 feet along the arc of said curve, through a central angle of $68^{\circ}46'35''$ to a point of tangency, said point being the end of said Southerly Limited Access Right of Way Line and the beginning of existing Westerly Right of Way Line of State Road 3 as shown on aforesaid map; thence departing said Southerly Limited Access Right of Way Line, run the following two courses along said Westerly Right of Way Line; run South $04^{\circ}33'30''$ East, a distance of 41.03 feet to the intersection with the existing North Right of Way Line of Heidi Lane as shown on aforesaid map and the POINT OF BEGINNING; thence continue South $04^{\circ}33'30''$ East, a distance of 50.13 feet to the intersection with the existing South Right of Way Line of said Heidi Lane; thence departing

PARCEL NO. 100.01, 101.01
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said Westerly Right of Way Line, run South 89°31'52" West along said South Right of Way Line, a distance of 34.20 feet; thence departing said South Right of Way Line, run North 00°17'29" West, a distance of 50.00 feet to the intersection with the aforesaid North Right of Way Line; thence North 89°31'52" East along said North Right of Way Line, a distance of 30.47 feet to the POINT OF BEGINNING.

CONTAINING 1,617 square feet, more or less.

PARTS A through F CONTAINING IN THE AGGREGATE 0.529 acres, more or less.

AND

**PARCEL 101
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

A 50 feet wide Brevard County Right of Way lying in the Northeast 1/4 of Section 15, Township 24 South, Range 36 East, Brevard County, Florida.

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification marking the Southeast corner of the Northeast 1/4 of Section 15, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 00°12'53" West, along the East line of the Northeast 1/4 of said Section 15, a distance of 2531.77 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said East line, run the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of North 89°17'05" West, run Westerly 25.24 feet along the arc of said curve, through a central angle of 01°00'25" to a point of tangency; thence South 89°42'31" West, a distance of 740.11 feet to the POINT OF BEGINNING; thence departing said Southerly Limited Access Right of Way Line, run South 00°10'21" East, a distance of 10.77 feet; thence North 88°17'29" West, a distance of 308.51 feet to the intersection with the aforesaid Southerly Limited Access Right of Way Line; thence North 89°42'31" East along said Southerly Limited Access Right of Way Line, a distance of 308.35 feet to the POINT OF BEGINNING.

CONTAINING 1,660 square feet, more or less.

PARCEL NO. 100.01, 101.01
SECTION 70070
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TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the said grantee forever.

PROVIDED that the following rights are reserved to Grantor:

1. The Grantor shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the Grantor or require the Grantor to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The Grantor shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The Grantor agrees to repair any damage caused by Grantor to F.D.O.T.'s facilities and to indemnify to the extent permitted under Florida Law the F.D.O.T. against any loss or damage resulting from the Grantor exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

PARCEL NO. 100.01, 101.01
SECTION 70070
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ATTEST:

Rachel Sadoff, Clerk of the Court

As approved by the Board on _____
Agenda Item #: _____

Brevard County, a political subdivision of the State of
Florida

By: _____

Rob Feltner, Chairman of the Brevard County Board of
County Commissioners

ADDRESS OF GRANTOR:
2725 Judge Fran Jamieson Way
Viera, Florida 32940

03-BSD04-08/01

July 25, 2023

This instrument prepared by

Meg hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 100.01RES, 101.01RES

SECTION 70070

F.P. NO. 407402-3

STATE ROAD 528

COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner _____, seconded by
Commissioner _____, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 528, Section No. 70070, F.P. No. 407402-3 in Brevard County, Florida: and

WHEREAS, it is necessary that certain lands now owned by Brevard County be acquired by the State of Florida Department of Transportation: and

WHEREAS, said property is not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a deed, or deeds, in favor of the State of Florida Department of Transportation, conveying all rights, title and interest that said County has in and to said lands required for transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, that the application of the State of Florida Department of Transportation for a deed, or deeds, is for transportation purposes which are in the public or community interest and for public welfare and the land needed for transportation purposes is not needed for county purposes; that a deed, or deeds, in favor of the State of Florida Department of Transportation conveying all right, title and interest of Brevard County in and to said lands should be drawn and executed by _____, on behalf of this Board of County Commissioners.

PARCEL NO. 100.01RES, 101.01RES
SECTION 70070
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PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., Deland, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 3rd day of December, 2024.

ATTEST:

Rachel Sadoff, Clerk of the Court

As approved by the Board on 12/03/2024
Agenda Item #: _____

By: _____

Rob Feltner, Chairman of the Brevard
County Board of County Commissioners

ADDRESS OF GRANTOR:
2725 Judge Fran
Jamieson Way Viera,
Florida 32940

**PARCEL 100
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

PART A

THAT PART OF:

San Remo Way a 50 feet wide Right of Way of The Villas at Indian River, Unit One, according to the plat thereof as recorded in Plat Book 24, Pages 84 and 85, of the Public Records of Brevard County, Florida.

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification marking the Southeast corner of the Northeast 1/4 of Section 15, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 00°12'53" West, along the East line of the Northeast 1/4 of said Section 15, a distance of 2531.77 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said East line, run the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of North 89°17'05" West, run Westerly 25.24 feet along the arc of said curve, through a central angle of 01°00'25" to a point of tangency; thence South 89°42'31" West, a distance of 305.30 feet to the POINT OF BEGINNING; thence departing said Southerly Limited Access Right of Way Line, run South 00°07'56" East, a distance of 25.95 feet; thence North 88°17'29" West, a distance of 435.03 feet; thence North 00°10'21" West, a distance of 10.77 feet to the intersection with the aforesaid Southerly Limited Access Right of Way Line; thence North 89°42'31" East along said Southerly Limited Access Right of Way Line, a distance of 434.81 feet to the POINT OF BEGINNING.

CONTAINING 7,982 square feet, more or less.

AND

PART B

THAT PART OF:

Marine Harbor Drive a varied width Brevard County Right of Way lying in the Southeast 1/4 of Section 10, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northeast corner of the Southeast 1/4 of Section 10, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence South 00°27'48" East, along the East line of the Southeast 1/4 of said Section 10, a distance of 2202.64 feet; thence departing said East line, run South 89°34'02" West, a distance of 50.00 feet; thence South 00°27'48" East along a line 50.00 feet West of and parallel to said East line, a distance of 389.22 feet to the POINT OF BEGINNING; thence continue South 00°27'48" East along a line 50.00 feet West of and parallel to said East line, a distance of 3.99 feet to the intersection with the existing Southerly Right of Way Line of Marine Harbor Drive as shown on said map; thence South 89°42'31" West along said Southerly Right of Way Line, a distance of 114.40 feet; thence departing said Southerly Right of Way Line, run North 87°42'31" East, a distance of 114.46 feet to the POINT OF BEGINNING.

CONTAINING 229 square feet, more or less.

AND

PART C

THAT PART OF:

Marine Harbor Drive a varied width Brevard County Right of Way lying in the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northwest corner of the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence South 00°27'48" East, along the West line of the Southwest 1/4 of

said Section 11, a distance of 2590.24 feet to the POINT OF BEGINNING; thence departing said West line, run North 87°42'31" East, a distance of 236.43 feet to the intersection with the existing Northerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Northerly, and having a radius of 1432.61 feet; thence from a tangent bearing of South 78°46'40" West, run Westerly 87.75 feet along the arc of said curve and along said Northerly Limited Access Right of Way Line, through a central angle of 03°30'35" to the intersection with the Southerly Right of Way Line of Marine Harbor Drive; thence departing said Northerly Limited Access Right of Way Line, run South 89°42'31" West along said Southerly Right of Way Line, a distance of 149.65 feet to the intersection with the aforesaid West line; thence North 00°27'48" West along said West line, a distance of 5.74 feet to the POINT OF BEGINNING.

CONTAINING 1,764 square feet, more or less.

AND

PART D

THAT PART OF:

Furman Road a varied width Brevard County Right of Way lying in the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, lying South of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification, marking the Southwest corner of the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 89°41'15" East, along the South line of the Northwest 1/4 of said Section 14, a distance of 2629.87 feet to a nail and disk stamped "BSA LB 1221", marking the Southeast corner of the Northwest 1/4 of said Section 14 as shown on said map; thence departing said South line, run North 00°24'36" West along the East line of said Northwest 1/4, a distance of 2531.02 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map; thence departing said East line, run South 89°42'31" West along said Southerly Limited Access Right of Way Line, a distance of 216.87 feet to the POINT OF BEGINNING; thence departing said Southerly Limited Access Right of Way Line, run South 87°02'28" West, a distance of

683.82 feet; thence South 85°53'43" West, a distance of 66.74 feet to the intersection with the aforesaid Southerly Limited Access Right of Way Line, said point being on a non-tangent curve, concave Southerly and having a radius of 1429.54 feet; thence the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of North 76°46'32" East, run Easterly 322.68 feet along the arc of said curve, through a central angle of 12°55'58" to a point of tangency; thence North 89°42'31" East, a distance of 429.73 feet to the POINT OF BEGINNING.
CONTAINING 9,289 square feet, more or less.

AND

PART E

THAT PART OF:

Sea Ray Drive a varied width Brevard County Right of Way lying in the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northwest corner of the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 89°41'43" East, along the North line of the Southwest 1/4 of said Section 11, a distance of 2627.05 feet to a 1" iron pipe with no identification, marking the Northeast corner of said Southwest 1/4 as shown on said map; thence departing said North line, run South 00°19'46" East along the East line of said Southwest 1/4, a distance of 2608.58 feet to the intersection with the existing Northerly Limited Access Right of Way Line of State Road 528 as shown on said map; thence departing said East line, run the following three courses along said Northerly Limited Access Right of Way Line; thence South 89°42'31" West, a distance of 514.42 feet to the POINT OF BEGINNING; thence continue South 89°42'31" West, a distance of 140.91 feet to a point of curvature of a curve concave Northerly and having a radius of 1424.67 feet; thence run Westerly 297.84 feet along the arc of said curve, through a central angle of 11°58'41"; thence departing said Northerly Limited Access Right of Way Line, run North 11°41'12" East, a distance of 2.00 feet; thence South 79°41'19" East, a distance of 83.04 feet; thence South 87°26'02" East, a distance of 354.99 feet to the POINT OF BEGINNING.

CONTAINING 2,175 square feet, more or less.

AND

PART F

THAT PART OF:

Heidi Lane a 50 feet wide Brevard County Right of Way lying in the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, lying South of State Road 528 and West of State Road 3.

(BEING the lands described in Official Records Book 1860, Page 479, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification, marking the Southwest corner of the Northwest 1/4 of Section 14, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North $00^{\circ}12'53''$ West, along the West line of the Northwest 1/4 of said Section 14, a distance of 2531.77 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said West line, run the following three courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of South $89^{\circ}17'05''$ East, run Easterly 399.77 feet along the arc of said curve, through a central angle of $15^{\circ}56'55''$ to a point of tangency; thence South $73^{\circ}20'09''$ East, a distance of 431.32 feet to a point of curvature of a curve concave Southwesterly and having a radius of 146.11 feet; thence run Southeasterly 175.39 feet along the arc of said curve, through a central angle of $68^{\circ}46'35''$ to a point of tangency, said point being the end of said Southerly Limited Access Right of Way Line and the beginning of existing Westerly Right of Way Line of State Road 3 as shown on aforesaid map; thence departing said Southerly Limited Access Right of Way Line, run the following two courses along said Westerly Right of Way Line; run South $04^{\circ}33'30''$ East, a distance of 41.03 feet to the intersection with the existing North Right of Way Line of Heidi Lane as shown on aforesaid map and the POINT OF BEGINNING; thence continue South $04^{\circ}33'30''$ East, a distance of 50.13 feet to the intersection with the existing South Right of Way Line of said Heidi Lane; thence departing said Westerly

Right of Way Line, run South 89°31'52" West along said South Right of Way Line, a distance of 34.20 feet; thence departing said South Right of Way Line, run North 00°17'29" West, a distance of 50.00 feet to the intersection with the aforesaid North Right of Way Line; thence North 89°31'52" East along said North Right of Way Line, a distance of 30.47 feet to the POINT OF BEGINNING.

CONTAINING 1,617 square feet, more or less.

PARTS A through F CONTAINING IN THE AGGREGATE 0.529 acres, more or less.

**PARCEL 101
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

A 50 feet wide Brevard County Right of Way lying in the Northeast 1/4 of Section 15, Township 24 South, Range 36 East, Brevard County, Florida.

DESCRIBED AS FOLLOWS:

Commence at a 3/4" iron pipe with no identification marking the Southeast corner of the Northeast 1/4 of Section 15, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence North 00°12'53" West, along the East line of the Northeast 1/4 of said Section 15, a distance of 2531.77 feet to the intersection with the existing Southerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Southerly and having a radius of 1436.18 feet; thence departing said East line, run the following two courses along said Southerly Limited Access Right of Way Line; from a tangent bearing of North 89°17'05" West, run Westerly 25.24 feet along the arc of said curve, through a central angle of 01°00'25" to a point of tangency; thence South 89°42'31" West, a distance of 740.11 feet to the POINT OF BEGINNING; thence departing said Southerly Limited Access Right of Way Line, run South 00°10'21" East, a distance of 10.77 feet; thence North 88°17'29" West, a distance of 308.51 feet to the intersection with the aforesaid Southerly Limited Access Right of Way Line; thence North 89°42'31" East along said Southerly Limited Access Right of Way Line, a distance of 308.35 feet to the POINT OF BEGINNING.

CONTAINING 1,660 square feet, more or less.

03-BREVARD CTY-03/07

November 2, 2023

This instrument prepared by

Meg Hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 109.01

SECTION 70070

F.P. NO. 407402-3

STATE ROAD 528

COUNTY BREVARD

COUNTY DEED

THIS DEED, made this 3rd day of December, 2024 by BREVARD COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, grantee: (Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors, and assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

**PARCEL 109
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

The Southeast 1/4 of the Southeast 1/4 of Section 10, and that part of the Southwest 1/4 of the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

(BEING a portion of the lands described in Official Records Book 2685, Page 226, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northeast corner of the Southeast 1/4 of Section 10, Township 24 South, Range 36 East, Brevard County,

PARCEL NO. 109.01
SECTION 70070
F.P. NO. 407402-3
PAGE 2

Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence South 00°27'48" East, along the East line of the Southeast 1/4 of said Section 10, a distance of 2590.24 feet to the POINT OF BEGINNING; thence continue South 00°27'48" East, along said East line, a distance of 5.74 feet; thence departing said East line, run North 89°42'31" East, a distance of 149.65 feet to the intersection with the existing Northerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Northerly and having a radius of 1432.61 feet; thence run the following two courses along said Northerly Limited Access Right of Way Line; from a tangent bearing of South 82°17'15" West, run Westerly 185.56 feet along the arc of said curve, through a central angle of 07°25'16" to a point of tangency; thence South 89°42'31" West, a distance of 393.53 feet; thence departing said Northerly Limited Access Right of Way Line, run North 87°30'00" East, a distance of 71.78 feet; thence North 83°08'04" East, a distance of 20.94 feet; thence North 86°38'04" East, a distance of 44.27 feet; thence North 87°42'31" East, a distance of 127.84 feet; thence North 89°42'31" East, a distance of 114.40 feet; thence North 00°27'48" West, a distance of 3.99 feet; thence North 87°42'31" East, a distance of 50.03 feet to the POINT OF BEGINNING.

CONTAINING 4,984 square feet, more or less.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the said grantee forever.

PROVIDED that the following rights are reserved to Grantor:

1. The Grantor shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the Grantor or require the Grantor to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

PARCEL NO. 109.01
SECTION 70070
F.P. NO. 407402-3
PAGE 3

2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The Grantor shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The Grantor agrees to repair any damage caused by Grantor to F.D.O.T.'s facilities and to indemnify to the extent permitted under Florida Law the F.D.O.T. against any loss or damage resulting from the Grantor exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____
Rachel Sadoff, Clerk of the
Court

BREVARD COUNTY, a political subdivision of the
State of Florida

By: _____

Rob Feltner, Chairman of the Brevard County
Board of County Commissioners

ADDRESS OF GRANTOR:
2725 Judge Fran Jamieson Way
Viera, Florida 32940

As approved by the Board on _____
Agenda Item#: _____

03-BSD04-08/01

November 2, 2023

This instrument prepared by

Meg Hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 109.01RES

SECTION 70070

F.P. NO. 407402-3

STATE ROAD 528

COUNTY BREVARD

RESOLUTION

ON MOTION of Commissioner _____, seconded by
Commissioner _____, the following Resolution
was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 528, Section No. 70070, F.P. No. 407402-3 in Brevard County, Florida: and

WHEREAS, it is necessary that certain lands now owned by Brevard County be acquired by the State of Florida Department of Transportation: and

WHEREAS, said property is not needed for County purposes: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a deed, or deeds, in favor of the State of Florida Department of Transportation, conveying all rights, title and interest that said County has in and to said lands required for transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, that the application of the State of Florida Department of Transportation for a deed, or deeds, is for transportation purposes which are in the public or community interest and for public welfare and the land needed for transportation purposes is not needed for county purposes; that a deed, or deeds, in favor of the State of Florida Department of Transportation conveying all right, title and interest of Brevard County in and to said lands should be drawn and executed by _____, on behalf of this Board of County Commissioners.

PARCEL NO. 109.01RES
SECTION 70070
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PAGE 2

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forth with to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Brevard County, Florida at a meeting held on the 3rd day of December, 2024

ATTEST:

BREVARD COUNTY, a political subdivision of the
State of Florida

Rachel Sadoff, Clerk of the Court

By: _____

As approved by the Board on _____
Agenda Item #: _____

Rob Feltner, Chairman of the Brevard County Board of County
Commissioners

ADDRESS OF GRANTOR:

2725 Judge Fran Jamieson
Way Viera, Florida 32940

**PARCEL 109
FEE SIMPLE**

**SECTION 70070
F.P. NO. 407402-3**

THAT PART OF:

The Southeast 1/4 of the Southeast 1/4 of Section 10, and that part of the Southwest 1/4 of the Southwest 1/4 of Section 11, Township 24 South, Range 36 East, Brevard County, Florida, lying North of State Road 528.

(BEING a portion of the lands described in Official Records Book 2685, Page 226, of the Public Records of Brevard County, Florida.)

DESCRIBED AS FOLLOWS:

Commence at a nail and disk stamped "FLA. R.L.S. 2238 P.C.P. WILCOX", marking the Northeast corner of the Southeast 1/4 of Section 10, Township 24 South, Range 36 East, Brevard County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 528, Section 70070, Financial Project Number 407402-3; thence South 00°27'48" East, along the East line of the Southeast 1/4 of said Section 10, a distance of 2590.24 feet to the POINT OF BEGINNING; thence continue South 00°27'48" East, along said East line, a distance of 5.74 feet; thence departing said East line, run North 89°42'31" East, a distance of 149.65 feet to the intersection with the existing Northerly Limited Access Right of Way Line of State Road 528 as shown on said map, said point being on a non-tangent curve, concave Northerly and having a radius of 1432.61 feet; thence run the following two courses along said Northerly Limited Access Right of Way Line; from a tangent bearing of South 82°17'15" West, run Westerly 185.56 feet along the arc of said curve, through a central angle of 07°25'16" to a point of tangency; thence South 89°42'31" West, a distance of 393.53 feet; thence departing said Northerly Limited Access Right of Way Line, run North 87°30'00" East, a distance of 71.78 feet; thence North 83°08'04" East, a distance of 20.94 feet; thence North 86°38'04" East, a distance of 44.27 feet; thence North 87°42'31" East, a distance of 127.84 feet; thence North 89°42'31" East, a distance of 114.40 feet; thence North 00°27'48" West, a distance of 3.99 feet; thence North 87°42'31" East, a distance of 50.03 feet to the POINT OF BEGINNING.

CONTAINING 4,984 square feet, more or less.

Location Map West End

Existing Right of Way =



County Owned Parcel =



Location Map East End

Existing Right of Way =



County Owned Parcel =

