

## BOARD OF COUNTY COMMISSIONERS

### AGENDA REVIEW SHEET

AGENDA: Dedication of Sidewalk Easements from The Viera Company as to Parcel 800 and KSS Melbourne, LLC as to Parcel 801 for the Village 2 Center Infrastructure Improvements Project – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa J. Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>4.2.24</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney	 _____	_____	<u>4-4-2024</u>

Prepared by and return to: Lisa J. Kruse  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 26-36-20-YT-C-1

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 12<sup>th</sup> day of March, 2024, between The Viera Company, a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

**WITNESSETH** that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of reconstructing, reconfiguring, and maintaining the sidewalk 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 21, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

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

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

**TO HAVE AND TO HOLD** said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Charlene R. Spangler

Witness

Charlene R. Spangler

Print Name

Address: 7380 Murrell Rd., Ste 201

Viera, FL 32940

The Viera Company, a Florida corporation

By: Todd J. Pokrywa

Todd J. Pokrywa, President

Mary Ellen McKibben

Witness

Mary Ellen McKibben

Print Name

Address: 7380 Murrell Rd #201

Viera, FL 32940

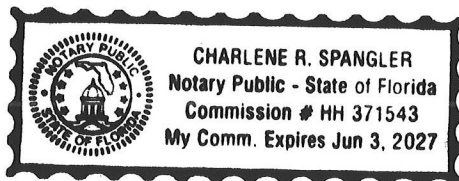
(Corporate Seal)



STATE OF FLORIDA

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 12<sup>th</sup> day of March, 2024, by Todd J. Pokrywa, as President for The Viera Company, a Florida corporation. Is ☒ personally known or ☐ produced — as identification.



Charlene R. Spangler

Notary Signature

SEAL

# LEGAL DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 26-36-20-YT-C-1

PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

PART OF LOT 1, BLOCK C, VILLAGE 2 CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BOWER LANE, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND SODORE WAY, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY), ACCORDING TO THE PLAT OF SAID VILLAGE 2 CENTER AND RUN S05°47'07"W A DISTANCE OF 57.31 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK C AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N61°31'34"W, A DISTANCE OF 24.98 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT, (SAID POINT ALSO BEING A POINT ON THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK C); THENCE ALONG THE ARC OF SAID CURVED BOUNDARY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 59°57'12", A CHORD BEARING OF S61°31'34"E AND A CHORD LENGTH OF 24.98 FEET), A DISTANCE OF 26.16 FEET TO THE POINT OF BEGINNING. CONTAINING 0.001 ACRES (56.49 SQUARE FEET) MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF S25°55'27"E ON THE NORTHEAST LINE OF LOT 1, BLOCK C, VILLAGE 2 CENTER ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 11548477, CUSTOMER REFERENCE NUMBER: 11629.01 DATED 01/19/2024. OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS/ENCUMBRANCES ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE REFERENCED REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LESLIE E. HOWARD, PSM 5611  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

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

DRAWN BY: TBS

CHECKED BY: LEH

PROJECT NO. 11629.01

REVISIONS

DATE

DESCRIPTION

DATE: 02/05/2024

DRAWING: 1162901\_100\_005

02/21/24

PER COUNTY COMMENTS

SECTION 21  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

# SKETCH OF DESCRIPTION

## PARCEL #800

PARENT PARCEL ID#: 26-36-20-YT-C-1

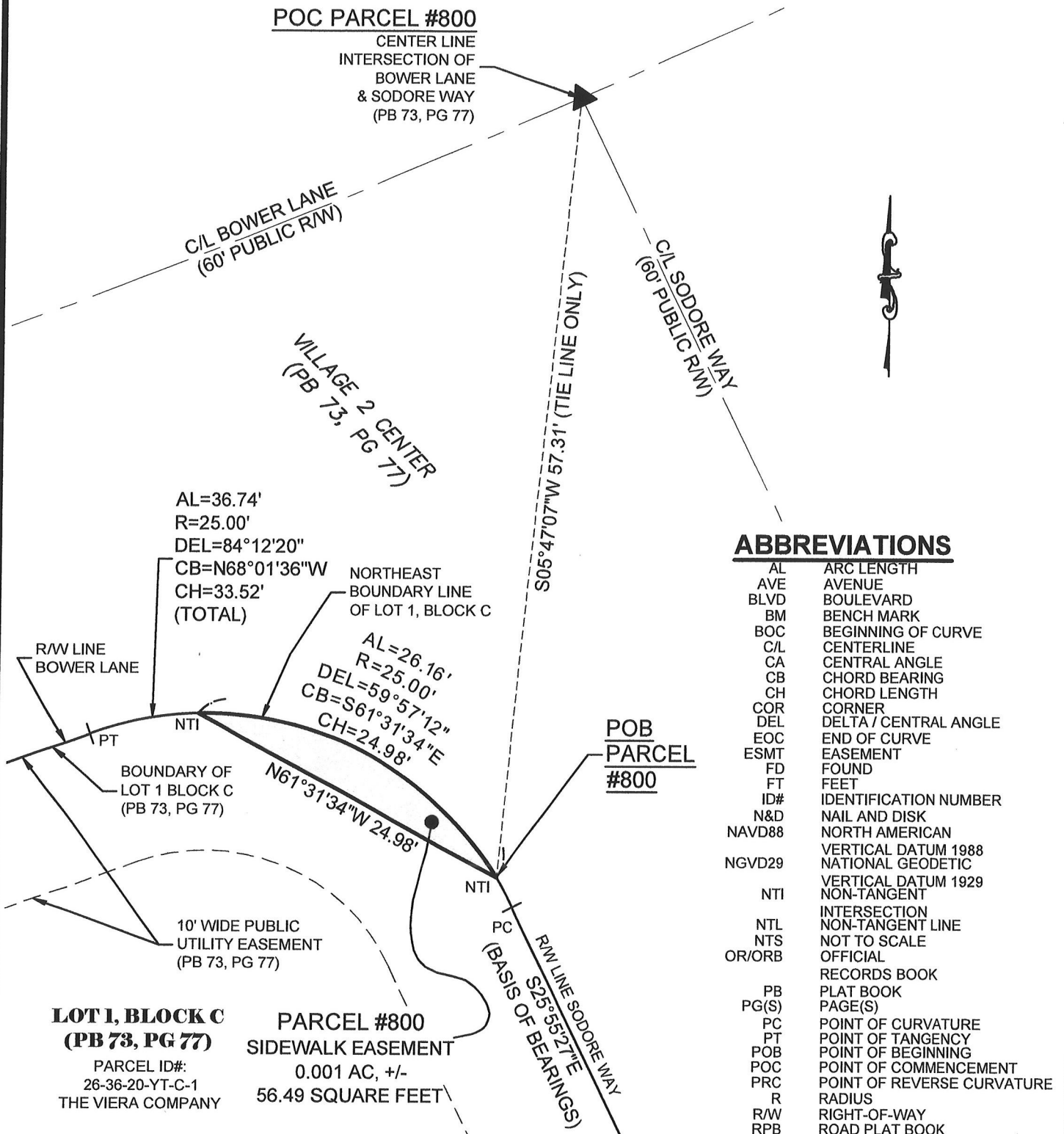
PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY:  
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312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901 LB No. 4905  
PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE:

1"=10'

PROJECT NO.:

11629.01

SECTION 21

TOWNSHIP 26 SOUTH

RANGE 36 EAST

Prepared by and return to: Lisa J. Kruse  
Public Works Department, Land Acquisition  
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940  
A portion of Interest in Tax Parcel ID: 26-36-21-YT-B-1

### **SIDEWALK EASEMENT**

**THIS INDENTURE**, made this 12<sup>th</sup> day of March, 2024, between KSS Melbourne LLC, a Florida limited liability company, whose address is 220 Forest Trail, Oviedo, Florida 32765, 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 reconstructing, reconfiguring, and maintaining the sidewalk 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 21, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

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

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

**TO HAVE AND TO HOLD** said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)



IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Witness

Jasmya Brandt

Print Name

Address: 6048 Bent Pine

Dr. Apt 3412, Orlando, FL 32822

[Signature]  
Witness

Jessica Hornbuckle

Print Name

Address: 1926 Palmetto Drive La

Orlando, FL 32824

KSS Melbourne LLC, a Florida  
limited liability company

By: [Signature]  
William S. Sheldon, Jr.,  
Manager

(Corporate Seal)

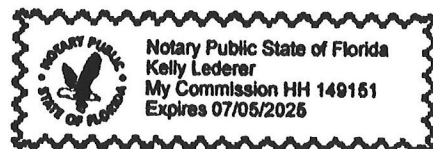
STATE OF FLORIDA  
COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 12<sup>th</sup> day of March, 2024, by William S. Sheldon, Jr., as Manager for KSS Melbourne LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced \_\_\_\_\_ as identification.

[Signature]

Notary Signature

SEAL



# LEGAL DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 26-36-21-YT-B-1  
PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

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

PART OF LOT 1, BLOCK B, VILLAGE 2 CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 21, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BOWER LANE, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND SODORE WAY, (A 60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY), ACCORDING TO THE PLAT OF SAID VILLAGE 2 CENTER AND RUN S55°42'01"E A DISTANCE OF 60.71 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK B AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N11°18'25"E, A DISTANCE OF 25.72 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT, (SAID POINT ALSO BEING A POINT ON THE CURVED BOUNDARY LINE OF SAID LOT 1, BLOCK B); THENCE ALONG THE ARC OF SAID CURVED BOUNDARY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 61°54'39", A CHORD BEARING OF S11°18'25"W AND A CHORD LENGTH OF 25.72 FEET), A DISTANCE OF 27.01 FEET TO THE POINT OF BEGINNING. CONTAINING 0.001 ACRES (61.98 SQUARE FEET) MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF S25°55'27"E ON THE SOUTHWEST LINE OF LOT 1, BLOCK B, VILLAGE 2 CENTER ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 73, PAGE 77, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 11548477, CUSTOMER REFERENCE NUMBER: 11629.01 DATED 01/19/2024. OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, NO ADDITIONAL EASEMENTS/ENCUMBRANCES ADVERSELY AFFECTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE REFERENCED REPORT.
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6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

PREPARED FOR AND CERTIFIED TO:

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DRAWN BY: TBS

CHECKED BY: LEH

PROJECT NO. 11629.01

REVISIONS

DATE

DESCRIPTION

DATE: 02/05/2024

DRAWING: 1162901\_100\_006

02/21/24

PER COUNTY COMMENTS

SECTION 21

TOWNSHIP 26 SOUTH  
RANGE 36 EAST



# SKETCH OF DESCRIPTION

## PARCEL #801

PARENT PARCEL ID#: 26-36-21-YT-B-1

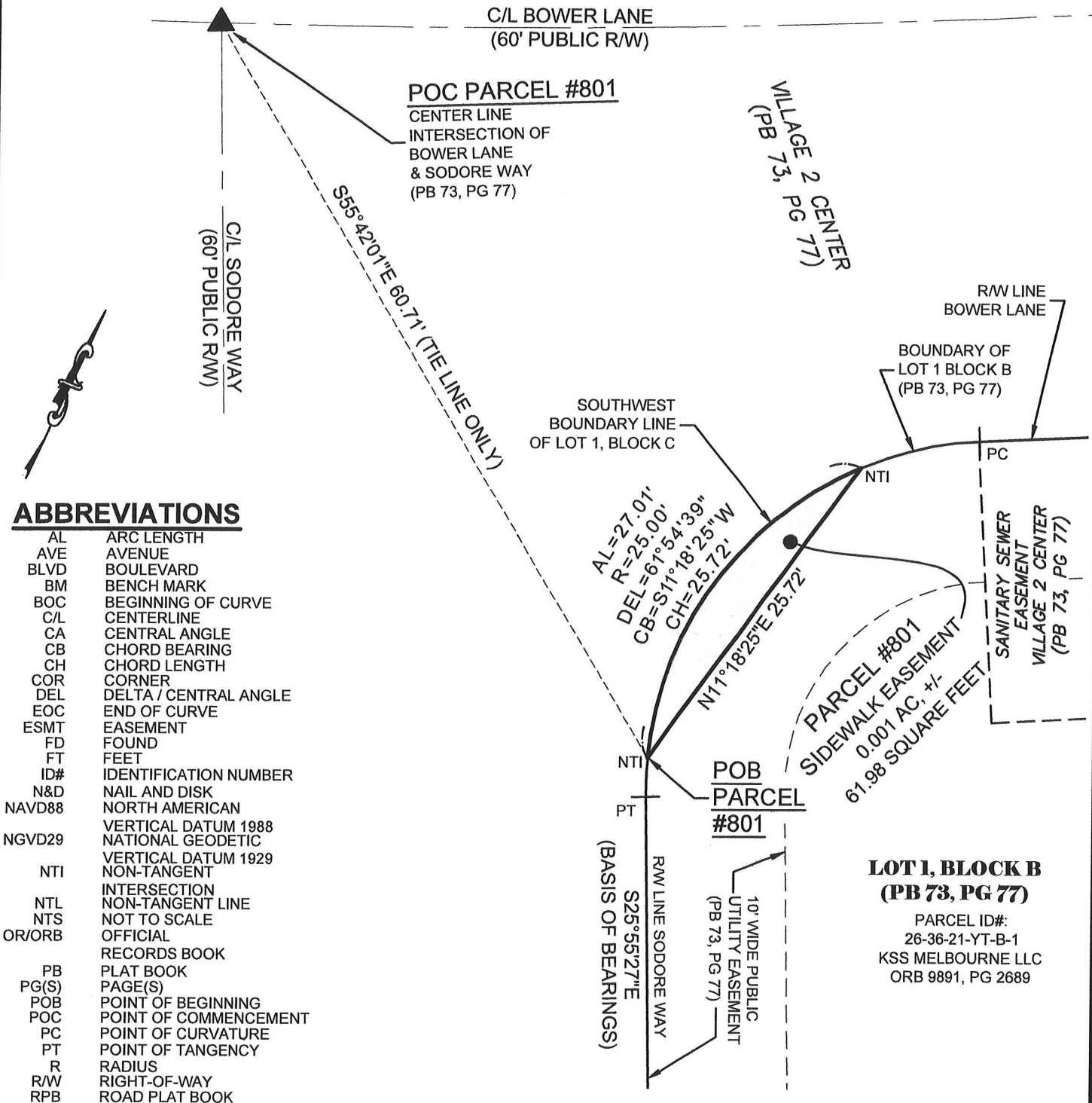
PURPOSE: SIDEWALK EASEMENT

## EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

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### ABBREVIATIONS

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

PREPARED BY:

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MELBOURNE, FLORIDA 32901 LB No. 4905  
PHONE: (321) 725-3674 FAX: (321) 723-1159

SCALE:

1"=10'

PROJECT NO.:

11629.01

SECTION 21

TOWNSHIP 26 SOUTH  
RANGE 36 EAST

## LOCATION MAP

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

PROPERTY LOCATION: Northwest of Stadium Parkway and southwest of Pineda Boulevard on Sodore Way in Viera.

OWNERS NAME(S): The Viera Company as to Parcel 800 and KSS Melbourne, LLC as to Parcel 801

