

BOARD OF COUNTY COMMISSIONERS

AGENDA REVIEW SHEET

AGENDA: Dedication of Permanent Road Right of Way, Drainage, Sidewalk, and
Utility Easement for Brubaker Building from Paint Street, LLC – District 4

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lisa Kruse, Land Acquisition Specialist

CONTACT PHONE: 321-350-8353 Ext. 58353

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>1-24-2022</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u> _____	_____	<u>1-25-2022</u>

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940
A portion of Interest in Tax Parcel I.D.: 25-36-35-00-792

**PERMANENT ROAD RIGHT-OF-WAY, DRAINAGE, SIDEWALK,
AND UTILITY EASEMENT**

THIS INDENTURE is made this 21st day of Jan, 2022, by and between the following Parties: Paint Street, LLC, a Florida limited liability company, whose mailing address is 1041 Italia Court, Melbourne, Florida 32940, hereafter called the Grantor, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, hereafter called the Grantee, for the use and benefit of Brevard County, Florida.

WITNESSETH:

1. Grant of Easement. That the Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the Grantee, a perpetual non-exclusive road right-of-way, stormwater and groundwater drainage and flowage, sidewalk, and utility easement commencing on the above date for the purposes of constructing, using, maintaining, reconstructing, or reconfiguring road right-of-way, sidewalk, drainage, and utilities, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easements is located in Section 35, Township 25 South, Range 36 East, Brevard County, Florida, and being more particularly described on Exhibit "A" attached hereto (the "Easement Area").

The easement granted is non-exclusive and is made subject to all easements, conditions and restrictions, reservations and other matters of public record.

The easement granted includes the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the Grantee. The Grantor 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.

2. Applicable Law. This Easement shall be governed, enforced and construed in accordance with the laws of the State of Florida. If any provisions of this Easement or the application thereof shall be held to be invalid or unenforceable in a court of law, the remainder of this Easement shall not be affected thereby and each provision of this Easement shall otherwise remain valid and enforceable to the fullest extent permitted by law.

3. Binding Effect. This Easement, and the rights and interests created herein, runs with the land and shall be binding upon and inuring to the benefit of the Parties hereto and their respective successors and assigns. The Grantor does covenant with the Grantee that it is lawfully seized and possessed of the Easement Area and that it has a good and lawful right to grant the Easement. Grantor(s) shall not make any improvements within the Easement Area which will conflict or interfere with the Easement granted herein.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the Parties have caused this easement to be executed, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Susan M. Balla
Witness

Susan M. Balla
Print Name

Stefani Rashid
Witness

Stefani Rashid
Print Name

Paint Street, LLC, a Florida limited liability company

By: [Signature]
Michael Brubaker, Manager

By: [Signature]
Kristine Brubaker, Manager

(Seal)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 21st day of Jan, 2022, by Micheal Brubaker, as Manager and Kristine Brubaker, as Manager for Paint Street, LLC, a Florida limited liability company. Is ☒ personally known or ☐ produced _____ as identification.

Stefani Rashid

Notary Signature

SEAL



LEGAL DESCRIPTION PARCEL 800

SECTION 35, TOWNSHIP 25 SOUTH, RANGE 36 EAST

PARENT PARCEL ID# 25-36-35-00-792

EXHIBIT "A"

SHEET 1 OF 2
NOT VALID WITHOUT
SHEET 2 OF 2
THIS IS NOT A SURVEY

PURPOSE: (RIGHT OF WAY EASEMENT)

LEGAL DESCRIPTION: PARCEL 800, RIGHT OF WAY EASEMENT (BY SURVEYOR)

A parcel of land lying in the Southeast 1/4 of Section 35, Township 25 South, Range 36 East, lying Westerly of and abutting Schenck Avenue and Northerly of Viera Boulevard and South of Paint Street, and being a portion of those lands described in Official Records Book 8606, Page 2924, all of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at the intersection of the North R/W line of Viera Boulevard and the West R/W line of Schenck Avenue, and run Northeasterly along said West R/W line an arc distance of 498.18 feet, said curve having a radial bearing of S 64°14'49" E., a radius of 1,567.00 feet, a delta angle of 18° 12' 55", a chord bearing of N 16° 38' 44"E, and a chord distance of 496.08 feet to the Point of Beginning; thence continue along the arc of said curve concave Northwesterly, having a radius of 1567.00 feet and along said West R/W line an arc distance of 170.93 feet, said curve having a delta angle of 06°14' 59", a chord bearing of N 04°24' 47" E., and a chord distance of 170.84 feet; thence leaving said curve run S 89°21'34" W., along the South right of way line of Paint Street a distance of 28.54 feet; thence leaving said right of way, run S 35°35'52" E., 35.40 feet to a point on a curve having a radial bearing of S 87°38'12" E., thence run Southwesterly along the arc of a curve concave Northwesterly an arc distance of 140.89 feet, having a delta angle of 06°10'28" a chord bearing of S 04°57' 02" W., and a chord distance of 140.84 feet; thence leaving said curve run South 82° 27' 44" E., along a radial bearing a distance of 7.00 feet to the Point of Beginning.

CONTAINING 1506.79 SQ. FT., 0.035 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. THE BASIS OF BEARINGS OF THE ABOVE DESCRIBED DESCRIPTION IS THE NORTH R/W LINE OF LANDS PER O.R.B. 8606, PG. 2924, BEING S 89°21'34" W PER ASSUMED DATUM.

2. THE SKETCH ON SHEET 2 OF 2 IS NOT A BOUNDARY SURVEY, IT IS A SKETCH ONLY TO ACCOMPANY LEGAL DESCRIPTION.

3. THE IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY ERIC NIELSEN LAND SURVEYING, INC. DATED 08-03-2021

4. THE SKETCH WAS PREPARED WITH THE BENEFIT OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY OWNER & ENCUMBRANCE PROPERTY INFORMATION REPORT NUMBER 21159044 ISSUED EFFECTIVE DATE SEPTEMBER 30, 2021 AT 5:00 P.M. PLOTTABLE EASEMENTS ARE SHOWN HEREON, FLORIDA POWER AND LIGHT EASEMENT PER O.R.B. 9184, PG. 1438, FORCELINE EASEMENT PER O.R.B. 5426, PG. 4548, FORCELINE EASEMENT PER ORB 5427, PG. 2534, FORCE LINE EASEMENT PER 5470, PG. 2019 WATERLINE EASEMENT PER ORB 5427, PG. 2197. PUBLIC RECORDS BREVARD COUNTY, FL.

ABBREVIATION & SYMBOL LEGEND

C/L = CENTERLINE

R/W = RIGHT-OF-WAY

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT

ORB = "OFFICIAL RECORDS BOOK"

PG = "PAGE"

L = LINE

C = CURVE



Eric Nielsen

Digitally signed by Eric Nielsen
Date: 2021.12.02 16:05:15
-05'00'

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SURVEYOR & MAPPER, PSM NO. 5386
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: ERIC NIELSEN LAND SURVEYING, INC.
L.B. 6946, 12 STONE STREET, SUITE 4
COCOA, FL. 32922

DRAWN BY: TN	CHECKED BY: EN	PROJECT NO. 20-299-07			SECTION 35 TOWNSHIP 25 SOUTH RANGE 36 EAST
DATE: 08-03-2021	DRAWING: 20-299-080321	REVISIONS	DATE	DESCRIPTION	
			11-29-21	EASEMENT REVISED	

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PARCEL 800

SECTION 35, TOWNSHIP 25 SOUTH, RANGE 36 EAST
PARENT PARCEL ID# 25-36-35-00-792

PAINT STREET
PER O.R.B. 1549, PG. 820

EXHIBIT "A"
SHEET 2 OF 2
NOT VALID WITHOUT
SHEET 1 OF 2
THIS IS NOT A SURVEY

PURPOSE: (RIGHT OF WAY EASEMENT)



S R/W LINE
PAINT ST.
NORTH LINE OF LANDS
PER O.R.B. 8606, PG. 2924
BASIS OF BEARING

10' "WIDE" FORCEMAIN
EASEMENT
ORB 5426, PG 4548
ORB 5427, PG 2534
ORB 5470, PG 2019

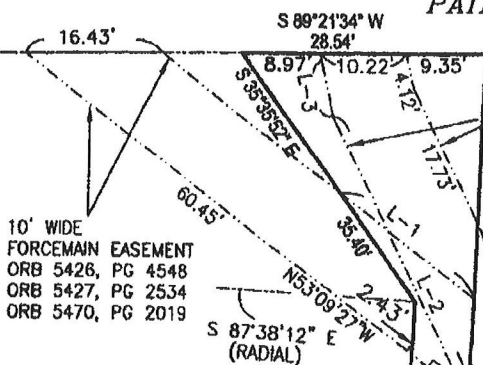
28.54'
S 89°21'34" W
60' R/W

10' "WIDE"
WATERLINE
EASEMENT
ORB 5427, PG
2197

S 87°38'12" E
(RADIAL)

DETAIL 1"=20'

PAINT STREET



CURVE DATA:
RADIUS=1567.00'
DELTA= 00°45'23"
ARC=20.78'

LINE TABLE		
LINE	BEARING	LENGTH
LINE -1	S 53°09'27" E	20.38'
LINE -2	N 26°21'30" W	37.15'
LINE -3	N 12°35'36" W	6.54'

PARCEL 800 RIGHT OF WAY EASEMENT
1506.79 SQ. FT., 0.035 ACRES

5' WIDE FORCEMAIN EASEMENT
ORB 5426, PG 4548
ORB 5427, PG 2534
ORB 5470, PG 2019

TAX PARCEL
25-36-35-00-792
PER O.R.B. 8606, PG. 2924

F.P.&L.CO.
EASEMENT
PER O.R.B.
9184, PG. 1438

2.00'

(RADIAL)
S 82°27'44" E 7.00'

RIGHT OF WAY LINE
W R/W LINE SCHENCK AVE.

P.O.B.
(PARCEL 800)

P.O.C.
(PARCEL 800)
INTERSECTION OF
N R/W LINE OF
VIERA BLVD. AND
THE WEST R/W LINE
OF SCHENCK AVE.

SOUTH PROPERTY LINE
TAX PARCEL 792

TAX PARCEL
25-36-35-00-790
PER ORB 4679, PG 1433

S 64°14'49" E
(RADIAL)
PER O.R.B. 3539, PG. 2097

LINE TABLE			
LINE	BEARING	DISTANCE	
L-1	S 89° 21' 33" W	13.50'	
L-2	S 00° 38' 27" E	10.00'	
L-3	N 89° 21' 33" E	12.43'	

CURVE TABLE					
ARC	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
A	18° 12' 55"	1567.00'	498.18'	N 16° 38' 44" E	496.08'
B	06° 14' 59"	1567.00'	170.93'	N 04° 24' 47" E	170.84'
C	05° 10' 28"	1560.00'	140.89'	S 04° 57' 02" W	140.84'
D	00° 22' 04"	1567.00'	10.06'	N 05° 30' 28" E	10.06'
E	20° 03' 19"	1567.00'	548.50'	N 15° 43' 26" E	545.70'

SURVEYOR & MAPPER, PSM NO. 5386
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:
ERIC NIELSEN LAND SURVEYING, INC.
L.B. 6946, 12 STONE STREET, SUITE 4
COCOA, FL. 32922

SCALE:

1"=30'

PROJECT NO.:

20-299-07

SECTION 35
TOWNSHIP 25 SOUTH
RANGE 36 EAST

SCHENCK AVENUE
66' R/W
PER O.R.B. 3539, PG. 2097
PER O.R.B. 3539, PG. 2097

LOCATION MAP

Section 35, Township 25 South, Range 36 East - District: 4

PROPERTY LOCATION: The parcel is located at the southwest corner of Paint Street and Schenck Avenue in Rockledge

OWNERS NAME(S): Paint Street, LLC

