



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

9/13/2022

Subject:

Petition to Vacate, Re: Public Utility & Private Drainage Easement- 8175 Belford Way - "Balmoral Baytree P.U.D. Phase 3-Tract J" Plat Book 47, Page 44 - Melbourne - Edward Ray & Julie Froehlich Ray - District 4

Fiscal Impact:

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

Dept/Office:

Public Works Department - Surveying & Mapping

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility & private drainage easement, "Balmoral Baytree P.U.D. Phase 3-Tract J" in Section 22, Township 26 South, Range 36 East. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating.

Summary Explanation and Background:

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method for the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns Lot 9, Block N, and is requesting the vacating of a 3.00 ft. portion of a 10.00 ft. wide public utility & private drainage easement on Lot 9, Block N, to allow for the existing home to remain. The easement to be vacated contains 341.90 square feet, more or less. The property is located in Melbourne South of Wickham Road and East of I-95.

On August 29, 2022, the legal notice was advertised in Florida Today informing the public of the date a public hearing would be held to consider the vacating. All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 58346

Clerk to the Board Instructions:

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in the sequence includes the approved/signed resolution, the proof of publication of the public hearing notice, and the proof of publication of the adopted resolution notice.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 30, 2022

Edward Cody and Julie Froehlich Ray
8175 Belford Way
Melbourne, FL 32940

Dear Sir/Madam:

Re: Resolution Vacating a Portion of a Public Utility and Private Drainage Easement in Plat "Balmoral Baytree P.U.D. Phase 3 Tract J" Subdivision, Melbourne, Lying in Section 22, Township 26 South, Range 36 East

The Board of County Commissioners, in regular session on September 13, 2022, adopted Resolution No. 22-108, vacating a portion of a public utility and private drainage easement in Plat "Balmoral Baytree P.U.D. Phase 3 Tract J" Subdivision, Melbourne, lying in Section 22, Township 26 South, Range 36 East, as petitioned by you. Said Resolution has been recorded in ORBK 9621, Pages 519 through 523. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Rachael M. Sadoff
for: Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 30, 2022

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Amber Holley

RE: Advertising Bills for Resolution Vacating a Portion of a Public Utility and Private Drainage Easement in Plat "Balmoral Baytree P.U.D. Phase 3 Tract J" Subdivision, Melbourne

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 22-108, vacating a portion of a public utility and private drainage easement in Plat "Balmoral Baytree P.U.D. Phase 3 Tract J" Subdivision, Melbourne, as petitioned by Edward Cody and Julie Froehlich Ray. Said Resolution was adopted by the Board of County Commissioners, in regular session on September 13, 2022.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

[Handwritten Signature]
for: Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

Resolution 2022 -108

Vacating a portion of a public utility & private drainage easement in plat "Balmoral Baytree P.U.D. Phase 3-Tract J" Subdivision, Melbourne, Florida, lying in Section 22, Township 26 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **EDWARD CODY & JULIE FROEHLICH RAY** with the Board of County Commissioners to vacate a public easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

WHEREAS, a notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that vacating the public easement(s) will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement(s) are hereby vacated by Brevard County; and this vacating action releases, renounces, and disclaims any right, title, or interest Brevard County may possess over the property at issue, and shall not be deemed to warrant any right, title, interest or to represent any state of facts concerning the same. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED, AND ADOPTED, in regular session, this 13TH day of September, 2022 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



Rachel Sadoff, Clerk



Kristine Zonka, Chair

As approved by the Board on:
September 13, 2022

LEGAL DESCRIPTION

SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARCEL ID NUMBER 26-36-22-SK-N-9
PURPOSE OF SURVEY:
TO VACATE THE EASTERLY 3 FEET
OF THE EXISTING 10 FOOT EASEMENT

SHEET 1 OF 2
NOT VALID WITHOUT
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION

THE EAST 3.00 FEET OF THE WEST 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF LOT 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT J, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. CONTAINING 341.9 SQUARE FEET MORE OR LESS

LEGEND

FNC= FENCE
IRF= IRON ROD FOUND
PUDE= PUBLIC UTILITY & PRIVATE DRAINAGE EASEMENT
PC= POINT OF CURVATURE
WD= WOOD FENCE
IRS = IRON ROD SET
IRF = IRON ROD FOUND

SURVEYOR'S NOTES

1. BEARINGS BASED ON N30°24'02"W AS SHOWN ON THE WEST LINE OF LOT 9, BLOCK N, AS PER PLAT
2. NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THIS SKETCH IS NOT A BOUNDARY SURVEY.



PREPARED FOR:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Earl K. Gordon
SURVEYOR AND MAPPER, PSM NO. 5363
NOT VALID UNLESS SIGNED AND SEALED.

PREPARE BY: GAI SURVEYORS
ADDRESS: 1 OLEANDER ST, COCOA, FL 32922
PHONE: 321-806-3908

DRAWN BY: AEG
DATE: 9 APR 22

CHECKED BY: EKG
SHEET 1 OF 2

SECTION 22
TOWNSHIP 26 SOUTH
RANGE 36 EAST

SKETCH OF DESCRIPTION

SHEET 2 OF 2

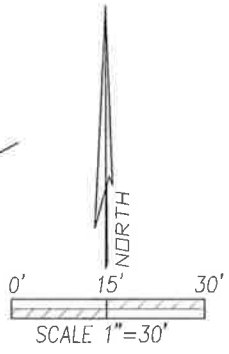
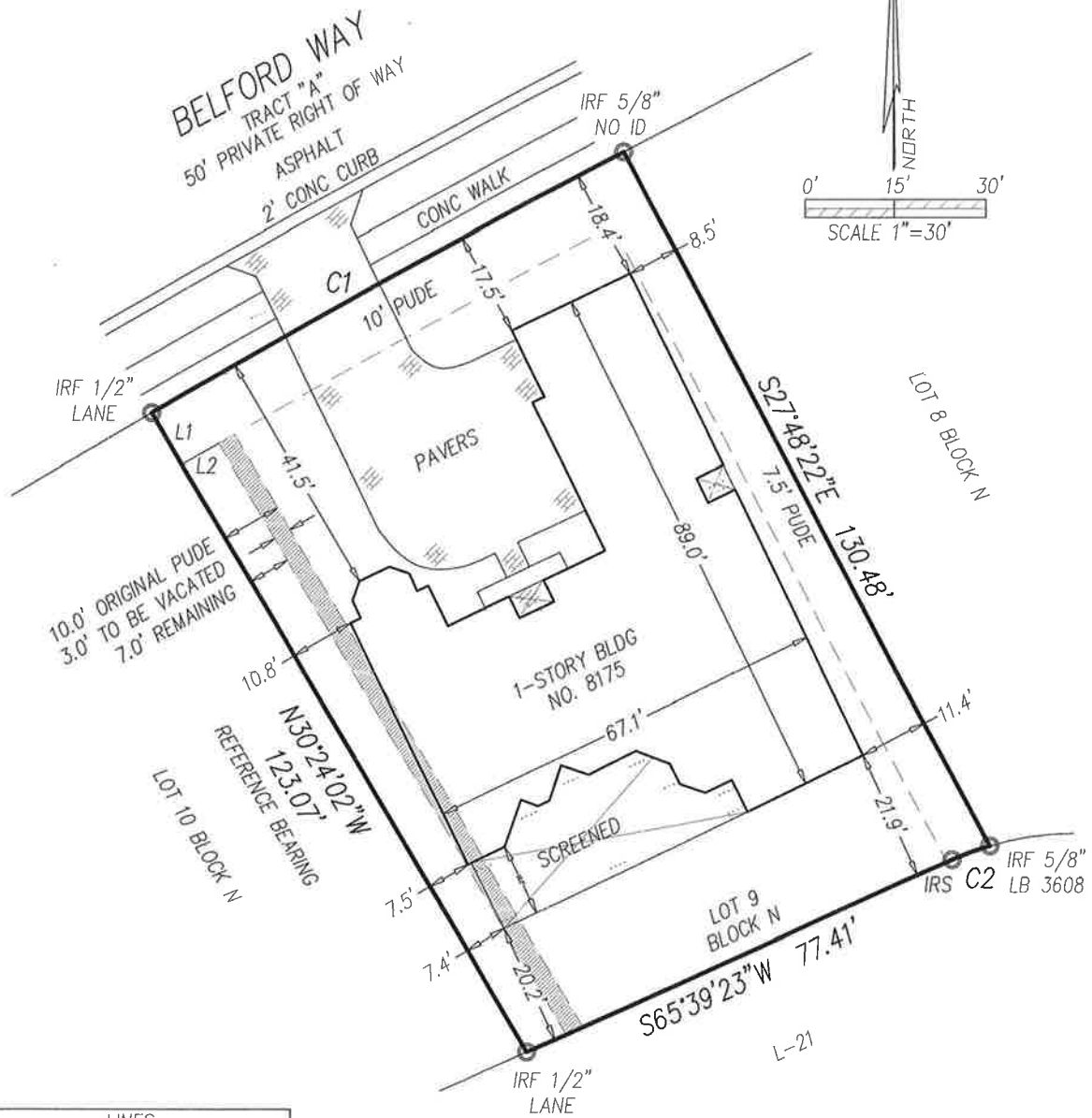
NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1 OF 2

SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL ID NUMBER 26-36-22-SK-N-9

PURPOSE OF SURVEY:

TO VACATE THE EASTERLY 3 FEET OF THE EXISTING 10 FOOT EASEMENT



LINES		
LINE	BEARING	DISTANCE
L1	S30°24'02\"E	10.01'
L2	N59°35'58\"E	7.00'

CURVES					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1975.00'	2°35'40\"	89.43'	89.42'	N60°53'48\"E
C2	50.00'	7°34'55\"	6.62'	6.61'	S69°26'51\"W

PREPARE BY:
GAI Surveyors
 L.B. No. 7928



Amber Holley
BREVARD CTY PUBLIC WORKS DEPT
2725 JUDGE FRAN JAMIESON WAY
BLDG A 220
VIERA, FL, 32940

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said
legal clerk, who on oath says that he or she is a Legal
Advertising Representative of the FLORIDA TODAY, a daily
newspaper published in Brevard County, Florida that the
attached copy of advertisement, being a Legal Ad in the
matter of

Notice Public Hearing

as published in FLORIDA TODAY in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

08/29/2022

Affiant further says that the said FLORIDA TODAY is a
newspaper in said Brevard County, Florida and that the
said newspaper has heretofore been continuously
published in said Brevard County, Florida each day and has
been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of
one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or
she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication
in the said newspaper.

Sworn to and Subscribed before me this 29th of August
2022, by legal clerk who is personally known to me

[Signature]

Affiant

[Signature]
Notary State of Wisconsin County of Brown
5.15.23

My commission expires
Publication Cost: \$178.04
Ad No: 0005389555
Customer No: BRE-6BR327
This is not an invoice
of Affidavits 1

Ad#5389555 8/29/2022
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
A 10.0 FT. WIDE PUBLIC UTILITY AND PRI-
VATE DRAINAGE EASEMENT, PLAT OF
"BALMORAL BAYTREE PUD PHASE 3-
TRACT 1" IN SECTION 22, TOWNSHIP 26
SOUTH, RANGE 36 EAST, MELBOURNE, FL
NOTICE IS HEREBY GIVEN that pursuant
to Chapter 336.09, Florida Statutes, and
Chapter 86, Article II, Section 86-36, Bre-
vard County Code, a petition has been
filed by EDWARD CODY & JULIE
FROELICH RAY with the Board of Coun-
ty Commissioners of Brevard County,
Florida, to request vacating the follow-
ing described property, to wit:
THE EAST 3.00 FEET OF THE 10.00 FOOT
PUBLIC UTILITY AND PRIVATE DRAINAGE
EASEMENT, LESS THE NORTH 10.00 FEET
OF 9, BLOCK N, BALMORAL BAYTREE
PLANNED UNIT DEVELOPMENT PHASE 3-
TRACT 1, PLAT BOOK 47 PAGES 44
THROUGH 47, PUBLIC RECORDS OF BRE-
VARD COUNTY FLORIDA, CONTAINING
341.9 SQUARE FEET MORE OR LESS. PRE-
PARED BY: EARL K. GORDON, PSM.
The Board of County Commissioners will
hold a public hearing to determine the
advisability of such vacating of the
above-described easement at 9:00 A.M.
on September 13, 2022 at the Brevard
County Government Center Board
Room, Building C, 2725 Judge Fran Ja-
mieson Way, Viera, Florida, at which
time and place all those for or against
the same may be heard before final ac-
tion is taken.
Pursuant to Section 286.0105, Florida
Statutes, if a person decides to appeal
any decision made by the board, agency,
or commission with respect to the
vacating, he or she will need a record of
the proceedings, and that, for such pur-
pose, he or she may need to ensure that
a verbatim record of the proceedings is
made, which record includes the testi-
mony and evidence upon which the ap-
peal is based.
Persons seeking to preserve a verbatim
transcript of the record must make those
arrangements at their own expense.
The needs of hearing or visually im-
paired persons shall be met if the de-
partment sponsoring the
meeting/hearing is contacted at least 48
hours prior to the public
meeting/hearing by any person wishing
assistance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

A Daily Publication By:



Amber Holley
BREVARD CTY PUBLIC WORKS DEPT
2725 JUDGE FRAN JAMIESON WAY
BLDG A 220
VIERA, FL, 32940

Ad#5417522 09/20/2022
LEGAL NOTICE

RESOLUTION VACATING A PORTION OF
A PUBLIC UTILITY & PRIVATE DRAINAGE
EASEMENT IN PLAT "BALMORAL
BAYTREE P.U.D. PHASE 3-TRACT J" SUB-
DIVISION, MELBOURNE, LYING IN SEC-
TION 22, TOWNSHIP 26 SOUTH, RANGE
36 EAST - EDWARD CODY AND JULIE
FROELICH RAY

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
13TH day of September, 2022, the Board
of County Commissioners of Brevard
County, Florida, adopted a Resolution
vacating a portion of a public utility and
private drainage easement in plat "Bal-
moral Baytree P.U.D. Phase 3-Tract J"
Subdivision, Melbourne, lying in Section
22, Township 26 South, Range 36 East, as
petitioned by Edward Cody and Julie
Froehlich Ray.

LEGAL DESCRIPTION:

THE EAST 3.00 FEET OF THE WEST 10.00
FOOT PUBLIC UTILITY AND PRIVATE
DRAINAGE EASEMENT, LESS THE NORTH
10.00 FEET OF LOT 9, BLOCK N,
BALMORAL BAYTREE PLANNED UNIT DE-
VELOPMENT PHASE 3-TRACT J, PLAT
BOOK 47 PAGES 44 THROUGH 47, PUB-
LIC RECORDS OF BREVARD COUNTY
FLORIDA, CONTAINING 341.9 SQUARE
FEET MORE OR LESS, PREPARED BY:
EARL K. GORDON, PSM.

The Board further renounced and dis-
claimed any right of the County in and
to said public easement.

BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
RACHEL M. SADOFF, CLERK
BY: Kimberly Powell, Clerk to the Board

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said
legal clerk, who on oath says that he or she is a Legal
Advertising Representative of the FLORIDA TODAY, a daily
newspaper published in Brevard County, Florida that the
attached copy of advertisement, being a Legal Ad in the
matter of

Legal Notices

as published in FLORIDA TODAY in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

09/20/2022

Affiant further says that the said FLORIDA TODAY is a
newspaper in said Brevard County, Florida and that the
said newspaper has heretofore been continuously
published in said Brevard County, Florida each day and has
been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of
one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or
she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication
in the said newspaper.

Sworn to and Subscribed before me this 20th of September
2022, by legal clerk who is personally known to me

[Signature]

Affiant

[Signature]
Notary State of Wisconsin County of Brown
5-15-23

My commission expires
Publication Cost: \$148.70
Ad No: 0005417522
Customer No: BRE-6BR327
This is not an invoice
of Affidavits 1

NANCY HEYRMAN
Notary Public
State of Wisconsin

22-108

LEGAL NOTICE

RESOLUTION VACATING A PORTION OF A PUBLIC UTILITY & PRIVATE DRAINAGE EASEMENT IN PLAT "BALMORAL BAYTREE P.U.D. PHASE 3-TRACT J" SUBDIVISION, MELBOURNE, LYING IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST – EDWARD CODY AND JULIE FROEHLICH RAY

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 13TH day of September, 2022, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of a public utility and private drainage easement in plat "Balmoral Baytree P.U.D. Phase 3-Tract J" Subdivision, Melbourne, lying in Section 22, Township 26 South, Range 36 East, as petitioned by Edward Cody and Julie Froehlich Ray.

LEGAL DESCRIPTION:

THE EAST 3.00 FEET OF THE WEST 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF LOT 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT J, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. CONTAINING 341.9 SQUARE FEET MORE OR LESS. PREPARED BY: EARL K. GORDON, PSM.

The Board further renounced and disclaimed any right of the County in and to said public easement.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
RACHEL M. SADOFF, CLERK
BY: Kimberly Powell, Clerk to the Board

Florida TODAY:

Please advertise in the September 20, 2022, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-6BR327 and forward bill and proof of publication to: Amber Holley, Public Works Department, 2725 Judge Fran Jamieson Way, Bldg. A-220, Viera, FL 32940.**

THE EAST 3.00 FEET OF THE WEST 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF LOT 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT J, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. CONTAINING 341.9 SQUARE FEET MORE OR LESS. PREPARED BY: EARL K. GORDON, PSM.

Brevard County Property Appraiser Detail Sheet

Account 2624851
 Owners RAY, EDWARD CODY; RAY, JULIE FROEHLICH
 Mailing Address 8175 BELFORD WAY MELBOURNE FL 32940
 Site Address 8175 BELFORD WAY MELBOURNE FL 32940
 Parcel ID 26-36-22-SK-N-9
 Property Use 0110 - SINGLE FAMILY RESIDENCE
 Exemptions
 DICV - DISABILITY - CIVILIAN
 HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 Taxing District 4200 - UNINCORP DISTRICT 4
 Total Acres 0.25
 Subdivision BALMORAL BAYTREE PLANNED UNIT
 DEVELOPMENT PHASE 3 TRACT J
 Site Code 0142 - NBHD LAKE/RETEN FRTG
 Plat Book/Page 0047/0044
 Land Description BALMORAL BAYTREE PLANNED UNIT
 DEVELOPMENT PHASE 3 TRACT J LOT 9 BLK N

VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$485,630	\$457,400	\$450,180
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$372,800	\$367,660	\$359,400
Assessed Value School	\$372,800	\$367,660	\$359,400
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$500	\$500	\$500
Taxable Value Non-School	\$322,300	\$317,160	\$308,900
Taxable Value School	\$347,300	\$342,160	\$333,900

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/21/2022	\$825,000	WD	--	9483/0667
03/30/2009		WD	--	5921/5016
02/13/2004	--	WD	--	5204/1363

Vicinity Map

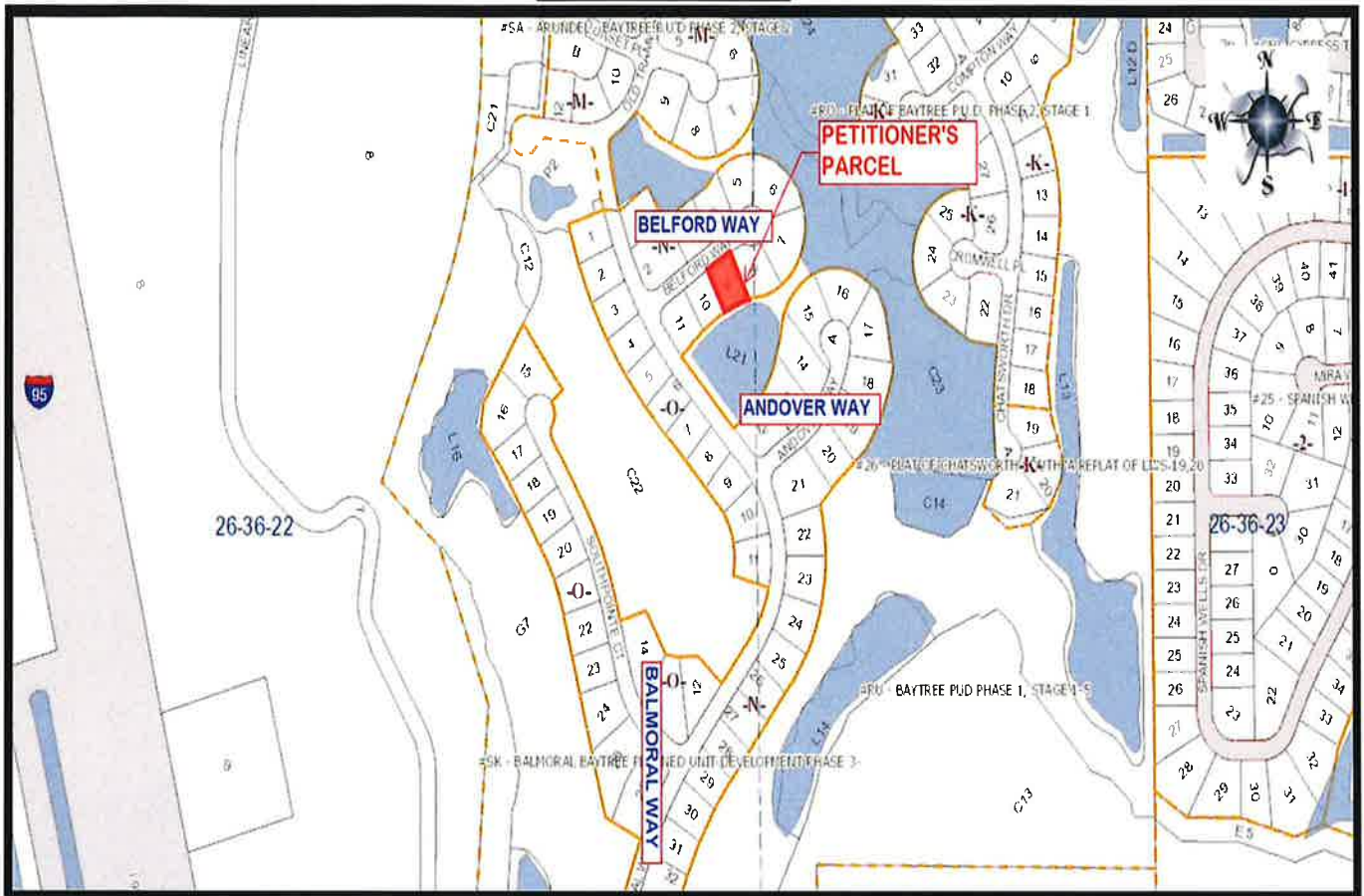


Figure 1: Map of Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3-Tract J, 8175 Belford Way, Melbourne, Florida, 32940.

Edward Cody & Julie Froehlich Ray – 8175 Belford Way – Melbourne, FL, 32940 – Lot 9, Block N, plat of “Balmoral Baytree P.U.D. Phase 3-Tract J” – Plat Book 47, Page 44 – Section 22, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a 3.0 ft. portion of a 10.0 ft. Wide Public Utility & Private Drainage Easement

Aerial Map



Figure 2: Aerial Map of Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3-Tract J, 8175 Belford Way, Melbourne, Florida, 32940.

Edward Cody & Julie Froehlich Ray – 8175 Belford Way – Melbourne, FL, 32940 – Lot 9, Block N, plat of “Balmoral Baytree P.U.D. Phase 3-Tract J” – Plat Book 47, Page 44 – Section 22, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a 3.0 ft. portion of a 10.0 ft. Wide Public Utility & Private Drainage Easement

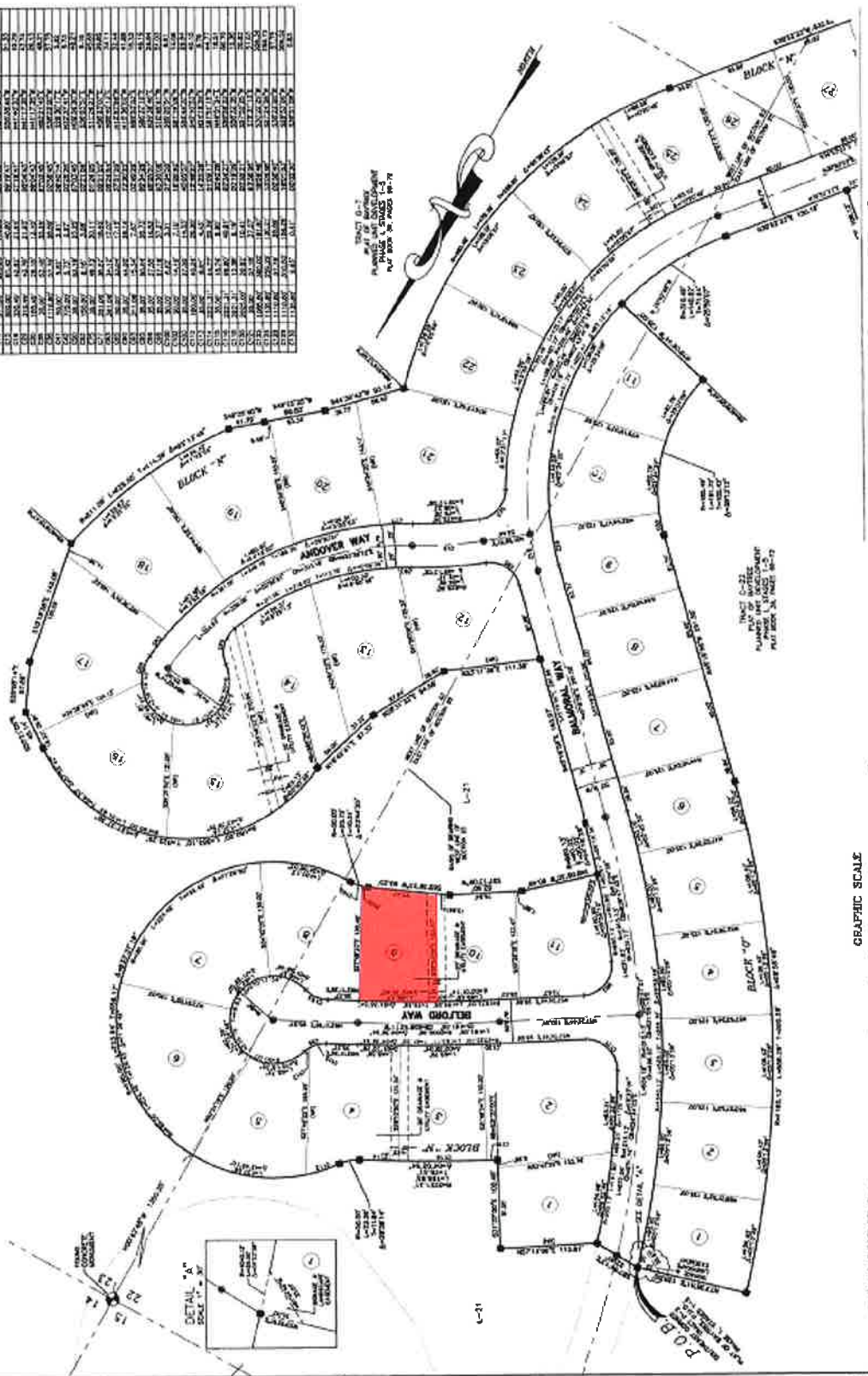
Plat Reference

PLAT BOOK 47 - PAGES 1
SHEET 2 OF 4
SECTION 22, 23 TWP. 26 S., RANGE 36 E.

BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3 - TRACT J

A REPLAT OF A PORTION OF TRACT F-5,
PLAT OF BAYTREE PLANNED UNIT DEVELOPMENT
PHASE 1, STAGES 1-5 AS RECORDED IN
PLAT BOOK 38, PAGES 59-72.
SECTIONS 22 & 23
TOWNSHIP 26 SOUTH, RANGE 36 EAST
BREVARD COUNTY, FLORIDA

TRACT	NUMBER	AREA	ACRES	OWNER	COURT NUMBER	DATE
1	1	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
2	2	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
3	3	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
4	4	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
5	5	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
6	6	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
7	7	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
8	8	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
9	9	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
10	10	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
11	11	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
12	12	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
13	13	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
14	14	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
15	15	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
16	16	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
17	17	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
18	18	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
19	19	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
20	20	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
21	21	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
22	22	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
23	23	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
24	24	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
25	25	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
26	26	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
27	27	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
28	28	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
29	29	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
30	30	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
31	31	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
32	32	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
33	33	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
34	34	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
35	35	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
36	36	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
37	37	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
38	38	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
39	39	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
40	40	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
41	41	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
42	42	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
43	43	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
44	44	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
45	45	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
46	46	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
47	47	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
48	48	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
49	49	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
50	50	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
51	51	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
52	52	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
53	53	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
54	54	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
55	55	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
56	56	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
57	57	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
58	58	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
59	59	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
60	60	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
61	61	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
62	62	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
63	63	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
64	64	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
65	65	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
66	66	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
67	67	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
68	68	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
69	69	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
70	70	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
71	71	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
72	72	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
73	73	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
74	74	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
75	75	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
76	76	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
77	77	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
78	78	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
79	79	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
80	80	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
81	81	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
82	82	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
83	83	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
84	84	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
85	85	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
86	86	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
87	87	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
88	88	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
89	89	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
90	90	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
91	91	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
92	92	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
93	93	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
94	94	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
95	95	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
96	96	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
97	97	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
98	98	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
99	99	1.00	1.00	STATE OF FLORIDA	1000	10/12/01
100	100	1.00	1.00	STATE OF FLORIDA	1000	10/12/01



SEE SHEET 3



THIS PLAT PREPARED BY
B.S.E. CONSULTANTS, INC.
CORPORATE, ENGINEERING, LAND DRAINAGE
2011 S.W. 10th St., Suite 200, Ft. Lauderdale, FL 33304
DATE: 10/12/01
DRAWN: J. WOODRUFF

Figure 3: Copy of plat map "Balmoral Baytree PUD Phase 3-Tract J" dedicated to Brevard County on October 12, 2001.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID NUMBER 26-36-22-SK-N-9
 PURPOSE OF SURVEY:
 TO VACATE THE EASTERLY 3 FEET
 OF THE EXISTING 10 FOOT EASEMENT

SHEET 1 OF 2
NOT VALID WITHOUT
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION

THE EAST 3.00 FEET OF THE 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT 4, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, CONTAINING 341.9 SQUARE FEET MORE OR LESS

LEGEND

FNC= FENCE
 IRF= IRON ROD FOUND
 PUDE= PUBLIC UTILITY & PRIVATE DRAINAGE EASEMENT
 PC= POINT OF CURVATURE
 WD= WOOD FENCE
 IRS = IRON ROD SET
 IRF = IRON ROD FOUND

SURVEYOR'S NOTES

1. BEARINGS BASED ON N30°24'02"W AS SHOWN ON THE WEST LINE OF LOT 9, BLOCK N, AS PER PLAT
2. NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THIS SKETCH IS NOT A BOUNDARY SURVEY.



PREPARED FOR:
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARE BY: GAI SURVEYORS
 ADDRESS: 1 OLEANDER ST, COCOA, FL 32922
 PHONE: 321-806-3908

DRAWN BY: AEG
 DATE: 9 APR 22

CHECKED BY: EKG
 SHEET 1 OF 2

SECTION 22
 TOWNSHIP 26 SOUTH
 RANGE 36 EAST

Figure 4: Legal Description. Sheet 1 of 2. Section 22, Township 26 South, Range 36 East.

Petitioner's Sketch & Description Sheet 2 of 2

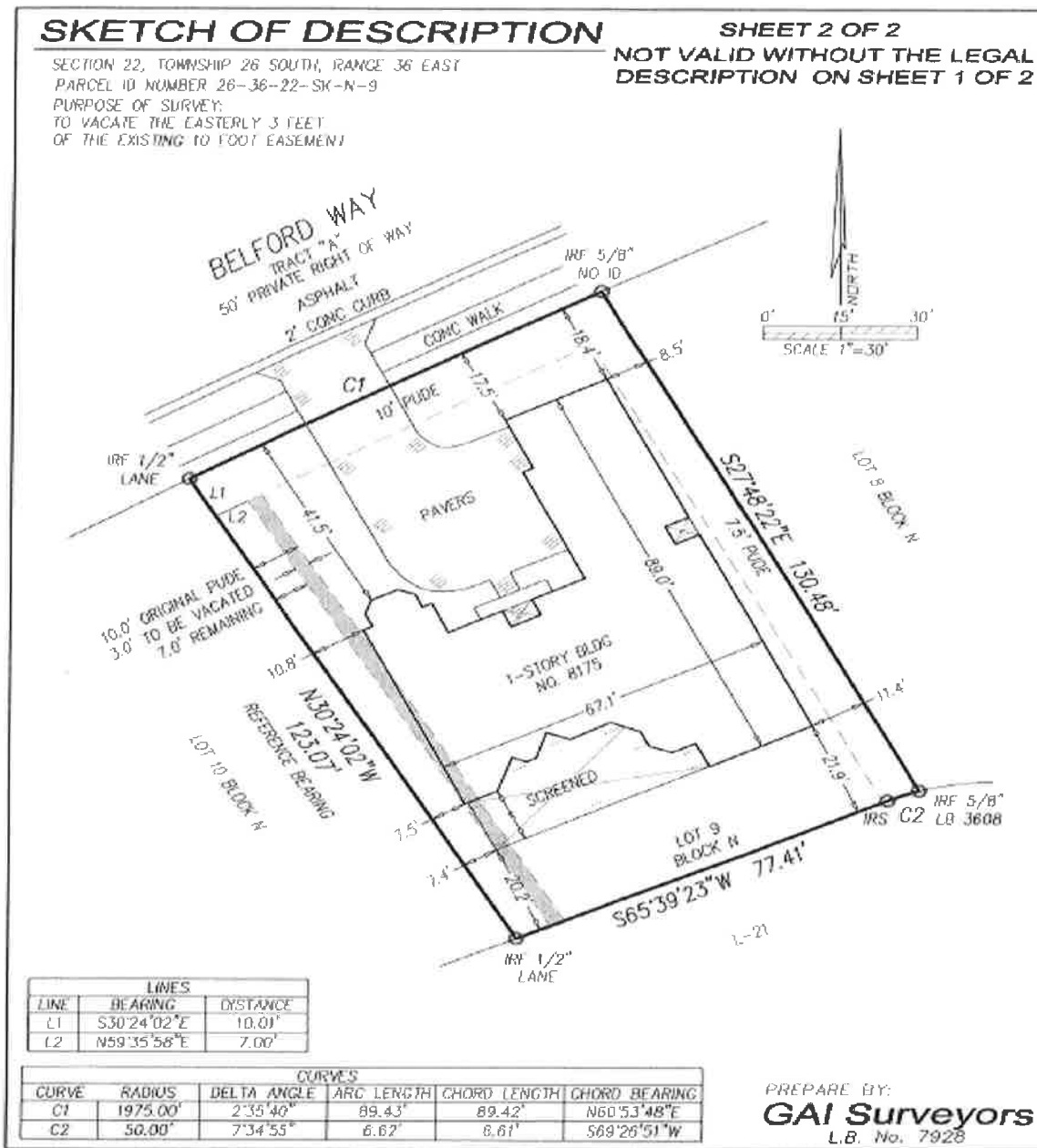


Figure 5: Sketch of description. Sheet 2 of 2. Section 22, Township 26 South, Range 36 East.

The sketch illustrates a 3.00-foot portion of a 10.00-foot wide public utility & private drainage easement on Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3 – Tract J, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 60°53'48" East 89.42'; East boundary – South 27°48'22" East 130.48'; South boundary – South 65°39'23" West 77.41'; West boundary – North 30°24'02" West 123.07'. Prepared by: Earl K. Gordon.

Boundary Survey with Proposed Pool

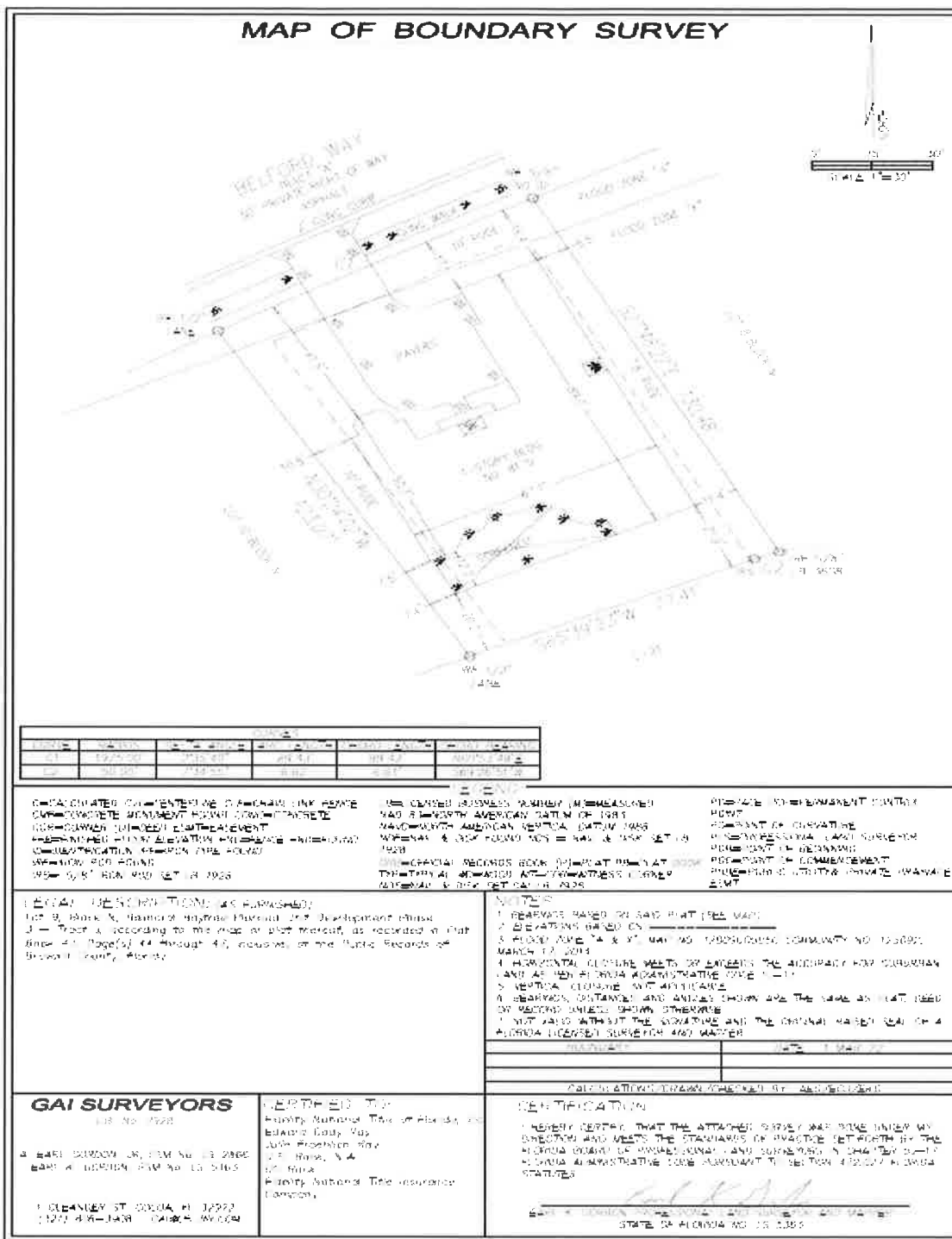


Figure 6: Boundary Survey.

The survey illustrates the existing single-family home and pool all lying within Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3 – Tract J, 8175 Belford Way, Melbourne, Florida, 32940.

Comment Sheet

Applicant: Ray

Updated by: Amber Holley 20220824 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20220713	20220824	Yes	No Comment
FL Power & Light	20220713	20220729	Yes	No Objections
At&t	20220713	20220714	Yes	No objections
Charter/Spectrum	20220713	20220718	Yes	No objections
City of Melbourne	20220713	20220714	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20220713	20220801	Yes	No objections
Land Planning	20220713	20220715	Yes	No objections
Utility Services	20220713	20220715	Yes	No objections
Storm Water	20220713	20220729	Yes	No objections
Zoning	20220713	20220715	Yes	No objections

Public Hearing Legal Advertisement

Ad#5389555 8/29/2022

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, PLAT OF "BALMORAL BAYTREE PUD PHASE 3-TRACT J" IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by **EDWARD CODY & JULIE FROEHLICH RAY** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE EAST 3.00 FEET OF THE 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT J, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. CONTAINING 341.9 SQUARE FEET MORE OR LESS. PREPARED BY: EARL K. GORDON, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on **September 13, 2022** at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Figure 7: Copy of public hearing advertisement as published on August 29, 2022. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, PLAT OF "BALMORAL BAYTREE PUD PHASE 3-TRACT J" IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

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