



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

7/21/2020

Subject:

Petition to Vacate, Re: Public Utility & Drainage Easement - 843 Heron Road - "Poinsett Shores Second Addition" Plat Book 19, Page 143 - Cocoa - Mira E. Chapman - District 1

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 two public utility and drainage easements along the common lines of Lots 1 and 2, "Poinsett Shores Second Addition" in Section 34, Township 24 South, Range 35 East. If approved, it is requested that the Board authorize the Chairman 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 to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns the south 30.0 feet of Lot 1 and all of Lot 2 and is requesting the vacating of the two 5.00 ft. wide public utility and drainage easements along the common line of lots 1 and 2 to allow for the construction and replacement of a septic tank. Easement to be vacated contains 559 square feet, more or less. The property is located in Cocoa South of W. King Street (Highway 520) and West of I-95.

July 06, 2020, 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 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

August 6, 2020

MEMORANDUM

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

RE: Advertising Bills for Resolution Vacating Two Public Utility and Drainage Easements in "Poinsett Shores Second Addition" Subdivision, Cocoa, Lying in Section 34, Township 24 South, Range 35 East

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-078, vacating two public utility and drainage easements in "Poinsett Shores Second Addition" subdivision, Cocoa, lying in Section 34, Township 24 South, Range 35 East as petitioned by Mira E. Chapman. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 21, 2020.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/sm

Encls. (2)



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

August 6, 2020

Mira E. Chapman
843 Heron Road
Cocoa, FL 32926

Dear Mira E. Chapman:

Re: Resolution Vacating Two Public Utility and Drainage Easements in "Poinsett Shores Second Addition" Subdivision, Cocoa, Lying in Section 34, Township 24 South, Range 35 East

The Board of County Commissioners, in regular session on July 21, 2020, adopted Resolution No. 20-078, vacating two public utility and drainage easements in "Poinsett Shores Second Addition" subdivision, Cocoa, lying in Section 34, Township 24 South, Range 35 East, as petitioned by you. Said Resolution has been recorded in ORBK 8816, Pages 1316 through 1320. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2020 - 078

**Vacating two public utility and drainage easements in "Poinsett Shores Second Addition" Subdivision,
Cocoa, Florida, lying in Section 34, Township 24 South, Range 35 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MIRA E. CHAPMAN** with the Board of County Commissioners to vacate two public utility and drainage easements 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, 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 two public utility and drainage easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility and drainage easements are hereby vacated; and Brevard County renounces and disclaims any rights in and to said easements. 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 21st day of July, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST


SCOTT ELLIS, CLERK


Bryan Andrew Lober, Chair

As approved by the Board on:
July 21, 2020

LEGAL DESCRIPTION

PARCEL #24-35-34-82-*-2

PARENT PARCEL ID# 24-35-34-82-*-2

PURPOSE: VACATION OF EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT A SURVEY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION: PARCEL #1 (PREPARED BY SURVEYOR)

A PORTION OF LOT 2 AND THE SOUTH 30 FEET OF LOT 1, POINSETT SHORES SECOND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 143, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PORTION BEING A PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE SOUTH 5.00 FEET OF LOT 1 AND THE NORTH 5.00 FEET OF LOT 2. CONTAINING 559 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES:

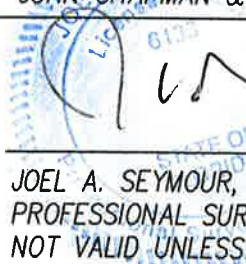
1. BEARINGS BASED ON EAST R/W LINE BEING N00°49'30"E AS PER PLAT.
2. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.

LEGEND:

- BRG = BEARING
- C/L = CENTERLINE
- ESMT = EASEMENT
- P.B. = PLAT BOOK
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- REF = REFERENCE
- R/W = RIGHT OF WAY

PREPARED FOR AND CERTIFIED TO:
JOHN CHAPMAN & MIRA CHAPMAN

PREPARED BY: **Kane Surveying, Inc.**
 FLORIDA LICENSED BUSINESS No. LB 7838
 505 DISTRIBUTION DRIVE
 MELBOURNE, FLORIDA 32904
 (321) 676-0427 FAX (321) 984-1448



[Signature]
 JOEL A. SEYMOUR, LS 6133
 PROFESSIONAL SURVEYOR & MAPPER
 NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED	PROJECT NO. 30033	DESCRIPTION	DATE: 6/2/2020	REVISIONS:	SECTION 34
DATE: 6/2/2020	DRAWING: POINSETT/L2				TOWNSHIP 24 SOUTH
					RANGE 35 EAST

SKETCH OF DESCRIPTION
PARCEL #24-35-34-82-*2

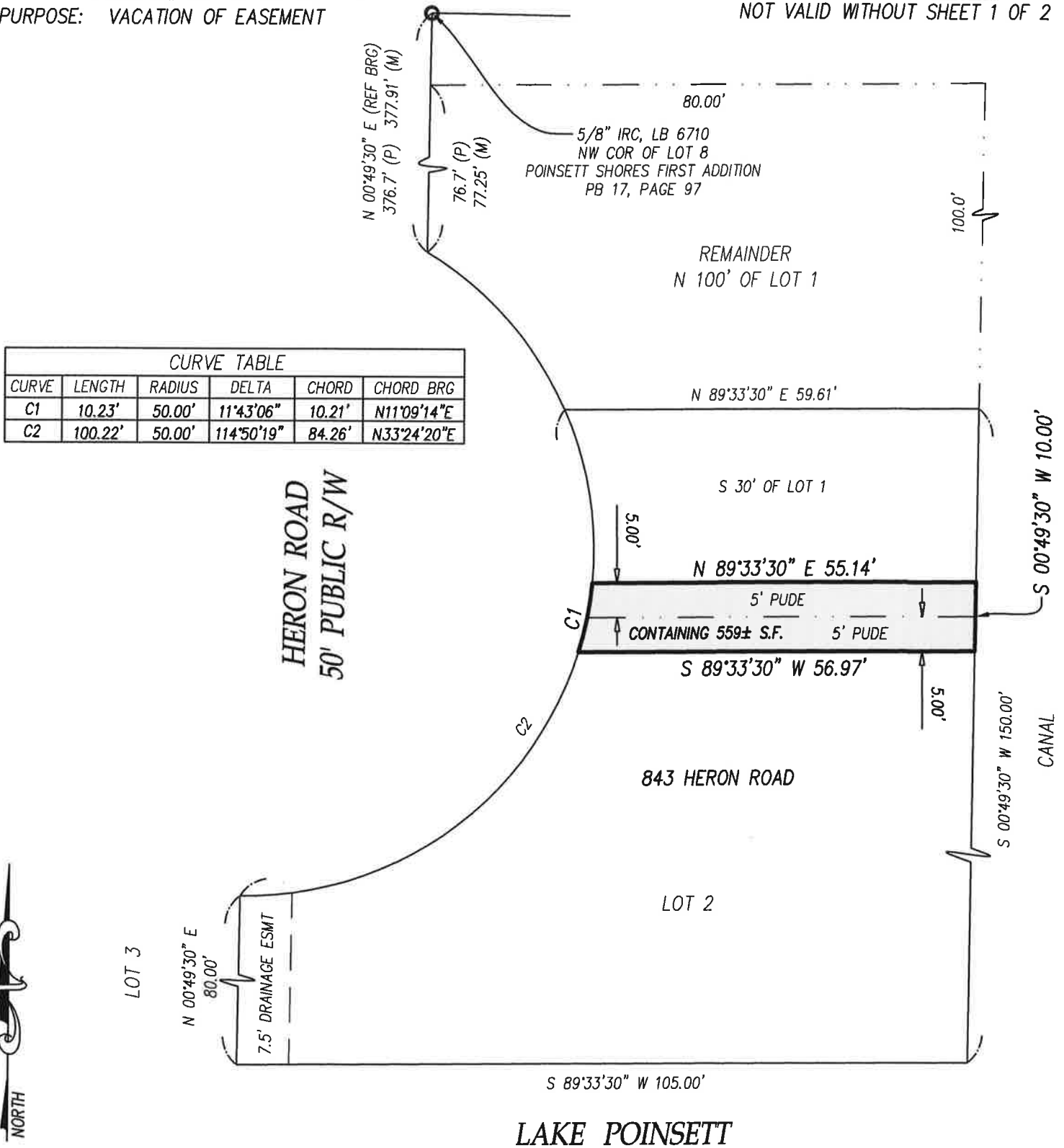
PARENT PARCEL ID# 24-35-34-82-*2
 PURPOSE: VACATION OF EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT A SURVEY

NOT VALID WITHOUT SHEET 1 OF 2



PREPARED BY:

Kane Surveying, Inc.
 FLORIDA LICENSED BUSINESS No. LB 7838
 505 DISTRIBUTION DRIVE
 MELBOURNE, FLORIDA 32904
 (321) 876-0427 FAX (321) 984-1448

SCALE: 1 INCH = 20 FEET

PROJECT NO. 30033

SECTION 34
 TOWNSHIP 24 SOUTH
 RANGE 35 EAST



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 Joe Heynen 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) of:

7/6/2020

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 6th of July 2020, by Joe Heynen who is personally known to me

[Signature]

Affiant

[Signature of Nancy Heyrman]
Notary State of Wisconsin County of Brown
5.15.23

My commission expires

Publication Cost \$197.60
Ad No: 0004265047
Customer No: BRE-6BR327

NANCY HEYRMAN
Notary Public
State of Wisconsin

AD#4265047 07/06/2020
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF TWO 5.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "POINSETT SHORES SECOND ADDITION" IN SECTION 34, TOWNSHIP 24 SOUTH, RANGE 35 EAST, COCOA, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 85, Article II, Section 85-36, Brevard County Code, a petition has been filed by MIRA E. CHAPMAN with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF LOT 2 AND THE SOUTH 30 FEET OF LOT 1, POINSETT SHORES SECOND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 143, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PORTION BEING A PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE SOUTH 5.00 FEET OF LOT 1 AND THE NORTH 5.00 FEET OF LOT 2, CONTAINING 559 SQUARE FEET MORE OR LESS. PREPARED BY: JOEL A. SEYMOUR, 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 July 21, 2020 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.

A Daily Publication By:



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 Joe Heynen 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) of:

7/26/2020

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 26th of July 2020, by Joe Heynen who is personally known to me

[Signature]

Affiant

[Signature of Nancy Heyrman]

Notary State of Wisconsin County of Brown

15.15.23

My commission expires

Publication Cost \$181.34
Ad No: 0004298761
Customer No: BRE-6BR327

NANCY HEYRMAN
Notary Public
State of Wisconsin

AD #4298761 7/26/2020
LEGAL NOTICE

RESOLUTION VACATING TWO PUBLIC UTILITY AND DRAINAGE EASEMENTS IN "POINSETT SHORES SECOND ADDITION" SUBDIVISION, COCOA, LYING IN SECTION 34, TOWNSHIP 24 SOUTH, RANGE 35 EAST - MIRA E. CHAPMAN

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21st day of July 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating two public utility and drainage easements in "Poinsett Shores Second Addition" Subdivision, Cocoa, lying in Section 34, Township 24 South, Range 35 East, as petitioned by Mira E. Chapman.

LEGAL DESCRIPTION:

A PORTION OF LOT 2 AND THE SOUTH 30 FEET OF LOT 1, POINSETT SHORES SECOND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 143, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PORTION BEING A PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE SOUTH 5.00 FEET OF LOT 1 AND THE NORTH 5.00 FEET OF LOT 2, CONTAINING 559 SQUARE FEET MORE OR LESS. PREPARED BY: JOEL A. SEYMOUR, PSM.

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA
SCOTT ELLIS, CLERK
BY: Kimberly Powell, Deputy Clerk

A PORTION OF LOT 2 AND THE SOUTH 30 FEET OF LOT 1, POINSETT SHORES SECOND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 143, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PORTION BEING A PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE SOUTH 5.00 FEET OF LOT 1 AND THE NORTH 5.00 FEET OF LOT 2. CONTAINING 559 SQUARE FEET MORE OR LESS. PREPARED BY: JOEL A. SEYMOUR, PSM.

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"POINSETT SHORES SECOND ADDITION" SUBDIVISION, COCOA, LYING IN SECTION
34, TOWNSHIP 24 SOUTH, RANGE 35 EAST – MIRA E. CHAPMAN

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BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK

BY: Kimberly Powell, Deputy Clerk

Florida TODAY:

Please advertise in the July 26, 2020, 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.**