

Meeting Date
December 06, 2016



AGENDA	
Section	PUBLIC HEARING
Item No.	IV.C

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: Part of a Public Utility and Drainage Easement – Caliph Avenue – “Port St. John Unit - Eight” – Cocoa – Patrick Ferraro – District 1 (Fiscal impact: Petitioner paid \$640.00 Vacating Application Fee)
DEPT/OFFICE	Public Works Department – Surveying Section

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of the 20.0 ft. wide rear lot line public utility and drainage easement at Lot 5, Block 316, “Port St. John Unit - Eight” in Section 14, Township 23 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 & 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 Lots 5 and is requesting the partial vacating of the 20.0 ft. wide rear lot line public utility and drainage easement to allow for the permitting and construction of a pool, pool deck and screened enclosure. Easement to be vacated contains 480 square feet, more or less.

November 21, 2016, 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. The property is located in Cocoa as follows: Begin at the intersection of U. S. Highway No. 1 and Fay Boulevard; thence 0.63 miles west along Fay Boulevard; thence 0.54 miles north along Curtis Boulevard; thence 0.87 miles west along Curtis Boulevard; thence 0.09 miles south along Caliph Avenue to the residence on the west (right).

Fiscal Impact: The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265-3699000, revenue account for vacatings. This action is in keeping with the County’s efforts to create cooperative partnerships between County Government and its citizenry. No additional funding will be requested for next year’s budget.

Name: Marc.Cazessus@brevardcounty.us Phone: Ext. 57315

Exhibits Attached: Resolution, Appraisers detail sheet, vicinity map, aerial map, plat (if applicable), petitioner’s deed, boundary survey (if available), boundary survey (right-of-way vacating) or sketch and description (easement Vacating), comment summary sheet and legal notice of public hearing advertisement.

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

Contract / Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager Venetta Valdengo	John Denninghoff / Ext. 57202



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 21, 2016

M E M O R A N D U M

TO: John Denninghoff, Public Works Director Attn: Marc Cazessus

RE: Advertising Bills for Resolution Vacating a Part of a 20.0 Ft. Wide Public Utility and Drainage Easement in Port St. John, Unit Eight, Cocoa

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 16-220, vacating a part of a 20.0 foot wide public utility and drainage easement in Port St. John, Unit Eight, Cocoa, as petitioned by Patrick Ferraro. Said Resolution was adopted by the Board of County Commissioners, in regular session on December 6, 2016.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 21, 2016

Patrick and Kimberly Ferraro
6920 Caliph Avenue
Cocoa, FL 32927

Dear Mr. Ferraro:

Re: Resolution Vacating a Part of a 20.0 Ft. Wide Public Utility and Drainage Easement in Port St. John, Unit Eight, Cocoa

The Board of County Commissioners, in regular session on December 6, 2016, adopted Resolution No. 16-220, vacating a part of a 20.0 foot wide public utility and drainage easement in Port St. John, Unit Eight, Cocoa, as petitioned by you. Said Resolution has been recorded in ORBK 7781, Pages 342 through 346. Enclosed is a certified copy of the recorded Resolution for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Marc Cazessus, Public Works

**VACATING A PART OF A 20.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IN
"PORT ST. JOHN UNIT-EIGHT", COCOA, FLORIDA, LYING IN
SECTION, 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST**

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

THEREFORE BE IT RESOLVED that said portion of the public utility and drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. 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 6th day of December, 2016 A.D.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



CURT SMITH, CHAIRMAN

As approved by the Board on:
December 06, 2016

LEGAL DESCRIPTION

SHEET 1 OF 2

SITUATED IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST

NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2

PARCEL ID# 23 35 14-JZ-316-5

PURPOSE OF SURVEY: VACATING A PORTION OF A 10.0 FOOT WIDE UTILITY & DRAINAGE EASEMENT

LEGAL DESCRIPTION:

THAT PORTION OF A 20.00 WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTH 48.00 FEET OF THE SOUTH 61.00 FEET OF THE EAST 10.00 FEET OF THE WEST 20.00 FEET, OF LOT 5, BLOCK 316, PORT ST. JOHN UNIT EIGHT, AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 480.00 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE BASIS OF BEARINGS OF THE ABOVE DESCRIBED DESCRIPTION IS THE CENTER LINE OF RIGHT OF WAY OF CALIPH AVENUE , BEING S 00°35'39" W AS PER PLAT OF PORT ST. JOHN UNIT EIGHT.
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 09-14-2016

ABBREVIATION & SYMBOL LEGEND

- | | |
|------------------------|--|
| C/L = CENTERLINE | I.R.C. = IRON ROD & CAP |
| R/W = RIGHT-OF-WAY | P.U.D.E.= PUBLIC UTILITY & DRAINAGE EASEMENT |
| FND = FOUND | A/C = AIR CONDITIONER |
| LB = LICENSED BUSINESS | CONC = CONCRETE |
| P = PLAT | WUP = WOOD UTILITY POLE |
| M = MEASURED | W/M = WATER METER |
| I.R. = IRON ROD | E.M. = ELECTRIC METER |
| L = LINE | |



Eric Nielsen 11-21-2016

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

PREPARED FOR:
PATRICK T. FERRARD

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

DRAWN BY: E.N.
DATE: 10-10-2016

CHECKED BY: EN
SHEET 1 OF 2

DRAWING NO. 16-343-09
REVISIONS _____

SECTION 14
TOWNSHIP 23 SOUTH
RANGE 35 EAST



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

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared
Kim Curro, 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) of:

11/21/16

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 coporation 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 21th of
November 2016, by Kim Curro who is personally known
to me

[Signature]
Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$217.16
Ad No: 0001741399
Customer No: BRE-6BR327

FLORIDA NOTARY ASSOCIATION
RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2018

AD#1741399 11/21/16

LEGAL NOTICE
NOTICE FOR A PARTIAL VACATING OF A
20.00 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT, PLAT OF "PORT
ST. JOHN UNIT - EIGHT" IN SECTION 14,
TOWNSHIP 23 SOUTH, RANGE 35 EAST,
COCOA, 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 Patrick Ferraro with the Board of
County Commissioners of Brevard Coun-
ty, Florida, to request vacating the fol-
lowing described property, to wit:

SEE EXHIBIT "A"

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 December 06, 2016 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.

EXHIBIT "A"

LEGAL DESCRIPTION:

THAT PORTION OF A 20.00 WIDE PUBLIC
UTILITY AND DRAINAGE EASE-
MENT DESCRIBED AS FOLLOWS: THE
NORTH 48.00 FEET OF THE SOUTH 61.00
FEET OF THE EAST 10.00 FEET OF THE
WEST 20.00 FEET, OF LOT 5, BLOCK
316, PORT ST. JOHN UNIT EIGHT, AS
RECORDED IN PLAT BOOK 23, PAGE(S)
70 THROUGH 83, OF THE PUBLIC RE-
CORDS OF BREVARD COUNTY, FLORIDA,
CONTAINING 480.00 SQUARE FEET,
MORE OR LESS.





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

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared Kim Curro, 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) of:

12/15/16

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 coporation 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 15th of December 2016, by Kim Curro who is personally known to me

Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$117.28
Ad No: 0001786033
Customer No: BRE-6BR327

AD#1786033 12/15/16
LEGAL NOTICE

RESOLUTION VACATING A PART OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ON CALIPH AVENUE, PORT ST. JOHN; UNIT EIGHT, COCOA - PATRICK FERRARO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 6th day of December, 2016, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a 20.00 ft. wide public utility and drainage easement on Caliph Avenue, Port St. John, Unit Eight, Cocoa, as petitioned by Patrick Ferraro.

SEE ATTACHED EXHIBIT "A"

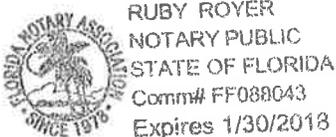
The Board further renounced and disclaimed any right of the County in and to said public easement.

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

LEGAL DESCRIPTION:

EXHIBIT "A"

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Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: BREVARD CTY PUBLIC WORKS DEPT
Address: 2725 JUDGE FRAN JAMIESON WAY
VIERA FL 32940
USA

Ad No.: 0001786033
Pymt Method: Invoice
Net Amt: \$117.28

Run Times: 1

No. of Affidavits: 1

Run Dates: 12/15/16

Text of Ad:

AD#1786033 12/15/16

LEGAL NOTICE

RESOLUTION VACATING A PART OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ON CALIPH AVENUE, PORT ST. JOHN, UNIT EIGHT, COCOA - PATRICK FERRARO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 6th day of December, 2016, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a 20.00 ft. wide public utility and drainage easement on Caliph Avenue, Port St. John, Unit Eight, Cocoa, as petitioned by Patrick Ferraro.

SEE ATTACHED EXHIBIT "A"

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
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

LEGAL DESCRIPTION:

EXHIBIT "A"

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LEGAL NOTICE

RESOLUTION VACATING A PART OF A 20.00 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT ON CALIPH AVENUE, PORT ST. JOHN, UNIT EIGHT, COCOA –
PATRICK FERRARO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 6th day of December, 2016, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a 20.00 ft. wide public utility and drainage easement on Caliph Avenue, Port St. John, Unit Eight, Cocoa, as petitioned by Patrick Ferraro.

SEE ATTACHED EXHIBIT "A"

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
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

Florida TODAY:

Please advertise in the December 15, 2016, issue of the Florida TODAY.

**Bill the Board of County Commissioners Account Number 6BR327
and forward bill and proof of publication to:**

**Marc Cazessüs, Public Works Department
2725 Judge Fran Jamieson Way, Bldg. A-220
Viera, FL 32940**

LEGAL DESCRIPTION:

EXHIBIT "A"

THAT PORTION OF A 20.00 WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE NORTH 48.00 FEET OF THE SOUTH 61.00 FEET OF THE EAST 10.00 FEET OF THE WEST 20.00 FEET, OF LOT 5, BLOCK 316, PORT ST. JOHN, UNIT EIGHT, AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 480.00 SQUARE FEET, MORE OR LESS.

Property Information

Account #: 2303669

Owners: Ferraro, Patrick T
 Site Address: 6920 Caliph Ave Cocoa Fl 32927
 Mailing Address: 6920 Caliph Ave
 Parcel ID: 23 3514-JZ-316-5
 Property Use: 0110 - Single Family Residence
 Exemptions: HEX1 - Homestead First: \$25,000
 HEX2 - Homestead Additional \$25,000
 Taxing District: 1900 - Unincorp District 1

Value Summary Information

Value Category	2015	2014	2013
Total Market Value	\$145,000	\$122,080	\$107,280
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$103,410	\$102,500	\$101,080
Assessed Value School	\$103,410	\$102,500	\$101,080
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$53,410	\$52,500	\$51,080
Taxable Value School	\$78,410	\$77,500	\$79,080

Sales History Information

Sale Date	Sale Price	Deed Type	Vacant/Improved	Book/Page
05/26/2006	\$259,900	WD	Improved	5653/2136
12/10/2005	\$222,500	WD	Improved	5582/7349
01/25/2004	\$182,500	WD	Vacant	5418/8984
07/13/1989	\$100	QC	Vacant	3007/1585
11/21/1980	\$100	PT	Vacant	2271/0836
09/01/1980	\$7,800	PT	Vacant	2254/0864

Building Information

Property Data Card #1
 Building Use: D110 - Single Family Residence
 Year Built: 2005

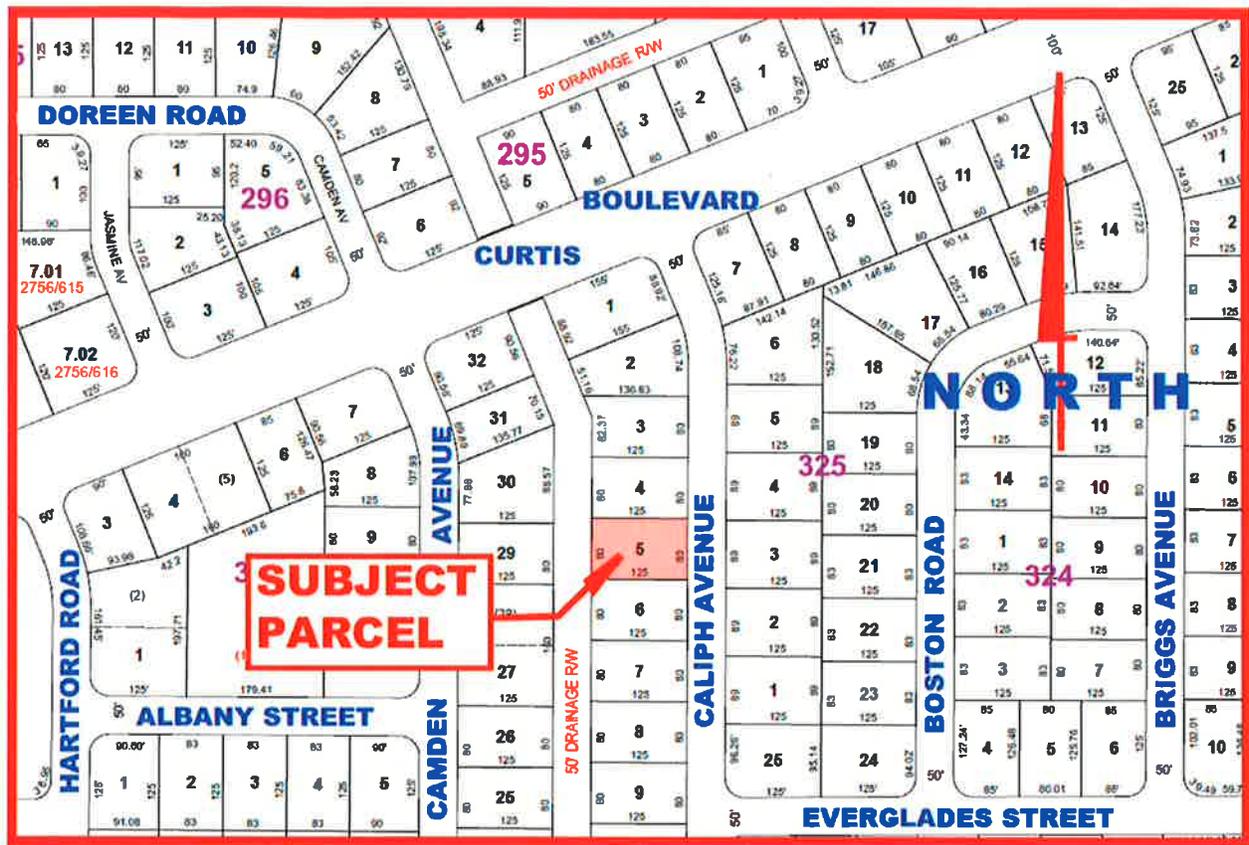
Building Materials		Building Sub-areas	
CEILING COVER	AVERAGE/TYPICAL	BASE AREA	2242
EXTERIOR WALL	STUCCO	GARAGE	412
FLOOR COVER	AVERAGE/TYPICAL	OPEN PORCH	132
FRAME	MASNRYCONC	OPEN PORCH	191
INTERIOR	AVERAGE/TYPICAL		
ROOF	ASPH/ASB SHINGL		
ROOF STRUCTURE	HIP/GABLE		

Extra/Special Features

Land Information

Total Acres: 0.23
 Site Code: 0001 - No Other Code Appl.
 Plat Book/Page: 0023/0070
 Subdivision: Fort St John Unit 8
 Description: Fort St John Unit 8 Lot 5 Blk 316

APPRAISER'S DETAIL SHEET



VICINITY MAP

Patrick Ferraro – 6920 Caliph Avenue-
 Cocoa – Lot 5, Block 316, Port St. John
 Unit No. 8 – (Plat Book 23, Page 70) –
 Section 14, Township 23 South, Range 35
 East – District 1 – Partial Vacating of 20.0
 ft. Wide Public Utility & Drainage
 Easement



AERIAL MAP

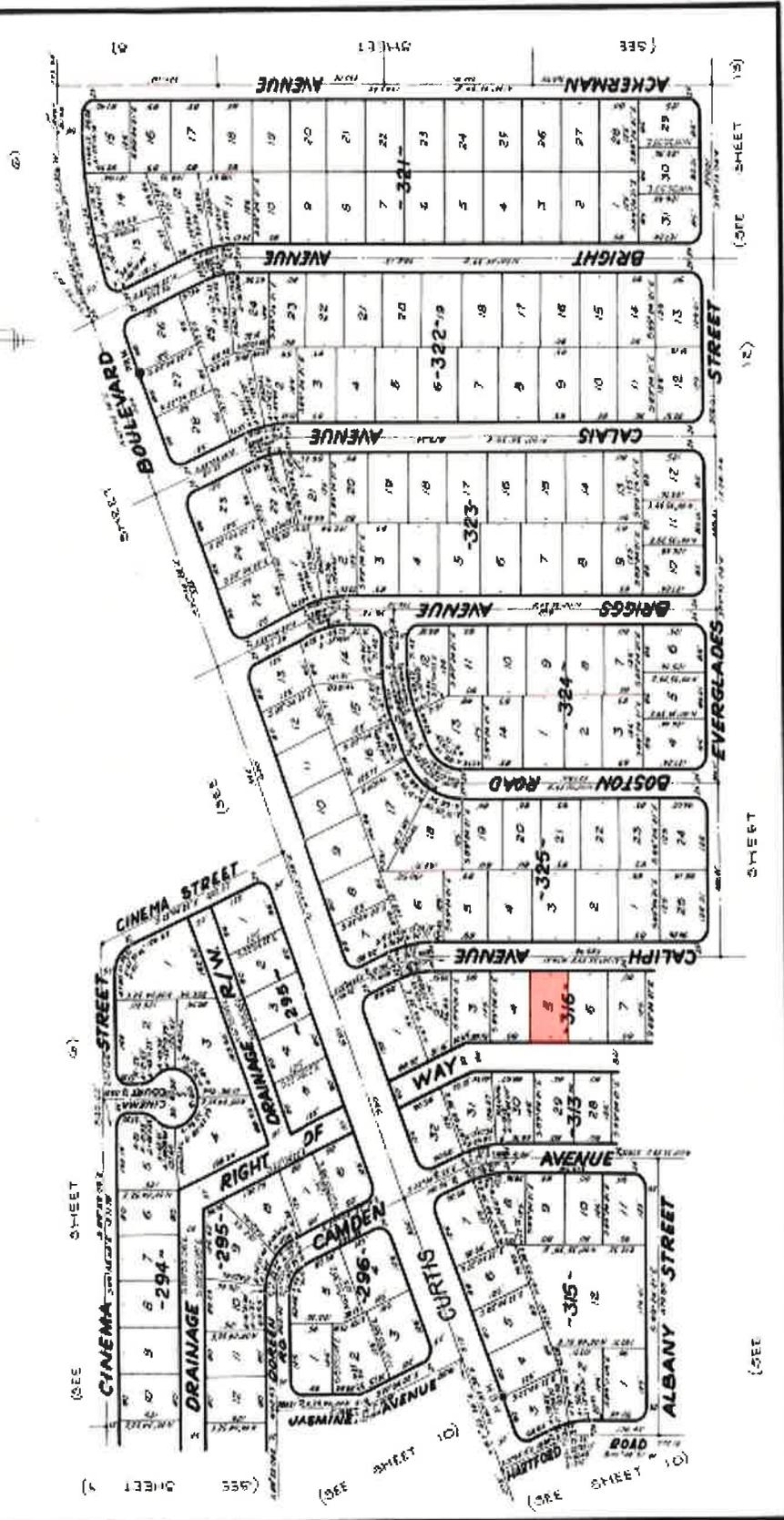
Patrick Ferraro – 6920 Caliph Avenue-
Cocoa – Lot 5, Block 316, Port St. John
Unit No. 8 – (Plat Book 23, Page 70) –
Section 14, Township 23 South, Range 35
East – District 1 – Partial Vacating of 20.0
ft. Wide Public Utility & Drainage
Easement

PLAT BOOK 23
AND
PAGE 78

PORT ST JOHN UNIT -- EIGHT

A SUBDIVISION LYING IN
PORTIONS OF SECTIONS 13, 14, 23 AND 24, TOWNSHIP 23 SOUTH, RANGE 35 EAST,
AND PORTIONS OF MAPS OF DELESPINE, PLAT BOOK 2, PAGE 2,
AND PORT ST JOHN UNIT 2, PLAT BOOK 14, PAGES 48-51,
BREVARD COUNTY - FLORIDA

FEBRUARY 1970
SCALE: 1" = 400'
JAMES EDWARD CLARK
CIVIL ENGINEER
MIAMI-FLORIDA



PLAT REFERENCE
SHEET 2 OF 2

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Cathy Penner
ISLAND TITLE & ESCROW CORP.
2395 N. COURTENAY PKWY #103
MERRITT ISLAND, FLORIDA 32953



CFN 2006164982 06-01-2006 03:42 pm
OR Book/Page: 5653 / 2136

Property Appraisers Parcel Identification (Folio) Numbers:
23-35-14-JZ-316-5

File No. 06-2391 _____ SPACE ABOVE THIS LINE FOR RECORDING DATA _____

THIS WARRANTY DEED, made the 26th day of May, A.D. 2006 by **RICK TUSSING, A MARRIED MAN**, herein called the grantor, to **PATRICK T. FERRARO, AN UNMARRIED MAN** whose post office address is **6920 CALIPH AVENUE, COCOA, FL 32927**, hereinafter called the Grantee:

(Whereas said parties 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 corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00)** Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in **BREVARD County, State of Florida**, viz:

Lot 5, Block 316, Port St. John Unit - Eight, according to map or plat thereof as recorded in Plat Book 23, Pages 70 through 83, inclusive, of the Public Records of Brevard County, Florida.

Subject to easements, restrictions and reservations of record and to taxes for the year 2006 and thereafter.

THIS PROPERTY IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR. HE RESIDES AT 10332 CLEAR LAKE DRIVE, CLERMONT, FLORIDA, 34711.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents this day and year first above written.

Signed, sealed and delivered in the presence of

Sandra Boren
Witness #1 Signature **Sandra Boren**

Witness #1 Printed Name

Cathy Penner
Witness #2 Signature **CATHY PENNER**

Witness #2 Printed Name

**STATE OF FLORIDA
COUNTY OF BREVARD**

Rick Tussing
RICK TUSSING L.S.
10332 CLEAR LAKE DRIVE, CLERMONT, FL 34711

Scott Ellis
Clerk Of Courts, Brevard County
#Pg: 1 #Names: 2
Trust: 1.00 Rec: 9.00 Serv: 0.00
Mort: 1,819.30 Exclse: 0.00
Mg: 0.00 nt Tax: 0.00

The foregoing instrument was acknowledged before me this 26th day of May, 2006 by **RICK TUSSING** who is personally known to me or has produced _____ as identification.

SEAL

My Commission Expires:



Catherine T Penner
My Commission DD061185
Expires November 03, 2007

Catherine Penner
Notary Signature
Printed Notary Signature

PETITIONER'S DEED

COMMENT SUMMARY

APPLICANT: Martarelli & Deborah Fagundes

UPDATED BY/DATE Marc Cazessüs, PLS/20161116 @ 14:00

COMPANIES	NOTIFIED	COMMENTS		STIPULATIONS/REMARKS
		RECEIVED	APPROVED	
UTILITIES				
City Gas Company of Florida	20161024	20161024	Yes	No objections
Florida Power & Light	20161024	20161024	Yes	No objections
A T & T	20161024	20161031	Yes	No objections
Bright House Networks	20161024	20161025	Yes	No objections
City of Titusville	20161024	20161031	Yes	No objections
COUNTY STAFF				
Road and Bridge	20161024	20161116	Yes	No objections - Rocky Little
Land Planning	20161024	20161024	Yes	No objections - Rebecca Ragain
County Utilities	20161024	20161024	Yes	No objections - Tammy Hurley
NRMD/Storm Water	20161024	20161024	Yes	No objections - Harvey Wheeler
Zoning	20161024	20161024	Yes	No objections - Paul Body

COMMENT SHEET

AD#1741399 11/21/16 LEGAL NOTICE NOTICE FOR A PARTIAL VACATING OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "PORT ST. JOHN UNIT - EIGHT" IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 Patrick Ferraro with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: SEE EXHIBIT "A" 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 December 06, 2016 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. EXHIBIT "A" LEGAL DESCRIPTION: THAT PORTION OF A 20.00 WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE NORTH 48.00 FEET OF THE SOUTH 61.00 FEET OF THE EAST 10.00 FEET OF THE WEST 20.00 FEET, OF LOT 5, BLOCK 316, PORT ST. JOHN UNIT EIGHT, AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 480.00 SQUARE FEET, MORE OR LESS.

PUBLIC HEARING LEGAL
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THAT PORTION OF A 20.00 WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE NORTH 48.00 FEET OF THE SOUTH 61.00 FEET OF THE EAST 10.00 FEET OF THE WEST 20.00 FEET, OF LOT 5, BLOCK 316, PORT ST. JOHN UNIT EIGHT, AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 480.00 SQUARE FEET, MORE OR LESS.