



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

H.3.

File #: 741, Version: 1

H.3.

Subject:

Petition to Vacate Public Utility Easement - Rockledge - Douglas G. and Kathleen Holton (District 4)

Fiscal Impact:

\$640.00 Vacating Application Fee Paid by Petitioner

Dept/Office:

Public Works

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of public utility and drainage easements along the side lot lines of Lot 46, Block "B", "Wingate Estates Phase Two Viera North" in Section 27, Township 25 South, Range 36 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 8636, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements.

The petitioners own Lot 46 and are requesting the vacating of part of the 7.50 ft. wide public utility and drainage easements along the side lot lines of lot 46 to remove the existing residence as an encroachment into said easement.

September 02, 2019, 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.

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 000230265 revenue account for vacatings.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 57315

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.



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

October 4, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director Attn: Amber Holley

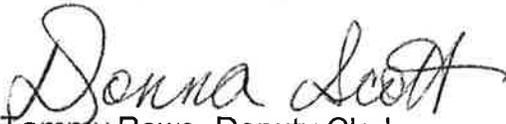
RE: Advertising Bills for Resolution Vacating Part of a Public Utility and Drainage Easement in Wingate Estates Phase Two Subdivision, Rockledge

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-166, vacating part of a public utility and drainage easement in Wingate Estates Phase Two Subdivision, Rockledge, as petitioned by Douglas G. and Kathleen Holton. Said Resolution was adopted by the Board of County Commissioners, in regular session on September 17, 2019.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for 
Tammy Rowe, Deputy Clerk

/kp

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

October 4, 2019

Douglas G. and Kathleen Holton
4418 Heaton Park Trail
Rockledge, FL 32955

Dear Douglas Holton:

Re: Resolution Vacating Part of a Public Utility and Drainage Easement in Wingate Estates Phase Two Subdivision, Rockledge

The Board of County Commissioners, in regular session on September 17, 2019, adopted Resolution No. 19-166, vacating part of a public utility and drainage easement in Wingate Estates Phase Two Subdivision, Rockledge, as petitioned by you. Said Resolution has been recorded in ORBK 8552, Pages 1016 through 1020. 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

for *Donna Scott*
Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2019 - 166

**Vacating a part of a public utility and drainage easement in "Wingate Estates Phase Two" Subdivision,
Rockledge, Florida, lying in Section 27, Township 25 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **DOUGLAS G. AND KATHLEEN HOLTON** 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 drainage and utility 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 17TH day of September, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Kristine Isnardi, Chair

As approved by the Board on:
September 17, 2019

LEGAL DESCRIPTION

SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2

SITUATED IN SECTION 27, TOWNSHIP 25 SOUTH, RANGE 36 EAST
PARENT PARCEL: #25-36-27-04-B-46
PURPOSE OF SURVEY: VACATION OF P.U.D & E EASEMENT

LEGAL: VACATIONING OF A PORTION OF A 7.5 FOOT P.U.DE EASEMENT (BY SURVEYOR)

A PORTION OF THE 7.50 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT (PU&DE) LYING WITHIN LOT 46, BLOCK B, AS SHOWN ON THE PLAT OF WINGATE ESTATES, PHASE TWO, VIERA NORTH P.U.D., PARCELS F2-F3, AS RECORDED IN PLAT BOOK 48, PAGES 64 THROUGH 66 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 3.00 FEET OF THE NORTHERLY 7.50 FOOT PU&DE, LESS THE WESTERLY 5.00 FEET AND LESS THE EASTERLY 10.00 FEET; AND THE NORTHERLY 2.50 FEET OF THE SOUTHERLY 7.50 FOOT PU&DE, LESS THE WESTERLY 5.00 FEET AND LESS THE EASTERLY 10.00 FEET

SURVEYORS NOTES & LEGEND:

1. BEARINGS BASED ON A ASSUMED BEARING OF N50°43'36"E,, ALONG THE NORTHERLY LIE OF LOT 47, BLOCK B.
2. THIS IS NOT A BOUNDARY SURVEY
3. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY PRECISION LAND SURVEYING, INC., PROJECT #19-1798, DATED 07/09/2019.

C = CENTERLINE
 CH = CHORD
 CONC. = CONCRETE
 (D) = DEEDED
 DEL = DELTA
 FD = FOUND
 ID = IDENTIFICATION
 IR = IRON ROD
 L = LENGTH
 LB = LICENSE BUSINESS
 LS = LICENSE SURVEYOR
 (M) = MEASURED
 NO = NUMBER
 ORB = OFFICIAL RECORDS BOOK
 PG = PAGE
 PC = POINT OF CURVATURE
 (P) = PLATTED
 PU&D = PUBLIC UTILITY & DRAINAGE
 R = RADIUS




 MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085
 CERTIFICATE OF AUTHORIZATION LB. 6586
 PROFESSIONAL SURVEYOR & MAPPER
 NOT VALID UNLESS SIGNED AND SEALED

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

PREPARED BY: PRECISION LAND SURVEYING, INC.
 2600 LAKE WASHINGTON ROAD, SUITE 1
 MELBOURNE, FLORIDA 32935

DRAWN BY: J. PRESSMAN	CHECKED BY: M. BARKER	PROJECT NO. 19-1798		SECTION 27 TOWNSHIP 25 SOUTH RANGE 36 EAST
		REVISIONS	DATE	
DATE: 07/18/2019	DRAWING: 19-1798.dwg			

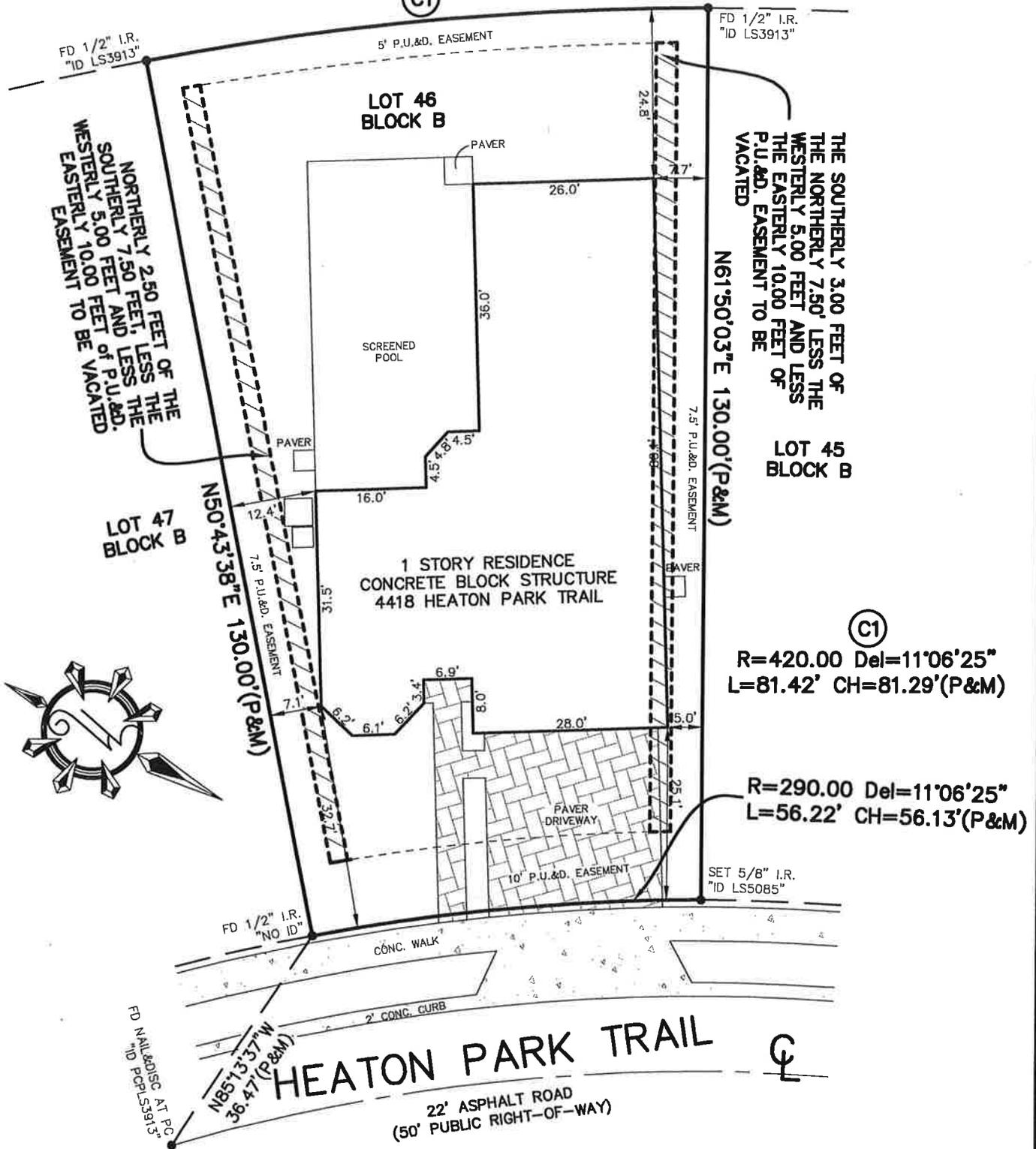
SKETCH AND DESCRIPTION

SITUATED IN SECTION 27, TOWNSHIP 25 SOUTH, RANGE 36 EAST
 PARENT PARCEL: #25-36-27-04-B-46

SHEET 2 OF 2
 NOT VALID WITHOUT SHEET 1 OF 2

TRACT I

(C1)



PREPARED BY: PRECISION LAND SURVEYING, INC.
 2600 LAKE WASHINGTON ROAD, SUITE 1
 MELBOURNE, FLORIDA 32935

SCALE: 1"=20'
 PROJECT NO.: 19-1798

SECTION 27
 TOWNSHIP 25 SOUTH
 RANGE 36 EAST



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

AD#3766295 9/2/2019

LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF TWO 7.5 FT. WIDE PUBLIC UTILITY & DRAINAGE EASEMENTS, LYING IN LOT 46, BLOCK "B", PLAT OF "WINGATE ESTATES, PHASE TWO, VIERA NORTH P.U.D., PARCELS F2-F3, PLAT BOOK 48, PAGES 64-66, IN SECTION 27, TOWNSHIP 25 SOUTH, RANGE 36 EAST, ROCKLEDGE 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 DOUGLAS G. AND KATHLEEN HOLTON with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF THE 7.50 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT (PU&DE) LYING WITHIN LOT 46, BLOCK B, AS SHOWN ON THE PLAT OF WINGATE ESTATES, PHASE TWO, VIERA NORTH P.U.D., PARCELS F2-F3, AS RECORDED IN PLAT BOOK 48, PAGES 64 THROUGH 66 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 3.00 FEET OF THE NORTHERLY 7.50 FOOT PU&DE, LESS THE WESTERLY 5.00 FEET AND LESS THE EASTERLY 10.00 FEET; AND THE NORTHERLY 2.50 FEET OF THE SOUTHERLY 7.50 FOOT PU&DE, LESS THE WESTERLY 5.00 FEET AND LESS THE EASTERLY 10.00 FEET. PREPARED BY: MYRON E. BARKER, 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 17, 2019 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.

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared Shelly Hora, 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:

09/02/19

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 3th of September 2019, by Shelly Hora who is personally known to me

Signature of Shelly Hora
Affiant

Signature of Vicky Felty
Notary State of Wisconsin County of Brown
9-19-21

My commission expires

Publication Cost: \$217.16
Ad No: 0003766295
Customer No: BRE-6BR327





Amber Holley
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
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 NOTICE

as published in FLORIDA TODAY in the issue(s) of:

9/25/19

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 25th of
September 2019, by Joe Heynen who is personally
known to me

[Handwritten signature]

Affiant

[Handwritten signature: Nancy Heyrman]
Notary State of Wisconsin County of Brown
5.15.23

My commission expires

AD#3803516 9/25/2019
LEGAL NOTICE

RESOLUTION VACATING A PART OF A
PUBLIC UTILITY AND DRAINAGE EASE-
MENT IN WINGATE ESTATES PHASE TWO
SUBDIVISION, LYING IN SECTION 27,
TOWNSHIP 25 SOUTH, RANGE 36 EAST,
ROCKLEDGE - DOUGLAS G. AND
KATHLEEN HOLTON

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
17th day of September 2019, the Board
of County Commissioners of Brevard
County, Florida, adopted a Resolution
vacating a part of a public utility and
drainage easement in Wingate Estates
Phase Two Subdivision, lying in Section
27, Township 25 South, Range 36 East,
Rockledge, as petitioned by Douglas G.
and Kathleen Holton.

A PORTION OF THE 7.50 FOOT PUBLIC
UTILITY & DRAINAGE EASEMENT
(PU&DE) LYING WITHIN LOT 46, BLOCK
B, AS SHOWN ON THE PLAT OF WING-
ATE ESTATES, PHASE TWO, VIERA
NORTH P.U.D., PARCELS F2-F3, AS RE-
CORDED IN PLAT BOOK 48, PAGES 64
THROUGH 66 OF THE PUBLIC RECORDS
OF BREVARD COUNTY FLORIDA, AND
BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

THE SOUTHERLY 3.00 FEET OF THE
NORTHERLY 7.50 FOOT PU&DE, LESS THE
WESTERLY 5.00 FEET AND LESS THE
EASTERLY 10.00 FEET; AND THE NORTH-
ERLY 2.50 FEET OF THE SOUTHERLY 7.50
FOOT PU&DE, LESS THE WESTERLY 5.00
FEET AND LESS THE EASTERLY 10.00
FEET. PREPARED BY: MYRON E. BARKER,
PSM.

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

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

NANCY HEYRMAN
Notary Public
State of Wisconsin