



AGENDA REPORT  
August 20, 2019

**Petition to Vacate Public Utility Easement-Mims-Bruce and Edith Dimon-  
(District 1)**

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**SUBJECT:**

Petition to Vacate, Re: Public Utility and Drainage Easement – 2470 Sweetwater Court  
- “Sweetwater Downs” Plat Book 35, Page 81 - Mims – Bruce and Edith Dimon – District 1

**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 a public utility and drainage easement centered along the common line between Lots 3 and 4, “Sweetwater Downs” in Section 16, Township 21 South, Range 34 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 petitioners own Lots 3 and 4 and are requesting the vacating of two 10.00 ft. wide public utility and drainage easements centered along the common line between the lots to allow for the construction of a single-family home. Easement to be vacated contains 5,507 square feet, more or less.

August 05, 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. The property is located in Mims as follows: Begin at the intersection of I-95 and FL-46 (West Main Street); thence 3.70 miles west along FL-46; thence 0.01 miles south along Sweetwater Court to the vacant lot 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 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.

**ATTACHMENTS:**

**Description**

- **Exhibits**



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

September 12, 2019

Bruce and Edith Dimon  
2570 Frontier Drive  
Titusville, FL 32796

Dear Mr. Dimon:

Re: Resolution Vacating a Part of a Public Utility and Drainage Easement in Sweetwater Downs Subdivision, Mims

The Board of County Commissioners, in regular session on August 20, 2019, adopted Resolution No. 19-134, vacating a part of a public utility and drainage easement in Sweetwater Downs Subdivision, Mims, as petitioned by you. Said Resolution has been recorded in ORBK 8531, Pages 2426 through 2430. 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

/kp

Encl. (1)

cc: Amber Holley, Public Works



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

September 12, 2019

**M E M O R A N D U M**

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

**RE:** Advertising Bills for Resolution Vacating a Part of a Public Utility and Drainage Easement in Sweetwater Downs Subdivision, Mims

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-134, vacating a part of a public utility and drainage easement in Sweetwater Downs Subdivision, Mims, as petitioned by Bruce and Edith Dimon. Said Resolution was adopted by the Board of County Commissioners, in regular session on August 20, 2019.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

Resolution 2019 - 134

**Vacating a part of a public utility and drainage easement in "Sweetwater Downs" Subdivision, Mims, Florida, lying in Section 16, Township 21 South, Range 34 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **BRUCE AND EDITH DIMON** 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 20<sup>TH</sup> day of August, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Kristine Isnardi, Chair

As approved by the Board on:  
August 20, 2019

# LEGAL DESCRIPTION

SECTION 16, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PURPOSE OF DESCRIPTION: VACATE EASEMENT

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

## LEGAL DESCRIPTION:

THE TWENTY (20) FOOT PUBLIC UTILITY EASEMENT LYING TEN (10) FEET ON EACH SIDE OF THE COMMON BOUNDARY LINE BETWEEN LOTS 3 & 4, THAT LIES TEN (10) FEET WEST OF THE EAST LINE AND LIES SEVENTY (70) FEET EAST OF THE WEST LINE OF SAID LOTS 3 & 4, SWEETWATER DOWNS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE 81 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 5,507 SQUARE FEET.

## SURVEYOR'S NOTES:

- Bearing shown hereon are based on the CENTERLINE OF SWEETWATER COURT as being N 00°03'53" E, according to the Plat of SWEETWATER DOWNS as recorded in plat book 35, at page 81 of the Public Records of Brevard County, Florida.
- This survey is prepared and certified for the exclusive use of the client named hereon.
- Unless this sketch of survey bears the signature and raised seal of John W. Cooper PLS 5093, it is for information purposes only and is not a valid survey.
- Additions or deletions to this sketch of survey by other than the signing party is prohibited without written consent of the signing party.
- No underground utilities or improvements were located unless otherwise shown.

PREPARED FOR: BRUCE DIMON and EDITH DIMON  
BREVARD COUNTY BOARD OF COMMISSIONERS

 7/30/19  
 JOHN W. COOPER  
 Professional Land Surveyor No. 5093  
 State of Florida  
 NOT VALID UNLESS SIGNED & SEALED

PREPARED BY: JOHN W. COOPER LAND SURVEYING, INC.

ADDRESS: 2326 S. HOPKINS AVENUE, TITUSVILLE, FLORIDA 32780

PHONE: 321-268-5646 L.B. NO. 6544



DRAWN BY: GPL

CHECKED BY: JWC

DRAWING NO. 19-06-10

SECTION 16  
TOWNSHIP 21 SOUTH  
RANGE 34 EAST

DATE: 7/30/19

SHEET 1 OF 2

REVISIONS \_\_\_\_\_

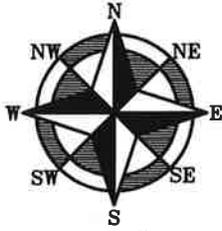
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SHEET 2 OF 2

SECTION 16, TOWNSHIP 21 SOUTH, RANGE 34 EAST

NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1 OF 2

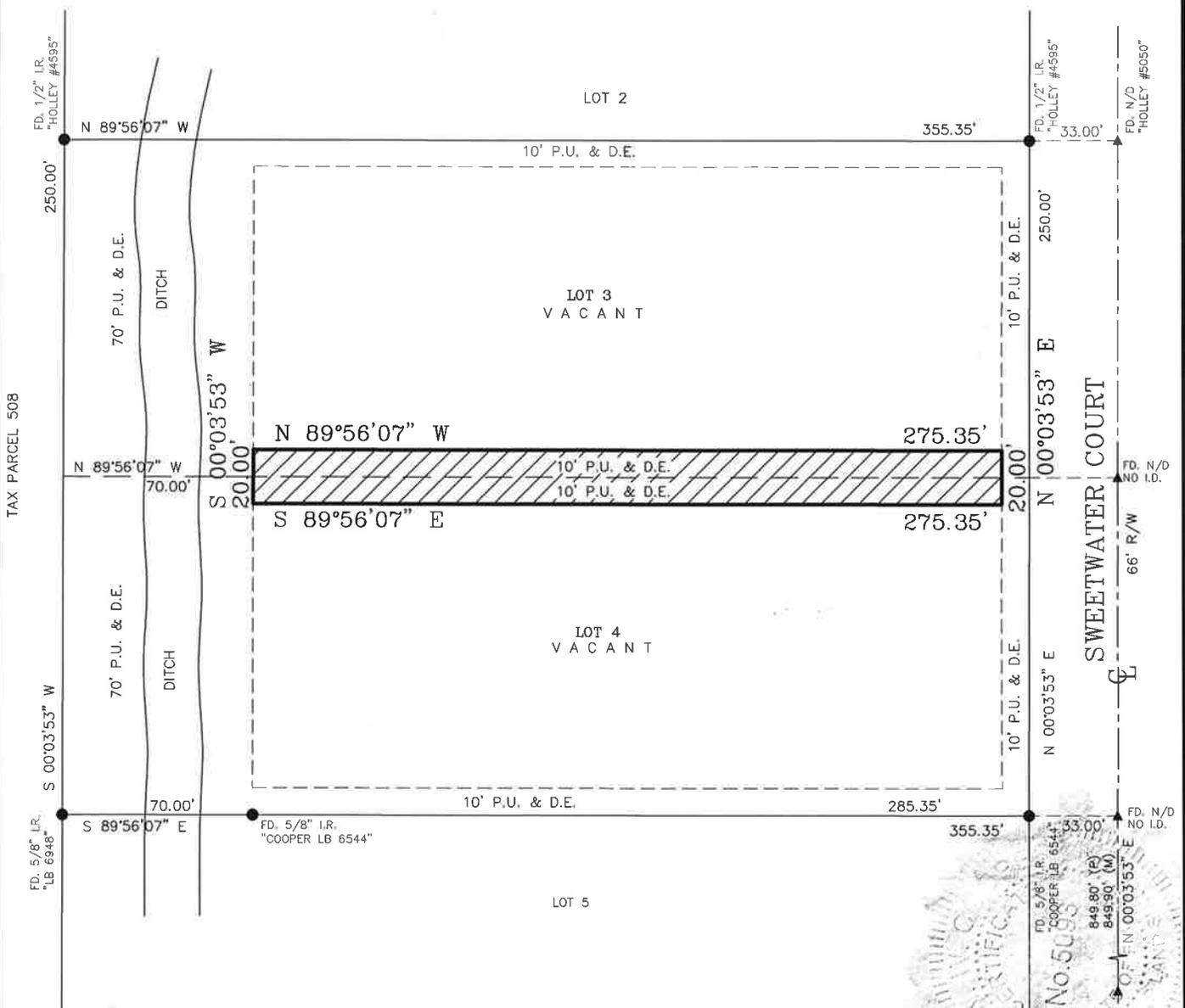
PURPOSE OF DESCRIPTION: VACATE EASEMENT



SCALE: 1" = 60'

LEGEND OF ABBREVIATIONS

⊕	CENTERLINE
I.D.	IDENTIFICATION
I.R.	IRON ROD
L.B.	LICENSED BUSINESS
N/D	NAIL & DISC
ORB	OFFICIAL RECORDS BOOK
P.U. & D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT
R/W	RIGHT OF WAY



SECTION 16, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PROJECT NO. 19-06-10

PREPARED BY: JOHN W. COOPER

A Daily Publication By:



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

AD#3712587 08/05/2019

LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
TWO 10.0 FT. WIDE PUBLIC UTILITY
EASEMENTS, PLAT OF "SWEETWATER
DOWNS" PLAT BOOK 35, PAGE 81, IN
SECTION 16, TOWNSHIP 21 SOUTH,
RANGE 34 EAST, MIMS, FL

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

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 BRUCE AND EDITH DIMON with
the Board of County Commissioners of
Brevard County, Florida, to request
vacating the following described prop-
erty, to wit:

Legal Notices

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

THE TWENTY (20) FOOT PUBLIC UTILITY
EASEMENT LYING TEN (10) FEET ON
EACH SIDE OF THE COMMON BOUND-
ARY LINE BETWEEN LOTS 3 & 4, THAT
LIES TEN (10) FEET WEST OF THE EAST
LINE AND LIES SEVENTY (70) FEET EAST
OF THE WEST LINE OF SAID LOTS 3 & 4,
SWEETWATER DOWNS ACCORDING TO
THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 35, PAGE 81 OF THE PUBLIC
RECORDS OF BREVARD COUNTY, FLORI-
DA, CONTAINING 5,507 SQUARE FEET
MORE OR LESS, PREPARED BY: JOHN W.
COOPER, PSM.

08/05/19

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.

The Board of County Commissioners will
hold a public hearing to determine the
advisability of such vacating of the
above-described easements at 9:00 A.M.
on August 20, 2019 at the Brevard Coun-
ty 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 tak-
en.

Sworn to and Subscribed before me this 5th of August
2019, by Shelly Hora who is personally known to me

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.

Affiant

Handwritten signature of Shelly Hora

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

Notary State of Wisconsin County of Brown

Handwritten signature of Vicky Felty

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.

My commission expires

Handwritten date 9-19-21



Publication Cost: \$213.90
Ad No: 0003712587
Customer No: BRE-6BR327

A Daily Publication By:



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

AD#3748994 8/25/2019  
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN SWEETWATER DOWNS SUBDIVISION, LYING IN SECTION 16, TOWNSHIP 21 SOUTH, RANGE 34 EAST, MIMS - BRUCE AND EDITH DIMON

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 20th day of August 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Sweetwater Downs Subdivision, lying in Section 16, Township 21 South, Range 34 East, Mims, as petitioned by Bruce and Edith Dimon.

SEE ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION:

EXHIBIT "A"  
THE TWENTY (20) FOOT PUBLIC UTILITY EASEMENT LYING TEN (10) FEET ON EACH SIDE OF THE COMMON BOUNDARY LINE BETWEEN LOTS 3 & 4, THAT LIES TEN (10) FEET WEST OF THE EAST LINE AND LIES SEVENTY (70) FEET EAST OF THE WEST LINE OF SAID LOTS 3 & 4, SWEETWATER DOWNS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE 81 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 5,507 SQUARE FEET MORE OR LESS PREPARED BY: JOHN W. COOPER, PSM.

The Board further renounced and disclaimed 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

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared Aura Rubel, 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:

08/25/19

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 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 27th of August 2019, by Aura Rubel who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$206.96  
Ad No: 0003748994  
Customer No: BRE-6BR327



# Appraiser's Detail Sheet



**Brevard County Property Appraiser**  
Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-8700  
<https://www.bcpao.us>

## PROPERTY DETAILS

Account	2100792
Owners	Dimon, Bruce; Dimon, Edith
Mailing Address	2470 Sweetwater CT Mims FL 32754
Site Address	2470 Sweetwater CT Mims FL 32754
Parcel ID	21-34-16-50-*3
Property Use	0010 - Vacant Residential Land (Single Family, Platted)
Exemptions	None
Taxing District	1300 - Unincorp District 1
Total Acres	1.02
Subdivision	Sweetwater Downs
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0035/0081
Land Description	Sweetwater Downs Lot 3

## VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$8,000	\$7,200	\$7,200
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$7,920	\$7,200	\$7,200
Assessed Value School	\$8,000	\$7,200	\$7,200
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$7,920	\$7,200	\$7,200
Taxable Value School	\$8,000	\$7,200	\$7,200

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/03/2019	\$50,000	WD	Vacant	8341/2954
09/05/2003	\$30,000	WD	Vacant	5046/1689
10/01/1993	-	PT	Vacant	3335/3928
06/01/1993	-	PT	Vacant	3298/0319

No Data Found

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lots 3, Sweetwater Downs, Bruce and Edith Dimon, 2470 Sweetwater Court, Mims, Section 16, Township 21 South, Range 34 East, District 1

# Appraiser's Detail Sheet



**Brevard County Property Appraiser**  
 Titusville • Merritt Island • Viera • Melbourne • Palm Bay  
 PROPERTY DETAILS

Phone: (321) 264-6700  
<https://www.bcpao.us>

Account	2100793
Owners	Dimon, Bruce; Dimon, Edith
Mailing Address	2470 Sweetwater CT Mims FL 32754
Site Address	Not Assigned
Parcel ID	21-34-16-50-4
Property Use	0010 - Vacant Residential Land (Single Family, Platted)
Exemptions	None
Taxing District	1300 - Unincorp District 1
Total Acres	1.02
Subdivision	Sweetwater Downs
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0035/0081
Land Description	Sweetwater Downs Lot 4

### VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$8,000	\$7,200	\$7,200
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$7,920	\$7,200	\$7,200
Assessed Value School	\$8,000	\$7,200	\$7,200
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$7,920	\$7,200	\$7,200
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09/05/2003	\$30,000	WD	Vacant	5046/1689
10/01/1993	-	PT	Vacant	3335/3928
06/01/1993	-	PT	Vacant	3298/0319

No Data Found

Fig. 2: Copy of Brevard County Property Appraiser's detail sheet for Lots 4, Sweetwater Downs, Bruce and Edith Dimon, 2470 Sweetwater Court, Mims, Section 16, Township 21 South, Range 34 East, District 1

## Vicinity Map

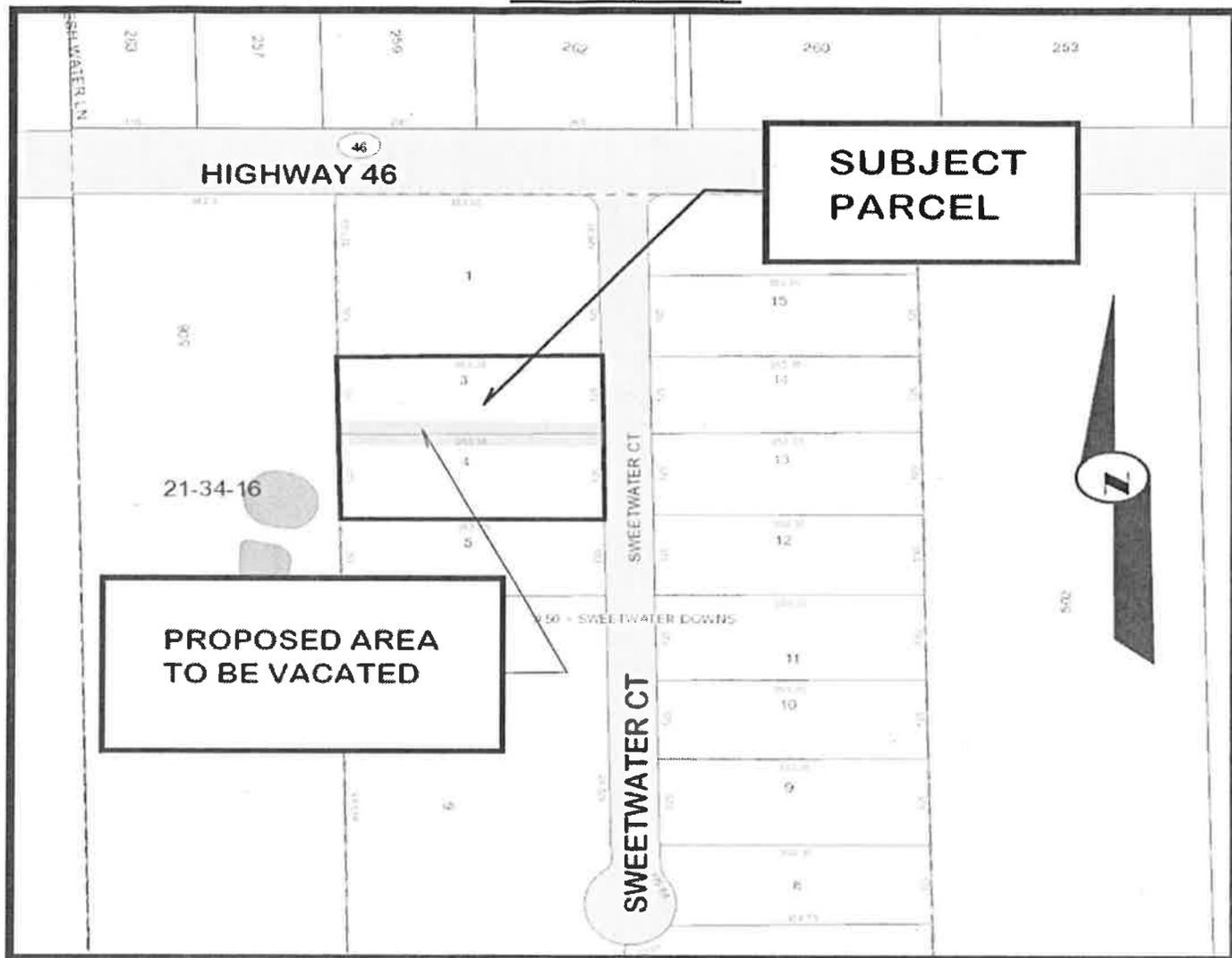


Fig. 3: Map of Lots 3 & 4, Sweetwater Downs, 2470 Sweetwater Court

Bruce & Edith Dimon – Lots 3 & 4, “Sweetwater Downs” (Plat Book 35, Page 81) – 2470 Sweetwater Court – Section 16, Township 21 South, Range 34 East – District 1 – Proposed Vacating of two 10.0 ft. Wide Public Utility and Drainage Easements along the Common Lot Line

## Aerial Map

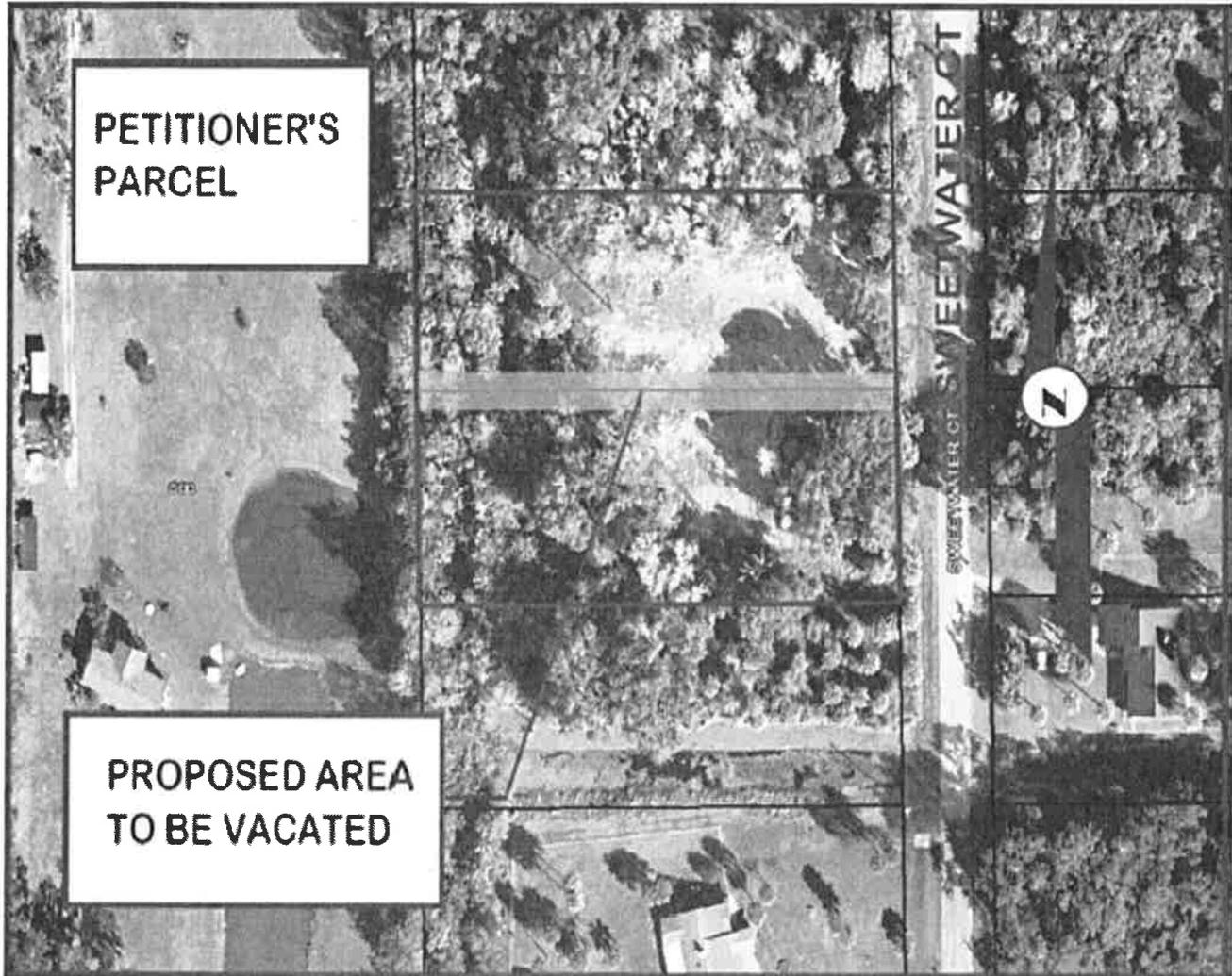


Fig. 4: Map of aerial view of lots 3 and 4, Sweetwater Downs, 2470 Sweetwater Court, Mims, FL

Bruce & Edith Dimon – Lots 3 & 4, “Sweetwater Downs” (Plat Book 35, Page 81) – 2470 Sweetwater Court – Section 16, Township 21 South, Range 34 East – District 1 – Proposed Vacating of two 10.0 ft. Wide Public Utility and Drainage Easements along the Common Lot Line



# Petitioner's Deed: 1 of 2

CFN 2019002041, OR BK 8341 Page 2954, Recorded 01/04/2019 at 09:42 AM Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$350.00

2

Prepared by and Return To:  
Gilini Juarez  
Fidelity National Title of Florida, Inc  
320 Indian River Avenue  
Titusville, FL 32796

Order No.: 28-18-0687

For Documentary Stamp Tax purposes the consideration is \$50,000.00

Doc Stamp: \$350 00

APN/Parcel ID(s): 21-34-16-50-3 and  
21-34-16-50-4

Tax/Map ID(s) 2100792  
2100793

## WARRANTY DEED

THIS WARRANTY DEED dated January 3, 2019, by David A. Abbey and Joyce M. Abbey, husband and wife, hereinafter called the grantor, to Bruce Dimon and Edith Dimon, husband and wife, whose post office address is 2570 Frontier Drive, Titusville, FL 32796, hereinafter called the grantee

(Wherever used herein 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 No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Brevard, State of Florida, to wit:

Lot (s) 3 and 4, Sweetwater Downs, according to the map or plat thereof, as recorded in Plat Book 35, Page(s) 81, of the Public Records of Brevard County, Florida

Subject to easements, restrictions, reservations and limitations of record, if any.

The property being conveyed/mortgaged hereby, is vacant land and, to the best of grantor's knowledge, has never been improved with a structure that could have been utilized as a residence and/or mobile home. The property is not now, nor has it ever been, nor was it ever intended to be the homestead of the grantor, the grantor's spouse, and/or minor children, if any. Nor is it contiguous with or adjacent to such homestead. The grantor's residence is at the street or post office address designated below.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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; that the grantor hereby fully 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, 2018.

Fig. 6: Copy of deed of sale for lots 3 and 4, Sweetwater Downs, 2470 Sweetwater Court, Mims, FL to Bruce and Edith Dimon on January 03, 2019.

# Petitioner's Deed: 2 of 2

OR BK 8341 PG 2955

## WARRANTY DEED (continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below  
Signed, Sealed and Delivered in the presence of

[Signature]  
Witness Signature

LISA MASIER  
Print Name

[Signature]  
Witness Signature

Gilinni F. Juarez  
Print Name

[Signature]  
David A. Abbey

[Signature]  
Joyce M. Abbey

Address: 6575 Birch Drive  
Cocoa, FL 32927

State of FL  
County of Brevard

The foregoing instrument was acknowledged before me this 3rd day of Jan  
2019 by David A. Abbey & Joyce M. Abbey, to me known to be the  
person(s) described in or who has/have produced \_\_\_\_\_ as identification and who  
executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same

Witness my hand and official seal in the County and State last aforesaid this 3rd day of  
January, 2019

[Signature]

NOTARY PUBLIC  
My Commission Expires Gilinni F. Juarez



Fig. 7: Copy of deed of sale for lots 3 and 4, Sweetwater Downs, 2470 Sweetwater Court, Mims, FL to Bruce and Edith Dimon on January 03, 2019.



# Petitioner's Sketch & Description Sheet 1 of 2

<u>LEGAL DESCRIPTION</u>		SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2	
SECTION 16, TOWNSHIP 21 SOUTH, RANGE 34 EAST			
PURPOSE OF DESCRIPTION: VACATE EASEMENT			
 <u>LEGAL DESCRIPTION:</u>  THE TWENTY (20) FOOT PUBLIC UTILITY EASEMENT LYING TEN (10) FEET ON EACH SIDE OF THE COMMON BOUNDARY LINE BETWEEN LOTS 3 & 4, THAT LIES TEN (10) FEET WEST OF THE EAST LINE AND LIES SEVENTY (70) FEET EAST OF THE WEST LINE OF SAID LOTS 3 & 4, SWEETWATER DOWNS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE 81 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 5,507 SQUARE FEET.			
 <u>SURVEYOR'S NOTES:</u>			
1. Bearing shown hereon are based on the CENTERLINE OF SWEETWATER COURT as being N 00°03'53" E, according to the Plat of SWEETWATER DOWNS as recorded in plot book 35, at page 81 of the Public Records of Brevard County, Florida.		5. No underground utilities or improvements were located, unless otherwise shown.	
2. This survey is prepared and certified for the exclusive use of the client named hereon.			
3. Unless this sketch of survey bears the signature and raised seal of John W. Cooper PLS 5093, it is for information purposes only and is not a valid survey.			
4. Additions or deletions to this sketch of survey by other than the signing party is prohibited without written consent of the signing party.			
PREPARED FOR: BRUCE DIMON and EDITH DIMON BREVARD COUNTY BOARD OF COMMISSIONERS		 7/30/19 JOHN W. COOPER Professional Land Surveyor No. 5093 State of Florida NOT VALID UNLESS SIGNED & SEALED	
PREPARED BY: JOHN W. COOPER LAND SURVEYING, INC.			
ADDRESS: 2326 S. HOPKINS AVENUE, TITUSVILLE, FLORIDA 32780			
PHONE: 321-268-5646 L.B. NO. 6544			
DRAWN BY: <u>GPL</u>	CHECKED BY: <u>JWC</u>	DRAWING NO. <u>19-06-10</u>	SECTION <u>16</u>
DATE: <u>7/30/19</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS _____	TOWNSHIP 21 SOUTH
			RANGE 34 EAST

Fig. 9: Copy of legal description sheet 1 of 2 for lots 3 and 4, Sweetwater Downs.

# Petitioner's Sketch & Description Sheet 2 of 2

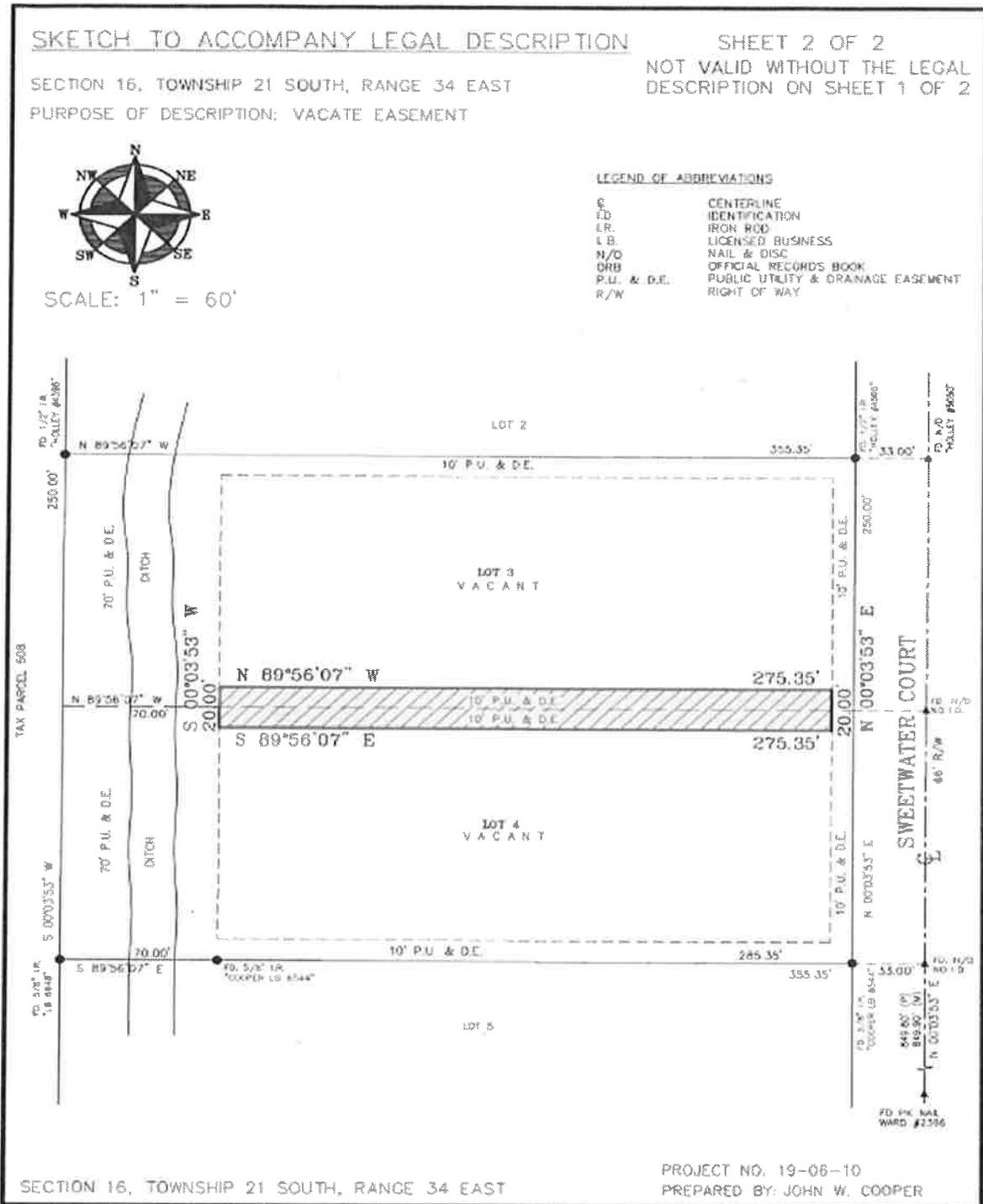


Fig. 10: Copy of sketch sheet 2 of 2 of lots 3 and 4, Sweetwater Downs.



## Public Hearing Legal Advertisement

Florida Today | Legal Notices

AD#3712587 08/05/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF TWO 10.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "SWEETWATER DOWNS" PLAT BOOK 35, PAGE 81, IN SECTION 16, TOWNSHIP 21 SOUTH, RANGE 34 EAST, MIMS, 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 BRUCE AND EDITH DIMON with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THE TWENTY (20) FOOT PUBLIC UTILITY EASEMENT LYING TEN (10) FEET ON EACH SIDE OF THE COMMON BOUNDARY LINE BETWEEN LOTS 3 & 4, THAT LIES TEN (10) FEET WEST OF THE EAST LINE AND LIES SEVENTY (70) FEET EAST OF THE WEST LINE OF SAID LOTS 3 & 4, SWEETWATER DOWNS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE 81 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 5,507 SQUARE FEET MORE OR LESS. PREPARED BY: JOHN W. COOPER, PSM. The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easements at 9:00 A.M. on August 20, 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.

Fig. 12: Copy of public hearing advertisement as published on August 5, 2019.