



AGENDA REPORT
December 4, 2018

Petition to Vacate Public Utility Easement-Melbourne-Mark J. and Lesa N. Lorusso-(District 4)

SUBJECT:

Petition to Vacate, Re: Public Utility Easement – “Suntree Woods” Plat Book 40, Page 15 – Melbourne – Mark J. and Lesa N. Lorusso – 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 a public utility easement along the northwest line of Lot 6, “Suntree Woods” Plat Book 40, Page 15 in Section 12, Township 26 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 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements.

The petitioners own Lot 6 and are requesting the vacating of a portion of the 20.00 ft. wide public utility easement to remove the existing residence out of said easement. Easement to be vacated contains 73.4 square feet, more or less.

November 19, 2018, 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 Melbourne as follows: Begin at the intersection of S.R. 509 (North Wickham Road) and Pinehurst Ave.; thence 1.05 miles north along Pinehurst Ave.; thence 0.05 miles west along Dante Drive; thence 0.06 miles east on Suntree Woods Drive to the residence on the east (left).

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

January 4, 2019

MEMORANDUM

TO: Dan Jones, Interim Public Works Director Attn: Amber Holley

RE: Advertising Bills for Resolution Vacating a Part of a Public Utility Easement in
Suntree Woods Subdivision Plat Book 40, Page 15, Melbourne

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 18-189, vacating a part of a public utility easement in Suntree Woods Subdivision Plat Book 40, Page 15, Melbourne, as petitioned by Mark J. and Lesa N. Lorusso. Said Resolution was adopted by the Board of County Commissioners, in regular session on December 4, 2018.

Your continued cooperation is always appreciated.

Sincerely,

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

January 4, 2019

Mark J. and Lesa N. Lorusso
800 Suntree Woods Drive
Melbourne, FL 32940

Dear Mr. & Mrs. Lorusso:

Re: Resolution Vacating a Part of a Public Utility Easement in Suntree Woods Subdivision
Plat Book 40, Page 15, Melbourne

The Board of County Commissioners, in regular session on December 4, 2018, adopted Resolution No. 18-189, vacating a part of a public utility easement in Suntree Woods Subdivision Plat Book 40, Page 15, Melbourne, as petitioned by you. Said Resolution has been recorded in ORBK 8340, Pages 2371 through 2375. 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: Amber Holley, Public Works

RESOLUTION 2018 - 189

**VACATING A PART OF A PUBLIC UTILITY EASEMENT IN "SUNTREE WOODS"
SUBDIVISION PLAT BOOK 40, PAGE 15, MELBOURNE, FLORIDA, LYING IN SECTION, 12,
TOWNSHIP 26 SOUTH, RANGE 36 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MARK J. AND LESA N. LORUSSO** with the Board of County Commissioners to vacate a portion of a public utility 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 easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public utility 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.

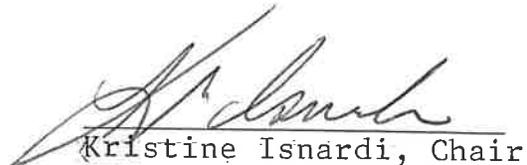
DONE, ORDERED AND ADOPTED, in regular session, this 4TH day of December, 2018 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Kristine Isnardi, Chair

As approved by the Board on: Dec . 4 , 2018
December 4, 2018

EXHIBIT "A"

SKETCH & DESCRIPTION

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARCEL ID# 26-36-12-PZ-*--6

PURPOSE OF SURVEY:
VACATION OF PORTION OF SIDE UTILITY
EASEMENT ON LOT 6 SHOWN HEREON.

OFFICIAL COURT USE ONLY (CFN#)

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH
ON SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION (BY SURVEYOR):

DESCRIPTION OF PARENT TRACT: LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

DESCRIPTION OF PORTION OF PLATTED 20 FOOT SIDE UTILITY EASEMENT TO BE VACATED: COMMENCE AT THE NORTHWEST CORNER OF LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N 62°45'15" E ALONG THE NORTHERLY LINE OF SAID LOT 6 A DISTANCE OF 41.26 FEET, THENCE RUN S 27°14'45" E, A DISTANCE OF 9.48 FEET TO A POINT ON THE ROOF OVERHANG OF THE EXISTING BUILDING KNOWN AS 800 SUNTREE WOODS DRIVE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT VACATION, FROM SAID POINT OF BEGINNING, RUN N 82°06'09" E, A DISTANCE OF 22.53 FEET ALONG AFOREMENTIONED ROOF OVERHANG TO A POINT ON THE SOUTHERLY LINE OF THE EXISTING 20 FOOT PLATTED UTILITY EASEMENT, THENCE RUN S 69°02'31" W, ALONG THE SOUTHERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 27.12 FEET TO A POINT ON THE AFOREMENTIONED ROOF OVERHANG, THENCE RUN N 07°36'16" W, A DISTANCE OF 2.28 FEET ALONG SAID ROOF OVERHANG, THENCE RUN N 37°20'24" E, ALONG SAID ROOF OVERHANG A DISTANCE OF 5.46 FEET TO THE POINT OF BEGINNING. CONTAINING 73.4 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

NOTES:

1. BEARINGS BASED ON THE ASSUMPTION THAT THE NORTHERLY LINE OF LOT 6 BEARS N 62°45'15" E, SAID BEARING BEING IDENTICAL TO BEARING SHOWN ON PLAT.
2. ALL MONUMENTS FOUND WITH CAP IDENTIFICATION HAVE THE CAP IDENTIFICATION SHOWN, IF THE CORNER HAD NO CAP IDENTIFICATION ONLY THE SIZE AND MATERIAL ARE SHOWN.
3. NO UNDERGROUND IMPROVEMENTS OF ANY KIND HAVE BEEN LOCATED ON THIS SKETCH.
4. THIS SKETCH WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR, THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
5. THIS SKETCH WAS PREPARED FOR THE EXCLUSIVE USE OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER PERSON OR ENTITY.
6. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. A COMPARISON BETWEEN RECORDED DIRECTIONS AND DISTANCES WITH FIELD MEASURED DIRECTIONS AND DISTANCES ARE SHOWN ONLY IF THEY VARY.
8. THE INFORMATION SHOWN ON THIS SKETCH & DESCRIPTION ARE BASED ON A SURVEY PERFORMED BY SPACE COAST SURVEYING INC. JOB NUMBER 31813 DATE OF FIELD WORK 05-31-2018.

PREPARED FOR:
MARK LORUSSO & LESA LORUSSO

JAMES R. YORIO, P.S.M. NO. 5693
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: SPACE COAST SURVEYING INC.
ADDRESS: 1600 WEST EAU GALLIE BLVD. SUITE 203, MELBOURNE, FL. 32935
PHONE: (321)253-5509

DRAWN BY: J.R.Y. CHECKED BY: J.R.Y.
DATE: 9-28-2018 SHEET 1 OF 2

DRAWING NO. 31813AA SECTION 12
REVISIONS _____ TOWNSHIP 26 SOUTH
RANGE 36 EAST

EXHIBIT 'A'

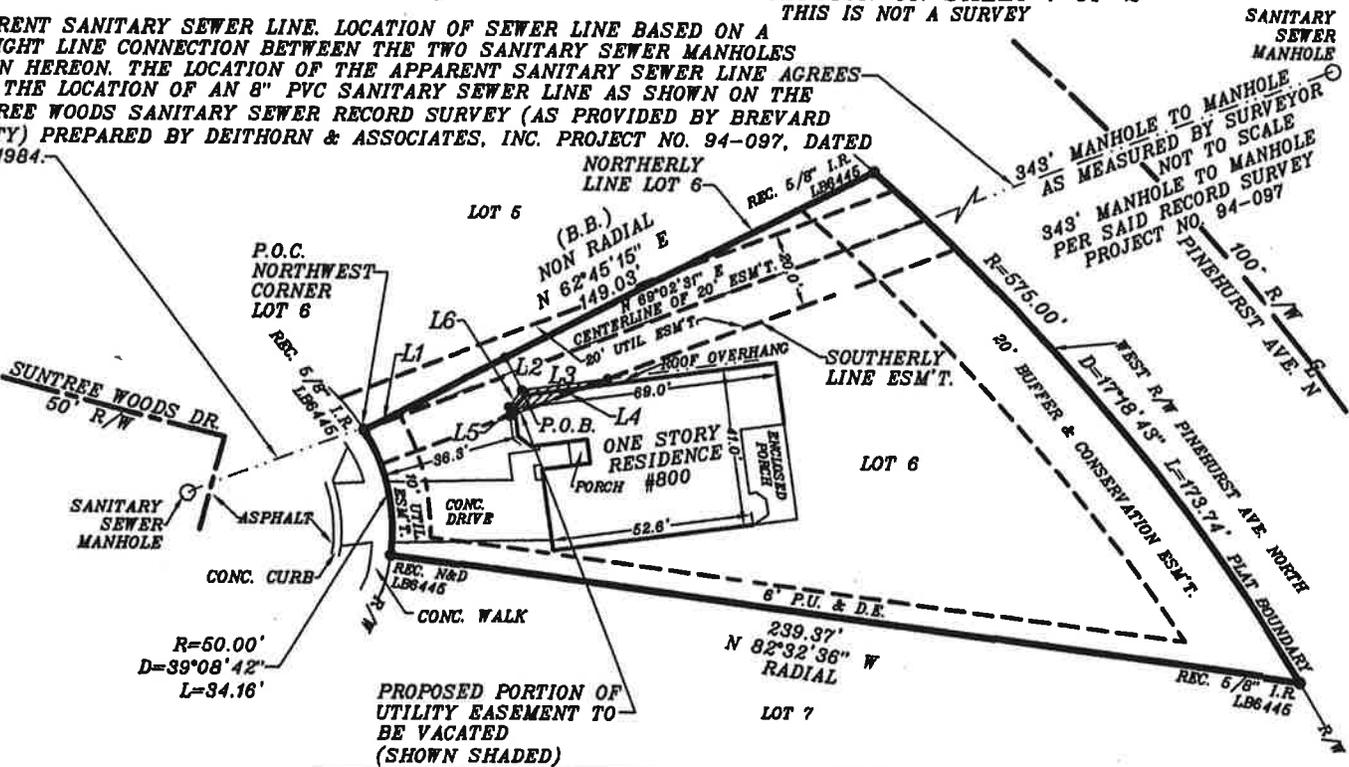
SKETCH & DESCRIPTION

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID# 26-36-12-PZ-*-6

OFFICIAL COURT USE ONLY (CFN#)

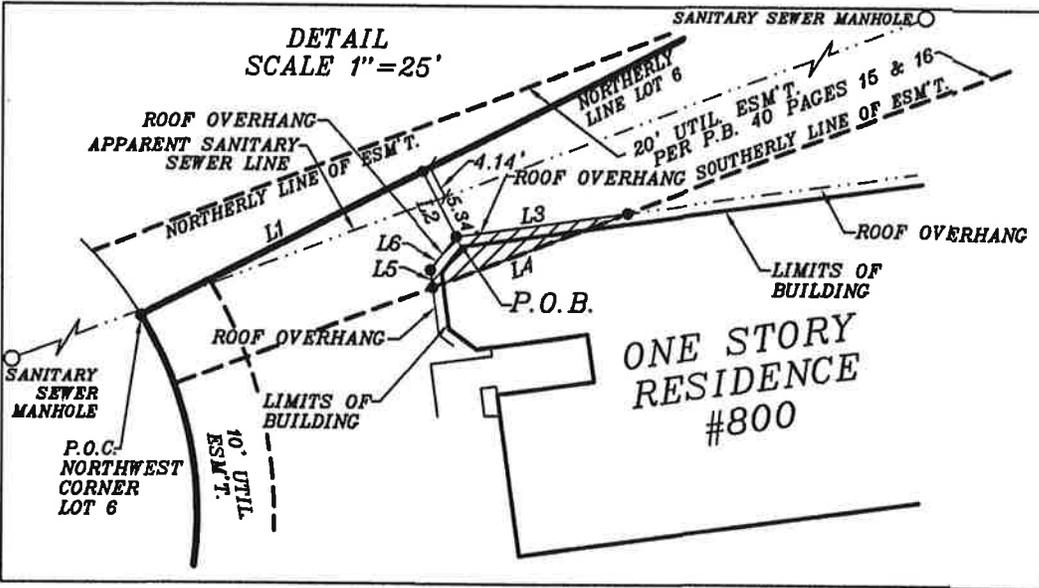
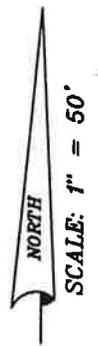
SHEET 2 OF 2
 NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2
 THIS IS NOT A SURVEY

APPARENT SANITARY SEWER LINE. LOCATION OF SEWER LINE BASED ON A STRAIGHT LINE CONNECTION BETWEEN THE TWO SANITARY SEWER MANHOLES SHOWN HEREON. THE LOCATION OF THE APPARENT SANITARY SEWER LINE AGREES WITH THE LOCATION OF AN 8" PVC SANITARY SEWER LINE AS SHOWN ON THE SUNTREE WOODS SANITARY SEWER RECORD SURVEY (AS PROVIDED BY BREVARD COUNTY) PREPARED BY DEITHORN & ASSOCIATES, INC. PROJECT NO. 94-097, DATED 3-9-1984.



LINE TABLE

L1= N 62°45'15" E 41.26'
 L2= S 27°14'45" E 9.48'
 L3= N 82°06'09" E 22.53'
 L4= S 69°02'31" W 27.12'
 L5= N 07°36'16" W 2.28'
 L6= N 37°20'24" E 5.46'



SECTION 12, TOWNSHIP 26
 SOUTH, RANGE 36 EAST

PROJECT NO. 31813AA
 PREPARED BY: SPACE COAST SURVEYING INC.
 1600 WEST EAU GALIE BLVD. SUITE 203
 MELBOURNE, FL. 32935 (321)253-5509



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

AD#3257091, 11/19/2018
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF THE PLATTED 20.0 FOOT SIDE UTILITY EASEMENT, PLAT OF "SUNTREE WOODS" PLAT BOOK 40, PAGES 15 AND 16, IN SECTION 12, 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 MARK J. AND LESA N. LORUSSO with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared Morgan Maguire, 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

DESCRIPTION OF PARENT TRACT: LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Legal Notices

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

11/19/18

DESCRIPTION OF PORTION OF PLATTED 20 FOOT SIDE UTILITY EASEMENT TO BE VACATED: COMMENCE AT THE NORTHWEST CORNER OF LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N 62°45'15" E ALONG THE NORTHERLY LINE OF SAID LOT 6 A DISTANCE OF 41.26 FEET, THENCE RUN S 27°14'45" E, A DISTANCE OF 9.48 FEET TO A POINT ON THE ROOF OVERHANG OF THE EXISTING BUILDING KNOWN AS 800 SUNTREE WOODS DRIVE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HERIN DESCRIBED EASEMENT VACATION, FROM SAID POINT OF BEGINNING, RUN N 82°06'09" E, A DISTANCE OF 22.53 FEET ALONG AFOREMENTIONED ROOF OVERHANG TO A POINT ON THE SOUTHERLY LINE OF THE EXISTING 20 FOOT PLATTED UTILITY EASEMENT, THENCE RUN S 69°02'31" W, ALONG THE SOUTHERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 27.12 FEET TO A POINT ON THE AFOREMENTIONED ROOF OVERHANG, THENCE RUN N 07°36'16" W, A DISTANCE OF 2.28 FEET ALONG SAID ROOF OVERHANG, THENCE RUN N 37°20'24" E, ALONG SAID ROOF OVERHANG A DISTANCE OF 5.46 FEET TO THE POINT OF BEGINNING, CONTAINING 73.4 SQUARE FEET MORE OR LESS. PREPARED BY: JAMES R. YORIO, PSM

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.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on December 04, 2018 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.

Sworn to and Subscribed before me this 20th of December 2018, by Morgan Maguire 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 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.

Morgan Maguire signature

Affiant

Melanie Altz signature

Notary Melanie Altz



Publication Cost: \$295.40
Ad No: 0003257091
Customer No: BRE-6BR327



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

Ad#3298778 12/17/18
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY EASEMENT IN SUNTREE WOODS SUBDIVISION, PLAT BOOK 40, PAGE 15, MELBOURNE - MARK J. AND LESA N. LORUSSO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 4th day of December 2018, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility easement in Suntree Woods Subdivision, Plat Book 40, Page 15, Melbourne, as petitioned by Mark J. and Lesa N. Lorusso.

LEGAL DESCRIPTION:

EXHIBIT "A"

DESCRIPTION OF PARENT TRACT: LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
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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

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared, 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:

12/17/18

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 18th of December 2018, by who is personally known to me

Handwritten signature of the affiant.

Affiant

Handwritten signature of the notary.

Notary



Publication Cost: \$230.20
Ad No: 0003298778
Customer No: BRE-6BR327



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.: 0003298778
Pymt Method Invoice
Net Amt: \$230.20

Run Times: 1

No. of Affidavits: 1

Run Dates: 12/17/18

Text of Ad:

Ad#3298778 12/17/18
LEGAL NOTICE

RESOLUTION VACATING A PART OF A
PUBLIC UTILITY EASEMENT IN SUNTREE
WOODS SUBDIVISION, PLAT BOOK 40,
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SQUARE FEET MORE OR LESS. PREPARED
BY: JAMES R. YORIO, 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
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

Donna Scott

From: LEGALS, BRE <BRELEGALS@gannett.com>
Sent: Wednesday, December 05, 2018 3:23 PM
To: Donna Scott
Subject: FL Today Legal Advertising Holiday Deadline Alert

*This is an Automatic Reply Message to let you know your email has been received. Below is general information that applies to both our invoiced customers with accounts as well as private citizens.



Running on 11/22

Our Legal office will be CLOSED on Thanksgiving, Thursday, November 22nd.

***Please see below for deadline changes due to the holiday.**

Thank you for e-mailing Florida Today Media Group Legal Advertising Department. Ads placed by private individuals will be accepted on a payment-in advance basis only.

AD SUBMISSION GUIDELINES

If you e-mail or fax Legal Ad(s) to us, please provide the following information:

- Account name and number
- Billing telephone number
- Contact person
- Preferred publishing dates
- Number of affidavits needed
- Address affidavit should be sent to, if different from billing.
- P.O. number (applicable to government accounts and agency advertisers)
- Daily rates apply to Monday thru Saturday run schedule. Sunday rate for Sunday.

Your notice will be published on the next available publication date unless otherwise requested.

Changes in Deadlines For The Week Of Thanksgiving Are As Follows:

<u>Date of Publication</u>	<u>Deadline</u>
Thursday 11/22	Monday 11/19, 4pm
Friday 11/23	Monday 11/19, 4pm
Saturday 11/24	Tuesday 11/20, 3pm
Sunday 11/25	Tuesday 11/20, 3pm
Monday 11/26	Tuesday 11/20, 3pm

We appreciate your business.

If you need further assistance, please contact us at @ 888-516-9220

Office hours Monday – Sunday 8:30am-5pm.

Have a happy and safe holiday!



** Please note: An Affidavit of Publication (which is your notarized proof that you legally published your notice in the newspaper) will be charged and automatically added to your invoice unless you let us know **in writing** that you do not wish to have one.

LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY EASEMENT IN SUNTREE WOODS SUBDIVISION, PLAT BOOK 40, PAGE 15, MELBOURNE – MARK J. AND LESA N. LORUSSO

TO WHOM IT MAY CONCERN:

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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 22, 2018, issue of the Florida TODAY.

Bill the Board of County Commissioners Account Number 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**

LEGAL DESCRIPTION:

EXHIBIT "A"

DESCRIPTION OF PARENT TRACT: LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

DESCRIPTION OF PORTION OF PLATTED 20 FOOT SIDE UTILITY EASEMENT TO BE VACATED: COMMENCE AT THE NORTHWEST CORNER OF LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N 62°45'15" E ALONG THE NORTHERLY LINE OF SAID LOT 6 A DISTANCE OF 41.26 FEET, THENCE RUN S 27°14'45" E, A DISTANCE OF 9.48 FEET TO A POINT ON THE ROOF OVERHANG OF THE EXISTING BUILDING KNOWN AS 800 SUNTREE WOODS DRIVE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT VACATION, FROM SAID POINT OF BEGINNING, RUN N 82°06'09" E, A DISTANCE OF 22.53 FEET ALONG AFOREMENTIONED ROOF OVERHANG TO A POINT ON THE SOUTHERLY LINE OF THE EXISTING 20 FOOT PLATTED UTILITY EASEMENT, THENCE RUN S 69°02'31" W, ALONG THE SOUTHERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 27.12 FEET TO A POINT ON THE AFOREMENTIONED ROOF OVERHANG, THENCE RUN N 07°36'16" W, A DISTANCE OF 2.28 FEET ALONG SAID ROOF OVERHANG, THENCE RUN N 37°20'24" E, ALONG SAID ROOF OVERHANG A DISTANCE OF 5.46 FEET TO THE POINT OF BEGINNING. CONTAINING 73.4 SQUARE FEET MORE OR LESS.
PREPARED BY: JAMES R. YORIO, PSM

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PREPARED BY: JAMES R. YORIO, PSM



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

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

Account	2617126
Owners	Lorusso, Mark J; Lorusso, Lesa N
Mailing Address	800 Suntree Woods Dr Melbourne FL 32940
Site Address	800 Suntree Woods Dr Melbourne FL 32940
Parcel ID	26-36-12-PZ-*6
Property Use	0110 - Single Family Residence
Exemptions	HEX1 - Homestead First HEX2 - Homestead Additional
Taxing District	4200 - Unincorp District 4
Total Acres	0.38
Subdivision	Suntree Woods
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0040/0015
Land Description	Suntree Woods Lot 6



VALUE SUMMARY

Category	2017	2016	2015
Total Market Value	\$207,160	\$195,950	\$179,930
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$132,030	\$129,320	\$128,430
Assessed Value School	\$132,030	\$129,320	\$128,430
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	\$82,030	\$79,320	\$78,430
Taxable Value School	\$107,030	\$104,320	\$103,430

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
05/25/2007	\$250,000	WD	Improved	5783/1446
05/23/2002	\$169,900	WD	Improved	4603/3642
12/04/2001	\$30,000	WD	Vacant	4479/3866

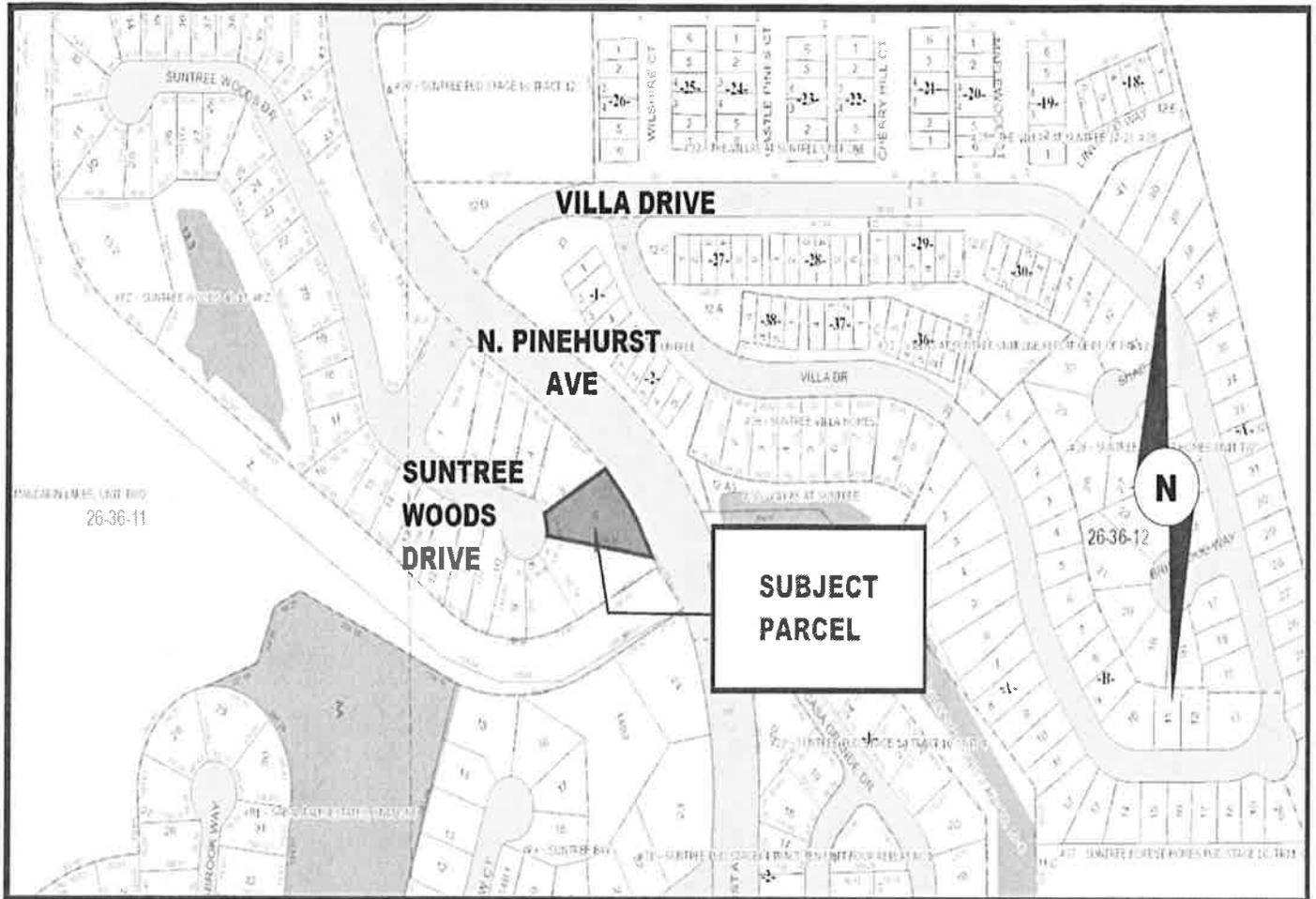
BUILDINGS

PROPERTY DATA CARD #1

Building Use	Year Built	Story Height	Floors	Residential Units	Commercial Units
0110 - Single Family Residence	2002	10	1	1	0

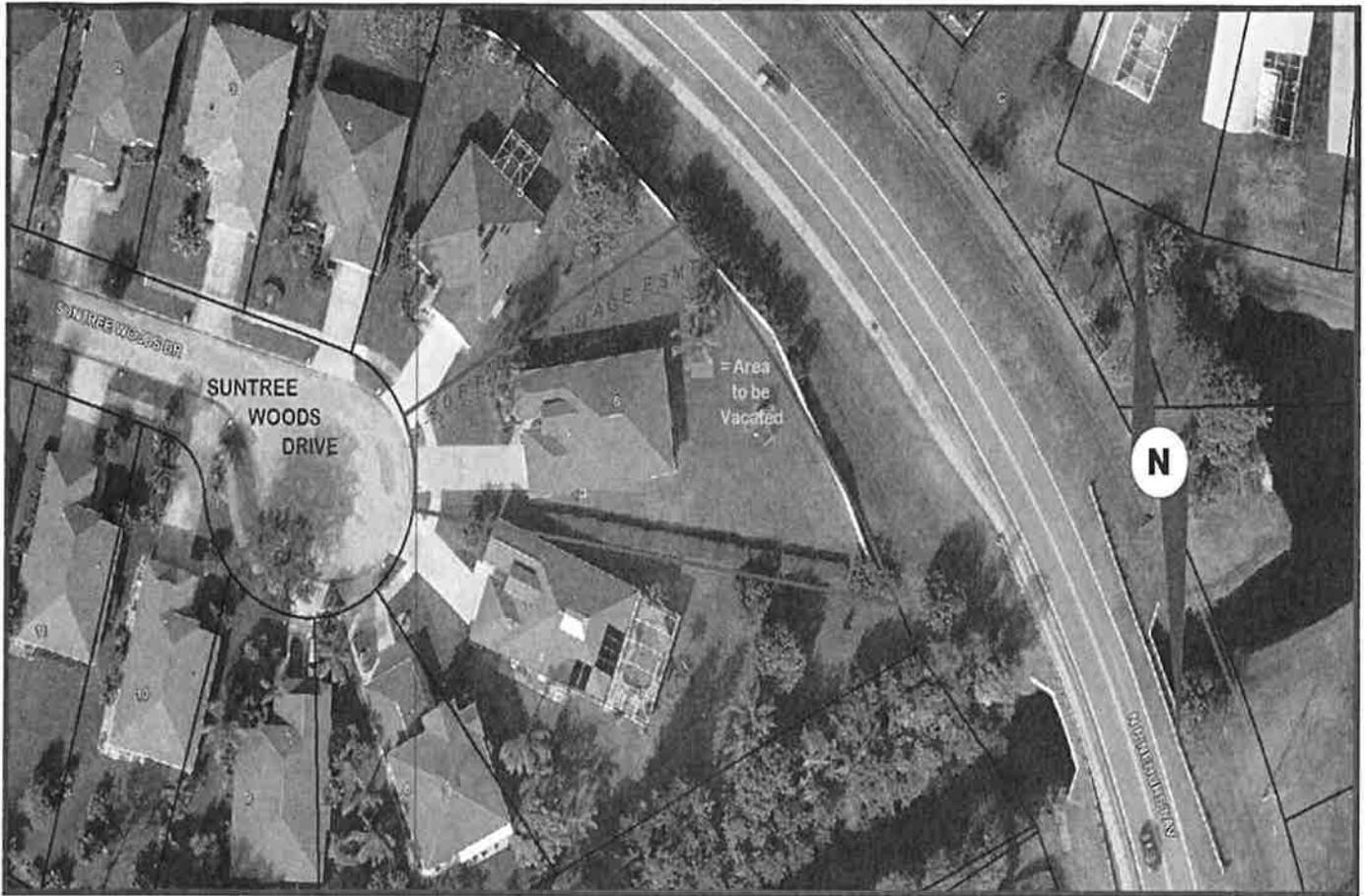
Materials	Sub Areas		
Exterior Wall:	Stucco	Base Area (1st)	1848
Frame:	Masnryconc	Garage	456
Roof:	Asph/Asb Shngl	Open Porch	35
Roof Structure:	Hip/Gable	Screen Porch	285
		Total Base Area	1848
		Total Sub Area	2624

Extra Features	Additional Extra Features
No Data Found	No Data Found



VICINITY MAP

Mark J. and Lesa N. Lorusso – Lot 6, “Suntree Woods” (Plat Book 40, Page 15) – 800 Suntree Woods Drive – Section 12, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a 20.0 ft. Wide Public Utility Easement



AERIAL MAP

Mark J. and Lesa N. Lorusso – Lot 6, “Suntree Woods” (Plat Book 40, Page 15) – 800 Suntree Woods Drive – Section 12, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a 20.0 ft. Wide Public Utility Easement

SUNTREE WOODS

SUNTREE PLANNED UNIT DEVELOPMENT
 27 ACRES ±, TRACT 13-3
 SECTIONS 11 & 12, TOWNSHIP 31 S., RANGE 46 EAST
 ST. JOHNS COUNTY, FLORIDA
 JUNE 1989



Maplewood at Suntree
 Plat Book 111 Pages 16-17
 Containing



BETTERBY & ASSOCIATES, INC.
 2000 W. UNIVERSITY BLVD., SUITE 200, GAITHERSBURG, MD 20878
 (301) 251-1100

2



Prepared by and Return to:
Cheryl M. Lange
LandAmerica GulfAtlantic Title
925 N. Courtenay Parkway, Suite 25
Merritt Island, FL 32953

Folio/Parcel ID#: 26 3612PZ 6

File/Case No: 070005005

(Space Above This Line for Recording Data)

WARRANTY DEED

THIS Warranty Deed made this 25th day of May, 2007,

BETWEEN Larry G. Justice and Elizabeth L. Justice, husband and wife
whose address is

hereinafter called the Grantor, and

Mark J. Lorusso and Lesa N. Lorusso, husband and wife

whose address is 800 Suntree Woods Dr., Melbourne, FL 32940 Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee, their heirs and assigns forever, the following described land, situate, lying and being in the County of Brevard State of Florida to wit:

Lot 6 , Suntree Woods , according to the map or plat thereof, as recorded in Plat Book 40 , Page 15 and 16 , of the Public Records of Brevard County, Florida.

SUBJECT TO easements, restrictions and reservations of record, and real property taxes and assessments for the year of 2007 and subsequent years, which are not yet due and payable.

File/Case No: 070005005

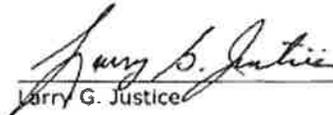
And the said Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in Fee Simple; that the Grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all person whomsoever, and that the land is free of all encumbrances, except taxes for the current year and subsequent years, restrictions, limitations, covenants, and easements of record if any. ("Grantor and Grantee" are used herein for singular or plural, the singular shall include plural, and any gender shall include all genders, as context requires.)

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

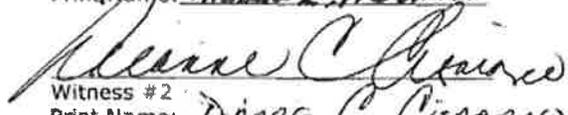
Signed, Sealed and Delivered in the presence of:



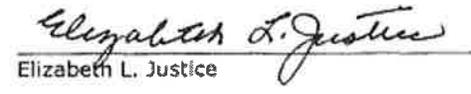
Witness #1
Print Name: Richard K. Freedman



Larry G. Justice



Witness #2
Print Name: Diane C. Casarano

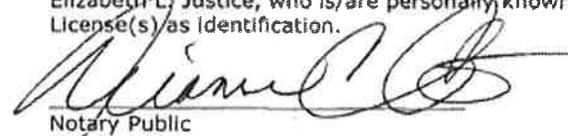


Elizabeth L. Justice

State of Florida

County of Brevard

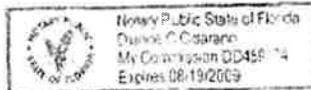
The foregoing instrument was acknowledged before me this May 25, 2007 by Larry G. Justice and Elizabeth L. Justice, who is/are personally known to me or who has/have produced Driver's License(s) as Identification.



Notary Public

My commission expires:

(Notary Seal)



SKETCH & DESCRIPTION

OFFICIAL COURT USE ONLY (CFN#)

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARCEL ID# 26-36-12-PZ-1-6

PURPOSE OF SURVEY:
VACATION OF PORTION OF SIDE UTILITY
EASEMENT ON LOT 6 SHOWN HEREON.

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH
ON SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION (BY SURVEYOR):

DESCRIPTION OF PARENT TRACT: LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

DESCRIPTION OF PORTION OF PLATTED 20 FOOT SIDE UTILITY EASEMENT TO BE VACATED: COMMENCE AT THE NORTHWEST CORNER OF LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N 62°45'15" E ALONG THE NORTHERLY LINE OF SAID LOT 6 A DISTANCE OF 41.26 FEET, THENCE RUN S 27°14'45" E, A DISTANCE OF 9.48 FEET TO A POINT ON THE ROOF OVERHANG OF THE EXISTING BUILDING KNOWN AS 800 SUNTREE WOODS DRIVE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT VACATION, FROM SAID POINT OF BEGINNING, RUN N 82°06'09" E, A DISTANCE OF 22.53 FEET ALONG AFOREMENTIONED ROOF OVERHANG TO A POINT ON THE SOUTHERLY LINE OF THE EXISTING 20 FOOT PLATTED UTILITY EASEMENT, THENCE RUN S 69°02'31" W, ALONG THE SOUTHERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 27.12 FEET TO A POINT ON THE AFOREMENTIONED ROOF OVERHANG, THENCE RUN N 07°36'16" W, A DISTANCE OF 2.28 FEET ALONG SAID ROOF OVERHANG, THENCE RUN N 37°20'24" E, ALONG SAID ROOF OVERHANG A DISTANCE OF 5.46 FEET TO THE POINT OF BEGINNING, CONTAINING 73.4 SQUARE FEET MORE OR LESS.

SURVEYORS NOTES:

NOTES:

1. BEARINGS BASED ON THE ASSUMPTION THAT THE NORTHERLY LINE OF LOT 6 BEARS N 62°45'15" E, SAID BEARING BEING IDENTICAL TO BEARING SHOWN ON PLAT.
2. ALL MONUMENTS FOUND WITH CAP IDENTIFICATION HAVE THE CAP IDENTIFICATION SHOWN, IF THE CORNER HAD NO CAP IDENTIFICATION ONLY THE SIZE AND MATERIAL ARE SHOWN.
3. NO UNDERGROUND IMPROVEMENTS OF ANY KIND HAVE BEEN LOCATED ON THIS SKETCH.
4. THIS SKETCH WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR, THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
5. THIS SKETCH WAS PREPARED FOR THE EXCLUSIVE USE OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER PERSON OR ENTITY.
6. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. A COMPARISON BETWEEN RECORDED DIRECTIONS AND DISTANCES WITH FIELD MEASURED DIRECTIONS AND DISTANCES ARE SHOWN ONLY IF THEY VARY.
8. THE INFORMATION SHOWN ON THIS SKETCH & DESCRIPTION ARE BASED ON A SURVEY PERFORMED BY SPACE COAST SURVEYING INC. JOB NUMBER 31813 DATE OF FIELD WORK 05-31-2018.

PREPARED FOR:
MARK LORUSSO & LESA LORUSSO

JAMES R. YORIO, R/S.M. NO. 5893
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: SPACE COAST SURVEYING INC.
ADDRESS: 1600 WEST EAU CALLIE BLVD. SUITE 203, MELBOURNE, FL 32935
PHONE: (321)253-5509

DRAWN BY: J.R.Y.
DATE: 9-28-2018

CHECKED BY: J.R.Y.
SHEET 1 OF 2

DRAWING NO. 31813AA
REVISIONS

SECTION 12
TOWNSHIP 26 SOUTH
RANGE 36 EAST

PETITIONER'S SKETCH & DESCRIPTION

SHEET 1 OF 2

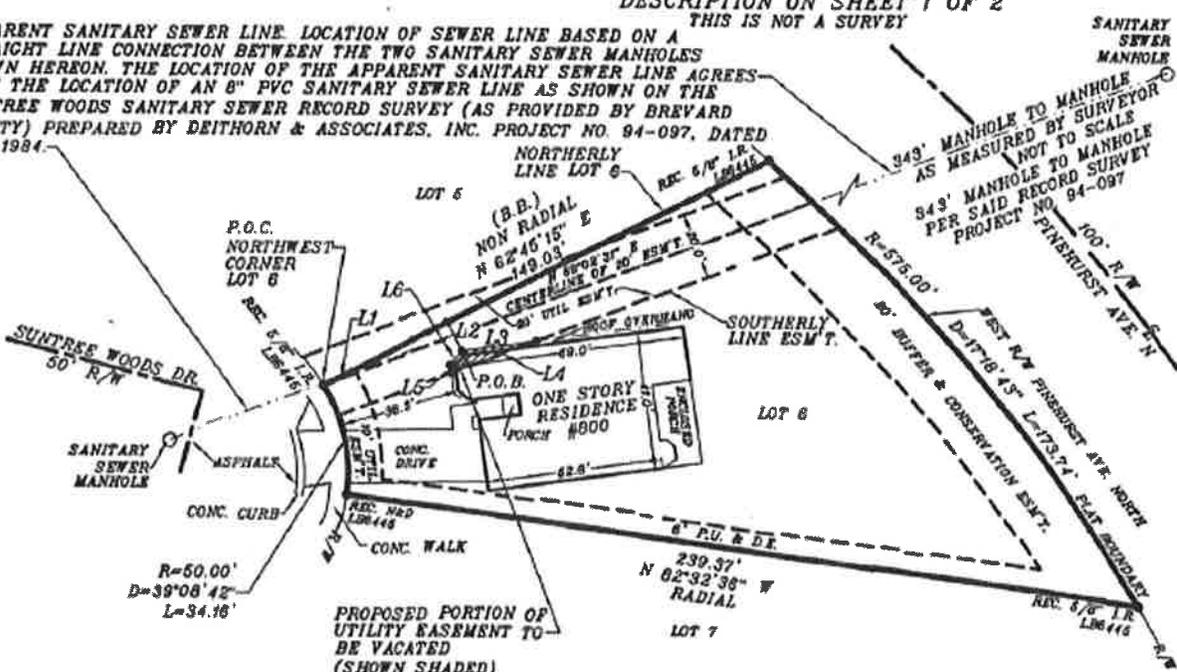
SKETCH & DESCRIPTION

OFFICIAL COURT USE ONLY (CFN#)

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID# 28-36-12-PZ-9-B

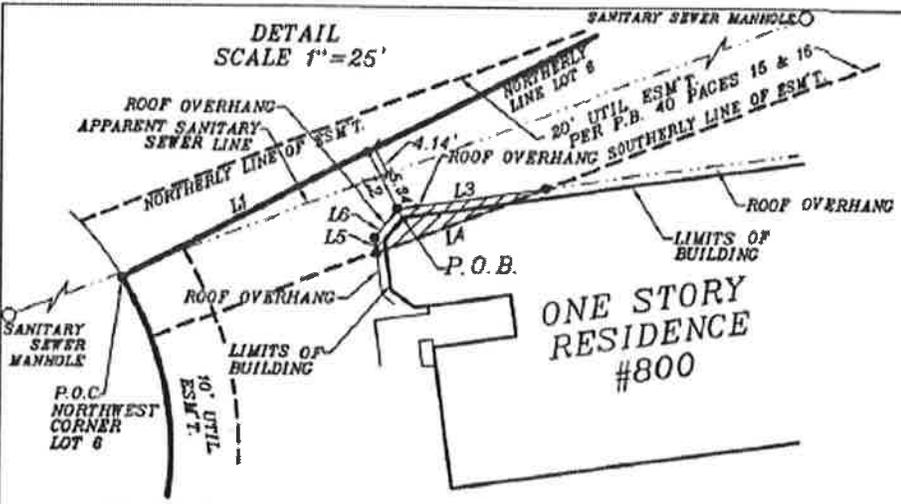
SHEET 2 OF 2
 NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2
 THIS IS NOT A SURVEY

APPARENT SANITARY SEWER LINE LOCATION OF SEWER LINE BASED ON A STRAIGHT LINE CONNECTION BETWEEN THE TWO SANITARY SEWER MANHOLES SHOWN HEREON. THE LOCATION OF THE APPARENT SANITARY SEWER LINE AGREES WITH THE LOCATION OF AN 8" PVC SANITARY SEWER LINE AS SHOWN ON THE SUNTREE WOODS SANITARY SEWER RECORD SURVEY (AS PROVIDED BY BREVARD COUNTY) PREPARED BY DEITHORN & ASSOCIATES, INC. PROJECT NO. 94-097, DATED 3-8-1984.



LINE TABLE

- L1= N 62°45'15" E 41.26'
- L2= S 27°14'45" E 9.48'
- L3= N 82°06'09" E 22.53'
- L4= S 69°02'31" W 27.12'
- L5= N 07°36'16" W 2.28'
- L6= N 37°20'24" E 5.46'



SECTION 12, TOWNSHIP 26
 SOUTH, RANGE 36 EAST

PROJECT NO. 31813AA
 PREPARED BY: SPACE COAST SURVEYING INC.
 1600 WEST EAU GALLIE BLVD. SUITE 203
 MELBOURNE, FL 32935 (321)253-5509

PETITIONER'S SKETCH & DESCRIPTION

SHEET 2 OF 2

COMMENT SUMMARY

APPLICANT: Mark & Lesa Lorusso

UPDATED / BY: Amber Holley 20181030 @ 12:50 hours

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
Florida City Gas Co.	20181022	20181022	YES	NO OBJECTIONS
Florida Power & Light Co.	20181022	20181109	YES	NO RESPONSE
AT & T	20181022	20181022	YES	NO OBJECTIONS
Charter Communications	20181022	20181023	YES	NO OBJECTIONS
COUNTY STAFF				
Road & Bridge	20181022	20181109	YES	NO OBJECTIONS-BUSTER CLARK
Land Planning	20181022	20181023	YES	NO OBJECTIONS-REBECCA RAGAIN
Utility Services	20181022	20181022	YES	NO OBJECTIONS-TAMMY HURLEY
NRMD / Storm Water	20181022	20181030	YES	NO OBJECTIONS-HARVEY WHEELER
Zoning	20181022	20181024	YES	NO OBJECTIONS-PAUL BODY

COMMENT SHEET

AD#3257091, 11/19/2018 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE PLATTED 20.0 FOOT SIDE UTILITY EASEMENT, PLAT OF "SUNTREE WOODS" PLAT BOOK 40, PAGES 15 AND 16, IN SECTION 12, 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 MARK J. AND LESA N. LORUSSO with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: DESCRIPTION OF PARENT TRACT: LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. DESCRIPTION OF PORTION OF PLATTED 20 FOOT SIDE UTILITY EASEMENT TO BE VACATED: COMMENCE AT THE NORTHWEST CORNER OF LOT 6, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15 AND 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N 62°45'15" E ALONG THE NORTHERLY LINE OF SAID LOT 6 A DISTANCE OF 41.26 FEET, THENCE RUN S 27°14'45" E, A DISTANCE OF 9.48 FEET TO A POINT ON THE ROOF OVERHANG OF THE EXISTING BUILDING KNOWN AS 800 SUNTREE WOODS DRIVE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT VACATION, FROM SAID POINT OF BEGINNING, RUN N 82°06'09" E, A DISTANCE OF 22.53 FEET ALONG AFOREMENTIONED ROOF OVERHANG TO A POINT ON THE SOUTHERLY LINE OF THE EXISTING 20 FOOT PLATTED UTILITY EASEMENT, THENCE RUN S 69°02'31" W, ALONG THE SOUTHERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 27.12 FEET TO A POINT ON THE AFOREMENTIONED ROOF OVERHANG, THENCE RUN N 07°36'16" W, A DISTANCE OF 2.28 FEET ALONG SAID ROOF OVERHANG, THENCE RUN N 37°20'24" E, ALONG SAID ROOF OVERHANG A DISTANCE OF 5.46 FEET TO THE POINT OF BEGINNING, CONTAINING 73.4 SQUARE FEET MORE OR LESS. PREPARED BY: JAMES R. YORJO, PSM The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on December 04, 2018 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.

PUBLIC HEARING LEGAL ADVERTISEMENT