



AGENDA REPORT
July 23, 2019

**Petition to Vacate Public Right-of-Way Pike Street-Mims-John Vogt-(District
1)**

SUBJECT:

Petition to Vacate, Re: Public Right-of-Way – Pike Street – “Scottsmoor” Plat Book 04,
Page 92 – Mims – John Vogt – 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 right-of-way between two parcels lying in, “Scottsmoor” in Section 37, Township 20G South, Range 34 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating and accept the new public drainage easement.

SUMMARY EXPLANATION and BACKGROUND:

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements.

The petitioner owns Lots 11, 12, 18, and 19, Block 37 and Lots 14-19, Block 89, “Scottsmoor” and are requesting the vacating of the 50.00 ft. wide public right-of-way between the lots to allow for combing lots and building a single-family residence. Right-of-way to be vacated contains 13,491 square feet, more or less.

July 08, 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 Brevard County Road & Bridge Department has requested a 20.0 foot easement for future drainage purposes; the petitioner has executed a Public Drainage Easement in favor of Brevard County.

The property is located in Mims as follows: Begin at the intersection of U.S. 1 and Deering Pkwy; thence 1.13 miles south along U.S. 1; thence 0.02 miles east along Huntington Ave; thence 469 feet north along Palm St to the residence on the east (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

August 22, 2019

MEMORANDUM

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

RE: Advertising Bills for Resolution Vacating Part of a Public Right-of-Way of Pike Street in Scottsmoor, Subdivision, Mims

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-116, vacating part of a public right-of-way of Pike Street in Scottsmoor Subdivision, Mims, as petitioned by John Vogt. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 23, 2019.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)



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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
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

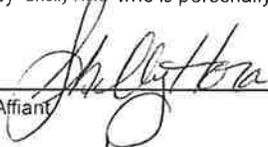
Legal Notices

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

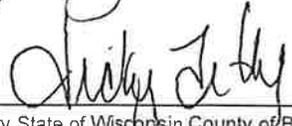
07/08/19

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 22th of July 2019,
by Shelly Hora who is personally known to me



Affiant



Notary State of Wisconsin County of Brown
9-19-21

My commission expires
Publication Cost: \$213.90
Ad No: 0003661556
Customer No: BRE-6BR327

LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
THE UNOPENED, 50.0 FT. WIDE PUBLIC
RIGHT-OF-WAY OF PIKE STREET, PLAT
OF "SCOTTSMOOR" IN SECTION 37,
TOWNSHIP 20G 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, Bre-
vard County Code, a petition has been
filed by JOHN VOST with the Board of
County Commissioners of Brevard Coun-
ty, Florida, to request vacating the fol-
lowing described property, to wit:

BEING ALL OF PIKE STREET 50 FOOT
RIGHT OF WAY, LYING BETWEEN BLOCK
37 AND BLOCK 89, SCOTTSMOOR, AC-
CORDING TO THE PLAT THEREOF AS RE-
CORDED IN PLAT BOOK 4, PAGE 92 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, BOUNDED ON THE
WEST BY THE EASTERLY RIGHT OF WAY
LINE OF PALM STREET; BOUNDED ON
THE NORTH BY THE SOUTHERLY LINE OF
BLOCK 37; BOUNDED ON THE EAST BY
THE WESTERLY RIGHT OF WAY LINE OF
MANGROVE STREET AND BOUNDED ON
THE SOUTH BY THE NORTHERLY AFORE-
MENTIONED, CONTAINING 13,490.82
SQUARE FEET (0.31 ACRES), MORE OR
LESS. PREPARED BY: BILL HYATT, PSM

The Board of County Commissioners will
hold a public hearing to determine the
advisability of such vacating of the
above-described right-of-way at 9:00
A.M. on July 23, 2019 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.



A Daily Publication By:



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

AD# 3706105 7/31/19
LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC RIGHT-OF-WAY OF PIKE STREET IN SCOTTSMOOR, LYING IN SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST, SCOTTSMOOR - JOHN VOGT

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 23th day of July 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public Right-of-Way in Scotts-moor, lying in Section 37, Township 20G South, Range 34 East, Scotts-moor, as petitioned by John Vogt.

SEE ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION:

EXHIBIT "A"

BEING ALL OF PIKE STREET 50 FOOT RIGHT OF WAY, LYING BETWEEN BLOCK 37 AND BLOCK 89, SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF PALM STREET; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF BLOCK 37; BOUNDED ON THE EAST BY THE WESTERLY RIGHT OF WAY LINE OF MANGROVE STREET AND BOUNDED ON THE SOUTH BY THE NORTHERLY AFOREMENTIONED, CONTAINING 13,490.82 SQUARE FEET (0.31 ACRES), MORE OR LESS. PREPARED BY: BILL HYATT, PSM

The Board further renounced and disclaimed any right of the County in and to said Right-of-Way.

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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
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:

07/31/19

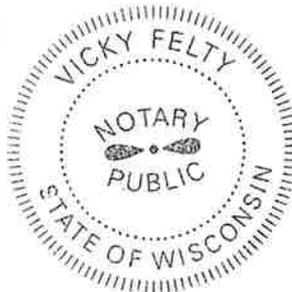
Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard 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 8th of August 2019, by Shelly Hora who is personally known to me

Affiant

Notary State of Wisconsin County of Brown
9-19-21

My commission expires
Publication Cost: \$171.52
Ad No: 0003706105
Customer No: BRE-6BR327





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

August 22, 2019

John Vogt
7215 Milton Avenue
Cocoa, FL 32927

Dear Mr. Vogt:

Re: Resolution Vacating Part of a Public Right-of-Way of Pike Street in Scottsmoor Subdivision, Mims

The Board of County Commissioners, in regular session on July 23, 2019, adopted Resolution No. 19-116, vacating a part of a public right-of-way in Scottsmoor Subdivision, Mims, as petitioned by you; and approved the Drainage Easement. Said Resolution has been recorded in ORBK 8514, Pages 2278 through 2286. 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

Resolution 2019 - 116

Vacating a part of a 50.0 FT. Wide Public Right-of-Way of Pike Street in "Scottsmoor" Subdivision, Plat Book 4, Page 92, Mims, Florida, lying in Section 37, Township 20G South, Range 34 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **JOHN VOGT** with the Board of County Commissioners to vacate a portion of a public right-of-way in Brevard County, Florida, described as follows:

SEE ATTACHED BOUNDARY SURVEY

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 right-of-way will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public right-of-way is hereby vacated; and Brevard County renounces and disclaims any rights in and to said right-of-way. 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 23TH day of July, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Kristine Isnardi, Chair

As approved by the Board on:
July 23, 2019

ATTEST:



SCOTT ELLIS, CLERK

BOUNDARY SURVEY

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST

PARCEL ID NUMBER: NONE ASSIGNED PUBLIC RIGHT OF WAY

PURPOSE OF SURVEY: ROAD VACATION OF A PORTION PIKE STREET

LEGAL DESCRIPTION:

BEING ALL OF PIKE STREET 50 FOOT RIGHT OF WAY. LYING BETWEEN BLOCK 37 AND BLOCK 89 SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF PALM STREET; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF BLOCK 37; BOUNDED ON THE EAST BY THE WESTERLY RIGHT OF WAY LINE OF MANGROVE STREET AND BOUNDED ON THE SOUTH BY THE NORTHERLY AFOREMENTIONED.
CONTAINING 13490.82 SQUARE FEET, 0.31 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. Abutting properties have not been researched for gaps, overlaps, and/or hiatus
2. In compliance with F.A.C. 5J-17, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and mapper
3. Fence ownership is not determined
4. No underground improvements or structures were located by this survey, unless otherwise noted
5. This survey should not be used for construction purposes
6. Any septic tank or drainfield locations (if found) are approximate
7. Property lines and or improvements shown were physically located by field survey
8. Monuments found or set are shown Calculated lines and information are noted by (C)
9. Computations of lines and or data not found are shown as (C)
10. Accuracies obtained in this survey are greater than (rural) 1' in 5000', (suburban) 1' in 7500', (commercial) 1' in 10,000'
11. Prior to survey, information obtained was legal description provided by client or from publicly published county tax collector site, recorded plats and/or section corner records, if applicable
12. If only a digital survey copy is required, a survey report will be place in file. The digital survey is not full and complete without the survey report file.

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.

SURVEYOR & MAPPER, PSM NO. LS 4636

BILL HYATT

DATE OF FIELD WORK: 04-17-2019

DATE SIGNED 05-08-2019

PREPARED FOR: **JOHN VOGT**
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: DEAL LAND SURVEYING LLC, LB 8121
ADDRESS: 804 SOUTH FRENCH AVENUE SANFORD, FLORIDA 32771
PHONE: 407-878-3796



DRAWN BY: GH

CHECKED BY: BHH

DRAWING NO. 18-09-0089

SECTION 37

DATE: 4/17/19

SHEET _____ OF _____

REVISIONS _____

TOWNSHIP 20G SOUTH

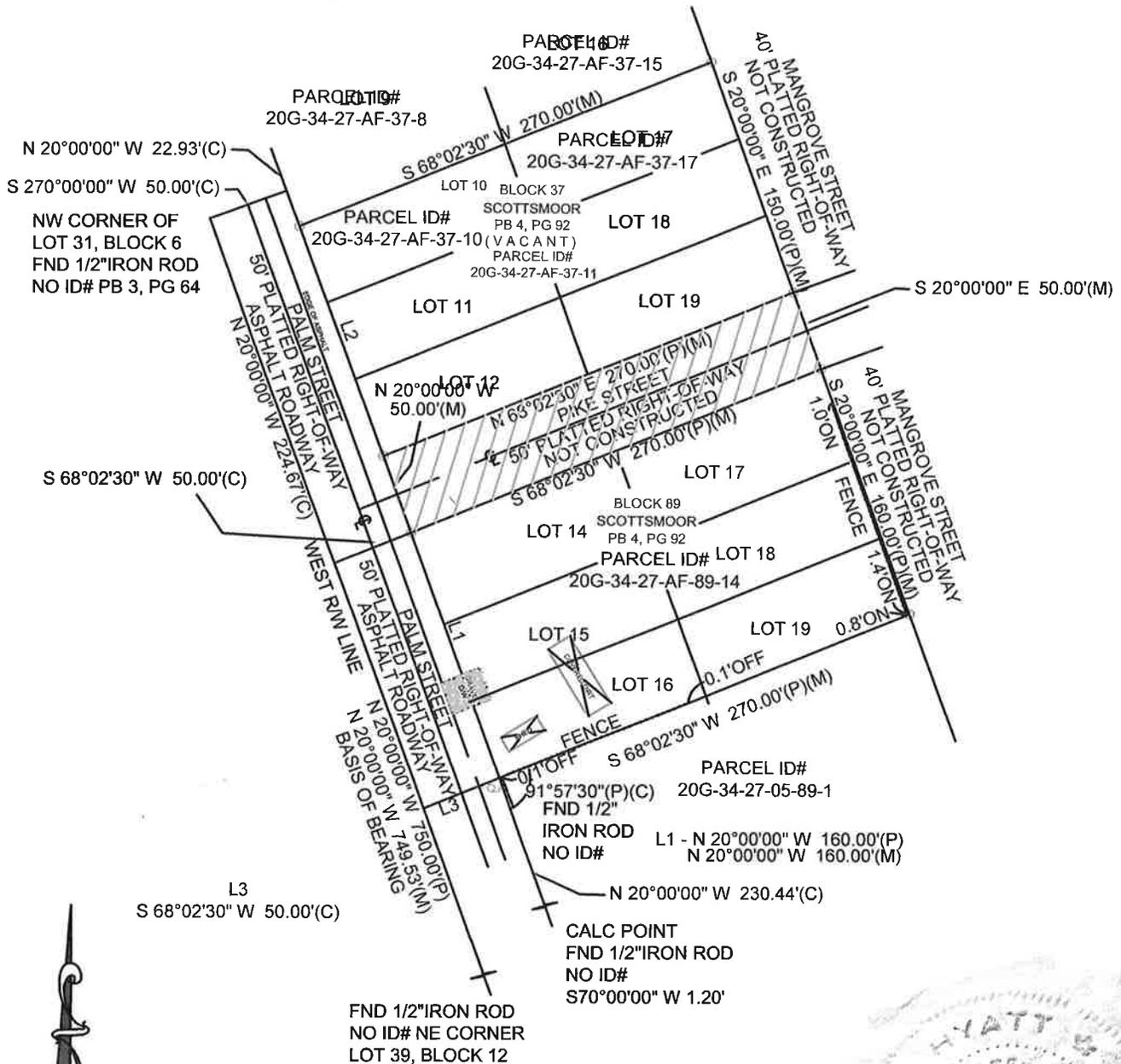
RANGE 34 EAST

BOUNDARY SURVEY

SHEET 2 OF 2
 NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2

SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST
 PARCEL ID NUMBER: NONE ASSIGNED PUBLIC RIGHT OF WAY

L2 - N 20°00'00" W 150.00'(P)
 N 20°00'00" W 150.00'(M)



SCALE: 1"=100'

- = P.P.
- = SET 1/2" IRON ROD & CAP LB 8121



PROJECT NO. 18-09-0089
 PREPARED BY : GH

Prepared by/Return to: Blaise M. Mancini, Land Acquisition Specialist
Brevard County Public Works Dept., Land Acquisition Section
2725 Judge Fran Jamieson Way, Building A, Room 204
Viera, Florida 32940, Phone (321-690-6847)

A portion of Interest in Tax Parcel I.D.: Being a portion of Vacated Pike Street, Plat Book 4, Page 92

DRAINAGE EASEMENT

THIS INDENTURE, made this 20 day of JUNE A.D. 2019, between John Vogt, whose address is 7215 Milton Avenue, Cocoa, Florida, 32927, as party of the first part, and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as party of the second part, for the use and benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of operating and maintaining drainage facilities and other incidents the County may deem necessary or convenient in connection therewith, as well as grading and sloping to maintain horizontal and structural support and integrity of the drainage facilities, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easement is located in Section 37, Township 20G, Range 34, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or assigns. The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]
Witness
Dana C Abt
(Print Name)

[Signature]
John Vogt

[Signature]
Witness
Debra Peeler
(Print Name)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 24 day of June, 2019, by John Vogt, who is/is not personally known to me or who has produced [Signature] as identification and who did/did not take an oath.

WITNESS my hand and official seal at Brevard County (Cocoa), Florida, the County of Brevard, State of Florida, this 24 day of June, 2019.



Notary Public [Signature]
Print Name Debbie Larson
Commission No. GG 206000
Commission expires May 7, 2022

Agenda Item # H. 2.
Board Meeting Date 7/23/2019

LEGAL DESCRIPTION

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST
PARCEL ID NUMBER: NONE ASSIGNED PUBLIC RIGHT OF WAY
PURPOSE OF SURVEY: ADD 20 FOOT DRAINAGE EASEMENT

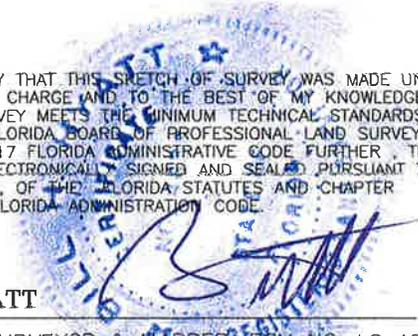
LEGAL DESCRIPTION:

BEING THE SOUTHERLY 20 FEET OF PIKE STREET 50 FOOT RIGHT OF WAY. LYING BETWEEN BLOCK 37 AND BLOCK 89 SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

1. Abutting properties have not been researched for gaps, overlaps, and/or hiatus
2. In compliance with F.A.C. 5J-17, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and mapper
3. Fence ownership is not determined
4. No underground improvements or structures were located by this survey, unless otherwise noted
5. This survey should not be used for construction purposes
6. Any septic tank or drainfield locations (if found) are approximate
7. Property lines and/or improvements shown were physically located by field survey
8. Monuments found or set are shown. Calculated lines and information are noted by (C)
9. Computations of lines and/or data not found are shown as (C)
10. Accuracies obtained in this survey are greater than (rural) 1' in 5000', (suburban) 1' in 7500', (commercial) 1' in 10,000'
11. Prior to survey, information obtained was legal description provided by client or from publicly published county tax collector site, recorded plats and/or section corner records, if applicable
12. If only a digital survey copy is required, a survey report will be placed in file. The digital survey is not full and complete without the survey report file.

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.



BILL HYATT

SURVEYOR & MAPPER, PSM NO. LS 4636
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR: **JOHN VOGT**
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY: DEAL LAND SURVEYING LLC, LB 8121
ADDRESS: 804 SOUTH FRENCH AVENUE SANFORD, FLORIDA 32771
PHONE: 407-878-3796



DRAWN BY: KD

CHECKED BY: BHH

DRAWING NO. 18-09-0089

SECTION 37

DATE: 6/06/19

SHEET OF

REVISIONS

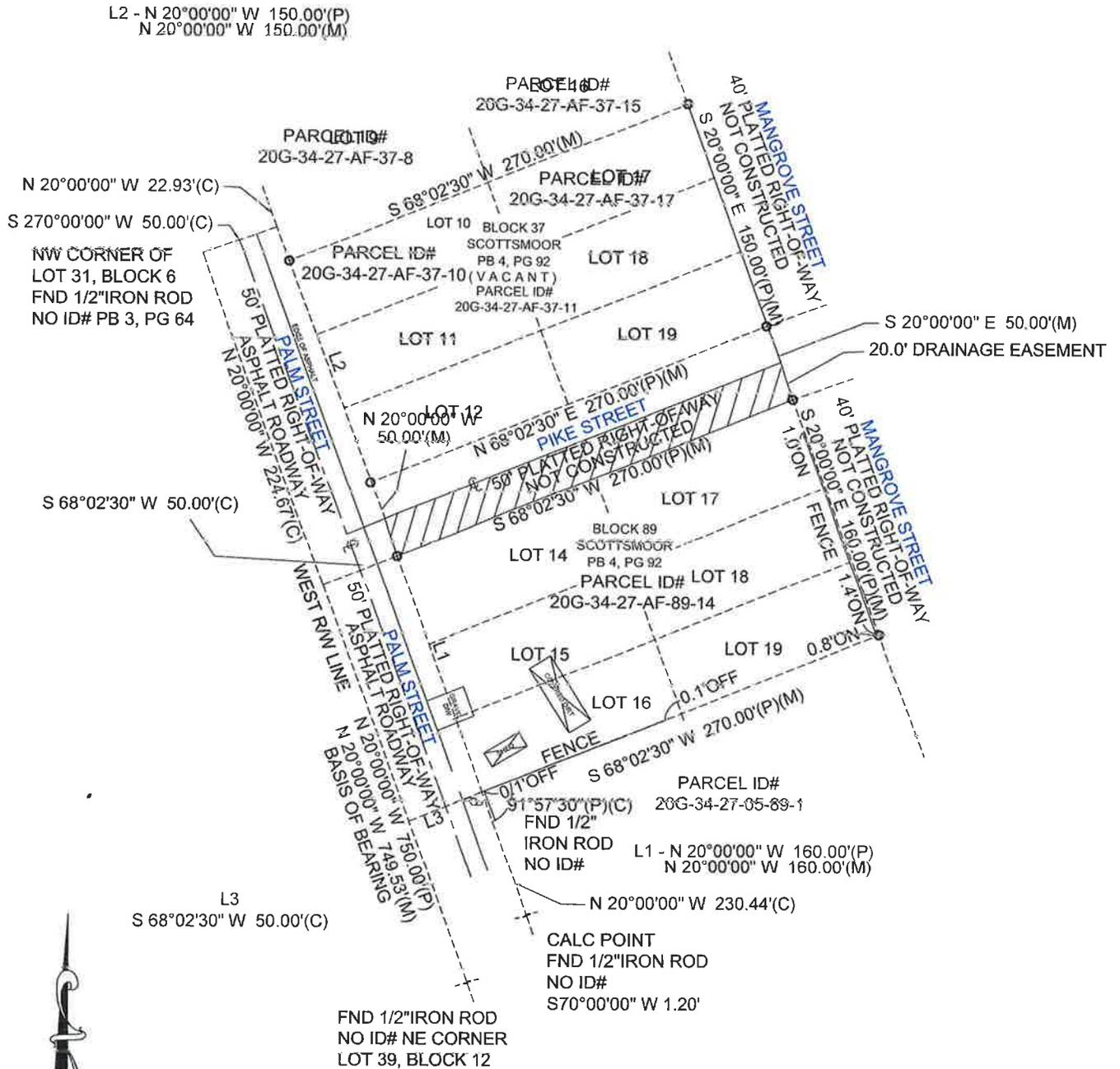
TOWNSHIP 20G SOUTH

RANGE 34 EAST

SKETCH OF DESCRIPTION

NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1 OF 2

SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST
 PARCEL ID NUMBER: NONE ASSIGNED PUBLIC RIGHT OF WAY



SCALE: 1"=100'

- ⊙ - P.P.
- - SET 1/2" IRON ROD & CAP LB 8121

Appraiser's Detail Sheet 1 of 2



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

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

PROPERTY DETAILS

Account	2002593
Owners	Vogt, John R
Mailing Address	7215 Milton Ave Cocoa FL 32927
Site Address	5927 Palm St Mims FL 32754
Parcel ID	20G-34-37-AF-89-14
Property Use	0010 - Vacant Residential Land (Single Family, Platted)
Exemptions	None
Taxing District	1300 - Unincorp District 1
Total Acres	1.00
Subdivision	Scottsmoor Resubd
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0004/0092
Land Description	Scottsmoor Resubd Lots 14 Thru 19 Blk 89



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$21,000	\$30,580	\$32,800
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$21,000	\$30,580	\$31,990
Assessed Value School	\$21,000	\$30,580	\$32,800
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$21,000	\$30,580	\$31,990
Taxable Value School	\$21,000	\$30,580	\$32,800

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
12/08/2017	\$18,500	WD	Improved	8045/0032
09/21/2006	—	QC	Improved	5727/0792
07/27/2006	—	QC	Improved	5678/3148
07/30/1997	\$12,000	WD	Vacant	3695/1268
01/01/1993	—	PR	Vacant	3271/3475
06/01/1975	\$1,800	—	—	1544/0840

No Data Found

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lots 14-19, Block 89, Scottsmoor, John Vogt, 5927 Palm Street, Mims, Section 37, Township 20G South, Range 34 East, District 1

Appraiser's Detail Sheet 2 of 2



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-8700

<https://www.bcpao.us>

Account	2002585
Owners	Vogt, John
Mailing Address	7215 Milton Ave Cocoa FL 32927
Site Address	Not Assigned
Parcel ID	20G-34-37-AF-37-11
Property Use	0010 - Vacant Residential Land (Single Family, Platted)
Exemptions	None
Taxing District	1300 - Unincorp District 1
Total Acres	0.62
Subdivision	Scottsmoor Resubd
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0004/0092
Land Description	Scottsmoor Resubd Lots 11,12,18,19 Blk 37

VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$13,250	\$13,250	\$13,250
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$13,250	\$13,250	\$13,250
Assessed Value School	\$13,250	\$13,250	\$13,250
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$13,250	\$13,250	\$13,250
Taxable Value School	\$13,250	\$13,250	\$13,250

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/09/2018	\$8,000	WD	Vacant	8240/1104
04/01/1976	\$1,000	-	-	1616/0572

No Data Found

Fig. 2: Copy of Brevard County Property Appraiser's detail sheet for Lots 11, 12, 18 & 19, Block 37, Scottsmoor, John Vogt, XXXX Palm Street, Mims, Section 37, Township 20G South, Range 34 East, District 1

Vicinity Map

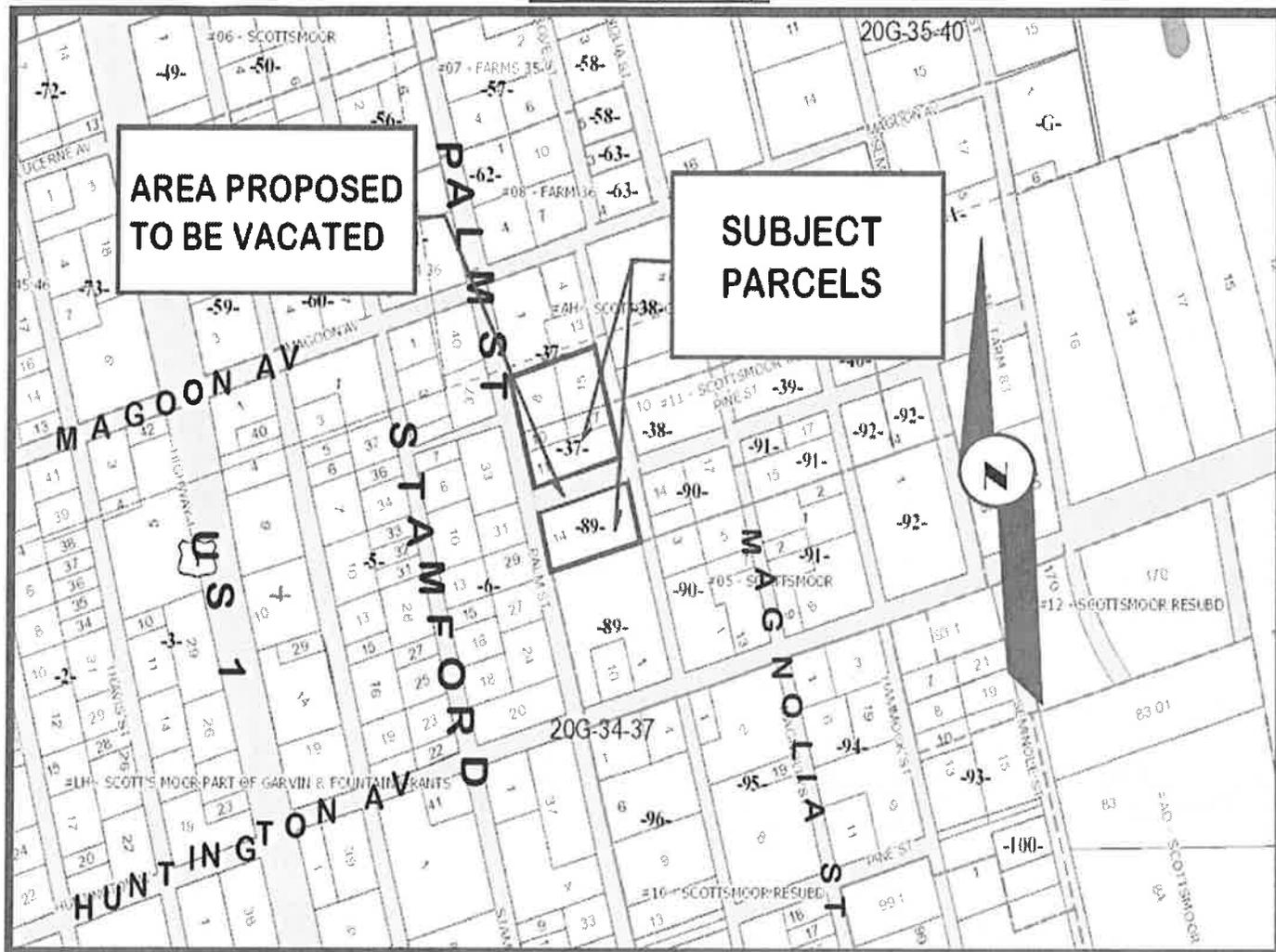


Fig. 3: Map of Lots 11, 12, 18, 19, Block 37, Lots 14-19, Block 89, Scottsmoor, 5927 Palm Street

John Vogt – Lots 11,12,18,19, Block 37 & Lots 14-19, Block 89 “Scottsmoor” (Plat Book 04, Page 92) – 5927 Palm Street – Section 37, Township 20G South, Range 34 East – District 1 – Proposed Vacating of a 50.0 ft. Wide Public Right-of-Way of Pike Street between Blocks 37 & 89

Aerial Map



Fig. 4: Map of aerial view of Lots 11, 12, 18, 19, Block 37, Lots 14-19, Block 89, Scottsmoor, 5927 Palm Street

John Vogt – Lots 11,12,18,19, Block 37 & Lots 14-19, Block 89 “Scottsmoor” (Plat Book 04, Page 92) – 5927 Palm Street – Section 37, Township 20G South, Range 34 East – District 1 – Proposed Vacating of a 50.0 ft. Wide Public Right-of-Way of Pike Street between Blocks 37 & 89

Plat Reference

PLAT BOOK 4
PAGE 92 A-B

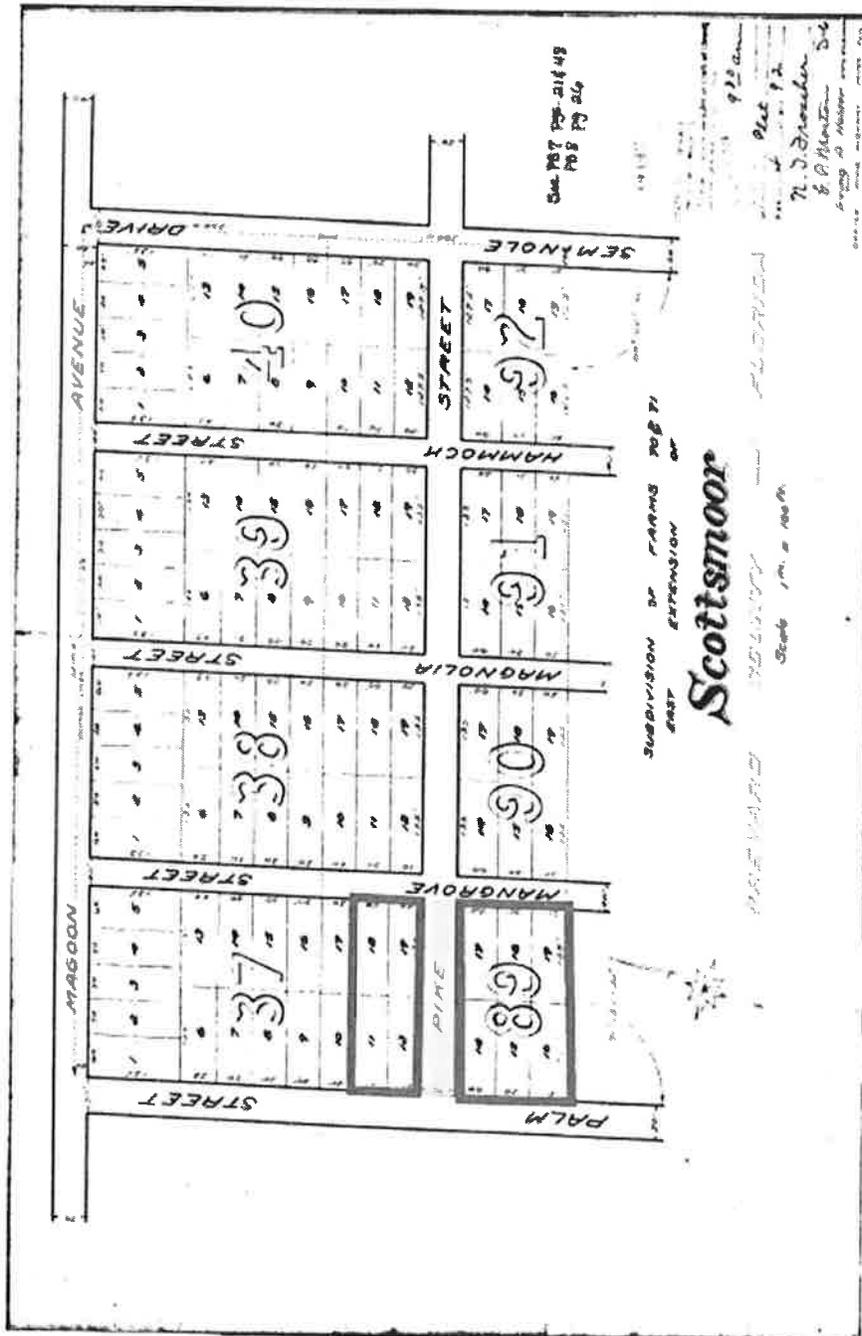


Fig. 5: Copy of plat map "Scottsmoor" dedicated to Brevard County July 28, 1925

Petitioner's Deed Sheet 1 of 4

CFN 2018185328, OR BK 8240 Page 1104, Recorded 08/17/2018 at 09:42 AM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$56.00

2

C

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

Order No.: 28-18-0430

For Documentary Stamp Tax purposes the consideration is \$8,000.00

Doc Stamp: \$56.00

APN/Parcel ID(s): 20G-34-37-AF-37-11

Tax/Map ID(s): 2002585

WARRANTY DEED

THIS WARRANTY DEED dated August 9, 2018, by C Stephen Scherrer and Pauline A Scherrer, his wife, hereinafter called the grantor, to John Vogt, whose post office address is 7215 Milton Avenue, Cocoa, FL 32927, 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:

Parcel 1 Lot 11, 12, 18 and 19, Block 37, Scottsmoor, according to the map or plat thereof, as recorded in Plat Book 4, Page(s) 92, 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, 2017

Deed (Warranty - Indiv to Indiv)
FLD1121 doc / Updated: 05/26/17

Page 1

FL-FT-FMOC-02325 179028-28-18-0430

Fig. 6: Copy of deed of sale for lots 11, 12, 18, 19, Block 37, Scottsmoor, 5927 Palm Street, Mims, FL to John Vogt on August 29, 2018.

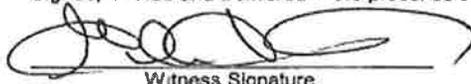
Petitioner's Deed Sheet 2 of 4

OR BK 8240 PG 1105

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below

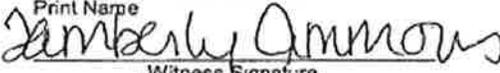
Signed, Sealed and Delivered in the presence of



Witness Signature

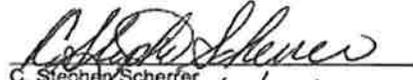
Gilinni F. Juarez

Print Name

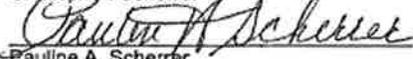


Witness Signature
Tamberly Ammons

Print Name



C. Stephen Scherrer



Pauline A. Scherrer

Address: 745 Lakewood Lane
Titusville, FL 32780

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 9th day of Aug
2018 by C. Stephen Scherrer & Pauline A. Scherrer to me known to be the
person(s) described in or who has/have produced id 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 9th day of
August, 2018



NOTARY PUBLIC

My Commission Expires

Gilinni F. Juarez

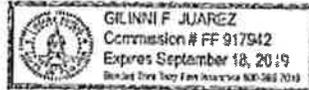


Fig. 7: Copy of deed of sale for lots 11, 12, 18, 19, Block 37, Scottsmoor, 5927 Palm Street, Mims, FL to John Vogt on August 29, 2018.

Petitioner's Deed Sheet 3 of 4

CFN 2017256087, OR BK 8045 Page 32, Recorded 12/08/2017 at 03:03 PM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$129.50

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

Order No.: 28-17-0670

For Documentary Stamp Tax purposes the consideration is \$18,500.00

Doc Stamp: \$129.50

APN/Parcel ID(s): 20G-34-37-AF-89-14
Tax/Map ID(s): 2002593

WARRANTY DEED

THIS WARRANTY DEED dated December 8, 2017, by Keith Tarver, a married man, hereinafter called the grantor, to John R. Vogt, whose post office address is 7215 Milton Avenue, Cocoa, FL 32927, 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) 14, 15, 16, 17, 18 and 19, Block 89, Scottsmoor, according to the map or plat thereof, as recorded in Plat Book 4, Page(s) 92, of the Public Records of Brevard County, Florida

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

The property being hereby conveyed, 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, 2017.

Fig. 8: Copy of deed of sale for lots 14-19, Block 89, Scottsmoor, 000 Palm Street, Mims, FL to John Vogt on December 08, 2017.

Petitioner's Deed Sheet 4 of 4

OR BK 8045 PG 33

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

Gilinni F. Juarez

Print Name

[Signature]
Keith Tarver

Address: 4315 Best Avenue
Titusville, FL 32780

[Signature]
Witness Signature

Jean C Kelly
Print Name

State of FL
County of St. Johns

The foregoing instrument was acknowledged before me this 8th day of Dec, 2017, by Keith Tarver, to me known to be the person(s) described in or who has/have produced [Signature] 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 8th day of December, 2017

[Signature]
NOTARY PUBLIC
My Commission Expires Gilinni F. Juarez



Fig. 9: Copy of deed of sale for lots 14-19, Block 89, Scottsmoor, 000 Palm Street, Mims, FL to John Vogt on December 08, 2017.

Petitioner's Overall Boundary Survey

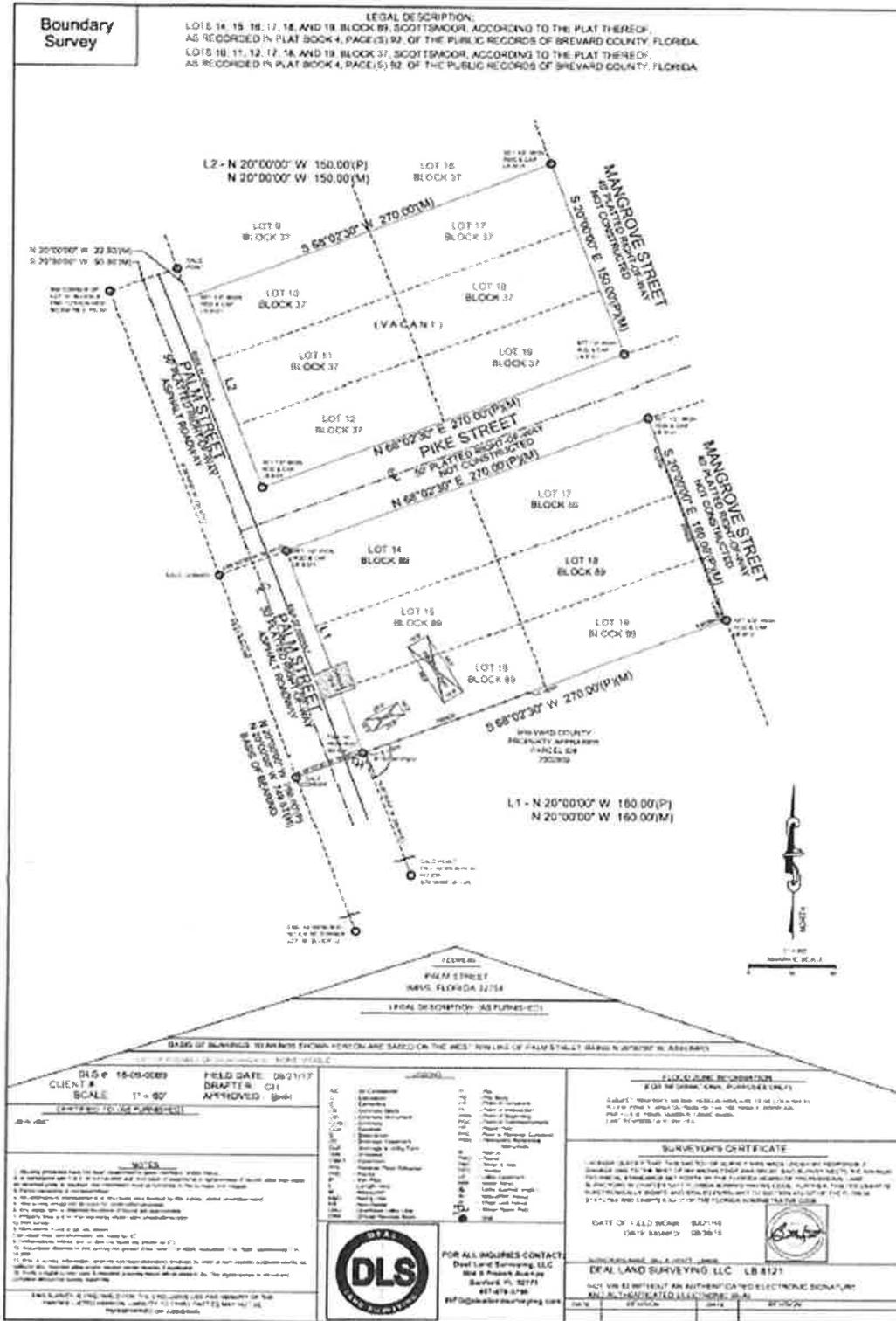


Fig. 10: Copy of the boundary survey of lots 11,12,18,19, Block 37 & Lots 14-19, Block 89, Scottsmeer.

Petitioner's Boundary Sheet 1 of 2

BOUNDARY SURVEY		SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2
SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST PARCEL ID NUMBER: NONE ASSIGNED PUBLIC RIGHT OF WAY PURPOSE OF SURVEY: ROAD VACATION OF A PORTION PIKE STREET		
LEGAL DESCRIPTION: BEING ALL OF PIKE STREET 50 FOOT RIGHT OF WAY, LYING BETWEEN BLOCK 37 AND BLOCK 89 SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF PALM STREET; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF BLOCK 37; BOUNDED ON THE EAST BY THE WESTERLY RIGHT OF WAY LINE OF MANGROVE STREET AND BOUNDED ON THE SOUTH BY THE NORTHERLY AFOREMENTIONED. CONTAINING 13490.82 SQUARE FEET, 0.31 ACRES MORE OR LESS.		
SURVEYOR'S NOTES: <ol style="list-style-type: none"> 1. Abutting properties have not been researched for gaps, overlaps, and/or hiatus 2. In compliance with F.A.C. 5J-17, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and mapper 3. Fence ownership is not determined 4. No underground improvements or structures were located by this survey, unless otherwise noted 5. This survey should not be used for construction purposes 6. Any septic tank or drainfield locations (if found) are approximate 7. Property lines and or improvements shown were physically located by field survey 8. Monuments found or set are shown Calculated lines and information are noted by (C) 9. Computations of lines and or data not found are shown as (C) 10. Accuracies obtained in this survey are greater than (rural) 1' in 5000', (suburban) 1' in 7500', (commercial) 1' in 10,000' 11. Prior to survey, information obtained was legal description provided by client or from publicly published county tax collector site, recorded plats and/or section corner records, if applicable 12. If only a digital survey copy is required, a survey report will be place in file. The digital survey is not full and complete without the survey report file. 		
		I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE. SURVEYOR & MAPPER, PSM NO. LS 4636 BILL HYATT DATE OF FIELD WORK: 04-17-2019 DATE SIGNED: 05-08-2019 
PREPARED FOR: JOHN VOGT BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		NOT VALID UNLESS SIGNED AND SEALED
PREPARED BY: DEAL LAND SURVEYING LLC, LB 8121 ADDRESS: 804 SOUTH FRENCH AVENUE SANFORD, FLORIDA 32771 PHONE: 407-878-3796		
DRAWN BY: <u>GH</u> DATE: <u>4/17/19</u>	CHECKED BY: <u>BHH</u> SHEET _____ OF _____	DRAWING NO. <u>18-09-0089</u> REVISIONS _____
		SECTION <u>37</u> TOWNSHIP <u>20G</u> SOUTH RANGE <u>34</u> EAST

Fig. 11: Copy of legal description sheet 1 of 2 for 50.0 ft. Right-of-Way of Pike Street, Scottsmoor.

Comment Sheet

COMMENT SUMMARY

APPLICANT: JOHN VOGT

UPDATED / BY: Amber Holley 20190503 @ 10:00 hours

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
Florida City Gas Co.	20190425	20190426	YES	NO OBJECTIONS
Florida Power & Light Co.	20190425	20190426	YES	NO OBJECTIONS
AT & T	20190425	20190426	YES	NO OBJECTIONS
Florida Gas Transmission Co.	20190425	20190426	YES	NO OBJECTIONS
Charter Communications	20190425	20190502	YES	NO OBJECTIONS
COUNTY STAFF				REQUIRES A 20.0 FT. EASEMENT
Road & Bridge	20190425	20190301	YES	NO OBJECTIONS-SUSAN JACKSON
Traffic Engineering	20190425	20190503	YES	NO OBJECTIONS-DEVIN SWANSON
Land Acquisition	20190425	20190426	YES	NO OBJECTIONS-BLAISE MANCINI
Land Planning	20190425	20190426	YES	NO OBJECTIONS- REBECCA RAGAIN
Utility Services	20190425	20190426	YES	NO OBJECTIONS-TAMMY HURLEY
NRMD / Storm Water	20190425	20190430	YES	NO OBJECTIONS-HARVEY WHEELER
Zoning	20190425	20190426	YES	NO OBJECTIONS-PAUL BODY
Chief Doug Carter	20190425	20190426	YES	NO OBJECTIONS-DOUGLAS CARTER

Fig. 13: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF THE UNOPENED, 50.0 FT. WIDE PUBLIC RIGHT-OF-WAY OF PIKE STREET, PLAT OF "SCOTTSMOOR" IN SECTION 37, TOWNSHIP 20G 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 JOHN VOGT with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

BEING ALL OF PIKE STREET 50 FOOT RIGHT OF WAY, LYING BETWEEN BLOCK 37 AND BLOCK 89, SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF PALM STREET; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF BLOCK 37; BOUNDED ON THE EAST BY THE WESTERLY RIGHT OF WAY LINE OF MANGROVE STREET AND BOUNDED ON THE SOUTH BY THE NORTHERLY AFOREMENTIONED. CONTAINING 13,490.82 SQUARE FEET (0.31 ACRES). MORE OR LESS. PREPARED BY: BILL HYATT, PSM

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right-of-way at 9:00 A.M. on July 23, 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. 14: Copy of public hearing advertisement as published on July 8, 2019 see next page for full text.

Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the July 08, 2019 issue of Florida TODAY.

PLEASE NOTE! Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF THE UNOPENED, 50.0 FT. WIDE PUBLIC RIGHT-OF-WAY OF PIKE STREET, PLAT OF "SCOTTSMOOR" IN SECTION 37, TOWNSHIP 20G 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 **JOHN VOGT** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

BEING ALL OF PIKE STREET 50 FOOT RIGHT OF WAY. LYING BETWEEN BLOCK 37 AND BLOCK 89, SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF PALM STREET; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF BLOCK 37; BOUNDED ON THE EAST BY THE WESTERLY RIGHT OF WAY LINE OF MANGROVE STREET AND BOUNDED ON THE SOUTH BY THE NORTHERLY AFOREMENTIONED. CONTAINING 13,490.82 SQUARE FEET (0.31 ACRES), MORE OR LESS. PREPARED BY: BILL HYATT, PSM

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right-of-way at **9:00 A.M. on July 23, 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.

Drainage Easement 1 of 4

Prepared by/Return to: Blaise M. Mancini, Land Acquisition Specialist
Brevard County Public Works Dept., Land Acquisition Section
2725 Judge Fran Jamieson Way, Building A, Room 204
Viera, Florida 32940, Phone (321-690-6847)
A portion of Interest in Tax Parcel I.D.: Being a portion of Vacated Pike Street, Plat Book 4, Page 92

DRAINAGE EASEMENT

THIS INDENTURE, made this 20 day of June A.D. 2019, between John Vogt, whose address is 7215 Milton Avenue, Cocoa, Florida, 32927, as party of the first part, and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as party of the second part, for the use and benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of operating and maintaining drainage facilities and other incidents the County may deem necessary or convenient in connection therewith, as well as grading and sloping to maintain horizontal and structural support and integrity of the drainage facilities, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easement is located in Section 37, Township 20G, Range 34, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or assigns. The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

Fig. 15: Copy of Drainage Easement Executed.

Drainage Easement 2 of 4

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]
Witness
Don C Abt
(Print Name)

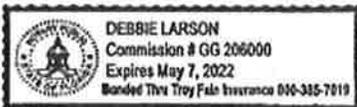
[Signature]
John Vogt

[Signature]
Witness
Debra Peeler
(Print Name)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 24 day of June, 2019, by John Vogt, who is/is not personally known to me or who has produced [Signature] as identification and who did/did not take an oath.

WITNESS my hand and official seal at Brevard County (Cocoa), Florida, the County of Brevard, State of Florida, this 24 day of June, 2019.



Notary Public [Signature]
Print Name Debbie Larson
Commission No. GG 206000
Commission expires May 7, 2022

Agenda Item # _____
Board Meeting Date _____

Fig. 16: Copy of Drainage Easement Executed.

Drainage Easement 3 of 4

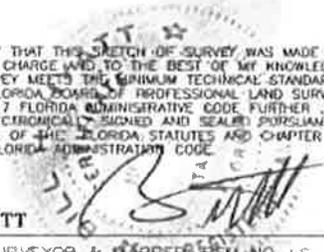
<h2 style="margin: 0;"><u>LEGAL DESCRIPTION</u></h2> <p style="margin: 0;">SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST</p> <p style="margin: 0;">PARCEL ID NUMBER: NONE ASSIGNED PUBLIC RIGHT OF WAY</p> <p style="margin: 0;">PURPOSE OF SURVEY: ADD 20 FOOT DRAINAGE EASEMENT</p>		<p style="margin: 0;">SHEET 1 OF 2</p> <p style="margin: 0;">NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2</p>		
<h3 style="margin: 0;"><u>LEGAL DESCRIPTION:</u></h3> <p style="margin: 0;">BEING THE SOUTHERLY 20 FEET OF PIKE STREET 50 FOOT RIGHT OF WAY, LYING BETWEEN BLOCK 37 AND BLOCK 89 SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.</p>				
<h3 style="margin: 0;"><u>SURVEYOR'S NOTES:</u></h3> <ol style="list-style-type: none"> 1. Abutting properties have not been researched for gaps, overlaps, and/or hiatus 2. In compliance with F.A.C. 5J-17, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and mapper 3. Fence ownership is not determined 4. No underground improvements or structures were located by this survey, unless otherwise noted 5. This survey should not be used for construction purposes 6. Any septic tank or drainfield locations (if found) are approximate 7. Property lines and or improvements shown were physically located by field survey 8. Monuments found or set are shown Calculated lines and information are noted by (C) 9. Computations of lines and or data not found are shown as (C) 10. Accuracies obtained in this survey are greater than (rural) 1' in 5000', (suburban) 1' in 7500', (commercial) 1' in 10,000' 11. Prior to survey, information obtained was legal description provided by client or from publicly published county tax collector site, recorded plats and/or section corner records, if applicable 12. If only a digital survey copy is required, a survey report will be place in file. The digital survey is not full and complete without the survey report file. 				
<p style="margin: 0;">PREPARED FOR: JOHN VOGT BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS</p>		<div style="text-align: center;">  <p style="margin: 0;">BILL HYATT SURVEYOR & MAPPER, PSM NO. LS 4636 NOT VALID UNLESS SIGNED AND SEALED</p> </div>		
<p style="margin: 0;">PREPARED BY: DEAL LAND SURVEYING LLC, LB B121</p> <p style="margin: 0;">ADDRESS: 804 SOUTH FRENCH AVENUE SANFORD, FLORIDA 32771</p> <p style="margin: 0;">PHONE: 407-878-3796</p>				
<p style="margin: 0;">DRAWN BY: <u> KD </u></p> <p style="margin: 0;">DATE: <u> 6/06/19 </u></p>		<p style="margin: 0;">CHECKED BY: <u> BHH </u></p> <p style="margin: 0;">SHEET <u> </u> OF <u> </u></p>	<p style="margin: 0;">DRAWING NO. <u> 18-09-0089 </u></p> <p style="margin: 0;">REVISIONS <u> </u></p>	<div style="text-align: center;">  </div> <p style="margin: 0;">SECTION <u> 37 </u></p> <p style="margin: 0;">TOWNSHIP <u> 20G </u> SOUTH</p> <p style="margin: 0;">RANGE <u> 34 </u> EAST</p>

Fig. 17: Copy of Drainage Easement Executed.

Drainage Easement 4 of 4

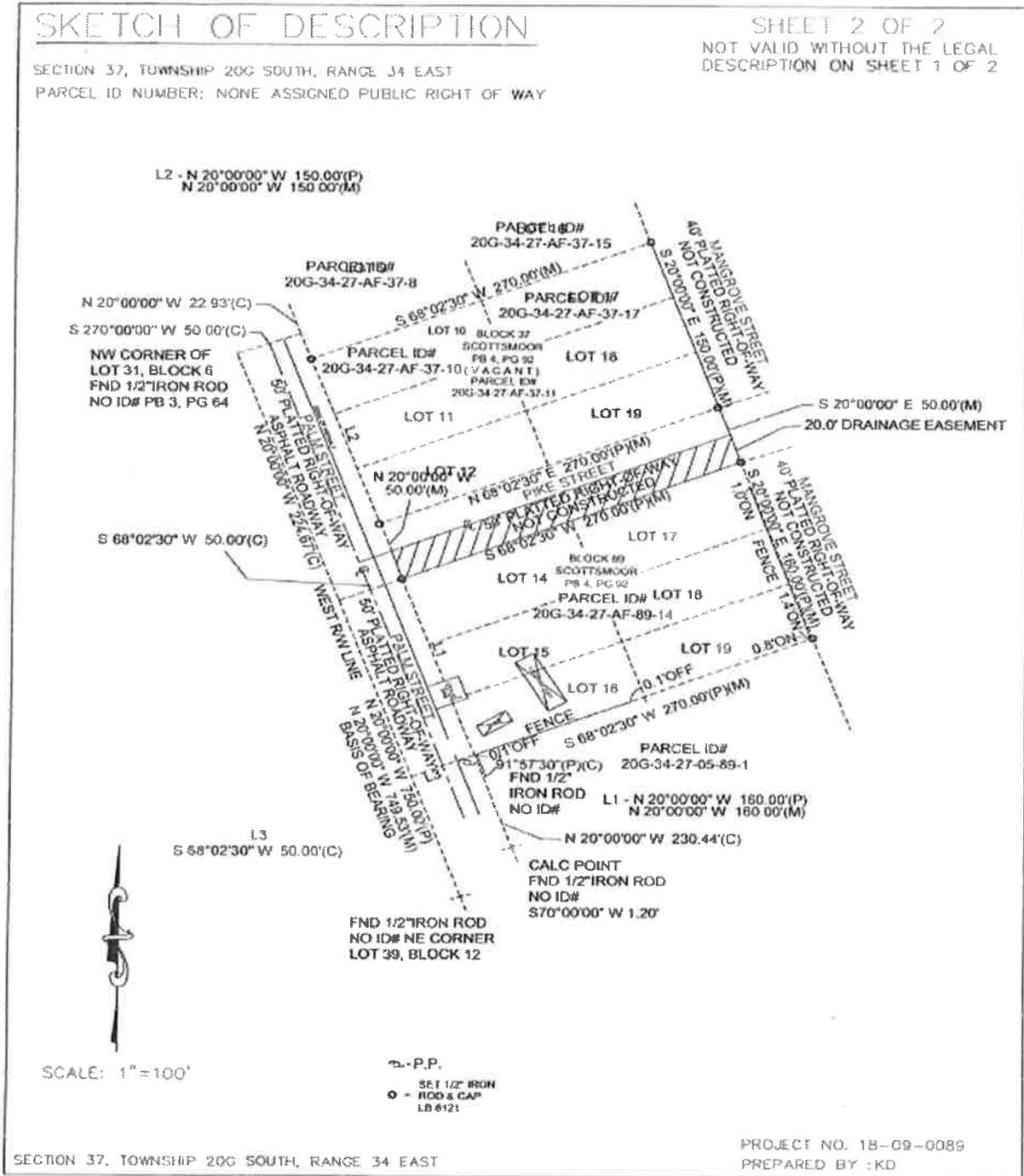


Fig. 18: Copy of Drainage Easement Executed.



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com
Eagle	888-516-9220	321-242-3632	BREagle@gannett.com
Reporter	888-516-9220	321-242-3632	BREReporter@gannett.com

Customer: BREVARD CTY PUBLIC WORKS DEPT

Ad No.: 0003706105

Address: 2725 JUDGE FRAN JAMIESON WAY
 VIERA FL 32940
 USA

Pymt Method Invoice

Net Amt: \$171.52

Run Times: 1

No. of Affidavits: 1

Run Dates: 07/31/19

Text of Ad:

AD# 3706105 7/31/19
 LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC RIGHT-OF-WAY OF PIKE STREET IN SCOTTSMOOR, LYING IN SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST, SCOTTSMOOR - JOHN VOGT

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 23th day of July 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public Right-of-Way in Scottsmoor, lying in Section 37, Township 20G South, Range 34 East, Scottsmoor, as petitioned by John Vogt.

SEE ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION:

EXHIBIT "A"

BEING ALL OF PIKE STREET 50 FOOT RIGHT OF WAY, LYING BETWEEN BLOCK 37 AND BLOCK 89, SCOTTSMOOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 92 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF PALM STREET; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF BLOCK 37; BOUNDED ON THE EAST BY THE WESTERLY RIGHT OF WAY LINE OF MANGROVE STREET AND BOUNDED ON THE SOUTH BY THE NORTHERLY AFOREMENTIONED. CONTAINING 13,490.82 SQUARE FEET (0.31 ACRES), MORE OR LESS. PREPARED BY: BILL HYATT, PSM

The Board further renounced and disclaimed any right of the County in and to said Right-of-Way.

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

COPY

Resolution 2019 - 116

Vacating a part of a 50.0 FT. Wide Public Right-of-Way of Pike Street in "Scottsmoor" Subdivision, Plat Book 4, Page 92, Mims, Florida, lying in Section 37, Township 20G South, Range 34 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by JOHN VOGT with the Board of County Commissioners to vacate a portion of a public right-of-way in Brevard County, Florida, described as follows:

SEE ATTACHED BOUNDARY SURVEY

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 right-of-way will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public right-of-way is hereby vacated; and Brevard County renounces and disclaims any rights in and to said right-of-way. 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.

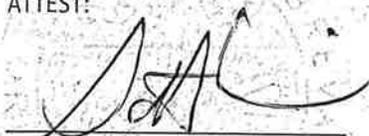
DONE, ORDERED AND ADOPTED, in regular session, this 23TH day of July, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Kristine Isnardi, Chair

ATTEST:



SCOTT ELLIS, CLERK

As approved by the Board on:
July 23, 2019

LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC RIGHT-OF-WAY OF PIKE STREET IN
SCOTTSMOOR, LYING IN SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST,
SCOTTSMOOR – JOHN VOGT

TO WHOM IT MAY CONCERN:

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SEE ATTACHED EXHIBIT "A"

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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 July 31, 2019, 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"

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Copy

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