

Meeting Date
October 21, 2014



AGENDA	
Section	PUBLIC HEARING
Item No.	III.B.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate: Part of a 15.00 ft. Wide Maintenance Easement – Lot 34 Block E Rivers Edge Subdivision – Jamie Forrest – Melbourne Beach - District 3
	Public Works Department – Surveying Section

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider vacating part of a 15.00 ft. wide public maintenance easement encumbering Lot 34 Block E of the Rivers Edge Subdivision in Section 17, Township 28 South, Range 38 East. If approved, it is requested that the Board authorize the Chairman to execute the attached Resolution approving the vacating.

Summary Explanation & Background:

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

The petitioner as owner of Lot 34 is requesting the vacating of a portion of a public maintenance easement to facilitate construction of a pool and enclosure as part of construction of a new residence (see attached plot plan).

October 02, 2014, 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 address is 323 Amberjack Place, Melbourne Beach, FL, 32951 and is located as follows: from U.S. Highway 192, south on S. R. A-1-A (aka: South Miramar Ave. and Oak St.) for 2.9 miles to Seahorse Drive, south on Seahorse Drive for 0.2 miles to Amberjack Place, west on Amberjack Place 0.04 miles to the lot on the south side.

Previously, the Board approved Resolution 93-079 vacating the north 5.00 ft. of this same 15.00 ft. maintenance easement at Lot 31 Block E.

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

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

Clerk to the Board instruction: Advertise Final Legal Notice and Record Vacating Resolution Documents

Exhibits Attached: Resolution, Maps & Comment Summary

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager 	Deputy County Manager Mel Scott 	Department Director / Extension John P. Denninghoff / 57202
Stockton Whitten	Assistant County Manager Venetta Valdengo	



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 20, 2014

MEMORANDUM

TO: Recording

RE: Item III.B., Resolution Vacating a Portion of a 15.00 FT. Wide Public Maintenance Easement at Lot 34, Block E, Rivers Edge Subdivision in Section 17, Township 28 South, Range 38 East

The Board of County Commissioners, in regular session on October 21, 2014, adopted a Resolution Vacating a Portion of a 15.00 FT. Wide Public Maintenance Easement at Lot 34, Block E, Rivers Edge Subdivision in Section 17, Township 28 South, Range 38 East. Enclosed are the proof of publication setting the public hearing, Resolution 14-195, with attached Exhibits, and proof of publication advertising the vacation.

Please record same in the Public Records, bill Public Works Department's Account Number 3175 or call Marc Cazesus at 5-7315 if you have any questions; and return the recorded documents to this office, **including a receipt for the recordation.**

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/jl

Encls. (3)



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 25, 2014

Jamie Forrest
672 Linville Falls Drive
West Melbourne, FL 32904

Dear Mr. Forrest:

RE: Item III.A., Resolution Vacating a Portion of a 15.00 Foot Wide Public Maintenance Easement at Lot 34, Block E, Rivers Edge Subdivision in Section 17, Township 28 South, Range 38 East

The Board of County Commissioners, in regular session on October 21, 2014, adopted Resolution No. 14-195, vacating a Portion of a 15.00 Foot Wide Public Maintenance Easement at Lot 34, Block E, Rivers Edge Subdivision, as petitioned by you. Said Resolution has been recorded in ORBK 7250, PGs 2544 through 2548. 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 Etheridge

Tammy Etheridge, Deputy Clerk

/clm

Encl. (1)

cc: Marc Cazessus



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 25, 2014

M E M O R A N D U M

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

RE: Advertising Bills for Resolution to Vacate a Portion of a 15.00 Foot Wide Public Maintenance Easement at Lot 34, Block E, Rivers Edge Subdivision

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 14-195, vacating a Portion of a 15.00 Foot Wide Public Maintenance Easement at Lot 34, Block E, Rivers Edge Subdivision, as petitioned by Jamie Forrest. Said Resolution was adopted by the Board of County Commissioner in Regular session, on October 21, 2014.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS

Tammy Etheridge, Deputy Clerk

Encls. (2)

Mailed to:

Brevard County
 Attn: Tammy Etheridge
 PO Box 999
 Titusville, FL 32781-0999



AD#340569,10/02/2014

LEGAL NOTICE

NOTICE TO VACATE A PORTION OF A 15.00 FT. WIDE PUBLIC MAINTENANCE EASEMENT WHICH ENCUMBERS LOT 34, BLOCK E, RIVERS EDGE SUBDIVISION, MELBOURNE BEACH, FL. 32951 IN SECTION 17, TOWNSHIP 28 SOUTH, RANGE 38 EAST.
 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 **JAMIE FORREST** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

EXHIBIT "A"

Legal Description
 A portion of the 15.00 foot wide public maintenance easement in Lot 34, Block E, Rivers Edge Subdivision, as recorded in Plat Book 24, Page 63, Public Records of Brevard County, Florida, and being more particularly described as follows:
 The North 10.00 feet of the South 15.00 feet of said Lot 34, Block E, LESS the East 12.00 feet and LESS the West 12.00 feet. Containing 810 square feet, more or less.
 Description prepared by: Myron E. Barker, PSM

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 a.m. on **OCTOBER 21, 2014** at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense. The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

STATE OF FLORIDA
 COUNTY OF BREVARD

Kathy Cicala

Before the undersigned authority personally appeared _____ who on oath says that she is **LEGAL ADVERTISING SPECIALIST** of the **FLORIDA TODAY**, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (340569) \$	158.60	The matter of:
Acct. # (6BR427		
BREVARD COUNTY BOCC		
the	Court	LEGAL NOTICE
VACATE PORTION OF 15 FT WIDE PUBLIC MAINTENANCE		

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

October 2, 2014

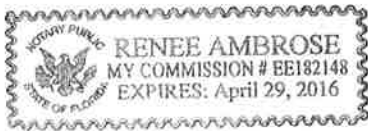
Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in **MELBOURNE** 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Kathy Cicala
 (Signature of Affiant)

2nd day of October 2014

Renee Ambrose
 (Signature of Notary Public)

Sworn to and subscribed before this:



Renee Ambrose

(Name of Notary Typed, Printed or Stamped)

Personally Known X or Produced Identification _____
 Type Identification Produced: _____

VACATING A PORTION OF A 15.00 FT. WIDE PUBLIC MAINTENANCE EASEMENT AT LOT 34, BLK. E, RIVERS EDGE SUBDIVISION IN SECTION 17, TOWNSHIP 28 SOUTH, RANGE 38 EAST

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Jamie Forrest** with the Board of County Commissioners to vacate a portion of a public maintenance 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 the vacating of this portion of the public maintenance easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public maintenance 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 21st day of October A.D., 2014.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


MARY BOLIN LEWIS, CHAIRMAN

As approved by the Board on:
October 21, 2014

SKETCH & DESCRIPTION

SHEET 1 OF 2

SECTION 17 TOWNSHIP 28 SOUTH, RANGE 38 EAST

NOT VALID WITHOUT THE SKETCH
ON SHEET 2 OF 2

PARCEL ID#

28-28-17-27-0000E.0-0034.00

PURPOSE

OF SURVEY:

Vacate a portion of the maintenance
easement

LEGAL DESCRIPTION:

A portion of the 15.00 foot wide public maintenance easement in
Lot 34, Block E, Rivers Edge Subdivision, as recorded in Plat Book 24,
Page 63, Public Records of Brevard County, Florida, and being more
particularly described as follows:

The North 10.00 feet of the South 15.00 feet of said Lot 34, Block E
Less the East 12.00 feet and less the West 12.00 feet. Containing
810 square feet, more or less.

SURVEYOR'S NOTES:

C/L Centerline
R/W right of Way
(R) Record
(M) Measured
LS Licensed Surveyor
PUE Public Utility Easement

PREPARED FOR:

ANDREW FORREST


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

PREPARED BY: Myron E. Barker Precision Land Surveying, Inc.

ADDRESS: 2604 Melissa Court, Melbourne, Florida 32934

PHONE: (321) 259-4600

DRAWN BY: MB

CHECKED BY: KB

DRAWING NO. _____

SECTION 17

DATE: 9-22/14

SHEET 1 OF 2

REVISIONS _____

TOWNSHIP 28 SOUTH

RANGE 38 EAST

VACATING SKETCH OF DESCRIPTION
SHEET 1 OF 2

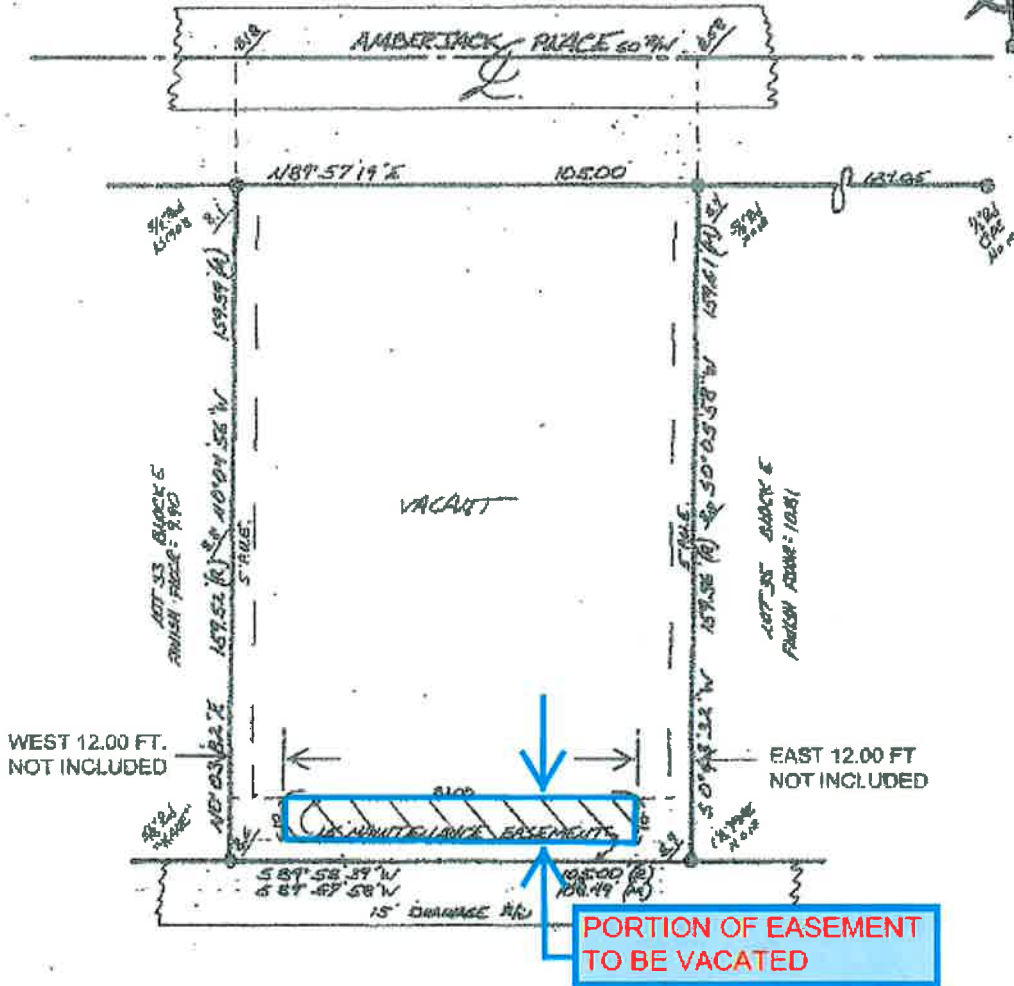
SKETCH OF DESCRIPTION

SECTION 17, TOWNSHIP 28 SOUTH, RANGE 38 EAST
PARCEL ID NUMBER: 28-38-17-0000E.0-0034.0

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2

MAP OF SURVEY
CERTIFICATE OF AUTHORIZATION L.B. 6586



PRECISION LAND SURVEYING, INC. PHONE: (321) 259-4000 FAX: (321) 259-4205 EMAIL: PLS@OFLRR.COM 2504 MELISSA COURT MELBOURNE, FLORIDA 32934	JOB NO: 2259
	SCALE: 1" = 40'
	DATE: 8-18-14
	PAGE: 2 OF 2

Myron E. Barker
PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5083
CERTIFICATE OF AUTHORIZATION L.B. 6586

VACATING SKETCH OF DESCRIPTION
SHEET 2 OF 2

Mailed to:

A daily publication by:

Value Adjustment Board 6BR427
PO Box 999
Titusville FL 32781



STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared Kathy Cicala,
who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a
newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (343161) \$	111.62	The matter of:
6BR427		BREVARD COUNTY PLANNING & ZONING
the	Court	RESOLUTION VACATING PART OF A 15.00 FOOT WIDE MAINTENANCE EASEMENT

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

NOVEMBER 13 2014

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, regularly as stated above, 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before this:



RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2015

Kathy Cicala
(Signature of Affiant)

13TH DAY OF NOVEMBER 2014

Ruby Royer
(Signature of Notary Public)

Ruby Royer
(Name of Notary Typed, Printed or Stamped)

AD#343161, 11/13/2014

LEGAL NOTICE
RESOLUTION VACATING PART OF A 15.00 FOOT WIDE MAINTENANCE EASEMENT - LOT 34 BLOCK E RIVERS EDGE SUBDIVISION
TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that on the 21st day of October, 2014, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a 15.00 foot public maintenance - Lot 34 Block E Rivers Edge Subdivision as petitioned by Jamie Forrest to wit:
EXHIBIT "A"
LEGAL DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:
A PORTION OF THE 15.00 FOOT WIDE PUBLIC MAINTENANCE EASEMENT IN LOT 34, BLOCK E, RIVERS EDGE SUBDIVISION, AS RECORDED IN PLAT BOOK 24, PAGE 63, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 10.00 FEET OF THE SOUTH 15.00 FEET OF SAID LOT 34, BLOCK E, LESS THE EAST 12.00 FEET AND LESS THE WEST 12.00 FEET, CONTAINING 810 SQUARE FEET, MORE OR LESS.
DESCRIPTION PREPARED BY: MYRON E. BARKER, PSM
The Board further renounced and disclaimed any right of the County in and to said public utility and drainage easement. All persons govern yourselves accordingly.
BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
SCOTT ELLIS, CLERK
BY: Tammy Etheridge, Deputy Clerk

Personally Known or Produced Identification _____
Type Identification Produced: _____

BrevardClerk.US

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B
 P.O. Box 2767
 Titusville, FL 32781-2767
 (321) 637-2006

DBLIVE Transaction

#: 1423783

Receipt #: 61395752

Cashier Date: 11/24/2014
 12:04:46 PM



Print Date:
 11/24/2014 12:04:46 PM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$1105.00	DateReceived: 11/20/2014 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$44.00 Total Payments \$44.00

2 Payments	
NOCHARGE	
ESCROW	\$44.00

1 Recorded Items		
(RSL) RESOLUTION	<i>BK/PG: 7250/2544 CFN:2014228068 Date:11/20/2014 2:27:55 PM From: BREVARD COUNTY To: FORREST,JAMIE</i>	
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5	\$44.00
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea.	2	\$0.00

0 Search Items

0 Miscellaneous Items

LEGAL NOTICE

RESOLUTION VACATING PART OF A 15.00 FOOT WIDE MAINTENANCE EASEMENT
– LOT 34 BLOCK E RIVERS EDGE SUBDIVISION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21st day of October, 2014, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a 15.00 foot public maintenance – Lot 34 Block E Rivers Edge Subdivision as petitioned by Jamie Forrest to wit:

SEE ATTACHED EXHIBIT “A”

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

All persons govern yourselves accordingly.

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

FLORIDA TODAY:

Please advertise in the November 13, 2014 issue of Florida TODAY.

Bill the Board of County Commissioners and forward bill and proof of publication to Tammy Etheridge, P.O. Box 999, Titusville, Florida 32781-0999

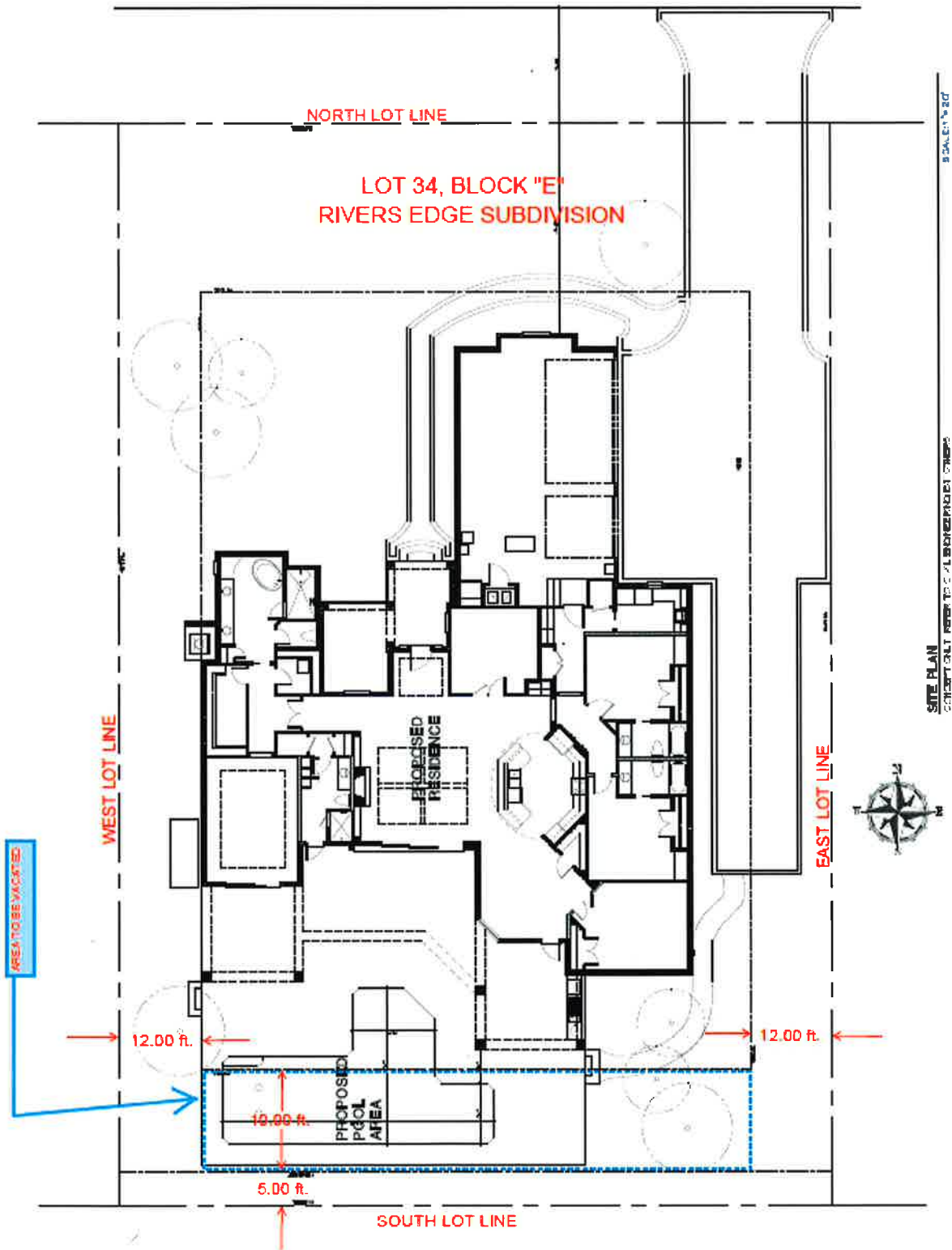
EXHIBIT A:

LEGAL DESCRIPTION:

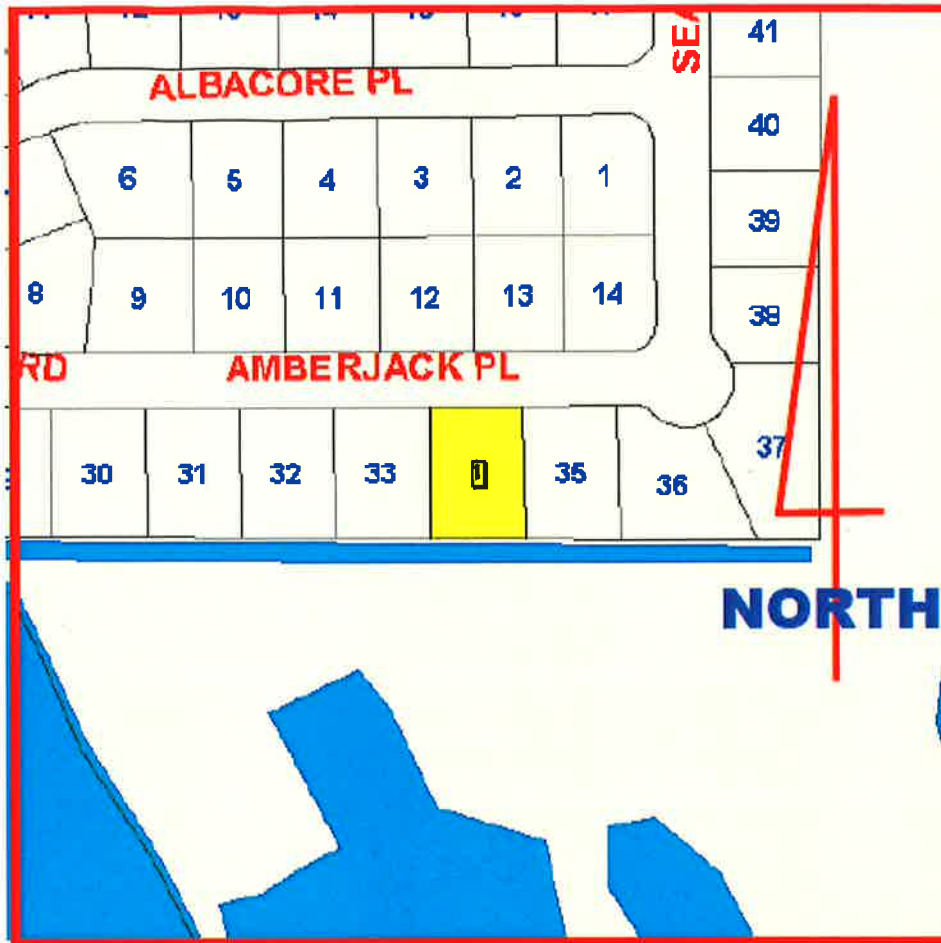
A PORTION OF THE 15.00 FOOT WIDE PUBLIC MAINTENANCE EASEMENT IN LOT 34, BLOCK E, RIVERS EDGE SUBDIVISION, AS RECORDED IN PLAT BOOK 24, PAGE 63, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 10.00 FEET OF THE SOUTH 15.00 FEET OF SAID LOT 34, BLOCK E, LESS THE EAST 12.00 FEET AND LESS THE WEST 12.00 FEET. CONTAINING 810 SQUARE FEET, MORE OR LESS.

DESCRIPTION PREPARED BY: MYRON E. BARKER, PSM

AMBERJACK PLACE



PLOT PLAN



Andrew R. & Jamie R. Forrest - Lot 34, Block E,
Rivers Edge Subdivision (P.B. 24 @ Pg. 63)
323 Amberjack Place, Melbourne Beach, FL 32951
Section 17, Twp. 28 S., Rge. 38 E. - District 3
Vacate Part of Maintenance Easement

VICINITY MAP



Andrew R. & Jamie R. Forrest - Lot 34, Block E,
Rivers Edge Subdivision (P.B. 24 @ Pg. 63)
323 Amberjack Place, Melbourne Beach, FL 32951
Section 17, Twp. 28 S., Rge. 38 E. - District 3
Vacate Part of Maintenance Easement

AERIAL MAP

LEGAL NOTICE

NOTICE TO VACATE A PORTION OF A 15.00 FT. WIDE PUBLIC MAINTENANCE EASEMENT WHICH ENCUMBERS LOT 34, BLOCK E, RIVERS EDGE SUBDIVISION, MELBOURNE BEACH, FL, 32951 IN SECTION 17, TOWNSHIP 28 SOUTH, RANGE 38 EAST

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SEE EXHIBIT "A"

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Description prepared by: Myron E. Barker, PSM