



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

5/19/2020

Subject:

Petition to Vacate, Re: Public Utility Easements - A1A - Official Records Book 2417, Page 2451, "Proposed Harbor Island Beach Club" Plat Book N/A, Page N/A - Melbourne Beach - Phoenix Park Fund V LP - District 3

Fiscal Impact:

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

Dept/Office:

Public Works Department - Surveying & Mapping

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating a public utility easement lying within Parcel 5, in Section 20, Township 28 South, Range 38 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 petitioner owns Parcel 5 and is requesting the vacating of the 50.00 ft. wide public utility easements lying within Parcel 5 to allow for the plans for "Harbor Island Beach Club" to be approved creating a new easement for the existing utilities. Easement to be vacated contains 104,669 square feet, more or less. The property is located in Melbourne Beach North of Seaview Street and West of Highway A1A.

May 04, 2020, 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.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 58346

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.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

June 4, 2020

Pheonix Park Fund V LP
C/O Dan Winkler
119 Signature Drive
Melbourne Beach, FL 32951

Dear Sir:

Re: Resolution Vacating Part of Two Public Utility Easements per Official Records Book 2417,
Page 2451, Melbourne Beach

The Board of County Commissioners, in regular session on May 19, 2020, adopted Resolution No. 20-054, vacating part of two public utility easements per Official Records Book 2417, Page 2451, Melbourne Beach, lying in Section 20, Township 28 South, Range 38 East, as petitioned by you. Said Resolution has been recorded in ORBK 8755, Pages 1866 through 1874. Enclosed is a certified copy of the recorded Resolution and easement for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Donna Scott
for: Kimberly Powell, Deputy Clerk

/sm

Encl. (1)

cc: Amber Holley, Public Works



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

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

June 4, 2020

M E M O R A N D U M

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

RE: Advertising Bills for Resolution Vacating Part of Two Public Utility Easements per Official Records Book 2417, Page 2451, Melbourne Beach

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-054, vacating part of two public utility easements per Official Records Book 2417, Page 2451, Melbourne Beach, lying in Section 20, Township 28 South, Range 38 East, as petitioned by Pheonix Park Fund V LP. Said Resolution was adopted by the Board of County Commissioners, in regular session on May 19, 2020.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

for: Donna Scott
Kimberly Powell, Deputy Clerk

/sm

Encls. (2)

Resolution 2020 - 054

**Vacating two public utility easements per Official Records Book 2417, Page 2451, Melbourne Beach,
Florida, lying in Section 20, Township 28 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **PHOENIX
PARK FUND V LP** with the Board of County Commissioners to vacate two public utility easements 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 the two public utility easements will not be detrimental to Brevard
County or the public.

THEREFORE BE IT RESOLVED that said two public utility easements are hereby vacated; and Brevard County
renounces and disclaims any rights in and to said easements. 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 19th day of May, 2020 A.D.

original lost in
the mail.
Smedaniel

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

SCOTT ELLIS, CLERK


Bryan Lober, Chair

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing
is a true and current copy of Resolution
2020-054 witness my hand
and official seal this 21 day of
July 2020

SCOTT ELLIS, Clerk of Circuit Court

BY Smedaniel D.C.

As approved by the Board on:
May 19, 2020

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 3

PARENT PARCEL ID#: 28-38-20-00-05

NOT VALID WITHOUT SHEETS 2 & 3 OF 3

PURPOSE: VACATE UTILITY EASEMENTS

THIS IS NOT A SURVEY

DESCRIPTION: PER ORB 2417, PG 2451

PARCEL A:

A public utility easement in Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the North line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida, and the West Right-of-Way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, pages 67-74 of the Public Records of Brevard County, Florida, and go thence South 89°48'25" West along the said North line of the North 400 feet of the South 700 feet of said Government Lot 1 and the North line of the North 400 feet of the South 700 feet of said Government Lot 2 a combined distance of 1933.83 feet to the POINT OF BEGINNING of the herein described parcel; thence South 00°11'35" East a distance of 91.63 feet; thence South 45°11'35" East a distance of 269.39 feet; thence North 44°48'25" East a distance of 77.50 feet; thence South 45°11'35" East a distance of 15.00 feet; thence South 44°48'25" West a distance of 60.00 feet; thence South 45°11'35" East a distance of 75.86 feet; thence South 89°48'25" West a distance of 109.37 feet; thence North 00°11'55" West a distance of 63.42 feet; thence North 45°11'35" West a distance of 244.28 feet; thence North 00°11'35" West a distance of 97.84 feet to the North line of the North 400 feet of the South 700 feet of Government Lot 2; thence North 89°48'25" East along the said North line a distance of 15.00 feet to the POINT OF BEGINNING.

PARCEL B:

A portion of the South 50 feet of the North 400 feet of the South 700 feet of Government Lot 1, Section 21 and of Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the north line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida with the west right-of-way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, Pages 67-74, Brevard County Public Records; thence South 89°48'25" West along the north line of the North 400 feet of the South 700 feet of said Government Lot 1 and along the north line of the North 400 feet of the South 700 feet of said Government Lot 2, a combined distance of 1983.74 feet; thence South 45°11'35" East a distance of 393.99 feet; thence South 44°48'25" West a distance of 28.00 feet to the POINT OF BEGINNING of the herein described easement; thence South 45°11'35" East a distance of 60.97 feet to the Point of Curvature of a circular curve, concave to the North, having a central angle of 45°00'00" and a radius of 29.00 feet; thence southerly and easterly along the arc of said curve, a distance of 22.78 feet to the Point of Tangency of said curve; thence North 89°48'25" East a distance of 1603.17 feet; thence North 66°31'49" East a distance of 191.73 feet to the aforesaid west right-of-way of State Road A-1-A; thence South 23°28'11" East along said west right-of-way a distance of 50.00 feet; thence South 66°31'49" West a distance of 202.03 feet to the south line of the North 400 feet of the South 700 feet of Government Lot 1 of said Section 21; thence South 89°48'25" West along the south line of the North 400 feet of the South 700 feet of said Government Lot 1 and Government Lot 2 a combined distance of 1646.19 feet; thence North 45°11'35" West a distance of 62.69 feet; thence North 44°48'25" East a distance of 36.00 feet; thence North 45°11'35" West a distance of 31.00 feet; thence North 44°48'25" East a distance of 14.00 feet to the POINT OF BEGINNING.

104669 total square footage.

SEE SHEET 2 & 3 FOR NOTES AND LEGEND

This Map or Report conforms to the Standards of Practice for professional surveyors and mappers as outlined in Chapter 5J-17, F.A.C.

ROBERT R. BRIEL, Florida Professional Surveyor & Mapper, No. 3699

This survey is prepared and certified for the exclusive use of the client or clients named hereon. Not valid without the signature and original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.

PREPARED FOR AND CERTIFIED TO:

PHOENIX PARK FUND V, LP
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



BRIEL & ASSOCIATES

Land Surveyors, Inc.

1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

DRAWN BY: RRB

CHECKED BY: RRB

PROJECT NO. 17020 sewer vac

REVISIONS

DATE

DESCRIPTION

SECTIONS 20 & 21
TOWNSHIP 28 SOUTH
RANGE 38 EAST

DATE: 04/10/2020

DRAWING:

EXHIBIT "A"

SHEET 2 OF 3

NOT VALID WITHOUT SHEET 1 OF 3

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-38-20-00-05

PURPOSE: VACATE UTILITY EASEMENTS

OCEAN RIDGE PB 43, PG 29

N LINE, N 400', S 700'
G.L. 2, SEC 20-28-38

TAX PARCEL
28-38-20-00-6

S89°48'25"W 1933.83'
1983.74' TO TIE LINE

TAX PARCEL
28-38-20-00-5

PARCEL A LINE TABLE
L1=S44°48'25"W 60.00'
L2=S45°11'35"E 75.86'
L3=S89°48'25"W 109.37'
L4=N00°11'55"W 63.42'

PARCEL B
L5=S45°11'35"E 60.97'
L6=N45°11'35"W 62.69'
L7=N44°48'25"E 36.00'
L8=N45°11'35"W 31.00'
L9=N44°48'25"E 14.00'
L10=S44°48'25"W 28.00'

S LINE, N 400', S 700'
G.L. 2, SEC 20-28-38

DEWIE ACRES
PB 10, PG 56

LEGEND~ABBREVIATIONS:

A	=	ARC LENGTH
D	=	DELTA OR CENTRAL ANGLE
ESMT	=	EASEMENT
G.L.	=	GOVERNMENT LOT
NTS	=	OFFICIAL RECORDS BOOK
ORB	=	NOT TO SCALE
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
PB	=	PLAT BOOK
PC	=	POINT OF CURVATURE
PG	=	PAGE
PT	=	POINT OF TANGENCY
R	=	RADIUS
R/W	=	RIGHT OF WAY
SB	=	SURVEY BOOK
SEC	=	SECTION
SS	=	SANITARY SEWER
TYP	=	TYPICAL

NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO VACATE EASEMENT PARCEL A AND PARCEL B AS RECORDED IN OFFICIAL RECORDS BOOK 2417, PAGE 2451. IS NOT INTENDED TO REPRESENT A LAND BOUNDARY SURVEY.

2. THE DESCRIPTION WAS NOT PREPARED BY THE SIGNING SURVEYOR OR FIRM.

3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SET FORTH IN OPINION OF TITLE FOR HARBOR ISLAND BEACH CLUB PREPARED BY STEPHEN E. SPIRA DATED MARCH 30, 2020.

4. BEARINGS ARE BASED ON THE RECORDED DESCRIPTION.

S LINE G.L. 2 SEC 20-38-38

PREPARED BY: BRIEL & ASSOCITES LAND SURVEYORS, INC.
1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

SCALE: $1" = 100'$

PROJECT NO.:
17020 sewer vac

SECTIONS 20 & 21
TOWNSHIP 28 SOUTH
RANGE 38 EAST

SEE SHEET 3

SKETCH OF DESCRIPTION

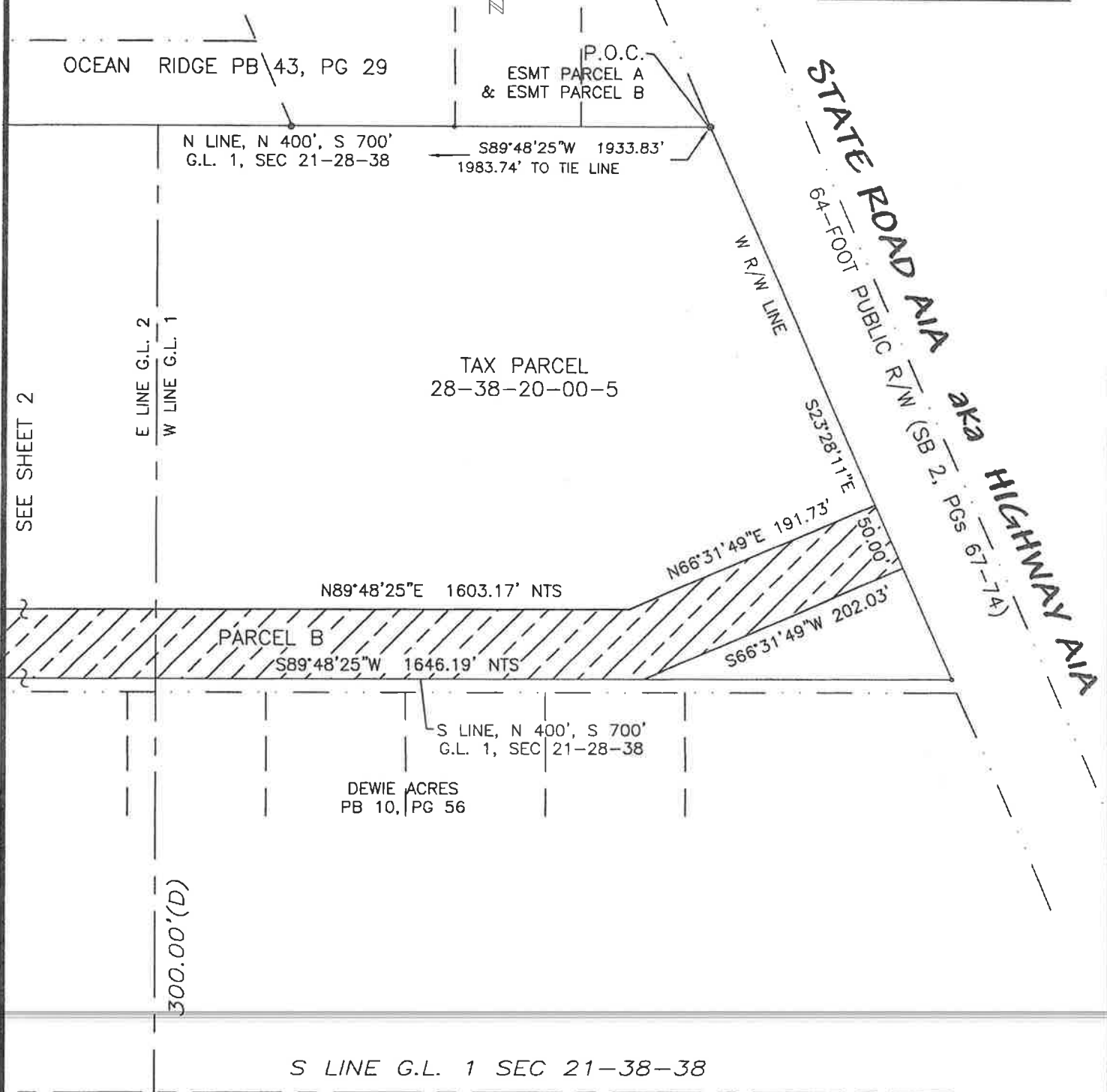
PARENT PARCEL ID#: 28-38-20-00-05
PURPOSE: VACATE UTILITY EASEMENTS

EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEET 1 OF 3

THIS IS NOT A SURVEY



PREPARED BY: BRIEL & ASSOCIATES LAND SURVEYORS, INC.
1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

SCALE:
1" = 100'

PROJECT NO.:
17020 sewer vac

SECTIONS 20 & 21
TOWNSHIP 28 SOUTH
RANGE 38 EAST

A Daily Publication By:



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

STATE OF WISCONSIN COUNTY OF BROWN

Before the undersigned authority personally appeared Joe Heynen who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

LEGAL NOTICES

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

5/4/2020

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 4th of May 2020.
by Joe Heynen who is personally known to me

A handwritten signature of the affiant, Joe Heynen, in black ink.

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$464.92
Ad No: 0004171604
Customer No: BRE-6BR327



LEGAL NOTICE

NOTICE FOR THE VACATING OF TWO PUBLIC UTILITY EASEMENTS, PER OFFICIAL RECORDS BOOK 2412, PAGE 2551, IN SECTION 20, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 218.09, Florida Statutes, and Chapter 85, Article 8, Section 85.36, Brevard County Code, a petition has been filed by PHOENIX PARK FUND V LP with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

PARCEL A:

A public utility easement in Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the North line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida, and the West Right-of-Way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, pages 67-74 of the Public Records of Brevard County, Florida, and go thence South 89°48'25" West along the said North line of the North 400 feet of the South 700 feet of said Government Lot 1 and the North line of the North 400 feet of the South 700 feet of said Government Lot 2 a combined distance of 1933.33 feet to the POINT OF BEGINNING of the herein described parcel; thence South 00°11'35" East a distance of 91.63 feet; thence South 45°11'35" East a distance of 269.39 feet; thence North 44°48'25" East a distance of 77.50 feet; thence South 45°11'35" East a distance of 15.00 feet; thence South 44°48'25" West a distance of 60.00 feet; thence South 45°11'35" East a distance of 75.86 feet; thence South 89°48'25" West a distance of 109.37 feet; thence North 00°11'35" West a distance of 63.42 feet; thence North 45°11'35" West a distance of 244.28 feet; thence North 00°11'35" West a distance of 97.84 feet to the North line of the North 400 feet of the South 700 feet of Government Lot 2; thence North 89°48'25" East along the said North line a distance of 15.00 feet to the POINT OF BEGINNING.

PARCEL B:

A portion of the South 50 feet of the North 400 feet of the South 700 feet of Government Lot 1, Section 21 and of Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the north line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida with the west right-of-way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, Pages 67-74, Brevard County Public Records; thence South 89°48'25" West along the north line of the North 400 feet of the South 700 feet of said Government Lot 1 and along the north line of the North 400 feet of the South 700 feet of said Government Lot 2, a combined distance of 1983.74 feet; thence South 45°11'35" East a distance of 393.99 feet; thence South 44°48'25" West a distance of 28.00 feet to the POINT OF BEGINNING of the herein described easement; thence South 45°11'35" East a distance of 66.97 feet to the Point of Curvature of a circular curve, concave to the North, having a central angle of 45°00'00" and a radius of 23.00 feet; thence southerly and easterly along the arc of said curve, a distance of 22.78 feet to the Point of Tangency of said curve; thence North 89°48'25" East a distance of 1603.17 feet; thence North 66°31'59" East a distance of 191.73 feet to the abutment west right-of-way of State Road A-1-A; thence South 23°28'11" East along said west right-of-way a distance of 50.00 feet; thence South 68°31'45" West a distance of 202.03 feet to the south line of the North 400 feet of the South 700 feet of Government Lot 1 of said Section 21; thence South 89°48'25" West along the south line of the North 400 feet of the South 700 feet of said Government Lot 1 and Government Lot 2 a combined distance of 1646.19 feet; thence North 45°11'35" West a distance of 44.69 feet; thence North 45°18'25" East a distance of 36.00 feet; thence North 45°11'35" West a distance of 31.00 feet; thence North 44°48'25" East a distance of 14.00 feet to the POINT OF BEGINNING. PREPARED BY: ROBERT R. BRIEL, PSIA.

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 May 19, 2020 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those interested to appear 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 affirm that a complete 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.

A Daily Publication By:



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

STATE OF WISCONSIN COUNTY OF BROWN

Before the undersigned authority personally appeared Joe Heynen who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

LEGAL NOTICE

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

5/26/2020

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of May 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$436.39
Ad No: 0004205426
Customer No: BRE-6BR327



AD#4205426, 5/26/2020
LEGAL NOTICE
RESOLUTION VACATING TWO PUBLIC
UTILITY EASEMENTS PER OFFICIAL
RECORDS BOOK 2417 PAGE 2451,
MELBOURNE BEACH, LYING IN SECTION
20, TOWNSHIP 28, RANGE 38 EAST AS
PETITIONED BY PHEONIX PARK FUND V
LP

TO WHOM IT MAY CONCERN

NOTICE IS HEREBY GIVEN that on the
19th day of May 2020, the Board of
County Commissioners of Brevard Coun-
ty, Florida, adopted a Resolution
vacating two public utility easements
per Official Records, Book 2417, Page
2451, Melbourne Beach, lying in Section
20, Township 28, Range 38 East, as peti-
tioned by Pheonix Park Fund VLP.

PARCEL A

A public utility easement in Government
Lot 2, Section 20, Township 28 South,
Range 38 East, Brevard County, Florida,
being more particularly described as fol-
lows: Commence at the intersection of
the North line of the North 400 feet of
the South 700 feet of Government Lot 1,
Section 21, Township 28 South, Range 38
East, Brevard County, Florida, and the
West Right-of-Way of State Road A-1-A
(64 foot R/W) as defined by Florida
D.O.T. Maintenance Map recorded in
Survey Book 2, pages 67-74 of the Public
Records of Brevard County, Florida, and
go thence South 89°48'25" West along
the said North line of the North 400 feet
of the South 700 feet of said
Government Lot 1 and the North line of
the North 400 feet of the South 700 feet
of said Government Lot 2 a combined
distance of 1933.83 feet to the POINT OF
BEGINNING of the herein described par-
cel; thence South 00°11'35" East a dis-
tance of 91.63 feet; thence South
45°11'35" East a distance of 269.39 feet;
thence North 44°48'25" East a distance
of 77.50 feet; thence South 45°11'35"
East a distance of 15.00 feet; thence
South 44°48'25" West a distance of
60.00 feet; thence South 45°11'35" East
a distance of 75.86 feet; thence South
89°48'25" West a distance of 109.37
feet; thence North 00°11'35" West a dis-
tance of 63.42 feet; thence North
45°11'35" West a distance of 244.28
feet; thence North 00°11'35" West a dis-
tance of 97.84 feet to the North line of
the North 400 feet of the South 700 feet
of Government Lot 2; thence North
89°48'25" East along the said North line
a distance of 15.00 feet to the POINT OF
BEGINNING.

PARCEL B:

A portion of the South 50 feet of the
North 400 feet of the South 700 feet of
Government Lot 1, Section 21 and of
Government Lot 2, Section 20, Township
28 South, Range 38 East, Brevard Coun-
ty, Florida, being more particularly de-
scribed as follows: Commence at the in-
tersection of the north line of the North
400 feet of the South 700 feet of
Government Lot 1, Section 21, Township
28 South, Range 38 East, Brevard Coun-
ty, Florida with the west right-of-way of
State Road A-1-A (64 foot R/W) as de-
fined by Florida D.O.T. Maintenance
Map recorded in Survey Book 2, Pages
67-74, Brevard County Public Records;
thence South 89°48'25" West along the
north line of the North 400 feet of the
South 700 feet of said Government Lot 1
and along the north line of the North
400 feet of the South 700 feet of said
Government Lot 2, a combined distance
of 1983.74 feet; thence South 45°11'35"
East a distance of 393.99 feet; thence
South 44°48'25" West a distance of
28.00 feet to the POINT OF BEGINNING
of the herein described easement;
thence South 45°11'35" East a distance
of 59.97 feet to the Point of Curvature
of a circular curve, concave to the North,
having a central angle of 45°00'00" and
a radius of 29.00 feet; thence southerly
and easterly along the arc of said curve,
a distance of 22.78 feet to the Point of
Tangency of said curve; thence North
89°48'25" East a distance of 1693.17
feet; thence North 66°31'49" East a dis-
tance of 191.73 feet to the aforesaid
west right-of-way of State Road A-1-A;
thence South 23°28'11" East along said
west right-of-way a distance of 50.00
feet; thence South 66°31'49" West a dis-
tance of 202.03 feet to the south line of
the North 400 feet of the South 700 feet
of Government Lot 1 of said Section 21;
thence South 89°48'25" West along the
south line of the North 400 feet of the
South 700 feet of said Government Lot 1
and Government Lot 2 a combined dis-
tance of 1646.19 feet; thence North
45°11'35" West a distance of 62.65 feet;
thence North 44°48'25" East a distance
of 36.00 feet; thence North 45°11'35"
West a distance of 31.00 feet; thence
North 44°48'25" East a distance of 14.00
feet to the POINT OF BEGINNING.

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

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

Brevard County Property Appraiser Detail Sheet

Account 2849283

Owners Phoenix Park Fund V Lp

Mailing Address 119 Signature Dr Melbourne Beach FL 32951

Site Address Not Assigned

Parcel ID 28-38-20-00-5

Property Use 9908 - Vacant Residential Land (Multi-Family, Unplatted)

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 15.65

Subdivision --

Site Code 0110 - River Front

Plat Book/Page --

Land Description

N 400 Ft Of S 700 Ft Of Govt Lot 2 & That Part Of N 400 Ft Of S 700 Ft Of Govt Lot 1 IN Sec 21 Lying W Of A1A Exc Orb 2417 Pgs 2436, 2438, 2440 Pars 10,14 & 261 IN Sec 21

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$3,675,000	\$3,560,000	\$1,068,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$3,675,000	\$1,135,170	\$1,031,980
Assessed Value School	\$3,675,000	\$3,560,000	\$1,068,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$3,675,000	\$1,135,170	\$1,031,980
Taxable Value School	\$3,675,000	\$3,560,000	\$1,068,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/22/2018	\$6,600,000 Vacant	WD		8075/2541
02/28/1988	\$6,975,000	PT	--	2885/2299
09/01/1982	--	WD	--	2389/0874

Fig. 1: Copy of Property Appraiser's detail sheet for parcel 5, Section 20, Township 28 South, Range 38 East, District 3

Vicinity Map

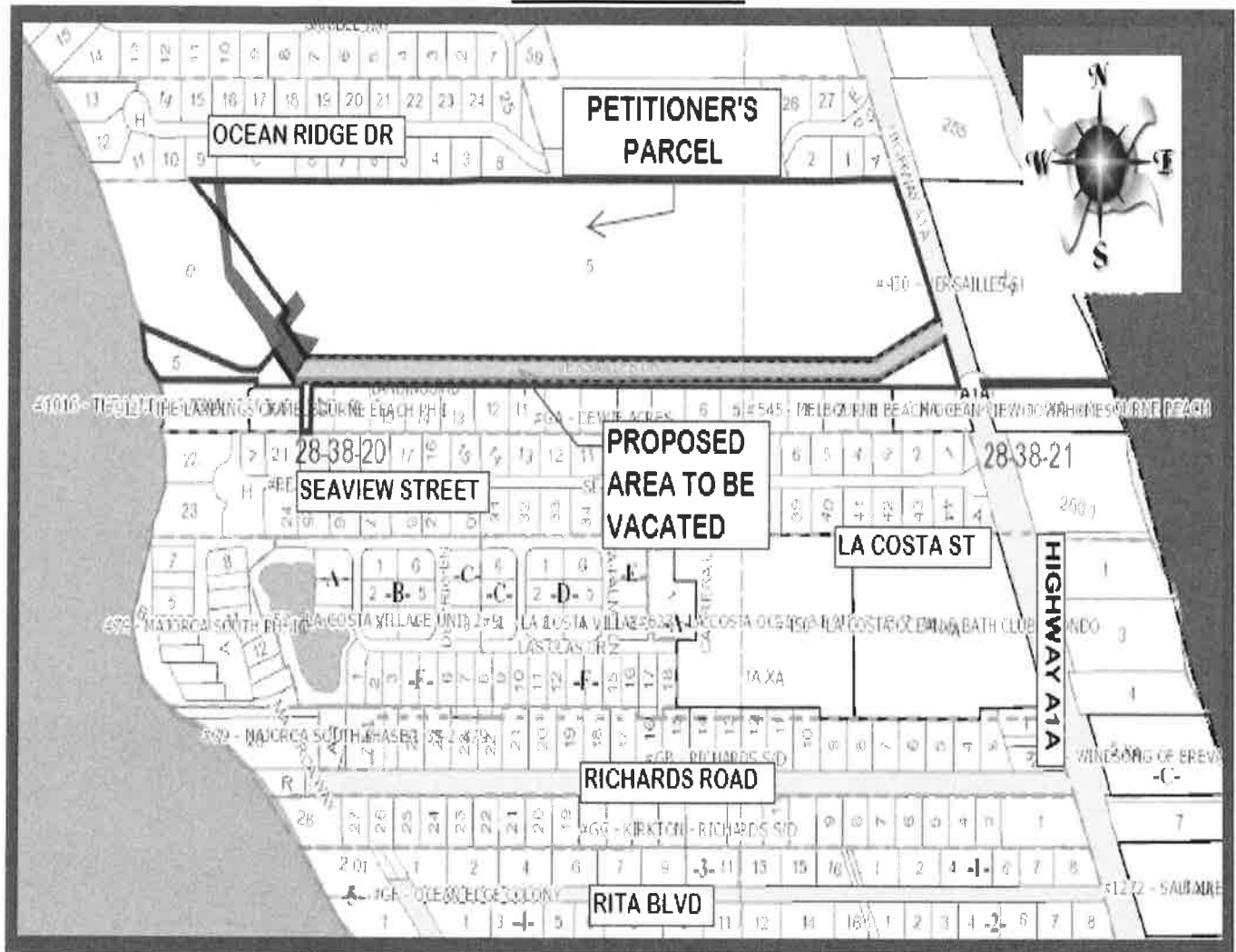


Fig. 2: Map of Parcel 5, Section 20, Township 28 South, Range 38 East.

Phoenix Park Fund V Lp – Parcel 5 – Section 20,
 Township 28 South, Range 38 East – District 3 –
 Proposed Vacating of two Public Utility Easements for
 future site plan of “Harbor Island Beach Club”,
 Highway A1A, Melbourne Beach

Aerial Map



Fig. 3: Map of aerial view of Parcel 5, Section 20, Township 28 South, Range 38 East.

Phoenix Park Fund V Lp – Parcel 5 – Section 20,
Township 28 South, Range 38 East – District 3 –
Proposed Vacating of two Public Utility Easements for
future site plan of “Harbor Island Beach Club”,
Highway A1A, Melbourne Beach

Plat Reference

2/1/03
REV-2

0632

SECTIONS 20 & 21 TOWNSHIP 28 S. RANGE 38 E

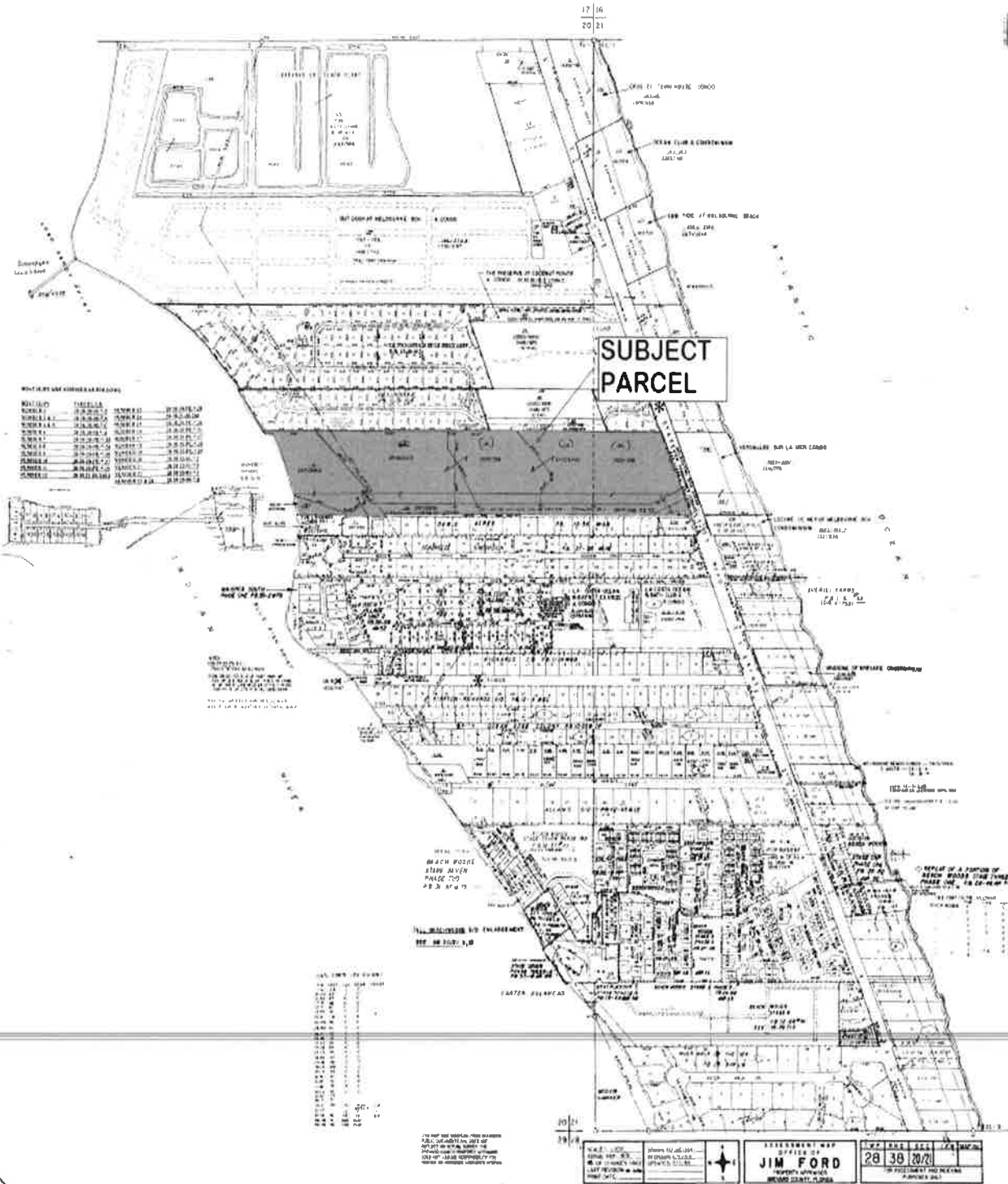


Fig. 4: Copy of tax map "Sections 20 & 21, Township 28 South, Range 38 East" drawn before 1954.

Petitioner's Sketch & Description Sheet 1 of 3


LEGAL DESCRIPTION		EXHIBIT "A"										
PARENT PARCEL ID#: 28-38-20-00-05 PURPOSE: VACATE UTILITY EASEMENTS		SHEET 1 OF 3 NOT VALID WITHOUT SHEETS 2 & 3 OF 3 <u>THIS IS NOT A SURVEY</u>										
DESCRIPTION: PER ORR 2417, PG 2451.												
<u>PARCEL A:</u>												
A public utility easement in Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the North line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida, and the West Right-of-Way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, pages 57-74 of the Public Records of Brevard County, Florida, and go thence South 89°48'25" West along the said North line of the North 400 feet of the South 700 feet of said Government Lot 1 and the North line of the North 400 feet of the South 700 feet of said Government Lot 2 a combined distance of 1933.83 feet to the POINT OF BEGINNING of the herein described parcel; thence South 00°11'35" East a distance of 91.83 feet; thence South 45°11'35" East a distance of 269.39 feet; thence North 44°48'25" East a distance of 77.50 feet; thence South 45°11'35" East a distance of 15.00 feet; thence South 44°48'25" West a distance of 60.00 feet; thence South 45°11'35" East a distance of 75.86 feet; thence South 89°48'25" West a distance of 109.37 feet; thence North 00°11'55" West a distance of 63.42 feet; thence North 45°11'35" West a distance of 244.28 feet; thence North 00°11'35" West a distance of 97.84 feet to the North line of the North 400 feet of the South 700 feet of Government Lot 2; thence North 89°48'25" East along the said North line a distance of 15.00 feet to the POINT OF BEGINNING.												
<u>PARCEL B:</u>												
A portion of the South 50 feet of the North 400 feet of the South 700 feet of Government Lot 1, Section 21 and of Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the north line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida with the west right-of-way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, Pages 57-74, Brevard County Public Records; thence South 89°48'25" West along the north line of the North 400 feet of the South 700 feet of said Government Lot 1 and along the north line of the North 400 feet of the South 700 feet of said Government Lot 2, a combined distance of 1983.74 feet; thence South 45°11'35" East a distance of 393.99 feet; thence South 44°48'25" West a distance of 28.00 feet to the POINT OF BEGINNING of the herein described easement; thence South 45°11'35" East a distance of 60.97 feet to the Point of Curvature of a circular curve, concave to the North, having a central angle of 45°00'00" and a radius of 28.00 feet; thence southerly and easterly along the arc of said curve, a distance of 22.78 feet to the Point of Tangency of said curve; thence North 89°48'25" East a distance of 1603.17 feet; thence North 66°31'49" East a distance of 191.73 feet to the aforesaid west right-of-way of State Road A-1-A; thence South 23°28'11" East along said west right-of-way a distance of 50.00 feet; thence South 88°31'49" West a distance of 202.03 feet to the south line of the North 400 feet of the South 700 feet of Government Lot 1 of said Section 21; thence South 89°48'25" West along the south line of the North 400 feet of the South 700 feet of said Government Lot 1 and Government Lot 2 a combined distance of 1846.19 feet; thence North 45°11'35" West a distance of 62.69 feet; thence North 44°48'25" East a distance of 36.00 feet; thence North 45°11'35" West a distance of 31.00 feet; thence North 44°48'25" East a distance of 14.00 feet to the POINT OF BEGINNING.												
104669 total square footage.												
SEE SHEET 2 & 3 FOR NOTES AND LEGEND		<small>This Map or Report conforms to the Standards of Practice for professional surveyors and mappers as outlined in Chapter 50-17, F.A.C.</small> ROBERT R. BRIEL, Florida Professional Surveyor & Mapper, No. 3699 <small>This survey is prepared and certified for the exclusive use of the client or clients named herein. Not valid without the signature and original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.</small>										
PREPARED FOR AND CERTIFIED TO: PHOENIX PARK FUND V, LP BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		 BRIEL & ASSOCIATES <i>Land Surveyors, Inc.</i> 1790 HIGHWAY A1A, SUITE 208 SATELLITE BCH., FL 32937 LB 3869										
DRAWN BY: RRB	CHECKED BY: RRB	PROJECT NO. 17020 sewer vdc										
DATE: 04/10/2020		DRAWING:										
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">REVISIONS</th> <th style="width: 25%;">DATE</th> <th style="width: 25%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		REVISIONS	DATE	DESCRIPTION						
REVISIONS	DATE	DESCRIPTION										
		SECTIONS 20 & 21 TOWNSHIP 28 SOUTH RANGE 38 EAST										

Fig. 5: Sheet 1 of 2. Legal description for easements created by Official Records Book 2417, Page 2451.

Petitioner's Sketch & Description Sheet 2 of 3

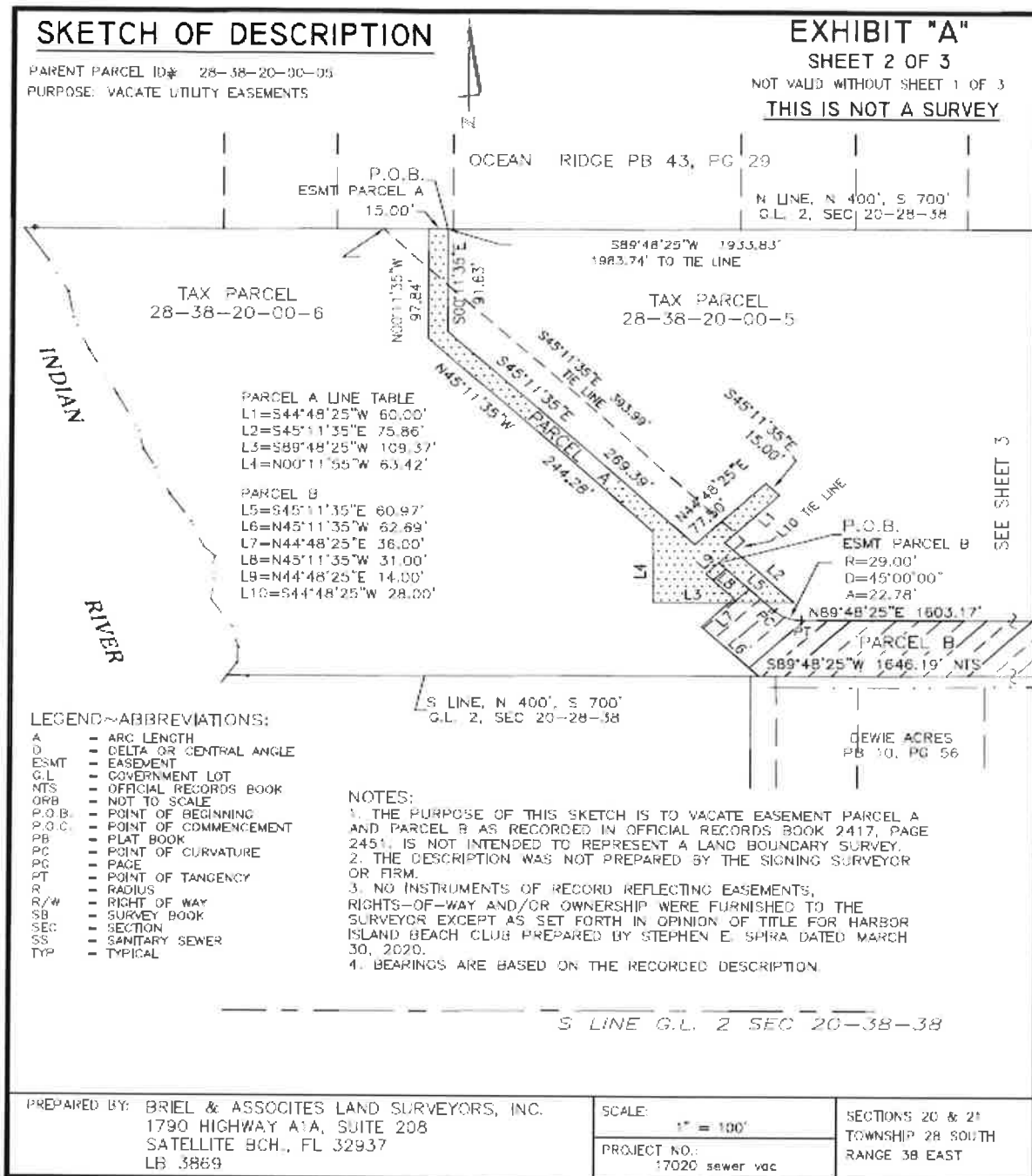


Fig. 6: Sheet 2 of 3. Not valid without legal description on sheet 1 of 3. Sketch illustrates one parcel (5) that resides on Highway A1A, Melbourne Beach, Florida. Easement Parcel A is on the Northwest side while Easement Parcel B is on the Southeast side. Project Number: 17010. Survey date: 4/10/20.

Petitioner's Sketch & Description Sheet 2 of 3

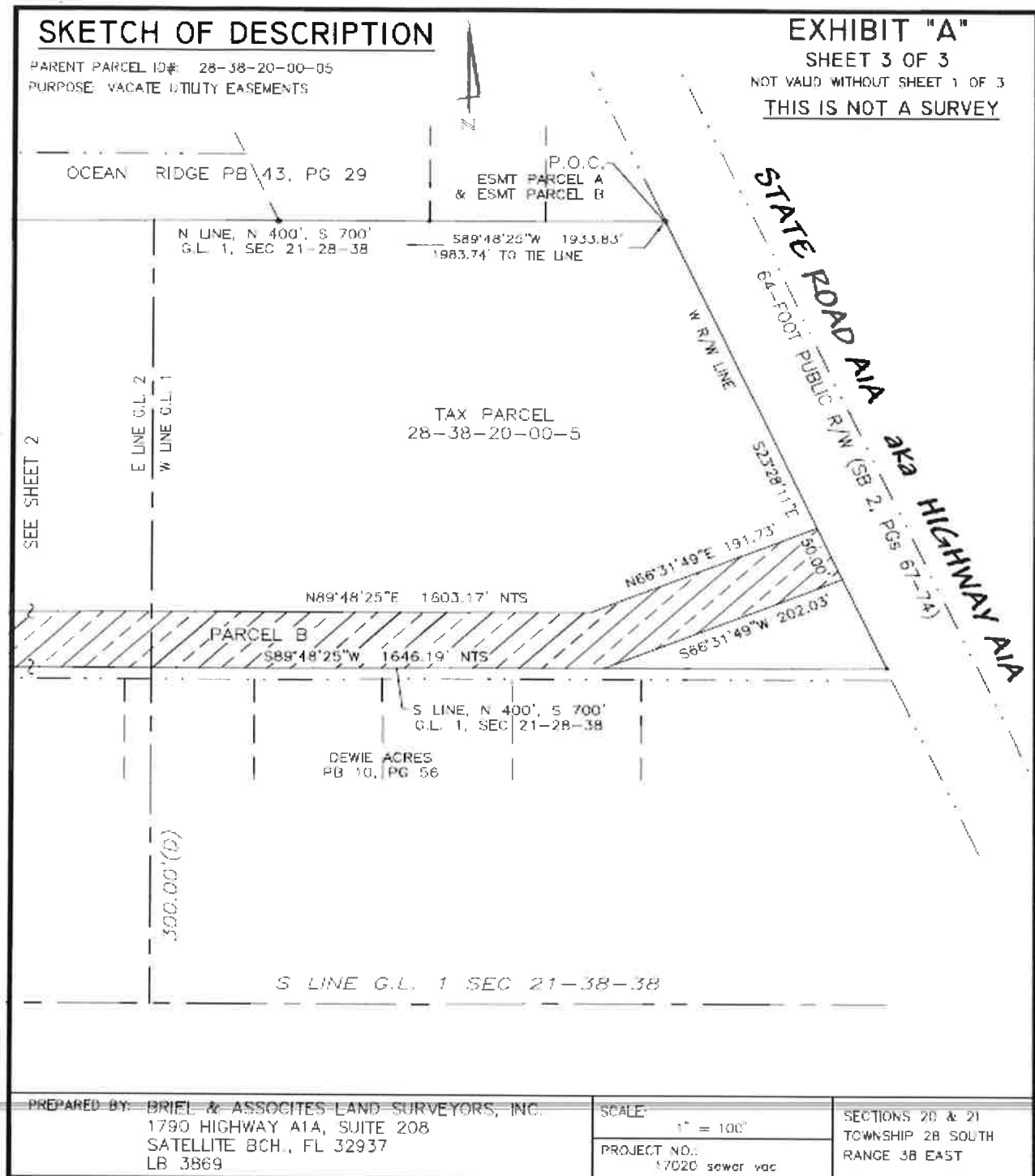


Fig. 7: Sheet 3 of 3. Not valid without legal description on sheet 1 and 2 of 3. Sketch illustrates one parcel (5) that resides on Highway A1A, Melbourne Beach, Florida. Easement Parcel A is on the Northwest side while Easement Parcel B is on the Southeast side. Project Number: 17010. Survey date: 4/10/20.

Comment Sheet

Applicant: Harbor Island Beach Club/ Phoenix Park Fund V LP

Updated by: Amber Holley 20200424 at 17:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20200424	20200424	Yes	No objections
FL Power & Light	20200424	20200428	Yes	No objections
At&t	20200424	20200427	Yes	No objections
Charter/Spectrum	20200424	20200424	Yes	No objections
City of Melbourne	20200424	20200427	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20200424	20200425	Yes	No objections
Land Planning	20200424	20200427	Yes	No objections
Utility Services	20200424	20200427	Yes	No objections
Storm Water	20200424	20200427	Yes	No objections
Zoning	20200424	20200424	Yes	No objections

Fig. 8: Copy of comment sheet for utility review.

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 May 04, 2020 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 VACATING OF TWO PUBLIC UTILITY EASEMENTS, PER OFFICIAL RECORDS BOOK 2417, PAGE 2451, IN SECTION 20, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH, 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 PHOENIX PARK FUND V LP with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

PARCEL A:

A public utility easement in Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the North line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida, and the West Right-of-Way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, pages 67-74 of the Public Records of Brevard County, Florida, and go thence South 89°48'25" West along the said North line of the North 400 feet of the South 700 feet of said Government Lot 1 and the North line of the North 400 feet of the South 700 feet of said Government Lot 2 a combined distance of 1933.83 feet to the POINT OF BEGINNING of the herein described parcel; thence South 00°11'35" East a distance of 91.63 feet; thence South 45°11'35" East a distance of 269.39 feet; thence North 44°48'25" East a distance of 77.50 feet; thence South 45°11'35" East a distance of 15.00 feet; thence South 44°48'25" West a distance of 60.00 feet; thence South 45°11'35" East a distance of 75.86 feet; thence South 89°48'25" West a distance of 109.37 feet; thence North 00°11'55" West a distance of 63.42 feet; thence North 45°11'35" West a distance of 244.28 feet; thence North 00°11'35" West a distance of 97.84 feet to the North line of the North 400 feet of the South 700 feet of Government Lot 2; thence North 89°48'25" East along the said North line a distance of 15.00 feet to the POINT OF BEGINNING.

PARCEL B:

A portion of the South 50 feet of the North 400 feet of the South 700 feet of Government Lot 1, Section 21 and of Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the north line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida with the west right-of-way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, Pages 67-74, Brevard County Public Records; thence South 89°48'25" West along the north line of the North 400 feet of the South 700 feet of said Government Lot 1 and along the north line of the North 400 feet of the South 700 feet of said Government Lot 2, a combined distance of 1983.74 feet; thence South 45°11'35" East a distance of 393.99 feet; thence South 44°48'25" West a distance of 28.00 feet to the POINT OF BEGINNING of the herein described easement; thence South 45°11'35" East a distance of 60.97 feet to the Point of Curvature of a circular curve, concave to the North, having a central angle of 45°00'00" and a radius of 29.00 feet; thence southerly and easterly along the arc of said curve, a distance of 22.78 feet to the Point of Tangency of said curve; thence North 89°48'25" East a distance of 1603.17 feet; thence North

66°31'49" East a distance of 191.73 feet to the aforesaid west right-of-way of State Road A-1-A; thence South 23°28'11" East along said west right-of-way a distance of 50.00 feet; thence South 66°31'49" West a distance of 202.03 feet to the south line of the North 400 feet of the South 700 feet of Government Lot 1 of said Section 21; thence South 89°48'25" West along the south line of the North 400 feet of the South 700 feet of said Government Lot 1 and Government Lot 2 a combined distance of 1646.19 feet; thence North 45°11'35" West a distance of 62.69 feet; thence North 44°48'25" East a distance of 36.00 feet; thence North 45°11'35" West a distance of 31.00 feet; thence North 44°48'25" East a distance of 14.00 feet to the POINT OF BEGINNING. PREPARED BY: ROBERT R. BRIEL, 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 May 19, 2020 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.