

AGENDA	
Section	PUBLIC HEARING
Item No.	IV G



Meeting Date
March 20, 2018

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Partially Vacate, Re: 7.5 Ft. Wide Public Utility & Drainage Easement – Cardinal Drive – “Waterway Estates Third Addition” – Satellite Beach – Ryan Roberts – District 4 (Fiscal Impact: \$640.00 Vacating Application Fee Paid by
DEPT/OFFICE	Public Works Department – Surveying Section

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider the partial vacating a 7.5 ft. wide public utility and drainage easement (“PU & DE”) along the south line of Lot 59, “Waterway Estate Third Addition” in Section 22, Township 26 South, Range 37 East. If approved, it is requested that the Board authorize the Chairman to sign 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 owns Lot 59 and is requesting the vacating of the north 2.5 ft. of a 7.5 ft. wide rear lot line PU & DE to remove the existing pool and screen as encroachments into the easement and allow for the issuance of a building permit for the repair of the screen enclosure. Easements to be vacated contain a total 175 square feet, more or less.

March 05, 2018, the legal notice was advertised in Florida TODAY informing the public of the date a public hearing would be held to consider the vacating.

All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received. The property is located in Satellite Beach as follows: Begin at the intersection of Pineda Causeway and South Patrick Drive; thence south 0.24 along south Patrick Drive; thence 0.02 west along Skylark Boulevard; thence 0.14 miles south along Ibis Lane; thence 0.17 west along Cardinal Drive to the residence on the south (left).

Fiscal Impact: The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

Name: Marc.Cazessus@brevardfl.gov Phone: Ext. 57315

Exhibits Attached: Resolution, Appraisers detail sheet, vicinity map, aerial map, plat (if applicable), petitioner’s deed, boundary survey (if available), boundary survey (right-of-way vacating) or sketch and description (easement Vacating), comment summary sheet and legal notice of public hearing advertisement.

Clerk to the Board instruction: 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.

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

County Manager Frank Abbate	Assistant County Manager John P. Denninghoff	Department Director / Extension Andrew J. Holmes, P.E. / Ext. 57202
	Interim Assistant County Manager Jim Liesenfelt	



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

April 3, 2018

MEMORANDUM

TO: Andrew Holmes, Public Works Director Attn: Marc Cazessüs

RE: Advertising Bills for Resolution Partially Vacating a 7.5 Foot Wide Public Utility and Drainage Easement on Cardinal Drive in Waterway Estates Third Addition, Satellite Beach

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 18-038, partially vacating a 7.5 foot wide public utility and drainage easement on Cardinal Drive in Waterway Estates Third Addition, Satellite Beach, as petitioned by Ryan Dean Roberts. Said Resolution was adopted by the Board of County Commissioners, in regular session on March 20, 2018.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

April 3, 2018

Ryan Dean Roberts
440 Cardinal Drive
Satellite Beach, FL 32937

Dear Mr. Roberts:

Re: Resolution Partially Vacating a 7.5 Foot Wide Public Utility and Drainage Easement on Cardinal Drive in Waterway Estates Third Addition, Satellite Beach

The Board of County Commissioners, in regular session on March 20, 2018, adopted Resolution No. 18-038, partially vacating a 7.5 foot wide public utility and drainage easement on Cardinal Drive in Waterway Estates Third Addition, Satellite Beach, as petitioned by you. Said Resolution has been recorded in ORBK 8129, Pages 790 through 794. Enclosed is a certified copy of the recorded Resolution for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Marc Cazessus, Public Works

**PARTIAL VACATING OF A PUBLIC UTILITY AND DRAINAGE EASEMENTS IN
"WATERWAY ESTATES THIRD ADDITION", SATELLITE BEACH, FLORIDA, LYING IN
SECTION, 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **RAYAN ROBERTS** with the Board of County Commissioners to partially vacate a public utility and drainage easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that partial vacating the public drainage and utility easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public utility and drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

CFN 2018072828 OR BK 8129 PAGE 790.
Recorded 04/03/2018 at 08:13 AM, Scott Ellis, Clerk of Courts,
Brevard County
Pgs:5

DONE, ORDERED AND ADOPTED, in regular session, this 20th day of March, 2018 A.D.

ATTEST:


SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


RITA PRITCHETT, CHAIR

As approved by the Board on:
March 20, 2018

LEGAL DESCRIPTION

LOT 59

SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST
PARENT PARCEL: #26-37-22-75-9-59
PURPOSE: VACATING THE REAR EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL: VACATING THE REAR EASEMENT (BY SURVEYOR)

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT OF LOT 59, WATERWAY ESTATES, THIRD ADDITION, AS RECORDED IN PLAT BOOK 19, PAGE 47 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 2.5 FEET OF THE SOUTH 7.5 FEET OF SAID LOT 59, LESS THE EAST 5.0 FEET AND LESS THE WEST 5.0 FEET THEREOF. CONTAINING 175.00 SQUARE FEET, MORE OR LESS

SURVEYOR'S NOTES & LEGEND:

1. BEARINGS BASED ON A ASSUMED BEARING OF N89°08'50"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CARDINAL DRIVE.
2. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY PRECISION LAND SURVEYING INC., JOB NO. 14-1132. DATED 02-06-2014

- CL = CENTERLINE
- (D) = DEEDED
- CONC. = CONCRETE
- FD = FOUND
- ID = IDENTIFICATION
- IR = IRON REBAR
- LB = LICENSE BUSINESS
- LS = LICENSE SURVEYOR
- NO = NUMBER
- ORB = OFFICIAL RECORDS BOOK
- PG = PAGE
- (P&M) = PLATTED AND MEASURED VALUES
- PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT



Myron Barker
 MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085
 CERTIFICATE OF AUTHORIZATION LB. 6586
 PROFESSIONAL SURVEYOR & MAPPER
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:
**BREVARD COUNTY BOARD
 OF COUNTY COMMISSIONERS**

PREPARED BY: PRECISION LAND SURVEYING, INC.
 2600 LAKE WASHINGTON ROAD, SUITE 1
 MELBOURNE, FLORIDA 32935

DRAWN BY:
 J. PRESSMAN

DATE: 12/13/2017

CHECKED BY:
 M. BARKER

DRAWING:
 17-2111

PROJECT NO. 17-2111		
REVISIONS	DATE	DESCRIPTION

SECTION 22
 TOWNSHIP 26 SOUTH
 RANGE 37 EAST

LEGAL DESCRIPTION

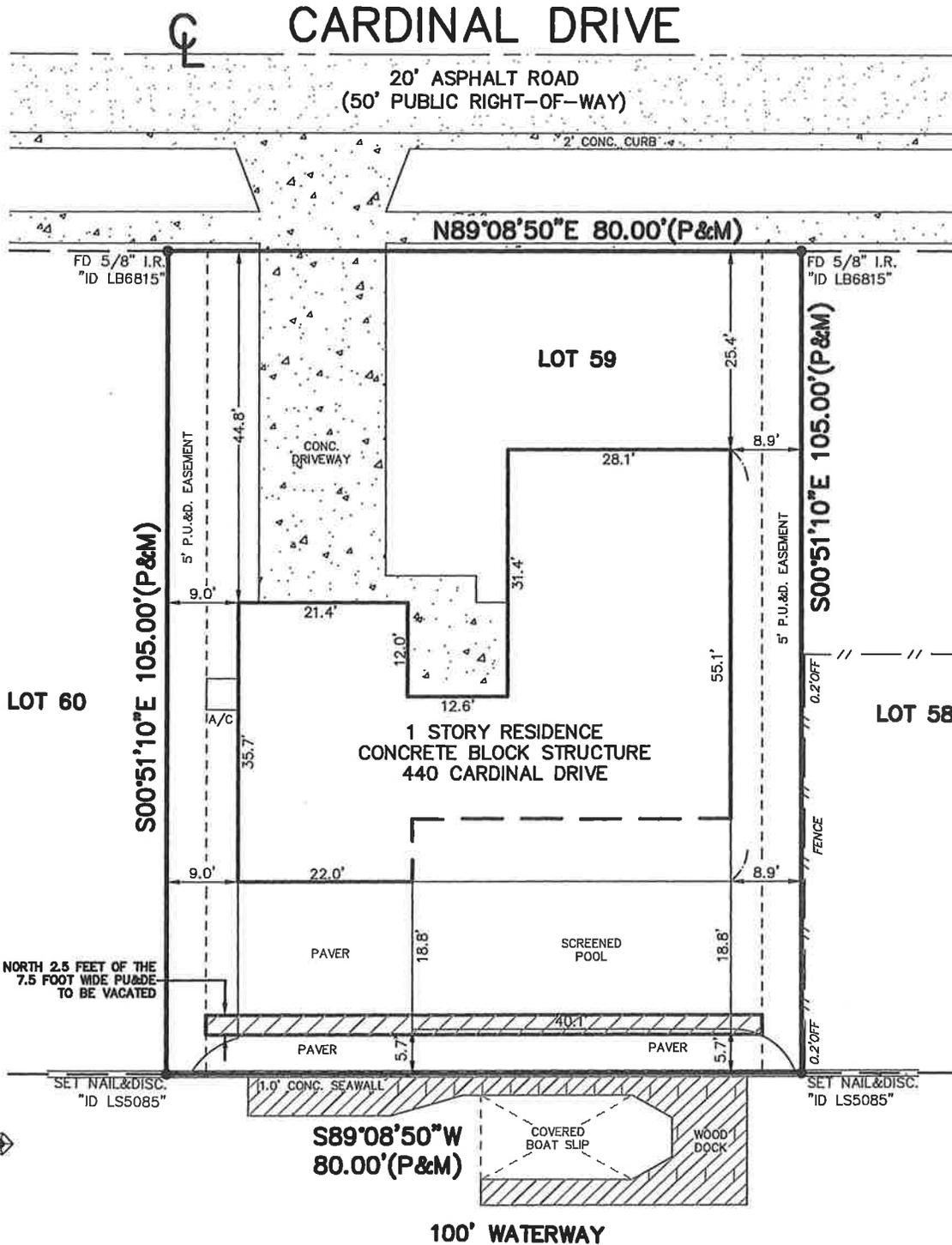
LOT 59

SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST
PARENT PARCEL: #26-37-22-75-59
PURPOSE: VACATING THE REAR EASEMENT

EXHIBIT "A"

SHEET 2 OF 2
NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY: PRECISION LAND SURVEYING, INC.
2600 LAKE WASHINGTON ROAD, SUITE 1
MELBOURNE, FLORIDA 32935

SCALE:
1"=20'
PROJECT NO.:
17-2111

SECTION 22
TOWNSHIP 26 SOUTH
RANGE 37 EAST



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

AD 2766977, 3/5/2018

LEGAL NOTICE

NOTICE TO VACATE 7.5 FT. WIDE PUBLIC UTILITY & DRAINAGE EASEMENT, PLAT OF "WATERWAY ESTATES THIRD ADDITION" IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITE 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 **RAYAN ROBERTS** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

SEE EXHIBIT "A"

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 March 20, 2018 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

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

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

The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

EXHIBIT "A"

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT OF LOT 59, WATERWAY ESTATES, THIRD ADDITION, AS RECORDED IN PLAT BOOK 19, PAGE 47 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 2.5 FEET OF THE SOUTH 7.5 FEET OF SAID LOT 59, LESS THE EAST 5.0 FEET AND LESS THE WEST 5.0 FEET THEREOF. CONTAINING 175.00 SQUARE FEET, MORE OR LESS. MYRON E. BARKER, P5M

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

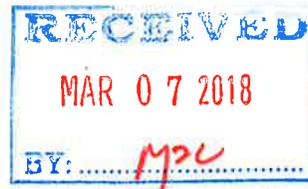
03/05/18

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

Sworn to and Subscribed before me this 5th of March 2018, by Becky Holland who is personally known to me

Adia Bell
Notary Public for the State of Florida
My Commission expires January 27, 2020

Publication Cost: \$269.32
Ad No: 0002766977
Customer No: BRE-6BR327



Adia Bell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF954893
Expires 1/27/2020

A Daily Publication By:



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

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

03/24/18

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

Sworn to and Subscribed before me this 27th of March 2018, by Becky Hollan J who is personally known to me

Adia Bell
Notary Public for the State of Florida
My Commission expires January 27, 2020

Publication Cost: \$135.66
Ad No: 0002812223
Customer No: BRE-6BR327



Adia Bell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF954893
Expires 1/27/2020

AD#2812223, 3/24/2018
LEGAL NOTICE
RESOLUTION PARTIALLY VACATING A 7.5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ON CARDINAL DRIVE IN WATERWAY ESTATES THIRD ADDITION, SATELLITE BEACH - RYAN ROBERTS

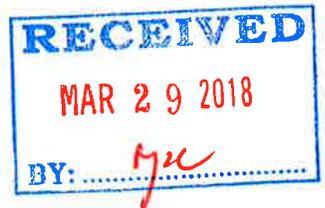
TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 20th day of March, 2018, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution partially vacating a 7.5 foot wide public utility and drainage easement on Cardinal Drive in Waterway Estates Third Addition, Satellite Beach, as petitioned by Ryan Roberts.

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT OF LOT 59, WATERWAY ESTATES, THIRD ADDITION, AS RECORDED IN PLAT BOOK 19, PAGE 47 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 2.5 FEET OF THE SOUTH 7.5 FEET OF SAID LOT 59, LESS THE EAST 5.0 FEET AND LESS THE WEST 5.0 FEET THEREOF, CONTAINING 175.00 SQUARE FEET, MORE OR LESS, PREPARED BY MYRON E. BARKER, PSM

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

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





**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: BREVARD CTY PUBLIC WORKS DEPT
Address: 2725 JUDGE FRAN JAMIESON WAY
VIERA FL 32940
USA

Ad No.: 0002812223
Pymt Method: Invoice
Net Amt: \$135.66

Run Times: 1

No. of Affidavits: 1

Run Dates: 03/24/18

Text of Ad:

AD#2812223, 3/24/2018

LEGAL NOTICE
RESOLUTION PARTIALLY VACATING A
7.5 FOOT WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT ON CARDINAL
DRIVE IN WATERWAY ESTATES THIRD
ADDITION, SATELLITE BEACH - RYAN
ROBERTS

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
20th day of March, 2018, the Board of
County Commissioners of Brevard Coun-
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ly vacating a 7.5 foot wide public utility
and drainage easement on Cardinal
Drive in Waterway Estates Third Addi-
tion, Satellite Beach, as petitioned by
Ryan Roberts.

A PORTION OF A 7.5 FOOT PUBLIC UTILI-
TY AND DRAINAGE EASEMENT OF LOT
59, WATERWAY ESTATES, THIRD ADDI-
TION, AS RECORDED IN PLAT BOOK 19,
PAGE 47 OF THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA, AND BE-
ING MORE PARTICULARLY DESCRIBED
AS FOLLOWS: THE NORTH 2.5 FEET OF
THE SOUTH 7.5 FEET OF SAID LOT 59,
LESS THE EAST 5.0 FEET AND LESS THE
WEST 5.0 FEET THEREOF, CONTAINING
175.00 SQUARE FEET, MORE OR LESS.
PREPARED BY MYRON E. BARKER, PSM

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

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

LEGAL NOTICE

RESOLUTION PARTIALLY VACATING A 7.5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ON CARDINAL DRIVE IN WATERWAY ESTATES THIRD ADDITION, SATELLITE BEACH – RYAN ROBERTS

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 20th day of March, 2018, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution partially vacating a 7.5 foot wide public utility and drainage easement on Cardinal Drive in Waterway Estates Third Addition, Satellite Beach, as petitioned by Ryan Roberts.

SEE ATTACHED EXHIBIT "A"

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

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

Florida TODAY:

Please advertise in the March 24, 2018, issue of the Florida TODAY.

**Bill the Board of County Commissioners Account Number 6BR327
and forward bill and proof of publication to:**

**Marc Cazessüs, Public Works Department
2725 Judge Fran Jamieson Way, Bldg. A-220
Viera, FL 32940**

LEGAL DESCRIPTION:

EXHIBIT "A"

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT OF LOT 59, WATERWAY ESTATES, THIRD ADDITION, AS RECORDED IN PLAT BOOK 19, PAGE 47 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 2.5 FEET OF THE SOUTH 7.5 FEET OF SAID LOT 59, LESS THE EAST 5.0 FEET AND LESS THE WEST 5.0 FEET THEREOF. CONTAINING 175.00 SQUARE FEET, MORE OR LESS. PREPARED BY MYRON E. BARKER, PSM



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 284-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account	2606592
Owners	Roberts, Ryan D
Mailing Address	440 Cardinal Drive Satellite Bch FL 32937
Site Address	440 Cardinal Dr Satellite Beach FL 32937
Parcel ID	26-37-22-75-*59
Property Use	0110 - Single Family Residence
Exemptions	HEX1 - Homestead First HEX2 - Homestead Additional
Taxing District	4100 - Unincorp District 4
Total Acres	0.19
Subdivision	Waterway Estates 3Rd Addn
Site Code	0130 - Canal Front
Plat Book/Page	0019/0047
Land Description	Waterway Estates 3Rd Addn Lot 59



VALUE SUMMARY

Category	2017	2016	2015
Total Market Value	\$349,970	\$324,340	\$302,400
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$310,900	\$304,510	\$302,400
Assessed Value School	\$310,900	\$304,510	\$302,400
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$260,900	\$254,510	\$252,400
Taxable Value School	\$285,900	\$279,510	\$277,400

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
02/10/2014	\$256,000	WD	Improved	7067/0331
01/29/2014	-	CT	Improved	7058/0939
11/01/2013	-	CT	Improved	7006/1372
04/13/2007	\$366,000	WD	Improved	5771/0713
03/30/1998	-	WD	Improved	3816/3819
12/01/1969	\$24,500	-	-	1107/0223

BUILDINGS

PROPERTY DATA CARD #1

Building Use	Year Built	Story Height	Floors	Residential Units	Commercial Units
0110 - Single Family Residence	1966	8	1	1	0

Materials

Exterior Wall:	Stucco
Frame:	Masnryconc
Roof:	Enamel Metal
Roof Structure:	Hip/Gable

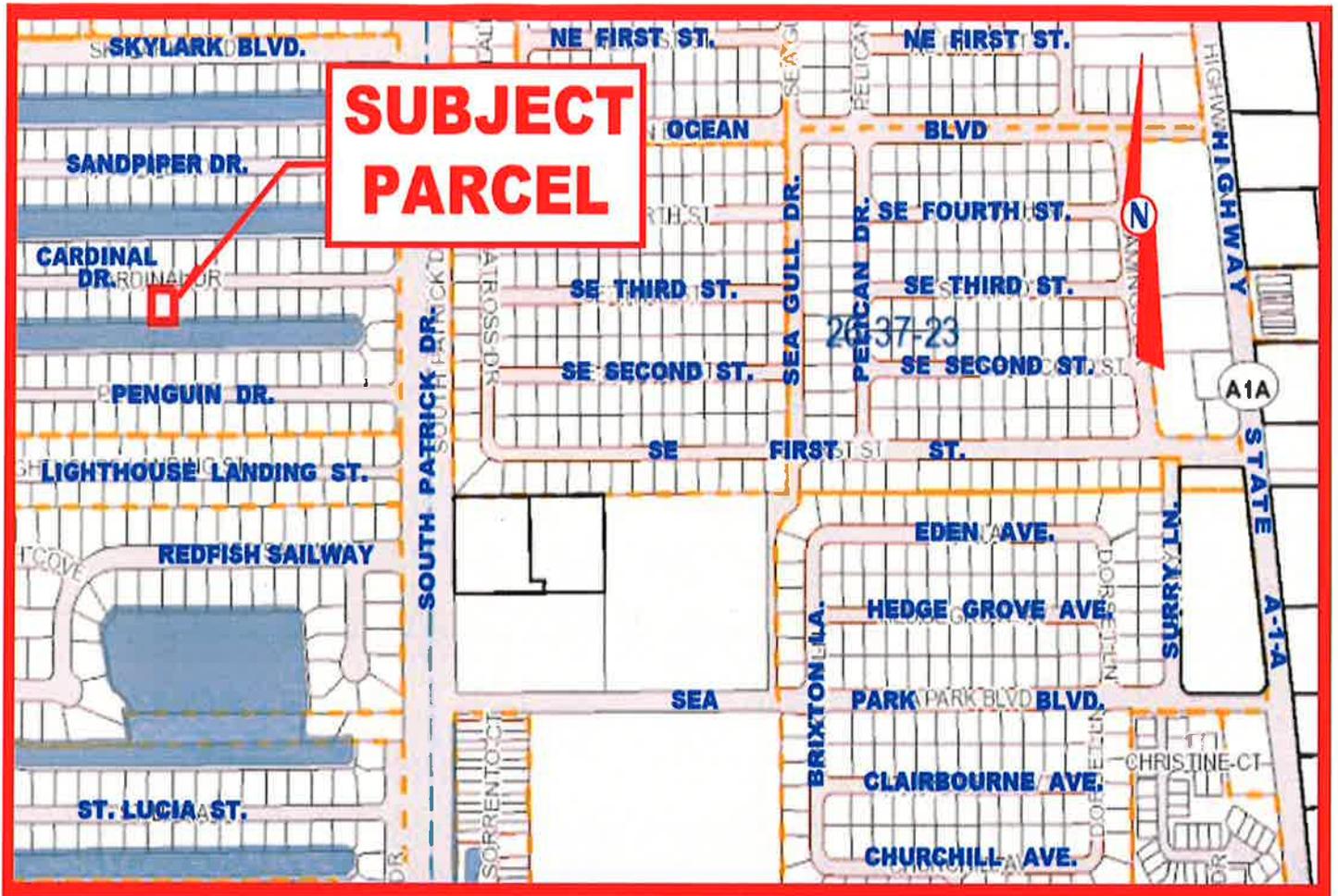
Sub Areas

Base Area (1st)	1401
Garage	525
Open Porch	156
Open Porch	440
Utility Room	242
Total Base Area	1401
Total Sub Area	2764

Extra Features

Additional Extra Features

APPRAISER'S DETAIL SHEET



VICINITY MAP

Ryan D. Roberts – 440 Cardinal Drive,
Satellite Beach, FL, 32937 – Lot 59,
“Waterway Estates Third Addition” – Plat
Book 19, Page 47 – Section 22, Township
26 South, Range 37 East – District 4 –
Proposed Vacating – North 2.5 ft. of a 7.5
ft. Wide Public Utility and Drainage
Easement

Prepared by and return to:

Michael A. Popkin, Esq.

Attorney at Law

Law Offices of Popkin & Rosaler, P.A.

1701 W. Hillsboro Blvd., Suite 400

Deerfield Beach, FL 33442

954-360-9030

File Number: 13-71779

[Space Above This Line For Recording Data]

Special Warranty Deed

This **Special Warranty Deed** made this 10 day of February, 2014 between **Federal National Mortgage Association AKA Fannie Mae** whose post office address is 14221 Dallas Pkwy #1000, Dallas, TX 75254, grantor, and **Ryan D. Roberts, a single man** whose post office address is 440 Cardinal Dr, Satellite Beach, FL 32937, 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida, to-wit:

Lot 59, Waterway Estates Third Addition, according to the plat thereof as recorded in Plat Book 19, Page 47, of the Public Records of Brevard County, Florida.

Parcel Identification Number: 26-37-22-75-00000.0-0059.00

SUBJECT TO:

1. Zoning and other governmental rules, regulations and ordinances.
2. Restrictions, covenants, conditions, easements and other matters of record.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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 claiming by, through or under it, but not further otherwise.

P E T I T I O N E R ' S D E E D :

S H E E T 1 O F 2

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Federal National Mortgage Association AKA
Fannie Mae
by it's attorney in fact Law offices of Popkin &
Rosaler, PA

By: Michael Popkin

As its: Vice President

By virtue of that Limited Power of Attorney
recorded 01/10/2014 in O.R. Book 50467,
Page 570 of the public Records of Broward
County, Florida.

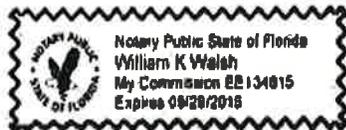
William K. Walsh
Witness Name: W. William K. Walsh

William K. Walsh
Witness Name: William K. Walsh

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 10 day of February, 2014, by Michael Popkin, as Vice President, of law offices of Popkin & Rosaler, PA as it's attorney in fact for Federal National Mortgage Association, on behalf of the corporation. He/she [XX] is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]



William K. Walsh
Notary Public

Printed Name: William K. Walsh
My Commission Expires: _____

PETITIONER'S DEED:
SHEET 2 OF 2

LEGAL DESCRIPTION

LOT 59

SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST
PARENT PARCEL: #26-37-22-75-1-59
PURPOSE: VACATING THE REAR EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL: VACATING THE REAR EASEMENT (BY SURVEYOR)

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT OF LOT 59, WATERWAY ESTATES, THIRD ADDITION, AS RECORDED IN PLAT BOOK 19, PAGE 47 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 2.5 FEET OF THE SOUTH 7.5 FEET OF SAID LOT 59, LESS THE EAST 5.0 FEET AND LESS THE WEST 5.0 FEET THEREOF. CONTAINING 175.00 SQUARE FEET, MORE OR LESS

SURVEYOR'S NOTES & LEGEND:

1. BEARINGS BASED ON A ASSUMED BEARING OF N89°08'50"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CARDINAL DRIVE.
2. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY PRECISION LAND SURVEYING INC., JOB NO. 14-1132. DATED 02-06-2014

- CL = CENTERLINE
- (D) = DEEDED
- CONC. = CONCRETE
- FD = FOUND
- ID = IDENTIFICATION
- IR = IRON REBAR
- LB = LICENSE BUSINESS
- LS = LICENSE SURVEYOR
- NO = NUMBER
- ORB = OFFICIAL RECORDS BOOK
- PG = PAGE
- (P&M) = PLATTED AND MEASURED VALUES
- PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT



Myron Barker

MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085
CERTIFICATE OF AUTHORIZATION LB. 6586
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS**

PREPARED BY: PRECISION LAND SURVEYING, INC.
2600 LAKE WASHINGTON ROAD, SUITE 1
MELBOURNE, FLORIDA 32935

DRAWN BY:
J. PRESSMAN

CHECKED BY:
M. BARKER

PROJECT NO. 17-2111

REVISIONS

DATE

DESCRIPTION

SECTION 22
TOWNSHIP 26 SOUTH
RANGE 37 EAST

DATE: 12/13/2017

DRAWING:
17-2111

PETITIONER'S SKETCH & DESCRIPTION SHEET 1 OF 2

AD 2766977, 3/5/2018 LEGAL NOTICE NOTICE TO VACATE 7.5 FT. WIDE PUBLIC UTILITY & DRAINAGE EASEMENT, PLAT OF "WATERWAY ESTATES THIRD ADDITION" IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITE 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 RAYAN ROBERTS with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: SEE EXHIBIT "A" 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 March 20, 2018 at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken. Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense. The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance. EXHIBIT "A" A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT OF LOT 59, WATERWAY ESTATES, THIRD ADDITION, AS RECORDED IN PLAT BOOK 19, PAGE 47 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 2.5 FEET OF THE SOUTH 7.5 FEET OF SAID LOT 59, LESS THE EAST 5.0 FEET AND LESS THE WEST 5.0 FEET THEREOF. CONTAINING 175.00 SQUARE FEET, MORE OR LESS. MYRON E. BARKER, PSM

PUBLIC HEARING LEGAL
ADVERTISEMENT