



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

7/21/2020

### Subject:

Petition to Vacate, Re: Public Utility Easement - 2049 Arnold Palmer Drive - "Eagle Point Subdivision" Plat Book 52, Page 37 - Titusville - Wineland Family Trust - District 1

### 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 along the rear line of Lot 4, Block C, "Eagle Point Subdivision" in Section 24, Township 21 South, Range 34 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 Lot 4, Block C and is requesting the vacating of the 10.00 ft. wide public utility easement along the rear line of lot 4, block C to allow for the construction of a pool. Easement to be vacated contains 800 square feet, more or less. The property is located in Titusville South of Highway 46 and West of N. Carpenter Road.

July 07, 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.

371



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

August 6, 2020

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director    Attn: Amber Holley

**RE:** Advertising Bills for Resolution Vacating a Public Utility Easement in "Eagle Point" Subdivision, Titusville, Lying in Section 24, Township 21 South, Range 34 East

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-077, vacating a public utility easement in "Eagle Point" Subdivision, Titusville, lying in Section 24, Township 21 South, Range 34 East as petitioned by Wineland Family Trust. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 21, 2020.

Your continued cooperation is always appreciated.

Sincerely,

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

Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

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



August 6, 2020

Wineland Family Trust  
2049 Arnold Palmer Dr  
Titusville, FL 32796

Dear Sir:

Re: Resolution Vacating a Public Utility Easement in "Eagle Point" Subdivision, Titusville, lying in Section 24, Township 21 South, Range 34 East

The Board of County Commissioners, in regular session on July 21, 2020, adopted Resolution No. 20-077, vacating a public easement in "Eagle Point" Subdivision, Titusville, lying in Section 24, Township 21 South, Range 34 East, as petitioned by you. Said Resolution has been recorded in ORBK 8816, Pages 1311 through 1315. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works

**Vacating a public utility easement in "Eagle Point" Subdivision, Titusville, Florida, lying in Section 24,  
Township 21 South, Range 34 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **WINELAND FAMILY TRUST** with the Board of County Commissioners to 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 vacating the public utility easement will not be detrimental to Brevard County or the public.


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

DONE, ORDERED AND ADOPTED, in regular session, this 21<sup>st</sup> day of July, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST

SCOTT ELLIS, CLERK

  
Bryan Andrew Lober, Chair

As approved by the Board on:  
July 21, 2020

# LEGAL DESCRIPTION

SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST  
PARCEL ID NUMBER: 21-34-24-25-C-4  
PURPOSE OF DESCRIPTION: VACATE EASEMENT

SHEET 1 OF 2

EXHIBIT "A"

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## LEGAL DESCRIPTION:


THAT PORTION OF THE TEN (10.00) FOOT WIDE PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PLAT OF EAGLE POINT SUBDIVISION ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 52, PAGE 37 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH TEN (10.00) FOOT, LESS AND EXCEPT THE EASTERLY FIVE (5.00) FOOT AND LESS AND EXCEPT THE WESTERLY FIVE (5.00) FOOT OF LOT 4, BLOCK C, SAID EAGLE POINT SUBDIVISION ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 52, PAGE 37 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

## SURVEYOR'S NOTES:

1. BEARING SHOWN HEREON ARE BASED ON THE CENTERLINE OF ARNOLD PALMER DRIVE AS BEING N 87°01'21" E, ACCORDING TO THE PLAT OF EAGLE POINTE SUBDIVISION AS RECORDED IN PLAT BOOK 52, AT PAGE 37 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THIS SKETCH IS PREPARED AND CERTIFIED FOR THE EXCLUSIVE USE OF THE CLIENT NAMED HEREON.
3. UNLESS THIS SKETCH OF LEGAL DESCRIPTION BEARS THE SIGNATURE AND RAISED SEAL OF JOHN W. COOPER PLS 5093, IT IS FOR INFORMATION PURPOSES ONLY AND IS NOT A VALID SURVEY.
4. ADDITIONS OR DELETIONS TO THIS SKETCH OF SURVEY BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
5. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
6. THIS IS NOT A BOUNDARY SURVEY.
7. FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP 120092C0100G DATED MARCH 17, 2014.

PREPARED FOR: WINELAND FAMILY TRUST  
BREVARD COUNTY BOARD OF COMMISSIONERS

  
JOHN W. COOPER  
Professional Land Surveyor No. 5093  
State of Florida  
NOT VALID UNLESS SIGNED & SEALED

PREPARED BY: JOHN W. COOPER LAND SURVEYING, INC.

ADDRESS: 2326 S. HOPKINS AVENUE, TITUSVILLE, FLORIDA 32780

PHONE: 321-268-5646 L.B. NO. 6544

DRAWN BY: GPL

CHECKED BY: JWC

DRAWING NO. 20-05-20

SECTION 24

DATE: 5/28/20

SHEET 1 OF 2

REVISIONS \_\_\_\_\_

TOWNSHIP 21 SOUTH

RANGE 34 EAST

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SHEET 2 OF 2  
EXHIBIT "A"

SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST  
PARCEL ID NUMBER: 21-34-24-25-C-4  
PURPOSE OF DESCRIPTION: VACATE EASEMENT

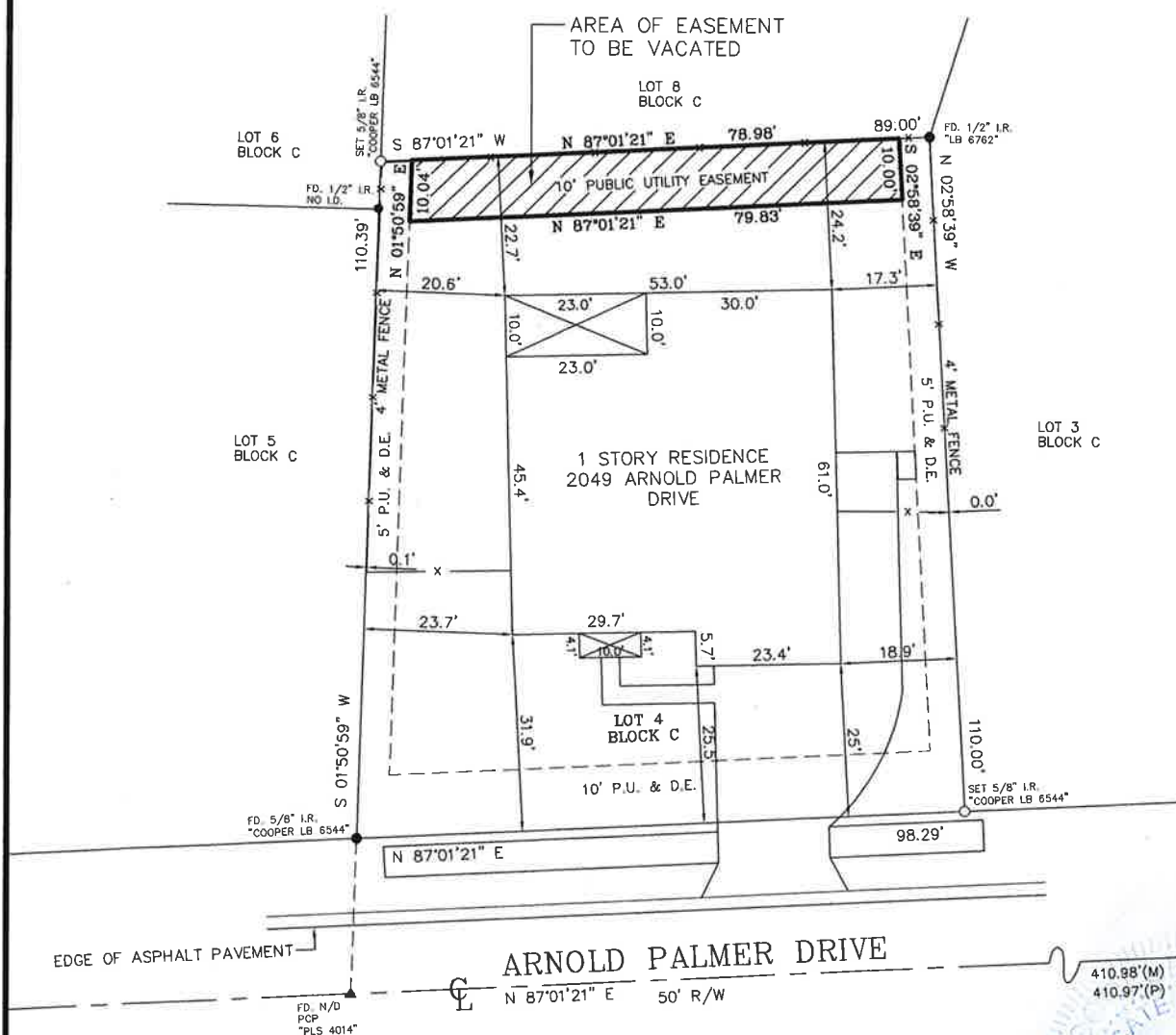
NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



SCALE: 1" = 30'

## LEGEND OF ABBREVIATIONS

C	CENTERLINE
FD.	FOUND
I.D.	IDENTIFICATION
I.R.	IRON ROD
L.B.	LICENSED BUSINESS
N/D	NAIL & DISC
ORB	OFFICIAL RECORDS BOOK
(M)	MEASURED
(P)	PLAT
P.U. & D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT
PCP	PERMANENT CONTROL POINT
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY



SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PROJECT NO. 20-05-20  
PREPARED BY: JOHN W. COOPER



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:

7/7/2020

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 7th of July 2020,  
by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$217.16  
Ad No: 0004266484  
Customer No: BRE-6BR327

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

AD#0004266484 07/07/2020  
LEGAL NOTICE  
NOTICE FOR THE PARTIAL VACATING OF  
A 10.0 FT. WIDE PUBLIC UTILITY EASE-  
MENT, PLAT OF "EAGLE POINT SUBDIVI-  
SION" IN SECTION 24, TOWNSHIP 21  
SOUTH, RANGE 34 EAST, TITUSVILLE, 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 WINELAND FAMILY TRUST with  
the Board of County Commissioners of  
Brevard County, Florida, to request  
vacating the following described prop-  
erty, to wit:

THAT PORTION OF THE TEN (10.00) FOOT  
WIDE PUBLIC UTILITY EASEMENT AS ES-  
TABLISHED BY THE PLAT OF EAGLE  
POINT SUBDIVISION ACCORDING TO THE  
PLAT THEREOF AS RECORDED IN PLAT  
BOOK 52, PAGE 37 OF THE PUBLIC RE-  
CORDS OF BREVARD COUNTY, FLORIDA,  
BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

THE NORTH TEN (10.00) FOOT, LESS AND  
EXCEPT THE EASTERLY FIVE (5.00) FOOT  
AND LESS AND EXCEPT THE WESTERLY  
FIVE (5.00) FOOT OF LOT 4, BLOCK C,  
SAID EAGLE POINT SUBDIVISION AC-  
CORDING TO THE PLAT THEREOF AS RE-  
CORDED IN PLAT BOOK 52, PAGE 37 OF  
THE PUBLIC RECORDS OF BREVARD  
COUNTY, FLORIDA. PREPARED BY: JOHN  
W. COOPER, 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 July 21, 2020 at the Brevard County  
Government Center Board Room, Build-  
ing 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 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.



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:

7/26/2020

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 July 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

AD #4277815 7/26/2020  
LEGAL NOTICE

RESOLUTION VACATING A PUBLIC UTILITY EASEMENT IN "EAGLE POINT" SUBDIVISION, TITUSVILLE, LYING IN SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34 EAST - WINELAND FAMILY TRUST

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21st day of July 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public utility easement in "Eagle Point" Subdivision, Titusville, lying in Section 24, Township 21 South, Range 34 East, as petitioned by Wineland Family Trust.

**LEGAL DESCRIPTION:**

THAT PORTION OF THE TEN (10.00) FOOT WIDE PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PLAT OF EAGLE POINT SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 52, PAGE 37 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

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

Publication Cost \$202.69  
Ad No: 0004298752  
Customer No: BRE-6BR327

NANCY HEYRMAN  
Notary Public  
State of Wisconsin



LEGAL NOTICE

RESOLUTION VACATING A PUBLIC UTILITY EASEMENT IN "EAGLE POINT"  
SUBDIVISION, TITUSVILLE, LYING IN SECTION 24, TOWNSHIP 21 SOUTH, RANGE 34  
EAST – WINELAND FAMILY TRUST

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21st day of July 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public utility easement in "Eagle Point" Subdivision, Titusville, lying in Section 24, Township 21 South, Range 34 East, as petitioned by Wineland Family Trust.

LEGAL DESCRIPTION:

THAT PORTION OF THE TEN (10.00) FOOT WIDE PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PLAT OF EAGLE POINT SUBDIVISION ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 52, PAGE 37 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK

BY: Kimberly Powell, Deputy Clerk

**Florida TODAY:**

Please advertise in the July 26, 2020, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-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:

THAT PORTION OF THE TEN (10.00) FOOT WIDE PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PLAT OF EAGLE POINT SUBDIVISION ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 52, PAGE 37 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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