



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

2/25/2020

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### Subject:

Petition to Vacate, Re: Public Utility Easement created by Official Records Book 2985, Page 2855 - 140  
Magnolia Ave - "Merritt Winter Homes Development Map No. Two" Plat Book 2, Page 78 - Merritt Island - First  
Baptist Church Merritt Island - District 2

### 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 the previously vacated Grove Street adjacent to Lots 13 and 14, Block H  
and Lots 1 and 24, Block J, "Merritt Winter Homes Development Map No. Two" in Section 35, Township 24  
South, Range 36 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 a  
portion of Blocks H and J and is requesting the vacating of the 50.00 ft. wide public utility easement lying  
within the previously vacated Grove Street between Lots 13 and 14, Block H and Lots 1 and 24, Block J,  
"Merritt Winter Homes Development Map No. Two" to allow for the construction of a proposed church  
sanctuary addition. Easement to be vacated contains 15,140 square feet, more or less. The property is located  
in Merritt Island South of State Road 520 and West of State Road 3.

February 10, 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.

360





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

March 12, 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 a Public Utility Easement in Merritt Winter Homes Development Map No. Two Subdivision, Merritt Island

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-016, vacating a public utility easement in Merritt Winter Homes Development Map No. Two Subdivision, Merritt Island, as petitioned by First Baptist Church Merritt Island. Said Resolution was adopted by the Board of County Commissioners, in regular session on February 25, 2020.

Your continued cooperation is always appreciated.

Sincerely,

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

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

Resolution 2020 - 016

**Vacating of a public utility easement created by Official Records Book 2985, Page 2855, in "Merritt Winter Homes Development Map No. Two" Subdivision, Merritt Island, Florida, lying in Section 35, Township 24 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **FIRST BAPTIST CHURCH MERRITT ISLAND** with the Board of County Commissioners to vacate a public utility 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 25<sup>TH</sup> day of February, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK

  
Bryan Lober, Chair

As approved by the Board on:  
February 25, 2020

# LEGAL DESCRIPTION

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST  
PARCEL ID  
NUMBER: 24-36-35-31-H-4

SHEET 1 OF 3

NOT VALID WITHOUT THE  
SKETCH ON SHEETS 2 & 3

PURPOSE OF SURVEY: EASEMENT VACATION

## LEGAL DESCRIPTION:

A 50 foot wide public Utility Easement being a portion of GROVE STREET that was Vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion of Block H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:

Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W, along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.01 feet along the arc of said curve, subtending a central angle of 0°29'57", the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run S89°23'14"W, along said North Right-of-Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less.

## SURVEYOR'S NOTES:

1. The intended purpose of this sketch is to depict the Utility Easement proposed for Vacation.
2. The bearings shown are based on the Florida East State Plane Coordinate System.
3. The horizontal accuracy of this Survey meets or exceeded an allowable minimum of one foot of error in 7,500 feet of traverse.
4. All dimensions shown on this drawing are based of US feet measurement and or decimal parts there of.
5. This sketch is not valid without the signature and raised seal of a Florida Licensed Surveyor.
6. This Legal Description & Sketch consists of 3 Sheets. All sheets must be attached to constitute the Survey.

## EXPLANATION OF ABBREVIATIONS:

C.B. Catch Basin	R/W Right-of-Way
ep Edge of Pavement	b.f.p. Back Flow Preventer
Hyd Hydrant	l.p. Lamp Post
U.R. Utility Riser	conc Concrete
W.M. Water Meter	D.M.H. Drainage Manhole
W.V. Water Valve	℄ or C/L Centerline
(Typ.) Typical	

PREPARED FOR: FIRST BAPTIST CHURCH OF MERRITT ISLAND,  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

  
JOHN R. CAMPBELL  
SURVEYOR & MAPPER, PSM NO. 2351  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: JOHN R. CAMPBELL SURVEYING LLC

ADDRESS: 115 Alma Blvd, Suite 102  
Merritt Island, FL 32954  
PHONE: (321) 507-4811

DRAWN BY: CDC/DTF

CHECKED BY: JRC

PROJECT NO. 2018-128

SECTION 35

DATE: 04/03/2019

SHEET 1 OF 3

REVISIONS

TOWNSHIP 24 SOUTH

RANGE 36 EAST

# SKETCH OF DESCRIPTION

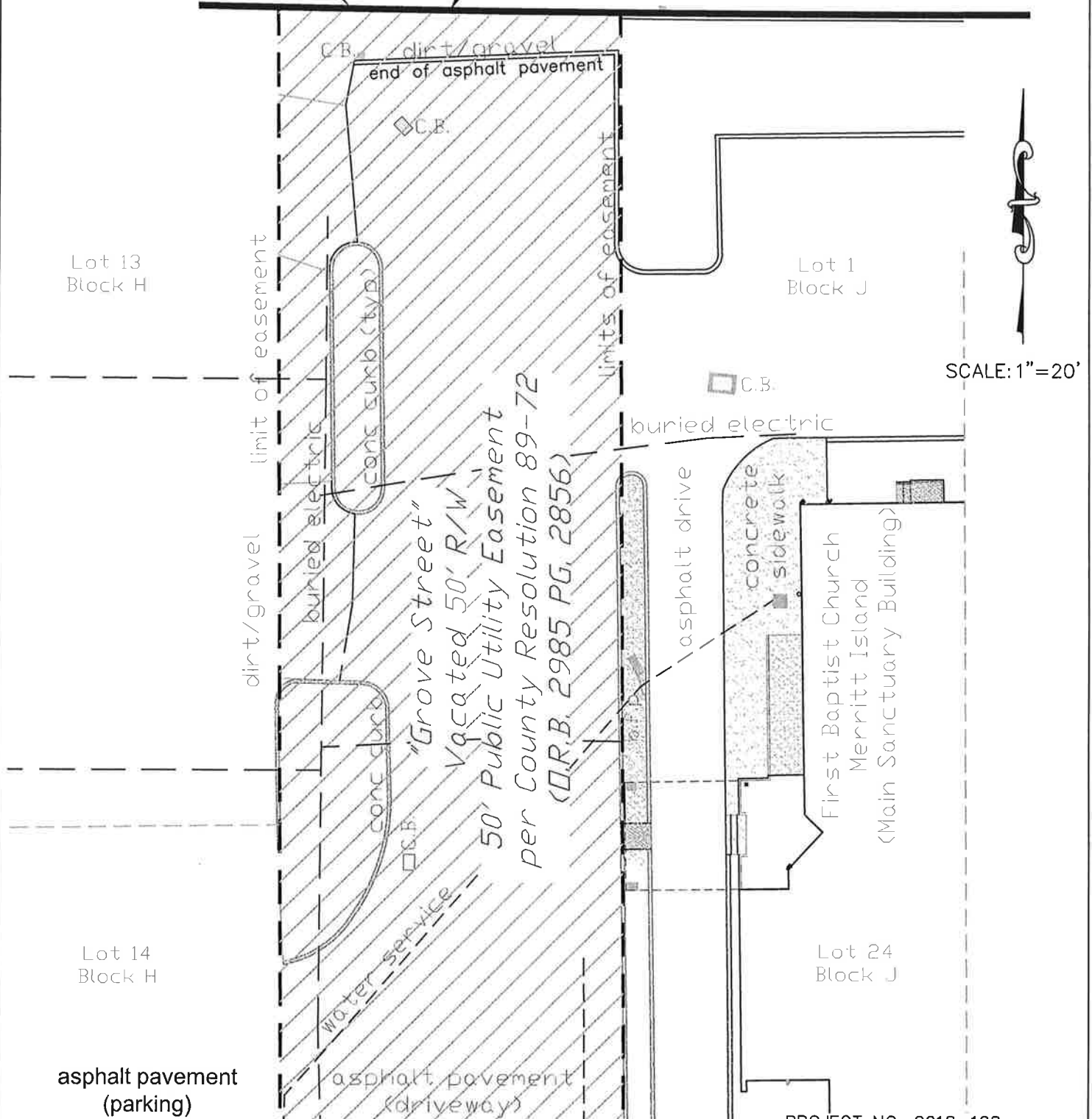
SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST  
 PARCEL ID  
 NUMBER: 24-36-35-31-H-4

SHEET 2 OF 3  
 NOT VALID WITHOUT THE LEGAL  
 DESCRIPTION ON SHEET 1 OF 3

$L = 50.01'$   
 $\Delta = 0^\circ 29' 57''$   
 $R = 5739.58'$   
 Chord = 50.00'  
 Ch. Brg. = S89°16'51"E

*Southerly R/W Line State Road 520  
 (a.k.a. Merritt Island Causeway)*

OD.M.H.





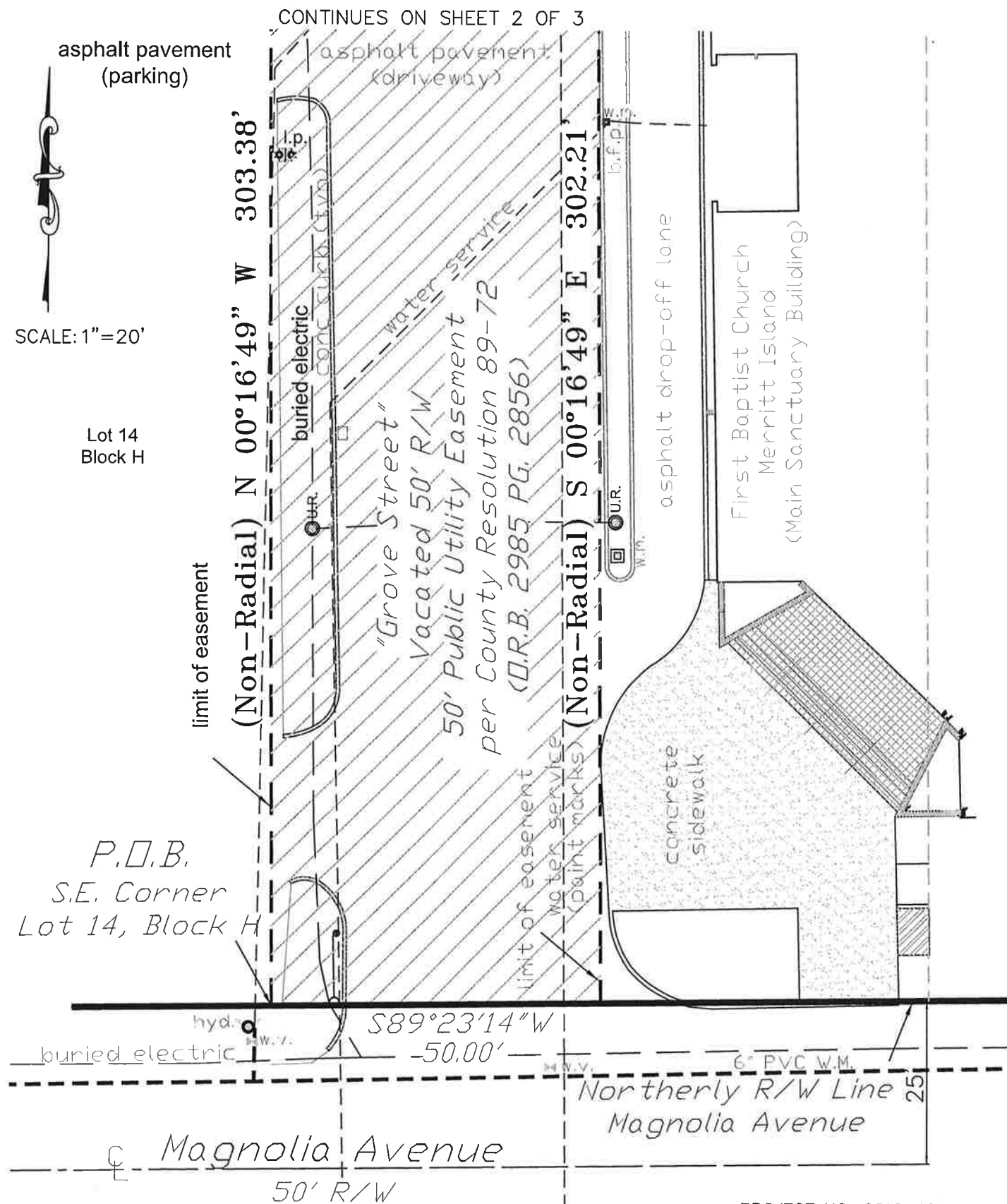
# SKETCH OF DESCRIPTION

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARCEL ID  
NUMBER: 24-36-35-31-H-4

SHEET 3 OF 3

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 3





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:

2/10/2020

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 10th of FEBRUARY 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$288.88  
Ad No: 0004040677  
Customer No: BRE-6BR327

AD# 0004040677 02/10/2020

**LEGAL NOTICE**  
**NOTICE FOR THE VACATING OF THE 50.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "WINTER DEVELOPMENT MAP NO. 2" IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 30 EAST, MERRITT ISLAND, 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 **FIRST BAPTIST CHURCH OF MERRITT ISLAND** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A 50 foot wide public Utility Easement being a portion of GROVE STREET that was Vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion Blocks H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:

Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.00 feet along the arc of said curve, subtending a central angle of 0°29'57"; the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to the a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run S89°23'14"W, along said North Right-of-Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less. Prepared by: John R. Campbell, 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 February 25, 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.

NANCY HEYRMAN  
Notary Public  
State of Wisconsin





**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:

3/3/2020

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 3rd of March 2020, by Joe Heynen who is personally known to me

*[Signature]*

Affiant

*[Signature: Nancy Heyrman]*  
 Notary State of Wisconsin County of Brown  
 5.15.23

My commission expires

Publication Cost \$230.20  
 Ad No: 0004086556  
 Customer No: BRE-6BR327

NANCY HEYRMAN  
 Notary Public  
 State of Wisconsin

AD#4086556 3/2/2020  
 LEGAL NOTICE  
 RESOLUTION VACATING A PUBLIC EASEMENT CREATED BY OFFICIAL RECORDS BOOK 2985, PAGE 2855, MERRITT WINTER HOMES DEVELOPMENT MAP NO. TWO SUBDIVISION, MERRITT ISLAND, LYING IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST - FIRST BAPTIST CHURCH MERRITT ISLAND

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 25th day of February 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public easement created by Official Records Book 2985, Page 2855, Merritt Winter Homes Development Map No. Two Subdivision, Merritt Island, lying in Section 35, Township 24 South, Range 36 East, as petitioned by First Baptist Church Merritt Island.

A 50 foot wide public Utility Easement being a portion of GROVE STREET that was vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion Blocks H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, and is more particularly described as follows:

Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said curve, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.00 feet along the arc of said curve, subtending a central angle of 0°29'57", the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to the a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way, thence run S89°23'14"W, along said North Right-of-Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less. Prepared by John R. Campbell, 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

Public Works

MAR - 9 2020

Received



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

March 12, 2020

First Baptist Church  
140 Magnolia Avenue  
Merritt Island, FL 32952

Dear First Baptist Church:

Re: Resolution Vacating a Public Utility Easement in Merritt Winter Homes Development Map No. Two Subdivision, Merritt Island

The Board of County Commissioners, in regular session on February 25, 2019, adopted Resolution No. 20-016, vacating a public utility easement in Merritt Winter Homes Development Map No. Two Subdivision, Merritt Island, as petitioned by you. Said Resolution has been recorded in ORBK 8686, Pages 2148 through 2153. 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

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works



**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.:** 0004086556  
**Pymt Method** Invoice  
**Net Amt:** \$230.20

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 03/03/20

**Text of Ad:**

AD#4086556 3/2/2020  
LEGAL NOTICE  
RESOLUTION VACATING A PUBLIC  
EASEMENT CREATED BY OFFICIAL  
RECORDS BOOK 2985, PAGE 2855,  
MERRITT WINTER HOMES DEVELOP-  
MENT MAP NO. TWO SUBDIVISION,  
MERRITT ISLAND, LYING IN SECTION 35,  
TOWNSHIP 24 SOUTH, RANGE 36 EAST -  
FIRST BAPTIST CHURCH MERRITT ISLAND

**TO WHOM IT MAY CONCERN:**

NOTICE IS HEREBY GIVEN that on the  
25th day of February 2020, the Board of  
County Commissioners of Brevard County,  
Florida, adopted a Resolution  
vacating a public easement created by  
Official Records Book 2985, Page 2855,  
Merritt Winter Homes Development  
Map No. Two Subdivision, Merritt Island,  
lying in Section 35, Township 24 South,  
Range 36 East, as petitioned by First  
Baptist Church Merritt Island.

A 50 foot wide public Utility Easement  
being a portion of GROVE STREET that  
was vacated by Brevard County Commis-  
sion in Resolution 89-072 subject to re-  
serving a Public Utility Easement. Said  
Easement lies between a portion Blocks  
H and Block J in MERRITT WINTER HOME  
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Island Causeway, said point is on arc of a  
curve, which is neither tangent or radial  
to said course, said curve having a radius  
of 5,739.58 feet, said curve being con-  
cave North; thence run 50.00 feet along  
the arc of said curve, subtending a  
central angle of 0°29'57", the Chord  
bearing for said curve segment being  
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WINTER HOME DEVELOPMENT MAP NO.  
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West line of said Block J, a distance of  
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Way; thence run S89°23'14"W, along  
said North Right-of Way line for a dis-  
tance of 50.00 feet to the Point of Be-  
ginning. Said parcel contains 15,140  
square feet or 0.348 acres more or less.  
Prepared by: John R. Campbell, 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

A 50 foot wide public Utility Easement being a portion of GROVE STREET That was Vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion Blocks H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:

Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run  $N00^{\circ}16'49''W$  along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.00 feet along the arc of said curve, subtending a central angle of  $0^{\circ}29'57''$ , the Chord bearing for said curve segment being  $S89^{\circ}16'51''E$  with a Chord distance of 50.00 feet, to the a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run  $S00^{\circ}16'49''E$ , along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run  $S89^{\circ}23'14''W$ , along said North Right-of Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less. Prepared by: John R. Campbell, PSM.

## LEGAL NOTICE

RESOLUTION VACATING A PUBLIC EASEMENT CREATED BY OFFICIAL RECORDS BOOK 2985, PAGE 2855, MERRITT WINTER HOMES DEVELOPMENT MAP NO. TWO SUBDIVISION, MERRITT ISLAND, LYING IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST – FIRST BAPTIST CHURCH MERRITT ISLAND

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 25<sup>th</sup> day of February 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public easement created by Official Records Book 2985, Page 2855, Merritt Winter Homes Development Map No. Two Subdivision, Merritt Island, lying in Section 35, Township 24 South, Range 36 East, as petitioned by First Baptist Church Merritt Island.

**A 50 foot wide public Utility Easement being a portion of GROVE STREET that was vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion Blocks H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:**

**Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, a c c o r d i n g t o t h e p l a t, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.00 feet along the arc of said curve, subtending a central angle of 0°29'57", the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to the a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run S89°23'14"W, along said North Right-of Way line for a distance of 50.00 feet to the Point of**

**Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less. Prepared by: John R. Campbell, 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

**Florida TODAY:**

Please advertise in the March 2, 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.**



# Appraiser's Detail Sheet



## Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

### PROPERTY DETAILS

Account 2426964  
 Owners First Baptist Church Merritt Island Florida  
 Mailing Address 140 Magnolia Ave Merritt Island FL 32952  
 110 Magnolia Ave Unit Presch Merritt Island FL 32952  
 120 Magnolia Ave Unit S.Port Merritt Island FL 32952  
 124 Magnolia Ave Unit N.Port Merritt Island FL 32952  
 130 Magnolia Ave Unit Childbl Merritt Island FL 32952  
 140 Magnolia Ave Unit Sanct Merritt Island FL 32952  
 170 S Tropical Trl Unit 1 Merritt Island FL 32952  
 170 S Tropical Trl Unit 2 Merritt Island FL 32952  
 174 S Tropical Trl Unit Liftst Merritt Island FL 32952  
 Site Address 180 S Tropical Trl Unit 1 Merritt Island FL 32952  
 180 S Tropical Trl Unit 2 Merritt Island FL 32952  
 26 S Tropical Trl Unit Korean Merritt Island FL 32952  
 270 Magnolia Ave Unit Firehs Merritt Island FL 32952  
 330 Magnolia Ave Unit Oldpm Merritt Island FL 32952  
 335 W Merritt Island Cswy Unit Stg. Merritt Island FL 32952  
 56 S Tropical Trl Unit M.C.C. Merritt Island FL 32952  
 95 S Courtenay Pkwy Unit Maint Merritt Island FL 32952  
 Parcel ID 24-36-35-31-H-4  
 Property Use 1210 - Mixed Use - Commercial Property  
 Exemptions EXRL - Religious  
 Taxing District 2200 - Unincorp District 2  
 Total Acres 14.63  
 Subdivision Merritt Winter Homes Dev Subd Map No 2  
 Site Code 0310 - State Road 520  
 Plat Book/Page 0002/0078  
 Merritt Winter Homes Dev Subd Map No 2 Lots 3 Thru 27 & E 150 Ft Of Lots 1 & 2 Blk H, Lots 1 Thru 9, 15 Thru 25 & S 134 Ft Of Lots 13 & 14 Blk J & Vac Grove St Lying Between Blk H & Blk J, W 150 Ft Of Lots 1,2,3 Blk K, All Lot 13 Blk K & Lots 1 To 10 Blk L Also Incl Part Of SE 1/4 Of NW 1/4 As Desc IN Db 227 Pg 564, Db 309 Pg 174, Db 309 Pg 314 & Db 337 Pg 119, Db 429 Pg 560, Orb 216 Pg 407, Orb 736 Pg 1000 & Orb 1546 Pg 671 Exc Rd RW Pars 253, 253.1, 254, 255,255.2,256,259,266



### VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$14,480,720	\$14,557,200	\$13,075,280
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$14,480,720	\$14,382,800	\$13,075,280
Assessed Value School	\$14,480,720	\$14,557,200	\$13,075,280
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$14,480,720	\$14,382,800	\$13,075,280
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/01/1991	\$250,000	PT	Vacant	3103/0415
12/01/1983	\$110,000	PT	—	2478/1869
05/01/1977	\$80,000	PT	—	1744/0363

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for part of Block's H & J, Merritt Winter Home Development Map No. Two, First Baptist Church Merritt Island, 140 Magnolia Ave, Merritt Island, Section 35, Township 24 South, Range 36 East, District 2

## Vicinity Map

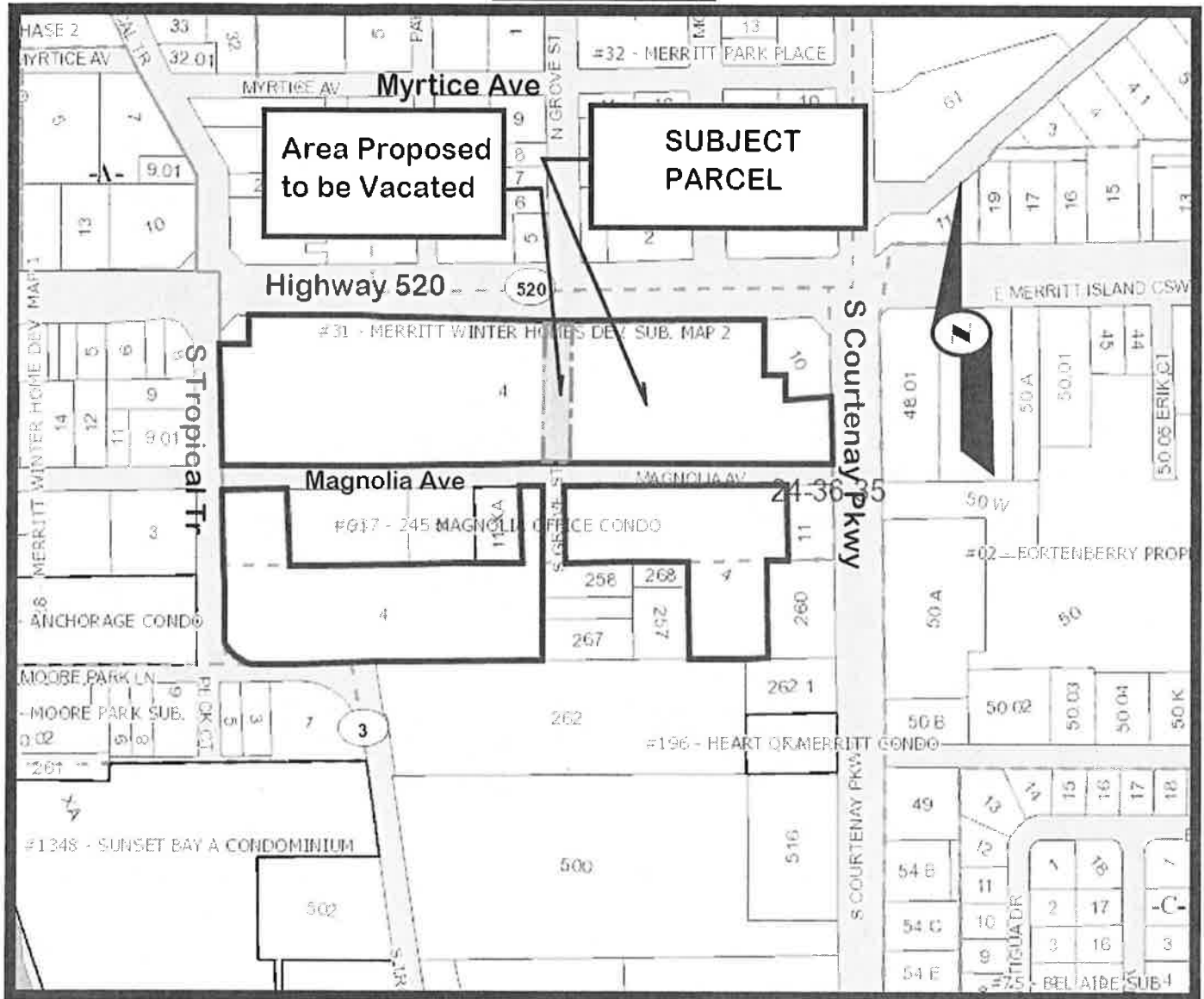


Fig. 2: Map of Blocks H & J, Merritt Winter Home Development, 140 Magnolia Ave, Merritt Island

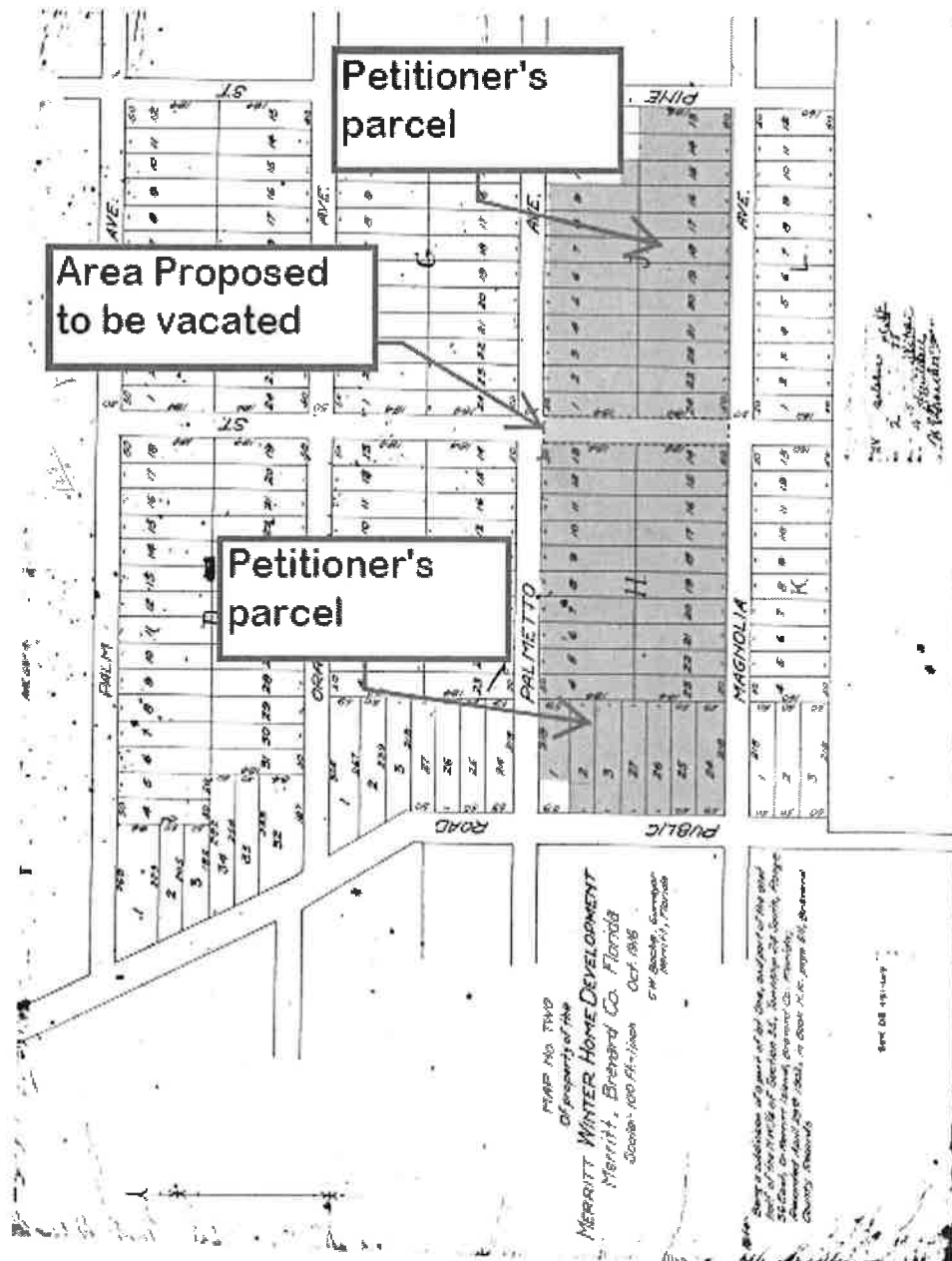
First Baptist Church Merritt Island – Part of Blocks H & J, “Merritt Winter Home Development Map No. Two” (Plat Book 2, Page 78) – 140 Magnolia Avenue – Section 35, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a 50.0 ft. Wide Public Utility Easement

## Aerial Map



Fig. 3: Map of aerial view Blocks H & J, Merritt Winter Home Development, 140 Magnolia Ave, Merritt Island  
First Baptist Church Merritt Island – Part of Blocks H &  
J, “Merritt Winter Home Development Map No. Two”  
(Plat Book 2, Page 78) – 140 Magnolia Avenue –  
Section 35, Township 24 South, Range 36 East –  
District 2 – Proposed Vacating of a 50.0 ft. Wide Public  
Utility Easement

Page 77



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# Petitioner's Deed

Return to: (enclose self-addressed stamped envelope)  
 Name: Tom G. Burrows  
 Address: P.O. Box 541196  
 Merritt Island, FL  
 32954-1196  
 This instrument Prepared by:  
 Name: Tom G. Burrows  
 Address: P.O. Box 541196  
 Merritt Island, FL  
 Property Appraisers Parcel I.D. (Folio) Number(s):  
 24 36 35 31 H 4 5 6  
 Grantor(s) S.S.#(s): Mr. [REDACTED]  
 Mrs. [REDACTED]

WARRANTY DEED  
 DEEDS TO INDIVID

RAMCO FORM 01

RECORDED  
 943475  
 150  
 400  
 1.3-1500

91.12.19-9 10:46  
 10:48

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 2nd day of January A. D. 1991 by Ernest L. Smith and Gwen V. Smith, his wife,

hereinafter called the grantor, to First Baptist Church, Merritt Island, Florida, a Florida corporation not for profit

whose postoffice address is 140 Magnolia Ave., Merritt Island, FL 32952

hereinafter called the grantee:

(Whereof said house is the true estate and whereof said church is the true estate and whereof said church is the true estate)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, conveys, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

See legal description attached hereto.

SUBJECT TO taxes and assessments for the year 1990 and subsequent years, zoning restrictions and prohibitions imposed by governmental authority, easements and restrictions of record; however, this statement shall not be taken to reimpose any restrictions no longer in effect.

**Together** with all the covenants, hereditaments and appurtenances thereto belonging or in any-wise appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 89

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Nicholas Baker  
 [Signature]

Ernest L. Smith L.S.  
 Gwen V. Smith L.S.

STATE OF FLORIDA  
 COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an official duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Ernest L. Smith and Gwen V. Smith, his wife

and that they executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of January, 19 91.

NOTARY PUBLIC, STATE OF FLORIDA  
 MY COMMISSION EXPIRES SEPTEMBER 10, 1994  
 (Seal of Notary Public)

[Signature]

DN3103P0415

Fig. 5: Copy of deed of sale for 140 Magnolia Ave., Merritt Island, FL to First Baptist Church, Merritt Island on January 2, 1991

## Petitioner's Deed

Lots 4, 5, and 6, Block H, Merritt Winter Home Development, Map No. 2, according to the plat thereof, as recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida, LESS that part of Lots 4, 5, and 6, Block H, Map No. Two, Merritt Winter Home Development as recorded in Plat Book 2 at Page 78 of the Public Records of Brevard County, Florida, lying within the following: Commence at the Southeast corner of Lot 14, Block H, Map No. Two Merritt Winter Home Development as recorded in Plat Book 2 at Page 78 of the Public Records of Brevard County, Florida; thence run North  $00^{\circ}53'33''$  West, along the East line of said Block H, a distance of 304.40 feet for a POINT OF BEGINNING, said point being situated on a curve, concave Northeasterly, having a radius of 5739.58 feet; thence with a chord bearing of North  $88^{\circ}16'57''$  West and a chord distance of 142.74 feet, through a central angle of  $01^{\circ}25'30''$ , run Northwesterly along the arc of said curve, a distance of 142.74 feet to a point of reverse curvature with a curve, concave Southerly having a radius of 5,719.58 feet; thence through a central angle of  $03^{\circ}15'04''$ , run Northwesterly along the arc of said curve, a distance of 324.54 feet to a point of tangency; thence South  $89^{\circ}10'44''$  West, a distance of 213.95 feet; thence South  $40^{\circ}20'53''$  West, a distance of 53.26 feet to the West line of Lot 2 in said Block H; thence North  $00^{\circ}35'09''$  West, along the West line of said Block H, a distance of 82.00 feet to the South right-of-way line of State Road 520 (Old State Road 70 Project 5321); thence North  $89^{\circ}10'44''$  East, along said right-of-way line, a distance of 715.67 feet to the East line of Lot 13 in said Block H; thence South  $00^{\circ}53'33''$  East, along said East line, a distance of 57.53 feet to the POINT OF BEGINNING. Containing 6,326 square feet, more or less.

BK3103760416



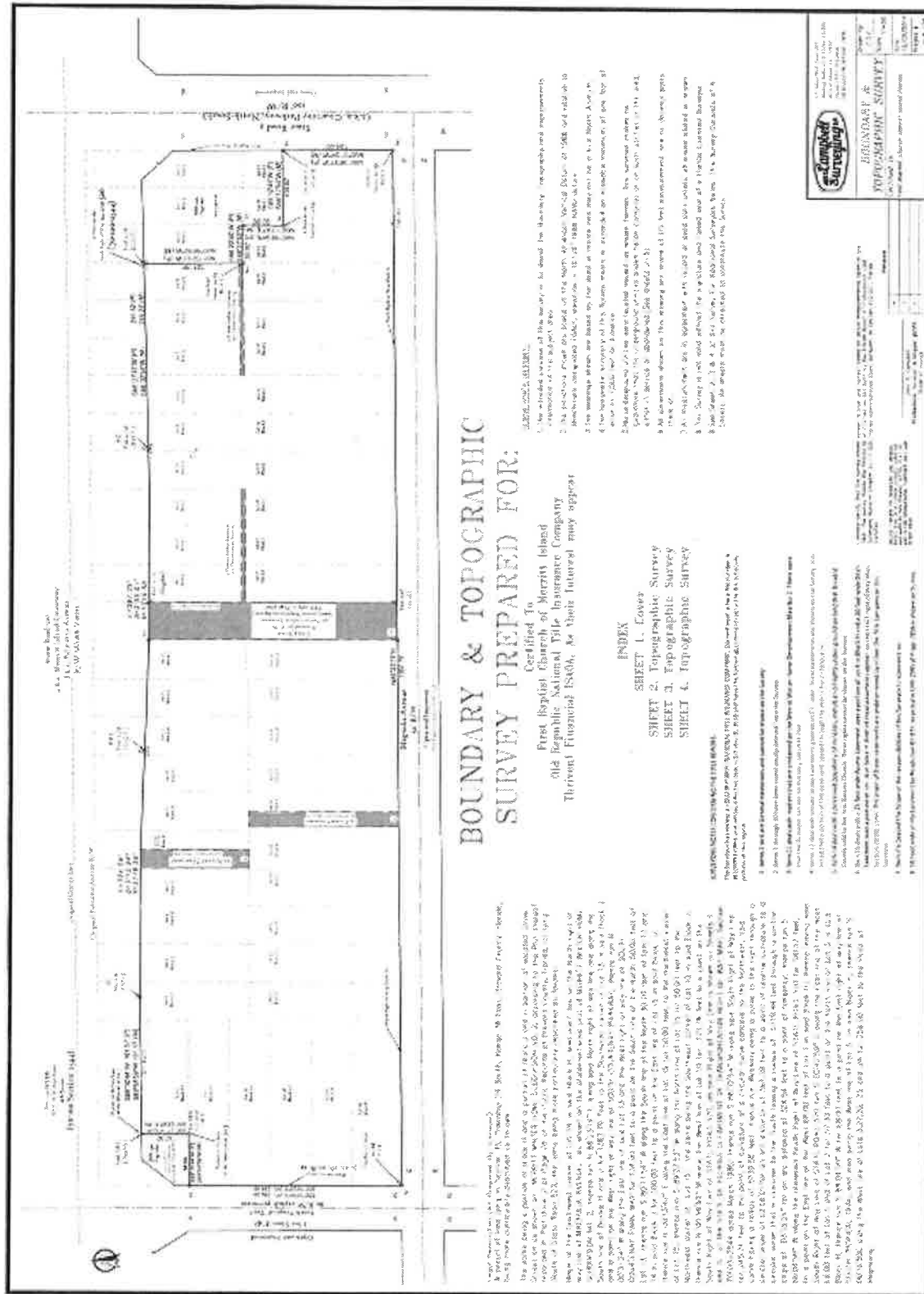


Fig. 7: Copy of the boundary survey of blocks H and J, Merritt Winter Home Development

# Comment Sheet

## COMMENT SUMMARY

APPLICANT: First Baptist Church Merritt Island

UPDATED / BY: Amber Holley 20200128 @ 16:00 hours

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
Florida City Gas Co.	20190510	20190510	YES	NO OBJECTIONS
Florida Power & Light Co.	20190509	20190524	YES	NO OBJECTIONS
AT & T	20190509	20190513	YES	NO OBJECTIONS
City of Cocoa	20190509	20200128	YES	NO OBJECTIONS
Charter Communications	20190509	20190531	YES	NO RESPONSE
COUNTY STAFF				
Road & Bridge	20190509	20200124	YES	NO OBJECTIONS-SUSAN JACKSON
Land Planning	20190509	20190510	YES	NO OBJECTIONS-PAUL BODY
Utility Services	20190510	20190510	YES	NO OBJECTIONS-TAMMY HURLEY
NRMD / Storm Water	20190509	20190528	YES	NO OBJECTIONS-HARVEY WHEELER
Zoning	20190509	20190510	YES	NO OBJECTIONS-PAUL BODY

Fig. 11: Copy of comment sheet for utility review.

## Public Hearing Legal Advertisement

AD# 0004040677 02/10/2020

**LEGAL NOTICE**  
**NOTICE FOR THE VACATING OF THE 50.0**  
**FT. WIDE PUBLIC UTILITY EASEMENT,**  
**PLAT OF "WINTER DEVELOPMENT MAP**  
**NO. 2" IN SECTION 35, TOWNSHIP 24**  
**SOUTH, RANGE 36 EAST, MERRITT**  
**ISLAND, 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 FIRST BAPTIST CHURCH OF MERRITT ISLAND with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A 50 foot wide public Utility Easement being a portion of GROVE STREET That was Vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion Blocks H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:

Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.00 feet along the arc of said curve, subtending a central angle of 0°29'57", the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to the point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run S89°23'14"W, along said North Right-of-Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less. Prepared by: John R. Campbell, 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 February 25, 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.

Fig. 12: Copy of public hearing advertisement as published on February 10, 2020 see next page for full text.

## Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the February 10, 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 THE 50.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "WINTER DEVELOPMENT MAP NO. 2" IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, 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 FIRST BAPTIST CHURCH OF MERRITT ISLAND with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

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