



AGENDA REPORT  
August 20, 2019

**Petition to Vacate Public Utility Easement-Satellite Beach-Louis D. Cox, Jr.-  
(District 4)**

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**SUBJECT:**

Petition to Vacate, Re: Public Utility and Drainage Easement – 444 Eagle Drive –  
“Waterway Estates Fifth Addition” Plat Book 23, Page 85 – Satellite Beach – Louis D. Cox, Jr. – District 4

**FISCAL IMPACT:**

\$640.00 Vacating Application Fee Paid by Petitioner

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility and drainage easement on Lot 14, “Waterway Estates Fifth 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 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 14 and is requesting the vacating of part of the 5.00 ft. wide public utility and drainage easement to remove the existing pool deck and screened patio as encroachments into said easement. Easement to be vacated contains 200 square feet, more or less.

August 05, 2019, 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 FL-513 (South Patrick Dr.) and Skylark Blvd.; thence 0.20 miles west along Skylark Blvd.; thence 0.20 miles north along Eagle Drive to the residence on the west (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: Amber.Holley@brevardfl.gov Phone: Ext. 57315

**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.

**ATTACHMENTS:**

**Description**

- **Exhibits**



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

September 12, 2019

Louis D. Cox, Jr.  
444 Eagle Drive  
Satellite Beach, FL 32937

Dear Mr. Cox:

Re: Resolution Vacating a Part of a Public Utility and Drainage Easement in Waterway Estates Fifth Addition Subdivision, Satellite Beach

The Board of County Commissioners, in regular session on August 20, 2019, adopted Resolution No. 19-135, vacating a part of a public utility and drainage easement in Waterway Estates Fifth Addition Subdivision, Satellite Beach, as petitioned by you. Said Resolution has been recorded in ORBK 8531, Pages 2431 through 2435. 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

/kp

Encl. (1)

cc: Amber Holley, Public Works



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

September 12, 2019

**MEMORANDUM**

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

**RE:** Advertising Bills for Resolution Vacating a Part of a Public Utility and Drainage Easement in Waterway Estates Fifth Addition Subdivision, Satellite Beach

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-135, vacating a part of a public utility and drainage easement in Waterway Estates Fifth Addition Subdivision, Satellite Beach, as petitioned by Louis D. Cox, Jr. Said Resolution was adopted by the Board of County Commissioners, in regular session on August 20, 2019.

Your continued cooperation is always appreciated.

Sincerely,

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

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

COPY

Resolution 2019 - 135

**Vacating a part of a public utility and drainage easement in "Waterway Estates Fifth Addition"  
Subdivision, 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 LOUIS D. COX, JR. with the Board of County Commissioners to vacate a portion of 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 a portion of 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.

DONE, ORDERED AND ADOPTED, in regular session, this 20<sup>TH</sup> day of August, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Kristine Isnardi, Chair

As approved by the Board on:  
August 20, 2019

Resolution 2019 - 135

**Vacating a part of a public utility and drainage easement in "Waterway Estates Fifth Addition"  
Subdivision, 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 **LOUIS D. COX, JR.** with the Board of County Commissioners to vacate a portion of 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 a portion of 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.

DONE, ORDERED AND ADOPTED, in regular session, this 20<sup>TH</sup> day of August, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Kristine Isnardi, Chair

As approved by the Board on:  
August 20, 2019

# LEGAL DESCRIPTION

SECTION 22, TOWNSHIP 26 SOUTH,  
RANGE 37 EAST, BREVARD COUNTY, FLORIDA

# SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

PARCEL ID: #26-37-22-02-\* -14

### PURPOSE

OF SURVEY: VACATE A PORTION OF A 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT

### LEGAL DESCRIPTION:

DESCRIPTION: A PORTION OF A 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 14, WATERWAY ESTATES FIFTH ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 85, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 14 AND RUN N89°08'50"E, ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE N00°51'10"W, A DISTANCE OF 5.00 FEET; THENCE N89°08'50"E, A DISTANCE OF 40.00 FEET; THENCE S00°51'10"E, A DISTANCE OF 5.00 FEET; THENCE S89°08'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 200 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

### SURVEYORS NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ACCORDING TO F.I.R.M. #12009C 0528 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X AND FLOOD ZONE AE, BASE FLOOD ELEVATION OF 1.7'.

### PREPARED FOR:

LOUIS D. COX, JR.

### CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

# AAL LAND SURVEYING SERVICES, INC.

PROJECT # 41210  
 REVISION: \_\_\_\_\_  
 REVISION: \_\_\_\_\_  
 REVISION: \_\_\_\_\_  
 FIELD SURVEY DATE:  
 04-23-19  
 LICENCE BUSINESS #6623

3970 MINTON ROAD, WEST MELBOURNE, FL 32904  
 PHONE: (321)788-8110 FAX: (321)852-9771 EMAIL: [aal@aalsurvey.com](mailto:aal@aalsurvey.com)

ANDREW W. POWSHOK  
 P.L.S. No. 5383



DANIEL G. GARNER  
 P.L.S. No. 6189

SCALE: N/A

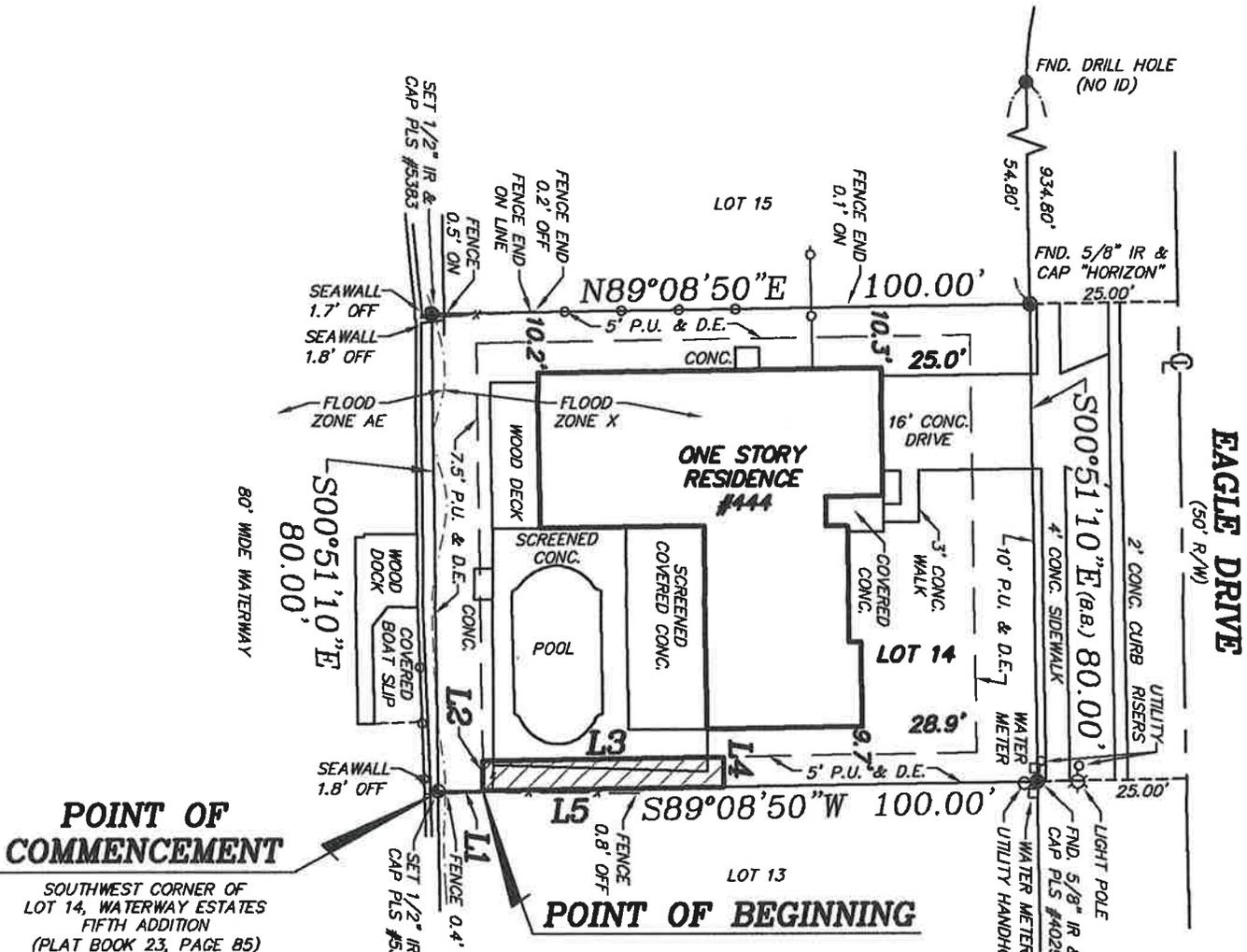
# SKETCH OF DESCRIPTION

# SHEET 2 OF 2

SECTION 22, TOWNSHIP 26 SOUTH,  
RANGE 37 EAST, BREVARD COUNTY, FLORIDA

NOT VALID WITHOUT THE  
DESCRIPTION ON SHEET 1 OF 2

PARCEL ID: #26-37-22-02-\*14



**POINT OF COMMENCEMENT**  
SOUTHWEST CORNER OF  
LOT 14, WATERWAY ESTATES  
FIFTH ADDITION  
(PLAT BOOK 23, PAGE 85)

**POINT OF BEGINNING**

- LEGEND**
- (B.B.) - BASIS OF BEARING
  - CONC. - CONCRETE
  - D.E. - DRAINAGE EASEMENT
  - FND. - FOUND
  - ID - IDENTIFICATION
  - IR - IRON ROD
  - P.U. - PUBLIC UTILITY EASEMENT
  - P.L.S. - PROFESSIONAL LAND SURVEYOR
  - R/W - RIGHT OF WAY

LINE	BEARING	LENGTH
L1	N89°08'50"E	7.50'
L2	N00°51'10"W	5.00'
L3	N89°08'50"E	40.00'
L4	S00°51'10"E	5.00'
L5	S89°08'50"W	40.00'

## AAL LAND SURVEYING SERVICES, INC.

PROJECT # 41210  
REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
FIELD SURVEY DATE:  
04-23-19  
LISCENCE BUSINESS #8623

3970 MINTON ROAD, WEST MELBOURNE, FL 32904  
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: aalsurvey@aalsurvey.com  
ANDREW W. POWSHOK  
P.L.S. No. 5383

SCALE: 1" = 30'  
NORTH

DANIEL D. GARNER  
P.L.S. No. 6189



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

AD#3712649 08/05/2019

LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
THE 5.0 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT, PLAT OF "WA-
TERWAY ESTATES FIFTH ADDITION" IN
SECTION 22, TOWNSHIP 26 SOUTH,
RANGE 37 EAST, SATELLITE BEACH, FL

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared
Shelly Hora, 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

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 LOUIS D. COX, JR. with the
Board of County Commissioners of Brevard
County, Florida, to request vacating
the following described property, to wit:

Legal Notices

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

08/05/19

A PORTION OF A 5 FOOT WIDE PUBLIC
UTILITY AND DRAINAGE EASEMENT LY-
ING WITHIN LOT 14, WATERWAY ES-
TATES FIFTH ADDITION, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 23, PAGE 85, OF THE PUBLIC
RECORDS OF BREVARD COUNTY, FLORI-
DA, BEING MORE PARTICULARLY DE-
SCRIBED AS FOLLOWS: COMMENCE AT
THE SOUTHWEST CORNER OF SAID LOT
14 AND RUN N89°08'50"E, ALONG THE
SOUTH LINE OF SAID LOT 14, A DIS-
TANCE OF 7.50 FEET TO THE POINT OF
BEGINNING OF THE HEREIN DESCRIBED
EASEMENT; THENCE N00°51'10"W, A
DISTANCE OF 5.00 FEET; THENCE
N89°08'50"E, A DISTANCE OF 40.00 FEET;
THENCE S00°51'10"E, A DISTANCE OF
5.00 FEET; THENCE S89°08'50"W, A DIS-
TANCE OF 40.00 FEET TO THE POINT OF
BEGINNING. CONTAINING 200 SQUARE
FEET OR 0.005 ACRES, MORE OR LESS.
PREPARED BY: DANIEL D. GARNER, PSM.

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.

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 August 20, 2019 at the Brevard Coun-
ty 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 tak-
en.

Sworn to and Subscribed before me this 5th of August
2019 by Shelly Hora who is personally known to me

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.

Affiant

Handwritten signature of Shelly Hora

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

Handwritten signature of Notary Vicky Felty

Notary State of Wisconsin County of Brown

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.

Handwritten date 9-19-21

My commission expires



Publication Cost: \$236.72
Ad No: 0003712649
Customer No: BRE-6BR327

A Daily Publication By:



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

AD#3749009 8/25/2019
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN WATERWAY ESTATES FIFTH ADDITION SUBDIVISION, LYING IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITE BEACH - LOUIS D. COX, JR.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 20th day of August 2019, the Board of County Commissioners of Brevard County, Florida adopted a Resolution vacating a part of a public utility and drainage easement in Waterway Estates Fifth Addition Subdivision, lying in Section 22, Township 26 South, Range 37 East, Satellite Beach, as petitioned by Louis D. Cox, Jr.

SEE ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION:

EXHIBIT "A"

A PORTION OF A 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 14, WATERWAY ESTATES FIFTH ADDITION. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 85, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 14 AND RUN N89°08'50"E, ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE N00°51'10"W, A DISTANCE OF 5.00 FEET; THENCE N89°08'50"E, A DISTANCE OF 40.00 FEET; THENCE S00°51'10"E, A DISTANCE OF 5.00 FEET; THENCE S89°08'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 200 SQUARE FEET OR 0.005 ACRES, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, PSM.

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

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

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared Aura Rubel, 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:

08/25/19

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 27th of August 2019, by Aura Rubel who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$249.66
Ad No: 0003749009
Customer No: BRE-6BR327



# Appraiser's Detail Sheet



**Brevard County Property Appraiser**  
Titusville • Merritt Island • Viera • Melbourne • Palm Bay  
**PROPERTY DETAILS**

Phone: (321) 264-6700  
<http://www.bcpao.us>

Account 2606494  
Owners Cox, Louis D Jr  
Mailing Address 444 Eagle Dr Satellite Bch FL 32937  
Site Address 444 Eagle Dr Satellite Beach FL 32937  
Parcel ID 26-37-22-02--14  
Property Use 0110 - Single Family Residence  
Exemptions HEX1 - Homestead First  
HEX2 - Homestead Additional  
Taxing District 4100 - Unincorp District 4  
Total Acres 0.18  
Subdivision Waterway Estates 5Th Addn  
Site Code 0130 - Canal Front  
Plat Book/Page 0023/0085  
Land Description Waterway Estates 5Th Addn Lot 14



### VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$400,330	\$364,750	\$322,060
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$205,810	\$201,580	\$197,440
Assessed Value School	\$205,810	\$201,580	\$197,440
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	\$155,810	\$151,580	\$147,440
Taxable Value School	\$180,810	\$176,580	\$172,440

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/30/1998	\$184,000	WD	Improved	3880/1215
06/19/1986	\$132,500	WD	--	2706/2125
06/27/1983	\$127,400	WD	--	2440/1397
08/28/1979	\$83,000	WD	--	2092/1922

### BUILDINGS

#### PROPERTY DATA CARD #1

Building Use: 0110 - Single Family Residence

Materials		Details	
Exterior Wall:	Stucco , Stone	Year Built	1972
Frame:	Masnryconc	Story Height	8
Roof:	Asph/Asb Shngl	Floors	1
Roof Structure:	Hip/Gable	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,765	All Screen - 1 Story	923
Garage	511	Pool Deck	428
Open Porch	56	Dock Roof - Shingle	288
Total Base Area	1,765	Pool - Residential	1
Total Sub Area	2,332	Spa - Residential Attached	1

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lot 14, Waterway Estates Fifth Addition, Louis D. Cox, Jr., 444 Eagle Drive, Satellite Beach, Section 22, Township 26 South, Range 37 East, District 4

## Vicinity Map

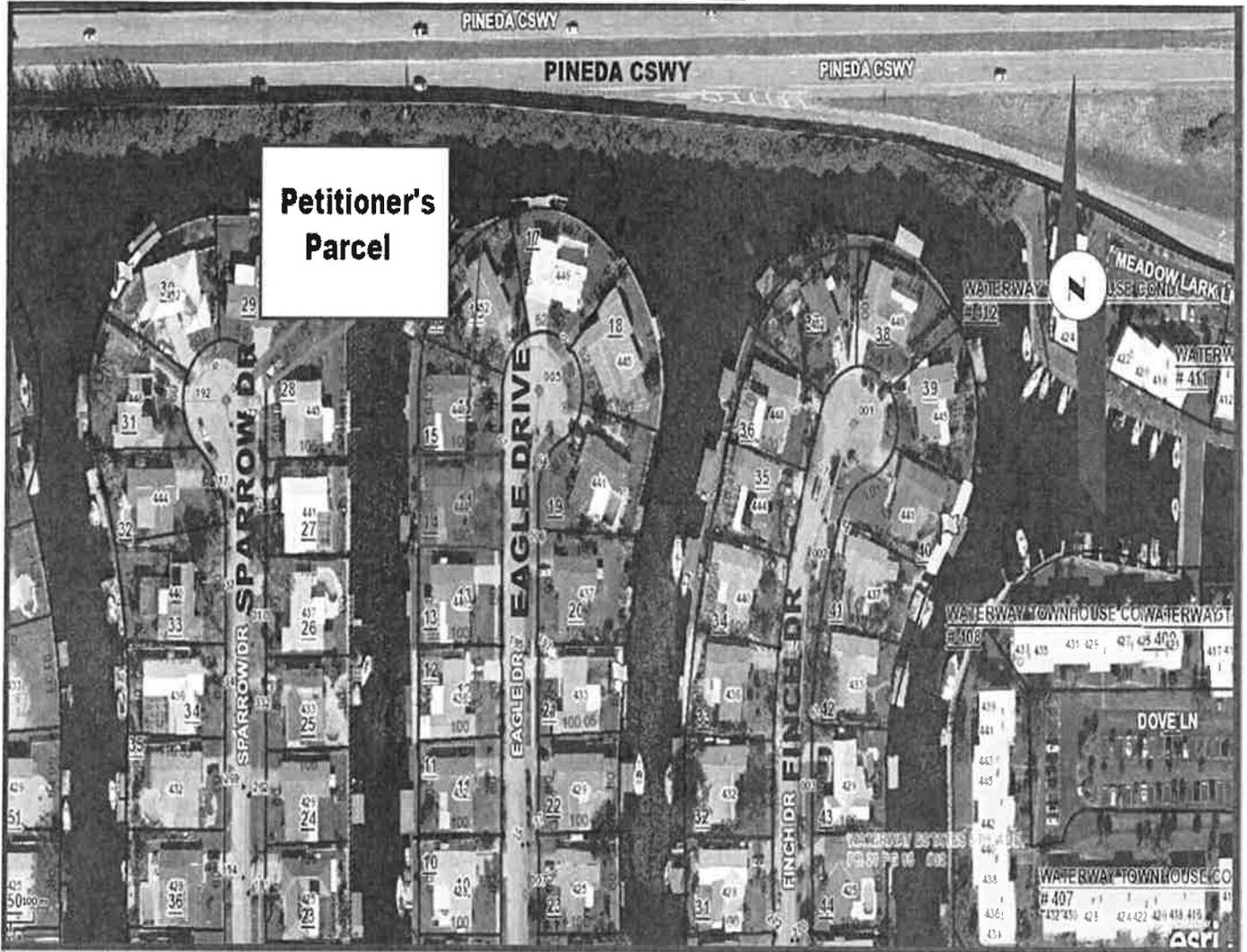


Fig. 2: Map of Lot 14, Waterway Estates Fifth Addition, 444 Eagle Drive

Louis D. Cox, Jr. – Lot 14, “Waterway Estates Fifth Addition” (Plat Book 23, Page 85) – 444 Eagle Drive – Section 22, Township 26 South, Range 37 East – District 4 – Proposed Vacating of a 5.0 ft. Wide Public Utility and Drainage Easement

## Aerial Map

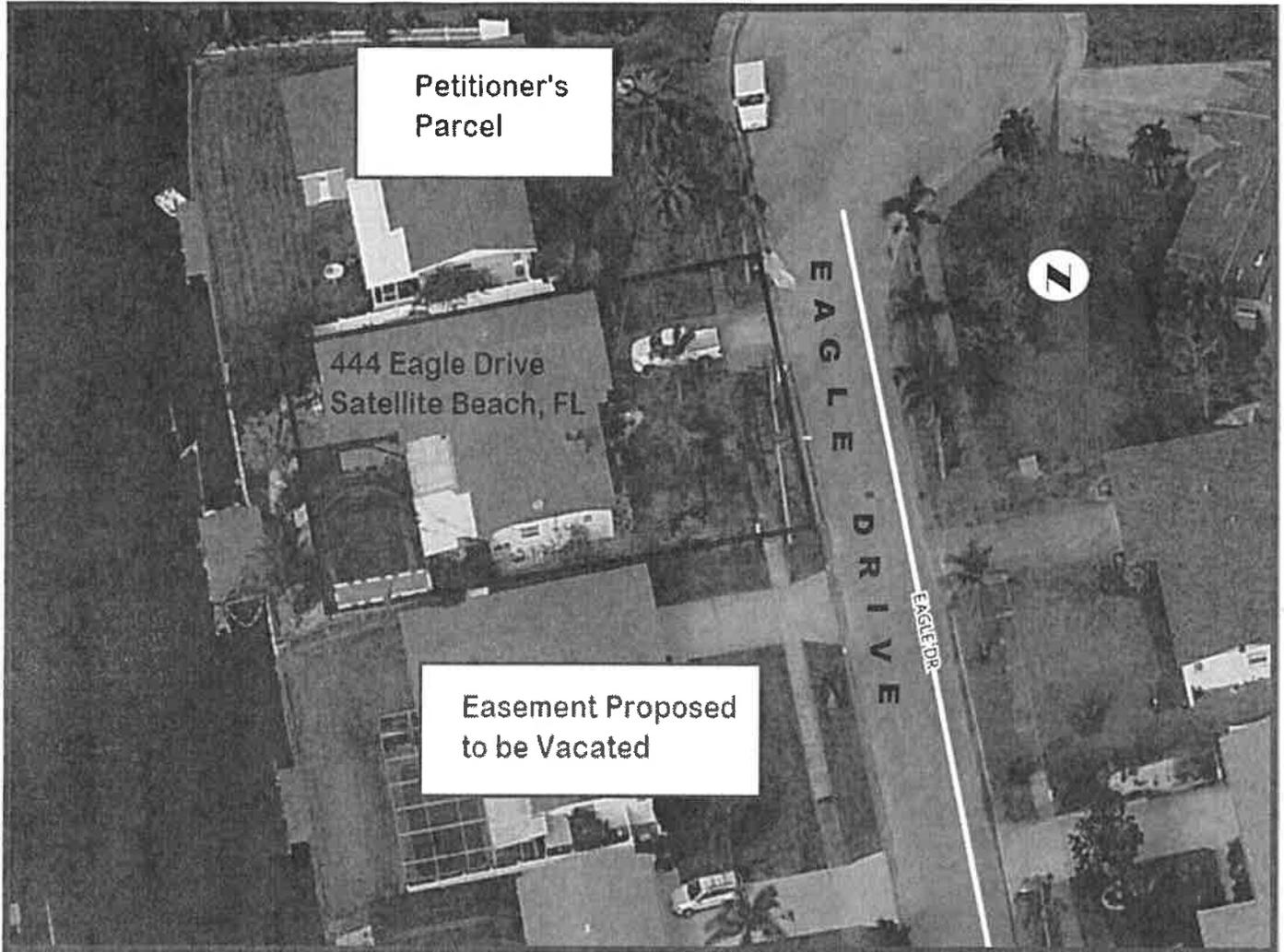


Fig. 3: Map of aerial view of lot 14, Waterway Estates Fifth Addition, 444 Eagle Drive, Satellite Beach, FL

Louis D. Cox, Jr. – Lot 14, “Waterway Estates Fifth Addition” (Plat Book 23, Page 85) – 444 Eagle Drive – Section 22, Township 26 South, Range 37 East – District 4 – Proposed Vacating of a 5.0 ft. Wide Public Utility and Drainage Easement



# Petitioner's Deed

PREPARED BY AND RETURN TO:  
RENEE CHISHOLM  
TEAM & COUNTRY TITLE, INC.  
747 Pinecrest Drive  
Indian Harbour Beach, FL 32937  
File No. TC-2381  
TAX PARCEL ID NO. 26 37 22 02 14

## WARRANTY DEED

THIS INDENTURE, made the 5th day of August, 19 98, between  
DENISE L. PETRI, a single woman  
("Grantor"), and  
LOUIS D. COX, JR., a single man

(Taxpayer I.D. Numbers: \_\_\_\_\_)  
whose mailing address is 444 EAGLE DRIVE, SATELLITE BEACH, FL. 32937 ("Grantee").

(Whoever uses herein the terms "grantor" and "grantee" include all the parties to the instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the Grantee, at that certain land situate in BREVARD County, Florida, viz:

Lot 14, WATERWAY ESTATES FIFTH ADDITION, according to the plat thereof, as recorded in Plat Book 23, Page 85, Public Records of Brevard County, Florida.



Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 1	#Names: 2	
Trust: 1.00	Rec: 5.00	Sev: 0.00
Doc: 1.255.00	Exp: 0.00	
Mfg: 0.00	nt Tax: 0.00	

SUBJECT TO taxes for 1998 and subsequent years.  
SUBJECT TO zoning, restrictions, prohibitions, and other requirements imposed by governmental authority, restrictions and matters appearing on the plat or otherwise common to the subdivision, and public utility easements of record; this reference to said restrictions shall not operate to reimpose the same.

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 seised 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 claim of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year set forth below.

Signed, sealed and delivered in the presence of:

Renée Chisholm  
Witness: Renée Chisholm  
Typed/Printed Name of Witness

Sandy Crawford  
Witness: Suzanne D. Lowell  
Typed/Printed Name of Witness

STATE OF FL  
COUNTY OF BREVARD

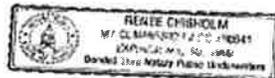
The foregoing instrument was acknowledged before me the 5th day of August, 19 98, by

DENISE L. PETRI

who is/are personally known to me,  who has/have produced driver license(s) as identification, or  who has/have produced \_\_\_\_\_ as identification.

Denise L. Petri  
DENISE L. PETRI  
Address: \_\_\_\_\_

Address: \_\_\_\_\_



Renée Chisholm  
Notary Public  
Typed/Printed Name of Notary: \_\_\_\_\_  
Commission Number: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Fig. 5: Copy of deed of sale for lot 14, Waterway Estates Fifth Addition, 444 Eagle Drive, Satellite Beach, FL to Louis D. Cox, Jr. on August 05, 1998.



# Petitioner's Sketch & Description Sheet 1 of 2

<b>LÉGAL DESCRIPTION</b>		<b>SHEET 1 OF 2</b>	
SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA		NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2	
PARCEL ID: #26-37-22-02-*-14			
<b>PURPOSE</b> OF SURVEY: VACATE A PORTION OF A 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT			
<b>LEGAL DESCRIPTION:</b>			
DESCRIPTION: A PORTION OF A 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 14, WATERWAY ESTATES FIFTH ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 85, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:			
COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 14 AND RUN NB9°08'50"E, ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE N00°51'10"W, A DISTANCE OF 5.00 FEET; THENCE NB9°08'50"E, A DISTANCE OF 40.00 FEET; THENCE S00°51'10"E, A DISTANCE OF 5.00 FEET; THENCE SB9°08'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.			
CONTAINING 200 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.			
<b>SURVEYORS NOTES:</b>			
1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.			
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.			
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.			
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.			
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.			
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.			
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.			
8. ACCORDING TO F.I.R.M. #12009C 0528 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X AND FLOOD ZONE AE, BASE FLOOD ELEVATION OF 1.7'.			
<b>PREPARED FOR:</b> LOUIS D. COX, JR.			
<b>CERTIFIED TO:</b> BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS			
<b>AAL LAND SURVEYING SERVICES, INC.</b>			
PROJECT # 41210	3970 MINTON ROAD, WEST MELBOURNE, FL 32904		SCALE: N/A
REVISION:	PHONE: (321)788-8110 FAX: (321)952-9771 EMAIL: aal@aalsurveying.com		
REVISION:	ANDREW W. POWSHOK		DANIEL D. GARNER P.L.S. No. 6189
FIELD SURVEY DATE: 04-23-19	P.L.S. No. 5383		
LISCENCE BUSINESS #6623			

Fig. 7: Copy of legal description sheet 1 of 2 for lot 14, Waterway Estates Fifth Addition.

# Petitioner's Sketch & Description Sheet 2 of 2



Fig. 8: Copy of sketch sheet 2 of 2 of lot 14, Waterway Estates Fifth Addition.



## Public Hearing Legal Advertisement

Florida Today | Legal Notices

AD#3712649 08/05/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE 5.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "WATERWAY ESTATES FIFTH 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 LOUIS D. COX, JR. with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: A PORTION OF A 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 14, WATERWAY ESTATES FIFTH ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 85, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 14 AND RUN N89°08'50"E, ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE N00°51'10"W, A DISTANCE OF 5.00 FEET; THENCE N89°08'50"E, A DISTANCE OF 40.00 FEET; THENCE S00°51'10"E, A DISTANCE OF 5.00 FEET; THENCE S89°08'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 200 SQUARE FEET OR 0.005 ACRES, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, 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 August 20, 2019 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. 10: Copy of public hearing advertisement as published on August 5, 2019.