



Agenda Report

2021-17
2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

2/23/2021

Subject:

Petition to Vacate, Re: Part of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A being a portion of Official Records Book 1301, Page 38 - Section 21 Township 28 S., Range 38 E. - Melbourne Beach - Oceanfront D & M, LLC - District 3

Fiscal Impact:

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

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 the partial vacating of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A being a portion of Official Records Book 1301, Page 38 in Section 21, Township 28 South, Range 38 East in Melbourne Beach, Florida. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating.

Summary Explanation and Background:

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns Parcel 260.1 and is requesting the vacating of the unused 18.00 ft. strip of land running parallel with the east right-of-way of Highway A1A to allow for the redevelopment of the parcel. Land to be vacated contains 3,802 square feet, more or less. The property is located in Melbourne Beach South of Melbourne Causeway and East of Highway A1A.

The subject property under consideration for vacating was donated (we have found no record of any cost to the County associated with the donation) by the then owners, to the County for use as a public right-of-way for purposes of anticipated widening of SR A-1-A at some time in the future. Since that time, by referendum, the south beaches area of the County has been limited as to development density reducing the need for widening A-1-A in this area. At this time the apparent successor owners of the adjacent property are petitioning for the property to be vacated, by which action, if approved, the property will revert to private ownership by operation of law.

February 8, 2021, the legal notice was advertised in Florida TODAY informing the public of the date a public hearing would be held to consider the vacating.

All pertinent county agencies and public utility companies have been notified. At this time, no objections have

been received.

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

Clerk to the Board Instructions:

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in sequence includes the approved/signed resolution, the proof of publication of the public hearing notice and the proof of publication of the adopted resolution notice.



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

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

March 11, 2021

Oceanfront D & M, LLC
Attn: Dan Winkler
119 Signature Drive
Melbourne Beach, FL 32951

Dear Sir/Madam:

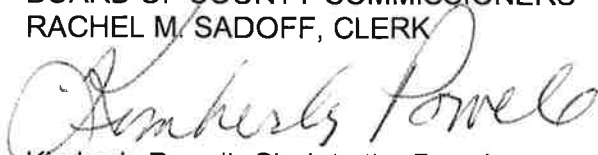
Re: Resolution Vacating an 18.0 Foot Wide Strip of Land Running Parallel with the East Right-of-Way of Highway A1A being a Portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach

The Board of County Commissioners, in regular session on February 23, 2021, adopted Resolution No. 21-017, vacating an 18.0 foot wide strip of land running parallel with the East right-of-way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, as petitioned by you. Said Resolution has been recorded in ORBK 9045, Pages 1134 through 1138. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works



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

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

March 11, 2021

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 an 18.0 Foot Wide Strip of Land Running Parallel with the East Right-of-Way of Highway A1A being a Portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 21-017, vacating an 18.0 foot wide strip of land running parallel with the East right-of-way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, as petitioned by Oceanfront D & M, LLC. Said Resolution was adopted by the Board of County Commissioners, in regular session on February 23, 2021.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

Resolution 2021 - 017

Partial Vacating of an 18.0 ft. wide strip of land running parallel with the East Right-of-Way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, Florida

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **OCEANFRONT D & M, LLC** with the Board of County Commissioners to partially vacate an 18.0 ft. wide strip of land in Melbourne Beach, Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH AND 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 the partial vacating of the strip of land will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public strip of land is hereby vacated; and Brevard County renounces and disclaims any rights in and to said strip of land. 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 23rd day of February, 2021 A.D.

CFN 2021060232, OR BK 9045 PAGE 1134,
Recorded 03/10/2021 at 09:30 AM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:5

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


Rachel Sadoff, Clerk


Rita Pritchett, Chair

As approved by the Board on:
February 23, 2021

LEGAL DESCRIPTION

PETITIONER'S PARCEL ID#: 28-38-21-00-260.1
PURPOSE: VACATE RIGHT OF WAY

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

DESCRIPTION: PREPARED BY BRIEL & ASSOCIATES LAND SURVEYORS, INC.

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
FROM THE INTERSECTION OF THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE CENTERLINE OF STATE ROAD A1A AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR SECTION 70060 (2) STATE ROAD A1A RECORDED IN ROAD PLAT BOOK 1, PAGES 94 THRU 101 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA RUN N89°49'17"E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 34.84 FEET TO THE EASTERLY MAINTENANCE LINE OF STATE ROAD A1A PER THE AFORESAID MAINTENANCE MAP; THENCE N23°27'37"W ALONG SAID LINE 6.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N23°27'37"W ALONG SAID LINE 211.20 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF SAID GOVERNMENT LOT 1; THENCE N89°49'17"E ALONG SAID NORTH LINE 19.60 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38; THENCE S23°27'37"E ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 A DISTANCE OF 211.20 FEET; THENCE DEPARTING SAID LINE S89°49'17"W 19.60 FEET TO THE POINT OF BEGINNING.
CONTAINING 3802 SQUARE FEET MORE OR LESS.

NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO VACATE A PORTION OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38. IT IS NOT INTENDED TO REPRESENT A LAND BOUNDARY SURVEY.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SET FORTH IN OPINION OF TITLE FOR HARBOR ISLAND BEACH CLUB OCEAN VILLAS PREPARED BY STEPHEN E. SPIRA DATED SEPTEMBER 8, 2020
3. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE EAST ZONE OF FLORIDA. DATUM IS NAD 83(2011).

ABBREVIATIONS:

CL = CENTERLINE
COR = CORNER
D = DEED OR DESCRIPTION
ESMT = EASEMENT
EX = EXISTING
G.L. = GOVERNMENT LOT
M = MEASURED
MAINT = MAINTENANCE
NTS = NOT TO SCALE
ORB = OFFICIAL RECORDS BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PB = PLAT BOOK
PG = PAGE
PI = POINT OF INTERSECTION
PROP = PROPOSED
R/W = RIGHT OF WAY
RPB = ROAD PLAT BOOK
SEC = SECTION
TYP = TYPICAL

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

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

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

PREPARED FOR AND CERTIFIED TO:

OCEANFRONT D & M, LLC
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:



BRIEL & ASSOCIATES
Land Surveyors, Inc.

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

DRAWN BY: RRB

CHECKED BY: RRB

PROJECT NO. 19005

REVISIONS

DATE

DESCRIPTION

DATE: 10/07/2020

DRAWING: 19005 RW vac

SECTION 21

TOWNSHIP 28 SOUTH
RANGE 38 EAST

SKETCH OF DESCRIPTION

PETITIONER'S PARCEL ID#: 28-38-21-00-260.1
PURPOSE: VACATE RIGHT OF WAY

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



L'ecume De Mer Of Melbourne Beach Condo As
Desc In Orb 2331 Pg 898
PARCEL ID 28-38-21-00-259.1-.XA

N LINE OF S 200' OF G.L. 1

STATE ROAD A1A

64 FOOT R/W PER RPB 1, PGS 94-101
100 FOOT PUBLIC R/W

211.20'
N23°27'37"E
E R/W LINE PER
ORB 1301, PG 38
RPE 1, PGS 94-101
E MAINT LINE PER
ORB 1301, PG 38
32.00'
50.00'

OCEANFRONT D & M LLC
ORB 8840, PG 1817
PARCEL ID 28-38-21-00-260.1

194.00'

SW COR G.L. 1
SEC 21-28-38

EASTERLY
N89°49'17"E

726.3'(D)
735.29'(M)

S LINE PB 37, PG 95 S LINE G.L. 1, SEC 21-28-38

211.20'
N23°27'37"W
6.53'
N89°49'17"E
34.84'

TRACT "G"
6' PRIVATE ACCESS
PB 37, PG 95
THE SEABREEZE AT
MELBOURNE BEACH
HOMEOWNERS ASSOC INC,
PARCEL ID
28-38-20-PE-A

Matheny, Michael; Matheny, Kimberly
Orb 8331 Pg 1548
PARCEL ID 28-38-21-GD-C-1

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

SCALE: 1" = 40'

PROJECT NO.: 19005

SECTION 21
TOWNSHIP 28 SOUTH
RANGE 38 EAST



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 said legal clerk, 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:

02/08/2021

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 8th of February 2021, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$301.92

Ad No: 0004584317

Customer No: BRE-6BR327

This is not an invoice

of Affidavits 1

Ad#4584317, 2/8/2021

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF AN 18.0 FOOT STRIP OF LAND RUNNING PARALLEL WITH THE EAST RIGHT-OF-WAY OF HIGHWAY A1A AND A PORTION OF OFFICIAL RECORD BOOK 1301, PAGE 38, IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86.36, Brevard County Code, a petition has been filed by **OCEANFRONT D & M, LLC** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE INTERSECTION OF THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE CENTERLINE OF STATE ROAD A1A AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR SECTION 70060 (2) STATE ROAD A1A RECORDED IN ROAD PLAT BOOK 1, PAGES 94 THRU 101 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA RUN N89°49'17"E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 34.84 FEET TO THE EASTERLY MAINTENANCE LINE OF STATE ROAD A1A PER THE AFORESAID MAINTENANCE MAP; THENCE N23°27'37"W ALONG SAID LINE 6.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N23°27'37"W ALONG SAID LINE 211.20 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF SAID GOVERNMENT LOT 1; THENCE N89°49'17"E ALONG SAID NORTH LINE 19.60 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38; THENCE S23°27'37"E ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38, A DISTANCE OF 211.20 FEET; THENCE DEPARTING SAID LINE S89°49'17"W 19.60 FEET TO THE POINT OF BEGINNING. CONTAINING 3802 SQUARE FEET MORE OR LESS. PREPARED BY: ROBERT R. BRIEL, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on February 23, 2021 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.

KATHLEEN ALLEN
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:

3/2/2021

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 2ND of MARCH 2021, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

1-7-25

My commission expires

Publication Cost \$249.76
Ad No: 0004617597
Customer No: BRE-6BR327

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad#4617597, 03/02/2021
LEGAL NOTICE

PARTIAL VACATING OF AN 18.0 FOOT WIDE STRIP OF LAND PARALLEL WITH THE EAST RIGHT-OF-WAY OF HIGHWAY A1A BEING A PORTION OF OFFICIAL RECORDS BOOK 1301, PAGE 38, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH - OCEANFRONT D & M, LLC

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 23rd day of February 2021, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution for a partial vacating of an 18.0 foot wide strip of land parallel with the East right-of-way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach as petitioned by Oceanfront D & M, LLC.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE INTERSECTION OF THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE CENTERLINE OF STATE ROAD A1A AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR SECTION 20060 (2) STATE ROAD A1A RECORDED IN ROAD PLAT BOOK 1, PAGES 94 THRU 101 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA RUN N89°49'17"E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 34.84 FEET TO THE EASTERLY MAINTENANCE LINE OF STATE ROAD A1A PER THE AFORESAID MAINTENANCE MAP; THENCE N23°27'37"W ALONG SAID LINE 6.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N23°27'37"W ALONG SAID LINE 211.20 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF SAID GOVERNMENT LOT 1; THENCE N89°49'17"E ALONG SAID NORTH LINE 19.60 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38; THENCE S23°27'37"E ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38, A DISTANCE OF 211.20 FEET; THENCE DEPARTING SAID LINE S89°49'17"W 19.60 FEET TO THE POINT OF BEGINNING, CONTAINING 3802 SQUARE FEET MORE OR LESS, PREPARED BY: ROBERT R. BRIEL, 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
RACHEL M. SADOFF, CLERK
BY: Kimberly Powell, Clerk to the Board

Brevard County Property Appraiser Detail Sheet

Account 2851533

Owners Oceanfront D & M LLC

Mailing Address 3055 S Highway A1A Melbourne Beach FL 32951

Site Address 3055 Highway A1A Melbourne Beach FL 32951

Parcel ID 28-38-21-00-260.1

Property Use 3905 - Bed & Breakfast

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 1.55

Subdivision --

Site Code 0120 - Ocean Front

Plat Book/Page -/-

Land Description N 97 Ft Of S 200 Ft Of Govt Lot 1 Lying East Of A1A & Boat Slip No 12 As Desc IN Orb 3250 Pg

2357 And N 97 Ft Of S 103 Ft Of Govt Lot 1 Lying E Of A1A & Boat Slip No 14 As Des IN Orb 3236 Pg 4380 Par 266

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$1,909,280	\$1,551,850	\$1,576,570
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$1,909,280	\$1,551,850	\$1,576,570
Assessed Value School	\$1,909,280	\$1,551,850	\$1,576,570
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$1,909,280	\$1,551,850	\$1,576,570
Taxable Value School	\$1,909,280	\$1,551,850	\$1,576,570

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/2/2020	\$2,900,000	WD	Improved	8840/1817
07/25/2019	\$2,100,000	WD	Improved	8506/1751
04/14/2014	--	QC	Improved	7104/2896

Fig. 1: Copy of Property Appraiser's detail sheet for parcel 260.1, 3055 Highway A1A, Melbourne Beach, FL 32951, Section 21, Township 28 South, Range 38 East, District 3

Vicinity Map

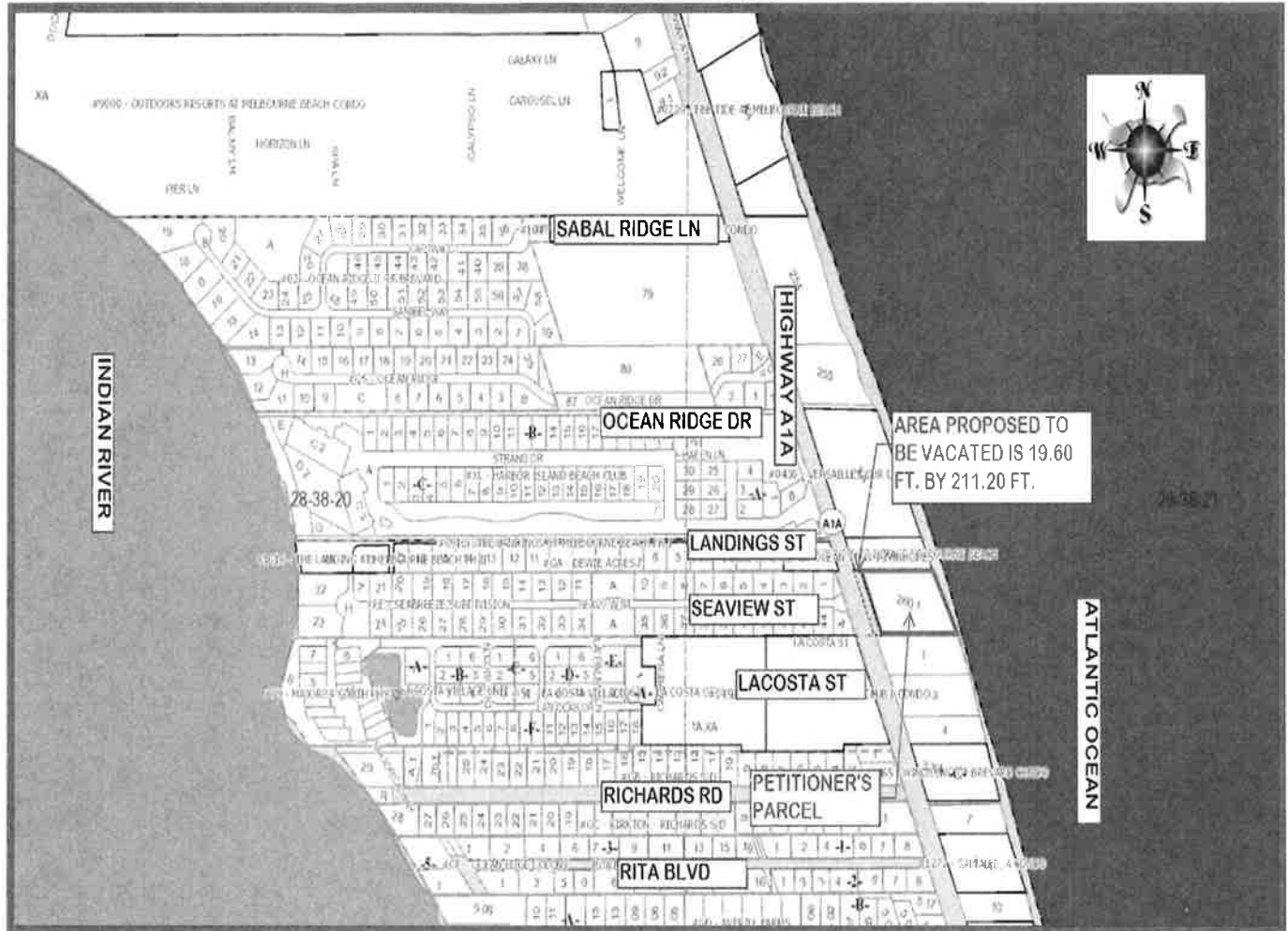


Fig. 2: Map of Tax Parcel 260.1, Section 21, Township 28 S., Range 38 E., 3055 Highway A1A, Melbourne Beach, FL 32951.

Oceanfront D & M, LLC— Tax Parcel 260.1 – 3055 Highway A1A, Melbourne Beach – Section 21, Township 28 South, Range 38 East – District 3 – Proposed Vacating of Part of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A and a portion of Official Records Book 1301, Page 38.

Aerial Map



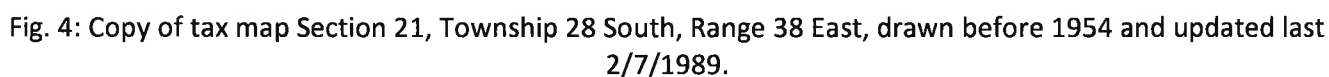
Fig. 3: Map of aerial view of Tax Parcel 260.1, Section 21, Township 28 S., Range 38 E., 3055 Highway A1A, Melbourne Beach, FL 32951.

Oceanfront D & M, LLC– Tax Parcel 260.1 – 3055 Highway A1A, Melbourne Beach – Section 21, Township 28 South, Range 38 East – District 3 – Proposed Vacating of Part of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A and a portion of Official Records Book 1301, Page 38.

0632

2/17/03
REV-2

SECTIONS 20 & 21 TOWNSHIP 28 S. RANGE 38 E.



LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 28-38-21-00-260.1

PURPOSE: VACATE RIGHT OF WAY

DESCRIPTION: PREPARED BY BRIEL & ASSOCIATES LAND SURVEYORS, INC.

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE INTERSECTION OF THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE CENTERLINE OF STATE ROAD A1A AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR SECTION 70060 (2) STATE ROAD A1A RECORDED IN ROAD PLAT BOOK 1, PAGES 94 THRU 101 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA RUN N89°49'17"E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 34.84 FEET TO THE EASTERLY MAINTENANCE LINE OF STATE ROAD A1A PER THE AFORESAID MAINTENANCE MAP; THENCE N23°27'37"W ALONG SAID LINE 6.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N23°27'37"W ALONG SAID LINE 211.20 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF SAID GOVERNMENT LOT 1; THENCE N89°49'17"E ALONG SAID NORTH LINE 19.60 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38; THENCE S23°27'37"E ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 A DISTANCE OF 211.20 FEET; THENCE DEPARTING SAID LINE S89°49'17"W 19.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 3802 SQUARE FEET MORE OR LESS.

NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO VACATE A PORTION OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38. IT IS NOT INTENDED TO REPRESENT A LAND BOUNDARY SURVEY.

2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SET FORTH IN OPINION OF TITLE FOR HARBOR ISLAND BEACH CLUB OCEAN VILLAS PREPARED BY STEPHEN E. SPIRA DATED SEPTEMBER 8, 2020

3. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE EAST ZONE OF FLORIDA. DATUM IS NAD 83(2011).

ABBREVIATIONS:

CL = CENTERLINE
COR = CORNER
D = DEED OR DESCRIPTION
ESMT = EASEMENT
EX = EXISTING
G.L. = GOVERNMENT LOT
M = MEASURED
MAINT = MAINTENANCE
NTS = NOT TO SCALE
ORB = OFFICIAL RECORDS BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PB = PLAT BOOK
PG = PAGE
PI = POINT OF INTERSECTION
PROP = PROPOSED
R/W = RIGHT OF WAY
RPB = ROAD PLAT BOOK
SEC = SECTION
TYP = TYPICAL

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

PREPARED FOR AND CERTIFIED TO:

OCEANFRONT D & M, LLC
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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

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

PREPARED BY:



BRIEL & ASSOCIATES
Land Surveyors, Inc.

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

DRAWN BY: RRB

CHECKED BY: RRB

PROJECT NO. 19005

REVISIONS

DATE

DESCRIPTION

DATE: 10/07/2020

DRAWING: 19005 RW vac

SECTION 21

TOWNSHIP 28 SOUTH
RANGE 38 EAST

SKETCH OF DESCRIPTION

PETITIONER'S PARCEL ID#: 28-38-21-00-260.1
 PURPOSE: VACATE RIGHT OF WAY

EXHIBIT "A"

SHEET 2 OF 2
 NOT VALID WITHOUT SHEET 1 OF 2
THIS IS NOT A SURVEY

L'ecume De Mer Of Melbourne Beach Condo As
 Desc In Orb 2331 Pg 898
 PARCEL ID 28-38-21-00-259.1-.XA

N LINE OF S 200' OF G.L. 1

OCEANFRONT D & M LLC
 ORB 8840, PG 1817
 PARCEL ID 28-38-21-00-260.1

194.00'

STATE ROAD A/A
 aka HIGHWAY A/A
 64 FOOT R/W PER RPB 1, PGS 94-101
 100 FOOT PUBLIC R/W

E R/W LINE PER
 ORB 1301, PG 38
 E MAINT LINE PER
 RPB 1, PGS 94-101
 N22°41'W(0)

211.20'
 N23°27'37"W
 6.53'

N89°49'17"E
 34.84'

S89°49'17"W
 19.60'

TRACT "G"
 6" PRIVATE ACCESS
 PB 37, PG 95
 THE SEABREEZE AT
 MELBOURNE BEACH
 HOMEOWNERS ASSOC INC,
 PARCEL ID
 28-38-20-PE-A

Matheny, Michael; Matheny, Kimberly
 Orb 8331 Pg 1548
 PARCEL ID 28-38-21-GD-C-1

SW COR G.L. 1
 SEC 21-28-38
 EASTERLY
 N89°49'17"E
 728.3'(D)
 735.29'(M)

S LINE PB 37, PG 95 S LINE G.L. 1, SEC 21-28-38

CENTERLINE PL
 WITH SOUTH
 G.L. LINE

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

SCALE: 1" = 40'

PROJECT NO.: 19005

SECTION 21
 TOWNSHIP 28 SOUTH
 RANGE 38 EAST

539

Comment Sheet

Applicant: Oceanfront D& M LLC

Updated by: Amber Holley 20210108 at 12:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20201109	20201118	Yes	No objections
FL Power & Light	20201109	20210108	Yes	No objections
At&t	20201109	20201201	Yes	No objections
Charter/Spectrum	20201109	20201112/18	Yes	No Objection
City of Melbourne	20201109	20201112	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20201109	20201111	Yes	No objections
Land Planning	20201109	20201120	Yes	No objections
Utility Services	20201109	20201118	Yes	No objections
Storm Water	20201109	20201113	Yes	No objections
Zoning	20201109	20201120	Yes	No objections
Land Acquisition	20201109	20201116	Yes	No objections
Fire Dept	20201109	20201201	Yes	No Objections
Traffic Eng	20201109	20201117	Yes	No objections

Fig. 5: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Ad#4584317, 2/8/2021
LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF AN 18.0 FOOT STRIP OF LAND RUNNING PARALLEL WITH THE EAST RIGHT-OF-WAY OF HIGHWAY A1A AND A PORTION OF OFFICIAL RECORD BOOK 1301, PAGE 38, IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 338.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by OCEANFRONT D & M, LLC with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to-wit:

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE CENTERLINE OF STATE ROAD A1A AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR SECTION 70060 (2) STATE ROAD A1A RECORDED IN ROAD PLAT BOOK 1, PAGES 94 THRU 101 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA RUN N89°49'17"E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 34.84 FEET TO THE EASTERLY MAINTENANCE LINE OF STATE ROAD A1A PER THE AFORESAID MAINTENANCE MAP; THENCE N23°27'37"W ALONG SAID LINE 6.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N23°27'37"W ALONG SAID LINE 211.20 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF SAID GOVERNMENT LOT 1; THENCE N89°49'17"E ALONG SAID NORTH LINE 19.60 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38; THENCE S23°27'37"E ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38, A DISTANCE OF 211.20 FEET; THENCE DEPARTING SAID LINE S89°49'17"W 19.60 FEET TO THE POINT OF BEGINNING, CONTAINING 3802 SQUARE FEET MORE OR LESS. PREPARED BY: ROBERT R. BRIEL, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on February 23, 2021 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

Fig. 6: Copy of public hearing advertisement as published on February 8, 2021 see next page for full text.

Legal Notice Text

LEGAL NOTICE

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