

11-6 cont.

Meeting Date
October 21, 2014



AGENDA	
Section	Public Hearing
Item No.	III D.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: Public Right-of-Way - Eau Gallie Boulevard (Sarno Road) Extension – Approval Re: Agreement Concerning Vacation of Right-of-Way, Storm Water Drainage and Maintenance Road Access Easement Agreement, Contract for Sale and Purchase of Real Property, Contract for Sale and Purchase of Conservation Easement - Melbourne – Sections 20 & 21, Twp. 27 S., Rge. 36 E. - District 5
	Public Works Department – Surveying Section / Land Acquisition Section / Parks and Recreation Department / Natural Resources

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of the Eau Gallie Blvd. public road right-of-way in Sections 20 & 21, Township 27 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to execute the attached Resolution approving the vacating. It is also requested that the Board of County Commissioners Approve and authorize the Chairman to execute the Agreement Concerning Vacation of Right-of-Way, the Storm Water Drainage and Maintenance Road Easement Agreement between P.W. Young Trust, LLC (P. W. Young) and Lake Washington Mitigation Bank (LWMB) in favor of Brevard County (COUNTY) related to the vacating of the right of way for Eau Gallie Boulevard as shown in attached Exhibit. It is also requested that the Board consider action related to the disposition of the 5.1 (five and one tenth) acre county owned parcel at the terminus of the vacated right of way and the subsequent Storm Water Drainage and Maintenance Road Easement Agreement. If the Board approves sale of the county owned parcel to the St. Johns Water Management District, it is also requested that the Board authorize the Chairman to execute the Resolution approving the sale, the Contract for Sale and Purchase of Conservation Easement, and Contract for Sale and Purchase of Real Property (5.1 acre).

Summary Explanation & Background:

(This section contains a large, faint watermark reading "Placeholder")

Clerk to the Board instruction: Advertise Final Legal Notice and Record Vacating Resolution Documents

Exhibits Attached: Resolution, Maps & Comment Summary

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager	Mel Scott		Department Director / Extension		Jack Masson / 52046	
Stockton Whitten	Assistant County Manager			John P. Denninghoff / 51202		Ernie Brown / 52016	



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

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October 22, 2014

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item III.D., Resolution for Petition to Vacate Public Right-of-Way - Eau Gallie Boulevard (Sarno Road) Extension Agreement Concerning Vacation of Right-of-Way, Stormwater Drainage and Maintenance Road Access Easement, Contract for Sale and Purchase of Real Property, Contract for Sale and Purchase of Conservation Easement – Sections 20 & 21, Township 27 South, Range 36E – P. W. Young Trust, LLC

The Board of County Commissioners, in regular session on October 21, 2014, continued the public hearing to consider resolution for petition to vacate public right-of-way - Eau Gallie Boulevard (Sarno Road) Extension Agreement concerning vacation of right-of-way, stormwater drainage and maintenance road access easement, contract for sale and purchase of real property, contract for sale and purchase of conservation easement – Sections 20 & 21, Township 27 South, Range 36E – P. W. Young Trust, LLC, to the November 6, 2014, Zoning meeting.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/ds

cc: Parks and Recreation Director
Natural Resources Management Director

LEGAL NOTICE

NOTICE TO VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY OF EAU GALLIE BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 0750, PAGE 0256 & OFFICIAL RECORDS BOOK 0750, PAGE 0258, LOCATED IN THE CITY OF MELBOURNE, FL, 32935 IN SECTIONS 20 & 21, TOWNSHIP 27 SOUTH, RANGE 36 EAST

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 **P. W. YOUNG TRUST, LLC** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

SEE EXHIBIT "A"

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right of way at 9:00 a.m. on **OCTOBER 21, 2014** at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

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

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

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

EXHIBIT "A"

A 100 FOOT WIDE STRIP OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING PART OF THAT CERTAIN 100 FOOT WIDE RIGHT-OF-WAY DESCRIBED IN OFFICIAL RECORDS BOOK 750, PAGES 256 & 258, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND LYING 50.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE EAST QUARTER SECTION CORNER OF SAID SECTION 21 AND RUN $S00^{\circ}49'34''E$, ALONG THE EAST LINE OF THE SOUTH ONE-HALF OF SAID SECTION 21, A DISTANCE OF 185.96 FEET TO THE CENTERLINE OF SAID RIGHT-OF-WAY DESCRIBED IN OFFICIAL RECORDS BOOK 750, PAGE 256; THENCE $S89^{\circ}06'45''W$, ALONG SAID CENTERLINE, A DISTANCE OF 75.00 FEET TO THE WEST LINE OF THAT CERTAIN 75 FOOT WIDE PUBLIC HIGHWAY RIGHT-OF-WAY AND EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 691, PAGE 455, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE ALONG THE CENTERLINE OF SAID 100 FOOT WIDE RIGHTS-OF-WAY DESCRIBED IN OFFICIAL RECORDS BOOK 750, PAGES 256 & 258, THE FOLLOWING 9 (NINE) COURSES AND DISTANCES: 1) THENCE CONTINUE $S89^{\circ}06'45''W$ A DISTANCE OF 291.59 FEET; 2) THENCE $S80^{\circ}27'45''W$ A DISTANCE OF 1153.01 FEET; 3) THENCE $S78^{\circ}14'45''W$ A DISTANCE OF 1186.46 FEET; 4) THENCE $S85^{\circ}15'45''W$ A DISTANCE OF 597.76 FEET; 5) THENCE $S79^{\circ}30'45''W$ A DISTANCE OF 707.94 FEET; 6) THENCE $S78^{\circ}56'45''W$ A DISTANCE OF 776.89 FEET; 7) THENCE $S77^{\circ}53'45''W$ A DISTANCE OF 992.65 FEET; 8) THENCE $S82^{\circ}44'45''W$ A DISTANCE OF 1586.68 FEET; AND 9) THENCE $S85^{\circ}34'45''W$ A DISTANCE OF 450.00 FEET TO THE END OF THE CENTERLINE. CONTAINING 17.78 ACRES, MORE OR LESS.

PREPARED BY: LESLIE E. HOWARD, PSM