



AGENDA REPORT  
July 10, 2018

**Petition to Vacate Public Utility Easements-Cocoa-Jade and Catherine  
Gartz-(District 1)**

---

**SUBJECT:**

Petition to Vacate, Re: Public Utility and Drainage Easement – Hudson Road–“Port St. John Unit-Four” – Cocoa – Jade and Catherine Gartz – District 1

**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 three public utility and drainage easements located on Lot 17, Block 147, “Port St. John Unit - Four” in Section 22, Township 23 South, Range 35 East. GHIf 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 petitioners own Lot 17, Block 147 and are requesting the vacating of three public utility and drainage easements to remove existing shed as an encroachment into the easements and to allow for the submittal of a setback variance request. Easement to be vacated contains 2,062 square feet, more or less.

June 25, 2018, 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 Cocoa as follows: Begin at the intersection of Grissom Pkwy and Fay Blvd; thence 0.7 miles west along Fay Blvd; thence 0.10 miles north along Deer Lane; thence west along Hudson Rd .10 to the residence on the north (right).

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

July 19, 2018

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

**TO:** Andrew Holmes, Public Works Director    Attn: Amber Holley

**RE:** Advertising Bills for Resolution Vacating Three Public Utility and Drainage Easements in Port St. John, Unit Four, on Hudson Road, Cocoa

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 18-093, vacating three public utility and drainage easements in Port St. John, Unit Four, on Hudson Road, Cocoa, as petitioned by Jade and Catherine Gartz. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 10, 2018.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

July 19, 2018

Jade and Catherine Gartz  
6336 Hudson Road  
Cocoa, FL 32927

Dear Mr. & Mrs. Gartz:

Re: Resolution Vacating Three Public Utility and Drainage Easements in Port St. John, Unit Four, on Hudson Road, Cocoa

The Board of County Commissioners, in regular session on July 10, 2018, adopted Resolution No. 18-093, vacating three public utility and drainage easements in Port St. John, Unit Four, on Hudson Road, Cocoa, as petitioned by you. Said Resolution has been recorded in ORBK 8216, Pages 294 through 298. 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, Deputy Clerk

/ds

Encl. (1)

cc: Amber Holley, Public Works

**VACATING THREE PUBLIC UTILITY AND DRAINAGE EASEMENTS IN "PORT ST. JOHN UNIT - FOUR", COCOA, FLORIDA, LYING IN SECTION, 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **JADE AND CATHERINE GARTZ** with the Board of County Commissioners to vacate three public utility and drainage easements 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 three public drainage and utility easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said three public utility and drainage easements 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 10<sup>TH</sup> day of July, 2018 A.D.

ATTEST:

  
\_\_\_\_\_  
SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
RITA PRITCHETT, CHAIR

As approved by the Board on:  
July 10, 2018

# LEGAL DESCRIPTION

## LOT 17, BLOCK 147

SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST  
PARENT PARCEL: 23-35-22-147-17  
PURPOSE: VACATING THE NORTH, EAST AND WEST EASEMENTS

# EXHIBIT "A"

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

### LEGAL: VACATING THE NORTH, EAST AND WEST EASEMENT (BY SURVEYOR)

A PORTION OF LOT 17, BLOCK 147, AS SHOWN ON THE PLAT OF PORT ST JOHN UNIT FOUR, AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTHERLY 10.00 FEET AND THE EASTERLY 6.00 AND THE WESTERLY 6.00 FEET OF LOT 17, BLOCK 147 OF PORT ST JOHN UNIT FOUR. CONTAINING 2,062 SQUARE FEET MORE OR LESS

### SURVEYOR'S NOTES & LEGEND:

1. THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.02°07'00"W., ALONG THE WEST LINE OF LOT 16, BLOCK 147.
2. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY PRECISION LAND SURVEYING, INC. PROJECT NO. 15-2093, DATED 07/15/2015.

- ☉ = CENTERLINE
- CH = CHORD
- CONC. = CONC.
- (D) = DEEDED
- DELTA = DELTA
- FD = FOUND
- ID = IDENTIFICATION
- IR = IRON ROD
- L = LENGTH
- LB = LICENSE BUSINESS
- LS = LICENSE SURVEYOR
- NO = NUMBER
- ORB = OFFICIAL RECORDS BOOK
- P&M = PLATTED & MEASURE
- PU&D = PUBLIC UTILITY & DRAINAGE
- R = RADIUS
- PC = POINT OF COMMENCEMENT
- PG = PAGE
- WF = WOOD FENCE

(C1)
(C3)

**R=350.00 Del=17°00'00"**      **R=350.00 Del=2°05'30"**  
**L=103.85' CH=103.47'(P&M)**      **L=12.78' CH=12.78'(P&M)**

(C2)

**R=225.00 Del=17°00'00"**  
**L=66.76' CH=66.51'(P&M)**



PREPARED FOR AND CERTIFIED TO:  
**BREVARD COUNTY BOARD  
 OF COUNTY COMMISSIONERS**

MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
 CERTIFICATE OF AUTHORIZATION LB. 6586  
 PROFESSIONAL SURVEYOR & MAPPER  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: PRECISION LAND SURVEYING, INC.  
 2600 LAKE WASHINGTON ROAD, SUITE 1  
 MELBOURNE, FLORIDA 32935

DRAWN BY: J. PRESSMAN	CHECKED BY: M. BARKER	PROJECT NO. 15-2093	SECTION 22 TOWNSHIP 23 SOUTH RANGE 35 EAST							
DATE: 04/26/2018	DRAWING: 15-2093.DWG	REVISIONS								
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">DATE</th> <th style="width: 70%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		DATE	DESCRIPTION					
DATE	DESCRIPTION									



A Daily Publication By:



Attn: Amber Holley

BREVARD CTY PUBLIC WORKS DEPT  
2725 JUDGE FRAN JAMIESON WAY BLDG A 220

VIERA, FL 32940

STATE OF FLORIDA COUNTY OF BREVARD:  
Before the undersigned authority personally appeared Becky Holland, 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 Public Hearing**

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

06/25/18

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 25th of June 2018, by Becky Holland who is personally known to me

Adla Bell  
Notary Public for the State of Florida  
My Commission expires January 27, 2020

Publication Cost: \$200.86  
Ad No: 0002993381  
Customer No: BRE-6BR327



Adla Bell  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF954893  
Expires 1/27/2020

AD#2993381, 6/25/2018

**LEGAL NOTICE**

NOTICE FOR THE VACATING OF THE THREE EASEMENTS (NORTH, EAST AND WEST), PLAT OF "PORT ST. JOHN UNIT FOUR" IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 JADE AND CATHERINE GARTZ with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF LOT 17, BLOCK 147, AS SHOWN ON THE PLAT OF PORT ST. JOHN UNIT FOUR, AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTHERLY 10.00 FEET AND THE EASTERLY 6.00 AND THE WESTERLY 6.00 FEET OF LOT 17, BLOCK 147 OF PORT ST JOHN UNIT FOUR, CONTAINING 2,062 SQUARE FEET MORE OR LESS. PREPARED BY: MYRON E. BARKER, PSM

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on July 10, 2018 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.



A Daily Publication By:



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

STATE OF FLORIDA COUNTY OF BREVARD:  
Before the undersigned authority personally appeared  
Becky Holland, 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

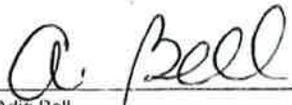
**Legal Notices**

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

07/15/18

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 16th of July  
2018, by Becky Holland who is personally known to me

  
\_\_\_\_\_  
Adia Bell  
Notary Public for the State of Florida  
My Commission expires January 27, 2020

Publication Cost: \$172.30  
Ad No: 0003030988  
Customer No: BR13-6BR327



Adia Bell  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF954893  
Expires 1/27/2020

AD#3030988 July 15, 2018  
LEGAL NOTICE

RESOLUTION VACATING THREE PUBLIC  
UTILITY AND DRAINAGE EASEMENTS IN  
PORT ST. JOHN, UNIT FOUR, ON  
HUDSON ROAD, COCOA - **JADE AND  
CATHERINE GARTZ**

**TO WHOM IT MAY CONCERN:**

NOTICE IS HEREBY GIVEN that on the  
10th day of July 2018, the Board of  
County Commissioners of Brevard County,  
Florida, adopted a Resolution  
vacating three public utility and drain-  
age easements in Port St. John, Unit  
Four, on Hudson Road, Cocoa, as peti-  
tioned by Jade and Catherine Gartz.

A PORTION OF LOT 17, BLOCK 147, AS  
SHOWN ON THE PLAT OF PORT ST. JOHN  
UNIT FOUR, AS RECORDED IN PLAT  
BOOK 22, PAGES 36-45 OF THE PUBLIC  
RECORDS OF BREVARD COUNTY, FLORI-  
DA AND BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS: THE NORTHER-  
LY 10.00 FEET AND THE EASTERLY 6.00  
AND THE WESTERLY 6.00 FEET OF LOT  
17, BLOCK 147 OF PORT ST JOHN UNIT  
FOUR, CONTAINING 2,062 SQUARE FEET  
MORE OR LESS, PREPARED BY: MYRON  
E. BARKER, PSM

The Board further renounced and dis-  
claimed any right of the County in and  
to said public easements.

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



LEGAL NOTICE

RESOLUTION VACATING THREE PUBLIC UTILITY AND DRAINAGE EASEMENTS IN  
PORT ST. JOHN, UNIT FOUR, ON HUDSON ROAD, COCOA – JADE AND CATHERINE  
GARTZ

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 10<sup>th</sup> day of July 2018, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating three public utility and drainage easements in Port St. John, Unit Four, on Hudson Road, Cocoa, as petitioned by Jade and Catherine Gartz.

**SEE ATTACHED EXHIBIT "A"**

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

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 July 15, 2018, issue of the Florida TODAY.

**Bill the Board of County Commissioners Account Number 6BR327 and forward bill and proof of publication to:**

**Amber Holley, Public Works Department  
2725 Judge Fran Jamieson Way, Bldg. A-220  
Viera, FL 32940**

LEGAL DESCRIPTION:

**EXHIBIT "A"**

A PORTION OF LOT 17, BLOCK 147, AS SHOWN ON THE PLAT OF PORT ST. JOHN UNIT FOUR, AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTHERLY 10.00 FEET AND THE EASTERLY 6.00 AND THE WESTERLY 6.00 FEET OF LOT 17, BLOCK 147 OF PORT ST JOHN UNIT FOUR. CONTAINING 2,062 SQUARE FEET MORE OR LESS. PREPARED BY: MYRON E. BARKER, PSM



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

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

Account	2308583
Owners	Gartz, Catherine; Gartz, Jade
Mailing Address	6336 Hudson Rd Cocoa FL 32927
Site Address	6336 Hudson Rd Cocoa FL 32927
Parcel ID	23-35-22-01-147-17
Property Use	0110 - Single Family Residence
Exemptions	HEX1 - Homestead First HEX2 - Homestead Additional
Taxing District	1900 - Unincorp District 1
Total Acres	0.24
Subdivision	Port St John Unit 4
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0022/0036
Land Description	Port St John Unit 4 Lot 17 Blk 147



**VALUE SUMMARY**

Category	2017	2016	2015
Total Market Value	\$179,760	\$157,390	\$143,950
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$160,690	\$157,390	\$106,300
Assessed Value School	\$160,690	\$157,390	\$106,300
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	\$110,690	\$107,390	\$56,300
Taxable Value School	\$135,690	\$132,390	\$81,300

**SALES/TRANSFERS**

Date	Price	Type	Parcel	Deed
07/29/2015	\$185,000	WD	Improved	7423/0104
07/31/2012	-	WD	Improved	6693/1414
05/24/2005	\$157,600	WD	Improved	5477/8608
08/09/2004	\$46,000	WD	Vacant	5351/1913
05/22/2003	\$10,000	WD	Vacant	4937/1239
02/01/1973	\$1,600	PT	-	1317/0044

**BUILDINGS**

**PROPERTY DATA CARD #1**

Building Use	Year Built	Story Height	Floors	Residential Units	Commercial Units
0110 - Single Family Residence	2005	8	1	1	0

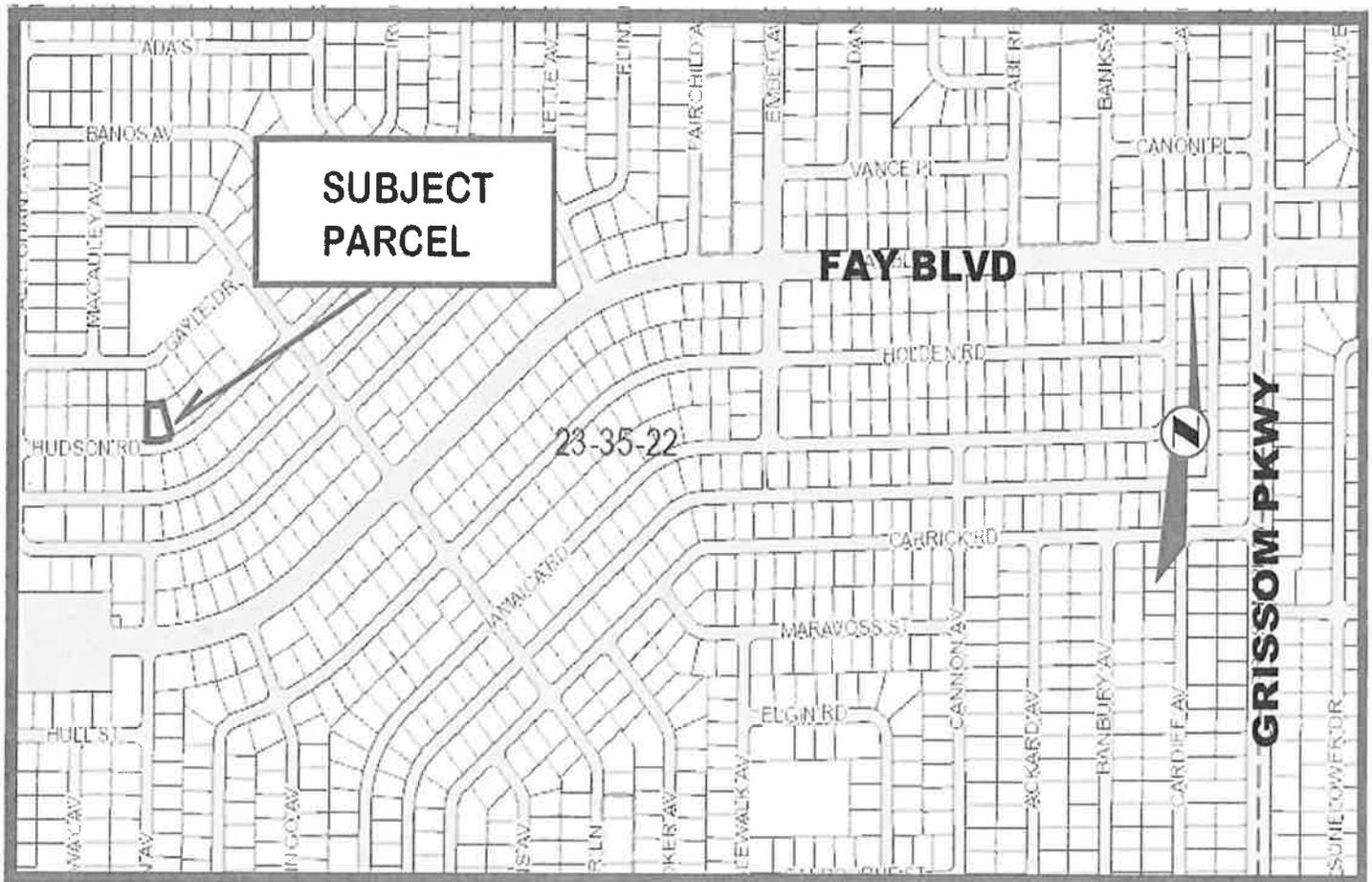
  

Materials	Sub Areas
Exterior Wall: Stucco	Base Area (1st) 2000
Frame: Masonryconc	Garage 440
Roof: Asph/Asb Shngl	Open Porch 32
Roof Structure: Hip/Gable	Total Base Area 2000
	Total Sub Area 2472

Extra Features	Additional Extra Features
Pool Deck 808	No Data Found
Pool - Residential 1	

**APPRAISER'S DETAIL SHEET**



## VICINITY MAP

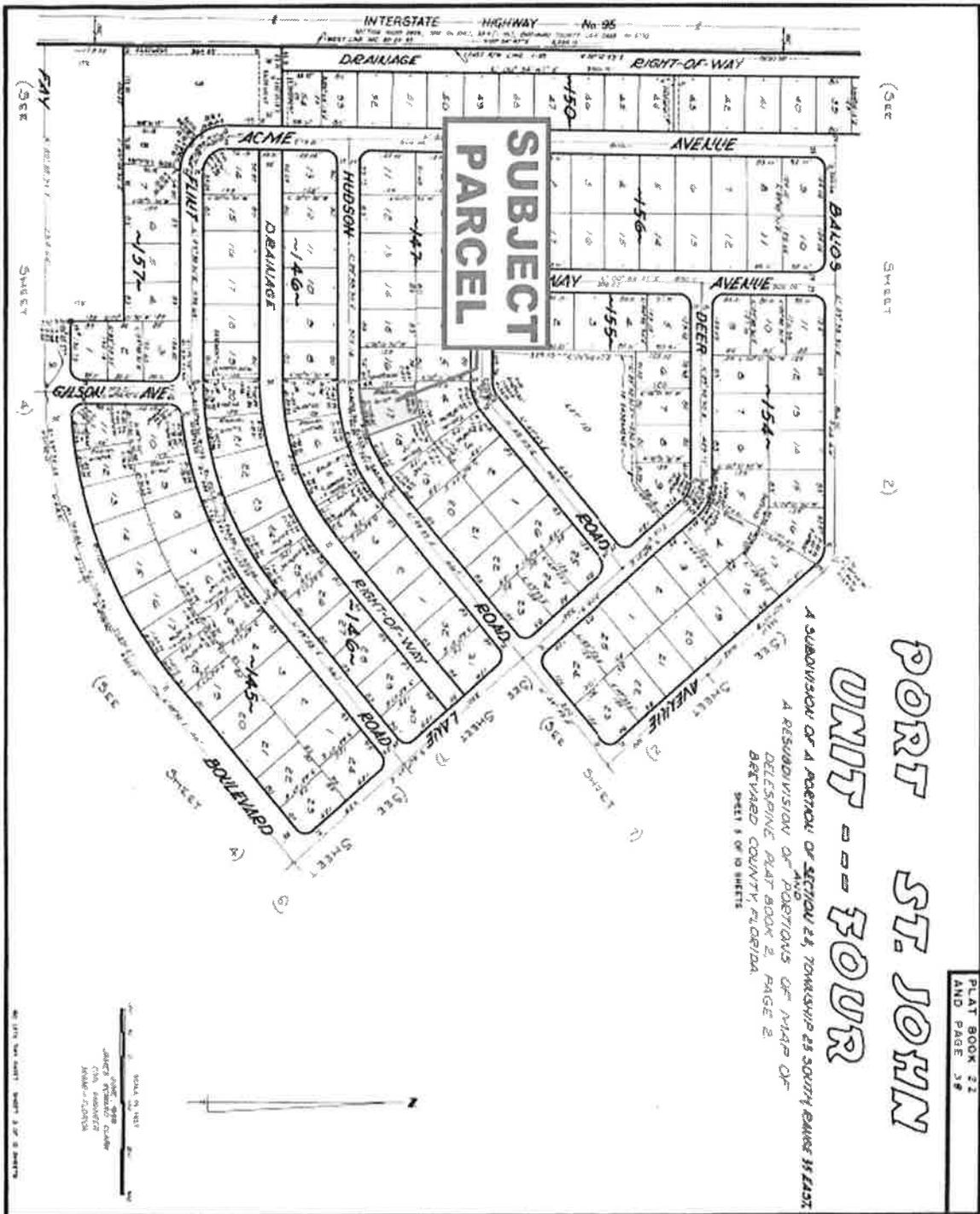
Jade & Catherine Gartz – 6336  
Hudson Road, Cocoa, FL – Lot 17,  
Block 147, Port St. John Unit – Four  
(Plat Book 22, Page 36) – Section  
22, Township 23 South, Range 35  
East – District 1 – Proposed  
Easement Vacatings



## A E R I A L M A P

Jade & Catherine Gartz – 6336  
Hudson Road, Cocoa, FL – Lot 17,  
Block 147, Port St. John Unit – Four  
(Plat Book 22, Page 36) – Section  
22, Township 23 South, Range 35  
East – District 1 – Proposed  
Easement Vacatings





(See Sheet 2)

**PORT ST. JOHN  
UNIT - - - FOUR**

A SUBDIVISION OF A PORTION OF SECTION 25, TOWNSHIP 25 SOUTH, RANGE 14 EAST  
A RESUBDIVISION OF AND PORTIONS OF PORTIONS OF MAP OF  
DESPINE PLAT BOOK 2, PAGE 2  
BREVARD COUNTY, FLORIDA  
SHEET 2 OF 10 SHEETS

PLAT BOOK 22  
AND PAGE 38

**PLAT REFERENCE:  
SHEET 2 OF 2**

This Instrument Prepared by:  
Liz Cassella  
Alliance Title Insurance Agency, Inc.  
10 S. Harbor City Boulevard  
Melbourne, FL 32901  
as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):  
23-35-22-01-00147.0-0017.00  
File No.: 115060080

**WARRANTY DEED**

**This Warranty Deed**, Made the 29th day of July, 2015,  
by **Jessica Y. Kelleher, a single woman**  
whose post office address is: **100 Brandy Lane, Merritt Island, FL 32952**, and  
**Kevin M. Kelleher, a single man**,  
whose post office address is: **1668 Sea Shell Drive, Merritt Island, FL 32952**  
hereinafter called the "Grantors",

to **Catherine Gartz and Jade Gartz, wife and husband**  
whose post office address is: **6336 Hudson Road, Cocoa, FL 32927**,  
hereinafter called the "Grantee",

**WITNESSETH:** That said Grantor, for and in consideration of the sum of **Ten Dollars and No Cents (\$10.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in **Brevard County, Florida**, to wit:

Lot 17, Block 147, PORT ST. JOHN UNIT - FOUR, according to plat thereof, as recorded in Plat Book 22, Page(s) 36 through 45, of the Public Records of Brevard County, Florida

The property is the homestead of the Grantor(s).

**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.

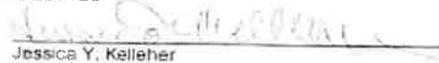
And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to 2014, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

**IN WITNESS WHEREOF**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES  
**TWO SEPARATE DISINTERESTED WITNESSES REQUIRED**

Witness Signature:   
Printed Name: Michelle R. Denault

  
Jessica Y. Kelleher

Witness Signature:   
Printed Name: Kevin M. Kelleher

  
Kevin M. Kelleher

State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me this 29th day of July, 2015 by Jessica Y. Kelleher and Kevin M. Kelleher, who is/are personally known to me or has/have produced driver license(s) as identification.

  
Notary Public Signature  
Printed Name: Liz Cassella

My Commission Expires: \_\_\_\_\_  
(SEAL)

**PETITIONER'S**  
**DEED**

**LEGAL DESCRIPTION**

**LOT 17, BLOCK 147**

SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST  
PARENT PARCEL: 23-35-22-01-147-17  
PURPOSE: VACATING THE NORTH, EAST AND WEST EASEMENTS

**EXHIBIT "A"**  
SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

**LEGAL: VACATING THE NORTH, EAST AND WEST EASEMENT (BY SURVEYOR)**

A PORTION OF LOT 17, BLOCK 147, AS SHOWN ON THE PLAT OF FORT ST JOHN UNIT FOUR, AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTHERLY 10.00 FEET AND THE EASTERLY 6.00 AND THE WESTERLY 6.00 FEET OF LOT 17, BLOCK 147 OF FORT ST JOHN UNIT FOUR, CONTAINING 2.062 SQUARE FEET MORE OR LESS

**SURVEYOR'S NOTES & LEGEND:**

1. THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.02°07'00"W., ALONG THE WEST LINE OF LOT 16, BLOCK 147.
2. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY PRECISION LAND SURVEYING, INC. PROJECT NO. 15-2093, DATED 07/15/2015.

- @ = CENTERLINE
- CH = CHORD
- CONC. = CONC.
- (D) = DEEDED
- DELTA = DELTA
- FD = FOUND
- ID = IDENTIFICATION
- IR = IRON ROD
- L = LENGTH
- LB = LICENSE BUSINESS
- LS = LICENSE SURVEYOR
- NO = NUMBER
- ORB = OFFICIAL RECORDS BOOK
- P&M = PLATTED & MEASURE
- PU&D = PUBLIC UTILITY & DRAINAGE
- R = RADIUS
- PC = POINT OF COMMENCEMENT
- PG = PAGE
- WF = WOOD FENCE

(C1)
(C3)

R=350.00 Del=17°00'00"      R=350.00 Del=2°05'30"  
 L=103.85' CH=103.47'(P&M)    L=12.78' CH=12.78'(P&M)

(C2)

R=225.00 Del=17°00'00"  
 L=66.76' CH=66.51'(P&M)

PREPARED FOR AND CERTIFIED TO:  
**BREVARD COUNTY BOARD  
OF COUNTY COMMISSIONERS**

*Myron E. Barker*

MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
 CERTIFICATE OF AUTHORIZATION LB. 6586  
 PROFESSIONAL SURVEYOR & MAPPER  
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: PRECISION LAND SURVEYING, INC.  
2600 LAKE WASHINGTON ROAD, SUITE 1  
MELBOURNE, FLORIDA 32935

DRAWN BY: J. PRESSMAN	CHECKED BY: M. BARKER	PROJECT NO. 15-2093	SECTION 22 TOWNSHIP 23 SOUTH RANGE 35 EAST	
DATE: 04/26/2016	DRAWING: 15-2093.DWG	REVISIONS		DATE
				DESCRIPTION

**VACATING SKETCH &**  
**DESCRIPTION SHEET 1 OF 2**

**LEGAL DESCRIPTION**

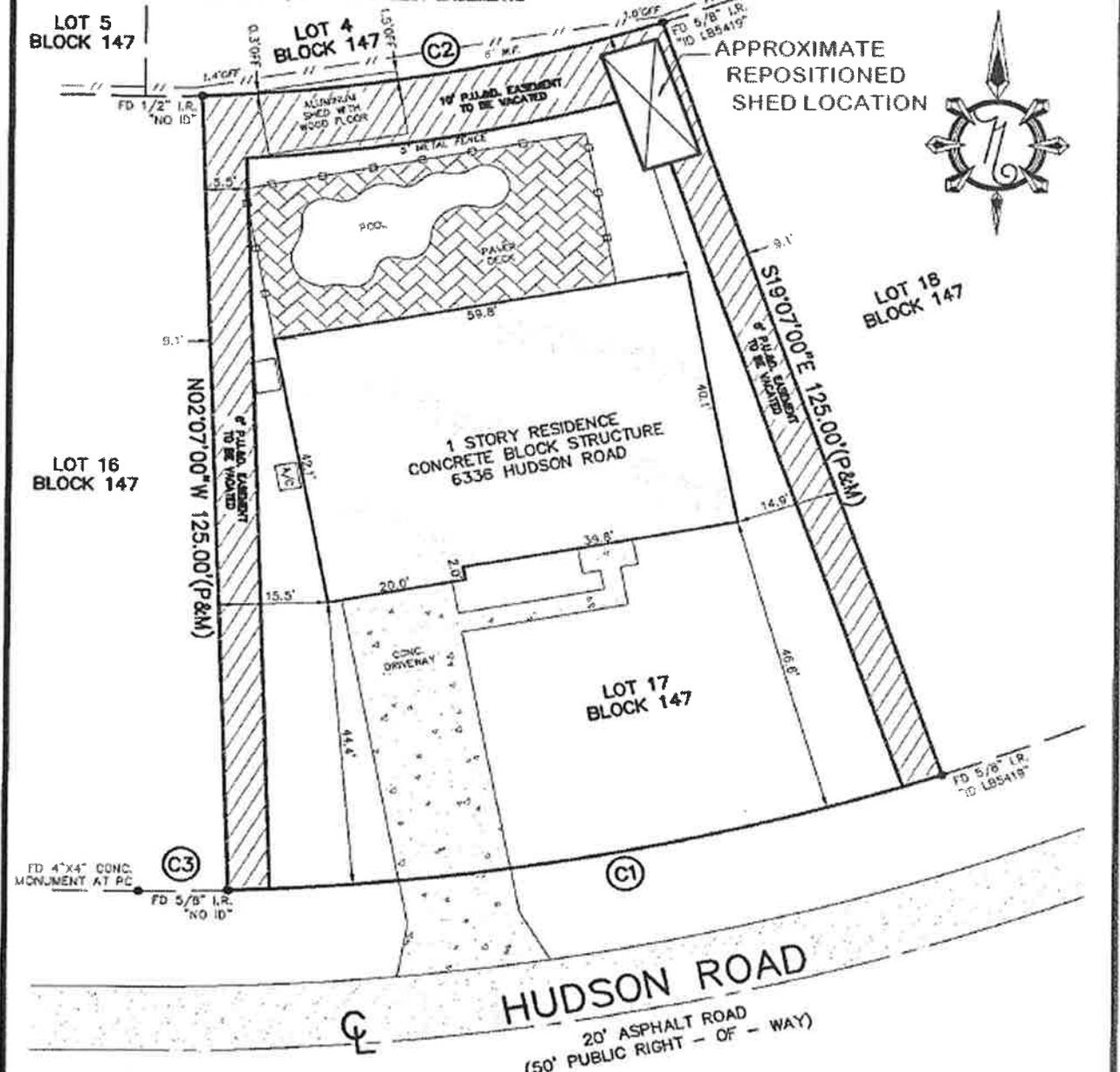
**LOT 17, BLOCK 147**

SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST  
 PARENT PARCEL: 23-35-22-01-147-17  
 PURPOSE: VACATING THE NORTH, EAST AND WEST EASEMENTS

**EXHIBIT "A"**

SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2

**THIS IS NOT A SURVEY**



PREPARED BY: PRECISION LAND SURVEYING, INC. 2600 LAKE WASHINGTON ROAD, SUITE 1 MELBOURNE, FLORIDA 32935	SCALE: 1" = 20'	SECTION 22 TOWNSHIP 23 SOUTH RANGE 35 EAST
	PROJECT NO.: 15-2093	

**VACATING SKETCH & DESCRIPTION SHEET 2 OF 2**

**COMMENT SUMMARY**

APPLICANT: Jade and Catherine Gartz

UPDATED / BY: Amber Holley 20180611 @ 8:30 hours

COMPANIES	NOTIFIED	COMMENTS		STIPULATIONS/REMARKS
		RECEIVED	APPROVED	
<b>UTILITIES</b>				
Florida City Gas Co.	20180524	20180525	YES	NO OBJECTIONS
Florida Power & Light Co.	20180524	20180524	YES	NO OBJECTIONS
AT & T	20180524	20180601	YES	NO OBJECTIONS
Charter Communication	20180524	20180609	YES	NO OBJECTIONS
City of Cocoa	20180524	20180525	YES	NO OBJECTIONS
<b>COUNTY STAFF</b>				
Road & Bridge	20180524	20180607	YES	NO OBJECTIONS - ROCKY LITTLE
Land Planning	20180524	20180525	YES	NO OBJECTIONS- REBECCA RAGAIN
Utility Services	20180524	20180530	YES	NO OBJECTIONS - TAMMY HURLEY
NRMD / Storm Water	20180524	20180525	YES	NO OBJECTIONS- HARVEY WHEELER
Zoning	20180524	20180525	YES	NO OBJECTIONS- PAUL BODY

**COMMENT SHEET**

AD#2993381, 6/25/2018 LEGAL NOTICE NOTICE FOR THE VACATING OF THE THREE EASEMENTS (NORTH, EAST AND WEST), PLAT OF "PORT ST. JOHN UNIT - FOUR" IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 JADE AND CATHERINE GARTZ with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: A PORTION OF LOT 17, BLOCK 147, AS SHOWN ON THE PLAT OF PORT ST. JOHN UNIT FOUR, AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTHERLY 10.00 FEET AND THE EASTERLY 6.00 AND THE WESTERLY 6.00 FEET OF LOT 17, BLOCK 147 OF PORT ST JOHN UNIT FOUR. CONTAINING 2,062 SQUARE FEET MORE OR LESS. PREPARED BY: MYRON E. BARKER, PSM The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on July 10, 2018 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.

**PUBLIC HEARING LEGAL**  
**ADVERTISEMENT**

A PORTION OF LOT 17, BLOCK 147, AS SHOWN ON THE PLAT OF PORT ST. JOHN UNIT FOUR, AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTHERLY 10.00 FEET AND THE EASTERLY 6.00 AND THE WESTERLY 6.00 FEET OF LOT 17, BLOCK 147 OF PORT ST JOHN UNIT FOUR. CONTAINING 2,062 SQUARE FEET MORE OR LESS. PREPARED BY: MYRON E. BARKER, PSM