



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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File #: 742, Version: 1

H.4.

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### Subject:

Petition to Vacate Public Utility Easement - Satellite Beach - Charles W. Allen (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 9, "The Moorings Unit No. 2" 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 8636, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements.

The petitioner owns Lot 9 and is requesting the vacating of the 7.50 ft. wide public utility and drainage easement on lot 9 to remove the existing pool and screened patio as encroachments into said easement.

September 02, 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. 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 000230265 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.



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

October 4, 2019

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

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

**RE:** Advertising Bills for Resolution Vacating Part of a Public Utility and Drainage Easement in The Moorings Unit No. 2 Subdivision, Satellite Beach

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-167, vacating part of a public utility and drainage easement in The Moorings Unit No. 2 Subdivision, Satellite Beach, as petitioned by Charles W. Allen. Said Resolution was adopted by the Board of County Commissioners, in regular session on September 17, 2019.

Your continued cooperation is always appreciated.

Sincerely,

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

*for Donna Scott*  
for Tammy Rowe, Deputy Clerk

/kp

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

October 4, 2019

Charles W. Allen  
430 St. Lucia Court  
Satellite Beach, FL 32937

Dear Charles W. Allen:

Re: Resolution Vacating Part of a Public Utility and Drainage Easement in The Moorings Unit  
No. 2 Subdivision, Satellite Beach

The Board of County Commissioners, in regular session on September 17, 2019, adopted Resolution No. 19-167, vacating part of a public utility and drainage easement in The Moorings Unit No. 2 Subdivision, Satellite Beach, as petitioned by you. Said Resolution has been recorded in ORBK 8552, Pages 1021 through 1025. 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

*for Donna Scott*  
for Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2019 - 167

**Vacating a part of a public utility and drainage easement in "The Moorings Unit No. 2" 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 **CHARLES W. ALLEN** 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 17<sup>TH</sup> day of September, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK

  
Kristine Isnardi, Chair

As approved by the Board on:  
September 17, 2019

# LEGAL DESCRIPTION

SHEET 1 OF 2  
NOT VALID WITHOUT SHEET 2 OF 2

SITUATED IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST  
PARENT PARCEL: #26-37-22-76-9  
PURPOSE OF SURVEY: VACATION OF P.U.D & E EASEMENT

## LEGAL: VACATIONING OF A PORTION OF A 7.5 FOOT PUBLIC UTILITY EASEMENT (PUE) (BY SURVEYOR)

A PORTION OF THE 7.50 FOOT PUBLIC UTILITY EASEMENT (PUE) LYING WITHIN LOT 9, AS SHOWN ON THE PLAT OF THE MOORINGS, UNIT NO. 2, AS RECORDED IN PLAT BOOK 24, PAGE 46, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 2.50 FEET OF THE EAST 7.50 FOOT PUE OF SAID LOT 9, LESS THE NORTH 10.00 FEET AND LESS THE SOUTH 7.50 FEET THEREOF.

### SURVEYORS NOTES & LEGEND:

1. BEARINGS BASED ON A ASSUMED BEARING OF N89°14'40"E,, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ST. LUCIA COURT
2. THIS IS NOT A BOUNDARY SURVEY
3. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY PRECISION LAND SURVEYING, INC., PROJECT #18-2015, DATED 07/03/2019.

C = CENTERLINE  
 CH = CHORD  
 CONC. = CONCRETE  
 (D) = DEEDED  
 FD = FOUND  
 ID = IDENTIFICATION  
 IR = IRON ROD  
 L = LENGTH  
 LB = LICENSE BUSINESS  
 LS = LICENSE SURVEYOR  
 (M) = MEASURED  
 NO = NUMBER  
 ON/OFF = ON SITE/OFF SITE  
 ORB = OFFICIAL RECORDS BOOK  
 PG = PAGE  
 PC = POINT OF CURVATURE  
 (P) = PLATTED  
 PUE = PUBLIC UTILITY EASEMENT  
 R = RADIUS  
 WF = WOOD FENCE



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

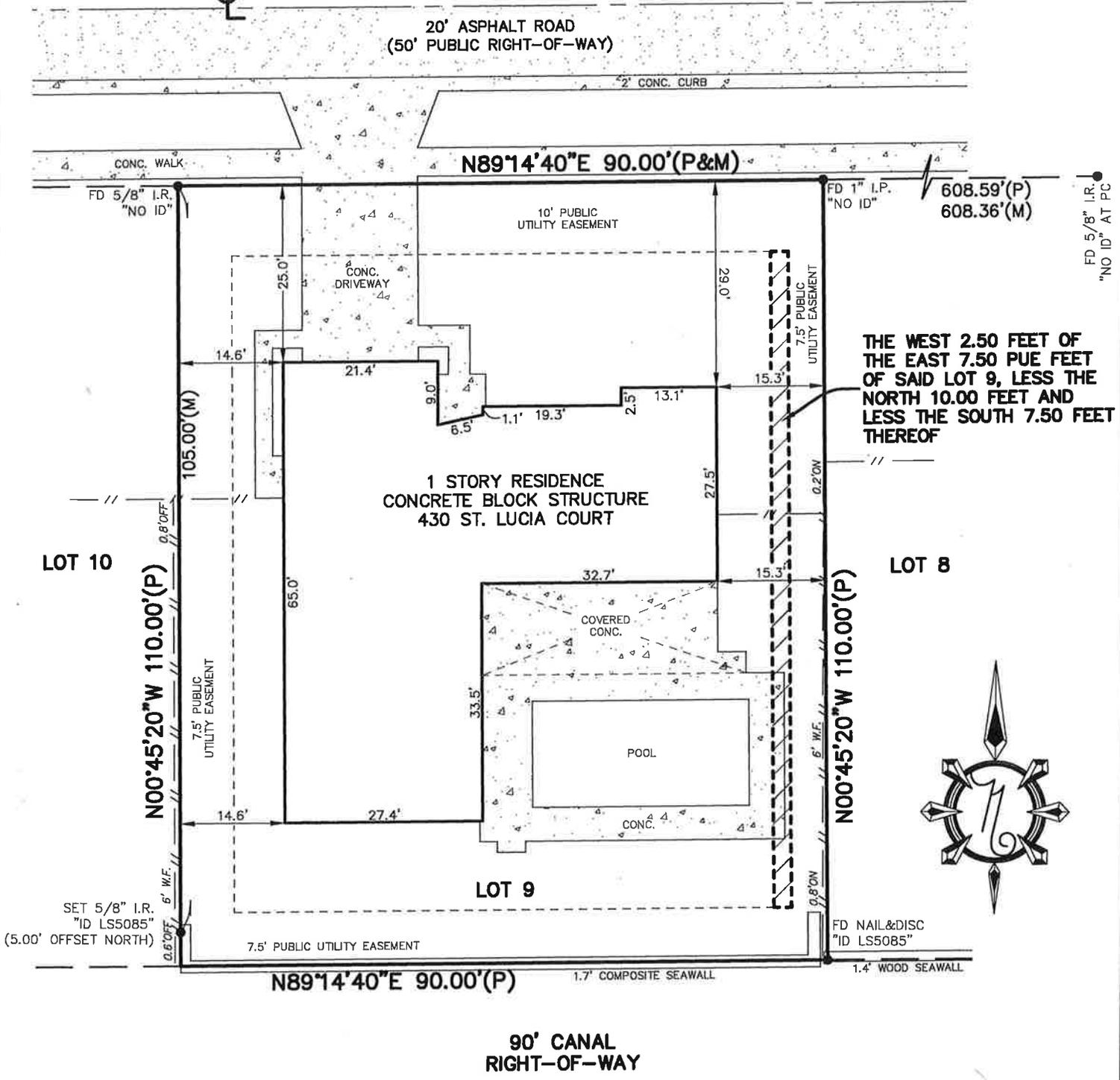
DRAWN BY: J. PRESSMAN	CHECKED BY: M. BARKER	PROJECT NO. 19-1798			SECTION 22 TOWNSHIP 26 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 07/23/2019	DRAWING: 18-2015.dwg				

# SKETCH AND DESCRIPTION

SITUATED IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST  
 PARENT PARCEL: #26-37-22-76-9-9

SHEET 2 OF 2  
 NOT VALID WITHOUT SHEET 1 OF 2

## ST. LUCIA COURT



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

SCALE: 1"=20'  
 PROJECT NO.: 18-2015

SECTION 22  
 TOWNSHIP 26 SOUTH  
 RANGE 37 EAST



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

AD# 3766049 9/2/2019  
LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 7.5 FT. WIDE PUBLIC UTILITY EASEMENT, LYING IN LOT 9, PLAT OF "THE MOORINGS, UNIT NO. 2", PLATBOOK 24, PAGE 46, IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITI 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 85, Article II, Section 85-36, Brevard County Code, a petition has been filed by CHARLES W. ALLEN with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**Legal Notices**

A PORTION OF THE 7.50 FOOT PUBLIC UTILITY EASEMENT (PUE) LYING WITHIN LOT 9, AS SHOWN ON THE PLAT OF THE MOORINGS, UNIT NO. 2, AS RECORDED IN PLATBOOK 24, PAGE 46, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST 2.50 FEET OF THE EAST 7.50 FOOT PUE OF SAID LOT 9, LESS THE NORTH 10.00 FEET AND LESS THE SOUTH 7.50 FEET THEREOF. PREPARED BY: MYRON E. BARKER, PSM.

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

09/02/19

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 September 17, 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.

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.

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.

Sworn to and Subscribed before me this 3th of September 2019, by Shelly Hora who is personally known to me

Shelly Hora  
Affiant

Vicky Felty  
Notary State of Wisconsin County of Brown

9-19-21

My commission expires

Publication Cost: \$207.38  
Ad No: 0003766049  
Customer No: BRE-6BR327





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
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 NOTICE

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

9/25/19

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 25th of
September 2019, by Joe Heynen who is personally
known to me

[Handwritten signature]

Affiant

[Handwritten signature: Nancy Heyrman]
Notary State of Wisconsin County of Brown

5.15.23

My commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

AD#3803460 9/25/2019
LEGAL NOTICE

RESOLUTION VACATING A PART OF A
PUBLIC UTILITY AND DRAINAGE EASE-
MENT IN THE MOORINGS UNIT NO. 2
SUBDIVISION, LYING IN SECTION 22,
TOWNSHIP 26 SOUTH, RANGE 37 EAST,
SATELLITE BEACH - CHARLES W. ALLEN

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
17th day of September 2019, the Board
of County Commissioners of Brevard
County, Florida, adopted a Resolution
vacating a part of a public utility and
drainage easement in The Moorings Unit
No. 2 Subdivision, lying in Section 22,
Township 26 South, Range 37 East,
Satellite Beach, as petitioned by Charles
W. Allen.

A PORTION OF THE 7.50 FOOT PUBLIC
UTILITY EASEMENT (PUE) LYING WITHIN
LOT 9, AS SHOWN ON THE PLAT OF THE
MOORINGS, UNIT NO. 2, AS RECORDED
IN PLAT BOOK 24, PAGE 46, OF THE PUB-
LIC RECORDS OF BREVARD COUNTY,
FLORIDA, AND BEING MORE PARTICU-
LARLY DESCRIBED AS FOLLOWS:

THE WEST 2.50 FEET OF THE EAST 7.50
FOOT PUE OF SAID LOT 9, LESS THE
NORTH 10.00 FEET AND LESS THE SOUTH
7.50 FEET THEREOF, PREPARED BY: MYR-
ON E. BARKER, PSM.

The Board further renounced and dis-
claimed 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