



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

3/10/2020

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### Subject:

Petition to Vacate, Re: Public Utility Easements - 414 Avocado Drive - "Barefoot Bay Unit One" Plat Book 22, Page 100 - Barefoot Bay - Warren and Katherine Wiehler - District 3

### Fiscal Impact:

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

### 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 vacating part of a public utility easement centered along the common line between Lots 17 and 18, Block 33, "Barefoot Bay Unit One" in Section 15, Township 30 South, Range 38 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 petitioners own Lots 17 and 18, Block 33 and are requesting the vacating of the 6.00 ft. wide public utility easements centered along the common line between the lots to allow for the construction of a deck and garage next to the existing home. Easement to be vacated contains 720 square feet, more or less. The property is located in Barefoot Bay South of Micco Road and East of Fleming Grant Road.

February 24, 2020, 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 324

hearing notice and the proof of publication of the adopted resolution notice.



April 1, 2020

**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 two Public Utility Easements in Barefoot Bay Unit One Subdivision, Barefoot Bay

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-023, vacating part of two public utility easements in Barefoot Bay Unit One Subdivision, Barefoot Bay, as petitioned by Warren and Katherine Wiehler. Said Resolution was adopted by the Board of County Commissioners, in regular session on March 10, 2020.

Your continued cooperation is always appreciated.

Sincerely,

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

  
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

April 1, 2020

Warren and Katherine Wiehler  
414 Avocado Drive  
Sebastian, FL 32976

Dear Mr. and Mrs. Wiehler:

Re: Resolution Vacating Part of two Public Utility Easements in Barefoot Bay Unit One Subdivision, Barefoot Bay

The Board of County Commissioners, in regular session on March 10, 2020, adopted Resolution No. 20-023, vacating part of two public utility easements in Barefoot Bay Unit One Subdivision, Barefoot Bay, as petitioned by you. Said Resolution has been recorded in ORBK 8701, Pages 2084 through 2088. Enclosed is a certified copy of the recorded Resolution and easement for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

  
Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2020 - 023

**Vacating a part of two public utility easements in "Barefoot Bay Unit One" Subdivision, Barefoot Bay,  
Florida, lying in Section 15, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **WARREN  
AND KATHERINE WIEHLER** with the Board of County Commissioners to vacate a portion of two public utility  
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 a portion of two public utility easements will not be detrimental to  
Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of two public utility easements is hereby vacated; and Brevard  
County renounces and disclaims any rights in and to said easements. 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 March, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



A blue ink signature of Scott Ellis, the Clerk of Courts, is written over a faint circular official seal.

SCOTT ELLIS, CLERK



A blue ink signature of Bryan Lober, the Chair of the Board of County Commissioners, is written in cursive.

Bryan Lober, Chair

As approved by the Board on:  
March 10, 2020

# LEGAL DESCRIPTION

SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-15-01-33-17

SHEET 1 OF 2  
NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## PURPOSE OF SKETCH AND DESCRIPTION

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING  
ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 17 AND 18, BLOCK 33.

## LEGAL DESCRIPTION:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND  
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK  
33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY,  
FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET  
OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS.

## SURVEYOR'S NOTES:

### SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE BASED ON THE CENTERLINE OF AVOCADO  
DRIVE AS S 89°46'20" W AS PER RECORD PLAT.
2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS  
OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR  
EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND  
FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS  
EXCEPT AS SHOWN.
4. THIS SKETCH IS NOT A BOUNDARY SURVEY.



2-3-2020

PREPARED FOR: WARREN WIEHLER and KATHERINE WIEHLER  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THOMAS R. CECRLE, PLS 4896  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637

ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958

PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

DRAWN BY T.R.C.

CHECKED BY T.R.C.

DRAWN NO. 17-222-L1

SECTION 15

DATE: 1-21-2020

SHEET 1 OF 2

REVISIONS: N/A

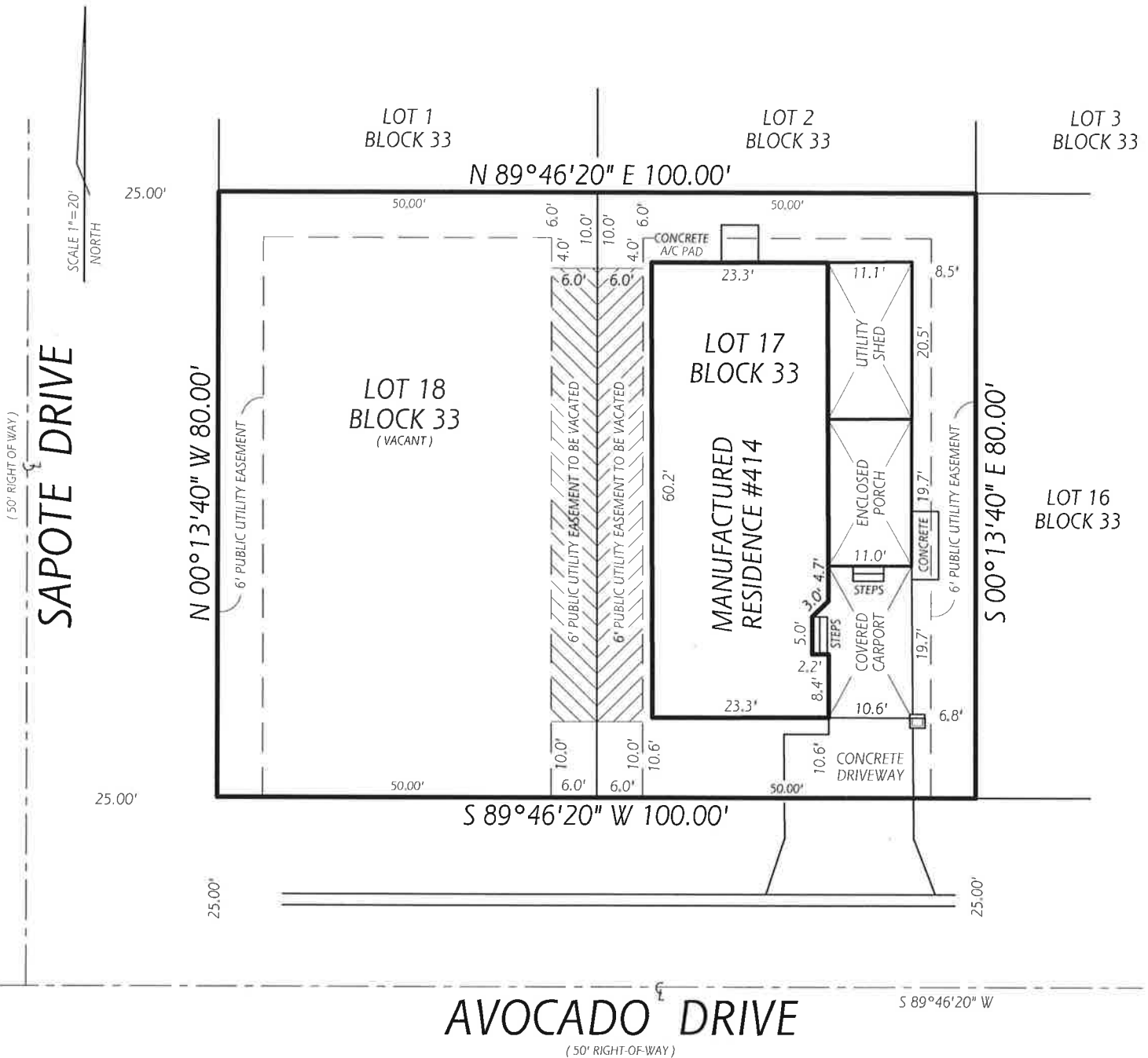
TOWNSHIP 30 SOUTH  
RANGE 38 EAST

# SKETCH OF DESCRIPTION

SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-15-01-33-17

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



ABBREVIATIONS:  $\text{CL}$ -CENTERLINE  
SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PROJECT NO : 17-222-L2

PREPARED BY : T.R.C.



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:

2/24/2020

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 24th of FEBRUARY 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$210.64  
Ad No: 0004063912  
Customer No: BRE-6BR327

AD# 0004063912 02/24/2020  
**LEGAL NOTICE**  
NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT ONE" IN SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, 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 WARREN & KATHERINE WIEHLER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:  
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECILE, 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 March 10, 2020 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 Works

FEB 28 2020

Received





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

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Sworn to and Subscribed before me this 18th of March 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

8-25-23

My commission expires

AD#4110632 3/18/2020  
LEGAL NOTICE

RESOLUTION VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN BAREFOOT BAY UNIT ONE SUBDIVISION, BAREFOOT BAY, LYING IN SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST - WARREN AND KATHERINE WIEHLER

TO WHOM IT MAY CONCERN:

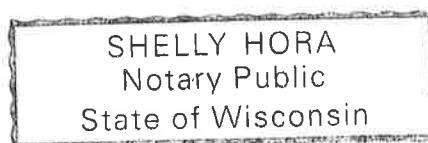
NOTICE IS HEREBY GIVEN that on the 10th day of March 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of two public utility easements in Barefoot Bay Unit One Subdivision, Barefoot Bay, lying in Section 15, Township 30 South, Range 38 East, as petitioned by Warren and Katherine Wiehler.

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS, PREPARED BY: THOMAS R. CECILE, 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  
SCOTT ELLIS, CLERK  
BY: Tammy Rowe, Deputy Clerk

Publication Cost \$148.70  
Ad No: 0004110632  
Customer No: BRE-6BR327



Resolution 2020 - 023

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WHEREAS, the Board finds that vacating a portion of two public utility easements will not be detrimental to  
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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 March, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Bryan Lober, Chair

As approved by the Board on:  
March 10, 2020

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PARCEL ID NUMBER: 30-38-15-01-33-17

**SHEET 1 OF 2**  
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2-3-2020

PREPARED FOR: WARREN WIEHLER and KATHERINE WIEHLER  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THOMAS R. CECRLE, PLS 4896  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637

ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958

PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

DRAWN BY T.R.C.

CHECKED BY T.R.C.

DRAWN NO. 17-222-L1

SECTION 15

DATE: 1-21-2020

SHEET 1 OF 2

REVISIONS: N/A

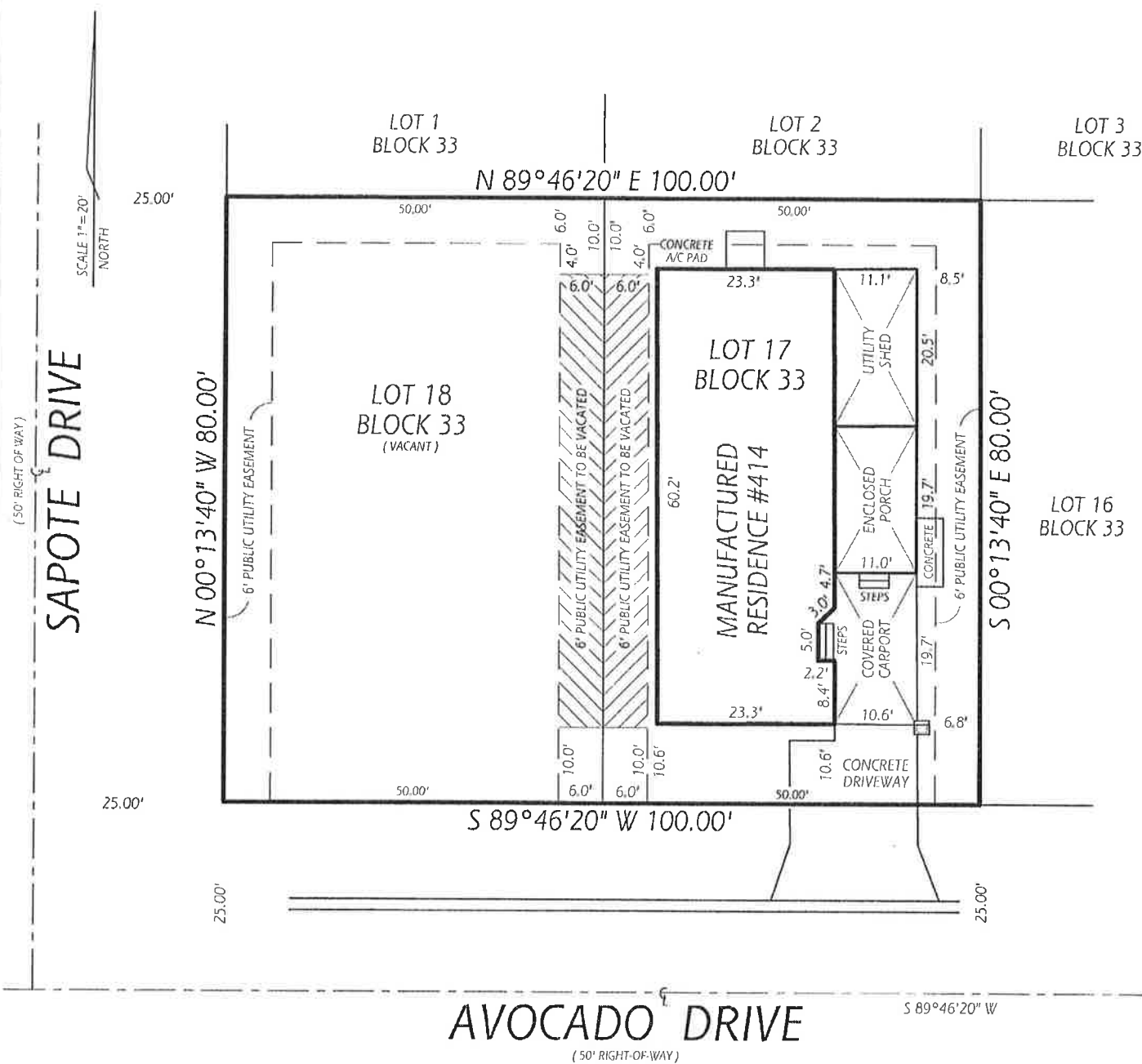
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SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PROJECT NO: 17-222-L2  
PREPARED BY: T.R.C.



Amber Holley  
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Notary State of Wisconsin County of Brown

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Public Works

FEB 28 2020

Received



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

STATE OF WISCONSIN COUNTY OF BROWN

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Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$148.70  
Ad No: 0004110632  
Customer No: BRE-6BR327

SHELLY HORA  
Notary Public  
State of Wisconsin

AD#4110632 3/18/2020  
LEGAL NOTICE

RESOLUTION VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN BAREFOOT BAY UNIT ONE SUBDIVISION, BAREFOOT BAY, LYING IN SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST - WARREN AND KATHERINE WIEHLER

TO WHOM IT MAY CONCERN:

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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  
SCOTT ELLIS, CLERK  
BY: Tammy Rove, Deputy Clerk

# Brevard County Property Appraiser Detail Sheet

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

## PROPERTY DETAILS

Account: 3007799

Owners: Wiehler, Warren; Wiehler, Katherine

Mailing Address: 414 Avocado Dr Barefoot Bay FL 32976

Site Address: 414 Avocado Dr Barefoot Bay FL 32976

Parcel ID: 30-38-15-01-33-17

Property Use: 0213 - Manufactured Housing - Double Wide

Exemptions: HEX1 - Homestead First

HEX2: Homestead Additional

Taxing District: 3400 - Unincorp District 3

Total Acres: 0.09

Subdivision: Barefoot Bay Unit 1

Site Code: 0001 - No Other Code Appl.

Plat Book/Page: 0022/0100

Land Description: Barefoot Bay Unit 1 Lot 17 Blk 33

## VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$98,470	\$97,120	\$72,370
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$98,470	\$97,120	\$44,190
Assessed Value School	\$98,470	\$97,120	\$44,190
Homestead Exemption	\$25,000	\$0	\$25,000
Additional Homestead	\$25,000	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$48,470	\$97,120	\$19,190
Taxable Value School	\$73,470	\$97,120	\$19,190

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
11/07/2017	\$112,000	WD	Improved	8024/0238
06/19/2017	--	MISC	Improved	8024/0236
11/22/1989	\$70,500	WD	--	3036/1123
06/09/1987	\$8,000	WD	--	2813/1243
01/06/1981	\$5,400	WD	--	2282/0994

Fig. 1

## Vicinity Map

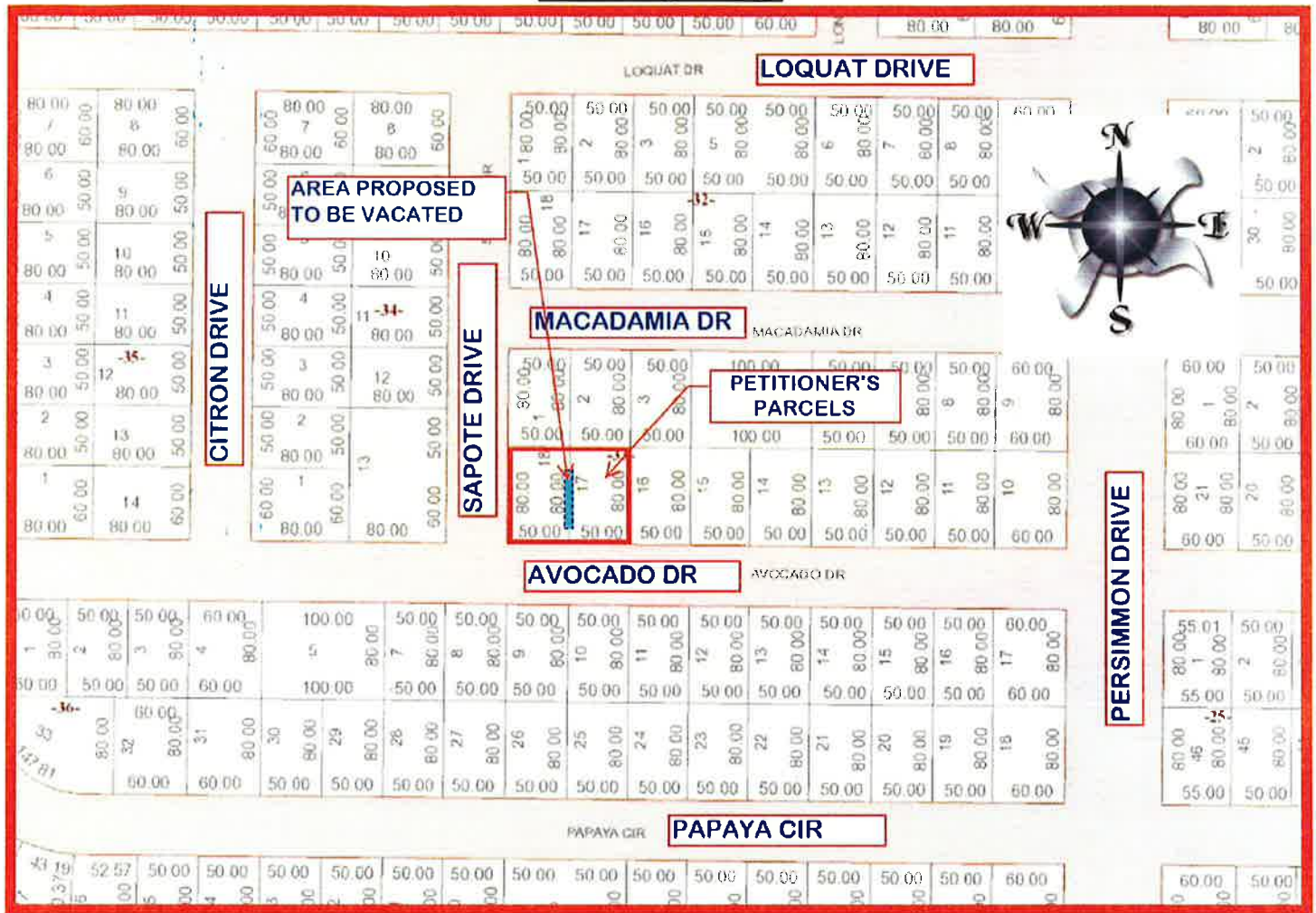


Fig. 2

Warren & Katherine Wiehler – Lots 17 & 18, Block 33,  
 “Barefoot Bay Unit One” (Plat Book 22, Page 100) –  
 414 Avocado Drive – Section 15, Township 30 South,  
 Range 38 East – District 3 – Proposed Vacating of two  
 6.0 ft. Wide Public Utility Easements centered along  
 the Common Lot Lines



## Aerial Map

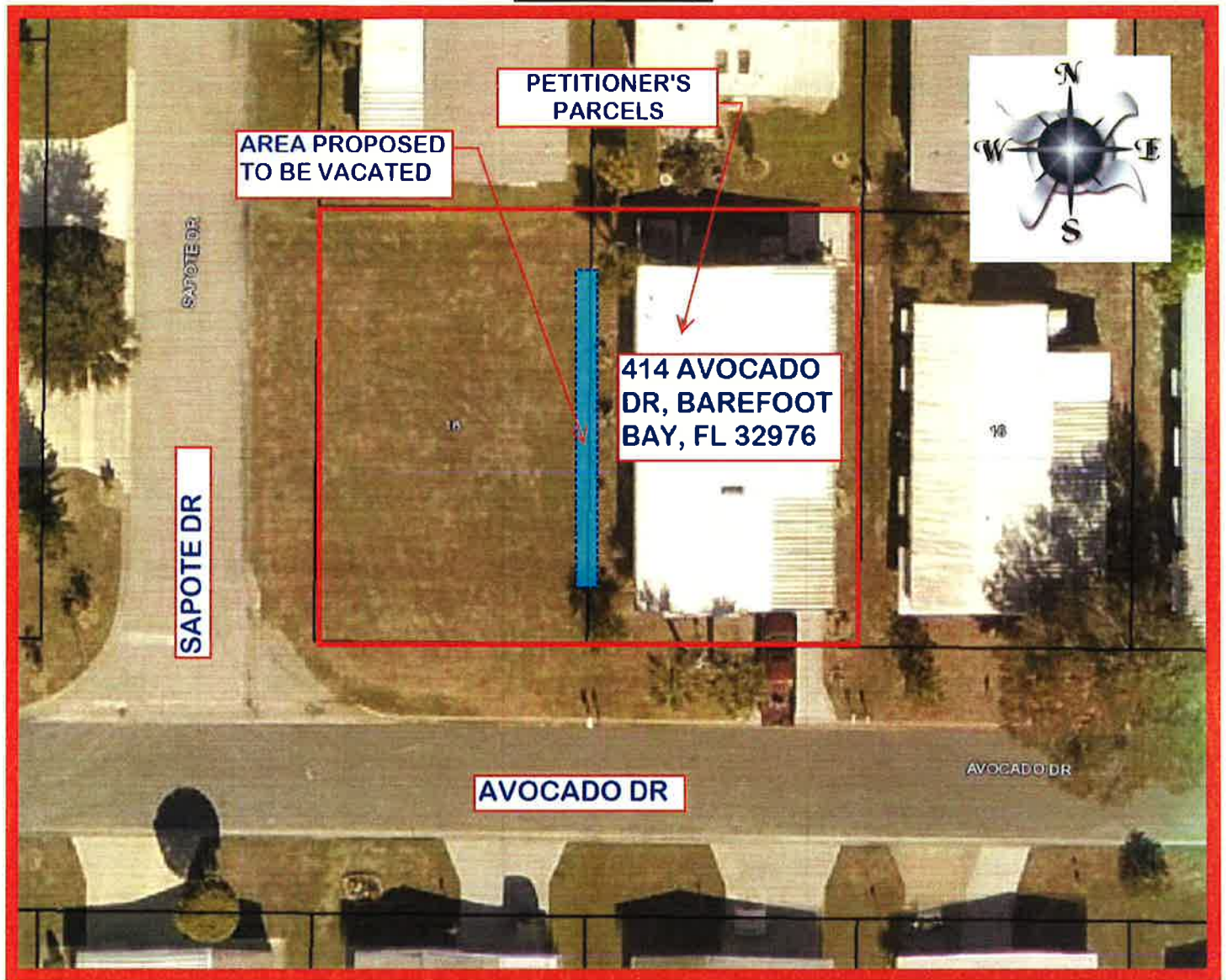


Fig. 3

Warren & Katherine Wiehler – Lots 17 & 18, Block 33,  
“Barefoot Bay Unit One” (Plat Book 22, Page 100) –  
414 Avocado Drive – Section 15, Township 30 South,  
Range 38 East – District 3 – Proposed Vacating of two  
6.0 ft. Wide Public Utility Easements centered along  
the Common Lot Lines

## Plat Reference

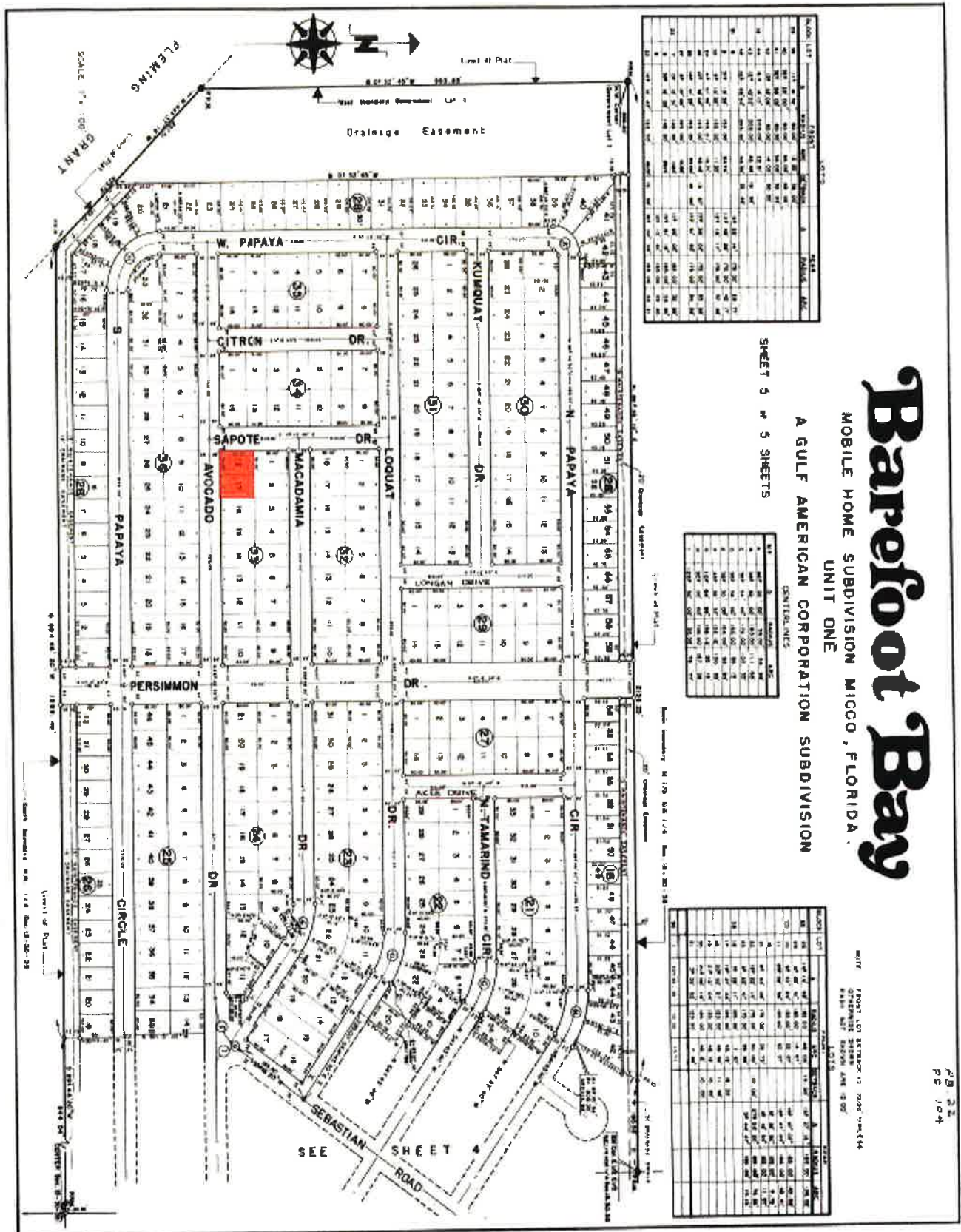


Fig. 4



# Petitioner's Sketch & Description Sheet 1 of 2

## LEGAL DESCRIPTION

SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-16-01-33-17

SHEET 1 OF 2  
NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

### PURPOSE OF SKETCH AND DESCRIPTION

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING  
ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 17 AND 18, BLOCK 33.

### LEGAL DESCRIPTION:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND  
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK  
33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY,  
FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET  
OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS.

### SURVEYOR'S NOTES:

#### SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE BASED ON THE CENTERLINE OF AVOCADO  
DRIVE AS S 89°46'20" W AS PER RECORD PLAT.

2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS  
OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR  
EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.

3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND  
FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS  
EXCEPT AS SHOWN.

4. THIS SKETCH IS NOT A BOUNDARY SURVEY.



2-3-2020

PREPARED FOR: WARREN WIEHLER and KATHERINE WIEHLER  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

THOMAS R. CECRLE, PLS 4896  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637

ADDRESS: 10749 HIGHWAY 101, SUITE A, SEBASTIAN, FL 32958

PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

DRAWN BY T.R.C.

CHECKED BY T.R.C.

DRAWN NO. 17-222-L1

SECTION 15  
TOWNSHIP 30 SOUTH  
RANGE 38 EAST

DATE: 1-21-2020

SHEET 1 OF 2

REVISIONS: N/A

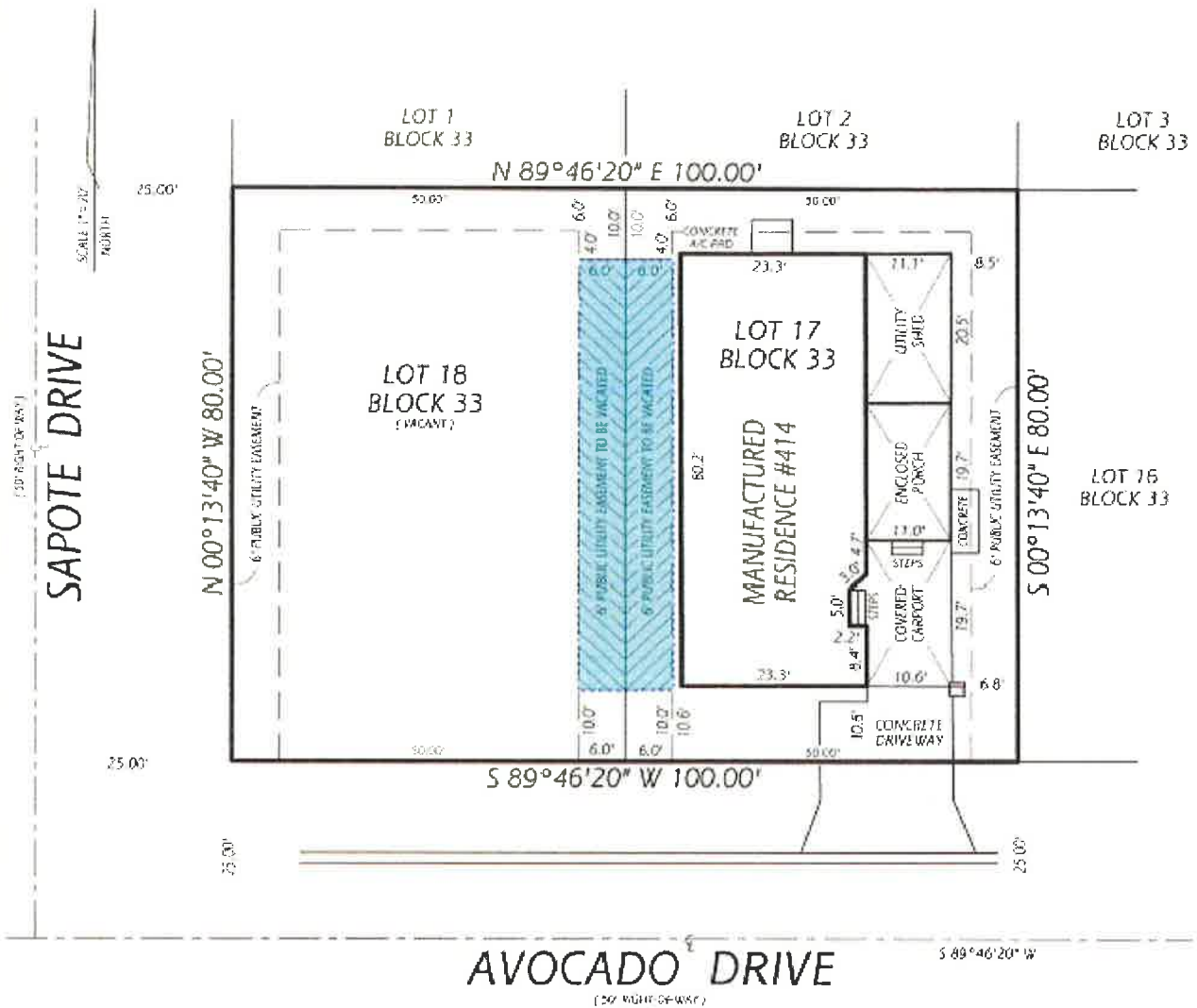
Fig. 5

# Petitioner's Sketch & Description Sheet 2 of 2

## SKETCH OF DESCRIPTION

SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-15-01-33-17

**SHEET 2 OF 2**  
NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



ABBREVIATIONS: CENTERLINE  
SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PROJECT NO : 17-222-L2  
PREPARED BY : J.R.C.

Fig. 6

# Public Hearing Legal Advertisement

AD# 0004063912 02/24/2020

## LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT ONE" IN SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, 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 WARREN & KATHERINE WIEHLER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, 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 March 10, 2020 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. 8

## Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the February 24, 2020 issue of Florida TODAY.

**PLEASE NOTE!** Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

### LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT ONE" IN SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, 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 **WARREN & KATHERINE WIEHLER** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.**

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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.

### **Comment Sheet**

Applicant: Warren and Katherine Wiehler

Updated by: Amber Holley 20200211 at 9:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20200128	20200128	Yes	No objections
FL Power & Light	20200128	20200207	Yes	No objections
At&t	20200128	20200128	Yes	No objections
Charter/Spectrum	20200128	20200211	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20200128	20200211	Yes	No objections
Land Planning	20200128	20200128	Yes	No objections
Utility Services	20200128	20200206	Yes	No objections
Storm Water	20200128	20200128	Yes	No objections
Zoning	20200128	20200130	Yes	No objections

Transcribed Legal Description from page 6:

LEGAL DESCRIPTION SECTION 15, TOWNSHIP 30 SOUTH, RANGE 38 EAST PARCEL ID NUMBER: 30-38-15-01-33-17 PURPOSE OF SKETCH AND DESCRIPTION TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 17 AND 18, BLOCK 33. LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES: 1. BEARINGS SHOWN ARE BASED ON THE CENTERLINE OF AVOCADO DRIVE ASS 89°46'20" WAS PER RECORD PLAT. 2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED. 3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS EXCEPT AS SHOWN. 4. THIS SKETCH IS NOT A BOUNDARY SURVEY. PREPARED FOR: WARREN WIEHLER and KATHERINE WIEHLER BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS Signed by: THOMAS R. CECRLE, PLS 4896, NOT VALID UNLESS SIGNED AND SEALED PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637 ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958 DATE: 1-21-2020 SECTION 15 TOWNSHIP 30 SOUTH RANGE 38 EAST



Brevard County is currently in the process of implementing changes to increase the accessibility of information and documents on its website. If you require assistance to better access this document or information contained therein please contact the County's ADA Coordinator by phone at (321)-637-5347.

LEGAL NOTICE

RESOLUTION VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN  
BAREFOOT BAY UNIT ONE SUBDIVISION, BAREFOOT BAY, LYING IN SECTION 15,  
TOWNSHIP 30 SOUTH, RANGE 38 EAST – WARREN AND KATHERINE WIEHLER

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 10<sup>th</sup> day of March 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of two public utility easements in Barefoot Bay Unit One Subdivision, Barefoot Bay, lying in Section 15, Township 30 South, Range 38 East, as petitioned by Warren and Katherine Wiehler.

**THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17  
AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT  
18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD  
COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET  
OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS  
R. CECRLE, 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  
SCOTT ELLIS, CLERK  
BY: Tammy Rowe, Deputy Clerk

**Florida TODAY:**

Please advertise in the March 16, 2020, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-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.**

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 17 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 18, BLOCK 33, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 100 THRU 104, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 720.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.

COPY

Resolution 2020 - 023

**Vacating a part of two public utility easements in "Barefoot Bay Unit One" Subdivision, Barefoot Bay, Florida, lying in Section 15, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **WARREN AND KATHERINE WIEHLER** with the Board of County Commissioners to vacate a portion of two public utility 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 a portion of two public utility easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of two public utility easements is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easements. 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 March, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



SCOTT ELLIS, CLERK



Bryan Lober, Chair

As approved by the Board on:  
March 10, 2020