



AGENDA REPORT
July 9, 2019

**Petition to Vacate Public Utility Easements-Cocoa-Patricia R. Burgett-
(District 1)**

SUBJECT:

Petition to Vacate, Re: Public Utility and Drainage Easements – 6061 Banbury Avenue – “Port St. John Unit Four” Plat Book 22, Pages 36-45 – Cocoa – Patricia R. Burgett – 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 of three public utility and drainage easements within Lot 32, Block 128, “Port St. John Unit Four” in Section 22, Township 23 South, Range 35 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 petitioner owns Lot 32 and is requesting the vacating of the two 6.00 ft and one 10.00 ft. wide public utility and drainage easements within the lot to remove the existing sheds as encroachments into said easements. Easements to be vacated contains 2,200 square feet, more or less.

June 24, 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. The property is located in Cocoa as follows: Begin at the intersection of Port St. John Pkwy and Grissom Pkwy; thence 0.60 miles north along Grissom Pkwy; thence 0.01 miles west along Carrick Rd; thence south 138 feet along

Banbury to the residence on the east (left).

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

August 7, 2019

MEMORANDUM

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

RE: Advertising Bills for Resolution Vacating three Public Utility and Drainage Easements in Port St. John Unit Four, Subdivision, Cocoa

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-107, vacating three public utility and drainage easements in Port St. John Unit Four, Subdivision, Cocoa, as petitioned by Patricia R. Burgett. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 9, 2019.

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

August 7, 2019

Patricia R. Burgett
6061 Banbury Avenue
Cocoa, FL 32927

Dear Ms. Burgett:

Re: Resolution Vacating three Public Utility and Drainage Easements in Port St. John Unit Four Subdivision, Cocoa

The Board of County Commissioners, in regular session on July 9, 2019, adopted Resolution No. 19-107, vacating a part of a public utility and drainage easement in Port St. John Unit Four Subdivision, Cocoa, as petitioned by you. Said Resolution has been recorded in ORBK 8505, Pages 2996 through 3001. 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

/kp

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2019 - 107

**Vacating of three public utility and drainage easements in "Port St. John Unit Four" Subdivision,
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 **PATRICIA R. BURGETT** 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 utility and drainage 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 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 09TH day of July, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



A handwritten signature in blue ink, appearing to read "Scott Ellis", written over a horizontal line.

SCOTT ELLIS, CLERK



A handwritten signature in blue ink, appearing to read "Kristine Isnardi", written over a horizontal line.

Kristine Isnardi, Chair

As approved by the Board on:
July 09, 2019

LEGAL DESCRIPTION

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

SITUATED IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST
PARENT PARCEL: #23-35-22-01-128-32
PURPOSE OF SURVEY: VACATION OF P.U.&D. EASEMENTS

LEGAL: VACATION OF A 6 P.U.&D. EASEMENT #1 (BY SURVEYOR)

THE NORTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE SOUTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS

LEGAL: VACATION OF A 6 P.U.&D. EASEMENT #2 (BY SURVEYOR)

THE SOUTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE NORTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS

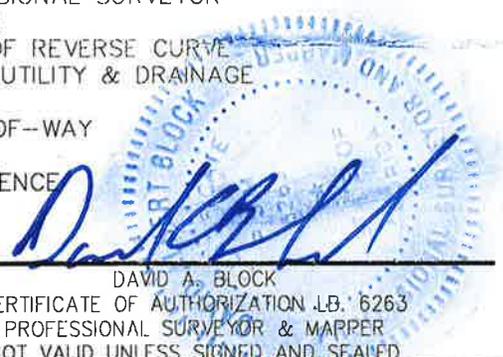
LEGAL: VACATIONING A PORTION OF A 10 P.U.&D. EASEMENT (BY SURVEYOR)

THE WEST 10.00 FEET OF THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EAST 10 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 830 SQUARE FEET, MORE OR LESS

SURVEYOR'S NOTES & LEGEND:

1. THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.00°37'53"E., ALONG THE SOUTH RIGHT-OF-WAY LINE OF BANBURY AVE
2. THIS IS NOT A BOUNDARY SURVEY
3. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY DAVID A. BLOCK, PROJECT #18-470, DATED 08/20/2018.

(AKA)	= ALSO KNOWN AS	LB	= LICENSE BUSINESS
CL	= CENTERLINE	LS	= LICENSE SURVEYOR
C.B.	= CONCRETE BLOCK	(M)	= MEASURED
C.B.S.	= CONCRETE BLOCK STRUCTURE	N&D	= NAIL & DISK
C.L.F.	= CHAIN LINK FENCE	OHU	= OVERHEAD WIRES
CLR.	= CLEAR	(P)	= PLATTED
C.M.	= CONCRETE MONUMENT	PC	= POINT OF CURVATURE
CONC.	= CONCRETE	PT	= POINT OF TANGENCY
COR.	= CORNER	PL	= PROPERTY LINE
COVD	= COVERED	P.S.M.	= PROFESSIONAL SURVEYOR
D	= DELTA		& MAPPER
(D)	= DEED	P/R	= POINT OF REVERSE CURVE
FD	= FOUND	P.U.&D.	= PUBLIC UTILITY & DRAINAGE
ID	= IDENTIFICATION	R	= RADIUS
I.P.	= IRON PIPE	R/W	= RIGHT-OF-WAY
I.R.	= IRON ROD	(TYP.)	= TYPICAL
L	= LENGTH	W.F	= WOOD FENCE



DAVID A. BLOCK
CERTIFICATE OF AUTHORIZATION LB. 6263
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:
PATRICIA R. BURGETT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY: DAVID A. BLOCK
1545 BREAM STREET
MERRITT ISLAND, FLORIDA 32952

DRAWN BY: J. PRESSMAN	CHECKED BY: D. BLOCK	PROJECT NO. 18-470			SECTION 22 TOWNSHIP 23 SOUTH RANGE 35 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 05/13/2019	DRAWING: 18-470.DWG				



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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
Before the undersigned authority personally appeared
Diana Figueroa, 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:

06/24/19

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 24th of June 2019,
by Diana Figueroa who is personally known to me



Affiant



Notary Kathleen A Gibson



Publication Cost: \$275.84
Ad No: 0003642240
Customer No: BRE-6BR327

AD#3642240, 6/24/2019
LEGAL NOTICE
NOTICE FOR THE VACATING OF TWO 6.0
FT. AND ONE 10.0 FT PUBLIC UTILITY
AND DRAINAGE EASEMENTS, 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, Bre-
vard County Code, a petition has been
filed by PATRICIA R. BURGETT with the
Board of County Commissioners of Bre-
vard County, Florida, to request vacating
the following described property, to wit:

THE NORTH 6.00 FEET OF THAT CERTAIN
6.00 FOOT WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT WHICH ENCUM-
BERS THE SOUTH 6.00 FEET OF LOT 32,
BLOCK 128, OF THE PLAT OF NORTH
PORT ST. JOHN UNIT FOUR LESS AND EX-
CEPT THE EAST 10.00 FEET AS RECORD-
ED IN PLAT BOOK 22, PAGES 36-45 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, AND CONTAINING A
TOTAL OF 690 SQUARE FEET, MORE OR
LESS
AND

THE SOUTH 6.00 FEET OF THAT CERTAIN
6.00 FOOT WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT WHICH ENCUM-
BERS THE NORTH 6.00 FEET OF LOT 32,
BLOCK 128, OF THE PLAT OF NORTH
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CEPT THE EAST 10.00 FEET AS RECORD-
ED IN PLAT BOOK 22, PAGES 36-45 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, AND CONTAINING A
TOTAL OF 690 SQUARE FEET, MORE OR
LESS
AND

THE WEST 10.00 FEET OF THAT CERTAIN
10.00 FOOT WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT WHICH ENCUM-
BERS THE EAST 10 FEET OF LOT 32,
BLOCK 128, OF THE PLAT OF NORTH
PORT ST. JOHN UNIT FOUR AS RECORD-
ED IN PLAT BOOK 22, PAGES 36-45 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, AND CONTAINING A
TOTAL OF 830 SQUARE FEET, MORE OR
LESS. PREPARED BY: DAVID A. BLOCK,
PSM

The Board of County Commissioners will
hold a public hearing to determine the
advisability of such vacating of the
above-described easements at 5:00 P.M.
on July 09, 2019 at the Brevard County
Government Center Board Room, Build-
ing 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 pur-
pose, he or she may need to ensure that a
verbatim record of the proceedings is
made, which record includes the testi-
mony and evidence upon which the ap-
peal 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 im-
paired persons shall be met if the de-
partment 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:



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

AD#3686281, 07/18/2019
LEGAL NOTICE

RESOLUTION OF THREE VACATING PUBLIC UTILITY AND DRAINAGE EASEMENTS IN PORT ST. JOHN UNIT FOUR SUBDIVISION, LYING IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA - PATRICIA R. BURGETT

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 9th day of July 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating of three public utility and drainage easements in Port St. John Unit Four Subdivision, lying in Section 22, Township 23 South, Range 35 East, Cocoa, as petitioned by Patricia R. Burgett.

THE NORTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE SOUTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS

AND THE SOUTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE NORTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS

AND THE WEST 10.00 FEET OF THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EAST 10 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 830 SQUARE FEET, MORE OR LESS, PREPARED BY: DAVID A. BLOCK, PSM

The Board further renounced and disclaimed 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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
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

Legal Notices

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

07/18/19

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 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 29th of July 2019, by Shelly Hora who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

9-19-21

My commission expires
Publication Cost: \$172.30
Ad No: 0003686281
Customer No: BRE-6BR327



Appraiser's Detail Sheet



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

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

Account	2308067
Owners	Burgett, Patricia R Life Estate
Mailing Address	6061 Banbury Ave Cocoa FL 32927
Site Address	6061 Banbury Ave Cocoa FL 32927
Parcel ID	23-35-22-01-128-32
Property Use	0110 - Single Family Residence
Exemptions	HEX1 - Homestead First HEX2 - Homestead Additional WDWW - Widow's Exemption For Wife
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 32 Blk 128



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$150,890	\$139,270	\$124,540
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$92,890	\$90,980	\$89,110
Assessed Value School	\$92,890	\$90,980	\$89,110
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$500	\$500	\$500
Taxable Value Non-School	\$42,390	\$40,480	\$38,610
Taxable Value School	\$67,390	\$65,480	\$63,610

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/09/2015	-	WD	Improved	7350/2397
03/01/1993	\$15,000	QC	Improved	3291/4362
11/23/1988	\$56,600	WD	-	2962/1725
03/07/1986	\$5,200	WD	-	2702/1143
05/07/1982	-	PR	-	2379/1441

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - Single Family Residence

Materials		Details	
Exterior Wall:	Stucco	Year Built	1988
Frame:	Masnryconc	Story Height	8
Roof:	Asph/Asb Shngl	Floors	1
Roof Structure:	Hip/Gable	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,057	Covered Patio	430
Enclosed Por	297	Covered Patio	180
Garage	494	Covered Patio	608
Open Porch	76	Spa - Residential Attached	1

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lot 32, Block 128, Port St. John Unit Four, Patricia R. Burgett, 6061 Banbury Ave, Cocoa, Section 22, Township 23 South, Range 35 East, District 1

Vicinity Map

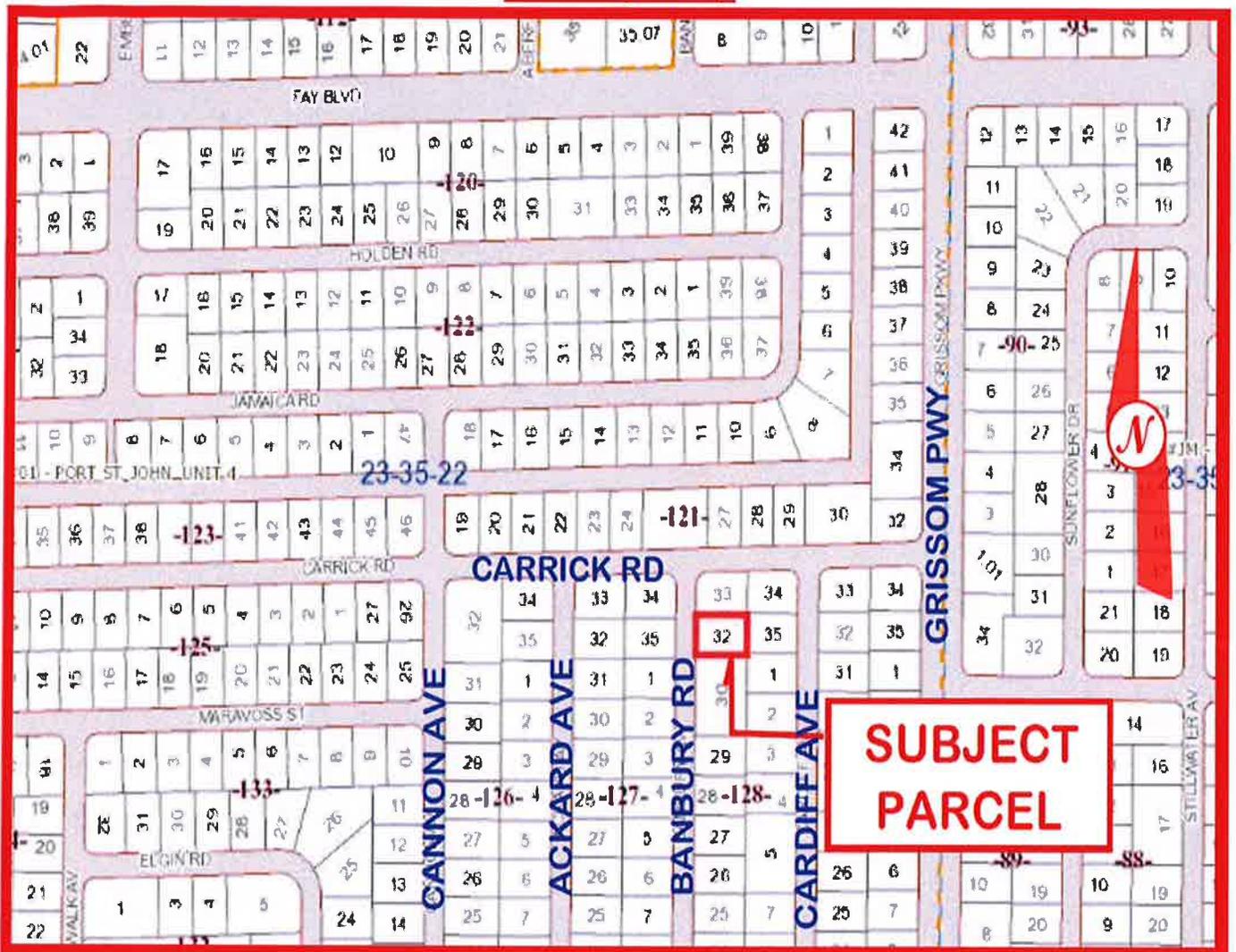


Fig. 2: Map of Lot 32, Block 128, Port St. John Unit Four, 6061 Banbury Ave

Patricia R. Burgett – Lot 32, Block 128, “Port St. John Unit Four” (Plat Book 22, Pages 36-45) – 6061 Banbury Ave – Section 22, Township 23 South, Range 35 East – District 1 – Proposed Vacating of two 6.0 ft. and one 10.0 ft. Wide Public Utility and Drainage Easements

Aerial Map



Fig. 3: Map of aerial view of Lot 32, Block 128, Port St. John Unit Four, 6061 Banbury Ave

Patricia R. Burgett – Lot 32, Block 128, “Port St. John Unit Four” (Plat Book 22, Pages 36-45) – 6061 Banbury Ave – Section 22, Township 23 South, Range 35 East – District 1 – Proposed Vacating of two 6.0 ft. and one 10.0 ft. Wide Public Utility and Drainage Easements

Plat Reference

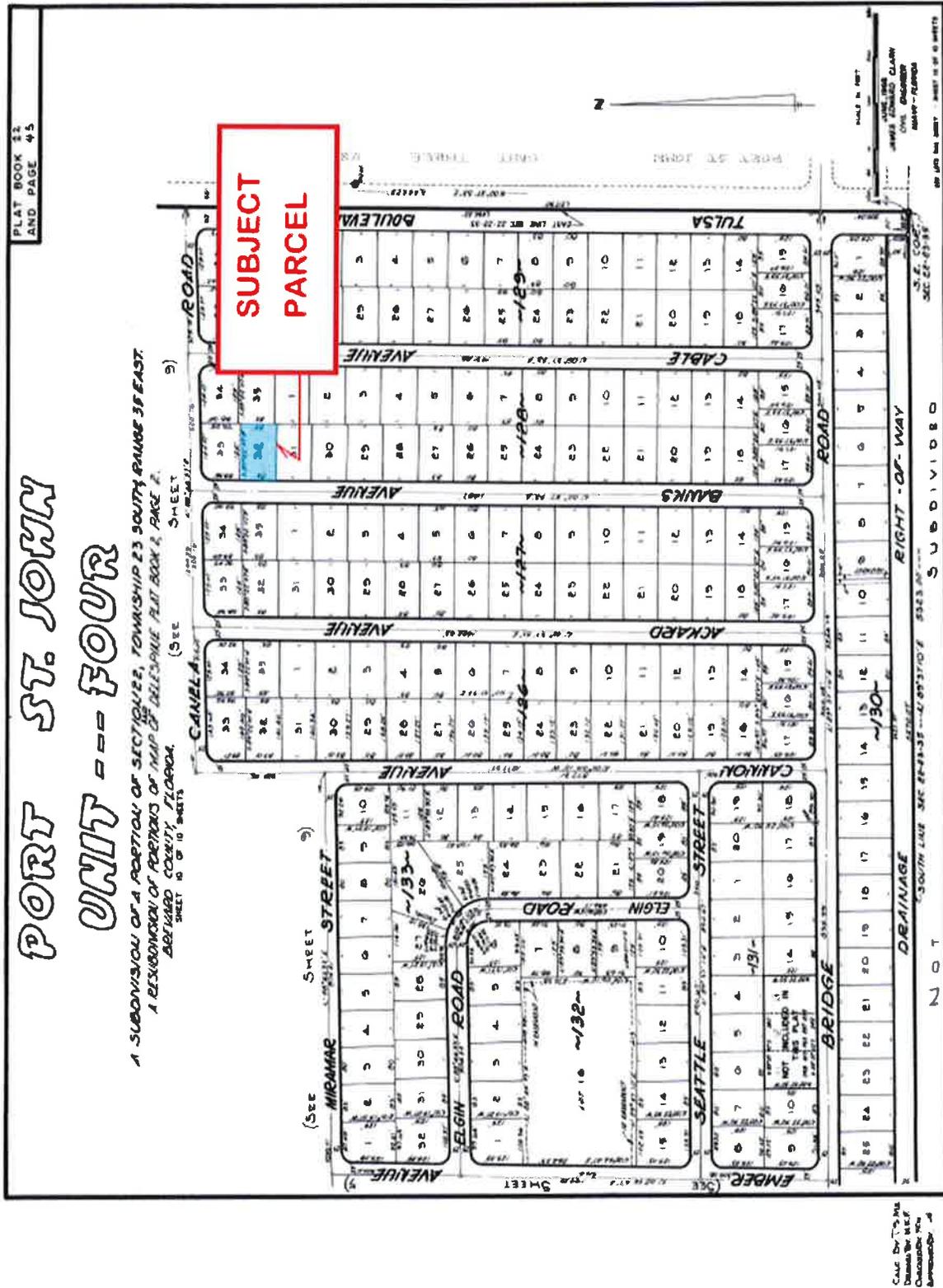


Fig. 4: Copy of plat map "Port St. John Unit Four" dedicated to Brevard County December 19, 1968

Petitioner's Deed 1 of 2

CFN 2015080237, OR BK 7350 Page 2397, Recorded 04/23/2015 at 01:35 PM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$0.70

R 18.50
DS 70

This instrument prepared by and after recording return to:
Karen Harkness Houser, Esquire
Bogin, Munns & Munns, P.A.
8226 N. Wickham Rd., Ste. 201
Melbourne, FL 32940

NOTE TO CLERK, DOR AUDITORS, PROPERTY TAX APPRAISER, AND TAX COLLECTOR: THIS DEED IS EXEMPT FROM DEED DOCUMENTARY TAX PURSUANT TO LETTER OF TECHNICAL ADVICE NO. 00B4-024 AND DOES NOT RESULT IN LOSS OF PREVIOUSLY FILED HOMESTEAD EXEMPTION OR RE-ASSESSMENT OF PROPERTY VALUE PURSUANT TO FS 193.155, FS 193.1554, AND AGO 2001-31 (APRIL 26, 2001).

WARRANTY DEED

THIS WARRANTY DEED, made and executed the 9th day of April, 2015 between **Kevin B. Burgett and Patricia R. Burgett**, husband and wife (collectively, the "Grantor"), whose post office address is 6061 Banbury Ave., Cocoa, FL 32927, to **Kevin B. Burgett and Patricia R. Burgett**, husband and wife, for a life estate (collectively, the "Life Estate Grantee"), without liability for waste, and with full power and authority in said Life Estate Grantee to sell, convey, mortgage, lease or otherwise manage and dispose of the property described herein, in fee simple, without consideration, and without joinder or consent of the Remainderman Grantee (defined below), and with full power and authority to retain any and all proceeds generated thereby (the "Life Estate Rights"), and the remainder to **Tyler Reigh Grafing**, with an address of 6061 Banbury Ave., Cocoa, FL 32927 (the "Remainderman Grantee") (the Life Estate Grantee and the Remainderman Grantee shall be referred to collectively hereinafter as the Grantee(s)).

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees.)

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by Grantees, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantees, the following described property located in Brevard County, FL ("Property"):

Lot 32, Block 128, PORT ST. JOHN UNIT FOUR, according to the plat thereof as recorded in Plat Book 22, Page 36, public records of Brevard County, Florida

This conveyance is made subject to the following:

1. Property taxes for the current year and all subsequent years;
2. Applicable zoning regulations and ordinances;
3. All of the covenants, terms, provisions, conditions, reservations, restrictions, agreements and easements of record, if any, which may now affect the aforescribed property, and

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto

Fig. 5: Copy of deed of sale for lot 32, Block 128, Port St. John Unit Four, 6061 Banbury Ave, Cocoa, FL to Patricia R. Burgett on April 09, 2015.

Petitioner's Deed 2 of 2

OR BK 7350 PG 2398

belonging to or in anywise appertaining.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Property; that it has good right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the Grantor has executed this instrument on the date first above written.

Signed, sealed and delivered in the presence of:

Grantor:

Witnesses as to both:

Alex R Jordan
Print Name ALEX R JORDAN

Kevin B. Burgett
Kevin B. Burgett

Margaret Storey
Print Name MARGARET STOREY

Patricia R. Burgett
Patricia R. Burgett

STATE OF FL)

ss

COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this 9th day of April, 2015, by Kevin B. Burgett and Patricia R. Burgett, husband and wife, who are personally known to me or who have produced FL. D.L. as identification and who did (did not) take an oath.

Karen Harkness Houser
Notary Public

Note: This Warranty Deed was prepared without a title search and title insurance, and the legal description was supplied by the parties; the preparer of this instrument assumes no liability for the state of the title or any inaccuracy of the legal description.



Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION		SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2									
SITUATED IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST PARENT PARCEL: #23-35-22-01-128-32 PURPOSE OF SURVEY: VACATION OF P.U.&D. EASEMENTS											
LEGAL: VACATION OF A 6 P.U.&D. EASEMENT #1 (BY SURVEYOR)											
THE NORTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE SOUTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS											
LEGAL: VACATION OF A 6 P.U.&D. EASEMENT #2 (BY SURVEYOR)											
THE SOUTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE NORTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS											
LEGAL: VACATIONING A PORTION OF A 10 P.U.&D. EASEMENT (BY SURVEYOR)											
THE WEST 10.00 FEET OF THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EAST 10 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 830 SQUARE FEET, MORE OR LESS											
<u>SURVEYOR'S NOTES & LEGEND:</u>											
1. THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.00°37'53"E., ALONG THE SOUTH RIGHT-OF-WAY LINE OF BANBURY AVE. 2. THIS IS NOT A BOUNDARY SURVEY 3. IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY DAVID A. BLOCK, PROJECT #18-470, DATED 08/20/2018.											
(AKA) = ALSO KNOWN AS C. = CENTERLINE C.B. = CONCRETE BLOCK C.B.S. = CONCRETE BLOCK STRUCTURE C.L.F. = CHAIN LINK FENCE CLR. = CLEAR C.M. = CONCRETE MONUMENT CONC. = CONCRETE COR. = CORNER COVD. = COVERED D = DELTA (D) = DEED FD = FOUND ID = IDENTIFICATION I.P. = IRON PIPE I.R. = IRON ROD L = LENGTH	LB = LICENSE BUSINESS LS = LICENSE SURVEYOR (M) = MEASURED N&D = NAIL & DISK OHU = OVERHEAD WIRES (P) = PLATTED PC = POINT OF CURVATURE PT = POINT OF TANGENCY PL = PROPERTY LINE P.S.M. = PROFESSIONAL SURVEYOR & M = MAPPER PRC = POINT OF REVERSE CURVE P.U.&D. = PUBLIC UTILITY & DRAINAGE R = RADIUS R/W = RIGHT-OF-WAY (TYP.) = TYPICAL W.F. = WOOD FENCE										
PREPARED FOR AND CERTIFIED TO: PATRICIA R. BURGETT BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		DAVID A. BLOCK CERTIFICATE OF AUTHORIZATION LD. 5263 PROFESSIONAL SURVEYOR & MAPPER NOT VALID UNLESS SIGNED AND SEALED									
PREPARED BY: DAVID A. BLOCK 1545 BREAM STREET MERRITT ISLAND, FLORIDA 32952											
DRAWN BY: J. PRESSMAN DATE: 05/13/2019	CHECKED BY: D. BLOCK DRAWING: 18-470.DWG	PROJECT NO. 18-470 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISIONS</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS	DATE	DESCRIPTION						
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		SECTION 22 TOWNSHIP 23 SOUTH RANGE 35 EAST									

Fig. 7: Copy of legal description sheet 1 of 2 for Lot 32, Block 128, Port St. John Unit Four.

Petitioner's Sketch & Description Sheet 2 of 2

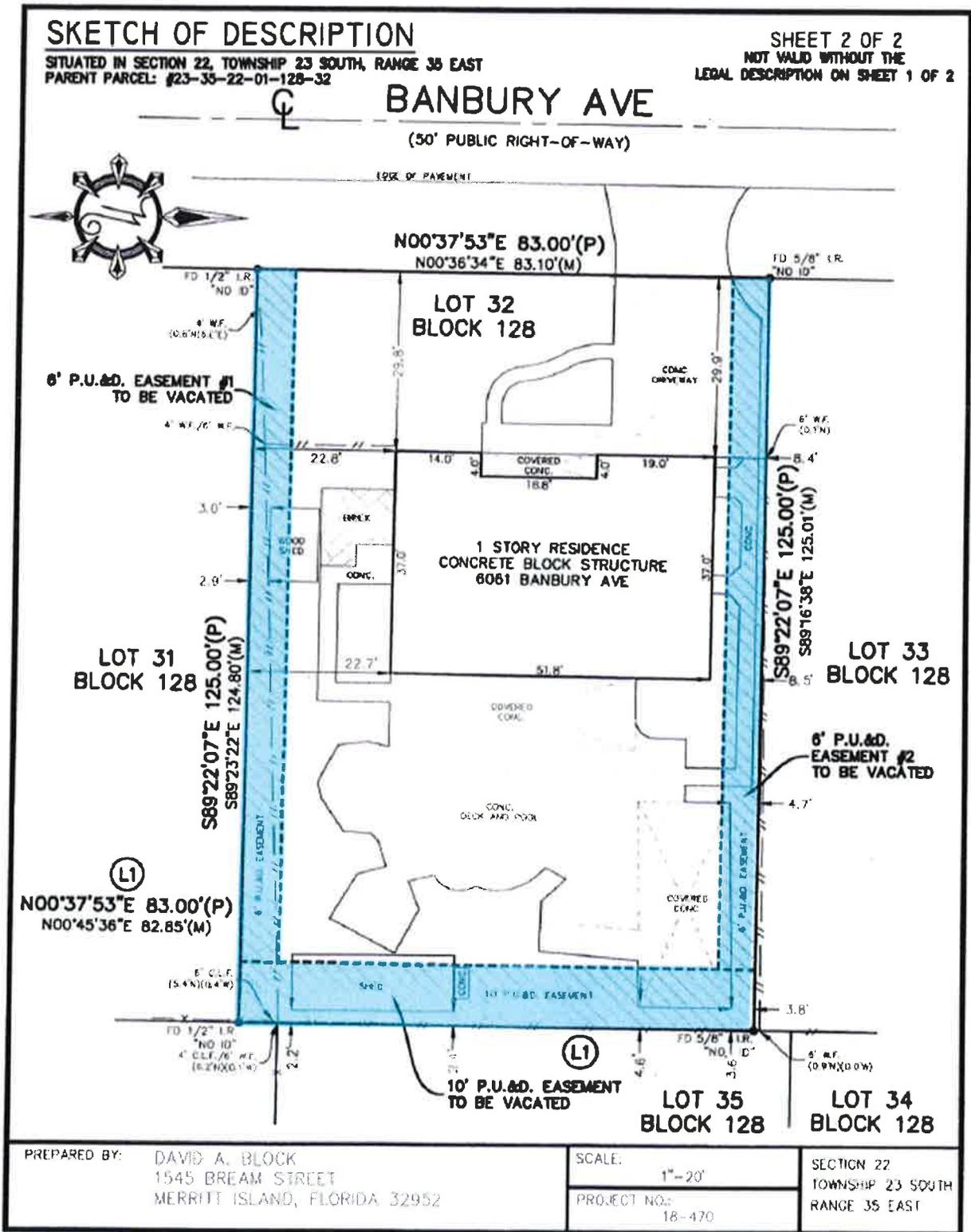


Fig. 8: Copy of sketch sheet 2 of 2 of Lot 32, Block 128, Port St. John Unit Four.

Comment Sheet

COMMENT SUMMARY

APPLICANT: Patricia R. Burgett

UPDATED / BY: Amber Holley 20190516 @ 15:30 hours

COMPANIES	NOTIFIED	COMMENTS		STIPULATIONS/REMARKS
		RECEIVED	APPROVED	
UTILITIES				
Florida City Gas Co.	20190514	20190514	YES	NO OBJECTIONS
Florida Power & Light Co.	20190514	20190514	YES	NO OBJECTIONS
AT & T	20190514	20190514	YES	NO OBJECTIONS
Charter Communications	20190514	20190516	YES	NO OBJECTIONS
City of Cocoa	20190514	20190516	YES	NO OBJECTIONS
COUNTY STAFF				
Road & Bridge	20190514	20190607	YES	NO OBJECTIONS-SUSAN JACKSON
Land Planning	20190514	20190515	YES	NO OBJECTIONS- REBECCA RAGAIN
Utility Services	20190514	20190515	YES	NO OBJECTIONS - TAMMY HURLEY
NRMD / Storm Water	20190514	20190516	YES	NO OBJECTIONS - HARVEY WHEELER
Zoning	20190514	20190515	YES	NO OBJECTIONS - PAUL BODY

Fig. 9: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Florida Today | Notice Public Hearing

AD#3642240, 6/24/2019 LEGAL NOTICE NOTICE FOR THE VACATING OF TWO 6.0 FT. AND ONE 10.0 FT PUBLIC UTILITY AND DRAINAGE EASEMENTS, 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 PATRICIA R. BURGETT with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THE NORTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE SOUTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS AND THE SOUTH 6.00 FEET OF THAT CERTAIN 6.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE NORTH 6.00 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR LESS AND EXCEPT THE EAST 10.00 FEET AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 690 SQUARE FEET, MORE OR LESS AND THE WEST 10.00 FEET OF THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EAST 10 FEET OF LOT 32, BLOCK 128, OF THE PLAT OF NORTH PORT ST. JOHN UNIT FOUR AS RECORDED IN PLAT BOOK 22, PAGES 36-45 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND CONTAINING A TOTAL OF 830 SQUARE FEET, MORE OR LESS. PREPARED BY: DAVID A. BLOCK, PSM The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easements at 5:00 P.M. on July 09, 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. 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. 10: Copy of public hearing advertisement as published on June 24, 2019 see next page for full text.

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 June 24, 2019 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 VACATING OF TWO 6.0 FT. AND ONE 10.0 FT PUBLIC UTILITY AND DRAINAGE EASEMENTS, PLAT OF "PORT ST. JOHN UNIT FOUR" IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, FL

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