

Meeting Date
December 01, 2015



AGENDA	
Section	PUBLIC HEARING
Item No.	IV-A

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: Public Utility and Drainage Easement – West Coral Way – “Stuart Terrace First Addition” – Indialantic – Jeffrey and Lois Kirk – District 5 (Fiscal impact: Petitioner paid \$640.00 Vacating Application Fee)
DEPT/OFFICE	Public Works Department – Surveying Section

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 centered along the common line between Lots 9 and 10, “Stuart Terrace First Addition” in Section 14, Township 27 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 & 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 9 and 10 and are requesting the vacating of the 10.00 ft. wide public utility and drainage easement centered along the common line between the lots to remove the existing residence and screened patio as encroachments into said easement. Easement to be vacated contains 1,100 square feet, more or less.

November 13, 2015, 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 Indialantic as follows: Begin at the intersection of S.R. 518 (East Eau Gallie Blvd.) and S. R. 513 (North River Side Drive); thence 0.75 miles south along S. R. 513; thence 0.04 miles east along West Coral Way to the residence on the south (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 0002-30265-3699000, revenue account for vacatings. This action is in keeping with the County’s efforts to create cooperative partnerships between County Government and its citizenry. No additional funding will be requested for next year’s budget.

Name: Marc.Cazessus@brevardcounty.us Phone: Ext. 57315

Exhibits Attached: Resolution, Appraisers detail sheet, vicinity map, aerial map, plat (if applicable), petitioner’s deed, boundary survey (if available), boundary survey (right-of-way vacating) or sketch and description (easement Vacating), comment summary sheet and legal notice of public hearing advertisement.

Clerk to the Board instruction: Advertise Approved Resolution Notice and Record Vacating Resolution Documents (which in sequence includes the notice of public hearing legal ad, the approved/signed resolution, and the approved resolution legal ad).

Contract / Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager Venetta Valdengo	John Denninghoff / Ext. 57202



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

December 28, 2015

Jeffrey and Lois Kirk
295 West Coral Way
Indialantic, FL 32903

Dear Mr. and Mrs. Kirk:

Re: Item IV.A, Resolution Vacating Public Utility and Drainage Easement on West Coral Way, "Stuart Terrace First Addition", in Indialantic

The Board of County Commissioners, in regular session on December 1, 2015, adopted Resolution No. 15-236, vacating a part of a public utility and drainage easement centered along the common line between Lots 9 and 10, "Stuart Terrace First Addition", in Section 14, Township 27 South, Range 37 East, as petitioner by you. Said Resolution has been recorded in ORBK 7515, PG's 637 – 641. Enclosed is a certified copy of the Resolution for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

Encl. (1)

cc: Marc Cazessus



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

December 28, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

Attn: Marc Cazessus

RE: Advertising Bills for Resolution Vacating Public Utility and Drainage Easement on West Coral Way, "Stuart Terrace First Addition", as Petitioned by Jeffrey and Lois Kirk

Enclosed for your necessary action are copies of the advertising bills and receipt of the recordation for Resolution No. 15-236, vacating public utility and drainage easement as petitioned by Jeffrey and Lois Kirk. Said Resolution was adopted by the Board of County Commissioners, in regular session on December 1, 2015.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/kg

Encl. (4)

cc: Marc Cazessus



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

December 18, 2015

MEMORANDUM

COPY

TO: Recording

RE: Item IV.A., Petition to Vacate Public Utility and Drainage Easement – West Coral Way –
“Stuart Terrace First Addition” – Indialantic – Jeffrey and Lois Kirk

The Board of County Commissioners, in regular session on December 1, 2015, adopted Resolution to vacate a part of a public utility and drainage easement centered along the common line between Lots 9 and 10, “Stuart Terrace First Addition” in Section 14, Township 27 South, Range 37 East. Enclosed are the proof of publication setting the public hearing, Resolution No. 15-236, with attached Exhibits, and proof of publication advertising the vacation.

Please record same in the Public Records, bill to Public Works Department’s Account Number 3175 or call Marc Cazessus at 5-7315 if you have any question; and return the recorded documents to this office, **including a receipt for the recordation.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/kg

Encls. (3)

RESOLUTION 2015 - 236

VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN "STUART TERRACE FIRST ADDITION" SUBDIVISION, INDIALANTIC, FLORIDA, LYING IN SECTION, 14, TOWNSHIP 27 SOUTH, RANGE 37 EAST

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **JEFFREY AND LOIS KIRK** 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 1st day of December, 2015 A.D.

ATTEST:


SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Jim Barfield, Chairman

As approved by the Board on:
December 01, 2015

BrevardClerk.US

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B
 P.O. Box 2767
 Titusville, FL 32781-2767
 (321) 637-2006

DBLIVE Transaction

#: 1628095

Receipt #: 61596891

Cashier Date: 12/18/2015

8:59:21 AM



Print Date:

12/18/2015 8:59:22 AM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$1141.00	DateReceived: 12/18/2015 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$44.00 Total Payments \$44.00

1 Payments
ESCROW \$44.00

1 Recorded Items
(RSL) RESOLUTION BK/PG: 7515/637 CFN:2015245667 Date: 12/18/2015 8:59:19 AM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea. 5 \$44.00
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea. 3 \$0.00

0 Search Items

1 Miscellaneous Items
(AGTR) AGENT TRANSMITTAL

A Daily Publication By:



BREVARD COUNTY PUBLIC WORKS/TI
400 SOUTH ST
TITUSVILLE FL 32780

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared Kim Curro, 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:

11/13/15

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 13th of November 2015, by Kim Curro who is personally known to me

Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$223.68
Ad No: 0000861362
Customer No: BRE-6BR327

AD#861362 11/13/2015
LEGAL NOTICE

NOTICE TO VACATE THE 10.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LINE BETWEEN LOTS 9 AND 10, STUART TERRACE FIRST ADDITION, SECTION 14, TOWNSHIP 27 SOUTH, RANGE 37 EAST, INDIALANTIC, 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 Lois Kirk with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

SEE EXHIBIT "A"

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 a.m. on December 01, 2015 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

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

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

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

EXHIBIT "A"

THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE BETWEEN LOTS 9 AND 10 OF THE PLAT OF "STUART TERRACE FIRST ADDITION" AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE SOUTH 5.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, CONTAINING 1,100 SQUARE FEET, (0.025 ACRES) MORE OR LESS.

PREPARED BY: JAMES R. YORIO, PSM

NOV 17 2015

A Daily Publication By:

CLERK'S FINANCE
BREVARD COUNTY

2015 DEC 16 P 12: 32

CLERK OF COURTS



BREVARD COUNTY CLERK OF COURTS
700 S PARK AVE

TITUSVILLE

FL 32780

STATE OF FLORIDA COUNTY OF BREVARD:

Before the undersigned authority personally appeared Kim Curro, 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:

12/10/15

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 10th of December 2015, by Kim Curro who is personally known to me


Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$188.68
Ad No: 0000906952
Customer No: BRE-2SE830



RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2018

AD#906952 LEGAL NOTICE 12/10/2015

RESOLUTION VACATING THE 10.00 FT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LINE BETWEEN LOTS 9 AND 10, STUART TERRACE FIRST ADDITION, SECTION 14, TOWNSHIP 27 SOUTH, RANGE 37 EAST, INDIALANTIC

TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that on the 1st

day of December, 2015 the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating the 10.00 Foot Wide Public Utility and Drainage Easement Centered Along the Common Line Between Lots 9 and 10, Stuart Terrace First Addition, Section 14, Township 27 South, Range 37 East, petitioned by Jeffrey and Lois Kirk to wit:

SEE ATTACHED EXHIBIT "A"

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

All persons govern yourselves accordingly.

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

THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE BETWEEN LOTS 9 AND 10 OF THE PLAT OF "STUART TERRACE FIRST ADDITION" AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE SOUTH 5.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, CONTAINING 1,100 SQUARE FEET, (0.025 ACRES) MORE OR LESS.
PREPARED BY: JAMES R. YORIO

LEGAL DESCRIPTION

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

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 37 EAST
PARCEL ID# 27-37-14-75-00000.0-0009.00

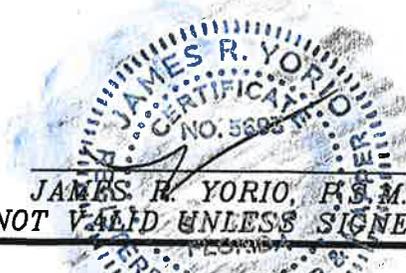
PURPOSE OF SKETCH AND DESCRIPTION:
VACATION OF PORTION OF SIDE DRAINAGE AND
PUBLIC UTILITY EASEMENTS ON LOTS 9 AND 10 SHOWN HEREON.

LEGAL DESCRIPTION:

DESCRIPTION OF PORTION OF PLATTED 5 FOOT SIDE PUBLIC UTILITY AND DRAINAGE
EASEMENTS TO BE VACATED:
THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG
THE COMMON LOT LINE BETWEEN LOTS 9 AND 10 OF THE PLAT OF "STUART TERRACE FIRST
ADDITION" AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE SOUTH 5.00 FOOT WIDE PUBLIC
UTILITY AND DRAINAGE EASEMENT. CONTAINING 1,100 SQUARE FEET, (0.025 ACRES) MORE OR
LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE ASSUMPTION THAT THE SOUTH R/W OF WEST CORAL WAY BEARS S 89°07'00" W, SAID BEARING BEING IDENTICAL TO THE BEARING SHOWN ON PLAT.
2. NO UNDERGROUND IMPROVEMENTS OF ANY KIND HAVE BEEN LOCATED ON THIS SKETCH AND DESCRIPTION, EXISTING IMPROVEMENTS SHOWN ARE BASED ON SPACE COAST SURVEYING INC. BOUNDARY SURVEY JOB NO. 29141 DATED SEPTEMBER 17, 2015.
3. THIS SKETCH AND DESCRIPTION WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR, THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THOSE NAMED ON SURVEY AND CAN NOT BE RELIED UPON BY ANY OTHER PERSON OR ENTITY.
5. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. A COMPARISON BETWEEN RECORDED DIRECTIONS AND DISTANCES WITH FIELD MEASURED DIRECTIONS AND DISTANCES ARE SHOWN ONLY IF THEY VARY.
7. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
8. THE SKETCH SHOWN HEREON IS NOT A BOUNDARY SURVEY AND IS ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION ATTACHED HERETO.



JAMES R. YORRIO, P.S.M. NO. 5693
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR:
JEFFREY KIRK & LOIS KIRK

PREPARED BY: SPACE COAST SURVEYING INC.
ADDRESS: 1600 WEST EAU GALLIE BLVD. SUITE 201E, MELBOURNE, FL 32935
PHONE: (321)253-5509 CERTIFICATE OF AUTHORIZATION NO. LB-0006815

DRAWN BY: <u>J.R.Y.</u>	CHECKED BY: <u>J.R.Y.</u>	DRAWING NO. <u>29141A</u>	SECTION <u>14</u>
DATE: <u>9-28-2015</u>	SHEET <u>1 OF 2</u>	REVISIONS	TOWNSHIP <u>27 SOUTH</u>
		COUNTY REVIEW 10-2-2015	RANGE <u>37 EAST</u>



New Search
Online Homestead
TRIM Notice
Map
Map + Sales
Classic Map
Bird's Eye View
Taxes
Photos
Building Drawings
Plat
Comments
Permits
Land Info
Building Info
Help

General Parcel Information

Parcel ID: 27-37-14-75-00000.0-0009.00	Millage Code: 5300	Exemption: 1	Use Code: 110
Site Address: 295 W CORAL WAY , INDIALANTIC 32903			Tax ID: 2716865

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	KIRK, JEFFREY P
Second Name:	KIRK, LOIS A H/W
Mailing Address:	295 CORAL WAY WEST
City, State, Zipcode:	INDIALANTIC, FL 32903

Abbreviated Description

Plat Book/Page: 0021/0074	Sub Name: STUART TERRACE 1ST ADDN	LOTS 9 & 10 EXC ORB 1591 PG 704
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Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$210,060	\$237,900	\$256,630
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$188,870	\$191,700	\$193,230
Assessed Value School:	\$188,870	\$191,700	\$193,230
Homestead Exemption: ²	\$25,000	\$25,000	\$25,000
Additional Homestead: ²	\$25,000	\$25,000	\$25,000
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$138,870	\$141,700	\$143,230
Taxable Value School: ³	\$163,870	\$166,700	\$168,230

Land Information

Acres:	0.39
Site Code:	1

¹: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

²: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

³: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
3050/1899	3/30/1990	\$100	WD				
2988/2671	4/1/1989	\$120,000	PT				
2399/1915	12/1/1982	\$113,200	PT				
2372/2517	6/1/1982	\$100	PT				

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

Building Information

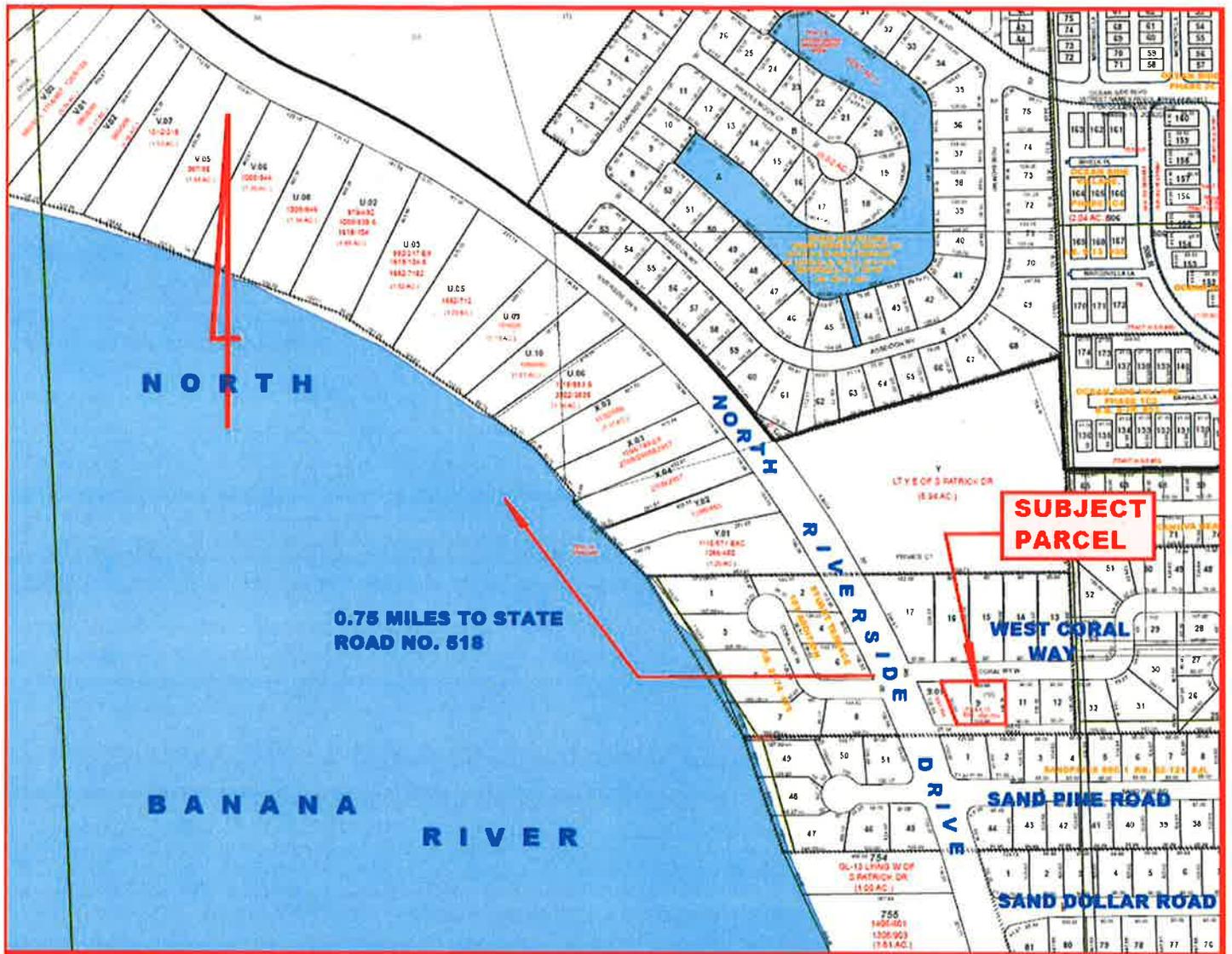
PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
1	110	1982	8	04	09	03	02	04	03	03

Building Area Information

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area
1	2,363	528	80	0	224	0	0	0	0	0	0	0	2,363

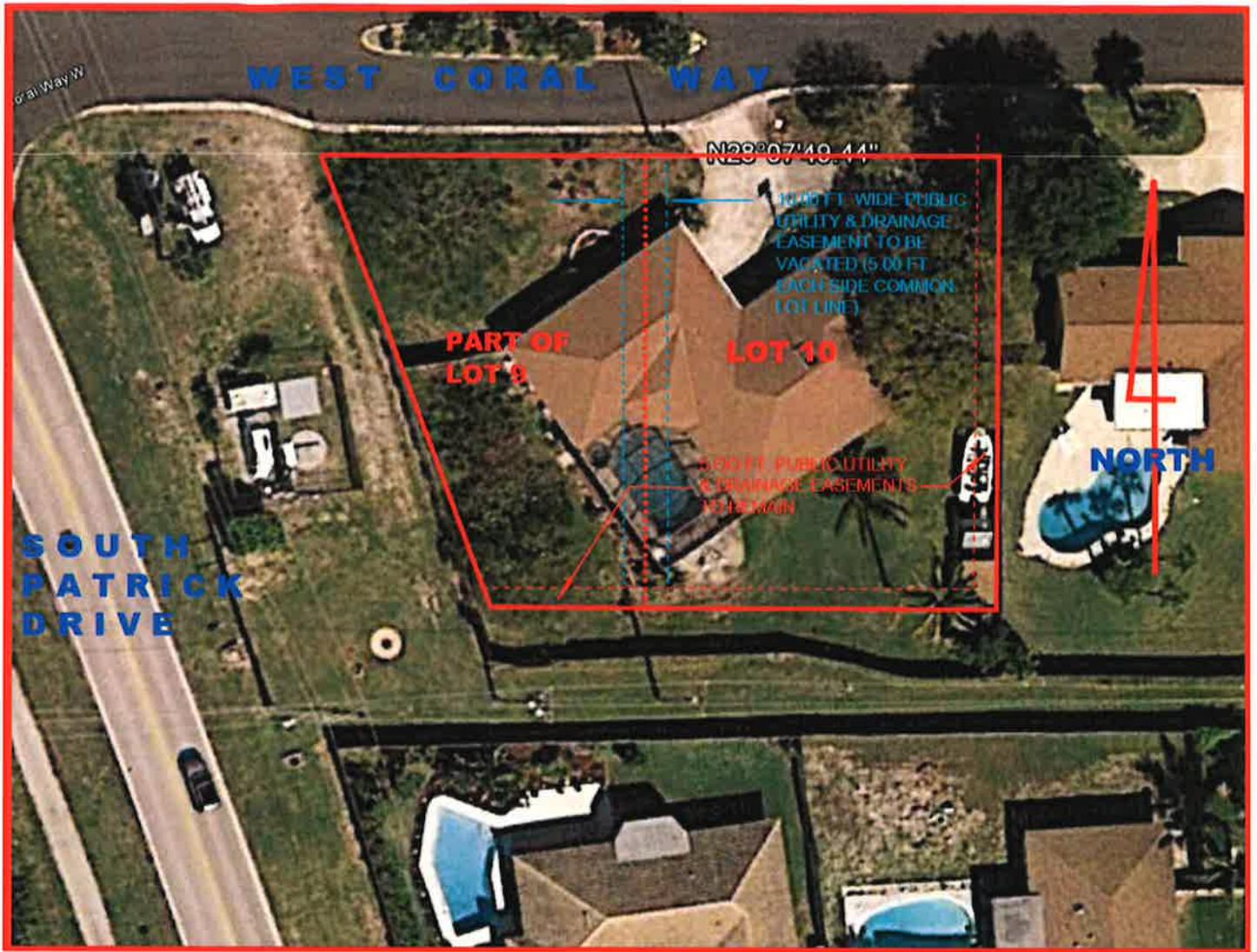
Extra Feature Information

Extra Feature Description	Units
PATIO	180



VICINITY MAP

Jeffrey and Lois Kirk – Lots 9 & 10, “Stuart Terrace First Addition” (Plat Book 21, Page 74) – 295 West Coral Way – Section 14, Township 27 South, Range 37 East – District 5 – Proposed Vacating of a 10.0 ft. Wide Public Utility and Drainage Easement along the Common Lot Line



AERIAL MAP

Jeffrey and Lois Kirk – Lots 9 & 10, “Stuart Terrace First Addition” (Plat Book 21, Page 74) – 295 West Coral Way – Section 14, Township 27 South, Range 37 East – District 5 – Proposed Vacating of a 10.0 ft. Wide Public Utility and Drainage Easement along the Common Lot Line

KNOW ALL MEN BY THESE PRESENTS, That the undersigned being of legal age and sound mind and of lawful memory, do hereby certify that the above plat is a true and correct copy of the original plat as the same was approved and recorded in the office of the Clerk of the County of Brevard, Florida, at the City of Stuart, Florida, on this 13th day of April, 1967.

Witness my hand and the seal of said County at the City of Stuart, Florida, this 13th day of April, 1967.

John J. Stewart
Clerk of the County of Brevard, Florida

Sealed and attested in the presence of

John J. Stewart
Clerk of the County of Brevard, Florida

STATE OF FLORIDA
COUNTY OF BREVARD
This is to certify that on April 13, 1967, before me, the undersigned, a Notary Public in and for the State of Florida, residing in the County of Brevard, Florida, and duly qualified in said County.

J. C. STUART

AGRETA STUART

My Commission Expires April 14, 1968

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the above city, this 13th day of April, 1967.

My Commission Expires April 14, 1968

CERTIFICATE OF SURVEYOR
I HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS THE SAME WAS APPROVED AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF BREVARD, FLORIDA, ON THIS 13TH DAY OF APRIL, 1967.

THIS IS TO CERTIFY THAT ON APRIL 13, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA, RESIDING IN THE COUNTY OF BREVARD, FLORIDA, AND DULY QUALIFIED IN SAID COUNTY, I HAVE PERSONALLY EXAMINED THE ABOVE PLAT AND THE ORIGINAL PLAT AS THE SAME WAS APPROVED AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF BREVARD, FLORIDA, ON THIS 13TH DAY OF APRIL, 1967.

ATTEST:

CITY CLERK

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY THAT ON APRIL 13, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA, RESIDING IN THE COUNTY OF BREVARD, FLORIDA, AND DULY QUALIFIED IN SAID COUNTY, I HAVE PERSONALLY EXAMINED THE ABOVE PLAT AND THE ORIGINAL PLAT AS THE SAME WAS APPROVED AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF BREVARD, FLORIDA, ON THIS 13TH DAY OF APRIL, 1967.

ATTEST:

CITY CLERK

CERTIFICATE OF APPROVAL BY COUNTY COMMISSIONER

THIS IS TO CERTIFY THAT ON APRIL 13, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA, RESIDING IN THE COUNTY OF BREVARD, FLORIDA, AND DULY QUALIFIED IN SAID COUNTY, I HAVE PERSONALLY EXAMINED THE ABOVE PLAT AND THE ORIGINAL PLAT AS THE SAME WAS APPROVED AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF BREVARD, FLORIDA, ON THIS 13TH DAY OF APRIL, 1967.

ATTEST:

CITY CLERK

CERTIFICATE OF APPROVAL BY ZONING COMMISSION

THIS IS TO CERTIFY THAT ON APRIL 12, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA, RESIDING IN THE COUNTY OF BREVARD, FLORIDA, AND DULY QUALIFIED IN SAID COUNTY, I HAVE PERSONALLY EXAMINED THE ABOVE PLAT AND THE ORIGINAL PLAT AS THE SAME WAS APPROVED AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF BREVARD, FLORIDA, ON THIS 12TH DAY OF APRIL, 1967.

ATTEST:

CITY CLERK

CERTIFICATE OF CLERK

I HEREBY CERTIFY THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND THAT IT CONFORMS TO THE REQUIREMENTS OF CHAPTER 177, STATUTES OF FLORIDA, AND THE REQUIREMENTS OF CHAPTER 177, STATUTES OF FLORIDA, AND THE REQUIREMENTS OF CHAPTER 177, STATUTES OF FLORIDA, AND THE REQUIREMENTS OF CHAPTER 177, STATUTES OF FLORIDA.

ATTEST:

CITY CLERK

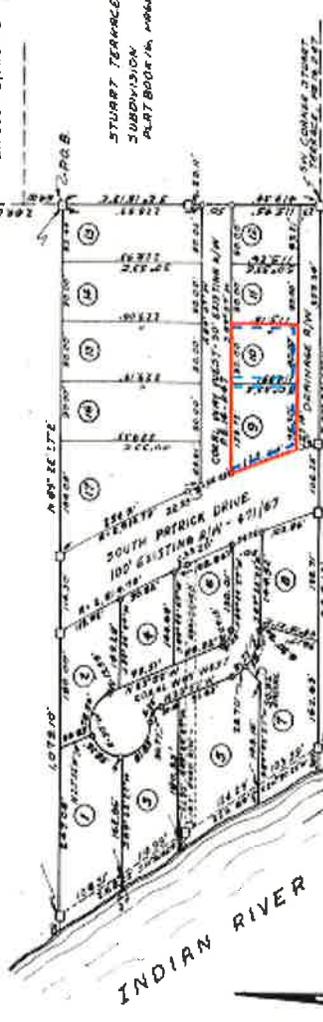
STUART TERRACE FIRST ADDITION

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 17 EAST
BREVARD COUNTY, FLORIDA

IN THE COUNTY OF BREVARD, FLORIDA
SECTION 14, TOWNSHIP 27 SOUTH, RANGE 17 EAST

CENOSA BEACH
MORNING STAR
PLAT BOOK 10, PAGE 13

STUART TERRACE
SUBDIVISION
PLAT BOOK 21, PAGE 47



DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 17 EAST, A DISTANCE OF 200.00 FEET ALONG THE WEST LINE OF SAID SECTION 13 TO THE P.O.B. FROM SAID P.O.B. RUN S 81° 15' 00" W ALONG SAID SECTION LINE A DISTANCE OF 418.34 FEET TO A CONCRETE MONUMENT, THENCE RUN S 89° 12' 00" W A DISTANCE OF 863.75 FEET TO THE SHORE OF THE INDIAN RIVER, THENCE RUN NORTHEASTERLY ALONG THE SHORE OF THE INDIAN RIVER TO A POINT 3.89 FEET FROM THE P.O.B., THENCE RUN N 89° 12' 00" W A DISTANCE OF 100.00 FEET TO THE P.O.B. OF PLAT BOOK 10, PAGE 13, THENCE RUN N 89° 12' 00" W A DISTANCE OF 477.87 FEET, CONTAINING 763 ACRES MORE OR LESS.

LEGEND:

- CONCRETE MONUMENT
- ⑤ LOT NUMBER
- CONTROL POINT

NOTE: A STRIP OF LAND 3 FT WIDE ON ALL SIDE LOT LINES AND NEAR LOT LINES SHALL BE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF DRAINAGE AND/OR PUBLIC UTILITIES UNLESS OTHERWISE NOTED.

Return to: (enclose self-addressed stamped envelope)
 Name: Lois A. Kirk
 295 Coral Way West
 Address: Indialantic, FL 32903

RECORDED
 FILED

0 1228

FORM 31
 CLERK OF COURT

90 MAR 26 AM 10:50

This instrument Prepared by:

Address: SAME

Properly Appraised Parcel I.D. (Folio) Number(s):

Grantee(s) S.S.#(s):

TAXES: 1.00
 REC'D: 6.00
 COST: 1.00
 INTAX: _____
 SEC CHG: _____
 FUND: _____

NAME: _____
 INCORPORATED AS _____
 INDICATED ON CLASS _____
 STAMP TAXES & LCU _____
 PENALTY REQUEST _____

City Clerk Court
 Brevard Co. Florida

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 22 day of March A. D. 1990 by

JEFFREY P. KIRK AND LOIS A. KIRK, F/K/A LOIS A. WHEELER, husband and wife

hereinafter called the grantor, to

JEFFREY P. KIRK AND LOIS A. KIRK, husband and wife

whose postoffice address is 295 Coral Way West, Indialantic, FL 32903

hereinafter called the grantee:

(Witnesses and those 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)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, conveys, sells, alienates, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, etc):

Lots 9 and 10, STUART TERRACE FIRST ADDITION, as recorded in Plat Book 21, Page 74, Public Records of Brevard County, Florida, less the following described parcel as described in Official records Book 1591, Page 704, Public Records of Brevard County, Florida: Beginning at the Northeast corner of Lot 9, STUART TERRACE FIRST ADDITION, as recorded in Plat Book 21, Page 74; thence run North 89 degrees 37' East along the North line of said Lot 9 a distance of 60 feet; thence run South 22 degrees 01'40" East a distance of 123.13 feet to the South line of said Lot 9; thence run South 90 degrees 22'27" West along said South line a distance of 60 feet to the Westerly line of Lot 9, also being the Easterly right of way of South Patrick Drive; thence run Northwesterly along said right of way a distance of 122.54 feet to the

together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same to be 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 December 31, 1989.

Subject to restrictions, reservations, easements, and limitations of record, if any. Also subject to existing zoning ordinances affecting said property.

**Point of Beginning.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Betty Elliott
 Kimberly Tie

Jeffrey P. Kirk
 LOIS A. KIRK

U.S.

U.S.

STATE OF FLORIDA
 COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an

officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared JEFFREY P. KIRK AND LOIS A. KIRK F/K/A LOIS A. WHEELER, HUSBAND AND WIFE

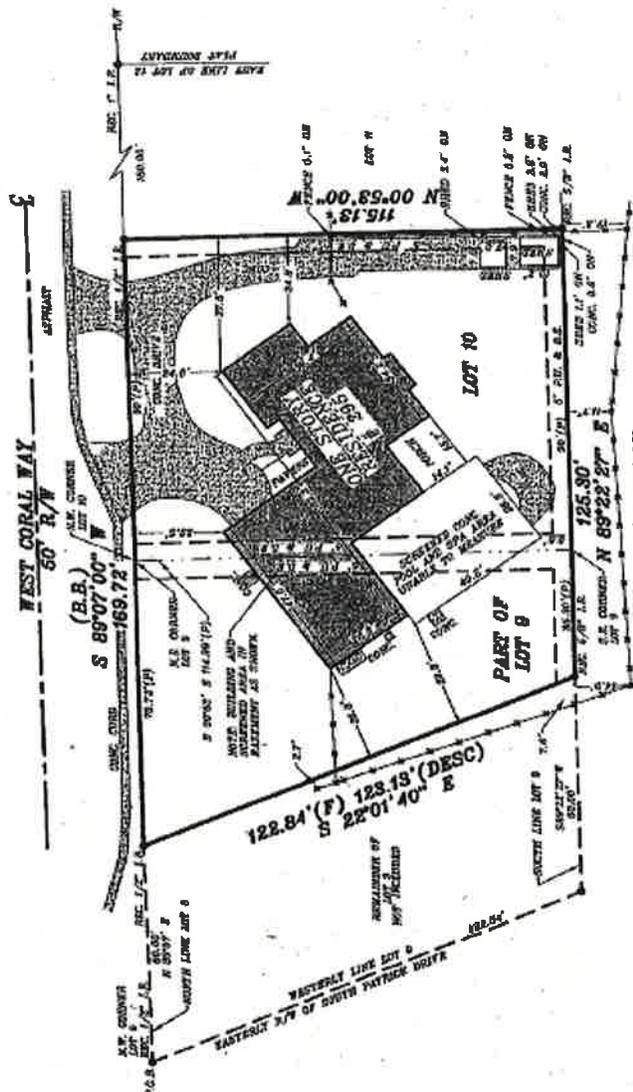
to me known to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this
 March A. D. 1990

Janice Chevalier
 Notary Public, State of Florida
 My Commission Expires October 19, 1991
 Bonded thru Huckleberry & Associates

PETITIONER'S DEED

SPACE COAST SURVEYING INC.



ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF. ALL BEARINGS ARE TRUE BEARINGS. THIS SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE CORRECTIONS MADE TO THE ORIGINAL MEASUREMENTS ARE LISTED IN THE FIELD BOOK. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, FLORIDA STATUTES, AND THE SURVEYOR'S OATH. THE SURVEYOR'S NAME AND ADDRESS ARE LISTED IN THE FIELD BOOK. THE SURVEYOR'S LICENSE NUMBER IS 10000-CLASS MAP DATE 08-17-2015.

MAP OF SURVEY PREPARED FOR: JEFFREY P. HISK AND LOIS A. HISK, EVERBANK, AGRONA TITLE, CHICAGO TITLE INSURANCE COMPANY. DESCRIPTION AS PROVIDED TO SURVEYOR: LOTS 9 AND 10, STUART TERRACE FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1594, PAGES 704, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEGINNING AT THE NORTHWEST CORNER OF LOT 9, STUART TERRACE FIRST ADDITION, AS RECORDED IN PLAT BOOK 21, PAGE 74; THENCE RUN NORTH 89°07' EAST ALONG THE NORTH LINE OF SAID LOT 9 A DISTANCE OF 60 FEET; THENCE RUN SOUTH 23°01'40" EAST A DISTANCE OF 122.84 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE RUN SOUTH 89°07' WEST ALONG SAID SOUTH LINE A DISTANCE OF 60 FEET TO THE WESTERN LINE OF LOT 9, ALSO BEING THE EASTERLY RIGHT OF WAY OF SOUTH PATRICK DRIVE; THENCE RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 122.84 FEET TO THIS POINT OF BEGINNING.

PETITIONER'S BOUNDARY SURVEY

COMMENT SUMMARY

APPLICANT: Lois Kirk

UPDATED: Marc Cazessüs, PLS 20151006: 08:37 HRS.

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
City Gas Company of Florida	20151001	20151001	Yes	No objections
Florida Power & Light Co.	20151001	20151105	Yes	No objections
AT & T	20151001	20151028	Yes	No objections
Bright House Networks	20151001	20151001	Yes	No objections
COUNTY STAFF				
Road & Bridge	20151001	20151106	Yes	No objections - Buster Clark
Land Planning	20151001	20151001	Yes	No objections; Rebecca Ragain
Brevard Co Utility Services	20151001	20151001	Yes	No objections; Tammy Hurley
NRMD/Storm Water	20151001	20151005	Yes	No objections; Harvey Wheeler
Zoning	20151001	20151002	Yes	No objections; Paul Body

COMMENT SHEET

AD#861362 11/13/2015 LEGAL NOTICE NOTICE TO VACATE THE 10.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LINE BETWEEN LOTS 9 AND 10, STUART TERRACE FIRST ADDITION, SECTION 14, TOWNSHIP 27 SOUTH, RANGE 37 EAST, INDIALANTIC, 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 Lois Kirk with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: SEE EXHIBIT "A" The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 a.m. on December 01, 2015 at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken. Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense. The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance. EXHIBIT "A" THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE BETWEEN LOTS 9 AND 10 OF THE PLAT OF "STUART TERRACE FIRST ADDITION" AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE SOUTH 5.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT. CONTAINING 1,100 SQUARE FEET, (0.025 ACRES) MORE OR LESS. PREPARED BY: JAMES R. YORIO, PSM

Kelly Fulton

From: Cazessus, Marc <marc.cazessus@brevardcounty.us>
Sent: Tuesday, December 01, 2015 4:13 PM
To: Kelly Fulton
Cc: Tammy Etheridge
Subject: Kirk: Lots 9 & 10, Stuart Terrace 1st Addition - Vacating Easement
Attachments: 20151006_LEGAL FOR AD-KIRK.docx

Kelly:

Good afternoon. Attached for your use is the legal description for the approved Jeffrey and Lois Kirk easement vacating resolution advertisement. Also as follows is Mr. and Ms. Kirk mailing address for your future: Jeffrey and Lois Kirk, 295 West Coral Way, Indialantic, FL, 32903.

Thank you for your time and continued cooperation; please contact me if you have any questions.

Respectfully,

Marc

From: Kelly Fulton [<mailto:Kelly.Fulton@brevardclerk.us>]
Sent: Tuesday, December 01, 2015 2:52 PM
To: Cazessus, Marc
Cc: Tammy Etheridge
Subject: Vacating_Kirk

Hi Marc,

Item IV.A., Petition to Vacate, Re: Public Utility and Drainage Easement, Jeffrey and Lois Kirk, was approved before the Board today. It is okay to advertise the 2nd ad?

Thanking you in advance.

Kelly Greene Fulton
Value Adjustment Board
Brevard County Clerk of Circuit Court
Scott Ellis, Clerk
Phone: (321) 637-6523
kelly.fulton@brevardclerk.us

THAT CERTAIN 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE BETWEEN LOTS 9 AND 10 OF THE PLAT OF "STUART TERRACE FIRST ADDITION" AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE SOUTH 5.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT. CONTAINING 1,100 SQUARE FEET, (0.025 ACRES) MORE OR LESS.

PREPARED BY: JAMES R. YORIO