

Meeting Date  
**MAY 12, 2015**



AGENDA	
Section	PUBLIC HEARING
Item No.	IV. A

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: A portion of a Public Utility & Drainage Easement – Tortoise View Circle– Tortoise View Estates – David & Velve Coons – District 4
	Public Works Department – Surveying Section

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating a part of a public utility and drainage easement at Lot 5, Tortoise View Estates in Section 27, Township 26 South, Range 37 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

Summary Explanation & 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 as owners of Lot 5 are requesting the vacating of the South 1.50 ft. of the North 7.50 ft., less and except the West and East 7.50 ft., of the public utility and drainage easement encumbering the North 7.50 ft. of Lot 5 to remove the existing swimming pool deck as an encumbrance into the easement and to facilitate the issuance of a screen enclosure building permit.

April 23, 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 Satellite Beach: begin at the intersection of S. R. 404 (aka: Pineda Causeway) and S. R. A-1-A; thence 0.30 miles south along S. R. A-1-A; thence 0.56 miles west along Ocean Boulevard; thence 0.89 miles south along South Patrick Drive; thence 0.18 west along Tortoise View Circle to the residence on the north (right). The Board has previously approved four easements and one right-of-way vacating in this plat and an additional five easements and one right-of-way vacating within Section 27, Township 26 South, Range 37 East.

Fiscal Impact: The petitioners were 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](mailto:Marc.Cazessus@brevardcounty.us)  
Phone: Ext. 57315

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

Exhibits Attached: Resolution, Maps & Comment Summary

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager		Assistant County Manager	Mel Scott		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

May 27, 2015

COPY

MEMORANDUM

TO: Recording

RE: Item IV.A., Resolution Vacating Public Utility and Drainage Easement – Tortoise View Circle – Tortoise View Estates as petitioned by David and Velva Coons

The Board of County Commissioners, in regular session on May 12, 2015, adopted Resolution to vacate a part of public utility and drainage easement at Lot 5, Tortoise View Estates in Section 27, Township 26 South, Range 37 East. Enclosed are the proof of publication setting the public hearing, Resolution No. 15-068, 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 questions; 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

COPY

/kg

Encls. (2)



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

May 28, 2015

MEMORANDUM

TO: John Denninghoff, Public Works Director

Attn: Marc Cazessus

RE: Advertising Bills for Resolution Vacating Public Utility and Drainage Easement – Tortoise View Circle – Tortoise View Estates as petitioned by David and Velva Coons

Enclosed for your necessary action are copies of the advertising bills and receipt of recordation for Resolution 15-068, vacating public utility and drainage easement as petitioned by David and Velva Coons. Said Resolution was adopted by the Board of County Commissioners, in regular session on May 12, 2015.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

Encls. (4)



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

May 28, 2015

David Coons  
416 Tortoise View Circle  
Satellite Beach, FL 32937

Dear Mr. Coons:

RE: Item IV.A., Resolution Vacating Public Utility and Drainage Easement – Tortoise View Circle, Tortoise View Estates

The Board of County Commissioners, in regular session on May 12, 2015, adopted Resolution No. 15-068, vacating a part of public utility and drainage easement at Lot 5, Tortoise View Estates in Section 27, Township 26 South, Range 37 East, as petitioned by you. Said Resolution has been recorded in ORBK 7375, PG 116 – 120. 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 Etheridge, Deputy Clerk

/kg

Encl. (1)

cc: Marc Cazessus

Mailed to:

Brevard County BOCC  
Attn: Tammy Etheridge  
PO Box 999  
Titusville, FL 32781-0999

A daily publication by:



STATE OF FLORIDA  
COUNTY OF BREVARD

Before the undersigned authority personally appeared Kim Curro, who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

DUPLICATE (2)

Ad # ( 352775 )	\$	166.43	The matter of:
Acct. # ( 6BR427			
			BREVARD COUNTY BOCC
the	Court		NOTICE TO VACATE A PORTION OF THE 7.50 FT WIDE PUBLIC UTILITY.....

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

April 23, 2015

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, regularly as stated above, 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before this:



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

Kim Curro  
(Signature of Affiant)

3rd day of June 2015

Ruby Royer  
(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

AD#352775,04/23/2015

**LEGAL NOTICE**  
**NOTICE TO VACATE A PORTION OF THE 7.50 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE NORTH LINE OF LOT 5, PLAT OF TORTOISE VIEW ESTATES IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITE BEACH 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 **DAVID AND VELVA COONS** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**EXHIBIT "A"**

**Legal Description: (By Surveyor)**  
A portion of the 7.50' Public Utility & Drainage Easement (P.U. & D.E.) lying in Lot 5, TORTOISE VIEW ESTATES, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida and being more particularly described as follows:  
The South 1.50 feet of the North 7.50 feet of said Lot 5, **LESS AND EXCEPT** the East 7.50 feet and the West 7.50 feet of the said South 1.50 feet of the North 7.50 feet of Lot 5. Containing 114 square feet of land more or less.

Prepared by: Jonathan M. Mott, PLS  
The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right of way at 9:00 a.m. on **MAY 12, 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.

Personally Known X or Produced Identification \_\_\_\_\_  
Type Identification Produced: \_\_\_\_\_

RECEIVED

JUN 0 8 2015

Board of County Commissioners

Mailed to:

City of Melbourne  
Attn: Office of City Clerk  
900 E. Strawbridge Ave  
Melbourne, FL 32901

A daily publication by:



STATE OF FLORIDA  
COUNTY OF BREVARD

Before the undersigned authority personally appeared , Kathy Cicala who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

the matter of:

BOARD OF COUNTY COMMISSIONERS

the Court NOTICE TO VACATE  
DAVID AND VELVA COONS

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

APRIL 23, 2015

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, regularly as stated above, 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*Kathy Cicala*  
(Signature of Affiant)  
18TH DAY OF MAY, 2015  
*Ruby Royer*  
(Signature of Notary Public)  
RUBY ROYER  
(Name of Notary Typed, Printed or Stamped)

Sworn to and subscribed before this:



RUBY ROYER  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF088043  
Expires 1/30/2016

Personally Known X or Produced Identification \_\_\_\_\_  
Type Identification Produced: \_\_\_\_\_

DUPLICATE AFFIDAVIT (1)

ACR352775.04/23/2015  
**LEGAL NOTICE**  
**NOTICE TO VACATE A PORTION OF THE 7.50 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE NORTH LINE OF LOT 5, PLAT OF TORTOISE VIEW ESTATES IN SECTION 27, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BATELLE BEACH FL.**  
NOTICE IS HEREBY GIVEN that pursuant to Chapter 306.09, Florida Statutes, and Chapter 86, Article II, Section 86.36, Brevard County Code, a petition has been filed by **DAVID AND VELVA COONS** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:  
**EXHIBIT "A"**  
Legal Description: (By Surveyor)  
A portion of the 7.50' Public Utility & Drainage Easement (P.U. & D.E.) lying in Lot 5, TORTOISE VIEW ESTATES, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida and being more particularly described as follows:  
The South 1.50 feet of the North 7.50 feet of said Lot 5, LESS AND EXCEPT the East 7.50 feet and the West 7.50 feet of the said South 1.50 feet of the North 7.50 feet of Lot 5, Containing 114 square feet of land more or less.  
Prepared by: Jonathan M. Mott, P.L.S.  
The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right of way at 9:00 a.m. on **MAY 12, 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 280.0105, Florida Statutes, if a person desires to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a 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.

**VACATING A PORTION OF A PUBLIC UTILITY & DRAINAGE EASEMENT IN TORTOISE VIEW ESTATES IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **DAVID AND VELVA COONS** with the Board of County Commissioners to vacate a part 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.

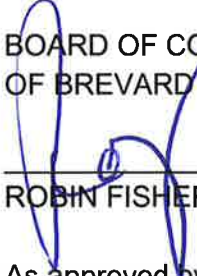
WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that vacating a portion of the public utility and drainage 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 12<sup>th</sup> day of May A.D., 2015.

ATTEST:   
\_\_\_\_\_  
SCOTT ELLIS, CLERK

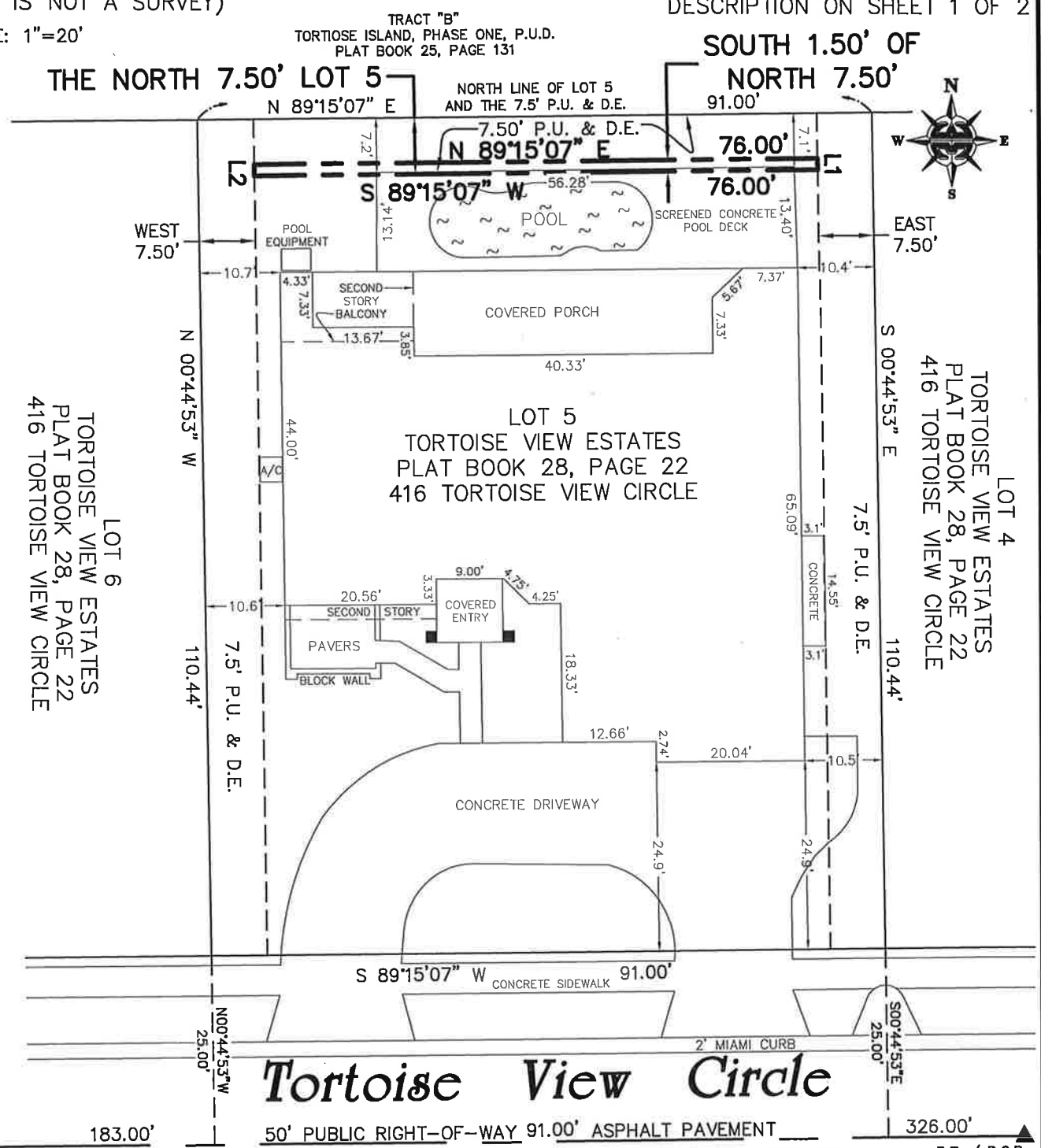
BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
  
\_\_\_\_\_  
ROBIN FISHER, CHAIRMAN  
As approved by the Board on:  
May 12, 2015

# SKETCH OF DESCRIPTION

# EXHIBIT A

SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST  
 PARCEL ID NUMBER: 26-37-27-02-00000.0-0005.0  
 (THIS IS NOT A SURVEY)  
 SCALE: 1"=20'

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



## Tortoise View Circle

P.C. / P.C.P.  
 NAIL & DISK  
 "LS 3353"  
 (FOUND)

P.T. / P.C.P.  
 NAIL & DISK  
 "LS 3353"  
 (FOUND)

50' PUBLIC RIGHT-OF-WAY 91.00' ASPHALT PAVEMENT  
 N 89°15'07" E (REFERENCE BEARING) 600.00'

LINE TABLE		
LINE	LENGTH	BEARING
L1	1.50'	S 00°44'53" E
L2	1.50'	N 00°44'53" W

**LEGAL DESCRIPTION**

**EXHIBIT A**

SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST  
 PARCEL ID NUMBER: 26-37-27-02-00000.0-0005.0  
 PURPOSE OF SKETCH: VACATE EASEMENT  
 (THIS IS NOT A SURVEY)

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

**Legal Description: (By Surveyor)**

A portion of the 7.50' Public Utility & Drainage Easement (P.U. & D.E.) lying in Lot 5, **TORTOISE VIEW ESTATES**, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida and being more particularly described as follows:

The South 1.50 feet of the North 7.50 feet of said Lot 5, **LESS AND EXCEPT** the East 7.50 feet and the West 7.50 feet of the said South 1.50 feet of the North 7.50 feet of Lot 5.

Containing 114 square feet of land more or less.

**NOTES:**

1. THIS SKETCH AND DESCRIPTION IS BASED ON A BOUNDARY SURVEY PREPARED BY WILLIAM MOTT LAND SURVEYING, PROJECT NUMBER 209-0189, DRAWING NUMBER B09-0111; DATED 10/05/2009.
2. BEARINGS HEREON ARE REFERRED TO AN ASSUMED DATUM VALUE OF N 89°15'07" E FOR THE CENTERLINE OF TORTOISE VIEW CIRCLE; SAID BEARING IS IDENTICAL WITH THE PLAT OF RECORD.



PREPARED FOR:  
 David Coons and Velva Delaine Coons,

JONATHAN M. MOTT, PLS NO. 5060  
 NOT VALID UNLESS SIGNED AND SEALED

**WILLIAM MOTT LAND SURVEYING INC.**

3800 W. EAU GALLIE BOULEVARD, SUITE 101  
 MELBOURNE, FLORIDA 32934-3285  
 PHONE (321) 751-4444 FAX (321) 751-4445

LICENSED BUSINESS "3608"

- LEGEND:**
- O.R.B. = OFFICIAL RECORDS BOOK
  - D.B. = DEED BOOK
  - P.B. = PLAT BOOK
  - PG. = PAGE
  - R/W = RIGHT-OF-WAY
  - L# = LINE TABLE TAG
  - C# = CURVE TABLE TAG
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - P.U. & D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

DRAWN BY: <u>T.B.</u>	CHECKED BY: <u>J.M.M.</u>	DRAWING NO. <u>A15-0006</u>	SECTION <u>27</u>
DATE: <u>03/17/15</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS <u>04/15/15</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>37</u> EAST

RETURN: Clark to the Board #27

Mailed to:

A daily publication by:

Brevard County BOCC  
Attn: Tammy Etheridge  
PO Box 999  
Titusville, FL 32781-0999



STATE OF FLORIDA  
COUNTY OF BREVARD

Kathy Cicala

Before the undersigned authority personally appeared \_\_\_\_\_, who on oath says that she is **LEGAL ADVERTISING SPECIALIST** of the **FLORIDA TODAY**, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # ( 354421 )	\$	114.23	The matter of:
Acct. # ( 6BR427			
BREVARD COUNTY BOCC			
the	Court	RESOLUTION VACATING PORTION OF THE 7.50 FT WIDE....	

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

May 21, 2015

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, regularly as stated above, 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

AD#354421,05/21/2015

**LEGAL NOTICE**  
RESOLUTION VACATING PORTION OF THE 7.50 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE NORTH LINE OF LOT 5, PLAT OF TORTOISE VIEW ESTATES IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITE BEACH FL

**TO WHOM IT MAY CONCERN:**  
NOTICE IS HEREBY GIVEN that on the 12th day of May, 2015 the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating public utility and drainage easement, Tortoise View Estates, as petitioned by David and Velva Coons to wit:

**EXHIBIT "A"**  
Legal Description:  
A portion of the 7.50' Public Utility & Drainage Easement (P.U. & D.E.) lying in Lot 5, TORTOISE VIEW ESTATES, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida and being more particularly described as follows: The South 1.50 feet of the North 7.50 feet of said Lot 5, LESS AND EXCEPT the East 7.50 feet and the West 7.50 feet of the said South 1.50 feet of the North 7.50 feet of Lot 5.  
Containing 114 square feet of land more or less.

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

Sworn to and subscribed before this:



RUBY ROYER  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF088043  
Expires 1/30/2019

*Kathy Cicala*  
(Signature of Affiant)

21st day of May 2015

*Ruby Royer*  
(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

Personally Known  or Produced Identification \_\_\_\_\_  
Type Identification Produced: \_\_\_\_\_

**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  
 #: 1522850  
 Receipt #: 61493443  
 Cashier Date: 5/28/2015  
 8:29:24 AM



Print Date:  
 5/28/2015 8:29:31 AM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$1853.50	Date Received: 05/28/2015 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: 7375/116 CFN:2015105776 Date: 5/28/2015 8:29:23 AM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5 \$44.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	3 \$0.00

0 Search Items
----------------

1 Miscellaneous Items
(AGTR) AGENT TRANSMITTAL



AD#352775,04/23/2015

**LEGAL NOTICE  
NOTICE TO VACATE A PORTION OF  
THE 7.50 FT. WIDE PUBLIC UTILITY AND  
DRAINAGE EASEMENT AT THE  
NORTH LINE OF LOT 5, PLAT OF  
TORTOISE VIEW ESTATES IN SECTION 27,  
TOWNSHIP 26 SOUTH, RANGE 37 EAST,  
SATELLITE BEACH 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 **DAVID AND VELVA COONS** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**EXHIBIT "A"**

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Prepared by: Jonathan M. Mott, PLS

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right of way at 9:00 a.m. on **MAY 12, 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.

**AD#: 352775**

**Publication: Florida Today**

**First Published: 04-23-2015**



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:	26-37-27-02-00000.0-0005.00	Millage Code:	4100	Exemption:	1	Use Code:	110
Site Address:	416 TORTOISE VIEW CIR , SATELLITE BEACH 32937					Tax ID:	2609078

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

Owner Information

Owner Names:	COONS, DAVID
Second Names:	COONS, DELVA DELAINE H/W VELVA (PER DEED 6047/1581)
Mailing Address:	416 TORTOISE VIEW CIR
City, State, Zipcode:	SATELLITE BCH, FL 32937

Abbreviated Description

Plat Book/Page:	Sub Name:	LOT
0028/0022	TORTOISE VIEW ESTATES	5

Value Summary

Roll Year:	2012	2013	2014
Market Value Total: <sup>1</sup>	\$240,400	\$274,420	\$319,790
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$240,400	\$244,480	\$248,140
Assessed Value School:	\$240,400	\$244,480	\$248,140
Homestead Exemption: <sup>2</sup>	\$25,000	\$25,000	\$25,000
Additional Homestead: <sup>2</sup>	\$25,000	\$25,000	\$25,000
Other Exemptions: <sup>2</sup>	\$0	\$0	\$0
Taxable Value Non-School: <sup>3</sup>	\$190,400	\$194,480	\$198,140
Taxable Value School: <sup>3</sup>	\$215,400	\$219,480	\$223,140

Land Information

Acres:	0.23
Site Code:	142

<sup>1</sup>: 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.

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

<sup>3</sup>: 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
<a href="#">6047/1581</a>	10/16/2009	\$340,000	WD	01			I
<a href="#">3458/1350</a>	11/1/1994	\$100	QC				I
<a href="#">2979/3883</a>	2/28/1989	\$44,000	WD				V
<a href="#">2523/1754</a>	7/1/1984	\$100	QC				
<a href="#">2300/2172</a>	5/1/1981	\$26,000	WD				

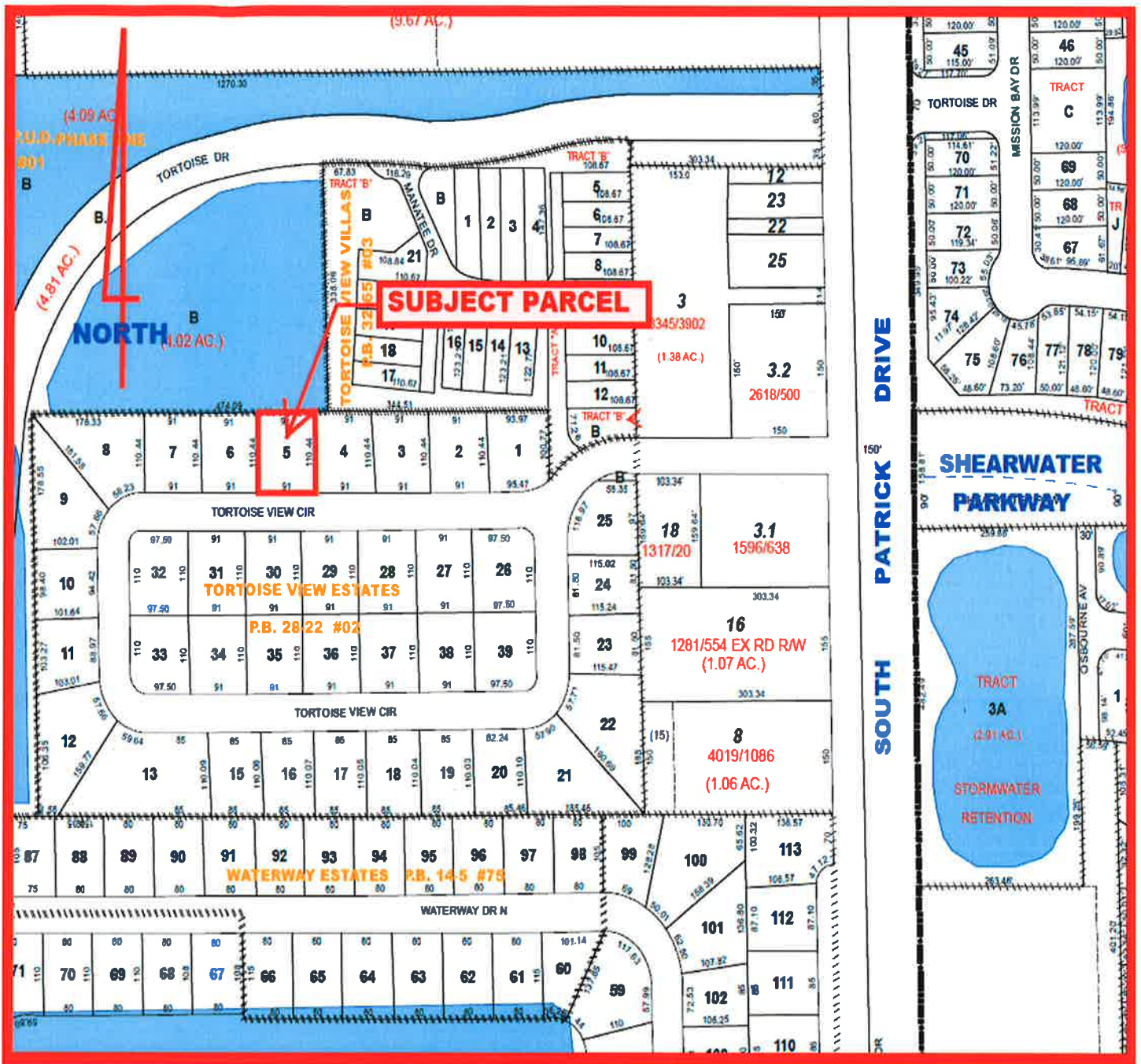
Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

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	1989	8	03	03	03	02	04	03	03

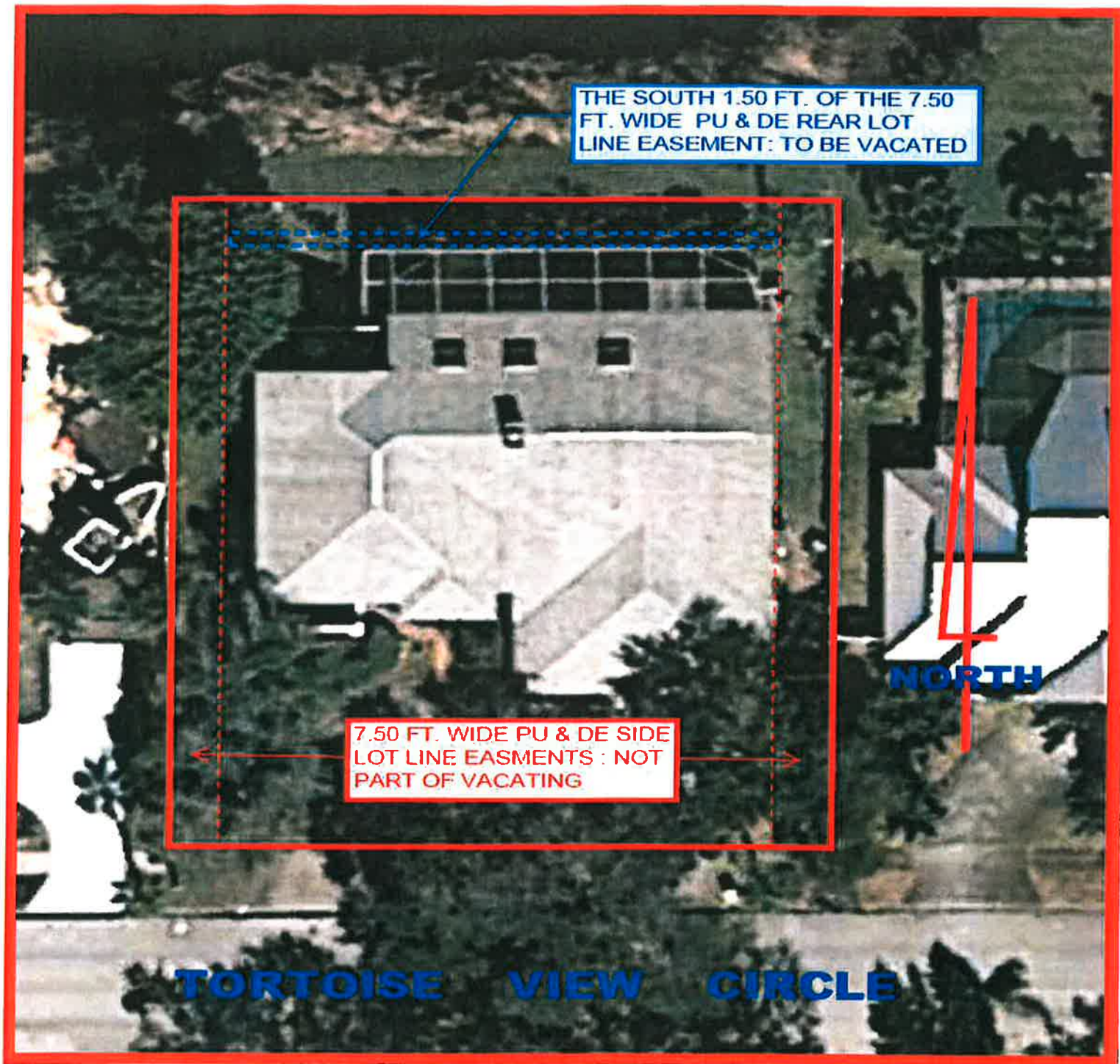
Building Area Information

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	2,984	829	98	0	639	0	0	0	0	0	0	0	2,984



## VICINITY MAP

**David & Velve Coons – Lot 5 – Tortoise View Estates  
 Plat Book 28, Page 22 – 416 Tortoise View Circle,  
 Satellite Beach, FL 32927 – Section 27, Township 26  
 South, Range 37 East - District 4 - Vacating the  
 South 1.50 ft. of a 7.50 ft. Wide Public Utility and  
 Drainage Easement**



## **AERIAL MAP**

David & Velva Coons – Lot 5 – Tortoise View Estates Plat Book 28, Page 22 – 416 Tortoise View Circle, Satellite Beach, FL 32927 – Section 27, Township 26 South, Range 37 East - District 4 - Vacating the South 1.50 ft. of a 7.50 ft. Wide Public Utility and Drainage Easement



Prepared by and return to:

State Title Partners I.L.P.  
300 West Fox Avenue Suite B  
Melbourne, Florida 32901  
Margaret Marcink

File Number: STP-15800

### General Warranty Deed

Made this October 16, 2009 A.D. By Henry L. Whiting, individually and as Successor Trustee of the Whiting Family Trust U/D/T August 3, 1993, hereinafter called the grantor, to David Coons and Velva Delaine Coons, husband and wife, whose post office address is 416 Tortoise View Circle, Satellite Beach, Florida 32937, hereinafter called the grantees:

Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and their 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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby mutually lodged, hereby grants, bargains, sells, alien's, conveys, releases, conveys and confirms unto the grantees, all that certain land situate in BREVARD County, Florida, viz.

Lot 5, TORTOISE VIEW ESTATES, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Subject to taxes and assessments for the current year and all subsequent years  
Subject to restrictions, easements, and covenants of record.  
Subject to all applicable zoning rules and regulations.

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantees 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 of the current year.

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:

Witness Signature  
Witness Printed Name: Thomas J. Palumbo

Witness Signature  
Witness Printed Name: Janice A. Basile

Henry L. Whiting (Seal)  
Address: 15 Old Wood Lane South, Randolph, NJ 07869

Henry L. Whiting Successor Trustee (Seal)

State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me this October 16, 2009, by Henry L. Whiting, individually and as Successor Trustee of the Whiting Family Trust U/D/T August 3, 1993, who is not personally known to me or who has produced driver's license as identification.

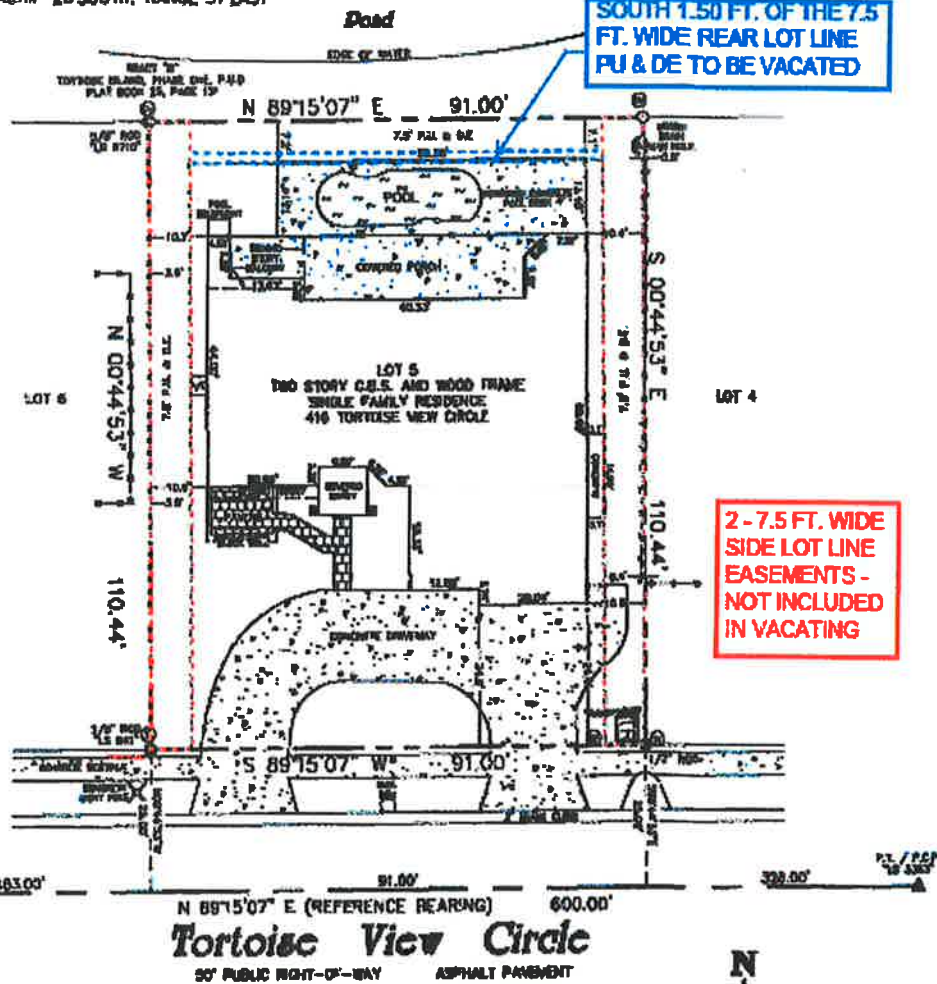


Notary Public Signature  
Print Name  
Notary Seal  
My Commission Expires

LEED Individual Warranty Deed - Legal on Fax  
Check's Choice

# PETITIONERS' DEED

SECTION 27, TOWNSHIP 28 SOUTH, RANGE 37 EAST



SOUTH 1.50 FT. OF THE 7.5 FT. WIDE REAR LOT LINE PU & DE TO BE VACATED

2 - 7.5 FT. WIDE SIDE LOT LINE EASEMENTS - NOT INCLUDED IN VACATING

Description: (By Client)

Lot 5, TORTOISE VIEW ESTATES, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida.



COPYRIGHT © 2009 WILLIAM MOTT LAND SURVEYING INC. ALL RIGHTS RESERVED  
NOTE: USE ONLY PROPERTY CORNERS FOR CONSTRUCTION OF FENCES AND OTHER IMPROVEMENTS.

**LEGEND:**

<ul style="list-style-type: none"> <li>P.C. = POINT OF CURVATURE</li> <li>P.T. = POINT OF TANGENCY</li> <li>P.I.C. = POINT OF INTERSECTION CURVE</li> <li>P.I. = POINT OF INTERSECTION</li> <li>A.P. = ADJUTANT POINT</li> <li>S.E.M. = SHERIDAN SURVEY MONUMENT</li> <li>D.P. = DIRT PILE</li> <li>P.D. = POINT-OF-DIRECTION</li> <li>P.C.C. = POINT-OF-COMMENCEMENT</li> <li>EL. = ELEVATION</li> <li>W.D. = WIRE DITCH</li> <li>P.L.S.C. = PUBLIC UTILITY AND DRAINAGE EASEMENT</li> <li>W.D. = WIRE DITCH</li> <li>CH. = CHAIN</li> <li>TR. = TRIPYCNAL</li> <li>PL. = PLANT</li> <li>GR. = GRAVEL</li> <li>CON. = CONCRETE</li> <li>ST. = STAKE</li> <li>W. = WOOD</li> <li>CONC. = CONCRETE</li> <li>D.W. = OVERHEAD WIRE</li> <li>C.B. = CONCRETE BRICK &amp; STUCCO</li> </ul>	<ul style="list-style-type: none"> <li>S.P.S. = SURVEY SYMBOLS SOURCE SYMBOL(S)</li> <li>C. = CURVATURE</li> <li>— = PROPERTY LINE</li> <li>— = NEW SURVEY FOUND</li> <li>— = 1/2\"/&gt; </li></ul>
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**SURVEYORS NOTES:**

- EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON EXCEPT AS CALLED FOR BY THE PLAT ONLY EXCLUDE THOSE PROVIDED TO THE SURVEYOR. THE SURVEYOR HAS MADE NO SEARCH OF THE PUBLIC RECORDS FOR SUCH.
- ONLY OPEN AND NOTORIOUS EVIDENCE OF EASEMENTS AND RIGHT-OF-WAY ARE LOCATED AND SHOWN HEREON. THE SURVEYOR HAS NOT LOCATED ANY UNDERGROUND UTILITIES OR FOUNDATIONS WHICH MAY ENCRACH.
- BEARINGS HEREON ARE REFERRED TO AN ASSUMED VALUE OF N.89°15'07\"/>

4. TYPE OF SURVEY: BOUNDARY

5. THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE X, AREAS 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD, AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NO. 125092, PANEL DRS, SUFFIX E, EFFECTIVE DATE APRIL 3, 1989.

SCALE: 1"=20'    DWN.DY: W.A.M.    CHD.DY: J.M.A.    DRAWING NO. 009-0111

REVISIONS:

A.	
B.	
C.	
D.	

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY PERSONAL SUPERVISION AND THAT THE SURVEYING INSTRUMENTS USED WERE CALIBRATED BY THE FLORIDA BOARD OF SURVEYING AND MAPPING UNDER MY PERSONAL SUPERVISION.

WILLIAM A. MOTT P.L.S.  
STATE OF FLORIDA LICENSE NO. 10704/008

THIS SURVEY WAS MADE PROVIDED THAT THE ONLY USE OF THE PORTION, PROVIDED AN ENCUMBRANCE INTERFERED THEREWITH AND HIS CONTRIBUTION OF \$500.00. HONORABLE AND COURT RECORD, TO BE CONSIDERED VALID, UNDER THE PROVISIONS AND GENERAL RECORD BOOK, OF A FLORIDA LICENSE SURVEYOR AND EMPLOYED BY THE FIRM.

David Coons and Veiva Delaine Coons,  
Slate Title Partners, LLP,  
Old Republic National Title Insurance Company  
and Wells Fargo Bank, N.A.

**WILLIAM MOTT LAND SURVEYING INC.**  
SURVEYING COMMERCIAL CENTER  
3714 NORTH WINDY HOLLOW, SUITE 2  
MELBOURNE, FLORIDA 32904-0234  
PHONE (321) 751-1444

PROJECT NO. 209-0189

**PETITIONERS' BOUNDARY SURVEY**



**Kelly Fulton**

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**From:** Cicala, Kathy <kcicala@floridatoday.com>  
**Sent:** Wednesday, May 20, 2015 2:59 PM  
**To:** Kelly Fulton; Brevard-Legals-FloridaToday  
**Subject:** FW: Vacating\_Coons\_2nd Ad

Ad#354421  
\$114.23  
5/21

AD#354421,05/21/2015 û

¥

<BF>LEGAL NOTICE<NM> û

RESOLUTION VACATING PORTION OF THE 7.50 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE NORTH LINE OF LOT 5, PLAT OF TORTOISE VIEW ESTATES IN SECTION 27, TOWN' SHIP 26 SOUTH, RANGE 37 EAST, SATEL' LITE BEACH FL

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 12th day of Ma y , 2 015 the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating public utility and drainage easement , Tortoise View Es' tates, as petitioned by David and Velv a C o ns to wit:

<BF>EXHIBIT ÔÔAÔÔ<Nm> û

<IT.6>Legal Description:

A portion of the 7.50Ô Public Utility & Drainage Easement (P.U. & D.E.) lying in Lot 5, TORTOISE VIEW ESTATES, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida and being more particularly described as fol' lows:The South 1.50 feet of the North 7.50 feet of said Lot 5, LESS AND EXCEPT the East 7.50 feet and the West 7.50 feet of the said South 1.50 feet of the North 7.50 feet of Lot 5.

Containing 114 square feet of land more or less<xi>

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

LEGAL NOTICE

RESOLUTION VACATING PORTION OF THE 7.50 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE NORTH LINE OF LOT 5, PLAT OF TORTOISE VIEW ESTATES IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST, SATELLITE BEACH FL

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 12th day of May, 2015 the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating public utility and drainage easement, Tortoise View Estates, as petitioned by David and Velva Coons 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

FLORIDA TODAY:

Please advertise in the May 21, 2015 issue of Florida TODAY.

Bill the Board of County Commissioners and forward bill and proof of publication to Tammy Etheridge, P.O. Box 999, Titusville, Florida 32781-0999

**Legal Description:** (By Surveyor)

A portion of the 7.50' Public Utility & Drainage Easement (P.U. & D.E.) lying in Lot 5, **TORTOISE VIEW ESTATES**, according to the plat thereof as recorded in Plat Book 28, Page 22, Public Records of Brevard County, Florida and being more particularly described as follows:

The South 1.50 feet of the North 7.50 feet of said Lot 5, **LESS AND EXCEPT** the East 7.50 feet and the West 7.50 feet of the said South 1.50 feet of the North 7.50 feet of Lot 5.

Containing 114 square feet of land more or less.

Prepared by: Jonathan M. Mott, PLS

## Kelly Fulton

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**From:** Cazessus, Marc <marc.cazessus@brevardcounty.us>  
**Sent:** Thursday, May 14, 2015 11:18 AM  
**To:** Kelly Fulton  
**Cc:** Tammy Etheridge; Donna Scott; Sweeney, Michael; Vitale, Anthony  
**Subject:** RE: Vacate\_David & Velve Coons\_Agenda Item No. 05-12-15 IV. A.  
**Attachments:** LEGAL ADVERTISEMENT DESCRIPTION\_COONS.docx

Kelly:

Yes, please have the approved resolution for the Coons, Agenda Item No. 05-12-15 IV. A. published in the TODAY paper at your earliest convenience. I have attached a word doc. with the vacating legal description for your use and am providing the contact information for your future use when mailing them the recorded resolution:

Mr. David Coons, 416 Tortoise View Circle, Satellite Beach, FL, 32937

Thank you for time and assistance, please contact me if you have any questions.

Respectfully,

*Marc*

---

**From:** Kelly Fulton [<mailto:Kelly.Fulton@brevardclerk.us>]  
**Sent:** Thursday, May 14, 2015 11:02 AM  
**To:** Cazessus, Marc  
**Cc:** Tammy Etheridge; Donna Scott  
**Subject:** Vacate\_David & Velve Coons

Hi Marc,

Please let us know when it is okay to advertise for the Coons vacating, as approved by the Board on May 12, 2105.

Hope you are having a pleasant day!

Kelly Greene Fulton  
Clerk to the Board/VAB Clerk  
321-637-2001  
[kelly.fulton@brevardclerk.us](mailto:kelly.fulton@brevardclerk.us)