



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

24-121

H.5.

10/22/2024

### Subject:

Petition to Vacate, Re: Public Utility Easements- 930 Fir Street - "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven" Plat Book 22, Pages 116 - Barefoot Bay - Justo O. Pena - District 3

### Fiscal Impact:

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

### Dept/Office:

Public Works Department - Surveying & Mapping

### Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of two public utility easements, "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven" in Section 10, Township 30 South, Range 38 East. If approved, it is requested that the Board authorize the Chair 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 for the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns Lots 28 & 29, Block 110, and is requesting the vacating of a portion of two 6.00 ft. wide public utility easements on Lots 28 & 29, Block 110 to allow for the construction of a garage with a breezeway connection to the existing home. The easement to be vacated contains 960.00 square feet, more or less. The property is in Barefoot Bay North of Micco Road and West of US Highway 1.

On October 7, 2024, the legal notice was advertised in Florida Today informing the public of the date a public hearing would be held to consider the vacating. All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 58346

### Clerk to the Board Instructions:

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in sequence includes the approved/signed resolution, the proof of publication of the public hearing notice, and the proof of publication of the adopted resolution notice.

# Brevard County Property Appraiser Detail Sheet

Owners PENA, JUSTO O

Mailing Address 930 FIR ST SEBASTIAN FL 32976

Site Address 930 FIR ST BAREFOOT BAY FL 32976

Parcel ID 30-38-10-JT-110-28

Taxing District 3400 - UNINCORP DISTRICT 3

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Property Use 0818 - TWO OR THREE MOBILE HOMES (NOT A PARK)

Total Acres 0.24

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0022/0116

Subdivision BAREFOOT BAY UNIT 2 PART 11

Land Description BAREFOOT BAY UNIT 2 PART 11 LOTS 28 & 29 BLK 110

## **VALUE SUMMARY**

| <b>Category</b>           | <b>2023</b> | <b>2022</b> | <b>2021</b> |
|---------------------------|-------------|-------------|-------------|
| Market Value              | \$233,000   | \$195,670   | \$145,300   |
| Agricultural Land Value   | \$0         | \$0         | \$0         |
| Assessed Value Non-School | \$135,620   | \$125,230   | \$121,590   |
| Assessed Value School     | \$135,620   | \$125,230   | \$121,590   |
| Homestead Exemption       | \$25,000    | \$25,000    | \$25,000    |
| Additional Homestead      | \$25,000    | \$25,000    | \$25,000    |
| Other Exemptions          | \$0         | \$0         | \$25,000    |
| Taxable Value Non-School  | \$85,620    | \$75,230    | \$71,590    |
| Taxable Value School      | \$110,620   | \$100,230   | \$96,590    |

## **SALES/TRANSFERS**

| <b>Date</b> | <b>Price</b> | <b>Type</b> | <b>Parcel</b> | <b>Deed</b> |
|-------------|--------------|-------------|---------------|-------------|
| 02/21/2018  | \$27,000     | WD          | Improved      | 8136/1960   |
| 05/23/2005  | \$55,000     | WD          | Improved      | 5474/4239   |
| 04/28/2003  | \$38,000     | WD          | Improved      | 4900/3572   |

## Vicinity Map

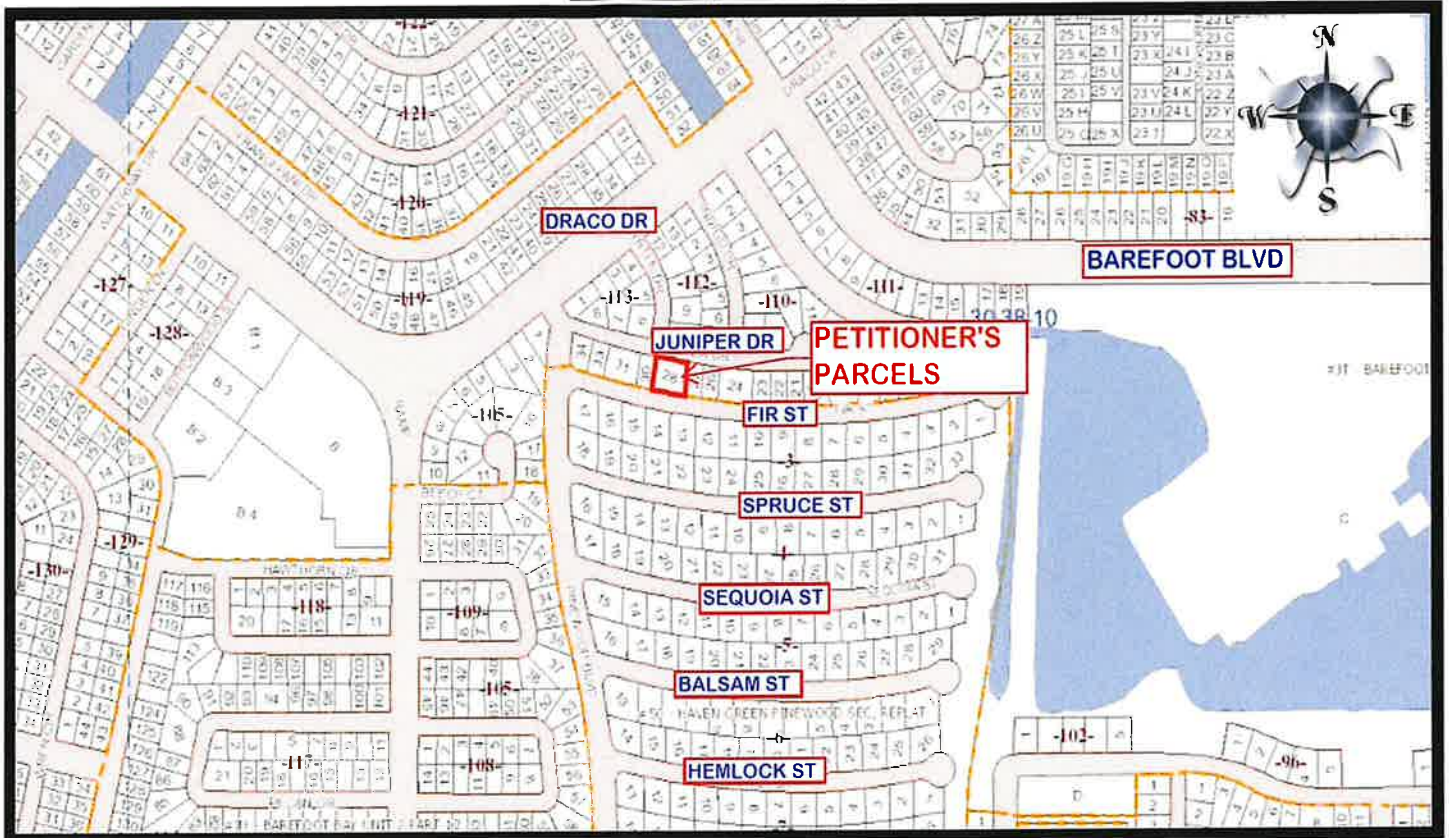


Figure 1: Map of Lots 28 & 29, Block 110, Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven, 930 Fir St, Barefoot Bay, Florida, 32976.

Justo O. Pena – 930 Fir Street – Barefoot Bay, FL, 32976 – Lots 28 & 29, Block 110, plat of “Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven” – Plat Book 22, Page 116 – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of a portion of two 6.0 ft. Wide Public Utility Easements

## Aerial Map



Figure 2: Aerial Map of Lots 28 & 29, Block 110, Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven, 930 Fir St, Barefoot Bay, Florida, 32976.

Justo O. Pena – 930 Fir Street – Barefoot Bay, FL, 32976 – Lots 28 & 29, Block 110, plat of “Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven” – Plat Book 22, Page 116 – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of a portion of two 6.0 ft. Wide Public Utility Easements

# Plat Reference

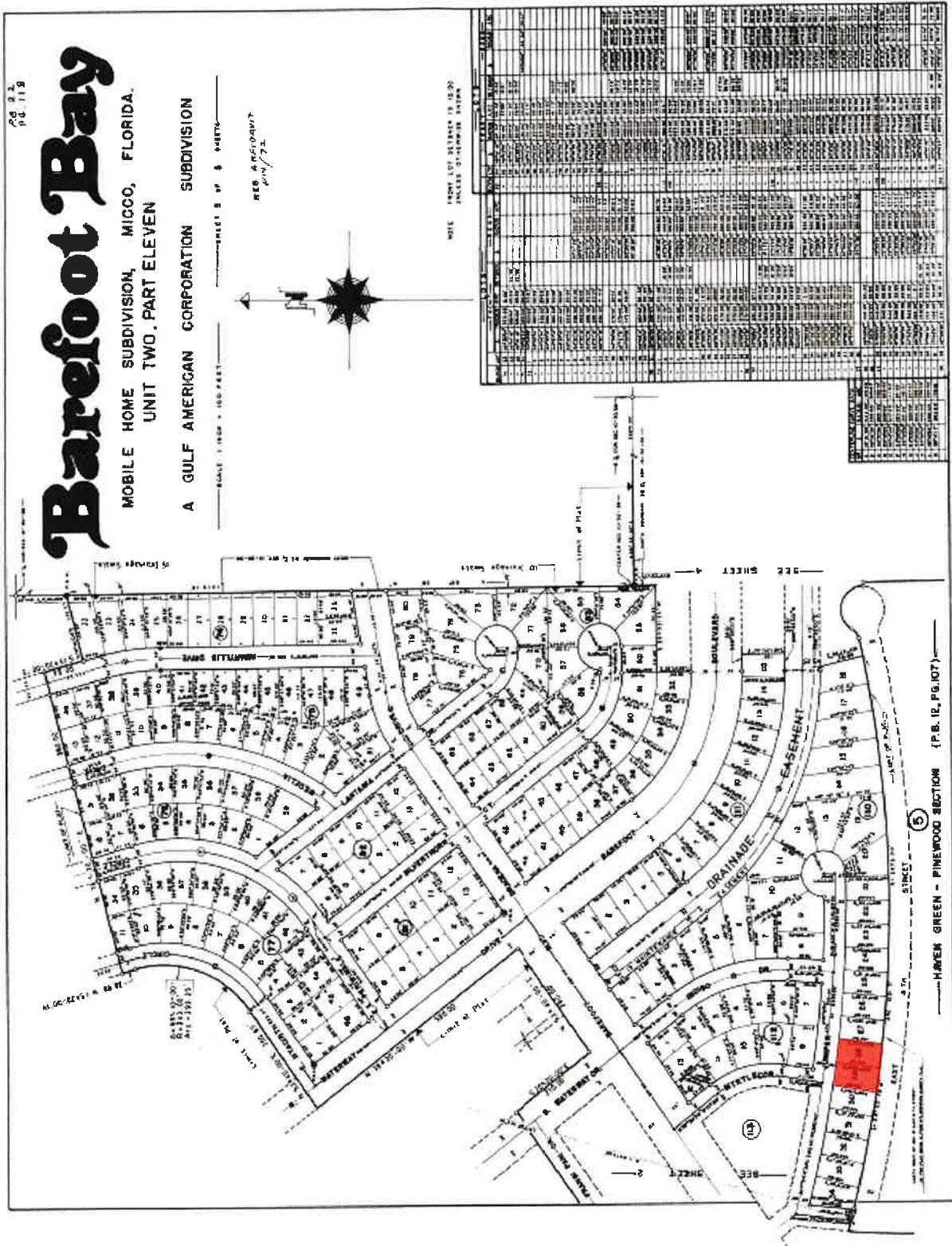


Figure 3: Copy of plat map " Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven" dedicated to Brevard County October 1969.

# Petitioner's Sketch & Description Sheet 1 of 2

## **LEGAL DESCRIPTION**

**SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-10-JT-110-28**

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

**PURPOSE OF SKETCH AND DESCRIPTION**

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 28 AND 29, BLOCK 110.

**LEGAL DESCRIPTION:**

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS.

**SURVEYOR'S NOTES:**

SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE BASED ON THE EAST LINE OF LOT 28, BLOCK 110 AS S 06°56'19" W AS PER RECORD PLAT.
2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
4. THIS SKETCH IS NOT A BOUNDARY SURVEY.

**PREPARED FOR:** JUSTO O. PENA  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS



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



**PREPARED BY:** CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637  
**ADDRESS:** 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958  
**PHONE:** PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

**DRAWN BY** T.R.C.  
**DATE:** 4-27-2024

**CHECKED BY** T.R.C.  
**SHEET** 1 **OF** 2

**DRAWN NO.** 18-90-L1  
**REVISIONS:** N/A

**SECTION 10  
TOWNSHIP 30 SOUTH  
RANGE 38 EAST**

Figure 4: Legal Description. Sheet 1 of 2. Section 10, Township 30 South, Range 38 East. Parcel ID number: 30-381--JT-110-28.

# Petitioner's Sketch & Description Sheet 2 of 2

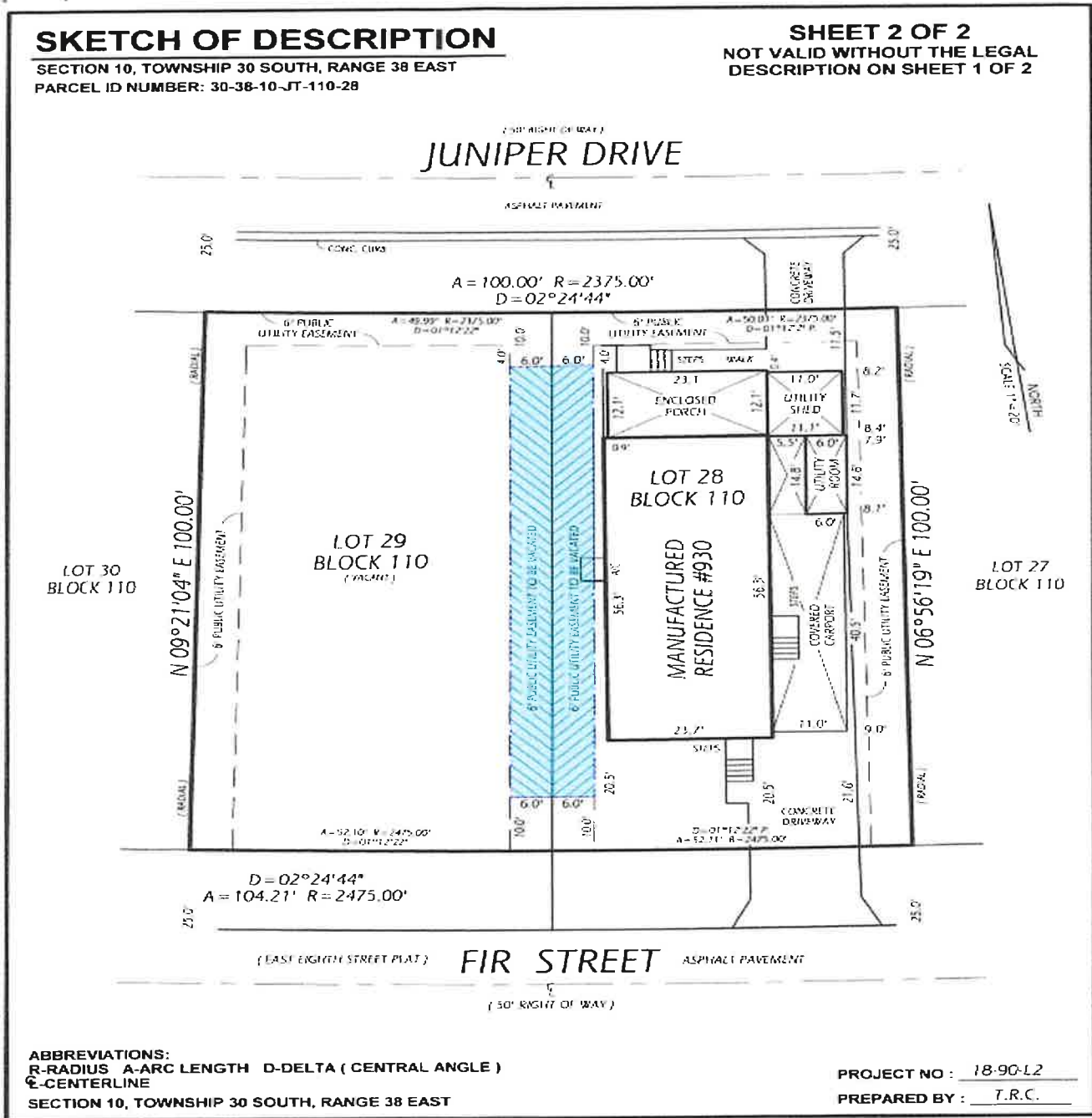


Figure 5: Sketch of description. Section 10, Township 30 South, Range 38 East. Parcel ID Number: 30-38-10-JT-110-28.

The sketch illustrates a portion of two 6.00-foot-wide public utility easements on Lots 28 & 29, Block 110, Barefoot Bay, Unit Two, Part Eleven, Barefoot Bay, Florida. The coordinate of the North line depicted is as follows: North boundary – South 81°51'19" East 100.00 Feet; East boundary – South 06°56'19" East 100.00 Feet; South boundary – South 81°53'44" West 104.21 Feet; West boundary – North 09°21'04" East 100.00 Feet. Prepared by: Thomas R. Ceerle, Ceerle Land Surveying, Inc., LS 4896, Project NO: 13-59-L2.

# Boundary Survey with Proposed Garage

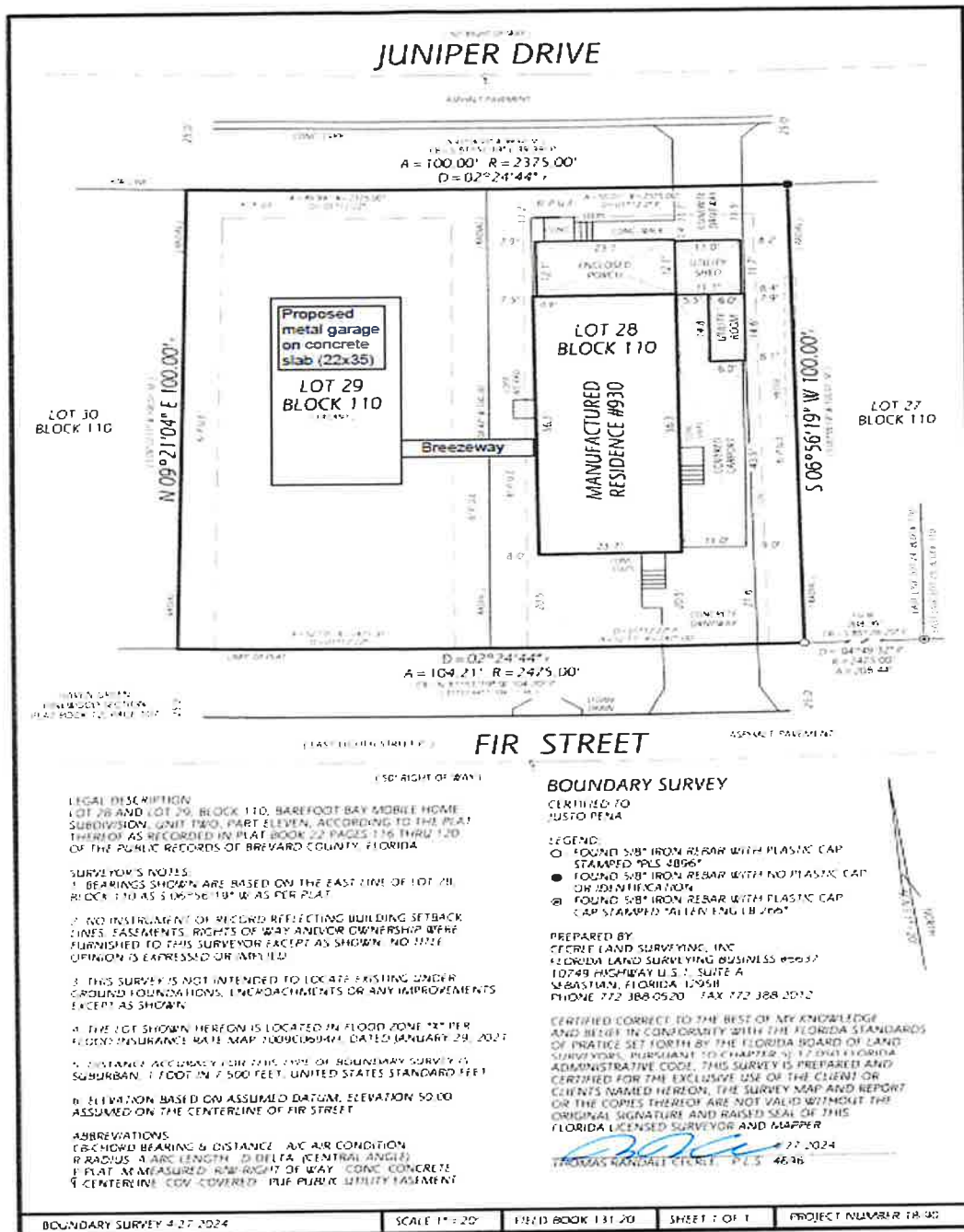


Figure 6: Boundary Survey.

The survey illustrates the existing single-family home, covered carport, utility room, enclosed porch, and proposed garage building with a breezeway (walkway) all lying within Lots 28 & 29, Block 110, Barefoot Bay Unit Two, Part Eleven, 930 Fir St, Barefoot Bay, Florida, 32976.



# Comment Sheet

Applicant: Justo O. Pena

Updated by: Amber Holley 20240910 at 1630 hours

| Utilities        | Notified | Received | Approved | Remarks       |
|------------------|----------|----------|----------|---------------|
| FL City Gas Co   | 20240904 | 20240920 | Yes      | No comment    |
| FL Power & Light | 20240904 | 20240920 | Yes      | No objections |
| At&t             | 20240904 | 20240905 | Yes      | No objections |
| Charter/Spectrum | 20240904 | 20240908 | Yes      | No objections |

| County Staff     | Notified | Received | Approved | Remarks       |
|------------------|----------|----------|----------|---------------|
| Road & Bridge    | 20240904 | 20240920 | Yes      | No objections |
| Land Planning    | 20240904 | 20240910 | Yes      | No objections |
| Utility Services | 20240904 | 20240910 | Yes      | No objections |
| Storm Water      | 20240904 | 20240910 | Yes      | No objections |
| Zoning           | 20240904 | 20240910 | Yes      | No objections |

# Public Hearing Legal Advertisement

Ad#10637796

10/07/2024

## LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.00 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY, UNIT TWO, PART ELEVEN" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article 11, Section 86.36, Brevard County Code, a petition has been filed by JUSTO O. PENA with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on October 22, 2024, at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamleson 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.

Figure 7: Copy of public hearing advertisement as published on October 7, 2024. See the next page for full text.

## Legal Notice Text

### LEGAL NOTICE

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## Samantha McDaniel

---

**From:** Holley, Amber <Amber.Holley@brevardfl.gov>  
**Sent:** Tuesday, October 22, 2024 1:19 PM  
**To:** Samantha McDaniel  
**Cc:** Donna Scott; Nicole Summers  
**Subject:** [EXTERNAL EMAIL]Commission Meeting October 22, 2024  
**Attachments:** Legal Description-Dirschka.docx; Legal Description-Pena.docx

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments, clicking links or responding to unknown senders.

I have attached the legal description from the approval on the 10/22 meeting.

Owner information:

- H.4. Dirschka Family Revocable Trust, 2021 Breezy Hill Lane, Titusville, FL 32780.
- H.5. Justo O. Pena, 930 Fir Street, Barefoot Bay, FL 32976.

Sincerely,  
Amber Holley  
Public Works/ Survey Dept.  
321-350-8346

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

**LEGAL DESCRIPTION:**

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LEGAL NOTICE

RESOLUTION VACATING A PORTION OF TWO PUBLIC UTILITY EASEMENTS IN PLAT  
"BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN",  
BAREFOOT BAY, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST –  
JUSTO O. PENA

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on October 22, 2024, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of two public utility easements in plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East as petitioned by Justo O. Pena.

**LEGAL DESCRIPTION:**

**THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.**

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA  
RACHEL M. SADOFF, CLERK  
BY: Kimberly Powell, Clerk to the Board

**Florida TODAY:**

Please advertise in the October 29, 2024, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-6BR327 and forward bill and proof of publication to: Amber Holley, Public Works Department, 2725 Judge Fran Jamieson Way, Bldg. A-220, Viera, FL 32940.**

**Resolution 2024 121**

**Vacating a portion of two public utility easements in plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, Florida, lying in Section 10, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Justo O. Pena** with the Board of County Commissioners to vacate a public 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 the public easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easements are hereby vacated by Brevard County; and this vacating action releases, renounces, and disclaims any right, title, or interest Brevard County may possess over the property at issue, and shall not be deemed to warrant any right, title, interest or to represent any state of facts concerning the same. 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 22<sup>nd</sup> day of October, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

  
Rachel Sadoff, Clerk

  
Jason Steele, Chair

As approved by the Board on:  
October 22, 2024

# LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-10-JT-110-28

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

## PURPOSE OF SKETCH AND DESCRIPTION

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 28 AND 29, BLOCK 110.

## LEGAL DESCRIPTION:

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## SURVEYOR'S NOTES:

### SURVEYOR'S NOTES:

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2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
4. THIS SKETCH IS NOT A BOUNDARY SURVEY.

PREPARED FOR: JUSTO O. PENA  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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

4-27-2024

PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637  
ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958  
PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net



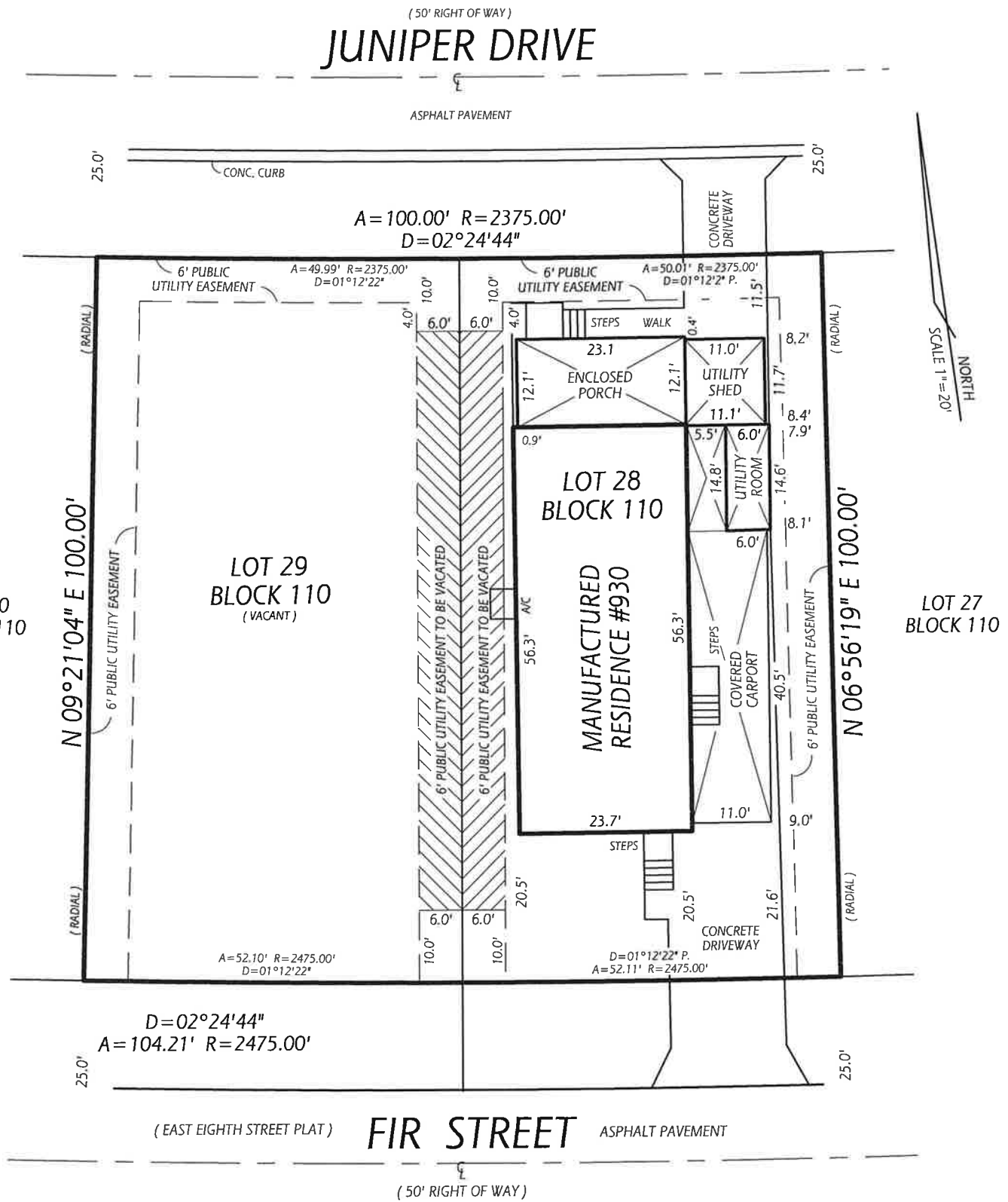
|                        |                            |                           |  |
|------------------------|----------------------------|---------------------------|--|
| DRAWN BY <u>T.R.C.</u> | CHECKED BY <u>T.R.C.</u>   | DRAWN NO. <u>18-90-L1</u> | SECTION 10<br>TOWNSHIP 30 SOUTH<br>RANGE 38 EAST |
| DATE: <u>4-27-2024</u> | SHEET <u>1</u> OF <u>2</u> | REVISIONS: <u>N/A</u>     |  |



# SKETCH OF DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
 PARCEL ID NUMBER: 30-38-10-JT-110-28

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



**ABBREVIATIONS:**  
 R-RADIUS A-ARC LENGTH D-DELTA (CENTRAL ANGLE)  
 CL-CENTERLINE  
 SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PROJECT NO: 18-90-L2  
 PREPARED BY: T.R.C.



Florida  
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT OF PUBLICATION**

Amber Holley  
Amber Holly  
Brevard County Public Works Dept. Surveying & Mapping Program  
2725 Judge Fran Jamieson Way, Room A-220  
Viera FL 32940

STATE OF WISCONSIN, COUNTY OF BROWN

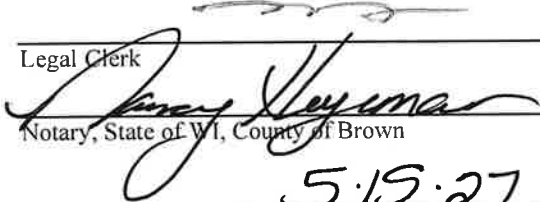
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

10/07/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/07/2024

Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$251.75  
Tax Amount: \$0.00  
Payment Cost: \$251.75  
Order No: 10637796 # of Copies:  
Customer No: 1127286 1  
PO #: 4500092228-10

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

Ad#10637796 10/07/2024

**LEGAL NOTICE**  
NOTICE FOR THE PARTIAL VACATING OF TWO 6.00 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY, UNIT TWO, PART ELEVEN" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL  
NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article 11, Section 86-36, Brevard County Code, a petition has been filed by JUSTO O. PENA with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.  
The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on October 22, 2024, 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.



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**AFFIDAVIT OF PUBLICATION**

Samantha McDaniel  
Brevard County Clerk Donna Scott -Survey  
Brevard Cty Public Works Dept  
2725 Judge Fran Jamieson Way Bldg A  
Viera FL 32940-6605

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the 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 Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

10/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/29/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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*Please do not use this form for payment remittance.*

**KATHLEEN ALLEN**  
Notary Public  
State of Wisconsin

Ad#10710127 10/29/2024  
LEGAL NOTICE  
RESOLUTION VACATING A PORTION OF TWO PUBLIC UTILITY EASEMENTS IN PLAT "BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN", BAREFOOT BAY, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST - JUSTO O. PENA  
TO WHOM IT MAY CONCERN:  
NOTICE IS HEREBY GIVEN that on October 22, 2024, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of two public utility easements in plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East as petitioned by Justo O. Pena.

**LEGAL DESCRIPTION:**

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.

The Board further renounced and disclaimed any right of the County in and to said public easements.  
BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA  
RACHEL M. SADOFF, CLERK  
BY: Kimberly Powell, Clerk to the Board



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

November 14, 2024

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

**TO:** Marc Bernath, Public Works Director Attn: Amber Holley

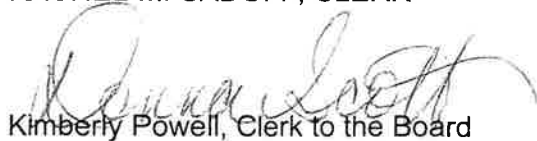
**RE:** Advertising Bills for Resolution Vacating a Portion of Two Public Utility Easements in Plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, Lying in Section 10, Township 30 South, Range 38 East

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 2024-121, vacating a portion of two public utility easements in plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East, as petitioned by Justo O. Pena. Said Resolution was adopted by the Board of County Commissioners, in regular session on October 22, 2024.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*for:*   
Kimberly Powell, Clerk to the Board

/sm

Encls. (2)



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

November 14, 2024

Justo O. Pena  
930 Fir Street  
Barefoot Bay, FL 32976

Dear Sir/Madam:

Re: Resolution Vacating a Portion of Two Public Utility Easements in Plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, Lying in Section 10, Township 30 South, Range 38 East

The Board of County Commissioners, in regular session on October 22, 2024, adopted Resolution No. 2024-121, vacating a portion of two public utility easements in plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven", Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East, as petitioned by you. Said Resolution has been recorded in ORBK 10195, Pages 1272 through 1276. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*for: Donna Scott*  
Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works