



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

IX

H.2.

12/6/2022

Subject:

Petition to Vacate, Re: Public Utility & Drainage Easement- 1385 California Drive - "Holiday Springs at Suntree"
Plat Book 28, Page 67 - Melbourne - Russell & Jacqueline M. Rizzo - District 4

Fiscal Impact:

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

Dept/Office:

Public Works Department - Surveying & Mapping

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility and drainage easement, "Holiday Springs at Suntree" in Section 2, Township 26 South, Range 36 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's own Lot 12, Block 1, and are requesting the vacating of a 5.00-foot-wide portion of a 10.00-foot-wide public utility and drainage easement on Lot 12, Block 1, to allow for the construction of a pool. The easement to be vacated contains 200.00 square feet, more or less. The property is located in Melbourne South of Viera Blvd. and West of US Highway 1.

November 21, 2022, 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 the 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.



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

December 20, 2022

Russell and Jacqueline M. Rizzo
1385 California Dr.
Melbourne, FL 32940

Dear Sir/Madam:

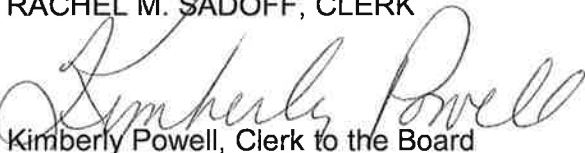
Re: Resolution Vacating a Portion of a Public Utility and Drainage Easement in Plat "Holiday Springs at Suntree" Subdivision, Melbourne, Lying in Section 02, Township 26 South, Range 36 East

The Board of County Commissioners, in regular session on December 6, 2022, adopted Resolution No. 22-162, vacating a portion of a public utility and drainage easement in Plat "Holiday Springs at Suntree" Subdivision, Melbourne, lying in Section 02, Township 26 South, Range 36 East, as petitioned by you. Said Resolution has been recorded in ORBK 9680, Pages 2134 through 2138. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works



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

December 20, 2022

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 Public Utility and Drainage Easement in Plat "Holiday Springs at Suntree" Subdivision, Melbourne

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 22-162, vacating a public utility and drainage easement in Plat "Holiday Springs at Suntree" Subdivision, Melbourne, as petitioned by Russell and Jacqueline M. Rizzo. Said Resolution was adopted by the Board of County Commissioners, in regular session on December 6, 2022.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/sm

Encls. (2)



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

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, 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) dated:
or by publication on the newspaper's website, if authorized,
on

11/21/2022

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 21th of November 2022, by legal clerk who is personally known to me

Amber Holley
Affiant

Mariah Verhagen
Notary State of Wisconsin County of Brown
8-25-26

My commission expires

Publication Cost: \$226.94

Ad No: 0005481029

Customer No: BRE-6BR327

This is not an invoice

of Affidavits 1

AD#5481029, 11/21/2022

LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
A 10.0 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENTS, PLAT "HOLIDAY
SPRINGS AT SUNTREE" IN SECTION 02,
TOWNSHIP 26 SOUTH, RANGE 36 EAST,
MELBOURNE, FL

NOTICE IS HEREBY GIVEN that pursuant
to Chapter 336.09, Florida Statutes, and
Chapter 86, Article II, Section 86-36, Bre-
vard County Code, a petition has been
filed by **RUSSELL & JACQUELINE M.
RIZZO** with the Board of County Com-
missioners of Brevard County, Florida, to
request vacating the following described
property, to wit:

A PORTION OF THE REAR 10.00 FOOT
PUBLIC UTILITY AND DRAINAGE EASE-
MENT LYING IN LOT 12, BLOCK 1, HOLI-
DAY SPRINGS AT SUNTREE, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 28, PAGE 67, PUBLIC RE-
CORDS OF BREVARD COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

COMMENCE AT THE NORTHEASTERLY
CORNER OF SAID LOT 12; THENCE S
31°40'20" E ALONG THE EASTERLY LINE
OF SAID LOT 12 A DISTANCE OF 9.00
FEET; THENCE S 57°21'23" W 5.00 FEET
TO THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED PARCEL; THENCE S
31°40'20" E 40.00 FEET; THENCE S
57°21'23" W 5.00 FEET TO THE WESTER-
LY LINE OF SAID 10.00 FOOT PUBLIC
UTILITY AND DRAINAGE EASEMENT;
THENCE N 31°40'20" W ALONG SAID
WESTERLY LINE 40.00 FEET; THENCE N
57°21'23" E 5.00 TO THE POINT OF BE-
GINNING. CONTAINING 200 SQUARE
FEET MORE OR LESS. PREPARED BY: JOEL
A. SEYMOUR.

The Board of County Commissioners will
hold a public hearing to determine the
advisability of such vacating of the
above-described easement at 5:00 P.M.
on December 6, 2022, at the Brevard
County Government Center Board
Room, Building C, 2725 Judge Fran Ja-
mieson Way, Viera, Florida, at which
time and place all those for or against
the same may be heard before final ac-
tion is taken.

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

Persons seeking to preserve a verbatim
transcript of the record must make those
arrangements at their own expense.
The needs of hearing or visually im-
paired persons shall be met if the de-
partment sponsoring the
meeting/hearing is contacted at least 48
hours prior to the public
meeting/hearing by any person wishing
assistance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin



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

STATE OF WISCONSIN COUNTY OF BROWN:

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Legal Notices

as published in **FLORIDA TODAY** in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

12/12/2022

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Sworn to and Subscribed before me this 12th of December 2022, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$194.34

Ad No: 0005516643

Customer No: BRE-6BR327

This is not an invoice

of Affidavits: 1

Ad#5516643 12/12/2022
LEGAL NOTICE

RESOLUTION VACATING A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN PLAT "HOLIDAY SPRINGS AT SUNTREE" SUBDIVISION, MELBOURNE, LYING IN SECTION 02, TOWNSHIP 26 SOUTH, RANGE 36 EAST - RUSSELL AND JACQUELINE M. RIZZO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 6TH day of December, 2022, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of a public utility and drainage easement in plat "Holiday Springs at Suntree" subdivision, Melbourne, lying in Section 02, Township 26 South, Range 36 East as petitioned by Russell and Jacqueline M. Rizzo.

LEGAL DESCRIPTION:

A PORTION OF THE REAR 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN LOT 12, BLOCK 1, HOLIDAY SPRINGS AT SUNTREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEASTERLY CORNER OF SAID LOT 12; THENCE S 31°40'20" E ALONG THE EASTERLY LINE OF SAID LOT 12 A DISTANCE OF 9.00 FEET; THENCE S 57°21'23" W 5.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 31°40'20" E 40.00 FEET; THENCE S 57°21'23" W 5.00 FEET TO THE WESTERLY LINE OF SAID 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; THENCE N 31°40'20" W ALONG SAID WESTERLY LINE 40.00 FEET; THENCE N 57°21'23" E 5.00 TO THE POINT OF BEGINNING, CONTAINING 200 SQUARE FEET MORE OR LESS, PREPARED BY: JOEL A. SEYMOUR.

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

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

NANCY HEYRMAN
Notary Public
State of Wisconsin

Resolution 2022 - 162

**Vacating a portion of a public utility & drainage easement in plat "Holiday Springs at Suntree"
Subdivision, Melbourne, Florida, lying in Section 02, Township 26 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **RUSSELL & JACQUELINE M. RIZZO** 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 easement(s) will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement(s) 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 6TH day of December, 2022 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


Rachel Sadoff, Clerk


Rita Pritchett, Chair

As approved by the Board on:
December 6, 2022

CFN 2022293303, OR BK 9680 PAGE 2134,
Recorded 12/19/2022 at 03:29 PM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:5

LEGAL DESCRIPTION

PARENT PARCEL ID# 26-36-02-MM-1-12
PURPOSE: PARTIAL VACATION OF EASEMENT

EXHIBIT "A"

SHEET 1 OF 2
NOT A SURVEY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

A PORTION OF THE REAR 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN LOT 12, BLOCK 1, HOLIDAY SPRINGS AT SUNTREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SURVEYOR'S NOTES:

1. BEARINGS BASED ON AN INVERSE BETWEEN THE SW COR OF LOT 10 AND THE SW COR OF LOT 12 BEING N 28°45'29" W AS PER PLAT (SEE SKETCH)
2. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.

LEGEND:

BLDG = BUILDING
BLK = BLOCK
BRG = BEARING
CHD = CHORD
C/L = CENTERLINE
COR = CORNER
ESMT = EASEMENT
ORB = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
REF = REFERENCE
R/W = RIGHT OF WAY
S.F. = SQUARE FEET

PREPARED FOR AND CERTIFIED TO:

RUSSELL RIZZO & JACQUELINE M. RIZZO

PREPARED BY: **Kane Surveying, Inc.**

FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 676-0427 FAX (321) 984-1448

JOEL A. SEYMOUR, LS 6133
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED	PROJECT NO. 33272	DESCRIPTION	DATE:	REVISIONS:	SECTION 2
DATE:	DRAWING: HOLDYSPG/L12B1				TOWNSHIP 26 SOUTH
					RANGE 36 EAST

SKETCH OF DESCRIPTION

PARENT PARCEL ID# 26-36-02-MM-1-12
PURPOSE: PARTIAL VACATION OF EASEMENT

EXHIBIT "A"

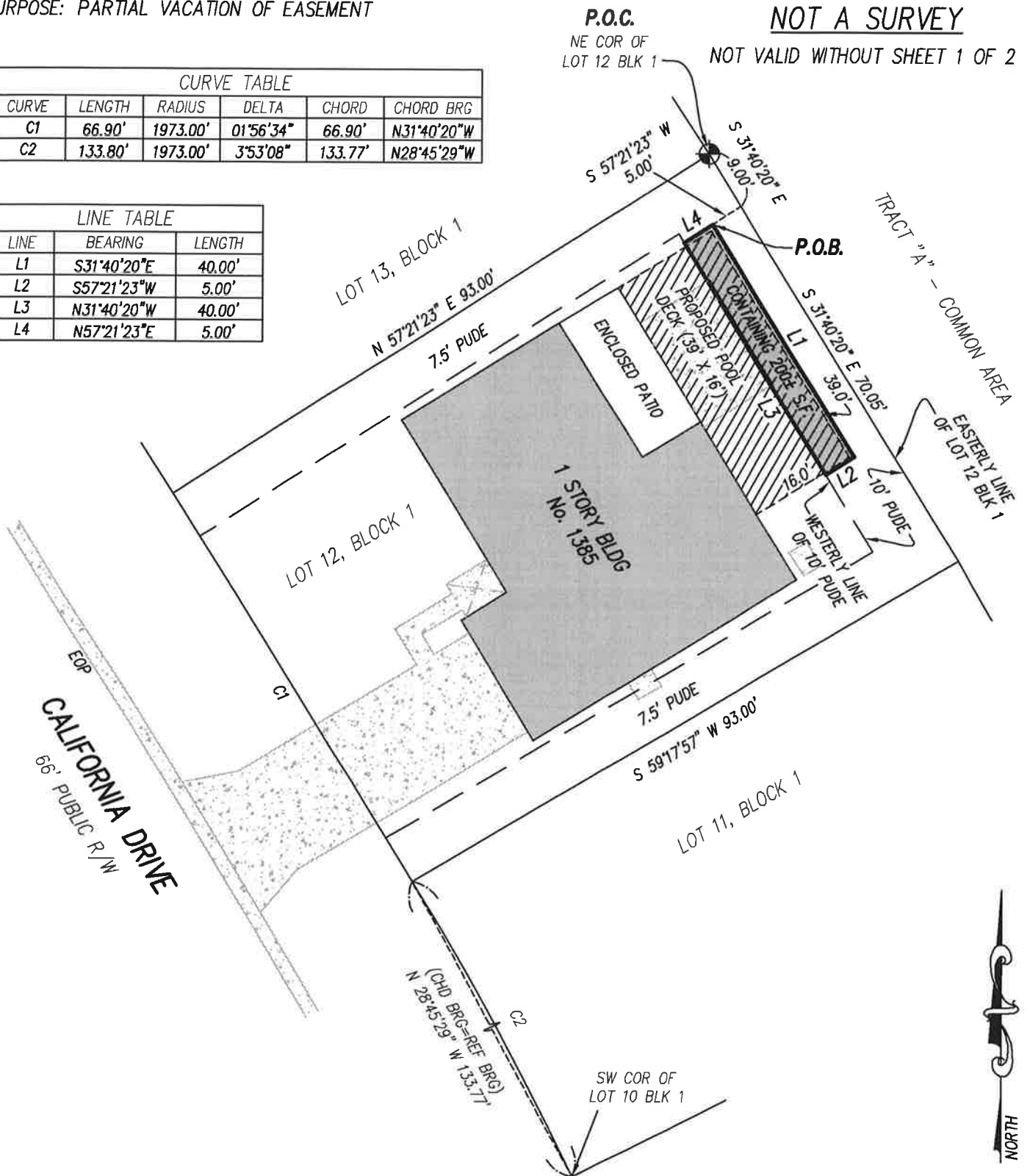
SHEET 2 OF 2

NOT A SURVEY

NOT VALID WITHOUT SHEET 1 OF 2

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	66.90'	1973.00'	01°56'34"	66.90'	N31°40'20"W
C2	133.80'	1973.00'	3°53'08"	133.77'	N28°45'29"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S31°40'20"E	40.00'
L2	S57°21'23"W	5.00'
L3	N31°40'20"W	40.00'
L4	N57°21'23"E	5.00'



PREPARED BY:

Kane Surveying, Inc.

FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 676-0427 FAX (321) 984-1448

SCALE: 1 INCH = 20 FEET

PROJECT NO. 33272

SECTION 2
TOWNSHIP 26 SOUTH
RANGE 36 EAST

Brevard County Property Appraiser Detail Sheet

Account 2600162
 Owners RIZZO, RUSSELL; RIZZO, JACQUELINE M
 Mailing Address 1385 CALIFORNIA DRIVE MELBOURNE FL 32940
 Site Address 1385 CALIFORNIA DR MELBOURNE FL 32940
 Parcel ID 26-36-02-MM-1-12
 Property Use 0110 - SINGLE FAMILY RESIDENCE
 Exemptions HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 Taxing District 4200 - UNINCORP DISTRICT 4
 Total Acres 0.15
 Subdivision HOLIDAY SPRINGS AT SUNTREE
 Site Code 0142 - NBHD LAKE/RETEN FRTG
 Plat Book/Page 0028/0067
 Land Description HOLIDAY SPRINGS AT SUNTREE LOT 12 BLK 1

VALUE SUMMARY

Category	2022	2021	2020
Market Value	\$262,370	\$192,160	\$172,890
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$175,280	\$170,180	\$167,840
Assessed Value School	\$175,280	\$170,180	\$167,840
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$125,280	\$120,180	\$117,840
Taxable Value School	\$150,280	\$145,180	\$142,840

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/25/2014	\$137,000	WD	--	7118/1972
05/21/2001	\$103,000	QC	--	4355/3554
05/21/2001	--	WD	--	4355/3556
01/01/1999	\$59,900	WD	--	2514/783

Vicinity Map

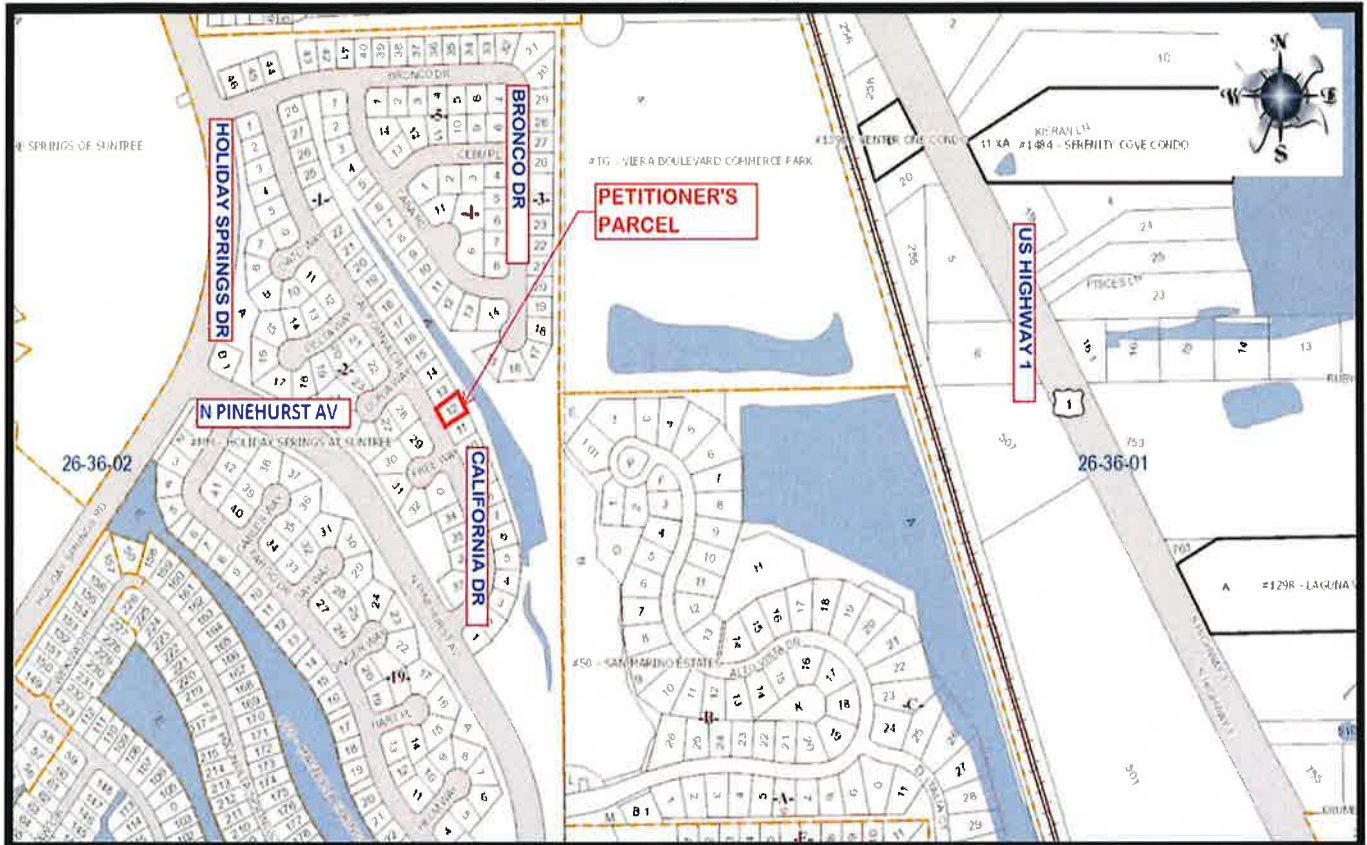


Figure 1: Map of Lot 12, Block 1, Holiday Springs at Suntree, 1385 California Drive, Melbourne, Florida, 32940.

Russell & Jacqueline M. Rizzo – 1385 California Drive – Melbourne, FL, 32940 – Lot 12, Block 1, plat of “Holiday Springs at Suntree” – Plat Book 28, Page 67 – Section 2, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a 5.0-foot-wide portion of a 10.0-foot-wide Public Utility & Drainage Easement

Aerial Map



Figure 2: Aerial Map of Lot 12, Block 1, Holiday Springs at Suntree, 1385 California Drive, Melbourne, Florida, 32940.

Russell & Jacqueline M. Rizzo – 1385
California Drive – Melbourne, FL, 32940 – Lot
12, Block 1, plat of “Holiday Springs at
Suntree” – Plat Book 28, Page 67 – Section 2,
Township 26 South, Range 36 East – District 4
– Proposed Vacating of a 5.0-foot-wide
portion of a 10.0-foot-wide Public Utility &
Drainage Easement

Plat Reference

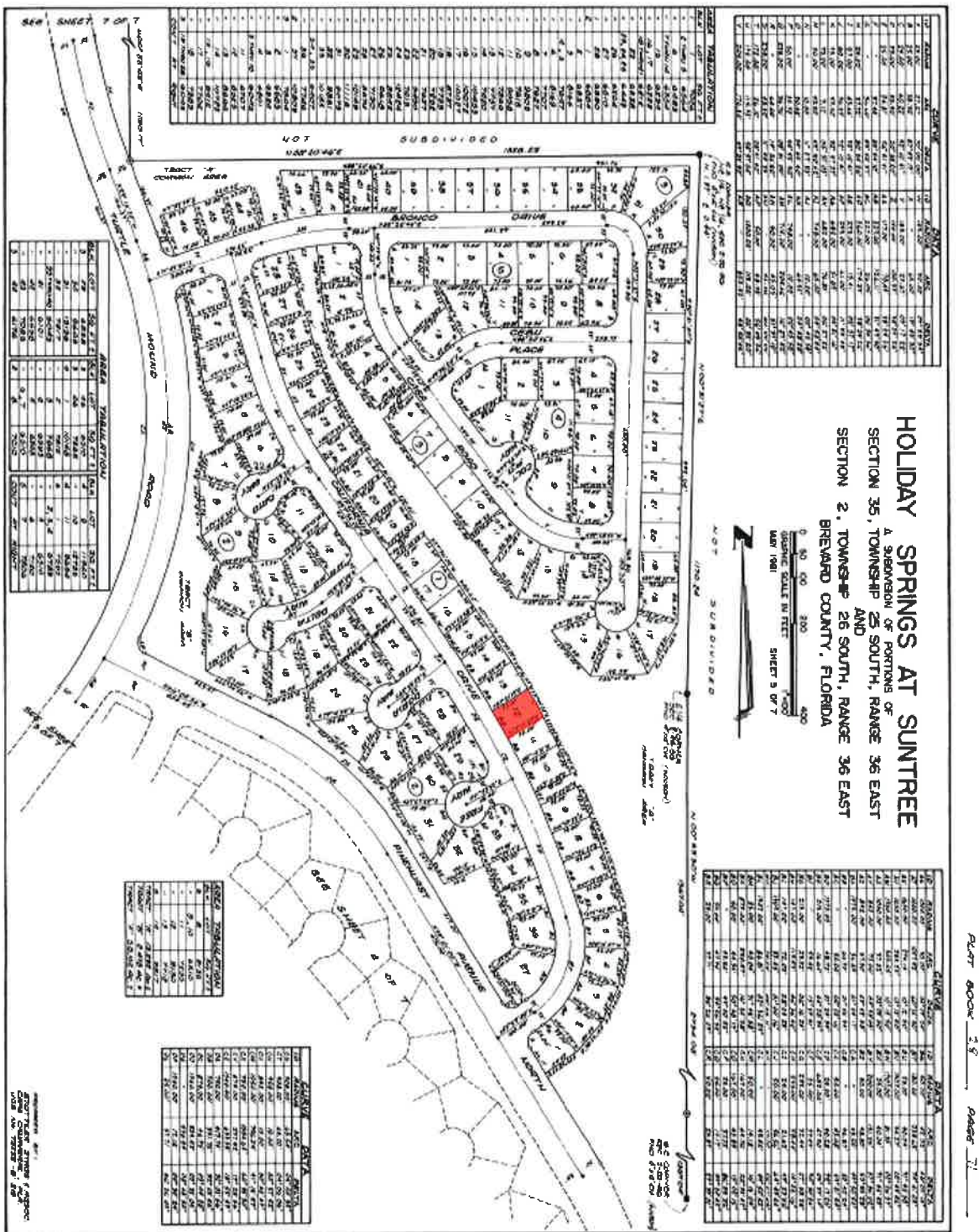


Figure 3: Copy of plat map "Holiday Springs at Suntree" dedicated to Brevard County on August 25, 1981.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

PARENT PARCEL ID# 26-36-02-MM-1-12
PURPOSE: PARTIAL VACATION OF EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT A SURVEY

NOT VALID WITHOUT SHEET 2 OF 2

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

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SURVEYOR'S NOTES:

1. BEARINGS BASED ON AN INVERSE BETWEEN THE SW COR OF LOT 10 AND THE SW COR OF LOT 12 BEING N 28°45'29" W AS PER PLAT (SEE SKETCH)
2. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
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PREPARED FOR AND CERTIFIED TO:

RUSSELL RIZZO & JACQUELINE M. RIZZO

PREPARED BY: **Kane Surveying, Inc.**

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JOEL A. BETHOUX, LS 6133
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NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED	PROJECT NO. 33272	DESCRIPTION	DATE:	REVISIONS:	SECTION 2
DATE:	DRAWING: HOLDYSPG/L12B1				TOWNSHIP 26 SOUTH
					RANGE 36 EAST

Figure 4: Legal Description. Sheet 1 of 2. Section 2, Township 26 South, Range 36 East.

Petitioner's Sketch & Description Sheet 2 of 2

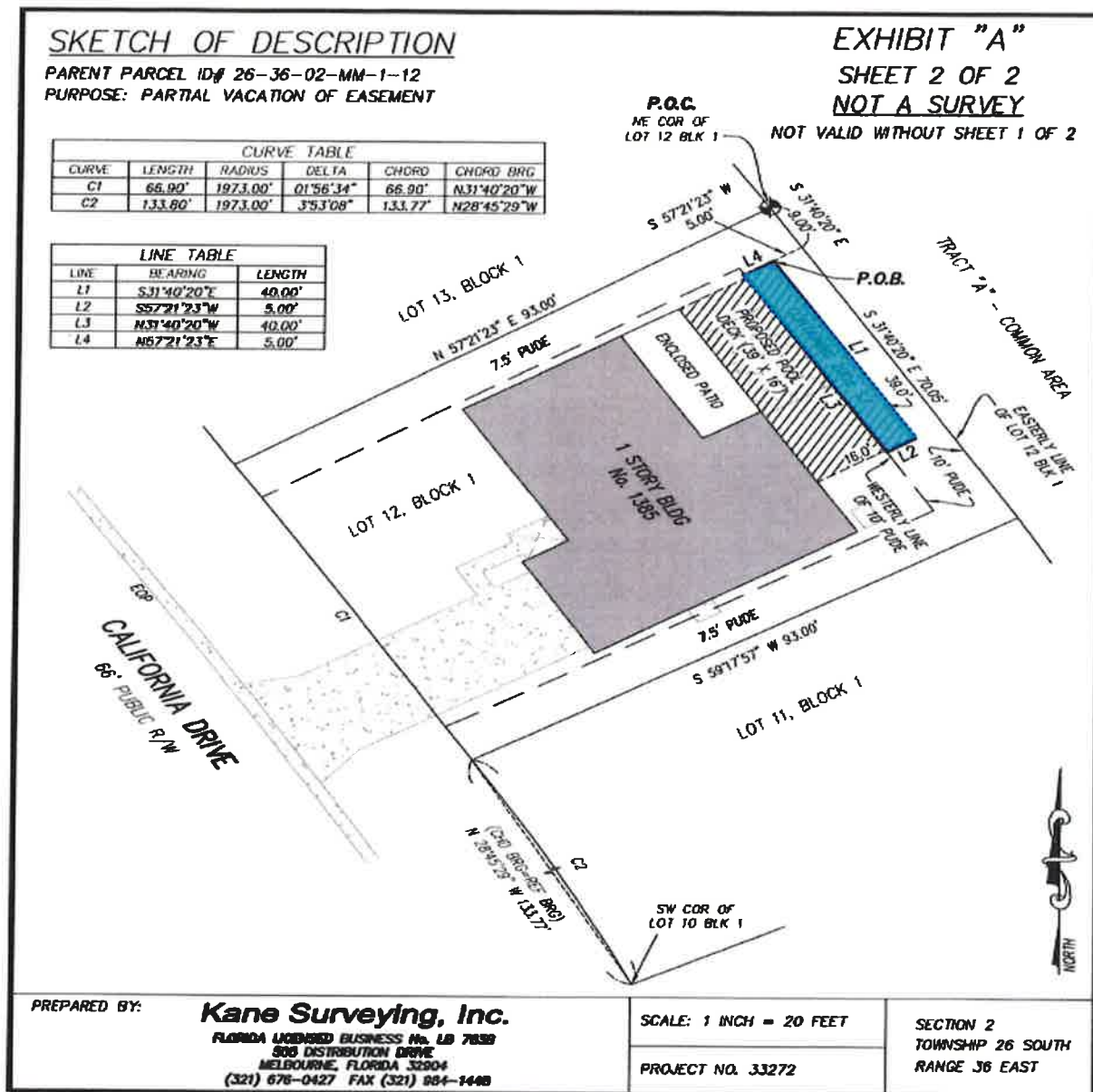


Figure 5: Sketch of description. Sheet 2 of 2. Section 2, Township 26 South, Range 36 East.

The sketch illustrates a 5.00-foot-wide portion of a 10.00-foot-wide public utility and drainage easement on Lot 12, Block 1, Holiday Springs at Suntree, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 57°21'23" East 93.00'; East boundary – South 31°40'20" East 70.05'; South boundary – South 59°17'57" West 93.00'; West boundary – North 31°40'20" West 66.90'. Prepared by: Joel A. Seymour, Project NO: 33272.

Proposed Pool

[illegible]

Figure 6: Proposed Pool 39 feet by 16 feet.

The sketch illustrates the proposed pool for petitioner Russ Rizzo at 1385 California Drive, Melbourne, Florida, 32940.

Comment Sheet

Applicant: Rizzo

Updated by: Amber Holley 20221104 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20221020	20221104	Yes	No Comment
FL Power & Light	20221020	20221024	Yes	No Objections
At&t	20221020	20221104	Yes	No objections
Charter/Spectrum	20221020	20221021	Yes	No Objections
City of Melbourne	20221020	20221024	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20221020	20221104	Yes	No objections
Land Planning	20221020	20221027	Yes	No objections
Utility Services	20221020	20221021	Yes	No objections
Storm Water	20221020	20221104	Yes	No objections
Zoning	20221020	20221027	Yes	No objections

Public Hearing Legal Advertisement

AD#5481029, 11/21/2022

LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF
A 10.0 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENTS, PLAT "HOLIDAY
SPRINGS AT SUNTREE" IN SECTION 02,
TOWNSHIP 26 SOUTH, RANGE 36 EAST,
MELBOURNE, 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 **RUSSELL & JACQUELINE M. RIZZO** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF THE REAR 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN LOT 12, BLOCK 1, HOLIDAY SPRINGS AT SUNTREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEASTERLY CORNER OF SAID LOT 12; THENCE S 31°40'20" E ALONG THE EASTERLY LINE OF SAID LOT 12 A DISTANCE OF 9.00 FEET; THENCE S 57°21'23" W 5.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 31°40'20" E 40.00 FEET; THENCE S 57°21'23" W 5.00 FEET TO THE WESTERLY LINE OF SAID 10.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; THENCE N 31°40'20" W ALONG SAID WESTERLY LINE 40.00 FEET; THENCE N 57°21'23" E 5.00 TO THE POINT OF BEGINNING. CONTAINING 200 SQUARE FEET MORE OR LESS. PREPARED BY: JOEL A. SEYMOUR.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at **5:00 P.M. on December 6, 2022**, 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.

Figure 7: Copy of public hearing advertisement as published on November 21, 2022. See next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS, PLAT "HOLIDAY SPRINGS AT SUNTREE" IN SECTION 02, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

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