

Meeting Date
FEBRUARY 17, 2015



AGENDA	
Section	PUBLIC HEARING
Item No.	TV.A.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: Temporary, Public Cul-de-Sac Easement – Horseshoe Avenue - "Vista Wind" (Proposed Plat) - Kevin Trombley – District 1
	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 temporary, public cul-de-sac easement as recorded in ORB 2553, Pg 2967, lying in Section 33, Township 22 South, Range 35 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

Summary Explanation & Background:

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements.

The petitioner owns Tax Parcel No's. 504.2, and 525 of Section 33, Twp. 22 S., Rge. 35 E. together with Tax Parcel No. 6 of Section 4, Twp. 23 S., Rge. 35 E. per ORB 4680, Pg. 1735. Said parcels are being developed as "Vista Wind" which includes the extension of Horseshoe Avenue through the temporary, public cul-de-sac easement as recorded in ORB 2553, Pg. 2967. As the proposed plat being prepared in connection with the development will provide a right-of-way for the road extension and cul-de-sac turnaround, said easement is no longer required and the petitioner desires said easement to be vacated in compliance with platting requirements (easement contains 0.27 acres, more or less).

On January 29, 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. However Land Planning requires the vacating to be completed prior to plat recording. The property is located in south Titusville, west of U.S. Highway 1 and south of State Road 405 as follows: begin at the intersection of U. S. Highway 1 with State Road 405; thence west 2.3 miles on State Road 405; thence south 0.6 miles on Barna Avenue; thence east 0.3 miles on Sleepy Hollow Drive; thence south 0.05 miles on Horseshoe Avenue to the north line of easement.

Fiscal Impact: The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265-3699000, revenue account for vacatings. This action is in keeping with the County's efforts to create cooperative partnerships between County Government and its citizenry. No additional funding will be requested for next year's budget.

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

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

Mailed to:

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

A daily publication by:



CFN 2015047232, OR BK 7318 PAGE 1367.
Recorded 03/10/2015 at 03:14 PM, Scott Ellis, Clerk of Courts
Brevard County
Pgs:5

STATE OF FLORIDA
COUNTY OF BREVARD

Cheri Patellis

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 # (347629)	\$ 182.09	The matter of:
Acct. # (6BR427		
BREVARD COUNTY BOCC		
the	NOTICE TO VACATE THE TEMPORARY CUL-DE-SAC... PUBLIC HEARING...FEBRUARY 17, 2015	

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

January 29, 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#347629,01/29/2015

LEGAL NOTICE
NOTICE TO VACATE THE TEMPORARY CUL-DE-SAC EASEMENT OVER A PORTION OF TAX PARCEL #5024 OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST, TITUSVILLE, FLORIDA, 32780
 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 **KEVIN TROMBLEY** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

EXHIBIT A
LEGAL DESCRIPTION:
 A parcel of land lying in Section 33, Township 22 South, Range 35 East, Brevard County, Florida, being more fully described as follows:
 Commence at the intersection of the East line of the plat of THE HILLS II, as recorded in Plat Book 29, Page 23 of the public records of Brevard County, Florida, with the South right of way line of Barma Avenue, as shown on said plat; thence S.00 degrees 12'56"W., along said East line, a distance of 253.00 feet; thence S.89 degrees 57'25"E., a distance of 406.00 feet to the Point of Beginning of this easement description; thence continue S.89 degrees 57'25"E., a distance of 114.00 feet; thence S.00 degrees 02'35"W., a distance of 105.00 feet; thence N.89 degrees 57'25"W., a distance of 114.00 feet; thence N.00 degrees 02'35"E., a distance of 105.00 feet to the Point of Beginning; containing 0.27 acres, more or less.
 Prepared by Robert Packard, 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 February 17, 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.

Cheri Patellis
(Signature of Affiant)

Sworn to and subscribed before this:



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

29th day of January 2015
Ruby Royer
(Signature of Notary Public)
Ruby Royer
(Name of Notary Typed, Printed or Stamped)

Personally Known or Produced Identification _____
Type Identification Produced: _____

**VACATING A TEMPORARY, PUBLIC CUL-DE-SAC EASEMENT RECORDED IN
OFFICIAL RECORDS BOOK 2553, PAGE 2967 LOCATED AT TAX PARCEL 504.2
(SOUTH END OF EXISTING HORSESHOE AVENUE) IN SECTION 33, TOWNSHIP 22
SOUTH, RANGE 35 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **KEVIN TROMBLEY** with the Board of County Commissioners to vacate a temporary, public cul-de-sac 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 temporary, public cul-de-sac easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that the temporary, public cul-de-sac 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 17th day of February A.D., 2015.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



ROBIN FISHER, CHAIRMAN

As approved by the Board on:
February 17, 2015

SKETCH & DESCRIPTION

SHEET 1 OF 2

SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST

NOT VALID WITHOUT THE SKETCH
ON SHEET 2 OF 2

PARCEL ID# 22-35-33-00-00504.2-0000.00

PURPOSE: TO VACATE A "TEMPORARY CUL-DE-SAC" EASEMENT RECORDED IN O.R. BOOK 2553, PAGE 2967, ALLOWING FOR THE EXTENSION OF EXISTING HORSESHOE AVENUE INTO THE PROPOSED DEVELOPMENT OF "VISTA WIND".

LEGAL DESCRIPTION (O.R. 2553, PAGE 2967):

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE EAST LINE OF THE PLAT OF "THE HILLS II", AS RECORDED IN PLAT BOOK 29, PAGE 23 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, WITH THE SOUTH RIGHT OF WAY LINE OF "BARNA AVENUE", AS SHOWN ON SAID PLAT; THENCE S.00°12'56"W., ALONG SAID EAST LINE, A DISTANCE OF 253.00 FEET; THENCE S.89°57'25"E., A DISTANCE OF 406.00 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT DESCRIPTION; THENCE CONTINUE S.89°57'25"E., A DISTANCE OF 114.00 FEET; THENCE S.00°02'35"W., A DISTANCE OF 105.00 FEET; THENCE N.89°57'25"W., A DISTANCE OF 114.00 FEET; THENCE N.00°02'35"E., A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.27 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

LOCATION - THE 105 FOOT x 114 FOOT EASEMENT DESCRIBED LIES WITHIN TAX PARCEL #504.2 (O.R. 4205, PAGE 1361) AT THE SOUTHERLY END HORSESHOE AVENUE AS DEDICATED BY "THE SOUTH FORTY", RECORDED IN PLAT BOOK 31, PAGE 22.

CLARIFICATION - THE SKETCH & DESCRIPTION SHOWN HEREON IS A GRAPHIC REPRESENTATION OF THE DESCRIPTION ATTACHED HERETO AND IS NOT INTENDED TO REPRESENT OR TO BE USED AS A "BOUNDARY SURVEY" OF THE DESCRIBED LANDS.

BEARING STRUCTURE - BASIS = THE PLAT OF "THE SOUTH FORTY", RECORDED IN PLAT BOOK 31, PAGE 22 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SPECIFICALLY, THE SOUTH LINE OF SAID SUBDIVISION = A BEARING OF S89°57'25"E, (NOTE - THIS BEARING STRUCTURE ALSO COINCIDES WITH THAT "TEMPORARY CUL-DE-SAC EASEMENT" RECORDED IN O.R. 2553, PAGE 2967).



ROBERT M. PACKARD
SURVEYOR & MAPPER PSM #3867
(NOT VALID UNLESS SIGNED & SEALED)

PREPARED FOR:

KEVIN TROMBLEY

PREPARED BY: R.M. PACKARD & ASSOC., INC. / SURVEYING & MAPPING / LB #6649

ADDRESS: 197 BOUGAINVILLEA DRIVE / SUITE D / ROCKLEDGE / FL / 32955

PHONE: (321) 632-6335

DRAWN BY: RMP
PARCEL ID #: 22-35-33-00-00504.2-0000.00
DATE: 10/20/14

CHECKED BY: RMP
SHEET 1 OF 2

DRAWING NO.: A-14-156
REVISIONS: REVISED PER
COUNTY COMMENTS 11/3/14

SECTION 33
TOWNSHIP 22 SOUTH
RANGE 35 EAST

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

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 # (349158)	\$	140.33	the matter of:
Acct. # (6BR427			
BREVARD COUNTY BOCC			
the	Court	RESOLUTION VACATING A TEMPORARY, PUBLIC CUL-DE-SAC EASEMENT....	

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

February 26, 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)

26th day of February 2015

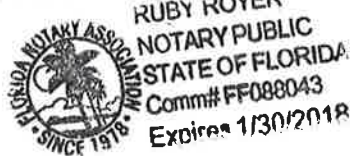
Ruby Royer

(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

Sworn to and subscribed before this:



AD#349158,02/26/2015

LEGAL NOTICE
RESOLUTION VACATING A TEMPORARY, PUBLIC CUL-DE-SAC EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2553, PAGE 2967 LOCATED AT TAX PARCEL 304.2 (SOUTH END OF EXISTING HORSESHOE AVENUE) IN SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST

TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that on the 17TH day of February, 2015, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of a utility easement portioned by Kevin Trombley to wit:

EXHIBIT "A"
LEGAL DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:
LEGAL DESCRIPTION:
A parcel of land lying in Section 33, Township 22 South, Range 35 East, Brevard County, Florida, being more fully described as follows:
Commence at the intersection of the East line of the plat of THE HILLS II, as recorded in Plat Book 29, Page 23 of the public records of Brevard County, Florida, with the South right of way line of Bar-na Avenue, as shown on said plat; thence S.00 degrees 12'56"W., along said East line, a distance of 253.00 feet; thence S.89 degrees 57'25"E., a distance of 406.00 feet to the Point of Beginning of this easement description; thence continue S.89 degrees 57'25"E., a distance of 114.00 feet; thence S.00 degrees 02'35"W., a distance of 105.00 feet; thence N.89 degrees 57'25"W., a distance of 114.00 feet; thence N.00 degrees 02'35"E., a distance of 105.00 feet to the Point of Beginning; containing 0.27 acres, more or less.

Prepared by Robert Packard, PSM
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

Personally Known or Produced Identification _____
Type Identification Produced: _____

RECEIVED

MAR 02 2015

Board of County Commissioners

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

#: 1479659

Receipt #: 61450930

Cashier Date: 03/10/2015


3:14:16 PM




Print Date:

03/10/2015 3:15:29 PM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$1587.00	Date Received: 03/10/2015 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: 7318/1367 CFN:2015047232 Date:03/10/2015 3:14:14 PM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea. 5 \$44.00
Indexing @ 1st 4 Names Free, Add'l=\$1 ea. 2 \$0.00

0 Search Items

1 Miscellaneous Items
 (AGTR) AGENT TRANSMITTAL

John Lynch

From: Cazessus, Marc <marc.cazessus@brevardcounty.us>
Sent: Thursday, February 19, 2015 7:47 AM
To: John Lynch
Cc: Tammy Etheridge; Christine Mulligan; Sweeney, Michael; Vitale, Anthony
Subject: Trombley: Vista Wind Easement Vacating - 2/17/2015 Item IV.A.
Attachments: LEGAL DESCRIPTION_TROMBLEY.docx

Mr. Lynch:

Good morning. Vista Wind easement vacating is approved for advertising (copy of legal attached). Mr. Trombley's agents' contact information is: Mr. Emile Perras, 720 Manderine Street, Merritt Island, FL, 32953 (phone number 321/298-8433). Please let me know if I may be of additional assistance.

Respectfully,

Marc

From: John Lynch [<mailto:John.Lynch@brevardclerk.us>]
Sent: Wednesday, February 18, 2015 4:09 PM
To: Cazessus, Marc
Subject: 2/17/2015 Item IV.A.

Good afternoon,

Is it ok to advertise the Vista Wind Vacating? Also can you send me the legal description and contacts?

Thank you

John Lynch
Clerk to the Board
Brevard County Clerk of the Circuit Court
Scott Ellis, Clerk
Phone (321) 637-2001
john.lynch@brevardclerk.us

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record

LEGAL DESCRIPTION:

A parcel of land lying in Section 33, Township 22 South, Range 35 East, Brevard County, Florida, being more fully described as follows:

Commence at the intersection of the East line of the plat of THE HILLS II, as recorded in Plat Book 29, Page 23 of the public records of Brevard County, Florida, with the South right of way line of Barna Avenue, as shown on said plat; thence S.00°12'56"W., along said East line, a distance of 253.00 feet; thence S.89°57'25"E., a distance of 406.00 feet to the Point of Beginning of this easement description; thence continue S.89°57'25"E., a distance of 114.00 feet; thence S.00°02'35"W., a distance of 105.00 feet; thence N.89°57'25"W., a distance of 114.00 feet; thence N.00°02'35"E., a distance of 105.00 feet to the Point of Beginning; containing 0.27 acres, more or less.

Prepared by Robert Packard, PSM

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

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

Ad # (349397)	\$	137.72	the matter of:
Acct. # (6BR427			BREVARD COUNTY BOCC
the	Court		RESOLUTION VACATING A TEMPORARY, PUBLIC CUL-DE-SAC EASEMENT.....

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

February 26, 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.

*M.F. 19th
Kelly dup
12-22-14
3.44 TDC*

led before this:

ROYER
RY PUBLIC
E OF FLORID
FF088043
as 1/30/2015

Kathy Cicala
(Signature of Affiant)

26th day of February 2015

Ruby Royer
(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

or Produced Identification _____
: _____

AD#349397.02/26/2015

LEGAL NOTICE
RESOLUTION VACATING A TEMPORARY, PUBLIC CUL-DE-SAC EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2533, PAGE 2967 LOCATED AT TAX PARCEL 5942 (SOUTH END OF EXISTING HORSESHOE AVENUE) IN SECTION 33, TOWNSHIP 22, SOUTH RANGE 35 EAST

TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that on the 17th day of February 2015, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating temporary, Public Cul-de-Sac Easement petitioned by Kevin Trombley to wit:

EXHIBIT "A"
LEGAL DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:

LEGAL DESCRIPTION:
A parcel of land lying in Section 33, Township 22 South, Range 35 East, Brevard County, Florida, being more fully described as follows:

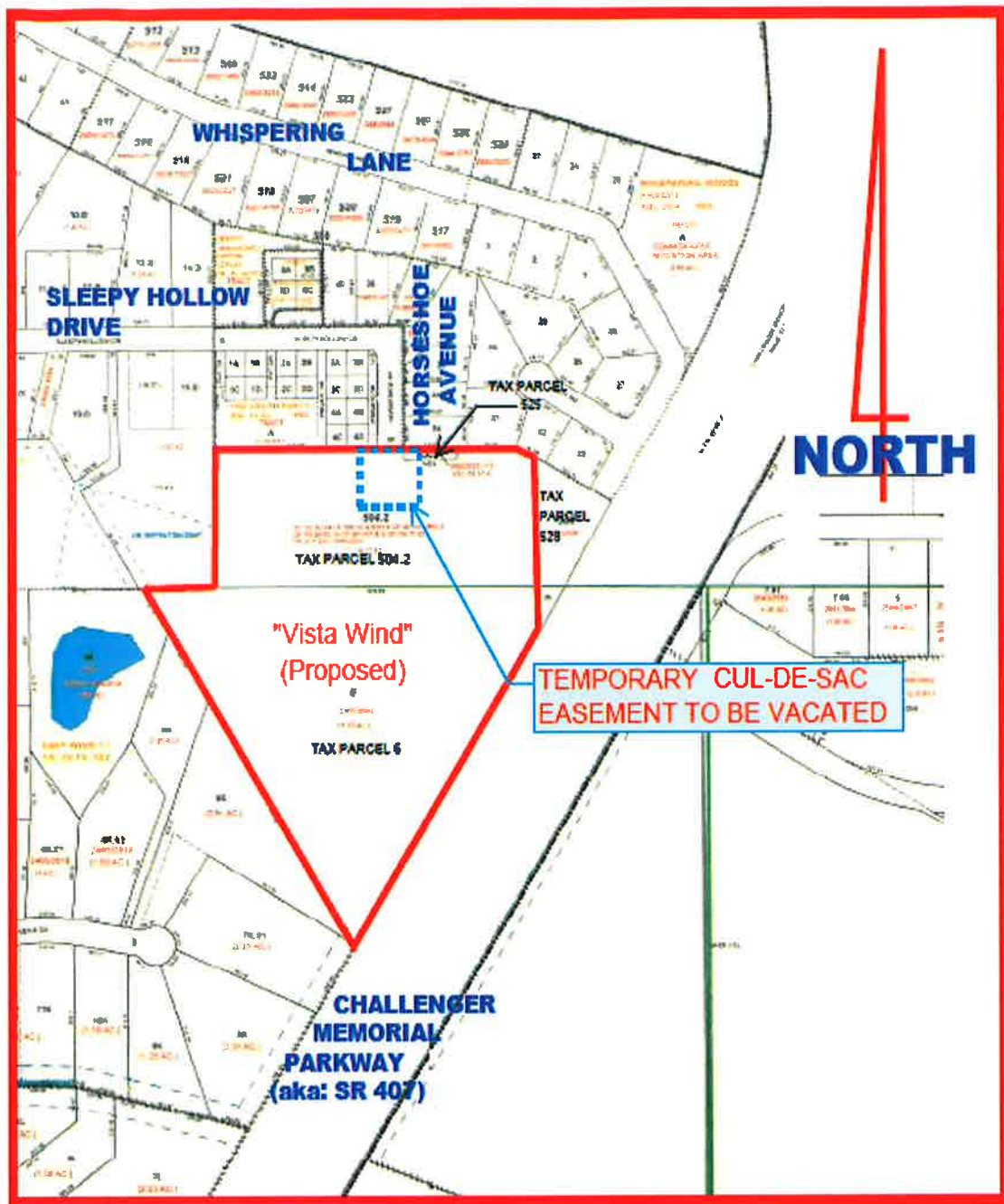
Commence at the intersection of the East line of the plat of THE HILLS II, as recorded in Plat Book 29, Page 23 of the public records of Brevard County, Florida, with the South right of way line of Barna Avenue, as shown on said plat; thence 5.00 degrees 12'54"W., along said East line; a distance of 253.00 feet; thence S.89 degrees 57'25"E., a distance of 406.00 feet to the Point of Beginning of this easement description; thence continue S.89 degrees 57'25"E., a distance of 114.00 feet; thence S.00degrees 02'35"W., a distance of 105.00 feet; thence N.89 degrees 57'25"W., a distance of 114.00 feet; thence N.00 degrees 02'35"E., a distance of 105.00 feet to the Point of Beginning; containing 0.27 acres, more or less.

Prepared by Robert Packard, PSM
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

RECEIVED

MAR 02 2015

Board of County Commissioners



VICINITY MAP

Kevin Trombley - Proposed Development of
"Vista Wind" - Tax Parcel No's. 504.2 & 525 of
Section 33, Twp. 22 S., Rge. 35 E. & Tax Parcel No.
6 of Section 4, Twp. 23 S., Rge. 35 E. - District 1
Vacate Temporary Cul-de-Sac Easement



AERIAL MAP

Kevin Trombley – Proposed Development of
"Vista Wind" – Tax Parcel No's. 504.2 & 525 of
Section 33, Twp. 22 S., Rge. 35 E. & Tax Parcel No.
6 of Section 4, Twp. 23 S., Rge 35 E. – District 1
Vacate Temporary Cul-de-Sac Easement

Prepared by:
Return to:

EMILE PEREAS
3571 Foxwood Dr
Titusville FL 32780



CFN:2002226465 09-10-2002 02:43 pm
OR Book/Page: 4680 / 1735

QUIT CLAIM DEED

On this 29 day of August, 2002, this quit claim deed is executed by:
Vista Group, Inc.

as Grantor, whose address is: 5095 S. Washington Ave. Titusville, FL. 32780

to Kevin Trombley
A single man

as Grantee, whose address is: 60 Kasey Drive Moores Forks, NY 12959

On the following described property lying in Brevard County, Florida:

Tax Parcel 23-35-04-00-6
Tax Parcel 22-35-33-00-525
Tax Parcel 22-35-33-00-504.2

Scott Ellis

Clerk Of Courts, Brevard County

#Pages: 3 #Names: 2
Fees: 2.00 Rec: 13.00 Serv: 0.00
Taxes: 880.00 Exclsr: 0.00
Mfg: 0.00 Int Tax: 0.00

SEE ATTACHED EXHIBIT "A"

That Grantor(s), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said Grantor(s) in hand paid by said Grantee(s), the receipt whereof is hereby acknowledged, has released and quit-claimed to the Grantee(s) all of the Grantor's right, title, interest, and claim of demand which the Grantor(s) may have in the above-described land.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Witnesses:

Michelle Fisher

Michelle Fisher
Print or type name

Justine M. Winick

Justine M. Winick
Print or type name

Grantor(s):

Allen Le Blanc, President LS

Allen Le Blanc/President
Print or type name

5095 S. Washington Ave, Titusville, FL
Address 32780

LS

Print or type name

Address

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me on this 29 day of August, 2002, by Allen Le Blanc, who is personally known to me or who has produced Florida DPL as identification and who ~~did~~ not take an oath.

My Commission Expires 03/02/50

Scott Ellis, Clerk
Brevard County, Florida
DEPUTY CLERK, per F.S. (618.08) 92.50
Scott Ellis, Clerk
Brevard County, Florida

Justine M. Winick
NOTARY PUBLIC
Justine M. Winick
Print or type name





CFN:2002226465

OR Book/Page: 4680 / 1736

PARCEL 2: (TAX PARCEL 22-35-33-00-525)

That part of the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 22 South, Range 35 East, Public Records of Brevard County, Florida as described as "LOT 1" in Official Records Book 2990, Page 3220, of said Public Records, LESS and EXCEPT Plat Book 37, Page 4, Public Records of Brevard County, Florida.

AND

PARCEL 3: (TAX PARCEL 22-35-33-00-504.2)

That part of the Southeast 1/4 of the Southwest 1/4 AND the Southwest 1/4 of the Southeast 1/4 of Section 33, Township 22 South, Range 35 East, Brevard County, Florida that lies East of Plat Book 29, Page 23, West of State Road 407, South of Plat Book 31, Page 22 and South of Plat Book 37, Page 4, all in the Public Records of Brevard County, Florida, LESS AND EXCEPT those lands described in Official Records Book 2990, page 3220, Public Records of Brevard County, Florida.

Legal Description: (Per Surveyor)

A parcel of land lying in Section 33, Township 22 South, Range 35 East, and Section 4, Township 23 South, Range 35 East, Brevard County, Florida, and being a portion of lands as described in Official Records Book 2307, Page 2562 and 2563, of the Public Records of Brevard County, Florida, and being more particularly described as follows:

Begin Southwest corner of the Plat of "South Forty" as recorded in Plat Book 31, Page 22 of said Public Records, thence South 89 degrees 57'25" East, along the South line of said plat, a distance of 496.00 feet to the Southeast corner of said plat; Said point also being the most Southwesterly corner of "Whispering Woods Phase 1", as recorded in Plat Book 37, Page 4 of the Public Records of Brevard County, Florida, thence run South 89 degrees 47'04" East along the South line of said plat of "Whispering Woods Phase 1" a distance of 295.50 feet to the Southwest corner of Lot 32 of said plat; thence run South 64 degrees 27'01" East along said South line of plat of "Whispering Woods Phase 1" a distance of 87.98 feet to the Southeast corner of said Lot 32; thence run South 59 degrees 58'55" East along said South line of said plat a distance of 201.16 feet to the intersection of the South line of said plat of "Whispering Woods Phase 1" and the Northwestern right of way line of State Road No. 407, said point also being the Southeast corner of said plat of "Whispering Woods Phase 1", thence run South 31 degrees 01'20" West along said Northwestern right of way line a distance of 1332.15 feet to a point on the Northeasterly line of the plat of "Eastwinds II", as recorded in Plat Book 29, Pages 1 through 3, as recorded in the Public Records of Brevard County, Florida, thence North 31 degrees 02'03" West along said Northeasterly line, a distance of 1072.20 feet to a point on the South line of the plat of "The Hills II", as recorded in Plat Book 29, Page 23 of said Public Records; thence South 89 degrees 57'37" East along said South line, a distance of 193.09 feet to the Southeast corner of said plat of "The Hills II"; thence North 00 degrees 12'56" East along the East line of said plat, a distance of 363.06 feet to the Point of Beginning.

**PETITIONER'S DEED OF RECORD
SHEET 2 OF 3**

EXHIBIT "A"



CFN:2002226465

OR Book/Page: 4680 / 1737

PARCEL 1: (TAX PARCEL 23-35-04-00-6)

That part of Government Lot 3 and Government Lot 4 as described in Official Records Book 2307, Page 2562, Public Records of Brevard County, Florida, as more particularly described as follows:

A parcel of land lying in and being a part of the South 1/2 of Section 33, Township 22 South, Range 35 East, together with a part of Government Lots 3 and 4, Section 4, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Beginning at a Point of Intersection with the Northwesterly right of way line of State Road No. 407 and the South line of the Southeast 1/4 of the aforesaid Section 33 and run thence South 31 degrees 02'09" West along the aforesaid Northwesterly right of way of State Road No. 407 a distance of 1070.74 feet to the Point of Intersection with the aforesaid Northwesterly right of way line of State Road No. 407 and the Southeasterly Prolongation of the centerline of a 50.00 foot wide drainage easement as recorded in Official Records Book 2068, Page 319, of the Public Records of Brevard County, Florida, thence run North 31 degrees 02'03" West along said centerline of said 50.00 foot wide easement 1072.00 feet to a point on the South line of the Southwest 1/4 of said Section 33; thence run South 89 degrees 57'37" East, along said South line of the Southwest 1/4 of Section 33 a distance of 193.03 feet; thence run North 0 degrees 12'56" East, 948.24 feet to a point; said point being on the Southeasterly Prolongation of the Southwesterly boundary of Lots 41 and 42 as shown on Plat of The Hills, as recorded in Plat Book 25, Page 166, of the Public Records of Brevard County, Florida; thence run North 61 degrees 51'16" West along said Southeasterly Prolongation, 425.00 feet to the Southeasterly corner of Lot 41 of said Plat of The Hills; thence run North 28 degrees 05'46" East, along the Southeasterly boundary of The Hills, 466.00 feet to the Northeasterly corner of Lot 40 as shown said Plat of The Hills; thence run South 61 degrees 51'16" East along the Southeasterly Prolongation of the Northeasterly boundary of Lots 39 and 40 as shown on the aforesaid Plat of The Hills, 200.00 feet; thence run South 73 degrees 51'16" East, a distance of 1474.97 feet to a point lying on the Northwesterly right of way line of the aforesaid State Road No. 407 and a point lying on the arc of a circular curve concave Northwesterly, having a radius of 848.93 feet; thence run in a Southwesterly direction along the aforesaid Northwesterly right of way line and along the arc of said curve through a central angle of 9 degrees 01'24" a distance of 133.70 feet to the Point of Compound curvature of said curve; thence continue in a Southwesterly direction along the aforesaid Northwesterly right of way line of State Road No. 407, and along the arc of a circular curve concave Northwesterly, having a radius of 2714.79 feet, through a central angle of 11 degrees 27'29" a distance of 542.91 feet to the Point of Tangency of said curve; thence continue South 31 degrees 02'09" West, along the aforesaid Northwesterly right of way line, 510.56 feet to a point on the aforesaid South line of the Southeast 1/4 of Section 33 and the Point of Beginning.

GRANTOR BY HIS EXECUTION AND DELIVERY OF THIS DEED TO THE GRANTEE INTEND TO FULLY RELEASE, REMISS AND CONVEY TO GRANTEE ALL HIS REMAINING FEE SIMPLE INTEREST, TITLE AND RIGHT TO SUCH PORTIONS OF THE PROPERTY DESCRIBED ON EXHIBIT "A" AS GRANTOR HAS NOT HERETOFORE CONVEYED AND THIS DEED SHALL NOT BE CONSTRUED AS CREATING OR ASSERTING ANY RIGHTS OF TITLE ON THE PART OF EITHER GRANTOR OR GRANTEE IN THOSE PORTIONS OF THE PROPERTY DESCRIBED ON EXHIBIT "A" HERETOFORE TRANSFERRED BY GRANTOR TO ANY OTHER PERSONS.

AND

PETITIONER'S DEED OF RECORD

SHEET 3 OF 3

(END OF DEED)

TEMPORARY
EASEMENT

THIS INDENTURE, made this day of September A.D. 19 84
between WALTER A. CERRATO and MARY R. CERRATO, his wife

as the first party, and BREVARD COUNTY, as the second party, for the use and
benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the first party, in consideration of one dollar and other
valuable considerations paid, the receipt of which is hereby acknowledged, hereby
grants unto the second party, its successors and assigns, a temporary easement
commencing on the above date, for the purpose of constructing and maintaining a
~~Temporary Cul-De-Sac~~ and other allied uses pertaining
thereto with full right of ingress and egress for the purposes herein stated.

The land affected by the granting of this easement is located in Section 33,
Township 22 South, Range 35 East, County of Brevard, State of Florida,
and is more particularly described as follows:

A parcel of land lying in Section 33, Township 22 South, Range 35 East, Brevard
County, Florida, being more fully described as follows:

Commence at the intersection of the East line of the Plat of "The Hills II" as
recorded in Plat Book 29, Page 23 of the Public Records of Brevard County, Florida
with the South Right-of-Way line of "Barna Avenue" as shown on said Plat; thence
S.00°12'56"W., along said East line, a distance of 253.00 feet; thence S.89°57'25"
E., a distance of 406.00 feet to the Point-of-Beginning of this Easement Descrip-
tion; thence continue S.89°57'25"E., a distance of 114.00 feet; thence S.00°02'35"
W., a distance of 105.00 feet; thence N.89°57'25"W., a distance of 114.00 feet;
thence N.00°02'35"E., a distance of 105.00 feet to the Point-of-Beginning. Con-
taining 0.27 acres, more or less.

In the event of abandonment by Brevard County of the above described property
as a Temporary Cul De Sac Easement, the easement rights herein granted
shall cease and revert to the first party or assigns, free and clear of any title,
right, or interest of the second party.

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its
successors and assigns.

The first party does hereby covenant with the second party that it is lawfully
seized and possessed of the lands above described and that it has a good and lawful
right to convey it or any part thereof.

IN WITNESS WHEREOF, the first party

_____ this, the day and year first above written,

signed, sealed and delivered
in the presence of:

Dawn Roedel
Roberta Beard

Walter A. Cerrato (SEAL)
WALTER A. CERRATO (SEAL)
Mary R. Cerrato (SEAL)
MARY R. CERRATO (SEAL)

STATE OF Florida
COUNTY OF Brevard
FEEFEE \$ 9.00
DOCST. \$ 4.50
INT TAX \$
SERCHG \$
RECORD \$

REC'D DIMENSION
INDICATED FOR CLASS
"C" WITHINABLE & 000
STAMP TABLE SIGNED

I hereby certify, that on this day personally appeared before me, an officer
duly authorized to administer oaths and take acknowledgements
WALTER A. CERRATO and MARY R. CERRATO

to me well known to be the first party described herein and who executed the fore-
going instrument, and acknowledged before me that same was executed freely and
voluntarily for the purpose therein expressed.

WITNESS my hand and official seal at Titusville COUNTY of Brevard
Brevard State of Florida this 19
day of September, A.D. 19 84



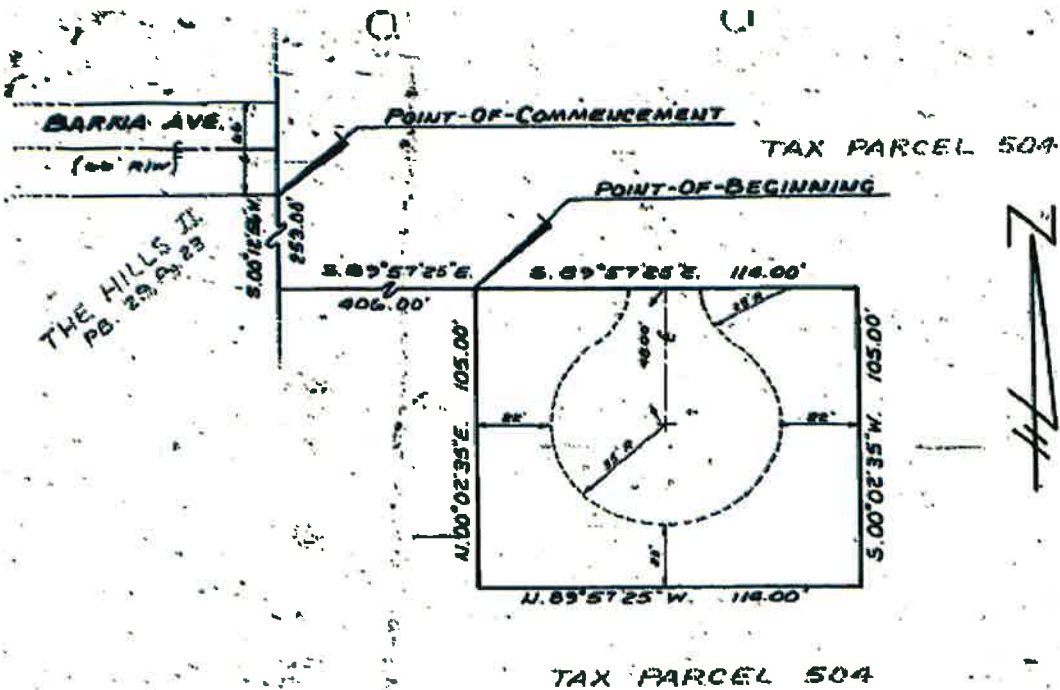
Shirley Underhewer
Notary Public, State of Florida

My Commission expires Feb 16, 1987
Notary Public, State of Florida
My Commission Exp. Feb 16, 1987
Should the Seal Ever Appear, Renewal, etc.

The Instrument Prepared By
JOHN H. EVANS, Notary Public
P.O. Drawer 2000, Titusville, FL 32780

**EASEMENT DEED OF RECORD
SHEET 1 OF 2**

2553
2967
REC'D
BREVARD COUNTY
FEB 16 1987



TEMPORARY-CUL-DE-SAC EASEMENT

A Parcel of Land lying in Section 33, Township 22 South, Range 35 East, Brevard County, Florida, being more fully described as follows:

Commence at the intersection of the East line of the Plat of "The Hills II" as recorded in Plat Book 29, Page 23 of the Public Records of Brevard County, Florida with the South Right-Of-Way line of "Barna Avenue" as shown on said Plat; thence S. 00° 13' 56" W., along said East line, a distance of 253.00 feet; thence S. 89° 57' 25" E., a distance of 406.00 feet to the Point-Of-Beginning of this Easement Description; thence continue S. 89° 57' 25" E., a distance of 114.00 feet; thence S. 00° 02' 35" W., a distance of 105.00 feet; thence N. 89° 57' 25" W., a distance of 114.00 feet; thence N. 00° 02' 35" E., a distance of 105.00 feet to the Point-Of-Beginning. Containing 0.27 Acres, more or less.

SURVEYOR'S NOTES:

1. Information depicted hereon is a sketch of an easement description and does not constitute a Boundary Survey.
2. Bearings shown hereon are based on the Plat of "The Hills II" as recorded in Plat Book 29, Page 23 of the Public Records of Brevard County, Florida.

SKETCH OF DESCRIPTION

PREPARED FOR:
EARL ABBOT
SCALE: 1" = 40'

BUSSEN ENGINEERING CO.
MERRITT ISLAND, FLA.

OFF. REC:
2553

INDEX
2988

JOB NO. 174 JEM 02/08/84

**EASEMENT DEED OF RECORD
SHEET 2 OF 2**

COMMENT SUMMARY

APPLICANT: Kevin Trombley @ "Vista Winds"

UPDATED: Marc Cazessús, PLS 20150127

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
City Gas Co. of Florida	20150109	20150109	Yes	No objections
FPL	20150109	20150127	Yes	No objections
ATT	20150109	20150127	Yes	No objections
Bright House Networks	20150109	20150126	Yes	No objections
COUNTY STAFF				
Road & Bridge	20150109	20150109	Yes	No objections; Scott Brown
Land Planning	20150109	20150109	Yes	Agrees to vacate; vacate required to be completed prior to plat recordation
NRMD / Storm Water	20150109	20150116	Yes	No objections; Harvey Wheeler
Zoning	20150109	20150113	Yes	No objections; Paul Body
Brevard County Utilities	20150109	20150109	Yes	No objections; Tammy Hurley

COMMENT SUMMARY SHEET

LEGAL NOTICE

RESOLUTION VACATING A TEMPORARY, PUBLIC CUL-DE-SAC EASEMENT
RECORDED IN OFFICIAL RECORDS BOOK 2553, PAGE 2967 LOCATED AT
TAX PARCEL 504.2 (SOUTH END OF EXISTING HORSESHOE AVENUE) IN
SECTION 33, TOWNSHIP 22, SOUTH RANGE 35 EAST

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 17th day of February 2015, the Board of
County Commissioners of Brevard County, Florida, adopted a
Resolution vacating temporary, Public Cul-de-Sac Easement petitioned by Kevin
Trombley 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 February 26, 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

EXHIBIT "A"

LEGAL DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:

LEGAL DESCRIPTION:

A parcel of land lying in Section 33, Township 22 South, Range 35 East, Brevard County, Florida, being more fully described as follows:

Commence at the intersection of the East line of the plat of THE HILLS II, as recorded in Plat Book 29, Page 23 of the public records of Brevard County, Florida, with the South right of way line of Barna Avenue, as shown on said plat; thence S.00°12'56"W., along said East line, a distance of 253.00 feet; thence S.89°57'25"E., a distance of 406.00 feet to the Point of Beginning of this easement description; thence continue S.89°57'25"E., a distance of 114.00 feet; thence S.00°02'35"W., a distance of 105.00 feet; thence N.89°57'25"W., a distance of 114.00 feet; thence N.00°02'35"E., a distance of 105.00 feet to the Point of Beginning; containing 0.27 acres, more or less.

Prepared by Robert Packard, PSM

John Lynch

From: Cicala, Kathy <kcicala@floridatoday.com>
Sent: Friday, February 20, 2015 10:50 AM
To: John Lynch
Cc: Brevard-Legals-FloridaToday
Subject: REPLY ONLY TO: legals@floridatoday.com RE:

#349158
\$140.33
2/26

AD#349158,02/26/2015 û

¥

<BF>LEGAL NOTICE û

RESOLUTION VACATING A TEMPORARY,
PUBLIC CUL-DE-SAC EASEMENT RE'
CORDED IN OFFICIAL RECORDS BOOK
2553, PAGE 2967 LOCATED AT TAX PARCEL
504.2 (SOUTH END OF EXISTING HORSE'
SHOE AVENUE) IN SECTION 33, TOWNSHIP
22 SOUTH, RANGE 35 EAST û

TO WHOM IT MAY CONCERN:<NM>

| NOTICE IS HEREBY GIVEN that on the
17TH day of February, 2015, the Board of
County Commissioners of Brevard County,
Florida, adopted a Resolution vacating a
portion of a utility easement portioned by
Kevin Trombley to wit:

<BF>EXHIBIT ÔÔAÔÔ û

LEGAL DESCRIPTION OF PORTION OF
EASEMENT TO BE VACATED:<NM>

LEGAL DESCRIPTION:

<it.6>A parcel of land lying in Section 33, Town'
ship 22 South, Range 35 East, Brevard
County, Florida, being more fully de'
scribed as follows:

Commence at the intersection of the East
line of the plat of THE HILLS II, as re'
corded in Plat Book 29, Page 23 of the
public records of Brevard County, Flori'
da, with the South right of way line of Bar'
na Avenue, as shown on said plat; thence
S.00 degrees 12Ô56ÔÔW., along said East
line, a distance of 253.00 feet; thence S.89
degrees 57Ô25ÔÔE., a distance of 406.00 feet
to the Point of Beginning of this easement
description; thence continue S.89 degrees

57°25'00"E., a distance of 114.00 feet; thence
S.00 degrees 02°35'00"W., a distance of 105.00
feet; thence N.89 degrees 57°25'00"W., a dis-
tance of 114.00 feet; thence N.00 degrees
02°35'00"E., a distance of 105.00 feet to the
Point of Beginning; containing 0.27 acres,
more or less.

Prepared by Robert Packard, PSM<xi>

The Board further renounced and dis-
claimed 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

Kathy Cicala

LEGAL ADVERTISING SPECIALIST

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thereporter@gannett.com

theeagle@gannett.com

kcicala@floridatoday.com

Please visit us online at www.floridatoday.com

THIS EMAIL IS NOT A BILL.

From: John Lynch [<mailto:John.Lynch@brevardclerk.us>]

Sent: Thursday, February 19, 2015 4:14 PM

To: Cicala, Kathy

Subject:

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail or your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.