



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

10/6/2020

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### Subject:

Petition to Vacate, Re: Public Utility & Drainage Easement - 200 Cadiz Court - "Villa De Palmas Unit No. 4" Plat Book 25, Page 120 - Merritt Island - Jared F. and Susanne H. Maher - District 2

### Fiscal Impact:

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

### 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 along the rear line of Lot 27, Block G, "Villa De Palmas Unit No. 4" in Section 14, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman 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 to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioners' own Lot 27, Block G and are requesting the vacating of a 5.00 ft. wide public utility and drainage easement along the rear line of lot 27 to allow for the existing deck to be removed as an encroachment. The easement to be vacated is roughly 95 square feet. The property is located in Merritt Island South of Highway 528 and East of N. Courtenay Pkwy.

On September 21, 2020, 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.



October 7, 2020

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

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

RE: Item H.2., Petition to Vacate for Public Utility and Drainage Easement - 200 Cadiz Court - "Villa De Palmas Unit No. 4" Plat Book 25, Page 120 - Merritt Island - Jared F. and Susanne H. Maher

The Board of County Commissioners, in regular session on October 6, 2020, continued the Petition to Vacate for public utility and drainage easement – 200 Cadiz Court – "Villa De Palmas Unit No. 4" Plat Book 25, Page 120 – Merritt Island – Jared F. and Susanne H. Maher, to the November 10, 2020, Board meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Resolution 2020 - \_\_\_\_\_

**Vacating a public utility and drainage easement in "Villa De Palmas Unit No. 4" Subdivision, Merritt Island, Florida, lying in Section 14, Township 24 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **JARED F. AND SUSANNE H. MAHER** with the Board of County Commissioners to vacate a public utility and drainage easement in Brevard County, Florida, described as follows:

**SEE ATTACHED SKETCH & DESCRIPTION**

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

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

WHEREAS, the Board finds that vacating a public utility and drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility and drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED AND ADOPTED, in regular session, this 06<sup>th</sup> day of October, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

Bryan Andrew Lober, Chair

As approved by the Board on:  
October 06, 2020

SCOTT ELLIS, CLERK

## Brevard County Property Appraiser Detail Sheet

Account 2412485

Owners Maher, Jared F; Maher, Susanne H

Mailing Address 200 Cadiz CT Merritt Island FL 32953

Site Address 200 Cadiz CT Merritt Island FL 32953

Parcel ID 24-36-14-03-G-27

Property Use 0110 - Single Family Residence

Exemptions

DIML - Disability - Military

HEX1 - Homestead First

HEX2 - Homestead Additional

Taxing District 2200 - Unincorp District 2

Total Acres 0.27

Subdivision Villa DE Palmas Unit 4

Site Code 0130 - Canal Front

Plat Book/Page 0025/0120

Land Description Villa DE Palmas Unit 4 Lot 27 Blk G

### **VALUE SUMMARY**

Category	2020	2019	2018
Market Value	\$405,470	\$389,980	\$397,990
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$256,370	\$250,610	\$245,940
Assessed Value School	\$256,370	\$250,610	\$245,940
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$5,000	\$5,000	\$5,000
Taxable Value Non-School	\$201,370	\$195,610	\$190,940
Taxable Value School	\$226,370	\$220,610	\$215,940

### **SALES/TRANSFERS**

Date	Price	Type	Parcel	Deed
07/15/2020	\$469,000	WD	Improved	8804/0573
12/28/2019	--	DC	Improved	8804/0571
06/03/2015	\$386,000	WD	Improved	7382/1381
06/28/2013	\$380,000	WD	Improved	6913/0506
06/15/2001	--	WD	Improved	4362/3662
07/30/2000	\$259,000	WD	Improved	4205/1701
05/30/1998	\$218,000	WD	Improved	3851/0450

Fig. 1: Copy of Property Appraiser's detail sheet for lot 27, block G, Villa De Palmas Unit No. 4, 200 Cadiz Court, Merritt Island, FL 32953, Section 14, Township 24 South, Range 36 East, District 2

## Vicinity Map

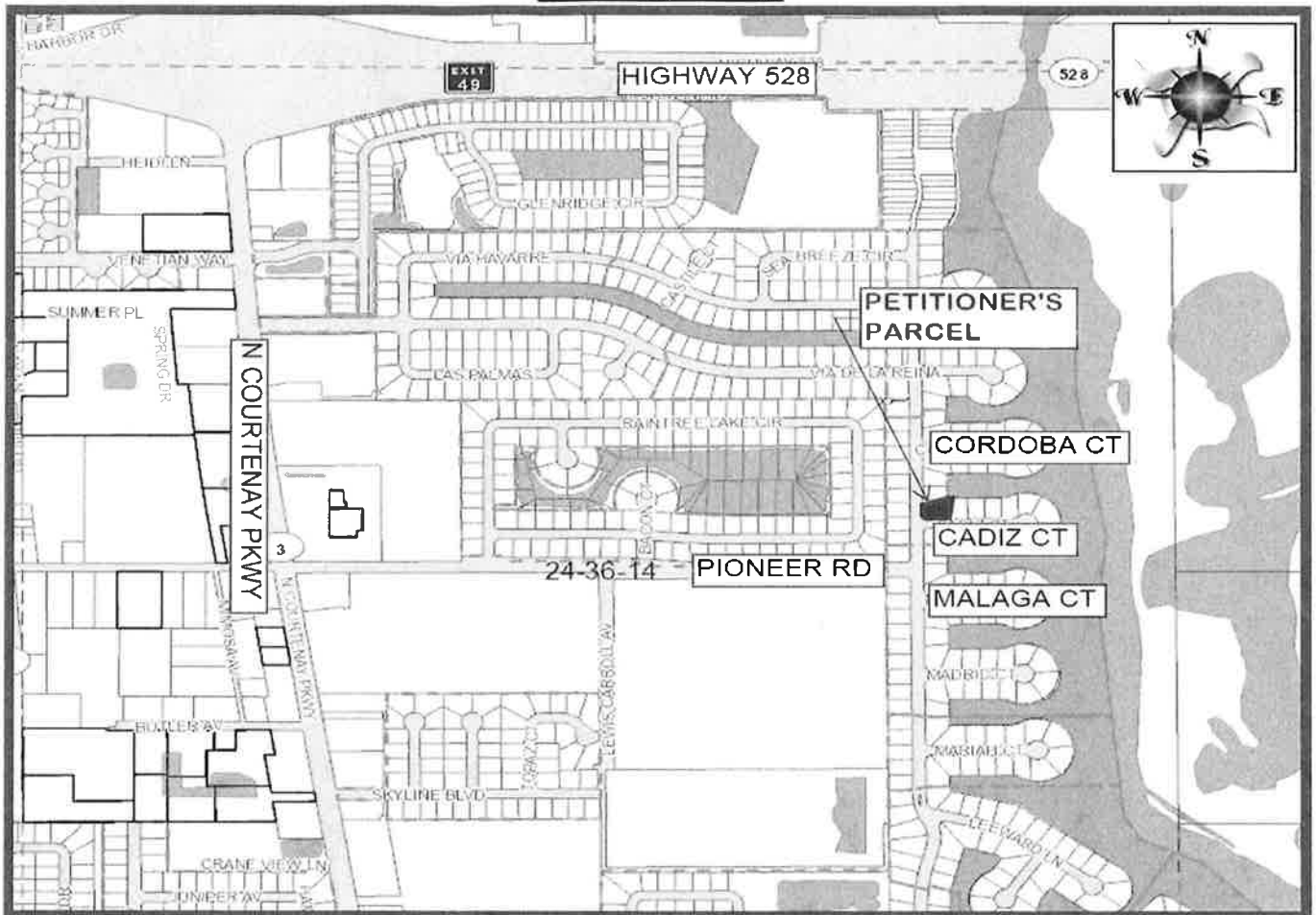


Fig. 2: Map of Lot 27, Block G, Villa De Palmas Unit No. 4, 200 Cadiz Court, Merritt Island, FL 32953

Jared F. & Susanne H. Maher – Lot 27, Block G, “Villa De Palmas Unit No. 4” (Plat Book 25, Page 120) – 200 Cadiz Court – Section 14, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a 5.0 ft. Wide Public Utility & Drainage Easement along the rear line.

## Aerial Map



Fig. 3: Map of aerial view of Lot 27, Block G, Villa De Palmas Unit No. 4, 200 Cadiz Court, Merritt Island, FL 32953

Jared F. & Susanne H. Maher – Lot 27, Block G, “Villa De Palmas Unit No. 4” (Plat Book 25, Page 120) – 200 Cadiz Court – Section 14, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a 5.0 ft. Wide Public Utility & Drainage Easement along the rear line.



# LEGAL DESCRIPTION

SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST  
PARENT PARCEL ID# 24-36-14-03-G-27  
PURPOSE: VACATION OF EASEMENT

SHEET 1 OF 2  
NOT A SURVEY

NOT VALID WITHOUT SHEET 2 OF 2

## LEGAL DESCRIPTION: PARCEL #1 (PREPARED BY SURVEYOR)

A PORTION OF THE NORTHERLY 5.00 FEET PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON LOT 27, BLOCK G, VILLA DE PALMAS UNIT No. 4, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 27, BLOCK G OF SAID VILLA DE PALMAS; THENCE RUN S 89°45'37" W ALONG THE NORTH LINE OF SAID LOT 27 BLOCK G 5.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 10°03'54" W 5.08 FEET TO THE SOUTH LINE OF A 5.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; THENCE S 89°45'37" W ALONG SAID SOUTH LINE 18.23 FEET; THENCE N 09°03'53" W 5.06 FEET TO THE NORTH LINE OF SAID LOT 27 BLOCK G; THENCE N 89°45'37" E ALONG SAID NORTH LINE 19.92 FEET TO THE POINT OF BEGINNING. CONTAINING 95 SQUARE FEET MORE OR LESS.

### SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE E. R/W LINE BEING N 00°14'23" 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:

BLK = BLOCK  
BRG = BEARING  
C/L = CENTERLINE  
COR = CORNER  
ESMT = EASEMENT  
(P) = PLAT  
P.B. = PLAT BOOK  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PUDE = PUBLIC UTILITY AND DRAINAGE EASEMENT  
REF = REFERENCE  
R/W = RIGHT OF WAY

PREPARED FOR AND CERTIFIED TO:  
JARED F. MAHER AND SUSANNE H. MAHER

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. 40225	DESCRIPTION	DATE:	REVISIONS:	SECTION 14
DATE: 8/13/20	DRAWING: VILLADEP/L27BG				TOWNSHIP 24 SOUTH
					RANGE 36 EAST



## Petitioner's Sketch & Description Sheet 2 of 2

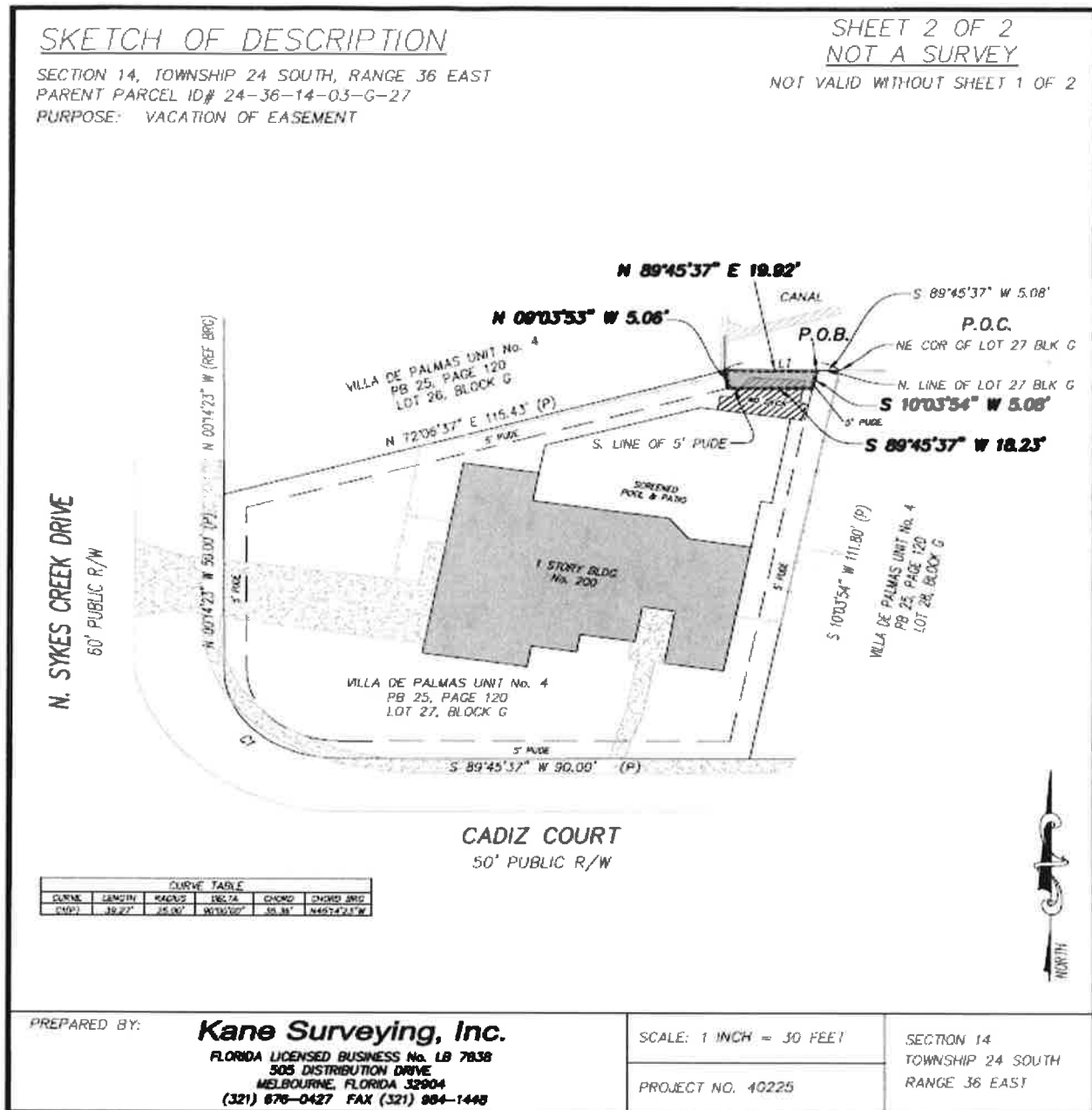


Fig. 6: Sketch of Description. Situated in Section 14, Township 24 South, Range 36 East, Parent Parcel: #24-36-14-03-G-27. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrate a lot (27) that reside on Cadiz Court, Merritt Island, Florida. A 5-foot public utility & drainage easement lies along the northerly line of lot 27. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 72°06'37" East 115.43'; East boundary South 10°03'54" West 111.80', South boundary – South 89°45'37" West 90.00'. Prepared by: Kane Surveying, Inc., FL LB# 7838. Project NO: 40225.

## Comment Sheet

Applicant: Jared & Susanne Maher

Updated by: Amber Holley 20200915 at 16:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20200901	20200903	Yes	No objections
FL Power & Light	20200901	20200901	Yes	No objections
At&t	20200901	20200908	Yes	No objections
Charter/Spectrum	20200901	20200901	Yes	No objections
City of Cocoa	20200901	20200901	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20200901	20200915	Yes	No objections
Land Planning	20200901	20200915	Yes	No objections
Utility Services	20200901	20200901	Yes	No objections
Storm Water	20200901	20200903	Yes	No objections
Zoning	20200901	20200915	Yes	No objections

Fig. 7: Copy of comment sheet for utility review.

## Public Hearing Legal Advertisement

AD#4378809,9/21/2020

### LEGAL NOTICE

NOTICE FOR THE VACATING OF A 5.0 FT.  
WIDE PUBLIC UTILITY AND DRAINAGE  
EASEMENT, PLAT OF "VILLA DE PALMAS  
UNIT NO. 4" IN SECTION 14, TOWNSHIP  
24 SOUTH, RANGE 36 EAST, MERRITT  
ISLAND, 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 JARED F. AND SUSANNE H. MAHER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF THE NORTHERLY 5.00 FEET PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON LOT 27, BLOCK G, VILLA DE PALMAS UNIT No. 4, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 27, BLOCK G OF SAID VILLA DE PALMAS; THENCE RUN S 89°45'37" W ALONG THE NORTH LINE OF SAID LOT 27 BLOCK G 5.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 10°03'54" W 5.08 FEET TO THE SOUTH LINE OF A 5.00 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; THENCE S 89°45'37" W ALONG SAID SOUTH LINE 18.23 FEET; THENCE N 09°03'53" W 5.06 FEET TO THE NORTH LINE OF SAID LOT 27 BLOCK G; THENCE N 89°45'37" E ALONG SAID NORTH LINE 19.92 FEET TO THE POINT OF BEGINNING. CONTAINING 95 SQUARE FEET MORE OR LESS.

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 October 06, 2020 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.

Fig. 8: Copy of public hearing advertisement as published on September 21, 2020 see next page for full text.

## Legal Notice Text

### LEGAL NOTICE

NOTICE FOR THE VACATING OF A 5.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "VILLA DE PALMAS UNIT NO. 4" IN SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL  
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