



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

10/22/2019

Subject:

Petition to Vacate, Re: Public Utility and Drainage Easement - "Fairway Lakes at Viera Phase 1" Plat Book 53, Page 98 - Melbourne - Wilson L. & Brianna L. Cheatham - District 4

Fiscal Impact:

\$640.00 Vacating Application Fee Paid by Petitioner

Dept/Office:

Public Works Department - Surveying Section

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 side line of Lot 20, Block E, "Fairway Lake at Viera Phase 1" in Section 05, Township 26 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 20 and are requesting the vacating of part of the two 7.50 ft. wide public utility and drainage easements along the side lot lines to remove the existing pool and deck as an encroachment into the easements. Easements to be vacated contain 960 square feet, more or less.

October 07, 2019, the legal notice was advertised in Florida Today informing the public of the date a public hearing would be held to consider the vacating.

All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received. The property is located in Viera, south of Judge Fran Jamieson Way and east of Stadium Parkway.

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 revenue account for vacatings.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 57315

759

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.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

November 13, 2019

Wilson L. and Brianna L. Cheatham
6415 Arroyo Drive
Melbourne, FL 32940

Dear Wilson and Brianna Cheatham:

Re: Resolution Vacating Part of a Public Utility and Drainage Easement in Fairway Lakes at Viera Phase 1 Subdivision, Viera

The Board of County Commissioners, in regular session on October 22, 2019, adopted Resolution No. 19-217, vacating part of a public utility and drainage easement in Fairway Lakes at Viera Phase 1 Subdivision, Viera, as petitioned by you. Said Resolution has been recorded in ORBK 8585, Pages 2422 through 2426. Enclosed is a certified copy of the recorded Resolution and easement for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

November 13, 2019

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director Attn: Amber Holley

RE: Advertising Bills for Resolution Vacating Part of a Public Utility and Drainage Easement in Fairway Lakes at Viera Phase 1 Subdivision, Viera

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-217, vacating part of a public utility and drainage easement in Fairway Lakes at Viera Phase 1 Subdivision, Viera, as petitioned by Wilson L. and Brianna L. Cheatham. Said Resolution was adopted by the Board of County Commissioners, in regular session on October 22, 2019.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

Resolution 2019 - 217

**Vacating a part of a public utility and drainage easement in "Fairway Lakes at Viera Phase 1"
Subdivision, Viera, Florida, lying in Section 05, Township 26 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Wilson L. and Brianna L. Cheatham** with the Board of County Commissioners to vacate a portion of a public utility and drainage easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

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

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

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

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

DONE, ORDERED AND ADOPTED, in regular session, this 22TH day of October, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



Scott Ellis, Clerk



Kristine Isnardi, Chair

As approved by the Board on:
October 22, 2019

LEGAL DESCRIPTION

SHEET 1 OF 2

SECTION 5, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL I.D. NUMBER: 26-36-05-UM-E-20

NOT A BOUNDARY SURVEY

ADDRESS: 6415 ARROYO DRIVE, MELBOURNE, FLORIDA

PURPOSE: VACATE PART OF EASEMENT

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND
PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50
FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET
THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE
NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY
10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY
LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT
BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS
OF BREVARD COUNTY, FLORIDA.

CONTAINS 960 SQUARE FEET

LEGEND

- R = RADIUS
- D = DELTA (CENTRAL ANGLE)
- A = ARC

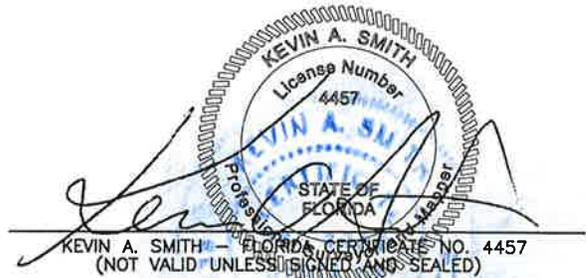
STANDARD NOTES:

1. THIS DESCRIPTION AND SKETCH IS PREPARED FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED.
2. THIS DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR.
3. THIS DESCRIPTION & SKETCH WAS PREPARED FROM INFORMATION SHOWN ON THE SMITH & ASSOCIATES SURVEYING & MAPPING, INC. SURVEY OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA, PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGE 98-101, PUBLIC RECORDS OF BREVARD COUNTY, DATED: APRIL 24, 2019
4. BEARINGS ARE BASED ON PLAT BEARING ALONG THE SOUTHERLY LINE OF LOT 20, BLOCK E, AS SHOWN HEREON.

PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
 Phone (321)724-2940 Fax(321)951-4879
 E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM



PREPARED FOR: WILSON L. & BRIANNA L. CHEATHAM; BREVARD COUNTY BOARD OF COUNTY COMMISSIONER'S

DRAWN BY: P.A.D.

CHECKED BY: KAS

DRAWING NO. 19-0940

SECTION 5

DATE: JULY 7, 2019

SHEET 1 OF 2

REVISIONS SEPT. 13, 2019

TOWNSHIP 26 SOUTH

RANGE 36 EAST

SKETCH OF DESCRIPTION

SECTION 5, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL I.D. NUMBER: 26-36-05-UM-E-20

NOT A BOUNDARY SURVEY

ADDRESS: 6415 ARROYO DRIVE, MELBOURNE, FLORIDA

PURPOSE: VACATE PART OF EASEMENT

SHEET 2 OF 2

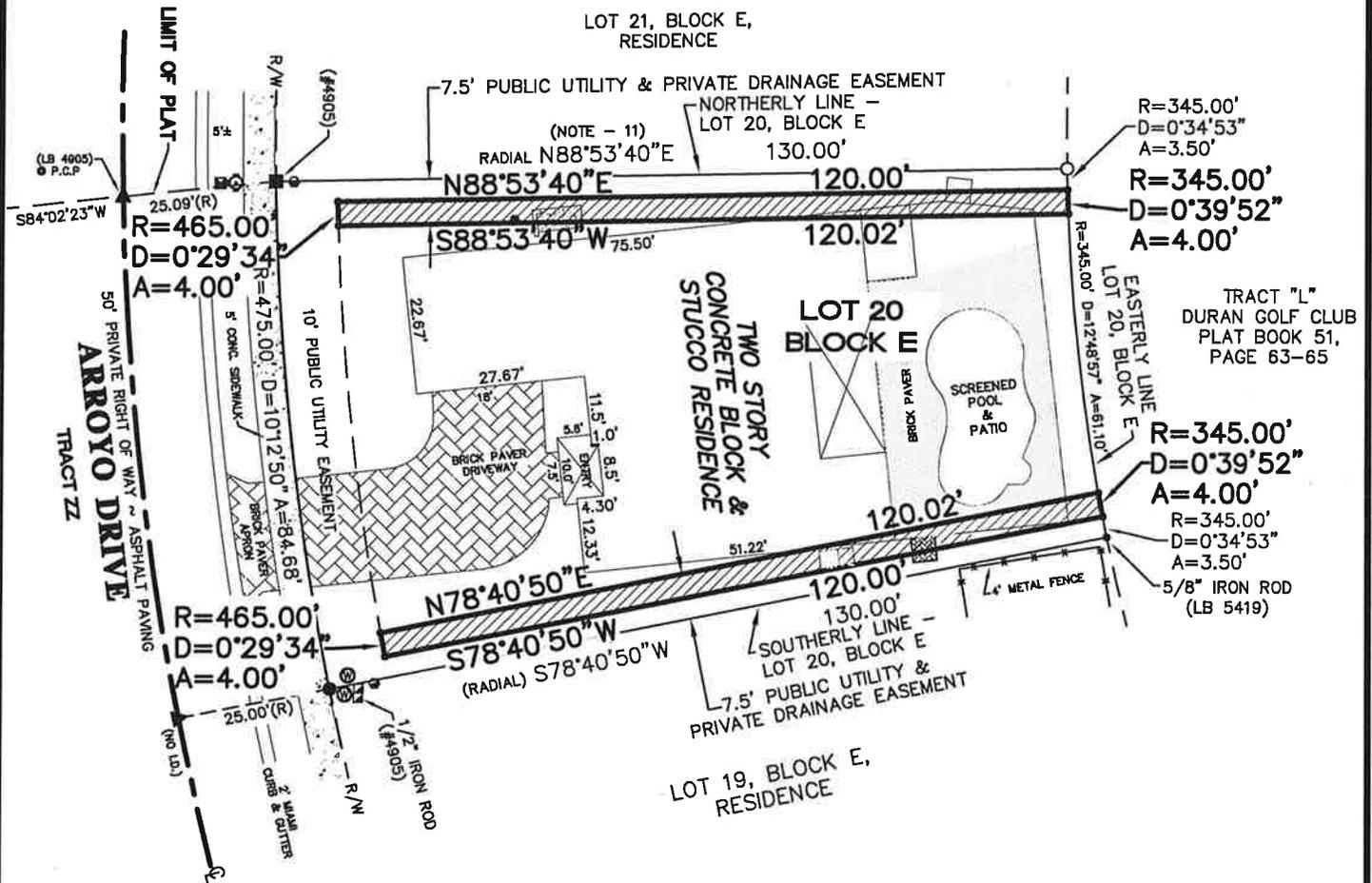
NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1 OF 2



SCALE: 1" = 30'

FAIRWAY LAKES AT VIERA-PHASE 3
PLAT BOOK 58, PAGES 23 & 24

LOT 21, BLOCK E,
RESIDENCE



PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
Phone (321)724-2940 Fax(321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

PREPARED FOR: WILSON L. & BRIANNA L. CHEATHAM; BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DRAWN BY: P.A.D.

CHECKED BY: KAS

DRAWING NO. 19-0940
REVISIONS SEPT. 13, 2019

SECTION 5
TOWNSHIP 26 SOUTH
RANGE 36 EAST

DATE: JULY 7, 2019

SHEET 1 OF 1



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

AD#3824503 10/7/2019
LEGAL NOTICE

NOTICE FOR THE PARTIAL
VACATING OF TWO 7.5 FT. WIDE
PUBLIC UTILITY & PRIVATE
DRAINAGE EASEMENTS, PLAT OF
"FAIRWAY LAKES AT VIERA -
PHASE 1" IN SECTION 05,
TOWNSHIP 26 SOUTH, RANGE 36
EAST, MELBOURNE, FL

STATE OF WISCONSIN COUNTY OF BROWN

Before the undersigned authority personally appeared Joe
Heynen 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 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 WILSON L.
& BRIANNA L. CHEATHAM with the
Board of County Commissioners of
Brevard County, Florida, to request
vacating the following described
property, to wit:

LEGAL NOTICES

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

THAT PART OF A 7.50 FEET WIDE
PUBLIC UTILITY AND PRIVATE
DRAINAGE EASEMENT DESCRIBED
AS FOLLOWS: THE NORTHERLY
4.00 FEET OF THE SOUTHERLY
7.50 FEET, LESS AND EXCEPT
THE WESTERLY 10.00 FEET
THEREOF, AND THE SOUTHERLY
4.00 FEET OF THE NORTHERLY
7.50 FEET, LESS AND EXCEPT
THE WESTERLY 10.00 FEET
THEREOF, OF LOT 20, BLOCK E,
FAIRWAY LAKES AT VIERA -
PHASE 1, AS RECORDED IN PLAT
BOOK 53, PAGES 98 - 101, OF THE
PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA. CONTAINS 960
SQUARE FEET, MORE OR LESS.
PREPARED BY: KEVIN A. SMITH,
PSM

10/07/2019

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, 2019 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.

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 corporation any discount, rebate,
commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

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.

Sworn to and Subscribed before me this 1ST of
NOVEMBER 2019, by Joe Heynen who is personally
known to me

Persons seeking to preserve a
verbatim transcript of the record must
make those arrangements at their
own expense.

[Signature]

Affiant

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.

[Signature]

Notary State of Wisconsin County of Brown



9/19/21

My commission expires



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 Joe Heynen 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

LEGAL NOTICES

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

10/25/2019

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 corporation 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 1ST of NOVEMBER 2019, by Joe Heynen who is personally known to me

[Handwritten signature]

Affiant

[Handwritten signature: Vicky Felty]

Notary State of Wisconsin County of Brown

[Handwritten date: 9/19/21]

My commission expires



AD#3862846 10/25/2019
LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC DRAINAGE EASEMENT IN FAIRWAY LAKES AT VIERA PHASE 1- WILSON L. AND BRIANNA L. CHEATHAM

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 22nd day of October 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating part of a public drainage easement lying in Section 05, Township 26 South, Range 36 East, Titusville, as petitioned by Wilson L. and Brianna L. Cheatham.

SEE ATTACHED EXHIBIT "A"

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

LEGAL DESCRIPTION:

EXHIBIT "A"
THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINS 960 SQUARE FEET, MORE OR LESS. PREPARED BY: KEVIN A. SMITH, PSM

H-6

Resolution 2019 - 217

**Vacating a part of a public utility and drainage easement in "Fairway Lakes at Viera Phase 1"
Subdivision, Viera, Florida, lying in Section 05, Township 26 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Wilson L. and Brianna L. Cheatham** with the Board of County Commissioners to vacate a portion of a public utility and drainage easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

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

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

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

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

DONE, ORDERED AND ADOPTED, in regular session, this 22TH day of October, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



Scott Ellis, Clerk



Kristine Isnardi, Chair

As approved by the Board on:
October 22, 2019

LEGAL DESCRIPTION

SHEET 1 OF 2

SECTION 5, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL I.D. NUMBER: 26-36-05-UM-E-20

NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2

NOT A BOUNDARY SURVEY

ADDRESS: 6415 ARROYO DRIVE, MELBOURNE, FLORIDA

PURPOSE: VACATE PART OF EASEMENT

LEGAL DESCRIPTION:

THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINS 960 SQUARE FEET

LEGEND

- R = RADIUS
- D = DELTA (CENTRAL ANGLE)
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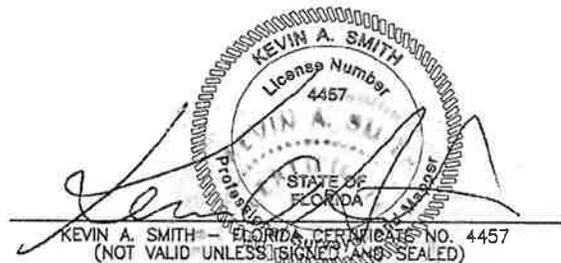
STANDARD NOTES:

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3. THIS DESCRIPTION & SKETCH WAS PREPARED FROM INFORMATION SHOWN ON THE SMITH & ASSOCIATES SURVEYING & MAPPING, INC. SURVEY OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA, PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGE 98-101, PUBLIC RECORDS OF BREVARD COUNTY, DATED: APRIL 24, 2019
4. BEARINGS ARE BASED ON PLAT BEARING ALONG THE SOUTHERLY LINE OF LOT 20, BLOCK E, AS SHOWN HEREON.

PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
 Phone (321)724-2940 Fax(321)951-4879
 E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM



PREPARED FOR: WILSON L. & BRIANNA L. CHEATHAM; BREVARD COUNTY BOARD OF COUNTY COMMISSIONER'S

DRAWN BY: <u>P.A.D.</u>	CHECKED BY: <u>KAS</u>	DRAWING NO. <u>19-0940</u>	SECTION <u>5</u>
DATE: <u>JULY 7, 2019</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS <u>SEPT. 13, 2019</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>36</u> EAST



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

AD#3824503 10/7/2019
LEGAL NOTICE

STATE OF WISCONSIN COUNTY OF BROWN

NOTICE FOR THE PARTIAL
VACATING OF TWO 7.5 FT. WIDE
PUBLIC UTILITY & PRIVATE
DRAINAGE EASEMENTS, PLAT OF
"FAIRWAY LAKES AT VIERA -
PHASE 1" IN SECTION 03,
TOWNSHIP 26 SOUTH, RANGE 36
EAST, MELBOURNE, FL

Before the undersigned authority personally appeared Joe
Heynen who on oath says that he or she is a Legal
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newspaper published in Brevard County, Florida that the
attached copy of advertisement, being a Legal Ad in the
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& BRIANNA L. CHEATHAM with the
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Brevard County, Florida, to request
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property, to wit:

LEGAL NOTICES

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PUBLIC UTILITY AND PRIVATE
DRAINAGE EASEMENT DESCRIBED
AS FOLLOWS: THE NORTHERLY
4.00 FEET OF THE SOUTHERLY
7.50 FEET, LESS AND EXCEPT
THE WESTERLY 10.00 FEET
THEREOF, AND THE SOUTHERLY
4.00 FEET OF THE NORTHERLY
7.50 FEET, LESS AND EXCEPT
THE WESTERLY 10.00 FEET
THEREOF, OF LOT 20, BLOCK E,
FAIRWAY LAKES AT VIERA -
PHASE 1, AS RECORDED IN PLAT
BOOK 53, PAGES 98 - 101, OF THE
PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, CONTAINS 960
SQUARE FEET, MORE OR LESS.
PREPARED BY: KEVIN A. SMITH,
PSM

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

The Board of County Commissioners
will hold a public hearing to deter-
mine the advisability of such vacating
of the above-described easement at
9:00 A.M., on October 22, 2019 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 be-
fore final action is taken.

10/07/2019

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
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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 corporation any discount, rebate,
commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

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 re-
cord includes the testimony and evi-
dence upon which the appeal is based.

Sworn to and Subscribed before me this 1ST of
NOVEMBER 2019, by Joe Heynen who is personally
known to me

Persons seeking to preserve a verba-
lim transcript of the record must
make those arrangements at their
own expense.

[Handwritten signature]

Affiant

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 wish-
ing assistance.

[Handwritten signature]

Notary State of Wisconsin County of Brown



9-19-21

My commission expires



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 Joe Heynen 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

LEGAL NOTICES

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

10/25/2019

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Sworn to and Subscribed before me this 1ST of NOVEMBER 2019, by Joe Heynen who is personally known to me

[Handwritten signature]

Affiant

[Handwritten signature]

Notary State of Wisconsin County of Brown

[Handwritten date]

My commission expires



AD#3862846 10/25/2019
LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC DRAINAGE EASEMENT IN FAIRWAY LAKES AT VIERA PHASE 1- WILSON L. AND BRIANNA L. CHEATHAM

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 22nd day of October 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating part of a public drainage easement lying in Section 05, Township 26 South, Range 36 East, Titusville, as petitioned by Wilson L. and Brianna L. Cheatham.

SEE ATTACHED EXHIBIT "A"

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

LEGAL DESCRIPTION:

EXHIBIT "A"
THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINS 960 SQUARE FEET, MORE OR LESS. PREPARED BY: KEVIN A. SMITH, PSM

LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC DRAINAGE EASEMENT IN FAIRWAY
LAKES AT VIERA PHASE 1- WILSON L. AND BRIANNA L. CHEATHAM

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 22nd day of October 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating part of a public drainage easement lying in Section 05, Township 26 South, Range 36 East, Titusville, as petitioned by Wilson L. and Brianna L. Cheatham.

SEE ATTACHED EXHIBIT "A"

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

Florida TODAY:

Please advertise in the October 25, 2019, issue of the Florida TODAY.

Bill the Board of County Commissioners Account Number 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**

LEGAL DESCRIPTION:

EXHIBIT "A"

THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINS 960 SQUARE FEET, MORE OR LESS. PREPARED BY: KEVIN A. SMITH, PSM

Appraiser's Detail Sheet



Brevard County Property Appraiser
 Titusville • Merritt Island • Viera • Melbourne • Palm Bay
 PROPERTY DETAILS

Phone: (321) 264-8700
<https://www.bcpao.us>

Account	2628576
Owners	Cheatham, Wilson L; Cheatham, Brianna L
Mailing Address	6415 Arroyo Dr Melbourne FL 32940
Site Address	6415 Arroyo Dr Melbourne FL 32940
Parcel ID	26-36-05-UM-E-20
Property Use	0110 - Single Family Residence
Exemptions	TPML - Total & Permanent - Military
Taxing District	4200 - Unincorp District 4
Total Acres	0.22
Subdivision	Fairway Lakes At Viera Phase I
Site Code	0210 - Golf Course Frontage
Plat Book/Page	0053/0098
Land Description	Fairway Lakes At Viera Phase I Lot 20 Blk E



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$500,370	\$518,930	\$501,760
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$500,370	\$512,290	\$501,760
Assessed Value School	\$500,370	\$512,290	\$501,760
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$500,370	\$512,290	\$501,760
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
12/14/2015	\$582,100	WD	Improved	7513/1623
06/27/2013	\$5,500,000	WD	Vacant	6910/2860
02/09/2006	\$8,640,000	WD	Vacant	5603/3759

BUILDINGS PROPERTY DATA CARD #1

Building Use: 0110 - Single Family Residence

Materials	Details
Exterior Wall:	Stucco
Year Built	2015
Frame:	Masnryconc , Wood Frame
Story Height	9
Roof:	Cem/Cly/Mtl Tile
Floors	2
Roof Structure:	Hip/Gable
Residential Units	1
Commercial Units	0

Sub-Areas	Extra Features
Base Area (1st)	No Data Found
Base Area (2nd)	
Garage	
Open Porch	
Open Porch	
Total Base Area	
Total Sub Area	

Figure 1: Copy of Brevard County Property Appraiser's detail sheet for lot 20, block E, Fairway Lakes at Viera Phase 1, 6415 Arroyo Drive, Melbourne, FL 32940. 762

Vicinity Map

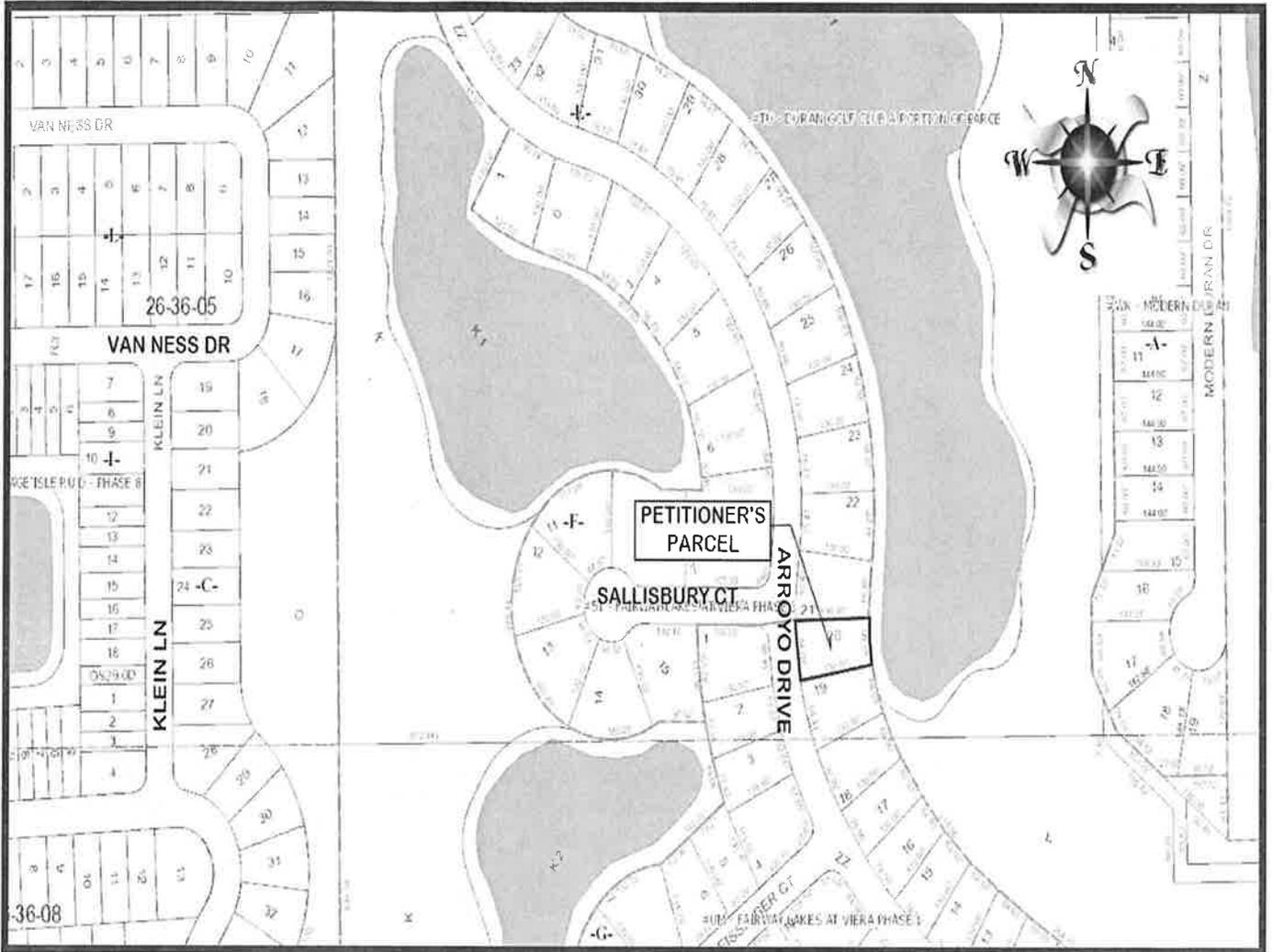


Figure 2: Map of Lot 20, Block E, Fairway Lakes at Viera Phase 1, 6415 Arroyo Drive, Melbourne, FL 32940.

Wilson L. & Brianna L. Cheatham – Lot 20, Block E, “Fairway Lake At Viera Phase 1” (Plat Book 53, Page 98) – 6415 Arroyo Drive – Section 05, Township 26 South, Range 36 East – District 4 – Proposed Vacating of part of two 7.5 ft. Wide Public Utility and Drainage Easement along the side lot lines

Aerial Map

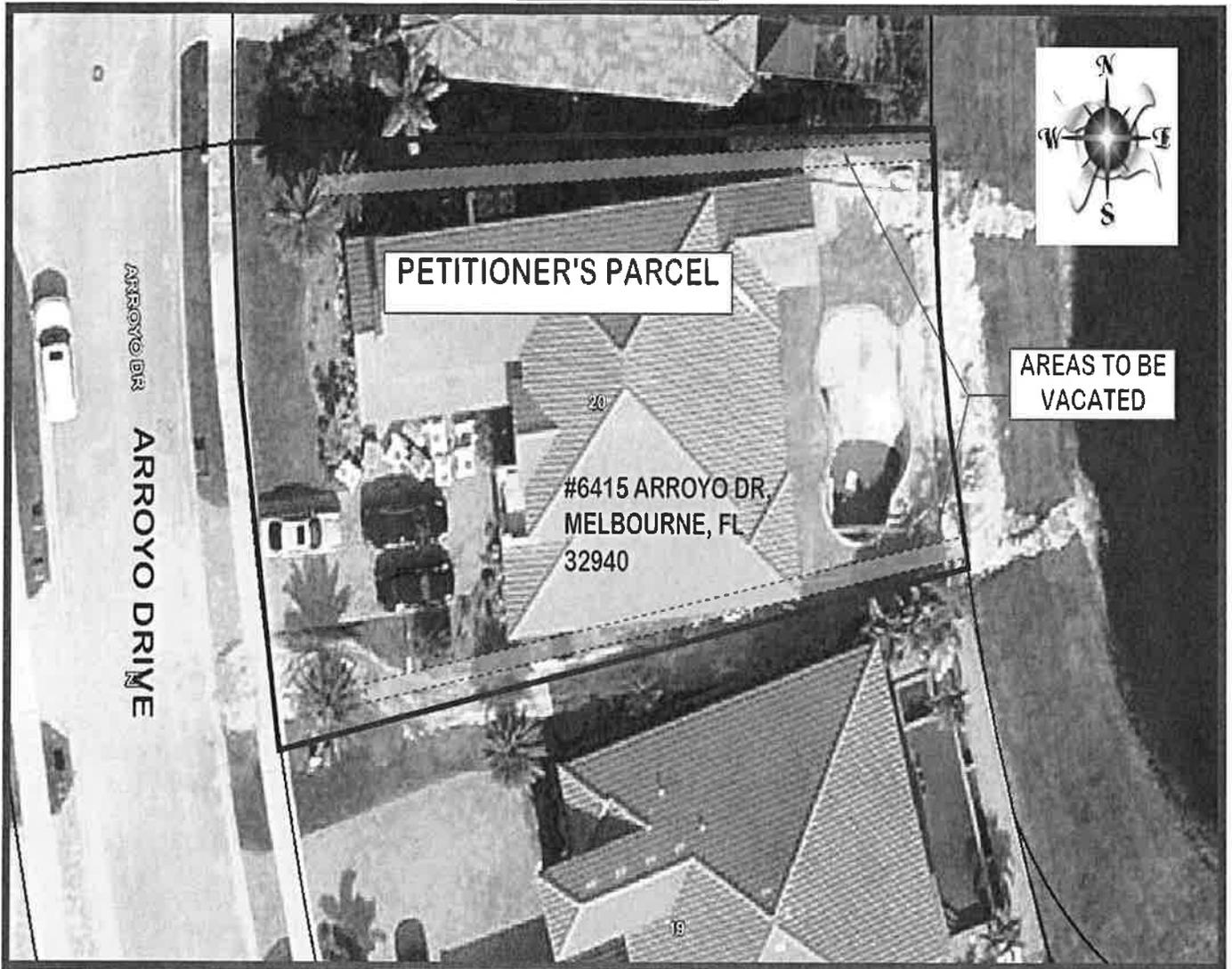


Figure 3: Map of aerial view of Lot 20, Block E, Fairway Lakes at Viera Phase 1, 6415 Arroyo Drive, Melbourne, FL 32940.

Wilson L. & Brianna L. Cheatham – Lot 20, Block E,
“Fairway Lake At Viera Phase 1” (Plat Book 53, Page
98) – 6415 Arroyo Drive – Section 05, Township 26
South, Range 36 East – District 4 – Proposed Vacating
of part of two 7.5 ft. Wide Public Utility and Drainage
Easement along the side lot lines

Plat Reference

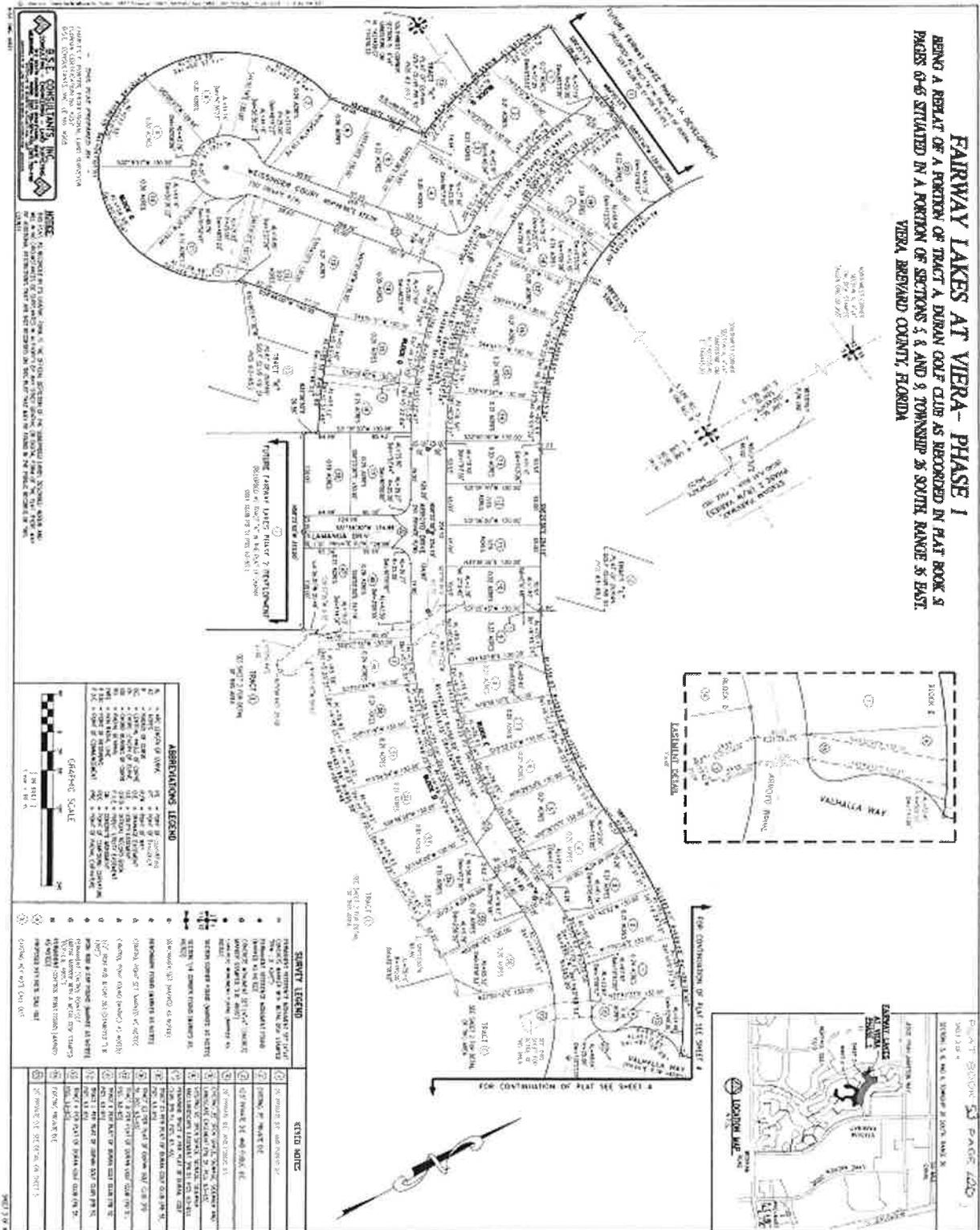


Figure 4: Copy of plat map "Fairway Lakes at Viera – Phase 1" dedicated to Brevard County September 29, 2005.

Petitioner's Deed

CPN 2015243994, OR BK 7513 Page 1623, Recorded 12/15/2015 at 04:55 PM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$4074.70

Prepared By and Return To:
Diane Gibson
DHI Title of Florida, Inc.
1430 Culver Drive NE
Palm Bay, FL 32907
Order No.: 105-16260389

Property Appraiser's Parcel I.D. (folio) Number:
2629576

Sales Price: \$562,045.00

Documentary Stamps: \$ 4,074.70

SPECIAL CORPORATE WARRANTY DEED

THIS SPECIAL CORPORATE WARRANTY DEED is made this 14th day of December, 2015 by D.R. Horton, Inc. d/b/a Emerald Homes, a Delaware corporation, hereinafter called Grantor, and whose address is 1430 Culver Drive NE, Palm Bay, FL 32907, to Wilson L Cheatham and Brianna L Cheatham, Husband and Wife, hereinafter called Grantee and whose address is 6415 Arroyo Dr, Melbourne, FL 32940.

(Whenever used herein the term "grantor" and "grantee" include all of the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successor and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said Grantee, the following described land situated, lying and being in County of Brevard, State of Florida, to wit:

Lot 20, Block E, FAIRWAY LAKES AT VIERA - PHASE 1, according to the map or plat thereof, as recorded in Plat Book 53, Page 98 through 101, of the Public Records of Brevard County, Florida.

6415 Arroyo Dr, Melbourne, FL 32940

SUBJECT TO Covenants, Conditions, Restrictions, Reservations, Limitations, Easements and Agreements of Record, if any.

SUBJECT TO taxes accruing subsequent to December 31, 2015.

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

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims arising by and through or under the Grantor.

TO HAVE AND TO HOLD the same in Fee Simple forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in presence of:

[Signature]
Witness Signature

Diane Gibson
Printed Name of First Witness

[Signature]
Witness Signature

Zobeida Padilla
Printed Name of Second Witness

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14th day of December, 2015, by William R. Basson, Assistant Secretary of D.R. Horton, Inc. d/b/a Emerald Homes, a corporation existing under the laws of the State of Delaware, on behalf of the corporation.

He/She is personally known to me or has produced a driver's license as identification.

[Signature]
Notary Public Diane Gibson
My Commission Expires:

D.R. Horton, Inc. d/b/a Emerald Homes, a Delaware corporation

[Signature]
William R. Basson, Assistant Secretary



Figure 5: Copy of deed of sale for lot 20, block E, Fairway Lakes at Viera Phase 1, 6415 Arroyo Drive, Melbourne, FL to Wilson and Brianna Cheatham on December 14, 2015.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION		SHEET 1 OF 2	
SECTION 5, TOWNSHIP 26 SOUTH, RANGE 36 EAST		NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2	
PARCEL I.D. NUMBER: 26-36-05-UM-E-20			
NOT A BOUNDARY SURVEY			
ADDRESS: 6415 ARROYO DRIVE, MELBOURNE, FLORIDA			
PURPOSE: VACATE PART OF EASEMENT			
 LEGAL DESCRIPTION: 			
THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:			
THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.			
CONTAINS 960 SQUARE FEET			
 LEGEND 			
R = RADIUS			
D = DELTA (CENTRAL ANGLE)			
A = ARC			
 STANDARD NOTES: 			
1. THIS DESCRIPTION AND SKETCH IS PREPARED FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED.			
2. THIS DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR.			
3. THIS DESCRIPTION & SKETCH WAS PREPARED FROM INFORMATION SHOWN ON THE SMITH & ASSOCIATES SURVEYING & MAPPING, INC. SURVEY OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA, PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGE 98-101, PUBLIC RECORDS OF BREVARD COUNTY, DATED: APRIL 24, 2019			
4. BEARINGS ARE BASED ON PLAT BEARING ALONG THE SOUTHERLY LINE OF LOT 20, BLOCK E, AS SHOWN HEREON.			
PREPARED BY:			
			
<small>1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907 Phone (321)724-2840 Fax(321)951-4879 E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM</small>			
PREPARED FOR: WILSON L. & BRIANNA L. CHEATHAM; BREVARD COUNTY BOARD OF COUNTY COMMISSIONER'S			
DRAWN BY: <u>P.A.D.</u>	CHECKED BY: <u>KAS</u>	DRAWING NO. <u>19-0940</u>	SECTION <u>5</u>
DATE: <u>JULY 7, 2019</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS <u>SEPT. 13, 2019</u>	TOWNSHIP <u>26</u> SOUTH
			RANGE <u>36</u> EAST

Figure 6: Copy of legal description sheet 1 of 2 for lot 20, block E, Fairway Lakes at Viera Phase 1.

Petitioner's Sketch & Description Sheet 2 of 2

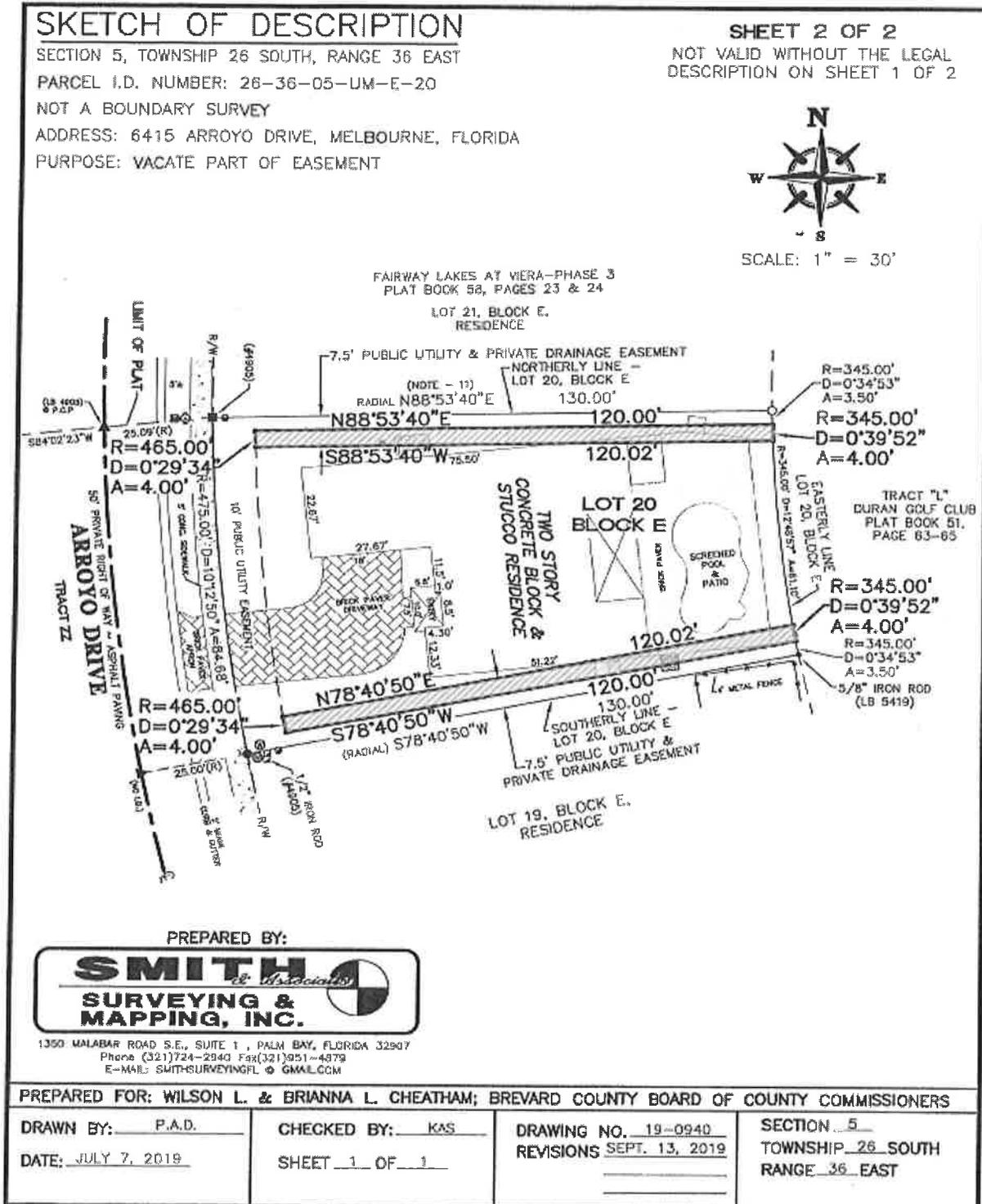


Figure 7: Copy of sketch sheet 2 of 2 for lot 20, block E, Fairway Lakes at Viera Phase 1.

Public Hearing Legal Advertisement

AD#3824503 10/7/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF TWO 7.5 FT. WIDE PUBLIC UTILITY & PRIVATE DRAINAGE EASEMENTS, PLAT OF "FAIRWAY LAKES AT VIERA PHASE 1" IN SECTION 05, 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 WILSON L. & BRIANNA L. CHEATHAM with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THAT PART OF A 7.50 FEET WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE NORTHERLY 4.00 FEET OF THE SOUTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, AND THE SOUTHERLY 4.00 FEET OF THE NORTHERLY 7.50 FEET, LESS AND EXCEPT THE WESTERLY 10.00 FEET THEREOF, OF LOT 20, BLOCK E, FAIRWAY LAKES AT VIERA - PHASE 1, AS RECORDED IN PLAT BOOK 53, PAGES 98 - 101, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINS 960 SQUARE FEET, MORE OR LESS. PREPARED BY: KEVIN A. SMITH, 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, 2019 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 9: Copy of public hearing advertisement as published on October 7, 2019.

Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the October 07, 2019 issue of Florida TODAY.

PLEASE NOTE! Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 7.5 FT. WIDE PUBLIC UTILITY & PRIVATE DRAINAGE EASEMENTS, PLAT OF "FAIRWAY LAKES AT VIERA – PHASE 1" IN SECTION 05, 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 **WILSON L. & BRIANNA L. CHEATHAM** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

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