

Meeting Date
October 21, 2014



AGENDA	
Section	PUBLIC HEARING
Item No.	III.C

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: Part of a public Surface Water Improvement Pond Drainage Easement - Huntington Ave. - Scottsmoor, FL - Jack Cheers – District 1
	Public Works Department – Surveying Section

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider vacating part of the public Surface Water Improvement Pond Easement on Huntington Ave. in Section 40, Township 20 South, Range 35 East. If approved, it is requested that the Board authorize the Chairman to execute 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 the lands known as Tax Parcel 11 of Section 40, T. 20 S., R. 35 E. as recorded in ORB 2348, Pg. 2890 which is wholly encumbered by the public Surface Water Improvement Pond Easement as recorded in ORB 3657, Pg. 3051 as granted by the petitioner to Brevard County in February of 1997. Petitioner requests the vacating of that portion of the unused easement as shown on the attached survey to enable future development.

Previously, the Board approved Resolution 2002-120 to vacate 1,510 ft. of a 10 ft. wide alley way through Tracts 5 – 9, Riverview Resubdivision.

On October 02, 2014, 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 Scottsmoor on Huntington Avenue which is 2 miles south of the north county line and 1.5 miles east of U. S. No. 1.

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

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			



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 18, 2014

MEMORANDUM

TO: Recording

RE: Item III.C., Resolution Vacating Part of a Public Surface Water Pond Drainage Easement Huntington Avenue

The Board of County Commissioners, in regular session on October 21, 2014, adopted a Resolution Vacating Part of a Public Surface Water Pond Drainage Easement Huntington Avenue. Enclosed are the proof of publication setting the public hearing, Resolution 14-196, with attached Exhibits, and proof of publication advertising the vacation.

Please record same in the Public Records, bill Public Works Department's Account Number 3175 or call Marc Cazesus at 5-7315 if you have any questions; and return the recorded documents to this office, **including a receipt for the recordation.**

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/jl

Encls. (3)



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 25, 2014

Jack Cheers
832 Mallard Road
Cocoa, FL 32926

Dear Mr. Cheers:

RE: Item III.C., Resolution Vacating a Public Sewer Easement on Huntington Avenue

The Board of County Commissioners, in regular session on October 21, 2014, adopted Resolution No. 14-196, vacating a Public Sewer Easement on Huntington Avenue, as petitioned by you. Said Resolution has been recorded in ORBK 7250, PGs 2528 through 2532. Enclosed is a certified copy of the recorded Resolution for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: Marc Cazessus



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 25, 2014

M E M O R A N D U M

TO: John Denninghoff, Public Works Director Attn: Marc Cazessus

RE: Advertising Bills for Resolution to Vacate a Public Sewer Easement on Huntington Avenue

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 14-196, vacating a Public DEewer Easement on Huntington Avenue, as petitioned by Jack Cheers. Said Resolution was adopted by the Board of County Commissioner in Regular session, on October 21, 2014.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS

Tammy Etheridge, Deputy Clerk

Encls. (2)

Mailed to:

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



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

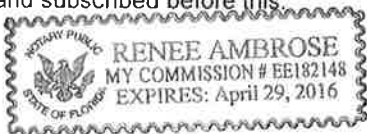
Ad # (340571)	\$	330.86	The matter of:
Acct. # (6BR427			
			BREVARD COUNTY BOCC
the	Court		LEGAL NOTICE
			VACATE PORTION OF SURFACE WATER

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

October 2, 2014

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.

Sworn to and subscribed before this:



Kathy Cicala
 (Signature of Affiant)

2nd day of October 2014

Renee Ambrose
 (Signature of Notary Public)

Renee Ambrose

(Name of Notary Typed, Printed or Stamped)

Personally Known X or Produced Identification _____
 Type Identification Produced: _____

LEGAL NOTICE
 NOTICE TO VACATE A PORTION OF A PUBLIC SURFACE WATER IMPROVEMENT POND EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 3051, ENCUMBERING TAX PARCEL 11 OF SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST LOCATED ON HUNTINGTON AVENUE, SCOTTSMOOR, FL 32775
 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 JACK CHEERS with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

EXHIBIT "A"
 A PARCEL OF LAND BEING A PORTION OF SECTION 40 LYING SOUTH OF LOT 29 AND PART OF LOT 28 ACCORDING TO THE PLAT OF FLORIDA LAND SALES COMPANY SUBDIVISION, ALSO KNOWN AS THE MAP OF RESUBDIVISION OF PART OF FOUNTAIN GRANT AS RECORDED IN PLAT BOOK 0, PAGE 2 AND ALSO BEING A PORTION OF THAT CERTAIN SURFACE WATER IMPROVEMENT POND EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 3051 WHICH WHOLLY ENCUMBERS THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2348, PAGE 2899, ALL AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LOCATED IN SAID SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF GARVIN GRANT IN SECTION 37, TOWNSHIP 20 SOUTH, RANGE 35 EAST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE RUN NORTH 73 DEGREES 00'00" EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID GARVIN GRANT, SAID LINE ALSO BEING THE NORTH LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS FOR A DISTANCE OF 578.52 FEET TO A POINT ON THE EAST LINE OF LOT 11, PABLO FONTAINE GRANT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 11 DEGREES 12'45" EAST ALONG SAID EAST LINE OF LOT 11, PABLO FONTAINE GRANT, SAID LINE ALSO BEING THE EAST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS FOR A DISTANCE OF 100.51 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 73 DEGREES 00'00" WEST FOR A DISTANCE OF 282.85 FEET; THENCE SOUTH 19 DEGREES 16'44" EAST FOR A DISTANCE OF 369.70 FEET; THENCE SOUTH 73 DEGREES 14'22" WEST FOR A DISTANCE OF 245.22 FEET TO A POINT ON THE EAST LINE OF SAID GARVIN GRANT, SAID POINT ALSO BEING A POINT ON THE WEST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE NORTH 21 DEGREES 16' 35" WEST ALONG THE EAST LINE OF SAID GARVIN GRANT, SAID LINE ALSO BEING THE WEST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS, FOR A DISTANCE OF 469.61 FEET TO THE POINT OF BEGINNING, CONTAINING 3.608 ACRES, MORE OR LESS.

THE LAND DESCRIBED ABOVE IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.
 PREPARED BY: MICHAEL J. SWENEY, PSM - BREVARD COUNTY SURVEYOR

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 21, 2014 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.

RESOLUTION 2014 - 196

PARTIAL VACATING OF SURFACE WATER IMPROVEMENT POND EASEMENT ON HUNTINGTON AVENUE, SCOTTSMOOR, FL IN SECTION 40, TWP. 20 S., RGE 35 E.

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **JACK CHEERS** with the Board of County Commissioners to vacate a portion of a surface water improvement pond 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 surface water improvement pond easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public surface water improvement pond 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 21st day of October A.D., 2014.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


MARY BOLIN LEWIS, CHAIRMAN

As approved by the Board on:
October 21, 2014

LEGAL DESCRIPTION

SHEET 1 OF 2

NOT VALID WITHOUT
SHEET 2 OF 2

THIS IS NOT A SURVEY

SECTIONS 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST

PARENT PARCEL ID NUMBER:
20G-35-40-AC-00000.0-0011.00

PURPOSE: TO VACATE A PORTION OF OFFICIAL
RECORDS BOOK 3657, PAGE 3051

LEGAL DESCRIPTION:

VACATED PARCEL (BY SURVEYOR)

A PARCEL OF LAND BEING A PORTION OF SECTION 40 LYING SOUTH OF LOT 29 AND PART OF LOT 28 ACCORDING TO THE PLAT OF FLORIDA LAND SALES COMPANY SUBDIVISION, ALSO KNOWN AS THE MAP OF RESUBDIVISION OF PART OF FOUNTAIN GRANT AS RECORDED IN PLAT BOOK D, PAGE 2 AND ALSO BEING A PORTION OF THAT CERTAIN SURFACE WATER IMPROVEMENT POND EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 3051 WHICH WHOLLY ENCUMBERS THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2348, PAGE 2890, ALL AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LOCATED IN SAID SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF GARVIN GRANT IN SECTION 37, TOWNSHIP 20 SOUTH, RANGE 35 EAST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE RUN NORTH 73°00'00" EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID GARVIN GRANT, SAID LINE ALSO BEING THE NORTH LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS FOR A DISTANCE OF 578.52 FEET A POINT ON THE EAST LINE OF LOT 11, PABLO FONTAINE GRANT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 11°12'45" EAST ALONG SAID EAST LINE OF LOT 11, PABLO FONTAINE GRANT, SAID LINE ALSO BEING THE EAST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS FOR A DISTANCE OF 100.51 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 73°00'00" WEST FOR A DISTANCE OF 282.85 FEET; THENCE SOUTH 19°16'46" EAST FOR A DISTANCE OF 369.70 FEET; THENCE SOUTH 73°14'22" WEST FOR A DISTANCE OF 285.22 FEET TO A POINT ON THE EAST LINE OF SAID GARVIN GRANT, SAID POINT ALSO BEING A POINT ON THE WEST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE NORTH 21°16'35" WEST ALONG THE EAST LINE OF SAID GARVIN GRANT, SAID LINE ALSO BEING THE WEST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS, FOR A DISTANCE OF 489.61 FEET TO THE POINT OF BEGINNING. CONTAINING 3.608 ACRES, MORE OR LESS.

THE LAND DESCRIBED ABOVE IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT A BOUNDARY SURVEY.
2. BASE OF BEARINGS IS ASSUMED, BASED ON THE EASTERLY EXTENSION OF THE NORTH LINE OF THE GARVIN GRANT AS BEING NORTH 73°00'00" EAST AS SHOWN ON THE UNITED STATES GENERAL LAND OFFICE PLAT OF TOWNSHIP 20 SOUTH, RANGE 35 EAST, DATED MARCH 12, 1852 AND IN AGREEMENT WITH SAID OFFICIAL RECORD BOOK 2348, PAGE 2890.
3. THE LIMITS OF THE PARCEL TO BE VACATED BASED ON TOPOGRAPHIC FEATURES SHOWN ON THE AS-BUILT DRAWING SURVEY OF HUNTINGTON AVENUE BASIN DETENTION POND, PERFORMED BY BRIEL & ASSOCIATES LAND SURVEYORS, INC. OF SATELLITE BEACH, FLORIDA, PROJECT NUMBER 97220, DATED FEBRUARY 2, 1998, AND REVISED DATED MARCH 9, 1998.
4. INSTRUMENTS OF RECORD PERTAINING TO ENCUMBRANCES SUCH AS EASEMENTS, RIGHTS OF WAY, COVENANTS, AGREEMENTS, AND RESTRICTIONS WERE NOT PROVIDED BY THE CLIENT; A SEARCH OF THE PUBLIC RECORDS WAS NOT PERFORMED BY THIS SURVEYOR. NO OPINION OF TITLE IS EXPRESSED OR IMPLIED HEREIN.

ABBREVIATIONS

N/F = NOW OR FORMERLY
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
R/W = RIGHT OF WAY



MICHAEL J. SWEENEY, PSM NO. 4870
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR:

BREVARD COUNTY NATURAL RESOURCE DEPARTMENT
ENVIRONMENTAL SECTION SUPERVISOR: JOHN ROYAL

PREPARED BY: BREVARD COUNTY PUBLIC WORKS SURVEYING & MAPPING DIVISION

ADDRESS: 2725 JUDGE FRAN JAMIESON WAY BUILDING A, SUITE A220 VIERA, FL. 32940

PHONE: (321) 633-2080, FAX: (321) 633-2083, E-MAIL: mike.sweeney@brevardcounty.us

DRAWN BY: M. CORNELL

CHECKED BY: M. J. SWEENEY

DRAWING NO. 14-08-029

SECTION 40

DATE: 09-29-14

SHEET 1 OF 2

PROJ. FOLDER 1408029

TOWNSHIP 20 SOUTH

REVISIONS _____

RANGE 35 EAST

C:\Land Projects 2009\1408029.dwg, 14-08-029.dwg, 9/29/2014 1:57:05 PM

**VACATING SKETCH AND DESCRIPTION -
SHEET 1 OF 2**

SKETCH OF DESCRIPTION

SHEET 2 OF 2

SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST.
 THIS IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF
 THE LEGAL DESCRIPTION ON SHEET 1 OF 2.

THIS SKETCH IS NOT A SURVEY AND
 IS NOT VALID WITHOUT SHEET 1 OF 2

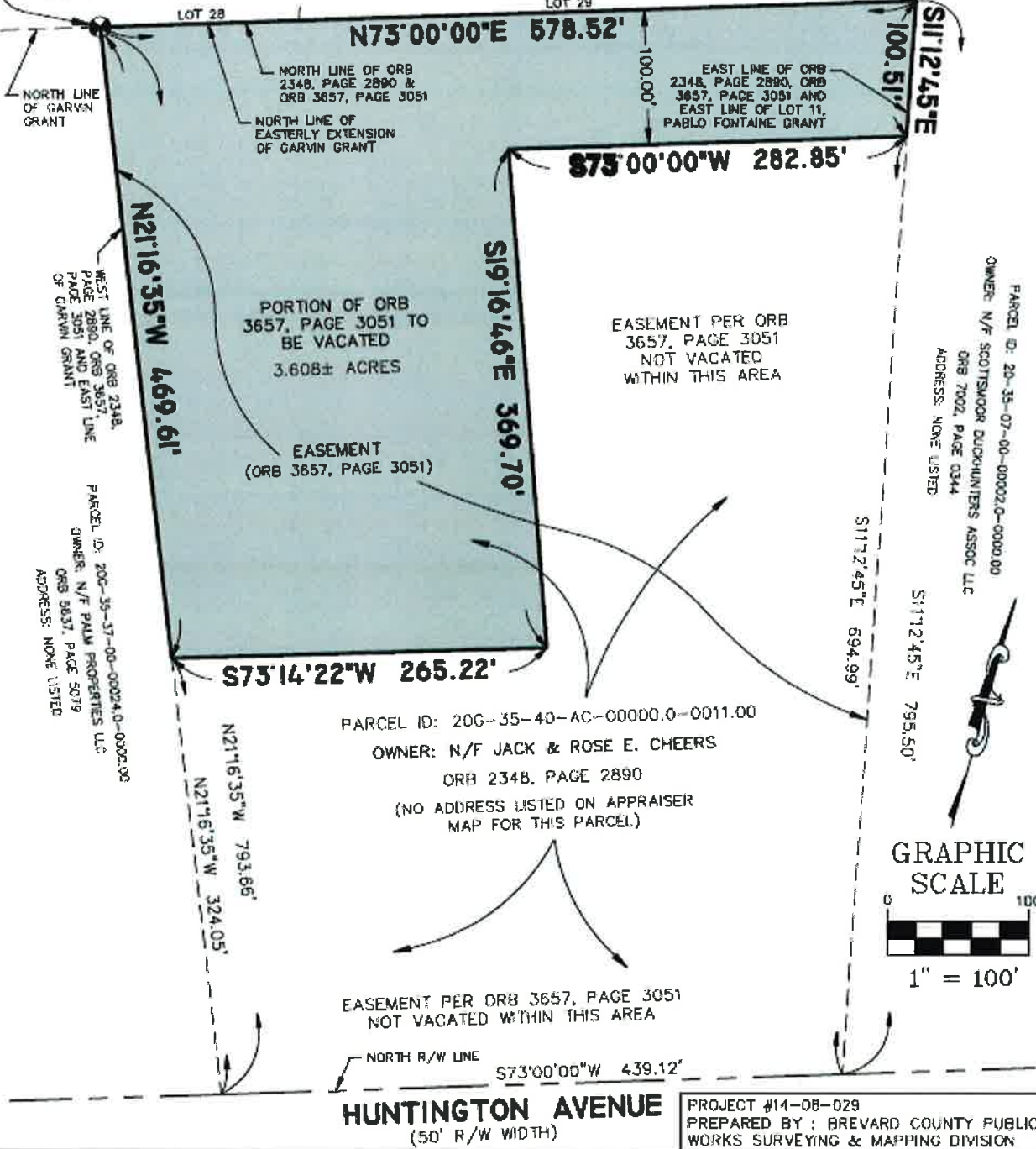
FLORIDA LAND SALES COMPANY SUBDIVISION,
 ALSO KNOWN AS MAP OF RESUBDIVISION OF PART
 OF FOUNTAIN GRANT, PLAT BOOK O, PAGE 2

POINT OF BEGINNING

NORTHEAST CORNER OF GARVIN
 GRANT AND NORTHWEST CORNER OF
 ORB 2348, PAGE 2890

PARCEL ID: 200-35-40-AC-00000.0-0025.00
 OWNER: N/F ALBERT H. & JANETTE K. PELL
 ORD 5739, PAGE 2411
 ADDRESS: 3055 SUNSET AVENUE

NORTHEAST
 CORNER OF
 ORB 2348,
 PAGE 2890



C:\land Projects 2009\1408029.dwg, 9/30/09 8:40:10 AM

PROJECT #14-08-029
 PREPARED BY: BREVARD COUNTY PUBLIC
 WORKS SURVEYING & MAPPING DIVISION

VACATING SKETCH AND DESCRIPTION - SHEET 2 OF 2

Mailed to:

A daily publication by:

Value Adjustment Board 6BR427
PO Box 999
Titusville FL 32781



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

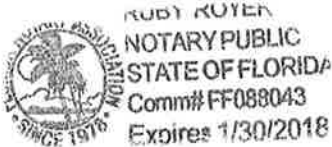
Ad # (343160)	\$	278.66	The matter of:
6BR427				
BREVARD COUNTY PLANNING & ZONING				
the	Court	RESOLUTION VACATING PART OF A PUBLIC SURFACE WATER POND DRAINAGE EASEMENT		

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

NOVEMBER 13 2014

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.

Sworn to and subscribed before this:



Kathy Cicala
(Signature of Affiant)

13TH DAY OF NOVEMBER 2014

Ruby Royer
(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

Personally Known or Produced Identification _____
Type Identification Produced: _____

AD#343160,11/13/2014

LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC SURFACE WATER POND DRAINAGE EASEMENT - HUNTINGTON AVENUE - SCOTTSMOOR, FL TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN that on the 21st day of October, 2014, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a Part of a public surface water pond drainage easement - Huntington Avenue - Scottsmoor, FL as petitioned by Jack Cheers to wit:

EXHIBIT "A"

LEGAL DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED: A PARCEL OF LAND BEING A PORTION OF SECTION 40 LYING SOUTH OF LOT 29 AND PART OF LOT 28 ACCORDING TO THE PLAT OF FLORIDA LAND SALES COMPANY SUBDIVISION, ALSO KNOWN AS THE MAP OF RESUBDIVISION OF PART OF FOUNTAIN GRANT AS RECORDED IN PLAT BOOK 0, PAGE 2 AND ALSO BEING A PORTION OF THAT CERTAIN SURFACE WATER IMPROVEMENT POND EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 3051 WHICH WHOLLY ENCUMBERS THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2348, PAGE 2890, ALL AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LOCATED IN SAID SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PREPARED BY: MICHAEL J. SWENEY, PSM - BREVARD COUNTY SURVEYOR

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

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
 #: 1423778
 Receipt #: 61395747
 Cashier Date: 11/24/2014
 11:59:20 AM



Print Date:
 11/24/2014 11:59:21 AM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$964.50	DateReceived: 11/20/2014 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

2 Payments	
NOCHARGE	
ESCROW	\$44.00

1 Recorded Items		
(RSL) RESOLUTION	BK/PG: 7250/2528 CFN:2014228065 Date: 11/20/2014 2:22:43 PM From: BREVARD COUNTY To: CHEERS, JACK	
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

0 Miscellaneous Items

LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC SURFACE WATER POND DRAINAGE
EASEMENT – HUNTINGTON AVENUE – SCOTTSMOOR, FL

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21st day of October, 2014, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a Part of a public surface water pond drainage easement – Huntington Avenue – Scottsmoor, FL as petitioned by Jack Cheers 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 November 13, 2014 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:

A PARCEL OF LAND BEING A PORTION OF SECTION 40 LYING SOUTH OF LOT 29 AND PART OF LOT 28 ACCORDING TO THE PLAT OF FLORIDA LAND SALES COMPANY SUBDIVISION, ALSO KNOWN AS THE MAP OF RESUBDIVISION OF PART OF FOUNTAIN GRANT AS RECORDED IN PLAT BOOK 0, PAGE 2 AND ALSO BEING A PORTION OF THAT CERTAIN SURFACE WATER IMPROVEMENT POND EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 3051 WHICH WHOLLY ENCUMBERS THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2348, PAGE 2890, ALL AS RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LOCATED IN SAID SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF GARVIN GRANT IN SECTION 37, TOWNSHIP 20 SOUTH, RANGE 35 EAST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE RUN NORTH 73 DEGREES 00'00" EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID GARVIN GRANT, SAID LINE ALSO BEING THE NORTH LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS FOR A DISTANCE OF 578.52 FEET A POINT ON THE EAST LINE OF LOT 11, PABLO FONTAINE GRANT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 11 DEGREES 12'45" EAST ALONG SAID EAST LINE OF LOT 11, PABLO FONTAINE GRANT, SAID LINE ALSO BEING THE EAST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS FOR A DISTANCE OF 100.51 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 73 DEGREES 00'00" WEST FOR A DISTANCE OF 282.85 FEET; THENCE SOUTH 19 DEGREES 16'46" EAST FOR A DISTANCE OF 369.70 FEET; THENCE SOUTH 73 DEGREES 14'22" WEST FOR A DISTANCE OF 265.22 FEET TO A POINT ON THE EAST LINE OF SAID GARVIN GRANT, SAID POINT ALSO BEING A POINT ON THE WEST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS; THENCE NORTH 21 DEGREES 16' 35" WEST ALONG THE EAST LINE OF SAID GARVIN GRANT, SAID LINE ALSO BEING THE WEST LINE OF SAID EASEMENT AND SAID DESCRIBED LANDS, FOR A DISTANCE OF 469.61 FEET TO THE POINT OF BEGINNING. CONTAINING 3.608 ACRES, MORE OR LESS.

THE LAND DESCRIBED ABOVE IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, AND RESTRICTIONS OF RECORD. THIS SURVEYOR DID NOT PERFORM A SEARCH OF THE PUBLIC RECORDS; NO TITLE OPINION IS EXPRESSED OR IMPLIED.

PREPARED BY: MICHAEL J. SWEENEY, PSM - BREVARD COUNTY SURVEYOR

Project: Surface Water Improvement Division

Return to:
Land Acquisition 
2725 Judge Fran Jamieson Way
Viera, FL 32940

EASEMENT

THIS INDENTURE, made this Feb. day of 20th A.D. 19997 between JACK CHEERS AND ROSE E. CHEERS AS HUSBAND AND WIFE 824 MALLARD ROAD, COCOA, FLORIDA 32926 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 (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date, for the sole purpose of constructing and maintaining a surface water improvement pond and other allied uses pertaining thereto with full right of ingress and egress for the purpose herein stated.

The land affected by the granting of this easement is located in Section 37, Township 20 South, Range 35 East, County of Brevard, State of Florida, and is more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

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 to any part thereof.

IN WITNESS WHEREOF, the first party does hereby set their hands and seals this day

Signed, sealed and delivered in the presence of:

Cheryl Mikesell
Witness:

Cheryl Mikesell
(Type or Print Name)

Cynthia M. Fogle
Witness:

Cynthia M. Fogle
(Type or Print Name)

#Pgs: 3
Trust: 2.00
Deed: 0.70
Mfg: 0.00
#Names: 3
Rec: 13.00
Sav: 0.00
Enclos: 0.00
of Tax: 0.00
Sandy Crawford
Clerk Of Courts, Brevard County

Jack Cheers
JACK CHEERS

Rose E. Cheers
ROSE E. CHEERS



CFN 07051722 03-27-97 02:23 pm
OR Book/Page: **3657 / 3051**

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 20th day of February, 1997, by JACK CHEERS AND ROSE E. CHEERS who is/are personally known to me or who has produced as identification and who did/did not take an oath.

WITNESS my hand and official seal at VIERA, County of BREVARD, State of FLORIDA, this 20th day of FEBRUARY, 1997.



Blaise M. Mancini
NOTARY PUBLIC
Blaise M. Mancini
Print Name
Commission No. _____
Commission Expires _____

**SURFACE WATER IMPROVEMENT POND
EASEMENT CONVEYANCE SHEET 1 OF 2**

EXHIBIT "A"



CFN 97051722

OR Book/Page: 3657 / 3052

Begin at the Northeast corner of Garvin Grant in Section 37, Township 20 South, Range 35 East, Brevard County, Florida. Thence run South $21^{\circ}16'35''$ East along the East line of said Garvin Grant 793.66 feet to the North right-of-way of Huntington Avenue. Thence North $73^{\circ}00'00''$ East along said North right-of-way line of Huntington Avenue 439.12 feet to the East line of Lot 11, Pablo Fontaine Grant. Thence North $11^{\circ}12'45''$ West along said East line Lot 11, Pablo Fontaine Grant 795.50 feet to a point on the Easterly extension of the North line of the Garvin Grant. Thence South $73^{\circ}00'00''$ West along said Easterly extension of the North Line of the Garvin Grant, 578.52 feet to the Point of Beginning.

Contains 9.24 acres, more or less.

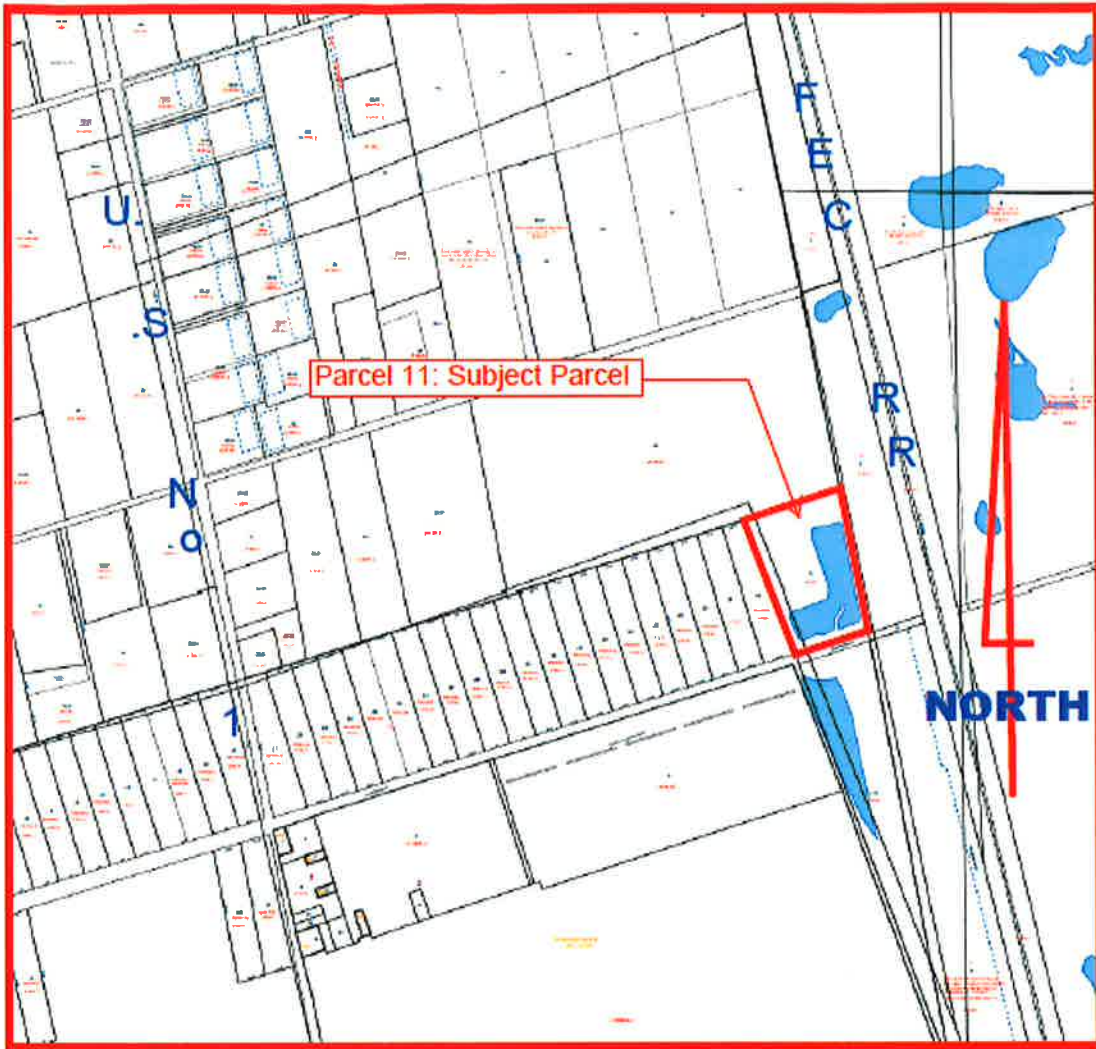
372035lg.doc

*BREVARD COUNTY AND OR ITS AGENTS SHALL MAINTAIN
THE AREA DESCRIBED UNDER THIS CONVEYANCE
PER PERMIT ISSUED BY THE ST JOHN'S RIVER WATER
MANAGEMENT DISTRICT - PERMIT # 4-009-05416 ERP*

**SURFACE WATER IMPROVEMENT POND
EASEMENT CONVEYANCE SHEET 2 OF 2**



SUBJECT PARCEL BOUNDARY SURVEY



Jack Cheers - Tax Parcel No. 11

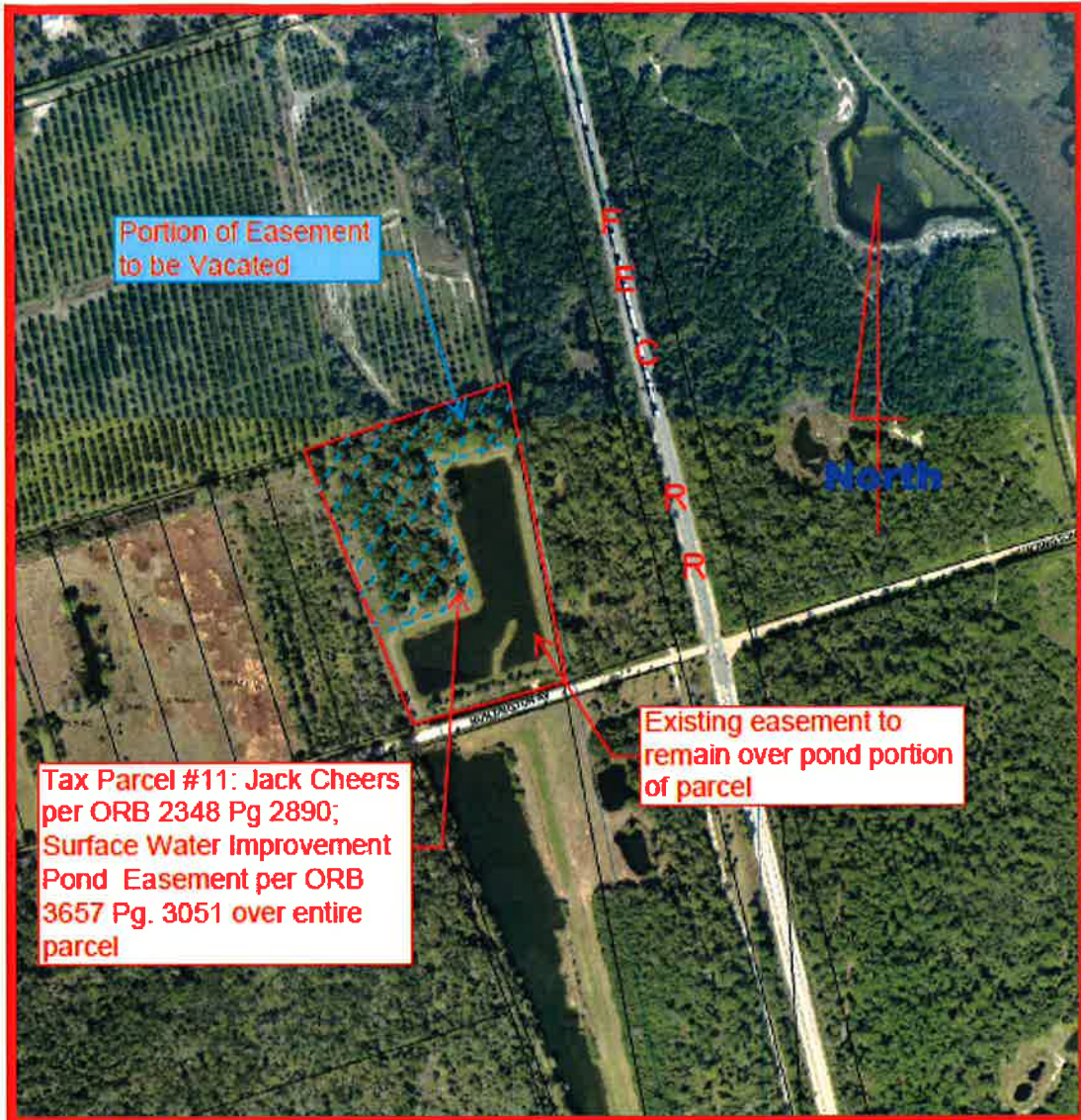
Section 40, T. 20 S., R. 35 E.

Huntington Avenue

Scottsmoor, Florida - District No. 1

**PARTIAL VACATING OF SURFACE WATER
IMPROVEMENT POND EASEMENT**

VICINITY MAP



Jack Cheers - Tax Parcel no. 11
Section 40, T. 20 S., R. 35 E.
Huntington Avenue
Scottsmoor, Florida - District No.1
PARTIAL VACATING OF SURFACE WATER
IMPROVEMENT POND EASEMENT

AERIAL MAP

LEGAL NOTICE

NOTICE TO VACATE A PORTION OF A PUBLIC SURFACE WATER IMPROVEMENT POND EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3657, PAGE 3051, ENCUMBERING TAX PARCEL 11 OF SECTION 40, TOWNSHIP 20 SOUTH, RANGE 35 EAST LOCATED ON HUNTINGTON AVENUE, SCOTTSMOOR, FL, 32775

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 **JACK CHEERS** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

SEE EXHIBIT "A"

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 21, 2014** 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.

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PREPARED BY: MICHAEL J. SWEENEY, PSM – BREVARD COUNTY SURVEYOR