



AGENDA REPORT  
March 26, 2019

**Petition to Vacate Public Utility Easements-Barefoot Bay-Marilyn Buhlmann-  
(District 3)**

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**SUBJECT:**

Petition to Vacate, Re: Public Utility and Drainage Easement – “Barefoot Bay Unit Two Part Ten”– Barefoot Bay – Marilyn Buhlmann – District 3

**FISCAL IMPACT:**

\$640.00 Vacating Application Fee Paid by Petitioner

**DEPT/OFFICE:**

Public Works

**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 centered along the common line between Lots 53 and 54, Block 65, “Barefoot Bay Unit Two Part Ten” in Section 10, Township 30 South, Range 38 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 petitioner owns Lots 53 and 54 and is requesting the vacating of the two 6.00 ft. wide public utility and drainage easements centered along the common line between the lots to allow for the construction of garage. Easement to be vacated contains 1,008 square feet, more or less.

March 11, 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 Barefoot Bay as follows: Begin at the intersection of U.S. 1 (S/FL-5) and Barefoot Blvd; thence 1.15 miles west along Barefoot Blvd.; thence 0.14 miles on Gardenia Drive to the residence on the west (left).

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

**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.

**ATTACHMENTS:**

**Description**

- **Exhibits**



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

April 10, 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 a Part of a Public Utility Easement in Barefoot Bay Unit Two Part Ten Subdivision, Barefoot Bay

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-047, vacating a part of a public utility easement in Barefoot Bay Unit Two Part Ten Subdivision, Barefoot Bay, as petitioned by Marilyn Buhlmann. Said Resolution was adopted by the Board of County Commissioners, in regular session on March 26, 2019.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

April 10, 2019

Marilyn Buhlmann  
1244 Gardenia Drive  
Barefoot Bay, FL 32976

Dear Ms. Buhlmann:

Re: Resolution Vacating a Part of a Public Utility and Drainage Easement in Barefoot Bay  
Unit Two Part Ten Subdivision, Barefoot Bay

The Board of County Commissioners, in regular session on March 26, 2019, adopted Resolution No. 19-047, vacating a part of a public utility and drainage easement in Barefoot Bay Unit Two Part Ten Subdivision, Barefoot Bay, as petitioned by you. Said Resolution has been recorded in ORBK 8409, Pages 1643 through 1647. 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 Rowe*

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2019 - 047

**Vacating a part of a public utility and drainage easement in "Barefoot Bay Unit Two Part Ten"  
Subdivision, Brevard County, Florida, lying in Section 10, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MARILYN BUHLMANN** 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 26<sup>TH</sup> day of March, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

  
Scott Ellis, Clerk

  
Kristine Isnardi, Chair

As approved by the Board on:  
March 26, 2019

# LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PARCEL ID NUMBER: 30-38-10-JS-65-53

**SHEET 1 OF 2**  
**NOT VALID WITHOUT THE**  
**SKETCH ON SHEET 2 OF 2**

## PURPOSE OF SKETCH AND DESCRIPTION

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING  
ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 53 AND 54, BLOCK 65.

## LEGAL DESCRIPTION:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND  
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK  
65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD  
COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET  
OF SAID EASEMENTS. CONTAINING 1008.00 SQUARE FEET MORE OR LESS.

## SURVEYOR'S NOTES:

### SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE BASED ON THE CENTERLINE OF GARDENIA  
DRIVE ( NORTH WATERWAY DRIVE P.) AS S 36°20'00" E, PER RECORD PLAT.
2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS  
OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR  
EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND  
FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS  
EXCEPT AS SHOWN.
4. THIS SKETCH IS NOT A BOUNDARY SURVEY.



PREPARED FOR: MARILYN BUHLMANN

  
THOMAS R. CECRLE, PLS 4896  
NOT VALID UNLESS SIGNED AND SEALED

2-13-2019

PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637

ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958

PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

DRAWN BY T.R.C.

CHECKED BY T.R.C.

DRAWN NO. 11-150-L1

SECTION 10  
TOWNSHIP 30 SOUTH  
RANGE 38 EAST

DATE: 12-27-2018

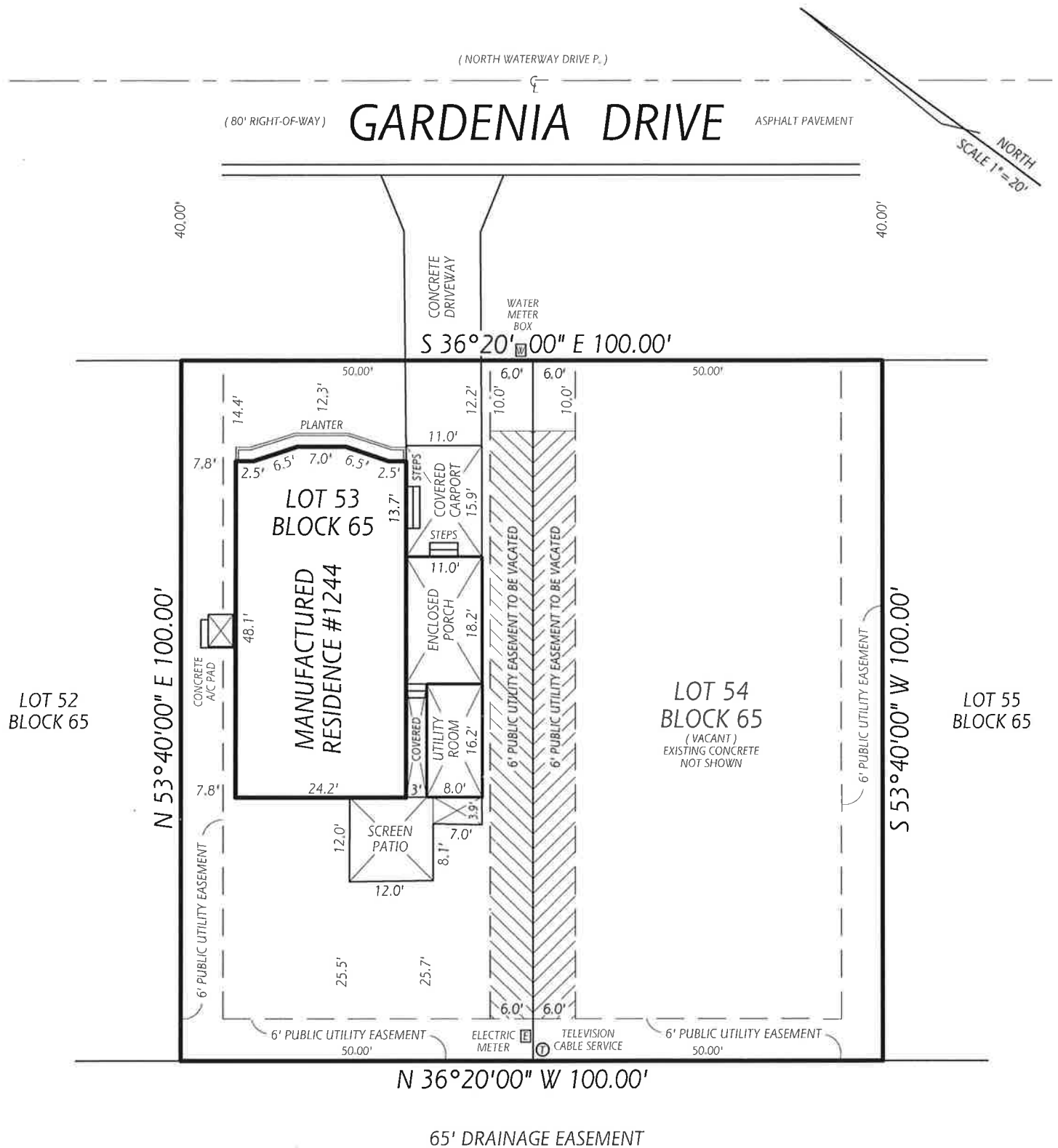
SHEET 1 OF 2

REVISIONS: 2-13-2019

# SKETCH OF DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-10-JS-65-53

SHEET 2 OF 2  
NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



ABBREVIATIONS: CL-CENTERLINE  
SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PROJECT NO : 11-150-L2  
PREPARED BY : T.R.C.



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

AD#3428046, 3/11/2019  
LEGAL NOTICE  
NOTICE FOR THE PARTIAL VACATING OF  
THE PUBLIC UTILITY EASEMENT, PLAT  
OF "BAREFOOT BAY UNIT TWO, PART  
TEN" IN SECTION 10, TOWNSHIP 30,  
SOUTH, RANGE 38 EAST, BAREFOOT  
BAY, FL

STATE OF NEW JERSEY COUNTY OF MONMOUTH:  
Before the undersigned authority personally appeared  
**Morgan Maguire**, who on oath says that he or she is a  
Legal Advertising Representative of the **FLORIDA TODAY**, a  
daily newspaper published in Brevard County, Florida that  
the attached copy of advertisement, being a Legal Ad in the  
matter of

**Notice Public Hearing**

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

**03/11/19**

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 11th of March  
2019, by Morgan Maguire who is personally known to me

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Notary Kathleen A Gibson

NOTICE IS HEREBY GIVEN that pursuant  
to Chapter 336.09, Florida Statutes, and  
Chapter 86, Article II, Section 86-36, Bre-  
vard County Code, a petition has been  
filed by MARILYN BUHLMANN with the  
Board of County Commissioners of Bre-  
vard County, Florida, to request vacating  
the following described property, to wit:

THE 6.00 FOOT PUBLIC UTILITY EASE-  
MENT LYING ALONG THE SOUTHERLY  
6.00 FEET OF LOT 53 AND THE 6.00 FOOT  
PUBLIC UTILITY EASEMENT LYING  
ALONG THE NORTHERLY 6.00 FEET OF  
LOT 54, BLOCK 65, BAREFOOT BAY MO-  
BILE HOME SUBDIVISION, UNIT TWO  
PART TEN, ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN PLAT BOOK  
22, PAGES 105 THRU 115, PUBLIC RE-  
CORDS OF BREVARD COUNTY, FLORIDA,  
LESS AND EXCEPT THE WESTERLY 6.00  
FEET AND THE EASTERLY 10.00 FEET OF  
SAID EASEMENTS CONTAINING 1008.00  
SQUARE FEET MORE OR LESS PREPARED  
BY: THOMAS R. CECILE, 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 March 26, 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 tak-  
en.

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

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

The needs of hearing or visually im-  
paired persons shall be met if the de-  
partment sponsoring the  
meeting/hearing is contacted at least 48  
hours prior to the public  
meeting/hearing by any person wishing  
assistance.







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

AD#3470079, 4/2/2019  
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN BAREFOOT BAY UNIT TWO PART TEN SUBDIVISION, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY - MARILYN BUHLMANN

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 26th day of March 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Barefoot Bay Unit Two Part Ten Subdivision, lying in Section 10, Township 30 South, Range 38 East, Barefoot Bay, as petitioned by Marilyn Buhlmann.

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK 65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 1008.00 SQUARE FEET MORE OR LESS PREPARED BY: THOMAS R. CECILE, PSM

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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:  
Before the undersigned authority personally appeared **Debbie Davis**, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

**Notice Public Hearing**

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

**04/02/19**

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 2th of April 2019,  
by Debbie Davis who is personally known to me

Affiant

Notary Melanie Altz

Publication Cost: \$151.96  
Ad No: 0003470079  
Customer No: BRE-6BR327





**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** BREVARD CTY PUBLIC WORKS DEPT  
**Address:** 2725 JUDGE FRAN JAMIESON WAY  
VIERA FL 32940  
USA

**Ad No.:** 0003470079  
**Pymt Method:** Invoice  
**Net Amt:** \$151.96

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 04/02/19

**Text of Ad:**

AD#3470079, 4/2/2019  
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN BAREFOOT BAY UNIT TWO PART TEN SUBDIVISION, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY - MARILYN BUHLMANN

**TO WHOM IT MAY CONCERN:**

NOTICE IS HEREBY GIVEN that on the 26th day of March 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Barefoot Bay Unit Two Part Ten Subdivision, lying in Section 10, Township 30 South, Range 38 East, Barefoot Bay, as petitioned by Marilyn Buhlmann.

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK 65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET OF SAID EASEMENTS, CONTAINING 1008.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM

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

## Donna Scott

---

**From:** LEGALS, BRE <BRELEGALS@gannett.com>  
**Sent:** Thursday, March 28, 2019 2:13 PM  
**To:** Donna Scott  
**Subject:** Brevard Classified Legal Auto Reply

**\*This is an Automatic Reply Message to let you know your email has been received. Below is general information that applies to both our invoiced customers with accounts as well as private citizens.**

Thank you for e-mailing the Brevard Classified Legal Advertising Department. Ads placed by private individuals will be accepted on a payment-in advance basis only.



### AD SUBMISSION GUIDELINES

If you e-mail or fax Legal Ad(s) to us, please provide the following information:

- Legal Notice Account name and number
- Billing telephone number
- Contact person
- Preferred publishing dates
- Number of affidavits needed
- Address affidavit should be sent to, if different from billing.
- P.O. number (applicable to government accounts and agency advertisers)

Your notice will be published on the next available publication date unless otherwise requested.

Date of Publication:	Deadline:
Monday	Friday, 12noon
Tuesday	Friday, 4pm
Wednesday	Monday, 4pm
Thursday	Tuesday, 4pm
Friday	Wednesday, 4pm
Saturday	Thursday, 4pm
Sunday	Thursday, 4pm

We appreciate your business. If you have any questions please contact us @ 888-516-9220. Office hours Mon-Fri 8am-5pm.

**\*IF THIS SUBMISSION IS FOR A LEGAL DISPLAY PLEASE CONTACT US IMMEDIATELY AT 888-516-9220 SO WE CAN ACCURATELY PROCESS YOUR ORDER.**

## Donna Scott

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**From:** LEGALS, BRE <BRELEGALS@gannett.com>  
**Sent:** Friday, March 29, 2019 10:27 AM  
**To:** Donna Scott  
**Subject:** RE: Legal notice  
**Attachments:** MARILYN BUHLMANNOrderConf.pdf

Hello Donna,

Please see the attached proof.

Reference AD#3470079, scheduled to run 4/2 in Florida Today.

Thank you  
**Billy McCabe**  
Regional Legal Clerk



**USA TODAY  
NETWORK**

**LOCALiQ**

1-888-516-9220 ex.5416 | [wmccabe@localiq.com](mailto:wmccabe@localiq.com)

*\*\*Please note: An Affidavit of Publication (which is your notarized affidavit along with a digital copy of your notice, is proof that you legally published your notice in the newspaper) will be charged and automatically added to your invoice unless you let us know **in writing** that you do not wish to have one.*

Please include your **old** account number when requesting legal notices to ensure proper billing.

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**From:** Donna Scott <[donna.scott@brevardclerk.us](mailto:donna.scott@brevardclerk.us)>  
**Sent:** Thursday, March 28, 2019 1:56 PM  
**To:** LEGALS, BRE <BRELEGALS@gannett.com>  
**Subject:** Legal notice

Attached is 1 legal notice to be published on Tuesday, April 2; **billing the Public Works Department Account No. 6BR327, and Purchase Order No. 4500092228-10.**

Thank you,

Donna Scott  
Assistant Clerk to the Board  
(321) 637-2001 / Ext. 49120



Brevard County, Florida

**Clerk of the Court**  
Scott Ellis

## Donna Scott

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**From:** Donna Scott  
**Sent:** Thursday, March 28, 2019 1:56 PM  
**To:** Brev Legals  
**Subject:** Legal notice  
**Attachments:** 03-26-19 Marilyn Buhlmann.docx

Attached is 1 legal notice to be published on Tuesday, April 2; **billing the Public Works Department Account No. 6BR327, and Purchase Order No. 4500092228-10.**

Thank you,

Donna Scott  
Assistant Clerk to the Board  
(321) 637-2001 / Ext. 49120



LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT  
IN BAREFOOT BAY UNIT TWO PART TEN SUBDIVISION, LYING IN SECTION 10,  
TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY – MARILYN BUHLMANN

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 26<sup>th</sup> day of March 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Barefoot Bay Unit Two Part Ten Subdivision, lying in Section 10, Township 30 South, Range 38 East, Barefoot Bay, as petitioned by Marilyn Buhlmann.

**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 April 2, 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"**

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK 65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET OF SAID EASEMENTS. CONTAINING 1008.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM

# Public Hearing Legal Advertisement



## Classified Ad Receipt (For Info Only - NOT A BILL)

**Customer:** BREVARD CTY PUBLIC WORKS DEPT  
**Address:** 2725 JUDGE FRAN JAMIESON WAY  
VIERA FL 32940  
USA

**Ad No.:** 0003428048  
**Pymt Method:** Invoice  
**Net Amt:** \$213.90

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 03/11/19

### Text of Ad:

AD#3428048, 3/11/2019  
LEGAL NOTICE  
NOTICE FOR THE PARTIAL VACATING OF  
THE PUBLIC UTILITY EASEMENT, PLAT  
OF "BAREFOOT BAY UNIT TWO, PART  
TEN" IN SECTION 10, TOWNSHIP 30  
SOUTH, RANGE 38 EAST, BAREFOOT  
BAY, FL.

NOTICE IS HEREBY GIVEN that pursuant  
to Chapter 126.09, Florida Statutes, and  
Chapter 86, Article I, Section 89.26, Bre-  
vard County Code, a petition has been  
filed by MARILYN BUELMANN with the  
Board of County Commissioners of Bre-  
vard County, Florida, to request vacating  
the following described property, to wit:

THE 600 FOOT PUBLIC UTILITY EASE-  
MENT LYING ALONG THE SOUTHERLY  
600 FEET OF LOT 52 AND THE 600 FOOT  
PUBLIC UTILITY EASEMENT LYING  
ALONG THE NORTHERLY 600 FEET OF  
LOT 54, BLOCK 65, BAREFOOT BAY MO-  
BILE HOME SUBDIVISION, UNIT TWO,  
PART TEN, ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN PLAT BOOK  
22, PAGES 105 THRU 113, PUBLIC RE-  
CORDS OF BREVARD COUNTY, FLORIDA,  
LESS AND EXCEPT THE WESTERLY 600  
FEET AND THE EASTERLY 1000 FEET OF  
SAID EASEMENTS, CONTAINING 1008.00  
SQUARE FEET MORE OR LESS, PREPARED  
BY: THOMAS R. CECILE, PSM.

The Board of County Commissioners will  
hold a public hearing to determine the  
necessity of such vacating of the  
above-described easement at 9:00 A.M.  
on March 26, 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 tak-  
en.

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

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

The needs of hearing or visually im-  
paired persons shall be met if the de-  
partment sponsoring the  
meeting/hearing is contacted at least 48  
hours prior to the public  
meeting/hearing by any person wishing  
assistance.

Fig. 10: Copy of public hearing advertisement as published on March 11, 2019 see next page for full text.



## Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

**Corrina Gumm / Interim Director**

By: Amber Holley / Vacating Acquisition & Review Specialist

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**Florida Today:**

Please advertise in the March 11, 2019 issue of Florida TODAY.

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**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 THE PUBLIC UTILITY EASEMENT, PLAT OF "BAREFOOT BAY UNIT TWO, PART TEN" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, 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 **MARILYN BUHLMANN** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK 65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET OF SAID EASEMENTS. CONTAINING 1008.00 SQUARE FEET MORE OR LESS. PREPARED BY:  
THOMAS R. CECRLE, 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 March 26, 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.

# Appraiser's Detail Sheet



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

Phone: (321) 264-6700  
<https://www.bcpao.us>

Account 3003685  
Owners Buhlmann, Marilyn  
Mailing Address 101 Clark Avenue Brattleboro VT 05301  
Site Address 1244 Gardenia Dr Barefoot Bay FL 32976  
Parcel ID 30-38-10-JS-65-53  
Property Use 0213 - Manufactured Housing - Double Wide  
Exemptions None  
Taxing District 3400 - Unincorp District 3  
Total Acres 0.22  
Subdivision Barefoot Bay Unit 2 Part 10  
Site Code 0001 - No Other Code Appl.  
Plat Book/Page 0022/0105  
Land Description Barefoot Bay Unit 2 Part 10 Lots 53, 54 Blk 65



## VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$108,110	\$64,450	\$63,390
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$98,530	\$64,450	\$59,200
Assessed Value School	\$108,110	\$64,450	\$63,390
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$98,530	\$64,450	\$59,200
Taxable Value School	\$108,110	\$64,450	\$63,390

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
02/26/2014	\$65,700	WD	Improved	7076/2527
04/11/2008	\$77,000	WD	Improved	5858/9890
06/30/1993	\$63,500	WD	Improved	3298/0108
01/01/1986	\$71,000	WD	—	2667/2040
11/01/1984	\$12,500	WD	—	2553/1432
09/01/1982	\$5,000	WD	—	2387/0842

## BUILDINGS

### PROPERTY DATA CARD #1

Building Use: 0213 - Manufactured Housing - Double Wide

Materials	Details	
Exterior Wall: Cedar B & B	Year Built	1984
Frame: Wood Frame	Story Height	8
Roof: Asph/Asb Shngl	Floors	1
Roof Structure: Hip/Gable	Residential Units	1
	Commercial Units	0
Sub-Areas	Extra Features	
Base Area (1st) 1,164	Carport	198
Total Base Area 1,164	Fireplace	1
Total Sub Area 1,164	Patio - Concrete	220
	Enclosed Room	198

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lots 53 & 54, Block 65, Barefoot Bay Unit Two Part Ten, 1244 Gardenia Drive, Marilyn Buhlmann, Section 10, Township 30 South, Range 38 East, District 3

## Vicinity Map

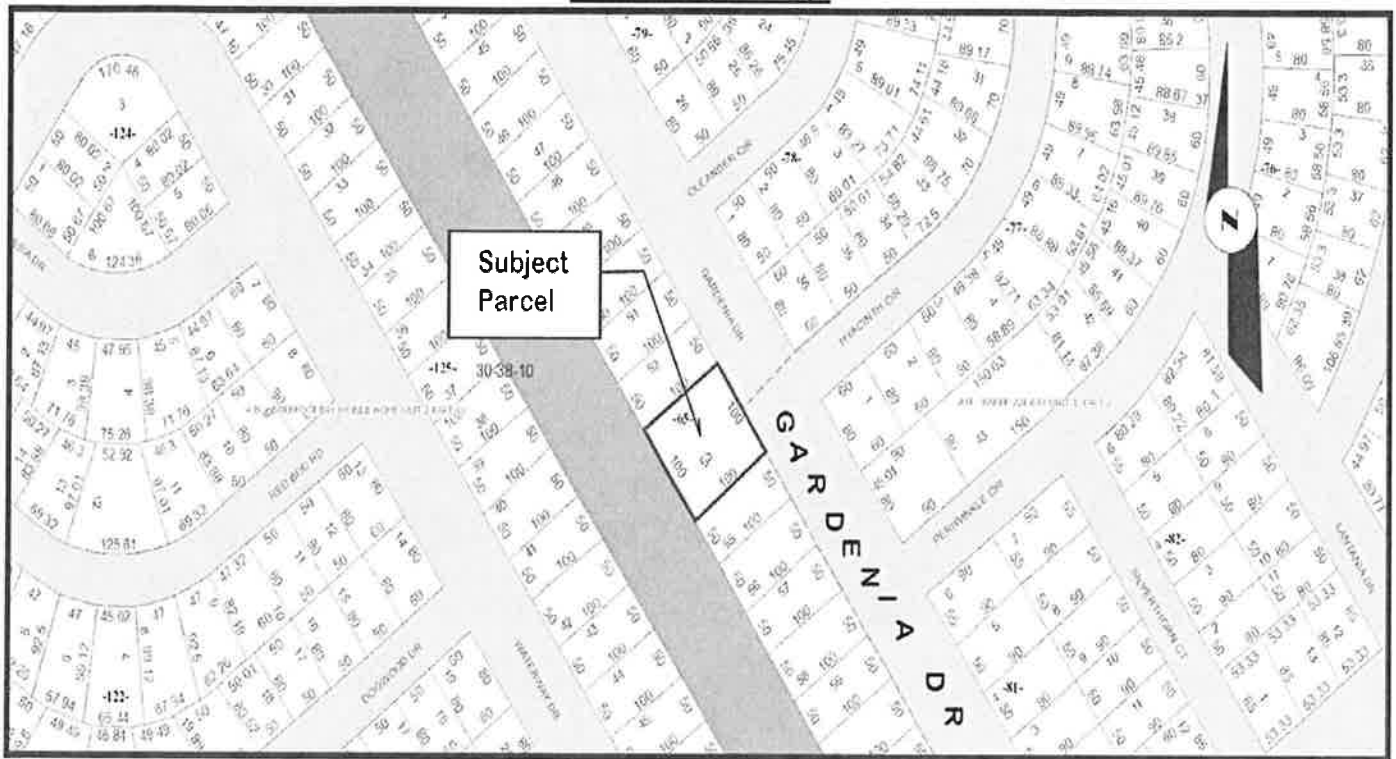


Fig. 2: Map of Lots 53 & 54, Block 65, Barefoot Bay Unit Two Part Ten, 1244 Gardenia Drive

Marilyn Buhlmann – Lots 53 & 54, Block 65, “Barefoot Bay Unit Two Part Ten” (Plat Book 22, Page 105) – 1244 Gardenia Drive – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of two 6.0 ft. Wide Public Utility and Drainage Easements along the Common Lot Line

## Aerial Map



Fig. 3: Map of aerial view of Lots 53 & 54, Block 65, Barefoot Bay Unit Two Part Ten, 1244 Gardenia Drive

Marilyn Buhlmann – Lots 53 & 54, Block 65, “Barefoot Bay Unit Two Part Ten” (Plat Book 22, Page 105) – 1244 Gardenia Drive – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of two 6.0 ft. Wide Public Utility and Drainage Easements along the Common Lot Line

### Plat Reference

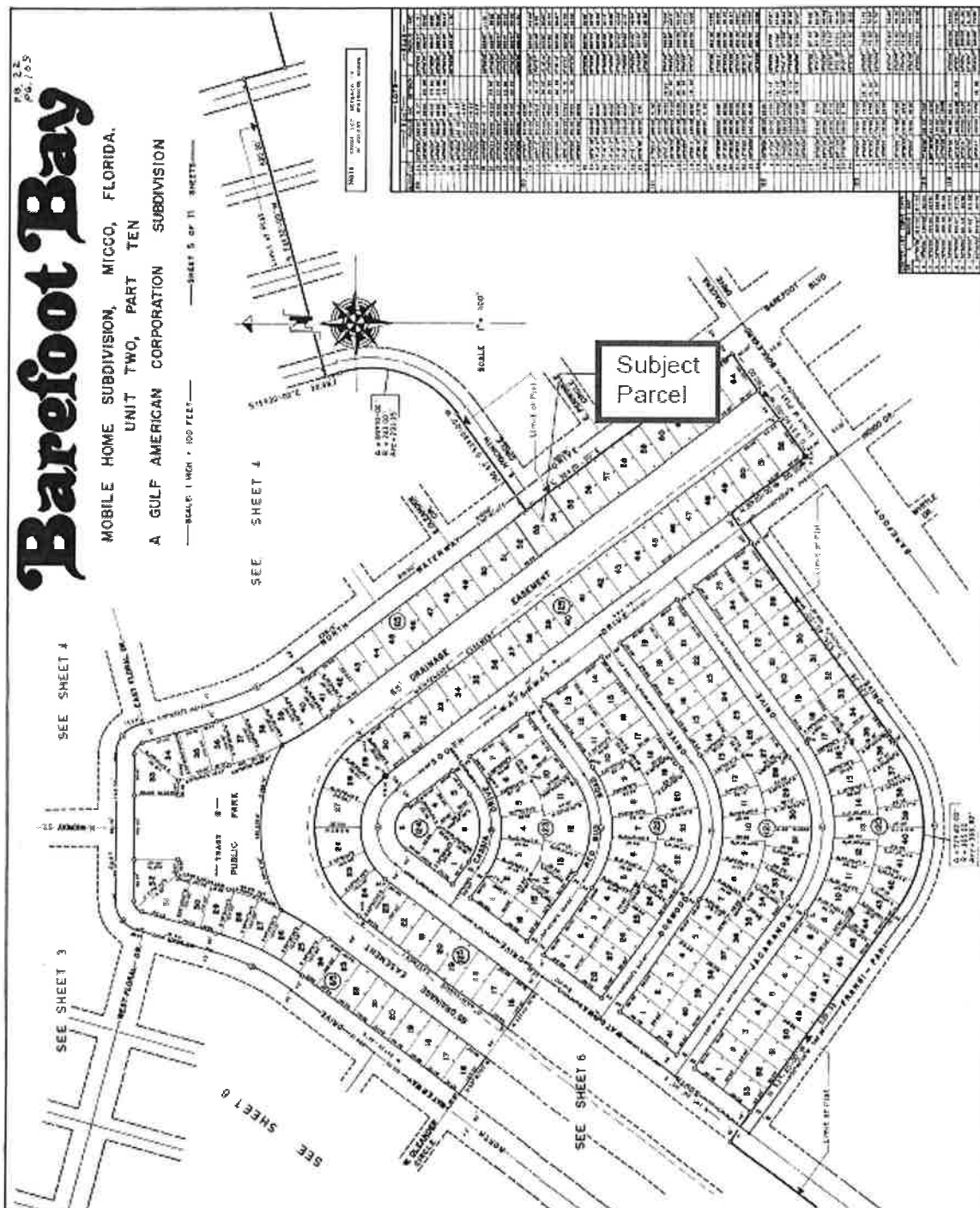


Fig. 4: Copy of plat map “Barefoot Bay Unit Two Part Ten” dedicated to Brevard County October 23, 1969

# Petitioner's Deed

CFN 2014041012, OR BK 7076 Page 2527, Recorded 03/03/2014 at 11:35 AM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$459.90

Rec. Fee \$10.00 1 of 1  
Doc. Stpa. \$459.90 PT-333B

Prepared by & return to:  
Kimberly A. Muir  
Paradise Title, LLC  
1208 U.S. Highway #1  
Sebastian, Florida 32958  
Incident to the issuance of title insurance.  
Tax ID # 30 38 10 JS 65 53

THIS WARRANTY DEED made this 26th day of February, 2014 by

O. Thomas M. Stuckert and Kathleen B. Stuckert, husband and wife

hereinafter called the grantor, to

Marilyn J. Buhlmann

whose address is: 101 Clark Avenue, Brattleboro, Vermont 05301  
hereinafter called the grantee:

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Brevard County, State of Florida, viz:

Lot 53, Block 65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART TEN, according to the plat thereof as recorded in Plat Book 22, Pages 105 through 115, Public Records of Brevard County, Florida.

Together with a 1984 TROP doublewide Manufactured Home ID #'s TRFLA3169A and TRFLA3169B.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2013.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

1<sup>st</sup> Witness as to both  
**Kimberly A. Muir**  
Witness printed signature

2<sup>nd</sup> Witness as to both  
**Diane M. Champagne**  
2<sup>nd</sup> Witness printed signature

**O. Thomas M. Stuckert**  
O. Thomas M. Stuckert

**Kathleen B. Stuckert**  
Kathleen B. Stuckert

1448 Dittmer Circle SE, Palm Bay, FL  
32909  
Grantor's Address

STATE OF FLORIDA

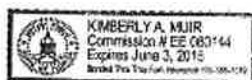
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me on this date, by O. Thomas M. Stuckert and Kathleen B. Stuckert, who produced FL driver's licenses as identification.

WITNESS my hand and official seal in the State and County last aforesaid this 26th day of February, 2014.

**Kimberly A. Muir**  
Notary Public printed signature

**Notary Public**  
My Commission Expires:



SEAL

Fig. 5: Copy of deed of sale for lots 53 and 54, Block 65, Barefoot Bay Unit Two Part Ten, 1244 Gardenia Drive, Barefoot Bay, FL to Marilyn Buhlmann on February 26, 2014.

# Petitioner's Boundary Survey

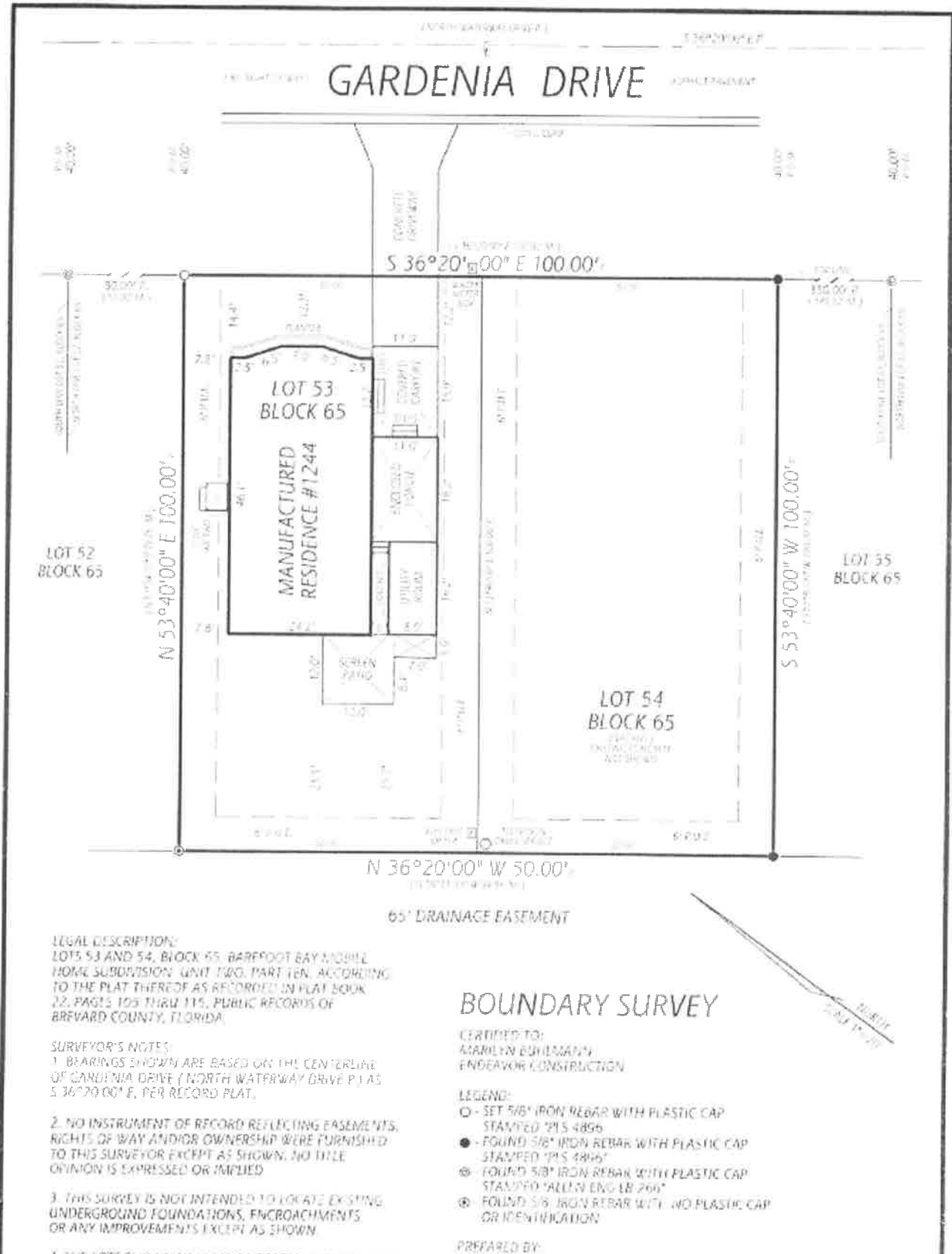


Fig. 6: Copy of the boundary survey of lots 53 and 54, Block 65, Barefoot Bay Unit Two Part Ten.

# Petitioner's Sketch & Description Sheet 1 of 2

## LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL ID NUMBER: 30-38-10-JS-65-53

**SHEET 1 OF 2**  
**NOT VALID WITHOUT THE**  
**SKETCH ON SHEET 2 OF 2**

### PURPOSE OF SKETCH AND DESCRIPTION

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING  
ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 53 AND 54, BLOCK 65,

### LEGAL DESCRIPTION:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND  
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK  
65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD  
COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET  
OF SAID EASEMENTS. CONTAINING 1008.00 SQUARE FEET MORE OR LESS.

### SURVEYOR'S NOTES:

#### SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE BASED ON THE CENTERLINE OF GARDENIA  
DRIVE (NORTH WATERWAY DRIVE P.) AS S 36°20'00" E, PER RECORD PLAT.
2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS  
OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR  
EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND  
FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS  
EXCEPT AS SHOWN.
4. THIS SKETCH IS NOT A BOUNDARY SURVEY.



PREPARED FOR: MARILYN BUHLMANN

*Thomas R. Cecrle*

2-13-2019

THOMAS R. CECRLE, PLS 4896  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637

ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958

PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

DRAWN BY T.R.C.

CHECKED BY T.R.C.

DRAWN NO. 11-150-L1

SECTION 10  
TOWNSHIP 30 SOUTH  
RANGE 38 EAST

DATE: 12-27-2018

SHEET 1 OF 2

REVISIONS: 2-13-2019

Fig. 7: Copy of legal description sheet 1 of 2 for lots 53 and 54, Block 65, Barefoot Bay Unit Two Part Ten.



# Petitioner's Sketch & Description Sheet 2 of 2

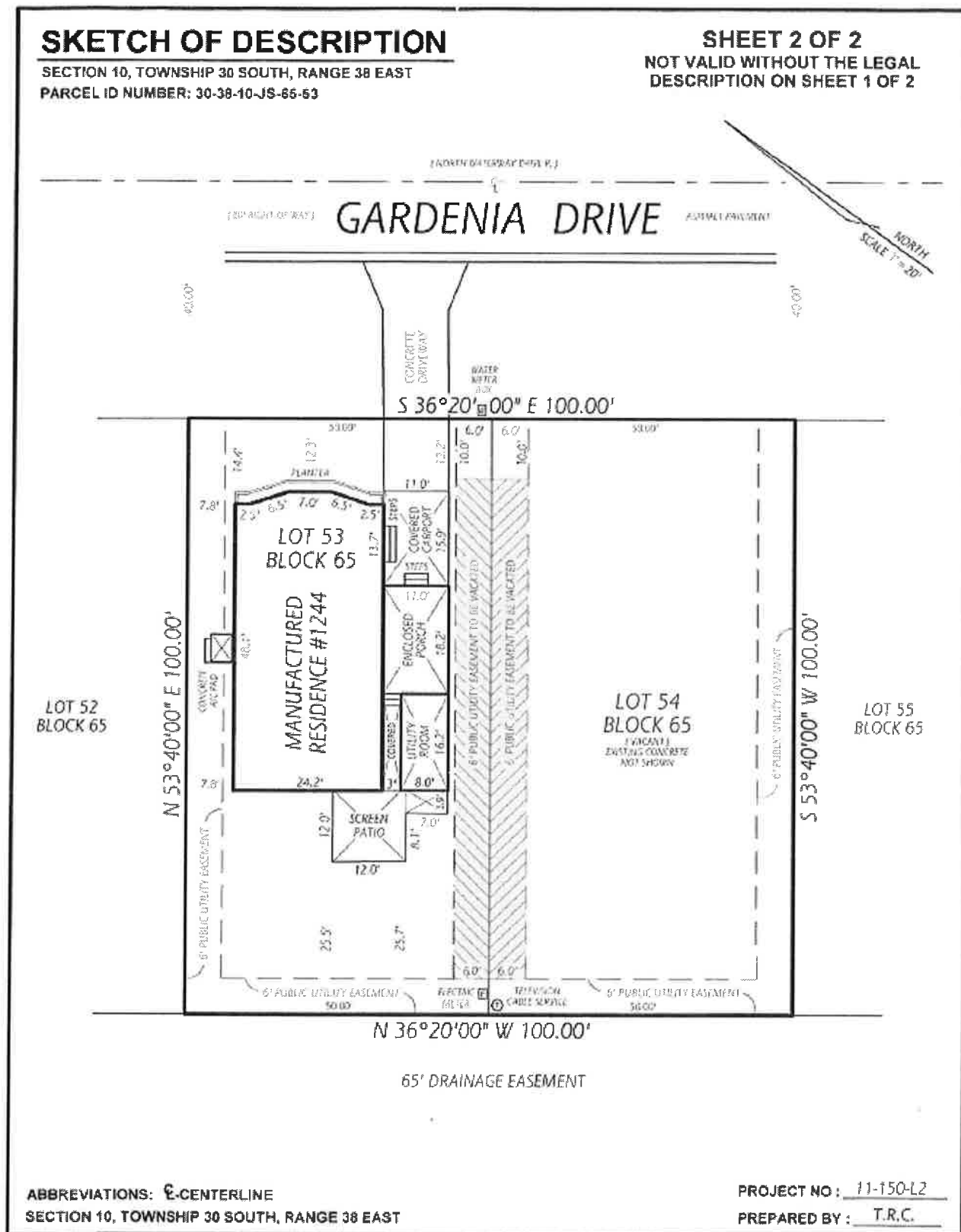


Fig. 8: Copy of sketch sheet 2 of 2 of lots 53 and 54, Block 65, Barefoot Bay Unit Two Part Ten.

## COMMENT SUMMARY

UPDATED / BY:Amber Holley 20190306 @ 14:00 hours

Fig. 9: Copy of comment sheet for utility review.

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY 6.00 FEET OF LOT 53 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY 6.00 FEET OF LOT 54, BLOCK 65, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 105 THRU 115, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 6.00 FEET AND THE EASTERLY 10.00 FEET OF SAID EASEMENTS. CONTAINING 1008.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM