

Meeting Date
April 25, 2017



AGENDA	
Section	PUBLIC HEARING
Item No.	IV. A

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Partial Vacate, Re: 5.00 ft. wide Public Utility Easement – Balting Place – “Kerrington at Addison Village-Phase 1”– Melbourne – Viera Builders, Inc.– District 4 (Fiscal impact: Petitioner paid \$640.00 Vacating Application Fee)
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 the partial vacating of a 5.0 ft. wide public utility easement at the west line between Lot 4, Block B, “Kerrington at Addison Village-Phase 1” in Section 17, Township 26 South, Range 36 East. If approved, it is requested that the Board authorizes the Chairman to sign the attached Resolution approving the vacating.

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

The petitioner owns Lot 4 and is requesting the partial vacating of the 5.00 ft. wide public utility easement to remove the existing foundation as an encroachment into the easement. Total area of easements to be vacated is 117.0 square feet, more or less.

April 07, 2017, 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 Melbourne as follows: Begin at the intersection of Stadium Parkway and Wickham Road; thence 0.62miles west along Wickham Road; thence 0.66 miles south along Paragrass Avenue; thence 0.14 miles east along Addison Drive; thence 0.15 miles north along Mesto Avenue; thence 0.07 miles west along Balting Place to the residence on the south (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 0002-30265-3699000, 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@brevardfl.gov
 Phone: Ext. 57315

Exhibits Attached: Resolution, Appraisers detail sheet, vicinity map, aerial map, plat (if applicable), petitioner’s deed, boundary survey (if available), boundary survey (right-of-way vacating) or sketch and description (easement vacating), comment summary sheet and legal notice of public hearing advertisement.

Clerk to the Board instruction: Advertise Approved Resolution Notice and Record Vacating Resolution Documents (as one, resolution type document which in sequence includes the proof of publication of the public hearing notice, the approved/signed resolution, and the proof of publication of the adopted resolution notice.

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	Frank Abbate	Department Director / Extension				
Stockton Whitten		Assistant County Manager	Venetta Valdengo	John Denninghoff / Ext. 57202				



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

May 10, 2017

M E M O R A N D U M

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

RE: Advertising Bills for Resolution of Partial Vacating of A 5.0 Ft. Wide Public Utility Easement on Balting Place, in Kerrington at Addison Village Phase 1, Melbourne

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 17-069, partial vacating of a 5.0 Ft. Wide Public Utility Easement on Balting Place, in Kerrington at Addison Village Phase 1, Melbourne, as petitioned by Viera Builders, Inc. Said Resolution was adopted and approved by the Board of County Commissioners, in regular session on April 25, 2017.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

May 10, 2017

Bill Moore
c/o Viera Builders, Inc.
7380 Murrell Road Unit 202
Melbourne, FL 32940

Dear Mr. Moore:

Re: Resolution of Partial Vacating of A 5.0 Ft. Wide Public Utility Easement on Balting Place, in Kerrington at Addison Village Phase 1, Melbourne

The Board of County Commissioners, in regular session on April 25, 2017, adopted Resolution No. 17-069, of partial vacating of a 5.0 ft. wide public utility easement on Balting Place, in Kerrington at Addison Village Phase 1, Melbourne, as petitioned by Viera Builders, Inc. Said Resolution has been recorded in ORBK 7884, Pages 2289 through 2293. 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: Marc Cazessus, Public Works

PARTIAL VACATING OF A 5.00 FT. WIDE PUBLIC UTILITY EASEMENT IN "KERRINGTON AT ADDISON VILLAGE PHASE-1", MELBOURNE, FLORIDA, LYING IN SECTION, 17, TOWNSHIP 26 SOUTH, RANGE 36 EAST

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **VIERA BUILDERS, INC.** with the Board of County Commissioners to partial vacate a 5.0 ft. wide public utility 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 the partial vacating the public utility easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility 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 25th day of April, 2017 A.D.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



CURT SMITH, CHAIRMAN

As approved by the Board on:
April 25, 2017



LEGAL DESCRIPTION

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

SECTION 17, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL ID NUMBER: 26-36-17-WJ-E-4

PURPOSE OF SKETCH AND DESCRIPTION: TO VACATE A PORTION OF THE EAST 1.0 FOOT OF THE WEST 5.0' PUBLIC UTILITY EASEMENT ALONG THE WEST LINE OF LOT 4, BLOCK E, AND AS DESCRIBED IN NOTE 9, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE - PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 10.00 FEET THEREOF OF SAID EASEMENT.

LEGAL DESCRIPTION:

THE EAST 1.0 FOOT OF THE 5.0 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE WEST LINE OF LOT 4, BLOCK E, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE - PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AS ALSO DESCRIBED IN NOTE 9, ON SAID PLAT, LESS AND EXCEPT THE NORTH 10.00 FEET THEREOF OF SAID EASEMENT. CONTAINING 117.00 SQUARE FEET, MORE OR LESS

SURVEYOR'S NOTES:

DESCRIPTION OF PART OF LOT 4, BLOCK E, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE - PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 17, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS DESCRIPTION IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY A COMPLETE AND ACCURATE TITLE SEARCH.

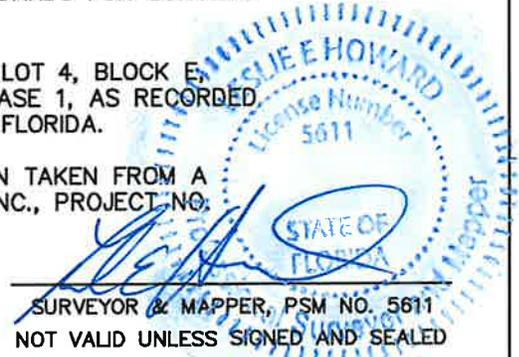
THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.

THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

BEARING REFERENCE: ASSUMED S85°06'23"W ON THE NORTH LINE OF LOT 4, BLOCK E, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE - PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONCRETE BUILDING FOUNDATION SHOWN IS BASED UPON INFORMATION TAKEN FROM A BOUNDARY SURVEY PERFORMED BY WILLIAM MOTT LAND SURVEYING, INC., PROJECT NO. 217-0054 DATED 02/07/17.

PREPARED FOR: BREVARD COUNTY
VERA BUILDERS


SURVEYOR & MAPPER, PSM NO. 5611
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.

ADDRESS: 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4, MELBOURNE, FLORIDA, 32901

PHONE: 321-725-3674 FAX: 321-723-1159

DRAWN BY: BL	CHECKED BY: LEH	DRAWING NO. 11246_100_003	SECTION 17
DATE: 02-21-2017	SHEET 1 OF 2	REVISIONS 03/09/17	TOWNSHIP 26 SOUTH
			RANGE 36 EAST

SKETCH OF DESCRIPTION

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

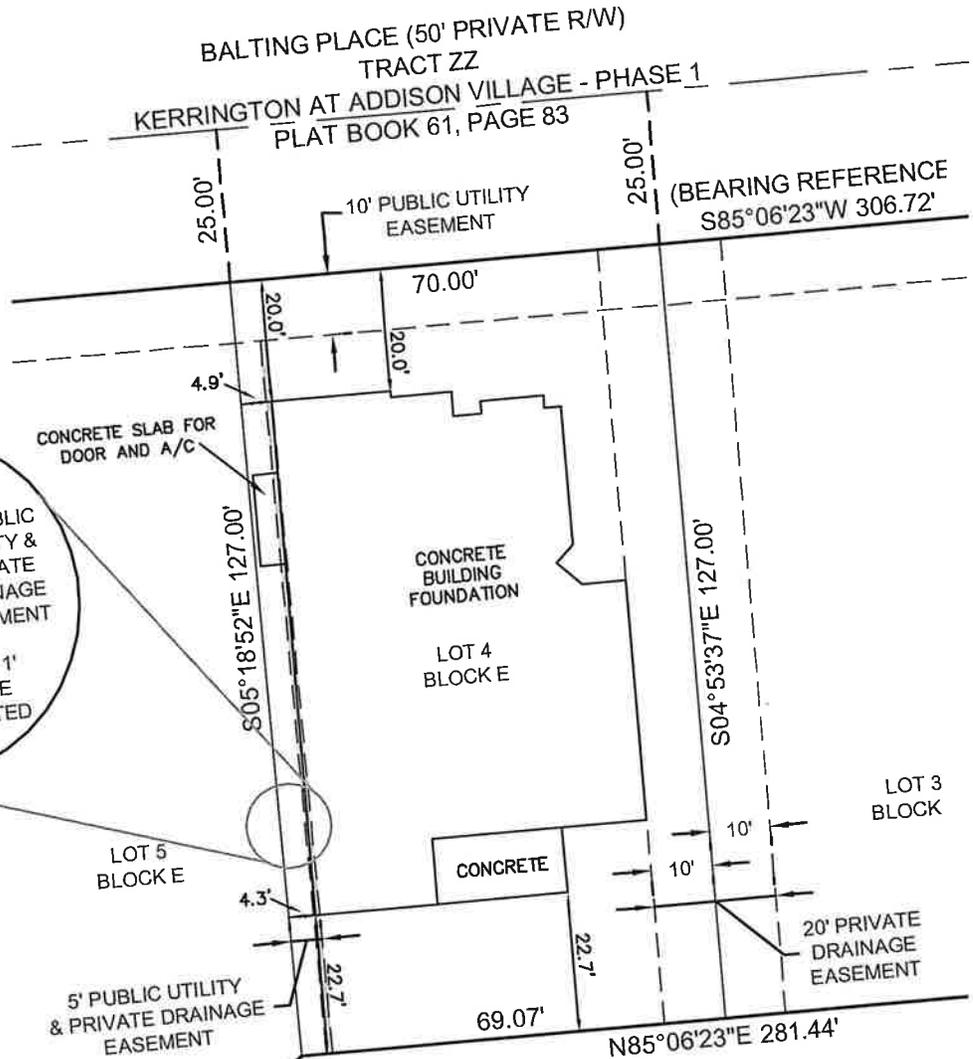
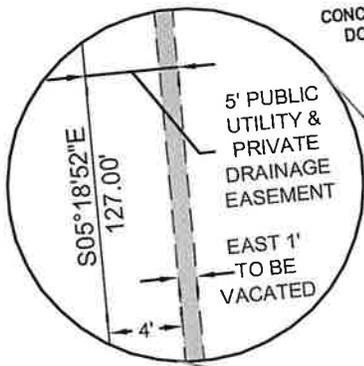
SECTION 17, TOWNSHIP 26 SOUTH, RANGE 36 EAST

PARCEL ID
 NUMBER: 26-36-17-WJ-E-4



SCALE: 1" = 30'

DETAIL SCALE:
 1" = 10'



AL=855.58'
 R=192.00'
 DEL=255°19'01\"/>
 CB=S04°53'37\"/>
 CH=304.00'

TRACT K
 KERRINGTON AT ADDISON
 VILLAGE - PHASE 1
 PLAT BOOK 61, PAGE 83

- A/C = AIR CONDITIONER
- AL = ARC LENGTH
- CB = CHORD BEARING
- CH = CHORD LENGTH
- DEL = DELTA/CENTRAL ANGLE
- R = RADIUS
- R/W = RIGHT-OF-WAY



BREVARD CTY PUBLIC WORKS DEPT
2725 JUDGE FRAN JAMIESON WAY
BLDG A220
VIERA, FL 32940

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared **Kim Curro**, 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:

04/07/17

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 coporation 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 7th of April 2017, by Kim Curro who is personally known to me


Ruby Royer
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$197.60
Ad No: 0002045051
Customer No: BRE-6BR327



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

AD# 2045051 4/7/2017

LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF THE 5.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "KERRINGTON AT ADDISON VILLAGE-PHASE 1" IN SECTION 17, 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 **VIERA BUILDERS, INC.** 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 AM, on April 25, 2017** 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.

EXHIBIT "A"
THE EAST 1.0 FOOT OF THE 5.0 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE WEST LINE OF LOT 4, BLOCK E, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE - PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AS ALSO DESCRIBED IN NOTE 9, ON SAID PLAT, LESS AND EXCEPT THE NORTH 10.00 FEET THEREOF OF SAID EASEMENT, CONTAINING 117.00 SQUARE FEET, MORE OR LESS, PREPARED BY LESLIE HOWARD, PSM

AD# 2045051 4/7/2017

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2725 JUDGE FRAN JAMIESON WAY
BLDG A220
VIERA, FL 32940

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared
Kim Curro, 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:

05/04/17

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 coporation 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 4th of May
2017, by Kim Curro who is personally known to me

[Signature]
RUBY ROYER
Notary Public for the State of Florida
My Commission expires January 30, 2018

Publication Cost: \$112.04
Ad No: 0002112176
Customer No: BRE-6BR327



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

AD# 2112176 5/4/2017
LEGAL NOTICE
RESOLUTION OF PARTIAL VACATING OF
A 5.0 FT. WIDE PUBLIC UTILITY
EASEMENT IN KERRINGTON AT
ADDISON VILLAGE PHASE 1,
MELBOURNE-VIERA BUILDERS, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
25th day of April, 2017, the Board of
County Commissioners of Brevard County,
Florida, adopted a Resolution of partial
vacating of a 5.0 ft. wide public utility
easement in Kerrington at Addison
Village Phase 1, Melbourne, as
petitioned by Viera Builders, Inc.

SEE ATTACHED EXHIBIT "A"
The Board further renounced and
disclaimed any right of the County in
and to said "public 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"
THE EAST 1.0 FOOT OF THE 5.0 FOOT
WIDE PUBLIC UTILITY EASEMENT ALONG
THE WEST LINE OF LOT 4, BLOCK E,
ACCORDING TO THE PLAT OF
KERRINGTON AT ADDISON VILLAGE-
PHASE 1, AS RECORDED IN PLAT BOOK
61, PAGE 83, PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA, AS ALSO
DESCRIBED IN NOTE 9, ON SAID PLAT,
LESS AND EXCEPT THE NORTH 10.00
FEET THEREOF OF SAID EASEMENT,
CONTAINING 117.00 SQUARE FEET
MORE OR LESS, PREPARED BY
LESLIE HOWARD, PSM

AD# 2112176 5/4/2017
LEGAL NOTICE
RESOLUTION OF PARTIAL VACATING OF
A 5.0 FT. WIDE PUBLIC UTILITY
EASEMENT IN KERRINGTON AT
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The Board further renounced and
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CONTAINING 117.00 SQUARE FEET,
MORE OR LESS, PREPARED BY
LESLIE HOWARD, PSM



LEGAL NOTICE

RESOLUTION OF PARTIAL VACATING OF A 5.0 FT. WIDE PUBLIC UTILITY EASEMENT
IN KERRINGTON AT ADDISON VILLAGE PHASE 1, MELBOURNE – VIERA BUILDERS,
INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 25th day of April, 2017, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution of partial vacating of a 5.0 ft. wide public utility easement in Kerrington at Addison Village Phase 1, Melbourne, as petitioned by Viera Builders, Inc.

SEE ATTACHED EXHIBIT "A"

The Board further renounced and disclaimed any right of the County in and to said public 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 May 4, 2017, issue of the Florida TODAY.

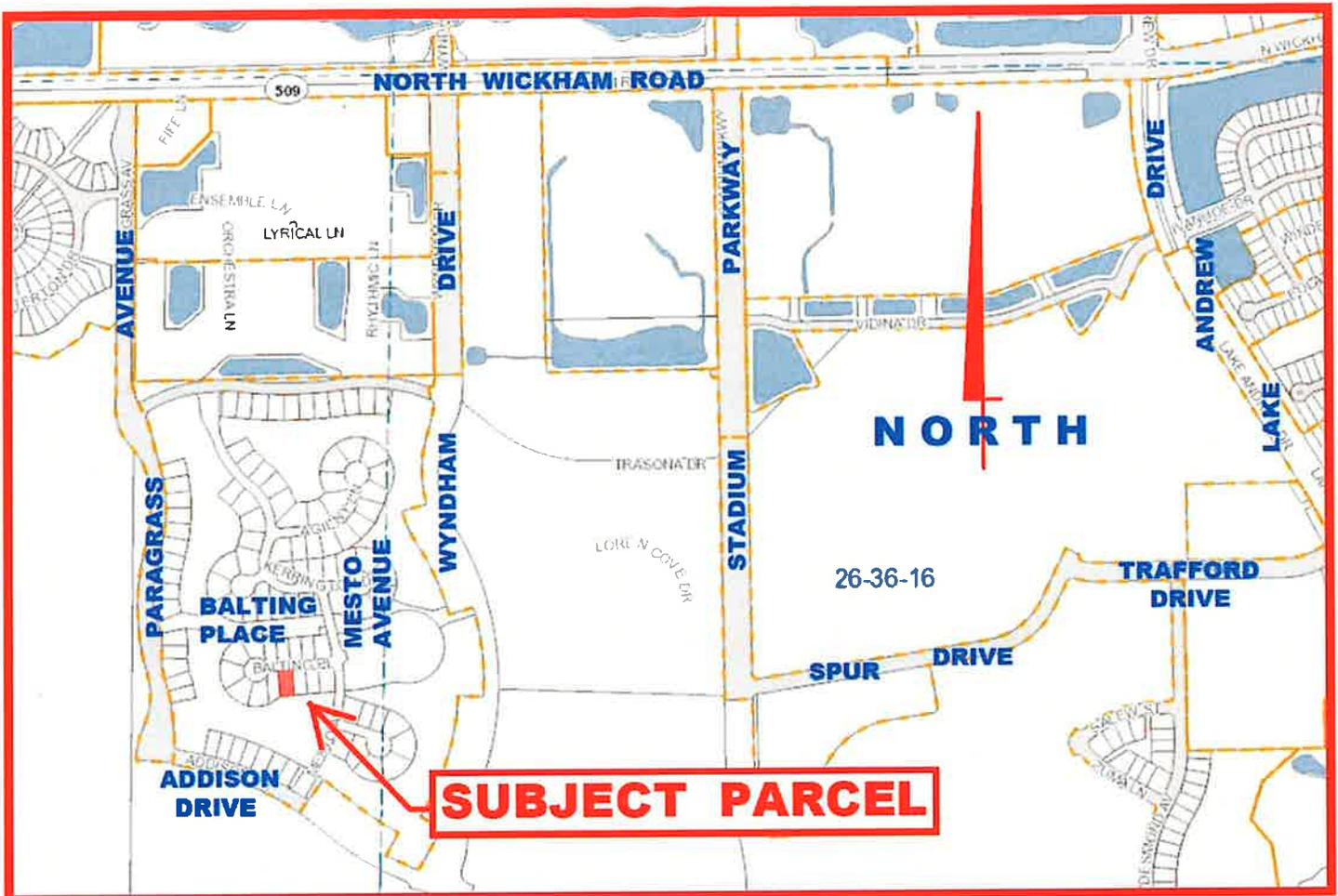
**BILL THE PUBLIC WORKS DEPARTMENT OF BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS ACCOUNT NO. 6BR327 AND PURCHASE ORDER NO.
4500092228-10, AND FORWARD INVOICE AND PROOF OF PUBLICATION TO:**

**Marc Cazessüs, PLS
Public Works Department
Surveying and Mapping Program
2725 Judge Fran Jamieson Way, Bldg. A-220
Viera, FL 32940**

LEGAL DESCRIPTION:

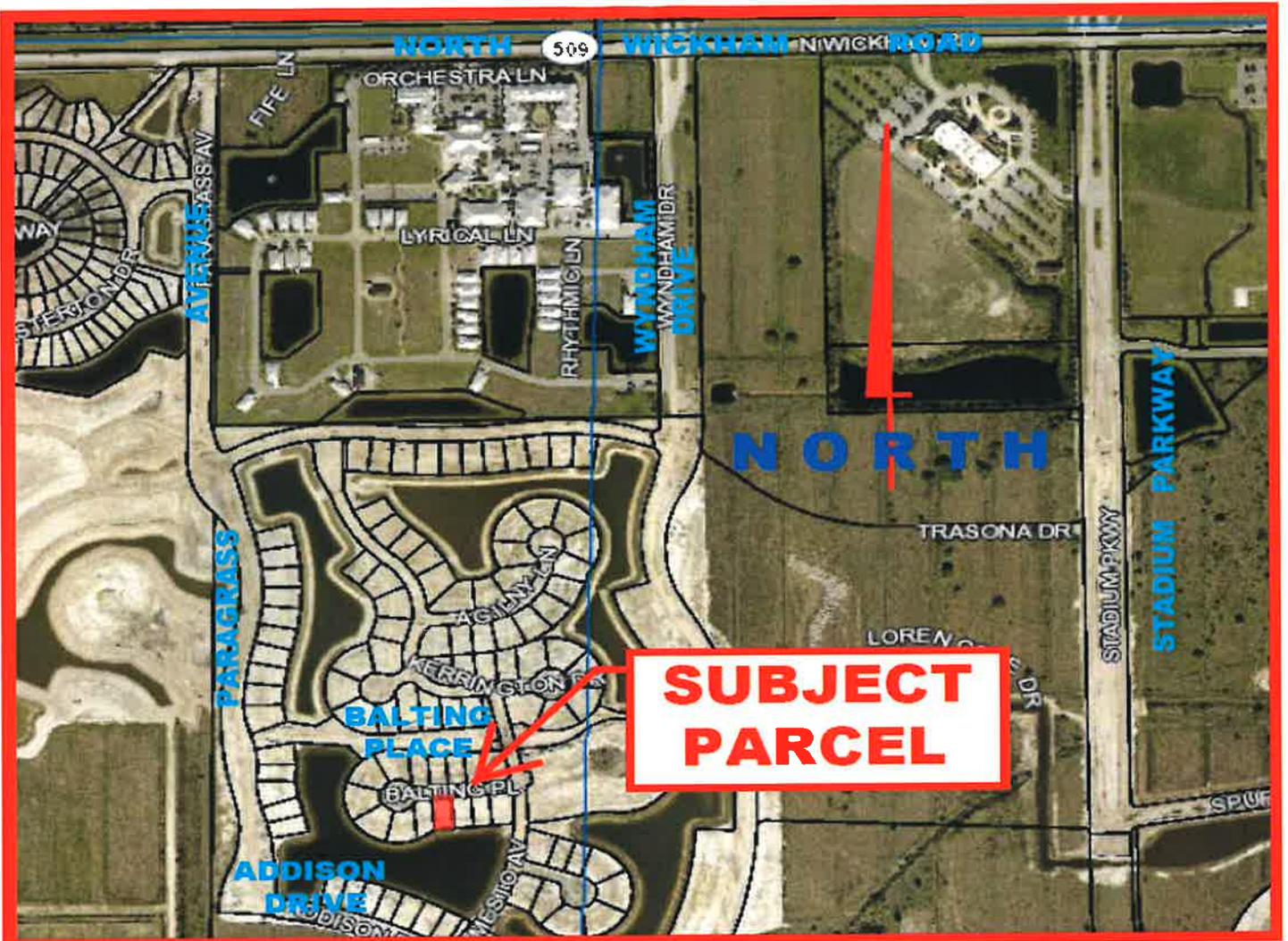
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VICINTY MAP

Viera Builders, Inc. – 2937 Balting Place,
Melbourne, FL, 32940– Lot 4, Block E,
“Kerrington at Addison Village Phase - 1” –
(Plat Book 63, Page 83) – Section 17,
Township 26 South, Range 36 East –
District 4 – Proposed Partial Vacating of a
5.00 ft. Wide Public Utility Easement



AERIAL MAP

Viera Builders, Inc. – 2937 Balting Place,
Melbourne, FL, 32940– Lot 4, Block E,
“Kerrington at Addison Village Phase - 1” –
(Plat Book 63, Page 83) – Section 17,
Township 26 South, Range 36 East –
District 4 – Proposed Partial Vacating of a
5.00 ft. Wide Public Utility Easement



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account	3012463
Owners	Viera Builders Inc
Mailing Address	7380 Murrell Rd , Unit 202 Melbourne FL 32940
Site Address	2937 Balting Pl Melbourne FL 32940
Parcel ID	26-36-17-WJ-E-4
Property Use	0010 - Vacant Residential Land (Single Family, Platted)
Exemptions	None
Taxing District	4200 - Unincorp District 4
Subdivision	Kerrington At Addison Village - Phase 1
Total Acres	0.20
Site Code	0142 - Nbhd Lake/Reten Frtg
Plat Book/Page	0061/0083
Description	Kerrington At Addison Village - Phase 1 Blk E Lot 4

VALUE SUMMARY INFORMATION

Category	2016	2015	2014
Total Market Value	\$7,500	\$0	\$0
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$7,500	\$0	\$0
Assessed Value School	\$7,500	\$0	\$0
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$7,500	\$0	\$0
Taxable Value School	\$7,500	\$0	\$0

SALES/TRANSFERS INFORMATION

Date	Price	Deed	V O R I	Book/Page
08/09/2016	\$100	WD	Improved	7682/2335

BUILDING INFORMATION

No Data Found

APPRAISER'S INFORMATION SHEET

4450
704

INSTRUMENT PREPARED BY
AND TO BE RETURNED TO:
Laura Minton Young, Esquire
DEAN, MEAD, et al.,
7380 Murrell Road, Suite 200
Viera, Florida 32940
(321) 259-8900

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of the 9th day of August, 2016, by THE VIERA COMPANY, a Florida corporation, having its principal place of business at 7380 Murrell Road, Suite 201, Viera, Florida 32940 (hereinafter referred to as the "Grantor"), to VIERA BUILDERS, INC., a Florida corporation, whose post office address is 7380 Murrell Road, Suite 202, Viera, Florida 32940 (hereinafter referred to as the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument, the heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, partnerships and corporations.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all of the Grantor's right, title and interest in and to that certain real property situate, lying and being in Brevard County, Florida (hereinafter referred to as the "Property") being more particularly described in Exhibit "A", attached hereto and made a part hereof.

TOGETHER with all of 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 the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property; and that Grantor hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against no others. This conveyance is made subject to those matters described in Exhibit "B", attached hereto and made a part hereof.

P E T I T I O N E R ' S D E E D

S H E E T 1 O F 3

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and delivered in its name, by its corporate officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Charlene R. Spangler
Print Name: Charlene R. Spangler
Sandra Patrick
Print Name: SANDRA PATRICK

THE VIERA COMPANY,
a Florida corporation

By: [Signature]
Stephen L. Johnson
President

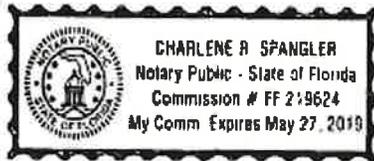
Address: 7380 Murrell Road, Suite 200
Viera, FL 32940



STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 9th day of August, 2016, by Stephen L. Johnson, as President of THE VIERA COMPANY, a Florida corporation, on behalf of the corporation. Said person is personally known to me.



Charlene R. Spangler
Print Name: Charlene R. Spangler
Notary Public, State of Florida
Commission No.: FF219624
My Commission Expires: 5/27/2019

PETITIONER'S DEED
SHEET 2 OF 3

EXHIBIT "A"

Legal Description

Parcel 1:

Lots 3, 4 and 5, Block O; Lots 1 and 7, Block P and Lot 5, Block Q, ARRIVAS VILLAGE – PHASE 2, according to the Plat thereof as recorded in Plat Book 61, pages 4 through 11, inclusive, Public Records of Brevard County, Florida.

Parcel 2:

Lots 29, 30, 31, 32 and 33, Block P and Lots 1, 2, 5, 7, 9, 10 and 12, Block Q, STROM PARK – PHASE 5, 6 AND 8, according to the plat thereof as recorded in Plat Book 61, pages 19 through 22, inclusive, Public Records of Brevard County, Florida.

Parcel 3:

Lots 1, 2, 3, 4, 5, 6 and 7, Block B, STADIUM VILLAS, according to the Plat thereof as recorded in Plat Book 60, pages 1 through 5, inclusive, Public Records of Brevard County, Florida.

Parcel 4:

Lots 6, 12, 13 and 14, Block A; Lot 8, Block E; Lots 1, 2 and 3, Block F and Lot 6, Block G, TRASONA AT ADDISON VILLAGE – PHASES 1 AND 2, according to the plat thereof as recorded in Plat Book 61, pages 57 through 69, inclusive, Public Records of Brevard County, Florida.

Parcel 5:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block A; Lots 1, 3, 4, 5, 6, 7, 8 and 9, Block B; Lots 9, 10, 11 and 12, Block C; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Block E and Lots 1, 2, 3, and 4, Block J, KERRINGTON AT ADDISON VILLAGE - PHASE 1, according to the plat thereof as recorded in Plat Book 61, pages 83 through 88, inclusive, Public Records of Brevard County, Florida.

SUBJECT PARCEL

PETITIONER'S DEED

SHEET 3 OF 3

**(NOTE: SHEETS 4 & 5 OF 5 WITH LIST OF COVENANTS,
RESTRICTIONS & RESERVATIONS NOT INCLUDED)**

COMMENT SUMMARY

APPLICANT: VIERA BUILDERS, INC. UPDATED BY/DATE: MARC CAZESSUS, PLS / 20170333 @ 08:06 HRS

COMPANIES	NOTIFIED	COMMENTS		STIPULATIONS/REMARKS
		RECEIVED	APPROVED	
UTILITIES				
FLORIDA CITY GAS	20170315	20170315	YES	NO OBJECTIONS
FLORIDA POWER & LIGHT	20170315	20170322	YES	NO OBJECTIONS
A T & T	20170315	20170330	YES	NO OBJECTIONS
BRIGHT HOUSE NETWORKS	20170315	20170330	YES	NO OBJECTIONS
CITY COCOA	20170315	20170320	YES	NO OBJECTIONS
COUNTY STAFF				
ROAD & BRIDGE	20170315	20170315	YES	NO OBJECTIONS - KEN LAMBERT
LAND PLANNING	20170315	20170315	YES	NO OBJECTIONS - REBECCA RAGAIN
UTILITY SERVICES	20170315	20170316	YES	NO OBJECTIONS - TAMMY HURLEY
NRMD / STORM WATER	20170315	20170315	YES	NO OBJECTIONS - HARVEY WHEELER
ZONING	20170315	20170315	YES	NO OBJECTIONS - PAUL BODY

COMMENT SHEET

AD# 2045051 4/7/2017 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE 5.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "KERRINGTON AT ADDISON VILLAGE-PHASE 1" IN SECTION 17, 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 VIERA BUILDERS, INC. 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 AM. on April 25, 2017 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. EXHIBIT "A" THE EAST 1.0 FOOT OF THE 5.0 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE WEST LINE OF LOT 4, BLOCK E, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE - PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AS ALSO DESCRIBED IN NOTE 9, ON SAID PLAT, LESS AND EXCEPT THE NORTH 10.00 FEET THEREOF OF SAID EASEMENT. CONTAINING 117.00 SQUARE FEET, MORE OR LESS. PREPARED BY LESLIE HOWARD, 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.: 0002112176
Pymt Method: Invoice
Net Amt: \$112.04

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/04/17

Text of Ad:

AD# 2112176 5/4/2017
LEGAL NOTICE
RESOLUTION OF PARTIAL VACATING OF
A 5.0 FT. WIDE PUBLIC UTILITY
EASEMENT IN KERRINGTON AT
ADDISON VILLAGE PHASE 1,
MELBOURNE-VIERA BUILDERS, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 25th day of April, 2017, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution of partial vacating of a 5.0 ft. wide public utility easement in Kerrington at Addison Village Phase 1, Melbourne, as petitioned by Viera Builders, Inc.

SEE ATTACHED EXHIBIT "A"

The Board further renounced and disclaimed any right of the County in and to said "public 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"

THE EAST 1.0 FOOT OF THE 5.0 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE WEST LINE OF LOT 4, BLOCK E, ACCORDING TO THE PLAT OF KERRINGTON AT ADDISON VILLAGE-PHASE 1, AS RECORDED IN PLAT BOOK 61, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AS ALSO DESCRIBED IN NOTE 9, ON SAID PLAT, LESS AND EXCEPT THE NORTH 10.00 FEET THEREOF OF SAID EASEMENT, CONTAINING 117.00 SQUARE FEET, MORE OR LESS PREPARED BY LESLIE HOWARD, PSM