

# Petition to Vacate Public Utility Easements-Barefoot Bay-James F. DiGellonardo-(District 3)

#### SUBJECT:

Petition to Vacate, Re: Public Utility Easements – "Barefoot Bay Unit Two, Part Eleven" Plat Book 22, Pages 116-120 – Barefoot Bay – James F. DiGellonardo – 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 two public utility easements centered along the common line between Lots 38 and 39, Block 77, "Barefoot Bay Unit Two, Part Eleven" 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 38 and 39, Block 77 and is requesting the vacating of the two 6.00 ft. wide public utility easements centered along the common line between the lots to be able to build a garage into said easements. Easement to be vacated contains 885 square feet, more or less.

January 28, 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 St. Johns Heritage Pkwy SE and Micco Road; thence 2.27 miles east along Micco Road; thence 3.87 miles north along Pinewood Blvd.; thence 0.47 miles east along Barefoot Blvd.; thence 0.17 miles northeast Barefoot become Dracena Dr.; thence

0.07 north along Gardenia Dr.; thence 0.11 miles east along Periwinkle Cir. 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



#### FLORIDA'S SPACE COAST

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



February 27, 2019

MEMORANDUM

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

RE: Advertising Bills for Resolution Vacating a Part of Two Public Utility Easements in Barefoot Bay Unit Two, Part Eleven Subdivision, Section 10, Township 30 South, Range 38 East, Barefoot Bay

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-018, vacating a part of two public utility easements, Barefoot Bay Unit Two, Part Eleven Subdivision, as petitioned by James. F. DiGellonardo. Said Resolution was adopted by the Board of County Commissioners, in regular session on February 12, 2019.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Jammy Kowe

/ds

Encls. (2)



#### FLORIDA'S SPACE COAST

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



February 27, 2019

James F. DiGellonardo 617 Periwinkle Circle Barefoot Bay, FL 32976

Dear Mr. DiGellonardo:

Re: Resolution Vacating a Part of Two Public Utility Easements in Barefoot Bay Unit Two, Part Eleven Subdivision, Section 10, Township 30 South, Range 38 East, Barefoot Bay

The Board of County Commissioners, in regular session on February 12, 2019, adopted Resolution No. 19-018, vacating a part of two public utility easements in Barefoot Bay Unit Two, Part Eleven Subdivision, Section 10, Township 30 South, Range 38 East, Barefoot Bay, as petitioned by you. Said Resolution has been recorded in ORBK 8375, Pages 2763 through 2767. 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, Deputy Clerk

Yammy Kowe

/ds

Encl. (1)

cc: Amber Holley, Public Works

RESOLUTION 2019 - 018

VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN "BAREFOOT BAY UNIT TWO, PART ELEVEN" SUBDIVISION, BAREFOOT BAY, 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 JAMES F.

DiGELLONARDO with the Board of County Commissioners to vacate a portion of two public utility easements 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 two public utility easements will not be detrimental to

Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of two public utility easements is hereby vacated; and

Brevard County renounces and disclaims any rights in and to said easements. 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 12<sup>TH</sup> day of February, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

ATTEST:

SCOTT ELLIS, CLERK

Kristine Isnardi, Chair

As approved by the Board on:

February 12, 2019

## LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST PARCEL I.D. NUMBER: 30-38-10-JT-77-38 PARCEL I.D. NUMBER: 30-38-10-JT-77-39

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

#### PURPOSE OF SKETCH AND DESCRIPTION:

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 38 AND 39, BLOCK 77 LESS AND EXCEPT THE WESTERLY 6 FEET AND THE EASTERLY 10 FEET OF EACH.

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY LINE OF LOT 38 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY LINE OF LOT 39, BLOCK 77, BAREFOOT BAY UNIT TWO, PART ELEVEN ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 116-120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION OF THE EASEMENT WITHIN THE WESTERLY 6.00 FT. OF SAID LOTS 38 & 39 AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FT. OF LOTS 38 & 39, CONTAINING 885 SQUARE FEET, MORE OR LESS.

#### SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N74°56'31"W ALONG THE COMMON LOT LINE BETWEEN LOTS 38 & 39, BLOCK 77.
- 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT 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.
- 5) IMPROVEMENTS SHOWN HEREON ARE BASED ON THE SURVEY PREPARED BY THE UNDERSIGNED DATED 11/26/2018, DRAWING NUMBER 18-035

PREPARED FOR:

DRAWN BY: C.J.C. DATE: 01/11/2019

CHECKED BY: C.J.C.

SHEET 1 OF 2

JAMES F. Di GELLONARDO

THIS SURVEY PERFORMED BY: COONEY SURVEYING & MAPPING, LLC L.B. #8070 456 Chaloupe Terrace Sebastian, Fl. 32958 772-913-5322 cooneymap@gmail.com

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077

> 1-11-2019 DATE AND SIGNATURE

## EXHIBIT "A"

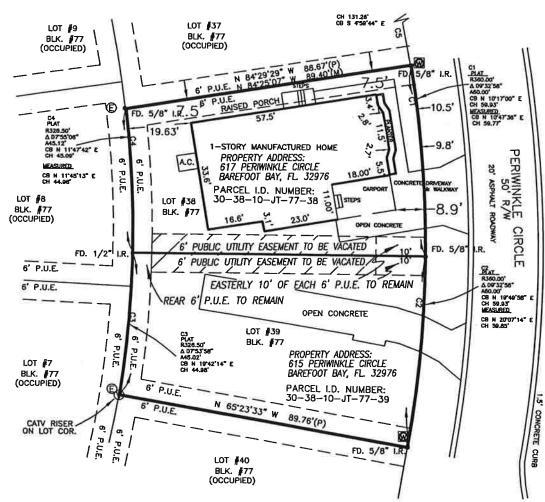
## SKETCH OF DESCRIPTION (NOT A SURVEY)

LEGAL DESCRIPTION: LOTS 38 & 39, BLOCK 77, BAREFOOT BAY UNIT #2 PART 11 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 116-120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



LOTS CONTAINS 9419 SQUARE FEET; (0.21 ACRES, MORE OR LESS)

CERTIFICATIONS: JAMES F. Di GELLONARDO



#### LEGEND & ABBREVIATIONS

30

	CH CB R Δ L PC PT PI P.U.E. C/L	CHORD DISTANCE CHORD BEARING RADIUS OF CURVE (DELTA)CENTRAL ANGLE OF CURVE LENGTH OF ARC POINT OF CURVATURE POINT OF TANGENCY POINT OF INTERSECTION PUBLIC UTILITY EASEMENT CENTERLINE	FD IP IR IR/C N/D (P) (M) (C) BLK.	FOUND IRON PIPE IRON ROD & CAP NAIL AND DISK PLAT MEASURED CALCULATED BLOCK
--	---------------------------------	--	------------------------------------	---

60 SHEET 2 OF 2 NOT VALID WITHOUT THE

SCALE: 1"=30'	FIELD BOOK: 107/51	SURVEY DATE: 11/26/2018	REVISIONS
JOB # 18-035	FLOOD ZONE: X	FLOOD INSURANCE #12009C0694G 03/17/14	12/5/18 LEGEND
COONEY SURVEYING AND MAPPING LLC LB 180770	Christopher J. Cooney Professional Surveyor & Mopper LS #6077 456 Chaloupe Terrace Sebastian, Fl. 32958 772-913-5322 cooneymap@gmail.com	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COOMEY FLORIDA CERTIFICATE NO. 6077  WHAT AND SIGNATURE	1/11/19 EASEMENT



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

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:

#### 01/28/19

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 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 February 2019, by Morgan Maguire who is personally known to me

my m

Affiant Morgan Maguire

Notary Kathleen A Gibson

Publication Cost: \$223.68 Ad No: 0003357007 Customer No: BRE-6BR327 AD#3357007, 1/28/2019
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
THE PUBLIC UTILITY EASEMENT, PLAT O
BARREFOOT BAY UNIT TWO, PART ELEVEN' IN SECTION 10, TOWNSHIP 20
SOUTH, RANGE 38 EAST, BAREFOOT
BAY, FL

NOTICE IS HEREBY GIVEN that pursuant
to Chapter 336.09, Florids Statutes, and
Chapter 38, Article II, Section 88-36, Brevard County Code, a polition has been
filled by JAMES F, a polition has been
filled by JAMES F, output Commissioners of
Brevard County, Friorida, to request
vacating the following described property, to wit:

ty, to wit:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY
LINE OF LOT 38 AND THE 6.00 FOOT
PUBLIC UTILITY EASEMENT LYING
ALONG THE NORTHERLY LINE OF LOT
39 BLOCK 77, BAREFOOT BAY UNIT
TWO, PART ELEVEN, ACCORDING TO
THE PLAT THEREOF, AS RECONDED IN
PLAT BOOK 22, PAGES 116 THROUGH
120, INCLUSIVE, OF THE PUBLIC RECORDSOF BREVARD COUNTY, FLORIDA.
LESS AND EXCEPT THAT PORTION OF
THE EASEMENT WITHIN THE WESTERLY
6.00 FEET OF SAID LOTS 38 & 39 AND
THAT PORTION OF THE EASEMENT
WITHIN THE EASTERLY 10.00 FEET OF
LOTS 38 & 39 CONTAINING 885 SOUARE
FEET, MORE OR LESS, PREPARED BY:
CHRISTOPHER J. CONNEY, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on February 12, 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 288.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacaling, 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 nade, which record includes the testimony and evidence upon which the appeal is based.

Persons seeking to preserve a verbalim 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 meetinghearing is contacted at least 48 hours prior to the public meetinghearing assistance.

DEC. STATE OF WELL

#### A Daily Publication By:



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

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  $\underline{\textbf{FLORIDA TODAY}}$  , 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:

#### 02/19/19

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 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 22th of February 2019, by Morgan Maguire who is personally known to me

Kathleen A Gibson

Publication Cost: \$155.22 Ad No: 0003393872 Customer No: BRE-6BR327 AD#3393872, 2/19/2019 LEGAL NOTICE

RESOLUTION VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN BAREFOOT BAY UNIT TWO, PART ELEV-EN SUBDIVISION, BAREFOOT BAY, SEC-TION 10, TOWNSHIP 30 SOUTH, FRANGE 38 EAST – JAMES F. DIGELLONARDO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 12th day of February 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of two public utility easements in Bareloot Bay Unit Two, Part Eleven Subdivision, Bareloot Bay, Section 10, Township 30 South, Range 38 East, as positioned by James F. DiGellonardo.

The Board turther renounced and dis-claimed any right of the County in and to said perpetual drainage easements.

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





#### 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

Run Times: 1

Run Dates: 02/19/19

Text of Ad:

AD#3393B72, 2/19/2019 LEGAL NOTICE

RESOLUTION VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN BAREFOOT BAY UNIT TWO, PART ELEV-EN SUBDIVISION, BAREFOOT BAY, SEC-TION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST – JAMES F. DIGELLONARDO

#### TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 12th day of February 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution varating a part of two public utility easements in Batefoot Bay Unit Two, Part Eleven Subdivision, Barefoot Bay, Science 10, Township 30 South, Range 38 East, as petitioned by James F. DiGellonardo.

DIGOIONARDO.

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY LINE OF LOT 38 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY LINE OF LOT 39, BLOCK 77, BAREFOOT BAY UNIT TWO, PART ELEVEN, ACCORDING TO THE PLATTHEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 16 THROUGH 120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF THE EASEMENT WITHIN THE WESTERLY 8.00 FEET OF SAID LOTS 38 M 39 AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FEET OF SAID LOTS 38 M 39. AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FEET OF SAID LOTS 38 M 39. CONTAINING 885 SQUARE FEET, MORE OR LESS.

The Board further renounced and dis-claimed any right of the County in and to said perpetual drainage easements.

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

Ad No.: 0003393872

**Pymt Method** 

Invoice Net Amt: \$155.22

No. of Affidavits:

#### **LEGAL NOTICE**

RESOLUTION VACATING A PART OF TWO PUBLIC UTILITY EASEMENTS IN BAREFOOT BAY UNIT TWO, PART ELEVEN SUBDIVISION, BAREFOOT BAY, SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST – JAMES F. DIGELLONARDO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 12<sup>th</sup> day of February 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of two public utility easements in Barefoot Bay Unit Two, Part Eleven Subdivision, Barefoot Bay, Section 10, Township 30 South, Range 38 East, as petitioned by James F. DiGellonardo.

#### **SEE ATTACHED EXHIBIT "A"**

The Board further renounced and disclaimed any right of the County in and to said perpetual drainage easements.

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 February 19, 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 LINE OF LOT 38 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY LINE OF LOT 39, BLOCK 77, BAREFOOT BAY UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF,

AS RECORDED IN PLAT BOOK 22, PAGES 116 THROUGH 120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION OF THE EASEMENT WITHIN THE WESTERLY 6.00 FEET OF SAID LOTS 38 & 39 AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FEET OF LOTS 38 & 39. CONTAINING 885 SQUARE FEET, MORE OR LESS.



### **Brevard County Property Appraiser**

Titusville • Merritt island • Viera • Melbourne • Palm Bay PROPERTY DETAILS

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

Account	3004379
Owners	Digellonardo, James F; Digellonardo, Jean R
Mailing Address	617 Periwinkle Cir Barefoot Bay FL 32976
Site Address	615 Periwinkle Cir Barefoot Bay FL 32976
Parcel ID	30-38-10-JT-77-39
Property Use	0264 - Manufactured Home Not Suitable For Occupancy
Exemptions	None
Taxing District	3400 - Unincorp District 3
Total Acres	0.11
Subdivision	Barefoot Bay Unit 2 Part 11
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0022/0116
Land Description	Barefoot Bay Unit 2 Part 11 Lot 39 Blk 77

	VALUE SUMMARY		
Category	2018	2017	2016
Market Value	\$32,690	\$55,610	\$48,820
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$32,690	\$32,630	\$31,960
Assessed Value School	\$32,690	\$32,630	\$31,960
Homestead Exemption	\$0	\$25,000	\$25,000
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$32,690	\$7,630	\$6,960
Taxable Value School	\$32,690	\$7,630	\$6,960

	SALE	S/TRANSFERS		
Date	Price	Type	Parcel	Deed
03/23/2018	\$20,000	WD	Improved	8125/0730
06/08/2011	\$38,500	WD	Improved	6405/1818
06/01/1992	-	QC	improved	3212/4928
11/01/1983	\$39,700	WD		2466/0752
11/15/1970	_	PT	_	1152/0219

## BUILDINGS PROPERTY DATA CARD #1

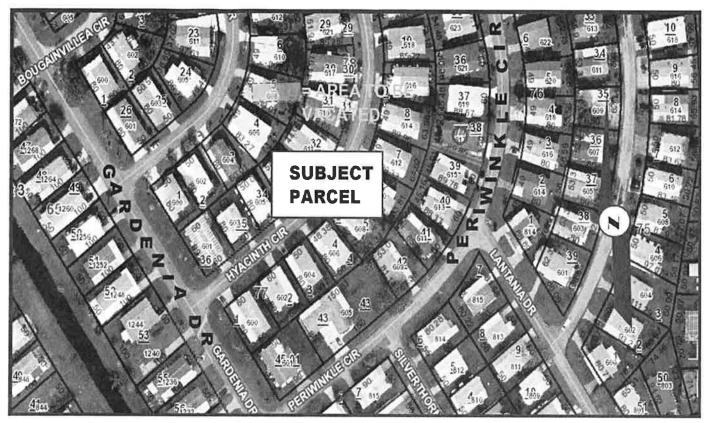
Building Use: 0264 - Manufactured Home Not Suitable For Occupancy

Materials		Details	
Extenor Wall:	Vinyl/Aluminum	Year Built	1983
Frame:	Wood Frame	Story Height	8
Roof:	Asph/Asb Shngl	Floors	*
Roof Structure:	Hip/Gable	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,104	Utility Room	121
Total Base Area	1,104	Covered Patio	20
Total Sub Area	1.104	Enclosed Room	200
		Carport	517
		Skirting - Simulated Stone/Brick	142

Page 1 of 1

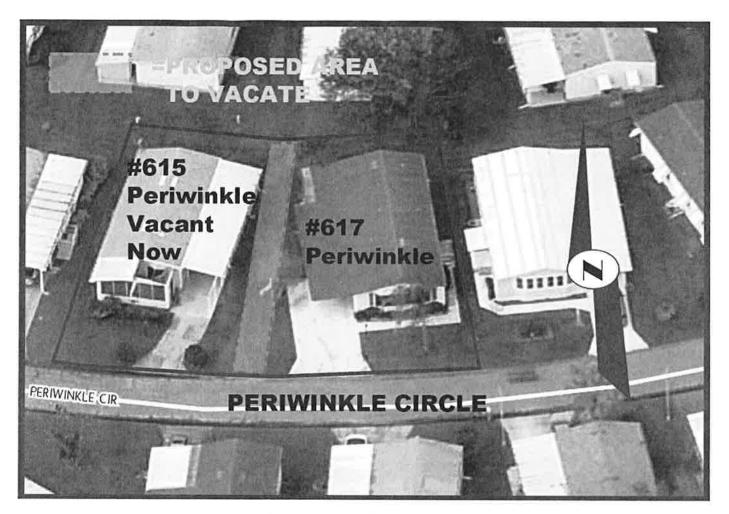
Generated on 9/21/2015 10:44:34 AM

## APPRAISER'S DETAIL SHEET



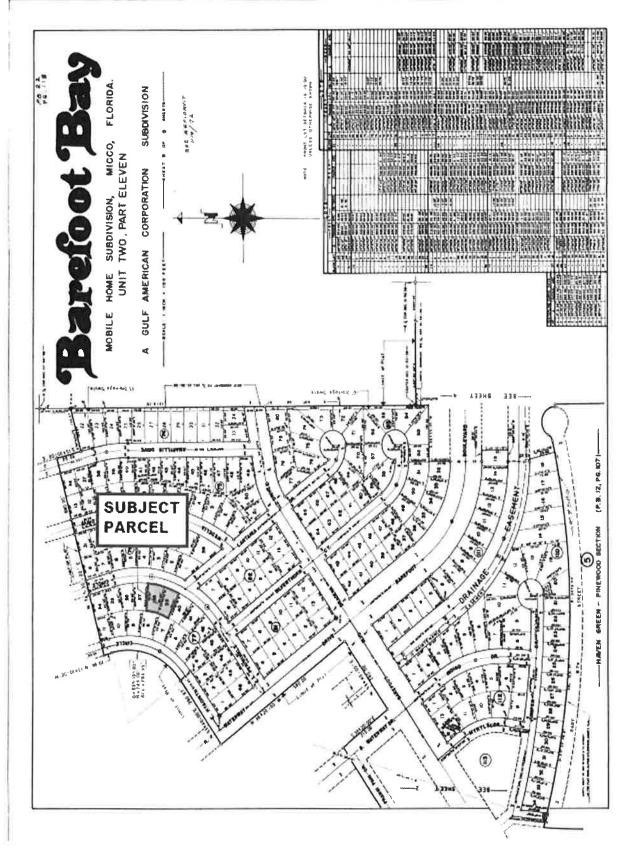
## VICINITY MAP

Jeffrey and Lois Kirk – Lots 9 & 10, "Stuart Terrace First Addition" (Plat Book 21, Page 74) – 295 West Coral Way – Section 14, Township 27 South, Range 37 East – District 5 – Proposed Vacating of a 10.0 ft. Wide Public Utility and Drainage Easement along the Common Lot Line



## AERIAL MAP

Jeffrey and Lois Kirk – Lots 9 & 10, "Stuart Terrace First Addition" (Plat Book 21, Page 74) – 295 West Coral Way – Section 14, Township 27 South, Range 37 East – District 5 – Proposed Vacating of a 10.0 ft. Wide Public Utility and Drainage Easement along the Common Lot Line



PLAT REFERENCE

CFN 2014039123, OR BK 7075 Page 380, Recorded 02/27/2014 at 11:01 AM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$0.70

HCTJAMES F. DiGellonardo 617 Periwinkle Cir. BAREFOOT BAY F. 032976 777-423-5465

THIS WARRANTY DEED, Executed this 47 day of FC6 Ranks 2014, by JAMES F. DI GELLONARDO and JEAN R. DI GELLONARDO, husband and wife, Grantor(s); to: JAMES F. DI GELLONARDO and JEAN R. DI GELLONARDO, Trustee(s), therein, to THE JAMES F. DI GELLONARDO and JEAN R. DI GELLONARDO TRUST, U.T.D. December 3, 2013, whose post office address is 6277 Phaeton Dr., Rockford, IL 61108, referred to as GRANTEE. The Trustee(s) shall have the power and authority under the Trust to protect, conserve and to sell or convey, or to lease, or to encumber, or otherwise to manage and dispose of the real property described in the deed. A duly appointed Successor Trustee, shall have the same aforementioned powers.

WITNESSETH, That the said Grantor(s), for and in consideration of the sum of \$10.00 in hand paid by the said Grantee(s), the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said GRANTEE and GRANTEE's Successors, and assigns forever the following described land situate in Brevard County, State of Florida, to wit:

Lot 38, Block 77, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, according to the Plat thereof, as recorded in Plat Book 22, Page 116, of the Public Records of Brevard County, Florida.

Together with a 1985 PRES Doublewide Manufactured Home ID #'s FH368849A and FH368849B

PARCEL ID#: 30-38-10-JT-77-38

TITLE TO THE ABOVE-DESCRIBED PROPERTY HAS BEEN NEITHER EXAMINED NOR APPROVED BY ROBERT A. DOHERTY, ATTORNEY.

(This is a deed of convenience given for nominal consideration as recited above; only minimum documentary stamps are required.)

This conveyance is subject to restrictions, reservations, limitations, and easements of record, taxes for the current year and subsequent years, and all mortgages of record which the Grantee(s) herein assume and agree to pay.

In Witness Whereof, The said Grantors have signed and sealed these presents the day and year first above written.

Robert A. Doharty

Witness

JAMES F DI GELLONARDO

Charles Louis Witness

JEAN R. DI GELLONARDO

## PETITIONER'S DEED: 1 OF 3

STATE OF FLORIDA COUNTY OF BREVARD

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I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

NAME (S) JAMES F. DI GELLONARDO & JEAN R. DI GELLONARDO

to me known to be the person(s) described in and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same, and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 2.7 day of Febluary A.D., 2014.

NOTARY PUBLIC

RODERT A. Doherty
Robert A. Doherty
Commission & EEOS1015
Expires: DEC. 21, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

Return to:

GRANTEES whose address appears above.

Prepared by:

Robert A. Doherty, Attorney 1900 S. Harbor City Blvd., Suite 328 Melbourne, FL 32901

Return to Name. Professional Title of Indian River, Inc. Address: 1346 N. US Highway I

Sebastian, FL 32958 File No.: 2018-49344

190.00

#### WARRANTY DEED

This Warranty Deed Made this 23rd day of March, 2018 by Sharon Ann D'Acunto, a single woman, hereisafter called the granter, whose post office address is:
164 Hilton Ave. N.W., Palm Bay, Fl. 32907

to James F. DiGellonardo and Jean R. DiGellonardo, Husband and Wife whose post office address is. 617 Periwinkle Circle, Barefoot Bay, Fl. 32976

WITNESSETH That said grantor, for and in consideration of the sum of Ten Dollars, and other variable considerations, receipt whereof is hereby acknowledged, hereby grants, bargnins, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land satuated in Brevard County, Florida, viz

Lot 39, Block 77, /Barefoot Bay Unit Two, Part Eleven, according to the map or plat thereof, as recorded in Plat Book 22, Page(s) 116 through 120, inclusive, of the Public Records of Brevard County, Florida. Together with a 1974 Twin Doublewide Manufactured Home ID #'s T25215565A and T25215565B

TOGETHER with all the tenements, hereditaments and appartenances thereto belonging of in anywise appertaining

To Have and to Hold, the same in fee simple forever.

And the gruntor 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, that the grantor hereby fully 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 accraing subsequent to 12/31/2017, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantor" herein shall be construed to include all genders and singular or plural as the context indicates)

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Luvia Coleman

STATE OF FLORIDA COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 23rd day of March, 2018 by Sharon Ann D'Acunto, Who is/are personally known to me or who has/have produced driver license(s) as identification

ath & mou

My Commission expires Serial Number

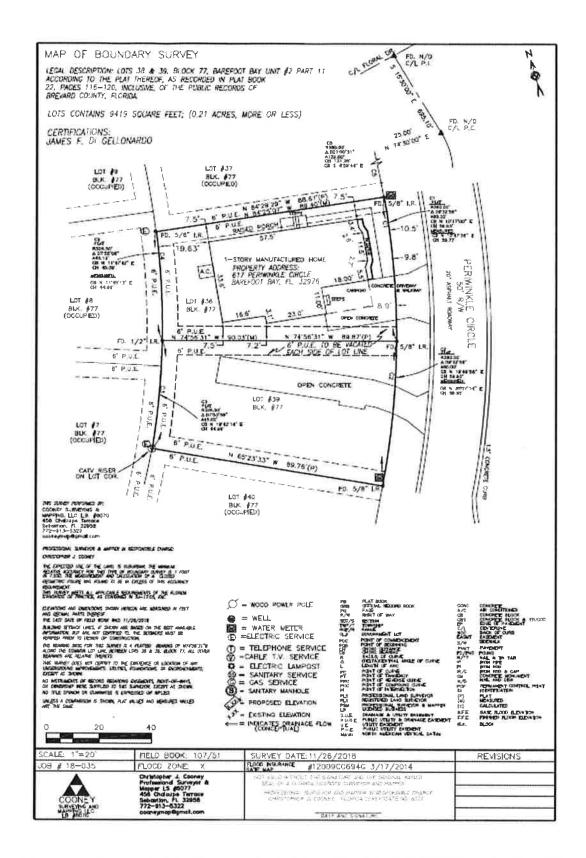
Notary Public

My Commission expires

CATHY L BROWN EXPRES PROLETY 11, 2021. Burned This Newsy Public Ordered

RE 2018-49344

Page 1 of 1



# PETITIONER'S BOUNDARY <u>SURVEY</u>

#### LEGAL DESCRIPTION

SECTION 1D, TOWNSHIP 30 SOUTH, RANGE 38 EAST PARCEL I.D. NUMBER: 30-38-10-JT-77-38 PARCEL I.D. NUMBER: 30-38-10-JT-77-39

SHEET 1 OF 2

NOT VALID WITHOUT THE

SKETCH ON SHEET 2 OF 2

#### PURPOSE OF SKETCH AND DESCRIPTION:

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 38 AND 39, BLOCK 77 LESS AND EXCEPT THE WESTERLY 6 FEET AND THE EASTERLY 10 FEET OF EACH.

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY LINE OF LOT 38 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY LINE OF LOT 39, BLOCK 77, BAREFOOT BAY UNIT TWO, PART ELEVEN ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 116—120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF THE EASEMENT WITHIN THE WESTERLY 6.00 FT. OF SAID LOTS 38 & 39 AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FT. OF LOTS 38 & 39, CONTAINING 885 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N74°56'31"W ALONG THE COMMON LOT LINE BETWEEN LOTS 38 & 39, BLOCK 77.
- NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT 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.
- 5) IMPROVEMENTS SHOWN HEREON ARE BASED ON THE SURVEY PREPARED BY THE UNDERSIGNED DATED 11/26/2018, DRAWING NUMBER 18-035

PREPARED FOR:

DRAWN BY: C.J.C.
DATE: 01/11/2019
CHECKED BY: C.J.C.
SHEET 1 OF 2

JAMES F. DI GELLONARDO

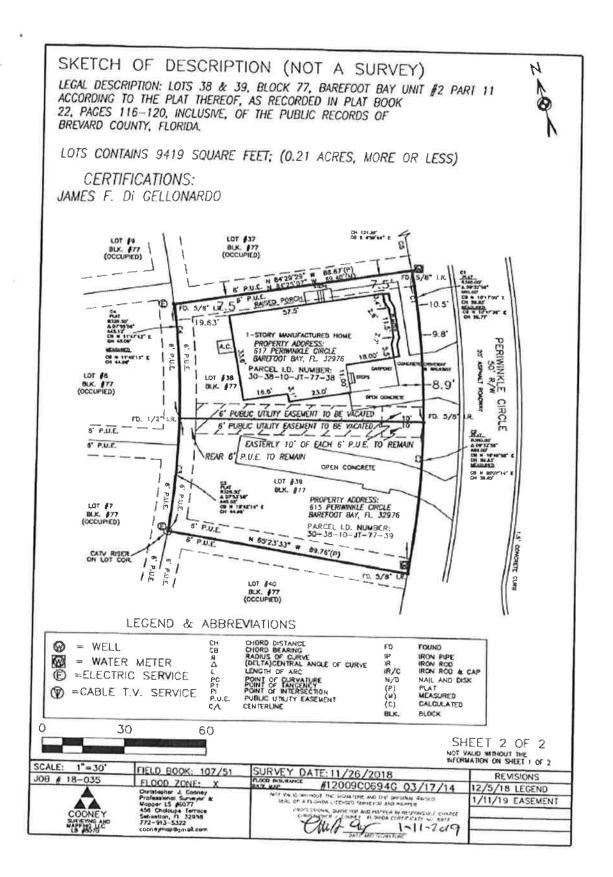
THIS SURVEY PERFORMED BY:
COONEY SURVEYING &
MAPPING, LLC L.B. #8070
456 Choloupe Terrace
Sebastion, Fl. 32958
772-913-5322
cooneymap@gmail.com

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077

GU/NEVE

Mul- and SIGNATURE

PETITIONER'S SKETCH & DESCRIPTION SHEET



PETITIONER'S SKETCH & DESCRIPTION SHEET 2 OF 2

#### COMMENT SUMMARY

APPLICANT: JAMES F. DIGELLONARDO

\_\_\_\_\_\_ UPDATED / BY: Amber Holley 20180102 @ 14:30 hours

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
Florida City Gas Co.	20181213	20181213	YES	NO OBJECTIONS
Florida Power & Light Co	20181213	20190107	YES	NO OBJECTIONS
AT & T	20181213	20181228	YES	NO OBJECTIONS
Charter Communications	20181213	20181214	YES	NO OBJECTIONS
COUNTY STAFF				
Road & Bridge	20181213	20190102	YES	NO OBJECTIONS-DAVE BARBER
Land Planning	20181213	20181213	YES	NO OBJECTIONS-REBECCA RAGAIN
Utility Services	20181213	20181213	YES	NO OBJECTIONS LESS FRONT 10'-T HURLEY
NRMD / Storm Water	20181213	20181221	YES	NO OBJECTIONS-HARVEY WHEELER
Zoning	20181213	20181213	YES	NO OBJECTIONS-PAUL BODY
				, 2

# COMMENT SHEET

AD#3357007, 1/28/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE PUBLIC UTILITY EASEMENT, PLAT OF "BAREFOOT BAY UNIT TWO, PART ELEVEN" 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 JAMES F. DiGELLONARDO 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 LINE OF LOT 38 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY LINE OF LOT 39, BLOCK 77, BAREFOOT BAY UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 116 THROUGH 120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION OF THE EASEMENT WITHIN THE WESTERLY 6.00 FEET OF SAID LOTS 38 & 39 AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FEET OF LOTS 38 & 39. CONTAINING 885 SQUARE FEET, MORE OR LESS, PREPARED BY: CHRISTOPHER J. COONEY, PSM. The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the abovedescribed easement at 5:00 P.M. on February 12, 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.

## PUBLIC HEARING LEGAL ADVERTISEMENT

#### **LEGAL DESCRIPTION:**

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE SOUTHERLY LINE OF LOT 38 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE NORTHERLY LINE OF LOT 39, BLOCK 77, BAREFOOT BAY UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 116 THROUGH 120, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION OF THE EASEMENT WITHIN THE WESTERLY 6.00 FEET OF SAID LOTS 38 & 39 AND THAT PORTION OF THE EASEMENT WITHIN THE EASTERLY 10.00 FEET OF LOTS 38 & 39. CONTAINING 885 SQUARE FEET, MORE OR LESS.