Agenda Report

0102

2725 Judge Fran Jamieson Way Viera, FL 32940



Public Hearing

H.3.	7/9/2024

Subject:

Petition to Vacate, Re: Public Utility Easements - 285 Diana Blvd - "Diana Shores Unit No. 2" Plat Book 20, Page 148 - Merritt Island - Timothy Scott and Denise Irene Gannon - District 2

Fiscal Impact:

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

Dept/Office:

Public Works Department - Surveying & Mapping

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, "Diana Shores Unit No. 2" in Section 23, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chair 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 for the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioners own Lot 7, Block J, and are requesting the vacating of a portion of two public utility easements to allow for the existing shed and covered patio to remain and be removed as an encroachment. The easements to be vacated contains 718.00 square feet, (0.01 AC) more or less. The property is located on Merritt Island South of Highway 528 and East of N. Courtenay Pkwy.

On June 24, 2024, 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 and no objections have been received.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 58346

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.

Brevard County Property Appraiser Detail Sheet

Account 2417445 Owners GANNON, TIMOTHY SCOTT; GANNON, DENISE IRENE Mailing Address 285 DIANA BLVD MERRITT ISLAND FL 32953 Site Address 285 DIANA BLVD MERRITT ISLAND FL 32953 Parcel ID 24-36-23-JD-J-7 Taxing District 2200 - UNINCORP DISTRICT 2 Exemptions HEX1 - HOMESTEAD FIRST HEX2 - HOMESTEAD ADDITIONAL Property Use 0110 - SINGLE FAMILY RESIDENCE Total Acres 0.22 Site Code 0130 - CANAL FRONT Plat Book/Page 0020/0148 Subdivision DIANA SHORES UNIT NO 2 Land Description DIANA SHORES UNIT NO 2 LOT 7 BLK VALUE SUMMARY 2021 2022

Category	2023	2022	2021
Market Value	\$564,820	\$486,030	\$414,570
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$303,110	\$259,430	\$251,880
Assessed Value School	\$303,110	\$259,430	\$251,880
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non- School	\$253,110	\$209,430	\$201,880
Taxable Value School	\$278,110	\$234,430	\$226,880
SALES/TRANSFERS			

Date	Price	Type	Parcel	Deed
03/22/2024		QC	Improved	10021/1708
03/17/2016	\$404,000	WD	Improved	7574/0549
05/26/2004	\$435,000	WD	Improved	5310/0728

Vicinity Map



Figure 1: Map of the parcel for easements to be vacated at Lot 7, Block "J", Diana Shores Unit No. 2, Merritt Island.

Timothy Scott and Denise Irene Gannon – 285
Diana Blvd – Merritt Island – Lot 7, Block "J",
"Diana Shores Unit No. 2" – Plat Book 20,
Page 148 – Section 23, Township 24 South,
Range 36 East – District 2 – Proposed
Vacating of a portion of two Public Utility
Easements

Aerial Map



Figure 2: Aerial Map for easements to be vacated at Lot 7, Block "J", Diana Shores Unit No. 2, Merritt Island,

Timothy Scott and Denise Irene Gannon – 285 Diana Blvd – Merritt Island – Lot 7, Block "J", "Diana Shores Unit No. 2" – Plat Book 20, Page 148 – Section 23, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a portion of two Public Utility Easements



Figure 3: Copy of plat map " Diana Shores Unit No. 2" dedicated to Brevard County October 1966.

Petitioner's Sketch & Description Sheet 1 of 2

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Figure 4: Legal Description. Sheet 1 of 2. Section 23, Township 24 South, Range 36 East. Parcel ID number: 24-36-23-JD-J-7.

Petitioner's Sketch & Description Sheet 2 of 2



Figure 5: Sketch of description. Sheet 2 of 3. Section 23, Township 24 South, Range 36 East. Parcel ID number: 24-36-23-JD-J-7.

The sketch illustrates a portion of two public utility easements on Lot 7, Block "J", Diana Shores Unit No. 2, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – North 45°01′58" East 71.83 Feet; East boundary – North 52°54′25" West 110.00 Feet; South boundary – South 45°01′59" West 102.22 Feet; West boundary – South 37°01′32" East 110.00 Feet. Prepared by: Kirk B. Mitchell, LS 5682.

Comment Sheet

Applicant: Gannon

Updated by: Amber Holley 20240618 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240510	20240514	Yes	No objections
FL Power & Light	20240510	20240618	Yes	No response
At&t	20240510	20240618	Yes	No response
Charter/Spectrum	20240510	20240510	Yes	No objections
City of Cocoa	20240510	20240513	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240510	20240617	Yes	No objections
Land Planning	20240510	20240513	Yes	No objections
Utility Services	20240510	20240513	Yes	No objections
Storm Water	20240510	20240524	Yes	No objections
Zoning	20240510	20240513	Yes	No objections

Public Hearing Legal Advertisement

Ad#10299426 6/24/2024

Ad#10299426 6/24/2024 LEGAL NOTICE NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC UTILITY EASEMENTS, PLAT OF "DIANA SHORES UNIT NO. 2" IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, 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 TIMO-THY SCOTT AND DENISE IRENE GANNON with the Board of County GANNON with the Board of County Commissioners of Brevard County, Florida, to request vacating the Florida, to request vacating the fallowing described property, to wit: A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 5.00 FEET OF THE EAST 77.50 FEET OF SAID LOT 7. CONTAINING 0.0089 ACRES OR 388 SQUARE FEET, MORE OR LESS. A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASE-MENT LYING WITHIN LOT 7. BLOCK J. DIANA SHORES UNIT No. 2. A SUBDIVISION ACCORD-ING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20. PAGE 148. THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING FLORIDA, BEING PARTICULARLY COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5.00 FEET OF THE EAST 66.00 FEET OF SAID LOT 7, CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS. PREPARED BY: KIRK B. MITCHELL, PSM. The Board of County Commissioners will hold a public hearing to deter-mine the advisability of such vacatwill hold a public hearing to deter-mine the advisability of such vacat-ing of the above-described easement of 5:00 P.M. on July 9, 2024, 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 proceed. will need a record of the proceed-ings, 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 impoired persons shall be mel if the department sponsoring the meet-ing/hearing is contacted at least 48 hours prior to the public meet-ing/hearing by any person wishing assistance.

Figure 7: Copy of public hearing advertisement as published on June 24, 2024. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC UTILITY EASEMENTS, PLAT OF "DIANA SHORES

UNIT NO. 2" IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, 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 TIMOTHY SCOTT AND DENISE IRENE GANNON with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 5.00 FEET OF THE EAST 77.50 FEET OF SAID LOT 7. CONTAINING 0.0089 ACRES OR 388 SQUARE FEET, MORE OR LESS. A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5.00 FEET OF THE EAST 66.00 FEET OF SAID LOT 7, CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS. PREPARED BY: KIRK B. MITCHELL, 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 July 9, 2024, 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.

LEGAL NOTICE

RESOLUTION VACATING A PORTION OF TWO PUBLIC UTILITY EASEMENTS IN PLAT "DIANA SHORES UNIT NO. 2", MERRITT ISLAND, LYING IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST – TIMOTHY SCOTT AND DENISE IRENE GANNON

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 9th of July, 2024, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of two public utility easements in plat "Diana Shores Unit No. 2", Merritt Island, lying in Section 23, Township 24 South, Range 36 East as petitioned by Timothy Scott and Denise Irene Gannon

LEGAL DESCRIPTION:

A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 5.00 FEET OF THE EAST 77.50 FEET OF SAID LOT 7. CONTAINING 0.0089 ACRES OR 388 SQUARE FEET, MORE OR LESS. A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5.00 FEET OF THE EAST 66.00 FEET OF SAID LOT 7, CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS. PREPARED BY: KIRK B. MITCHELL, PSM.

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA RACHEL M. SADOFF, CLERK BY: Kimberly Powell, Clerk to the Board

Florida TODAY:

Please advertise in the July 17, 2024, issue of the Florida TODAY. Bill the Board of County Commissioners Account Number BRE-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.

A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 5.00 FEET OF THE EAST 77.50 FEET OF SAID LOT 7. CONTAINING 0.0089 ACRES OR 388 SQUARE FEET, MORE OR LESS. A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5.00 FEET OF THE EAST 66.00 FEET OF SAID LOT 7, CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS. PREPARED BY: KIRK B. MITCHELL, PSM.

Resolution 2024 - 062

Vacating a portion of two public utility easements in plat "Diana Shores Unit No. 2", Merritt Island, Florida, lying in Section 23, Township 24 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Timothy Scott and Denise Irene Gannon** with the Board of County Commissioners to vacate a 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 vacating the public utility easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility easements are hereby vacated by Brevard County; and this vacating action releases, renounces, and disclaims any right, title, or interest Brevard County may possess over the property at issue, and shall not be deemed to warrant any right, title, interest or to represent any state of facts concerning the same. 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 9th day of July, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

Jason Steele, Chair

As approved by the Board on: July 9, 2024 CFN 2024162714, OR BK 10131 PAGE 322. Recorded 08/12/2024 at 11:13 AM, Rachel M. Sadoff, Clerk of Courts. Brevard County # Pgs:5

LEGAL DESCRIPTION

A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST PARCEL ID NUMBER: 24-36-23-JD-J-7 PURPOSE OF DESCRIPTION: EASEMENT VACATE

LEGAL DESCRIPTIONS:

(AS PREPARED BY SURVEYOR)

PROPOSED NORTH UTILITY EASEMENT VACATION AREA

A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT NO. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 5.00 FEET OF THE EAST 77.50 FEET OF SAID LOT 7.

CONTAINING 0.0089 ACRES OR 388 SQUARE FEET, MORE OR LESS.

PROPOSED SOUTH UTILITY EASEMENT VACATION AREA

A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT NO. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, BLOCK J, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 5.00 FEET OF THE EAST 66.00 FEET OF SAID LOT 7.

CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

371 BRIGHTWATERS DRIVE COCOA BEACH, FLORIDA 32931

PH: (407) 509-2305

- THIS IS A SKETCH OF DESCRIPTION FOR THE PROPOSED VACATION OF EXISTING UTILITY EASEMENTS. PARENT TRACT INFORMATION SHOWN HEREON IS FOR FOR INFORMATIONAL PURPOSES ONLY.
- INFORMATIONAL PURPOSES ONLY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THE SURVEYOR HAS REVIEWED THE RECORDED INFORMATION PROVIDED AND ALL PLOTTABLE MATTERS OF RECORD TITLE IDENTIFIED IN THE INFORMATION PROVIDED THAT ARE PERTINENT TO THE SUBJECT PARCEL, AND ITS INGRESS/EGRESS AND UTLITY EASEMENT, IF APPLICABLE, HAVE BEEN SHOWN OR NOTED HEREON. THE SURVEYOR HAS RELIED SOLELY UPON THE INFORMATION PROVIDED WITH RESPECT TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. NO FURTHER RESEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THE 2. SURVEYOR.
- BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF LOT 7, DIANA SHORES, UNIT NO 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AS BEING SOUTH 37°01'32" EAST. з.
- 4. (D) DENOTES DESCRIPTION; (F) DENOTES FIELD MEASURED; (P) DENOTES PLAT; (C) DENOTES CALCULATED.

THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY KIRK BRIAN, MITCHELE USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED. SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

FILE NAME

SHEET

11+14+14+5+4₀₀

285 DIANA BOULEVARD.DWG

1 OF 3

5

	KIRK B.MITCHELL P.S.M. CERTIFICATE OF AUTHORIZATION No. L.B.888 ORIGINAL SIGNATURE AND RAISED SEAL OF A FLO	5 HARD COPIE	S NOT VALID WITHOUT THE
	SKETCH OF DESCRIPTION	DRAWN	K. WITCHELL
	PREPARED FOR	FIELD DATE	MAY 01, 2024
	TIMOTHY SCOTT GANNON AND	FIELD BOOK	PRINT
DUSURVEYING	DENISE IRENE GANNON	SCALE	1" =20'
	285 DIANA BOULEVARD	PROJECT NO.	285 DIANA BOULEVARD
AND MAPPING, INC.	A PORTION OF SECTION 23 TOWNSHIP 24 SOUTH RANGE 36 FAST	ETLE NAME	THE DIANA POLILEVARD DWG

A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST

BREVARD COUNTY, FLORIDA

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





Florida

GANNETT

AFFIDAVIT OF PUBLICATION

Amber Holley Brevard Cty Public Works Dept Lle Courthouse 2725 Judge Fran Jamieson Way Bldg A220 Viera FL 32940-6605

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the 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 Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

06/24/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/24/2024

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Ad#10299426 6/24/2024 LEGAL NOTICE NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC UTILITY EASEMENTS, PLAT OF "DIANA SHORES" UNIT NO. 2" IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL NOTICE IS HEREBY GIVEN that pursuant to Chopter 336.09, Florido Statules, and Chopter 48, Article 11, Section 86-38, Brevard County Code, a petition hos been filed by TIMO THY SCOTT AND DENISE I County Commissioners of Broward County, Florido, to request vacating the following described property, to wit: A PORTION OF A 5.00 FOOT UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 144, THE PUBLIC RECORDS OF DARTCULERLY DESCRI BED AS FOLLOWS: THE NORTH S.00 FEET OF SAID LOT 7, BLOCK J, DIANA SHORES UNITINO. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 144, THE PUBLIC RECORDS OF DARTCULERLY DESCRI BED AS FOLLOWS: THE NORTH S.00 FEET OF SAID LOT 7, BLOCK J, DIANA SHORES UNITINO. 2, A SUBDIVISION ACCORDING MORE PARTCULERLY DESCRIBED AS FOLLOWS: THE SOUT PUBLIC UTILITY EASE MENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT NO. 2, A SUBDIVISION ACCORD NG TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, FOOT PUBLIC UTILITY EASE MENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT NO. 2, A SUBDIVISION ACCORD ING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PGE 148, THE PUBLIC MORE PERT, MORE OR LESS, PREPARED BY: KIRK B, MITCHELL PSM. THE BOARD OF COMMA COMMISSIONER MITCHELL PSM. THE BOARD OF COMMA COMMISSIONER THE DAVISON FEET OF THE EAST MITCHELL PSM. THE BOARD OF COMMA COMMISSIONER THE DAVISON FEET OF THE EAST MITCHELL PSM. THE BOARD OF COMMA COMMISSIONER THE DAVISON TO THE PLAT THEREOF AS BROWAR PEET OF SAID LOT 7, CONTAINING 0.0004 ACRES OR MITCHELL PSM. THE BOARD OF COMMA COMMISSIONER THE BOARD OF COMMA COMMISSIONER THE DAVISON THE NOT COMMISSIONER THE DAVISON FEET OF THE EAST MITCHELL PSM. THE BOARD Ad#10299426 6/24/2024 will hold a public hearing to deter-mine the advisability of such vacat-ing of the above-described easement 4 5:00 PAM. on July 9, 2024, at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jarmieson 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 28,0005, Florida Samed and a section 28,0005, Florida organic and a decision made by the baard, 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 werbatim record of the proceedings is made, which record includes the testimony and evidence upon which the tappeal is based. Persons seeking to preserve a verbatim transcript of the record must make those into general of the orgen which the tappeal is based. Persons seeking the append of the orgen which the appeal is based. Persons seeking the present of the to or visually impaired persons shall be meet if the hours prior to the public meet-ing/hearing by any person wishing assistance.

PO Box 631244 Cincinnati, OH 45263-1244



Florida

GANNETT

AFFIDAVIT OF PUBLICATION

Amber Holley Brevard County Clerk Donna Scott -Survey Brevard Cty Public Works Dept 2725 Judge Fran Jamieson Way Bldg A Viera FL 32940-6605

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the 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 Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

07/31/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/31/2024

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Ad#10412781 07/31/2024 AG#10412781 LEGAL NOTICE RESOLUTION VACATING A PORTION OF TWO PUBLIC UTIL-TY EASEMENTS IN PLAT "DIANA SHORES UNIT NO. 2", MERRITT ISLAND, LYING IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST - TIMO-THY SCOTT AND DENISE IRENE CANNON GANNON TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 9th of July, 2024, the Board of County, Commissioners of Brevard County, Florida, adopted a Resolu-tion vacating a portion of two public utility easements in plat "Diana utility easements in plat "Diana Shores Unit No. 2", Merritt Island, lying in Section 23, Township 24 South, Range 36 East as petitioned by Timothy Scott and Denise Irene Cannon by Tim Gannon

South, Range 36 East as petitioned by Timothy Scott and Denise Irene Gannon LEGAL DESCRIPTION: A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASEMENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 5.00 FEET OF THE EAST 77.50 FEET OF SAID LOT 7. CONTAINING 0.0089 ACRES OR 388 SQUARE FEET, MORE OR LESS. A PORTION OF A 5.00 FOOT PUBLIC UTILITY EASE-MENT LYING WITHIN LOT 7, BLOCK J, DIANA SHORES UNIT No. 2, A SUBDIVISION ACCORD-ING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 148, THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH S.00 FEET OF THE EAST 66.00 FEET OF SAID LOT 7. CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS. PREPARED BY: KIRK B. MITCHELL, PSM. THE BOARD GF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA RACHEL M. SADCFF, CLERK BY: Kimberly Powell, Clerk to the Board

Board

NANCY HEYRMAN Notary Public State of Wisconsin



FLORIDA'S SPACE COAST



Kimberly Powell, Clerk to the Board, 400 South Street . P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001 Fax: (321) 264-6972 Kimberly.Powell@brevardclerk.us

August 21, 2024

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Amber Holley

RE: Advertising Bills for Resolution Vacating a Portion of Two Public Utility Easements in Plat "Diana Shores Unit No. 2", Merritt Island

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 2024-062, vacating a portion of two public utility easements in Plat "Diana Shores Unit No. 2", Merritt Island, as petitioned by Timothy and Denise Gannon. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 9, 2024.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS RACHEL M. SADOFF, CLERK

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Kimberly Powell, Clerk to the Board

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Encls. (2)



FLORIDA'S SPACE COAST



Kimberly Powell, Clerk to the Board, 400 South Street . P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001 Fax: (321) 264-6972 Kimberly.Powell@brevardclerk₌us

August 21, 2024

Timothy and Denise Gannon 285 Diana Boulevard Merritt Island, FL 32953

Dear Sir/Madam:

Re: Resolution Vacating a Portion of Two Public Utility Easements in Plat "Diana Shores Unit No. 2", Merritt Island

The Board of County Commissioners, in regular session on July 9, 2024, adopted Resolution No. 2024-062, vacating a portion of two public utility easements in Plat "Diana Shores Unit No. 2", Merritt Island, as petitioned by you. Said Resolution has been recorded in ORBK 10131, Pages 322 through 326. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works