



Agenda Report

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**

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

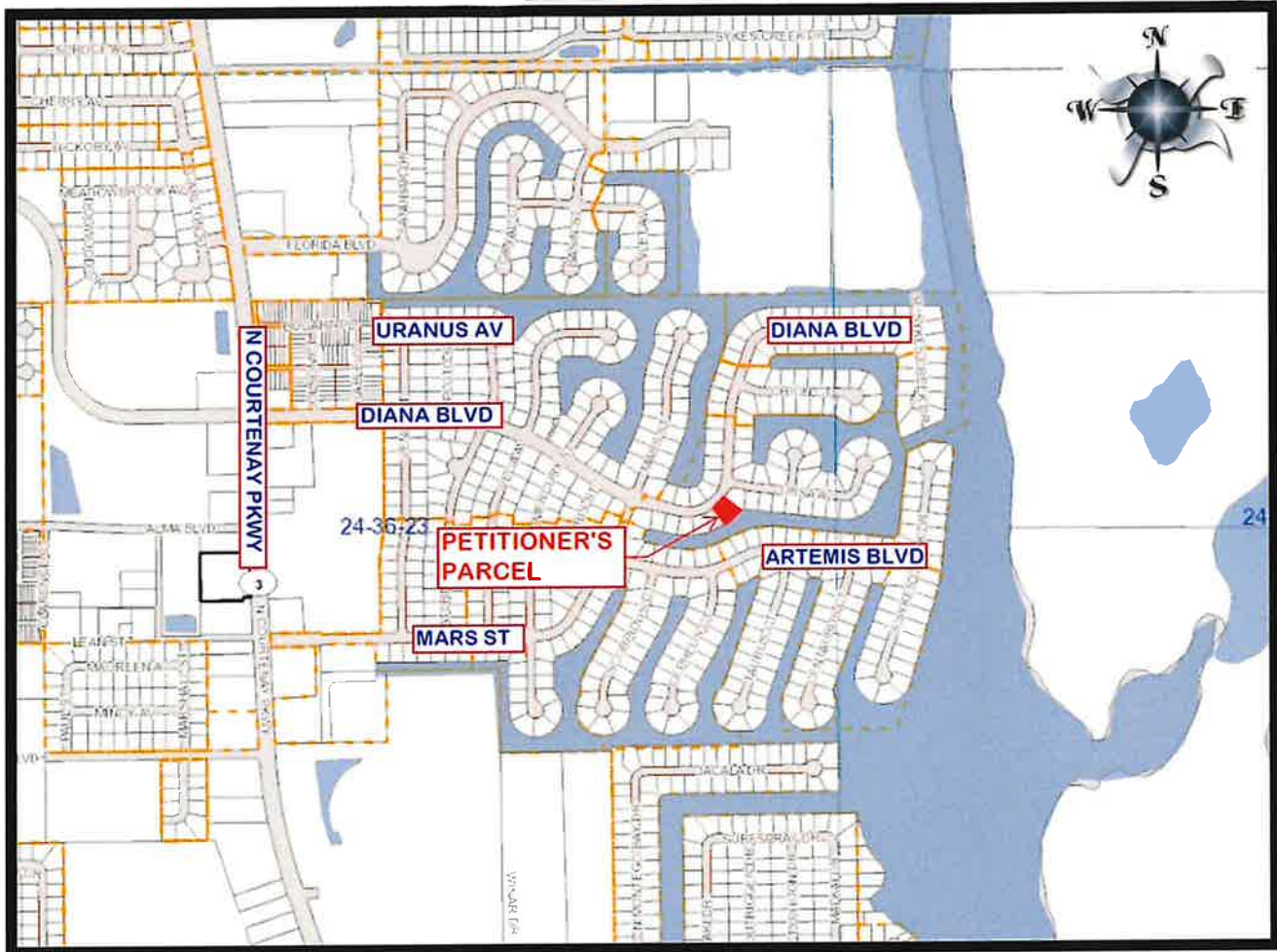


Figure 1: Map of the parcel for easements to be vacated at Lot 7, Block "J", Diana Shores Unit No. 2, Merritt Island.

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

Plat Reference

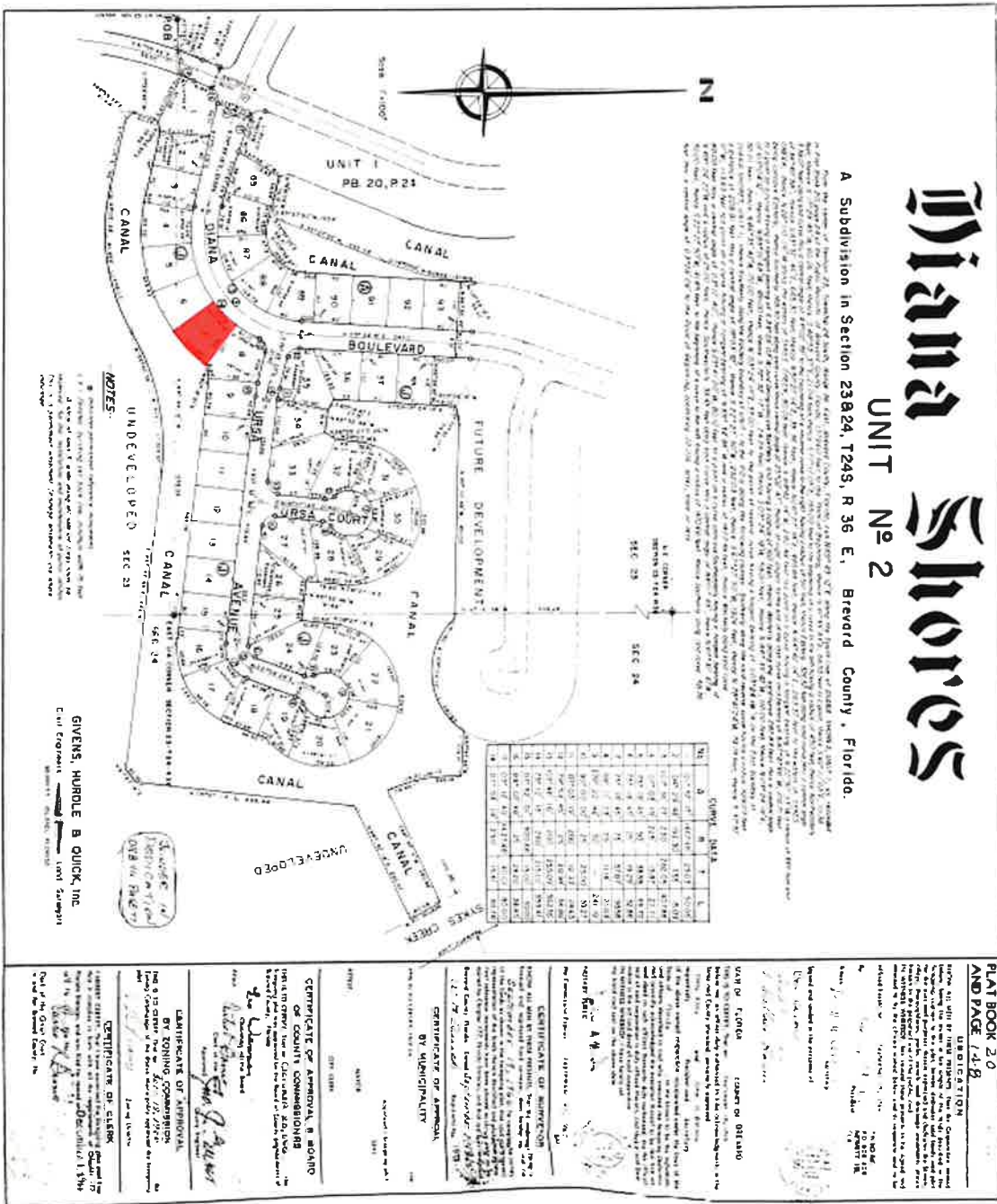


Figure 3: Copy of plat map "Diana Shores Unit No. 2" dedicated to Brevard County October 1966.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION		SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2															
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 77.60 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, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:																	
THE SOUTH 5.00 FEET OF THE EAST 86.00 FEET OF SAID LOT 7, CONTAINING 0.0046 ACRES OR 330 SQUARE FEET, MORE OR LESS.																	
SURVEYOR'S NOTES																	
<ol style="list-style-type: none">1. THIS IS A SKETCH OF DESCRIPTION FOR THE PROPOSED VACATION OF EXISTING UTILITY EASEMENTS. PARENT TRACT INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.2. 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 UTILITY 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 SURVEYOR.3. 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.4. (D) DENOTES DESCRIPTION; (P) DENOTES FIELD MEASURED; (P) DENOTES PLAT; (C) DENOTES CALCULATED.																	
THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY KIRK B. MITCHELL 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.																	
SURVEYOR'S CERTIFICATION																	
I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION SURVEY PERFORMED ON MAY 01, 2024, IS IN ACCORDANCE WITH THE TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, STANDARDS OF PRACTICE PURSUANT TO SECTION 472.023, FLORIDA STATUTES AND WAS PREPARED UNDER MY RESPONSIBLE CHARGE.																	
KIRK B. MITCHELL P.S.M. L.S. NO. 5808 CERTIFICATE OF AUTHORIZATION NO. L.B.8885 HARD COPIES NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER																	
ADVANCED LAND SURVEYING NLD MAPING, INC. 371 BILTMOUTH DRIVE COCOA BEACH, FLORIDA 32931 PH: (407) 898-2308	SKETCH OF DESCRIPTION PREPARED FOR TIMOTHY SCOTT GANNON AND BENISSE IRENE GANNON 285 DIANA BOULEVARD A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST BREVARD COUNTY, FLORIDA		<table border="1"><tr><td>DATE</td><td>K.B. MITCHELL MAY 01, 2024</td></tr><tr><td>FIELD DATE</td><td>FIELD</td></tr><tr><td>FIELD BOOK</td><td>FIELD</td></tr><tr><td>SCALE</td><td>1" = 20'</td></tr><tr><td>PROJECT NO.</td><td>285 DIANA BOULEVARD</td></tr><tr><td>FILE NAME</td><td>285 DIANA BOULEVARD.DWG</td></tr><tr><td>SHEET</td><td>1 OF 3</td></tr></table>	DATE	K.B. MITCHELL MAY 01, 2024	FIELD DATE	FIELD	FIELD BOOK	FIELD	SCALE	1" = 20'	PROJECT NO.	285 DIANA BOULEVARD	FILE NAME	285 DIANA BOULEVARD.DWG	SHEET	1 OF 3
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FILE NAME	285 DIANA BOULEVARD.DWG																
SHEET	1 OF 3																

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

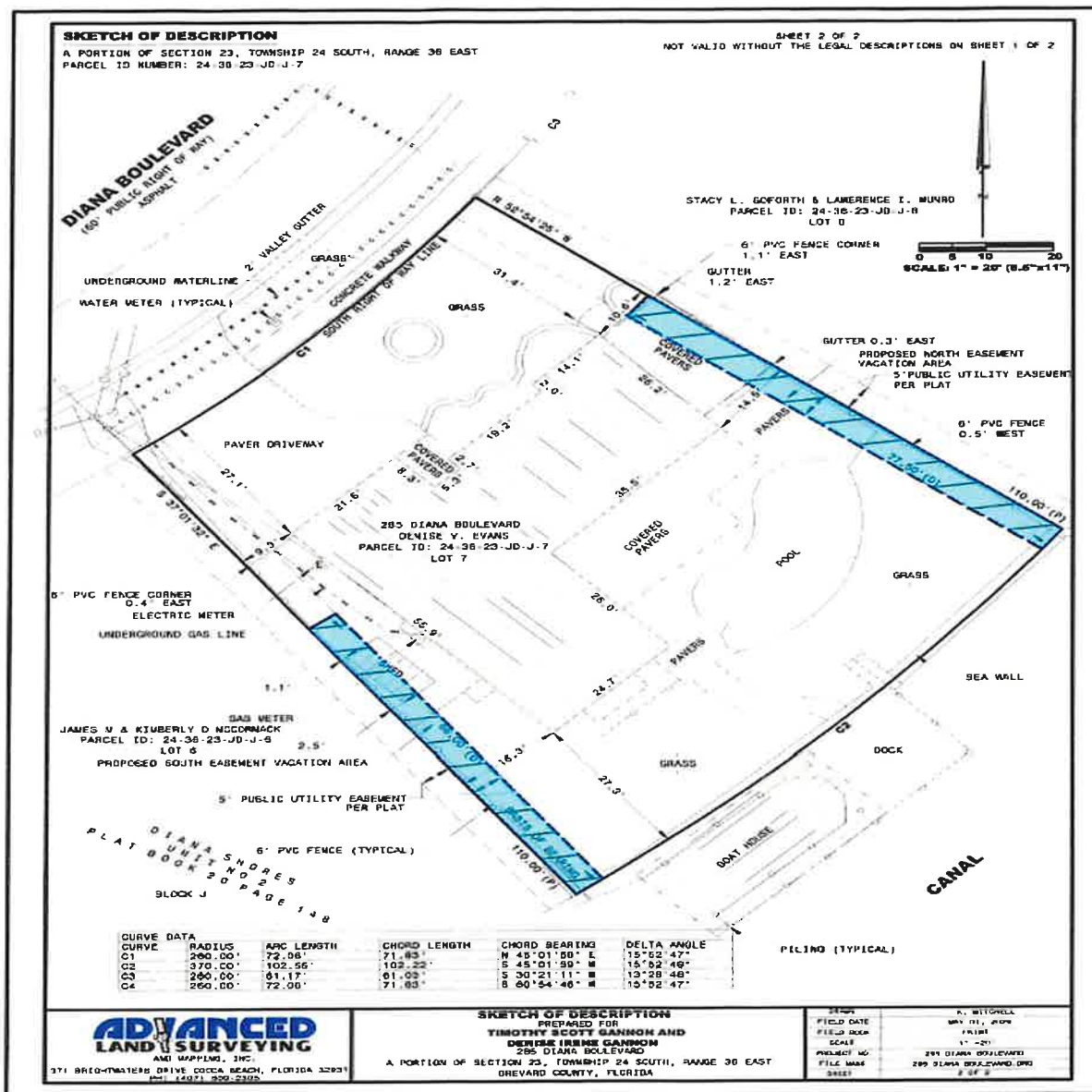


Figure 5: Sketch of description. Sheet 2 of 3. Section 23, Township 24 South, Range 36 East. Parcel ID number: 24-36-23-JD-J-7.

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

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
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 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 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 vacat-
ing 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 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
impaired persons shall be met 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

ATTEST:

Rachel Sadoff, Clerk



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

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

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, 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

1. THIS IS A SKETCH OF DESCRIPTION FOR THE PROPOSED VACATION OF EXISTING UTILITY EASEMENTS. PARENT TRACT INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.
2. 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 UTILITY 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 SURVEYOR.
3. 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.
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 MITCHELL 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.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION SURVEY PERFORMED ON MAY 01, 2024, IS IN ACCORDANCE WITH THE TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, STANDARDS OF PRACTICE PURSUANT TO SECTION 472.023, FLORIDA STATUTES AND WAS PREPARED UNDER MY RESPONSIBLE CHARGE.

KIRK B. MITCHELL P.S.M. L.S.No. 56892

CERTIFICATE OF AUTHORIZATION No. L.B.8885 HARD COPIES NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADVANCED
LAND SURVEYING

AND MAPPING, INC.

371 BRIGHTWATERS DRIVE COCOA BEACH, FLORIDA 32931
PH: (407) 509-2305

SKETCH OF DESCRIPTION

PREPARED FOR

TIMOTHY SCOTT GANNON AND

DENISE IRENE GANNON
285 DIANA BOULEVARD

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

DRAWN	K. MITCHELL
FIELD DATE	MAY 01, 2024
FIELD BOOK	PRINT
SCALE	1" = 20'
PROJECT NO.	285 DIANA BOULEVARD
FILE NAME	285 DIANA BOULEVARD.DWG
SHEET	1 OF 3

SKETCH OF DESCRIPTION

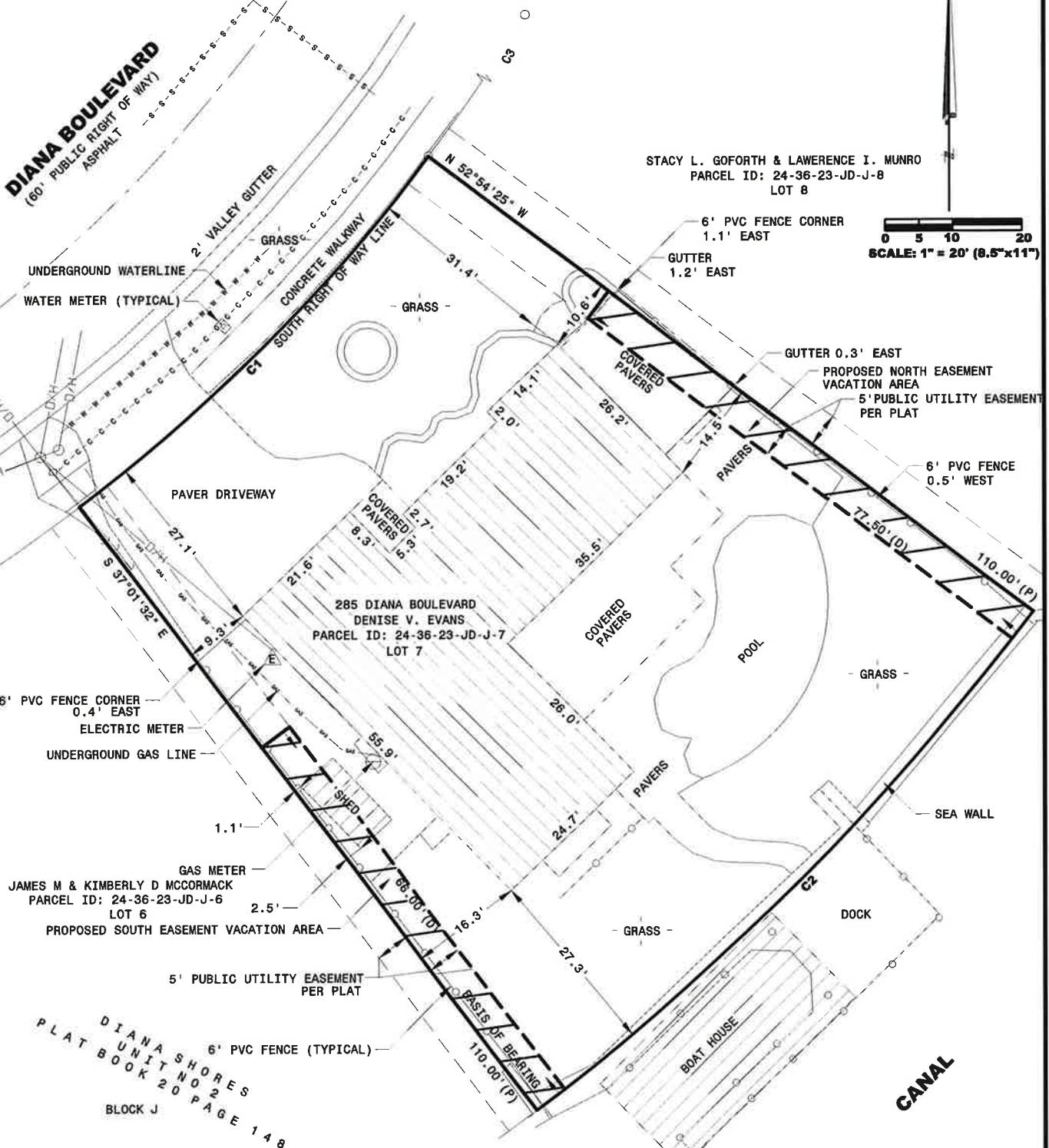
A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARCEL ID NUMBER: 24-36-23-JD-J-7

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

DIANA BOULEVARD
 (60' PUBLIC RIGHT OF WAY)
 ASPHALT

STACY L. GOFORTH & LAWRENCE I. MUNRO
 PARCEL ID: 24-36-23-JD-J-8
 LOT 8

SCALE: 1" = 20' (8.5"x11")



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	260.00'	72.06'	71.83'	N 45°01'58" E	15°52'47"
C2	370.00'	102.55'	102.22'	S 45°01'59" W	15°52'49"
C3	260.00'	61.17'	61.03'	S 30°21'11" W	13°28'48"
C4	260.00'	72.06'	71.83'	S 60°54'46" W	15°52'47"

ADVANCED
 LAND SURVEYING
 AND MAPPING, INC.

371 BRIGHTWATERS DRIVE COCOA BEACH, FLORIDA 32931
 PH: (407) 509-2305

SKETCH OF DESCRIPTION

PREPARED FOR
TIMOTHY SCOTT GANNON AND
DENISE IRENE GANNON
 285 DIANA BOULEVARD

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

DRAWN	K. MITCHELL
FIELD DATE	MAY 01, 2024
FIELD BOOK	PRINT
SCALE	1" = 20'
PROJECT NO.	285 DIANA BOULEVARD
FILE NAME	285 DIANA BOULEVARD.DWG
SHEET	2 OF 2

AFFIDAVIT OF PUBLICATION

Amber Holley
Brevard Cty Public Works Dept 1le 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

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$291.71	
Tax Amount:	\$0.00	
Payment Cost:	\$291.71	
Order No:	10299426	# of Copies:
Customer No:	1127286	1
PO #:	4500092228-10	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

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 11,
Section 86-36, Brevard County Code,
a petition has been filed by TIMO-
THY 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 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 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 vacat-
ing 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 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
impaired persons shall be met 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.

NANCY HEYRMAN
Notary Public
State of Wisconsin



Florida

PO Box 631244 Cincinnati, OH 45263-1244

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

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$225.11

Tax Amount: \$0.00

Payment Cost: \$225.11

Order No: 10412781

Customer No: 1127286

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Ad#10412781

07/31/2024

LEGAL NOTICE
RESOLUTION VACATING A
PORTION OF TWO PUBLIC UTIL-
ITY 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
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
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
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No. 2, A SUBDIVISION ACCORD-
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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

NANCY HEYRMAN
Notary Public
State of Wisconsin



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

M E M O R A N D U M

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

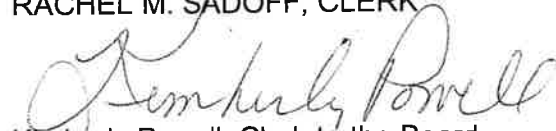
RE: Advertising Bills for Resolution Vacating a Portion of Two Public Utility Easements in Plat "Diana Shores Unit No. 2", Merritt Island

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



Kimberly Powell, Clerk to the Board

/sm

Encls. (2)



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