



AGENDA REPORT
July 9, 2019

**Petition to Vacate Sidewalk Easement-Grove Street, Merritt Island-Brevard
County-(District 2)**

SUBJECT:

Petition to Vacate, Re:Sidewalk Easement - Grove Street - "Merritt Park Place" - Merritt Island - Brevard County - District 2

FISCAL IMPACT:

\$430.00 Vacating Fees Paid by Petitioner (Brevard County)

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a sidewalk easement encumbering Lot 1, Block "C", "Merritt Park Place" in Section 35, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating and accept the remaining portion of the sidewalk easement.

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 (Public Works) is the custodian of the sidewalk easement encumbering Lot 1, Block "C" and is requesting the vacating of that portion of the 5.00 ft. wide sidewalk easement. The reason for the petition is that the portion of the easement to be vacated has inadvertently encumbered the site's building. The vacated portion will remove encumbrance on the building while keeping the other portions of the easement for the benefit of the public. The easement was not intended to cover the area of the building.

June 24, 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. Brevard County is accepting the remaining portion of said sidewalk easement recorded on January 04, 2005 in Official Records Book 5404,

Pages 7183-7184.

Fiscal Impact: The petitioners are charged \$430 for advertising and recording costs associated with the vacating of a county right-of-way or easement.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 57315

CLERK TO THE BOARD INSTRUCTIONS:

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

ATTACHMENTS:

- Description**
- **Exhibits**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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

August 7, 2019

M E M O R A N D U M

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

RE: Advertising Bills for Resolution Vacating a Part of a Sidewalk Easement in Merritt Park Place Subdivision, Merritt Island

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-109, vacating a part of a sidewalk easement in Merritt Park Place Subdivision, Merritt Island, as petitioned by Brevard County. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 9, 2019.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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

August 7, 2019

Brevard County
Attn: Amber Holley
2725 Judge Fran Jamieson Way, Room A-220
Viera, FL 32940

Dear Ms. Holly:

Re: Resolution Vacating Part of a Sidewalk Easement in Merritt Park Place Subdivision, Merritt Island

The Board of County Commissioners, in regular session on July 9, 2019, adopted Resolution No. 19-109, vacating a part of a sidewalk easement in Merritt Park Place Subdivision, Merritt Island, as petitioned by you. Said Resolution has been recorded in ORBK 8499, Pages 1639 through 1643. Enclosed is a certified copy of the recorded Resolution for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works

Kimberly Powell

From: Holley, Amber <Amber.Holley@brevardfl.gov>
Sent: Wednesday, August 7, 2019 9:52 AM
To: Kimberly Powell
Cc: Donna Scott
Subject: RE: Resolution No. 19-109,

I had to file that one online through the Simplifile system (an online way to record with the Clerk of Courts). That is the original now the way that process works, I don't care for it so I don't usually use it because the originals become scanned documents.

Thank you,
Amber Holley



Vacating and Acquisition Review Specialist
2725 Judge Fran Jamieson Way Room A-220
Viera, FL 32940
amber.holley@brevardfl.gov
O: 321-633-2080 D:321-617-7315 F:321-633-2083

From: Kimberly Powell <Kimberly.Powell@brevardclerk.us>
Sent: Wednesday, August 07, 2019 8:41 AM
To: Holley, Amber <Amber.Holley@brevardfl.gov>
Cc: Donna Scott <donna.scott@brevardclerk.us>
Subject: Resolution No. 19-109,

Good Morning,

Hope you are having a wonderful day.

I received the Resolutions this morning, and I was wondering why I did not receive the original Resolution for 19-109.

Kimberly Powell
Recording Secretary
Clerk to the Board
(321) 637-2001
Kimberly.powell@brevardclerk.us



Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Resolution 2019 - 109

**Vacating a part of a sidewalk easement in "Merritt Park Place" Subdivision, Merritt Island, Florida,
lying in Section 35, Township 24 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **BREVARD COUNTY** with the Board of County Commissioners to vacate a portion of a sidewalk easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

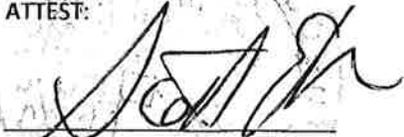
WHEREAS, the Board finds that vacating a portion of the sidewalk easement will not be detrimental to Brevard County or the public.

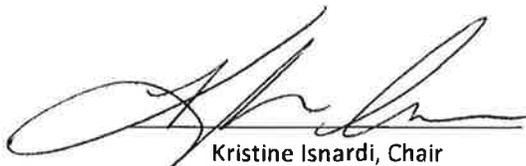
THEREFORE BE IT RESOLVED that said portion of the sidewalk easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED AND ADOPTED, in regular session, this 09TH day of July, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


SCOTT ELLIS, CLERK


Kristine Isnardi, Chair

As approved by the Board on:
July 09, 2019

LEGAL DESCRIPTION

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST
PARCEL ID: 24-36-35-32-C-1
PURPOSE OF SKETCH: VACATE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2 NOT VALID WITHOUT
THE SKETCH ON SHEET 2 OF 2
THIS IS NOT A SURVEY

DESCRIPTION EASEMENT TO BE VACATED:
THAT PORTION OF AN EASEMENT DESCRIBED IN
OFFICIAL RECORDS BOOK 5404, PAGE 7183,
BEING MORE PARTICULARLY DESCRIBED AS
THE WEST 5.00 FEET OF THE NORTH 103.00
FEET OF LOT 1 BLOCK C MERRITT PARK PLACE
AS RECORDED IN PLAT BOOK 5, PAGE 48 OF
THE PUBLIC RECORDS OF BREVARD COUNTY.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. TITLE REPORT NOT PROVIDED.
3. THIS SKETCH AND DESCRIPTION IS VALID ONLY WHEN SIGNED AND SEALED.
4. THIS SKETCH AND DESCRIPTION CERTIFIED CORRECT TO:
**THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS,
GWEN V. SMITH**

ABBREVIATIONS:

R/W RIGHT OF WAY
P.B. PLAT BOOK
PG. PAGE
O.R.B. OFFICIAL RECORDS BOOK

CERTIFICATE:

I hereby certify that the sketch and description shown hereon is as directed by the Brevard County Survey office, as performed under my direction and supervision, and that it meets or exceeds the standards of practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.052 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

[Signature]
Joseph Barry Cabaniss, P.L.S. Date
FLORIDA SURVEYOR'S CERTIFICATE NO. 4524
BUSSEN-MAYER ENGINEERING CERTIFICATE NO. 3535

PREPARED FOR AND CERTIFIED TO:
THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, GWEN V SMITH

PREPARED BY:



Bussen-Mayer Engineering Group

100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32953
PH. NO.: (321) 453-0010 FAX NO.: (321) 454-6886



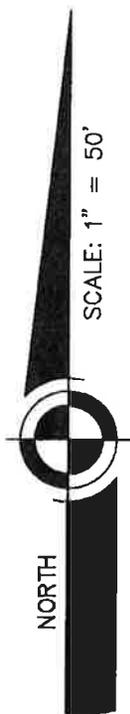
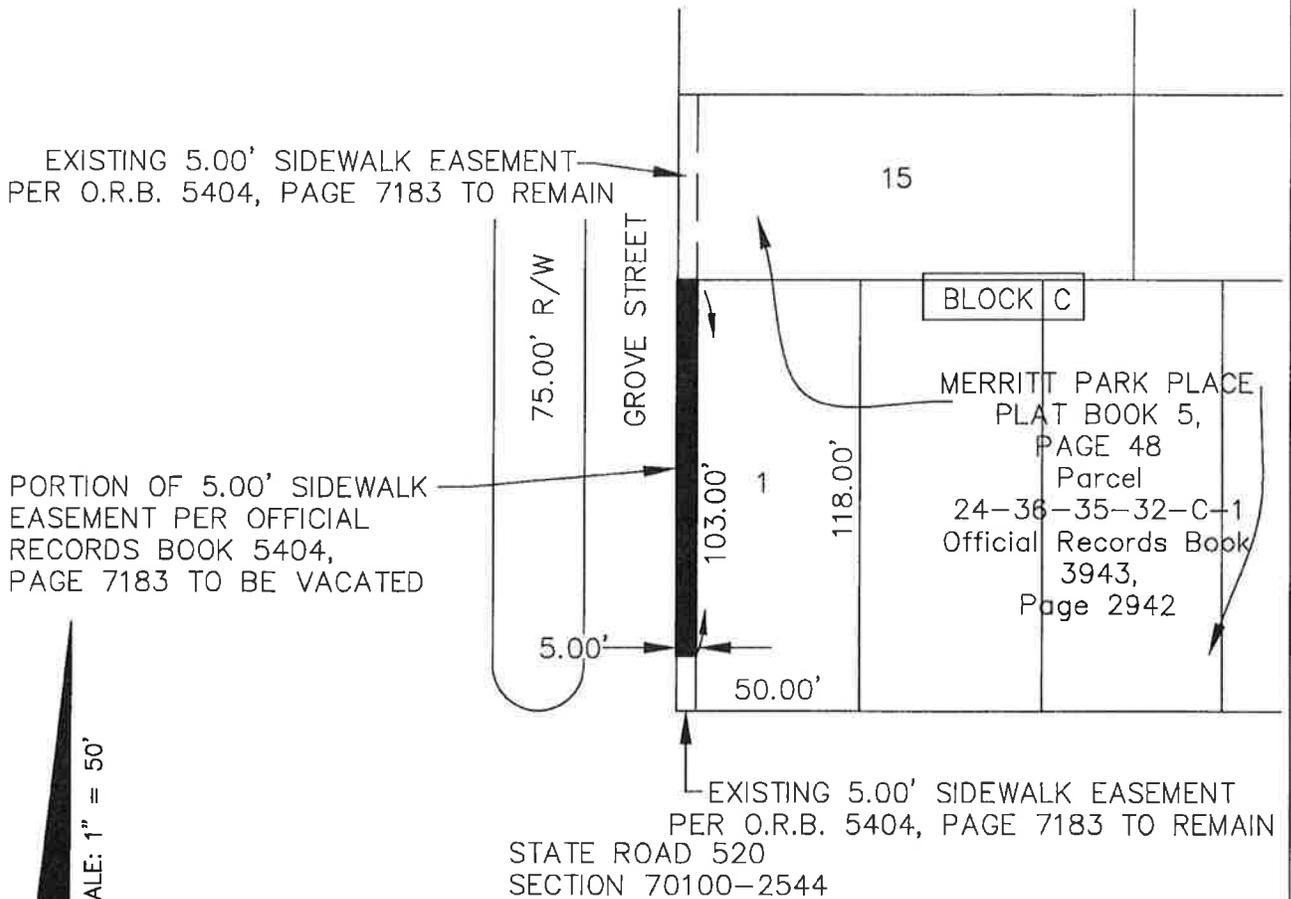
DRAWN BY: <u>JCC</u>	CHECKED BY: <u>JBC</u>	PROJECT NO. <u>410501</u>	SECTION <u>35</u>
DATE: <u>6-13-2019</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS _____	TOWNSHIP <u>24</u> SOUTH
			RANGE <u>36</u> EAST

SKETCH OF DESCRIPTION

SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST
 PARCEL ID: 24-36-35-32-C-1
 PURPOSE OF SKETCH: VACATE EASEMENT

EXHIBIT "A"

SHEET 2 OF 2 NOT VALID WITHOUT
 THE LEGAL DESCRIPTION
 ON SHEET 1 OF 2
THIS IS NOT A SURVEY



NOTE:
 SEE SHEET 1 OF 1 FOR DESCRIPTION,
 NOTES, CERTIFICATE AND LEGEND

PREPARED BY:



SCALE: 1"=50'

PROJECT NO:
 410501

SECTION	35
TOWNSHIP	24 SOUTH
RANGE	36 EAST

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 **Diana Figueroa**, 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:

06/24/19

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 24th of June 2019,
by Diana Figueroa who is personally known to me


Affiant


Notary Kathleen A Gibson

AD#3642259, 6/24/2019
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF THE 5.0 FT. WIDE PUBLIC SIDEWALK EASEMENT, PER OFFICIAL RECORDS BOOK 5404, PAGE 7183, IN SECTION 35, 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 BREVARD COUNTY with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THAT PORTION OF AN EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 5404, PAGE 7183, BEING MORE PARTICULARLY DESCRIBED AS THE WEST 5.00 FEET OF THE NORTH 103.00 FEET OF LOT 1 BLOCK C MERRITT PARK PLACE AS RECORDED IN PLAT BOOK 5, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY, PREPARED BY: JOSEPH BARRY CABANISS, 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 09, 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.



Publication Cost: \$191.08
Ad No: 0003642259
Customer No: BRE-6BR327

A Daily Publication By:



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

ADW3686263_0718*2019
LEGAL NOTICE

RESOLUTION VACATING A PART OF A
SIDEWALK EASEMENT IN MERRITT PARK
PLACE SUBDIVISION LYING IN SECTION
35, TOWNSHIP 24 SOUTH, RANGE 36
EAST - BREVARD COUNTY

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
9th day of July 2019, the Board of County
Commissioners of Brevard County,
Florida, adopted a Resolution vacating a
part of a sidewalk easement in Merritt
Park Place Subdivision, lying in Section
35, Township 24 South, Range 36 East, as
petitioned by Brevard County.

THAT PORTION OF AN EASEMENT DE-
SCRIBED IN OFFICIAL RECORDS BOOK
5404, PAGE 7183, BEING MORE PARTICULARLY
DESCRIBED AS THE WEST 5.00
FEET OF THE NORTH 103.00 FEET OF LOT
1 BLOCK C MERRITT PARK PLACE AS RE-
CORDED IN PLAT BOOK 5, PAGE 48 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, PREPARED BY: JOSEPH BARRY
CABANISS, PSM

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

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

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

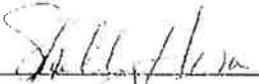
Legal Notices

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

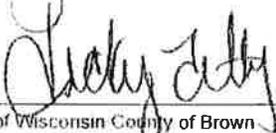
07/18/19

Affiant further says that the said FLORIDA TODAY is a
newspaper in said Brevard County, Florida and that the
said newspaper has heretofore been continuously
published in said Brevard County, Florida each day and has
been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of
one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or
she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication
in the said newspaper.

Sworn to and Subscribed before me this 29th of July 2019,
by Shelly Hora who is personally known to me



Affiant



Notary State of Wisconsin County of Brown

9-19-21

My commission expires
Publication Cost: \$98.94
Ad No: 0003686263
Customer No: BRE-6BR327



Appraiser's Detail Sheet



Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

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

PROPERTY DETAILS

Account	2427007
Owners	Smith, Gwen V Trustee
Mailing Address	102 Riverside Dr B-406 Cocoa FL 32922
Site Address	10 N Grove St Merritt Island FL 32953 140 W Merritt Island Cswy Merritt Island FL 32953
Parcel ID	24-36-35-32-C-1
Property Use	1100 - Retail Store - 1 Unit
Exemptions	None
Taxing District	2200 - Unincorp District 2
Total Acres	0.29
Subdivision	Merritt Park Place
Site Code	0310 - State Road 520
Plat Book/Page	0005/0048
Land Description	Merritt Park Place Lot 1 & W 10 Ft Of Lot 2 & All Of Lot 15 Blk C Exc Hwy R/W



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$241,320	\$221,000	\$212,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$241,320	\$221,000	\$212,000
Assessed Value School	\$241,320	\$221,000	\$212,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$241,320	\$221,000	\$212,000
Taxable Value School	\$241,320	\$221,000	\$212,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
12/30/1998	-	WD	Improved	3943/2942
11/01/1977	\$84,800	PT	-	1816/0126
11/01/1969	\$360,000	PT	-	1101/0965

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 1100 - Retail Store - 1 Unit

Materials		Details	
Exterior Wall:	Stucco , Wallcovl	Year Built	1925
Frame:	Masnryconc , Wood Frame	Story Height	10
Roof:	Bu-Tg/Mmbrn , Cem/Cly/Mtl Tile	Floors	2
Roof Structure:	Wood Truss	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	2,680	Fence - Chain Link 6'	47
Base Area (2nd)	240	Covered Patio	191
Open Porch	100	Paving - Concrete	289
Utility Room	98		
Total Base Area	2,920		

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for lots 1, 14, 15, the south 10.00 ft. of lot 13 and the west 10.00 ft. of lot 2, Block "C", Merritt Park Place, Jeffery and Lois Kirk, 10 North Grove Street, Merritt Island, Section 35, Township 24 South, Range 36 East, District 2

Vicinity Map

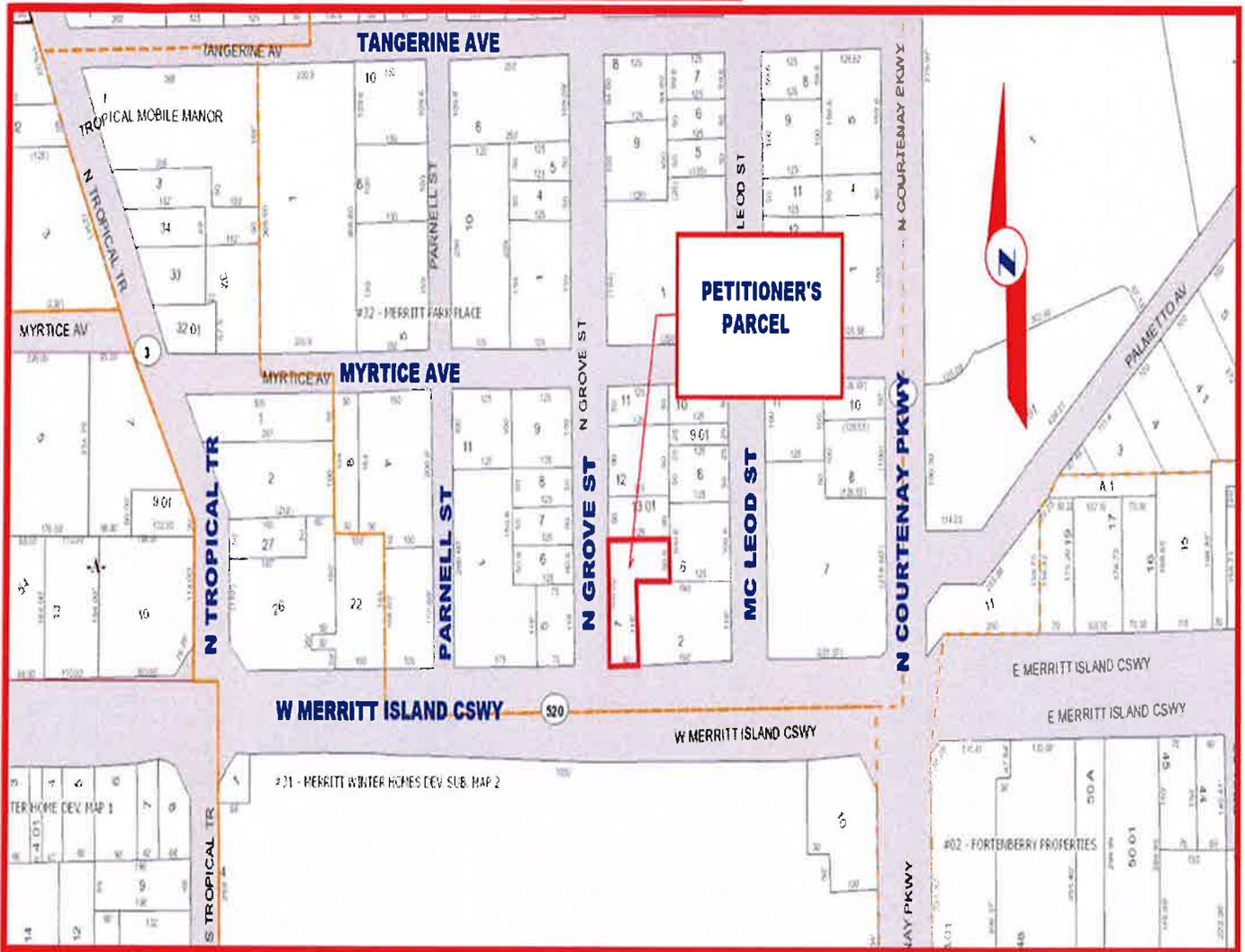


Fig. 2: Map of lots 1, 14, 15 the south 10.00 ft. of lot 13 and the west 10.00 ft. of lot 2, Block "C", Merritt Park Place.

Brevard County – Sidewalk Easement, "Merritt Park Place" (Plat Book 05, Page 48) – 10 North Grove Street – Section 35, Township 24 South, Range 36 East – District 2 – Proposed Vacating of that portion of a 5.0 ft. Wide Sidewalk Easement

Aerial Map



Fig. 3: Map of aerial view of lots 1, 14, 15 the south 10.00 ft. of lot 13 and the west 10.00 ft. of lot 2, Block "C", Merritt Park Place.

Brevard County – Sidewalk Easement, “Merritt Park Place” (Plat Book 05, Page 48) – 10 North Grove Street – Section 35, Township 24 South, Range 36 East – District 2 – Proposed Vacating of that portion of a 5.0 ft. Wide Sidewalk Easement

Sidewalk Easement 1 of 2

SIDEWALK EASEMENT

THIS INDENTURE, made this 17th day of August, A.D. 1999 between Gwen Smith, Trustee, as the first party, and BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, Political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Melbourne, FL 32940, as the second party, for the use and benefit of BREVARD COUNTY, FLORIDA.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date, for the sole purpose of constructing and maintaining a sidewalk and other allied uses pertaining thereto with full right of ingress and egress for the purpose herein stated.

See attached legal descriptions at Exhibit "A"

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the first party having set their/her/his hand and seal this, the day and year first above written.

Signed, sealed and delivered

in the presence of:

Doug Robertson
Witness:

Witness:

Doug Robertson
(Type or Print Name)

Augusta Robertson
Witness:

Witness:

Augusta Robertson
(Type or Print Name)

Gwen Smith
Gwen Smith, Trustee

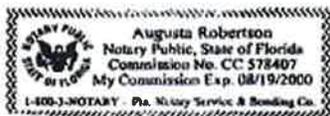
Doc Type: ES

CFN:2005001824 01-04-2005 09:01 am
OR Book/Page: 5404 / 7183

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 17th day of August, 1999, by Gwen V. Smith, Trustee, who is personally known to me or who has produced as identification and who did/did not take an oath.

WITNESS my hand and official seal at Merritt Island County of Brevard State of Florida, this 17th day of August, 1999.



Augusta Robertson
NOTARY PUBLIC
Augusta Robertson
Print Name
Commission No. CC578407
Commission Expires 8/19/2000

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 2 #Names: 2
Trust: 1.50 Rec: 17.00 Serv: 0.00
Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

Fig. 4: Copy of Official Records Book 5404, Pages 7183-7184 "Sidewalk Easement" dedicated to Brevard County August 17, 1999 and Recorded on January 04, 2005.

Property Owner's Deed

PREPARED BY AND RETURN TO:

Richard S. Amari, Esquire
96 Willard Street, Suite 302
Cocoa, Florida 32922

	
CFN:98247882	12-28-98 09:10 am
OR Book/Page:	3943 / 2942

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 3	#Names: 3	
Trust: 2.00	Rec: 13.00	Serv: 0.00
Deed: 0.70		Exces: 0.00
Mtg: 0.00		Int Tax: 0.00

**CONVEYANCE DEED
TO TRUSTEE**

THIS INDENTURE WITNESSETH: That **GWEN V. SMITH**, a widow ("Grantors"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto **GWEN V. SMITH, AS TRUSTEE ("Trustee") OF THE GWEN V. SMITH TRUST DATED DECEMBER 6, 1996 ("Trust")**, whose post office address is 2095 South Courtenay Parkway, Merritt Island, Florida 32952, all of that certain real estate in the County of Brevard, State of Florida, to wit:

All of Lots 1 and 15, and the West 10 feet of Lot 2, Block C, Merritt Park Place, according to the plat thereof as recorded in Plat Book 5, page 48, public records of Brevard County, Florida.

SUBJECT TO:

- (a) Zoning, restrictions, prohibitions and requirements imposed by governmental authority;
- (b) Restrictions and matters appearing on the plat or otherwise common to the subdivision/condominium;
- (c) Reservations, restrictions, conditions, and easements of record;
- (d) Ad valorem taxes and solid waste charges accruing subsequent to even date hereof;

This deed was prepared without a review or examination of the title to the above described property and no opinions or representations are being made either expressly or impliedly by Richard S. Amari, Esquire, or Amari & Theriac, P.A.

TO HAVE AND TO HOLD the said real estate in fee simple with the appurtenances attached thereto upon the trusts and for the uses and purposes stated herein.

Full power and authority is granted to Trustee:

1. To improve, manage, protect, subdivide and resubdivide the real estate, or any part thereof;
2. To dedicate parks, streets, highways or alleys, and to vacate any subdivision, or part thereof;
3. To contract to sell or exchange; to grant options to purchase; to sell on any terms; and to convey, either with or without consideration for the real property;

Fig. 5: Copy of deed of sale for lots 1, 15 and the west 10.0 ft. of lot 2, Block C, Merritt Park Place, 10 North Grove Street, Merritt Island, FL to Gwen V. Smith on December 06, 1996.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST PARCEL ID: 24-36-35-32-C-1 PURPOSE OF SKETCH: VACATE EASEMENT		EXHIBIT "A" SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2 <u>THIS IS NOT A SURVEY</u>	
<p><u>DESCRIPTION EASEMENT TO BE VACATED:</u> THAT PORTION OF AN EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 5404, PAGE 7183, BEING MORE PARTICULARLY DESCRIBED AS THE WEST 5.00 FEET OF THE NORTH 103.00 FEET OF LOT 1 BLOCK C MERRITT PARK PLACE AS RECORDED IN PLAT BOOK 5, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY.</p>			
<p>NOTES:</p> <ol style="list-style-type: none"> 1. THIS IS NOT A BOUNDARY SURVEY. 2. TITLE REPORT NOT PROVIDED. 3. THIS SKETCH AND DESCRIPTION IS VALID ONLY WHEN SIGNED AND SEALED. 4. THIS SKETCH AND DESCRIPTION CERTIFIED CORRECT TO: THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, GWEN V. SMITH 			
<p><u>ABBREVIATIONS:</u> R/W RIGHT OF WAY P.B. PLAT BOOK PG. PAGE O.R.B. OFFICIAL RECORDS BOOK</p>			
<p><u>CERTIFICATE:</u> I hereby certify that the sketch and description shown hereon is as directed by the Brevard County Survey office, as performed under my direction and supervision, and that it meets or exceeds the standards of practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17.052 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.</p>			
PREPARED FOR AND CERTIFIED TO: THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, GWEN V SMITH		Joseph Barry Cabaniss, P.L.S. Date 1524 FLORIDA SURVEYOR'S CERTIFICATE NO. BUSSEN-MAYER ENGINEERING CERTIFICATE NO. 3535	
PREPARED BY:		 Busse-Mayer Engineering Group 	
100 PARNELL STREET • MERRITT ISLAND, FLORIDA 32963 PH. NO.: (321) 463-0010 FAX NO.: (321) 454-8885			
DRAWN BY: <u>JCC</u>	CHECKED BY: <u>JBC</u>	PROJECT NO. <u>410501</u>	SECTION <u>35</u>
DATE: <u>6-13-2019</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS _____	TOWNSHIP <u>24</u> SOUTH
			RANGE <u>36</u> EAST

Fig. 7: Copy of legal description sheet 1 of 2 for a portion of sidewalk easement, Merritt Park Place.

Petitioner's Sketch & Description Sheet 2 of 2

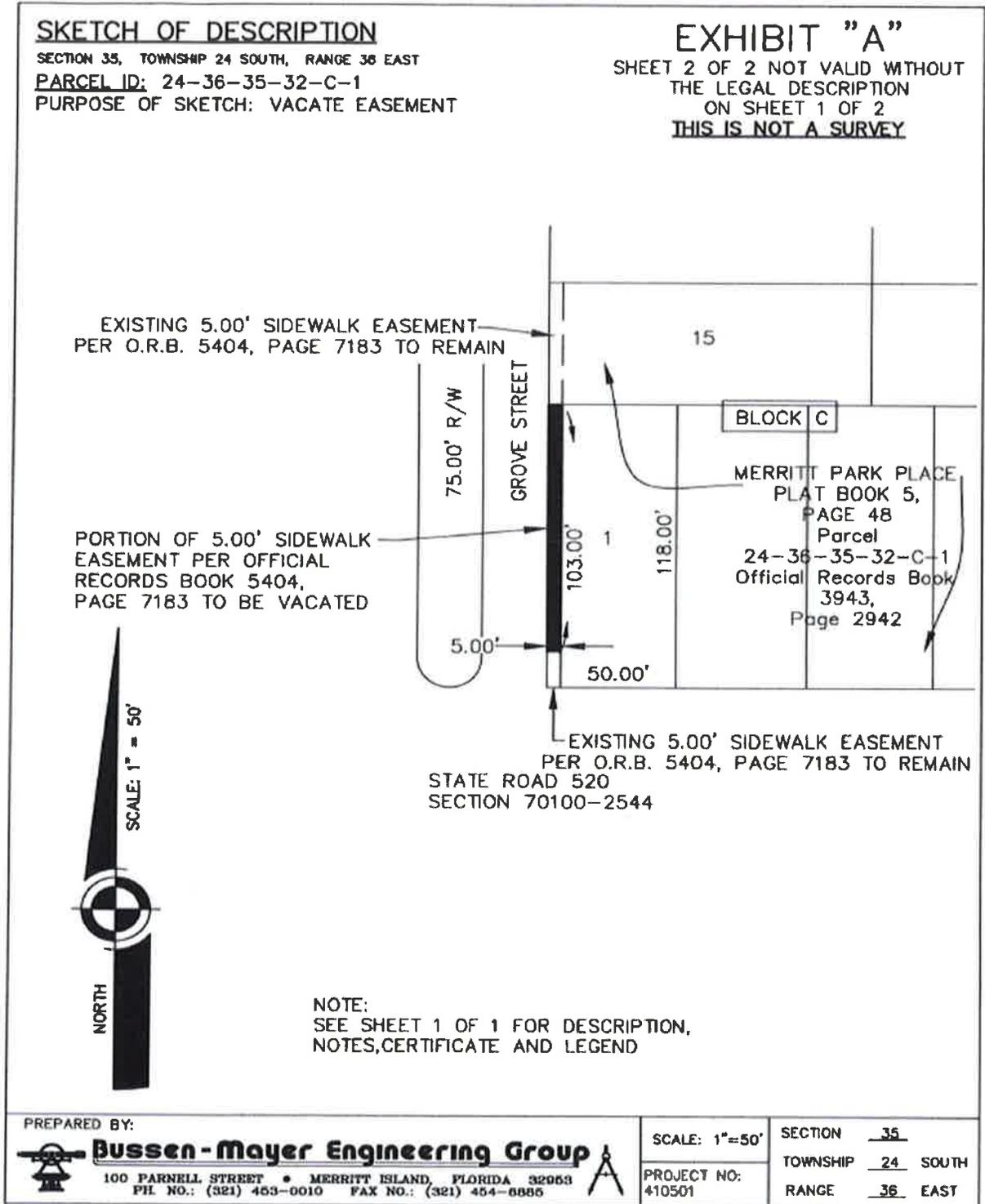


Fig. 8: Copy of sketch sheet 2 of 2 for a portion of sidewalk easement, Merritt Park Place.

Comment Sheet

COMMENT SUMMARY

APPLICANT: Brevard County

UPDATED / BY: Amber Holley 20190620 @ 09:00 hours

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
Florida City Gas Co.	20190614	20190614	YES	NO OBJECTIONS
Florida Power & Light Co.	20190614	20190617	YES	NO OBJECTIONS
AT & T	20190614	20190619	YES	NO RESPONSE
City of Cocoa	20190614	20190614	YES	NO OBJECTIONS
Charter Communications	20190614	20190614	YES	NO OBJECTIONS
COUNTY STAFF				
Road & Bridge	20190614	20190619	YES	NO OBJECTIONS-SUSAN JACKSON
Land Planning	20190614	20190619	YES	NO OBJECTIONS-REBECCA RAGAIN
Utility Services	20190614	20190614	YES	NO OBJECTIONS-TAMMY HURLEY
NRMD / Storm Water	20190614	20190614	YES	NO OBJECTIONS-BACH MCCLURE
Zoning	20190614	20190618	YES	NO OBJECTIONS-PAUL BODY

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

Public Hearing Legal Advertisement

Florida Today | Notice Public Hearing

AD#3642259, 6/24/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE 5.0 FT. WIDE PUBLIC SIDEWALK EASEMENT, PER OFFICIAL RECORDS BOOK 5404, PAGE 7183, IN SECTION 35, 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 BREVARD COUNTY with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THAT PORTION OF AN EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 5404, PAGE 7183, BEING MORE PARTICULARLY DESCRIBED AS THE WEST 5.00 FEET OF THE NORTH 103.00 FEET OF LOT 1 BLOCK C MERRITT PARK PLACE AS RECORDED IN PLAT BOOK 5, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY. PREPARED BY: JOSEPH BARRY CABANISS, 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 09, 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.

Fig. 10: Copy of public hearing advertisement as published on June 24, 2019 see next page for full text.

Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the June 24, 2019 issue of Florida TODAY.

PLEASE NOTE! Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF THE 5.0 FT. WIDE PUBLIC SIDEWALK EASEMENT, PER OFFICIAL RECORDS BOOK 5404, PAGE 7183, IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL

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