

Meeting Date
July 21, 2015



AGENDA	
Section	Public Hearing
Item No.	IV.A

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

<b>SUBJECT:</b>	Petition to Vacate, Re: Public Utility Easements – Missileview Avenue – Piney Woods – Diana A. Locklin – District 2
	Public Works Department – Surveying Section

**Requested Action:**  
It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating portions of public utility easements at Lots 3 and 4, Block B, plat of Piney Woods in Section 07, Township 25 South, Range 37 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

**Summary Explanation & Background:**

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

The petitioner is the owner of Lots 3 and 4 and is requesting the vacating of the 10.0 ft. wide public utility easement (“PUE”) centered along the common lot line between the lots, less and except the South 5.00 ft. of the lots, to remove the existing residence encroachment over the easement. The petitioner is also requesting the vacating of the 5.00 ft. wide PUE along the west line of Lot 3 together with a small part of the 5.00 ft. wide PUE along the south line of Lot 3 to remove the existing detached garage as an easement encroachment. If approved, the petitioner will then begin the process of acquiring setback variances for the existing detached garage from the appropriate Brevard County agencies to address setback violations.

June 26, 2015, the legal notice was advertised in Florida TODAY informing the public of the date a public hearing would be held to consider the vacating.

All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received. The property is located on Merritt Island: begin at the intersection of State Road No. 520 (aka: Merritt Island Causeway ) and Newfound Harbor Drive; thence 1.93 miles south along Newfound Harbor Drive; thence 0.07 miles east along Missileview Avenue to the residence on the south (right). Resolution 95-057 and Resolution 15-048 vacated similar 5.00 ft. wide or 10.0 ft. wide public utility easements at Lots 4 and 5, Block C and Lots 7 and 8, Block B, respectively, of this plat to remove the existing residence and/or accessory buildings encroachments into the easements.

**Fiscal Impact:** The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265-3699000, revenue account for vacatings. This action is in keeping with the County’s efforts to create cooperative partnerships between County Government and its citizenry. No additional funding will be requested for next year’s budget.

Name: [Marc.Cazessus@brevardcounty.us](mailto:Marc.Cazessus@brevardcounty.us)  
Phone: Ext. 57315

**Clerk to the Board instruction:** Advertise Final Legal Notice and Record Vacating Resolution Documents (which in sequence includes the notice of public hearing legal ad, the approved/signed resolution, and the approved resolution legal ad).

**Exhibits Attached:** Resolution, Maps & Comment Summary

<b>Contract /Agreement (If attached):</b> Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension					
Stockton Whitten	Assistant County Manager	John Denninghoff / Ext. 57202					
	Venetta Valdengo						



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972

August 13, 2015

COPY

MEMORANDUM

TO: Recording

RE: Item IV.A., Resolution Vacating Public Utility Easement – Missileview Avenue, Piney Woods, as Petitioned by Diana A. Locklin

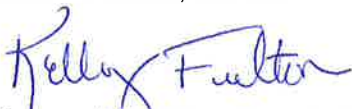
The Board of County Commissioners, in regular session on July 21, 2015, adopted Resolution to vacate a portion of public utility easements at Lots 3 and 4, Block B, plat of Piney Woods in Section 07, Township 25 South, Range 37 East. Enclosed are the proof of publication setting the public hearing, Resolution No. 15-109, with attached Exhibits, and proof of publication advertising the vacation.

Please record same in the Public Records, bill to Public Works Department's Account Number 3175 or call Marc Cazessus at 617-7315 if you have any questions; and return the recorded documents to this office, **including a receipt for the recordation.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK



Tammy Etheridge, Deputy Clerk

/kg

Encls. (3)

RESOLUTION 2015 - 109

**VACATING A PORTION OF PUBLIC UTILITY EASEMENTS – PLAT OF PINEY WOODS-  
MERRITT ISLAND – FLORIDA - SECTION 07, TOWNSHIP 25 SOUTH, RANGE 37 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Diana A. Locklin** with the Board of County Commissioners to vacate portions of public utility easements in Brevard County, Florida, described as follows:

**SEE ATTACHED SKETCH & DESCRIPTION**

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

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

WHEREAS, the Board finds that vacating said portions of the public utility easements will not be detrimental to Brevard County or the public.


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

DONE, ORDERED AND ADOPTED, in regular session, this 21<sup>st</sup> day of July A.D., 2015.

ATTEST:

  
\_\_\_\_\_  
SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
ROBIN FISHER, CHAIRMAN

As approved by the Board on:  
July 21, 2015

A Daily Publication By:



Attn: *CLERK TO THE BOARD OFFICE*  
BREVARD COUNTY PUBLIC WORKS/TI  
*400 South ST*  
TITUSVILLE, FL 32780

STATE OF FLORIDA COUNTY OF BREVARD:

Before the undersigned authority personally appeared Kim Curro, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

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

06/26/15

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

Sworn to and Subscribed before me this 29th of July 2015, by Kim Curro who is personally known to me

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

Publication Cost: \$311.70  
Ad No: 0000546720  
Customer No: BRE-6BR327  
**DUPLICATE**

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



AD #546720 06/26/2015  
LEGAL NOTICE

NOTICE TO VACATE PORTIONS OF THE 5.0 FT. WIDE PUBLIC UTILITY EASEMENTS AT THE WEST AND SOUTH LINES LOT 3, BLOCK B, PLAT OF PINEY WOODS AND A PORTION OF THE 10.0 FT. WIDE PUBLIC UTILITY EASEMENT CENTERED ALONG THE COMMON LOT LINE BETWEEN LOTS 3 AND 4 OF SAID BLOCK B, LYING IN SECTION 7, TOWNSHIP 25 SOUTH, RANGE 37 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 DIANA A. LOCKLIN with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

SEE EXHIBIT "A"

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described right of way at 9:00 a.m. on July 21, 2015 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

EXHIBIT "A"

A PORTION OF THE 5.00 FOOT WIDE PUBLIC UTILITY EASEMENT ENCUMBERING PART OF LOT 3, BLOCK B, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 5 FEET OF LOT 3, LESS THE SOUTH 5 FEET THEREOF (CONTAINING 368.23 SQUARE FEET OF LAND), AND

THE FOLLOWING DESCRIBED LAND: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK B, SAID POINT BEING A 1/2" IRON ROD, THENCE RUN N89°59'53"E, ALONG THE NORTH LINE OF SAID LOT 3, PER FIELD MONUMENTATION, A DISTANCE OF 5.00 FEET, THENCE DEPARTING SAID NORTH LINE, RUN 500°34'32"W, A DISTANCE OF 73.68 FEET, THENCE N89°56'45"E, A DISTANCE OF 20.32 FEET, THENCE 500°36'15"E, A DISTANCE OF 2.70 FEET, THENCE S88°31'47"W, A DISTANCE OF 23.39 FEET, THENCE N01°41'18"W, A DISTANCE OF 3.28 FEET, THENCE S89°56'45"W, A DISTANCE OF 1.88 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, THENCE N00°34'32"E, ALONG SAID WEST LINE, A DISTANCE OF 73.68 FEET TO THE POINT OF BEGINNING. (CONTAINING 438.48 SQUARE FEET OF LAND.)  
TOGETHER WITH:  
THE WEST 5 FEET OF LOT 4, LESS THE SOUTH 5 FEET THEREOF, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (CONTAINING 368.21 SQUARE FEET OF LAND.)  
PREPARED BY: TIM CARLILE, PLS

RECEIVED  
AUG 8 - 2015  
Board of County Commissioners

A Daily Publication By:



Attn: *Tammy C. Curro*  
CLERK TO THE BOARD OF COUNTY C  
400 SOUTH ST P.O. Box 999  
TITUSVILLE, FL 32780

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

Legal Notices

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

08/06/15

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

Sworn to and Subscribed before me this 6th of August 2015, by Kim Curro who is personally known to me

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

AD#625904 8/6/2015  
LEGAL NOTICE  
RESOLUTION VACATING PUBLIC UTILITY EASEMENTS - MISSILEVIEW AVENUE - PINEY WOODS  
LOCKLIN - LOT 3-4, BLK. B, PINEY WOODS - EASEMENT VACATION  
A PORTION OF THE 5.00 FOOT WIDE PUBLIC UTILITY AND EASEMENT ENCUMBERING PART OF LOT 3, BLOCK B, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 5 FEET OF LOT 3, LESS THE SOUTH 5 FEET THEREOF (CONTAINING 368.23 SQUARE FEET OF LAND), AND THE FOLLOWING DESCRIBED LAND: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK B, SAID POINT BEING A 1/2" IRON ROD, THENCE RUN N89°59'53"E, ALONG THE NORTH LINE OF SAID LOT 3, PER FIELD MONUMENTATION, A DISTANCE OF 5.00 FEET, THENCE DEPARTING SAID NORTH LINE, RUN S00°34'32"W, A DISTANCE OF 73.68 FEET, THENCE N89°56'45"E, A DISTANCE OF 20.32 FEET, THENCE S00°36'15"E, A DISTANCE OF 2.70 FEET, THENCE S88°31'47"W, A DISTANCE OF 23.39 FEET, THENCE N01°41'18"W, A DISTANCE OF 3.28 FEET, THENCE S89°56'45"W, A DISTANCE OF 1.88 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, THENCE N00°34'32"E, ALONG SAID WEST LINE A DISTANCE OF 73.68 FEET TO THE POINT OF BEGINNING. (CONTAINING 438.48 SQUARE FEET OF LAND.)  
TOGETHER WITH:  
THE WEST 5 FEET OF LOT 4, LESS THE SOUTH 5 FEET THEREOF, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (CONTAINING 368.21 SQUARE FEET OF LAND.)  
PREPARED BY: TIM CARLILE, PLS

Publication Cost: \$121.14  
Ad No: 0000625904  
Customer No: BRE-6BR427



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

**BrevardClerk.US**

Scott Ellis, Clerk of Court

700 South Park Avenue, Bldg. B  
 P.O. Box 2767  
 Titusville, FL 32781-2767  
 (321) 637-2006

DBLIVE Transaction  
 #: 1564444  
 Receipt #: 61534049  
 Cashier Date: 8/13/2015  
 12:42:18 PM



Print Date:  
 8/13/2015 12:42:21 PM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$903.50	DateReceived: 8/13/2015 Source Code: Titusville - Six Story Q Code: Titusville - Six Story Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$52.50 Total Payments \$52.50

1 Payments	
ESCROW	\$52.50

1 Recorded Items	
(RSL) RESOLUTION	BK/PG: 7429/2728 CFN:2015160666 Date:8/13/2015 12:42:17 PM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	6 \$52.50
Indexing @ 1st 4 Names Free, Add'l=\$1 ea.	2 \$0.00

0 Search Items
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1 Miscellaneous Items
(AGTR) AGENT TRANSMITTAL

# LEGAL DESCRIPTION

SHEET 1 OF 3

SECTION 7, TOWNSHIP 25 SOUTH, RANGE 37 EAST

NOT VALID WITHOUT THE SKETCH ON SHEETS 2 & 3 OF 3

PARCEL ID#  
25-37-07-01-0000B.0-0003.00

PURPOSE OF SKETCH AND DESCRIPTION:  
VACATE EASEMENT

## LEGAL DESCRIPTION:

LOTS 3 AND 4, BLOCK B, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SECTION 7, TOWNSHIP 25 SOUTH, RANGE 37 EAST

## LEGAL DESCRIPTION TO BE VACATED:

A PORTION OF THE 5.00 FOOT WIDE PUBLIC UTILITY EASEMENT ENCUMBERING PART OF LOT 3, BLOCK B, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 5 FEET OF LOT 3, LESS THE SOUTH 5 FEET THEREOF (CONTAINING 368.23 SQUARE FEET OF LAND), AND THE FOLLOWING DESCRIBED LAND:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK B, SAID POINT BEING A 1/2" IRON ROD, THENCE RUN N89°59'53"E, ALONG THE NORTH LINE OF SAID LOT 3, PER FIELD MONUMENTATION, A DISTANCE OF 5.00 FEET, THENCE DEPARTING SAID NORTH LINE, RUN S00°34'32"W, A DISTANCE OF 73.68 FEET, THENCE N89°56'45"E, A DISTANCE OF 20.32 FEET, THENCE S00°36'15"E, A DISTANCE OF 2.70 FEET, THENCE S88°31'47"W, A DISTANCE OF 23.39 FEET, THENCE N01°41'18"W, A DISTANCE OF 3.28 FEET, THENCE S89°56'45"W, A DISTANCE OF 1.88 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, THENCE N00°34'32"E, ALONG SAID WEST LINE A DISTANCE OF 73.68 FEET TO THE POINT OF BEGINNING. (CONTAINING 438.48 SQUARE FEET OF LAND.)

TOGETHER WITH:

THE WEST 5 FEET OF LOT 4, LESS THE SOUTH 5 FEET THEREOF, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (CONTAINING 368.21 SQUARE FEET OF LAND.)

## SURVEYOR'S NOTES:

- NO UNDERGROUND IMPROVEMENTS ARE LOCATED.
- ONLY VISIBLE IMPROVEMENTS ARE SHOWN.
- SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, THIS TRACT OF LAND CONTAINS 6285.41 SQUARE FEET OR 0.14 ACRES OF LAND MORE OR LESS PER FIELD MONUMENTS.
- THIS SKETCH AND DESCRIPTION IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND NOTED AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- BEARINGS ARE BASED UPON THE NORTH R/W LINE OF MISSILEVIEW AVENUE, ASSUMED TO BEAR N89°59'53"E.
- THIS PROPERTY IS WITHIN FLOOD ZONE 'X', DETERMINED 3-17-14 BY FLOOD INSURANCE RATE MAP, PANEL NUMBER 1250920435G.
- FIELD WORK WAS COMPLETED ON 03-03-15.
- LEGAL DESCRIPTION AS SUPPLIED BY CLIENT.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEY AND MAPPER.
- THIS IS NOT A SURVEY.

### LEGEND

PUDE	PUBLIC UTILITY & DRAINAGE EASE.		WATER METER
O/H	OVERHEAD POWER AND/OR TELEPHONE LINES		TELEVISION CABLE RISER
RW	RIGHT-OF-WAY		POWER LIGHT POLE
CC	COVERED CONC	(P)	PLAT DISTANCE
A/C	AIR CONDITIONER	(M)	FIELD MEASURED DISTANCE
CONC	CONCRETE	IRC	IRON ROD AND CAP
CMP	CORRUGATED METAL PIPE	FF	FINISHED FLOOR ELEVATION
EASE	EASEMENT	P.P.	POWER POLE
CBS	CONCRETE BLOCK STRUCTURE		FIRE HYDRANT
WF	WOOD FENCE		TELEPHONE RISER
CLF	CHAIN LINK FENCE	C	CENTER LINE
			ELECTRIC METER

*Tim Carlile*

PREPARED FOR:  
DIANA LOCKLIN

TIM CARLILE, PLS, FLORIDA PLS NO. 5170  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: LAND AND SEA SURVEYING CONCEPTS, INC.  
ADDRESS: 1605 CHASE HAMMOCK ROAD, MERRITT ISLAND, FL 32953  
PHONE: 321-454-6310 "CERTIFICATE OF AUTHORIZATION LB NO. 6447"



DRAWN BY: SK	CHECKED BY: TC	DRAWING NO. 2015-017	SECTION 7
DATE: 5-19-15	SHEET 1 OF 3	REVISIONS 06-23-2015 REMOVED DRAINAGE EASEMENT TEXT	TOWNSHIP 25 SOUTH
			RANGE 37 EAST

# SKETCH OF DESCRIPTION

SECTION 7, TOWNSHIP 25 SOUTH, RANGE 37 EAST

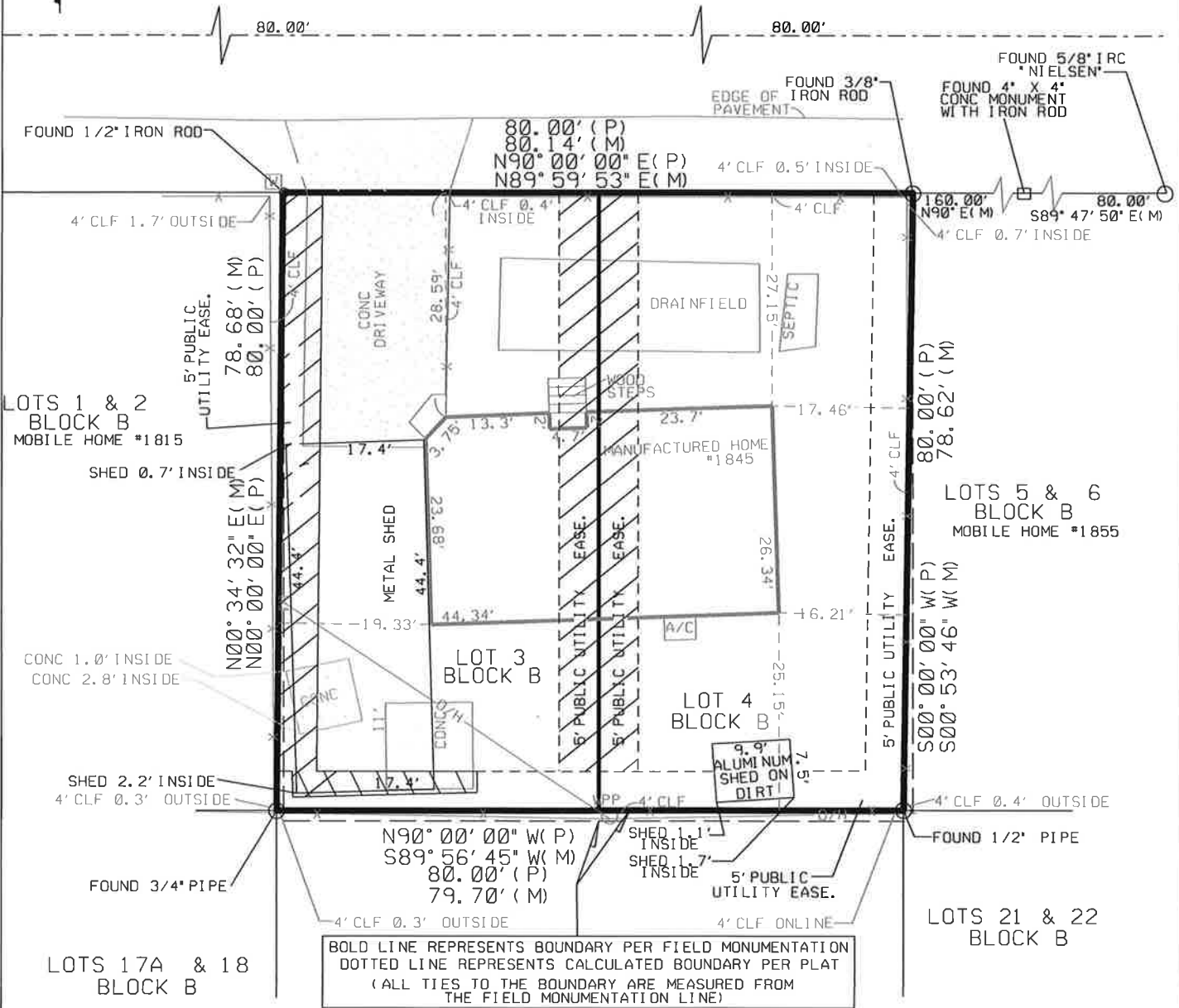
NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1 OF 3 & THE SKETCH ON SHEET 3 OF 3

PARCEL ID#  
25-37-07-01-0000B.0-0003.00

SCALE: 1" = 20'



### MISSILEVIEW AVENUE (FIRST STREET PER PLAT) (40' R/W OPEN)



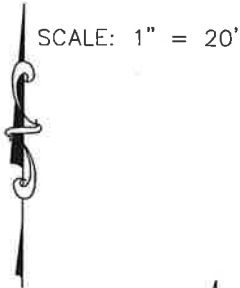
# SKETCH OF DESCRIPTION

SHEET 3 OF 3

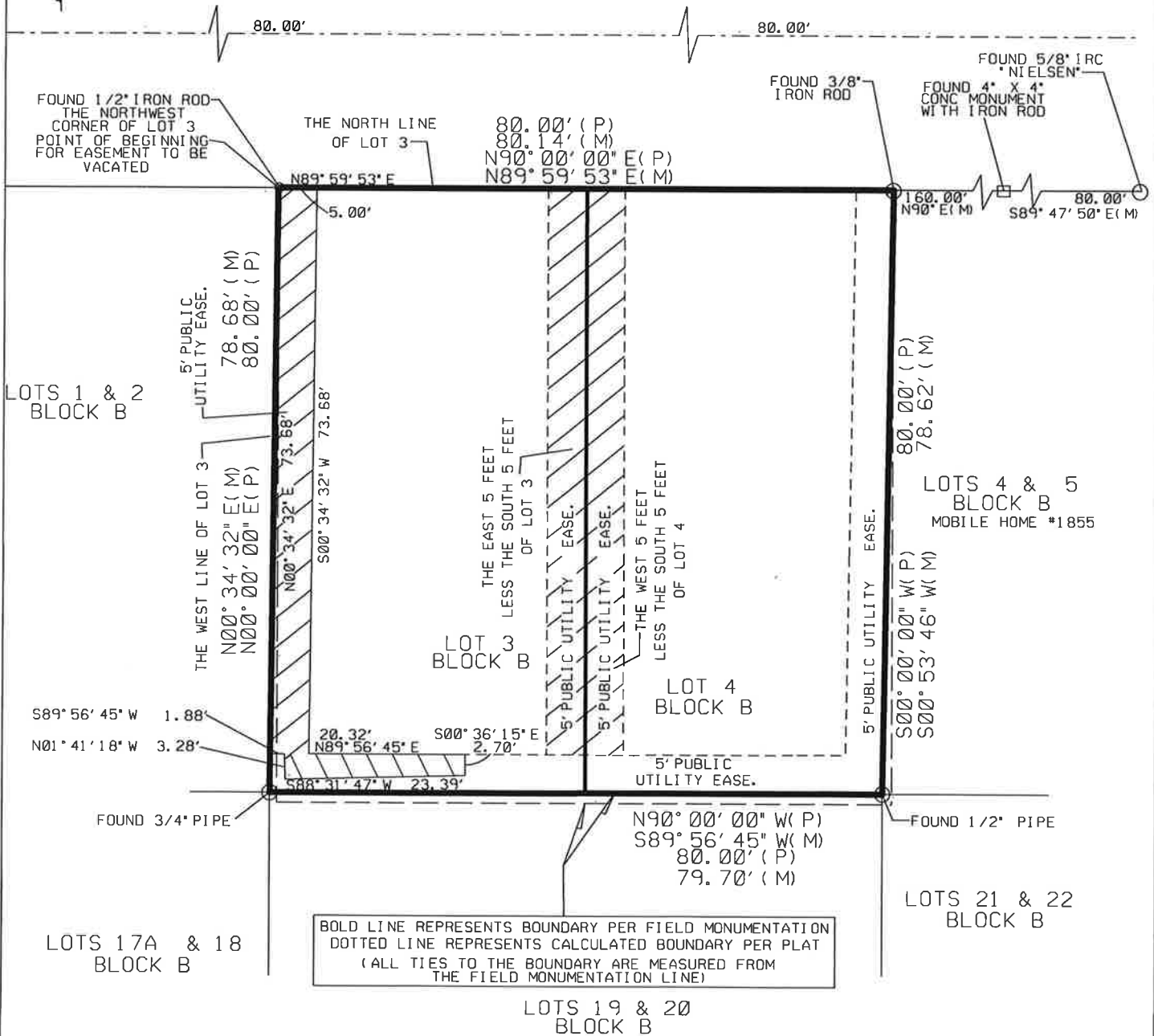
SECTION 7, TOWNSHIP 25 SOUTH, RANGE 37 EAST

PARCEL ID#  
25-37-07-01-0000B.0-0003.00

NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1 OF 3 & SKETCH ON SHEET 2 OF 3



## MISSILEVIEW AVENUE (FIRST STREET PER PLAT) (40' R/W OPEN)



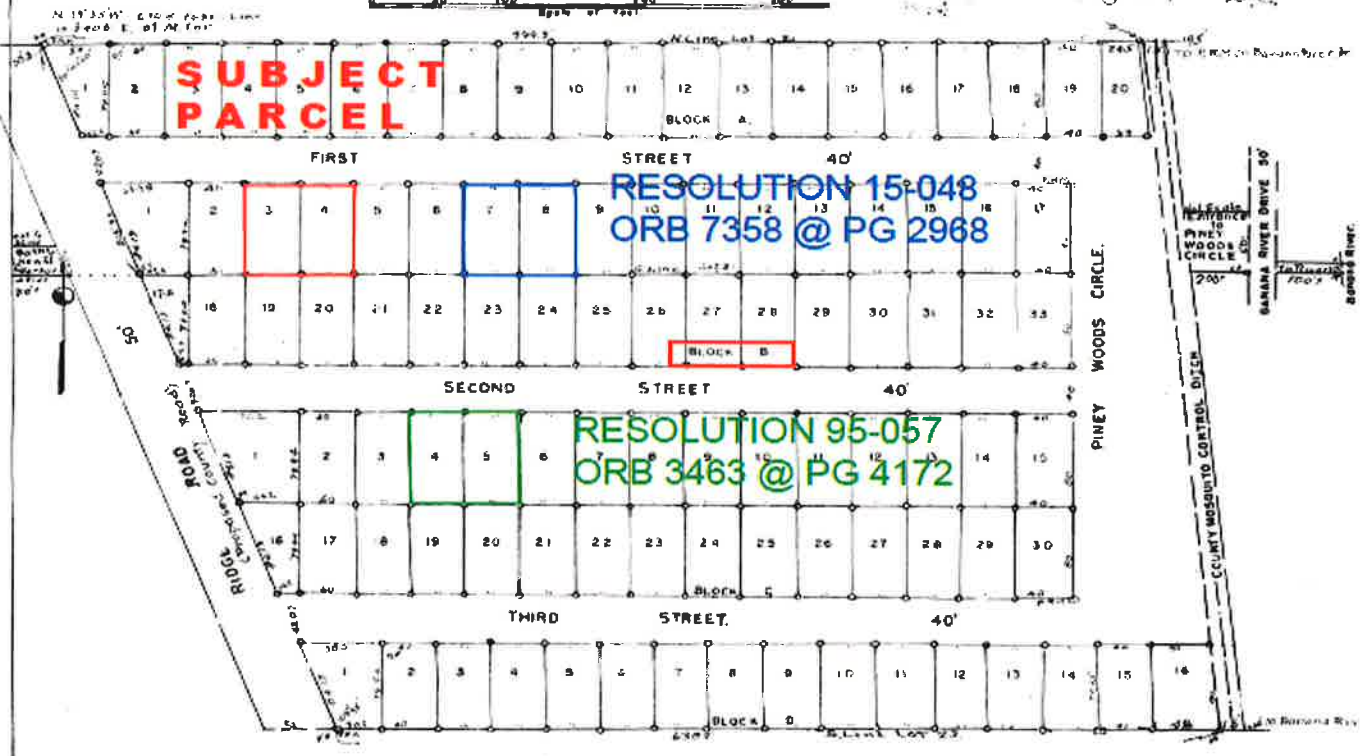
BOLD LINE REPRESENTS BOUNDARY PER FIELD MONUMENTATION  
 DOTTED LINE REPRESENTS CALCULATED BOUNDARY PER PLAT  
 (ALL TIES TO THE BOUNDARY ARE MEASURED FROM THE FIELD MONUMENTATION LINE)

**PINEY WOODS.**  
**A SUBDIVISION OF PART OF**  
**LOTS 21, 22 & 23, PLAT OF BANANA RIVER DRIVE,**  
**AS RECORDED IN PL. BK. 3, PAGE 11,**  
**RECORDS OF BREVARD CO., FLORIDA.**  
**IN SEC. 7, T. 25 S. R. 37 E.**

**PB 11 @ PG 83**

FILED  
 JUL 19 1956  
 JUL 19 1956  
 B. J. G. [Signature]

JULY 8, 1956. SCALE: 1" = 40' 0"



**DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS, that Robert Stoddard and O. A. Myhre, respectively President and Secretary of Ocean Corporation, and Lloyd Campbell and Rheta C. Campbell, his wife, hereby dedicate the plot to be shown as Subdivision of part of Lots 21, 22 & 23, Plat of Banana River Drive as recorded in Pl. Bk. 3, Page 11, in Sec. 7, T. 25 S., R. 37 E., in Testimony whereof we have signed our hands and seals, and seal said corporation, at Merritt Island Florida, this the 17th day of May, 1956.

WITNESSES:  
 J. E. Wood [Signature]  
 Ocean Corporation  
 by Robert Stoddard, seal.  
 Lloyd Campbell, seal.  
 Rheta C. Campbell, seal.  
 Secretary of Ocean Corporation as Piney Woods, a Record of Brevard County, Florida, seal.

**DESCRIPTION:**

That part of Lots 21, 22 & 23, Plat of Banana River Drive, in Sec. 7, T. 25 S., R. 37 E., Brevard Co., Florida, as recorded in Pl. Bk. 3, Page 11, lying west of County Mosquito Control Ditch and East of County Proposed Road, and a 10-ft. strip from Banana River Drive to River and pier; and also an entrance strip 30ft. wide from Banana River Drive to the subdivision, plus a strip from the Proposed County Road 25 ft. wide to New Found Harbor and pier; all three last tracts are described in Deed Book 421 on pages 11, 12 & 13, a strip of land 5 ft. wide on the rear and on sides of all lots is reserved for easement and maintenance of public utilities. Riparian Rights on Banana River and New Found Harbor are reserved to the owners in this subdivision. All streets are dedicated to the public for proper purposes. Note: The South line of Plot to Banana River, the Entrance Road and the New Found Harbor is South line of Lot 21, Plat of Banana River Drive, Pl. Bk. 3, P. 11.

**STATE OF FLORIDA.**

**COUNTY OF BREVARD.**  
 Personally appeared before me, a notary public, on this the 17th day of May, 1956, Robert Stoddard and O. A. Myhre, respectively President and Secretary of Ocean Corporation, and Lloyd Campbell and Rheta C. Campbell, his wife, known to me to be the persons named in and whose names in this instrument of dedication who, being duly sworn, have severally acknowledged the execution thereof, to be their free act and deed as owners, and signed same free and voluntarily and have affixed the corporate seal, with approval of Board of Directors, for purposes therein expressed.  
 In testimony whereof, witness my hand and official seal, at Merritt's Island, Florida, on day and date above named.  
 May 17, 1956  
 Notary Public, State of Florida, of large seal.

**STATE OF FLORIDA.**

**COUNTY OF BREVARD.**  
 The above described attached plot was examined and approved for file upon the records of this County on the day of May, 1956.  
 [Signature]  
 County Commissioners seal.

**SURVEYOR'S CERTIFICATE:**

I hereby certify that the attached plot is true representation of lands herein described, and that the same are duly surveyed and shown as shown in compliance with State Act of June 11, 1925. Further certify that open squares and concrete P.M.s open circles and iron pipes or rods and their corners marked "Pd" were found.  
 [Signature]  
 Reg. Surveyor, No. 24, State of Florida, seal.

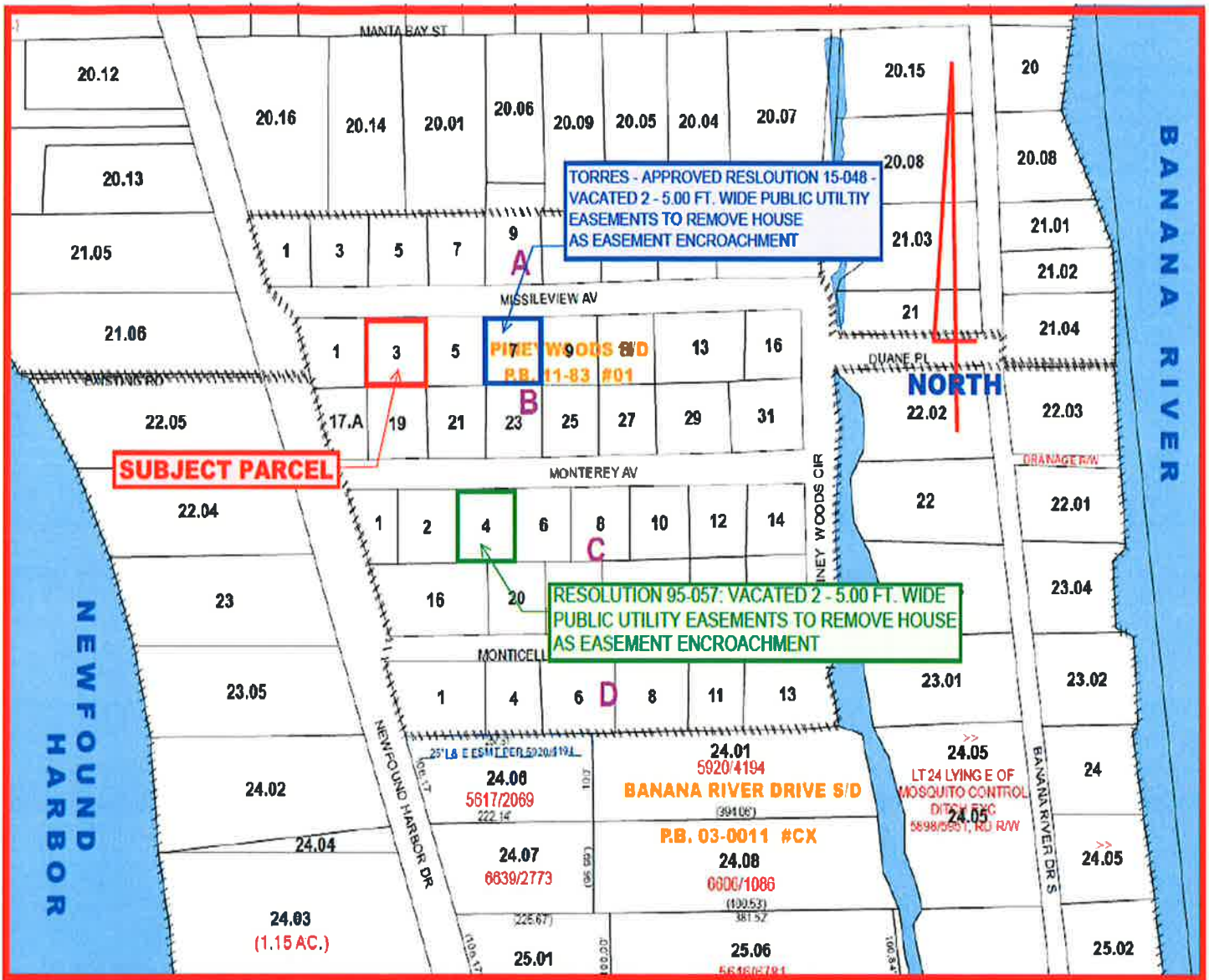
**PLAT REFERENCE SHEET**



## **AERIAL MAP**

Diana A. Locklin – Lots 3 & 4, Block B, Piney Woods  
Plat Book 11 @ Pg. 83 – 1845 Missileview Street,  
Merritt Island, FL 32952 – Section 07, Township 25  
South, Range 37 East – District 2 – Vacate 5.00 ft.

Wide Public Utility Easements



## VICINITY MAP

Diana A. Locklin – Lots 3 & 4, Block B, Piney Woods  
 Plat Book 11 @ Pg. 83 – 1845 Missileview Street,  
 Merritt Island, FL 32952 – Section 07, Township 25  
 South, Range 37 East – District 2 – Vacate 5.00 ft.  
 Wide Public Utility Easements



**HEDMAN & WOOTEN, P. A.**

Attorneys at Law

[www.hedmanandwootenpa.com](http://www.hedmanandwootenpa.com)  
335 S. Plumosa Street, Suite E  
Merritt Island, Florida 32952

Jason Hedman

Leland W. Wooten, Jr.\*  
\*of counsel

Telephone: (321) 452-3720

Fax: (321) 452-9096

E-Mail: [JasonHedman@cfl.rr.com](mailto:JasonHedman@cfl.rr.com)

December 17, 2014

Mrs. Diana A. Locklin  
199 N. Plumosa Street  
Merritt Island, Florida 32953

Re: Estate of Anna Downs

Dear Mrs. Locklin:

I am pleased to enclose the Order of Discharge, which officially ends your responsibility as Personal Representative of your mother's estate.

All issues have been addressed and I will proceed to close my file at this time.

I appreciate your confidence in this firm and trust that this matter was resolved to your satisfaction. I wish you the best in your future endeavors and hope that you and your family have a Merry Christmas and a healthful and prosperous new year.

Very truly yours,

  
Jason Hedman

JH:tw  
Enclosure

**PETITIONER'S DEED**  
**SHEET 1 OF 3**

**IN THE CIRCUIT COURT FOR BREVARD COUNTY,  
FLORIDA PROBATE DIVISION**

**IN RE: ESTATE OF**

**ANNA IZAIJS DOWNS A/K/A ANNA DOWNS**

**File No. 05-2014-CP-**

**014060-XXXX-XX**

**Division Probate**

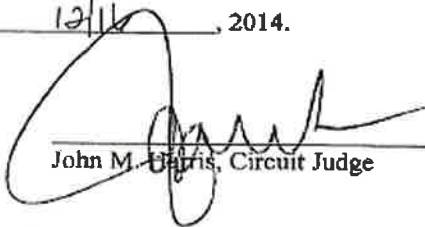
**Deceased.**

**ORDER OF DISCHARGE  
(single personal representative)**

On the Petition for Discharge of Diana A. Locklin, as personal representative of the estate of Anna Izaijs Downs a/k/a Anna Downs, deceased, the court finding that the estate has been fully administered and properly distributed, that claims of creditors have been paid or otherwise disposed of, that the tax imposed by Chapter 198 of the Florida Statutes, if any, has been paid, and that the personal representative should be discharged, it therefore is

ADJUDGED that the personal representative is discharged, and the surety on the personal representative's bond, if any, is released from further liability.

DONE AND ORDERED on 12/11, 2014.

  
\_\_\_\_\_  
John M. Harris, Circuit Judge

Conformed copy to:  
Jason Hedman, 335 S. Plumosa Street, Ste. E, Merritt Island, Florida 32952

**PETITIONER'S DEED  
SHEET 2 OF 3**

75639

# Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

This Indenture, Made this 3rd day of October 19 84. Between  
**SHILO DANIELS and SHARON O. DANIELS, his wife** grantor\*, and  
of the County of Brevard State of Florida  
**LEWIS O. DOWNS and ANNA DOWNS, his wife** grantor\*,  
whose post office address is 1845 Missallevue Avenue  
Herritt Island, FL 32952  
of the County of Brevard State of Florida

**Witnesseth**, That said grantor, for and in consideration of the sum of  
\*\*\*Ten and 00/100\*\*\* Dollars,  
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby  
acknowledged, has granted, bargained and sold to the said grantee and grantee's heirs and assigns forever, the fol-  
lowing described land, situate, lying and being in Brevard County, Florida, to-wit:

Lots 3 and 4, Block B, Piney Woods, according  
to the Plat thereof, as recorded in Plat Book  
11, page 83, Public Records of Brevard County,  
Florida.

1.00  
128.50

RETURN TO:  
**TITLE & TRUST COMPANY OF FLORIDA**  
Abstract & Title Division  
P. O. BOX 578  
TITUSVILLE, FLORIDA 32780



and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims  
of all persons whomsoever.

\*"Grantor" and "grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, Grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence.

*[Handwritten signatures of Shilo Daniels, Sharon O. Daniels, and Daniel H. McDermott]*

*Shilo Daniels* ..... (Seal)  
*Sharon O. Daniels* ..... (Seal)  
..... (Seal)  
..... (Seal)

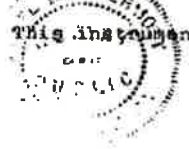
STATE OF FLORIDA  
COUNTY OF BREVARD  
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally  
appeared Shilo Daniels and Sharon O. Daniels, his wife  
to me known to be the persons described in and who executed the foregoing instrument and acknowledged before  
me that they executed the same.  
WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of October  
19 84.

My commission expires:

My COMMISSION EXPIRES JULY 31, 1988  
BOUNDED THROUGH WASHINGTON, DC

Notary Public

This instrument prepared by: L. Alexander Vance, Esq.  
503 Palm Avenue  
Titusville, FL 32796



OFF. REC.

PAGE

2546 586

1592 1592

948220  
208 OCT -4 PM 3:25

# PETITIONER'S DEED

# SHEET 3 OF 3



New Search
Online Homestead
TRIM Notice
Map
Map + Sales
Classic Map
Bird's Eye View
Taxes
Photos
Building Drawings
Plat
Comments
Permits
Land Info
Building Info
Help

**General Parcel Information**

Parcel ID:	25-37-07-01-0000B.0-0003.00	Millage Code:	2200	Exemption:		Use Code:	213
Site Address:	1845 MISSILEVIEW AVE , MERRITT ISLAND 32952					Tax ID:	2515150

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

**Owner Information**

Owner Name:	LOCKLIN, DIANA A
Second Names:	
Mailing Address:	199 N PLUMOSA STREET
City, State, Zipcode:	MERRITT ISLAND, FL 32952

**Abbreviated Description**

Plat Book/Page:	Sub Name:	LOTS
0011/0083	PINEY WOODS	3,4 BLK B

**Value Summary**

Roll Year:	2012	2013	2014
Market Value Total: <sup>1</sup>	\$50,070	\$51,930	\$46,100
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$50,070	\$50,920	\$46,100
Assessed Value School:	\$50,070	\$50,920	\$46,100
Homestead Exemption: <sup>2</sup>	\$25,000	\$25,000	\$25,000
Additional Homestead: <sup>2</sup>	\$70	\$920	\$0
Other Exemptions: <sup>2</sup>	\$0	\$0	\$0
Taxable Value Non-School: <sup>3</sup>	\$25,000	\$25,000	\$21,100
Taxable Value School: <sup>3</sup>	\$25,070	\$25,920	\$21,100

**Land Information**

Acres:	0.15
Site Code:	1

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

**Sale Information**

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
2546/1592	10/3/1984	\$29,900	WD				I
1567/0298	10/1/1975	\$3,800					

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

**Building Information**

PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
2	213	2009	8	04	13	03	02	04	03	03

**Building Area Information**

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area
2	1,132	0	8	0	0	0	0	0	0	0	0	0	1,132

**Extra Feature Information**

Extra Feature Description	Units
OUTBUILDING	80
SKIRTING	142

[Home](#) | [Meet Dana](#) | [Appraiser's Job](#) | [General Info](#) | [Budget & Funding](#) | [Assessment Caps](#) | [Exemptions](#) | [Online Filings](#) | [Agriculture](#) | [Taxable Property](#) | [Unusable Property](#) | [Appeals](#) | [Forms](#) | [1943 Act](#) | [Links](#) | [Contact Us](#) | [Property Research](#) | [Map Search](#)

# BREVARD COUNTY PROPERTY DETAIL SHEET

## Kelly Fulton

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**From:** Cazessus, Marc <marc.cazessus@brevardcounty.us>  
**Sent:** Wednesday, July 29, 2015 3:23 PM  
**To:** Kelly Fulton  
**Cc:** Tammy Etheridge; Prince, Tamera; Sweeney, Michael; Vitale, Anthony  
**Subject:** Locklin: Lots 3 & 4, Blk. B, Piney Woods S/D - Easement Vacating  
**Attachments:** DESCRIPTION FOR LEGAL AD\_LOCKLIN.docx

Kelly:

I am glad that you were finally provide a copy of the public hearing legal notice and yes, please have the approved resolution legal notice published at your earliest convenience (copy of legal attached for you use). Also for your use is the petitioner's contact information for mailing the copy: Ms. Diana Chapman Locklin, 199 North Plumosa Street, Merritt Island, FL 32953.

Thank you,

*Marc*

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**From:** Kelly Fulton [mailto:Kelly.Fulton@brevardclerk.us]  
**Sent:** Wednesday, July 29, 2015 1:17 PM  
**To:** Cazessus, Marc  
**Subject:** RE: July 21, 2015\_Locklin  
**Importance:** High

Hi Marc,

I have finally received a copy of the 1<sup>st</sup> ad for the Locklin vacating from the July 21, 2015 BCC meeting. Is it okay to advertise for the second ad?

Thanking you in advance.

**Kelly Greene Fulton**  
**Clerk to the Board/VAB Clerk**  
**Brevard County Clerk of Circuit Court**  
**Scott Ellis, Clerk**  
**Phone: (321) 637-2001**  
**[kelly.fulton@brevardclerk.us](mailto:kelly.fulton@brevardclerk.us)**

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**From:** Cazessus, Marc [mailto:marc.cazessus@brevardcounty.us]  
**Sent:** Monday, July 20, 2015 7:20 AM  
**To:** Kelly Fulton  
**Cc:** Tammy Etheridge; Donna Scott; Sweeney, Michael; Vitale, Anthony  
**Subject:** RE: July 21, 2015\_Locklin

Kelly:

## Kelly Fulton

---

**From:** Cazessus, Marc <marc.cazessus@brevardcounty.us>  
**Sent:** Monday, July 20, 2015 7:20 AM  
**To:** Kelly Fulton  
**Cc:** Tammy Etheridge; Donna Scott; Sweeney, Michael; Vitale, Anthony  
**Subject:** RE: July 21, 2015\_Locklin

Kelly:

Good morning, hope you had a pleasant weekend. The Locklin ad was placed June 24<sup>th</sup>, was published June 26<sup>th</sup> and is ad no. 546720. I am sorry that you are have difficulty with the newspaper, hopefully when the new owners are completed making their "improvements", everything will revert back to normal ☺.

*Marc*

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**From:** Kelly Fulton [<mailto:Kelly.Fulton@brevardclerk.us>]  
**Sent:** Friday, July 17, 2015 4:46 PM  
**To:** Cazessus, Marc  
**Subject:** RE: July 21, 2015\_Locklin

Hi Marc,

**I wanted to let you know that our office has still not received the 1<sup>st</sup> ad that was placed in the Florida Today for the Locklin vacating. In the past the paper has always sent them to us. Can you give me an ad number or anything to go off of when I contact the paper? Date the ad was placed?**

Thanking you in advance.

**Kelly Greene Fulton  
Clerk to the Board/VAB Clerk  
Brevard County Clerk of Circuit Court  
Scott Ellis, Clerk  
Phone: (321) 637-2001  
[kelly.fulton@brevardclerk.us](mailto:kelly.fulton@brevardclerk.us)**

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**From:** Cazessus, Marc [<mailto:marc.cazessus@brevardcounty.us>]  
**Sent:** Monday, July 13, 2015 3:36 PM  
**To:** Kelly Fulton  
**Cc:** Tammy Etheridge; Sullivan, Christeen A; Gardner, Jessica; Sweeney, Michael; Vitale, Anthony  
**Subject:** RE: July 21, 2015\_Locklin

Kelly:

The newspaper will assumedly at some point in the near future provide you with a copy of the public hearing advertisement together with the required affidavit as proof of publication. I do not receive the

LEGAL NOTICE

RESOLUTION VACATING PUBLIC UTILITY EASEMENTS – MISSILEVIEW AVENUE – PINEY WOODS

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21 day of July, 2015, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating portions of the 5.0 ft. wide public utility easements at the west and south lines Lot 3 Block B, plat of Piney Woods and a portion of the 10.0 ft. wide public utility easement centered along the common lot line between lots 3 and 4 of said Block B, lying in Section 7, Township 25 south, Range 37 east, Merritt Island petitioned by Diana A. Locklin to wit:

SEE ATTACHED EXHIBIT "A"

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

All persons govern yourselves accordingly.

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

FLORIDA TODAY:

Please advertise in the July 30, 2015 issue of Florida TODAY.

**Bill the Board of County Commissioners and forward bill and proof of publication to Tammy Etheridge, P.O. Box 999, Titusville, Florida 32781-0999**

**LOCKLIN - LOT 3-4, BLK. B, PINEY WOODS – EASEMENT VACATION**

A PORTION OF THE 5.00 FOOT WIDE PUBLIC UTILITY AND EASEMENT ENCUMBERING PART OF LOT 3, BLOCK B, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 5 FEET OF LOT 3, LESS THE SOUTH 5 FEET THEREOF (CONTAINING 368.23 SQUARE FEET OF LAND), AND THE FOLLOWING DESCRIBED LAND: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK B, SAID POINT BEING A 1/2" IRON ROD, THENCE RUN N89°59'53"E, ALONG THE NORTH LINE OF SAID LOT 3, PER FIELD MONUMENTATION, A DISTANCE OF 5.00 FEET, THENCE DEPARTING SAID NORTH LINE, RUN S00°34'32"W, A DISTANCE OF 73.68 FEET, THENCE N89°56'45"E, A DISTANCE OF 20.32 FEET, THENCE S00°36'15"E, A DISTANCE OF 2.70 FEET, THENCE S88°31'47"W, A DISTANCE OF 23.39 FEET, THENCE N01°41'18"W, A DISTANCE OF 3.28 FEET, THENCE S89°56'45"W, A DISTANCE OF 1.88 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, THENCE N00°34'32"E, ALONG SAID WEST LINE A DISTANCE OF 73.68 FEET TO THE POINT OF BEGINNING. (CONTAINING 438.48 SQUARE FEET OF LAND.)

TOGETHER WITH:

THE WEST 5 FEET OF LOT 4, LESS THE SOUTH 5 FEET THEREOF, PINEY WOODS, AS RECORDED IN PLAT BOOK 11, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. (CONTAINING 368.21 SQUARE FEET OF LAND.)

PREPARED BY: TIM CARLILE, PLS