



AGENDA REPORT
July 9, 2019

Petition to Vacate Public Utility Easement-Cocoa- Daniel C. and Cherlyn A. Ulmer-(District 1)

SUBJECT:

Petition to Vacate, Re: Public Utility and Drainage Easement – 7423 Glenwood Road–“Port St. John Unit Eight” Plat Book 23, Pages 70-83 – Cocoa – Daniel C. and Cherlyn A. Ulmer (District 1)

FISCAL IMPACT:

\$640.00 Vacating Application Fee Paid by Petitioner

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility and drainage easement at the rear line of Lot 20, Block 279, “Port St. John Unit Eight” in Section 14, Township 23 South, Range 35 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

SUMMARY EXPLANATION and BACKGROUND:

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

The petitioners own Lot 20 and are requesting the vacating of a portion of the 20.00 ft. wide public utility and drainage easement at the rear of Lot 20 to allow for the construction of a pool. Easement to be vacated contains 680 square feet, more or less.

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. The property is located in Cocoa as follows: Begin at the intersection of Port St. John Pkwy. and Grissom Pkwy.; thence 2.30 miles north along Grissom Pkwy.; thence 0.2 miles east along Crown St.; thence 161 feet north on Glenwood Road to the residence on the west (left).

Fiscal Impact: The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

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

CLERK TO THE BOARD INSTRUCTIONS:

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

ATTACHMENTS:

- Description**
- ▣ **Exhibits**



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

MEMORANDUM

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

RE: Advertising Bills for Resolution Vacating a Part of a Public Utility and Drainage Easement in Port St. John Unit Eight, Subdivision, Cocoa

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-106, vacating a part of a public utility and drainage easement in Port St. John Unit Eight, Subdivision, Cocoa, as petitioned by Daniel C. and Cherlyn A, Ulmer. 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

Daniel C. and Cherlyn A. Ulmer
7423 Glenwood Road
Cocoa, FL 32927

Dear Mr. and Ms. Ulmer:

Re: Resolution Vacating a Part of a Public Utility and Drainage Easement in Port St. John Unit Eight Subdivision, Cocoa

The Board of County Commissioners, in regular session on July 9, 2019, adopted Resolution No. 19-106, vacating a part of a public utility and drainage easement in Port St. John Unit Eight Subdivision, Cocoa, as petitioned by you. Said Resolution has been recorded in ORBK 8506, Pages 6 through 11. Enclosed is a certified copy of the recorded Resolution for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2019 - 106

**Vacating a part of a public utility and drainage easement in "Port St. John Unit Eight" Subdivision,
Cocoa, Florida, lying in Section 14, Township 23 South, Range 35 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **DANIEL C. AND CHERLYN A. ULMER** with the Board of County Commissioners to vacate a portion of a public utility and drainage 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 public drainage and utility easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public utility and drainage 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 14, TOWNSHIP 23 SOUTH,
RANGE 35 EAST, BREVARD COUNTY, FLORIDA

PARCEL ID: #23-35-14-JZ-279-20

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

PURPOSE

OF SURVEY: VACATE A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT

LEGAL DESCRIPTION:

DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 20, BLOCK 279, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70-83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 20 AND RUN N65°59'42"E, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S65°59'42"W, A DISTANCE OF 10.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 68.00 FEET; THENCE N65°59'42"E, A DISTANCE OF 10.00 FEET; THENCE S24°00'18"E, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 680 SQUARE FEET OR 0.015 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE 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.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ACCORDING TO F.I.R.M. #12009C 0310 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

PREPARED FOR:

DANIEL C. AND CHERLYN A. ULMER
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

AAL LAND SURVEYING SERVICES, INC.

PROJECT # 41232
 REVISION: _____
 REVISION: _____
 REVISION: _____
 FIELD SURVEY DATE:
 04-25-19
 LICENCE BUSINESS #6623

3970 MINTON ROAD, WEST MELBOURNE, FL 32904
 PHONE: (321) 789-8110 FAX: (321) 852-9771 EMAIL: aalsurvey@aalsurvey.com



DANIEL D. GARNER
 P.L.S. No. 6189

SCALE: N/A



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

AD#3642213, 6/24/2019
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
THE 20.0 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT, PLAT OF "PORT
ST. JOHN UNIT EIGHT" IN SECTION 14,
TOWNSHIP 23 SOUTH, RANGE 35 EAST,
COCOA, FL

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 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 DANIEL C. AND CHRILYN A. UL-
MER with the Board of County Commis-
sioners of Brevard County, Florida, to re-
quest vacating the following described
property, to wit:

Notice Public Hearing

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

A PORTION OF A 20 FOOT WIDE PUBLIC
UTILITY AND DRAINAGE EASEMENT LY-
ING WITHIN LOT 20, BLOCK 279, PORT
ST. JOHN UNIT EIGHT, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 23, PAGES 70-83, OF THE
PUBLIC RECORDS OF BREVARD COUNTY,
FLORIDA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST COR-
NER OF SAID LOT 20 AND RUN
N65°59'42"E, ALONG THE SOUTH LINE
OF SAID LOT 7, A DISTANCE OF 20.00
FEET; THENCE N24°00'18"W, A DIS-
TANCE OF 8.00 FEET TO THE POINT OF
BEGINNING OF THE HEREIN DESCRIBED
EASEMENT; THENCE S65°59'42"W, A DIS-
TANCE OF 10.00 FEET; THENCE
N24°00'18"W, A DISTANCE OF 68.00
FEET; THENCE N65°59'42"E, A DISTANCE
OF 10.00 FEET; THENCE S24°00'18"E, A
DISTANCE OF 68.00 FEET TO THE POINT
OF BEGINNING. CONTAINING 690
SQUARE FEET OR 0.015 ACRES, MORE
OR LESS PREPARED BY: DANIEL D. GAR-
NER, PSM

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.

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, Build-
ing 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.

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

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 pur-
pose, he or she may need to ensure that
a verbatim record of the proceedings is
made, which record includes the testi-
mony and evidence upon which the ap-
peal 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 im-
paired persons shall be met if the de-
partment sponsoring the
meeting/hearing is contacted at least 48
hours prior to the public
meeting/hearing by any person wishing
assistance.

[Signature of Diana Figueroa]
Affiant

[Signature of Kathleen A Gibson]
Notary Kathleen A Gibson



Publication Cost: \$243.24
Ad No: 0003642213
Customer No: BRE-6BR327



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

AD#3686199 07/18/2019
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN PORT ST. JOHN UNIT EIGHT SUBDIVISION, LYING IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA - DANIEL C. AND CHERLYN A. ULMER

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 public utility and drainage easement in Port St. John unit eight Subdivision, lying in Section 14, Township 23 South, Range 35 East, Cocoa, as petitioned by Daniel C. and Cherlyn A. Ulmer.

A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 20, BLOCK 279, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70-83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 20 AND RUN N65°59'42"E, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S65°59'42"W, A DISTANCE OF 10.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 68.00 FEET; THENCE N65°59'42"E, A DISTANCE OF 10.00 FEET; THENCE S24°00'18"E, A DISTANCE OF 88.00 FEET TO THE POINT OF BEGINNING, CONTAINING 680 SQUARE FEET OR 0.015 ACRES, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, PSM

The Board further renounced and disclaimed 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 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 2019, by Shelly Hora who is personally known to me

Shelly Hora
Affiant

Dickie Kelly
Notary State of Wisconsin County of Brown

9-19-21

My commission expires
Publication Cost: \$148.72
Ad No: 0003686199
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	2302993
Owners	Ulmer, Daniel C; Ulmer, Chertyn A
Mailing Address	7423 Glenwood Rd Cocoa FL 32927
Site Address	7423 Glenwood Rd Cocoa FL 32927
Parcel ID	23-35-14-JZ-279-20
Property Use	0110 - Single Family Residence
Exemptions	HEX1 - Homestead First HEX2 - Homestead Additional
Taxing District	1900 - Unincorp District 1
Total Acres	0.23
Subdivision	Port St John Unit 8
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0023/0070
Land Description	Port St John Unit 8 Lot 20 Blk 279



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$181,590	\$169,250	\$141,140
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$172,800	\$169,250	\$125,420
Assessed Value School	\$172,800	\$169,250	\$141,140
Homestead Exemption	\$25,000	\$25,000	\$0
Additional Homestead	\$25,000	\$25,000	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$122,800	\$119,250	\$125,420
Taxable Value School	\$147,800	\$144,250	\$141,140

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/30/2016	\$179,900	WD	Improved	7704/2578
01/15/2016	\$77,000	WD	Improved	7533/0799
04/27/2007	\$215,000	WD	Improved	5777/3915
06/27/2003	\$134,400	WD	Improved	4967/3593
12/29/1999	\$111,000	WD	Improved	4107/0722
11/30/1996	\$107,000	WD	Improved	3623/1588
08/30/1993	\$85,200	WD	Improved	3314/2660
02/28/1993	\$10,000	WD	Vacant	3269/1609
09/01/1974	\$1,200	-	-	1477/0243

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - Single Family Residence

Materials	Details	
Exterior Wall:	Stucco	Year Built 1993
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0

Sub-Areas

Extra Features

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lot 20, Block 279, Port St. John Unit Eight, Daniel C. & Chertyn A. Ulmer, 7423 Glenwood Rd, Cocoa, Section 14, Township 23 South, Range 35 East, District 1

Vicinity Map

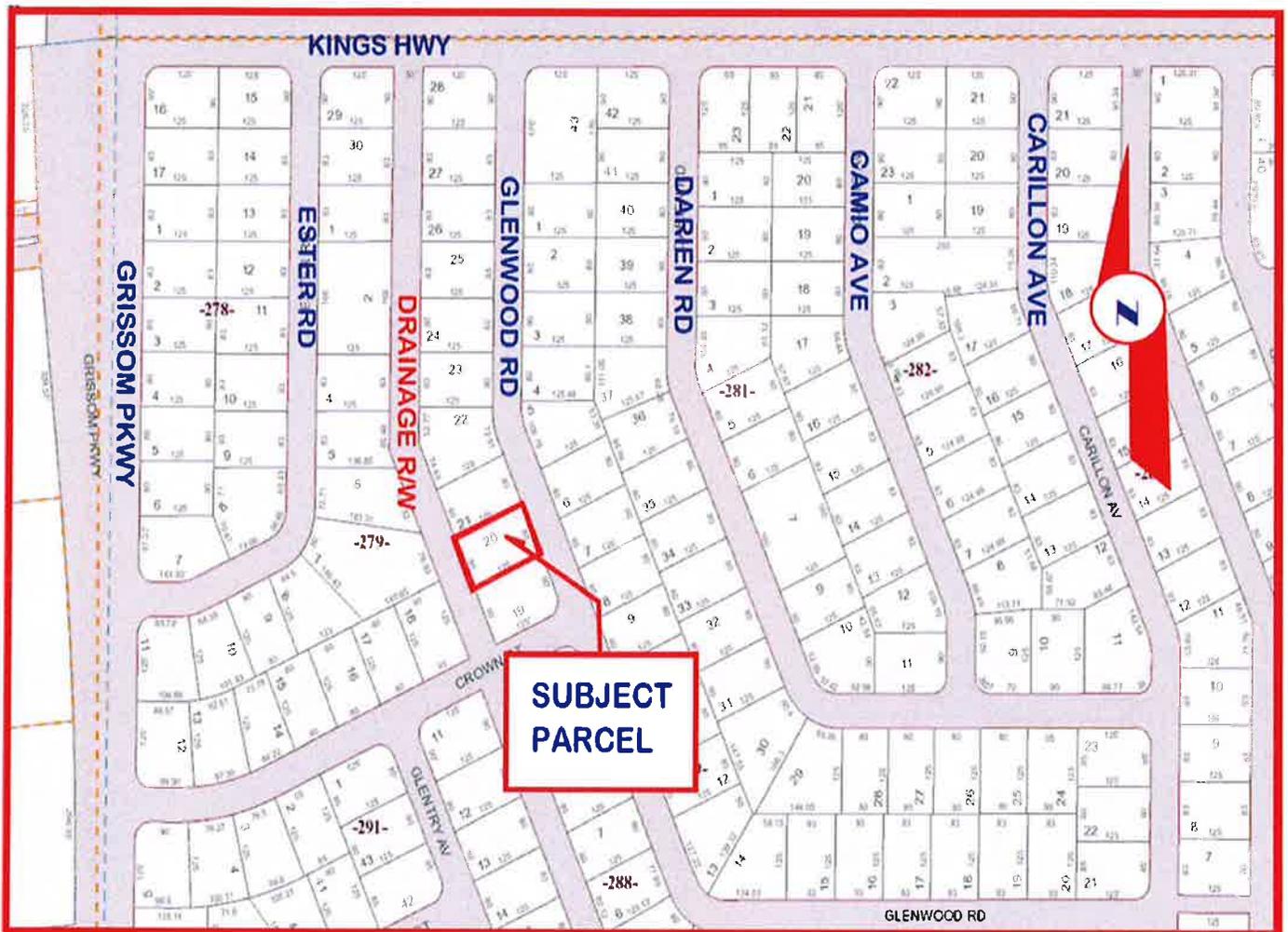


Fig. 2: Map of Lot 20, Block 279, Port St. John Unit Eight, 7423 Glenwood Road

Daniel C. and Cherlyn A. Ulmer – Lot 20, Block 279,
“Port St. John Unit Eight” (Plat Book 23, Page 70) –
7423 Glenwood Road – Section 14, Township 23
South, Range 35 East – District 1 – Proposed Vacating
of portion of a 20.0 ft. Wide Public Utility and
Drainage Easement

Aerial Map



Fig. 3: Map of aerial view of Lot 20, Block 279, Port St. John Unit Eight, 7423 Glenwood Road, Cocoa

**Daniel C. and Cherlyn A. Ulmer – Lot 20, Block 279,
“Port St. John Unit Eight” (Plat Book 23, Page 70) –
7423 Glenwood Road – Section 14, Township 23
South, Range 35 East – District 1 – Proposed Vacating
of portion of a 20.0 ft. Wide Public Utility and
Drainage Easement**

Petitioner's Deed

CFN 2016176142, OR BK 7704 Page 2578, Recorded 09/08/2016 at 09:17 AM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$1259.30

Prepared by and return to:
Kathlene Fontana
The Closing Agent, LLC
11 N. Sumner Ave., Ste. 100
Orlando, FL 32801

File Number: 1616606

Clipped Above This Line For Recording Data

Warranty Deed

This Warranty Deed made this 30th day of August, 2016, between Joseph P. Cholewa, a married person, whose address is PO Box 720816, Orlando, FL 32872, grantor, to Daniel C. Ulmer and Cherlyn A. Ulmer, husband and wife, whose address is 7423 Glenwood Road, Cocoa, FL 32927, grantees:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantees, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Brevard County, Florida, to-wit:

Lot 20, Block 279, PORT ST. JOHN UNIT EIGHT, according to the Plat thereof, recorded in Plat Book 23, pages 79 through 83, inclusive, of the Public Records of Brevard County, Florida.

Parcel Identification Number: 23 3514-JZ-279-20

Said property is not the homestead of The Grantor(s) under the laws and constitution of state of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside thereon.

SUBJECT TO TAXES FOR THE YEAR 2016 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

And the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all incumbrances, except taxes accruing subsequent to December 31, 2015.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signer, or dual and self served, or other person

Witness Name: [Signature]

Witness Name: [Signature]

Witness Name: [Signature]

State of Florida _____
County of Brevard _____

This foregoing instrument was acknowledged before me this 30th day of August, 2016 by Joseph P. Cholewa, (SS) a person by name of (SS) the undersigned Official, in accordance with the provisions of Chapter 689, Florida Statutes.

Notary Public
[Signature]

Printed Name: Griffin E. Justice

My Commission Expires: _____

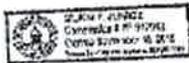


Fig. 5: Copy of deed of sale for lot 20, block 279, Port St. John Unit Eight, 7423 Glenwood Road, Cocoa, FL to Daniel C. and Cherlyn A. Ulmer on August 30, 2016.

Petitioner's Boundary Survey

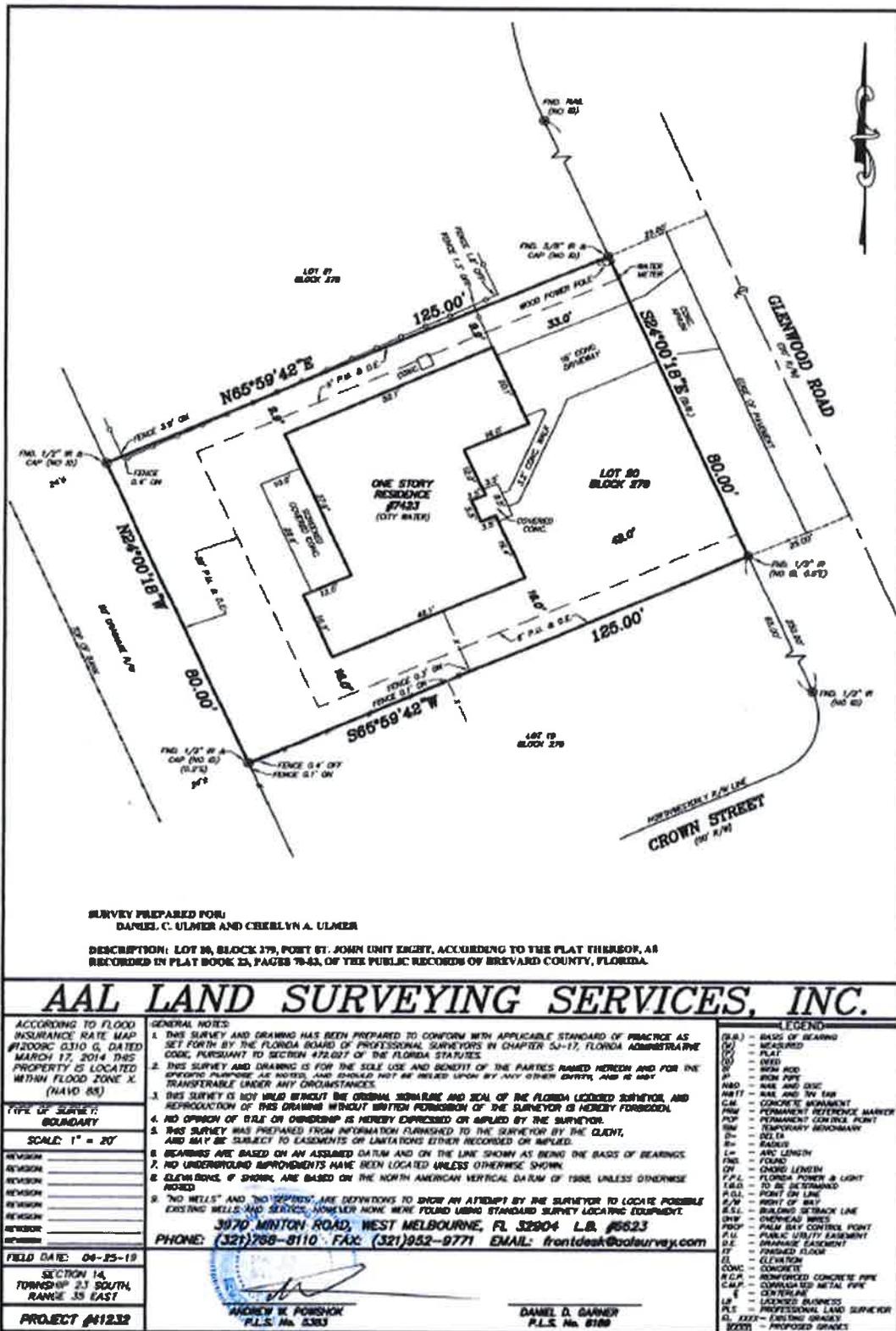


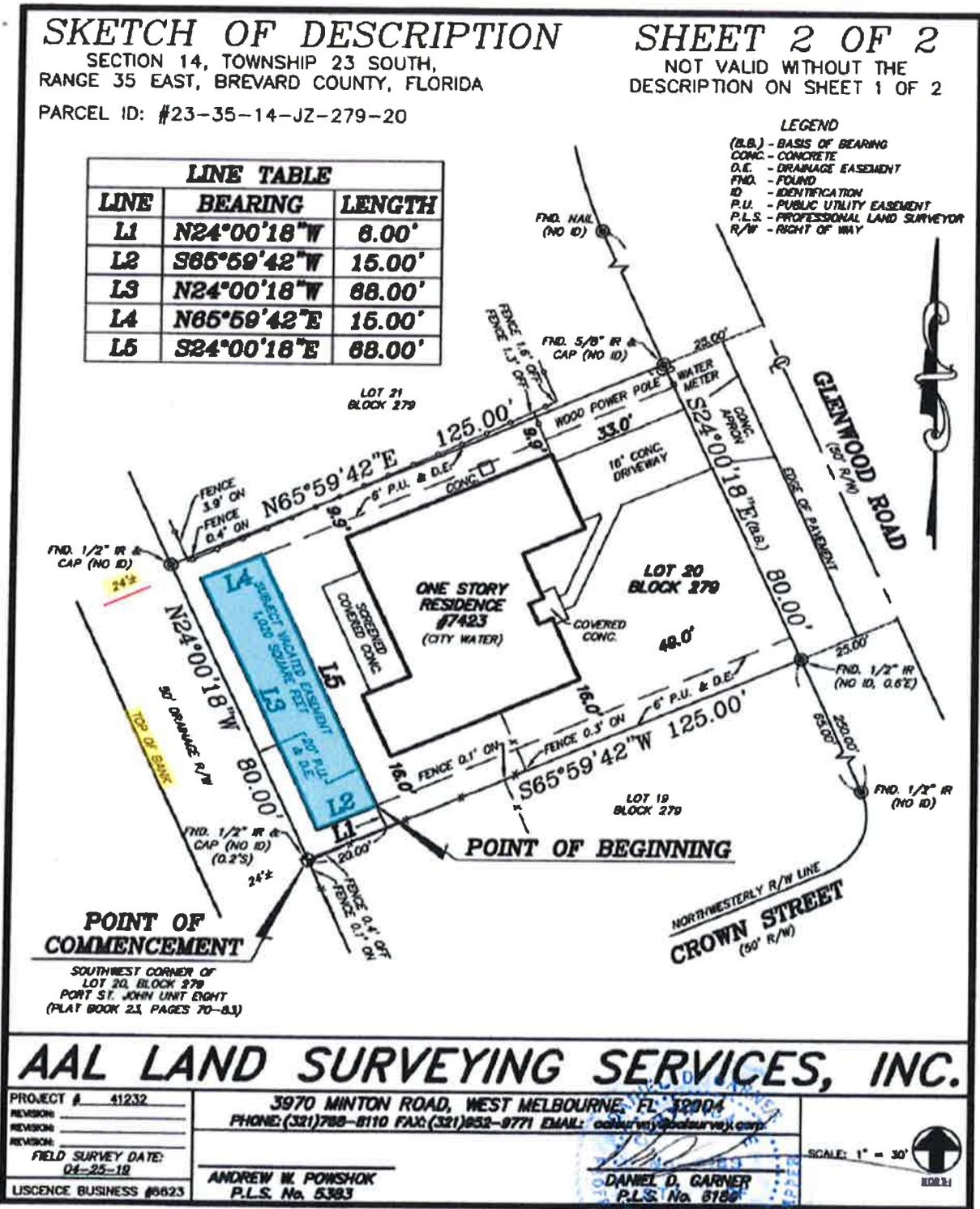
Fig. 6: Copy of the boundary survey of lot 20, block 279, Port St. John Unit Eight.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION		SHEET 1 OF 2	
SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA		NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2	
PARCEL ID: #23-35-14-JZ-279-20			
PURPOSE OF SURVEY: VACATE A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT			
LEGAL DESCRIPTION:			
DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 20, BLOCK 279, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70-83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:			
COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 20 AND RUN N65°59'42"E, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S65°59'42"W, A DISTANCE OF 15.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 68.00 FEET; THENCE N65°59'42"E, A DISTANCE OF 15.00 FEET; THENCE S24°00'18"E, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING.			
CONTAINING 1,020 SQUARE FEET OR 0.023 ACRES, MORE OR LESS.			
SURVEYORS NOTES:			
1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE 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.			
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.			
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.			
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.			
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.			
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.			
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.			
8. ACCORDING TO F.I.R.M. #12009C 0310 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.			
PREPARED FOR:			
DANIEL C. AND CHERLYN A. ULMER BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS			
AAL LAND SURVEYING SERVICES, INC.			
PROJECT # 41232	3970 MINTON ROAD, WEST MELBOURNE, FL 32904		
REVISION:	PHONE: (321)788-8110 FAX: (321)952-9771 EMAIL: aaalandsurveying.com		
REVISION:			
FIELD SURVEY DATE: 04-25-18	ANDREW W. POWSHOK P.L.S. No. 5383		SCALE: N/A
LISCENCE BUSINESS #6823	DANIEL D. GARNER P.L.S. No. 6769		

Fig. 7: Copy of legal description sheet 1 of 2 for lot 20, block 279, Port St. John Unit Eight.

Petitioner's Sketch & Description Sheet 2 of 2



AAL LAND SURVEYING SERVICES, INC.

PROJECT # 41232 REVISION: REVISION: REVISION: FIELD SURVEY DATE: 04-25-18 LICENCE BUSINESS #6623	3970 MINTON ROAD, WEST MELBOURNE, FL 32904 PHONE: (321)788-8110 FAX: (321)952-8771 EMAIL: aalurvey@aalsurvey.com ANDREW W. POWSHOK P.L.S. No. 5383	SCALE: 1" = 30' (NOR.)
--	---	---------------------------------------

Fig. 8: Copy of sketch sheet 2 of 2 of lot 20, block 279, Port St. John Unit Eight.

Comment Sheet

COMMENT SUMMARY

APPLICANT: Daniel C. and Cheryn A. Ulmer

UPDATED / BY: Amber Holley 20190510 @ 11:30 hours

COMPANIES	NOTIFIED	COMMENTS		STIPULATIONS/REMARKS
		RECEIVED	APPROVED	
UTILITIES				
Florida City Gas Co.	20190508	20190508	YES	NO OBJECTIONS
Florida Power & Light Co.	20190508	20190503	YES	NO OBJECTIONS
AT & T	20190508	20190509	YES	NO OBJECTIONS
Charter Communications	20190508	20190510	YES	NO OBJECTIONS
City of Cocoa	20190508	20190509	YES	NO OBJECTIONS
COUNTY STAFF				
Road & Bridge	20190508	20190515	YES	NO OBJECTIONS-SUSAN JACKSON
Land Planning	20190508	20190509	YES	NO OBJECTIONS- REBECCA RAGAIN
Utility Services	20190508	20190508	YES	NO OBJECTIONS - TAMMY HURLEY
NRMD / Storm Water	20190508	20190508	YES	NO OBJECTIONS - HARVEY WHEELER
Zoning	20190508	20190509	YES	NO OBJECTIONS - PAUL BODY

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

Public Hearing Legal Advertisement

Florida Today | Notice Public Hearing

AD#3642213, 6/24/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE 20.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "PORT ST. JOHN UNIT EIGHT" IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 DANIEL C. AND CHRLYN A. ULMER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 20, BLOCK 279, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70-83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 20 AND RUN N65°59'42"E, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S65°59'42"W, A DISTANCE OF 10.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 68.00 FEET; THENCE N65°59'42"E, A DISTANCE OF 10.00 FEET; THENCE S24°00'18"E, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING. CONTAINING 680 SQUARE FEET OR 0.015 ACRES, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, 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 20.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "PORT ST. JOHN UNIT EIGHT" IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 **DANIEL C. AND CHERLYN A. ULMER** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 20, BLOCK 279, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70-83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 20 AND RUN N65°59'42"E, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S65°59'42"W, A DISTANCE OF 15.00 FEET; THENCE N24°00'18"W, A DISTANCE OF 68.00 FEET; THENCE N65°59'42"E, A DISTANCE OF 15.00 FEET; THENCE S24°00'18"E, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,020 SQUARE FEET OR 0.023 ACRES, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, 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.