

Meeting Date
October 07, 2014



AGENDA	
Section	PUBLIC HEARING
Item No.	III.A.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate, Re: Part of a Public Drainage Easement – Hidden Hollow Drive – Hidden Hollow S/D – Merritt Island - Larry G. Clark – 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 part of the public drainage easement encumbering Lot 11, Hidden Hollow S/D in Section 13, Township 25 South, Range 36 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 as owner of Lot 11 is requesting the vacating of a portion of the public drainage easement encumbering Lot 11 to allow for the construction of a secondary structure on the elevated portion of the easement as shown on Sheet 2 of 2 of the attached Vacating Sketch of Description.

September 18, 2014, 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 at 588 Hidden Hollow Drive on Merritt Island, 3.2 miles south of State Road No. 520 along South Tropical Trail and 0.3 miles east of South Tropical Trail along Hidden Hollow Drive. Resolution 2011-050 vacated the southerly 12.41 ft. of this same easement at Lot 13 to remove existing improvements from the easement.

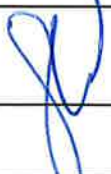
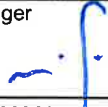

Fiscal Impact: The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265-3699000, revenue account for vacatings. This action is in keeping with the County's efforts 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
 Phone: Ext. 57315

Clerk to the Board instruction: Advertise Final Legal Notice and Record Vacating Resolution Documents

Exhibits Attached: Resolution, Maps & Comment Summary

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager 	Deputy County Manager Mel Scott 	Department Director / Extension 
Stockton Whitten	Assistant County Manager Venetta Valdengo	John Denninghoff / Ext. 57202



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

November 25, 2014

Larry G. Clark
588 Hidden Hollow Drive
Merritt island, FL 32952

Dear Mr. Clark:

RE: Item III.A., Resolution Vacating a Portion of a Public Drainage Easement in Hidden Hollow Subdivision in Section 13, Township 25 South, Range 36 East

The Board of County Commissioners, in regular session on October 7, 2014, adopted Resolution No. 14-188, vacating a Portion of a Public Drainage Easement in Hidden Hollow Subdivision, as petitioned by you. Said Resolution has been recorded in ORBK 7250, PGs 2538 through 2543. 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 Etheridge, Deputy Clerk

Encl. (1)

cc: Marc Cazessus



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

November 18, 2014

MEMORANDUM

TO: Recording

RE: Item III.A., Resolution Vacating a Portion of a Public Drainage Easement in Hidden Hollow Subdivision in Section 13, Township 25 South, Range 36 East

The Board of County Commissioners, in regular session on October 7, 2014, adopted a Resolution Vacating a Portion of a Public Drainage Easement in Hidden Hollow Subdivision in Section 13, Township 25 South, Range 36 East. Enclosed are the proof of publication setting the public hearing, Resolution 14-188, with attached Exhibits, and proof of publication advertising the vacation.

Please record same in the Public Records, bill Public Works Department's Account Number 3175 or call Marc Cazesus at 5-7315 if you have any questions; and return the recorded documents to this office, **including a receipt for the recordation.**

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/jl

Encls. (3)



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

November 25, 2014

M E M O R A N D U M

TO: John Denninghoff, Public Works Director Attn: Marc Cazessus

RE: Advertising Bills for Resolution to Vacate a Portion of a Public Drainage Easement in Hidden Hollow Subdivision

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 14-188, vacating a Portion of a Public Drainage Easement in Hidden Hollow Subdivision, as petitioned by Larry G. Clark. Said Resolution was adopted by the Board of County Commissioner in Regular session, on October 7, 2014.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS

Tammy Etheridge
Tammy Etheridge, Deputy Clerk

Encls. (2)

Mailed to:

A daily pu

Brevard County BOCC
Attn: Tammy Etheridge
PO Box 999
Titusville, FL 32781-0999



STATE OF FLORIDA
COUNTY OF BREVARD

Kathy Cicala

Before the undersigned authority personally appeared _____
who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a
newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (339363)	\$	163.82	The matter of:
Acct. # (6BR427			
BREVARD COUNTY BOCC			
the	Court	NOTICE TO VACATE A PART OF THE PUBLIC DRAINAGE EASEMENT.....	

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

September 18, 2014

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, regularly as stated above, 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

AD#339363.09/18/2014

LEGAL NOTICE
NOTICE TO VACATE A PART OF THE PUBLIC DRAINAGE EASEMENT WHICH EN-CUMBERS LOT 11 AS DEPICTED OVER PORTIONS OF LOTS 7 THROUGH 13, INCLUSIVE, OF THE PLAT OF HIDDEN HOLLOW, MERRITT ISLAND, FL IN SECTION 13, TOWNSHIP 25 SOUTH, RANGE 36 EAST
 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 **LARRY G. CLARK** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

EXHIBIT "A"
DESCRIPTION:
 THE SOUTH 37.00 FEET OF THE NORTH 42.00 FEET OF LOT 11, HIDDEN HOLLOW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 48, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, EXCEPT THE EAST 7.50 FEET AND THE WEST 7.50 FEET THEREOF.
 CONTAINING 3196.80 SQUARE FEET MORE OR LESS.
 DESCRIPTION PREPARED BY: JAMES ZIMMERMAN, PLS

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 OCTOBER 07, 2014 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.

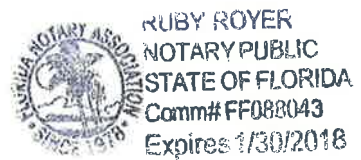
Kathy Cicala
(Signature of Affiant)

18th day of September 2014

Ruby Royer
(Signature of Notary Public)

Ruby Royer
(Name of Notary Typed, Printed or Stamped)

Sworn to and subscribed before this:



Personally Known or Produced Identification _____
Type Identification Produced: _____

**VACATING A PORTION OF A PUBLIC DRAINAGE EASEMENT IN HIDDEN HOLLOW
SUBDIVISION IN SECTION 13, TOWNSHIP 25 SOUTH, RANGE 36 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **LARRY G. CLARK** with the Board of County Commissioners to vacate a portion of a public 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 the vacating of this portion of the public drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public 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 7th day of October A.D., 2014.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



MARY BOLIN LEWIS, CHAIRMAN

As approved by the Board on:
October 07, 2014

LEGAL DESCRIPTION

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

SECTION 13, TOWNSHIP 25 SOUTH, RANGE 36 EAST
PARCEL ID NUMBER: 25-36-13-26-00000.0-0011.00
PURPOSE: VACATING EASEMENT

LEGAL DESCRIPTION

THE SOUTH 37.00 FEET OF THE NORTH 42.00 FEET OF LOT 11, HIDDEN HOLLOW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 68, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. EXCEPT THE EAST 7.50 FEET AND THE WEST 7.50 FEET THEREOF.

CONTAINING 3196.80 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY PROPERTY LINE OF SUBJECT LOT, BEING S88°13'44"E ACCORDING TO THE PLAT DESCRIBED HEREON, AND MAY NOT BE A TRUE NORTH AZIMUTH.
2. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT.
3. THIS IS NOT A SURVEY.

ABBREVIATIONS:

A/C AIR CONDITIONING
 CB CHORD BEARING
 CH CHORD DISTANCE
 CBS CONCRETE BLOCK STRUCTURE
 CLF CHAIN LINK FENCE
 COV COVERED
 CONC CONCRETE
 FIR FOUND IRON ROD
 PB PLAT BOOK
 PUDE PUBLIC UTILITIES AND DRAINAGE EASEMENT
 PG PAGE(S)
 R/W RIGHT OF WAY
 SIR SET IRON ROD
 SN&D SET NAIL AND DISC
 S/W SIDEWALK
 TOB TOP OF BANK
 TOE TOE OF SLOPE
 WF WOOD FENCE

I hereby certify that the sketch shown hereon is true and correct to the best of my knowledge and belief, based on actual measurements taken in the field. This sketch 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.

JAMES ZIMMERMAN
 PROFESSIONAL LAND SURVEYOR NO. 6545
 STATE OF FLORIDA
 NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR: BREVARD COUNTY, FLORIDA

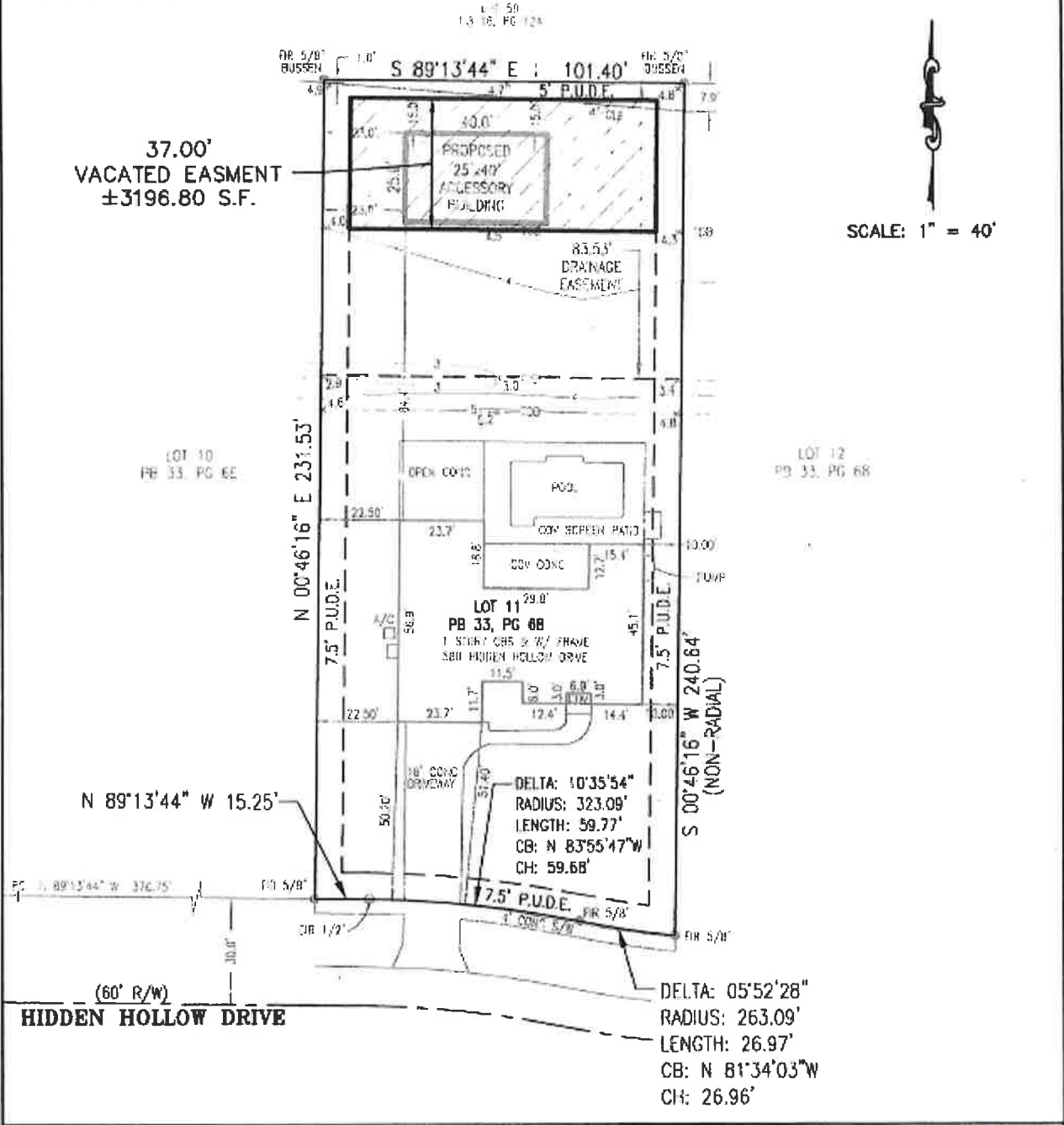
PREPARED BY: LAYOUT SERVICES, INC.
 ADDRESS: 3380 S. PARK AVE. SUITE #7
 PHONE: (321) 759-2779 FAX: (321) 264-9748
 CERTIFICATE OF AUTHORIZATION NO. LB 7540

DRAWN BY: <u>RT</u>	CHECKED BY: <u>JZ</u>	DRAWING NO: <u>14-28</u>	SECTION: <u>13</u>
DATE: <u>7/9/14</u>	DATE: <u>7/8/14</u>	REVISIONS: _____	TOWNSHIP: <u>25</u> SOUTH
			RANGE: <u>36</u> EAST

SKETCH OF DESCRIPTION

SECTION 13, TOWNSHIP 25 SOUTH, RANGE 36 EAST
 PARCEL ID NUMBER: 25-36-13-26-00000.0-0011.00

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



PREPARED BY: LAYOUT SERVICES, INC. ADDRESS: 3380 S. PARK AVE. SUITE #7 PHONE: (321) 759-2779 FAX: (321) 264-9748 CERTIFICATE OF AUTHORIZATION NO. LB 7540			
DRAWN BY: <u>RT</u> DATE: <u>7/9/14</u>	CHECKED BY: <u>JZ</u> DATE: <u>7/9/14</u>	DRAWING NO: <u>14-28</u> REVISIONS: _____	SECTION: <u>13</u> TOWNSHIP: <u>25</u> SOUTH RANGE: <u>36</u> EAST

VACATING SKETCH OF DESCRIPTION
SHEET 2 OF 2

Mailed to:

A daily publication by:

Value Adjustment Board 6BR427
PO Box 999
Titusville FL 32781



STATE OF FLORIDA
COUNTY OF BREVARD

Kathy Cicala

Before the undersigned authority personally appeared _____,
who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a
newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (343157) \$ 114.23 The matter of:
6BR427 6BR427

BREVARD COUNTY PLANNING & ZONING

the Court RESOLUTION VACATING PART OF A PUBLIC DRAINAGE
EASEMENT

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

NOVEMBER 13 2014

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, regularly as stated above, 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 she has neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of securing this advertisement for
publication in said newspaper.

Sworn to and subscribed before this:



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

Kathy Cicala
(Signature of Affiant)

13TH DAY OF NOVEMBER 2014

Ruby Royer
(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

Personally Known X or Produced Identification _____
Type Identification Produced: _____

AD#343157,11/13/2014

LEGAL NOTICE
RESOLUTION VACATING PART OF A
PUBLIC DRAINAGE EASEMENT - HIDDEN
HOLLOW DRIVE - HIDDEN HOLLOW
S/D - MERRITT ISLAND
TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that on the
21st day of October, 2014, the Board of
County Commissioners of Brevard County,
Florida, adopted a Resolution vacating a
part of a Part of a public drainage easement
- Hidden Hollow Drive - Hidden Hollow S/D
- Merritt Island as petitioned by Larry G.
Clark to wit:

EXHIBIT "A"
**LEGAL DESCRIPTION OF PORTION OF
EASEMENT TO BE VACATED:**
THE 15.00 FOOT WIDE MAINTENANCE
AND UTILITY EASEMENT ACROSS
THE SOUTH 15 FEET OF LOT 72,
BLOCK 16, CATALINA ISLE ESTATES
UNIT SIX, AS RECORDED IN PLAT
BOOK 20, PAGE 119 OF THE PUBLIC
RECORDS OF OF BREVARD COUNTY,
FLORIDA; LESS AND EXCEPT
THEREFROM THE WEST AND EAST
5.00 FOOT WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENTS, CONTAINING
1,050.00 SQUARE FEET, MORE OR
LESS.
PREPARED BY: EARL K. GORDON,
PSM
The Board further renounced and dis-
claimed 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

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
 #: 1423782
 Receipt #: 61395750
 Cashier Date: 11/24/2014
 12:02:52 PM



Print Date:
 11/24/2014 12:02:53 PM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$1061.00	Date Received: 11/20/2014 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

2 Payments	
NOCHARGE	
ESCROW	\$52.50

1 Recorded Items		
(RSL) RESOLUTION	BK/PG: 7250/2538 CFN:2014228067 Date: 11/20/2014 2:26:15 PM From: BREVARD COUNTY To: CLARK, LARRY G	
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

0 Miscellaneous Items

LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC DRAINAGE EASEMENT – HIDDEN
HOLLOW DRIVE – HIDDEN HOLLOW S/D – MERRITT ISLAND

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 21st day of October, 2014, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a Part of a public drainage easement - Hidden Hollow Drive – Hidden Hollow S/D – Merritt Island as petitioned by Larry G. Clark 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 November 13, 2014 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

EXHIBIT "A"

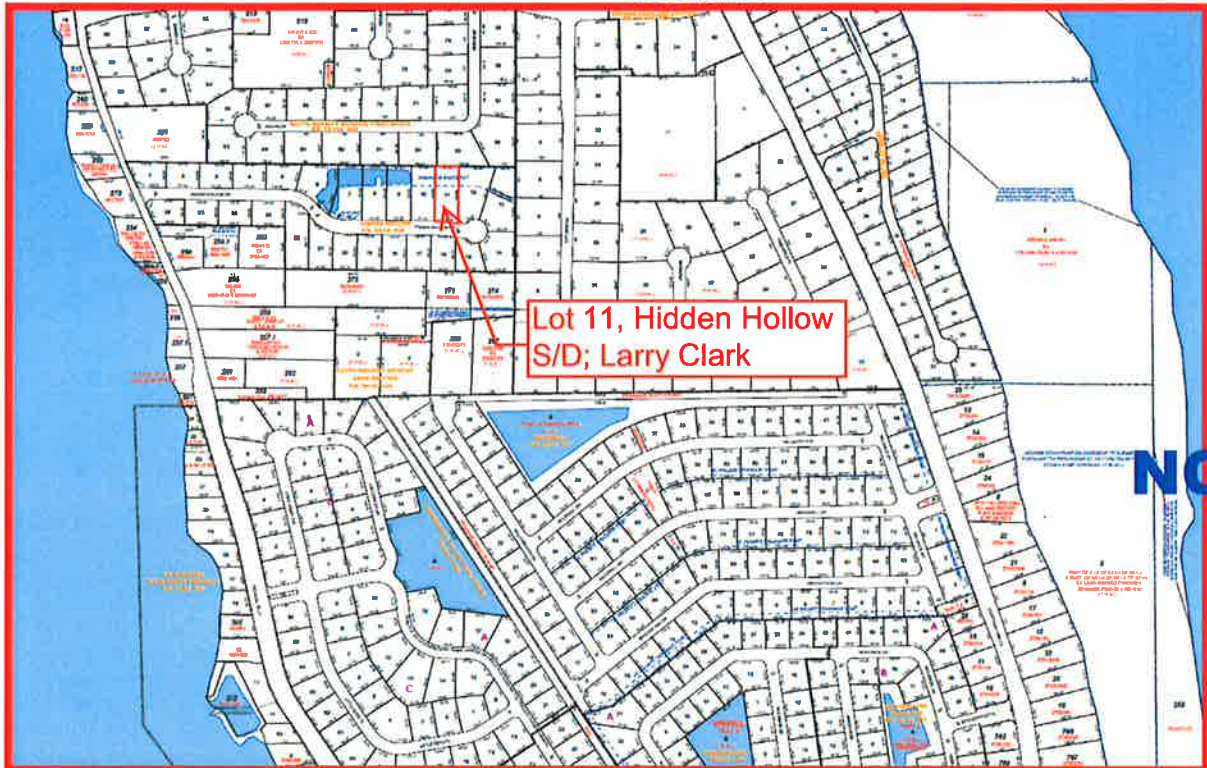
LEGAL DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:

THE 15.00 FOOT WIDE MAITENANCE AND UTILITY EASEMENT ACROSS THE SOUTH 15 FEET OF LOT 72, BLOCK 16, CATALINA ISLE ESTATES UNIT SIX, AS RECORDED IN PLAT BOOK 20, PAGE 119 OF THE PUBLIC RECORDS OF OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE WEST AND EAST 5.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS. CONTAINING 1,050.00 SQUARE FEET, MORE OR LESS.

PREPARED BY: EARL K. GORDON, PSM

VICINITY MAP

TOWNSHIP: 25 RANGE: 36 SECTION: 13



Larry Clark: Lot 11, Hidden Hollow S/D
Section 13, T. 25 S., R. 36 E.
588 Hidden Hollow Drive, Merritt Island,
FL 32952 - District No. 2
PROPOSED PARTIAL DRAINAGE
EASEMENT VACATING

AERIAL MAP



Larry Clark: Lot 11, Hidden Hollow S/D
Section 13, T. 25 S., R. 36 E.
588 Hidden Hollow Drive, Merritt Island,
FL 32952 - District No. 2
**PROPOSED PARTIAL DRAINAGE
EASEMENT VACATING**

