



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

10/22/2019

Subject:

Petition to Vacate, Re: Public Utility and Drainage Easement - "Barefoot Bay Unit Two Part Twelve" Plat Book 22, Page 79 - Micco - Barry Southard and Valerie Gallo - District 3

Fiscal Impact:

\$640.00 Vacating Application Fee Paid by Petitioner

Dept/Office:

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 a public utility and drainage easement along the side line of Lots 11 & 12, Block 118, "Barefoot Bay Unit Two, Part Twelve" in Section 10, Township 30 South, Range 38 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 Lots 11 & 12 and are requesting the vacating of part of the two 6.0 ft. wide public utility and drainage easements along the side lot lines to allow for the construction of a single-family home. Easements to be vacated contain 792 square feet, more or less.

October 07, 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 Micco, north of Micco Road and south of Barefoot Boulevard.

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.

772

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.



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

November 13, 2019

Barry Southard and Valerie Gallo
3825 12th Street
Micco, FL 32976

Dear Barry Southard and Valerie Gallo:

Re: Resolution Vacating Part of a Public Utility and Drainage Easement in Barefoot Bay Unit
Two Part Twelve Subdivision, Micco

The Board of County Commissioners, in regular session on October 22, 2019, adopted Resolution No. 19-218, vacating part of a public utility and drainage easement in Barefoot Bay Unit Two Part Twelve Subdivision, Micco, as petitioned by you. Said Resolution has been recorded in ORBK 8585, Pages 2427 through 2431. Enclosed is a certified copy of the recorded Resolution and easement 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



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

November 13, 2019

M E M O R A N D U M

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

RE: Advertising Bills for Resolution Vacating Part of a Public Utility and Drainage Easement in Barefoot Bay Unit Two Part Twelve Subdivision, Micco

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-218, vacating part of a public utility and drainage easement in Barefoot Bay Unit Two Part Twelve Subdivision, Micco, as petitioned by Barry Southard and Valerie Gallo. Said Resolution was adopted by the Board of County Commissioners, in regular session on October 22, 2019.

Your continued cooperation is always appreciated.

Sincerely,

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

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

Resolution 2019 - 218

**Vacating a part of a public utility and drainage easement in "Barefoot Bay Unit Two Part Twelve"
Subdivision, Micco, Florida, lying in Section 10, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Barry Southard and Valerie Gallo** 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 22TH day of October, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



Scott Ellis



Kristine Isnardi, Chair

As approved by the Board on:
October 22, 2019

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
PARCEL I.D. NUMBER: 30-38-10-JU-118-11

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

PURPOSE OF SKETCH AND DESCRIPTION:

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 11 AND 12, BLOCK 118

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 12 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 11, BLOCK 118, LESS THE NORTH 10.0 FEET FOR UTILITIES AND LESS THE SOUTH 10.0 FEET FOR UTILITIES.

BAREFOOT BAY UNIT TWO, PART TWELVE,

ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 792 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N00°00'00"E ALONG THE WESTERLY RIGHT OF WAY OF SOUTH MIDWAY ST., ALL OTHER BEARINGS ARE RELATIVE THERETO.
- 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
- 3) THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS, OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
- 4) THIS SKETCH IS NOT A BOUNDARY SURVEY.

PREPARED FOR:
BARRY SOUTHARD
VALERIE GALLO
C.S.M. JOB #19-031

DRAWN BY: C.J.C.
DATE: 09/05/2019
CHECKED BY: C.J.C.
SHEET 1 OF 2

THIS DOCUMENT PREPARED BY:
COONEY SURVEYING &
MAPPING, LLC L.B. #8070
456 Chaloupe Terrace
Sebastian, Fl. 32958
772-913-5322
cooneymap@gmail.com

SECTION 10
TOWNSHIP 30 SOUTH
RANGE 38 EAST

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077

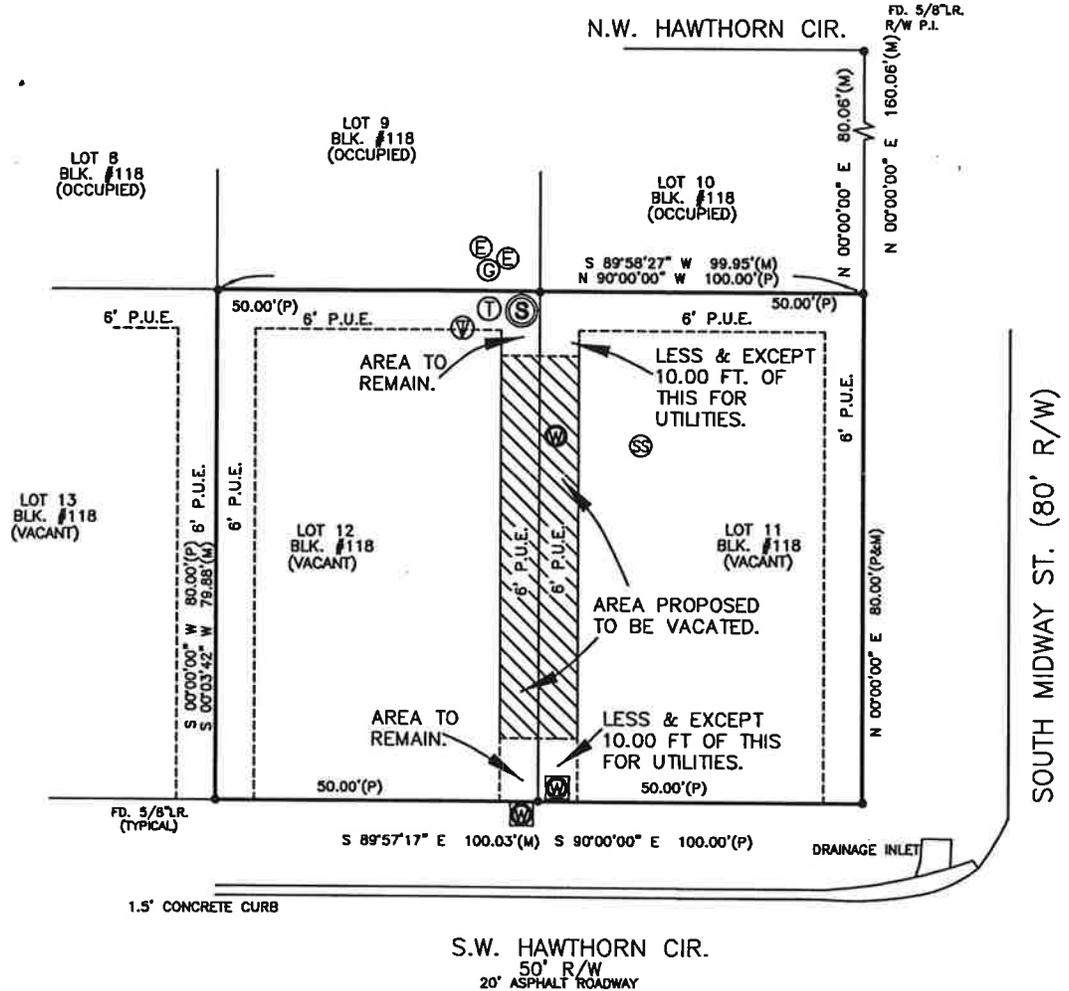

DATE AND SIGNATURE

SKETCH OF DESCRIPTION

SHEET 2 OF 2

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
 PARCEL I.D. NUMBER: 30-38-10-JU-118-11

NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2



CERTIFIED TO:
 BARRY SOUTHARD
 VALERIE GALLO

PROPERTY ADDRESS:
 900 HAWTHORN CIRCLE
 BAREFOOT BAY, FL. 32976

LEGEND & ABBREVIATIONS

⊙ = GAS SERVICE	CH CHORD DISTANCE	FD. FOUND
⊙ = WATER METER	CB CHORD BEARING	L.P. IRON PIPE
⊙ = ELECTRIC SERVICE	R RADIUS OF CURVE	L.R. IRON ROD
⊙ = CABLE T.V. SERVICE	Δ (DELTA) CENTRAL ANGLE OF CURVE	IR/C IRON ROD & CAP
⊙ = TELEPHONE SERVICE	L LENGTH OF ARC	N/D NAIL AND DISK
⊙ = WELL	PC POINT OF CURVATURE	(P) PLAT
⊙ = SANITARY SERVICE	PT POINT OF TANGENCY	(M) MEASURED
⊙ = SANITARY MANHOLE	PI POINT OF INTERSECTION	(C) CALCULATED
	P.U.E. PUBLIC UTILITY EASEMENT	BLK. BLOCK
	C/L CENTERLINE	

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 Sebastian, Fl. 32958
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 cooneymap@gmail.com



SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST

SCALE, 1"=30'	FIELD BOOK: 108/29	SURVEY DATE: 06/06/2019	REVISIONS
JOB # 19-031	FLOOD ZONE: X	FLOOD INSURANCE RATE MAP #12009C0694G 03/17/14	
<p>COONEY SURVEYING AND MAPPING LLC LB #8070</p>	<p>Christopher J. Cooney Professional Surveyor & Mapper LS #6077 456 Chaloupe Terrace Sebastian, Fl. 32958 772-913-5322 cooneymap@gmail.com</p>	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COONEY, FLORIDA CERTIFICATE NO. 6077 09-6-2019 DATE AND SIGNATURE	



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

STATE OF WISCONSIN COUNTY OF BROWN

Before the undersigned authority personally appeared Joe Heynen 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:

10/07/2019

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

Sworn to and Subscribed before me this 1ST of NOVEMBER 2019, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

9.19.21

My commission expires



AD#3826080 10/7/2019

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL.

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article 11, Section 86-36, Brevard County Code, a petition has been filed by BARRY SOUTHARD & VALERIE GALLO with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 12, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 11, BLOCK 118, LESS THE NORTH 10.00 FEET FOR UTILITIES, AND THE SOUTH 10.00 FEET FOR UTILITIES.

BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 792 SQUARE FEET, MORE OR LESS, PREPARED BY: CHRISTOPHER J. COONEY, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on October 22, 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.



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

AD#3862812 10/25/2019
LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN BAREFOOT BAY UNIT TWO PART TWELVE - BARRY SOUTHARD AND VALERIE GALLO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 22nd day of October 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating part of a public utility and drainage easement in Barefoot Bay Unit Two Part Twelve, lying in Section 10, Township 30 South, Range 38 East, Micco, as petitioned by Barry Southard and Valerie Gallo.

SEE ATTACHED EXHIBIT "A"

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

LEGAL DESCRIPTION:

EXHIBIT "A"
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 12, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 11, BLOCK 118, LESS THE NORTH 10.00 FEET FOR UTILITIES, AND THE SOUTH 10.00 FEET FOR UTILITIES.

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LEGAL NOTICES

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

10/25/2019

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

Sworn to and Subscribed before me this 1ST of NOVEMBER 2019, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

9/19/21

My commission expires



#17

Resolution 2019 - 218

**Vacating a part of a public utility and drainage easement in "Barefoot Bay Unit Two Part Twelve"
Subdivision, Micco, Florida, lying in Section 10, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Barry Southard and Valerie Gallo** 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

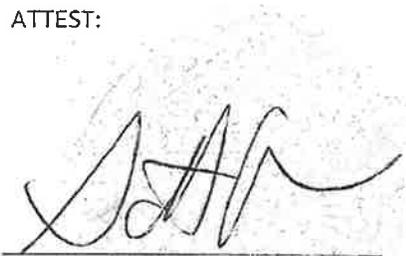
WHEREAS, the Board finds that vacating a portion of the public drainage and utility easement will not be detrimental to Brevard County or the public.

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 22nd day of October, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:



Scott Ellis


Kristine Isnardi, Chair

As approved by the Board on:
October 22, 2019

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
PARCEL I.D. NUMBER: 30-38-10-JU-118-11

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

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ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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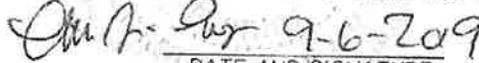
PREPARED FOR:
BARRY SOUTHARD
VALERIE GALLO
C.S.M. JOB #19-031

DRAWN BY: C.J.C.
DATE: 09/05/2019
CHECKED BY: C.J.C.
SHEET 1 OF 2

THIS DOCUMENT PREPARED BY:
COONEY SURVEYING &
MAPPING, LLC L.B. #8070
456 Chaloupe Terrace
Sebastian, Fl. 32958
772-913-5322
cooneymap@gmail.com

SECTION 10
TOWNSHIP 30 SOUTH
RANGE 38 EAST

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077

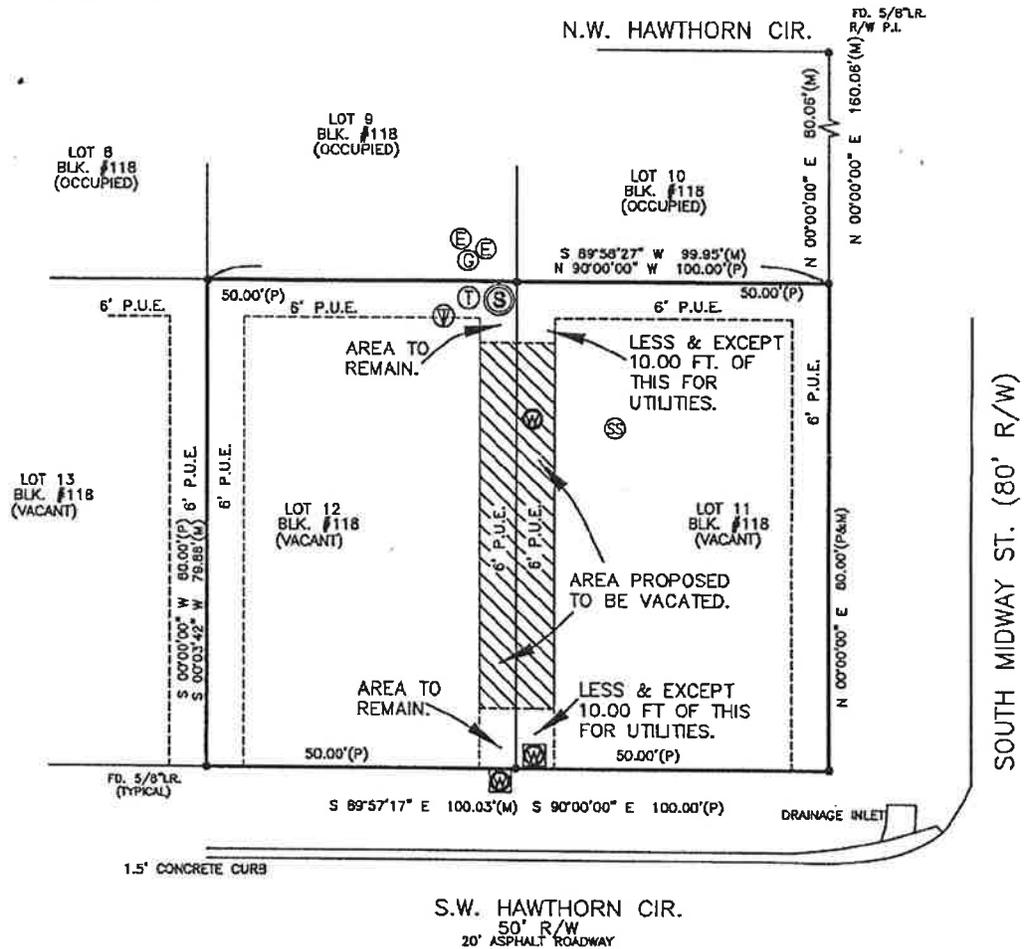

DATE AND SIGNATURE

SKETCH OF DESCRIPTION

SHEET 2 OF 2

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
 PARCEL I.D. NUMBER: 30-38-10-JU-118-11

NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2



CERTIFIED TO:
 BARRY SOUTHARD
 VALERIE GALLO

PROPERTY ADDRESS:
 900 HAWTHORN CIRCLE
 BAREFOOT BAY, FL. 32976

LEGEND & ABBREVIATIONS

⊙ = GAS SERVICE	CH = CHORD DISTANCE	FD = FOUND
⊕ = WATER METER	CB = CHORD BEARING	I.P. = IRON PIPE
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⊙ = SANITARY SERVICE	PT = POINT OF TANGENCY	(M) = MEASURED
⊙ = SANITARY MANHOLE	PI = POINT OF INTERSECTION	(C) = CALCULATED
	P.U.E. = PUBLIC UTILITY EASEMENT	BLK. = BLOCK
	C/L = CENTERLINE	

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SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST

SCALE, 1"=30'	FIELD BOOK: 108/29	SURVEY DATE: 06/06/2019	REVISIONS
JOB # 19-031	FLOOD ZONE: X	FLOOD INSURANCE RATE MAP #12009C0694G 03/17/14	
<p>COONEY SURVEYING AND MAPPING LLC L.B. #8070</p>	<p>Christopher J. Cooney Professional Surveyor & Mapper LS #6077 456 Chaloupe Terrace Sebastian, Fl. 32958 772-913-5322 cooneymap@gmail.com</p>	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> <p>PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 5077</p> <p><i>Christopher J. Cooney</i> 06-06-2019 DATE AND SIGNATURE</p>	



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

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Sworn to and Subscribed before me this 1ST of NOVEMBER 2019, by Joe Heynen who is personally known to me

[Handwritten signature]

Affiant

[Handwritten signature]

Notary State of Wisconsin County of Brown

9-19-21

My commission expires



AD#3826080 10/7/2019

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL

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The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on October 22, 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.

A Daily Publication By:



Amber Holley
BREVARD CTY PUBLIC WORKS DEPT
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VIERA, FL 32940

STATE OF WISCONSIN COUNTY OF BROWN

Before the undersigned authority personally appeared Joe Heynen 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:

10/25/2019

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

Sworn to and Subscribed before me this 1ST of NOVEMBER 2019, by Joe Heynen who is personally known to me

[Handwritten signature]

Affiant

[Handwritten signature]

Notary State of Wisconsin County of Brown

9/19/21

My commission expires



AD#3862812 10/25/2019
LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN BAREFOOT BAY UNIT TWO PART TWELVE - BARRY SOUTHARD AND VALERIE GALLO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 22nd day of October 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating part of a public utility and drainage easement in Barefoot Bay Unit Two Part Twelve, lying in Section 10, Township 30 South, Range 38 East, Micco, as petitioned by Barry Southard and Valerie Gallo.

SEE ATTACHED EXHIBIT "A"

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

LEGAL DESCRIPTION:

EXHIBIT "A"
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 12, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 11, BLOCK 118, LESS THE NORTH 10.00 FEET FOR UTILITIES, AND THE SOUTH 10.00 FEET FOR UTILITIES.

BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 792 SQUARE FEET, MORE OR LESS, PREPARED BY: CHRISTOPHER J. COONEY, PSM.

LEGAL NOTICE

RESOLUTION VACATING PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN
BAREFOOT BAY UNIT TWO PART TWELVE – BARRY SOUTHARD AND VALERIE
GALLO

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

Florida TODAY:

Please advertise in the October 25, 2019, issue of the Florida TODAY.

Bill the Board of County Commissioners Account Number 6BR327 and forward bill and proof of publication to:

**Amber Holley, Public Works Department
2725 Judge Fran Jamieson Way, Bldg. A-220
Viera, FL 32940**

LEGAL DESCRIPTION:

EXHIBIT "A"

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CONTAINING 792 SQUARE FEET, MORE OR LESS. PREPARED BY: CHRISTOPHER J. COONEY, PSM.

Appraiser's Detail Sheet



Brevard County Property Appraiser
 Titusville • Merritt Island • Viera • Melbourne • Palm Bay
 PROPERTY DETAILS

Phone: (321) 284-6700
<https://www.bcpao.us>

Account	3005155
Owners	Southard, Barry; Gallo, Valerie
Mailing Address	3825 12Th St Micco FL 32976
Site Address	900 Hawthorn Cir Barefoot Bay FL 32976
Parcel ID	30-38-10-JU-118-11
Property Use	0020 - Vacant Mobile Home Site (Platted)
Exemptions	None
Taxing District	3400 - Unincorp District 3
Total Acres	0.18
Subdivision	Barefoot Bay Unit 2 Part 12
Site Code	0001 - No Other Code Appl.
Plat Book/Page	0022/0079
Land Description	Barefoot Bay Unit 2 Part 12 Lots 11, 12 Blk 118



VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$13,000	\$13,000	\$12,500
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$6,650	\$6,050	\$5,500
Assessed Value School	\$13,000	\$13,000	\$12,500
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$6,650	\$6,050	\$5,500
Taxable Value School	\$13,000	\$13,000	\$12,500

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
06/03/2015	\$3,800	WD	Vacant	7387/0841
07/23/2008	\$16,000	WD	Vacant	5881/9954
04/12/2007	-	TD	Vacant	5769/7444
01/27/2005	-	WD	Improved	5420/3239
11/01/2002	\$23,000	WD	Improved	4754/0574
03/30/1993	\$23,000	WD	Improved	3276/3028
05/01/1984	\$18,000	WD	-	2511/2313
02/01/1984	\$4,000	PR	-	2487/2151

No Data Found

Figure 1: Copy of Brevard County Property Appraiser's detail sheet for lots 11 & 12, block 118, Barefoot Bay Unit 2 Part 12, 900 Hawthorne Circle, Micco, FL 32976.

Vicinity Map

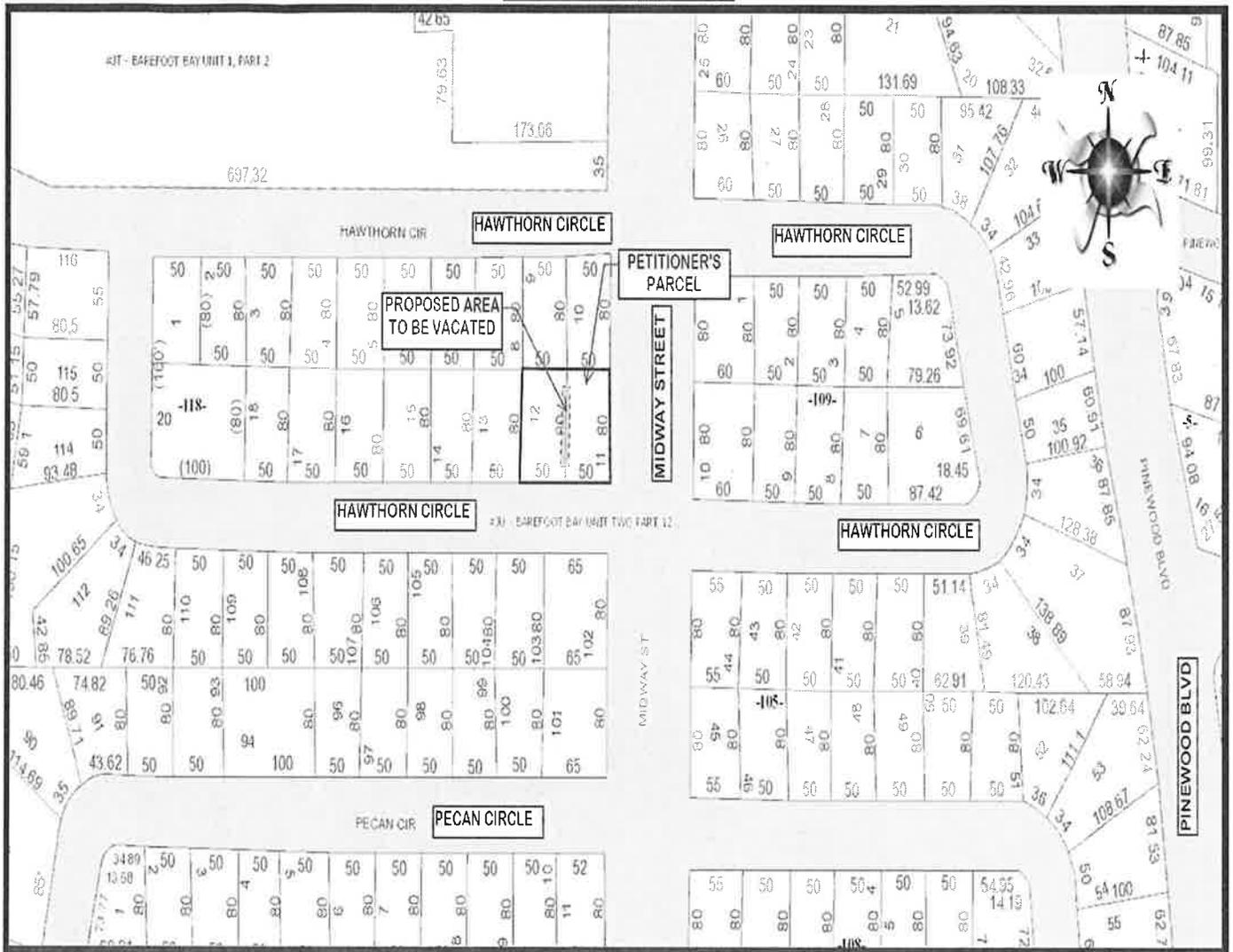


Figure 2: Map of Lots 11 & 12, Block 118, Barefoot Bay Unit 2, Part 12, 900 Hawthorne Circle, Micco, FL 32976.

Barry Southard & Valerie Gallo – Lots 11 & 12, Block 118, “Barefoot Bay Unit 2, Part 12” (Plat Book 22, Page 79) – 900 Hawthorne Circle – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of part of two 6.0 ft. Wide Public Utility and Drainage Easement along the side lot lines

Aerial Map

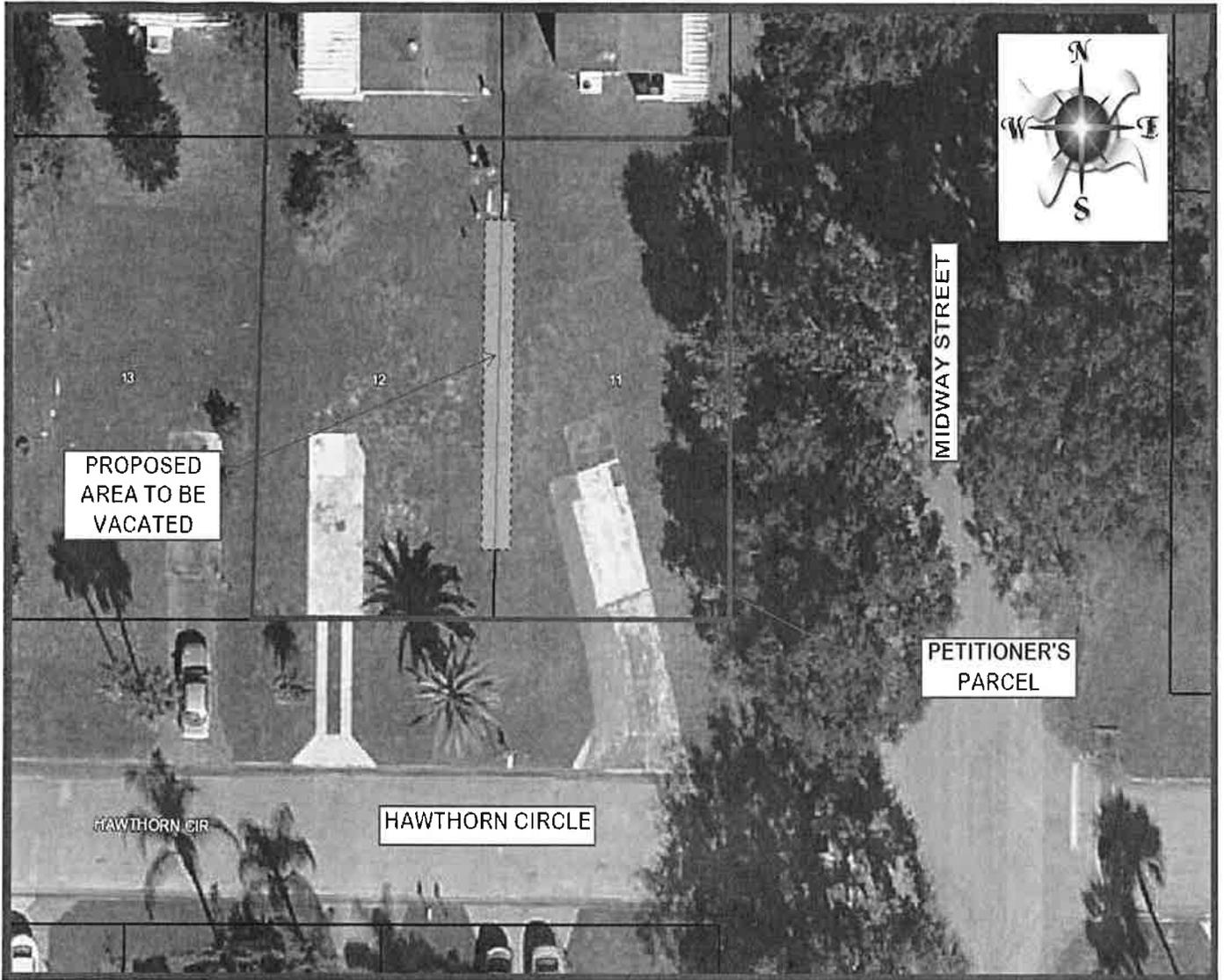


Figure 3: Map of aerial view of Lots 11 & 12, Block 118, Barefoot Bay Unit 2, Part 12, 900 Hawthorne Circle, Micco, FL 32976.

Barry Southard & Valerie Gallo – Lots 11 & 12, Block 118, “Barefoot Bay Unit 2, Part 12” (Plat Book 22, Page 79) – 900 Hawthorne Circle – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of part of two 6.0 ft. Wide Public Utility and Drainage Easement along the side lot lines

Plat Reference

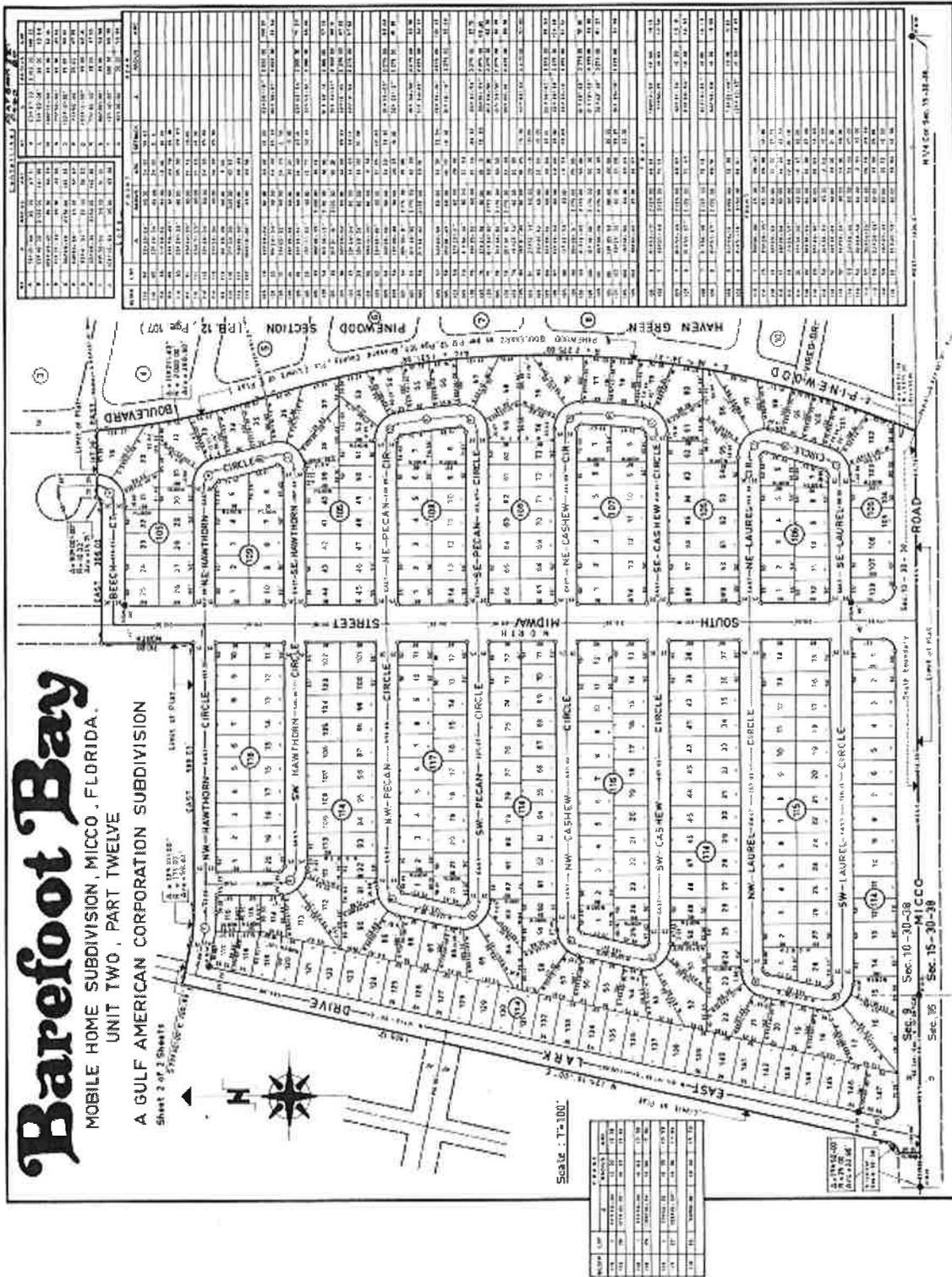


Figure 4: Copy of plat map "Barefoot Bay Unit 2 Part 12" dedicated to Brevard County July 21, 1969.

Petitioner's Deed

CFN 2015117444, OR BK 7387 Page 841, Recorded 06/12/2015 at 12:57 PM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$26.60

*10:00
P. 45573*

This Document Prepared by and Return to:
Professional Title of Indian River, Inc.
1546 North Us Highway 1
Sebastian, FL 32958

Parcel ID Number: 3005155

Warranty Deed

This Indenture, Made this 3rd day of June, 2015 AD. Between
Ronald H. Bourassa and Cynthia A. Bourassa, husband and wife
of the County of Middlesex, State of MA, grantors, and
Barry Southard and Valerie Gallo, husband and wife

whose address is 3825 12th Street, Micco, FL. 32976
of the County of Brevard, State of Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of
TEN DOLLARS (\$10) DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Brevard, State of Florida, to-wit:

Lot 11, Block 118, Barefoot Bay Unit Two, Part Twelve, according to
the map or plat thereof, as recorded in Plat Book 22, Page(s) 79 and
80, inclusive, of the Public Records of Brevard County, Florida.

Grantor(s) further warrant that the above described property is not their
homestead.

Subject to all valid restrictions, reservations, easements and zoning of record

and the grantees do hereby fully warrant the title in said land and will defend the same against lawful claims of all persons whatsoever

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written

Signed, sealed and delivered in our presence:

Joan F Costa
Printed Name: JOAN F Costa
Witness

Travis L Costa
Printed Name: Travis L Costa
Witness

Ronald H Bourassa (Seal)
Printed Name: Ronald H. Bourassa
P.O. Address: 171 Pelcozer Road, Duncout, MA 01826

Cynthia A. Bourassa (Seal)
Printed Name: Cynthia A. Bourassa
P.O. Address: 171 Pelcozer Road, Duncout, MA 01826

STATE OF MA
COUNTY OF Middlesex

The foregoing instrument was acknowledged before me this 3rd day of JUNE, 2015, by
Ronald H. Bourassa and Cynthia A. Bourassa, husband and wife

who are personally known to me or who have produced their Driver's License as identification



Joan F Costa
Printed Name: Joan F Costa
Notary Public
My Commission Expires: 01/18/2018

Figure 5: Copy of deed of sale for lot 11, block 118, Barefoot Bay Unit 2 Part 12, 900 Hawthorn Circle, Micco, FL to Barry Southard and Valerie Gallo on June 3, 2015.

Petitioner's Sketch & Description Sheet 1 of 2

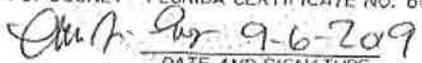
<p>LEGAL DESCRIPTION</p> <p>SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST PARCEL I.D. NUMBER: 30-38-10-JU-118-11</p>		<p>SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2</p>
<p><u>PURPOSE OF SKETCH AND DESCRIPTION:</u></p> <p>TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 11 AND 12, BLOCK 118</p>		
<p><u>LEGAL DESCRIPTION:</u> THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 12 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 11, BLOCK 118, LESS THE NORTH 10.0 FEET FOR UTILITIES AND LESS THE SOUTH 10.0 FEET FOR UTILITIES. BAREFOOT BAY UNIT TWO, PART TWELVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 792 SQUARE FEET, MORE OR LESS.</p>		
<p><u>SURVEYORS NOTES:</u></p> <ol style="list-style-type: none"> 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N00°00'00"E ALONG THE WESTERLY RIGHT OF WAY OF SOUTH MIDWAY ST., ALL OTHER BEARINGS ARE RELATIVE THERETO. 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED. 3) THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS, OR ANY IMPROVEMENTS EXCEPT AS SHOWN. 4) THIS SKETCH IS NOT A BOUNDARY SURVEY. 		
<p>PREPARED FOR: BARRY SOUTHARD VALERIE GALLO C.S.M. JOB #19-031</p>	<p>DRAWN BY: C.J.C. DATE: 09/05/2019 CHECKED BY: C.J.C. SHEET 1 OF 2</p>	<p>THIS DOCUMENT PREPARED BY: COONEY SURVEYING & MAPPING, LLC L.B. #8070 456 Chaloupe Terrace Sebastian, Fl. 32958 772-913-5322 cooneymap@gmail.com</p>
<p>SECTION 10 TOWNSHIP 30 SOUTH RANGE 38 EAST</p>		<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077</p> <p style="text-align: center;">  DATE AND SIGNATURE </p>

Figure 6: Copy of legal description sheet 1 of 2 for lots 11 & 12, block 118, Barefoot Bay Unit 2 Part 12.

Petitioner's Sketch & Description Sheet 2 of 2

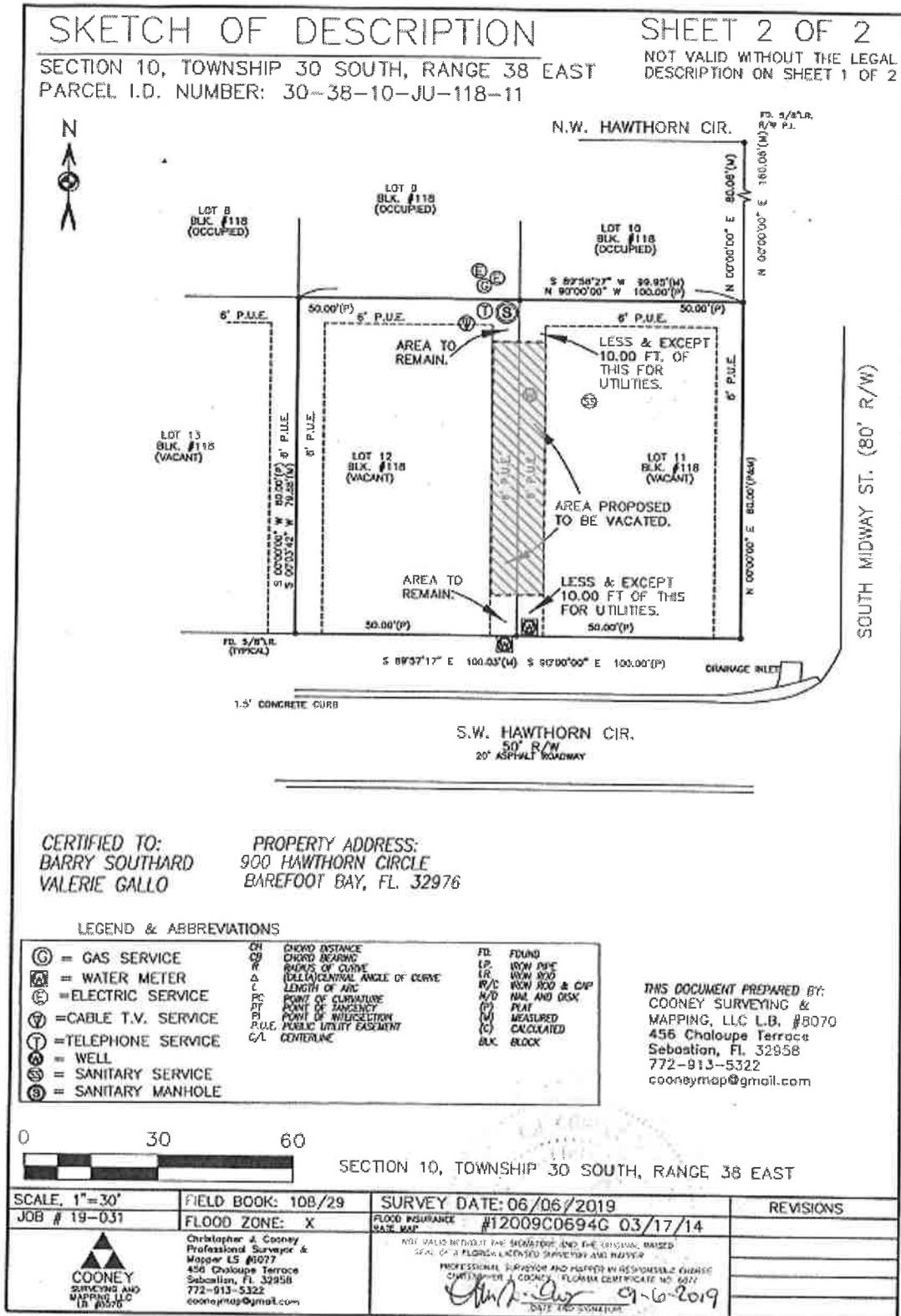


Figure 7: Copy of sketch sheet 2 of 2 for lots 11 & 12, block 118, Barefoot Bay Unit 2 Part 12.

Public Hearing Legal Advertisement

AD#3826080 10/7/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, 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 BARRY SOUTHARD & VALERIE GALLO with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 12, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 11, BLOCK 118, LESS THE NORTH 10.00 FEET FOR UTILITIES, AND THE SOUTH 10.00 FEET FOR UTILITIES. BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 792 SQUARE FEET, MORE OR LESS. PREPARED BY: CHRISTOPHER J. COONEY, PSM. The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on October 22, 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.

Figure 9: Copy of public hearing advertisement as published on October 7, 2019.

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 October 07, 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 TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL

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BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
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