



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

10/6/2020

Subject:

Petition to Vacate, Re: Public Maintenance & Utility Easement - 1040 New Hampton Way - "Catalina Isle Estates Unit Six" Plat Book 20, Page 119 - Merritt Island - Manny and Michelle Canha - District 2

Fiscal Impact:

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacating's.

Dept/Office:

Public Works Department - Surveying & Mapping

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public maintenance and utility easement along the rear line of Lot 108, Block 16, "Catalina Isle Estates Unit Six" in Section 25, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

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 108, Block 16 and are requesting the vacating of the 5.00 ft. portion of a 15.00 ft. wide public maintenance and utility easement along the rear line of lot 108, Block 16 to allow for the construction of a pool. The easement to be vacated is roughly 245 square feet. The property is located in Merritt Island North of E. Merritt Ave. (Highway 520) and East of N. Courtenay Pkwy.

On September 21, 2020, 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.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 58346

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.



October 7, 2020

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Amber Holley

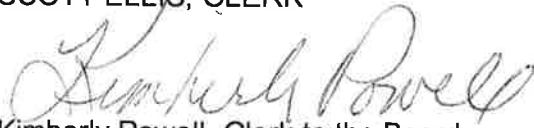
RE: Item H.3., Petition to Vacate for Public Maintenance and Utility Easement - 1040 New Hampton Way - "Catalina Isle Estates Unit Six" Plat Book 20, Page 119 - Merritt Island - Manny and Michelle Canha

The Board of County Commissioners, in regular session on October 6, 2020, continued the Petition to Vacate, for public maintenance and utility easement - 1040 New Hampton Way - "Catalina Isle Estates Unit Six" Plat Book 20, Page 119 - Merritt Island - Manny and Michelle Canha, to the November 10, 2020, Board meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Clerk to the Board

/sm

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Resolution 2020 - _____

**Vacating a portion of a public maintenance and utility easement in "Catalina Isle Estates Unit Six"
Subdivision, Merritt Island, Florida, lying in Section 25, Township 24 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MANNY AND MICHELLE CANHA** with the Board of County Commissioners to vacate a public maintenance and utility 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 public maintenance and utility easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public maintenance and utility easement are 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 06th day of October, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Bryan Andrew Lober, Chair

SCOTT ELLIS, CLERK

As approved by the Board on:
October 06, 2020

Brevard County Property Appraiser Detail Sheet

Account 2418770
 Owners Canha, Manny; Canha, Michelle
 Mailing Address 1040 New Hampton Way Merritt Island FL 32953
 Site Address 1040 New Hampton Way Merritt Island FL 32953
 Parcel ID 24-36-25-26-16-108
 Property Use 0110 - Single Family Residence
 Exemptions None
 Taxing District 2200 - Unincorp District 2
 Total Acres 0.20
 Subdivision Catalina Isle Estates Unit 6
 Site Code 0130 - Canal Front
 Plat Book/Page 0020/0119
 Land Description Catalina Isle Estates Unit 6 Lot 108 Blk 16

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$322,690	\$333,630	\$327,600
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$322,690	\$322,990	\$293,630
Assessed Value School	\$322,690	\$333,630	\$327,600
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$322,690	\$322,990	\$293,630
Taxable Value School	\$322,690	\$333,630	\$327,600

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
05/29/2020	\$460,000	WD	Improved	8756/1099
01/15/2009	\$18,000	WD	Improved	5915/7560
02/17/2004	\$349,900	WD	Improved	5209/3382
01/18/2003	\$234,000	WD	Improved	4799/0624
10/05/1999	\$220,000	WD	Improved	4081/2179
07/01/1996	--	QC	Improved	3595/1208
02/28/1980	\$75,000	--	--	2224/0239

Fig. 1: Copy of Property Appraiser's detail sheet for lot 108, block 16, Catalina Isle Estates Unit Six, 1040 New Hampton Way, Merritt Island, FL 32953, Section 25, Township 24 South, Range 36 East, District 2

Vicinity Map

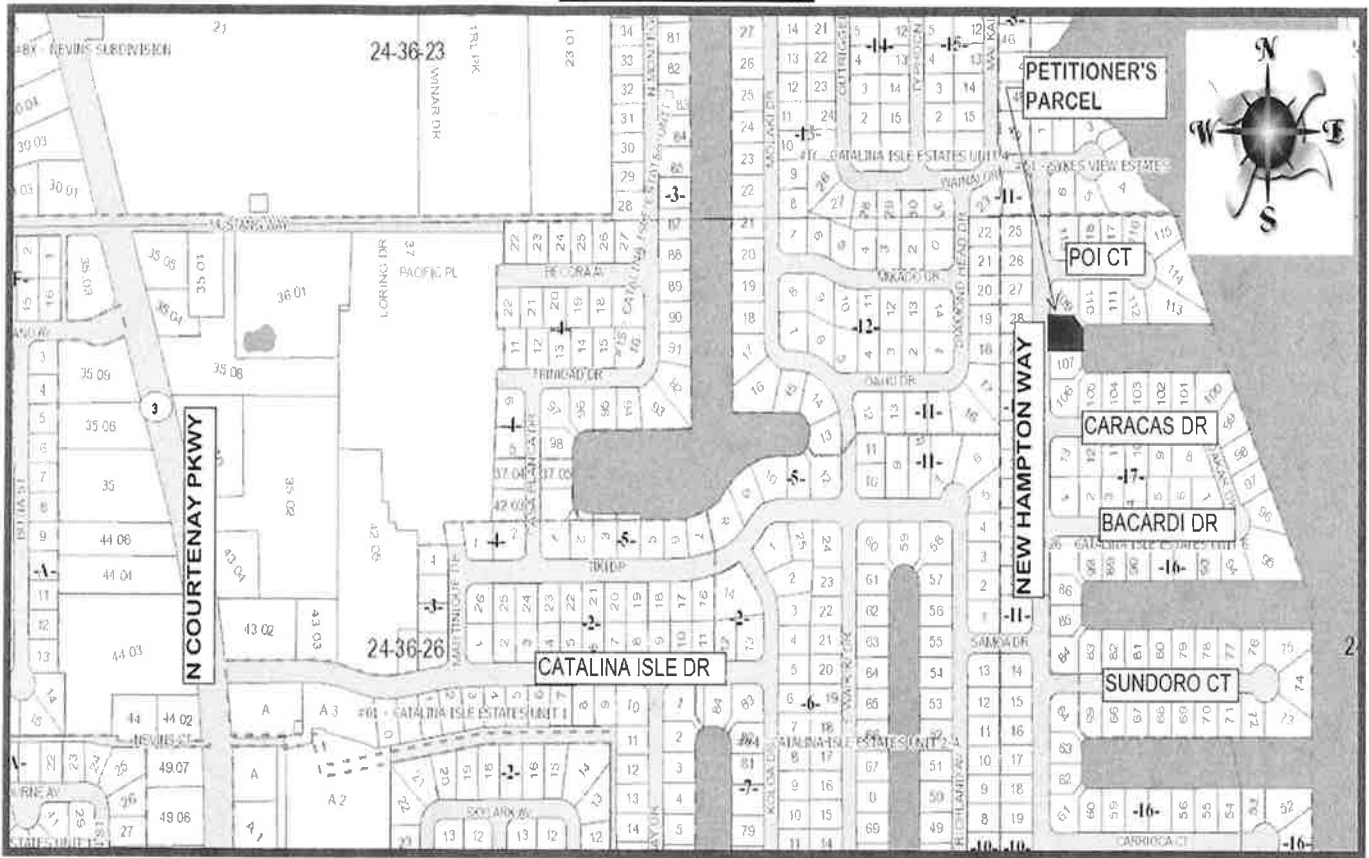


Fig. 2: Map of Lot 108, Block 16, Catalina Isle Estates Unit Six, 1040 New Hampton Way, Merritt Island, FL 32953.

Manny & Michelle Canha – Lot 108, Block 16,
 “Catalina Isle Estates Unit Six” (Plat Book 20, Page
 119) – 1040 New Hampton Way – Section 25,
 Township 24 South, Range 36 East – District 2 –
 Proposed Vacating 5.0 ft. of a 15.0 ft. Wide Public
 Maintenance & Utility Easement along the rear line.

Aerial Map

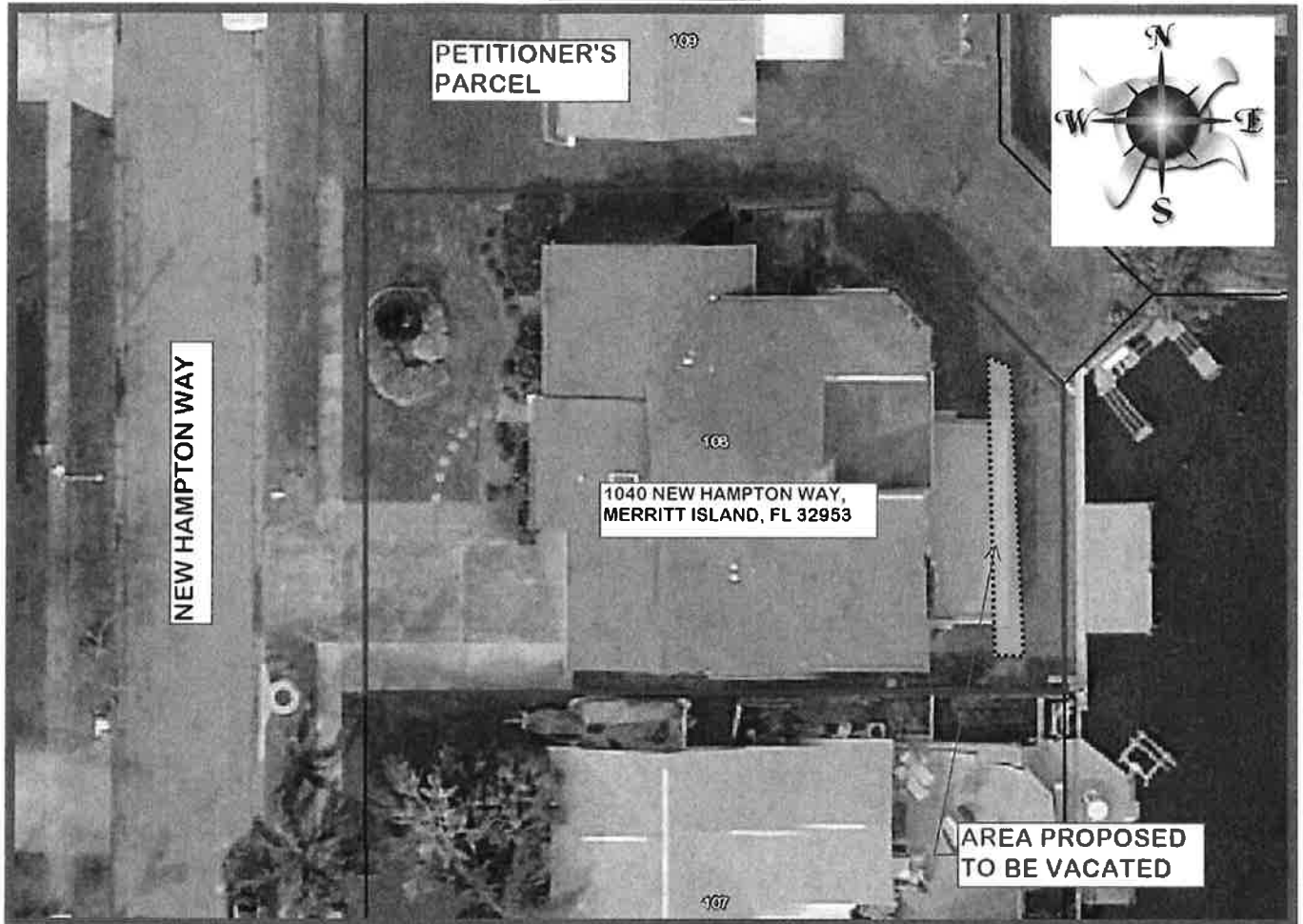


Fig. 3: Map of aerial view of Lot 108, Block 16, Catalina Isle Estates Unit Six, 1040 New Hampton Way, Merritt Island, FL 32953

Manny & Michelle Canha – Lot 108, Block 16,
“Catalina Isle Estates Unit Six” (Plat Book 20, Page
119) – 1040 New Hampton Way – Section 25,
Township 24 South, Range 36 East – District 2 –
Proposed Vacating 5.0 ft. of a 15.0 ft. Wide Public
Maintenance & Utility Easement along the rear line.

Plat Reference

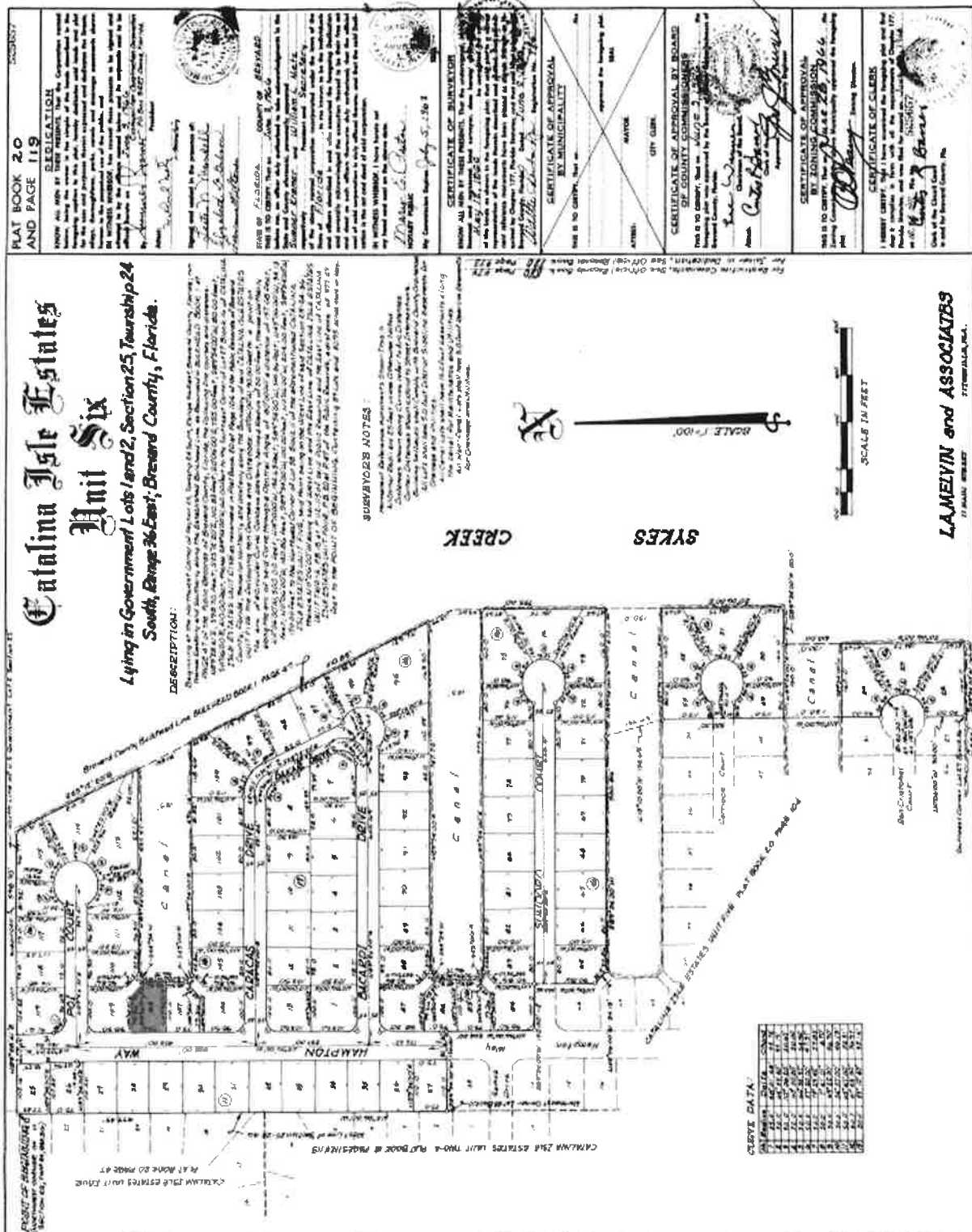


Fig. 4: Copy of plat map "Catalina Isle Estates Unit Six" dedicated to Brevard County June 03, 1966

LEGAL DESCRIPTION

SECTION 25, TOWNSHIP 24 SOUTH, RANGE 36 EAST

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

PARCEL ID. NUMBER 24-36-25-26-16-108

PURPOSE OF DESCRIPTION:

VACATING A PORTION OF EASEMENT

Legal Description:(By Surveyor):

The West 5 feet of a 15 foot wide maintenance

and utility easement of Lot 108, Block 16, per Plat of Catalina Isle Estates,

Unit Six, according to the Plat thereof as recorded in Plat Book 20, at Page 119,

of the Public records of Brevard County, Florida,

less and except the South 5.0 feet and the Northerly 5.0 feet,

containing 244.88 square feet more or less.

LEGEND AND ABBREVIATIONS

P.T.	=POINT OF TANGENCY	P	=PLAT
D	=DESCRIPTION	F	=FIELD
B.B.	=BASE BEARING (SEE #2)	I.P.	=IRON PIPE
A/C	=AIR CONDITIONER	I.R.	=IRON ROD
R	=RADIUS	C.M.	=CONCRETE MONUMENT
L	=ARC LENGTH	SET I.R.	=5/8" I.R. W/#LB 7315
CH	=CHORD	REC.	=RECOVERED
CB	=CHORD BEARING	P.O.B.	=POINT OF BEGINNING
P.O.L.	=POINT ON LINE	P.O.C.	=POINT OF COMMENCEMENT
TYP.	=TYPICAL	C&G	=CONCRETE CURBING
R/W	=RIGHT-OF-WAY	N&D	=NAIL & DISC
RAD.	=RADIAL	ESMT.	=EASEMENT
N.R.	=NON-RADIAL	DRAIN.	=DRAINAGE
W.P.	=WITNESS POINT	UTIL.	=UTILITY
WD.	=WOOD	C.L.	=CHAIN LINK
S/W	=SIDEWALK	C/B	=CONCRETE BLOCK
D.H.	=DRILLHOLE	P.C.	=POINT OF CURVATURE
▽	=FND. NAIL HOLE	○	=FOUND 5/8" I.R.

SURVEYOR'S NOTES:

1. THIS NOT A BOUNDARY SURVEY. THIS SKETCH OF LEGAL DESCRIPTION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A FIELD SURVEY.
2. THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY.
3. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
5. MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
6. DIMENSIONS SHOWN ARE TAKEN AT THE EXPOSED AREAS OF IMPROVEMENTS, UNDERGROUND FOOTERS, FOUNDATIONS, UTILITIES OR OTHER SUBSURFACE STRUCTURES ARE NOT LOCATED FOR THE PURPOSE OF THIS SURVEY.
- SURVEYOR ASSUMES NO RESPONSIBILITY FOR SAID LOCATION AND DETERMINATION.
8. BEARINGS AND THE NORTH ARROW ARE REFERENCED TO N 89°54'00"E (PER PLAT) ALONG THE NORTH LINE OF LOT 108.
10. THIS SKETCH MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF TRUE NORTH SURVEYING AND MAPPING, INC.



SURVEYING AND MAPPING, INC.
4454 BETHANY LANE, TITUSVILLE, FL 32780-2711
(321) 212-7140

Prepared for: Manny Canha and Michelle Canha
Brevard County Board of County Commissioners

Prepared by: TRUE NORTH SURVEYING AND MAPPING INC.
4454 Bethany Lane, Titusville, Florida.
Phone: 321-212-7640

DRAWN BY: WFG	CHECKED BY: SEG	DRAWN NO. F02-01-2	Section 25 Township 24S Range 36E
DATE: 8/11/2020	DATE: 8/11/2020	Revisions: 8/15/2020	

This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors found in Chapter 5J-17.005, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

William F. Grizzell
Professional Surveyor & Mapper #5975
State of Florida

Petitioner's Sketch & Description Sheet 2 of 2

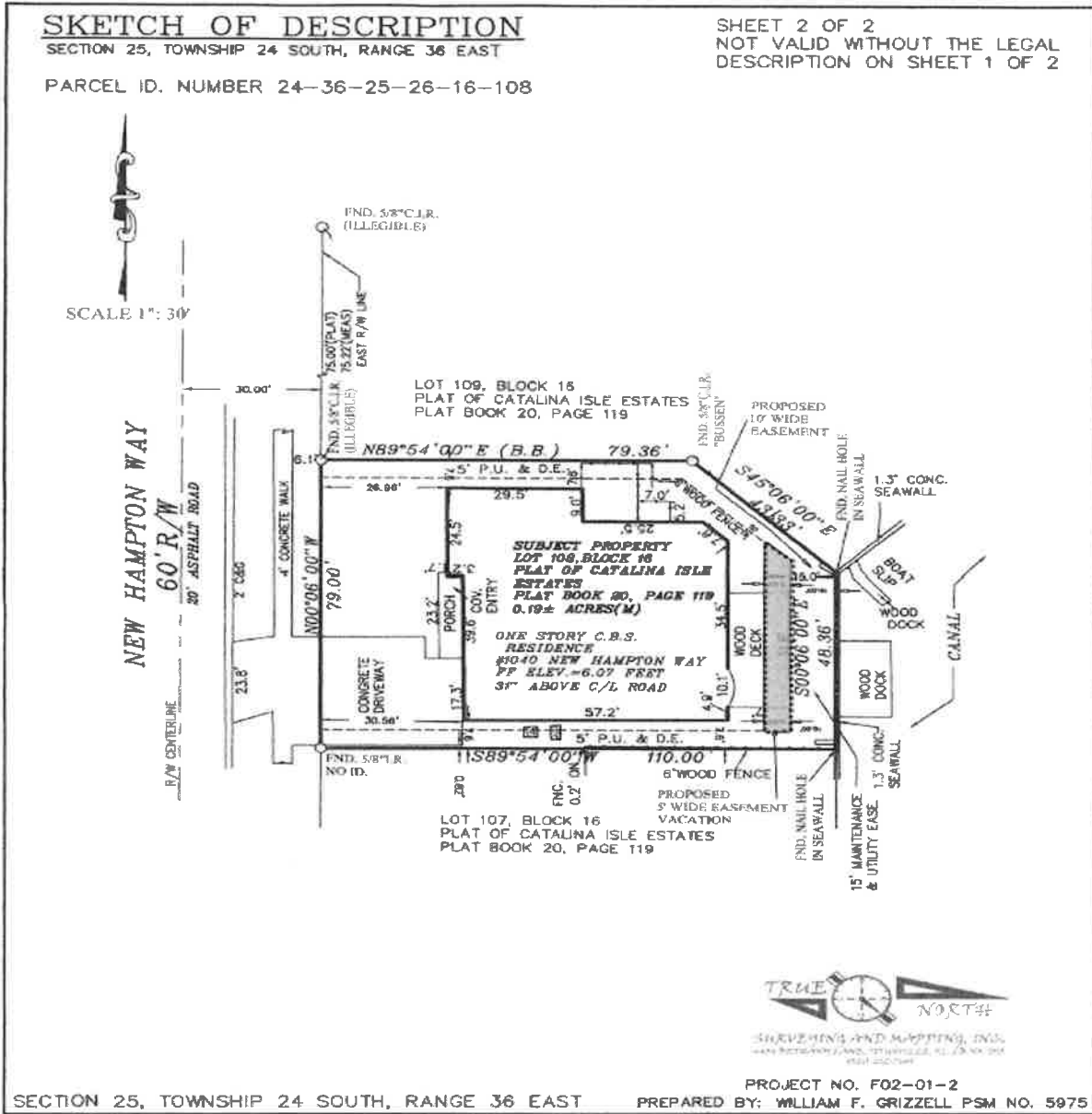


Fig. 6: Sketch of Description. Situated in Section 25, Township 24 South, Range 36 East, Parent Parcel: #24-36-25-26-16-108. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates lot 108 that reside on New Hampton Way, Merritt Island, Florida. A 15-foot public maintenance & utility easement lies along the easterly line of lot 108. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 89°54'00" East 79.36'; East boundary South 00°06'30" East 48.36', South boundary – South 89°54'00" West 110.00'. Prepared by: True North Surveying & Mapping, Inc., FL LB# 7315. Project NO: F02-01-2.

Comment Sheet

Applicant: Manny & Michelle Canha

Updated by: Amber Holley 20200916 at 8:45 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20200904	20200916	Yes	No objections
FL Power & Light	20200904	20200904	Yes	No objections
At&t	20200904	20200908	Yes	No objections
Charter/Spectrum	20200904	20200904	Yes	No objections
City of Cocoa	20200904	20200909	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20200904	20200915	Yes	No objections
Land Planning	20200904	20200916	Yes	No objections
Utility Services	20200904	20200904	Yes	No objections
Storm Water	20200904	20200911	Yes	No objections
Zoning	20200904	20200916	Yes	No objections

Fig. 7: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

AD#4380878,9/21/2020

LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF A 15.0 FT. WIDE PUBLIC MAINTENANCE AND UTILITY EASEMENT, PLAT OF "CATALINA ISLE ESTATES, UNIT SIX" IN SECTION 25, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by **MANNY AND MICHELLE CANHA** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

The West 5 feet of a 15-foot-wide maintenance and utility easement of Lot 108, Block 16, per Plat of Catalina Isle Estates, Unit Six, according to the Plat thereof as recorded in Plat Book 20, at Page 119, of the Public records of Brevard County, Florida, less and except the South 5.0 feet and the Northerly 5.0 feet, containing 244.88 square feet more or less.

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 October 06, 2020 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. 8: Copy of public hearing advertisement as published on September 21, 2020 see next page for full text.

Legal Notice Text

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