

Meeting Date
March 15, 2016



AGENDA	
Section	PUBLIC HEARING
Item No.	IV. B.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Petition to Vacate Re: Part of a Public Utility and Drainage Easement – Mourning Dove Court – “Windover Farms of Melbourne P.U.D. Phase One” - Melbourne – Nathan Fowler – District 4 (Fiscal impact: Petitioner paid \$640.00 Vacating Application Fee)
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 10.0 ft. wide public utility and drainage easement at the east/rear line of Lot 132, “Windover Farms of Melbourne P.U.D. Phase One” in Section 35, Township 26 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 owners of Lot 132 is requesting the vacating of part of the 10.00 ft. wide public utility and drainage easement along the east/rear lot line to remove the existing shed as an encroachment into the easement. Easement to be vacated contains 63 square feet, more or less.

February 19, 2016, 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 Melbourne as follows: Begin at the intersection of U.S. Highway No. 1 and Post Road; thence 2.46 miles west along Post Road; thence 0.28 miles northwest along Windover Way; thence 0.33 miles southwest and west along Sparrow Hawk Road; thence 0.12 miles north on Mourning Dove Court to the residence on the east (right).

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

Exhibits Attached: Resolution, Appraisers detail sheet, vicinity map, aerial map, plat (if applicable), petitioner’s deed, boundary survey (if available), boundary survey (right-of-way vacating) or sketch and description (easement vacating), comment summary sheet and legal notice of public hearing advertisement.

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

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



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

March 30, 2016

Nathan Fowler
4141 Mourning Dove Court
Melbourne, FL 32953

Dear Mr. Fowler:

Re: Resolution Vacating a 10.0 Ft. Wide Public Utility and Drainage Easement at the East/Rear Line of Lot 132 – Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne

The Board of County Commissioners, in regular session on March 1, 2016, adopted Resolution No. 16-032, vacating a 10.0 ft. wide public utility and drainage easement at the east/rear line of Lot 132 – Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne, as petitioned by you. Said Resolution has been recorded in ORBK 7578, Pages 1883 through 1888. 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

/ds

Encl. (1)

cc: Marc Cazessus, 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

March 30, 2016

MEMORANDUM

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

RE: Advertising Bills and Receipt for Resolution Vacating a 10.0 Ft. Wide Public Utility and Drainage Easement at the East/Rear Line of Lot 132 – Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne

Enclosed for your necessary action are copies of the advertising bills and receipt of recordation for Resolution No. 16-032, vacating a 10.0 ft. wide public utility and drainage easement at the east/rear line of Lot 132 – Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne – Nathan Fowler. Said Resolution was adopted by the Board of County Commissioners, in regular session on March 15, 2016.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



2016 FEB 22 PM 2:36

FLORIDA TODAY
FINANCE DEPT.

BREVARD COUNTY PUBLIC WORKS/TI
400 SOUTH ST
TITUSVILLE FL 32780

STATE OF FLORIDA COUNTY OF BREVARD:

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

Legal Notices

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

02/19/16

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 19th of February 2016, by Kim Curro who is personally known to me

Adia Bell
Adia Bell
Notary Public for the State of Florida
My Commission expires January 27, 2020

Publication Cost: \$282.36
Ad No: 0001058630
Customer No: BRE-6BR327

 Adia Bell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF954893
Expires 1/27/2020

AD#1058630 2/19/2016
LEGAL NOTICE
NOTICE TO VACATE A PORTION OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE EAST/REAR LINE OF LOT 132, "WIND-OVER FARMS OF MELBOURNE P.U.D. PHASE ONE" IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, 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 Nathan Fowler with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:
SEE EXHIBIT "A"
The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 a.m. on March 15, 2016 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.
Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.
Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.
The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.
EXHIBIT "A"
A PORTION OF THE 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EASTERLY/REAR 10 FEET OF LOT 132, AS SHOWN ON THE PLAT OF WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE ONE AS RECORDED IN PLAT BOOK 33, PAGES 52-57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 132; THENCE S 61°12'35" W ALONG THE SOUTH LINE OF SAID LOT 132 A DISTANCE OF 16.96 FEET; THENCE DEPARTING SAID SOUTH LINE N 28°47'25" W A DISTANCE OF 19.28 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED AND BEING ON THE ARC OF A NON TANGENT 1743.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEASTERLY HAVING A CHORD BEARING AND A CHORD DISTANCE OF N 46°28'00" W AND 22.37 FEET THROUGH A CENTRAL ANGLE OF 00°47'07" AND AN ARC DISTANCE OF 22.37 FEET; THENCE N 59°20'10" E A DISTANCE OF 6.09 FEET; THENCE S 30°59'50" E A DISTANCE OF 21.52 FEET TO THE POINT OF BEGINNING; CONTAINING 65.52 SQUARE FEET MORE OR LESS.
PREPARED BY: MYRON E. BAKER, PSM

RECEIVED
FEB 25 2016
Board of County Commissioners

CFW 2016056485 OR BK 7578 PAGE 1883
Recorded 02/29/2016 at 08:45 AM, Scott Ellis, Clerk of Courts,
Brevard County
Page 6

PUBLIC WORKS
FEB 24 2016
RECEIVED

RESOLUTION 2016 - 032

**VACATING PART OF A 10.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IN
"WINDOVER FARMS OF MELBOURNE P.U.D. PHASE ONE", MELBOURNE, FLORIDA, LYING IN
SECTION, 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **NATHAN FOWLER** with the Board of County Commissioners to vacate part of a 10.00 ft. wide 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 part of the public utility and drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said part 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 15th day of March, 2016 A.D.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



JIM BARFIELD, CHAIRMAN

As approved by the Board on:
March 15, 2016

LEGAL DESCRIPTION

SHEET 1 OF 3
NOT VALID WITHOUT THE
SKETCHES ON SHEET 2
AND 3 OF 3

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARCEL ID#: 26-36-35-NV-00000.0-0132.00
PURPOSE: VACATE PORTION OF PUBLIC UTILITY AND DRAINAGE
EASEMENT TO REMOVE ENCROACHMENT
LOCATION: 4141 MOURNING DOVE COURT, MELBOURNE, FL 32934

A PORTION OF THE 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EASTERLY/REAR 10 FEET OF LOT 132, AS SHOWN ON THE PLAT OF WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE ONE, AS RECORDED IN PLAT BOOK 33, PAGES 52-57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 132; THENCE S 61°12'35" W ALONG THE SOUTH LINE OF SAID LOT 132 A DISTANCE OF 16.96 FEET; THENCE DEPARTING SAID SOUTH LINE N 28°47'25"W A DISTANCE OF 19.28 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED AND BEING ON THE ARC OF A NON TANGENT 1743.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEASTERLY HAVING A CHORD BEARING AND A CHORD DISTANCE OF N 46°28'00"W AND 22.37 FEET THROUGH A CENTRAL ANGLE OF 00°47'07" AND AN ARC DISTANCE OF 22.37 FEET; THENCE N 59°20'10"E A DISTANCE OF 6.09 FEET; THENCE S 30°40'09"E A DISTANCE OF 21.52 FEET TO THE POINT OF BEGINNING. CONTAINING 65.52 SQUARE FEET MORE OR LESS.

LEGEND

- (AKA) = ALSO KNOWN AS
- C = CENTERLINE
- CB = CHORD BEARING
- CH = CHORD
- C.L.F. = CHAIN LINK FENCE
- CLR. = CLEAR
- C.M. = CONCRETE MONUMENT
- CONC. = CONCRETE
- COR. = CORNER
- COVD = COVERED
- ENCH. = ENCROACHMENT
- FD = FOUND
- ID = IDENTIFICATION
- I.P. = IRON PIPE
- I.R. = IRON ROD
- L = LENGTH
- LB = LICENSE BUSINESS
- (M) = MEASURED
- N&D = NAIL & DISK
- N.R. = NON RADIAL
- (P) = PLATTED
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENCY
- PL = PROPERTY LINE
- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- P.U.&D. = PUBLIC UTILITY & DRAINAGE
- PVMT = PAVEMENT
- R = RADIUS
- R/W = RIGHT-OF-WAY
- W.F = WOOD FENCE
- Del = DELTA ANGLE



Myron E. Barker
PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085
CERTIFICATE OF AUTHORIZATION LB. 6586

SURVEYOR'S NOTES:

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.00°35'11"W., ALONG THE EAST RIGHT-OF-WAY LINE OF MOURNING DOVE COURT.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0515 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SKETCH AND DESCRIPTION WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) IMPROVEMENTS SHOWN HEREON ARE BASED ON PRECISION LAND SURVEYING, INC., BOUNDARY SURVEY, PROJECT #15-2624, DATED 11/09/2015
- 5) LANDS SHOWN HERON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CAD FILE:

15-2624_VE.DWG
DATE: 01/18/2016
PROJECT: 15-2624_VE
F.B. NUMBER: _____
REVISION: _____
01/27/2016 COUNTY COMMENTS

PRECISION
LAND SURVEYING, INC.

CERTIFIED TO:
NATHAN FOWLER & COURTNEY FOWLER

PHONE: (321) 259-4600 2900 LAKE WASHINGTON ROAD
FAX: (321) 259-4255 SUITE 1
EMAIL: PLS@CFL.RR.COM MELBOURNE, FLORIDA 32935

SKETCH OF DESCRIPTION

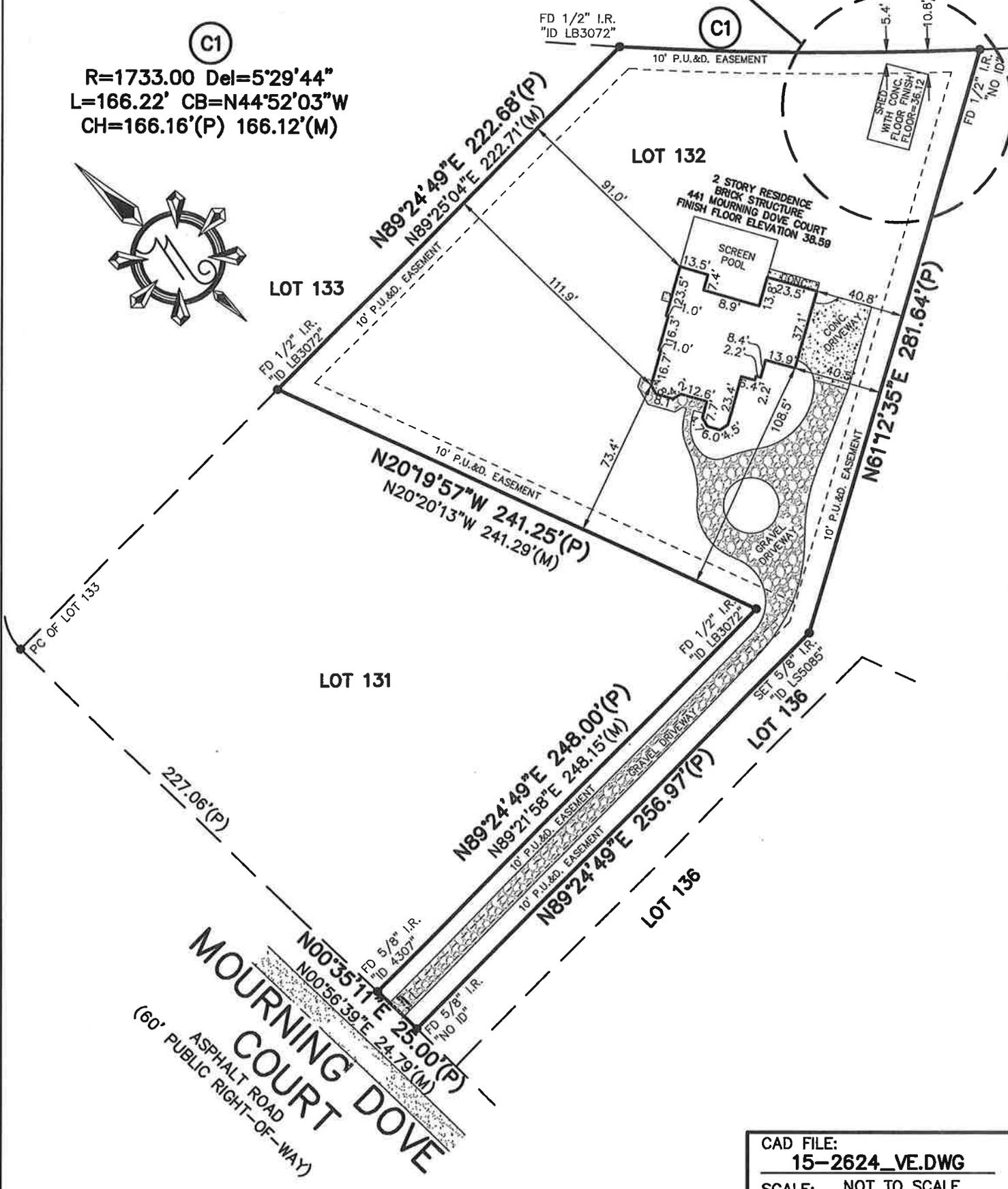
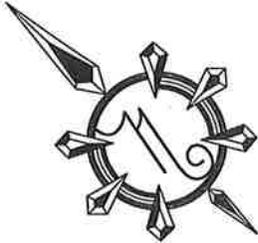
SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
 PARCEL ID#: 26-36-35-NV-00000.0-0132.00

SHEET 2 OF 3

NOT VALID WITHOUT THE
 LEGAL ON SHEET 1 OF 3
 AND THE SKETCH OF
 SHEET 3 OF 3

SEE ENLARGED
 PLAN, SHEET 3

(C1)
 R=1733.00 Del=5°29'44"
 L=166.22' CB=N44°52'03"W
 CH=166.16'(P) 166.12'(M)



CAD FILE:
15-2624_VE.DWG
 SCALE: NOT TO SCALE

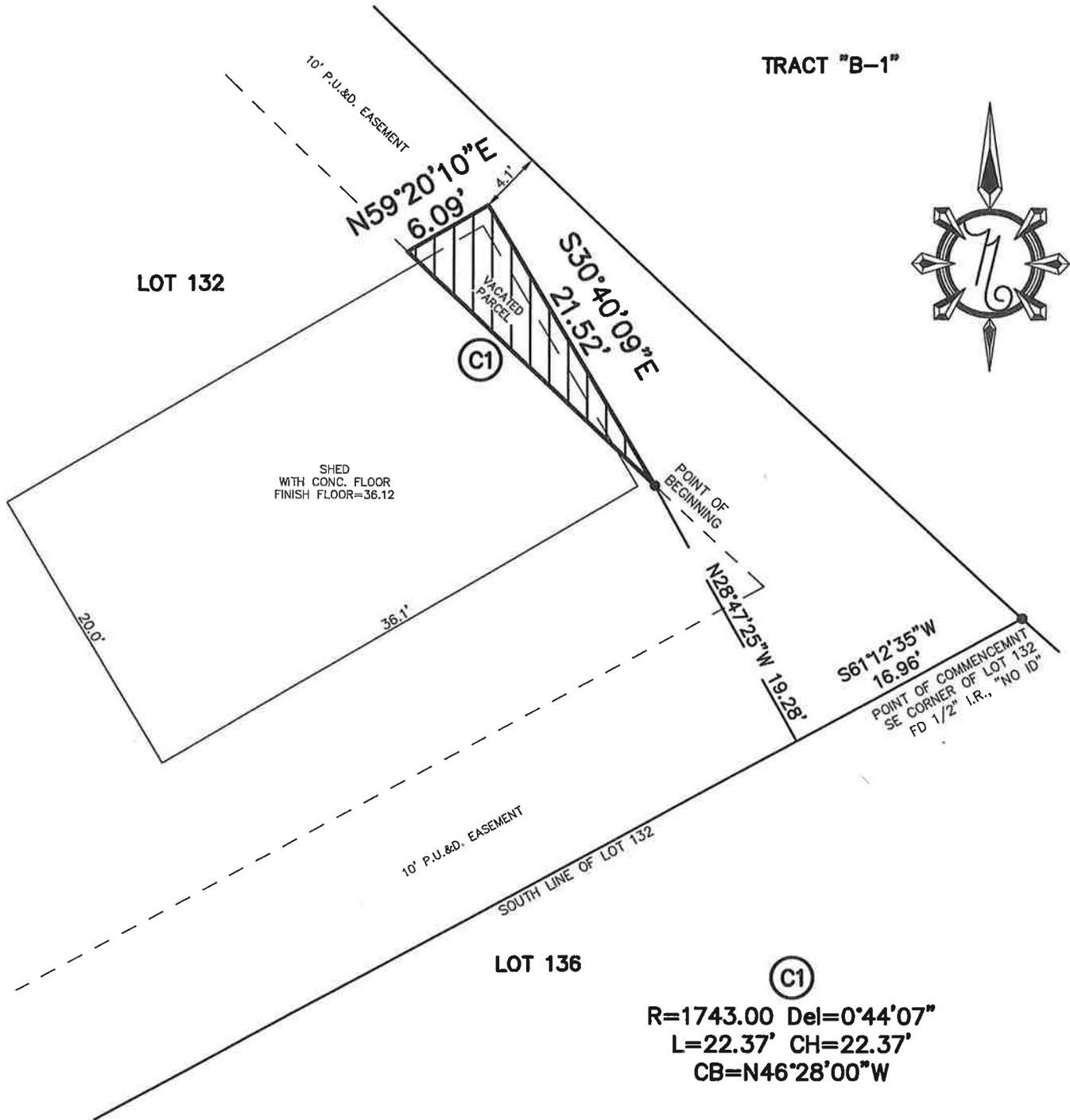
SKETCH OF DESCRIPTION

SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
PARCEL ID#: 26-36-35-NV-00000.0-0132.00

SHEET 3 OF 3

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

TRACT "B-1"



CAD FILE:
15-2624_VE.DWG
SCALE: 1"=10'

A Daily Publication By:



BOARD OF COUNTY COMMISSIONERS
2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940

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

Legal Notices

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

03/18/16

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 18th of March 2016, by Kim Curro who is personally known to me

Adia Bell
Notary Public for the State of Florida
My Commission expires January 27, 2020

AD#1129191 3/18/2016

LEGAL NOTICE

RESOLUTION VACATING A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE EAST/REAR LINE OF LOT 132 - WINDOVER FARMS OF MELBOURNE P.U.D. PHASE ONE, IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE - NATHAN FOWLER

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 15th day of March, 2016, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a 10.0 ft. wide public utility and drainage easement at the east/rear line of Lot 132 - Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne, as petitioned by Nathan Fowler.

SEE ATTACHED EXHIBIT "A"

A PORTION OF THE 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EASTERLY/REAR 10 FEET OF LOT 132, AS SHOWN ON THE PLAT OF WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE ONE, AS RECORDED IN PLAT BOOK 33, PAGES 52-57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH-EAST CORNER OF SAID LOT 132; THENCE S 61°12'35" W ALONG THE SOUTH LINE OF SAID LOT 132 A DISTANCE OF 16.96 FEET THENCE DEPARTING SAID SOUTH LINE N 28°47'25"W A DISTANCE OF 19.28 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED AND BEING ON THE ARC OF A NON TANGENT 1743.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEASTERLY HAVING A CHORD BEARING AND A CHORD DISTANCE OF N 46°28'00"W AND 22.37 FEET THROUGH A CENTRAL ANGLE OF 00°47'07" AND AN ARC DISTANCE OF 22.37 FEET THENCE N 59°20'10" E A DISTANCE OF 6.09 FEET THENCE S 30°39'50" E A DISTANCE OF

21.52 FEET TO THE POINT OF BEGINNING, CONTAINING 65.52 SQUARE FEET MORE OR LESS.

PREPARED BY: MYRON E. BAKER, PSM

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

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

Publication Cost: \$242.53
Ad No: 0001129191
Customer No: BRE-BOA060

Adia Bell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF954893
Expires 1/27/2020



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
#: 1678312
Receipt #: 61646186
Cashier Date: 3/29/2016
8:45:47 AM



Print Date:
3/29/2016 8:45:50 AM

Customer Information	Transaction Information	Payment Summary
(3175) SURVEY SECTION BREVARD CO BCGC BLDG A ZIP 81 VIERA, FL 32904 Beginning Escrow Balance: -\$1459.00	Date Received: 3/29/2016 Source Code: Viera Q Code: Viera Return Code: Hand Carried Trans Type: Recording Agent Ref Num:	Total Fees \$140.50 Total Payments \$140.50

1 Payments

ESCROW	\$140.50
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3 Recorded Items

(N) NOTICE	BK/PG: 7578/1883 CFN:2016056485 Date:3/29/2016 8:45:44 AM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	6 \$52.50
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea.	2 \$0.00
(N) NOTICE	BK/PG: 7578/1889 CFN:2016056486 Date:3/29/2016 8:45:44 AM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5 \$44.00
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea.	2 \$0.00
(N) NOTICE	BK/PG: 7578/1894 CFN:2016056487 Date:3/29/2016 8:45:44 AM From: To:
Recording @ 1st=\$10 Add'l=\$8.50 ea.	5 \$44.00
Indexing @ 1st 4 Names Free, Addt'l=\$1 ea.	2 \$0.00

0 Search Items

0 Miscellaneous Items



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: BOARD OF COUNTY COMMISSIONERS
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0001129191
Pymt Method Invoice
Net Amt: \$242.53

Run Times: 1

No. of Affidavits: 1

Run Dates: 03/18/16

Text of Ad:

AD#1129191 3/18/2016
LEGAL NOTICE
RESOLUTION VACATING A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE EAST/REAR LINE OF LOT 132 - WINDOVER FARMS OF MELBOURNE P.U.D. PHASE ONE, IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE - NATHAN FOWLER

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 15th day of March, 2016, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a 10.0 ft. wide public utility and drainage easement at the east/rear line of Lot 132 - Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne, as petitioned by Nathan Fowler.

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PREPARED BY: MYRON E. BAKER, PSM

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

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

LEGAL NOTICE

RESOLUTION VACATING A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE EAST/REAR LINE OF LOT 132 – WINDOVER FARMS OF MELBOURNE P.U.D. PHASE ONE, IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE – NATHAN FOWLER

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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 March 18, 2016, issue of the Florida TODAY.

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

A PORTION OF THE 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EASTERLY/REAR 10 FEET OF LOT 132, AS SHOWN ON THE PLAT OF WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE ONE, AS RECORDED IN PLAT BOOK 33, PAGES 52-57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 132; THENCE S 61°12'35" W ALONG THE SOUTH LINE OF SAID LOT 132 A DISTANCE OF 16.96 FEET THENCE DEPARTING SAID SOUTH LINE N 28°47'25"W A DISTANCE OF 19.28 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED AND BEING ON THE ARC OF A NON TANGENT 1743.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEASTERLY HAVING A CHORD BEARING AND A CHORD DISTANCE OF N 46°28'00"W AND 22.37 FEET THROUGH A CENTRAL ANGLE OF 00°47'07" AND AN ARC DISTANCE OF 22.37 FEET THENCE N 59°20'10" E A DISTANCE OF 6.09 FEET THENCE S 30°39'50"E A DISTANCE OF 21.52 FEET TO THE POINT OF BEGINNING. CONTAINING 65.52 SQUARE FEET MORE OR LESS.

PREPARED BY: MYRON E. BAKER, PSM



Major System Change Will Temporarily Interrupt Website Data Updates [\[Read More\]](#)

General Parcel Information

Parcel ID:	26-36-35-NV-00000.0-0132.00	Millage Code:	4200	Exemption:	1	Use Code:	110
Site Address:	4141 MOURNING DOVE CT , MELBOURNE 32934					Tax ID:	2605122

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

Owner Information

Owner Names:	FOWLER, COURTNEY C
Second Name:	FOWLER, NATHAN L H/W
Mailing Address:	4141 MOURNING DOVE CT
City, State, Zipcode:	MELBOURNE, FL 32934

Abbreviated Description

Plat Book/Page:	Sub Name:	PHASE
0033/0052	WINDOVER FARMS OF MELBOURNE PUD	I LOT 132

Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$298,900	\$318,120	\$323,550
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$283,310	\$287,560	\$289,860
Assessed Value School:	\$283,310	\$287,560	\$289,860
Homestead Exemption: ²	\$25,000	\$25,000	\$25,000
Additional Homestead: ²	\$25,000	\$25,000	\$25,000
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$233,310	\$237,560	\$239,860
Taxable Value School: ³	\$258,310	\$262,560	\$264,860

Land Information

Acres:	1.3
Site Code:	150

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

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

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

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
6510/0836	12/23/2011	\$260,000	WD	38			I
5532/2521	8/30/2005	\$690,000	WD				I
3552/4869	3/30/1996	\$195,000	WD				I
2980/3314	2/1/1989	\$35,500	WD				V
2793/1669	4/8/1987	\$162,300	PL				V

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

Building Information

PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
1	110	1990	10	04	13	03	02	04	03	03

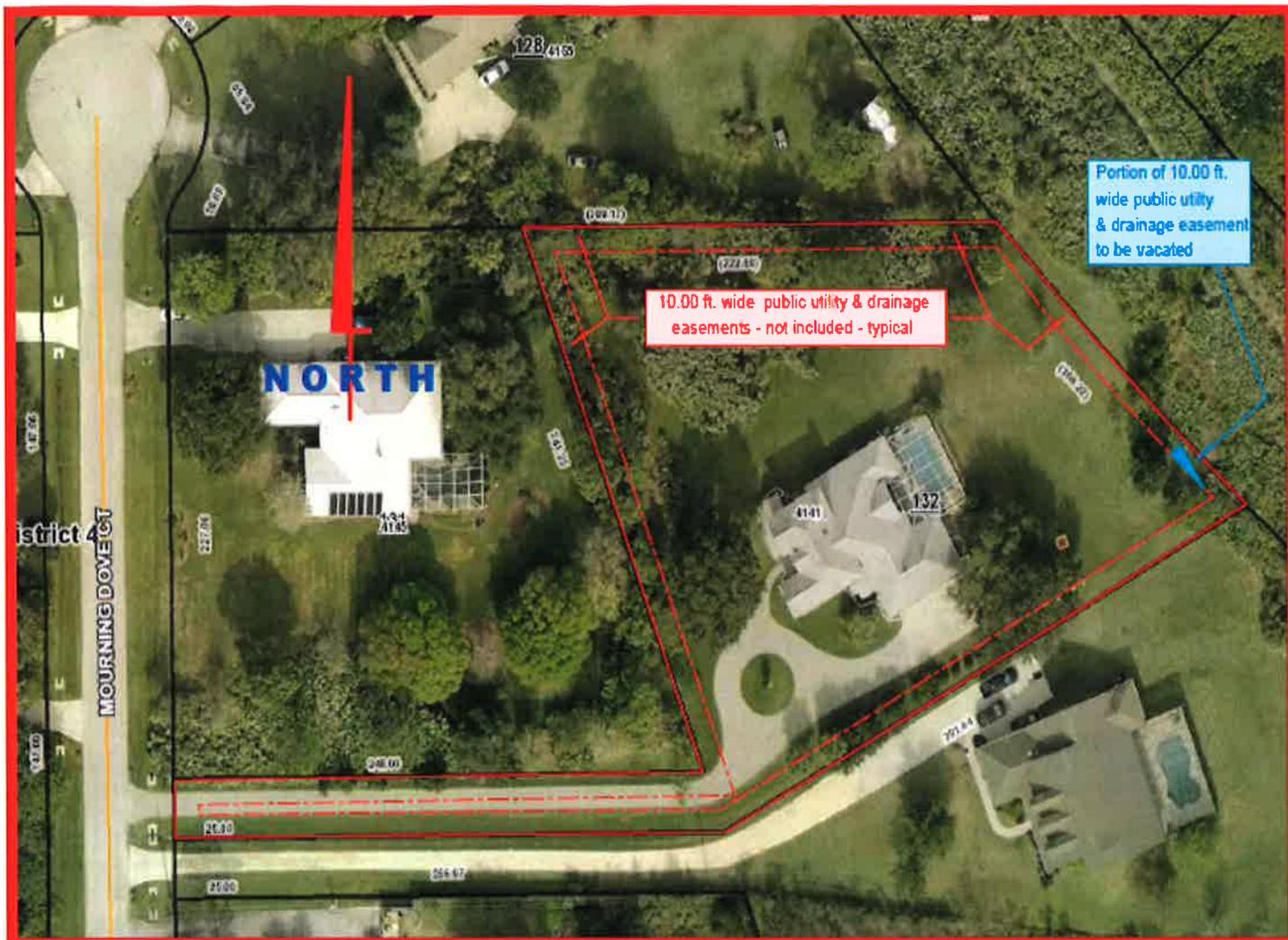
Building Area Information

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area
1	2,891	828	508	0	0	0	0	0	0	0	0	0	2,891



AERIAL MAP

Nathan and Courtney Fowler – Lot 132,
“Windover Farms of Melbourne P.U.D. –
Phase One” – 4141 Mourning Dove Court,
Melbourne, FL, 32934 – Section 35, Township
26 South, Range 36 East – District 4 –
Proposed Partial Vacating of a 10.00 ft. Wide
Public Utility and Drainage Easement



AERIAL MAP

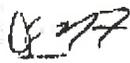
**Nathan and Courtenay Fowler – Lot 132,
“Windover Farms of Melbourne P.U.D. –
Phase One” – 4141 Mourning Dove Court,
Melbourne, FL, 32934 – Section 35, Township
26 South, Range 36 East – District 4 –
Proposed Partial Vacating of a 10.00 ft. Wide
Public Utility and Drainage Easement**

Prepared By and Return To:
Supreme Title Closings, LLC
2202 S Babcock Street, Suite 201
Melbourne, FL 32901

File No. 11-10-0498

Property Appraiser's Parcel I.D. (folio) Number(s)
26-36-35-NV-00000.0-0132

WARRANTY DEED

THIS WARRANTY DEED dated December 23, 2011, by Anthony F. Dalessandro and Cindy L. Dalessandro, husband and wife, whose post office address is 1687 Sienna Drive, Melbourne, FL 32934, hereinafter called the grantor, to Courtney C. Fowler and Nathan L. Fowler, wife and husband, whose post office address is 4141 Mourning Dove Court, Melbourne, FL 32934, hereinafter called the grantee: 

(Wherever 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)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Brevard County, Florida, to wit:

Lot 132, WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE ONE, according to the plat thereof, as recorded in Plat Book 33, Pages 52 through 57, inclusive, of the Public Records of Brevard County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in forever.

AND the grantor hereby covenants with said grantee 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 encumbrances, except taxes accruing subsequent to: December 31, 2011

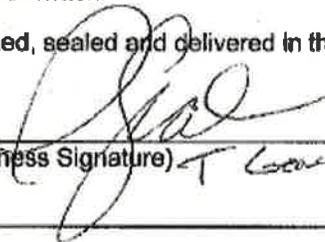
P E T I T I O N E R S ' D E E D

S H E E T 1 O F 2

WARRANTY DEED
(Continued)

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

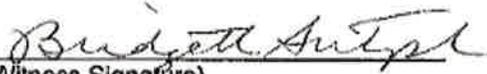


(Witness Signature) *T. Coak*



Anthony F. Dalessandro


Cindy L. Dalessandro



(Witness Signature)
Bridgett Sutphin

1687 Sienna Drive
(Address)
Melbourne, FL 32934
(Address)

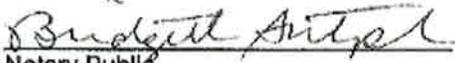
STATE OF Florida

COUNTY OF Brevard

Bridgett Sutphin

I, _____, a Notary Public of the County and State first above written, do hereby certify that Anthony F. Dalessandro and Cindy L. Dalessandro personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 23rd day of December, 2011.



Notary Public

My Commission Expires:

(SEAL)



PETITIONERS' DEED
SHEET 2 OF 2

AD#1058630 2/19/2016 LEGAL NOTICE NOTICE TO VACATE A PORTION OF A 10.0 FT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE EAST/REAR LINE OF LOT 132, "WINDOVER FARMS OF MELBOURNE P.U.D. PHASE ONE" IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, 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 Nathan Fowler with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: SEE EXHIBIT "A" The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 a.m. on March 15, 2016 at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken. Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense. The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance. EXHIBIT "A" A PORTION OF THE 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH ENCUMBERS THE EASTERLY/REAR 10 FEET OF LOT 132, AS SHOWN ON THE PLAT OF WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE ONE, AS RECORDED IN PLAT BOOK 33, PAGES 52-57, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 132; THENCE S 61°12'35" W ALONG THE SOUTH LINE OF SAID LOT 132 A DISTANCE OF 16.96 FEET; THENCE DEPARTING SAID SOUTH LINE N 28°47'25"W A DISTANCE OF 19.28 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED AND BEING ON THE ARC OF A NON TANGENT 1743.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEASTERLY HAVING A CHORD BEARING AND A CHORD DISTANCE OF N 46°28'00"W AND 22.37 FEET THROUGH A CENTRAL ANGLE OF 00°47'07" AND AN ARC DISTANCE OF 22.37 FEET; THENCE N 59°20'10" E A DISTANCE OF 6.09 FEET; THENCE S 30°39'50"E A DISTANCE OF 21.52 FEET TO THE POINT OF BEGINNING. CONTAINING 65.52 SQUARE FEET MORE OR LESS. PREPARED BY:

PUBLIC HEARING LEGAL
ADVERTISEMENT

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 February 19, 2016 issue of Florida TODAY.

PLEASE NOTE! Please bill the Board of County Commissioners and forward bill and proof of publications to Tammy Rowe, Deputy Clerk, Titusville Courthouse, 2nd Floor, P. O. Box 999, Titusville, FL 32781-0999

LEGAL NOTICE

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PREPARED BY: MYRON E. BAKER, PSM