



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

7/7/2020

Subject:

Petition to Vacate, Re: Public Drainage Easement - Official Records Book 3217, Page 2329 - Section 19, Township 26 South, Range 37 East - Melbourne - Vining's Palm Bay Investment LLC - District 4

Fiscal Impact:

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

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 the public drainage easement created by Official Records Book 3217, Page 2329, in Section 19, Township 26 South, Range 37 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 Parcel 250 and are requesting the vacating of the 50.00 ft. wide public drainage easement to allow for the construction of multiple apartment dwellings. Easement to be vacated contains 11,748 square feet, more or less. The property is located in Melbourne East of N. Wickham Road and North of Pineda Causeway.

June 22, 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. Road & Bridge has not objected to the petition because the functionality of the drainage easement is being replaced by alternative drainage improvements and easements prepared and at expense of the petitioner. The easements to replace the proposed vacated easement are on the July 7, 2020 Board Agenda for acceptance.

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.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 23, 2020

Vinings Palm Bay Investment, LLC
Attn: Tom Cabrerizo
43850 Bird Rd (801)
Miami, FL 33146

Dear Sir:

Re: Resolution Vacating a Public Drainage Easement in Official Records Book 3217, Page 2329, Melbourne, Lying in Section 19, Township 26 South, Range 37 East

The Board of County Commissioners, in regular session on July 7, 2020, adopted Resolution No. 20-073, vacating a public drainage easement in Official Records Book 3217, Page 2329, Melbourne, lying in Section 19, Township 26 South, Range 37 East, as petitioned by you. Said Resolution has been recorded in ORBK 8800, Pages 1168 through 1174. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell
Kimberly Powell, Deputy Clerk

/sm

Encl. (1)

cc: Amber Holley, Public Works



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Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

July 23, 2020

M E M O R A N D U M

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

RE: Advertising Bills for Resolution Vacating a Public Drainage Easement in Official Records Book 3217, Page 2329, Melbourne, Lying in Section 19, Township 26 South, Range 37 East

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-073, vacating a public drainage easement in Official Records Book 3217, Page 2329, Melbourne, lying in Section 19, Township 26 South, Range 37 East, as petitioned by Vinings Palm Bay Investment, LLC. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 7, 2020.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell
Kimberly Powell, Deputy Clerk

/sm

Encls. (2)

Resolution 2020 - 073

**Vacating a public drainage easement in Official Records Book 3217, Page 2329, Melbourne, Florida,
lying in Section 19, Township 26 South, Range 37 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **VININGS PALM BAY INVESTMENT LLC** with the Board of County Commissioners to vacate 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 vacating the public drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said 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 07ST day of July, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


SCOTT ELLIS, CLERK


Bryan Lober, Chair

As approved by the Board on:
July 07, 2020

LEGAL DESCRIPTION

PARENT PARCEL#(s): 26-37-19-00-253, 26-37-19-00-254
PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329

EXHIBIT "A"

SHEET 1 OF 4

NOT VALID WITHOUT SHEETS 2 - 4 OF 4

THIS IS NOT A SURVEY

LEGAL DESCRIPTION (PER O.R.B. 3217, PG. 2329)


A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 4" x 4" CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE S.88°58'56"W. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 FOR 286.12 FEET; THENCE S.35°57'50"E. FOR 330.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1026.60 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°56'02" FOR 643.84 FEET; THENCE S.00°01'49"E. FOR 418.18 FEET TO THE **POINT OF BEGINNING**; THENCE N.88°55'15"E. FOR 230.00 FEET; THENCE S.00°01'49"E. FOR 50.00 FEET; THENCE S.88°55'15"W. FOR 235.00 FEET; THENCE N.00°01'49"W. FOR 50.00 FEET; THENCE N.88°55'15"E. FOR 5.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,748 SQUARE FEET, MORE OR LESS.

NOTE BY SURVEYOR: THERE IS AN ERROR IN THE ABOVE DESCRIBED LEGAL DESCRIPTION THAT WAS TAKEN VERBATIM FROM O.R.B. 3217, PG. 2329. THE ABOVE DESCRIBED LAND IS NOT A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST AND IS ENTIRELY A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.


RICHARD E. BARNES, JR.
FLORIDA SURVEYOR AND MAPPER
REGISTRATION No. 5173
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFY TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
301 S.E. OCEAN BLVD., Suite 301
STUART, FL 34994

Phone: (772) 283-1413
Fax: (772) 220-7881
www.bowmanconsulting.com

Florida Certificate of Authorization No. LB8030

DRAWN BY: RT

CHECKED BY: RB

PROJECT NO. 3075-01-001

SECTION 19

TOWNSHIP 26 SOUTH

RANGE 37 EAST

REVISIONS

DATE

REVISION

12/6/19

PER COMMENTS

DATE: 11/11/2019

DRAWING:
3075-A-ESMT

SKETCH OF DESCRIPTION

PARENT PARCEL#(s): 26-37-19-00-253, 26-37-19-00-254
PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329

EXHIBIT "A"

SHEET 2 OF 4

NOT VALID WITHOUT SHEETS 1, 3 & 4 OF 4

THIS IS NOT A SURVEY

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. THIS LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARING BASIS SHOWN HEREON REFERS TO THE ASSUMED BEARING OF SOUTH 88°58'56" WEST FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
3. THIS LEGAL DESCRIPTION WITH A SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ABBREVIATIONS:

F.P.L.	FLORIDA POWER & LIGHT COMPANY
ID	IDENTIFICATION
LB	LICENSED BUSINESS
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
RGE	RANGE
R/W	RIGHT OF WAY
SEC.	SECTION
S.F.	SQUARE FEET
TWS	TOWNSHIP

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SCALE:

N/A

PROJECT NO.:

3075-01-001

SECTION 19

TOWNSHIP 26 SOUTH

RANGE 37 EAST

SKETCH OF DESCRIPTION

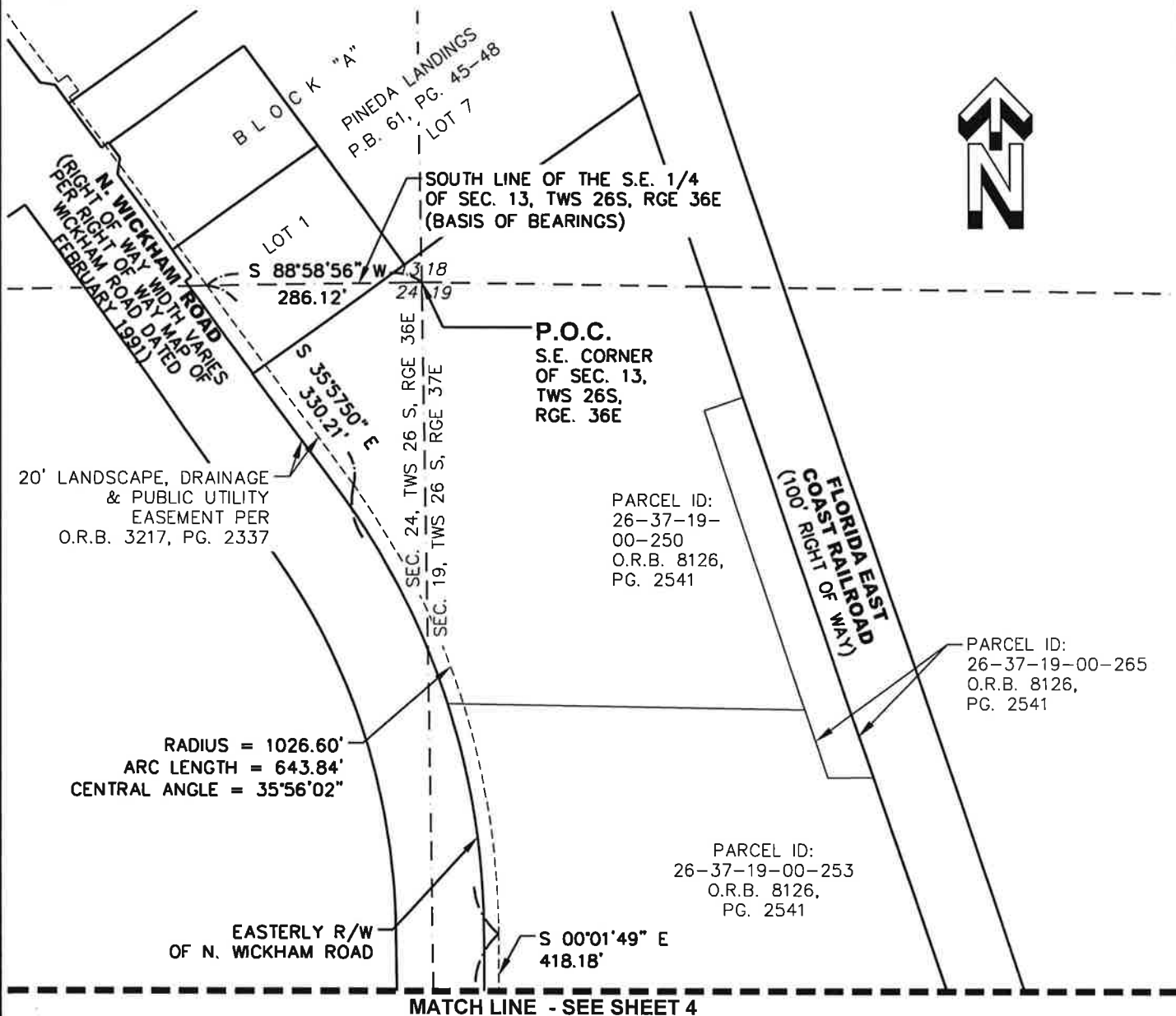
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EXHIBIT "A"

SHEET 3 OF 4

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SCALE:

1" = 200'

PROJECT NO.:

3075-01-001

SECTION 19

TOWNSHIP 26 SOUTH

RANGE 37 EAST

SKETCH OF DESCRIPTION

PARENT PARCEL#(s): 26-37-19-00-253, 26-37-19-00-254
 PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329



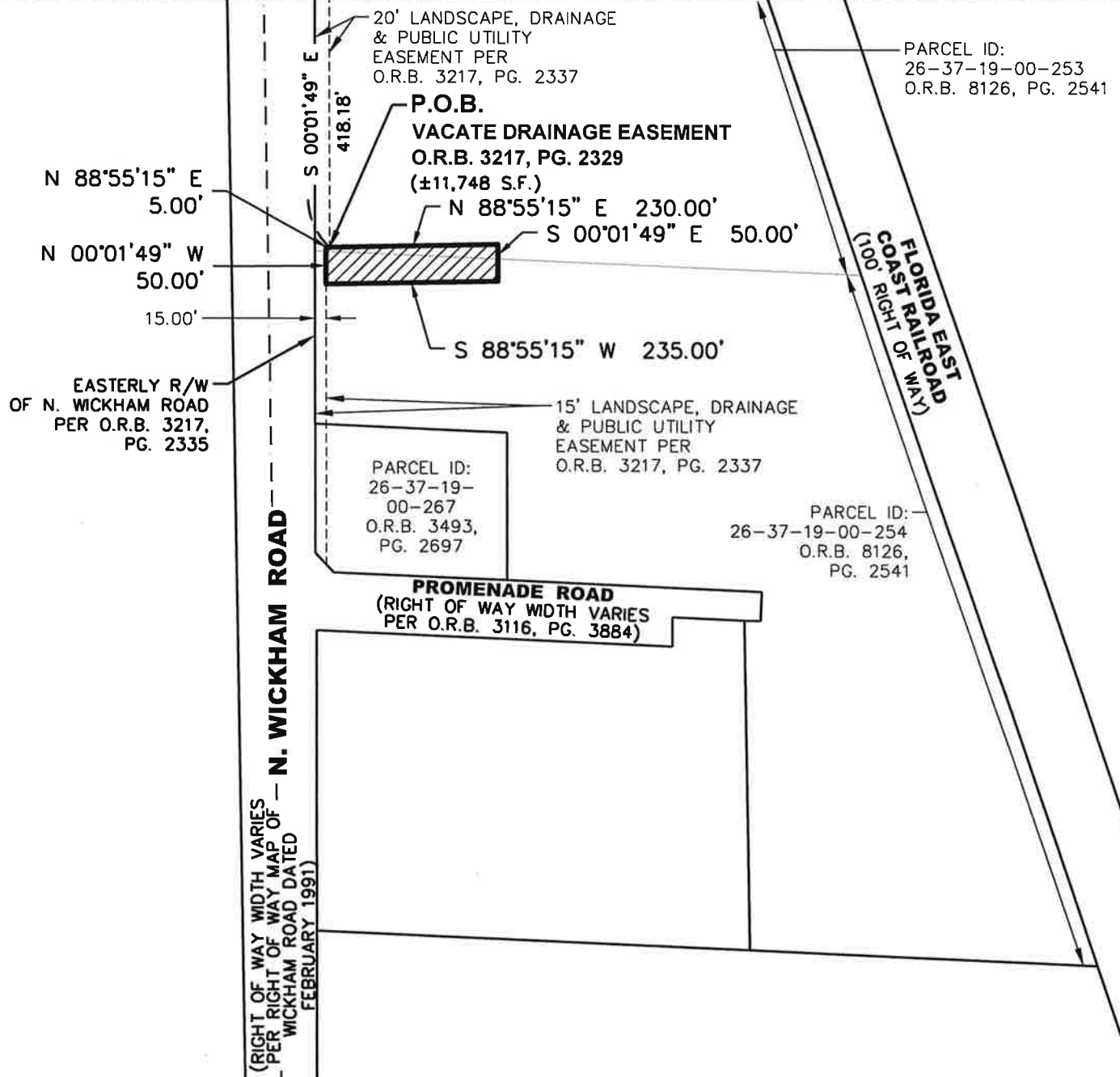
EXHIBIT "A"

SHEET 4 OF 4

NOT VALID WITHOUT SHEETS 1 - 3 OF 4

THIS IS NOT A SURVEY

MATCH LINE - SEE SHEET 3



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SCALE:

1" = 200'

PROJECT NO.:

3075-01-001

SECTION 19

TOWNSHIP 26 SOUTH

RANGE 37 EAST



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

Bids and proposals

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

6/22/2020

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 22nd of June 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$279.10
Ad No: 0004242593
Customer No: BRE-6BR327

NANCY HEYRMAN
Notary Public
State of Wisconsin

AD#4242593, 6/22/2020
LEGAL NOTICE

NOTICE FOR THE VACATING OF A 50.0 FT. WIDE DRAINAGE EASEMENT, PER OFFICIAL RECORDS BOOK 3217, PAGE 2329 IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 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 VININGS PALM BAY INVESTMENT, LLC with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A 4" X 4" CONCRETE MONUMENT AT THE SOUTH-EAST CORNER OF SAID SECTION 13; THENCE S.88°58'36" W. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 FOR 286.12 FEET; THENCE S.35°57'50" E. FOR 330.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1026.60 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°56'02" FOR 643.84 FEET; THENCE S.00°01'49" E. FOR 418.18 FEET TO THE POINT OF BEGINNING; THENCE N.88°55'15" E. FOR 230.00 FEET; THENCE S.00°01'49" E. FOR 50.00 FEET; THENCE S.88°55'15" W. FOR 235.00 FEET; THENCE N.00°01'49" W. FOR 50.00 FEET; THENCE N.88°55'15" E. FOR 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING 11,748 SQUARE FEET, MORE OR LESS.

NOTE BY SURVEYOR: THERE IS AN ERROR IN THE ABOVE DESCRIBED LEGAL DESCRIPTION THAT WAS TAKEN VERBATIM FROM O.R.B. 3217, PG. 2329. THE ABOVE DESCRIBED LAND IS NOT A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST AND IS ENTIRELY A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA. PREPARED BY: RICHARD E. BARNES, JR., PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on July 07, 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 conducted 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

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:

7/14/2020

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 14th of July 2020, by Joe Heynen who is personally known to me

Affiant

Notary Shelly Hora State of Wisconsin County of Brown

8-25-23

My commission expires

Publication Cost \$256.28
Ad No: 0004277842
Customer No: BRE-6BR327

SHELLY HORA
Notary Public
State of Wisconsin

AD #4277842 7/14/2020
LEGAL NOTICE

RESOLUTION VACATING A PUBLIC DRAINAGE EASEMENT IN OFFICIAL RECORDS BOOK 3217, PAGE 2329, MELBOURNE, LYING IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST - VININGS PALM BAY INVESTMENT, LLC

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 7th day of July 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a public drainage easement in Official Records book 3217, page 2329, Melbourne, lying in Section 19, Township 26 South, Range 37 East, as petitioned by Vining's Palm Bay Investment, LLC.

SEE ATTACHED EXHIBIT "A"

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

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

Florida TODAY:
Please advertise in the July 14, 2020, issue of the Florida TODAY. Bill the Board of County Commissioners Account Number BRE-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 NOTICE
EXHIBIT "A"

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LEGAL NOTICE

RESOLUTION VACATING A PUBLIC DRAINAGE EASEMENT IN OFFICIAL RECORDS
BOOK 3217, PAGE 2329, MELBOURNE, LYING IN SECTION 19, TOWNSHIP 26 SOUTH,
RANGE 37 EAST – VININGS PALM BAY INVESTMENT, LLC

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BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK

BY: Kimberly Powell, Deputy Clerk

Florida TODAY:

Please advertise in the July 14, 2020, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-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.**

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Brevard County Property Appraiser Detail Sheet

Account 2606089
 Owners Vinings Palm Bay Investment LLC
 Mailing Address 3850 Bird Rd, 801 Miami FL 33146
 Site Address Not Assigned
 Parcel ID 26-37-19-00-250
 Property Use 4000 - Vacant Industrial Land
 Exemptions None
 Taxing District 4200 - Unincorp District 4
 Total Acres 30.29
 Subdivision --
 Site Code 0321 - Wickham
 Plat Book/Page 0000/0000
 Land Description
 Part Of NW 1/4 Lying W Of Rr Together With Part Of SE
 1/4 Of 26-36-13, SW 1/4 Of 26-37-18 & NE 1/4 Of 26-
 36-24 E Of Wickham Rd All As Desc IN Orb 8126 Pg
 2541

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$324,470	\$324,470	\$291,220
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$324,470	\$310,060	\$281,880
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$324,470	\$310,060	\$281,880
Taxable Value School	\$324,470	\$324,470	\$291,220

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/22/2018	\$5,000,000	WD	Vacant	8126/2541
03/14/1988	--	PT	--	2889/1573
08/01/1984	\$1,272,500	PT	--	2533/2507
09/28/1978	\$371,000	PT	--	1946/0780

Fig. 1: Copy of Property Appraiser's detail sheet for Parcel 250, Section 19, Township 26 South, Range 37 East, District 4

Vicinity Map

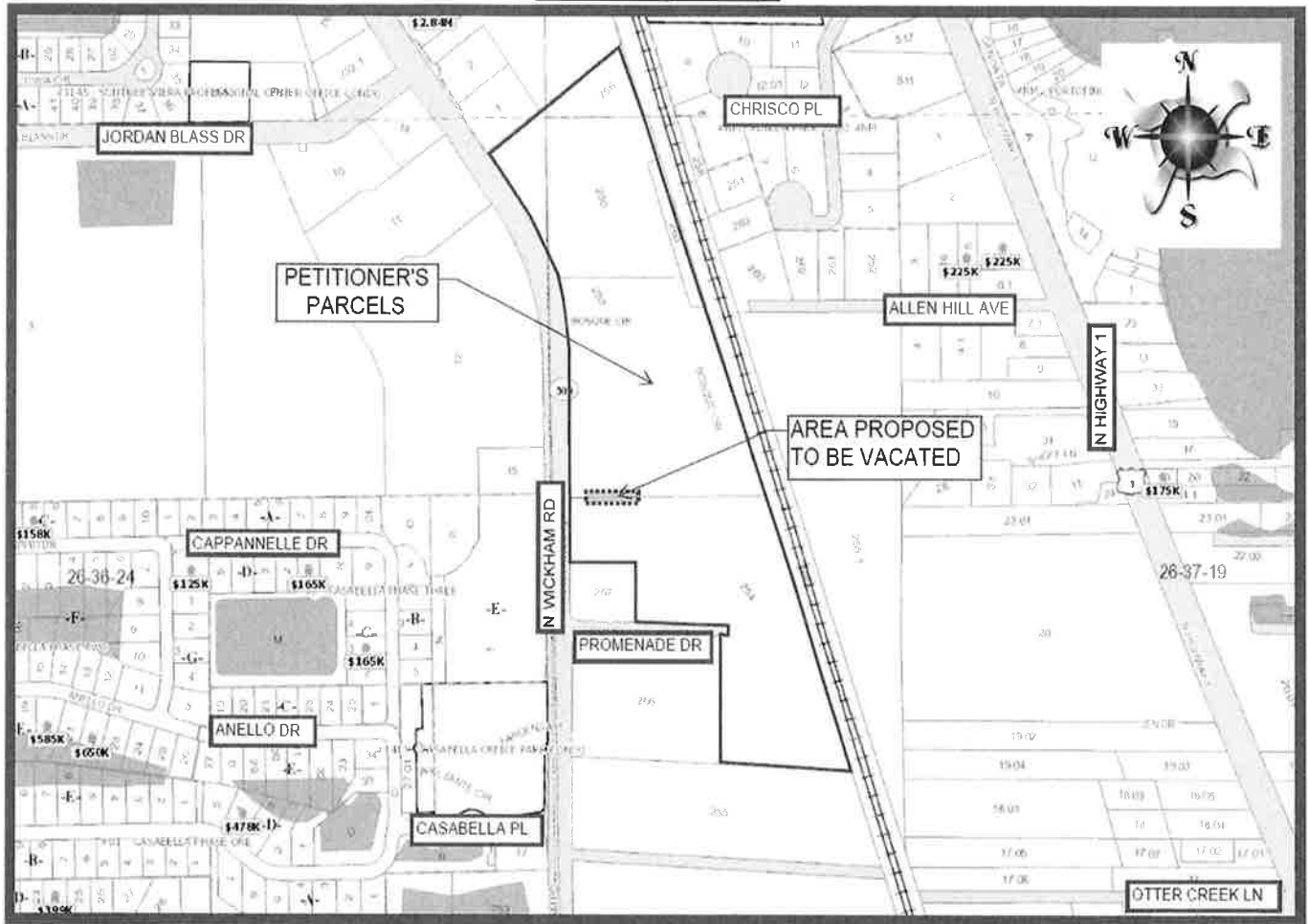


Fig. 2: Map of Parcel 250, Section 19, Township 26 South, Range 37 East, Melbourne, Florida

Vining's Palm Bay Investments LLC – Parcel 250 –
Melbourne, Section 19, Township 26 South, Range 37
East – District 4 – Proposed Vacating of a 50.0 ft. Wide
Public Drainage Easement created by Official Records
Book 3217, Page 2329

Aerial Map



Fig. 3: Map of aerial view of Parcel 250, Section 19, Township 26 South, Range 37 East, Melbourne, Florida

Vining's Palm Bay Investments LLC – Parcel 250 –
Melbourne, Section 19, Township 26 South, Range 37
East – District 4 – Proposed Vacating of a 50.0 ft. Wide
Public Drainage Easement created by Official Records
Book 3217, Page 2329

0425

6/4/03
REV-6

FRAC. SECTION 19 TOWNSHIP 28 RANGE 37



Fig. 4: Copy of tax map Section 19, Township 26 South, Range 37 East dated February 29, 1960

Petitioner's Sketch & Description Sheet 1 of 4



LEGAL DESCRIPTION PARENT PARCEL(s): 26-37-19-00-253, 26-37-19-00-254 PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329		EXHIBIT "A" SHEET 1 OF 4 NOT VALID WITHOUT SHEETS 2 - 4 OF 4 <u>THIS IS NOT A SURVEY</u>					
LEGAL DESCRIPTION (PER O.R.B. 3217, PG. 2329) A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A 4" x 4" CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE S.88°58'56"W. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 FOR 286.12 FEET; THENCE S.35°57'50"E. FOR 330.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1026.60 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°56'02" FOR 643.84 FEET; THENCE S.00°01'49"E. FOR 418.18 FEET TO THE POINT OF BEGINNING; THENCE N.88°55'15"E. FOR 230.00 FEET; THENCE S.00°01'49"E. FOR 50.00 FEET; THENCE S.88°55'15"W. FOR 235.00 FEET; THENCE N.00°01'49"W. FOR 50.00 FEET; THENCE N.88°55'15"E. FOR 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 11,748 SQUARE FEET, MORE OR LESS. NOTE BY SURVEYOR: THERE IS AN ERROR IN THE ABOVE DESCRIBED LEGAL DESCRIPTION THAT WAS TAKEN VERBATIM FROM O.R.B. 3217, PG. 2329. THE ABOVE DESCRIBED LAND IS NOT A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST AND IS ENTIRELY A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.							
PREPARED FOR AND CERTIFY TO: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.  RICHARD E. BARNES, JR. FLORIDA SURVEYOR AND MAPPER REGISTRATION No. 5173 NOT VALID UNLESS SIGNED AND SEALED					
PREPARED BY:		<div style="display: flex; align-items: center;">  <div> Bowman Consulting Group, Ltd. 301 S.E. OCEAN BLVD., Suite 301 STUART, FL 34994 Florida Certificate of Authorization No. LB8030 </div> <div style="margin-left: 10px; font-size: 0.8em;"> Phone: (772) 283-1413 Fax: (772) 320-7880 www.bowmanconsulting.com </div> </div>					
DRAWN BY: RT	CHECKED BY: RB	PROJECT NO. 3075-01-001					
DATE: 11/11/2019	DRAWING: 3075-A-ESMT	REVISIONS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">DATE</th> <th style="width: 70%;">REVISION</th> </tr> <tr> <td style="text-align: center;">12/8/19</td> <td style="text-align: center;">PER COMMENTS</td> </tr> </table>	DATE	REVISION	12/8/19	PER COMMENTS
DATE	REVISION						
12/8/19	PER COMMENTS						
		SECTION 19 TOWNSHIP 26 SOUTH RANGE 37 EAST					

Fig. 5: Sheet 1 of 4. Legal description for 50.00-foot drainage easement.

Petitioner's Sketch & Description Sheet 2 of 4

SKETCH OF DESCRIPTION

PARENT PARCEL(s): 28-37-19-00-253, 26-37-19-00-254
PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329

EXHIBIT "A"

SHEET 2 OF 4

NOT VALID WITHOUT SHEETS 1, 3 & 4 OF 4

THIS IS NOT A SURVEY

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. THIS LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THE BEARING BASIS SHOWN HEREON REFERS TO THE ASSUMED BEARING OF SOUTH 88°58'58" WEST FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
3. THIS LEGAL DESCRIPTION WITH A SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ABBREVIATIONS:

F.P.L. FLORIDA POWER & LIGHT COMPANY
ID IDENTIFICATION
LB LICENSED BUSINESS
O.R.B. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
RGE RANGE
R/W RIGHT OF WAY
SEC. SECTION
S.F. SQUARE FEET
TWS TOWNSHIP

PREPARED BY:

Bowman
CONSULTING
Bowman Consulting Group, Ltd.
321 S.E. OCEAN BLVD., Suite 301
STUART, FL 34994

Phone: (772) 383-1413
Fax: (772) 225-7881
www.bowmanconsulting.com

SCALE:

N/A

PROJECT NO.:

3075-01-001

SECTION 19

TOWNSHIP 26 SOUTH

RANGE 37 EAST

Fig. 6: Sheet 2 of 4. Not valid without sheets 1, 3 & 4 of 4. Surveyor's notes and abbreviations.

Petitioner's Sketch & Description Sheet 3 of 4

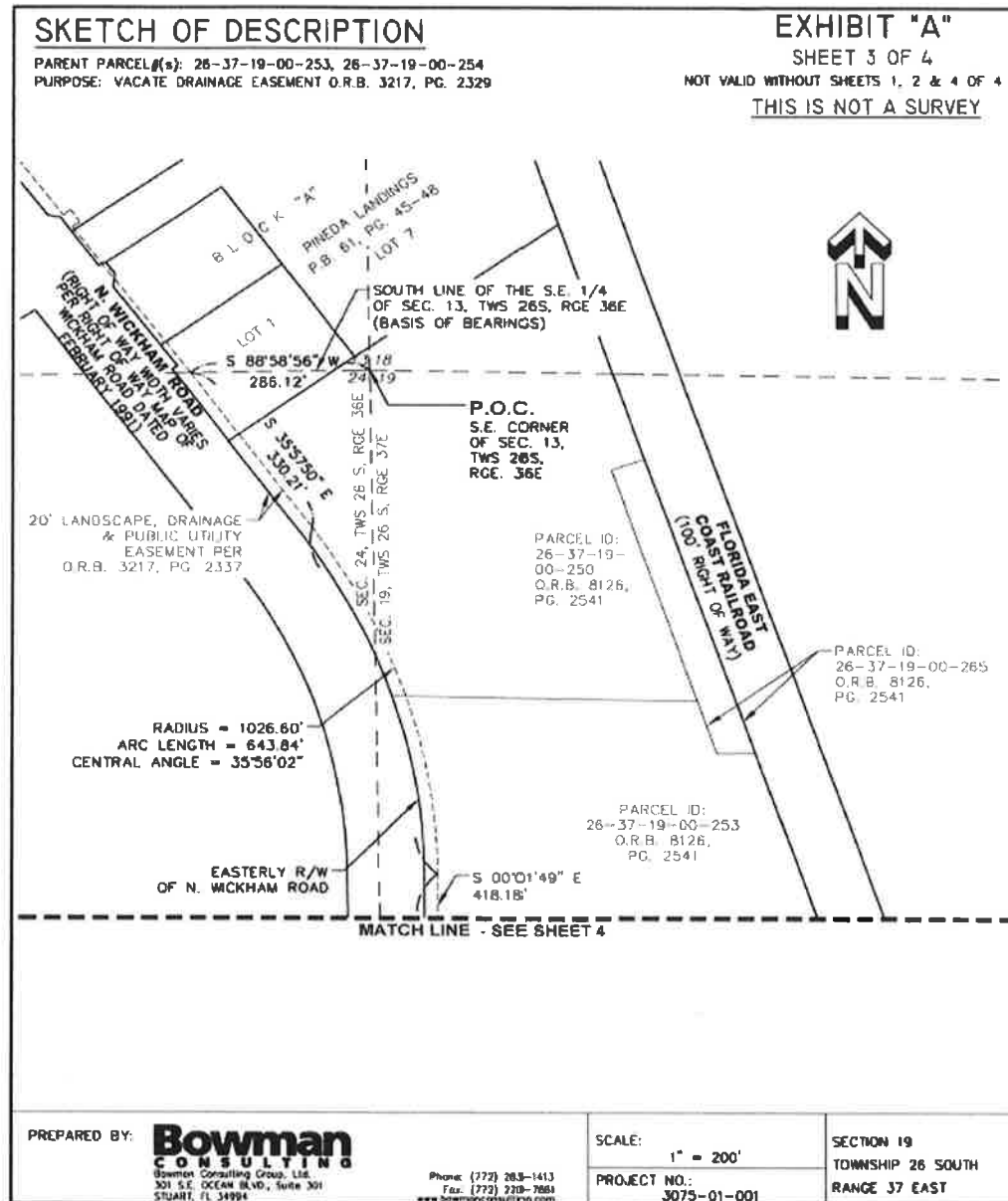


Fig. 7: Sheet 3 of 4. Not valid without sheets 1, 2, & 4 of 4. Sketch illustrates multiple parcels that reside on N. Wickham Road, Melbourne, Florida. The description follows the Easterly right-of-way of N. Wickham Road to a match line point-see sheet 4. Project No. 3075-01-001. Section 19, Township 26 South, Range 37 East.

Petitioner's Sketch & Description Sheet 4 of 4

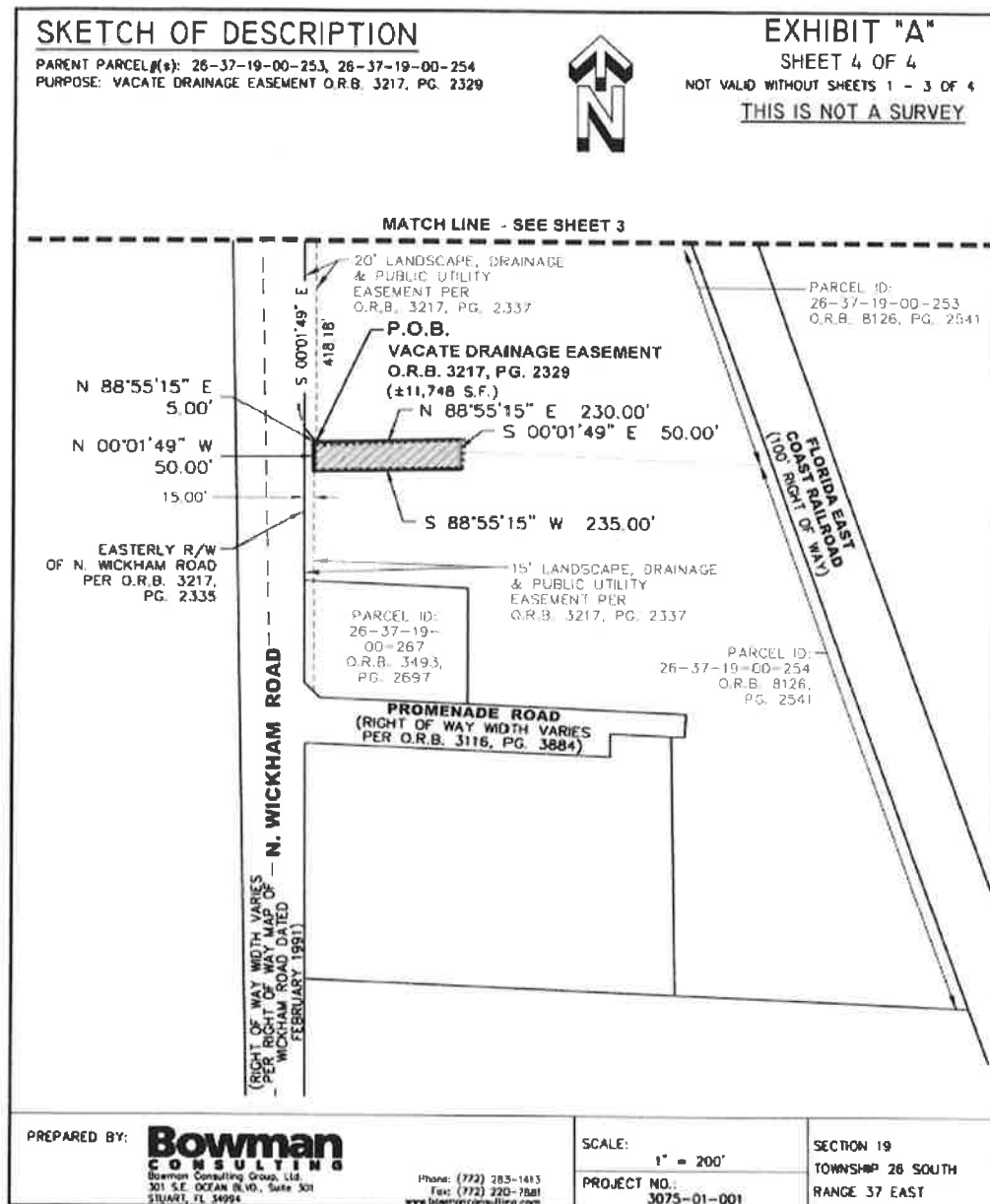


Fig. 8: Sheet 4 of 4. Not valid without sheets 1-3 of 4. Sketch illustrates highlighted area to be vacated created by Official Records Book 3217, Page 2329 that reside on N. Wickham Road, Melbourne, Florida. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 88°55'15" East 230.00', East boundary – South 00°01'49" East 50.00', South boundary – South 88°55'15" West 235.00', West boundary – North 00°01'49" West 50.00'. Bowman Consulting Group, 301 SE Ocean Blvd., Suite 301, Stuart, Florida, 34994, Phone: 772-283-1413, Fax 772-220-7881, www.bowmanconsulting.com. Project No: 3075-01-001. Section 19, Township 26 South, Range 37 East.

Comment Sheet

Applicant: Vining's Palm Bay Investment LLC

Updated by: Amber Holley 20200123 at 16:00 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20191210	20191210	Yes	No objections
FL Power & Light	20191210	20200123	Yes	No objections
At&t	20191210	20200106	Yes	No objections
Charter/Spectrum	20191210	20191210	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20191210	20200115	Yes	No objections with an easement
Land Planning	20191210	20191210	Yes	No objections
Utility Services	20191210	20191210	Yes	No objections
Storm Water	20191210	20200108	Yes	No objections
Zoning	20191210	20191213	Yes	No objections

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

Public Hearing Legal Advertisement

AD#4242593, 6/22/2020

LEGAL NOTICE

NOTICE FOR THE VACATING OF A 50.0 FT. WIDE DRAINAGE EASEMENT, PER OFFICIAL RECORDS BOOK 3217, PAGE 2329 IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 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 VININGS PALM BAY INVESTMENT LLC with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A 4" X 4" CONCRETE MONUMENT AT THE SOUTH-EAST CORNER OF SAID SECTION 13; THENCE S.88°58'56" W. ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 13 FOR 286.12 FEET; THENCE S.35°57'50"E. FOR 330.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1026.60 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°56'02" FOR 643.84 FEET; THENCE S.00°01'49"E. FOR 418.18 FEET TO THE POINT OF BEGINNING; THENCE N.88°55'15"E. FOR 230.00 FEET; THENCE S.00°01'49"E. FOR 50.00 FEET; THENCE S.88°55'15" W. FOR 235.00 FEET; THENCE N.00°01'49" W. FOR 50.00 FEET; THENCE N.88°55'15" E. FOR 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 11,748 SQUARE FEET, MORE OR LESS.

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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 5:00 P.M. on July 07, 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. 10: Copy of public hearing advertisement as published on June 22, 2020 see next page for full text.

Legal Notice Text

LEGAL NOTICE

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H3

LEGAL DESCRIPTION (PER O.R.B. 3217, PG. 2329)

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