



AGENDA REPORT  
July 23, 2019

**Petition to Vacate Public Utility Easement-Cocoa-Magdiel Frometa-(District  
1)**

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**SUBJECT:**

Petition to Vacate, Re: Public Utility and Drainage Easement – “Port St. John Unit Eight” Plat Book 23, Pages 70-83 - Cocoa – Magdiel Frometa – District 1

**FISCAL IMPACT:**

\$640.00 Vacating Application Fee Paid by Petitioner

**DEPT/OFFICE:**

Public Works

**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 centered along the rear line of Lot 12, Block 358, “Port St. John Unit Eight” in Section 13, Township 23 South, Range 35 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 petitioner owns Lot 12, Block 358 and is requesting vacating part of the 20.00 ft. wide public utility and drainage easement along the rear line of lot 12, Block 358, to allow for improvements to the existing concrete pad into said easement. Easement to be vacated contains 864 square feet, more or less.

July 08, 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 Cocoa as follows: Begin at the intersection of Port St. John Pkwy and Grissom Pkwy; thence 1.00 miles north along Grissom Pkwy; thence 1.6 miles

east along Fay Blvd; thence 0.1 mile north on Carole Ave; Carole Ave turns slightly left and becomes Juanita St; thence 154 ft north on Spring St 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 revenue account for vacatings.

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.

**ATTACHMENTS:**

**Description**

- **Exhibit**



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

August 22, 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 Port St. John Unit Eight, Subdivision, Cocoa

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-115, vacating part of a public utility and drainage easement in Port St. John Unit Eight Subdivision, Cocoa, as petitioned by Magdiel Frometa. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 23, 2019.

Your continued cooperation is always appreciated.

Sincerely,

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

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)



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

AD#3661586, 7/8/2019  
LEGAL NOTICE  
NOTICE FOR THE PARTIAL VACATING OF  
THE 20.0 FT. WIDE PUBLIC UTILITY AND  
DRAINAGE EASEMENT, PLAT OF "PORT  
ST. JOHN UNIT EIGHT" IN SECTION 13,  
TOWNSHIP 23 SOUTH, RANGE 35 EAST,  
COCOA, FL

STATE OF NEW JERSEY COUNTY OF MONMOUTH:  
Before the undersigned authority personally appeared  
Shelly Hora 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

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

THAT PORTION OF A 20.00 FT. WIDE  
PUBLIC UTILITY AND DRAINAGE EASE-  
MENT DESCRIBED AS FOLLOWS: THE  
NORTH 72.00 FEET OF THE SOUTH 76.00  
FEET OF THE WEST 10.00 FEET OF THE  
EAST 20.00 FEET OF LOT 12, BLOCK 358,  
ACCORDING TO THE PLAT OF PORT ST.  
JOHN UNIT EIGHT AS RECORDED IN PLAT  
BOOK 23, PAGE(S) 70 THROUGH 83, OF  
THE PUBLIC RECORDS OF BREVARD  
COUNTY, FLORIDA, CONTAINING 664  
SQ. FT. +/- 0.019 ACRES +/- PREPARED BY:  
ERIC NIELSEN, PSM

**Legal Notices**

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

**07/08/19**

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 July 23, 2019 at the Brevard County  
Government Center Board Room, Build-  
ing 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.

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.

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 pur-  
pose, he or she may need to ensure that  
a verbatim record of the proceedings is  
made, which record includes the testi-  
mony and evidence upon which the ap-  
peal 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 im-  
paired persons shall be met if the de-  
partment sponsoring the  
meeting/hearing is contacted at least 48  
hours prior to the public  
meeting/hearing by any person wishing  
assistance.

Sworn to and Subscribed before me this 22th of July 2019,  
by Shelly Hora who is personally known to me

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Notary State of Wisconsin County of Brown

9-19-21

My commission expires  
Publication Cost: \$200.86  
Ad No: 0003661586  
Customer No: BRE-6BR327





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

AD# 3706119 7/31/19  
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN PORT ST. JOHN UNIT EIGHT SUBDIVISION, LYING IN SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA - MAGDIEL FROMETA

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 23th day of July 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Port St. John Unit Eight Subdivision, lying in Section 13, Township 23 South, Range 35 East, Cocoa, as petitioned by Magdiel Frometa.

SEE ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION:

EXHIBIT "A"  
THAT PORTION OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:  
THE NORTH 72.00 FEET OF THE SOUTH 78.00 FEET OF THE WEST 10.00 FEET OF THE EAST 20.00 FEET OF LOT 12, BLOCK 358, ACCORDING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT. +/- 0.019 ACRES +/-, PREPARED BY: ERIC NIELSEN, PSM

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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:  
Before the undersigned authority personally appeared Shelly Hora 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:

07/31/19

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 8th of August 2019, by Shelly Hora who is personally known to me

*Shelly Hora*

Affiant

*Shirley Letty*

Notary State of Wisconsin County of Brown

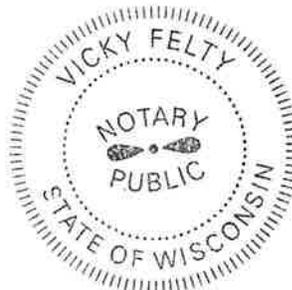
9-19-21

My commission expires

Publication Cost: \$158.48

Ad No: 0003706119

Customer No: BRE-6BR327





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

August 22, 2019

Magdiel Frometa  
6775 Spring Street  
Cocoa, FL 32927

Dear Magdiel Frometa:

Re: Resolution Vacating Part of a Public Utility and Drainage Easement in Port St. John Unit Eight Subdivision, Cocoa

The Board of County Commissioners, in regular session on July 23, 2019, adopted Resolution No. 19-115, vacating a part of a public utility and drainage easement in Port St. John Unit Eight Subdivision, Cocoa, as petitioned by you. Said Resolution has been recorded in ORBK 8514, Pages 2273 through 2277. 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*

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Amber Holley, Public Works

Resolution 2019 - 115

**Vacating a part of a public utility and drainage easement in "Port St. John Unit Eight" Subdivision,  
Cocoa, Florida, lying in Section 13 Township 23 South, Range 35 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MAGDIEL FROMETA** 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.

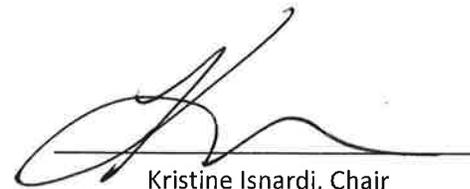
THEREFORE BE IT RESOLVED that said portion of the public utility and drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of 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 23<sup>TH</sup> day of July, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

  
SCOTT ELLIS, CLERK

  
Kristine Isnardi, Chair

As approved by the Board on:  
July 23, 2019

**LEGAL DESCRIPTION**

SHEET 1 OF 2

SITUATED IN SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST

NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2

PARCEL ID# 23-35-13-JZ-358-12

PURPOSE OF SURVEY: VACATING A PORTION OF A 20.0 FOOT WIDE UTILITY & DRAINAGE EASEMENT

LEGAL DESCRIPTION:

THAT PORTION OF A 20.00 WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTH 72.00 FEET OF THE SOUTH 78 FEET OF THE WEST 10.0 FEET OF THE EAST 20.0 FEET OF LOT 12, BLOCK 358, ACCORDING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-, 0.019 ACRES +-.

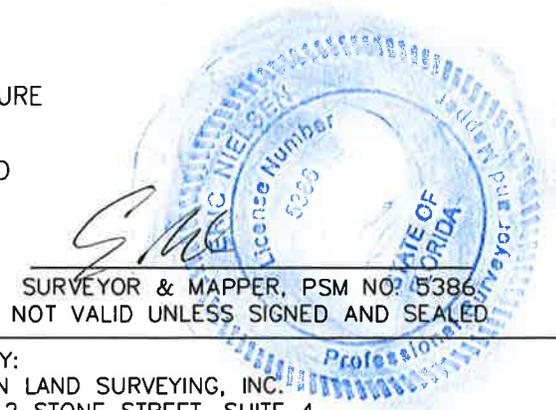
SURVEYOR'S NOTES:

1. THE BASIS OF BEARINGS OF THE ABOVE DESCRIPTION IS THE EAST RIGHT OF WAY LINE OF SPRING STREET, BEING N 01°16'14" W, AS PER PLAT OF PORT ST. JOHN UNIT EIGHT.
2. THE SKETCH ON SHEET 2 OF 2 IS NOT A BOUNDARY SURVEY, IT IS A SKETCH ONLY TO ACCOMPANY LEGAL DESCRIPTION.
3. THE IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY ERIC NIELSEN LAND SURVEYING, INC. DATED 12-19-2018

ABBREVIATION & SYMBOL LEGEND

- |                        |  |
|------------------------|--|
| C/L = CENTERLINE       | I.R.C. = IRON ROD & CAP                      |
| R/W = RIGHT-OF-WAY     | P.U.D.E.= PUBLIC UTILITY & DRAINAGE EASEMENT |
| FND = FOUND            | A/C = AIR CONDITIONER                        |
| LB = LICENSED BUSINESS | CONC = CONCRETE                              |
| P = PLAT               | WUP = WOOD UTILITY POLE                      |
| M = MEASURED           | W/M = WATER METER                            |
| I.R. = IRON ROD        | E.M. = ELECTRIC METER                        |
| L = LINE               | W.F.S. = WOOD FRAME STRUCTURE                |
| N&D = NAIL & DISC      | C.B.S. = CONCRETE BLOCK STRUCTURE            |

 = AREA TO BE VACATED



SURVEYOR & MAPPER, PSM NO: 5386  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR: MAGDIEL FROMETA  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:  
ERIC NIELSEN LAND SURVEYING, INC.  
L.B. 6946, 12 STONE STREET, SUITE 4  
COCOA, FL. 32922

DRAWN BY: E.N.

CHECKED BY: EN

DRAWING NO. 18-678-VAC

SECTION 13

DATE: 01-22-2019

SHEET 1 OF 2

REVISIONS \_\_\_\_\_

TOWNSHIP 23 SOUTH

RANGE 35 EAST

# EXHIBIT "A"

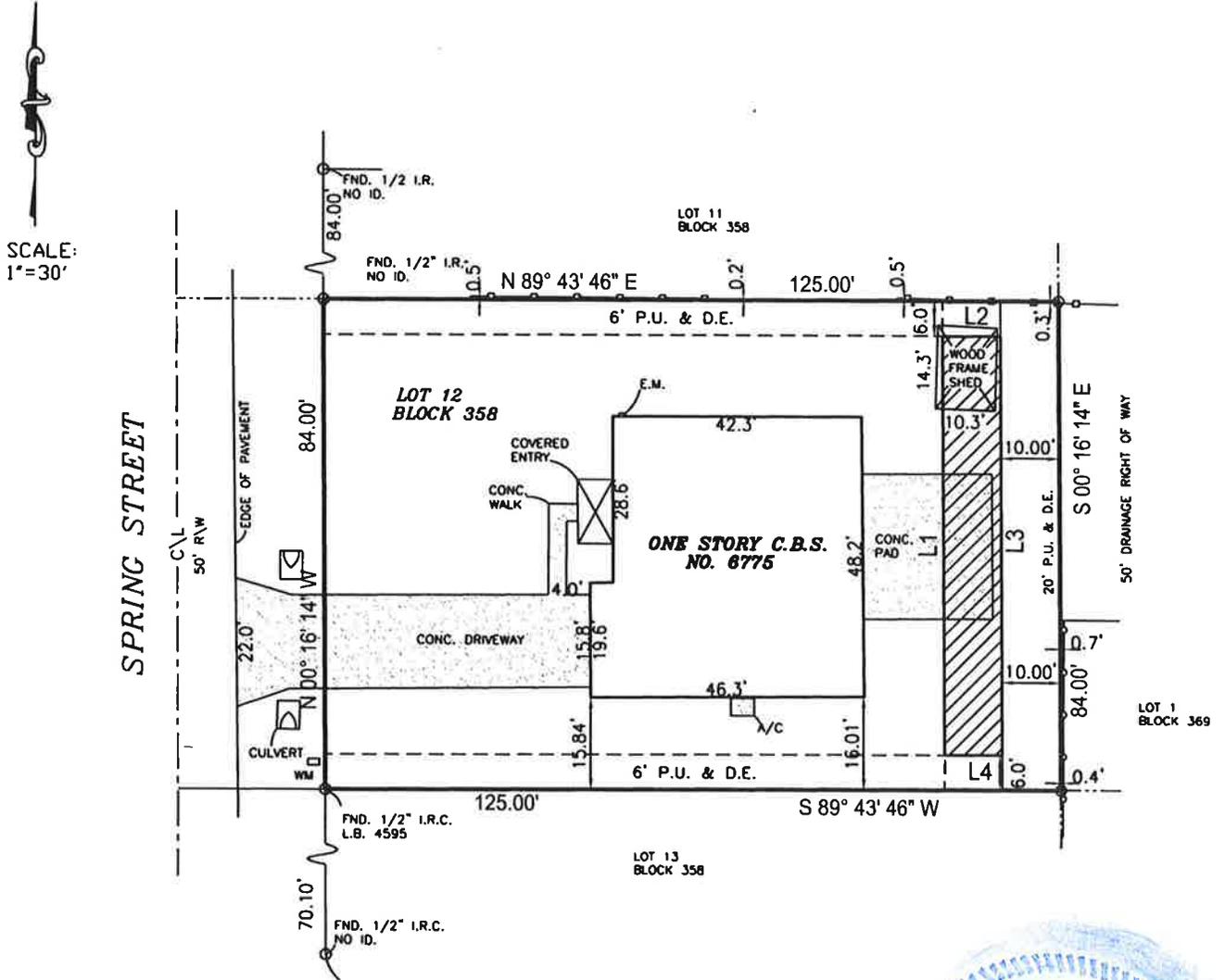
## SKETCH OF DESCRIPTION

SHEET 2 OF 2

SITUATED IN SECTION 13, TOWNSHIP 23 SOUTH,  
RANGE 35 EAST  
PARCEL ID# 23-35-13-JZ-358-12

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2

"THIS IS A SKETCH ONLY, NOT A BOUNDARY SURVEY"



SCALE:  
1"=30'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 01° 16' 14" W	72.00'
L2	N 89° 43' 46" E	10.00'
L3	S 01° 16' 14" E	72.00'
L4	S 89° 43' 46" W	10.00'



SURVEYOR & MAPPER, PSM NO. 5386  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR: MAGDIEL FROMETA  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:  
ERIC NIELSEN LAND SURVEYING, INC.  
L.B. 6946, 12 STONE STREET, SUITE 4  
COCOA, FL. 32922

DRAWN BY: E.N.

CHECKED BY: EN

DRAWING NO. 18-678-VAC

SECTION 13

DATE: 01-22-2019

SHEET 2 OF 2

REVISIONS \_\_\_\_\_

TOWNSHIP 23 SOUTH  
RANGE 35 EAST

# Appraiser's Detail Sheet



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

Phone: (321) 264-8700  
<https://www.bcpao.us>

Account 2301693  
 Owners Frometa, Magdiel  
 Mailing Address 6775 Spring St Cocoa FL 32927  
 Site Address 6775 Spring St Cocoa FL 32927  
 Parcel ID 23-35-13-JZ-358-12  
 Property Use 0110 - Single Family Residence  
 Exemptions HEX1 - Homestead First  
 HEX2 - Homestead Additional  
 Taxing District 1900 - Unincorp District 1  
 Total Acres 0.24  
 Subdivision Port St John Unit 8  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0023/0070  
 Land Description Port St John Unit 8 Lot 12 Blk 358



### VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$158,470	\$145,200	\$125,380
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$158,470	\$81,440	\$79,770
Assessed Value School	\$158,470	\$81,440	\$79,770
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$108,470	\$31,440	\$29,770
Taxable Value School	\$133,470	\$56,440	\$54,770

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/07/2017	\$188,000	WD	Improved	7938/2505
11/06/2003	\$115,600	WD	Improved	5117/2191
06/19/2003	\$103,100	WD	Improved	4954/1592
12/17/2002	-	WD	Vacant	4773/3235
04/20/2002	\$9,500	WD	Vacant	4583/2397
08/01/1990	\$6,100	NN	-	3097/3794

### BUILDINGS

#### PROPERTY DATA CARD #1

Building Use: 0110 - Single Family Residence

Materials	Details	
Exterior Wall: Stucco	Year Built	2003
Frame: Masnryconc	Story Height	8
Roof: Asph/Asb Shngl	Floors	1
Roof Structure: Hip/Gable	Residential Units	1
	Commercial Units	0
<b>Sub-Areas</b>	<b>Extra Features</b>	
Base Area (1st)	Outbuilding	140
Garage	Paving - Stone	230
Open Porch		66

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for Lot 12, Block 358, Port St. John Unit Eight, Magdiel Frometa, 6775 Spring Street, Cocoa, Section 13, Township 23 South, Range 35 East, District 1

## Vicinity Map

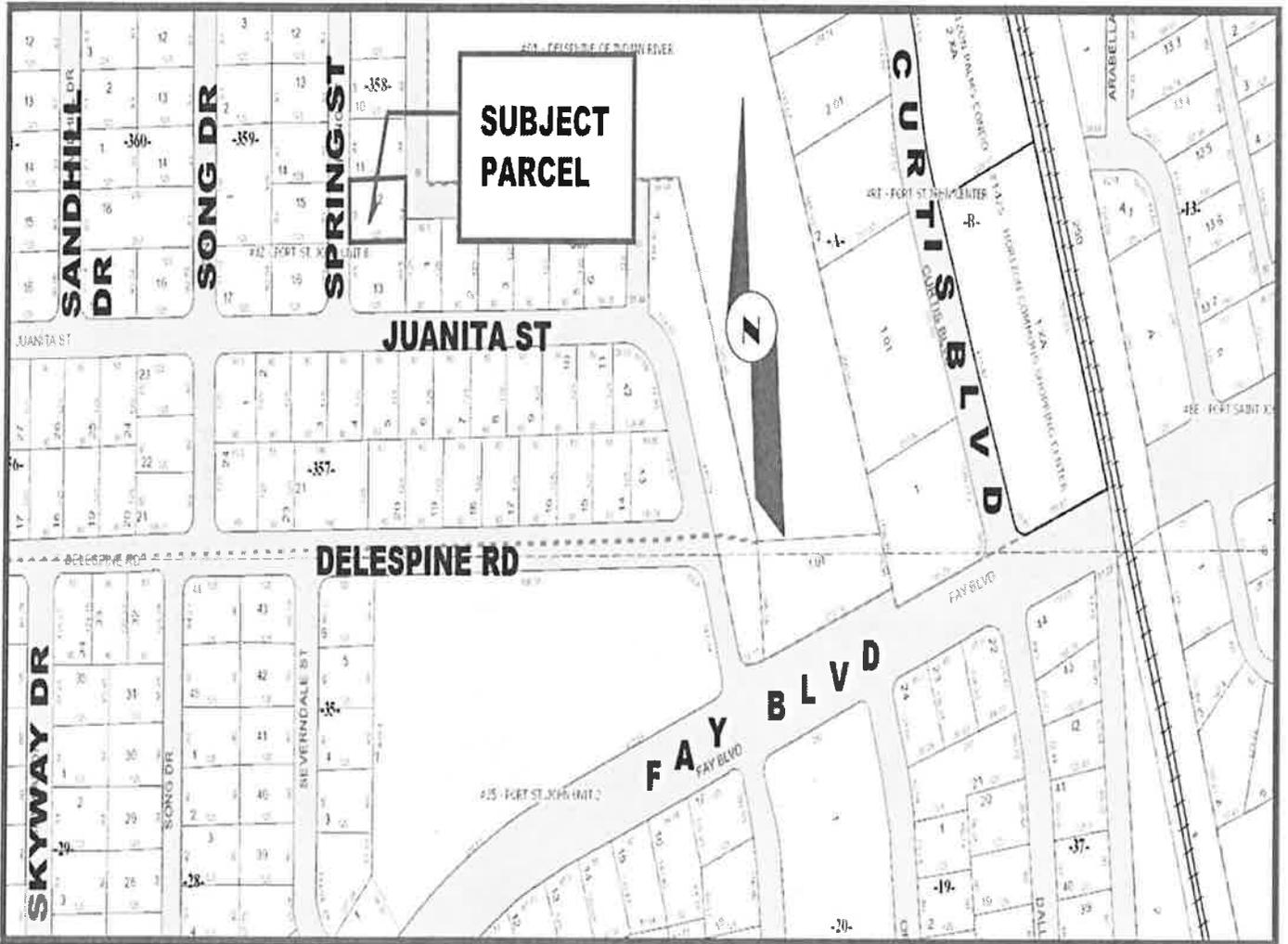


Fig. 2: Map of Lot 12, Block 358, Port St. John Unit Eight, 6775 Spring Street, Cocoa

Magdiel Frometa – Lot 12, Block 358, “Port St. John Unit Eight” (Plat Book 23, Pages 70-83) – 6775 Spring Street – Section 13, Township 23 South, Range 35 East – District 1 – Proposed Vacating of part of a 20.0 ft. Wide Public Utility and Drainage Easement along the rear Lot Line

## Aerial Map

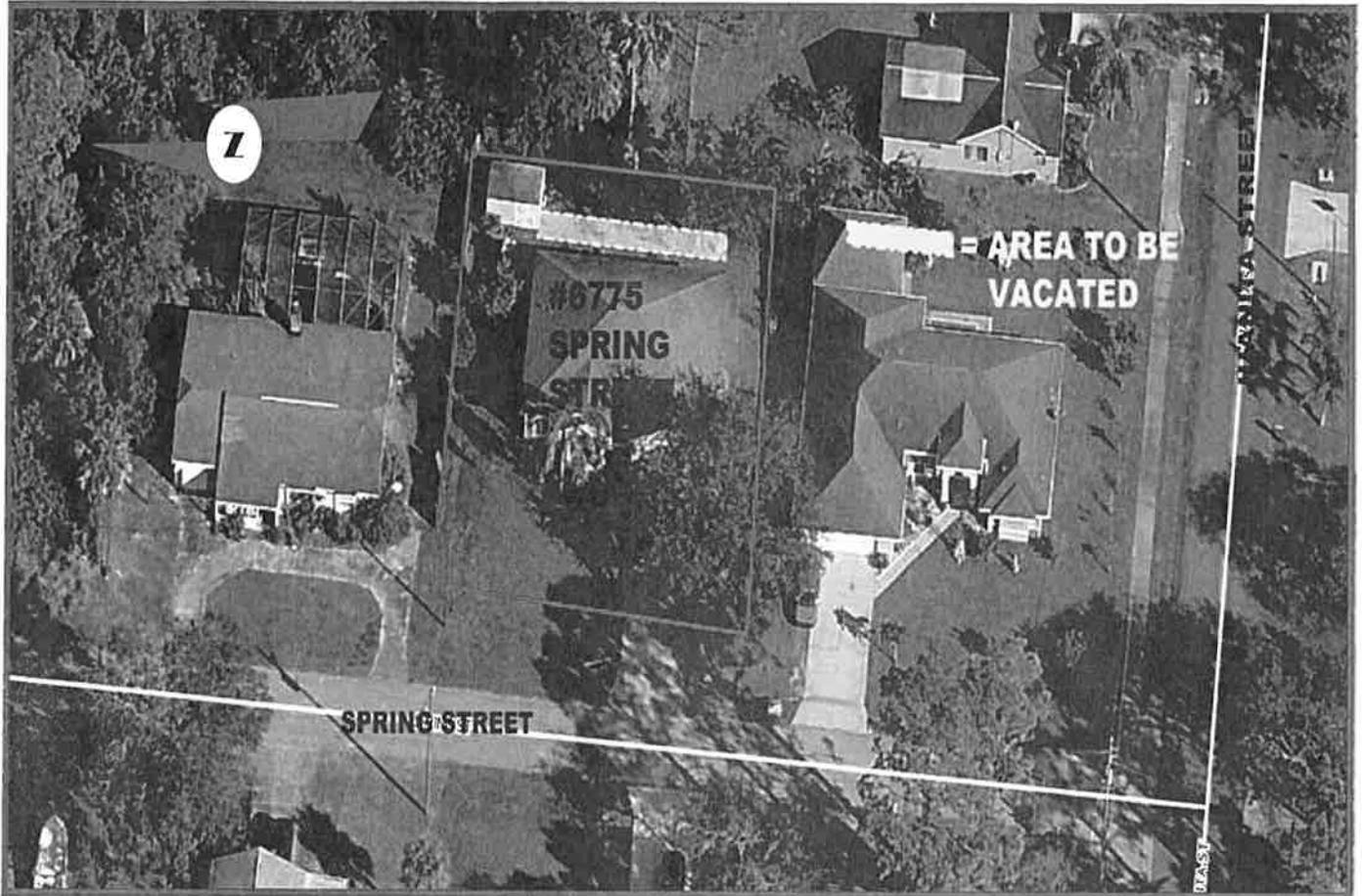


Fig. 3: Map of aerial view of Lot 12, Block 358, Port St. John Unit Eight, 6775 Spring Street, Cocoa

Magdiel Frometa – Lot 12, Block 358, “Port St. John Unit Eight” (Plat Book 23, Pages 70-83) – 6775 Spring Street – Section 13, Township 23 South, Range 35 East – District 1 – Proposed Vacating of part of a 20.0 ft. Wide Public Utility and Drainage Easement along the rear Lot Line



# Petitioner's Deed Sheet 1 of 2

CFN 2017148794, OR BK 7938 Page 2505, Recorded 07/17/2017 at 04:06 PM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$1316.00

Prepared by and Return to:  
Tiffany Scarboro, an employee of  
First International Title, Inc.  
325 Indian River Avenue  
Titusville, FL 32796

File No.: 102090.1-44

## **WARRANTY DEED**

This indenture made on July 14, 2017, by **Edward D. Dunn and Teresa Dunn husband and wife** whose address is: 6775 Spring St, Cocoa, FL 32927, hereinafter called the "grantor", to **Magdiel Frometa** whose address is: 6775 Spring St, Cocoa, FL 32927 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, assigns, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Brevard County, Florida**, to-wit:

Lot 12, Block 358, PORT ST. JOHN UNIT - EIGHT, according to the Plat thereof, recorded in Plat Book 23, Page(s) 70, of the Public Records of Brevard County, Florida.

Parcel Identification Number: 23-35-13-JZ-358-12

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**To Have and to Hold**, the same in fee simple 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 31st of 2016.

Fig. 5: Copy of deed of sale for lot 12, Block 358, Port St. John Unit Eight, 6775 Spring Street, Cocoa, FL to Magdiel Frometa on July 14, 2017.

Petitioner's Deed Sheet 2 of 2

OR BK 7938 PG 2506

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Edward D. Dunn

Edward D. Dunn

Teresa Dunn

Teresa Dunn

Signed, sealed and delivered in our presence:

Tiffany Scarboro

Witness Signature

Print Name: Tiffany Scarboro

Jacklyn Easley

Witness Signature

Print Name: Jacklyn Easley

State of FLORIDA

County of Brevard

The Foregoing Instrument Was Acknowledged before me on the 7<sup>th</sup> day of July, 2017, by **Edward D. Dunn and Teresa Dunn** who is/are personally known to me or who has/have produced the following as identification: drivers license.

Tiffany A. Scarboro

Notary Public

Printed Name:

My Commission expires:



Fig. 6: Copy of deed of sale for lot 12, Block 358, Port St. John Unit Eight, 6775 Spring Street, Cocoa, FL to Magdiel Frometa on July 14, 2017.



# Petitioner's Sketch & Description Sheet 1 of 2

L A N I D I I A

## LEGAL DESCRIPTION

SITUATED IN SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST

PARCEL ID# 23-35-13-J2-358-12

PURPOSE OF SURVEY: VACATING A PORTION OF A 20.0 FOOT WIDE UTILITY & DRAINAGE EASEMENT

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2

## LEGAL DESCRIPTION:

THAT PORTION OF A 20.00 WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTH 72.00 FEET OF THE SOUTH 78 FEET OF THE WEST 10.0 FEET OF THE EAST 20.0 FEET OF LOT 12, BLOCK 358, ACCORDING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-. , 0.019 ACRES +-.

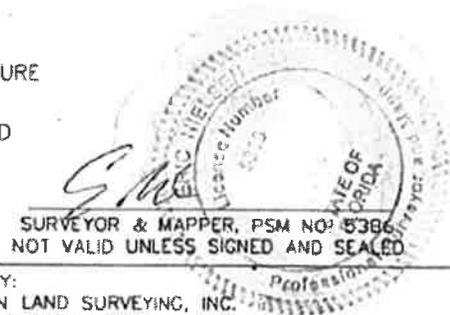
## SURVEYOR'S NOTES:

1. THE BASIS OF BEARINGS OF THE ABOVE DESCRIPTION IS THE EAST RIGHT OF WAY LINE OF SPRING STREET, BEING N 01°16'14" W, AS PER PLAT OF PORT ST. JOHN UNIT EIGHT.
2. THE SKETCH ON SHEET 2 OF 2 IS NOT A BOUNDARY SURVEY, IT IS A SKETCH ONLY TO ACCOMPANY LEGAL DESCRIPTION.
3. THE IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY ERIC NIELSEN LAND SURVEYING, INC. DATED 12-19-2018

## ABBREVIATION & SYMBOL LEGEND

C/L = CENTERLINE	I.R.C. = IRON ROD & CAP
R/W = RIGHT-OF-WAY	P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
FND = FOUND	A/C = AIR CONDITIONER
LB = LICENSED BUSINESS	CONC = CONCRETE
P = PLAT	WUP = WOOD UTILITY POLE
M = MEASURED	W/M = WATER METER
I.R. = IRON ROD	E.M. = ELECTRIC METER
L = LINE	W.F.S. = WOOD FRAME STRUCTURE
N&D = NAIL & DISC	C.B.S. = CONCRETE BLOCK STRUCTURE

 = AREA TO BE VACATED



SURVEYOR & MAPPER, PSM NO. 5386  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR: MAGGIEL FROMETA BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		PREPARED BY: ERIC NIELSEN LAND SURVEYING, INC. L.B. 6946, 12 STONE STREET, SUITE 4 COCOA, FL. 32922	
DRAWN BY: <u>E.N.</u>	CHECKED BY: <u>EN</u>	DRAWING NO. <u>18-678-VAC</u>	SECTION <u>13</u>
DATE: <u>01-22-2019</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS _____	TOWNSHIP <u>23</u> SOUTH RANGE <u>35</u> EAST

Fig. 8: Copy of legal description sheet 1 of 2 of lot 12, Block 358, Port St. John Unit Eight.

# Petitioner's Sketch & Description Sheet 2 of 2

## EXHIBIT "A"

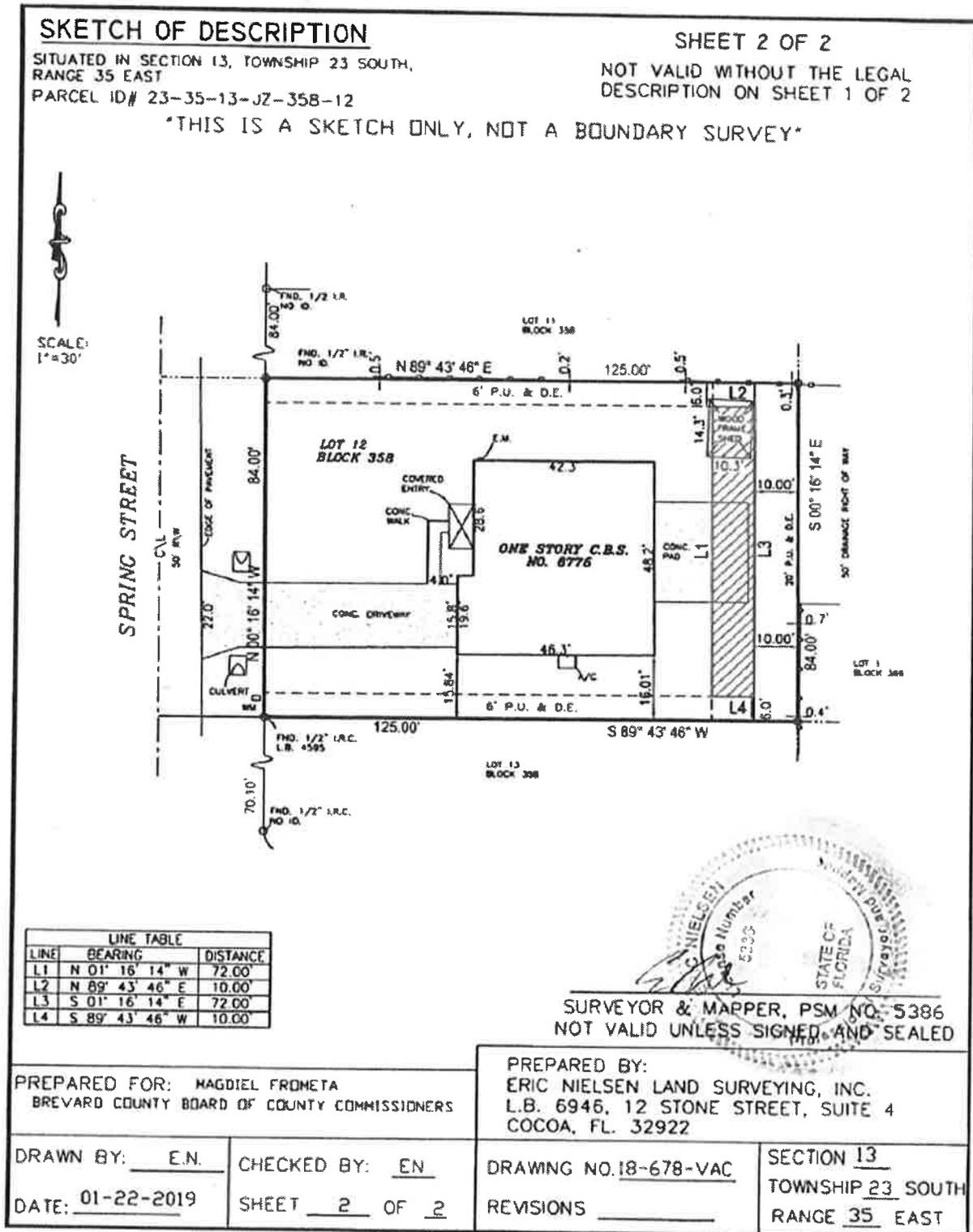


Fig. 9: Copy of sketch sheet 2 of 2 of lot 12, Block 358, Port St. John Unit Eight



## Public Hearing Legal Advertisement

Florida Today | Legal Notices

AD#3661586, 7/8/2019 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF THE 20.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "PORT ST. JOHN UNIT EIGHT" IN SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 MAGDIEL FROMETA with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THAT PORTION OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE NORTH 72.00 FEET OF THE SOUTH 78.00 FEET OF THE WEST 10.00 FEET OF THE EAST 20.00 FEET OF LOT 12, BLOCK 358, ACCRODING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-. 0.019 ACRES +-. PREPARED BY: ERIC NIELSEN, 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 July 23, 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.

[Click for less text](#)

Fig. 11: Copy of public hearing advertisement as published on July 8, 2019 see next page for full text.

## 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 July 08, 2019 issue of Florida TODAY.

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**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 THE 20.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "PORT ST. JOHN UNIT EIGHT" IN SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, 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 **MAGDIEL FROMETA** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THAT PORTION OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:  
THE NORTH 72.00 FEET OF THE SOUTH 78.00 FEET OF THE WEST 10.00 FEET OF THE EAST 20.00 FEET OF LOT 12, BLOCK 358, ACCRODING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-, 0.019 ACRES +-. PREPARED BY: ERIC NIELSEN, 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 July 23, 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.



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

**Customer:** BREVARD CTY PUBLIC WORKS DEPT  
**Address:** 2725 JUDGE FRAN JAMIESON WAY  
VIERA FL 32940  
USA

**Ad No.:** 0003706119  
**Pymt Method** Invoice  
**Net Amt:** \$158.48

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/31/19

**Text of Ad:**

AD# 3706119 7/31/19  
LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN PORT ST. JOHN UNIT EIGHT SUBDIVISION, LYING IN SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA - MAGDIEL FROMETA

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 23th day of July 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Port St. John Unit Eight Subdivision, lying in Section 13, Township 23 South, Range 35 East, Cocoa, as petitioned by Magdiel Frometa.

SEE ATTACHED EXHIBIT "A"

LEGAL DESCRIPTION:

EXHIBIT "A"  
THAT PORTION OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:  
THE NORTH 72.00 FEET OF THE SOUTH 78.00 FEET OF THE WEST 10.00 FEET OF THE EAST 20.00 FEET OF LOT 12, BLOCK 358, ACCRODING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-, 0.019 ACRES +- . PREPARED BY: ERIC NIELSEN, PSM

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

COPY

Resolution 2019 - 115

**Vacating a part of a public utility and drainage easement in "Port St. John Unit Eight" Subdivision,  
Cocoa, Florida, lying in Section 13 Township 23 South, Range 35 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MAGDIEL FROMETA** 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 23<sup>TH</sup> day of July, 2019 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:



A handwritten signature in black ink, appearing to read "Scott Ellis", is written over a faint circular official seal.

SCOTT ELLIS, CLERK



A handwritten signature in black ink, appearing to read "Kristine Isnardi", is written over a horizontal line.

Kristine Isnardi, Chair

As approved by the Board on:  
July 23, 2019

LEGAL NOTICE

RESOLUTION VACATING A PART OF A PUBLIC UTILITY AND DRAINAGE EASEMENT  
IN PORT ST. JOHN UNIT EIGHT SUBDIVISION, LYING IN SECTION 13, TOWNSHIP 23  
SOUTH, RANGE 35 EAST, COCOA – MAGDIEL FROMETA

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 23<sup>th</sup> day of July 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a public utility and drainage easement in Port St. John Unit Eight Subdivision, lying in Section 13, Township 23 South, Range 35 East, Cocoa, as petitioned by Magdiel Frometa.

**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

**Florida TODAY:**

Please advertise in the July 31, 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"**

THAT PORTION OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTH 72.00 FEET OF THE SOUTH 78.00 FEET OF THE WEST 10.00 FEET OF THE EAST 20.00 FEET OF LOT 12, BLOCK 358, ACCRODING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-, 0.019 ACRES +-. PREPARED BY: ERIC NIELSEN, PSM

Copy

LEGAL DESCRIPTION:

THAT PORTION OF A 20.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE NORTH 72.00 FEET OF THE SOUTH 78.00 FEET OF THE WEST 10.00 FEET OF THE EAST 20.00 FEET OF LOT 12, BLOCK 358, ACCRODING TO THE PLAT OF PORT ST. JOHN UNIT EIGHT AS RECORDED IN PLAT BOOK 23, PAGE(S) 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 864 SQ.FT.+-, 0.019 ACRES +-. PREPARED BY: ERIC NIELSEN, PSM