

Res# 21-09



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

2/9/2021

Subject:

Petition to Vacate, Re: Public Utility Easements - 917 & 919 Cashew Circle - "Barefoot Bay Unit Two Part Twelve" Plat Book 22, Page 79 - Barefoot Bay - Barry Southard and Valerie Gallo - District 3

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 part of two public utility easements between Lots 46 and 47, Block 114, "Barefoot Bay Unit Two Part Twelve" in Section 10, Township 30 South, Range 38 East. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating.

Summary Explanation and Background:

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioners own Lots 46 and 47, Block 114 and are requesting the vacating of the portions of two 6.00 ft. wide public utility easements lying between lots 46 and 47, Block 114 to allow for a single-family home to be built between both lots. Easement to be vacated contains 720 square feet, more or less. The property is located in Barefoot Bay North of Micco Road and West of US Highway 1.

January 25, 2021, the legal notice was advertised in Florida TODAY informing the public of the date a public hearing would be held to consider the vacating. All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received.

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

Clerk to the Board Instructions:

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in sequence includes the approved/signed resolution, the proof of publication of the public hearing notice and the proof of publication of the adopted resolution notice.

Resolution 2021 - 09

**Vacating a portion of two public utility easements in "Barefoot Bay Unit Two, Part Twelve"
Subdivision, Barefoot Bay, Florida, lying in Section 10, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **BARRY SOUTHARD AND VALERIE GALLO** with the Board of County Commissioners to vacate two public utility easements 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 utility easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility easements are hereby vacated; and Brevard County renounces and disclaims any rights in and to said easements. 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 9th day of February, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


Rachel Sadoff, Clerk


Rita Pritchett, Chair

As approved by the Board on:
February 9, 2021

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST

PARCEL I.D. NUMBER: 30-38-10-JU-114-46

PARCEL I.D. NUMBER: 30-38-10-JU-114-47

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

PURPOSE OF SKETCH AND DESCRIPTION:

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH
SIDES OF THE COMMON LINE BETWEEN LOTS 46 AND 47, BLOCK 114.

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE
OF LOT 47 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE
OF LOT 46, BLOCK 114, LESS THE NORTH 10.0 FEET FOR UTILITIES AND LESS
THE SOUTH 10 FEET FOR UTILITIES.

BAREFOOT BAY UNIT TWO, PART TWELVE,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80,
OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
CONTAINING 720 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N90°00'00"E
ALONG THE SOUTHERN RIGHT OF WAY OF S.W. CASHEW CIRCLE, ALL OTHER BEARINGS
ARE RELATIVE THERETO.
- 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP
WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED
OR IMPLIED.
- 3) THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS,
ENCROACHMENTS, OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
- 4) THIS SKETCH IS NOT A BOUNDARY SURVEY.
- 5) IMPROVEMENTS SHOWN HEREON ARE BASED ON THE SURVEY PREPARED BY THE UNDERSIGNED
DATED 11/12/2020, DRAWING NUMBER 20-084

PREPARED FOR:

BARRY SOUTHARD
VALERIE GALLO

DRAWN BY: C.J.C.

DATE: 12/01/2020

CHECKED BY: C.J.C.

SHEET 1 OF 2

THIS SURVEY PERFORMED BY:
COONEY SURVEYING &
MAPPING, LLC L.B. #8070
456 Chaloupe Terrace
Sebastian, FL 32958
C.J. COONEY 913-5322
cponeymap@gmail.com

SECTION 10
TOWNSHIP 30 SOUTH
RANGE 38 EAST

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

Christopher J. Cooney
DATE AND SIGNATURE
FLORIDA 12/01/2020
SURVEYOR

SKETCH OF DESCRIPTION

SHEET 2 OF 2

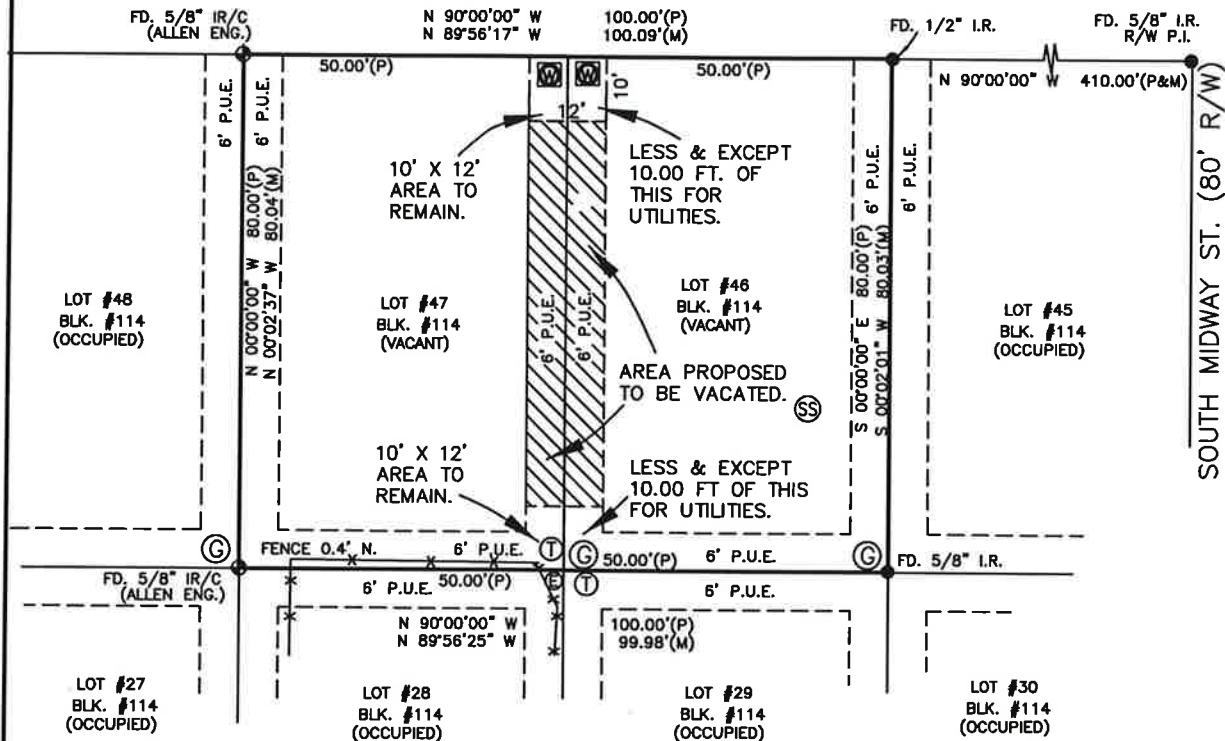
SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
 PARCEL I.D. NUMBER: 30-38-10-JU-114-46
 PARCEL I.D. NUMBER: 30-38-10-JU-114-47

NOT VALID WITHOUT THE LEGAL
 DESCRIPTION ON SHEET 1 OF 2



S.W. CASHEW CIR.
 50' R/W
 20' ASPHALT ROADWAY

1.5' CONCRETE CURB



CERTIFIED TO:
 BARRY SOUTHAUD
 VALERIE GALLO

PROPERTY ADDRESS:
 919 & 917 CASHEW CIRCLE
 BAREFOOT BAY, FL. 32976

LEGEND & ABBREVIATIONS

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

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



SCALE, 1"=30'	FIELD BOOK: 110/64	SURVEY DATE: 11/12/2020	REVISIONS
JOB # 20-084	FLOOD ZONE: X	FLOOD INSURANCE RATE MAP: #12009C0694G 03/17/14	12/01/20 COMMENTS
 COONEY SURVEYING & MAPPING LLC L.B. #8070	Christopher J. Cooney Professional Surveyor & Mapper LS #8077 456 Chaloupe Terrace Sebastian, FL. 32958 772-913-5322 cooneymap@gmail.com	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077 DATE AND SIGNATURE: <i>Chris Cooney</i> 12/12/2020	



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:

1/25/2021

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 25th of January 2021, by Joe Heynen who is personally known to me

[Signature]

Affiant

[Signature]
Notary State of Wisconsin County of Brown
5.15.23

My commission expires

Publication Cost \$213.90
Ad No: 0004561407
Customer No: BRE-6BR327

NANCY HEYRMAN
Notary Public
State of Wisconsin

Ad#4561407, 01/25/2021
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by BARRY SOUTHWARD AND VALERIE GALLO with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:
THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 47, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 46, BLOCK 114, LESS THE NORTH 10.00 FEET FOR UTILITIES AND LESS THE SOUTH 10.00 FEET FOR UTILITIES, BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 720 SQUARE FEET, MORE OR LESS, PREPARED BY: CHRISTOPHER J. COONEY, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on February 9, 2021 at the Brevard County Government Center Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.



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

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:

2/16/2021

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 16th of February 2021, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$155.22
Ad No: 0004601399
Customer No: BRE-6BR327

SHELLY HORA
Notary Public
State of Wisconsin

Ad#4601399, 02/16/2021
LEGAL NOTICE

RESOLUTION VACATING A PORTION OF TWO PUBLIC UTILITY EASEMENTS IN "BAREFOOT BAY UNIT TWO, PART TWELVE" SUBDIVISION, BAREFOOT BAY, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST - BARRY SOUTHARD AND VALERIE GALLO

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 9th day of February 2021, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of two public utility easements in "Barefoot Bay Unit Two, Part Twelve" subdivision, Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East, as petitioned by Barry Southard and Valerie Gallo.

LEGAL DESCRIPTION:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 47, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 46, BLOCK 114, LESS THE NORTH 10.00 FEET FOR UTILITIES AND LESS THE SOUTH 10.00 FEET FOR UTILITIES, BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 720 SQUARE FEET, MORE OR LESS, PREPARED BY: CHRISTOPHER J. COONEY, PSM.

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

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA
RACHEL M. SADOFF, CLERK
BY: Kimberly Powell, Clerk to the Board

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



March 1, 2021

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

Dear Sir/Madam:

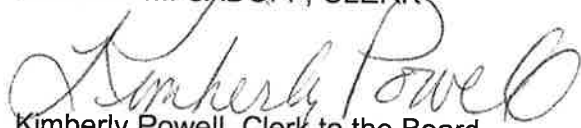
Re: Resolution Vacating a Portion of Two Public Utility Easements in "Barefoot Bay Unit Two, Part Twelve" Subdivision, Barefoot Bay, Lying in Section 10, Township 30 South, Range 38 East

The Board of County Commissioners, in regular session on February 9, 2021, adopted Resolution No. 21-09, vacating a portion of two public utility easements in "Barefoot Bay Unit Two, Part Twelve" Subdivision, Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East, as petitioned by you. Said Resolution has been recorded in ORBK 9031, Pages 165 through 169. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works



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

March 1, 2021

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 Portion of Two Public Utility Easements in "Barefoot Bay Unit Two, Part Twelve" Subdivision, Barefoot Bay, Lying in Section 10, Township 30 South, Range 38 East

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 21-09, vacating a portion of two public utility easements in "Barefoot Bay Unit Two, Part Twelve" Subdivision, Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East, as petitioned by Barry Southard and Valerie Gallo. Said Resolution was adopted by the Board of County Commissioners, in regular session on March 1, 2021.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

Brevard County Property Appraiser Detail Sheet

Account 3004992
 Owners Southard, Barry; Gallo, Valerie
 Mailing Address 3825 12th St Micco FL 32976
 Site Address 917 Cashew Cir Barefoot Bay FL 32976
 Parcel ID 30-38-10-JU-114-46
 Property Use 0020 – Vacant Mobile Home Site (Platted)
 Exemptions None
 Taxing District 3400 - Unincorp District 3
 Total Acres 0.09
 Subdivision Barefoot Bay Unit 2 Part 12
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page 0022/0079
 Land Description Barefoot Bay Unit 2 Part 12 Lot 46 Blk 114

VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$14,000	\$13,000	\$13,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$7,310	\$6,650	\$6,650
Assessed Value School	\$14,000	\$13,000	\$13,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$7,310	\$6,650	\$6,650
Taxable Value School	\$14,000	\$13,000	\$13,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
05/27/2015	\$5,000	WD	Vacant	7381/0528
03/12/2004	\$59,500	WD	Improved	5230/3777
03/21/2000	\$26,400	WD	--	4143/0522

Fig. 1: Copy of Property Appraiser's detail sheet for lot 46, block 114, Barefoot Bay Unit Two Part Twelve, 917 Cashew Circle, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

Brevard County Property Appraiser Detail Sheet

Account 3004993
 Owners Southard, Barry; Gallo, Valerie
 Mailing Address 3825 12th St Micco FL 32976
 Site Address 919 Cashew Cir Barefoot Bay FL 32976
 Parcel ID 30-38-10-JU-114-47
 Property Use 0020 – Vacant Mobile Home Site (Platted)
 Exemptions None
 Taxing District 3400 - Unincorp District 3
 Total Acres 0.09
 Subdivision Barefoot Bay Unit 2 Part 12
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page 0022/0079
 Land Description Barefoot Bay Unit 2 Part 12 Lot 47 Blk 114

VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$14,000	\$13,000	\$13,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$5,290	\$4,810	\$4,380
Assessed Value School	\$14,000	\$13,000	\$13,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$5,290	\$4,810	\$4,380
Taxable Value School	\$14,000	\$13,000	\$13,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
09/25/2020	\$13,400	XD	Vacant	8868/0657
05/30/2001	\$27,500	WD	Improved	4257/2362
12/13/2000	\$27,000	WD	--	4262/0149

Fig. 2: Copy of Property Appraiser's detail sheet for lot 47, block 114, Barefoot Bay Unit Two Part Twelve, 919 Cashew Circle, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

Vicinity Map



Fig. 3: Map of Lots 46 & 47, Block 114, Barefoot Bay Unit Two, Part Twelve, 917 & 919 SW Cashew Circle, Barefoot Bay, FL 32976.

Valerie Gallo and Barry Southard – 917 & 919
 Cashew Circle – Barefoot Bay, FL, 32976 – Lots 46
 & 47, Block 114, plat of “Barefoot Bay Unit Two
 Part Twelve” – Plat Book 22, Page 79 – Section
 10, Township 30 South, Range 38 East – District 3
 – Proposed Vacating of portions of two 6.0 ft.
 Wide Public Utility Easements

Aerial Map



Fig. 4: Map of aerial view of Lots 46 & 47, Block 114, Barefoot Bay Unit Two, Part Twelve, 917 & 919 SW Cashew Circle, Barefoot Bay, FL 32976

Valerie Gallo and Barry Southard – 917 & 919
Cashew Circle – Barefoot Bay, FL, 32976 – Lots 46
& 47, Block 114, plat of “Barefoot Bay Unit Two
Part Twelve” – Plat Book 22, Page 79 – Section
10, Township 30 South, Range 38 East – District 3
– Proposed Vacating of portions of two 6.0 ft.
Wide Public Utility Easements

Plat Reference

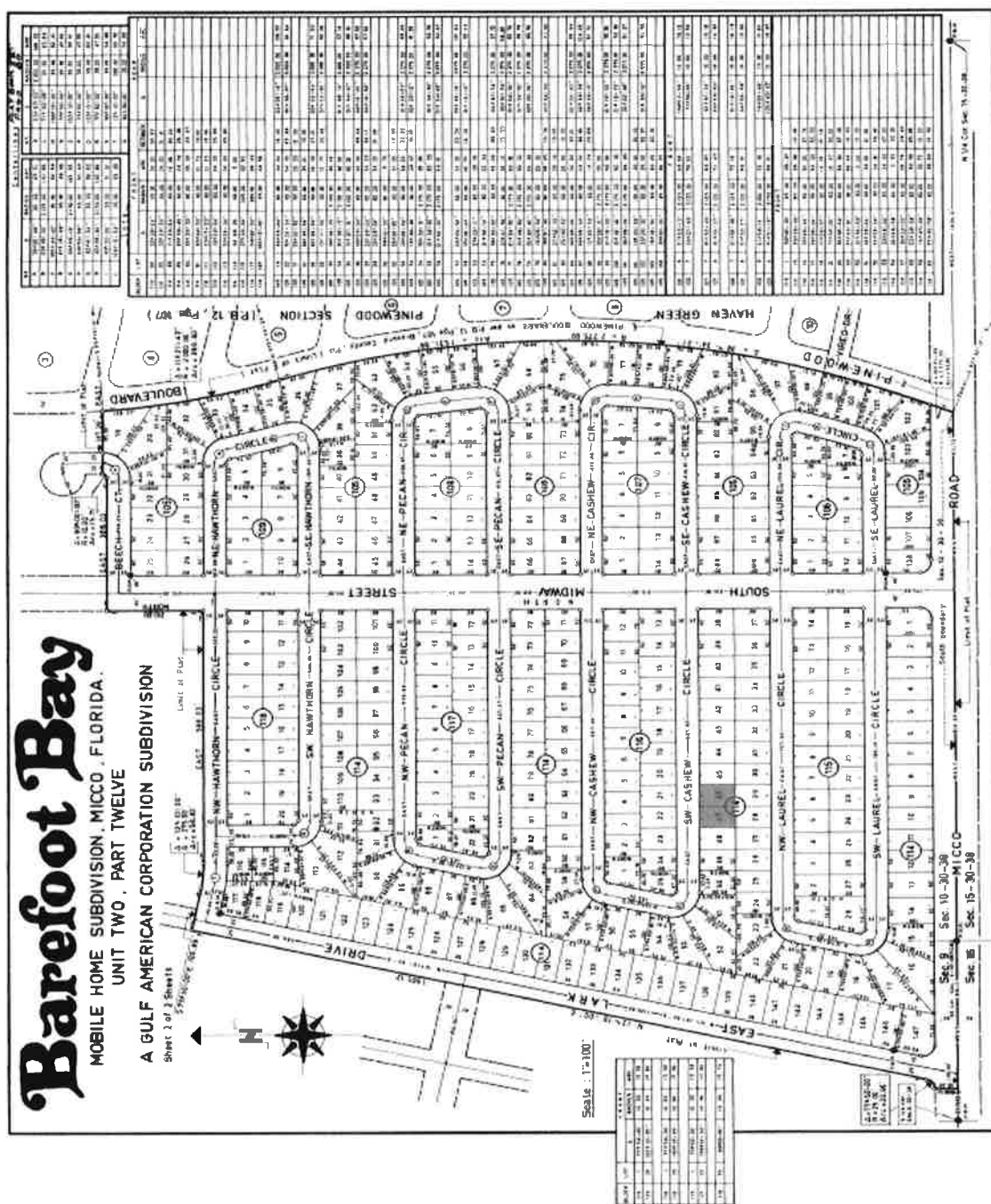


Fig. 5: Copy of plat map "Barefoot Bay" dedicated to Brevard County July 21, 1969.

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
PARCEL I.D. NUMBER: 30-38-10-JU-114-46
PARCEL I.D. NUMBER: 30-38-10-JU-114-47

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

PURPOSE OF SKETCH AND DESCRIPTION:

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH
SIDES OF THE COMMON LINE BETWEEN LOTS 46 AND 47, BLOCK 114.

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE
OF LOT 47 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE
OF LOT 46, BLOCK 114, LESS THE NORTH 10.0 FEET FOR UTILITIES AND LESS
THE SOUTH 10 FEET FOR UTILITIES.

BAREFOOT BAY UNIT TWO, PART TWELVE,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80,
OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
CONTAINING 720 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N90°00'00"E
ALONG THE SOUTHERN RIGHT OF WAY OF S.W. CASHEW CIRCLE, ALL OTHER BEARINGS
ARE RELATIVE THERETO.
- 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP
WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED
OR IMPLIED.
- 3) THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS,
ENCROACHMENTS, OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
- 4) THIS SKETCH IS NOT A BOUNDARY SURVEY.
- 5) IMPROVEMENTS SHOWN HEREON ARE BASED ON THE SURVEY PREPARED BY THE UNDERSIGNED
DATED 11/12/2020, DRAWING NUMBER 20-084

PREPARED FOR:

BARRY SOUTHARD
VALERIE GALLO

DRAWN BY: C.J.C.
DATE: 12/01/2020
CHECKED BY: C.J.C.
SHEET 1 OF 2

THIS SURVEY PERFORMED BY:
COONEY SURVEYING &
MAPPING, LLC L.B. #8070
456 Chaloupe Terrace
Sebastian, Fl. 32958
888-272-913-5322
jcponemay@gmail.com

SECTION 10
TOWNSHIP 30 SOUTH
RANGE 38 EAST

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

Chris Cooney
12/01/2020
DATE AND SIGNATURE

Petitioner's Sketch & Description Sheet 2 of 2

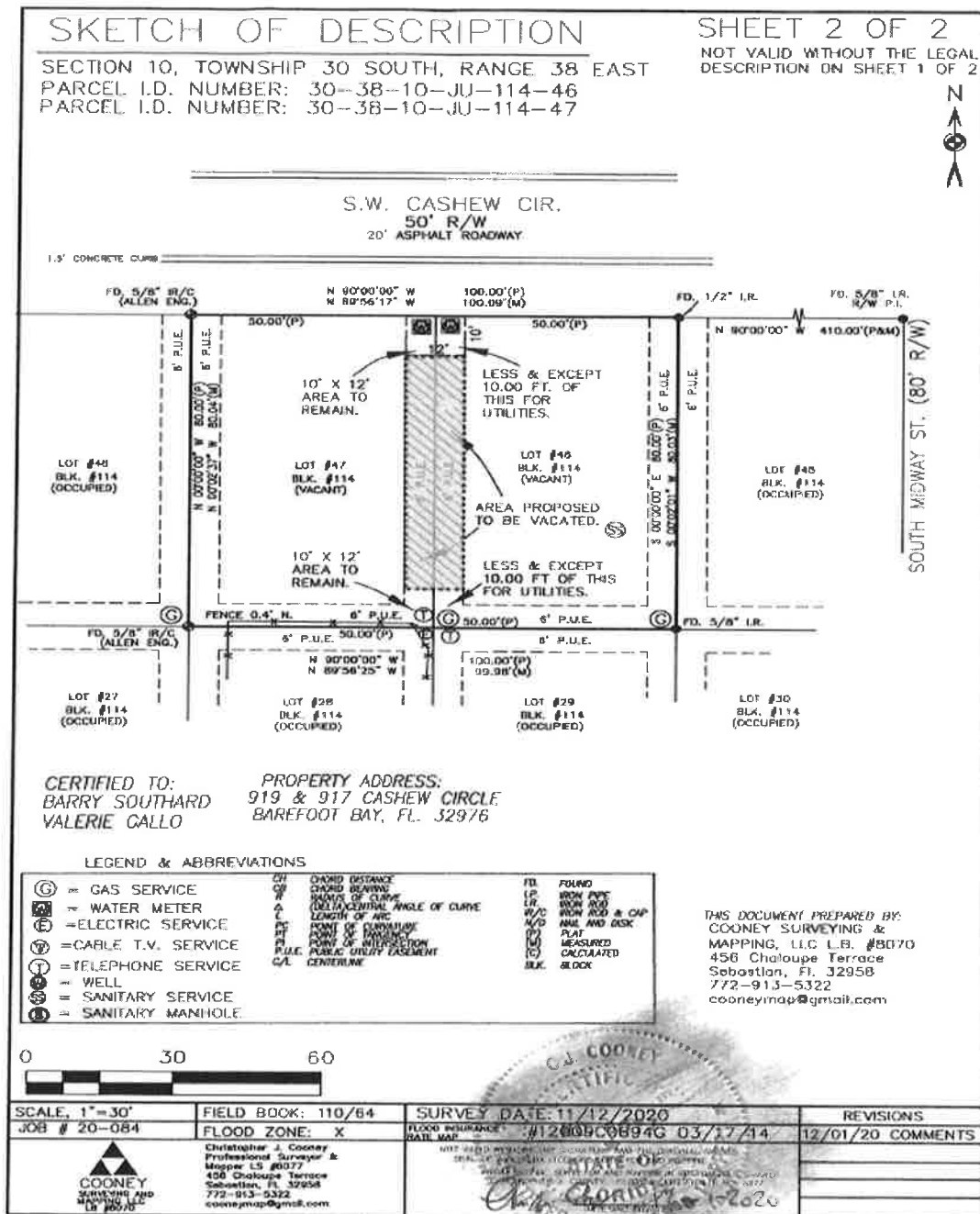


Fig. 7: Sketch of Description. Situated in Section 10, Township 30 South, Range 38 East, Parent Parcel: #30-38-10-JU-114-46&47. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates lots 46 & 47 that reside on S.W. Cashew Circle, Barefoot Bay, Florida. Two 6-foot public utility easements lying between lots 46 & 47. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 89°56'17" West 100.09'; East boundary South 00°02'01" West 80.03', South boundary – North 89°56'25" West 99.98'. Prepared by: Cooney Surveying & Mapping, LLC, FL LB# 8070. Project NO: 20-084.

Comment Sheet

Applicant: Barry Southard and Valerie Gallo

Updated by: Amber Holley 20210115 at 830 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20201223	20201229	Yes	No objections
FL Power & Light	20201223	20201228	Yes	No objections
At&t	20201223	20200112	Yes	No objections
Charter/Spectrum	20201223	20201230	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20201223	20210115	Yes	No objections
Land Planning	20201223	20200107	Yes	No objections
Utility Services	20201223	20200106	Yes	No objections
Storm Water	20201223	20201228	Yes	No objections
Zoning	20201223	20210107	Yes	No objections

Fig. 8: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Ad#4561407,

01/25/2021

LEGAL NOTICE

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

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

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 47, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 46, BLOCK 114, LESS THE NORTH 10.00 FEET FOR UTILITIES AND LESS THE SOUTH 10.00 FEET FOR UTILITIES. BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 720 SQUARE FEET, MORE OR LESS. PREPARED BY: CHRISTOPHER J. COONEY, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at **5:00 P.M. on February 9, 2021** 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. 9: Copy of public hearing advertisement as published on January 25, 2021 see next page for full text.

Legal Notice Text

LEGAL NOTICE

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

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

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 47, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 46, BLOCK 114, LESS THE NORTH 10.00 FEET FOR UTILITIES AND LESS THE SOUTH 10.00 FEET FOR UTILITIES. BAREFOOT BAY UNIT TWO, PART TWELVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 720 SQUARE FEET, MORE OR LESS. PREPARED BY: CHRISTOPHER J. COONEY, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at **5:00 P.M. on February 9, 2021** 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.

Petitioner's Proposed Plot Plan for New Home

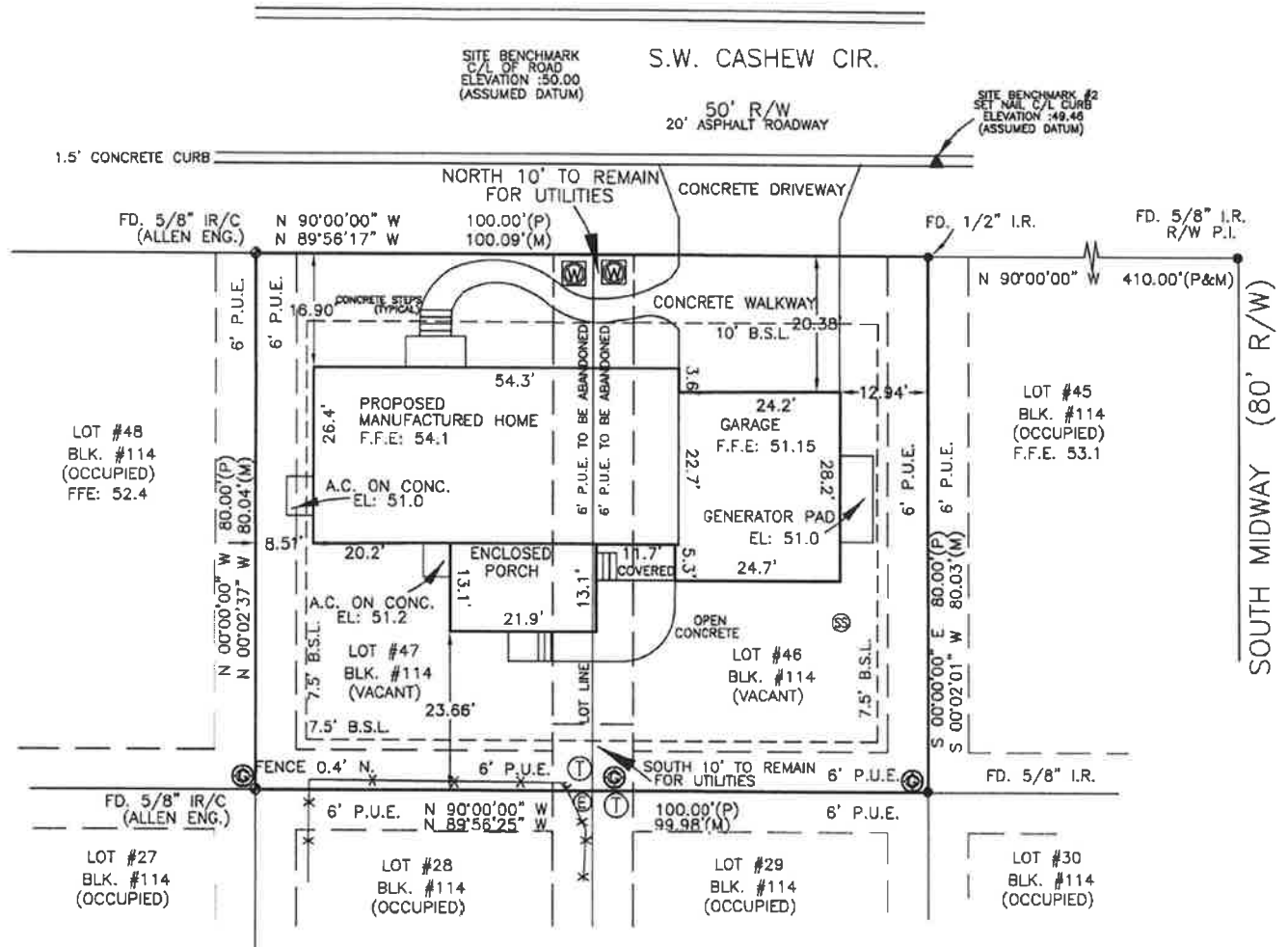


Fig. 10: Petitioner's Proposed Plot Plan for new home on lots 46 & 47, Block 114, Barefoot Bay.