



**AGENDA REPORT**  
**April 10, 2018**

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**SUBJECT:**

Petition to Vacate, Re: Part of 2 - 7.5 Ft. Wide Public Utility Easement – Sierra Drive – “Sunset Lakes – P.U.D. – Phase One - B” – Merritt Island – Kenneth V. & Olive C. Boring – District 2

**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.

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating portions of 2 - 7.5 ft. wide public utility easements along the west and east lines of Lot 34, Block D, “Sunset Lakes P.U.D. – Phase One - B” in Section 03, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

**SUMMARY EXPLANATION and BACKGROUND:**

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the

Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioners own Lot 34 and are requesting the vacating of portions of the two, 7.5 ft. wide side lot line public utility easements to remove the existing pool deck as encroachments into the easements and allow for the issuance of a building permit for the construction of a screen enclosure. Easements to be vacated contain a total 121 square feet, more or less. March 19, 2018, 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 Merritt Island as follows: Begin at the intersection of State Road 528 and State Road 3; thence north 1.47 miles along State Road 3; thence west 0.12 miles along Sunset Lakes Drive; thence 0.22 miles south along Sunward Drive; thence 0.05 miles west along Cactus Place; thence 0.16 miles south and southwesterly along Sierra Drive to the residence on the right (north).

**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**

- **EXHIBITS**



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

May 3, 2018

**M E M O R A N D U M**

**TO:** Andrew Holmes, Public Works Director    Attn: Marc Cazessüs

**RE:** Advertising Bills for Resolution Vacating Portions of Two 7.5 Foot Wide Public Utility Easements in Sunset Lakes, PUD Phase One-B, in Section 03, Township 24 South, Range 36 East, Merritt Island

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 18-048, vacating portions of two 7.5 foot wide public utility easements in Sunset Lakes, PUD Phase One-B, in Section 03, Township 24 South, Range 36 East, Merritt Island, as petitioned by Kenneth V. and Olive C. Boring. Said Resolution was adopted by the Board of County Commissioners, in regular session on April 10, 2018.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

May 3, 2018

Kenneth V. and Olive C. Boring, Trustees  
3754 Sierra Drive  
Merritt Island, FL 32953

Dear Mr. & Mrs. Boring:

Re: Resolution Vacating Portions of Two 7.5 Foot Wide Public Utility Easements in Sunset Lakes, PUD Phase One-B, in Section 03, Township 24 South, Range 36 East, Merritt Island

The Board of County Commissioners, in regular session on April 10, 2018, adopted Resolution No. 18-048, vacating portions of two 7.5 foot wide public utility easements in Sunset Lakes, PUD Phase One-B, in Section 03, Township 24 South, Range 36 East, Merritt Island, as petitioned by you. Said Resolution has been recorded in ORBK 8143, Pages 2301 through 2306. 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

/ds

Encl. (1)

cc: Marc Cazessus, Public Works

RESOLUTION 2018 - 048

**VACATING PORTIONS OF TWO PUBLIC UTILITY EASEMENTS IN "SUNSET LAKES –  
P.U.D. – PHASE ONE - B", MERRITT ISLAND, FLORIDA, LYING IN SECTION, 03,  
TOWNSHIP 24 SOUTH, RANGE 36 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **KENNETH V. AND OLIVE C. BORING** with the Board of County Commissioners to vacate parts of 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 portions of the two public drainage easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portions of the two public utility easements are hereby vacated; and Brevard County renounces and disclaims any rights in and to the portions of 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 10 day of April, 2018 A.D.

ATTEST:



SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



RITA PRITCHETT, CHAIR

As approved by the Board on:  
April 10, 2018

# LEGAL DESCRIPTION

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

LOT 34, BLOCK D, SUNSET LAKES P.U.D. PHASE ONE-B  
ACCORDING TO THE PLAT THEREOF, RECORDED IN  
PLAT BOOK 39 PAGES 21-22, PUBLIC RECORDS,  
BREVARD COUNTY, FLORIDA.

PARCEL ID NUMBER: 24-36-03-76-D-34

PURPOSE OF SURVEY: MAP AND DESCRIBED AREAS TO VACATE  
PORTIONS OF UTILITY & DRAINAGE EASEMENTS,  
SECTION 03, TOWNSHIP 24 SOUTH, RANGE 36 EAST



## LEGAL DESCRIPTION PARCEL 1

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the westerly sideline of said Lot described as follows:

Commence at the intersection of the easterly line of said easement and the Northerly right-of-way of Sierra Drive and run North 41°37'25" East along the East line of said easement, 135.85 feet to the POINT OF BEGINNING; thence departing said easement line North 02°48'09" West, a distance of 2.51 feet; thence North 40°00'05" East, a distance of 35.78 feet; thence South 48°22'35" East, a distance of 2.77 feet to a point on the East line of said easement; thence with said line South 41°37'25" West, a distance of 37.55 feet to the POINT OF BEGINNING, containing 82 square feet.

## LEGAL DESCRIPTION PARCEL 2

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the easterly sideline of said Lot described as follows:

Commence at the intersection of the westerly line of said easement and the Northerly right-of-way of Sierra Drive and run North 27°26'54" West along the westerly line of said easement, 80.85 feet to the POINT OF BEGINNING; thence North 27°26'54" West, a distance of 18.43 feet; thence departing said easement line North 85°34'34" East, a distance of 2.90 feet; thence South 19°34'39" East, a distance of 14.08 feet; thence South 14°54'13" East, a distance of 3.43 feet to the POINT OF BEGINNING, containing 39 square feet.

### SURVEYOR'S NOTES

1. The seal appearing on this document was authorized by William R. Reeves Jr. PS&M #4313 on 03-14-2018. Accuracy of data points acquired that support this survey and mapped features shown are within a positional tolerance of +/- 0.15 foot based on redundant measurement.
2. This is not a boundary survey.
3. Public and Private classifications of easements as annotated hereon and recited in the legal descriptions are Brevard County's interpretation that as the easements are for public utilities per General Note 2 Plat Book 39 page 21, the side and rear lot line easements are for private drainage and public utilities were required by Brevard County and do not agree with the dedication statement on said plat.

PREPARED FOR: KENNETH V. & OLIVE C. BORING

WILLIAM R. REEVES JR., PS&M NO. 4313  
(NOT VALID WITHOUT ORIGINAL SIGNATURE & RAISED SEAL)

PREPARED BY: COAST & INLAND SURVEY LIC. BUSINESS CERTIFICATE # 8144  
ADDRESS: 137 S COURTENAY PARKWAY #849  
PHONE: 321-474-0180



DRAWN BY: WRR  
DATE: 1-03-2018

CHECKED BY:  
SHEET 1 OF 3

DRAWING NO. CI17052  
REVISIONS: 02/21/2018  
03/14/2018

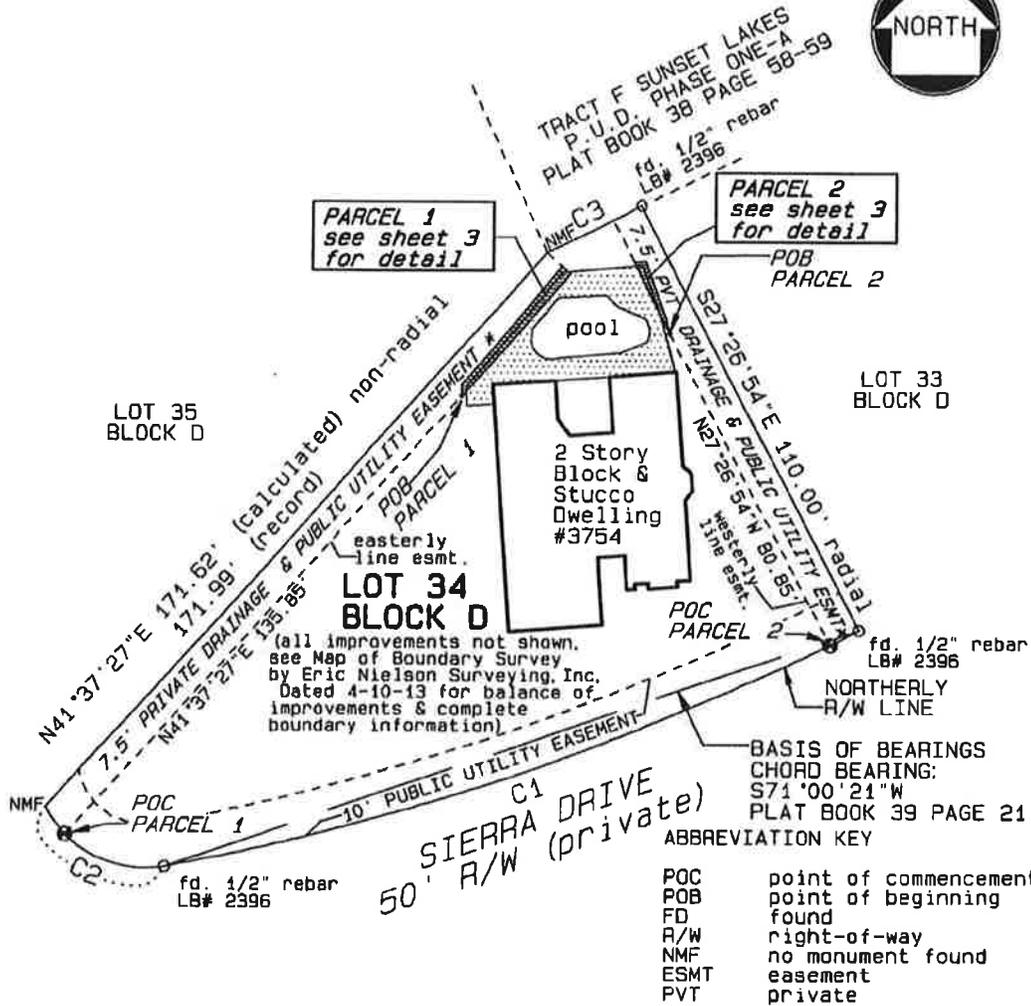
SECTION 3  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

SKETCH OF DESCRIPTION

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

SECTION 3, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARCEL ID NUMBER: 24-36-03-76-D-34



LINE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
C1	169.68'	575.00'	16°54'28"	S71°00'21"W	169.07'
C2	32.47'	25.00'	74°24'53"	N63°19'59"W	30.24'
C3	24.66'	465.00'	3°02'20"	N64°04'17"E	24.66'

GRAPHIC SCALE 1"=40'



0 40 80 120

SECTION 3, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PROJECT NO. CI17052  
 DATE OF SURVEY: 12/14/2017  
 DATE OF SKETCH: 1/03/2018

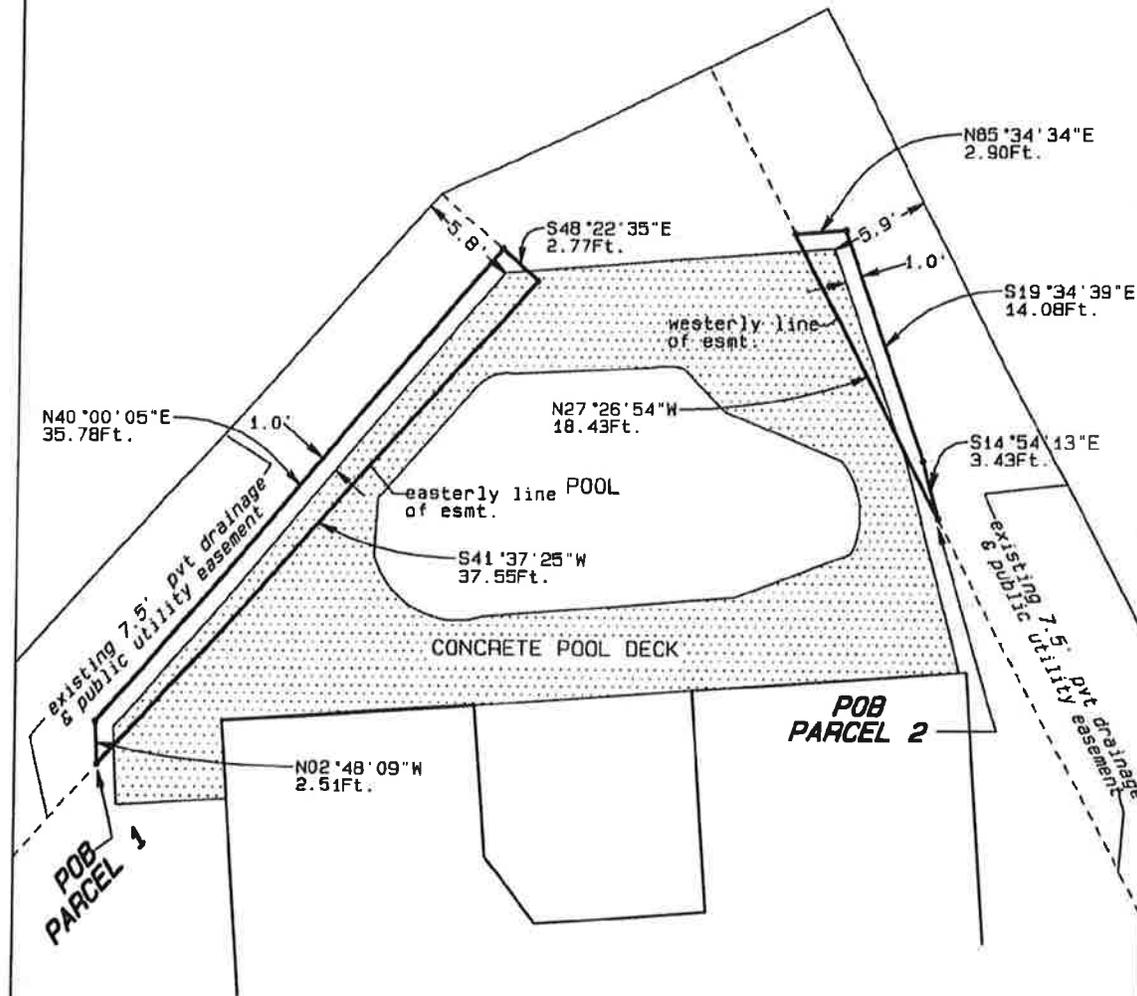
SKETCH OF DESCRIPTION

SECTION 3 TOWNSHIP 24 SOUTH RANGE 36 EAST

PARCEL ID NUMBER: 24-36-03-76-D-34

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

PROJECT NO. CI17052  
DATE OF SURVEY: 12-14-2017  
DATE OF SKETCH: 1-03-2018



GRAPHIC SCALE

1" = 10'

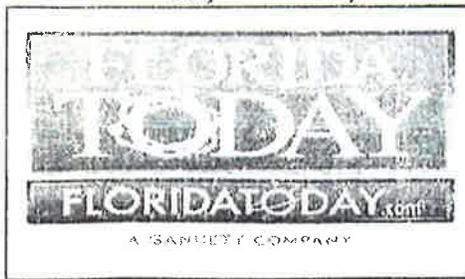


0

10

20

30



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

STATE OF FLORIDA COUNTY OF BREVARD:  
Before the undersigned authority personally appeared Becky Holland, 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 Public Hearing

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

03/19/18

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 19th of March 2018, by Becky Holland who is personally known to me

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

Publication Cost: \$292.14  
Ad No: 0002799760  
Customer No: BRE-6BR327



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

NOTICE TO VACATE PARTS OF TWO 7.5 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "SUNSET LAKES - P.U.D. - PHASE ONE" IN SECTION 03, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by KENNETH V. and OLIVE C. BORRIG with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

EXHIBIT "A"

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records, Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the westerly sideline of said Lot described as follows: Commence at the intersection of the easterly line of said easement and the Northerly right-of-way of Sierra Drive and run North 41°37'25" East along the East line of said easement, 135.85 feet to the POINT OF BEGINNING; thence departing said easement line North 02°48'09" West, a distance of 2.51 feet; thence North 40°00'05" East, a distance of 35.78 feet; thence South 48°22'35" East, a distance of 2.77 feet to a point on the East line of said easement; thence with said line South 41°37'25" West, a distance of 37.35 feet to the POINT OF BEGINNING, containing 82 square feet TOGETHER WITH: A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records, Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the easterly sideline of said Lot described as follows: Commence at the intersection of the westerly line of said easement and the Northerly right-of-way of Sierra Drive and run North 27°26'54" West along the westerly line of said easement, 80.85 feet to the POINT OF BEGINNING; thence North 27°26'54" West, a distance of 18.43 feet; thence departing said easement line North 85°34'34" East, a distance of 2.90 feet; thence South 19°34'39" East, a distance of 14.08 feet; thence South 14°54'13" East, 1.43 feet to the POINT OF BEGINNING, containing 39 square feet. Prepared by: William B. Reeves, PS&M

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 April 10, 2018 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 to participate.



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

STATE OF FLORIDA COUNTY OF BREVARD:  
Before the undersigned authority personally appeared  
Becky Holland, 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:

04/14/18

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 April  
2018, by Becky Holland who is personally known to me

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

AD#2858415, 4/14/2018  
LEGAL NOTICE  
RESOLUTION VACATING PORTIONS OF  
TWO 7.5 FOOT WIDE PUBLIC UTILITY  
EASEMENTS IN SUNSET LAKES, P.U.D.  
PHASE ONE-B, IN SECTION 03,  
TOWNSHIP 24 SOUTH, RANGE 36 EAST,  
MERRITT ISLAND - KENNETH V. AND  
OLIVE C. BORING

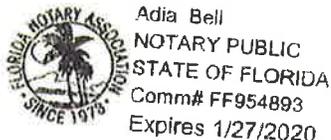
TO WHOM IT MAY CONCERN:  
NOTICE IS HEREBY GIVEN that on the  
10th day of April 2018, the Board of  
County Commissioners of Brevard County,  
Florida, adopted a Resolution  
vacating portions of two 7.5 foot wide  
public utility easements in Sunset Lakes,  
P.U.D. Phase One-B, in Section 03,  
Township 24 South, Range 36 East,  
Merritt Island, as petitioned by Kenneth  
V. and Olive C. Boring.

A portion of Lot 34, Block D, Sunset  
Lakes, P.U.D. Phase One-B, according to  
the Plat thereof, recorded in Plat Book  
39, Page 21, Public Records Brevard  
County, Florida, being a portion of a 7.5  
foot wide public utility easement along  
the westerly sideline of said lot descri-  
bed as follows: Commence at the inter-  
section of the easterly line of said ease-  
ment and the Northerly right-of-way of  
Sierra Drive and run North 41°37'25"  
East along the East line of said ease-  
ment, 135.85 feet to the POINT OF BE-  
GINNING; thence departing said ease-  
ment line North 02°48'09" West, a dis-  
tance of 2.51 feet; thence North  
40°00'05" East, a distance of 35.78 feet;  
thence South 48°22'35" East, a distance  
of 2.77 feet to a point on the East line of  
said easement; thence with said line  
South 41°37'25" West, a distance of  
37.55 feet to the POINT OF BEGINNING,  
containing 82 square feet. TOGETHER  
WITH: A portion of Lot 34, Block D,  
Sunset Lakes, P.U.D. Phase One-B, ac-  
cording to the Plat thereof, recorded in  
Plat Book 39, Page 21, Public Records  
Brevard County, Florida, being a portion  
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tance of 14.08 feet; thence South  
14°54'13" East, 3.43 feet to the POINT  
OF BEGINNING, containing 39 square  
feet. Prepared by: William R. Reeves,  
PS&M

The Board further renounced and dis-  
claimed 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: Tammy Rowe, Deputy Clerk

Publication Cost: \$236.72  
Ad No: 0602858415  
Customer No: BRE-6BR327



LEGAL NOTICE

RESOLUTION VACATING PORTIONS OF TWO 7.5 FOOT WIDE PUBLIC UTILITY EASEMENTS IN SUNSET LAKES, P.U.D. PHASE ONE-B, IN SECTION 03, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND – KENNETH V. AND OLIVE C. BORING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 10<sup>th</sup> day of April 2018, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating portions of two 7.5 foot wide public utility easements in Sunset Lakes, P.U.D. Phase One-B, in Section 03, Township 24 South, Range 36 East, Merritt Island, as petitioned by Kenneth V. and Olive C. Boring.

**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: Tammy Rowe, Deputy Clerk

**Florida TODAY:**

Please advertise in the April 14, 2018, issue of the Florida TODAY.

**Bill the Board of County Commissioners Account Number 6BR327 and forward bill and proof of publication to:**

**Marc Cazessüs, Public Works Department  
2725 Judge Fran Jamieson Way, Bldg. A-220  
Viera, FL 32940**

LEGAL DESCRIPTION:

**EXHIBIT "A"**

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the westerly sideline of said Lot described as follows: Commence at the intersection of the easterly line of said easement and the Northerly right-of-way of Sierra Drive and run North  $41^{\circ}37'25''$  East along the East line of said easement, 135.85 feet to the POINT OF BEGINNING; thence departing said easement line North  $02^{\circ}48'09''$  West, a distance of 2.51 feet; thence North  $40^{\circ}00'05''$  East, a distance of 35.78 feet; thence South  $48^{\circ}22'35''$  East, a distance of 2.77 feet to a point on the East line of said easement; thence with said line South  $41^{\circ}37'25''$  West, a distance of 37.55 feet to the POINT OF BEGINNING, containing 82 square feet. TOGETHER WITH: A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the easterly sideline of said Lot described as follows: Commence at the intersection of the westerly line of said easement and the Northerly right-of-way of Sierra Drive and run North  $27^{\circ}26'54''$  West along the westerly line of said easement, 80.85 feet to the POINT OF BEGINNING; thence North  $27^{\circ}26'54''$  West, a distance of 18.43 feet; thence departing said easement line North  $85^{\circ}34'34''$  East, a distance of 2.90 feet; thence South  $19^{\circ}34'39''$  East, a distance of 14.08 feet; thence South  $14^{\circ}54'13''$  East, 3.43 feet to the POINT OF BEGINNING, containing 39 square feet. Prepared by: William R. Reeves, PS&M



**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.:** 0002858415  
**Pymt Method** Invoice  
**Net Amt:** \$236.72

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 04/14/18, 04/21/18

**Text of Ad:**

AD#2858415, 4/14/2018  
LEGAL NOTICE  
RESOLUTION VACATING PORTIONS OF  
TWO 7.5 FOOT WIDE PUBLIC UTILITY  
EASEMENTS IN SUNSET LAKES, P.U.D.  
PHASE ONE-B, IN SECTION 03,  
TOWNSHIP 24 SOUTH, RANGE 36 EAST,  
MERRITT ISLAND - KENNETH V. AND  
OLIVE C. BORING

TO WHOM IT MAY CONCERN:  
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Merritt Island, as petitioned by Kenneth  
V. and Olive C. Boring.

A portion of Lot 34, Block D, Sunset  
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39, Page 21, Public Records Brevard  
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the westerly sideline of said Lot described  
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East along the East line of said ease-  
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GINNING; thence departing said ease-  
ment line North 02°48'09" West, a dis-  
tance of 2.51 feet; thence North  
40°00'05" East, a distance of 35.78 feet;  
thence South 48°22'35" East, a distance  
of 2.77 feet to a point on the East line of  
said easement; thence with said line  
South 41°37'25" West, a distance of  
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WITH: A portion of Lot 34, Block D,  
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ment along the easterly sideline of said  
Lot described as follows: Commence at  
the intersection of the westerly line of  
said easement and the Northerly right-  
of-way of Sierra Drive and run North  
27°26'54" West along the westerly line  
of said easement, 80.85 feet to the  
POINT OF BEGINNING; thence North  
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thence departing said easement line  
North 85°34'34" East, a distance of 2.90  
feet; thence South 19°34'39" East, a dis-  
tance of 14.08 feet; thence South  
14°54'13" East, 3.43 feet to the POINT  
OF BEGINNING, containing 39 square  
feet. Prepared by: William R. Reeves,  
P&AM

The Board further renounced and dis-  
claimed 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: Tammy Rowe, Deputy Clerk

## Donna Scott

---

**From:** Donna Scott  
**Sent:** Wednesday, April 11, 2018 9:47 AM  
**To:** legals@floridatoday.com  
**Subject:** legal notice  
**Attachments:** 04-10-18 Kenneth V. & Olive C. Boring.docx

Attached is a legal notice to be published on Saturday, April 14; billing the Public Works Department Account No. 6BR327, and Purchase Order No. 4500092228-10.

Donna Scott  
Assistant Clerk to the Board  
(321) 637-2001 / Ext. 49120





# Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

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

## PROPERTY DETAILS

Account	2442598
Owners	Boring, Kenneth V; Boring, Olive C Trustees
Mailing Address	3754 Sierra Drive Merritt Island FL 32953
Site Address	3754 Sierra Dr Merritt Island FL 32953
Parcel ID	24-36-03-76-D-34
Property Use	0110 - Single Family Residence
Exemptions	HEX1 - Homestead First HEX2 - Homestead Additional
Taxing District	2200 - Unincorp District 2
Total Acres	0.32
Subdivision	Sunset Lakes Phase One-B
Site Code	0142 - Nbhd Lake/Reten Frtg
Plat Book/Page	0039/0021
Land Description	Sunset Lakes Phase One-B Lot 34 Blk D



## VALUE SUMMARY

Category	2017	2016	2015
Total Market Value	\$235,570	\$226,150	\$206,280
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$170,530	\$167,030	\$165,870
Assessed Value School	\$170,530	\$167,030	\$165,870
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	\$120,530	\$117,030	\$115,870
Taxable Value School	\$145,530	\$142,030	\$140,870

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/13/2014	--	QC	Improved	7086/1920
05/10/2013	--	QC	Improved	6884/1789
04/26/2013	\$195,000	WD	Improved	6884/1786
10/02/2012	--	CT	Improved	6710/1236
08/06/2012	--	CT	Improved	6663/0747
09/21/2004	\$295,000	WD	Improved	5365/0079
01/09/2004	\$248,000	WD	Improved	5170/2255
06/30/1994	\$147,200	WD	Improved	3397/1637
11/30/1993	\$31,000	WD	Vacant	3345/3535

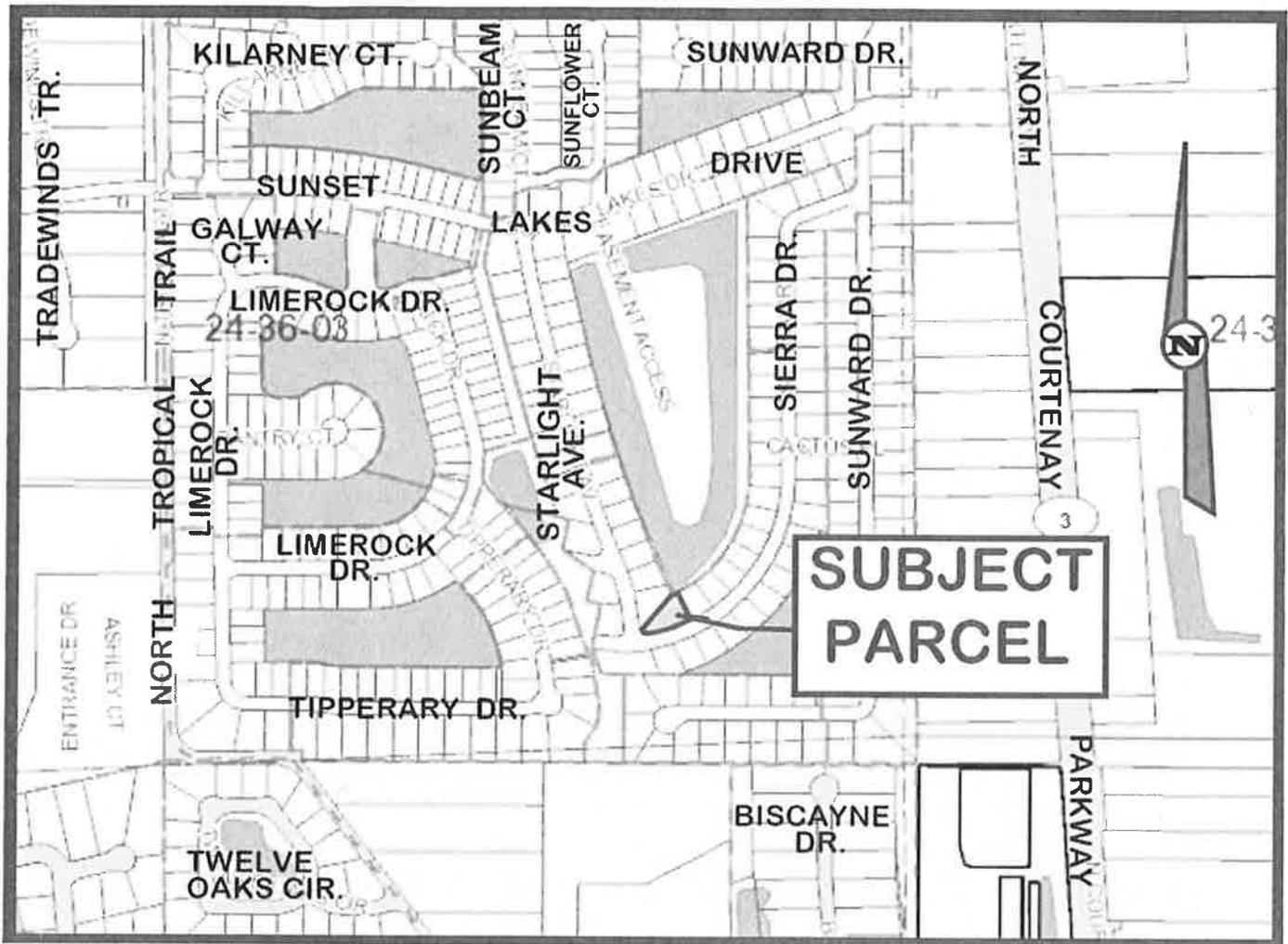
## BUILDINGS

### PROPERTY DATA CARD #1

Building Use	Year Built	Story Height	Floors	Residential Units	Commercial Units
0110 - Single Family Residence	1994	8	2	1	0

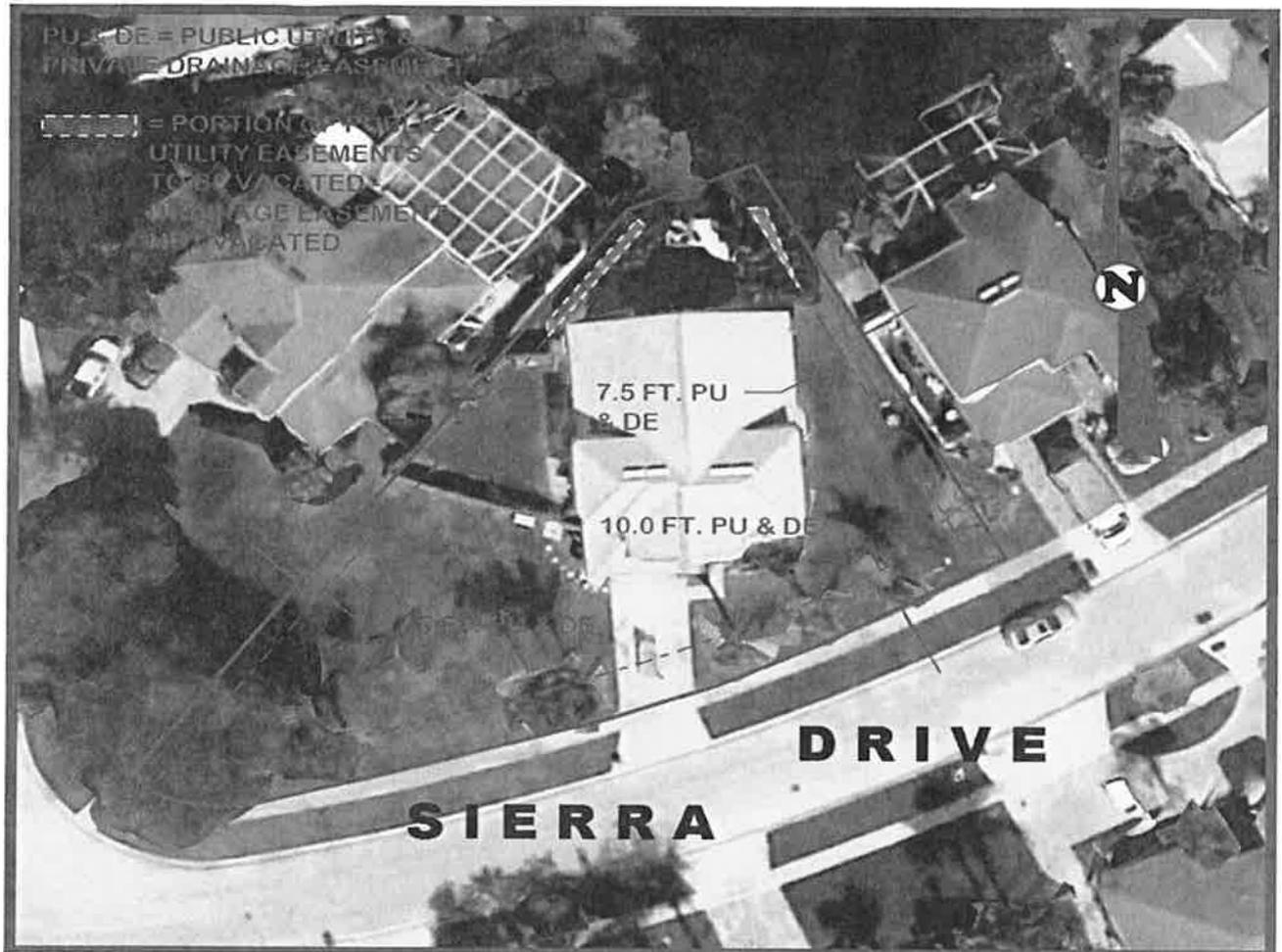
Materials	Sub Areas
Exterior Wall: Stucco	Base Area (1st) 1584
Frame: Wood Frame, Masnryconc	Base Area (2nd) 851
Roof: Asph/Asb Shngl	Garage 400
Roof Structure: Hip/Gable	Open Porch 132
	Open Porch 174
	Total Base Area 2435

# APPRAISER'S DETAIL SHEET



## VICINITY MAP

Kenneth V. & Olive C. Boring – 3754 Sierra Drive – Merritt Island, FL, 32953 – Lot 34, Block “D”, plat of “Sunset Lakes – P.U.D. – Phase One – B” – Plat Book 39, Page 21 – Section 03, Township 24 South, Range 36 East – District 2 – Proposed Partial Vacating of 2 – 7.5 ft. Wide Public Utility Easements



## AERIAL MAP

Kenneth V. & Olive C. Boring – 3754 Sierra Drive – Merritt Island, FL, 32953 – Lot 34, Block “D”, plat of “Sunset Lakes – P.U.D. – Phase One – B” – Plat Book 39, Page 21 – Section 03, Township 24 South, Range 36 East – District 2 – Proposed Partial Vacating of 2 – 7.5 ft. Wide Public Utility Easements





2

This instrument prepared by  
and please return to:

Edward L. Stahley, Esq.  
150-D Fortenberry Road  
Merritt Island, FL 32952

Property Appraiser's Parcel  
I.D. No. 24-36-03-76-D34

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 13<sup>th</sup> day of March, 2014, by KENNETH V. BORING and OLIVE C. BORING, husband and wife, parties of the first part, whose post office address is 3754 Sierra Drive, Merritt Island, FL 32953, to KENNETH V. BORING and OLIVE C. BORING, Trustees of the KENNETH V. BORING and OLIVE C. BORING REVOCABLE LIVING TRUST dated November 15, 2004, whose post office address is 3754 Sierra Drive, Merritt Island, FL 32953, party of the second part,

W I T N E S S E T H:

THAT the said first parties for and in consideration of the sum of \$10.00 in hand paid by the second party, the receipt of which is hereby acknowledged, does hereby remise, release and quit claim unto the said second party forever, all the right, title, interest claim and demand which the said first parties have in and to the following described real property situate, lying and being in the County of BREVARD, State of Florida, to-wit:

LOT 34, BLOCK D, SUNSET LAKES-P.U.D.-PHASE ONE-B, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 39, PAGES 21 AND 22, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

Full power and authority is granted by this deed to the Grantees, as Trustees, or their successor, to protect, conserve, sell, lease, encumber or otherwise to manage and dispose of the above real estate property, or any part of it as set forth in Section 689.071 of the Florida Statutes.

THE PARTIES HERETO ACKNOWLEDGE THAT THIS DOCUMENT WAS PREPARED WITHOUT THE BENEFIT OF ANY TITLE SEARCH OR TITLE INFORMATION.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances therunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**PETITIONER'S DEED:**

**SHEET 1 OF 2**

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

Edward L. Stanley  
Edward L. Stanley

Kenneth V. Boring  
KENNETH V. BORING  
3754 Sierra Drive  
Merritt Island, FL 32953

Valerie J. Righenzi  
Valerie J. Righenzi

Edward L. Stanley  
Edward L. Stanley

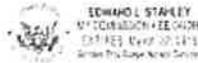
Olive C. Boring  
OLIVE C. BORING  
3754 Sierra Drive  
Merritt Island, FL 32953

Valerie J. Righenzi  
Valerie J. Righenzi

STATE OF FLORIDA  
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared KENNETH V. BORING and OLIVE C. BORING, who are personally known to me and who took an oath, or who produced \_\_\_\_\_ as identification, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 13<sup>th</sup> day of March, 2014.



Edward L. Stanley  
Edward L. Stanley  
Notary Public - State of Florida  
At Large

**PETITIONER'S DEED:**  
**SHEET 2 OF 2**



# LEGAL DESCRIPTION

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

LOT 34, BLOCK D, SUNSET LAKES P.U.D. PHASE ONE-B  
ACCORDING TO THE PLAT THEREOF, RECORDED IN  
PLAT BOOK 39 PAGES 21-22, PUBLIC RECORDS,  
BREVARD COUNTY, FLORIDA.

PARCEL ID NUMBER: 24-36-03-76-D-34

PURPOSE OF SURVEY; MAP AND DESCRIBED AREAS TO VACATE  
PORTIONS OF UTILITY & DRAINAGE EASEMENTS,  
SECTION 03, TOWNSHIP 24 SOUTH, RANGE 36 EAST



## LEGAL DESCRIPTION PARCEL 1

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the westerly sideline of said Lot described as follows:

Commence at the intersection of the easterly line of said easement and the Northerly right-of-way of Sierra Drive and run North 41°37'25" East along the East line of said easement, 135.85 feet to the POINT OF BEGINNING; thence departing said easement line North 02°48'09" West, a distance of 2.51 feet; thence North 40°00'05" East, a distance of 35.78 feet; thence South 48°22'35" East, a distance of 2.77 feet to a point on the East line of said easement; thence with said line South 41°37'25" West, a distance of 37.55 feet to the POINT OF BEGINNING, containing 82 square feet.

## LEGAL DESCRIPTION PARCEL 2

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the easterly sideline of said Lot described as follows:

Commence at the intersection of the westerly line of said easement and the Northerly right-of-way of Sierra Drive and run North 27°26'54" West along the westerly line of said easement, 80.85 feet to the POINT OF BEGINNING; thence North 27°26'54" West, a distance of 18.43 feet; thence departing said easement line North 85°34'34" East, a distance of 2.90 feet; thence South 19°34'39" East, a distance of 14.08 feet; thence South 14°54'13" East, a distance of 3.43 feet to the POINT OF BEGINNING, containing 39 square feet.

### SURVEYOR'S NOTES

1. The seal appearing on this document was authorized by William R. Reeves Jr., PSSM #4313 on 03-14-2018. Accuracy of data points acquired that support this survey and mapped features shown are within a positional tolerance of +/- 0.15 foot based on redundant measurement.
2. This is not a boundary survey.
3. Public and Private classifications of easements as annotated hereon and recited in the legal descriptions are Brevard County's interpretation that as the easements are for public utilities per General Note 2 Plat Book 39 page 21, the side and rear lot line easements are for private drainage and public utilities were required by Brevard County and do not agree with the dedication statement on said plat.

PREPARED FOR: KENNETH V. & OLIVE C. BORING

WILLIAM R. REEVES JR., PSSM NO. 4313  
(NOT VALID WITHOUT  
ORIGINAL SIGNATURE & RAISED SEAL)

PREPARED BY: COAST & INLAND SURVEY LIC. BUSINESS CERTIFICATE # 0144  
ADDRESS: 137 S COURTENAY PARKWAY #849  
PHONE: 321-474-0180



DRAWN BY: WRR  
DATE: 1-03-2018

CHECKED BY:  
SHEET 1 OF 3

DRAWING NO. CI17052  
REVISIONS: 02/21/2018  
03/14/2018

SECTION 3  
TOWNSHIP 24 SOUTH  
RANGE 36 EAST

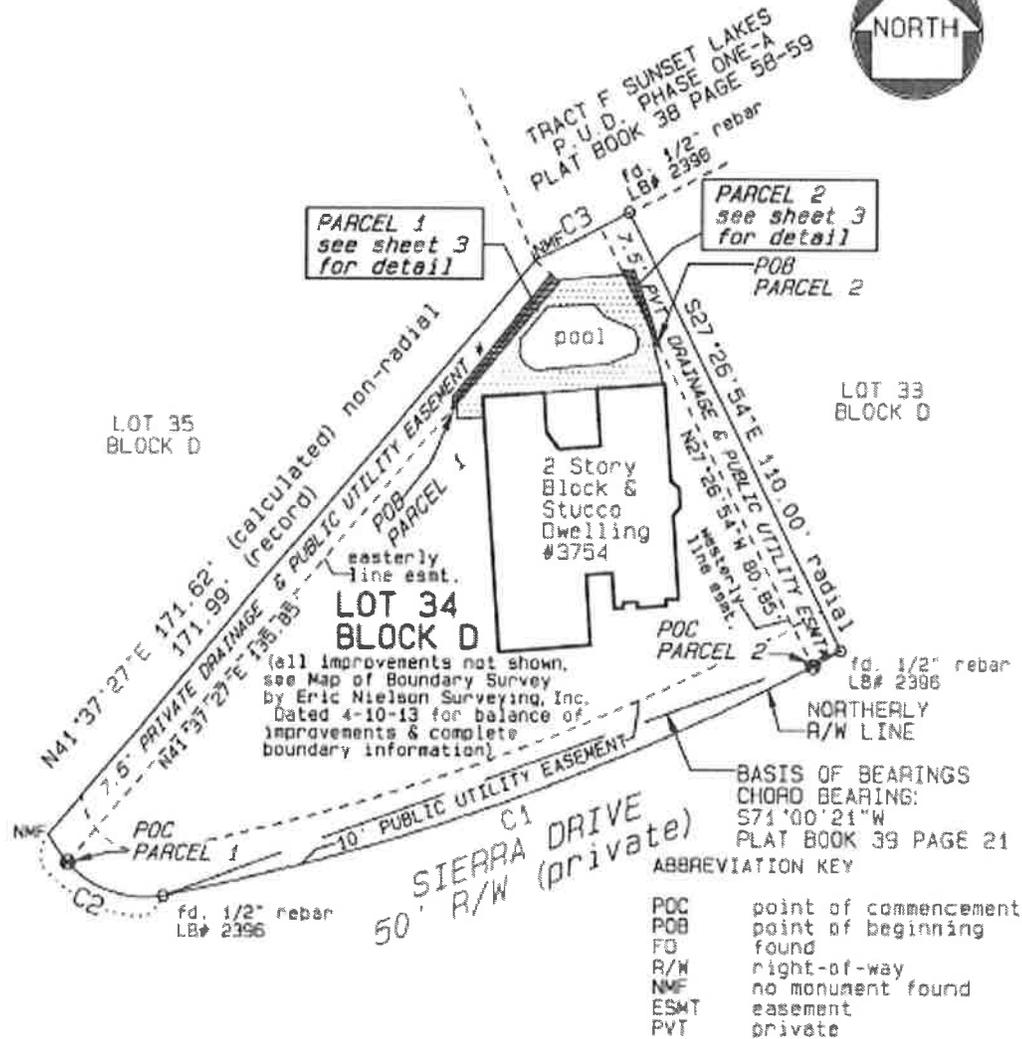
# PETITIONER'S SKETCH & DESCRIPTION SHEET 1 OF 3

**SKETCH OF DESCRIPTION**

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

SECTION 3, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PARCEL ID NUMBER: 24-36-03-76-0-34



(all improvements not shown, see Map of Boundary Survey by Eric Nielson Surveying, Inc. Dated 4-10-13 for balance of improvements & complete boundary information)

BASIS OF BEARINGS  
 CHORD BEARING:  
 S71°00'21\"W  
 PLAT BOOK 39 PAGE 21  
 ABBREVIATION KEY

- POC point of commencement
- POB point of beginning
- POV point of view
- FD found
- R/W right-of-way
- NMF no monument found
- ESMT easement
- PVT private

LINE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
C1	169.68'	575.00'	16°54'28"	S71°00'21\"W	169.07'
C2	32.47'	25.00'	74°24'53"	N53°19'59\"W	30.24'
C3	24.66'	465.00'	3°02'20"	N64°04'17\"E	24.66'

GRAPHIC SCALE 1"=40'



SECTION 3, TOWNSHIP 24 SOUTH, RANGE 36 EAST

PROJECT NO. CI17052  
 DATE OF SURVEY: 12/14/2017  
 DATE OF SKETCH: 1/03/2018

**PETITIONER'S SKETCH &  
 DESCRIPTION SHEET 2 OF 3**

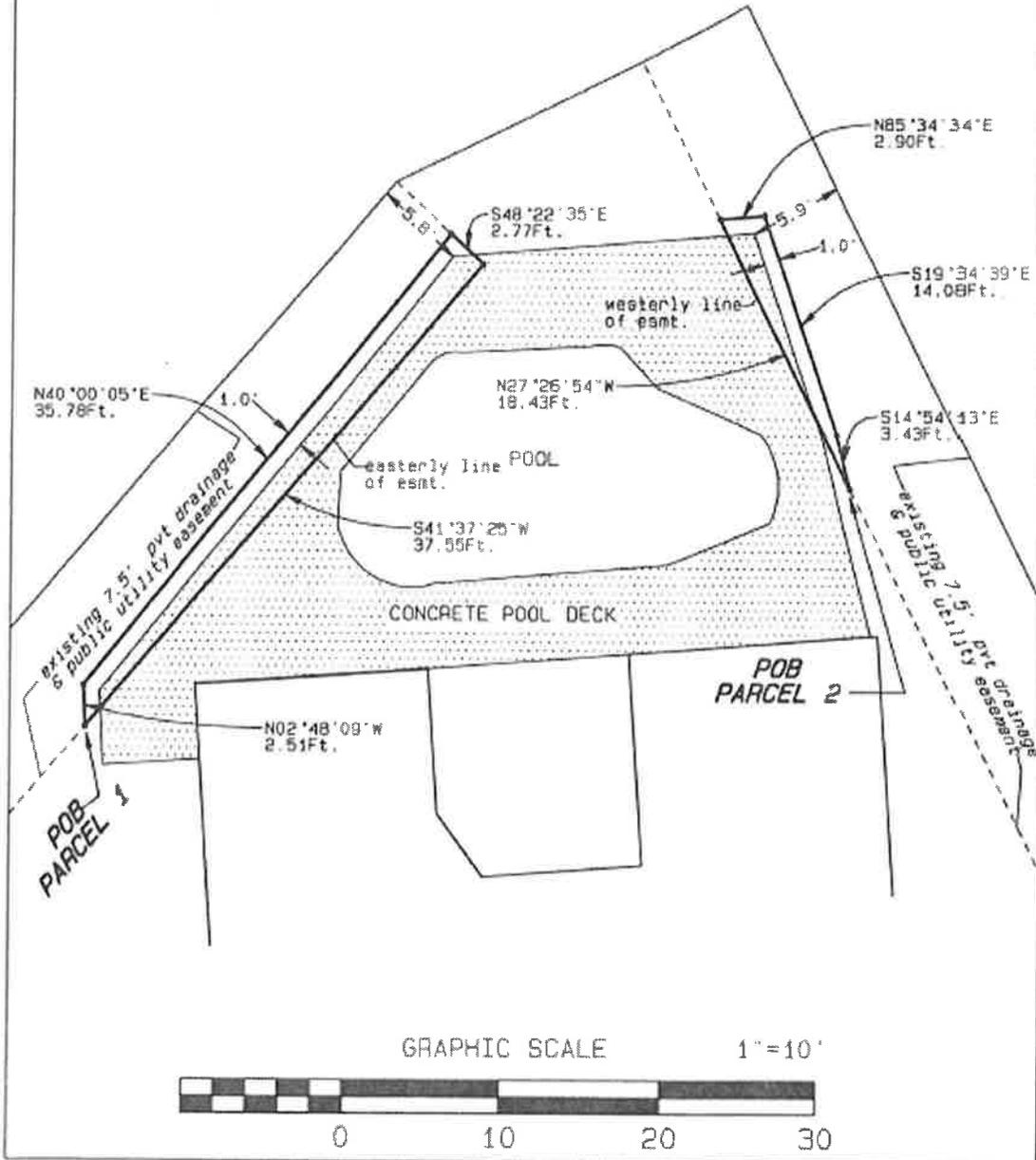
SKETCH OF DESCRIPTION

SECTION 3 TOWNSHIP 24 SOUTH RANGE 36 EAST

PARCEL ID NUMBER: 24-36-03-76-0-34

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

PROJECT NO. CI17052  
DATE OF SURVEY: 12-14-2017  
DATE OF SKETCH: 1-03-2018



**PETITIONER'S SKETCH &**

**DESCRIPTION SHEET 3 OF 3**



**NOTICE TO VACATE PARTS OF TWO 7.5 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "SUNSET LAKES - P.U.D. - PHASE ONE - B" IN SECTION 03, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL**

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by KENNETH V. and OLIVE C. BORING with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**EXHIBIT "A"**

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the westerly sideline of said Lot described as follows: Commence at the intersection of the easterly line of said easement and the Northerly right-of-way of Sierra Drive and run North 41°37'25" East along the East line of said easement, 135.85 feet to the POINT OF BEGINNING; thence departing said easement line North 02°48'09" West, a distance of 2.51 feet; thence North 40°00'05" East, a distance of 35.78 feet; thence South 48°22'35" East, a distance of 2.77 feet to a point on the East line of said easement; thence with said line South 41°37'25" West, a distance of 37.55 feet to the POINT OF BEGINNING, containing 82 square feet. TOGETHER WITH: A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the easterly sideline of said Lot described as follows: Commence at the intersection of the westerly line of said easement and the Northerly right-of-way of Sierra Drive and run North 27°26'54" West along the westerly line of said easement, 80.85 feet to the POINT OF BEGINNING; thence North 27°26'54" West, a distance of 18.43 feet; thence departing said easement line North 85°34'34" East, a distance of 2.90 feet; thence South 19°34'39" East, a distance of 14.08 feet; thence South 14°54'13" East, 3.43 feet to the POINT OF BEGINNING, containing 39 square feet. Prepared by: William R. Reeves,

**PUBLIC HEARING LEGAL**  
**ADVERTISEMENT: 1 OF 2**

PS&M

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 **April 10, 2018** 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.

## **PUBLIC HEARING LEGAL** **ADVERTISEMENT: 2 OF 2**

A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the westerly sideline of said Lot described as follows: Commence at the intersection of the easterly line of said easement and the Northerly right-of-way of Sierra Drive and run North 41°37'25" East along the East line of said easement, 135.85 feet to the POINT OF BEGINNING; thence departing said easement line North 02°48'09" West, a distance of 2.51 feet; thence North 40°00'05" East, a distance of 35.78 feet; thence South 48°22'35" East, a distance of 2.77 feet to a point on the East line of said easement; thence with said line South 41°37'25" West, a distance of 37.55 feet to the POINT OF BEGINNING, containing 82 square feet. TOGETHER WITH: A portion of Lot 34, Block D, Sunset Lakes, P.U.D. Phase One-B, according to the Plat thereof, recorded in Plat Book 39, Page 21, Public Records Brevard County, Florida, being a portion of a 7.5 foot wide public utility easement along the easterly sideline of said Lot described as follows: Commence at the intersection of the westerly line of said easement and the Northerly right-of-way of Sierra Drive and run North 27°26'54" West along the westerly line of said easement, 80.85 feet to the POINT OF BEGINNING; thence North 27°26'54" West, a distance of 18.43 feet; thence departing said easement line North 85°34'34" East, a distance of 2.90 feet; thence South 19°34'39" East, a distance of 14.08 feet; thence South 14°54'13" East, 3.43 feet to the POINT OF BEGINNING, containing 39 square feet. Prepared by: William R. Reeves, PS&M