



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

4/4/2023

Subject:

Petition to Vacate, Re: Public Utility & Drainage Easement- 1710 Misty Way - "Whispering Woods Phase I" Plat Book 37, Page 4 - Titusville - Michael A. & Dana D. St. Jean - District 1

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 a 10.00-foot wide public utility & drainage easement, "Whispering Woods Phase I" in Section 33, Township 22 South, Range 35 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 for the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioners own Lot 27, and are requesting the vacating of a 1.00 ft. by 40.00 ft. portion of a 10.00 ft. wide public utility & drainage easement on the north side of Lot 27, to allow for the constructed pergola improvement to remain. The easement to be vacated contains 40.00 square feet, more or less. The property is located in Titusville South of SR 405 and West of SR 407.

On March 20, 2023, 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 the 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.



April 19, 2023

Michael A. and Dana D. St. Jean
1710 Misty Way
Titusville, FL 32780

Dear Sir/Madam:

Re: Resolution Vacating a Portion of a Public Utility and Drainage Easement in Plat
"Whispering Woods Phase I" Subdivision, Titusville

The Board of County Commissioners, in regular session on April 4, 2023, adopted Resolution No. 23-033, vacating a portion of a public utility and drainage easement in plat "Whispering Woods Phase I" Subdivision, Titusville, as petitioned by you. Said Resolution has been recorded in ORBK 9765, Pages 554 through 559. 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



April 19, 2023

M E M O R A N D U M

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

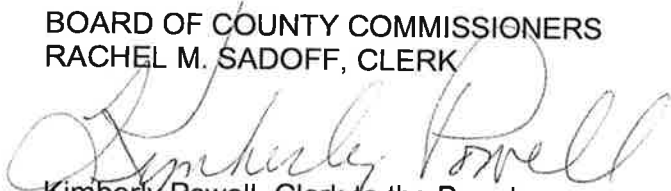
RE: Advertising Bills for Resolution Vacating a Portion of a Public Utility and Drainage Easement in Plat "Whispering Woods Phase I" Subdivision, Titusville

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 23-033, vacating a portion of a public utility and drainage easement in plat "Whispering Woods Phase I" subdivision, Titusville, as petitioned by Michael A. and Dana D. St. Jean. Said Resolution was adopted by the Board of County Commissioners, in regular session on April 4, 2023.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

Brevard County Property Appraiser Detail Sheet

Account 2217802

Owners ST JEAN, MICHAEL A; ST JEAN, DANA D

Mailing Address 1710 MISTY WAY TITUSVILLE FL 32780

Site Address 1710 MISTY WAY TITUSVILLE FL 32780

Parcel ID 22-35-33-55-*27

Property Use 0110 - SINGLE FAMILY RESIDENCE

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Taxing District 1300 - UNINCORP DISTRICT 1

Total Acres 0.49

Subdivision WHISPERING WOODS PHASE I

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0037/0004

Land Description WHISPERING WOODS PHASE I LOT 27

VALUE SUMMARY

Category	2022	2021	2020
Market Value	\$388,060	\$301,820	\$294,590
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$325,840	\$301,820	\$162,090
Assessed Value School	\$325,840	\$301,820	\$162,090
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	\$275,840	\$251,820	\$112,090
Taxable Value School	\$300,840	\$276,820	\$137,090

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/28/2021	\$445,000	WD	--	9210/2526
03/24/2020	\$352,500	WD	--	8700/2526
07/30/1998	\$22,500	WD	--	3878/2195

Vicinity Map

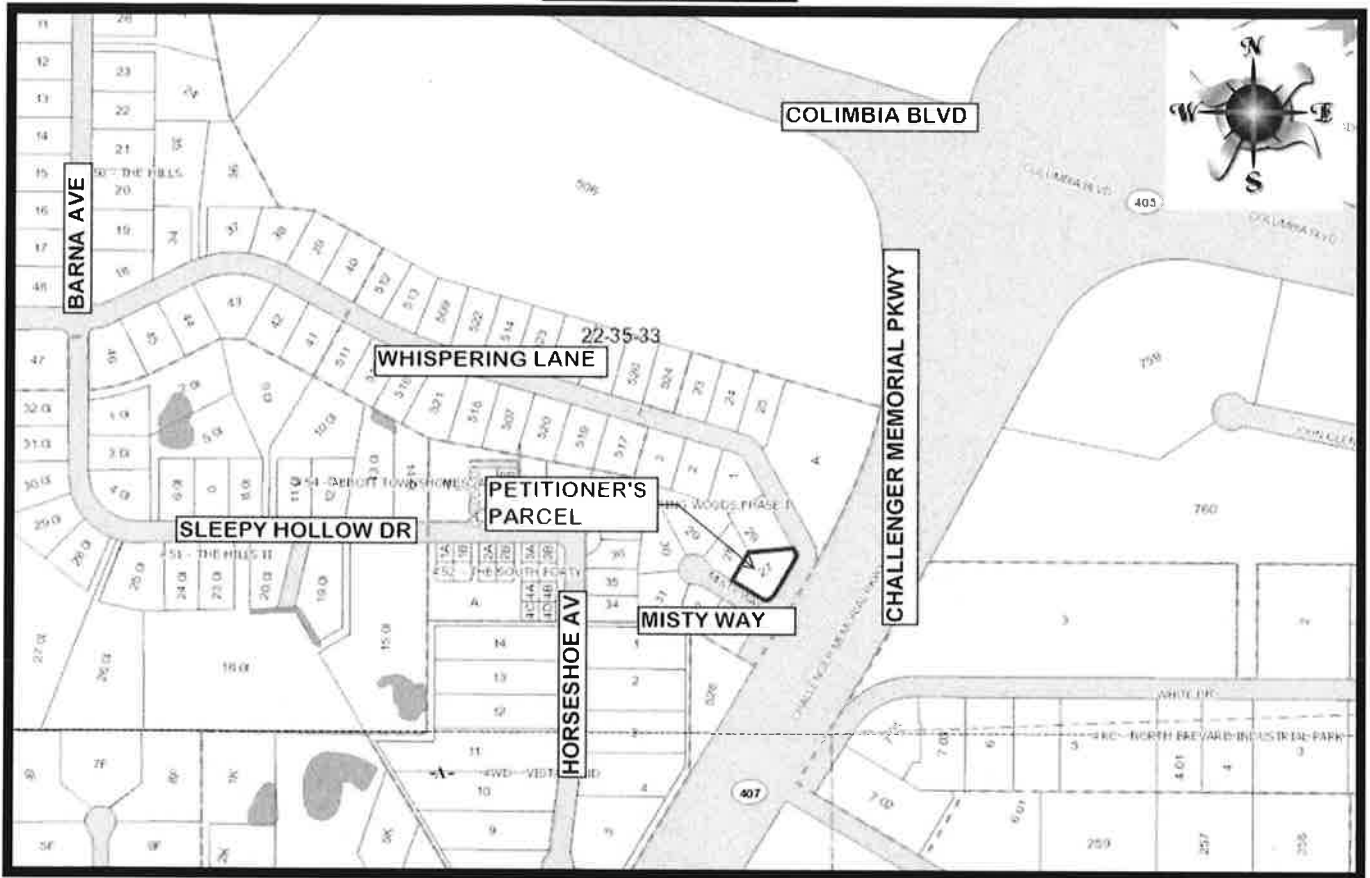


Figure 1: Map of Lot 27, Whispering Woods Phase I, 1710 Misty Way, Titusville, Florida, 32780.

Michael A. & Dana D. St. Jean – 1710 Misty Way – Titusville, FL, 32780 – Lot 27, plat of “Whispering Woods Phase I” – Plat Book 37, Page 4 – Section 33, Township 22 South, Range 35 East – District 1 – Proposed Vacating of a 1.0 ft. by 40.00 ft. portion of a 10.0 ft. Wide Public Utility & Drainage Easement

Aerial Map

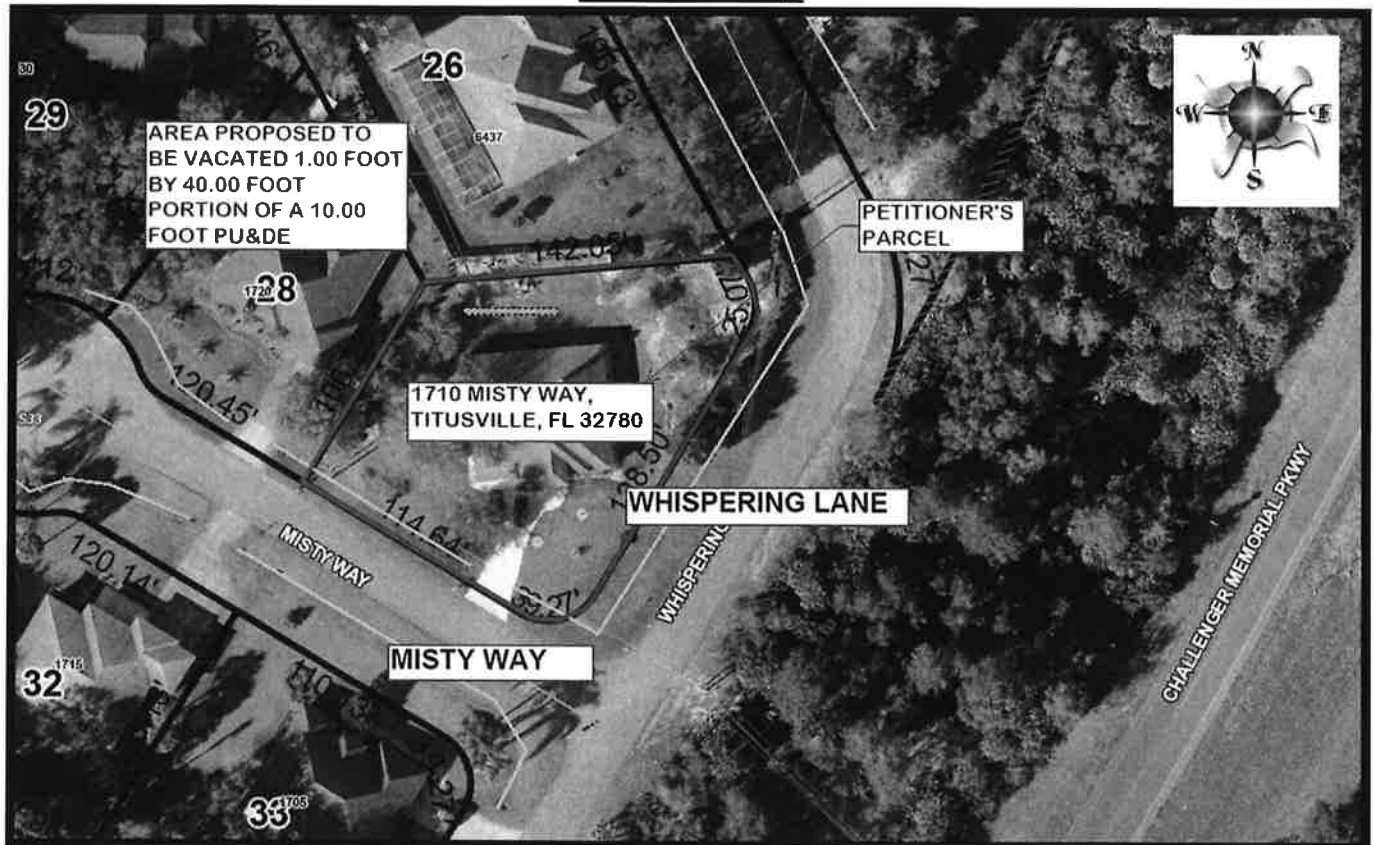


Figure 2: Aerial Map of Lot 27, Whispering Woods Phase I, 1710 Misty Way, Titusville, Florida, 32780.

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Plat Reference

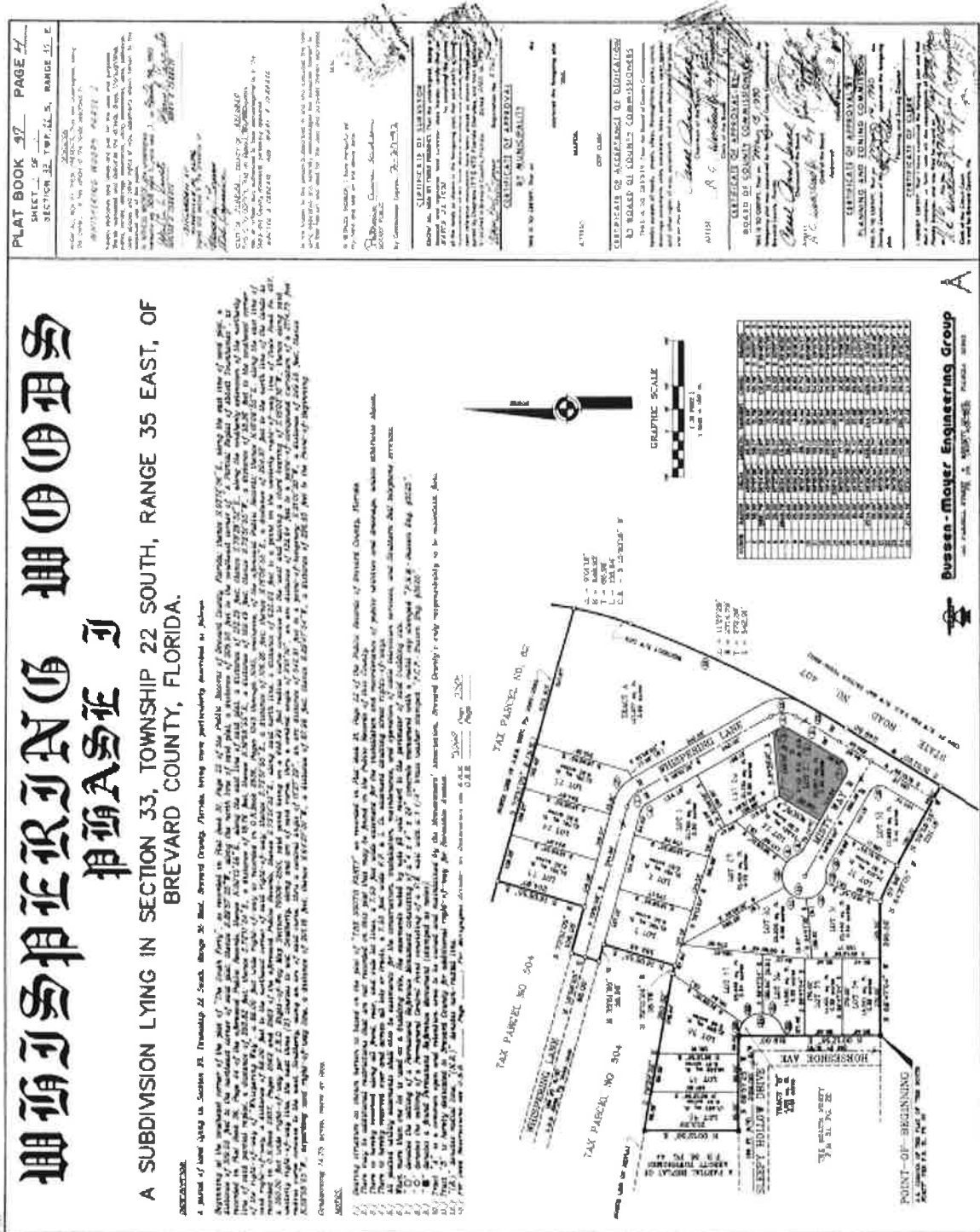


Figure 3: Copy of plat map "Whispering Woods Phase I" dedicated to Brevard County on May 16, 1990.

Petitioner's Sketch & Description Sheet 1 of 3

J.O.# 36828-1

LEGAL DESCRIPTION

SECTION 33, T.22S., R.35E.
PETITIONER'S PARCEL ID
NO. 22-35-33-55-27

SHEET 1 OF 3 NOT VALID
WITHOUT SHEETS 2 AND 3

PURPOSE OF SKETCH AND DESCRIPTION: EASEMENT VACATING

LEGAL DESCRIPTION:

A 1.0 FOOT BY 40.0 FOOT PORTION OF THE 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON THE SOUTH SIDE OF THE NORTH LINE OF LOT 27, WHISPERING WOODS PHASE I, AS RECORDED IN PLAT BOOK 37, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 27; THENCE S. 32°04'54" E., 11.22 FEET TO THE POINT OF INTERSECTION OF THE WESTERLY AND SOUTH LINES OF SAID 10.0 FOOT EASEMENT AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N. 5°06'48" W., 1.00 FOOT; THENCE N. 84°53'12" E. PARALLEL WITH SAID SOUTH LINE OF EASEMENT, 40.00 FEET; THENCE S. 5°06'48" E., 1.00 FOOT TO SAID SOUTH LINE; THENCE 84°53'12" W. ALONG SAID SOUTH LINE 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 40 SQUARE FEET MORE OR LESS

THIS CERTIFIES THAT THE FOREGOING SKETCH AND LEGAL DESCRIPTION MEET THE APPLICABLE MINIMUM STANDARDS ESTABLISHED PURSUANT TO FLORIDA STATUTES 472.027 AND ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT REPRESENT A FIELD SURVEY, BUT ARE BASED ON INFORMATION FROM PUBLIC RECORDS WHICH MAY DIFFER.

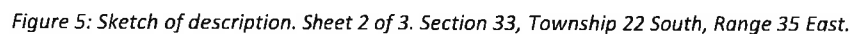
THIS IS NOT A SURVEY

02/09/23
JOHN T. HOLLEY, P.S.M. #5050
("NOT VALID WITHOUT THE ORIGINAL SIGNATURE
AND RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER")
REGISTERED LAND SURVEYOR
FLORIDA

HOLLEY & ASSOCIATES INC.
REGISTERED LAND SURVEYORS L.B.#4596
1846 ROBIN HOOD AVE., TITUSVILLE, FL.
P.O. BOX 1976, 32781
321-267-6113

Figure 4: Legal Description. Sheet 1 of 3. Section 33, Township 22 South, Range 35 East.

J.D.# 36828-2



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Petitioner's Sketch & Description: 3 of 3

J.O.# 36828-3

IMPROVEMENT SKETCH:

**SECTION 33, T.22S., R.35E.
PETITIONER'S PARCEL ID
NO. 22-35-33-55-*27**

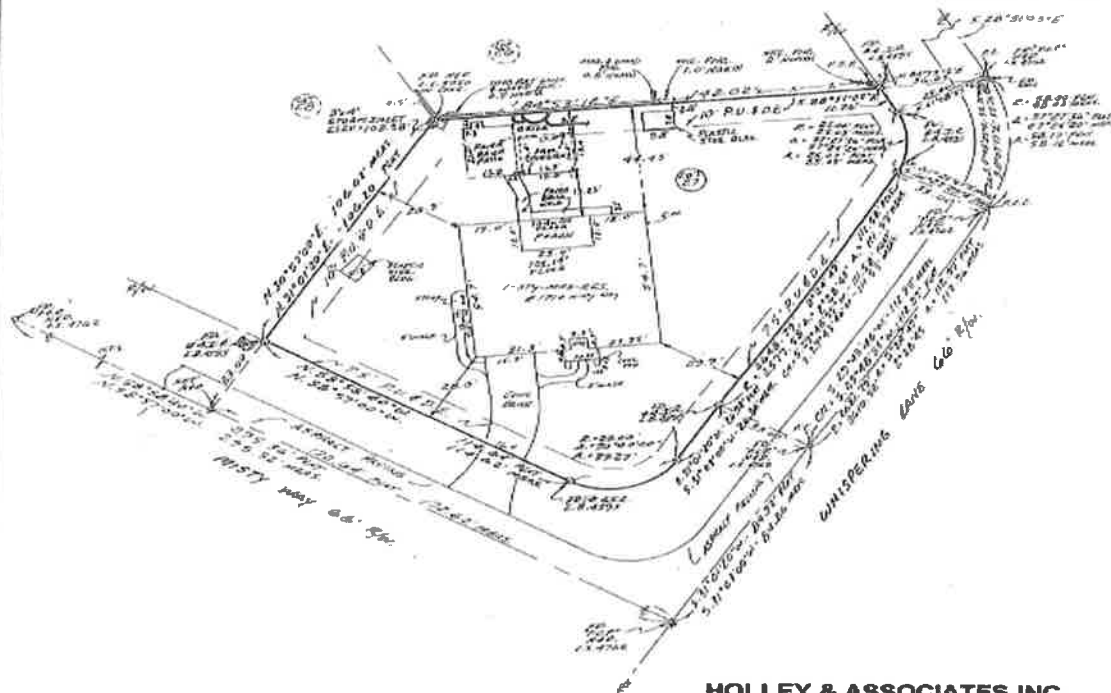
NOTE:

IMPROVEMENTS SHOWN ARE
BASED ON A BOUNDARY SURVEY
PREPARED BY HOLLEY & ASSOC.
INC. UPDATED 24, AUGUST, 2022
JOB ORDER # 36828

**SHEET 3 OF 3 NOT VALID
WITHOUT SHEETS 1 AND 2**



SCALE: 1" = 50'



HOLLEY & ASSOCIATES INC.
REGISTERED LAND SURVEYORS L.B.#4595
1846 ROBIN HOOD AVE., TITUSVILLE, FL.
P.O. BOX 1875, 32781
321-287-8113

Figure 6: Improvement Sketch. Sheet 3 of 3. Section 33, Township 22 South, Range 35 East.

The sketch illustrates a detail of the newly constructed pergola within the 1.00-foot portion to be vacated of a 10.00-foot wide public utility & drainage easement on Lot 27, Whispering Woods Phase I, Titusville, Florida.

Comment Sheet

Applicant: St. Jean

Updated by: Amber Holley 20230309 at 1630 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20230224	20230224	Yes	No objections
FL Power & Light	20230224	20230316	Yes	No comments
At&t	20230224	20230227	Yes	No objections
Charter/Spectrum	20230224	20230228	Yes	No objections
City of Titusville	20230224	20230307	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20230224	20230110	Yes	No objections
Land Planning	20230224	20230309	Yes	No objections
Utility Services	20230224	20230227	Yes	No objections
Storm Water	20230224	20230310	Yes	No objections
Zoning	20230224	20230309	Yes	No objections

Public Hearing Legal Advertisement

AD#5633441

3/20/2023

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY & DRAINAGE EASEMENT, PLAT OF "WHISPERING WOODS PHASE I" IN SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST, TITUSVILLE, 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 MICHAEL A. & DANA D. ST. JEAN with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A 1.0 FOOT BY 40.0 FOOT PORTION OF THE 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON THE SOUTH SIDE OF THE NORTH LINE OF LOT 27, WHISPERING WOODS PHASE I, AS RECORDED IN PLAT BOOK 37, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

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CONTAINING 40 SQUARE FEET MORE OR LESS. PREPARED BY: JOHN T. HOLLEY, 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 April 4, 2023, 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.

Figure 7: Copy of public hearing advertisement as published on March 20, 2023. See the next page for the full text.

Legal Notice Text

LEGAL NOTICE

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Resolution 2023 - 033

**Vacating a portion of a public utility & drainage easement in plat "Whispering Woods Phase I"
Subdivision, Titusville, Florida, lying in Section 33, Township 22 South, Range 35 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MICHAEL A. & DANA D. ST. JEAN** with the Board of County Commissioners to vacate a public 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, a 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 easement(s) will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement(s) are hereby vacated by Brevard County; and this vacating action releases, renounces, and disclaims any right, title, or interest Brevard County may possess over the property at issue, and shall not be deemed to warrant any right, title, interest or to represent any state of facts concerning the same. 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 4TH day of April, 2023 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


Rachel Sadoff, Clerk


Rita Pritchett, Chair

As approved by the Board on:
April 4, 2023

CFN 2023076309, OR BK 9765 PAGE 554,
Recorded 04/18/2023 at 08:48 AM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:6

LEGAL DESCRIPTION

SECTION 33,T.22S.,R.35E.
PETITIONER'S PARCEL ID
NO. 22-35-33-55-*27

SHEET 1 OF 3 NOT VALID
WITHOUT SHEETS 2 AND 3

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THIS IS NOT A SURVEY


02/09/23
JOHN T. HOLLEY, P.S.M. #5050
("NOT VALID WITHOUT THE ORIGINAL SIGNATURE
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SURVEYOR AND MAPPER.")

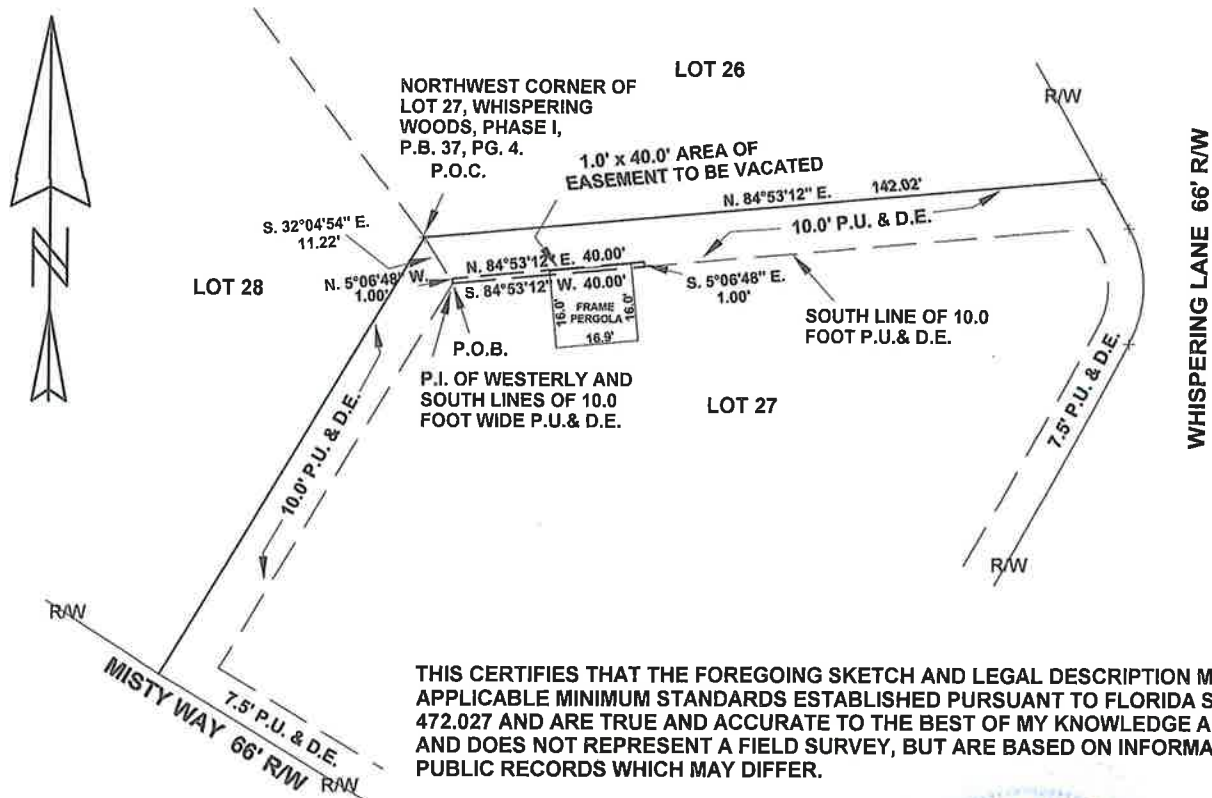
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REGISTERED LAND SURVEYORS L.B.#4595
1846 ROBIN HOOD AVE., TITUSVILLE, FL.
P.O. BOX 1975, 32781
321-267-6113

SKETCH OF DESCRIPTION:

SECTION 33, T.22S., R.35E.
 PETITIONER'S PARCEL ID
 NO. 22-35-33-55-*27

SHEET 2 OF 3 NOT VALID
 WITHOUT SHEETS 1 AND 3



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THIS IS NOT A SURVEY

SCALE: 1" = 40'

**LEGEND:**

N = NORTH
 S = SOUTH
 E = EAST
 W = WEST
 T. = TOWNSHIP
 R. = RANGE
 R/W = RIGHT OF WAY
 P.B. = PLAT BOOK
 PG. = PAGE
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 P.I. = POINT OF INTERSECTION
 P.U. & D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

NOTE:

BEARINGS SHOWN ARE FROM
 PLAT BOOK 37, PAGE 4, AND
 ARE NOT BASED ON FIELD
 MEASUREMENTS AS THIS
 IS NOT A SURVEY.

02/09/23
 JOHN T. HOLLEY, P.S.M. # 5050
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 1846 ROBIN HOOD AVE., TITUSVILLE, FL.
 P.O. BOX 1975, 32781
 321-267-6113



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 said legal clerk, 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) dated:
or by publication on the newspaper's website, if authorized,
on

03/20/2023

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 20th of March 2023, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$246.12

Ad No: 0005633441

Customer No: BRE-6BR327

This is not an invoice

of Affidavits 1

AD#5633441

3/20/2023

LEGAL NOTICE

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NANCY HEYRMAN
Notary Public
State of Wisconsin



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

Ad#5660280 04/12/2023
LEGAL NOTICE

RESOLUTION VACATING A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN PLAT "WHISPERING WOODS PHASE I" SUBDIVISION, TITUSVILLE, LYING IN SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST - MICHAEL A. AND DANA D. ST. JEAN

TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that on the April 4, 2023, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of a public utility and drainage easement in plat "Whispering Woods Phase I" subdivision, Titusville, lying in Section 33, Township 22 South, Range 35 East as petitioned by Michael A. and Dana D. St. Jean

LEGAL DESCRIPTION:

A 1.0 FOOT BY 40.0 FOOT PORTION OF THE 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON THE SOUTH SIDE OF THE NORTH LINE OF LOT 27, WHISPERING WOODS PHASE I, AS RECORDED IN PLAT BOOK 37, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 27; THENCE S. 32°04'54" E. 11.22 FEET TO THE POINT OF INTERSECTION OF THE WESTERLY AND SOUTH LINES OF SAID 10.0 FOOT EASEMENT AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N. 5°06'48" W. 1.00 FOOT; THENCE N. 84°53'12" E. PARALLEL WITH SAID SOUTH LINE OF EASEMENT, 40.00 FEET; THENCE S. 5°06'48" E. 1.00 FOOT TO SAID SOUTH LINE; THENCE 84°53'12" W. ALONG SAID SOUTH LINE 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 40 SQUARE FEET MORE OR LESS. PREPARED BY: JOHN T. HOLLEY, PSM.

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
RACHEL M. SADOFF, CLERK
BY: Kimberly Powell, Clerk to the Board

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, 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) dated: or by publication on the newspaper's website, if authorized, on

04/12/2023

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 12th of April 2023, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$181.30

Ad No: 0005660280

Customer No: BRE-6BR327

This is not an invoice

of Affidavits 1

NANCY HEYRMAN
Notary Public
State of Wisconsin

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EASEMENT IN PLAT "WHISPERING WOODS PHASE I" SUBDIVISION, TITUSVILLE,
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BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

RACHEL M. SADOFF, CLERK

BY: Kimberly Powell, Clerk to the Board

Florida TODAY:

Please advertise in the Wednesday, April 12, 2023, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-6BR327 and forward bill and proof of publication to: Amber Holley, Public Works Department, 2725 Judge Fran Jamieson Way, Bldg. A-220, Viera, FL 32940.**

Samantha McDaniel

From: Holley, Amber <Amber.Holley@brevardfl.gov>
Sent: Wednesday, April 5, 2023 9:01 AM
To: Samantha McDaniel; Nicole Summers; Deborah Thomas
Cc: Donna Scott; Kimberly Powell
Subject: April 4, 2023 Commission Meeting
Attachments: LEGAL DESCRIPTION-ST JEAN.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Ladies, please find attached the legal description from the approval at the 4/4 meeting.

Owner information:

- H.1. Michael A. and Dana D. St. Jean, 1710 Misty Way, Titusville, FL 32780.

Sincerely,
Amber Holley
Public Works/ Survey Dept.
321-350-8346

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

This email was scanned by Bitdefender

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