



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

2/8/2022

Subject:

Petition to Vacate, Re: Public Utility Easement- 410 Artemis Blvd - "Diana Shores Unit No 8" Plat Book 24, Pages 78 - Merritt Island - Kerei H. Stampfel - District 2

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 public utility easement, "Diana Shores Unit No 8" in Section 24, Township 24 South, Range 36 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 petitioner owns Lot 86, Block J and is requesting the vacating of a portion of a 5.00 ft. wide public utility easement lying on the East side of Lot 86, Block J to allow for the existing covered deck to remain. The covered deck was built without a building permit by the current homeowner. The homeowner is trying to correct the issue with permit # 21BC07256. This was created by Code Enforcement case # 21CE00360. Staff has concluded that the area between lot 86 and 85 are not currently being used for any utilities or drainage. Easement to be vacated contains 79 square feet or 0.002 acres, more or less. The property is located in Merritt Island North of Highway 520 and East of State Road 3.

January 24, 2022, 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.

Brevard County Property Appraiser Detail Sheet

Account 2418525
 Owners STAMPFEL, KEREI H
 Mailing Address 410 ARTEMIS BLVD MERRITT ISLAND FL 32953
 Site Address 410 ARTEMIS BLVD MERRITT ISLAND FL 32953
 Parcel ID 24-36-24-LB-J-86
 Property Use 0110 - SINGLE FAMILY RESIDENCE
 Exemptions
 HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 WDW - WIDOW'S EXEMPTION FOR WIFE
 Taxing District 2200 - UNINCORP DISTRICT 2
 Total Acres 0.20
 Subdivision DIANA SHORES UNIT NO 8
 Site Code 0130 - CANAL FRONT
 Plat Book/Page 0024/0078
 Land Description DIANA SHORES UNIT NO 8 LOT 86 BLK J

VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$443,070	\$396,650	\$391,270
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$278,060	\$396,650	\$268,070
Assessed Value School	\$278,060	\$396,650	\$268,070
Homestead Exemption	\$25,000	\$0	\$25,000
Additional Homestead	\$25,000	\$0	\$25,000
Other Exemptions	\$500	\$0	\$500
Taxable Value Non-School	\$227,560	\$396,650	\$217,570
Taxable Value School	\$252,560	\$396,650	\$242,570

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
02/27/2019	--	PB	Improved	8378/1717
01/28/2018	--	DC	Improved	8093/1120
12/20/2013	\$223,900	WD	Improved	7038/0425

Vicinity Map

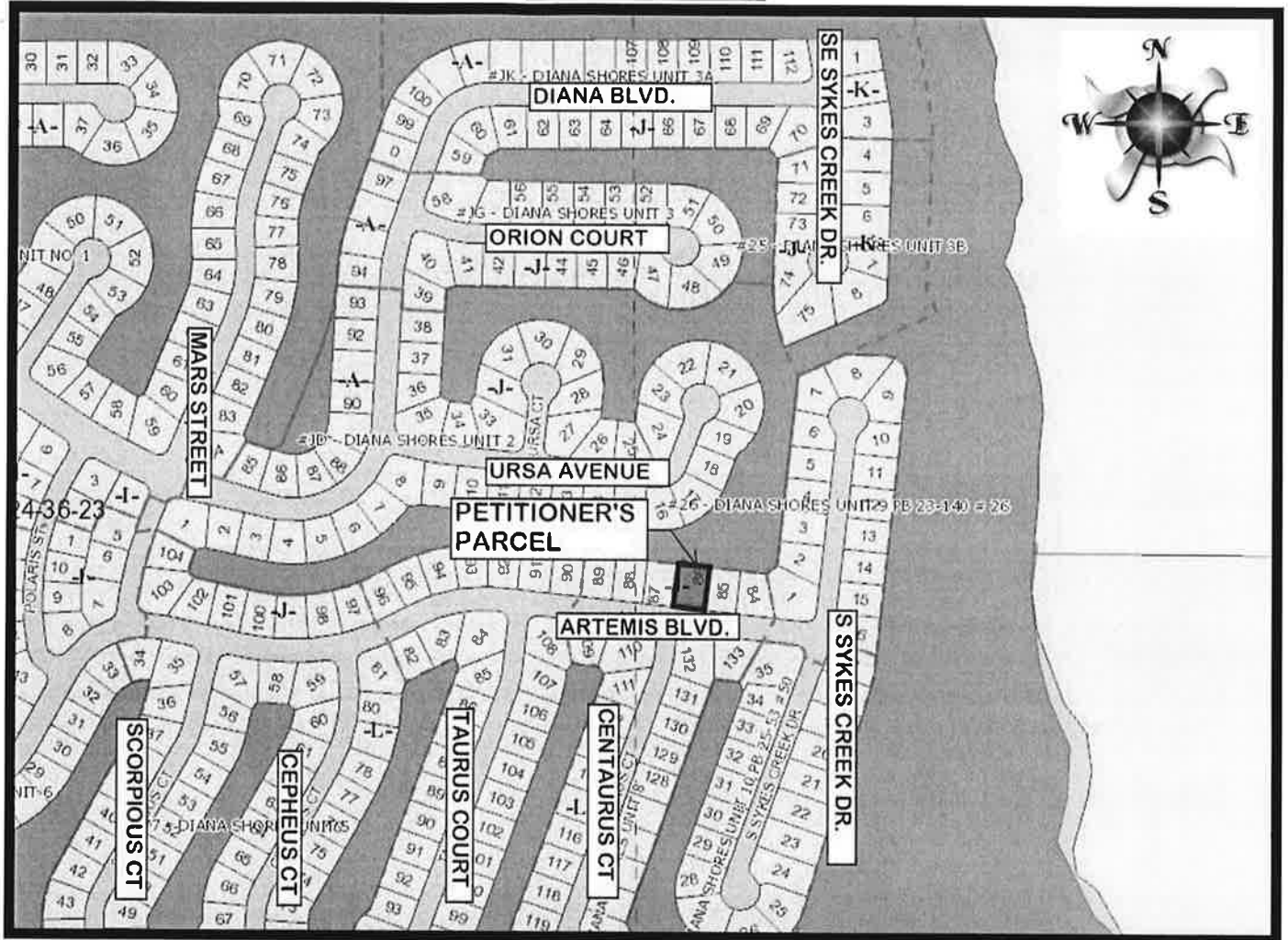


Figure 1: Map of Lot 86, Block J, Diana Shores Unit No. 8, 410 Artemis Blvd., Merritt Island, Florida, 32953.

Kerei H. Stampfel – 410 Artemis Blvd. –
Merritt Island, FL, 32953 – Lot 86, Block J, plat
of “Diana Shores Unit No. 8” – Plat Book 24,
Page 78 – Section 24, Township 24 South,
Range 36 East – District 2 – Proposed
Vacating of a portion of a 5.0 ft. Wide Public
Utility Easement

Aerial Map

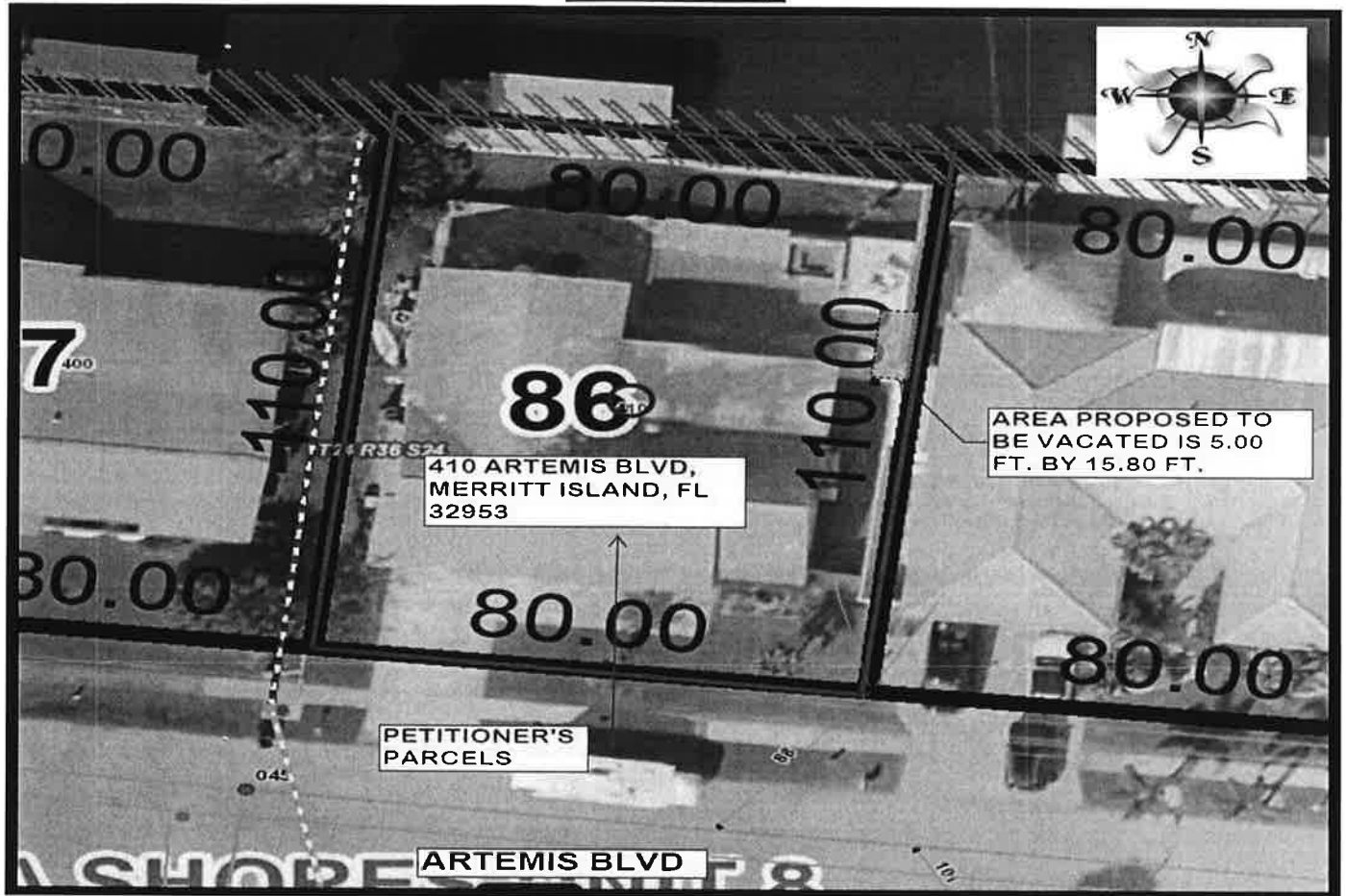


Figure 2: Aerial Map of Lot 86, Block J, Diana Shores Unit No. 8, 410 Artemis Blvd., Merritt Island, Florida, 32953.

Kerei H. Stampfel – 410 Artemis Blvd. –
Merritt Island, FL, 32953 – Lot 86, Block J, plat
of “Diana Shores Unit No. 8” – Plat Book 24,
Page 78 – Section 24, Township 24 South,
Range 36 East – District 2 – Proposed
Vacating of a portion of a 5.0 ft. Wide Public
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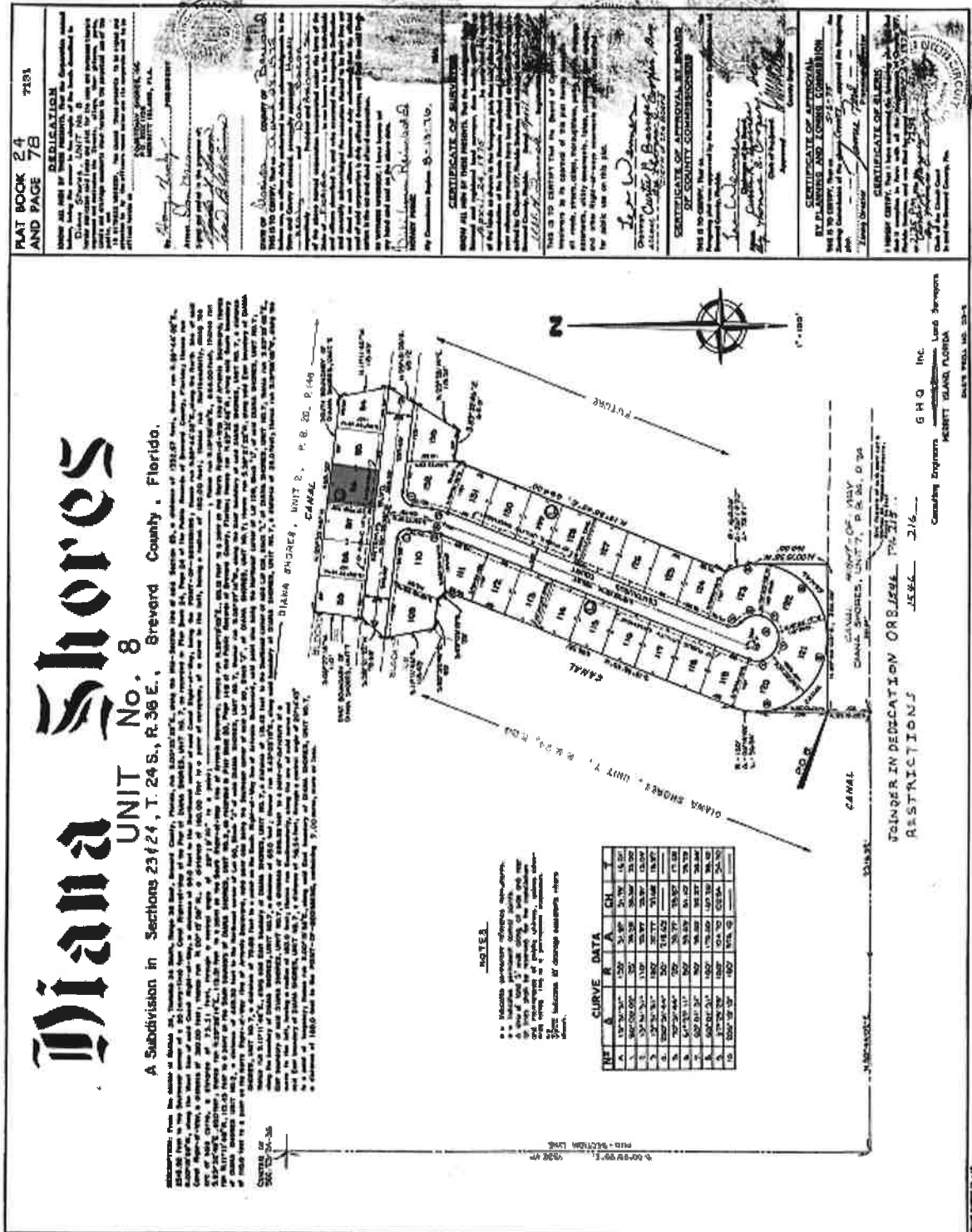


Figure 3: Copy of plat map "Diana Shores Unit No." dedicated to Brevard County July 24, 1975.

Petitioner's Sketch & Description Sheet 1 of 3

Legal Description

Section 24, Township 24 South, Range 36 East
Parcel ID Number: 24-36-24-LB-J-86
Purpose of Survey: Vacating a portion of a Public Utility Easement

Sheet 1 of 3

Not Valid without the Sketch on Sheet 2 of 3
or without the Detail Sketch on Sheet 3 of 3

LEGAL DESCRIPTION:

A portion of the 5 foot wide Public Utility Easement lying on the East side of Lot 86 in Block J of DIANA SHORES, UNIT 8, according to the plat thereof as recorded in Plat Book 24 at Page 78 of the Public Records of Brevard County, Florida, being more described as the East 5 feet of the South 15.80 feet of the North 40.18 feet of said Lot 86.

Containing 0.002 Acres, More or Less.

SURVEY REPORT:

1. The intended purpose of this survey is for information only, as shown hereon.
2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record, unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a suburban survey.
5. Measurements shown hereon are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground footers, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. Bearings are assumed, referenced to N 83°32'46" W along the Northerly Right of Way Line of Artemis Boulevard, per Plat.
8. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.



115 Alma Blvd., Suite 102
Merritt Island, FL 32954
Phone: (321) 507-4811
LICENSED BUSINESS #7978



PREPARED FOR: Kerei H Stampfel

SITE ADDRESS: 410 Artemis Boulevard, Merritt Island, FL 32954

PREPARED BY: John R. Campbell Surveying, LLC.
ADDRESS: 115 Alma Boulevard, Suite 102, Merritt Island 32955
PHONE: (321) 507-4811

DRAWN BY: Z.A. Pyer
DATE: 9-8-2021

CHECKED BY: J.R. Campbell
Sheet 1 of 3

DRAWING NO. 2021-205
REVISIONS: 0

SECTION 24
TOWNSHIP 24 SOUTH
RANGE 36 EAST

Figure 4: Legal Description. Sheet 1 of 3. Section 24, Township 24 South, Range 36 East. Parcel ID number: 24-36-24-LB-J-86.

Petitioner's Sketch & Description Sheet 2 of 3

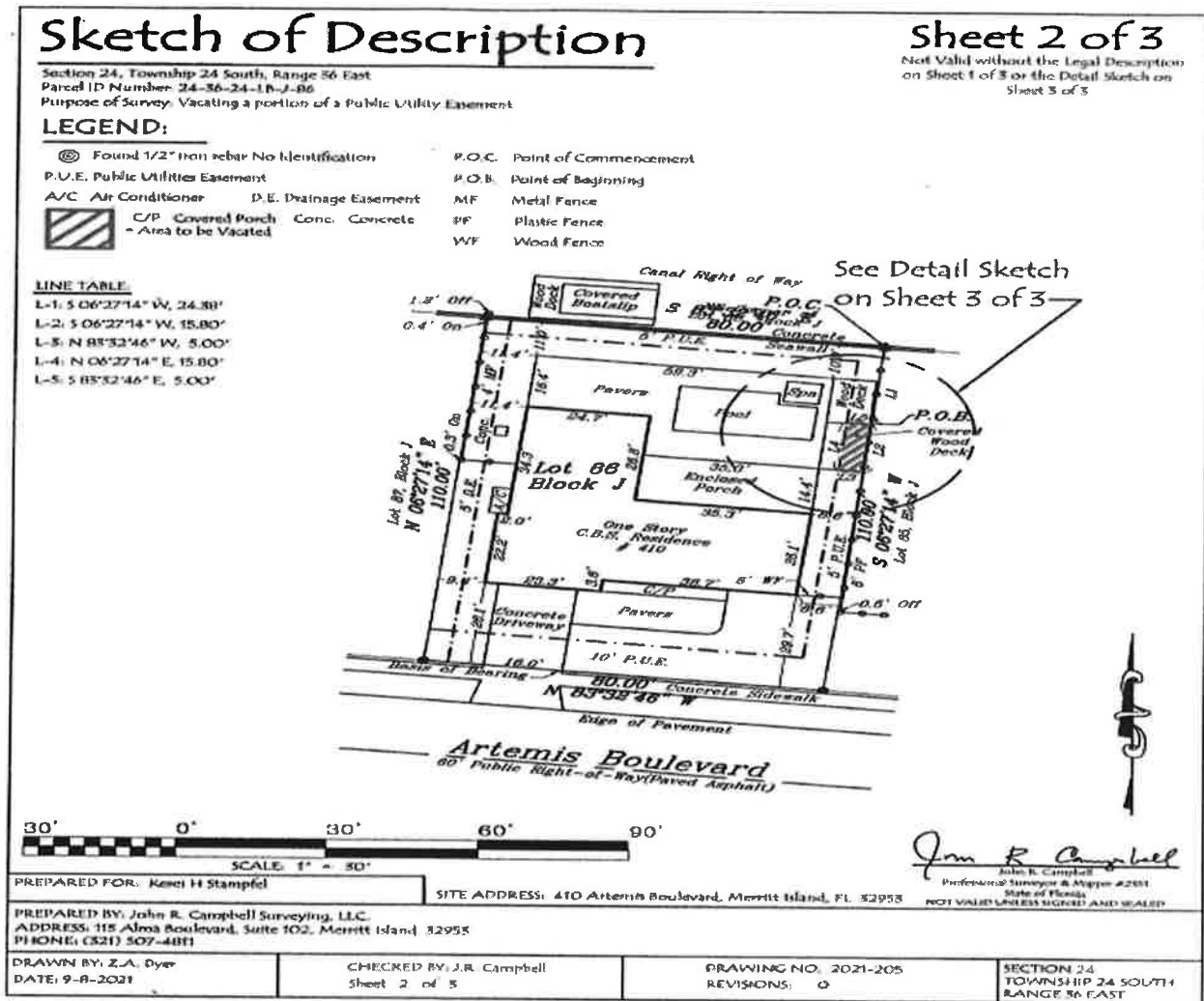


Figure 5: Sketch of description. Section 24, Township 24 South, Range 36 East. Parcel ID Number: 24-36-24-LB-J-86.

Sketch illustrates 5.00-foot of a 5.00-foot public utility easement on Lot 86, Block J, Diana Shores Un No. 8, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – South 83°32'46" East 80.00'; East boundary – South 06°27'14" West 110.00'; South boundary – North 83°32'46" West 80.00'; West boundary – North 06°27'14" East 110.00'. Prepared by: John R. Campbell Surveying, LLC, LS 2351, Drawing NO: 2021-205.

Petitioner's Sketch & Description Sheet 3 of 3

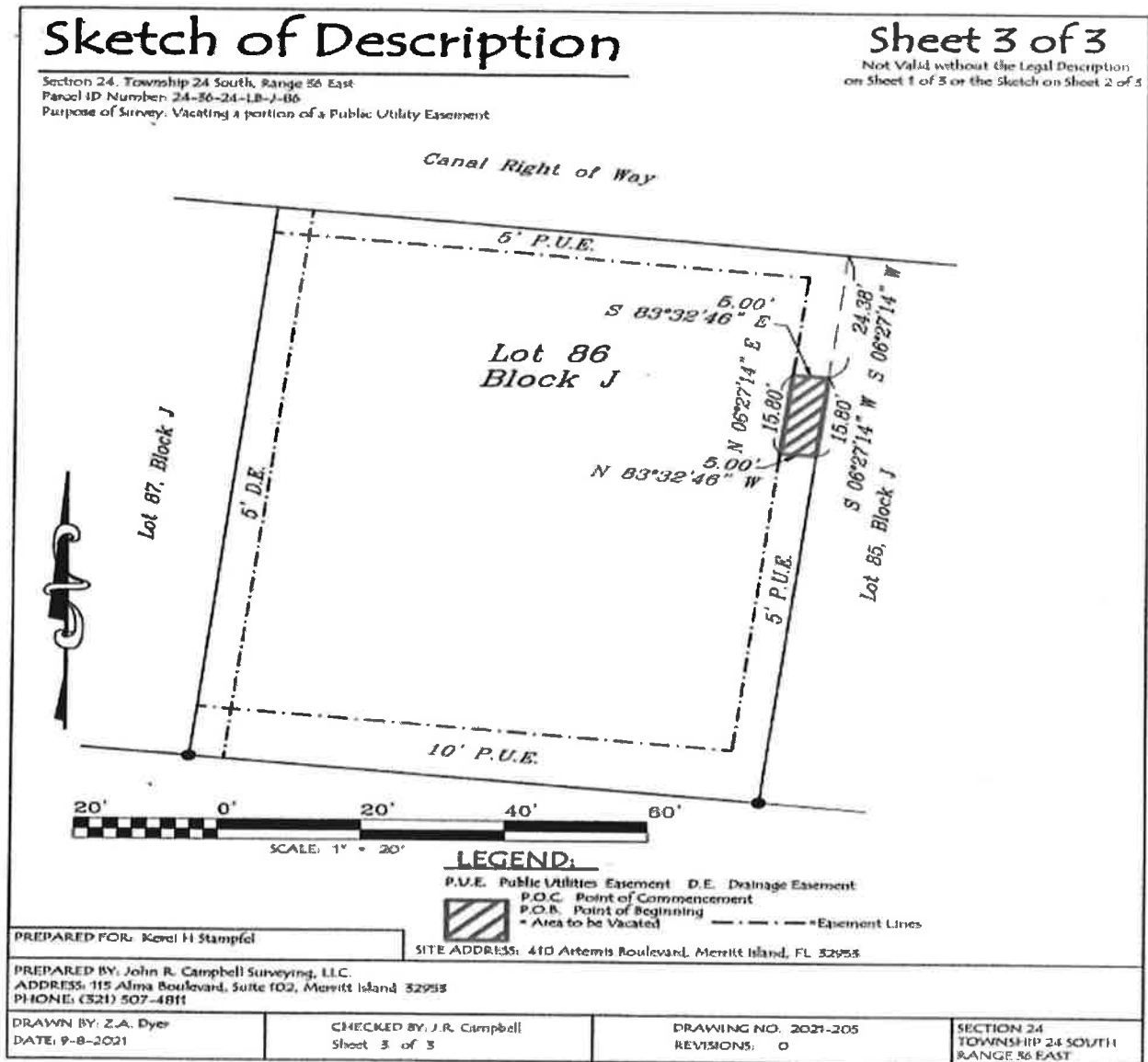


Figure 6: Sketch of description. Section 24, Township 24 South, Range 36 East. Parcel ID number: 24-36-24-LB-J-86.

Sketch illustrates 5.00-foot of a 5.00-foot public utility easement on Lot 86, Block J, Diana Shores Un No. 8, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – South 83°32'46" East 5.00'; East boundary – South 06°27'14" West 15.80'; South boundary – North 83°32'46" West 5.00'; West boundary – North 06°27'14" East 15.80'. Prepared by: John R. Campbell Surveying, LLC, LS 2351, Drawing NO: 2021-205.

Comment Sheet

Applicant: Kerei Stampfel

Updated by: Amber Holley 20220114 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20211109	20211110	Yes	No objections
FL Power & Light	20211109	20220114	Yes	No response
At&t	20211109	20211220	Yes	No objections
Charter/Spectrum	20211109	20211110	Yes	No objections
City of Cocoa	20211109	20211109	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20211109	20211123	Yes	No objections
Land Planning	20211109	20211110	Yes	No objections
Utility Services	20211109	20211110	Yes	No objections
Storm Water	20211109	20211118	Yes	No objections
Zoning	20211109	20211110	Yes	No objections

Public Hearing Legal Advertisement

Ad#5093735

01/24/2022

LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF
A 5.0 FT. WIDE PUBLIC UTILITY EASE-
MENT, PLAT OF "DIANA SHORES, UNIT
EIGHT" IN SECTION 24, 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 KEREI H. STAMPFEL with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: A portion of the 5-foot-wide Public Utility Easement lying on the East side of Lot 86 in Block J of DIANA SHORES, UNIT 8, according to the plat thereof as recorded in Plat Book 24 at Page 78 of the Public Records of Brevard County, Florida, being more described as the East 5 feet of the South 15.80 feet of the North 40.18 feet of said Lot 86. Containing 0.002 Acres, More or Less. Prepared by: John R. Campbell, 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 8, 2022 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

Figure 7: Copy of public hearing advertisement as published on January 24, 2022. See next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 5.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "DIANA SHORES, UNIT EIGHT" IN SECTION 24, 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 KEREI H. STAMPFEL with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

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Resolution 2022 - 011

Vacating a portion of a public utility easement in plat "Diana Shores Unit No. 8" Subdivision, Merritt Island, Florida, lying in Section 24, Township 24 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Kerei H. Stampfel** 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, 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 will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement is 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 8th day of February, 2022 A.D.

ATTEST


Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Zonka, Chair

As approved by the Board on:
February 8, 2022

Legal Description

Section 24, Township 24 South, Range 36 East

Parcel ID Number: 24-36-24-LB-J-86

Purpose of Survey: Vacating a portion of a Public Utility Easement

Sheet 1 of 3

Not Valid without the Sketch on Sheet 2 of 3
or without the Detail Sketch on Sheet 3 of 3

LEGAL DESCRIPTION:

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SURVEY REPORT:

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2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a suburban survey.
5. Measurements shown hereon are expressed in feet and decimal parts thereof.
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8. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.



115 Alma Blvd., Suite 102
Mailing Address: P.O. Box 541866
Merritt Island, FL 32954
Phone: (321) 507-4811
LICENSED BUSINESS #7978



PREPARED FOR: Kerei H Stampfel

SITE ADDRESS: 410 Artemis Boulevard, Merritt Island, FL 32953

PREPARED BY: John R. Campbell Surveying, LLC.

ADDRESS: 115 Alma Boulevard, Suite 102, Merritt Island 32953

PHONE: (321) 507-4811

DRAWN BY: Z.A. Dyer
DATE: 9-8-2021

CHECKED BY: J.R. Campbell
Sheet 1 of 3

DRAWING NO. 2021-205
REVISIONS: 0

SECTION 24
TOWNSHIP 24 SOUTH
RANGE 36 EAST

Sketch of Description

Sheet 2 of 3

Section 24, Township 24 South, Range 36 East

Parcel ID Number: 24-36-24-LB-J-86

Purpose of Survey: Vacating a portion of a Public Utility Easement

Not Valid without the Legal Description
on Sheet 1 of 3 or the Detail Sketch on
Sheet 3 of 3

LEGEND:

© Found 1/2" Iron rebar No Identification

P.U.E. Public Utilities Easement

A/C Air Conditioner

D.E. Drainage Easement



C/P Covered Porch Conc. Concrete
= Area to be Vacated

P.O.C. Point of Commencement

P.O.B. Point of Beginning

MF Metal Fence

PF Plastic Fence

WF Wood Fence

LINE TABLE:

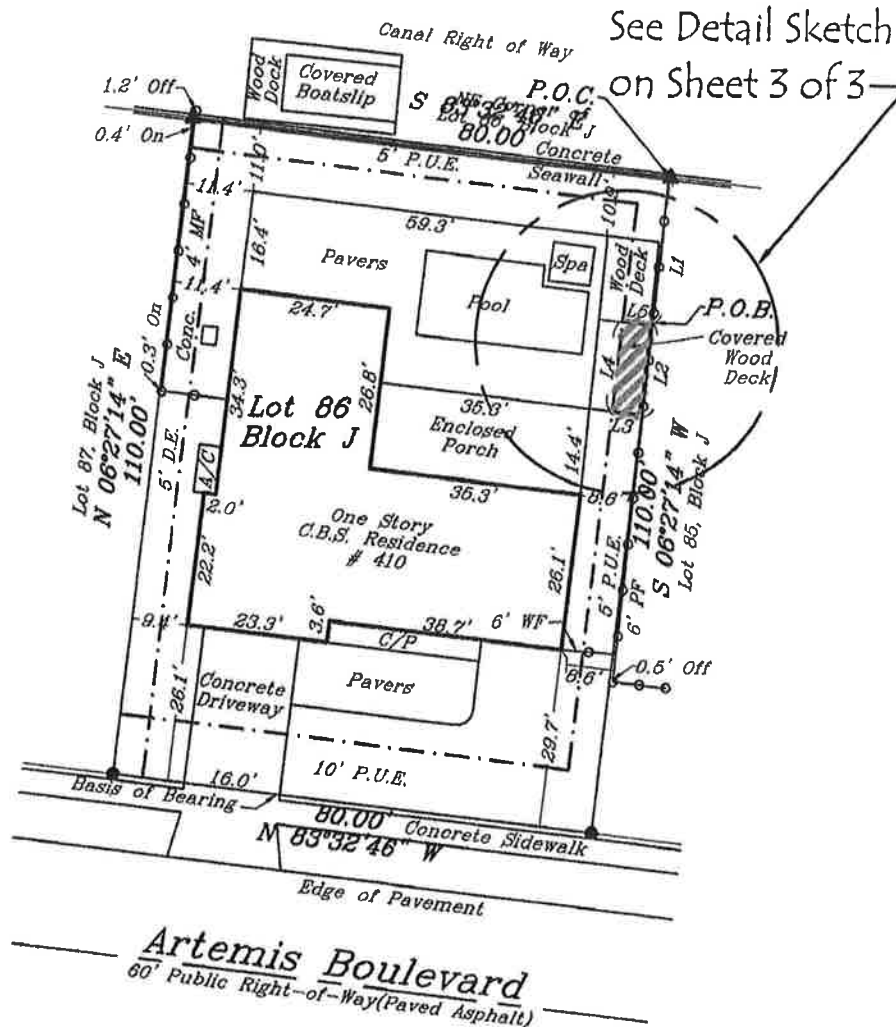
L-1: S 06°27'14" W, 24.38'

L-2: S 06°27'14" W, 15.80'

L-3: N 83°32'46" W, 5.00'

L-4: N 06°27'14" E, 15.80'

L-5: S 83°32'46" E, 5.00'



See Detail Sketch
on Sheet 3 of 3



SCALE: 1" = 30'

PREPARED FOR: Karel H Stampfel

SITE ADDRESS: 410 Artemis Boulevard, Merritt Island, FL 32953

PREPARED BY: John R. Campbell Surveying, LLC.

ADDRESS: 115 Alma Boulevard, Suite 102, Merritt Island 32953

PHONE: (321) 507-4811

John R. Campbell
John R. Campbell

Professional Surveyor & Mapper #2351

State of Florida

NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: Z.A. Dyer

DATE: 9-8-2021

CHECKED BY: J.R. Campbell

Sheet 2 of 3

DRAWING NO. 2021-205

REVISIONS: 0

SECTION 24
TOWNSHIP 24 SOUTH
RANGE 36 EAST

Sketch of Description

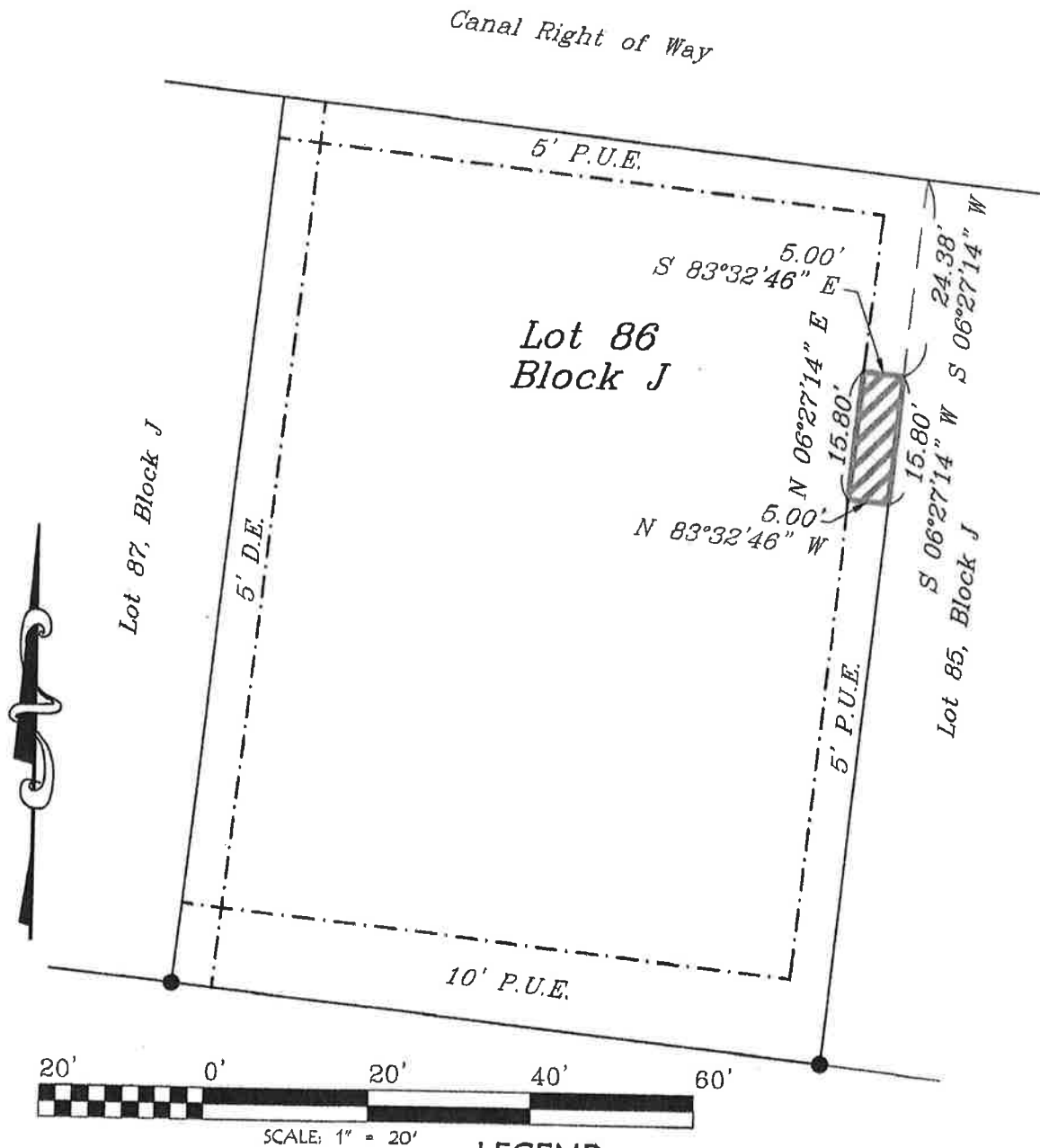
Sheet 3 of 3

Section 24, Township 24 South, Range 36 East

Parcel ID Number: 24-36-24-LB-J-86

Purpose of Survey: Vacating a portion of a Public Utility Easement

Not Valid without the Legal Description
on Sheet 1 of 3 or the Sketch on Sheet 2 of 3



LEGEND:

P.U.E. Public Utilities Easement D.E. Drainage Easement

P.O.C. Point of Commencement

P.O.B. Point of Beginning

= Area to be Vacated

--- = Easement Lines

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Sheet 3 of 3

DRAWING NO. 2021-205
REVISIONS: 0

SECTION 24
TOWNSHIP 24 SOUTH
RANGE 36 EAST



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

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared 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

Notice Public Hearing

as published in FLORIDA TODAY in the issue(s) dated: or by publication on the newspaper's website, if authorized, on

01/24/2022

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 24th of January 2022, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown
5.15.23

My commission expires
Publication Cost: \$178.04
Ad No: 0005093735
Customer No: BRE-6BR327
This is not an invoice
of Affidavits 1

Ad#5093735 01/24/2022

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 5.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "DIANA SHORES, UNIT EIGHT" IN SECTION 24, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL.

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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

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

02/14/2022

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

Sworn to and Subscribed before me this 14th of February 2022, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires
Publication Cost: \$142.18
Ad No: 0005128999
Customer No: BRE-6BR327
This is not an invoice

of Affidavits 1

Ad#5128999 2/14/2022
LEGAL NOTICE

RESOLUTION VACATING A PORTION OF A PUBLIC UTILITY EASEMENT IN PLAT "DIANA SHORES UNIT NO.8" SUBDIVISION, MERRITT ISLAND, LYING IN SECTION 24, TOWNSHIP 24 SOUTH, RANGE 36 EAST - KEREL H. STAMPFEL

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 8th day of February 2022, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of a public utility easement in "Diana Shores Unit No. 8" subdivision, Merritt Island, lying in Section 24, Township 24 South, Range 36 East, as petitioned by Kerel H. Stampfel.

LEGAL DESCRIPTION:

A PORTION OF THE 5-FOOT-WIDE PUBLIC UTILITY EASEMENT LYING ON THE EAST SIDE OF LOT 86 IN BLOCK 1 OF DIANA SHORES, UNIT 8, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24 AT PAGE 78 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE DESCRIBED AS THE EAST 5 FEET OF THE SOUTH 15.80 FEET OF THE NORTH 40.18 FEET OF SAID LOT 86, CONTAINING 0.002 ACRES, MORE OR LESS, PREPARED BY: JOHN R. CAMPBELL, 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

KATHLEEN ALLEN
Notary Public
State of Wisconsin



March 1, 2022

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 Easement in Plat
"Diana Shores Unit No. 8", Merritt Island

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 22-011, vacating a portion of a public-utility easement in plat "Diana Shores Unit No. 8", Merritt Island. Said Resolution was adopted by the Board of County Commissioners, in regular session on February 8, 2022.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/sm

Encls. (2)



February 28, 2022

Kerei H. Stampfel
410 Artemis Blvd
Merritt Island, FL 32953

Dear Sir/Madam:

Re: Resolution Vacating a Portion of a Public Utility Easement in Plat "Diana Shores Unit No. 8" Subdivision, Merritt Island

The Board of County Commissioners, in regular session on February 8, 2022, adopted Resolution No.2022-011, vacating a portion of a public utility easement in plat "Diana Shores Unit No. 8", Merritt Island, as petitioned by you. Said Resolution has been recorded in ORBK 9428, Pages 2620 through 2625. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works

Samantha McDaniel

From: Holley, Amber <Amber.Holley@brevardfl.gov>
Sent: Wednesday, February 9, 2022 12:14 PM
To: Samantha McDaniel; Nicole Summers; Deborah Thomas
Cc: Donna Scott; Kimberly Powell
Subject: February 8, 2022 Commission Meeting
Attachments: LEGAL DESCRIPTION-LASHIER.docx; LEGAL FOR VACATED EASEMENT-STAMPFEL.docx

Ladies, please find attached the legal description from the approval on 2/8 meeting.

Owner information:

- Sheryl Marie LaShier, 7215 Baronet Ave, Cocoa, FL 32927.
- Kerei H. Stampfel, 410 Artemis Blvd., Merritt Island, FL 32953.

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

A portion of the 5-foot-wide Public Utility Easement lying on the East side of Lot 86 in Block J of DIANA SHORES, UNIT 8, according to the plat thereof as recorded in Plat Book 24 at Page 78 of the Public Records of Brevard County, Florida, being more described as the East 5 feet of the South 15.80 feet of the North 40.18 feet of said Lot 86. Containing 0.002 Acres, More or Less. Prepared by: John R. Campbell, PSM.

Resolution 2022 - 010

**Vacating a portion of a public utility and drainage easement in plat "Port St. John Unit 8" Subdivision,
Cocoa, Florida, lying in Section 14, Township 23 South, Range 35 East**

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

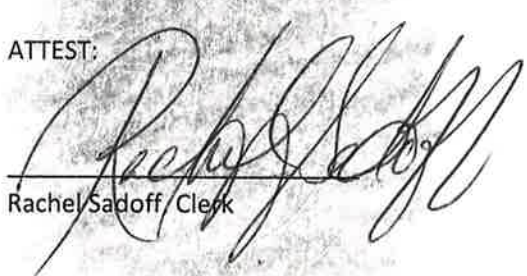
WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that vacating the public easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement is 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 8th day of February, 2022 A.D.

ATTEST:


Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Zonka, Chair

As approved by the Board on:
February 8, 2022

LEGAL DESCRIPTION

SITUATED IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST
PARCEL ID# 23-35-14-JZ-344-6

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH
ON SHEET 2 OF 2

PURPOSE OF SURVEY: VACATING A PORTION OF A 10 FOOT WIDE
PUBLIC UTILITY AND DRAINAGE EASEMENT

LEGAL DESCRIPTION:

THAT PORTION OF A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT
DESCRIBED AS FOLLOWS:

THE SOUTH 5 FEET OF THE NORTH 10 FEET OF THE WEST 54 FEET OF THE EAST 60
FEET OF LOT 6, BLOCK 344, PORT ST. JOHN UNIT EIGHT, AS RECORDED IN PLAT BOOK
23, PAGES 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

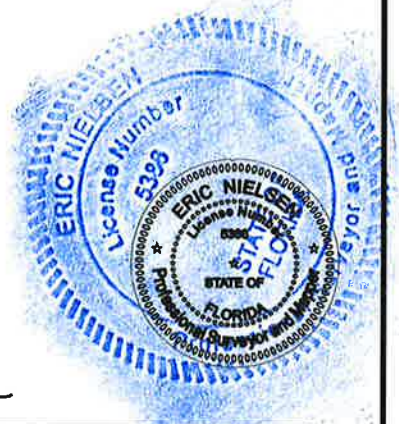
CONTAINING 270.0 SQ. FT., 0.0062 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. THE BASIS OF BEARINGS OF THE ABOVE DESCRIBED DESCRIPTION IS THE NORTH R/W
LINE OF ALEDO STREET, BEING N 90°00'00" W AS PER PLAT OF PORT ST. JOHN UNIT
EIGHT.
2. THE SKETCH ON SHEET 2 OF 2 IS NOT A BOUNDARY SURVEY, IT IS A SKETCH ONLY TO
ACCOMPANY LEGAL DESCRIPTION.
3. THE IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY
ERIC NIELSEN LAND SURVEYING, INC. DATED 08-02-2021

ABBREVIATION & SYMBOL LEGEND

C/L = CENTERLINE	I.R.C. = IRON ROD & CAP
R/W = RIGHT-OF-WAY	P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
FND = FOUND	EM = ELECTRIC METER
LS = LICENSED SURVEYOR	AC = AIR CONDITIONER
I.R. = IRON ROD	CBS = CONCRETE BLOCK STRUCTURE
L = LINE	CONC. = CONCRETE
	PROP. = PROPOSED



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

PREPARED FOR: BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS

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

DRAWN BY: T.N.

CHECKED BY: EN

DRAWING NO. 21-421-08

SECTION 14

DATE: 08-05-2021

SHEET 1 OF 2

REVISIONS _____

TOWNSHIP 23 SOUTH
RANGE 35 EAST

REVISIONS



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

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

01/24/2022

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 24th of January 2022, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$184.56

Ad No: 0005093812

Customer No: BRE-6BR327

This is not an invoice

of Affidavits 1

AD#5093812 1/24/2022

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "PORT ST. JOHN UNIT EIGHT" IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST, COCOA, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by SHERYL MARIE LASHIER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THAT PORTION OF A 10-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE SOUTH 5 FEET OF THE NORTH 10 FEET OF THE WEST 54 FEET OF THE EAST 60 FEET OF LOT 6, BLOCK 344, PORT ST. JOHN UNIT EIGHT, AS RECORDED IN PLAT BOOK 23, PAGES 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 270.0 SQ. FT, 0.0062 ACRES MORE OR LESS. PREPARED BY: ERIC NIELSEN, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on February 8, 2022 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.

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

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

02/14/2022

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

Sworn to and Subscribed before me this 14th of February 2022, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$145.44

Ad No: 0005128984

Customer No: BRE-6BR327
This is not an invoice

of Affidavits 1

Ad#5128984 2/14/2022
LEGAL NOTICE

RESOLUTION VACATING A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT IN PLAT "PORT ST. JOHN UNIT 8" SUBDIVISION, COCOA, LYING IN SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST - SHERYL MARIE LASHIER

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 8th day of February 2022, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a portion of a public utility and drainage easements in "Port St. John Unit 8" subdivision, Cocoa, lying in Section 14, Township 23 South, Range 35 East as petitioned by Sheryl Marie LaShier.

LEGAL DESCRIPTION:

THAT PORTION OF A 10-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE SOUTH 5 FEET OF THE NORTH 10 FEET OF THE WEST 54 FEET OF THE EAST 60 FEET OF LOT 6, BLOCK 344, PORT ST. JOHN UNIT EIGHT, AS RECORDED IN PLAT BOOK 23, PAGES 70 THROUGH 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 270.0 SQ. FT, 0.0062 ACRES MORE OR LESS. PREPARED BY: ERIC NIELSEN, 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

KATHLEEN ALLEN
Notary Public
State of Wisconsin