



AGENDA REPORT
January 8, 2019

Petition to Vacate Perpetual Drainage Easement- Mims- Praxair, Inc.
(District 1)

SUBJECT:

Petition to Vacate, Re: Perpetual Drainage Easement – Tax Parcel 511– Section 09,
Township 21 South, Range 35 East – Mims – Praxair, Inc. – District 1

FISCAL IMPACT:

\$640.00 Vacating Application Fee Paid by Petitioner

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a perpetual drainage easement on Tax Parcel 511 in Section 09, Township 21 South, Range 35 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating and accept the new permanent access and drainage easement.

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 Tax Parcel 511 and are requesting the vacating of the 60.00 ft. wide perpetual drainage easement to be able to expand the current facilities and accommodate Brevard County by providing a new 60.0 ft. drainage easement. Easement to be vacated contains 34,362 square feet, more or less.

December 24, 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 Mims as follows: Begin at the intersection of FL-46 (West Main Street) and U. S. Highway 1; thence 0.60 miles north along U. S. 1; thence 1.24 miles east along Wiley Ave; thence 0.10 to Praxair on the east (right).

Land Acquisition Policies and Procedures have been followed for approval and acceptance by the Board of County Commissioners for all easements.

Fiscal Impact: The petitioners are charged \$640 for processing, advertising, and recording costs associated with the vacating of a county right-of-way or easement. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 57315

CLERK TO THE BOARD INSTRUCTIONS:

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

ATTACHMENTS:

Description

- ▯ **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

January 4, 2019

M E M O R A N D U M

TO: Corrina Gumm, Interim Public Works Director Attn: Amber Holley

RE: Advertising Bills for Resolution Vacating a Part of a Perpetual Drainage Easement on Tax Parcel 511, Section 09, Township 21 South, Range 35 East, Mims

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 19-003, vacating a part of a perpetual drainage easement on Tax Parcel 511, Section 09, Township 21 South, Range 35 East, Mims, as petitioned by Praxair, Inc. Said Resolution was adopted by the Board of County Commissioners, in regular session on January 8, 2019.

Your continued cooperation is always appreciated.

Sincerely,

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

February 14, 2019

Praxair, Inc.
Brian C. Morgan, Director
10 Riverview Drive
Danbury, CT 06810

Dear Mr. Morgan:

Re: Resolution Vacating a Part of a Perpetual Drainage Easement on Tax Parcel 511, Mims,
Section 09, Township 21 South, Range 35 East

The Board of County Commissioners, in regular session on January 8, 2019, adopted Resolution No. 19-003, vacating a part of a perpetual drainage easement on Tax Parcel 511, Section 09, Township 21 South, Range 35 East, Mims, as petitioned by you. Said Resolution has been recorded in ORBK 8366, Pages 615 through 619; and Permanent Access and Drainage Easement has been recorded in ORBK 8366, Pages 620 through 622. Enclosed are certified copy of the recorded Resolution and a copy of the recorded Permanent Access and Drainage Easement for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)

cc: Amber Holley, Public Works

RESOLUTION 2019 - 003

**VACATING A PART OF A PERPETUAL DRAINAGE EASEMENT ON TAX PARCEL 511,
MIMS, FLORIDA, LYING IN SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by PRAXAIR, INC. with the Board of County Commissioners to vacate a perpetual drainage easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

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

WHEREAS, the Board finds that vacating a portion of the perpetual drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the perpetual drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED AND ADOPTED, in regular session, this 08TH day of January, 2019 A.D.

ATTEST:


SCOTT ELLIS, CLERK

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Isnardi, Chair

As approved by the Board on:
January 08, 2019

SKETCH OF DESCRIPTION

SHEET 1 OF 2

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

PARCEL ID NUMBER: 21-35-09-00-511

PURPOSE OF SKETCH: VACATION OF A
PORTION OF EXISTING DRAINAGE EASEMENTLEGAL DESCRIPTION:

A PORTION OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 887, PAGE 435 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LAND BEING ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILWAY AND THE EAST RIGHT-OF-WAY LINE OF HAMMOCK ROAD.

ALL LANDS DESCRIBED LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

1) THIS IS A SKETCH OF DESCRIPTION, AS DEFINED IN CHAPTER 5J-17.050(10)(A)-(K) OF THE FLORIDA ADMINISTRATIVE CODE. MORE SPECIFICALLY, THE PURPOSE OF THIS SKETCH IS TO SHOW THE VISUAL REPRESENTATION OF THE VACATION OF A PORTION OF AN EXISTING DRAINAGE EASEMENT.

2) INSTRUMENTS OF RECORD REFLECTING EASEMENTS, ENCUMBRANCES, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE NOT FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER DEEDS OF RECORD.

3) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

4) THIS IS NOT SURVEY.

PREPARED FOR:

PRAXAIR

PREPARED BY: SMEINC

ADDRESS: 1615 EDGEWATER DRIVE SUITE 200, ORLANDO, FLORIDA, 32804

PHONE: 407-975-1273

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH OF DESCRIPTION OF THE DESCRIBED PROPERTY, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THEY CONFORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ROBERT M. SEARSON, PSM 6842
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER LS6842

NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JLG

CHECKED BY: RMS

DRAWING NO. 5571-17-021

SECTION 09

DATE: 11/19/18

SHEET 1 OF 2

REVISIONS 1 12/6/2018

TOWNSHIP 21 SOUTH

RANGE 35 EAST

EXHIBIT "A"

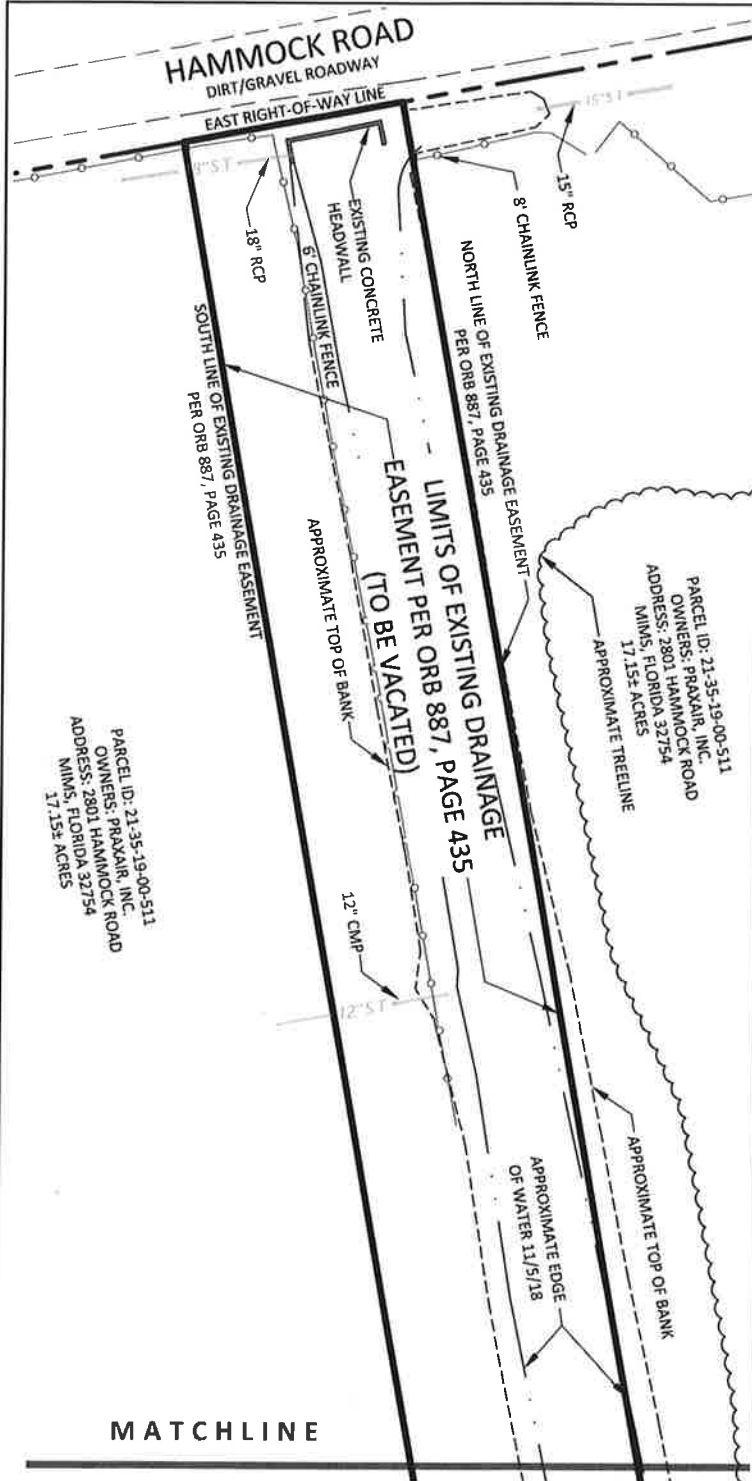
SKETCH OF DESCRIPTION

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST

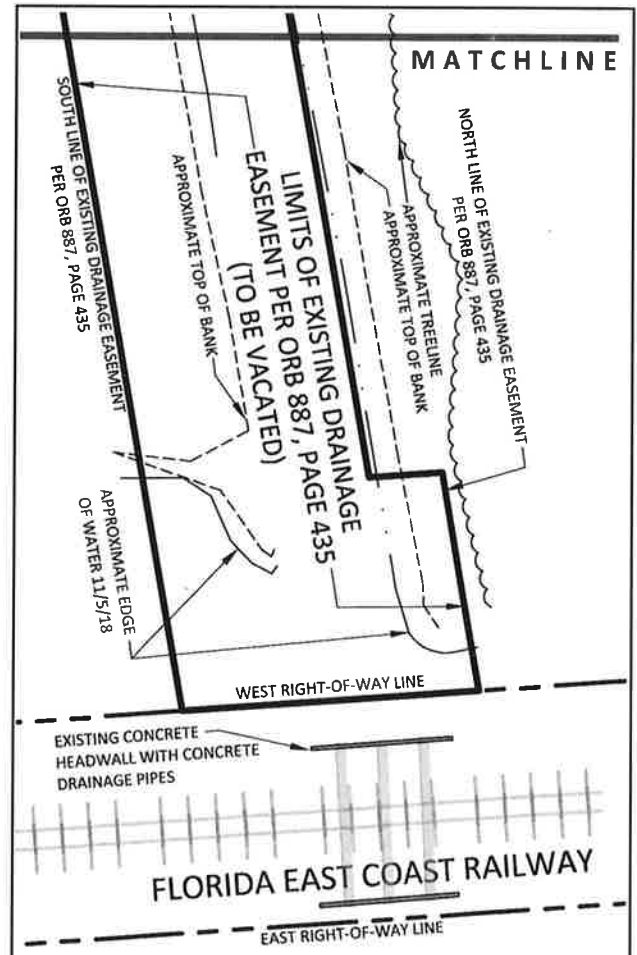
PARCEL ID NUMBER: 21-35-09-00-511

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



GRAPHIC SCALE
1 INCH = 50 FEET



SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST

PROJECT NO. 5571-17-21
PREPARED BY : S&ME INC



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

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
Before the undersigned authority personally appeared
Morgan Maguire, 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:

12/24/18

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 4th of February
2019, by Morgan Maguire who is personally known to me


Affiant Morgan Maguire


Notary Kathleen A Gibson

Publication Cost: \$200.86
Ad No: 0003305965
Customer No: BRE-6BR327

AD#3305965, 12/24/2018
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
A 60.0 FT. DRAINAGE EASEMENT PER
OFFICIAL RECORDS BOOK 887, PAGE
435, LYING IN SECTION 09, TOWNSHIP 21
SOUTH, RANGE 35 EAST, MIMS, FL.

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

A PORTION OF LAND DESCRIBED IN OF-
FICIAL RECORD BOOK 887, PAGE 435 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, SAID LAND BEING
ADJACENT TO THE WEST RIGHT-OF-WAY
LINE OF FLORIDA EAST COAST RAILWAY
AND THE EAST RIGHT-OF-WAY LINE OF
HAMMOCK ROAD.
ALL LANDS DESCRIBED LYING IN A POR-
TION OF SECTION 9, TOWNSHIP 21
SOUTH, RANGE 35 EAST, BREVARD
COUNTY, FLORIDA. PREPARED BY:
ROBERT M. SEARSON, 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 January 8, 2019 at the Brevard Coun-
ty 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 tak-
en.

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

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

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



A Daily Publication By:



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

AD#3334080, 1/13/2019
LEGAL NOTICE

RESOLUTION VACATING A PART OF A
PERPETUAL DRAINAGE EASEMENT ON
TAX PARCEL 511, MIMS, AND LYING IN
SECTION 09, TOWNSHIP 21 SOUTH,
RANGE 35 EAST - PRAXAIR, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the
8th day of January 2019, the Board of
County Commissioners of Brevard Coun-
ty, Florida, adopted a Resolution
vacating a part of a perpetual drainage
easement on Tax Parcel 511, Mims, and
lying in Section 09, Township 21 South,
Range 35 East, as petitioned by Praxair,
Inc.

A PORTION OF LAND DESCRIBED IN OF-
FICIAL RECORDBOOK 887, PAGE 435 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, SAID LAND BEING
ADJACENT TO THE WEST RIGHT-OF-WAY
LINE OF FLORIDA EAST COAST RAILWAY
AND THE EAST RIGHT-OF-WAY LINE OF
HAMMOCK ROAD.
ALL LANDS DESCRIBED LYING IN A POR-
TION OF SECTION 9, TOWNSHIP 21
SOUTH, RANGE 35 EAST, BREVARD
COUNTY, FLORIDA, PREPARED BY:
ROBERT M. SEARSON, PSM.

The Board further renounced and dis-
claimed any right of the County in and
to said perpetual drainage easement.

BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF BREVARD COUNTY,
FLORIDA
SCOTT ELLIS, CLERK
BY: Tammy Rowe, Deputy Clerk

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
Before the undersigned authority personally appeared
Morgan Maguire, 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:

01/13/19

Affiant further says that the said **FLORIDA TODAY** is a
newspaper in said Brevard County, Florida and that the
said newspaper has heretofore been continuously
published in said Brevard County, Florida each day and has
been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of
one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or
she has never paid nor promised any person, firm or
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 4th of February
2019, by Morgan Maguire who is personally known to me


Affiant Morgan Maguire


Notary Kathleen A Gibson

Publication Cost: \$177.07
Ad No: 0003334080
Customer No: BRE-6BR327



PERMANENT ACCESS AND DRAINAGE EASEMENT

THIS INDENTURE, made this 5th day of December, 2018, between **PRAXAIR, INC.**, whose mailing address is 10 Riverview Drive, Danbury, Connecticut 06810, as party of the first part, hereinafter known as "Grantor", and **BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, as party of the second part, hereinafter known as "Grantee" whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, for the use and benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, does hereby grant unto Grantee, its successors and/or assigns, a perpetual easement commencing on the above date for the purposes of access, drainage, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The drainage easement shall be maintained by the Grantor, its successors, and/or assigns.

The land affected by the granting of the easements is located in Section 9, Township 21 South, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or assigns. The Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the Grantor having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Lisa Murray
Witness
Lisa Murray
(Print)

Kristina Lieder
Witness
Kristina Lieder
(Print)

Praxair, Inc.

Brian C. Morgan
Brian C. Morgan, Director

STATE OF Connecticut, COUNTY OF Fairfield

The foregoing instrument was acknowledged before me this 5th day of December, 2018, by Brian C. Morgan, who is not personally known to me or who has produced Driver License as identification and who did take an oath. WITNESS my hand and official seal in Danbury, Connecticut.

Notary Public Patrick J. Bowles
Print Name Patrick J. Bowles
Stamp:

PATRICK J. BOWLES
NOTARY PUBLIC
FAIRFIELD COUNTY
MY COMMISSION EXPIRES JUNE 30, 2022

Agenda Item # H.4.
Board Meeting Date 01-08-2019

CFN 2019028639, OR BK 8366 PAGE 620.
Recorded 02/12/2019 at 08:43 AM, Scott Ellis, Clerk of
Courts, Brevard County
Doc D: \$0.70 # Pgs: 3

SKETCH OF DESCRIPTION

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST — PARCEL 801 & PARCEL 802
PARENT PARCEL ID NUMBER: 21-35-09-00-511
PURPOSE: DRAINAGE AND ACCESS EASEMENT

SHEET 1 OF 2
NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2
EXHIBIT "A"

LEGAL DESCRIPTIONS:

PARCEL 801: DRAINAGE EASEMENT

A PORTION OF GOVERNMENT LOT 4 (PARCEL ID: 21-35-09-00-511) OF BREVARD COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF JONES AVENUE AND THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD, LOCATED IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; THENCE S10°40'52"E, ALONG SAID EAST RIGHT-OF-WAY OF HAMMOCK ROAD, 763.97 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, N79°16'49"E, 559.20 FEET TO THE WEST RIGHT-OF-WAY OF FLORIDA EAST COAST RAILWAY; THENCE S04°07'45"E, ALONG SAID WEST RIGHT-OF-WAY, 94.35 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY, S79°55'37"W, 66.66 FEET; THENCE N10°43'11"W, 31.98 FEET; THENCE S79°16'49"W, 481.75 FEET TO THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD; THENCE N10°40'52"W, ALONG SAID EAST RIGHT-OF-WAY, 61.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 36,116 SQUARE FEET (0.83± ACRES).

PARCEL 802: ACCESS EASEMENT

A PORTION OF GOVERNMENT LOT 4 (PARCEL ID: 21-35-09-00-511) OF BREVARD COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF JONES AVENUE AND THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD, LOCATED IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; THENCE S10°40'52"E, ALONG SAID EAST RIGHT-OF-WAY OF HAMMOCK ROAD, 734.21 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, N79°16'49"E, 36.64 FEET, THENCE S10°40'52"E, 29.76 FEET, TO A POINT ON THE NORTH LINE OF PROPOSED PARCEL 801 (DRAINAGE EASEMENT), THENCE S79°16'49"W, ALONG SAID NORTH LINE, 20.00 FEET, THENCE DEPARTING SAID NORTH LINE, N10°40'52"W, 9.76 FEET, THENCE S79°16'49"W, 16.64 FEET TO THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD, THENCE N10°40'52"W, ALONG SAID EAST RIGHT-OF-WAY, 20.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 928 SQUARE FEET.

SURVEYOR'S NOTES:

- 1) THIS IS A SKETCH OF DESCRIPTION, AS DEFINED IN CHAPTER 5J-17.050(10)(A)-(K) OF THE FLORIDA ADMINISTRATIVE CODE. MORE SPECIFICALLY, THE PURPOSE OF THIS SKETCH IS TO SHOW THE VISUAL REPRESENTATION OF A DRAINAGE EASEMENT.
- 2) THIS SKETCH REFERENCES THE FOLLOWING SURVEY: SPECIFIC PURPOSE SURVEY PREPARED BY S&ME INC., 1615 EDGEWATER DRIVE, SUITE 200, ORLANDO FLORIDA, DATED NOVEMBER 20, 2018. (DRAWING/PROJECT NUMBER 5571-17-021)
- 3) BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD (AS MEASURED), THAT BEARING BEING N10°40'52"W (S10°40'52"E) AND IS SHOWN ON THE SKETCH.
- 4) AN OWNERSHIP AND ENCUMBRANCE REPORT (FILE NO: 118100062, PROVIDED FOR: PRAXAIR, INC., PREPARED BY: ALLIANCE TITLE INSURANCE AGENCY, INC.) REFLECTING EASEMENTS, ENCUMBRANCES, RIGHTS-OF-WAY, AND/OR OWNERSHIP WAS FURNISHED TO THIS SURVEYOR. THIS SURVEYOR FINDS NO EASEMENTS OR ENCUMBRANCES THAT AFFECT THE EASEMENT AREA.
- 5) **THIS IS NOT SURVEY.**



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH OF DESCRIPTION OF THE DESCRIBED PROPERTY, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THEY CONFORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Robert M. Searson 12/5/18

ROBERT M. SEARSON, PSM 6842
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER LS6842

NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:

PRAXAIR, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

S&ME INC, CERTIFICATION OF AUTHORIZATION LB# 8165

ADDRESS: 1615 EDGEWATER DRIVE SUITE 200, ORLANDO, FLORIDA, 32804

PHONE: 407-975-1273

DRAWN BY: JJC

CHECKED BY: RMS

DRAWING NO. 5571-17-021

SECTION 09

TOWNSHIP 21 SOUTH

RANGE 35 EAST

DATE: 11/27/18

SHEET 1 OF 2

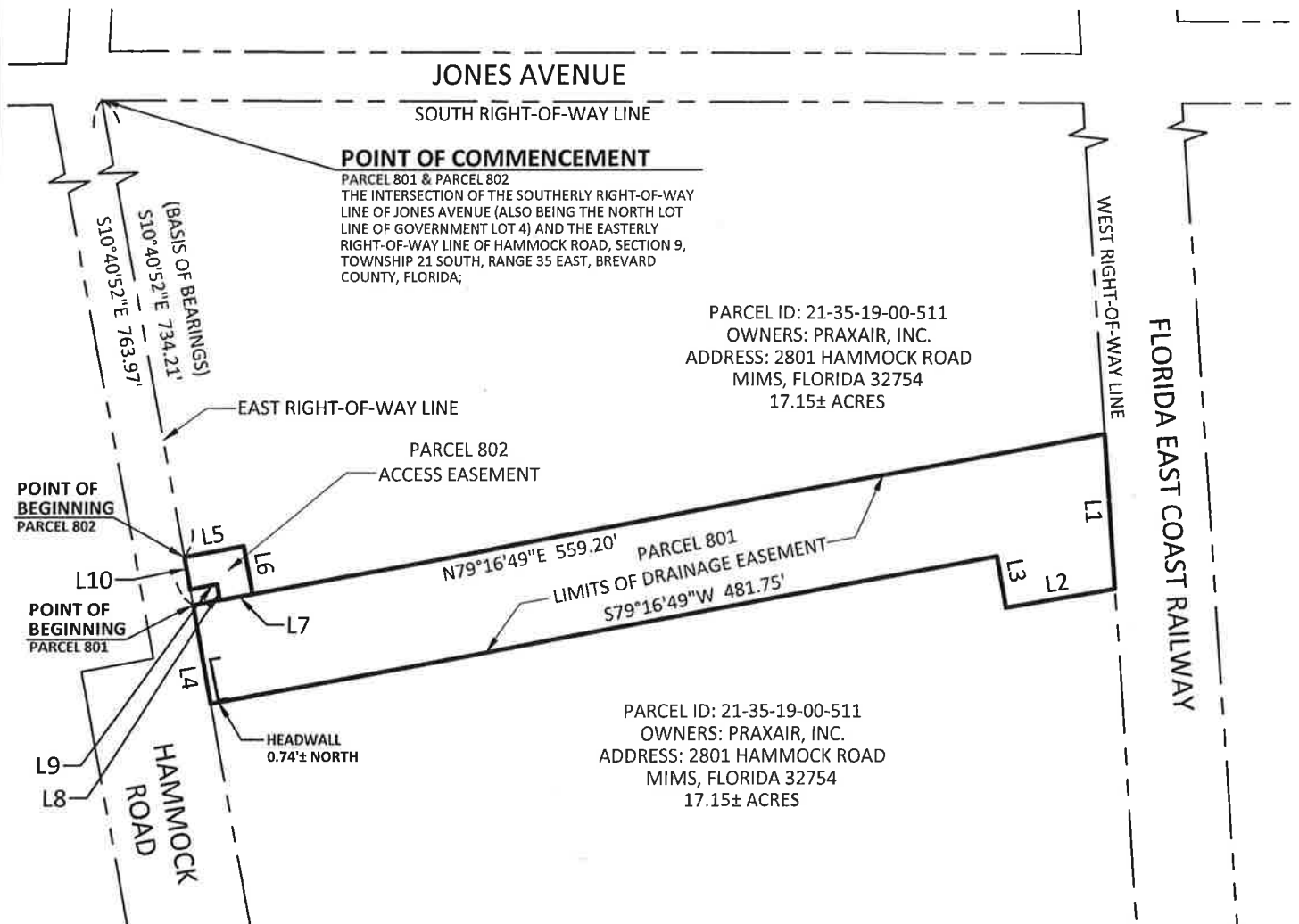
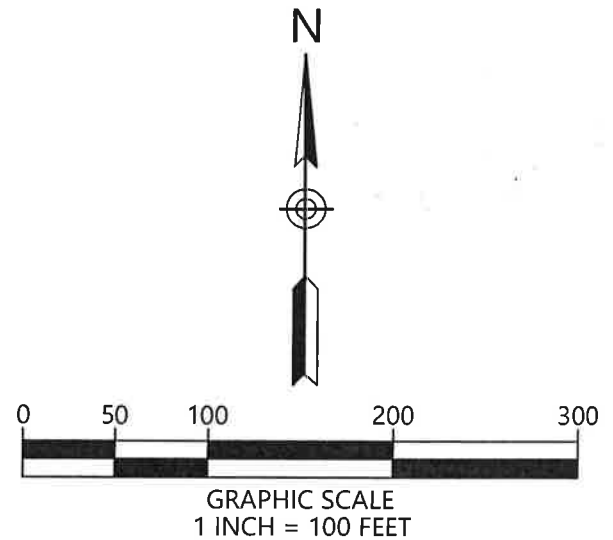
REVISIONS 2 12/05/18

SKETCH OF DESCRIPTION

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST – PARCEL 801 & PARCEL 802
 PARENT PARCEL ID NUMBER: 21-35-09-00-511
 PURPOSE: DRAINAGE EASEMENT & ACCESS EASEMENT

SHEET 2 OF 2
 NOT VALID WITHOUT
 SHEET 1 OF 2
 EXHIBIT "A"

LINE TABLE			LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	S4°07'45"E	94.35'	L6	S10°40'52"E	29.76'
L2	S79°55'37"W	66.66'	L7	S79°16'49"W	20.00'
L3	N10°43'11"W	31.98'	L8	N10°40'52"W	9.76'
L4	N10°40'52"W	61.00'	L9	S79°16'49"W	16.64'
L5	N79°16'49"E	36.64'	L10	N10°40'52"W	20.00'





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.: 0003334080
Pymt Method Invoice
Net Amt: \$177.07

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/13/19

Text of Ad:

AD#3334

LEGAL NOTICE

RESOLUTION VACATING A PART OF A PERPETUAL DRAINAGE EASEMENT ON TAX PARCEL 511, MIMS, AND LYING IN SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST - PRAXAIR, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 8th day of January 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a perpetual drainage easement on Tax Parcel 511, Mims, and lying in Section 09, Township 21 South, Range 35 East, as petitioned by Praxair, Inc.

A PORTION OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 887, PAGE 435 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LAND BEING ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILWAY AND THE EAST RIGHT-OF-WAY LINE OF HAMMOCK ROAD.

ALL LANDS DESCRIBED LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA. PREPARED BY: ROBERT M. SEARSON, PSM.

The Board further renounced and disclaimed any right of the County in and to said perpetual drainage easement.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK

BY: Tammy Rowe, Deputy Clerk

Donna Scott

From: LEGALS, BRE <BRELEGALS@gannett.com>
Sent: Thursday, January 10, 2019 12:25 PM
To: Donna Scott
Subject: RE: legal notice
Attachments: PRAXAIR, INCOrderConf.pdf

Hello Donna,

Please see the attached proof.

Reference AD#3334080, scheduled to run 1/13 in Florida Today.

Thank you

Billy McCabe

Regional Legal Clerk



USA TODAY
NETWORK

LOCALiQ

1-888-516-9220 ex.5416 | wmccabe@localiq.com

***Please note: An Affidavit of Publication (which is your notarized affidavit along with a digital copy of your notice, is proof that you legally published your notice in the newspaper) will be charged and automatically added to your invoice unless you let us know **in writing** that you do not wish to have one.*

Please include your **old** account number when requesting legal notices to ensure proper billing.

From: Donna Scott <donna.scott@brevardclerk.us>

Sent: Thursday, January 10, 2019 11:30 AM

To: LEGALS, BRE <BRELEGALS@gannett.com>

Subject: legal notice

Attached is a legal notice to be published on Sunday, January 13; **billing the Public Works Department Account No. 6BR327, and Purchase Order No. 4500092228-10.**

Thank you.

Donna Scott

Assistant Clerk to the Board

(321) 637-2001 / Ext. 49120



Brevard County, Florida

Clerk of the Court
Scott Ellis

Donna Scott

From: LEGALS, BRE <BRELEGALS@gannett.com>
Sent: Thursday, January 10, 2019 11:53 AM
To: Donna Scott
Subject: Brevard Classified Legal Auto Reply

***This is an Automatic Reply Message to let you know your email has been received. Below is general information that applies to both our invoiced customers with accounts as well as private citizens.**

Thank you for e-mailing the Brevard Classified Legal Advertising Department. Ads placed by private individuals will be accepted on a payment-in advance basis only.



AD SUBMISSION GUIDELINES

If you e-mail or fax Legal Ad(s) to us, please provide the following information:

- Legal Notice Account name and number
- Billing telephone number
- Contact person
- Preferred publishing dates
- Number of affidavits needed
- Address affidavit should be sent to, if different from billing.
- P.O. number (applicable to government accounts and agency advertisers)

Your notice will be published on the next available publication date unless otherwise requested.

Date of Publication:	Deadline:
Monday	Friday, 12noon
Tuesday	Friday, 4pm
Wednesday	Monday, 4pm
Thursday	Tuesday, 4pm
Friday	Wednesday, 4pm
Saturday	Thursday, 4pm
Sunday	Thursday, 4pm

We appreciate your business. If you have any questions please contact us @ 888-516-9220. Office hours Mon-Fri 8am-5pm.

***IF THIS SUBMISSION IS FOR A LEGAL DISPLAY PLEASE CONTACT US IMMEDIATELY AT 888-516-9220 SO WE CAN ACCURATELY PROCESS YOUR ORDER.**

LEGAL NOTICE

RESOLUTION VACATING A PART OF A PERPETUAL DRAINAGE EASEMENT ON TAX
PARCEL 511, MIMS, AND LYING IN SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35
EAST – PRAXAIR, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 8th day of January 2019, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating a part of a perpetual drainage easement on Tax Parcel 511, Mims, and lying in Section 09, Township 21 South, Range 35 East, as petitioned by Praxair, Inc.

SEE ATTACHED EXHIBIT "A"

The Board further renounced and disclaimed any right of the County in and to said perpetual drainage 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 January 13, 2019, issue of the Florida TODAY.

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

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

LEGAL DESCRIPTION:

EXHIBIT "A"

A PORTION OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 887, PAGE 435 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LAND BEING ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILWAY AND THE EAST RIGHT-OF-WAY LINE OF HAMMOCK ROAD.

ALL LANDS DESCRIBED LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA. PREPARED BY: ROBERT M. SEARSON, PSM.

Donna Scott

From: Donna Scott
Sent: Thursday, January 10, 2019 11:30 AM
To: Brev Legals
Subject: legal notice
Attachments: Praxair, Inc..docx

Attached is a legal notice to be published on Sunday, January 13; **billing the Public Works Department Account No. 6BR327, and Purchase Order No. 4500092228-10.**

Thank you.

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





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

Phone: (321) 264-6700
<https://www.bcpao.us>

Account	2103214
Owners	Praxair Inc
Mailing Address	10 Riverview Dr Danbury CT 06810
Site Address	2801 Hammock Rd Mims FL 32754
Parcel ID	21-35-09-00-511
Property Use	4700 - Mineral Processing, Phosphate Processing Refinery,
Exemptions	None
Taxing District	1300 - Unincorp District 1
Total Acres	24.15
Subdivision	-
Site Code	0110 - River Front
Plat Book/Page	-
Land Description	Govt Lot 4 As Des IN Orb 745 Pg 136, 809 Pg 23 Exc Orb 8204 Pg 2409



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$687,530	\$725,760	\$719,460
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$687,530	\$725,760	\$702,360
Assessed Value School	\$687,530	\$725,760	\$719,460
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$687,530	\$725,760	\$702,360
Taxable Value School	\$687,530	\$725,760	\$719,460

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/01/1989	\$461,700	WD	-	2976/4447
12/14/1964	\$50,800	WD	-	0745/0136

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 1700 - Office Building - Single Tenant - 1 Story

Materials		Details	
Exterior Wall:	Enamel Steel	Year Built	1965
Frame:	Metalframe	Story Height	12
Roof:	Enamel Metal	Floors	1
Roof Structure:	Steel Truss Rigid	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	3,600	Paving - Asphalt	69,919
Open Porch	64	Wall - Concrete - Block	480
Utility Room	100	Covered Patio	75
Total Base Area	3,600	Paving - Concrete	33,101
Total Sub Area	3,764	Fence - Chain Link 6'	2,035
		Fence - Barb Wire	2,035

APPRAISER'S DETAIL:
SHEET 1 OF 2

PROPERTY DATA CARD #2

Building Use: 4700 - Mineral Processing, Phosphate Processing Refinery, Clay Plant, Rock/Gravel Plant

Materials		Details	
Exterior Wall:	Painted Exterior	Year Built	1966
Frame:	Masnryconc	Story Height	16
Roof:	Enamel Metal	Floors	1
Roof Structure:	Bar Joist Rigid	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	5,508	Tank - 10,000 Gallon	1
Total Base Area	5,508		
Total Sub Area	5,508		

PROPERTY DATA CARD #3

Building Use: 4700 - Mineral Processing, Phosphate Processing Refinery, Clay Plant, Rock/Gravel Plant

Materials		Details	
Exterior Wall:	Painted Exterior , Enamel Steel	Year Built	1965
Frame:	Metalframe , Masnryconc	Story Height	14
Roof:	Enamel Metal	Floors	2
Roof Structure:	Bar Joist Rigid	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	6,604	No Data Found	
Base Area (2nd)	6,604		
Total Base Area	13,208		
Total Sub Area	13,208		

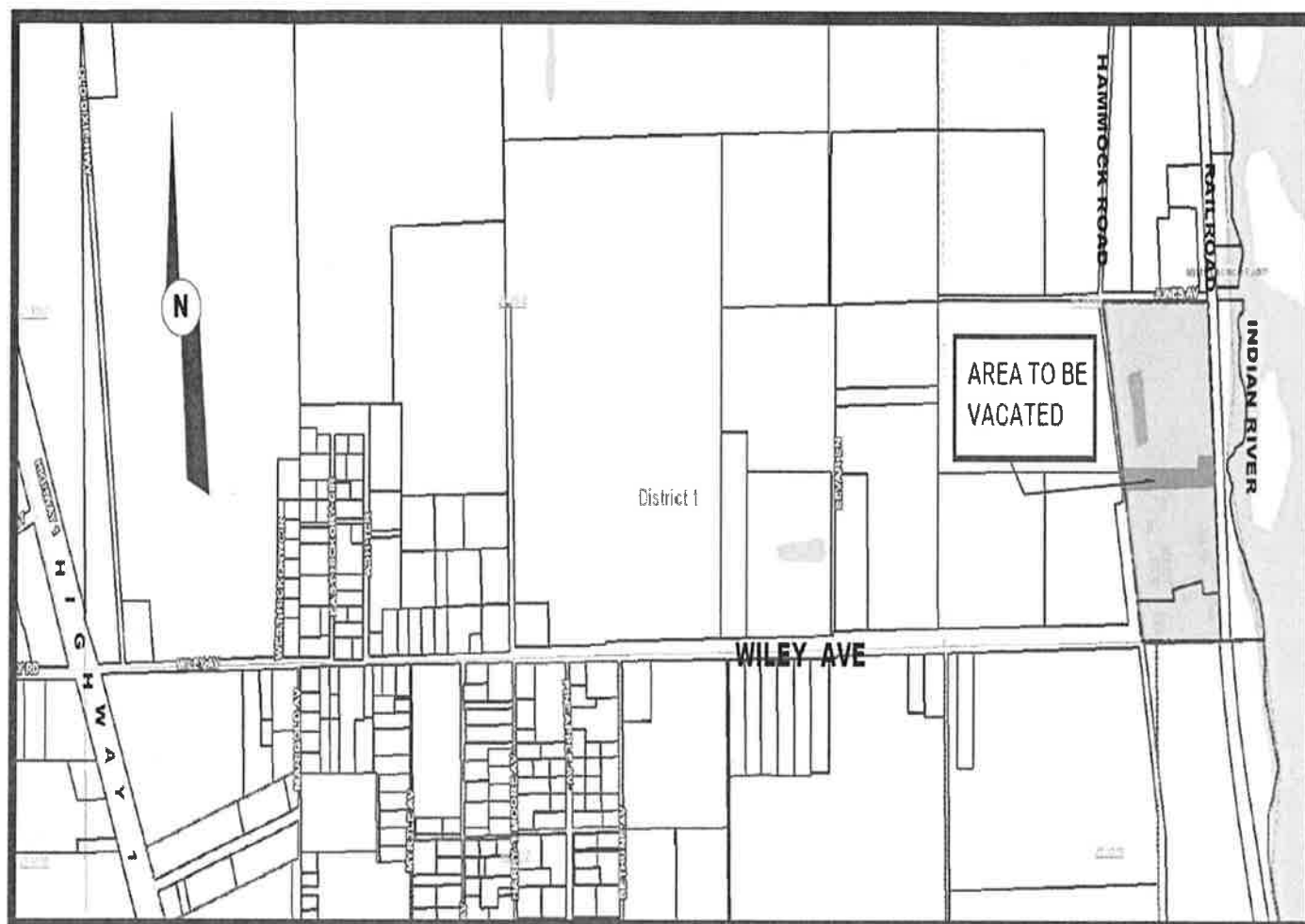
PROPERTY DATA CARD #4

Building Use: 4700 - Mineral Processing, Phosphate Processing Refinery, Clay Plant, Rock/Gravel Plant

Materials		Details	
Exterior Wall:	Painted Exterior	Year Built	1966
Frame:	Masnryconc	Story Height	14
Roof:	Bu-Tg/Mmbm	Floors	1
Roof Structure:	Pre-Strs. Conc.	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,350	Outbuilding	90
Total Base Area	1,350	Wall - Concrete - Block	464
Total Sub Area	1,350	Outbuilding	465
		Outbuilding	510
		Covered Patio	165

APPRAISER'S DETAIL:

SHEET 2 OF 2



VICINITY MAP

Praxair, Inc. – Tax Parcel 511 – 2801
Hammock Road – Section 09, Township 21
South, Range 35 East – District 1 – Proposed
Vacating of a 60.0 ft. Wide Perpetual Drainage
Easement



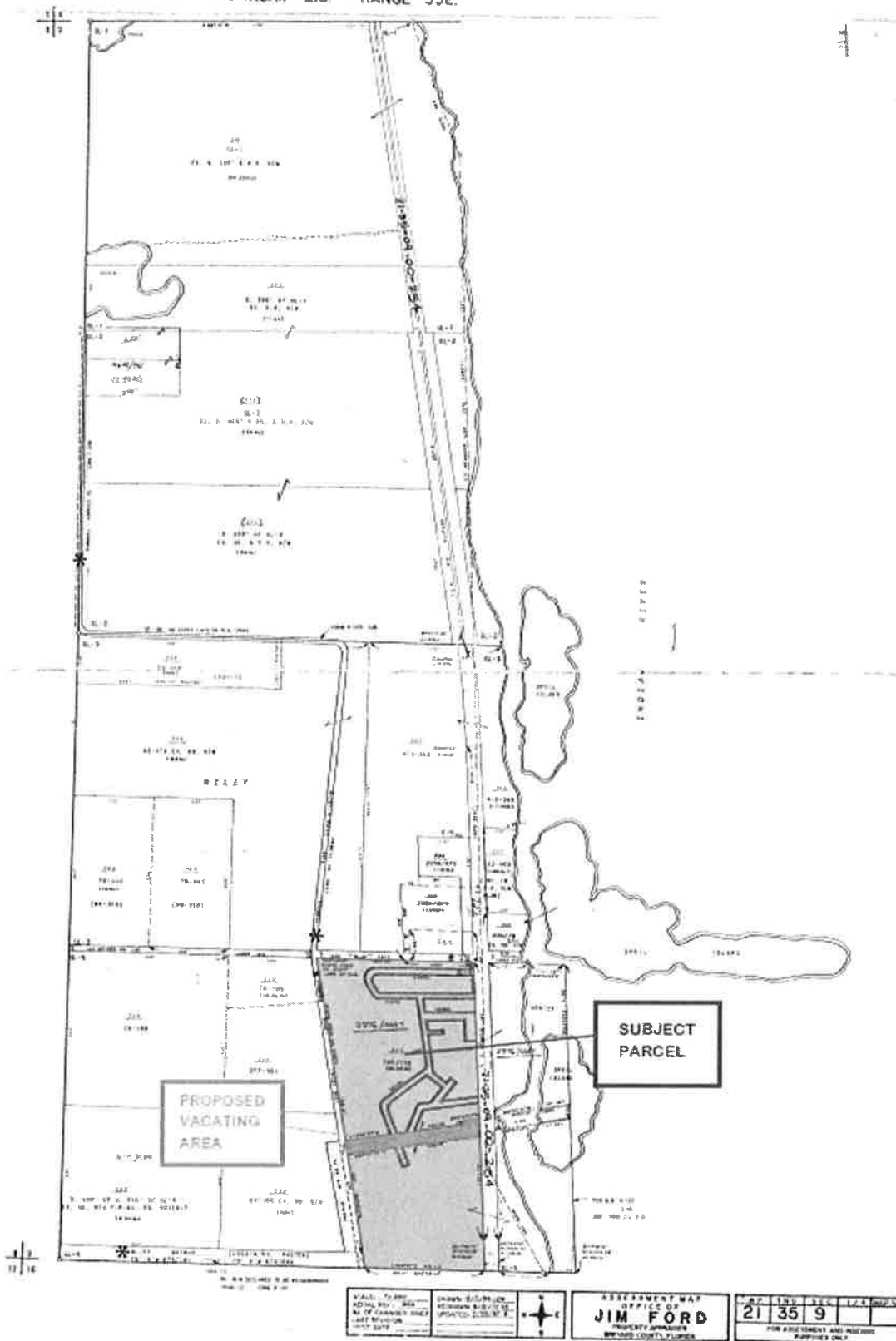
A E R I A L M A P

Praxair, Inc. – Tax Parcel 511 – 2801
Hammock Road – Section 09, Township 21
South, Range 35 East – District 1 – Proposed
Vacating of a 60.0 ft. Wide Perpetual Drainage
Easement

11/20/02
Rev. 3

0096

SECTION 9 TOWNSHIP 21S. RANGE 35E.



TAX MAP REFERENCE

RECEIVED AND FILED
JAN 25 1988
CLERK OF DISTRICT COURT
NINTH JUDICIAL CIRCUIT

JJS 3725j 12/21/88

Premises: Mims, Florida

LIMITED WARRANTY DEED

UNION CARBIDE CORPORATION, a New York corporation
(hereinafter called "Grantor"), for Ten Dollars (\$10.00) and
other valuable consideration, the receipt and sufficiency of
which are hereby acknowledged, does hereby grant bargain, sell
and convey unto UNION CARBIDE INDUSTRIAL GASES INC., a Delaware
corporation having offices oat 39 Old Ridgebury Road, Danbury
Connecticut 06817 (hereinafter called "Grantee"), those certain
parcels or tracts of land, together with the buildings and
improvements located thereon, situated in the County of
Brevard, State of Florida as more particularly identified in
Schedule A attached hereto (hereinafter collectively called the
"Premises")(being a part of the same premises acquired by
Grantor by (1) deed dated December 11, 1964 and recorded in
Book 745 at page 136, (2) deed dated February 15, 1966 and
recorded in Book 853 at page 103 and (3) deed dated August 13,
1965 and recorded in Book 809 at page 23).

The foregoing conveyance is made and accepted subject to
the following matters:

1. All exceptions, reservations, covenants, restrictions,
conditions, easements and rights-of-way currently of record.
2. Any zoning, land use and building statutes,
ordinances, regulations and restrictions.
3. Any state of facts which an inspection or an accurate
survey of the Premises would show.

5
3.00
21.00
24.00
1.00
25.00

Lawyers Title Insurance Agency
Post Office Box 841337
Miami Beach, Florida 33154-1337
2/5/88-6
OFF. REC. 2976
2976

PAGE
4447

619865

89 JAN 25 PM 12:20

PETITIONER'S DEED:
SHEET 1 OF 5

4. Ad valorem taxes and assessments not yet due and payable.

TOGETHER with those easements, rights-of-way and other rights and interests appurtenant to the Premises and all the estate and rights of Grantor in and to the Premises.

TO HAVE AND TO HOLD the Premises, with the appurtenances thereto belonging, unto Grantee, its successors and assigns, forever,

Grantor, for itself, its successors and assigns, covenants with Grantee, its successors and assigns, that the Premises are free and clear of all liens and encumbrances created or arising by, through or under Grantor, except as set forth aforesaid, and that Grantor will warrant and defend title to the Premises unto Grantee, its successors and assigns, against all lawful claims and demands whatsoever from all persons claiming by, through or under Grantor, except as set forth aforesaid.

IN WITNESS WHEREOF, Grantor has executed this Deed by its duly authorized officers as of January 1, 1989.

Signed, sealed and acknowledged in the presence of: UNION CARBIDE CORPORATION

John J. Sibley

By: [Signature]
Vice President

Patricia A. Tonne

By: [Signature]
Assistant Secretary

This instrument was prepared by and should be returned to:

John J. Sibley, Esq.
Law Department
Union Carbide Corporation
39 Old Ridgebury Road
Danbury, Connecticut 06817

- 2 -

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2976

PAGE
4448

PETITIONER'S DEED:
SHEET 2 OF 5

STATE OF CONNECTICUT)
) ss.:
COUNTY OF FAIRFIELD)

Before me, notary public in and for said county and State,
personally appeared O. J. Romary, Vice President
and John Macdonald, Assistant Secretary of Union
Carbide Corporation, to be known to be the persons who executed
the foregoing instrument and acknowledged to me that they
executed the foregoing instrument on behalf of such
corporation, that the same is the free act and deed of said
corporation and of said officers for the uses and purposes
therein set forth, and that said officers were duly authorized
to execute the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name
and affixed my official seal this 10th day of January,
1989.


Notary Public

DAVID E. BUCHLAND
NOTARY PUBLIC
#1290 - EXPIRES 12/31/91

3799F

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PETITIONER'S DEED:
SHEET 3 OF 5

SCHEDULE A
PROPERTY DESCRIPTION

PARCEL 1

Beginning at an iron pin located at the intersection of the southerly right of way line of Jones Avenue and the easterly line of Wiley Avenue, same being on the northerly boundary line of Government Lot 4; thence along said North boundary line of Government Lot 4, South 89 degrees, 49 minutes, 22 seconds East 644.44 feet to an iron pin at the westerly right of way line of the Florida East Coast Railway; thence along said westerly right of way line South 3 degrees 36 minutes East 1181.60 feet to an iron pin; thence along a curve whose central angle is 1 degree, 20 minutes, 41 seconds with a radius of 5759.58 feet and whose arc is 135.18 feet curving to the left to an iron pipe on the south boundary line of Government Lot 4; thence South 89 degrees, 29 minutes, 06 seconds West 492.21 feet to an iron pin on the easterly right of way line of Wiley Avenue; thence North 10 degrees, 9 minutes, 14 seconds West 1341.51 feet to the point and place of beginning. Containing 17.17 acres more or less.

PARCEL 2

Beginning at an iron pin at the intersection of the easterly right of way line of the Florida East Coast Railway and the north boundary of Government Lot 4; thence South 89 degrees, 49 minutes, 22 seconds East 117 feet to an iron pin; thence with the same bearing a distance of 10 feet, more or less, to the waters edge (elevation +0.25); thence southerly along the Indian River contour (+0.25) to a point on the south boundary line of Government Lot 4; thence South 89 degrees, 29 minutes, 06 seconds West 210.0 feet + to an iron pin on the east right of way line of the Florida East Coast Railway; thence on a curve whose central angle is 1 degree, 23 minutes, 30 seconds with a radius of 5699.58 feet along an arc for 138.44 feet to an iron pin; thence along the easterly right of way line of the Florida East Coast Railway North 3 degrees, 36 minutes West 1177.64 feet to the point and place of beginning all lying and being in Government Lot 4, Section 9, Township 21 South, Range 35 East, Brevard County, State of Florida. Containing 3.15 acres more or less.

PARCEL 3

All right, title and interest in and to a parcel of submerged land in the Indian River, in Section 9, Township 21 South, Range 35 East, Brevard County, Florida, as acquired in the Deed dated August 13, 1965 from Trustees of the Internal Improvement Fund of the State of Florida, which was recorded in Book 809, Page 23 of the Official Records of Brevard County, Florida, subject to any navigational or other rights of the United States of America or the State of Florida. Containing 6.74 acres more or less.

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2976

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4450

PETITIONER'S DEED:
SHEET 4 OF 5

PARCEL 4

Start at the 1/4 Section corner on the East Boundary of Section 7, T 21S, R 35 E, Brevard County, Florida; Thence North 0°-10'30" West 100.00 feet to the True Point of Beginning; thence continuing North 0°-10'-30" West along the East line of the NE 1/4 of said Section 7, 458.7 feet to an iron pin; thence North 89°-48'-33" West along the South line of Jessie Bennett, 65.56 feet to the East right-of-way of Dixie Highway; thence South 6°-52'-03" East along the East right-of-way of Dixie Highway 462.20 feet to a point; thence South 89°-48'-33" East 11.67 feet to the Point of Beginning; Said area contains 0.407 acres, more or less.

PARCEL 5

Start at the 1/4 section corner on the East boundary of Section 7, Township 21 South, Range 35 East, Brevard County, Florida; thence run North 0 degrees, 10 minutes, 30 seconds West 664.7 feet along the East line of the Northeast 1/4 of said Section 7; thence North 89 degrees, 48 minutes, 33 seconds West 108.05 feet to the POINT OF BEGINNING, being on the North line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 7 and the Westerly right of way of Old County Road; thence continue North 89 degrees, 48 minutes, 33 seconds West along the North line of said South 1/2 of the Southeast 1/4 of the Northeast 1/4 598.15 feet; thence South 0 degrees, 11 minutes, 27 seconds West 15.0 feet; thence South 89 degrees, 48 minutes, 33 seconds East 600.0 feet; thence North 6 degrees, 52 minutes, 03 seconds West 15.11 feet along Westerly right of way of Old County Road to the POINT OF BEGINNING. Containing 0.206 acres more or less.

OFF. REC.
2976

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PETITIONER'S DEED:
SHEET 5 OF 5

SKETCH OF DESCRIPTION

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST

PARCEL ID NUMBER: 21-35-09-00-511

PURPOSE OF SKETCH: VACATION OF A
PORTION OF EXISTING DRAINAGE EASEMENT

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

A PORTION OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 887, PAGE 435 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LAND BEING ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILWAY AND THE EAST RIGHT-OF-WAY LINE OF HAMMOCK ROAD.
ALL LANDS DESCRIBED LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- 1) THIS IS A SKETCH OF DESCRIPTION, AS DEFINED IN CHAPTER 5J-17.050(10)(A)-(K) OF THE FLORIDA ADMINISTRATIVE CODE. MORE SPECIFICALLY, THE PURPOSE OF THIS SKETCH IS TO SHOW THE VISUAL REPRESENTATION OF THE VACATION OF A PORTION OF AN EXISTING DRAINAGE EASEMENT.
- 2) INSTRUMENTS OF RECORD REFLECTING EASEMENTS, ENCUMBRANCES, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE NOT FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER DEEDS OF RECORD.
- 3) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 4) THIS IS NOT SURVEY.

PREPARED FOR:

PRAXAIR

PREPARED BY: SMEINC

ADDRESS: 1615 EDGEWATER DRIVE SUITE 200, ORLANDO, FLORIDA, 32804

PHONE: 407-975-1273

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH OF DESCRIPTION OF THE DESCRIBED PROPERTY, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THEY CONFORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Robert M. Searson 12/6/18

ROBERT M. SEARSON, PSM 6842
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 156842

NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JLG

CHECKED BY: RMS

DRAWING NO. 5571-17-021

SECTION 09

DATE: 11/19/18

SHEET 1 OF 2

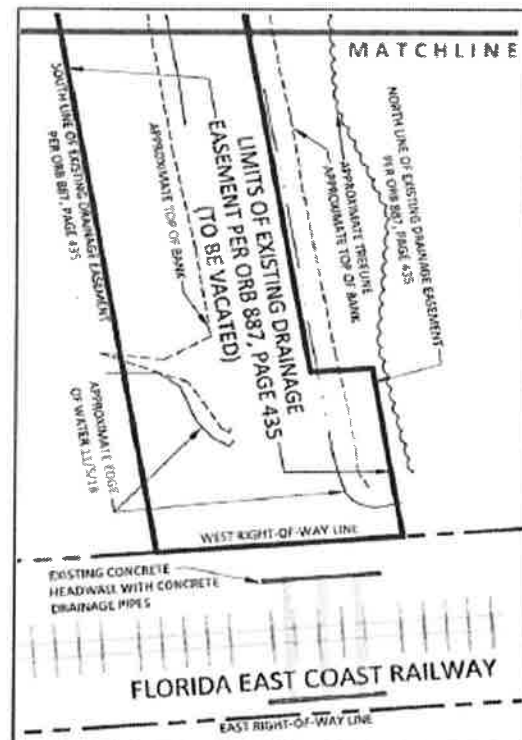
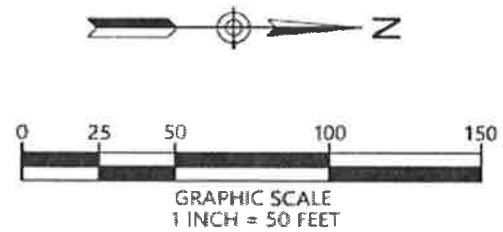
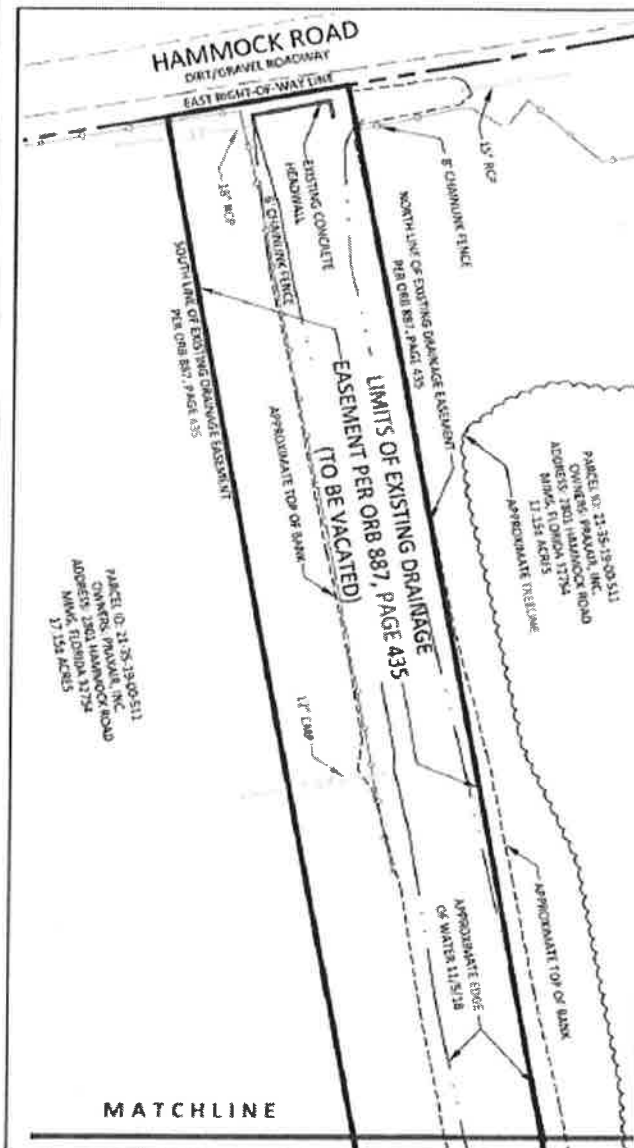
REVISIONS 1 12/6/2018

TOWNSHIP 21 SOUTH
RANGE 35 EAST

PETITIONER'S SKETCH & DESCRIPTION:

SHEET 1 OF 2

SHEET 2 OF 2
NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



SECTION 09, TOWNSHIP 21 SOUTH, RANGE 36 EAST

PROJECT NO. 5571-17-21
PREPARED BY : S&ME INC

PETITIONER'S SKETCH & DESCRIPTION:
SHEET 2 OF 2

COMMENT SUMMARY

APPLICANT: PRAXAIR, INC.

UPDATED / BY: Amber Holley 20181212 @ 13:30 hours

COMPANIES	NOTIFIED	COMMENTS RECEIVED	APPROVED	STIPULATIONS/REMARKS
UTILITIES				
Florida City Gas Co.	20181129	20181212	YES	NO OBJECTIONS
Florida Power & Light Co.	20181129	20181217	YES	NO OBJECTIONS
AT & T	20181129	20181129	YES	NO OBJECTIONS
Charter Communications	20181129	20181129	YES	NO OBJECTIONS
COUNTY STAFF				
Road & Bridge	20181129	20181207	YES	NO OBJECTIONS-DAVE BARBER
Land Planning	20181129	20181207	YES	NO OBJECTIONS-REBECCA RAGAN
Utility Services	20181129	20181129	YES	NO OBJECTIONS-TAMMY HURLEY
NRMD / Storm Water	20181129	20181212	YES	NO OBJECTIONS-BACH MCCLURE
Zoning	20181129	20181212	YES	NO OBJECTIONS-PAUL BODY

COMMENT SHEET



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.: 0003305985
Pymt Method: Invoice
Net Amt: \$200.98

Run Times: 1
Run Dates: 12/24/18

No. of Affidavits: 1

Text of Ad:

AD#1305985 12/24/2018
LEGAL NOTICE
NOTICE FOR THE PARTIAL VACATING OF
A 600 FT. DRAINAGE EASEMENT PER
OFFICIAL RECORDS BOOK 887, PAGE
435, LYING IN SECTION 09, TOWNSHIP 21
SOUTH, RANGE 35 EAST, NIMS, FL

NOTICE IS HEREBY GIVEN that pursuant
to Chapter 326.59, Florida Statutes, and
Chapter 86, Article 8, Section 86.36, Bre-
vard County Code, a petition has been
filed by PRAXAIR, INC. with the Board of
County Commissioners of Brevard Coun-
ty, Florida, to request vacating the fol-
lowing described property, to wit:

A PORTION OF LAND DESCRIBED IN OF-
FICIAL RECORD BOOK 887, PAGE 435 OF
THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, SAID LAND BEING
ADJACENT TO THE WEST RIGHT-OF-WAY
LINE OF FLORIDA EAST COAST RAILWAY
AND THE EAST RIGHT-OF-WAY LINE OF
HAMMOCK ROAD.

ALL LANDS DESCRIBED LYING IN A POR-
TION OF SECTION 9, TOWNSHIP 21
SOUTH, RANGE 35 EAST, BREVARD
COUNTY, FLORIDA, PREPARED BY:
ROBERT M. SEARSON, PSN

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 January 8, 2019 at the Brevard Coun-
ty 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 tak-
en.

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

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

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

PUBLIC HEARING LEGAL ADVERTISEMENT

PERMANENT ACCESS AND DRAINAGE EASEMENT

THIS INDENTURE, made this 5th day of December, 2018, between PRAXAIR, INC., whose mailing address is 10 Riverview Drive, Danbury, Connecticut 06810, as party of the first part, hereinafter known as "Grantor", and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, as party of the second part, hereinafter known as "Grantee" whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, for the use and benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, does hereby grant unto Grantee, its successors and/or assigns, a perpetual easement commencing on the above date for the purposes of access, drainage, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The drainage easement shall be maintained by the Grantor, its successors, and/or assigns.

The land affected by the granting of the easements is located in Section 9, Township 21 South, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or assigns. The Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the Grantor having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Lisa Murray
Witness
Lisa Murray
(Print)

Kryshna Licker
Witness
Kryshna Licker
(Print)

Praxair, Inc.

Brian C. Morgan
Brian C. Morgan, Director

STATE OF Connecticut, COUNTY OF Fairfield

The foregoing instrument was acknowledged before me this 5th day of December, 2018, by Brian C. Morgan, who is not personally known to me or who has produced Driver License as identification and who did take an oath. WITNESS my hand and official seal in Danbury, Connecticut.

Notary Public Patrick J. Bowles
Print Name Patrick J. Bowles
Stamp:

PATRICK J. BOWLES
NOTARY PUBLIC
FAIRFIELD COUNTY
MY COMMISSION EXPIRES JUNE 30, 2022

Agenda Item # _____
Board Meeting Date _____

DRAINAGE EASEMENT:
SHEET 1 OF 3

SKETCH OF DESCRIPTION

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST — PARCEL 801 & PARCEL 802
PARENT PARCEL ID NUMBER: 21-35-09-00-511
PURPOSE: DRAINAGE AND ACCESS EASEMENT

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2
EXHIBIT "A"

LEGAL DESCRIPTIONS:

PARCEL 801: DRAINAGE EASEMENT

A PORTION OF GOVERNMENT LOT 4 (PARCEL ID: 21-35-09-00-511) OF BREVARD COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF JONES AVENUE AND THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD, LOCATED IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; THENCE S10°40'52"E, ALONG SAID EAST RIGHT-OF-WAY OF HAMMOCK ROAD, 763.97 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, N79°16'49"E, 559.20 FEET TO THE WEST RIGHT-OF-WAY OF FLORIDA EAST COAST RAILWAY; THENCE S04°07'45"E, ALONG SAID WEST RIGHT-OF-WAY, 94.35 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY, S79°55'37"W, 66.66 FEET; THENCE N10°43'11"W, 31.98 FEET; THENCE S79°16'49"W, 481.75 FEET TO THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD; THENCE N10°40'52"W, ALONG SAID EAST RIGHT-OF-WAY, 61.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 36,116 SQUARE FEET (0.83± ACRES).

PARCEL 802: ACCESS EASEMENT

A PORTION OF GOVERNMENT LOT 4 (PARCEL ID: 21-35-09-00-511) OF BREVARD COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF JONES AVENUE AND THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD, LOCATED IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA; THENCE S10°40'52"E, ALONG SAID EAST RIGHT-OF-WAY OF HAMMOCK ROAD, 734.21 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, N79°16'49"E, 36.64 FEET, THENCE S10°40'52"E, 29.76 FEET, TO A POINT ON THE NORTH LINE OF PROPOSED PARCEL 801 (DRAINAGE EASEMENT); THENCE S79°16'49"W, ALONG SAID NORTH LINE, 20.00 FEET, THENCE DEPARTING SAID NORTH LINE, N10°40'52"W, 9.76 FEET, THENCE S79°16'49"W, 16.64 FEET TO THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD, THENCE N10°40'52"W, ALONG SAID EAST RIGHT-OF-WAY, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 928 SQUARE FEET.

SURVEYOR'S NOTES:

- 1) THIS IS A SKETCH OF DESCRIPTION, AS DEFINED IN CHAPTER 5J-17.050(10)(A)-(K) OF THE FLORIDA ADMINISTRATIVE CODE. MORE SPECIFICALLY, THE PURPOSE OF THIS SKETCH IS TO SHOW THE VISUAL REPRESENTATION OF A DRAINAGE EASEMENT.
- 2) THIS SKETCH REFERENCES THE FOLLOWING SURVEY: SPECIFIC PURPOSE SURVEY PREPARED BY S&ME INC., 1615 EDGEWATER DRIVE, SUITE 200, ORLANDO FLORIDA, DATED NOVEMBER 20, 2018. (DRAWING/PROJECT NUMBER 5571-17-021)
- 3) BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT-OF-WAY OF HAMMOCK ROAD (AS MEASURED), THAT BEARING BEING N10°40'52"W (S10°40'52"E) AND IS SHOWN ON THE SKETCH.
- 4) AN OWNERSHIP AND ENCUMBRANCE REPORT (FILE NO: 118100062, PROVIDED FOR: PRAXAIR, INC., PREPARED BY: ALLIANCE TITLE INSURANCE AGENCY, INC.) REFLECTING EASEMENTS, ENCUMBRANCES, RIGHTS-OF-WAY, AND/OR OWNERSHIP WAS FURNISHED TO THIS SURVEYOR. THIS SURVEYOR FINDS NO EASEMENTS OR ENCUMBRANCES THAT AFFECT THE EASEMENT AREA.
- 5) THIS IS NOT SURVEY.



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH OF DESCRIPTION OF THE DESCRIBED PROPERTY, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THEY CONFORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ROBERT M. SEARSON, PSM 6842
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 156842

NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:

PRAXAIR, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

S&ME INC, CERTIFICATION OF AUTHORIZATION LB# 8165

ADDRESS: 1615 EDGEWATER DRIVE SUITE 200, ORLANDO, FLORIDA, 32804

PHONE: 407-975-1273

DRAWN BY: JJC

CHECKED BY: RMS

DRAWING NO. 5571-17-021

SECTION 09

DATE: 11/27/18

SHEET 1 OF 2

REVISIONS 2 12/05/18

TOWNSHIP 21 SOUTH

RANGE 35 EAST

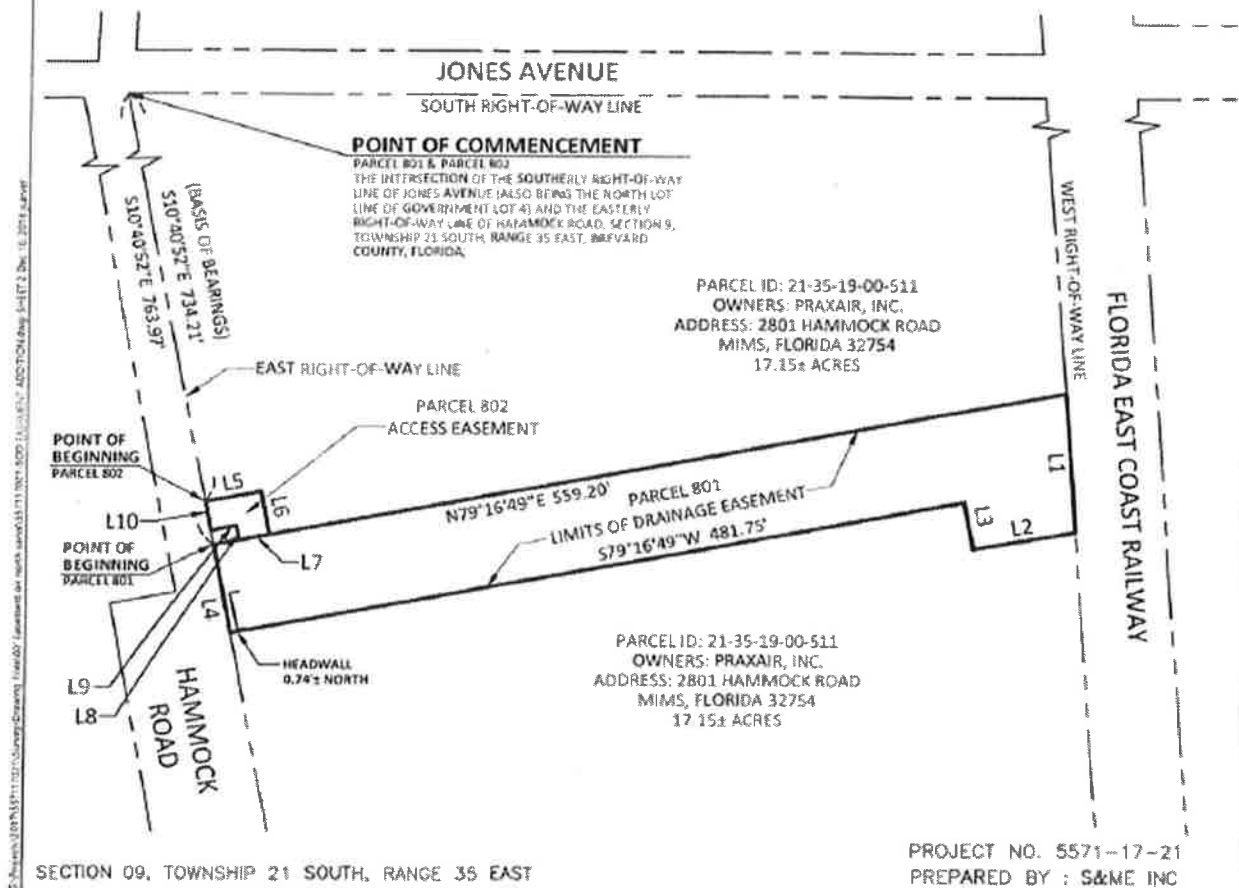
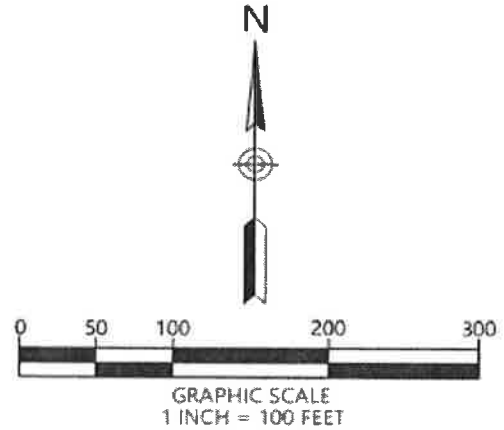
DRAINAGE EASEMENT:
SHEET 2 OF 3

SKETCH OF DESCRIPTION

SECTION 09, TOWNSHIP 21 SOUTH, RANGE 35 EAST - PARCEL 801 & PARCEL 802
 PARENT PARCEL ID NUMBER: 21-35-09-00-511
 PURPOSE: DRAINAGE EASEMENT & ACCESS EASEMENT

SHEET 2 OF 2
 NOT VALID WITHOUT
 SHEET 1 OF 2
 EXHIBIT "A"

LINE TABLE			LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	S4°07'45"E	94.35'	L6	S10°40'52"E	29.76'
L2	S79°55'37"W	66.66'	L7	S79°16'49"W	20.00'
L3	N10°43'11"W	31.98'	L8	N10°40'52"W	9.76'
L4	N10°40'52"W	61.00'	L9	S79°16'49"W	16.64'
L5	N79°16'49"E	36.64'	L10	N10°40'52"W	20.00'



DRAINAGE EASEMENT: SHEET 3 OF 3

EASEMENT VACATION LEGAL DESCRIPTION

A PORTION OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 887, PAGE 435 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LAND BEING ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF FLORIDA EAST COAST RAILWAY AND THE EAST RIGHT-OF-WAY LINE OF HAMMOCK ROAD.

ALL LANDS DESCRIBED LYING IN A PORTION OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA. PREPARED BY: ROBERT M. SEARSON, PSM.