



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

5/19/2020

Subject:

Petition to Vacate, Re: Ingress/Egress & Well Site Easements - Official Records Book 3947, Page 3259 and Official Records Book 3947, Page 3271 - "Walkabout P.U.D." Plat Book 49, Page 27 - Mims - Florida Land & Cattle Corporation - 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 two wellsite easements and part of an ingress/egress easement created by Official Records Book 3947, Page 3259 and Official Records Book 3947, Page 3271, lying within "Walkabout P.U.D." in Sections 1 & 12, Township 21 South, Range 34 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating and accept the new Well Site 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 the parcels lying within "Walkabout P.U.D." and are requesting the vacating of the two Well Site easements and the ingress/egress to allow for the area to be re-platted for single-family home subdivision. Easement to be vacated contains 86,518 square feet, more or less. The property is located in Mims North of Highway 46 and East of I-95.

May 04, 2020, 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.

454



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

June 12, 2020

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 Ingress/Egress and Well Site Easements
in "Walkabout P.U.D." Subdivision, Mims

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 20-052, vacating ingress/egress and well site easements, lying in Section 1 and 12, Township 21 South, Range 34 East, Mims, as petitioned by Florida Land and Cattle Corporation. Said Resolution was adopted by the Board of County Commissioners, in regular session on May 19, 2020.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Kimberly Powell
Kimberly Powell, Deputy Clerk

/sm

Encls. (2)



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Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

June 12, 2020

Florida Land & Cattle Corporation
C/O Igor Olenicoff- Indian River Preserve Estate Corp.
7 Corporate Plaza Drive
Newport Beach, CA 92660

Dear Sir:

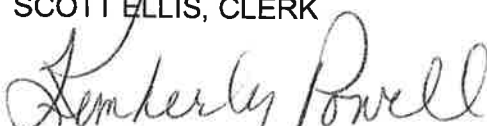
Re: Resolution Vacating Ingress/Egress and Well Site Easements in "Walkabout P.U.D."
Subdivision, Mims

The Board of County Commissioners, in regular session on May 19, 2020, adopted Resolution No. 20-052, vacating ingress/egress and well site easements in "Walkabout P.U.D." Subdivision, Mims, lying in Sections 1 and 12, Township 21 South, Range 34 East, as petitioned by you. Said Resolution has been recorded in ORBK 8761, Pages 2036 through 2045 and Exclusive Well Site Easement has been recorded in ORBK 8761, Pages 2054 through 2058. Enclosed is a certified copy of the recorded Resolution and Exclusive Well Site Easement for your records.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

/sm

Encl. (2)

cc: Amber Holley, Public Works

Resolution 2020 - 052

**Vacating Ingress/Egress and Well Site easements in "Walkabout P.U.D." Subdivision, Mims, Florida,
lying in Sections 1 & 12, Township 21 South, Range 34 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **FLORIDA
LAND & CATTLE CORPORATION** with the Board of County Commissioners to vacate a portion of two public utility
easements in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

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

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

WHEREAS, the Board finds that vacating ingress/egress and well site easements will not be detrimental to
Brevard County or the public.

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

DONE, ORDERED AND ADOPTED

f May, 2020 A.D.

*original lost
in the mail*

SmcDaniel BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

ATTEST:

SCOTT ELLIS, CLERK

Bryan Andrew Lober
Bryan Lober, Chair

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing
is a true and current copy of Resolution

2020-052 witness my hand
and official seal this 21 day of
July 2020

SCOTT ELLIS, Clerk of Circuit Court

BY SmcDaniel D.C.

As approved by the Board on: May 19, 2020

455

LEGAL DESCRIPTION

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PARENT PARCEL ID#:

PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

EXHIBIT "A"

SHEET 1 OF 7

NOT VALID WITHOUT ALL SHEETS 1 - 7

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

WELL SITE 2A, WELL SITE G AND A PORTION OF A 20 FOOT WIDE INGRESS EASEMENT AS RECORDED IN ORB 3947, PAGE 3259 AND ORB 3947, PAGE 3271.

ALL OF WELL SITE 2A, ALL OF WELL SITE G AS DESCRIBED IN ORB 3947, PAGE 3271 AND THAT PART OF A 20.00 FOOT WIDE INGRESS/EGRESS AND PIPELINE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3947, PAGE 3259 ALSO SHOWN ON THE PLAT OF WALKABOUT P.U.D. AS RECORDED IN PLAT BOOK 49, PAGE 27, LYING SOUTH OF THE SOUTH LINE OF THE PREVIOUSLY VACATED INGRESS/EGRESS EASEMENT AS RECORDED IN ORB 5453, PAGE 3239 AND LYING NORTH OF A RADIAL LINE EXTENDING S52°58'10"W FROM THE NORTHERN MOST CORNER OF TRACT B2 OF NEW SOUTH WALES AND LORRIKEET AT WALKABOUT AS RECORDED IN PLAT BOOK 55, PAGE 18. ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

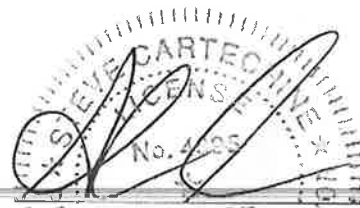
CONTAINING 1.99 ACRES / 86,518 SQUARE FEET OF LAND MORE OR LESS.

SURVEYORS NOTES:

- 1.) BEARINGS BASED ON THE ASSUMPTION THAT THE EAST LINE OF TRACT GC1 BEARS S21°27'00"W PER QUANTUM PLACE AT WALKABOUT (POD 9), PLAT BOOK 52 PAGES 58-64.
- 2.) THIS SKETCH IS NOT A SURVEY, ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREON.

LEGEND

ORB = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PG = PAGE
N = NORTH
S = SOUTH
E = EAST
W = WEST
WL = CONSERVATION EASEMENT TITLE


2/25/2020
PROFESSIONAL SURVEYOR AND MAPPER
STEVE CARTECHINE, FLORIDA, CERTIFICATE NO. 4895
CERTIFICATE OF AUTHORIZATION #LB 7545
NOT VALID UNLESS SIGNED AND SEALED

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY, FLORIDA

PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SKETCH OF DESCRIPTION

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PARENT PARCEL ID#:

PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

TRACT DD DIDGERIDOO DR.
WALKABOUT GOLF COURSE
PB 59, PG. 37

TRACT WW
QUANTUM PLACE
AT WALKABOUT
PB 52, PG. 58

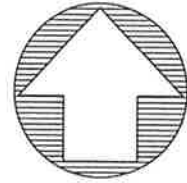
TRACT A RESIDENTIAL
WALKABOUT GOLF COURSE
P.B. 59, PG. 37

EXHIBIT "A"

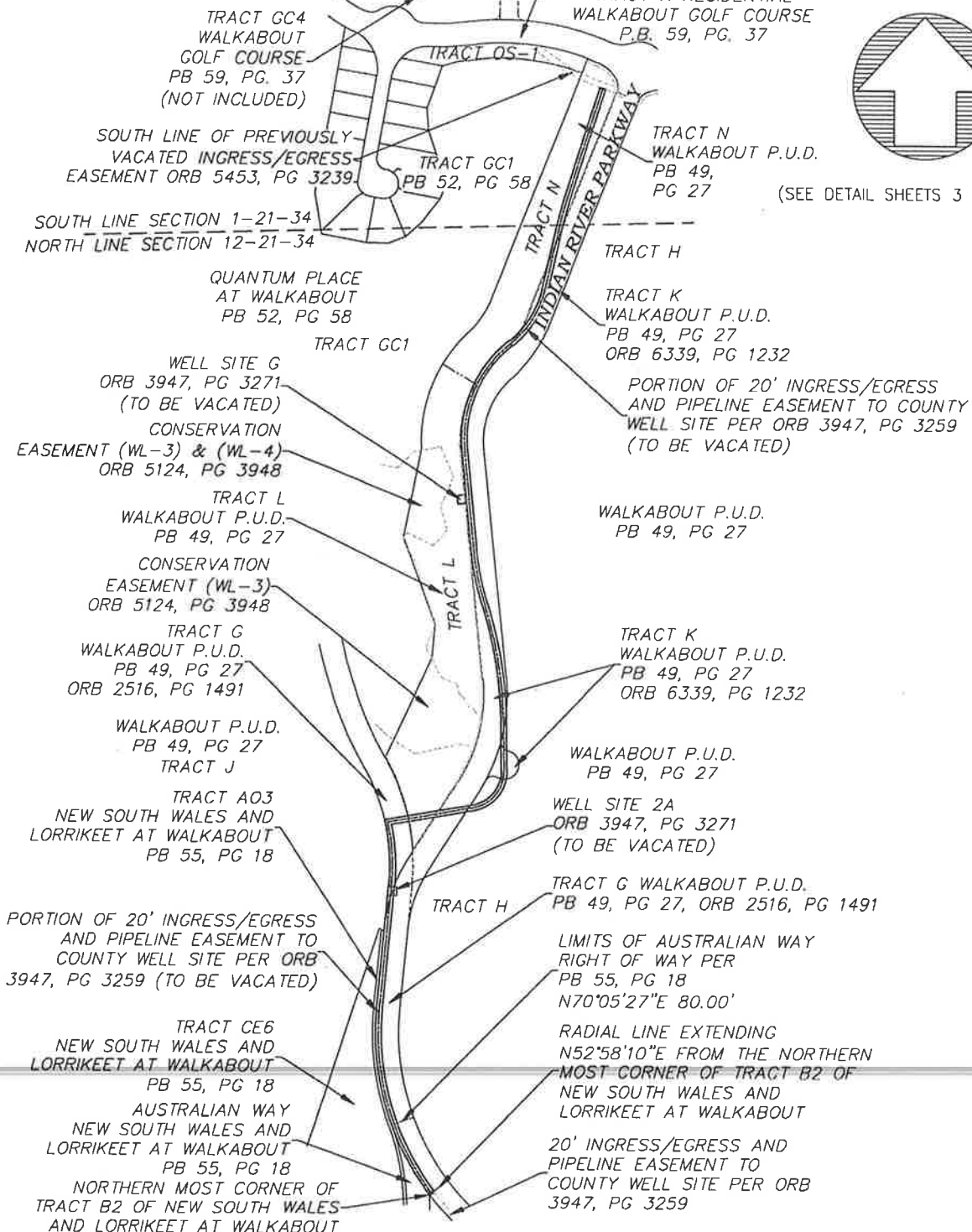
SHEET 2 OF 7

NOT VALID WITHOUT ALL SHEETS 1 - 7

THIS IS NOT A SURVEY



(SEE DETAIL SHEETS 3 THROUGH 7)



PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SCALE:
1"=500'
PROJECT NO.:
17-190

SECTION 1 & 12
TOWNSHIP 21 SOUTH
RANGE 34 EAST

SKETCH OF DESCRIPTION

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PARENT PARCEL ID#:

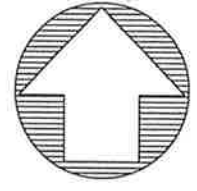
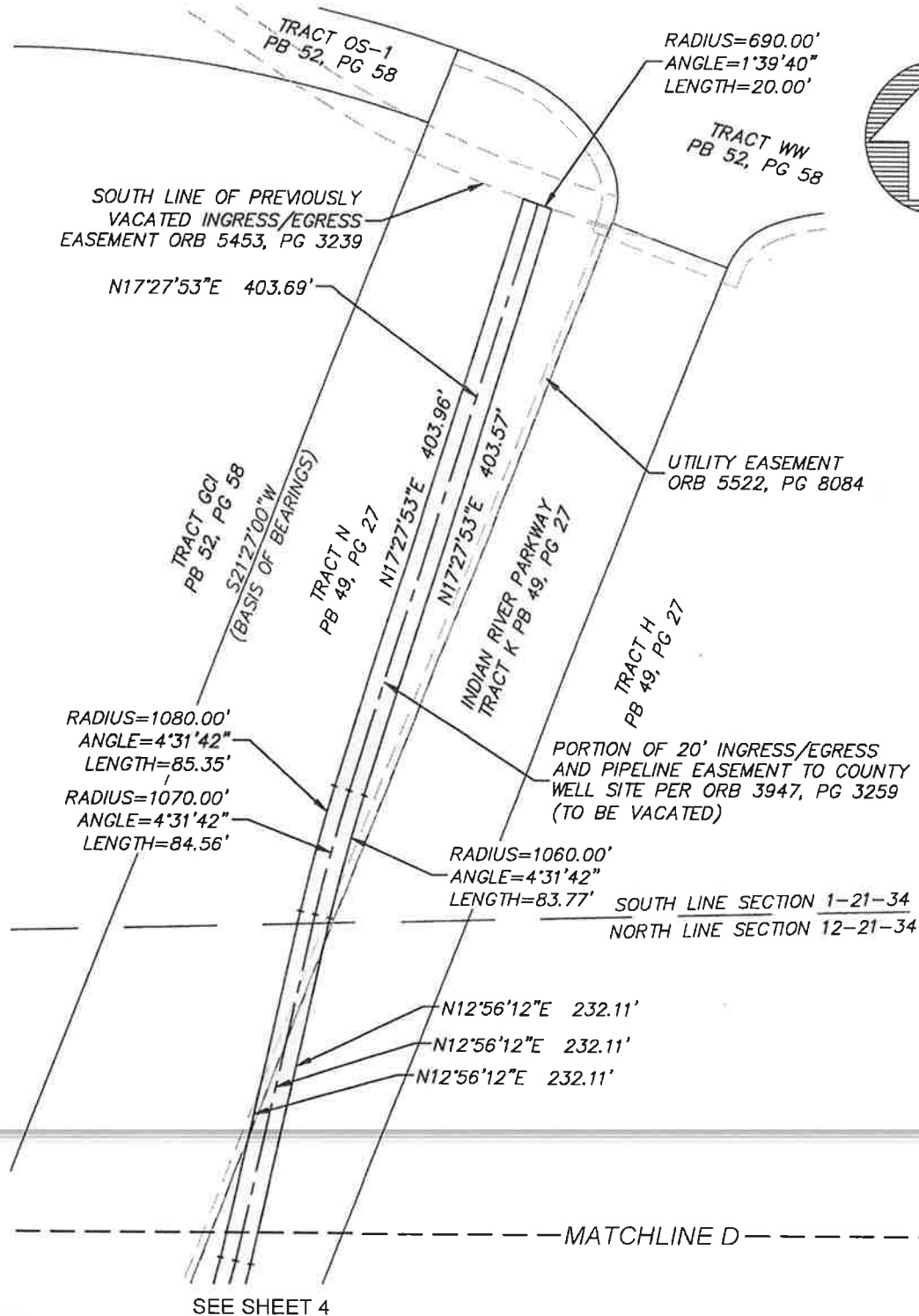
PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

DETAIL

SHEET 3 OF 7

NOT VALID WITHOUT ALL SHEETS 1 - 7

THIS IS NOT A SURVEY



PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SCALE: 1"=100'

PROJECT NO.:
17-190

SECTION 1 & 12
TOWNSHIP 21 SOUTH
RANGE 34 EAST

SKETCH OF DESCRIPTION

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PARENT PARCEL ID#:

PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

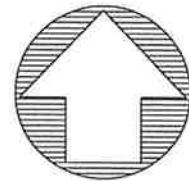
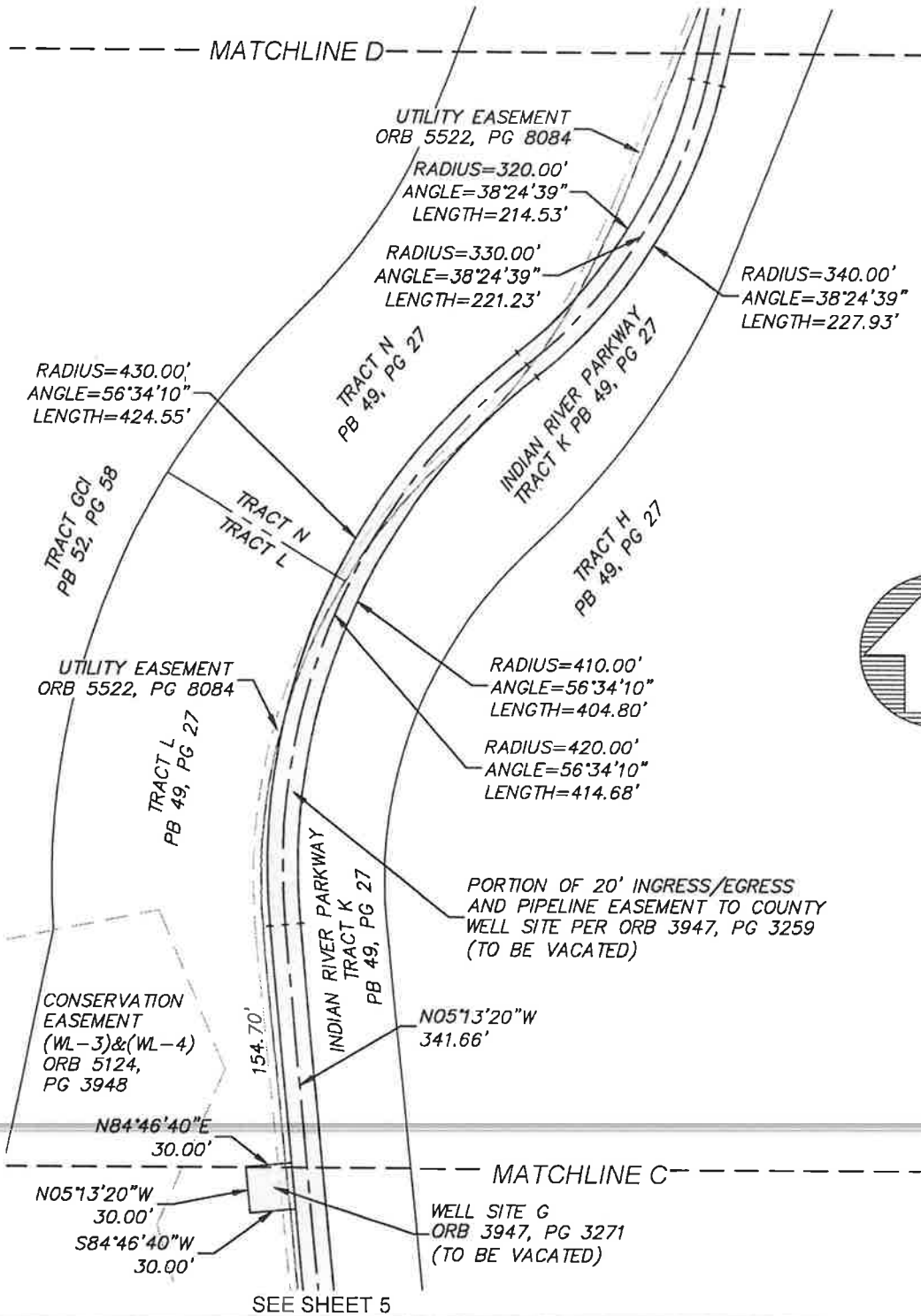
DETAIL

SHEET 4 OF 7

NOT VALID WITHOUT ALL SHEETS 1 - 7

THIS IS NOT A SURVEY

SEE SHEET 3



PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SCALE: 1"=100'

PROJECT NO.:
17-190

SECTION 1 & 12
TOWNSHIP 21 SOUTH
RANGE 34 EAST

SKETCH OF DESCRIPTION

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PARENT PARCEL ID#:

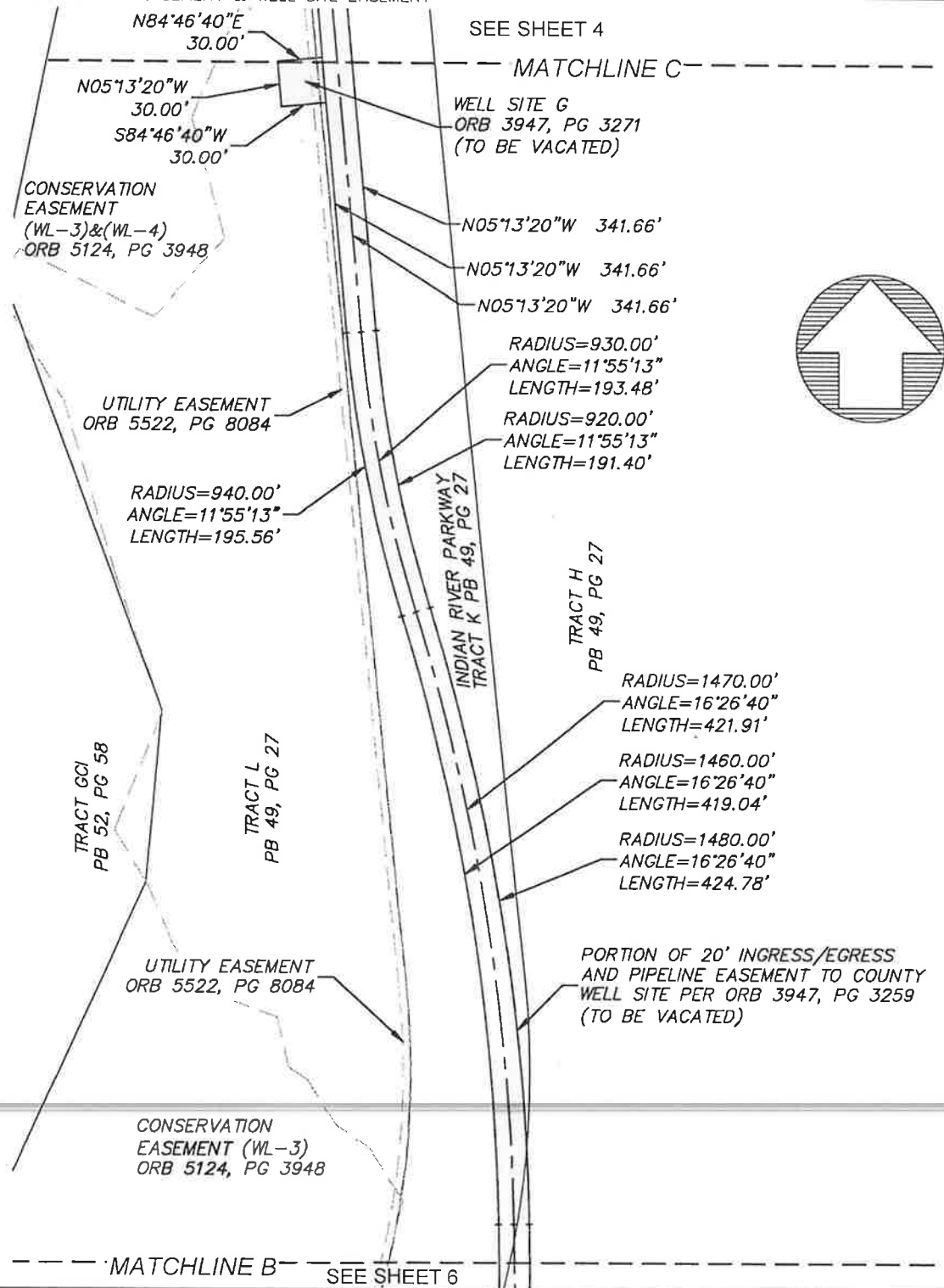
PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

DETAIL

SHEET 5 OF 7

NOT VALID WITHOUT ALL SHEETS 1 - 7

THIS IS NOT A SURVEY



PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SCALE: 1"=100'

PROJECT NO.:
17-190

SECTION 1 & 12
TOWNSHIP 21 SOUTH
RANGE 34 EAST

SKETCH OF DESCRIPTION

EXHIBIT "A"

SHEET 6 OF 7

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

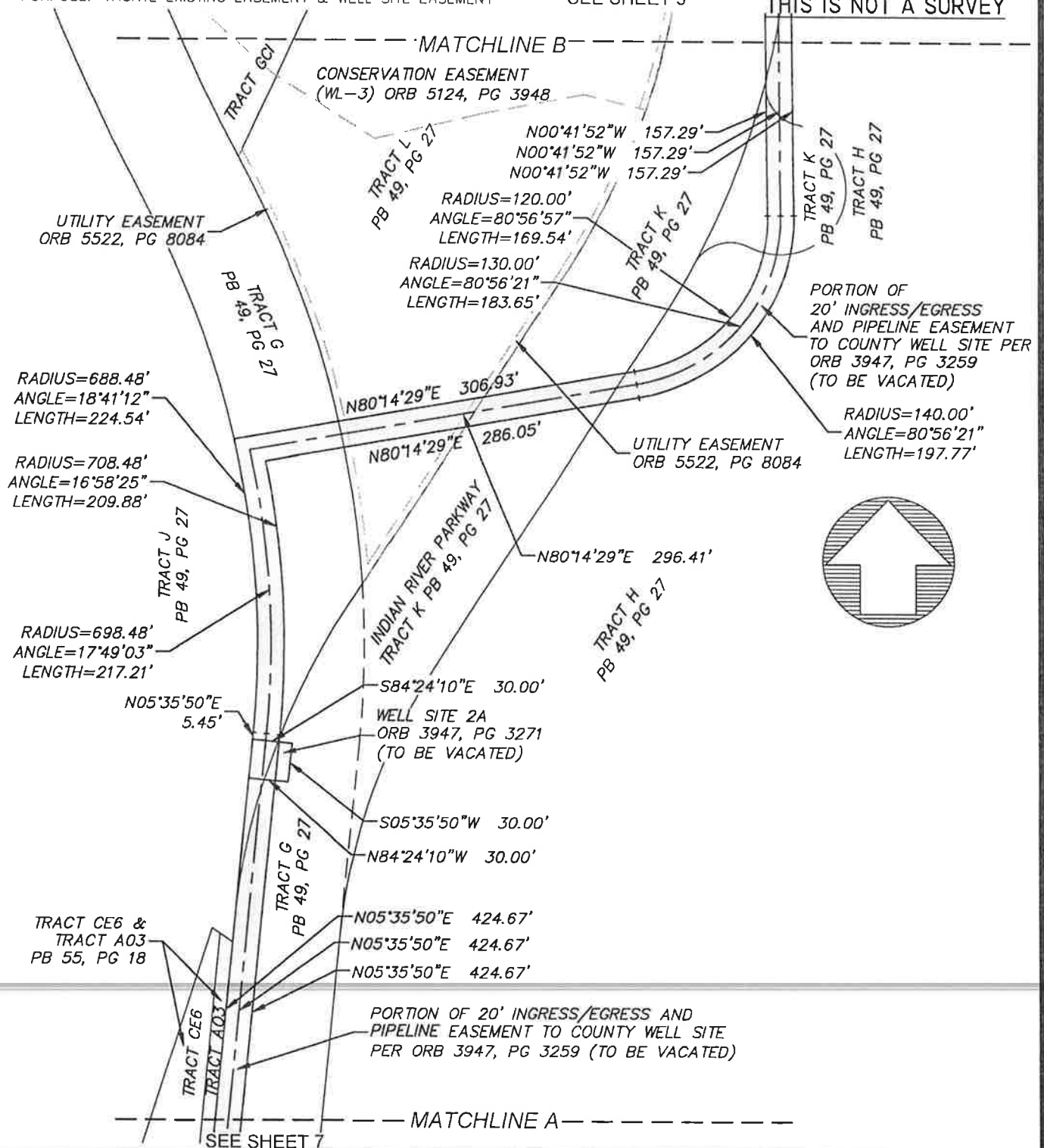
NOT VALID WITHOUT ALL SHEETS 1 - 7

PARENT PARCEL ID#:

PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

SEE SHEET 5

THIS IS NOT A SURVEY



PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SCALE: 1"=100'

PROJECT NO.:
17-190

SECTION 1 & 12
TOWNSHIP 21 SOUTH
RANGE 34 EAST

SKETCH OF DESCRIPTION

SECTION 1 & 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST

PARENT PARCEL ID#:

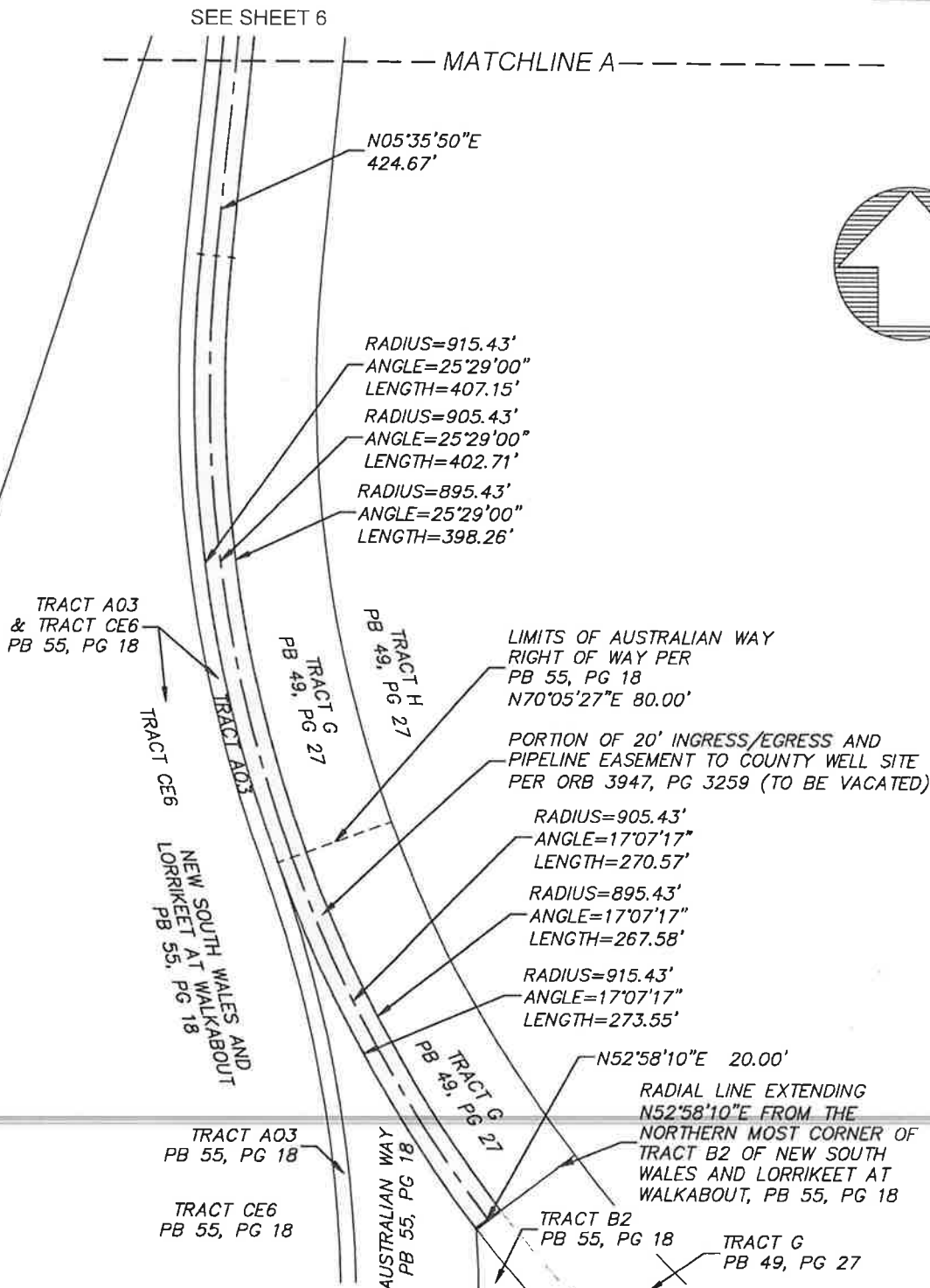
PURPOSE: VACATE EXISTING EASEMENT & WELL SITE EASEMENT

EXHIBIT "A"

SHEET 7 OF 7

NOT VALID WITHOUT ALL SHEETS 1 - 7

THIS IS NOT A SURVEY



PREPARED BY:
INDIAN RIVER SURVEY, INC.
PROFESSIONAL SURVEYING AND MAPPING

SCALE: 1"=100'

PROJECT NO.:
17-190

SECTION 1 & 12
TOWNSHIP 21 SOUTH
RANGE 34 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 Joe Heynen who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

LEGAL NOTICES

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

5/4/2020

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 May 2020,
by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$274.84
Ad No: 0004171363
Customer No: BRE-6BR327

Ad#4171363 5/4/2020

LEGAL NOTICE

NOTICE FOR THE VACATING OF WELL SITE 2A, WELL SITE G, AND A PORTION OF A 20.0 FT. WIDE INGRESS/EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 3947, PAGE 3259 AND OFFICIAL RECORDS BOOK 3947, PAGE 3271, IN SECTION 12, TOWNSHIP 21 SOUTH, RANGE 34 EAST, T1M5, 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 FLORIDA LAND & CATTLE CORPORATION with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

WELL SITE 2A, WELL SITE G AND A PORTION OF A 20.0 FOOT-WIDE INGRESS/EGRESS EASEMENT AS RECORDED IN ORB 3947, PAGE 3259 AND ORB 3947, PAGE 3271. ALL OF WELL SITE 2A, ALL OF WELL SITE G AS DESCRIBED IN ORB 3947, PAGE 3271 AND THAT PART OF A 20.00 FOOT WIDE INGRESS/EGRESS AND PIPELINE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3947, PAGE 3259 ALSO SHOWN ON THE PLAT OF WALKABOUT P.U.D. AS RECORDED IN PLAT BOOK 49, PAGE 27, LYING SOUTH OF THE SOUTH LINE OF THE PREVIOUSLY VACATED INGRESS/EGRESS EASEMENT AS RECORDED IN ORB 5453, PAGE 3239 AND LYING NORTH OF A RADIAL LINE EXTENDING S52°58'10"W FROM THE NORTHERN MOST CORNER OF TRACT 82 OF NEW SOUTH WALES AND LORRIKEET AT WALKABOUT AS RECORDED IN PLAT BOOK 55, PAGE 18, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 1.99 ACRES / 86,518 SQUARE FEET OF LAND MORE OR LESS. PREPARED BY: STEVE CARTECHINE, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above described easement at 9:00 A.M. on May 19, 2020 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 desires 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 withing assistance.





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

STATE OF WISCONSIN COUNTY OF BROWN

Before the undersigned authority personally appeared Joe Heynen who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

LEGAL NOTICES

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

5/26/2020

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 26th of May 2020, by Joe Heynen who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost \$195.86
Ad No: 0004205402
Customer No: BRE-6BR327

AD#4205402, 5/26/2020
LEGAL NOTICE
RESOLUTION VACATING
INGRESS/EGRESS AND WELL SITE
EASEMENTS IN "WALKABOUT P.U.D."
SUBDIVISION, MIMS, LYING IN SECTIONS
1 & 12, TOWNSHIP 21 SOUTH, RANGE 34
EAST AS PETITIONED BY FLORIDA LAND
& CATTLE CORPORATION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 19th day of May 2020, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating Ingress/Egress and Well Site Easements in "Walkabout P.U.D." Subdivision, Mims, lying in Sections 1 & 12, Township 21 South, Range 34 East, as petitioned by Florida Land & Cattle Corporation.

WELL SITE 2A, WELL SITE G AND A PORTION OF A 20 FOOT WIDE INGRESS EASEMENT AS RECORDED IN ORB 3947, PAGE 3259 AND ORB 3947, PAGE 3271. ALL OF WELL SITE 2A, ALL OF WELL SITE G AS DESCRIBED IN ORB 3947, PAGE 3271 AND THAT PART OF A 20.00 FOOT WIDE INGRESS/EGRESS AND PIPELINE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3947, PAGE 3259 ALSO SHOWN ON THE PLAT OF WALKABOUT P.U.D. AS RECORDED IN PLAT BOOK 49, PAGE 22, LYING SOUTH OF THE SOUTH LINE OF THE PREVIOUSLY VACATED INGRESS/EGRESS EASEMENT AS RECORDED IN ORB 5453, PAGE 3239 AND LYING NORTH OF A RADIAL LINE EXTENDING 55°58'10"W FROM THE NORTHERN MOST CORNER OF TRACT #2 OF NEW SOUTH WALES AND CORREKT AT WALKABOUT AS RECORDED IN PLAT BOOK 55, PAGE 18. ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 1.99 ACRES / 86,518 SQUARE FEET OF LAND MORE OR LESS PREPARED BY STEVE CARTECHNE, PSAL. The Board further renounced and disclaimed any right of the County in and to said public easements.

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

