

Resolution 2022 -

Vacating a portion of a public utility & drainage easement in plat "Harbor Pines" Subdivision, Merritt Island, Florida, lying in Section 06, Township 25 South, Range 37 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **SHAWN & JODY OVERDORF** 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(s) will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement(s) are hereby vacated by Brevard County; and this vacating action releases, renounces, and disclaims any right, title or interest Brevard County may possess over the property at issue, and shall not be deemed to warrant any right, title, interest or to represent any state of facts concerning the same. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED AND ADOPTED, in regular session, this 2nd day of August, 2022 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Kristine Zonka, Chair

As approved by the Board on:
August 2, 2022

Brevard County Property Appraiser Detail Sheet

Account 2514830

Owners OVERDORF, SHAWN; OVERDORF, JODY

Mailing Address 912 HARBOR PINES DR MERRITT ISLAND FL 32952

Site Address 912 HARBOR PINES DR MERRITT ISLAND FL 32952

Parcel ID 25-37-06-05-*3

Property Use 0110 - SINGLE FAMILY RESIDENCE

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Taxing District 2200 - UNINCORP DISTRICT 2

Total Acres 0.18

Subdivision HARBOR PINES

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0035/0026

Land Description HARBOR PINES LOT 3

VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$292,560	\$254,790	\$255,090
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$244,770	\$241,400	\$235,980
Assessed Value School	\$244,770	\$241,400	\$235,980
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$194,770	\$191,400	\$185,980
Taxable Value School	\$219,770	\$216,400	\$210,980

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
12/21/2021	\$414,000	WD	--	9371/2303
03/27/2018	\$272,500	WD	--	8126/2553
10/01/2010	\$180,000	WD	--	6252/2356

Vicinity Map

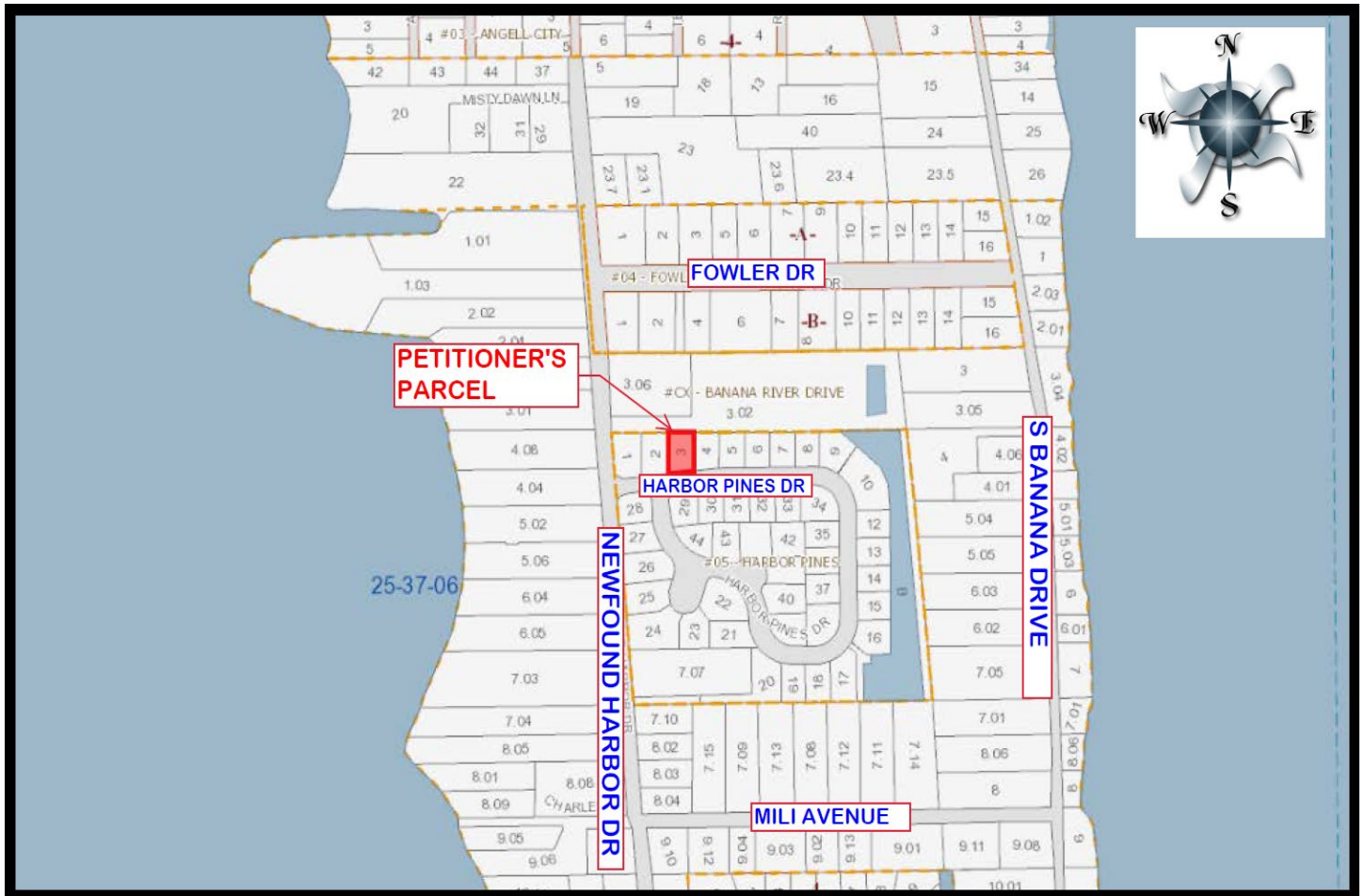


Figure 1: Map of Lot 3, Harbor Pines, 912 Harbor Pines Drive, Merritt Island, Florida, 32952.

Shawn & Jody Overdorf – 912 Harbor Pines Drive – Merritt Island, FL, 32952 – Lot 3, plat of “Harbor Pines” – Plat Book 35, Page 26 – Section 06, Township 25 South, Range 37 East – District 2 – Proposed Vacating of a 5.0 ft. portion of a 10.0 ft. Wide Public Utility & Drainage Easement

Aerial Map

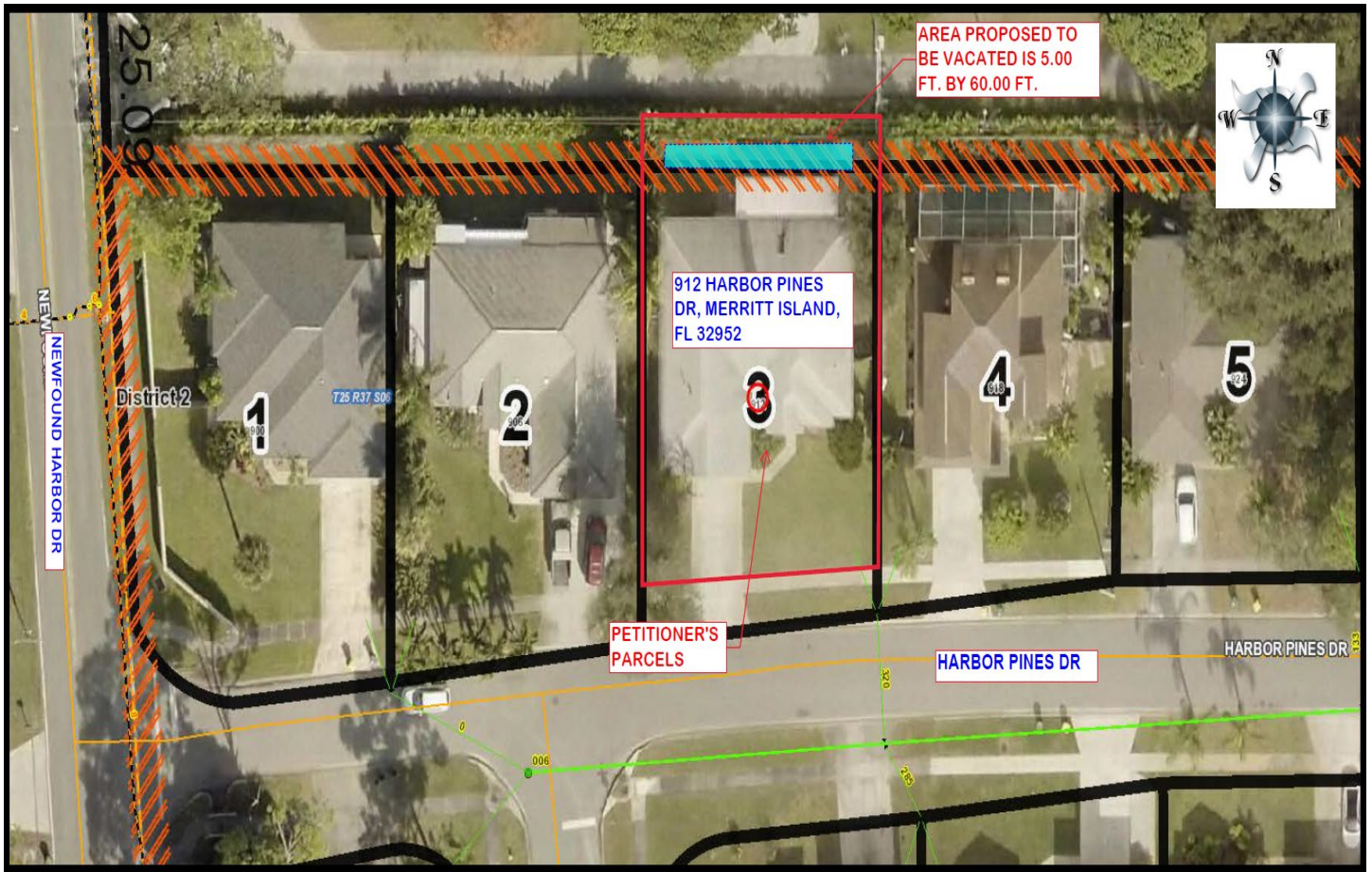


Figure 2: Aerial Map of Lot 3, Harbor Pines, 912 Harbor Pines Drive, Merritt Island, Florida, 32952.

Shawn & Jody Overdorf – 912 Harbor Pines Drive – Merritt Island, FL, 32952 – Lot 3, plat of “Harbor Pines” – Plat Book 35, Page 26 – Section 06, Township 25 South, Range 37 East – District 2 – Proposed Vacating of a 5.0 ft. portion of a 10.0 ft. Wide Public Utility & Drainage Easement

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

SHEET 1 OF 2
NOT VALID WITHOUT SHEET 2 OF 2
THIS IS NOT A SURVEY

PARENT PARCEL ID#: 25-37-06-05-*--3
SECTION 06, TOWNSHIP 25 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: VACATING PORTION OF UTILITY & DRAINAGE EASEMENT IN LOT 3, HARBOR PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 26, AS RECORDED IN PLAT BOOK 35, PAGE 26, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

THAT PORTION OF A 10 FOOT UTILITY & DRAINAGE EASEMENT LYING IN LOT 3, HARBOR PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 26, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 5.00 FEET OF THE NORTH 10.00 FEET OF SAID LOT 3, LESS AND EXCEPT THE EAST 7.50 FEET AND THE WEST 7.50 FEET.

SURVEYORS NOTES:

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SKETCH IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. BEARINGS ARE BASED ON AN ASSUMED BEARING OF SOUTH 89°59'58" EAST FOR THE NORTH LINE OF LOT 3, HARBOR PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 26, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PREPARED FOR:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS


DANIEL D. GARNER, PLS 6189
PROFESSIONAL LICENSED SURVEYOR

PREPARED BY: AAL LAND SURVEYING SERVICES, INC.
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalssurvey.com LICENSED BUSINESS #6623

DRAWN BY: DOUG W. GUARE	CHECKED BY: ANDREW W. POWSHOK	REVISION: REVISION: REVISION:	SECTION 06, TOWNSHIP 25 SOUTH, RANGE 37 EAST
DATE: 06-09-22	PROJECT # 47188	COUNTY COMMENTS 06-16-22	

Figure 4: Legal Description. Sheet 1 of 2. Section 06, Township 25 South, Range 37 East.

Sketch illustrates a 5.00-foot portion of a 10.00-foot wide public utility and drainage easement on Lot 3, Harbor Pines, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – North 89°59'58" East 60.00'; East boundary – South 00°00'02" West 5.00'; South boundary – North 89°59'58" West 60.00'; West boundary – North 00°00'02" East 5.00'. Prepared by: Daniel D. Garner, Project NO: 47188.

Comment Sheet

Applicant: Overdorf

Updated by: Amber Holley 20220708 at 15:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20220622	20220622	Yes	No objections
FL Power & Light	20220622	20220627	Yes	No objections
At&t	20220622	20220706	Yes	No objections
Charter/Spectrum	20220622	20220706	Yes	No objections
City of Cocoa	20220622	20220629	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20220622	20220707	Yes	No Objections
Land Planning	20220622	20220627	Yes	No objections
Utility Services	20220622	20220623	Yes	No objections
Storm Water	20220622	20220708	Yes	No Objections
Zoning	20220622	20220627	Yes	No objections

Public Hearing Legal Advertisement

Ad#5336433

7/18/2022

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS, PLAT OF "HARBOR PINES" IN SECTION 06, TOWNSHIP 25 SOUTH, RANGE 37 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 SHAWN & JODY OVERDORF 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 UTILITY & DRAINAGE EASEMENT LYING IN LOT 3, HARBOR PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 26, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5.00 FEET OF THE NORTH 10.00 FEET OF SAID LOT 3, LESS AND EXCEPT THE EAST 7.50 FEET AND THE WEST 7.50 FEET. CONTAINING 300 SQUARE FEET, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, 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 August 2, 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.

Figure 7: Copy of public hearing advertisement as published on July 18, 2022. See next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS, PLAT OF "HARBOR PINES" IN SECTION 06, TOWNSHIP 25 SOUTH, RANGE 37 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 **SHAWN & JODY OVERDORF** 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 UTILITY & DRAINAGE EASEMENT LYING IN LOT 3, HARBOR PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 26, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5.00 FEET OF THE NORTH 10.00 FEET OF SAID LOT 3, LESS AND EXCEPT THE EAST 7.50 FEET AND THE WEST 7.50 FEET. CONTAINING 300 SQUARE FEET, MORE OR LESS. PREPARED BY: DANIEL D. GARNER, 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 August 2, 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.