

## **Resolution 2023 -**

### **Vacating a portion of a public utility & drainage easement in plat "Port St. John Unit Eight" 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 **JOHN C. & JENNIFER A. SABO** with the Board of County Commissioners to vacate a public easement in Brevard County, Florida, described as follows:

#### **SEE ATTACHED SKETCH & DESCRIPTION**

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

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

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

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

DONE, ORDERED, AND ADOPTED, in regular session, this 7<sup>TH</sup> day of March, 2023 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Rachel Sadoff, Clerk

\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on:  
March 7, 2023

# Brevard County Property Appraiser Detail Sheet

Account 2303608

Owners SABO, JOHN C; SABO, JENNIFER A

Mailing Address 4650 ASHBURY ROAD COCOA FL 32927

Site Address 4650 ASHBURY RD COCOA FL 32927

Parcel ID 23-35-14-JZ-312-8

Property Use 0110 - SINGLE FAMILY RESIDENCE

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Taxing District 1900 - UNINCORP DISTRICT 1

Total Acres 0.24

Subdivision PORT ST JOHN UNIT 8

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0023/0070

Land Description PORT ST JOHN UNIT 8 LOT 8 BLK 312

## **VALUE SUMMARY**

<b>Category</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Market Value	\$288,510	\$238,740	\$216,430
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$116,600	\$113,210	\$111,650
Assessed Value School	\$116,600	\$113,210	\$111,650
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	\$66,600	\$63,210	\$61,650
Taxable Value School	\$91,600	\$88,210	\$86,650

## **SALES/TRANSFERS**

<b>Date</b>	<b>Price</b>	<b>Type</b>	<b>Parcel</b>	<b>Deed</b>
01/28/2005	\$243,000	WD	--	5419/0974
12/06/2002	\$147,700	WD	--	4761/2767
07/16/2002	\$17,000	WD	--	4645/2006

## Vicinity Map

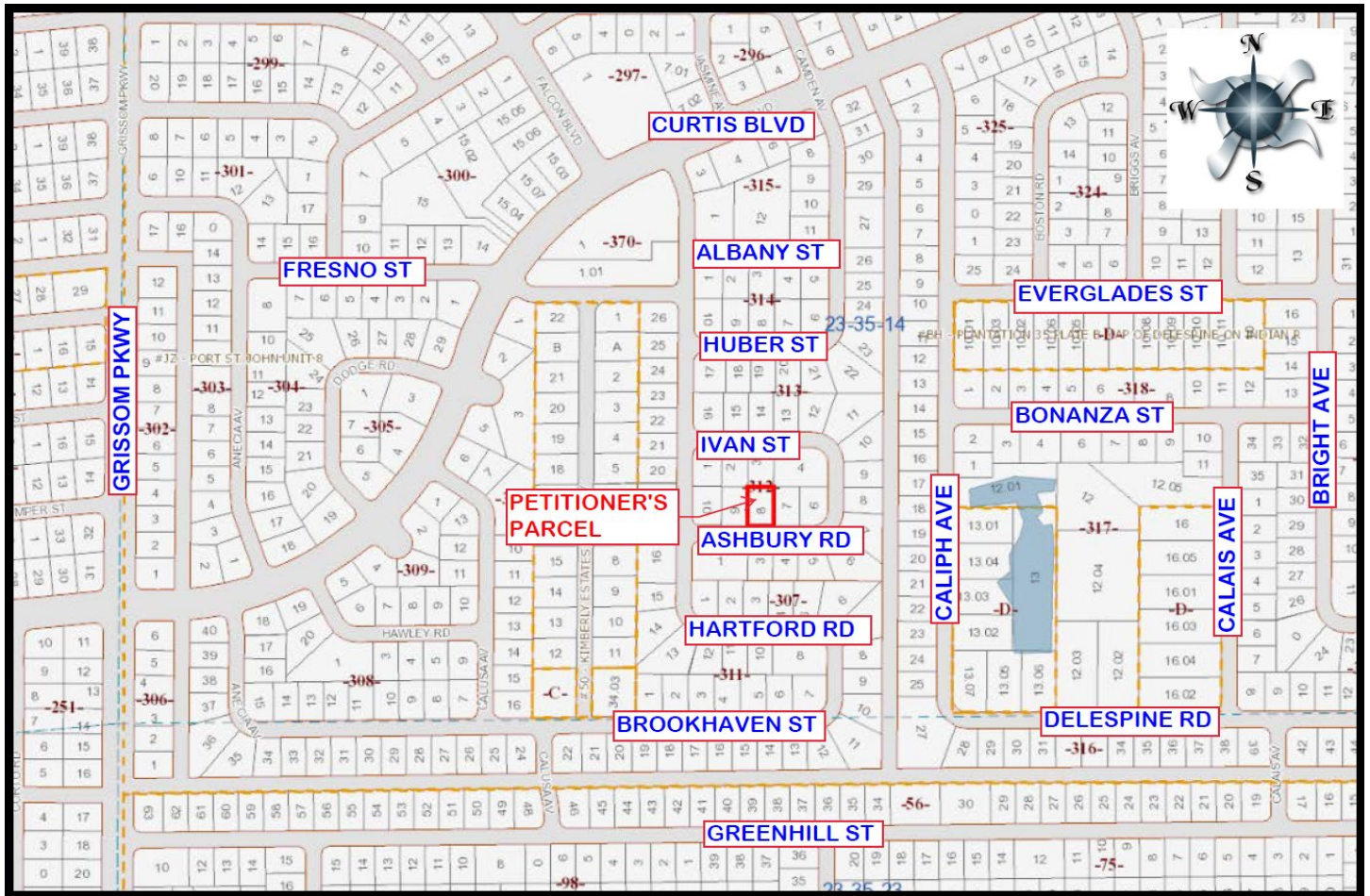


Figure 1: Map of Lot 8, Block 312, Port St. John Unit Eight, 4650 Ashbury Road, Cocoa, Florida, 32927.

John C. & Jennifer A. Sabo – 4650 Ashbury Road – Cocoa, FL, 32927 – Lot 8, Block 312, plat of “Port St. John Unit Eight” – Plat Book 23, Page 70 – Section 14, Township 23 South, Range 35 East – District 1 – Proposed Vacating of a 5.0 ft. portion of a 10.0 ft. Wide Public Utility & Drainage Easement



## Aerial Map

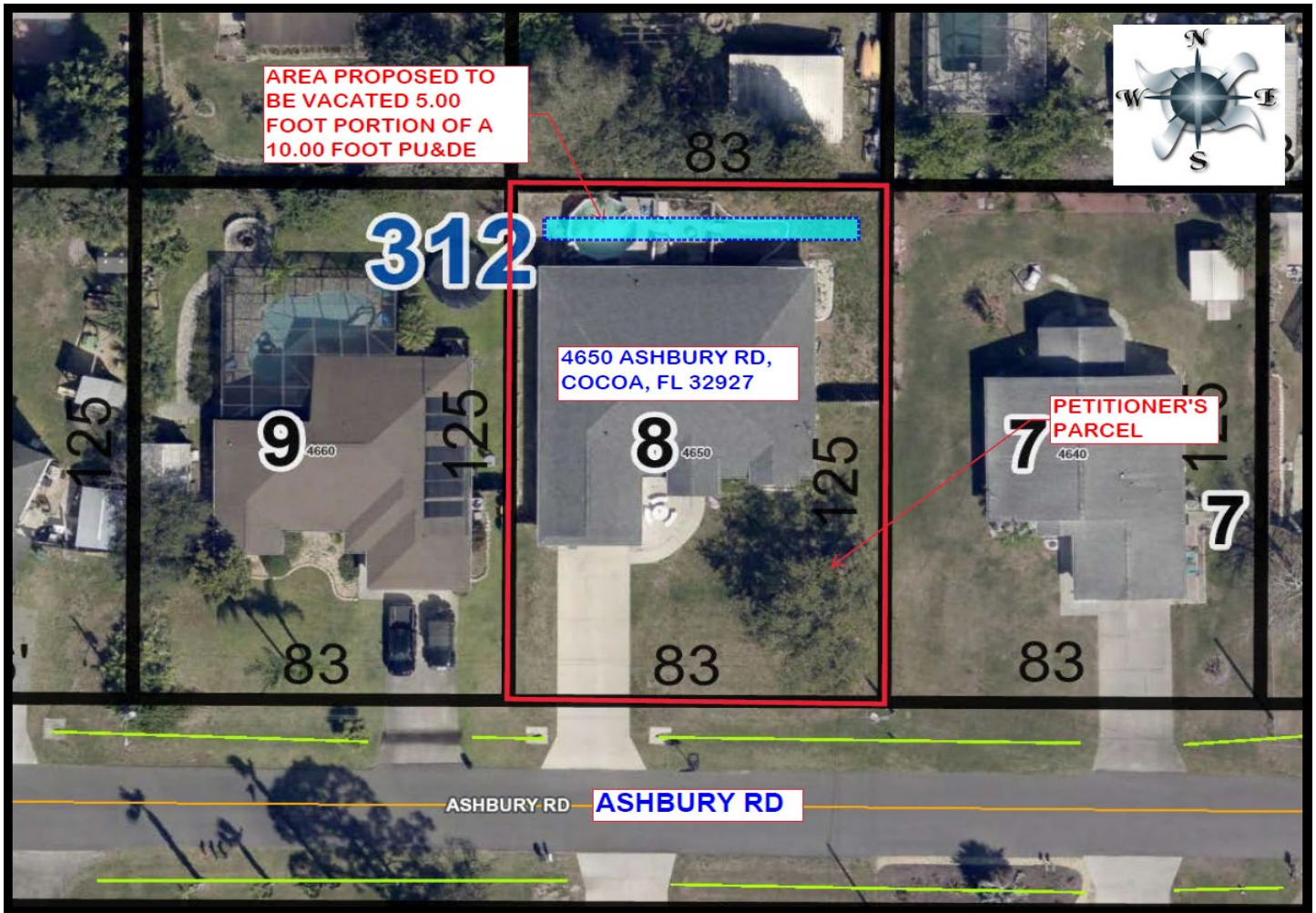


Figure 2: Aerial Map of Lot 8, Block 312, Port St. John Unit Eight, 4650 Ashbury Road, Cocoa, Florida, 32927.

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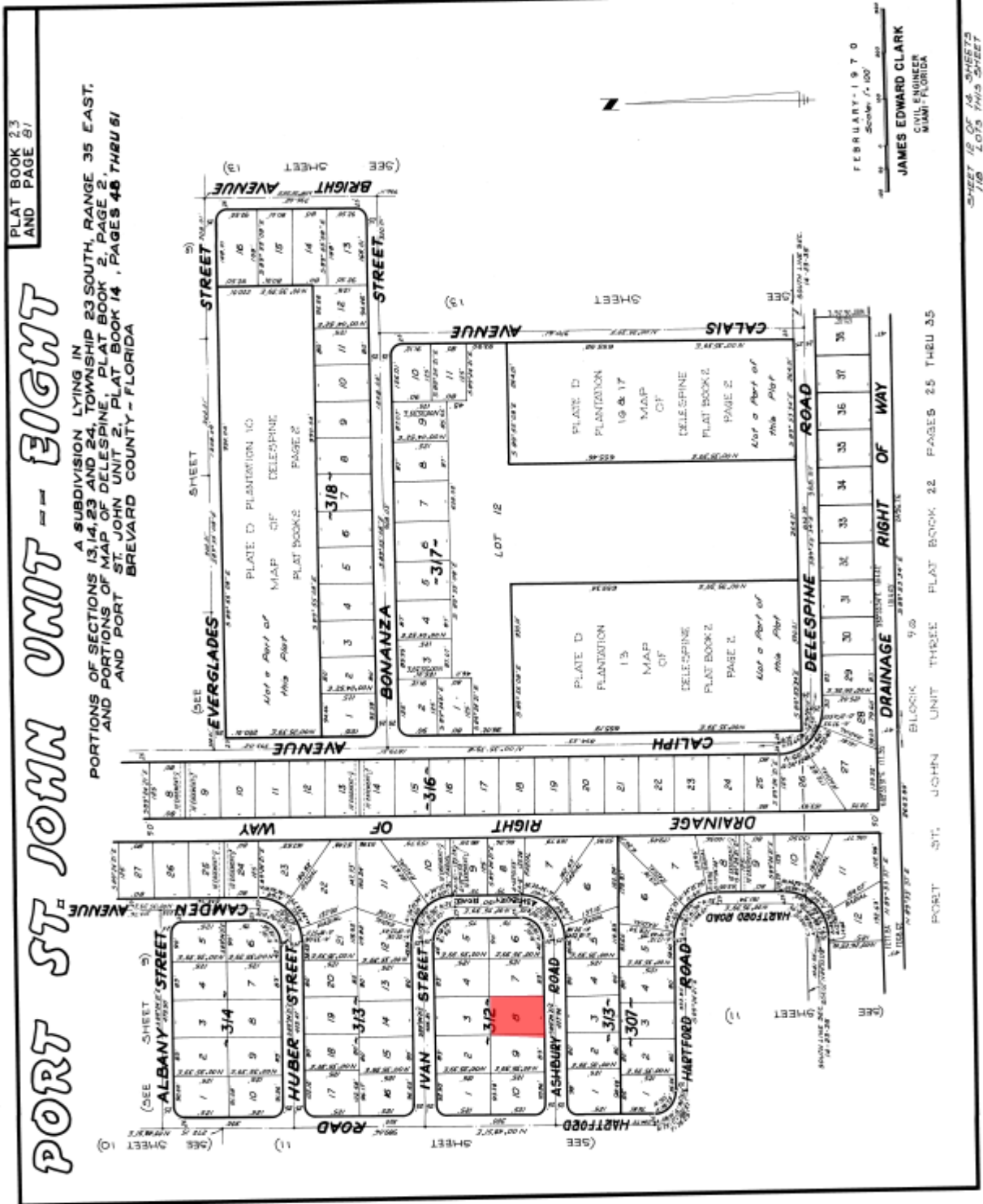


Figure 3: Copy of plat map "Port St. John Unit Eight" dedicated to Brevard County on September 30, 1970.

# Petitioner's Sketch & Description Sheet 1 of 2


LEGAL DESCRIPTION			SHEET 1 OF 2	
SECTION 14, TOWNSHIP 23 SOUTH, RANGE 35 EAST			NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2	
PARCEL ID NUMBER: 23-35-14-JZ-312-8				
PURPOSE OF DESCRIPTION: VACATE PORTION OF 10' PUBLIC DRAINAGE AND UTILITY EASEMENT.				
 <u>LEGAL DESCRIPTION:</u>				
PART OF A 10' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 5 FEET OF THE NORTH 10 FEET OF LOT 8, BLOCK 312, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70 THROUGH 83, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS & EXCEPT THE EAST 6.00 FEET AND THE WEST 6.00 FEET THEREFROM. CONTAINING 355 SQUARE FEET, 0.008 ACRES, MORE OR LESS.				
 <u>SURVEYOR'S NOTES:</u>				
<ol style="list-style-type: none"><li>1. THE INTENDED PURPOSE OF THIS SURVEY IS TO SHOW PROPOSED VACATED EASEMENT ONLY, AS SHOWN HEREON.</li><li>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.</li><li>3. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.</li><li>4. THIS SKETCH MEETS OR EXCEEDS THE MINIMAL HORIZONTAL CONTROL ACCURACY OF 1:7500 FOR A SUBURBAN SURVEY.</li><li>5. MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.</li><li>6. BEARINGS ARE REFERENCED TO THE NORTH RIGHT OF WAY LINE OF ASHBURY ROAD, AS BEING N.89°24'21"W., PER PLAT.</li><li>7. ADAMS, KISER &amp; COUTS, LLC D/B/A GAGE INDUSTRIES RESERVES THE RIGHT TO UTILIZE ANY AND ALL INFORMATION OBTAINED IN THE PREPARATION OF THIS SKETCH INCLUDING THIS SKETCH OF DESCRIPTION, FOR ANY OTHER PURPOSES.</li><li>8. THIS SKETCH MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF ADAMS, KISER &amp; COUTS, LLC D/B/A GAGE INDUSTRIES.</li><li>9. THIS DRAWING IS NOT VALID UNLESS BEARING AN ORIGINAL SIGNATURE AND LAND SURVEYOR'S SEAL.</li></ol>				
PREPARED FOR: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS			 <p>Original signed by Roger D Kiser State of Florida License No. 401910C0000017A34 Commission Expires 12/31/2023 Date: 2023/11/28 15:41:21 -05'00'</p> <p>SURVEYOR &amp; MAPPER PSM NO. 6104 NOT VALID UNLESS SIGNED AND SEALED</p>	
PREPARED BY: ADAMS, KISER & COUTS, LLC, ADDRESS: 1996 ROBI CIRCLE, TITUSVILLE, FL 32796 PHONE: 321-684-0073				
DRAWN BY: <u>SEC</u>	CHECKED BY: <u>RDK</u>	DRAWING NO.: <u>22-020</u>	SECTION <u>14</u>	
DATE: <u>11/28/2022</u>	SHEET 1 OF 2	REVISIONS: <u>1/9/2023</u>	TOWNSHIP <u>23</u> SOUTH	
			RANGE <u>35</u> EAST	

Figure 4: Legal Description. Sheet 1 of 2. Section 14, Township 23 South, Range 35 East.

## Petitioner's Sketch & Description Sheet 2 of 2

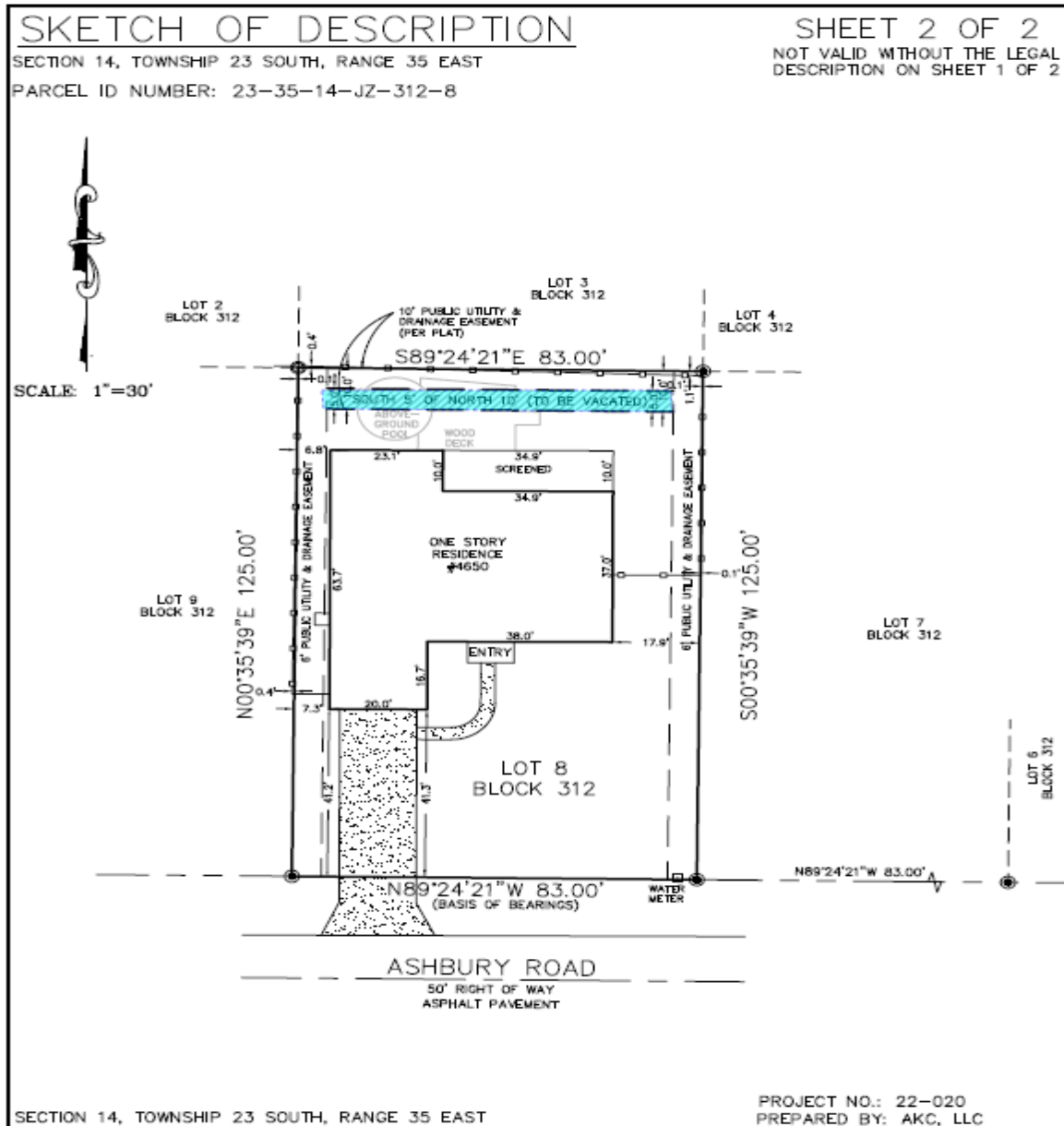


Figure 5: Sketch of description. Sheet 2 of 2. Section 14, Township 23 South, Range 35 East.

The sketch illustrates a 5.00-foot portion of a 10.00-foot wide public utility & drainage easement on Lot 8, Block 312, Port St. John Unit Eight, Cocoa, Florida. The coordinate of the North line depicted is as follows. North boundary – South 89°24'21" East 83.00'; East boundary – South 00°35'39" West 125.00'; South boundary – South 89°24'21" West 83.00'; West boundary – North 00°35'39" East 125.00'. Prepared by: Roger D. Kiser, PSM.



# Boundary Survey with Proposed Pool

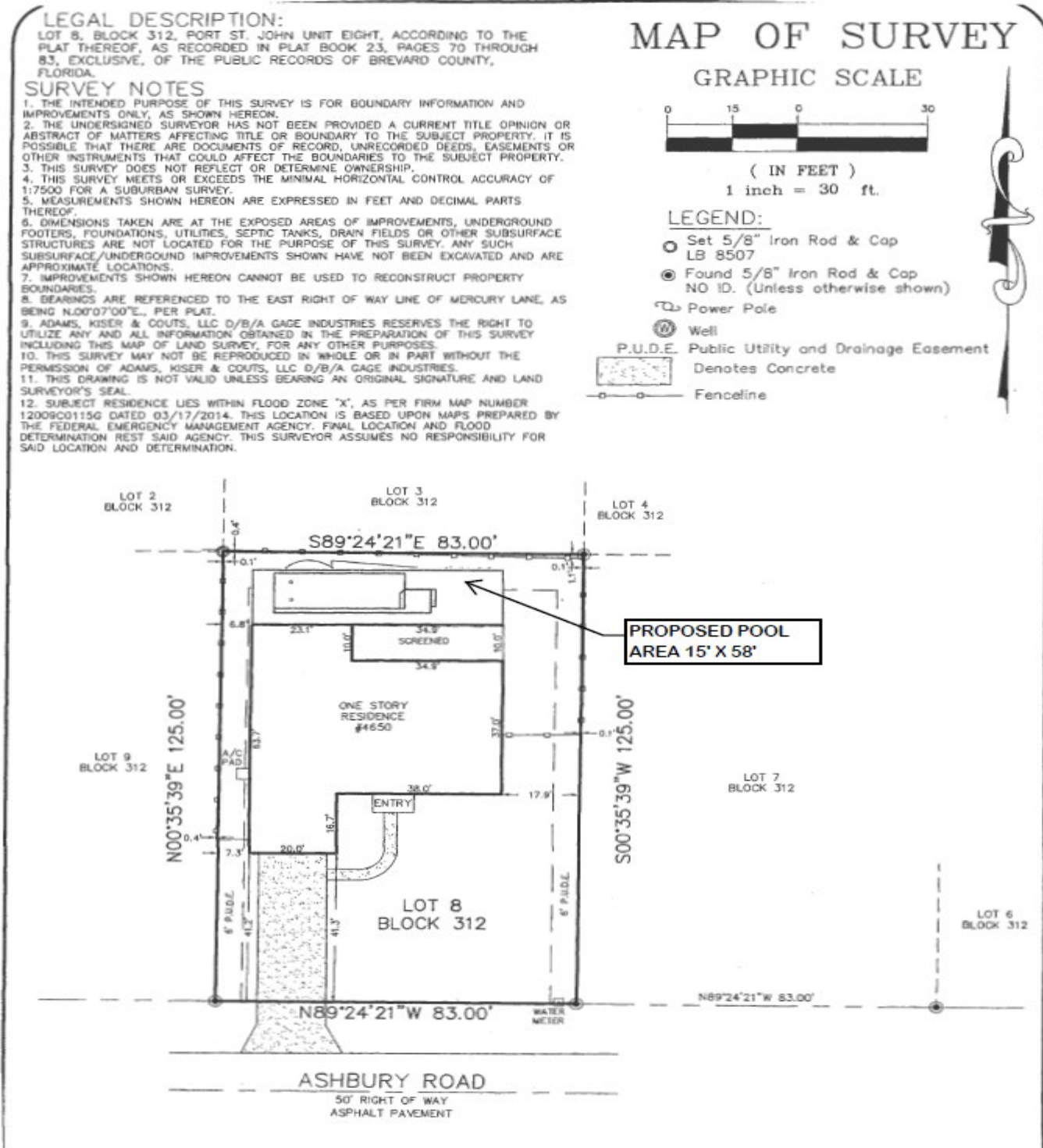


Figure 6: Boundary Survey with proposed pool on Lot 8, Block 312, Port St. John Unit Eight, 4650 Ashbury Road, Cocoa, FL, 32927.

The sketch illustrates a detail of the pool proposed to be constructed within the 5.00-foot portion to be vacated of a 10.00-foot wide public utility & drainage easement on Lot 8, Block 312, Port St. John Unit Eight, Cocoa, Florida.



# Comment Sheet

Applicant: Sabo

Updated by: Amber Holley 20230131 at 1630 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20230112	20230112	Yes	No objections
FL Power & Light	20230112	20230119	Yes	No objections
At&t	20230112	20230117	Yes	No objections
Charter/Spectrum	20230112	20230112	Yes	No objections
City of Cocoa	20230112	20230113	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20230112	20230131	Yes	No objections
Land Planning	20230112	20230125	Yes	No objections
Utility Services	20230112	20230117	Yes	No objections
Storm Water	20230112	20230112	Yes	No objections
Zoning	20230112	20230125	Yes	No objections

# Public Hearing Legal Advertisement

AD#5597538

2/20/2023

## LEGAL NOTICE

### **NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY & 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 JOHN C. & JENNIFER A. SABO with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**PART OF A 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**THE SOUTH 5.00 FEET OF THE NORTH 10.00 FEET OF LOT 8, BLOCK 312, PORT ST. JOHN UNIT EIGHT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 70 THROUGH 83, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS & EXCEPT THE EAST 6.00 FEET AND THE WEST 6.00 FEET THEREFROM. CONTAINING 355 SQUARE FEET, 0.008 ACRES, MORE OR LESS. PREPARED BY: ROGER D. KISER, 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 **March 7, 2023**, at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

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

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

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

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

# Legal Notice Text

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