

Resolution 2023 -

Vacating a portion of a public utility & drainage easement in plat "Crane Creek Unit One" Subdivision, Melbourne, Florida, lying in Section 10, Township 26 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **STEVEN & CARRIE ANN BROZNY** 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 7TH 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 2601335-3017342

Owners BROZNY, STEVEN; BROZNY, CARRIE ANN

Mailing Address 2004 BLUE HERON DR MELBOURNE FL 32940

Site Address 2004 BLUE HERON DR MELBOURNE FL 32940

Parcel ID 26-36-10-25-A-24 and 26-36-10-25-*-B.04

Property Use 0110 - SINGLE FAMILY RESIDENCE

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Taxing District 4200 - UNINCORP DISTRICT 4

Total Acres 0.18 (0.06)

Subdivision CRANE CREEK UNIT 1

Site Code 0895 - BACKS UP TO I-95

Plat Book/Page 0035/0098

Land Description CRANE CREEK UNIT 1 LOT 24 BLK A and CRANE CREEK UNIT 1 PART OF TRACT B LYING W & ADJ TO LOT 24 BLK A OF PB 35 PG 98 AS DESC IN

ORB 6549 PG 48

VALUE SUMMARY

Category	2022	2021	2020
Market Value	\$313,760	\$240,900	\$215,840
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$224,410	\$217,880	\$214,880
Assessed Value School	\$224,410	\$217,880	\$214,880
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	\$174,410	\$167,880	\$164,880
Taxable Value School	\$199,410	\$192,880	\$189,880

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/26/2018	\$260,000	WD	--	8212/2674
06/08/2016	\$190,000	WD	--	7637/0611
02/28/1993	\$93,300	WD	--	3270/1379

Vicinity Map

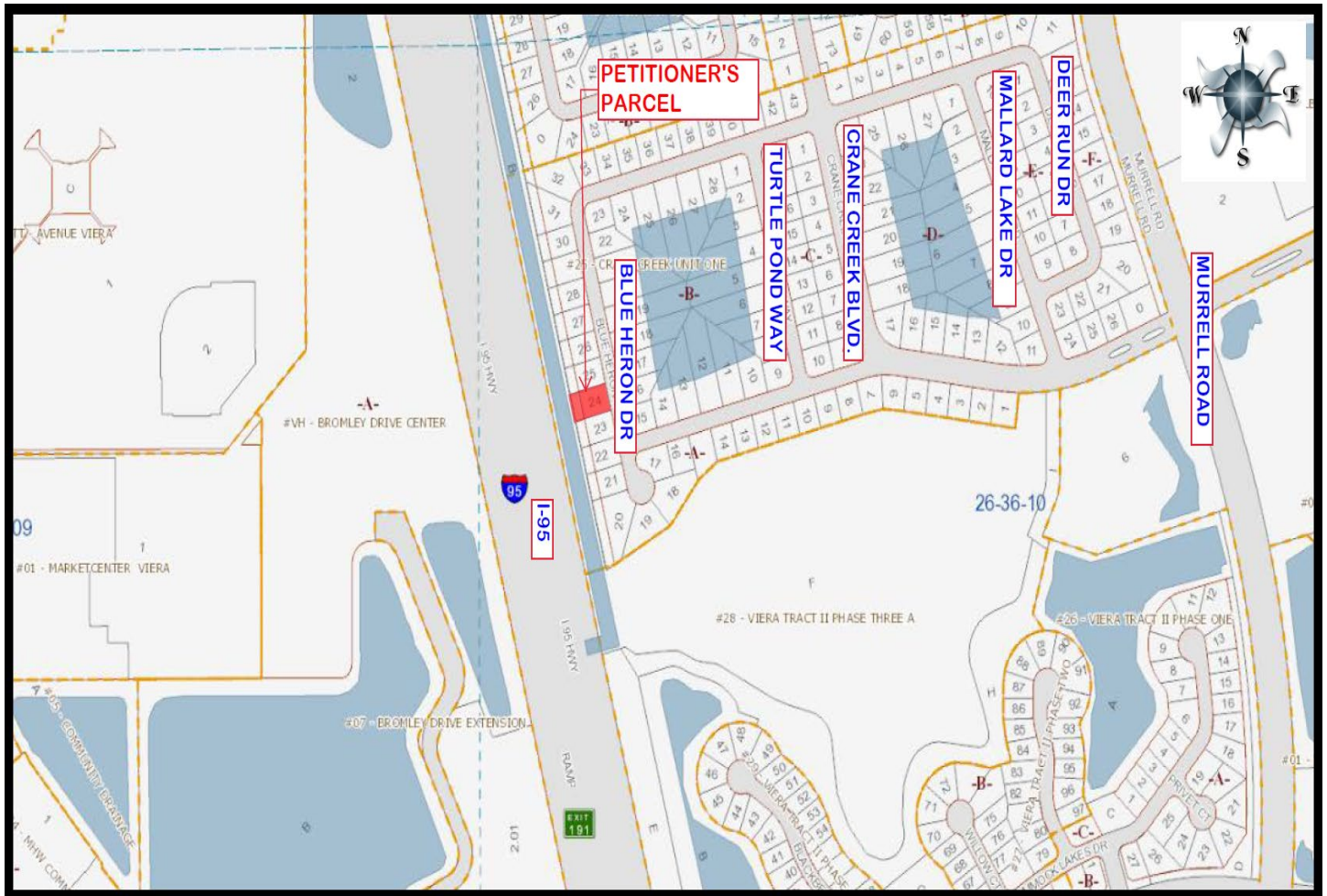


Figure 1: Map of Lot 24, Block A, and a portion of Tract B, Crane Creek Unit One, 2004 Blue Heron Drive, Melbourne, Florida, 32940.

Steven & Carrie Ann Brozny – 2004 Blue Heron Drive – Melbourne, FL, 32940 – Lot 24, Block A, plat of “Crane Creek Unit 1” – Plat Book 35, Page 98 – Section 10, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a 7.5 ft. Wide Public Utility & Drainage Easement

Aerial Map



Figure 2: Aerial Map of Lot 24, Block A, and a portion of Tract B, Crane Creek Unit One, 2004 Blue Heron Drive, Melbourne, Florida, 32940.

Steven & Carrie Ann Brozny – 2004 Blue Heron Drive – Melbourne, FL, 32940 – Lot 24, Block A, plat of “Crane Creek Unit 1” – Plat Book 35, Page 98 – Section 10, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a 7.5 ft. Wide Public Utility & Drainage Easement

Crane Creek Unit One

A Subdivision lying in Sections 3 and 10,
Township 26 South, Range 36 East, Brevard County, Florida.

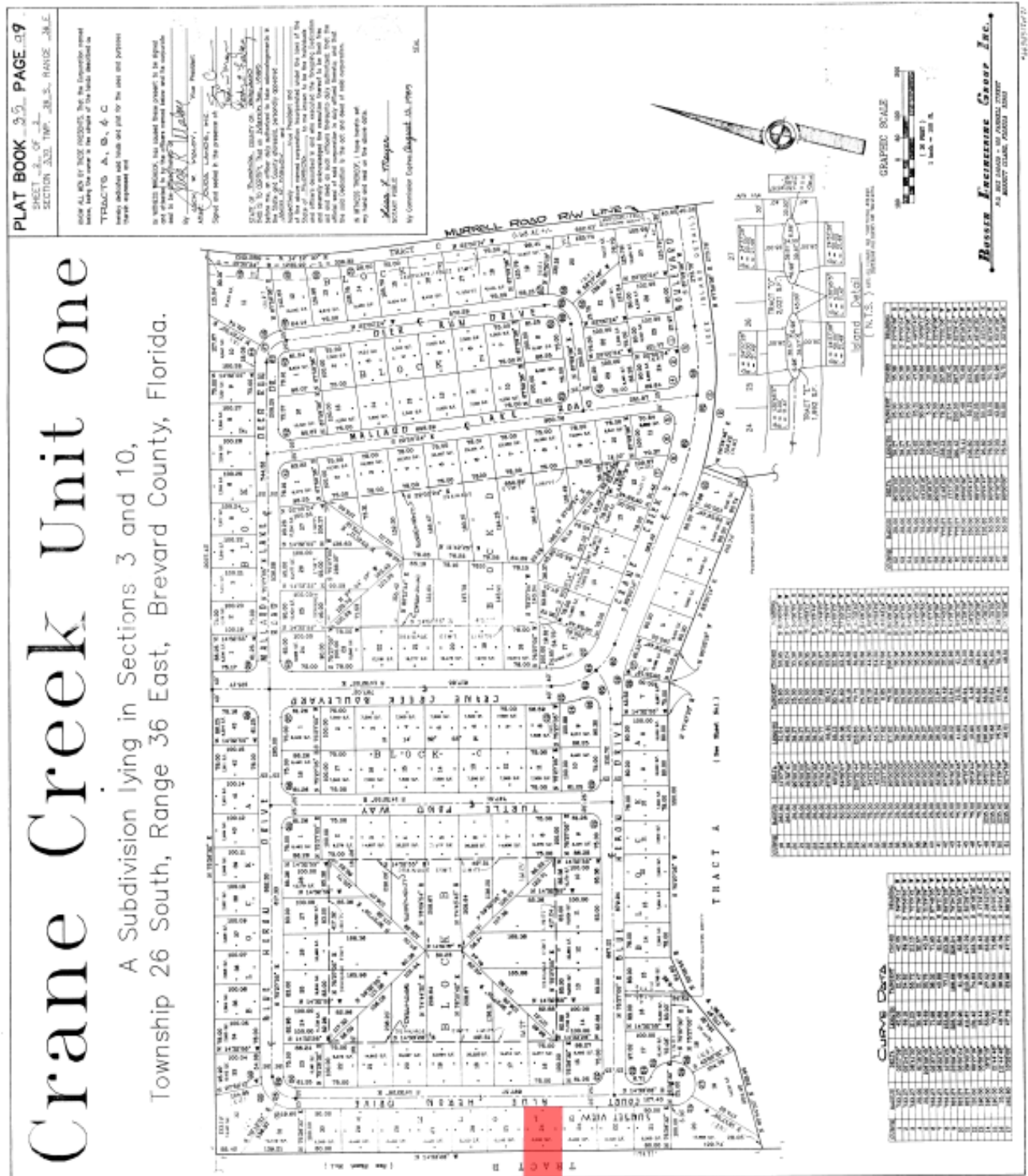


Figure 3: Copy of plat map of “Crane Creek Unit One” dedicated to Brevard County on March 23, 1989.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 26 S, RANGE 36 E
PARCEL ID: 26-36-10-25-A-24
PURPOSE OF DESCRIPTION: VACATE EASEMENT

SHEET 1 OF 2
NOT VALID WITHOUT
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 24, BLOCK A, CRANE CREEK UNIT ONE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE(S) 98 AND 99, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 24, BLOCK A; THENCE SOUTH 14°33'28" EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 14°33'28" EAST, ALONG THE WEST LINE OF SAID LOT 24, BLOCK A, A DISTANCE OF 65.00 FEET; THENCE NORTH 75°26'32" EAST A DISTANCE OF 7.50 FEET; THENCE NORTH 14°33'28" WEST A DISTANCE OF 65.00 FEET; THENCE SOUTH 75°26'32" WEST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 487 SQUARE FEET.

NOTES:

1. THIS IS NOT A SURVEY!
2. LEGAL DESCRIPTION CREATED TO VACATE EASEMENT.
3. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE.
4. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY.
5. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORDED AND MEASURED UNLESS OTHERWISE NOTED.
6. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
7. THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF LOT 24, HAVING A BEARING OF S14°33'28"E.

FLOOD ZONE: X
COMMUNITY NUMBER: 125092
PANEL: 12009C0505
SUFFIX: G
BASE FLOOD ELEVATION: NAVD88
FIRM DATE: 3/17/2014
FIRM EFFECT./REV DATE: 3/17/2014

THIS IS TO CERTIFY THAT THE SPECIFIC PURPOSE SURVEY SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS:

1. REVISED CERTIFICATION & LAYOUT: 09-13-2022
2. ADDRESS COMMENTS: 09-22-2022

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
www.compassurveying.net
**COMPASS
SURVEYING**
LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

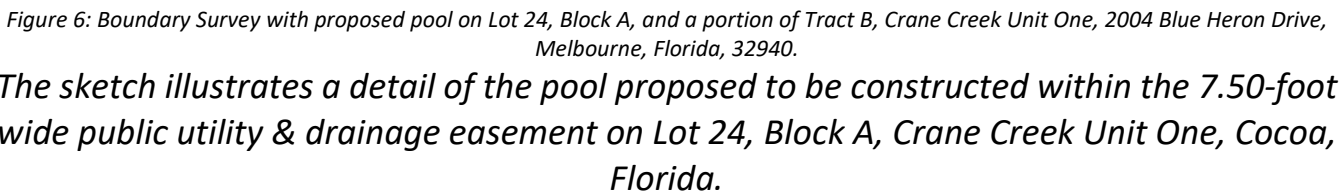
**SPECIFIC PURPOSE SURVEY TO
VACATE EASEMENT**

PREPARED FOR
BREVARD COUNTY
BOARD OF COUNTY
COMMISSIONERS

Figure 4: Legal Description. Sheet 1 of 2. Section 10, Township 26 South, Range 36 East.

The sketch illustrates a 7.50-foot wide public utility & drainage easement on Lot 24, Block A, Crane Creek Unit One, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 75°26'32" East 133.69'; East boundary – South 14°33'28" West 80.00'; South boundary – South 75°26'32" West 133.58'; West boundary – North 14°33'28" West 80.00'. Prepared by: Kenneth J. Osborne, PSM.

2004 BLUE HERON DRIVE
MELBOURNE, FL. 32940
PREPARED FOR
STEVEN & CARRIE ANN BRONZY



Comment Sheet

Applicant: Brozny

Updated by: Amber Holley 20221104 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20221020	20221104	Yes	No Objection
FL Power & Light	20221020	20221024	Yes	No Objections
At&t	20221020	20221020	Yes	No objections
Charter/Spectrum	20221020	20221021	Yes	No objections
City of Melbourne	20221020	20221020	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20221020	20221104	Yes	No objections
Land Planning	20221020	20221027	Yes	No objections
Utility Services	20221020	20221021	Yes	No objections
Storm Water	20221020	20221104	Yes	No objection with easement extended
Zoning	20221020	20221027	Yes	No objections

Public Hearing Legal Advertisement

Ad#5596096

02/20/2023

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 7.5 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT "CRANE CREEK UNIT ONE" IN SECTION 10, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, 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 **STEVEN & CARRIE ANN BROZNY** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF A 7.5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 24, BLOCK A, CRANE CREEK UNIT ONE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE(S) 98 AND 99, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 24, BLOCK A; THENCE SOUTH 14°33'28" EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 14°33'28" EAST, ALONG THE WEST LINE OF SAID LOT 24, BLOCK A, A DISTANCE OF 65.00 FEET; THENCE NORTH 75°26'32" EAST A DISTANCE OF 7.50 FEET; THENCE NORTH 14°33'28" WEST A DISTANCE OF 65.00 FEET; THENCE SOUTH 75°26'32" WEST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 487 SQUARE FEET. PREPARED BY: KENNETH J. OSBORNE, 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

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 7.5 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT "CRANE CREEK UNIT ONE" IN SECTION 10, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

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COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 24, BLOCK A; THENCE SOUTH 14°33'28" EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 14°33'28" EAST, ALONG THE WEST LINE OF SAID LOT 24, BLOCK A, A DISTANCE OF 65.00 FEET; THENCE NORTH 75°26'32" EAST A DISTANCE OF 7.50 FEET; THENCE NORTH 14°33'28" WEST A DISTANCE OF 65.00 FEET; THENCE SOUTH 75°26'32" WEST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 487 SQUARE FEET. PREPARED BY: KENNETH J. OSBORNE, PSM.

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

Prepared by and return to: Lisa J. Kruse
Public Works Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in Tax Parcel ID: 26-36-10-25-*-B.04

UTILITY AND DRAINAGE EASEMENT

THIS INDENTURE, made this 3rd day of February, 2023, between Steven Brozny and Carrie Ann Brozny, husband and wife, whose address is 2004 Blue Heron Drive, Melbourne, Florida 32940, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, for the use and benefit of Brevard County, Florida.

WITNESSETH that the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of constructing, reconstructing, reconfiguring, and maintaining utilities, drainage facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 10, Township 26 South, Range 36 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does covenant with the second party 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.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Christine Verrett

Witness

CHRISTINE VERRETT

Print Name

[Signature]

Witness

Lucy Hamelers

Print Name

Steven Brozny

Steven Brozny

Carrie Ann Brozny

Carrie Ann Brozny

STATE OF FLORIDA

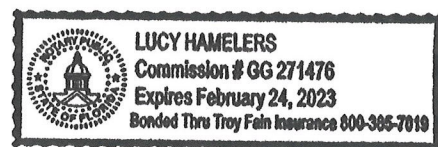
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 3rd day of February, 2023, by Steven Brozny and Carrie Ann Brozny, husband and wife. Is ☐ personally known or ☐ produced Driver License as identification.

[Signature]

Notary Signature

SEAL



LEGAL DESCRIPTION

PARCEL #800

SECTION 10, TOWNSHIP 26 S, RANGE 36 E

PARCEL ID: 26-36-10-25-*B.04

PURPOSE OF DESCRIPTION: UTILITY AND DRAINAGE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 800, UTILITY AND DRAINAGE EASEMENT (PREPARED BY SURVEYOR)

A PORTION OF TRACT "B", CRANE CREEK, UNIT ONE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE(S) 98 AND 99, AND A PORTION OF OFFICIAL RECORDS BOOK 8721, PAGE 338 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 24, BLOCK A OF SAID PLAT OF CRANE CREEK, UNIT ONE; THENCE SOUTH 75°26'32" WEST ALONG THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 24, A DISTANCE OF 33.56 FEET TO AN INTERSECTION WITH THE EAST FACE OF A 1.4 FOOT WIDE SOUND ABATEMENT WALL; THENCE CONTINUING ALONG THE EAST FACE OF SAID WALL

SOUTH 14°33'13" EAST A DISTANCE OF 80.00 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 24; THENCE NORTH 75°26'32" EAST ALONG SAID SOUTHWESTERLY EXTENSION, A DISTANCE OF 33.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24 AND THE EAST LINE OF TRACT "B"; THENCE NORTH 14°33'28" WEST, ALONG THE WEST LINE OF LOT 24, BLOCK A, A DISTANCE OF 7.50 FEET TO A POINT; THENCE SOUTH 75°26'32" WEST A DISTANCE OF 26.09 FEET TO A POINT; THENCE NORTH 14°38'34" WEST A DISTANCE OF 65.00 FEET TO A POINT; THENCE NORTH 75°26'32" EAST A DISTANCE OF 26.18 FEET TO A POINT; THENCE NORTH 14°33'28" WEST, ALONG THE WEST LINE OF SAID LOT 24, BLOCK A, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING;
CONTAINING IN ALL 987 SQUARE FEET OR 0.2 ACRES, MORE OR LESS;

SURVEYORS NOTES:

1. THIS IS NOT A SURVEY!
2. LEGAL DESCRIPTION CREATED TO VACATE EASEMENT.
3. I HAVE REVIEWED CHICAGO TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE COMMITMENT NUMBER: 10793717, ISSUING OFFICE FILE NUMBER: BROZNY, DATED: 10/04/2022. ALL POLICY AND TITLE SEARCH ITEMS HAVE BEEN ABSTRACTED AND ALL THAT APPLY ARE SHOWN HEREON.
4. THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF TRACT "B", HAVING A BEARING OF S14°33'13"E.
5. REFERENCE COMPASS SURVEYING SURVEY #C19151, DATE OF FIELD WORK: 05-13-2020.

THIS IS TO CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.



PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: COMPASS SURVEYING
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407

PHONE: 561.640.4800 FAX: 561.640.0576
www.compasssurveying.net LB.7463

DRAWN BY: K.M.

CHECKED BY: D.D.

PROJECT NO. C19151

REVISIONS

DATE

DESCRIPTION

DATE: 12-27-2022

DRAWING: C19151

SECTION 10
TOWNSHIP 26 SOUTH
RANGE 36 EAST

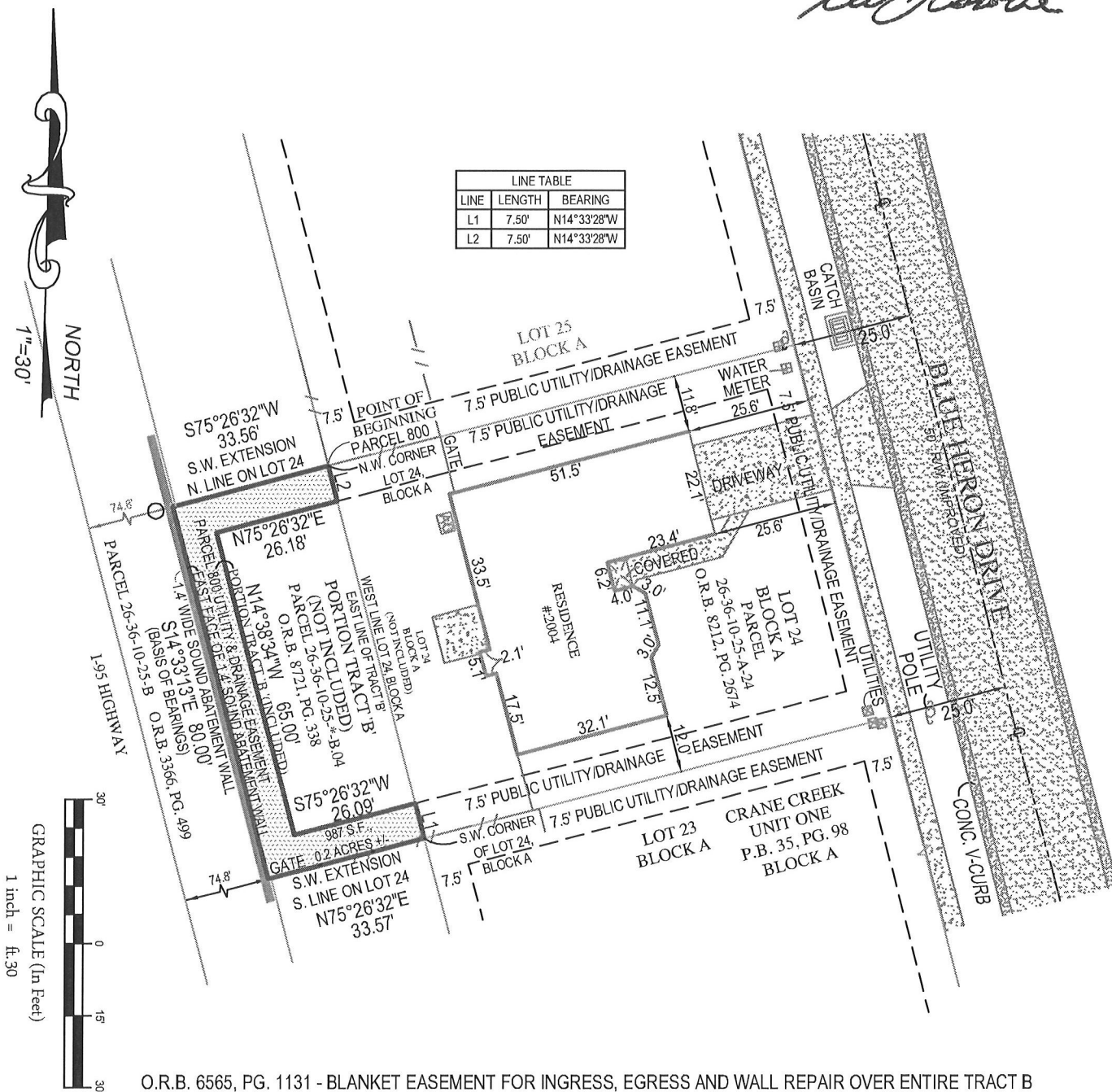
PARCEL #800

PURPOSE OF DESCRIPTION: UTILITY AND DRAINAGE EASEMENT

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

Ken Kline



O.R.B. 6565, PG. 1131 - BLANKET EASEMENT FOR INGRESS, EGRESS AND WALL REPAIR OVER ENTIRE TRACT B

PREPARED BY: COMPASS SURVEYING
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800 FAX: 561.640.0576
www.compassurveying.net LB.7463

SCALE: 1"=30'

PROJECT NO.: C191

SECTION 10
TOWNSHIP 26 SOUTH
RANGE 36 EAST