

Resolution 2023 -

Vacating a portion of a public utility & drainage easement in plat "Whispering Woods Phase I" Subdivision, Titusville, Florida, lying in Section 33, Township 22 South, Range 35 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **MICHAEL A. & DANA D. ST. JEAN** 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 4TH day of April, 2023 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on:
April 4, 2023

Brevard County Property Appraiser Detail Sheet

Account 2217802

Owners ST JEAN, MICHAEL A; ST JEAN, DANA D

Mailing Address 1710 MISTY WAY TITUSVILLE FL 32780

Site Address 1710 MISTY WAY TITUSVILLE FL 32780

Parcel ID 22-35-33-55-*-27

Property Use 0110 - SINGLE FAMILY RESIDENCE

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Taxing District 1300 - UNINCORP DISTRICT 1

Total Acres 0.49

Subdivision WHISPERING WOODS PHASE I

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0037/0004

Land Description WHISPERING WOODS PHASE I LOT 27

VALUE SUMMARY

Category	2022	2021	2020
Market Value	\$388,060	\$301,820	\$294,590
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$325,840	\$301,820	\$162,090
Assessed Value School	\$325,840	\$301,820	\$162,090
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	\$275,840	\$251,820	\$112,090
Taxable Value School	\$300,840	\$276,820	\$137,090

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/28/2021	\$445,000	WD	--	9210/2526
03/24/2020	\$352,500	WD	--	8700/2526
07/30/1998	\$22,500	WD	--	3878/2195

Vicinity Map

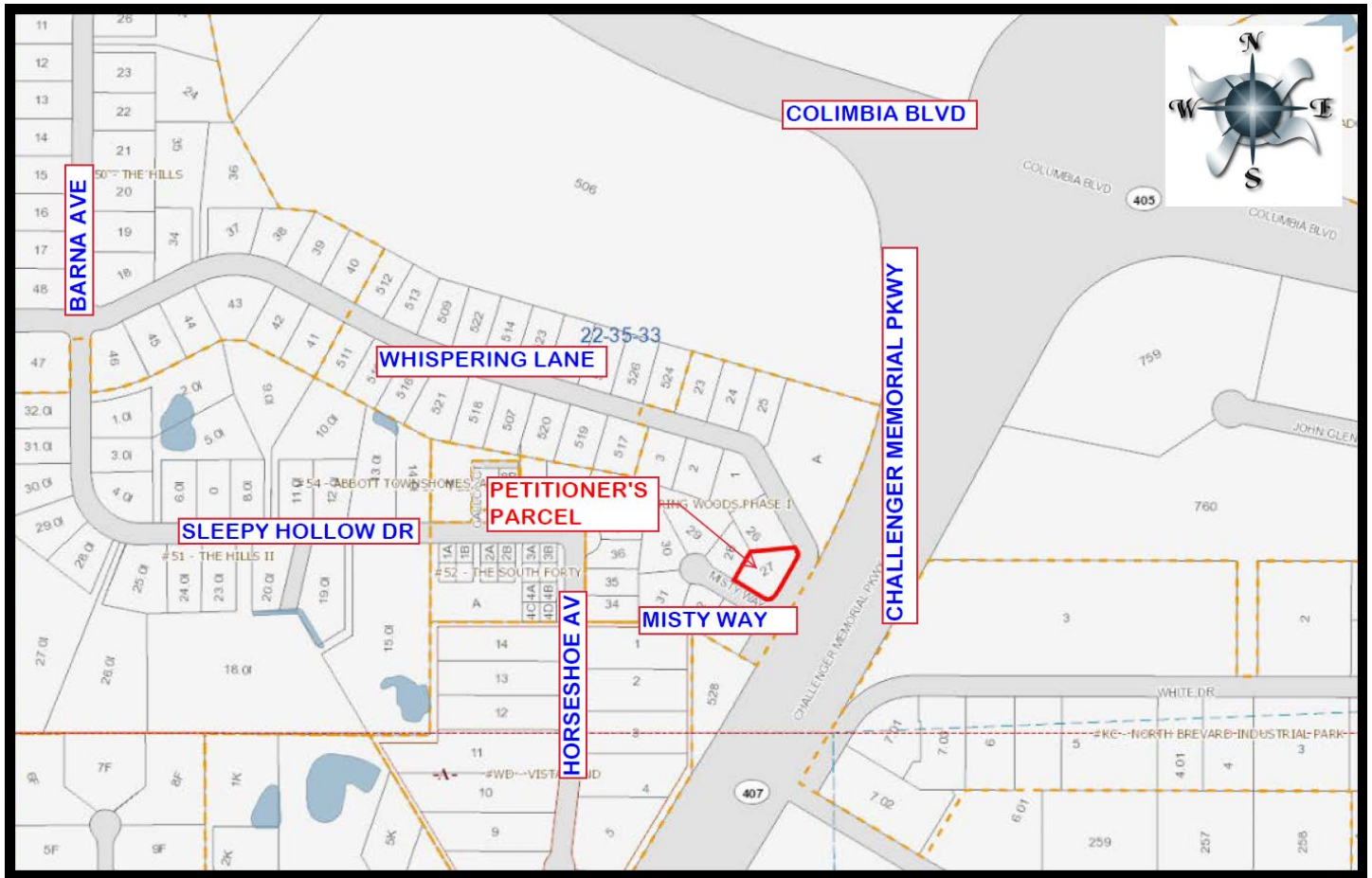


Figure 1: Map of Lot 27, Whispering Woods Phase I, 1710 Misty Way, Titusville, Florida, 32780.

Michael A. & Dana D. St. Jean – 1710 Misty Way – Titusville, FL, 32780 – Lot 27, plat of “Whispering Woods Phase I” – Plat Book 37, Page 4 – Section 33, Township 22 South, Range 35 East – District 1 – Proposed Vacating of a 1.0 ft. by 40.00 ft. portion of a 10.0 ft. Wide Public Utility & Drainage Easement

AREA PROPOSED TO BE VACATED 1.00 FOOT BY 40.00 FOOT PORTION OF A 10.00 FOOT PU&DE

PETITIONER'S PARCEL

1710 MISTY WAY, TITUSVILLE, FL 32780

MISTY WAY

WHISPERING LANE

CHALLENGER MEMORIAL PKWY

Figure 2: Aerial Map of Lot 27, Whispering Woods Phase I, 1710 Misty Way, Titusville, Florida, 32780.

Michael A. & Dana D. St. Jean – 1710 Misty
Way – Titusville, FL, 32780 – Lot 27, plat of
“Whispering Woods Phase I” – Plat Book 37,
Page 4 – Section 33, Township 22 South,
Range 35 East – District 1 – Proposed
Vacating of a 1.0 ft. by 40.00 ft. portion of a
10.0 ft. Wide Public Utility & Drainage
Easement

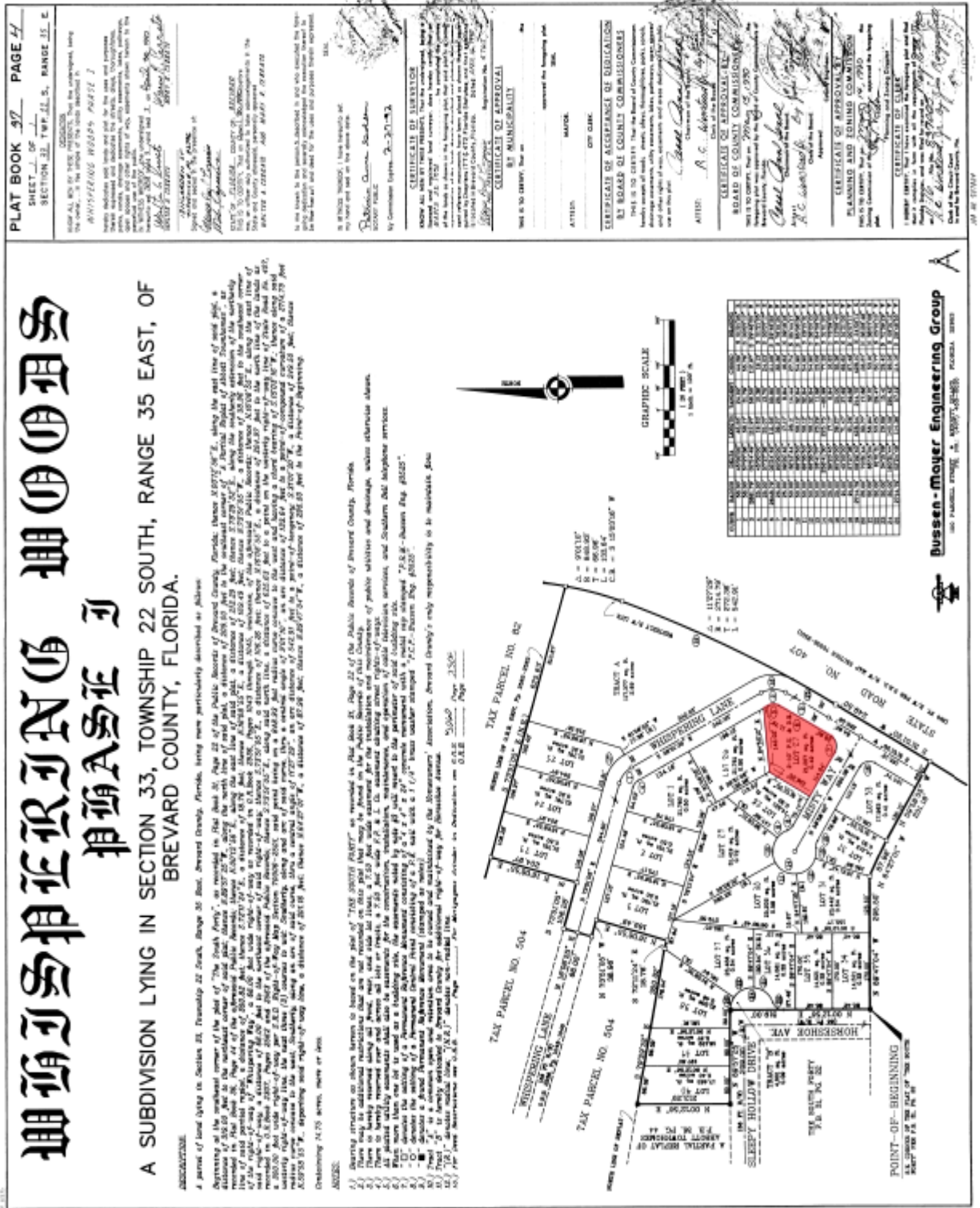


Figure 3: Copy of plat map "Whispering Woods Phase I" dedicated to Brevard County on May 16, 1990.

Petitioner's Sketch & Description Sheet 1 of 3

J.O.# 36828-1

LEGAL DESCRIPTION

SECTION 33, T.22S., R.35E.
PETITIONER'S PARCEL ID
NO. 22-35-33-55-A-27

SHEET 1 OF 3 NOT VALID
WITHOUT SHEETS 2 AND 3

PURPOSE OF SKETCH AND DESCRIPTION: EASEMENT VACATING

LEGAL DESCRIPTION:

A 1.0 FOOT BY 40.0 FOOT PORTION OF THE 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON THE SOUTH SIDE OF THE NORTH LINE OF LOT 27, WHISPERING WOODS PHASE I, AS RECORDED IN PLAT BOOK 37, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 27; THENCE S. 32°04'54" E., 11.22 FEET TO THE POINT OF INTERSECTION OF THE WESTERLY AND SOUTH LINES OF SAID 10.0 FOOT EASEMENT AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N. 5°06'48" W., 1.00 FOOT; THENCE N. 84°53'12" E. PARALLEL WITH SAID SOUTH LINE OF EASEMENT, 40.00 FEET; THENCE S. 5°06'48" E., 1.00 FOOT TO SAID SOUTH LINE; THENCE 84°53'12" W. ALONG SAID SOUTH LINE 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 40 SQUARE FEET MORE OR LESS

THIS CERTIFIES THAT THE FOREGOING SKETCH AND LEGAL DESCRIPTION MEET THE APPLICABLE MINIMUM STANDARDS ESTABLISHED PURSUANT TO FLORIDA STATUTES 472.027 AND ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT REPRESENT A FIELD SURVEY, BUT ARE BASED ON INFORMATION FROM PUBLIC RECORDS WHICH MAY DIFFER.

THIS IS NOT A SURVEY

JOHN T. HOLLEY, P.S.M. #5050
("NOT VALID WITHOUT THE ORIGINAL SIGNATURE
AND RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.")

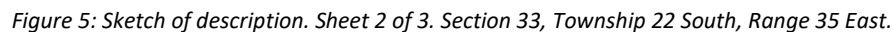
02/09/23

HOLLEY & ASSOCIATES INC.

REGISTERED LAND SURVEYORS L.B.#4595
1846 ROBIN HOOD AVE., TITUSVILLE, FL.
P.O. BOX 1975, 32781
321-267-6113

Figure 4: Legal Description. Sheet 1 of 3. Section 33, Township 22 South, Range 35 East.

J.O.# 36828-2



The sketch illustrates a 1.00-foot by 40.00-foot portion of a 10.00-foot wide public utility & drainage easement on Lot 27, Whispering Woods Phase I, Titusville, Florida. The coordinate of the North line depicted is as follows. North boundary – North 84°53'12" East 40.00'; East boundary – South 05°06'48" East 1.00'; South boundary – South 84°53'12" West 40.00'; West boundary – North 05°06'48" West 1.00'. Prepared by: John T. Holley, PSM.

Petitioner's Sketch & Description: 3 of 3

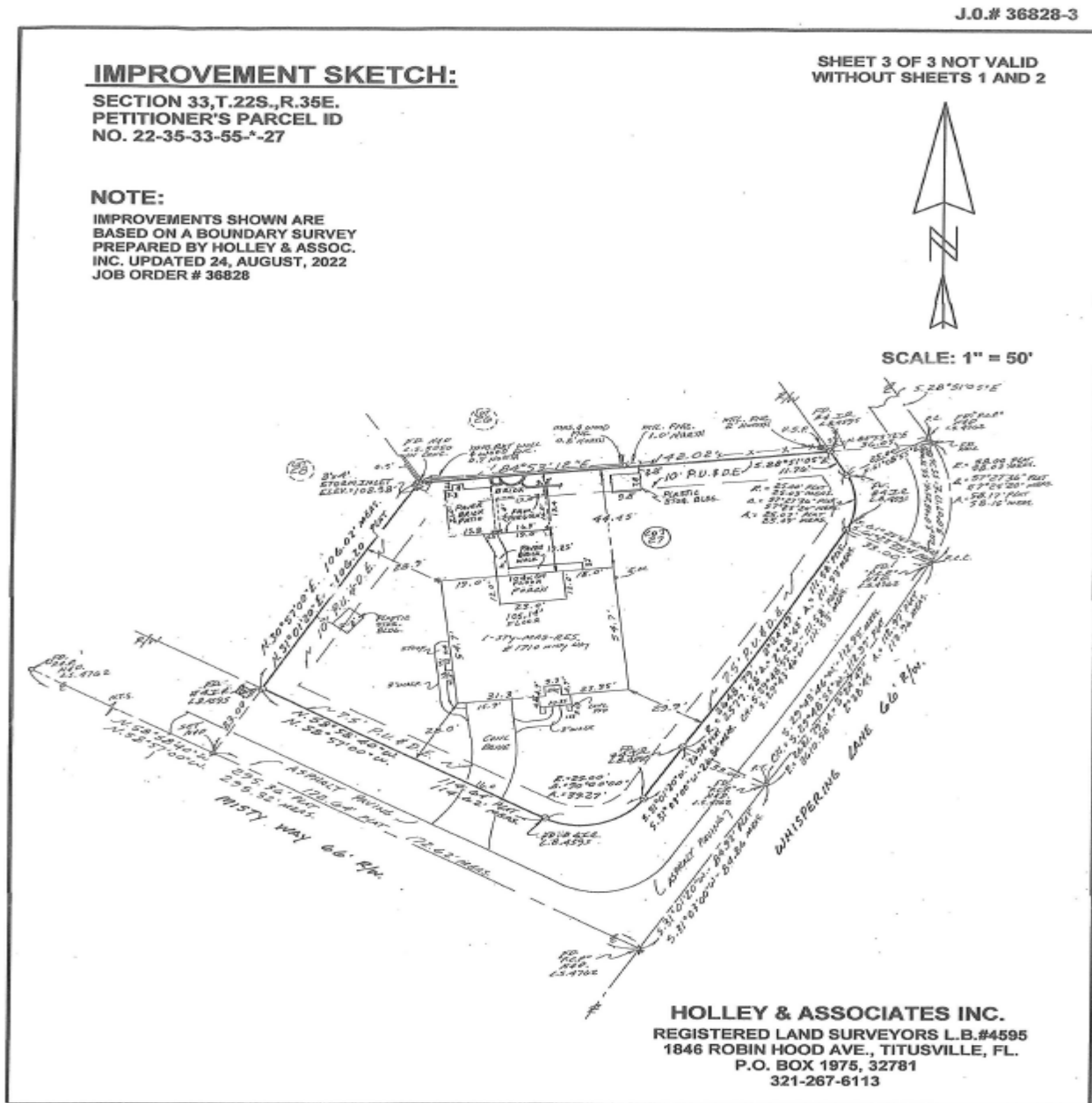


Figure 6: Improvement Sketch. Sheet 3 of 3. Section 33, Township 22 South, Range 35 East.

The sketch illustrates a detail of the newly constructed pergola within the 1.00-foot portion to be vacated of a 10.00-foot wide public utility & drainage easement on Lot 27, Whispering Woods Phase I, Titusville, Florida.

Comment Sheet

Applicant: St. Jean

Updated by: Amber Holley 20230309 at 1630 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20230224	20230224	Yes	No objections
FL Power & Light	20230224	20230316	Yes	No comments
At&t	20230224	20230227	Yes	No objections
Charter/Spectrum	20230224	20230228	Yes	No objections
City of Titusville	20230224	20230307	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20230224	20230110	Yes	No objections
Land Planning	20230224	20230309	Yes	No objections
Utility Services	20230224	20230227	Yes	No objections
Storm Water	20230224	20230310	Yes	No objections
Zoning	20230224	20230309	Yes	No objections

Public Hearing Legal Advertisement

AD#5633441

3/20/2023

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY & DRAINAGE EASEMENT, PLAT OF "WHISPERING WOODS PHASE I" IN SECTION 33, TOWNSHIP 22 SOUTH, RANGE 35 EAST, TITUSVILLE, 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 **MICHAEL A. & DANA D. ST. JEAN** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A 1.0 FOOT BY 40.0 FOOT PORTION OF THE 10.0 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ON THE SOUTH SIDE OF THE NORTH LINE OF LOT 27, WHISPERING WOODS PHASE I, AS RECORDED IN PLAT BOOK 37, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

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CONTAINING 40 SQUARE FEET MORE OR LESS. PREPARED BY: JOHN T. HOLLEY, 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 April 4, 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 March 20, 2023. See the next page for the full text.

Legal Notice Text

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