

Resolution 2024 -

Vacating a portion of two public utility and drainage easements in the plat of "Glen Isles Sec. 2" Merritt Island, Florida, lying in Section 30, Township 24 South, Range 37 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Thomas Earl and Monica C. Phillips** 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 Florida 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 6th day of February 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Jason Steele, Chair

As approved by the Board on:
February 6, 2024

Brevard County Property Appraiser Detail Sheet

Account 2438320

Owners PHILLIPS, THOMAS EARL; PHILLIPS, MONICA C

Mailing Address 1335 ANCHOR LN MERRITT ISLAND FL 32952

Site Address 1335 ANCHOR LN MERRITT ISLAND FL 32952

Parcel ID 24-37-30-96-A-9

Taxing District 2200 - UNINCORP DISTRICT 2

Exemptions NONE

Property Use 0110 - SINGLE FAMILY RESIDENCE

Total Acres 0.19

Site Code 0130 - CANAL FRONT

Plat Book/Page 0020/0036

Subdivision GLEN ISLES SEC 2

Land Description GLEN ISLES SEC 2 LOT 9 BLK A

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$495,350	\$459,850	\$350,740
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$495,350	\$322,720	\$313,330
Assessed Value School	\$495,350	\$322,720	\$313,330
Homestead Exemption	\$0	\$25,000	\$25,000
Additional Homestead	\$0	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$495,350	\$272,720	\$263,330
Taxable Value School	\$495,350	\$297,720	\$288,330

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/12/2023	\$600,000	WD	Improved	9699/0952
06/29/2022	\$610,000	WD	Improved	9556/1613
04/04/2019	\$380,500	WD	Improved	8409/1426

Vicinity Map

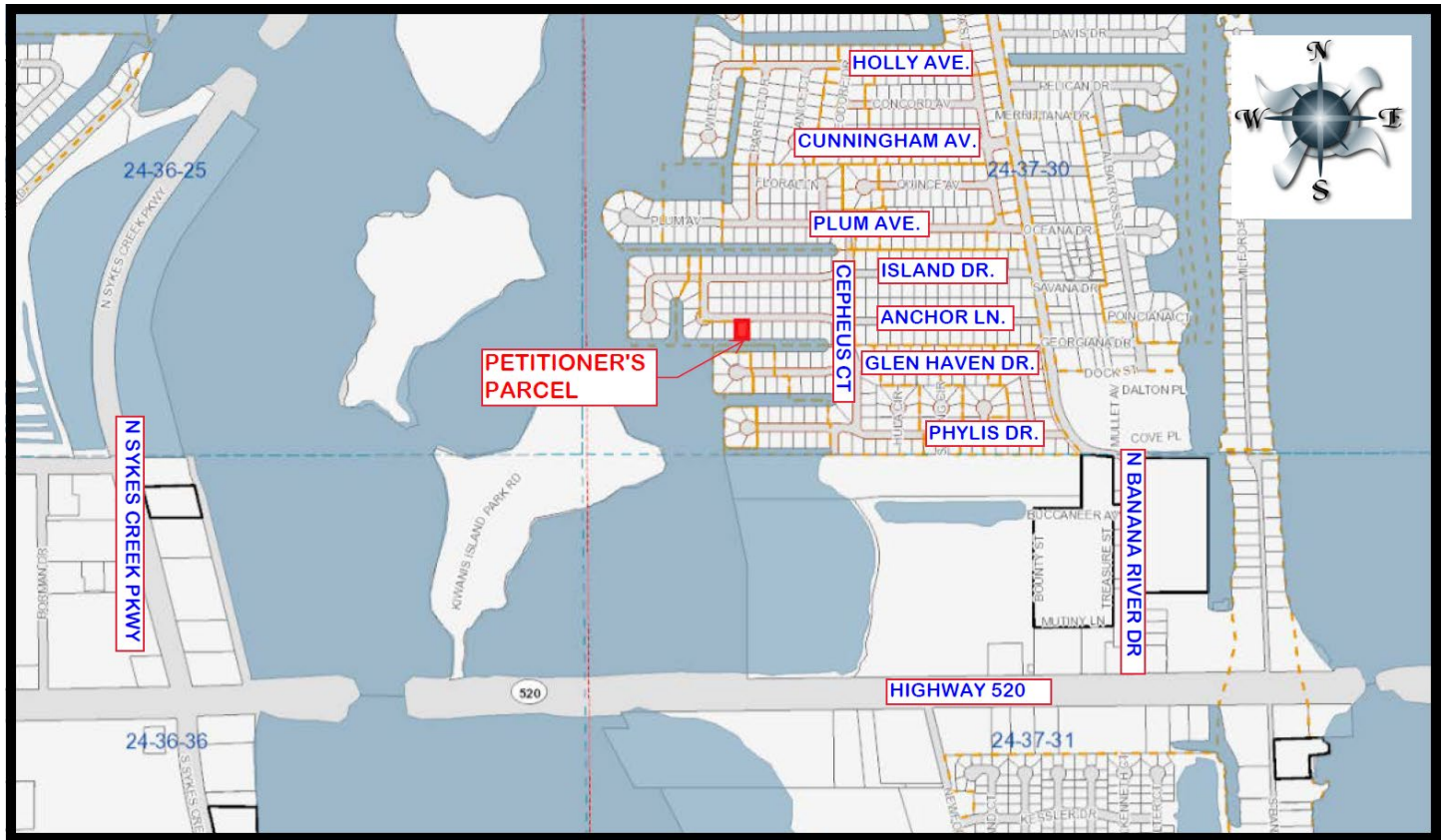


Figure 1: A vicinity map of lot 9, block A, Glen Isles Sec. 2, 1335 Anchor Lane, Merritt Island, Florida, 32952.

Thomas Earl and Monica C. Phillips – 1335
Anchor Lane – Merritt Island, FL, 32952 – Lot
9, Block “A”, plat of “Glen Isles Sec. 2” – Plat
Book 20, Page 36 – Section 30, Township 24
South, Range 37 East – District 2 – Proposed
Vacating of a portion of two 5.0 ft. Wide
Public Utility & Drainage Easements

Aerial Map

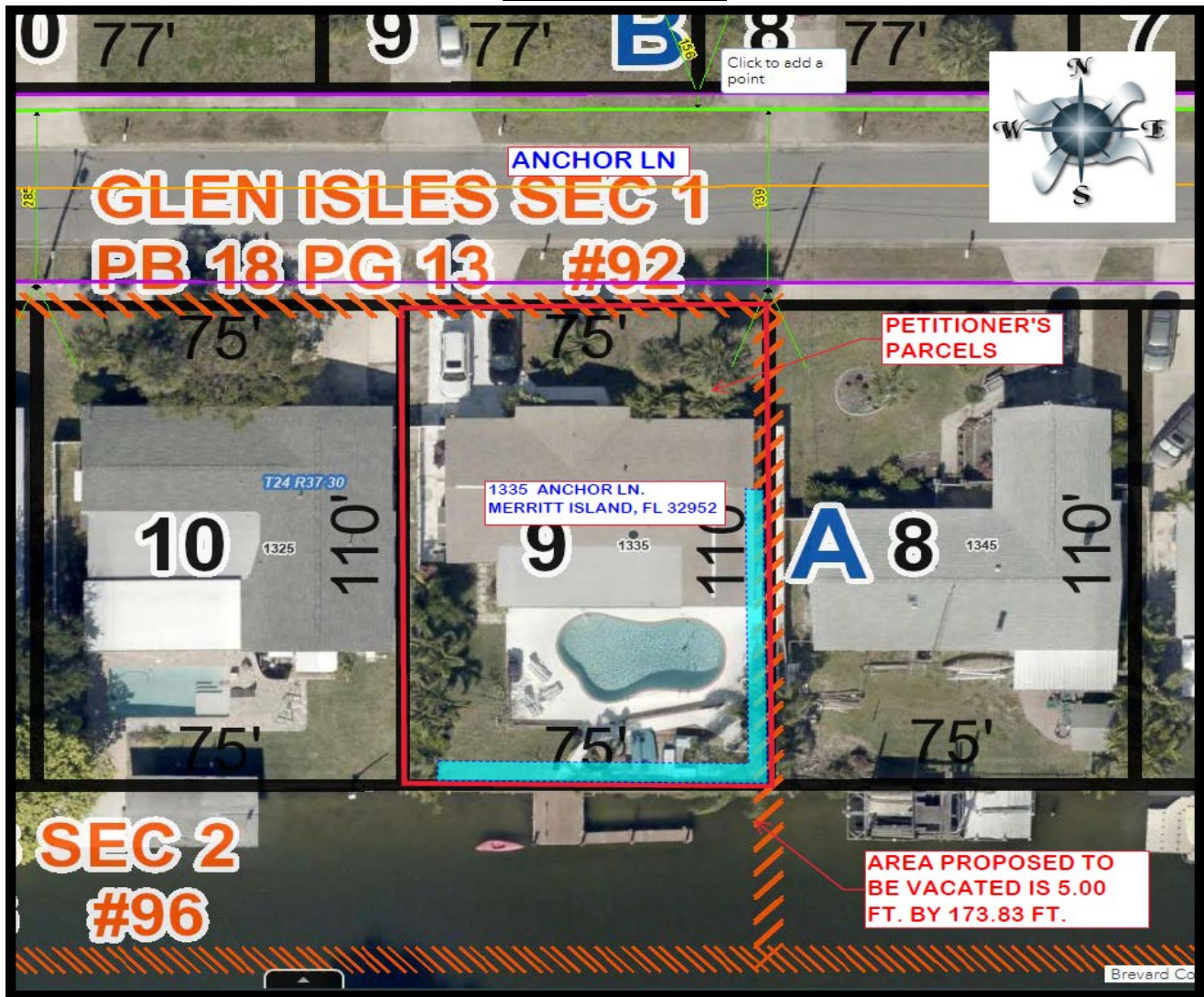


Figure 2: Aerial Map of Lot 9, Block A, Glen Isles Sec. 2, 1335 Anchor Lane, Merritt Island, Florida, 32952.

Thomas Earl and Monica C. Phillips – 1335 Anchor Lane – Merritt Island, FL, 32952 – Lot 9, Block “A”, plat of “Glen Isles Sec. 2” – Plat Book 20, Page 36 – Section 30, Township 24 South, Range 37 East – District 2 – Proposed Vacating of a portion of two 5.0 ft. Wide Public Utility & Drainage Easements

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID*: 24-37-30-96-A-9

PURPOSE: VACATE PUBLIC UTILITIES & DRAINAGE EASEMENTS

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

THE 5.00 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENTS ESTABLISHED BY THE PLAT OF GLEN ISLES SEC. 2, PER PLAT BOOK 20, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING ADJACENT TO THE EAST 70.0 FEET OF THE SOUTH PROPERTY LINE, AND THE SOUTH 73.00 FEET OF THE EAST PROPERTY LINE OF LOT 9, BLOCK "A", GLEN ISLES SEC. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 690 SQUARE FEET, 0.016 ACRES, MORE OR LESS.

SURVEYORS NOTES:

SURVEYOR'S NOTES:

1. FLOOD ZONE 'X SHADED' PER FLOOD INSURANCE RATE MAP 12009C0435H, 01/29/2021.
2. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
3. BEARINGS DEPICTED HEREON ARE PLAT BEARINGS AND ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF ANCHOR LANE HAVING A BEARING OF N90°00'00"E.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT(S) SHOWN HEREON AND COPIES ARE VALID ONLY WITH THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REFERENCED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES.



PREPARED FOR AND CERTIFIED TO :
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DAVID J. KUGELMANN, PLS. 5117
PROFESSIONAL LAND SURVEYOR
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: KUGELMANN LAND SURVEYING, INC.
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK	CHECKED BY: KKW	PROJECT NO. 2023029			SECTION 30 TOWNSHIP 24 SOUTH RANGE 37 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 10/09/2023	DRAWING: ESMT_VACATE.DGN				

Figure 4: Legal Description. Sheet 1 of 2. Section 30, Township 24 South, Range 37 East. Parcel ID number: 24-37-30-95-A-9.

Petitioner's Sketch & Description Sheet 2 of 2

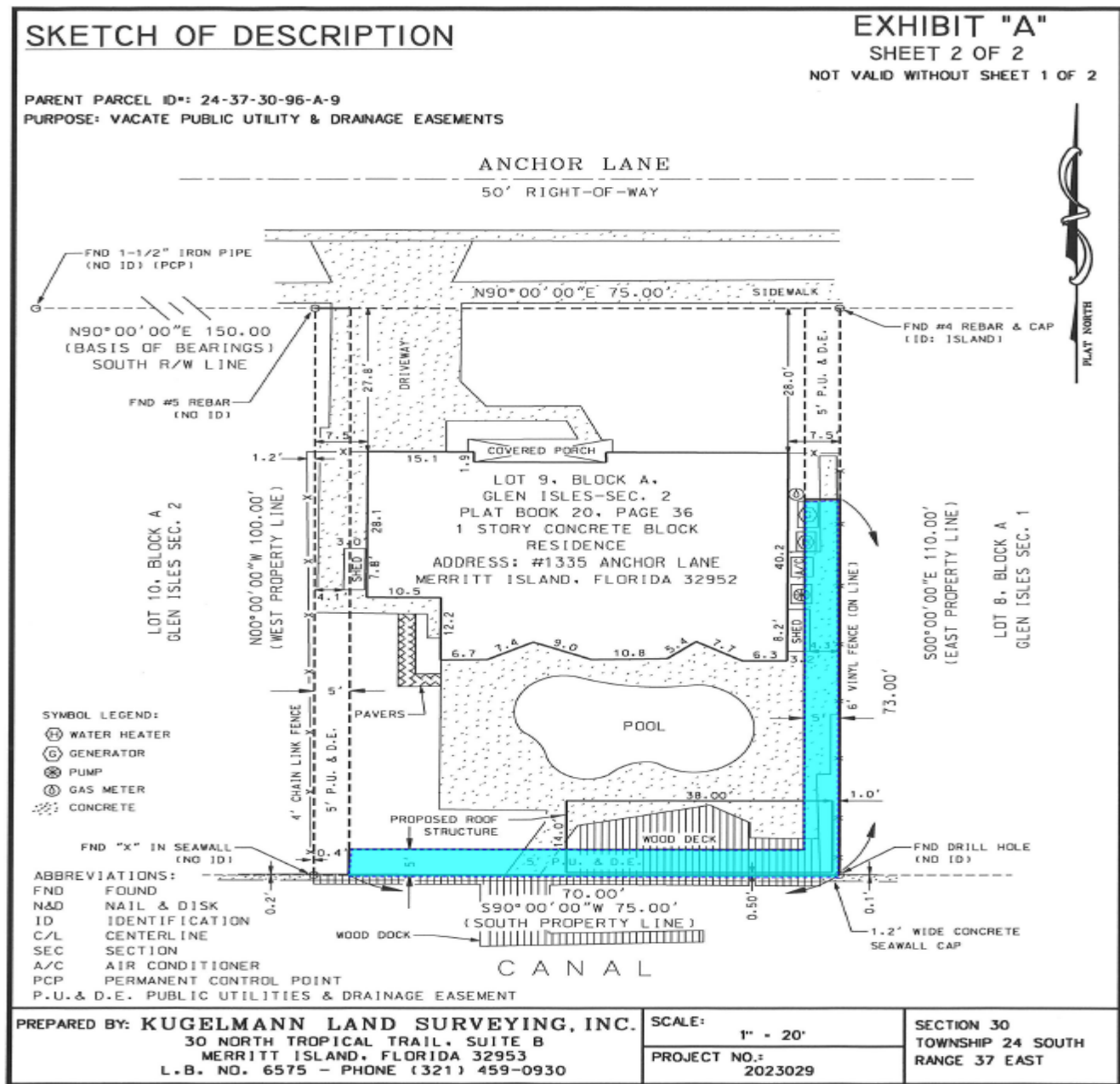


Figure 5: Sketch of description. Sheet 2 of 2. Section 30, Township 24 South, Range 37 East. Parcel ID number: 24-37-30-95-A-9.

The sketch illustrates a portion of two 5.00-foot-wide public utility and drainage easements on Lot 9, Block A, Glen Isles Sec. 2, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – North 90°00'00" East 75.00 Feet; East boundary – South 00°00'00" East 110.00 Feet; South boundary – South 90°00'00" West 75.00 Feet; West boundary – North 00°00'00" West 100.00 Feet. Prepared by: David J. Kugelmann, Kugelmann Land Surveying, Inc., LB 6575, Project NO: 20233029.

Comment Sheet

Applicant: Robin

Updated by: Amber Holley 20231116 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20230925	20231116	Yes	No Comment
FL Power & Light	20230925	20231017	Yes	No Objection
At&t	20230925	20230926	Yes	No objections
Charter/Spectrum	20230925	20231003	Yes	No objections
City of Melbourne	20230925	20230926	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20230925	20231116	Yes	No objections
Land Planning	20230925	20231002	Yes	No objections
Utility Services	20230925	20230926	Yes	No objections
Storm Water	20230925	20231019	Yes	No objections
Zoning	20230925	20231002	Yes	No objections

Public Hearing Legal Advertisement

LEGAL NOTICE
NOTICE FOR THE PARTIAL
VACATING OF TWO 5.00 FT. WIDE
PUBLIC UTILITY AND DRAIN-
AGE EASEMENTS, PLAT OF
"GLEN ISLES SEC. 2" IN SECTION
30, TOWNSHIP 24 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 THOMAS
EARL & MONICA C. PHILLIPS
with the Board of County Commis-
sioners of Brevard County, Florida,
to request vacating the following
described property, to wit:
THE 5.00 FOOT WIDE PUBLIC
UTILITIES AND DRAINAGE
EASEMENTS ESTABLISHED BY
THE PLAT OF GLEN ISLES SEC.
2, PER PLAT BOOK 20, PAGE 36
OF THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA,
LYING ADJACENT TO THE
EAST 70.0 FEET OF THE SOUTH
PROPERTY LINE, AND THE
SOUTH 73.0 FEET OF THE EAST
PROPERTY LINE OF LOT 9,
BLOCK "A", GLEN ISLES SEC.
2, ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN
PLAT BOOK 20, PAGE 36 OF THE
PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA. CONTAINING
690 SQUARE FEET, 0.016 ACRES,
MORE OR LESS. PREPARED BY:
DAVID J. KUGELMANN, PSM
The Board of County Commissioners
will hold a public hearing to deter-
mine the advisability of such vacat-
ing of the above-described easement
at 5:00 P.M. on February 6, 2024, 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 proceed-
ings, and that, for such purpose,
he or she may need to ensure that
a verbatim record of the proceed-
ings 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 6: Copy of public hearing advertisement as published on January 22, 2024. See the next page for the full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 5.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS, PLAT OF "GLEN ISLES SEC. 2" IN SECTION 30, TOWNSHIP 24 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 **THOMAS EARL & MONICA C. PHILLIPS** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE 5.00 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENTS ESTABLISHED BY THE PLAT OF GLEN ISLES SEC. 2, PER PLAT BOOK 20, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING ADJACENT TO THE EAST 70.0 FEET OF THE SOUTH PROPERTY LINE, AND THE SOUTH 73.0 FEET OF THE EAST PROPERTY LINE OF LOT 9, BLOCK "A", GLEN ISLES SEC. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 690 SQUARE FEET, 0.016 ACRES, MORE OR LESS. PREPARED BY: DAVID J. KUGELMANN, 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 February 6, 2024**, 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.