



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5016, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Public Utility & Private Drainage Easement- 8175 Belford Way - "Balmoral Baytree P.U.D. Phase 3-Tract J" Plat Book 47, Page 44 - Melbourne - Edward Ray & Julie Froehlich Ray - District 4

### **Fiscal Impact:**

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

### **Dept/Office:**

Public Works Department - Surveying & Mapping

### **Requested Action:**

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility & private drainage easement, "Balmoral Baytree P.U.D. Phase 3-Tract J" in Section 22, Township 26 South, Range 36 East. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating.

### **Summary Explanation and Background:**

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method for the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns Lot 9, Block N, and is requesting the vacating of a 3.00 ft. portion of a 10.00 ft. wide public utility & private drainage easement on Lot 9, Block N, to allow for the existing home to remain. The easement to be vacated contains 341.90 square feet, more or less. The property is located in Melbourne South of Wickham Road and East of I-95.

On August 29, 2022, the legal notice was advertised in Florida Today informing the public of the date a public hearing would be held to consider the vacating. All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received.

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### **Clerk to the Board Instructions:**

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in the sequence includes the approved/signed resolution, the proof of publication of the public hearing notice, and the proof of publication of the adopted resolution notice.