



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5509, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Public Right-of-Way- Old Sharpes Road - Per County Commission Minute Book 13, Page 494- Cocoa - Canaveral Landing, LLC - District 1

### **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 right-of-way, established by County Commission Minute Book 13, Page 494 in Section 36, Township 23 South, Range 35 East. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating, accept the drainage and access easements, and accept the conservation easements.

### **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 Parcel 501, and is requesting the vacating of a portion of public right-of-way Old Sharpes Road, to allow for the development of Parcel 501. The petitioner has agreed to dedicate several drainage and access easements to Brevard County over the entire right-of-way and throughout the parcel along with conservation easements. The property is located in Cocoa, North of Canaveral Groves Blvd. and West of US Highway 1.

On February 6, 2023, the legal notice was advertised in Florida Today and Brevard County Website 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, one objection has been received from Larry Bovee at 785 Ann Way, Cocoa. The objection came by email as follows: "request that it be denied, object to anything petitioner, Nicholas Dottore has in store for access on Ann Way". Road & Bridge and Natural Resources have no objection to the vacate with the dedication of the drainage and access easements for the existing drainage.

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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 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.