



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5639, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Public Utility & Drainage Easement- 1710 Misty Way - "Whispering Woods Phase I" Plat Book 37, Page 4 - Titusville - Michael A. & Dana D. St. Jean - 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 10.00-foot wide public utility & drainage easement, "Whispering Woods Phase I" in Section 33, Township 22 South, Range 35 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 petitioners own Lot 27, and are requesting the vacating of a 1.00 ft. by 40.00 ft. portion of a 10.00 ft. wide public utility & drainage easement on the north side of Lot 27, to allow for the constructed pergola improvement to remain. The easement to be vacated contains 40.00 square feet, more or less. The property is located in Titusville South of SR 405 and West of SR 407.

On March 20, 2023, 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.