

## **Resolution 2024 -**

### **Vacating a portion of two public utility and drainage easements in plat "Revised Gateway Unit No. 2", Merritt Island, Florida, lying in Section 31, Township 24 South, Range 37 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Shani Murphy and Todd P. O'Brien** with the Board of County Commissioners to vacate the public utility and drainage easements 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 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 utility and drainage easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility and drainage easements 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 6<sup>th</sup> day of August, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Rachel Sadoff, Clerk

\_\_\_\_\_  
Jason Steele, Chair

As approved by the Board on:  
August 6, 2024

# Brevard County Property Appraiser Detail Sheet

Account 2439169

Owners O'BRIEN, SHANI MURPHY; O'BRIEN, TODD P

Mailing Address 466 NEWFOUND HARBOR DR MERRITT ISLAND FL 32952

Site Address 466 NEWFOUND HARBOR DR MERRITT ISLAND FL 32952

Parcel ID 24-37-31-53-E-8

Taxing District 2200 - UNINCORP DISTRICT 2

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Property Use 0110 - SINGLE FAMILY RESIDENCE

Total Acres 0.20

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0019/0112

Subdivision GATEWAY UNIT 2, REVISED

Land Description GATEWAY UNIT 2, REVISED LOT 8 BLK E

## **VALUE SUMMARY**

<b>Category</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Market Value	\$242,640	\$256,000	\$186,330
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$101,060	\$98,120	\$95,270
Assessed Value School	\$101,060	\$98,120	\$95,270
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	\$51,060	\$48,120	\$45,270
Taxable Value School	\$76,060	\$73,120	\$70,270

## **SALES/TRANSFERS**

<b>Date</b>	<b>Price</b>	<b>Type</b>	<b>Parcel</b>	<b>Deed</b>
12/28/2005	\$257,000	WD	Improved	5586/2876
03/29/2005	--	QC	Improved	5447/1251
07/01/1997	--	QC	Improved	3691/2199

## Vicinity Map

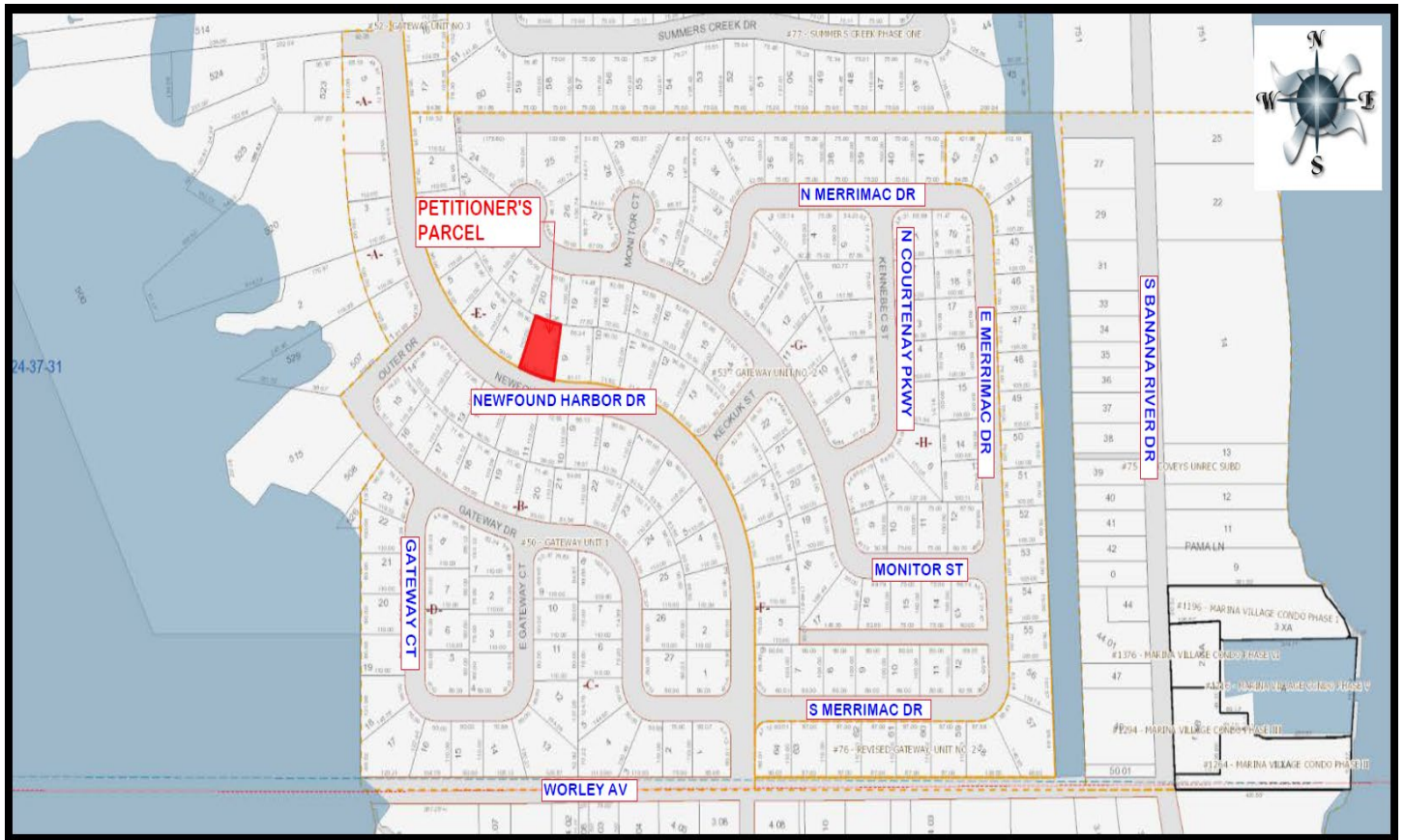


Figure 1: Map of the parcel for the easement to be vacated at Lot 8, Block E, Revised Gateway Unit No. 2, Merritt Island, Florida, 32952.

Shani Murphy and Todd P. O'Brien – 466  
Newfound Harbor Drive – Merritt Island – Lot  
8, Block E, “Revised Gateway Unit No. 2” –  
Plat Book 19, Page 112 – Section 31,  
Township 24 South, Range 37 East – District 2  
– Proposed Vacating of a portion of two  
Public Utility & Drainage Easements

## Aerial Map



Figure 2: Aerial Map for easements to be vacated at Lot 8, Block E, Revised Gateway Unit No. 2, Merritt Island, Florida, 32952.

Shani Murphy and Todd P. O'Brien – 466  
Newfound Harbor Drive – Merritt Island – Lot  
8, Block E, “Revised Gateway Unit No. 2” –  
Plat Book 19, Page 112 – Section 31,  
Township 24 South, Range 37 East – District 2  
– Proposed Vacating of a portion of two  
Public Utility & Drainage Easements



## 3



Figure 3: Copy of plat map "Revised Gateway Unit No. 2" dedicated to Brevard County March 1964.

# Petitioner's Sketch & Description Sheet 1 of 2


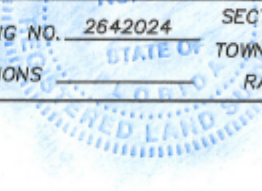
<b><u>LEGAL DESCRIPTION</u></b>		<b>SHEET 1 OF 2</b> <b>NOT VALID WITHOUT</b> <b>SKETCH ON SHEET 2 OF 2</b>
<p>SECTION 31, TOWNSHIP 24 SOUTH, RANGE 37 EAST PARCEL ID NUMBER 24-37-31-53-E-8 PURPOSE OF SURVEY: TO ABANDON THE 5' WIDE PUBLIC UTILITY &amp; DRAINAGE EASEMENTS ALONG THE EASTERLY LINE AND THE NORTHERLY LINE OF LOT 8 BLOCK E</p>		
<p><b><u>LEGAL DESCRIPTION</u></b></p> <p><b><u>LEGAL DESCRIPTION:</u></b> THE 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG THE EASTERLY LINE AND THE NORTHERLY LINE OF LOT 8, BLOCK E, REVISED GATEWAY UNIT NO. 2, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 112, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.</p> <p>LESS AND EXCEPT THE WEST 5 FEET OF THE 5 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG SAID NORTHERLY LINE.</p>		
<p><b><u>LEGEND:</u></b></p> <p>FNC= FENCT IRF= IRON ROD FOUND (M) = MEASURED (P) = PLAT PUE= PUBLIC UTILITY EASEMENT PUDE = PUBLIC UTILITY &amp; DRAINAGE EASEMENT PC= POINT OF CURVATURE WD= WOOD FENCE OHW = OVERHEAD WIRE</p>		
<p><b><u>SURVEYORS NOTES:</u></b></p> <p>1. REFERENCE BEARING N21°39'48"E AS SHOWN ON WESTERLY LINE OF LOT 8, BLOCK E, AS PER PLAT 2. NOT A BOUNDARY SURVEY</p>		
<p>PREPARED FOR: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS</p>		 SURVEYOR AND MAPPER PSM NO. 5363 NOT VALID UNLESS SIGNED AND SEALED
<p>PREPARE BY: GAI SURYYORS ADDRESS: 1 OLEANDER ST, COCOA, FL 32922 PHONE: 321 -806-3908</p>		
<p>DRAWN BY: <u>AEG</u>      CHECKED BY: <u>EKG</u></p>		
<p>DATE: <u>07 JUN 24</u>      SHEET <u>1</u> OF <u>1</u></p>		
<p>DRAWING NO. <u>2642024</u></p>		<p>SECTION <u>31</u> TOWNSHIP <u>24</u> SOUTH RANGE <u>37</u> EAST</p>

Figure 4: Legal Description. Sheet 1 of 2. Section 31, Township 24 South, Range 37 East. Parcel ID number: 24-37-31-53-E-8.

# SKETCH OF DESCRIPTION

SECTION 31, TOWNSHIP 24 SOUTH, RANGE 37 EAST

PARCEL ID NUMBER 24-37-31-53-E-B

PURPOSE OF SURVEY:  
TO ABANDON THE 5' WIDE PUBLIC UTILITY & DRAINAGE EASEMENTS  
ALONG THE EASTERLY LINE AND THE NORTHERLY LINE OF LOT 8 BLOCK E

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2

REVISD GATEWAY  
UNIT NO. 2, PLAT  
BOOK 19, PAGE 112

0' 15' 30'  
SCALE 1"=30'

NORTH

LOT 20 BLOCK E

IRF 5/8" NO ID

66'-6" WD FNC

WD FNC COR 0.3' S 0.7' E

IRF 5/8" PACKARD

ON LINE

79'-6" WD FNC

ON LINE

5' PUDE TO BE VACATED

LOT 9 BLOCK E

S9°06'32"W 110.00' (P)  
S9°01'03"W 110.62' (M)

LOT 8, BLOCK E

LOT 7 BLOCK E

REFERENCE BEARING  
N21°39'48"E 110.01' (M)  
N21°39'48"E 110.00' (P)

5' PUDE TO BELMAN

WOOD WALK

POOL/PATIO AREA

COVERED WOOD DECK

1-STORY BLDG NO. 466

55.0'

36.7'

16.6'

12.3'

9.7'

34.0'

24.7'

14.4'

28.3'

1.4' E

IRF 1/2" NO ID

CONC

C1

2' CONC CURB ASPHALT

50' PUBLIC RIGHT OF WAY

NEW FOUND HARBOR DRIVE

IPF 3/4" NO ID

0.9' E

82'-6" WD FNC

0.3'

0.2' E

5' PUDE TO BE VACATED

5' PUDE TO BE VACATED

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	410.74'	12°33'16"	90.00'	89.82'	N74°36'50"W
C2	300.74'	12°33'16"	65.90'	65.77'	S74°36'50"E

5' PUDE TO BE VACATED

PREPARE BY:  
**GAI Surveyors**  
L.B. No. 7928

The sketch illustrates a portion of two public utility and drainage easements on Lot 8, Block E, Revised Gateway Unit No. 2, 466 Newfound Harbor Drive, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – North 74°36'50" West 65.90 Feet; East boundary – South 09°06'32" West 110.00 Feet; South boundary – South 74°36'50" East 90.00 Feet; West boundary – North 21°39'48" East 110.00 Feet. Prepared by: Earl K. Gordon, LS 5363.

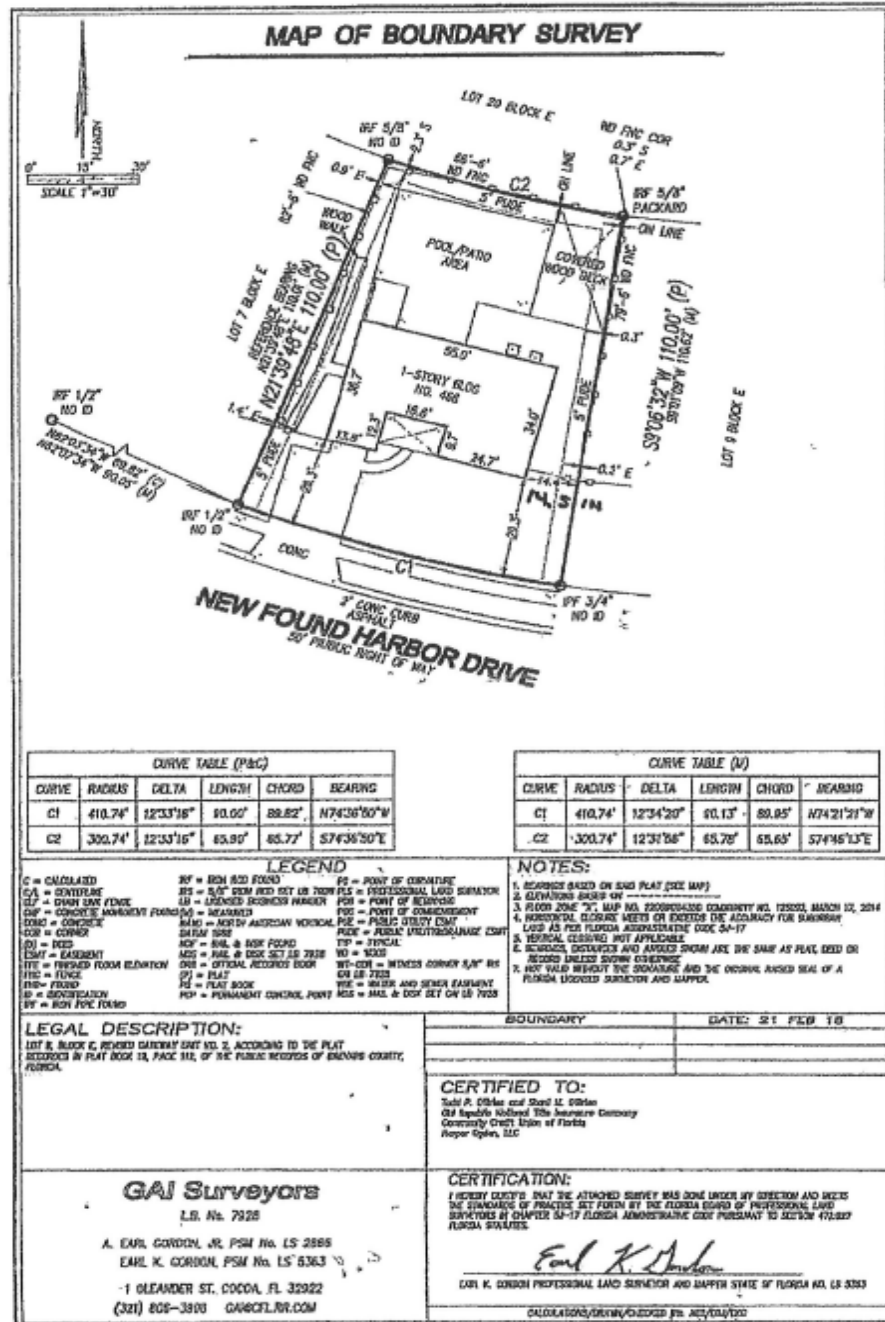


Figure 6: Boundary Survey. Section 31, Township 24 South, Range 37 East. Parcel ID number: 24-37-31-53-E-8.

The boundary survey illustrates the location of the home and improvements on Lot 8, Block E, Revised Gateway Unit No. 2, 466 Newfound Harbor Drive, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – North 74°36'50" West 65.90 Feet; East boundary – South 09°06'32" West 110.00 Feet; South boundary – South 74°36'50" East 90.00 Feet; West boundary – North 21°39'48" East 110.00 Feet. Prepared by: Earl K. Gordon, LS 5363.



## Comment Sheet

Applicant: O'Brien

Updated by: Amber Holley 20240715 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240614	20240625	Yes	No objections
FL Power & Light	20240614	20240715	Yes	No response
At&t	20240614	20240703	Yes	No objections
Charter/Spectrum	20240614	20240618	Yes	No objections
City of Cocoa	20240614	20240617	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240614	20240708	Yes	No objections
Land Planning	20240614	20240617	Yes	No objections
Utility Services	20240614	20240614	Yes	No objections
Storm Water	20240614	20240708	Yes	No objections
Zoning	20240614	20240617	Yes	No objections

# Public Hearing Legal Advertisement

Ad#10393213

7/22/2024

## LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC UTILITY & DRAINAGE EASEMENTS, PLAT OF "REVISED GATEWAY UNIT NO. 2" IN SECTION 31, 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 11, Section 86-36, Brevard County Code, a petition has been filed by SHANI MURPHY AND TODD P. O'BRIEN with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE 5 FOOT WIDE PUBLIC UTILITY AND DRAINAGES EASEMENTS ALONG THE EASTERLY LINE AND THE NORTHERLY LINE OF LOT 8, BLOCK E, REVISED GATEWAY UNIT NO. 2, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 112, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THE WEST 5 FEET OF THE 5 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG SAID NORTHERLY LINE. PREPARED BY: EARL K. GORDON, PLS.

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 August 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.

Figure 7: Copy of public hearing advertisement as published on July 22, 2024. See the next page for full text.

## Legal Notice Text

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