

Resolution 2024 -

**Vacating a portion of two public utility easements in plat “Fawn Lake P.U.D. Phase Two, Unit Three”,
Mims, Florida, lying in Section 10, Township 21 South, Range 34 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Stanley E. and Patricia L. Retz** with the Board of County Commissioners to vacate public utility 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 easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility 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 9th day of July, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Jason Steele, Chair

As approved by the Board on:
July 9, 2024

Brevard County Property Appraiser Detail Sheet

Account 2111047

Owners Retz, Stanley E. and Patricia L.

Mailing Address 3543 SANDHILL CRANE CIR MIMS FL 32754

Site Address 3645 SPARROW HAWK TRL MIMS FL 32754

Parcel ID 21-34-10-PR-*-348

Taxing District 1300 - UNINCORP DISTRICT 1

Exemptions NONE

Property Use 0010 - VACANT RESIDENTIAL LAND (SINGLE FAMILY, PLATTED)

Total Acres 1.06

Site Code 0150 - CNSRV/TRACT/BUF FRTG

Plat Book/Page 0039/0079

Subdivision FAWN LAKE PUD PHASE 2 UNIT THREE

Land Description FAWN LAKE PUD PHASE 2 UNIT THREE LOT 348 & 349

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$73,500	\$59,500	\$50,400
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$58,450	\$53,140	\$48,310
Assessed Value School	\$73,500	\$59,500	\$50,400
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$58,450	\$53,140	\$48,310
Taxable Value School	\$73,500	\$59,500	\$50,400

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
05/31/2024	--	QC	-	10076/0572
01/13/2023	\$230,000	WD	-	9696/2721
07/05/2002	\$37,000	WD	-	4633/1392

Vicinity Map

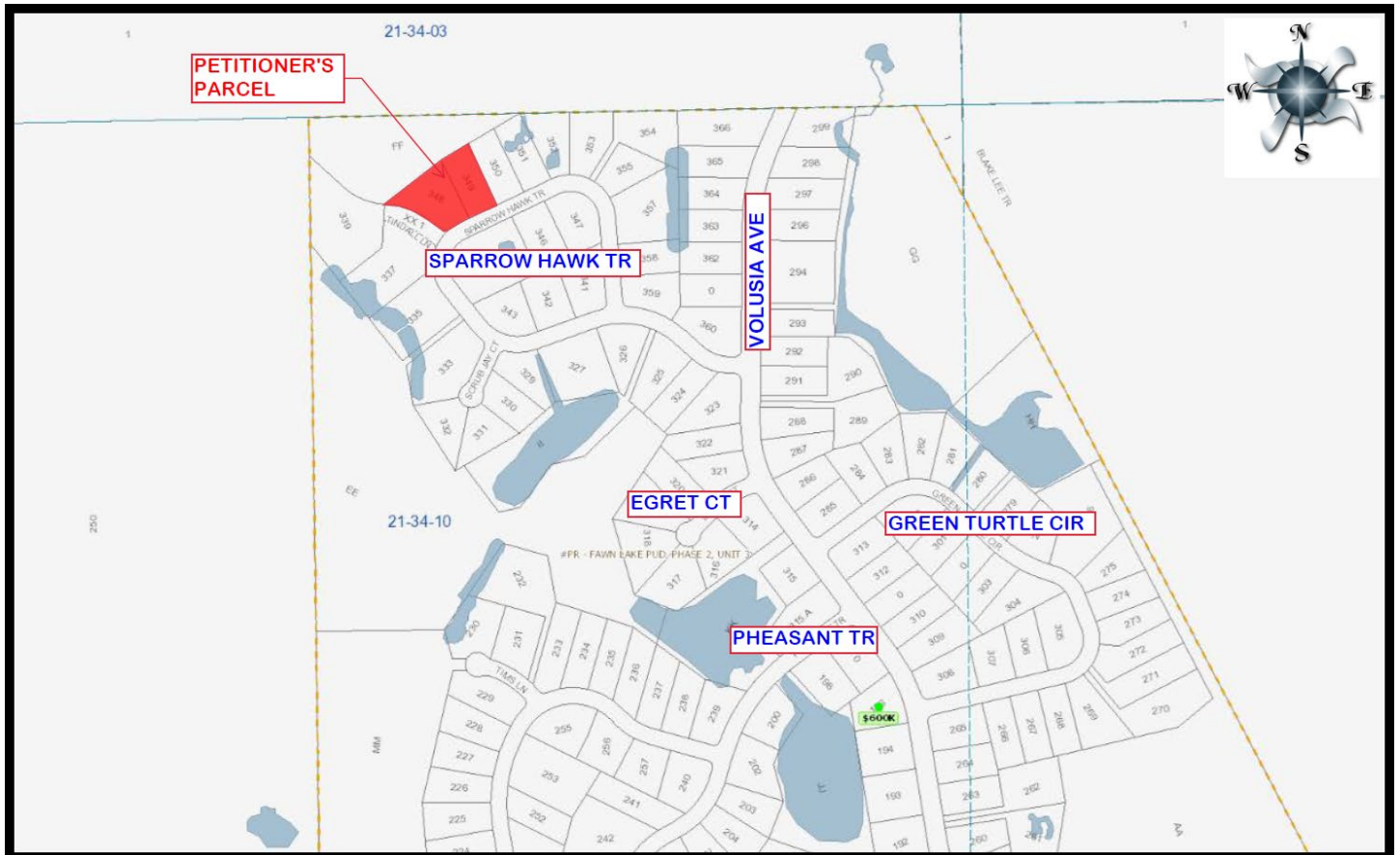


Figure 1: Map of the parcel for easements to be vacated at Lots 348 & 349, Fawn Lake P.U.D. Phase Two Unit Three, Mims.

Stanley E. & Patricia L. Retz – 3645 Sparrow Hawk Trail – Mims – Lots 348 & 349, “Fawn Lake P.U.D. Phase Two Unit Three” – Plat Book 39, Page 79 – Section 10, Township 21 South, Range 34 East – District 1 – Proposed Vacating of a portion of two Public Utility Easements

Aerial Map

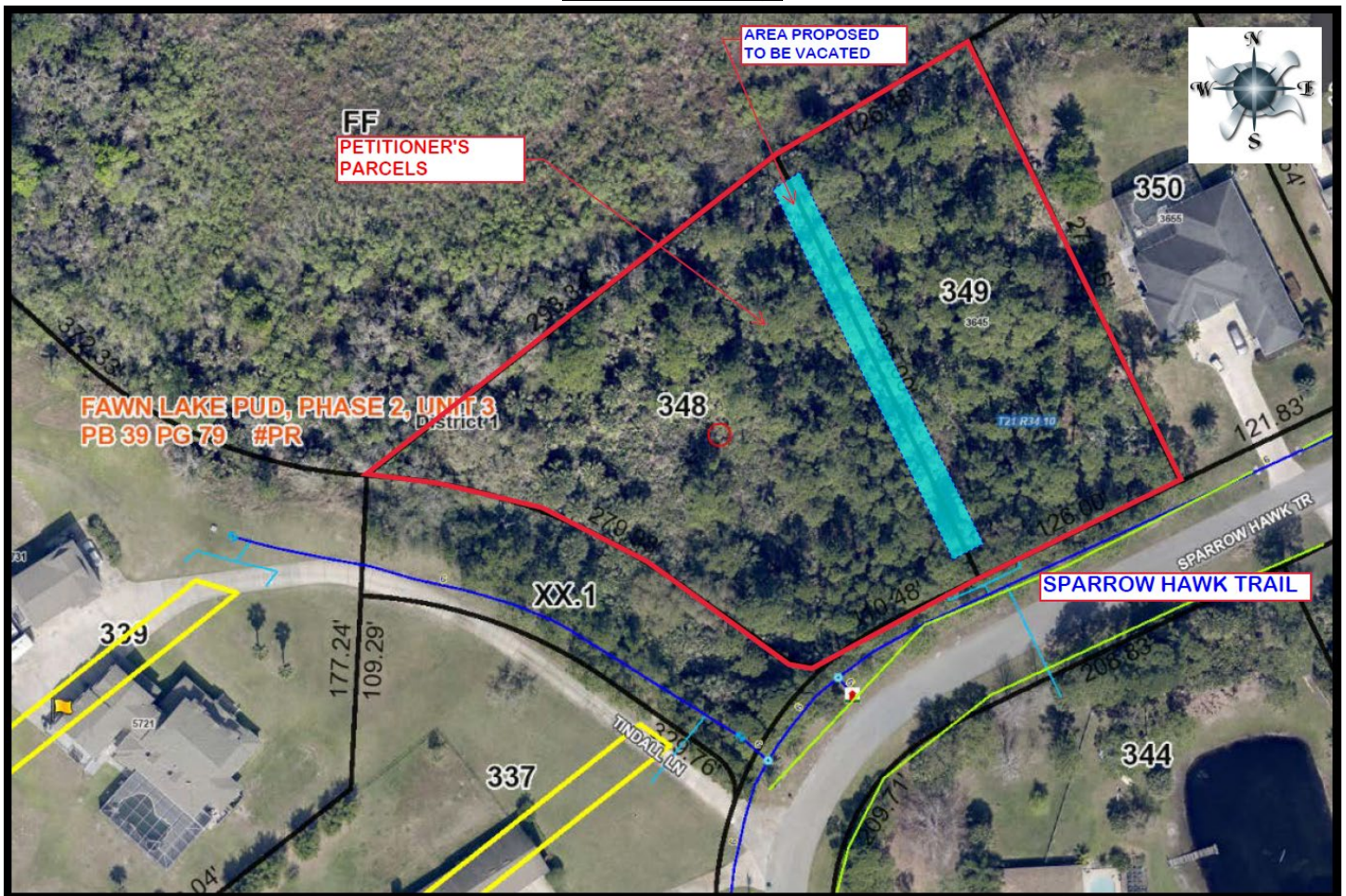


Figure 2: Aerial Map for easements to be vacated at Lots 348 & 349, Fawn Lake P.U.D. Phase Two Unit Three, Mims.

Stanley E. & Patricia L. Retz – 3645 Sparrow Hawk Trail – Mims – Lots 348 & 349, “Fawn Lake P.U.D. Phase Two Unit Three” – Plat Book 39, Page 79 – Section 10, Township 21 South, Range 34 East – District 1 – Proposed Vacating of a portion of two Public Utility Easements

Petitioner's Sketch & Description Sheet 1 of 2

J.O.# 37407-1

SKETCH AND DESCRIPTION: (FOR VACATING OF EASEMENT)

SHEET 1 OF 2 NOT VALID
WITHOUT SHEET 2


PREPARED FOR: STR HOLDINGS LLC
SECTION 10, T.21S., R.34E.
PETITIONER'S PARCEL ID NO. 21-34-10-PR-*-348 & 21-34-10-PR-*-349

LEGAL DESCRIPTION: (OF EASEMENTS TO BE VACATED)

THE 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 348 AND THE 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 349, FAWN LAKE P.U.D., PHASE TWO, UNIT THREE, AS RECORDED IN PLAT BOOK 39, PAGES 79 THOURGH 84, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THE NORTHWESTERLY AND SOUTHEASTERLY 10.00 FEET THEREOF. BEING THE TWO 10.00 FOOT PUBLIC UTILITY EASEMENTS LYING NORTHEASTERLY AND SOUTHWESTERLY OF THE COMMON SIDE LOT LINE BETWEEN SAID LOTS 348 AND 349

THIS CERTIFIES THAT THE FOREGOING SKETCH AND LEGAL DESCRIPTION MEET THE APPLICABLE MINIMUM STANDARDS ESTABLISHED PURSUANT TO FLORIDA STATUTES 472.027 AND ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT REPRESENT A FIELD SURVEY, BUT ARE BASED ON INFORMATION FROM PUBLIC RECORDS WHICH MAY DIFFER.

THIS IS NOT A SURVEY


05/01/24
JOHN T. HOLLEY, P.S.M. # 5050
("NOT VALID WITHOUT THE ORIGINAL SIGNATURE
AND RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.")

SHEET 1 OF 2 NOT VALID
WITHOUT SHEET 2

HOLLEY & ASSOCIATES INC.
REGISTERED LAND SURVEYORS L.B.#4595
1846 ROBIN HOOD AVE., TITUSVILLE, FL.
P.O. BOX 1975, 32781
321-267-6113

Figure 4: Legal Description. Sheet 1 of 2. Section 10, Township 21 South, Range 34 East. Parcel ID number: 21-34-10-PR-*-348-349.

Comment Sheet

Applicant: Retz

Updated by: Amber Holley 20240620 at 14:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240611	20240618	Yes	No Objection
FL Power & Light	20240611	20240618	Yes	No Objection
At&t	20240611	20240620	Yes	No Response
Charter/Spectrum	20240611	20240612	Yes	No Objection

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240611	20240612	Yes	No Objections
Land Planning	20240611	20240612	Yes	No objections
Utility Services	20240611	20240612	Yes	No objections
Storm Water	20240611	20240612	Yes	No Objections
Zoning	20240611	20240612	Yes	No objections

Public Hearing Legal Advertisement

Ad#10303543

6/24/2024

LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC UTILITY EASEMENTS, PLAT OF "FAWN LAKE P.U.D., PHASE TWO, UNIT THREE" IN SECTION 10, TOWNSHIP 21 SOUTH, RANGE 34 EAST, MIMS, 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 STANLEY E. AND PATRICIA L. RETZ with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 348 AND THE 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 349, FAWN LAKE P.U.D., PHASE TWO, UNIT THREE, AS RECORDED IN PLAT BOOK 39, PAGES 79 THOURGH 84, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THE NORTHWESTERLY AND SOUTHEASTERLY 10.00 FEET THEREOF. BEING THE TWO 10.00 FOOT PUBLIC UTILITY EASEMENTS LYING NORTHEASTERLY AND SOUTHWESTERLY OF THE COMMON SIDE LOT LINE BETWEEN SAID LOTS 348 AND 349. PREPARED BY: JOHN T. HOLLEY, 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 July 9, 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 June 24, 2024. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC UTILITY EASEMENTS, PLAT OF "FAWN LAKE P.U.D., PHASE TWO, UNIT THREE" IN SECTION 10, TOWNSHIP 21 SOUTH, RANGE 34 EAST, MIMS, 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 STANLEY E. AND PATRICIA L. RETZ with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THE 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 348 AND THE 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 349, FAWN LAKE P.U.D., PHASE TWO, UNIT THREE, AS RECORDED IN PLAT BOOK 39, PAGES 79 THOURGH 84, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. LESS AND EXCEPT THE NORTHWESTERLY AND SOUTHEASTERLY 10.00 FEET THEREOF. BEING THE TWO 10.00 FOOT PUBLIC UTILITY EASEMENTS LYING NORTHEASTERLY AND SOUTHWESTERLY OF THE COMMON SIDE LOT LINE BETWEEN SAID LOTS 348 AND 349. PREPARED BY: JOHN T. HOLLEY, 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 July 9, 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.