

Resolution 2024 -

Vacating a portion of two public utility easements in plat “Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven”, Barefoot Bay, Florida, lying in Section 10, Township 30 South, Range 38 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Justo O. Pena** with the Board of County Commissioners to vacate a public easement 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 easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public 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 22nd day of October, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Jason Steele, Chair

As approved by the Board on:
October 22, 2024

Brevard County Property Appraiser Detail Sheet

Owners PENA, JUSTO O
 Mailing Address 930 FIR ST SEBASTIAN FL 32976
 Site Address 930 FIR ST BAREFOOT BAY FL 32976
 Parcel ID 30-38-10-JT-110-28
 Taxing District 3400 - UNINCORP DISTRICT 3
 Exemptions HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 Property Use 0818 - TWO OR THREE MOBILE HOMES (NOT A PARK)
 Total Acres 0.24
 Site Code 0001 - NO OTHER CODE APPL.
 Plat Book/Page 0022/0116
 Subdivision BAREFOOT BAY UNIT 2 PART 11
 Land Description BAREFOOT BAY UNIT 2 PART 11 LOTS 28 & 29 BLK 110

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$233,000	\$195,670	\$145,300
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$135,620	\$125,230	\$121,590
Assessed Value School	\$135,620	\$125,230	\$121,590
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$25,000
Taxable Value Non-School	\$85,620	\$75,230	\$71,590
Taxable Value School	\$110,620	\$100,230	\$96,590

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
02/21/2018	\$27,000	WD	Improved	8136/1960
05/23/2005	\$55,000	WD	Improved	5474/4239
04/28/2003	\$38,000	WD	Improved	4900/3572

Vicinity Map

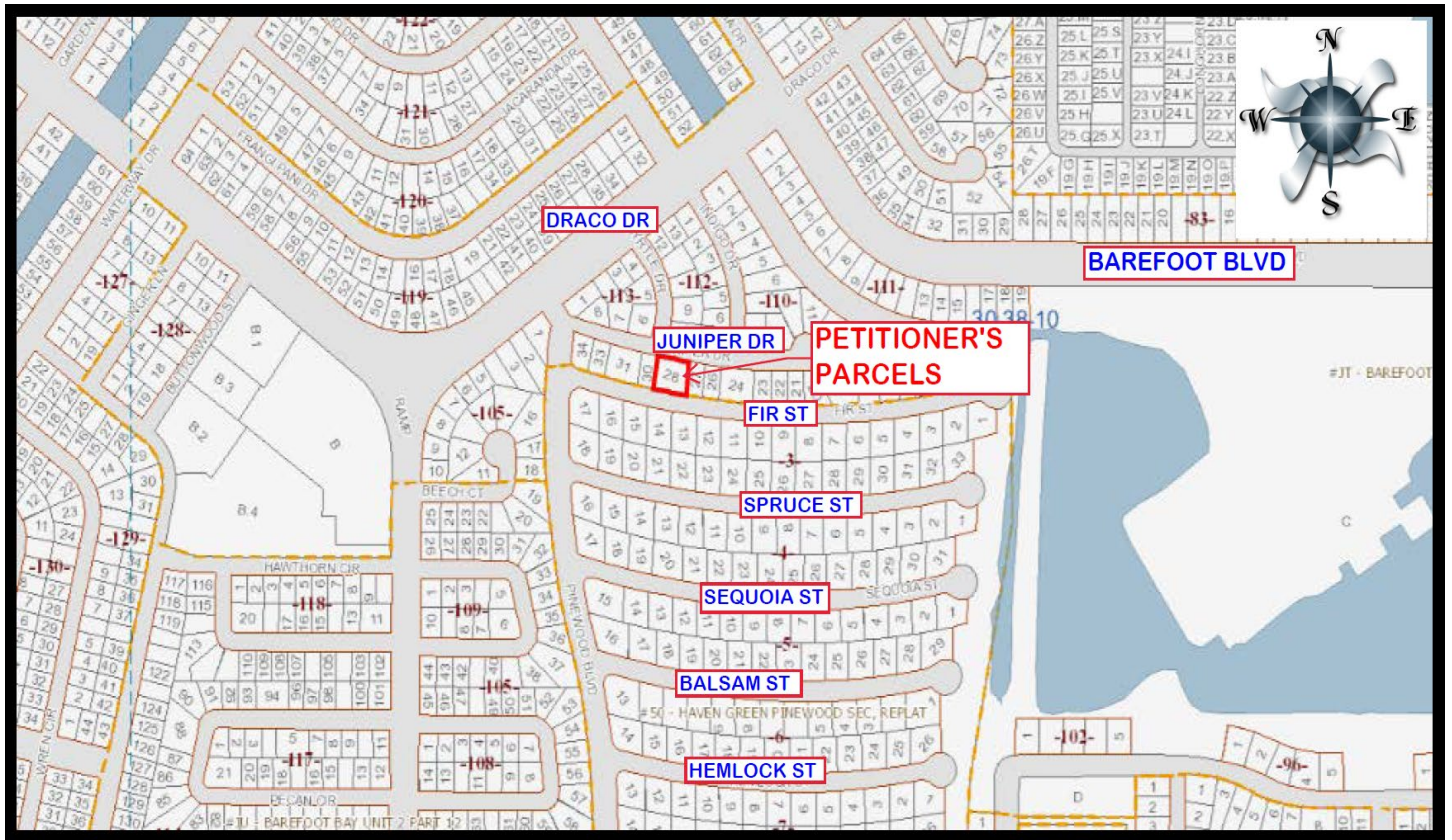


Figure 1: Map of Lots 28 & 29, Block 110, Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven, 930 Fir St, Barefoot Bay, Florida, 32976.

Justo O. Pena – 930 Fir Street – Barefoot Bay, FL, 32976 – Lots 28 & 29, Block 110, plat of “Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven” – Plat Book 22, Page 116 – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of a portion of two 6.0 ft. Wide Public Utility Easements

Aerial Map

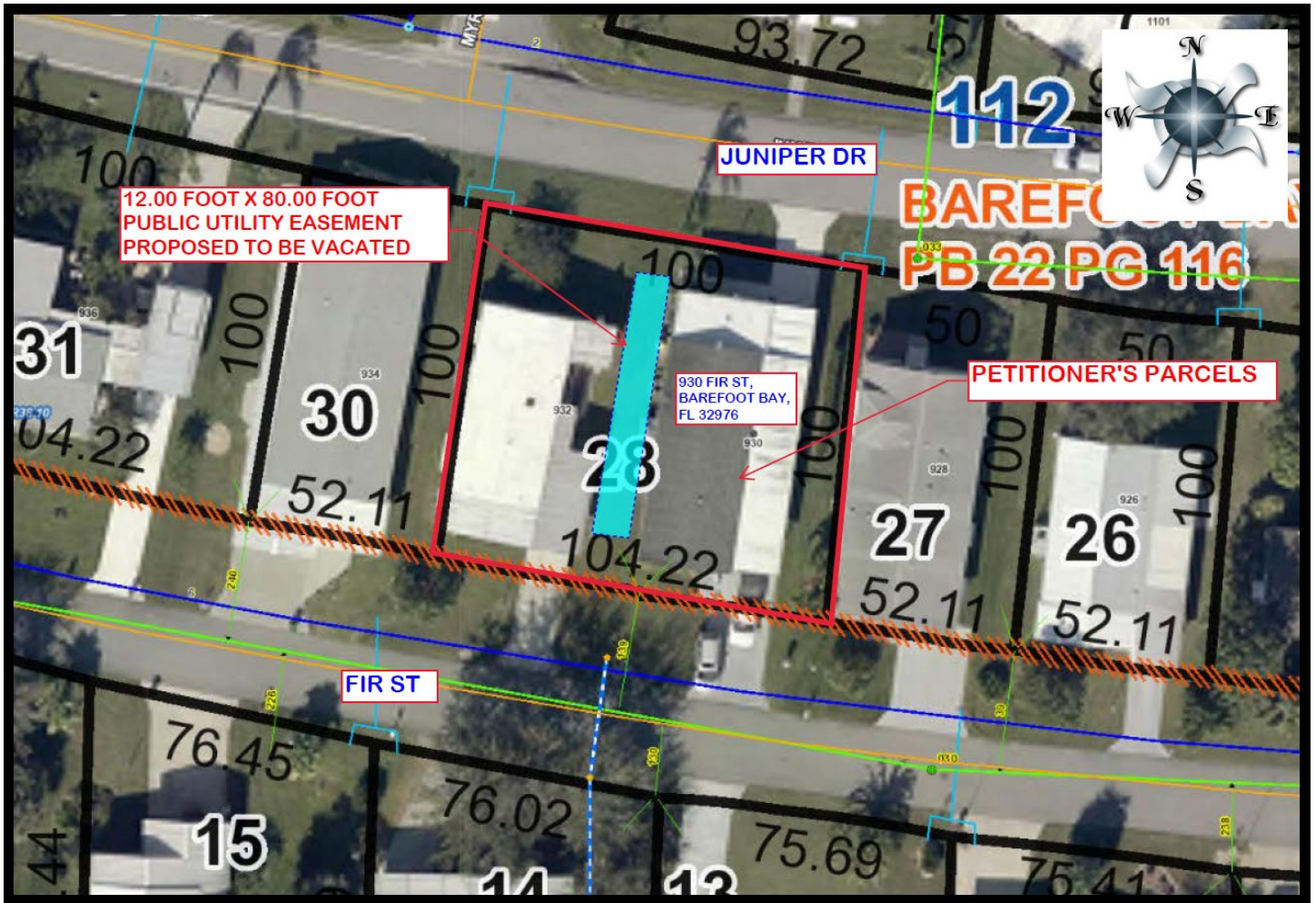


Figure 2: Aerial Map of Lots 28 & 29, Block 110, Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven, 930 Fir St, Barefoot Bay, Florida, 32976.

Justo O. Pena – 930 Fir Street – Barefoot Bay, FL, 32976 – Lots 28 & 29, Block 110, plat of “Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven” – Plat Book 22, Page 116 – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of a portion of two 6.0 ft. Wide Public Utility Easements

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
PARCEL ID NUMBER: 30-38-10-JT-110-28

SHEET 1 OF 2
NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

PURPOSE OF SKETCH AND DESCRIPTION

TO VACATE A PORTION OF TWO, 6.00 FOOT WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 28 AND 29, BLOCK 110.

LEGAL DESCRIPTION:

THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES:

SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE BASED ON THE EAST LINE OF LOT 28, BLOCK 110 AS S 06°56'19" W AS PER RECORD PLAT.
2. NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
3. THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
4. THIS SKETCH IS NOT A BOUNDARY SURVEY.

PREPARED FOR: JUSTO O. PENA
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS



THOMAS R. CECRLE, PLS 4896
NOT VALID UNLESS SIGNED AND SEALED



PREPARED BY: CECRLE LAND SURVEYING, INC. CERTIFICATION OF AUTHORIZATION L.B. NO. 6637
ADDRESS: 10749 HIGHWAY US1, SUITE A, SEBASTIAN, FL 32958
PHONE: PHONE 772-388-0520 FAX 772-388-2012 EMAIL tcecrle@bellsouth.net

DRAWN BY T.R.C.
DATE: 4-27-2024

CHECKED BY T.R.C.
SHEET 1 OF 2

DRAWN NO. 18-90-L1
REVISIONS: N/A

SECTION 10
TOWNSHIP 30 SOUTH
RANGE 38 EAST

Figure 4: Legal Description. Sheet 1 of 2. Section 10, Township 30 South, Range 38 East. Parcel ID number: 30-381--JT-110-28.

Petitioner's Sketch & Description Sheet 2 of 2

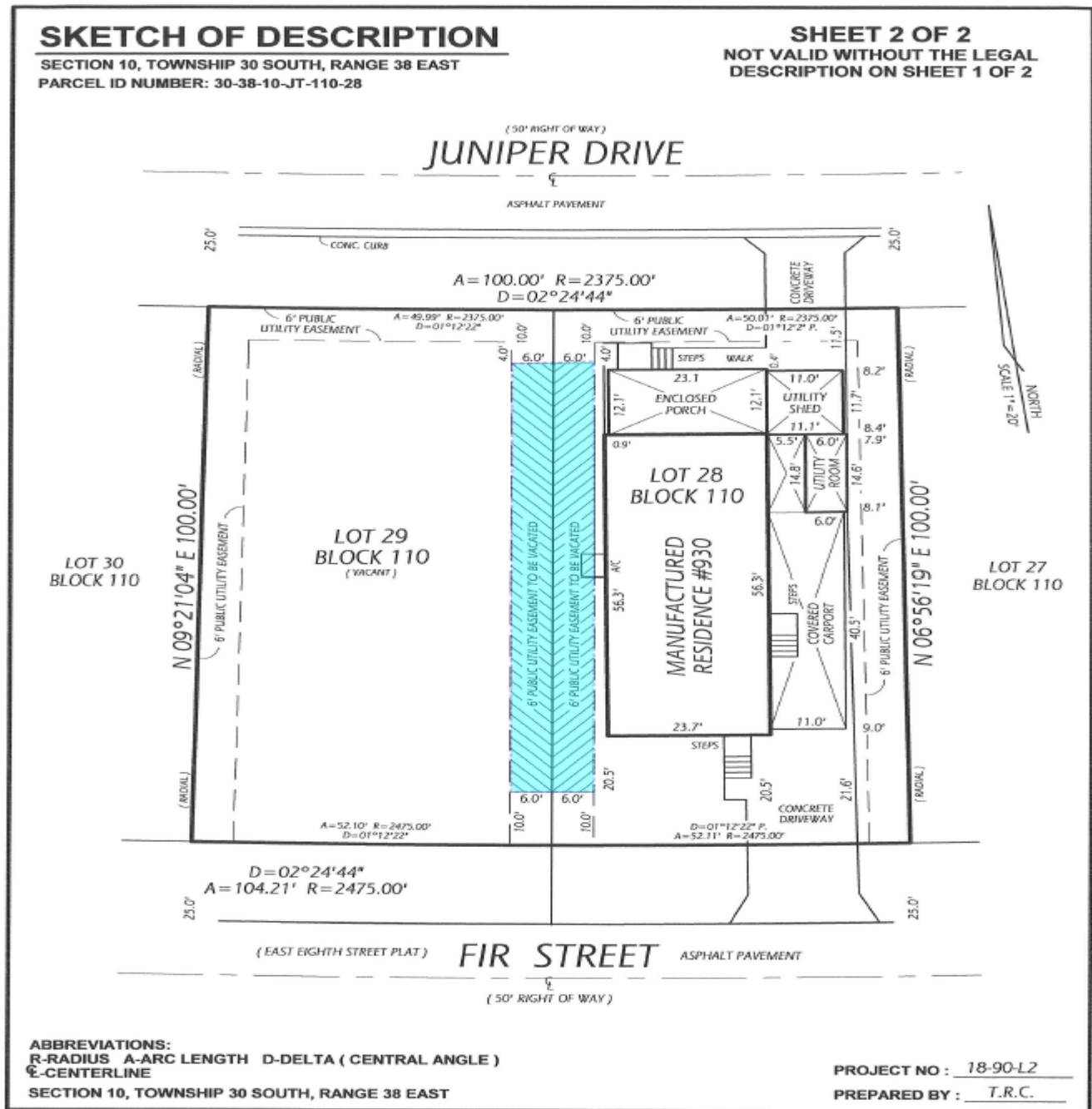


Figure 5: Sketch of description. Section 10, Township 30 South, Range 38 East. Parcel ID Number: 30-38-10-JT-110-28.

The sketch illustrates a portion of two 6.00-foot-wide public utility easements on Lots 28 & 29, Block 110, Barefoot Bay, Unit Two, Part Eleven, Barefoot Bay, Florida. The coordinate of the North line depicted is as follows: North boundary – South 81°51'19" East 100.00 Feet; East boundary – South 06°56'19" East 100.00 Feet; South boundary – South 81°53'44" West 104.21 Feet; West boundary – North 09°21'04" East 100.00 Feet. Prepared by: Thomas R. Cecrle, Cecrle Land Surveying, Inc., LS 4896, Project NO: 13-59-L2.

Boundary Survey with Proposed Garage

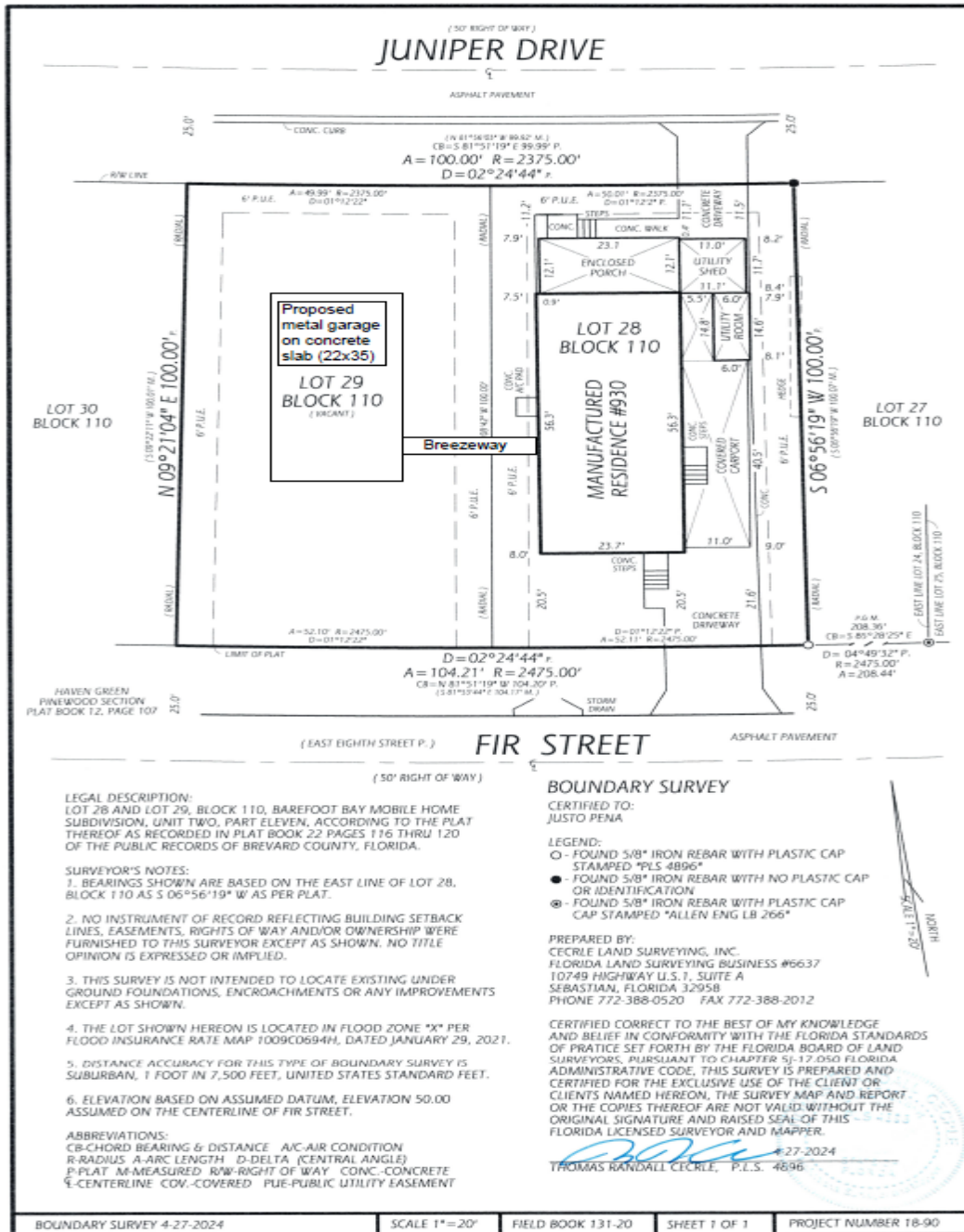


Figure 6: Boundary Survey.

The survey illustrates the existing single-family home, covered carport, utility room, enclosed porch, and proposed garage building with a breezeway (walkway) all lying within Lots 28 & 29, Block 110, Barefoot Bay Unit Two, Part Eleven, 930 Fir St, Barefoot Bay, Florida, 32976.

Comment Sheet

Applicant: Justo O. Pena

Updated by: Amber Holley 20240910 at 1630 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240904	20240920	Yes	No comment
FL Power & Light	20240904	20240920	Yes	No objections
At&t	20240904	20240905	Yes	No objections
Charter/Spectrum	20240904	20240908	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240904	20240920	Yes	No objections
Land Planning	20240904	20240910	Yes	No objections
Utility Services	20240904	20240910	Yes	No objections
Storm Water	20240904	20240910	Yes	No objections
Zoning	20240904	20240910	Yes	No objections

Public Hearing Legal Advertisement

Ad#10637796

10/07/2024

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.00 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY, UNIT TWO, PART ELEVEN" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, 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 JUSTO O. PENA with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY 6.00 FEET OF LOT 28 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY 6.00 FEET OF LOT 29, BLOCK 110, BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO, PART ELEVEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 116 THRU 120, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 10.00 FEET AND THE SOUTHERLY 10.00 FEET OF SAID EASEMENTS CONTAINING 960.00 SQUARE FEET MORE OR LESS. PREPARED BY: THOMAS R. CECRLE, PSM.

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 9:00 A.M. on October 22, 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 October 7, 2024. See the next page for full text.

Legal Notice Text

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