

Resolution 2020 - _____

Vacating two public utility easements per Official Records Book 2417, Page 2451, Melbourne Beach, Florida, lying in Section 20, Township 28 South, Range 38 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **PHOENIX PARK FUND V LP** with the Board of County Commissioners to vacate two 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 two public utility easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said two public utility easements are hereby vacated; and Brevard County renounces and disclaims any rights in and to said easements. 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 19th day of May, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Bryan Lober, Chair

SCOTT ELLIS, CLERK

As approved by the Board on:
May 19, 2020

Brevard County Property Appraiser Detail Sheet

Account 2849283

Owners Phoenix Park Fund V Lp

Mailing Address 119 Signature Dr Melbourne Beach FL 32951

Site Address Not Assigned

Parcel ID 28-38-20-00-5

Property Use 9908 - Vacant Residential Land (Multi-Family,
Unplatted)

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 15.65

Subdivision --

Site Code 0110 - River Front

Plat Book/Page --

Land Description

N 400 Ft Of S 700 Ft Of Govt Lot 2 & That Part Of N 400 Ft Of S 700 Ft Of Govt Lot 1 IN Sec 21 Lying W Of A1A Exc Orb 2417 Pgs 2436, 2438, 2440 Pars 10,14 & 261 IN Sec 21

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$3,675,000	\$3,560,000	\$1,068,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$3,675,000	\$1,135,170	\$1,031,980
Assessed Value School	\$3,675,000	\$3,560,000	\$1,068,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$3,675,000	\$1,135,170	\$1,031,980
Taxable Value School	\$3,675,000	\$3,560,000	\$1,068,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/22/2018	\$6,600,000 Vacant	WD		8075/2541
02/28/1988	\$6,975,000	PT	--	2885/2299
09/01/1982	--	WD	--	2389/0874

Fig. 1: Copy of Property Appraiser's detail sheet for parcel 5, Section 20, Township 28 South, Range 38 East, District 3

Vicinity Map

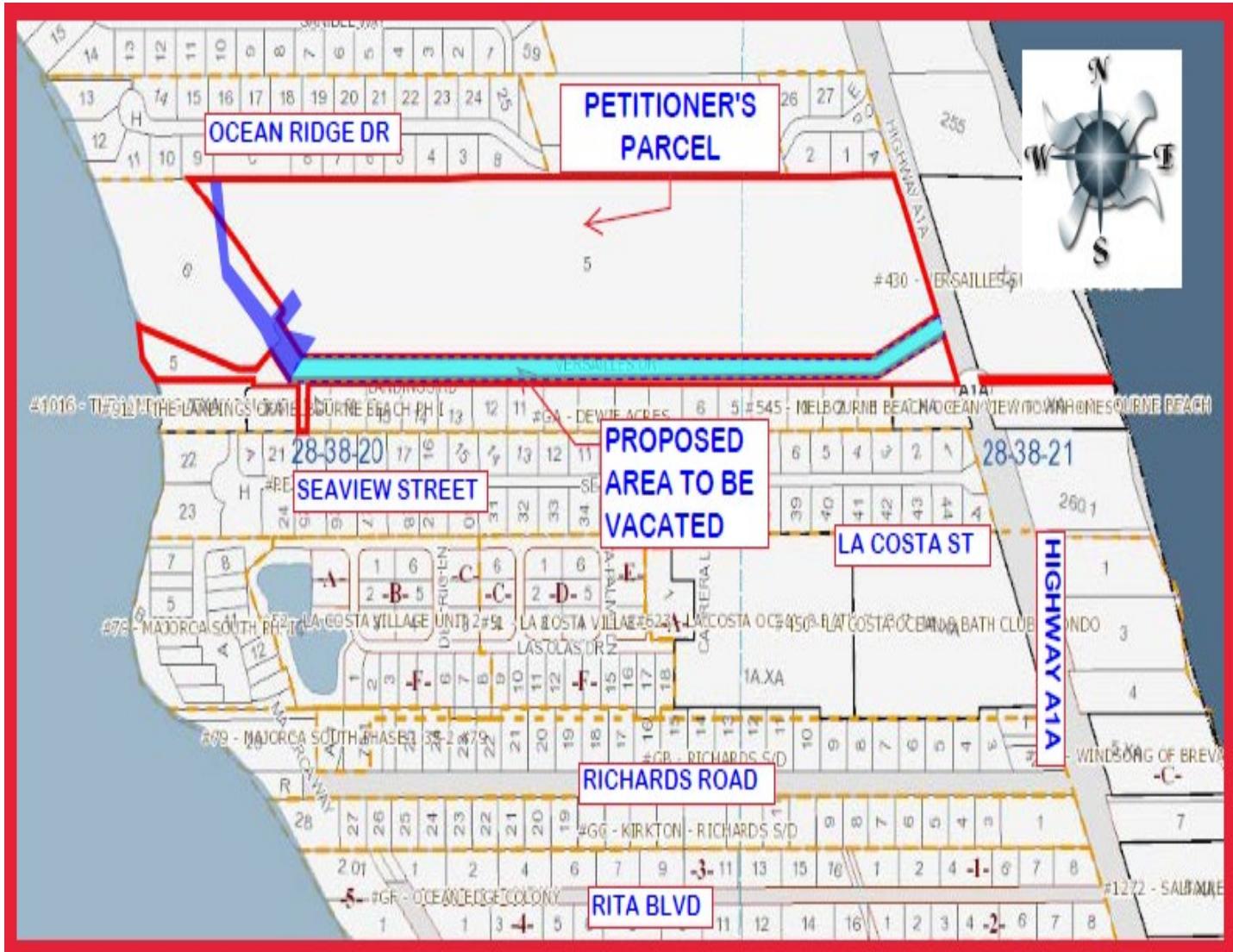


Fig. 2: Map of Parcel 5, Section 20, Township 28 South, Range 38 East.

**Phoenix Park Fund V Lp – Parcel 5 – Section 20,
Township 28 South, Range 38 East – District 3 –
Proposed Vacating of two Public Utility Easements for
future site plan of “Harbor Island Beach Club”,
Highway A1A, Melbourne Beach**

Aerial Map



Fig. 3: Map of aerial view of Parcel 5, Section 20, Township 28 South, Range 38 East.

**Phoenix Park Fund V Lp – Parcel 5 – Section 20,
Township 28 South, Range 38 East – District 3 –
Proposed Vacating of two Public Utility Easements for
future site plan of “Harbor Island Beach Club”,
Highway A1A, Melbourne Beach**

Plat Reference

2/17/03
REV-2

0632

SECTIONS 20 & 21 TOWNSHIP 28 S. RANGE 38 E.

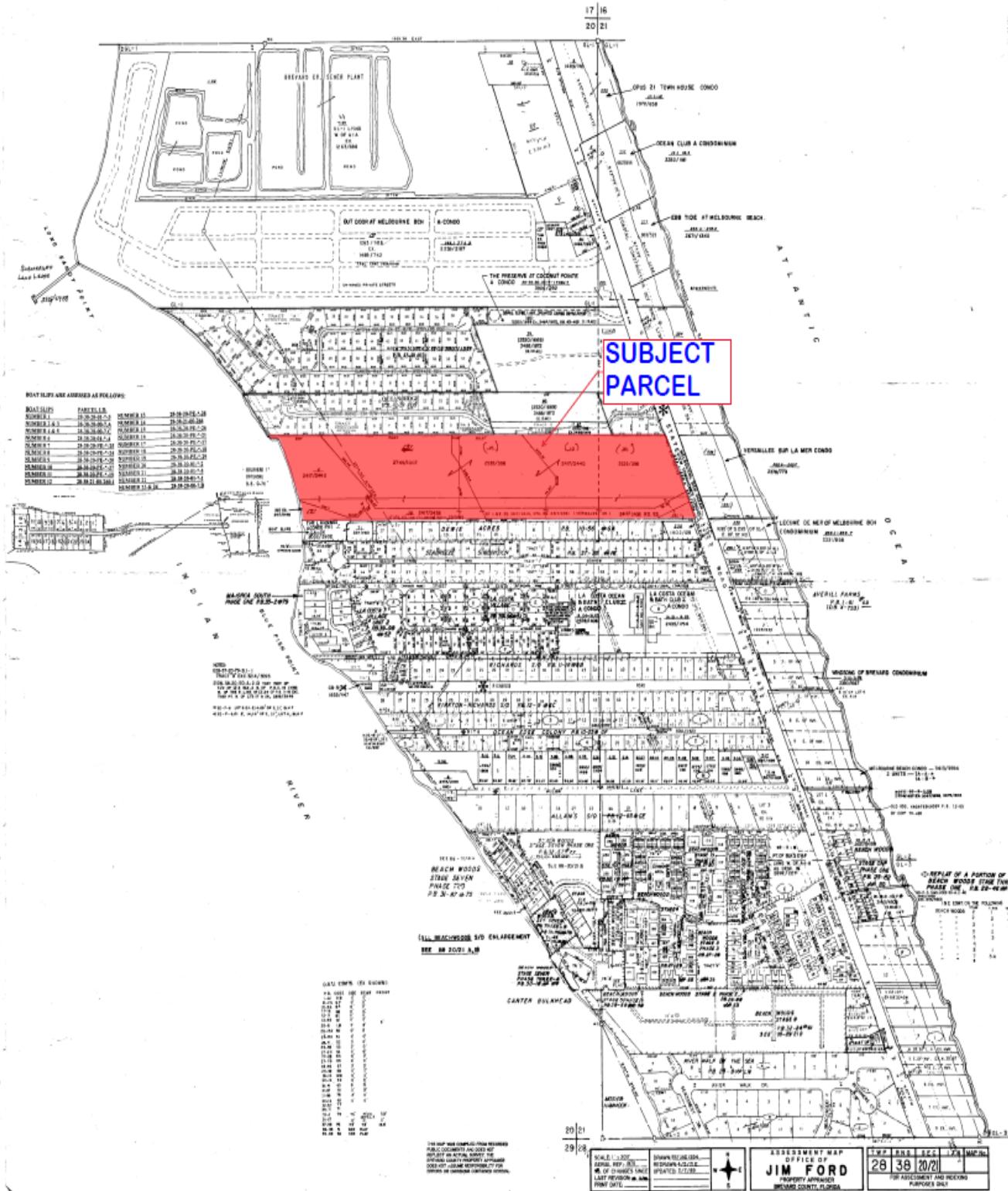


Fig. 4: Copy of tax map "Sections 20 & 21, Township 28 South, Range 38 East" drawn before 1954.

Petitioner's Sketch & Description Sheet 1 of 3

LEGAL DESCRIPTION

PARENT PARCEL ID#: 28-38-20-00-05
PURPOSE: VACATE UTILITY EASEMENTS

EXHIBIT "A"

SHEET 1 OF 3

NOT VALID WITHOUT SHEETS 2 & 3 OF 3
THIS IS NOT A SURVEY

DESCRIPTION: PER ORB 2417, PG 2451

PARCEL A:

A public utility easement in Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the North line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida, and the West Right-of-Way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, pages 67-74 of the Public Records of Brevard County, Florida, and go thence South 89°48'25" West along the said North line of the North 400 feet of the South 700 feet of said Government Lot 1 and the North line of the North 400 feet of the South 700 feet of said Government Lot 2 a combined distance of 1933.83 feet to the POINT OF BEGINNING of the herein described parcel; thence South 00°11'35" East a distance of 91.63 feet; thence South 45°11'35" East a distance of 269.39 feet; thence North 44°48'25" East a distance of 77.50 feet; thence South 45°11'35" East a distance of 15.00 feet; thence South 44°48'25" West a distance of 60.00 feet; thence South 45°11'35" East a distance of 75.86 feet; thence South 89°48'25" West a distance of 109.37 feet; thence North 00°11'55" West a distance of 63.42 feet; thence North 45°11'35" West a distance of 244.28 feet; thence North 00°11'35" West a distance of 97.84 feet to the North line of the North 400 feet of the South 700 feet of Government Lot 2; thence North 89°48'25" East along the said North line a distance of 15.00 feet to the POINT OF BEGINNING.

PARCEL B:

A portion of the South 50 feet of the North 400 feet of the South 700 feet of Government Lot 1, Section 21 and of Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the north line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida with the west right-of-way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, Pages 67-74, Brevard County Public Records; thence South 89°48'25" West along the north line of the North 400 feet of the South 700 feet of said Government Lot 1 and along the north line of the North 400 feet of the South 700 feet of said Government Lot 2, a combined distance of 1983.74 feet; thence South 45°11'35" East a distance of 393.99 feet; thence South 44°48'25" West a distance of 28.00 feet to the POINT OF BEGINNING of the herein described easement; thence South 45°11'35" East a distance of 60.97 feet to the Point of Curvature of a circular curve, concave to the North, having a central angle of 45°00'00" and a radius of 29.00 feet; thence southerly and easterly along the arc of said curve, a distance of 22.78 feet to the Point of Tangency of said curve; thence North 89°48'25" East a distance of 1603.17 feet; thence North 66°31'49" East a distance of 191.73 feet to the aforesaid west right-of-way of State Road A-1-A; thence South 23°28'11" East along said west right-of-way a distance of 50.00 feet; thence South 66°31'49" West a distance of 202.03 feet to the south line of the North 400 feet of the South 700 feet of Government Lot 1 of said Section 21; thence South 89°48'25" West along the south line of the North 400 feet of the South 700 feet of said Government Lot 1 and Government Lot 2 a combined distance of 1646.19 feet; thence North 45°11'35" West a distance of 62.69 feet; thence North 44°48'25" East a distance of 38.00 feet; thence North 45°11'35" West a distance of 31.00 feet; thence North 44°48'25" East a distance of 14.00 feet to the POINT OF BEGINNING.

104669 total square footage.

SEE SHEET 2 & 3 FOR NOTES AND LEGEND

PREPARED FOR AND CERTIFIED TO:

PHOENIX PARK FUND V, LP
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

This Map or Report conforms to the Standards of Practice for professional surveyors and mappers as outlined in Chapter 5J-17, F.A.C.

ROBERT R. BRIEL, Florida Professional Surveyor & Mapper, No. 3699

This survey is prepared and certified for the exclusive use of the client or clients named herein. Not valid without the signature and original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.

PREPARED BY:  **BRIEL & ASSOCIATES**
Land Surveyors, Inc.

1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

DRAWN BY: RRB	CHECKED BY: RRB	PROJECT NO. 17020 sewer vdc			SECTIONS 20 & 21
DATE: 04/10/2020	DRAWING:	REVISIONS	DATE	DESCRIPTION	TOWNSHIP 28 SOUTH RANGE 38 EAST

Fig. 5: Sheet 1 of 2. Legal description for easements created by Official Records Book 2417, Page 2451.

Petitioner's Sketch & Description Sheet 2 of 3

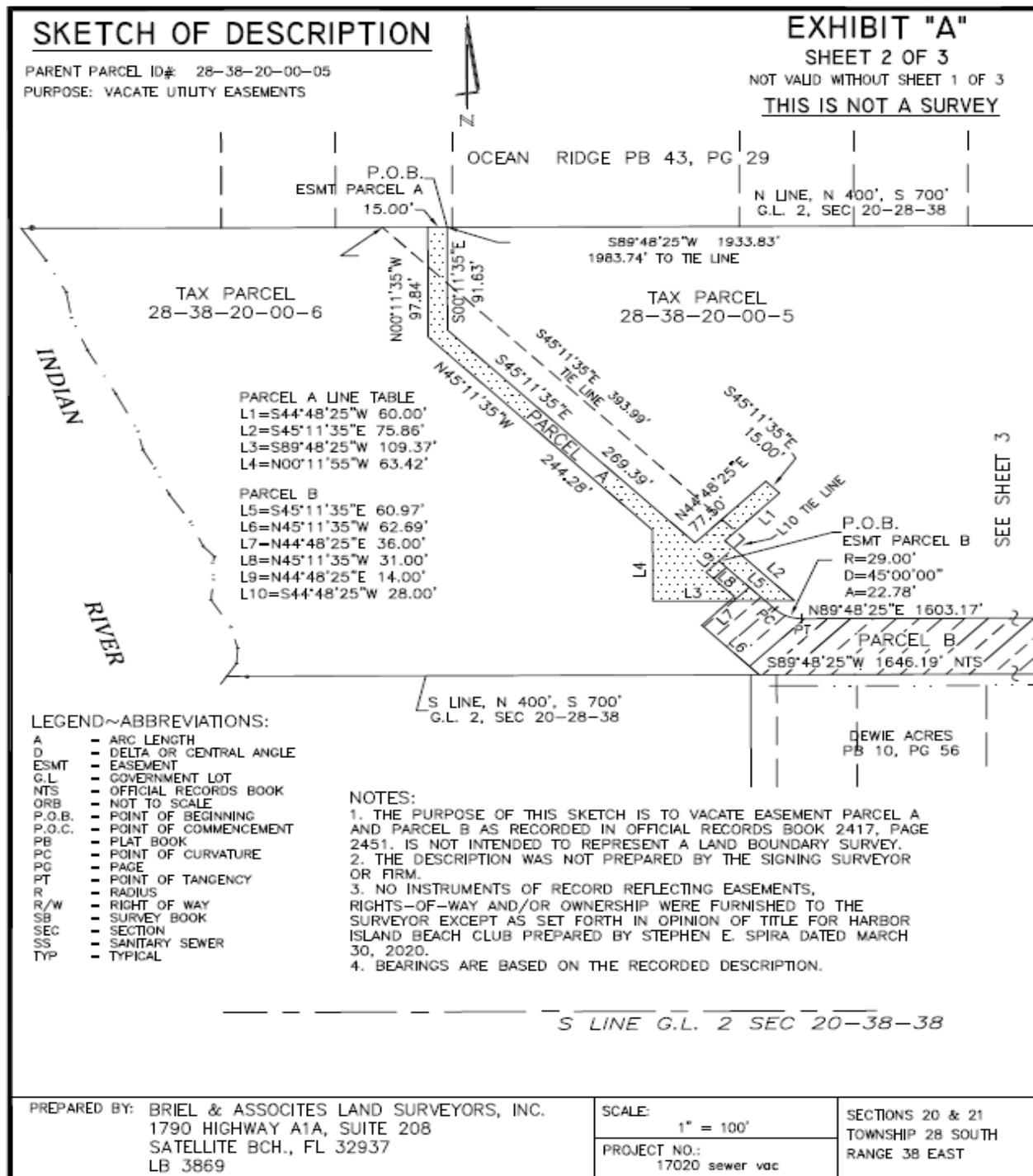


Fig. 6: Sheet 2 of 3. Not valid without legal description on sheet 1 of 3. Sketch illustrates one parcel (5) that resides on Highway A1A, Melbourne Beach, Florida. Easement Parcel A is on the Northwest side while Easement Parcel B is on the Southeast side. Project Number: 17010. Survey date: 4/10/20.

Petitioner's Sketch & Description Sheet 2 of 3

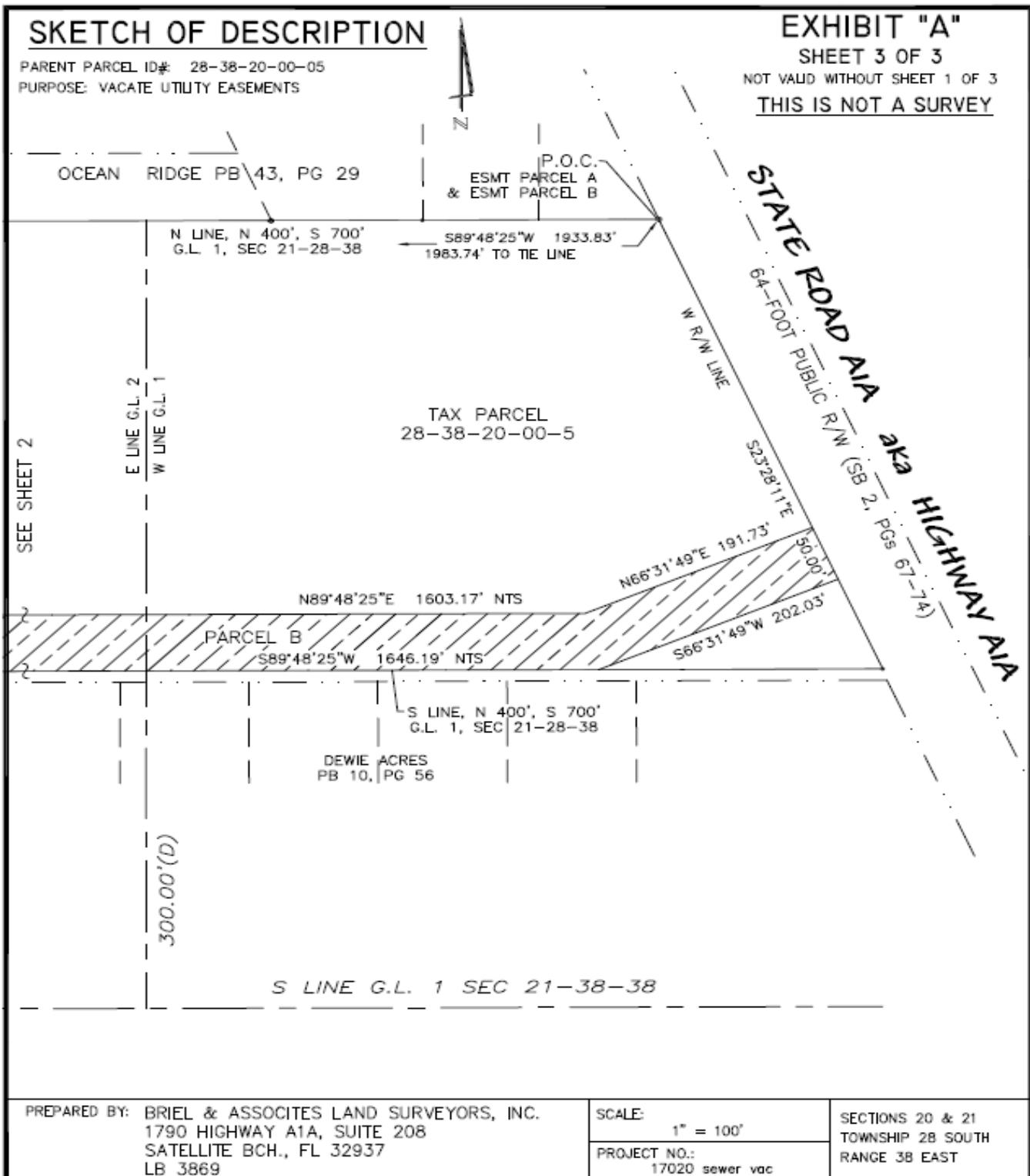


Fig. 7: Sheet 3 of 3. Not valid without legal description on sheet 1 and 2 of 3. Sketch illustrates one parcel (5) that resides on Highway A1A, Melbourne Beach, Florida. Easement Parcel A is on the Northwest side while Easement Parcel B is on the Southeast side. Project Number: 17010. Survey date: 4/10/20.

Comment Sheet

Applicant: Harbor Island Beach Club/ Phoenix Park Fund V LP

Updated by: Amber Holley 20200424 at 17:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20200424	20200424	Yes	No objections
FL Power & Light	20200424	20200428	Yes	No objections
At&t	20200424	20200427	Yes	No objections
Charter/Spectrum	20200424	20200424	Yes	No objections
City of Melbourne	20200424	20200427	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20200424	20200425	Yes	No objections
Land Planning	20200424	20200427	Yes	No objections
Utility Services	20200424	20200427	Yes	No objections
Storm Water	20200424	20200427	Yes	No objections
Zoning	20200424	20200424	Yes	No objections

Fig. 8: Copy of comment sheet for utility review.

Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the May 04, 2020 issue of Florida TODAY.

PLEASE NOTE! Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

LEGAL NOTICE

NOTICE FOR THE VACATING OF TWO PUBLIC UTILITY EASEMENTS, PER OFFICIAL RECORDS BOOK 2417, PAGE 2451, IN SECTION 20, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH, 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 PHOENIX PARK FUND V LP with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

PARCEL A:

A public utility easement in Government Lot 2, Section 20, Township 28 South, Range 38 East, Brevard County, Florida, being more particularly described as follows: Commence at the intersection of the North line of the North 400 feet of the South 700 feet of Government Lot 1, Section 21, Township 28 South, Range 38 East, Brevard County, Florida, and the West Right-of-Way of State Road A-1-A (64 foot R/W) as defined by Florida D.O.T. Maintenance Map recorded in Survey Book 2, pages 67-74 of the Public Records of Brevard County, Florida, and go thence South 89°48'25" West along the said North line of the North 400 feet of the South 700 feet of said Government Lot 1 and the North line of the North 400 feet of the South 700 feet of said Government Lot 2 a combined distance of 1933.83 feet to the POINT OF BEGINNING of the herein described parcel; thence South 00°11'35" East a distance of 91.63 feet; thence South 45°11'35" East a distance of 269.39 feet; thence North 44°48'25" East a distance of 77.50 feet; thence South 45°11'35" East a distance of 15.00 feet; thence South 44°48'25" West a distance of 60.00 feet; thence South 45°11'35" East a distance of 75.86 feet; thence South 89°48'25" West a distance of 109.37 feet; thence North 00°11'55" West a distance of 63.42 feet; thence North 45°11'35" West a distance of 244.28 feet; thence North 00°11'35" West a distance of 97.84 feet to the North line of the North 400 feet of the South 700 feet of Government Lot 2; thence North 89°48'25" East along the said North line a distance of 15.00 feet to the POINT OF BEGINNING.

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66°31'49" East a distance of 191.73 feet to the aforesaid west right-of-way of State Road A-1-A; thence South 23°28'11" East along said west right-of-way a distance of 50.00 feet; thence South 66°31'49" West a distance of 202.03 feet to the south line of the North 400 feet of the South 700 feet of Government Lot 1 of said Section 21; thence South 89°48'25" West along the south line of the North 400 feet of the South 700 feet of said Government Lot 1 and Government Lot 2 a combined distance of 1646.19 feet; thence North 45°11'35" West a distance of 62.69 feet; thence North 44°48'25" East a distance of 36.00 feet; thence North 45°11'35" West a distance of 31.00 feet; thence North 44°48'25" East a distance of 14.00 feet to the POINT OF BEGINNING. PREPARED BY: ROBERT R. BRIEL, 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 May 19, 2020 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.