

Resolution 2020 - \_\_\_\_\_

**Partial Vacating of a 30.0 ft. wide unopened Public Right-of-Way between Blocks 24 & 25, "A Re-Plat of Section 17 of Indian River Park", Section 17, Township 20G South, Range 35 East, Mims, Florida**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **THOMAS MERCHANT** with the Board of County Commissioners to partially vacate a 30.0 ft. wide, unopened public right-of-way in Mims, Brevard County, Florida, described as follows:

**SEE ATTACHED BOUNDARY SURVEY**

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 the partial vacating of the public right-of-way will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public right-of-way is hereby vacated; and Brevard County renounces and disclaims any rights in and to said right-of-way. 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 08<sup>th</sup> day of December, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Rita Pritchett, Chair

\_\_\_\_\_  
SCOTT ELLIS, CLERK

As approved by the Board on:  
December 08, 2020

# Brevard County Property Appraiser Detail Sheet

Account 2005840  
 Owners Merchant, Thomas  
 Mailing Address 3665 Wood Duck Dr Mims FL 32754  
 Site Address 3620 Maebert Rd Mims FL 32754  
 Parcel ID 20G-35-17-AL-25-1.01  
 Property Use 0132 - Residential Related Amenities  
 Exemptions None  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 5.96  
 Subdivision Indian River Park Replat Sec 17  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0002/0075  
 Land Description Indian River Park Replat Sec 17 Part Of Tracts 1, 2 & 18 Lying N Of Rd As Desc IN Orb 6011 Pg 842

## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$98,570	\$100,230	\$76,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$98,140	\$89,220	\$76,000
Assessed Value School	\$98,570	\$100,230	\$76,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$98,140	\$89,220	\$76,000
Taxable Value School	\$95,5700	\$100,230	\$76,000

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/29/2017	\$94,000	WD	Vacant	7975/0454
07/23/2009	--	QC	Vacant	6011/0842

Fig. 1: Copy of Property Appraiser's detail sheet for parcel 1.01, block 25, Section 17, Replat of Indian River Park, 3620 Maebert Road, Mims, Fl 32754, Section 17, Township 20G South, Range 35 East, District 1

## Vicinity Map

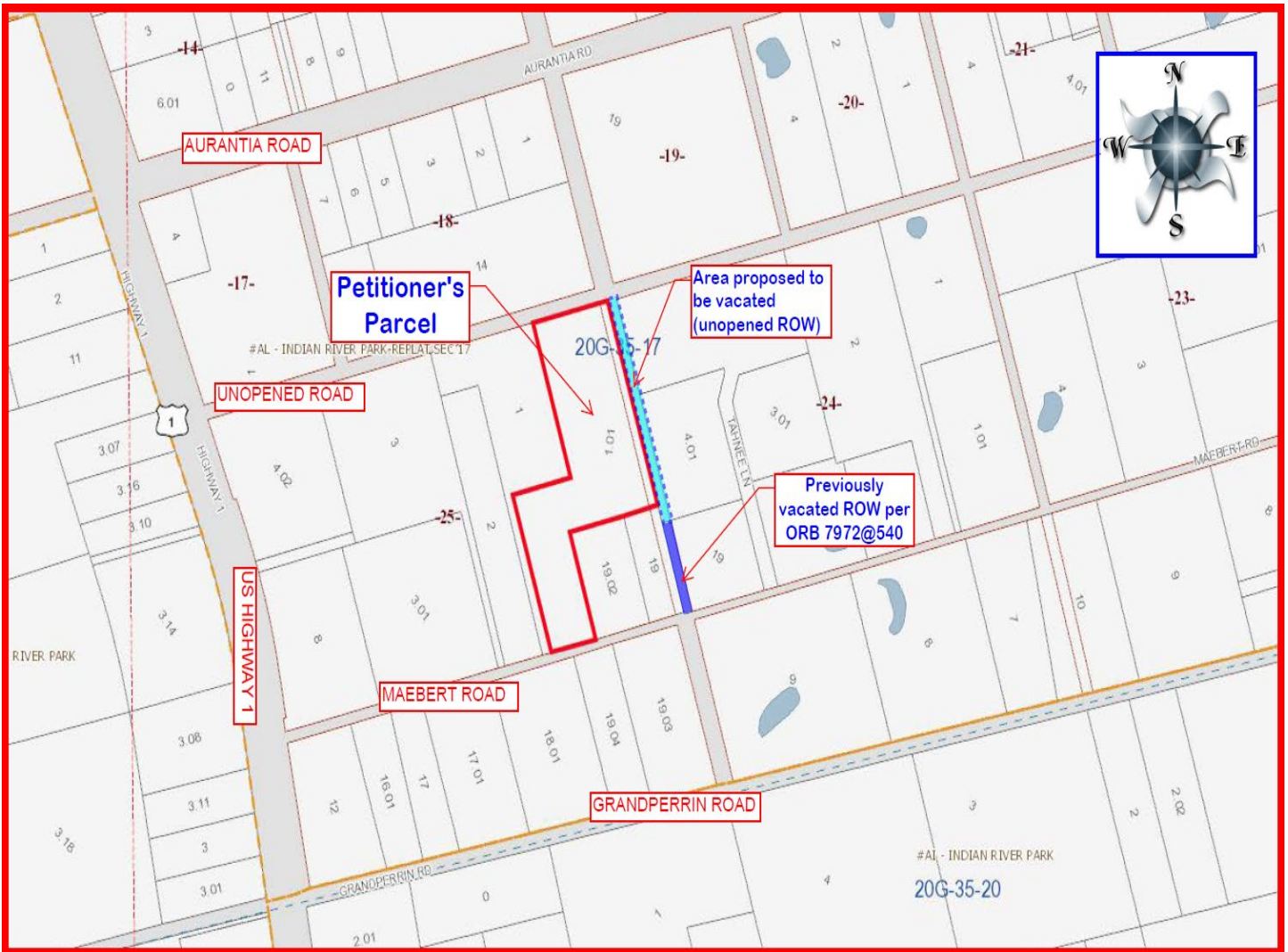


Fig. 2: Map of Tax Parcel 1.01, Block 25, Section 17, Re-plat of Indian River Park, 3620 Maebert Road, Mims, FL 32754.

Thomas Merchant – Tax Parcel 1.01, Block 25, “Section 17 Re-plat Indian River Park” (Plat Book 02, Page 75) – 3620 Maebert Road – Section 17, Township 20G South, Range 35 East – District 1 – Proposed Vacating of Unopened, Unnamed 30.0 ft. Wide Public Right-of-Way between Blocks 24 and 25.

## Aerial Map

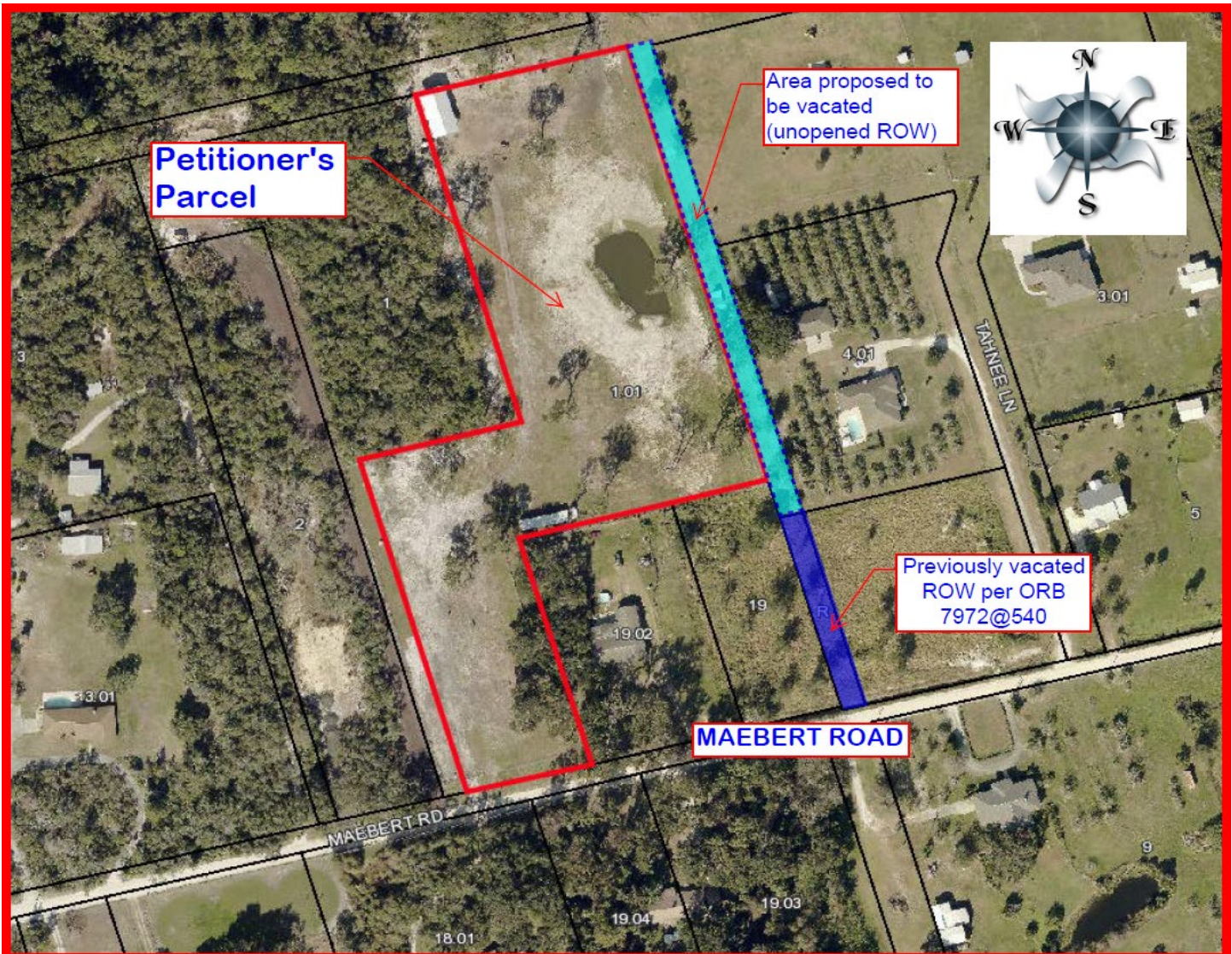


Fig. 3: Map of aerial view of Tax Parcel 1.01, Block 25, Section 17, Re-plat of Indian River Park, 3620 Maebert Road, Mims, FL 32754.

Thomas Merchant – Tax Parcel 1.01, Block 25,  
“Section 17 Re-plat Indian River Park” (Plat Book 02,  
Page 75) – 3620 Maebert Road – Section 17, Township  
20G South, Range 35 East – District 1 – Proposed  
Vacating of Unopened, Unnamed 30.0 ft. Wide Public  
Right-of-Way between Blocks 24 and 25.

# Plat Reference

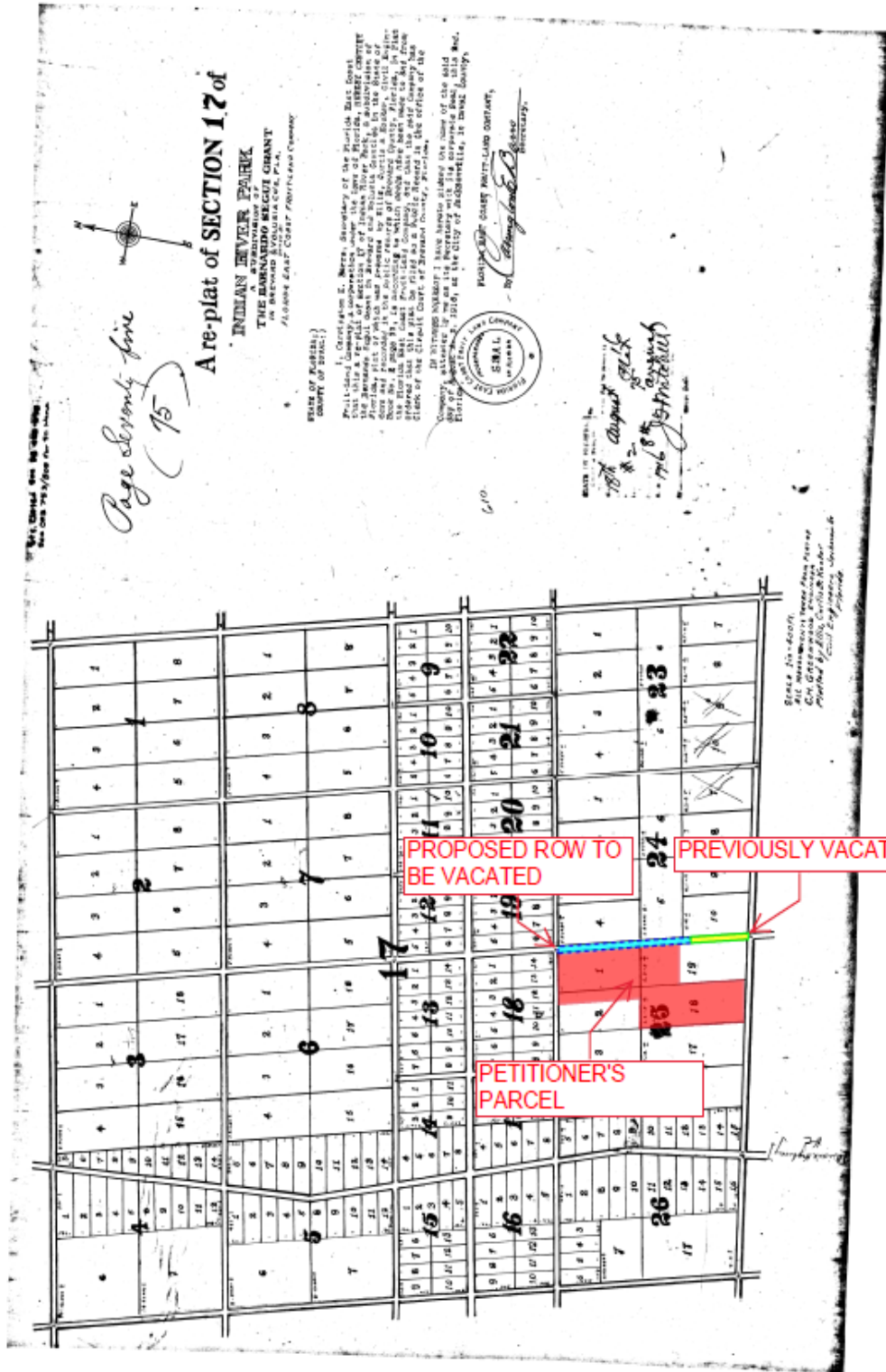


Fig. 4: Copy of plat map "A Re-plat of Section 17 of Indian River Park" dedicated to Brevard County August 18, 1916.

**BOUNDARY SURVEY**

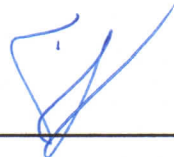
SURVEY TO VACATE R/W  
SECTION 17, T.20G., R.35E.  
PETITIONER'S PARCEL ID NO.  
20G-35-17-AL-24--4.01

**LEGAL DESCRIPTION: (30.00' ROAD R/W TO BE VACATED)**

THE 30.00 FOOT WIDE ROAD RIGHT OF WAY LYING WEST OF BLOCK 24 AND EAST OF BLOCK 25, REPLAT OF SECTION 17, INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID BLOCK 24 PROJECTED WEST AND THE NORTH LINE OF BLOCK 25 PROJECTED EAST, BEING THE SOUTH LINE OF AN UN-OPEN 40 FOOT ROAD RIGHT OF WAY AND BEING BOUNDED ON THE SOUTH BY THE NORTH END OF THE 30 FOOT ROAD RIGHT OF WAY VACATED PER RESOLUTION 2017-144, RECORDED IN OFFICIAL RECORDS BOOK 7972, PAGE 540, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 0.4735 ACRES OR 20,625 SQUARE FEET MORE OR LESS

THE FOREGOING PLAT IS HEREBY CERTIFIED AS BEING A CORRECT REPRESENTATION OF THE LAND SURVEYED AND MEETS OR EXCEEDS THE MINIMUM STANDARDS ESTABLISHED PURSUANT TO FLORIDA STATUTE 472.027.



06/28/2019

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

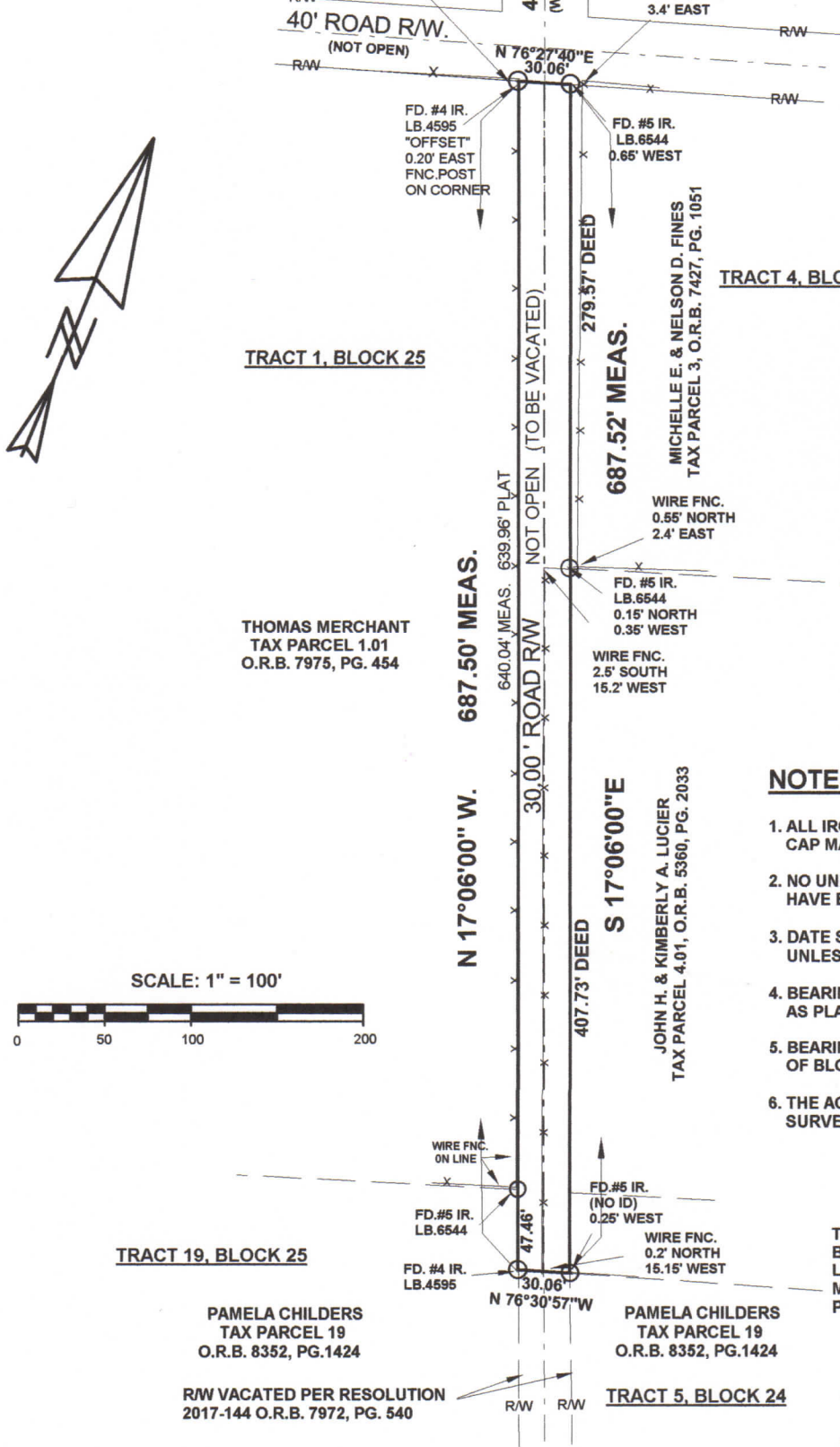
SHEET 1 OF 2 NOT VALID  
WITHOUT SHEET 2

**HOLLEY & ASSOCIATES INC.**  
REGISTERED LAND SURVEYORS L.B#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
321-267-6113

SHEET 2 OF 2 NOT VALID WITHOUT THE LEGAL DESCRIPTION ON SHEET 1

# BOUNDARY SURVEY

SURVEY TO VACATE R/W  
SECTION 17, T.20G., R.35E.  
PETITIONER'S PARCEL ID NO.  
20G-35-17-AL-24--4.01



TRACT 1, BLOCK 25

TRACT 4, BLOCK 24

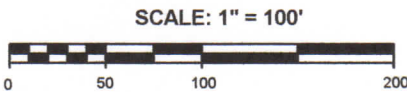
### LEGEND:

- E = EAST
- FNC. = FENCE
- FD = FOUND
- I.R. = IRON ROD
- ID = IDENTIFYING NAME / #
- L.B. = LICENSED BUSINESS
- L.S. = LICENSED SURVEYOR
- MEAS. = MEASURED
- N = NORTH
- N.T.S. = NOT TO SCALE
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- R/W = RIGHT OF WAY
- S = SOUTH
- W = WEST

### NOTES:

1. ALL IRON RODS SET ARE 18" #4 (1/2") REBAR WITH CAP MARKED HOLLEY & ASSOC. LB.4595.
2. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
3. DATE SHOWN IS DATE OF FIELD SURVEY, UNLESS OTHERWISE STATED.
4. BEARINGS & DISTANCES MEASURED ARE THE SAME AS PLAT OR DEED CALL UNLESS OTHERWISE SHOWN.
5. BEARINGS BASED ON ASSUMED DATUM, THE EAST LINE OF BLOCK 25 BEING N. 17°06'00" W.
6. THE ACCURACY OF FIELD MEASUREMENTS FOR THIS SURVEY MEETS OR EXCEEDS 1 FT. IN 7,500 FT.

THE FOREGOING PLAT IS HEREBY CERTIFIED AS BEING A CORRECT REPRESENTATION OF THE LAND SURVEYED AND MEETS OR EXCEEDS THE MINIMUM STANDARDS ESTABLISHED PURSUANT TO FLORIDA STATUTE 472.027.



06/28/2019

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

**HOLLEY & ASSOCIATES INC.**  
REGISTERED LAND SURVEYORS L.B.#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
321-267-6113

## Comment Sheet

Applicant: Thomas Merchant

Updated by: Amber Holley 20190916 at 12:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20190807	20190812	Yes	No objections
FL Power & Light	20190807	20190911	Yes	No objections
At&t	20190807	20190808	Yes	No objections
Charter/Spectrum	20190807	20190812	Yes	No Objections
Florida Gas Trans.	20190807	20190807	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20190807	20190916	Yes	No objections with easement
Traffic Engineer	20190807	20190815	Yes	No objections
Land Acquisition	20190807	20190808	Yes	No objections
Land Planning	20190807	20190808	Yes	No objections
Utility Services	20190807	20190808	Yes	No objections
Storm Water	20190807	20190911	Yes	No objections
Zoning	20190807	20190808	Yes	No objections
Fire Dept	20190807	20190808	Yes	No objections

Fig. 5: Copy of comment sheet for utility review.



# Public Hearing Legal Advertisement

Ad#4470644

11/23/2020

**LEGAL NOTICE  
NOTICE FOR THE PARTIAL VACATING OF  
A 30.0 FT. WIDE RIGHT-OF-WAY, PLAT  
OF "SECTION 17, INDIAN RIVER PARK" IN  
SECTION 17, TOWNSHIP 20G SOUTH,  
RANGE 35 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 THOMAS MERCHANT with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**THE 30.00 FOOT WIDE ROAD RIGHT OF WAY LYING WEST OF BLOCK 24 AND EAST OF BLOCK 25, REPLAT OF SECTION 17, INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID BLOCK 24 PROJECTED WEST AND THE NORTH LINE OF BLOCK 25 PROJECTED EAST, BEING THE SOUTH LINE OF AN UN-OPEN 40 FOOT ROAD RIGHT OF WAY AND BEING BOUNDED ON THE SOUTH BY THE NORTH END OF THE 30 FOOT ROAD RIGHT OF WAY VACATED PER RESOLUTION 2017-144, RECORDED IN OFFICIAL RECORDS BOOK 7972, PAGE 540, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 0.4735 ACRES OR 20,625 SQUARE FEET MORE OR LESS.  
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 right-of-way at 5:00 P.M. on December 08, 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.

Fig. 6: Copy of public hearing advertisement as published on November 23, 2020 see next page for full text.

## **Legal Notice Text**

### LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 30.0 FT. WIDE RIGHT-OF-WAY, PLAT OF "SECTION 17, INDIAN RIVER PARK" IN SECTION 17, TOWNSHIP 20G SOUTH, RANGE 35 EAST, MIMS, FL

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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.

Prepared by/Return to:  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 20G-35-17-AL-25-1.01

## **PUBLIC UTILITY AND DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 4 day of March, A.D. 2020, between Thomas Merchant, as the first party, Grantor, and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, Grantee, for the use and benefit of BREVARD COUNTY, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of public utilities and drainage, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 17, Township 20G, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

### **SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness

Chad Conner  
(Print Name)

[Signature]  
Witness

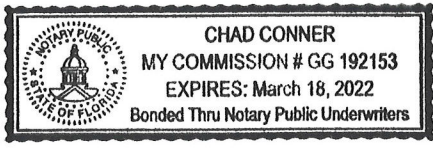
Jason Brown  
(Print Name)

[Signature]  
Thomas Merchant

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 4 day of MARCH, 2020, by Thomas Merchant, who is/is not personally known to me or who has produced DRIVERS LICENSE as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 4 day of MARCH, 2020.



Notary Public [Signature]  
Print Name Chad Conner  
Commission No. GG192153  
Commission Expires 3-18-22

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

**LEGAL DESCRIPTION**

SECTION 17, T.20G., R.35E.  
PROJECT PARCEL NUMBER 1.01  
OWNER NAME: THOMAS MERCHANT  
TAX ID # 20G-35-17-AL-25--1.01


**LEGAL DESCRIPTION: (FOR EASEMENT)**

PART OF THE WESTERLY 1/2 OF THE 30.00 FOOT ROAD RIGHT OF WAY LYING BETWEEN BLOCKS 24 AND 25, REPLAT OF SECTION 17, INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING EAST OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7975, PAGE 454, OF SAID PUBLIC RECORDS, BEING DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHEAST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7975, PAGE 454 ALSO BEING THE SOUTHEAST CORNER OF TRACT 1 OF SAID BLOCK 25; THENCE N. 17°06'00" W ALONG THE EAST LINE OF SAID TRACT 1, 639.96 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1, ALSO BEING THE NORTHEAST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7975, PAGE 454; THENCE N.76°27'40" E. ON A EASTERLY PROJECTION OF THE NORTH BOUNDARY OF SAID LAND AND TRACT 1, 15.03 FEET TO THE CENTER LINE OF SAID 30 FOOT ROAD RIGHT OF WAY; THENCE S. 17°06'00" E. ALONG SAID CENTER LINE, 639.97 FEET TO AN EASTERLY PROJECTION OF THE SOUTH BOUNDARY OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7975, PAGE 454 AND THE SOUTH LINE OF SAID TRACT 1; THENCE S. 76°30'57" W. ALONG SAID LINE, 15.03 FEET TO THE POINT OF BEGINNING.

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.

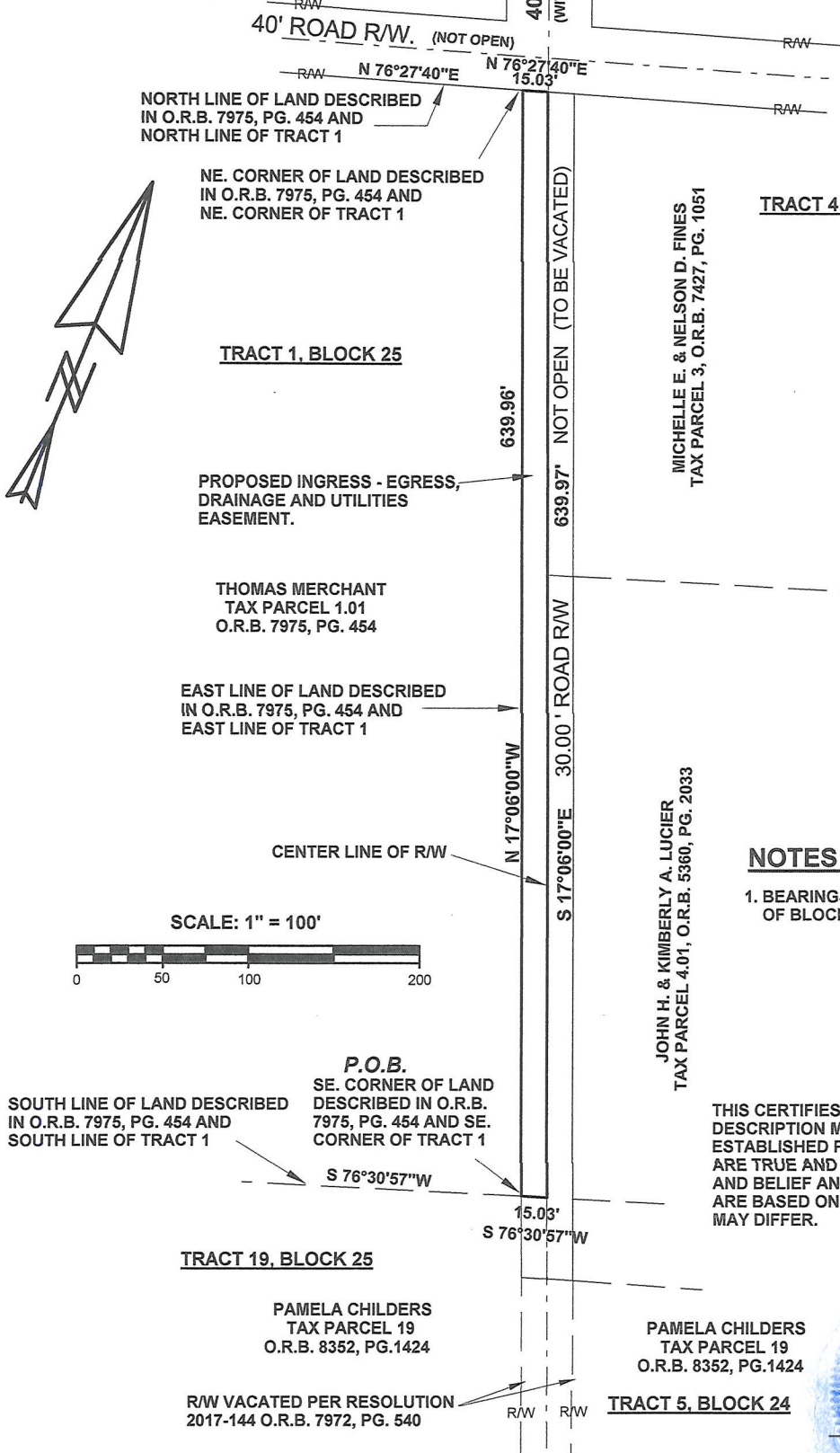
THIS IS NOT A SURVEY

  
\_\_\_\_\_  
10/19/2020  
JOHN T. HOLLEY, P.S.M. #5050  
("NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.")

# SKETCH OF DESCRIPTION

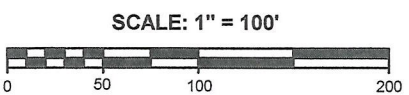
SECTION 17, T.20G., R.35E.  
 PROJECT PARCEL NUMBER 4.01  
 OWNER NAME: JOHN H. & KIMBERLY A. LUCIER  
 20G-35-17-AL-24--4.01

SHEET 2 OF 2 NOT VALID  
 WITHOUT SHEET 1 OF 2



**LEGEND:**  
 E = EAST  
 L.B. = LICENSED BUSINESS  
 L.S. = LICENSED SURVEYOR  
 N = NORTH  
 N.T.S. = NOT TO SCALE  
 O.R.B. = OFFICIAL RECORDS BOOK  
 PG. = PAGE  
 R/W = RIGHT OF WAY  
 S = SOUTH  
 W = WEST

**NOTES:**  
 1. BEARINGS BASED ON ASSUMED DATUM, THE EAST LINE OF BLOCK 25 BEING N. 17°06'00\"/>



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.



10/19/2020

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

**HOLLEY & ASSOCIATES INC.**  
 REGISTERED LAND SURVEYORS L.B#4595  
 1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
 321-267-6113

SHEET 2 OF 2 NOT VALID  
 WITHOUT SHEET 1 OF 2

Prepared by/Return to:  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 20G-35-17-AL-24-3

## **PUBLIC UTILITY AND DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 22 day of October, A.D. 2019, between Nelson D. Fines and Michelle E. Fines, Husband and Wife, as the first party, Grantor, and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, Grantee, for the use and benefit of BREVARD COUNTY, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of public utilities and drainage, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 17, Township 20G, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

### **SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

**IN WITNESS WHEREOF**, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

Nelson D. Fines  
Witness

Joshua Fines  
(Print Name)

[Signature]  
Witness

Ethan Fines  
(Print Name)

[Signature]  
Nelson D. Fines

[Signature]  
Michelle E. Fines

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 22 day of October, 2019, by Nelson D. Fines and Michelle E. Fines, who is/is not personally known to me or who has produced n/a as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 22 day of October, 2019.



Notary Public [Signature]  
Print Name Hannah Beatty  
Commission No. GG079748  
Commission Expires March 6, 2021

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



**LEGAL DESCRIPTION**

SECTION 17, T.20G., R.35E.  
PROJECT PARCEL NUMBER 3  
OWNER NAME: MICHELLE E. FINES  
& NELSON D. FINES  
TAX ID # 20G-35-17-AL-24--3

**LEGAL DESCRIPTION: (FOR EASEMENT)**

PART OF THE EASTERLY 1/2 OF THE 30.00 FOOT ROAD RIGHT OF WAY LYING BETWEEN BLOCKS 24 AND 25, REPLAT OF SECTION 17, INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7427, PAGE 1051 OF SAID PUBLIC RECORDS, BEING DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7427, PAGE 1051; THENCE S. 76°31'17" W ON A WESTERLY PROJECTION OF THE SOUTH BOUNDARY OF SAID LAND, 15.03 FEET TO THE CENTER LINE OF SAID 30 FOOT ROAD RIGHT OF WAY; THENCE N. 17°06'00" W. ALONG SAID CENTER LINE, 279.55 FEET TO A WESTERLY PROJECTION OF THE NORTH BOUNDARY OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7427, PAGE 1051 ALSO BEING THE SOUTH LINE OF A 40.00 FOOT RIGHT OF WAY; THENCE N. 76°27'40" E. ALONG SAID LINE, 15.03 FEET TO THE NORTHWEST CORNER OF SAID LAND; THENCE S. 17°06'00" E. ALONG THE WEST BOUNDARY OF SAID LAND, 279.57 FEET TO THE POINT OF BEGINNING.

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



10/19/2020

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

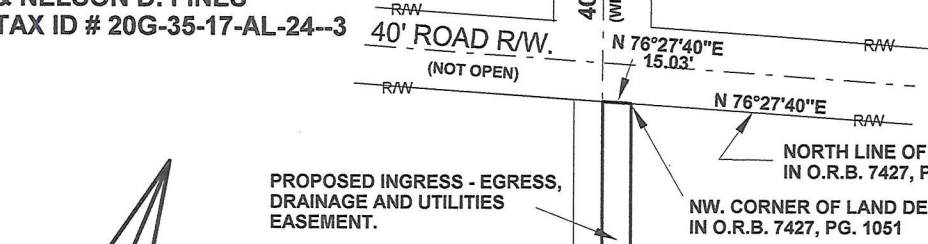
**HOLLEY & ASSOCIATES INC.**

REGISTERED LAND SURVEYORS L.B#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
321-267-6113

# SKETCH OF DESCRIPTION

SHEET 2 OF 2 NOT VALID WITHOUT SHEET 1 OF 2

SECTION 17, T.20G., R.35E.  
PROJECT PARCEL NUMBER 3  
OWNER NAME: MICHELLE E. FINES & NELSON D. FINES  
TAX ID # 20G-35-17-AL-24--3



PROPOSED INGRESS - EGRESS, DRAINAGE AND UTILITIES EASEMENT.

NORTH LINE OF LAND DESCRIBED IN O.R.B. 7427, PG. 1051  
NW. CORNER OF LAND DESCRIBED IN O.R.B. 7427, PG. 1051

### LEGEND:

- E = EAST
- L.B. = LICENSED BUSINESS
- L.S. = LICENSED SURVEYOR
- N = NORTH
- N.T.S. = NOT TO SCALE
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- R/W = RIGHT OF WAY
- S = SOUTH
- W = WEST

### TRACT 4, BLOCK 24

MICHELLE E. FINES & NELSON D. FINES  
TAX PARCEL 3,  
O.R.B. 7427, PG. 1051

WEST LINE OF LAND DESCRIBED IN O.R.B. 7427, PG. 1051

### TRACT 1, BLOCK 25

CENTER LINE OF R/W

SOUTH LINE OF LAND DESCRIBED IN O.R.B. 7427, PG. 1051

THOMAS MERCHANT  
TAX PARCEL 1.01  
O.R.B. 7975, PG. 454

S 76°31'17"W  
15.03'

P.O.B.  
SW. CORNER OF LAND DESCRIBED IN O.R.B. 7427, PG. 1051

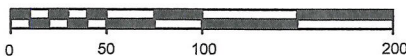
### NOTES:

1. BEARINGS BASED ON ASSUMED DATUM, THE EAST LINE OF BLOCK 25 BEING N. 17°06'00" W.

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

SCALE: 1" = 100'



30.00' ROAD R/W NOT OPEN (TO BE VACATED)

JOHN H. & KIMBERLY A. LUCIER  
TAX PARCEL 4.01, O.R.B. 5360, PG. 2033

### TRACT 19, BLOCK 25

PAMELA CHILDERS  
TAX PARCEL 19  
O.R.B. 8352, PG.1424

PAMELA CHILDERS  
TAX PARCEL 19  
O.R.B. 8352, PG.1424

R/W VACATED PER RESOLUTION  
2017-144 O.R.B. 7972, PG. 540

### TRACT 5, BLOCK 24



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

## HOLLEY & ASSOCIATES INC.

REGISTERED LAND SURVEYORS L.B#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
321-267-6113

Prepared by/Return to:  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 20G-35-17-AL-24-4.01

## **PUBLIC UTILITY AND DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 21 day of October, A.D. 2019, between John H. Lucier and Kimberly A. Lucier, Husband and Wife, as the first party, Grantor, and BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, Grantee, for the use and benefit of BREVARD COUNTY, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of public utilities and drainage, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 17, Township 20G, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

**IN WITNESS WHEREOF**, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness

ARTHUR W. BEERS  
(Print Name)

[Signature]  
Witness

Charlene Harper  
(Print Name)

[Signature]  
John H. Lucier

[Signature]  
Kimberly A. Lucier

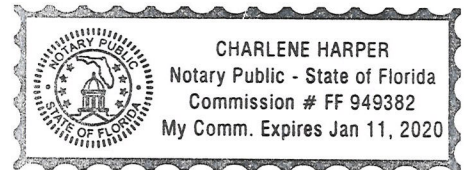
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 21 day of October, 2019, by John H. Lucier and Kimberly A. Lucier, who is/is not personally known to me or who has produced FL Driver License as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 21 day of October, 2019.

Notary Public [Signature]  
Print Name Charlene Harper  
Commission No. FF 949382  
Commission Expires Jan 11, 2020

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



**LEGAL DESCRIPTION**

SECTION 17, T.20G., R.35E.  
PROJECT PARCEL NUMBER 4.01  
OWNER NAME: JOHN H. & KIMBERLY A. LUCIER  
20G-35-17-AL-24--4.01

**LEGAL DESCRIPTION: (FOR EASEMENT)**

PART OF THE EASTERLY 1/2 OF THE 30.00 FOOT ROAD RIGHT OF WAY LYING BETWEEN BLOCKS 24 AND 25, REPLAT OF SECTION 17, INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5360, PAGE 2033 OF SAID PUBLIC RECORDS, BEING DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5360, PAGE 2033; THENCE S. 76°30'57" W ON A WESTERLY PROJECTION OF THE SOUTH BOUNDARY OF SAID LAND, 15.03 FEET TO THE CENTER LINE OF SAID 30 FOOT ROAD RIGHT OF WAY; THENCE N. 17°06'00" W. ALONG SAID CENTER LINE, 407.73 FEET TO A WESTERLY PROJECTION OF THE NORTH BOUNDARY OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5360, PAGE 2033; THENCE N. 76°31'17" E. ALONG SAID LINE 15.03 FEET TO THE NORTHWEST CORNER OF SAID LAND; THENCE S. 17°06'00" E. ALONG THE WEST BOUNDARY OF SAID LAND, 407.73 FEET TO THE POINT OF BEGINNING.

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

10/19/2020

JOHN T. HOLLEY, P.S.M. # 5050

("NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.")

**HOLLEY & ASSOCIATES INC.**

REGISTERED LAND SURVEYORS L.B#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
321-267-6113

# SKETCH OF DESCRIPTION

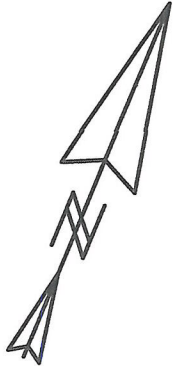
SHEET 2 OF 2 NOT VALID  
WITHOUT SHEET 1 OF 2

SECTION 17, T.20G., R.35E.  
PROJECT PARCEL NUMBER 4.01  
OWNER NAME: JOHN H. & KIMBERLY A. LUCIER  
20G-35-17-AL-24--4.01

RAW  
40' ROAD R/W  
(WITH 10'± DIRT DRIVE)  
RAW

RAW  
40' ROAD R/W.  
(NOT OPEN)  
RAW

N 76°27'40"E  
30.06'



TRACT 1, BLOCK 25

TRACT 4, BLOCK 24

### LEGEND:

- E = EAST
- L.B. = LICENSED BUSINESS
- L.S. = LICENSED SURVEYOR
- N = NORTH
- N.T.S. = NOT TO SCALE
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- R/W = RIGHT OF WAY
- S = SOUTH
- W = WEST

THOMAS MERCHANT  
TAX PARCEL 1.01  
O.R.B. 7975, PG. 454

640.04' MEAS. 639.96' PLAT  
30.00' ROAD R/W NOT OPEN (TO BE VACATED)

279.57' DEED

MICHELLE E. & NELSON D. FINES  
TAX PARCEL 3, O.R.B. 7427, PG. 1051

N 76°31'17"E  
15.03'

NW CORNER OF LAND DESCRIBED  
IN O.R.B. 5360, PG. 2033

N 76°31'17"E

NORTH LINE OF LAND DESCRIBED  
IN O.R.B. 5360, PG. 2033

PROPOSED INGRESS - EGRESS,  
DRAINAGE AND UTILITIES  
EASEMENT.

### NOTES:

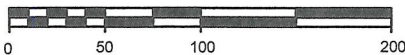
1. BEARINGS BASED ON ASSUMED DATUM, THE EAST LINE OF BLOCK 25 BEING N. 17°06'00" W.

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

CENTER LINE OF R/W

SCALE: 1" = 100'



N 17°06'00"W

407.73' DEED

407.73' DEED

JOHN H. & KIMBERLY A. LUCIER  
TAX PARCEL 4.01, O.R.B. 5360, PG. 2033

WEST LINE OF LAND DESCRIBED  
IN O.R.B. 5360, PG. 2033

P.O.B.

SW CORNER OF LAND  
DESCRIBED IN O.R.B.  
5360, PG. 2033

SOUTH LINE OF LAND DESCRIBED IN  
O.R.B. 5360, PG. 2033

47.46'

TRACT 19, BLOCK 25

PAMELA CHILDERS  
TAX PARCEL 19  
O.R.B. 8352, PG.1424

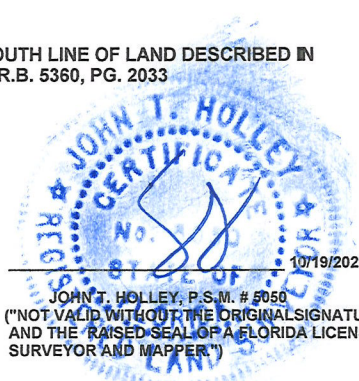
15.03'  
S 76°30'57"W

PAMELA CHILDERS  
TAX PARCEL 19  
O.R.B. 8352, PG.1424

TRACT 5, BLOCK 24

R/W VACATED PER RESOLUTION  
2017-144 O.R.B. 7972, PG. 540

RAW RAW



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

**HOLLEY & ASSOCIATES INC.**

REGISTERED LAND SURVEYORS L.B#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL. 32796  
321-267-6113

SHEET 2 OF 2 NOT VALID  
WITHOUT SHEET 1 OF 2

Prepared by/Return to:  
Brevard County Public Works Dept., Land Acquisition Section (321-690-6847)  
2725 Judge Fran Jamieson Way, A-204, Viera, Florida 32940  
A portion of Interest in Tax Parcel I.D.: 20G-35-17-AL-25-19

## **PUBLIC UTILITY AND DRAINAGE EASEMENT**

**THIS INDENTURE**, made this 12 day of June, A.D. 2020, between Pamela S. Childers, as the first party, Grantor, and Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, Grantee, for the use and benefit of BREVARD COUNTY, Florida.

**WITNESSETH:** That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of public utilities and drainage, including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by Grantee of its easement, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 17, Township 20G, Range 35 East, County of Brevard, State of Florida, and being more particularly described as follows:

**SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)**

**TO HAVE AND TO HOLD** said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

(Signatures and Notary on next page)

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]

Witness

BRUCE TAYLOR

(Print Name)

[Signature]

Witness

Tex Loebholz

(Print Name)

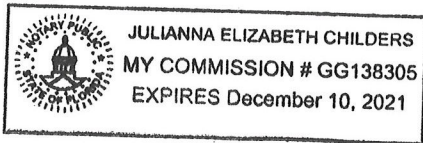
[Signature]

Pamela S. Childers

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 12 day of June, 2020, by Pamela S. Childers, who is/is not personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this 12 day of June, 2020.



Notary Public [Signature]  
Print Name JULIANNA E. CHILDERS  
Commission No. GG138305  
Commission Expires 12/10/21

Agenda Item # \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_



**LEGAL DESCRIPTION**

SECTION 17, T.20 G., R.35E.  
PROJECT PARCEL NUMBER: 19  
OWNER NAME: PAMELA CHILDERS  
TAX ID # 20G-35-17-AL-25-1.01

**LEGAL DESCRIPTION: (FOR EASEMENT)**

PART OF THE WESTERLY 1/2 OF THE 30 FOOT ROAD RIGHT OF WAY LYING BETWEEN BLOCKS 24 AND 25, REPLAT OF SECTION 17 INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING EAST OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8352, PAGE 1424 OF SAID PUBLIC RECORDS, BEING DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHEAST CORNER OF TRACT 19, BLOCK 25, REPLAT OF SECTION 17, INDIAN RIVER PARK, AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N. 76°30'57" E. ALONG A EASTERLY PROJECTION OF THE NORTH LINE OF SAID TRACT 19, 15.03 FEET TO THE CENTER LINE OF A 30 FOOT ROAD RIGHT OF WAY; THENCE S. 17°06'00" E. ALONG SAID CENTER LINE 47.46 FEET TO THE NORTH LINE OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8352, PAGE 1424 OF SAID PUBLIC RECORDS; THENCE S. 76°30'57" W. ALONG SAID NORTH LINE, 15.03 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE N. 17°06'00" W. ALONG SAID EAST LINE, 47.46 FEET TO THE POINT OF BEGINNING.

**NOTES:**

- 1. BEARINGS ARE FROM ASSUMED DATUM, THE EAST LINE OF BLOCK 25 BEING N.17°06'00" W.

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



09/30/20

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

**HOLLEY & ASSOCIATES INC.**

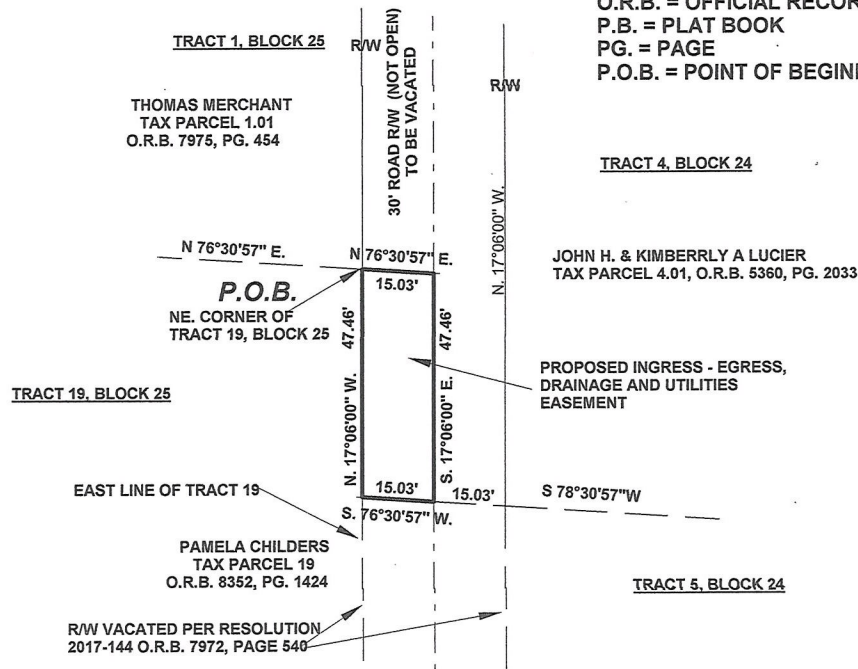
REGISTERED LAND SURVEYORS L.B#4595  
1846 ROBIN HOOD AVE., TITUSVILLE, FL.  
P.O. BOX 1975, 32781  
321-267-6113

**SKETCH OF DESCRIPTION:**

SECTION 17, T.20 G., R.35E.  
PROJECT PARCEL NUMBER: 19  
OWNER NAME: PAMELA CHILDERS  
TAX ID # 20G-35-17-AL-25-1.01

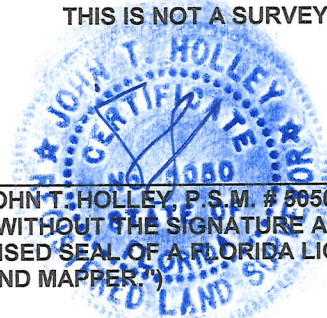
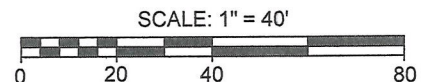
**LEGEND:**

- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- T. = TOWNSHIP
- R. = RANGE
- R/W = RIGHT OF WAY
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING



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



09/30/20

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