

Resolution 2024 -

Vacating a portion of two public rights-of-ways in plat "June Park Addition No. 3", Melbourne, Florida, lying in Section 13, Township 28 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Andrew W. Powshok** with the Board of County Commissioners to vacate a public right-of-way 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 rights-of-ways will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public rights-of-ways 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 12th day of March, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Jason Steele, Chair

As approved by the Board on:
March 12, 2024

Brevard County Property Appraiser Detail Sheet

Account 2802899

Owners POWSHOK, ANDREW W

Mailing Address 3460 HIELD RD MELBOURNE FL 32904

Site Address NONE

Parcel ID 28-36-13-50-130-24

Taxing District 5300 - UNINCORP DISTRICT 5

Exemptions NONE

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

Total Acres 0.51

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0004/0074

Subdivision JUNE PARK ADDN NO 3

Land Description JUNE PARK ADDN NO 3 LOTS 24 TO 31 BLK 130

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$12,750	\$10,200	\$8,930
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$10,170	\$9,250	\$8,410
Assessed Value School	\$12,750	\$10,200	\$8,930
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$10,170	\$9,250	\$8,410
Taxable Value School	\$12,750	\$10,200	\$8,930

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
05/09/2023	--	FJ	Vacant	9789/2723
01/25/2016	--	QC	Vacant	7539/2757
07/30/1943	--	WD	Vacant	268/552

Vicinity Map

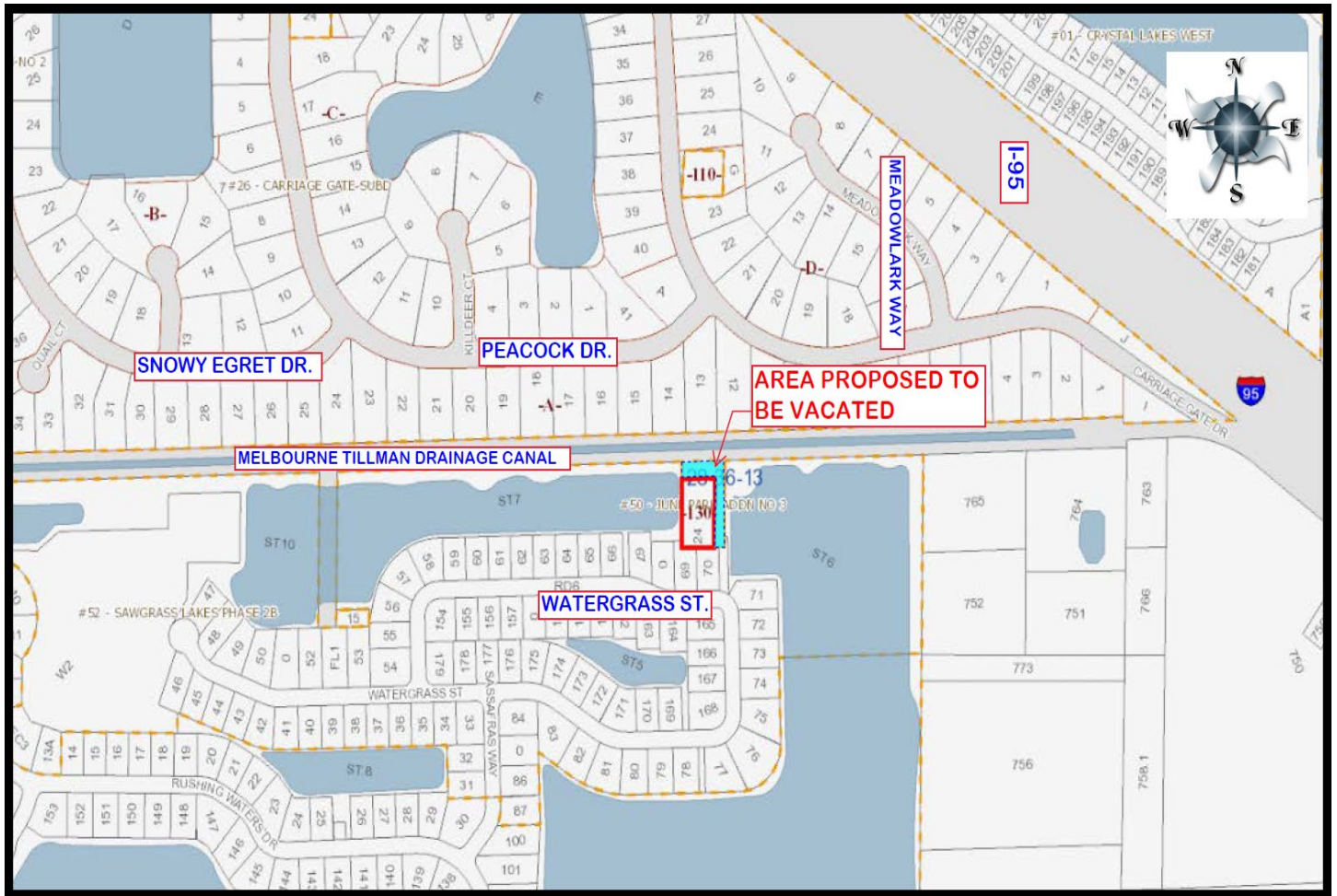


Figure 1: Map of Rights-of-Ways to be vacated and Lots 24-31, Block 130, June Park Addition No. 3, Melbourne.

Andrew W. Powshok – Virginia Ave & Maple St – Melbourne – Lots 24-31, Block 130, “June Park Addition No. 3” – Plat Book 4, Page 74 – Section 13, Township 28 South, Range 36 East – District 5 – Proposed Vacating of a portion of two Public Rights-of-Ways

Aerial Map

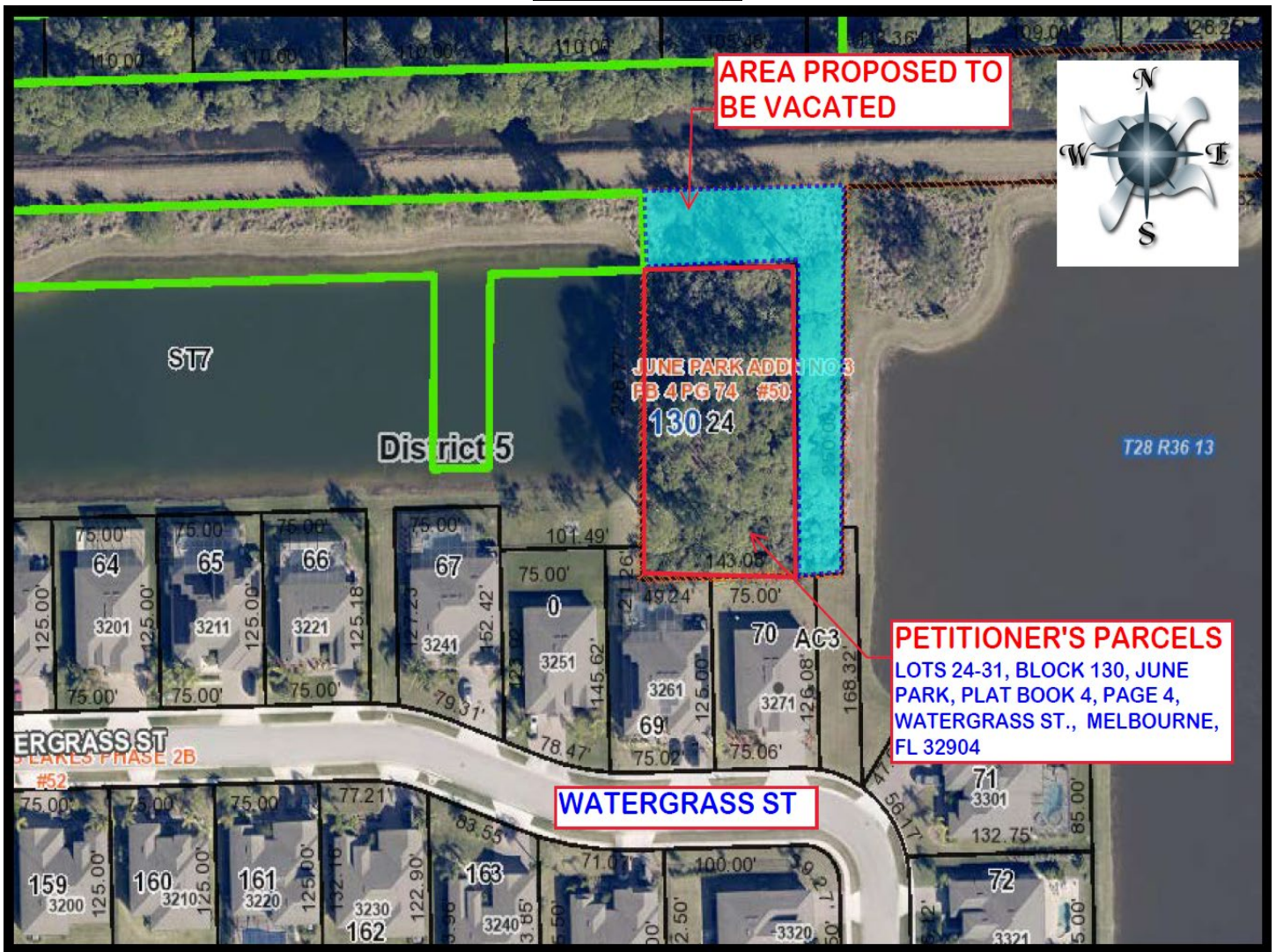


Figure 2: Aerial Map Rights-of-Ways to be vacated and Lots 24-31, Block 130, June Park Addition No. 3, Melbourne.

Andrew W. Powshok – Virginia Ave & Maple St – Melbourne – Lots 24-31, Block 130, “June Park Addition No. 3” – Plat Book 4, Page 74 – Section 13, Township 28 South, Range 36 East – District 5 – Proposed Vacating of a portion of two Public Rights-of-Ways

Plat Reference

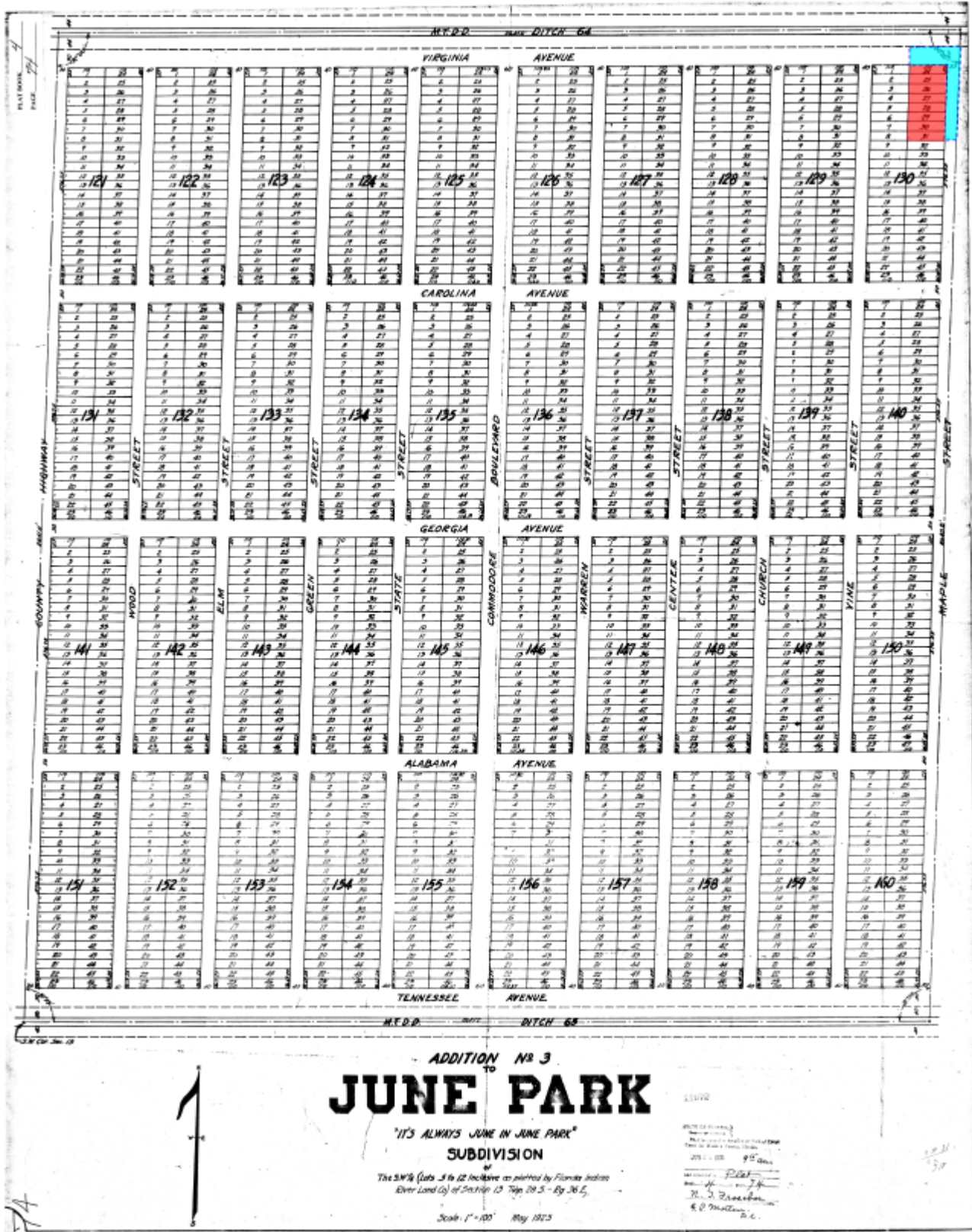


Figure 3: Copy of plat map " June Park Addition No. 3" dedicated to Brevard County May 1925.

Petitioner's Boundary Survey Sheet 1 of 3

LEGAL DESCRIPTION

PARENT PARCEL ID#: 28-36-13-50-130-24
SECTION 13, TOWNSHIP 28 SOUTH, RANGE 36 EAST,
BREVARD COUNTY, FLORIDA

EXHIBIT "A"

SHEET 1 OF 3
NOT VALID WITHOUT SHEETS 2 AND 3 OF 3
BOUNDARY SURVEY

PURPOSE: VACATING A PORTION OF A 50 FOOT WIDE RIGHT OF WAY AND
A PORTION OF A 33 FOOT WIDE RIGHT OF WAY.

LEGAL DESCRIPTION:

(PREPARED BY SURVEYOR)

ALL THAT PORTION OF VIRGINIA AVENUE, A 50 FOOT WIDE RIGHT-OF-WAY, AND ALL THAT PORTION OF MAPLE STREET, A 33 FOOT WIDE RIGHT-OF-WAY, AS SHOWN IN THE PLAT OF JUNE PARK, ADDITION No. 3, AS RECORDED IN PLAT BOOK 4, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING EASTERLY OF THE EAST LINE OF TRACT ST-7 AND NORTHERLY OF THE NORTH LINE OF LOT 70, AS SHOWN IN THE PLAT OF SAWGRASS LAKES PHASE TWO B, AS RECORDED IN PLAT BOOK 62, PAGES 4-6, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 13,754 SQUARE FEET OR 0.32 ACRES MORE OR LESS.

ABBREVIATIONS

C.M. = CONCRETE MONUMENT
PLS = PROFESSIONAL LAND SURVEYOR
PRM = PERMANENT REFERENCE MONUMENT
R/W = RIGHT OF WAY

SURVEYORS NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE COMMITMENT.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON A ASSUMED BEARING OF NORTH 89°33'17" EAST FOR THE CENTER LINE OF SECTION 13, TOWNSHIP 28 SOUTH, RANGE 36 EAST.

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

12-22-23

ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LAND SURVEYOR

PREPARED BY: **AAL LAND SURVEYING SERVICES, INC.**
3970 MINTON ROAD, WEST MELBOURNE, FL 32904
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com LICENSE BUSINESS #6623

DRAWN BY: DOUG W. GUARE	CHECKED BY: ANDREW W. POWSHOK	REVISION: _____	SECTION 13, TOWNSHIP 28 SOUTH, RANGE 36 EAST
DATE: 09-08-23	PROJECT # 48566	REVISION: _____	
		REVISION: _____	

Figure 4: Legal Description. Sheet 1 of 3. Section 13, Township 28 South, Range 36 East. Parcel ID number: 28-36-13-50-130-24.

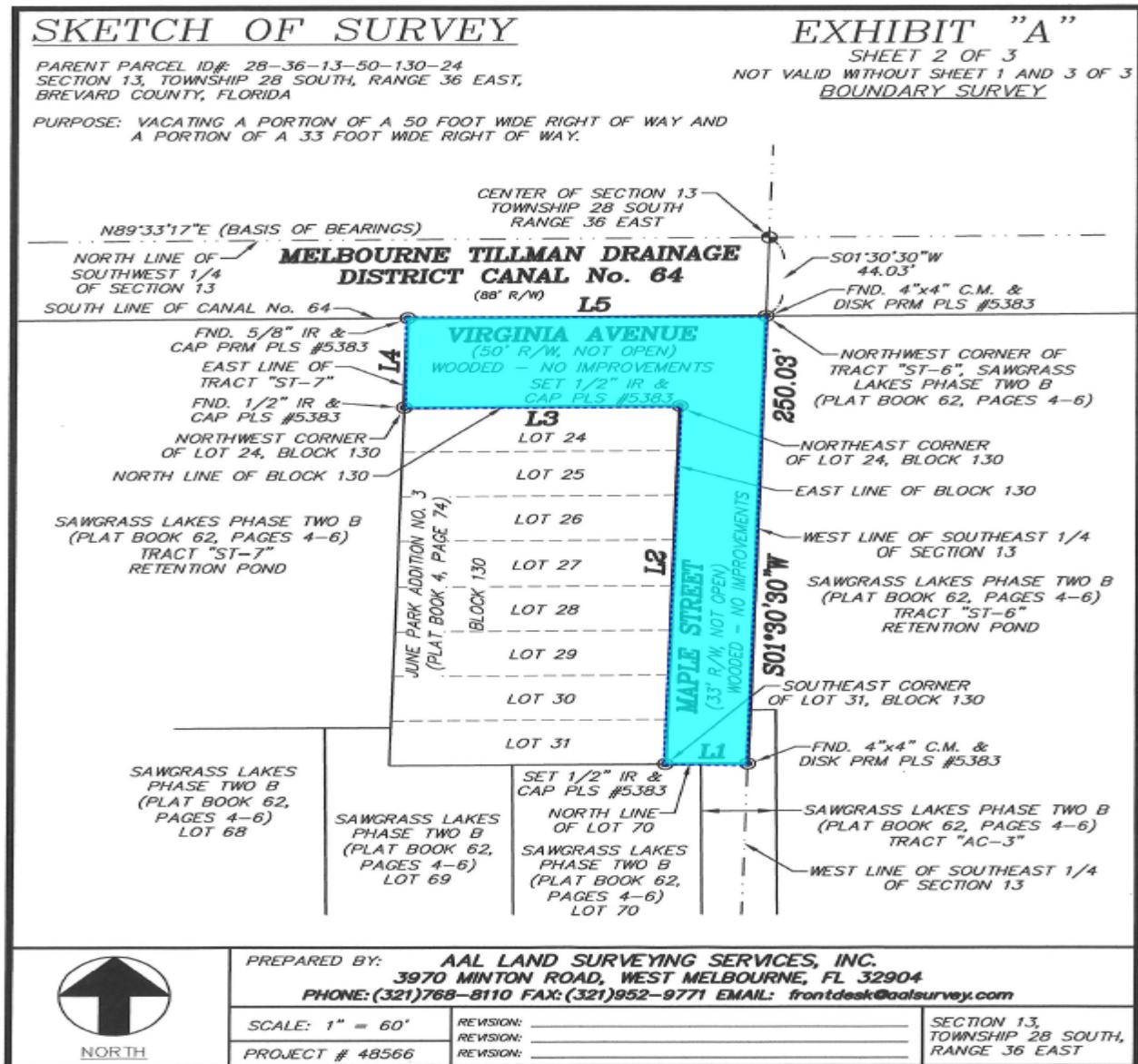


Figure 5: Sketch of description. Sheet 2 of 3. Section 13, Township 28 South, Range 36 East. Parcel ID number: 28-36-13-50-130-24.

The sketch illustrates a portion of two public rights-of-ways of Virginia Ave. and Maple St. adjacent to Lots 24-31, Block 130, June Park Addition No. 3, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 89°33'17" East 143.08 Feet; East boundary – South 01°30'30" West 250.03 Feet; South boundary – South 89°33'17" West 33.02 Feet; West boundary – North 01°30'30" East 115.00 Feet. Prepared by: Andrew W. Powshok, LS 5383, Project NO: 48566.

Figure 6: Sheet 3 of 3. Section 13, Township 28 South, Range 36 East. Parcel ID number: 28-36-13-50-130-24.

Comment Sheet

Applicant: Powshok (Virginia Ave & Maple Street)

Updated by: Amber Holley 20240202 at 14:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20231229	20240102	Yes	No Objections
FL Power & Light	20231229	20240202	Yes	No Objections
At&t	20231229	20240102	Yes	No Objections
Charter/Spectrum	20231229	20240109	Yes	No Objections
Florida Gas Tran.	20231229	20231229	Yes	No Objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20231229	20240118	Yes	No Objections
Land Planning	20231229	20240108	Yes	No objections
Utility Services	20231229	20240102	Yes	No objections
Storm Water	20231229	20240108	Yes	No Objections
Zoning	20231229	20240108	Yes	No objections
LandAcquisition	20231229	20240102	Yes	No objections
Fire Dept	20231229	20231229	Yes	No Objection
Traffic Eng	20231229	20240109	Yes	No Objections

Public Hearing Legal Advertisement

LEGAL NOTICE
NOTICE FOR THE VACATING OF
TWO PUBLIC RIGHTS-OF-WAYS
(50-FOOT VIRGINIA AVENUE &
33-FOOT MAPLE STREET), PLAT
OF "JUNE PARK, ADDITION NO.
3" IN SECTION 13, TOWNSHIP 28
SOUTH, RANGE 36 EAST,
MELBOURNE, 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
ANDREW W. POWSHOK with the
Board of County Commissioners of
Brevard County, Florida, to request
vacating the following described
property, to wit:
ALL THAT PORTION OF
VIRGINIA AVENUE, A 50-FOOT
WIDE RIGHT-OF-WAY, AND ALL
THAT PORTION OF MAPLE
STREET, A 33-FOOT WIDE
RIGHT-OF-WAY, AS SHOWN IN
THE PLAT OF JUNE PARK,
ADDITION No. 3, AS RECORDED
IN PLAT BOOK 4, PAGE 74, OF
THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA,
LYING EASTERLY OF THE EAST
LINE OF TRACT ST-7 AND
NORTHERLY OF THE NORTH
LINE OF LOT 70, AS SHOWN IN
THE PLAT OF SA WGRASS
LAKES PHASE TWO B, AS
RECORDED IN PLAT BOOK 62,
PAGES 4-6, OF THE PUBLIC
RECORDS OF BREVARD
COUNTY, FLORIDA. CONTAIN-
ING 13,754 SQUARE FEET OR 0.32
ACRES MORE OR LESS.
PREPARED BY: ANDREW W.
POWSHOK, PSM.
The Board of County Commissioners
will hold a public hearing to deter-
mine the advisability of such vacat-
ing of the above-described easement
at 5:00 P.M. on March 12, 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 proceed-
ings, 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 meet-
ing/hearing is contacted at least 48
hours prior to the public meet-
ing/hearing by any person wishing
assistance.
Pub: 2/26/24; #9873954

Figure 7: Copy of public hearing advertisement as published on February 26, 2024. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE VACATING OF TWO PUBLIC RIGHTS-OF-WAYS (50-FOOT VIRGINIA AVENUE & 33-FOOT MAPLE STREET), PLAT OF "JUNE PARK, ADDITION NO. 3" IN SECTION 13, TOWNSHIP 28 SOUTH, RANGE 36 EAST, MELBOURNE, 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 **ANDREW W. POWSHOK** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

ALL THAT PORTION OF VIRGINIA AVENUE, A 50-FOOT WIDE RIGHT-OF-WAY, AND ALL THAT PORTION OF MAPLE STREET, A 33-FOOT WIDE RIGHT-OF-WAY, AS SHOWN IN THE PLAT OF JUNE PARK, ADDITION No. 3, AS RECORDED IN PLAT BOOK 4, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING EASTERLY OF THE EAST LINE OF TRACT ST-7 AND NORTHERLY OF THE NORTH LINE OF LOT 70, AS SHOWN IN THE PLAT OF SA WGRASS LAKES PHASE TWO B, AS RECORDED IN PLAT BOOK 62, PAGES 4-6, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 13,754 SQUARE FEET OR 0.32 ACRES MORE OR LESS. PREPARED BY: ANDREW W. POWSHOK, 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 March 12, 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.