

Resolution 2024 -

Vacating a portion of two public rights-of-ways in plat "Sun Valley", Titusville, Florida, lying in Section 28, Township 22 South, Range 35 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Dirschka Family Revocable Trust** with the Board of County Commissioners to vacate a public rights-of-ways 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 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 DIRSCHKA FAMILY REVOCABLE TRUST
 Mailing Address 2021 BREEZY HILL LN TITUSVILLE FL 32780
 Site Address NONE
 Parcel ID 22-35-28-01-81-24
 Taxing District 1300 - UNINCORP DISTRICT 1
 Exemptions NONE
 Property Use 0010 - VACANT RESIDENTIAL LAND (SINGLE FAMILY,
 PLATTED)
 Total Acres 0.20
 Site Code 0001 - NO OTHER CODE APPL.
 Plat Book/Page 0011/0029
 Subdivision SUN VALLEY SUBD
 Land Description SUN VALLEY SUBD LOTS 1 & 24 BLK 81, LOTS 11-18 BLK 80

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$900	\$900	\$800
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$900	\$900	\$800
Assessed Value School	\$900	\$900	\$800
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$900	\$900	\$800
Taxable Value School	\$900	\$900	\$800

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/14/2023	--	TD	--	9767/2349
06/29/2022	\$825,000	WD	--	9550/1225
01/04/2022	--	WD	--	9374/1479

Vicinity Map

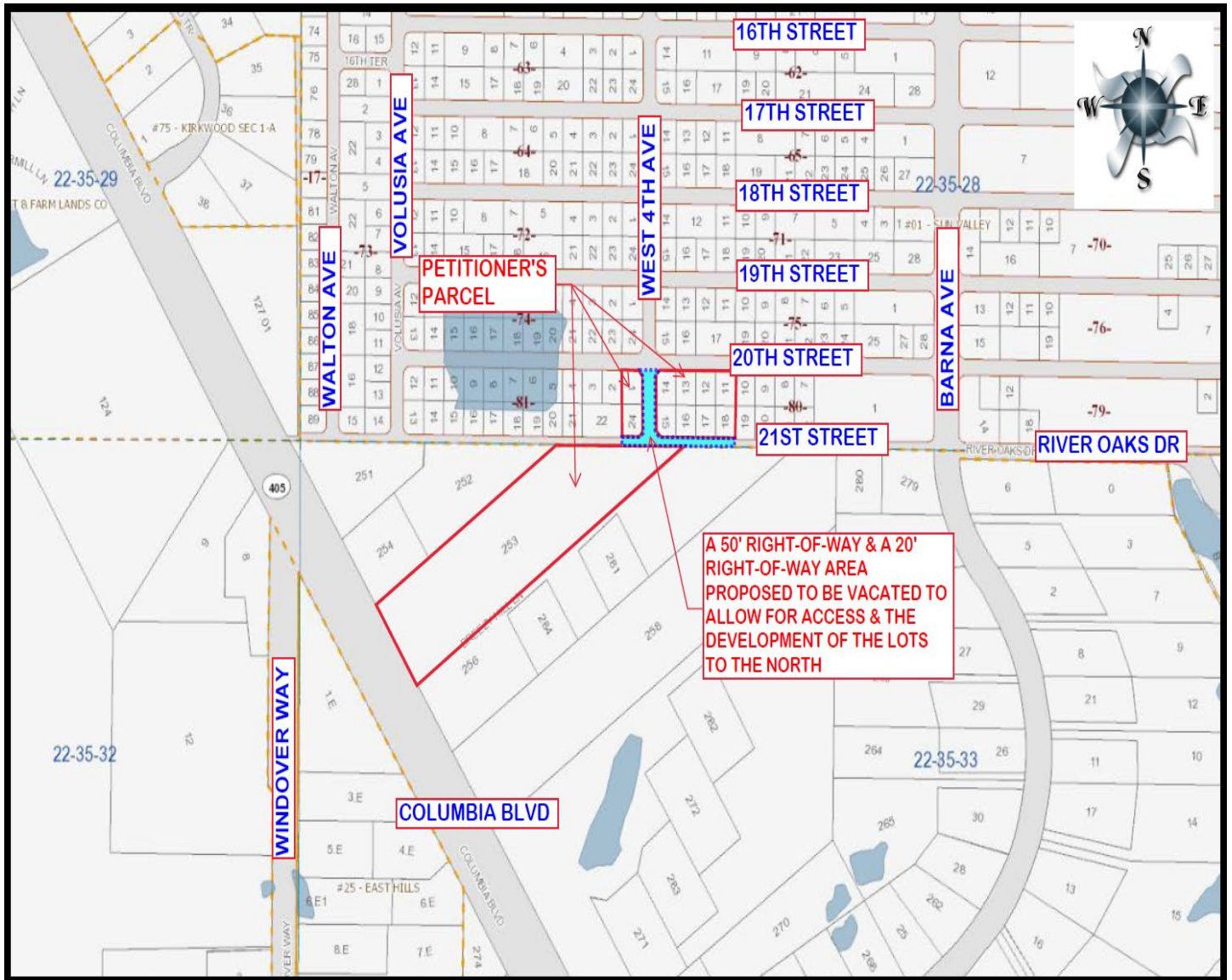


Figure 1: Map of the rights-of-ways to be vacated of West 4th Avenue & 21st Street, Sun valley, Titusville.

Dirschka Family Revocable Trust – West 4th Avenue & 21st Street – Titusville – “Sun Valley” – Plat Book 11, Page 29 – Section 28, Township 22 South, Range 35 East – District 1 – Proposed Vacating of a portion of two Public Rights-of-ways

Aerial Map

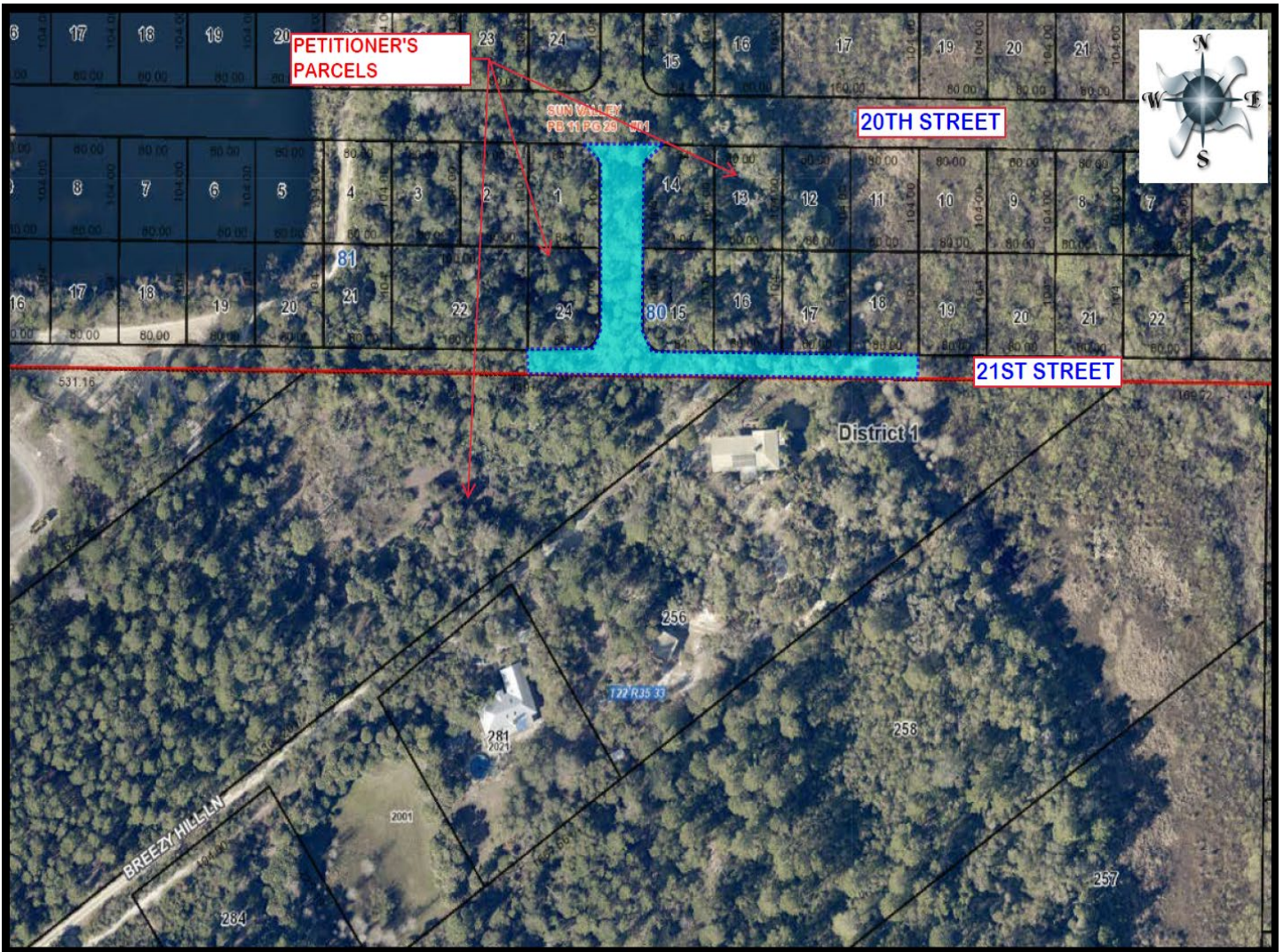


Figure 2: Aerial Map for the rights-of-ways to be vacated of West 4th Avenue & 21st Street, Sun valley, Titusville

Dirschka Family Revocable Trust – West 4th Avenue & 21st Street – Titusville – “Sun Valley” – Plat Book 11, Page 29 – Section 28, Township 22 South, Range 35 East – District 1 – Proposed Vacating of a portion of two Public Rights-of-ways

Plat Reference

Plat Book 11 Page 29

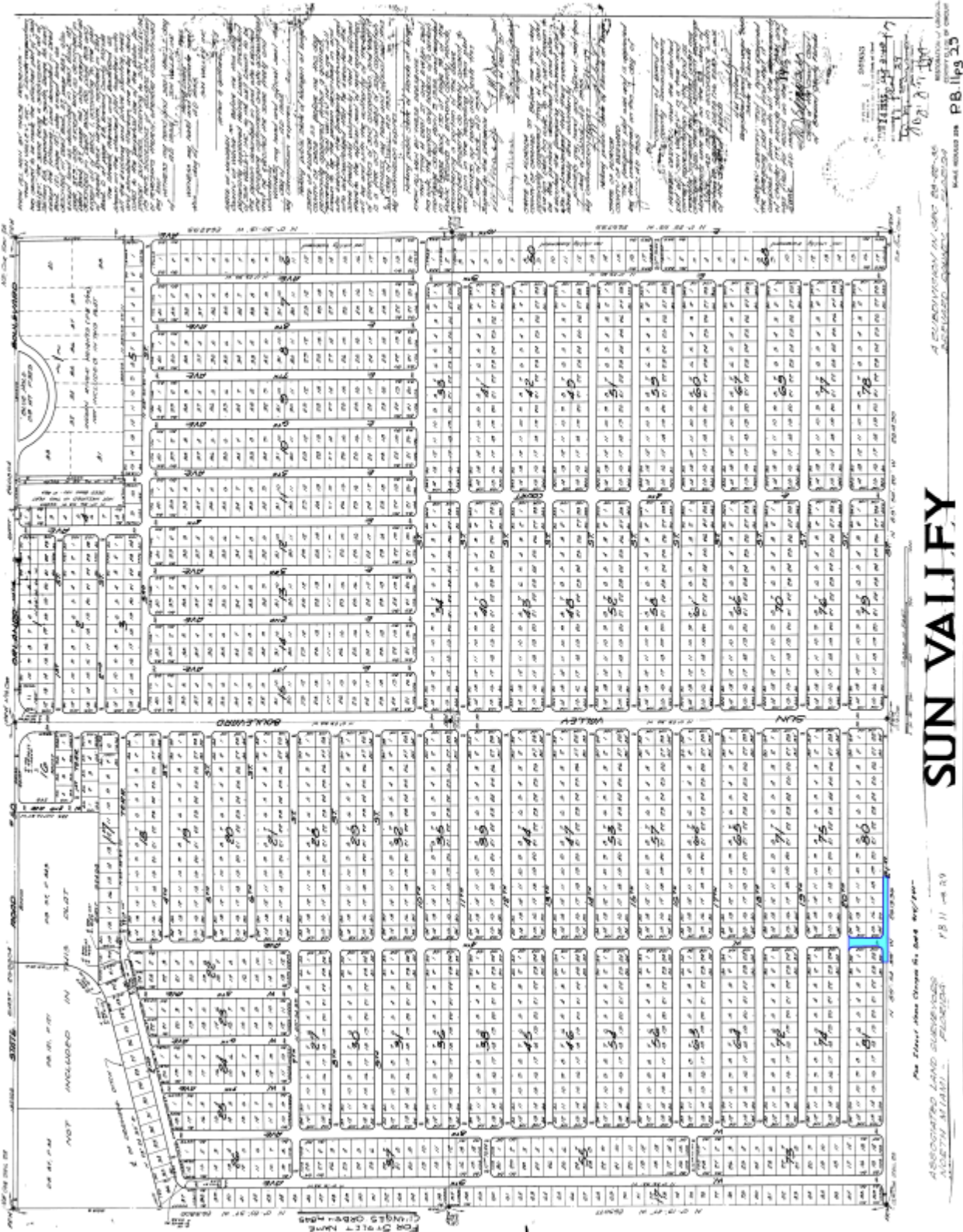


Figure 3: Copy of plat map "Sun Valley" dedicated to Brevard County June 1955.

Petitioner's Sketch & Description Sheet 1 of 2


<h2 style="margin: 0;">LEGAL DESCRIPTION</h2> <p style="margin: 0;">SECTION 28, TOWNSHIP 22 SOUTH, RANGE 35 EAST</p> <p style="margin: 0;">PARCEL ID NUMBER: N/A</p> <p style="margin: 0;">PURPOSE OF SURVEY: TO SHOW THE AREA OF RIGHT-OF-WAY OF 21ST STREET & WEST 4TH AVENUE TO BE VACATED</p>		<p style="margin: 0;">SHEET 1 OF 2</p> <p style="margin: 0;">NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2</p>
<p>LEGAL DESCRIPTION:</p> <p>A PORTION OF THE RIGHT-OF-WAY OF WEST 4TH AVENUE (A 50 FOOT RIGHT-OF-WAY) LYING SOUTH OF 20TH STREET AND NORTH OF 21ST STREET BETWEEN LOTS 1 AND 24, BLOCK 81 AND LOTS 14 AND 15, BLOCK 80 AND A PORTION OF THE RIGHT-OF-WAY OF 21ST STREET (A 25 FOOT RIGHT-OF-WAY) LYING SOUTH OF AND ADJACENT TO LOTS 15-18, BLOCK 80, INCLUSIVE, AND SAID LOT 24, BLOCK 81 AS SHOWN ON THE PLAT OF SUN VALLEY RECORDED IN PLAT BOOK 11, PAGE 28, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, CONTAINING 22,367 SQUARE FEET (0.51 ACRES) MORE OR LESS.</p>		
<p>SURVEYOR'S NOTES:</p> <ol style="list-style-type: none"> 1. BEARINGS ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF 20TH STREET, AS BEING, S 89°54'39" E, PER PLAT, ASSUMED. 2. THIS DRAWING IS A DESCRIPTION SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY OF THE PARCEL DESCRIBED. 3. SKETCH WAS BASED UPON BOUNDARY SURVEY COMPLETED BY FIRST CHOICE SURVEYING, INC. DATED 06/08/2022. 		
<p>IN ACCORDANCE WITH CH-5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, THIS DESCRIPTION AND SKETCH OF DESCRIPTION BEARS THE NOTATION:</p> <p style="font-size: 1.2em; font-weight: bold;">THIS IS NOT A SURVEY</p>		
<p style="text-align: center;">SURVEYORS CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17-0.050 THROUGH 5J-17-0.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.</p>		
<p>PREPARED FOR: ERIC DIRSCHKA BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS</p>	<div style="text-align: center;">  <p>CERTIFIED BY: JON SHOEMAKER PSM NO. 5144 NOT VALID UNLESS SIGNED AND SEALED</p> </div>	
<p>PREPARED BY: FIRST CHOICE SURVEYING, INC. ADDRESS: P.O. BOX 470978, LAKE MONROE, FL 32747 PHONE: 407.951.3425 (OFFICE) 407.520.5453 (FAX) LB #7564</p>		
<p>DRAWN BY: <u>GS</u></p> <p>DATE: <u>04/16/2024</u></p>	<p>CHECKED BY: <u>KS</u></p> <p>SHEET <u>1</u> OF <u>2</u></p>	<p>DRAWING NO. <u>88812</u></p> <p>REVISIONS <u>2 (07/26/2024)</u></p> <p>SECTION <u>28</u> TOWNSHIP <u>22</u> SOUTH RANGE <u>35</u> EAST</p>

Figure 4: Legal Description. Sheet 1 of 2. Section 28, Township 22 South, Range 35 East.

Petitioner's Sketch & Description Sheet 2 of 2

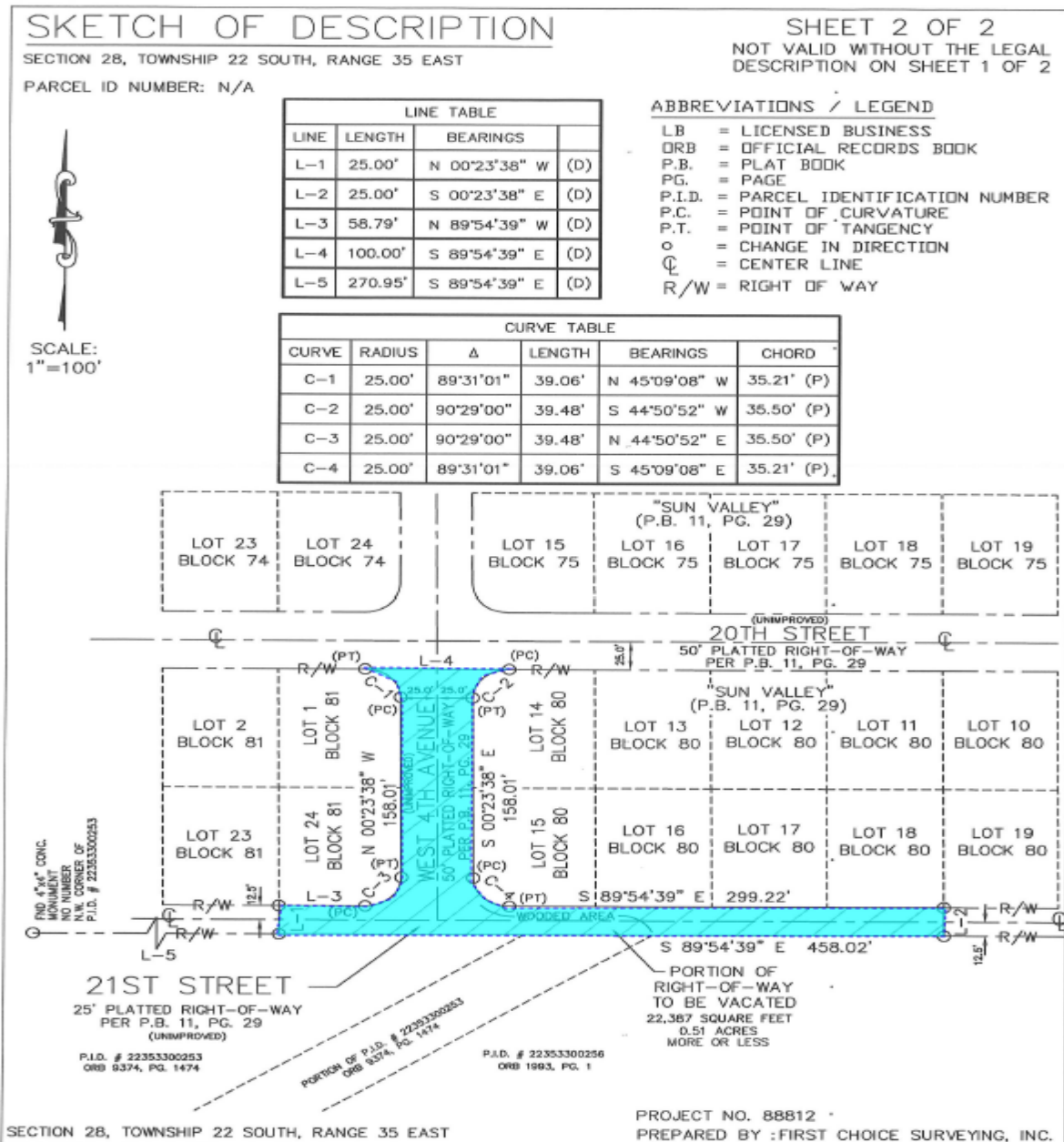


Figure 5: Sketch of description. Sheet 2 of 2. Section 28, Township 22 South, Range 35 East.

The sketch illustrates a portion of two public rights-of-ways, West 4th Avenue and 21st Street, Sun Valley, Titusville, Florida. The coordinate of the North line depicted is as follows. North boundary – South 89°54'39" East 100.00 Feet; East boundary – South 00°23'38" East 25.00 Feet; South boundary – South 89°54'39" East 458.02 Feet; West boundary – North 00°23'38" West 25.00 Feet. Prepared by: Jon Shoemaker, PSM 5144.

Comment Sheet

Applicant: Dirschka

Updated by: Amber Holley 20240614 at 14:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240531	20240603	Yes	No Objection
FL Power & Light	20240531	20240606	Yes	No Objection
At&t	20240531	20240610	Yes	No Objection
Charter/Spectrum	20240531	20240604	Yes	No Objection
Florida Gas Tran.	20240531	20240603	Yes	No Objections
City of Titusville	20240531	20240611	Yes	No Objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240531	20240614	Yes	No Objection with a drainage easement
Land Planning	20240531	20240610	Yes	No objections
Utility Services	20240531	20240610	Yes	No objections
Storm Water	20240531	20240531	Yes	No Objections
Zoning	20240531	20240610	Yes	No objections
Land Acquisition	20240531	20240604	Yes	No objections
Fire Dept	20240531	20240603	Yes	No Objection
Traffic Eng	20240531	20240531	Yes	No Objections

Public Hearing Legal Advertisement

Ad#10637907

10/7/2024

LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF TWO PUBLIC RIGHTS-OF-WAYS, PLAT OF "SUN VALLEY" IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 35 EAST, TITUSVILLE, 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 DIRSCHKA FAMILY REVOCABLE TRUST with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF THE RIGHT-OF-WAY OF WEST 4TH AVENUE (A 50 FOOT RIGHT-OF-WAY) LYING SOUTH OF 20TH STREET AND NORTH OF 21ST STREET BETWEEN LOTS 1 AND 24, BLOCK 81 AND LOTS 14 AND 15, BLOCK 80 AND A PORTION OF THE RIGHT-OF-WAY OF 21ST STREET (A 25 FOOT RIGHT-OF-WAY) LYING SOUTH OF AND ADJACENT TO LOTS 15-18, BLOCK 80, INCLUSIVE, AND SAID LOT 24, BLOCK 81 AS SHOWN ON THE PLAT OF SUN VALLEY RECORDED IN PLAT BOOK 11, PAGE 29, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 22,387 SQUARE FEET (0.51 ACRES) MORE OR LESS. PREPARED BY: JON SHOEMAKER, 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 6: Copy of public hearing advertisement as published on October 7, 2024. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

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Drainage and Access Easement

Prepared by and return to: Jean Kremitzki Public Works
Department, Land Acquisition
2725 Judge Fran Jamieson Way, A204, Viera, Florida 32940
A portion of Interest in 21ST Street, S28, T22S, R35E

DRAINAGE AND ACCESS EASEMENT

THIS INDENTURE, made this 9th day of September, 2024, between George Eric Dirschka, as Trustee and Carrie Elizabeth Dirschka, as Trustee of the Dirschka Family Revocable Trust, dated April 14, 2023, whose mailing address is 2021 Breezy Hill Lane, Titusville, Florida 32780, as the first party, and Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the second party, 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 acknowledged, grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of access and reconstructing, reconfiguring, and maintaining drainage facilities and other allied uses pertaining thereto, over, under, upon, above, and through the following lands:

The land affected by the granting of the easement is located in Section 28, Township 22 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

Including the right of ingress and egress onto the easement area as may be necessary for the full use and enjoyment by the second party of its easement. The first party shall have full use and enjoyment of the easement area but shall not make any improvements within the easement area which will conflict or interfere with the easement granted herein.

TO HAVE AND TO HOLD said easement unto Brevard County, a political subdivision of the State of Florida, and to its successors and/or assigns. The first party does 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 following two pages)

Drainage and Access Easement

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Witness

Baylee Ricci

Print Name

1920 Cheney Hwy, Titusville, FL 32780

Address

By: George Eric Dirschka

George Eric Dirschka,
Trustee of the Dirschka
Family Revocable Trust,
Dated April 14, 2023

[Signature]

Witness

Kalena Spangler

Print Name

1920 Cheney Hwy, Titusville, FL 32780

Address

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 9 day of Sept., 2024 by George Eric Dirschka, as Trustee of the Dirschka Family Revocable Trust, dated April 14, 2023. Is personally known or produced converliens as identification.

[Signature]

Notary Signature
SEAL

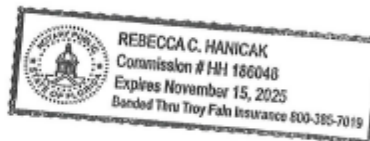


Figure 7: Easement signature page for George Eric Dirschka signed September 9, 2024.

Drainage and Access Easement

IN WITNESS WHEREOF, the first party has caused this easement to be executed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Witness

Paula Ricci

Print Name

1920 Choney Hwy Titusville, FL 32780

Address

By: Carrie Elizabeth Dirschka

Carrie Elizabeth Dirschka,
Trustee of the Dirschka
Family Revocable Trust,
Dated April 14, 2023

[Signature]

Witness

Katena Spangler

Print Name

1920 Choney Hwy Titusville, FL 32780

Address

STATE OF FLORIDA

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 9 day of Sept., 2024 by Carrie Elizabeth Dirschka, as Trustee of the Dirschka Family Revocable Trust, dated April 14, 2023. Is personally known or produced [Signature] as identification.

[Signature]

Notary Signature

SEAL

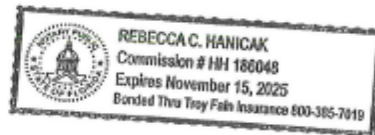


Figure 8: Easement signature page for Carrie Elizabeth Dirschka signed September 9, 2024.

Drainage and Access Easement


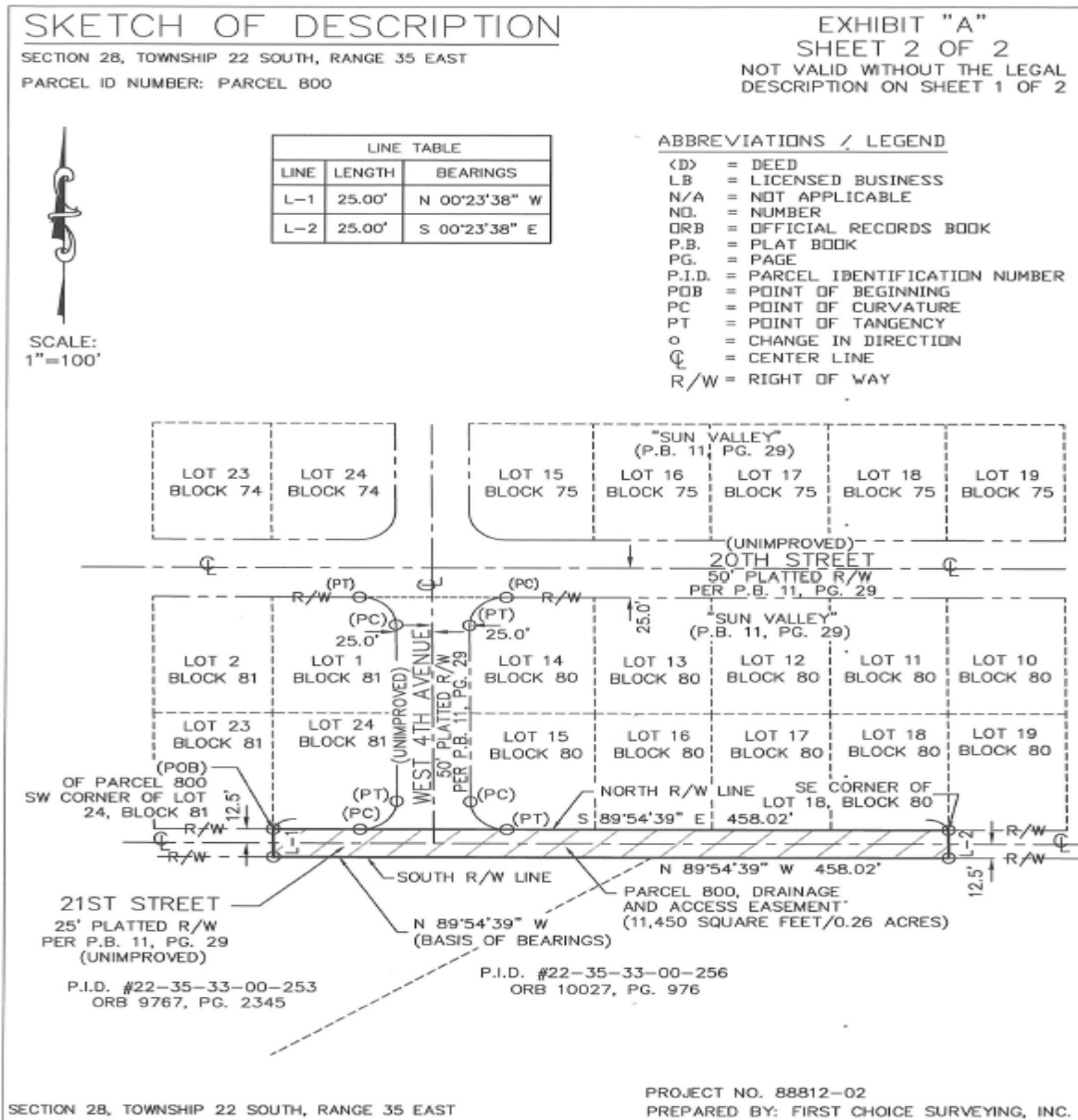
<p>LEGAL DESCRIPTION</p> <p>SECTION 28, TOWNSHIP 22 SOUTH, RANGE 35 EAST</p> <p>PARCEL ID NUMBER: PARCEL 800</p> <p>PURPOSE OF SKETCH: DRAINAGE AND ACCESS EASEMENT</p> <p>LEGAL DESCRIPTION PARCEL 800, DRAINAGE AND ACCESS EASEMENT (BY SURVEYOR):</p> <p>A PORTION OF THE RIGHT-OF-WAY OF 21ST STREET (A 25 FOOT RIGHT-OF-WAY) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 24, BLOCK 81 AS SHOWN ON THE PLAT OF SUN VALLEY RECORDED IN PLAT BOOK 11, PAGE 29, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 89°54'39" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF 21ST STREET, 458.02 FEET TO THE SOUTHEAST CORNER OF LOT 18, BLOCK 80, THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN SOUTH 00°23'38" EAST, 25.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 21ST STREET; THENCE NORTH 89°54'39" WEST, 458.02 FEET; THENCE NORTH 00°23'38" WEST, 25.00 FEET TO THE POINT OF BEGINNING.</p> <p>CONTAINING: 11,450 SQUARE FEET / 0.26 ACRES, MORE OR LESS.</p> <p>SURVEYOR'S NOTES:</p> <ol style="list-style-type: none"> 1. BEARINGS ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF 21ST STREET, AS BEING, S 89°54'39" E, PER PLAT, ASSUMED. 2. THIS DRAWING IS A DESCRIPTION SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY OF THE PARCEL DESCRIBED. <p style="text-align: center; margin-top: 20px;">IN ACCORDANCE WITH CH-5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, THIS DESCRIPTION AND SKETCH OF DESCRIPTION BEARS THE NOTATION:</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">THIS IS NOT A SURVEY</p> <p style="text-align: center; font-size: 0.8em;">SURVEYORS CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17-0.050 THROUGH 5J-17-0.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.</p>	<p style="text-align: center;">EXHIBIT "A" SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2</p> <div style="text-align: center; margin-top: 100px;">  <p style="text-align: right; margin-right: 20px;">08/08/2024</p> </div>		
<p>PREPARED FOR: ERIC DIRSCHKA BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS</p>	<p>CERTIFIED BY: JON SHOEMAKER PSM NO. 5144 NOT VALID UNLESS SIGNED AND SEALED</p>		
<p>PREPARED BY: FIRST CHOICE SURVEYING, INC. ADDRESS: P.O. BOX 470978, LAKE MONROE, FL 32747 PHONE: 407.951.3425 (OFFICE) 407.520.5453 (FAX) LB #7564</p>			
<p>DRAWN BY: <u>KS</u></p> <p>DATE: <u>07/11/2024</u></p>	<p>CHECKED BY: <u>LR</u></p> <p>SHEET <u>1</u> OF <u>2</u></p>	<p>DRAWING NO. <u>88812-02</u></p> <p>REVISIONS <u>3</u> <u>08/08/2024</u></p>	<p>SECTION <u>28</u></p> <p>TOWNSHIP <u>22</u> SOUTH</p> <p>RANGE <u>35</u> EAST</p>

Figure 9: Easement legal description page 1 of 2. Section 28, Township 22 South, Range 35 East.

Drainage and Access Easement



SECTION 28, TOWNSHIP 22 SOUTH, RANGE 35 EAST

PROJECT NO. 88812-02
PREPARED BY: FIRST CHOICE SURVEYING, INC.

Figure 10: Easement sketch page 2 of 2 showing the area to be conveyed as a drainage and access easement on 21st Street, Sun Valley.

The sketch & description illustrates a 25-foot-wide portion of a public right-of-way (21st Street) to be dedicated as a drainage and access easement to Brevard County lying South of Blocks 80 & 81, Sun Valley, Titusville, Florida. The coordinate of the North line depicted is as follows. North boundary – South 89°54’39” East 458.02’; East boundary – South 00°23’38” East 25.00’; South boundary – North 89°54’39” West 458.02’; West boundary – North 00°23’38” West 25.00’. Prepared by: Jon Shoemaker, Project NO: 88812-02.