

Resolution 2023 -

Vacating a portion of a public utility and drainage easement in the plat of “Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two” Melbourne, Florida, lying in Section 35, Township 26 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Ronald M. Robin, Jr.** 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 Florida 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 easement(s) will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement(s) 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 9th day of January 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Jason Steele, Chair

Rachel Sadoff, Clerk

As approved by the Board on:
January 9, 2024

Brevard County Property Appraiser Detail Sheet

Account 2614560

Owners ROBIN, RONALD M, JR

Mailing Address 4283 TURTLE MOUND RD MELBOURNE FL 32934

Site Address 4283 TURTLE MOUND RD MELBOURNE FL 32934

Parcel ID 26-36-35-26-*-758

Taxing District 4200 - UNINCORP DISTRICT 4

Exemptions NONE

Property Use 0110 - SINGLE FAMILY RESIDENCE

Total Acres 1.00

Site Code 0150 - CNSRV/TRACT/BUF FRTG

Plat Book/Page 0037/0098

Subdivision WINDOVER FARMS OF MELBOURNE PUD PHASE 5 UNIT

2

Land Description WINDOVER FARMS OF MELBOURNE PUD PHASE 5 UNIT

2 LOT 758

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$989,850	\$786,940	\$613,310
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$865,630	\$786,940	\$474,450
Assessed Value School	\$989,850	\$786,940	\$474,450
Homestead Exemption	\$0	\$0	\$25,000
Additional Homestead	\$0	\$0	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$865,630	\$786,940	\$424,450
Taxable Value School	\$989,850	\$786,940	\$449,450

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/29/2023	--	WD	Improved	9750/2501
10/22/2021	\$960,000	WD	Improved	9301/1225
05/28/2013	\$562,500	WD	Improved	6886/0726

Vicinity Map

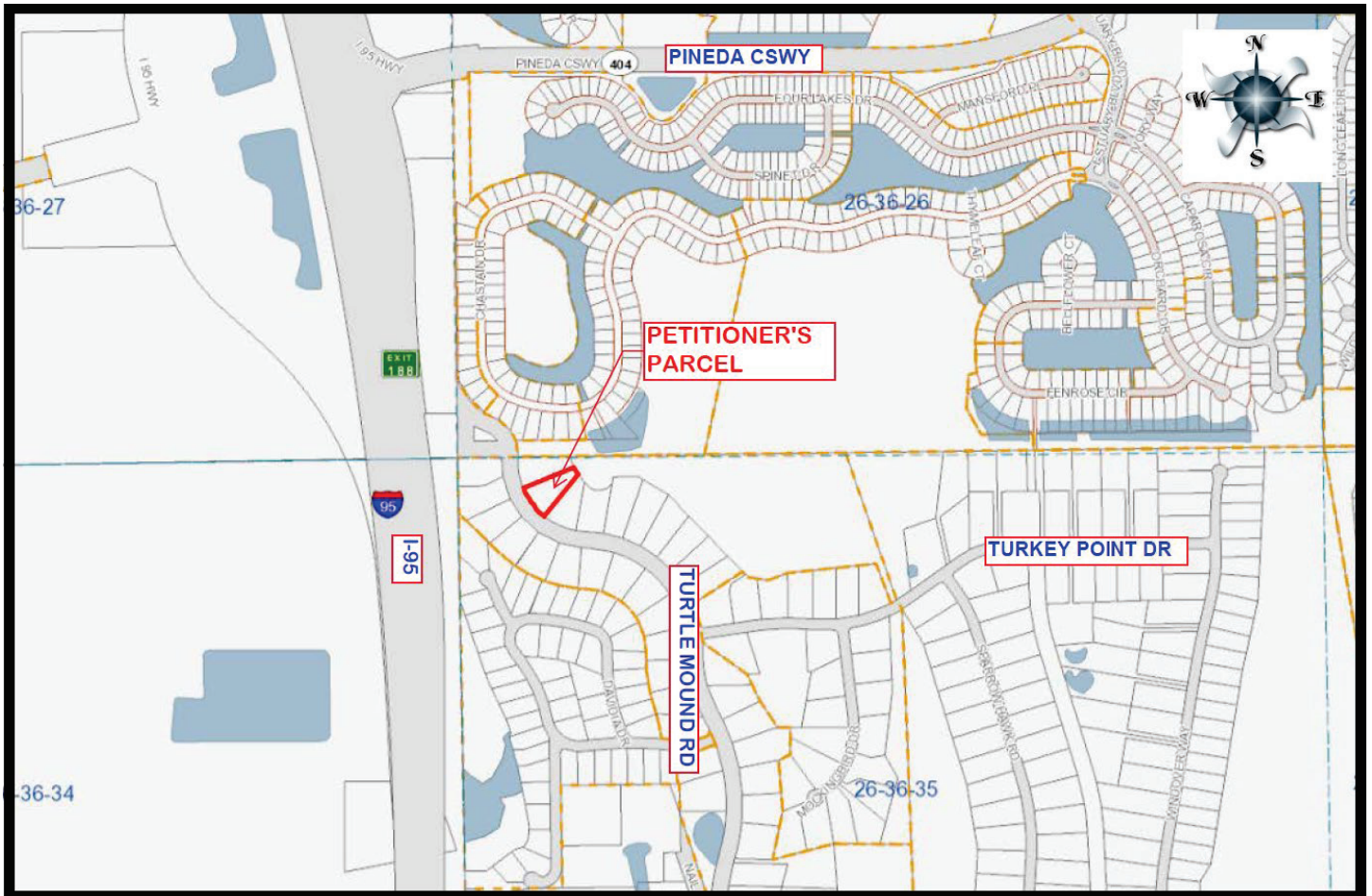


Figure 1: A vicinity map of lot 758, Windover Farms of Melbourne, 4283 Turtle Mound Road, Melbourne, Florida, 32934.

Ronald M. Robin, Jr. – 4283 Turtle Mound Road – Melbourne, FL, 32934 – Lot 758, plat of “Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two” – Plat Book 37, Page 98 – Section 35, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a 10.0 ft. Wide Public Utility & Drainage Easement

Aerial Map



Figure 2: Aerial Map of Lot 758, Windover Farms of Melbourne, 4283 Turtle Mound Road, Melbourne, Florida, 32934.

Ronald M. Robin, Jr. – 4283 Turtle Mound Road – Melbourne, FL, 32934 – Lot 758, plat of “Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two” – Plat Book 37, Page 98 – Section 35, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a 10.0 ft. Wide Public Utility & Drainage Easement

Plat Reference

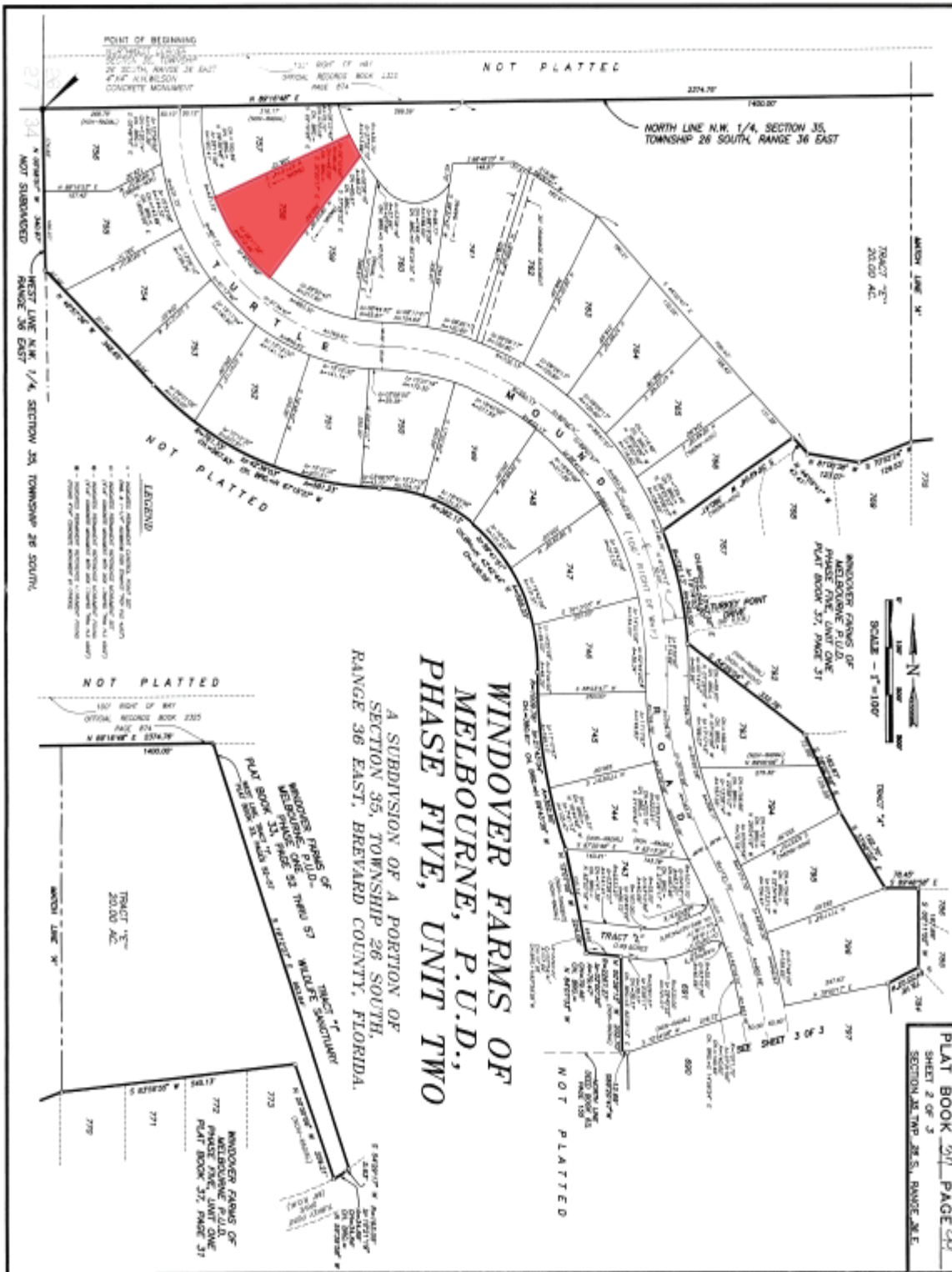


Figure 3: Copy of plat map "Windover Farms of Melbourne" dedicated to Brevard County November 1991.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

EXHIBIT "A"

PARENT PARCEL ID#: 26-36-35-26-*-758
SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST,
BREVARD COUNTY, FLORIDA

SHEET 1 OF 2
NOT VALID WITHOUT SHEETS 2 OF 2
THIS IS NOT A SURVEY

PURPOSE: VACATING A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT.

LEGAL DESCRIPTION:
(PREPARED BY SURVEYOR)

A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 758, WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE FIVE, UNIT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 98-100, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 758 AND RUN SOUTH 67°15'14" WEST ALONG THE NORTH LINE OF SAID LOT 758, A DISTANCE OF 23.58 FEET; THENCE SOUTH 22°44'46" EAST, A DISTANCE OF 4.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE SOUTH 22°44'46" EAST, A DISTANCE OF 5.50 FEET, THENCE SOUTH 67°15'14" WEST, A DISTANCE OF 34.38 FEET; THENCE NORTH 22°44'46" WEST, A DISTANCE OF 5.50 FEET; THENCE NORTH 67°15'14" EAST, A DISTANCE OF 34.38 FEET TO THE POINT OF BEGINNING, CONTAINING 189 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

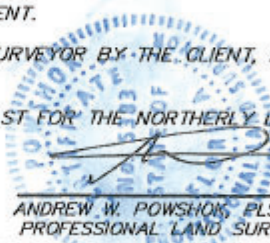
ABBREVIATIONS

B.B. = BASIS OF BEARINGS	FND. = FOUND
C/L = CENTERLINE	LB = LICENSED BUSINESS
C.M. = CONCRETE MONUMENT	OHW = OVERHEAD WIRES
CONC. = CONCRETE	O.R.B. = OFFICIAL RECORDS BOOK
D.E. = DRAINAGE EASEMENT	P.U. = PUBLIC UTILITY

SURVEYORS NOTES:

1. THIS SKETCH 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 SKETCH 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 SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF TITLE COMMITMENT.
5. THIS SKETCH 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 67°15'14" EAST FOR THE NORTHERLY LINE OF LOT 758 SHOWN AS BEING THE BASIS OF BEARINGS.

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



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: _____ REVISION: _____	SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST
DATE: 12-07-23	PROJECT # 48881	REVISION: _____ REVISION: _____	

Figure 4: Legal Description. Sheet 1 of 2. Section 35, Township 26 South, Range 36 East. Parcel ID number: 26-36-35-26-*-758.

Petitioner's Sketch & Description Sheet 2 of 2

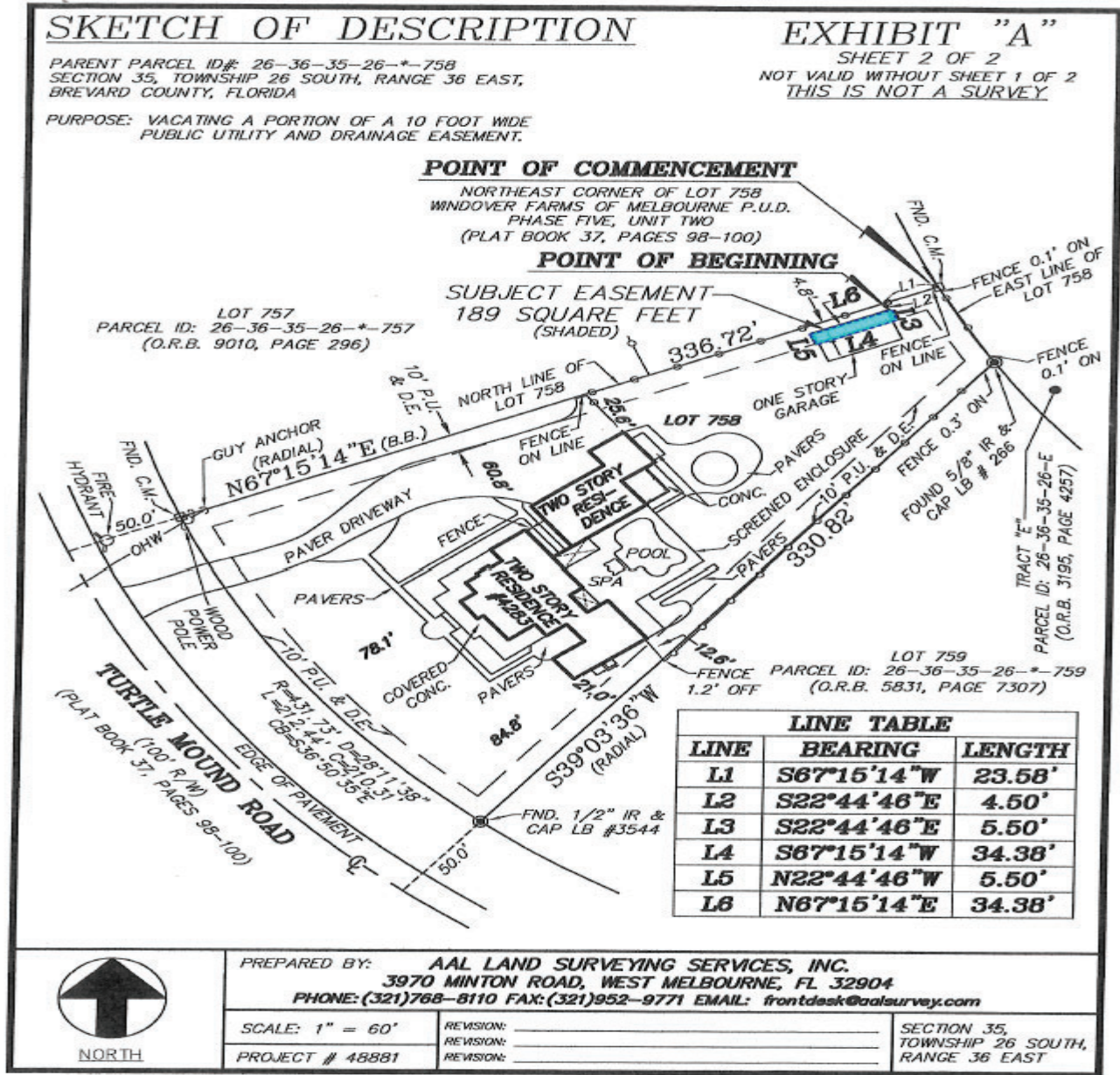


Figure 5: Sketch of description. Sheet 2 of 2. Section 35, Township 26 South, Range 36 East. Parcel ID number: 26-36-35-26-*-758.

The sketch illustrates a portion of a 10.00-foot-wide public utility and drainage easement on Lot 758, Windover Farms of Melbourne, Phase 5, Unit 2, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 67°15'14" East 34.38 Feet; East boundary – South 22°44'46" East 5.50 Feet; South boundary – South 67°15'14" West 34.38 Feet; West boundary – North 22°44'46" West 5.50 Feet. Prepared by: Andrew W. Powshok, AAL Land Surveying, Inc., LS 6623, Project NO: 48881.

Comment Sheet

Applicant: Robin

Updated by: Amber Holley 20231116 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20230925	20231116	Yes	No Comment
FL Power & Light	20230925	20231017	Yes	No Objection
At&t	20230925	20230926	Yes	No objections
Charter/Spectrum	20230925	20231003	Yes	No objections
City of Melbourne	20230925	20230926	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20230925	20231116	Yes	No objections
Land Planning	20230925	20231002	Yes	No objections
Utility Services	20230925	20230926	Yes	No objections
Storm Water	20230925	20231019	Yes	No objections
Zoning	20230925	20231002	Yes	No objections

Public Hearing Legal Advertisement

Ad 9640330 Dec. 24, 2024
LEGAL NOTICE
NOTICE FOR THE PARTIAL
VACATING OF A 10.0 FT. WIDE
PUBLIC UTILITY AND
DRAINAGE EASEMENT, PLAT
OF "WINDOVER FARMS OF
MELBOURNE, P.U.D. PHASE
FIVE, UNIT TWO" IN SECTION
35, TOWNSHIP 26 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
RONALD M. ROBIN, JR. with the
Board of County Commissioners of
Brevard County, Florida, to request
vacating the following described
property, to wit:

A PORTION OF A 10 FOOT WIDE
PUBLIC UTILITY AND
DRAINAGE EASEMENT LYING
WITHIN LOT 758, WINDOVER
FARMS OF MELBOURNE,
P.U.D., PHASE FIVE, UNIT TWO,
ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN
PLAT BOOK 37, PAGES 98-100, OF
THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA,
BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTH-
EAST CORNER OF SAID LOT 758
AND RUN SOUTH 67°15'14" WEST
ALONG THE NORTH LINE OF
SAID LOT 758, A DISTANCE OF
23.58 FEET; THENCE SOUTH
22°44'46" EAST, A DISTANCE OF
4.50 FEET TO THE POINT OF
BEGINNING OF THE HEREIN
DESCRIBED EASEMENT;
THENCE SOUTH 22°44'46" EAST,
A DISTANCE OF 5.50 FEET,
THENCE SOUTH 67°15'14" WEST,
A DISTANCE OF 34.38 FEET;
THENCE NORTH 22°44'46" WEST,
A DISTANCE OF 5.50 FEET;
THENCE NORTH 67°15'14" EAST, A
DISTANCE OF 34.38 FEET TO
THE POINT OF BEGINNING,
CONTAINING 189 SQUARE FEET
OR 0.004 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 January 9, 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.

Figure 6: Copy of public hearing advertisement as published on December 24, 2023. See the next page for the full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "WINDOVER FARMS OF MELBOURNE, P.U.D. PHASE FIVE, UNIT TWO" IN SECTION 35, TOWNSHIP 26 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 RONALD M. ROBIN, JR. with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 758, WINDOVER FARMS OF MELBOURNE, P.U.D., PHASE FIVE, UNIT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 98-100, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 758 AND RUN SOUTH 67°15'14" WEST ALONG THE NORTH LINE OF SAID LOT 758, A DISTANCE OF 23.58 FEET; THENCE SOUTH 22°44'46" EAST, A DISTANCE OF 4.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE SOUTH 22°44'46" EAST, A DISTANCE OF 5.50 FEET, THENCE SOUTH 67°15'14" WEST, A DISTANCE OF 34.38 FEET; THENCE NORTH 22°44'46" WEST, A DISTANCE OF 5.50 FEET; THENCE NORTH 67°15'14" EAST, A DISTANCE OF 34.38 FEET TO THE POINT OF BEGINNING. CONTAINING 189 SQUARE FEET OR 0.004 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 January 9, 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.