

Resolution 2024 -

Vacating a portion of a public utility and drainage easement in plat "Suntree Woods", Melbourne, Florida, lying in Section 11, Township 26 South, Range 36 East

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Edward R. and Nilsa R. Andres** with the Board of County Commissioners to vacate a public utility and drainage 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 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 utility and drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility and drainage easement is 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 17th day of September, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Jason Steele, Chair

As approved by the Board on:
September 17, 2024

Brevard County Property Appraiser Detail Sheet

Account 2617137

Owners ANDRES, EDWARD R; ANDRES, NILSA R

Mailing Address 837 SUNTREE WOODS DR MELBOURNE FL 32940

Site Address 837 SUNTREE WOODS DR MELBOURNE FL 32940

Parcel ID 26-36-11-PZ-*-17

Taxing District 4200 - UNINCORP DISTRICT 4

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Property Use 0110 - SINGLE FAMILY RESIDENCE

Total Acres 0.17

Site Code 0142 - NBHD LAKE/RETEN FRTG

Plat Book/Page 0040/0015

Subdivision SUNTREE WOODS

Land Description SUNTREE WOODS LOT 17

VALUE SUMMARY

Category	2024	2023	2022
Market Value	\$370,180	\$348,930	\$324,850
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$344,620	\$334,590	\$324,850
Assessed Value School	\$344,620	\$334,590	\$324,850
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$294,620	\$284,590	\$274,850
Taxable Value School	\$319,620	\$309,590	\$299,850

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
09/15/2021	\$410,000	WD	Improved	9262/1728
03/10/2004	\$211,000	WD	Improved	5229/1116
08/30/1996	\$146,000	WD	Improved	3597/3694

Vicinity Map

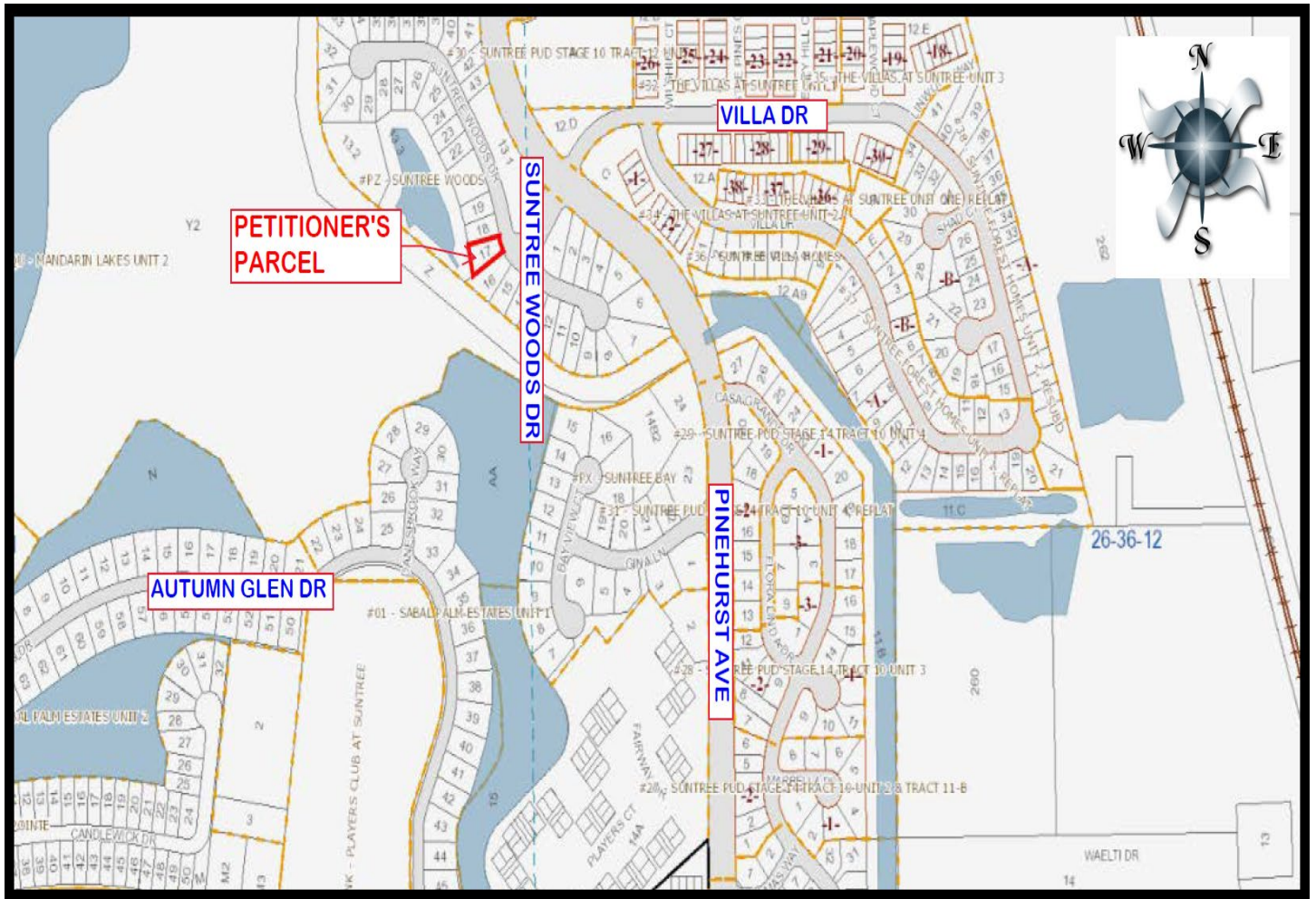


Figure 1: Map of the parcel for the easement to be vacated at Lot 17, Suntree Woods, Melbourne, Florida, 32940.

Edward R. and Nilsa R. Andres – 837 Suntree Woods Dr. – Melbourne – Lot 17, “Suntree Woods” – Plat Book 40, Page 15 – Section 11, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a Public Utility & Drainage Easement

Aerial Map



Figure 2: Aerial Map for easements to be vacated at Lot 17, Suntree Woods, Melbourne, Florida, 32940.

Edward R. and Nilisa R. Andres – 837 Suntree Woods Dr. – Melbourne – Lot 17, “Suntree Woods” – Plat Book 40, Page 15 – Section 11, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a portion of a Public Utility & Drainage Easement

Plat Reference

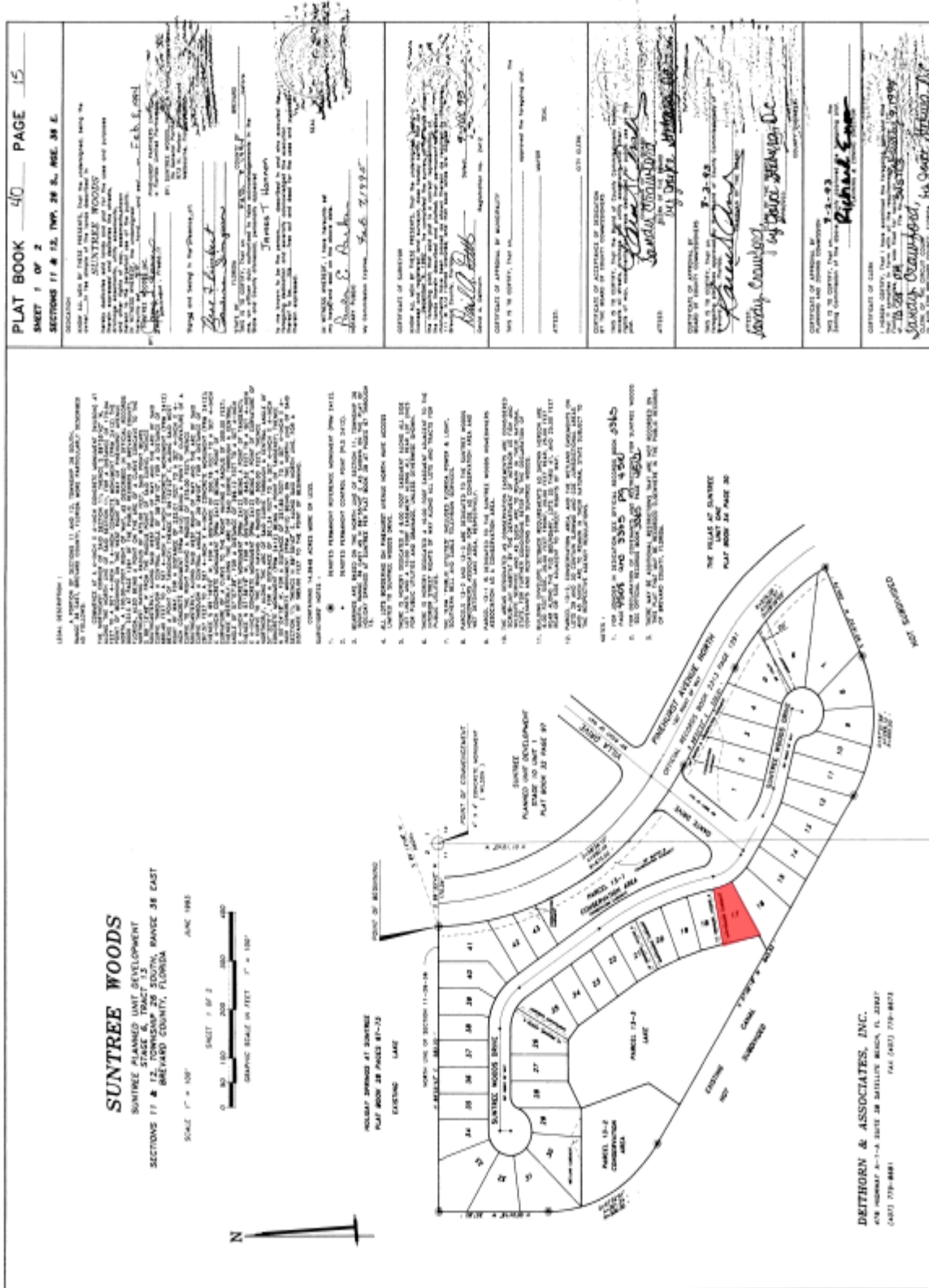


Figure 3: Copy of plat map "Suntree Woods" dedicated to Brevard County February 1994.

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

EXHIBIT "A"

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

PARENT PARCEL ID# 26-36-11-PZ-*-17
SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

PURPOSE: VACATING 5 FEET OF A 10 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENT.

LEGAL DESCRIPTION:
(PREPARED BY SURVEYOR)

DESCRIPTION: A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 17, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15-16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 17, AND RUN NORTH 59°51'24" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 17, A DISTANCE OF 10.54 FEET; THENCE NORTH 11°39'33" WEST, A DISTANCE OF 26.64 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE SOUTH 78°20'27" WEST, A DISTANCE OF 5.00 FEET; THENCE NORTH 11°39'33" WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH 78°20'27" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 11°39'33" EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 200 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

ABBREVIATIONS

B.B. = BASIS OF BEARINGS
B.S.L. = BUILDING SETBACK LINE
D.E. = DRAINAGE EASEMENT
P.O.B. = POINT OF BEGINNING
P.U.E. = PUBLIC UTILITY EASEMENT

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 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 AN OWNERSHIP AND ENCUMBRANCE REPORT.
5. BEARINGS ARE BASED ON A BEARING OF NORTH 11°39'33" EAST FOR THE WEST LINE OF LOT 17, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15-16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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


ANDREW W. POWSHOK, PLS 5383
PROFESSIONAL LICENSED 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 LICENSED BUSINESS #6623

DRAWN BY:
DOUG W. GUARE
DATE: 07-09-24

CHECKED BY:
ANDREW W. POWSHOK
PROJECT # 49680

REVISION: _____
REVISION: _____
REVISION: COUNTY COMMENTS 08-12-24

SECTION 11,
TOWNSHIP 26 SOUTH,
RANGE 36 EAST

Figure 4: Legal Description. Sheet 1 of 2. Section 11, Township 26 South, Range 36 East. Parcel ID number: 26-36-11-PZ-*-17.

Petitioner's Sketch & Description Sheet 2 of 2

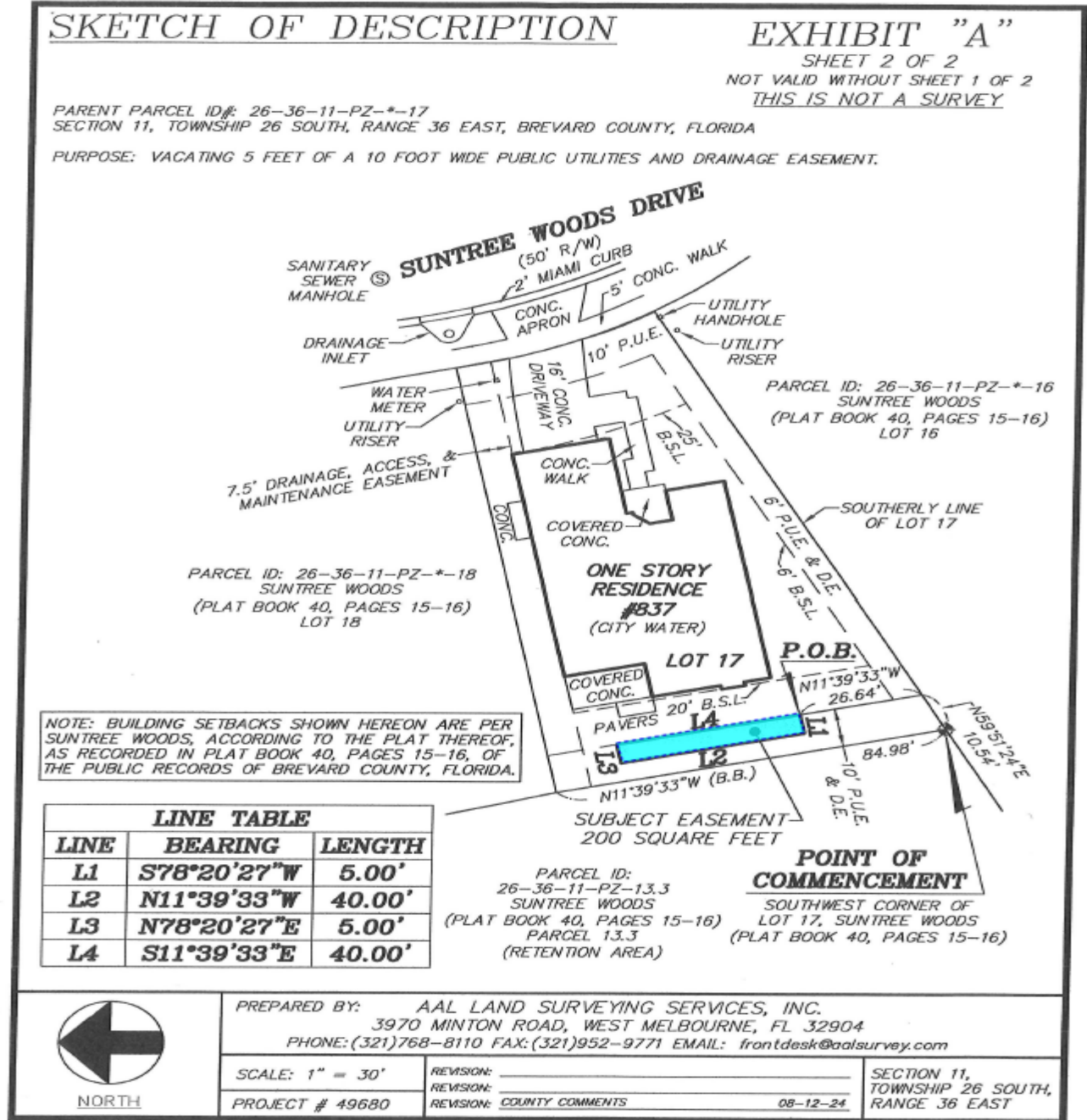


Figure 5: Sketch of description. Sheet 2 of 2. Section 11, Township 26 South, Range 36 East. Parcel ID number: 26-36-14-PZ-*-17.

The sketch illustrates a portion of a public utility and drainage easement on Lot 17, Suntree Woods, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 78°20'27" East 5.00 Feet; East boundary – South 11°39'33" East 40.00 Feet; South boundary – North 78°20'27" West 5.00 Feet; West boundary – North 11°39'33" East 40.00 Feet. Prepared by: Andrew W. Powshok, LS 5383.

Proposed Pool

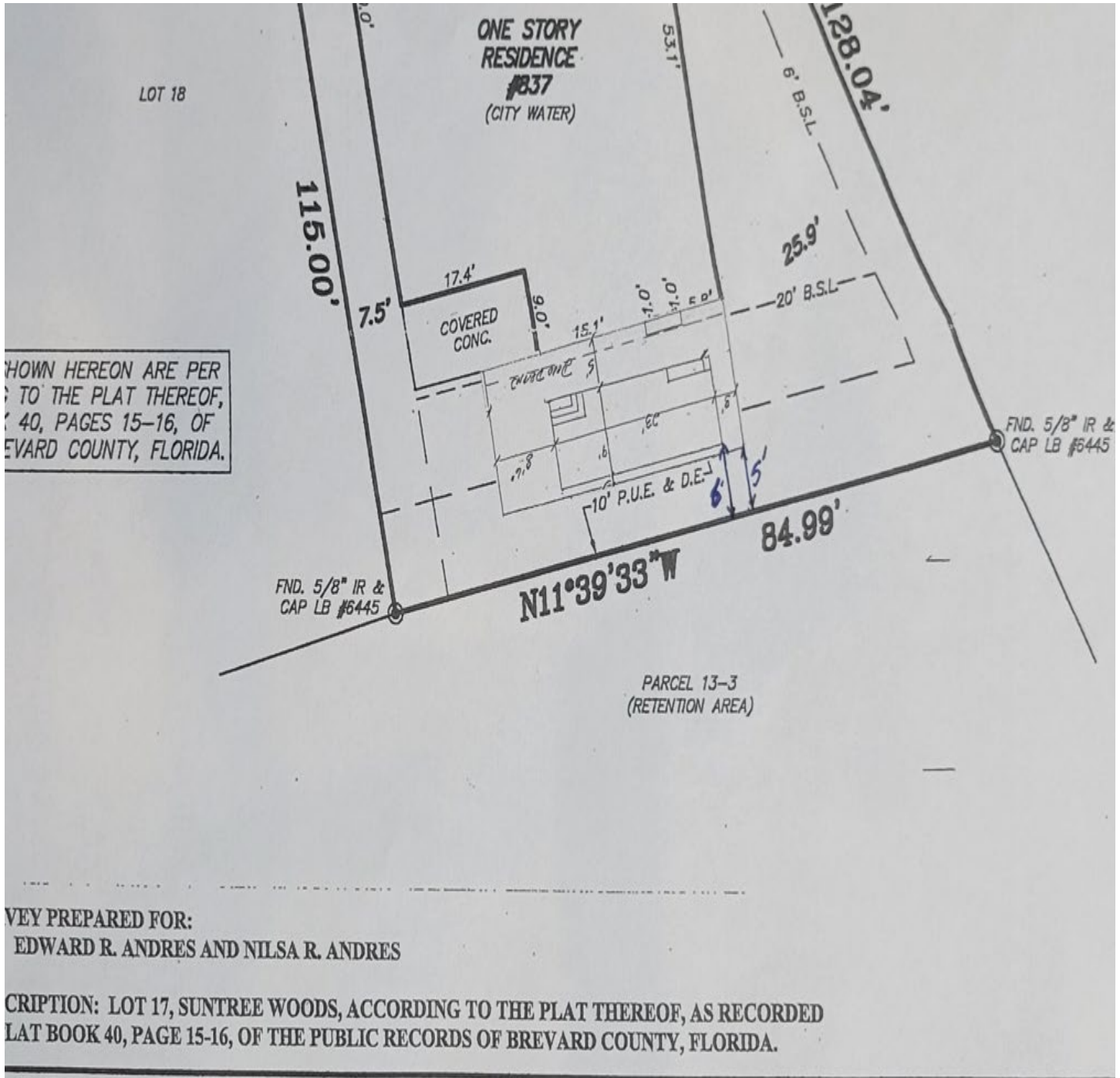


Figure 6: Proposed pool sketch. The sketch shows the proposed pool to be constructed on Lot 17, Suntree Woods, 837 Suntree Woods Drive, Melbourne, Florida, 32940.

Comment Sheet

Applicant: Andres

Updated by: Amber Holley 20240731 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240718	20240731	Yes	No response
FL Power & Light	20240718	20240731	Yes	No response
At&t	20240718	20240719	Yes	No objections
Charter/Spectrum	20240718	20240719	Yes	No objections
City of Cocoa	20240718	20240718	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240718	20240718	Yes but not all only what is needed for pool	No objections
Land Planning	20240718	20240731	Yes	No objections
Utility Services	20240718	20240719	Yes	No objections
Storm Water	20240718	20240722	Yes but not all only what is needed for pool	No objections
Zoning	20240718	20240731	Yes	No objections

Public Hearing Legal Advertisement

ad # 10514911 9/1/24
LEGAL NOTICE
NOTICE FOR THE VACATING OF
A PORTION OF A PUBLIC UTIL-
ITY & DRAINAGE EASEMENT,
PLAT OF "SUNTREE WOODS" IN
SECTION 11, TOWNSHIP 26
SOUTH, RANGE 36 EAST,
MELBOURNE, 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 EDWARD R. AND NILSA R. ANDRES 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 17, SUNTREE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 15-16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH-WEST CORNER OF SAID LOT 17, AND RUN NORTH 59°51'24" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 17, A DISTANCE OF 10.54 FEET, THENCE NORTH 11°39'33" WEST, A DISTANCE OF 26.64 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT, THENCE SOUTH 78°20'27" WEST, A DISTANCE OF 5.00 FEET, THENCE NORTH 11°39'33" WEST, A DISTANCE OF 40.00 FEET, THENCE NORTH 78°20'27" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 11°39'33" EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 200 SQUARE FEET OR 0.005 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 9:00 A.M. on September 17, 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 7: Copy of public hearing advertisement as published on September 1, 2024. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE VACATING OF A PORTION OF A PUBLIC UTILITY & DRAINAGE EASEMENT, PLAT OF "SUNTREE WOODS" IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

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