

Resolution 2021 - _____

**Vacating a portion of two public utility easements in “Barefoot Bay Unit Two, Part Twelve”
Subdivision, Barefoot Bay, Florida, lying in Section 10, Township 30 South, Range 38 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **BARRY SOUTHARD AND VALERIE GALLO** with the Board of County Commissioners to vacate two public utility easements 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 easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility easements are hereby vacated; and Brevard County renounces and disclaims any rights in and to said easements. 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 February, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rita Pritchett, Chair

Rachel Sadoff, Clerk

As approved by the Board on:
February 9, 2021

Brevard County Property Appraiser Detail Sheet

Account 3004992

Owners Southard, Barry; Gallo, Valerie

Mailing Address 3825 12th St Micco FL 32976

Site Address 917 Cashew Cir Barefoot Bay FL 32976

Parcel ID 30-38-10-JU-114-46

Property Use 0020 – Vacant Mobile Home Site (Platted)

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 0.09

Subdivision Barefoot Bay Unit 2 Part 12

Site Code 0001 - No Other Code Appl.

Plat Book/Page 0022/0079

Land Description Barefoot Bay Unit 2 Part 12 Lot 46 Blk 114

VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$14,000	\$13,000	\$13,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$7,310	\$6,650	\$6,650
Assessed Value School	\$14,000	\$13,000	\$13,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$7,310	\$6,650	\$6,650
Taxable Value School	\$14,000	\$13,000	\$13,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
05/27/2015	\$5,000	WD	Vacant	7381/0528
03/12/2004	\$59,500	WD	Improved	5230/3777
03/21/2000	\$26,400	WD	--	4143/0522

Fig. 1: Copy of Property Appraiser's detail sheet for lot 46, block 114, Barefoot Bay Unit Two Part Twelve, 917 Cashew Circle, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

Brevard County Property Appraiser Detail Sheet

Account 3004993

Owners Southard, Barry; Gallo, Valerie

Mailing Address 3825 12th St Micco FL 32976

Site Address 919 Cashew Cir Barefoot Bay FL 32976

Parcel ID 30-38-10-JU-114-47

Property Use 0020 – Vacant Mobile Home Site (Platted)

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 0.09

Subdivision Barefoot Bay Unit 2 Part 12

Site Code 0001 - No Other Code Appl.

Plat Book/Page 0022/0079

Land Description Barefoot Bay Unit 2 Part 12 Lot 47 Blk 114

VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$14,000	\$13,000	\$13,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$5,290	\$4,810	\$4,380
Assessed Value School	\$14,000	\$13,000	\$13,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$5,290	\$4,810	\$4,380
Taxable Value School	\$14,000	\$13,000	\$13,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
09/25/2020	\$13,400	XD	Vacant	8868/0657
05/30/2001	\$27,500	WD	Improved	4257/2362
12/13/2000	\$27,000	WD	--	4262/0149

Fig. 2: Copy of Property Appraiser's detail sheet for lot 47, block 114, Barefoot Bay Unit Two Part Twelve, 919 Cashew Circle, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

Vicinity Map

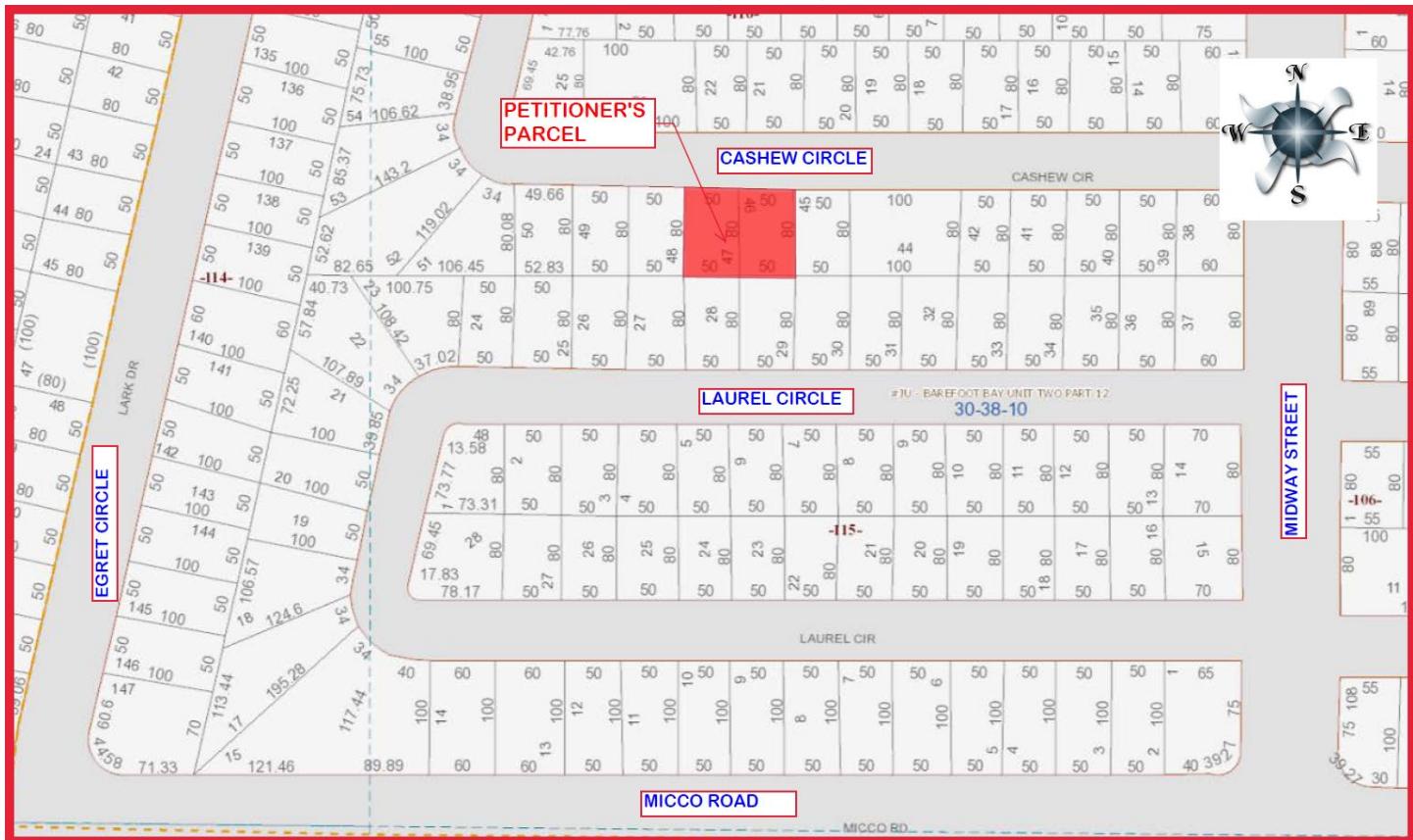


Fig. 3: Map of Lots 46 & 47, Block 114, Barefoot Bay Unit Two, Part Twelve, 917 & 919 SW Cashew Circle, Barefoot Bay, FL 32976.

**Valerie Gallo and Barry Southard – 917 & 919
Cashew Circle – Barefoot Bay, FL, 32976 – Lots 46
& 47, Block 114, plat of “Barefoot Bay Unit Two
Part Twelve” – Plat Book 22, Page 79 – Section
10, Township 30 South, Range 38 East – District 3
– Proposed Vacating of portions of two 6.0 ft.
Wide Public Utility Easements**

Aerial Map

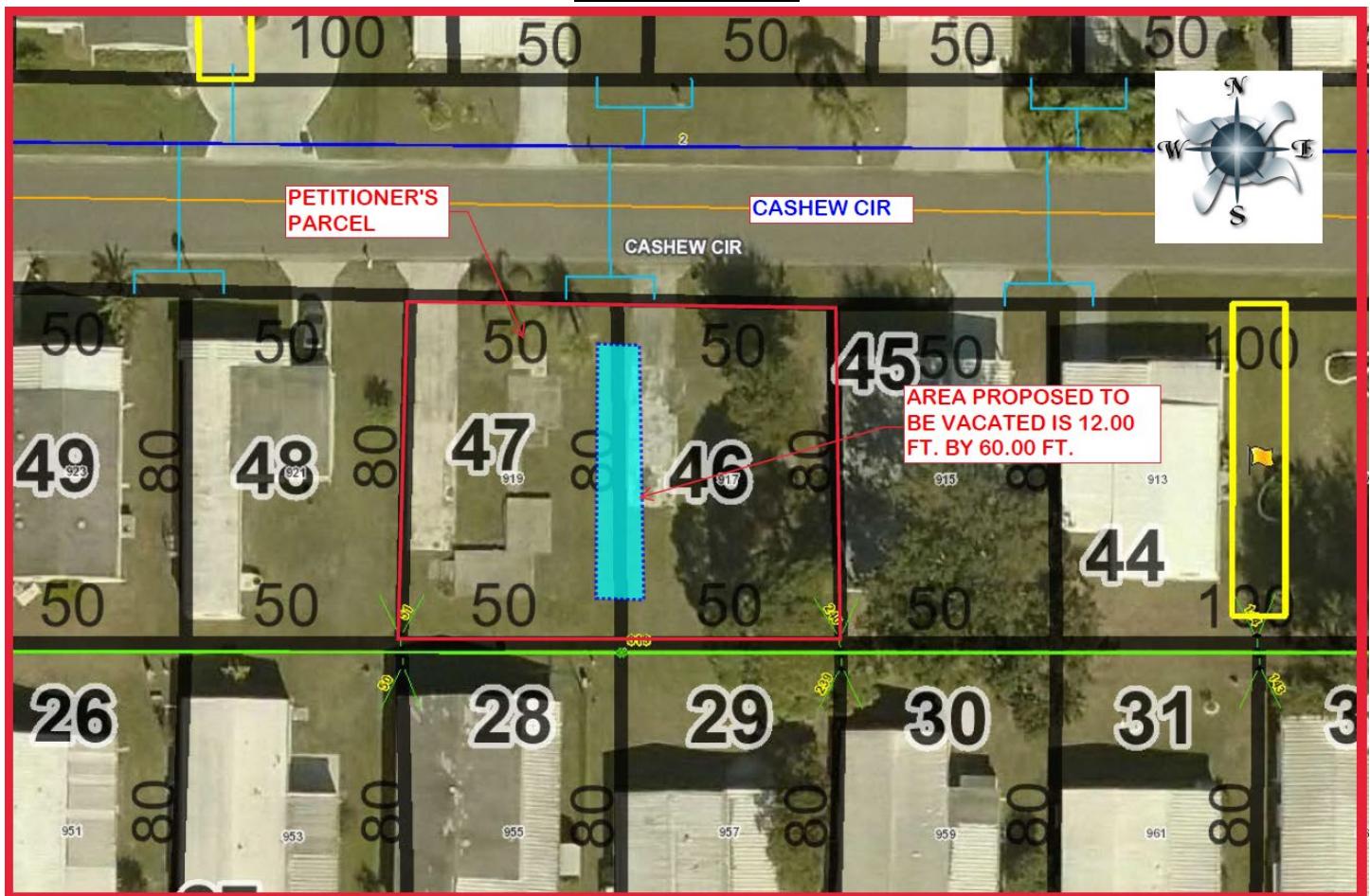


Fig. 4: Map of aerial view of Lots 46 & 47, Block 114, Barefoot Bay Unit Two, Part Twelve, 917 & 919 SW Cashew Circle, Barefoot Bay, FL 32976

Valerie Gallo and Barry Southard – 917 & 919
Cashew Circle – Barefoot Bay, FL, 32976 – Lots 46
& 47, Block 114, plat of “Barefoot Bay Unit Two
Part Twelve” – Plat Book 22, Page 79 – Section
10, Township 30 South, Range 38 East – District 3
– Proposed Vacating of portions of two 6.0 ft.
Wide Public Utility Easements

Plat Reference

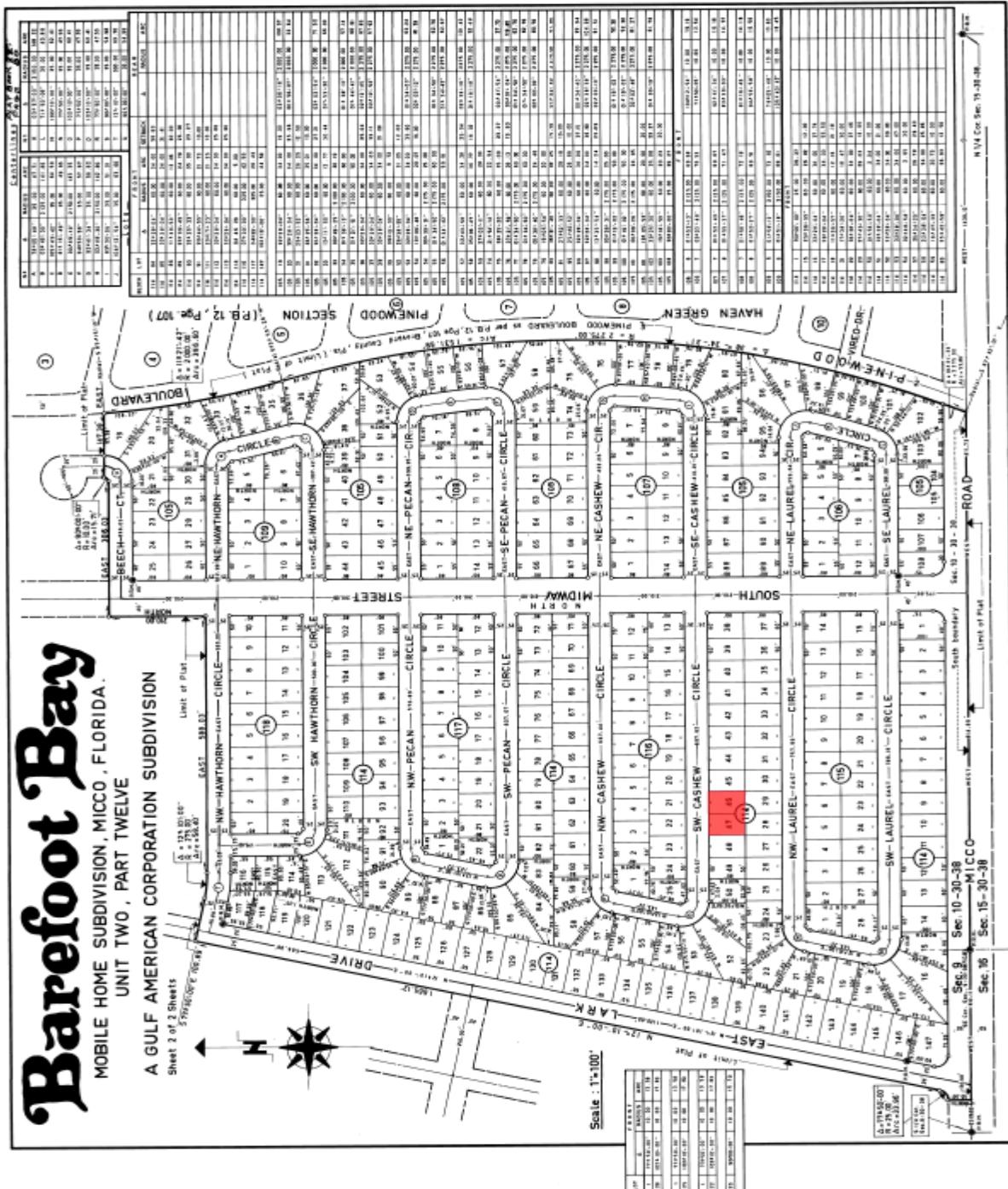


Fig. 5: Copy of plat map "Barefoot Bay" dedicated to Brevard County July 21, 1969.

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST
PARCEL I.D. NUMBER: 30-38-10-JU-114-46
PARCEL I.D. NUMBER: 30-38-10-JU-114-47

PURPOSE OF SKETCH AND DESCRIPTION:

SHEET 1 OF 2
NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 46 AND 47, BLOCK 114.

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 47 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 46, BLOCK 114, LESS THE NORTH 10.0 FEET FOR UTILITIES AND LESS THE SOUTH 10 FEET FOR UTILITIES.

BAREFOOT BAY UNIT TWO, PART TWELVE,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 79-80,
OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 720 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N90°00'00"E ALONG THE SOUTHERN RIGHT OF WAY OF S.W. CASHEW CIRCLE, ALL OTHER BEARINGS ARE RELATIVE THERETO.
- 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN. NO TITLE OPINION IS EXPRESSED OR IMPLIED.
- 3) THIS SKETCH IS NOT INTENDED TO LOCATE EXISTING UNDERGROUND FOUNDATIONS, ENCROACHMENTS, OR ANY IMPROVEMENTS EXCEPT AS SHOWN.
- 4) THIS SKETCH IS NOT A BOUNDARY SURVEY.
- 5) IMPROVEMENTS SHOWN HEREON ARE BASED ON THE SURVEY PREPARED BY THE UNDERSIGNED DATED 11/12/2020, DRAWING NUMBER 20-084

PREPARED FOR: BARRY SOUTHDARD VALERIE GALLO	DRAWN BY: C.J.C. DATE: 12/01/2020 CHECKED BY: C.J.C. SHEET 1 OF 2	THIS SURVEY PERFORMED BY: COONEY SURVEYING & MAPPING, LLC L.B. #8070 456 Chaloupe Terrace Sebastian, FL 32958 C772-913-5322 cooneymap@gmail.com
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SECTION 10
TOWNSHIP 30 SOUTH
RANGE 38 EAST

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077

COONEY SURVEYING & MAPPING
12/01/2020
DATE AND SIGNATURE

Petitioner's Sketch & Description Sheet 2 of 2

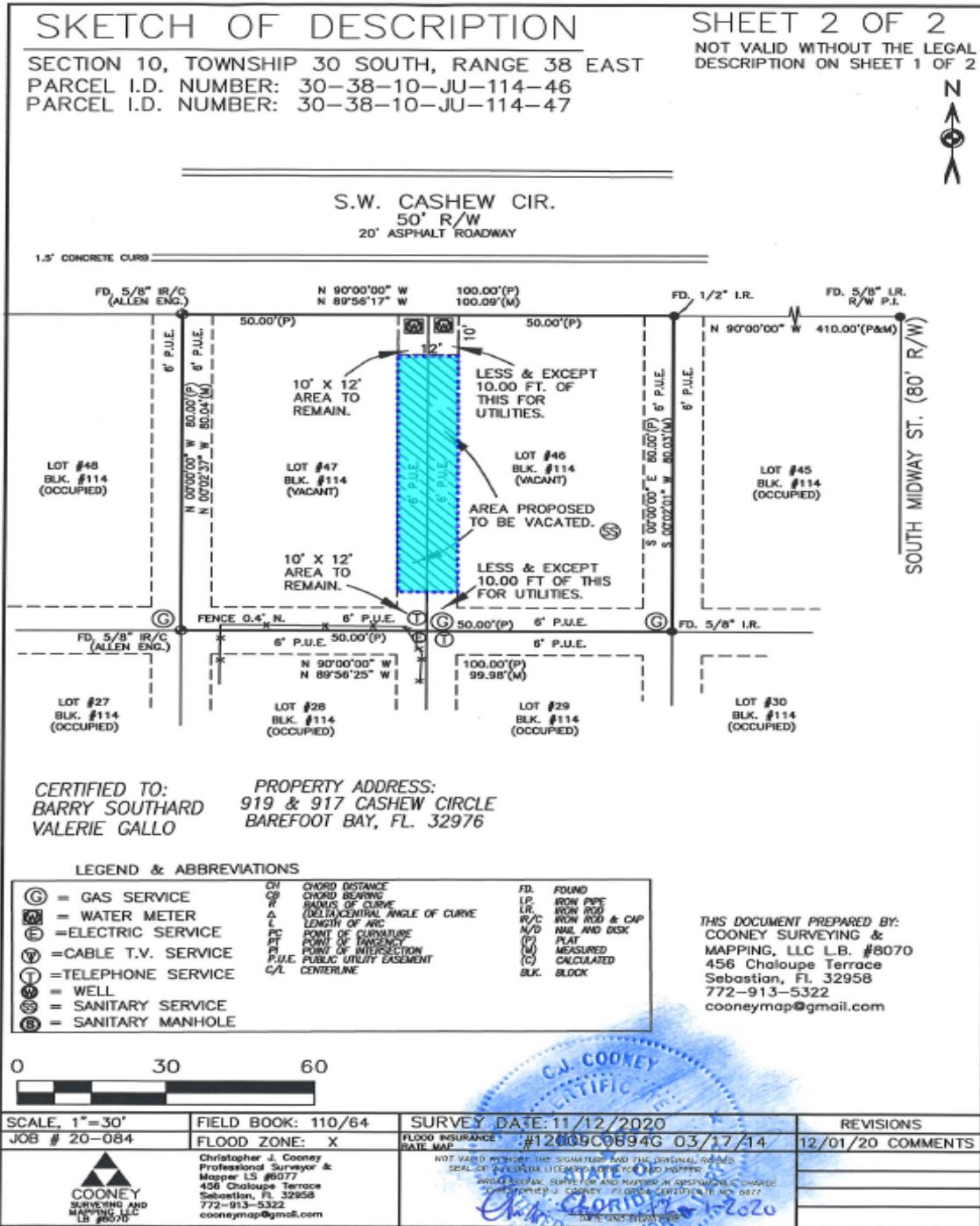


Fig. 7: Sketch of Description. Situated in Section 10, Township 30 South, Range 38 East, Parent Parcel: #30-38-10-JU-114-46&47. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates lots 46 & 47 that reside on S.W. Cashew Circle, Barefoot Bay, Florida. Two 6-foot public utility easements lying between lots 46 & 47. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North $89^{\circ}56'17''$ West 100.09'; East boundary South $00^{\circ}02'01''$ West 80.03', South boundary – North $89^{\circ}56'25''$ West 99.98'. Prepared by: Cooney Surveying & Mapping, LLC, FL LB# 8070. Project NO: 20-084.

Comment Sheet

Applicant: Barry Southard and Valerie Gallo

Updated by: Amber Holley 20210115 at 830 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20201223	20201229	Yes	No objections
FL Power & Light	20201223	20201228	Yes	No objections
At&t	20201223	20200112	Yes	No objections
Charter/Spectrum	20201223	20201230	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20201223	20210115	Yes	No objections
Land Planning	20201223	20200107	Yes	No objections
Utility Services	20201223	20200106	Yes	No objections
Storm Water	20201223	20201228	Yes	No objections
Zoning	20201223	20210107	Yes	No objections

Fig. 8: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Ad#4561407,

01/25/2021

LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF
TWO 6.0 FT. WIDE PUBLIC UTILITY EASE-
MENTS, PLAT OF "BAREFOOT BAY MO-
BILE HOME SUBDIVISION, UNIT TWO
PART TWELVE" IN SECTION 10,
TOWNSHIP 30 SOUTH, RANGE 38 EAST,
BAREFOOT BAY, 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 **BARRY SOUTHARD AND VALERIE GALLO** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**THE 6.00 FOOT PUBLIC UTILITY EASE-
MENT LYING ALONG THE EASTERLY LINE
OF LOT 47, AND THE 6.00 FOOT PUBLIC
UTILITY EASEMENT LYING ALONG THE
WESTERLY LINE OF LOT 46, BLOCK 114,
LESS THE NORTH 10.00 FEET FOR UTILIT-
IES AND LESS THE SOUTH 10.00 FEET
FOR UTILITIES. BAREFOOT BAY UNIT
TWO, PART TWELVE ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT
BOOK 22, PAGES 79-80 OF THE PUBLIC
RECORDS OF BREVARD COUNTY, FLORI-
DA. CONTAINING 720 SQUARE FEET,
MORE OR LESS. PREPARED BY: CHRISTO-
PHER J. COONEY, 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 February 9, 2021** 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. 9: Copy of public hearing advertisement as published on January 25, 2021 see next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30, SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL

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PREPARED BY: CHRISTOPHER J. COONEY, 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 February 9, 2021** 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.

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Petitioner's Proposed Plot Plan for New Home

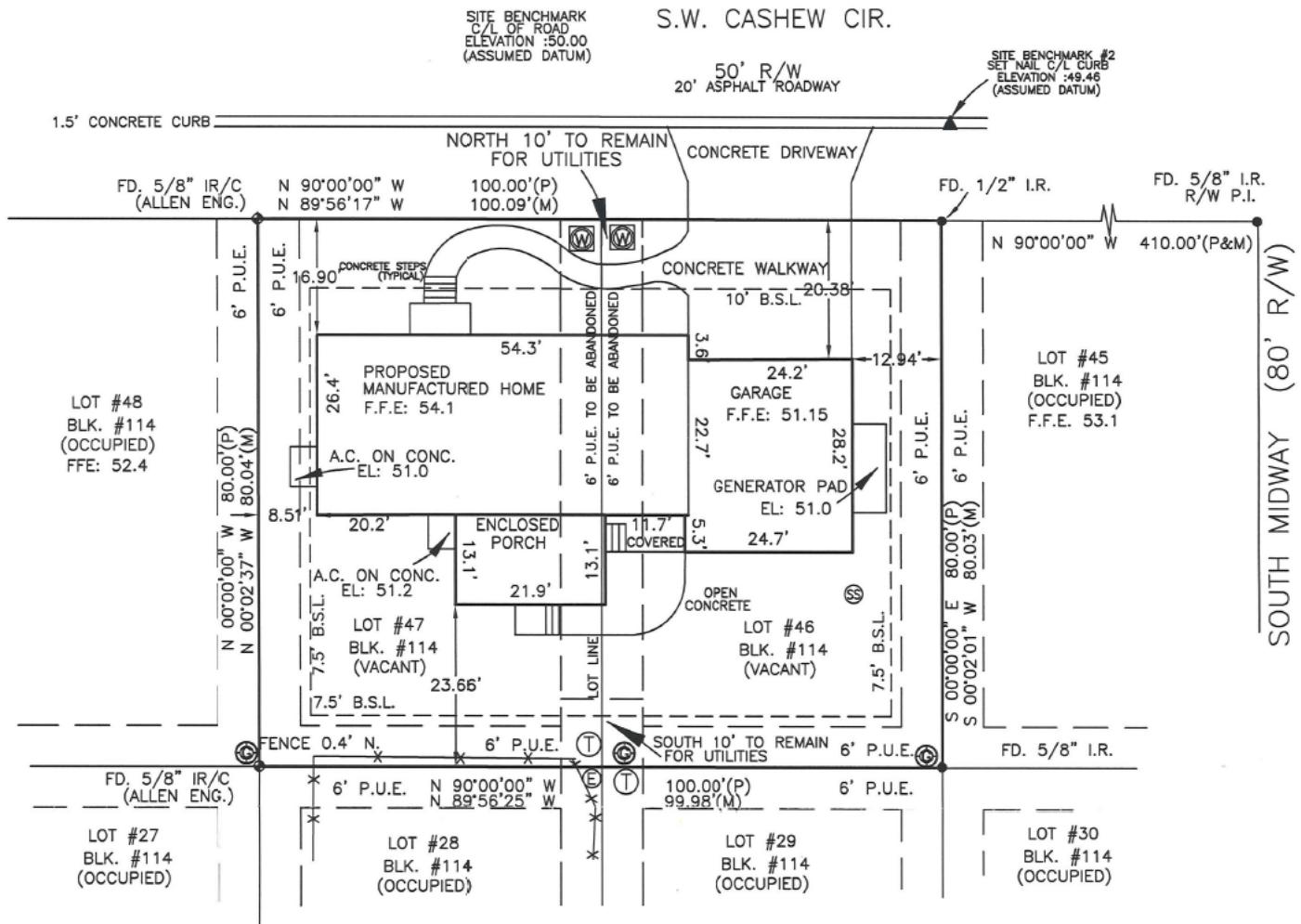


Fig. 10: Petitioner's Proposed Plot Plan for new home on lots 46 & 47, Block 114, Barefoot Bay.