

Resolution 2021 -

**Vacating a portion of a public utility and drainage easement in plat "Cataline Isle Estates Unit 4"
Subdivision, Merritt Island, Florida, lying in Section 23, Township 24 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **CLARK D. & THERESA A. KUGLER** 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 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 will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. 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 October, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on:
October 12, 2021

Brevard County Property Appraiser Detail Sheet

Account 2417367
 Owners KUGLER, CLARK D; KUGLER, THERESA A
 Mailing Address 300 SURF SPRAY DR MERRITT ISLAND FL 32953
 Site Address 300 SURFSPRAY DR MERRITT ISLAND FL 32953
 Parcel ID 24-36-23-IY-5-36
 Property Use 0110 - SINGLE FAMILY RESIDENCE
 Exemptions
 DICV - DISABILITY - CIVILIAN
 HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 Taxing District 2200 - UNINCORP DISTRICT 2
 Total Acres 0.20
 Subdivision CATALINA ISLE ESTATES UNIT 4
 Site Code 0130 - CANAL FRONT
 Plat Book/Page 0020/0047
 Land Description CATALINA ISLE ESTATES UNIT 4 LOT 36 BLK 5

VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$296,820	\$253,540	\$261,040
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$296,820	\$138,910	\$135,790
Assessed Value School	\$296,820	\$138,910	\$135,790
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$500	\$50,500	\$50,500
Taxable Value Non-School	\$246,320	\$88,410	\$85,290
Taxable Value School	\$271,320	\$113,410	\$110,290

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
10/15/2020	\$348,000	WD	Improved	8891/2736
04/20/2000	--	QC	Improved	4154/3096
08/01/1971	\$27,400	--	--	1191/0173

Fig. 1: Copy of Property Appraiser's detail sheet for Lot 36, Block 5, Catalina Isle Estates Unit 4, 300 Surf Spray Drive, Merritt Island, FL 32953, Section 23, Township 24 South, Range 36 East, District 2

Vicinity Map

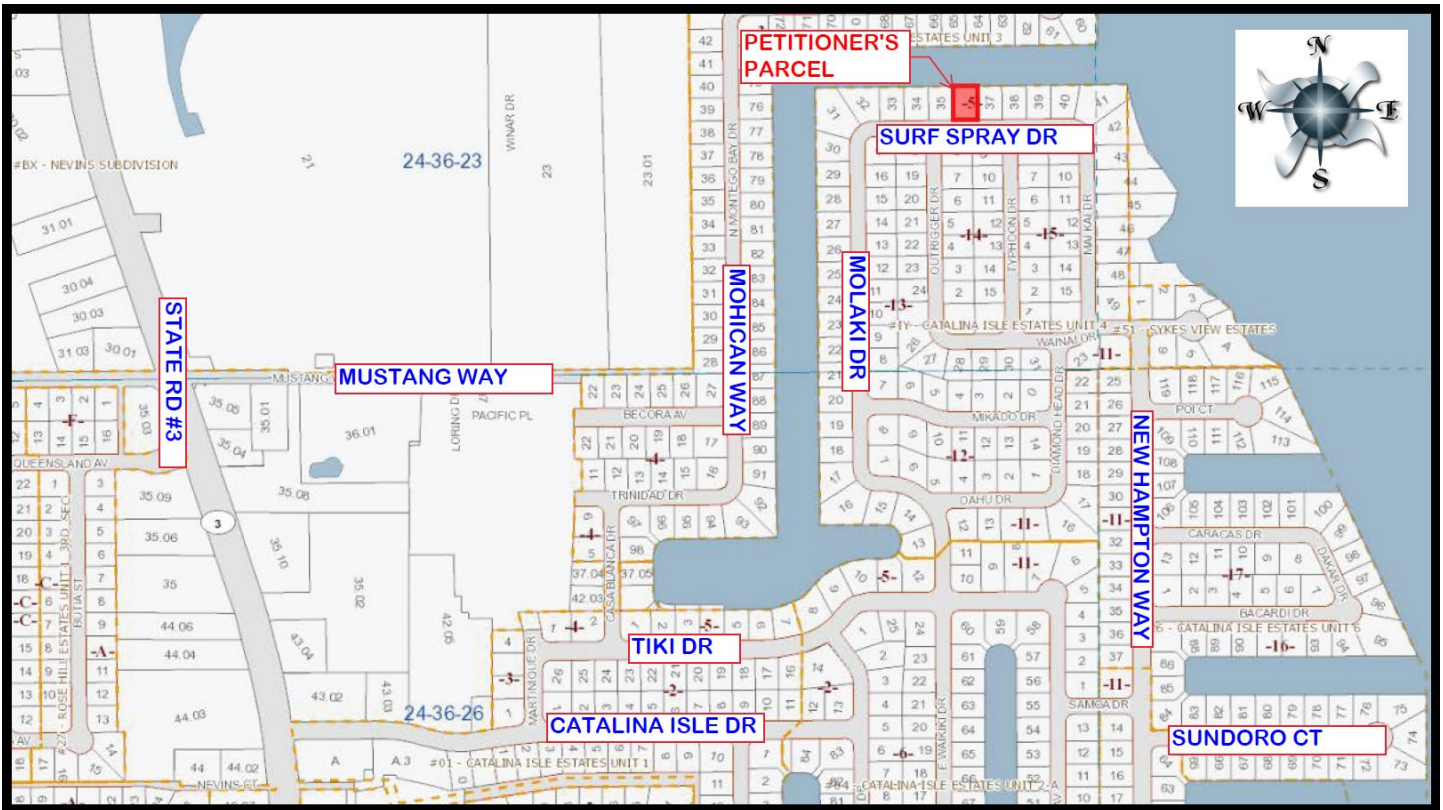


Fig. 3: Map of Lot 36, Block 5, Cataline Isle Estates Unit 4, 300 Surf Spray Drive, Merritt Island, FL 32953.

Clark D. & Theresa A. Kugler – 300 Surf Spray Dr – Merritt Island, FL, 32953 – Lot 36, Block 5, plat of “Cataline Isle Estates Unit 4” – Plat Book 20, Page 47 – Section 23, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a portion of a 15.0 ft. Wide Public Utility & Drainage Easement

Aerial Map

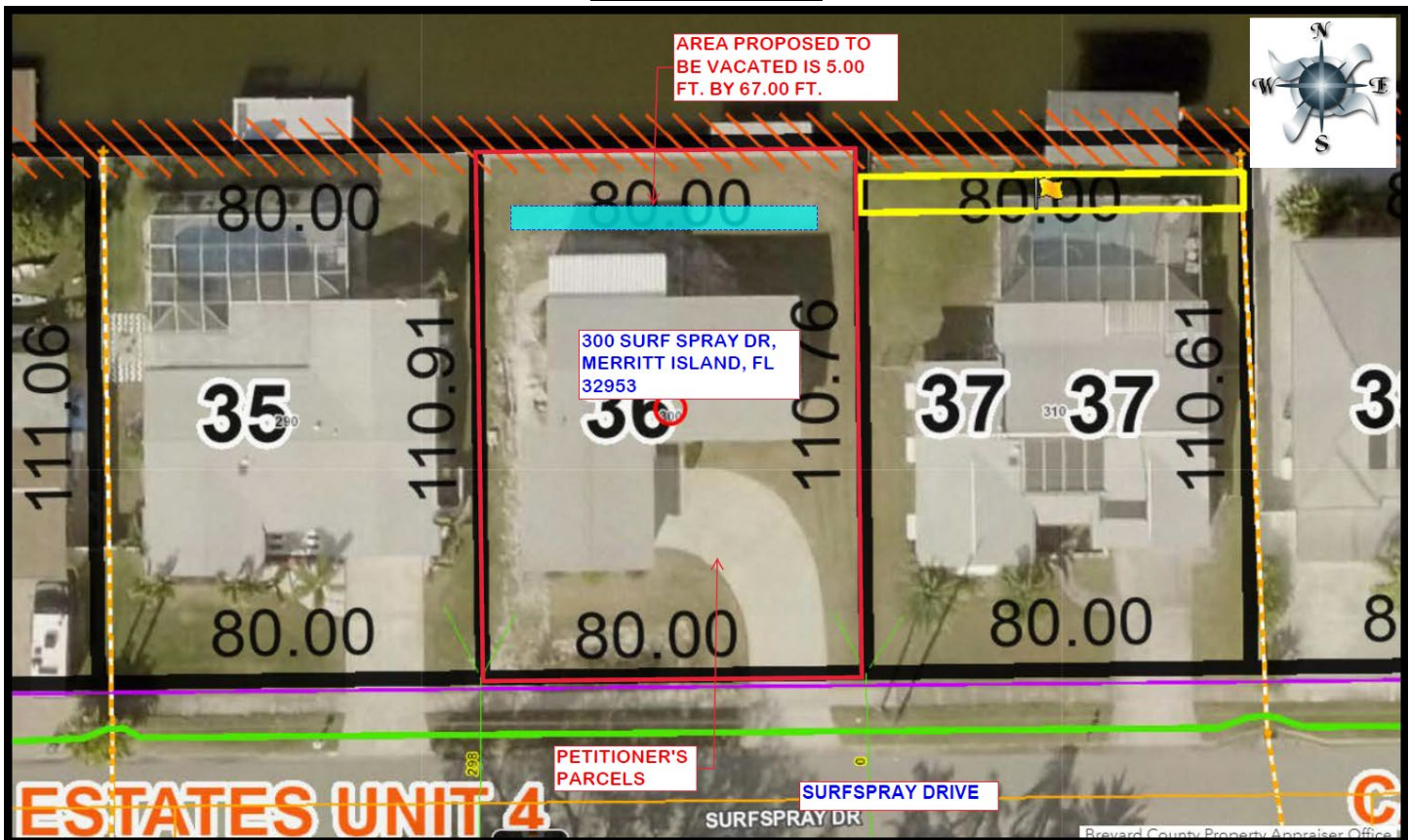


Fig. 4: Map of aerial view of Lot 36, Block 5, Catalina Isle Estates Unit 4, 300 Surf Spray Drive, Merritt Island, FL 32953.

Clark D. & Theresa A. Kugler – 300 Surf Spray Dr – Merritt Island, FL, 32953 – Lot 36, Block 5, plat of “Catalina Isle Estates Unit 4” – Plat Book 20, Page 47 – Section 23, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a portion of a 15.0 ft. Wide Public Utility & Drainage Easement

Plat Reference

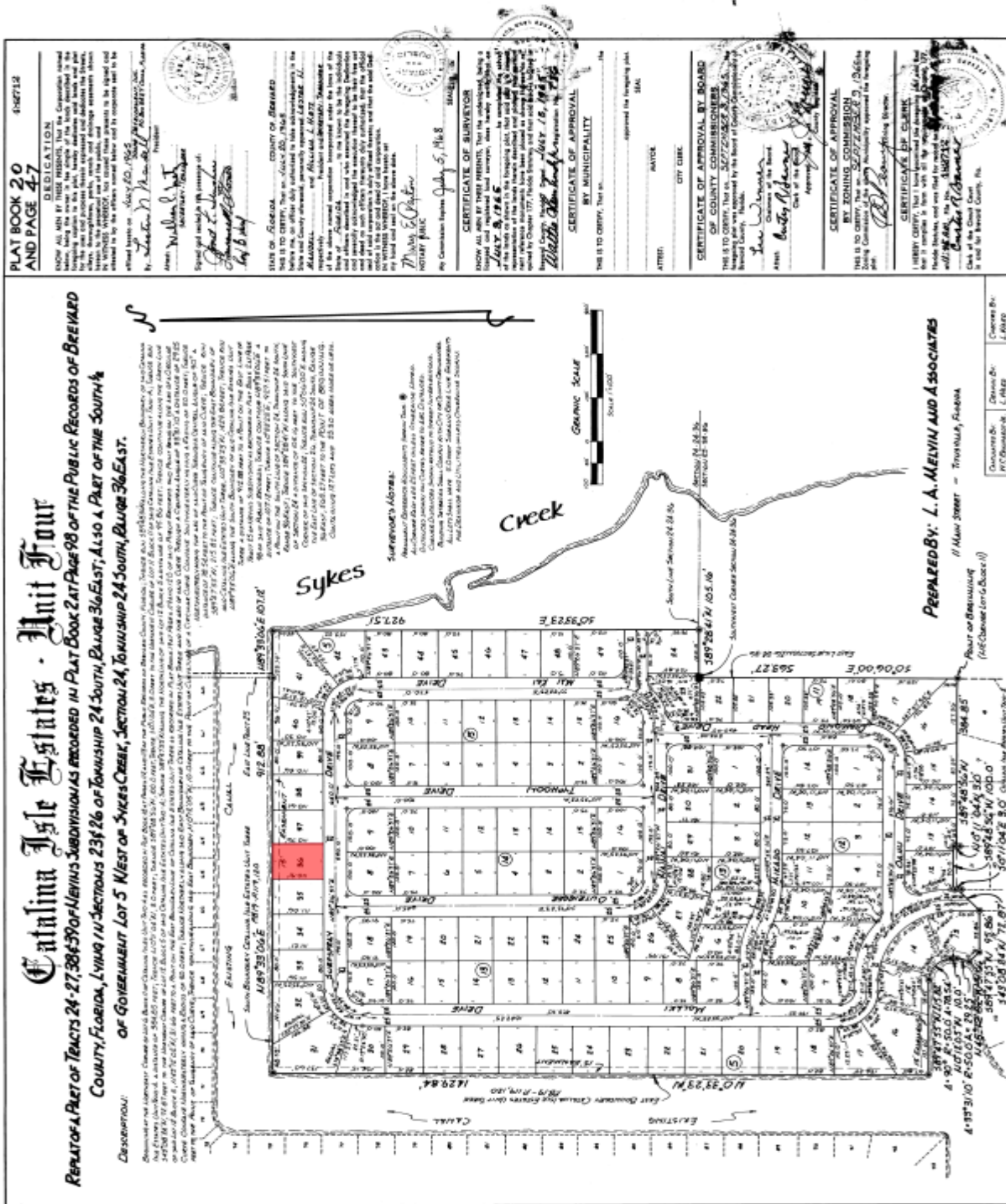


Fig. 5: Copy of plat map "Catalina Isle Estates Unit 4" dedicated to Brevard County September 15, 1965.

Petitioner's Sketch & Description Sheet 1 of 2



<u>LEGAL DESCRIPTION</u>		SHEET 1 OF 2
SITUATED IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST		NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2
PARCEL ID# 24-36-23-IY-5-36		
PURPOSE OF SURVEY: VACATING A PORTION OF A 15 FOOT WIDE PRIVATE UTILITY AND DRAINAGE EASEMENT		
<u>LEGAL DESCRIPTION:</u>		
THAT PORTION OF A 15 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:		
THE SOUTH 5 FEET OF THE NORTH 15 FEET OF THE EAST 67 FEET OF THE WEST 72 FEET OF LOT 36, BLOCK 5, CATALINA ISLE ESTATES UNIT FOUR, AS RECORDED IN PLAT BOOK 20, PAGES 47, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.		
CONTAINING 335.0 FT., 0.00769 ACRES MORE OR LESS.		
 <u>SURVEYOR'S NOTES:</u>		
1. THE BASIS OF BEARINGS OF THE ABOVE DESCRIBED DESCRIPTION IS THE NORTH R/W LINE OF SURFSPRAY DRIVE, BEING S 89°26'37" W AS PER PLAT OF CATALINA ISLE ESTATES UNIT FOUR.		
2. THE SKETCH ON SHEET 2 OF 2 IS NOT A BOUNDARY SURVEY, IT IS A SKETCH ONLY TO ACCOMPANY LEGAL DESCRIPTION.		
3. THE IMPROVEMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY ERIC NIELSEN LAND SURVEYING, INC. DATED 07-28-2021		
 <u>ABBREVIATION & SYMBOL LEGEND</u>		
C/L = CENTERLINE	I.R.C. = IRON ROD & CAP	
R/W = RIGHT-OF-WAY	P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT	
FND = FOUND	CONC. = CONCRETE	
LB = LICENSED BUSINESS	EM = ELECTRIC METER	
LS = LICENSED SURVEYOR	WM = WATER METER	
I.R. = IRON ROD		
L = LINE		
PREPARED FOR: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		  SURVEYOR & MAPPER, PSM NO. 5386 NOT VALID UNLESS SIGNED AND SEALED
PREPARED BY: ERIC NIELSEN LAND SURVEYING, INC. L.B. 6946, 12 STONE STREET, SUITE 4, COCOA, FL. 32922 321-631-5654		
DRAWN BY: <u>T.N.</u>	CHECKED BY: <u>EN</u>	DRAWING NO. <u>21-385-07</u>
DATE: <u>07-28-2021</u>	SHEET <u>1</u> OF <u>2</u>	REVISIONS _____
		SECTION <u>23</u> TOWNSHIP <u>24</u> SOUTH RANGE <u>36</u> EAST

Fig. 6: Legal Description. Sheet 1 of 2. Legal description for a portion of a 15.00-foot public utility & drainage easement on Lot 36, Block 5, Catalina Isle Estates Unit 4.

Petitioner's Sketch & Description Sheet 2 of 2

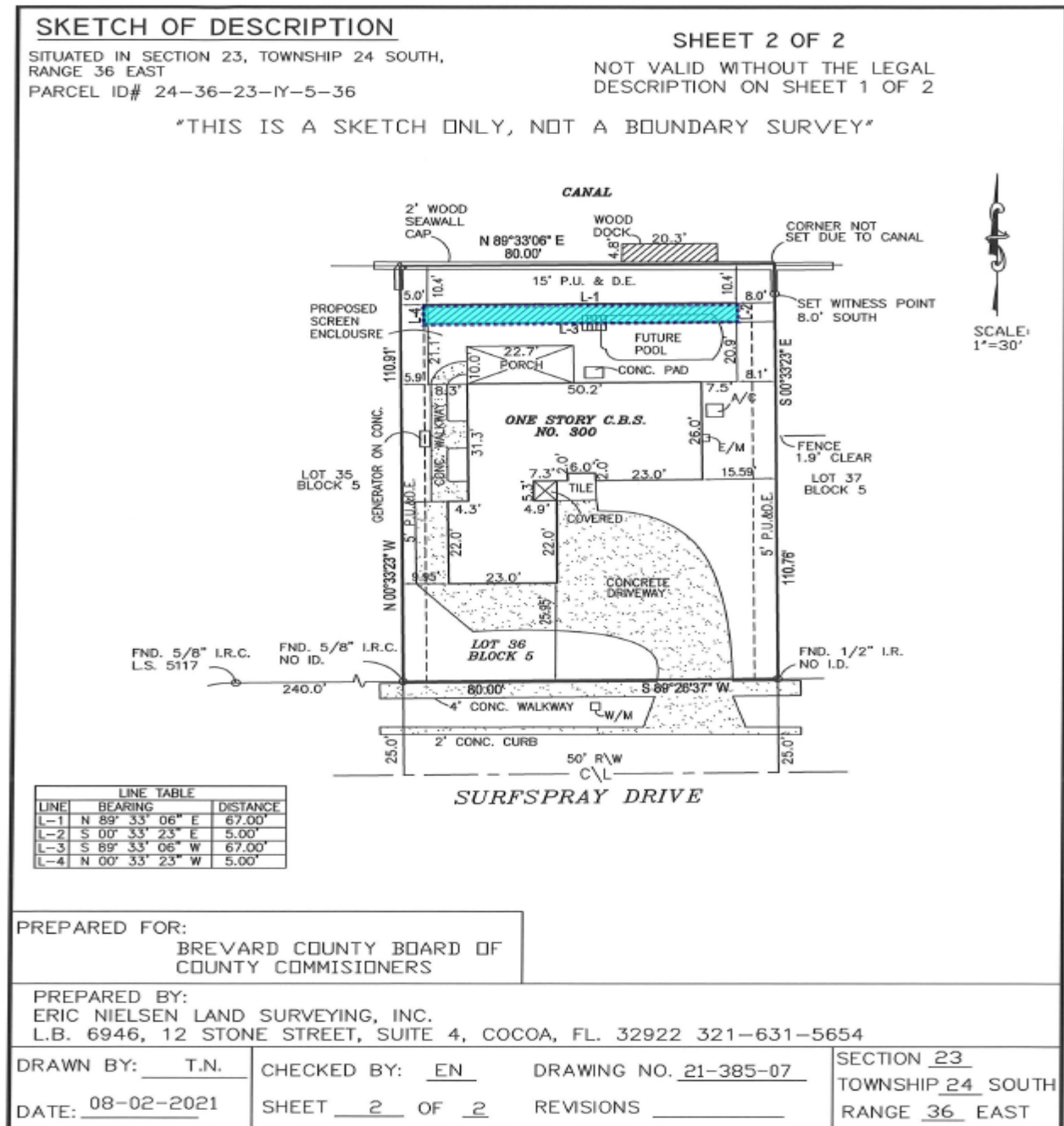


Fig. 7: Boundary survey. Situated in Section 23, Township 24 South, Range 36 East, Parent Parcel: #24-36-23-IY-5-36. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates 5.00-foot of a 15.00-foot public utility & drainage easement on Lot 36, Block 5, Merritt Island, Florida. The coordinate of the North line depicted is as follows. North boundary – North 89°33'06" East 80.00'; East boundary – South 00°33'23" East 110.76'; South boundary – South 89°26'37" West 80.00'; West boundary – North 00°33'23" West 110.91'. Prepared by: Eric Nielsen Land Surveying, Inc., LB 6946, Drawing NO: 21-385-07.

Comment Sheet

Applicant: Clark and Theresa Kugler

Updated by: Amber Holley 20210917 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20210903	20210908	Yes	No objections
FL Power & Light	20210903	20210909	Yes	No objections
At&t	20210903	20210917	Yes	No objections
Charter/Spectrum	20210903	20210904	Yes	No objections
City of Cocoa	20210903	20210907	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20210903	20210907	Yes	No objections
Land Planning	20210903	20210907	Yes	No objections
Utility Services	20210903	20210907	Yes	No objections
Storm Water	20210903	20210917	Yes	No objections
Zoning	20210903	20210907	Yes	No objections

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

Public Hearing Legal Advertisement

Ad#4922921

09/27/2021

LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF
A 15.0 FT. WIDE PUBLIC UTILITY AND
DRAINAGE EASEMENT, PLAT OF
"CATALINA ISLE ESTATES UNIT FOUR" IN
SECTION 23, TOWNSHIP 24 SOUTH,
RANGE 36 EAST, MERRITT ISLAND, 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 CLARK D. AND THERESA A. KUGLER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THAT PORTION OF A 15-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

THE SOUTH 5 FEET OF THE NORTH 15 FEET OF THE EAST 67 FEET OF THE WEST 72 FEET OF LOT 36, BLOCK 5, CATALINA ISLE ESTATES UNIT FOUR, AS RECORDED IN PLAT BOOK 20, PAGES 47, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 335.0 FT., 0.00769 ACRES MORE OR LESS. PREPARED BY: ERIC NIELSEN, 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 October 12, 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 September 27, 2021 see next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF A 15.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "CATALINA ISLE ESTATES UNIT FOUR" IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, 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 CLARK D. AND THERESA A. KUGLER with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

THAT PORTION OF A 15-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: THE SOUTH 5 FEET OF THE NORTH 15 FEET OF THE EAST 67 FEET OF THE WEST 72 FEET OF LOT 36, BLOCK 5, CATALINA ISLE ESTATES UNIT FOUR, AS RECORDED IN PLAT BOOK 20, PAGES 47, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 335.0 FT., 0.00769 ACRES MORE OR LESS. PREPARED BY: ERIC NIELSEN, 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 October 12, 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.