

## **Resolution 2024 -**

### **Vacating a portion of a public utility and drainage easement in plat "Sandy Run at Suntree", Melbourne, Florida, lying in Section 14, Township 26 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Gary Louis and Mary Susan Baxter, Trustees** 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 23<sup>rd</sup> day of July, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Rachel Sadoff, Clerk

\_\_\_\_\_  
Jason Steele, Chair

As approved by the Board on:  
July 23, 2024

# Brevard County Property Appraiser Detail Sheet

Account 2603858

Owners BAXTER, GARY LOUIS; BAXTER, MARY SUSAN  
TRUSTEES

Mailing Address 1000 ROYAL OAK CT MELBOURNE FL 32940

Site Address 1000 ROYAL OAK CT MELBOURNE FL 32940

Parcel ID 26-36-14-03-2-26

Taxing District 4200 - UNINCORP DISTRICT 4

Exemptions HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Property Use 0110 - SINGLE FAMILY RESIDENCE

Total Acres 0.28

Site Code 0001 - NO OTHER CODE APPL.

Plat Book/Page 0025/0143

Subdivision SANDY RUN AT SUNTREE

Land Description SANDY RUN AT SUNTREE LOT 26 BLK 2

## **VALUE SUMMARY**

<b>Category</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Market Value	\$352,400	\$333,610	\$275,530
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$150,250	\$145,880	\$141,640
Assessed Value School	\$150,250	\$145,880	\$141,640
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	\$100,250	\$95,880	\$91,640
Taxable Value School	\$125,250	\$120,880	\$116,640

## **SALES/TRANSFERS**

<b>Date</b>	<b>Price</b>	<b>Type</b>	<b>Parcel</b>	<b>Deed</b>
12/20/2005	--	WD	Improved	5582/5558
09/16/2002	--	WD	Improved	4687/3207
11/17/1999	--	QC	Improved	4283/3061

## Vicinity Map

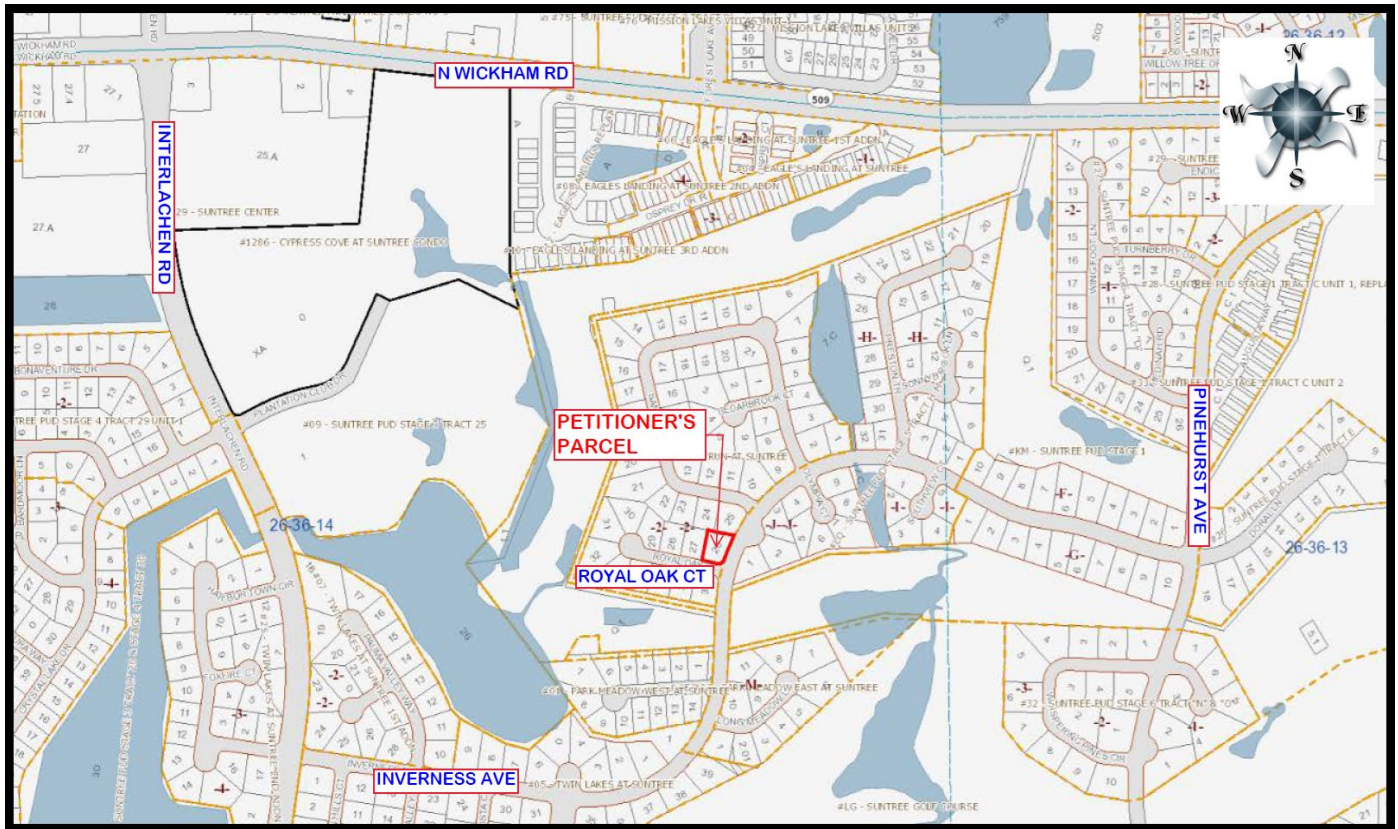


Figure 1: Map of the parcel for the easement to be vacated at Lot 26, Block 2, Sandy Run at Suntree, Melbourne, Florida, 32940.

Gary Louis and Mary Susan Baxter – 1000  
Royal Oak Court – Melbourne – Lot 26, Block  
2, “Sandy run at Suntree” – Plat Book 25,  
Page 143 – Section 14, 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 26, Block 2, Sandy Run at Suntree, Melbourne, Florida, 32940.

Gary Louis and Mary Susan Baxter – 1000  
Royal Oak Court – Melbourne – Lot 26, Block  
2, “Sandy run at Suntree” – Plat Book 25,  
Page 143 – Section 14, Township 26 South,  
Range 36 East – District 4 – Proposed  
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Drainage Easement

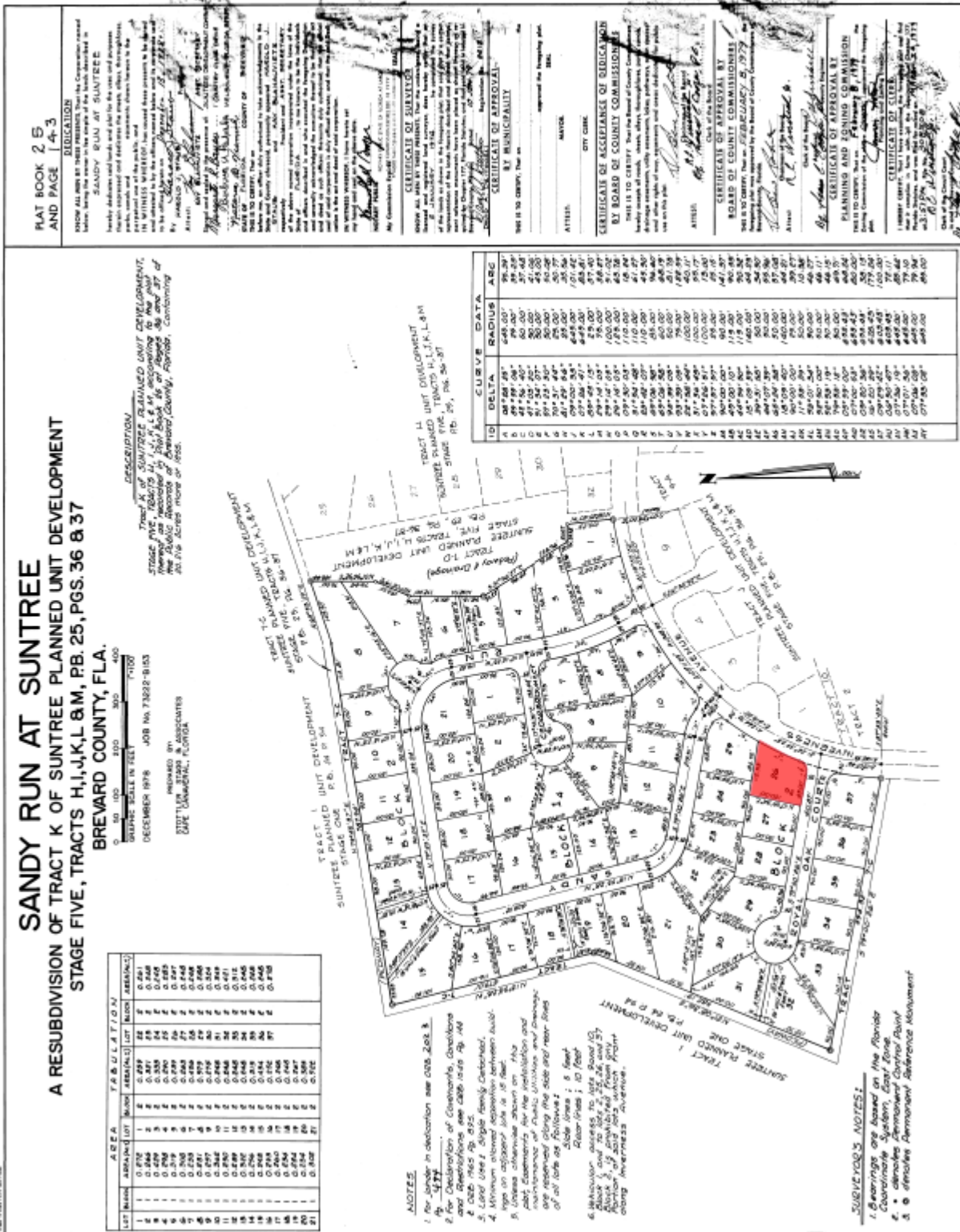


Figure 3: Copy of plat map "Sandy Run at Suntree" dedicated to Brevard County February 1979.



# Petitioner's Sketch & Description Sheet 1 of 3


<u>LEGAL DESCRIPTION</u>		<u>EXHIBIT "A"</u>	
<p>PARENT PARCEL ID#: 26-36-14-03-2-26 SECTION 14, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA</p> <p>PURPOSE: VACATING 5 FEET OF A 10 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENT.</p> <p><u>LEGAL DESCRIPTION:</u> (PREPARED BY SURVEYOR)</p> <p>DESCRIPTION: A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 26, BLOCK 2, SANDY RUN AT SUNTREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 143, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 26, AND RUN SOUTH 10°59'34" WEST ALONG THE WEST LINE OF SAID LOT 26, A DISTANCE OF 10.00 FEET; THENCE SOUTH 79°00'26" EAST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 10°59'34" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 79°00'26" EAST, A DISTANCE OF 105.96 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF INVERNESS AVENUE, SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 00°27'50", AND A RADIAL BEARING OF SOUTH 61°57'50" EAST; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 5.22 FEET; THENCE NORTH 79°00'26" WEST, A DISTANCE OF 104.45 FEET TO THE POINT OF BEGINNING.</p> <p>CONTAINING 526 SQUARE FEET OR 0.012 ACRES, MORE OR LESS.</p> <p><u>ABBREVIATIONS</u></p> <p>B.B. = BASIS OF BEARINGS D.E. = DRAINAGE EASEMENT O.R.B. = OFFICIAL RECORDS BOOK P.O.B. = POINT OF BEGINNING P.U. = PUBLIC UTILITY EASEMENT</p> <p><u>SURVEYORS NOTES:</u></p> <ol style="list-style-type: none"><li>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.</li><li>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.</li><li>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.</li><li>4. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN OWNERSHIP AND ENCUMBRANCE REPORT.</li><li>5. BEARINGS ARE BASED ON A BEARING OF SOUTH 79°00'26" EAST FOR THE NORTH LINE OF LOT 26, BLOCK 2, SANDY RUN AT SUNTREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 143, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.</li></ol>		<p>SHEET 1 OF 3 NOT VALID WITHOUT SHEETS 2 &amp; 3 OF 3 <u>THIS IS NOT A SURVEY</u></p> <div style="text-align: center; margin-top: 20px;"> <b>ANDREW W. POWSHOK, PLS 5383</b> PROFESSIONAL LICENSED SURVEYOR</div>	
<p>PREPARED FOR AND CERTIFIED TO: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS</p>			
<p>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</p>			
DRAWN BY: DOUG W. GUARE	CHECKED BY: ANDREW W. POWSHOK	REVISION: _____	SECTION 14, TOWNSHIP 26 SOUTH, RANGE 36 EAST
DATE: 06-11-24	PROJECT # 49729	REVISION: _____	

Figure 4: Legal Description. Sheet 1 of 3. Section 14, Township 26 South, Range 36 East. Parcel ID number: 26-36-14-03-2-26.

# Petitioner's Sketch & Description Sheet 2 of 3

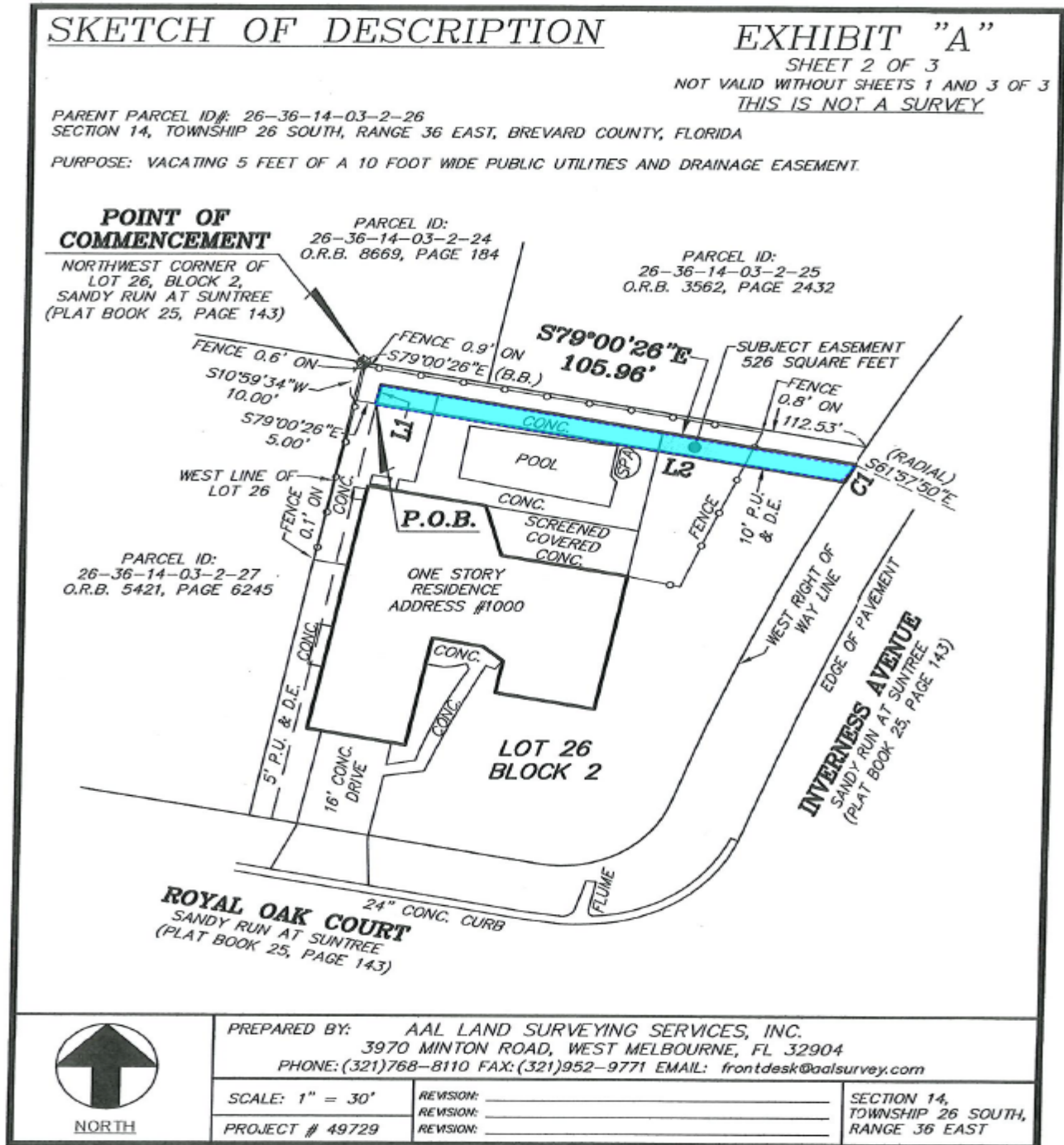


Figure 5: Sketch of description. Sheet 2 of 3. Section 14, Township 26 South, Range 36 East. Parcel ID number: 26-36-14-03-2-26.

The sketch illustrates a portion of a public utility and drainage easement on Lot 26, Block 2, Sandy Run at Suntree, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – South 79°00'26" East 105.96 Feet; East boundary – South 27°48'14" West 5.22 Feet; South boundary – North 79°00'26" West 104.45 Feet; West boundary – North 10°59'34" East 5.00 Feet. Prepared by: Andrew W. Powshok, LS 5383.

# Petitioner's Sketch & Description Sheet 3 of 3

## SKETCH OF DESCRIPTION

## EXHIBIT "A"

SHEET 3 OF 3

NOT VALID WITHOUT SHEETS 1 AND 2 OF 3

THIS IS NOT A SURVEY

PARENT PARCEL ID#: 26-36-14-03-2-26

SECTION 14, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

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

### LINE TABLE

<u>LINE</u>	<u>BEARING</u>	<u>LENGTH</u>
<b>L1</b>	<b>N10°59'34"E</b>	<b>5.00'</b>
<b>L2</b>	<b>N79°00'26"W</b>	<b>104.45'</b>

### CURVE TABLE

<u>CURVE</u>	<u>RADIUS</u>	<u>LENGTH</u>	<u>DELTA</u>	<u>CHORD</u>	<u>CHORD BEARING</u>
<b>C1</b>	<b>645.00'</b>	<b>5.22'</b>	<b>0°27'50"</b>	<b>5.22'</b>	<b>S27°48'14"W</b>



NORTH

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](mailto:frontdesk@aalsurvey.com)

SCALE: N/A

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

PROJECT # 47929

REVISION: \_\_\_\_\_

SECTION 14,  
TOWNSHIP 26 SOUTH,  
RANGE 36 EAST

Figure 6: Sketch of description. Sheet 2 of 3. Section 14, Township 26 South, Range 36 East. Parcel ID number: 26-36-14-03-2-26.



## Comment Sheet

Applicant: Baxter

Updated by: Amber Holley 20240701 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20240617	20240618	Yes	No objections
FL Power & Light	20240617	20240627	Yes	No response
At&t	20240617	20240701	Yes	No objections
Charter/Spectrum	20240617	20240617	Yes	No objections
City of Cocoa	20240617	20240625	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20240617	20240617	Yes	No objections
Land Planning	20240617	20240617	Yes	No objections
Utility Services	20240617	20240618	Yes	No objections
Storm Water	20240617	20240625	Yes	No objections
Zoning	20240617	20240617	Yes	No objections

# Public Hearing Legal Advertisement

Ad#10350055 7/8/2024  
**LEGAL NOTICE**  
**NOTICE FOR THE VACATING OF A PORTION OF A PUBLIC UTILITY & DRAINAGE EASEMENT, PLAT OF "SANDY RUN AT SUNTREE" IN SECTION 14, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL**  
NOTICE IS HEREBY GIVEN that pursuant to Chapter 335.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by GARY LOUIS AND MARY SUSAN BAXTER, TRUSTEES 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 26, BLOCK 2, SANDY RUN AT SUN TREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 143, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
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PREPARED BY: ANDREW W. POWSHOK, PLS.  
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 July 23, 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 July 8, 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 "SANDY RUN AT SUNTREE" IN SECTION 14, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

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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 July 23, 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.