

## **Resolution 2022 -**

**Vacating a portion of a public utility & private drainage easement in plat "Balmoral Baytree P.U.D. Phase 3-Tract J" Subdivision, Melbourne, Florida, lying in Section 22, Township 26 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **EDWARD CODY & JULIE FROELICH RAY** 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, a 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(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 13<sup>TH</sup> day of September, 2022 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

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

\_\_\_\_\_  
Kristine Zonka, Chair

As approved by the Board on:  
September 13, 2022

# Brevard County Property Appraiser Detail Sheet

Account 2624851

Owners RAY, EDWARD CODY; RAY, JULIE FROEHLICH

Mailing Address 8175 BELFORD WAY MELBOURNE FL 32940

Site Address 8175 BELFORD WAY MELBOURNE FL 32940

Parcel ID 26-36-22-SK-N-9

Property Use 0110 - SINGLE FAMILY RESIDENCE

Exemptions

DICV - DISABILITY - CIVILIAN

HEX1 - HOMESTEAD FIRST

HEX2 - HOMESTEAD ADDITIONAL

Taxing District 4200 - UNINCORP DISTRICT 4

Total Acres 0.25

Subdivision BALMORAL BAYTREE PLANNED UNIT

DEVELOPMENT PHASE 3 TRACT J

Site Code 0142 - NBHD LAKE/RETEN FRTG

Plat Book/Page 0047/0044

Land Description BALMORAL BAYTREE PLANNED UNIT

DEVELOPMENT PHASE 3 TRACT J LOT 9 BLK N

## **VALUE SUMMARY**

<b>Category</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
Market Value	\$485,630	\$457,400	\$450,180
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$372,800	\$367,660	\$359,400
Assessed Value School	\$372,800	\$367,660	\$359,400
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$500	\$500	\$500
Taxable Value Non-School	\$322,300	\$317,160	\$308,900
Taxable Value School	\$347,300	\$342,160	\$333,900

## **SALES/TRANSFERS**

<b>Date</b>	<b>Price</b>	<b>Type</b>	<b>Parcel</b>	<b>Deed</b>
04/21/2022	\$825,000	WD	--	9483/0667
03/30/2009		WD	--	5921/5016
02/13/2004	--	WD	--	5204/1363

## Vicinity Map

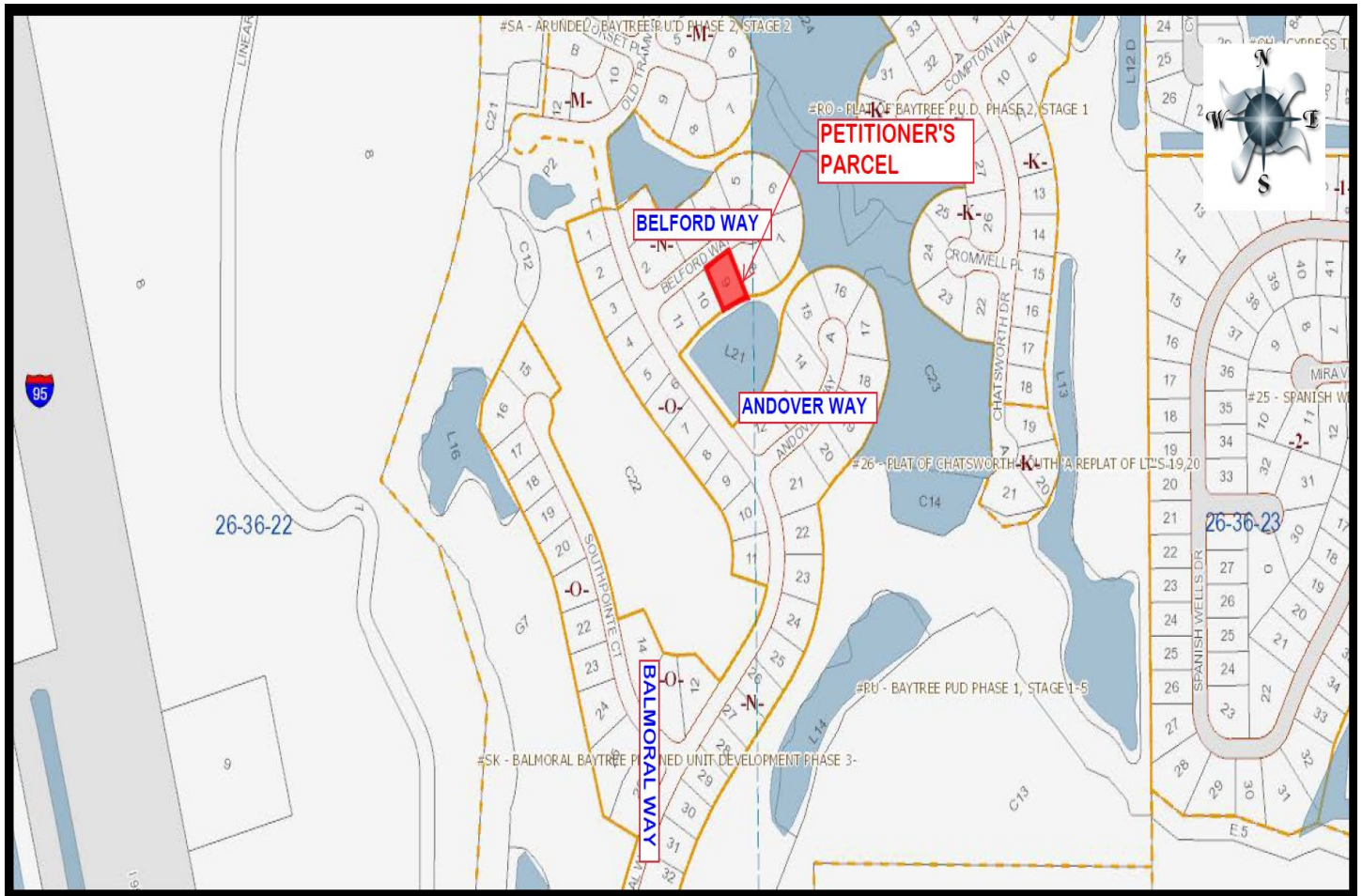


Figure 1: Map of Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3-Tract J, 8175 Belford Way, Melbourne, Florida, 32940.

Edward Cody & Julie Froehlich Ray – 8175  
Belford Way – Melbourne, FL, 32940 – Lot 9,  
Block N, plat of “Balmoral Baytree P.U.D.  
Phase 3-Tract J” – Plat Book 47, Page 44 –  
Section 22, Township 26 South, Range 36 East  
– District 4 – Proposed Vacating of a 3.0 ft.  
portion of a 10.0 ft. Wide Public Utility &  
Private Drainage Easement

## Aerial Map

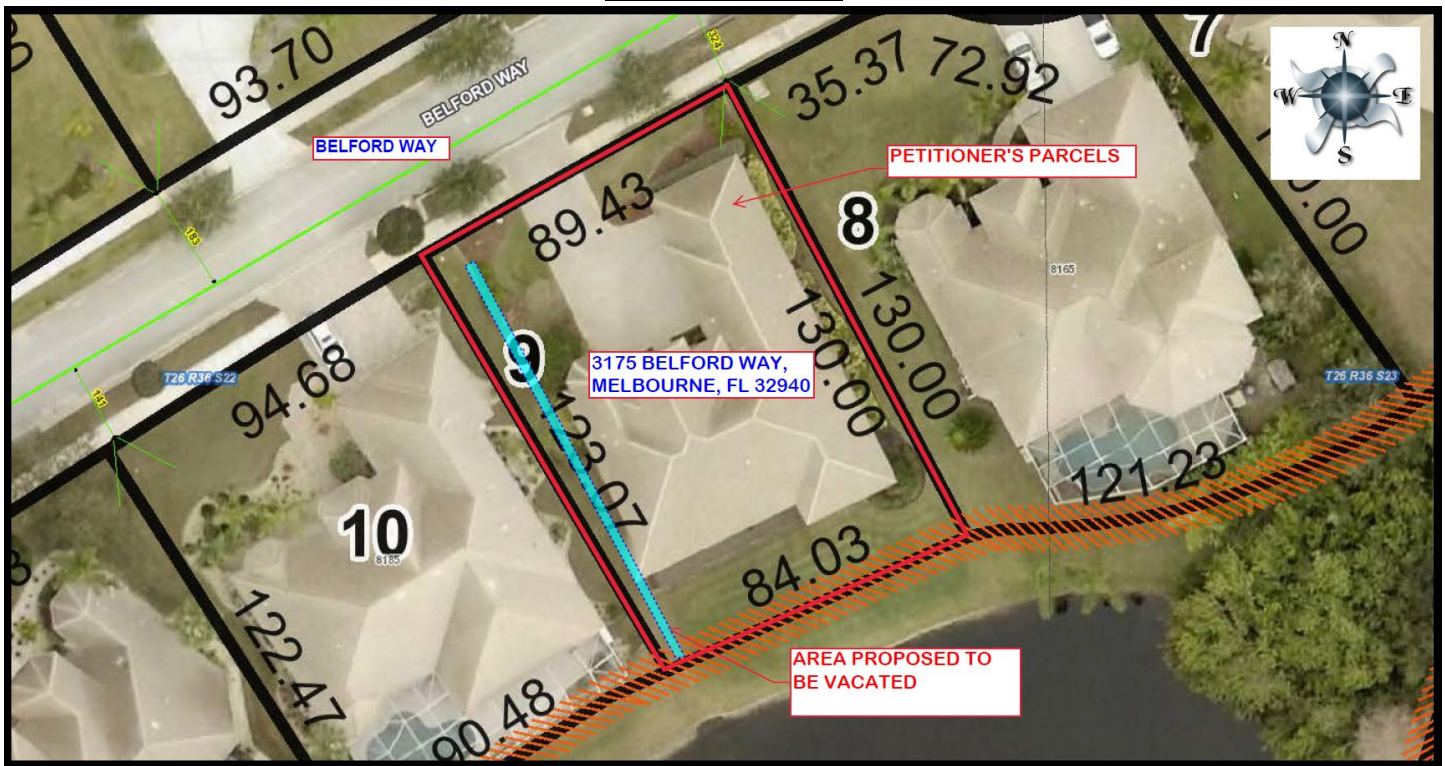


Figure 2: Aerial Map of Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3-Tract J, 8175 Belford Way, Melbourne, Florida, 32940.

Edward Cody & Julie Froehlich Ray – 8175 Belford Way – Melbourne, FL, 32940 – Lot 9, Block N, plat of “Balmoral Baytree P.U.D. Phase 3-Tract J” – Plat Book 47, Page 44 – Section 22, Township 26 South, Range 36 East – District 4 – Proposed Vacating of a 3.0 ft. portion of a 10.0 ft. Wide Public Utility & Private Drainage Easement



# Plat Reference

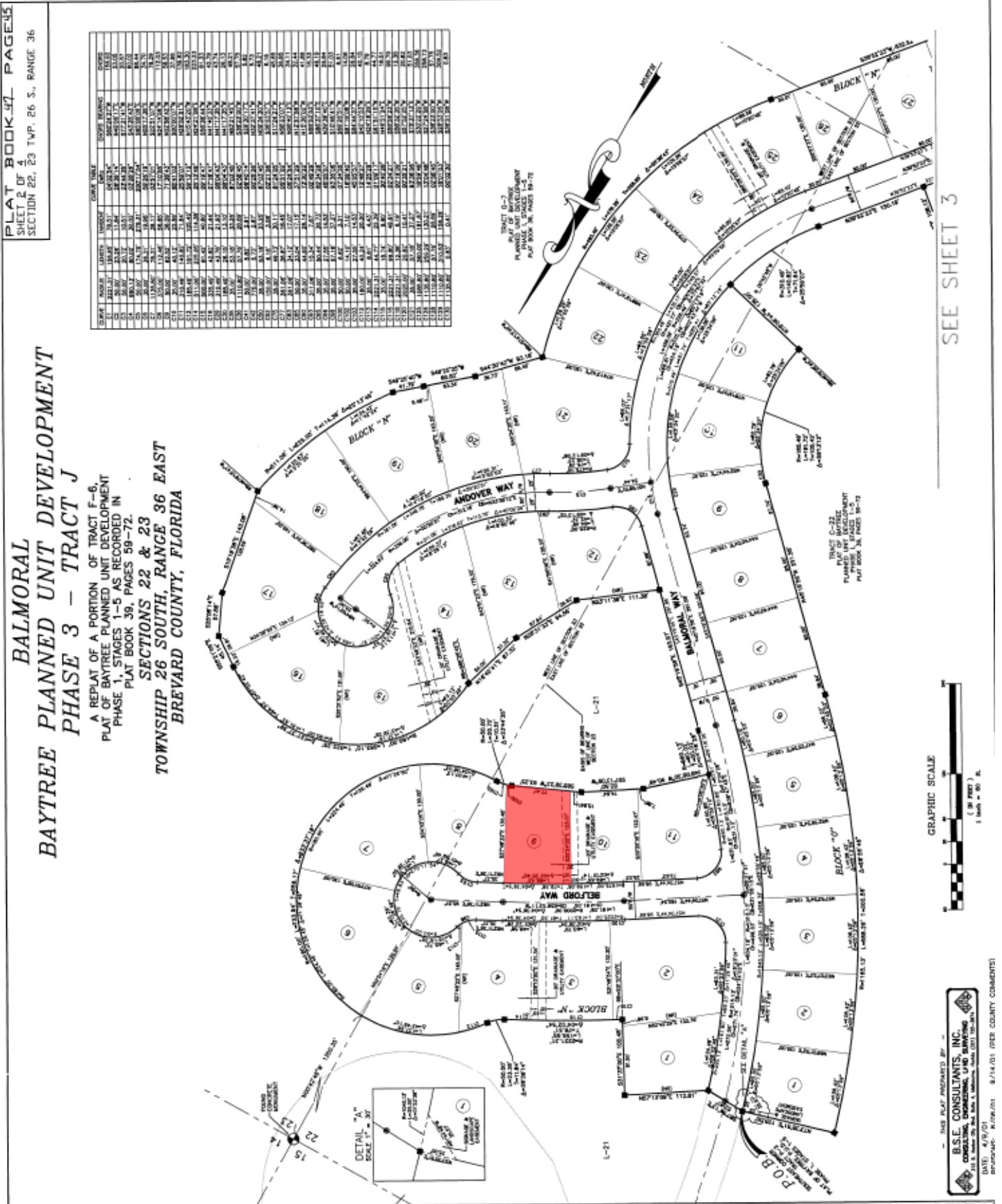


Figure 3: Copy of plat map "Balmoral Baytree PUD Phase 3-Tract J" dedicated to Brevard County on October 12, 2001.

# Petitioner's Sketch & Description Sheet 1 of 2

<b><u>LEGAL DESCRIPTION</u></b>		<b>SHEET 1 OF 2</b> <b>NOT VALID WITHOUT</b> <b>SKETCH ON SHEET 2 OF 2</b>
<p>SECTION 22, TOWNSHIP 26 SOUTH, RANGE 36 EAST PARCEL ID NUMBER 26-36-22-SK-N-9 PURPOSE OF SURVEY: TO VACATE THE EASTERLY 3 FEET OF THE EXISTING 10 FOOT EASEMENT</p>		
 <b><u>LEGAL DESCRIPTION</u></b>		
<p>THE EAST 3.00 FEET OF THE 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT J, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. CONTAINING 341.9 SQUARE FEET MORE OR LESS</p>		
 <b><u>LEGEND</u></b>		
<p>FNC= FENCE IRF= IRON ROD FOUND PUDE= PUBLIC UTILITY &amp; PRIVATE DRAINAGE EASEMENT PC= POINT OF CURVATURE WD= WOOD FENCE IRS = IRON ROD SET IRF = IRON ROD FOUND</p>		
 <b><u>SURVEYOR'S NOTES</u></b>		
<p>1. BEARINGS BASED ON N30°24'02"W AS SHOWN ON THE WEST LINE OF LOT 9, BLOCK N, AS PER PLAT 2. NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 3. THIS SKETCH IS NOT A BOUNDARY SURVEY.</p>		
<p>PREPARED FOR: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS</p>		 
<p>PREPARE BY: GAI SURVEYORS ADDRESS: 1 OLEANDER ST, COCOA, FL 32922 PHONE: 321-806-3908</p>		
<p>DRAWN BY: AEG</p>	<p>CHECKED BY: EKG</p>	<p>SECTION 22 TOWNSHIP 26 SOUTH RANGE 36 EAST</p>
<p>DATE: 9 APR 22</p>	<p>SHEET 1 OF 2</p>	

Figure 4: Legal Description. Sheet 1 of 2. Section 22, Township 26 South, Range 36 East.

## Petitioner's Sketch & Description Sheet 2 of 2

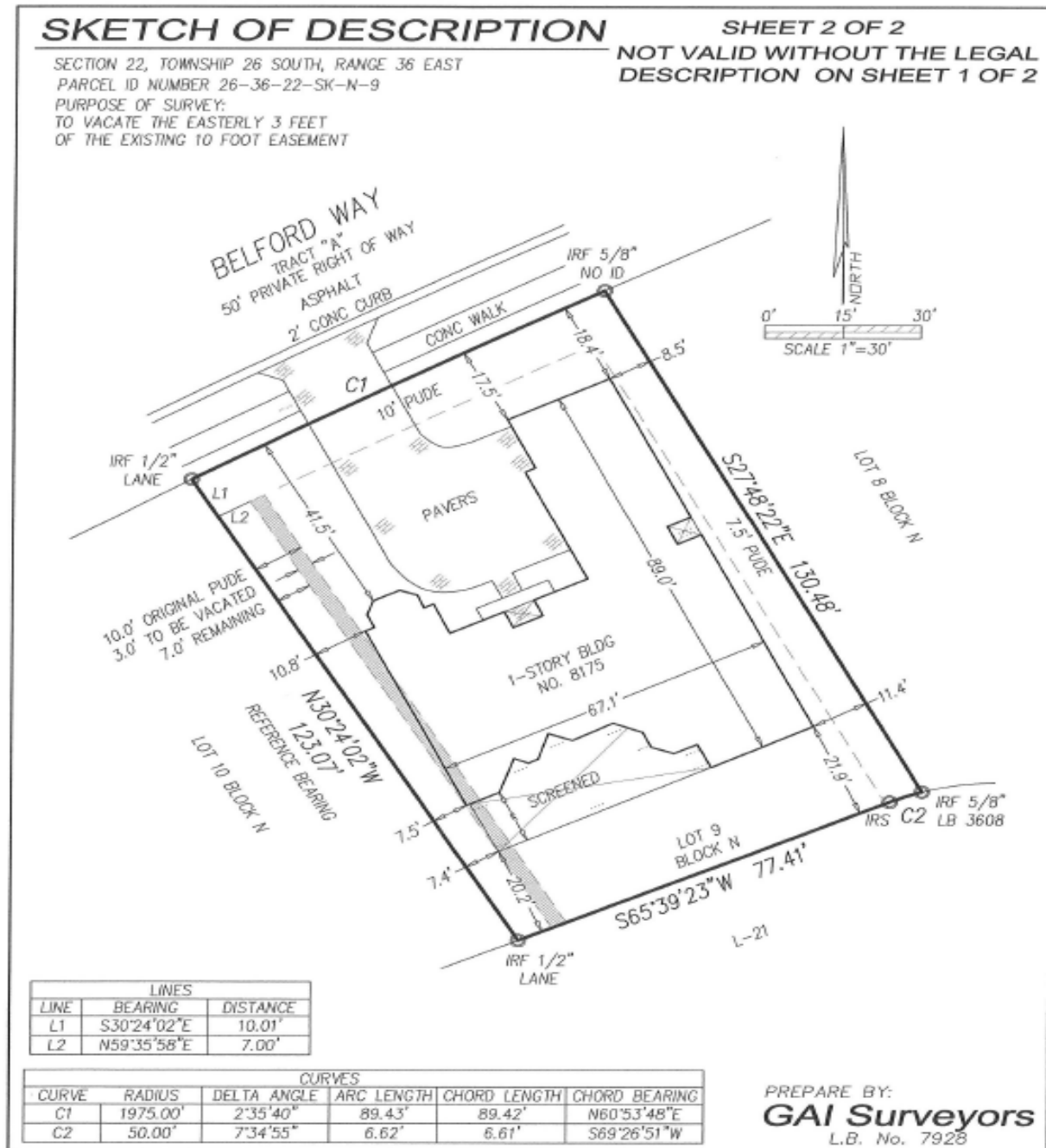


Figure 5: Sketch of description. Sheet 2 of 2. Section 22, Township 26 South, Range 36 East.

The sketch illustrates a 3.00-foot portion of a 10.00-foot wide public utility & private drainage easement on Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3 – Tract J, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 60°53'48" East 89.42'; East boundary – South 27°48'22" East 130.48'; South boundary – South 65°39'23" West 77.41'; West boundary – North 30°24'02" West 123.07'. Prepared by: Earl K. Gordon.

# Boundary Survey with Proposed Pool

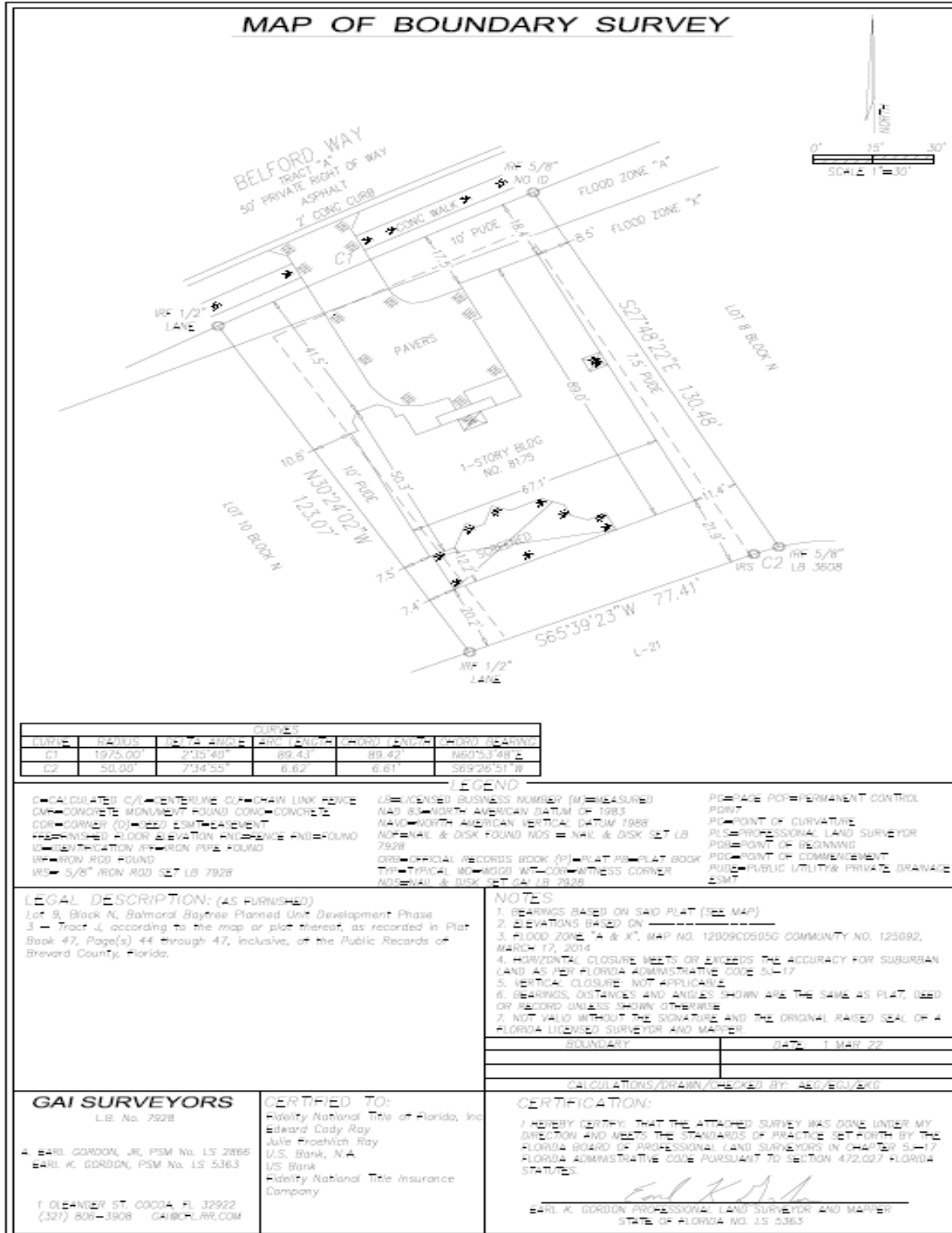


Figure 6: Boundary Survey.

The survey illustrates the existing single-family home and pool all lying within Lot 9, Block N, Balmoral Baytree P.U.D. Phase 3 – Tract J, 8175 Belford Way, Melbourne, Florida, 32940.



# Comment Sheet

Applicant: Ray

Updated by: Amber Holley 20220824 at 1500 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20220713	20220824	Yes	No Comment
FL Power & Light	20220713	20220729	Yes	No Objections
At&t	20220713	20220714	Yes	No objections
Charter/Spectrum	20220713	20220718	Yes	No objections
City of Melbourne	20220713	20220714	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20220713	20220801	Yes	No objections
Land Planning	20220713	20220715	Yes	No objections
Utility Services	20220713	20220715	Yes	No objections
Storm Water	20220713	20220729	Yes	No objections
Zoning	20220713	20220715	Yes	No objections

# Public Hearing Legal Advertisement

Ad#5389555

8/29/2022

## LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF  
A 10.0 FT. WIDE PUBLIC UTILITY AND PRI-  
VATE DRAINAGE EASEMENT, PLAT OF  
"BALMORAL BAYTREE PUD PHASE 3-  
TRACT J" IN SECTION 22, 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, Bre-  
vard County Code, a petition has been  
filed by **EDWARD CODY & JULIE  
FROELICH RAY** with the Board of Coun-  
ty Commissioners of Brevard County,  
Florida, to request vacating the follow-  
ing described property, to wit:

**THE EAST 3.00 FEET OF THE 10.00 FOOT  
PUBLIC UTILITY AND PRIVATE DRAINAGE  
EASEMENT, LESS THE NORTH 10.00 FEET  
OF 9, BLOCK N, BALMORAL BAYTREE  
PLANNED UNIT DEVELOPMENT PHASE 3-  
TRACT J, PLAT BOOK 47 PAGES 44  
THROUGH 47, PUBLIC RECORDS OF BRE-  
VARD COUNTY FLORIDA. CONTAINING  
341.9 SQUARE FEET MORE OR LESS. PRE-  
PARED BY: EARL K. GORDON, 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 13, 2022** 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 ac-  
tion 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 pur-  
pose, he or she may need to ensure that  
a verbatim record of the proceedings is  
made, which record includes the testi-  
mony and evidence upon which the ap-  
peal 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 im-  
paired persons shall be met if the de-  
partment 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 August 29, 2022. See the next page for full text.*

# Legal Notice Text

## LEGAL NOTICE

### **NOTICE FOR THE PARTIAL VACATING OF A 10.0 FT. WIDE PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, PLAT OF "BALMORAL BAYTREE PUD PHASE 3-TRACT J" IN SECTION 22, 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 **EDWARD CODY & JULIE FROEHLICH RAY** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**THE EAST 3.00 FEET OF THE 10.00 FOOT PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT, LESS THE NORTH 10.00 FEET OF 9, BLOCK N, BALMORAL BAYTREE PLANNED UNIT DEVELOPMENT PHASE 3-TRACT J, PLAT BOOK 47 PAGES 44 THROUGH 47, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA. CONTAINING 341.9 SQUARE FEET MORE OR LESS. PREPARED BY: EARL K. GORDON, 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 13, 2022** 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.