

Resolution 2020 - \_\_\_\_\_

**Vacating of a public utility easement created by Official Records Book 2985, Page 2855, in "Merritt Winter Homes Development Map No. Two" Subdivision, Merritt Island, Florida, lying in Section 35, Township 24 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **FIRST BAPTIST CHURCH MERRITT ISLAND** with the Board of County Commissioners to vacate a public utility 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 easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility 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 25<sup>TH</sup> day of February, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
SCOTT ELLIS, CLERK

\_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on:  
February 25, 2020

# Appraiser's Detail Sheet



## Brevard County Property Appraiser Titusville • Merritt Island • Viera • Melbourne • Palm Bay PROPERTY DETAILS

Phone: (321) 264-6700  
<https://www.bcpao.us>

Account	2426964
Owners	First Baptist Church Merritt Island Florida
Mailing Address	140 Magnolia Ave Merritt Island FL 32952
Site Address	110 Magnolia Ave Unit Presch Merritt Island FL 32952
	120 Magnolia Ave Unit S.Port Merritt Island FL 32952
	124 Magnolia Ave Unit N.Port Merritt Island FL 32952
	130 Magnolia Ave Unit Chldbl Merritt Island FL 32952
	140 Magnolia Ave Unit Sanct Merritt Island FL 32952
	170 S Tropical Trl Unit 1 Merritt Island FL 32952
	170 S Tropical Trl Unit 2 Merritt Island FL 32952
	174 S Tropical Trl Unit Liftst Merritt Island FL 32952
	180 S Tropical Trl Unit 1 Merritt Island FL 32952
	180 S Tropical Trl Unit 2 Merritt Island FL 32952
	26 S Tropical Trl Unit Korean Merritt Island FL 32952
	270 Magnolia Ave Unit Firehs Merritt Island FL 32952
	330 Magnolia Ave Unit Oldprn Merritt Island FL 32952
	335 W Merritt Island Cswy Unit Stg. Merritt Island FL 32952
	56 S Tropical Trl Unit M.C.C. Merritt Island FL 32952
	95 S Courtenay Pkwy Unit Maint Merritt Island FL 32952
Parcel ID	24-36-35-31-H-4
Property Use	1210 - Mixed Use - Commercial Property
Exemptions	EXRL - Religious
Taxing District	2200 - Unincorp District 2
Total Acres	14.63
Subdivision	Merritt Winter Homes Dev Subd Map No 2
Site Code	0310 - State Road 520
Plat Book/Page	0002/0078
Land Description	Merritt Winter Homes Dev Subd Map No 2 Lots 3 Thru 27 & E 150 Ft Of Lots 1 & 2 Blk H, Lots 1 Thru 9, 15
	Thur 25 & S 134 Ft Of Lots 13 & 14 Blk J & Vac Grove St Lying Between Blk H & Blk J, W 150 Ft Of Lots 1,2,3 Blk K, All Lot 13 Blk K & Lots 1 To 10 Blk L Also Incl Part Of SE 1/4 Of NW 1/4 As Desc IN Db 227 Pg 564, Db 309 Pg 174, Db 309 Pg 314 & Db 337 Pg 119, Db 429 Pg 560, Orb 216 Pg 407, Orb 736 Pg 1000 & Orb 1546 Pg 671 Exc Rd R/W Pars 253, 253.1, 254, 255,255.2,256,259,266



### VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$14,480,720	\$14,557,200	\$13,075,280
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$14,480,720	\$14,382,800	\$13,075,280
Assessed Value School	\$14,480,720	\$14,557,200	\$13,075,280
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$14,480,720	\$14,382,800	\$13,075,280
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/01/1991	\$250,000	PT	Vacant	3103/0415
12/01/1983	\$110,000	PT	—	2478/1869
05/01/1977	\$80,000	PT	—	1744/0363

Fig. 1: Copy of Brevard County Property Appraiser's detail sheet for part of Block's H & J, Merritt Winter Home Development Map No. Two, First Baptist Church Merritt Island, 140 Magnolia Ave, Merritt Island, Section 35, Township 24 South, Range 36 East, District 2

## Vicinity Map

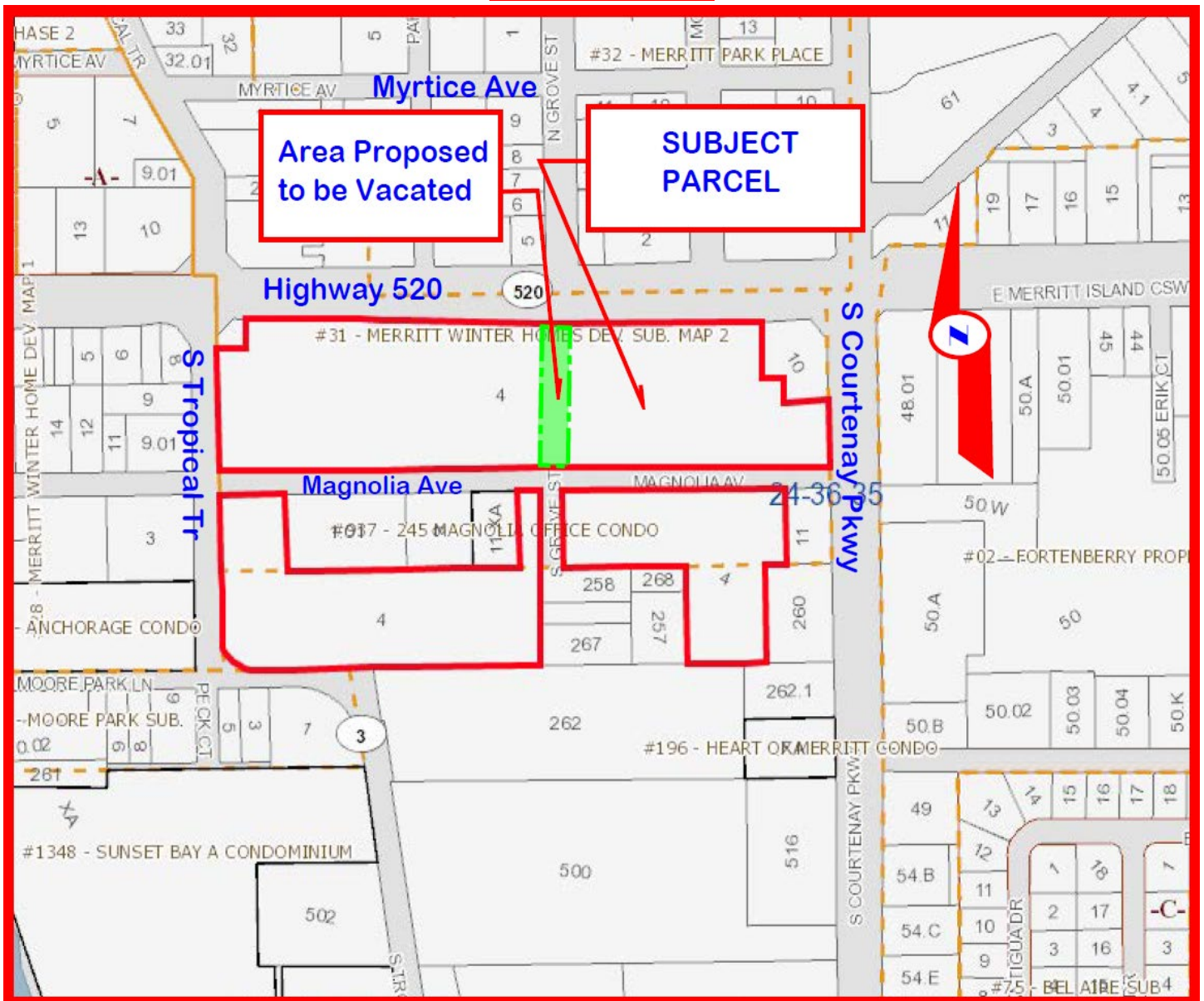


Fig. 2: Map of Blocks H & J, Merritt Winter Home Development, 140 Magnolia Ave, Merritt Island

First Baptist Church Merritt Island – Part of Blocks H & J, “Merritt Winter Home Development Map No. Two” (Plat Book 2, Page 78) – 140 Magnolia Avenue – Section 35, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a 50.0 ft. Wide Public Utility Easement



## Aerial Map

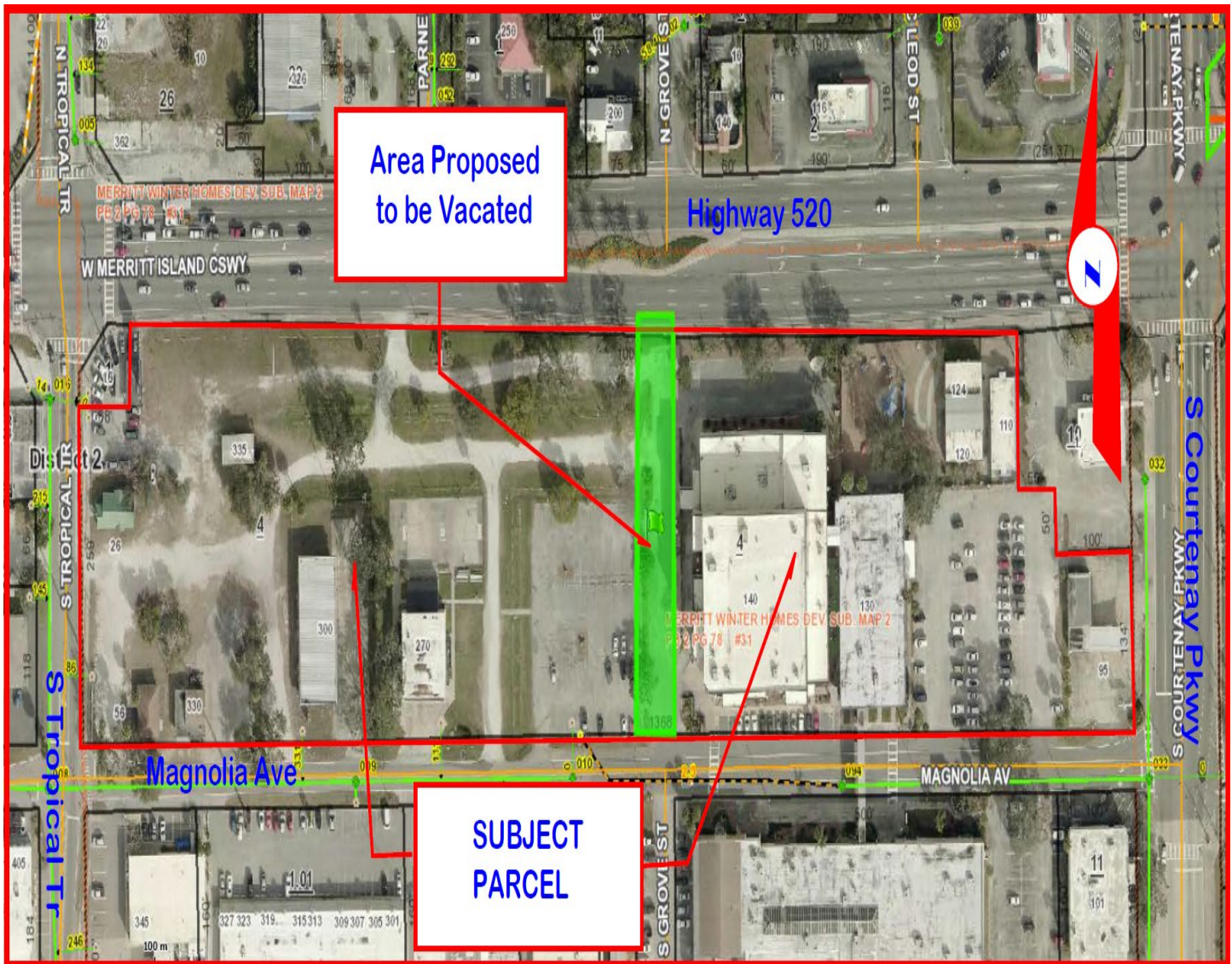


Fig. 3: Map of aerial view Blocks H & J, Merritt Winter Home Development, 140 Magnolia Ave, Merritt Island First Baptist Church Merritt Island – Part of Blocks H & J, “Merritt Winter Home Development Map No. Two” (Plat Book 2, Page 78) – 140 Magnolia Avenue – Section 35, Township 24 South, Range 36 East – District 2 – Proposed Vacating of a 50.0 ft. Wide Public Utility Easement

# Plat Reference

PLATBOOK 2  
PAGE 77

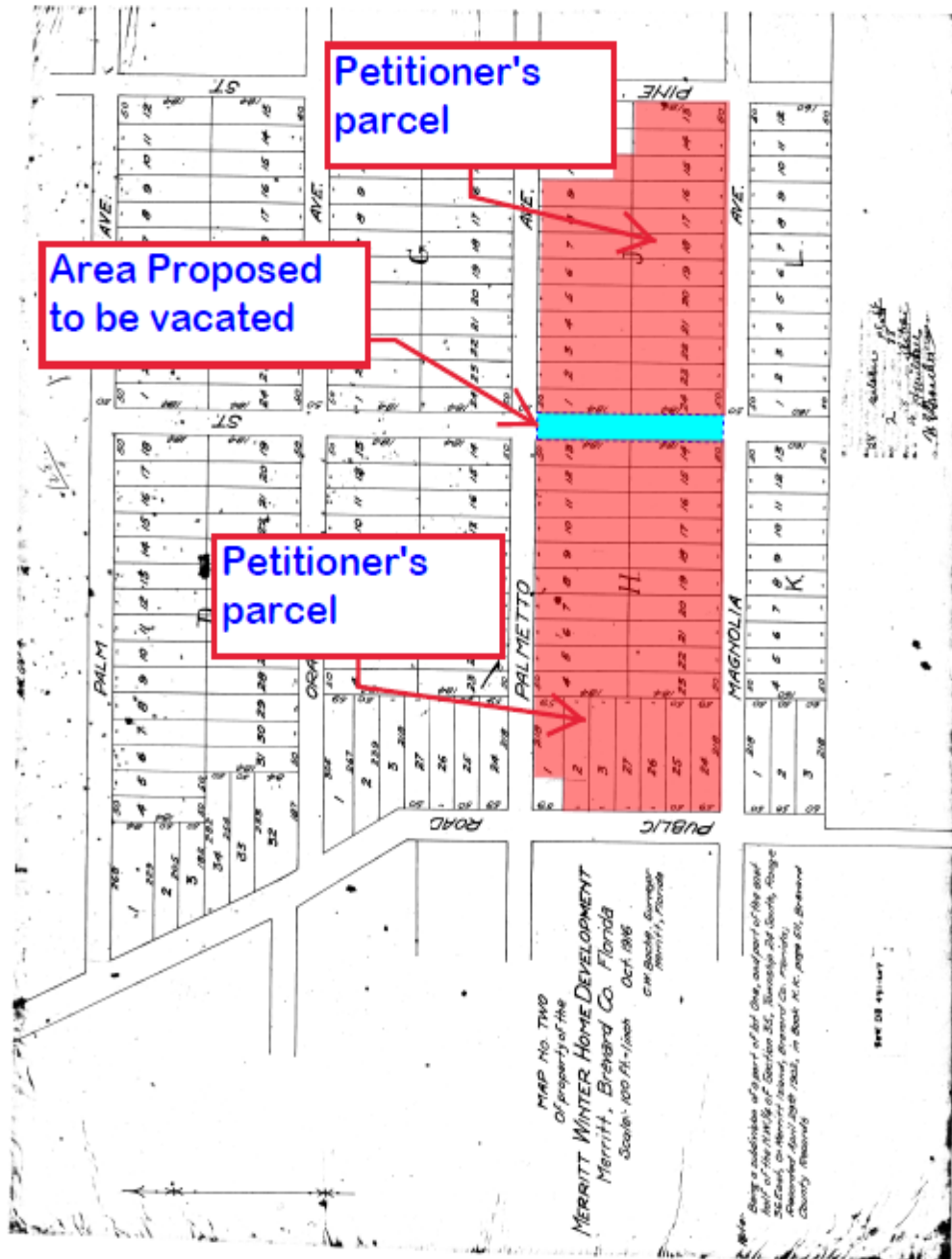


Fig. 4: Copy of plat map “Merritt Winter Home Development” dedicated to Brevard County October 28, 1916

# Petitioner's Deed

Return to: (enclose self-addressed stamped envelope)  
 Name: Tom G. Burrows  
 P.O. Box 541196  
 Address: Merritt Island, FL  
 32954-1196  
 This instrument Prepared by:  
 Tom G. Burrows  
 P.O. Box 541196  
 Address: Merritt Island, FL  
 Property Appraisers Parcel I.D. (Folio) Number(s):  
 24 36 35 31 H 4 5 6  
 Grantee(s) S.S.#(s): Mr. [REDACTED]  
 Mrs. [REDACTED]

WARRANTY DEED  
 INDIVID. TO INDIVID.

RAMCO FORM 01

RECORDED

943475

91 JAN -9 10:48

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Warranty Deed** Made the 2nd day of January A. D. 1991 by Ernest L. Smith and Gwen V. Smith, his wife,

hereinafter called the grantor, to First Baptist Church, Merritt Island, Florida, a Florida corporation not for profit

whose postoffice address is 140 Magnolia Ave., Merritt Island, FL 32952 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, re-mises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz.

See legal description attached hereto.

SUBJECT TO taxes and assessments for the year 1990 and subsequent years, zoning restrictions and prohibitions imposed by governmental authority, easements and restrictions of record; however, this statement shall not be taken to reimpose any restrictions no longer in effect.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any-wise appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1989

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Nicholas Rahal*  
*[Signature]*

*Ernest L. Smith* L.S.  
 Ernest L. Smith L.S.  
*Gwen V. Smith*  
 Gwen V. Smith

STATE OF FLORIDA  
 COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Ernest L. Smith and Gwen V. Smith, his wife

and that they are the person or persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of January, A. D. 1991.

NOTARY PUBLIC, STATE OF FLORIDA  
 BY COMMISSION EXPIRES: SEPT. 16, 1994  
 NUMBER THREE HUNDRED FORTY EIGHT SEVEN

*[Signature]*

DN3103P0415

Fig. 5: Copy of deed of sale for 140 Magnolia Ave., Merritt Island, FL to First Baptist Church, Merritt Island on January 2, 1991



## Petitioner's Deed

Lots 4, 5, and 6, Block H, Merritt Winter Home Development, Map No. 2, according to the plat thereof, as recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida, LESS that part of Lots 4, 5, and 6, Block H, Map No. Two, Merritt Winter Home Development as recorded in Plat Book 2 at Page 78 of the Public Records of Brevard County, Florida, lying within the following: Commence at the Southeast corner of Lot 14, Block H, Map No. Two Merritt Winter Home Development as recorded in Plat Book 2 at Page 78 of the Public Records of Brevard County, Florida; thence run North  $00^{\circ}53'33''$  West, along the East line of said Block H, a distance of 304.40 feet for a POINT OF BEGINNING, said point being situated on a curve, concave Northeasterly, having a radius of 5739.58 feet; thence with a chord bearing of North  $88^{\circ}16'57''$  West and a chord distance of 142.74 feet, through a central angle of  $01^{\circ}25'30''$ , run Northwesterly along the arc of said curve, a distance of 142.74 feet to a point of reverse curvature with a curve, concave Southerly having a radius of 5,719.58 feet; thence through a central angle of  $03^{\circ}15'04''$ , run Northwesterly along the arc of said curve, a distance of 324.54 feet to a point of tangency; thence South  $89^{\circ}10'44''$  West, a distance of 213.95 feet; thence South  $40^{\circ}20'53''$  West, a distance of 53.26 feet to the West line of Lot 2 in said Block H; thence North  $00^{\circ}35'09''$  West, along the West line of said Block H, a distance of 82.00 feet to the South right-of-way line of State Road 520 (Old State Road 70 Project 5321); thence North  $89^{\circ}10'44''$  East, along said right-of-way line, a distance of 715.67 feet to the East line of Lot 13 in said Block H; thence South  $00^{\circ}53'33''$  East, along said East line, a distance of 57.53 feet to the POINT OF BEGINNING. Containing 6,326 square feet, more or less.

BK 3103PG0416

Fig. 6: Copy of deed of sale for 140 Magnolia Ave., Merritt Island, FL to First Baptist Church, Merritt Island on January 2, 1991

# Petitioner's Boundary Survey

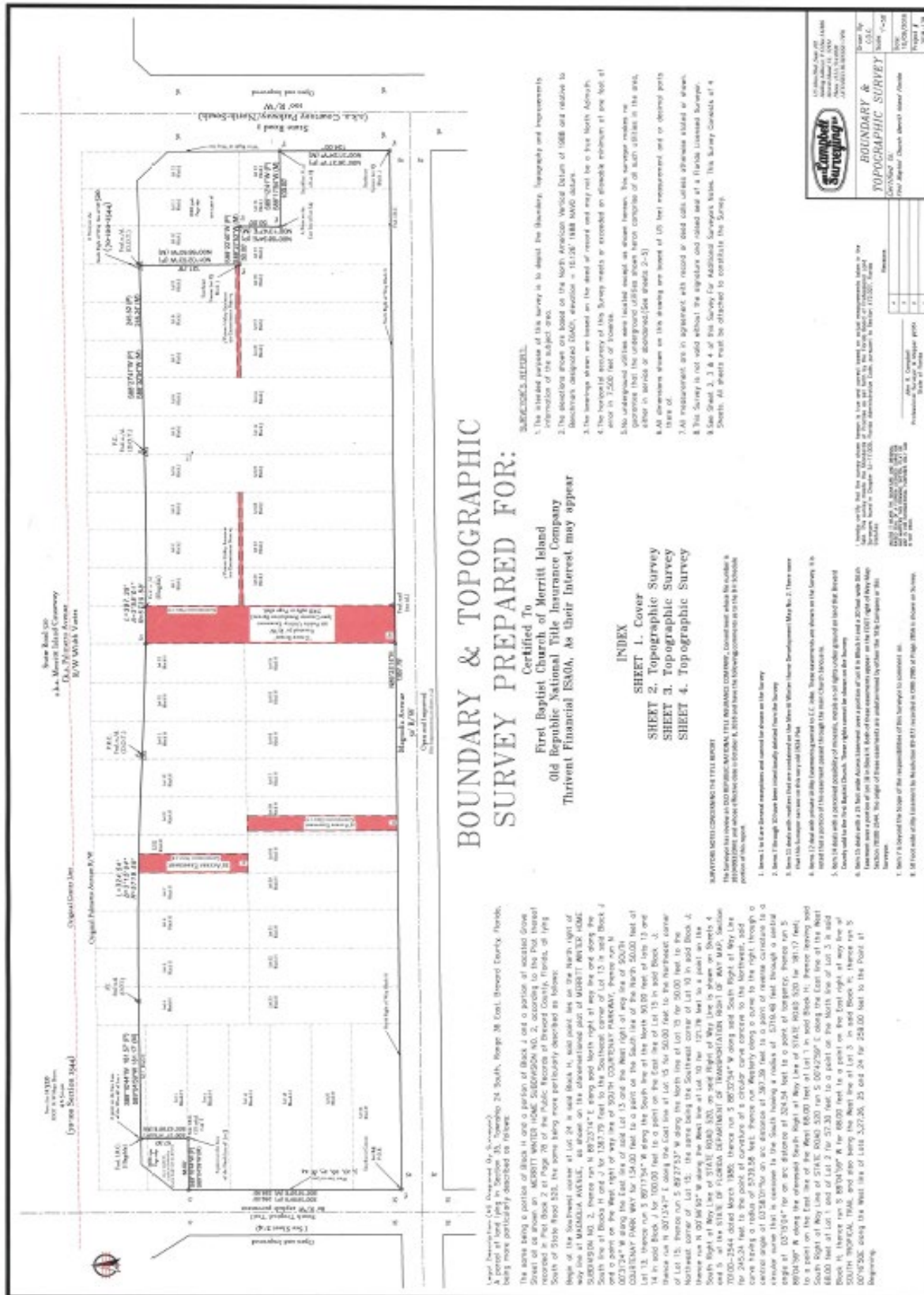


Fig. 7: Copy of the boundary survey of blocks H and J, Merritt Winter Home Development



# Petitioner's Sketch & Description Sheet 1 of 3


LEGAL DESCRIPTION		SHEET 1 OF 3	
SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST PARCEL ID NUMBER: 24-36-35-31-H-4		NOT VALID WITHOUT THE SKETCH ON SHEETS 2 & 3	
PURPOSE OF SURVEY: EASEMENT VACATION			
<u>LEGAL DESCRIPTION:</u>			
A 50 foot wide public Utility Easement being a portion of GROVE STREET that was Vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion of Block H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:			
Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W, along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.01 feet along the arc of said curve, subtending a central angle of 0°29'57"; the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run S89°23'14"W, along said North Right-of-Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less.			
<u>SURVEYOR'S NOTES:</u>			
1. The intended purpose of this sketch is to depict the Utility Easement proposed for Vacation.			
2. The bearings shown are based on the Florida East State Plane Coordinate System.			
3. The horizontal accuracy of this Survey meets or exceeded an allowable minimum of one foot of error in 7,500 feet of traverse.			
4. All dimensions shown on this drawing are based of US feet measurement and or decimal parts there of.			
5. This sketch is not valid without the signature and raised seal of a Florida Licensed Surveyor.			
6. This Legal Description & Sketch consists of 3 Sheets. All sheets must be attached to constitute the Survey.			
<u>EXPLANATION OF ABBREVIATIONS:</u>			
C.B. Catch Basin ep Edge of Pavement Hyd Hydrant U.R. Utility Riser W.M. Water Meter W.V. Water Valve (Typ.) Typical	R/W Right-of-Way b.f.p. Back Flow Preventer l.p. Lamp Post conc Concrete D.M.H. Drainage Manhole C or C/L Centerline	 <p>JOHN R. CAMPBELL SURVEYOR &amp; MAPPER, PSM NO. 2351 NOT VALID UNLESS SIGNED AND SEALED</p>	
PREPARED FOR: FIRST BAPTIST CHURCH OF MERRITT ISLAND, BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS			
PREPARED BY: JOHN R. CAMPBELL SURVEYING LLC			
ADDRESS: 115 Alma Blvd, Suite 102 Merritt Island, FL 32954 PHONE: (321) 507-4811			
DRAWN BY: <u>CDC/DTF</u>	CHECKED BY: <u>JRC</u>	PROJECT NO. <u>2018-128</u>	SECTION <u>35</u>
DATE: <u>04/03/2019</u>	SHEET <u>1</u> OF <u>3</u>	REVISIONS _____	TOWNSHIP <u>24</u> SOUTH
			RANGE <u>36</u> EAST

Fig. 8: Copy of legal description sheet 1 of 3 for Grove Street Easement, Merritt Winter Home Development

## Petitioner's Sketch & Description Sheet 2 of 3

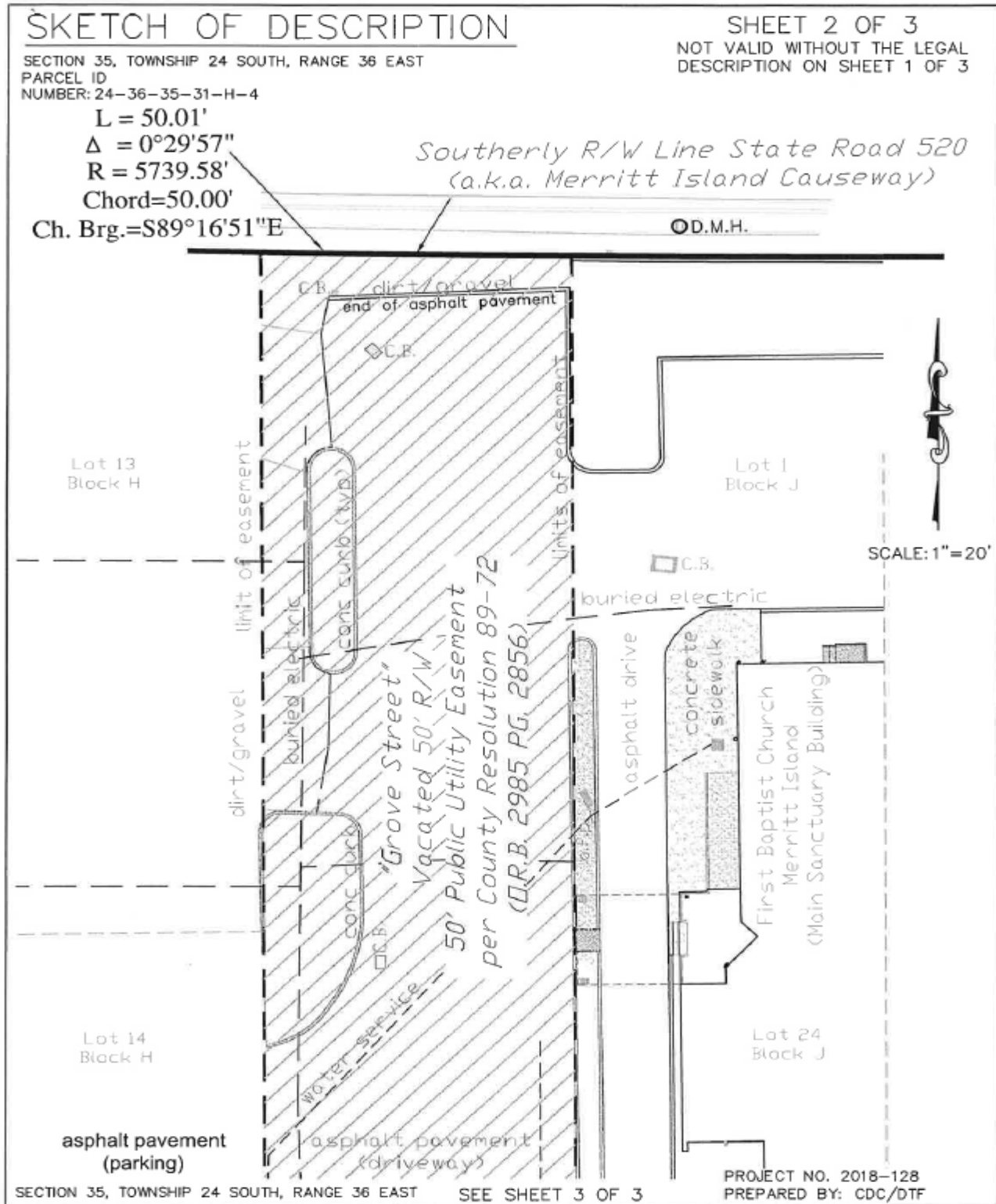


Fig. 9: Copy of legal description sheet 2 of 3 for Grove Street Easement, Merritt Winter Home Development

## Petitioner's Sketch & Description Sheet 3 of 3

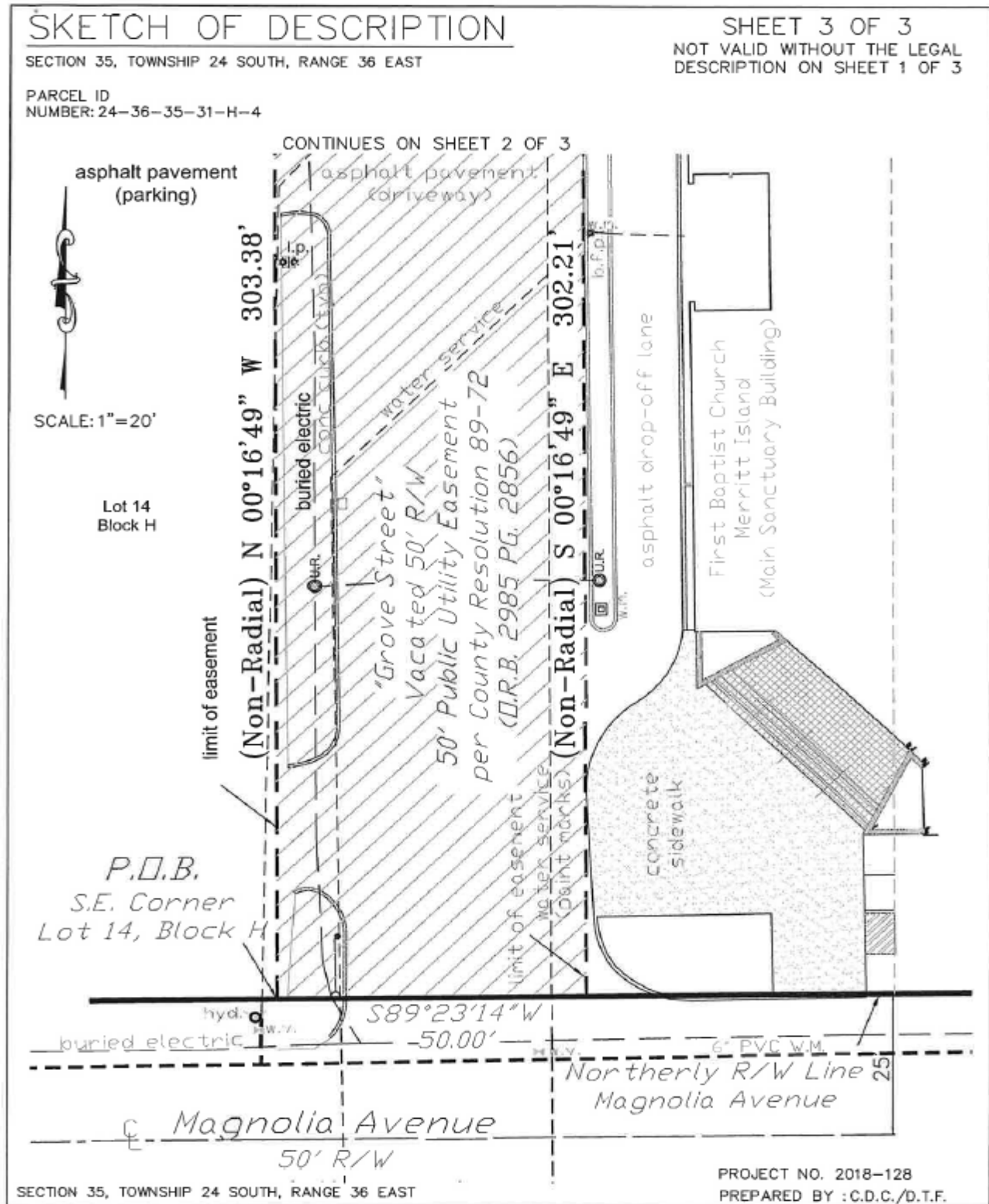


Fig. 10: Copy of legal description sheet 3 of 3 for Grove Street Easement, Merritt Winter Home Development



## COMMENT SUMMARY

UPDATED / BY:Amber Holley 20200128 @ 16:00 hours

Fig. 11: Copy of comment sheet for utility review.

# Public Hearing Legal Advertisement

AD# 0004040677 02/10/2020

**LEGAL NOTICE**  
**NOTICE FOR THE VACATING OF THE 50.0**  
**FT. WIDE PUBLIC UTILITY EASEMENT,**  
**PLAT OF "WINTER DEVELOPMENT MAP**  
**NO. 2" IN SECTION 35, 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 **FIRST BAPTIST CHURCH OF MERRITT ISLAND** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A 50 foot wide public Utility Easement being a portion of GROVE STREET That was Vacated by Brevard County Commission in Resolution 89-072 subject to reserving a Public Utility Easement. Said Easement lies between a portion Blocks H and Block J in MERRITT WINTER HOME DEVELOPMENT MAP No. 2, and is more particularly described as follows:

Begin at the Southeast corner of Lot 14, Block H in MERRITT WINTER HOME DEVELOPMENT MAP NO. 2, according to the plat, recorded in Plat Book 2, Page 78 of the Public Records of Brevard County, Florida; thence run N00°16'49"W along the East line of Block H for a distance of 303.38 feet to a point on the South Right-of-Way line of State Road 520 also known as Merritt Island Causeway, said point is on arc of a curve, which is neither tangent or radial to said course, said curve having a radius of 5,739.58 feet, said curve being concave North; thence run 50.00 feet along the arc of said curve, subtending a central angle of 0°29'57", the Chord bearing for said curve segment being S89°16'51"E with a Chord distance of 50.00 feet, to the a point on the West line of Lot 1, Block J in said MERRITT WINTER HOME DEVELOPMENT MAP NO. 2; thence run S00°16'49"E, along the West line of said Block J, a distance of 302.21 feet to the North line of Magnolia Avenue, a 50 foot Right-of-Way; thence run S89°23'14"W, along said North Right-of-Way line for a distance of 50.00 feet to the Point of Beginning. Said parcel contains 15,140 square feet or 0.348 acres more or less. Prepared by: John R. Campbell, 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 February 25, 2020** 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. 12: Copy of public hearing advertisement as published on February 10, 2020 see next page for full text.

## Legal Notice Text

Requested by: Public Works Department of Brevard County, Florida

Corrina Gumm / Interim Director

By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:

Please advertise in the February 10, 2020 issue of Florida TODAY.

PLEASE NOTE! Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

### LEGAL NOTICE

NOTICE FOR THE VACATING OF THE 50.0 FT. WIDE PUBLIC UTILITY EASEMENT, PLAT OF "WINTER DEVELOPMENT MAP NO. 2" IN SECTION 35, TOWNSHIP 24 SOUTH, RANGE 36 EAST, MERRITT ISLAND, FL

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