

Resolution 2020 - _____

**Vacating a part 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 a portion of 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 a portion of two public utility easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of two public utility easements is 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 21ST day of April, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

SCOTT ELLIS, CLERK

Bryan Lober, Chair

As approved by the Board on:
April 21, 2020

Brevard County Property Appraiser Detail Sheet

Account 3004907

Owners: Southard, Barry; Gallo, Valerie

Mailing Address: 3825 12th Street, Micco, Florida 32976

Site Address: Owners: Southard, Barry; Gallo, Valerie

Mailing Address: 3825 12th Street, Micco, Florida 32976

Site Address: 856 Laurel Cir Barefoot Bay FL 32976

Parcel ID: 30-38-10-JU-106-4

Property Use: 0020 - Vacant Mobile Home Site (Platted)

Exemptions: None

Taxing District: 3400 - Unincorp District 3

Total Acres: 0.18

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 Lots 4,5 Blk 106

VALUE SUMMARY

| Category | 2019 | 2018 | 2017 |
|---------------------------|----------|----------|----------|
| Market Value | \$26,000 | \$26,000 | \$25,000 |
| Agricultural Land Value | \$0 | \$0 | \$0 |
| Assessed Value Non-School | \$13,310 | \$12,100 | \$11,000 |
| Homestead Exemption | \$0 | \$0 | \$0 |
| Additional Homestead | \$0 | \$0 | \$0 |
| Other Exemptions | \$0 | \$0 | \$0 |
| Taxable Value Non-School | \$13,310 | \$12,100 | \$11,000 |
| Taxable Value School | \$26,000 | \$26,000 | \$25,000 |

SALES/TRANSFERS

| Date | Price | Type | Parcel | Deed |
|------------|-----------|------|----------|-----------|
| 02/10/2020 | \$27,500 | WD | Vacant | 8664/264 |
| 06/29/2015 | \$23,000 | WD | Vacant | 7403/1703 |
| 10/27/2005 | \$41,000 | CT | Improved | 5556/5819 |
| 02/01/1979 | \$29,000 | PT | -- | 2008/0126 |
| 09/01/1976 | \$296,000 | PT | -- | 1657/0897 |
| 11/15/1970 | \$1,000 | PT | -- | 1152/0219 |

Fig. 1: Copy of Property Appraiser's detail sheet for lots 4, 5, Block 106, Barefoot Bay Uni 2, Pt 12, 856 Laurel Cir, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

Vicinity Map

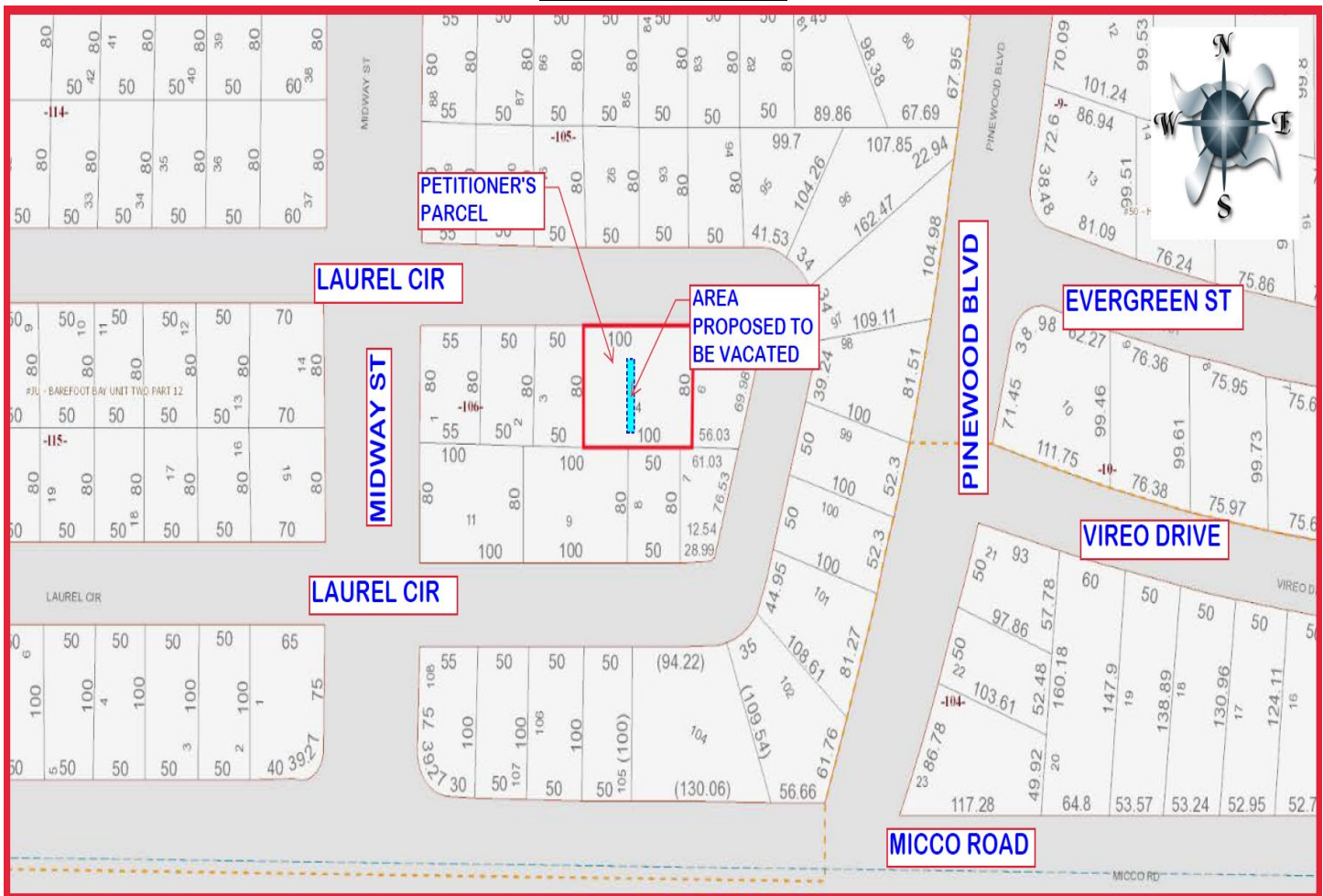


Fig. 2: Map of Lots 4 & 5, Block 106, Barefoot Bay Unit Two, Part Twelve, 856 Laurel Circle, Barefoot Bay, FL 32976

Barry Southard & Valerie Gallo – Lots 4 & 5, Block 106, “Barefoot Bay Unit Two, Part Twelve” (Plat Book 22, Page 79) – 856 Laurel Circle – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of two 6.0 ft. Wide Public Utility Easements centered along the Common Lot Lines

Aerial Map

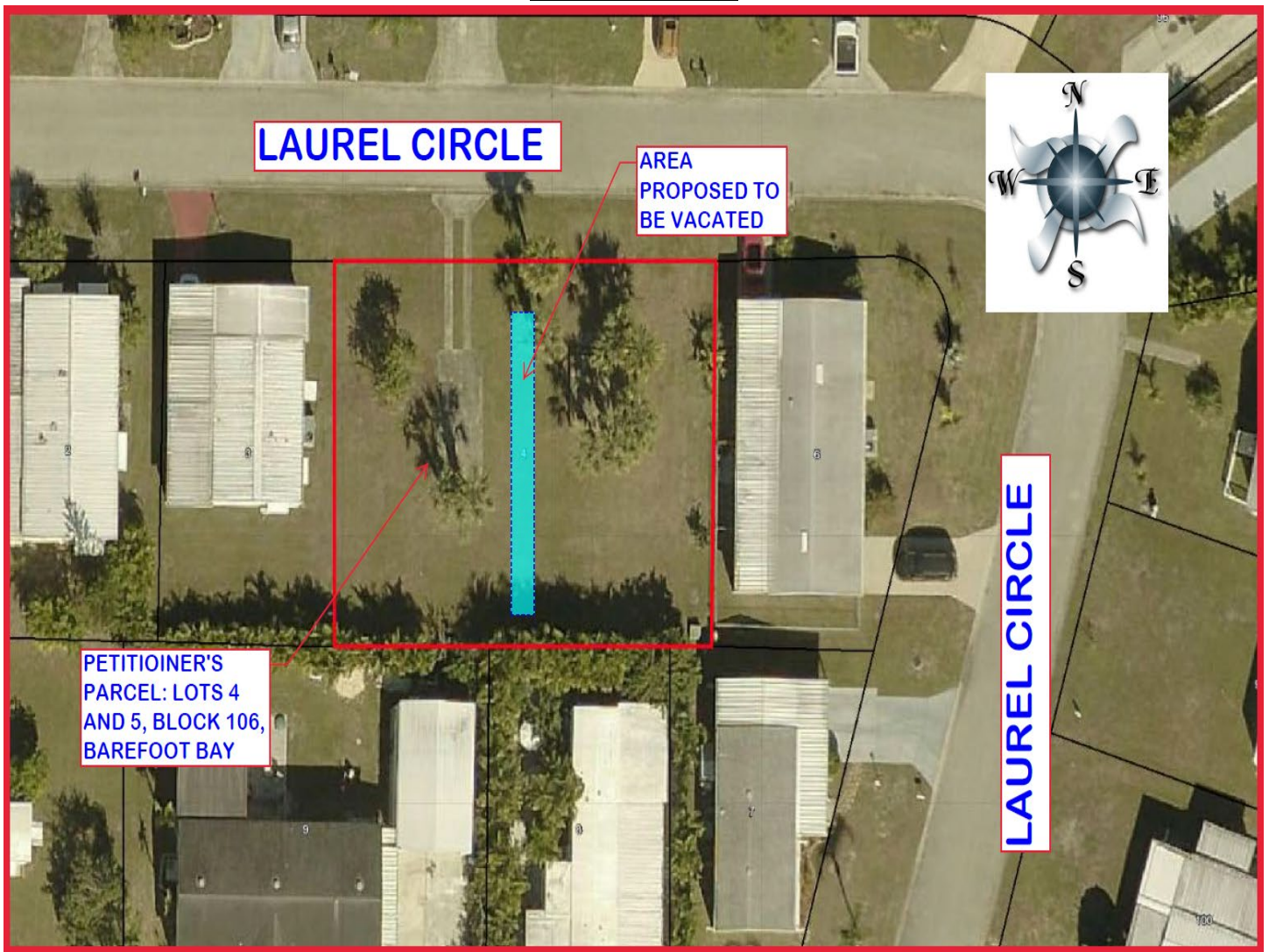


Fig. 3: Map of aerial view of Lots 4 & 5, Block 106, Barefoot Bay Unit Two, Part Twelve, 856 Laurel Circle, Barefoot Bay, FL 32976

Barry Southard & Valerie Gallo – Lots 4 & 5, Block 106, “Barefoot Bay Unit Two, Part Twelve” (Plat Book 22, Page 79) – 856 Laurel Circle – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of two 6.0 ft. Wide Public Utility Easements centered along the Common Lot Lines

Petitioner's Sketch & Description Sheet 1 of 2


| LEGAL DESCRIPTION | | |
|--|--|---|
| SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST PARCEL I.D. NUMBER: 30-38-10-JU-106-4 | | SHEET 1 OF 2 NOT VALID WITHOUT THE SKETCH ON SHEET 2 OF 2 |
| <u>PURPOSE OF SKETCH AND DESCRIPTION:</u> TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOTS 4 AND 5, BLOCK 106. | | |
| LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 4 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 5, BLOCK 106, LESS THE NORTH 10.0 FEET FOR UTILITIES AND LESS THE SOUTH 6.0 FEET PUBLIC UTILITY EASEMENT. 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 768 SQUARE FEET, MORE OR LESS. | | |
| <u>SURVEYORS NOTES:</u> 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N90°00'00"E ALONG THE SOUTHERN RIGHT OF WAY OF N.E. LAUREL 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 02/26/2020, DRAWING NUMBER 16-128 | | |
| PREPARED FOR: BARRY SOUTHARD VALERIE GALLO | DRAWN BY: C.J.C. DATE: 02/26/2020 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 C.J. 872-913-5322 cooneymap@gmail.com |
| 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  DATE AND SIGNATURE 2-26-2020 |

Fig. 5: Sheet 1 of 2. Legal description for 6.00 foot easements on lots 4 and 5, Block 106, Barefoot Bay Unit Two, Part Twelve.

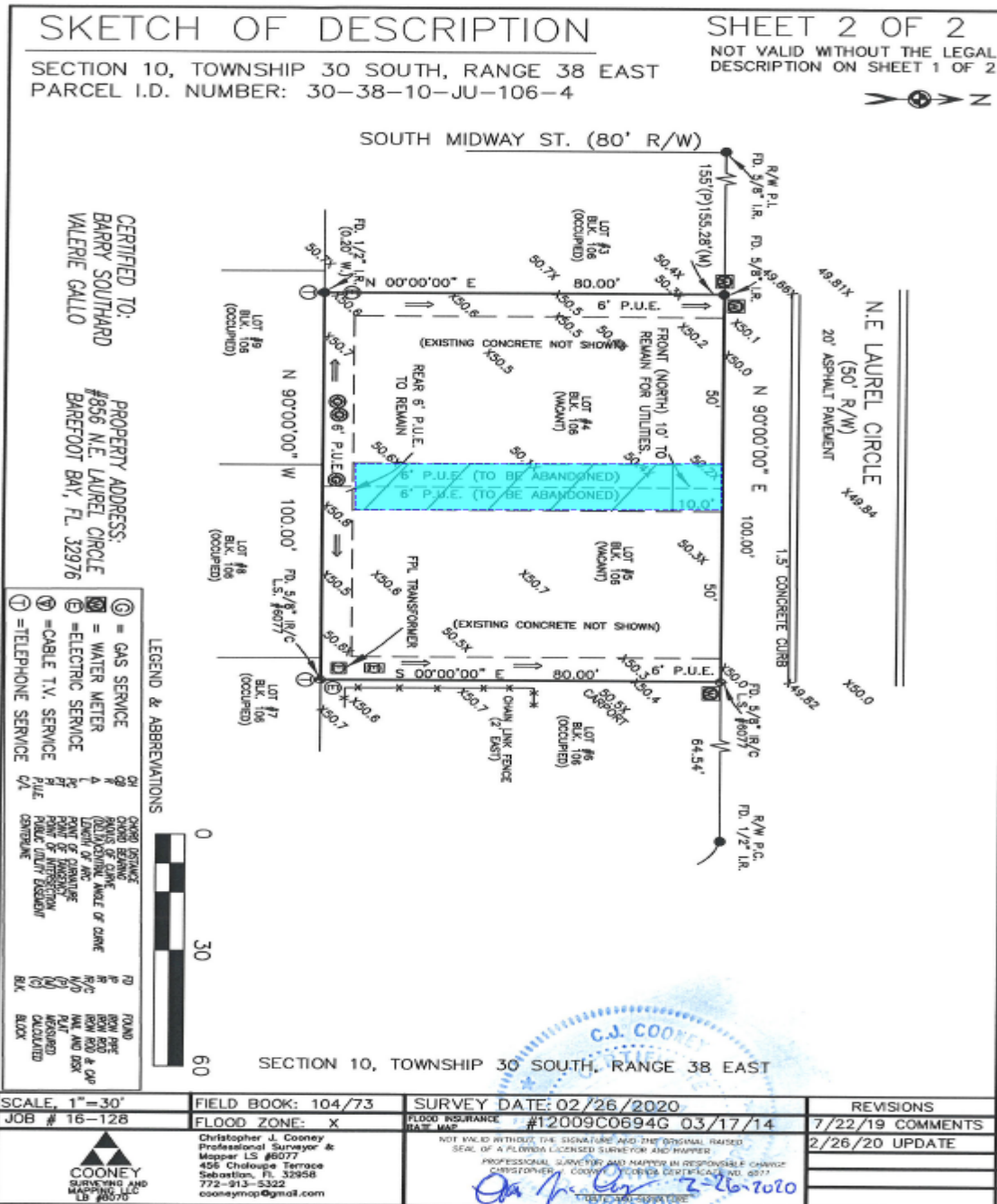


Fig. 6: Sheet 2 of 2. Not valid without legal description on sheet 1 of 2. Sketch illustrates 2 lots (4 and 5) that reside on Laurel Circle, Barefoot Bay, Florida. Lot 4 is on the West side while Lot 5 is on the East side. A 6-foot public utility lies along the easterly line of lot 4 and a 6-foot public easement lies along the westerly line of lot 5. Lots 4 and 5 are vacant. The coordinates of the area depicted is as follows moving North to West clockwise. North boundary – North 90°00'00" East 100.00', East boundary – South 00°00'00" East 80.00', South boundary – North 90°00'00" West 100.00', West boundary – North 00°00'00" East 80.00'.
Field book: 104/73. Survey date: 2/26/20.

Comment Sheet

Applicant: Barry Southard and Valerie Gallo

Updated by: Amber Holley 20200306 at 16:30 hours

| Utilities | Notified | Received | Approved | Remarks |
|------------------|----------|----------|----------|---------------|
| FL City Gas Co | 20200228 | 20200305 | Yes | No objections |
| FL Power & Light | 20200228 | 20200317 | Yes | No objections |
| At&t | 20200228 | 20200228 | Yes | No objections |
| Charter/Spectrum | 20200228 | 20200303 | Yes | No objections |

| County Staff | Notified | Received | Approved | Remarks |
|------------------|----------|----------|----------|---------------|
| Road & Bridge | 20200228 | 20200315 | Yes | No objections |
| Land Planning | 20200228 | 20200306 | Yes | No objections |
| Utility Services | 20200228 | 20200228 | Yes | No objections |
| Storm Water | 20200228 | 20200302 | Yes | No objections |
| Zoning | 20200228 | 20200302 | Yes | No objections |

Fig. 7: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Florida Today | Legal Notices

AD#4136178 4/6/2020 LEGAL NOTICE NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY 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 & 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 EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 4, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 5, BLOCK 106, LESS THE NORTH 10.00 FEET FOR UTILITIES AND LESS THE SOUTH 6.00 FEET PUBLIC UTILITY EASEMENT, 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 768 SQUARE FEET, MORE OR LESS. 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 9:00 A.M. on April 21, 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. 8: Copy of public hearing advertisement as published on April 06, 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 April 06, 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 PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF
"BAREFOOT BAY 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 & 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 EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 4, AND THE 6.00
FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 5, BLOCK 106, LESS THE
NORTH 10.00 FEET FOR UTILITIES AND LESS THE SOUTH 6.00 FEET PUBLIC UTILITY EASEMENT,
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 768 SQUARE FEET, MORE OR LESS. 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 **9:00 A.M. on April 21, 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.