

Resolution 2020 - _____

**Vacating two public utility and drainage easements in "Laura Lee Estates" Subdivision, Cocoa, Florida,
lying in Section 25, Township 24 South, Range 35 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **TERRI MALLARD HART** 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 two public utility and drainage easements will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public utility and drainage 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 07th day of July, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Bryan Lober, Chair

SCOTT ELLIS, CLERK

As approved by the Board on:
July 07, 2020

Brevard County Property Appraiser Detail Sheet

Account 2407768 & 2407769
 Owners Hart, Terri Mallard
 Mailing Address 4108 Fishermans Pl Cocoa FL 32926
 Site Address Not Assigned
 Parcel ID 24-35-25-25-*-13 & 24-35-25-25-*-14
 Property Use 0010 - Vacant Residential Land (Single Family, Platted)
 Exemptions None
 Taxing District 2300 - Unincorp District 2
 Total Acres 0.59 & 0.61
 Subdivision Laura Lee Estates
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page 0024/0154
 Land Description Laura Lee Estates Lot 13 & Lot 14

VALUE SUMMARY

| Category | 2019 | 2018 | 2017 |
|---------------------------|----------|----------|----------|
| Market Value | \$30,000 | \$30,000 | \$30,000 |
| Agricultural Land Value | \$0 | \$0 | \$0 |
| Assessed Value Non-School | \$30,000 | \$30,000 | \$30,000 |
| Assessed Value School | \$30,000 | \$30,000 | \$30,000 |
| Homestead Exemption | \$0 | \$0 | \$0 |
| Additional Homestead | \$0 | \$0 | \$0 |
| Other Exemptions | \$0 | \$0 | \$0 |
| Taxable Value Non-School | \$30,000 | \$30,000 | \$30,000 |
| Taxable Value School | \$30,000 | \$30,000 | \$30,000 |

SALES/TRANSFERS

| Date | Price | Type | Parcel | Deed |
|------------|----------|------|----------|-----------|
| 04/29/2008 | -- | WD | Improved | 5860/5020 |
| 08/30/1993 | \$80,000 | WD | Improved | 3315/4031 |
| 11/02/1987 | \$7,500 | WD | -- | 2867/1361 |
| 10/01/1968 | \$800 | -- | -- | 1051/0593 |

Fig. 1: Copy of Property Appraiser's detail sheet for lots 13, 14, Laura Lee Estates, XXX Brush Lane, Cocoa, FL 32926, Section 25, Township 24 South, Range 35 East, District 2

Vicinity Map

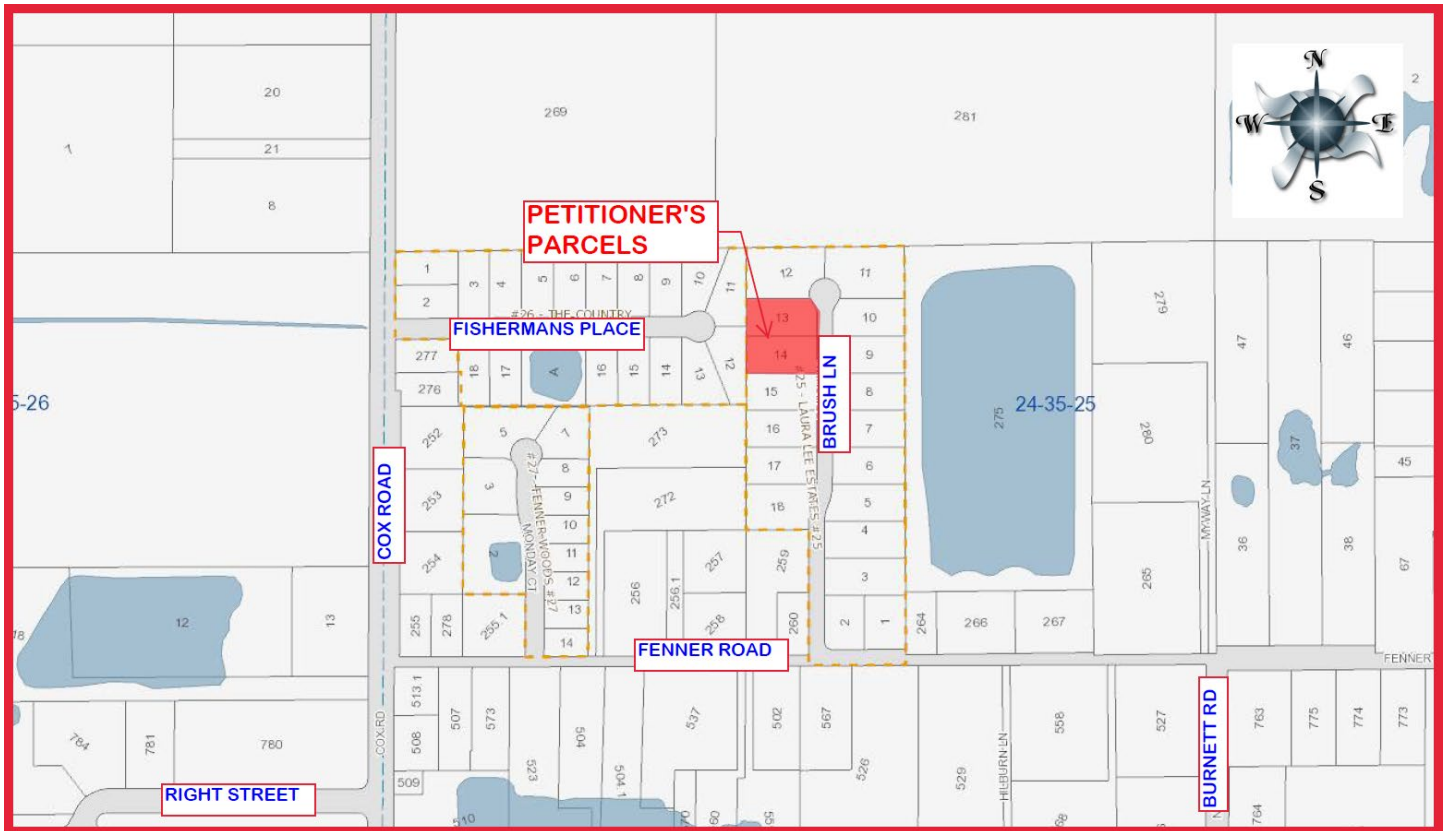


Fig. 2: Map of Lots 13 & 14, Laura Lee Estates, Brush Lane, Cocoa, FL 32926

Terri Mallard Hart – Lots 13 & 14, “Laura Lee Estates”
(Plat Book 24, Page 154) – XXX Brush Lane – Section
25, Township 24 South, Range 35 East – District 2 –
Proposed Vacating of two 5.0 ft. Wide Public Utility &
Drainage Easements along the common lines of Lots
13 & 14.

Aerial Map

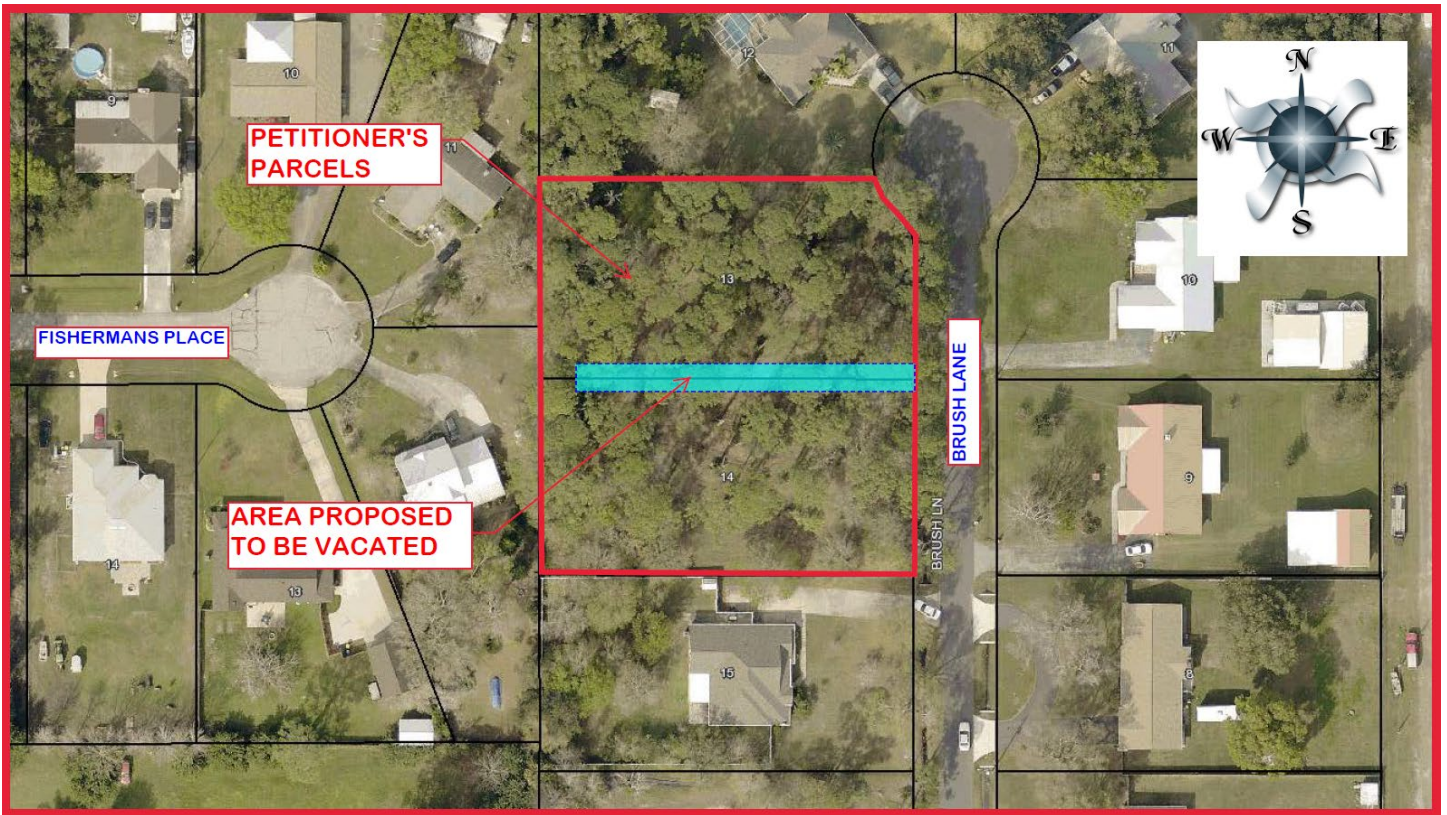


Fig. 3: Map of aerial view of Lots 13 & 14, Laura Lee Estates, Brush Lane, Cocoa, FL 32926

Terri Mallard Hart – Lots 13 & 14, “Laura Lee Estates”
(Plat Book 24, Page 154) – XXX Brush Lane – Section
25, Township 24 South, Range 35 East – District 2 –
Proposed Vacating of two 5.0 ft. Wide Public Utility &
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13 & 14.

Fig. 4: Copy of plat map “Laura Lee Estates” dedicated to Brevard County July 13, 1977

Petitioner's Sketch & Description Sheet 1 of 2

LEGAL DESCRIPTION

SECTION 25, TOWNSHIP 24 SOUTH, RANGE 35 EAST

PARCEL ID NUMBER: 24-35-25-13

PARCEL ID NUMBER: 24-35-25-14

PURPOSE OF SURVEY: VACATE 10.00 FOOT PUBLIC UTILITIES AND DRAINAGE EASEMENTS ALONG COMMON PROPERTY LINE BETWEEN LOTS 13 AND 14

SHEET 1 OF 2

EXHIBIT "A"

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION (BY SURVEYOR):

THAT PORTION OF 10.00 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENT AS ESTABLISHED BY THE PLAT OF "LAURA LEE ESTATES" PER PLAT BOOK 24, PAGE 154, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 5.00 FEET OF LOT 13 AND THE NORTH 5.00 FEET OF LOT 14, OF SAID PLAT OF LAURA LEE ESTATES, LESS AND EXCEPT THE WEST 5.00 FEET OF THE SOUTH 5.00 FEET OF SAID LOT 13 AND LESS AND EXCEPT THE WEST 5.00 FEET OF THE NORTH 5.00 FEET OF SAID LOT 14, CONTAINING 0.051 ACRES OR 2200.00 SQUARE FEET, MORE OR LESS.

1. THIS NOT A BOUNDARY SURVEY.
2. FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP 12009C0425G, MARCH 17, 2014.
3. FENCE OWNERSHIP UNKNOWN.
4. SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
6. SURVEY DOES NOT WARRANT TITLE.
7. UNDERGROUND FOUNDATIONS AND/OR UTILITIES NOT LOCATED AT TIME OF SURVEY.
8. BEARINGS DEPICTED HEREON ARE PLAT BEARINGS AND ARE BASED ON THE CENTERLINE OF BRUSH LANE HAVING A BEARING OF N00°05'55"W.
9. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT (S) SHOWN HEREON; COPIES ARE VALID ONLY WHEN SIGNED, DATED AND SEALED WITH THE SURVEYOR'S SEAL.

PREPARED FOR AND CERTIFIED TO:
TERRI M. HART &
COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA


DAVID J. KUGELMANN, PLS. NO. 5117
NOT VALID UNLESS SIGNED AND SEALED

KUGELMANN LAND SURVEYING, INC.

30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK

CHECKED BY: DJK

DRAWING NO.
2016061VACATE.DGN

SECTION 25
TOWNSHIP 24 SOUTH
RANGE 35 EAST

DATE: 5/05/20

SHEET 1 OF 2

REVISIONS _____

Fig. 5: Sheet 1 of 2. Legal description for 6.00-foot easement on lot 21, Block 19, Port St. John Unit Two.

Fig. 6: Sketch and Description. Situated in Section 25, Township 24 South, Range 35 East, Parent Parcel: #24-35-25-25-* -13 & 14. Sketch illustrates 2 lots (13 and 14) that reside on Brush Lane, Cocoa, Florida. Lot 13 is on the North side while Lot 14 is on the South side. A 5-foot public utility easement lies along the southerly line of lot 13. Lots 13 and 14 are vacant. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 89°54'05" East 202.14'; East boundary South 00°05'55" East 196.50', South boundary – South 89°54'05" West 225.00'. Sheet 2 of 2. Not valid without sheet 1 of 2. Prepared by: David J. Kugelmann, PLS. Project NO: 2016061.

Comment Sheet

Applicant: Terri Hart

Updated by: Amber Holley 20200616 at 10:30 hours

| Utilities | Notified | Received | Approved | Remarks |
|------------------|----------|----------|----------|---------------|
| FL City Gas Co | 20200519 | 20200527 | Yes | No objections |
| FL Power & Light | 20200519 | 20200519 | Yes | No objections |
| At&t | 20200519 | 20200527 | Yes | No objections |
| Charter/Spectrum | 20200519 | 20200521 | Yes | No objections |
| City of Cocoa | 20200519 | 20200526 | Yes | No objections |

| County Staff | Notified | Received | Approved | Remarks |
|------------------|----------|----------|----------|---------------|
| Road & Bridge | 20200519 | 20200615 | Yes | No objections |
| Land Planning | 20200519 | 20200520 | Yes | No objections |
| Utility Services | 20200519 | 20200519 | Yes | No objections |
| Storm Water | 20200519 | 20200610 | Yes | No objections |
| Zoning | 20200519 | 20200520 | Yes | No objections |

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

Public Hearing Legal Advertisement

Ad#4243017

06/22/2020

LEGAL NOTICE

**NOTICE FOR THE PARTIAL VACATING OF
TWO 5.0 FT. WIDE PUBLIC UTILITY EASE-
MENTS, PLAT OF "LAURA LEE ESTATES"
IN SECTION 25, TOWNSHIP 24 SOUTH,
RANGE 35 EAST, COCOA, 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 TERRI MALLARD HART with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

**THAT PORTION OF 10.00-FOOT-WIDE
PUBLIC UTILITIES AND DRAINAGE EASE-
MENT AS ESTABLISHED BY THE PLAT OF
"LAURA LEE ESTATES" PER PLAT BOOK
24, PAGE 154, OF THE PUBLIC RECORDS
OF BREVARD COUNTY, FLORIDA, BEING
MORE PARTICULARLY DESCRIBED AS
FOLLOWS:**

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THE NORTH 5.00 FEET OF LOT 14, OF
SAID PLAT OF LAURA LEE ESTATES, LESS
AND EXCEPT THE WEST 5.00 FEET OF THE
SOUTH 5.00 FEET OF SAID LOT 13 AND
LESS AND EXCEPT THE WEST 5.00 FEET
OF THE NORTH 5.00 FEET OF SAID LOT
14. CONTAINING 0.051 ACRES OR
2200.00 SQUARE FEET, MORE OR LESS.
PREPARED BY: DAVID J. KUGELMANN,
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 July 07, 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 June 22, 2020 see next page for full text.

Legal Notice Text

LEGAL NOTICE

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 5.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "LAURA LEE ESTATES" IN SECTION 25, TOWNSHIP 24 SOUTH, RANGE 35 EAST, COCOA, FL

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