

Resolution 2021 -

Vacating a portion of a public utility and drainage easement in "Twin Lakes at Suntree, First Addition" Subdivision, 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 **JERRY J. MORIAN** with the Board of County Commissioners to vacate an easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH AND 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; and Brevard County renounces and disclaims any rights in and to said strip of land. 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 23rd day of March, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on:
March 23, 2021

Brevard County Property Appraiser Detail Sheet

Account 2603969
 Owners Morian, Jerry J
 Mailing Address 447 Pauma Valley Way Melbourne FL 32940
 Site Address 447 Pauma Valley Way Melbourne FL 32940
 Parcel ID 26-36-14-07-2-12
 Property Use 0110 - Single Family Residence
 Exemptions
 HEX1 - Homestead First
 HEX2 - Homestead Additional
 WDWL - Widower's Exemption For Husband
 Taxing District 4200 - Unincorp District 4
 Total Acres 0.29
 Subdivision Twin Lakes At Suntree 1St Addn
 Site Code 0142 - Nbhd Lake/Reten Frtg
 Plat Book/Page 0028/0048
 Land Description Twin Lakes At Suntree 1St Addn Lot 12 Blk 2

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$356,590	\$360,100	\$365,300
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$247,280	\$241,730	\$237,230
Assessed Value School	\$247,280	\$241,730	\$237,230
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	\$196,780	\$191,230	\$186,730
Taxable Value School	\$221,780	\$216,230	\$211,730

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/10/2012	\$265,000	WD	Improved	6675/1062
03/08/2010	--	WD	Improved	6128/0614
11/01/1993	--	QC	Improved	3342-0049
08/06/1982	\$43,000	WD	--	2381/0789

Fig. 1: Copy of Property Appraiser's detail sheet for Lot 12, Block 2, Twin Lakes at Suntree, First Addition, 447 Pauma Valley Way, Melbourne, FL 32940, Section 14, Township 26 South, Range 36 East, District 4

Vicinity Map

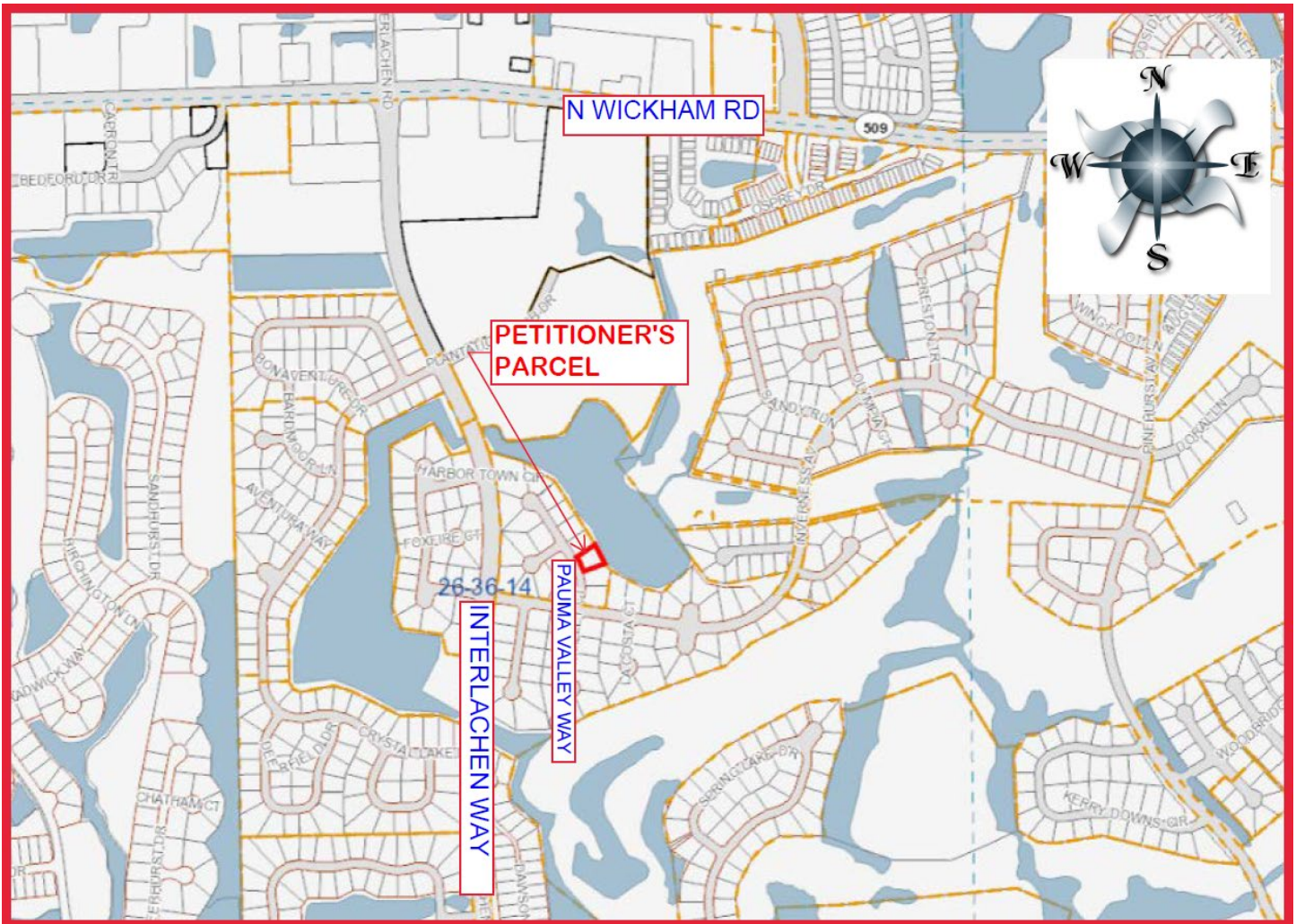


Fig. 2: Map of Lot 12, Block 2, Twin Lakes at Suntree, First Addition, 447 Pauma Valley Way, Melbourne, FL 32940.

Jerry J. Morian – 447 Pauma Valley Way
– Melbourne, FL, 32940 – Lot 12, Block 2,
plat of “Twin Lakes at Suntree First
Addition” – Plat Book 28, Page 48 –
Section 14, Township 26 South, Range 36
East – District 4 – Proposed Vacating of
the westerly 4.0 ft. of a 10.0 ft. Wide
Public Utility and Drainage Easement

Aerial Map

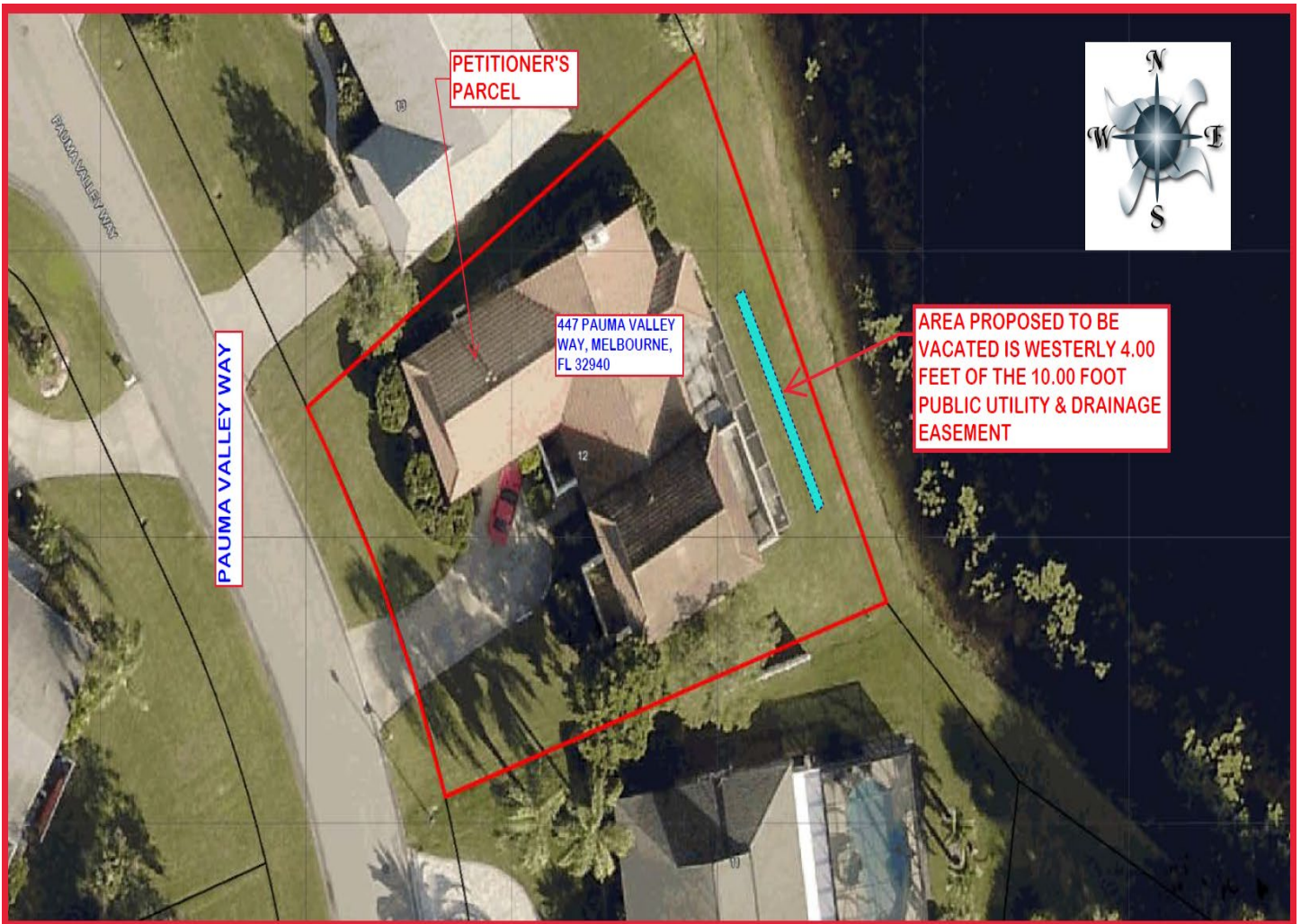


Fig. 3: Map of aerial view of Lot 12, Block 2, Twin Lakes at Suntree, First Addition, 447 Pauma Valley Way, Melbourne, FL 32940.

Jerry J. Morian – 447 Pauma Valley Way
– Melbourne, FL, 32940 – Lot 12, Block 2,
plat of “Twin Lakes at Suntree First
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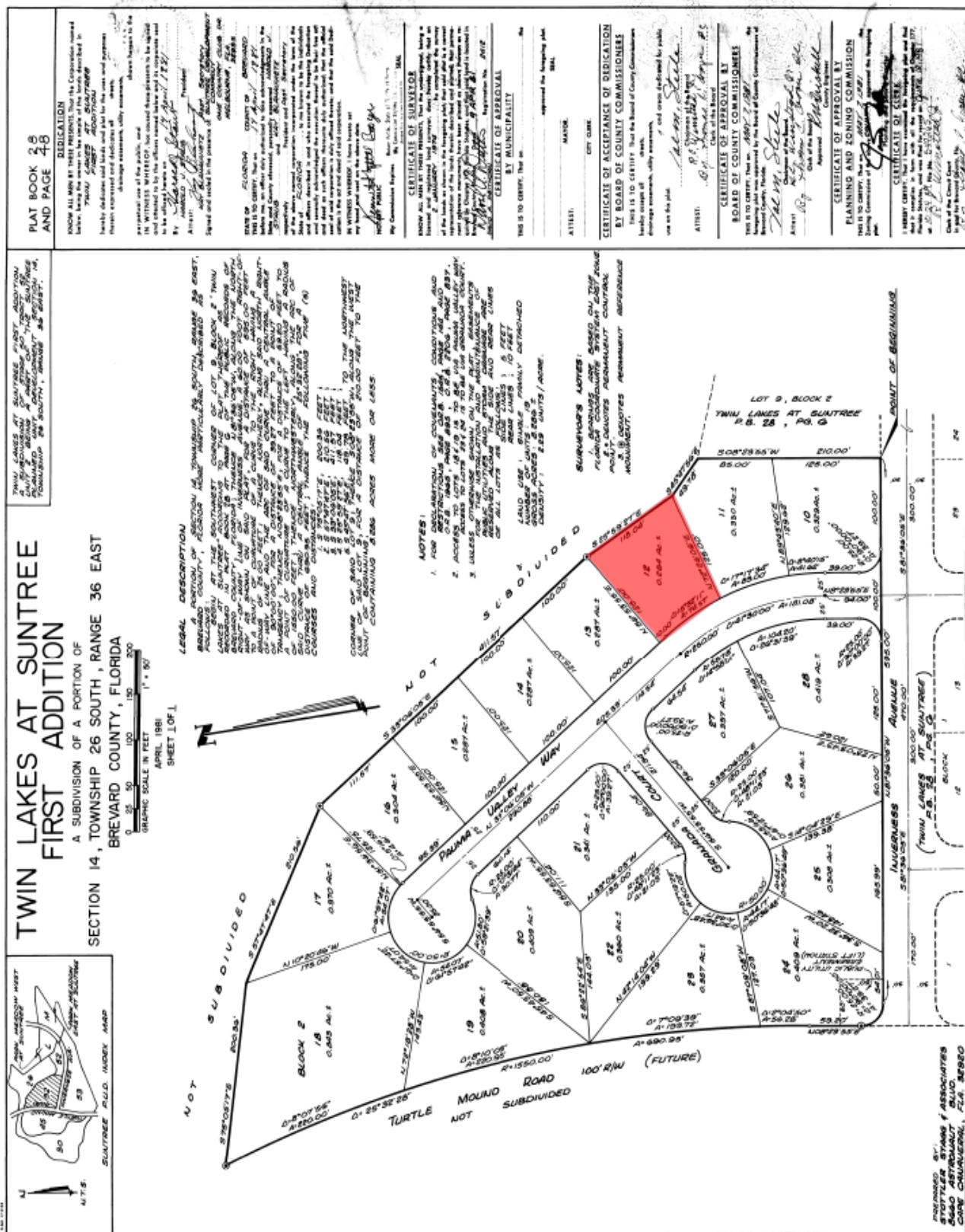


Fig. 4: Copy of plat “Twin Lakes at Suntree, First Addition” dedicated to Brevard County in 1981.

LEGAL DESCRIPTION

PARENT PARCEL: #26-36-14-07-2-12

PURPOSE: PARTIAL VACATION OF REAR 10' P.U.&D. EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL: PARTIAL VACATION OF 10' P.U.&D. EASEMENT (BY SURVEYOR)

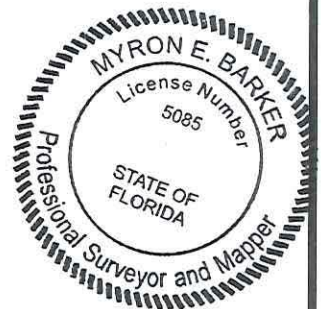
A PORTION OF LOT 12, BLOCK 2, AS SHOWN ON THE PLAT OF TWIN LAKES AT SUNTREE, FIRST ADDITION, AS RECORDED IN PLAT BOOK 28, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SAID LOT 12, BLOCK 2, THENCE RUN N 25°59'27"W (PLAT) N 26°01'17"W (MEASURED) A DISTANCE OF 25.25 FEET; THENCE S 63°51'15"W A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 63°51'15"W A DISTANCE OF 4.00 FEET; THENCE N 26°01'17"W PARALLEL TO THE EASTERLY BOUNDARY LINE OF SAID LOT 12, BLOCK 2 A DISTANCE OF 49.00 FEET; THENCE N 63°51'15"E A DISTANCE OF 4.00 FEET; THENCE S 26°01'17"E A DISTANCE OF 49.00 FEET TO THE POINT OF BEGINNING

SURVEYORS NOTES & LEGEND:

1. THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.33°06'05"W., ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF PAUMA VALLEY WAY.

CL = CENTERLINE
C.L.F. = CHAIN LINK FENCE
CH = CHORD
CONC. = CONCRETE
(D) = DEEDED
FD = FOUND
ID = IDENTIFICATION
IR = IRON ROD
L = LENGTH
LB = LICENSE BUSINESS
LS = LICENSE SURVEYOR
(M) = MEASURED
NO = NUMBER
ON/OFF = ON SITE/OFF SITE
ORB = OFFICIAL RECORDS BOOK
PG = PAGE
PC = POINT OF CURVATURE
(P) = PLATTED
P.U.&D. = PUBLIC UTILITY AND DRAINAGE
R = RADIUS
WF = WOOD FENCE



PREPARED FOR AND CERTIFIED TO:

**BREVARD COUNTY BOARD
OF COUNTY COMMISSIONERS**

Myron E. Barker

MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085
CERTIFICATE OF AUTHORIZATION LB. 6586
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: PRECISION LAND SURVEYING, INC.
2600 LAKE WASHINGTON ROAD, SUITE 1
MELBOURNE, FLORIDA 32935

DRAWN BY: J. PRESSMAN

CHECKED BY: M. BARKER

PROJECT NO. 20-1723

DATE: 08/11/2020

DRAWING: 20-1723

REVISIONS

DATE

DESCRIPTION

02/18/21

CHANGE VACATIONING TO
POOL AREA ONLY

SECTION 14

TOWNSHIP 26 SOUTH
RANGE 36 EAST

Petitioner's Sketch & Description Sheet 2 of 2

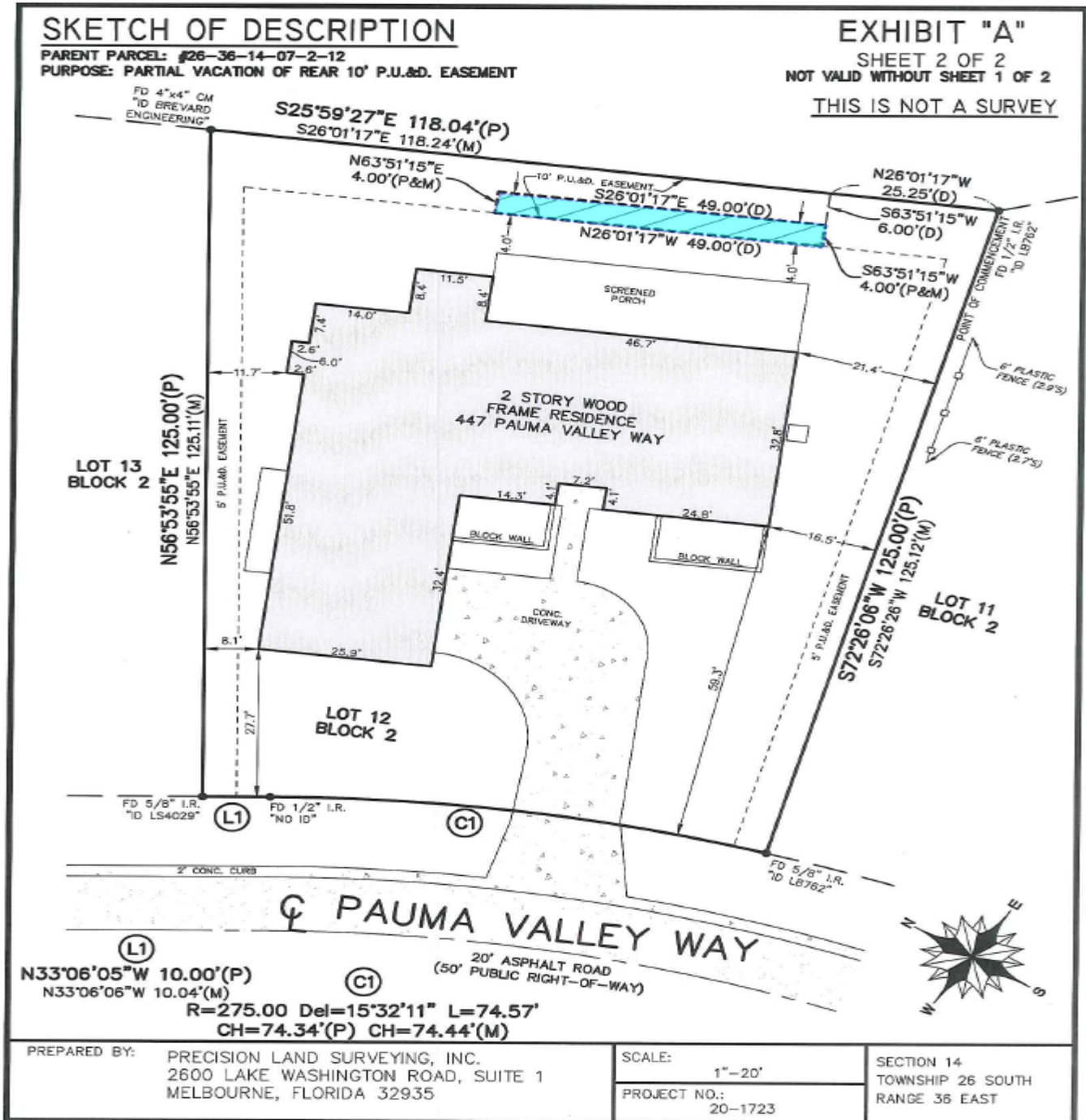


Fig. 6: Sketch of Description. Situated in Section 14, Township 26 South, Range 36 East, Parent Parcel: #26-36-14-07-2-12. Sheet 2 of 2. Not valid without legal description on sheet 1 of 2. Sketch illustrates a 4.0-foot strip of a 10.0-foot easement lying on the West side of Lot 12, Twin Lakes at Suntree, First Addition, 447 Pauma Valley Way, Melbourne, Florida. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 56°53'55" East 125.00'; East boundary South 25°59'27" East 118.04', South boundary – South 72°26'06" West 125.00'. Prepared by: Precision Land Surveying, Inc., FL LB# 6586. Project NO: 20-1723.

Petitioner's Proposed Pool Plan

LOT 12, BLOCK 2 AS SHOWN ON THE PLAT OF TWIN LAKES AT SUNTREE FIRST ADDITION
AS RECORDED IN PLAT BOOK 28, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

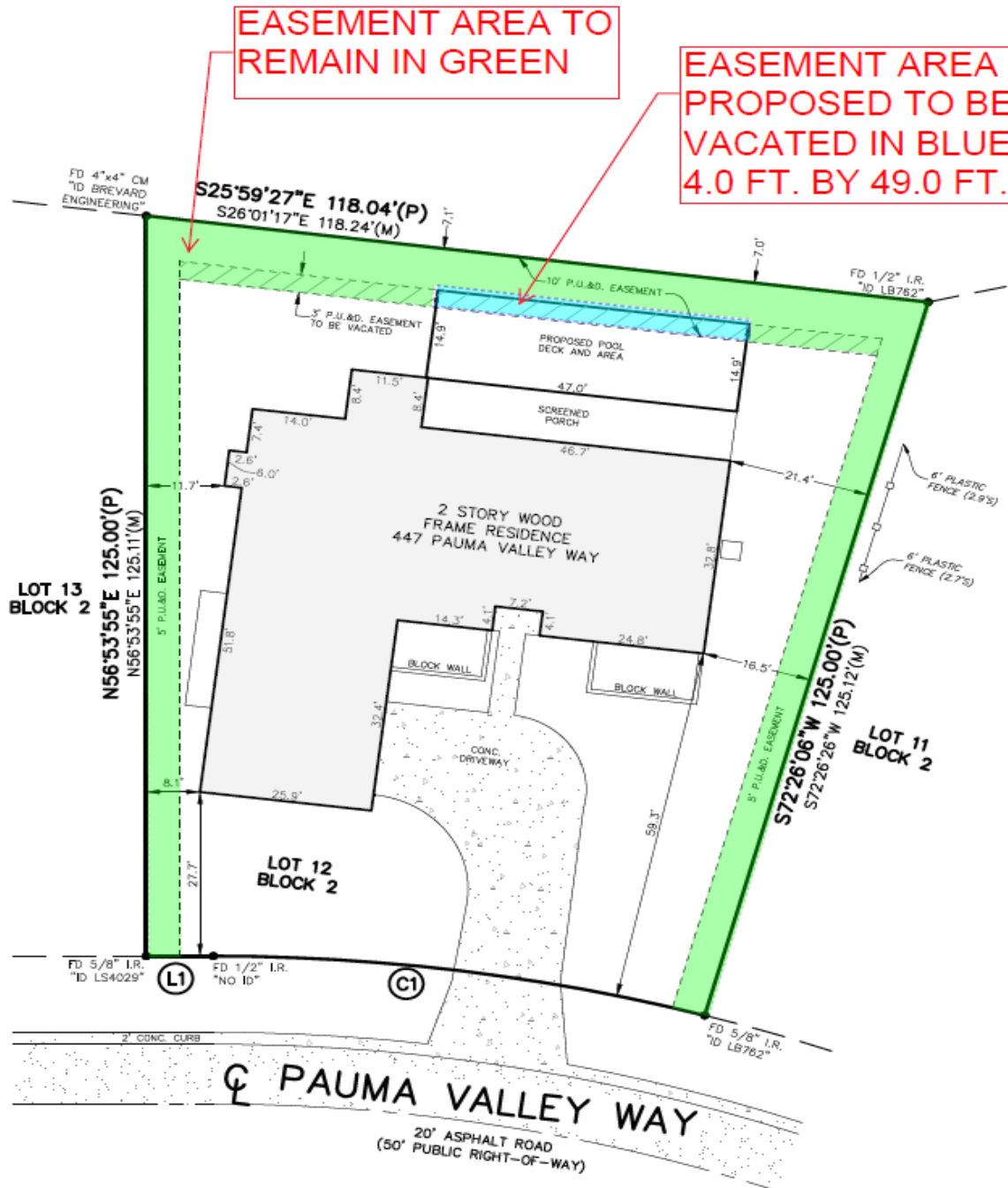


Fig. 7: Copy of proposed pool plan 15 feet by 49 feet. Area highlighted in blue is proposed to be vacated to allow for construction of a pool. Area in green shows easement that will remain.

Comment Sheet

Applicant: Jerry J. Morian

Updated by: Amber Holley 20201013 at 12:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20201008	20201008	Yes	No objections
FL Power & Light	20201008	2020	Yes	No objections
At&t	20201008	2020	Yes	No objections
Charter/Spectrum	20201008	20201013	Yes	No objections
City of Cocoa	20201008	20201110	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20201008	2020	Yes	No objections
Land Planning	20201008	20201009	Yes	No objections
Utility Services	20201008	20201201	Yes	No objections
Storm Water	20201008	20201008	Yes	No objections
Zoning	20201008	20201009	Yes	No objections

Fig. 8: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Ad#4626345

03/08/2021

LEGAL NOTICE

**NOTICE FOR THE VACATING OF A
PORTION OF A 10.00 FT. WIDE PUBLIC
UTILITY AND DRAINAGE EASEMENT,
PLAT OF "TWIN LAKES AT SUNTREE,
FIRST ADDITION" IN SECTION 14,
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 **JERRY J. MORIAN** with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF LOT 12, BLOCK 2, AS SHOWN ON THE PLAT OF TWIN LAKES AT SUNTREE, FIRST ADDITION, AS RECORDED IN PLAT BOOK 28, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SAID LOT 12, BLOCK 2, THENCE RUN N 25°59'27" W (PLAT) N 26°01'17" W (MEASURED) A DISTANCE OF 25.25 FEET; THENCE S 63°51'15" W A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 63°51'15" W A DISTANCE OF 4.00 FEET; THENCE N 26°01'17" W PARALLEL TO THE EASTERLY BOUNDARY LINE OF SAID LOT 12, BLOCK 2 A DISTANCE OF 49.00 FEET; THENCE N 63°51'15" E A DISTANCE OF 4.00 FEET; THENCE S 26°01'17" E A DISTANCE OF 49.00 FEET TO THE POINT OF BEGINNING. CONTAINING 196.00 SQ. FT. PREPARED BY: MYRON E. BARKER, 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 March 23, 2021** 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. 9: Copy of public hearing advertisement as published on March 8, 2021 see next page for full text.

Legal Notice Text

NOTICE FOR THE VACATING OF A PORTION OF A 10.00 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, PLAT OF "TWIN LAKES AT SUNTREE, FIRST ADDITION" IN SECTION 14, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE, FL

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