

Resolution 2021 - \_\_\_\_\_

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

THEREFORE BE IT RESOLVED that said public utility easements are 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 4<sup>th</sup> day of May, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

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

\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on:  
May 4, 2021

# Brevard County Property Appraiser Detail Sheet

Account 3005127

Owners Southard, Barry; Gallo, Valerie

Mailing Address 3825 12<sup>th</sup> St Micco FL 32976

Site Address 946 Pecan Cir Barefoot Bay FL 32976

Parcel ID 30-38-10-JU-117-5

Property Use 0020 – Vacant Mobile Home Site (Platted)

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 0.09

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 Lot 5 Blk 117

## VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$14,000	\$13,000	\$13,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$5,290	\$4,810	\$4,380
Assessed Value School	\$14,000	\$13,000	\$13,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$5,290	\$4,810	\$4,380
Taxable Value School	\$14,000	\$13,000	\$13,000

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
09/25/2020	\$13,900	XD	Vacant	8868/2019
12/08/2010	--	QC	Improved	6297/0057
06/30/1996	\$29,900	WD	--	3587/2232

Fig. 1: Copy of Property Appraiser's detail sheet for lot 5, block 117, Barefoot Bay Unit Two Part Twelve, 946 Pecan Circle, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

# Brevard County Property Appraiser Detail Sheet

Account 3005128

Owners Southard, Barry; Gallo, Valerie

Mailing Address 3825 12<sup>th</sup> St Micco FL 32976

Site Address 948 Pecan Cir Barefoot Bay FL 32976

Parcel ID 30-38-10-JU-117-6

Property Use 0020 – Vacant Mobile Home Site (Platted)

Exemptions None

Taxing District 3400 - Unincorp District 3

Total Acres 0.09

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 Lot 6 Blk 117

## VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$14,000	\$13,000	\$13,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$14,000	\$13,000	\$13,000
Assessed Value School	\$14,000	\$13,000	\$13,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$14,000	\$13,000	\$13,000
Taxable Value School	\$14,000	\$13,000	\$13,000

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
02/19/2021	\$15,800	WD	Vacant	9024/1724
12/27/2017	\$13,000	WD	Vacant	8060/0563
07/29/2015	\$5,600	WD	--	7422/0861

Fig. 2: Copy of Property Appraiser's detail sheet for lot 6, block 117, Barefoot Bay Unit Two Part Twelve, 948 Pecan Circle, Barefoot Bay, FL 32976, Section 10, Township 30 South, Range 38 East, District 3

## Vicinity Map



Fig. 3: Map of Lots 5 & 6, Block 117, Barefoot Bay Unit Two, Part Twelve, 946 & 948 Pecan Circle, Barefoot Bay, FL 32976.

Valerie Gallo and Barry Southard – 946 & 948 Pecan Circle – Barefoot Bay, FL, 32976 – Lots 5 & 6, Block 117, plat of “Barefoot Bay Unit Two Part Twelve” – Plat Book 22, Page 79 – Section 10, Township 30 South, Range 38 East – District 3 – Proposed Vacating of portions of two 6.0 ft. Wide Public Utility Easements

## Aerial Map

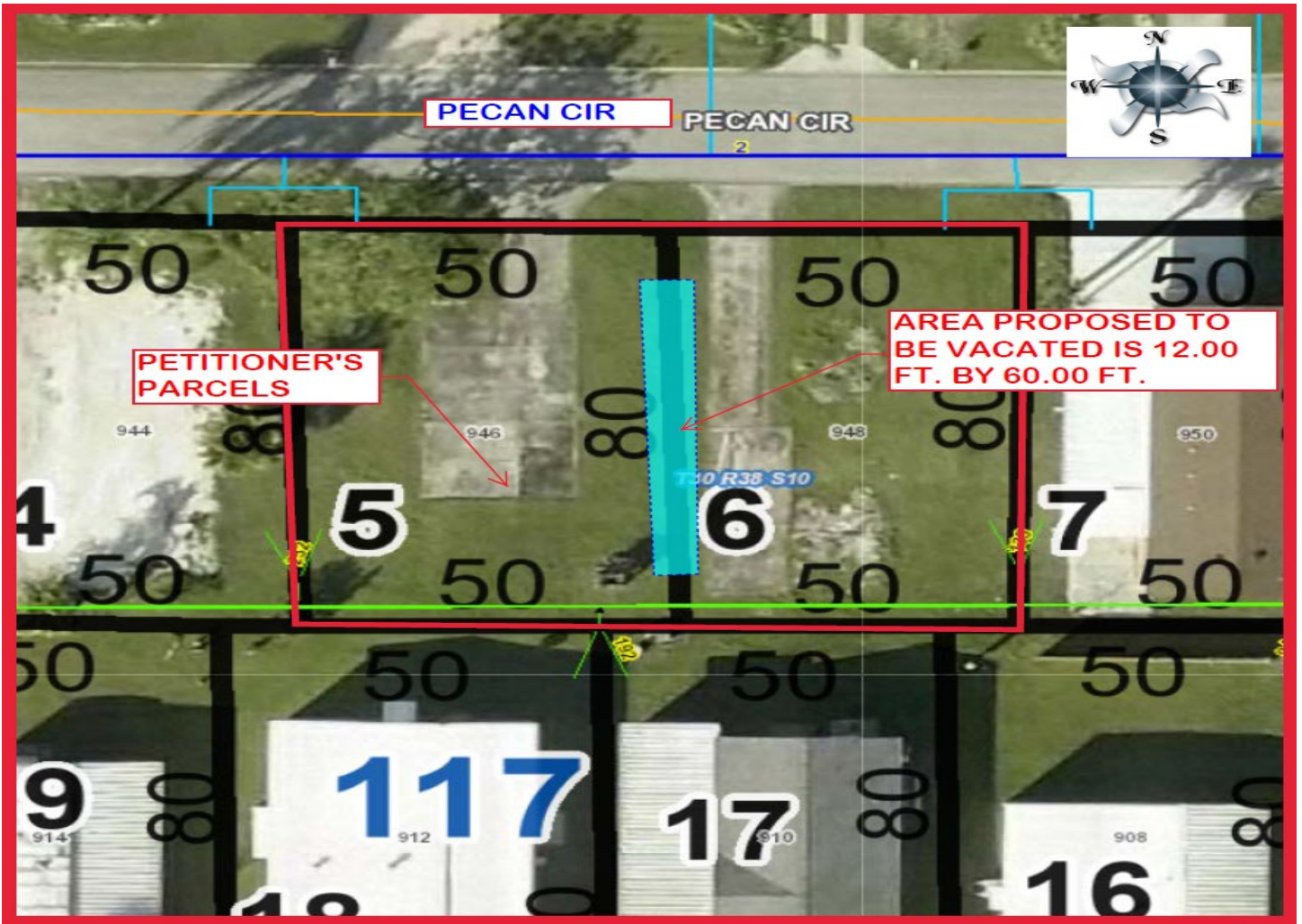


Fig. 4: Map of aerial view of Lots 5 & 6, Block 117, Barefoot Bay Unit Two, Part Twelve, 946 & 948 Pecan Circle, Barefoot Bay, FL 32976.

Valerie Gallo and Barry Southard – 946 & 948  
Pecan Circle – Barefoot Bay, FL, 32976 – Lots 5 &  
6, Block 117, plat of “Barefoot Bay Unit Two Part  
Twelve” – Plat Book 22, Page 79 – Section 10,  
Township 30 South, Range 38 East – District 3 –  
Proposed Vacating of portions of two 6.0 ft. Wide  
Public Utility Easements



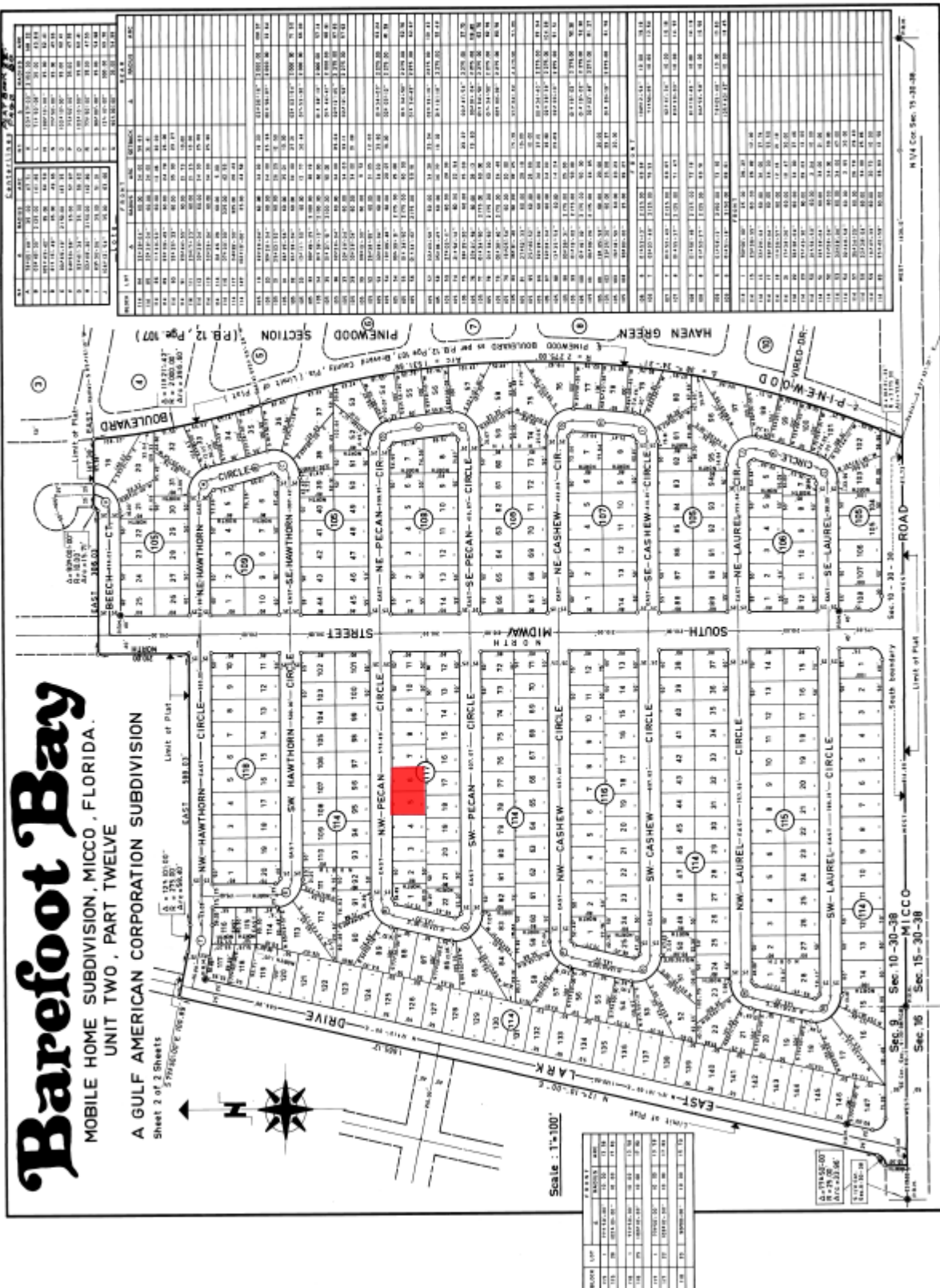


Fig. 5: Copy of plat map “Barefoot Bay” dedicated to Brevard County July 21, 1969.

# LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST  
PARCEL I.D. NUMBER: 30-38-10-JU-117-5  
PARCEL I.D. NUMBER: 30-38-10-JU-117-6

SHEET 1 OF 2  
NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## PURPOSE OF SKETCH AND DESCRIPTION:

TO VACATE TWO, 6' WIDE PUBLIC UTILITY EASEMENTS LYING ON BOTH  
SIDES OF THE COMMON LINE BETWEEN LOTS 5 AND 6, BLOCK 117.

LEGAL DESCRIPTION: THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE  
OF LOT 5 AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE  
OF LOT 6, BLOCK 117 ,  
LESS THE SOUTH 10.0 FEET AND LESS THE NORTH 10.0 FEET FOR UTILITIES.

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.

## SURVEYORS NOTES:

- 1) THE BEARING BASE FOR THIS SURVEY IS A PLATTED BEARING OF N90°00'00"W  
ALONG THE SOUTHERN RIGHT OF WAY OF PECAN 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 03/02/2021, DRAWING NUMBER 21-026

PREPARED FOR:

BARRY SOUTHARD  
VALERIE GALLO

DRAWN BY: C.J.C.  
DATE: 04/01/2021  
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  
772-913-5322  
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

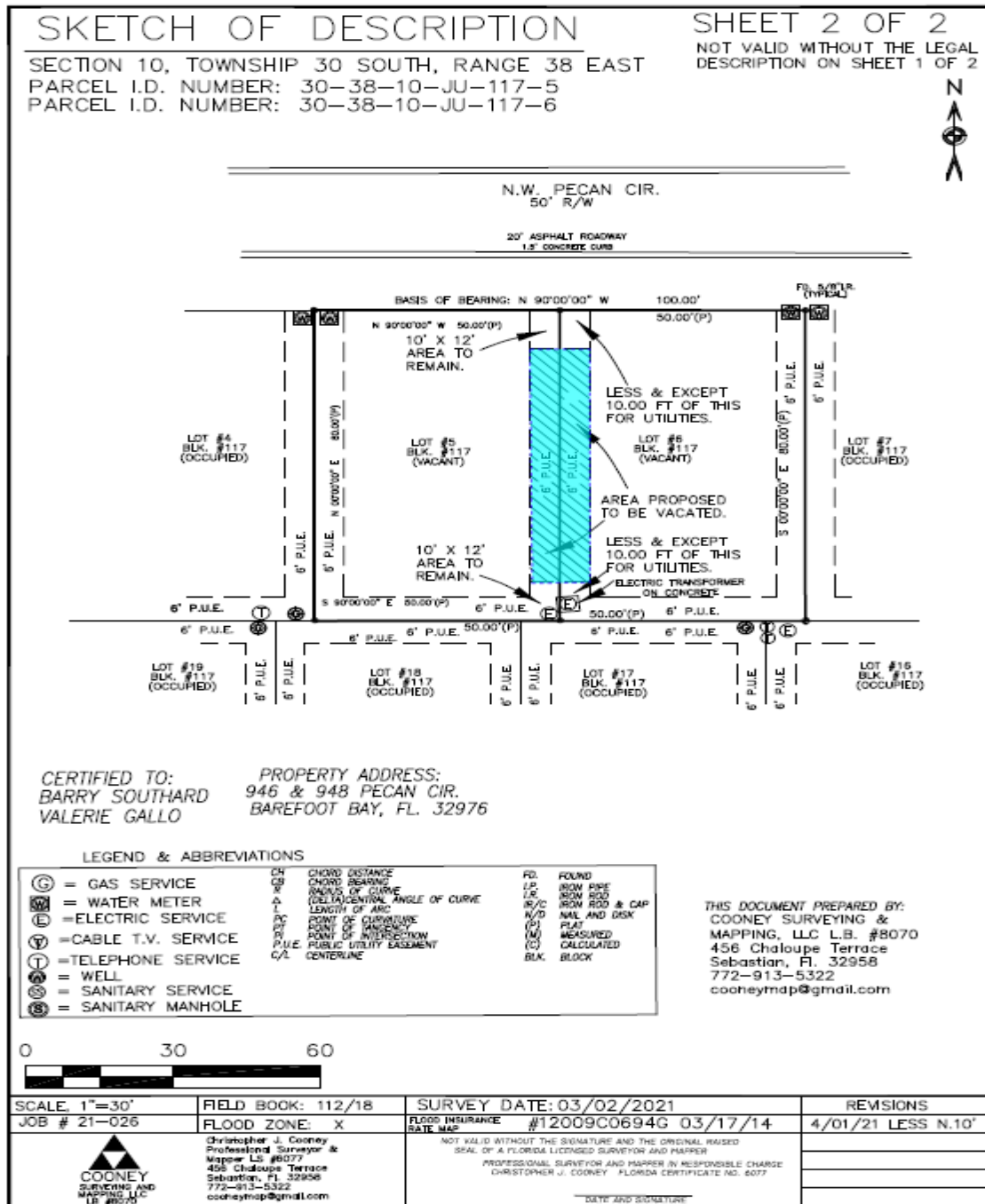


Fig. 7: Sketch of Description. Situated in Section 10, Township 30 South, Range 38 East, Parent Parcel: #30-38-10-JU-117-5&6. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates lots 5 & 6 that reside on N.W. Pecan Circle, Barefoot Bay, Florida. Two 6-foot public utility easements lying between lots 5 & 6. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 90°00'00" West 100.00'; East boundary South 00°00'00" East 80.00', South boundary – South 90°00'00" East 100.00'. Prepared by: Cooney Surveying & Mapping, LLC, FL LB# 8070. Project NO: 21-026.



## Comment Sheet

Applicant: Barry Southard and Valerie Gallo

Updated by: Amber Holley 20210414 at 930 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20210406	20210406	Yes	No objections
FL Power & Light	20210406	20210414	Yes	No objections
At&t	20210406	20210406	Yes	No objections
Charter/Spectrum	20210406	20210414	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20210406	20210406	Yes	No objections
Land Planning	20210406	20210412	Yes	No objections
Utility Services	20210406	20210406	Yes	No objections
Storm Water	20210406	20210409	Yes	No objections
Zoning	20210406	20210412	Yes	No objections

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

# Public Hearing Legal Advertisement

AD#4692008

04/19/2021

## **LEGAL NOTICE**

**NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY MOBILE HOME SUBDIVISION, 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 AND 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 5, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 6, BLOCK 117, LESS THE SOUTH 10 FEET FOR UTILITIES, AND LESS THE NORTH 10 FEET FOR UTILITIES, 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 960 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 **5:00 P.M. on May 4, 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 April 19, 2021 see next page for full text.

## Legal Notice Text

### LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF TWO 6.0 FT. WIDE PUBLIC UTILITY EASEMENTS, PLAT OF "BAREFOOT BAY MOBILE HOME SUBDIVISION, UNIT TWO PART TWELVE" IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BAREFOOT BAY, FL

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THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE EASTERLY LINE OF LOT 5, AND THE 6.00 FOOT PUBLIC UTILITY EASEMENT LYING ALONG THE WESTERLY LINE OF LOT 6, BLOCK 117, LESS THE SOUTH 10 FEET FOR UTILITIES, AND LESS THE NORTH 10 FEET FOR UTILITIES, 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 720 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 5:00 P.M. on May 4, 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.

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TE BENCHMARK #1  
MAIL C/L CURB  
ELEVATION :49.57  
(ASSUMED DATUM)

SITE BENCHMARK #2  
SET NAIL C/L CURB  
ELEVATION :49.45  
(ASSUMED DATUM)

N.W. PECAN CIR.  
X49.82 50' R/W

20' ASPHALT ROADWAY  
1.5' CONCRETE CURB

CONCRETE DRIVEWAY

CONCRETE WALK

STEPS 4'X4'

6'X4' CONC.

PROPOSED MANUFACTURED HCME

RAISED SCREENED PORCH

LOT #5  
BLK. #117  
(VACANT)

LOT #6  
BLK. #117  
(VACANT)

LOT #7  
BLK. #117  
(OCCUPIED)  
FFE: 54.0

LOT #16  
BLK. #117  
(OCCUPIED)

LOT #17  
BLK. #117  
(OCCUPIED)

LOT #18  
BLK. #117  
(OCCUPIED)

10' X 12' AREA TO REMAIN.

LESS & EXCEPT 10.00 FT OF THIS FOR UTILITIES.

ELECTRIC TRANSFORMER ON CONCRETE

PORTION OF EASEMENTS TO BE ABANDONED

AREA TO BE VACATED

EASEMENT TO REMAIN

SOUTH MIDWAY ST. (80' R/W)