



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2175, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Public Utility & Drainage Easement - 200 Cadiz Court - "Villa De Palmas Unit No. 4" Plat Book 25, Page 120 - Merritt Island - Jared F. and Susanne H. Maher - District 2

### **Fiscal Impact:**

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacating's.

### **Dept/Office:**

Public Works Department - Surveying & Mapping

### **Requested Action:**

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility and drainage easement along the rear line of Lot 27, Block G, "Villa De Palmas Unit No. 4" in Section 14, Township 24 South, Range 36 East. If approved, it is requested that the Board authorize the Chairman to sign the attached Resolution approving the vacating.

### **Summary Explanation and Background:**

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. This is a revised Agenda item from the public hearing held on October 6, 2020 where the Board requested a continuance of Legistar item number 2143. The petitioners' own Lot 27, Block G, and are requesting the vacating of a portion of a 5.00 ft. wide public utility and drainage easement along the rear line of lot 27 to allow for the existing deck to be removed as an encroachment. The easement to be vacated is roughly 43 square feet. The property is located in Merritt Island South of Highway 528 and East of N. Courtenay Pkwy.

On September 21, 2020, the legal notice was advertised in Florida TODAY informing the public of the date a public hearing would be held to consider the vacating. All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received.

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### **Clerk to the Board Instructions:**

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in sequence includes the approved/signed resolution, the proof of publication of the public hearing notice and the proof of publication of the adopted resolution notice.