



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 6488, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Public Utility and Drainage Easement- 4283 Turtle Mound Road - "Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two" Plat Book 37, Page 98-100 - Melbourne - Ronald M. Robin, Jr. - District 4

### **Fiscal Impact:**

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

### **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, "Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two" in Section 35, Township 26 South, Range 36 East. If approved, it is requested that the Board authorize the Chair 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 for the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns Lot 758 and is requesting the vacating of a portion of a 10.00 ft. wide public utility and drainage easement on Lot 758 to allow for the existing garage to remain and be removed as an encroachment. The easement to be vacated contains 189.00 square feet, more or less. The property is located in Melbourne South of Pineda Blvd. and East of Highway I-95.

On December 24, 2023, 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.