



DATE: March 6, 2025

CASE #: VE-2-2025

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Vacation of Easement is requested to vacate the West 10 feet of the East 20-foot Public Utilities & Drainage Easement, less the North and South 6-foot Public Utilities & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 15, Block 1500, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22 - 33, of the Public Records of Brevard County, Florida. For the construction of a swimming pool in the backyard.

**LOCATION:** 2473 Hagoplan Avenue SW  
(Lot 15, Block 1500, Port Malabar Unit 31)

**APPLICANT:** David B Kleist II

## **SITE DATA**

**PRESENT ZONING:** SRE – Suburban Residential Estate

**AREA OF VACATING:** 680 square feet, more or less

|                        |          |   |
|------------------------|----------|---|
| <b>ADJACENT ZONING</b> | <b>N</b> | SRE – Suburban Residential Estate                     |
| <b>&amp; LAND USE:</b> | <b>E</b> | Melbourne-Tillman Water Control District Canal No. 14 |
|                        | <b>S</b> | SRE – Suburban Residential Estate                     |
|                        | <b>W</b> | SRE – Suburban Residential Estate                     |

**STAFF ANALYSIS:**

Vacation of Public Utilities and Drainage Easement of a portion of Lot 15, Block 1500, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22 – 33, of the Public Records of Brevard County, Florida, and being more particularly described as follows: The West 10.00 feet of the East 20.00 foot wide Public Utilities and Drainage Easement, less and except the North and South 6.00 foot wide side easements thereof, lying within said Lot 15, Block 1500. Containing 680 square feet or 0.016 acres, more or less. For the construction of a swimming pool in the backyard.

Florida Power and Light, AT&T, Spectrum, and Melbourne-Tillman have no objections to the vacating request.

The City of Palm Bay's Departments have the following comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 10 feet, along Melbourne-Tillman Water Control District (MTWCD) owned canals, if there are no obvious issues of conflict.

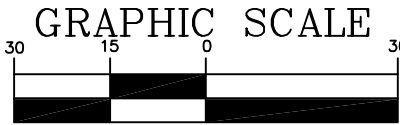
Staff has no adverse comments regarding removal of the West 10 feet of the East 20-foot Public Utilities & Drainage Easement, less the North and South 6-foot Public Utility & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 15, Block 1500, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22 - 33, of the Public Records of Brevard County, Florida. For the construction of a swimming pool in the backyard.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement.

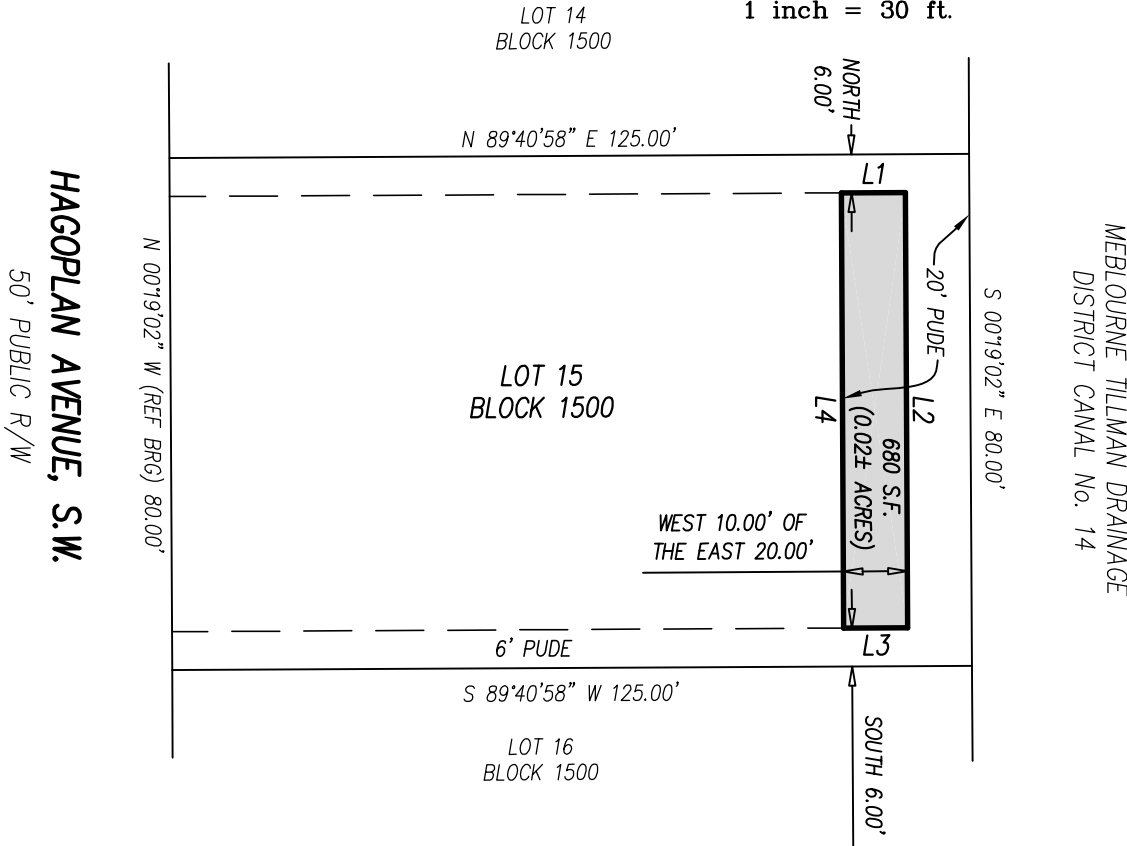
SKETCH OF DESCRIPTION

PURPOSE: PARTIAL VACATION OF EASEMENT



( IN FEET )  
1 inch = 30 ft.

EXHIBIT "A"  
NOT A SURVEY



| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | N89°40'58"E | 10.00' |
| L2         | S00°19'02"E | 68.00' |
| L3         | S89°40'58"W | 10.00' |
| L4         | N00°19'02"W | 68.00' |



LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

A PORTION OF A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 15, BLOCK 1500, PORT MALABAR UNIT THIRTY ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGES 22-33, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST 10.00 FEET OF THE EAST 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE NORTH AND SOUTH 6.00 FOOT WIDE SIDE EASEMENTS THEREOF LYING WITH SAID LOT 15, BLOCK 1500. CONTAINING 680 SQUARE FEET (0.02 ACRES) MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE EAST R/W LINE BEING N 00°19'02" W (SEE SKETCH)
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL, OR THE DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGEND:

BRG = BEARING  
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT  
REF = REFERENCE  
R/W = RIGHT OF WAY  
S.F. = SQUARE FEET

PREPARED FOR AND CERTIFIED TO:  
DAVID KLEIST

10/21/2024 | 11:27 AM PDT

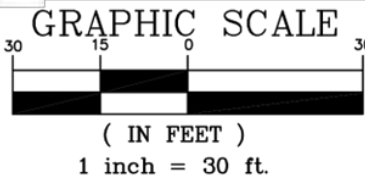
PREPARED BY: **Kane Surveying, Inc.**  
FLORIDA LICENSED BUSINESS No. LB 7838  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 676-0427

Joel Seymour  
JOEL A. SEYMOUR, LS 6133  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

|                |                        |            |       |
|----------------|------------------------|------------|-------|
| DRAWN BY: JED  | PROJECT NO. 31117      | REVISIONS: | DATE: |
| DATE: 10/17/24 | DRAWING: PM31/L14B1500 |            |       |

# SKETCH OF DESCRIPTION

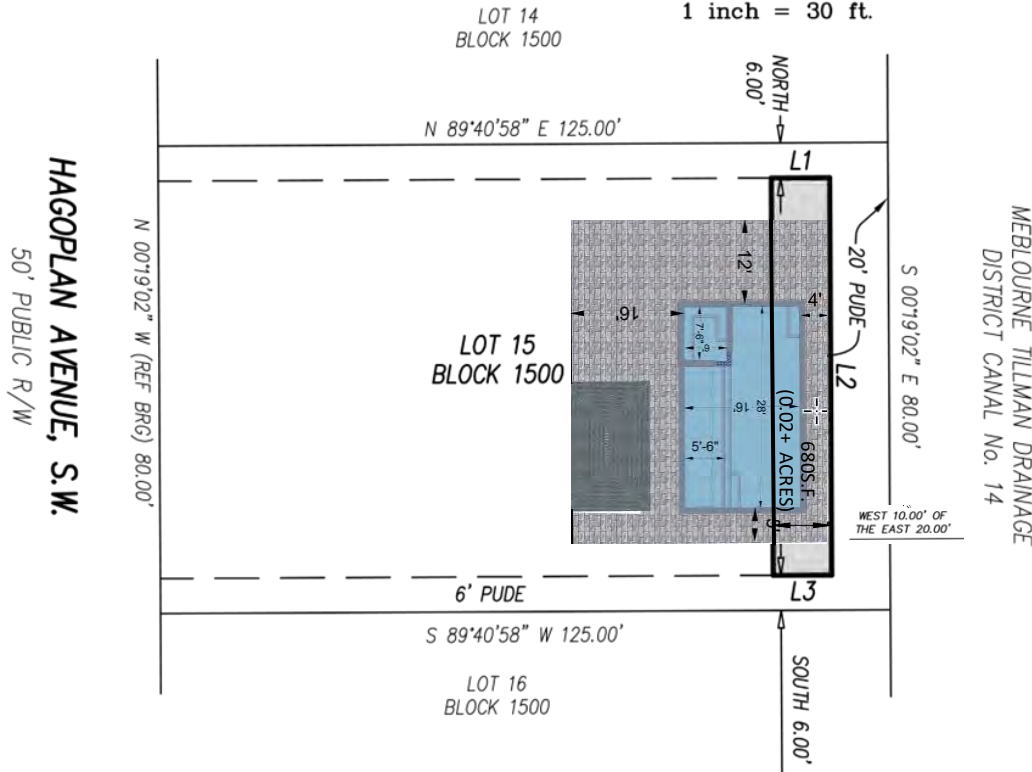
PURPOSE: PARTIAL VACATION OF EASEMENT



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PREPARED FOR AND CERTIFIED TO:  
DAVID KLEIST

10/21/2024 | 11:27 AM PDT

PREPARED BY: **Kane Surveying, Inc.**  
FLORIDA LICENSED BUSINESS No. LB 7838  
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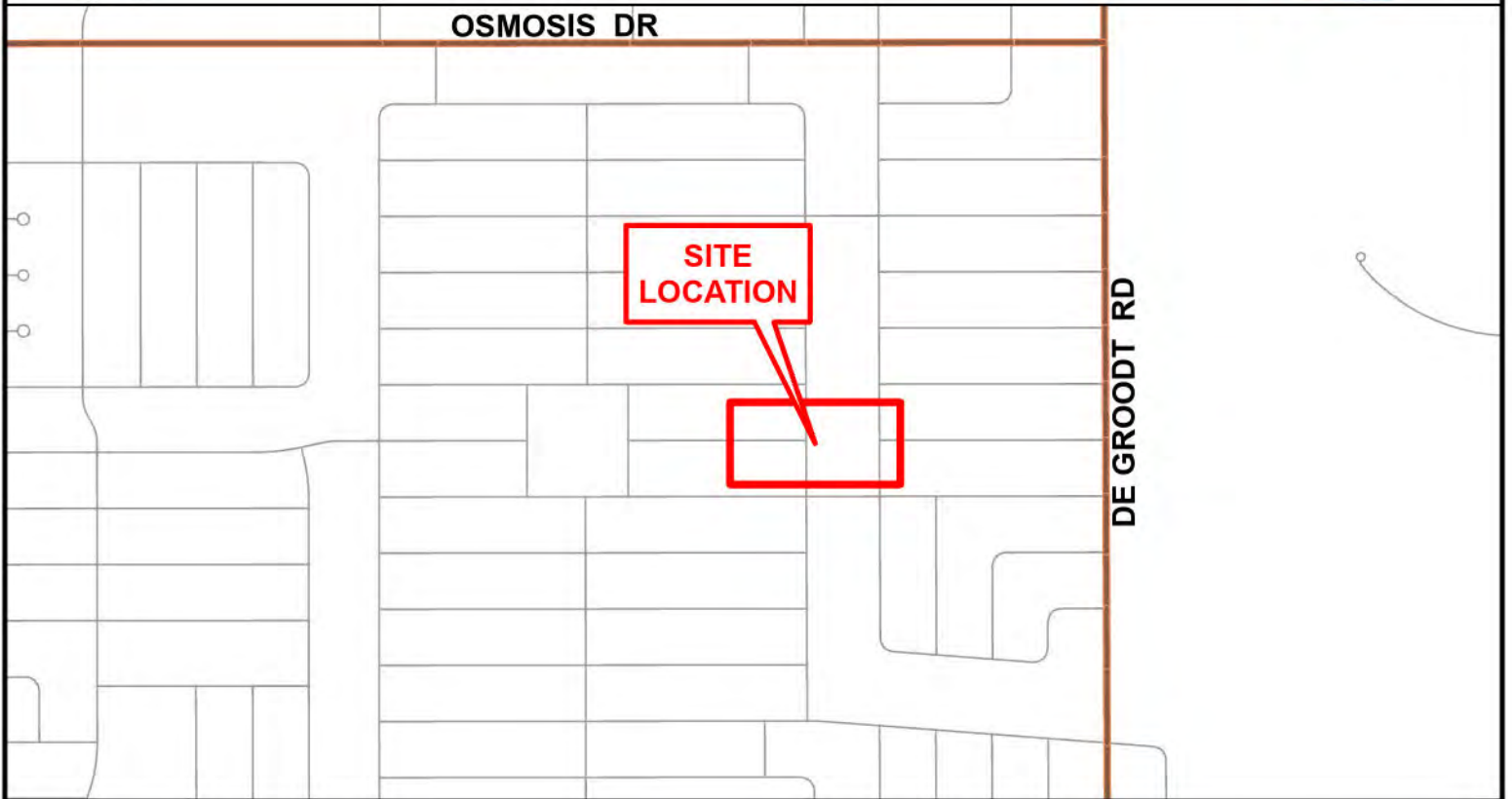
*Joel Seymour*

JOEL A. SEYMOUR, LS 6133  
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|                |                        |            |       |
|----------------|------------------------|------------|-------|
| DRAWN BY: JED  | PROJECT NO. 31117      | REVISIONS: | DATE: |
| DATE: 10/17/24 | DRAWING: PM31/L14B1500 |            |       |



# LOCATION MAP

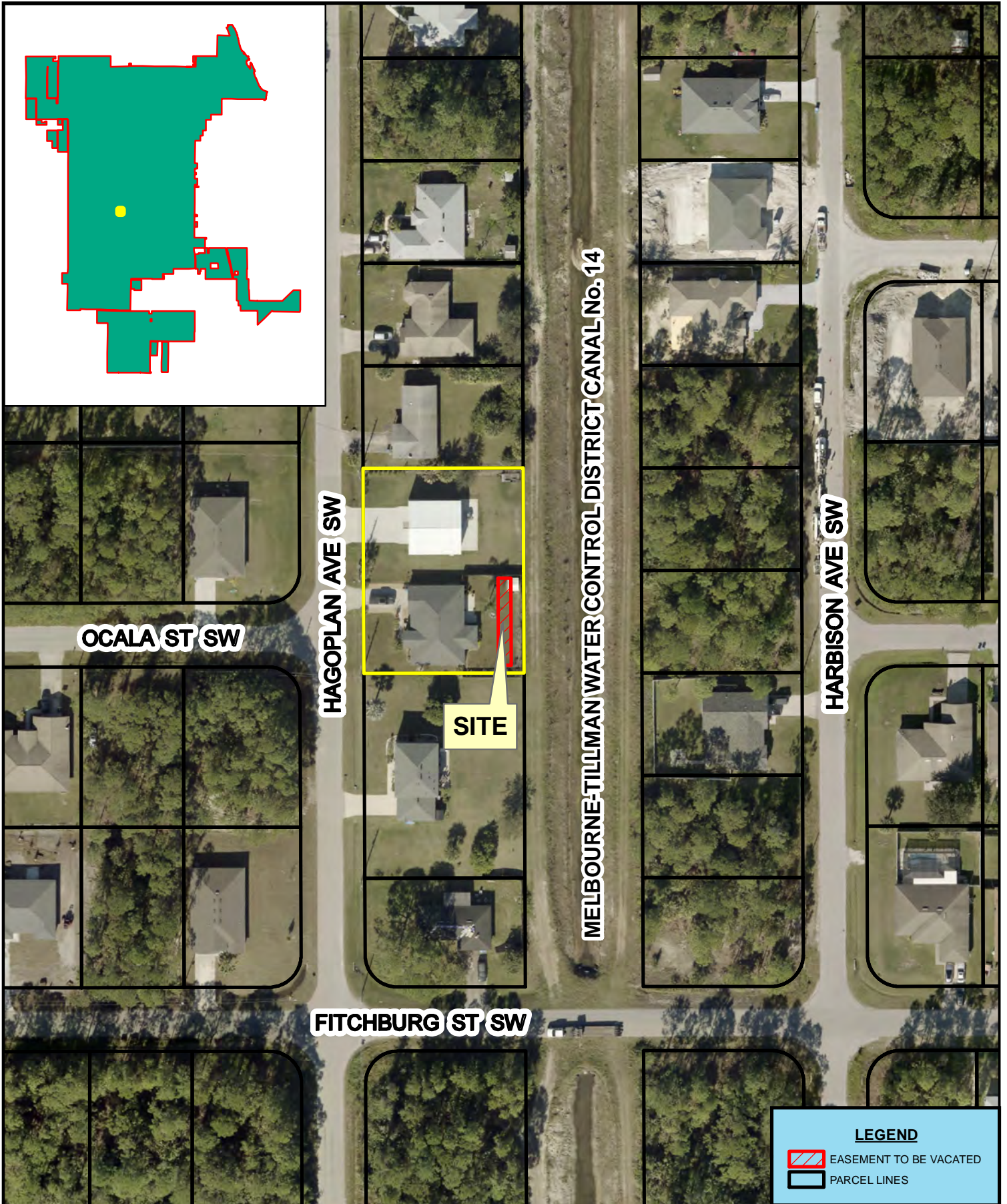


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on January 24, 2025.

## VE-2-2024

0 25 50 100 Feet  
1 Inch = 100 Feet





Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on January 24, 2025.

# LOCATION MAP

## VE-2-2025

0 25 50 100  
Feet  
1 inch = 100 feet



Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

# **AFFIDAVIT OF PUBLICATION**

Richard "Scott" Dexter Public Works Department  
Scott Dexter  
City of Palm Bay Public Works Dept.  
1050 Malabar Rd. SW  
Palm Bay FL 32907

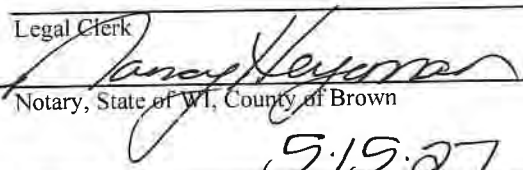
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

02/10/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/10/2025

Legal Clerk  
  
Notary, State of WI, County of Brown  
5.15.27

My commission expires

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**NANCY HEYRMAN**  
**Notary Public**  
**State of Wisconsin**

Ad#11022346 02/10/2025

**CITY OF PALM BAY, FLORIDA**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that City Council of the City of Palm Bay will hold a public hearing on March 6, 2025, at 6:00 p.m. at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida to consider application requesting vacation of the following described properties:

**1. Case No. Vacating Easement -2-2025**

Vacation of Easement is requested to vacate the West 10 feet of the East 20-foot Public Utilities & Drainage Easement, less the North and South 6 foot Public Utilities & Drainage Easements, containing 680 square feet or 0.02 acres, more or less, of Lot 15, Block 1500, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22 - 33, of the Public Records of Brevard County, Florida. For construction of a swimming pool with decking in the back yard.

If an individual decides to appeal any decision made by City Council with respect to any matter considered at these meetings, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Christeen Sullivan  
Palm Bay Interim Public Works Director