



DATE: July 11, 2024

CASE #: VE-3-2024

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Vacation of Easement is requested to vacate the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida. For the encroachment of an existing concrete slab in the back easement.

**LOCATION:** 1275 Scottish Street SW  
(Lot 26, Block 1709, Port Malabar Unit 36)

**APPLICANT:** Stefani Jo Tennyson

## **SITE DATA**

**PRESENT ZONING:** RS-2 – Single-Family Residential

**AREA OF VACATING:** 120 square feet, more or less

<b>ADJACENT ZONING</b>	<b>N</b>	RS-2 – Single-Family Residential
<b>&amp; LAND USE:</b>	<b>E</b>	RS-2 – Single-Family Residential
	<b>S</b>	RS-2 – Single-Family Residential
	<b>W</b>	RS-2 – Single-Family Residential

**STAFF ANALYSIS:**

Vacation of Public Utility and Drainage Easement of a portion of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida, being the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less. For the encroachment of an existing concrete slab in the easement.

Florida Power and Light, AT&T, Florida City Gas, and Spectrum have no objections to the vacating request.

The City of Palm Bay's Departments have the following comments relating to the vacating request. The property owner hired a licensed contractor to build a concrete slab in the backyard. Said contractor applied for and was issued a permit from the City of Palm Bay. Contractor formed up the slab and called for a pre-pour inspection; city inspector approved the pre-pour inspection, not realizing the form boards were in the wrong place. Upon Final Inspection, it was discovered that a portion of the concrete slab had been poured within the easement. This vacate of easement request is to correct that error.

Staff has no adverse comments regarding removal of the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida, for the encroachment of a concrete slab in the back easement.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement.

LEGAL DESCRIPTION

PARENT PARCEL ID#: 29-36-03-KL-1709-26  
PURPOSE: VACATION OF EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

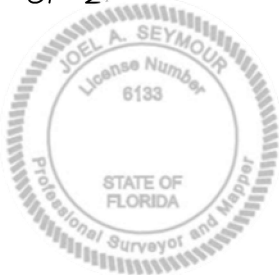
NOT VALID WITHOUT SHEET 2 OF 2  
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

THE SOUTH SIX FEET OF THE NORTH TEN FEET OF THE WEST TWENTY FEET OF THE EAST TWENTY THREE FEET OF LOT 26, BLOCK 1709, PORT MALABAR UNIT THIRTY SIX, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGES 82-94, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 120 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES:

- 1. BEARINGS BASED ON THE C/L OF SCOTTISH STREET BEING S89°39'05"W AS PER PLAT (SEE SKETCH)
- 2. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
- 3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.



5/7/2024 | 7:06 AM PDT

LEGEND:

- BRG = BEARING
- C/L = CENTERLINE
- ESMT = EASEMENT
- FT = FEET
- P.B. = PLAT BOOK
- PUDE = PUBLIC UTILITY AND DRAINAGE EASEMENT
- REF = REFERENCE
- R/W = RIGHT OF WAY
- SQ SQUARE

PREPARED FOR AND CERTIFIED TO:

GREEN HAMMER

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: JAS	CHECKED BY: JAS	PROJECT NO. 43305			SECTION 3 TOWNSHIP 29 SOUTH RANGE 36 EAST
		REVISIONS	DATE	DESCRIPTION	
DATE: 5/7/24	PM36/L26B1709				

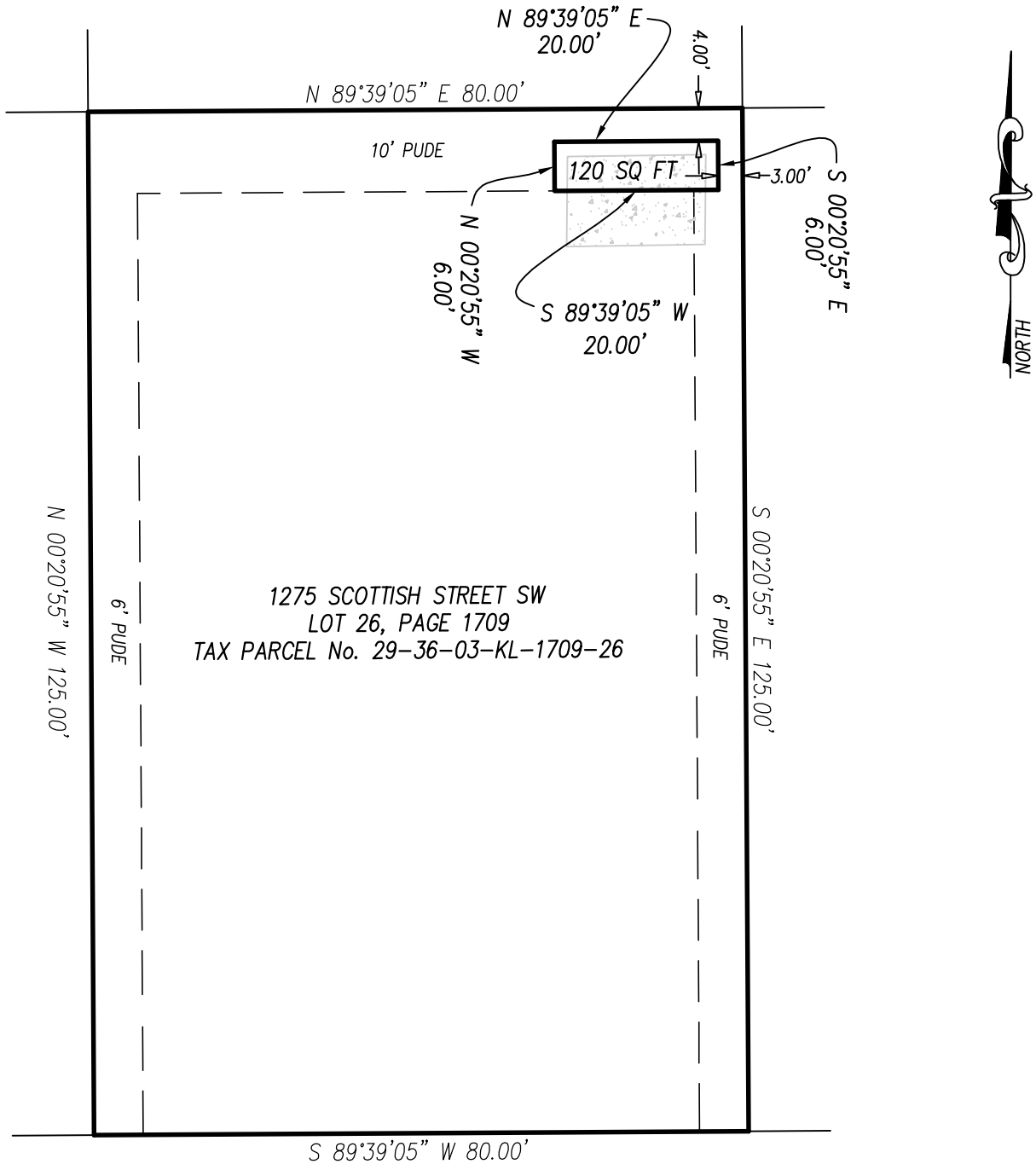
**SKETCH OF DESCRIPTION****THIS IS NOT A SURVEY****EXHIBIT ---**

SHEET 2 OF 2

PARENT PARCEL ID#: 29-36-03-KL-1709-26

NOT VALID WITHOUT SHEET 1 OF 2

PURPOSE: VACATION OF EASEMENT



S 89°39'05" W (REF BRG)

**SCOTTISH STREET, S.W.**

C/L

50' PUBLIC R/W

PREPARED BY:

**Kane Surveying, Inc.**

FLORIDA LICENSED BUSINESS No. LB 7838  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 676-0427

SCALE: 1 INCH = 20 FEET

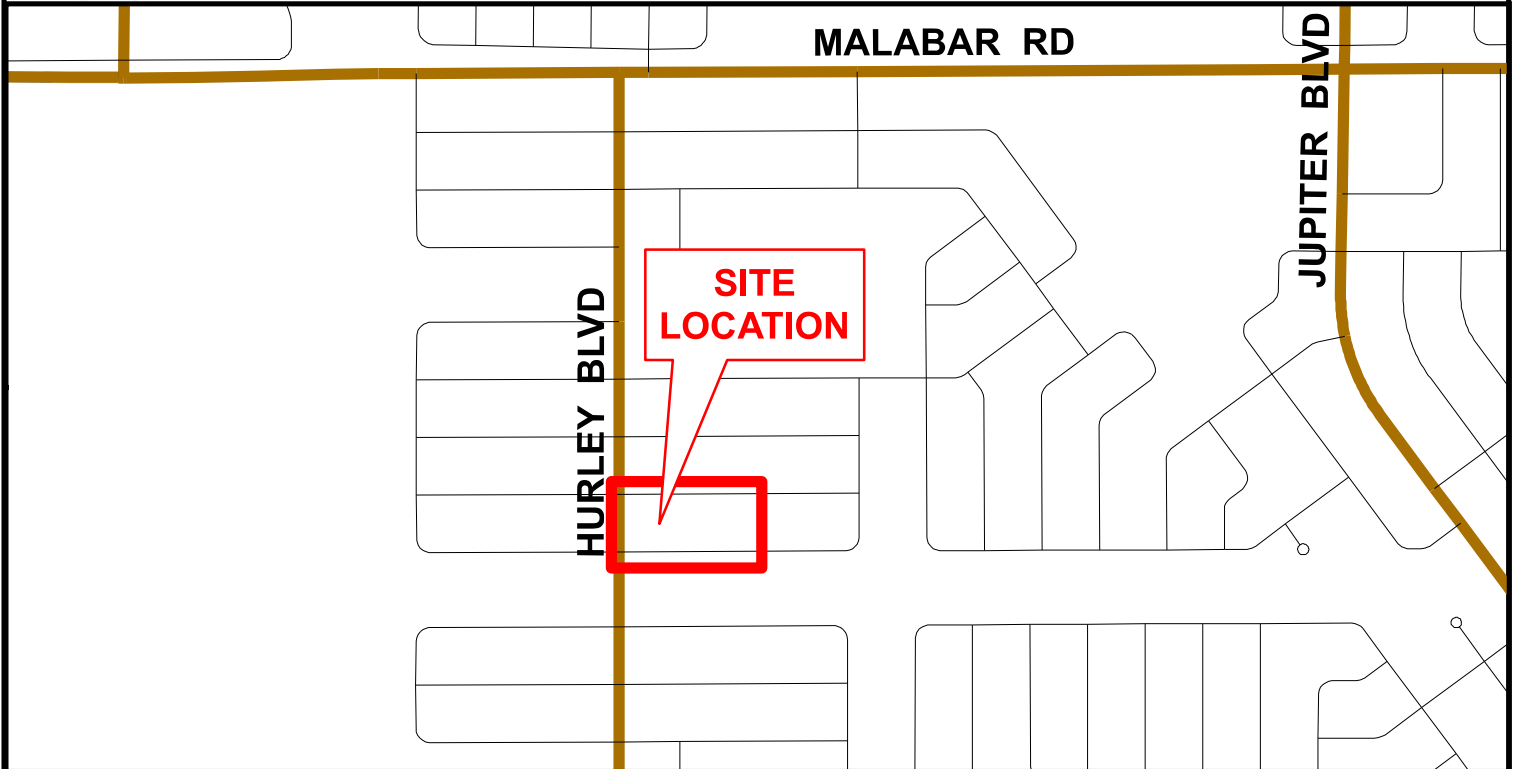
PROJECT NO.43305

SECTION 3

TOWNSHIP 29 SOUTH

RANGE 36 EAST

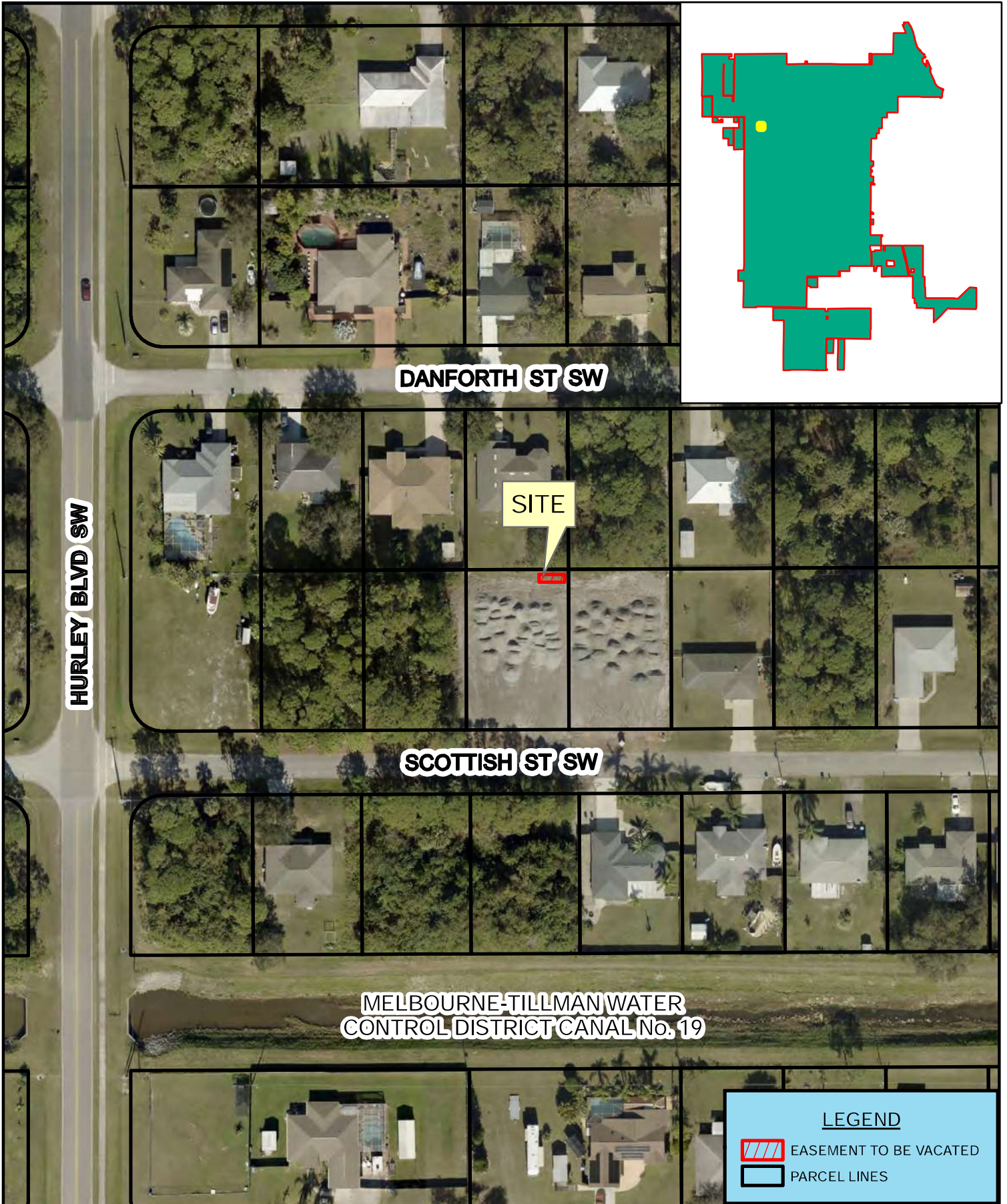
# LOCATION MAP



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 May 21, 2024.

## VE-3-2024

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 May 21, 2024.

## LOCATION MAP VE-3-2024

0 25 50 100  
Feet  
1 inch = 100 feet



# Order Confirmation

Not an Invoice

<b>Account Number:</b>	1127256
<b>Customer Name:</b>	City Of Palm Bay
<b>Customer Address:</b>	City Of Palm Bay 120 Malabar Rd Se attn: Accounts Payable Palm Bay FL 32907-3009
<b>Contact Name:</b>	Bonnie Hall
<b>Contact Phone:</b>	
<b>Contact Email:</b>	Bonnie.Hall@palmbayflorida.org
<b>PO Number:</b>	Case No 3-2024

<b>Date:</b>	05/30/2024
<b>Order Number:</b>	10230112
<b>Prepayment Amount:</b>	\$ 0.00

<b>Column Count:</b>	1.0000
<b>Line Count:</b>	43.0000
<b>Height in Inches:</b>	0.0000

## Print

Product	#Insertions	Start - End	Category
BRE Brevard Florida Today	1	06/04/2024 - 06/04/2024	Govt Public Notices
BRE floridatoday.com	1	06/04/2024 - 06/04/2024	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$91.01
Tax Amount	\$0.00
Service Fee 3.99%	\$3.63
Cash/Check/ACH Discount	-\$3.63
Payment Amount by Cash/Check/ACH	\$91.01
Payment Amount by Credit Card	\$94.64

<b>Order Confirmation Amount</b>	<b>\$91.01</b>
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## Ad Preview

ad# 10230112 6/4/2024

### 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 July 11 and July 18, 2024, 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 -3-2024

Vacation of Easement is requested to vacate the South 6 feet of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82 - 94, of the Public Records of Brevard County, Florida. For encroachment of an existing concrete slab in the back easement.

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.

Valentino Perez  
Palm Bay Public Works Director