



DATE: March 6, 2025

CASE #: VE-1-2025

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the North 10 feet of the South 20-foot Public Utilities & Drainage Easement, less the East and West 6-foot Public Utilities & Drainage Easements thereof, containing 1,080 square feet or 0.025 acres, more or less, of Lot 1, Block 2425, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3 - 23, of the Public Records of Brevard County, Florida. For the construction of a swimming pool deck extension in the backyard.

LOCATION: 706 Hunan Street NE
(Lot 1, Block 2425, Port Malabar Unit 45)

APPLICANT: Paul J. Cosentino and Wendy G. Cosentino

SITE DATA

PRESENT ZONING: RE – Estate Residential

AREA OF VACATING: 1,080 square feet, more or less

ADJACENT ZONING	N	RE – Estate Residential
& LAND USE:	E	RE – Estate Residential
	S	Melbourne-Tillman Water Control District Canal No. 1
	W	RE – Estate Residential

STAFF ANALYSIS:

Vacation of Public Utilities and Drainage Easement of a portion of Lot 1, Block 2425, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3 - 23, of the Public Records of Brevard County, Florida, and being more particularly described as follows: The North 10 feet of the South 20 feet of the Public Utilities and Drainage Easement, less the East 6 feet and the West 6 feet, thereof. Containing 1,080 square feet or 0.025 acres, more or less. For the construction of a swimming pool deck extension in the backyard.

Florida Power and Light, AT&T, Spectrum, Florida City Gas, 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 North 10 feet of the South 20-foot Public Utilities & Drainage Easement, less the East and West 6-foot Public Utilities & Drainage Easements thereof, containing 1,080 square feet or 0.025 acres, more or less, of Lot 1, Block 2425, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3 - 23, of the Public Records of Brevard County, Florida. For the construction of a swimming pool deck extension in the backyard.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement.

SKETCH & DESCRIPTION

SECTION 29, TOWNSHIP 28 SOUTH, RANGE 37 EAST
(NOT A BOUNDARY SURVEY)

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

LEGAL DESCRIPTION:

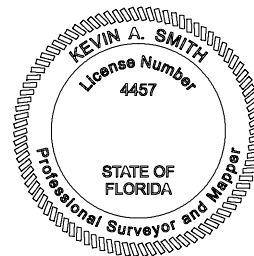
A PORTION OF LOT 1, BLOCK 2425, "PORT MALABAR UNIT FORTY FIVE" AS RECORDED IN PLAT BOOK 22, PAGES 3-23, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10 FEET OF THE SOUTH 20 FEET OF THE PUBLIC UTILITY AND DRAINAGE EASMENT, LESS THE EAST 6 FEET AND THE WEST 6 FEET, THEREOF.

CONTAINING 1080 SQUARE FEET, MORE OR LESS.

SURVEYORS NOTES:

1. SEE BOUNDARY SURVEY



PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
Phone (321)724-2940 Fax(321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

KEVIN A. SMITH — FLORIDA CERTIFICATE NO. 4457
(NOT VALID UNLESS SIGNED AND SEALED)

PREPARED FOR: PAUL COSENTINO

DRAWN BY: A. TEJADA

CHECKED BY: KAS

DRAWING NO. 24-1388

SECTION 29

DATE: NOV. 18, 2024

SHEET 1 OF 2

REVISIONS

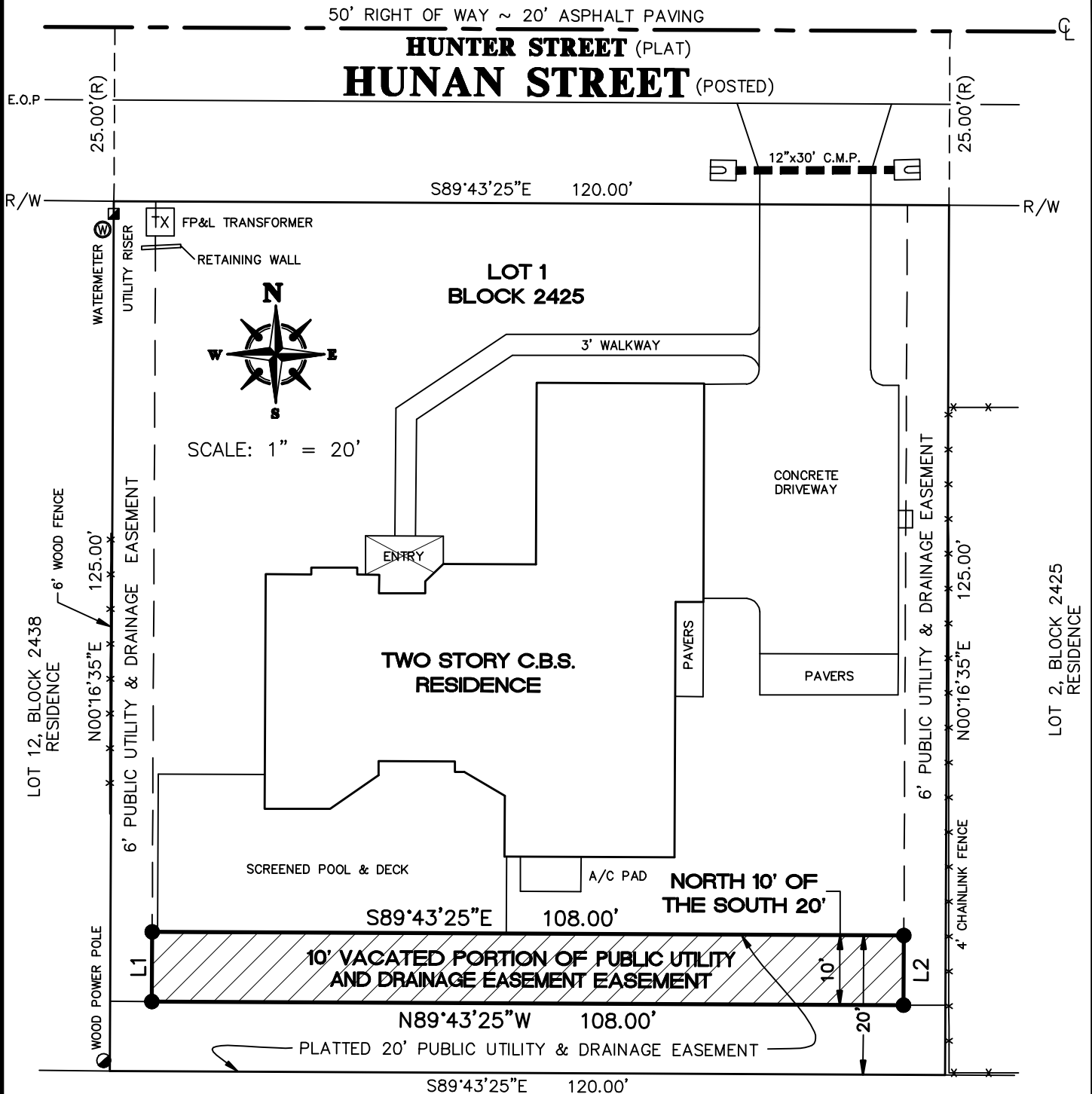
TOWNSHIP 28 SOUTH

RANGE 37 EAST

SKETCH & DESCRIPTION

SECTION 29, TOWNSHIP 28 SOUTH, RANGE 37 EAST
(NOT A BOUNDARY SURVEY)

SHEET 2 OF 2
NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2



MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 1

LINE DATA:
L1: N00°16'35"E 10.00'
L2: S00°16'35"W 10.00'

PREPARED BY:

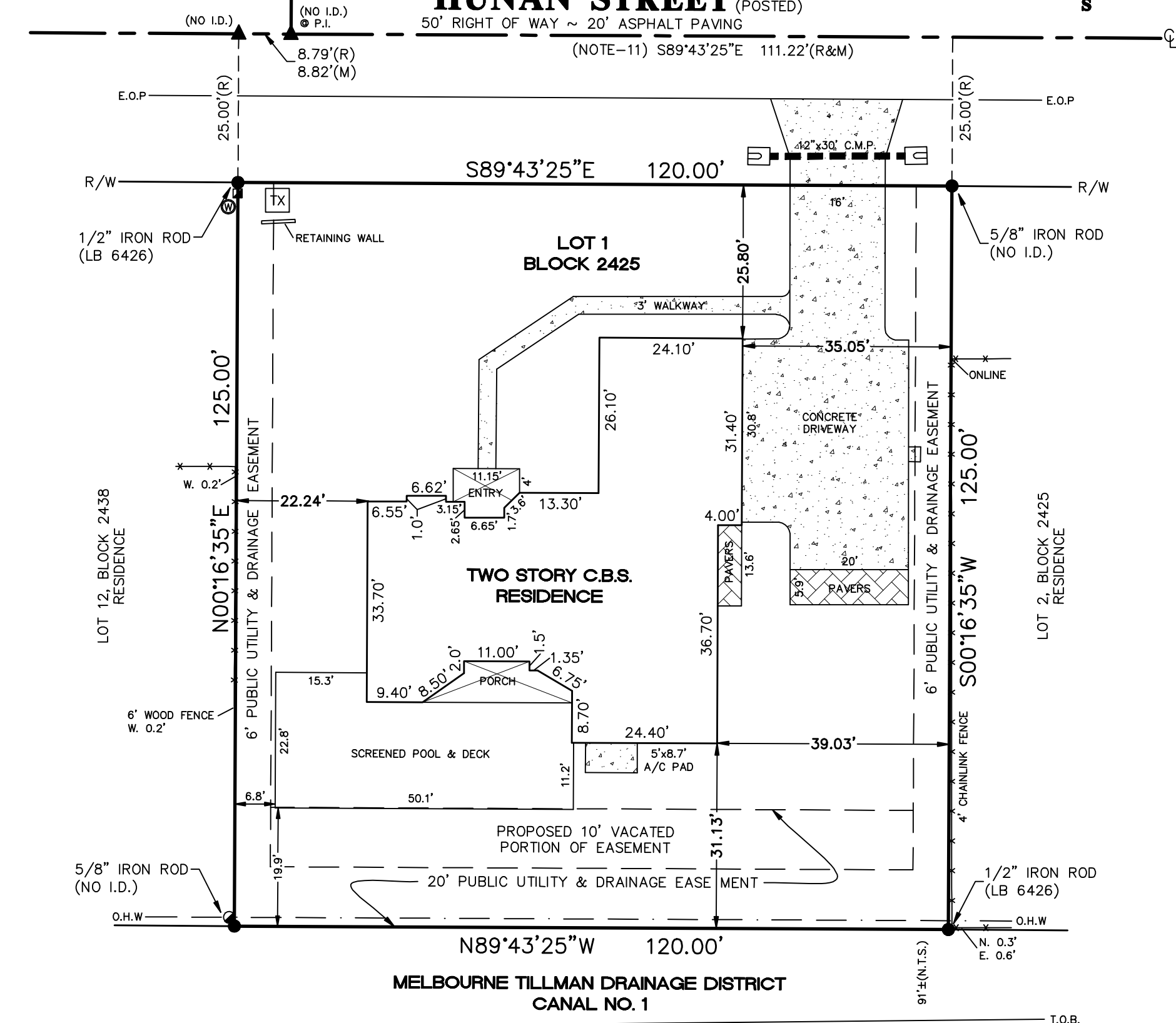


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Phone (321)724-2940 Fax(321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

DRAWING NO. 24-1388

MINA AVENUE
50' RIGHT OF WAYMAP OF SURVEY
CERTIFICATE OF AUTHORIZATION L.B. 7426ACCORDING TO MAP NO.
12009C0594 G, DATED MARCH
17, 2014, THIS PROPERTY LIES
IN FLOOD ZONE "X".HUNTER STREET (PLAT)
HUNAN STREET (POSTED)
50' RIGHT OF WAY ~ 20' ASPHALT PAVING

(NOTE-11) S89°43'25"E 111.22'(R&M)

MELBOURNE TILLMAN DRAINAGE DISTRICT
CANAL NO. 1PROPERTY ADDRESS: 706 HUNAN STREET NE
PALM BAY, FLORIDA 32907

CERTIFIED TO: PAUL COSENTINO

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP © COPYRIGHT 2024
SMITH & ASSOCIATES, SURVEYING AND MAPPING, INC. NOT VALID WITHOUT
THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYORS NOTES:

- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ADJOINING DEEDS, RIGHT-OF-WAY, RESERVATION, AGREEMENTS AND/OR EASEMENTS OF RECORD. SUCH INFORMATION, IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION.
- ADJOINERS SHOWN HAVE NOT BEEN SURVEYED.
- DRAWINGS ARE NOT TO BE RELIED UPON FOR SCALE PURPOSES.
- ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF AND ARE IN ACCORDANCE WITH THE STANDARDS OF THE UNITED STATES (CHAPTER 5J17-6.003(1)(B) F.A.C.).
- PURSUANT TO FLORIDA LAW (F.A.C. 5J17-6.003(17)) THIS SURVEY IS BASED ON A CLOSED TRAVERSE.
- USE ONLY PROPERTY CORNERS FOR CONSTRUCTION OF FENCES AND OTHER IMPROVEMENTS.
- ONLY OPEN AND NOTORIOUS EVIDENCE OF EASEMENTS AND RIGHT-OF-WAYS ARE LOCATED AND SHOWN HEREON. THE SURVEYOR HAS NOT LOCATED ANY UNDERGROUND UTILITIES OR FOUNDATIONS WHICH MAY ENCROACH.
- LEGAL DESCRIPTION AS SHOWN WAS PROVIDED BY CLIENT.
- ELEVATIONS BASED ON 50.00' ASSUMED AT N/A
- ELEVATIONS BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929 (PARENT B.M. N/A ELEVATION N/A) AND ARE EXPRESSED IN FEET AND DECIMAL THEREOF.
- BEARINGS BASED ON CENTERLINE OF HUNAN STREET BEING S89°43'25"E (ASSUMED)
- PLOT PLANS ARE NOT TO BE USED FOR CONSTRUCTION LAYOUT PURPOSES.
- LOT DIMENSIONS AND BEARINGS ARE RECORD AND MEASURED UNLESS OTHERWISE NOTED.
- SEPTIC TANKS AND WELLS IF SHOWN ARE APPROXIMATE LOCATIONS AND SHOULD BE FIELD VERIFIED BY CONTRACTOR FOR CORRECT POSITION AND SEPARATION.
- NORTH ARROW AS SHOWN DOES NOT REPRESENT TRUE NORTH OR GRID NORTH, IT IS FOR APPROXIMATE POSITION ONLY.
- ALL RIGHT-OF-WAYS, ALLEYS, DIRT ROADS, AND ASPHALT ROADS IF SHOWN ARE "OPEN TO TRAVEL" BOTH BY FOOT AND VEHICLE UNLESS OTHERWISE NOTED BY (CLOSED TO TRAVEL).
- SETBACKS AS SHOWN ON PLOT PLANS WERE PROVIDED BY CONTRACTOR.
- HORIZONTAL FEATURE ACCURACY: TOPOGRAPHIC LAND FEATURES (SIGNS, INLETS, VALVES, MAILBOXES, POWER POLES, DRIVEWAYS, CULVERTS, AND SIMILAR FEATURES) HAVE A HORIZONTAL FEATURE ACCURACY OF PLUS OR MINUS 0.25 FEET.
- VERTICAL FEATURE ACCURACY: ELEVATIONS ON THE SITE (GROUND, PAVEMENT, INLETS, ETC.) HAVE A VERTICAL FEATURE ACCURACY OF PLUS OR MINUS 0.10 FEET.
- THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
- THE EXPECTED USE OF THE LAND IS RESIDENTIAL. THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET WHICH WAS MET IN THE CASE OF THIS SURVEY.
- ALL "PROPOSED" IMPROVEMENTS SHOWN HEREON ARE NOT "AS-BUILT". ALL CONSTRUCTION PERFORMED ACCORDING TO THE "PROPOSED" INFORMATION SHOWN HEREON IS SUBJECT TO BEING APPROVED BY THE APPLICABLE AUTHORIZING AGENCIES. THE CLIENT IS RESPONSIBLE FOR COMPARING THE "PROPOSED" INFORMATION AS SHOWN, WITH THE "FINAL APPROVED FOR CONSTRUCTION" DOCUMENTATION PRIOR TO AUTHORIZING ANY LAYOUT WORK.

LEGEND:

S.B.M. = SITE BENCH MARK
P.C.P. = PERMANENT CONTROL POINT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.T. = POINT OF TANGENCY
P.R.M. = PERMANENT REFERENCE MONUMENT
R.P. = RADIUS POINT
P.C. = POINT OF CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
P.R.C. = POINT OF REVERSE CURVATURE
D = DELTA (CENTRAL ANGLE)
R = RADIUS
A = ARC
T = TANGENT
(R) = RECORD
(M) = MEASURED
(C) = CALCULATED
(D) = DEED
NO I.D. = NO IDENTIFICATION
C.B.S. = CONCRETE BLOCK & STUCCO
F.P. & L. = FLORIDA POWER AND LIGHT
RES. = RESIDENCE
PROP. = PROPOSED
TX = TRANSFORMER
CONC. = CONCRETE (TYP.) = TYPICAL
APPROX. = APPROXIMATE
E.O.P. = EDGE OF PAVEMENT
T.O.S. = APPROX. TOE OF SLOPE
E.O.W. = APPROX. EDGE OF WATER

B.S.L. = BUILDING SETBACK LINE
T.O.B. = APPROX. TOP OF BANK
N.T.S. = NOT TO SCALE
O/S = OFFSET
L.F.E. = LOWEST FLOOR ELEVATION
G.F.E. = GARAGE FLOOR ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
D.B. = DEED BOOK
PG. = PAGE
P.V.C. = POLYVINYL CHLORIDE
C.M.P. = CORRUGATED METAL PIPE
R.C.P. = REINFORCED CONCRETE PIPE
C.P.P. = CORRUGATED PLASTIC PIPE
INV. = INVERT EL. = ELEVATION
F.Z.L. = FLOOD ZONE LINE
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
C = CLEANOUT
W = WATER METER
E = ELECTRIC METER/HANDHOLE
SS = SANITARY SEWER MANHOLE
ST = STORM SEWER MANHOLE
TH = TELEPHONE MANHOLE/HANDHOLE
T = TELEPHONE RISER
C = CABLE TELEVISION RISER

⊗ = GAS VALVE
⊗ = RECLAIM WATER METER
⊗ = GAS SERVICE
⊗ = WATER VALVE IN 2'x 2' CONC.
⊗ = WATER VALVE
⊗ = FIRE HYDRANT
⊗ = POWER POLE
⊗ = GUY ANCHOR
⊗ = FENCE
⊗ = OVERHEAD WIRE (O.H.W.)
⊗ = APPROXIMATE SEPTIC TANK
⊗ = UNDER MAIN ROOF
⊗ = WELL
⊗ = IRON MARKER FOUND - SEE DESCRIPTION
⊗ = 1/2" IRON ROD WITH PLASTIC CAP MARKED "K.A. SMITH LB 7426" SET
⊗ = 4"x 4" CONC. MONUMENT FOUND - SEE DESCRIPTION
⊗ = 4"x 4" CONC. MONUMENT MARKED "K.A. SMITH LB 7426" SET
⊗ = NAIL & DISK FOUND - SEE DESCRIPTION
⊗ = SET MAGNETIC NAIL
⊗ = HUB & TACK SET

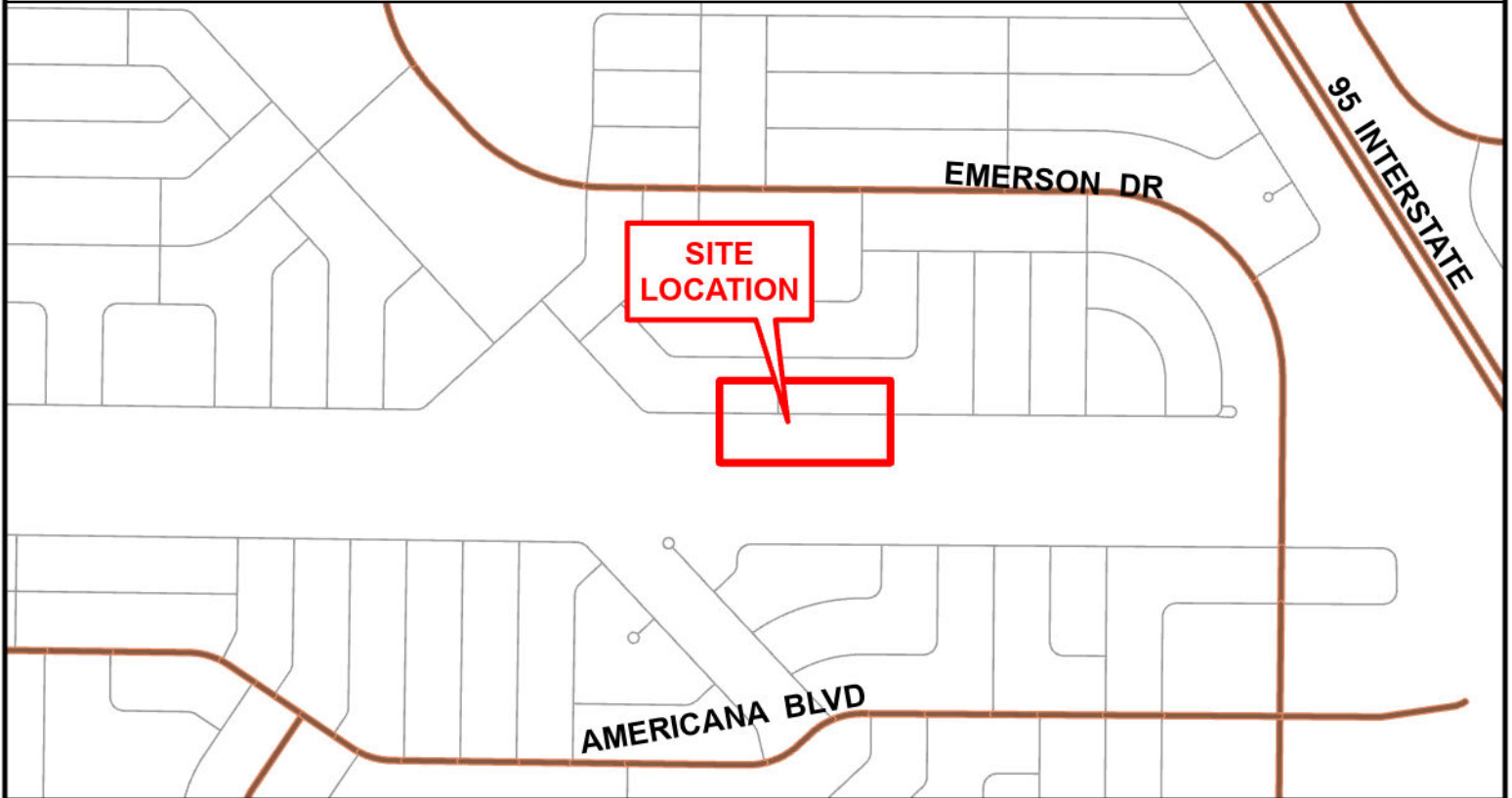
LOT 1, BLOCK 2425,
"PORT MALABAR UNIT FORTY FIVE"

AS RECORDED IN PLAT BOOK 22, PAGE 3-23, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

TYPE	SURVEY DATE	JOB NUMBER	CK. BY
BOUNDARY SURVEY	NOV. 1, 2024	24-1388 ~ 532	KEVIN A. SMITH
DRAWN BY: A. TEJADA	SCALE: 1" = 20'	License Number: 4457	

PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 4457
ANDREW J. SMITH - FLORIDA CERTIFICATE NO. 5690

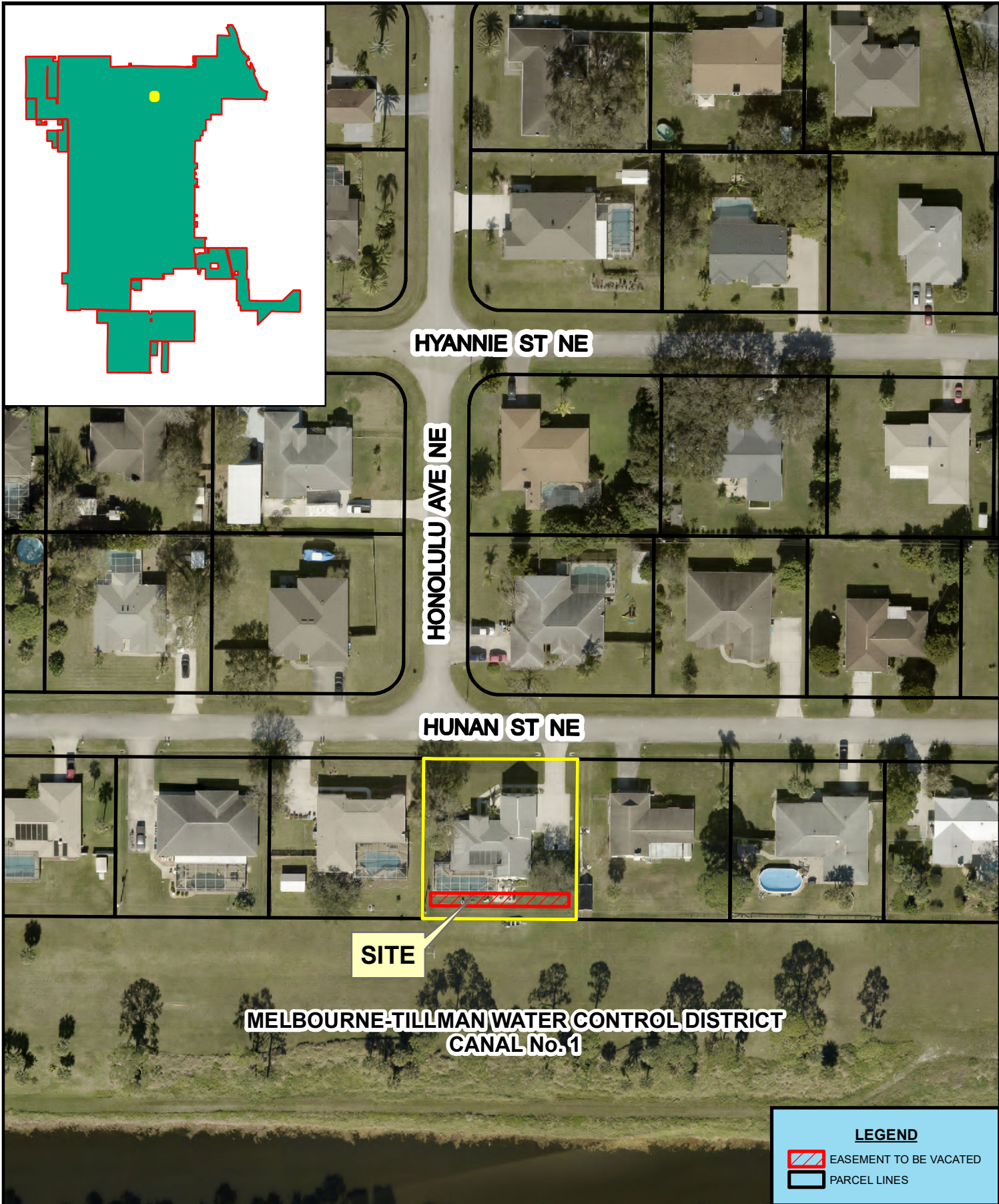
LOCATION MAP



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-1-2025

0 25 50 100 Feet
1 Inch = 100 Feet



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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-1-2025

0 25 50 100
Feet
1 inch = 100 feet

PW

 **LocaliQ**
Florida
GANNETT

FIN : FEB.04.'25 PM02:41

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

CITY OF PALM BAY
attn: Accounts Payable
City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

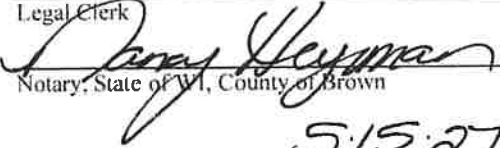
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published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

01/29/2025

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 01/29/2025

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#10976520

1/29/2025

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. Vacation Easement -1-2025

Vacation of Easement is requested to vacate the North 10 feet of the South 20-foot Public Utilities & Drainage Easement, less the East and West 6 foot Public Utilities & Drainage Easements, containing 1080 square feet or 0.025 acres, more or less, of Lot 1, Block 2425, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3 - 23, of the Public Records of Brevard County, Florida. For construction of a swimming pool deck expansion 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