



DATE: March 21, 2024

CASE #: VE-14-2023

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Vacation of Easement is requested to vacate the South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West 6-foot Public Utility & Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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. To construct an in-ground swimming pool in the backyard.

**LOCATION:** 191 Nesbitt Street SE  
(Lot 10, Block 2396, Port Malabar Unit 45)

**APPLICANT:** Michael Lagratta Jr. and Gladys Hidalgo Lagratta

## **SITE DATA**

**PRESENT ZONING:** RE – Estate Residential District

**AREA OF VACATING:** 1,192 square feet, more or less

<b>ADJACENT ZONING</b>	<b>N</b>	RE – Estate Residential District
<b>&amp; LAND USE:</b>	<b>E</b>	RE – Estate Residential District
	<b>S</b>	RE – Estate Residential District
	<b>W</b>	RE – Estate Residential District

**STAFF ANALYSIS:**

Vacation of Public Utility and Drainage Easement of a portion of Lot 10, Block 2396, 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, being the South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West 6-foot Public Utility & Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less. For the construction of an in-ground pool in the backyard.

Florida Power and Light, AT&T, 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. It should be noted that city policy allows for the approval of a vacation request for the first 5 feet, along city owned canals, and the next 3 feet (8' vacation, preserving 12' easement) on a case-by-case basis, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West side 6-foot Public Utility & Drainage Easement thereof, containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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 an inground swimming pool in the backyard.

**STAFF RECOMMENDATION:**

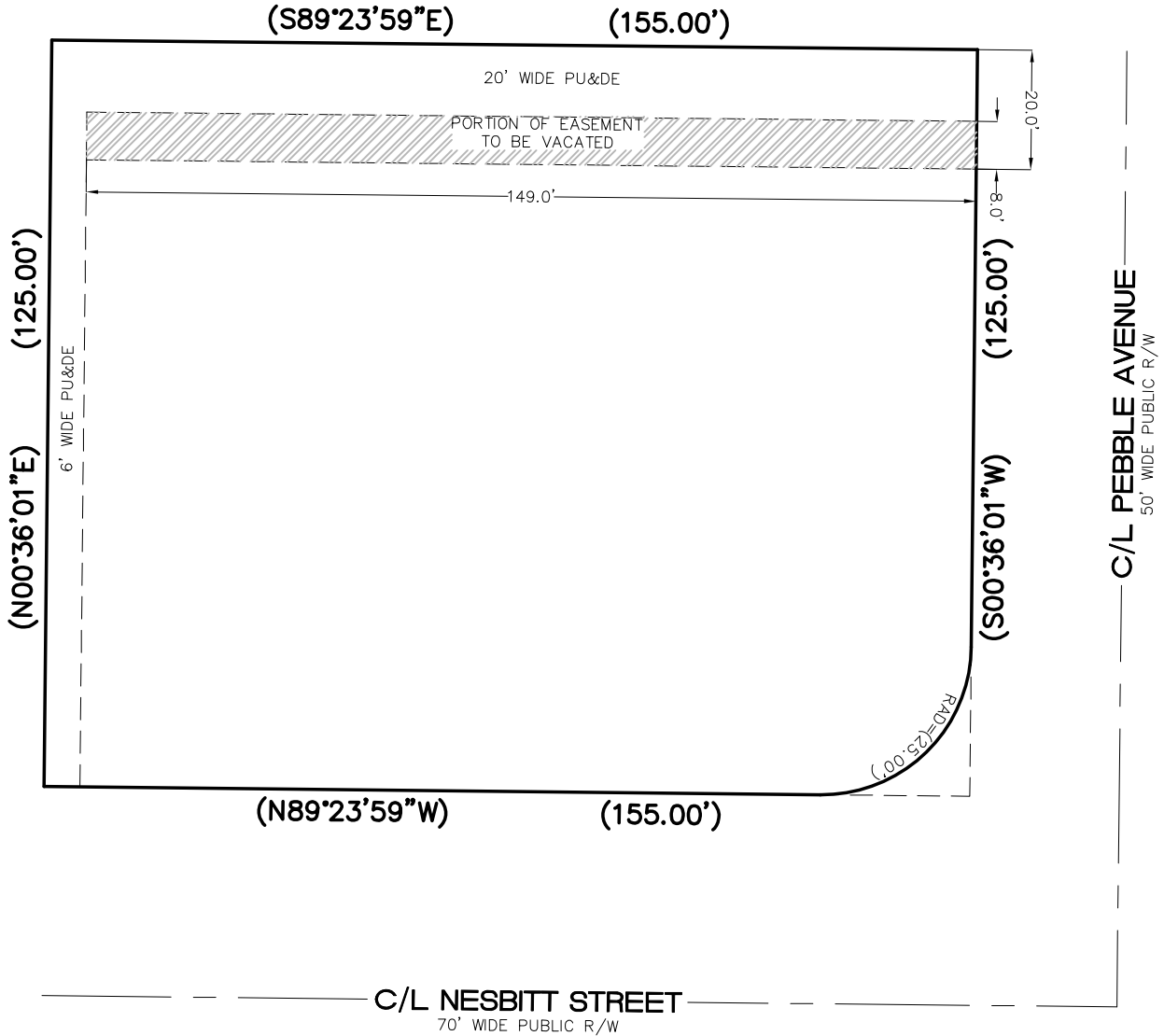
Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

# MAP OF EASEMENT SKETCH

THIS IS NOT A SURVEY



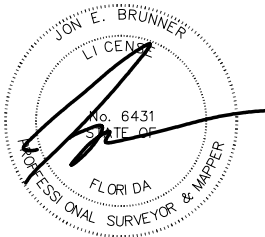
## DRAINAGE RIGHT OF WAY



DESCRIPTION  
(TO BE VACATED)

BEING A PORTION OF LOT 10, BLOCK 2396, PORT MALABAR UNIT FORTY FIVE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGES 3 THROUGH 23, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTH 8.00 FEET OF THE NORTH 20.00 FEET OF THE EAST 149.00 FEET OF LOT 10, BLOCK 2396, PORT MALABAR UNIT FORTY FIVE.

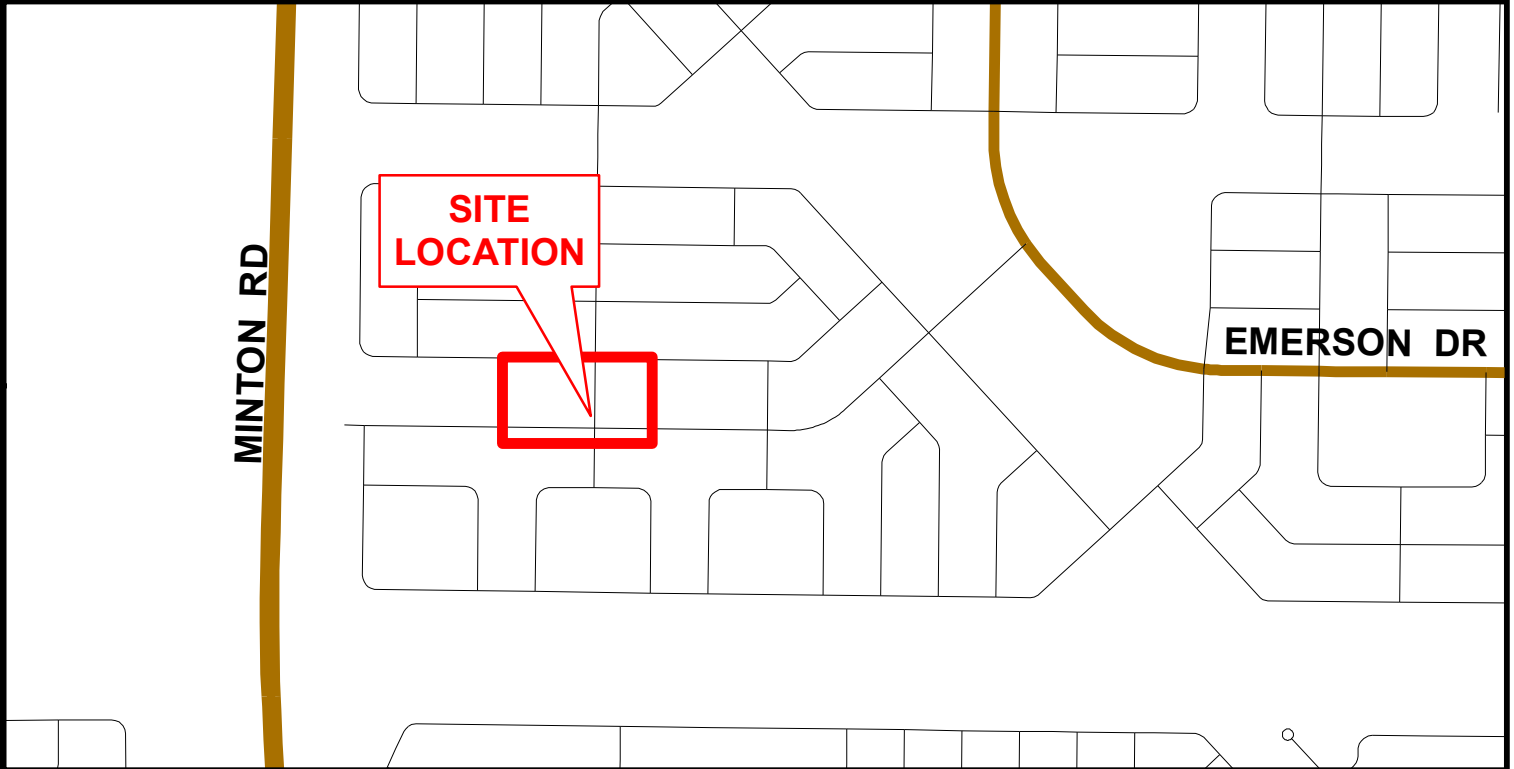


JON E. BRUNNER  
STATE OF FLORIDA PSM 6431

DATE: 9/6/22	SECTION: 30	PAGE:	<b>BRUNNER-HAGEN, INC.</b> ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 540-22	TOWNSHIP: 28 S.	REVISION:	
SCALE: 1"=30'	RANGE: 37 E.	REVISION:	
		REVISION:	



# LOCATION MAP

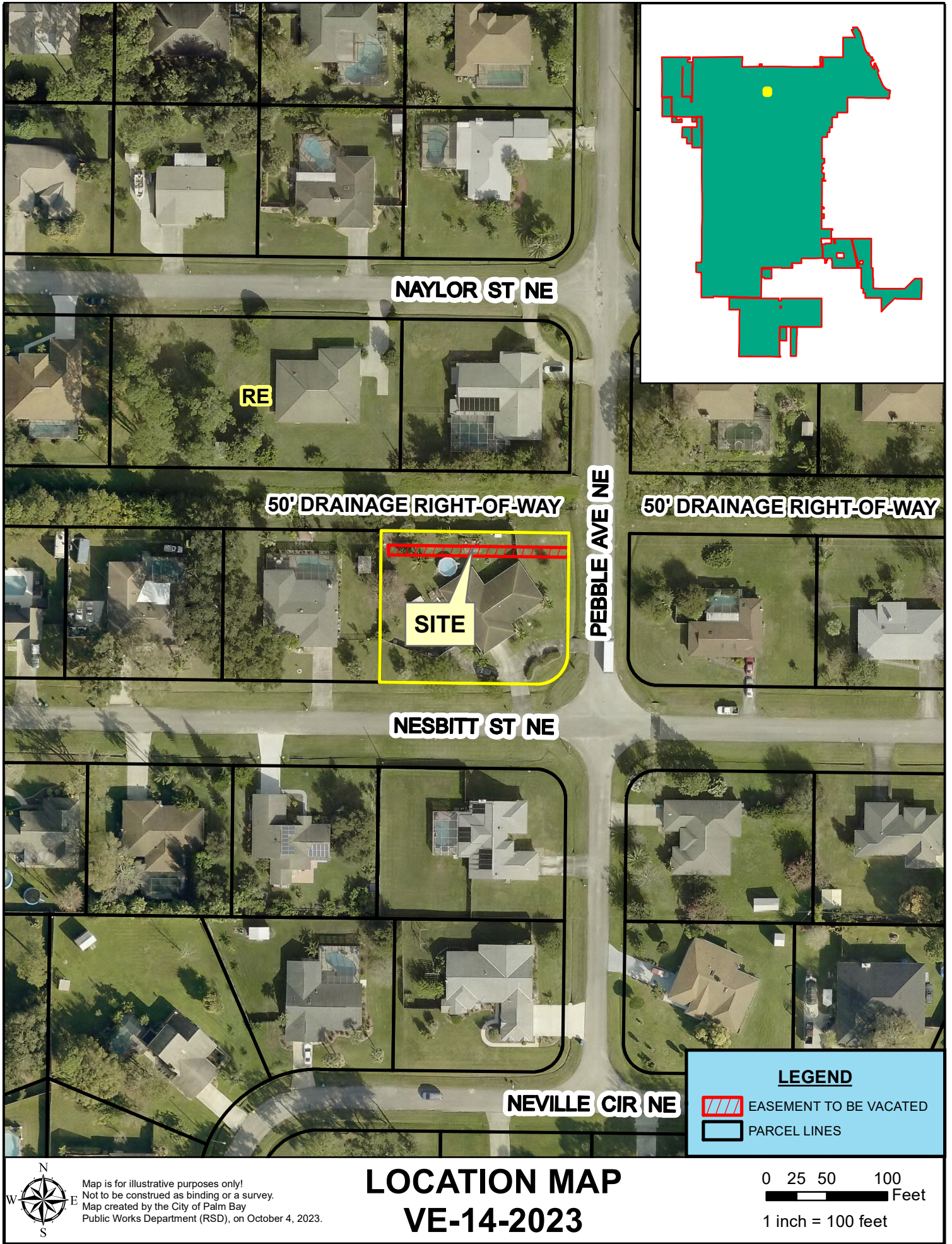


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on October 4, 2023.

## VE-14-2023

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>	CITY OF PALM BAY
<b>Contact Phone:</b>	
<b>Contact Email:</b>	
<b>PO Number:</b>	PUBLIC HEARING

<b>Date:</b>	02/26/2024
<b>Order Number:</b>	9890922
<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	02/29/2024 - 02/29/2024	Public Notices
BRE floridatoday.com	1	02/29/2024 - 02/29/2024	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
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#9890922 02/29/2024  
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 March 21, and April 4, 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 -14-2023**

Vacation of Easement is requested to vacate the South 8 feet, of the North 20-foot Public Utility and Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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. To construct an in-ground swimming pool in the backyard.

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