



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Matthew Morton, City Manager

**THRU:** Christeen Sullivan, Acting Public Works Director

**DATE:** May 15, 2025

**RE:** Ordinance 2025-21, vacating the east half of the twenty (20) foot wide drainage right-of-way lying north of Lots 7 and 20, and lying south of Lots 8 and 19, Block 2051, Port Malabar Unit 46, as recorded in Plat Book 22, Pages 58-74, of the Public Records of Brevard County, Florida (0.057 acres, more or less) (Case VRW-1-2025, Phillip and Kristi Silver), final reading.

### **SUMMARY:**

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The purpose of requesting the vacation of the drainage right-of-way is to be able to put a fence over the drainage right-of-way that separates Lots 19 & 20, Block 2051, properties for which the applicant owns. Chapter 172 of the Palm Bay Code of Ordinances allows for the fencing of easements, but not for the fencing over rights-of-way. The applicant owns Lots 8, 19, & 20, with the drainage right-of-way separating Lots 19 & 20.

At Regular City Council Meeting 2024-17, held on August 1, 2024, Council adopted Resolution 2024-25 granting a Right-of-Way Use Permit and a License Agreement to pipe in the drainage right-of-way, at the applicant's expense. The pipe was installed, inspected, and Right-of-Way Use Permit PW24-0115 was closed on January 31, 2025. The City will reserve a Public Utilities and Drainage Easement over the vacated portion of the 20-foot-wide drainage right-of-way.

### **REQUESTING DEPARTMENT:**

Public Works

### **FISCAL IMPACT:**

None.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the vacation VRW-1-2025, with the city reserving a Public Utilities and Drainage Easement over the vacated portion of the 20-foot-wide drainage right-of-way.

**ATTACHMENTS:**

1. Staff Report Package
2. Draft Ordinance