



DATE: September 19, 2024

CASE #: VE-9-2024

# PUBLIC WORKS DEPARTMENT STAFF REPORT

## REQUEST TO VACATE EASEMENT

**PROPOSAL:** Vacation of Easement is requested to vacate the Westerly 8 feet of the Easterly 20-foot Public Utilities & Drainage Easement, and the Northerly 8 feet of the Southerly 20-foot Public Utility & Drainage Easement, less the Westerly 6-foot Public Utility & Drainage Easements, thereof containing 1,816 square feet or 0.04 acres, more or less, of Lot 4, Block 2408, 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 metal garage in the side yard and to protect existing mature pool privacy landscaping in the backyard.

**LOCATION:** 290 Naylor Street SE  
(Lot 4, Block 2408, Port Malabar Unit 45)

**APPLICANT:** Eric Anthony Marrero and Cynthia Ann Marrero

## SITE DATA

**PRESENT ZONING:** RE – Estate Residential

**AREA OF VACATING:** 1,816 square feet, more or less

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

**STAFF ANALYSIS:**

Vacation of Public Utility and Drainage Easement of a portion of Lot 4, Block 2408, 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: Commence at the North corner of said Lot 4 and run South 47°23'26" West along the Southerly right-of-way line of Naylor Street, a distance of 12.00 feet to the point of beginning of the herein described easement; thence South 42°36'34" East, a distance of 113.00 feet; thence South 47°23'26" West, a distance of 122.00 feet; thence North 42°36'34" West, a distance of 8.00 feet; thence North 47°23'26" East, a distance of 114.00 feet; thence North 42°36'34" West, a distance of 105.00 feet to the Southerly right-of-way line of Naylor Street; thence North 47°23'26" East along said right-of-way line, a distance of 8.00 feet to the point of beginning. Containing 1,816 square feet or 0.04 acres, more or less. For the construction of a metal garage in the side yard and to protect mature pool privacy landscaping 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 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.

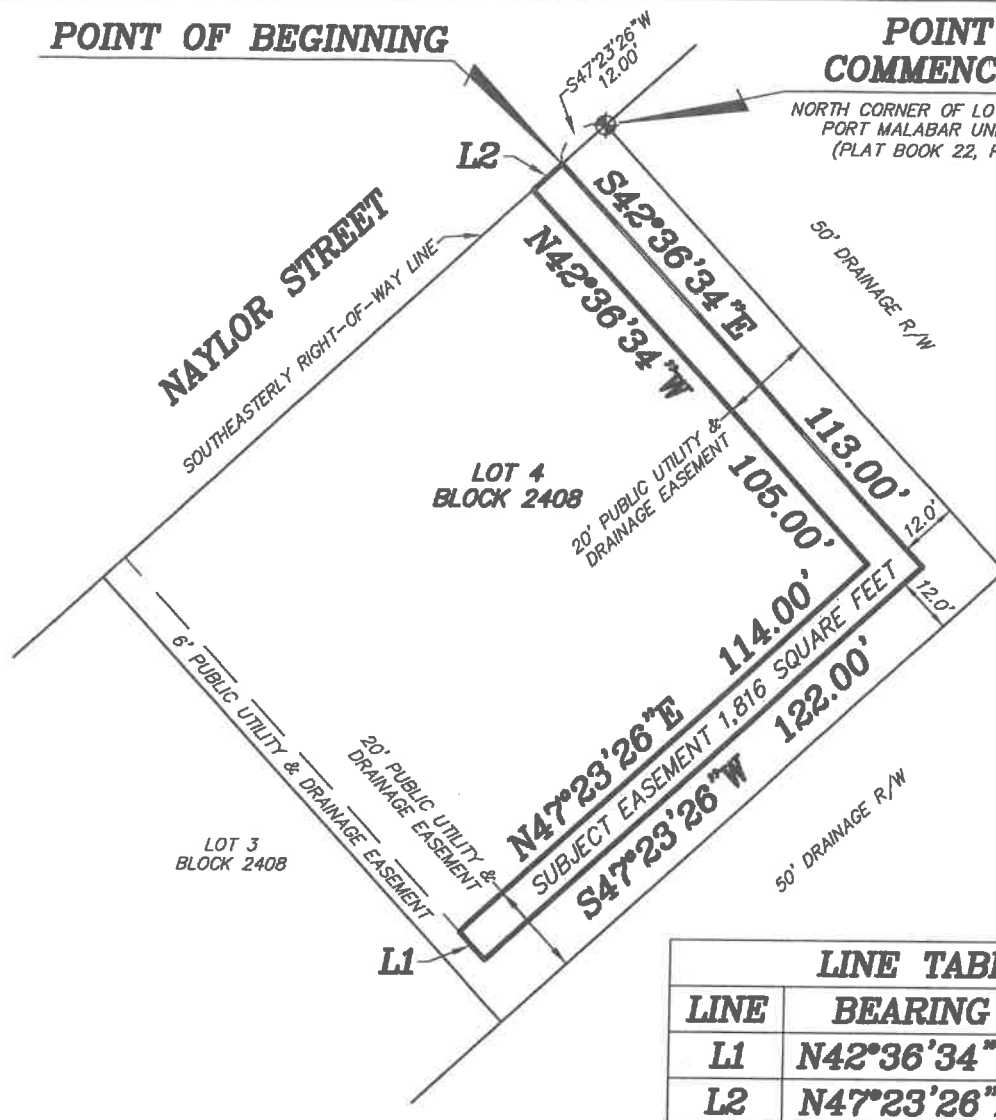
Staff has no adverse comments regarding removal of the Westerly 8 feet of the Easterly 20-foot Public Utilities & Drainage Easement, and the Northerly 8 feet of the Southerly 20-foot Public Utility & Drainage Easement, less the Westerly 6-foot Public Utility & Drainage Easements, thereof containing 1,816 square feet or 0.04 acres, more or less, of Lot 4, Block 2408, 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 metal garage in the side yard and to protect existing mature pool privacy landscaping in the backyard.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement.

POINT OF BEGINNING

POINT OF COMMENCEMENT

NORTH CORNER OF LOT 4, BLOCK 2408,  
PORT MALABAR UNIT FORTY FIVE  
(PLAT BOOK 22, PAGES 3-23)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N42°36'34"W	8.00'
L2	N47°23'26"E	8.00'

DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 4, BLOCK 2408, PORT MALABAR UNIT FORTY FIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 3-23, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH CORNER OF SAID LOT 4 AND RUN SOUTH 47°23'26" WEST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NAYLOR STREET, A DISTANCE OF 12.00 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED EASEMENT; THENCE SOUTH 42°36'34" EAST, A DISTANCE OF 113.00 FEET; THENCE SOUTH 47°23'26" WEST, A DISTANCE OF 122.00 FEET; THENCE NORTH 42°36'34" WEST, A DISTANCE OF 8.00 FEET; THENCE NORTH 47°23'26" EAST, A DISTANCE OF 114.00 FEET; THENCE NORTH 42°36'34" WEST, A DISTANCE OF 105.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NAYLOR STREET; THENCE NORTH 47°23'26" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 8.00 FEET TO THE **POINT OF BEGINNING**. CONTAINING 1,816 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

## AAL LAND SURVEYING SERVICES, INC.

### SKETCH OF DESCRIPTION

1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.

SHEET 1 OF 1

JOB # 49959

DATE: 08-05-24  
SECTION 30, TOWNSHIP 28S, RANGE 37E

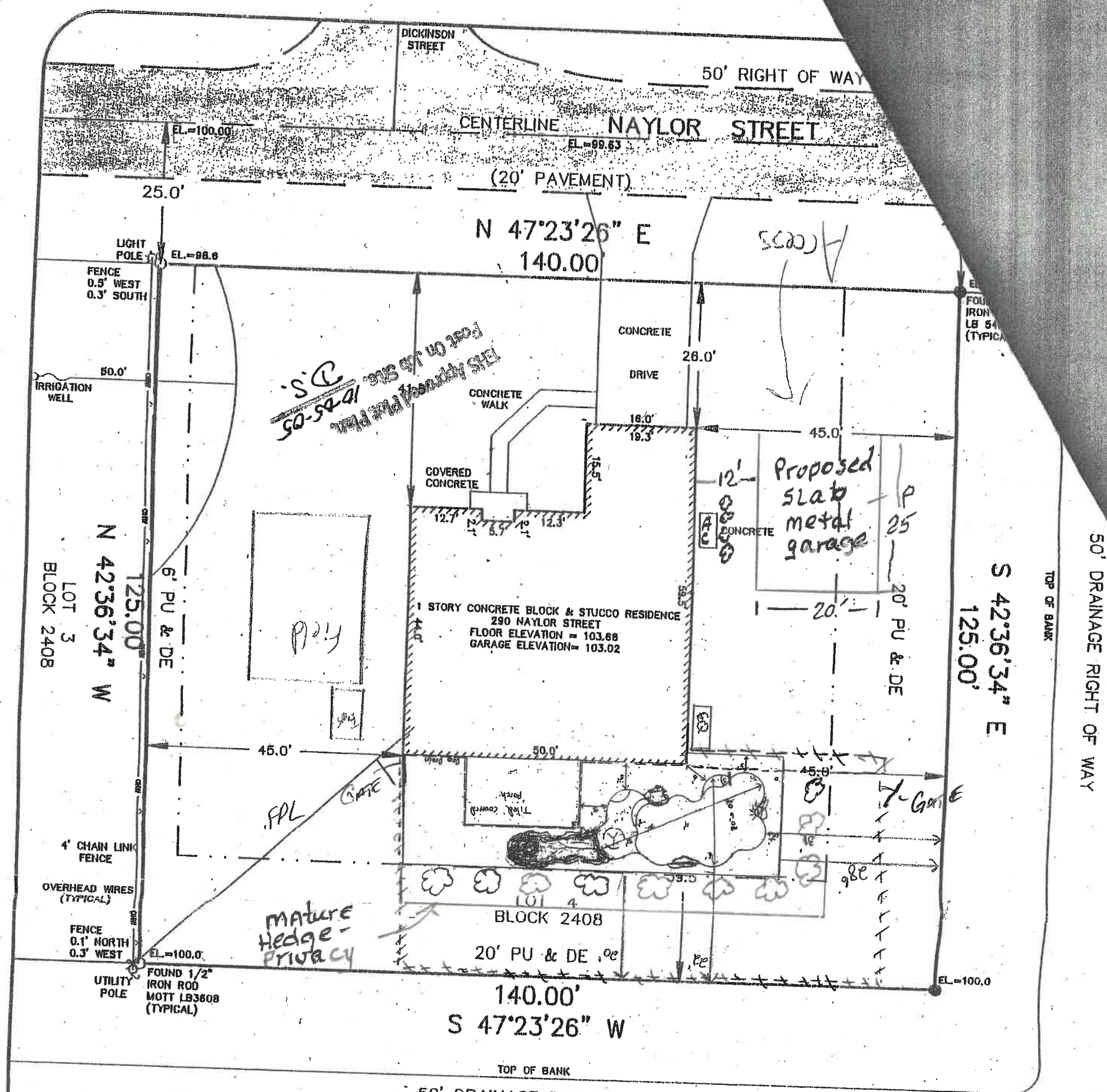
L.B. #6623

ANDREW W. POWSHOK  
P.L.S. No. 53833970 MINTON ROAD  
WEST MELBOURNE, FL. 32904  
(321) 768-8110

SCALE: 1" = 40'







ALSO CERTIFIED TO:  
ERIC & CYNTHIA MARRERO  
CORNERSTONE HOME MORTGAGE CORPORATION  
BDR TITLE CORPORATION  
FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NY

Pool  
APPROVED FOR  
ZONING 11/17/98  
J. Chandler

#### DESCRIPTION

LOT 4, BLOCK 2408, PORT MALABAR UNIT FORTY FIVE ACCORDING TO THE  
PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 13 THRU 23 OF THE  
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

#### NOTES:

- 1.) BEARINGS BASED ON THE ASSUMPTION THAT THE CENTERLINE OF NAYLOR STREET BEARS N 47°23'26" E PER PLAT OF PORT MALABAR UNIT FORTY FIVE.
- 2.) ELEVATIONS "EL.=100.00" BASED ON ASSUMED DATUM.
- 3.) LOT DIMENSIONS ARE AS PLATTED(P) AND SURVEYED(S) UNLESS OTHERWISE NOTED.
- 4.) PROPERTY LIES WITHIN SECTION 30, TOWNSHIP 28 SOUTH, RANGE 37 EAST.
- 5.) PU & DE DENOTES PUBLIC UTILITIES AND DRAINAGE FACILITIES EASEMENT

MAP OF  
BOUNDARY  
SURVEY

**WJS** WILLIAM J. SUITER  
LAND  
SURVEYING, INC.

1712 CANOVA STREET SE.  
PALM BAY, FLORIDA 32909

(407) 728-0593  
FAX (407) 729-6773

#### REVISIONS

PLOT PLAN 8-20-98  
FOUNDATION 10-22-98  
FINAL SURVEY 12-11-98

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER  
MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL  
STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF  
PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6  
FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027,  
FLORIDA STATUTES.

THIS DRAWING NOT VALID WITHOUT AN EMBOSSED SEAL

PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE  
WILLIAM J. SUITER FLORIDA CERTIFICATE NO. 4210  
CERTIFICATE OF AUTHORIZATION #LB 5419  
COPYRIGHT © 1998 WILLIAM J. SUITER, LAND SURVEYING, INC. ALL RIGHTS RESERVED

FLOOD ZONE X FLOOD INSURANCE RATE MAP NUMBER 12009C0520E

DATE: DECEMBER 11, 1998

SCALE: 1" = 20'

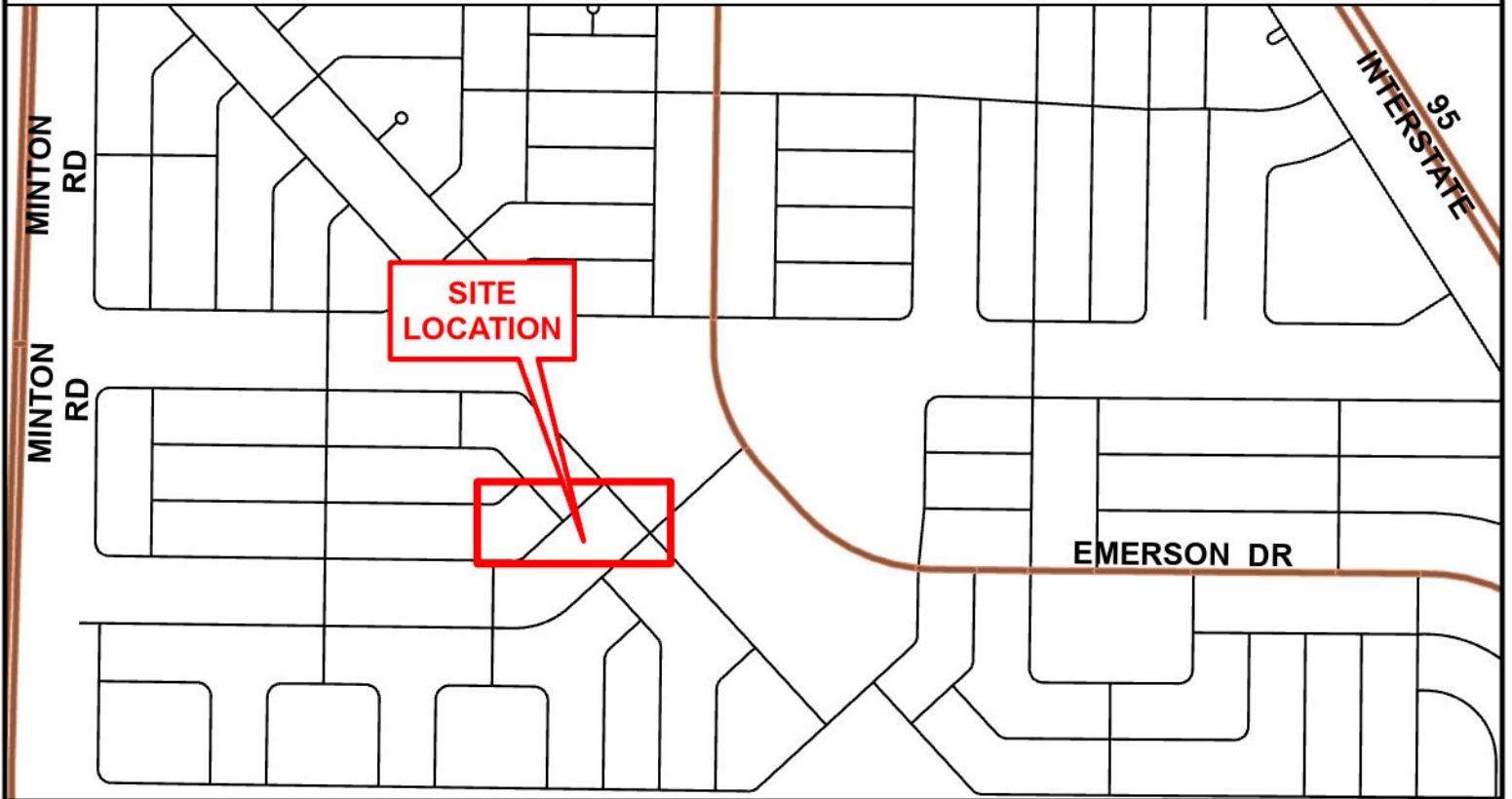
FIELD BOOK: 58

PAGE: 36

JOB NUMBER: 98-532



# LOCATION MAP

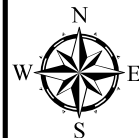
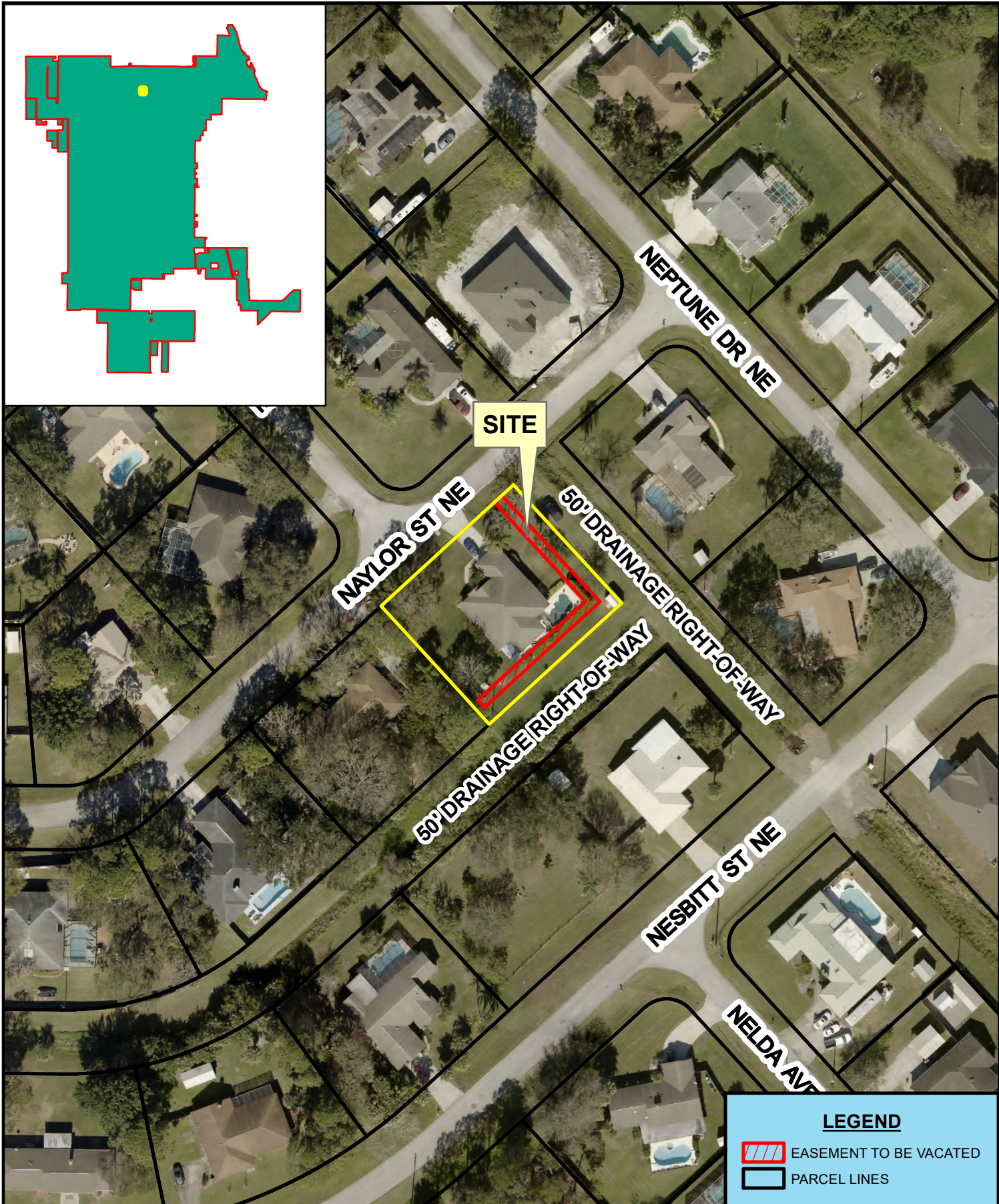


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on August 23, 2024.

## VE-9-2024

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 August 23, 2024.

# LOCATION MAP

## VE-9-2024

0 25 50 100  
Feet  
1 inch = 100 feet





Florida

GANNETT

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:

08/28/2024

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 08/28/2024

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#10507575 8/28/2024

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 September 19, 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 -9-2024

Vacation of Easement is requested to vacate the Westerly 8 feet of the Easterly 20-foot Public Utilities & Drainage Easement, and the Northerly 8 feet of the Southernly 20-foot Public Utilities & Drainage Easement, less the Westerly 6 foot Public Utilities & Drainage Easement, containing 1,816 square feet or 0.04 acres, more or less, of Lot 4, Block 2408, 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 metal garage in the side yard and to protect existing mature pool privacy landscaping 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.

Valentino Perez

Palm Bay Public Works Director

**RECEIVED**

**SEP 04 2024**

CITY OF PALM BAY  
PUBLIC WORKS