



DATE: May 16, 2024

CASE #: VE-4-2024

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the Southerly 8 feet, of the Northerly 20-foot Public Utility & Drainage Easement, less the Westerly and Easterly 6-foot Public Utility & Drainage Easements, thereof containing 544 square feet or 0.012 acres, more or less, of Lot 19, Block 1107, Port Malabar Unit 23, according to the Plat thereof, as Recorded in Plat Book 16, Pages 19-28, of the Public Records of Brevard County, Florida. For the construction a swimming pool in the backyard.

LOCATION: 1025 Westport Street SE
(Lot 19, Block 1107, Port Malabar Unit 23)

APPLICANT: Sherry Denise Pollard

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 544 square feet, more or less

ADJACENT ZONING & LAND USE:	N	RS-2 – Single-Family Residential
	E	RS-2 – Single-Family Residential
	S	RS-2 – Single-Family Residential
	W	RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 19, Block 1107, Port Malabar Unit 23, according to the Plat thereof, as Recorded in Plat Book 16, Pages 19-28, of the Public Records of Brevard County, Florida, being the Southerly 8 feet, of the Northerly 20-foot Public Utility & Drainage Easement, less the East and West 6-foot Public Utility & Drainage Easements, thereof containing 544 square feet or 0.012 acres, more or less. For the construction of a swimming 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 Southerly 8 feet, of the Northerly 20-foot Public Utility & Drainage Easement, less the East and West side 6-foot Public Utility & Drainage Easements thereof, containing 544 square feet or 0.012 acres, more or less, of Lot 19, Block 1107, Port Malabar Unit 23, according to the Plat thereof, as Recorded in Plat Book 16, Pages 19-28, of the Public Records of Brevard County, Florida, for the construction of a swimming pool in the backyard.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement.

**DESCRIPTION TO ACCOMPANY SKETCH
EASEMENT FOR POOL
1025 WESTPORT STREET SE, PALM BAY, FL 32909
(NOT VALID WITHOUT SHEETS 1 & 2)**

LEGAL DESCRIPTION:

A PORTION OF LOT 19, BLOCK 1107, PORT MALABAR UNIT TWENTY THREE; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 19, RUN NORTH 36 DEGREES, 41 MINUTES, 24 SECONDS WEST, A DISTANCE OF 105.00 FEET ALONG THE WEST LINE OF LOT 19; THENCE NORTH 53 DEGREES 18 MINUTES 36 SECONDS EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING. THENCE NORTH 36 DEGREES, 41 MINUTES, 24 SECONDS WEST, A DISTANCE OF 8.00 FEET ALONG A LINE PARALLEL TO SAID WEST LINE; THENCE NORTH 53 DEGREES, 18 MINUTES, 36 SECONDS EAST, A DISTANCE OF 68.00 FEET; THENCE SOUTH 36 DEGREES 41 MINUTES 24 SECONDS EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 53 DEGREES 18 MINUTES 36 SECONDS WEST, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 544 SQUARE FEET +/- , 0.01 ACRES (CALCULATED)

SURVEYORS NOTES:

1. THIS DESCRIPTION IS BASED UPON A SURVEY BY GSS SURVEYING & MAPPING, LLC, DATED 05-10-23.
2. THIS SKETCH EXISTS SOLELY FOR THE PURPOSE OF ILLUSTRATING THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.
3. ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
4. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

GSS SURVEYING & MAPPING, LLC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 8006

PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE

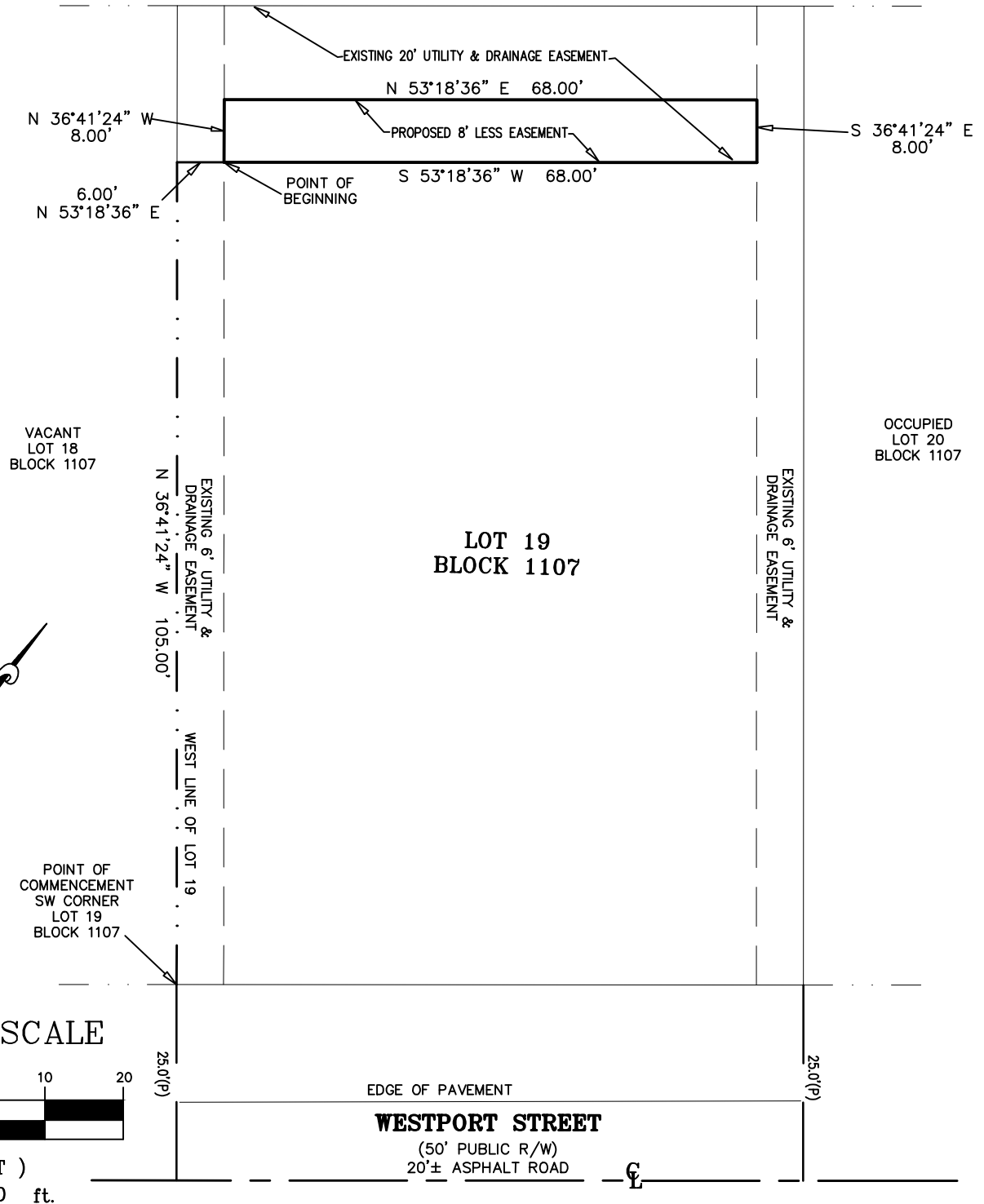
TERRY H. DRUM PROFESSIONAL SURVEYOR AND MAPPER NO. 5597
OR
DAVID M. JONES, PROFESSIONAL SURVEYOR AND MAPPER NO. 3909

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OR DIGITAL SIGNATURE
AND DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS IS NOT A BOUNDARY SURVEY

UPDATES and/or REVISIONS	ADDED SIDE EASEMENTS 04-16-2024			
DATE 02-26-2024				PREPARED FOR: SHERRY D. POLLARD
JOB #: 21-0984 SKETCH-DESC	<div style="display: flex; justify-content: space-between;"><div>GSS Surveying and Mapping, LLC 700 22nd Place Suite 2A Vero Beach, FL 32960 772-696-5300</div><div></div><div>GSS Surveying and Mapping, LLC 4620 Lipscomb St NE Suite 2 Palm Bay, FL 32905 321-914-3978</div></div>			
DRAWN BY: EAD				
CHECKED BY: JTD				
FIELD BOOK: N/A				
PAGE: 1 OF 2				
FIELD DATE: N/A				

DESCRIPTION TO ACCOMPANY SKETCH
EASEMENT FOR POOL
1025 WESTPORT STREET SE, PALM BAY, FL 32909
(NOT VALID WITHOUT SHEETS 1 & 2)



GRAPHIC SCALE

20 0 10 20

(IN FEET)

1 inch = 20 ft.

SCALE 1:20 (1" = 20')

THIS IS NOT A BOUNDARY SURVEY

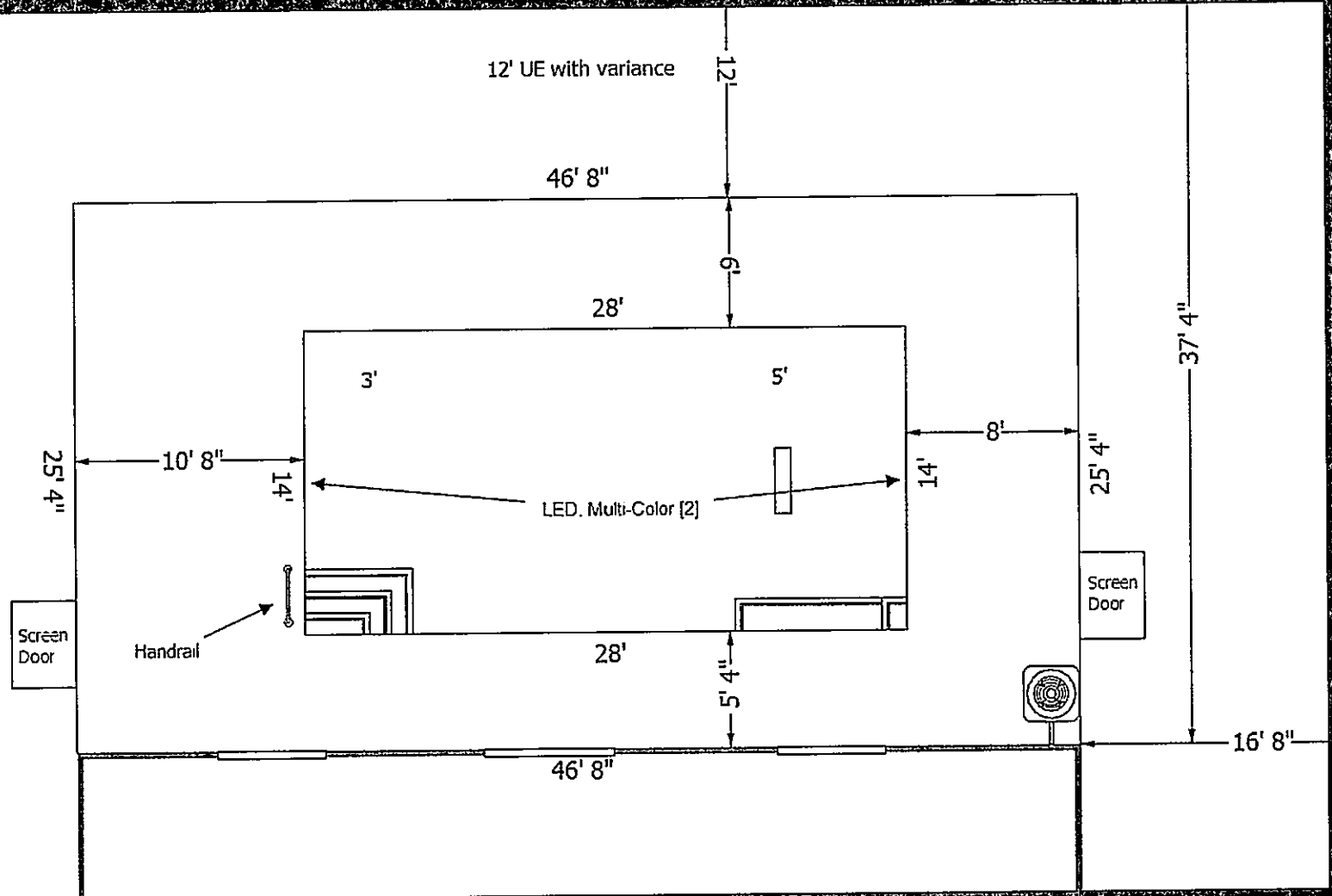
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DESIGN PLANS

ACCESS:
Standard 8'+
Clearance



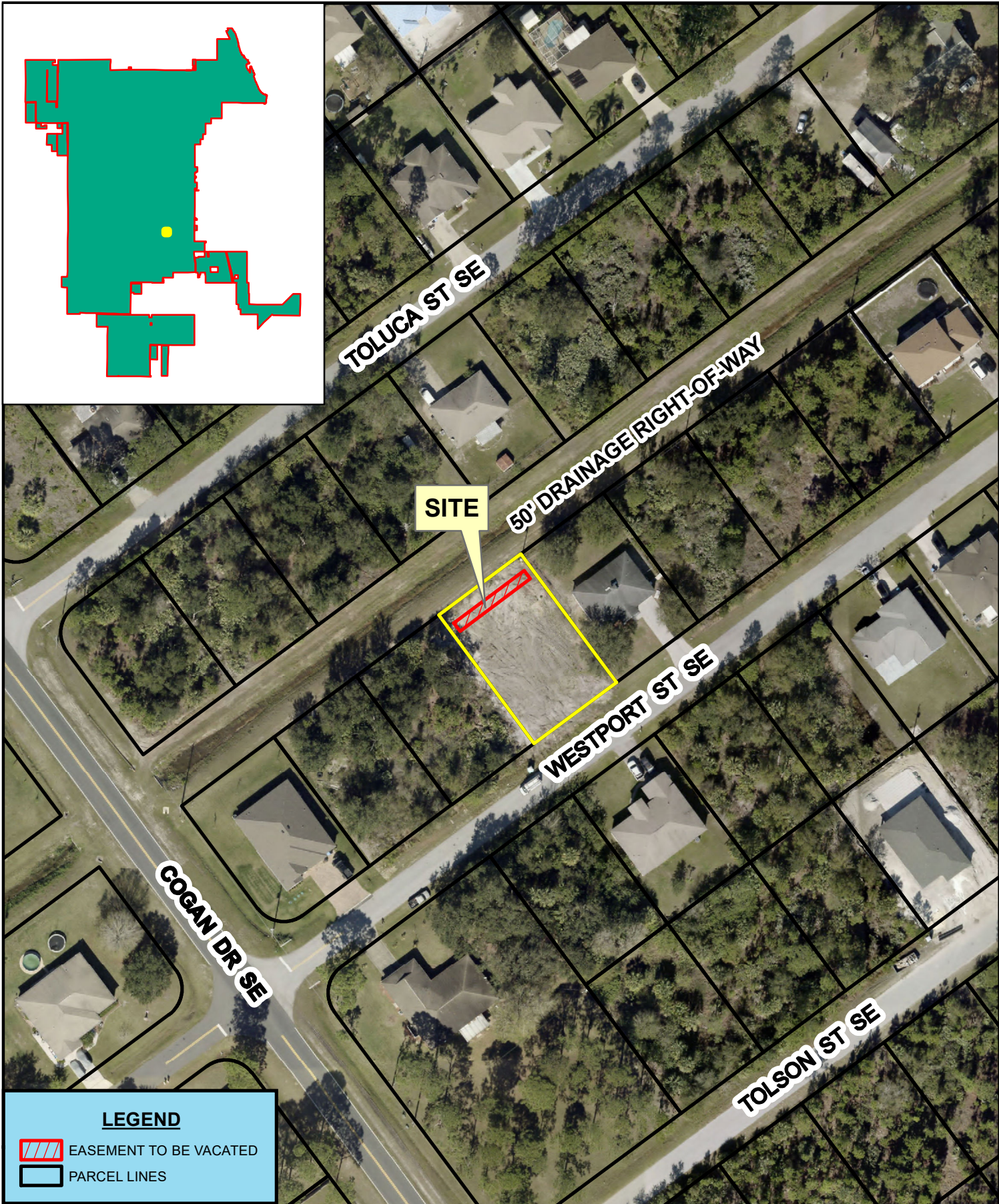
LOCATION MAP




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 April 17, 2024.

VE-4-2024

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 April 17, 2024.

LOCATION MAP VE-4-2024

0 25 50 100
Feet
1 inch = 100 feet



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Scott Dexter
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City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

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05/01/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

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Legal Clerk

Notary, State of WI, County of Brown

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VICKY FELTY
Notary Public
State of Wisconsin

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 May 16, and July 2, 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 - 4-2024

Vacation of Easement is requested to vacate the Southerly 8 feet of the Northerly 20-foot Public Utilities & Drainage Easement, less the Easterly and Westerly 6 foot Public Utilities & Drainage Easement, containing 544 square feet or 0.012 acres, more or less, of Lot 19, Block 1107, Port Malabar Unit 23, according to the Plat thereof, as Recorded in Plat Book 16, Pages 19 - 28, of the Public Records of Brevard County, Florida. For construction of a pool 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
Pub: 5/1/24; #10118289