



DATE: May 1, 2025

CASE #: VE-3-2025

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the West 10 feet of the East 20-foot Public Utilities & Drainage Easement, less the North and South 6-foot Public Utilities & Drainage Easements thereof, containing 721 square feet or 0.017 acres, more or less, of Lot 2, Block 416, Port Malabar Unit 10, according to the Plat thereof, as Recorded in Plat Book 15, Pages 10 - 19, of the Public Records of Brevard County, Florida. For the construction of a swimming pool with a screen cage in the backyard.

LOCATION: 515 Ellington Avenue SE
(Lot 2, Block 416, Port Malabar Unit 10)

APPLICANT: Leonard & LaVernice Miller

SITE DATA

PRESENT ZONING: RS-2 – Single Family Residential

AREA OF VACATING: 721 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family Residential
& LAND USE:	E	50' Wide Drainage Right-Of-Way
	S	RS-2 – Single-Family Residential
	W	RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Public Utilities and Drainage Easement of a portion of Lot 2, Block 416, Port Malabar Unit 10, according to the Plat thereof, as Recorded in Plat Book 15, Pages 10 – 19, of the Public Records of Brevard County, Florida, and being more particularly described as follows: The West 10.00 feet of the East 20.00 foot wide Public Utilities and Drainage Easement, less and except the North and South 6.00 foot wide side easements thereof, lying within said Lot 2, Block 416. Containing 721 square feet or 0.017 acres, more or less. For the construction of a swimming pool with a screen cage 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 10 feet, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the West 10 feet of the East 20-foot Public Utilities & Drainage Easement, less the North and South 6-foot Public Utility & Drainage Easements thereof, containing 721 square feet or 0.017 acres, more or less, of Lot 2, Block 416, Port Malabar Unit 10, according to the Plat thereof, as Recorded in Plat Book 15, Pages 10 - 19, 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.

LEGAL DESCRIPTION

SHEET 1 OF 2

SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST

NOT VALID WITHOUT THE SKETCH
ON SHEET 2 OF 2

PARENT PARCEL ID: 29-37-05-GK-416-2
PURPOSE: VACATE PORTION OF EASEMENT

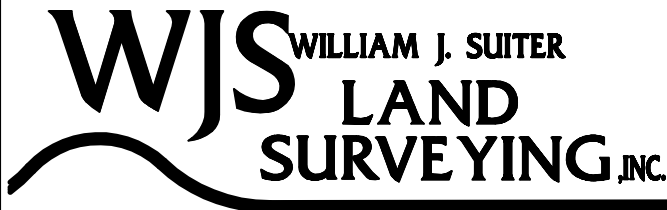
LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 416 PORT MALABAR UNIT TEN ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 10 THRU 19 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 10.00 FEET OF THE EAST 20.00 FEET, LESS THE NORTH AND SOUTH 6.00 FEET OF SAID LOT 2.
CONTAINING 721 SQUARE FEET.

SURVEYORS NOTES:

- 1.) BEARINGS BASED ON THE ASSUMPTION THAT THE NORTH LINE OF BLOCK 416 BEARS N88°51'16"E PER PLAT OF PORT MALABAR UNIT TEN.
- 2.) PROPERTY LIES WITHIN SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST.
- 3.) PU & DE DENOTES PUBLIC UTILITIES AND DRAINAGE FACILITIES EASEMENT.



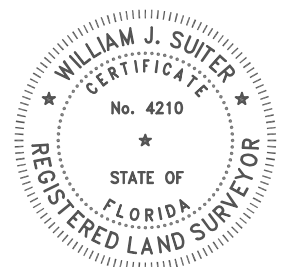
BILL@WJSUITER.COM WJSUITER.COM

PREPARED FOR: LEONARD MILLER
LAVERNICE MILLER

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SIGNED AND SEALED. THIS SURVEY IS ONLY VALID
WHEN THE SIGNATURE CAN BE VERIFIED ON THE
ELECTRONIC DOCUMENTS ONLY. THIS DOCUMENT
HAS BEEN DIGITALLY SIGNED AND SEALED.

PROFESSIONAL SURVEYOR AND MAPPER IN
RESPONSIBLE CHARGE
WILLIAM J. SUITER
FLORIDA CERTIFICATE NO. 4210
CERTIFICATE OF AUTHORIZATION #LB 5419

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SURVEYING, INC. ALL RIGHTS RESERVED



PREPARED BY: WILLIAM J. SUITER LAND SURVEYING, INC.

ADDRESS: 1849 CANOVA STREET SE, PALM BAY, FLORIDA 32909

PHONE: (321) 728-0553

DATE: 3-12-2025

SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST

DRAWING NO. 20-52VE

SKETCH OF DESCRIPTION

SHEET 2 OF 2

SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2

JUPITER BOULEVARD

SOUTH RIGHT OF WAY LINE
NORTH LINE BLOCK 416
S88°51'16"E



SCALE 1" = 30'
THIS IS NOT A SURVEY

NOT TO SCALE
101.76'(P)
101.88'(S)

LOT 1
BLOCK 416

125.00'
N89°43'52"E
6' PU & DE

10.00'
N89°43'52"E

50' RIGHT OF WAY—OPEN
ELLINGTON AVENUE

N00°16'08"W
84.00'(P)
84.10'(S)

LOT 2
BLOCK 416
515 ELLINGTON AVENUE SE
PALM BAY, FL 32909

72.00'(P)
72.10'(S)
N00°16'08"W

SUBJECT
PROPERTY

20'

20' PU & DE

S00°16'08"E
84.00'(P)
84.10'(S)

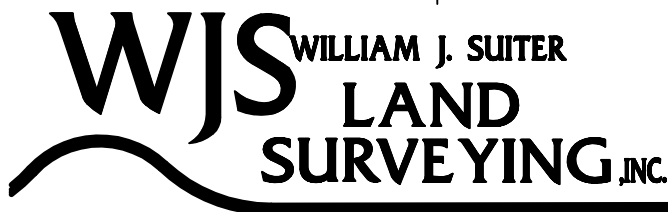
50' DRAINAGE RIGHT OF WAY

6' PU & DE
S89°43'52"W
125.00'

LOT 3
BLOCK 416

10.00'
S89°43'52"W

72.00'(P)
72.10'(S)
S00°16'08"E



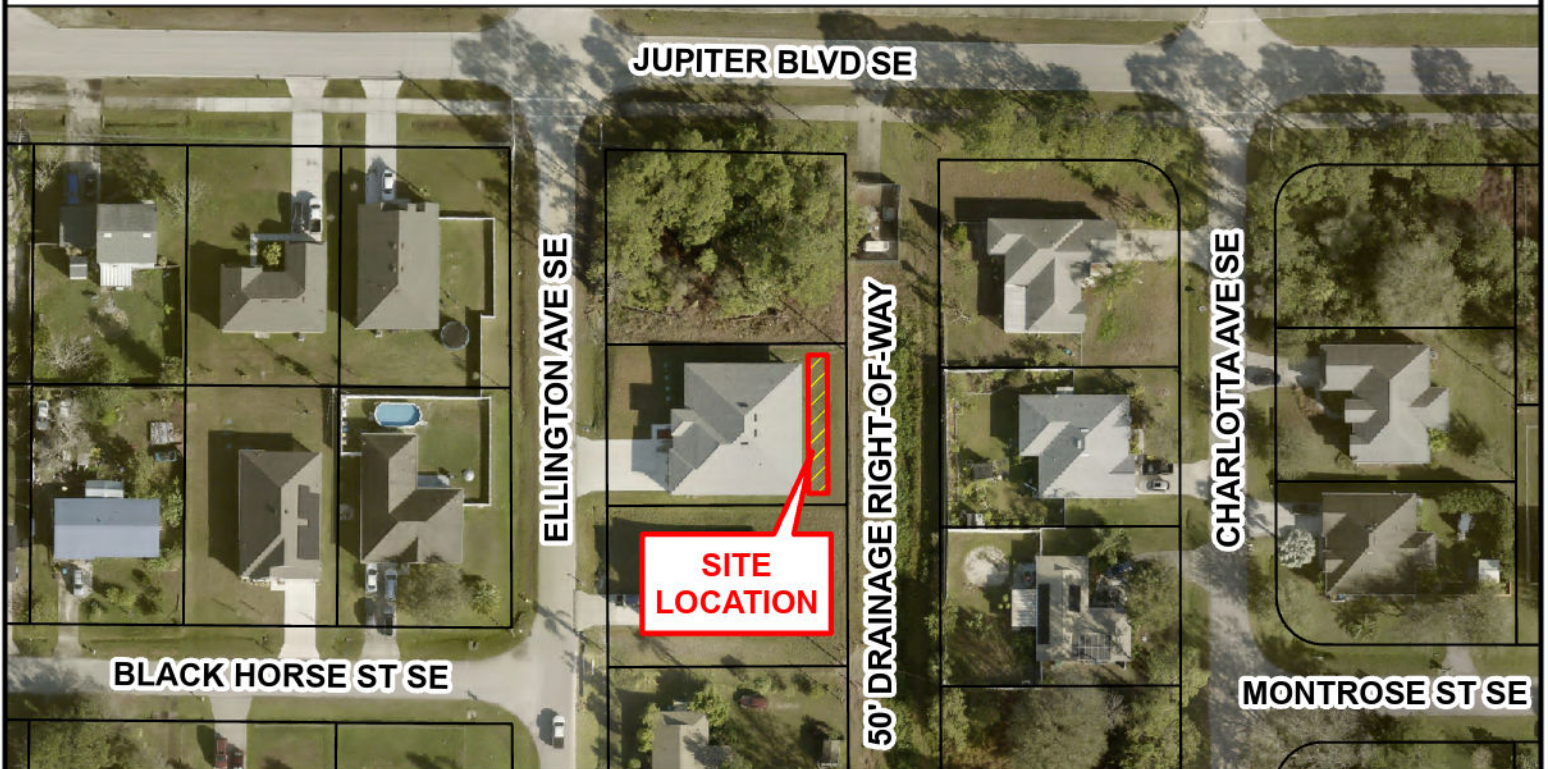
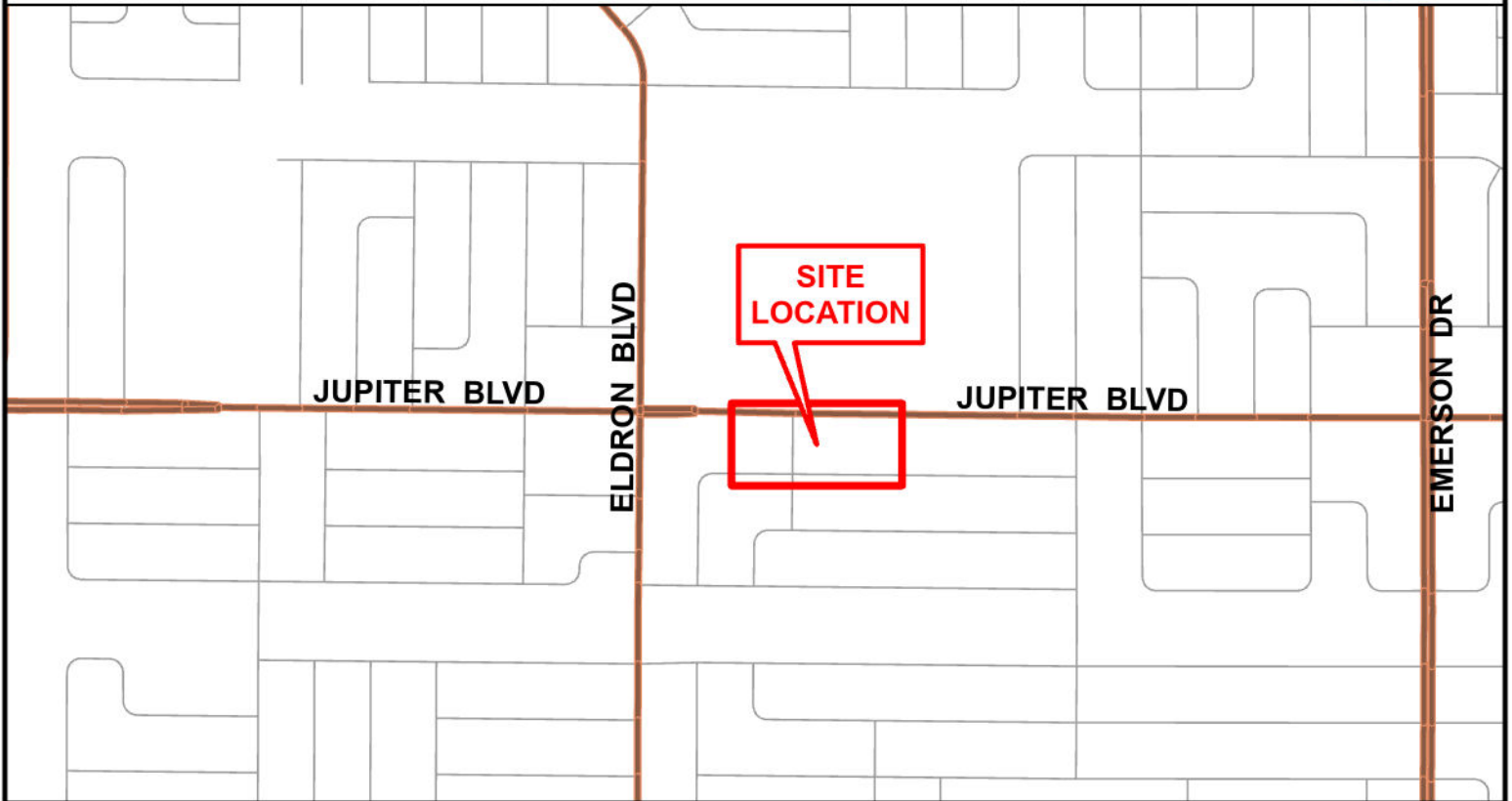
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PROJECT NO.: 20-52VE

PREPARED BY: WILLIAM J. SUITER
LAND SURVEYING, INC.

SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST

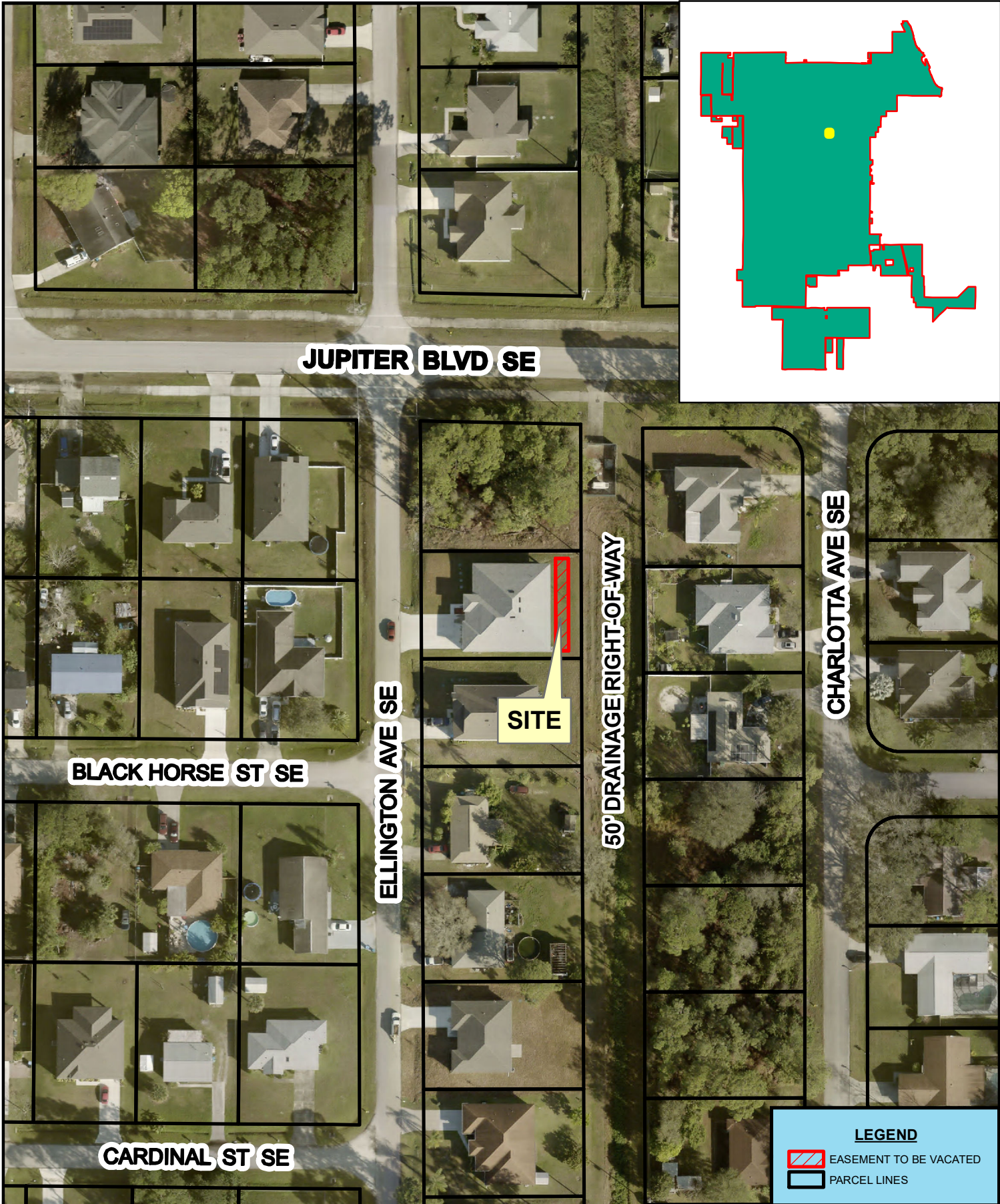
LOCATION MAP



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 March 19, 2025.

VE-3-2024

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 March 19, 2025.

LOCATION MAP

VE-3-2025

0 25 50 100
Feet
1 inch = 100 feet

RECEIVED

APR 01 2025

CITY OF PALM BAY
PUBLIC WORKS

* LocalIQ

Florida

GANNETT

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AFFIDAVIT OF PUBLICATION

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03/24/2025

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5.19.27

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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 1, 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. Vacating Easement -3-2025

Vacation of Easement is requested to vacate the West 10 feet of the East 20-foot Public Utilities & Drainage Easement, less the North and South 6 foot Public Utilities & Drainage Easements, containing 721 square feet or 0.017 acres, more or less, of Lot 2, Block 416, Port Malabar Unit 10, according to the Plat thereof, as Recorded in Plat Book 15, Pages 10 - 19, of the Public Records of Brevard County, Florida. For construction of a swimming pool with pool screen cage 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