

2. Ordinance 2024-03, vacating a portion of the rear public utility and drainage easement located within Lot 15, Block 859, Port Malabar Unit 17 (Case VE-17-2023, Jose A. Sanabria Jr. and Stephanie A. Sanabria), first reading.

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Vacation of Easement is requested to vacate the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 15, Block 859, Port Malabar Unit 17, according to the Plat thereof, as Recorded in Plat Book 15, Pages 99-108, of the Public Records of Brevard County, Florida, for a detached shed in the back yard.

**LOCATION:** 2153 Rockabye Avenue SE  
(Lot 15, Block 859, Port Malabar Unit 17)

**APPLICANT:** Jose A. Sanabria Jr. and Stephanie A. Sanabria

### **SITE DATA**

**PRESENT ZONING:** RS-2 – Single-Family Residential

**AREA OF VACATING:** 114 square feet, more or less

<b>ADJACENT ZONING</b>	<b>N</b>	RS-2 – Single-Family Residential
<b>&amp; LAND USE:</b>	<b>E</b>	RS-2 – Single-Family Residential
	<b>S</b>	RS-2 – Single-Family Residential
	<b>W</b>	RS-2 – Single-Family Residential

**STAFF ANALYSIS:**

Vacation of Public Utility and Drainage Easement of a portion of Lot 15, Block 859, Port Malabar Unit 17, according to the Plat thereof, as Recorded in Plat Book 15, Pages 99-108, of the Public Records of Brevard County, Florida, being the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6-foot Public Utility & Drainage Easement thereof, containing 680 square feet or 0.016 acres, more or less;

More particularly described as commencing at the Northeast corner of said Lot 15, Block 859, and run South along the East line of said Lot 15, a distance of 6.00 feet; thence West a distance of 10.00 feet to a point on the South line of a 6 foot Public Utility and Drainage Easement on said Lot 15, Block 859, which is also the point of beginning of the herein described parcel; thence South a distance of 68.00 feet; thence West a distance of 10.00 feet to a point on the West line of a 20 foot Public Utility and Drainage Easement, on said Lot 15, Block 859; thence North a distance of 68.00; thence East a distance of 10.00 feet to the point of beginning. Containing 680 square feet or 0.016 acres, more or less, for a detached shed within the back yard.

AT&T, Florida Power and Light, Spectrum, and Melbourne-Tillman Water Control District 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, along the Melbourne-Tillman Water Control District (MTWCD) owned canals if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 15, Block 859, Port Malabar Unit 17, according to the Plat thereof, as Recorded in Plat Book 15, Pages 99-108, of the Public Records of Brevard County, Florida, for the construction of a detached shed in the backyard.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement.

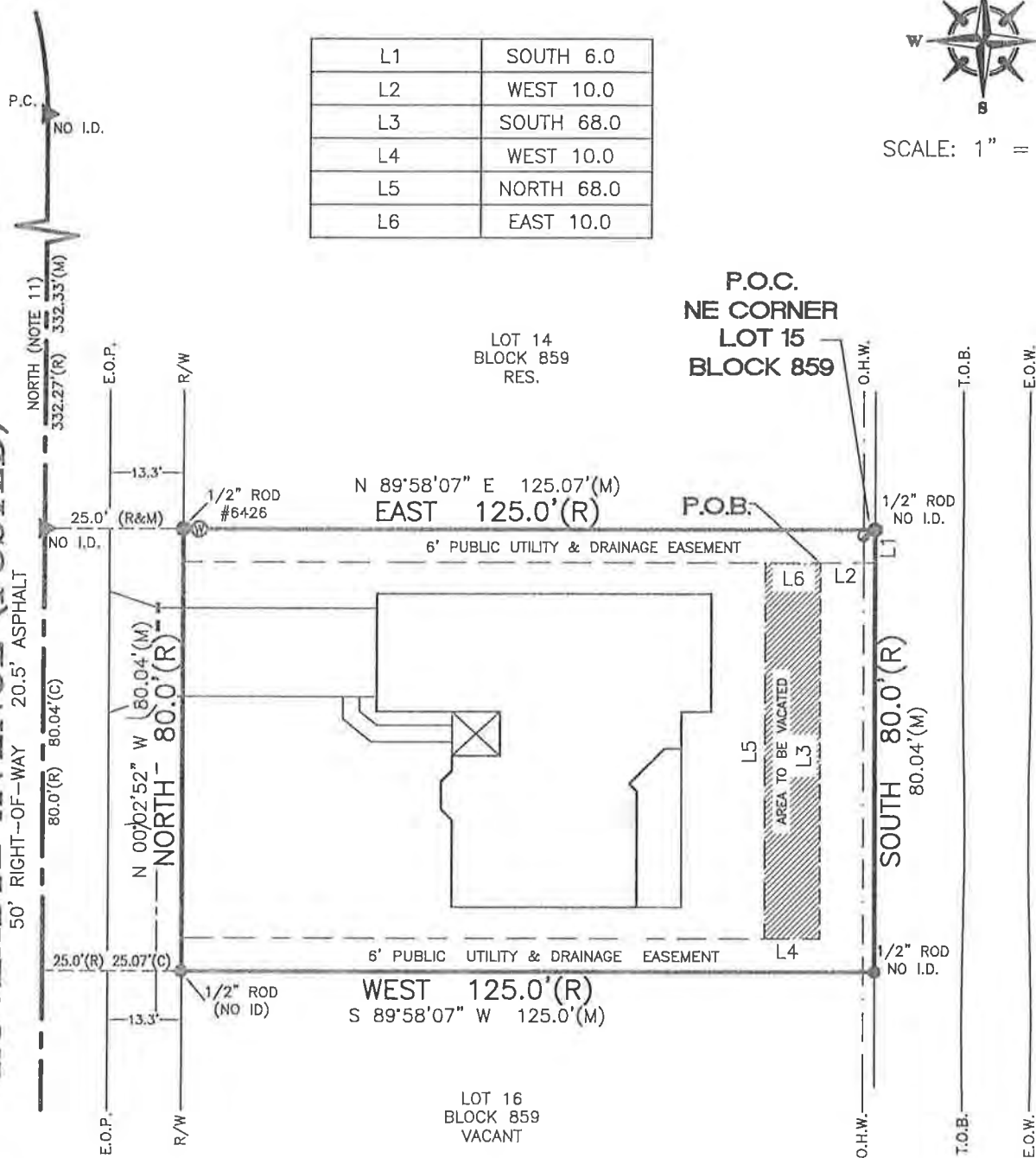
SECTION 21, TOWNSHIP 29 SOUTH, RANGE 37 EAST  
(NOT A BOUNDARY SURVEY)

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



SCALE: 1" = 30'

L1	SOUTH 6.0
L2	WEST 10.0
L3	SOUTH 68.0
L4	WEST 10.0
L5	NORTH 68.0
L6	EAST 10.0



PARCEL 'E'  
RESERVED FOR  
MELBOURNE-TILLMAN DRAINAGE DISTRICT

PREPARED BY:

**SMITH & ASSOCIATES**  
**SURVEYING & MAPPING, INC.**



1350 MALABAR ROAD S.E., SUITE 1 , PALM BAY, FLORIDA 32907  
Phone (321)724-2940 Fax(321)951-4879  
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

DRAWING NO. \_\_\_\_\_

# SKETCH & DESCRIPTION

SECTION 21, TOWNSHIP 29 SOUTH, RANGE 37 EAST  
(NOT A BOUNDARY SURVEY)

## SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 15 BLOCK 859 "PORT MALABAR UNIT SEVENTEEN" AS RECORDED IN PLAT BOOK 15 PAGES 99-108 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH EAST CORNER OF SAID LOT 15 BLOCK 859 "PORT MALABAR UNIT SEVENTEEN" AS RECORDED IN PLAT BOOK 15 PAGES 99-108 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 15 A DISTANCE OF 6.0 FEET; THENCE WEST A DISTANCE OF 10.0 FEET TO A POINT ON THE SOUTH LINE OF A 6 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT ON SAID LOT 15 BLOCK 859 WHICH IS ALSO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH A DISTANCE OF 68.0 FEET; THENCE WEST A DISTANCE OF 10.0 FEET TO A POINT ON THE WEST LINE OF A 20 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT ON SAID LOT 15 BLOCK 859; THENCE NORTH A DISTANCE OF 68.0 FEET; THENCE EAST A DISTANCE OF 10.0 FEET TO THE POINT OF BEGINNING CONTAINING 680 SQUARE FEET MORE OR LESS.

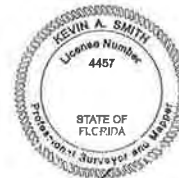
### SURVEYORS NOTES:

1. SEE BOUNDARY SURVEY

PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907  
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E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM



*Kevin A. Smith*  
KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 4457  
(NOT VALID UNLESS SIGNED AND SEALED)

PREPARED FOR: JOSE SANABRIA AND STEPHANIE SANABRIA

DRAWN BY: B. ROBERSON

CHECKED BY: KAS

DRAWING NO. 23-KAS

SECTION 21

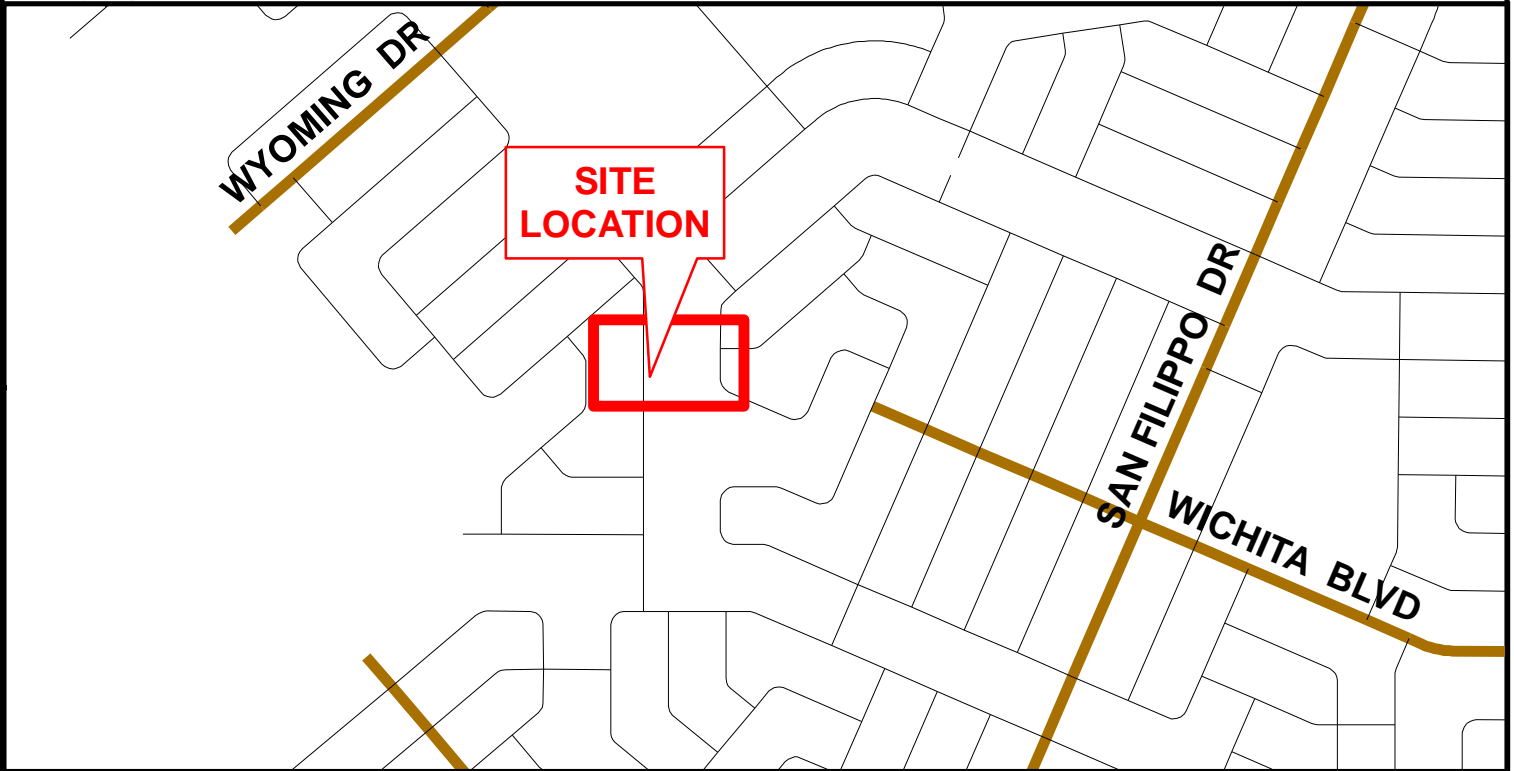
DATE: JULY 31, 2023

SHEET 1 OF 2

REVISIONS \_\_\_\_\_

TOWNSHIP 29 SOUTH  
RANGE 37 EAST

# LOCATION MAP

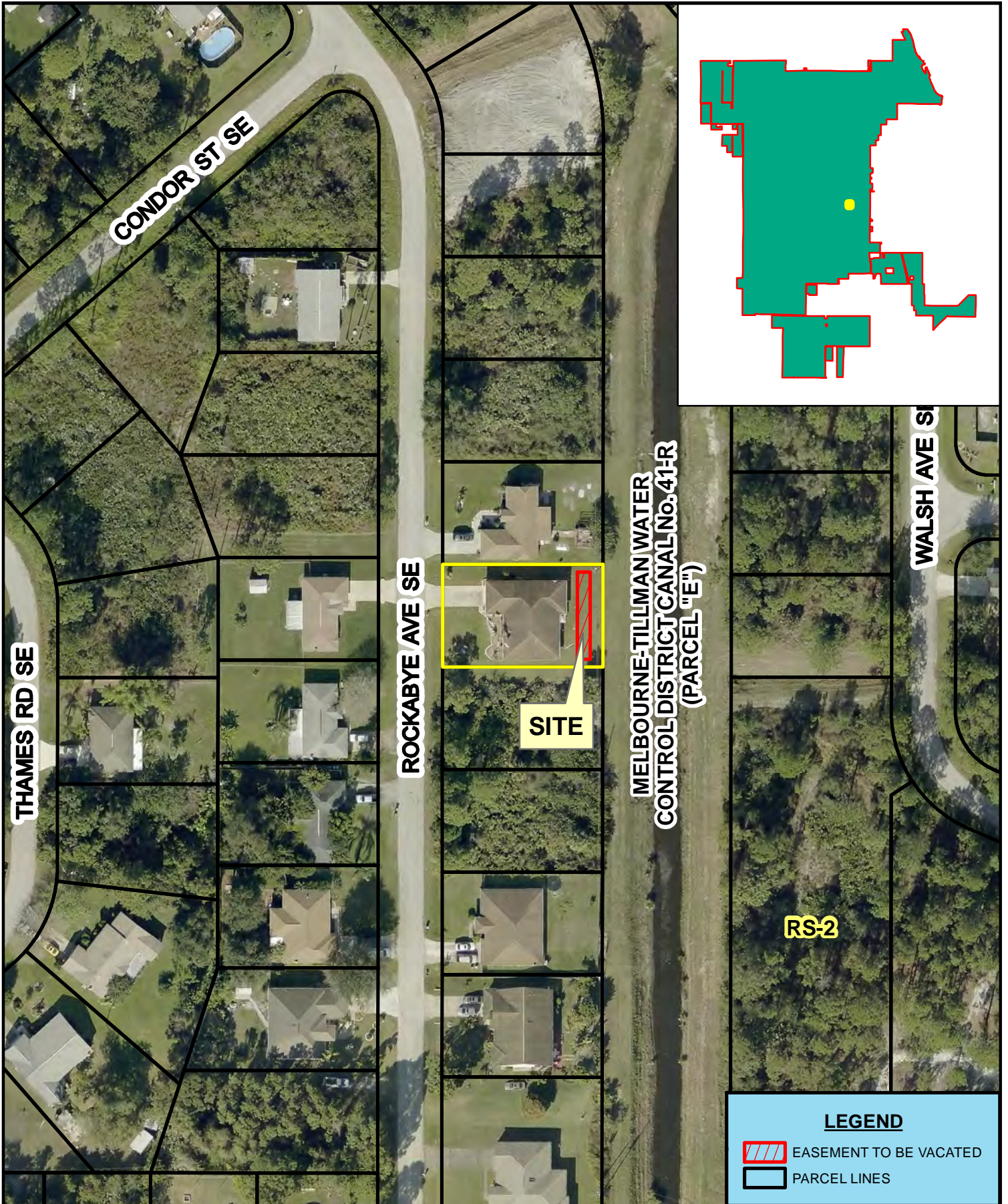


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 13, 2023.

## VE-17-2023

0 25 50 100  
Feet  
1 inch = 100 feet





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Map created by the City of Palm Bay  
Public Works Department (RSD), on December 13, 2023.

## LOCATION MAP VE-17-2023

0 25 50 100  
Feet  
1 inch = 100 feet

JAN 08 2024

CITY OF PALM BAY  
PUBLIC WORKSFlorida  
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

**PROOF OF PUBLICATION**

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Palm Bay FL 32907-3009

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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 January 18, 2024, and February 1, 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 -17-2023  
Vacation of Easement is requested to vacate the Westerly 10 feet of the Easterly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 680 square feet or 0.016 acres, more or less, of Lot 15, Block 859, Port Malabar Unit 17, according to the Plat thereof, as Recorded in Plat Book 15, Pages 99 - 108, of the Public Records of Brevard County, Florida. For a detached shed 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

NANCY HEYRMAN  
Notary Public  
State of Wisconsin



## **ORDINANCE 2024-03**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 15, BLOCK 859, PORT MALABAR UNIT 17, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 108, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Jose A. Sanabria Jr. and Stephanie A. Sanabria have requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

**WHEREAS**, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 15, Block 859, Port Malabar Unit 17, according to the plat thereof as recorded in Plat Book 15, Page 108, of the Public Records of Brevard County, Florida, Section 21, Township 29S, Range 37E, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 15, Block 859, Port Malabar Unit Seventeen, and run South along the East line of said Lot 15, a distance of 6.00 feet; thence West a distance of 10.00 feet to a point on the South line of a 6 foot Public Utility and Drainage Easement on said Lot 15, Block 859, which is also the point of beginning of the herein described parcel; thence South a distance of 68.00 feet; thence West a distance of 10.00 feet to a point on the West line of a 20 foot Public Utility and Drainage Easement on said Lot 15, Block 859; thence North a distance of 68.00 feet; thence East a distance of 10.00 feet to the point of beginning; containing 680 square feet or 0.016 acres, more or less.

**SECTION 2.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024- , held on , 2024; and read in title only and duly enacted at Meeting 2024- , held on , 2024.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Jose A. Sanabria Jr. and Stephanie A. Sanabria  
Case: VE-17-2023

cc: Brevard County Recording  
Applicant  
Case File