

4. Ordinance 2024-15, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 2396, Port Malabar Unit 45 (Case VE-14-2023, Michael Lagratta Jr. and Gladys Hidalgo Lagratta), final reading.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Valentino Perez, Public Works Director

DATE: April 4, 2024

RE: Ordinance 2024-15, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 2396, Port Malabar Unit 45 (Case VE-14-2023, Michael Lagratta Jr. and Gladys Hidalgo Lagratta), 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.

Vacation of Easement is requested to vacate the South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West 6-foot Public Utility & Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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. To construct an in-ground swimming pool in the backyard.

REQUESTING DEPARTMENTS:

Public Works

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement.

ATTACHMENTS:

1. Staff Report Package with legal ad
2. Ordinance 2024-15



DATE: March 21, 2024
CASE #: VE-14-2023

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West 6-foot Public Utility & Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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. To construct an in-ground swimming pool in the backyard.

LOCATION: 191 Nesbitt Street SE
(Lot 10, Block 2396, Port Malabar Unit 45)

APPLICANT: Michael Lagratta Jr. and Gladys Hidalgo Lagratta

SITE DATA

PRESENT ZONING: RE – Estate Residential District

AREA OF VACATING: 1,192 square feet, more or less

ADJACENT ZONING & LAND USE:
N RE – Estate Residential District
E RE – Estate Residential District
S RE – Estate Residential District
W RE – Estate Residential District

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 10, Block 2396, 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, being the South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West 6-foot Public Utility & Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less. For the construction of an in-ground 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 South 8 feet, of the North 20-foot Public Utility & Drainage Easement, less the West side 6-foot Public Utility & Drainage Easement thereof, containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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 an inground swimming pool in the backyard.

STAFF RECOMMENDATION:

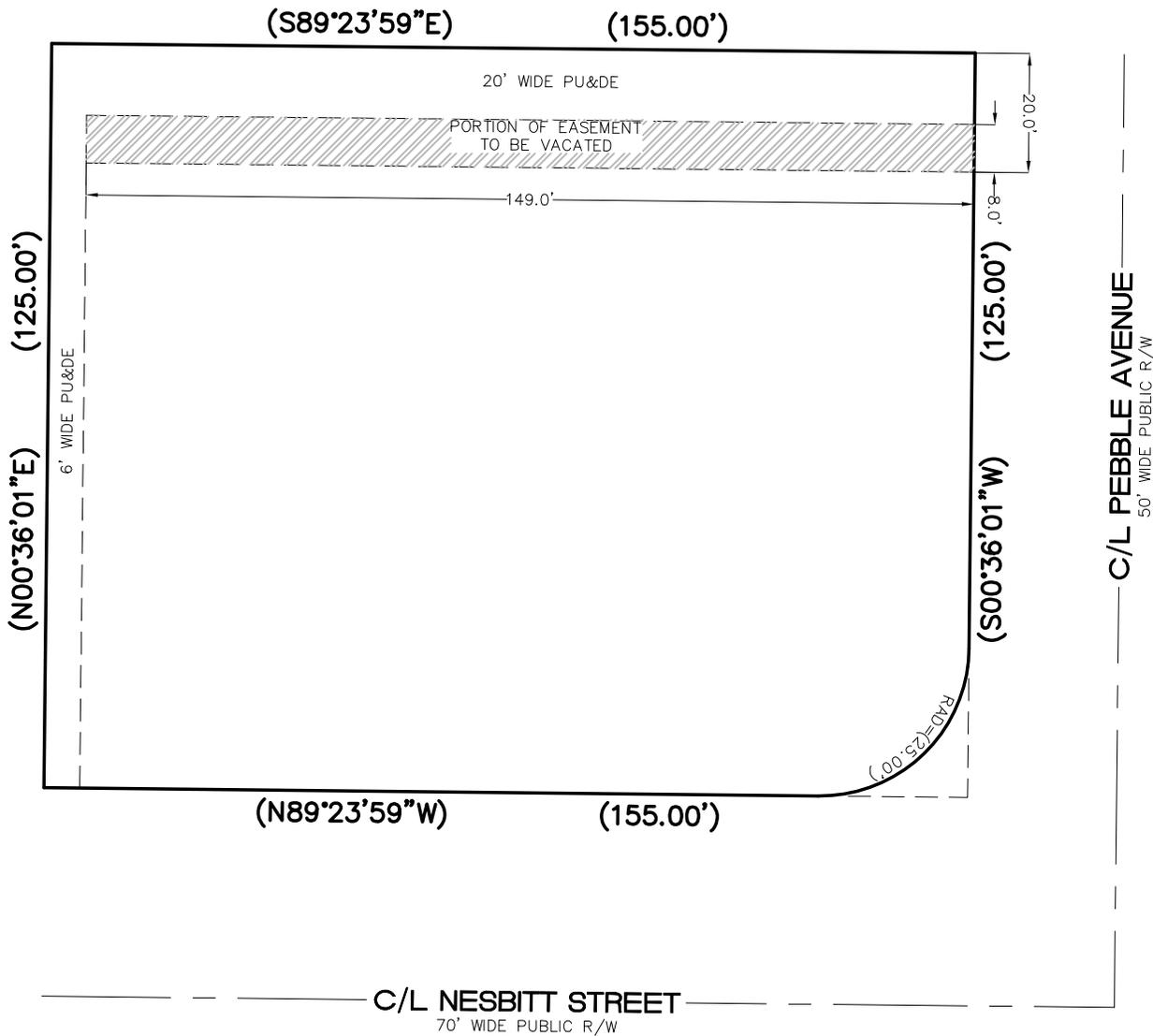
Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

MAP OF EASEMENT SKETCH

THIS IS NOT A SURVEY



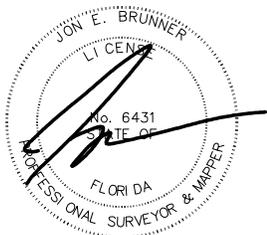
DRAINAGE RIGHT OF WAY



DESCRIPTION
(TO BE VACATED)

BEING A PORTION OF LOT 10, BLOCK 2396, PORT MALABAR UNIT FORTY FIVE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGES 3 THROUGH 23, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTH 8.00 FEET OF THE NORTH 20.00 FEET OF THE EAST 149.00 FEET OF LOT 10, BLOCK 2396, PORT MALABAR UNIT FORTY FIVE.

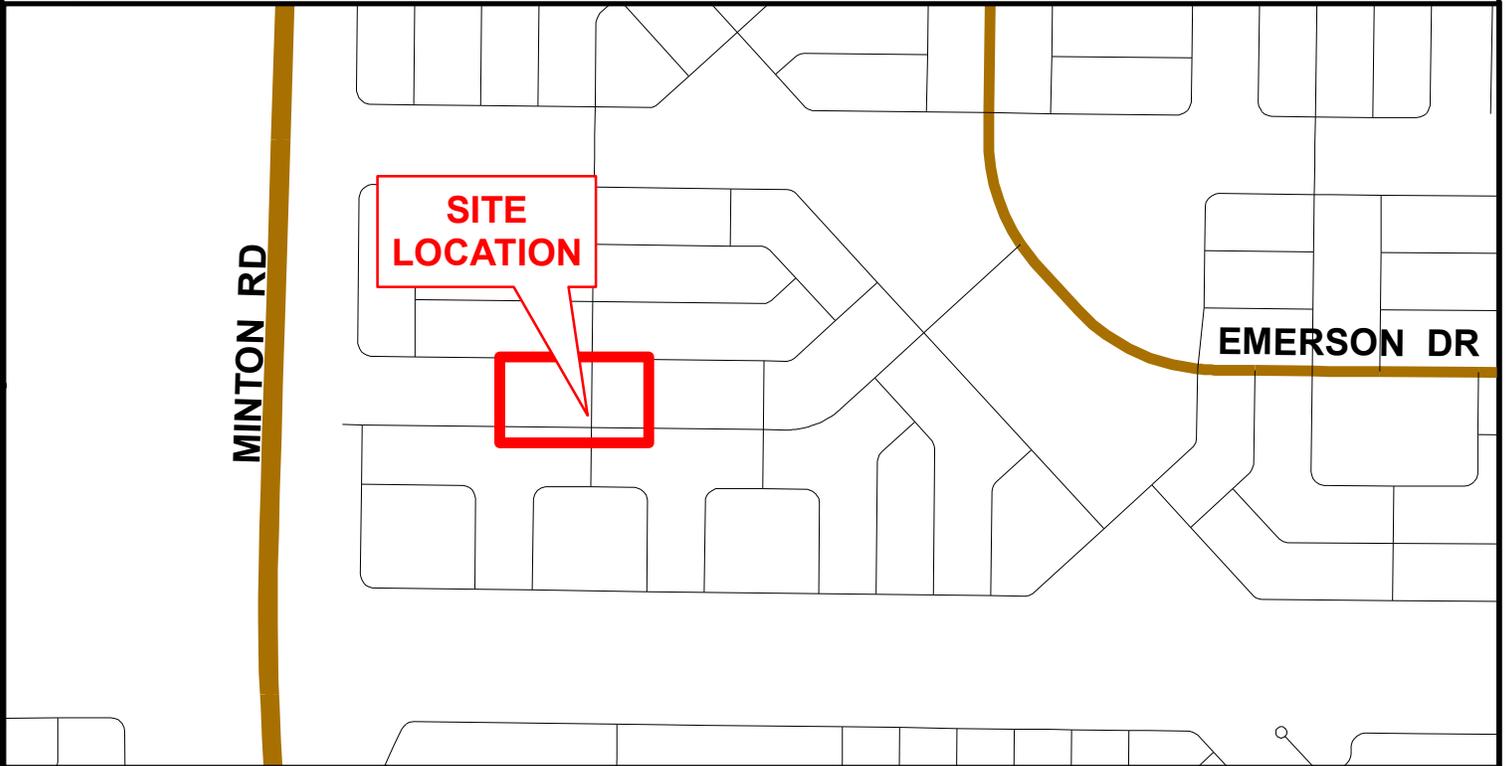


JON E. BRUNNER
STATE OF FLORIDA PSM 6431

DATE: 9/6/22	SECTION: 30	PAGE:	BRUNNER-HAGEN, INC. ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 540-22	TOWNSHIP: 28 S.	REVISION:	
SCALE: 1"=30'	RANGE: 37 E.	REVISION:	

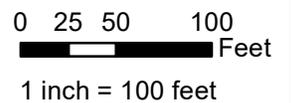


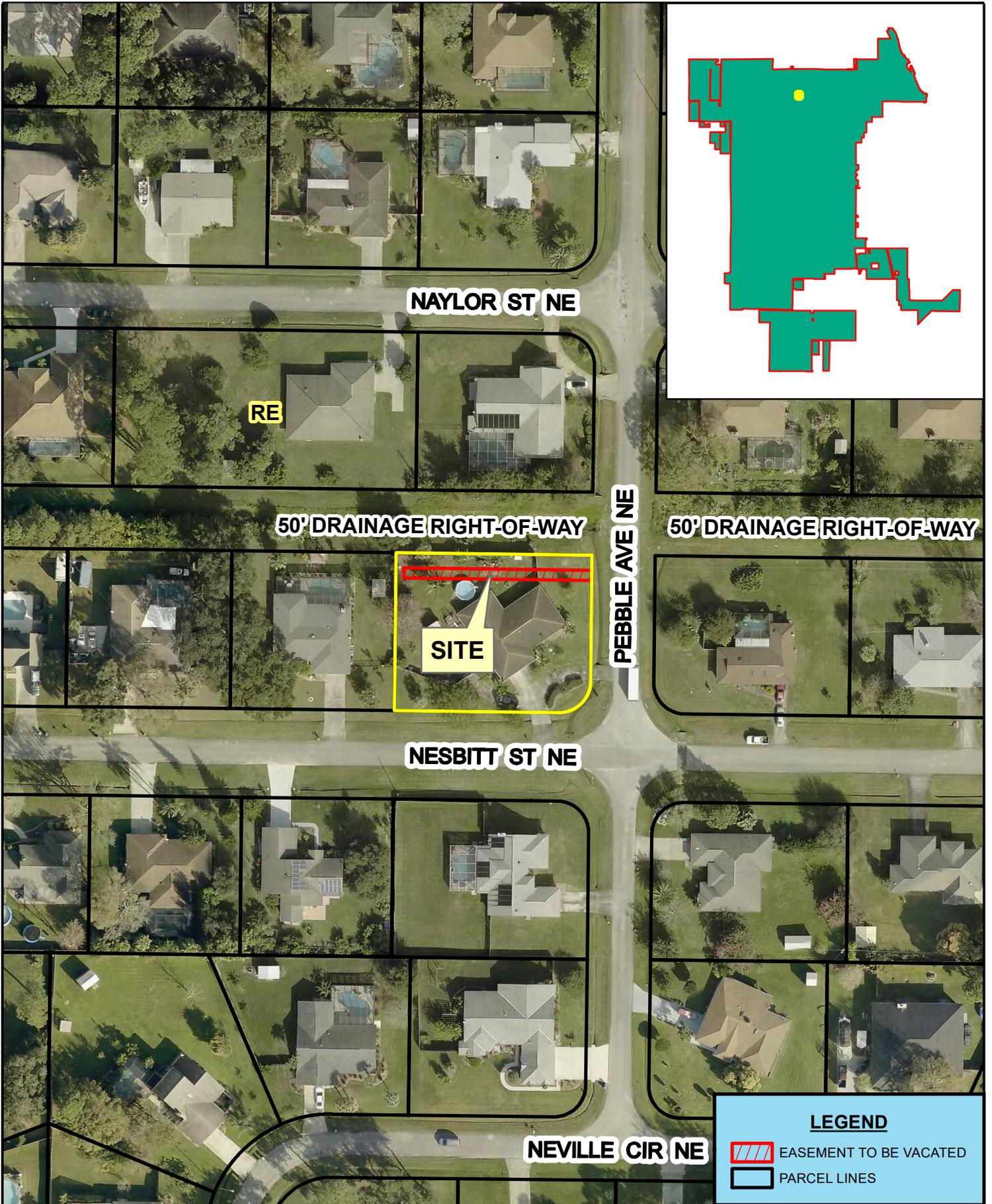
LOCATION MAP



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 October 4, 2023.

VE-14-2023





NAYLOR ST NE

RE

50' DRAINAGE RIGHT-OF-WAY

SITE

PEBBLE AVE NE

50' DRAINAGE RIGHT-OF-WAY

NESBITT ST NE

NEVILLE CIR NE

LEGEND

-  EASEMENT TO BE VACATED
-  PARCEL LINES



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 October 4, 2023.

LOCATION MAP
VE-14-2023

0 25 50 100
 Feet
 1 inch = 100 feet

Account Number:	1127256
Customer Name:	City Of Palm Bay
Customer Address:	City Of Palm Bay 120 Malabar Rd Se attn: Accounts Payable Palm Bay FL 32907-3009
Contact Name:	CITY OF PALM BAY
Contact Phone:	
Contact Email:	
PO Number:	PUBLIC HEARING

Date:	02/26/2024
Order Number:	9890922
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	43.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
BRE Brevard Florida Today	1	02/29/2024 - 02/29/2024	Public Notices
BRE floridatoday.com	1	02/29/2024 - 02/29/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$91.01
Service Fee 3.99%	\$3.63
Cash/Check/ACH Discount	-\$3.63
Payment Amount by Cash/Check/ACH	\$91.01
Payment Amount by Credit Card	\$94.64

Order Confirmation Amount	\$91.01
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Ad Preview

Ad#9890922 02/29/2024
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 March 21, and April 4, 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 -14-2023

Vacation of Easement is requested to vacate the South 8 feet, of the North 20-foot Public Utility and Drainage Easement, thereof containing 1,192 square feet or 0.027 acres, more or less, of Lot 10, Block 2396, 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. To construct an in-ground swimming pool in the backyard.

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

ORDINANCE 2024-15

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 10, BLOCK 2396, PORT MALABAR UNIT 45, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Michael Lagratta Jr. and Gladys Hidalgo Lagratta 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 shall not in any manner affect utility equipment or services already installed in the easement or the right to thereafter maintain and operate the equipment and services in the easement.

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 10, Block 2396, Port Malabar Unit 45, according to the plat thereof as recorded in Plat Book 22, Page 12, of the Public Records of Brevard County, Florida, Section 30, Township 28S, Range 37E, being more particularly described as follows:

Being the South 8.00 feet of the North 20.00 foot Public Utility and Drainage Easement, less the West 6.00 foot Public Utility and Drainage Easement, on said Lot 10, Block 2396; containing 1,192 square feet or 0.027 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.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Michael Lagratta Jr. and Gladys Hidalgo Lagratta
Case: VE-14-2023

cc: Brevard County Recording
Applicant
Case File