

1. Ordinance 2024-25, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 1107, Port Malabar Unit 23 (Case VE-4-2024, Sherry Denise Pollard), 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:** June 25, 2024

**RE:** Ordinance 2024-25, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 1107, Port Malabar Unit 23 (Case VE-4-2024, Sherry Denise Pollard), 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.

Sherry Denise Pollard has submitted an application to vacate the Southerly 8 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly and Westerly 6 foot Public Utility & Drainage Easement, 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 thru 28, of the Public Records of Brevard County, Florida, for construction of a swimming pool in the back yard.

### **REQUESTING DEPARTMENTS:**

Public Works

### **FISCAL IMPACT:**

None.

### **STAFF RECOMMENDATION:**

Motion to approve per the recommendation section on the Staff Report.

### **ATTACHMENTS:**

1. Staff Report Package
2. Ordinance



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.

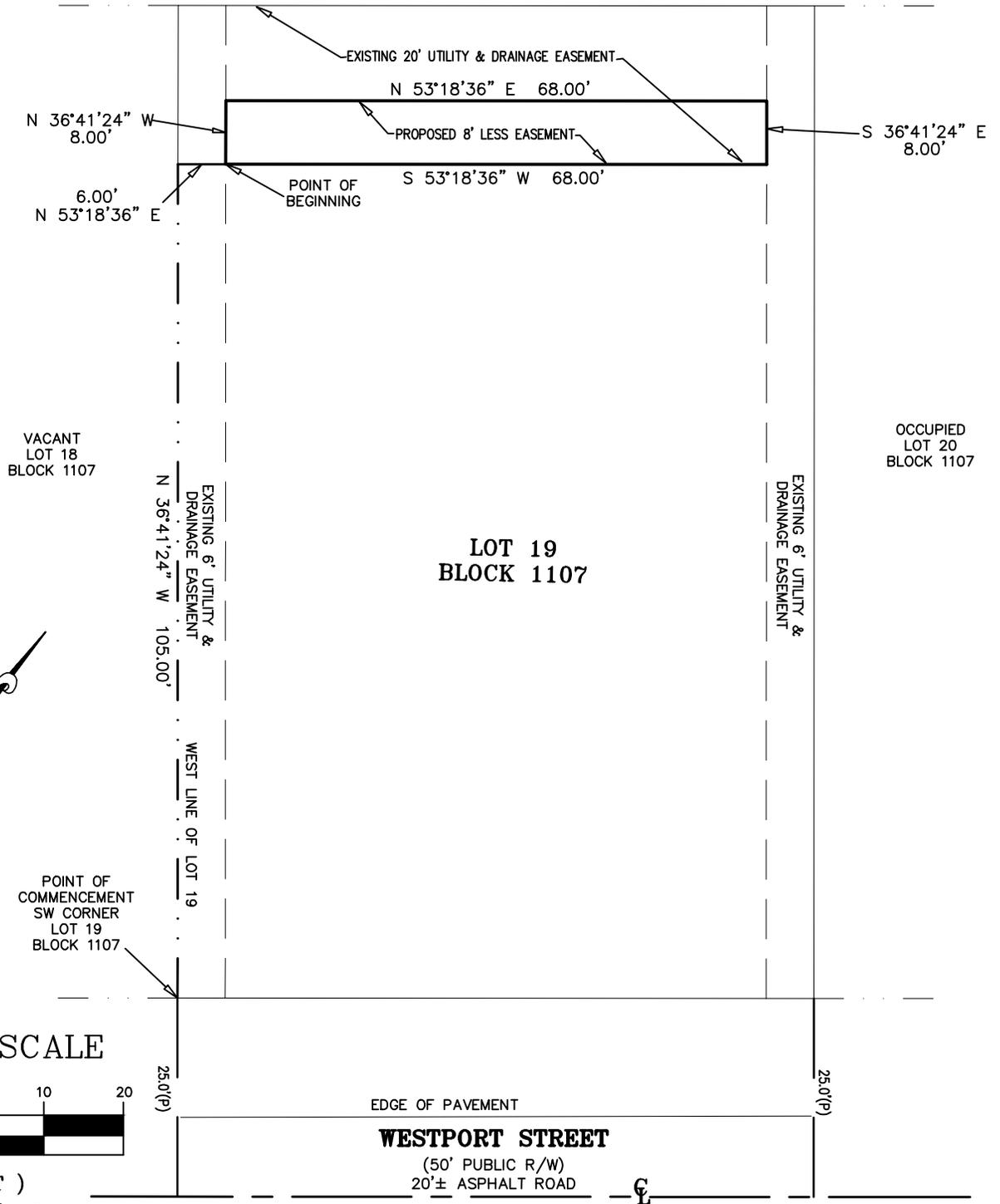
**THIS IS NOT A BOUNDARY SURVEY**

UPDATES and/or REVISIONS	ADDED SIDE EASEMENTS 04-16-2024			
DATE 02-26-2024				PREPARED FOR: SHERRY D. POLLARD

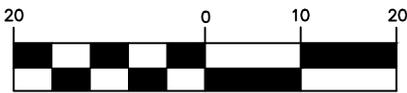
JOB #: 21-0984 SKETCH-DESC
DRAWN BY: EAD
CHECKED BY: JTD
FIELD BOOK: N/A
PAGE: 1 OF 2
FIELD DATE: N/A

<p><b>GSS Surveying and Mapping, LLC</b> 700 22<sup>nd</sup> Place Suite 2A Vero Beach, FL 32960 772-696-5300</p>		<p><b>GSS Surveying and Mapping, LLC</b> 4620 Lipscomb St NE Suite 2 Palm Bay, FL 32905 321-914-3978</p>
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**DESCRIPTION TO ACCOMPANY SKETCH  
EASEMENT FOR POOL  
1025 WESTPORT STREET SE, PALM BAY, FL 32909  
(NOT VALID WITHOUT SHEETS 1 & 2)**



**GRAPHIC SCALE**



( IN FEET )  
1 inch = 20 ft.

**SCALE 1:20 (1" = 20')**

**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
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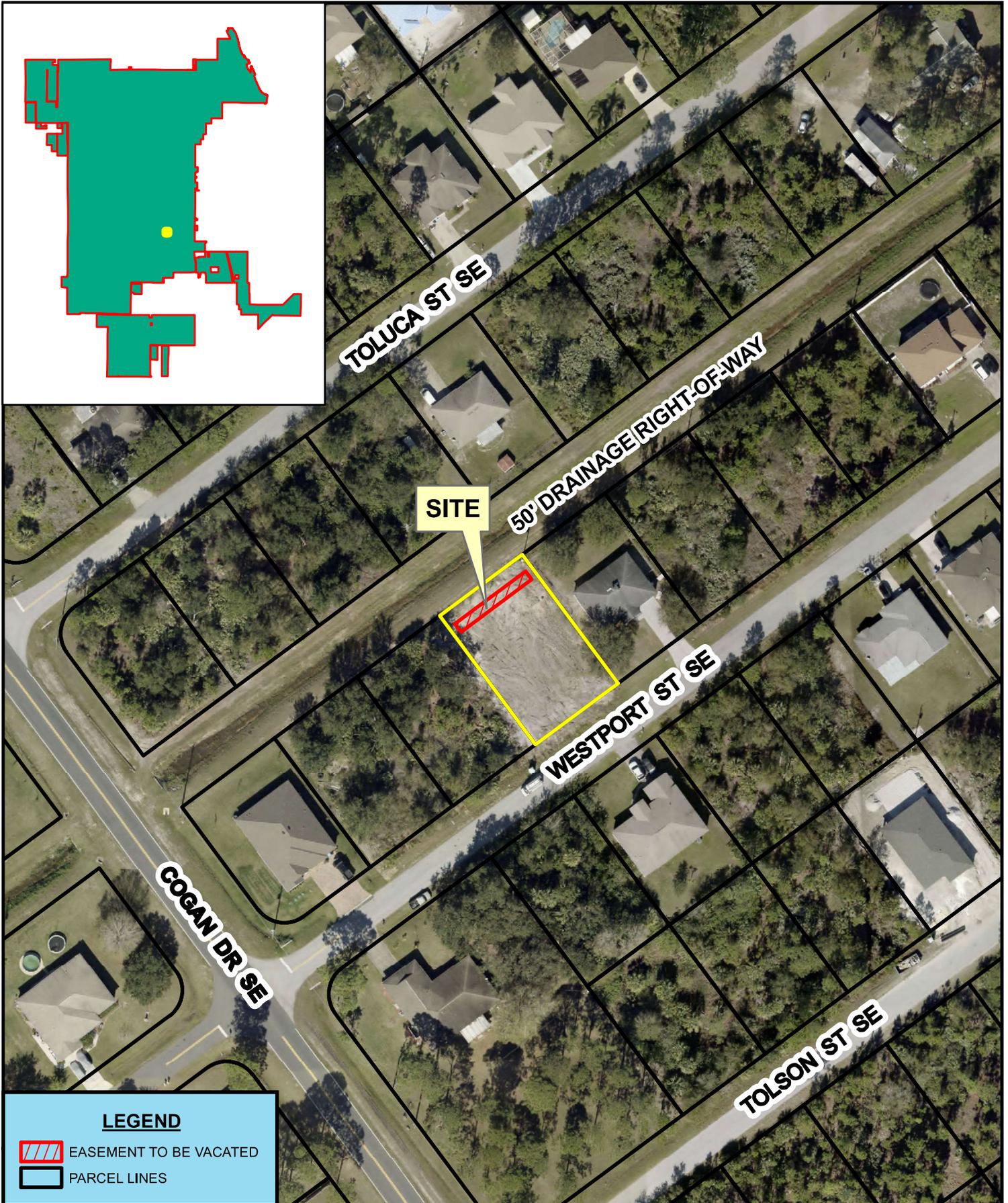
# LOCATION MAP



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

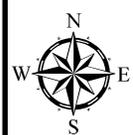
0 25 50 100  
Feet  
1 inch = 100 feet



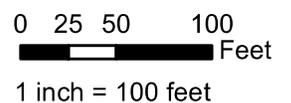
**LEGEND**

-  EASEMENT TO BE VACATED
-  PARCEL LINES

**LOCATION MAP**  
**VE-4-2024**



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Map created by the City of Palm Bay  
Public Works Department (RSD), on April 17, 2024.





Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**AFFIDAVIT OF PUBLICATION**

Scott Dexter  
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 Govt Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

05/01/2024

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 05/01/2024

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Legal Clerk

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91925

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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



## ORDINANCE 2024-25

**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 19, BLOCK 1107, PORT MALABAR UNIT 23, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 20, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sherry Denise Pollard has 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 19, Block 1107, Port Malabar Unit 23, according to the plat thereof as recorded in Plat Book 16, Page 20, of the Public Records of Brevard County, Florida, Section 32, Township 28S, Range 37E, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 19, run N 36°41'24" W, a distance of 105.00 feet along the West line of Lot 19; thence N 53°18'36" E, a distance of 6.00 feet to the point of beginning. Thence N 36°41'24" W, a distance of 8.00 feet along a line parallel to said West line; thence N 53°18'36" E, a distance of 68.00 feet; thence S 36°41'24" E, a distance of 8.00 feet; thence S 53°18'36" W, a distance of 68.00 feet to the point of beginning; . Containing 544 square feet or 0.012 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-XX, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-XX, held on \_\_\_\_\_, 2024.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

Applicant: Sherry Denise Pollard  
Case: VE-4-2024

cc: Brevard County Recording  
Applicant  
Case File