

4. Ordinance 2024-29, vacating a portion of the rear public utility and drainage easement located within Lot 26, Block 1709, Port Malabar Unit 36 (Case VE-3-2024, Stefani Jo Tennyson), first reading.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Suzanne Sherman, City Manager
THRU: Valentino Perez, Public Works Director
DATE: July 11, 2024
RE: Vacating Easement, VE-3-2024

SUMMARY:

Vacation of Easement is requested to vacate the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida. This request is being made due to the encroachment of an existing concrete slab in the back easement.

REQUESTING DEPARTMENTS:

Public Works

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

The City of Palm Bay's Departments have the following comments relating to the vacating request. The property owner hired a licensed contractor to build a concrete slab in the backyard. Said contractor applied for and was issued a permit from the City of Palm Bay. Contractor formed up the slab and called for a pre-pour inspection; city inspector approved the pre-pour inspection, not realizing the form boards were in the wrong place. Upon Final Inspection, it was discovered that a portion of the concrete slab had been poured within the easement. This vacate of easement request is to correct that error. Staff recommends approval of the vacating request.

ATTACHMENTS:

Honorable Mayor and Members of the City Council

Legislative Memorandum

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1. Staff Report Package with legal ad
2. Vacating Easement Ordinance



DATE: July 11, 2024

CASE #: VE-3-2024

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida. For the encroachment of an existing concrete slab in the back easement.

LOCATION: 1275 Scottish Street SW
(Lot 26, Block 1709, Port Malabar Unit 36)

APPLICANT: Stefani Jo Tennyson

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 120 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 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida, being the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less. For the encroachment of an existing concrete slab in the easement.

Florida Power and Light, AT&T, Florida City Gas, 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. The property owner hired a licensed contractor to build a concrete slab in the backyard. Said contractor applied for and was issued a permit from the City of Palm Bay. Contractor formed up the slab and called for a pre-pour inspection; city inspector approved the pre-pour inspection, not realizing the form boards were in the wrong place. Upon Final Inspection, it was discovered that a portion of the concrete slab had been poured within the easement. This vacate of easement request is to correct that error.

Staff has no adverse comments regarding removal of the South 6 feet, of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet thereof, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida, for the encroachment of a concrete slab in the back easement.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement.

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

PARENT PARCEL ID#: 29-36-03-KL-1709-26

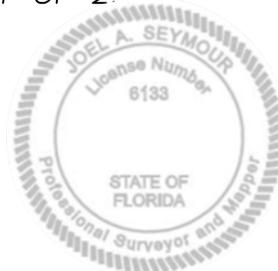
PURPOSE: VACATION OF EASEMENT

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

THE SOUTH SIX FEET OF THE NORTH TEN FEET OF THE WEST TWENTY FEET OF THE EAST TWENTY THREE FEET OF LOT 26, BLOCK 1709, PORT MALABAR UNIT THIRTY SIX, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGES 82-94, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. CONTAINING 120 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE C/L OF SCOTTISH STREET BEING S89°39'05"W AS PER PLAT (SEE SKETCH)
2. THIS SKETCH AND DESCRIPTION CONTAINS TWO SHEETS. EACH SHEET IS NOT FULL OR COMPLETE WITHOUT THE OTHER.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER WHICH CAN BE FOUND ON SHEET 1 OF 2.



5/7/2024 | 7:06 AM PDT

LEGEND:

- BRG = BEARING
- C/L = CENTERLINE
- ESMT = EASEMENT
- FT = FEET
- P.B. = PLAT BOOK
- PUDE = PUBLIC UTILITY AND DRAINAGE EASEMENT
- REF = REFERENCE
- R/W = RIGHT OF WAY
- SQ SQUARE

PREPARED FOR AND CERTIFIED TO:

GREEN HAMMER

PREPARED BY: **Kane Surveying, Inc.**

FLORIDA LICENSED BUSINESS No. LB 7838
 505 DISTRIBUTION DRIVE
 MELBOURNE, FLORIDA 32904
 (321) 676-0427

Joel Seymour

JOEL A. SEYMOUR, LS 6133
 PROFESSIONAL SURVEYOR & MAPPER
 NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JAS

CHECKED BY: JAS

PROJECT NO. 43305

DATE: 5/7/24

PM36/L26B1709

REVISIONS

DATE

DESCRIPTION

SECTION 3
 TOWNSHIP 29 SOUTH
 RANGE 36 EAST

SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY

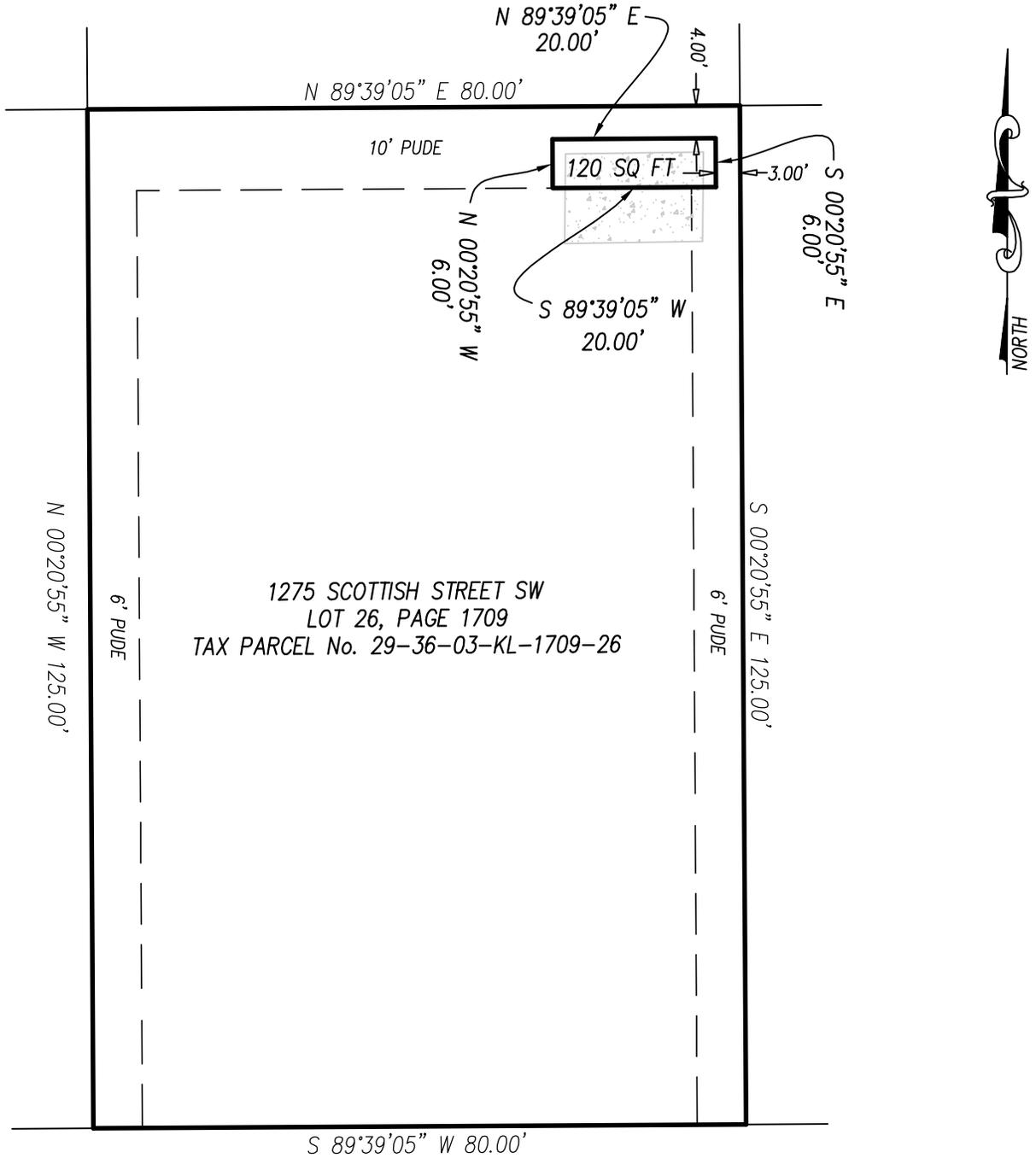
EXHIBIT ---

SHEET 2 OF 2

PARENT PARCEL ID#: 29-36-03-KL-1709-26

NOT VALID WITHOUT SHEET 1 OF 2

PURPOSE: VACATION OF EASEMENT



S 89°39'05" W (REF BRG)

SCOTTISH STREET, S.W.

C/L

50' PUBLIC R/W

PREPARED BY:

Kane Surveying, Inc.

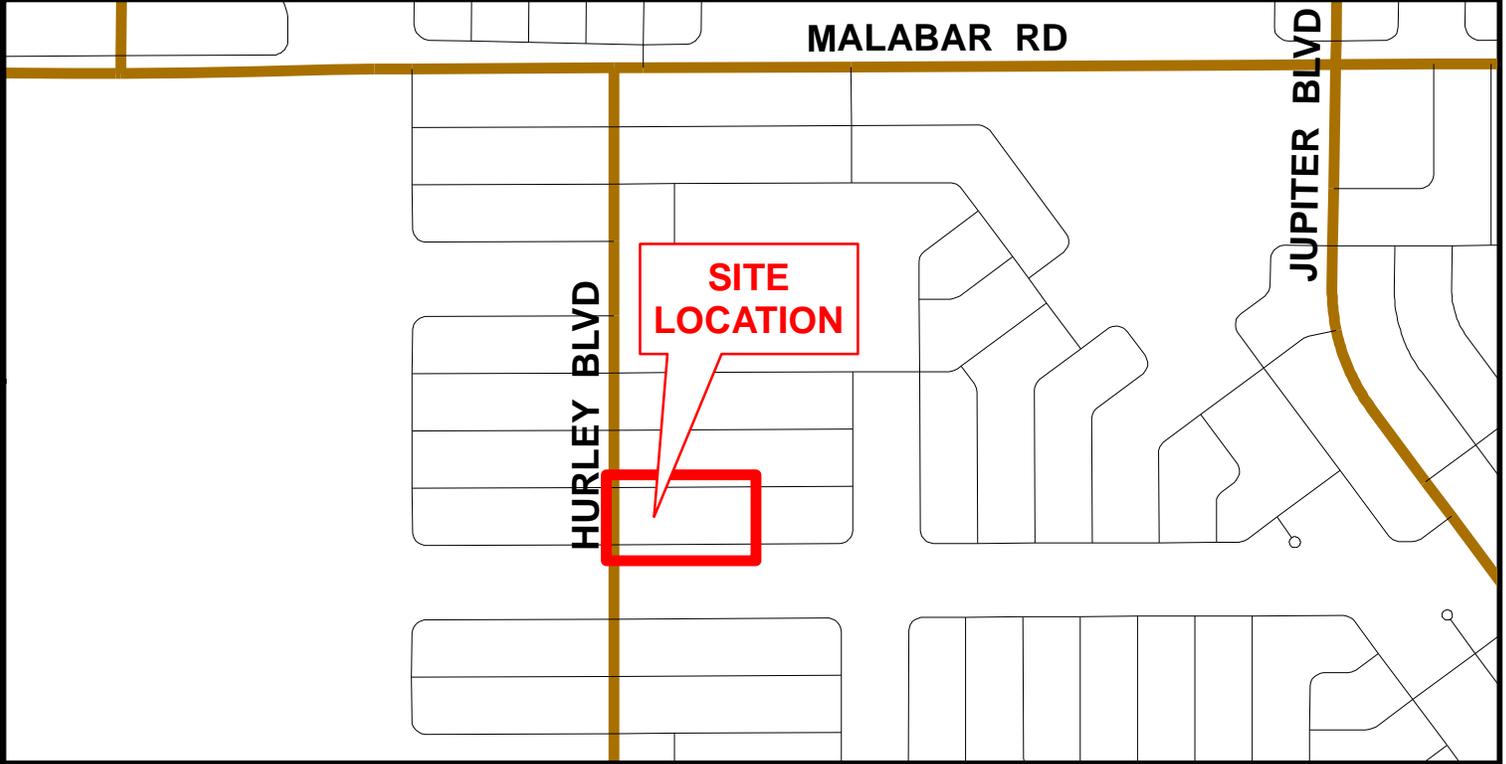
FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 676-0427

SCALE: 1 INCH = 20 FEET

PROJECT NO. 43305

SECTION 3
TOWNSHIP 29 SOUTH
RANGE 36 EAST

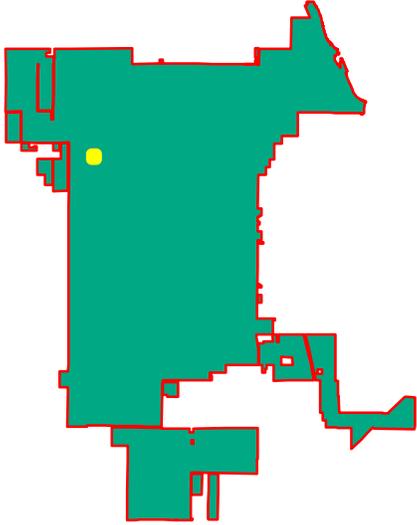
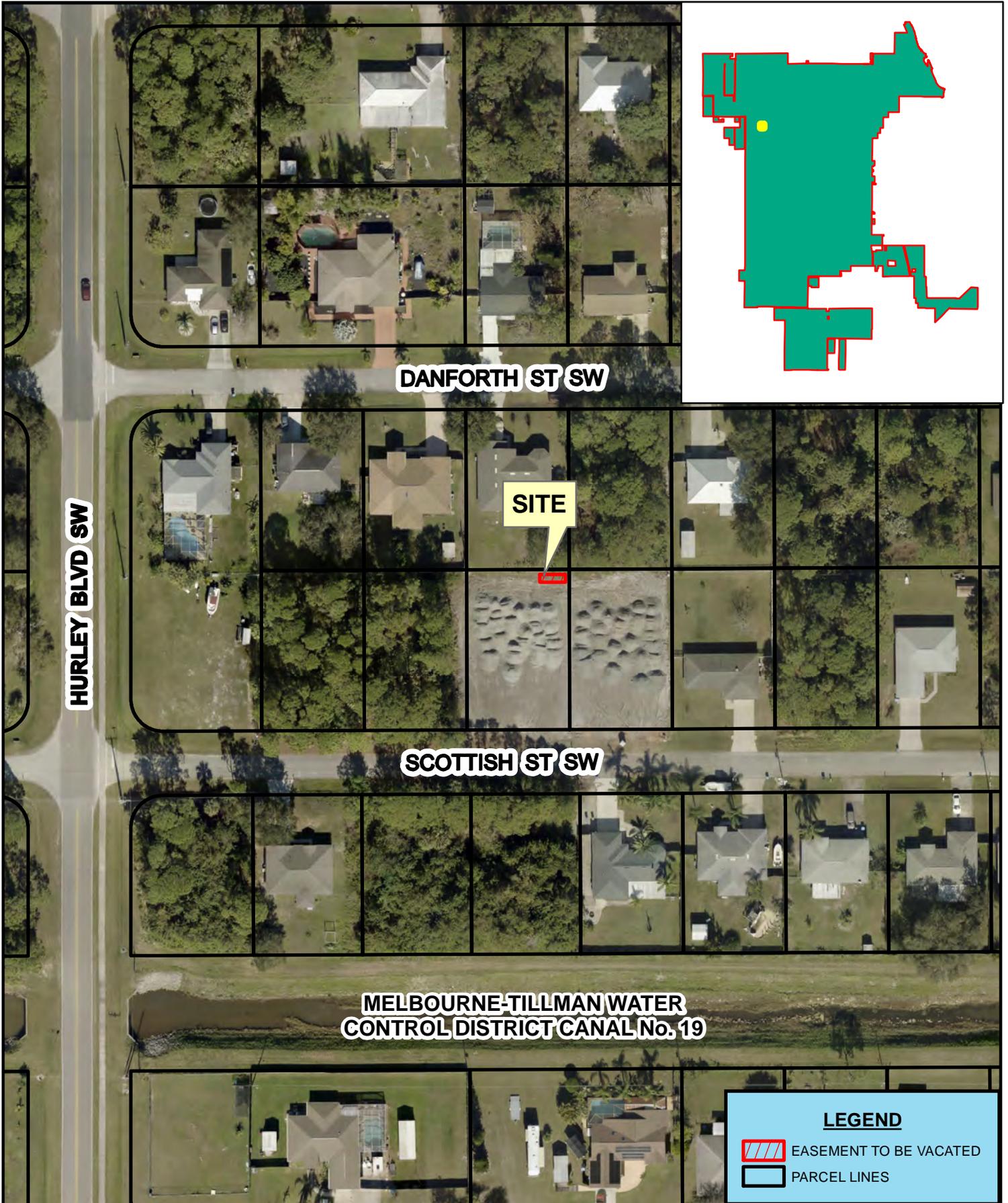
LOCATION MAP



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 May 21, 2024.

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 May 21, 2024.

LOCATION MAP

VE-3-2024

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:	Bonnie Hall
Contact Phone:	
Contact Email:	Bonnie.Hall@palmbayflorida.org
PO Number:	Case No 3-2024

Date:	05/30/2024
Order Number:	10230112
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	06/04/2024 - 06/04/2024	Govt Public Notices
BRE floridatoday.com	1	06/04/2024 - 06/04/2024	Govt 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
Tax Amount	\$0.00
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# 10230112 6/4/2024

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 July 11 and July 18, 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 -3-2024

Vacation of Easement is requested to vacate the South 6 feet of the North 10-foot Public Utility & Drainage Easement, less the West 57 feet and the East 3 feet, containing 120 square feet or 0.003 acres, more or less, of Lot 26, Block 1709, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82 - 94, of the Public Records of Brevard County, Florida. For encroachment of an existing concrete slab in the back easement.

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 2024-29

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 26, BLOCK 1709, PORT MALABAR UNIT 36, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 87, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Stefani Jo Tennyson 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 26, Block 1709, Port Malabar Unit 36, according to the plat thereof as recorded in Plat Book 19, Page 87, of the Public Records of Brevard County, Florida, Section 03, Township 29S, Range 36E, being more particularly described as follows:

The South six (6) feet of the North ten (10) feet of the West twenty (20) feet of the East twenty-three (23) feet of Lot 26, Block 1709, Port Malabar Unit 36, according to the plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida; containing 120 square feet, 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: Stefani Jo Tennyson
Case: VE-3-2024

cc: Brevard County Recording
Applicant
Case File