

5. Ordinance 2024-30, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 310, Port Malabar Unit 10 (Case VE-5-2024, Jose Taveras Ortiz and Olga M. Gomez Sanchez), 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-5-2024

SUMMARY:

Vacation of Easement is requested to vacate the North 10 feet, of the South 20-foot Public Utility & Drainage Easement, less the West and East 6-foot Public Utility & Drainage Easements thereof, containing 710 square feet or 0.016 acres, more or less, of Lot 21, Block 310, 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. This request is being made for the installation of a shed 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. Vacating Easement Ordinance



DATE: July 11, 2024

CASE #: VE-5-2024

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the North 10 feet, of the South 20-foot Public Utility & Drainage Easement, less the West and East 6-foot Public Utility & Drainage Easements thereof, containing 710 square feet or 0.016 acres, more or less, of Lot 21, Block 310, 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 installation of a shed in the backyard.

LOCATION: 574 Hatcher Street SE
(Lot 21, Block 310, Port Malabar Unit 10)

APPLICANT: Jose Taveras Ortiz and Olga M. Gomez Sanchez

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 710 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family Residential
& LAND USE:	E	RS-2 – Single-Family Residential
	S	Melbourne-Tillman Water Control District Canal No. 49
	W	RS-2 – Single-Family Residential

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 21, Block 310, 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, being the North 10 feet, of the South 20-foot Public Utility & Drainage Easement, less the East and West 6-foot Public Utility & Drainage Easements thereof, containing 710 square feet or 0.016 acres, more or less. For the installation of a shed in the backyard.

Florida Power and Light, AT&T, 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 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 North 10 feet, of the South 20-foot Public Utility & Drainage Easement, less the East and West side 6-foot Public Utility & Drainage Easements thereof, containing 710 square feet or 0.016 acres, more or less, of Lot 21, Block 310, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 15, Pages 10-19, of the Public Records of Brevard County, Florida, for the installation of a shed in the backyard.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement.

SKETCH & DESCRIPTION

SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST
(NOT A BOUNDARY SURVEY)

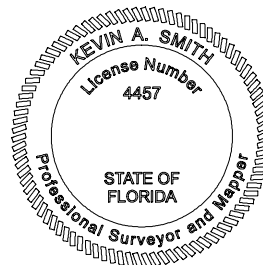
SHEET 1 OF 2
NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 21, BLOCK 310 "PORT MALABAR UNIT TEN" AS RECORDED IN PLAT BOOK 15, PAGES 10-19, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; COMMENCE AT THE SOUTH WEST CORNER OF SAID LOT 21, BLOCK 310, NORTH 00°35'50" EAST ALONG THE WEST LINE OF SAID LOT 21, A DISTANCE OF 20 FEET; THENCE SOUTH 89°24'10" EAST A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°24'10" EAST, A DISTANCE OF 71 FEET TO A POINT ON THE EAST LINE OF A 6 FOOT EASEMENT ON SAID LOT 21, BLOCK 310; THENCE SOUTH 00°35'50" WEST, A DISTANCE OF 10 FEET; THENCE NORTH 89°24'10" WEST, A DISTANCE OF 71 FEET TO THE WEST LINE OF A 6 FOOT EASEMENT ON SAID LOT 21, BLOCK 310; THENCE NORTH 00°35'50" EAST, A DISTANCE OF 10 FEET TO THE POINT OF BEGINNING.

SURVEYORS NOTES:

1. SEE BOUNDARY SURVEY



PREPARED BY:



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

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

PREPARED FOR: JOSE TRAVERAS

DRAWN BY: B. ROBERSON

DATE: OCT. 6, 2023

CHECKED BY: KAS

SHEET 1 OF 2

DRAWING NO. 23-1287

REVISIONS _____

SECTION 6

TOWNSHIP 29 SOUTH

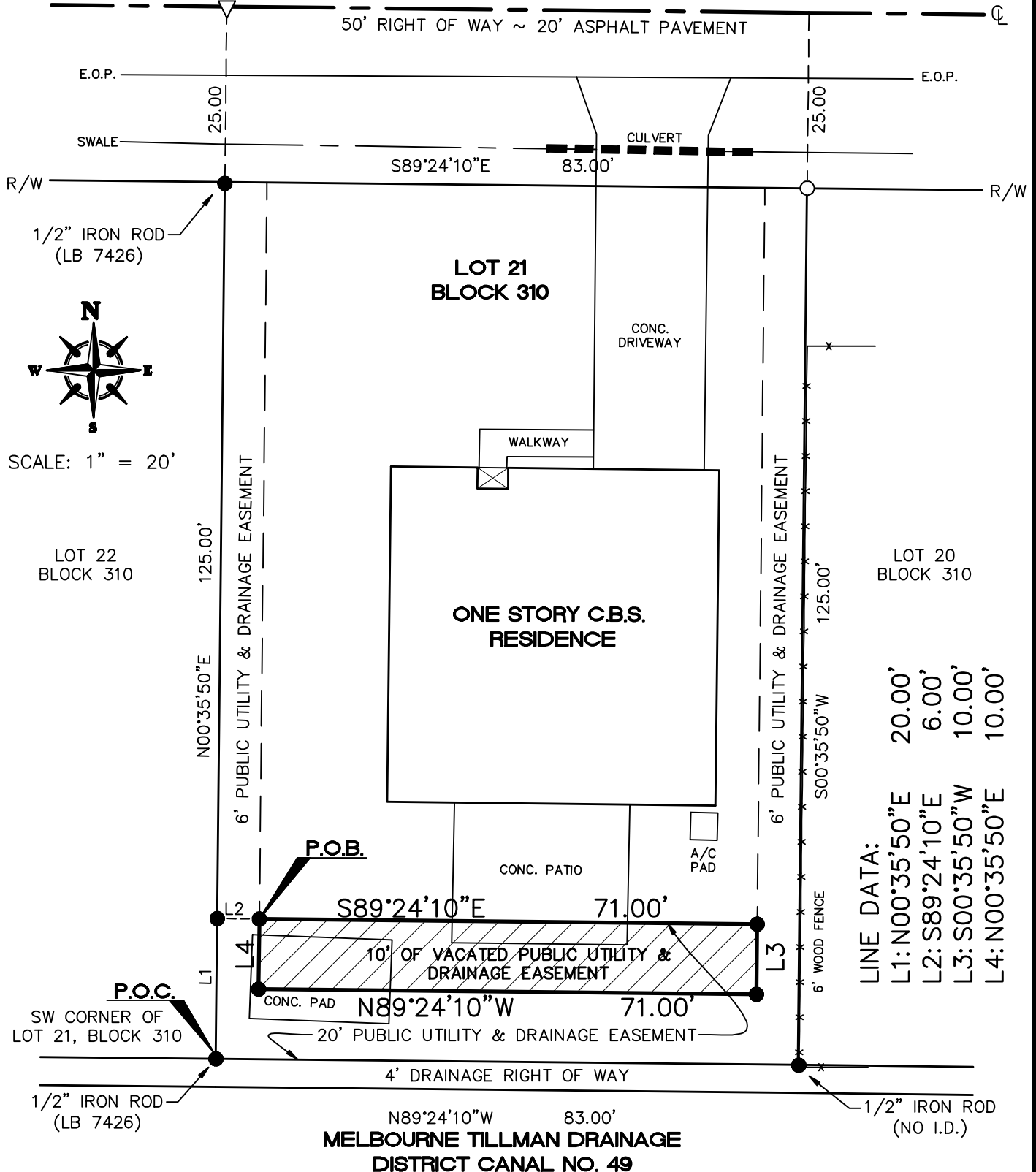
RANGE 37 EAST

SKETCH & DESCRIPTION

SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST
(NOT A BOUNDARY SURVEY)

SHEET 2 OF 2
NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2

HATCHER STREET

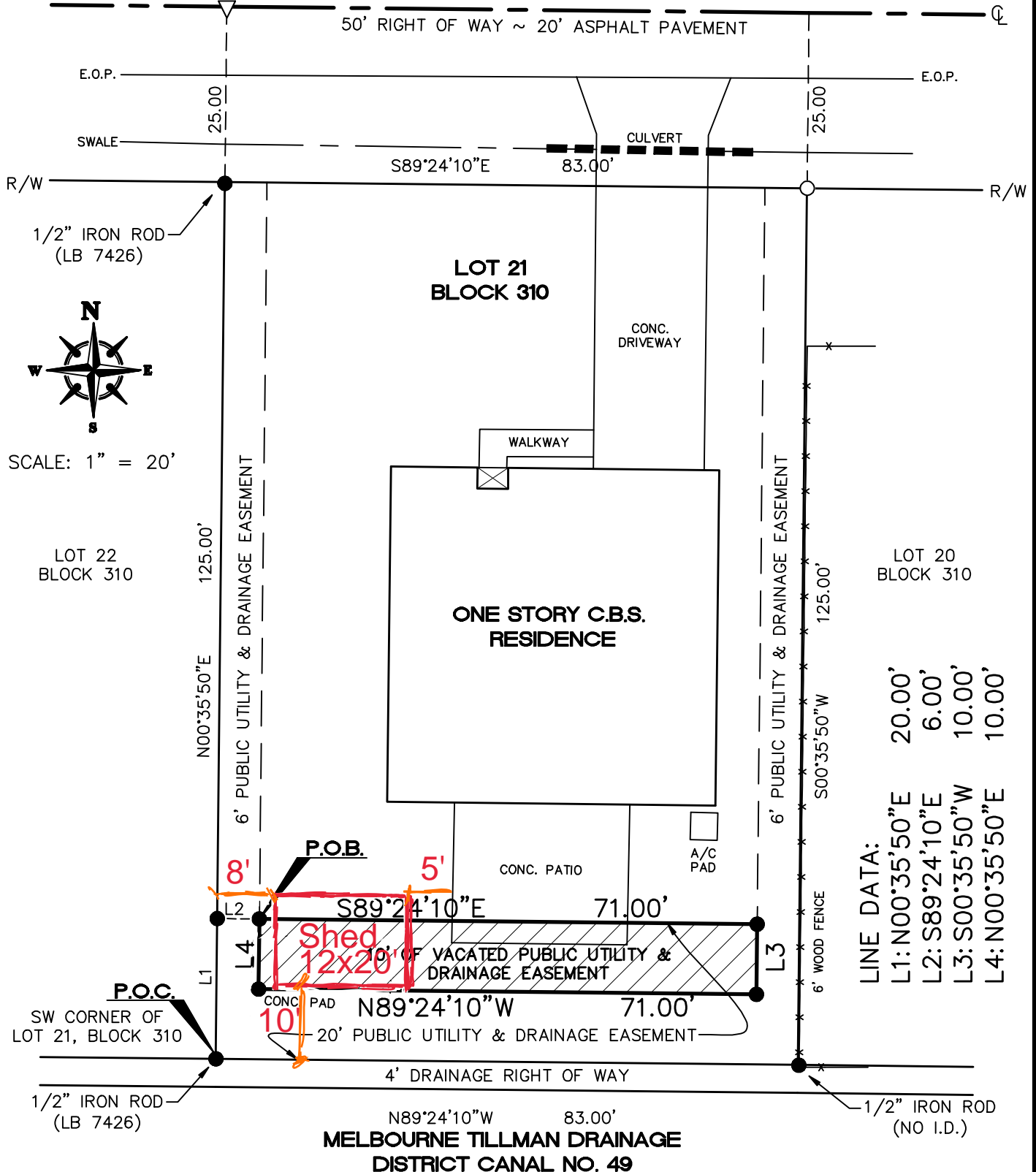


SKETCH & DESCRIPTION

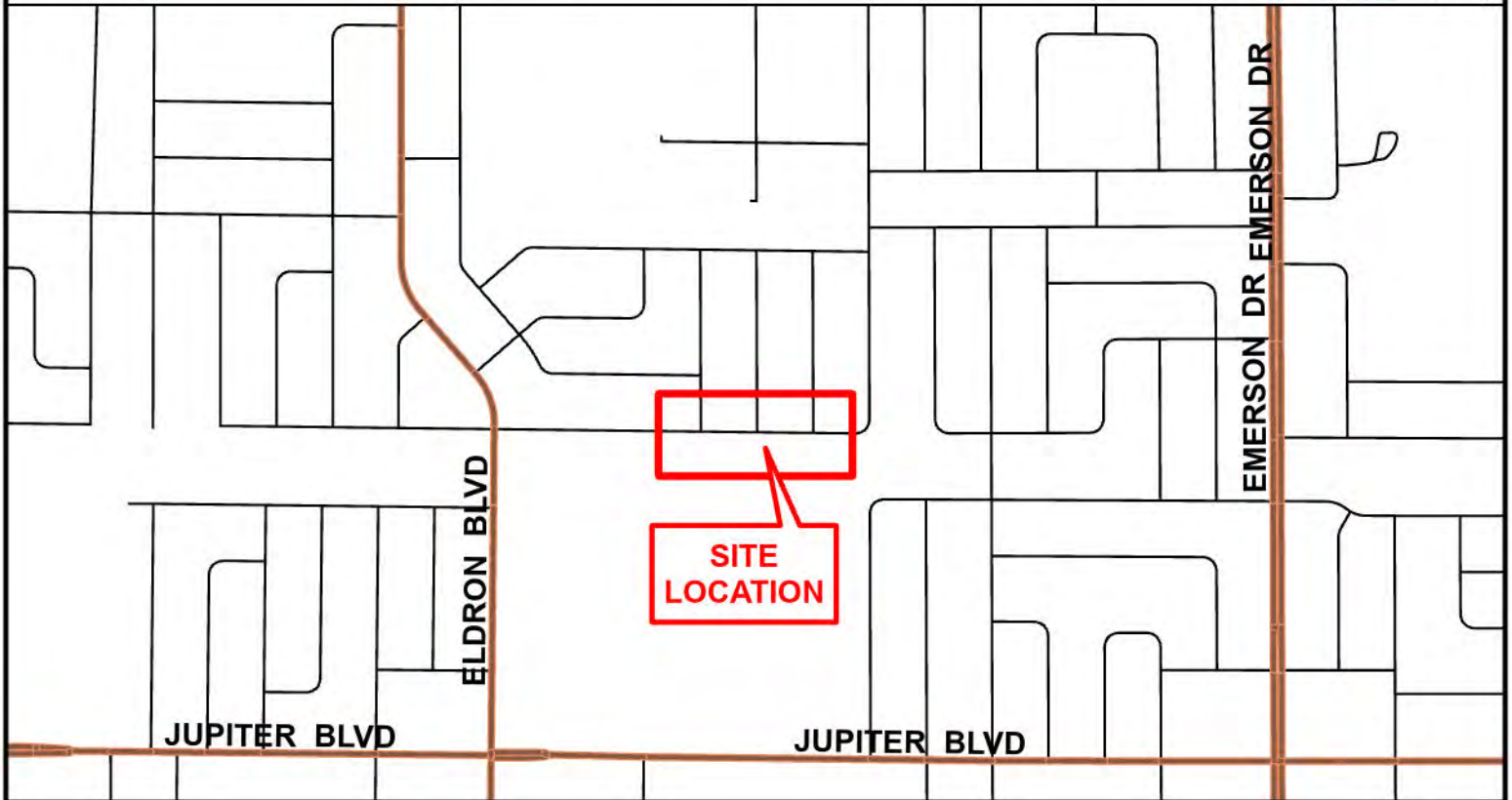
SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST
(NOT A BOUNDARY SURVEY)

SHEET 2 OF 2
NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2

HATCHER STREET



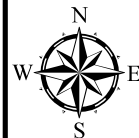
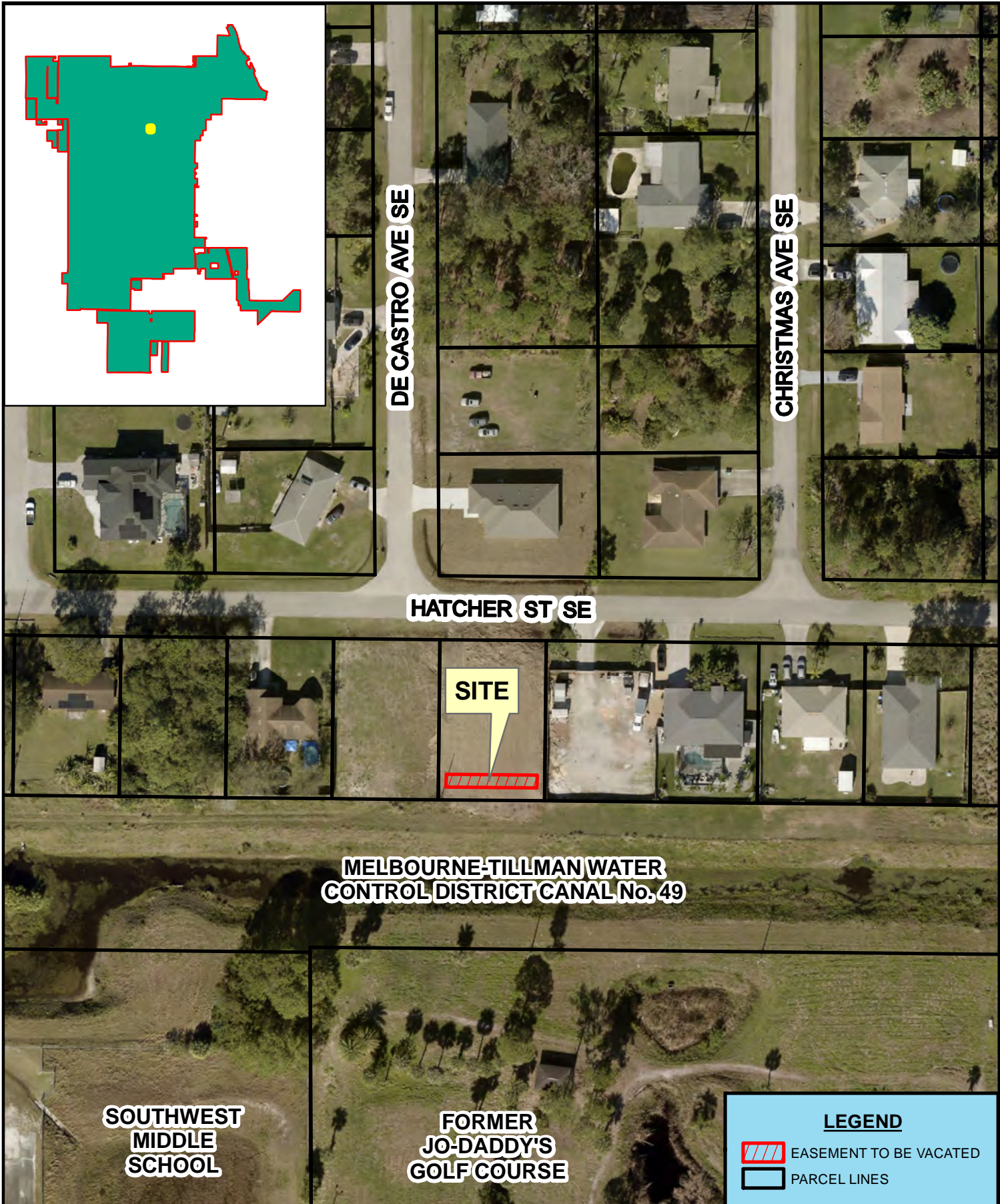
LOCATION MAP



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 29, 2024.

VE-5-2024

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 29, 2024.

LOCATION MAP VE-5-2024

0 25 50 100 Feet
1 inch = 100 feet



Order Confirmation

Not an Invoice

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:	

Date:	05/30/2024
Order Number:	10229977
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	Public Notices
BRE floridatoday.com	1	06/04/2024 - 06/04/2024	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
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#10229977 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 -5-2024

Vacation of Easement is requested to vacate the North 10 feet of the South 20-foot Public Utility & Drainage Easement, less the East and West 6 foot Public Utility & Drainage Easement, containing 710 square feet or 0.016 acres, more or less, of Lot 21, Block 310, 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 installation of a 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

ORDINANCE 2024-30

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 21, BLOCK 310, PORT MALABAR UNIT 10, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jose Taveras Ortiz and Olga M. Gomez Sanchez 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, pursuant to Section 179.047, Code of Ordinances, City of Palm Bay, hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 21, Block 310, Port Malabar Unit 10, according to the plat thereof as recorded in Plat Book 15, Page 16, of the Public Records of Brevard County, Florida, Section 06, Township 29S, Range 37E, being more particularly described as follows:

Commence at the Southwest corner of said Lot 21, Block 310, N 00°35'50" E, along the West line of Said Lot 21, a distance of 20.00 feet; thence S 89°24'10" E, a distance of 6.00 feet to the point of beginning; thence continue S 89°24'10" E, a

distance of 71.00 feet to a point on the East line of a 6 foot easement on said Lot 21, Block 310; thence S 00°35'50" W, a distance of 10 feet; thence N 89°24'10" W, a distance of 71 feet to the West line of a 6 foot easement on said Lot 21, Block 310; thence N 00°35'50" W, a distance of 10 feet to the point of beginning; containing 710 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.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Jose Taveras Ortiz and Olga M. Gomez Sanchez
Case: VE-5-2024

cc: Brevard County Recording
Applicant
Case File