

1. Ordinance 2024-34, vacating a portion of the rear public utility and drainage easement located within Lot 18, Block 1488, Port Malabar Unit 31 (Case VE-6-2024, Charles and Mary Burton), first reading. (CONTINUED FROM 08/01/24 RCM)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Valentino Perez, Public Works Director

DATE: August 13, 2024

RE: Ordinance 2024-34, vacating a portion of the rear public utility and drainage easement located within Lot 18, Block 1488, Port Malabar Unit 31 (Case VE-6-2024, Charles and Mary Burton), first reading.

As you may recall, the above request was scheduled for the last regular Council meeting. Council voted to continue the request at the applicant's request.

SUMMARY:

Vacation of Easement is requested to vacate the East 10 feet of the West 20-foot Public Utility & Drainage Easement, less the North and South 6-foot Public Utility & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 18, Block 1488, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, of the Public Records of Brevard County, Florida. For the construction a 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
2. Ordinance



DATE: August 1, 2024
CASE #: VE-6-2024

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the East 10 feet of the West 20-foot Public Utility & Drainage Easement, less the North and South 6-foot Public Utility & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 18, Block 1488, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, of the Public Records of Brevard County, Florida. For the construction a swimming pool in the backyard.

LOCATION: 2344 Fleming Avenue SW
(Lot 18, Block 1488, Port Malabar Unit 31)

APPLICANT: Charles & Mary Burton

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 680 square feet, more or less

ADJACENT ZONING & LAND USE:

N	SRE – Suburban Residential Estate
E	SRE – Suburban Residential Estate
S	SRE – Suburban Residential Estate
W	Melbourne-Tillman Canal No. 13

STAFF ANALYSIS:

Vacation of Public Utility and Drainage Easement of a portion of Lot 18, Block 1488, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, of the Public Records of Brevard County, Florida, being the East 10 feet, of the West 20-foot Public Utility & Drainage Easement, less the North and South 6-foot Public Utility & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less. For the construction of a swimming pool in the backyard.

Florida Power and Light, AT&T, Spectrum, Florida City Gas, 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 East 10 feet, of the West 20-foot Public Utility & Drainage Easement, less the North and South 6-foot Public Utility & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 18, Block 1488, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22-33, 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.

SKETCH & DESCRIPTION

SECTION 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST
(NOT A BOUNDARY SURVEY)

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

LEGAL DESCRIPTION:

A PORTION OF LOT 18, BLOCK 1488 "PORT MALABAR UNIT THIRTY ONE" AS RECORDED IN PLAT BOOK 17, PAGES 22-33, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10 FEET OF THE WEST 20 FEET OF THE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS THE NORTH 6 FEET AND THE SOUTH 6 FEET, THEREOF.

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
Phone (321)724-2940 Fax (321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

Digitally signed by
Kevin A. Smith
Date: 2024.04.26
10:16:18 -04'00'

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

PREPARED FOR: CHARLES BURTON

DRAWN BY: A. TEJADA

CHECKED BY: KAS

DRAWING NO. 24-0438

SECTION 25

DATE: APRIL 23, 2024

SHEET 1 OF 2

REVISIONS _____

TOWNSHIP 29 SOUTH

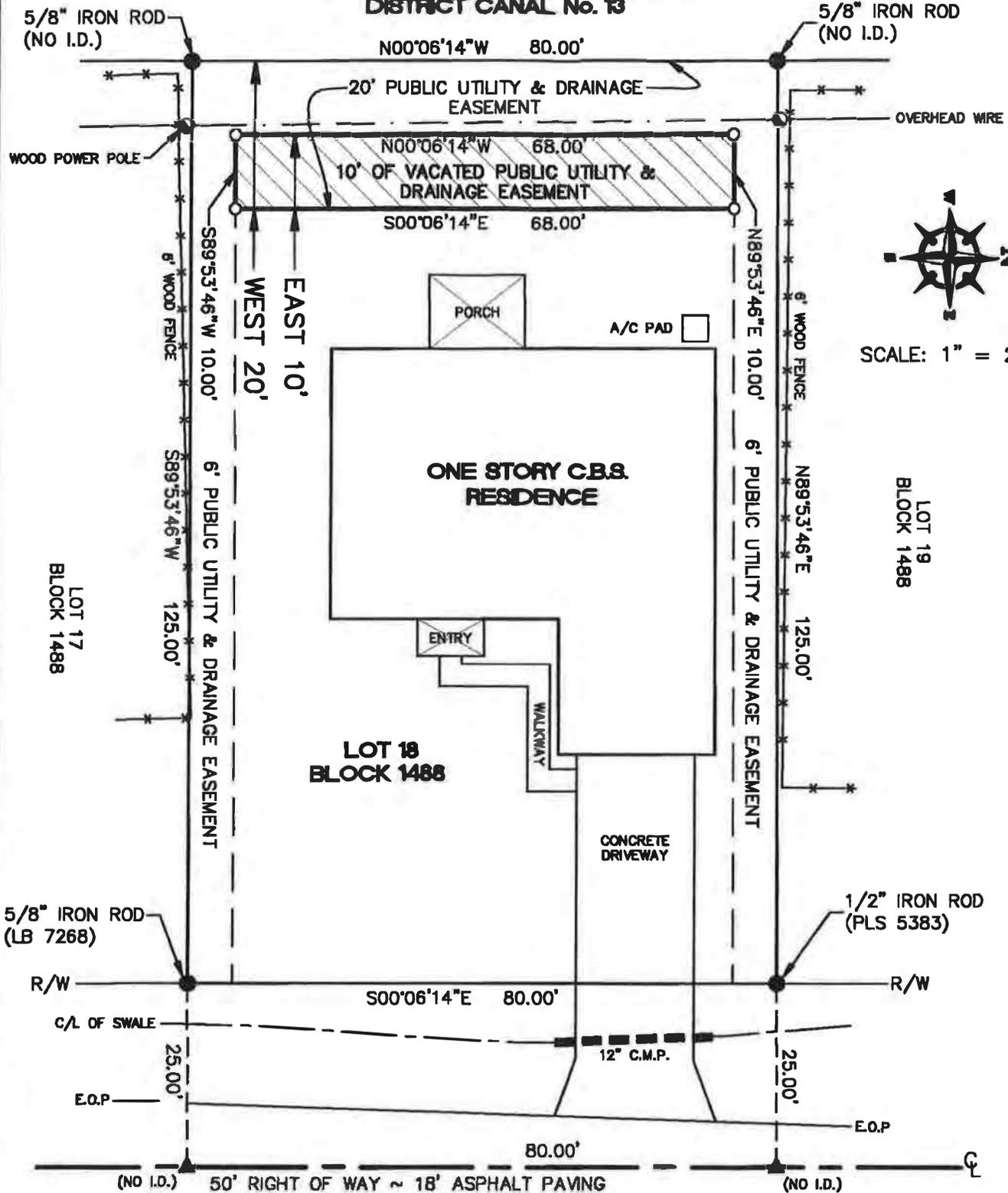
RANGE 36 EAST

SKETCH & DESCRIPTION

SECTION 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST
(NOT A BOUNDARY SURVEY)

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

MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL No. 13



SCALE: 1" = 20'

LOT 19
BLOCK 1488

LOT 17
BLOCK 1488

LOT 18
BLOCK 1488

50' RIGHT OF WAY ~ 18' ASPHALT PAVING
FLEMING AVENUE





JOB # _____

Client Information
 Client Name: BURTON, Charles & Mary
 Client Email: clmb2018@gmail.com
 Client Phone: 333-699-6057
 Address: 2344 Fkeming Ave
 City: Palm Bay
 Zip/Postal Code: 32907
 Permitting Municipality: Palm Bay

Designer
 Designer Name: Tara Marley
 Designer Phone: 321-313-4832
 Original Drawing: 12/18/23
 Last Revision: 1/15/24
 Notes: _____

Approval
 I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.
 X
 Date: _____

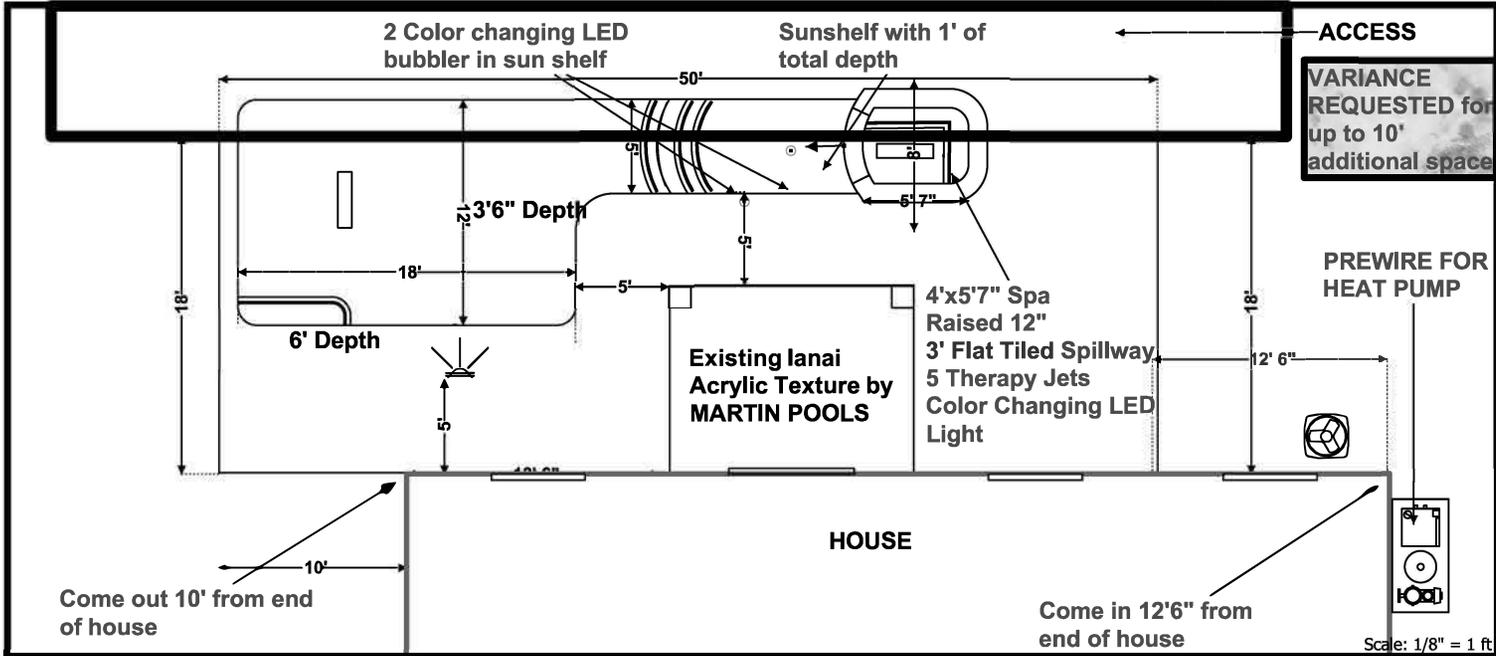
NOTICE
 Final 'rough grade' will be 2'-4" from edges of pool deck, based on elevation. Under NO circumstances will the contractor be responsible for underground utilities, sod, sprinkler systems or landscaping.

Pool Specifications
 Size: 12'x32' Shape: Custom L
 Perimeter: 88 Area: 289
 Depth: 3'6"-6' Returns: 3
 Drains: 32 Channel Skim: Yes
 P.C.: NA Volume: 7237
 Dig Type Standard
 Coping Material: Concrete
 Interior Finish: Quartz
 Notes: _____

Spa Specifications
 Size: 5'7"x4' ID Shape: Square
 Perimeter: 20 Area: 24
 Jets: 5 Height: 12"
 Drains: 32" channel Blower: NA
 Spillover Length/Type: 3' flat tiled
 Coping Material: Concrete
 Interior Finish: Quartz
 Notes: _____

Equipment
 Circ Pump: Intelliflo XF VSF Control Panel: STD
 Pump #2: NA Remote: NA
 Sanitizer: IC-30 Filter: 100SF
 Heater: PREWIRE Heat Pump Fill Line: Included
 Cleaner: NA Blower: NA
 Pool Light: 1 LED Spa Light: 1LED
 Handrail Entry: NA Handrail Other: NA
 Other: _____
 Notes: _____

Tile Specifications
 Pool Waterline: 6X6 tbd
 Spa Waterline: 6X6 tbd
 Spa Facade: 6X6 tbd
 Spa Spillway: FLAT TILED
 Spa Exterior: 6X6 TILED
 Step Markers: 1" BAND
 Mosaics: na
 Raised Beams: na
 Notes: _____

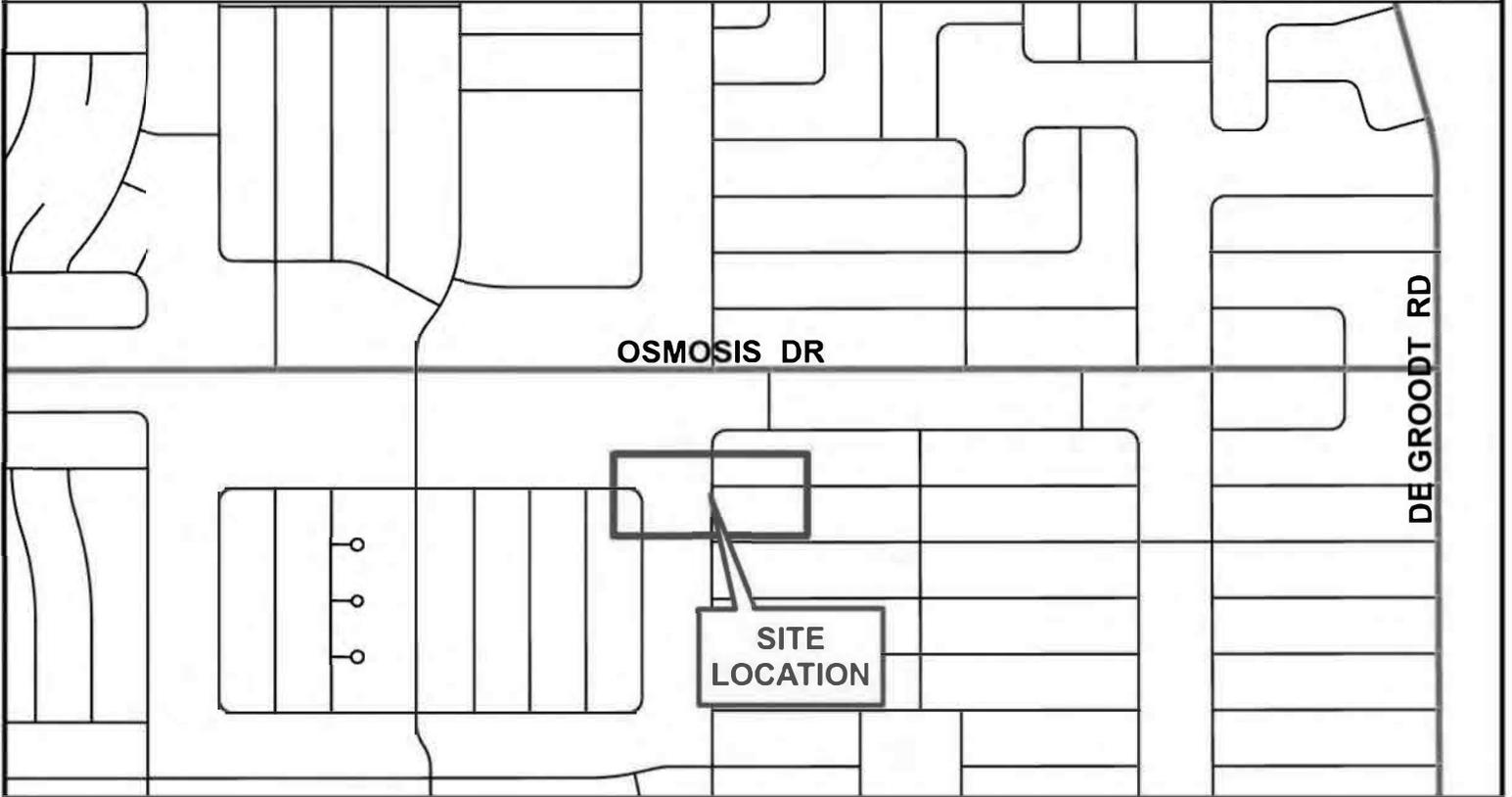


Screen/Safety Specifications
 Pool Barrier: Fence XX Screen Baby Barrier
 Barrier Provided: HOMEOWNER
 Screen Color: NA Height: NA
 Doors: NA Gutters: NA
 Roof Type: NA Comp Roof: NA
 Fan Beams: NA Other: NA
 Existing Screen Removal: NA
 Existing Fence Removal: NA
 Door/Window Alarms: 6

Deck Specifications
 Perimeter: 96 Area: 474
 Coping Area: CONCRETE
 Coping Area/Type: 88
 Surface Material/Pattern: TEXTURED TBD
 Riser: na
 Notes: _____



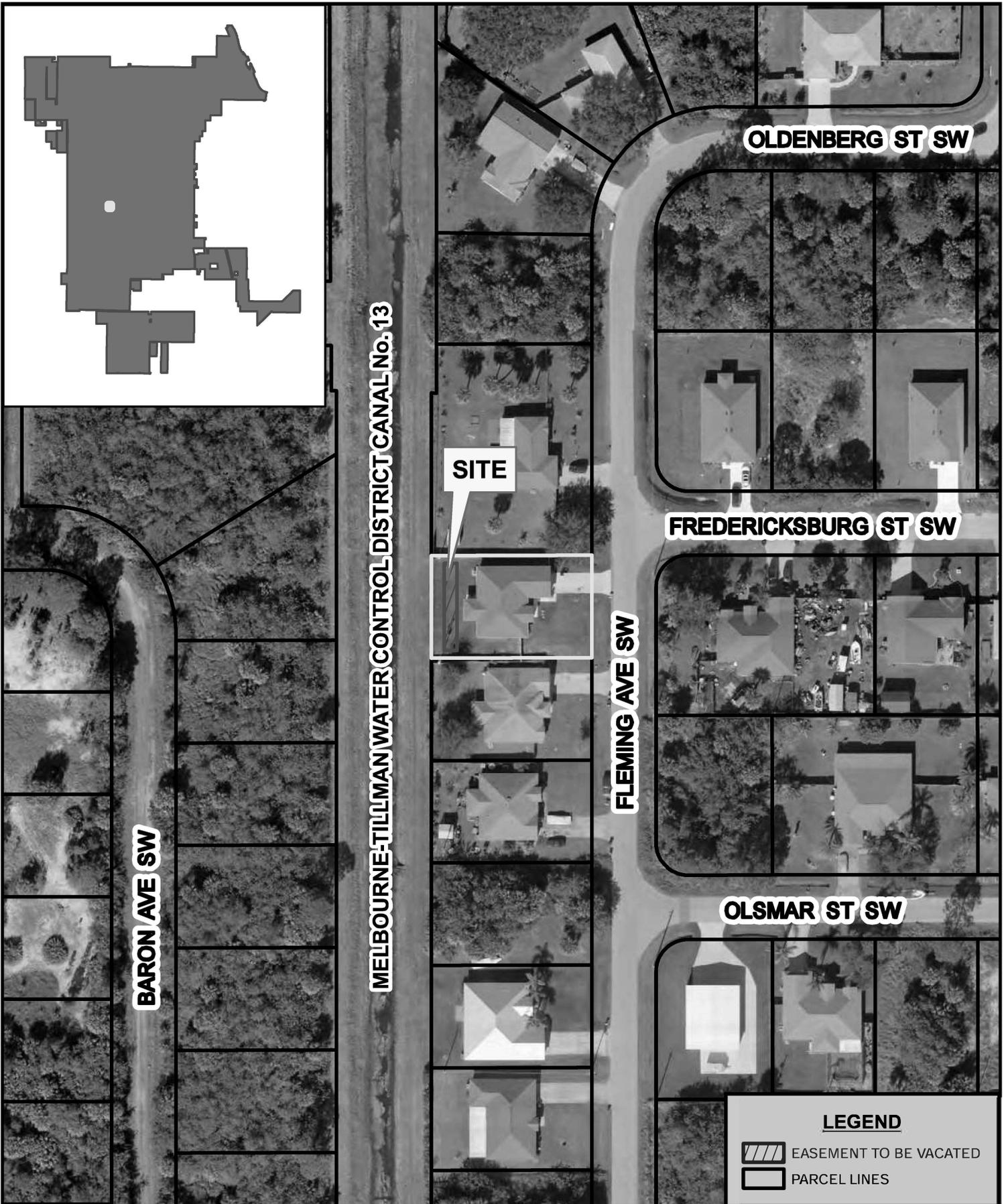
LOCATION MAP



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 July 16, 2024.

VE-6-2024

0 25 50 100 Feet
1 Inch = 100 Feet



LOCATION MAP

VE-6-2024



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 July 16, 2024.

0 25 50 100
 Feet
 1 inch = 100 feet



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Richard "Scott" Dexter Public Works Department
Scott Dexter
City of Palm Bay Public Works Dept.
1050 Malabar Rd. SW
Palm Bay FL 32907

STATE OF WISCONSIN, COUNTY OF BROWN

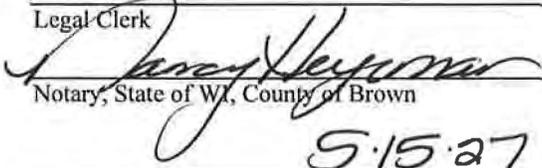
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

06/26/2024

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 06/26/2024



Legal Clerk


Notary, State of WI, County of Brown
5.15.27

My commission expires

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NANCY HEYRMAN
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State of Wisconsin

Ad#10309246 6/26/2024
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 August 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 -6-2024

Vacation of Easement is requested to vacate the East 10 feet of the West 20-foot Public Utilities & Drainage Easement, less the North and South 6 foot Public Utilities & Drainage Easement, containing 680 square feet or 0.016 acres, more or less, of Lot 18, Block 1488, Port Malabar Unit 31, according to the Plat thereof, as Recorded in Plat Book 17, Pages 22 - 33, 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

ORDINANCE 2024-34

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 18, BLOCK 1488, PORT MALABAR UNIT 31, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 30, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Charles and Mary Burton 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, Palm Bay Code of Ordinances, hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 18, Block 1488, Port Malabar Unit 31, according to the plat thereof as recorded in Plat Book 17, Page 30, of the Public Records of Brevard County, Florida, Section 25, Township 29S, Range 36E, being more particularly described as follows:

The East 10 feet of the West 20 feet of the rear public utility and drainage easement, less the North and South 6 feet, thereof; 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.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Charles and Mary Burton
Case: VE-6-2024

cc: Brevard County Recording
Applicant
Case File