

6. Ordinance 2024-61, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 608, Port Malabar Unit 13 (Case VE-10-2024, Michael and Marie Broccoli), 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: November 7, 2024

RE: Ordinance 2024-61, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 608, Port Malabar Unit 13 (Case VE-10-2024, Michael and Marie Broccoli), first reading.

SUMMARY:

Vacation of Easement is requested to vacate the South 10 feet of the North 20-foot Public Utilities & Drainage Easement, less the East and West 6-foot Public Utilities & Drainage Easements, thereof containing 680 square feet or 0.016 acres, more or less, of Lot 10, Block 608, Port Malabar Unit 13, according to the Plat thereof, as Recorded in Plat Book 15, Pages 54 - 63, of the Public Records of Brevard County, Florida. For the construction of 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. Vacating Easement Ordinance



DATE: November 7, 2024

CASE #: VE-10-2024

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Vacation of Easement is requested to vacate the South 10 feet of the North 20-foot Public Utilities & Drainage Easement, less the East and West 6-foot Public Utilities & Drainage Easements, thereof containing 680 square feet or 0.016 acres, more or less, of Lot 10, Block 608, Port Malabar Unit 13, according to the Plat thereof, as Recorded in Plat Book 15, Pages 54 - 63, of the Public Records of Brevard County, Florida. For the construction of a swimming pool in the backyard.

LOCATION: 495 Fernandina Street NW
(Lot 10, Block 608, Port Malabar Unit 13)

APPLICANT: Michael Broccoli and Marie I. Broccoli

SITE DATA

PRESENT ZONING: RS-2 – Single Family Residential

AREA OF VACATING: 680 square feet, more or less

**ADJACENT ZONING
& LAND USE:**

| | |
|----------|--|
| N | Melbourne-Tillman Water Control District Canal No. 1 |
| E | RS-2 – Single Family Residential |
| S | RS-2 – Single Family Residential |
| W | RS-2 – Single Family Residential |

STAFF ANALYSIS:

Vacation of Public Utilities and Drainage Easement of a portion of Lot 10, Block 608, Port Malabar Unit 13, according to the Plat thereof, as Recorded in Plat Book 15, Pages 54 - 63, of the Public Records of Brevard County, Florida, and being more particularly described as follows: Commencing at the Northwest corner of said Lot 10 and run South 00°33'33" East, along the West line of said Lot 10, a distance of 20.00 feet; thence North 89°26'27" East, a distance of 6.00 feet to the point of beginning of the herein described easement; Thence, North 00°33'33" West, a distance of 10.00 feet; thence, North 89°26'27" East, a distance of 68.00 feet; thence South 00°33'33" East, a distance of 10.00 feet; Thence South 89°26'27" West, a distance of 68.00 feet to the point of beginning. 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, and Melbourne-Tillman 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 South 10 feet of the North 20-foot Public Utilities & Drainage Easement, less the East and West 6-foot Public Utilities & Drainage Easements thereof, containing 680 square feet or 0.016 acres, more or less, of Lot 10, Block 608, Port Malabar Unit 13, according to the Plat thereof, as Recorded in Plat Book 15, Pages 54 - 63, of the Public Records of Brevard County, Florida. For the construction of a swimming pool in the backyard.

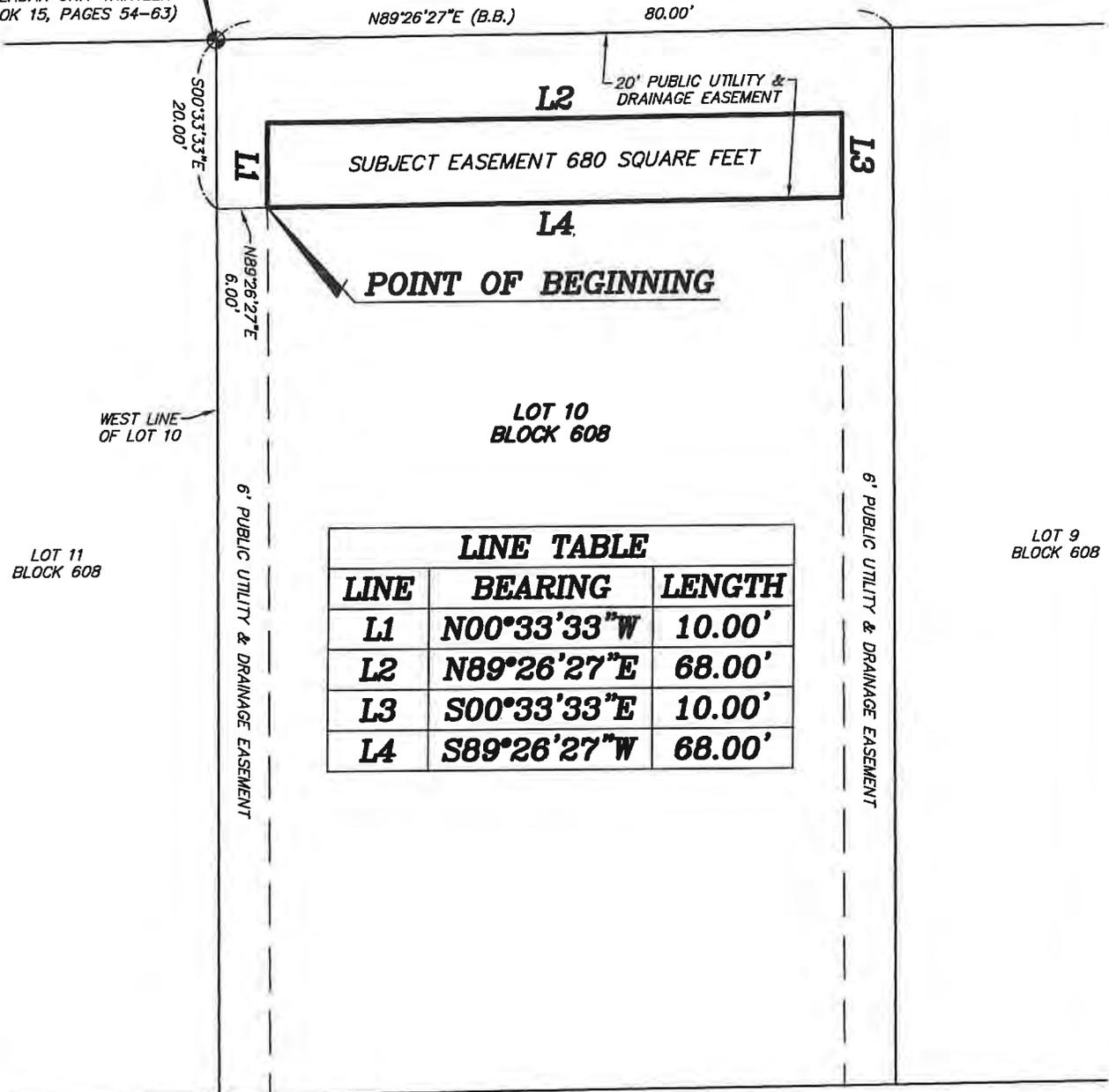
STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement.

POINT OF COMMENCEMENT

NORTHWEST CORNER OF
LOT 10, BLOCK 608
PORT MALABAR UNIT THIRTEEN
(PLAT BOOK 15, PAGES 54-63)

MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL No. 1



| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | N00°33'33"W | 10.00' |
| L2 | N89°26'27"E | 68.00' |
| L3 | S00°33'33"E | 10.00' |
| L4 | S89°26'27"W | 68.00' |

FERNANDINA STREET

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

| | | |
|---|---|---|
| SKETCH OF DESCRIPTION JOB # <u>49845</u> DATE: 07-03-24 SECTION 36, TOWNSHIP 28S, RANGE 36E L.B. #6623 | 1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. | SHEET 1 OF 2 |
| | ANDREW W. POWSHOK P.L.S. No. 5383 | 3970 MINTON ROAD WEST MELBOURNE, FL. 32904 (321) 768-8110 |

DESCRIPTION: A PORTION OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 10, BLOCK 608, PORT MALABAR UNIT THIRTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 54-63, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 10 AND RUN SOUTH 00°33'33" EAST ALONG THE WEST LINE OF SAID LOT 10, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°26'27" EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 00°33'33" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°26'27" EAST, A DISTANCE OF 68.00 FEET; THENCE SOUTH 00°33'33" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°26'27" WEST, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 680 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!

AAL LAND SURVEYING SERVICES, INC.

| | | | |
|---|---|--|---|
| SKETCH OF DESCRIPTION | <ol style="list-style-type: none"> 1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. | SHEET 2 OF 2 | |
| JOB # <u>49845</u> | NOT VALID WITHOUT SHEET 1 OF 2 | SCALE: N/A  | |
| DATE: 07-03-24 SECTION 36, TOWNSHIP 28S, RANGE 36E | | | 3970 MINTON ROAD WEST MELBOURNE, FL. 32904 (321) 768-8110 |
| L.B. #6623 | | | |

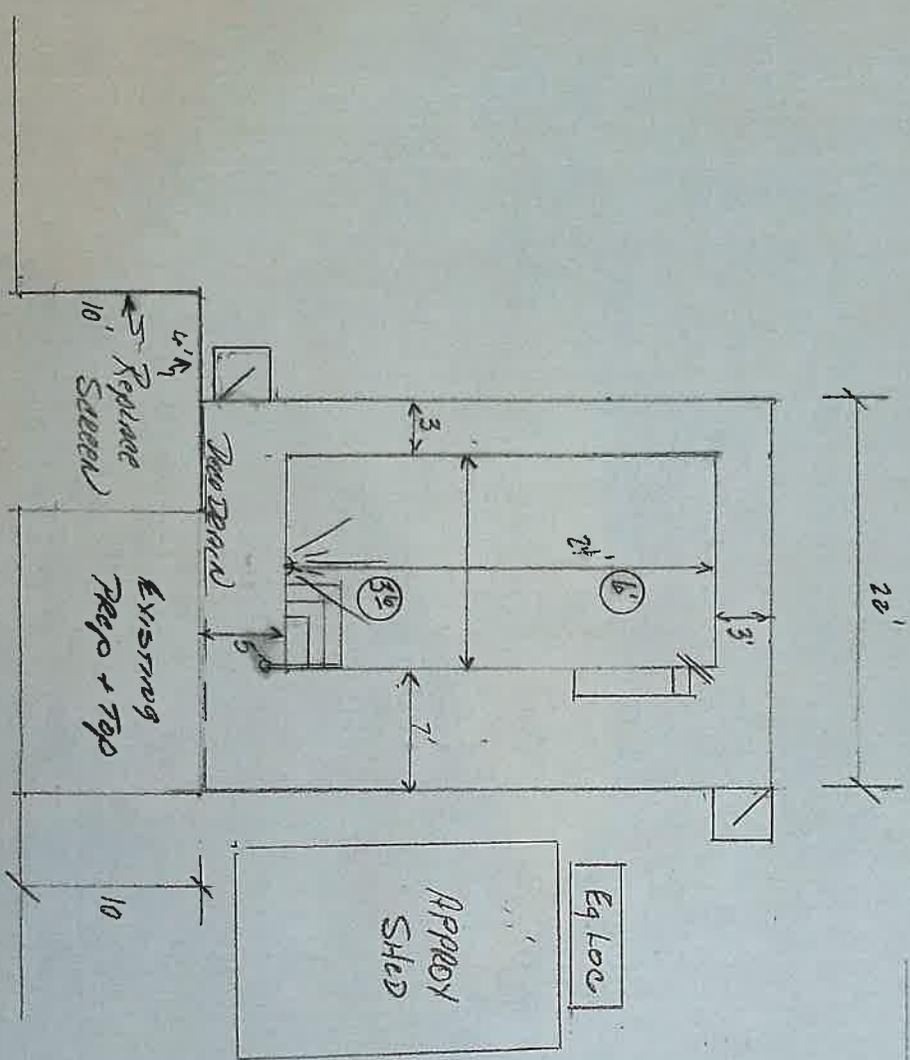
2' to 4' from edges
 ed on pool elevation.
 nces will the con-
 le for underground
 der repairs, or gas

Signature _____

MARTIN POOLS & SPAS

* Pool Existing

* 2 ALARMS



SCALE 1/8" = 1'0"

TO BE RETAINED AT SALES OFFICE

GENERAL SPECIFICATIONS

| | | | |
|-----------------------|-------------------------------|--|---|
| JOB NO: | 2401013 | SHAPE: | REG |
| SIZE: | 18' X 24' | DEPTH: | 32" TO 6' |
| SF: | 288 | PER: | 72 GALS. |
| SOLAR HEAT: | YES | <input checked="" type="checkbox"/> NO | AUTO YES <input checked="" type="checkbox"/> NO |
| HTR. - ELEC: | <input type="checkbox"/> GAS: | <input type="checkbox"/> NAT: | <input checked="" type="checkbox"/> PRO |
| FILTER: | Auto | SQ.FT.: | 1004 |
| DECKING TYPE: | Recycled | SQ.FT.: | 416 # |
| TOP EXISTING SQ.FT.: | 160 # | | |
| RAISED BEAM: | 6" - 12" - 18" | | |
| TILED STEP RISER: | YES | NO | <input checked="" type="checkbox"/> |
| BULLNOSE COPING: | <input type="checkbox"/> | CANTILEVER: | <input checked="" type="checkbox"/> |
| FOOTERS: | SABON | DRAINS: | 22 |
| LIGHT/POOL: | LED | SPA: | |
| SWIMOUT: | W/O RAIL | WITH RAIL: | THROPE |
| HAND RAIL @ STEPS: | YES | THROPE: | NO |
| SALT SYSTEM: | 2030 | | |
| SPA SIZE: | | RAISED: | |
| JETS: | | STEP IN SPA: | |
| SCREEN: COLOR: | Blue | HEIGHT: | 8' |
| DOORS: | 2 | GUTTERS: | 32' |
| SCREEN REMOVAL: | YES | ALL: | |
| ALUMINUM ROOF SQ.FT.: | | | |
| ALARMS: | 2 | EXISTING FENCE: | <input checked="" type="checkbox"/> N |
| MUNICIPALITY: | TOWN BAY | | |

DESIGNER: DW DATE: 6-26-24

Name: MICHAEL & WHELE BOOCOCK

Address: 495 FERRISBURG ST DW

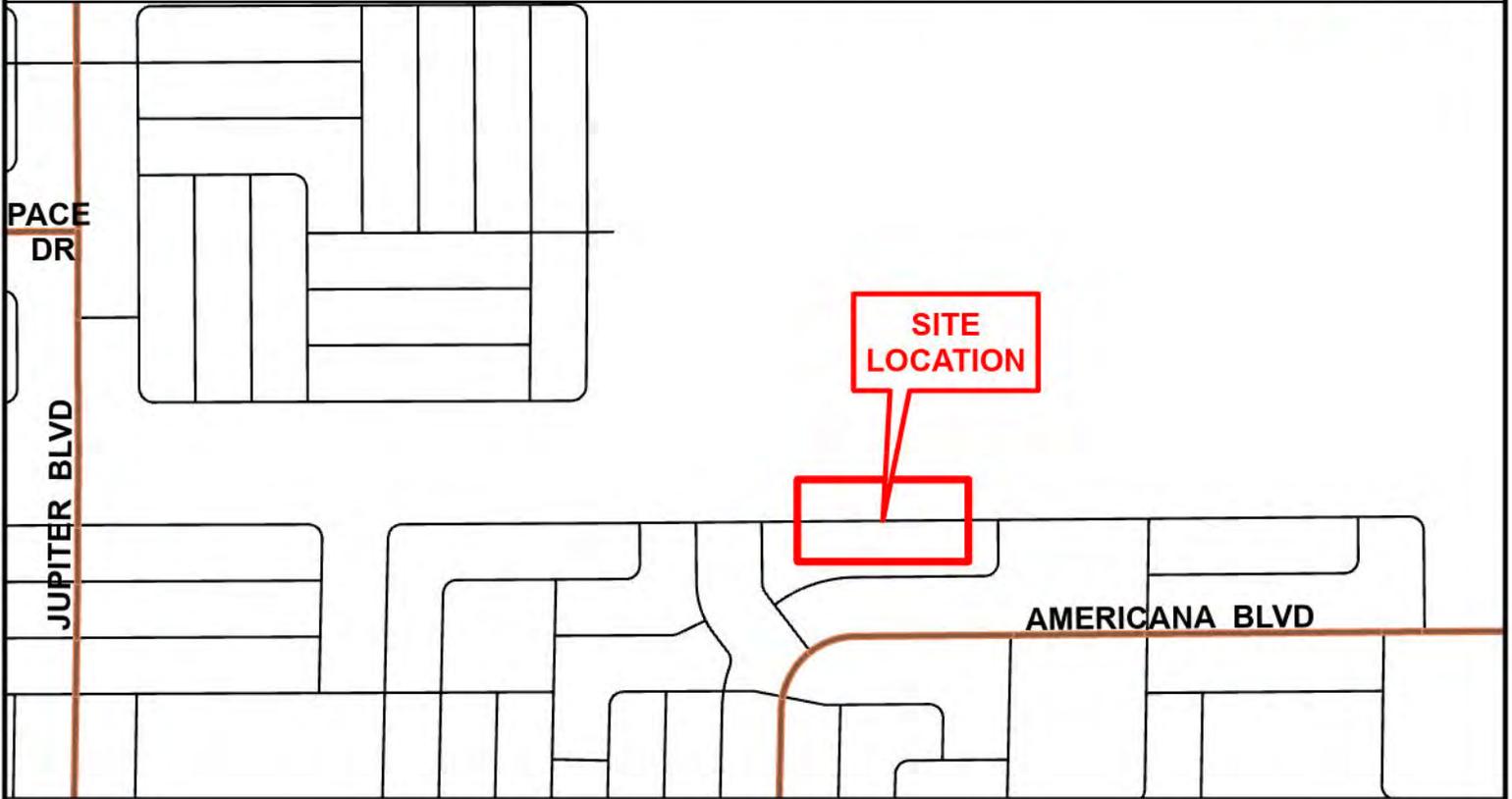
City: TOWN BAY 32907

Phone Home: 401-212-6773 Cell: _____

Email: MBOOCK25@GMAIL.COM

Access

LOCATION MAP



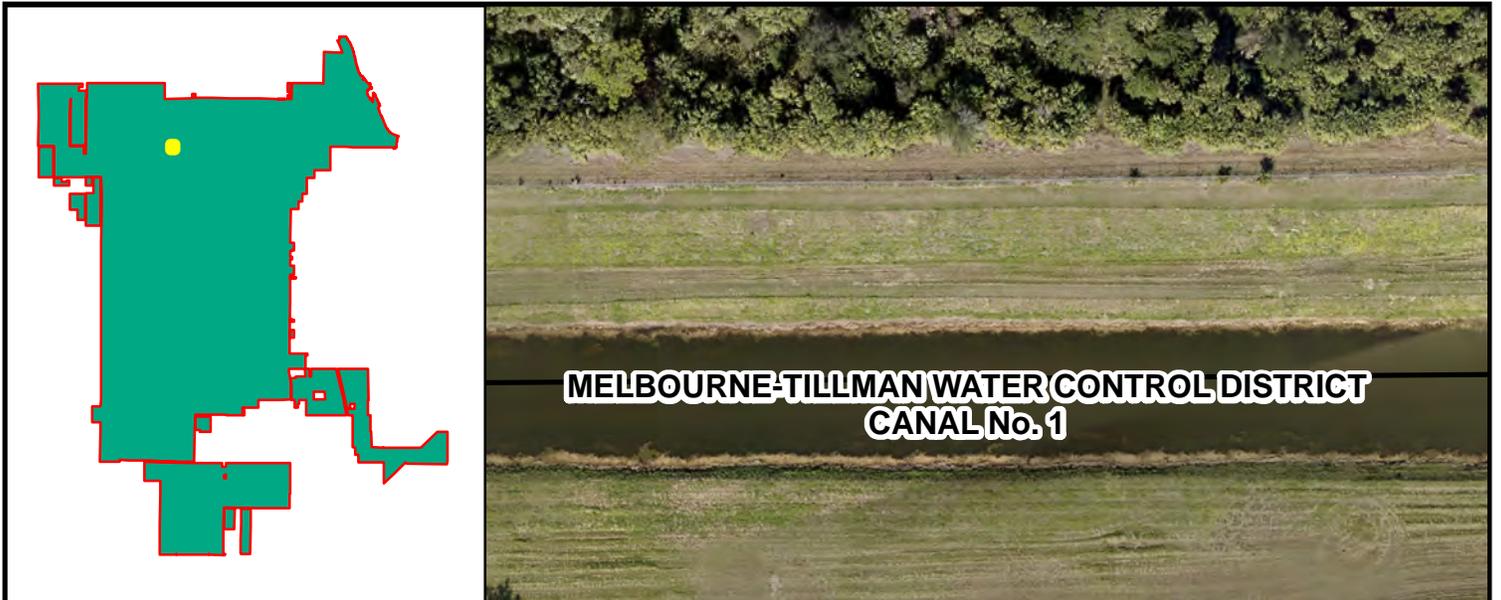
MELBOURNE-TILLMAN WATER CONTROL DISTRICT
CANAL No. 1



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 14, 2024.

VE-10-2024

0 25 50 100 Feet
1 Inch = 100 Feet



MELBOURNE-TILLMAN WATER CONTROL DISTRICT
CANAL No. 1



SITE

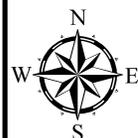
FERNANDINA ST NW



FREEMAN RD NW

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 14, 2024.

LOCATION MAP VE-10-2024

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: | Angelica Collins |
| Contact Phone: | 321-952-3427 |
| Contact Email: | Angelica.Collins@palmbayflorida.org |
| PO Number: | Case No. 10-2024 |

| | |
|---------------------------|------------|
| Date: | 10/15/2024 |
| Order Number: | 10677125 |
| 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 | 10/18/2024 - 10/18/2024 | Govt Public Notices |
| BRE floridatoday.com | 1 | 10/18/2024 - 10/18/2024 | 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 |
|----------------------------------|----------------|

Ad Preview

Ad#10677125

10/18/2024

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 November 7, 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 - 10-2024

Vacation of Easement is requested to vacate the South 10 feet of the North 20-foot Public Utilities & Drainage Easement, less the East and West 6 foot Public Utilities & Drainage Easements, containing 680 square feet or 0.016 acres, more or less, of Lot 10, Block 608, Port Malabar Unit 13, according to the Plat thereof, as Recorded in Plat Book 15, Pages 54 - 63, of the Public Records of Brevard County, Florida. For construction of a swimming 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 2024-61

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 608, PORT MALABAR UNIT 13, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 56, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Michael and Marie Broccoli 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 10, Block 608, Port Malabar Unit 13, according to the plat thereof as recorded in Plat Book 15, Page 56, of the Public Records of Brevard County, Florida, Section 36, Township 28S, Range 36E, being more particularly described as follows:

Commencing at the Northwest corner of said Lot 10 and run S 00°33'33" E, along the West line of said Lot 10, a distance of 20.00 feet; Thence N 89°26'27" E, a distance of 6.00 feet to the point of beginning of the herein described easement;

Thence, N 00°33'33" W, a distance of 10.00 feet; Thence N 89°26'27" E, a distance of 68.00 feet; Thence S 00°33'33" E, a distance of 10.00 feet; Thence S 89°26'27" W, a distance of 68.00 feet to the point of beginning; 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: Michael and Marie Broccoli
Case: VE-10-2024

cc: Applicant
Case File
Brevard County Recording