

Resolution 2020 - _____

**Vacating a public drainage easement in Official Records Book 3217, Page 2329, Melbourne, Florida,
lying in Section 19, Township 26 South, Range 37 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **VININGS PALM BAY INVESTMENT LLC** with the Board of County Commissioners to vacate a public drainage easement in Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH & DESCRIPTION

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that vacating the public drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED AND ADOPTED, in regular session, this 07ST day of July, 2020 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

SCOTT ELLIS, CLERK

Bryan Lober, Chair

As approved by the Board on:
July 07, 2020

Brevard County Property Appraiser Detail Sheet

Account 2606089

Owners Vinings Palm Bay Investment LLC

Mailing Address 3850 Bird Rd, 801 Miami FL 33146

Site Address Not Assigned

Parcel ID 26-37-19-00-250

Property Use 4000 - Vacant Industrial Land

Exemptions None

Taxing District 4200 - Unincorp District 4

Total Acres 30.29

Subdivision --

Site Code 0321 - Wickham

Plat Book/Page 0000/0000

Land Description

Part Of NW 1/4 Lying W Of Rr Together With Part Of SE

1/4 Of 26-36-13, SW 1/4 Of 26-37-18 & NE 1/4 Of 26-

36-24 E Of Wickham Rd All As Desc IN Orb 8126 Pg

2541

VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$324,470	\$324,470	\$291,220
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$324,470	\$310,060	\$281,880
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$324,470	\$310,060	\$281,880
Taxable Value School	\$324,470	\$324,470	\$291,220

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/22/2018	\$5,000,000	WD	Vacant	8126/2541
03/14/1988	--	PT	--	2889/1573
08/01/1984	\$1,272,500	PT	--	2533/2507
09/28/1978	\$371,000	PT	--	1946/0780

Fig. 1: Copy of Property Appraiser's detail sheet for Parcel 250, Section 19, Township 26 South, Range 37 East, District 4

Vicinity Map

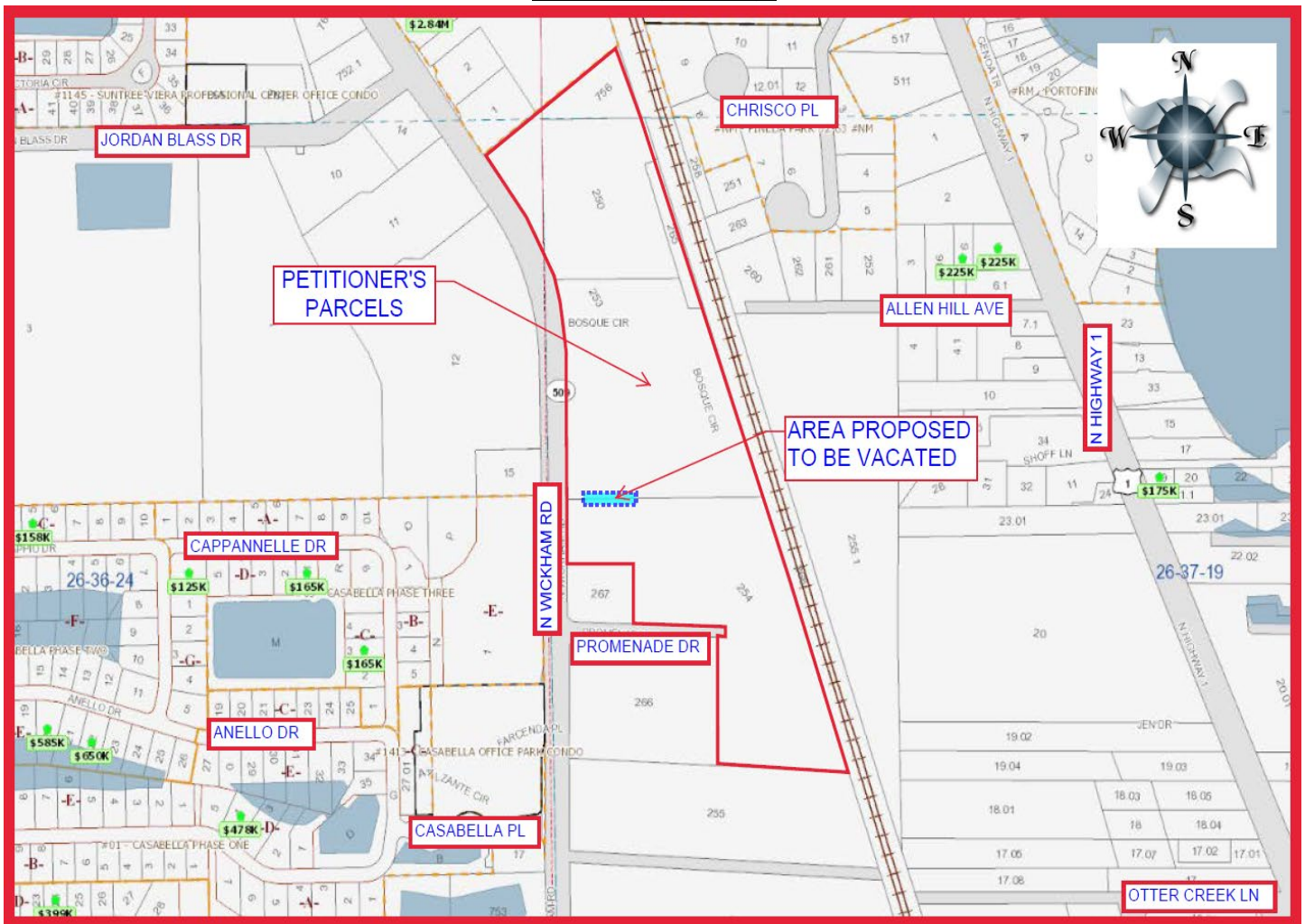


Fig. 2: Map of Parcel 250, Section 19, Township 26 South, Range 37 East, Melbourne, Florida

Vining's Palm Bay Investments LLC – Parcel 250 –
Melbourne, Section 19, Township 26 South, Range 37
East – District 4 – Proposed Vacating of a 50.0 ft. Wide
Public Drainage Easement created by Official Records
Book 3217, Page 2329

Aerial Map



Fig. 3: Map of aerial view of Parcel 250, Section 19, Township 26 South, Range 37 East, Melbourne, Florida

Vining's Palm Bay Investments LLC – Parcel 250 –
Melbourne, Section 19, Township 26 South, Range 37
East – District 4 – Proposed Vacating of a 50.0 ft. Wide
Public Drainage Easement created by Official Records
Book 3217, Page 2329

Plat Reference

0425

6/4/03
REV-6

FRAC. SECTION 19 TOWNSHIP 26 RANGE 27

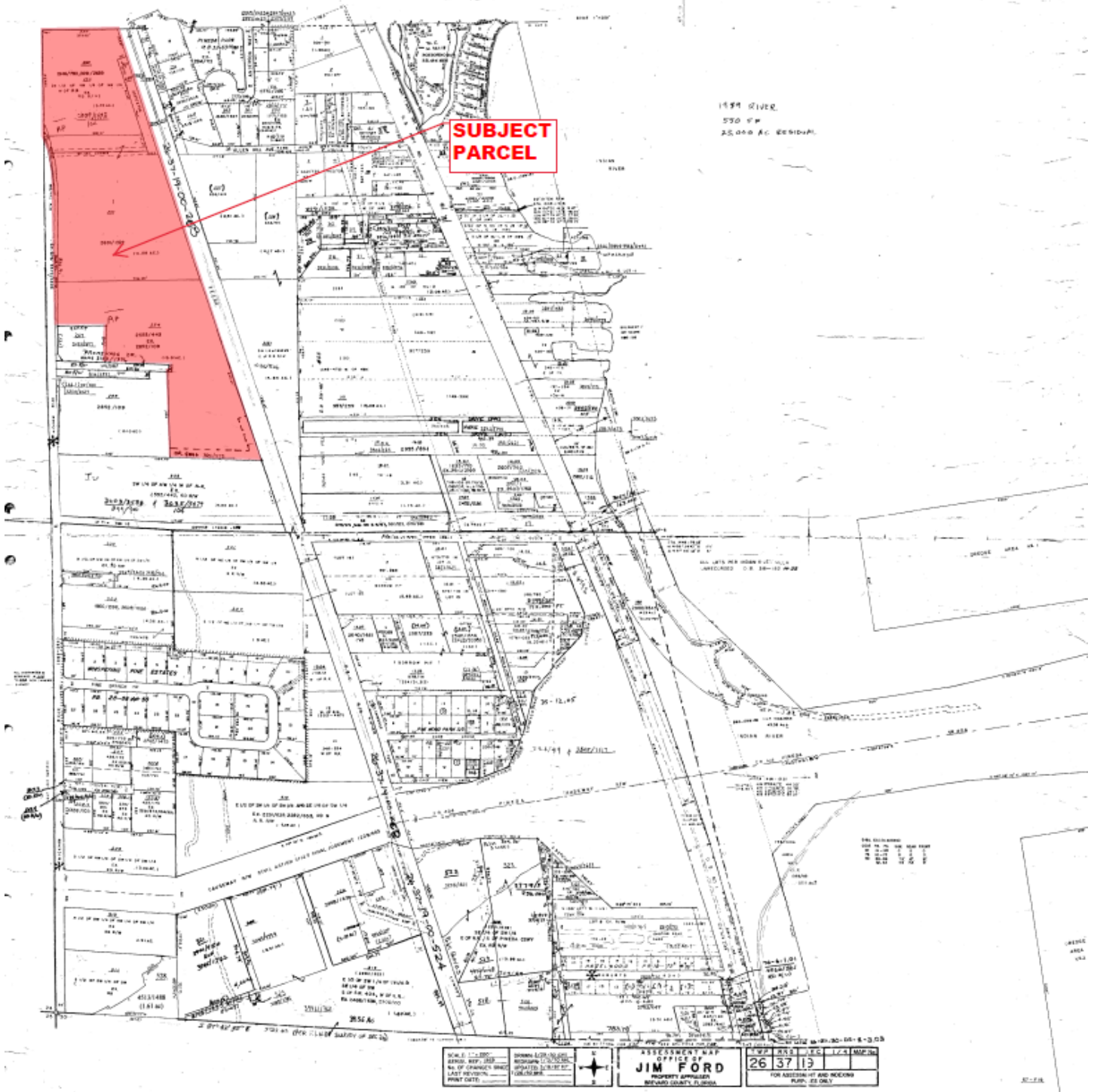


Fig. 4: Copy of tax map Section 19, Township 26 South, Range 37 East dated February 29, 1960

Petitioner's Sketch & Description Sheet 1 of 4



LEGAL DESCRIPTION		EXHIBIT "A"	
PARENT PARCEL#(s): 26-37-19-00-253, 26-37-19-00-254 PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329		SHEET 1 OF 4 NOT VALID WITHOUT SHEETS 2 - 4 OF 4 <u>THIS IS NOT A SURVEY</u>	
LEGAL DESCRIPTION (PER O.R.B. 3217, PG. 2329)			
A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:			
COMMENCE AT A 4" x 4" CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE S.88°58'56"W. ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13 FOR 286.12 FEET; THENCE S.35°57'50"E. FOR 330.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1026.60 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°56'02" FOR 643.84 FEET; THENCE S.00°01'49"E. FOR 418.18 FEET TO THE POINT OF BEGINNING ; THENCE N.88°55'15"E. FOR 230.00 FEET; THENCE S.00°01'49"E. FOR 50.00 FEET; THENCE S.88°55'15"W. FOR 235.00 FEET; THENCE N.00°01'49"W. FOR 50.00 FEET; THENCE N.88°55'15"E. FOR 5.00 FEET TO THE POINT OF BEGINNING .			
CONTAINING 11,748 SQUARE FEET, MORE OR LESS.			
NOTE BY SURVEYOR: THERE IS AN ERROR IN THE ABOVE DESCRIBED LEGAL DESCRIPTION THAT WAS TAKEN VERBATIM FROM O.R.B. 3217, PG. 2329. THE ABOVE DESCRIBED LAND IS NOT A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST AND IS ENTIRELY A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.			
		THIS "LEGAL DESCRIPTION & SKETCH" COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.	
PREPARED FOR AND CERTIFY TO: BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS		 RICHARD E. BARNES, JR. FLORIDA SURVEYOR AND MAPPER REGISTRATION No. 5173 NOT VALID UNLESS SIGNED AND SEALED	
PREPARED BY:		 Bowman Consulting Group, Ltd. 301 S.E. OCEAN BLVD., Suite 301 STUART, FL 34994 Phone: (772) 283-1413 Fax: (772) 220-7881 www.bowmanconsulting.com Florida Certificate of Authorization No. LB8030	
DRAWN BY: RT	CHECKED BY: RB	PROJECT NO. 3075-01-001	SECTION 19
DATE: 11/11/2019	DRAWING: 3075-A-ESMT	REVISIONS	TOWNSHIP 26 SOUTH
		DATE	RANGE 37 EAST
		12/6/19	PER COMMENTS

Fig. 5: Sheet 1 of 4. Legal description for 50.00-foot drainage easement.

Petitioner's Sketch & Description Sheet 2 of 4

SKETCH OF DESCRIPTION		EXHIBIT "A"	
PARENT PARCEL#(s): 26-37-19-00-253, 26-37-19-00-254		SHEET 2 OF 4	
PURPOSE: VACATE DRAINAGE EASEMENT O.R.B. 3217, PG. 2329		NOT VALID WITHOUT SHEETS 1, 3 & 4 OF 4	
		<u>THIS IS NOT A SURVEY</u>	
<u>SURVEYOR'S NOTES:</u>			
<p>1. THIS IS NOT A SURVEY. THIS IS A LEGAL DESCRIPTION WITH A SKETCH AS DEFINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE. THIS LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</p> <p>2. THE BEARING BASIS SHOWN HEREON REFERS TO THE ASSUMED BEARING OF SOUTH 88°58'56" WEST FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.</p> <p>3. THIS LEGAL DESCRIPTION WITH A SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p> <p>4. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.</p>			
<u>ABBREVIATIONS:</u>			
F.P.L.	FLORIDA POWER & LIGHT COMPANY		
ID	IDENTIFICATION		
LB	LICENSED BUSINESS		
O.R.B.	OFFICIAL RECORDS BOOK		
P.B.	PLAT BOOK		
PG.	PAGE		
P.O.B.	POINT OF BEGINNING		
P.O.C.	POINT OF COMMENCEMENT		
RGE	RANGE		
R/W	RIGHT OF WAY		
SEC.	SECTION		
S.F.	SQUARE FEET		
TWS	TOWNSHIP		
PREPARED BY: Bowman CONSULTING Bowman Consulting Group, Ltd. 301 S.E. OCEAN BLVD., Suite 301 STUART, FL 34994		SCALE: N/A PROJECT NO.: 3075-01-001	SECTION 19 TOWNSHIP 26 SOUTH RANGE 37 EAST

Fig. 6: Sheet 2 of 4. Not valid without sheets 1, 3 & 4 of 4. Surveyor's notes and abbreviations.

Petitioner's Sketch & Description Sheet 3 of 4

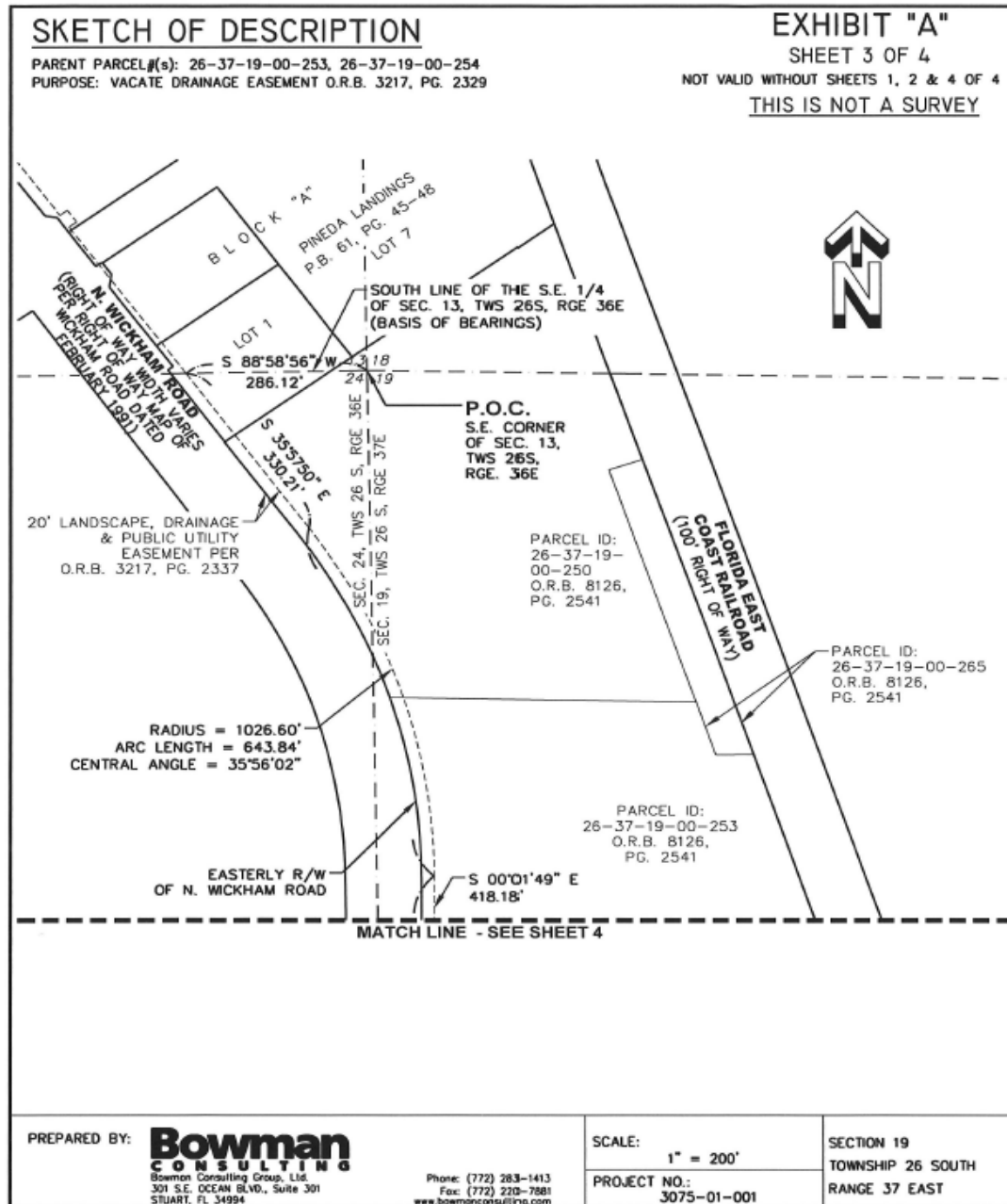


Fig. 7: Sheet 3 of 4. Not valid without sheets 1, 2, & 4 of 4. Sketch illustrates multiple parcels that reside on N. Wickham Road, Melbourne, Florida. The description follows the Easterly right-of-way of N. Wickham Road to a match line point-see sheet 4. Project No. 3075-01-001. Section 19, Township 26 South, Range 37 East.

Petitioner's Sketch & Description Sheet 4 of 4

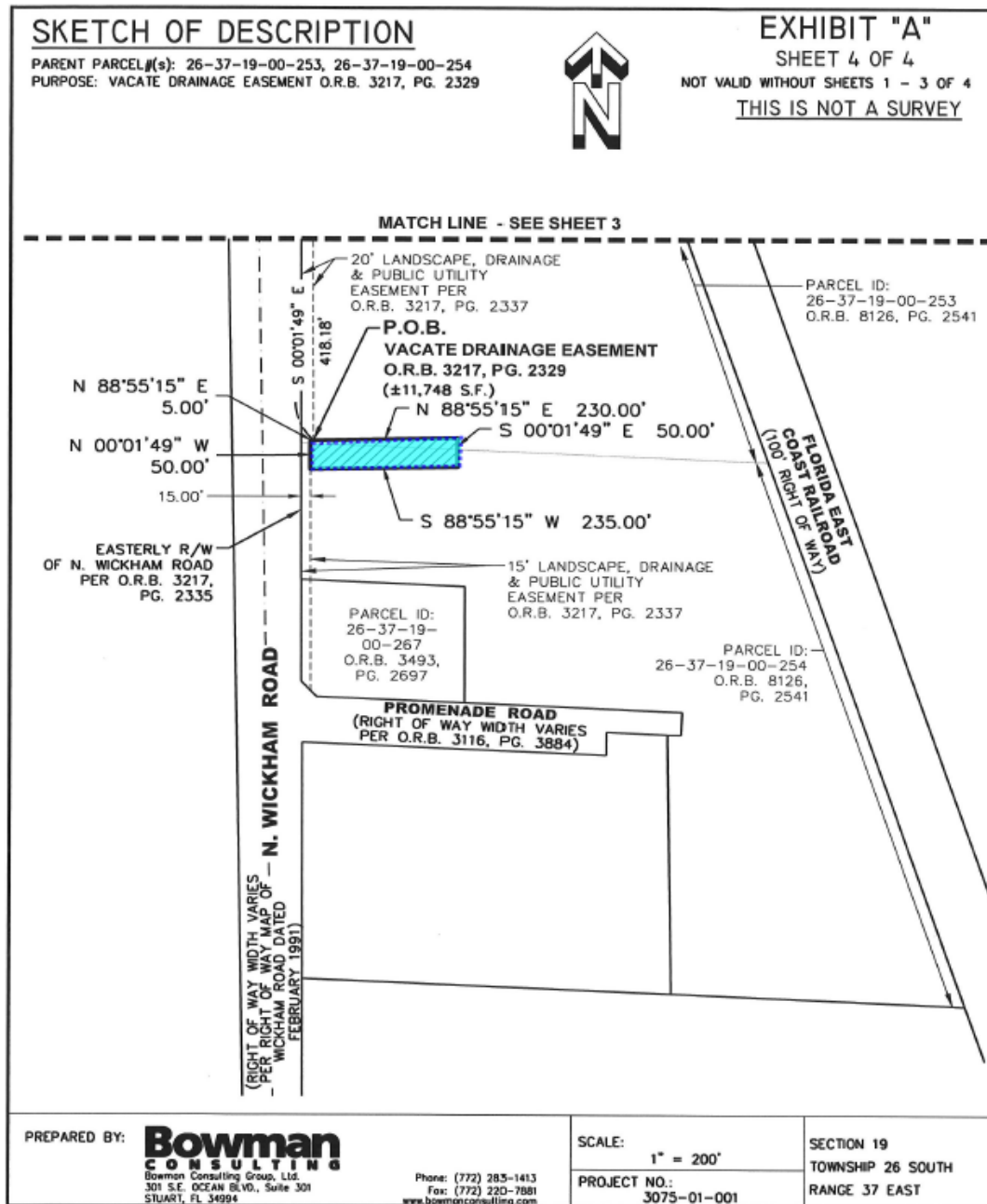


Fig. 8: Sheet 4 of 4. Not valid without sheets 1-3 of 4. Sketch illustrates highlighted area to be vacated created by Official Records Book 3217, Page 2329 that reside on N. Wickham Road, Melbourne, Florida. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 88°55'15" East 230.00', East boundary – South 00°01'49" East 50.00', South boundary – South 88°55'15" West 235.00', West boundary – North 00°01'49" West 50.00'. Bowman Consulting Group, 301 SE Ocean Blvd., Suite 301, Stuart, Florida, 34994, Phone: 772-283-1413, Fax 772-220-7881, www.bowmanconsulting.com. Project No: 3075-01-001. Section 19, Township 26 South, Range 37 East.

Comment Sheet

Applicant: Vining's Palm Bay Investment LLC

Updated by: Amber Holley 20200123 at 16:00 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20191210	20191210	Yes	No objections
FL Power & Light	20191210	20200123	Yes	No objections
At&t	20191210	20200106	Yes	No objections
Charter/Spectrum	20191210	20191210	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20191210	20200115	Yes	No objections with an easement
Land Planning	20191210	20191210	Yes	No objections
Utility Services	20191210	20191210	Yes	No objections
Storm Water	20191210	20200108	Yes	No objections
Zoning	20191210	20191213	Yes	No objections

Fig. 9: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

AD#4242593, 6/22/2020

LEGAL NOTICE

NOTICE FOR THE VACATING OF A 50.0 FT. WIDE DRAINAGE EASEMENT, PER OFFICIAL RECORDS BOOK 3217, PAGE 2329 IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, MELBOURNE, FL

NOTICE IS HEREBY GIVEN that pursuant to Chapter 336.09, Florida Statutes, and Chapter 86, Article II, Section 86-36, Brevard County Code, a petition has been filed by VININGS PALM BAY INVESTMENT LLC with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PORTION OF SECTION 13 AND 24, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND A PORTION OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A 4" X 4" CONCRETE MONUMENT AT THE SOUTH-EAST CORNER OF SAID SECTION 13; THENCE S.88°58'56" W. ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 13 FOR 286.12 FEET; THENCE S.35°57'50"E. FOR 330.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1026.60 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°56'02" FOR 643.84 FEET; THENCE S.00°01'49"E. FOR 418.18 FEET TO THE POINT OF BEGINNING; THENCE N.88°55'15"E. FOR 230.00 FEET; THENCE S.00°01'49"E. FOR 50.00 FEET; THENCE S.88°55'15" W. FOR 235.00 FEET; THENCE N.00°01'49" W. FOR 50.00 FEET; THENCE N.88°55'15" E. FOR 5.00 FEET TO THE POINT OF BEGINNING. CONTAINING 11,748 SQUARE FEET, MORE OR LESS.

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The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described easement at 5:00 P.M. on July 07, 2020 at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Fig. 10: Copy of public hearing advertisement as published on June 22, 2020 see next page for full text.

Legal Notice Text

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