

Resolution 2021 - _____

Partial Vacating of an 18.0 ft. wide strip of land running parallel with the East Right-of-Way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, Florida

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **OCEANFRONT D & M, LLC** with the Board of County Commissioners to partially vacate an 18.0 ft. wide strip of land in Melbourne Beach, Brevard County, Florida, described as follows:

SEE ATTACHED SKETCH AND 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 the partial vacating of the strip of land will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public strip of land is hereby vacated; and Brevard County renounces and disclaims any rights in and to said strip of land. 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 23rd day of February, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:

Rachel Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on:
February 23, 2021

Brevard County Property Appraiser Detail Sheet

Account 2851533
 Owners Oceanfront D & M LLC
 Mailing Address 3055 S Highway A1A Melbourne Beach FL 32951
 Site Address 3055 Highway A1A Melbourne Beach FL 32951
 Parcel ID 28-38-21-00-260.1
 Property Use 3905 - Bed & Breakfast
 Exemptions None
 Taxing District 3400 - Unincorp District 3
 Total Acres 1.55
 Subdivision --
 Site Code 0120 - Ocean Front
 Plat Book/Page -/-
 Land Description N 97 Ft Of S 200 Ft Of Govt Lot 1 Lying East Of A1A & Boat Slip No 12 As Desc IN Orb 3250 Pg 2357 And N 97 Ft Of S 103 Ft Of Govt Lot 1 Lying E Of A1A & Boat Slip No 14 As Des IN Orb 3236 Pg 4380 Par 266

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$1,909,280	\$1,551,850	\$1,576,570
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$1,909,280	\$1,551,850	\$1,576,570
Assessed Value School	\$1,909,280	\$1,551,850	\$1,576,570
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$1,909,280	\$1,551,850	\$1,576,570
Taxable Value School	\$1,909,280	\$1,551,850	\$1,576,570

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/2/2020	\$2,900,000	WD	Improved	8840/1817
07/25/2019	\$2,100,000	WD	Improved	8506/1751
04/14/2014	--	QC	Improved	7104/2896

Fig. 1: Copy of Property Appraiser's detail sheet for parcel 260.1, 3055 Highway A1A, Melbourne Beach, FL 32951, Section 21, Township 28 South, Range 38 East, District 3

Vicinity Map

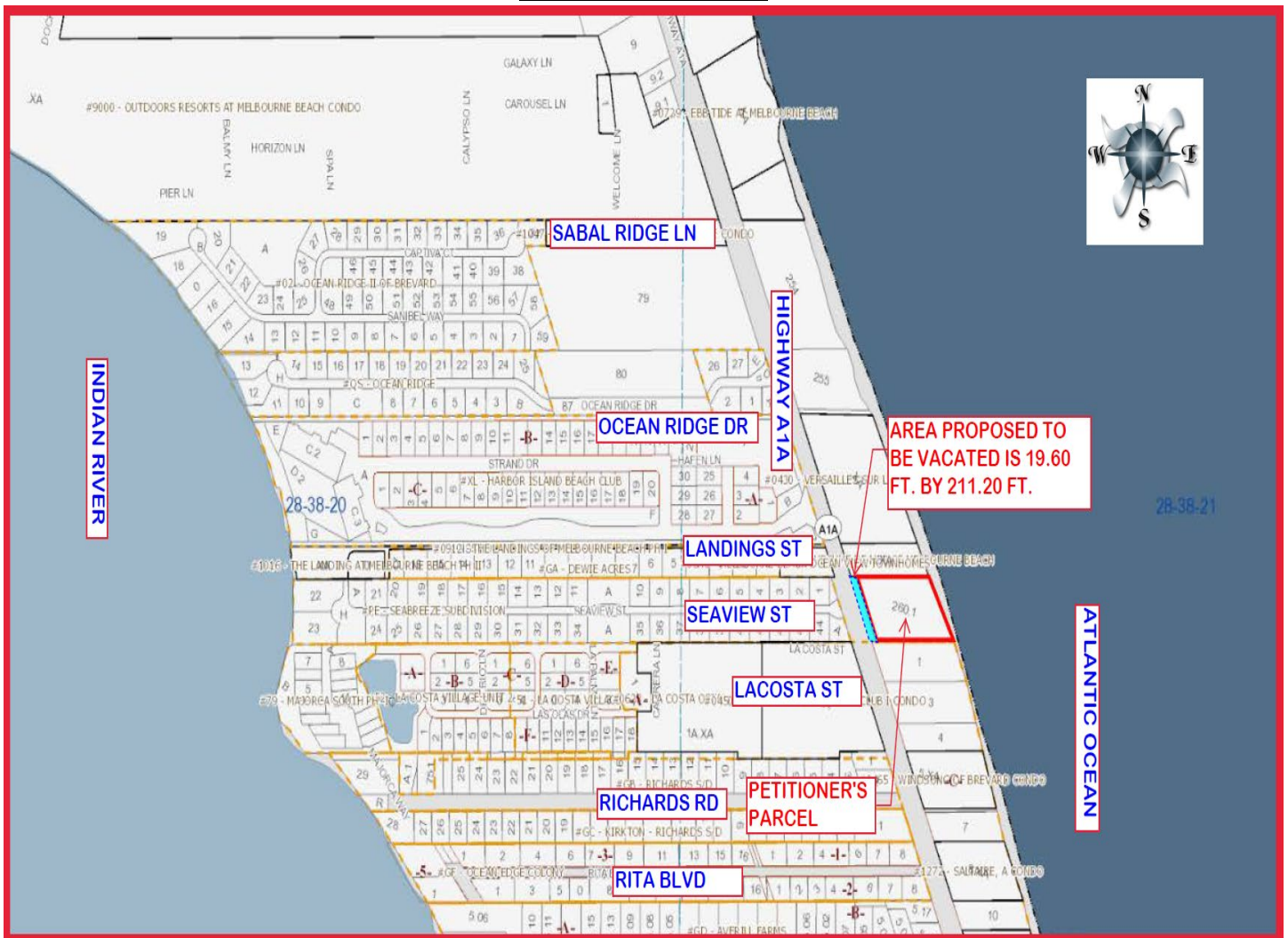


Fig. 2: Map of Tax Parcel 260.1, Section 21, Township 28 S., Range 38 E., 3055 Highway A1A, Melbourne Beach, FL 32951.

Oceanfront D & M, LLC– Tax Parcel 260.1 – 3055 Highway A1A, Melbourne Beach – Section 21, Township 28 South, Range 38 East – District 3 – Proposed Vacating of Part of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A and a portion of Official Records Book 1301, Page 38.

Aerial Map

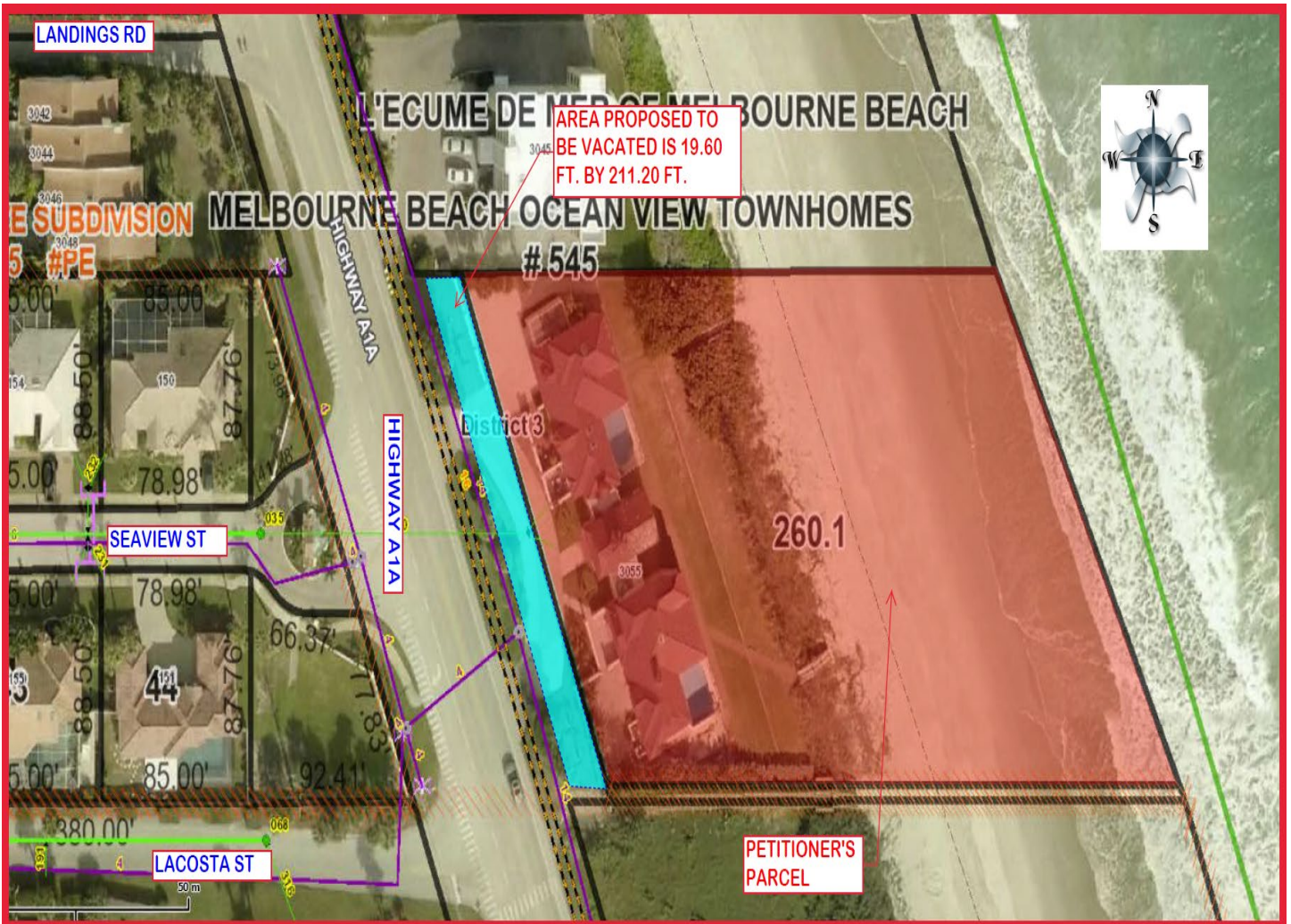


Fig. 3: Map of aerial view of Tax Parcel 260.1, Section 21, Township 28 S., Range 38 E., 3055 Highway A1A, Melbourne Beach, FL 32951.

Oceanfront D & M, LLC– Tax Parcel 260.1 – 3055 Highway A1A, Melbourne Beach – Section 21, Township 28 South, Range 38 East – District 3 – Proposed Vacating of Part of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A and a portion of Official Records Book 1301, Page 38.

Plat Reference

0632

2/1/03
REV-2

SECTIONS 20 & 21 TOWNSHIP 28 S. RANGE 38 E.

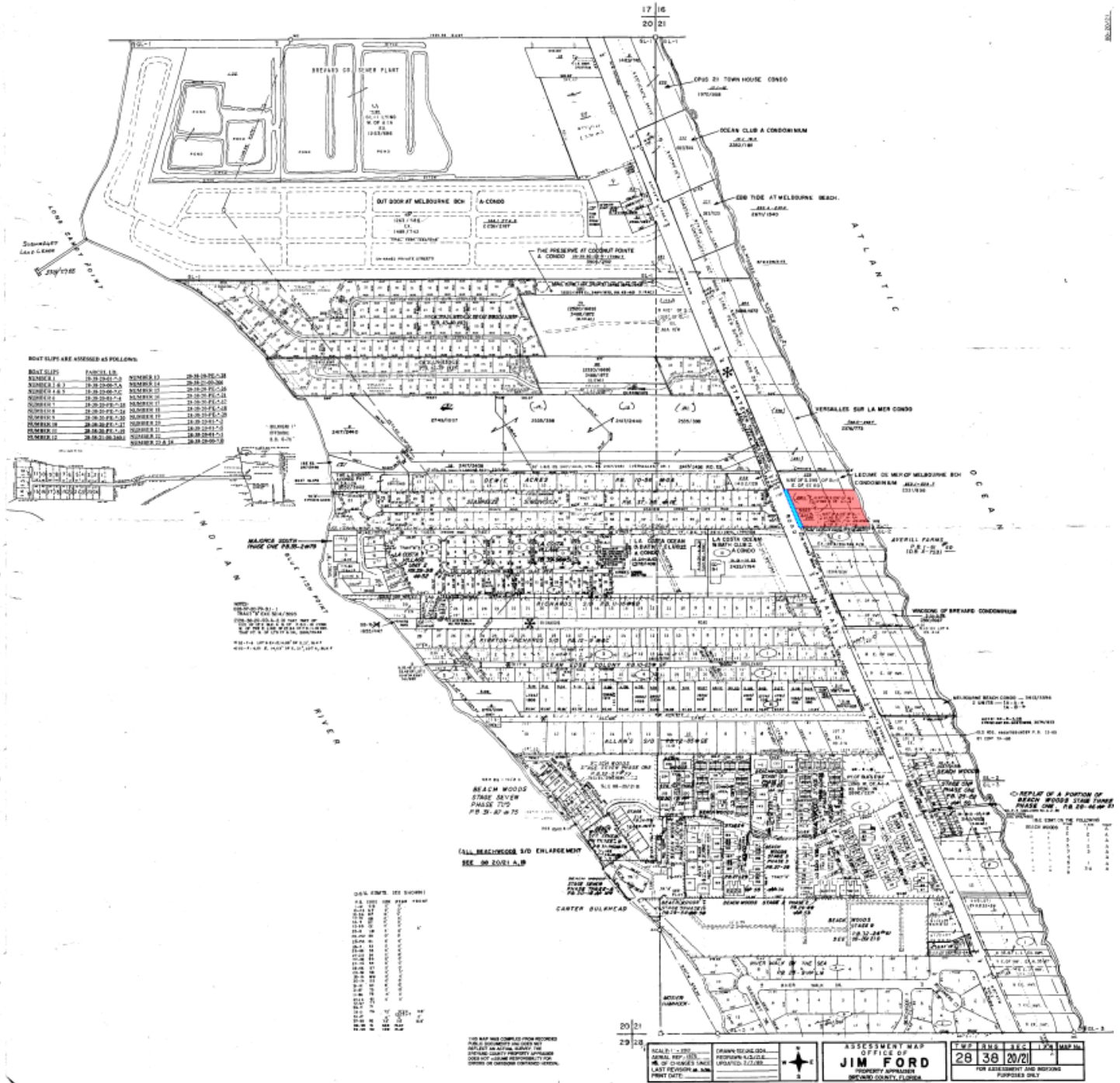


Fig. 4: Copy of tax map Section 21, Township 28 South, Range 38 East, drawn before 1954 and updated last 2/7/1989.

LEGAL DESCRIPTION

PARENT PARCEL ID#: 28-38-21-00-260.1

PURPOSE: VACATE RIGHT OF WAY

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

DESCRIPTION: PREPARED BY BRIEL & ASSOCIATES LAND SURVEYORS, INC.

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE INTERSECTION OF THE SOUTH LINE OF SAID GOVERNMENT LOT 1 AND THE CENTERLINE OF STATE ROAD A1A AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MAP FOR SECTION 70060 (2) STATE ROAD A1A RECORDED IN ROAD PLAT BOOK 1, PAGES 94 THRU 101 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA RUN N89°49'17"E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 34.84 FEET TO THE EASTERLY MAINTENANCE LINE OF STATE ROAD A1A PER THE AFORESAID MAINTENANCE MAP; THENCE N23°27'37"W ALONG SAID LINE 6.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N23°27'37"W ALONG SAID LINE 211.20 FEET TO THE NORTH LINE OF THE SOUTH 200 FEET OF SAID GOVERNMENT LOT 1; THENCE N89°49'17"E ALONG SAID NORTH LINE 19.60 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38; THENCE S23°27'37"E ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 A DISTANCE OF 211.20 FEET; THENCE DEPARTING SAID LINE S89°49'17"W 19.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 3802 SQUARE FEET MORE OR LESS.

NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO VACATE A PORTION OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38. IT IS NOT INTENDED TO REPRESENT A LAND BOUNDARY SURVEY.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SET FORTH IN OPINION OF TITLE FOR HARBOR ISLAND BEACH CLUB OCEAN VILLAS PREPARED BY STEPHEN E. SPIRA DATED SEPTEMBER 8, 2020.
3. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE EAST ZONE OF FLORIDA. DATUM IS NAD 83(2011).

ABBREVIATIONS:

CL = CENTERLINE
COR = CORNER
D = DEED OR DESCRIPTION
ESMT = EASEMENT
EX = EXISTING
G.L. = GOVERNMENT LOT
M = MEASURED
MAINT = MAINTENANCE
NTS = NOT TO SCALE
ORB = OFFICIAL RECORDS BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PB = PLAT BOOK
PG = PAGE
PI = POINT OF INTERSECTION
PROP = PROPOSED
R/W = RIGHT OF WAY
RPB = ROAD PLAT BOOK
SEC = SECTION
TYP = TYPICAL

This Map or Report conforms to the Standards of Practice for professional surveyors and mappers as outlined in Chapter 5J-17., F.A.C.

PREPARED FOR AND CERTIFIED TO:

OCEANFRONT D & M, LLC
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

ROBERT R. BRIEL, Florida Professional Surveyor & Mapper, No. 3699

This survey is prepared and certified for the exclusive use of the client or clients named hereon. Not valid without the signature and original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited.

PREPARED BY:  **BRIEL & ASSOCIATES**
Land Surveyors, Inc.

1790 HIGHWAY A1A, SUITE 208
SATELLITE BCH., FL 32937
LB 3869

DRAWN BY: RRB	CHECKED BY: RRB	PROJECT NO. 19005			SECTION 21 TOWNSHIP 28 SOUTH RANGE 38 EAST	
		REVISIONS	DATE	DESCRIPTION		
DATE: 10/07/2020	DRAWING: 19005 RW vac					

Petitioner's Sketch & Description Sheet 2 of 2

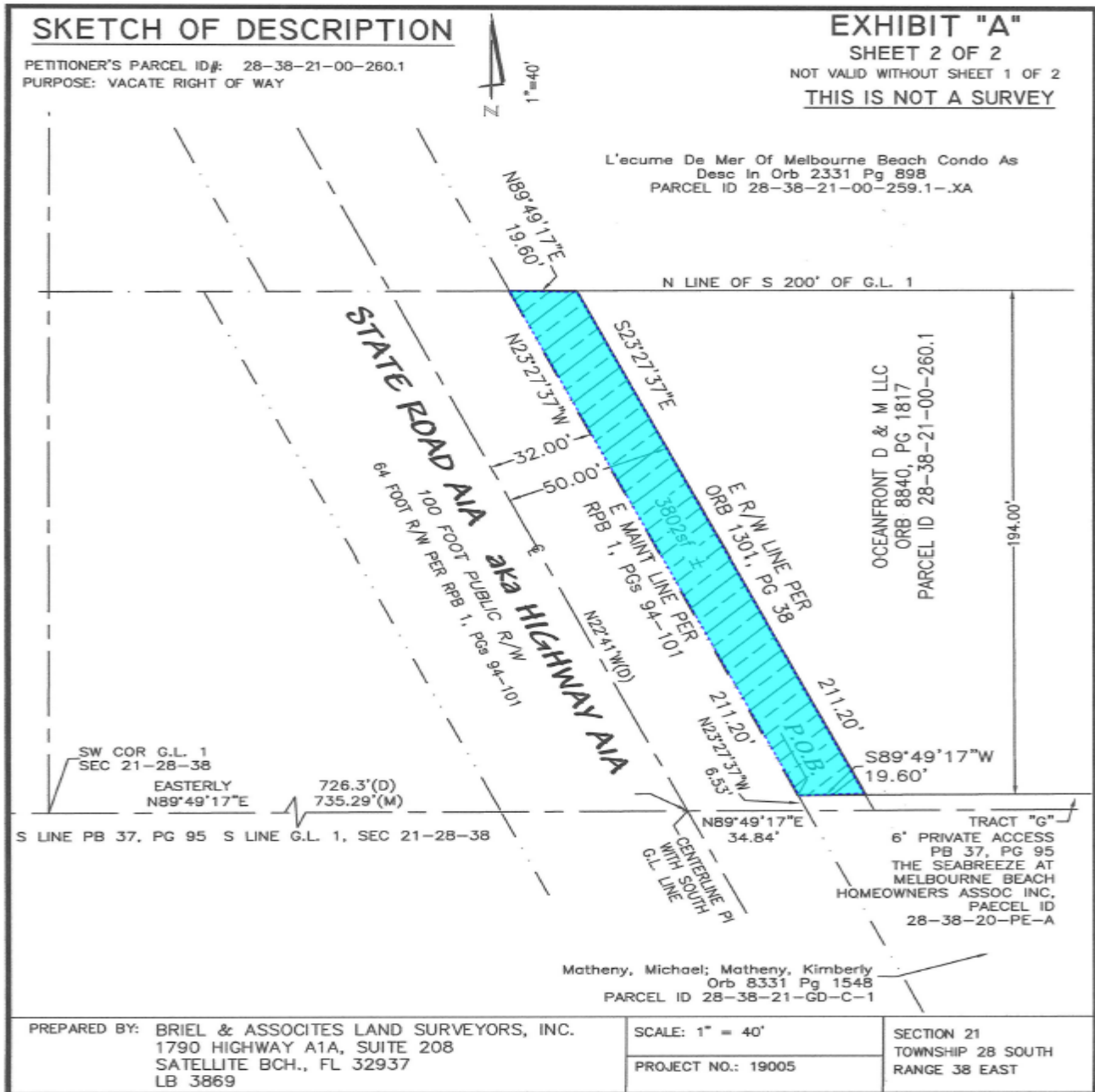


Fig. 6: Sketch of Description. Situated in Section 21, Township 28 South, Range 38 East, Parent Parcel: #28-38-21-00-260.1. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates a strip of land running parallel of East Highway A1A, Melbourne Beach, Florida. The coordinates of the area depicted is as follows moving North to East clockwise. North boundary – North 89°49'17" East 19.60'; East boundary South 23°27'37" East 211.20', South boundary – South 89°49'17" West 19.60'. Prepared by: Briel & Associates Land Surveyors, Inc., FL LB# 3869. Project NO: 19005.

Comment Sheet

Applicant: Oceanfront D& M LLC

Updated by: Amber Holley 20210108 at 12:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20201109	20201118	Yes	No objections
FL Power & Light	20201109	20210108	Yes	No objections
At&t	20201109	20201201	Yes	No objections
Charter/Spectrum	20201109	20201112/18	Yes	No Objection
City of Melbourne	20201109	20201112	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20201109	20201111	Yes	No objections
Land Planning	20201109	20201120	Yes	No objections
Utility Services	20201109	20201118	Yes	No objections
Storm Water	20201109	20201113	Yes	No objections
Zoning	20201109	20201120	Yes	No objections
Land Acquisition	20201109	20201116	Yes	No objections
Fire Dept	20201109	20201201	Yes	No Objections
Traffic Eng	20201109	20201117	Yes	No objections

Fig. 5: Copy of comment sheet for utility review.

Public Hearing Legal Advertisement

Ad#4584317, 2/8/2021

LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF AN 18.0 FOOT STRIP OF LAND RUNNING PARALLEL WITH THE EAST RIGHT-OF-WAY OF HIGHWAY A1A AND A PORTION OF OFFICIAL RECORD BOOK 1301, PAGE 38, IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST, MELBOURNE BEACH, 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 OCEANFRONT D & M, LLC with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1301, PAGE 38 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 28 SOUTH, RANGE 38 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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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 9:00 A.M. on February 23, 2021 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

Fig. 6: Copy of public hearing advertisement as published on February 8, 2021 see next page for full text.

Legal Notice Text

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