

**Resolution 2021 -**

**Vacating a portion of a public right-of-way in plat "Plan of Town of Pineda" Subdivision, Melbourne, Florida, lying in Section 12, Township 26 South, Range 36 East**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **KMM-FL, LLC** with the Board of County Commissioners to vacate a public right-of-way in Brevard County, Florida, described as follows:

**SEE ATTACHED BOUNDARY SURVEY**

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 right-of-way will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said public right-of-way is hereby vacated; and Brevard County renounces and disclaims any rights in and to said right-of-way. 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 14<sup>th</sup> day of September, 2021 A.D.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Rachel Sadoff, Clerk

\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on:  
September 14, 2021

# Brevard County Property Appraiser Detail Sheet

Account 2601615  
 Owners KMM-FL LLC  
 Mailing Address 7285 WAELTI DR MELBOURNE FL 32940  
 Site Address  
 7285 WAELTI DR UNIT A 1-15 MELBOURNE FL 32940  
 7285 WAELTI DR UNIT B 1-15 MELBOURNE FL 32940  
 7285 WAELTI DR UNIT C MELBOURNE FL 32940  
 7285 WAELTI DR UNIT COMMON MELBOURNE FL  
 32940  
 7285 WAELTI DR UNIT D MELBOURNE FL 32940  
 7285 WAELTI DR UNIT E MELBOURNE FL 32940  
 7285 WAELTI DR UNIT F MELBOURNE FL 32940  
 7285 WAELTI DR UNIT G MELBOURNE FL 32940  
 7285 WAELTI DR UNIT H MELBOURNE FL 32940  
 7285 WAELTI DR UNIT I MELBOURNE FL 32940  
 Parcel ID 26-36-12-DE-41-5  
 Property Use 4800 - WAREHOUSING, DISTRIBUTION AND  
 TRUCKING TERMINAL,  
 Exemptions None  
 Taxing District 4200 - UNINCORP DISTRICT 4  
 Total Acres 10.54  
 Subdivision PINEDA  
 Site Code 0001 - NO OTHER CODE APPL.  
 Plat Book/Page 0001/0041  
 Land Description  
 PINEDA ALL OF BLKS 38, 39 & PART OF BLKS 40, 41, 42, 43 & 44 TOGETHER WITH VAC R/W LYING  
 WITHIN ALL AS DESC IN ORB 8736 PG 2201

## VALUE SUMMARY

Category	2020	2020	2019
Market Value	\$1,452,450	\$1,317,220	\$1,213,630
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$1,452,450	\$1,317,220	\$1,213,630
Assessed Value School	\$1,452,450	\$1,317,220	\$1,213,630
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$1,452,450	\$1,317,220	\$1,213,630
Taxable Value School	\$1,452,450	\$1,317,220	\$1,213,630

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
09/02/2014	\$500,000	WD	Improved	7202/1931
06/17/2003	\$390,000	CT	Improved	4948/3314
10/01/1998	\$600,000	PT	--	3909/2950

Fig. 1: Copy of Property Appraiser's detail sheet for Blocks 38 & 39, Plan of Town of Pineda, 7285 Waelti Drive, Melbourne, FL 32940, Section 12, Township 26 South, Range 36 East, District 4

## Vicinity Map

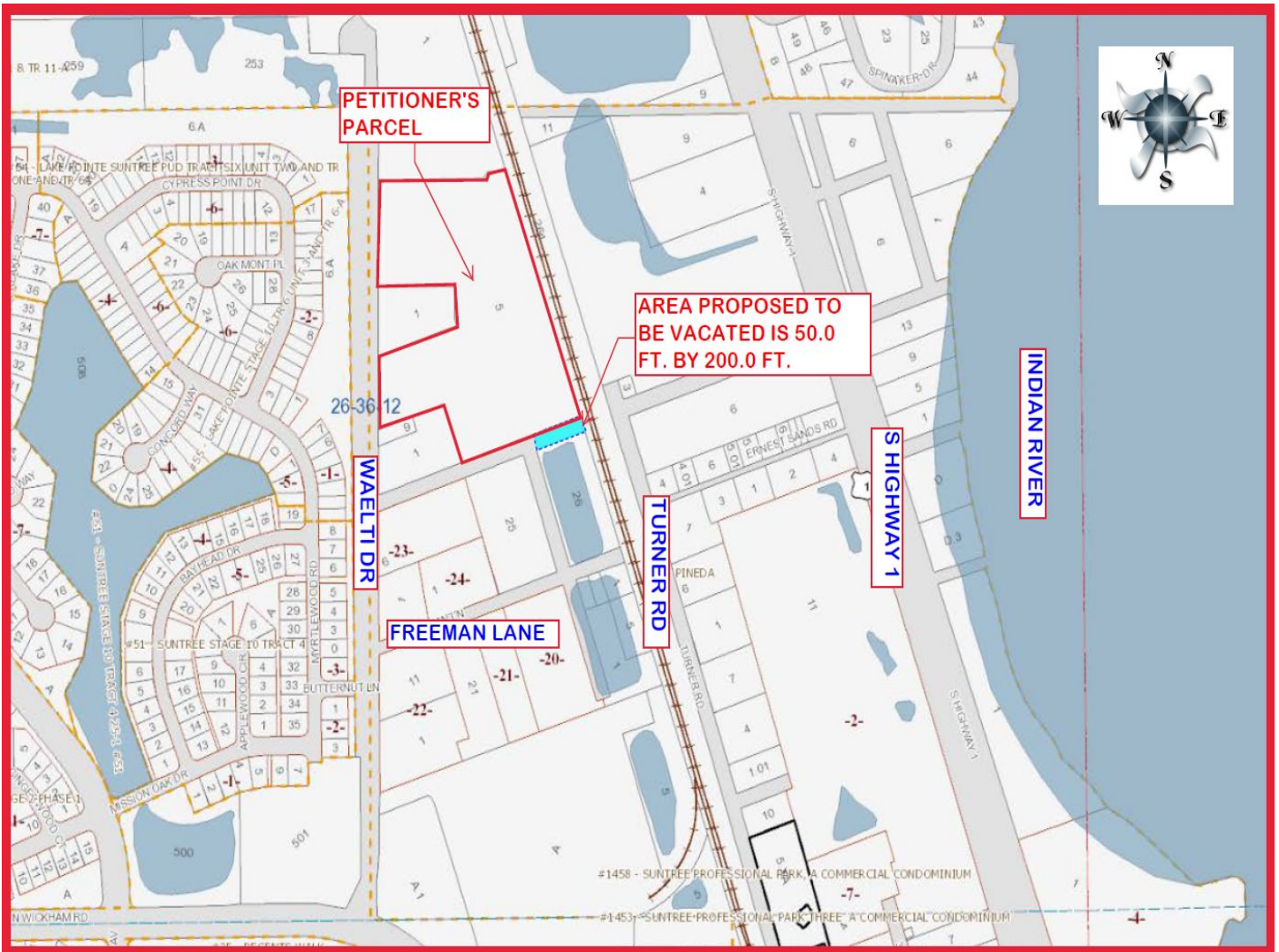


Fig. 3: Map of Blocks 38 & 39, Town of Pineda, 7285 Waelti Drive, Melbourne, FL 32940.

KMM-FL, LLC – 7285 Waelti Dr – Melbourne, FL,  
32940 – Blocks 38 & 39, plat of “Plan of Town of  
Pineda” – Plat Book 1, Page 41 – Section 12,  
Township 26 South, Range 36 East – District 4 –  
Proposed Vacating of a portion of a 50.0 ft. Wide  
Public Right-of-way



## Aerial Map



Fig. 4: Map of aerial view of Blocks 38 & 39, Town of Pineda, 7285 Waelti Drive, Melbourne, FL 32940.

KMM-FL, LLC – 7285 Waelti Dr – Melbourne, FL,  
32940 – Blocks 38 & 39, plat of “Plan of Town of  
Pineda” – Plat Book 1, Page 41 – Section 12,  
Township 26 South, Range 36 East – District 4 –  
Proposed Vacating of a portion of a 50.0 ft. Wide  
Public Right-of-way

## Plat Reference



Fig. 5: Copy of plat map “Plan of Town of Pineda” dedicated to Brevard County September 22, 1894.



# BOUNDARY SURVEY

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 EAST  
PARENT PARCEL ID#: 26-36-12-DE-41-5

PURPOSE: RIGHT-OF-WAY TO BE VACATED

SHEET 1 OF 2

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## LEGAL DESCRIPTION: RIGHT-OF-WAY TO BE VACATED

A portion of the un-named right-of-way known as Tkacs Drive (a 50 foot wide right-of-way) lying South of Block 38 and North of Block 26, all lying in those lands platted in PLAN OF TOWN OF PINEDA, according to the plat thereof recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida.

Containing 9,954 square feet or 0.23 acres, more or less.

## SURVEYOR'S NOTES:

1. The bearings shown hereon are based on a bearing of N71°05'51"E referenced to grid north as established by the NOS, along the Northerly right-of-way of Tkacs Drive, a 50 Foot Right-Of-Way per Plat Book 1, Page 41.
2. ○ = Denotes 5/8" iron rod with cap stamped ALLEN ENG LB 266.

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DAVID J. IRWIN, PSM 6672  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA 32931

DRAWN BY: AEI

CHECKED BY: DJI

PROJECT NO. 040071.5

REVISIONS

DATE

DESCRIPTION

DATE: 1-11-21

DRAWING: 0400715.dwg

3-02-21

COUNTY COMMENTS

3-13-21

COUNTY COMMENTS

SECTION 12  
TOWNSHIP 26 SOUTH  
RANGE 36 EAST

# Petitioner's Sketch & Description Sheet 2 of 2

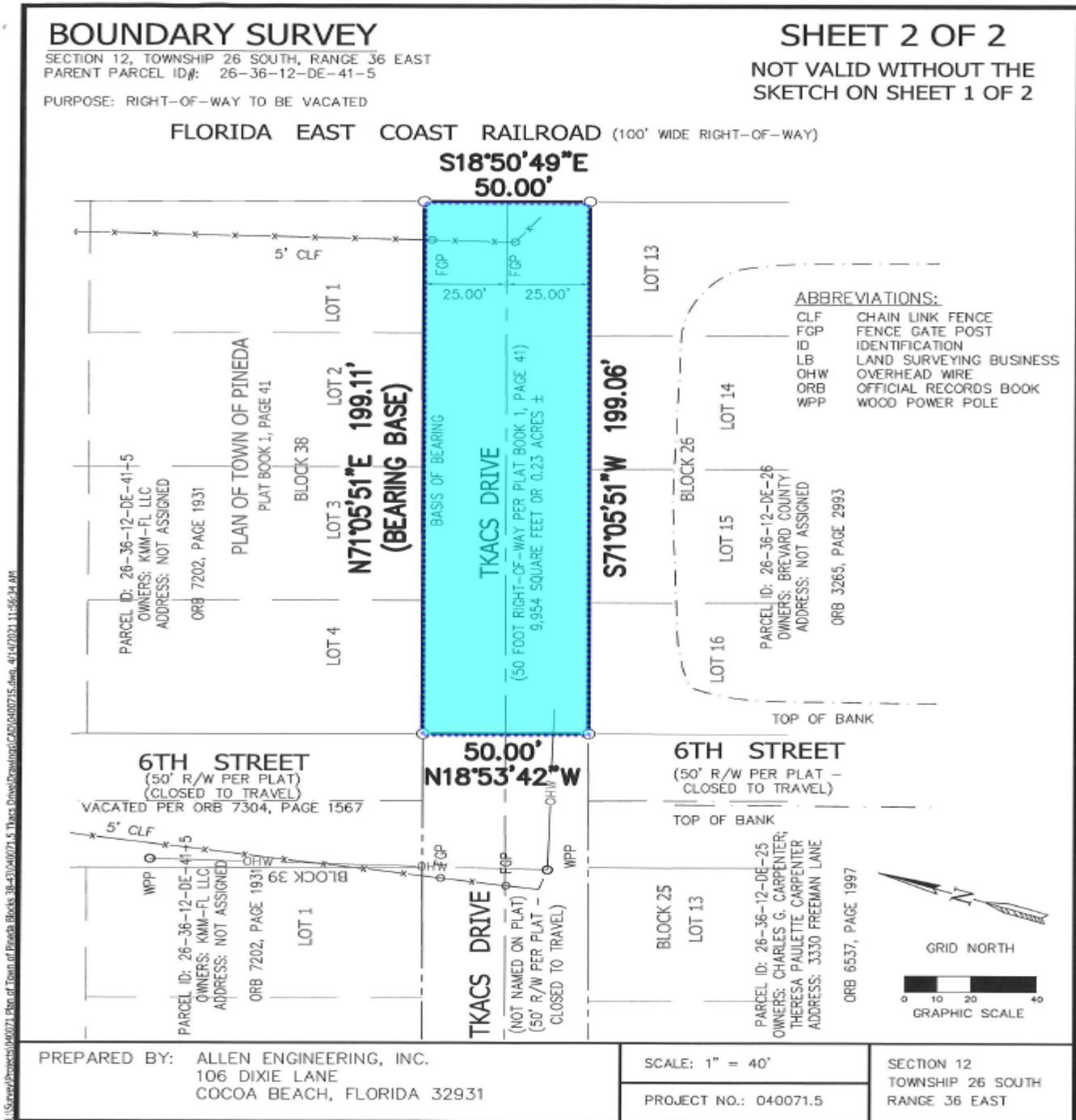


Fig. 7: Boundary survey. Situated in Section 12, Township 26 South, Range 36 East, Parent Parcel: #26-36-12-DE-41-5. Sheet 2 of 2. Not valid without sheet 1 of 2. Sketch illustrates 50.00-foot right-of-way known as Tkacs Drive lying South of Block 38 and North of Block 26, Melbourne, Florida. The coordinate of the North line depicted is as follows. North boundary – North 71°05'51" East 199.11'; East boundary – South 18°50'49" East 50.00'; South boundary – South 71°05'51" West 199.06'; West boundary – North 18°53'42" West 50.00'. Prepared by: Allen Engineering, Inc., 106 Dixie Lane, Cocoa Beach, FL 32931. Project NO: 40071.5.

## Comment Sheet

Applicant: KMM-FL, LLC

Updated by: Amber Holley 20210511 at 14:30 hours

Utilities	Notified	Received	Approved	Remarks
FL City Gas Co	20210416	20210421	Yes	No objections
FL Power & Light	20210416	20210416	Yes	No Objection with an easement
At&t	20210416	20210416	Yes	No Objections
Charter/Spectrum	20210416	20210505	Yes	No Objections
City of Cocoa	20210416	20210416	Yes	No objections

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20210416	20210510	Yes	No Objections
Land Planning	20210416	20210420	Yes	No objections
Utility Services	20210416	20210416	Yes	No objections
Storm Water	20210416	20210416	Yes	No Objections
Zoning	20210416	20210420	Yes	No objections
Land Acquisition	20210416	20210511	Yes	No objections
Fire Dept	20210416	20210416	Yes	No objections
Traffic Eng	20210416	20210430	Yes	No Objections

Fig. 8: Copy of comment sheet for utility review.



# Public Hearing Legal Advertisement

AD#4882907

8/30/2021

## LEGAL NOTICE

NOTICE FOR THE PARTIAL VACATING OF THE UNOPENED, 50.0-FOOT-WIDE PUBLIC RIGHT-OF-WAY OF TKACS DRIVE, PLAT OF "PLAN OF TOWN OF PINEDA", IN SECTION 12, TOWNSHIP 26 SOUTH, RANGE 36 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 KMM-FL, LLC with the Board of County Commissioners of Brevard County, Florida, to request vacating the following described property, to wit:

A portion of the un-named right-of-way known as Tkacs Drive (a 50-foot-wide right-of-way) lying South of Block 38 and North of Block 26, all lying in those lands platted in PLAN OF TOWN OF PINEDA, according to the plat thereof recorded in Plat Book 1, Page 41 of the Public Records of Brevard County, Florida. Containing 9,954 square feet or 0.23 acres, more or less. Prepared by: David J. Irwin, PSM.

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 September 14, 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 assistance.

Fig. 9: Copy of public hearing advertisement as published on August 30, 2021 see next page for full text.

## Legal Notice Text

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