



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2318, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Part of a 30.0 ft. wide, unopened Public Right of Way - Blocks 24 & 25 - "A Re-plat of Section 17 of Indian River Park" Plat Book 02, Page 75, Section 17 Township 20G S., Range 35 E. - Mims - Thomas Merchant - District 1

### **Fiscal Impact:**

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacating's.

### **Dept/Office:**

Public Works Department - Surveying & Mapping

### **Requested Action:**

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider the partial vacating of a 30 ft. wide, unopened public right-of-way between Blocks 24 & 25, "A Re-plat of Section 17 of Indian River Park" in Section 17, Township 20G South, Range 35 East in Mims, Florida. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating and accept the conveyance of the four easements described below.

### **Summary Explanation and Background:**

Florida Statutes, Section 336.09 and Brevard County Article II, Section 86-36, provide a method to the Board of County Commissioners to vacate and abandon unused rights-of-way and easements. The petitioner owns Parcel 1.01, Block 25 and is requesting the vacating of the unopened 30.00 ft. portion of right-of-way along the east line of parcel 1.01, Block 25 to allow for the existing fences to remain. Right-of-way to be vacated contains (0.47 acres) 20,625 square feet, more or less. The property is located in Mims North of Maeber Road and East of Highway US 1.

November 23, 2020, the legal notice was advertised in Florida Today informing the public of the date a public hearing would be held to consider the vacating.

All pertinent county agencies and public utility companies have been notified. At this time, no objections have been received. Additionally, the Board has wholly or partially previously vacated five rights-of-way within the limits of this plat and approximately thirty more right-of-way within a 2.5-mile radius of this petition. Further, the petitioner along with all abutting property owners have agreed to convey a replacement drainage/utility easement over all of the vacated right-of-way.

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### **Clerk to the Board Instructions:**

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in sequence includes the approved/signed resolution, the proof of publication of the public hearing notice and the proof of publication of the adopted resolution notice.