



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2499, **Version:** 1

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### **Subject:**

Petition to Vacate, Re: Part 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 S., Range 38 E. - Melbourne Beach - Oceanfront D & M, LLC - District 3

### **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 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 in Section 21, Township 28 South, Range 38 East in Melbourne Beach, Florida. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating.

### **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 260.1 and is requesting the vacating of the unused 18.00 ft. strip of land running parallel with the east right-of-way of Highway A1A to allow for the redevelopment of the parcel. Land to be vacated contains 3,802 square feet, more or less. The property is located in Melbourne Beach South of Melbourne Causeway and East of Highway A1A.

The subject property under consideration for vacating was donated (we have found no record of any cost to the County associated with the donation) by the then owners, to the County for use as a public right-of-way for purposes of anticipated widening of SR A-1-A at some time in the future. Since that time, by referendum, the south beaches area of the County has been limited as to development density reducing the need for widening A-1-A in this area. At this time the apparent successor owners of the adjacent property are petitioning for the property to be vacated, by which action, if approved, the property will revert to private ownership by operation of law.

February 8, 2021, 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.

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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.