

RESOLUTION 2019-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF A 5' WIDE PORTION OF A 70' RIGHT-OF-WAY FOR 24TH STREET LYING WEST OF 44TH AVE ADJACENT TO THE NORTH PROPERTY LINE OF LOT 1, BLOCK 5 OF THE HEALTHLAND SUBDIVISION, PER INDIAN RIVER COUNTY PLAT BOOK 4, PAGE 39, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, WITH RETAINAGE OF A PUBLIC DRAINAGE AND UTILITY EASEMENT OVER THE ENTIRE AREA.

WHEREAS, Indian River County originally received a duly executed and documented petition from Edisson E. Vasquez on September 6, 2018, requesting that the County close, vacate, abandon, discontinue, renounce and disclaim any right, title and interest of the County and the public in and to a 5' wide portion of 70' right-of-way for 24<sup>th</sup> Street lying west of 44th Ave, adjacent to the north property line of Lot 1, Block 5 of the Healthland Subdivision, Indian River County, Plat Book 4, Page 39, of the Public Records of Indian River County, Florida; and

WHEREAS, in accordance with Florida Statutes 336.10, notice of a public hearing to consider said petition was duly published; and

WHEREAS, after consideration of the petition, supporting documents, staff investigation and report, and testimony of all those interested and present, the Board finds that the subject right-of-way is not located within any municipality, not necessary for continuity of the County's street and thoroughfare network, and does not provide exclusive access to any private property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA that:

1. All right, title and interest of the County and the public in and to that certain right-of-way segment more particularly described as follows:

THE SOUTHERLY 5.0 FEET OF A 70.0 FEET RIGHT OF WAY, KNOWN AS 24th STREET, LYING WEST OF 44th AVENUE AND ADJACENT TO THE NORTH LINE OF LOT 1, BLOCK 5 OF THE PLAT OF HEATHLAND SUDIVISION, PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. (CONTAINING 600± SQ, FT.)

Lying and being in Indian River County, Florida, is hereby forever closed, abandoned, renounced, disclaimed, and vacated **except that a public drainage and utility easement shall be retained over the entire area** (see attached Exhibit A).

2. The closing, vacation, and abandonment of this segment of public right-of-way is in the best interests of the public.
3. Notice of the adoption of this resolution shall be forthwith published once within thirty (30) days from the date of adoption hereof.

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- 4. The Clerk is hereby directed to record this resolution together with the proofs of publication required by Florida Statutes 336.10 in the Official Record Books of Indian River County without undue delay.
- 5. The subject right-of-way shall revert entirely to and be combined with Lot 1 Block 5 of the Heathland Subdivision, subject to a public drainage and utility easement over the entire area.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Chairman Bob Solari \_\_\_\_\_

Vice Chairman Susan Adams \_\_\_\_\_

Commissioner Joseph E. Flescher \_\_\_\_\_

Commissioner Tim Zorc \_\_\_\_\_

Commissioner Peter D. O’Bryan \_\_\_\_\_

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

BY: \_\_\_\_\_  
Bob Solari, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

State of Florida  
County of Indian River

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in this State and County to take acknowledgments, personally appeared \_\_\_\_\_, and \_\_\_\_\_ as Chairman of the Board of County Commissioners and Deputy Clerk, respectively, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

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WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

APPROVED AS TO LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

BY: \_\_\_\_\_  
Roland M. DeBlois, AICP, Interim Director  
Community Development Department

# SKETCH & DESCRIPTION

SECTION 4, TOWNSHIP 33 SOUTH, RANGE 39 EAST  
(NOT A BOUNDARY SURVEY)

PURPOSE FOR RIGHT OF WAY ABANDONMENT

**SHEET 1 OF 2**

NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

## LEG-L DESCRIPTION:

THE SOUTHERLY 5.0 FEET OF A 70.0 FEET RIGHT OF WAY, KNOWN AS 24th STREET, LYING WEST OF 44th AVENUE AND ADJACENT TO THE NORTH LINE OF LOT 1, BLOCK 5 OF THE PLAT OF HEATHLAND SUDIVISION, PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. (CONTAINING 600± SQ, FT.)

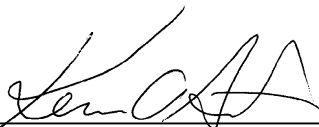
## SURVEYORS NOTES:

1. SEE SKETCH

PREP-RED BY:



1350 M-L-B-R RO-D S.E., SUITE 1 , P-LM B-Y, FLORID- 32907  
Phone (321)724-2940 Fax(321)951-4879  
E-M-IL: SMITHSURVEYINGFL @ GM-IL.COM

  
\_\_\_\_\_  
KEVIN S. SMITH - FLORID- CERTIFIC-TE NO. 4457  
(NOT V-LID UNLESS SIGNED -ND SE-LED)

PREP-RED FOR: EDISSON V-SQUEZ

DR- N BY: K. C-LL-H-N

CHECKED BY: - . SMITH

DR- ING NO. 19-0262

SECTION 4

D-TE: -UGUST 5, 2019

SHEET 1 OF 2

REVISIONS 8-5-2019

TOWNSHIP 33 SOUTH

R-NGE 39 E-ST

# SKETCH & DESCRIPTION

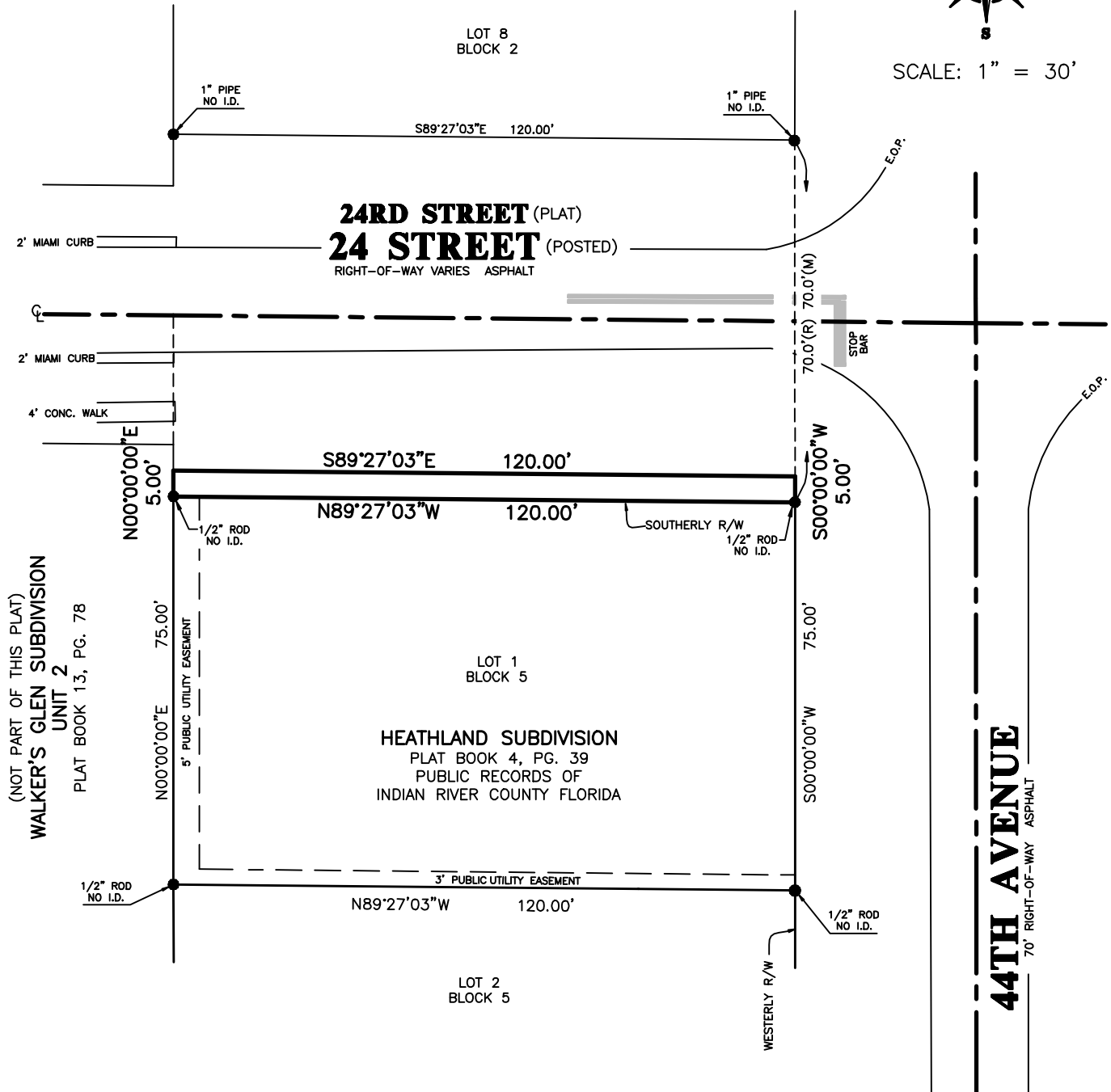
SECTION 4, TOWNSHIP 33 SOUTH, RANGE 39 EAST  
(NOT A BOUNDARY SURVEY)

**SHEET 2 OF 2**

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



SCALE: 1" = 30'



PREPARED BY:



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DRAWING NO. 19-0262