

RESOLUTION 2003-148

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF A PORTION OF SHORT STREET LYING BETWEEN 134<sup>TH</sup> STREET AND THE FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY, RESERVING AN EASEMENT OVER THE ENTIRE RIGHT-OF-WAY, SAID LAND LYING IN INDIAN RIVER COUNTY, FLORIDA

WHEREAS, on July 22, 2003, Indian River County received a duly executed and documented petition from Adrienne Dissis of Sebastian, Florida, 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 portion Short Street lying between 134<sup>th</sup> Street and the Florida East Coast Railroad as shown on the plat of the Town of Wauregan subdivision and recorded in Plat Book 1, Page 75 of the records of Brevard County, said lands now lying in 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 a state or federal highway, nor located within any municipality, nor is said right-of-way necessary for continuity of the County's street and thoroughfare network, nor access to any given private property.

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

Return to: John W. McCoy  
County Planning

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

BEGIN AT THE SOUTHEAST CORNER OF SAID BLOCK 52-A, AND RUN S 00°00'00" E ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 52-A A DISTANCE OF 50 FEET, THENCE RUN S 90°00'00" W ALONG THE SOUTH LINE OF SAID SHORT STREET A DISTANCE OF 282.90 FEET, THENCE RUN N 09°35'22" W ALONG THE EASTERLY R/W LINE OF THE FEC RAILROAD R/W LINE A DISTANCE OF 50.71 FEET, TO THE SOUTH LINE OF SAID BLOCK 52-A, THENCE RUN S 90°00'00" E A DISTANCE OF 291.35 FEET TO THE POINT OF BEGINNING.

Lying in Indian River County, Florida.

is hereby forever closed, abandoned, vacated, except that the entire former right-of-way is expressly reserved as a drainage and utility easement. (see Exhibit "A", attached)

- 2. The closing, vacation, abandonment, of this public right-of-way is in the best interests of the public.

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- 3. Notice of the adopting of this resolution shall be forthwith published once within thirty (30) days from the date of adoption hereof; and
- 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 right-of-way shall revert evenly to the property to the north and south.

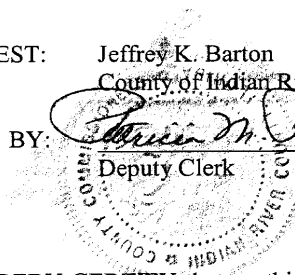
The foregoing resolution was offered by Commissioner Adams who moved its adoption. The motion was seconded by Commissioner Neuberger, and upon being put to a vote, the vote was as follows:

Chairman	Kenneth R. Macht	<u>Aye</u>
Vice-Chairman	Caroline D. Ginn	<u>Aye</u>
Commissioner	Fran Adams	<u>Aye</u>
Commissioner	Thomas S. Lowther	<u>Aye</u>
Commissioner	Arthur R. Neuberger	<u>Aye</u>

The Chairman thereupon declared the resolution duly passed and adopted this 18th day of November, 2003.

ATTEST: Jeffrey K. Barton  
County of Indian River

BY: Patricia M. Ridgely  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

BY: Kenneth R. Macht  
Kenneth R. Macht, Chairman  
Board of County Commissioners

I HEREBY CERTIFY that on this day, before me, and officer duly authorized in this State and County to take acknowledgments, personally appeared Kenneth R. Macht, and **PATRICIA M. RIDGELY** 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 18th day of November, A.D., 2003.

*Kimberly E. Massung*  
Notary Public

APPROVED AS TO LEGAL SUFFICIENCY



Kimberly E. Massung  
MY COMMISSION # DD216503 EXPIRES  
July 15, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

BY: *William G. Collins*  
William G. Collins,  
County Attorney

APPROVED AS TO PLANNING MATTERS

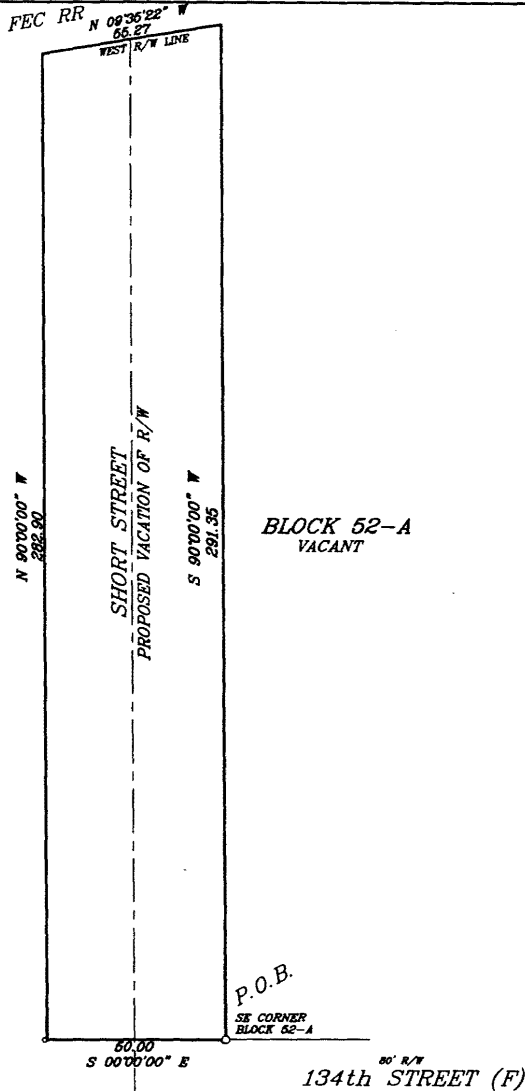
BY: *Robert M. Keating*  
Robert M. Keating, AICP, Director  
Community Development Division

SKETCH OF SURVEY FOR and/or CERTIFIED TO:  
ADRIENNE M. DISSIS.

DESCRIPTION AS FOLLOWS:  
PARENT TRACT

ALL OF BLOCK 52-A, TOWN OF WAURENGAN SUBDIVISION, ACCORDING TO THE PLAT FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BREVARD COUNTY, IN PLAT BOOK 1, PAGE 75, AND REFILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA IN PLAT BOOK 1, PAGES 179 AND 179, SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, LESS THE NORTH 150 FEET THEREOF.

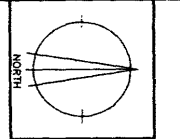
PROPOSED VACATION OF A PORTION OF SHORT STREET OF TOWN OF WAURENGAN SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID BLOCK 52-A, AND RUN S 00°00'00" E ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 52-A A DISTANCE OF 50.00 FEET, THENCE RUN S 90°00'00" W ALONG THE SOUTH LINE OF SAID SHORT STREET A DISTANCE OF 292.80 FEET, THENCE RUN N 09°36'22" W ALONG THE EASTERLY R/W LINE OF THE FEC RAILROAD R/W LINE A DISTANCE OF 50.71 FEET TO THE SOUTH LINE OF SAID BLOCK 52-A, THENCE RUN S 90°00'00" E A DISTANCE OF 291.35 FEET TO THE POINT OF BEGINNING.



GRUSENMEYER-SCOTT & WALKER, INC.-LAND SURVEYORS

LEGEND

P	PLAT
F	FIELD
I.P.	IRON PIPE
I.R.	IRON ROD
C.M.	CONCRETE MONUMENT
SET I.R.	5/8" I.R. W/LB 6710
REC.	RECORDED
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
C.L.	CENTERLINE
M&D	NAL. & DISC.
R/W	RIGHT-OF-WAY
ESMT.	EASEMENT
GRAN.	GRANAGE
UTL.	UTILITY
C.L. FC	CHAIN LINK FENCE
W.D. F.C.	WOOD FENCE
C/B	CONCRETE BLOCK
P.C.	POINT OF CURVATURE
T.	POINT OF TANGENCY
D	DESCRIPTION
B.B.	BEARING (SEE #)
A/C	AIR CONDITIONER
P.U. & D.E.	PUBLIC UTILITIES & DRAINAGE ESMT.
R	RADIUS
A.R.C.	ARC LENGTH
C.A.	CENTRAL ANGLE
C.H.	CHORD
C.B.	CHORD BEARING
P.O.L.	POINT ON LINE
TYP.	TYPICAL
R.S.	RADIUS
P.C.C.	POINT OF REVERSE CURVATURE
R.A.D.	POINT OF COMPOUND CURVATURE
M.R.	MINI-RADIAL
W.P.	WITNESS POINT
C.	CALCULATED



BREVARD COUNTY OFFICE  
4175 S. U.S. 1  
ROOKLEDGE, FL 32955  
321-636-1035  
321-636-1404 (FAX)  
LB 6710

NOTES

1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61017-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-027, FLORIDA STATUTES.
2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
7. ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1928, UNLESS OTHERWISE NOTED.

B. BEARINGS BASED ON THE WEST R/W LINE 134th ST  
SAID BEARING BEING S 00°00'00" W

CERTIFIED BY	R.L.S. NO. 5362	SCALE 1" = 40'
JOHN W. WALKER, R.L.S. NO. 5362	TOM X. GRUSENMEYER, R.L.S. NO. 4714	FIELD DATE
JAMES W. SCOTT, R.L.S. NO. 4801		ORDER NO.
THIS BUILDING/PROPERTY <u>DOES NOT</u> LIE WITHIN THE ESTABLISHED SPECIAL FLOOD HAZARD AREA PER <u>FIG. 11</u> LIES IN ZONE <u>"X"</u>		SKETCH 10-13-03
PANEL # <u>12009C-U</u> MAP DATE: <u>4-3-89</u>		25629A
DRAWN BY: <u>JDUB</u>		CHECKED BY: