

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, FORMALLY DESIGNATING CERTAIN COUNTY OWNED PROPERTY FOR 26<sup>TH</sup> STREET AND 52<sup>ND</sup> AVENUE RIGHT-OF-WAY, AND DIRECTING THE PROPERTY APPRAISER TO CUT OUT THE PROPERTY DESIGNATED AS RIGHT-OF-WAY FROM THE PARENT PARCEL (LOT 1, BLOCK C, DODGERTOWN SUBDIVISION, RECORDED IN PLAT BOOK 3, PAGE 49, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA).**

**WHEREAS**, Michael Staller approached the County and offered to sell his property at 2605 52<sup>nd</sup> Avenue; and

**WHEREAS**, on October 13, 2016 Indian River County purchased Lot 1, Block C of Dodgertown Subdivision from Michael Staller, for future road expansion of 26<sup>th</sup> Street; said conveyance was recorded in Book 2973 at Page 1959 of the Public Records of Indian River County, Florida; and

**WHEREAS**, the purpose of purchasing the property at this time was to avoid expert witness costs and attorney's fees that would be incurred through the eminent domain process at the time the right-of-way was needed; and

**WHEREAS**, the intent of the County is to now earmark by a formal document that portion of the property for right-of-way so that the remainder can be re-sold and put back on the tax rolls; and

**WHEREAS**, a sketch and legal description of the right-of-way have been prepared and are attached hereto as Exhibit "A"; and

**RESOLUTION NO. 2017-\_\_\_\_\_**

**WHEREAS**, a sketch and legal description have been prepared for the remainder property and are attached hereto as Exhibit "B"; and

**WHEREAS**, it would be beneficial to designate by a recorded instrument the County's designation of this right-of-way identified in the attached Exhibit "A" so that the Indian River County Property Appraiser can earmark the property as right-of-way on the appropriate maps, as well as cut out the designated right-of-way from the parent parcel, thus alleviating any potential boundary issues that may surface in the future with respect to the re-selling of the remainder property identified in the attached Exhibit "B",

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

1. The portion of property as described and depicted on the attached Exhibit "A," is hereby formally designated as right-of-way; and
2. This resolution shall be recorded in the Public Records of Indian River County, Florida; and
3. Upon the recordation of this Resolution, the Indian River County Property Appraiser is instructed to cut out the designated right-of-way as depicted and described on the attached Exhibit "A" from the parent parcel, and accordingly earmark any maps within the Property Appraiser's Office to reflect this designation.

The resolution was moved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

RESOLUTION NO. 2017-\_\_\_\_\_

Chairman Joseph E. Flescher \_\_\_\_\_

Vice Chairman Peter D. O'Bryan \_\_\_\_\_

Commissioner Susan Adams \_\_\_\_\_

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

Commissioner Bob Solari \_\_\_\_\_

The Chairman thereupon declared the resolution duly passed and adopted  
this \_\_\_\_ day of February, 2017.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By \_\_\_\_\_  
Joseph E. Flescher, Chairman

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

By: \_\_\_\_\_  
Deputy Clerk

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**  
BY   
**WILLIAM K. DEBRAAL  
DEPUTY COUNTY ATTORNEY**

# Sketch and Legal Description for: INDIAN RIVER COUNTY

## Legal Description (Right-of-Way Acquisition)

BEING A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY FLORIDA, SAID PARCEL ALSO BEING A PORTION OF LOT 1, BLOCK "C", ACCORDING TO THE PLAT OF DODGERTOWN SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 49, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°39'58" EAST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 25.00 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 89°41'34" EAST, A DISTANCE OF 104.96 FEET; THENCE NORTH 45°29'14" EAST, A DISTANCE OF 35.47 FEET TO A POINT ON THE THE EAST LINE OF SAID LOT 1, (SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF 52ND AVENUE, BEING A 70 FOOT WIDE RIGHT-OF-WAY) THENCE SOUTH 00°40'01" WEST, ALONG SAID EAST LINE AND SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 35.09 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°38'24", A DISTANCE OF 23.47 FEET TO THE CURVES END AND A POINT ON THE SOUTH LINE OF SAID LOT 1 AND THE NORTH RIGHT-OF-WAY LINE OF 26TH STREET (WALKER AVENUE); THENCE NORTH 89°41'34" WEST, ALONG SAID SOUTH LINE AND SAID NORTHERLY RIGHT-OF-WAY LINE ( SAID LINE BEING 55.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF TRACT 14, SECTION 33, TOWNSHIP 32 SOUTH, RANGE 39 EAST, AS SHOWN ON THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, AS RECORDED IN PLAT BOOK 2, PAGE 25, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA) A DISTANCE OF 115.05 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3514 SQUARE FEET, (0.08 ACRES) MORE OR LESS

### Surveyor's Notes

1). THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED WITH THE BENEFIT OF A BOUNDARY SURVEY PREPARED BY INDIAN RIVER COUNTY ENGINEERING DEPARTMENT, JOB NO. 1632, DATED DECEMBER 5, 2016. TOGETHER WITH THE PLAT OF DODGERTOWN SUBDIVISION, RECORDED IN PLAT BOOK 3, PAGE 49, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

2). THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS:

(A) PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS , WITH SHEET 2 SHOWING THE SKETCH AND LEGAL DESCRIPTION.

(B) REPRODUCTIONS OF THE DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

3). THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTH LINE OF TRACT 14 AS SHOWN ON THE LAST GENERAL PLAT OF INDIAN RIVER FARMS COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 25, ST LUCIE, NOW INDIAN RIVER COUNTY, FLORIDA. SAID LINE BEARS NORTH 89°41'34" WEST AND ALL OTHERS ARE RELATIVE THERETO.

#### Legend and Abbreviations

I.R.F.W.C.D. = INDIAN RIVER FARMS  
WATER CONTROL DISTRICT  
L = LENGTH OF ARC  
(P) = PLAT  
PBS = PLAT BOOK ST. LUCIE  
Δ=DELTA ANGLE  
SQ. FT. = SQUARE FEET  
R = RADIUS  
R/W = RIGHT-OF-WAY

#### Certification

(NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION OF THE PROPERTY SHOWN AND DESCRIBED HEREON WAS COMPLETED UNDER MY DIRECTION AND SAID SKETCH AND LEGAL IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY THE FLORIDA PROFESSIONAL BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATE STATUTES.

PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION

12-12-2016  
DATE OF SIGNATURE

  
DAVID M. SILON  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6139

*This is not a Boundary Survey*

AGENCY: **INDIAN RIVER COUNTY, FL  
PUBLIC WORKS DEPT./ENGINEERING DIV.**

DATE: **12/09/16** DRAWN BY: **R. INGLETT**

SCALE: **N/A** APPROVED BY: **D.SILON**

SHEET: **1 OF 2** JOB NO: **1632**

*Sketch and Legal Description  
for:*

**INDIAN RIVER COUNTY**

*(2605 52nd AVENUE)*

EXHIBIT "A"



# Sketch and Legal Description for: INDIAN RIVER COUNTY

## Legal Description (Lot 1, Block "C" Remainder)

BEING ALL OF LOT 1, BLOCK "C", ACCORDING TO THE PLAT OF DODGERTOWN SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 49, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

### Less and Except the Following Described Parcel:

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°39'58" EAST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 25.00 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 89°41'34" EAST, A DISTANCE OF 104.96 FEET; THENCE NORTH 45°29'14" EAST, A DISTANCE OF 35.47 FEET TO A POINT ON THE THE EAST LINE OF SAID LOT 1, (SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF 52ND AVENUE, BEING A 70 FOOT WIDE RIGHT-OF-WAY) THENCE SOUTH 00°40'01" WEST, ALONG THE SAID EAST LINE AND SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 35.09 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°38'24", A DISTANCE OF 23.47 FEET TO THE CURVES END AND A POINT ON THE SOUTH LINE OF SAID LOT 1 AND THE NORTH RIGHT-OF-WAY LINE OF 26TH STREET (WALKER AVENUE); THENCE NORTH 89°41'34" WEST, ALONG SAID SOUTH LINE AND SAID NORTHERLY RIGHT-OF-WAY LINE ( SAID LINE BEING 55.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF TRACT 14, SECTION 33, TOWNSHIP 32 SOUTH, RANGE 39 EAST, AS SHOWN ON THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, AS RECORDED IN PLAT BOOK 2, PAGE 25, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA) A DISTANCE OF 115.05 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 12,082 SQUARE FEET, (0.28 ACRES) MORE OR LESS

### Surveyor's Notes

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### Legend and Abbreviations

I.R.F.W.C.D. = INDIAN RIVER FARMS  
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SQ. FT. = SQUARE FEET  
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R/W = RIGHT-OF-WAY

### Certification

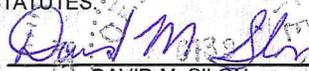
(NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

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PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION

12-12-2016  
DATE OF SIGNATURE

  
DAVID M. SILON  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6139

*This is not a Boundary Survey*

AGENCY: **INDIAN RIVER COUNTY, FL  
PUBLIC WORKS DEPT./ENGINEERING DIV.**

DATE: **12/06/16** DRAWN BY: **R. INGLETT**

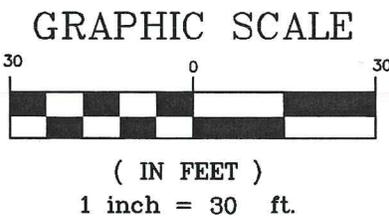
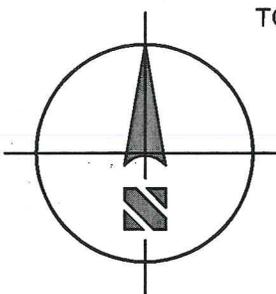
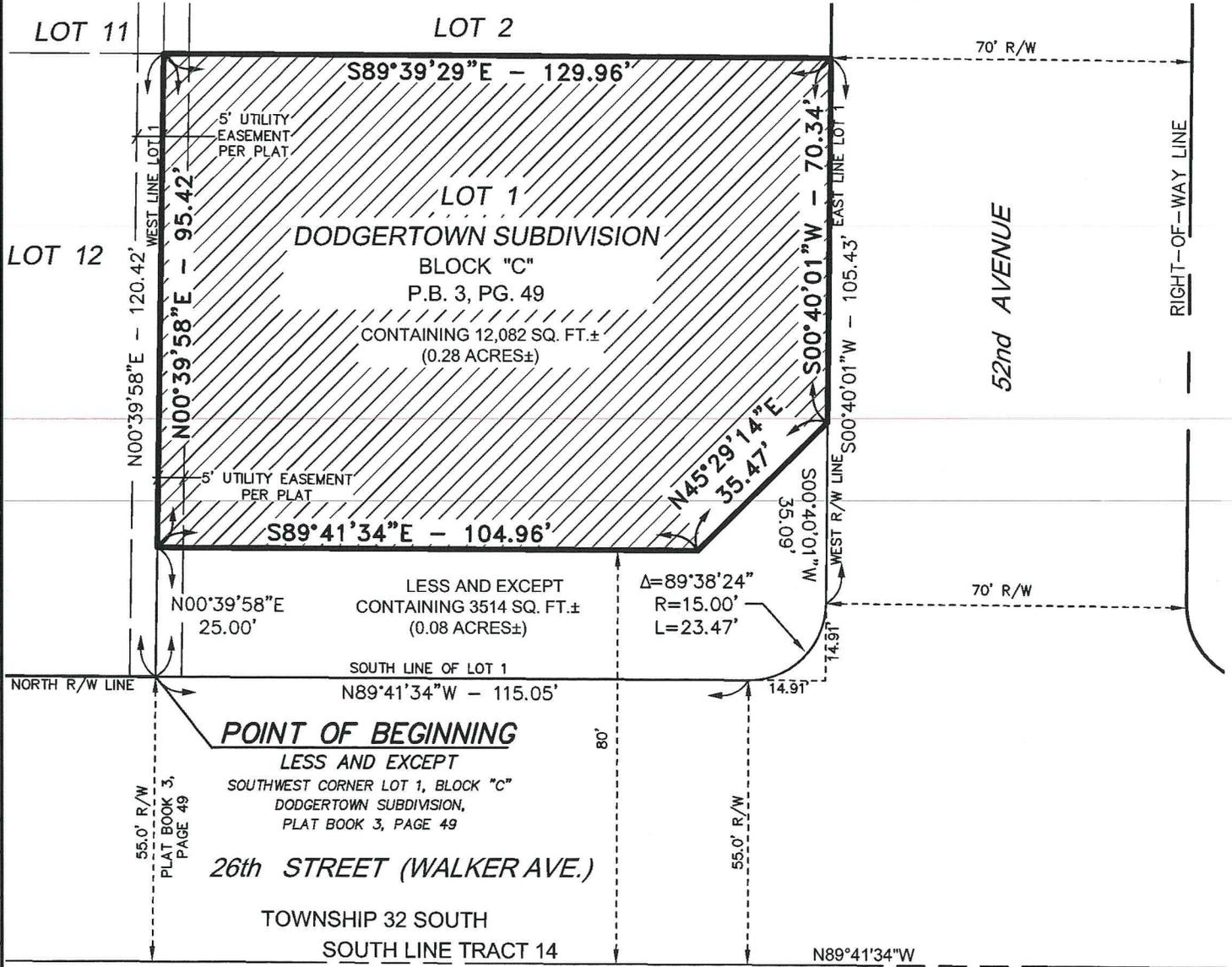
SCALE: **N/A** APPROVED BY: **D.SILON**

SHEET: **1 OF 2** JOB NO: **1632**

*Sketch and Legal Description  
for:  
INDIAN RIVER COUNTY  
(2605 52nd AVENUE)*

EXHIBIT "B"

# Sketch and Legal Description for: INDIAN RIVER COUNTY



- Legend and Abbreviations**
- I.R.F.W.C.D. = INDIAN RIVER FARMS WATER CONTROL DISTRICT
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*This is not a Boundary Survey*

PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION

AGENCY: <b>INDIAN RIVER COUNTY, FL PUBLIC WORKS DEPT./ENGINEERING DIV.</b>	
DATE: <b>12/06/16</b>	DRAWN BY: <b>R. INGLETT</b>
SCALE: <b>1"=30'</b>	APPROVED BY: <b>D.SILON</b>
SHEET: <b>2 OF 2</b>	JOB NO: <b>1632</b>

*Sketch and Legal Description  
for:  
INDIAN RIVER COUNTY  
(2605 52nd AVENUE)*

F:\Public Works\ENGINEERING DIVISION PROJECTS\1632 26th Street ROW Acq. 2605 52nd St Bndy Survey\Survey\Drawg\1632-Lot 1-26th RW Acquisition Remainder Skt-Lgl.dwg, 12/12/2016 11:25:06 AM, HP\_LaseJet 700 MT12 PCL 6