

## 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 54<sup>TH</sup> AVENUE RIGHT-OF-WAY, AND DIRECTING THE PROPERTY APPRAISER TO CUT OUT THE PROPERTY DESIGNATED AS RIGHT-OF-WAY FROM THE PARENT PARCEL (METES AND BOUNDS DESCRIPTION WITHIN TRACT 14, SECTION 33, TOWNSHIP 32 SOUTH, RANGE 39 EAST, IN INDIAN RIVER COUNTY, FLORIDA).

**WHEREAS**, Michael J. Giessert and Lisa B. Giessert approached the County to determine if their property at 2625 54<sup>th</sup> Avenue would be impacted by the future 26<sup>th</sup> Street widening project; and

**WHEREAS**, on September 21, 2016 Indian River County purchased the property from Michael J. Giessert and Lisa B. Giessert, for future road expansion of 26<sup>th</sup> Street; said conveyance was recorded in Book 2967 at Page 162 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 TRACT 14, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 25, ST. LUCIE COUNTY, FLORIDA, SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA. SAID PARCEL ALSO BEING A PORTION OF A TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 2967, PAGE 162, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID TRACT 14; THENCE NORTH 00°26'55" EAST, ALONG THE WEST LINE OF SAID TRACT 14, A DISTANCE OF 44.00 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 00°26'55" EAST, A DISTANCE OF 36.00 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 89°41'34" EAST, ALONG A LINE THAT IS 80.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 146.32 FEET; THENCE NORTH 45°22'41" EAST, A DISTANCE OF 35.40 FEET TO THE EAST LINE OF SAID TRACT OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 2967, PAGE 162, OF SAID PUBLIC RECORDS, SAID LINE ALSO BEING THE WEST LINE OF A 20.00 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 194, PAGE 682, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE SOUTH 00°26'55" WEST, ALONG SAID LINE A DISTANCE OF 61.00 FEET TO THE NORTH LINE OF PARCEL "A", BEING A 14.00 FOOT WIDE STRIP OF LAND AS SHOWN IN PLAT BOOK 14, PAGE 18, OF SAID PUBLIC RECORDS AND THE NORTH RIGHT OF WAY LINE OF 26th STREET (WALKER AVENUE); THENCE NORTH 89°41'34" WEST, ALONG SAID NORTH LINE, SAID LINE BEING 44.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 171.32 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 6480 SQUARE FEET, (0.15 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. 1645, DATED DECEMBER 8, 2016. TOGETHER WITH THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 25, 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.

### 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.

1-23-2017  
DATE OF SIGNATURE

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

### Legend and Abbreviations

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

This is not a Boundary Survey

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

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

DATE: 1/23/17	DRAWN BY: R. INGLETT
SCALE: N/A	APPROVED BY: D.SILON
SHEET: 1 OF 2	JOB NO: 1645

Sketch and Legal Description  
for:

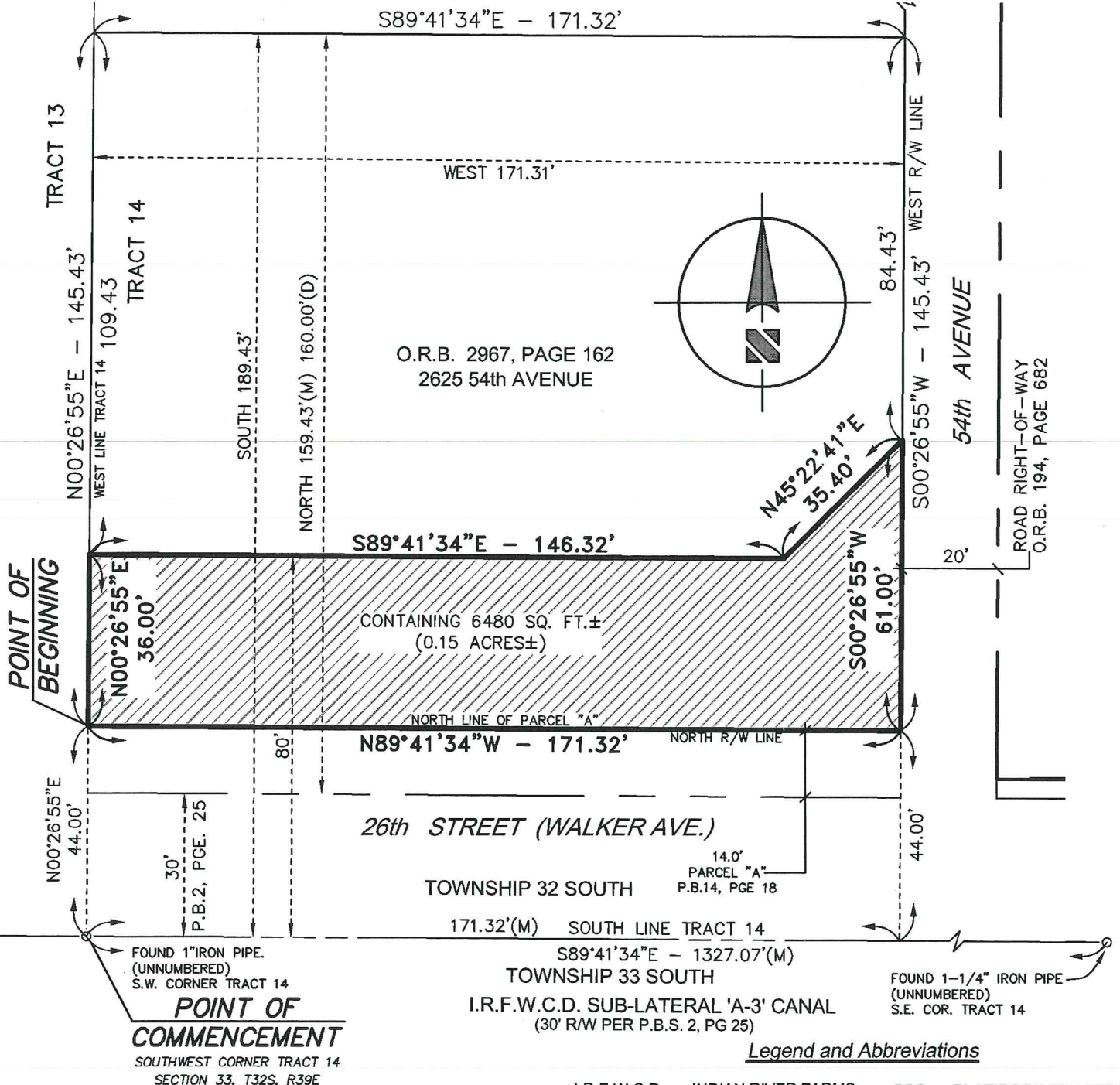
**INDIAN RIVER COUNTY**

(2625 54th AVENUE)

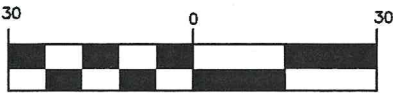
EXHIBIT "A"

F:\Public Works\ENGINEERING DIVISION\PROJECTS\1645 26th Street ROW Acquisition (2625 54th Ave Boundary Survey)\Survey\Dwg\1645-26th ST ROW Acquisition Skt-L.dwg, 1/23/2017 2:02:44 PM, HP LaserJet 700 M712 PCL 6

# Sketch and Legal Description for: INDIAN RIVER COUNTY



## GRAPHIC SCALE



( IN FEET )  
 1 inch = 30 ft.

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

### Legend and Abbreviations

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

*This is not a Boundary Survey*

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

DATE: 1/23/17	DRAWN BY: R. INGLETT
SCALE: 1"=30'	APPROVED BY: D.SILON
SHEET: 2 OF 2	JOB NO: 1645

*Sketch and Legal Description  
 for:  
 INDIAN RIVER COUNTY  
 (2625 54th AVENUE)*

# Sketch and Legal Description for: INDIAN RIVER COUNTY

## Legal Description (o.r.b. 2967, page 162 Remainder)

THE NORTH 160 FEET OF THE SOUTH 189.43 FEET OF THE WEST 171.31 FEET OF TRACT 14, SECTION 33, TOWNSHIP 32 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF THE LANDS OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 25, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA. LESS THAT PORTION FOR ADDITIONAL RIGHT-OF-WAY AS SET FORTH IN PLAT BOOK 14, PAGE 18, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

### Less and Except the Following:

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 TRACT 14, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 25, ST. LUCIE COUNTY, FLORIDA, SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA. SAID PARCEL ALSO BEING A PORTION OF A TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 2967, PAGE 162, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID TRACT 14; THENCE NORTH 00°26'55" EAST, ALONG THE WEST LINE OF SAID TRACT 14, A DISTANCE OF 44.00 FEET TO THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 00°26'55" EAST, A DISTANCE OF 36.00 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 89°41'34" EAST, ALONG A LINE THAT IS 80.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 146.32 FEET; THENCE NORTH 45°22'41" EAST, A DISTANCE OF 35.40 FEET TO THE EAST LINE OF SAID TRACT OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 2967, PAGE 162, OF SAID PUBLIC RECORDS, SAID LINE ALSO BEING THE WEST LINE OF A 20.00 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 194, PAGE 682, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE SOUTH 00°26'55" WEST, ALONG SAID LINE A DISTANCE OF 61.00 FEET TO THE NORTH LINE OF PARCEL "A", BEING A 14.00 FOOT WIDE STRIP OF LAND AS SHOWN IN PLAT BOOK 14, PAGE 18, OF SAID PUBLIC RECORDS AND THE NORTH RIGHT OF WAY LINE OF 26th STREET (WALKER AVENUE); THENCE NORTH 89°41'34" WEST, ALONG SAID NORTH LINE, SAID LINE BEING 44.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 171.32 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 18,436 SQUARE FEET, (0.42 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. 1645, DATED DECEMBER 8, 2016. TOGETHER WITH THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 25, 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.

### Certification

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

### Legend and Abbreviations

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

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.

1-24-17  
DATE OF SIGNATURE

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

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

This is not a Boundary Survey

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

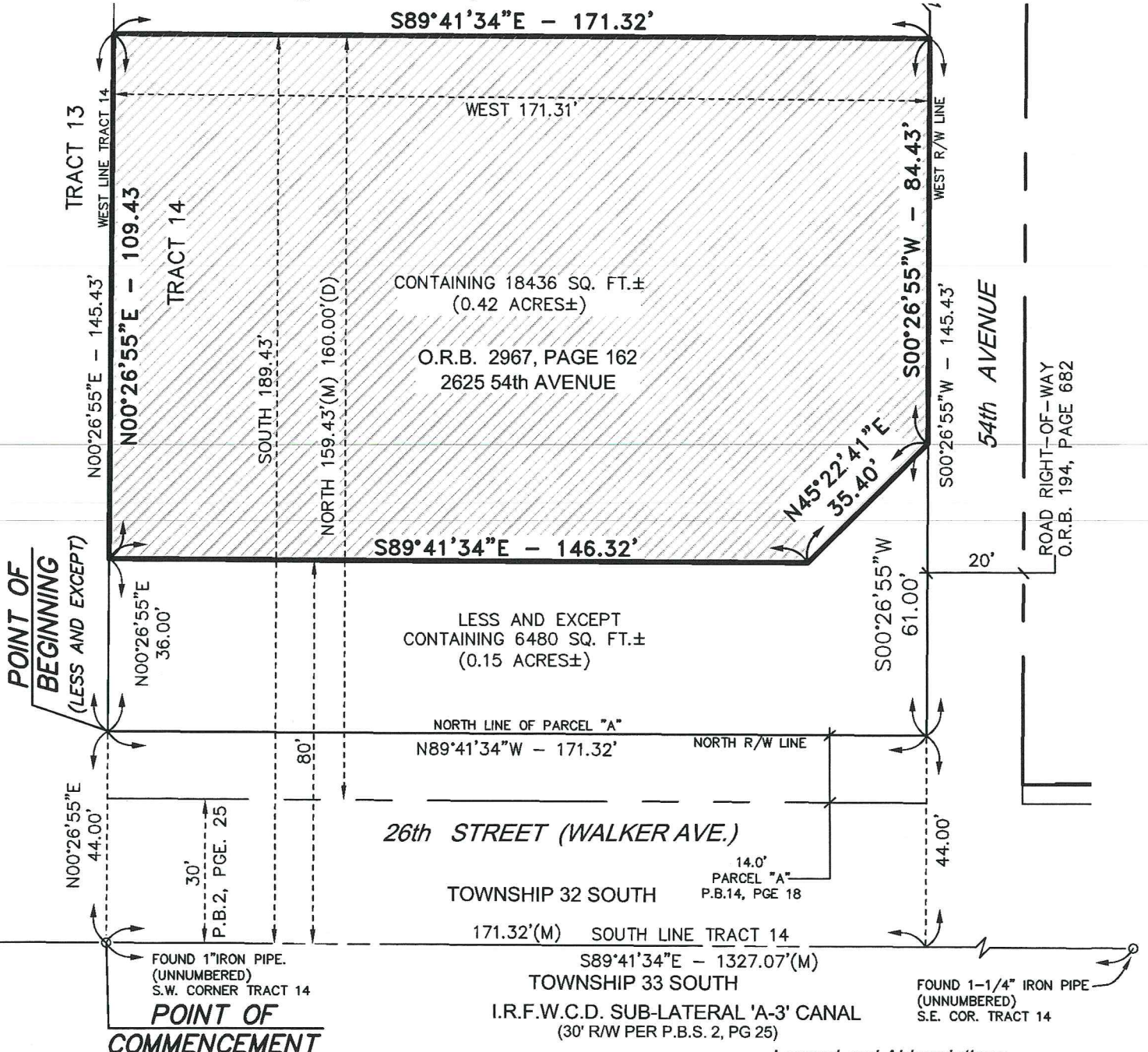
DATE: 1/24/17	DRAWN BY: R. INGLETT
SCALE: N/A	APPROVED BY: D.SILON
SHEET: 1 OF 2	JOB NO: 1645

*Sketch and Legal Description  
for:  
INDIAN RIVER COUNTY  
(2625 54th AVENUE)*

EXHIBIT "B"

# Sketch and Legal Description for: INDIAN RIVER COUNTY

F:\Public Works\ENGINEERING DIVISION PROJECTS\1645 26th Street ROW Acquisition (2625 54th Ave Boundary Survey)\Survey\Draw\1645-26th ST ROW Acquisition Remainder Sht-Lg.dwg, 1/24/2017 9:37:33 AM, HP LaserJet 700 M712 PCL 6



**POINT OF BEGINNING**  
(LESS AND EXCEPT)

**POINT OF COMMENCEMENT**  
LESS AND EXCEPT  
SOUTHWEST CORNER TRACT 14  
SECTION 33, T32S, R39E

FOUND 1" IRON PIPE (UNNUMBERED)  
S.W. CORNER TRACT 14

**Legend and Abbreviations**

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

**GRAPHIC SCALE**

( IN FEET )  
1 inch = 30 ft.

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

*This is not a Boundary Survey*

<b>AGENCY: INDIAN RIVER COUNTY, FL PUBLIC WORKS DEPT./ENGINEERING DIV.</b>	
DATE: 1/24/17	DRAWN BY: R. INGLETT
SCALE: 1"=30'	APPROVED BY: D.SILON
SHEET: 2 OF 2	JOB NO: 1645

*Sketch and Legal Description  
for:  
INDIAN RIVER COUNTY  
(2625 54th AVENUE)*