

RESOLUTION 2017-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF THE PORTION OF 21ST PLACE RIGHT-OF-WAY RUNNING BETWEEN 97TH ROAD AND EAST 98TH AVENUE LYING SOUTH OF LOTS 1-3, BLOCK I-I AND NORTH OF LOTS 7-9 BLOCK H-H OF THE VERO TROPICAL GARDENS, UNIT 2 SUBDIVISION AS SHOWN IN PLAT BOOK 6, PAGE 64 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, AS DESCRIBED HEREIN; SAID ABANDONMENT SUBJECT TO RETAINING A DRAINAGE EASEMENT.

WHEREAS, on April 5, 2017, Indian River County received a duly executed and documented petition from Dee Brown 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 of the 21st Place right-of-way running between 97th Road and East 98th Avenue lying south of lots 1-3, Block I-I and north of lots 7-9 block H-H of the Vero Tropical Gardens, Unit 2 Subdivision as shown in Plat Book 6, Page 64, 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 a state or federal highway, 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; and

WHEREAS, the Board finds that a 20 foot wide drainage easement needs to be retained along the centerline of the subject portion of right-of-way to accommodate possible future drainage improvements.

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:

THAT CERTAIN PORTION OF ROAD RIGHT OF WAY KNOWN AS 21ST PLACE AS SHOWN ON THE PLAT OF VERO TROPICAL GARDENS UNIT 2 AS RECORDED IN PLAT BOOK 6, PAGE 64, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS:

ALL THAT ROAD RIGHT-OF-WAY LYING SOUTH OF, ADJACENT TO AND CONTIGUOUS WITH LOTS 1 THRU 3 INCLUSIVE OF BLOCK I-I; LYING NORTH OF, ADJACENT TO AND CONTIGUOUS WITH LOTS 7 THRU 9 INCLUSIVE OF

BLOCK H-H; BORDERED ON THE EAST BY THE HOUSTON - TEXAS GAS AND OIL CORPORATION (PERMANENT EASEMENT); AND BORDERED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 3 OF BLOCK I-I AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 7 OF BLOCK H-H TO THE CENTERLINE OF 21st STREET ROAD RIGHT OF WAY, ALL AS INDICATED ON SAID PLAT OF VERO TROPICAL GARDENS UNIT 2;

THE ABOVE DESCRIBED ROAD RIGHT OF WAY ABANDONMENT IS SUBJECT TO A DRAINAGE EASEMENT BEING 10.00 FEET EACH SIDE OF THE CENTERLINE OF ROAD RIGHT OF WAY.

THE ABOVE DESCRIBED PROPOSED ABANDONMENT OF ROAD RIGHT-OF-WAY CONTAINING 18,655.72 SQUARE FEET.

Lying and being in Indian River County, Florida, is hereby forever closed, abandoned, renounced, disclaimed, and vacated **except that a 20' wide drainage easement centered on the centerline of the 21st Place right-of-way shall be retained.** (see Exhibit A attached)

2. The closing, vacation, and abandonment of these portions 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.
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 equally to properties on both sides of the subject right-of-way within the Block I-I and Block H-H of the Vero Tropical Gardens, Unit 2 Subdivision.

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 Peter D. O'Bryan _____

Vice Chairman Bob Solari _____

Commissioner Susan Adams _____

Commissioner Joseph E. Flescher _____

Commissioner Tim Zorc _____

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

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

BY: _____
Peter D. O'Bryan, Chairman

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

BY: _____
Deputy Clerk

I HEREBY CERTIFY that on this day, before me, and 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.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2017.

Notary Public

APPROVED AS TO LEGAL SUFFICIENCY

BY: _____
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

BY: _____
Stan Boling, AICP, Director
Community Development Department

SKETCH AND DESCRIPTION
 OF ROAD ABANDONMENT FOR 21st PLACE LYING SOUTH OF LOTS 1 THRU 3,
 BLOCK I-I AND NORTH OF LOTS 7 THRU 9, BLOCK H-H ALL IN VERO TROPICAL
 GARDENS, UNIT 2, INDIAN RIVER COUNTY, FLORIDA

SURVEYOR'S NOTES:

- UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
- LANDS SHOWN HEREON WERE PARTIALLY RESEARCHED BY THIS OFFICE FOR RIGHTS-OF-WAY. THIS SKETCH AND DESCRIPTION IS NOT INTENDED TO DELINEATE LOCAL AREAS OF CONCERN OR ANY OTHER JURISDICTIONAL DETERMINATION.
- THIS SKETCH AND DESCRIPTION WAS COMPILED FROM A PAST OVERALL ELECTRONIC CAD FILE DRAWING ACCORDING TO PLAT DIMENSIONS FROM OFFICE ARCHIVE FILES.
- THIS "SKETCH AND DESCRIPTION" HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT AND USE OF THE PERSONS AND/OR ENTITIES NAMED HERON FOR THE PURPOSES IDENTIFIED HEREON ONLY. UNLESS OTHERWISE STATED, CERTIFICATION OF THIS SKETCH OF DESCRIPTION MAP APPLIES ONLY TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THE CERTIFICATION IN NO WAY CONSTITUTES NEITHER GUARANTY NOR WARRANTY TO ANY OTHER INFORMATION NOT SHOWN HEREON. ADDITIONS, DELETIONS OR REVISIONS TO THIS DRAWING BY OTHERS ARE NOT PERMITTED AND THIS SKETCH AND DESCRIPTION MAY NOT BE TRANSFERRED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE PROFESSIONAL SURVEYOR OR THIS FIRM.
- FIELD WORK WAS NOT PERFORMED TO DELINEATE SAID SKETCH AND DESCRIPTION.
- THIS SKETCH AND DESCRIPTION DOES NOT INTEND TO REFLECT OR DETERMINE OWNERSHIP.
- THIS SKETCH AND DESCRIPTION CONSISTS OF TWO SHEETS, ONE IS NOT VALID WITHOUT THE OTHER.

DESCRIPTION OF PROPOSED ABANDONMENT OF ROAD RIGHT OF WAY:

THAT CERTAIN PORTION OF ROAD RIGHT OF WAY KNOWN AS 21ST PLACE AS SHOWN ON THE PLAT OF VERO TROPICAL GARDENS UNIT 2 AS RECORDED IN PLAT BOOK 6, PAGE 64, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS:
 ALL THAT ROAD RIGHT-OF-WAY LYING SOUTH OF, ADJACENT TO AND CONTIGUOUS WITH LOTS 1 THRU 3 INCLUSIVE OF BLOCK I-I; LYING NORTH OF, ADJACENT TO AND CONTIGUOUS WITH LOTS 7 THRU 9 INCLUSIVE OF BLOCK H-H; BORDERED ON THE EAST BY THE HOUSTON - TEXAS GAS AND OIL CORPORATION (PERMANENT EASEMENT); AND BORDERED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 3 OF BLOCK I-I AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 7 OF BLOCK H-H TO THE CENTERLINE OF 21st STREET ROAD RIGHT OF WAY, ALL AS INDICATED ON SAID PLAT OF VERO TROPICAL GARDENS UNIT 2;

THE ABOVE DESCRIBED ROAD RIGHT OF WAY ABANDONMENT IS SUBJECT TO A DRAINAGE EASEMENT BEING 10.00 FEET EACH SIDE OF THE CENTERLINE OF ROAD RIGHT OF WAY.

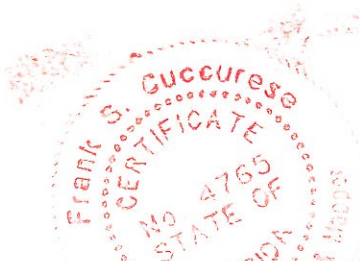
THE ABOVE DESCRIBED PROPOSED ABANDONMENT OF ROAD RIGHT-OF-WAY CONTAINING 18,655.72 SQUARE FEET.

LEGEND

(O)	OBSERVED DATA
(P)	PLAT DATA
(C)	CALCULATED DATA
(D)	DEED OR DESCRIPTION CALL
DIA.	DIAMETER
R.O.W.	RIGHT OF WAY
F.W.C.D.	FELLSMERE WATER CONTROL DISTRICT
F.F.C.SD.	FELLSMERE FARMS COMPANY'S SUBDIVISION
I.R.CO., FL.	INDIAN RIVER COUNTY, FLORIDA
S.L.CO., FL.	ST. LUCIE COUNTY, FLORIDA
F.J.V.	FELLSMERE JOINT VENTURE
O.R.B. PG.	OFFICIAL RECORDS BOOK, PAGE
F.W.M.A.	FELLSMERE WATER MANAGEMENT AREA
S.J.R.W.M.D.	ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

CERTIFIED TO:

INDIAN RIVER COUNTY, FLORIDA

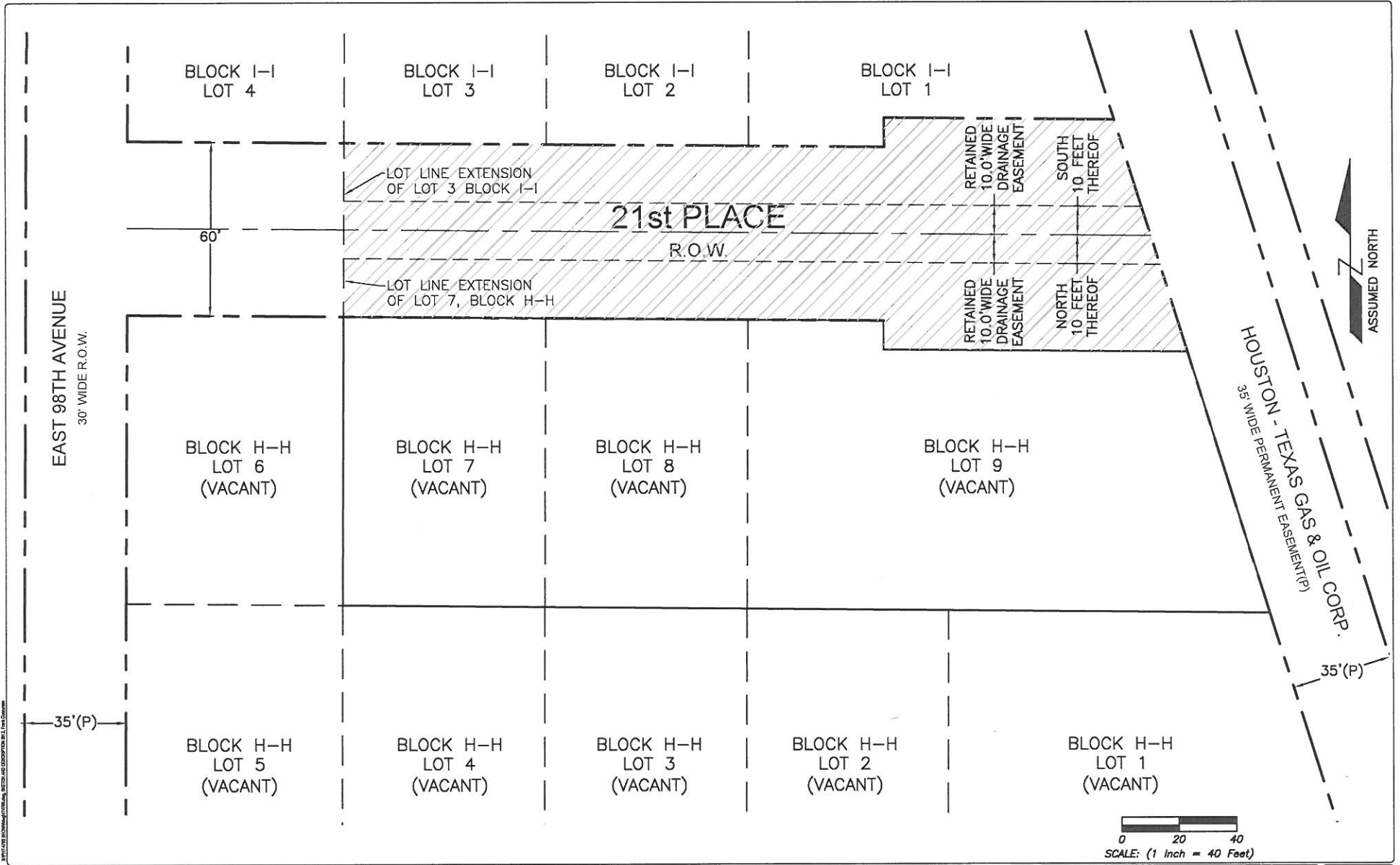


<table border="1"> <tr> <td>NO.</td> <td>REVISION</td> <td>BY</td> <td>DATE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	BY	DATE					<p>DEE BROWN P.O. BOX 6840 VERO BEACH, FLORIDA 32961</p>	<p>CAI CONSULTING ENGINEERS AND LAND SURVEYORS CARTER ASSOCIATES, INC. 1708 21st STREET, VERO BEACH, FL 32960 TEL: (772) 562-4191 FAX: (772) 562-1180</p>	<p>DATE: JULY 31, 2017 PROJECT # 17-4185 DRAWN BY: SS APPD BY: FIC FILED BY: Frank Cuccurese FILE NAME: 17076.dwg REF # 2027-C-184185 F.S. & P.S. 15412</p>	<p>SKETCH AND DESCRIPTION 21ST PLACE LYING SOUTH LOTS 1 THRU 3, BLOCK I-I AND NORTH OF LOTS 7 THRU 9, BLOCK H-H ALL IN VERO TROPICAL GARDENS, UNIT 2, INDIAN RIVER COUNTY, FLORIDA PROPOSED ABANDONMENT OF ROAD R.O.W.</p>	<p>SHEET 1 OF 2 Dwg # 20841-A</p>
NO.	REVISION	BY	DATE										

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NO.	REVISION	BY	DATE	TEL	FAX

DEE BROWN
P.O. BOX 6840
VERO BEACH, FLORIDA 32961

CAI **CARTER ASSOCIATES, INC.**
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21st STREET, VERO BEACH, FL 32960
TEL: (772) 582-4191 FAX: (772) 582-7180

DATE: JULY 21, 2017
PROJ # 17 478S
DRAWN BY: SS
APP'D BY: FSC
PLOT BY: Frank Cuccurese
FILE NAME: 17178.dwg
REF # 20272.C
P. 8 & P. 9

THIS SURVEY CONSISTS OF 2 SHEETS.
ONE IS NOT VALID WITHOUT THE OTHER(S).

SKETCH AND DESCRIPTION
21ST PLACE LYING SOUTH OF LOTS 1 THRU 3, BLOCK I-I AND NORTH OF LOTS 7 THRU 9, BLOCK H-H ALL IN VERO TROPICAL GARDENS, UNIT 2, INDIAN RIVER COUNTY, FLORIDA
PROPOSED ABANDONMENT OF ROAD R.O.W.

SHEET
2 OF 2
Dwg # 20841-A