

RESOLUTION 2019-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF A 130' LONG SEGMENT OF THE 70' WIDE 57TH AVENUE RIGHT-OF-WAY SOUTH OF 97TH PLACE AS PLATTED IN THE TROPICANA HOMESITES SUBDIVISION, INDIAN RIVER COUNTY PLAT BOOK 4, PAGE 20, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, WITH RETAINAGE OF A 10' WIDE PUBLIC DRAINAGE AND UTILITY EASEMENT OVER THE SOUTH 10'.

WHEREAS, Indian River County originally received a duly executed and documented petition from Mark W. Plate on April 11, 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 130' long segment of the 70' wide 57th Avenue Right-of-Way South of 97th Place in the Tropicana Homesites Subdivision, Indian River County, Plat Book 4 Page 20, of the Public Records of Indian River County, Florida; and

WHEREAS, in accordance with Section 336.10, Florida Statutes 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:

WEST HALF

A 35 foot wide strip of land being the West 1/2 of Palmetto Avenue (now known as 57th Avenue) right-of-way (r/w) as shown on TROPICANA HOMESITES, according to the Plat thereof, as recorded in Plat Book 4, Page 20, of the Public Records of Indian River County, Florida, being bounded on the North by the Easterly extension of the North line of Block "A" of said TROPICANA HOMESITES and on the South by the South line of said TROPICANA HOMESITES, said strip more particularly described as follows:

BEGINNING at the Northeast corner of Lot 5, Block A, of said TROPICANA HOMESITES, proceed South 89°40'10" East along the Easterly extension of the North line of said Block "A" a distance of 35.00 feet to a point in the centerline of 57th Avenue; thence South 00°19'50" West along said centerline a distance of 130.00 feet to a point on the South line of said TROPICANA HOMESITES; thence North 89°40'10" West along the South line of said TROPICANA HOMESITES a distance of 35.00 feet to the Southeast corner of said Lot 5, Block A; thence North 00°19'50" East along the East line of said Lot 5, Block A a distance of 130.00 feet to the POINT OF BEGINNING.

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Containing an area of 4550 square feet, or 0.104 acres, more or less.
SUBJECT TO a 10 foot wide public utility easement over the South 10 feet thereof.

EAST HALF

A 35 foot wide strip of land being the East 1/2 of Palmetto Avenue (now known as 57th Avenue) right-of-way (r/w) as shown on TROPICANA HOMESITES, according to the Plat thereof, as recorded in Plat Book 4, Page 20, of the Public Records of Indian River County, Florida, being bounded on the North by the Easterly extension of the North line of Block "A" of said TROPICANA HOMESITES and bounded on the South by the South line of said plat of TROPICANA HOMESITES, said strip more particularly described as follows:

Commencing at the Northeast corner of Lot 5, Block A, of said TROPICANA HOMESITES, proceed South 89°40'10" East along the Easterly extension of the North line of said Block "A" a distance of 35.00 feet to a point on the centerline of 57th Avenue, said point being the POINT OF BEGINNING; thence continue South 89°40'10" East along said Easterly extension a distance of 35.00 feet to a point on the East line of said TROPICANA HOMESITES; thence South 00°19'50" West along said East line a distance of 130.00 feet to the Southeast corner of said TROPICANA HOMESITES; thence North 89°40'10" West along the South line of said TROPICANA HOMESITES a distance of 35.00 feet to a point on the centerline of said 57th Avenue r/w; thence North 00°19'50" East along said centerline a distance of 130.00 feet to the point of beginning.

Containing an area of 4550 square feet, or 0.104 acres, more or less.
SUBJECT TO a 10 foot wide public drainage and utility easement over the South 10 feet thereof.

Lying and being in Indian River County, Florida, is hereby forever closed, abandoned, renounced, disclaimed, and vacated **except that a 10' wide public drainage and utility easement shall be retained over the south 10'** (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.
4. The Clerk is hereby directed to record this resolution together with the proofs of publication required by Section 336.10 Florida Statutes 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 5 Block A of the Tropicana Homesites Subdivision, subject to a 10' wide drainage and utility easement over the south 10'.

RESOLUTION 2019-_____

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.

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

Notary Public

RESOLUTION 2019-_____

APPROVED AS TO LEGAL SUFFICIENCY

BY: _____
William K. DeBaal, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

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

SKETCH OF DESCRIPTION

97th PLACE 70' R/W
S. TROPICANA DRIVE (P)

GRAPHIC SCALE

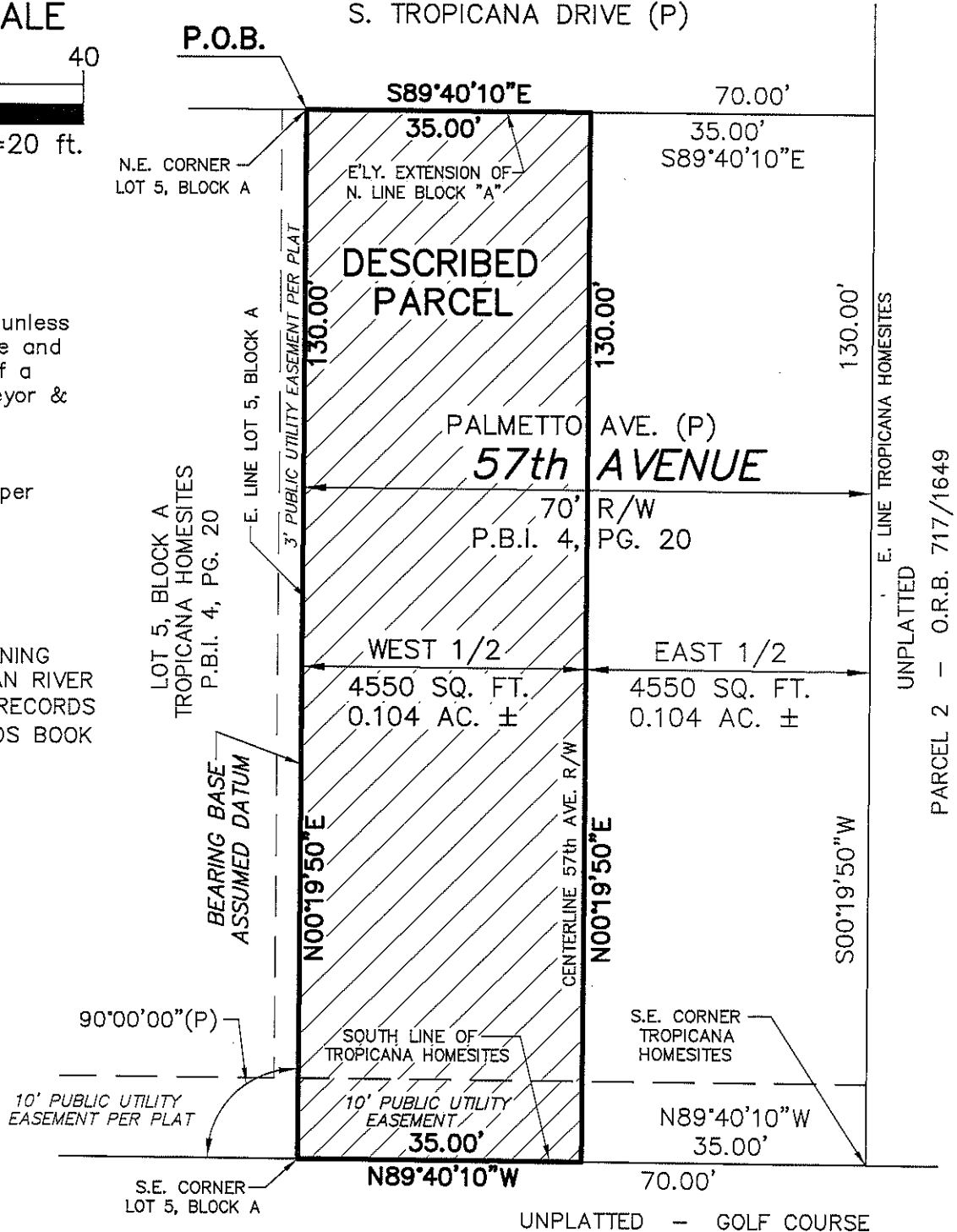


NOTES:

1. This is not a survey.
2. Reproductions of this sketch are not valid unless it bears the signature and original raised seal of a Florida licensed Surveyor & Mapper.
3. This is an original description prepared per client request.

LEGEND

P.O.B.=POINT OF BEGINNING
P.B.I.=PLAT BOOK INDIAN RIVER COUNTY PUBLIC RECORDS
O.R.B.=OFFICIAL RECORDS BOOK
R/W=RIGHT OF WAY
(P)=PLAT
COR.=CORNER



LEGAL DESCRIPTION

A 35 foot wide strip of land being the West 1/2 of Palmetto Avenue (now known as 57th Avenue) right-of-way (r/w) as shown on TROPICANA HOMESITES, according to the Plat thereof, as recorded in Plat Book 4, Page 20, of the Public Records of Indian River County, Florida, being bounded on the North by the Easterly extension of the North line of Block "A" of said TROPICANA HOMESITES and on the South by the South line of said TROPICANA HOMESITES, said strip more particularly described as follows:

BEGINNING at the Northeast corner of Lot 5, Block A, of said TROPICANA HOMESITES, proceed South 89°40'10" East along the Easterly extension of the North line of said Block "A" a distance of 35.00 feet to a point in the centerline of 57th Avenue; thence South 00°19'50" West along said centerline a distance of 130.00 feet to a point on the South line of said TROPICANA HOMESITES; thence North 89°40'10" West along the South line of said TROPICANA HOMESITES a distance of 35.00 feet to the Southeast corner of said Lot 5, Block A; thence North 00°19'50" East along the East line of said Lot 5, Block A a distance of 130.00 feet to the POINT OF BEGINNING.

Containing an area of 4550 square feet, or 0.104 acres, more or less.

SUBJECT TO a 10 foot wide public utility easement over the South 10 feet thereof.

REVISED PER IR CO. - 3/1/19

William B. Zentz & Associates, Inc.
Professional Surveying & Mapping



CERTIFICATE OF AUTHORIZATION (LB) No. 6840
684 Old Dixie Highway
Vero Beach, FL 32962
Phone: (772) 567-7552
Fax: (772) 567-1751

JOB No.
206-001

DATE
1/29/19

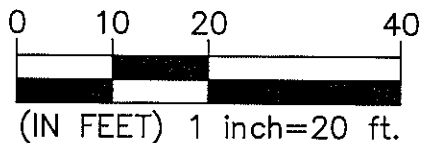
SHEET OF
1 1

WILLIAM B. ZENTZ, PLS
REGISTERED LAND SURVEYOR No. 5276
STATE OF FLORIDA

SKETCH OF DESCRIPTION

97th PLACE 70' R/W
S. TROPICANA DRIVE (P)

GRAPHIC SCALE

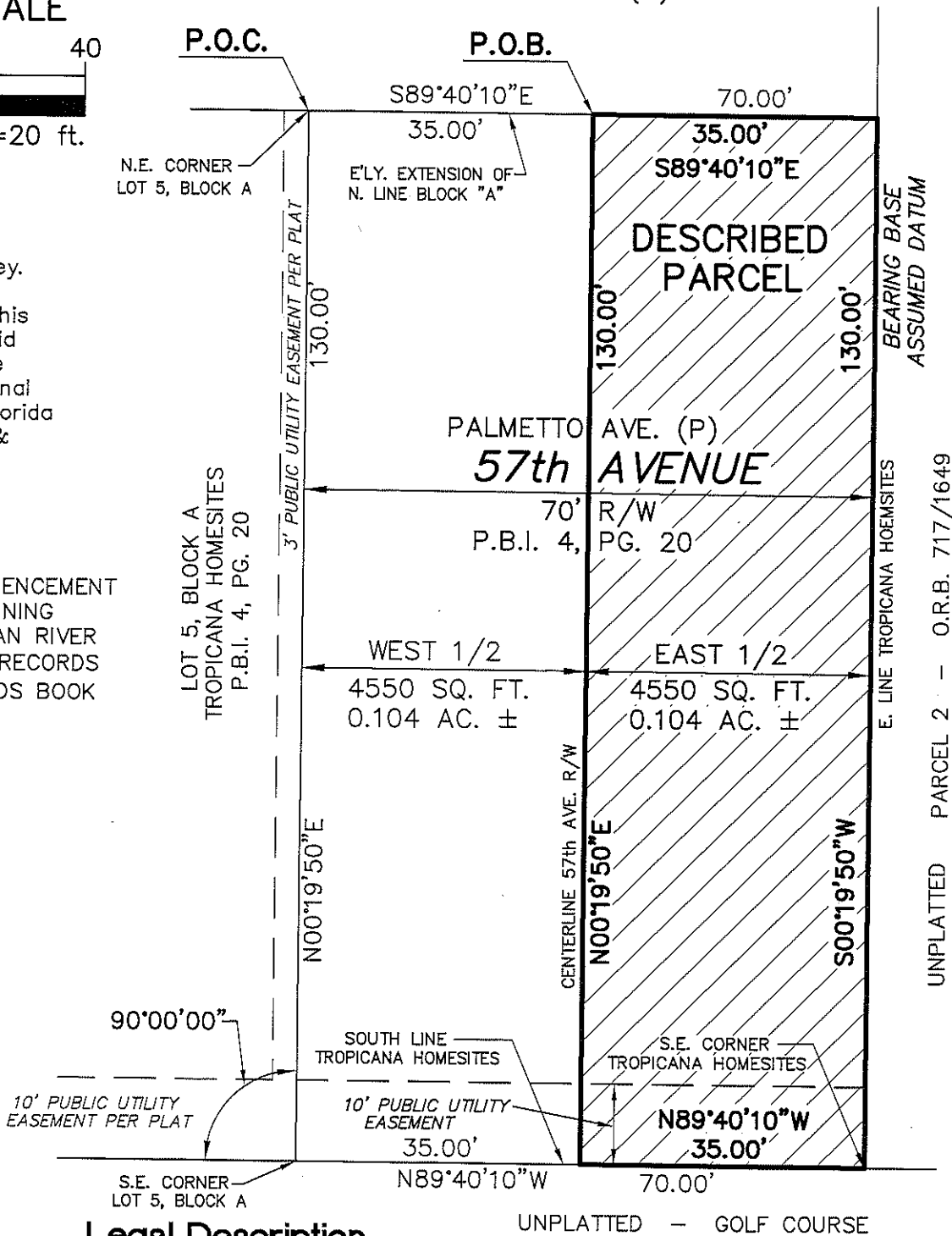


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2. Reproductions of this sketch are not valid unless it bears the signature and original raised seal of a Florida licensed Surveyor & Mapper.

LEGEND

P.O.C.=POINT OF COMMENCEMENT
 P.O.B.=POINT OF BEGINNING
 P.B.I.=PLAT BOOK INDIAN RIVER COUNTY PUBLIC RECORDS
 O.R.B.=OFFICIAL RECORDS BOOK
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Commencing at the Northeast corner of Lot 5, Block A, of said TROPICANA HOMESITES, proceed South 89°40'10" East along the Easterly extension of the North line of said Block "A" a distance of 35.00 feet to a point on the centerline of 57th Avenue, said point being the POINT OF BEGINNING; thence continue South 89°40'10" East along said Easterly extension a distance of 35.00 feet to a point on the East line of said TROPICANA HOMESITES; thence South 00°19'50" West along said East line a distance of 130.00 feet to the Southeast corner of said TROPICANA HOMESITES; thence North 89°40'10" West along the South line of said TROPICANA HOMESITES a distance of 35.00 feet to a point on the centerline of said 57th Avenue r/w; thence North 00°19'50" East along said centerline a distance of 130.00 feet to the point of beginning.

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