

RESOLUTION 2018-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF A 40' ROADWAY EASEMENT LYING 20 FEET ON EITHER SIDE OF THE COMMON LINE BETWEEN LOTS 57 AND 78 AND THE COMMON LINE BETWEEN LOTS 56 AND 79, SECTION 28, FLEMING GRANT ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 175, PUBLIC RECORDS OF BREVARD (NOW INDIAN RIVER) COUNTY FLORIDA, LYING WITHIN LOTS 1 THROUGH 4, POD "G", VILLAGE OF KASHI, PD, PHASE 1A ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 100 THROUGH 106, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, AS DESCRIBED HEREIN; SAID ABANDONMENT SUBJECT TO RETAINING A DRAINAGE EASEMENT.

WHEREAS, on November 15, 2017, Indian River County received a duly executed and documented petition from David J. Haeseler, Eve D. Haeseler, Nancy Ellen Casey, Trustee, Florida Academy of Impairment Ratings, Inc., and Kashi Church Foundation, Inc. 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 all that portion of the 40 foot easement lying 20 feet on either side of the common line between lots 57 and 78 and the common line between lots 56 and 79, section 28, Fleming Grant according to the plat thereof, recorded in plat book 1, page 175, public records of Brevard (now Indian River) county Florida, lying within lots 1 through 4, POD "G", Village of Kashi, PD, Phase 1A according to the plat thereof, as recorded in plat book 23, pages 100 through 106, 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

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:

ALL THAT PORTION OF THE 40 FOOT EASEMENT LYING 20 FEET ON EITHER SIDE OF THE COMMON LINE BETWEEN LOTS 57 AND 78 AND THE COMMON LINE BETWEEN LOTS 56 AND 79, SECTION 28, FLEMING GRANT ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 175, PUBLIC RECORDS OF BREVARD (NOW INDIAN RIVER) COUNTY FLORIDA, LYING WITHIN LOTS 1 THROUGH 4, POD "G", VILLAGE OF

RESOLUTION 2018-\_\_\_\_\_

KASHI, P.D., PHASE 1A ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 100 THROUGH 106, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Lying and being in Indian River County, Florida, is hereby forever closed, abandoned, renounced, disclaimed, and vacated (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 roadway easement shall revert to purpose as shown and dedicated on the Village of Kashi, PD Phase IA, and ownership revert to underlying owner as shown on the Village of Kashi PD Phase IA. According to the plat thereof as recorded in Plat Book 23, Pages 100 through 106 of the Public Records of Indian River County, Florida.

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 \_\_\_\_\_, 2018.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

BY: \_\_\_\_\_  
Peter D. O'Bryan, Chairman

RESOLUTION 2018-\_\_\_\_\_

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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

APPROVED AS TO LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
Dylan Reingold, County Attorney

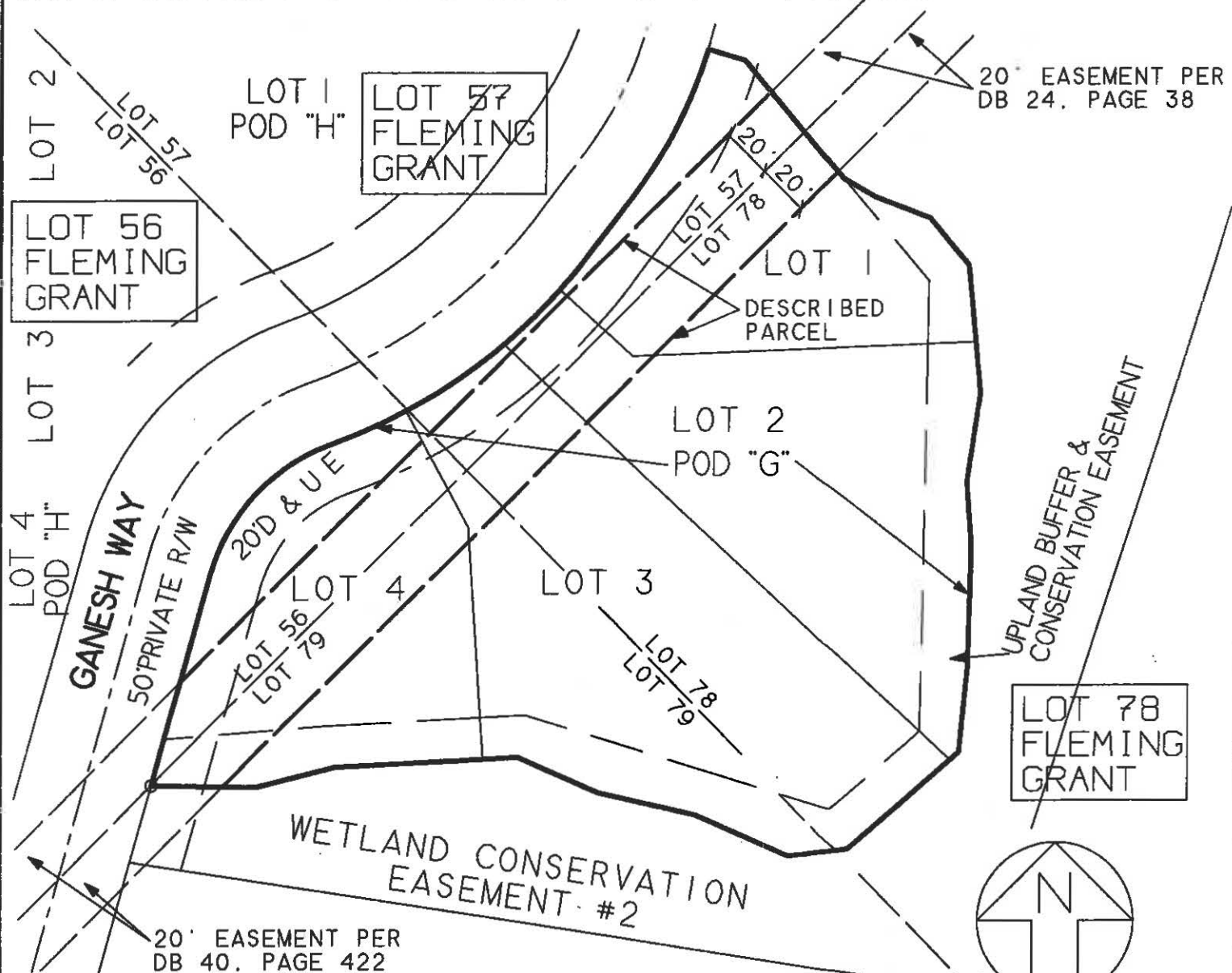
APPROVED AS TO PLANNING MATTERS

BY: \_\_\_\_\_  
Stan Boling, AICP, Director  
Community Development Department

EXHIBIT A

DESCRIPTION

ALL THAT PORTION OF THE 40 FOOT EASEMENT LYING 20 FEET ON EITHER SIDE OF THE COMMON LINE BETWEEN LOTS 57 AND 78 AND THE COMMON LINE BETWEEN LOTS 56 AND 79, SECTION 28, FLEMING GRANT ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 175, PUBLIC RECORDS OF BREVARD (NOW INDIAN RIVER) COUNTY FLORIDA, LYING WITHIN LOTS 1 THROUGH 4, POD "G", VILLAGE OF KASHI, P.D., PHASE 1A ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGES 100 THROUGH 106, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

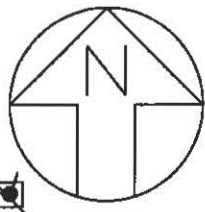


SURVEYOR'S NOTES:

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.

LOT 79 FLEMING GRANT

DB - DEED BOOK  
D&UE - DRAINAGE & UTILITY EASEMENT  
R/W - RIGHT OF WAY



\*DATE OF SKETCH: JANUARY 25, 2018  
THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR & MAPPER NAMED BELOW.  
\*SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE  
DAVID M. JONES, FLORIDA LICENSE NUMBER LS 3909

*(Signature)*  
(SIGNED AND SEALED)

SKETCH OF DESCRIPTION  
NOT A FIELD BOUNDARY SURVEY  
DAVID M. JONES  
PROFESSIONAL SURVEYOR & MAPPER  
(772)567-9875 2266 CORTEZ AVENUE  
(772)567-9172 FAX VERO BEACH, FL 32960