

RESOLUTION 2018-_____

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 4TH STREET SW RIGHT-OF-WAY LYING WEST OF 39TH COURT SW, SOUTH OF LOT 15, BLOCK A, AND NORTH OF LOT 1, BLOCK B OF THE WALDO'S WAY SUBDIVISION AS SHOWN IN PLAT BOOK 13, PAGE 11 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, AS DESCRIBED HEREIN; SAID ABANDONMENT SUBJECT TO RETAINING SEVERAL DRAINAGE AND UTILITY EASEMENTS.

WHEREAS, on October 16, 2017, Indian River County received a duly executed and documented petition from Henry Collier and William Anderson 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 the portion of 4th Street SW lying west of 39th Court SW, south Lot 15, Block A, and north of Lot 1, Block B of the Waldo's Way Subdivision, per Plat Book 13, Page 11, 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 25 foot wide drainage and utility easement shall be retained along the west end of the subject right-of-way, a 25 foot wide drainage and utility easement shall be retained along the north end of the subject right-of-way, and a 10 foot wide drainage and utility easement shall be retained along the east end of the subject right-of-way.

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:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK B, WALDO'S WAY SUBDIVISION, THENCE N 00D14'04"W ALONG THE WESTERLY RIGHT OF WAY LINE OF 39TH COURT S.W. A DISTANCE OF 80.10 FEET TO THE RIGHT OF WAY POINT OF CURVATURE AND THE POINT OF BEGINNING. THENCE ALONG SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 89D45'56", A DISTANCE OF 39.17 FEET TO THE POINT OF TANGENCY ON THE RIGHT OF WAY OF 4TH. ST. S.W., THENCE ON A BEARING OF DUE WEST (89D59'60" PER PLAT) ALONG THE SOUTHERLY RIGHT OF WAY OF 4TH. ST. S.W. A DISTANCE OF 109.09 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK B, THENCE N 00D14'04"W

RESOLUTION 2018-_____

ALONG THE WESTERLY LINE OF WALDO’S WAY SUBDIVISION, A DISTANCE OF 60 FEET TO THE SOUTHWEST CORNER OF LOT 15, BLOCK A, THENCE DUE EAST (N89D59’60”E PER PLAT) ALONG THE NORTHERLY RIGHT OF WAY OF 4TH. ST. S.W. A DISTANCE OF 108.98 FEET, TO THE RIGHT OF WAY POINT OF CURVATURE, THENCE ALONG SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 90D14’04” A DISTANCE OF 39.37 FEET TO THE POINT OF TANGENCY ON THE WESTERLY RIGHT OF WAY OF 39TH. COURT S.W., THENCE S00D04’04”E ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING.

Lying and being in Indian River County, Florida, is hereby forever closed, abandoned, renounced, disclaimed, and vacated **except that a 25 foot wide drainage and utility easement shall be retained along the west end of the subject right-of-way, a 25 foot wide drainage and utility easement shall be retained along the north end of the subject right-of-way, and a 10 foot wide drainage and utility easement shall be retained along the east end of the subject right-of-way.** (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 the properties on either side of the subject right-of-way within Block A and Block B of the Waldo’s Way 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	_____

RESOLUTION 2018-_____

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

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

PURPOSE OF SKETCH
AND DESCRIPTION:

Exhibit A

SHEET 1 OF 2

NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

TO ABANDON THE PLATTED 60 FOOT WIDE RIGHT OF WAY OF 4TH ST. S.W. FROM THE WESTERLY
RIGHT OF WAY LINE OF 39TH. COURT S.W. TO THE WESTERLY LINE OF WALDO'S WAY SUBDIVISION

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK B,
WALDO'S WAY SUBDIVISION, THENCE N0°14'04"W ALONG THE WESTERLY
RIGHT OF WAY LINE OF 39TH. COURT S.W. A DISTANCE OF 80.10 FEET
TO THE RIGHT OF WAY POINT OF CURVATURE AND THE POINT OF
BEGINNING. THENCE ALONG SAID CURVE BEING CONCAVE TO THE
SOUTHWEST, HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF
89°45'56", A DISTANCE OF 39.17 FEET TO THE POINT OF TANGENCY ON
THE RIGHT OF WAY OF 4TH. ST. SOUTHWEST, THENCE ON A BEARING
OF DUE WEST (N89°59'60"W PER PLAT) ALONG THE SOUTHERLY RIGHT
OF WAY OF 4TH. ST. SOUTHWEST A DISTANCE OF 109.09 FEET TO THE
NORTHWEST CORNER OF LOT 1, BLOCK B, THENCE N00°14'04"W ALONG
THE WESTERLY LINE OF WALDO'S WAY SUBDIVISION, A DISTANCE OF 60
FEET TO THE SOUTHWEST CORNER OF LOT 15, BLOCK A, THENCE DUE
EAST (N89°59'60"E PER PLAT) ALONG THE NORTHERLY RIGHT OF WAY
OF 4TH. ST. SOUTHWEST A DISTANCE OF 108.89 FEET, TO THE RIGHT
OF WAY POINT OF CURVATURE, THENCE ALONG SAID CURVE BEING
CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25 FEET AND A
CENTRAL ANGLE OF 90°14'04" A DISTANCE OF 39.37' TO THE POINT OF
TANGENCY ON THE WESTERLY RIGHT OF WAY OF 39TH. COURT
SOUTHWEST, THENCE S00°04'14"E ALONG SAID WESTERLY RIGHT OF WAY
LINE, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING.

THE ABOVE ABANDONED RIGHT OF WAY IS SUBJECT TO THE FOLLOWING
EASEMENTS:

THE WESTERLY 25 FEET FOR DRAINAGE AND UTILITY EASEMENT.
THE EASTERLY 10 FEET FOR DRAINAGE AND UTILITY EASEMENT
THE NORTHERLY 25 FEET FOR DRAINAGE AND UTILITY EASEMENT.

PREPARED FOR:
WILLIAM ANDERSON
HENRY COLLIER

DRAWN BY: C.J.C.
DATE: 4/10/2018
CHECKED BY: C.J.C.
SHEET 1 OF 2

THIS SURVEY PERFORMED BY:
COONEY SURVEYING &
MAPPING, LLC L.B. #8070
456 Chaloupe Terrace
Sebastian, Fl. 32958
772-913-5322
cooneymap@gmail.com



Christopher J. Cooney
Professional Surveyor &
Mapper LS #6077
456 Chaloupe Terrace
Sebastian, Fl. 32958
772-913-5322
cooneymap@gmail.com

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
CHRISTOPHER J. COONEY FLORIDA CERTIFICATE NO. 6077

Christopher J. Cooney 5-22-2018
DATE AND SIGNATURE

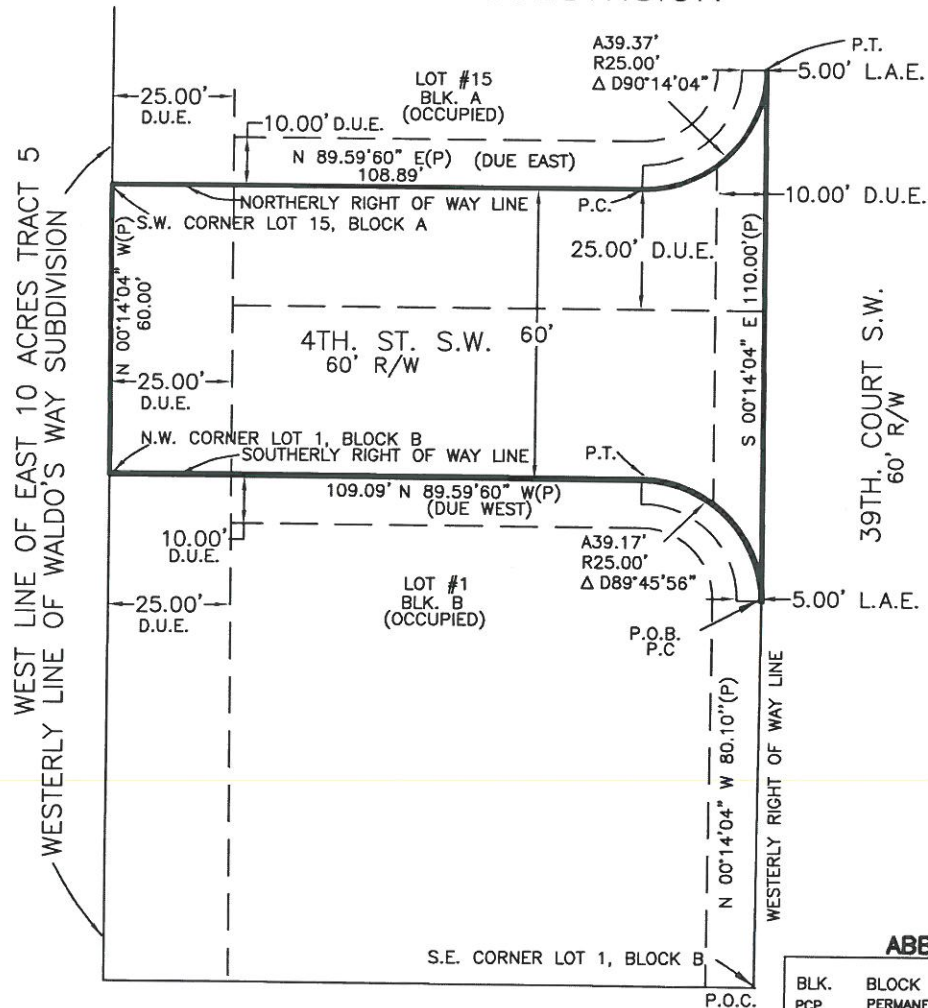
DMS
5-23-18

SKETCH OF DESCRIPTION (NOT A SURVEY)

SEE LEGAL DESCRIPTION ON SHEET 1 OF 2



WALDO'S WAY SUBDIVISION



WEST LINE OF EAST 10 ACRES TRACT 5
WESTERLY LINE OF WALDO'S WAY SUBDIVISION

WESTERLY RIGHT OF WAY LINE

39TH COURT S.W.
60' R/W

ABBREVIATIONS

BLK.	BLOCK
PCP	PERMANENT CONTROL POINT
ID	IDENTIFICATION
(P)	PLAT
(M)	MEASURED
(C)	CALCULATED
B.M.	BENCHMARK
F.F.E.	FINISHED FLOOR ELEVATION
PB	PLAT BOOK
ORB	OFFICIAL RECORD BOOK
PG	PAGE
R/W	RIGHT OF WAY
SEC/S	SECTION
TWP/T	TOWNSHIP
RGE/R	RANGE
GL#	GOVERNMENT LOT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
C.B.	CHORD BEARING
CH	CHORD LENGTH
R	RADIUS OF CURVE
Δ	(DELTA)CENTRAL ANGLE OF CURVE
A	LENGTH OF ARC
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
P.R.C.	POINT OF REVERSE CURVE
P.C.C.	POINT OF COMPOUND CURVE
P.I.	POINT OF INTERSECTION
PLS	PROFESSIONAL LAND SURVEYOR
RLS	REGISTERED LAND SURVEYOR
PSM	PROFESSIONAL SURVEYOR & MAPPER
LB	LICENSED BUSINESS
D.U.E.	DRAINAGE & UTILITY EASEMENT
P.U.D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
L.A.E.	LIMITED ACCESS EASEMENT

SHEET 2 OF 2

NOT VALID WITHOUT THE INFORMATION ON SHEET 1 OF 2



SCALE: 1" = 40'	FIELD BOOK: N/A	SKETCH DATE: 04/10/2018	REVISIONS
JOB # 18-008RW	FLOOD ZONE: X	FLOOD INSURANCE RATE MAP #12061C356H 12/4/12	5/10/18 PER COMMENTS
<p>COONEY SURVEYING AND MAPPING LLC LB #6070</p>	<p>Christopher J. Cooney Professional Surveyor & Mapper LS #6077 456 Chaloupe Terrace Sebastian, Fl. 32958 772-913-5322 cooneymap@gmail.com</p>	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> <p>PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE CHRISTOPHER J. GOONEY FLORIDA CERTIFICATE NO. 6077</p> <p><i>Christopher J. Cooney</i> 5-22-2018 DATE AND SIGNATURE</p>	5/21/18 PER COMMENTS