

RESOLUTION 2024-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF THE ENTIRETY OF A 25' WIDE UNIMPROVED, RIGHT-OF-WAY KNOWN AS 19<sup>TH</sup> COURT, EAST OF THE JACKSON BROTHERS SUBDIVISION AND SOUTH OF 41<sup>ST</sup> STREET IN THE JACKSON BROTHERS SUBDIVISION LOCATED IN INDIAN RIVER COUNTY, FLORIDA.

WHEREAS, Indian River County originally received a duly executed and documented petition from Jonathan D. Barkett of Collins, Brown, Barkett, who represents the property owners Schwerin Realty Corp. and Warren L. Schwerin on February 5, 2024, 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 a 25' wide unimproved, right-of-way known as 19<sup>th</sup> Court, east of the Jackson Brothers Subdivision and south of 41<sup>st</sup> Street in the Jackson Brothers Subdivision located in 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 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:

A 25 FEET WIDE STRIP OF LAND BEING AN UN-NAMED RIGHT OF WAY AS SHOWN ON THE PLAT OF "JACKSON BROTHERS SUBDIVISION", RECORDED IN PLAT BOOK 2, PAGE 71, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, SAID SUBDIVISION BEING DESCRIBED AS "THE WEST 230 FEET OF THE N. 1/2, OF NW 1/4, OF S.E. 1/4, SEC. 26, TWP 32 S, RGE. 39 E, INDIAN RIVER COUNTY, FLORIDA."

SAID 25 FEET WIDE STRIP OF LAND TO BE ABANDONED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 25.00 FEET OF JACKSON BROTHERS SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 71, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, SAID 25.00 FEET WIDE STRIP LYING EASTERLY OF LOT 1 AND LOTS 16-26, INCLUSIVE, AND WEST OF THE EAST LINE OF SAID JACKSON BROTHERS SUBDIVISION, BEING DESCRIBED AS THE WEST 230 FEET OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 26, TOWNSHIP 32 SOUTH,

RESOLUTION 2024-\_\_\_\_\_

RANGE 39 EAST.

LESS AND EXCEPT THE NORTH 50 FEET FOR 41ST STREET /SOUTH GIFFORD ROAD FOR ROAD RIGHT OF WAY.

SAID 25 FEET WIDE STRIP OF LAND TO BE ABANDONED ALSO BEING DESCRIBED AS THE EAST 25 FEET OF THE WEST 230 FEET OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 50 FEET FOR 41ST STREET /SOUTH GIFFORD ROAD FOR ROAD RIGHT OF WAY.

SAID STRIP OF LAND LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, CONTAINING 15,682.58 SQ. FT. (0.36 ACRES)

Lying and being in Indian River County, Florida is hereby forever closed, abandoned, renounced, disclaimed, and vacated (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 Florida Statutes 336.10 in the Official Record Books of Indian River County without undue delay.
5. The subject portion of right-of-way that is located on the eastern bounds of the Jackson Brothers Subdivision south of 41<sup>st</sup> Street shall revert entirely to and be absorbed into the Jackson Brothers Subdivision in 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 Susan Adams \_\_\_\_\_

Vice Chairman Joseph E. Flescher \_\_\_\_\_

Commissioner Joseph H. Earman \_\_\_\_\_

Commissioner Deryl Loar \_\_\_\_\_

Commissioner Laura Moss \_\_\_\_\_

RESOLUTION 2024-\_\_\_\_\_

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

BY: \_\_\_\_\_  
Susan Adams, Chairman

ATTEST: Ryan L. Butler, 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 \_\_\_\_\_, 2024.

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

APPROVED AS TO LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
William K. DeBraal, County Attorney

APPROVED AS TO PLANNING MATTERS

BY: \_\_\_\_\_  
Ryan Sweeney, Assistant Planning & Development Services Director

**EXHIBIT 'A'****DESCRIPTION OF RIGHT OF WAY ABANDONMENT:**

A 25 FEET WIDE STRIP OF LAND BEING AN UN-NAMED RIGHT OF WAY AS SHOWN ON THE PLAT OF "JACKSON BROTHERS SUBDIVISION", RECORDED IN PLAT BOOK 2, PAGE 71, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, SAID SUBDIVISION BEING DESCRIBED AS "THE WEST 230 FEET OF THE N. 1/2, OF NW 1/4, OF S.E. 1/4, SEC. 26, TWP 32 S, RGE. 39 E, INDIAN RIVER COUNTY, FLORIDA."

SAID 25 FEET WIDE STRIP OF LAND TO BE ABANDONED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 25.00 FEET OF JACKSON BROTHERS SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 71, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, SAID 25.00 FEET WIDE STRIP LYING EASTERLY OF LOT 1 AND LOTS 18-26, INCLUSIVE, AND WEST OF THE EAST LINE OF SAID JACKSON BROTHERS SUBDIVISION, BEING DESCRIBED AS THE WEST 230 FEET OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 39 EAST.

LESS AND EXCEPT THE NORTH 50 FEET FOR 41ST STREET /SOUTH GIFFORD ROAD FOR ROAD RIGHT OF WAY.

SAID 25 FEET WIDE STRIP OF LAND TO BE ABANDONED ALSO BEING DESCRIBED AS THE EAST 25 FEET OF THE WEST 230 FEET OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 50 FEET FOR 41ST STREET /SOUTH GIFFORD ROAD FOR ROAD RIGHT OF WAY.

SAID STRIP OF LAND LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, CONTAINING 15,682.58 SQ. FT. (0.36 ACRES)

**SURVEYOR'S GENERAL NOTES AND REPORT:**

1. 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.
2. BEARINGS AND OR COORDINATES SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 2011, AND ARE PROJECTED IN THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE (901) AND ARE REFERENCED TO THE ESTABLISHED AND MONUMENTED LINE SHOWN HEREON LABELED AS THE BEARING BASIS.
3. THIS SKETCH AND DESCRIPTION HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT AND USE OF THE PERSONS AND/OR ENTITIES NAMED HEREON FOR THE PURPOSES IDENTIFIED HEREON ONLY. UNLESS OTHERWISE STATED, CERTIFICATION OF THIS SKETCH AND DESCRIPTION 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 SKETCH AND DESCRIPTION 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 SIGNING SURVEYOR. THIS SKETCH AND DESCRIPTION IS NOT VALID FOR ANY OTHER PURPOSE OTHER THAN INTENDED BY THE SIGNING SURVEYOR.
4. THE DESCRIPTION WAS DEVELOPED BY THE PROFESSIONAL SURVEYOR AND MAPPER AS REQUESTED BY THE CLIENT. THIS SKETCH AND DESCRIPTION WAS NOT ABSTRACTED OR RESEARCHED BY THIS OFFICE FOR ENCUMBRANCES OF RECORD. THE HEREON DESCRIBED ABANDONMENT IS SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY. MATTERS OF RECORD NOT BROUGHT TO THE SURVEYOR'S ATTENTION BY THE CLIENT, THEIR AGENT OR AS DISCLOSED BY A FURNISHED TITLE INSURANCE POLICY WERE NOT INCLUDED. NO TITLE COMMITMENT OR ABSTRACT WAS FURNISHED FOR THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
5. THIS SKETCH AND DESCRIPTION CONSISTS OF 2 SHEETS AND SHALL NOT BE CONSIDERED COMPLETE AND OR VALID UNLESS ALL SHEETS ARE PRESENT.
6. THE 25 FEET WIDE UN-NAMED RIGHT OF WAY MAY ALSO BE AFFECTED BY ADDITIONAL RIGHT OF WAY CONVEYANCES FOR 41ST STREET/ SOUTH GIFFORD DRIVE. NO TITLE COMMITMENT OR ABSTRACT WAS FURNISHED FOR THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
7. IT APPEARS THAT NO ADDITIONAL RIGHT OF WAY CONVEYANCE DOCUMENTATION WAS FURNISHED FOR PRIOR SURVEY FOR LOTS 1 & 2, AND THE NORTHERN PORTION OF THE UN-NAMED RIGHT OF WAY

**REFERENCES:**

BOUNDARY SURVEY PREPARED BY CARTER ASSOCIATES, INC. PROJECT #17-606, FIELD BOOK 858/53+, DRAWING No. 20736-C, DATED AUGUST 15TH, 2023.

**LEGEND**

I.R.CO., FL. INDIAN RIVER COUNTY, FLORIDA  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT  
 ORB OFFICIAL RECORDS BOOK  
 PG PAGE  
 TWP. TOWNSHIP  
 RGE. RANGE  
 S.F. SQUARE FEET  
 R.O.W. RIGHT OF WAY  
 (C) CALCULATED DATA  
 (P) PLAT DATA



INDICATES AREA DESCRIBED IN ORB 1002, PG. 816, I.R.CO., FL.



INDICATES AREA DESCRIBED IN ORB 1002, PG. 797, I.R.CO., FL.



INDICATES AREA DESCRIBED IN ORB 1002, PG. 1981, I.R.CO., FL.



45' RIGHT OF WAY DESCRIBED IN COMMISSIONER'S BOOK 3, PG 70, APRIL 3RD, 1917 FILE NO. VB26927

**CERTIFIED TO:**

WARREN L. SCHWERIN  
 COLLINS, BROWN, BARKETT  
 INDIAN RIVER COUNTY

DAVID E. LUETHJE, P.S.M. SIGNATURE DATE  
 LICENSE REGISTRATION NO. 6728  
 CARTER ASSOCIATES, INC.  
 LICENSED BUSINESS NO. 205

THIS SKETCH AND DESCRIPTION IS NOT A BOUNDARY SURVEY.  
 THIS SKETCH AND DESCRIPTION IS COMPROMISED OF TWO PAGES, ONE IS NOT VALID WITHOUT THE OTHER.

REV. 1 REVISE PER COUNTY COMMENTS, EJH, 07/30/24

S:\CARTER\2024\180 Collins Brown Barkett\2024-180B-001-001 NOTES

Jul 31, 2024 10:51 AM

**CAI** **CARTER ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 & LAND SURVEYORS  
 1708 21ST STREET, VERO BEACH, FL 32960  
 EMAIL: DLUETHJE@CARTERASSOC.COM TEL: (772) 562-4191

DATE : April 12, 2024  
 PROJ. # : 24-1989  
 DRAWN BY: EJH  
 APP'D BY: DEL  
 PLOT BY: Eric Hargreaves  
 REF. # : SEE SURVEY  
 F.B. & PG. : -

**19TH COURT RIGHT OF WAY  
 ABANDONMENT  
 VERO BEACH, FL. 32960  
 SKETCH AND DESCRIPTION**

**SHEET  
 1 OF 2**  
 Desg. # 22776-A

# RESOLUTION 2024-\_\_\_\_\_

