RESOLUTION 15-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING 172 FEET OF UNIMPROVED RIGHT OF WAY KNOWN AS JOHNSTON AVENUE IN SECTION 31, TWSP 28, RNG 38 BETWEEN SD 54 LOT 1, PAR 12 AND SD 26, LOT 2, PAR 1, A DISTANCE OF 172 FEET, BEGINNING AT THE EAST SIDE OF JENNIE STREET RUNNING EAST TO THE END OF PAR 12. LOCATED IN THE TOWN OF MALABAR; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar has determined to partially vacate and abandon a certain right-of-way located in the town corporate limits. The portion of the right-of-way being abandoned is described in Section 1 of this Resolution and is hereinafter referred to as the "Right of Way"; and,

WHEREAS, the Town Council of the Town of Malabar has considered the petition to vacate as the applicants own the parcels to the north and south and wish to join them for their homestead; and,

WHEREAS, the Town Council has considered the access to Parcel 264 from the existing West Railroad Avenue; and,

WHEREAS, the Right-of-Way south of the centerline of Johnston Avenue, approximately 172 foot right-of-way will become part of Parcel 12; and north of the centerline will become part of Parcel 1; and,

WHEREAS, the Town Council deems it does not serve any public need to require the right-of-way to be improved and will also prevent Johnson Avenue from becoming a collector between West Railroad Avenue and Marie Street and that it is in the best interest of the Town to vacate and abandon the said Right-of-Way; and,

WHEREAS, the Town desires to vacate and abandon to the adjacent property owners the 172 foot right-of-way more particularly described in Section 1 of this Resolution.

NOW THEREFORE, be it resolved by the Town Council of the Town of Malabar, Brevard County, Florida as follows:

Section 1. Right-of-Way Abandoned. The Town hereby vacates and abandons the following property:

The 25’ - 40’ wide right-of-way between Parcels 1 and 12 a distance of 172 feet beginning at the east point of Jennie Street and running east to the eastern most point of parcel 12.

Section 2. A map showing the area vacated is attached hereto as Exhibit “A.”

Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. Effective Date. This resolution shall take effect upon the recording at the Clerk of Courts.
Resolution 15-2015

This Resolution was moved for adoption by Council Member  and was seconded by Council Member  and, upon being put to a vote, the vote was as follow:

Council Member Grant Ball
Council Member Brian Vail
Council Member Don Krieger
Council Member Dick Korn
Council Member Marisa Acquaviva

This Resolution was declared duly passed and adopted this 24th day of August, 2014.

Town of Malabar

Mayor Carl A. Beatty, Council Chair

ATTEST:

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

(Seal)

Approved as to Form and Content:

Karl W. Bohne, Jr.
Town Attorney