

RESOLUTION 9-2019

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING A 20-FOOT WIDE UNIMPROVED RIGHT-OF-WAY KNOWN AS EAST RAILROAD AVENUE LYING PERPENDICULAR TO THE REMAINING EAST RAILROAD AVENUE IN SECTION 31, TWSP 28, RNG 38 WITHIN MALABAR A DISTANCE OF 117+/- FEET; 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, south and east and wish to join them with their other parcel; and,

WHEREAS, the Town Council has determined that the unimproved section of Right-of-Way *does not serve any public need* 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 600+/- 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 20' wide right-of-way perpendicular to East Railroad Avenue in Section 31, Township 28, Range 38 for a distance of 117+/- feet.

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 All resolutions or parts of resolutions in conflict herewith are hereby repealed.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

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

Council Member Grant Ball	Aye
Council Member Brian Vail	Aye
Council Member Steve Rivet	Aye

Council Member Dick Korn	Aye
Council Member Danny White	Aye

This Resolution was declared duly passed and adopted this 17th day of June 2019.

TOWN OF MALABAR

By:

Patrick T. Reilly
Mayor Patrick T. Reilly
Council Chair

ATTEST:

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

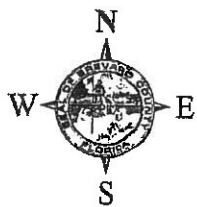
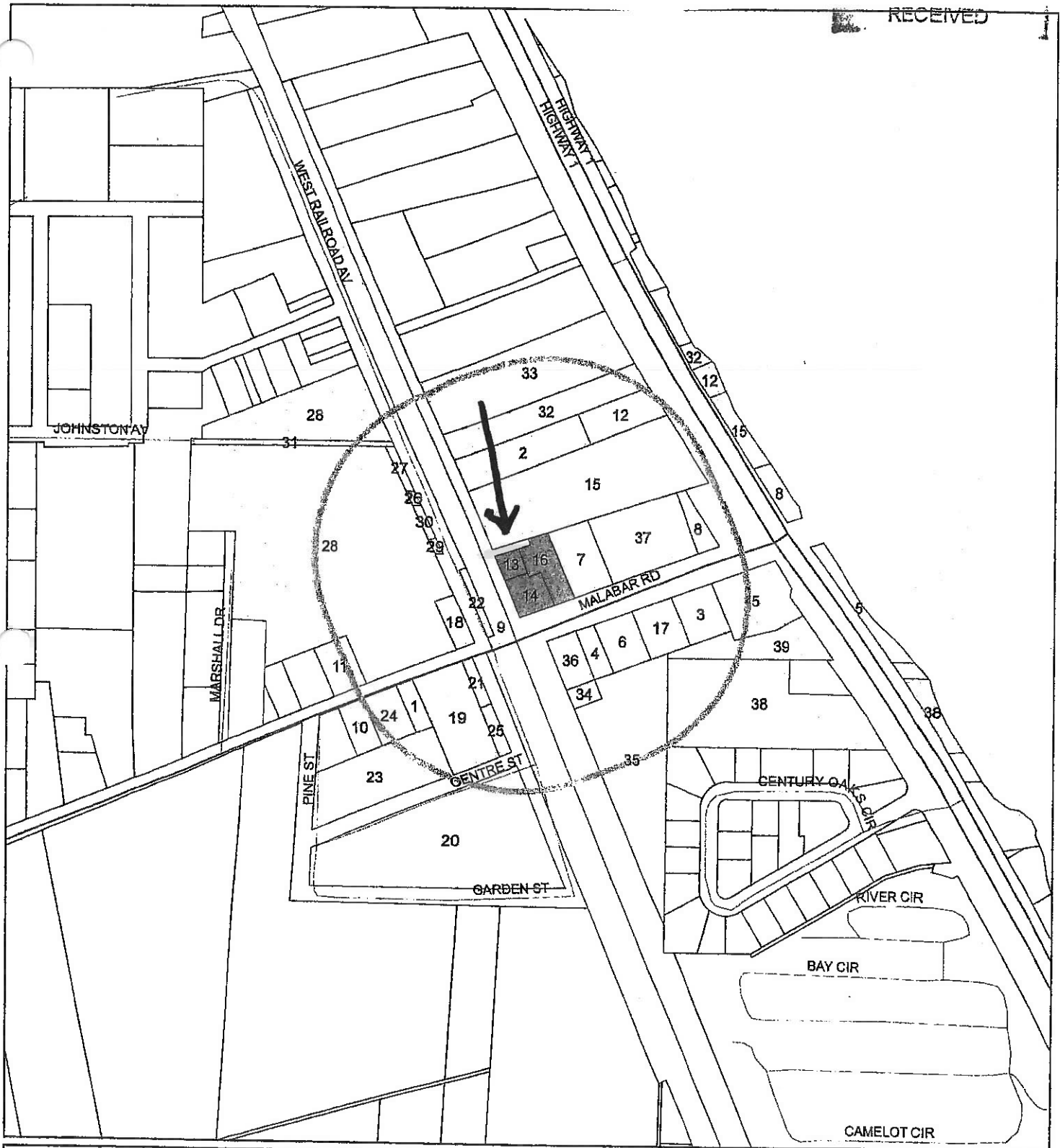


Approved as to Form and Content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr.
Town Attorney

Exhibit "A" of Resolution 09-2019

RECEIVED






1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/27/2019

- Buffer**
-  Subject Property
 -  Notify Property
 -  Parcels

Town of Malabar, 2725 Malabar Road, Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax) www.townofmalabar.org

To: brelegals@gannett.com
From: Debby Franklin, Town Clerk, Town of Malabar

May 29, 2019
Acct # 126287

Please place the following legal ads one time on Friday May 31, 2019. Please put the heading in **BOLD** font. Please send proof via email to: townclerk@townofmalabar.org and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**TOWN OF MALABAR
TOWN COUNCIL
NOTICE OF PUBLIC HEARING
FOR RESOLUTION VACATING RIGHT-OF-WAY**

The Town Council of the Town of Malabar, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, June 17, 2019 at 7:30 pm for a public hearing on Resolution 09-2019, a request from property owner to vacate the 20-foot wide unimproved right-of-way known as east railroad avenue lying perpendicular to the remaining east railroad avenue in Section 31, Township 28, Range 38 within Malabar a distance of 60+/- feet

Copies of this request are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may appear and be heard at this meeting of the Town Council with respect to this request.

Debby Franklin, CMC
Town Clerk/Treasurer

AD#3598743, 5/31/2019
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townclerk@townofmalabar.org

**TOWN OF MALABAR
NOTICE OF
PUBLIC HEARING**

The Malabar Town Council will convene at the Council Chambers, 2725 Malabar Road, Malabar, Florida at 7:30PM to hold a Public Hearing and consider a request for a vacate of platted right-of-way at their June 17, 2019 meeting. The request involves a stem showing on the plat as 20' wide and approximately 60' long running perpendicular to the East Railroad Avenue unimproved right-of-way. This stem is surrounded on the north, south and east by the applicant's property and the unimproved East Railroad Avenue on the east. The vacate will have no effect on the right-of-way running parallel to the Florida East Coast railroad's east side.

Case 2019-0617-2: Applicant is Kellwill LLC, represented by Mr. William Carmine. The Planning and Zoning Board will hear the request for vacate at their meeting on Monday, June 10, 2019 at 7:00PM and make a recommendation to Council. The vacate involves a piece of property less than 1,200 square feet in size.

If you received this notice then you are listed as an owner of property, as shown in the records of Brevard County Property Appraiser's office, within 500' of the applicant's requested location. This Notice is provided as required by Malabar Code, Article XII, Section 1-12.9.C. You are welcome to attend this meeting.