

RESOLUTION 02-2023

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 19-2022; CORRECTING ERRORS IN THE DESCRIPTION OF THE AMOUNT OF RIGHT-OF-WAY BEING VACATED; PROVIDING FOR THE VACATE OF THREE FIFTY (50) FOOT-WIDE UNIMPROVED PLATTED RIGHTS-OF-WAY ABUTTING PARCELS 29-37-11-75-22-1 AND 29-37-11-75-19-1 IN SECTION "E" MORE SPECIFICALLY KNOWN AS HENBANE STREET, NASSAU STREET AND COLORADO AVENUE AND DESCRIBED HEREIN; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 7th, 2023, Malabar Town Council approved Resolution 19-2022 approving the vacate of three unimproved Rights-of Ways; and

WHEREAS, Resolution 19-2022 has been found to contain inaccuracies regarding the description of the amount of right-of-way being vacated; and

WHEREAS, it is necessary to adopt this Resolution 02-2023 to correct these inaccuracies.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby declares the above recitals are true and correct.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby amends Resolution 19-2022 and hereby corrects the inaccuracies in the description of the amount of right-of-ways being vacated and vacates the following right-of-ways as further depicted on the attached Exhibit "A":

- a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 22-1 and 21 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet;
- a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 22-1 and 18-3 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet;
- a 50-foot by 280-foot right-of-way known as Colorado Ave that abuts parcel 22-1 and 19-1 between Henbane Street and Nassau Street, with each parcel gaining 25 feet by 280 feet;
- a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 19-1 and 20 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;
- a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 19-1 and 18-3 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;

Section 3. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to record this resolution, run the legal ad as required by the code and forward to the Brevard County Property Appraiser's Office.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 5. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member Scardino and a second by Council Member Hofmeister and the vote was as follows:

Council Member Marisa Acquaviva	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Jim Clevenger	<u>Aye</u>
Council Member David Scardino	<u>Aye</u>
Council Member Mary Hofmeister	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 6th day of March 2023.

TOWN OF MALABAR

(seal)

By: Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair



ATTEST:
Richard Kohler

Richard Kohler,
Town Clerk

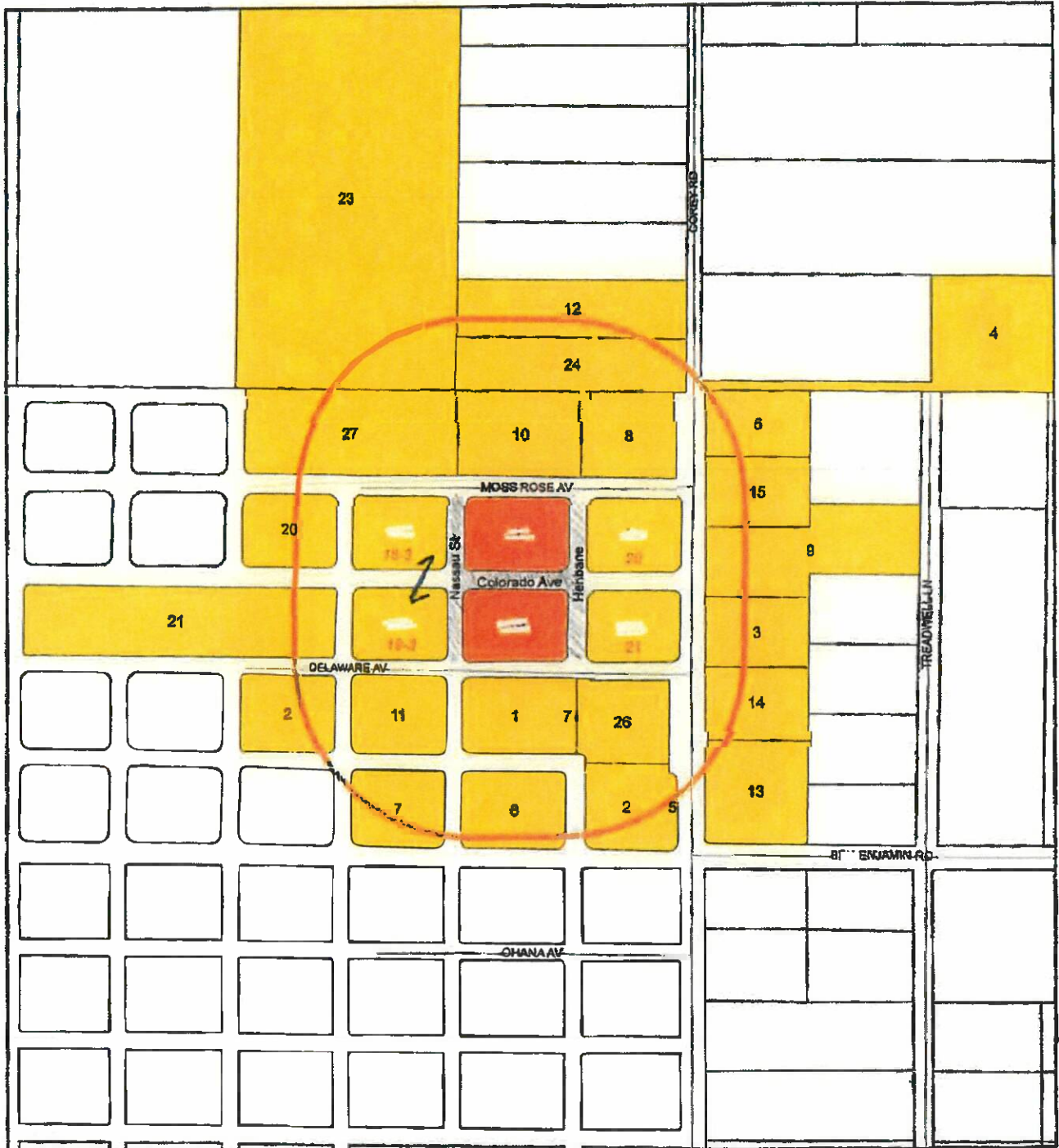
Approved as to form and content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr., Town Attorney

Attach Exhibit "A"

"Exhibit A"



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: 10/11/2022

- Buffer
- Subject Property
- Notify Property
- Parcels