

RESOLUTION 19-2022

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, 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, Malabar Town Council has received two requests to vacate multiple rights-of-way within the Melbourne Heights Subdivision in Section "E" in Section 11 of the southern portion of Malabar, west of Corey Road; and

WHEREAS, Malabar Town Council has previously granted right-of-way vacates in this area after public hearings and a determination that no public purpose is served by maintaining them.

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 provides further details of the vacates approved in this Resolution and depicted on the attached **Exhibit "A"**:

- a 50-foot by 200-foot right-of-way known as Henbane Street that abuts Parcels 22-1 and 21 between Colorado Avenue and Delaware Avenue, with each parcel gaining 25 feet by 200 feet;
- a 50-foot by 200-foot right-of-way known as Nassau Street that abuts Parcels 22-1 and 18-3 between Colorado Avenue and Delaware Avenue, with each parcel gaining 25 feet by 200 feet;
- a 50-foot by 220-foot right-of-way known as Colorado Avenue that abuts Parcels 22-1 and 19-1 with each parcel gaining 25 feet by 220 feet; and:
- a 50-foot by 200-foot right-of-way known as Henbane Street that abuts Parcels 19-1 and 20 between Moss Rose Avenue and Colorado Avenue, with each parcel gaining 25 feet by 200 feet;
- a 50-foot by 200-foot right-of-way known as Nassau Street that abuts Parcels 19-1 and 18-3 between Moss Rose Avenue and Colorado Avenue, with each parcel gaining 25 feet by 200 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 Vail and a second by Council Member Scardino and the vote was as follows:

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Council Member Marisa Acquaviva	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steve Rivet	<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 7th day of November 2022.

TOWN OF MALABAR

(seal)



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

ATTEST:

Richard W. Kohler

Richard Kohler
Town Clerk

Approved as to form and content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr., Town Attorney

Exhibit "A" of Resolution 19-2022

