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RESOLUTION 25-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA PARTIALLY VACATING AND ABANDONING THE 200 FEET OF RIGHT OF WAY KNOWN AS FINS LANE ADJACENT TO AND BETWEEN PARCELS 66 AND 65 AND THE NORTHERN 175 FEET ADJACENT TO AND BETWEEN PARCELS 78 AND 70 FOR A TOTAL OF 375 FEET OF FINS LANE RIGHT-OF-WAY; 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 Parcels 66, 65 and 70 and intend to join all three parcels for their homestead; and,

WHEREAS, the Town Council has considered the access to Parcels 50 and 40 from the existing terminus of Sandy Creek Lane; and,

WHEREAS, the western half of the 175 foot right-of-way will become part of Parcel 78; and,

WHEREAS, maintaining the southern 25 feet of right-of-way between Parcels 78 and 70 will allow access the to lots; 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 Sandy Creek Lane and Fins Lane to become a collector similar to Eva Lane 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 375 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 50' wide right-of-way between Parcels 66 and 65 a distance of 200 feet and the southern 175' of 50' wide right-of-way between parcels 78 and 70 of Fins Lane.

A map showing the area vacated is attached hereto as **Exhibit "A."** The intent of this vacate is to keep the rural lifestyle of Malabar and keep Sandy Creek Lane & Fins Lane dead end lanes.

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 All resolutions or parts of resolutions in conflict herewith are hereby repealed.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 WAYNE ABARE and was seconded by Council Member DICK KORN and, upon being put to a vote, the vote was as follow:

Council Member James Milucky	<u>Aye</u>
Council Member Wayne Abare	<u>Aye</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Dick Korn	<u>Aye</u>
Council Member Marisa Acquaviva	<u>Aye</u>

This Resolution was declared duly passed and adopted this 6th day of October, 2014.

Town of Malabar

Steve Rivet
Steve Rivet, Council Chair

ATTEST:

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

(Seal)

Approved as to Form and Content:

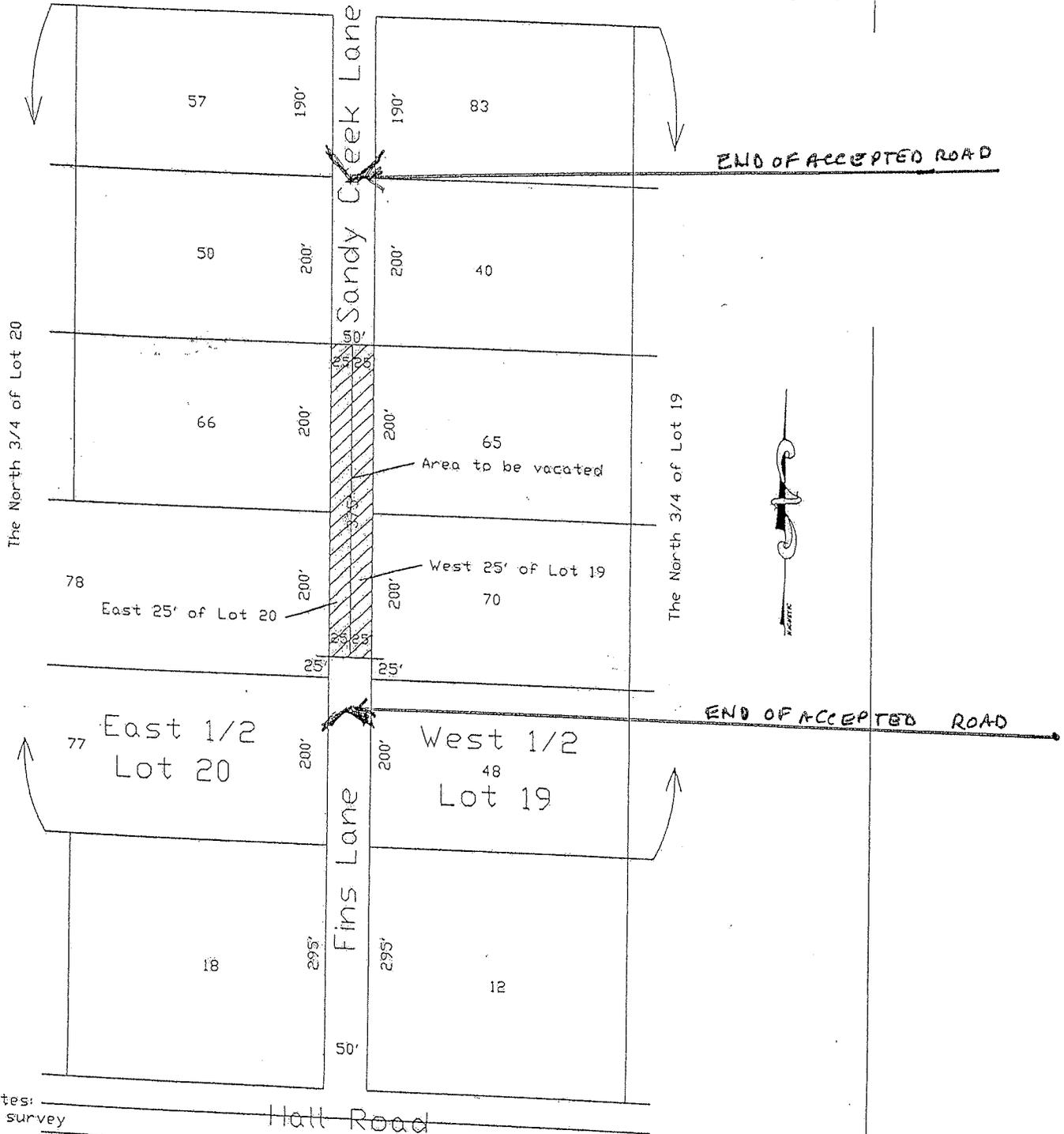
Karl W. Bohne, Jr.
Karl W. Bohne, Jr.
Town Attorney

Sketch of Legal Description

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED:

The west 25 feet of the north 375 feet of the south 600 feet of the north 3/4 of Lot 19, Section 2, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the plat thereof, as recorded in Plat Book 1, Page 165, together with:

the east 25 feet of the north 375 feet of the south 600 feet of the north 3/4 of Lot 20, Section 2, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the plat thereof, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida.



Surveyors Notes:
This is not a survey

CERTIFICATION
I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61-17 F.A.C. ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Craig S. McKinnon
CRAIG S. MCKINNON
FLORIDA REGISTERED LAND SURVEYOR # 5057

**CRAIG S. MCKINNON
LAND SURVEYING**

1980 MARIE STREET
MALABAR, FLORIDA 32960
(321) 724-8257

SKETCH IS NOT VALID UNLESS IT IS
EMBOSSER WITH SURVEYORS SEAL

DATE: September 7, 2014 FIELD BOOK: PAGE: SCALE: Not to Scale