

RESOLUTION 15-2015

Tabled 8/24/15 + sent  
Back to  
P+Z Bd.

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 All resolutions or parts of resolutions in conflict herewith are hereby repealed.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

to table

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

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

NAH  
Aye  
Aye  
NAH  
Aye

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

Tabled

Town of Malabar

Carl Beatty  
Mayor Carl A. Beatty, Council Chair

ATTEST:

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

Tabled +  
Returned to  
p+2

(Seal)

Approved as to Form and Content:

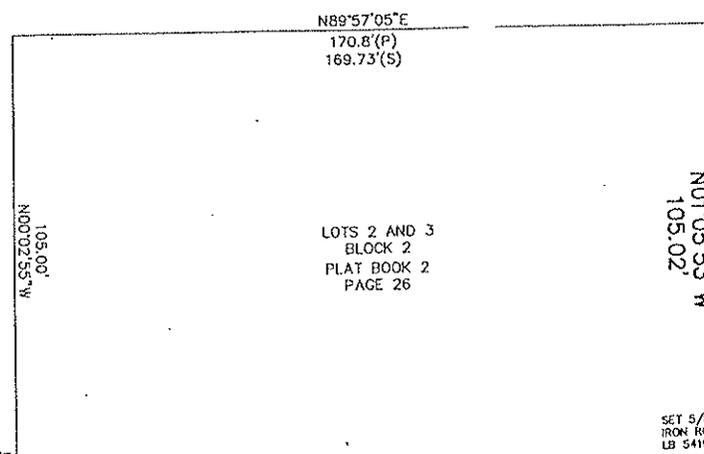
Karl W. Bohne, Jr.  
Karl W. Bohne, Jr.  
Town Attorney

40' RIGHT OF WAY (UNIMPROVED)

# Exhibit "A" Reso 15-2015

BLOCK 4  
PLAT BOOK 2  
PAGE 26

CENTERLINE N00°02'55"W  
167.07'  
44' RIGHT OF WAY-UNIMPROVED  
NOT OPEN



←←←←← MARIE ST.

NORTH RIGHT OF WAY  
N89°55'00"E(P) N89°48'35"E(S)

JENNIE STREET  
N00°00'00"W(P)  
N00°02'55"W(S)  
56.65'

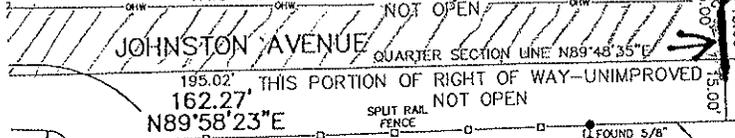
VACANT Parcel 1  
S89°57'05"W  
171.66'(S)  
172.7'(P)  
S89°48'35"W  
172.69'

APPLICANT'S PARCEL  
LAND

87.81'  
S68°09'02"W  
S68°03'W 86.7'(P)

Parcel 264

THIS PORTION OF 25' RIGHT OF WAY-UNIMPROVED  
NOT OPEN



JOHNSTON AVENUE

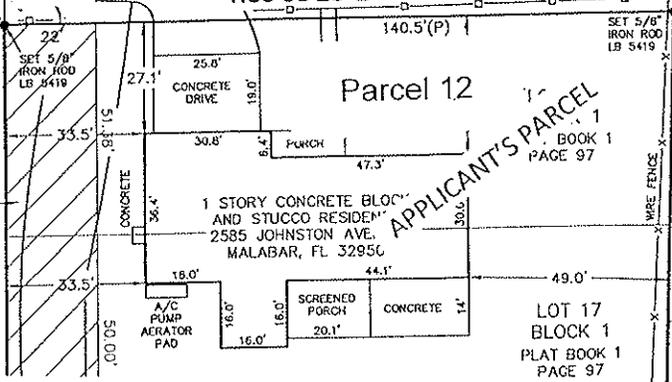
THIS PORTION OF RIGHT OF WAY-UNIMPROVED  
NOT OPEN

THIS PORTION OF 30' RIGHT OF WAY-UNIMPROVED  
NOT OPEN

537.47'  
NOT TO SCALE  
N89°55'00"E(P) N89°48'35"E(S)

N89°55'00"E(P) N89°48'35"E(S)

SOUTH RIGHT OF WAY AS MONUMENTED  
N89°55'00"E(P)  
N89°58'23"E(S)



Parcel 12

APPLICANT'S PARCEL  
BOOK 1  
PAGE 97

LOT 17  
BLOCK 1  
PLAT BOOK 1  
PAGE 97

33.6"(P)  
32.95'(S)  
PLAT BOOK 2, PAGE 26  
3.68' JOG IN RIGHT OF WAY  
DUE TO MONUMENTATION

LOT 8  
BLOCK A  
PLAT BOOK 1, PAGE 97

W. RAILROAD AVE. >>>>>>>

ROW TO VACATE

ST RAILROAD AVENUE  
RIGHT OF WAY-OPEN  
N23°30'0"W  
156.21'  
NOT TO SCALE

REMAINDER OF BLOCK 2  
PLAT BOOK 2  
PAGE 26

400.14'  
NOT TO SCALE

NOT SUBDIVIDED

66'

15.00'  
15.00'

OVERHEAD WIRING  
(TYPICAL)  
WAY-IMPROVED

15' DIRT ROAD  
S89°48'35"W  
0.13'

JENNIE STREET LYING WEST OF LOTS  
1 & 2 (HATCHED) NOT INCLUDED IN THE  
PLAN. APPEARS TO BE VACATED AND A