

**RESOLUTION 2024-034**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, VACATING PORTIONS OF SEVERAL UTILITY EASEMENTS LOCATED WITHIN LOT 1 ON THE PLAT OF HOME DEPOT COCOA, LYING IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 24 SOUTH, RANGE 36 EAST, AS RECORDED IN PLAT BOOK 57 PAGE 87, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Cocoa has been asked to consider vacating portions of several existing utility easements which are a part of Lot 1, plat of Home Depot Cocoa, lying in the East ½ of the Northwest ¼ of Section 18, Township 24 South, Range 36 East, as recorded in Plat Book 57 Page 87 of the public records of Brevard County, those easements being: (1) the Force Main and Sewer Line Easement recorded at Official Record Book 3372 Page 4486, as modified in Official Record Book 5557 Page 1779; (2) the Water Line Easement recorded at Official Record Book 5510 Page 1779; (3) the Reuse Line Easement recorded at Official Record Book 5510 Page 1779; and (4) “new” sewer, water, and reuse easements dedicated via the Home Depot Cocoa plat on Lot 1, all of which are further depicted on the Plat of Home Depot Cocoa, recorded at Plat Book 57 Page 87; and

**WHEREAS**, the owners of the property have voluntarily granted and conveyed to the City a new Utility Easement to replace the vacated portions of the utility easements, as reflected in the Utility Easement Agreement entered between the City of Cocoa, Cocoa Retail, LLC, and Cirrus Apartments, LLC; and

**WHEREAS**, the City Council finds that the best interests of its citizens will be served by the vacation of the portion of the existing utility easements which are located on Lot 1, Plat of Home Depot Cocoa, lying in the East ½ of the Northwest ¼ of Section 18, Township 24 South, Range 36 East, as recorded in Plat Book 57 Page 87 of the public records of Brevard County; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA:**

**Section 1. Vacation of Easements.** The portion of the following utility easements which are a part of Lot 1, Plat of Home Depot Cocoa, lying in the East ½ of the Northwest ¼ of Section 18, Township 24 South, Range 36 East, as recorded in Plat Book 57 Page 87 of the public records of Brevard County, Florida, are hereby vacated:

- a. Those portions of the sewer line and sewer ingress/egress easements lying within Lot 1, Plat of Home Depot Cocoa, as recorded at Plat Book 57, Page 87, which shall include portions of the Force Main and Sewer Line & Ingress/Egress Easement recorded at Official Record Book 3372, Page 4486, as modified by Official Record Book 5557, Page 4594, and

the “new” Easement for Sewer Line & Ingress/Egress dedicated via the Plat of Home Depot Cocoa at Plat Book 57, Page 87, all as depicted on Sheet 4 of the Plat of Home Depot Cocoa.

- b. Those portions of the waterline and ingress/egress easements lying within Lot 1, Plat of Home Depot Cocoa, as recorded at Plat Book 57, Page 87, which shall include portions of the Water Line & Ingress/Egress Easement recorded at Official Record Book 5510, Page 1779, and the “new” Water Line & Ingress/Egress Easement dedicated via the Plat of Home Depot Cocoa at Plat Book 57, Page 87, all as depicted on Sheet 5 of the Plat of Home Depot Cocoa.
- c. Those portions of the reuse watermain easements lying within Lot 1, Plat of Home Depot Cocoa, as recorded at Plat Book 57, Page 87, which shall include portions of the Water Line & Ingress/Egress Easement recorded at Official Record Book 5510, Page 1779, and the “new” Easement for Reuse Watermain dedicated via the Plat of Home Depot Cocoa at Plat Book 57, Page 87, all as depicted on Sheet 6 of the Plat of Home Depot Cocoa.

Only the portions of the above-described easements located within the boundaries of Lot 1 of the Plat of Home Depot Cocoa shall be vacated. Easements located outside of Lot 1 of the Plat of Home Depot Cocoa shall be unaffected by this Resolution.

A description and depiction of the easements to be vacated is attached hereto as **Exhibit “A”** and is incorporated herein by this reference.

**Section 2. Repeal of Prior Inconsistent Resolutions.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

**ADOPTED** by the City Council of the City of Cocoa in a regular meeting assembled on the 9<sup>th</sup> day of April, 2024.

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**Michael C. Blake, Mayor**

**ATTEST:**

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**Monica Arsenault, CMC, City Clerk**

**EXHIBIT A**

**DESCRIPTION AND DEPICTION OF EASEMENTS TO BE VACATED**