

ORDINANCE NO. 2016-15

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING NEWLY ANNEXED PROPERTY LOCATED AT 4650 WEST NEW HAVEN AVENUE LYNG IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY BU-1 (GENERAL RETAIL COMMERCIAL) TO CITY OF WEST MELBOURNE C-P (COMMERCIAL PARKWAY DISTRICT); PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1.

The Planning Director is hereby directed to change the Official Zoning Map of the City as referenced in Section 98-66 of the Code of Ordinances to show the zoning change set forth in Section 2 of this Ordinance.

Section 2.

The newly annexed property located at 4650 West New Haven Avenue and described more particularly as follows is hereby rezoned to City of West Melbourne C-P (Commercial Parkway District):

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING A PORTION OF LOT 17, PLAT OF INDIAN RIVER LAND CO. RECORDED IN PLAT BOOK 2, PAGE 80 (ALL RECORDS REFERENCED HEREIN ARE OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), BEING ALL THE PREMISES DESCRIBED IN OR 7318, PG 1147 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SAID SECTION 3; THENCE WITH THE EAST LINE OF THE NE 1/4 OF SAID SECTION 3, ALSO BEING THE CENTERLINE OF DIKE ROAD (A 40 FEET WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF INDIAN RIVER LAND CO.), N00°09'24" W, A DISTANCE OF 275.00 FEET; THENCE, LEAVING SAID CENTERLINE, S89°38'50" W, A DISTANCE OF 20.00 FEET TO WEST RIGHT-OF-WAY LINE OF SAID DIKE ROAD AND THE POINT OF BEGINNING;

THENCE WITH THE NORTH LINE OF PREMISES DESCRIBED IN DEED TO SUNOCO, INC. (R&M), RECORDED IN OR 6984, PG 1549, S89°38'50" W, A DISTANCE OF 205.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE, WITH THE WEST LINE OF SAID SUNOCO, INC. PREMISES, S00°09'24"E, A DISTANCE OF 192.90 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S. 192 (S.R. 500, BEING A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FDOT MAP SECTION 70050-2544); THENCE, WITH SAID NORTH RIGHT-OF-WAY LINE, N74°58'07"W, A DISTANCE OF 117.12 FEET TO THE SOUTHEAST CORNER OF PREMISES DESCRIBED IN DEED TO JOHN M. BOVIS & ELIZABETH F. BOVIS, RECORDED IN O.R. 2727, PG. 1088; THENCE, WITH THE EAST LINE OF SAID BOVIS PREMISES, N01°16'57"W, A DISTANCE OF 175.31 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, WITH A PORTION OF THE NORTH LINE OF SAID BOVIS

PREMISES, S89°33'39"W, A DISTANCE OF 4.52 FEET, THENCE, LEAVING SAID NORTH LINE, N00°09'24"W, A DISTANCE OF 7.06 FEET; THENCE, S89°50'28"W, A DISTANCE OF 158.01 FEET TO THE EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 95 (S.R. 9, BEING A VARIABLE WIDTH LIMITED ACCESS RIGHT-OF-WAY AS SHOWN ON FDOT MAP SECTION 70220-2403); THENCE, WITH SAID LIMITED ACCESS RIGHT-OF-WAY LINE, N12°31'10"W, A DISTANCE OF 303.26 FEET TO THE SOUTHWEST CORNER OF PREMISES DESCRIBED IN DEED TO MARC W. COLLINS & PHYLLIS R. COLLINS, RECORDED IN O.R. 3944, PG. 1645; THENCE, WITH THE SOUTH LINE THEREOF, S89°38'50"E, A DISTANCE OF 548.93 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID DIKE ROAD; THENCE, WITH SAID WEST RIGHT-OF-WAY LINE, S00°09'24"E, A DISTANCE OF 317.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.138 ACRES OF LAND, MORE OR LESS.

Section 3.

That this Ordinance shall become effective simultaneously with the effectiveness of Ordinance No. 2016-14, amending the land use of the subject property.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 4th day of October, 2016.



Hal J. Rose, Mayor

Sue Frank, City Clerk

Reviewed as to form and content:

Morris Richardson, City Attorney

1ST READING: September 20, 2016
2nd READING: October 4, 2016