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HB 1151

2004 Legislature

A bill to be entitled

An act relating to the City of Melbourne, Brevard County; extending and enlarging the corporate limits of the City of Melbourne to include specified unincorporated lands within said corporate limits; providing for the transfer of certain roads; providing for the application of municipal powers over the land annexed; providing that the annexation shall not abrogate certain contracts; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The present corporate limits of the City of Melbourne, Brevard County, are hereby extended and enlarged so as to include, in addition to the territory presently within its corporate limits, the area particularly described as follows: (Combined Legal for Annexation - Includes South Intake Structure - County Park Excepted)

Commence at the center of Section 9, Township 27 South, Range 36 East, Brevard County, Florida; thence run East along the South line of the North 1/2 of said Section 9 for a distance of 1,320 feet, more or less, to a point, said point being the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 9 and also being the Point of Beginning; thence run South along the East line of the Northwest quarter of the Southeast quarter of Section 9 for a distance of 1,350 feet more or less to a point, said

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point lying on the North right-of-way line of Lake Washington Road (66' Right-of-Way); thence run Northwesterly along the North right-of-way of Lake Washington Road for a distance of 950 feet more or less to a point, said point lying on the North Right-of-Way of Lake Washington Road perpendicular across from the intersection of the South right-of-way of Lake Washington Road and the West line of lands described in Official Records Book 1430, Page 1001, Public Records of Brevard County, Florida; thence run Southwest perpendicular to the North right-of-way line of Lake Washington Road for a distance of 66 feet to a point on the South right-of-way of Lake Washington Road, said point being the intersection of the South right-of-way of Lake Washington Road and the East line of lands described in Official Records Book 1430, Pg. 1001; thence run South along said East property line for a distance of 1,617 feet more or less, to a point, said point lying along the South line of Section 9, Township 27 South, Range 36 East; thence run West along the South line of Section 9 for a distance of 2,200 feet more or less to a point, said point being along the recognized Meander line; thence continue along the South line of said Section 9 for a distance of 200 feet more or less to the Eastern shore of Lake Washington; thence continue East along the South line of Sections 9 and 8 for a distance of 1,960 feet, more or less, to a point, said point being the Southwest corner of the Southeast quarter of the Southeast

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quarter of Section 8, Township 27 South, Range 36 East; thence run North along the West line of the East 1/4 of Section 8 for a distance of 2,640 feet, more or less, to a point, said point being the Northwest corner of the Northeast quarter of the Southeast quarter of Section 8, Township 27 South, Range 36 East; thence continue North 300 feet more or less along the West line of the Southeast quarter of the Northeast quarter of said Section 8 to a point; thence run East parallel to the South line of the North 1/2 of Sections 8 and 9 for a distance of 3,100 feet more or less to a point, said point lying on the recognized Meander line; thence continue East and parallel to the South line of the North 1/2 of Section 9 for a distance of 3,465 feet more or less to a point, said point lying along the East line of Section 9, Township 27 South, Range 36 East; thence continue East 300 feet North and parallel to the South line of the North 1/2 of Section 10, Township 27 South, Range 36 East for a distance of 660 feet more or less to a point, said point being the Northeast corner of lands described in Official Records Book 760, Page 380, Public Records of Brevard County, Florida; thence run South parallel to the West line of said Section 10 for a distance of 660 feet more or less to a point, said point being the Southeast corner of lands described in Official Records Book 760, Page 380, Public Records of Brevard County, Florida; thence run West parallel to the South line of the North 1/2 of Section 10 a distance of 710

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feet more or less to a point, said point lying on the West Right-of-Way line of McGraw Road (100' Right-of-Way); thence run North 50 feet West of and parallel to the East line of Section 9, Township 27 South, Range 36 East for a distance of 330 feet more or less to a point, said point lying on the South line of the North 1/2 of Section 9, Township 27 South, Range 36 East; thence run West along the South line of the North 1/2 of Section 9 for a distance of 1,270 feet more or less to a point, said point being the Northeast corner of the Northwest quarter of the Southeast quarter of Section 9, Township 27 South, Range 36 East; said point also being the Point of Beginning. Containing 343 acres, more or less.

LESS AND EXCEPT the following park property owned by Brevard County, Florida: Commence and Begin at the center of Section 9, Township 27 South, Range 37 East, Brevard County, Florida; thence run South along the East line of the Southwest quarter of Section 9 for a distance of 815 feet, more or less, to a point, said point lying along the North Right-of-Way of Lake Washington Road (66' Right-of-Way); thence continue South along said East line for a distance of 66 feet to the South Right-of-Way of Lake Washington Road; thence run West along the south Right-of-Way of Lake Washington Road for a distance of 1,327 feet, more or less, to a point, said point being 67 feet West of the East line of Lot 13, Block "A," Lake View Estates

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Subdivision as recorded in Plat Book 11, Page 94, Public Records of Brevard County, Florida; thence run South parallel to the East line of said Lot 13 for a distance of 148.74 feet, more or less, to a point, said point lying along the North property line of Lot 13, Block "B," Lake View Estates as recorded in Plat Book 11, Page 94, Public Records of Brevard County, Florida; thence run West along the North line of Lots 13 and 14, Block "B" for a distance of 137 feet, more or less, to a point, said point being the Northeast corner of Lot 15, Block "B;" thence run North and East along the eastern shore of Lake Washington for a distance of 1,200 feet, more or less, to a point, said point lying along the North line of the South 1/2 of Section 9, Township 27 South, Range 36 East; thence run East along said North line of the South 1/2 for a distance of 1,350 feet, more or less, to a point, said point being the center of Section 9, Township 27 South, Range 36 East, and the Point of Beginning. Said parcel contains 29 acres, more or less.

Total acreage to be annexed – 314 acres.

Section 2. All public roads and the public rights-of-way associated therewith, lying within the limits of the lands subject to annexation herein, as described in section 1, are transferred from Brevard County jurisdiction to the jurisdiction of the annexing municipality, except for county collector roads and all roads within the state highway system and any public

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rights-of-way associated therewith. All rights, title, interests, and responsibilities for any transferred roads, including, but not limited to, the ownership, operation, maintenance, planning, design, and construction of said roads and the rights-of-way associated therewith, shall transfer from Brevard County jurisdiction and ownership to the jurisdiction and ownership of the annexing municipality upon the effective date of the annexation.

Section 3. On the effective date of this act, the City of Melbourne shall be responsible for and embodied with all municipal powers granted in chapter 166, Florida Statutes, over territory hereby annexed.

Section 4. Nothing in this act shall be construed to affect or abrogate the rights of parties to any contracts, whether the same be between Brevard County and a third party or between nongovernmental entities, which contracts are in effect prior to the effective date of annexation.

Section 5. This act shall take effect July 1, 2004.