

ENROLLED

CS/HB 1063

2019 Legislature

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An act relating to City of Palm Bay, Brevard County; excluding specified municipal lands within the corporate limits of the City of Palm Bay; providing that the county is responsible for the excluded territory; providing applicability with respect to existing contracts; providing applicability with respect to existing property rights and entitlements; providing an effective date.

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

Section 1. Contraction of boundaries.—The present corporate limits of the City of Palm Bay, Brevard County, are contracted to exclude the following described lands and territory within Brevard County:

BEING A PARCEL OF LAND LOCATED IN THE AMMONIATE PRODUCT CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30S, RANGE 36E, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 11, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 118 THROUGH 122, 218 THROUGH

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26 222, 318 THROUGH 322, 418 THROUGH 422, 518 THROUGH 522,
 27 618 THROUGH 622, AND THE EASTERLY PORTIONS OF LOTS 117,
 28 217, 317, 417, 517, AND 617, BEING MORE PARTICULARLY
 29 DESCRIBED AS FOLLOWS:
 30
 31 COMMENCE AT THE NORTHWEST CORNER OF TOWNSHIP 30S, RANGE
 32 36E, BREVARD COUNTY, FLORIDA, ALSO BEING THE NORTHWEST
 33 CORNER OF THE AFORESAID AMMONIATE PRODUCTS
 34 CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30S,
 35 RANGE 36E; THENCE N 89°53'53" E, ALONG THE NORTH LINE
 36 OF SAID TOWNSHIP 30S, ALSO BEING THE NORTH LINE OF THE
 37 AFORESAID AMMONIATE PRODUCTS CORPORATION'S SUBDIVISION,
 38 A DISTANCE OF 23834.07 FEET TO THE NORTHEAST CORNER OF
 39 THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3821,
 40 PAGE 3059, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA,
 41 AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG
 42 SAID NORTH LINE, N 89°53'53" E, A DISTANCE OF 7953.78
 43 FEET TO THE NORTHEAST CORNER OF SAID AMMONIATE PRODUCTS
 44 CORPORATION'S SUBDIVISION; THENCE DEPARTING SAID NORTH
 45 LINE AND ALONG THE EAST LINE OF SAID AMMONIATE PRODUCTS
 46 CORPORATION'S SUBDIVISION, S 00°51'04" W, A DISTANCE OF
 47 7747.66 FEET TO THE SOUTHERLY TOP OF BANK OF A CANAL;
 48 THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTHERLY
 49 TOP OF BANK OF A CANAL, N 89°04'04" W, A DISTANCE OF
 50 7971.17 FEET TO THE EAST LINE OF THOSE LANDS DESCRIBED

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51 IN OFFICIAL RECORDS BOOK 3821, PAGE 3059, SAID PUBLIC
 52 RECORDS; THENCE DEPARTING SAID SOUTHERLY TOP OF BANK OF
 53 A CANAL, AND ALONG THE EAST LINE OF THOSE LANDS
 54 DESCRIBED IN OFFICIAL RECORDS BOOK 3821, PAGE 3059,
 55 SAID PUBLIC RECORDS, N 00°59'25" E, A DISTANCE OF
 56 7604.12 FEET MORE OR LESS TO THE POINT OF BEGINNING;
 57 CONTAINING 1,402.99 ACRES, MORE OR LESS.

58
 59 TOGETHER WITH:

60
 61 BEING A PARCEL OF LAND LOCATED IN THE AMMONIATE PRODUCT
 62 CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30
 63 SOUTH, RANGE 36 EAST, ACCORDING TO THE PLAT THEREOF AS
 64 RECORDED IN PLAT BOOK 5, PAGE 11, PUBLIC RECORDS OF
 65 BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY
 66 DESCRIBED AS FOLLOWS:

67
 68 THOSE PORTIONS OF LOTS 718 THROUGH 722, 818 THROUGH
 69 822, 918 THROUGH 922, 1018 THROUGH 1022, 1118 THROUGH
 70 1122, 1218 THROUGH 1222; AND THE EASTERLY PORTIONS OF
 71 LOTS 717, 817, 917, 1017, 1117, AND 1217 BEING MORE
 72 PARTICULARLY DESCRIBED AS FOLLOWS:

73
 74 COMMENCE AT THE NORTHWEST CORNER OF TOWNSHIP 30 SOUTH,
 75 RANGE 36 EAST, BREVARD COUNTY, FLORIDA ALSO BEING THE

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76 NORTHWEST CORNER OF THE AFORESAID AMMONIATE PRODUCTS
 77 CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30
 78 SOUTH, RANGE 36 EAST; THENCE NORTH 89°53'53" EAST ALONG
 79 THE NORTH LINE OF SAID TOWNSHIP 30 SOUTH, ALSO BEING
 80 THE NORTH LINE OF THE AFORESAID AMMONIATE PRODUCT
 81 CORPORATION'S SUBDIVISION, A DISTANCE OF 23,834.07 FEET
 82 TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN
 83 OFFICIAL RECORDS BOOK 3821, PAGE 3059, PUBLIC RECORDS
 84 OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 00°59'25" WEST
 85 ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL
 86 RECORDS BOOK 3821, PAGE 3059 A DISTANCE 7,604.12 FEET
 87 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE
 88 EAST LINE, SOUTH 00°59'25" WEST, A DISTANCE OF 8,009.79
 89 FEET TO THE SOUTH LINE OF SAID AMMONIATE PRODUCT
 90 CORPORATION'S SUBDIVISION; THENCE SOUTH 89°32'55" EAST
 91 A DISTANCE OF 7,990.82 FEET TO THE SOUTHEAST CORNER OF
 92 SAID AMMONIATE PRODUCT CORPORATION'S SUBDIVISION;
 93 THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST
 94 LINE OF SAID AMMONIATE PRODUCT CORPORATION'S
 95 SUBDIVISION, NORTH 00°51'04" EAST A DISTANCE OF
 96 7,942.75 FEET TO THE SOUTHERLY TOP OF BANK OF A CANAL;
 97 THENCE NORTH 89°04'04" WEST A DISTANCE OF 7,971.17 FEET
 98 MORE OR LESS TO THE POINT OF BEGINNING; CONTAINING
 99 1,461.37 ACRES, MORE OR LESS.

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101 TOGETHER WITH:

102

103 BEING A PARCEL OF LAND LOCATED IN THE AMMONIATE PRODUCT

104 CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30

105 SOUTH, RANGE 36 EAST, ACCORDING TO THE PLAT THEREOF AS

106 RECORDED IN PLAT BOOK 5, PAGE 11, PUBLIC RECORDS OF

107 BREVARD COUNTY, FLORIDA AND ALSO BEING A PORTION OF A

108 PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2237, PAGE

109 362, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA,

110 INCLUDING CANALS AND ROAD RIGHTS-OF-WAY LYING WITHIN OR

111 ADJACENT TO THE FOLLOWING DESCRIBED LOTS AND BEING

112 DESCRIBED AS FOLLOWS:

113

114 THOSE PORTIONS OF THE LOTS 111, 211, 311, 411, 511,

115 811, 911, 1011, 1111 AND 1211 LYING EAST OF THE EAST

116 TOE OF SLOPE OF AN EXISTING LEVEE, LOTS 112, 212, 312,

117 412, 512, 612, 712, 812, 912, 1012, 1112, 1212, 113,

118 213, 313, 413, 513, 613, 713, 813, 913, 1013, 1113,

119 114, 214, 314, 414, 514, 614, 714, 814, 914, 1014,

120 1114, 115, 215, 315, 415, 515, 615, 715, 815, 915,

121 1015, 1115, 116, 216, 316, 416, 516, 616, 716, 816,

122 916, 1016, 1116 AND THE WESTERLY PORTIONS OF LOTS 117,

123 217, 317, 417, 517, 617, 717, 817, 917, 1917, 1117 AND

124 A POTION OF LOTS 610, 611, 710, 711, 1213, 1214, 1215,

125 1216 AND 1217 AND BEING MORE PARTICULARLY DESCRIBED AS

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126 FOLLOWS:
 127
 128 COMMENCE AT THE NORTHWEST CORNER OF TOWNSHIP 30 SOUTH,
 129 RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE NORTH
 130 89°53'53" EAST, ALONG THE NORTH LINE OF SAID TOWNSHIP
 131 30 SOUTH, SAID NORTH LINE ALSO BEING THE NORTH LINE OF
 132 THE AFORESAID AMMONIATE PRODUCT CORPORATION'S
 133 SUBDIVISION, A DISTANCE OF 15,953.53 FEET TO THE POINT
 134 OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE,
 135 NORTH 89°53'53" EAST A DISTANCE 7,880.54 FEET; THENCE,
 136 DEPARTING SAID NORTH LINE, SOUTH 00°59'25" WEST A
 137 DISTANCE 15,360.29 FEET TO THE NORTH LINE OF THOSE
 138 LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2760, PAGE
 139 2585; THENCE NORTH 89°19'12" WEST, ALONG SAID NORTH
 140 LINE, A DISTANCE OF 1,604.38 FEET; THENCE NORTH
 141 88°45'34" WEST A DISTANCE OF 1,089.07 FEET; THENCE
 142 NORTH 89°32'55" WEST, ALONG THE NORTH LINE OF THOSE
 143 LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2983, PAGE 4470
 144 AND OFFICIAL RECORD BOOK 2983, PAGE 4482, A DISTANCE OF
 145 1,927.00 FEET; THENCE SOUTH 00°27'13" WEST, ALONG THE
 146 WEST LINE OF SAID LANDS, A DISTANCE OF 275.00 FEET TO
 147 THE CENTERLINE OF A 60 FOOT PLATTED RIGHT-OF-WAY, SAID
 148 PLATTED RIGHT-OF- WAY LYING SOUTHERLY OF AND COINCIDENT
 149 WITH THE SOUTH LINE OF TRACTS 1200 THROUGH 1222 AS
 150 SHOWN ON SAID PLAT OF THE AMMONIATE PRODUCT

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151 CORPORATION'S SUBDIVISION; THENCE, ALONG SAID
 152 CENTERLINE NORTH 89°32'55" WEST A DISTANCE OF 3,226.75
 153 FEET; THENCE, DEPARTING SAID CENTERLINE, NORTH
 154 05°13'01" EAST A DISTANCE 907.09 FEET; THENCE, ALONG
 155 THE EAST TOE OF SLOPE OF AN EXISTING LEVEE, NORTH
 156 00°25'08" EAST, A DISTANCE OF 2,153.27 FEET; THENCE
 157 NORTH 00°14'40" EAST A DISTANCE OF 1,030.12 FEET;
 158 THENCE NORTH 00°38'28" EAST A DISTANCE OF 1,065.15
 159 FEET; THENCE NORTH 00°42'18" EAST A DISTANCE OF
 160 1,098.48 FEET; THENCE NORTH 00°39'29" EAST A DISTANCE
 161 OF 1,057.99 FEET; THENCE NORTH 00°54'13" EAST A
 162 DISTANCE OF 268.52 FEET; THENCE, DEPARTING SAID EAST
 163 TOE OF SLOPE, NORTH 89°59'47" WEST A DISTANCE OF
 164 1,022.12 FEET; THENCE NORTH 00°00'07" EAST A DISTANCE
 165 OF 1,288.60 FEET; THENCE SOUTH 89°59'42" EAST A
 166 DISTANCE OF 1,042.40 FEET TO THE EAST TOE OF SLOPE OF
 167 AN EXISTING LEVEE; THENCE NORTH 00°54'18" EAST ALONG
 168 SAID EAST TOE OF SLOPE A DISTANCE OF 1,437.00 FEET;
 169 THENCE NORTH 01°20'11" EAST A DISTANCE OF 1,089.90
 170 FEET; THENCE NORTH 00°41'41" EAST A DISTANCE OF
 171 1,170.38 FEET; THENCE NORTH 00°01'17" EAST A DISTANCE
 172 OF 1,115.45 FEET; THENCE NORTH 01°11'22" EAST A
 173 DISTANCE OF 1,701.31 FEET; THENCE, DEPARTING SAID TOE
 174 OF SLOPE, SOUTH 89°59'51" WEST A DISTANCE OF 28.97
 175 FEET; THENCE NORTH 00°00'09" WEST A DISTANCE OF 157.51

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176 FEET TO THE POINT OF BEGINNING; CONTAINING 2,800.00
 177 ACRES, MORE OR LESS.

178
 179 TOGETHER WITH:

180
 181 CERTAIN REAL PROPERTIES LOCATED SOUTHWEST OF THE
 182 WESTERN TERMINUS OF WILLOWBROOK STREET, IN THE VICINITY
 183 WEST OF BABCOCK STREET, AND LEGALLY DESCRIBED HEREIN:

184
 185 THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 30 SOUTH,
 186 RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT
 187 THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 3425,
 188 PAGE 3276, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
 189 CONTAINING 146.75 ACRES, MORE OR LESS.

190
 191 TOGETHER WITH:

192
 193 CERTAIN REAL PROPERTIES LOCATED IN THE VICINITY WEST OF
 194 BABCOCK STREET, ADJACENT TO THE SOUTH CITY LIMITS
 195 EXTENDING TO WILLOWBROOK STREET, AND LEGALLY DESCRIBED
 196 HEREIN:

197
 198 THE WEST 1/2 OF SECTION 5; ALL OF SECTION 6; THE NORTH
 199 1/2 OF SECTION 7; AND THE NORTHWEST 1/4 OF SECTION 8;
 200 ALL IN TOWNSHIP 30S, RANGE 37E, BREVARD COUNTY,

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201 FLORIDA. LESS THAT PART OF THE NORTH 1/2 OF SECTION 7
 202 AND THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 30S,
 203 RANGE 37E, BREVARD COUNTY, FLORIDA, LYING SOUTH OF AND
 204 ADJACENT TO THE WESTERLY EXTENSION OF SAN SEBASTIAN
 205 DRAINAGE DISTRICT MAIN CANAL (AKA SOTTILE CANAL), AS
 206 LAI D OUT AND IN USE AS SHOWN ON SURVEY OF HUTCHEON
 207 ENGINEERS, DATED APRIL 25, 1980 (DRAWING 80-3-01037);
 208 AND AS FURTHER DESCRIBED IN OFFICIAL RECORDS BOOK
 209 2234, PAGE 2693).

210 Section 2. Upon the effective date of this act, Brevard
 211 County shall be responsible for and embodied with all powers
 212 granted in chapter 125, Florida Statutes, over the territory
 213 excluded by this act from the City of Palm Bay.

214 Section 3. This act does not affect or abrogate the rights
 215 of parties to any contracts in effect before the effective date
 216 of this act, whether such contracts are between the City of Palm
 217 Bay and a third party or between nongovernmental entities. This
 218 provision is limited to contracts that were not predicated on
 219 such deannexed properties being part of the City of Palm Bay.

220 Section 4. This act does not affect or abrogate existing
 221 vested property rights, approvals, and entitlements attached to
 222 the property described in section 1, including the City of Palm
 223 Bay land use; zoning; PUD preliminary, final, or other site plan
 224 approvals; permitting approvals; and entitlements all of which,
 225 under this act, are deemed to be vested rights in those persons

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226 or corporations, owning lands described in section 1. Brevard
 227 County government may recognize and apply to the lands described
 228 in section 1. the Brevard County equivalent of the City of Palm
 229 Bay development densities, land-use designations, zoning,
 230 approved development plans, and permitting existing on the date
 231 this act is adopted. Alternatively, and subject to both property
 232 rights and procedural protections contained in applicable state
 233 laws pertaining to land use, zoning, permitting, development
 234 agreements, and property rights protection, Brevard County may
 235 initiate and apply to the property described in section 1. such
 236 land use changes, zoning changes, or density changes that the
 237 county deems to be consistent or internally consistent with the
 238 county comprehensive plan. The City of Palm Bay, shall provide
 239 such lands with access to public water and sewer utility
 240 services on the same terms and rates as similar properties
 241 located outside the municipal boundaries of the City of Palm Bay
 242 and not to exceed surcharges established in s. 180.191, Florida
 243 Statutes, provided that the City of Palm Bay may not require
 244 annexation of the property described in section 1. or any other
 245 property into the City as a condition to receiving such utility
 246 services unless the property owners freely choose to initiate a
 247 voluntary annexation of that property in accordance with the
 248 provisions of s. 171.044, Florida Statutes, as that statute may
 249 be amended or renumbered from time to time.

250 Section 5. This act shall take effect upon becoming a law.