

CHAPTER 2019-176

Committee Substitute for House Bill No. 1063

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 222, 318 THROUGH 322, 418 THROUGH 422, 518 THROUGH 522, 618 THROUGH 622, AND THE EASTERLY PORTIONS OF LOTS 117, 217, 317, 417, 517, AND 617, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TOWNSHIP 30S, RANGE 36E, BREVARD COUNTY, FLORIDA, ALSO BEING THE NORTHWEST CORNER OF THE AFORESAID AMMONIATE PRODUCTS CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30S, RANGE 36E; THENCE N 89°53'53" E, ALONG THE NORTH LINE OF SAID TOWNSHIP 30S, ALSO BEING THE NORTH LINE OF THE AFORESAID AMMONIATE PRODUCTS CORPORATION'S SUBDIVISION, A DISTANCE OF 23834.07 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3821, PAGE 3059, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, N 89°53'53" E, A DISTANCE OF 7953.78 FEET TO THE NORTHEAST CORNER OF SAID AMMONIATE PRODUCTS CORPORATION'S SUBDIVISION; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID AMMONIATE PRODUCTS CORPORATION'S SUBDIVISION, S 00°51'04" W, A DISTANCE OF 7747.66 FEET TO THE SOUTHERLY TOP OF BANK OF A CANAL; THENCE DEPARTING SAID EAST LINE AND ALONG THE

SOUTHERLY TOP OF BANK OF A CANAL, N 89°04'04" W, A DISTANCE OF 7971.17 FEET TO THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3821, PAGE 3059, SAID PUBLIC RECORDS; THENCE DEPARTING SAID SOUTHERLY TOP OF BANK OF A CANAL, AND ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3821, PAGE 3059, SAID PUBLIC RECORDS, N 00°59'25" E, A DISTANCE OF 7604.12 FEET MORE OR LESS TO THE POINT OF BEGINNING; CONTAINING 1,402.99 ACRES, MORE OR LESS.

TOGETHER WITH:

BEING A PARCEL OF LAND LOCATED IN THE AMMONIATE PRODUCT CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30 SOUTH, RANGE 36 EAST, 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 718 THROUGH 722, 818 THROUGH 822, 918 THROUGH 922, 1018 THROUGH 1022, 1118 THROUGH 1122, 1218 THROUGH 1222; AND THE EASTERLY PORTIONS OF LOTS 717, 817, 917, 1017, 1117, AND 1217 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TOWNSHIP 30 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA ALSO BEING THE NORTHWEST CORNER OF THE AFORESAID AMMONIATE PRODUCTS CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30 SOUTH, RANGE 36 EAST; THENCE NORTH 89°53'53" EAST ALONG THE NORTH LINE OF SAID TOWNSHIP 30 SOUTH, ALSO BEING THE NORTH LINE OF THE AFORESAID AMMONIATE PRODUCT CORPORATION'S SUBDIVISION, A DISTANCE OF 23,834.07 FEET TO THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3821, PAGE 3059, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTH 00°59'25" WEST ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3821, PAGE 3059 A DISTANCE 7,604.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EAST LINE, SOUTH 00°59'25" WEST, A DISTANCE OF 8,009.79 FEET TO THE SOUTH LINE OF SAID AMMONIATE PRODUCT CORPORATION'S SUBDIVISION; THENCE SOUTH 89°32'55" EAST A DISTANCE OF 7,990.82 FEET TO THE SOUTHEAST CORNER OF SAID AMMONIATE PRODUCT CORPORATION'S SUBDIVISION; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID AMMONIATE PRODUCT CORPORATION'S SUBDIVISION, NORTH 00°51'04" EAST A DISTANCE OF 7,942.75 FEET TO THE SOUTHERLY TOP OF BANK OF A CANAL; THENCE

NORTH 89°04'04" WEST A DISTANCE OF 7,971.17 FEET MORE OR LESS TO THE POINT OF BEGINNING; CONTAINING 1,461.37 ACRES, MORE OR LESS.

TOGETHER WITH:

BEING A PARCEL OF LAND LOCATED IN THE AMMONIATE PRODUCT CORPORATION'S SUBDIVISION OF UNSURVEYED TOWNSHIP 30 SOUTH, RANGE 36 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 11, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND ALSO BEING A PORTION OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2237, PAGE 362, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, INCLUDING CANALS AND ROAD RIGHTS-OF-WAY LYING WITHIN OR ADJACENT TO THE FOLLOWING DESCRIBED LOTS AND BEING DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF THE LOTS 111, 211, 311, 411, 511, 811, 911, 1011, 1111 AND 1211 LYING EAST OF THE EAST TOE OF SLOPE OF AN EXISTING LEVEE, LOTS 112, 212, 312, 412, 512, 612, 712, 812, 912, 1012, 1112, 1212, 113, 213, 313, 413, 513, 613, 713, 813, 913, 1013, 1113, 114, 214, 314, 414, 514, 614, 714, 814, 914, 1014, 1114, 115, 215, 315, 415, 515, 615, 715, 815, 915, 1015, 1115, 116, 216, 316, 416, 516, 616, 716, 816, 916, 1016, 1116 AND THE WESTERLY PORTIONS OF LOTS 117, 217, 317, 417, 517, 617, 717, 817, 917, 1917, 1117 AND A POTION OF LOTS 610, 611, 710, 711, 1213, 1214, 1215, 1216 AND 1217 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TOWNSHIP 30 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA; THENCE NORTH 89°53'53" EAST, ALONG THE NORTH LINE OF SAID TOWNSHIP 30 SOUTH, SAID NORTH LINE ALSO BEING THE NORTH LINE OF THE AFORESAID AMMONIATE PRODUCT CORPORATION'S SUBDIVISION, A DISTANCE OF 15,953.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89°53'53" EAST A DISTANCE 7,880.54 FEET; THENCE, DEPARTING SAID NORTH LINE, SOUTH 00°59'25" WEST A DISTANCE 15,360.29 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2760, PAGE 2585; THENCE NORTH 89°19'12" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1,604.38 FEET; THENCE NORTH 88°45'34" WEST A DISTANCE OF 1,089.07 FEET; THENCE NORTH 89°32'55" WEST, ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2983, PAGE 4470 AND OFFICIAL RECORD BOOK 2983, PAGE 4482, A DISTANCE OF 1,927.00 FEET; THENCE SOUTH 00°27'13" WEST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 275.00 FEET TO THE CENTERLINE OF A 60 FOOT PLATTED RIGHT-OF-WAY, SAID PLATTED RIGHT-OF- WAY LYING SOUTHERLY OF AND COINCIDENT WITH THE SOUTH LINE OF TRACTS 1200 THROUGH

1222 AS SHOWN ON SAID PLAT OF THE AMMONIATE PRODUCT CORPORATION'S SUBDIVISION; THENCE, ALONG SAID CENTERLINE NORTH 89°32'55" WEST A DISTANCE OF 3,226.75 FEET; THENCE, DEPARTING SAID CENTERLINE, NORTH 05°13'01" EAST A DISTANCE 907.09 FEET; THENCE, ALONG THE EAST TOE OF SLOPE OF AN EXISTING LEVEE, NORTH 00°25'08" EAST, A DISTANCE OF 2,153.27 FEET; THENCE NORTH 00°14'40" EAST A DISTANCE OF 1,030.12 FEET; THENCE NORTH 00°38'28" EAST A DISTANCE OF 1,065.15 FEET; THENCE NORTH 00°42'18" EAST A DISTANCE OF 1,098.48 FEET; THENCE NORTH 00°39'29" EAST A DISTANCE OF 1,057.99 FEET; THENCE NORTH 00°54'13" EAST A DISTANCE OF 268.52 FEET; THENCE, DEPARTING SAID EAST TOE OF SLOPE, NORTH 89°59'47" WEST A DISTANCE OF 1,022.12 FEET; THENCE NORTH 00°00'07" EAST A DISTANCE OF 1,288.60 FEET; THENCE SOUTH 89°59'42" EAST A DISTANCE OF 1,042.40 FEET TO THE EAST TOE OF SLOPE OF AN EXISTING LEVEE; THENCE NORTH 00°54'18" EAST ALONG SAID EAST TOE OF SLOPE A DISTANCE OF 1,437.00 FEET; THENCE NORTH 01°20'11" EAST A DISTANCE OF 1,089.90 FEET; THENCE NORTH 00°41'41" EAST A DISTANCE OF 1,170.38 FEET; THENCE NORTH 00°01'17" EAST A DISTANCE OF 1,115.45 FEET; THENCE NORTH 01°11'22" EAST A DISTANCE OF 1,701.31 FEET; THENCE, DEPARTING SAID TOE OF SLOPE, SOUTH 89°59'51" WEST A DISTANCE OF 28.97 FEET; THENCE NORTH 00°00'09" WEST A DISTANCE OF 157.51 FEET TO THE POINT OF BEGINNING; CONTAINING 2,800.00 ACRES, MORE OR LESS.

TOGETHER WITH:

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

THE SOUTHWEST ¼ OF SECTION 7, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 3425, PAGE 3276, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; CONTAINING 146.75 ACRES, MORE OR LESS.

TOGETHER WITH:

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

THE WEST ½ OF SECTION 5; ALL OF SECTION 6; THE NORTH ½ OF SECTION 7; AND THE NORTHWEST ¼ OF SECTION 8; ALL IN TOWNSHIP 30S, RANGE 37E, BREVARD COUNTY, FLORIDA. LESS

THAT PART OF THE NORTH ½ OF SECTION 7 AND THE NORTH-WEST ¼ OF SECTION 8, TOWNSHIP 30S, RANGE 37E, BREVARD COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO THE WESTERLY EXTENSION OF SAN SEBASTIAN DRAINAGE DISTRICT MAIN CANAL (AKA SOTTILE CANAL), AS LAID OUT AND IN USE AS SHOWN ON SURVEY OF HUTCHEON ENGINEERS, DATED APRIL 25, 1980 (DRAWING 80-3-01037); AND AS FURTHER DESCRIBED IN OFFICIAL RECORDS BOOK 2234, PAGE 2693).

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

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

Section 4. This act does not affect or abrogate existing vested property rights, approvals, and entitlements attached to the property described in section 1, including the City of Palm Bay land use; zoning; PUD preliminary, final, or other site plan approvals; permitting approvals; and entitlements all of which, under this act, are deemed to be vested rights in those persons or corporations, owning lands described in section 1. Brevard County government may recognize and apply to the lands described in section 1. the Brevard County equivalent of the City of Palm Bay development densities, land-use designations, zoning, approved development plans, and permitting existing on the date this act is adopted. Alternatively, and subject to both property rights and procedural protections contained in applicable state laws pertaining to land use, zoning, permitting, development agreements, and property rights protection, Brevard County may initiate and apply to the property described in section 1. such land use changes, zoning changes, or density changes that the county deems to be consistent or internally consistent with the county comprehensive plan. The City of Palm Bay, shall provide such lands with access to public water and sewer utility services on the same terms and rates as similar properties located outside the municipal boundaries of the City of Palm Bay and not to exceed surcharges established in s. 180.191, Florida Statutes, provided that the City of Palm Bay may not require annexation of the property described in section 1. or any other property into the City as a condition to receiving such utility services unless the property owners freely choose to initiate a voluntary annexation of that property in accordance with the provisions of s. 171.044, Florida Statutes, as that statute may be amended or renumbered from time to time.

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

Approved by the Governor May 10, 2019.

Filed in Office Secretary of State May 10, 2019.