

# PINE CREEK - PHASE 3

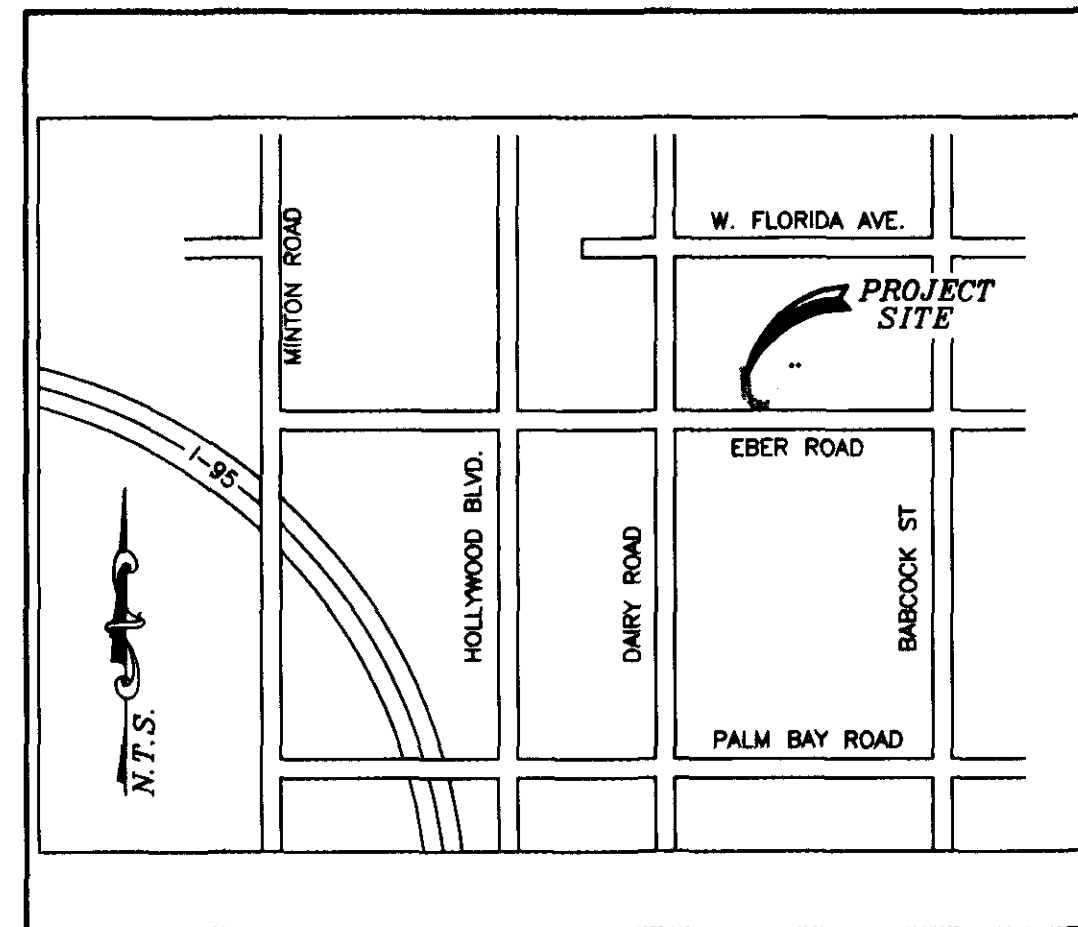
## SECTION 16, TOWNSHIP 28 SOUTH, RANGE 37 EAST

### CITY OF MELBOURNE

### BREVARD COUNTY, FLORIDA

**GENERAL NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE, SOUTH LINE OF THE SOUTHWEST 1/4 OF NORTHWEST 1/4, SECTION 16, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BEING ASSUMED AS N89°34'38"E FOR COMPUTATIONS ONLY.
2. TRACT USAGE IS AS FOLLOWS:  
TRACT G WILL BE UTILIZED FOR OPEN SPACE, AND LANDSCAPE.  
TRACT K WILL BE UTILIZED FOR OPEN SPACE, AND LANDSCAPE, AND FUTURE INGRESS AND EGRESS AS SET FORTH IN NOTE #18 AS STATED BELOW.  
TRACT L WILL BE UTILIZED AS PRIVATE ROADWAYS & FOR UTILITY CROSSINGS.
3. PROJECT ZONING IS R-1B.
4. LAND USE IS LOW DENSITY RESIDENTIAL.
5. TOTAL PROPOSED LOTS = 47. (LOT NUMBERING KEYED TO OVERALL SUBDIVISION)
6. EROSION AND SEDIMENTATION CONTROL WILL CONFORM TO CITY CODE APPENDIX D, CHAPTER 9, ARTICLE XVI.
7. FOR DECLARATION OF COVENANTS AND RESTRICTIONS SEE OFFICIAL RECORDS BOOK 4581, PAGE 0918, AND FIRST SUPPLEMENT, SEE OFFICIAL RECORDS BOOK 4813, PAGE 0794, AND SECOND SUPPLEMENT, OFFICIAL RECORDS BOOK 5105, PAGE(S) 1623 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
8. THE FOLLOWING EASEMENTS ARE HEREBY DEDICATED TO THE GENERAL PUBLIC:  
A) A 10 FOOT WIDE NON-EXCLUSIVE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE FRONT OF ALL LOTS AND TRACTS FOR INSTALLATION AND MAINTENANCE OF WATER, SEWER, ELECTRIC, TELEPHONE AND DRAINAGE FACILITIES.  
B) A 5 FOOT WIDE NON-EXCLUSIVE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL SIDE LOT AND TRACT LINES FOR INSTALLATION AND MAINTENANCE OF WATER, SEWER, ELECTRIC, TELEPHONE AND DRAINAGE FACILITIES.  
C) A 10 FOOT WIDE NON-EXCLUSIVE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL REAR LOT AND TRACT LINES OF BLOCK A, FOR INSTALLATION AND MAINTENANCE OF WATER, SEWER, ELECTRIC, TELEPHONE AND DRAINAGE FACILITIES.  
D) A 7.5 FOOT WIDE NON-EXCLUSIVE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL REAR LOT AND TRACT LINES OF BLOCKS A & B FOR INSTALLATION AND MAINTENANCE OF WATER, SEWER, ELECTRIC, TELEPHONE AND DRAINAGE FACILITIES.  
E) A 7.5 FOOT WIDE EASEMENT TO BE UTILIZED AS A FENCE/WALL/LANDSCAPING/MAINTENANCE EASEMENT ALONG THE REAR LOT AND TRACT LINES ALONG THE SOUTHERLY, WESTERLY, AND NORTHERLY PERIMETER OF THE PROPERTY.
9. WHEN MORE THAN ONE LOT OR PARTS OF LOTS ARE UTILIZED AS A SINGLE BUILDING SITE, THE SIDE LOT LINE EASEMENTS NOTED HEREON SHALL REVERT TO THE PERIMETER OF SAID BUILDING SITE, PROVIDED THAT ANY EXISTING UTILITIES ARE FIRST REMOVED. THIS NOTE SHALL NOT APPLY TO LOTS 26 & 27-BLOCK A, AND LOTS 17 & 18, 3 & 4-BLOCK B.
10. THE BUILDING SETBACKS ARE AS FOLLOWS:  
A) FRONT LOT LINES - 20 FEET  
B) SIDE LOT LINES - 5 FEET  
C) REAR LOT LINES - 25 FEET  
D) CORNER SIDE LOT LINES - 20 FEET
11. GENERAL INFORMATION OF THE LOTS IS AS FOLLOWS:  
A) AVERAGE LOT SIZE - 6,815 s.f. ±  
B) MINIMUM LOT SIZE - 5,850 s.f. ±  
C) NUMBER OF LOTS - 47  
D) DENSITY OF PLAT - 4.97 UNITS/ACRE
12. TRACTS G, K, & L ARE TO BE CONVEYED TO, CONTROLLED BY, AND MAINTAINED BY THE PINE CREEK PROPERTY OWNERS' ASSOCIATION, INC.  
TRACT G = ±0.25 ACRES.  
TRACT K = ±0.20 ACRES.  
TRACT L = ±1.60 ACRES
13. FENCING OF EASEMENTS IS REGULATED BY THE CITY CODE, APPENDIX D, CHAPTER 9, ARTICLE II, SECTION 9.47 (d).
14. NO OBSTRUCTION WILL BE PLACED WITHIN THE PEDESTRIAN EASEMENT BETWEEN LOTS 26 & 27 OF BLOCK A.
15. PEDESTRIAN EASEMENT(S) TO BE USED FOR INGRESS AND EGRESS TO TRACT G FOR MAINTENANCE PURPOSES IN FAVOR OF THE PINE CREEK PROPERTY ASSOCIATION, INC.
16. SURVEY MONUMENTATION WITHIN THE SUBDIVISION WILL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.091(7), 177.091(8) AND 177.091(9).
17. THE DRAINAGE FACILITIES SHOWN HEREON ARE INTENDED TO BE PRIVATELY OWNED AND ARE TO BE CONVEYED TO AND MAINTAINED BY THE PINE CREEK PROPERTY OWNERS' ASSOCIATION, INC.
18. NOTICE: ALL INTERNAL CIRCULATION ROADWAYS OF THE SUBDIVISION ARE PRIVATE STREETS MAINTAINED AT THE PRIVATE EXPENSE OF THE SUBDIVISION LOT OWNERS. THE CITY SHALL NOT ACCEPT MAINTENANCE RESPONSIBILITY OF THE SUBDIVISION INTERNAL CIRCULATION ROADWAYS AT PUBLIC EXPENSE, UNLESS A ROAD IS BUILT FROM INDIAN OAKS DRIVE ACROSS TRACT K WITH A BRIDGE/CULVERT OVER THE DRAINAGE RIGHT-OF-WAY TO THE WEST OF THE SUBDIVISION, ALL AT THE PRIVATE EXPENSE OF THE PINE CREEK SUBDIVISION LOT OWNERS.
19. ALL PLATTED PUBLIC UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS NOTE SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION ON SHALL COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. THE TERM PUBLIC UTILITIES INCLUDES BUT IS NOT LIMITED TO ELECTRIC SERVICE, TELEPHONE SERVICE, FIBER OPTIC COMMUNICATION AND CABLE TELEVISION SERVICES, NATURAL GAS, WATER, SEWER, AND DRAINAGE STRUCTURES.
20. AS UTILIZED IN THE NOTES TO THIS PLAT, THE TERM "ELECTRIC" UTILITY SHALL SPECIFICALLY INCLUDE FLORIDA POWER & LIGHT COMPANY AND SHALL NOT EXCLUDE OTHER SUPPLIERS OF ELECTRICITY.



VICINITY MAP

**DESCRIPTION OF PINE CREEK - PHASE 3**

A parcel of land lying within Section 16, Township 28 South, Range 37 East, City of Melbourne, Brevard County, Florida, more particularly described as follows:

From the Southwest Corner of the Southeast Quarter of the Northwest Quarter of Section 16, Township 28 South, Range 37 East; thence N89°34'38"E, 49.93 feet, along the South Line of said Northwest one-quarter; thence N00°46'26"W, 50.00 feet, to the POINT OF BEGINNING; said point being the beginning of a curve, concave Southwesterly, having a radius of 266.51 feet and a radial bearing of S89°13'35"W; thence Northerly, for the next four (4) courses along the Easterly & Southerly lines of a 100' wide Public Utility & Drainage Right-of-Way (O.R.B. 2426, PG. 1615); and along the arc of said curve to the left, a distance of 279.47 feet, through a central angle of 60°04'52", to a point of reverse curve, concave Northeastly, having a radius of 232.67 feet; thence Northwesterly along the arc of said curve to the right, a distance of 227.03 feet, through a central angle of 55°54'21" to the curve's end; thence N04°56'56"W, 824.71 feet; to a point of intersection with a non-tangent curve, concave Southerly, having a radius of 8242.36 feet and a radial bearing of S02°13'29"W; thence Easterly along the arc of said curve to the right, a distance of 170.76 feet, through a central angle of 01°34'02"; to a non-tangent line; thence S16°51'04"E, 182.21 feet; to a point of intersection with a non-tangent curve, concave Southeastly, having a radius of 50.00 feet and a radial bearing of S16°51'04"E; thence Westerly along the arc of said curve to the left, a distance of 68.15 feet, through a central angle of 78°05'52" to the curve's end; thence S04°56'56"E, 60.39 feet; thence S86°10'58"E, 118.38 feet; thence S04°56'56"E, 469.03 feet; to a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 550.51 feet and a radial bearing of S32°01'50"W; thence Southeastly along the arc of said curve to the right, a distance of 252.59 feet, through a central angle of 26°17'21"; to a non-tangent line; thence N89°34'19"E, 312.00 feet; thence S00°25'41"E, 92.00 feet, to the point of a curve, concave Northwesterly, having a radius of 25.00 feet; thence Southerly, thence the next six (6) courses along the Westerly lines of the Plat of Pine Creek - Phase 1, PB. 48 PG(S) 1-2, and along the arc of said curve to the right, a distance of 39.27 feet, through a central angle of 90°00'00" to the curve's end; thence S89°34'19"W, 20.00 feet; thence S00°25'41"E, 50.00 feet; to a point of intersection with a non-tangent curve, concave Southerly, having a radius of 25.00 feet and a radial bearing of S00°25'41"E; thence Easterly along the arc of said curve to the right, a distance of 5.20 feet, through a central angle of 11°54'51"; to a non-tangent line; thence S00°25'41"E, 99.80 feet; thence S44°30'47"W, 23.59 feet; thence thence S89°34'38"W, along the Northerly Right-of-Way line of Eber Road (a 100' R/W), 459.62 feet, to the POINT OF BEGINNING; Containing 9.46 acres, more or less.

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, That the Limited Partnership named below, being the owners in fee simple of the lands described in  
**PINE CREEK - PHASE 3**  
Hereby dedicate to City of Melbourne, Florida, a Florida Municipal Corporation, an easement over, under, and across Tract L, the roads, streets and utility easements shown on this plat for ingress and egress for emergency vehicles and for the installation, removal, disconnection from, connection to, operation, and maintenance of City of Melbourne utilities. An easement for utility purpose is hereby dedicated to the public over, under, and across all utility easements described herein and in Notes 8, 19, and 20. To all utility providers an easement over Tract L is hereby dedicated for egress and ingress to all utility easements. No other easements are dedicated or granted to the public, it being the intention of the undersigned that all streets, roads and other easements and common areas be privately owned and maintained and that the public and City of Melbourne have no right and interest therein.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand s and seal s on 9/22/03  
*Elaine*  
127TH AVENUE ASSOCIATES LTD.  
A FLORIDA LIMITED PARTNERSHIP  
By: COURTELIS COMPANY  
ITS GENERAL PARTNER  
A FLORIDA CORPORATION  
701 BRICKELL AVE., SUITE 1400  
MIAMI, FLORIDA 33131-2822

ATTEST: Vita E. Stiel SECRETARY  
Signed and sealed in the presence of: W. E. Morales SEAL

STATE OF FLORIDA COUNTY OF DADE  
THIS IS TO CERTIFY, That on SEPTEMBER 23, 2003 before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared

to me known to be the person described in and who executed the foregoing dedication, and severally acknowledged the execution thereof to be TRULY free act and deed for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.  
*George J. Myers, Jr.*  
NOTARY PUBLIC  
My Commission Expires, 10-26-05 SEAL  
GEORGE J. MYERS, JR.  
MY COMMISSION # DD 061230  
EXPIRES: October 26, 2005  
1400-NOTARY, P.L. Heavy Service & Bonding, Inc.

**CERTIFICATE OF SURVEYOR**

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on April 10, 2002 he completed the survey of the lands shown on the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said land is located in Brevard County, Florida.

*William A. Lane* Registration Number 3913  
William A. Lane  
B.S.E. Consultants, Inc.  
312 South Harbor City Boulevard, Suite #4  
Melbourne, Fla. 32901  
LB - 0004905  
Certificate of Authorization Number

**CERTIFICATE OF APPROVAL BY MUNICIPALITY**

THIS IS TO CERTIFY, That on 9/24/2003 the MELBOURNE CITY COUNCIL approved the following plat.

ATTEST: *John A. Buckley* MAYOR  
*Richard A. ...* SEAL  
CITY CLERK

**CERTIFICATE OF APPROVAL BY REVIEWING SURVEYOR**

I HEREBY CERTIFY, That I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, Part 1, Florida Statutes.  
*Michael J. Sweeney*  
Michael J. Sweeney, RLSM 4870  
Reviewing Surveyor for the City of Melbourne

**CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION**

THIS IS TO CERTIFY, That on 7/22/03 the Zoning Commission of the above county approved the foregoing plat.  
*...*  
Planning and Zoning Director

**CERTIFICATE OF CLERK**

I HEREBY CERTIFY, That I have examined the foregoing plat and it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on 9/22/03  
File No. 2003334680  
*Scott Ellis*  
Clerk of the Circuit Court in and for Brevard County, Fla.  
ATTEST:

- THIS PLAT PREPARED BY -

**B.S.E. CONSULTANTS, INC.**

312 S. Harbor City Blvd., Suite 4, Melbourne, Florida (321) 725-3674

REVISION: CITY COMMENTS 9/12/03  
DATE: 6/23/03

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

