



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

9/16/2025

Subject:

Approval, Re: County Deed to D. R. Horton, Inc. for a 3.5' x 3.5' Section of Right-of-Way (ROW) Related to the Houston Lane Vacate - District 2

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition Office

Requested Action:

It is requested that the Board of County Commissioners authorize the Chair to execute the attached Resolution and County Deed.

Summary Explanation and Background:

The subject property is located in Section 22, Township 24 South, Range 36 East, east of North Tropical Trail and on the North side of Houston Lane in Merritt Island.

Simultaneous with this request under Public Hearings, the Brevard County Surveying and Mapping Department's Vacating Section is requesting Board action for approval to vacate the portion of Houston Drive in Merritt Island to be conveyed.

The County obtained ownership of Houston Lane by Maintenance Map, filed on December 8, 2015, in Road Plat Book 3, Page 49, Public Records of Brevard County, Florida. A 3.5' X 3.5' section was included for maintenance of potential speedbumps. The speedbumps were never installed, nor does the County find the need for the installation of the speedbumps.

D. R. Horton, Inc. is the owner of the parcel that abuts the northern boundary of Houston Lane and wishes to develop their parcel and have design plans for private drainage along their southern property boundary, but the 3.5' x 3.5' section hinders their design. As part of the Plat for the development, Brevard County will have the right to discharge drainage from the public rights-of-way and easements to the Private Drainage Tracts and Easements.

D. R. Horton, Inc. is the only abutting parcel owner to the County-owned 3.5' x 3.5' ROW.

The User Department approves this request.

This transaction follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chairman, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Resolution and County Deed.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 17, 2025

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item H.2., County Deed to D. R. Horton, Inc. for a 3.5' x 3.5' Section of Right-of-Way (ROW) Related to the Houston Lane Vacate

The Board of County Commissioners, in regular session on September 16, 2025, executed and adopted Resolution No. 25-105, authorizing the conveyance of real property interest by the County; and executed and approved the County Deed to D. R. Horton, Inc. for a 3.5' x 3.5' section of ROW related to the Houston Lane Vacate. Enclosed is a fully-executed Resolution and Deed.

Upon recordation of the Deed, please return a copy to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

cc: Asset Management

BOARD OF COUNTY COMMISSIONERS



AGENDA REVIEW SHEET

AGENDA: County Deed to D. R. Horton, Inc. for a 3.5' x 3.5' Section of Right-of-Way (ROW) Related to the Houston Lane Vacate – District 2

AGENCY: Public Works Department / Land Acquisition Office

AGENCY CONTACT: Lisa J. Kruse / Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lisa J. Kruse, Supervisor		<hr/>	<u>8/19/25</u>
COUNTY ATTORNEY Greg Hughes Assistant County Attorney		<hr/>	<u>8/26/2025</u>

RESOLUTION NO. 25- 105

**RESOLUTION PURSUANT TO SECTION 125.35,
FLORIDA STATUTES AND BREVARD COUNTY
CODE SECTION 2-243 AUTHORIZING THE
CONVEYANCE OF REAL PROPERTY INTEREST BY
THE COUNTY.**

RECITALS

WHEREAS, Brevard County, Florida, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "COUNTY," has an ownership interest in the right-of-way known as Houston Lane, which includes a right-of-way section that measures 3.5' x 3.5' as described in Exhibit "A" (hereinafter the "ROW"); and

WHEREAS, COUNTY obtained ownership of Houston Lane by Maintenance Map filed on December 8, 2015 in Road Plat Book 3, Page 49, Public Records of Brevard County, Florida; and

WHEREAS, the 3.5' x 3.5' section was included for maintenance of potential speedbumps; and

WHEREAS, the speedbumps have not been installed, nor does the County find a need for the installation of the speedbumps; and

WHEREAS, D. R. Horton, Inc. is the owner of a parcel that abuts the northern boundary of Houston Lane; and

WHEREAS, D.R. Horton wishes to develop their parcel and has design plans for private drainage along their southern property boundary; and

WHEREAS, the 3.5' x 3.5' ROW section hinders the design plans; and

WHEREAS, D.R. Horton is the only abutting parcel owner to the COUNTY owned 3.5' x 3.5' ROW; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.

2. The COUNTY finds that the parcel described in Exhibit "A" is not needed for County purposes.
3. Pursuant to section 125.35, Florida Statutes, section 2-243 of the Brevard County Code of Ordinances, the COUNTY authorizes the Chairman to sign all paperwork necessary to transfer all of COUNTY's rights to said parcel by County Deed to D. R. Horton, Inc. in exchange for other drainage rights from the Grantee.
4. This Resolution shall take effect immediately upon its adoption.

DONE, ORDERED, and ADOPTED in Regular Session this 16th day of September 2025.

ATTEST:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: 

Rob Feltner, Chairman

As approved by the Board on 9/16/25

BOUNDARY SURVEY

PARCEL #: 100
PARENT PARCEL ID#: 24-36-22-00-42
PURPOSE: FEE SIMPLE CONVEYANCE.

EXHIBIT "A"

SHEET 1 OF 2

LEGAL DESCRIPTION: PARCEL 100, FEE SIMPLE CONVEYANCE (PREPARED BY SURVEYOR)

A PORTION OF THE RIGHT OF WAY OF HOUSTON LANE ACCORDING TO THE PLAT OF HOUSTON LANE ESTATES, AS RECORDED IN PLAT BOOK 62, PAGE 46 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 3, BLOCK "C", OF SAID PLAT OF HOUSTON LANE ESTATES; SAID POINT AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF SAID HOUSTON LANE AND THE EAST LINE OF SAID LOT 3; THENCE NORTH 89°41'36" EAST, A DISTANCE OF 395.61 FEET TO THE POINT OF BEGINNING OF THE RIGHT OF WAY TO BE VACATED; THENCE NORTH 00°18'24" WEST, A DISTANCE OF 3.50 FEET; THENCE NORTH 89°41'36" EAST, A DISTANCE OF 3.50 FEET; THENCE SOUTH 00°18'24" EAST, A DISTANCE OF 3.50 FEET; THENCE SOUTH 89°41'36" WEST, A DISTANCE OF 3.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.25 SQ. FT., MORE OR LESS

1. OTHER MATTERS OF RECORD AFFECTING LANDS SHOWN HEREON MAY BE FOUND IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83 / 2011 ADJUSTMENT) AND ARE REFERENCED TO THE NORTH RIGHT-OF-WAY LINE, HOUSTON LANE, AS DEPICTED ON PLAT OF HOUSTON LANE ESTATES AS RECORDED IN PLAT BOOK 62, PAGE 46, BEARING OF NORTH 89°41'36" EAST AND A MEASURED BEARING IS NORTH 89°30'11" EAST. THIS REFERENCE WAS ESTABLISHED BY USING A TRIMBLE R-12 GPS RECEIVER ON THE VRS NETWORK AND VERIFIED BY MULTIPLE OCCUPATIONS ON THE FOLLOWING CERTIFIED CORNER MONUMENT PUBLISHED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

CERTIFIED CORNER RECORD #080982
SW CORNER OF SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST
FOUND PK NAIL & DISC IN PARKING LOT OF HEALTH CENTER
ON MERRITT ISLAND
STAMPED "METRIC ENG. LB 2294"
NORTHING: 1474864.8943 EASTING: 749847.5452

3. THIS SURVEY WAS PERFORMED UTILIZING R.T.K.-G.P.S. PROCEDURES AND TRADITIONAL SURVEY PROCEDURES WITH MULTIPLE MEASUREMENTS ON PROJECT CONTROL POINTS AND HAS A STATISTICAL HORIZONTAL & VERTICAL POSITIONAL PRECISION OF LESS THAN 0.10 FEET;

4. THIS SURVEY IS BASED ON THE PLAT PROPERTY INFORMATION REPORT, ORDER NUMBER 12332482, DATED APRIL 29, 2025, AS PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.

5. NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SKETCH AND DESCRIPTION SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



Nicholas
Messina, Jr.
2025.07.11
10:42:19-04'00'

07/11/2025

NICHOLAS MESSINA, JR.

DATE OF SIGNATURE

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 6559
BOWMAN CONSULTING GROUP, LTD., INC.
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 8030
(LB 8030 = LICENSED BUSINESS NUMBER 8030)

PREPARED FOR AND CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

PREPARED BY: Bowman Consulting Group, Ltd., Inc.
900 SE 3rd Avenue, Suite 301, Fort Lauderdale, FL 33316
Professional Surveyors and Mappers, Certificate NO. LB-8030
(813) 474-7424

Bowman
CONSULTING

DRAWN BY: NM

CHECKED BY: MB

PROJECT NO. 011557-01-002

REVISIONS

DATE

DESCRIPTION

SECTION 22
TOWNSHIP 24 SOUTH
RANGE 36 EAST

DATE: 6/20/25

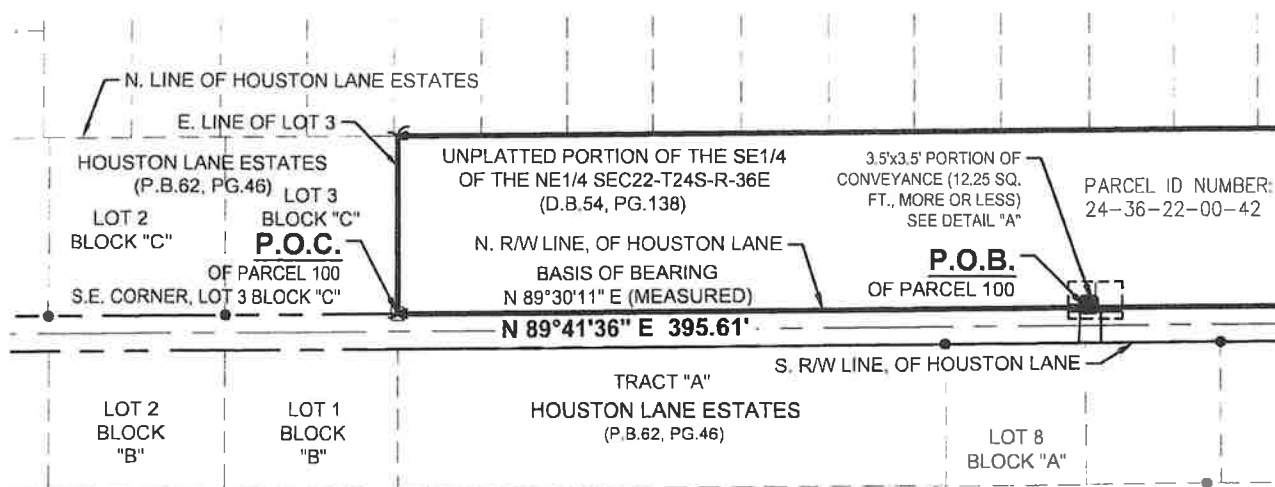
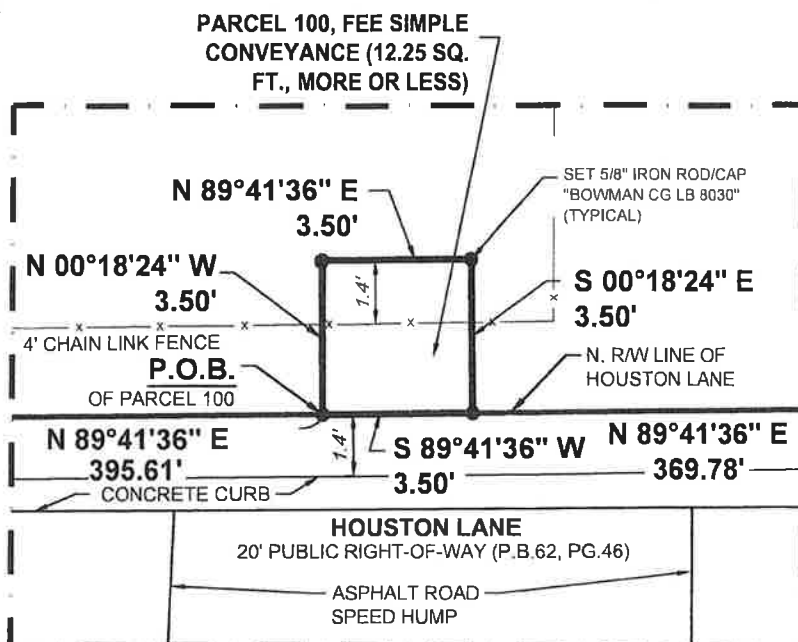
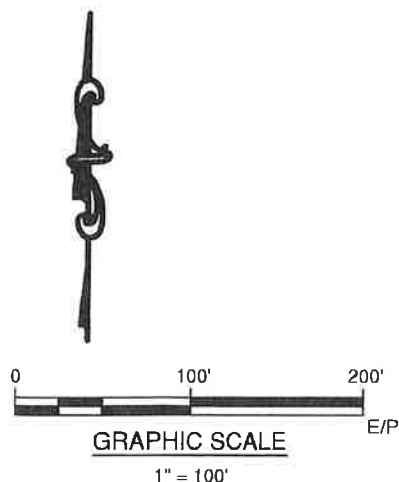
DRAWING: 11557-RW-VACA

BOUNDARY SURVEY

PARCEL #: 100
PARENT PARCEL ID#: 24-36-22-00-42
PURPOSE: FEE SIMPLE CONVEYANCE.

EXHIBIT "A"

SHEET 2 OF 2



LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.B. = PLAT BOOK
R/W = RIGHT-OF-WAY
R.P.B. = ROAD PLAT BOOK
SQ. FT. = SQUARE FOOT
PG. = PAGE
O.R.B. = OFFICIAL RECORDS BOOK
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SCALE:
1"=100' & 1"=4'
PROJECT NO.:
011557-01-002

SECTION 22
TOWNSHIP 24 SOUTH
RANGE 36 EAST

Prepared by and return to:
Office of the County Attorney
2725 Judge Fran Jamieson Way, Building C
Viera, Florida 32940

COUNTY DEED
(STATUTORY FORM - SECTION 125.411, Florida Statutes)

THIS DEED, made this 16th day of September, 2025, between Brevard County, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, party of the first part, and D. R. Horton, Inc, a Delaware corporation, whose address is 1430 Culver Drive, NE, Palm Bay, Florida 32007, party of the second part,

(Whenever used herein the terms "party of the first part" and "party of the second part" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Party of the first part" and "party of the second part" are used for singular and plural, as the context requires, and the use of any gender shall include all genders)

WITNESSETH that the said party of the first part, for and in consideration of the sum of Ten Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land situate, lying and being in Brevard County, Florida to wit:

See Exhibit "A" attached hereto and by reference made a part hereof, together with all riparian and littoral rights appertaining thereto, and all interests in subsurface oil, gas, and minerals pursuant to 270.11(3), Florida Statutes.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair of said board, the day and year aforesaid.

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rob Feltner, Chairman

As approved by the Board on September 16, 2025

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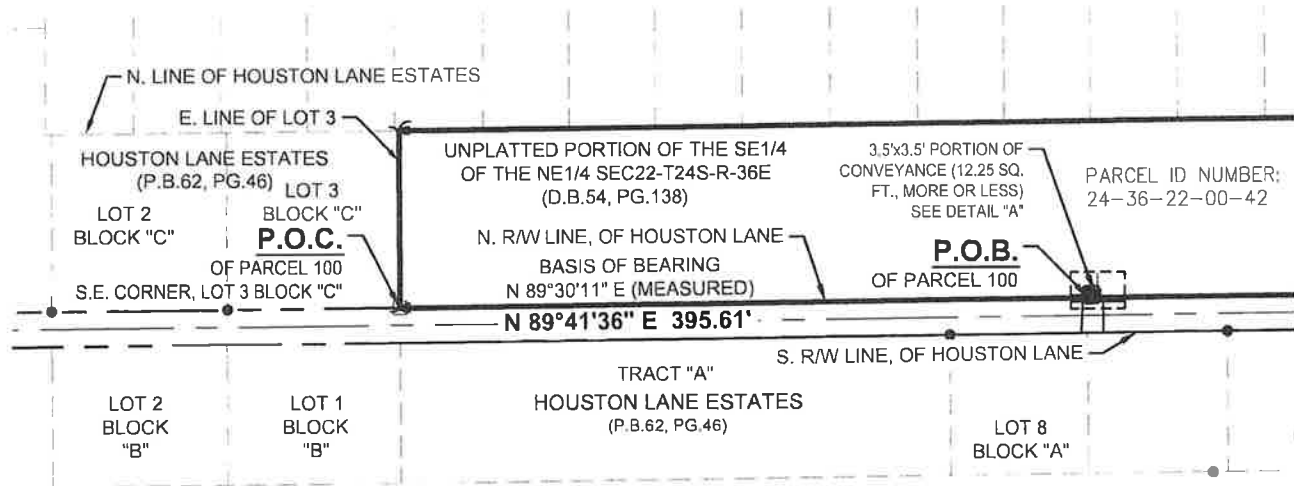
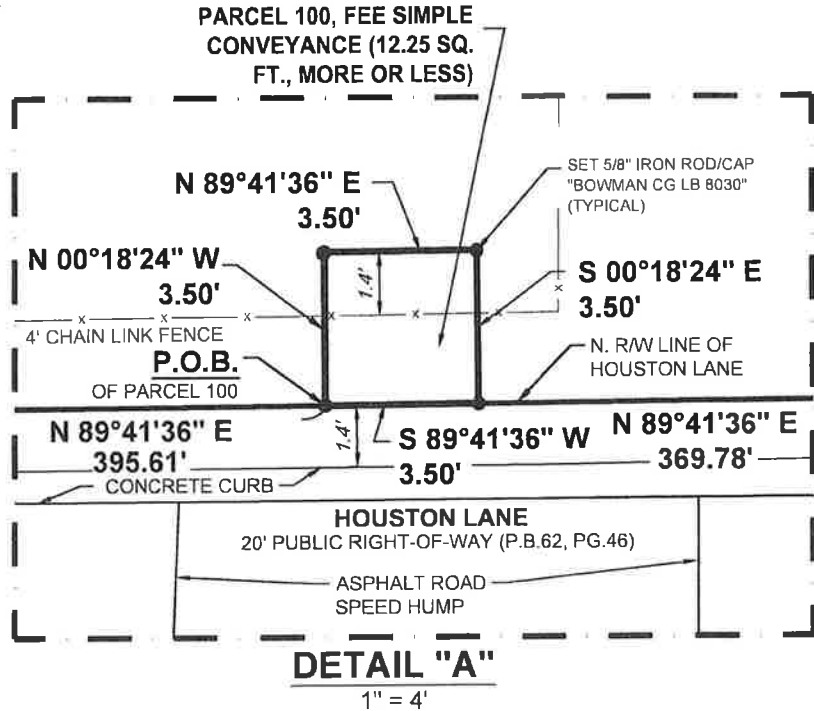
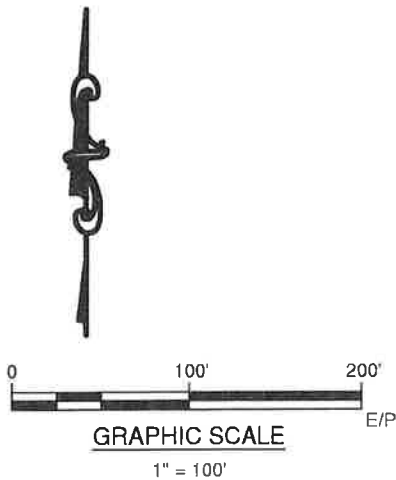
Bowman
CONSULTING

DRAWN BY: NM	CHECKED BY: MB	PROJECT NO. 011557-01-002			SECTION 22 TOWNSHIP 24 SOUTH RANGE 36 EAST	
		REVISIONS	DATE	DESCRIPTION		
DATE: 6/20/25	DRAWING: 11557-RW-VACA					

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PROJECT NO.:
011557-01-002

SECTION 22
TOWNSHIP 24 SOUTH
RANGE 36 EAST

LOCATION MAP

Section 22, Township 24 South, Range 36 East – District 2

PROPERTY LOCATION: East of North Tropical Trail on north side of Houston Lane in Merritt Island.

OWNERS NAME(S): Brevard County



Board Meeting Date

9-14

Item Number: H-2.

Motion By: TG

Second By: KD

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	