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Meeting Date
November 7, 2017



AGENDA	
Section	Unf. Business
Item No.	V A

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Tabeled from 10/24/17

SUBJECT:	1923 Indian River Home Sites Plat, PB 3/PG 37: Acceptance of Common Law Dedication
DEPT/OFFICE:	Citizen Request: LTM of Florida Holdings, LLC

Requested Action:

The Applicant is requesting that the County Commission acknowledge the Common Law Dedication and accept the 1923 Indian River Home Sites Plat

Summary Explanation & Background:

LTM Holdings of Florida, LLC ("LTM") requires access to its Property, and the only access is from U.S.1 to Miller Cove Road to Old Dixie Highway (an unpaved County Road). **(The Property detail for LTM's Property and map are enclosed)**. Miller Cove Road (formerly Central Boulevard) is a platted right-of-way on the Indian River Home Sites Plat, recorded September 15, 1923 (the "1923 Plat". **(A copy of the Plat is enclosed)**). This 1923 Plat was recorded, but was never formally dedicated to the County. Both Miller Cove Road and Old Dixie Highway are currently passable as unpaved "public ways", "private ways"¹ or "streets"². **(See photos taken July 5, 2017)**.

Miller Cove Road is the sole road off U.S. 1 into the Indian River Homes Subdivision (the "Subdivision"). The lots in the Subdivision were all deeded out with reference to the Plat. The lots were annexed into the Town of Palm Shores, but the roads were not. The Town of Palm Shores disclaims ownership of or responsibility for the roads in the Subdivision.

LTM has created a **Public Rights Map**, enclosed herein. This Map shows the public's use of Miller Cove Road, all of which support that the County has already accepted the 1923 Plat.

- Three (3) addresses have been assigned by Brevard County on Miller Cove Road; 2340 Miller Cove Road has assigned itself that address and receives mail at a mailbox on Miller Cove Road. Mail is delivered to mailboxes by use of Miller Cove Road.

(continued next page)

Contact: Kimberly Bonder Rezanka, Esq., Cantwell & Goldman, P.A.
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Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager ✓ Frank Abbate	Assistant County Manager ✓ John Denninghoff	Department Director / Extension
	Interim Assistant County Manager Jim Liesenfelt	