



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Development and Environmental Services Group

J.2.

10/6/2020

Subject:

Appeal of Administrative Decision, Re: Island Forest Preserve (20WV00017)
Developer: IFP Merritt Island, LLC District 2

Fiscal Impact:

The loss of the return on investment to the County for the conversion of the Sykes Creek Wastewater Treatment Plant to produce reclaimed water and for the installation of the reclaimed water line along North Courtenay Parkway to serve as the transmission line for future development to connect for irrigation.

Dept/Office:

Utility Services and Planning and Development

Requested Action:

IFP Merritt Island, LLC (IFP) is seeking an appeal of an administrative decision requiring the installation of a reclaimed water line to service the Island Forest Preserve development pursuant to County Code Section 110-312. In effect, IFP is seeking to overturn this requirement.

Summary Explanation and Background:

County Code Section 110-312(c) affords applicants the opportunity to appeal an administrative decision or determination concerning implementation of the provisions of Chapter 110. In this particular case, IFP Merritt Island, LLC, requested that staff grant a waiver of Section 110-308 which requires all new subdivision developments within designated reclaim districts to install a reclaimed water line, concurrently with the installation of any sanitary sewer line, in such a manner as to provide service to the entire project or development. The Utility Services Department reviewed the waiver request and did not find an undue hardship or unreasonable practical difficulty resulting from strict compliance with the requirement to provide reclaimed water.

During the development of the County's North Merritt Island collection system, it was decided to expand the services for this area to include reclaimed water for future development irrigation needs. This was done to comply with environmentally safe practices, which still apply today. These initiatives included:

- Eliminating discharge to the Indian River Lagoon by installing deep injection wells and providing reclaimed irrigation water.
- Protecting the potable water supply and eliminating irrigation wells in the surficial aquifer by introducing reclaimed water as the primary source of irrigation.

The Board of County Commissioners passed Resolution 87-157 to support the initiatives noted above. This is the basis of the County investing in the Sykes Creek wastewater treatment plant to produce reclaimed water and for the extension of the reclaimed line along North Courtenay Parkway.

The developer proposed Island Forest Preserve is located within the Merritt Island Wastewater Reuse District which was established by the Board of County Commissioners in 1987, via Resolution 87-157. The Utility Services Department has invested approximately \$1.5M to extend the reclaimed water line from the Sykes Creek wastewater treatment plant north along North Courtenay Parkway to Hall Road. The present-day value of the Sykes Creek wastewater treatment plant being converted to reclaim production capacity would be approximately \$3M to \$4M. In FY 21, the County will be advertising for construction bids to extend the North Courtenay reclaimed water line from Hall Road to North Tropical Trail. The estimated cost to the County for this soon to be advertised reclaim line extension project is \$800,000. This FY 21 reclaimed water line extension will be the connecting point for the Island Forest Preserve Development. The Developer bears no cost in the County's reuse line extension or in the investment the County placed for the Sykes Creek wastewater treatment plant producing reclaimed water. The signed binding development plan (see attached BDP) between the County and the Developer states that the Developer agrees to comply with all County code requirements, which would include Section 110-308.

The Sykes Creek WWTP has capacity to supply the new development as well as all expected future customers with reclaimed irrigation water.

Island Forest Preserve Development is proposing to construct 110 lots on 110.34 acres. As a part of the development the project is expected to build, in addition to the reclaimed water main, both a potable water main and a sanitary force main the length of East Crisafulli Road. This construction is expected to require reconstruction of the existing road. This situation is not expected to be exacerbated by the requirement to build the reclaimed water main.

As there is still a great deal of vacant land (in addition to Island Forest Preserve) still on East Crisafulli Road and in much of North Merritt Island (the Reclaim Water District) approving the requested waiver appeal could set a widely effective precedent for the entire area limiting the benefits of and the effectiveness of the efforts to achieve reclaimed waste water use.

Reference: 19SD00010, 17PZ00158

Contact: Edward Fontanin, PE, Utility Services Director, Ext. 58372
Tad Calkins, Planning & Development Director, Ext. 58299



October 7, 2020

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

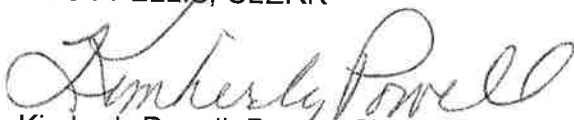
RE: Item J.2. Appeal of Administrative Decision for Island Forest Preserve (IFP) (20WV00017)
– IFP Merritt Island, LLC

The Board of County Commissioners, in regular session on October 6, 2020, tabled the IFP Merritt Island, LLC (IFP) seeking an appeal of an administrative decision requiring the installation of a reclaimed water line to service the IFP development pursuant to County Code Section 110-312 to the November 10, 2020, Board Meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

/ns

cc: Utility Services



BOARD OF COUNTY COMMISSIONERS

Utility Services Department

2725 Judge Fran Jamieson Way
Building A, Room 213
Viera, Florida 32940

Inter-Office Memo

TO: Brevard County Board of County Commissioners
THRU: Frank Abbate, County Manager
THRU: John Denninghoff, Assistant County Manager
FROM: Edward Fontan, PE, Utility Services Director *egf*
DATE: September 23, 2020
RE: Staff Response for Notice to Appeal – Island Forest IFP Merritt Island, LLC

The Developer of the Island Forest Preserve Development has requested a waiver from the requirement to install a reclaimed water line pursuant to Section 110-312. The Utility Services Department reviewed this waiver request and determined that the Developer does not meet the criteria of Brevard County Code Section 110-312 (b).

Due to diminishing supplies of good quality water resources and the rapidly escalating costs of treatment of both potable water and wastewater, Brevard County adopted water conservation practices such as the reuse of properly treated wastewater for the irrigation of lawns and landscaping.

Brevard County has adopted the Reclaimed Water System requirements under County Code Sections 110-301-110-320. Specifically, Section 110-307 provides for the Board of County Commissioners to designate reuse districts by resolution. In 1987, via Resolution 87-157, the Board of County Commissioners designated the Merritt Island Wastewater Reuse District in which the Island Forest Preserve Development is located. Specifically, Section 110-308 requires that "[a]ll new subdivisions, residential, commercial, industrial and planned unit developments in designated reuse districts" install a reclaimed water line, concurrently with the installation of any sanitary sewer line, in such a manner as to provide service to the entire project or development. The distribution mains shall be extended through the total property.

As part of the Island Forest Preserve Development, in addition to the reclaimed water lines, the Developer is required to install both water and sanitary sewer from the project site out to connect State Road 3 or Courtenay Parkway. Thus, the Developer under Section 110-308, must install a reclaimed water line. The Developer will be required to provide a 50-foot road right-of-way and improvements on East Crisafulli Road from North Courtenay Parkway to the development. As such, there will be adequate room within a 50-foot road right-of-way for water, sewer and reclaimed water lines to be installed.

The Utility Services Department has invested approximately \$1.5M to extend the reclaimed water line from the Sykes Creek wastewater treatment plant north along North Courtenay Parkway to Hall Road. In FY 21, the County will be advertising for construction bids to extend the North Courtenay reclaimed water line from Hall Road to North Tropical Trail. The estimated cost for the reclaimed water line extension is \$800k. This FY

21 extension will be the connecting point for the Island Forest Preserve Development. The reclaimed water extensions described have been implemented to follow the intent of Resolution 97-157.

The Developer has requested a waiver pursuant to Section 110-312. Section 110-312 provides a waiver procedure to the requirements for the installation of a reclaimed water line when there is a finding of an undue hardship or unreasonable practical difficulty resulting from the strict compliance and if the waiver serves the public interest.

In order to obtain a waiver, the applicant must state the reasons for the waiver and the facts which support such waiver. The county manager and affected agencies shall not approve a waiver unless they determine the following:

- (1) The particular physical conditions, shape or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the Code is carried out.
- (2) The granting of the waiver will not be injurious to the other adjacent property.
- (3) The conditions upon which a request for waiver are based are peculiar to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant; and
- (4) The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan of the county and the requirements of this article.
- (5) Delays attributed to state or federal permits.
- (6) Natural disasters.
- (7) County development engineer and affected agencies concur that an undue hardship was placed on the applicant.

The Utilities Director, as the designee of the County Manager, has reviewed the requested waiver and has found that the applicant's request does not establish the factors of Section 110-312 (b) 1-7.



Stephen J. Lacey
Attorney, Managing Member

Aaron D. Lyons
Attorney, Managing Member

Kimberly B. Rezanka
Partner

Robyn W. Hattaway
Partner

Ethan B. Babb
Associate Attorney

September 10, 2020

Mr. Tad Calkins
Brevard County Planning & Development Director
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

RE: Notice of Appeal of Planning & Development Director's Interpretation

Dear Mr. Calkins:

Please accept this letter as the Notice of Appeal under Sec. 110-332 (c), Brevard County Code, on behalf of IFP Merritt Island, LLC ("IFP"), and a check payable to Brevard County Commissioners in the amount of \$598.00. Pursuant to Sec. 62-301, Brevard County Code, we are also submitting a copy of this to County Manager Frank Abbate, as representative of the Board of County Commissioners and to Edward Fountanin, Utility Services Director. IFP owns approximately 111 acres on the eastern end of East Crisafulli Road, Merritt Island (Property data and map are enclosed).

The Appeal arises from the denial of IFP's request for a hardship waiver to the County's requirement that it install a reclaimed water "trunk main" under East Crisafulli Road to its Property. IFP, through Chad Genoni, requested the waiver due to undue hardship and unreasonable practical difficulty, as set forth in the letter to Mr. Fountanin, dated June 26, 2020, enclosed. In the email dated August 27, 2020, from Tammy Hurley, the waiver request was denied because the "request did not establish an undue hardship or unreasonable practical difficulty", email enclosed.

We believe the denial did not consider the factors stated in the June 26, 2020 letter, or the actual condition of the right-of-way (or lack thereof) along East Crisafulli Road. The location of the Property far from Courtenay Parkway, the condition of the roadway and ROW (size, irregular path and topography), the fact that no other property along East Crisafulli Road will be required to hook into this reuse system, the extreme cost of the direct bore for the trunk line for two (2) miles and the alternative proposed by IFP all clearly support the waiver.



LACEY · LYONS
REZANKA

ATTORNEYS AT LAW

Mr. Tad Calkins

October 10, 2020

Page 2

Because of all the reasons set forth above, IFP requests that the County Commission reverse the denial of the hardship waiver. We ask that this be scheduled on the County Commission Agenda of October 6, 2020.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Kim Rezanka'.

Kimberly B. Rezanka

KBR:bms
enclosures

cc: Frank Abbate, County Manager (via email)
Edward Foutanin, Utility Services Director (via email)
Chad Genoni, IFP Merritt Island, LLC



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2316619
Owners Ifp Merritt Island LLC
Mailing Address 4760 N US Highway 1, Ste 201 Melbourne FL 32935
Site Address Not Assigned
Parcel ID 23-36-24-00-750
Property Use 6100 - Grazing Land - Soil Capability Class II - Vacant
Exemptions None
Taxing District 2200 - Unincorp District 2
Total Acres 105.05
Subdivision --
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0000/0000
Land Description W 3/4 Of SE 1/4 & W 3/4 Of S 1/2 Of NE 1/4 As Desc IN
Orb 1204 Pg 358, Exc S 2000 Ft Of W 1300 Ft Orb
2838 Pg 2885

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$525,250	\$661,820	\$661,820
Agricultural Land Value	\$26,380	\$16,760	\$16,760
Assessed Value Non-School	\$26,380	\$16,760	\$16,760
Assessed Value School	\$26,380	\$16,760	\$16,760
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$26,380	\$16,760	\$16,760
Taxable Value School	\$26,380	\$16,760	\$16,760

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/30/2019	\$650,000	WD	Vacant	8362/0421
05/02/1985	\$800,000	WD	--	2600/0682
05/02/1985	--	WD	--	2600/0680
01/31/1984	--	QC	--	2485/2706

No Data Found



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2316622
Owners Ifp Merritt Island LLC
Mailing Address 4760 N US Highway 1, Ste 201 Melbourne FL 32935
Site Address Not Assigned
Parcel ID 23-36-24-00-754
Property Use 6100 - Grazing Land - Soil Capability Class II - Vacant
Exemptions None
Taxing District 2200 - Unincorp District 2
Total Acres 4.92
Subdivision --
Site Code 0001 - No Other Code Appl.
Plat Book/Page 0000/0000
Land Description S 2000 Ft Of W 1300 Ft Of SE 1/4 Exc Orb 2838 Pg 2885

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$24,600	\$31,000	\$31,000
Agricultural Land Value	\$1,230	\$850	\$850
Assessed Value Non-School	\$1,230	\$850	\$850
Assessed Value School	\$1,230	\$850	\$850
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$1,230	\$850	\$850
Taxable Value School	\$1,230	\$850	\$850

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/30/2019	\$650,000	WD	Vacant	8362/0421
05/02/1985	\$800,000	WD	--	2600/0682
05/02/1985	--	WD	--	2600/0681
12/31/1983	\$60,000	WD	--	2569/0676

No Data Found



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2316620
 Owners Ifp Merritt Island LLC
 Mailing Address 4760 N US Highway 1, Ste 201 Melbourne FL 32935
 Site Address Not Assigned
 Parcel ID 23-36-24-00-752
 Property Use 6100 - Grazing Land - Soil Capability Class II - Vacant
 Exemptions None
 Taxing District 2200 - Unincorp District 2
 Total Acres 1.00
 Subdivision --
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page 0000/0000
 Land Description E 210 Ft Of W 1938.48 Ft Of N 210 Ft Of S 255 Ft Of SE 1/4



VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$5,000	\$6,300	\$6,300
Agricultural Land Value	\$250	\$150	\$150
Assessed Value Non-School	\$250	\$150	\$150
Assessed Value School	\$250	\$150	\$150
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$250	\$150	\$150
Taxable Value School	\$250	\$150	\$150

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
01/30/2019	\$650,000	WD	Improved	8362/0421
05/02/1985	\$800,000	WD	--	2600/0682
05/02/1985	--	WD	--	2600/0680
01/02/1967	--	--	--	0924/0935

No Data Found

9/9/2020

BCPAO - MapView



No
Photo

Account: 1234567 Parcel ID: 1234567890123
Sale: 12/12/2019 (12/12/2019) (12/12/2019)
BCPAO Market Value: \$123,456
Owner: J. M. Smith
Address: 1234567890123

Zoom | Clear | Details | EagleView | Hide Info

BCPAODana Bickley, CFA, Brevard County Property Appraiser | Instructions | Disclaimer

<https://www.bcpao.us/map/?r=2316619>

1/1

6/26/2020

Mr. Edward Fontanin, Utility Service Director
Brevard County
VIA EMAIL Hurley, Tammy L Tammy.Hurley@brevardfl.gov

Re: Island Forest Preserve reuse water

Dear Mr. Fontanin

I am writing this letter to request a waiver as outlined in SECTION 4. Section 110-312 of the Code of Ordinances of Brevard County. The project is in the "designated reuse district", however, the nearest reuse lines are approximately 2 miles away. We are bringing sewer lines to our property from approximately 2 miles away as a condition of our development approval. There has been some discussion that the code and ordinances may require us to bring reuse lines.

We believe that bringing the reuse line approximately two miles down E. Crisafulli Rd. would create an undue hardship on the Island Forest Preserve project. We are therefore requesting a waiver as outlined in SECTION 4. Section 110-312 of the Code of Ordinances of Brevard County.

In evaluating this request please consider the following:

- The Row on E. Crisafulli Rd is limited and requires directional boring to bring the line.
- The demand requirements because of the distance (2 miles) would require a larger line to service the entire project. This would not be the case if the reuse were closely available.
- It does not appear any other projects have been required to bring the reuse lines this far to service the project.
- We believe that an alternative source of irrigation water could be beneficial to the surrounding area. We can accomplish this by using a mainline irrigation system that uses the stormwater ponds for harvesting irrigation water. No shallow wells will be needed.

Our research has shown some of the benefits of a stormwater harvesting for irrigation are:

1. "Water quality: Increased stormwater harvesting improves water quality by collecting, storing, and therefore reducing direct stormwater discharges from ponds. Once harvested, many projects significantly decrease the pollutant loading discharged by their ponds into nearby waterways."
2. "Aquifer recharge: Stormwater harvesting in strategic locations promotes aquifer recharge, improving groundwater sources that feed the lakes, wetlands, and other natural systems in the area."

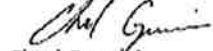
3. "Alternative water supply: The concept of stormwater harvesting benefits water supply when it is successfully used to supplement irrigation and other nonpotable uses, by reducing pumping stress on the aquifer through a decreased need for groundwater withdrawals."

We would like to have the opportunity to coordinate with SJRWMD on the design and implementation of a proper stormwater harvesting program that will allow for the irrigation of the homes and common areas. We ask the waiver be approved so that we may pursue the implementation of a stormwater harvesting plan for the project.

In closing we believe this waiver serves the public interest in that it allows for an environmentally sustainable alternative to reuse in the Island Forest Preserve without putting an undue hardship on the project.

Thank you for your consideration of this request.

Sincerely,



Chad Genoni

IFP Merritt Island, LLC

Kimberly Rezanka

From: Hurley, Tammy L <Tammy.Hurley@brevardfl.gov>
Sent: Thursday, August 27, 2020 12:04 PM
To: Kimberly Rezanka
Cc: Chad Genoni (Chad@gendev.us); Denninghoff, John P; Fontanin, Edward
Subject: RE: Island Forest Preserve reuse waiver
Attachments: Resolution 87-157.pdf

Ms. Rezanka

Section 110-308 of the Code of Ordinances of Brevard County requires that all new subdivisions residential, commercial, industrial and planned unit developments located within a designated reuse district to install reclaimed water lines concurrently with the installation of any sanitary sewer lines. Mr. Genoni's property is located within the Merritt Island Wastewater Reuse District as designated in Resolution 87-157. A copy of which is attached. Per his inquiry and pursuant to Section 110-312, Mr. Genoni was asked to provide a written request for a waiver to the requirements of Section 110-308 and detail the undue hardship or unreasonable practical difficulty resulting from the strict compliance of the code requirements. It was determined by the Director that Mr. Genoni's request did not establish an undue hardship or unreasonable practical difficulty when considered in light of the factors set forth in Section 110-312 (b) (1)-(7) and, thus, the request for a waiver of the requirements of Section 110-308 of the Brevard County Code of Ordinances was denied.

Tammy L. Hurley
Brevard County Utility Services
Utility Permitting Specialist
321-633-2094

From: Kimberly Rezanka <kim@cflawoffice.com>
Sent: Thursday, August 13, 2020 10:07 PM
To: Hurley, Tammy L <Tammy.Hurley@brevardfl.gov>
Cc: Chad Genoni (Chad@gendev.us) <Chad@gendev.us>; Denninghoff, John P <John.Denninghoff@brevardfl.gov>
Subject: FW: Island Forest Preserve reuse waiver

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tammy,

I am representing Island Forest Preserve regarding the reuse line issue. Would you please provide a more detailed explanation as to why the waiver was denied? I will be evaluating the denial for possible appeal to the County Commission.

Thank you,

Kimberly Bonder Rezanka, Esq.



96 Willard Street, Suite 302
Cocoa, FL 32922
321-639-1320 ext. 123
Fax 321-639-9950

From: C. Genoni <chad@gendev.us>
Sent: Tuesday, August 11, 2020 7:39 AM
To: Kimberly Rezanka <kim@cflawoffice.com>
Subject: Fwd: Island Forest Preserve reuse waiver

Sent from my iPhone

Begin forwarded message:

From: "Hurley, Tammy L" <Tammy.Hurley@brevardfl.gov>
Date: August 11, 2020 at 7:34:47 AM EDT
To: "C. Genoni" <chad@gendev.us>
Subject: RE: Island Forest Preserve reuse waiver

Chad

Per our conversation, the director has denied your request to waive the mandatory reuse requirement on North Merritt Island. He is however, interested in possibly paying for an increase in pipe size to accommodate future expansion of the reuse system.

Tammy

From: C. Genoni <chad@gendev.us>
Sent: Monday, August 10, 2020 4:50 PM
To: Hurley, Tammy L <Tammy.Hurley@brevardfl.gov>
Subject: FW: Island Forest Preserve reuse waiver

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tammy - As a follow up to our phone conversation the two weeks ago can you please follow up with a written response to our waiver request letter.

Thank you,
Chad

From: C. Genoni
Sent: Saturday, June 27, 2020 9:20 AM
To: Hurley, Tammy L <Tammy.Hurley@brevardfl.gov>
Subject: Island Forest Preserve reuse waiver

Hi Tammy - Please see the attached wavier request letter. Please let me know if we need to add anything to the request.

Thank you,
Chad

Chad Genoni
Franchisee



Beachland Homes Corporation

An Independent Franchise of AR Homes
321-508-5052 (cell)
321-473-6225 (office)
chad@gendev.us
<http://www.arthurrutenberghomes.com/builders/beachlandhomes>

Prepared by: Charles B. Genoni
Beachland Managers, LLC
4760 N. US1 #201
Melbourne FL 32935

**BINDING
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 26 day of Feb., 2019 between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and W K & R Groves, Inc., a Florida Corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the SR zoning classification(s) and desire to develop the Property as a Single Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property. NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit the project to 110 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.
3. Developer/Owner shall extend the Sewer line from the nearest connection point to the project. If the Developer/Owner does not install Sewer to the Property, it shall limit the number of units to 50 which shall be serviced by septic systems capable of reducing the total nitrogen (TN)

in effluent by 65% or greater.

4. Developer/Owner shall complete a topographical survey prior to site plan submittal. The topographical survey shall be submitted as part of the initial site plan review.

5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on 12/6, 2018. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

Scott Ellis
Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamison Way
Viera, FL 32940

Kristine Isnardi
Kristine Isnardi, Chair
As approved by the Board on Feb. 26, 2019

(Please note: you must have two witnesses and a notary for each signature required, the notary may serve as one witness.)

WITNESSES:

GARY TRIPODI
Gary Tripodi
(Witness Name typed or printed)
Lisa Tripodi
Lisa Tripodi
(Witness Name typed or Printed)

DEVELOPER/OWNER

W K & R Groves, Inc.

Marie McKessy Mantell
1915 SW 16th Ave Boynton Beach FL 33426
4989 PALM WAY
As President LAKE WORTH FL 33463
Marie McKessy Mantell

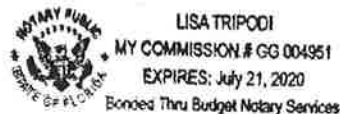
STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 5th day of Jan, 2019
by Marie McKessy Mantell as president of WK & R Groves, Inc
who is personally known or produced _____ as identification.

My commission expires 7-21-2020
Commission no GG 004951
SEAL

Lisa Tripodi
Notary Public
(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD
This is to certify that the foregoing
is a true and current copy of _____
and official seal this 26 day of February, 2019
SCOTT ELLIS, Clerk of Circuit Court
BY Deborah Huns D.C.



Prepared by and return to:
Dale A. Dettmer, Esq.
304 South Harbor City Boulevard
Suite 201
Melbourne, FL 32901

TRUST CERTIFICATION

BEFORE ME, the undersigned authority, personally appeared **MARIE MCKESSY** ("Affiant"), being by me first duly sworn, deposes and says:

1. Affiant's maiden name was Marie McKessy. Following her marriage, Affiant was known as Marie F. Mantell a/k/a Marie Mantell. Affiant's maiden name was restored following her dissolution of marriage. Affiant is one and the same person as Marie F. McKessy, Marie F. Mantell and Marie Mantell.
2. Affiant is the child of Marie L. Willis who passed away on August 26, 2016, a copy of the death certificate being attached hereto as Exhibit "A"
3. Marie L. Willis established and served as trustee of the Marie L. Willis Revocable Trust dated April 7, 1997, as amended on October 12, 2005 and further amended on November 22, 2005 (the "Trust"), copies of relevant pages of the Trust being attached hereto as Exhibit "B."
4. The Trust became irrevocable upon the death of Marie L. Willis.
5. Affiant serves as trustee of the Trust.
6. The Trust is the owner of all of the issued and outstanding shares of stock of W. K. & R. Groves, Inc., a dissolved Florida corporation.
7. The Trust currently exists and has not been revoked, modified or amended in any manner that would cause the representations contained in this instrument to be incorrect.
8. Affiant's address is 4989 Palm Way, Lake Worth, FL 33463.
9. Affiant further states that Affiant is familiar with the nature of an oath and with penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature.

IN WITNESS WHEREOF, Affiant has executed this instrument this 2 day of FEB, 2019.

AFFIANT



Marie McKessy

Exhibit "A"

Legal Description:

Begin at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 23 South, Range 36 East, Brevard County, Florida; thence run N. $0^{\circ}46'15''$ E, along the West lines of the Southeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of said Section 24, a distance of 3897.81 ft., to a point; thence run N. $88^{\circ}26'15''$ East, a distance of 2000.24 ft., to a point on the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 24; thence run S $0^{\circ}36'53''$ W., along said East line of West $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 24, a distance of 1300.61 ft., to a point on the East-West Center Line of said Section 24; thence run S. $0^{\circ}31'38''$ West, along the East line of the West $\frac{1}{2}$, East $\frac{1}{2}$, Southeast $\frac{1}{4}$, Section 24, a distance of 2669.25 feet to a point on the South line of Section 24; thence run N. $89^{\circ}29'49''$ West along said South line, Section 24, a distance of 2013.48 ft., to a point of Beginning. (Containing 181.10 Acres, more or less)

Less and Except

Commence at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 23 South, Range 36 East, Brevard County, Florida: Thence run North $0^{\circ}46'15''$ East along the West line of the Southeast $\frac{1}{4}$ of said Section 24 a distance of 25.00 feet to the point of Beginning of the following herein described parcel: thence continue North $0^{\circ}46'15''$ E along said West line of the Southeast $\frac{1}{4}$ a distance of 1,835.29 feet; thence run South $89^{\circ}29'49''$ E parallel with the South line of the Southeast $\frac{1}{4}$ a distance of 1678.77 feet; thence run South $0^{\circ}46'15''$ West parallel with the West line of the Southeast $\frac{1}{4}$ a distance of 1835.29 feet; thence run North $89^{\circ}29'49''$ West parallel with the South line of the Southeast $\frac{1}{4}$ a distance of 1678.77 feet to the point of beginning and being subject to any and all easements, deed restrictions and rights-of-way of record.

Also Described as

Legal Description:

PARCEL ID 23-36-24-00-750 TA# 2316619 105.05 ACRES
W $\frac{3}{4}$ OF SE $\frac{1}{4}$ & W $\frac{3}{4}$ OF S $\frac{1}{2}$ OF NE $\frac{1}{4}$ AS DESC IN ORB 1204 PG 358, EXC S 2000
FT OF W 1300 FT ORB 2838 PG 2885

PARCEL ID 23-36-24-00-752 TA# 2316620 1.00 ACRES
E 210 FT OF W 1938.48 FT OF N 210 FT OF S 255 FT OF SE $\frac{1}{4}$

PARCEL ID 23-36-24-00-754 TA# 2316622 4.92 ACRES
2000 FT OF W 1300 FT OF SE $\frac{1}{4}$ EXC ORB 2838 PG 2885

INCUMBENCY CERTIFICATE

I, **MARIE MCKESSY**, Secretary of **W. K. & R. GROVES, INC.**, (the "Company"), a dissolved Florida corporation, do hereby certify that the following named individuals are the duly elected incumbents of the respect offices of the Company set out at the left of their respective names:

<u>Title</u>	<u>Name</u>
President	Marie McKessy
Vice President	Marie McKessy
Secretary/Treasurer	Marie McKessy

and that Marie McKessy is the sole director of the Company.

IN WITNESS WHEREOF, I have executed this instrument this 14 day of January, 2019.

W. K. & R. GROVES, INC., a Florida corporation

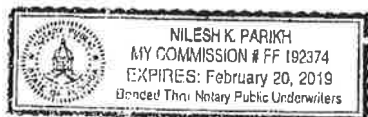
By: *Marie McKessy*
Marie McKessy, Secretary

STATE OF FLORIDA
COUNTY OF PALM ~~BAY~~ Beach

The foregoing instrument was acknowledged before me this 14 day of January, 2019 by **MARIE MCKESSY**, Secretary of **W. K. & R., Groves, Inc.**, a dissolved Florida corporation, who () is personally known to me or who ☒ has provided a Florida driver's license as identification.

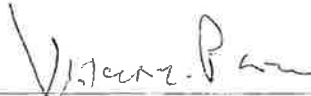
Nilesh K. Parikh
Notary Public

My Commission expires: 02/20/19



STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN TO AND SUBSCRIBED before me this 2 day of Feb., 2019, by Marie McKessy, () who is personally known to me or (x) who has produced a Florida driver's license as identification.



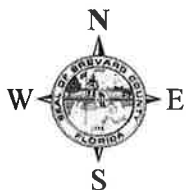
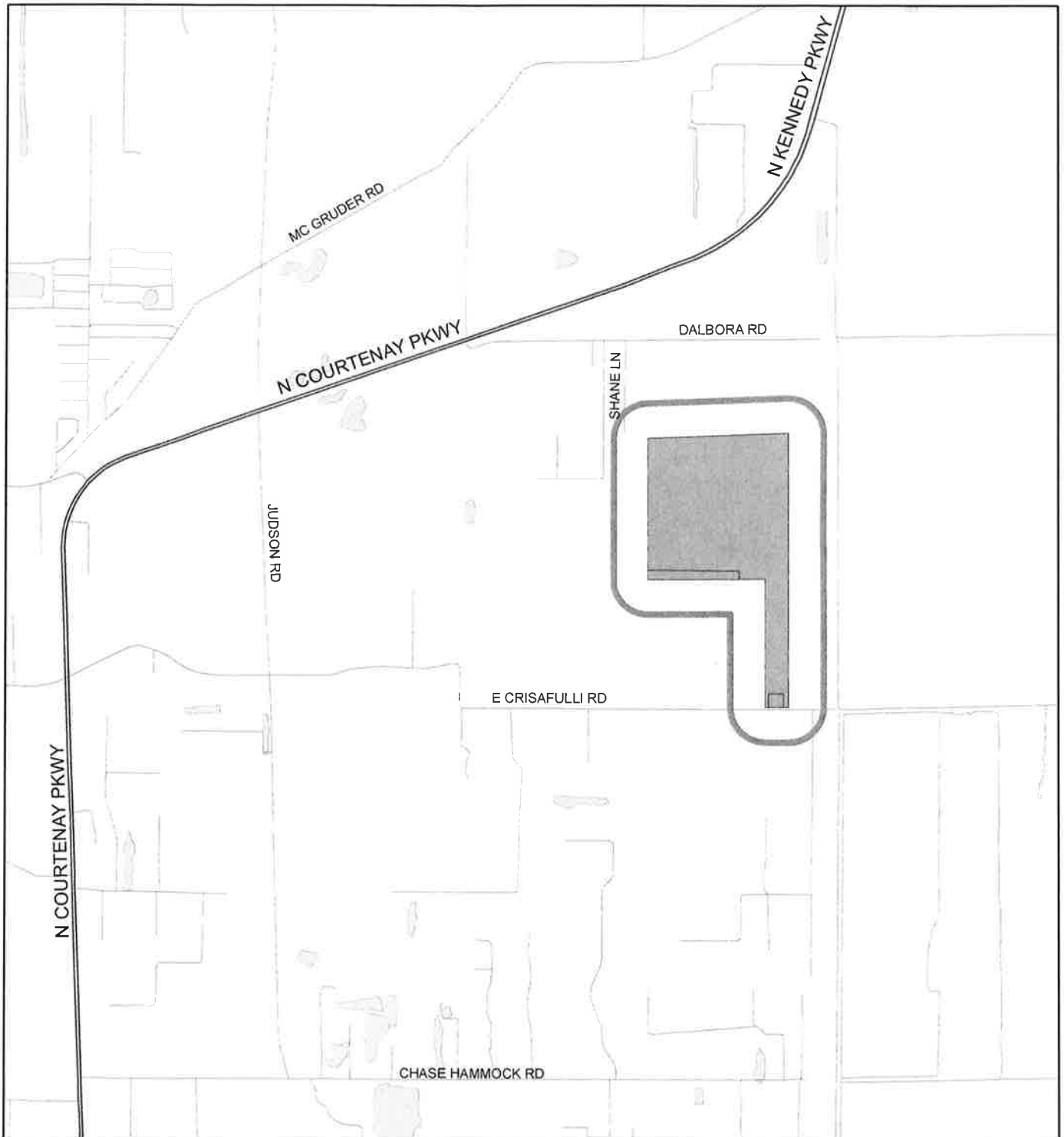
Notary Public
My Commission Expires: 02/20/19



LOCATION MAP

W.K. & R. GROVES, INC.

17PZ00158



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

— Buffer

■ Subject Property

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/19/2018



BREVARD *County*
BOARD OF COUNTY COMMISSIONERS

RECEIVED
MAY 26 1987
NATURAL RESOURCES MGT.



RAYMOND C. WINSTEAD, JR., Clerk to the Board, P. O. Box 1496, Titusville, Florida 32781-1496
BERNADETTE S. TALBERT, Deputy Clerk (305) 269-8141

May 22, 1987

RECEIVED

AUG 14 1987

UTILITY SERVICES

MEMORANDUM

TO: Stephen Kintner, Natural Resources Management Director

RE: Resolution No. 87-157 Designating Merritt Island and South Beaches
Wastewater Reuse Districts

The Board of County Commissioners, in regular session on May 12, 1987, adopted Resolution No. 87-157 designating Merritt Island and South Beaches Wastewater Reuse Districts. Enclosed are five certified copies of said Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
R. C. WINSTEAD, JR., CLERK


Bernadette Talbert, Deputy Clerk

/tb

Encls. (5)

RESOLUTION NO. 87-157

A RESOLUTION BY THE BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS
ADOPTING WASTEWATER REUSE DISTRICTS
WITHIN BREVARD COUNTY PURSUANT TO
BREVARD COUNTY ORDINANCE NO. 85-34.

WHEREAS, diminishing supplies of good quality water resources, and the rapidly escalating costs of treatment of both potable water and wastewater, have underscored the necessity for water conservation practices as well as the reuse of water; and,

WHEREAS, the reuse of properly treated wastewater for irrigation of lawns and landscaping not only conserves potable water supplies for potable water uses, but also reduces the amount of ground water withdrawn for irrigation which can lead and has lead to saltwater intrusion in certain locations; and,

WHEREAS, the use of reclaimed wastewater for irrigation purposes provides a viable means for wastewater disposal, converting what was traditionally considered a waste product into a valuable resource; and,

WHEREAS, the Brevard County Board of County Commissioners wishes to designate reuse districts within Brevard County where the establishment and operation of a reclaimed wastewater system is considered viable; and,

WHEREAS, the Brevard County Board of County Commissioners of Brevard County is authorized to designate wastewater reuse districts pursuant to Brevard County Ordinance No. 85-34.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that:

1. MERRITT ISLAND WASTEWATER REUSE DISTRICT: Brevard County hereby establishes the Merritt Island Wastewater Reuse District as described in Exhibit A which is herein attached and incorporated by reference.

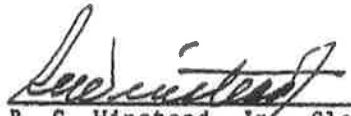
2. SOUTH BEACHES WASTEWATER REUSE DISTRICT: Brevard County hereby establishes the South Beaches Wastewater Reuse District as described in Exhibit B which is herein attached and incorporated by reference.

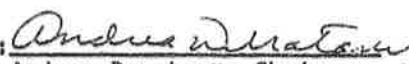
3. The provision of reclaimed water service and the operation of a reclaimed water system within the designated Wastewater Reuse Districts shall be in compliance with the provisions set forth in Brevard County Ordinance 85-34 and amendments thereto.

DONE, ORDERED AND ADOPTED in Regular Session this 12th day of May 1987.

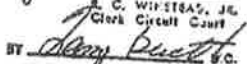
ATTEST:

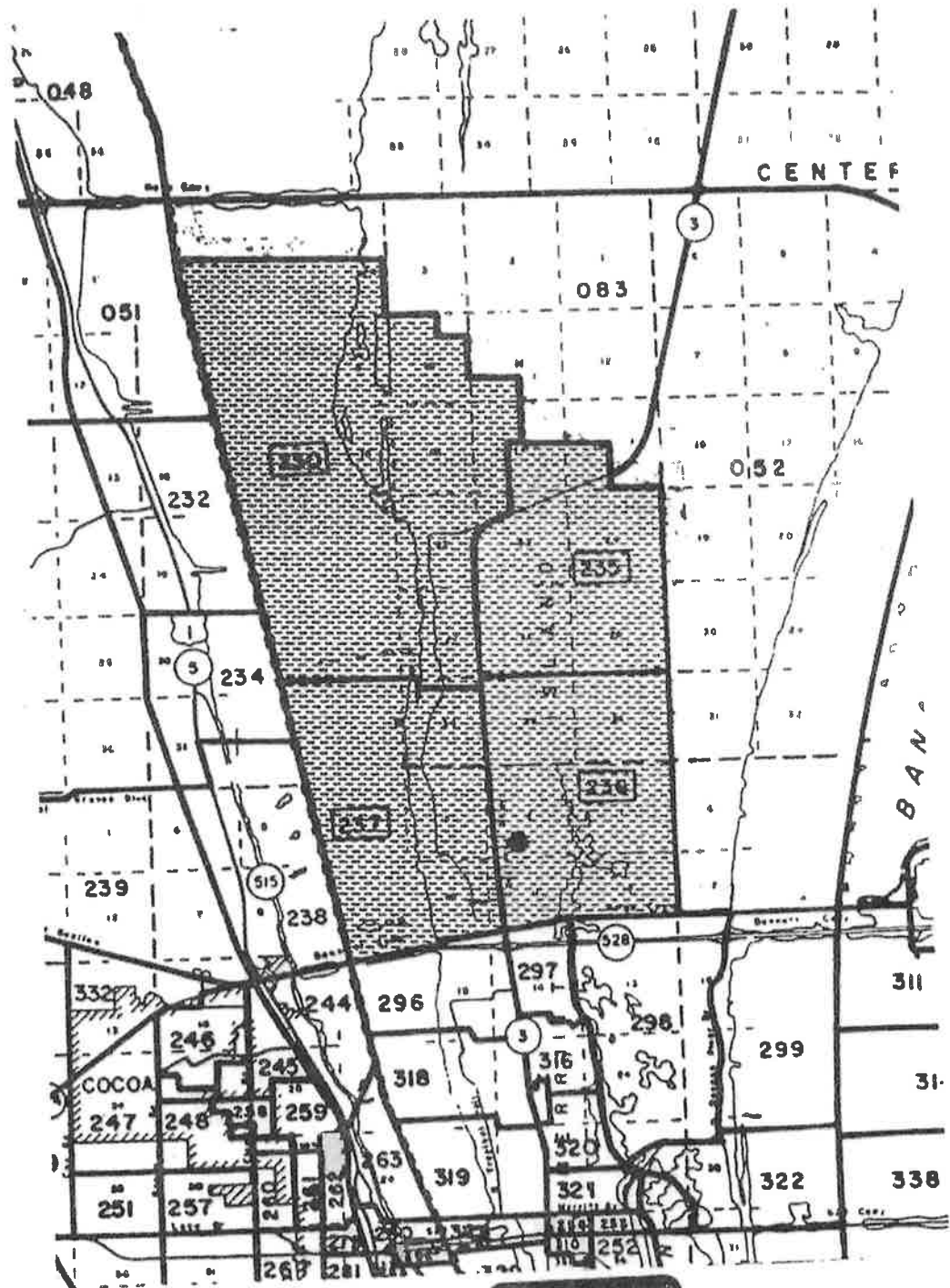
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA


R. C. Winstead, Jr., Clerk

By: 
Andrea Deratany, Chairman

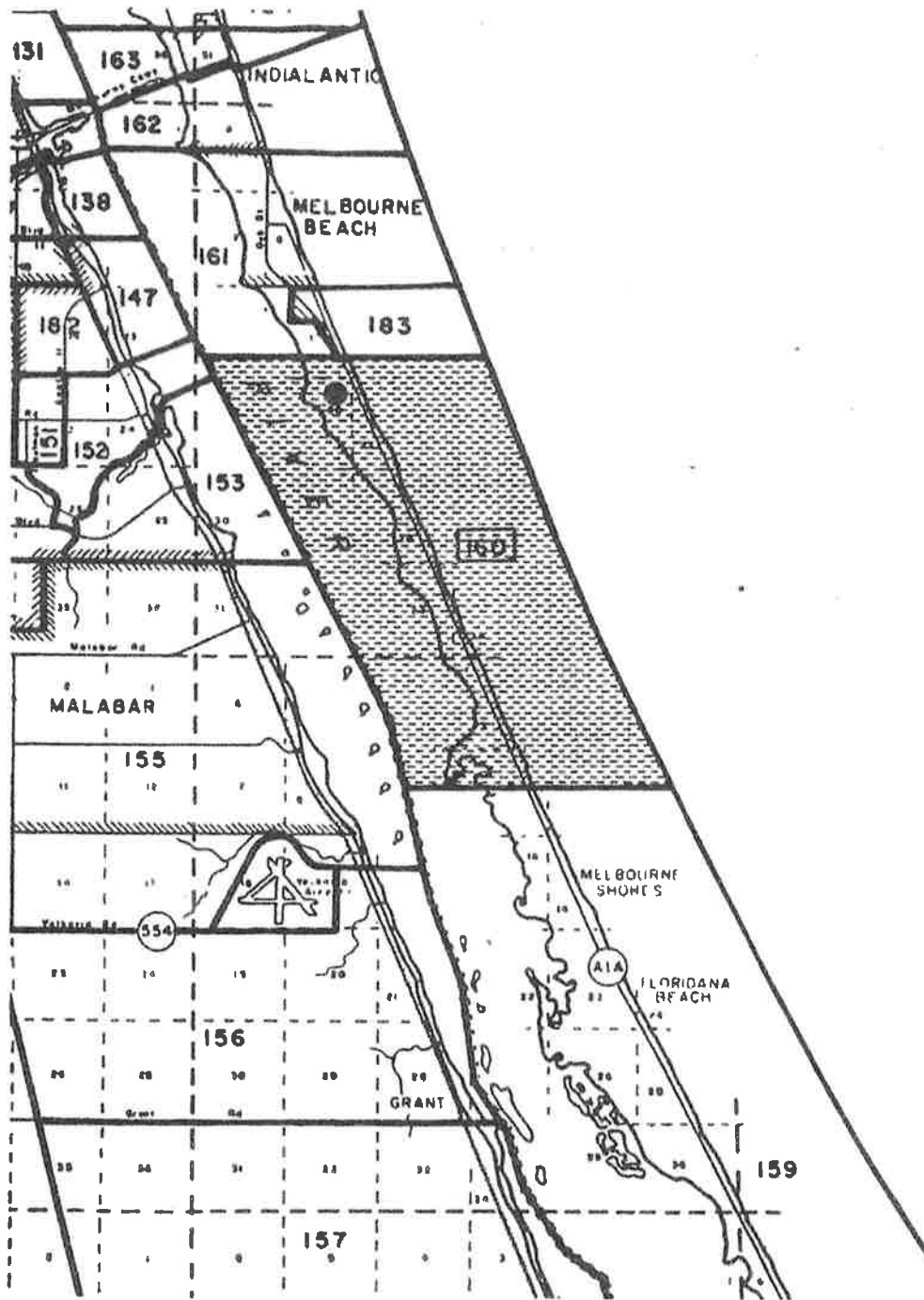
(S E A L)

STATE OF FLORIDA
COUNTY OF BREVARD
This is to certify that the foregoing is a
true and correct copy of Resolution
87-157 passed on
and official seal this 22nd day of
May 1987
R. C. WINSTEAD, JR.
Clerk Circuit Court
BY 



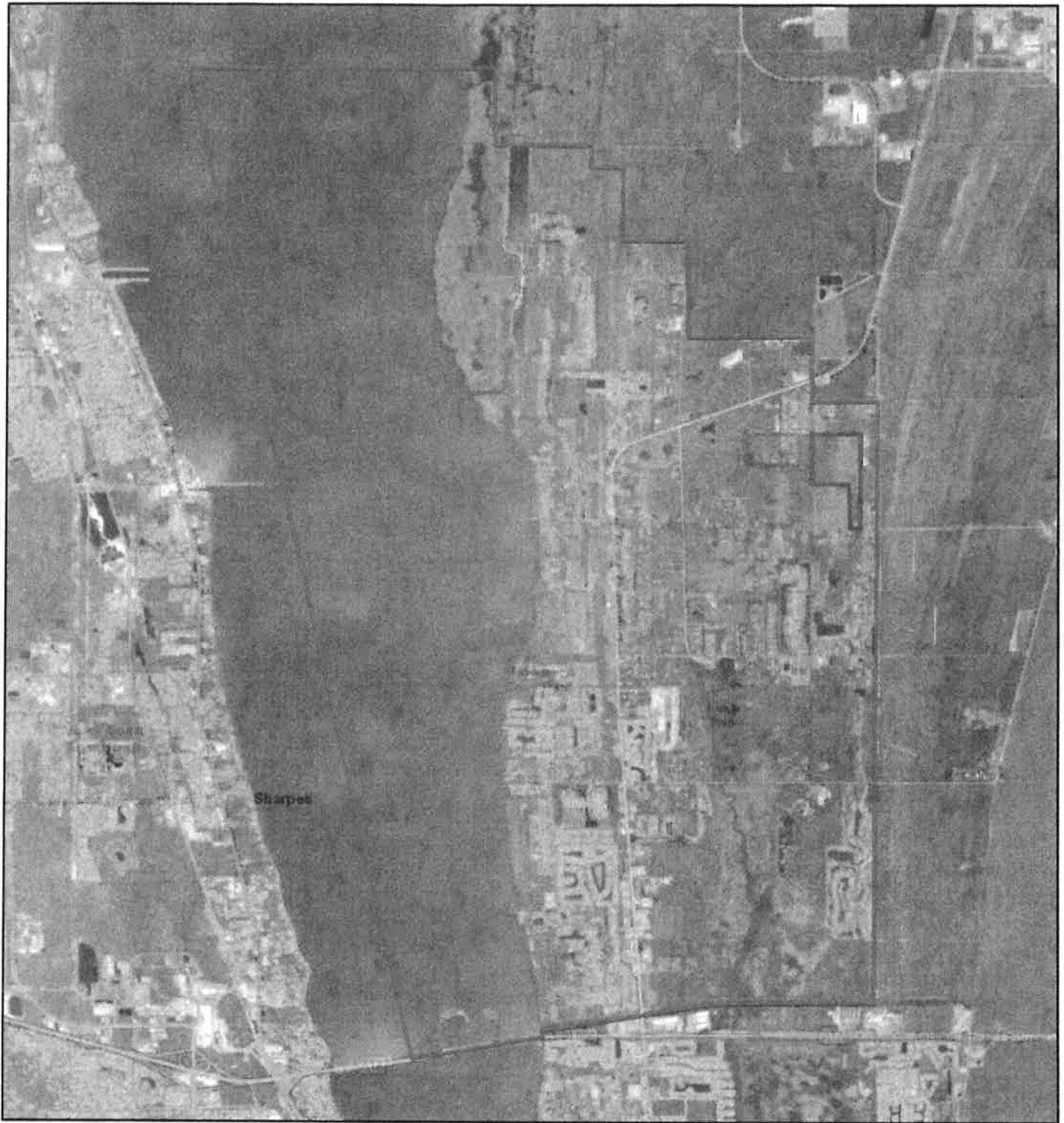
Merritt Island Reuse District





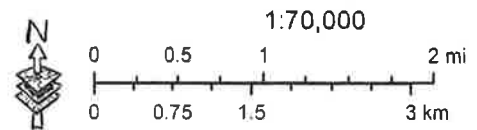


South Beaches Reuse District





-  Merritt Island Reuse District
-  Proposed Island Forest Preserve



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community