



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Development and Environmental Services Group

J.1.

4/8/2025

### Subject:

Approval, Re: Resolution and Maintenance Map for a portion of Irwin Avenue between Tax Parcel Identification Number 21-35-05-00-257 and Tax Parcel Identification Number 21-35-05-00-255 - District 1.

### Fiscal Impact:

None

### Dept/Office:

Public Works Department / Land Acquisition

### Requested Action:

It is requested that the Board of County Commissioners adopt and authorize the Chair to execute: 1) the Resolution, 2) Maintenance Map, 3) any other documentation to effectuate the change, including, but not limited to, addressing any issues with or scrivener's errors on said maps, and 4) authorize staff to record the Resolution and the Maintenance Map.

### Summary Explanation and Background:

The subject property is located in Section 5, Township 21 South, Range 35 East, Irwin Avenue in Mims.

In accordance with the requirements of Section 95.361 of the Florida Statutes, the Resolution and Maintenance Map requires signatures of the Board of County Commissioners and the Clerk of the Circuit Court for recording purposes.

The Irwin Avenue Maintenance Map was prepared by Joseph Barry Cabaniss, P.L.S. 4524 and reviewed by Marc E. Bernath, Public Works Director and Susan G. Jackson, Assistant Public Works Director and Road and Bridge Manager. Additional information was also verified through an affidavit by Ryan Mertz, Public Works Road and Bridge Maintenance Manager, as it pertains to verifying the limits of the maintained right of way line based on a site inspection. The map represents a portion of Irwin Avenue between Tax Parcel I.D. #21-35-05-00-257 and Tax Parcel I.D. #21-35-05-00-255.

The portions of maintained right of way, shown on the Maintenance Map, are supported by road maintenance logs that date back to 1972, whereby the Brevard County Public Works Department has maintained 50 feet more or less of a ditch and graded the dirt road. This area shall be dedicated to the public to the extent of the width that has been maintained or repaired for the prescribed period, furthermore, the rights, title, easements, and appurtenances to the land as described on this Map shall be vested in Brevard County.

Under Florida law, the County's act of regularly maintaining and/or repairing Irwin Drive continuously and uninterrupted for at least the immediate past 7 years has already resulted in it being deemed to be

dedicated to the public. The purpose of filing this Maintenance Map is to enumerate and document the County's specific ownership boundaries such that adjacent owner Posk Land II, LLC, related to application number 23SD00007, for Orchard View Subdivision, can pave this segment of the road for public use. No private property rights along this portion of Irwin Avenue are impacted as a result of the filing of this map as the north limits are not owned by the adjacent property owners and the south limits are being provided by Posk Land II, LLC through the dedication process.

The User Department approves this request and recommends that the Board file the Maintenance Map in a Road Plat Book and record the Resolution in the Official Records of Brevard County, Florida in order to recognize the County's rights to portions of the Irwin Avenue right-of-way.

The maintenance map follows the policies and procedures as set forth in Administrative Order 37.

**Clerk to the Board Instructions:**

Upon execution by the Chair, the Public Works Department will make arrangements to pick up the original executed Maintenance Map and original executed Resolution from the Clerk's office.



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

April 9, 2025

**M E M O R A N D U M**

TO: Marc Bernath, Public Works Director      Attn: Lucy Hamelers

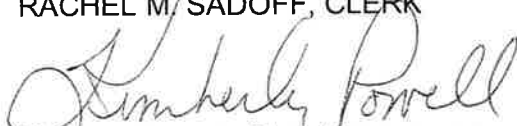
RE: Item J.1., Approval of Resolution and Maintenance Map for a Portion of Irwin Avenue between Tax Parcel Identification Number 21-35-05-00-257 and Tax Parcel Identification Number 21-35-05-00-255

The Board of County Commissioners, in regular session on April 8, 2025, executed and adopted Resolution No. 25-028; approved the Maintenance Map for a portion of Irwin Avenue between tax parcel identification number 21-35-05-00-257 and tax parcel identification number 21-35-05-00-255; authorized any other documentation to effectuate the change, including but not limited to, addressing any issues with or scrivener's errors on said maps; and authorized staff to record the Resolution and Maintenance Map. Enclosed is the fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

Encl. (1)

## BOARD OF COUNTY COMMISSIONERS

### AGENDA REVIEW SHEET

AGENDA: Resolution and Maintenance Map for a Portion of Irwin Avenue Between  
Tax Parcel ID #21-35-05-00-257 and Tax Parcel ID #21-35-05-00-255 –  
District 1.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336 (58336)

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u></u>	<u>                    </u>	<u>1-28-25</u>
COUNTY ATTORNEY Gregory Hughes Assistant County Attorney	<u></u>	<u>                    </u>	<u>2/4/2025</u>

**RESOLUTION NO. 25-028**  
**A PORTION OF IRWIN AVENUE MAINTENANCE MAP**

**WHEREAS**, Brevard County maintains a certain road located in Brevard County, Florida described in "Exhibit A" attached and incorporated by this reference; and

**WHEREAS**, certain portions of the road are necessary for transportation and certain portions of the shoulders, swales and associated drainage appurtenances adjacent to said road are needed and used for the support and maintenance of said road (hereinafter collectively referred to as the "Roadway"), and said Roadway, has been used, constructed, maintained or repaired continuously and uninterruptedly for more than seven (7) years by Brevard County, Florida, and all rights, title, easements and appurtenances to said Roadway vested in Brevard County, Florida, in accordance with the provisions of Section 95.361(2) and (3), Florida Statutes, or by other means of acquisition; and

**WHEREAS**, it is the best interest of the citizens of Brevard County, Florida to declare said Roadway a dedicated public road.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida as follows:


1. The foregoing recitals are true and correct and incorporated to this Resolution by this reference.
2. The Board of County Commissioners of Brevard County, Florida declares the Roadway hereinabove described to constitute a dedicated public road and all rights, title, easements and appurtenances therein to be vested in Brevard County, Florida, in accordance with Section 95.361(2) and (3), Florida Statutes, or by other means of acquisition.
3. That this Resolution be recorded in the Public Records of Brevard County, Florida immediately upon adoption.
4. This Resolution shall take effect immediately upon its adoption.

This Resolution is **DONE, ORDERED, AND ADOPTED** in Regular Session, this 8th day of April, 2025.

ATTEST:

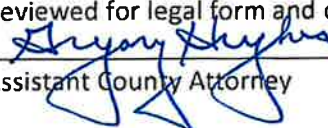
  
Rachel Sadoff, Clerk of the Court

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
Rob Feltner, Chairman

As approved by the Board on: April 8, 2025

Reviewed for legal form and content:

  
Assistant County Attorney

**DESCRIPTION PARCEL 101 MAINTAINED RIGHT RIGHT-OF-WAY (BY SURVEYOR):**

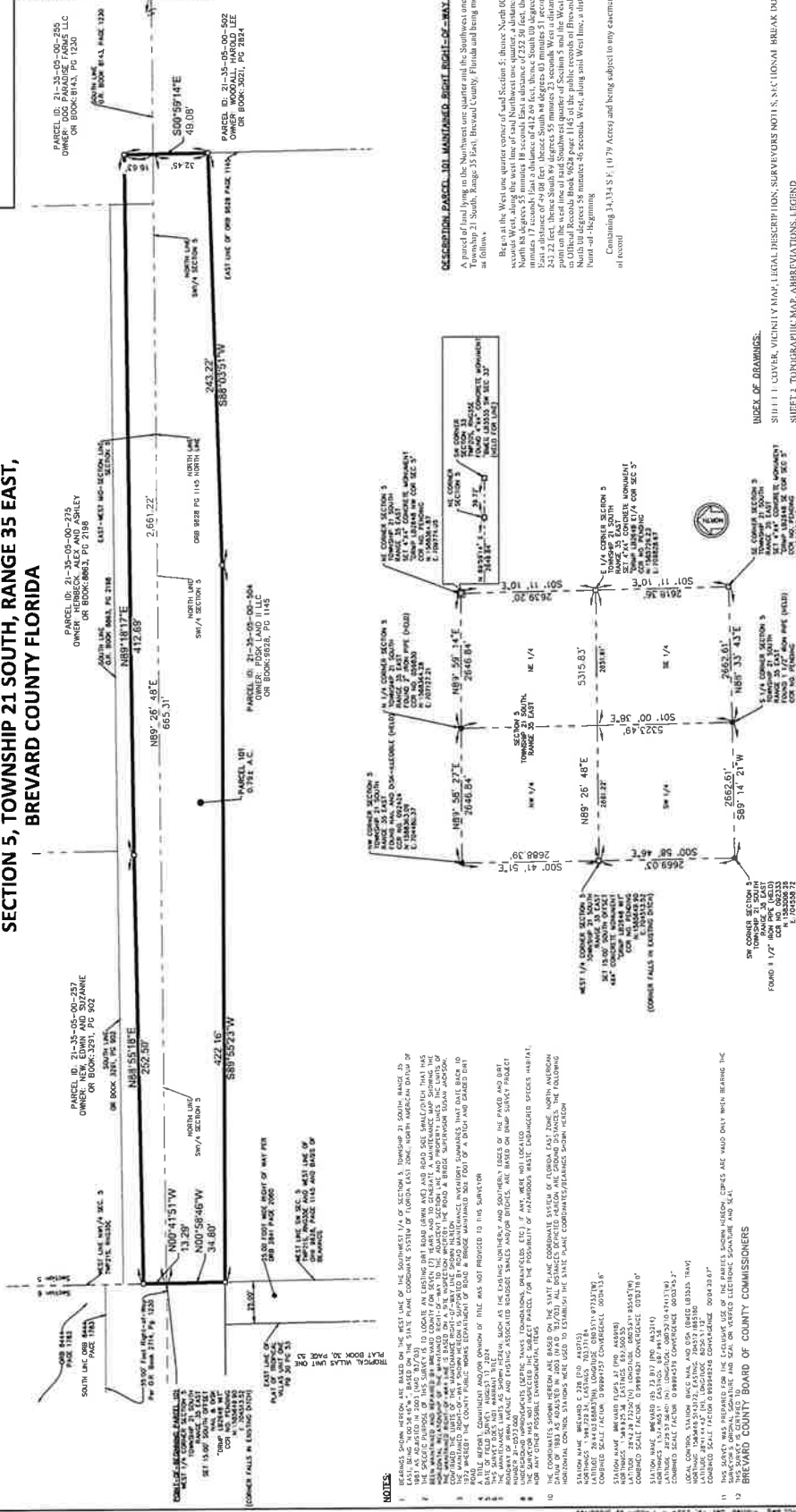
A parcel of land lying in the Northwest one quarter and the Southwest one quarter of Section 5, Township 21 South, Range 35 East, Brevard County, Florida and being more particularly described as follows:

Begin at the West one quarter corner of said Section 5; thence North 00 degrees 41 minutes 51 seconds West, along the west line of said Northwest one quarter, a distance of 13.29 feet; thence North 88 degrees 55 minutes 18 seconds East a distance of 252.50 feet; thence North 89 degrees 18 minutes 17 seconds East a distance of 412.69 feet; thence South 00 degrees 59 minutes 14 seconds East a distance of 49.08 feet; thence South 88 degrees 03 minutes 51 seconds West a distance of 243.22 feet; thence South 89 degrees 55 minutes 23 seconds West a distance of 422.16 feet to a point on the west line of said Southwest quarter of Section 5 and the West line of lands as described in Official Records Book 9628 page 1145 of the public records of Brevard County, Florida; thence North 00 degrees 58 minutes 46 seconds West, along said West line, a distance of 34.80 feet to the Point -of -Beginning.

Containing 34,334 S.F. ( 0.79 Acres) and being subject to any easements and/or rights -of -ways of record.

ROAD PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SECTION 5, TOWNSHIP 21 SOUTH, RANGE 35 EAST  
SHEET 1 OF 2

SHEET 1 OF 2



# BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

## MAINTENANCE

### IRWIN AVENUE

DATE	REVIEWS	FIELD SURVEY DATE: 8/29/2024	APPROVAL
		DRAWN BY: M. BENTLEY	
		CHECKED BY: J. CABANISS	SUSAN ROAD
		SCALE: 1 INCH = 30 FEET	
		FIELD BOOK: 1215, W. 35E, MO --	APPROVAL
		PROJECT NUMBER: 21-0573.000	
		DESIGNING NAME: 21-0573.000-402 DWG	
		SECTION: 5, T.21S, R. 35E	MARC COUNTY
		SHEET 1 OF 2	

Development Review Process  
 100 Pinedale Street Suite A, Merritt Island, FL 32953  
 Phone: 321.451.0010 | WWW.DRMP.ORG

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		SECTION: 5, T.21S, R. 35E	MARC COUNTY

ROAD PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
SECTION 5, TOWNSHIP 21 SOUTH, RANGE 35 EAST  
SHEET 2 OF 2



<div> <b>DRMP</b> <small>CONCRETE &amp; ASPHALT REPAIR • MAINTENANCE &amp; REPAIRS</small></div> <div>(for Plans) Certificate of Authorization No. 1648 (for Specifications) Certificate of Authorization No. 1653 1-800-331-4533 TOLL FREE    WWW.DRMP.COM</div>	<div><b>BREVARD COUNTY, FLORIDA</b> <b>BOARD OF COUNTY COMMISSIONERS</b>  <b>MAINTENANCE MAP</b></div>			
	<b>IRWIN AVENUE</b>		<b>COMMISSION DISTRICT 1</b>	
	DATE	REVISIONS	FIELD SURVEY DATE: 8/29/2024	FIELD BOOK 1215, R. 35E, NO. ---
			PARTY CHIEF M. BENILEY	PROJECT NUMBER 21-0573.000
			DRAWN BY: J. CABANISS	DRAWING NAME: 21-0573.000-r02.dwg
			CHECKED BY: J. CABANISS	SECTION 5, T. 21S, R. 35E
			CHECKED BY: J. CABANISS	SHEET 2 OF 2



**FOR INFORMATIONAL PURPOSES ONLY**

**AFFIDAVIT FOR ROAD MAINTENANCE FOR A PORTION OF IRWIN AVENUE  
BREVARD COUNTY, FLORIDA – COMMISSION DISTRICT 1**

Before me, the undersigned authority, personally appeared RYAN MERTZ, whose business address is 2725 Judge Fran Jamieson Way, Building A, Viera, FL 32940, who after being duly sworn, deposes and says:

1. That he currently holds the position of BREVARD COUNTY PUBLIC WORKS DEPARTMENT ROAD AND BRIDGE MAINTENANCE MANAGER; and
2. That he has been employed by Brevard County, Florida, for a period of 25 years; and
3. That he knows and says that, based on available Brevard County maintenance records and site inspection, Brevard County Public Works, through its employees and contractors, has maintained Irwin Avenue within unincorporated Brevard County within the following limits:

SUBJECT PROPERTY IS LOCATED IN SECTION 5, TOWNSHIP 21 SOUTH,  
RANGE 35 EAST, BEGINNING AT TAX PARCEL ID# 21-35-05-00-257 EAST TO  
TAX PARCEL ID# 21-35-05-00-255.

4. That such maintenance has been continuous and uninterrupted for seven (7) or more years in accordance with Section 95.361, Florida Statutes.

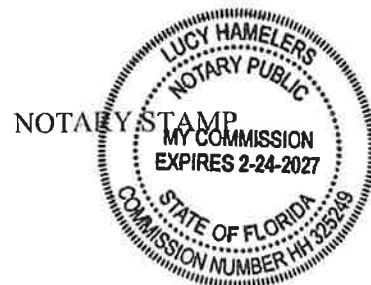
AFFIANT

*Ryan Mertz*  
Ryan Mertz  
Road and Bridge Maintenance Manager  
Brevard County Public Works Department

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 24 day of January, 2025, by Ryan Mertz, as Road and Bridge Maintenance Manager for the Brevard County Public Works Department, who is (x) personally known to me or ( ) has produced \_\_\_\_\_ as identification and who did/did not take an oath.

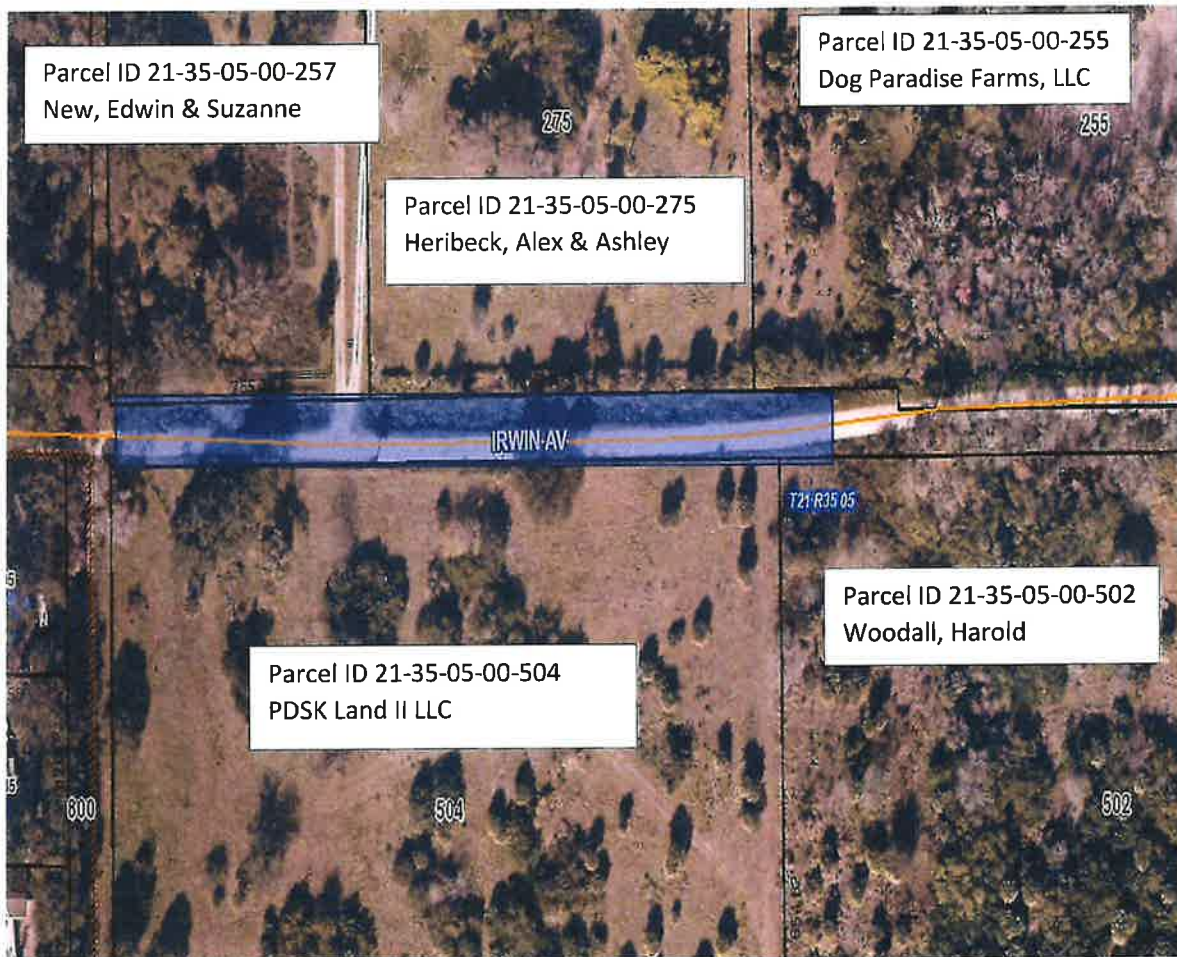
*Lucy Hamelers*  
Notary Name Printed  
*[Signature]*  
Notary Name Signature



## LOCATION MAP

### Section 5, Township 21 South, Range 35 East - District 1

PROPERTY LOCATION: Irwin Avenue in Mims



## Board Meeting Date

---

Item Number: 5.1

Motion By: KD

Second By: RF

Nay By: \_\_\_\_\_

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