

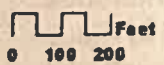
K.  
Sandra  
Sullivan

# Hightower Beach Park



## Brevard County Parks and Recreation

2725 Judge Fran Jamieson Way  
Viera, FL 32940



DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representation.

07/13/11

*Bentley, Eden*  
**From:** Donner, Mary Ellen  
**Sent:** Tuesday, August 4, 2020 2:44 PM  
**To:** Bentley, Eden  
**Subject:** FW: Hightower Beach Park

Eden:  
FYI  
I will forward you the Resolution and Agreement.  
ME

**From:** Jorandby, Abigail F.  
**Sent:** Thursday, July 18, 2019 4:41 PM  
**To:** Donner, Mary Ellen <MaryEllen.Donner@brevardfl.gov>  
**Cc:** Lane, Terry A <Terry.Lane@brevardfl.gov>; Wojciechowski, Larry <Larry.Wojciechowski@brevardfl.gov>  
**Subject:** Hightower Beach Park

Good Afternoon,

I have reviewed Resolution 2012-061, the corresponding Interlocal Agreement and the County Deed date March 20, 2012 in relation to Hightower Beach Park (hereinafter the "Property"). Pursuant to these documents, the County deeded the property to the City of Satellite Beach with the restrictive covenant that the property "be used solely as a public beach park and for purposes providing public recreational use and related activities." From the Resolution and Interlocal Agreement, it is clear that the parties desired to use, operate, maintain and improve the Property to provide public recreational use and public related activities.

In fact, the County Deed contains the restrictive covenant that in the event the Property "is not used or ceases to be used for the stated purpose and under the stated conditions, then all right, title and interest in the Property" shall revert to the County and the County shall have the right to reenter and repossess the Property.

It is my understanding that the proposed cross-over landing (elevated pedestrian walkway) would extend from a proposed neighboring hotel to Hightower Beach Park and that the cross-over landing (elevated pedestrian walkway) would have restricted access.

I would deem this to be contrary to the restrictive covenant of the County Deed in that the Property is intended to be used solely as a public beach park and free access must be granted to the public.

A restricted access cross-over landing (elevated pedestrian walkway) would violate the intent of the Resolution 2012-061, the corresponding Interlocal Agreement and the restrictive covenant contained in the County Deed date March 20, 2012.

Please let me know if you have any additional questions.

Abby

Abigail Forrester Jorandby, Esq.  
Assistant County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way, Suite 308  
Viera, FL 32940  
Telephone: 321. 633. 2090  
Fax: 321. 633. 2096  
[abigail.jorandby@brevardfl.gov](mailto:abigail.jorandby@brevardfl.gov)

**Please note: The State of Florida has a broad public records law. Most written communications to or from county employees regarding county business are public records available upon request to the public and media. Your e-mail communications may therefore be subject to public disclosure.**

3. RESTRICTED USE. The conveyance by the County and partial release described in Paragraph 2 is subject to the following terms and conditions:

- a. The Property shall be used solely as a public beach park and for purposes which provide public recreational use and related public activities. In the event the Property is not used or ceases to be used for the stated purposes, then all right, title and interest in the Property shall revert to the County which shall thereafter have the right to reenter and repossess the Property.
- b. The City shall operate and maintain the Park for the enjoyment of the residents of and visitors to Brevard County. The City agrees to make the Park available to all County residents of and visitors with no differential in fees.
- c. The City is required to maintain a minimum of 33 parking spaces available to the public.
- d. The City shall allow the Park to be used as a construction/staging site and allow the periodic placement of sand on the sandy beach area seaward of the dune, in conjunction with the Brevard County Shore Protection Project or any other government-approved beach renourishment project. The City shall execute any required documents and easements to participate in any such project.
- e. The county deed conveying the county-owned parcels to the City shall contain a restrictive covenant running with the land prohibiting any use of the property other than for the operation and maintenance of a public recreational beach park, and associated uses and improvements directly related thereto, including the requirement of uniform user fees and maintenance of a minimum number of public park spaces.

4. ILLEGAL, UNLAWFUL, OR IMPROPER USE. The City shall make no unlawful, improper, immoral or offensive use of the Property nor will the City use the subject Property or allow the use of the Property for any purpose other than that herein above set forth. Failure of the City to comply with this provision shall be considered a material default under this Agreement and the Property shall revert back to the County subject to the terms regarding same.

5. CONSIDERATION. For consideration of the conveyance and assignment to the Property, the City hereby agrees to pay to the County the amount of Ten Dollars (\$10.00). The check shall be made payable to the Board of County Commissioners and mailed to Brevard County Parks & Recreation Department, 2725 Judge Fran Jamieson Way, Viera, FL 32940.

6. IMPROVEMENTS. By execution of this Agreement, the City represents that an authorized representative of the City has inspected the Property on the City's behalf; and the City is fully responsible to make all necessary modifications, improvements, or repairs to the Property. It is understood and agreed by the parties that any and all development on the Property shall be at the City's expense.

It is hereby mutually agreed and understood that any building, structure or facility placed or constructed on the Property, or any fixture located thereon and permanently attached thereto, shall become the property of the County upon reverting back to the County.

7. RIGHT OF ENTRY BY COUNTY. The County or its agents may at any reasonable time enter onto the subject Property for the purpose of inspection of same or for performing such other duties as are required by the terms of this Agreement. The right to enter onto the Property confers to the County the right to enter any premises on the Property for the purposes of inspection under this section.

8. CLOSING COSTS. The Parties agree to exchange a properly executed county deed and

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3197  
(407) 773-4407  
FAX (407) 779-1388



INCORPORATED 1961

David R. Schechter  
Mayor

November 10, 1999

Annexed  
for Conservation

Promise  
Breached

The Honorable Truman Scarborough, Chairman  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

Subject: City of Satellite Beach Preservation 2000 1999 Grant Award

Dear Truman:

The City of Satellite Beach has recently been awarded a second year grant in the amount of \$3,545,900 from the Florida Communities Trust to continue our beachfront acquisition program!

A vital part in the City's success in receiving this money was Brevard County's willingness to partner with the City. This ongoing partnership between Brevard County and Satellite Beach has resulted in over \$8.5 million being made available over the past two years for beachfront acquisition. Generations of Brevard County residents will be indebted to Brevard County for its willingness to assist in accomplishing this vital environmental initiative.

On November 1, the City closed on the first parcels included in the 1998 P-2000 Project. These two parcels comprise 15 acres and lie north and south of the County's Hightower Beach Park. These two parcels, along with two parcels owned by the State (one at each end of the P-2000 parcels) and Hightower Beach Park, place into public management over one-half mile of prime oceanfront habitat. At some time in the near future, City staff will be approaching County staff to discuss how to best manage this unique resource. The City is interested, if the County agrees, in pursuing a partnership regarding the management of Hightower Park, similar to that for Pelican Beach Park. Under this scenario, the City would manage the park and the County would retain ownership. The Management Plan for the recently acquired parcels provides for improvements to Hightower to expand its opportunity for public use while retaining its unique environmental value.

On behalf of the citizens of Satellite Beach, thank you very much for the County's continuing willingness to partner with the City in these land acquisitions!

Sincerely,

David R. Schechter  
Mayor

DRS/rks

cc: Marsha Cantrell, Parks Support Services Manager  
Sue Carlson, Brevard County Board of County Commissioners  
John Fergus  
Tom Jenkins, County Manager  
Charles Nelson, Parks and Recreation Director



September 11, 2001

Mr. James Stansbury  
Community Program Administrator  
Department of Community Affairs  
Division of Resource Planning and Management  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Re: City of Satellite Beach Comprehensive Plan Amendment ( DCA #01-1)

Dear Mr. Stansbury:

Brevard County would like to submit the following comments regarding the above referenced Comprehensive Plan Amendment;

- The City's Comprehensive Plan Amendment results in an increase of 366 residential units at the Patrick Air Force Base South Housing area. This increase in units is not offset by an appropriate decrease in residential densities. The City calculates that an overall reduction of 425 units from their Density Map, coupled with a 366 unit increase at the South Housing area, will result in a net reduction of 59 units. However, this reduction in density involves properties that are already developed rather than vacant sites. The end result of this amendment, therefore, appears to increase densities in the Coastal High Hazard Area (CHHA).
- As part of the 1999B Plan Amendment Cycle (adopted May 16, 2000) the Board of County Commissioners voted to approve an amendment (99B.6) that capped the number of homes at the South Housing Area at the existing density (999 units). The County also adopted its updated Future Land Use Element (FLUE) during this amendment cycle. In the updated FLUE, the Department insisted that all references to density bonuses be deleted when such properties were located in the CHHA. The proposed amendment by the City of Satellite Beach appears to result in a density bonus incentive for the South Housing area (which is located in the CHHA).
- Without a true reduction in residential density, the addition of 366 residential units on the barrier island represents additional people that will need to be evacuated in the event of a hurricane. Based upon the average household size in the County, the additional residential units translate into a population increase of approximately 860 persons. Moreover, the additional 366 units will also mean an increase of approximately 3,495 average daily automobile trips as well.



BERNADETTE S. TALBERT, Clerk to the Board, 400 South Street, P.O. Box 999, Titusville, Florida 32781-0999 Telephone: (321) 264-6970  
Fax: (321) 264-6872

September 12, 2001

MEMORANDUM

TO: Mel Scott, Planning and Zoning Director

RE: Staff Report and Letter of Objection to Proposed Plan Amendment Submitted by City of Satellite Beach

The Board of County Commissioners, in regular session on September 11, 2001, authorized the Chairman to sign a letter of objection to the Department of Community Affairs concerning the proposed Comprehensive Plan Amendment submitted by the City of Satellite Beach for an increase of 366 residential units on the barrier island.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

A handwritten signature in cursive script, appearing to read "Bernadette Talbert", written over a horizontal line.

Bernadette Talbert, Deputy Clerk

/sl

SEP 17 2001

Page 2  
James Stansbury

- The County has shown a commitment to cap or even reduce densities on the barrier island. This process began in the South Beaches area with the adoption of the 1992 South Beaches Small Area Plan and has continued to the present day. As recently as the 2000B Plan Amendment Cycle, the County adopted comprehensive plan amendments that capped the residential densities for the unincorporated areas on the northern and central barrier island at existing levels.

The County hopes that you will consider the above remarks during your review of the City's Comprehensive Plan Amendment. The Board of County Commissioners would like to thank you for giving the County the opportunity to comment on this amendment. If you have any questions or need additional information, please contact either Mel Scott or Todd Corwin at (321) 633-2069.

Sincerely,



Susan Carlson, Chairman  
Brevard County Board of County Commissioners

encl.

cc: Board of County Commissioners  
Tom Jenkins, County Manager  
Scott Knox, County Attorney  
Peggy Busacca, Assistant County Manager  
Mel Scott, Director, Planning and Zoning Office  
Mike Crotty, City Manager, City of Satellite Beach



## plans moving forward

The city council on Wednesday approved the second reading in a 4-1 vote at last week's meeting, this paving the way to replace an empty lot with not only a hotel called The Vue but with condos and single-family housing.

Longtime Satellite Beach resident Paul Ferraro said after the old property was demolished, it's remained undeveloped.

"It's been a no man's land there for a while," Ferraro said. "It was old base housing and it was pretty affordable."

Thomas Felton moved to the area about 40 years ago and says the once affordable housing property was demolished and since then sits empty. Felton said he's not enthusiastic about the future hotel or the development because he wants his town to stay the same.

He is worried Satellite Beach will turn into a congested Miami.

"Well because I'm a selfish surfer and this is already too big, if you were here 20 years ago you would know how quaint and quiet this used to be," Felton said.

As Satellite Beach City Manager Courtney Barker explains, the building height of 85 feet was approved years ago and that height limit is not going to increase. But the limited commercial definition was updated to allow the developer of the Vue to move forward.

The city also amended several pieces of code like allowing to raise the max length of the building to 224 from 200 and allowing single family homes. The city also approved a walkway from Hightower Beach Park to the hotel but still needs to get FDOT and DEP engineering approval.

"[There's] option for the developer to do single-family and a hotel," Barker said. "Currently the ordinance only allows multi-family condos."

*The Satellite Beach city council has voted to move forward with development plans that include a new hotel and condos.*

## Satellite Beach Moves Forward with Hotel, Condo Development Plans

BY KRYSTEL KNOWLES | BREVARD COUNTY

PUBLISHED 1:00 PM ET DEC. 09, 2019

**SATELLITE BEACH, Fla.** – Satellite Beach residents have mixed feelings about a new development moving forward called the Vue.