



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

7/9/2024

Subject:

Petition to Vacate, Re: Plat Note 18 - "Water's Edge" Plat Book 55, Page 78 - Melbourne - M & R United, Inc. - District 4

Fiscal Impact:

The petitioners are charged \$640. These fees are deposited in Fund 0002-30265 revenue account for vacatings.

Dept/Office:

Public Works Department - Surveying & Mapping

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider vacating plat note 18, "Water's Edge" Plat Book 55, Page 78, in Section 16, Township 26 South, Range 36 East. If approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating. Additionally, it is requested to authorize the Public Works Director to accept and sign a restrictive covenant on behalf of the Board following review and approval by the County Attorney's Office.

Summary Explanation and Background:

Florida Statutes, Chapter 177, provide a method for the Board of County Commissioners to vacate and abandon portions of plats. The petitioners own Lot 3, Block A, and are requesting the vacating of plat note 18 to allow for the development of the lot without vehicular access restrictions currently in place per the note. The petitioner is currently in the site plan approval process (22SP00051) and the resolution to vacate will not be recorded until a Restrictive Covenant and sketch are also executed by the petitioner, which will be submitted to Brevard County Public Works Department to be recorded concurrently with the vacating resolution if it is approved. This requirement is associated with traffic safety concerns for the site which would exist absent the vacated note and absent the Restrictive Covenant. If this action is not properly executed for any reason, Public Works will bring this request back to the Board on September 17, 2024 for consideration to rescind the approval of the petition to vacate the referenced plat note. The property is located in Melbourne south of Wickham Road and west of Wyndham Drive.

On June 24, 2024, the legal notice was advertised in Florida Today informing the public of the date a public hearing would be held to consider the vacating.

All pertinent county agencies have been notified and no objections have been received.

Name: Amber.Holley@brevardfl.gov Phone: Ext. 58346

Clerk to the Board Instructions:

Advertise Approved Resolution Notice and Record Vacating Resolution Documents as one resolution type document which in sequence includes the approved/signed resolution, the proof of publication of the public hearing notice, and the proof of publication of the adopted resolution notice.

Brevard County Property Appraiser Detail Sheet

Account 2629494
 Owners M & R UNITED INC
 Mailing Address 402 HIGHPOINT DR STE 101 COCOA FL 32926
 Site Address NONE
 Parcel ID 26-36-16-UV-A-3
 Taxing District 4200 - UNINCORP DISTRICT 4
 Exemptions NONE
 Property Use 1000 - VACANT COMMERCIAL LAND
 Total Acres 1.61
 Site Code 0321 - WICKHAM
 Plat Book/Page 0055/0078
 Subdivision WATER'S EDGE
 Land Description WATER'S EDGE LOT 3 BLK A

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$525,980	\$525,980	\$525,980
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$525,980	\$525,980	\$525,980
Assessed Value School	\$525,980	\$525,980	\$525,980
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$525,980	\$525,980	\$525,980
Taxable Value School	\$525,980	\$525,980	\$525,980

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/12/2011	\$92,000	WD		6438/1001
06/26/2006	\$4,101,000	WD		5667/1827
06/26/2006	\$980,000	WD		5667/1840

Vicinity Map

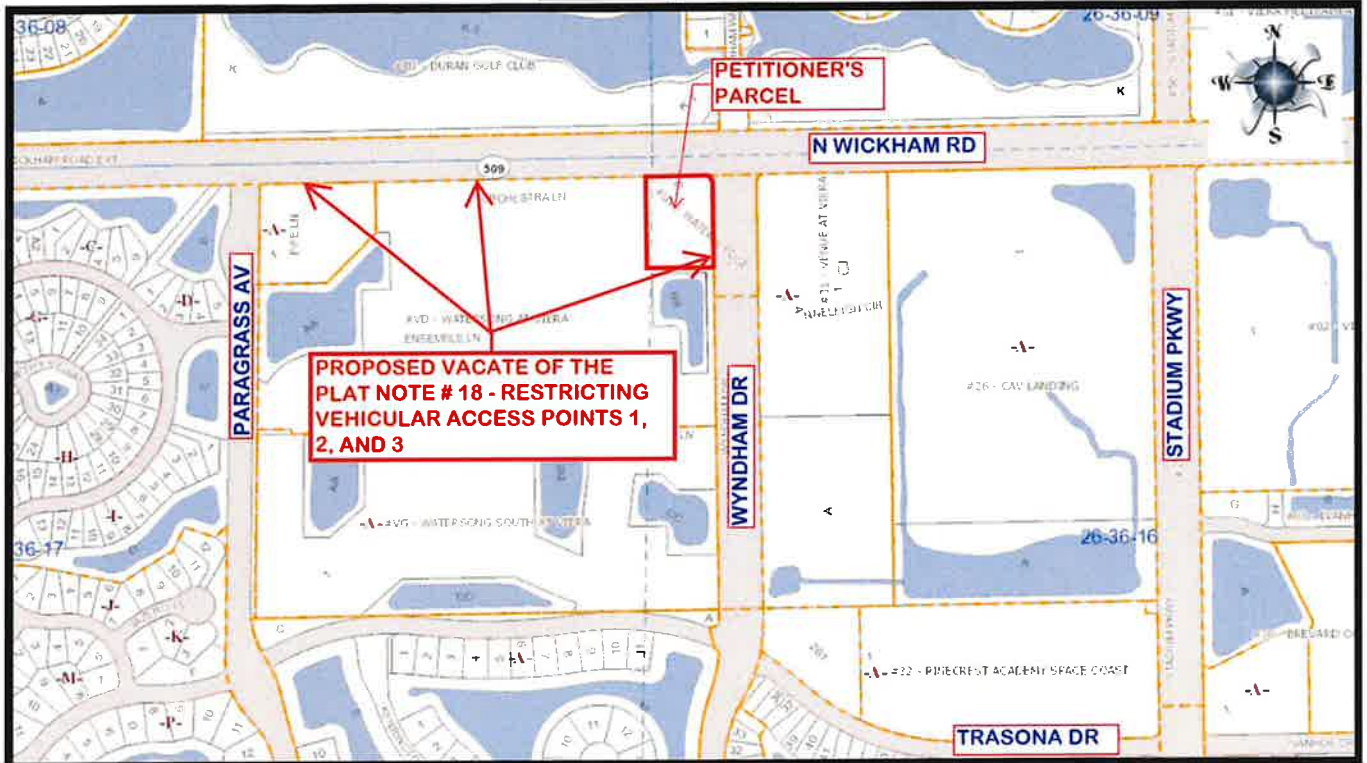


Figure 1: Map of the parcel for the plat note to be vacated at Lot 3, Block "A", Water's Edge, Melbourne.

M & R United, Inc. – Lot 3, Block "A", "Water's Edge" – Plat Book 55, Page 78 – Section 16, Township 26 South, Range 36 East – District 4 – Proposed Vacating of Plat note 18, Vehicular access to this plat is from Wickham Road and Wyndham Drive and is graphically depicted as vehicular access points 1, 2, and 3 on sheet 2 of this plat.

Aerial Map



Figure 2: Aerial Map for parcel for the plat note to be vacated at Lot 3, Block "A", Water's Edge, Melbourne.

M & R United, Inc. – Lot 3, Block "A", "Water's Edge" – Plat Book 55, Page 78 – Section 16, Township 26 South, Range 36 East – District 4 – Proposed Vacating of Plat note 18, Vehicular access to this plat is from Wickham Road and Wyndham Drive and is graphically depicted as vehicular access points 1, 2, and 3 on sheet 2 of this plat.

614

Plat reference

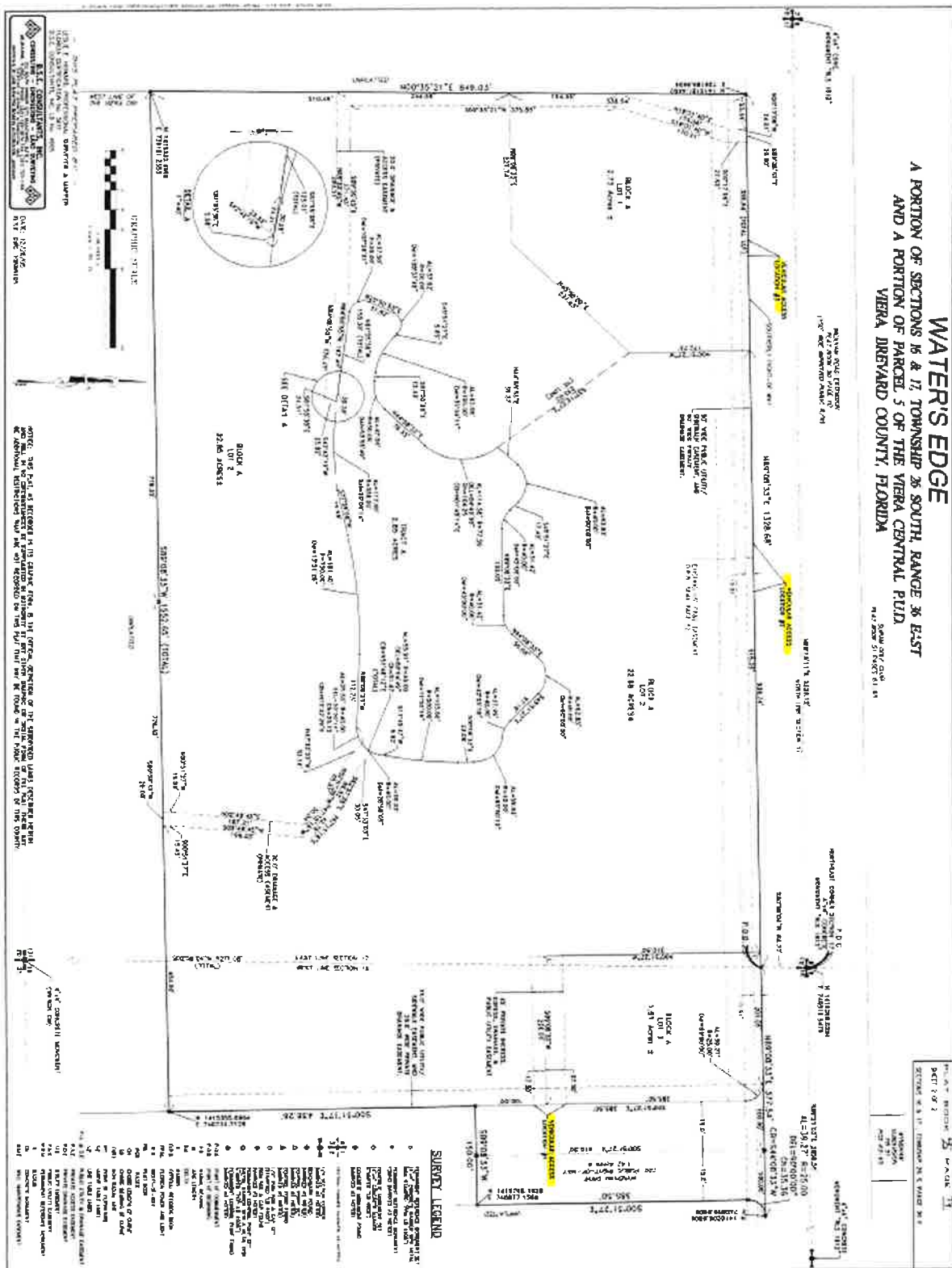


Figure 4: Copy of plat map " Water's Edge" dedicated to Brevard County April 2006.

Comment Sheet

Applicant: M&R United Inc (Plat Note #18)

Updated by: Amber Holley 20240603 at 14:30 hours

County Staff	Notified	Received	Approved	Remarks
Road & Bridge	20230609	20240603	Yes	No objections
Land Planning	20230609	20240513	Yes	No objections
Utility Services	20240503	20240508	Yes	No objections
Storm Water	20230609	20240524	Yes	No objections
Zoning	20230609	20240513	Yes	No objections
Land Acquisition	20230609	20240524	Yes	No objections
Fire Dept	20230609	20240524	Yes	No Objections
Traffic Eng	20230609	20240510	Yes	No Objections

Public Hearing Legal Advertisement

Ad#10299229; 6/24/2024

**LEGAL NOTICE
NOTICE FOR THE VACATING OF
PLAT NOTE 18 ON WATER'S
EDGE, PLAT BOOK 55, PAGE 78**
NOTICE IS HEREBY GIVEN that under Chapter 177, Florida Statutes, as amended, a petition has been filed by M & R UNITED INC., owner of certain lands within the Water's Edge, as recorded in Plat Book 55, Page 78, of the public records of Brevard County, Florida, with the Board of County Commissioners of Brevard County, Florida, to request vacating the plat restriction described in Plat Note 18. Note 18 reads as follows:

"Vehicular access to this plat is from Wickham Road and Wyndham Drive and is graphically depicted as vehicular access points 1, 2, and 3 on sheet 2 of this plat."

The Board of County Commissioners will hold a public hearing to determine the advisability of such vacating of the above-described plat note at 5:00 P.M. on July 9, 2024, at the Brevard County Government Center Board Room, Building C., 2725 Judge Fran Jamieson Way, Viera, Florida, at which time and place all those for or against the same may be heard before final action is taken. Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to the vacating, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense. The needs of hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Figure 7: Copy of public hearing advertisement as published on June 24, 2024. See the next page for full text.

Legal Notice Text

LEGAL NOTICE

NOTICE FOR THE VACATING OF PLAT NOTE 18 ON WATER'S EDGE, PLAT BOOK 55, PAGE 78

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Resolution 2024 - 063

Vacating Plat Note 18 in plat "Water's Edge", Melbourne, Florida, lying in Section 16, Township 26 South, Range 36 East

WHEREAS, pursuant to Chapter 177, a petition has been filed by **M & R United, Inc.** with the Board of County Commissioners to vacate a plat note in Brevard County, Florida, described as follows:

Plat Note 18: Vehicular access to this plat is from Wickham Road and Wyndham Drive and is graphically depicted as vehicular access points 1, 2, and 3 on sheet 2 of this plat.

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing plat, public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that vacating the plat note will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said plat note is hereby vacated by Brevard County; and this vacating action releases, renounces, and disclaims any right, title, or interest Brevard County may possess over the property at issue, and shall not be deemed to warrant any right, title, interest or to represent any state of facts concerning the same. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED, AND ADOPTED, in regular session, this 9th day of July, 2024 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

ATTEST:


Rachel Sadoff, Clerk


Jason Steele, Chair

As approved by the Board on:
July 9, 2024

CFN 2024162716. OR BK 10131 PAGE 333.
Recorded 08/12/2024 at 11:13 AM, Rachel M. Sadoff,
Clerk of Courts Brevard County
Pgs 3



Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Samantha McDaniel
Brevard Cty Public Works Dept L1e Courthouse
2725 Judge Fran Jamieson Way Bldg A220
Viera FL 32940-6605

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

06/24/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/24/2024

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost:	\$188.48	
Tax Amount:	\$0.00	
Payment Cost:	\$188.48	
Order No:	10299229	# of Copies:
Customer No:	1127286	1
PO #:	4500092228-10	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

Ad#10299229; 6/24/2024

LEGAL NOTICE

NOTICE FOR THE VACATING OF PLAT NOTE 18 ON WATER'S EDGE, PLAT BOOK 55, PAGE 78
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NANCY HEYRMAN
Notary Public
State of Wisconsin



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Amber Holley
Brevard County Clerk Donna Scott -Survey
Brevard Cty Public Works Dept
2725 Judge Fran Jamieson Way Bldg A
Viera FL 32940-6605

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

07/31/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/31/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$118.55

Tax Amount: \$0.00

Payment Cost: \$118.55

Order No: 10412805

of Copies:

Customer No: 1127286

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

Ad#10412805

07/31/2024

LEGAL NOTICE

RESOLUTION VACATING PLAT NOTE 18 IN PLAT "WATER'S EDGE", MELBOURNE, LYING IN SECTION 16, TOWNSHIP 26 SOUTH, RANGE 36 EAST – M and R UNITED, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 9th of July, 2024, the Board of County Commissioners of Brevard County, Florida, adopted a Resolution vacating Plat Note 18 in Plat "Water's Edge", Melbourne, lying in Section 16, Township 26 South, Range 36 East as petitioned by M and R United, Inc.

NOTE 18 READS AS FOLLOWS:

"VEHICULAR ACCESS TO THIS PLAT IS FROM WICKHAM ROAD AND WYNDHAM DRIVE AND IS GRAPHICALLY DEPICTED AS VEHICULAR ACCESS POINTS 1, 2, AND 3 ON SHEET 2 OF THIS PLAT."

The Board further renounced and disclaimed any right of the County in and to said public easement.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

RACHEL M. SADOFF, CLERK

BY: Kimberly Powell, Clerk to the Board

NANCY HEYRMAN
Notary Public
State of Wisconsin



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

July 10, 2024

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item H.4., Petition to Vacate, Re: Plat Note 18 – “Water’s Edge” Plat Book 55, Page 78 – Melbourne – M&R United, Inc.

The Board of County Commissioners, in regular session on July 9, 2024, approved the vacating of Plat Note 18, “Water’s Edge” Plat Book 55, Page 78, in section 16, Township 26 South, Range 36 East; adopted Resolution No. 24-063, vacating the referenced plat note in Brevard County; and authorized you to accept and sign a restrictive covenant upon agreement from M&R United, Inc., following review and approval by the County Attorney’s Office. If the restrictive covenant is not agreed upon, this will need to come back to the Board to be rescinded.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/sm

cc: Public Works

LEGAL NOTICE

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The Board further renounced and disclaimed any right of the County in and to said public easement.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA
RACHEL M. SADOFF, CLERK
BY: Kimberly Powell, Clerk to the Board

Florida TODAY:

Please advertise in the July 17, 2024, issue of the Florida TODAY. **Bill the Board of County Commissioners Account Number BRE-6BR327 and forward bill and proof of publication to: Amber Holley, Public Works Department, 2725 Judge Fran Jamieson Way, Bldg. A-220, Viera, FL 32940.**

Public Hearing Legal Notice

Requested by: Public Works Department of Brevard County, Florida
Marc Bernath / Director
By: Amber Holley / Vacating Acquisition & Review Specialist

Florida Today:
Please advertise in the June 24, 2024 issue of Florida TODAY.

PLEASE NOTE! Please use account #BRE-6BR327 and Purchase Order No. 4500092228-10, forward invoice and proof of publication to Amber Holley, Brevard County Public Works Dept., Surveying & Mapping Program, 2725 Judge Fran Jamieson Way, Room A-220, Viera, FL, 32940

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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

August 21, 2024

M & R United, Inc.
402 High Point Dr., Suite 101
Cocoa, FL 32926

Dear Sir/Madam:

Re: Resolution Vacating Plat Note 18 in Plat "Water's Edge", Melbourne

The Board of County Commissioners, in regular session on July 9, 2024, adopted Resolution No. 2024-063, vacating plat note 18 in Plat "Water's Edge", Melbourne, as petitioned by you. Said Resolution has been recorded in ORBK 10131, Pages 333 through 338. Enclosed is a certified copy of the recorded Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Amber Holley, Public Works



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

August 21, 2024

MEMORANDUM

TO: Marc Bernath, Public Works Director Attn: Amber Holley

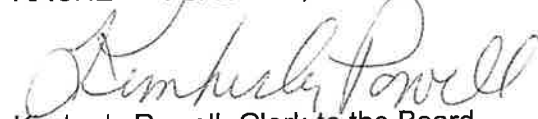
RE: Advertising Bills for Resolution Vacating Plat Note 18 in Plat "Water's Edge", Melbourne

Enclosed for your necessary action are copies of the advertising bills for Resolution No. 2024-063, vacating Plat Note 18 in Plat "Water's Edge", Melbourne, as petitioned by M & R United, Inc. Said Resolution was adopted by the Board of County Commissioners, in regular session on July 9, 2024.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/sm

Encls. (2)