

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>JA</u>	_____	<u>1-28-25</u>
COUNTY ATTORNEY Gregory Hughes Assistant County Attorney	<u>GH</u>	_____	<u>2/4/2025</u>

RESOLUTION NO. 25- _____
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:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk of the Court

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.

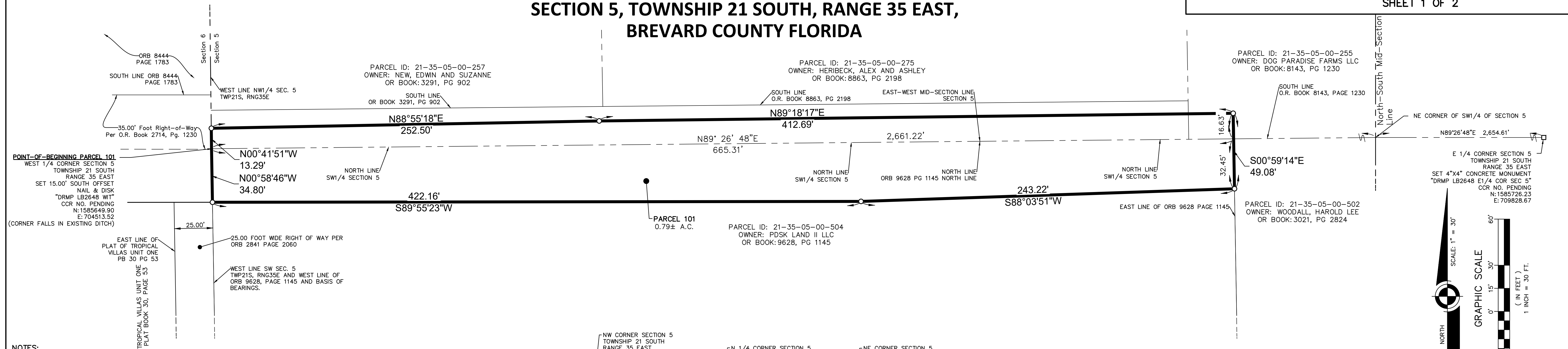
Containing 34,334 S.F. (0.79 Acres) and being subject to any easements and/or rights -of -ways of record.

SPECIFIC PURPOSE SURVEY

IRWIN AVENUE MAINTENANCE MAP

SECTION 5, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY FLORIDA

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



- NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BEING "N.00°58'46"W.", BASED ON THE STATE PLANE COORDINATE SYSTEM OF FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2003 (NAD '83/03).
 - THE SPECIFIC PURPOSE OF THIS SURVEY IS TO LOCATE AN EXISTING DIRT ROAD (IRWIN AVE) AND ROAD SIDE SWALE/DITCH THAT HAS BEEN MAINTAINED AND REPAIRED BY BREVARD COUNTY FOR SEVEN (7) YEARS AND TO GENERATE A MAINTENANCE MAP SHOWING THE HORIZONTAL RELATIONSHIP OF THE MAINTAINED RIGHT-OF-WAY TO THE ADJACENT SECTION LINE AND PROPERTY LINES. THE LIMITS OF THE MAINTAINED RIGHT-OF-WAY LINE IS BASED ON A SITE INSPECTION WHEREBY THE ROAD & BRIDGE SUPERVISOR SUSAN JACKSON, CONFIRMED THE LIMITS OF THE MAINTAINED RIGHT-OF-WAY LINE SHOWN HEREON.
 - THE MAINTAINED RIGHT-OF-WAY SHOWN HEREON IS SUPPORTED BY ROAD MAINTENANCE INVENTORY SUMMARIES THAT DATE BACK TO 1972 WHEREBY THE COUNTY PUBLIC WORKS DEPARTMENT OF ROAD & BRIDGE MAINTAINED 50± FOOT OF A DITCH AND GRADED DIRT ROAD.
 - A TITLE REPORT, COMMITMENT AND/OR OPINION OF TITLE WAS NOT PROVIDED TO THIS SURVEYOR.
 - DATE OF FIELD SURVEY: AUGUST 17, 2024.
 - THIS SURVEY DOES NOT WARRANT TITLE.
 - THE MAINTENANCE LIMITS AS SHOWN HEREIN, SUCH AS THE EXISTING NORTHERLY AND SOUTHERLY EDGES OF THE PAVED AND DIRT ROADWAY OF IRWIN AVENUE AND EXISTING ASSOCIATED ROADSIDE SWALES AND/OR DITCHES; ARE BASED ON DRMP SURVEY PROJECT NUMBER 21-0573.000.
 - UNDERGROUND IMPROVEMENTS (SEPTIC TANKS, FOUNDATIONS, DRAINFIELDS, ETC.), IF ANY, WERE NOT LOCATED.
 - THE SURVEYOR HAS NOT INSPECTED THE SUBJECT PARCEL FOR THE POSSIBILITY OF HAZARDOUS WASTE, ENDANGERED SPECIES HABITAT, NOR ANY OTHER POSSIBLE ENVIRONMENTAL ITEMS.
 - THE COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2003 (N.A.D. '83/03). ALL DISTANCES DEPICTED HEREON ARE GROUND DISTANCES. THE FOLLOWING HORIZONTAL CONTROL STATIONS WERE USED TO ESTABLISH THE STATE PLANE COORDINATES/BEARINGS SHOWN HEREON:

STATION NAME: BREVARD C 228 (PID: AK0715);
NORTHINGS: 1,599,729.34; EASTINGS: 703,171.84
LATITUDE: 28°44'03.68683"(N); LONGITUDE: 080°51'11.97733"(W)
COMBINED SCALE FACTOR: 0.99994757 CONVERGENCE: 00°04'13.8".

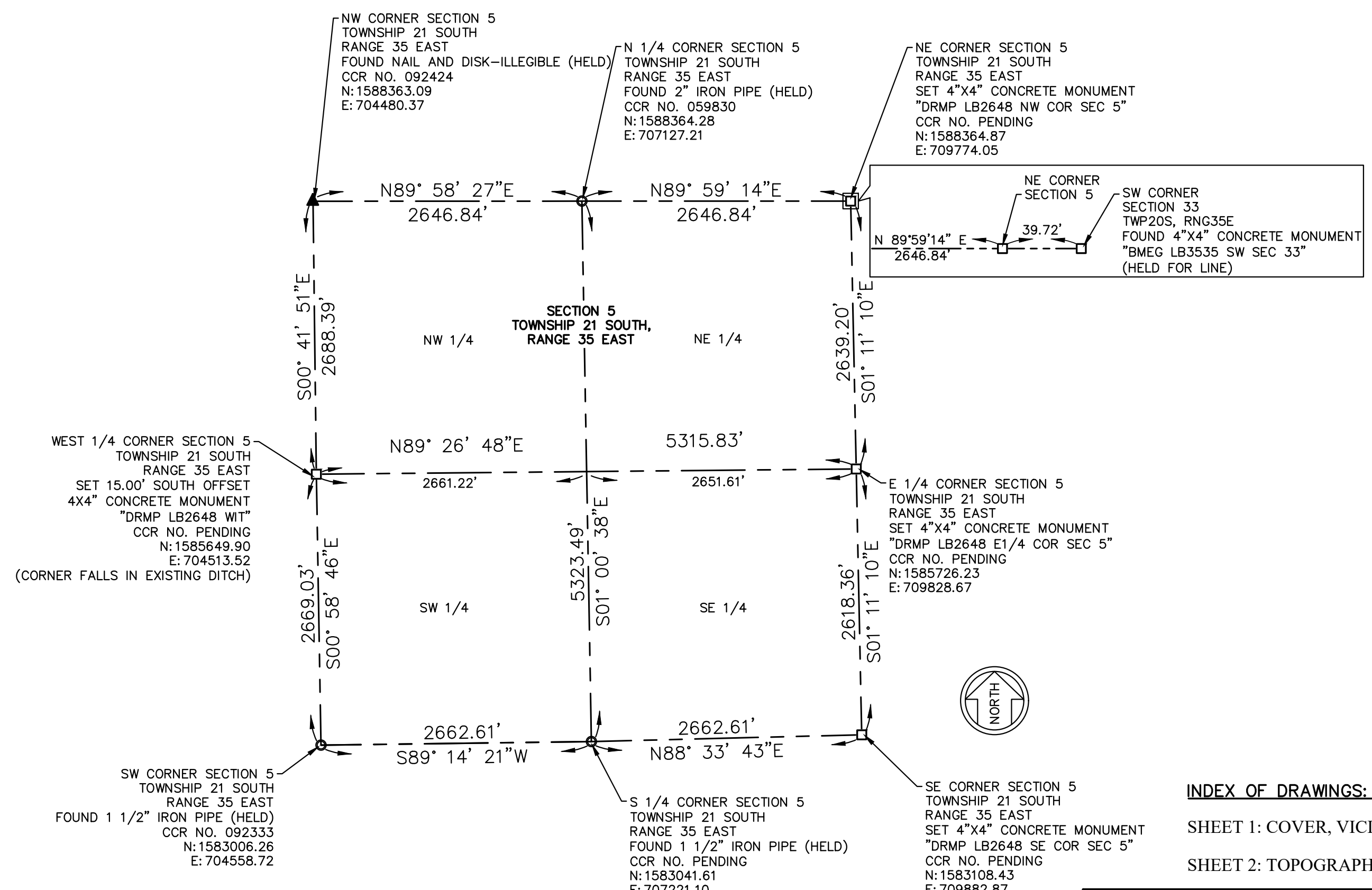
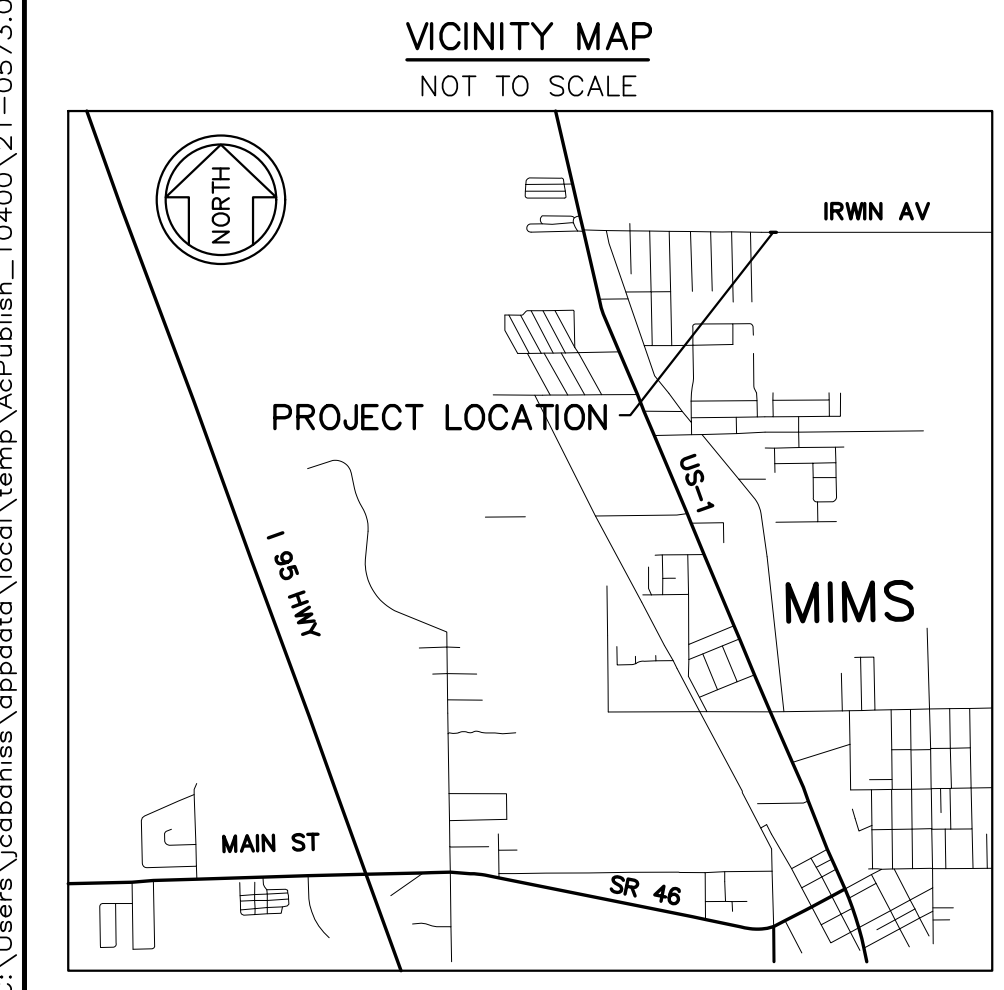
STATION NAME: BREVARD FLOPS 37 (PID: AK6918);
NORTHINGS: 1,589,925.36; EASTINGS: 692,500.55
LATITUDE: 28°42'26.73250"(N); LONGITUDE: 080°53'11.95546"(W)
COMBINED SCALE FACTOR: 0.99994621 CONVERGENCE: 00°03'16.0".

STATION NAME: BREVARD I95 73 B17 (PID: AK5214);
NORTHINGS: 1,574,865.11; EASTINGS: 697,991.56
LATITUDE: 28°39'57.56401"(N); LONGITUDE: 080°52'10.47413"(W)
COMBINED SCALE FACTOR: 0.99994579 CONVERGENCE: 00°03'45.2".

LOCAL CONTROL STATION: BMEG NAIL AND DISK (BMEG LB3535 TRAV)
NORTHING: 1585666.5143172; EASTING: 704512.1865160
LATITUDE: 28°41'44.43" (N); LONGITUDE: 80°50'57.12" (W)
COMBINED SCALE FACTOR: 0.999948248 CONVERGENCE: 00°04'20.67"

11. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES SHOWN HEREON; COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.

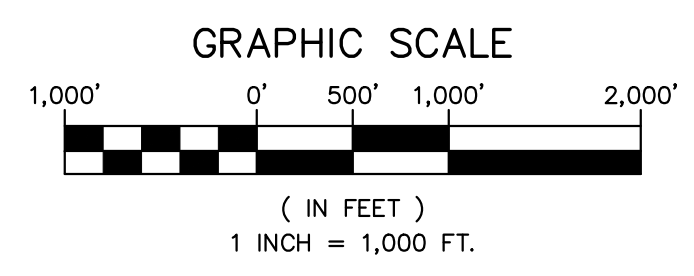
12. THIS SURVEY IS CERTIFIED TO:
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS



INDEX OF DRAWINGS:

SHEET 1: COVER, VICINITY MAP, LEGAL DESCRIPTION, SURVEYORS NOTES, SECTIONAL BREAK DOWN, RIGHT-OF-WAY MAINTENANCE MAP

SHEET 2: TOPOGRAPHIC MAP, ABBREVIATIONS, LEGEND



THIS SURVEY IS PREPARED AND CERTIFIED FOR THE EXCLUSIVE USE OF THE COUNTY AGENCY OR DEPARTMENT NAMED HEREON, AND FOR THE SPECIFIC PURPOSE STATED AND MUST NOT BE RELIED UPON BY ANY OTHER INDIVIDUAL OR ENTITY AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61017-6.005(2), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS IS TO CERTIFY THAT THE ROAD WHICH IS CROSSHATCHED ("//////") ON THIS MAP HAS BEEN REGULARLY MAINTAINED OR REPAIRED CONTINUOUSLY AND UNINTERRUPTEDLY FOR THE PAST SEVEN (7) YEARS BY BREVARD COUNTY. PURSUANT TO THE PROVISIONS OF SECTION 95.361 SUBSECTION (2) (3), FLORIDA STATUTES, THE ROAD SHOWN HEREON SHALL BE DEDICATED TO THE PUBLIC TO THE EXTENT OF THE WIDTH THAT ACTUALLY HAS BEEN MAINTAINED OR REPAIRED FOR THE PRESCRIBED PERIOD, FURTHERMORE, THE RIGHTS, TITLE EASEMENT, AND APPURTENANCES TO THE LAND CROSS-HATCHED ON THIS MAP HAS VESTED IN BREVARD COUNTY.

IN WITNESS WHEREOF, SIGNED AND SEALED THIS _____ DAY OF _____, 2025.

JOSEPH, BARRY CABANISS P.L.S. 4524

REPRODUCTION OR ALTERATION OF THIS DRAWING WITHOUT PERMISSION BY THE SURVEYOR IS HEREBY FORBIDDEN.

ROB FELTNER CHAIRPERSON OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: CLERK TO THE BOARD _____ DATE _____

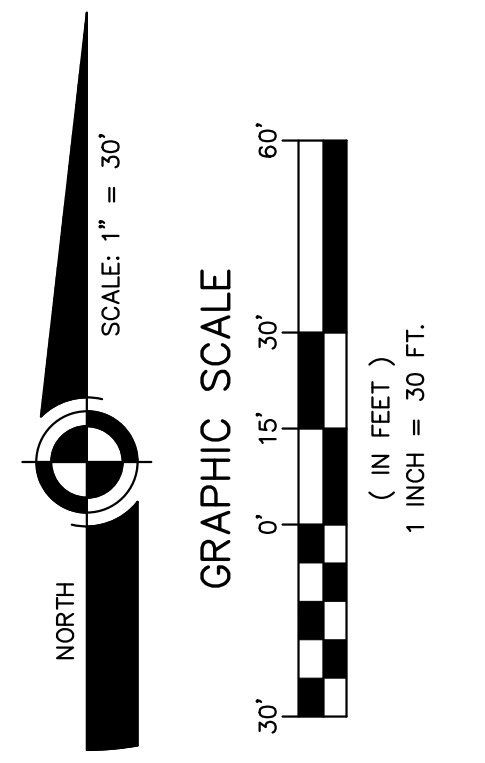
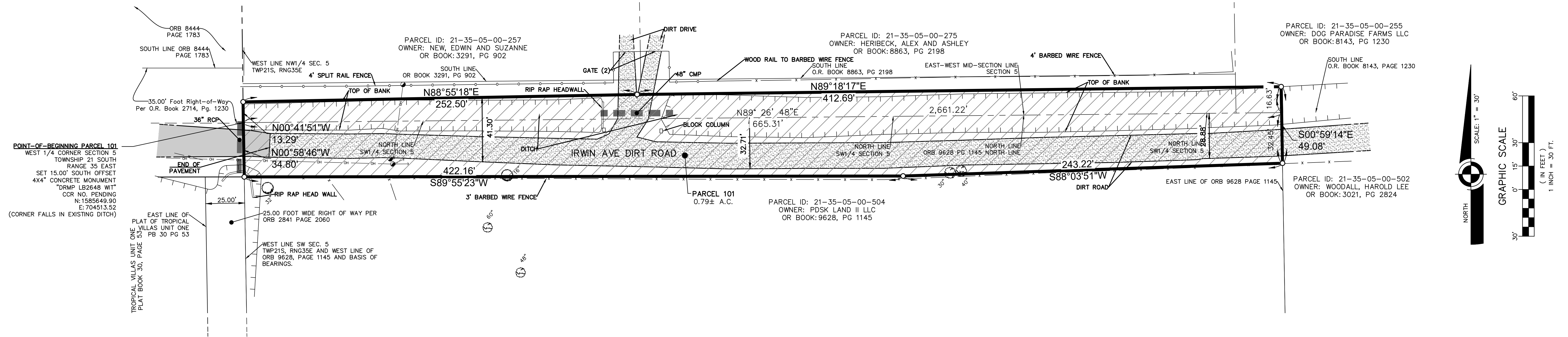
DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

Certificate of Authorization No. 2648
100 Parnell Street Suite A, Merritt Island, FL 32953
Phone: 321.453.0010 WWW.DRMP.COM

BREVARD COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS	
MAINTENANCE MAP	
IRWIN AVENUE	COMMISSION DISTRICT 1
DATE:	REVISIONS:
FIELD SURVEY DATE: 8/29/2024	APPROVED BY _____ DATE _____
PARTY CHIEF: M. BENTLEY	
DRAWN BY: J. CABANISS	SUSAN G. JACKSON, PUBLIC WORKS DEPARTMENT ROAD AND BRIDGE MANAGER
CHECKED BY: J. CABANISS	
SCALE: 1 INCH = 30 FEET	APPROVED BY _____ DATE _____
FIELD BOOK: T.21S., R.35E. NO. ____	
PROJECT NUMBER: 21-0573.000	
DRAWING NAME: 21-0573.000-sr02.DWG	
SECTION 5, T.21S, R.35E.	MARC BERNATH, DIRECTOR OF THE BREVARD COUNTY PUBLIC WORKS DEPARTMENT
SHEET 1 OF 2	

SPECIFIC PURPOSE SURVEY
IRWIN AVENUE MAINTENANCE MAP
 SECTION 5, TOWNSHIP 21 SOUTH, RANGE 35 EAST,
 BREVARD COUNTY FLORIDA

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



ABBREVIATIONS & LEGEND:

- | | | |
|--|--|--|
| <p>A/C AIR CONDITIONER
 AKA ALSO KNOWN AS
 (C) BEARING/DISTANCE CALCULATED
 CCR CERTIFIED CORNER REPORT
 CI CAST IRON
 CLF CHAIN LINK FENCE
 CM CONCRETE MONUMENT
 CMP CORRUGATED METAL PIPE
 CONC. CONCRETE
 DDCV DOUBLE DETECTOR CHECK VALVE
 DI DUCTILE IRON
 EL ELEVATION
 FL DOT FLORIDA DEPARTMENT OF TRANSPORTATION
 FF FINISHED FLOOR
 FND FOUND
 HDPE HIGH DENSITY POLYETHYLENE
 INV INVERT
 (M) BEARING/DISTANCE PER PLAT
 MPH MILES PER HOUR
 NTS NOT TO SCALE
 ORB OFFICIAL RECORDS BOOK
 (P) BEARING/DISTANCE PER SURVEY MEASUREMENT
 PB PLAT BOOK
 PC POINT-OF-CURVATURE
 PG PAGE
 PI POINT-OF-INTERSECTION
 POB POINT-OF-BEGINNING
 POC POINT-OF-COMMENCEMENT
 PT POINT-OF-TANGENCY
 PVC POLYVINYL CHLORIDE PIPE
 RB/C REBAR & CAP
 RCP REINFORCED CONCRETE PIPE
 RNG RANGE
 R/W RIGHT-OF-WAY
 SEC SECTION
 STA STATION
 TBM TEMPORARY BENCHMARK
 TWP TOWNSHIP
 TYP TYPICAL
 UGE UNDERGROUND ELECTRIC
 VCP VITRIFIED CLAY PIPE
 W/ WITH</p> | <p>⊕ GOPHER TORTOISE HOLE & NUMBER
 ⚡ FIRE HYDRANT
 ☐ MAIL BOX
 ● FOUND REBAR
 ○ SET REBAR & CAP "DRMP LB2648"
 ▲ FOUND NAIL & DISK
 △ SET NAIL & DISK "DRMP LB2648"
 ■ FOUND CONCRETE MONUMENT
 ▽ SIGN
 Ⓜ WATER METER
 Ⓜ WATER VALVE
 ☑ COMMUNICATIONS RISER
 ● WOOD POWER POLE
 ⚡ CONCRETE POWER POLE WITH LIGHT
 ■ PEDESTRIAN POLE
 ← GUY WIRE
 --- TOE OF SLOPE
 --- TOP OF BANK
 --- WATER LINE</p> | <p>--- OVERHEAD WIRE
 --- WIRE FENCE
 x 3.2 SURVEY ELEVATION
 --- VEGETATION
 ■ PAVEMENT
 ■ DIRT ROAD
 ○ OAK TREE AND SIZE
 * PALM TREE AND SIZE
 ○ TREE UNKNOWN SPECIES AND SIZE
 ○ SUGARBERRY TREE AND SIZE
 --- TOP OF BANK</p> |
|--|--|--|

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DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> Certificate of Authorization No. 2648 100 Parnell Street Suite A, Merritt Island, FL 32953 Phone: 321.453.0010 WWW.DRMP.COM		BREVARD COUNTY, FLORIDA	
		BOARD OF COUNTY COMMISSIONERS	
		MAINTENANCE MAP	
		IRWIN AVENUE	COMMISSION DISTRICT 1
DATE:	REVISIONS:	FIELD SURVEY DATE: 8/29/2024	FIELD BOOK: T.21S., R.35E. NO. ___
		PARTY CHIEF: M. BENTLEY	PROJECT NUMBER: 21-0573.000
		DRAWN BY: J. CABANISS	DRAWING NAME: 21-0573.000-sr02.DWG
		CHECKED BY: J. CABANISS	SECTION 5, T. 21S, R. 35E.
		SCALE: 1 INCH = 30 FEET	SHEET 2 OF 2

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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

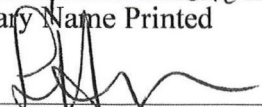


Ryan Mertz
Road and Bridge Maintenance Manager
Brevard County Public Works Department

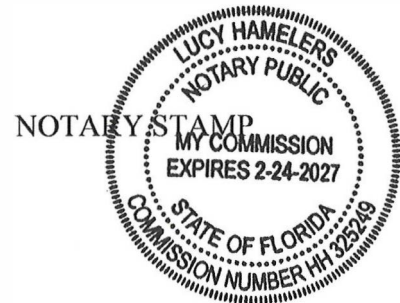
STATE OF FLORIDA
COUNTY OF BREVARD

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 () personally known to me or () has produced _____ as identification and who did/did not take an oath.

Lucy Hamelers

Notary Name Printed


Notary Name Signature



LOCATION MAP

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

PROPERTY LOCATION: Irwin Avenue in Mims

