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Board of County Commissioners  
Brevard County, Florida  
c/o Jennifer Jones  
Planning and Development Department

Re: Plat Modification and Waiver to the Rambling Acres West Addition Subdivision

Dear Ms. Jones:

We received and reviewed the Plat Modification and Waiver concerning the vacation and replatting of two lots in the Rambling Acres West Plat (Plat Book 30, Page 24, Public Records of Brevard County, Florida) ("**Plat**"), (a copy of which is attached for your reference). Specifically, the application is for the vacation and replatting of Lots 44 and 25 ("**Lots**") as shown on the Plat.

The Lots are subject to that certain Declaration of Covenants, Conditions, and Restrictions recorded December 30, 1983, in Official Records Book 2478, Page 2028, Public Records of Brevard County, Florida, as subsequently amended ("**HOA Declaration**").

The proposed replatting violates the express terms and conditions of the Declaration. Specifically, Section 3 of the Declaration provides as follows:

Lots Shall Not Be Subdivided. No Lot shall be subdivided or reduced in size nor shall any Lot be combined with another without the written consent of the AEC, and approval of the appropriate governmental authority.

The proposed replatting does not reflect the drainage easements in the favor of and benefitting the Rambling Acres Homeowners Association ("**HOA**"), and each owner of a Lot in Rambling Acres West. Specifically, Section 8 of the Declaration provides:

Lot Drainage. No Lot Owner shall be permitted to plant any landscaping or build any structures on areas within seven and one-half (7½) feet of their side and rear lot lines, so that proper drainage can be accomplished. The Association shall have the right to remove any such materials, if the Owner fails to do so after fifteen (15) days

written notice to do so. Any expenses incurred by the Association shall be a lien against the property upon filing of a Notice of Lien in the Public Records of Brevard County, Florida.

In addition, Section 11 of the Declaration provides:

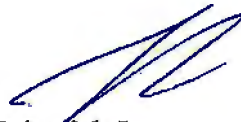
Easements to be Unrestricted. No right-of-way or easement of any kind may be made use of by a Lot Owner in such a manner as to restrict or prevent the intended use or enjoyment of said right-of-way or easement.

The proposed replatting vacates existing drainage and utility easements granted and conveyed pursuant to the Plat.

The proposed replatting appears to be an incremental step to facilitate a future subdivision of the proposed re-platted Lots, circumvention of the terms and restrictions of the Declaration, and elimination of the rights and interests of the HOA and the other owners.

The application is inconsistent with Brevard County code requirements and should be denied.

Very truly yours,



Brian M. Jones

CC: Commissioner Nicole Wilson (district1@ocfl.net)