



BOARD OF COUNTY COMMISSIONERS

## POLICY

Number: BCC-77  
Cancels: 03/06/2012  
Approved: 05/04/2021  
Originator: Public Works Department  
Review: 05/04/2024

# **TITLE: Vacating Public Access to Waterfront Property**

## **I. Objective**

The Board of County Commissioners acknowledges the importance of maintaining public access to waterfront property, and therefore, will not consider vacating public access to waterfront property unless such action is clearly in the best interests of Brevard County.

## **II. Definitions and References**

- A. Sections 336.09 through 336.12, Florida Statutes - Authority to Vacate Roads, Rights-of-Way, Alleys and/or Easements.
- B. Section 177.101(3), Florida Statutes -Vacating and annulment of plats subdividing lands.
- C. Brevard County Comprehensive Land Use Plan, Coastal Management Element, Policy 13.9.
- D. Chapter 86, Article II, Sections 86-36 through 86-41 of the Brevard County Code of Ordinances, Vacation of Roads, Rights-of-Way or Easements.
- E. Chapter 62, Article VII, Division 3, Section 62-2896(d) of the Brevard County Code of Ordinances -Vacating of plats.
- F. Chapter 62, Article X, Division 3. Surface Water Protection, Sections 62-3661 and 62-3663 of the Brevard County Code of Ordinances, Indian River Lagoon System.
- G. A0-73-Vacating County Roads, Rights of Way, and Easements.
- H. Current resolution establishing a specified fee for vacating roads, rights-of-ways, alleys and/or easements.
- I. Public Works Department - Department designated by the County Manager to process these requests.
- J. Waterfront Property - Property that abuts significant bodies of water including the Atlantic Ocean, the St. Johns River and its tributaries, the Indian River Lagoon System, navigable waterways, natural lake systems, man-made lakes and/ or any other systems appropriate.
- K. Indian River Lagoon System - Includes the Indian River, the Banana River, the Mosquito Lagoon, Newfound Harbor, Sykes Creek and its tributaries.

### III. Directives

- A. The Public Works Department will process and review all vacating requests in accordance with applicable state and local laws, policies and procedures.
- B. The Public Works Department will advise all petitioners desiring to vacate public access to waterfront property that such requests will not be considered by the Board of County Commissioners unless such action is clearly in the best interest of Brevard County.
- C. If the petitioner desires to pursue the vacating request, the Public Works Department will process the request, and make a recommendation to the Board of County Commissioners regarding whether such action is in the best interest of Brevard County.
- D. The Board of County Commissioners will review the vacating request at a public hearing to determine if the request is in the best interest of Brevard County. A super majority vote is required to approve the vacating request. If the Board of County Commissioners determines that the request is not in the best interest of Brevard County, the Board will so advise the petitioners and the request will be denied.

### IV. Reservation of Authority

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners.

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Rita Pritchett, Chair  
Board of County Commissioners  
As approved by the Board on May 4, 2021