



City of Melbourne Guide to Legal Review of Final Plat

The following checklist is intended as a guide for preparers of those platting materials required to be submitted to the Office of the City Attorney. Adherence to this guide will substantially expedite review. Substantial deviation in substance or form from the guide may result in delay or disapproval of the submitted plat. In no event shall such checklist be read to limit the requirements of applicable law, including, but not limited to Chapters 163 and 177, Florida Statutes and Chapter 8, Appendix D, Melbourne City Code.

Plat Name: _____
 Subdivision Nbr: _____
 Reviewed By: _____

Y/N	Reference	Description
Review Of Title To Platted Property		
	F.S. §177.041(2) Code §8.5(d)(4)c.	Submit recent title opinion or title certificate showing proper <ul style="list-style-type: none"> ▪ Record title to all land in plat ▪ Existing encumbrances ▪ Name of record plat ▪ Legal description ▪ Addressed to and for reliance by city of Melbourne and Board of County Commissioners of Brevard County, FL
Review Of Proper Creation And Existence Of Owner/Developer Legal Entity		
		Submit documentation of legal entity showing filing status with Secretary of State is current and active
		Submit documents identifying individual authorized to sign on behalf of legal entity
Review Of Proper Creation And Existence Of Homeowners/Property Owners Association		
	Code §8.5(d)(4)f.1.	Submit documentation of legal entity showing filing status with Secretary of State is current and active
	Code §8.5(d)(4)f.1.	Submit copy of association charter and articles of incorporation
	Code §8.5(d)(4)f.1.	Articles of incorporation specific language: “The City is not required to take title to or to operate any of the improvements in the subdivision upon dissolution of the association. Such provision cannot be amended or terminated without consent of the City.”
		Submit copy of association bylaws
		Articles of incorporation, bylaws and deed restrictions must be consistent
Review of Covenants, Conditions and Restrictions (“CC&R”) [See generally Code §8.5(d)(4)f.2.]		
		Cross-referenced with the plat
		Executed by property owners (acknowledged by notary) and witnesses

		No burdens on City
	Code §8.5(d)(4)f	Submit properly executed consent and joinder to CC&R
		No illegal restrictions
	Code §8.5(d)(4)f.2	CC&R must state that the covenants shall be covenants running with the land.
	Code §8.5(d)(4)f.2	CC&R must state that the common areas are subject to the jurisdiction of the association incorporated as the association.
	Code §8.5(d)(4)f.2	CC&R must state that the association shall be responsible for maintenance of the common areas.
	Code §8.5(d)(4)f.2	CC&R must state that the association shall have the power to assess the various lots in the subdivision for funds to maintain the common areas and upon failure to pay said assessments, the association may place a lien against said lots.
	Code §8.5(d)(4)f.2	CC&R must state restrictions on use of portions of the property to be subdivided
	Code §8.5(d)(4)f.2	CC&R must state a method by which the covenants and restrictions may be enforced
	Code §8.5(d)(4)f.2	CC&R must continue in force for so long as the subdivision may exist.
	Code §8.5(d)(4)f.2	The common areas in the CC&R shall include entry areas for landscaping and display of subdivision related signage, stormwater retention/detention facilities, drainage easements, recreational areas, and other subdivision related facilities and may include conservation areas.
Review of Stormwater Agreement		
[See generally Code §8.5(d)(4)e and Code §8.5(d)(4)f.5.]		
		Cross-referenced with the plat
		Executed by property owners (acknowledged by notary), homeowner/property owner association (acknowledged by notary) and witnesses
	Code §8.5(d)(4)f	Submit properly executed consent and joinder to Stormwater Agreement
Review of Deeds to Common Area Tracts		
[See generally Code §8.5(d)(4)f.3.]		
		Cross-referenced with the plat, Stormwater Agreement and CC&R
	Code §8.5(d)(4)f.3.	Warranty deed
		Executed by property owners (acknowledged by notary) and witnesses
	Code §8.5(d)(4)f	Submit properly executed release of security interest in tracts or consent and joinder to warranty deed
	F.S. §689.02(2)	Federal Employer ID Nbr of grantee in upper left corner
Review of Bill of Sale to City		

		Cross-referenced with the plat
		Reflect pipes, such as water pipes and sewer lines, located beneath rights-of-way
		Executed by property owners (acknowledged by notary) and witnesses
Review of Easements Requested by City		
	Code §8.5(d)(4)f.4.	Easement to City, as required by City
	Code §8.5(d)(4)f.4.	Warrants title
	Code §8.5(d)(4)f.4.	States grantor holds title to property and has power to convey title
	Code §8.5(d)(4)f.4.	States grantor will defend City against all claims against title
		Cross-referenced with the plat
		Executed by property owners (acknowledged by notary) and witnesses
	Code §8.5(d)(4)f	Submit properly executed consent and joinder to easement
Review of Water and Sewer Agreement Requested by City		
	Code §8.5(d)(4)f.6.	Agreement as required as condition of construction plan approval
		Cross-referenced with the plat
		Executed by property owners (acknowledged by notary) and witnesses
Review Of Securities For Completion Of Subdivision Infrastructure, as Required		
	Code §8.5(d)(4)b. Code §8.5(d)(4)f.9.	Properly executed letter of credit or bond or tri-party agreement as required
	Code §8.5(d)(4)f	Submit properly executed consent and joinder to letter of credit, bond or agreement, as applicable
Review of Letter from St. Johns River Water Management District		
	Code §8.5(d)(4)f.7.	Letter from SJRWMD, as applicable
Review Of Proposed Plat		
	Code §8.5(d)(4)a.3.	Legal description must be clear, close and reflect drawing
	F.S. §177.041(2) F.S. §177.091(11) Code §8.5(d)(4)a.3.	Legal description on plat mirrors legal description of title opinion letter/certification
	F.S. §177.091(1)	Plat is original drawing with proper ink and film
	F.S. §177.091(1)	Submit print or copy of plat along with original
	F.S. §177.091(2)	Plat sized and margined for binding purposes
	F.S. §177.091(3)	If more than one sheet, include key map
	F.S. §177.091(4) Code §8.5(d)(4)a. Code §8.5(d)(4)a.6.	Proper scale
	F.S. §177.051	Name of subdivision, legible, in bold and on each sheet

F.S. §177.091(5) Code §8.5(d)(4)a.6.	
F.S. §177.061 F.S. §177.091(5)	Surveyor's registration number, printed name, certificate of authorization, mailing address and street address on each sheet
F.S. §177.091(6) Code §8.5(d)(4)a.6.	Prominent "north arrow" on each sheet
F.S. §177.091(10) Code §8.5(d)(4)a.1. Code §8.5(d)(4)a.2.	Under name of plat on each sheet, show section, township and range as well as city, county, and state of land.
F.S. §177.071(1) F.S. §177.091(12) Code §8.5(d)(4)a.25	Certificate of approval by City
F.S. §177.081(2) F.S. §177.091(12) Code §8.5(d)(4)a.25	Dedication signed by ALL owners of property (certification, corporate seal, witnessed)
F.S. §177.081(2) Code §8.5(d)(4)a.18 Code §8.5(d)(4)a.25	Holder of security interest (like mortgagee) signed a joinder and consent to plat, dedication and reservations thereon
F.S. §177.091(13) Code §8.5(d)(4)a.5. Code §8.5(d)(4)a.7.	Signed and sealed certificate of surveyor who prepared plat reflecting date of survey
F.S. §177.091(13) Code §8.5(d)(4)a.7.	Certificate of circuit court clerk
F.S. §177.091(14) Code §8.5(d)(4)a.8.	Surveyor lines indicated
F.S. §177.091(16) Code §8.5(d)(4)a.23	Easements' location, width and intended use shown on plat or in notes; Easements reflect language of "# feet wide" rather than merely "# feet"
Code §8.5(d)(4)a.23	Location, width, purpose and limitations, if any, of reservation, tracts and dedications shown
F.S. §177.091(16) Code §8.5(d)(4)a.9.	Location, width and names of streets, waterways and other rights of way shown; language reflects "# feet wide" rather than merely "# feet"
F.S. §177.091(17) Code §8.5(d)(4)a.10	Contiguous properties identified
F.S. §177.091(18) Code §8.5(d)(4)a.11	Lots numbered progressively
F.S. §177.091(25) Code §8.5(d)(4)a.19	Purpose of all dedications stated clearly
F.S. §177.071(1) Code §8.5(d)(4)a.25	Certificate of City approving plat (signed by mayor, attested to and sealed by city clerk)
F.S. §177.081(1) Code §8.5(d)(4)a.25	Certificate of City's surveyor approving plat
F.S. §177.081(3) Code §8.5(d)(4)a.25	For those streets that are intended to be private, dedication must specifically so state.
Code §8.5(d)(4)a.4	Vicinity map

	Code§8.5(d)(4)a.21	Specific language: “Fences are regulated in easements per section 9.47(d), Appendix D, City Code.”
	F.S.§171.091(27) Code§8.5(d)(4)a.22	Specific language: “NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.”
	F.S.§177.091(28) Code§8.5(d)(4)a.24	Specific language: “All platted utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance and operation shall comply with the National Electrical Safety code as adopted by the Florida Public Service Commission.”
		Specific language: “The term ‘public utilities’ includes but is not limited to electric power service which term shall specifically include Florida Power & Light Co. Such term shall not exclude other suppliers of electricity.
		Specific language: “Side lot easements along the boundaries of a single building site shall be terminated when two or more lots are used for a single building site, unless a drainage structure or utility has been constructed within the easement, when more than one lot or parts of one or more lots are used as a single building site. The outside boundaries of the building site shall carry the side lot line easements provided and dedicated by this plat, provided that no utilities exist within said easement and proper verification has been made.”
		Specific language: “The Consent and Joinder of the Mortgagee to this Plat is recorded in Official Records Book ____, Page ____ of Brevard County, Florida.”
		Specific language: “The Covenants, Conditions and Restrictions to this Plat is recorded in Official Records Book ____, Page ____ of Brevard County, Florida.”
		Specific language: “The Stormwater Agreement to this Plat is recorded in Official Records Book ____, Page ____ of Brevard County, Florida.”
		Tracts are conveyed by deed and not merely dedicated