

RESOLUTION 2024-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PERTAINING TO JAMES ROAD; SPECIFICALLY FINDING THAT JAMES ROAD IS IN NEED OF CERTAIN WORK TO ENSURE COMPLIANCE WITH APPLICABLE NATIONAL, STATE, AND LOCAL STANDARDS AND REGULATIONS TO BETTER ENSURE PUBLIC HEALTH, SAFETY, AND WELFARE DUE TO THE ADDITIONAL TRAFFIC BEING ADDED TO THE ROAD.

WHEREAS, the Board finds that James Road is a public road under the jurisdiction of the County by virtue of deed, plat, or maintenance; and

WHEREAS, the Board finds that, within its jurisdiction, the County is responsible for ensuring James Road complies with applicable national, State, and County laws, rules, and regulations; and

WHEREAS, Section 86-69, Brevard County Code, specifies that “[a]ll road and easement improvements shall comply with the applicable regulations of the [C]ounty and [S]tate, including, but not limited to, . . . [Florida Department of Transportation (“F.D.O.T.”)] standards and specifications and exhibits approved by the [Board]”; and

WHEREAS, LTG, Inc. (“LTG”), traffic engineering consultant retained by Taylor Morrison of Florida, Inc., the current property owner, has conducted a Traffic Calming Study for James Road to determine what improvements (if any) should be made to enhance the public health, safety, and welfare due to anticipated increased traffic caused by the proposed new development and to ensure compliance with applicable F.D.O.T. standards, including, but not limited to, the F.D.O.T. Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (2018) (the “Florida Greenbook”), the F.D.O.T. Design Manual (2024), and the U.S. Department of Transportation Federal Highway Administration (FHWA), including the FHWA Traffic Calming ePrimer; and

WHEREAS, LTG has provided recommendations to implement traffic calming measures that reduce the speed at which vehicles travel and to improve overall traffic safety on James Road, which include: (1) the installation of a series of speed tables with associated guardrails; (2) reduction of travel lane width; (3) the installation of vibratory edge line markings (i.e. rumble strips); and, (4) modified pavement texture at the intersections of James Road with Friday Road and Cox Road; and

WHEREAS, the Board finds that the construction of these traffic calming devices satisfies the requirements outlined in Section 7 of the Stipulated Settlement Agreement between the County, the City of Cocoa, Barrera Shores, LLC (former property owner),

and Florida Space Needle, LLC (the “Agreement”), and will better ensure the health, safety, and welfare of the public due to additional traffic being added to James Road as a result of the development.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Brevard County, Florida, hereby makes the following findings of fact.

1. **Recitals.** The above-listed recitals are true and correct and incorporated herein by this reference.
2. **Findings.** The Board makes the following findings:
 - a. Section 7 of the Agreement provides as follows:

James Road classification shall be modified and [the property owner] will pay for construction of traffic calming devices along James Road. Input from property owners along James Road will be solicited by the County regarding the location and placement of traffic calming devices. All traffic calming devices along James Road shall be constructed and completed following land clearing but prior to any further construction or site work being completed.
 - b. Based on the proposed development, traffic calming devices on James Road are necessary to better protect the public health, safety, and welfare.
 - c. The County has received input from the property owners along James Road regarding the placement and location of traffic calming devices through public comments at Board meetings, a public involvement meeting in July 2024, and a survey issued to affected property owners.
 - d. The County has determined that the Traffic Calming Study, the citizen survey results, and the professional engineering assessment completed by County staff support the use of traffic calming devices along James Road in accordance with the attached Signing & Pavement Marking Plan (or as amended based on the County required permit review process) and as further identified in Section 2.e. below.
 - e. The use of speed tables (with guardrails), reduced width of travel lanes, textured pavement, and vibratory edge line markings are effective methods of traffic calming on James Road to better ensure the public health, safety, and welfare based on the specific conditions of the road and the volume of traffic expected from the new development.

3. **Directed Action.** The Brevard County Public Works Department is hereby authorized to carry out any necessary action along James Road to ensure the integrity of the associated infrastructure and to enforce or otherwise carryout the terms and conditions found in Section 7 of the Agreement.

4. **Preservation of Rights.** The Board hereby asserts that, by adopting this Resolution specific to James Road, it does not waive, relinquish, or otherwise forego any rights, interests, or assertions as it applies to James Road, or any other road under County jurisdiction.

DONE, ORDERED, AND ADOPTED in Regular Session this ____ day of _____, 2024.

ATTEST:

BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk of the Court

Rita Pritchett, Vice Chair
As approved by the Board on: _____