

**WRITTEN CONSENT OF BREVARD COUNTY
TO PARTIAL ASSIGNMENT AND ASSUMPTION OF
RIGHT-OF-WAY USE AGREEMENT (WEST VIERA)
BETWEEN THE VIERA COMPANY
AND VIERA STEWARDSHIP DISTRICT**

This Written Consent of Brevard County to the Partial Assignment and Assumption of that certain Right-of-Way Use Agreement dated September 17, 2019, by and between Brevard County and The Viera Company, is made this 26th day of August 2025 by the Brevard County Board of County Commissioners.

RECITALS

WHEREAS, Brevard County, Florida, a political subdivision of the State of Florida (the "County"), by and through its Board of County Commissioners (the "Board"), and The Viera Company, a Florida corporation ("TVC"), entered into that certain Right-of-Way Use Agreement dated September 17, 2019, relating to the installation of improvements, which may consist of, but are not limited to, improvements for landscaping, signage, hardscape, irrigation, traffic control devices (excluding traffic signals), and/or other related improvements pursuant to plans and specifications approved by the County ("Approved Improvements") within the public rights-of-way that have been or will be dedicated to the County within the West Viera Planned Unit Development of the "Viera" master planned community located in the County ("West Viera Public Rights-of-Way"), a copy of which is attached hereto and incorporated by reference herein as Exhibit "A" (the "Agreement");

WHEREAS, the Agreement provides that TVC may assign its rights, duties, and obligations thereunder or any portion thereof only with the prior written consent of the County, and specifically contemplates assignment by TVC to the "Community Association" or a "Neighborhood Association" in its sole and absolute discretion (as defined therein);

WHEREAS, TVC now desires to assign its rights, duties, and obligations under the Agreement in portions, as it may determine in its sole and absolute discretion, to the Viera Stewardship District, a special purpose unit of local government established pursuant to Chapter 2006-360, Laws of Florida and Chapter 189, Florida Statutes (the "VSD"), with regard to certain Approved Improvements within West Viera Public Rights-of-Way following TVC's installation thereof contingent upon the VSD's agreement to assume same (the "Partial Assignments")

WHEREAS, the Partial Assignments shall be effectuated by one or more instruments which shall each be in a form in substantial conformance with Exhibit "B" attached hereto and incorporated by reference herein (the "Form of Partial Assignment"); and

WHEREAS, the Partial Assignments as so effectuated shall not in any way alter or impair the County's rights under the Agreement.

NOW, THEREFORE, the County, by and through the Board, hereby adopts the above recitals and consents to the Partial Assignments contemplated thereby, and authorizes its Chairman to execute this Written Consent to evidence the County's prior written consent as required under the Agreement to the Partial Assignments which may hereafter be severally and independently effectuated between TVC and the VSD utilizing the Form of Partial Assignment with subsequent notice and delivery of a copy to the County but no further consent required.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

Rob Feltner, Chairman

As Approved by the Board on _____

Reviewed for Legal Form and Content:



Greg Hughes, Assistant County Attorney

Exhibit "A"

The Agreement

See copy of Right-of-Way Use Agreement (West Viera) between Brevard County and The Viera Company dated September 17, 2019, attached hereto and incorporated by reference herein.

Exhibit "B"

The Form of Partial Assignment

See approved form of Partial Assignment and Assumption between The Viera Company and Viera Stewardship District for of Right-of-Way Use Agreement (West Viera) attached hereto and incorporated by reference herein.