

**Attachment C**



July 10, 2020

**M E M O R A N D U M**

**TO:** Virginia Barker, Natural Resources Management Director

**RE:** Item H.1., Public Hearing for Temporary Use Acknowledgement (TUA) for Brevard County Dewatering Activities for the Grand Canal Muck Removal

The Board of County Commissioners, in regular session on July 9, 2020, approved and authorized the Chair to execute a TUA to allow you to utilize 6.38 acres of the 18.83 acre vacant parcel zoned PUD for dewatering activities for the Grand Canal Muck Removal Project for a period of up to four years. Enclosed is a fully-executed Acknowledgment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Kimberly Powell*  
Kimberly Powell, Deputy Clerk

Encl. (1)

**TEMPORARY USE ACKNOWLEDGMENT**  
**BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY**

**THIS ACKNOWLEDGEMENT**, Made this 9 day of, July 2020 by the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY ("BCC")**, **FLORIDA**, a political subdivision of the State of Florida, as follows:

**1. TEMPORARY DREDGED MATERIAL DEWATERING ACTIVITIES**

- a) In connection with the Grand Canal Muck Removal Project, the County shall utilize a portion of the County's property located in the Planned Unit Development (PUD) zoning classification to temporarily allow the construction and operation of a temporary dredged material dewatering facility in conjunction with temporary parking and storage of construction equipment and materials, if necessary.
- b) The purpose is to continue to fulfill the County's obligation to conduct muck dredging along the northern segment of the Grand Canal as part of the County's effort to conduct environmental restoration dredging to improve water quality within the Indian River Lagoon. The project is a direct public benefit by removing nutrient-laden muck material that smothers the natural bottom, clouds the water, prevents the growth of seagrass, and contributes to harmful algal blooms.
- c) The temporary dredged material management activities will include (a) clearing of vegetation, (b) site excavation and grading to create staging areas for equipment and materials, drying areas, stormwater swales, an access road, and a containment pond for dredged materials, (c) ingress/egress of highway haul trucks, and (d) loading dredged material onto highway haul trucks. Equipment on-site may include, but is not limited to, front-end loader(s), trackhoe, skid steer, backhoe, and highway haul trucks. Contractor's activities on-site will typically be between the hours of 7:00 AM to 7:00 PM.
- d) The initial construction activities began in August of 2019 and the previous Temporary Use Acknowledgement was approved by the Board of County Commissioners on September 18, 2018 and became active for a period of one (1) year upon the issuance of the Notice to Proceed to the contractor on July 29, 2019.
- e) Upon completion of the dredge activities and the associated dewatering of dredged material the County will require the removal of all equipment and materials from the site. Thereafter site restoration will occur. Site Restoration will include (a) removal of temporary construction access road, (b) restoration of site grades to pre-construction conditions, and (c) planting of the site with a variety of native vegetation including a combination of plants and hydroseed. The site restoration plan is attached hereto and made part hereof as Exhibit "A".

f) The temporary uses described in paragraph (a) above are to be located on the property described by the Brevard County Property Identification Number as 26-37-22-00-3. The legal description is attached hereto and made part hereof as Exhibit "B";

f) This location is no less than approximately 110 feet from the closest property line under different ownership, and no less than 175 feet from the nearest dwelling unit. The temporary dredged material management area will be buffered from residential property by a 15 foot vegetative buffer and a chain link fence installed with sound dampening material. The temporary use will be subject to the noise limitations prescribed in Chapter 46, Article IV, Sections 46-126 through 46-131 Code of Ordinances of Brevard County, Florida.

g) This temporary use by the County is for a period of four (4) years effective upon execution by Brevard County.

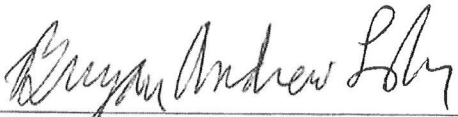
h) The additional time requested for this TUA beyond the projected completion date of February 26, 2023 is intended to provide additional time in the event of unforeseen project delays.

i) If the project is completed prior to the expiration date of the TUA (July 9, 2024) the TUA shall expire on the date the project is deemed complete by the County.

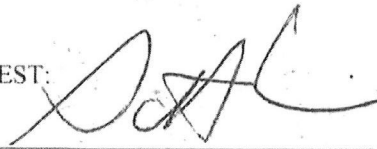
k) On August 20, 2019 the Board approved an ordinance amending Chapter 62, "LAND DEVELOPMENT REGULATIONS", Code of Ordinances of Brevard County, Florida; amending Article VI, Zoning Regulations, Division 6, Supplement Regulations, Subdivision 1, General Provisions; Specifically amending Section 62-2131, Temporary Use Agreements. The amendment allows for a temporary use agreement authorization period of up to five (5) years for lagoon restoration projects.

BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS

2725 Judge Fran Jamieson Way  
Viera, Florida 32940

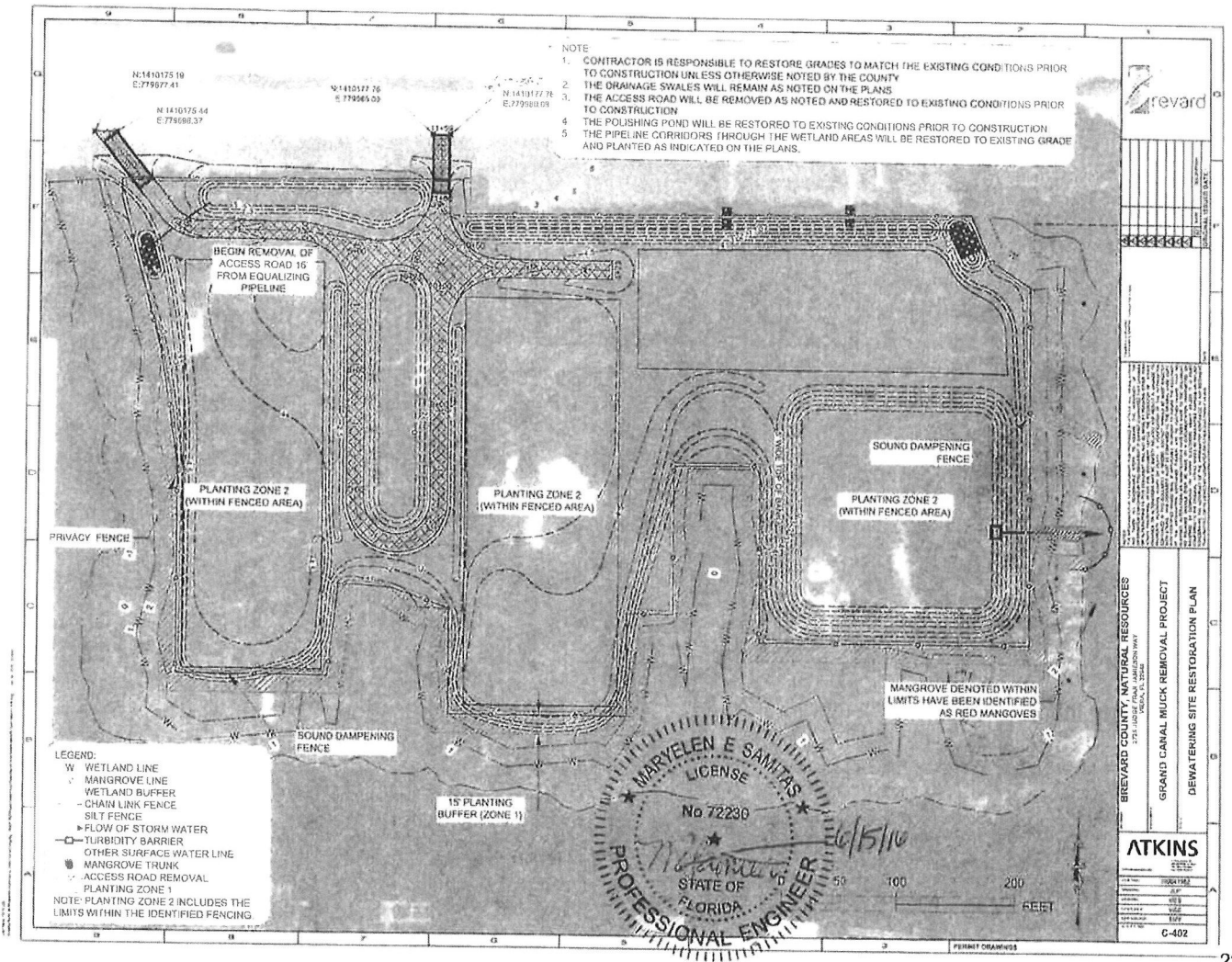
By:   
Bryan Lober, Chair

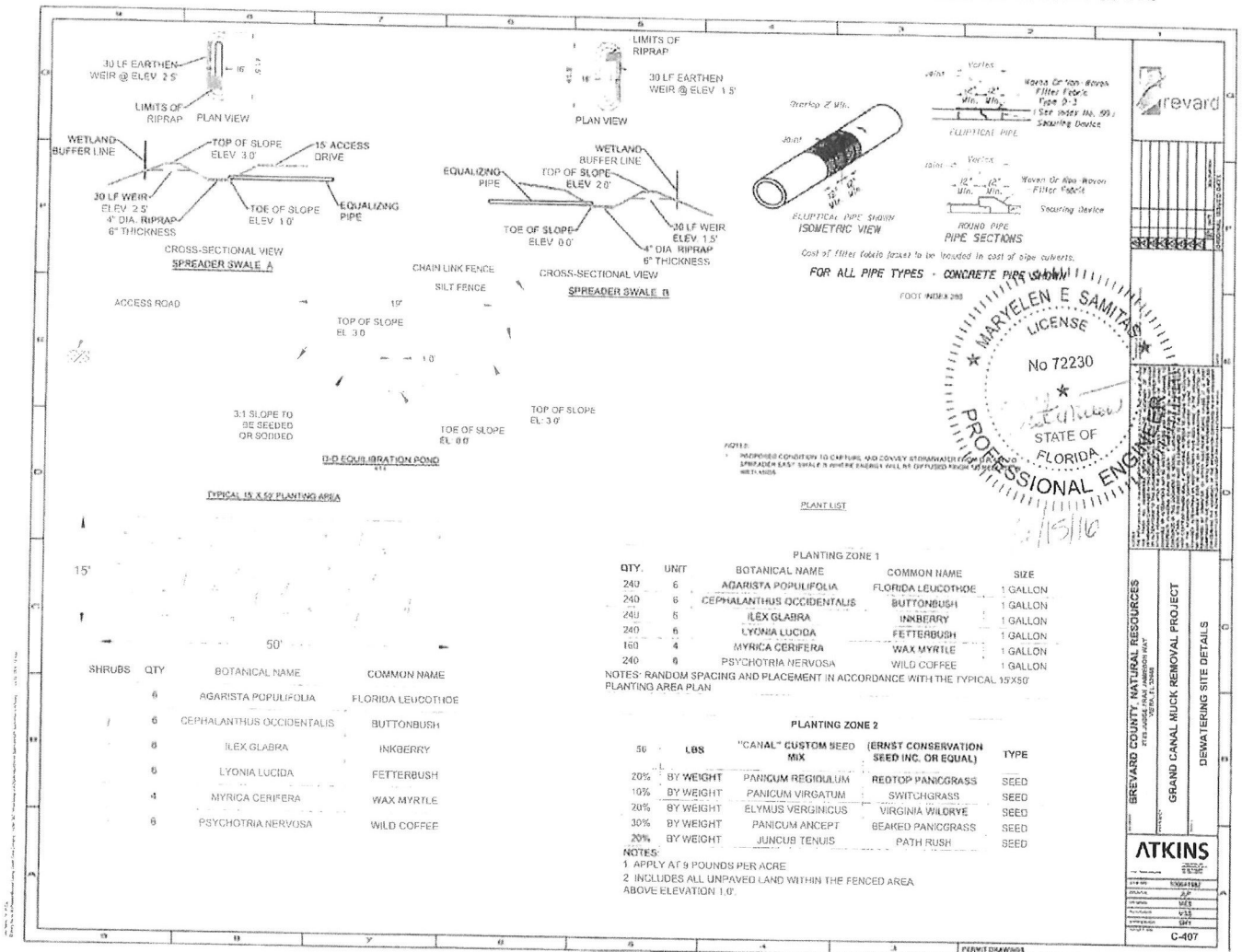
ATTEST:

  
Scott Ellis, Clerk

As approved by the Board on 7/9/2020

**EXHIBIT A**  
**SITE RESTORATION PLAN**





**EXHIBIT B**  
**LEGAL DESCRIPTION**



EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT PORTION OF GOVERNMENT LOT 2, GOVERNMENT LOT 3 AND THE NORTH 1/2 OF GOVERNMENT LOT 4 ALL IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE NORTH-WEST CORNER OF TORTOISE ISLAND, PHASE TWO, UNIT TWO, P.U.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26 AT PAGES 84 AND 85 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S88°51'49"W ALONG THE NORTH LINE OF GOVERNMENT LOT 2 IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA FOR 394.99 FEET; THENCE RUN NORTH FOR 2003.4 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 4: SAID POINT BEING THE POINT OF BEGINNING: THENCE CONTINUE NORTH FOR 2766.0 FEET TO THE CENTER OF THE BREVARD COUNTY MOSQUITO CONTROL CANAL DESCRIBED IN AN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID POINT BEING THE POINT OF TERMINATION OF SAID LINE. TOGETHER WITH THAT PART OF GOVERNMENT LOT 2 IN SAID SECTION 22, LYING NORTH OF THE MOSQUITO CONTROL CANAL AS DESCRIBED IN THE INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND WEST OF THE WEST LINE OF WATERWAY ESTATES 4TH ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21 AT PAGE 79 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND SOUTH OF THE EXISTING SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 404.

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**TEMPORARY USE ACKNOWLEDGMENT**  
**BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY**

**THIS ACKNOWLEDGEMENT**, Made this 18 day of, September 2018 by the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY ("BCC")**, **FLORIDA**, a political subdivision of the State of Florida, as follows:

**1. TEMPORARY DREDGED MATERIAL DEWATERING ACTIVITIES**

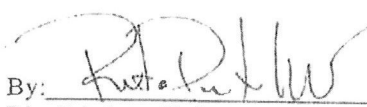
- a) In connection with the Grand Canal Muck Removal Project, the County shall utilize a portion of the County's property located in the Planned Unit Development (PUD) zoning classification to temporarily allow the construction and operation of a temporary dredged material dewatering facility in conjunction with temporary parking and storage of construction equipment and materials, if necessary.
- b) The purpose is to fulfill the County's obligation to conduct muck dredging along the northern segment of the Grand Canal as part of the County's effort to conduct environmental restoration dredging to improve water quality within the Indian River Lagoon. The project is a direct public benefit by removing nutrient-laden muck material that smothers the natural bottom, clouds the water, prevents the growth of seagrass, and contributes to harmful algal blooms.
- c) The temporary dredged material management activities will include (a) clearing of vegetation, (b) site excavation and grading to create staging areas for equipment and materials, drying areas, stormwater swales, an access road, and a containment pond for dredged materials, (c) ingress/egress of highway haul trucks, and (d) loading dredged material onto highway haul trucks. Equipment on-site may include, but is not limited to, front-end loader(s), trackhoe, skid steer, backhoe, and highway haul trucks. Contractor's activities on-site will typically be between the hours of 7:00 AM to 7:00 PM.
- d) Upon completion of the dredge activities and the associated dewatering of dredged material the County will require the removal of all equipment and materials from the site. Thereafter site restoration will occur. Site Restoration will include (a) removal of temporary construction access road, (b) restoration of site grades to pre-construction conditions, and (c) planting of the site with a variety of native vegetation including a combination of plants and hydroseed. The site restoration plan is attached hereto and made part hereof as Exhibit "B".
- e) The temporary uses described in paragraph (a) above are to be located on the property described by the Brevard County Property Identification Number as 26-37-22-00-3. The legal description is attached hereto and made part hereof as Exhibit "A";
- f) This location is no less than approximately 110 feet from the closest property line under different ownership, and no less than 175 feet from the nearest dwelling unit. The temporary dredged material

management area will be buffered from residential property by a 15 foot vegetative buffer and a chain link fence installed with sound dampening material. The temporary use will be subject to the noise limitations prescribed in Chapter 46, Article IV, Sections 46-126 through 46-131 Code of Ordinances of Brevard County, Florida.


g) This temporary use by the County is for a period of one (1) year effective upon execution by Brevard County and the issuance of the Notice to Proceed to the Contractor awarded the construction services contract for the Grand Canal Muck Removal Project.

BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS

2725 Judge Fran Jamieson Way  
Viera, Florida 32940

By:   
Rita Pritchett, Chair

ATTEST:

  
Scott Ellis, Clerk

As approved by the Board on 9/18/18

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT PORTION OF GOVERNMENT LOT 2, GOVERNMENT LOT 3 AND THE NORTH 1/2 OF GOVERNMENT LOT 4 ALL IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE NORTH-WEST CORNER OF TORTOISE ISLAND, PHASE TWO, UNIT TWO, P.U.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26 AT PAGES 84 AND 85 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S88°51'49"W ALONG THE NORTH LINE OF GOVERNMENT LOT 2 IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA FOR 394.99 FEET; THENCE RUN NORTH FOR 2003.4 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 4; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH FOR 2766.0 FEET TO THE CENTER OF THE BREVARD COUNTY MOSQUITO CONTROL CANAL DESCRIBED IN AN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; SAID POINT BEING THE POINT OF TERMINATION OF SAID LINE. TOGETHER WITH THAT PART OF GOVERNMENT LOT 2 IN SAID SECTION 22, LYING NORTH OF THE MOSQUITO CONTROL CANAL AS DESCRIBED IN THE INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND WEST OF THE WEST LINE OF WATERWAY ESTATES 4TH ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21 AT PAGE 79 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND SOUTH OF THE EXISTING SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 404.

