



CITY OF PALM BAY
OFFICE OF THE CITY ATTORNEY

April 30, 2024

Via Electronic Mail (morris.richardson@brevardfl.gov)

Morris Richardson
Assistant County Attorney
Brevard County Attorney's Office
2725 Judge Fran Jamieson Way
Viera, Florida 32940-6605

Re: Palm Bay Regional Park / Cellular Communications Tower

Dear Mr. Richardson:

The City of Palm Bay ("City") is contemplating the location and construction of a cellular tower at Fred Poppe Regional Park (f/k/a Palm Bay Regional Park) ("Park").

Brevard County conveyed the Park by County Deed to the City on January 26, 2016, and recorded in Official Records Book 7596, Page 2612, Public Records of Brevard County, Florida. The County Deed provides that, "The [Property] is to be used solely for providing public recreational use and related activities." The Deed further provides, "In the event that any of such Property is not used or ceases to be used for the stated purpose and under the stated conditions, then all right, title, and interest in such Property shall revert to the party of the first part which shall thereafter have the right to reenter and repossess the Property conveyed herein."

Chapter 3 of the Brevard County Wireless Telecommunications Master Plan ("Master Plan") states the benefits of utilizing certain public-owned lands for new wireless telecommunications infrastructure. The County has affirmed its interest in maximizing the use of publicly owned land and qualified all properties with a minimum size of 7,500 square feet as potentially useful properties. Further, the Master Plan identifies the Park as an available site for telecommunications infrastructure.

Prior to commencing any construction, the City seeks confirmation from Brevard County that a cellular tower at the Park is consistent with the "public recreational use and related activities" enumerated in the County Deed.

Sincerely,

Michael A. Rodríguez
Chief Deputy City Attorney

cc: Juliet Misconi, Deputy City Manager