

**Attachment A**

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

**THIS AGREEMENT**, Made this 7th day of May, 2024 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 unincorporated segment of the Grand Canal system as part of the County’s effort to conduct environmental restoration dredging to improve water quality within the Indian River Lagoon. The project provides 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 that may lead to massive fish kills.
- c) The temporary dredged material management activities will include (a) occasional site maintenance excavation and grading to maintain staging areas for equipment and materials, drying areas, stormwater swales, access road, and a sand separation pond for dredged materials, (b) ingress/egress of highway haul trucks, and (c) loading dredged material into 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) 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.
- 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) Upon completion of the dredge activities and 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 or barricading of the 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".

g) The current Temporary Use Acknowledgement (TUA) was approved by the Board of County Commissioners on July 9, 2020, and became active for a period of four (4) years, expiring on July 9, 2024.

h) This temporary use by the County is for a period of four (4) years effective upon the expiration of the current TUA.

i) The additional time requested for this Temporary Use Agreement beyond the estimated completion date of November 30, 2027, is intended to provide additional time in the event of unforeseen delays of the project.

j) If the project is completed prior to the expiration date of the Temporary Use Agreement (July 9, 2028), then the agreement shall expire on the date the project is deemed complete by the County.

k) If the project duration extends beyond the expiration date of July 9, 2028, a separate request for a new Temporary Use Agreement shall be required.

l) Chapter 62, "LAND DEVELOPMENT REGULATIONS", Code of Ordinances of Brevard County, Florida; Article VI, Zoning Regulations, Division 6, Subdivision 1, Section 62-2131, Temporary Use Agreements; 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

ATTEST:

By: \_\_\_\_\_  
Jason Steele, Chair

\_\_\_\_\_  
Rachel Sadoff, Clerk

As approved by the Board on: \_\_\_\_\_