

RESOLUTION NO. 2023-____

A RESOLUTION PURSUANT TO SECTION 125.35, FLORIDA STATUTES AND SECTION 2-247 OF THE BREVARD COUNTY CODE OF ORDINANCES, AUTHORIZING THE LEASE OF COUNTY PROPERTY; PROVIDING FOR LEASE TERMS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as Brevard County, owns certain real property located at 2250 Adamson Road, Cocoa, 410 ft (north and south) by 660 ft (east and west) for 6.37 acres, plus 75 ft (north and south) by 1,643 ft (east and west) plus 75 ft (east and west) by 820 ft (north and south) for 4.75 acres. The Premises is part of the parcel of land identified on tax parcel map I.D. 24-35-16-00-00752.0-0000.00 lying in a portion of the south ½ of the southeast ¼ of section 16, township 24 south, range 35 east, Brevard County, Florida; and

WHEREAS, Brevard Energy LLC, a limited liability company incorporated under the laws of the State of Florida, hereinafter referred to as “Brevard Energy”, desires to lease said Property for the purposes of selling landfill gas produced at the Central Disposal Facility for the production of electricity or pipeline quality natural gas, pursuant to the terms set forth in the lease attached in Exhibit “A”; and

WHEREAS, Brevard County wishes to lease the Property to Brevard Energy for the above-stated purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

1. Brevard County hereby agrees to lease the Property to Brevard Energy pursuant to the terms set forth in the lease attached as “Exhibit A”.
2. Brevard County has determined that the Property is not needed for County purposes at this time and that it is in its best interest to enter into the lease for said purposes.
3. The County will enter into a lease with Brevard Energy beginning on the date of the Board approval of the Lease Contract for a term of 25 years.
4. The consideration for the Lease Contract will be \$59,100.00 per year, escalated at the national Consumer Price Index (“CPI”) every 12 months.
5. This Lease Contract will supersede and replace the original Lease Agreement with Brevard Energy currently in place.
6. In the event that the property is not used for the intended purpose or ceases to be used for the intended purpose, the property shall immediately revert to the County which shall thereafter have the right to re-enter and repossess the property.

DONE, ORDERED and ADOPTED in Regular Session this 24th day of January, 2023.

ATTEST

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on January 24, 2023

EXHIBIT A
LEASE CONTRACT