



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 3317, **Version:** 1

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### **Subject:**

Approval, Re: Brevard County Board of County Commissioners Written Consent to Easement in Connection with the City of Titusville's Application for the Use of State-Owned Uplands for a Force Main Easement Required for the Development of Brooks Landing Subdivision - District 1.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition / Parks and Recreation Department

### **Requested Action:**

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the attached Brevard County Board of County Commissioners Written Consent to Easement.

### **Summary Explanation and Background:**

The subject property is located in Section 29, Township 21 South, Range 35 East, on the west side of US Highway 1 at Dairy Road in Titusville.

AG Ventures, LLC is proposing a 143-lot subdivision known as Brooks Landing within the City of Titusville. Sewer service for the subdivision will be provided by a pump station and force main system. The developer proposes running the force main down the west side of US Highway 1 to tie into an existing force main located at the intersection of U.S. Highway 1 and Dairy Road. In order to make the connection for a required force main easement, it will need to cross the abandoned Florida East Coast Railway right of way, which is the Rails to Trails land owned by the State and managed by the County.

On April 25, 2008 the Board of Trustees of the Internal Improvement Trust Fund (TIITF), Lessor, entered into Lease Agreement 4576 with the State of Florida, Department of Environmental Protection (FDEP), Lessee, over 663.62 acres. Paragraph 12 of the lease states easements are expressly prohibited without the prior written approval of the Lessor. On September 2, 2008, Brevard County entered into a Sublease Agreement with FDEP over 196.6 acres of the East Coast Regional Rail Trail. Paragraph 32 of the sublease states that easements are prohibited without the prior written approval of TIITF and FDEP. As managing agent over the lands, the County must provide a written consent to the easement prior to the State considering the City's application. The Consent is contingent on the written approval of the easement by the TIITF and FDEP.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

**Clerk to the Board Instructions:**

Upon execution by the Chair, Public Works will contact the Clerk's office to make arrangements to pick up the original executed Brevard County Board of County Commissioners Written Consent to Easement.