



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2808, **Version:** 1

Subject:

Approval, Re: Assignment and Assumption Agreement and Temporary Construction Easement for The Viera Company Pineda Boulevard West Extension Project (Force Main)- District 4.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition / Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners: 1) approve and authorize the Chair to execute the Assignment and Assumption Agreement and 2) approve and accept the Temporary Sanitary Sewer Easement.

Summary Explanation and Background:

The subject property is located in Section 17, 18, 20, 21, 28, Township 26 South, Range 36 East, adjacent to the future Pineda Boulevard extension between Wickham Road and Lake Andrew Drive, in Viera.

The Viera Company plans to develop an area known as Village 2 of the West Viera Planned Unit Development (PUD). The attached Temporary Sanitary Sewer Easement extends from the South-Central Waste Water Treatment Facility southeasterly to the platted right-of-way of Pineda Boulevard. Portions of this easement will eventually be within the future right-of-way of Pineda Boulevard, once that roadway is extended to the west and north. The Temporary Sanitary Sewer Easement allows for automatic termination of segments of the easement area as said segments of the right-of-way are platted and conveyed permanently to Brevard County. The Temporary Sanitary Sewer Easement is being conveyed by all appropriate parcel owners.

The Viera Company's work-related activities with the installation of the force main along Pineda Boulevard created an encroachment into a Florida Power and Light easement area. The Viera Company had previously conveyed the applicable encroachment area to the Viera Stewardship District (VSD) in Official Records Boom 9088, Page 1180, and VSD executed a Right-of-Way Consent and Encroachment Agreement with Florida Power and Light (FPL) (attached). The Viera Company's improvements in the encroachment area are completed and ready to be conveyed to the County, and, simultaneously with the conveyance, it is recommended the County agree to the attached Assignment and Assumption agreement. In this agreement, VSD is assigning some of its rights and duties, as applicable to the improvements in the encroachment area, to Brevard County. VSD remains responsible for any costs associated with relocation costs due to a relocation requested by FPL per the Right of Way and Consent Agreement. See paragraph 13 of the Right of Way and Consent Agreement attached for review and reference only, and the Assignment and Assumption Agreement paragraph 2.

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 Department will contact the Clerk's office to make arrangements to pick up the original executed Assignment and Assumption Agreement.