



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6655, **Version:** 1

Subject:

Interlocal Agreement to Transfer James Road Extension to City of Cocoa

Fiscal Impact:

None

Dept/Office:

Public Works Department / County Attorney's Office

Requested Action:

It is requested that the Board of County Commissioners approve an Interlocal Agreement transferring to the City of Cocoa the road right-of-way, maintenance, and associated functional responsibilities for James Road west of Friday Road to I-95, and authorize the Chair to sign the Interlocal Agreement and associated County Deed.

Summary Explanation and Background:

The developer for the Windward Preserve subdivision, located within the City of Cocoa at the southeastern intersection of I-95 and S.R. 528, applied to Brevard County for a permit to construct an extension of James Road within the portion of right-of-way from Friday Road to I-95 (the "James Road Segment"). The proposed extension will provide access to the Windward Preserve subdivision. This access is consistent with the Stipulated Settlement Agreement entered into by the County, the City of Cocoa, and the current developer's predecessor-in-interest on December 11, 2007.

Most of the James Road Segment right-of-way was previously annexed into the City of Cocoa, and the James Road extension will primarily benefit development within the City of Cocoa. For these reasons, staff for the County and the City agree that the City should be responsible for the operation and maintenance of improvements within the James Road Segment.

The proposed Interlocal Agreement between the County and the City of Cocoa assigns and transfers to the City the right-of-way easement rights of the County, as well as jurisdiction over and full functional responsibility for the James Road Segment. The City's maintenance and functional responsibilities include the road extension, associated roadway drainage facilities, and other allied uses (e.g., utility lines, sidewalks, curbs and inlets, guardrails, landscaping, etc.).

This transfer does not include the 50' drainage easement and the existing ditch located south of the James Road segment. The Interlocal Agreement reserves to the County a perpetual easement for the use of the James Road segment to access and maintain this important County ditch. The Interlocal Agreement also reserves to the County the ability to issue discharge permits for the drainage facility. The Interlocal Agreement

does not itself permit any discharge into the County drainage facility, whether related to the proposed improvements in the James Road Segment or otherwise.

The Interlocal Agreement requires that the James Road Segment be used as a right-of-way for public highway purposes, and the County Deed transferring the right-of-way contains a corresponding reverter clause.

The James Road extension will be constructed in accordance with County standards and pursuant to a County-issued right-of-way permit. Traffic calming measures required under the 2007 Stipulated Settlement Agreement will be addressed in a separate County permit.

Clerk to the Board Instructions:

Upon execution by the Chair, please provide the original executed Interlocal Agreement and County Deed to the County Attorney's Office.