



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6757, **Version:** 1

Subject:

Approval of Settlement Agreement - Bross v. Brevard County

Fiscal Impact:

One-half of the cost of partition survey.

Dept/Office:

County Attorney's Office

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to sign the attached settlement agreement.

Summary Explanation and Background:

This case involves an approximately 80-acre parcel of land (Tax Account No. 2410581) located on Merritt Island in District 2 (the "Property"). Currently, the County and Paul Bross each own an undivided one-half interest in the Property. Mr. Bross is the plaintiff in a lawsuit seeking to partition the Property between himself and the County.

The parties mediated the case, with former judge Charles Crawford serving as the mediator. Mr. Bross and County staff tentatively agreed to a settlement of the legal action and a partition of the Property based on a sketch produced at the mediation. In addition to the division of the Property, other terms of the tentative agreement include:

- The County will receive a 25' maintenance easement along the western bank of the Snake Creek on the portion of the Property that Mr. Bross will solely own.
- Mr. Bross agrees not to conduct commercial activities on the Property. This provision will be included as a deed restriction and run with the land. The restriction neither precludes nor permits any agricultural uses or agritourism activity.
- Mr. Bross releases any claims against the County.
- Mr. Bross acknowledges that the Property is prone to flooding.
- Mr. Bross waives and releases the County from any causes of action pertaining to access, including, but not limited to, statutory ways of necessity or prescriptive easements.
- The parties will share equally in the cost of the partition survey.

Later, at a closed attorney-client private meeting, the Board of County Commissioners directed the County Attorney to prepare a final settlement agreement consistent with the terms of the mediated partition agreement. The attached Settlement Agreement and Release incorporates the terms of the mediated

agreement. Mr. Bross has approved the form of the Settlement Agreement and will execute and return a copy of the Agreement prior to Board approval.

Clerk to the Board Instructions:

Please provide a copy of the Clerk to the Board's Memorandum and executed Settlement Agreement to the County Attorney.