



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1147, **Version:** 1

Subject:

Approval Re: Amended and Restated Right-of-Way Use Agreement for the Viera Town Center with The Viera Company - District 4

Fiscal Impact:

None

Dept/Office:

Public Works/Finance and Contracts Administration

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Amended and Restated Right-of-Way Use Agreement with The Viera Company to permit improvements to be installed and maintained in the Viera Town Center.

Summary Explanation and Background:

On February 20, 2019, Brevard County and The Viera Company entered into the Right-of-Way Use Agreement (Viera Town Center). The Designated Premises in that Agreement were limited to the public right-of-way of Rodina Drive and only a portion of the public right-of-way of Town Center Avenue. The Amended and Restated Right-of-Way Use Agreement more clearly defines the Designated Premises to include all the public rights-of-way within the Viera Town Center which The Viera Company desires to install and maintain improvements. These public rights-of-way within the Viera Town Center, are depicted on Attachment "A" of the Amended and Restated Right-of-Way Use Agreement, which have been dedicated to Brevard County. The improvements will consist of landscaping, signage, hardscape, irrigation, and traffic control devices (excluding traffic signals). The improvements shall be submitted by The Viera Company to the County as right-of-way permit applications, and issuance of the permits shall be subject to approval by the County.

The County may allow the use of the public right-of-way for purposes which do not conflict with the interests of the public as set forth in Section 125.01, Florida Statutes. In accordance with the Agreement, The Viera Company shall be required to maintain, repair, and replace the permitted improvements without cost to the County. Additionally, The Viera Company is required to provide general liability insurance in an amount not less than one million dollars and name the County as additional insured.

The initial term of the Amended and Restated Agreement shall be twenty years commencing with the date of execution by the Board and shall automatically renew annually unless terminated by either party with sixty days' written notice. Upon termination, The Viera Company or the applicable assignee, at the request of the County, shall remove all improvements from the rights-of-way or The Viera Company or the applicable

assignee shall reimburse the County for the cost of such removal. Furthermore, in the event of termination and the County assumes ownership of the improvements, the County does not assume maintenance responsibility unless expressly provided in writing.

In accordance with Administrative Order-29, the Amended and Restated Right-of-Way Use Agreement for Viera Town Center has been reviewed and approved by the County Attorney's Office and Risk Management. This Agreement will amend, restate, and supersede the Right-of-Way Use Agreement (Viera Town Center) entered into by the County and The Viera Company on February 20, 2019.

Clerk to the Board Instructions:

Please return the fully executed Amended and Restated Right-of-Way Use Agreement for the Viera Town Center to the Public Works Department.