



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 1285, **Version:** 1

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### **Subject:**

Permission to Advertise, Re: Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND) - District 3

### **Fiscal Impact:**

The Environmentally Endangered Lands (EEL) Program funds will reimburse FIND, at closing, \$88,823.38 for basin re-design. It is anticipated that additional costs will be incurred for advertisement, survey, environmental assessment and title work. These costs are expected not to exceed \$41,000. EEL Program acquisition funds are available in Fund 3219 and Cost Center 340250.

### **Dept/Office:**

Parks and Recreation Department  
Environmentally Endangered Lands Program

### **Requested Action:**

Authorize staff to initiate procedures to advertise a land Exchange Agreement between Brevard County and Florida Inland Navigation District, according to Section 125.37, Florida Statutes, bring forward a resolution authorizing the exchange of the properties, and authorize the County Manager to execute necessary budget change requests.

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

Florida Inland Navigation District (FIND) owns property (site BV-24) in Grant-Valkaria that has been identified since the early 1990's as a future containment basin site for dredged materials from maintenance of the Intracoastal Waterway. In 1991, the Environmentally Endangered Land Program's (EEL) Selection and Management Committee identified the Florida Inland Navigation District site as containing substantial scrubby pine Flatwoods and the use of the site for spoil disposal may have significant endangered species impacts due to the size of the scrub jay population in this area. Preservation of the Valkaria area, which includes the Florida Inland Navigation District property, is critical to the survival of the scrub jay population in this region.

In 1995, the County acquired 84.39 acres, adjacent to the Florida Inland Navigation District property, through a mitigation donation for the Cypress Creek Development. In 1997, the County began talks with Florida Inland Navigation District regarding a potential exchange of the adjacent County owned property due to the higher quality scrub habitat that exists on the Florida Inland Navigation District property.

In 2009, the Environmentally Endangered Lands Program Selection and Management Committee recommended continued support for the proposed concept of the Florida Inland Navigation District land exchange. On May 19, 2009, the Board of County Commissioners authorized staff to proceed and finalize

details for the exchange of property. As part of this 2009 Board approval, the County agreed to reimburse Florida Inland Navigation District up to \$150,000 for their re-design costs of the BV-24 basin, if the exchange were to occur.

The United States Fish & Wildlife Service is responsible for Florida Inland Navigation District project permitting and they are supportive of this land exchange. They have stated that such an exchange would preserve some of the most critical scrub habitat in the area and would benefit the survival of the regional scrub-jay population.

On January 21, 2015, the Environmentally Endangered Lands Program Selection and Management Committee recommended that the Exchange Agreement be forwarded to the Board of County Commissioners for approval. On April 28, 2015, the Board of County Commissioners approved the Exchange Agreement.

The Exchange Agreement outlines the following:

- County will exchange 69.36 +/- acres of land for Florida Inland Navigation District's 83.19 +/- acres
- The exchange is contingent upon Florida Inland Navigation District obtaining necessary permitting.
- Upon closing, each party will bear the costs of their own due diligence for the property that each party will receive in the exchange
- Upon closing, the County will reimburse Florida Inland Navigation District half of the re-design costs for the basin, not to exceed \$88,823.38
- The potential overall cost to the County, at closing, is estimated to be between \$100,000 and \$130,000 (this includes half of the basin re-design costs and estimated due diligence expenses).

Due to the period of time required to obtain FIND's permits for construction of BV-24, the Exchange Agreement expired and has required additional revisions related to the mitigation plan for the construction permits.

The revised Exchange Agreement was reviewed and approved by the EEL Selection and Management Committee on January 29, 2020. The Exchange Agreement is now being submitted to the County Commission for approval for public advertisement.

The Environmentally Endangered Lands Program is requesting permission to publicly advertise notice of the exchange in accordance with Section 125.37, Florida Statutes and then return to the Board of County Commissioners for adoption of a resolution authorizing the exchange, approval of the Exchange Agreement, and authority to move forward with due diligence to finalize the exchange.

## **Clerk to the Board Instructions:**

N/A