



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1575, **Version:** 1

Subject:

Developer's Agreement: Tract G, Indian River Preserve
Developer: Indian River Preserve Estates Corp.

District 1

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

In accordance with Section 163.3220, et. seg., Florida Statutes and Section 62-605 of Brevard County Code, it is requested that the Board of County Commissioners conduct the second public hearing approving the Developer's Agreement with Indian River Preserve Estates Corp.; and authorize the Chair to sign the Termination of Indemnification Agreement as well as any other documents required by the Developer's Agreement.

Summary Explanation and Background:

The intent of the Developer's Agreement between the County and Indian River Preserve Estates Corp. is to replace current unpaved access to the County's waste water treatment plant with a continuous paved access from State Road 46. This will require the realignment of the current access through Tract G. The County is the legal owner of a portion of Tract G, and has been granted an easement over the private right-of-way for ingress and egress across Indian River Preserve Estates Corp. property.

The County agrees to:

- Deed their portion of Tract G to the Developer, its successor's or homeowner's associations.
- Terminate the Indemnification Agreement over a portion of Tract G.

The Developer agrees to:

- Cause, at their sole expense, the unpaved remainder of Tract G west of Indian River Drive, to be constructed as a paved private roadway to also provide access to the County's waste water treatment plant.
- Grant the County two perpetual easements for ingress and egress, and operation, installation and maintenance of County owned utilities and emergency vehicles
- Cause any homeowner's association articles or by-laws presently in effect to be amended to include the responsibility of maintenance for the paved access in perpetuity.

This Board agenda has three items (F.4., Final Plat for the Lakes at Indian River Preserve; H.2., Petition to

Vacate Ingress/egress & Well Site Easement - Walkabout PUD) related to the developer's agreement; and H.5., Permanent Access and Utility Easements, Resolution and County Deed associated with the Developer's Agreement for Indian River Preserve Estates.

Reference: 17SD00018, 19SD00005

Contact: Tad Calkins, Director Ext. 58299

Clerk to the Board Instructions:

Please record the Development Agreement in the Public Records of Brevard County and return a certified copy to Planning and Development.