



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 1841, **Version:** 1

---

### **Subject:**

Approval Re: Assignment and Assumption of Right of Way Use Agreement (Modern Duran District) to the Central Viera Community Association, Inc. - District 4

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department/Finance and Contracts Administration

### **Requested Action:**

It is requested the Board of County Commissioners approve and authorize the Chair to execute the Assignment and Assumption of Right of Way Use Agreement (Modern Duran District) to the Central Viera Community Association, Inc.

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

On January 7, 2020, the Board approved the Right of Way Use Agreement for the Modern Duran District with The Viera Company, Inc. The Right of Way Use Agreement allowed for the installation of improvements, such as landscaping, signage, hardscape, irrigation, traffic control devices (excluding traffic signals), and/or other related improvements along a portion of the public right-of-way Judge Fran Jamieson Way in Viera. The Right of Way Use Agreement contained an assignability provision that acknowledged upon completion of the installation of the improvements, The Viera Company would assign its rights, duties, and obligations to either a Community Association or Neighborhood Association. As such, The Viera Company desires to assign its rights, duties, and obligations to the Central Viera Community Association, Inc., which is a Community Association as defined in the Right of Way Use Agreement. Per the Right of Way Use Agreement, any assignment shall be by a written instrument executed by The Viera Company, the assignee, and the County. Upon execution of the assignment, The Viera Company will be released from all obligations and duties, and the County shall look to the assignee for the performance of the obligations and duties of the Right of Way Use Agreement. Per Administrative Order 29, the County Attorney's Office and Risk Management have reviewed and approved the Assignment and Assumption of the Right of Way Use Agreement (Modern Duran District).

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

Please return the fully executed Assignment and Assumption of the Right of Way Use Agreement (Modern Duran District) to the Public Works Department.