



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1844, **Version:** 1

Subject:

Approval Re: Assignment and Assumption of Right of Way Use Agreement (Viera Town Center) to the Viera Town Center Merchant's 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 (Viera Town Center) to the Viera Town Center Merchant's Association, Inc.

Summary Explanation and Background:

On January 7, 2020, the Board approved the Amended and Restated Right of Way Use Agreement for the Viera Town Center 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 in the public rights-of-way within the Viera Town Center. 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 the Viera Town Center Merchants Association, Inc. (Association). As such, The Viera Company desires to assign its rights, duties, and obligations to the Association. 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 Association 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 (Viera Town Center).

Clerk to the Board Instructions:

Please return the fully executed Assignment and Assumption of the Right of Way Use Agreement (Viera Town Center) to the Public Works Department.