



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3002, **Version:** 1

Subject:

Approval; Re: Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND) - District 3, Continued from May 5, 2020

Fiscal Impact:

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

Dept/Office:

Parks and Recreation Department
Environmentally Endangered Lands (EEL) Program

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Exchange Agreement with the Florida Inland Navigation District, upon County Attorney and Risk Management approval, authorize staff to finalize the exchange and authorize the County Manager to execute necessary budget change requests.

Summary Explanation and Background:

The Exchange Agreement was initially submitted to the County Commission for consideration on May 5, 2020 and then continued until September 15, 2020.

On February 11, 2020, the BOCC authorized staff to advertise a land exchange between Brevard County and Florida Inland Navigation District (FIND). The required advertisement period was completed on February 20 and February 27, 2020 in the Florida Today newspaper.

FIND owns property (site BV-24) in Grant-Valkaria and this property was identified in the early 1990's as a future containment basin site for dredged materials from maintenance of the Intracoastal Waterway (ICW). In 1991, the Environmentally Endangered Lands (EEL) Program's Selection and Management Committee (SMC) identified the FIND 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 Florida scrub-jay population in this area. Preservation of the Valkaria area, which includes the FIND property, is critical to the survival of the Florida scrub-jay population in this region.

In 1995, the County acquired 84.39 acres, adjacent to the FIND property, through a mitigation donation for the

Cypress Creek Development. In 1997, the County began talks with FIND regarding a potential exchange of the adjacent County owned property due to the higher quality scrub habitat that exists on the FIND 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 FIND's project permitting and they are supportive of this land exchange concept. 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 consideration. 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 FIND obtaining necessary permitting.
- Upon closing, each party will bear the costs of their own due diligence (boundary survey, title commitments and environmental site assessments) for the property that each party will receive in the exchange
- Upon closing, the County will reimburse FIND 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 at \$129,823 (this includes half of the basin re-design costs and due diligence expenses).

Due to the period of time required to obtain Florida Inland Navigation District'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 Environmentally Endangered Lands Program Selection and Management Committee on January 29, 2020. The Exchange Agreement is now being submitted to the County Commission for approval and authority to finalize the exchange.

The Exchange Agreement was initially submitted to the County Commission for consideration on March 10, 2020 but was continued to May 5, 2020 and then continued until September 15, 2020.

Clerk to the Board Instructions:

Please return executed Exchange Agreement and Board Memo to the Environmentally Endangered Lands (EEL) Program.