



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2043, **Version:** 1

Subject:

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

Fiscal Impact:

None

Dept/Office:

Public Works/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 (Stadium Parkway) from The Viera Company, Inc. to the Central Viera Community Association, Inc.

Summary Explanation and Background:

On October 9, 2012, the Board approved the Right of Way Use Agreement and approved the Amendment on May 23, 2017 for Stadium Parkway 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 Stadium Parkway from Judge Fran Jamieson Way to the northern boundary of the Viera Development of Regional Impact. 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 Central Viera Community Association, Inc. As such, The Viera Company desires to assign its rights, duties, and obligations to the Central Viera Community Association, Inc. Per the Right of Way Use Agreement, any assignment shall be by a written instrument executed on behalf of The Viera Company assigning such rights, obligations and duties to the Central Viera Community Association, and on behalf of the Central Viera Community Association assuming such rights, obligations and duties. Upon execution of the assignment, The Viera Company will be released from all obligations and duties, and the County will 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 (Stadium Parkway).

Clerk to the Board Instructions:

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