



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 2636, **Version:** 1

---

### **Subject:**

Approval Re: Right-of-Way Use Agreement for the South Indian River Isles, Third Edition, Subdivision - 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 Right-of-Way Use Agreement with the South Indian River Isles Homeowner's Association to permit improvements to be installed and maintained in the South Indian River Isles, Third Edition, Subdivision.

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

The South Indian River Isles Homeowner's Association desires to install and maintain improvements in the public rights-of-way within the South Indian River Isles, Third Edition, subdivision, set forth in the public records of Plat Book 38, Pages 93 and 94, which have been or will be dedicated to Brevard County. The improvements will consist of landscaping, signage, hardscape, irrigation, and other related improvements. The improvements shall be submitted by the Association to the County as right-of-way permit applications, and issuance of the permits shall be subject to approval by the County.

The County may allow the use of the public right-of-way for purposes which do not conflict with the interests of the public as set forth in Section 125.01, Florida Statutes. In accordance with the Agreement, the Association shall be required to maintain, repair, and replace the permitted improvements without cost to the County. Additionally, the Association is required to provide general liability insurance in an amount not less than one million dollars and name the County as additional insured. The Right-of-Way Use Agreement for the South Indian River Isles, Third Edition, subdivision was reviewed and approved by the County Attorney's Office and Risk Management, in accordance with Administrative Order 29.

The initial term of this Agreement is twenty years commencing with the date of execution by the Board and shall automatically renew annually unless terminated by either party with sixty days' written notice. Upon termination, the Association, at the request of the County, shall remove all improvements from the rights-of-way or the Association shall reimburse the County for the cost of such removal. Furthermore, in the event of termination and the County assumes ownership of the improvements, the County does not assume maintenance responsibility unless expressly provided in writing.

**Clerk to the Board Instructions:**

Please return the fully executed Right-of-Way Use Agreement to the Public Works Department.