



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3095, **Version:** 1

Subject:

Public Hearing Re: Intersection Signalization Construction Contract for N. Wickham Road at Deer Lakes Drive and Meeting Lane - District 4

Fiscal Impact:

\$200,000 County contribution to be provided from the Central Mainland Benefit District Impact Fees.

Dept/Office:

Public Works Department/Finance and Contracts Administration

Requested Action:

It is requested the Board of County Commissioners consider finding it in the public interest to approve and authorize the Chair to execute the Intersection Signalization Construction Contract for N. Wickham Road at Deer Lakes Drive and Meeting Lane. It is also requested the Board authorize the County Manager to execute any subsequent contract-related documents associated with this action. It is further requested the Board approve any Budget Change Requests necessary for this action.

Summary Explanation and Background:

CV Melbourne, LLC, the Developer, proposed to construct a traffic signal at the intersection of N. Wickham Road at Deer Lakes Drive and Meeting Lane. Section 336.71, Florida Statutes, provides for public-private cooperation with respect to construction, extensions, and improvements to county roads. Under Section 336.71, Florida Statutes, if the County receives an unsolicited proposal for the improvement of a County road, which this project qualifies as, the County may enter into an agreement to contribute to the Developer from public funds, if a public hearing is held and certain findings are made. The public notice must be advertised at least 14 days prior to the date of the public hearing. The public notice was published on the County website on May 3, 2021 with supplemental publication in the Florida Today newspaper on May 5, 2021 to conduct the Public Hearing at the May 18, 2021 Board of County Commissioners regular meeting. On May 18, 2021, the Board continued the Public Hearing to the July 6, 2021 meeting.

The following Public Interest Determination Considerations for this project are offered:

- The project will improve the safety of traffic traveling through the intersection, which lies within the City's boundaries, but falls under the permitting, construction, and maintenance jurisdiction of the County as part of the County's road system.
- The County finds that the Developer will be able to complete the project at a lower overall cost to County taxpayers, resulting in a financial benefit to the public.
- The project is in the best interest of the public and serves the public health, safety, and welfare.
- The project will become part of the County's road system upon completion.

- In order to safeguard taxpayers, County funds will not be provided to the Developer until the project is completed, and the signals are determined to be in working order.

Funding for the project will be provided by the Developer, the City of Melbourne, and the County. The Developer will be obligated to invest contributions in the approximate amount of \$403,720.93 in the form of engineering, design, permitting, and other project-related fees and costs. The City of Melbourne indicated its intent to contribute \$302,847.91 in cash as well \$143,058.98 in City impact fee credits. It is acknowledged that a Reimbursement Agreement between the Developer and the City of Melbourne will be required to implement the project both as to the City's contribution and the impact fee credits. The County will contribute a maximum of \$200,000 toward the cost of the traffic signal, which will become part of the County road system and maintained by the County upon satisfactory completion. The Developer will be responsible to contribute the difference between the amount for the construction of the project and the contributions from the City and the County.

The County Attorney's Office and Risk Management have reviewed and approved the Intersection Signalization Construction Contract.

Clerk to the Board Instructions:

Upon approval of the Intersection Signalization Construction Contract, please return the contract to the Public Works Department.