



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3170, **Version:** 1

Subject:

Approval Re: Access Route to Grissom Parkway- District 1

Fiscal Impact:

None

Dept/Office:

Public Works Department/Engineering

Requested Action:

It is requested the Board of County Commissioners approve the access route to Grissom Parkway for the development of a 267 +/- acre parcel along the 100-foot wide drainage canal right-of-way as conceptually depicted in Attachment A.

Summary Explanation and Background:

On December 11, 2007, Brevard County entered into a Stipulated Settlement Agreement (Attachment B) with the City of Cocoa, Florida Space Needle, LLC, and Barrera Shores, LLC regarding the development of a 267 +/- acre parcel. Since 2007, the parcel has transferred to Mountain Cove Homes at Lakes at Cocoa Grove, LLC (MCH), as successor to the Agreement as provided for in Section 10, Binding Upon Successors. The Agreement specified that the road access to Grissom Parkway would either connect south along the 100-foot wide drainage canal right-of-way or via Osage St and Angelica St. The Agreement also states that "the County shall have the option of choosing which access shall be acceptable". MCH has proposed to connect to Grissom Parkway along the drainage canal right-of-way. Staff agrees with the route proposed by MCH as it appears to impact fewer residents in the area.

Per the Agreement, "If the County determines that public road access shall be along the Canal R/W ... then the County agrees to use its power of eminent domain". MCH is responsible to pay all the County's reasonable costs in acquiring said lands. Staff anticipates returning to the Board with an agreement addressing the costs anticipated to be involved if MCH is unable to acquire the necessary rights to use the proposed area without the use of eminent domain.

Clerk to the Board Instructions:

None