



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3232, **Version:** 1

Subject:

Approval, Re: Resolution, Amendment to Exchange Agreement Between Nasa Investment Partners, LLC and Brevard County, Florida and Right-of-Way Use Agreement - District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners: 1) accept and authorize the Chair to execute the attached Resolution, Amendment to the Exchange Agreement Between Nasa Investment Partners, LLC and Brevard County, Florida and Right of Way Use Agreement, and 2) authorize the Chair to sign any and all documents to effectuate the Exchange.

Summary Explanation and Background:

The subject property is located in Section 36, Township 27 South, Range 36 East, at the intersection of Nasa Boulevard and Wickham Road in Melbourne.

The Board of County Commissioners, in regular session on July 23, 2019, approved and executed an Exchange Agreement with Nasa Investment Partners, LLC (N.I.P.) related to a stormwater retention area in the southeast quadrant of the intersection of Nasa Boulevard and Wickham Road, and authorized the Chair to sign all closing documents required at closing. The Agreement provided for specific easements which the parties are seeking to update and amend. The parties agree that the updates to the easements are needed to ensure certain property interests for access, ingress, egress, drainage, utilities, maintenance, roadway, sidewalk, and other purposes are retained. The changes to the easements are as follows:

Parcel 801 Roadway and Drainage easement is amended to Drainage and Utility Easement

Parcel 802 Ingress and Egress Easement is amended to Ingress, Egress, Drainage, Utility and Canal Maintenance Easement

Parcel 803 Drainage Easement is amended to Drainage and Utility Easement

Parcel 804 Roadway and Drainage Easement is amended to Roadway, Sidewalk, Utility and Drainage Easement

The Resolution is pursuant to Section 125.37, Florida Statutes, authorizing the Amendment to the Exchange Agreement of County property and property interests, for other real property and property interests owned

by N.I.P.; and provides for an effective date.

The Right of Way Use Agreement, Exhibit C of the Exchange Agreement, is in substantial form as adopted by the Board in the original Agreement.

Staff has reviewed the requested revisions and has no objections.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chair, Public Works Department will contact the Clerk's office to make arrangements to pick up the original executed Resolution, Amendment to the Exchange Agreement and Right of Way Use Agreement between NASA Investment Partners, LLC and Brevard County, Florida.