



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3938, **Version:** 1

Subject:

Approval, Re: Resolution and Off System Right of Way Acquisition Agreement Between State of Florida, Department of Transportation, Brevard County and the City of West Melbourne for the Ellis Road Widening Project- District 5.

Fiscal Impact:

None

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners: 1) adopt and authorize the Chair to execute the attached Resolution, 2) authorize the Chair to execute the attached Off System Right of Way Acquisition Agreement, 3) approve and authorize the Chair to execute any necessary contract-related documents and Resolutions for the Ellis Road Widening project contingent upon review by the County Attorney's Office, Risk Management and Purchasing Services, and 4) approve any necessary Budget Change Requests associated with this request.

Summary Explanation and Background:

The attached Resolution authorizes the execution of the Off System Right of Way Acquisition Agreement (Agreement) with the State of Florida, Department of Transportation (Department) for St Johns Heritage Parkway/Ellis Road from John Rodes Boulevard to west of Wickham Road Financial Management number 426905-4-43-01 (Project). It is located in Sections 25, 26, 34, 35, 36, Township 27 South, Range 36 East, on Ellis Road from John Rodes Boulevard to Wickham Road.

The Agreement is between the Department, Brevard County and the City of West Melbourne. In regular meeting before the City Council on February 15, 2022, the City of West Melbourne approved Resolution No. 2022-06. The Agreement allows for countersigning by the Parties. The Department also entered into a separate agreement with the City of Melbourne for City-owned parcels in regular meeting before the City Council on February 8, 2022, and approved Resolution No.4072. For the construction phase related to the City parcels, a separate Interlocal Agreement between the City of Melbourne and Brevard County is forthcoming.

The State of Florida Legislature has approved and mandated the Department to complete various work projects in their work program that includes this Project. It is in the best interest for the Department to act on Brevard County's behalf as well as the City of Melbourne and the City of West Melbourne (the Parties) in completing all aspects of the acquisition of real property necessary for the Project to be constructed through voluntary acquisition and, if necessary to complete the Project, through the use of eminent domain. Federal

funds will be used on the Project and as a result, upon completion of the Project, the respective Parties agree to ensure maintenance of those portions of the Project that will be located within their respective jurisdictional limits. Brevard County shall be responsible for the maintenance of the West Segment of the Project with the exception of the City of Melbourne's parcels, and the City of West Melbourne shall be responsible for the East Segment of the Project. The Department will acquire the parcels as identified on the latest project Right of Way map (as amended) in the name of the respective local government that owns the underlying real estate. Once the Department certifies that all right of way has been acquired and cleared, the respective local governments will be solely responsible to ensure maintenance of all of the right of way, including all parcels and all right of way acquired pursuant to the attached Agreement.

The User Department approves this request.

This Agreement has been reviewed and approved by County Attorney's Office, Risk Management, and Purchasing Services, in accordance with Administrative Order 29. This Agreement 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 with Exhibits and the original Off System Right of Way Acquisition Agreement with Exhibits.