



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.9.

10/26/2021

Subject:

Permission to Advertise Public Hearing; Re: Proposed Exchange Agreement between Brevard County and Space Coast Town Centre I, LLC - District 5.

Fiscal Impact:

None; Costs of advertisement to be paid by Space Coast Town Centre I, LLC

Dept/Office:

Public Works Department / Land Acquisition

Requested Action:

It is requested that the Board of County Commissioners authorize the advertisement of a Public Notice for a proposed Exchange Agreement between Brevard County and Space Coast Town Centre I, LLC pending final negotiations.

Summary Explanation and Background:

The subject property is located in Section 3, Township 28 South, Range 36 East, on the east side of St. Johns Heritage Parkway in West Melbourne

Space Coast Town Centre is a proposed development project of an approximate 154-acre phased, mixed-use project. The developer, Space Coast Town Centre I, L.L.C., (S.C.T.C) is proposing an Exchange Agreement with the County of property interests located along the east side of St. Johns Heritage Parkway. The terms and conditions of the Exchange Agreement, and accompanying Easement Agreement, have not yet been approved or finalized. Once the Agreements are finalized, a Public Hearing date can be determined and correlated with the appropriate advertising timeframes in accordance with and as required by Section 125.37, Florida Statutes. Section 125.37, Florida Statutes, requires that notice be published once a week for at least two weeks before the Board of County Commissioners can adopt a resolution authorizing the exchange of property interests.

The attached Exhibit A is a location map depicting the proposed exchange parcels being considered.

When the proposed exchange parcels were first acquired by the County for a roadway stormwater treatment pond and a discharge easement, the original acquisition contract contemplated the possibility, but not the requirement, that they would be moved or otherwise adjusted at the expense of the prior owner or their successors. This proposed Exchange is consistent with that previously contemplated contract.

While the final Exchange Agreement and Easement Agreement have not been fully developed as of this writing, the full details of the agreements and the previous acquisition contract will be provided to the Board in the public hearing. However, by way of an overview, the 4.65-acre stormwater pond parcel, and the

associated discharge easement, were acquired by the County for the St. Johns Heritage Parkway (S.J.H.P.) at a cost of \$72,100. The transaction did not require use of eminent domain and was part of a larger transaction for the main right-of-way for the S.J.H.P., which totaled about 16.58 acres in fee for \$876,450 (including the pond site). In addition to using the site for a pond, the County obtained high quality fill from the pond which was used to reduce the cost of and the amount of imported fill material to build the S.J.H.P.

The pond is located on the frontage of the S.J.H.P. in a now commercially developing area. The prior owners would have preferred the pond be located further away from the S.J.H.P. frontage, but had not developed firm plans for the large remainder of their property. Thusly, the possibility of relocating the pond in the future was understood at the time, but it is not an obligation on the part of the County or the land owner.

At this time, the remainder property is being developed by its successors in ownership (S.C.T.C.) and they desire to incorporate the stormwater treatment for the S.J.H.P. into their project's stormwater system which they, or their assigns or successors in interest, would maintain in perpetuity. This proposal would eliminate the need for the County owned pond and the County's cost of maintenance of that pond (estimated to be \$2,000 per year). It also allows the existing pond to be developed on a major roadway frontage and be placed on the tax rolls. The County would also receive needed easement rights over the development's property providing the right to: convey stormwater, maintain the drainage system (but not have the responsibility to maintain that system), to store stormwater and to discharge stormwater. Furthermore, the new pond that the County will have access to will account for the additional surface water and stormwater volumes that result from the S.J.H.P. when it is expanded to six (6) lanes.

There will be other important provisions in the Agreement not outlined herein. The full details of the Agreement will be developed and presented to the Board of County Commissioners at the public hearing should the Board approve the requested action.

Clerk to the Board Instructions:



October 27, 2021

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.9., Permission to Advertise Public Hearing for Proposed Exchange Agreement Between Brevard County and Space Coast Town Centre I, LLC

The Board of County Commissioners, in regular session on October 26, 2021, authorized the advertisement of a Public Notice for proposed Exchange Agreement between Brevard County and Space Coast Town Centre I, LLC, pending final negotiations, in accordance with and as required by Section 125.37, Florida Statutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/cld

EXHIBIT A

LOCATION MAP

Section 3, Township 28 South, Range 36 East - District: 5

PROPERTY LOCATION: East and west side of St. John's Heritage Parkway

