



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

12/7/2021

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### Subject:

Approval, Re: Resolution as Required by Section 125.38, Florida Statutes and Brevard County Code 2-247 Related to the Terms and Conditions of the Intergovernmental Agreement with St. Johns River Water Management District for the Crane Creek M-1 Canal Restoration Project- District 5.

### Fiscal Impact:

None

### Dept/Office:

Public Works Department / Land Acquisition

### Requested Action:

It is requested that the Board of County Commissioners adopt and authorize the Chair to execute the attached Resolution.

### Summary Explanation and Background:

The subject property is located in Section 34, Township 27 South, Range 36 East, on the west side of the St. Johns Heritage Parkway in West Melbourne.

The Board of County Commissioners, in regular session on September 14, 2021, approved the Crane Creek M-1 Canal Restoration Project Intergovernmental Agreement with the St. John's Water Management District. The Agreement included a transfer of a parcel for stormwater treatment purposes and a permanent easement for access to the parcel. Section 125.38, Florida Statutes and Brevard County Code Section 2-247, require a Resolution from the Board that sets out that the facts of the application, the purpose for which the property is to be used, the terms of the agreement, and a provision addressing reversion of the parcel to the County. St. John's River Water Management District has requested a closing date of mid-January 2022. Adopting this Resolution will enable the closing to proceed and authorize the conveyance of real property interest by the County.

The User Department approves this request.

This Resolution 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 Exhibit.

## BOARD OF COUNTY COMMISSIONERS


### AGENDA REVIEW SHEET

AGENDA: Resolution Related to the Terms and Conditions of the Intergovernmental Agreement with St. Johns River Water Management District for the Crane Creek M-1 Canal Restoration Project – District 5.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-350-8336

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	 _____	_____	<u>11-4-2021</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>CMS</u> _____	_____	<u>11/8/2021</u>



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

December 8, 2021

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director

**RE:** Item F.5., Resolution as Required by Section 125.38, Florida Statutes and Brevard County Code 2-247, Related to the Terms and Conditions of the Intergovernmental Agreement with St. Johns River Water Management District (SJRWMD) for the Crane Creek M-1 Canal Restoration Project

The Board of County Commissioners, in regular session on December 7, 2021, executed and adopted Resolution No. 21-166, pursuant to Section 125.38, Florida Statutes and Brevard County Code Section 2-247, authorizing the conveyance of real property interest by the County. Enclosed is a fully-executed Resolution.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

**RESOLUTION NO. 21- 166**

**RESOLUTION PURSUANT TO SECTION 125.38,  
FLORIDA STATUTES AND BREVARD COUNTY CODE  
SECTION 2-247 AUTHORIZING THE CONVEYANCE OF  
REAL PROPERTY INTEREST BY THE COUNTY.**

**RECITALS**

WHEREAS, Brevard County, Florida (County), a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as "County", owns real property described in Exhibit F-1, hereinafter the "Parcel"; and

WHEREAS, St. Johns River Water Management District, hereafter known as "District", is a water management district existing under Chapter 373, Florida Statutes, and whose address is 4049 Reid Street, Highway 100 West, Palatka, Florida 32177; and

WHEREAS, the District, has requested the County transfer the Parcel described in Exhibit F-1; and

WHEREAS, the County acquired Exhibit F-1 by eminent domain for the construction and maintenance of roads, drainage systems, retention facilities and roadway related floodplain compensation storage for the benefit of the St. Johns Heritage Parkway roadway project and the Washingtonia Road roadway extension project; and

WHEREAS, the County has constructed the St. Johns Heritage Parkway project, plans to construct the Washingtonia Road extension project, currently uses the Parcel at Exhibit F-1 for said retention facilities and roadway related floodplain compensation storage, and continues to have a need for that purpose; and

WHEREAS, the District has a restoration project scheduled for the Crane Creek, M-1 Canal that would be complementary to the County's uses; and

WHEREAS, District would like to utilize the stormwater treatment area (STA) to the benefit of the Crane Creek, M-1 Canal Restoration Project and will assume all maintenance, ownership and functional responsibility of the STA; and

WHEREAS, the District has agreed that the County and the State of Florida will retain the necessary compensatory storage credits; and

WHEREAS, the County will retain its northeastern retention pond for stormwater runoff for the St. Johns Heritage Parkway; and

WHEREAS, the County agrees that the District's proposed use of the property will promote the public community interest, health, safety and welfare, will serve the public interest, and will serve a public purpose; and


WHEREAS, the County has determined that District is a public entity, and that District use is complementary to County purposes, and full ownership is not required for County purposes as long as the District uses the property for stormwater treatment with associated infrastructure, and the County desires to cooperate with and assist the District by conveying the property, subject to the restrictions below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA that:

1. The recitals above are true and correct, and incorporated herein.
2. The County finds the District is a public entity. The County further finds that the Parcel at Exhibit F-1 is needed for District public infrastructure purposes, that said use promotes the community interest, and public health, safety and welfare. The County finds that the County continues to need the Parcel for retention and compensatory storage credit purposes related to the St. Johns Heritage Parkway, and its future Washingtonia Road extension project. The County further finds that the goals of the District and County are complementary and the County can accomplish its County purposes as long as the County maintains a compensatory storage and access easement and as long as the District operates the Parcel as a STA with associated infrastructure. Should the District cease to use the Parcel for STA purposes, the County finds that the Parcel must revert to Brevard County, who shall have the right to re-enter and repossess the property. The County finds that this use is for a public purpose, and, subject to the restrictions above, in the best interest of the County.
3. Pursuant to Section 125.38, Florida Statutes and Section 2-247 of the Brevard County Code of Ordinances, the County authorizes the Chair to sign all paperwork necessary to transfer the County's rights to said Parcel, subject to the above requirements, by County Deed to the District at nominal cost.
4. This Resolution shall take effect immediately upon its adoption.

**DONE, ORDERED, and ADOPTED** in Regular Session this 7<sup>th</sup> day of December, 2021.

ATTEST:

  
Jason Arthur, Chief Deputy

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

BY:

  
Kristine Zonka, Chair

As approved by the Board on 9-14-2021 and 12-7-2021

# Exhibit F-1

**LEGAL DESCRIPTION OF STORMWATER TREATMENT AREA (STA)**  
**SECTION 34, TOWNSHIP 27 SOUTH, RANGE 36 EAST**  
**PARENT PARCEL ID: 27-36-34-00-502**  
**PURPOSE: FEE SIMPLE CONVEYANCE AND FLOODPLAIN**  
**COMPENSATION EASEMENT**

## DESCRIPTION: STORMWATER TREATMENT AREA (STA) (BY SURVEYOR)

A portion of the Southwest Quarter of Section 34, Township 27 South, Range 36 East, Brevard County, Florida being more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of Section 34, Township 27 South, Range 36 East, Brevard County, Florida; thence South 89°27'21" West, a distance of 746.70 feet along the South line of the Southwest Quarter of said Section 34 to the POINT OF BEGINNING; thence South 89°27'21" West, a distance of 1902.35 feet along said South line to the Southwest corner of Section 34; thence North 00°09'33" West, a distance of 1249.85 feet along the West line of said Section 34 to the Northwest corner of the South 1/2 of the Southwest 1/4 of Section 34; thence North 89°31'48" East, a distance of 2114.83 feet along the North line of the South 1/2 of the Southwest 1/4 of said Section 34; thence departing said North line, South 00°50'03" East, a distance of 359.60 feet; thence South 29°23'16" West, a distance of 116.10 feet; thence South 07°27'10" West, a distance of 122.86 feet; thence South 14°28'56" East, a distance of 293.34 feet to a point on the Westerly Right of Way line of St. Johns Heritage Parkway; thence South 30°33'36" West, a distance of 199.71 feet along said West line to the point of curvature of a tangent curve concave Southeasterly, having a radius of 2969.79 feet and a central angle of 04°36'49"; thence Southwesterly 239.14 feet along the arc of said curve to the POINT OF BEGINNING.

Containing 59.24 acres, more or less.

## SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South line of the Southwest Quarter of Section 34, Township 27 South, Range 36 East, being North 89°27'21" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. Official Records Book 8853, Page 203 is a perpetual easement which appears to enclose the entirety of the Stormwater Treatment Area.

## **Sketch of Descriptoin**

Date: November 20, 2020 CWS

Certification Number LB2108 52783022

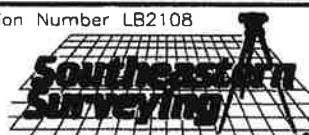
FOR

Job Number: 52783 Scale: 1" = 400'

**Brevard County Board of  
County Commissioners**

Chapter 5J-17, Florida  
Administrative Code requires  
that a legal description drawing  
bear the notation that  
**THIS IS NOT A SURVEY.**

SHEET 1 OF 2  
SEE SHEET 2 FOR SKETCH

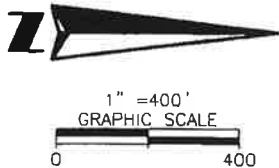


**SOUTHEASTERN SURVEYING  
AND MAPPING CORPORATION**  
 6500 All American Boulevard  
 Orlando, Florida 32810-4350  
 (407) 292-8580  
 e-mail: info@southeasternsurveying.com

**RYAN E. JOHNSON, PSM**  
 Registered Land Surveyor Number 7130

SKETCH OF DESCRIPTION  
 SECTION 34, TOWNSHIP 27 SOUTH, RANGE 36 EAST  
 PARENT PARCEL ID: 27-36-34-00-502  
 PURPOSE: FEE SIMPLE CONVEYANCE AND FLOODPLAIN  
 COMPENSATION EASEMENT

SW CORNER OF SECTION 34,  
 TOWNSHIP 27 SOUTH,  
 RANGE 36 EAST



N00°09'33"W 1249.85'

NW CORNER OF S 1/2 OF  
 SW 1/4 OF SECTION 34,  
 TOWNSHIP 27 SOUTH,  
 RANGE 36 EAST

W LINE SECTION 34-27-36

S89°27'21"W 1902.35'

NOT PLATTED  
 PARCEL ID:  
 27-36-34-00-502  
 BREVARD COUNTY  
 OFFICIAL RECORDS BOOK  
 8184, PAGE 1303

PERPETUAL EASEMENT PER  
 OFFICIAL RECORDS BOOK 8853, PAGE 203

STORMWATER TREATMENT  
 AREA (STA)  
 59.24 ACRES

R=2969.79'  
 L=239.14'  
 Δ=4°36'49"  
 CH=239.07'  
 CB=S28°15'11"W

S14°28'56"E  
 293.34'

S07°27'10"W  
 122.86'  
 S29°23'16"W  
 116.10'

S00°50'03"E  
 359.60'

PERPETUAL EASEMENT  
 BOOK OFFICIAL RECORDS  
 8853, PAGE 197  
 WEST RIGHT OF WAY LINE  
 E ST. JOHNS  
 HERITAGE PARKWAY

POB

20.00' RIGHT OF WAY  
 PER PLAT BOOK 2, PAGE 80

S LINE OF SW 1/4  
 SECTION 34-27-36

S89°27'21"W 746.70'

N LINE OF S 1/2 OF SW 1/4  
 SECTION 34-27-36

NOT PLATTED  
 PARCEL ID: 27-36-34-00-500  
 HERITAGE LAKES OF WEST MELBOURNE INC  
 OFFICIAL RECORDS BOOK 2982, PAGE 931

POC  
 SOUTHEAST CORNER  
 OF THE SOUTHWEST  
 1/4 OF SECTION 34,  
 TOWNSHIP 27 SOUTH,  
 RANGE 36 EAST

**LEGEND & ABBREVIATIONS:**

POC = POINT OF COMMENCEMENT  
 POB = POINT OF BEGINNING  
 PC = POINT OF CURVATURE  
 R = RADIUS  
 L = LENGTH  
 Δ = DELTA  
 CH = CHORD LENGTH  
 CB = CHORD BEARING  
 CL = CENTERLINE

E LINE OF SW 1/4  
 SECTION 34-27-36

NOT PLATTED  
 PARCEL ID:  
 27-36-34-00-502  
 WELCHWOOD  
 ENTERPRISES INC.  
 OFFICIAL RECORDS BOOK  
 8184, PAGE 1303

E PROPERTY LINE  
 OF PARCEL  
 27-36-00-502



SOUTHEASTERN SURVEYING  
 AND MAPPING CORPORATION  
 6500 All American Boulevard  
 Orlando, Florida 32810-4350  
 (407) 292-8580  
 Certification Number LB2108

Drawing No. 52783022  
 Job No. 52783  
 Date: NOVEMBER 20, 2020  
 SHEET 2 OF 2  
 See Sheet 1 for Description

THIS IS NOT A SURVEY.  
 NOT VALID WITHOUT SHEET 1 THROUGH 2

e-mail: info@southeasternsurveying.com