



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

2/6/2024

Subject:

Approval to execute a Property Owner's Consent Form with the Florida City Gas Company for the Brevard Energy LLC renewable natural gas facility construction project at the Central Disposal Facility.

Fiscal Impact:

No fees are associated with this agreement.

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Property Owner's Consent Form between Florida City Gas Company and the Board of County Commissioners, Brevard County, Florida, granting Florida City Gas permission to construct, and retain access to, a pipeline gas metering station within the area at the Central Disposal Facility currently leased by Brevard Energy LLC for their renewable natural gas facility construction project.

Summary Explanation and Background:

In January 2023, the Board of County Commissioners approved and authorized the Chair to execute an amended Landfill Gas Purchase Contract and amended Lease with Brevard Energy LLC. The purpose of the Contract and Lease amendments was to extend the life of the contracts to ensure a return on investment for the construction and operation of a Renewable Natural Gas (RNG) facility at the Central Disposal Facility. Brevard Energy LLC is in the process of expanding their landfill gas processing through construction and operation of a pipeline-quality landfill gas processing facility, conversion of the existing landfill gas-to-energy facility to a natural gas-to-energy facility, and utilization of the generated electricity to power the RNG facility. Expansion of the operation includes extending a natural gas pipeline from the RNG facility to Adamson Road, where it will then ultimately connect to an existing Florida City Gas Company pipeline. To achieve this, Florida City Gas Company requires a natural gas metering station to be placed at the RNG facility.

In lieu of granting an easement, or subleasing property currently leased by Brevard Energy LLC, Florida City Gas Company has provided a Property Owner's Consent Form to Brevard County. This Consent Form provides permission by Brevard County for Florida City Gas Company to construct a natural gas metering station and acknowledges their ownership of said equipment. The Consent Form also provides Florida City Gas Company right of access to the metering station for operation, maintenance, and repair.

The Property Owner's Consent Form has been reviewed by the County Attorney's Office and Risk Management (AO-29 attached).

Clerk to the Board Instructions:

Please sign and attest three (3) copies of the attached Property Owner's Consent Form and return two (2) to the Solid Waste Management Department.



February 7, 2024

M E M O R A N D U M

TO: Tom Mulligan, Solid Waste Management Director

RE: Item F.7., Approval to Execute a Property Owner's Consent Form with the Florida City Gas Company for the Brevard Energy LLC Renewable Natural Gas Facility Construction Project at the Central Disposal Facility

The Board of County Commissioners, in regular session on February 6, 2024, approved and executed the Property Owner's Consent Form with Florida City Gas Company, granting Florida City Gas Company permission to construct, and retain access to, a pipeline gas metering station within the area at the Central Disposal Facility currently leased by Brevard Energy LLC for Renewable Natural Gas Facility Construction Project. Enclosed is two fully-executed Property Owner's Consent Form.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Donna Scott
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)



Local Business Point of Contact Information

Name:

Primary Phone:

**PROPERTY OWNER'S CONSENT
FORM**

Brevard County, a political subdivision of the State of Florida, by and through its Board of County Commissioners ("Property Owner") as the owner(s) of the property described on Exhibit A attached hereto (the "Property") hereby grants Florida City Gas Company ("Florida City Gas") the right during the term, to install, own and operate at the Property at such location(s) agreed to and approved in writing by Brevard Energy LLC, the natural gas facilities required to provide gas service to the Property and the right of ingress to and egress from the Property to maintain, repair and operate said installed gas facilities provided, however, that Florida City Gas shall upon completion of construction, be responsible for any damages it or its contractors causes and agrees to restore that portion of the Property each time it uses or disturbs it to facilitate any installation back to a safe and usable condition similar or equal to that which existed prior to construction or such use.

Property Owner and Brevard Energy LLC acknowledge that Florida State law requires that prior to the installation of underground facilities, Florida City Gas or its contractor must contact 'Sunshine State One Call of Florida' to have all public utilities marked. Property Owner, Brevard Energy LLC, and Florida City Gas shall agree prior to construction of the gas facilities as to the location of the Property to be used to facilitate the installation. Florida City Gas acknowledges that the Property has been leased to Brevard Energy LLC and it continues to reserve the right to use the Property and its use shall be subordinate at all times.

Prior to construction, Property Owner and Brevard Energy LLC agree to have any known unrecorded privately-owned utility easements which cannot be located by a surveyor marked out or identified. Property Owner shall hold Florida City Gas and its contractors harmless with regard to any facilities not properly located or identified prior to construction. This indemnity is not considered a waiver of Brevard County's sovereign immunity as detailed in Chapter 768.28, Florida Statutes. Further, this document shall signify that it is agreed upon by both parties that the installed gas service facilities shall remain the property and responsibility of Florida City Gas, its successors or assignees for the operational life of the natural gas project (the "term") located at the given address and that Florida City Gas agrees that the indemnity and insurance provisions in Sections 8 and 15 of the Interconnection Service Agreement dated September 22, 2023 shall extend to this Consent and any Damages resulting from the grant of this Consent.

<SIGNATURE PAGE FOLLOWS>

**Consent Granted by Property Owner:
The Board of County Commissioners of Brevard County, Florida**

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk



Jason Steele, Chair

Rachel M. Sadoff
Printed Name

Jason Steele, Chair

FEB 07 2024

FEB 06 2024

Date

Date

As approved by the Board 02/06/2024

Version 3 (8.15.18)

SURVEYOR'S NOTES:

THIS IS NOT A SURVEY
DESCRIPTION SKETCH

1. NORTH, COORDINATES SHOWN ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE NAD 1983 2011 ADJUSTMENT. SURVEY UTILIZED RTK FFRN NETWORK AND EXISTING SITE CONTROL TO ESTABLISH THE HORIZONTAL CONTROL. NORTH AND THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE FIELD BEARING OF SOUTH 00°01'34" EAST ALONG THE EAST LINE OF SECTION 16, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.
2. THE PARCEL DATA SHOWN HEREON ARE FROM BREVARD COUNTY PROPERTY APPRAISERS ON-LINE DATA BASE.
3. THE PARCEL A CONTAINS 5.15 ACRES. PARCEL B CONTAINS 4.65 ACRES.
4. THE 150' RIGHT OF WAY SHOWN HEREON ARE BASED ON OR BOOK 7092, PAGE 2752, OR BOOK 2926, PAGE 719 AND PLAT OF ADAMSON CREEK PHASE ONE-B PLAT BOOK 67, PAGE 78, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
5. THE DESCRIPTION SHOWN HEREON IS BASED ON DEED OF RECORD. THIS SKETCH WAS PREPARED FOR OBTAINING A LEASE AREA FOR THE ENERGY PLANT AND PIPELINE.

PARCEL A - DESCRIPTION

That part of South Half of Section 16, Township 24 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:
BEGIN at the Northwest corner of the South Half of the Southeast Quarter of Section 16, Township 24 South, Range 35 East, Brevard County, Florida; said point having a Northing of 1475584.32 and Easting of 711120.22; thence North 90°00'00" East a distance of 659.43 feet; thence South 00°00'00" East a distance of 410.00 feet; thence South 90°00'00" West a distance of 605.00 feet to the beginning of a curve concave to the northeast having a radius of 75.00 feet; thence northwesterly along said curve to the right through a central angle of 90°00'00", an arc distance of 117.81 feet (chord=106.07 feet bearing=North 45°00'00" West); thence North 00°00'00" West a distance of 335.00 feet; thence North 90°00'00" East a distance of 20.57 feet to the Point of Beginning.

PARCEL B - DESCRIPTION

That part of South Half of Section 16, Township 24 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:
Commence at the Northwest corner of the South Half of the Southeast Quarter of Section 16, Township 24 South, Range 35 East, Brevard County, Florida; said point having a Northing of 1475584.32 and Easting of 711120.22; thence North 90°00'00" East a distance of 659.43 feet; thence South 00°00'00" East 110.00 feet; thence North 90°00'00" East a distance of 674.57 feet to the beginning of a curve concave to the northwest having a radius of 185.00 feet; thence northeasterly along said curve to the left through a central angle of 44°48'02", an arc distance of 144.65 feet; (chord=141.00 feet bearing=North 67°35'59" East); thence North 45°11'58" East a distance of 145.31 feet to the beginning of a curve concave to the southeast having a radius bearing=North 67°35'59" East); thence North 90°00'00" East a distance of 290.44 feet to the West right of way line of Adamson Road (150' right of way); thence North 00°01'22" West along said West right of way line a distance of 820.00 feet; thence South 90°00'00" West a distance of 75.00 feet; thence South 00°01'22" East a distance of 745.00 feet; thence South 90°00'00" West a distance of 215.41 feet to the beginning of a curve concave to the southwest having a radius of 360.00 feet; thence southwesterly along said curve to the left through a central angle of 44°48'02", an arc distance of 281.49 feet; (chord=274.37 feet bearing=South 67°35'59" West); thence South 45°11'58" West a distance of 145.31 feet to the beginning of a curve concave to the northwest having a radius of feet 110.00 feet; thence southwesterly along said curve to the right through a central angle of 44°48'02", an arc distance of 86.01 feet; (chord=83.84 feet bearing=South 67°35'59" West); thence South 90°00'00" West a distance of 676.39 feet; thence South 87°13'13" West a distance of 110.00 feet; thence South 90°00'00" West a distance of 423.18 feet; thence South 00°00'00" East a distance of 75.00 feet to the POINT OF BEGINNING.

8/22/2022

DEBORAH L. PEAVEY, P.S.M.
FLORIDA REGISTRATION NO. 6345

Peavey & Associates
SURVEYING & MAPPING PA
5359 NORTH LAKE BUFUM ROAD
PHOENIX, AZ 85041
FLORIDA BUSINESS NO. 7778

Description Sketch

PARCELS 'A' AND 'B'
Part of Section 16, Township 24 South,
Range 35 East, Brevard County, Florida

SHEET
1
OF
2



CLIENT


Energy Power Management I, LLC
Brevard Energy RING
1620 Adamson Road
Cocoa, FL 32926

The seal appearing on this document
was authorized by Deborah L. P.
PSM No. 6345 on 8/22/2022. **369**

GRAPHIC SCALE

0 150 300

SCALE IN FEET
1"=300'



FOUND 4x4 MARKER
AT NE CORNER
SECTION 16-T24S-R35E

EAST LINE
OF SECTION 16

820.00'

ROAD OF WAY

PARCEL ID 24-35-16-00-2
BREVARD COUNTY
C/O ASSET MANAGEMENT
345 WENNER WAY
COCOA FL 32926
OR BOOK 886, PAGE 412

LEGEND:

C1	CURVE NUMBER
L1	LINE NUMBER
T	TOWNSHIP
R	RANGE
RR	RAILROAD
	PAVEMENT



RR RAILROAD PAVEMENT

S90°00'00"W
215.41'

S00°01'22"E 745.0

N00°01'22"W 820.00'

ADAMSON ROAD
150' RIGHT OF WAY

Energy Power Management I, LLC
Brevard Energy RNG
1620 Adamson Road
Cocoa, FL 32926

The seal appearing on this document was authorized by Deborah L. Peavey, PSM No. 6345 on 8/22/2022

8/22/2022

8/22/2022

DEBORAH L. PEAVEY
CENSE NUMBER

SOUTH EDGE
OF PAVEMENT

WEST RIGHT OF —
WAY LINE (150'R/W)

500°01'22"E 5301.74

Peavey & Associates

[illegible]45
SHEET

PROS
No. 6345
ER
PER

PARCELS 'A' AND 'B'
Part of Section 16, Township 24 South,
Range 35 East, Brevard County, Florida

THIS IS NOT A SURVEY
DESCRIPTION SKETCH

FOUND RR SPIKE
AT SE CORNER
SECTION 16-T24S-R35E

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: Florida City Gas Company		2. Amount: \$0.00
3. Fund/Account #: NA	4. Department Name: Solid Waste Management	
5. Contract Description: Property Owner's Consent Form		
6. Contract Monitor: Joseph Hacker		8. Contract Type: CONSTRUCTION
7. Dept/Office Director: Thomas Multiigan		
9. Type of Procurement: Other		

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Purchasing

☐
☐

Risk Management

☐
☐

County Attorney

☐
☐

SECTION III - CONTRACTS MANAGEMENT DATABASE CHECKLIST

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Thomas Mulligan

Digitally signed by Thomas Mulligan
Date: 2024.01.02 14:40:49 -05'00'

Purchasing

☐
☐

Risk Management

☒
☐

Watson, Michael

Digitally signed by Watson, Michael
Date: 2024.01.17 11:48:43 -05'00'

County Attorney

☒
☐

Caron, Justin

Digitally signed by Caron, Justin
Date: 2024.01.18 16:28:10 -05'00'

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete <input checked="" type="checkbox"/>
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored Items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>