



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - County Attorney

J.2.

1/27/2026

Subject:

Consideration of a Joint Resolution with City of Palm Bay for condemnation of an approximate 3500-foot right-of-way from Forestar (USA) Real Estate Group Inc. for the extension of the St. Johns Heritage Parkway

Fiscal Impact:

If implemented as proposed, all costs associated with right-of-way acquisition - including purchase, condemnation, appraisals, surveys, engineering, expert witnesses, and attorney's fees - would be borne by the private party and not by Brevard County.

Staff notes that longer-term operational, maintenance, and growth-related impacts associated with a completed roadway have not been fully defined at this stage.

Dept/Office:

County Attorney's Office/Public Works Department

Requested Action:

Provide direction regarding a proposed Joint Resolution between the City of Palm Bay and Brevard County addressing a proposed condemnation of an approximately 3,500foot (+/-) right-of-way for the continuation of the St. Johns Heritage Parkway (SJHP) to Sartori Avenue, and related companion right-of-way dedications. Potential actions include:

- (1) Provide direction to proceed with the draft Joint Resolution and direct staff to negotiate and return companion agreements for future Board consideration;
- (2) Request revisions, conditions, or additional safeguards prior to further consideration; or
- (3) Decline to proceed with the Joint Resolution at this time.

Summary Explanation and Background:

The St. Johns Heritage Parkway (SJHP) is a regionally significant transportation corridor intended to improve east-west mobility, enhance emergency evacuation capacity, and reduce congestion on parallel arterial roadways, including Babcock Street. Brevard County completed an Alternative Corridor Evaluation (ACE) Study evaluating potential SJHP alignments from Babcock Street to Malabar Road. The Alternative Corridor Evaluation (ACE) Study was adopted by both the Brevard County Commission and the Palm Bay City Council following public hearings held in December 2022.

The adopted ACE alternatives (Alternatives A and C) share a similar alignment within the area subject to this agenda item. Portions of the SJHP consistent with this alignment have already been constructed or dedicated

or are in the process thereof. Without this connection (or another presently unidentified alternative) the SJHP cannot be completed.

At a joint meeting of Palm Bay and Brevard County staff on December 12, 2025, a conceptual Joint Resolution was discussed that would formalize coordination between the City and County to secure the remaining right-of-way necessary to extend the SJHP westward, from its current terminus, through Sartori Avenue to Melbourne-Tillman Water Control District C-38 Canal.

The Palm Bay City Council will consider the draft Joint Resolution at a public meeting on January 22, 2026, making timely policy direction from the Board of County Commissioners relevant.

The proposed SJHP extension is generally consistent with the long-range transportation vision anticipated in the ACE Study and would represent a significant addition to the regional roadway network. The extension would continue the Parkway toward the corporate limits of the City of Palm Bay and ultimately provide enhanced connectivity to Interstate 95.

At the same time, the proposal presents several policy considerations for the Board of County Commissioners. While the extension may provide public benefits related to mobility, evacuation capacity, and congestion relief, it may also facilitate additional development opportunities that could further stress transportation systems, utilities, environmental resources, and public services within both unincorporated Brevard County and the City of Palm Bay.

The draft Joint Resolution contemplates acquisition of approximately 3500 ft. right-of-way segment owned by Forestar (USA) Real Estate Group Inc. through negotiation, dedication, or, if necessary, eminent domain. A private party (Andy Machata/Rolling Meadow Ranch, Inc.) has indicated a willingness to pay all costs associated with the acquisition, including legal, appraisal, engineering, and condemnation expenses.

If the City and Board of County Commissioners elect to move forward, all right-of-way depicted in Exhibit "6" would be required to be dedicated, acquired, and accepted together, in a form acceptable to the City Council and Board of County Commissioners, to ensure a continuous and functional SJHP corridor.

Moving forward with the proposed Joint Resolution would require additional companion actions and agreements, including but not limited to:

- An intergovernmental agreement with the City of Palm Bay defining roles, responsibilities, and coordination related to right-of-way acquisition.
- Acceptance of the continuation of right-of-way dedication concurrent with the Exhibit "6" acquisition;
- Execution of detailed agreements clearly assigning all financial responsibility for acquisition, condemnation, and associated professional services to the private funding party;
- Legal review to confirm statutory compliance and the existence of a clear public purpose should eminent domain be pursued;
- Consideration of long-term growth management, infrastructure, utility, and maintenance implications associated with extension of the Parkway.

The draft Joint Resolution does not authorize construction of the SJHP, nor does it approve any specific development proposal.

Policy Implications:

Direction on the proposed Joint Resolution carries broader policy implications beyond the immediate right-of-way acquisition. The Board of County Commissioners may include, but is limited to:

- **Growth Management:** Advancing the SJHP extension may facilitate additional development activity in western Palm Bay and adjacent unincorporated areas, with potential implications for land use patterns, concurrency, and timing of infrastructure investments.
- **Use of Condemnation Authority:** Even if privately funded, participation in a condemnation process represents an exercise of governmental authority that may warrant careful consideration of precedent, public perception, and statutory findings of public purpose and necessity.
- **Intergovernmental Coordination:** Approval would further formalize Brevard County's partnership with the City on regional transportation planning, potentially influencing future corridor, cost-sharing, and jurisdictional discussions.
- **Infrastructure and Service Impacts:** Extension of the Parkway may have downstream implications for utilities, maintenance obligations, emergency services, and long-term operational responsibilities not yet fully defined.

Attachments:

1. Draft Joint Resolution No. 2026-XX between the City of Palm Bay and Brevard County, including:
 - Exhibit 1 - ACE Study Map
 - Exhibit 2 - Full Extension
 - Exhibit 3 - East of RMR
 - Exhibit 4 - RMR Rd Profile
 - Exhibit 5 - Utility
 - Exhibit 6 - 3,500-foot (+/-) subject right-of-way proposed for acquisition/condemnation & Continuation of right-of-way dedication necessary for a continuous SJHP corridor

Clerk to the Board Instructions: Please provide copies of the Board action memorandum to the County Attorney's Office, County Manager's Office, and Public Works Department.



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

January 28, 2026

M E M O R A N D U M

TO: Morris Richardson, County Attorney

RE: Item J.2., Joint Resolution with City of Palm Bay for Condemnation of an Approximate 3,500-foot Right-of-Way from Forestar (USA) Real Estate Group Inc. for the Extension of the St. Johns Heritage Parkway

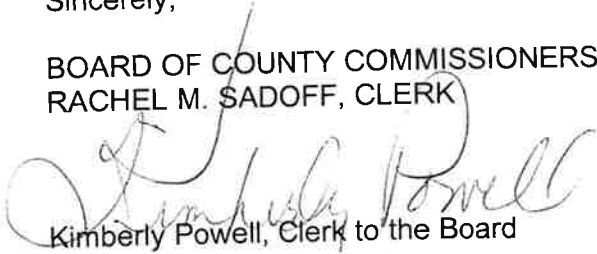
The Board of County Commissioners, in regular session on January 27, 2026, directed you to prepare a Resolution, adopted Resolution No. 26-007, and authorized the Chair to execute the Resolution in a showing of support for City of Palm Bay's action to move forward with the acquisition and condemnation of 3,500-foot right-of-way segment owned by Forestar (USA) Real Estate Group Inc., in partnership with Rolling Meadows Ranch, a private party.

Upon preparation, please return the Resolution to this office for attestation, distribution, and inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: County Manager
Public Works

RESOLUTION 26-007

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA EXPRESSING SUPPORT FOR THE CONTINUATION OF THE ST. JOHNS HERITAGE PARKWAY AND THE ACQUISITION BY THE CITY OF PALM BAY OF A 3,500 FOOT M.O.L. RIGHT OF WAY NECESSARY FOR THE EXTENSION OF THE ST. JOHNS HERITAGE PARKWAY TO SARTORI AVENUE.

RECITALS

WHEREAS, Brevard County (County) has completed St. Johns Heritage Parkway (SJHP) Alternative Corridor Evaluation (ACE) study commissioned by the County wherein it states:

“Brevard County is conducted a transportation planning study known as an Alternative Corridor Evaluation (ACE). The study was being conducted to evaluate new roadway corridors that could connect the existing segments of the St. Johns Heritage Parkway. The limits of the study are from Babcock Street to Malabar Road in Brevard County and the City of Palm Bay, a distance of approximately 14 miles;” and

WHEREAS, the completed ACE Study involved a range of technical evaluations including collecting data, analyzing existing conditions, a range of engineering evaluations, public engagement, and considered the routes’ safety, costs, alternatives, long range planning concerns and environmental impacts.; and

WHEREAS, upon completion of the ACE study, two alternatives, Alternative A and Alternative C corridors, were recommended; and

WHEREAS, the County published a newsletter providing notice of a public hearing to review the impact of the SJHP alignments which was held on December 8th, 2022 (see Exhibit 1) after which both the City of Palm Bay (City) and County adopted the ACE study alignments, Alternative A and Alternative C; and

WHEREAS, The Alternative A and Alternative C corridors are identical from Rolling Meadow Ranch Inc.’s western property line to Babcock St., as shown in Exhibit 1 and Exhibit 2 (the Identical Alignment); This Identical Alignment is the same proposed alignment in Rolling Meadow Ranch Inc’s Planned Unit Development that was adopted and approved by the City in 2014, vested by Ch. 2019-176 laws of Florida and unanimously approved by Brevard County Resolution; and

WHEREAS, since the adoption and approval of the ACE study, the City has evidenced its approval of the Identical Alignment of the SJHP, described above, by approving developments that have constructed additional segments of the SJHP from Babcock St. to the western terminus of Journey Drive, all of which are consistent with the Identical Alignment and these segments have been dedicated to, and accepted by the City as a two-lane divided city road lying within a right of way for the SJHP; and

WHEREAS, the City of Palm Bay has approved an annexation application Case#A25-00001, and land use change in Case #CP25-00001; and a rezoning requested in Case Number CPZ25-00001-Willowbrook Subdivision for property owned by Guy E. & Doris M. Boroff Revocable Trust property (hereafter referred to as the Boroff property), the rezoning for which was approved conditioned upon the developer, Forestar (USA) Development group, Inc.'s execution of a transportation impact fee agreement (Oct. 16, 2025 public hearing video @ 1:45.08); and

WHEREAS, the segment of right of way abutting the entire northern boundary of Boroff property (1792 ft. +/-) has either (1) been dedicated to the City by Forestar (USA) Development Group Inc. (Forestar) as the owner of that parcel, and Forestar's dedication has been accepted by the City of Palm Bay as right-of-way for the SJHP, or (2) that Forestar parcel has been acquired by the City of Palm Bay for construction of the western extension of the SJHP from Journey Drive to the westernmost boundary of the Boroff property; and

WHEREAS, the adoption and approval of the ACE study by the City and County and the City's approvals of SJHP segments that are constructed or are going to be constructed, all of which are consistent in showing that the Identical Alignment is the SJHP adopted alignment up to Rolling Meadow Ranch Inc.'s western property line abutting Sartori Ave.; and

WHEREAS, to complete the SJHP to Rolling Meadow Ranch Inc.'s western property line abutting Sartori Ave., the City must (1) require dedication to the City a 3500 ft +/- x 150 ft. wide parcel owned by Forestar, or (2) require the City to acquire that Forestar-owned 3500 ft. +/- x 150 ft. wide strip of land abutting the 1792 ft. +/- x 150 ft. wide property located directly north of the Boroff property, see Exhibit 2; and

WHEREAS, provided that the City has agreed to approve the full SJHP extension from its western terminus at Journey Ave. to Rolling Meadow Ranch Inc.'s western property line, shown in Exhibit 2, Rolling Meadow Ranch, Inc. has agreed to pay fair market value or other reasonable value negotiated by Forestar and the City or Rolling Meadow Ranch, Inc. for the purchase of the 3500 ft. +/- long x 150 ft. wide right-of-way needed to extend the SJHP directly west to Rolling Meadow Ranch Inc. property from the westernmost terminus of SJHP right-of-way; and

WHEREAS, should Forestar refuse to sell or dedicate the 3500 ft +/- x 150 ft. wide right of way to the City or Rolling Meadow Ranch Inc., the City shall retain a law firm with expertise in eminent domain proceedings selected and paid for by Rolling Meadow Ranch Inc. to pursue, on behalf of the City, the acquisition of the Forestar 3500 ft. +/- long x 150 ft. wide right of way in a quick-take eminent domain proceeding in accordance with terms, conditions and procedures set forth in applicable Florida Statutes; and

WHEREAS, if eminent domain proceedings are necessary to acquire the 3500 ft. +/- long x 150 ft. wide Forestar parcel, Rolling Meadow Ranch, Inc. will pay all costs for the eminent domain proceedings including fees for surveying, engineering, appraisals, expert

witness and attorneys' fees for the condemnation, with the understanding of the parties that Rolling Meadow Ranch Inc. shall also have the right to select the surveyors, engineers, experts, attorneys and appraisers hired to assist the City in the eminent domain suit; and

WHEREAS, Rolling Meadow Ranch Inc. has agreed to deposit a good faith appraisal-based deposit into the court registry and, if the case goes to trial and there is a difference between the good faith deposit and the award determined by a jury, Rolling Meadow Ranch, Inc. will pay the difference; and

WHEREAS, provided the 3500 ft. +/- of right-of-way referenced above is dedicated to or acquired by the City by either dedication, purchase or eminent domain, and the City has obtained the rights to allow Rolling Meadow Ranch, Inc. or any successor to construct that entire two lane segment from the traffic circle at Journey Ave. and Mara Loma Blvd to Rolling Meadow Ranch Inc.'s western boundary, Rolling Meadow Ranch Inc. has agreed to dedicate to the City of Palm Bay the 150 ft. wide right-of-way over the portions of its property for the vested SJHP alignment, as shown in Exhibit 2; and

WHEREAS, Rolling Meadow Ranch Inc. has agreed to construct or contractually require any developer purchasing its property to (1) construct two contiguous lanes of the future four lane SJHP segments from the westernmost terminus of the existing SJHP at the time of construction to Rolling Meadow Ranch Inc.'s eastern property boundary, as represented in Exhibit 3; and (2) construct two contiguous lanes of the future four lane SJHP from Rolling Meadow Ranch Inc.'s eastern property boundary to its western property boundary, as shown in Exhibit 2 and Exhibit 4; and

WHEREAS, this will provide future developments in unincorporated Brevard County direct access to I-95, greatly reducing traffic on Babcock St.; and

WHEREAS, Rolling Meadow Ranch Inc and Jaric Holdings, LLC (as successor to Willowbrook Farms Inc.) have agreed to grant to the City 1.43 miles +/- of nonexclusive easement access solely over the width of the roadbed of the existing Sartori Ave and have agreed to provide easements over land immediately abutting Sartori Ave. for City sewer and water utilities only. These easements coupled with SJHP would allow City of Palm Bay Utilities to potentially loop the water lines and provide sewer and water service to the southeast and southwest and could also provide potential transportation access by connecting the City of Palm Bay directly to SJHP, see Exhibit 5 and Exhibit 6; These easements will not go into effect until the two-lane construction of SJHP to the western boundary of Rolling Meadow Ranch Inc.'s property is completed; and


WHEREAS, when the SJHP is completed in its entirety continuing from its terminus at the southwest corner of Rolling Meadow Ranch Inc.'s property, the SJHP will provide improved general cross town mobility for Palm Bay residents, and access to I-95 from U.S. Highway 1 for City residents, and for County residents in the western part of Brevard County,

as well as a new hurricane evacuation route to Interstate I-95 which does not currently exist; and


NOW, THEREFORE, BE IT RESOVLED by the Board of County Commissioners of Brevard County, Florida as follows:

1. The recitals set forth are correct and adopted by the Board of County Commissioners.
2. The County hereby declares its support for the City’s acquisition of the 3500 ft. +/- long x 150 ft. wide right-of-way needed to extend the SJHP directly west to Rolling Meadow Ranch Inc. property from the westernmost terminus of SJHP right-of-way as necessary and in the best public interest as providing the continued extension of the SJHP for the use and benefit of both City and County residents as a transportation corridor and emergency evacuation route.
3. The County finds that, absent the necessary expeditious acquisition of the SJHP extension by the City as supported in this Resolution, completion of the SJHP could well become possible.

DONE, ORDERED, AND ADOPTED by the Board of County Commissioners of Brevard County, Florida on this 27th day of January, 2026.



THAD ALTMAN, CHAIR
As approved by the Board on 01/27/2026

ATTEST:


RACHEL SADOFF, CLERK

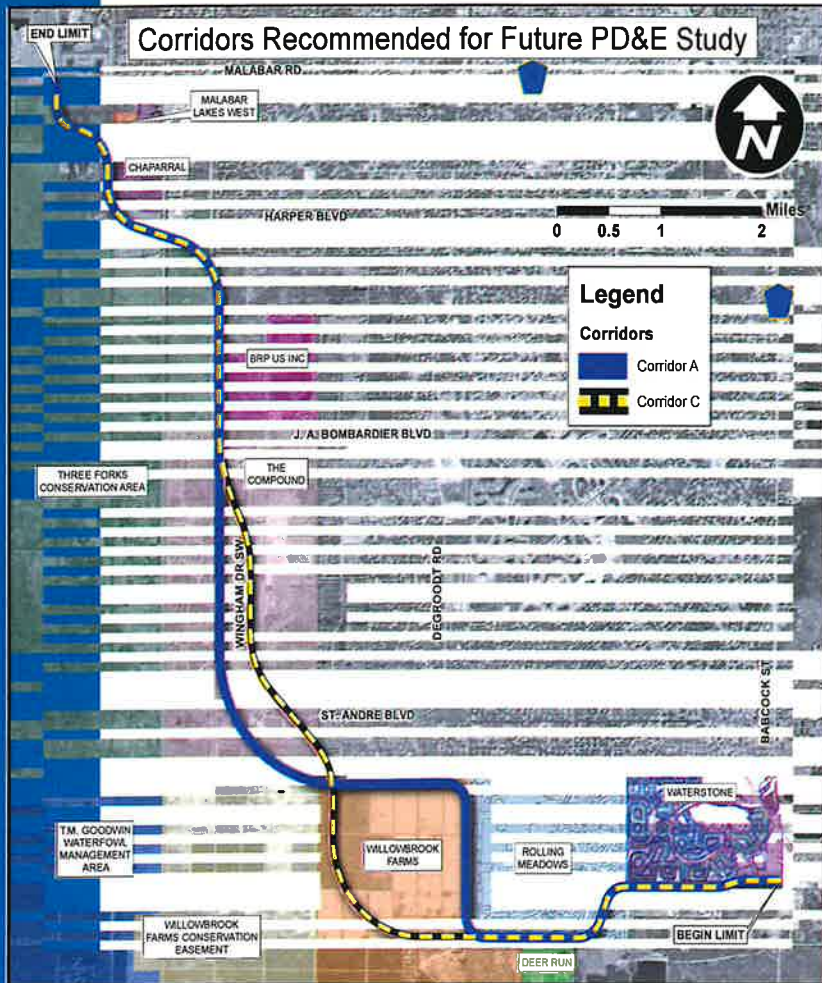
ST. JOHNS HERITAGE PARKWAY

Alternative Corridor Evaluation (ACE) Study

From Babcock Street to Malabar Road

Financial Project Identification Number 441412-1

NEWSLETTER 3 | NOV 2022



INTRODUCTION

Brevard County has rescheduled a Virtual Public Meeting (VPM) for the St. Johns Heritage Parkway Alternative Corridor Evaluation (ACE) Study. **The meeting will now take place on Thursday, December 8, 2022 at 5:30 p.m.** The VPM is being held so that project staff may present the results of the Alternative Corridor Evaluation (ACE) Study and obtain public and stakeholder input.

The meeting is being conducted as a VPM, which is a free, live webinar that is hosted online. If you wish to participate in the VPM online, registration is required prior to joining the VPM. Interested participants will need to register at:

<https://tinyurl.com/StJohnsHeritagePkwVPM>.

Once registered, participants will receive a confirmation email. The email will provide instructions on how to join the VPM using a computer, tablet, or cell phone. Please note that Internet Explorer cannot be used to register or attend this VPM. For attendees who wish to view the online presentation, but do not have internet access, computers will be reserved at the Franklin T. DeGroot Public Library at 6475 Minton Road, Palm Bay, FL 32908 from 5:30 p.m. to 7 p.m. Attendees will need to provide their own headphones. A recording of the presentation will be posted to the project webpage for viewing following the public meeting.

A call-in number is also provided for those who do not wish to access the webinar online. The call-in number is: (631) 992-3221 and the access code is 694-659-407.

The VPM opens at 5:30 p.m. A PowerPoint presentation will begin promptly at 5:35 p.m. Please provide adequate log-in time to view the presentation in its entirety. All questions and comments will be responded to in writing at a later date.

Please note, the question box will only be available to those participants who register and use GoToWebinar to participate in the VPM. Attendees who choose to use the call-in number will not be able to provide comments during the VPM and are asked to provide written or verbal comments to the project team by contacting Consultant Project Manager, David Dangel or Brevard County's Project Administrator, Jeanette Scott. Comments may be provided in writing, by email, or over the phone. While comments can be submitted at any time, those submitted up to 10 days after the meeting (Sunday, December 18, 2022) will be included as part of the public meeting record.

PROJECT CONTACTS

Jeanette Scott
Project Administrator
Brevard County
E-mail: Jeanette.Scott@brevardfl.gov
Telephone: (321) 617-7202 ext. 58316

David Dangel
Consultant Project Manager
Inwood Consulting Engineers
E-mail: ddangel@inwoodinc.com
Telephone: (407) 971-8850

ST JOHNS HERITAGE PARKWAY ACE STUDY

SCHEDULE

The study began in January 2020 and the first VPM was held in May 2021. The Study evaluated five alternative corridors, as well as the no-build option. The proposed alternatives were studied for impacts on the social, cultural, natural, and physical environments. Consideration was also given to engineering criteria and project cost. Based on the analysis conducted, two alternatives, A and C, shown on the map, are recommended for further study to move forward into a future Project Development and Environment (PD&E) study. At this time, the PD&E study, Design, Right-of-Way, and Construction phases are not funded.

PUBLIC OUTREACH

Persons with disabilities who require accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the County's American with Disabilities Officer, Brian Breslin, by phone at 321-637-5347 or by email at TitleVI.ADA@brevardfl.gov, at least five (5) days prior to the VPM. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to compliance with Title VI may do so by contacting the Brevard County Title VI/Nondiscrimination Coordinator at TitleVI.NondiscriminationCoordinator@brevardfl.gov.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022 and executed by FHWA and FDOT. Additionally, the study is being conducted in accordance with Title 23 USC § 168 - Integration of Planning and Environmental Review.



Brevard County Public Works

Attn: Jeanette Scott

2725 Judge Fran Jamieson Way, Bldg. A, Room 201

Viera, FL 32940

RESCHEDULED*RESCHEDULED*RESCHEDULED*RESCHEDULED



Exhibit 2



B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 333 SOUTH HARRIS CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
 PHONE: 321.255.1111 FAX: 321.255.1112
 CERTIFICATE OF BUSINESS AUTHORIZATION #625
 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION LB000485

DATE: 11/03/25
 DESIGNED/DRAWN: ALSORB
 DRAWING# 8702002_207_002
 PROJECT# 87020.02
 SHEET 1 OF 1

ROLLING MEADOW LAKES PARKWAY EXHIBIT