



AGENDA REPORT
February 12, 2019

Brevard County Shore Protection Project - Mid Reach Segment Resolution

SUBJECT:

Brevard County Shore Protection Project - Mid Reach Segment

FISCAL IMPACT:

The Agenda Item will have no impact on the General Fund. After the state cost-share of 40.53% for easement acquisition expenses, all local funds are paid from the Tourism Development Tax Beach Management Budget. The estimated cost for Coastal Expert, Dr. Kevin Bodge, Olsen Associates, Inc. is \$4,000.00 which is included in a previously approved Task Order. 1700/303217 \$1,621.20 1442/293100 \$2,378.80

DEPT/OFFICE:

County Attorney Office

REQUESTED ACTION:

Staff requests that the Board of County Commissioners (BOCC) adopt a resolution authorizing Kevin R. Bodge PhD, PE of Olsen Associates, Inc. and Mike McGarry, Program Manager for Beaches, Boating and Waterways, to make engineering and project management related commitments on the County's behalf in condemnation proceedings regarding the Brevard County Shore Protection Project – Mid Reach Segment.

SUMMARY EXPLANATION and BACKGROUND:

In the continuing effort to plan and construct this project, it is requested that the Board formally authorize the project engineer, Kevin R. Bodge PhD, PE of Olsen Associates, Inc. and Mike McGarry, Program Manager for Beaches, Boating and Waterways, to make commitments on behalf of the County during court proceedings regarding the use of land necessary for construction of the Brevard County Shore Protection Project – Mid Reach Segment. It is intended that Mr. Bodge and/or Mr. McGarry will be called as expert witnesses regarding the project at upcoming court proceedings in the condemnation action. The purpose of the resolution is to show the court that both witnesses are authorized by the County to make representations about the project construction and use of lands acquired and bind the County by their testimony. This Board has adopted similar resolutions authorizing an expert to bind the Board regarding construction plans in other condemnations cases.

CLERK TO THE BOARD INSTRUCTIONS:

Provide County Attorney's Office with certified copy of resolution.

ATTACHMENTS:

- Description**
- Resolution**



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

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Tammy.Rowe@brevardclerk.us

February 13, 2019

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.19., Resolution for Brevard County Shore Protection Project – Mid Reach Segment

The Board of County Commissioners, in regular session on February 12, 2019, adopted Resolution No. 19-015, authorizing Kevin R. Bodge PhD, PE of Olsen Associates, Inc and Mike McGarry, Program Manager for Beaches, Boating, and Waterways, to make engineering and project management related commitments on the County's behalf in condemnation proceedings regarding the Brevard County Shore Protection Project – Mid Reach Segment. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Natural Resources Management Director

RESOLUTION 2019 – 015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AUTHORIZING KEVIN R. BODGE PhD, PE OF OLSEN ASSOCIATES, INC. AND MIKE MCGARRY, PROGRAM MANAGER FOR BEACHES, BOATING AND WATERWAYS TO ACT ON THE COUNTY'S BEHALF IN CONDEMNATION PROCEEDINGS REGARDING THE BREVARD COUNTY SHORE PROTECTION PROJECT – MID-REACH SEGMENT.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida that the County is committed to the following:

1. The County is involved in an eminent domain action.
2. IT IS FURTHER RESOLVED that Kevin R. Bodge, PE of Olsen Associates, Inc. and Mike McGarry, Program Manager for Beaches, Boating and Waterways are hereby authorized to make engineering and project management commitments on behalf of the County involving the Brevard County Shore Protection Project – Mid-Reach Segment and upon such matters as may arise in court during the trial or any hearing relating to the case known as Brevard County v. Alex B. Altman, et al, Case No. 05-2018-CA-055386.

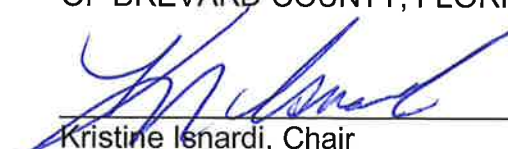
DONE, ORDERED AND ADOPTED in Regular Session, this 12 day of February, 2019.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Kristine Isnardi, Chair
(As approved by the Board on
February 12, 2019)