

Meeting Date
March 21, 2017



AGENDA	
Section	Consent
Item No.	<i>II - A. 10.</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: St Johns Heritage Parkway – Memorandum of Agreement between Florida Department of Transportation and Brevard. - District 5 (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department / Land Acquisition Section

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chairman to execute the Memorandum of Agreement between Florida Department of Transportation and Brevard County related to the Northerly Segment of the St. Johns Heritage Parkway Project.

Summary Explanation & Background:

The subject property is located in Section 3, Township 28 South, Range 36 East.

FDOT has modified the original SJHP Project to include an Interchange with Interstate 95 and have agreed to acquire portions of the right of way needed to accommodate the Interchange. The Memorandum of Agreement (MOA) is intended to make clear the tasks and conditions related to the completion of the Northerly Segment of the St. Johns Heritage Parkway Project. The MOA is consistent with the understanding shared by staff (FDOT & County) as to the expected: expenses, obligations and disposition of future maintenance responsibility associated with the Parkway and the I-95 Interchange. The net effect of this agreement substantially reduces County obligations as compared to prior to FDOT's involvement with the project.

Clerk to the Board Instructions: Forward original executed Memorandum of Agreement and the Board approval memo to Department.

Exhibits Attached: Original Memorandum of Agreement with Exhibit "A" and Exhibit "B"

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	John Denninghoff / 57202



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

March 22, 2017

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.10., Memorandum of Agreement with Florida Department of Transportation (FDOT) for Northerly Segment of St. Johns Heritage Parkway Project

The Board of County Commissioners, in regular session on March 21, 2017, executed Memorandum of Agreement with FDOT related to the Northerly Segment of the St. Johns Heritage Parkway Project. Enclosed is the executed Memorandum of Agreement.

Upon execution by FDOT, please return a fully-executed Memorandum of Agreement to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Contracts Administration
Finance
Budget



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 S. Woodland Boulevard
DeLand, Florida 32720-6834

**RACHEL D. CONE
INTERIM SECRETARY**

April 18, 2017

Tammy Rowe, Deputy Clerk
Brevard County Board of Commissioners
400 South Street
P.O. Box 999
Titusville, FL 32781

Re: Memorandum of Agreement with FDOT for Northerly Segment
of St. Johns Heritage Parkway Project

Ms. Rowe,

As you requested, please find enclosed the fully executed Memorandum of Agreement between Brevard County, Board of County Commissioners and FDOT.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McDermott", with a long horizontal flourish extending to the right.

Daniel L. McDermott,
Senior Attorney
(386) 943-5495

DLD/mi
Enclosure

MEMORANDUM OF AGREEMENT
BY AND BETWEEN
BREVARD COUNTY, BOARD OF COUNTY COMMISSIONERS
AND
THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
I-95 AT St. JOHN'S HERITAGE PARKWAY/ELLIS ROAD

THIS AGREEMENT made and entered into this 14 day of April, 2017, by and between the **STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION**, hereinafter, the "**Department**" and **BREVARD COUNTY, a Political Subdivision of the State of Florida**, (hereinafter "**County**").

WHEREAS, the Department and the County have previously entered into a Local Agency Program ("LAP") Agreement for FM#428346-2 that provides for the Department to acquire on behalf of the County certain real estate interests directly associated with and necessary for the construction of the St. John's Heritage Parkway (herein "SJHP") by the County, and;

WHEREAS, the Department and the County have been engaged in acquiring those parcels of real estate consistent with the Scope of Services of the LAP Agreement and are continuing to do so and to assist the other in the acquisition process, and:

WHEREAS, subsequent to the entry of the LAP Agreement, the Department moved to modify what was to be an Interstate Overpass to an Interchange at the SJHP which necessitates certain additional real estate acquisition over and above what was originally conceived and over and above what is included in the LAP Agreement and:

WHEREAS, **County** and the **Department** desire to work together to facilitate the **DEPARTMENT'S** acquisition of the real property necessary for the County **and the Department** to design, permit, and construct an Interchange Project for I-95, including the pond areas, as reflected on Exhibit "A" hereto; and

WHEREAS, the Department and the County have further cooperated and desire to cooperate on the necessary acquisition of real estate interests through the joint use of certain parcels whereby one party acquires a whole take or a larger parcel and the other party will receive a conveyance of a real estate interest for that party's use of a portion of the parcel; and

WHEREAS, the timing of the acquisition of the shared interest is critical to meet construction schedules and the parties desire hereby to enter into this Memorandum of Agreement to clearly identify what parcels are being acquired, the time schedule for such acquisition and the use of the shared parcels.

NOW THEREFORE, the parties agree as follows:

1. The recitals set forth hereinabove are true and correct and are incorporated herein.
2. The terms of the LAP Agreement, including the Scope of Services, are reiterated and restated without modification.
3. Exhibit "A" attached hereto and incorporated herein, is a graphic representation of the various parcels to be acquired by the County and by the Department. The parties agree that this is an accurate description of who is responsible to acquire what parcel of real property and that those parcels represented in "blue" have in fact been acquired by the County.
4. Other than Parcel 108C the "red" parcels described by Exhibit "A" are to be acquired by the County, including but not limited to parcel #107C which is being acquired to meet the needs of both the County and the Department for floodplain compensation. The County's need is associated with the SJHP and the Department's need is associated with the Department's Interchange Project. The County's floodplain flowage needs are estimated to be 17.72 acre-feet of floodplain volume. The Department needs and the County agrees to convey to the Department a permanent, perpetual flowage easement sufficient to allow the Department a flowage of an estimated 76.8 acre-feet floodplain volume, together with a permanent, perpetual access easement over a portion of Parcel #107B as needed. The total 100-year FEMA floodplain impacts for both projects is estimated to be 94.52 acre-feet. The County is responsible to acquire the parcel and agrees to convey the easement interests to the Department

on or before December 1, 2017 to allow the Department to meet the construction schedule for the Department's Interchange Project.

5. The portion of Parcel #111 shown on Exhibit "A", which has already been acquired by the County as a whole take, is necessary for use by the Department for the Department's Interchange Project. The County agrees to convey to the Department 6.49 acres as described on Exhibit "B" hereto on or before December 1, 2017 to allow the Department to meet the construction schedule for the Department's Interchange Project.

6. Parcel #112 is a parcel that has been acquired by the Department as a whole take. The Parcel #112 as reflected on Exhibit "A" is that portion of the whole take that is necessary for the Department's Interchange Project. The remainder of the parcel will be used for either the Department's public purpose or the County's public purpose.

7. The County has acquired the "blue" parcels as identified on Exhibit "A" and has submitted proper invoices, as applicable, for reimbursement under the LAP Agreement and has been fully reimbursed under the LAP Agreement for said parcels with the exception of Parcels 100, 104, and 105 which were not eligible for reimbursement as their acquisition predated LAP funding availability and the LAP agreement.

8. The green Parcel# 108 shown on Exhibit "A" is to be acquired by the Department to meet the needs of both the Department and the County for the interchange and the SJHP roadway. The Department agrees to convey the roadway section of the SJHP to the County after construction is complete.

9. Parcel 108C is a parcel to be acquired by FDOT and conveyed to the County. The parcel is encumbered by a Conservation Easement permit in favor of the St. John's River Water Management District (herein "SJRWMD"). The Permit includes a provision whereby the

Conservation Easement will be released by the SJRWMD. The County shall be responsible to assure that the Easement is released from Parcel 108C prior to construction.

10. The parties agree to fully cooperate with the other to assure that the intent of this agreement is carried out to the full benefit of the public and of each other.

11. The term of this Memorandum of Agreement shall be for a period of five years but shall be extended by mutual agreement until the purposes set forth herein are fully met.

IN WITNESS WHEREOF, the County has executed this Agreement this 21 day of MARCH 2017, and the Department has executed this Agreement this 14 day of April, 2017.

BREVARD COUNTY, BOARD OF COUNTY COMMISSIONERS

By: 
CURT SMITH CHAIRMAN

Name: CURT SMITH CHAIRMAN
PRINTED OR TYPED

Title: CHAIRMAN

Attest: 
SCOTT ELLIS, CLERK

Approved by Board March 21, 2017

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: 

Name: RICHARD B. MORROW

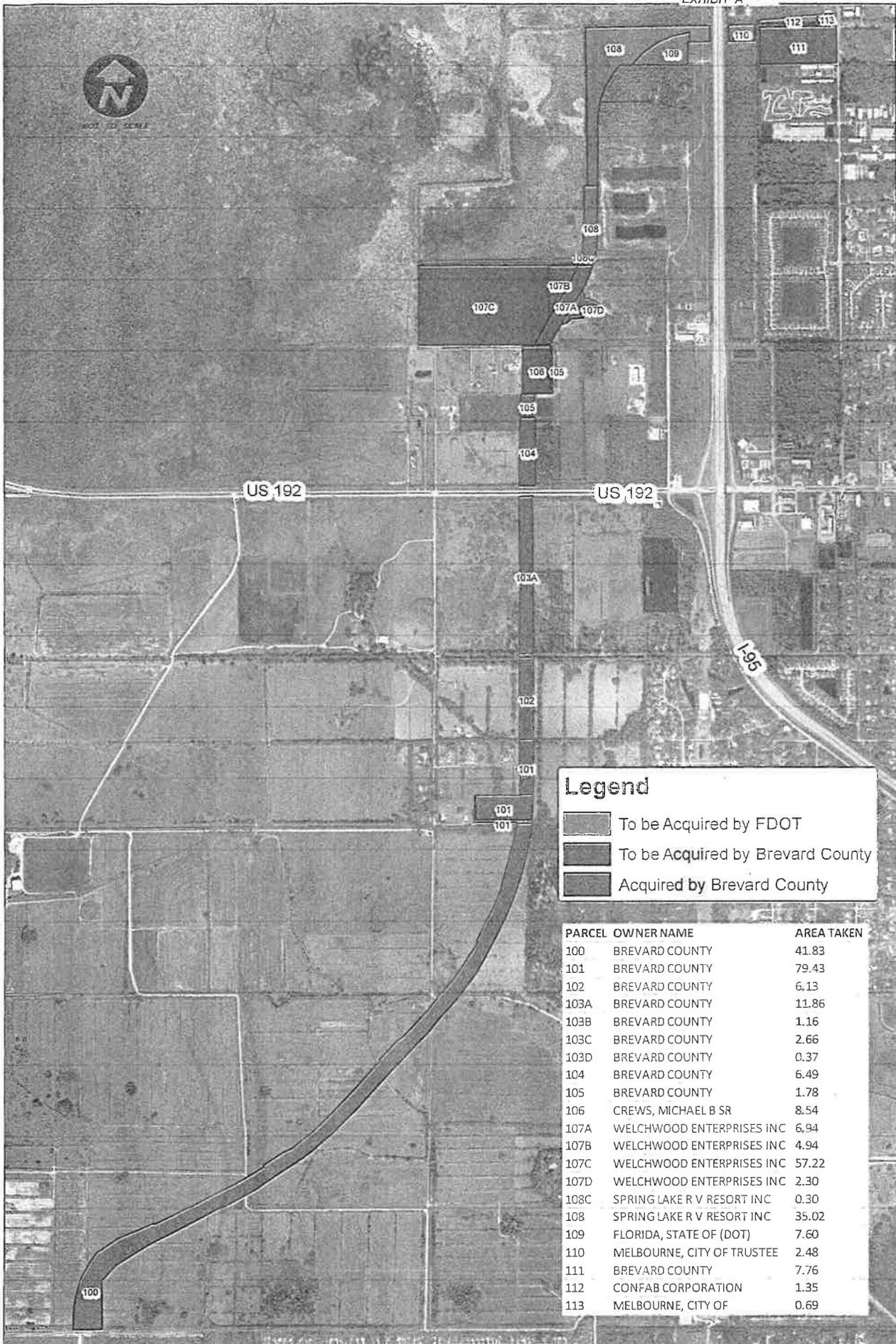
Title: Director of Transportation Development

Attest: 
Executive Secretary

Legal Review: 



NOT TO SCALE



Legend

- To be Acquired by FDOT
- To be Acquired by Brevard County
- Acquired by Brevard County

PARCEL	OWNER NAME	AREA TAKEN
100	BREVARD COUNTY	41.83
101	BREVARD COUNTY	79.43
102	BREVARD COUNTY	6.13
103A	BREVARD COUNTY	11.86
103B	BREVARD COUNTY	1.16
103C	BREVARD COUNTY	2.66
103D	BREVARD COUNTY	0.37
104	BREVARD COUNTY	6.49
105	BREVARD COUNTY	1.78
106	CREWS, MICHAEL B SR	8.54
107A	WELCHWOOD ENTERPRISES INC	6.94
107B	WELCHWOOD ENTERPRISES INC	4.94
107C	WELCHWOOD ENTERPRISES INC	57.22
107D	WELCHWOOD ENTERPRISES INC	2.30
108C	SPRING LAKE R V RESORT INC	0.30
108	SPRING LAKE R V RESORT INC	35.02
109	FLORIDA, STATE OF (DOT)	7.60
110	MELBOURNE, CITY OF TRUSTEE	2.48
111	BREVARD COUNTY	7.76
112	CONFAB CORPORATION	1.35
113	MELBOURNE, CITY OF	0.69

Exhibit "B"

To be provided by FDOT prior to submission for the Agenda Process.

FDOT ROW C.E. PARCEL NUMBER	FDOT ROW Parcel Number Assigned by DOT Mapping	County Parcel Number	County Tax Parcel ID # or Alt-Key #	Property Owner/Use	Parent Tract Size	FDOT Take Area	Lead Party In Acquisition	Conveyance			Compensation			Proposed Use		Notes	
								Type	From	To	Amount	From	To	FDOT	County		
N/A	807	107C	27-36-34-00-501	Weichwood Enterprises Inc. Vacant Commercial Land	111.02 Acres	59.77 Acres	County	1: County needs Fee-62 Ac. 2: Flowage Easement (incl. min. floodplain compensation volume for the interchange project) 3: 1.2A/FI and over 1070 for access to 807 w/rights to maintain, but not responsibility.	County	County	County	County	County	County	Floodplain compensation area	107 AB & D will be all County need and ownership - FDOT will need an easement access rights over 107B - area of acquisition will be determined upon final design & County's Acquisition.	
91/93	108	South Part of County's 108A (6,098 Ac.) All of 108A - 9,059 Ac.	27-36-34-00-500	Spring Lake RV Resort Inc. Vacant Residential Land Single Family Unplatted - 5+ Ac.	406.1 Acres	6.04 Acres	FDOT	Fee - w/County's Deed & legal description, FDOT has survey too.	Owner	FDOT	FDOT	None	None	None	Read ROW	For County's construction of SHRP Rdway - FDOT will need to County - area of acquisition will be determined upon final design. Potential partial donation.	
91/93	108	North Part of County's 108A (3 Ac.) All of Co. 108B (14,462 Rd. R/W); 108D (pond) & 108E	27-36-34-00-2	Spring Lake RV Resort Inc. Vacant Residential Land	406.1 Acres	28.76 Acres	FDOT	Fee	Owner	FDOT	FDOT	N. Pt. Co. 108A - 10 construct Co. SHRP Rdway; 108D - FDOT TCE & easement over pond; 108E part L.A. & construct Co. SHRP Rdway	Owner	County	County	Road ROW & pond	FDOT needs TCE area, easement over pond & L.A. to construct. Then FDOT only retains easement over pond & L.A. rights after construction. Potential partial donation.
91/93	709A	N/A	27-36-34-00-2	Spring Lake RV Resort Inc. Vacant Residential Land	406.1 Acres	4.21 Acres	FDOT	FDOT TCE	Owner	FDOT	FDOT	TBD by FDOT Appraisal late 2017	Owner	FDOT	FDOT	Part of Road ROW (outside L.A.)	Brevard Co. does not have funding to purchase remainder.
91/93	709B	Part of Co. 108B & 108D	27-36-34-00-2	Spring Lake RV Resort Inc. Vacant Residential Land	406.1 Acres	3.47 Acres	FDOT	FDOT TCE	Owner	FDOT	FDOT	TBD by FDOT Appraisal late 2017	Owner	FDOT	None	None	
91/93	N/A	108C (Conservation Easement)	27-36-34-00-500	FDOT was Confish Corporation Vacant Industrial	406.1 Acres	0.30 Acres	FDOT	Fee 13,246 Sq. Ft. - w/County's Deed & legal description. FDOT has survey too.	Owner	County	County	Buying w/FDOT funds based on FDOT appraisal.	Owner	County	Road ROW	For County's construction of SHRP Rdway. Potential partial donation.	
3	100	112	27-36-36-00-504	City of Melbourne Vacant Municipally Owned Land	715.12 Acres	2.11 Acres	FDOT owned	FDOT Acq. Fee 15.12 Ac.	Owner	FDOT	County	FDOT may need to County for future use.	Owner	FDOT	L-15 Canal Maintenance / Access	No FDOT need after construction, FDOT may need entire parcel to County.	
2	110	110	27-36-34-00-3	City of Melbourne Vacant Municipally Owned Land	5 Acres	5 Acres	FDOT	City Deed	City	FDOT	City	Donation	Owner	FDOT	None	None	Brevard County will assist in discussions with the City. Schedule the time for the discussions. OK by FDOT - we'll keep you posted!
4	111	111	27-36-35-00-255	Brevard County was Chichan 800: Vacant County Owned Land	16.22 Acres	6.49 Acres	County owned	1: County Acq Fee 16.184 Ac. 2: FDOT needs Fee 6.49 Ac.	Owner	County	County	Conveyance by County to FDOT of L.A. limits & right to construct.	Owner	FDOT	Pond & Canal Maintenance / Access	FDOT needs 6.49 Ac. County hold \$1.5m for 16.184 Acres - \$92,364.66 x 6.49Ac - \$601,313. This was submitted for reimbursement under the LIP Agreement 426905-3, 2.49.01	
5	113	113	27-36-26-00-505	City of Melbourne Vacant Municipally Owned Land	1.62 Acres	23.511 Sq. Ft.	FDOT	1: City Deed 2: Deed 23,511 Sq. Ft.	City	FDOT	County	Donation	Owner	FDOT	Canal Maintenance / Access	Possible County John Hodges ROW also. No FDOT need after construction.	
94	114	N/A	27-36-34-00-1	Endless Summer of Brevard Inc. Vacant Industrial Land	35.44 Acres	9.11 Acres	FDOT	Fee	Owner	FDOT	FDOT	TBD by FDOT Appraisal late 2017	Owner	FDOT	None	Sit off ramp east to John Road/Elks	
95	115	N/A	27-36-35-00-258	Russel Bryan Warehouse - Flex Space	5.76 Acres	1.12 Acres	FDOT	1: Fee 2: Fee - Deed 1.12Ac.	Owner	FDOT	County	TBD by FDOT Appraisal late 2017	Owner	FDOT	Canal Maintenance / Access	No FDOT need after construction	
96	116	N/A	27-36-35-00-257	Austrian Raceway Corp. Commercial Related Amenities	16.14 Acres	3.298 Sq. Ft.	FDOT	1: Fee 2: Fee - Deed 3.298Sq. Ft.	Owner	FDOT	County	TBD by FDOT Appraisal late 2017	Owner	FDOT	Canal Maintenance / Access	No FDOT need after construction	
N/A	117	N/A	N/A	Owner TBD by title search - Gap Parcel	6592 Sq. Ft.	860 Sq. Ft.	FDOT	1: Fee 2: Fee - 860 Sq. Ft.	Owner	FDOT	County	TBD by FDOT Appraisal late 2017	Owner	FDOT	Canal Maintenance / Access	No FDOT need after construction	
N/A	118	N/A	N/A	Brevard County M-1 Canal	n/a	3	FDOT	Fee for L.A. Rights only	County	FDOT	County	Donation by County to FDOT of L.A. limits & right to construct.	Owner	FDOT	Canal Maintenance / Access	FDOT needs to retain < 4.57 Ac. For L.A. ROW only	
N/A	119	N/A	N/A	City of West Melbourne M-1 Canal	n/a	1.57 Acres	FDOT	Fee for L.A. Rights only	City	FDOT	County	Donation by City to FDOT of L.A. limits & right to construct	Owner	FDOT	Canal Maintenance / Access	FDOT needs to retain < 4.57 Ac. For L.A. ROW only	

BOARD OF COUNTY COMMISSIONERS

AGENDA: ST JOHNS HERITAGE PARKWAY PROJECT / FLORIDA DEPARTMENT OF TRANSPORTATION MEMORANDUM OF AGREEMENT - DISTRICT-5

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847 (5-2726)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPS</u>	_____	<u>2/24/17</u>
COUNTY ATTORNEY Eden Bentley Deputy County Attorney	<u>EB</u>	_____	<u>3/14/17</u>
PUBLIC WORKS John Denninghoff, Director	<u>Approved by Staff</u>	_____	<u>3/2/17</u>

AGENDA DUE DATE: March 7, 2017 for the March 21, 2017 Board meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

Deborah Thomas

From: Tammy Rowe
Sent: Wednesday, April 19, 2017 11:33 AM
To: 'Cruz, Debbie'
Cc: Deborah Thomas
Subject: RE: March 21, 2017 Agenda Item II.A.10 - MOA with FDOT for Northerly Segment of SJHP project

Debbie:

If we do receive it, then yes, we will be happy to forward it to you for recordation.

I'm going to forward your email to Deborah, our Administrative Assistant, so she can be on the lookout for it.

Tammy Rowe, Supervisor
Clerk to the Board
Brevard County Clerk of Courts
tammy.rowe@brevardclerk.us
321-637-2001 Ext. 49056

From: Cruz, Debbie [<mailto:Debbie.Cruz@brevardfl.gov>]
Sent: Wednesday, April 19, 2017 11:30 AM
To: Tammy Rowe
Cc: Jones, Daniel
Subject: FW: March 21, 2017 Agenda Item II.A.10 - MOA with FDOT for Northerly Segment of SJHP project

Tammy,

When FDOT sent the PDF for the executed MOA, they mentioned that they would be sending the original to the County Clerk. When you receive the document, can you forward the original to our department, because we may need to have the document recorded.

Thank you,

Debbie Cruz
Special Projects Coordinator I
Brevard County Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way, A204
Viera, FL 32940
321-690-6847

From: Tammy Rowe [<mailto:Tammy.Rowe@brevardclerk.us>]
Sent: Wednesday, April 19, 2017 8:59 AM
To: Cruz, Debbie
Subject: RE: March 21, 2017 Agenda Item II.A.10 - MOA with FDOT for Northerly Segment of SJHP project

Thank you, Debbie.

From: Cruz, Debbie [<mailto:Debbie.Cruz@brevardfl.gov>]
Sent: Wednesday, April 19, 2017 8:26 AM
To: Tammy Rowe
Cc: Jones, Daniel
Subject: March 21, 2017 Agenda Item II.A.10 - MOA with FDOT for Northerly Segment of SJHP project

Tammy,

Please find attached a copy of the fully executed MOA that you requested on the approval memo for the above-referenced agenda item.

Thanks,

Debbie Cruz
Special Projects Coordinator I
Brevard County Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way, A204
Viera, FL 32940
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"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

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Deborah Thomas

From: Tammy Rowe
Sent: Wednesday, April 19, 2017 11:50 AM
To: Deborah Thomas
Subject: RE: March 21, 2017 Agenda Item II.A.10 - MOA with FDOT for Northerly Segment of SJHP project

I'd be surprised if the State actually sent us the document, but we can keep an eye out just in case.

From: Deborah Thomas
Sent: Wednesday, April 19, 2017 11:48 AM
To: Tammy Rowe; 'Cruz, Debbie'
Subject: RE: March 21, 2017 Agenda Item II.A.10 - MOA with FDOT for Northerly Segment of SJHP project

Thank you.

I will keep a watch for this document.

Deborah Thomas
Administrative Assistant
Clerk to the Board
(321)637-2001 ext. 49433
Deborah.thomas@brevardclerk.us



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Special Projects Coordinator I
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321-690-6847

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