



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.19.

12/20/2022

### 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 the Coastal Expert, Dr. Kevin Bodge, Olsen Associates, Inc. is \$5,200.00 which is included in a previously approved Task Order.

State Grant (1700/303217): \$2,107.56 / Tourism Beach Fund (1442/293100): \$3,092.44.

### Dept/Office:

County Attorney's Office and Natural Resources Department

### Requested Action:

Staff requests that the Board of County Commissioners (BOCC) adopt a resolution authorizing Mike McGarry, Program Manager for Beaches, Boating and Waterways, Natural Resources Department, and the Project Engineer, Kevin R. Bodge PhD, PE of Olsen Associates, Inc. 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 Mike McGarry, Program Manager for Beaches, Boating and Waterways, Natural Resources Department, and the project engineer, Kevin R. Bodge PhD, PE of Olsen Associates, Inc. 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.



December 21, 2022

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

**TO:** Morris Richardson, County Attorney

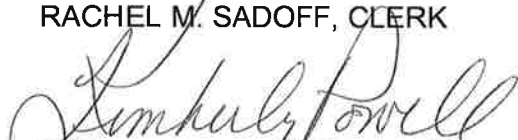
**RE:** Item F.19., Brevard County Shore Protection Project – Mid Reach Segment

The Board of County Commissioners, in regular session on December 20, 2022, approved and adopted Resolution No. 22-168, authorizing Mike McGarry, Program Management for Beaches, Boating and Waterways, Natural Resources Department, and the Project Engineer, Kevin R. Bodge PhD, PE of Olsen Associates, Inc. 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 fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

cc: Natural Resources Management  
Finance  
Budget

RESOLUTION 2022 – 168

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AUTHORIZING MIKE MCGARRY, PROGRAM MANAGER FOR BEACHES, BOATING AND WATERWAYS, NATURAL RESOURCES DEPARTMENT AND KEVIN R. BODGE PhD, PE OF OLSEN ASSOCIATES, INC. 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:

1. The County is involved in an eminent domain action.
2. Mike McGarry, Program Manager for Beaches, Boating and Waterways, Natural Resources Department and Kevin R. Bodge, PhD, PE of Olsen Associates, Inc. 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. Thirrel A. Altman, Jr., Trustee of the Thirrel A. Altman Sr. Trust U/T/D March 16, 2001, et al, Case No. 05-2022-CA-052647.

DONE, ORDERED AND ADOPTED in Regular Session, this 20 day of December, 2022.


ATTEST:

CLERK OF THE CIRCUIT COURT



Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

(As approved by the Board on  
December 20, 2022)