

Meeting Date
03/17/15



AGENDA	
Section	NEW BUSINESS
Item No.	VI.B.1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Advertisement for Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND) District 3
DEPT/OFFICE:	Parks and Recreation Department Environmentally Endangered Lands (EEL) Program

Requested Action:

Authorize staff to initiate procedures to advertise land Exchange Agreement between Brevard County and Florida Inland Navigation District (FIND).

Summary Explanation & Background:

Florida Inland Navigation District (FIND) owns property (site BV-24) in Grant-Valkaria that has been identified since the early 1990's as a future containment basin site for dredged materials from maintenance of the Intracoastal Waterway (ICW). In 1991, the EEL Program's Selection and Management Committee (SMC) identified the FIND site as containing substantial scrubby pine Flatwoods and the use of the site for spoil disposal may have significant endangered species impacts due to the size of the scrub jay population in this area. Preservation of the Valkaria area, which includes the FIND property, is critical to the survival of the scrub jay population in this region.

In 1995, the County acquired 84.39 acres, adjacent to the FIND property, through a mitigation donation for the Cypress Creek Development. In 1997, the County began talks with FIND regarding a potential exchange of the adjacent County owned property due to the higher quality scrub habitat that exists on the FIND property.

In 2009, the EEL SMC recommended continued support for the proposed concept of the FIND land exchange. On May 19, 2009, the Board of County Commissioners (BoCC), authorized staff to proceed and finalize details for the exchange of property. As part of this 2009 Board approval, the County agreed to reimburse FIND up to \$150,000 for their re-design costs of the BV-24 basin, if the exchange were to occur. (Continued on Page 2)

Fiscal Impacts:

FY 14/15 - No fiscal impacts.



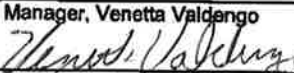
FY 15/16 - There are no fiscal impacts to General Revenue Funds in the 15/16 budget. The potential fiscal impacts to EEL Program funds are approximately \$130,000 to \$145,000 (half of re-design costs and due diligence), if the exchange occurs within this fiscal year. EEL Program acquisition funds are available in fund 3219 and cost center 340250.

Name: Mike Knight, EEL Program Manager

Phone: 321-255-4466 mike.knight@brevardparks.com

Clerk to the Board Instructions: Please return Board memorandum to the EEL Program

Exhibits Attached: Map

Contract /Agreement (If attached):		Reviewed by County Attorney		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager		Assistant County Manager, Mel Scott		Department Director, Parks & Recreation, Jack Masson					
Stockton Whitten		Assistant County Manager, Venetta Valdengo					for Jack Masson		

Agenda Report- Advertisement for Exchange Agreement between County and FIND-Continued Page 2

The United States Fish & Wildlife Service (USFWS) is responsible for FIND's project permitting and they are supportive of this land exchange concept. They have stated that such an exchange would preserve some of the most critical scrub habitat in the area and would benefit the survival of the regional scrub-jay population.

County staff, in cooperation with FIND, has developed an Exchange Agreement, which has been reviewed by the County Attorney and Risk Management and subsequently was approved by the FIND Board on December 13, 2014.

The Exchange Agreement outlines the following:

- County will exchange 69.36 +/- acres of land for FIND's 83.19 +/- acres
- The exchange is contingent upon FIND obtaining necessary permitting.
- Upon closing, each party will bear the costs of their own due diligence (boundary survey, title commitments and environmental site assessments) for the property that each party will receive in the exchange
- Upon closing, the County will reimburse FIND half of the re-design costs for the basin, not to exceed \$88,823.38
- The potential overall cost to the County, at closing, is estimated to be between \$130,000 and \$145,000 (this includes half of the basin re-design costs and due diligence expenses).

On January 21, 2015, the EEL SMC recommended that the Exchange Agreement be forwarded to the BoCC for approval. The requested action today is for approval to advertise the exchange as required by Florida Statute 125.37, prior to the BoCC making a final decision. After the required advertisement period, staff will return to the BoCC to present the Exchange Agreement for final consideration.

In 2014, the County received a grant from the State of Florida for the removal of muck from the Indian River Lagoon and negotiations are underway between the County and FIND to utilize their spoil containment basins for this purpose. Eventual approval of this exchange could be beneficial for future muck removal activities in the Indian River Lagoon.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

March 18, 2015

MEMORANDUM

TO: Jack Masson, Parks and Recreation Director

RE: Item VI.B.1, Permission to Advertise Land Exchange Agreement with Florida Inland Navigation District (FIND)

The Board of County Commissioners, in regular session on March 17, 2015, authorized staff to initiate procedures to advertise land exchange agreement between Brevard County and Florida Inland Navigation District (FIND).

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

cc: EEL Program Manger
Contracts Administration
Finance
Budget

FIND Property Exchange Map

