



**AGENDA REPORT**  
**July 24, 2018**

**Approval Re: Permission to Enter Property-Non-Source Form needed by the Florida Department of Environmental Protection (FDEP) for Temporary Placement of a Monitoring Well - (District 2). (Fiscal Impact: None)**

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**SUBJECT:**

Approval Re: Permission to Enter Property-Non-Source Form needed by the Florida Department of Environmental Protection (FDEP) for Temporary Placement of a Monitoring Well - District 2. (Fiscal Impact: None)

**FISCAL IMPACT:**

Fiscal Impact: 2017 – 2018: No Impact  
**2018 – 2019: No Impact**

**DEPT/OFFICE:**

Public Works

**REQUESTED ACTION:**

It is requested that the Board authorize the Chair to execute the Permission to Enter Property-Non-Source form.

**SUMMARY EXPLANATION and BACKGROUND:**

The property is located in Section 14, Township 24 South, Range 36 East.

Ellis & Associates, Inc. (E&A) has been contracted by FDEP to monitor the cleanup activities related to the property located 2625 N. Courtenay Parkway, north of the County property located at 2575 N. Courtenay Parkway and south of Heidi Lane, Merritt Island. The property in question was formerly known as the NI property and had underground storage tanks. The monitoring well will be placed in a parking space (see attached location map). It will take approximately 2 hours to install and will be monitored at least once in a one year period.

Installation will require taking 3 parking spaces out of service during the installation and will require 1 parking space to occasionally be taken out of service during the monitoring process (for occasional sampling of water when needed).

This project is a state funded cleanup project related to the NI property.

**CLERK TO THE BOARD INSTRUCTIONS:**

Return original executed Permission to Enter Property-Non-Source form to department.

**ATTACHMENTS:**

**Description**

- **N. Courtenay Parkway Permission to Enter Property Agenda Documents**

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMISSION TO ENTER PROPERTY-NON SOURCE FORM RELATED TO THE COUNTY OWNED PROPERTY LOCATED AT 2575 N. COURTENAY PARKWAY FOR INSTALLATION OF MONITORING WELL PER FDEP - DISTRICT 2

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION

AGENCY CONTACT: DAN JONES, LAND ACQUISITION SUPERVISOR

CONTACT PHONE: 321-690-6847

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPJ</u>	_____	<u>7/5/18</u>
COUNTY ATTORNEY <del>Eden Bentley</del> <u>JAD BROWER</u> Deputy County Attorney <u>Asst.</u>	<u>JMB</u>	_____	<u>7/9/18</u>

AGENDA DUE DATE: July 10, 2018 for the July 24, 2018 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.



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

July 25, 2018

**MEMORANDUM**

**TO:** Andrew Holmes, Public Works Director

**RE:** Item F.6., Permission to Enter Property-Non-Source Form Needed by the Florida Department of Environmental Protection (FDEP) for Temporary Placement of a Monitoring Well

The Board of County Commissioners, in regular session on July 24, 2018, authorized the Chair to execute Permission to Enter Property-Non-Source Form needed by FDEP for temporary placement of a monitoring well. Enclosed is the fully-executed Form.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Contracts Administration

## PERMISSION TO ENTER PROPERTY- NON-SOURCE

1. The Parties. The undersigned real property owner, BREVARD COUNTY ("Owner"), hereby give(s) permission to the State of Florida, Department of Environmental Protection ("Department") and it's Contractor, subcontractors, and vendors ("Contractor"), to enter the Owner's property ("the Property") (see next paragraph).
2. The Property. Owner owns the certain parcel(s) 24-36-14-00-251 of real property located at 2575 N Courtenay Parkway, Merritt Island, Florida
3. The Source: The suspected source of the contamination is located at 2625 N Courtenay Parkway, parcel number # 24-36-14-00-261 and FDEP Facility/Project # is 059808623.
4. Permissible Activities. This Permission to Enter Property ("Permission") is limited to activities which may be performed by the Department or its Contractors pursuant to Chapter 62-780 or 62-730, Florida Administrative Code, without cost to the Owner to locate contamination, determine contamination levels and, when necessary, remove and remediate contamination which may be performed by the Department and its Contractor. Specifically, to collect soil, groundwater (including the installation of wells), surface water and sediment samples; removal and treatment of contamination on the Property; installation of a treatment system (as necessary); and monitoring of contamination until completion of remediation. Any removal and treatment necessary beyond the confines of the monitoring well and installation of a treatment system requires owner approval.
5. Work Performed during Business Hours. The Department and Contractor may enter the Property during normal business hours with 7 days' notice to the Facilities Department and may also make arrangements to enter the Property at other times after agreement from the Owner.
6. No Admission. The granting of this Permission by the Owner is not intended, nor should it be construed, as an admission of liability on the part of the Owner for any contamination discovered on the Property.
7. Activities Comply with Applicable Laws. The Department and Contractor agree that any and all work performed on the Property and in association with this Permission shall be done in a good, safe, workmanlike manner, and in accordance with applicable federal and state statutes, rules and regulations.
8. Well Permits. The Owner authorizes the Department and its Contractor to act as its agent in signing all required forms and documents necessary for obtaining applicable permits related to well construction, repair, maintenance, modification, and abandonment pursuant to Chapter 373, Florida Statutes.
9. Equipment Ownership. The monitoring wells and remedial equipment installed pursuant to this agreement are the property of the Department.
10. Property Restoration. The Department shall pay the reasonable costs of restoring the Property as nearly as practicable to the conditions which existed before activities associated with contamination assessment or remedial action were taken.

11. Injury to Department. The Owner shall not be liable for any injury, damage or loss on the Property suffered by the Department, Department employees or Contractors not caused by the negligence or intentional acts of the Owner's agents or employees.

12. Sovereign Immunity. The Department acknowledges and accepts its responsibility under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees while on the Property.

13. Public Records. All documents created or received associated with the Permissible activities are a public record pursuant to Chapter 119, Florida Statutes. The Owner may retrieve any documents or other information related to the Permissible Activities online using the facility or project number referenced above in paragraph 4. <http://depedms.dep.state.fl.us/Oculus/servlet/login?action=login>

Signature of each Property Owner



Print Name RITA PRITCHETT Date  
CHAMBER OF COMMERCE  
2000 S. Washington Ave  
Titusville, FL 32780

Mailing Address  
321-607-6901

Telephone or Cell Phone Number E-m

Signature of Witness

 1/24/18  
Print Name Date

400 South Street, Titusville, FL 32780  
Mailing Address

ATTEST: , SCOTT ELLIS, CLERK

Accepted by Contractor on behalf of the State of Florida Department of Environmental Protection:

Signature of Contractor S

Lee Bienkowski

Print Name of Contractor Date

Ellis & Associates

Contractor Company name

7064 Davis Creek Road

Contractor Mailing Address

Jacksonville, FL 32256

Contractor Company City and zip code Contractor

Signature of Witness

Print Name Date

Lee Bienkowski

Contractor's Contact name

l.bienkowski@ellisassoc.com

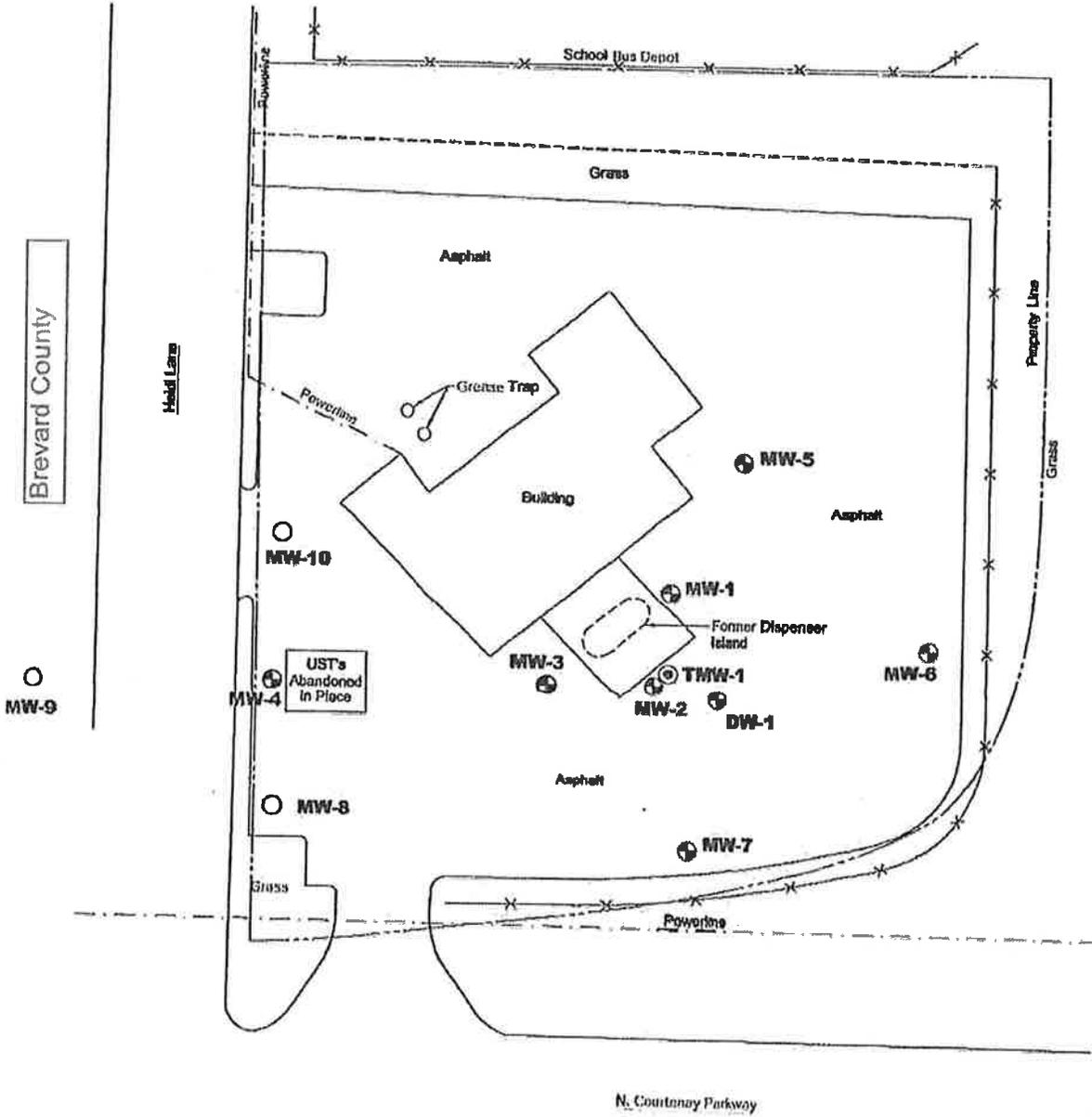
Contractor Contact email address

(904) 880-0960

Contact's phone number

Brevard County

SR 528



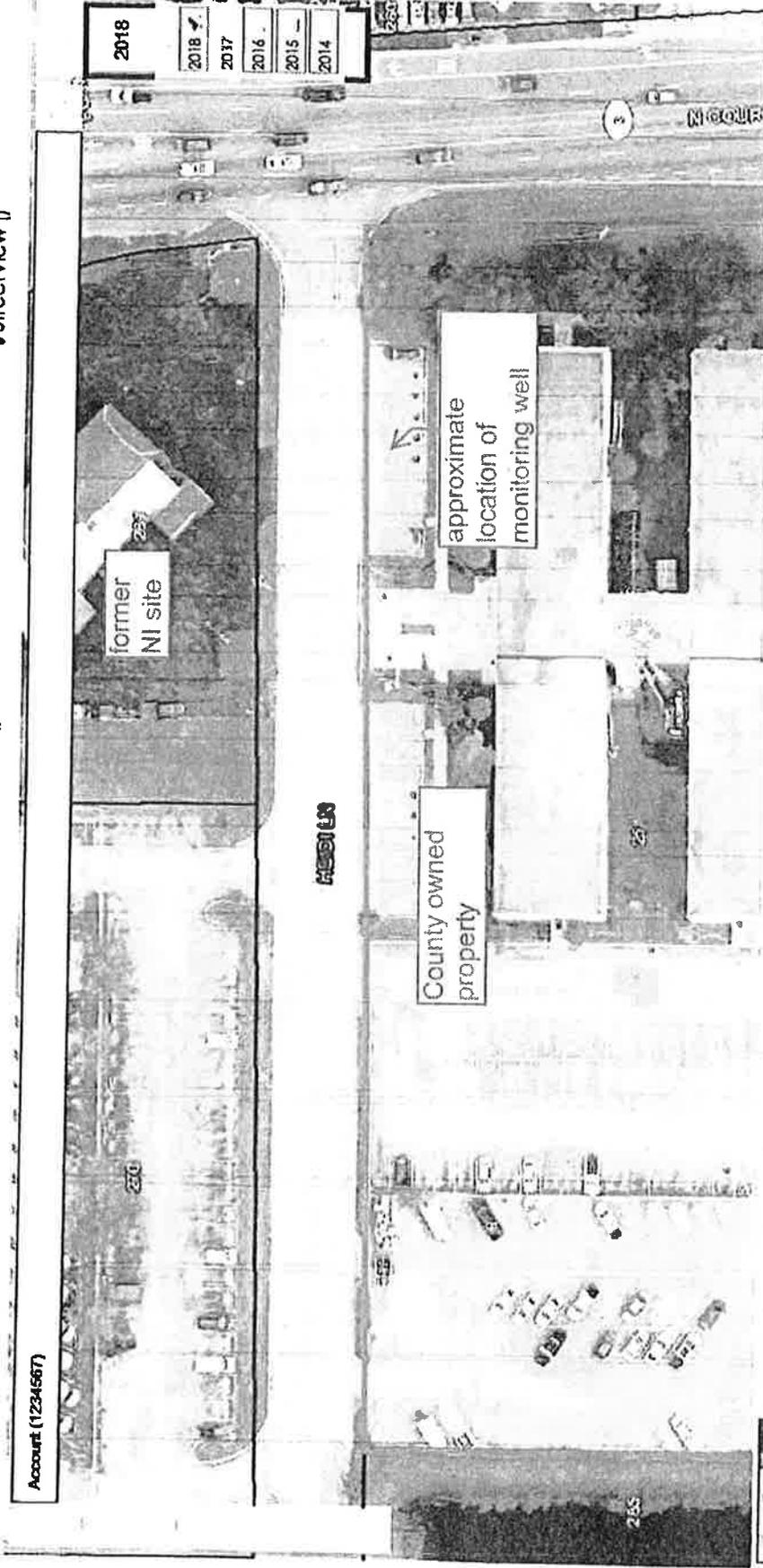
Location Map  
Monitoring well site  
Parcel ID ; 24-36-14-00-251  
Account # ; 2412102  
2575 N. Courtenay Pakway, Merritt Island, FL 32953

MapView ()

EagleView ()

StreetView ()

Account (1234567)



Account: Parcel ID:  
 Sale: SCPAC Market Value:  
 Owners: Address: