



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

7/7/2020

Subject:

Certification of Lands as required for the North Reach of the Brevard County Federal Shore Protection Project.

Fiscal Impact:

No Fiscal Impact - There is no direct fiscal impact of this Certification of Lands but failure to execute it in a timely manner could mean losing approximately \$11 million in federal funding currently dedicated to the Brevard County North Reach project.

Dept/Office:

Natural Resources Management Department

Requested Action:

It is requested that the Board authorize the Chair to execute the Certifications of Lands 1 for the North Reach of the Brevard County Shore Protection Project as prepared by the County Attorney's Office.

Summary Explanation and Background:

On April 20, 2000 the Board of County Commissioners entered into a Project Cooperation Agreement with the US Army Corps of Engineers to serve as the local sponsor for the Brevard County Shore Protection Project. This agreement, as amended, requires that Brevard, as the local sponsor, acquire the real estate interest ("lands") required for the project. Brevard County provided a certification of lands prior to initial construction of the North Reach project in 2000, but in an 18-June 2020 letter (attached), the US Army Corps of Engineers asked that Brevard provide a new Certification of Lands, with Attorney's Certificate of Authority, prior to the Corps' intended September 2020 award of a construction contract to renourish the North Reach. Timely certification is required for the Army Corps to avoid losing \$11 million in federal project funds at the end of the fiscal year.

The County Attorney's Office and Natural Resources staff, have reviewed project easements and other documents to reaffirm the County has authority to use the land required for the 2020-21 renourishment of the North Reach. This is reflected by the signed Attorney's Certificate of Authority (attached). The Certification of Lands, including map, is attached.

Clerk to the Board Instructions:

Chairman & Clerk signatures required on two originals of the Certification of Lands. Contact Mike McGarry at 321-537-1779 for pick-up.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 8, 2020

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director Attn: Mike McGarry

RE: Item F.3., Certification of Lands as required for the North Reach of the Brevard County Federal Shore Protection Project.

The Board of County Commissioners, in regular session on July 7, 2020, authorized the Chair to execute the Certifications of Lands 1 for the North Reach of the Brevard County Shore Protection Project as prepared by the County Attorney's Office. Enclosed are two fully-executed Certificates of Lands.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Denna Scott
Kimberly Powell, Deputy Clerk

/sm

Encls. (2)

cc: County Manager
County Attorney

CERTIFICATION OF LANDS

Certificate Number: 1

Project Name: Brevard County Shore Protection Project

Segment: North Reach (southern portion)

The Board of County Commissioners of Brevard County, Florida, (hereinafter referred to as "County") as Project Sponsor of the Brevard County Shore Protection Project North Reach Segment authorized by Public Law 101(b)(7) of the Water Resources Development Act of 1996, Public Law 104-303 under Project Cooperation Agreement Dated April 20, 2000, as amended, does hereby certify that the below described lands are dedicated to the Brevard County Shore Protection Project North Reach Segment and shall not be conveyed, transferred, or otherwise altered or encumbered without express written consent of the Department of the Army acting by and through the Assistant Secretary of the Army for Civil Works or his designated representative.

The County certifies that it owns or controls the below described interests in the lands depicted on the attached map dated 6/22/2020, at the time of execution of this Certificate and that these recited interests will not be impaired during the life of the Project except as written consent is given as provided above. The County also certifies that all persons and business that have been displaced by acquisition of below lands have been relocated in full compliance with Public Law 91-646, as amended and that the other provisions of Public Law 91-646, as amended, have been complied with.

The County hereby grants to the Department of the Army an irrevocable right to enter for purposes of construction, inspection and, if necessary, for the purpose of completing, operating, repairing, maintaining, replacing, or rehabilitating the Project upon lands which the County owns or controls for the Project.

The County hereby certifies that it has at least the following minimum interests in the lands depicted on the attached map and as identified thereon:

- 50-year Beach Storm damage Reduction Easement (for private lands)
- 50-year Beach Storm Damage Reduction Consent of Use (for public lands)
- 50-year Construction Access and Staging Consent of Use (for public lands)
- Consolidated Joint Coastal Permit and Sovereign Submerged Lands

~~Authorization Permit Number: 0134869-009 JC~~

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

Dated: 7/7/2020

Bryan Andrew Lober

By: Bryan Lober, Chair

As approved by the Board on 7/7/2020

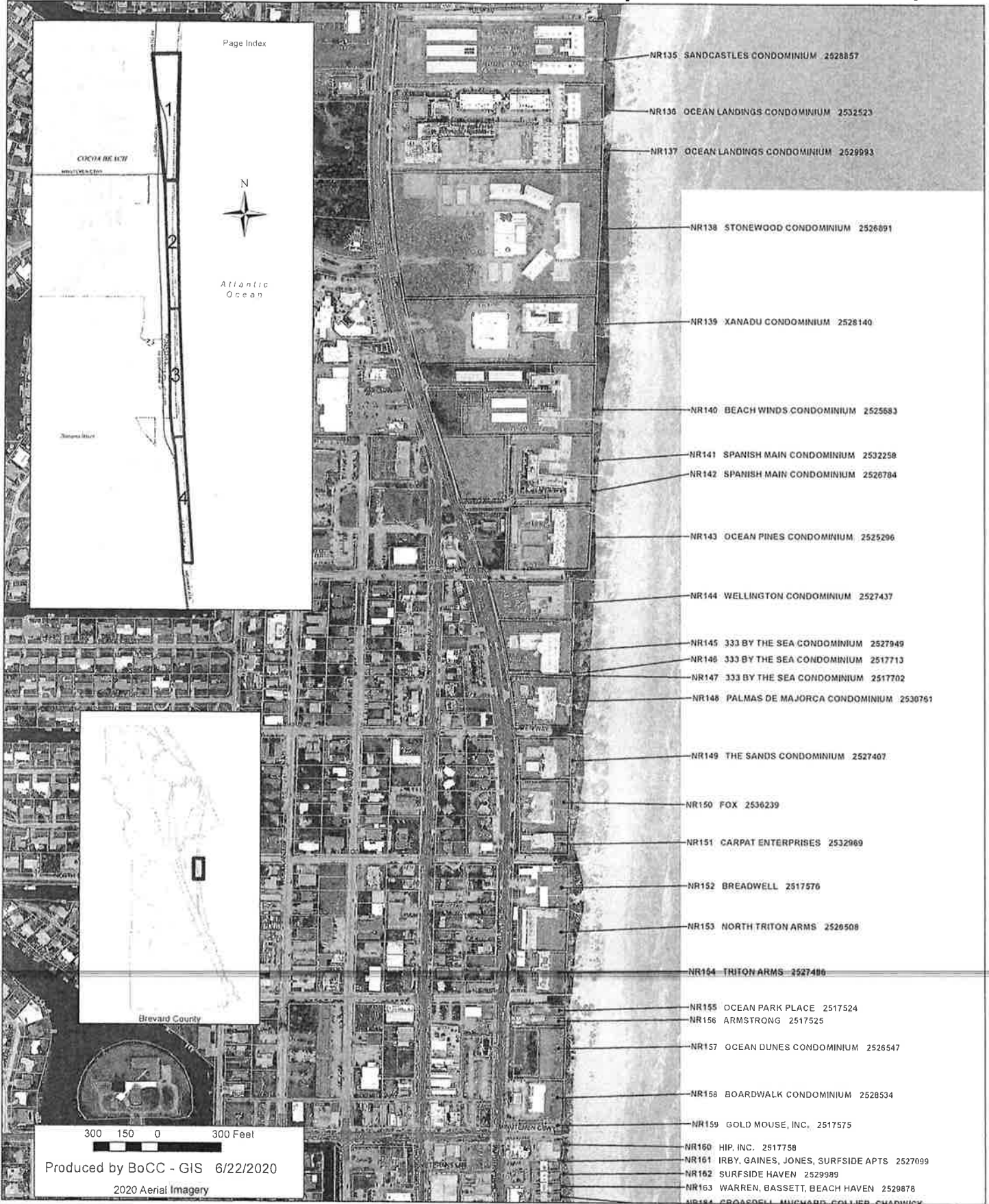
ATTEST

Scott Ellis

By: Scott Ellis, Clerk

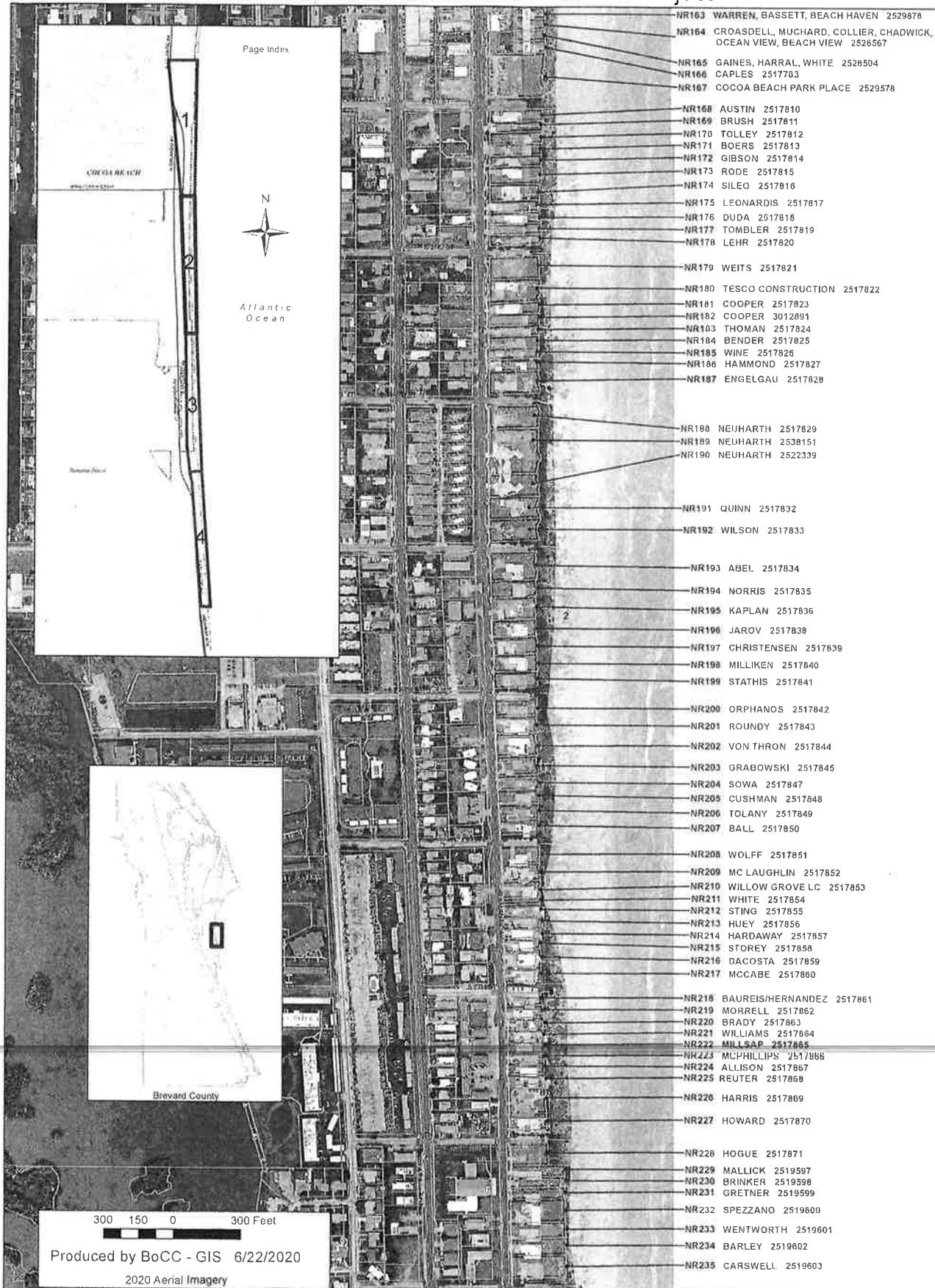
Brevard County Shore Protection Project North Reach Easement Certification Map - July 2020 50 Year Economic Life of Project

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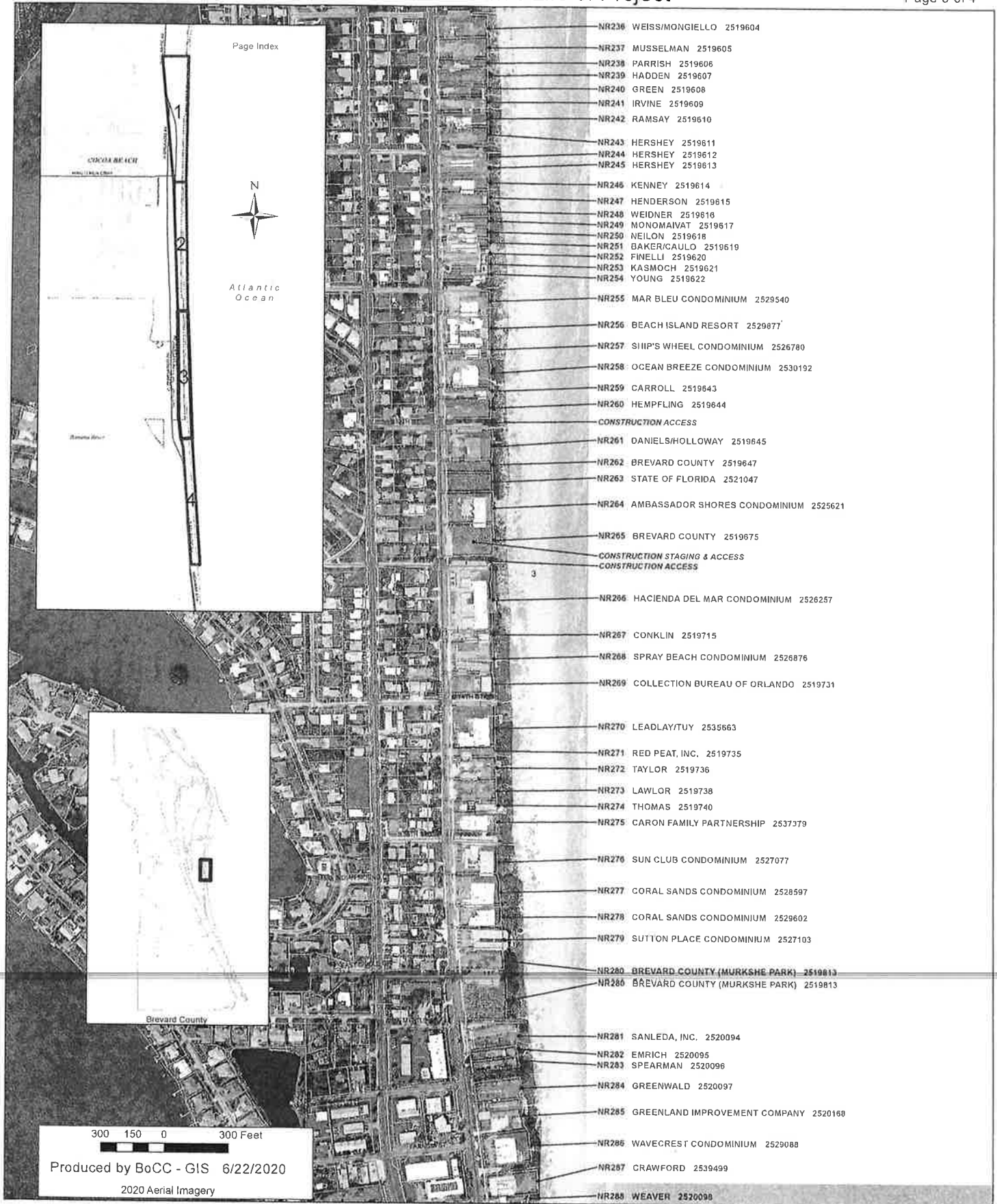
Brevard County Shore Protection Project
North Reach Easement Certification Map - July 2020
50 Year Economic Life of Project

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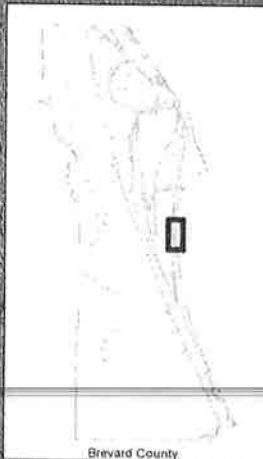
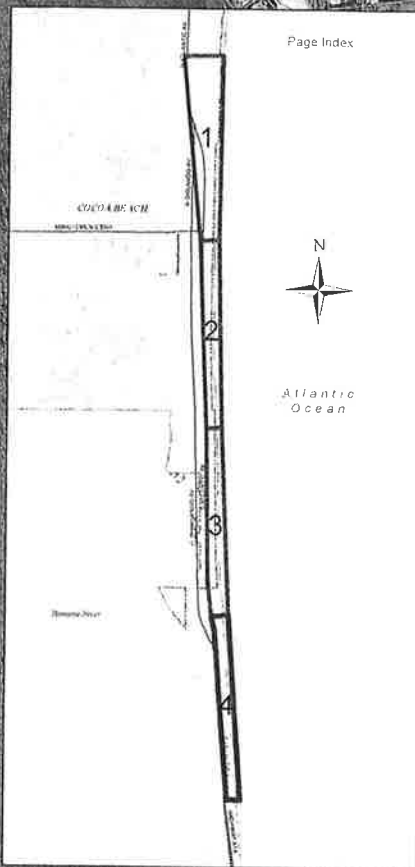
Brevard County Shore Protection Project North Reach Easement Certification Map - July 2020 50 Year Economic Life of Project

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Brevard County Shore Protection Project North Reach Easement Certification Map - July 2020 50 Year Economic Life of Project

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300 150 0 300 Feet

Produced by BoCC - GIS 6/22/2020

2020 Aerial Imagery

- NR288 WEAVER 2520098
- NR289 BREVARD COUNTY 2520099
- NR290 MARKO VILLAS CONDOMINIUM 2528443
- NR291 KIRSCHENBAUM 2520198
- NR292 SWANN 2520199
- NR293 SWANN 2532707
- NR294 KIRSCHENBAUM 2520072
- NR295 ANDERSON 2520287
- NR296 DEVINS 2520288
- NR297 CORDONES 2521728
- NR298 JOSSELSO 2520284
- NR299 FICHTL/PEEPLER 2538965
- NR300 CLARK 2520277
- NR301 BAUGHER 2537188
- NR302 ROJO CORPORATION 2534884
- NR303 OCEAN BEACH VILLAS CONDOMINIUM 2528532
- NR304 BEACH VILLAS CONDOMINIUM 2525803
- NR305 KENDALL 2520310
- NR306 SCAFIDI 2520309
- NR307 PRICE 2520341
- NR308 WINDSONG CONDOMINIUM 2528390
- NR309 WATER'S EDGE CONDOMINIUM 2527757
- NR310 MYERS 2520542
- NR311 NASH 2520407
- NR312 MYERS 2520408
- NR313 MYERS 2520408
- NR314 LA VISTA DEL MAR CONDOMINIUM 2528427
- NR315 CASA PLAYA CONDOMINIUM 2529818
- NR316 CRESCENT BEACH CONDOMINIUM 2527925
- NR317 CONSTELLATION CONDOMINIUM 2528815
- NR318 CAMELOT ESTATES CONDOMINIUM 2525801
- NR319 3385 PLACE CONDOMINIUM 2525543
- NR320 OCEAN BLUFF'S CONDOMINIUM 2526541
- NR321 HAINSWORTH 2520078
- NR322 WEITS/BOLEMAN 2539060
- NR323 WIERSCHEM 2520971
- NR324 HELP YOU BUILD OF AMERICA 2538089
- NR325 KAMP 2520973
- NR326 3485 PLACE CONDOMINIUM 2529005
- NR327 PATEL 2520979
- NR328 THOMAS 2520988
- NR329 THOMAS 2520987
- NR330 PONTECORVO 2520986
- NR331 RHOADS 2520985
- NR332 JOHNSTON 2520984
- NR333 JOHNSTON 2520983
- NR334 SHAW 2520982
- NR335 HURT 2520981
- NR336 GARDNER 2520980



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FL 32207-8175

June 18, 2020

Mr. Bryan Lober, Chairman
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Dear Mr. Lober:

As provided by the terms of the Project Cooperation Agreement dated April 20, 2000 between the Department of the Army and Brevard County, Florida, for the Brevard County, Florida Shore Protection Project (Project), Brevard County, as the Non-Federal Sponsor, shall acquire all lands, easements, and rights-of-way required for the periodic nourishment, as set forth in such descriptions. This letter serves as the Government's request for these real property interests to be certified for the Project.

The real property interests required are located between Florida Department of Environmental Protection (FDEP) reference monuments R-30 and R-054.5, as shown in the enclosed map (Enclosure 1), and further described below:

- a. Beach Storm Damage Reduction Easements for a term of 50 years for the Beach Fill Areas located landward of the Erosion Control Line (ECL).
- b. Sovereign Submerged Lands Authorization contained within the Joint Coastal Permit for the Beach Fill Areas located seaward of the ECL.
- c. Temporary Work Area Easement for a minimum of 24 months for the Staging area.
- d. Temporary Work Area Easements for a minimum of 24 months for the three Access areas.

Enclosed are templates for the Certification of Lands (Enclosure 2), Attorney's Certificate of Authority (Enclosure 3) and the required language for the Beach Storm Damage Reduction Easement and the Temporary Work Area Easements (Enclosure 4). Please provide the signed Land Certification, the signed Attorney's Certificate, and all supporting documents by July 17, 2020 via email to hansler.a.bealyer@usace.army.mil.

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If you have any questions or need additional information, please contact Hansler Bealyer, telephone: 904-232-1178, or by email: hansler.a.bealyer@usace.army.mil.

Sincerely,

Scott, John

Digitally signed by Scott, John
Date: 2020.06.24 16:53:49 -0400

Timothy H. McQuillen
Chief, Real Estate Division

Enclosures

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, Christine Valliere, Assistant County Attorney for the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, with its principal office at 400 South Street, Titusville, Florida, certify that the County has authority to grant the attached Certification Of Lands; that said Certification Of Lands is executed by the proper duly authorized officer; and that the Certification Of Lands is in sufficient form to grant the authorization therein stated.

Dated and Signed this 23rd day of June, 2020.



Christine Valliere
Assistant County Attorney

Enclosure 3