



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.4.

5/21/2024

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### **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 could mean losing approximately \$46.7 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 2, substantially in the form of the attached documents, 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 (BOCC) 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. On July 7, 2020 the BOCC approved a new updated certification of lands, as requested by the Corps, for the southern portion of the North Reach nourished in 2020-21. The North Reach is scheduled for renourishment from November 2024 to April 2026 to repair erosion caused by Hurricane Nicole, in conjunction with the Canaveral Harbor Sand Bypass Project. The Corps is now seeking a new certification of lands be provided by May 31, 2024 for the northern segment of the North Reach, not covered by the July 2020 certification. Timely certification is required for the Army Corps to utilize \$46.7 million in federal funds appropriated for the project before 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 2024-26 renourishment of the North Reach. This is reflected by the included signed Attorney's Certificate of Authority. The Certification of Lands, including map, is attached.

### **Clerk to the Board Instructions:**

The Chair & Clerk signatures required on two originals of the Certification of Lands. This is time sensitive submittal for Army Corps. Please Contact Leslie Snyder 321-609-7333 for pick-up when ready.



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

May 22, 2024

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

**TO:** Virginia Barker, Natural Resources Management

**RE:** Item F.4., 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 May 21, 2024, executed and approved the Certifications of Lands Certificate Number Two, for the North Reach of the Brevard County Federal Shore Protection Project as prepared by the County Attorney's Office. Enclosed are two fully-executed Certifications of Lands Certificate Number Two.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/ds

Encls. (2)

cc: Finance  
Budget

## **CERTIFICATION OF LANDS**

**Certificate Number: 2**

**Project Name: Brevard County Shore Protection Project**

**Segment: North Reach (northern 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 MAY 9, 2024, 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: MAY 21 2024



By: Jason Steele, Chair

As approved by the Board on May 21, 2024

ATTEST



By: Rachel M. Sadoff, Clerk



### ATTORNEY'S CERTIFICATE OF AUTHORITY

I, Morris Richardson, 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 21<sup>st</sup> day of May, 2024.



Morris Richardson  
County Attorney





# Brevard County Shore Protection Project North Reach Easement Certification Map - May 2024 50 Year Economic Life of Project

Page 1 of 5





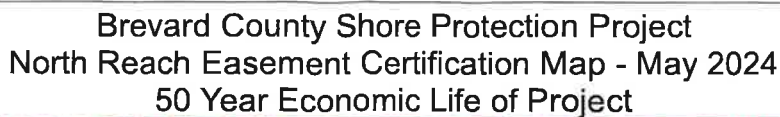


# Brevard County Shore Protection Project North Reach Easement Certification Map - May 2024 50 Year Economic Life of Project

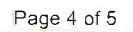
Page 2 of 5















# Brevard County Shore Protection Project North Reach Easement Certification Map - May 2024 50 Year Economic Life of Project

Page 5 of 5

