



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 13, 2016

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Director

RE: Item II.A.2., Approval of Feguer Property – No Further Action with Conditions
(Northeastern Portion of Parcel ID: 21-35-28-00-254) (Deed Restriction)

The Board of Commissioners, in regular session on July 12, 2016, approved the placement of a deed restriction on the referenced Feguer Property upon final review by the Florida Department of Environmental Protection (FDEP) Office of General Council, County Attorney's Office, and Risk Management; approved allowing legal advertisement of the proposal to establish the restrictions; and authorized the Chairman to execute the final agreement between FDEP and Brevard County.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Tammy Rowe, Deputy Clerk

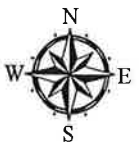
cc: Parks and Recreation Director



Location
Feguer Parcel
FDEP ID: COM-276315
NFA with Conditions

Attachment A

 Feguer Parcel



0 200 400 800
Feet



Attachment B

Prepared by: Susan Gosselin
Brevard Co- Natural Resources Management Department
2725 Judge Fran Jamieson Way – 219A
Viera, FL 32940
Tax ID: 21-35-28-00254-0000.0

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter —Declaration) is made this _____ day of _____, 2011, by **Brevard County**, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, (hereinafter GRANTOR) and the **Florida Department of Environmental Protection** (hereinafter FDEP).

RECITALS

A. GRANTOR is the fee simple owner of that certain real property situated in the County of Brevard, State of Florida, more particularly described in Exhibit A, attached hereto and made a part hereof (hereinafter Brevard County Feguer Parcel – Chain of Lakes Park Project site);

B. The FDEP Facility Identification Number for the Restricted Property is Site ID: COM_276315. The facility name at the time of this Declaration is Chain of Lakes Regional Stormwater Park. This Declaration addresses the discharge that was reported to the FDEP on *January 30, 2007*;

C. The discharge of *arsenic* on the Restricted Property is documented in the following reports that are incorporated by reference

No Further Action with Conditions Proposal dated March, 2010, submitted by Seavy and Associates, Inc

D. The reports noted in Recital C set forth the nature and extent of the contamination described in Recital C that is located on the Restricted Property. These reports confirm that contaminated soil and groundwater as defined by Chapter 62-780 Florida Administrative Code (F.A.C.), exists on the Restricted Property. Also, these reports document that the groundwater contamination does not extend beyond the Restricted Property boundaries, that the extent of the groundwater

?

E. It is the intent of the restrictions in this Declaration to reduce or eliminate the risk of exposure of users or occupants of the Restricted Property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

F. The FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter —Order) upon recordation of this Declaration. The FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations of arsenic increase above the levels approved in the Order, or if a subsequent discharge occurs at the Restricted Property, the FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable FDEP rules. The Order relating to FDEP Waste Cleanup Site ID: COM_276315, Brevard County – Former Feguer, can be found by contacting the appropriate FDEP district office or bureau.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Restricted Property that an Order be obtained and that the Restricted Property be held subject to certain restrictions, all of which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce the FDEP to issue the Order in reference to FDEP Waste Cleanup Site ID: COM_276315, Brevard County – Former Feguer Parcel, 2227 Jay Jay Road, Titusville, Florida and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows: it intends to restrict exposure to contamination in the following manner: with controls such as land use restrictions, water use restrictions, caps over contaminated soil, etc.

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. GRANTOR hereby imposes on the Restricted Property the following restrictions:

a. There shall be no use of the groundwater under the Restricted Property. There shall be no drilling for water conducted on the Restricted Property nor shall any wells be installed on the Restricted Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM), in addition to any authorizations required by the Division of Water Resource Management and the Water Management Districts. Additionally, there shall be no stormwater swales, stormwater detention or retention facilities, or ditches on the Restricted Property beyond those already existing or covered under St Johns River Water Management District Permit 40-009-57333-07. For any dewatering activities, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated.

i. There shall be no use of the groundwater under the Property. There shall be no drilling for water conducted on the Property, nor shall any wells be installed on the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD).

ii. For any dewatering activities on the Property, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment and disposal of any extracted groundwater that may be contaminated.

iii. Attached as Exhibit C, and incorporated by reference herein, is a Survey identifying the size and location of existing stormwater swales, stormwater detention or retention facilities, and ditches on the Property. Such existing stormwater features shall not be altered, modified or expanded, and there shall be no construction of new stormwater swales, stormwater detention or retention facilities or ditches on Property without prior written approval from FDEP's DWM in addition to any authorizations required by the DWRM and the WMD. A revised exhibit must be recorded when any stormwater feature is altered, modified, expanded, or constructed.

b. The following uses of the Restricted Property are prohibited: agricultural use of the land including forestry, fishing and mining; hotels or lodging; residential uses, and educational uses such as elementary or secondary schools, or day care services including Senior Care. These prohibited uses are specifically defined by using the North American Industry Classification System, United States, 2007 (NAICS), Executive Office of the President, Office of Management and Budget. The prohibited uses by code are: Sector 11 Agriculture, Forestry, Fishing and Hunting; Subsector 212 Mining (except Oil and Gas); Code 512132 Drive-In Motion Picture Theaters; Code 51912 Libraries and Archives; Code 53111 Lessors of Residential Buildings and Dwellings; Subsector 6111 Elementary and Secondary Schools; Subsector 623 Nursing and Residential Care Facilities; Subsector 624 Social Assistance; Subsector 711 Performing Arts, Spectator Sports and Related Industries; Subsector 712 Museums, Historical Sites, and Similar Institutions; Subsector 721 Accommodation (hotels, motels, RV parks, etc.); Subsector 813 Religious, Grantmaking, Civic, Professional, and Similar Organizations; and Subsector 814 Private Households.

3. In the remaining paragraphs, all references to GRANTOR and FDE shall also mean and refer to their respective successors and assigns.

4. For the purpose of monitoring the restrictions contained herein, FDEP is hereby granted a right of entry upon and access to the Restricted Property at reasonable times and with reasonable notice to the GRANTOR. Access to the Property is granted by Truman Scarborough Way.

5. It is the intention of GRANTOR that this Declaration shall touch and concern the Restricted Property, run with the land and with the title to the Restricted Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and FDEP, and to any and all parties hereafter having any right, title or interest in the Restricted Property or any part thereof. The FDEP may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of the FDEP to exercise its right in the event of the failure of the GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of the FDEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and the FDEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by these restrictions. If the GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, the GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally, GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring the Restricted Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Restricted Property.

6. In order to ensure the perpetual nature of these restrictions, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Restricted Property, the GRANTOR agrees to notify in writing all proposed tenants of the Restricted Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by the FDEP Secretary (or designee) and is recorded in the public records of the county in which the land is located. To receive prior approval from the FDEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and FDEP rules must have been achieved. This Declaration may be modified in writing only. Any subsequent amendments must be executed by both GRANTOR and the FDEP and be recorded by the real property owner as an amendment hereto.

8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of the Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Restricted Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property. GRANTOR also covenants and warrants that the Restricted Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration or that is superior to the restrictive covenant described in this Declaration, unless a joinder and consent, and subordination of such interests, as applicable, is attached hereto.

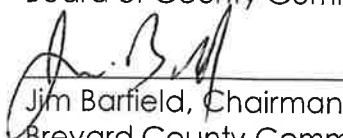
IN WITNESS WHEREOF, **Brevard County**, a political subdivision of the State of Florida has executed this instrument, this 12 day of JULY, 2016.

Attest:



Scott Ellis, Clerk

GRANTOR: Brevard County,
Board of County Commissioners



Jim Bartfield, Chairman
Brevard County Commission
2725 Judge Fran Jamieson Way
Viera, Florida 32940

As Approved by the Board on: July 12, 2016
Agenda Item # II.A.2

Reviewed for form and legal content:

Christine Lepore, Assistant County Attorney

Approved as to form by the Florida Department of Environmental Protection Office of General Counsel

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jeff Prather, Director
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803-3767

Signed, sealed and delivered in the presence of:

Witness: _____ Date: _____

Print Name: _____

Witness: _____ Date: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ as representative for the Florida Department of Environmental Protection. Personally Known _____ OR Produced Identification _____ . Type of Identification Produced _____ .

Signature of Notary Public

Print Name of Notary Public

Commission No. _____

Commission Expires: _____

EXHIBIT "A"
Brevard County Feguer Parcel – Chain of Lakes Park site

DRAFT

NOTICE OF INTENT TO APPROVE USE OF INSTITUTIONAL CONTROL

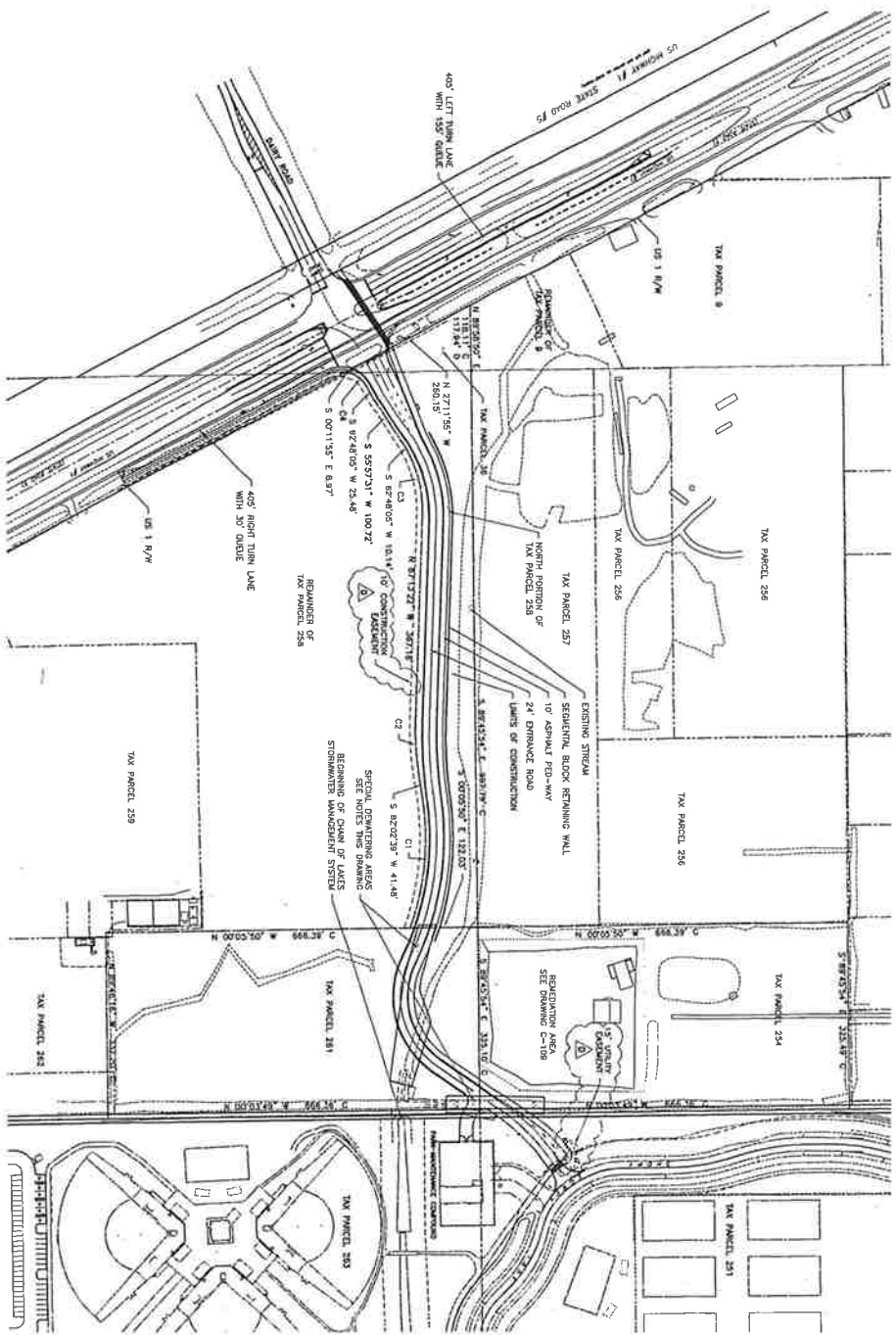
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PROPOSED AGENCY ACTION

The Florida Department of Environmental Protection (FDEP) gives notice that it proposes to approve a No Further Action Proposal with Institutional Controls or with Engineering and Institutional Controls and issue a Site Rehabilitation Completion Order with controls for a contaminated site. Brevard County, Florida, a political subdivision of the State of Florida (County), is seeking this order in reference to FDEP Site ID # COM_276315, Feguer Parcel, Chain of Lakes Regional Stormwater Park, Truman Scarborough Way, Titusville, Florida and intends to restrict exposure to contamination in the following manner:

Use is restricted to entry road and associated structures, in accordance with the criteria for establishing the alternative soil cleanup criteria for the Restricted Property as set forth in the Final Site Assessment Report. Residential use of the Restricted Property is prohibited. Excavation, landscaping, the installation of lighting, and maintenance activities within the Restricted Property may only be performed by the County, its successors and assigns. For any dewatering activities, a plan approved by FDEP's Division of Waste Management must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater. There shall be no use of groundwater on the Restricted Property. There shall be no drilling for water conducted on the Restricted Property nor shall any wells be installed, other than monitoring wells pre-approved in writing by FDEP'S Division of Waste Management, in addition to any authorizations required by the Division of Water Resource Management and the Water Management Districts. There shall be no additional stormwater swales, stormwater detention or retention facilities or ditches constructed on the Restricted Property beyond those already approved, without prior approval of FDEP.

Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at FDEP Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803.

Local governments with jurisdiction over the property subject to the Institutional Control, real property owner(s) of any property subject to the Institutional Control, and residents of any property subject to the Institutional Control have 30 days from publication of this notice to provide comments to the FDEP. Such comments must be sent to Dale Melton, FDEP, Central District 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 or email: dale.melton@dep.state.fl.us.



SITE DATA

SITE ADDRESS FOR THE PARCEL:
 CHAIN OF LAKES ENTRANCE ROAD
 TITUSVILLE, FL 32786

OWNER:
 BREVARD COUNTY
 C/O ASSET MANAGEMENT
 1000 W. W. W. BLVD.
 TITUSVILLE, FL 32786
 PHONE: (321) 254-2226
 FAX: (321) 254-2226

PROJECT LOCATION:
 PROJECT LOCATION IS AT THE INTERSECTION OF CHAIN OF LAKES AND US HIGHWAY 1 (STATE ROAD 55) IN THE CHAIN OF LAKES SUBDIVISION, FLORIDA.

DESIGNER:
 BIRPH
 5154 07-C-101
 TITUSVILLE, FL 32786

DATE:
 07-19-10

OVERALL SITE PLAN
 1" = 100'



Attachment D

- GENERAL NOTES:**
- FOR ADDITIONAL BOUNDARY INFORMATION SEE BREVARD COUNTY RECORDS BOOK ENGINEERING SURVEY, PARCEL NUMBER 07-02-018.
 - ORGANIC SOILS (MAPO) ENCOUNTERED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED WITH SUITABLE SOILS. SEE GEOTECH REPORT, URS PROJECT NO. 0303080001.001, FOR ADDITIONAL DETAILS.
 - ANY CHANGES, SPOT SPONGE (MAPO), OR CHANGED LAYERS AND REVISIONS SHALL BE SHOWN BY A DOTTED LINE. ANY CHANGES TO THE NEW PLAN OF LAKES EMBANKMENT ROAD WILL BE OWNED AND MAINTAINED BY BREVARD COUNTY PUBLIC WORKS.
 - THE NEW PLAN OF LAKES EMBANKMENT ROAD WILL BE OWNED AND MAINTAINED BY BREVARD COUNTY PUBLIC WORKS.

CURVE TABLE

NO.	Δ	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
01	87°27'00"	148.60'	111.84'	S 87°24'35" W	82.22'
02	127°00'00"	250.00'	234.41'	S 87°24'35" W	82.22'
03	27°00'00"	230.00'	150.25'	S 77°47'22" W	118.88'
04	87°10'00"	52.00'	48.25'	S 37°22'35" W	41.35'

DOTTED LINE INDICATES THE LIMITS OF THE CITY OF TITUSVILLE AS SHOWN BY THE CITY OF TITUSVILLE PUBLIC WORKS. SEE URS PROJECT NO. 0303080001.001.

DRAWING COMPLETELY REVISION



- SPECIAL DEWATERING NOTES:**
- PRIOR TO ANY EXCAVATION IN THESE AREAS, CONTRACTOR SHALL INSTALL CONTINUOUS SHEET PILES TO A DEPTH OF THIRTY FEET (30').
 - DEWATERING SHALL BE IN ACCORDANCE WITH FLORIDA STATUTES, ENGINEERING AND SURVEYING CONTROL INSPECTORS MANUAL, CHAPTER 5, 221-453-2019 EXTENSION 5-2412 FOR GUIDANCE ON DEWATERING PERMIT REQUIREMENTS.
 - ALL DEWATERING SHALL BE DIRECTED TO THE DEWATERING POND DEWATERING ADDITIONAL DETAILS SPECIFIED BY THE CONTRACTOR. SEE DRAWING C-109 FOR ADDITIONAL DETAILS.
 - THE CONTRACTOR SHALL OBTAIN ALL REQUIRED DEWATERING PERMITS.

ARCHITECT/ENGINEER BIRPH 5154 07-C-101 TITUSVILLE, FL 32786 PHONE: (321) 254-2226 FAX: (321) 254-2226	OWNER BREVARD COUNTY C/O ASSET MANAGEMENT 1000 W. W. W. BLVD. TITUSVILLE, FL 32786 PHONE: (321) 254-2226 FAX: (321) 254-2226	DATE 07-19-10	PROJECT NO. 5154 07-C-101	SCALE 1" = 100'	DATE 11-08-10	REVISION RESPONSE TO AGENCY COMMENTS	BY [Signature]	CHK [Signature]
				SCALE 1" = 100'	DATE 1-26-11	REVISION RESPONSE TO AGENCY COMMENTS	BY [Signature]	CHK [Signature]

CHAIN OF LAKES ENTRANCE ROAD
 TITUSVILLE, FLORIDA
 BREVARD COUNTY PARKS & RECREATION
OVERALL SITE PLAN

Architects, Engineers, Constructors
birph
 Offices in Melbourne, West Palm Beach, Orlando, Fort Myers, Atlanta, Greenville
 Board of Architecture License No. AA 000145
 Board of Professional Engineers License No. 1417
 This plan was prepared by Birph. Copyright © 2010. All rights reserved.



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 13, 2016

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item II.A.2., Approval of Feguer Property – No Further Action with Conditions
(Northeastern Portion of Parcel ID: 21-35-28-00-254) (Deed Restriction)

The Board of Commissioners, in regular session on July 12, 2016, approved the placement of a deed restriction on the referenced Feguer Property upon final review by the Florida Department of Environmental Protection (FDEP) Office of General Council, County Attorney's Office, and Risk Management; approved allowing legal advertisement of the proposal to establish the restrictions; and authorized the Chairman to execute the final agreement between FDEP and Brevard County.

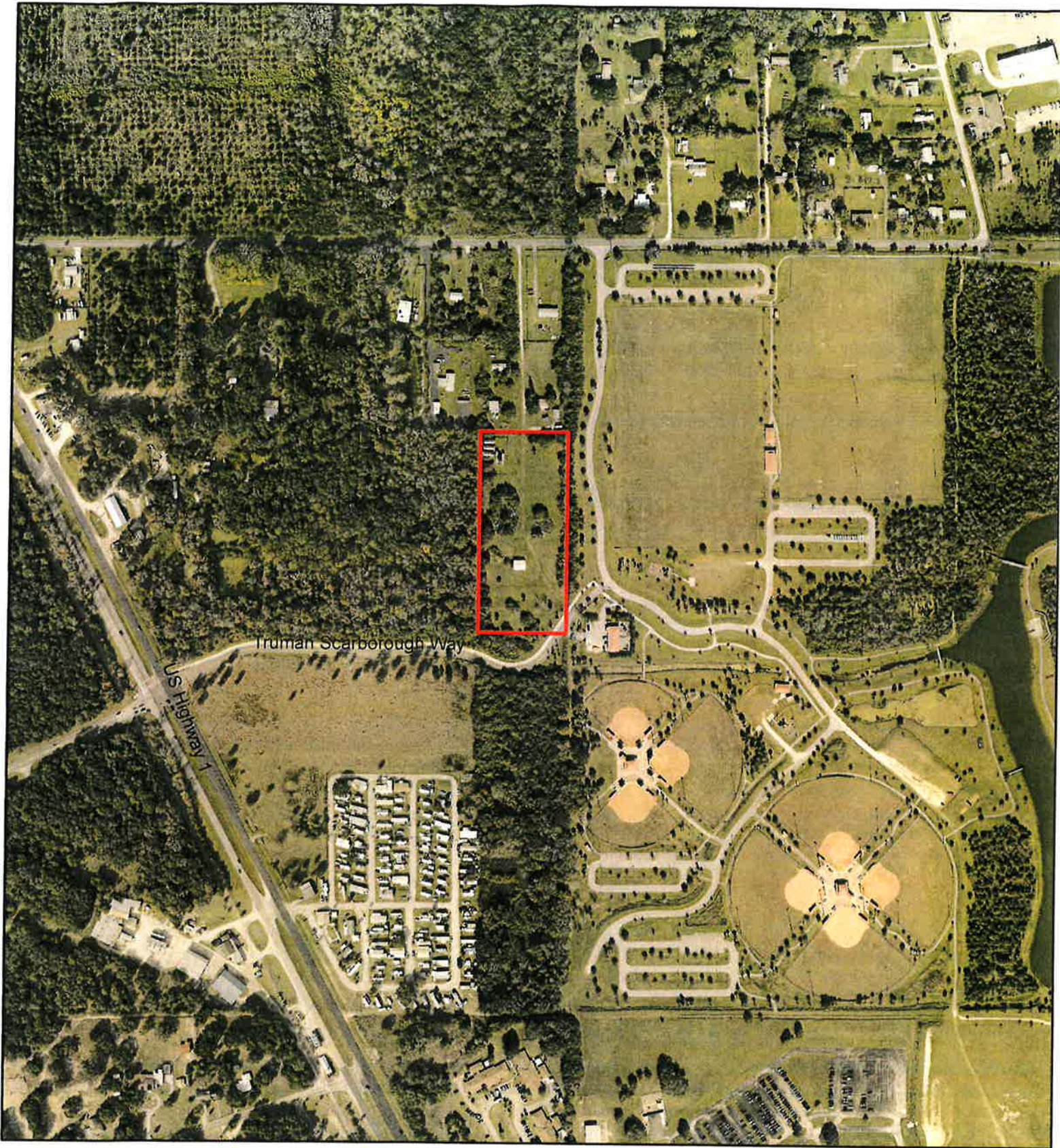
Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: Parks and Recreation Director



Location
Feguer Parcel
FDEP ID: COM-276315
NFA with Conditions

Attachment A

 Feguer Parcel



0 200 400 800 Feet



Attachment B

Prepared by: Susan Gosselin
Brevard Co- Natural Resources Management Department
2725 Judge Fran Jamieson Way – 219A
Viera, FL 32940
Tax ID: 21-35-28-00254-0000.0

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter —Declaration) is made this _____ day of _____, 2011, by **Brevard County**, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida 32940, (hereinafter GRANTOR) and the **Florida Department of Environmental Protection** (hereinafter FDEP).

RECITALS

A. GRANTOR is the fee simple owner of that certain real property situated in the County of Brevard, State of Florida, more particularly described in Exhibit A, attached hereto and made a part hereof (hereinafter Brevard County Feguer Parcel – Chain of Lakes Park Project site);

B. The FDEP Facility Identification Number for the Restricted Property is Site ID: COM_276315. The facility name at the time of this Declaration is Chain of Lakes Regional Stormwater Park. This Declaration addresses the discharge that was reported to the FDEP on *January 30, 2007*;

C. The discharge of *arsenic* on the Restricted Property is documented in the following reports that are incorporated by reference

No Further Action with Conditions Proposal dated March, 2010, submitted by Seavy and Associates, Inc

D. The reports noted in Recital C set forth the nature and extent of the contamination described in Recital C that is located on the Restricted Property. These reports confirm that contaminated soil and groundwater as defined by Chapter 62-780 Florida Administrative Code (F.A.C.), exists on the Restricted Property. Also, these reports document that the groundwater contamination does not extend beyond the Restricted Property boundaries, that the extent of the groundwater

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E. It is the intent of the restrictions in this Declaration to reduce or eliminate the risk of exposure of users or occupants of the Restricted Property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

F. The FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter —Order) upon recordation of this Declaration. The FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations of arsenic increase above the levels approved in the Order, or if a subsequent discharge occurs at the Restricted Property, the FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable FDEP rules. The Order relating to FDEP Waste Cleanup Site ID: COM_276315, Brevard County – Former Feguer, can be found by contacting the appropriate FDEP district office or bureau.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Restricted Property that an Order be obtained and that the Restricted Property be held subject to certain restrictions, all of which are more particularly hereinafter set forth.

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1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. GRANTOR hereby imposes on the Restricted Property the following restrictions:

a. There shall be no use of the groundwater under the Restricted Property. There shall be no drilling for water conducted on the Restricted Property nor shall any wells be installed on the Restricted Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM), in addition to any authorizations required by the Division of Water Resource Management and the Water Management Districts. Additionally, there shall be no stormwater swales, stormwater detention or retention facilities, or ditches on the Restricted Property beyond those already existing or covered under St Johns River Water Management District Permit 40-009-57333-07. For any dewatering activities, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated.

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IN WITNESS WHEREOF, **Brevard County**, a political subdivision of the State of Florida has executed this instrument, this 12 day of JULY, 2016.

Attest:



Scott Ellis, Clerk

GRANTOR: Brevard County,
Board of County Commissioners



Jim Barfield, Chairman
Brevard County Commission
2725 Judge Fran Jamieson Way
Viera, Florida 32940

As Approved by the Board on: July 12, 2016
Agenda Item # II.A.2

Reviewed for form and legal content:

Christine Lepore, Assistant County Attorney

Approved as to form by the Florida Department of Environmental Protection Office of General Counsel

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jeff Prather, Director
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803-3767

Signed, sealed and delivered in the presence of:

Witness: _____ Date: _____

Print Name: _____

Witness: _____ Date: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of ____, 2016, by _____ as representative for the Florida Department of Environmental Protection. Personally Known _____ OR Produced Identification _____ . Type of Identification Produced _____ .

Signature of Notary Public

Print Name of Notary Public
Commission No. _____
Commission Expires: _____

EXHIBIT "A"
Brevard County Feguer Parcel – Chain of Lakes Park site

DRAFT

NOTICE OF INTENT TO APPROVE USE OF INSTITUTIONAL CONTROL

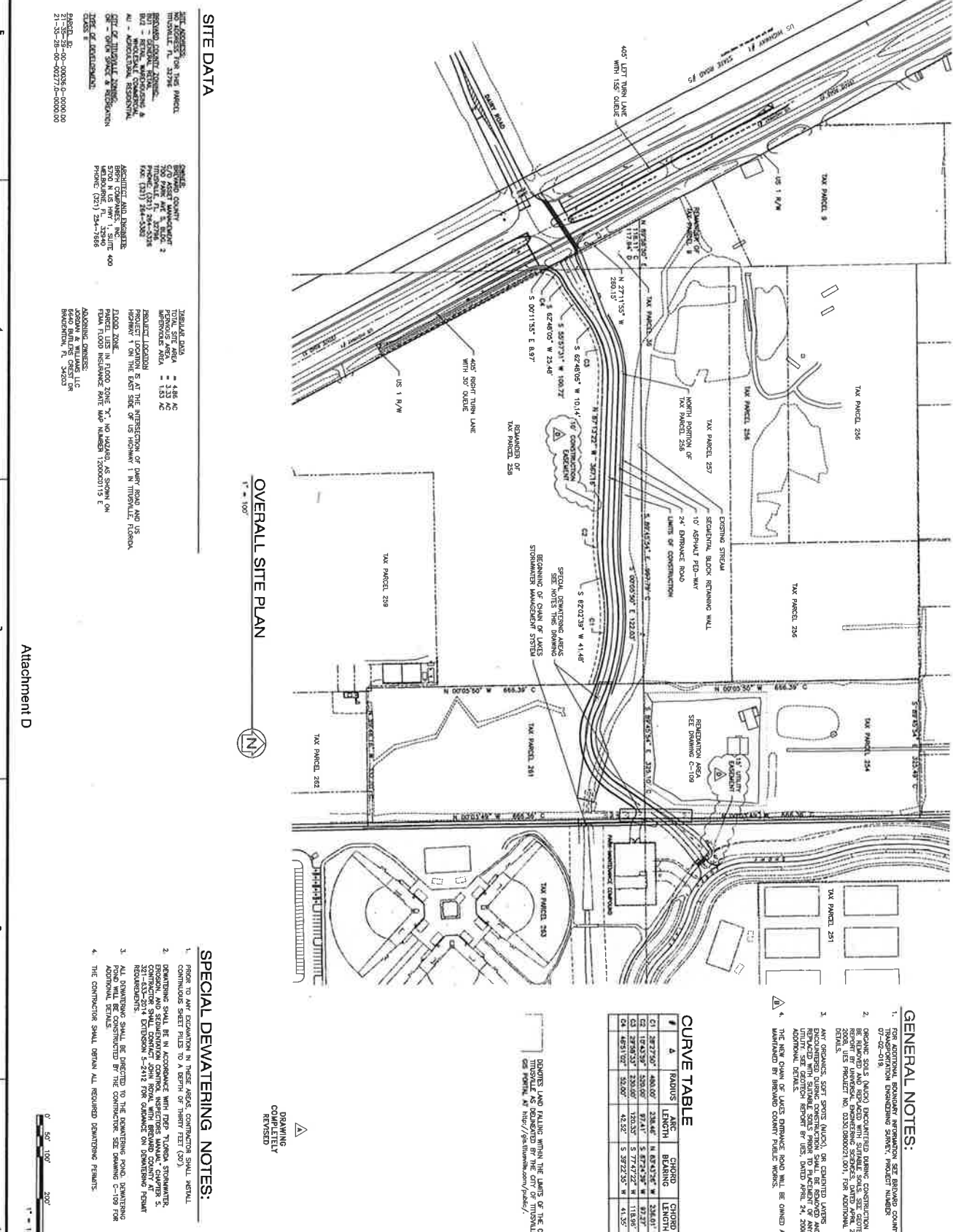
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PROPOSED AGENCY ACTION

The Florida Department of Environmental Protection (FDEP) gives notice that it proposes to approve a No Further Action Proposal with Institutional Controls or with Engineering and Institutional Controls and issue a Site Rehabilitation Completion Order with controls for a contaminated site. Brevard County, Florida, a political subdivision of the State of Florida (County), is seeking this order in reference to FDEP Site ID # COM_276315, Feguer Parcel, Chain of Lakes Regional Stormwater Park, Truman Scarborough Way, Titusville, Florida and intends to restrict exposure to contamination in the following manner:

Use is restricted to entry road and associated structures, in accordance with the criteria for establishing the alternative soil cleanup criteria for the Restricted Property as set forth in the Final Site Assessment Report. Residential use of the Restricted Property is prohibited. Excavation, landscaping, the installation of lighting, and maintenance activities within the Restricted Property may only be performed by the County, its successors and assigns. For any dewatering activities, a plan approved by FDEP's Division of Waste Management must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater. There shall be no use of groundwater on the Restricted Property. There shall be no drilling for water conducted on the Restricted Property nor shall any wells be installed, other than monitoring wells pre-approved in writing by FDEP'S Division of Waste Management, in addition to any authorizations required by the Division of Water Resource Management and the Water Management Districts. There shall be no additional stormwater swales, stormwater detention or retention facilities or ditches constructed on the Restricted Property beyond those already approved, without prior approval of FDEP.

Complete copies of the No Further Action Proposal, the draft restrictive covenant, and the FDEP's preliminary evaluation are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at FDEP Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803.

Local governments with jurisdiction over the property subject to the Institutional Control, real property owner(s) of any property subject to the Institutional Control, and residents of any property subject to the Institutional Control have 30 days from publication of this notice to provide comments to the FDEP. Such comments must be sent to Dale Melton, FDEP, Central District 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 or email: dale.melton@dep.state.fl.us.



SITE DATA

OWNER: BREVARD COUNTY
PROJECT: CHAIN OF LAKES ENTRANCE ROAD
LOCATION: TITUSVILLE, FLORIDA
DATE: 07-19-10

DESIGNER: BRPH
PROJECT NO.: C-101
DATE: 07-19-10

GENERAL NOTES:

1. FOR CONSTRUCTION INFORMATION SEE BREVARD COUNTY PERMITS AND SPECIFICATIONS SHEETS FOR PROJECT NUMBER 07-02-018.
2. ORGANIC SOILS HAZARD ENCOUNTERED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED WITH SUFFICIENT SOILS SEE GEOTECH REPORT, US PROJECT NO. D3303080001.001, FOR ADDITIONAL DETAILS.
3. ANY CONDUITS, SUMP SPOTS, MAJORS, OR CONCRETE UTILITIES AND STRUCTURES SHALL BE IDENTIFIED BY THE CITY OF TITUSVILLE AND REPLACED WITH SUFFICIENT SOILS PRIOR TO PLACEMENT OF ANY ADDITIONAL DETAILS.
4. THE NEW CHAIN OF LAKES ENTRANCE ROAD WILL BE OWNED AND MAINTAINED BY BREVARD COUNTY PUBLIC WORKS.

SPECIAL DEWATERING NOTES:

1. PRIOR TO ANY EXCAVATION IN THESE AREAS, CONTRACTOR SHALL INSTALL CONTINUOUS SHEET PILES TO A DEPTH OF THIRTY FEET (30').
2. DEWATERING SHALL BE IN ACCORDANCE WITH FDOT FLORIDA STANDARD SPECIFICATIONS AND SEQUENCING CONTROL INSPECTOR'S MANUAL, CHAPTER 5, 2011-63-201M EXHIBITION 5-2412 FOR ADVICE ON DEWATERING RECOMMENDATIONS.
3. ALL DEWATERING SHALL BE DIRECTED TO THE DEWATERING POND, DEWATERING POND, AND SHALL BE MONITORED BY THE CONTRACTOR. SEE DRAWING C-109 FOR ADDITIONAL DETAILS.
4. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED DEWATERING PERMITS.

GENERAL NOTES:

1. THE CHAIN OF LAKES ENTRANCE ROAD WILL BE OWNED AND MAINTAINED BY BREVARD COUNTY PUBLIC WORKS.

2. ORGANIC SOILS HAZARD ENCOUNTERED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED WITH SUFFICIENT SOILS SEE GEOTECH REPORT, US PROJECT NO. D3303080001.001, FOR ADDITIONAL DETAILS.

CURVE TABLE

NO.	Δ	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C1	187.770°	448.00'	338.84'	118.743'	W 32.821° E
C2	164.639°	550.00'	374.41'	138.243'	W 81.227° E
C3	378.933°	330.00'	120.35'	77.472'	W 11.836° E
C4	49.110°	50.00'	42.52'	5.97235'	W 41.35° E

DEWATERING AND PILING WITHIN THE LIMITS OF THE CITY OF TITUSVILLE AS INDICATED BY THE CITY OF TITUSVILLE PERMITS AND SPECIFICATIONS SHEETS FOR PROJECT NUMBER 07-02-018.

OVERALL SITE PLAN

1" = 100'

CHAIN OF LAKES ENTRANCE ROAD
 TITUSVILLE, FLORIDA
 BREVARD COUNTY PARKS & RECREATION

OVERALL SITE PLAN

brph
 Architects, Engineers, Constructors
 Offices in Melbourne, West Palm Beach, Orlando, Fort Myers, Atlanta, Greenville

Board of Architecture License No. AA 000148
 Board of Professional Engineers License No. 1437

Project data is correct by field log of contractor.
 The field log is not to be used for any other purpose.

DATE	REVISION	BY	CHK
11-06-10	RESPONSE TO AGENCY COMMENTS	PAM	TLZ
1-28-11	RESPONSE TO AGENCY COMMENTS	PAM	TLZ
PENDING	ADJUSTMENTS FOR UTILITIES	PAM	TLZ

DESIGNER: BRPH
PROJECT NO.: C-101
DATE: 07-19-10

ARCHITECTS, ENGINEERS, CONSTRUCTORS
 BRPH
 1000 W. PALM BEACH BLVD., SUITE 200
 WEST PALM BEACH, FLORIDA 33411
 PHONE: 561-833-1100
 FAX: 561-833-1101
 WWW.BRPH.COM