



Legislation Text

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File #: 24-357, Version: 1

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**CITY COUNCIL AGENDA ITEM**

Memo Date: June 21, 2024.  
Agenda Date: July 9, 2024.  
Prepared By: Charlene Neuterman, Community Services Director  
Through: Stockton Whitten, City Manager  
Requested Action:

Conduct Public Hearing and approve granting easements to Florida Power & Light Company (FPL) for the purposes of constructing, operating and maintaining a fiber optic line in Lee Wenner Park.

**BACKGROUND:**

Pursuant to Appendix A, Zoning, Article IV, Section 2, the City Council shall be required to authorize all uses of land and development projects on any and all lands owned, leased, or controlled by the City of Cocoa within and outside the boundaries of the City.

Florida Power & Light (FPL) desires to construct, operate and maintain a fiber optic line through Lee Wenner Park for the purposes of operating an electric grid to meet future load growth. FPL has requested the City grant FPL an easement for their construction and installation of the fiber optic line through Lee Wenner Park. The easement will be located where the Florida City Gas easement is located and will be a shared easement for both entities.

Staff worked with FPL to place the easement in an area that is least likely to impact future construction/renovations of Lee Wenner Park.

The agreement notes the legal description, and a map is attached showing the location of the approved easement. Additional important easement terms are as follows:

- The proposed easement is 10' wide and will be through the southern parking lot at Lee Wenner Park and exiting into the Indian River Lagoon near the southern end of Lee Wenner Park.
- FPL shall, at its sole cost and expense, restore any improvements on the Property that are damaged by FPL, its contractors, employees, etc.
- Initial construction of the fiber optic line will be coordinated with the City Manager to minimize interference with the City's planned Lee Wenner Park parking lot improvements.
- Written notice must be provided to the City prior to performing any work that (1) involves heavy equipment or machinery; (2) disturbance or excavation of the surface of the Property; or (3) materially interferes with the City's use of the property, except in emergencies.
- Written notice to the City is required prior to closing any parking spaces while conducting work or inspections on the property.

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FPL has also requested a temporary construction easement through Lee Wenner Park in order to perform construction related to the initial installation of the fiber optic line.

FPL has offered compensation in an amount of \$112,400 for the easement based on the prior appraisal for the Florida City Gas easement. Staff will return at a later date to amend the budget and recognize the revenue received. The revenue collected will be allocated to Parking improvements in Cocoa Village.

At the June 7, 2023 Planning & Zoning meeting, the Board approved granting of the easement to Florida City Gas (Pivotal Holdings) and Brevard County Board of County Commissioners approved the easement at their November 14, 2023 meeting. Council granted the easement during a Public Hearing at the December 12, 2023 Council meeting.

The FPL easement agreement is on the Brevard County BOCC meeting agenda for July 9<sup>th</sup> and this agenda request is contingent on the County's approval. Staff will update Council during the July 9<sup>th</sup> meeting of the County's decision.

**PRIORITY AREA CONNECTION:**

Investment in Public Infrastructure.

**BUDGETARY IMPACT:**

Budgeted N/A

**PREVIOUS ACTION:**

June 7, 2023 - P&Z approval of FL City Gas easement in same location  
December 12, 2023 - Council approval of FL City Gas easement

**RECOMMENDED MOTION:**

Conduct Public Hearing and approve granting an easement and temporary construction easement to Florida Power & Light Company (FPL) for the purposes of constructing, operating and maintaining a fiber optic line Lee Wenner Park, subject to the Board of County Commissioner's consent to the easements being approved.