

September 21, 2021
ITEM 14.B.2

**INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS**

INTER-OFFICE MEMORANDUM

TO: Members of the Board of County Commissioners

DATE: September 15, 2021

SUBJECT: Request Board Discussion to try to Resolve Maintenance Issue of 82nd Avenue between 26th Street and 69th Street

FROM: Peter D. O'Bryan, Vice Chairman
Commissioner, District 4

Discussion Item:

82nd Avenue between 26th Street and 69th Street is an unimproved, privately-owned right-of-way (ROW) owned by the Sebastian River Improvement District (SRID), FKA Sebastian River Water Control District (SRWCD), FKA Sebastian River Drainage District (SRDD). 82nd Avenue was a dirt road until 2010 - 2012 when, at the request of some mine owners, the county agreed to provide millings in an effort to help stabilize the road, even though the county did not own the right-of-way. The county spent \$90,000 for materials, absorbed the cost for installation of the material using County forces, and the mining companies contributed (\$51,000) towards this project. Currently some of the landowners along 82nd Avenue, and other north county residents who utilize 82nd Avenue, have complained that the northern half of the roadway where the millings were applied has deteriorated greatly and needs repairs.

The county again, despite not owning the ROW, has sent a proposed draft interlocal agreement to SRID (attachment #1) whereby the county will provide 30 loads of millings and SRID will be responsible for the application of the millings. A sticking point at this time is the long-term maintenance of 82nd Avenue going forward. Public Works is of the opinion that without clear ownership and dedicated ROW, the county should not be in the position of maintaining privately owned roads. SRID is currently refusing to accept the long-term maintenance responsibility.

Extending 82nd Avenue from 69th Street to CR 510 is the #5 ranked non-SIS project in the county's Transportation Improvement Plan (TIP) 2021/22-2025/26 (attachment #2). The Florida Department of Transportation (FDOT) has been actively acquiring ROW for the project. Paving 82nd Avenue from 26th Street to 69th Street is the county's #7 ranked non-SIS project. Linking a dirt/millings road to a newly built asphalt road does not make a lot of sense. The ideal solution would be for the county to acquire the needed ROW from 26th to 69th streets, and then pave the road to coincide with the construction of the new road north of 69th Street.

In 2004 SRID, then SRWCD, recorded a document granting to the county legal access to SRWCD ROW for the purpose of maintaining the ROW's (attachment #3). While we may have permission to maintain the ROW, it is staff's position that it is still not appropriate to expend taxpayer dollars on maintaining a privately-owned road.

RECOMMENDATION. In an effort to move the needle on the issue of the long-term maintenance, I recommend that staff draft a letter to SRID formally requesting that SRID dedicate to the county the lands needed to pave 82nd Avenue between 26th and 69th Streets, thereby making this section of 82nd Avenue a public ROW and allowing public tax dollars to be spent on the paving and maintenance of this section.