



**INDIAN RIVER COUNTY, FLORIDA
INTEROFFICE MEMORANDUM
Department of General Services
Parks & Recreation – Conservation Lands**

Date: August 25, 2021
To: The Honorable Board of County Commissioners
Through: Michael Zito, Asst. County Administrator
Kevin Kirwin, Director Parks & Recreation
From: Beth Powell, Assistant Director Parks & Conservation Resources
Subject: Morningside North SWMW Association, Inc. License Agreement

DESCRIPTIONS AND CONDITIONS

On date, May 9, 2017, the Board of County Commissioners approved a work order for the design and engineering of public improvements for the Jones Pier Conservation Area. This work order and those subsequent with the two design engineers provided a full conceptual site plan as well as the final engineering plan sets that were approved by the County, St. Johns River Water Management District, and the Florida Department of Environmental Protection.

As part of the conceptual design to final design phases, County staff provided updates to the Board of County Commissioners, as well as to the local homeowners adjacent to the property through public meetings and group specific meetings, letters, and email correspondence. Of specific significance to this item, staff conducted several homeowner meetings with the residents of Morningside Drive to discuss the public use improvements to the site. The overall site development was discussed in detail over several on-site meetings as well as specific information regarding security fencing that would be necessary on the County's south-west property boundary.

Since those discussions and communications, residents expressed their desire that a security fence not be installed on the property boundary. In order to accommodate this request and the conditions of a License Agreement with the County, the residents formed a non-profit corporation, Morningside North SWMW Association, Inc. (MNSA). The MNSA is responsible for executing the License Agreement with the County and for the fulfillment of the obligations contained within with the understanding that the County will not erect the security fence so long as the conditions of the License Agreement not violated. As part of the License Agreement, the MNSA assumes responsibility for the maintenance of the Stormwater Drainage Area, will carry liability insurance naming Indian River County as additional insured and agrees to other various conditions regarding the property. Should the MNSA disincorporate or violate (without correction) the terms and conditions within this agreement, the County may terminate the agreement. Additionally, this agreement may also be terminated by either party with ninety (90) days' written notice for any reason.

FUNDING

There is no direct funding impacting this Agreement.

STAFF RECOMMENDATION

Staff recommends the Board accept the attached License Agreement with the Morningside North SWMW Association, Inc. and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

ATTACHMENTS

Attachment A – License Agreement between Indian River County and Morningside Drive North SWMW Association, Inc.

DISTRIBUTION:

Morningside North SWMW Association, Inc. President Kelley McCabe
Anna Long, Atty.

APPROVED AGENDA ITEM FOR BCC DATE SEPTEMBER 14, 2021