



INDIAN RIVER COUNTY, FLORIDA
AGENDA ITEM
Assistant County Administrator /
Department of General Services

Date: March 4, 2021
To: The Honorable Board of County Commissioners
Thru: Jason E. Brown, County Administrator
From: Michael C. Zito, Assistant County Administrator
Subject: License Agreements Granting Beach Park Access for Purpose of Dune Stabilization Projects

DESCRIPTION AND CONDITIONS:

Disney Vacation Development Inc. and Baytree Condominium Association Inc. (Collectively, "Licensees") own and maintain beach front property in close proximity to County Beach Park facilities. The Licensees have made similar but independent requests to utilize neighboring County Beach Park facilities to conduct beach nourishment projects. Disney has requested permission to utilize Wabasso Beach Park and Baytree has requested permission to utilize Seagrape Beach Access Park. The Licensees have independently acquired permits from the Florida Department of Environmental Protection to perform dune stabilization projects at their sole expense for their respective properties. The Licensees use of the County Beach Parks for this purpose is limited to the time period stated in each license agreement. The Disney project will operate between the hours of 7:30 AM – 7:30 PM while the Baytree project will operate between the hours of 7:30 AM and 5:30 PM. Licensee's shall operate all equipment in a safe and prudent manner, and in accordance with any measures deemed necessary for public safety by County staff. Licensees will keep the gates to the Parks securely locked at all times except when opened for the passage of Licensees equipment and manage in a timely and efficient manner any traffic issues that arise as a result of Licensees' use of the respective Parks. Additionally, the Licensees will prohibit any public vehicular or pedestrian use of the Park during the dune stabilization activities. They will also post "Beach Closed" signs at the Park entrance during project activities. Licensees shall plant County approved dune material once the dune is reconfigured to meet the County's prescribed dune profile. The materials and the method of planting such materials shall be reviewed and approved by the County prior to installation. Licensee shall maintain 100% survival for an establishment period of fourteen (14) days after planting during the maintenance period. Licensees shall be responsible for all costs associated with dune plant replacement for a warranty period of 90 days. Failure to ensure the survivability of planting during the 90-day warranty period will be considered a breach of contract and will be a consideration for approval of any future request for access to perform maintenance projects.

The respective License Agreements contain additional protections for the County and are conceptually similar. The Agreements have been approved by the County Attorney as to form and legal sufficiency and duly executed by the County Administrator. A copy of each License Agreement is attached for your information.

FUNDING:

No funding is required for the subject task.

RECOMMENDATION:

This is an informational item; no Board action required

ATTACHMENTS:

Wabasso Beach Park License Agreement

Seagrape Beach Access Point License Agreement

APPROVED AGENDA ITEM FOR MARCH 16, 2020