



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

TO: The Board of County Commissioners

FROM: Dylan Reingold - County Attorney

DATE: September 9, 2020

SUBJECT: Ratification of Amendment to Cash Deposit and Escrow Agreement re Increase in Posted Security for Fourth Phase Restoration – Wild Turkey Sand Mine

Section 934.07(5) of the Indian River County Code was amended to require that every three years the owner/operator, during the life of the mining operation, shall submit to the Public Works Director for approval an updated cost estimate, and any shortage of security as a result of the updated and approved cost estimate must be in place for the mining permit renewal process.

Wild Turkey Estates of Vero, L.L.C. submitted an updated cost estimate which reflected that additional monies for both the restoration of Phase 3 and the fourth phase, each in the amount of \$19,789.10, were required to be posted in order for the renewal of its mining permit. It is noted that no additional funds were required for the compliance portions.

For Phase 3, the additional monies were posted in the form of a rider to an existing surety bond; and for the fourth phase, cash was provided. In support of the fourth phase cash posting, an Amendment to Cash Deposit and Escrow Agreement was prepared and executed by the parties to the initial Cash Deposit and Escrow Agreement, and the Amendment also required the approval of the Board of County Commissioners.

Based on Resolution No. 2020-055, authorization was delegated to the County Administrator or his designee to execute all documents necessary to the proper functioning of the County during the period between August 19 and September 14, 2020. On September 8, 2020, the Amendment to Cash Deposit and Escrow Agreement was executed by the County Administrator under authority of Resolution No. 2020-055.

In accordance with Resolution No. 2020-055, the Amended Cash Deposit and Escrow Agreement is presented herewith for ratification by the Board of County Commissioners.

**FUNDING:**

There is no cost to the County associated with this item.

**REQUESTED ACTION:**

Approve and ratify the Amended Cash Deposit and Escrow Agreement with regard to the posting of additional monies for the fourth phase restoration for Wild Turkey Sand Mine.

/nhm

Attachment: Amendment to Cash Deposit and Escrow Agreement