

**Indian River County, Florida
Department of Utility Services
Board Memorandum**

Date: August 1, 2023

To: Indian River County Board of County Commissioners

Through: John A. Titkanich, Jr., County Administrator
Sean C. Lieske, Director of Utility Services

Prepared By: Sean C. Lieske, Director of Utility Services

Subject: Termination of Reclaimed Water Agreement with John's Island Water Management

Background/Analysis:

On December 5, 2017, the Indian River County (IRC) Board of County Commissioners (BCC) entered into an agreement with John's Island Water Management, Inc. (JIWM) for Indian River County Department of Utility Services (IRCDUS) to provide one million gallons of reclaimed water a day for irrigation purposes within the Town of Indian River Shores (IRS). In accordance with that agreement, both IRCDUS and JIWM would be responsible for the construction of additional infrastructure at their own expense. JIWM was more specifically expected to design and install a 16" reclaimed water transmission line to deliver the reclaimed water from the County's 77th Street facility to JIWM and ultimately IRS.

On July 10, 2018, the BCC approved a temporary construction easement under 69th Street, Old Winter Beach Road, and the County-owned bridge tender property at the west end of the Old Winter Beach Road. The easement was necessary to exclude the County from having to become an applicant on the project, thereby limiting any liability that could result from the permitting and construction of the project. The easement was also necessary to aid JIWM with construction of the subaqueous transmission line.

Finally, on April 23, 2019, the BCC approved a temporary construction easement for Hole-in-the-Wall Island and Pine Island for the construction of the subaqueous reclaimed water transmission line. Legal review had determined the County owned a 70-foot wide right-of-way strip over Hole-in-the-Wall Island and Pine Island. Since it was determined the County owned the ROW, the temporary easement was again necessary to aid JIWM in completing the construction of the reclaimed water line.

Due to a variety of issues, the line was never constructed. In addition, IRCDUS has been informed that the constructability issues are too great to overcome and that JIWM has no plans to construct the line in the future. As a result, JIWM and IRCDUS have mutually agreed it would be in both agencies' interests to terminate the 2017 agreement through the attached "Termination of Agreement for the Delivery of Reclaimed Water Between Indian River County, Florida, and John's Island Water Management, Inc.," which has already been approved and signed by JIWM.

Consent Item

Funding:

There is no funding associated with this agenda item

Recommendation:

Indian River County Department of Utility Services recommends the Indian River County Board of County Commissioners approve the "Termination of Agreement for the Delivery of Reclaimed Water Between Indian River County, Florida, and John's Island Water Management, Inc." and authorize the Chairman to sign on their behalf.

Attachments:

Termination of Agreement for the Delivery of Reclaimed Water Between Indian River County, Florida and John's Island Water Management, Inc.