

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

Date: May 28, 2024

To: Indian River County Board of County Commissioners

Through: John A. Titkanich, Jr., County Administrator

From: Sean C Lieske, Director, Department of Utility Services

Subject: Sea Oaks Property

Background/Analysis:

The Indian River County Department of Utility Services (IRCDUS) owns a former wastewater treatment facility (WWTF) located adjacent to the Sea Oaks development, on the east side of A1A, south of County Road 510. (See attachment) The Sea Oaks WWTF has not been in operation since it was shut down nearly 23 years ago in July of 2001; however, IRCDUS continued to maintain a discharge permit, issued by the Florida Department of Environmental Protection (FDEP), up until recently when IRCDUS requested FDEP to permanently deactivate the permit. On April 15, 2024, IRCDUS received an email from FDEP stating our request had been completed and that the facility had been inactivated.

While at one point the County had plans to use the site to locate a reclaimed water storage and pump facility, current development restrictions have limited our ability to do so. In addition, current and potential future reclaimed water demands/customers on the barrier island do not warrant the construction of such facilities.

Since the IRCDUS no longer identifies a need for the property as either a WWTF or for a reclaimed water storage and pump facility, the IRCDUS would request the Commission allow the property to be put up for sale.

There are a couple of things the County would need to consider should we elect to sell the property. First and foremost, the County has had a license agreement with the Sea Oaks Property Owners Association, Inc. (SOPOA) since 1999 to use undeveloped portions of the site for maintenance and administrative purposes. The original agreement was entered into in 1999, with a 5-year extension issued in 2010 and a 10-year extension issued in 2015. The current extension is set to expire in January of 2025. In addition, the County has a contract with several cellular service carriers to maintain a cell tower on the property where they can place cellular antennae to enable them to provide service along the barrier island. Considering the long-term nature of the contracts with the cellular companies, any sales contract would need to carve out an easement or some other legal means to ensure the cellular tower can remain on-site and would be accessible for repair and maintenance. Finally, should the property be approved for sale, the County may need to complete a Phase II Environmental Assessment to determine if any environmental concerns exist on the site.

Departmental Item

Funding:

This is for information purposes only. There is no funding associated with this agenda item.

Recommendation:

Staff requests the Board of County Commissioners declare the property as surplus and authorize its advertisement for sale.

Attachment:

Sea Oaks – Site Location