



Office of
INDIAN RIVER COUNTY
ATTORNEY


Consent 03/13/2018

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: William K. DeBaal, Deputy County Attorney 

DATE: March 7, 2018

SUBJECT: Subordination of City Utility Interests to the Florida Department of Transportation, for the SR 60/43rd Avenue Project

In June 2015, the County and the Florida Department of Transportation (FDOT) entered into a County Incentive Grant Program Locally Funded Agreement (Incentive Agreement) whereby FDOT would acquire the needed right-of-way for the SR 60/43rd Avenue intersection improvements (Project) with the cost of acquisition to be split equally between the parties.

As a result of title searches, surveying and performing utilities locations, an additional City of Vero Beach Utility easement has been found along the east side of 43rd Avenue on the City owned property that was once the Dodgertown Golf Course. A right-of-way map attached to this memo shows the easement highlighted in blue.

FDOT has also asked the City to subordinate its interest in the utility easements to FDOT, which will be considered by the City Council at an upcoming meeting. The City and FDOT are now asking the County to join into that agreement to pay for the costs of relocation of the City utilities that will have to be relocated during the Project. Since the City utilities lie in an easement owned by the City, the party requesting the relocation of the utilities must pay for the cost of moving them to the new location. As the County is responsible for construction of the Project (with financial assistance from FDOT) the County is responsible for the cost of relocation.

FUNDING. Funding for this matter is budgeted and available in the Optional Sales Tax/Construction in Progress /43rd AVE 18th ST to 26th ST, account number 31521441-066510-06041. An exact cost amount to move the utilities cannot be determined at this time, however it is estimated to be approximately \$1,000.00.

RECOMMENDATION. Staff recommends the Board of County Commissioners approve the Subordination of City Utility Interests with the City of Vero Beach and the Florida Department of Transportation, for the SR 60/43rd Avenue Project and approve the accompanying Resolution authorizing the Chairman to execute the Subordination on behalf of the Board.

Attachments: Right-of-way map
Subordination of City Utility Interests
Resolution Authorizing the Chairman to sign the Subordination of City Utility Interests

Copy to: Richard B. Szpyrka, P.E., Public Works Director
William Johnson, P.E., Roadway Production Engineer

Robin Brisebois, FDOT
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