

**INDIAN RIVER COUNTY, FLORIDA  
MEMORANDUM**

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**DEPARTMENTAL**

**TO:** Jason Brown, County Administrator

**FROM:** Richard B. Szpyrka, P.E., Public Works Director

**SUBJECT:** Developer's Agreement with Grace Baptist Church – Drainage for 43<sup>rd</sup> Avenue

**DATE:** February 19, 2019

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**DESCRIPTION AND CONDITIONS**

On January 6, 2004 the Board of County Commissioners entered into a Developers Agreement with the Grace Baptist Church (Church) on the west side of 43<sup>rd</sup> Avenue, just north of 12<sup>th</sup> Street. The Church agreed to design their stormwater management system to accommodate runoff from their site and a portion of 43<sup>rd</sup> Avenue. This was at a time when the design for the widening of 43<sup>rd</sup> Avenue was underway and staff was analyzing locations for stormwater treatment of the roadway runoff.

The Developers Agreement provided for the County to pay \$35,000 to the Church for the County's portion of engineering and permitting of the stormwater pond (\$5,000), perpetual maintenance of the pond after it was constructed by the County (\$20,000), and a premium for the perpetual right to drain stormwater into the Church's pond.

In 2018, Church approached the County regarding the Developers Agreement and requested that they be released from the terms of the agreement so that they could move forward with an expansion of the Church.

Staff has no objections to the release of the Church from the terms of the Developers Agreement as the County has recently purchased property adjacent to the Church that will serve as a stormwater treatment facility for 43<sup>rd</sup> Avenue in the future. However, the County paid for rights that it did not use and staff requested that the Church reimburse the County \$30,000 that was not utilized as part of the agreement. The Church has agreed to reimburse the County, but has requested to reimburse the County by paying \$6,000 per year for five years, until the amount is paid in full. The first installment will be on April 1, 2019.

**FUNDING**

The funds received will be deposited into Traffic Impact Fees/Misc. Revenue/Reimbursements-Account No. 102038-369940

**RECOMMENDATION**

Staff recommends that the Board approve the Developer's Agreement between the County and Grace Baptist Church and authorize the Chairman to execute the Developers Agreement on behalf of the Board.

**ATTACHMENTS**

Developers Agreement

**AGENDA ITEM FOR March 5, 2019**