

INDIAN RIVER COUNTY, FLORIDA
BOARD MEMORANDUM

CONSENT

TO: Jason E. Brown
County Administrator

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

FROM: Kendra Cope, M.S.
Coastal Resources Coordinator

SUBJECT: **Agreement for Access and Sand Renourishment to Sexton, Inc. Beach Area**

DATE: July 29, 2019

BACKGROUND

The Sector 5 Beach and Dune Restoration project area is a 3.1-mile section of shoreline that extends just north of Tracking Station Beach Park south to the Gables Oceanfront Condominiums. The Sector 5 project area sustained damage from Hurricane Matthew (2016) and Hurricane Irma (2017) and is in need of a large-scale beach and dune nourishment project to maintain protection to upland properties and infrastructure. The County is required to obtain executed construction easements from each potentially affected property owner within the project limits. The background/basis of issuance section of the project's Notice of Intent states that "there may be areas where the construction activity may affect upland properties, in such instances, construction easements from the affected upland property owners will be obtained prior to any work being done on their property."

DESCRIPTION AND CONDITIONS

Sexton, Inc. owns and manages a beachfront property inside the Sector 5 project area named the Ocean Grill. This property has approximately 250 feet of beach frontage, and rests on pilings above the sandy beach profile. Hurricanes Matthew and Irma caused erosion underneath the structure, requiring sand to be placed underneath the building to complete the integrity of the Sector 5 beach project. On May 22, 2019, Sexton, Inc signed a Beach Management and Assessment Easement which authorizes the County to place sand within the north and south property boundaries and within the established erosion control line (eastern boundary) and the hardened structure of the building (western boundary). This was a standard template easement used for all properties within the Sector 5 project area, which meant the additional space eroded underneath the building was not included in the easement allowance. For the County to be allowed to place sand underneath the building, Sexton, Inc and Indian River County must enter into an access agreement.

The purpose of this agenda is to request Board approval of the Access Agreement which will allow Indian River County to place sand, as part of the Sector 5 Beach and Dune Restoration project, underneath the structural property referred to as Ocean Grill, to complete the integrity of the project. The access agreement will be available in the Public Works office for review.

FUNDING

No funding is required to execute the Access Agreement with Sexton, Inc. Local funding of Beach Restoration includes a portion of Local Option Tourist Tax Revenue. Funding for the Sector 5 Beach Restoration Project is budgeted in the Beach Restoration Fund/Sector 5 Beach Renourishment/ Hurricane Matthew Account No. 12814472-066510-17001.

RECOMMENDATION

Staff recommends the Board approve the Access Agreement with Sexton, Inc., and authorize the chairman to sign one (1) copy of the agreement.

APPROVED AGENDA ITEM FOR AUGUST 13, 2019