

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

Date: September 23, 2021
To: Jason E. Brown, County Administrator
From: Matthew Jordan, Interim Director of Utility Services
Subject: Second Amendment of License Agreement with Sea Oaks Property Owners Association Inc.

Background/Analysis:

The County owns a former wastewater treatment facility located adjacent to the Sea Oaks development, on the east side of Highway A-1-A, south of County Road 510. Although the facility continues to be permitted by the Florida Department of Environmental Protection (FDEP), it is not currently in use, and there are no plans to reactivate it in the near future. At some point, the facility may be used as a reuse water storage and pump facility.

In 1999, the County and the Sea Oaks Property Owners Association, Inc. (SOPOA) entered into a ten-year cancellable license agreement allowing SOPOA to use an undeveloped portion of the site for maintenance and administrative purposes. In 2010, the agreement was extended to January 2015. SOPOA's pays a license fee of \$1,000 per year and is required to mow and maintain the licensed area, maintain the buffers along Highway A-1-A, and maintain a berm around the licensed area. SOPOA is prohibited from using the property in any manner contrary to the County's utility purposes; and, as currently written, the County can terminate the agreement upon nine months' notice if the County needs the property for utility purposes. SOPOA is required to indemnify the County for liability arising out of its actions or omissions. SOPOA has asked the County to extend the license agreement for twenty additional years, to January 2041.

The license arrangement is helpful to the County because, in addition to generating nominal revenue, SOPOA maintains the area that the County owns, but does not presently use. The proposed extension is acceptable to County staff, with one revision to the first amended agreement: a provision stating that the agreement can be terminated at any time by either party for any reason upon two and one-half years' notice.

Funding:

The estimated income is based off of last year's payment of \$1,204.23 plus an estimated 2.0% Consumer Price Index (CPI) increase for next fiscal year for a total of \$1,228.32. This would be deposited into the Utilities/Miscellaneous Income account (471034-343670).

ACCOUNT NAME	ACCOUNT NUMBER	AMOUNT
Utilities/Miscellaneous Income	471034-343670	\$1,228.32

Consent Item

Recommendation:

Staff recommends that the Board of County Commissioners (BCC) consider and approve the proposed second amendment to the license agreement, and authorize the chairman to sign it on behalf of the BCC.

Attachments:

Second Amendment of License Agreement