

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Jason E. Brown, County Administrator

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

SUBJECT: 11th Drive Project Developer's Agreement
Design, Permitting, Construction Cost Approval

DATE: January 24, 2020

DESCRIPTION AND CONDITIONS

The Capital Improvement Element of the Indian River County 2030 Comprehensive Plan (the "CIE") includes over \$7 million for funding for widening of 37th Street from US 1 to Indian River Boulevard. As part of this project, the CIE includes an alternative project, Aviation Extension from US Highway 1 to 37th Street and from 37th Street to 41st Street via 11th Drive. The CIE notes that the Indian River County Board of County Commissioners (the "Board") has authorized the concept and that staff continues to coordinate with property owners.

On October 22, 2019 the Board approved the 11th Drive Developers Agreement with Virginia W. Russell Family, Ltd. ("Russell") and Riverfront Groves, Inc., for the dedication of right of way, design, permitting and construction of 11th Drive from the southern boundary of the Russell property to 41st Street. The right-of-way dedication has occurred.

As part of the agreement Russell will design, permit, and construct 11th Drive as a two-lane roadway from 41st Street to the southern point of the Russell property. All road construction is to be in compliance with design plans and standards which will need to be approved by Indian River County through the County right-of-way permitting process in accordance with Chapter 312 of the Indian River County Code of Ordinances. Attached is the conceptual alignment and configuration of the roadway, which includes 12-foot wide travel lanes, five-foot bike lanes on both sides of the roadway, and 5-foot sidewalks. The conceptual configuration also includes a northbound left turn lane at 41st Street. The Developer will be installing two connection points, one east and one west, as part of the construction along with left turn lanes to support the driveway connections. These are developer generated improvements and the costs associated with these improvements will be paid for by the developer. It should be noted that the attached conceptual configuration may be altered during the design and permitting phase of the roadway.

Over the past two months, County staff and the Engineer for the 11th Drive project have been negotiating the cost for design and permitting for 11th Drive from 41st Street to the southern boundary of the Russell property. We have also been negotiating the reimbursable cost for the project. Per the Agreement, staff and the Engineer have now agreed on the total cost of design and permitting for the project and the reimbursement amount to be paid by the County to Russell and we are presenting this to the Board for action.

The total cost of design and permitting agreed to by both parties is \$116,175. The reimbursable cost, also agreed to by both parties, for the roadway design is \$93,210 that the County is responsible for and the Developer is responsible for \$22,965 of developer related improvements. Attached is the Proposal from Masteller & Moler, Inc., to Mr. Russell and includes a letter from Mr. Russell agreeing to the costs pending Board action.

County staff and the Engineer have also come to an agreement on the engineers estimated construction cost of \$1,289,177.50 of the roadway. We also agree that the County portion of the construction cost is \$1,205,755.88 and the developer's portion is \$83,421.62.

FUNDING

Funding for the County's share of the project design and permitting in the amount of \$93,210 and the County's share of project construction in the amount of \$1,205,755.88 is programmed in the 2nd and 3rd year of the approved FY 19/20 Capital Improvement Element and can be made available with a Budget Amendment from Optional Sales Tax/Cash Forward-Oct 1st to Optional Sales Tax/ 37th Street –Alternate Project Account No. 31521441-066510-13009.

RECOMMENDATION

Staff recommends the Board approve funding in the amount of \$93,210 for the reimbursement of County design and permitting costs to Russell for the portion of 11th Drive, and approve funding in the amount not to exceed \$1,205,775.88 for the County reimbursement of construction costs for 11th Drive.

ATTACHMENTS

11th Drive Conceptual Plans
Russell – Moler Design Agreement and Letter

AGENDA ITEM FOR: February 4, 2020