

**INDIAN RIVER COUNTY, FLORIDA  
DEPARTMENT OF UTILITY SERVICES**

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**Date:** April 20, 2017  
**To:** Jason E. Brown, County Administrator  
**From:** Vincent Burke, P.E., Director of Utility Services  
**Prepared By:** Arjuna Weragoda, P.E., Capital Projects Manager  
**Subject:** Agreement to Warranty and Guaranty Utility Improvements Under FEC Railway Property

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**BACKGROUND**

Lost Tree Preserve, LLC, (Developer), is contemplating the development of a single family residential subdivision at the southwest corner of Old Dixie Highway and 69<sup>th</sup> Street. As part of the proposed development, the Developer is proposing to tie into the existing water main on Old Dixie Highway and extend it north and west along 69<sup>th</sup> Street. The Developer is also connecting to the existing force main on Old Dixie Highway and 69<sup>th</sup> Street and extending a proposed force main west on 69<sup>th</sup> Street to serve the Lost Tree Preserve planned development. In order to extend the water main and the force main west along 69<sup>th</sup> Street, the Developer needs to cross Florida East Coast Railway (FEC) property with a subgrade crossing.

**ANALYSIS**

The Developer has submitted design plans to FEC and obtained the necessary permits. The Developer has been granted a permit to construct the off-site improvements on FEC property under the Blanket License Agreement between Indian River County and Florida East Coast Railway, LLC, dated September 26, 1996. Therefore, the county now requires the Developer to enter into a Contract for Construction of Utility Improvements on Florida East Coast Railway, LLC, property and Agreement to Warranty and Guaranty Utility Improvements at Completion and to provide a Bill of Sale with the county to satisfy all conditions and requirements stated in the Blanket License Agreement.

**FUNDING:**

No county funds are required for this task.

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners approve the Contract for Construction of Utility Improvements on Florida East Coast Railway, LLC, Property and Agreement to Warranty and Guaranty Utility Improvements at Completion and to Provide a Bill of Sale, and authorize the Chairman to execute the same, as presented.

**LIST OF ATTACHMENTS:**

1. Contract for Construction of Utility Improvements on Florida East Coast Railway, LLC property and Agreement to Warranty and Guaranty Utility Improvements at Completion and to Provide a Bill of Sale.