

## ***BOARD OF COUNTY COMMISSIONERS***

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January 15, 2023

Dear \_\_\_\_\_,

I'm Joe Earman, Chairman of your Board of County Commissioners and the Board's liaison to the Beach and Shore Preservation Advisory Committee.

Since 2018, county staff and project consultants have been actively designing, monitoring and permitting the Sector 7 Beach and Dune Restoration Project, as well as obtaining the easements necessary for the project to be deemed viable, cost effective, and constructible. In order for us to move forward on this renourishment project, specifically the stretch of beach between Treasure Cove subdivision in the north down to the Floralton Beach subdivision in the south ("Sector 7"), we've set a goal of 90% of landholders agreeing to the proposed easement. However, a sizable number of residents, for different reasons, have rejected the wording of that document and elected not to give their approval.

As your commissioner, I fully respect your right to act in your own best interests. However, recent storms – particularly Hurricanes Ian and Nicole – have inflicted significant damage to our beaches and reemphasized the need for us to work together as a community to renourish our beaches in a coordinated fashion, with the assistance of state and federal government entities. Toward this goal, I've engaged with county staff, interested citizens, and my fellow commissioners to reword the easement document and address the feedback we've received; specifically, we've removed the broader "customary use" language and the explicit perpetuity in the previous easement version. I would respectfully request that you sit down with those you trust, give the new document a fresh look, and see if we've hit the mark this time.

I want to be very clear that there's no desire or intention on the part of Indian River County to change anything about the beachfront you enjoy or the ways you enjoy it. We only wish to protect this great natural resource for ours and future generations, and for all the sea life who share it with us.

While I don't want to rush your thought process, please take note that we need a reply from you no later than March 17, 2023, so we can be complete all the preparatory steps in advance of construction starting on November 1, 2023, after the end of sea turtle nesting season.

Should you have any questions for me or the county staff, please call my office at 772-226-1919 and I will get back to you just as soon as I can. I look forward to hearing from you.

Sincerely

Joseph H. Earman, Chairman  
Commissioner, District 3

## BEACH RESTORATION EASEMENT

**in accordance with the Indian River County Beach Restoration Plan**

This BEACH RESTORATION EASEMENT ("Easement"), made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

Whose \_\_\_\_\_ address \_\_\_\_\_ is:

\_\_\_\_\_ hereinafter called GRANTOR to Indian River County, a political subdivision of the State of Florida, whose address is 1801 27<sup>th</sup> Street, Vero Beach, Florida 32960, hereinafter called GRANTEE,

In consideration of the sum of one dollar (\$1.00) and other valuable considerations, receipt of which is acknowledged, Grantor grants to Grantee, its agents, successors and assigns, a beach restoration easement and right-of-way in, on, over and across the land described in Schedule "A" for use by the Board of County Commissioners of Indian River County, Florida ("County"), its representatives, agents, contractors, and assigns, to construct, preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand and to plant and maintain native vegetation in accordance with the Indian River County Beach Preservation Plan;

To protect and monitor nesting marine turtles and hatchlings from the adverse effects of anthropogenic activity as required by the Florida Fish and Wildlife Conservation Commission Marine Turtle Permit issued to the County and the County Habitat Conservation Plan to provide for overall improvement in nesting habitat and to increase successful nesting activities and production of hatchlings on the beaches located in the state of Florida;

To move; temporarily store and remove equipment and supplies; to erect and remove temporary structures (as used herein, the words "Temporary structures" does not include buildings of any kind); and to perform any other work necessary and incident to the construction.

All areas within the Easement Premises disturbed by the Grantee or its agents in accomplishing the within-stated purpose will be restored to a state comparable to that which existed at the commencement of such construction.

Grantor shall retain the right to construct one or more dune crossovers, provided all applicable federal, state, and local permits and approvals for any such crossovers are obtained.

None of the above shall abridge or expand the rights set forth in Section 161.141, Florida Statutes.

The covenants, rights, restrictions, reservations, and Easement herein set forth are and shall run with the land.

IN WITNESS WHEREOF, Grantor has herein set its hand and seal the day and year written above.

Signature: \_\_\_\_\_ (Grantor)

Printed Name: \_\_\_\_\_

Witness Signature

Printed Name \_\_\_\_\_

Witness Signature

Printed Name \_\_\_\_\_

Notary Insert:

STATE OF FLORIDA

COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_ by \_\_\_\_\_, and he/she/they/ are

personally, known to me or produced \_\_\_\_\_ as identification.

Sign: \_\_\_\_\_

Notary Public

Printed Name & Commission #