

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Jason E. Brown, County Administrator

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

SUBJECT: Waterway Village Second Amendment to the Amended Developers Agreement

DATE: September 18, 2018

DESCRIPTION AND CONDITIONS

In accordance with the Waterway Village Development of Regional Impact (DRI) development order approved by Indian River County in 2004 and amended in 2010, the project developer (now Pulte Homes, Inc.) is obligated to begin construction of a four-lane segment of 58th Avenue between 49th Street and 53rd Street in 2019.

The intersection improvements by the Developer for the 58th Avenue intersections at 49th Street and 53rd Street include left turn lanes for all approaches, signalization, sidewalks, and pedestrian crosswalks. The improvements at 49th Street correspond with Action Item 10.2 of the 2014 Gifford Neighborhood Plan, which identifies improvements to the intersection of 49th Street and 58th Avenue.

At the August 15, 2017 Board Meeting, staff presented to the Board a synopsis of numerous development possibilities in this area. There have been a number of residential development projects initiated or initially proposed in the area of this segment of 58th Avenue, including Providence Pointe, Mandala Club, and Bent Pine Preserve while several others in the vicinity (including Huntington Place, Brae Burn, and Vero Lago) continue to construct new homes. Approval of development on the west side of 58th Avenue has included conditions for extending 53rd Street west, toward 66th Avenue. At the same time, the Board of County Commissioners has approved through its Capital Improvements Element (CIE) other transportation improvements in the area, including extending 53rd Street from 58th Avenue to 66th Avenue and extending the four-lane segment of 66th Avenue north to CR-510. Planning for those improvements recognizes 66th Avenue as a major north/south route and 53rd Street as a major east/west mid-county route. As a follow-up to the last CIE update, County staff considered ways to partner with local developers to implement mid-county improvements, as well as ways to leverage the road widening investment already committed by developers in order to address anticipated future traffic demand in and through the area. The Board approved the concept provided by staff and authorized staff to negotiate a developer's agreement with the Developer of Waterway Village.

To that end, County Public Works and Community Development staff met with representatives from Waterway Village and discussed ways to extend the four-laning of 58th Avenue an additional 3,500 feet north of the current project limits required under the DRI development order. When complete, the expanded roadway would be capable of handling

larger volumes of traffic on 58th Avenue from 49th Street to 57th Street, including the approach to 53rd Street from both the north and south directions. Staff and the Developer have negotiated a development agreement that is acceptable to all parties.

An extended widening would enable the County to achieve several related objectives, including replacing the narrow bridge over the North Relief Canal, providing a sidewalk between the Gifford area and Storm Grove Middle School, adding bike lanes to 58th Avenue, and adding future roadway capacity in a growing area of the County.

The following is a synopsis of the major components of the proposed Amendment.

The Developer shall construct the improvements between from south of 49th Street to south of the Indian River Farms north relief canal (“Developer’s Segment”) as depicted on the attached Waterway Village 58th Avenue Widening Project Limits. At the Developers expense, the improvements include signalization at the intersections at 49th Street & 58th Avenue and at 53rd Street & 58th Avenue, for the four-lane divided configuration with left turn lanes on all approaches, bike lanes, and sidewalks. However, the Developer shall receive traffic impact fee credits as described in the Developer’s Agreement. Construction shall commence no later than December 1, 2019 and shall be completed within twelve (12) months of commencement.

The Developer will design, permit, and construct 58th Avenue as a four-lane roadway from south of the IRFWCD north relief canal to north of 57th Street (“County’s Segment”) as depicted on the attached Waterway Village 58th Avenue Widening Project Limits. The improvements include replacement of the north relief canal bridge, signalization of the intersection at 57th Street and 58th Avenue for the four-lane divided configuration with left turn lanes on all approaches, bike lanes, and sidewalks. The Developer shall be reimbursed for design, permitting, and construction costs for the County segment by invoicing the County as draws throughout the design, permitting, and construction of this roadway segment. Any invoice submitted by the Developer to the County for County’s payment shall be reimbursed by the County according to the Prompt Payment Act (Section 218.70-218.80, Florida Statutes, 2017), and not with impact fee credits.

As part of the overall project, it will be necessary for the County to acquire some right-of-way for the above widening project south of 49th Street on 58th Avenue. Staff has already begun this process with the Board approving the Developers Agreement with Arabella Reserve, LLC., and we have contacted several other property owners to discuss purchasing right-of-way.

The Amendment includes a design fee from Kimley-Horn and Associates of \$231,311 to extend the roadway segment as a 4-lane facility (see attached). The design fee is a reimbursable expense to the Developer as design of the project proceeds forward.

The Amendment states that the Developer shall contribute \$153,300 toward the SR-60 and 43rd Avenue project and \$110,400 toward improvements at SR-60 and 58th Avenue.

Currently, the cost of construction (see attached) for the County’s portion of the project is approximately \$4,820,400 based on 30% plans. However, the cost will change during the design of the project and staff is optimistic that the cost will decrease.

FUNDING

Funding for the County's share of the project design in the amount of \$231,311 is available in Optional Sales Tax/58th Avenue Widening/53rd Street to 57th Street, Account No. 31521441-066510-17021. Funding in the amount of \$3,500,000 for the County's share of project construction is currently available in the approved Capital Improvement Element in FY 18-19 and is also funded from Optional Sales Taxes.

RECOMMENDATION

Staff recommends the Board approve the Waterway Village Second Amendment to the Amended Developers Agreement, approve funding in the amount of \$231,311 for the reimbursement of design costs for the County segment of 58th Avenue, and authorize the Chairman to execute the Developers Agreement on behalf of the Board.

ATTACHMENTS

1. Waterway Village Second Amendment
2. Kimley-Horn Proposal Design-58th Ave Widening
3. Kimley-Horn 30% Probable Construction Cost
4. 58th Ave Widening Conceptual Plan Graphic

DISTRIBUTION

Patrick Gonzales, P.E., Pulte Group Vice President – Land Development
Bruce Barkett, Collins, Brown, Barkett, Garvallia & Lawn, Chartered

APPROVED AGENDA ITEM FOR: October 2, 2018