



Office of Consent Agenda 06/19/18
INDIAN RIVER COUNTY
ATTORNEY

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MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraul, Deputy County Attorney *WKB*

DATE: June 13, 2018

SUBJECT: Request for Amended Access Easement to Datapath Tower, LLC for former
Emergency Services Tower

You may recall the former County jail property at 1725 17th Street was surplused and divided between the Boys & Girls Club and St. Francis Manor and portions of the property were added to their respective leases with the County. The 150 foot guyed tower at the old jail site was not made part of those leases and remained County property until July 5, 2016, when the Board approved sale of the tower site to Datapath Tower LLC for \$175,680.00. At that time, Datapath planned to rehab and update the tower to allow for additional antennae arrays to be co-located on the tower. Since that time, Datapath has changed its plans and has applied to the City of Vero Beach to construct a new monopole tower on the site. No guy wires will be needed for the new tower. The change in plans necessitates four new documents:

1. Since a new tower will be constructed, the footprint of the tower will expand slightly together with the City requirement of a landscape buffer around the base of the tower site. Datapath seeks an additional 10 foot Utility Equipment and Landscape Easement around the existing fence in order to accommodate for additional equipment and compliance with City code. The Utility Equipment and Landscape Easement is attached as Exhibit "A".
2. The proposed new tower will not require guy wires and therefore the property underneath the guy wires is not needed and will be returned to the County by Datapath. The Special Warranty Deed to the County is attached as Exhibit "B".
3. In order to provide for construction of the new tower, Datapath has requested a different access easement. The existing access easement granted to Datapath at closing is not sufficient for maneuvering of heavy equipment during construction of the new tower. The New Access and Parking/Turnaround Easement is attached as Exhibit "C".
4. Finally, the City has requested a formal Utility Easement be recorded as part of the site plan approval process. The existing electric lines that have served the tower have been in the same location for years, but were never described in a recorded easement. The 10 Foot Wide Utility Easement satisfies the City's request for a formal Utility Easement and is attached as Exhibit "D".

Datapath Amended Easements

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The proposed easements, deed and legal descriptions attached to this memo have been reviewed and approved by the County Surveyor. Signed and sealed sketches and legal descriptions will accompany the original documents. When the County conveyed the former jail site to the Boys and Girls Club and St. Francis Manor, it retained ownership of the tower site so neither of those entities will be impacted by the new easements. The returned guy wire parcels may allow St. Francis Manor to construct additional apartments on their current leased property.

Funding: There is no expenditure of County funds for this matter. Datapath will pay for the cost of recording the deed and the easements.

Recommendation: Staff recommends that the Board approve the easements to Datapath Towers, LLC and authorize the Chairman to execute the easements on behalf of the Board.

Copes to: Datapath Tower

Attachments: Utility Equipment Easement is attached as Exhibit "A"
Special Warranty deed for guy wires is attached as Exhibit "B"
New Access and Parking/Turnaround Easement is attached as Exhibit "C".
Utility Easement and is attached as Exhibit "D"