



Office of Consent 12/11/2018  
**INDIAN RIVER COUNTY**  
**ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBral, Deputy County Attorney  
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBral, Deputy County Attorney *WKO*

DATE: December 5, 2018

SUBJECT: Dedication of Right-of-Way and Grant of Utility Easements to Florida Power & Light for Heritage Substation Project

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Florida Power & Light Company (FPL) has completed construction of the substation for the Heritage solar energy project at 98<sup>th</sup> Avenue and 4<sup>th</sup> Street in Indian River County. An aerial photo of the site is attached. As part of the site plan approval process for the substation, FPL is required to dedicate 60 feet of right-of-way along both 98<sup>th</sup> Avenue and 4<sup>th</sup> Street along the substation's borders. The Special Warranty deed attached to this memorandum satisfies this requirement. FPL has reserved utility easements for itself in the dedicated rights-of-way. A partial release of mortgage for these rights-of-way is attached and will be recorded with the Special Warranty Deed.

In order to distribute the electricity from the Heritage substation, FPL is asking the County to grant them two utility easements under 98<sup>th</sup> Avenue right-of-way and two utility easements under 4<sup>th</sup> Street right-of-way for their underground distribution lines. The proposed Easements are attached to this memorandum. An electric utility may install transmission or distribution lines in county rights-of-way, however if the rights-of-way are ever improved and the electric utilities must be moved, the county is responsible for relocation of distribution lines while the utility is responsible for relocation of transmission lines. Since these are distribution lines, the County will be responsible for payment of relocation of the lines in the future if 98<sup>th</sup> Avenue and/or 4<sup>th</sup> Street are improved. There are currently no plans to improve these two roadways in the County's work plan.

**FUNDING.** There is no impact to County funds associated with the Special Warranty Deed or Easements.

**RECOMMENDATION.** Staff recommends the Board of County Commissioners accept the dedication of right-of-way via the Special Warranty Deed and approve the Utility Easements for the FPL distribution lines on 98<sup>th</sup> Avenue and 4<sup>th</sup> Street for the Heritage Substation and authorize the Chairman to execute the acceptance of the Special Warranty Deed and the Easement on behalf of the Board.

Attachments:

Aerial Photo of Area  
Proposed Special Warranty Deed  
Proposed Utility Easement

Amy Wilkes  
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Copies to:

Richard B. Szyrka, P.E., Public Works Director  
Ryan Sweeny, Senior Planner