



Office of Consent 11/21/2017
INDIAN RIVER COUNTY
ATTORNEY

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

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szyrka, P.E., Public Works Director

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

DATE: November 16, 2017

SUBJECT: Subordination of City Utility Easements to the Florida Department of Transportation, for the SR 60/43rd Avenue Project

In June 2015, the County and the Florida Department of Transportation (FDOT) entered into a County Incentive Grant Program Locally Funded Agreement (Incentive Agreement) whereby FDOT would acquire the needed right-of-way for the SR 60/43rd Avenue intersection improvements (Project) with the cost of acquisition to be split equally between the parties.

On August 15, 2017, the Board approved an agreement for Subordination of County Utility Easements to the Florida Department of Transportation for the SR 60/43rd Avenue Project. In that Subordination, the FDOT agreed to pay the cost of relocation of the County's utilities if they were impacted by the improvement project. Those easements are located on the southeast corner of the intersection near Young's Produce.

As a result of title searches, surveying and performing utilities locations, a City of Vero Beach Utility easement has been found in the area near the Szechuan Palace Restaurant and will be impacted by the Project. The land is owned by the Sexton Family.

FDOT has asked the City to subordinate its interest in the utility easements to FDOT, which was done by the City at their Council meeting of October 3, 2017. The City and FDOT are now asking the County to join into that agreement to pay for the costs of relocation of the City utilities that will have to be relocated during the Project. Since the City utilities lie in an easement owned by the City, the party requesting the relocation of the utilities must pay for the cost of moving them to the new location. As the County is responsible for construction of the Project (with financial assistance from FDOT) the County is responsible for the cost of relocation.

FUNDING. Funding for this matter is budgeted and available in the Traffic Impact Fees/Construction in Progress /43rd AVE 18th ST to 26th ST, account number 10215241-066510-06041. An exact cost amount to move the utilities cannot be determined at this time, however it is estimated to be approximately \$1,000.00.

RECOMMENDATION. Staff recommends the Board of County Commissioners approve the Subordination of City Utility Interests with the City of Vero Beach and the Florida Department of Transportation, for the SR 60/43rd Avenue Project and approve the accompanying Resolution authorizing the Chairman to execute the Subordination on behalf of the Board.

Attachments: Subordination of City Utility Interests
Resolution Authorizing the Chairman to sign the Subordination of City Utility Interests

Copy to: Richard B. Szpyrka, P.E., Public Works Director
William Johnson, P.E., Roadway Production Engineer

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