



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: September 28, 2020
SUBJECT: Indian River County Hospital District and Indian River County Right-of-Way Dedication Agreement

BACKGROUND.

37th Street is a vital corridor in Indian River County, as it is the primary point of access to the Cleveland Clinic Indian River Hospital and to a large number of medical-related facilities and businesses. The road is rapidly approaching capacity, and widening 37th Street presents a number of construction and operational challenges.

On June 18, 2019, the Indian River County Board of County Commissioners (the "Board") authorized staff to proceed with procurement of design services and right-of-way acquisition activities for Aviation Boulevard Extension, which would connect the intersection of US 1 at Aviation Boulevard directly to 37th Street, along the west perimeter of the hospital campus and extend north of 37th Street to 41st Street. This project is designed to offset the need to widen 37th Street.

In the report presented to the Board for the June 18, 2019 Board meeting, County staff noted that the County had identified available right-of-way on the Indian River County Hospital District (the "District") campus (the existing western perimeter driveway/corridor) and was proposing a slight westward reconfiguration of the intersection of McCrystal Drive and 37th Street to line up with the new roadway north of 37th Street. County staff explained that the remaining right-of-way on McCrystal Drive is owned by the District, which will enter into a dedication agreement with the County once alignment particulars are laid-out and a draft agreement is worked out.

Since that Board meeting, County staff has negotiated a right-of-way dedication agreement with the District. Per the agreement, the District will convey fee simple title to the property needed for 11th Drive to the County by December 1, 2020. In exchange, the District will convey 36th Street to the County and County will accept ownership and maintenance responsibility of 36th Street as a public right-of-way. The County acceptance will include the drainage infrastructure located within the right-of-way, however, the ultimate treatment of the drainage from the right-of-way, will remain the responsibility of the District.

On September 17, 2020, the District Board approved the right-of-way dedication agreement.

Public Works has evaluated the cost for addressing the current condition of 36th Street. The roadway needs some curbing replaced, the roadway milled and resurfaced, signage replaced and striping installed upon the completion of resurface. The estimated cost to complete the above improvements to 36th Street is approximately \$275,000. Also evaluated was the current driveway that connects to 37th Street and continues south to the southern boundary of the Hospital district. While this roadway will be reconstructed as part of the 11th Drive construction project currently under design, it is estimated that \$50,000 of maintenance will be necessary to bring the roadway up to minimal standards for a County designated roadway. The total upfront cost for improvements for 11th Drive and 36th Street will be \$325,000, with yearly additional on-going maintenance costs.

Public Works has also evaluated the right-of-way that the Hospital District will convey to the County. The Hospital District will convey two separate parcels to the County, totaling 2.91 acres, for right-of-way to realign and construct 11th Drive. It is anticipated that 11th Drive will be a north/south collector roadway which will connect to US-1 at Aviation Boulevard in the future. Based on a recent appraisal from the north section of 11th Drive, the per acreage cost is \$144,009 which results in a calculated value of \$419,006.

FUNDING.

Funding for improvements to 36th Street and 11th Drive in the amount of \$325,000 is available in the Optional Sales Tax Fund/ Aviation Extension to US-1 project/ Construction account 31521441-066510-13009.

RECOMMENDATION.

The County Attorney's Office recommends the Indian River County Board of County Commissioners approve the right-of-way dedication agreement and authorize the chair to execute the same.

ATTACHMENT

Indian River County Hospital District and Indian River County Right-of-Way Dedication Agreement