



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

---

Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Dylan Reingold, County Attorney

**DATE:** December 1, 2021

**SUBJECT:** Sebastian River Improvement District 82<sup>nd</sup> Avenue Interlocal Agreement

---

**FUNDING.**

On September 21, 2021, the Indian River County Board of County Commissioners (“Board”) discussed the maintenance of 82<sup>nd</sup> Avenue, a right-of-way owned by the Sebastian River Improvement District (“SRID”). After Board discussions and public input, the Board directed staff to reach out to SRID to offer a possible solution to address the condition of 82<sup>nd</sup> Avenue. The offer, in the form of an Interlocal Agreement, was for SRID to dedicate the right-of-way necessary for 82<sup>nd</sup> Avenue from 26<sup>th</sup> Street to 69<sup>th</sup> Street to the County and in return the County would take over operation and maintenance of the roadway. A second option was for the County to provide 30 loads of asphalt millings to SRID so that SRID could perform maintenance of 82<sup>nd</sup> Avenue from the entrance of the Blue Goose Mine to 69<sup>th</sup> Street. A letter outlining this position was provided to SRID on September 24, 2021.

On November 4, 2021, SRID sent a revised interlocal agreement back to the County. Although County staff was disappointed by several changes proposed by SRID, the key issue that concerned staff was that the interlocal agreement is drafted in a way that makes it less of an agreement between SRID and the County and more of an agreement between the County and the property owners along 82<sup>nd</sup> Avenue. Since then, County staff worked with SRID’s counsel to address this issue. The proposed interlocal agreement now assures the County that the reconstruction of 82<sup>nd</sup> Avenue from the entrance to the Blue Goose Mine to 69<sup>th</sup> Street by way of a SDID issued permit, a copy of which will be provided to the County. And the County will deliver the 33 loads of asphalt millings material to the SRID permit holder. On December 1, 2021, the SRID Board authorized this proposed interlocal agreement to be presented to the County.

*Board of County Commissioners  
December 1, 2021  
Page 2*

**FUNDING.**

Funding of \$11,880.00 is available in the Public Works Road and Bridge Division budget 11121441-035390 - Other Roadway Materials/Supplies.

**RECOMMENDATION.**

The County Attorney recommends that the Board approve the revised interlocal agreement and authorize the chair to execute the interlocal agreement and all other documents necessary to effectuate the agreement.

**ATTACHMENT.**

Proposed Interlocal Agreement