

INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

TO: Indian River County Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

FROM: Dan Russell, Information Technology Director

SUBJECT: First Amendment to TIGR Acquisitions III, LLC, Easement Agreement

DATE: July 6, 2023

CONSENT

BACKGROUND:

On July 12, 2022, the Indian River County Board of County Commissioners approved an exclusive easement agreement between Indian River County, a political subdivision of the State of Florida, and TIGR Acquisitions III, LLC. The easement agreement provides TIGR Acquisitions III, LLC an exclusive easement (described as a twenty (20) foot wide easement surrounding the north and east sides of that certain Utility Equipment and Landscape Easement dated July 17, 2018 between Indian River County and Datapath Tower, LLC recorded in Book 3162, Page 1416 of the Public Records of Indian River County, FL) together with a Springing Easement that will encompass the entire area of the Utility Equipment and Landscape Easement in the event that the Utility Equipment and Landscape Easement is terminated by Datapath Tower, LLC. In the event of a termination by Datapath Tower, LLC, then the "Springing Easement" shall be granted by Indian River County to TIGR Acquisitions III, LLC simultaneously with such termination. Thereafter, the Springing Easement shall be a part of and included in all references to the Easement granted to TIGR Acquisitions III, LLC.

The original agreement authorized utility easement for TIGR Acquisitions III, LLC, which was to be defined subsequent to the original agreement in conjunction with the addition of a second co-location tenant for this tower. TIGR Acquisitions III, LLC, has proposed amending Exhibit B of original agreement to add the recently completed utility easement drawings as Exhibit C to the original agreement.

FUNDING

There is no funding associated with this request as the proposed utility easement is a condition of the original lease agreement.

RECOMMENDATION

Staff has coordinated with the County's Telecommunications Tower Consultant, the County Attorney, and the Public Works Department on the contents of the attached amendment and survey drawings. Staff recommends that the Board approve the amendment and authorize the County Administrator to execute the amendment and any associated documentation.

ATTACHMENTS

1. 1725 17th Avenue First Amendment Easement Agreement_2023.08.07.pdf
2. 1725 17th Avenue First Amendment - Exhibit C.pdf
3. 1725 17th Ave Easement Agreement - executed.pdf

DISTRIBUTION

William K. DeBraal, County Attorney
Richard Szpyrka, Director, Public Works
Elisa Nagy, Director, Finance