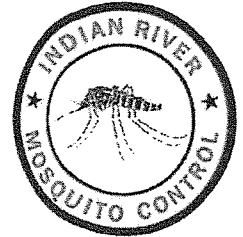


# Indian River Mosquito Control District



LOUIS "BUCK" VOCELLE, CHAIR  
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April 16, 2019

TO: INDIAN RIVER COUNTY BOARD OF COMMISSIONERS

This letter is to express the Indian River Mosquito Control District's (IRMCD) concern, as announced by County Attorney Dylan Reingold, that at the upcoming April 23, 2019 meeting of the Indian River County Board of Commissioners (BOCC), two items relating to the proposed Johns Island Reuse Waterline will be considered. He announced that a discussion of the Schulke, Bittle study which investigates an alternate pathway for the pipe will occur, followed by BOCC consideration to provide to Johns Island a temporary construction easement across Hole-in-Wall Island. The authority to make such an award is based on Mr. Reingold's opinion that IRC owns a 70 ft. swath across the center of the island under which the pipeline is proposed to be placed.

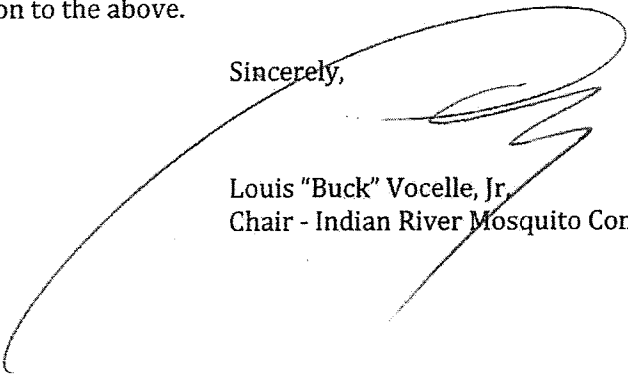
While IRMCD is pleased that a study into an alternate route is underway, based on our understanding of an approx. 6-month timeframe to carry out such a study, an April 23 discussion is premature. This is especially the case given that the proposed release date for the report will occur less than one week before the scheduled April 23, 2019 BOCC meeting. That analysis and public discussion needs to be completed before the second item is considered, that being the proposed granting by IRC to Johns Island of a temporary construction easement. Based on these points, we request that a BOCC discussion be postponed until at least thirty days after it has been completed and circulated for public consumption.

Additionally, IRMCD does not recognize that IRC has any ownership interest in Hole-in-Wall Island. Based on IRMCD's review of pertinent documents, including a memorandum dated May 7, 2001 authored by former County Attorney William G. Collins, II, we conclude that IRMCD owns the entire island in fee-simple title. Two former attorneys with the Gunster Yoakley law firm reached a similar conclusion.

Thus, the BOCC has no legal authority to grant to John's Island a temporary construction easement across Hole-in-Wall Island. Should the BOCC vote to grant such a construction easement on April 23, 2019, the IRMCD will be forced to consider any and all options including legal action in the form of a complaint for an emergency temporary injunction and declaratory relief.

Thank you for your attention to the above.

Sincerely,

  
Louis "Buck" Vocelle, Jr.  
Chair - Indian River Mosquito Control District