



Office of Consent 08/15/2017
INDIAN RIVER COUNTY
ATTORNEY

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

MEMORANDUM

TO: Board of County Commissioners

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

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

DATE: August 9, 2017

SUBJECT: Subordination of County 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.

As a result of surveying and performing utilities locations, most of the utilities found in the area of the Project belong to the City of Vero Beach. However, two Indian River County Utilities easements have been found in the vicinity of the Project. They are located on the southeast corner of the intersection near Young's Produce. Current plans do not show these utility easements will be affected by construction, but as a precautionary measure, FDOT has asked the County to subordinate its interest in the utility easements to FDOT, just in case the easements or utilities will have to be relocated during the Project. Should the easements or utilities have to be relocated, FDOT is responsible for the cost of relocation.

FUNDING. There is no impact to County funds as a result of the Subordination.

RECOMMENDATION. Staff recommends the Board of County Commissioners approve the Subordination of County Utility Easements for 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 County Utility Easements
Resolution Authorizing the Chairman to sign the Subordination of County Utility Easements

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

Robin Brisebois, FDOT
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309