

**Indian River County, Florida
Department of Utility Services
Board Memorandum**

Date: November 17, 2020

To: Jason E. Brown, County Administrator

From: Vincent Burke, PE, Director of Utility Services

Prepared By: John Boyer, PE, Utility Engineer

Subject: Shadow Brook Subdivision Water Assessment Project
Resolution III: Public Hearing and Utility Easement

Background

On October 20, 2020, the Indian River County Board of County Commissioners (BCC) approved the adoption of Resolution I (2020-091) and Resolution II (2020-092) for a special assessment in connection with a water main extension from 58th Avenue to 34th Street, including 58th Court and 34th Lane within Shadow Brook Subdivision and certain properties abutting 34th Street, 58th Court and 34th Lane, located within unincorporated Indian River County.

Analysis

Shadow Brook Subdivision has twenty-four (24) residential lots per Plat Book 09 Page 17, although lots 1-7, 18 and 21 have been removed from the water assessment by way of not benefitting from the proposed water main extension or already being connected to the County water distribution system off of 58th Avenue or 33rd Street (Attachment 1 – Assessment Area Map). Therefore, the total number of parcels in the assessment area is fifteen (15) with two (2) of the lots having signed a temporary water service agreement. which requires them to participate in a water assessment if one occurs. Since the adoption of Resolutions I and II, staff mailed out letters to the fifteen (15) benefitting parcels notifying them of the preliminary assessment roll and the subject public hearing.

The total project cost is estimated at \$126,000.00, which includes construction, surveying, engineering, administration. and inspection. Therefore, an equal per parcel cost of \$8,400.00 will be levied against all fifteen (15) benefitting parcels. The design is now complete, and a Florida Department of Environmental Protection (FDEP) permit is forthcoming.

The BCC, in its capacity to oversee the assessment process, shall meet as the equalizing board to hear and consider any and all support for, or complaints against, proposed special assessments, and it shall adjust and equalize the special assessments on the basis of justice and right according to Chapter 206 (Special Assessments) of the Indian River County (Attachment 2 – Resolution III and Assessment Roll).

The Certificate of Dedication within the plat of Shadow Brook Subdivision states that all streets and easements are dedicated for the use of the property owners in the subdivision with the full knowledge that

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the same are not dedicated to the public until there is a formal acceptance of these streets, and/or easements, or any part thereof by the County. Therefore, as part of the subject item, a Resolution has been prepared for the County to formally accept an easement over, across, and under the 50-foot private road known as 34th Lane, 58th Court (Shadow Brook Lane) and 34th Street for the sole purpose of public utilities, but not to accept the street as a public street or for maintenance of the street. (Attachment 3 – Easement Resolution)

Funding

Funds for this project are derived from the Assessment Fund. Assessment fund revenues are generated from assessment fees paid by the benefitting property owners.

DESCRIPTION	ACCOUNT NUMBER	AMOUNT
Shadow Brook Subdivision Water Assessment	473-169000-20529	\$ 126,000.00

Recommendation

Open the public hearing and, after receiving input, consider adopting Resolution No. III with any revisions based on that public input, and accept an easement for utility purposes.

List of attachments

1. Assessment Area Map Confirming
2. Resolution: Resolution No. III w/ Assessment Roll - Exhibit A
3. Resolution: Utility Easement