



Office of Attorney's Matters 04/09/2019
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

THROUGH: Jason E. Brown, County Administrator

FROM: William K. DeBaal, Deputy County Attorney

DATE: April 5, 2019

SUBJECT: Grant of Easements to the City of Vero Beach for the former
Dodgertown Golf Course Property

On January 22, 2019, the Board of County Commissioners approved a revised offer to purchase the former Dodgertown Golf Course from the City of Vero Beach. The City approved the revised offer on February 5, 2019, with the deletion of one whereas clause, which was approved by the Board on February 12, 2019. The City has asked the County for certain easements over the property. Those easements are as follows:

- A 15' Utility Easement for water and sewer running parallel and adjacent to 43rd Avenue from Aviation Boulevard to the Main Relief Canal. The proposed Utility Easement is attached to this memorandum.
- A 20' Drainage and 1.27 acre Stormwater easement for stormwater drainage and treatment from Aviation Boulevard in its improved four lane design. The proposed stormwater easement area covers an existing pond near the cloverleaf ball ballfields. The proposed Easement for Drainage and Stormwater is attached.
- An Avigation Easement covering 3.66 acres over the northwest corner of the Property adjacent to 43rd Avenue and Aviation Boulevard. An avigation easement allows the holder of the easement to conduct the normal operations of an airport and airplane traffic. The easement also prohibits construction of towers over 100' in height, trees over 100' in height, certain types of glare producing lighting and creating an environment that would attract or result in a concentration of birds. As the County develops its plans for improvement of the Property, the City's Airport Director will have to be consulted to make sure the plans are in compliance with the Avigation Easement and FAA regulations. Keep in mind this easement covers only about 10% of the entire Property.

Staff has no objection to the three easements as they provide a beneficial purpose to the public with a minor impact to the Property.

Funding: There is no impact to County funding as a result of the easements.

Recommendation. Staff recommends the Board approve the Utility Easement, the Easement for Drainage and Stormwater and the Avigation Easement to the City of Vero Beach for the former Dodgertown Golf Course property and authorize the Chairman to execute the Easements on behalf of the Board.

Attachment: Utility Easement
Drainage and Stormwater Easement
Avigation Easement

Copies to: Richard B. Szpyrka, P.E., Public Works Director
Michael Zito, Assistant County Administrator