



Office of *Consent Agenda 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 *WAD*

DATE: August 9, 2017

SUBJECT: Locally Funded Agreement with the Florida Department of Transportation for Relocation Expenses for Mark's Mobil, Mermaid Carwash and Harbora Parcels

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 with the cost of acquisition to be split equally between the parties. Prior to entering into the Incentive Agreement and in advance of the project, the County purchased the Mermaid Carwash, Mark's Mobil and a single family house on the west side of 43rd Avenue owned by Barbara Harbora. Now that FDOT has taken over right-of-way acquisition for the project, all parcels acquired must conform with the mandates of Title 49, Code of Federal Regulations, Part 24, the Uniform Act, which can be more stringent than Florida Law. One such requirement under the Uniform Act is the payment of relocation expenses for affected property owners, both residential and commercial. Since these three parcels were acquired prior to the Incentive Agreement, the County is responsible for all of the relocation expenses for the properties.

Relocation expenses normally include the cost of a consultant to help the owner locate suitable new locations for their home or business, appraisals for the new locations, acquisition expenses and costs of moving the business. With these three parcels, FDOT will oversee the relocation process as FDOT right-of-way specialists are most familiar with Uniform Act requirements. The accompanying Locally Funded Agreement (LFA) spells out the obligations of the County and FDOT. The lion's share of the Agreement, the estimated moving costs of \$77,500.00 will only be paid after the homeowner or business owner relocates. Thus, if a business owner decides not to relocate, no moving expenses are due to the owner.

The relocation costs on the accompanying LFA are estimated to be \$144,500.00. If the relocation costs are less than estimated, the County will pay a lesser amount. If the relocation expenses exceed the estimates, the County is responsible for paying more. The LFA is amendable to include additional parcels and the parties anticipate amendments as FDOT has recently filed eminent domain suits against TD Bank and Abbott's Frozen Custard.

FUNDING. Funding for this expenditure in the amount of \$144,500 is budgeted and available in the Traffic Impact Fees/ Construction in Progress /43rd AVE 18th ST to 26th ST, account number 10215241-066510-06041.

RECOMMENDATION. Staff recommends the Board of County Commissioners approve the Locally Funded Agreement with the Florida Department of Transportation for Relocation Expenses for Mark's Mobil, Mermaid Carwash and Harbora parcels and approve the accompanying Resolution authorizing the Chairman to execute the Agreement on behalf of the Board.

Attachments: Locally Funded Agreement with the Florida Department of Transportation
Resolution Authorizing the Chairman to sign the LFA

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