



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBraul, Deputy County Attorney  
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**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Dylan Reingold, County Attorney *DR*

**DATE:** March 29, 2017

**SUBJECT:** Indian River County – Indian River Land Trust Oyster Bar Marsh Trail Comprehensive Agreement

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**BACKGROUND.**

On May 17, 2016, Ken Grudens, Executive Director, Indian River Land Trust, Inc. (the “IRLT”), made a presentation to the Indian River County Board of County Commissioners (the “Board”) concerning an unsolicited proposal for a public private partnership for the Oyster Bar Marsh Trail (the “Trail”). The Plan includes construction of a pavilion and boardwalks and a parking area through land owned by Indian River County (the “County”) and IRLT. Per section 255.065, Florida Statutes, the statute that governs public-private partnerships, the County published a notice in the Florida Administrative Register and the Press Journal in June 2016. The County did not receive any other proposals.

Since that time, the County and the IRLT have negotiated a comprehensive agreement (the “Agreement”) consistent with the requirements of section 255.065, Florida Statutes. Per the Agreement, IRLT will contribute a minimum of \$100,000.00 for designing, engineering, permitting and constructing of the various Trail facilities. IRLT will also assist the County with applications for grant-funding, promoting the public use of the Trail, and recreational and educational opportunities of the Trail. IRLT will also be dedicating an easement to the County for public access to the Trail facilities. In the Agreement, the County will provide and maintain the Trail facilities set forth in the Plan. The Plan is attached to the Agreement.

On March 9, 2017, the IRLT approved the Agreement.

**FUNDING.**

The construction of the Oyster Bar Marsh Trail facilities are estimated to cost \$347,000. IRLT has committed \$100,000 toward the cost of this project. This would decrease the net cost of design/construction to \$247,000. In addition, a FIND grant may be available for 50% of the remaining project costs, and staff is in the process of applying for that grant. Therefore, the County's share of the initial design/construction costs would amount to \$123,500. The net cost is shown at the bottom of year 1 (FY2018) in the attached Oyster Bar Marsh Public Private Partnership Financial Analysis spreadsheet. The remaining funding will come from the Miscellaneous Boardwalk/Conservation Area account, Optional Sales Tax and Land Acquisition Bond proceeds that are budgeted and available in the adopted 5 year Capital Improvements Program. As noted above, the County is applying for a FIND Grant to offset the cost.

Ongoing maintenance costs to be performed with in-house Parks Division personnel include maintaining the entrance landscaping and trail mowing, which is estimated at \$14,700 annually. Security and garbage pick-up is estimated at \$500 per month or \$6,000 annually, and annual boardwalk maintenance is estimated at \$500. These costs will have to be added to future Parks Division operating budgets.

In summary, maintenance costs are estimated at \$21,200 annually. Subsequent year maintenance costs are assumed to increase by a 3% annual inflation factor.

**RECOMMENDATION.**

The County Attorney's Office recommends that the Board vote to approve the Comprehensive Agreement Between Indian River County and Indian River Land Trust, Inc.

**ATTACHMENT.**

Comprehensive Agreement Between Indian River County and Indian River Land Trust, Inc.  
Oyster Bar Marsh Trail Public Private Partnership Financial Analysis