



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: August 8, 2018
SUBJECT: Florida Institute of Technology Marine Laboratory Property

BACKGROUND.

On June 1, 2017, Florida Institute of Technology (FIT) issued a Request for Proposal (RFP) for the sale of the Vero Beach Marine Laboratory property, located at 805 46th Place East, adjacent to the Tracking Station Park (FIT Property). The parcel is 4.09 acres and zoned R-S3, and has approximately 525 feet of direct oceanfront. Responses to the RFP were to be submitted on or before August 1, 2017. Per the direction of the Indian River County Board of County Commissioners, Indian River County submitted a proposal. FIT decided not to sell the property as part of that RFP process.

During the RFP process, it was discovered that it was unclear whether there was legal access to the FIT Property. In an attempt to resolve the issue Indian River County staff negotiated the attached Agreement Concerning Access and Other Rights Under 1980 Agreement (Access Agreement). In the Access Agreement, FIT will be providing Indian River County with a beach easement, which will protect the public's access to the beach and also allow for the County to properly monitor sea turtle nesting. Additionally, FIT will set aside a 25 foot vegetative buffer on the northern portion of the FIT Property, consistent with the requirements for a Type B buffer under section 926.08 of the Indian River County Code of Ordinances. FIT will also be deeding to Indian River County the eastern most 15 feet of the FIT Property adjacent to Tracking Station Park, which will assist Indian River County with access to Tracking Station Park. FIT will also give Indian River County a portion of the FIT Property for the extension of 46th Place. Indian River County will also dedicate a portion of Tracking Station Park as right-of-way to be used for the extension of 46th Place. These requirements are depicted on the attached map.

As part of the Access Agreement, the County Attorney's Office has drafted the attached Resolution designating certain County property for use as right-of-way (Resolution). As noted in the Access Agreement and the Resolution, if Indian River County were to abandon any portion of 46th Place, either designated by the Resolution or conveyed to Indian River County by FIT, which was provided by FIT, Indian River County would grant a perpetual non-exclusive easement to FIT for ingress and egress to the FIT Property.

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FUNDING.

The only cost that will be paid by Indian River County is the cost of \$44.00 to record the Resolution, with all other costs for documentary stamps and recording fees to be borne by FIT. Funds in the amount of \$44.00 are available from Account Number 00110214-034830 General Fund/County Attorney/Recording Fees.

RECOMMENDATION.

The County Attorney's Office recommends that Indian River County Board of County Commissioners (Board) vote to approve the Agreement Concerning Access and Other Rights Under 1980 Agreement (Access Agreement) and the Resolution designating certain County property for use as right-of-way. The County Attorney's Office also recommends that the Board authorize the Chair to sign any and all documents necessary to effectuate the Access Agreement, including the County's acceptance of the Beach Easement, the dedication of the easternmost 15 feet of FIT Property adjacent to Tracking Station Park, and the right-of-way for the extension of 46th Place.

ATTACHMENT(S).

Access Agreement
Resolution
Map of Dedications