



Office of
INDIAN RIVER COUNTY
ATTORNEY

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

TO: Board of County Commissioners

FROM: William K. DeBraul – Deputy County Attorney *WCD*

DATE: October 31, 2018

SUBJECT: Abandonment of Sanitary Sewer Manhole and Associated Piping within Private Easement on Lot 32, Quail Creek PD

In September, 2011, the utility facilities within Quail Creek PD (now known as Summer Lake) were conveyed to Indian River County (“County”) under a Bill of Sale of Utility Facilities by ATLAS FL I SPE, LLC, a North Carolina limited liability company; said Bill of Sale of Utility Facilities was recorded in Book 2533, Page 571 of the Public Records of Indian River County, Florida.

According to the as-builts, a sanitary sewer manhole and associated piping are located within Lot 32. Those utility facilities were also enumerated in that Bill of Sale of Utility Facilities and were constructed to serve Phase 2 of the West Wabasso Sewer Project, however no easement to access the facilities within Lot 32 was given to the County, but rather a private easement was conveyed between property owners.

GRBK GHO Summer Lake, LLC, the predecessor of Quail Creek PD (now known as Summer Lake) and owner of Lot 32, commenced construction of a home on Lot 32 only to find out that the footprint of the home encroached into the private easement containing the sanitary sewer manhole and associated piping.

County staff met with the manager of GRBK GHO Summer Lake, LLC, and in exchange for the abandonment of the utility facilities within Lot 32 by the County, GRBK GHO Summer Lake,

LLC has agreed to convey two easements to the County in order for the County to alternatively connect to a northern manhole to serve Phase 2 of the West Wabasso Sewer Project. One easement from Summer Lake Vero Beach Homeowners Association, Inc. (formerly known as Quail Creek Homeowners' Association, Inc.) would convey the north ten feet of Tract C within Quail Creek PD; and the second easement from GRBK GHO Summer Lake, LLC would convey a 15-foot wide strip along the southern portion of GRBK GHO Summer Lake, LLC's property that is identified as 31-39-32-00000-1000-00011.0 and which is presently in the planning and permitting stage for development as Summer Lake North. To make the connection to the northern manhole feasible, the County is also working towards obtaining an easement for a 15-foot wide strip from the Estate of Lydia Broxton which would make the entire easement connection to the northern manhole 25 feet in width. The sanitary sewer manhole and associated piping within Lot 32 is inactive, and the County would abandon the manhole and associated piping in accordance with customary industry standards.

Prepared for your consideration is a Bill of Sale of Abandoned Utility Facilities wherein the infrastructure located within the private easement on Lot 32 is being conveyed, "as abandoned", to the owner of Lot 32 of Quail Creek PD.

FUNDING:

There is no cost associated with the Bill of Sale of Abandoned Utility Facilities except the cost to record which will be borne by the owner of Lot 32. The proposed cost to physically abandon the sanitary sewer manhole and associated piping is \$3,020.00 and is available from Utilities/Wastewater Collection/Renewal and Replacement Account No. 47126836-044699.

RECOMMENDATION:

County staff recommends the County, in accordance with customary industry standards, abandons the infrastructure within Lot 32 of Quail Creek PD and that the Board of County Commissioners authorizes the Chairman to execute the Bill of Sale of Abandoned Utility Facilities.

/nhm

Attachment: Bill of Sale of Abandoned Utility Facilities
Map