




Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Dylan Reingold, County Attorney 

**DATE:** September 25, 2018

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

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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 County and the IRLT entered into 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. The Board approved the Agreement on April 4, 2017.

Per the Agreement, IRLT and the County Attorney’s Office have prepared the attached easements. As the Trail facilities travel over both IRLT and County properties, County will be providing a similar easement to IRLT. The County Attorney’s Office is requesting that the Board approve the easement to IRLT and authorize the Chair to execute any other documents necessary to effectuate the easement.

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**FUNDING.**

The cost to record the easements is \$72.40. Funds are budgeted and available in Optional Sales Tax/Parks/Oyster Bar Boardwalk & Parking, Account # 31521072-066390-18009. The County is applying for a FIND Grant to offset the costs of the project.

**RECOMMENDATION.**

The County Attorney's Office recommends that the Board vote to approve the easement and authorize the chair to execute any and all documents necessary to effectuate the easements.

**ATTACHMENTS.**

Easements