




Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: February 13, 2017
SUBJECT: Resolution Delegating Authority for Utilities Director to Enter Into a Memorandum of Understanding with Developers for Certain Phased Developments

BACKGROUND.

There are instances in certain types of phased developments in which the County desires to accept for ownership and maintenance of water and/or sewer utilities within a particular phase of development while leaving a portion of the water and/or sewer utilities on other portions of the property still under development within the responsibility of the developer. In such instances, the County desires the developer to confirm responsibility for maintaining, repairing and owning those portions of the water and/or sewer utilities on other portions of the property still under development. Additionally, in such instances, the County also desires to maintain the right to enter onto the developer's private property in order to respond, if necessary, to a broken or defective utility line, with the developer agreeing to pay for the costs of such response.

Therefore, the County Attorney has drafted a resolution authorizing the Utilities Director to enter into a memorandum of understanding with developers in such instances so long as the memorandum of understanding is in the form attached to the proposed resolution. Any such memorandum would require the signature of the County Attorney, or his designee, approving such documents as to form and legal sufficiency. Additionally, the resolution ratifies previous agreements entered into by the County Utilities Director that satisfy such requirements.

FUNDING.

There is no funding associated with this agenda item.

RECOMMENDATION.

The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote to approve the resolution and form memorandum of understanding as drafted.

ATTACHMENT(S).

Proposed resolution.