



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Jennifer W. Shuler County Attorney
Susan J. Prado, Deputy County Attorney
Christopher A. Hicks, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Christopher A. Hicks, Assistant County Attorney

DATE: September 20, 2024

SUBJECT: Resolution For Special Assessment Providing for The Replacement of Culverts for Waters Edge Phase II Subdivision

BACKGROUND. Pursuant to Chapter 206 (Special Assessments) of the Indian River Code of Ordinances (the “Code”), Indian River County has the authority to make a special assessment upon a property that is benefited by improvements made by the County, including drainage repair. In October of 2006, Waters Edge Plat Two (Waters Edge Phase II) subdivision executed a deed giving the County ownership of the roads and road easements located within the subdivision, thus making the County responsible for maintenance and repair of the roadways. However, this did not include the drainage infrastructure for the subdivision including the culverts allowing passage of the Indian River Farms Water Control District Sub-Lateral B-5 Canal on 1st Street SW. The culvert pipes for both entries into the subdivision are failing and in need of replacement. On June 18, 2024 the Board of County Commissioners approved a contract with Timothy Rose Contracting, Inc. to construct replacement culverts for a total price of \$1,366,739.45. The County and Waters Edge Phase II Homeowner’s association reached an agreement for the sharing of the replacement costs. The County has agreed to cover the majority of the project with the County’s portion being \$828,764.95 (includes a force account for contingencies in the amount of \$100,000.00), with the residents responsible for the remaining \$537,974.50 (includes a force account for contingencies in the amount of \$80,000.00). The County and Waters Edge Phase II HOA have negotiated a special assessment allowing the property owners to pay their apportioned balance of \$6255.52 per each lot over 15 years at a rate of \$417.04 per year. If this resolution is passed, a second resolution will be put forth in compliance with Chapter 206.04-7 of the Code. At that time the Board of County Commissioners shall meet as an equalizing board to equalize the Special Assessment pursuant to 206.07 of the Code. At the completion of the project, a third hearing will be held to readjust the totals owed based upon unused reserves.

FUNDING.

Funding in the amount of \$1,367,000.00 is budgeted and available in the following account:

Account Description	Account Number	Amount
Optional Sales Tax/Road & Bridge/Construction In Progress/1 st Street SW & 35 th Avenue Culvert	31521441-066510-21017	\$1,367,000.00

Reimbursement for the resident's share of \$537,974.50 will be received over the next 15 years and deposited into the Optional Sales Tax Fund.

RECOMMENDATION. County staff recommends that the Board approve the draft Resolution authorizing the Special Assessment to cover the costs of the Waters Edge Plat Two (Waters Edge Phase II) Culvert Replacement and requiring compliance with the procedures outlined in Chapter 206 of the Code.

ATTACHMENT.

- Draft Resolution
- Special Assessment Plat