



Office of

Consent 06/04/2024

# INDIAN RIVER COUNTY ATTORNEY

William K. DeBraul, County Attorney  
Susan J. Prado, Deputy County Attorney

## MEMORANDUM

TO: Board of County Commissioners

THROUGH: Kirstin Leiendecker, P.E., Interim Public Works Director

FROM: William K. DeBraul, County Attorney

DATE: May 22, 2024

SUBJECT: Partial Release of Regulatory Conservation Easement in Exchange for Substitute Mitigation for Lost Tree Village

Lost Tree Village subdivision is located on 69<sup>th</sup> Street near Old Dixie Highway and the Florida East Coast Railroad tracks. The plat was approved by the Board of County Commissioners (Board) in 2023 with certain conservation easements depicted. One of those easements is located near 69<sup>th</sup> Street and needs to be modified slightly so as to accommodate the required sidewalk to be installed along 69<sup>th</sup> Street. Some of the existing conservation easement near the sidewalk will be substituted for additional property to be included in the conservation easement near the storm water retention pond.

The County is not the only regulatory agency that must approve the easement modification. Both St. Johns River Water Management District and the Indian River Mosquito Control District must also join in and consent to this change. The Board approved the Amendment to Regulatory Conservation Easement at its meeting of September 12, 2023, and the Developer forwarded the Board's signed original to St. Johns for signature. Unfortunately, that document was lost. It has now been replaced by the Partial Release of Regulatory Conservation Easement in Exchange for Substitute Mitigation, that is attached to this memorandum. Since the replacement document is significantly different than the old one, staff submits the new document for approval by the Board. Staff has no objection to the new Partial Release of Regulatory Conservation Easement in Exchange for Substitute Mitigation. A sketch and legal description of the revised conservation easement is included with the new document.

**Funding.** There is no impact to County funds brought about by this matter.

**Recommendation.** Staff recommends the Board of County Commissioners approve the Partial Release of Regulatory Conservation Easement in Exchange for Substitute Mitigation, and authorize the chairman to sign the document on behalf of the Board.

**Attachments.** Partial Release of Regulatory Conservation Easement in Exchange for Substitute Mitigation

Copies to: Stephen Melchiori, P.S.M.  
Kirstin Leiendecker, P.E., Interim Public Works Director