



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBraal, Deputy County Attorney  
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**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** William K. DeBraal, Deputy County Attorney

**THROUGH:** Richard B. Szpyrka, P.E., Public Works Director

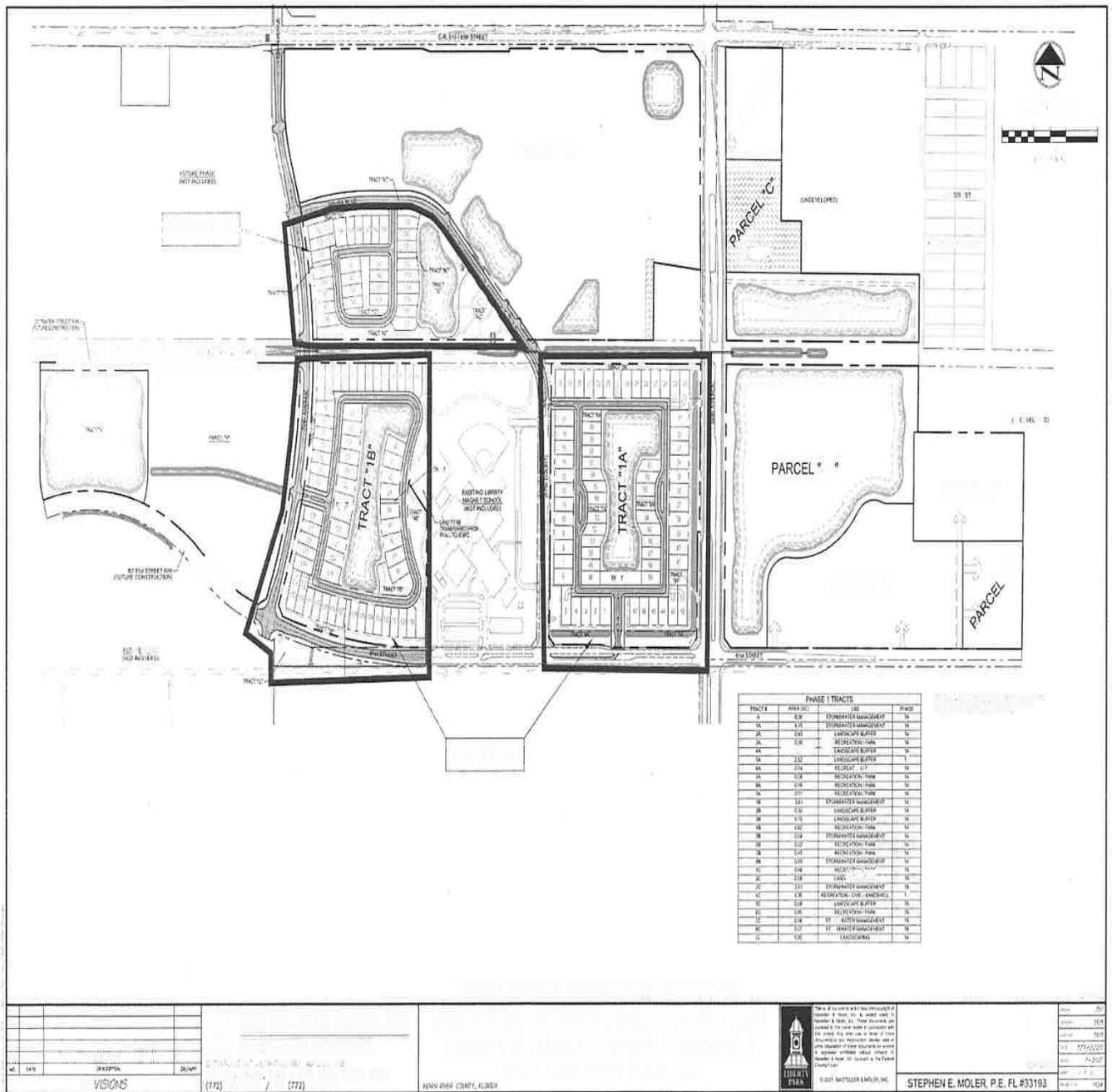
**DATE:** April 13, 2021

**SUBJECT:** Approval of Developer's Agreement with Ryall Development Group, LLC for Liberty Park Subdivision

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**BACKGROUND.**

In 2008, Ryall Development Group, LLC (Ryall) received conceptual PD approval to develop approximately 587.57 acres as a Planned Development Traditional Neighborhood Design ("PDTND") for a project known as Liberty Park (Project). The Project is located on the east and west sides of 66<sup>th</sup> Avenue, south of County Road 510 and north of 81<sup>st</sup> Street. The Project's Phases 1-A and 1-B have been submitted for preliminary PD plat approval. While the Project is a traditional neighborhood design, it is also a planned development and approval must include benefits to the public, such as right-of-way contributions, stormwater treatment and existing roadway improvements. The first two phases will consist of a total of 159 units. A sketch of the project highlighting Phases 1-A and 1-B is found below in *Figure 1*.



**EXHIBIT**  
*A*

Figure 1.

As part of the PD process, Ryall is required to enter into a Developer's Agreement with the County in order to receive preliminary PD plat approval. The parties now bring the proposed Developer's Agreement to the Board for consideration and approval.

The terms of the Developer's Agreement are as follows:

- In conjunction with the development of Phase 1-A of the Project, Ryall will design, permit, and construct 81<sup>st</sup> Street from its current terminus at Liberty Park School to 70<sup>th</sup> Avenue. Upon its completion, this section of 81<sup>st</sup> Street will be dedicated to the County for use as a public street. Similar to the agreement entered into with DiVosta for construction of 53<sup>rd</sup> Street, Ryall will be responsible for the maintenance of any landscaping or irrigation installed in the right-of-way. If Ryall installs landscaping and/or irrigation in the County right-of-way, a Memo of Understanding (MOU) will be required before permitting of said improvements.
- In conjunction with the development of Phases 1-A and 1-B of the Project, Ryall will design, permit, and construct 70<sup>th</sup> Avenue from 81<sup>st</sup> Street to the Sebastian River Improvement District R13E drainage ditch. This roadway section will be dedicated to the County by the final plat for each phase.
- In conjunction with development of Phase 1-B of the Project, the Developer will design, permit and construct 70<sup>th</sup> Avenue from the Sebastian River Improvement District R13E drainage ditch to County Road (CR) 510. If CR 510 remains unimproved (not widened to 4-lane divided section) at the time the Developer proposes to construct 70<sup>th</sup> Avenue between SRID R13E drainage ditch and CR 510, the Developer will be responsible for the cost to design and construct a temporary span wire traffic signal, if warranted by a Traffic Impact Study. Should CR 510 be improved consistent with the FDOT planned PD&E improvements (4-lane divided section) prior to the Developer moving forward with the 70<sup>th</sup> Avenue improvements between SRID R13E and CR 510, it is anticipated that a traffic signal will have been constructed at CR 510 and Power Line Road (70<sup>th</sup> Avenue) intersection in conjunction with FDOT proposed widening that could be utilized. This roadway section will be dedicated to the County by the final plat for this phase.
- If Ryall constructs a lake on the Ryall Stormwater Park Tract prior to the County constructing 66<sup>th</sup> Avenue from 81<sup>st</sup> to 85<sup>th</sup> Streets, then Ryall agrees to incorporate sufficient capacity to provide stormwater treatment for the impervious area for the right-of-way of 66<sup>th</sup> Avenue from 81<sup>st</sup> Street to 85<sup>th</sup> Street in its four-lane improved condition. However, if the County elects to proceed with widening 66<sup>th</sup> Avenue before Ryall constructs a stormwater pond on the Ryall Stormwater Park Tract, then the County will be responsible for all costs associated with the construction of drainage improvements for 66<sup>th</sup> Avenue between 81<sup>st</sup> Street and 85<sup>th</sup> Street, and Developer will provide a suitable location within the Park to permit the County to construct a temporary stormwater facility.
- Within 60 days from the date of this Agreement, Ryall will dedicate to the County without compensation the 6 needed right-of-way parcels for 66<sup>th</sup> Avenue between 81<sup>st</sup> Street and County Road 510, and all right-of-way on 81<sup>st</sup> Street east of 66<sup>th</sup> Avenue. A sketch of the right-of-way parcels is attached to the Developer's Agreement.
- Developer will design, permit, and excavate an extension of the Sebastian River Drainage District D13E drainage ditch from 69<sup>th</sup> Avenue eastward for a distance of 1,300 feet, more or less. Developer and County shall each be responsible for ½ of all associated costs.

As you may recall, the Florida Department of Transportation (FDOT) is in the planning stages of expanding County Road 510 from 2 to 4 lanes adjacent to the Project. Depending on the timing of the Ryall Project, the County's 66<sup>th</sup> Avenue Project and the CR 510 FDOT project, additional or amended Developer

Agreements may be necessary. All road construction pursuant to this Agreement shall be in compliance with FDOT standards.

**FUNDING.**

Funding for this project, 66<sup>th</sup> Avenue/69<sup>th</sup> Street to 85<sup>th</sup> Street, is programmed in the County's 5-year CIE. Funding sources include Traffic Impact Fees- Account # 10215141-066510-16009, total 5 year budget \$6,100,000; Traffic Impact Fees 2020- Account # 10415141-066510-16009 total 5 year budget \$1,658,955; and Optional Sales Tax- Account # 31521441-066510-16009 total five year budget \$2,820,924.

**RECOMMENDATION.**

Staff recommends that the Indian River County Board of County Commissioners approve the Developer's Agreement with Ryall Development Group, LLC for the Liberty Park Project and authorize the Chairman to execute the Agreement.

Attachment: Developer's Agreement

Copies to Richard B. Szyrka, P.E., Public Works Director  
Bruce Barkett, Esq.  
Ryall Development Group