



Office of

Consent 07/02/2024

# INDIAN RIVER COUNTY ATTORNEY

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William K. DeBral, 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. DeBral, County Attorney

DATE: June 25, 2024

SUBJECT: Drainage Easement Agreement for 11<sup>th</sup> Drive

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The Harbor Bluffs development is located north of 37<sup>th</sup> Street on either side of 11<sup>th</sup> Drive. The project is being constructed in phases, with the single-family phases on the northwest side of 11<sup>th</sup> Drive, now known as Costa Pointe PD, and the multi-family phase on the southwest side of 11<sup>th</sup> Drive now known as Verity PD, collectively referred to as the Projects. Please see the aerial photo attached to this memorandum. The developers of the Projects are currently constructing 11<sup>th</sup> Drive from 37<sup>th</sup> Street to 41<sup>st</sup> Street pursuant to a Developers Agreement dated October 22, 2019. Part of the Developers Agreement calls for the developer of the multi-family phase of the project, TTRES FL Vero Beach 11<sup>th</sup>, LLC (TTRES) to take in stormwater from the newly constructed 11<sup>th</sup> Drive into the Verity PD stormwater treatment system. The Developers Agreement calls for TTRES to dedicate without compensation a drainage easement to convey the stormwater into the Verity stormwater pond on the west side of 11<sup>th</sup> Drive, and for the County to maintain the underlying pipe in the easement.

The attached Drainage Easement Agreement for 11<sup>th</sup> Drive establishes the necessary drainage easement and confirms the County's maintenance obligation contained in the Developer's Agreement. A sketch and legal description of the Drainage Easement Agreement for 11<sup>th</sup> Drive is included with the easement.

**Funding.** The only impact to County funds brought about by this easement are recording fees in the amount of \$61.70 which is currently budgeted and available from Traffic Impact Fees 2020/District 2/Aviation Ext-US1 to 37<sup>th</sup> & 41<sup>st</sup> Street via 11th Drive, Acct# 10415241-066510-22010.

**Recommendation.** Staff recommends the Board of County Commissioners approve the Drainage Easement Agreement for 11<sup>th</sup> Drive and authorize the chairman to sign the Drainage Easement on behalf of the Board.

Attachments: Aerial photo of 11<sup>th</sup> Drive  
Drainage Easement Agreement for 11<sup>th</sup> Drive

Copies to: David Arons, Attorney for TTRES at [darons@saxon-partners.com](mailto:darons@saxon-partners.com)  
Kirstin Leiendecker, P.E., Interim Public Works Director